

2nd September 2015

22330800

To: Members of the Council

Dear Councillor

Planning Committee

Wednesday 9th September 2015 in Committee Room 4, County Hall, Atlantic Wharf, Cardiff (meeting starts at 2.30.p.m.)

I attach a copy of the schedule of Development Control Applications which will be considered at this meeting of the Planning Committee.

The plans relating to the applications will be available for inspection at the County Hall, during the whole of Tuesday and Wednesday morning preceding the Committee.

Unless otherwise stated in the report, Planning Committee has delegated powers to determine the applications in the schedule. Planning Committee (but not an individual member) can also refer a matter to another committee or to the Council for a resolution. However, Council cannot move an amendment to a recommendation relating to a planning application or make a recommendation relating to a planning application and can only refer a matter back to Planning Committee on one occasion, after which Planning Committee shall decide the matter.

Please now note that if any requests for site visits are acceded to by the meeting, such site visits will take place during the afternoon of Wednesday 7th October 2015. If you submit a request for a site visit, you must include in your submission -

(a) a choice of at least two starting times for the site visit that you are requesting, each of which must be at least 45 minutes apart; and (b) the reasons why you believe that such a site visit is necessary.

If you fail to provide any choices of starting times for the site visit that you've requested, it will be assumed that you will be available to attend such a site visit at any time of the day, regardless of what time it starts.

The Clerk to the Council will circulate the Agenda for the meeting to the Members of the Planning Committee separately.

Yours sincerely



Head of Planning

**CARDIFF COUNTY COUNCIL
PLANNING COMMITTEE**

**THE REPORTS OF THE CHIEF STRATEGIC PLANNING AND ENVIRONMENT
OFFICER**

**LIST OF DEVELOPMENT APPLICATIONS FOR CONSIDERATION BY THE
PLANNING COMMITTEE ON 9TH SEPTEMBER 2015 AT 2.30PM**

AREA	PAGES
NON STRATEGIC	1 - 82
STRATEGIC	83 - 194
HOUSEHOLDER	THERE ARE NO HOUSEHOLDER APPLICATIONS ON THE SEPTEMBER AGENDA



CARDIFF LOCAL DEVELOPMENT PLAN

When regard is to be had to the Development Plan the Council's decision must be made in accordance with the Plan unless material considerations indicate otherwise.

The Development Plan for the administrative area of Cardiff remains the City of Cardiff Local Plan (1996), the South Glamorgan (Cardiff Area) Replacement Structure Plan (1997) and the South Glamorgan (Cardiff Area) Minerals Local Plan together with the approved Mid Glamorgan County structure Plan incorporating Proposed Alterations No.1 (September 1989)

In accordance with statutory procedures, the Council prepared and placed on deposit a Unitary Development Plan (to 2016) in October 2003. It has never been formally abandoned but agreement was reached with the Welsh Assembly Government in May 2005 to cease work on the UDP and commence work on a new Local Development Plan prepared under the provisions of the Planning and Compulsory Purchase Act 2004.

On the 28 April 2009 Cardiff Council placed the Cardiff Local Development Plan 2006-2021 on deposit for public consultation. On the 30th November 2009, following consideration of the responses to consultation, the submission draft was submitted to the Welsh Assembly Government for examination.

However, in the light of the significant reservations expressed at an Exploratory Meeting by the Inspectors appointed to carry out the examination and their recommendation that the Local Development Plan be withdrawn from the examination, the Council duly withdrew the LDP on the 12 April 2010.

Cardiff Council is currently preparing a new Local Development Plan. The Cardiff Local Development Plan 2006 -2026 was placed on deposit for public consultation on 15 October 2013. Policy on the weight to be attached to policies in emerging plans is contained in paragraph 2.6.2 of Planning Policy Wales Edition 5 November 2012 as follows:

'In development management decisions the weight to be attached to an emerging draft LDP will in general depend on the stage it has reached, but does not simply increase as the plan progresses towards adoption. When conducting the examination, the appointed Inspector is required to consider the soundness of the whole plan in the context of national policy and all other matters which are material to it. Consequently, policies could ultimately be amended or deleted from the plan even though they may not have been the subject of a representation at

deposit stage (or be retained despite generating substantial objection). Certainty regarding the content of the plan will only be achieved when the Inspector publishes the binding report. Thus in considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal, local planning authorities will need to consider carefully the underlying evidence and background to the policies. National planning policy can also be a material consideration in these circumstances..'

Unless a draft policy or proposal is a material consideration it should not be taken into account when making decisions: it is strictly irrelevant and if it is given weight in reaching a decision, that decision may be successfully quashed in the High Court.

Since the deposited UDP has not been abandoned, its policies and proposals may be a material consideration in a given case, but the weight which can be attached to the UDP, and any statement of policy including the statutory Development Plan should be determined in the light of the following principal considerations:-

- The degree to which later statements of national planning policy and the Wales Spatial Plan make the policy out of date and suggest a decision should be taken otherwise than in accordance with it;
- The degree to which the policy is out of date or has been superseded by other material considerations;
- The level and nature of any objection to a UDP or other draft policy.

Table 1.1: Existing Development Plans covering the Cardiff County Area	
Cardiff County Area	
Cardiff Deposit Unitary Development Plan (to 2016)	<i>The Plan was placed on deposit in October 2003 and agreement was reached with Welsh Assembly Government in May 2005 to cease work on the plan and commence work on a new Local Development Plan.</i>
City of Cardiff Area (part of the County of South Glamorgan until April 1996)	
South Glamorgan (Cardiff Area) Replacement Structure plan 1991-2011	<i>Adopted April 1997</i>
City of Cardiff Local Plan (including Waste Policies)	<i>Adopted January 1996</i>
South Glamorgan (Cardiff Area) Minerals Local Plan	<i>Adopted June 1997</i>
Pentyrch Community Area (part of the County of Mid Glamorgan and Borough of Taff Ely until April 1996)	
Mid Glamorgan County Structure Plan incorporating Proposed Alterations No. 1	<i>Approved September 1989</i>
Mid Glamorgan Replacement Structure Plan	<i>Modifications to the Plan including recommendations of the EIP Panel approved by Mid Glamorgan County Council in January 1996 but not adopted in respect of the Pentyrch Community Area.</i>
Glamorgan County Development Plan (Area No. 2)	<i>Approved March 1963</i>
Mid Glamorgan Minerals Local Plan for Limestone Quarrying	<i>In June 1996 Cardiff County Council resolved to approve the Plan as modified by the Inspector's Report, for development control and other planning purposes, but the Plan was not adopted in respect of the Pentyrch Community Area.</i>

PLANNING COMMITTEE - 9TH SEPTEMBER 2015

Page No.	App No.	Location	Description	Decision	Officer
1	15/00892/MNR	7 THORNHILL ROAD, RHIWBINA, CARDIFF, CF14 6PD	CHANGE OF USE OF GROUND FLOOR FROM USE CLASS A2 (ESTATE AGENTS) TO A PIZZA TAKEAWAY AND HOME DELIVERY (A3 USE) WITH EXTERNAL ALTERATIONS TO THE REAR ELEVATION INCLUDING INSTALLATION OF COLD STORAGE UNIT AND FLUE	PER	OMR
21	15/01015/MNR	56A & 56B PLAS MAWR ROAD, FAIRWATER, CARDIFF, CF5 3JX	THREE STOREY BUILDING ACCOMODATING 6 NO SELF CONTAINED FLATS, AND EXTENSION OF EXISTING A1 AND A3 PREMISES AT GROUND FLOOR LEVEL	106	OMR
45	15/01321/MNR	VELINDRE HOSPITAL, VELINDRE ROAD, WHITCHURCH, CARDIFF, CF14 2TL	TWO STOREY OFFICE BUILDING IN ORDER TO FACILITATE STAFF RELOCATION REQUIREMENTS WITHIN VELINDRE HOSPITAL	PER	OJH
57	15/01416/MNR	REAR OF 17-19, PENLLINE ROAD, WHITCHURCH, CARDIFF, CF14 2AA	CHANGE OF USE FROM OFFICES B1 TO A3 FOOD AND DRINK WITH SMALL AREA FOR BABY/TODDLER SOFTPLAY	PER	MCH
68	15/01863/MNR	16 RHYD Y PENAU ROAD, CYNCOED, CARDIFF, CF23 6PT	CHANGE OF USE OF FIRST FLOOR FROM VACANT RESIDENTIAL USE TO CAFE USE AND USE OF EXISTING CAFE (PART) ON GROUND FLOOR TO COMMUNITY USE DURING OFF-PEAK PERIODS	REF	OJH

PLANNING COMMITTEE - 9TH SEPTEMBER 2015

Page No.	App No.	Location	Description	Decision	Officer
83	15/00306/MJR	5-7 OAKFIELD STREET, ROATH, CARDIFF, CF24 3RD	DEMOLITION OF NOS. 5 - 7 OAKFIELD STREET, ROATH, CARDIFF, AND THE CONSTRUCTION OF 19 NO. ONE BEDROOM APARTMENTS and 1 NO. 2 BED DUPLEX APARTMENT AND REAR COACH HOUSE WITH 2NO. COMMERCIAL STUDIO / OFFICES WITH PARKING BELOW TOGETHER WITH EXTERNAL WORKS	106	RJC
113	15/00307/MJR	5-7 OAKFIELD STREET, ROATH, CARDIFF, CF24 3RD	DEMOLITION OF NOS. 5-7 OAKFIELD STREET, ROATH, CARDIFF, CF24 3RD	PER	RJC
124	15/00561/MJR	WANDERERS BUNGALOW, 1A STIRLING ROAD, ELY, CARDIFF, CF5 4SR	THE ERECTION OF 15 (ONE BEDROOM) AND 3 (2 BEDROOM) RESIDENTIAL APARTMENTS ACCESS ARRANGEMENTS, LANDSCAPING, AMENITY SPACE, BICYCLE PARKING, BIN STORE AND ASSOCIATED WORKS WITH DEMOLITION OF EXISTING BUNGALOW	106	CJE
: 148	15/00656/MJR	ENERGY FROM WASTE FACILITY, TRIDENT INDUSTRIAL PARK, GLASS AVENUE, SPLOTT	DISCHARGE OF CONDITION 4 (PHASE 3 VERIFICATION REPORT: EXTERNAL WORKS INCLUDING LANDSCAPING) OF PLANNING PERMISSION 10/00149/E (THE ERECTION OF AN ENERGY FROM WASTE FACILITY TO INCLUDE A COMBINED HEAT AND POWER PLANT, PRE-TREATMENT/RECYCLING FACILITY, INCINERATOR BOTTOM ASH RECYCLING AND ANCILLARY OFFICES)	PER	OTW
165	15/01288/MJR	LAND OFF MICHAELSTON ROAD, MICHAELSTON ROAD, ST FAGANS, CARDIFF, CF5 6DW	RESERVED MATTERS IN RESPECT OF 10/2114/DCO DETAILS CONCERNING THE ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE OF THE PROPOSED DEVELOPMENT	106	OJH
189	15/01373/MJR	THE RETREAT, 56 PWLLMELIN ROAD, LLANDAFF, CARDIFF, CF5 2NL	VARIATION OF CONDITION 21 (DETAILS OF THE WESTERN VEHICLE AND PEDESTRIAN ACCESS) OF PLANNING APPLICATION 10/00846/W SO AS NOT TO PROHIBIT THE USE OF GATES WITHIN THE ENTRANCE FEATURE	106	OJJ

LOCAL MEMBER CONCERN / PETITION

COMMITTEE DATE: 09/09/2015

APPLICATION No. 15/00892/MNR APPLICATION DATE: 23/04/2015

ED: **RHIWBINA**

APP: TYPE: Full Planning Permission

APPLICANT: Papa Johns (GB) Ltd
LOCATION: 7 THORNHILL ROAD, RHIWBINA, CARDIFF, CF14 6PD
PROPOSAL: CHANGE OF USE OF GROUND FLOOR FROM USE CLASS A2 (ESTATE AGENTS) TO A PIZZA TAKEAWAY AND HOME DELIVERY (A3 USE) WITH EXTERNAL ALTERATIONS TO THE REAR ELEVATION INCLUDING INSTALLATION OF COLD STORAGE UNIT AND FLUE

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

1. C01 Statutory Time Limit
2. The system for the treatment and extraction of cooking odours, including anti-vibration mountings and pre-filtration and activated carbon absorption filters to prevent odour nuisance, as specified within 'Supporting Information on the Proposed Extraction System and Plant at 7 Thornhill Road, Cardiff CF14 6PD' shall be fully installed and operational prior to the first use of the premises and thereafter shall be so retained. Systems incorporating electrostatic precipitation or an odour neutraliser in place of carbon filters may also be acceptable in certain circumstances provided full written details are provided to and approved in writing by the Local Planning Authority. The approved system must be maintained in accordance with the approved details and to the satisfaction of the Local Planning Authority. Filtration systems must be installed and maintained in accordance with manufacturers' recommendations.
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected, in accordance with Policy 2.24 of the deposit Unitary Development Plan and guidance contained within the adopted supplementary planning guidance, Restaurants, Takeaways and other Food and Drink Uses (1996).
3. Members of the public shall only be admitted to or allowed to remain on the premises between 11:00 hours and 23:00 hours Sundays to Thursdays and between 11:00 hours and 23:30 hours on Fridays and Saturdays.
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected, in accordance with Policy 2.24 of the deposit

Unitary Development Plan and guidance contained within the adopted supplementary planning guidance, Restaurants, Takeaways and other Food and Drink Uses (1996).

4. No development shall take place before a scheme providing for the insulation of the building against the transmission of noise and vibration between the Class A3 use and any residential units at first floor level have been submitted to and approved in writing by the Local Planning Authority. The scheme so approved shall be carried out prior to the first use of the premises for the permitted use (Class A3).
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected, in accordance with Policy 2.24 of the deposit Unitary Development Plan and guidance contained within the adopted supplementary planning guidance, Restaurants, Takeaways and other Food and Drink Uses (1996).
5. The premises shall be used for the preparation, cooking and retail sale of pizzas and associated ancillary items, and for no other purpose, including any other purpose within Class A3 of the schedule of the Town and Country Planning (Use Classes) Order 1987 and its subsequent amendments, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.
Reason: To ensure the ventilation system is adequate for the type of food prepared on site, to ensure that no undue odour is created by other types of cooking and to satisfactorily protect the residential amenities of nearby occupiers, in accordance with Policy 2.24 of the deposit Unitary Development Plan and guidance contained within the adopted supplementary planning guidance, Restaurants, Takeaways and other Food and Drink Uses (1996).
6. Prior to the commencement of development, a Noise Management Plan shall be submitted to and approved by the Local Planning Authority. The use hereby permitted shall be operated in accordance with the plan.
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected, in accordance with Policy 2.24 of the deposit Unitary Development Plan.
7. No development shall take place until details of facilities for the storage of refuse containers have been submitted to and approved by the local planning authority and the development shall not be put into beneficial use until the approved facilities are provided and thereafter refuse shall only be stored in accordance with the approved details.
Reason: To secure an orderly form of development and to protect the amenities of the area.

8. This consent relates to the application as supplemented by the information contained in the letter from the agent dated 3rd June 2015 and the email communication dated 26th August 2015.

Reason: The information provided forms part of the application.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 The application relates the vacant commercial unit at 7 Thornhill Road, Rhiwbina where planning permission is sought for a change of use from Class A2 (Financial and Professional) to a Class A3 (Food and Drink) to accommodate a 'Papa John's' pizza takeaway and home delivery service. The proposed opening hours are from 1100 hrs to 2300 hrs, Sunday to Thursday and from 1100 hrs to 11:30 hrs on Friday and Saturday. The Friday and Saturday opening hours were originally proposed to run until 0000 hrs but have been since been amended to 11:30 hrs.
- 1.2 The application also proposes a rear extension to the building to create a 14.3 sq m cold storage unit in addition to the installation of a condenser unit and extraction flue to eaves level.
- 1.3 The proposed internal alterations to the premises are illustrated on ground floor plan (ref: 00499-02 Rev C). The entrance from the street will form a customer order and waiting area with a front sales counter. Behind the counter area will be the kitchen which will include a gas oven with extraction system, preparation tables, freezers and fridges. Further to the rear is the 'control hub' (the dispatch area), wash up area and staff toilet facilities.
- 1.4 Details of the proposed plant and extraction system, including technical specifications, are submitted with the planning application. In summary, the application proposal requires the installation of an extraction flume from the gas conveyor oven and a cold storage unit with associated low level condenser unit.
- 1.5 No alterations are proposed to the front (east) elevation of the building.
- 1.6 The Agent advises that Papa John's currently operates two outlets in Cardiff at City Road and Cowbridge Road East District Centre, serving the east, west and central parts of the city. The application proposal is considered to represent a logical expansion to the existing coverage, providing an outlet to serve north Cardiff and reduce the distance customers and delivery vehicles need to travel.
- 1.7 With regard to the operation of the business, the Agent comments as follows (summary):
- (i) Pizzas would only be prepared and baked on order.
 - (ii) The outlet will be serviced by delivery cars. A maximum of 6 vehicles will operate from the outlet, although for the majority of time, the number will be

significantly lower, and not all the vehicles will be on site at the same time.

(iii) The majority of orders are placed by telephone or online and fulfilled by home delivery. A typical operation located outside of London would have in the region of 60-65% of delivery orders. The majority of deliveries take place between 6pm – 9pm, with fewer during lunch and the afternoon period. The post 9pm period is typically significantly lower than the 6pm-9pm peak.

(iv) There is ample car parking to serve the proposed unit both in terms of the minority of customers who collect their order and for delivery/staff car parking. The peak hours of operation for the business will be in the evenings when the majority of other businesses will be closed and therefore not generating any parking demand.

(v) Refuse and recycling facilities will be stored at the rear of the building to reduce the potential amenity issues.

(vi) The application site is a vacant unit within a local parade that was formerly in use as an estate agent (Class A2). It is not, therefore, subject to any policies which that seek to protect shop (Class A1) units from being lost to other uses.

(vii) The proposed use is will be complementary to other uses. At present, the only A3 uses in the parade are the City Bakehouse and Shearans Sandwich Bar, both of which are open during daytime hours and therefore serving a very different function to the proposed use. There are no pizza takeaways or indeed any evening takeaway facilities in the vicinity which is unusual for a local parade, particularly of this size, where such facilities are frequently found to serve local demand. The proposal will bring into beneficial use a vacant unit in a prominent location. The unit has been marketed for around 6 months with Papa John's the only firm interest to date.

(viii) With regard to the 'need' for the proposal, there is considered to be a demonstrable qualitative need for the provision of pizza takeaway and delivery facilities in the north of Cardiff. While central, eastern and western parts of the City are well served currently, the nearest directly comparable facility in north Cardiff is the Dominos outlet at Maes-y-Coed Road. The proposed use will offer enhanced choice and competition for residents of north Cardiff and reduce the need to serve north Cardiff unsustainably from existing Papa John's outlets in the south of the City.

(ix) With regard to impact, the proposed development will not have a material impact on any defined centres. An element of trade will be drawn from existing Papa John's outlets that currently service north Cardiff. A degree of impact will be placed on close competitors such as Dominos; the nearest store being the aforementioned Maes-y-Coed Road unit. The degree of impact is not considered to be significant and the unit is not located within a defined centre and cannot, therefore, be afforded any planning policy protection.

(x) With regard to servicing and operational requirements, there will be three deliveries per week to the premises. The unloading of deliveries is unlikely to take any longer than 20 minutes. There is ample space within the car park outside of the daytime peak hours for a delivery vehicle to service the unit.

(xi) The proposed use will meet demand primarily through home delivery with orders placed via telephone or online. The typical 206 delivered orders each week would result in an average of 29 deliveries per day, the majority being made post 6pm when the highway network is generally quieter. While up to 20 jobs will be created by the proposed development, only a smaller proportion will be on site at any one time with a maximum of 6 delivery cars operating during peak periods. The site is at a highly accessible location for staff by walking and cycling and is well served by public transport.

(xii) While the car park is well used during daytime hours, during the evenings there are numerous car parking spaces available (McColl's newsagent being the only business open). The demand for car parking spaces by customers is anticipated to be modest, and, coupled with the good availability of spaces during times of peak demand between 6 and 9 pm, there is considered to be ample parking to meet demand and consequently no knock on impacts in terms of highway safety.

(xiii) With regard to amenity, the nearest residential property is the upper floor flat of no.7 Thornhill Road. Other adjoining residential buildings include those immediately to the north of the parade on Thornhill Road, a few houses to the rear (west) on Lon-Y-Mynydd and to the south west along Beulah Road. The amenity of the residents of these properties is a material consideration. The application site is situated in an existing commercial parade. In such locations, as demonstrated across the City, there is a reasonable expectation that commercial businesses will operate with flexible opening hours to meet the needs of local residents. Furthermore, the application site is situated at a key intersection of the highway network in north Cardiff. As a consequence, the immediate road network is relatively busy over a course of a day and this results in a certain level of background noise at all times.

(xiv) In terms of noise considerations, the proposed use will be contained to the inside of the premises and the opening hours can be appropriately controlled by the imposition of a condition to a planning consent. The extraction system and plant specification document submitted within the application confirms that the proposed condensing unit will produce only limited noise – estimated at 34 dB at 10m away. The nearest window of any residential property (the flat above) will be around 10 metres from the unit and furthermore will be screened by the cold storage unit extension with no direct line of sight. In combination with the background noise associated with the highway network, it is considered unlikely to be audible to adjoining occupiers. Noise disturbance by customers outside the store would be minimal as the majority of orders are home delivery and the proposed restricted operating times. Consequently, noise disturbance from the operation of the business and customer or delivery vehicles is considered to be negligible.

(xv) With regard to odour, the pizza delivery/takeaway will sell freshly baked hot food. There is neither a requirement for deep-frying nor any forms of cooking other than baking in a gas-fired conveyor oven. Therefore smells and cooking odours are more akin to those generated by a bakery. Nonetheless, the proposed ventilation system will remove cooking odours and fumes, treat them and exhaust them via an extraction flue. The flue is to be positioned on the rear elevation and is sited away from the windows of the first floor flat. Furthermore, the top of the flue is positioned higher than the first floor windows to ensure that the risk of odours entering into the flat are minimised. The garage within the curtilage of the premises is suitable for storage of waste bins which will then be collected and removed on a regular basis.

1.8 The agent has reviewed consultation responses from neighbours and members of the public and considers that most of the issues have been dealt with in the application, as follows (summary):

(i) Odour The planning application proposes the installation of an extract flue to 1 m above the eaves level of the property, fitted with a grease and activated carbon filtration. Modern systems such as this can successfully remove virtually all trace of odour produced, particularly lower odour producing foods such as that proposed;

(ii) Traffic/parking As set out within the Design and Access Statement, the majority (63%) of orders are fulfilled by home delivery. The majority of trade (71%) takes place between 6 and 9 pm. The combination of these two factors is that very few customers visit the premises and the majority of those visits take place in the evening when the majority of other businesses in the centre are closed. The maximum number of delivery vehicles that will operate at any one time is 6. There is parking for approximately 30 vehicles in the centre. Consequently, it is considered that the proposed use's characteristics will not have an adverse impact in respect of traffic and parking;

(iii) Potential anti-social behaviour The majority of customers' orders are delivered to their home, meaning few customers will visit the site. Furthermore, only 10% of orders are placed after 9 pm, meaning that the potential for anti-social behaviour as a result of the proposal is low.

(iv) Potential litter the majority of orders are delivered to customers' homes, leaving little potential for littering. Bins are available in the locality and staff will remove any errant litter from around the premises during opening hours and before closing.

1.9 The agent advises that the applicant would accept conditions to ensure the nature of the proposed use remains consistent and any subsequent changes can be strictly controlled. To this end the following conditions have been suggested:

i. The system for the treatment and extraction of cooking odours, including anti-vibration mountings and pre-filtration and activated carbon absorption filters to prevent odour nuisance, as specified within 'Supporting Information on the Proposed Extraction System and Plant at 7 Thornhill Road, Cardiff CF14 6PD' shall be fully installed and operational prior to the first use of the premises. Systems incorporating

electrostatic precipitation or an odour neutraliser in place of carbon filters may also be acceptable in certain circumstances provided full written details are provided to and approved in writing by the Local Planning Authority. The approved system must be maintained in accordance with the approved details and to the satisfaction of the Local Planning Authority. Filtration systems must be installed and maintained in accordance with manufacturers' recommendations.

- ii. *The use hereby permitted shall take place only between 1100 and 2300 hours Sundays to Thursdays and between 1100 and 1130 hours on Fridays and Saturdays.*
- iii. *No development shall take place before a scheme providing for the insulation of the building against the transmission of noise and vibration between the Class A3 use and any residential units at first floor level have been submitted to and approved in writing by the Local Planning Authority. The scheme so approved shall be carried out prior to the first use of the premises for the permitted use (Class A3).*
- iv. *The premises shall be used for the preparation, cooking and retail sale of pizzas and associated ancillary items, and for no other purpose, including any other purpose within Class A3 of the schedule of the Town and Country Planning (Use Classes) Order 1987 and its subsequent amendments, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.*
Reason: To ensure the ventilation system is adequate for the type of food prepared on site to ensure that no undue odour is created by other types of cooking, and to satisfactorily protect the residential amenities of nearby occupiers.

1.10 The Agent has also attached a copy of Papa John's Noise Management Plan document in respect of minimising anti-social behaviour (through avoiding loitering outside the premises, slow closing door systems, signage, driver training and training to ask customers to leave quietly etc.) which he states could form the basis of an appropriately worded condition to discourage anti-social behaviour also.

1.11 With regard to relevant policy, the Agent states that Cardiff Local Plan Policy 49 permits Class A3 uses outside District and Local Centres provided they do not result in loss of amenity and an increase in traffic and nuisance. He also refers to the Council's "Restaurants, takeaways and other food and drink uses Supplementary Planning Guidance June 1996" (SPG) which states that "Food and drink uses are unlikely to be acceptable within or adjacent to residential areas if they would cause nuisance and loss of amenity to residents, or result in the loss of residential property". He comments that it follows where a proposed food and drink use would not cause nuisance and loss of amenity it can be considered acceptable and in accordance with policy. He also points to the benefits of the proposal that are also material considerations, including:

- Enhanced choice and competition for residents of north Cardiff;
- The proposed use is located in a vacant, brownfield, accessible commercial area identified as a local shopping parade in the emerging Local Development Plan;
- The proposed development will not have a material impact on any defined centres.
- Up to 20 jobs will be created by the proposed development, suitable for a range of skills and particularly young adults.

2. **DESCRIPTION OF SITE**

- 2.1 No. 7 Thornhill Road is a vacant unit (former estate agent) within a parade of shops comprising part of the 'neighbourhood' centre at the junction of Thornhill Road, Beulah Road, Caerphilly Road and Ty Glas Road. The unit benefits from an existing pedestrian access to the front. The rear of the unit can be accessed via a lane at the northern end of the parade. The premises benefits from rear garage and yard. There is a flat at first floor level.
- 2.2 The neighbouring uses consist of a sandwich bar and barber's shop with a dental practice at first floor occupying 9/9A Thornhill Road and a charity shop with a flat above at No. 5/5A.
- 2.3 In addition to the commercial occupiers referred to above, the parade also includes a physiotherapist, solicitor, two charity shops and an optician. Within 300 metres of the parade lies a Morrisons superstore. First floor accommodation comprised a mix of business uses and flats.
- 2.4 Residential properties at Nos 1, 3 and 5 Lon-y-Mynydd lie to the rear (west) of the parade.
- 2.5 Vehicular access and off street parking is provided in front of the parade, as shown on the attached plan.

3. **SITE HISTORY**

- 3.1 11/01294/DCO: Conversion of first floor from redundant office space to residential apartment- granted
- 3.2 05/02469/W: Single Storey rear extension- granted.

4. **POLICY FRAMEWORK**

- 4.1 The proposal is located within a small parade of shops and other commercial units at the Thornhill roundabout, Caerphilly Road. The site does not lie within a designated district or local centre as identified in Policy 49 of the adopted City of Cardiff Local Plan. The following policies of the Local Plan are considered particularly relevant:

Policy 11 'Design and Aesthetic Quality'

Policy 17 'Parking and Servicing Facilities'
Policy 49 'District and Local Centres'

- 4.2 The following policies of the deposit Cardiff Unitary Development Plan are considered particularly relevant:

Policy 2.20: Good Design
Policy 2.24: Residential Amenity
Policy 2.36: District and Local Centres
Policy 2.57: Access, Circulation and Parking Requirements
Policy 2.64: Air, Noise and Light Pollution
Policy 2.74: Provision for Waste Management Facilities in Development

- 4.3 The following adopted Supplementary Planning Guidance (SPG) notes are relevant: 'Restaurants, Takeaways and other Food and Drink Uses' (June 1996), 'Waste Collection and Storage Facilities' (adopted March 2007), 'Access, Circulation and Parking Requirements' (adopted January 2010).

- 4.4 The following paragraphs of the 'Restaurants, Takeaways and other Food and Drink Uses' SPG are particularly relevant:

(3.1) 'Food and drink uses are most appropriately located in district and local shopping centres subject to detailed consideration. They may also be acceptable in other commercial or business areas depending on the character of the area and whether there are residential properties nearby. The advice goes on to say that 'such uses are unlikely to be acceptable within or adjacent to residential areas, if they would cause nuisance and loss of amenity to residents, or result in a loss of residential amenity.'

(3.3) 'Food and drink uses are ...complimentary, in principle, to the main shopping role of district and local centres, so long as they do not adversely affect the living environment of nearby residents...';

(4.5) 'The proximity of a proposal to residential premises is important because of the nuisance which can be caused to residents by the noise and increased activity associated with customers and their cars or taxis arriving and leaving the premises.

(4.6) 'Smells and smoke resulting from the preparation and cooking of hot food can cause nuisance to nearby residents. To minimise potential problems, it is generally required that fumes from food preparation area should pass through a deodorising filter and be mechanically extracted via a flue. It is important to ensure that any fume extraction or air conditioning system installed does not create an unacceptable level of noise causing nuisance to neighbours, or detract from the building in visual terms. If the level of noise or smell to arise from a proposal is such that it would be difficult to resolve...and especially if residents live immediately adjacent, planning permission is likely to be refused on the grounds that the proposal would cause unacceptable nuisance to those residents'.

(4.8) 'Litter dropped in the vicinity of hot food shops can cause considerable nuisance to nearby residents as well as looking unsightly. Where appropriate, applicants will be required to provide litter bins around takeaway premises'.

(4.12) 'If opening hours are proposed outside of normal shopping hours, these will be restricted. In district centres, this will usually be 11.30pm; however,

where there are residents nearby an earlier closing restriction may be imposed'.

4.5 *Planning Policy Wales (Ed 7):*

3.1.7: The planning system does not exist to protect the private interests of one individual against the activities of another. Proposals should be considered in terms of their effect on the amenity and existing use of land and buildings in the public interest. The courts have ruled that the individual interest is an aspect of the public interest and it is therefore valid to consider the effect of a proposal on the amenity of neighbouring properties. However, such consideration should be based on general principles, reflecting the wider public interest (for example a standard of "good neighbourliness") rather than the concerns of the individual.

7.6.2: particular care should be taken to safeguard residential amenity where applications are considered for business development in primarily residential areas.

13.15.1: Noise can be a material planning consideration, e.g. where proposed new development is likely to generate noise.

4.6 *Technical Advice Note 11 – Noise (1997):*

8. Local planning authorities must ensure that noise generating development does not cause an unacceptable degree of disturbance. They should also bear in mind that if subsequent intensification or change of use results in greater intrusion, consideration should be given to the use of appropriate conditions.

11. Measures introduced to control noise should be proportionate and reasonable, and may include reduction of noise at point of generation, containment of noise (e.g. insulating buildings), protection of surrounding noise-sensitive buildings (e.g. improving sound insulation and/or screening), adequate distance between noise source and noise-sensitive building, screening by natural barriers, other buildings, or non-critical rooms in a building, limiting operating time of noise source; restricting activities allowed on the site; specifying an acceptable noise limit.

5. **INTERNAL CONSULTEE RESPONSES**

5.1 The Operational manager, Waste Management requests that a location for the storage and collection of waste/recycling should be provided. The Officer states that a commercial contract is required for the collection and disposal of all commercial waste and that waste should not be stored on the highway.

5.2 The Operational Manager, Transportation has raised no objections to the application on highway safety/parking grounds advising as follows:

In considering the matter I would confirm that there is no practical difference in parking requirements between the existing and proposed uses and the implications of a local delivery service does not itself give rise to particular

concerns. The premises benefits from access to existing, apparently unrestricted, private off road parking which is shared with the adjacent premises. The parade of which the application premises is part, houses of a variety of uses ranging from solicitors, opticians, barber that primarily generate daytime parking demand and café, convenience store and the proposed use that generate parking demand at different times of the day; particularly evening demand in the context of the application use. In addition, management and allocation of the parking within the private car park is a matter for the landlord and tenants of the parade, not the Council.

I am therefore satisfied that space will naturally be available during periods of highest parking demand associated with the proposed pizza takeaway and that while demand may or may not occasionally exceed supply, the use will not itself result in an adverse impact on the adjacent highway network.

In conclusion, the proposal is considered to be policy compliant and otherwise acceptable. I therefore consider an objection on traffic or parking grounds would be unsustainable and any reason for refusal on that basis would not withstand challenge.

- 5.3 The Operational Manager, Pollution Control (Noise and Air Team) comments as follows in respect of the application:

Having considered the information submitted in support of the application including the noise survey report by Clover Acoustics, dated the 28th July 2015. I have no objection to the proposed development subject to the appropriate conditions. On the whole, the conditions suggested by the applicant's agent would adequately protect the amenity of residents, including the flat above 7 Thornhill Road. It is also suggested that a condition be added to prohibit the use of delivery mopeds and/or motorbikes from the premises. This is to ensure that the increased traffic from the development is as anonymous as possible and therefore less likely to cause noise annoyance.

It is noted that this application limits itself to the preparation, cooking and retail sale of pizzas and associated ancillary items. It is Pollution Control's opinion that the preparation and cooking of pizzas are not as odourous as typical café-fare, will be more manageable to mitigate and therefore less of a risk to the amenity of neighbours.

6. **EXTERNAL CONSULTEE RESPONSES**

- 6.1 South Wales Police Community Safety Officer confirms that South Wales Police have no objections to the proposed change of use. The Officer states that the matter has been discussed at length with the Neighbourhood Policing Team and whilst the Officer appreciates that several residents have objected for various reasons, he sees no reason to object to the proposal on this occasion.

7. **REPRESENTATIONS**

7.1 Councillors J Cowan and E Saunders comments as follows on the application:

We have received numerous representations from residents living in close proximity to the proposed site. The concerns relate to the long opening hours - residents feel that if the shop closes at midnight, the premises probably wouldn't be vacated until the early hours after the cleaning down and preparation for the next day's business.

Residents have questioned where the Papa John's delivery vehicles would park during the day and overnight.

Residents have expressed concern at the prospect of litter build up, and lack of bins in the vicinity.

Residents have advised that they fear that groups of youths could congregate and possibly lead to anti-social behaviour.

Residents have reiterated the problems with parking, and the impact this business could have on the neighbouring streets, particularly Heol Iscoed, as parking is already problematic at this location.

Residents feel that this would be the only late night take-away in the area and could set a dangerous precedent for other businesses to follow suit.

Residents feel that this is primarily a residential area and that the business is unsuitable.

We have also received one representation from residents living a short distance from the site, and a further representation from a resident who lives a considerable distance from the site who support the application.

If the officer recommendation is to refuse, we are content for the application to be decided under delegated powers. If the recommendation is to approve, we would respectfully request this is taken before the planning committee, allowing us the opportunity to speak.

7.2 A 24 signature petition of objection has been submitted. 14 signatories are identified as being from addresses near the application site in Thornhill Road and Heol Iscoed.

7.3 Craig Williams MP comments as follows:

I have been contacted by residents who have expressed concerns with regard to the planning application for Papa John's on the crossroads of Thornhill Road / Beulah Road in Rhiwbina.

Residents are concerned with a number of aspects of the planning application and I would be grateful if my comments could be presented to the planning officers and planning committee as part of the consultation process.

The main areas of concern are:

Long hours of operation;

Parking outside the parade of shops is exceptionally busy currently and the Pizza Takeaway would attract many more cars during all hours of the day and into the early hours (on the weekend);

The parking in neighbouring streets is often strained and this would exacerbate the problem;

Residents feel that this Pizza Takeway may attract groups of people congregating which could result in antisocial behaviour.

A number of people are concerned at the prospect of litter being built up outside the store and in the neighbouring streets.

7.4 Neighbouring occupiers have been consulted and a notice advertising the application has been displayed on site. Some 18 letters/e-mails have been submitted either directly or via local members, objecting to the application on the following grounds (summary):

- (i) concern that properties would be devalued.
- (ii) smell nuisance and noise generated by the extraction system, air conditioning equipment for the proposed cold store and late night use of the premises.
- (iii) some occupiers have expressed concern that in the past that teenagers have congregated in the rear lane leaving behind litter, disturbing the peace etc. A fast food outlet open until late evening would only result in this happening even more frequently.
- (iv) the extraction flue attached to the exterior of the building will look unsightly and will be permanently visible to properties at the rear of the site.
- (v) an increased risk of trespass and damage to property from use of the rear lane due to the late night use of the facility.
- (vi) concern that the refuse generated will increase the risk of vermin and associated health risks.
- (vii) The need for another takeaway facility is questioned when there are numerous outlets in Birchgrove, on Maes-y-Coed Road and Whitchurch.
- (vii) The rear lane is likely to be used as a staff access and/or break area for either smoking or just general chat, again causing nuisance.
- (viii) noise from delivery vehicles.
- (ix) increased traffic and resultant congestion, including on the private roadway, where there is limited parking for each unit.
- (x) increased litter.
- (xi) approval would encourage similar applications setting an undesirable precedent.

7.5 A letter of support has been received from a resident who considers that the proposal would be an asset and that different sorts of eating places are needed if Rhiwbina village and its environs are to flourish as small shopping centres.

8. ANALYSIS

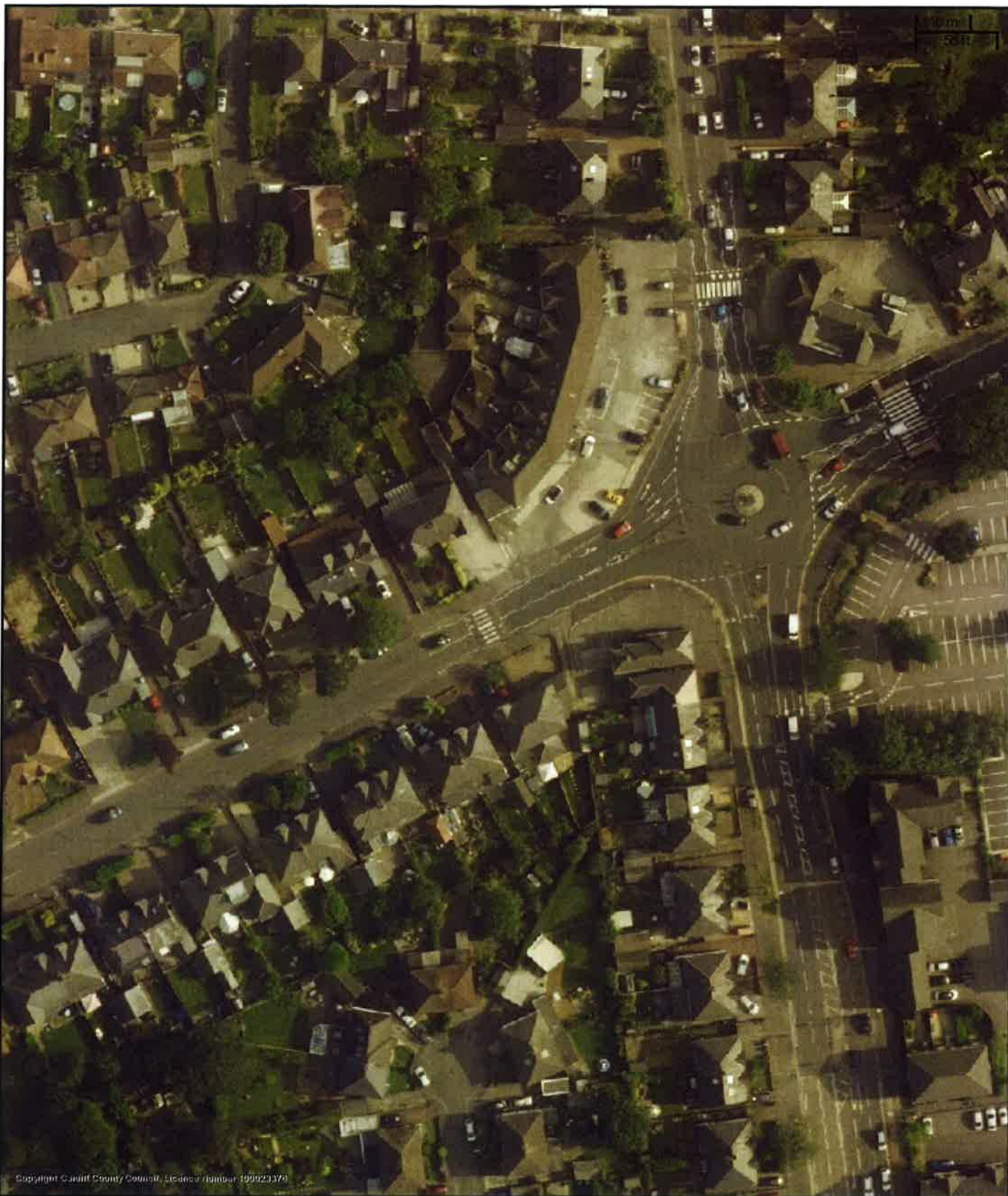
- 8.1 The proposal seeks full planning permission for change of use from Class A2 (Financial and Professional) to Class A3 (Food and Drink) to accommodate a 'Papa John's' pizza takeaway and home delivery at 7 Thornhill Road, Rhiwbina.
- 8.2 The Council's SPG on 'Restaurants, Takeaways and other Food and Drink Uses' advises that such uses are *most appropriately located in district and local shopping centres subject to detailed consideration*. The Thornhill Road centre is not listed within Policy 49 of the Local Plan as a defined district or local centre. The advice goes on to say that *'such uses are unlikely to be acceptable within or adjacent to residential areas, if they would cause nuisance and loss of amenity to residents, or result in a loss of residential amenity.'*
- 8.3 The main issues to be considered in the assessment of the application are:
- (i) The acceptability of the proposal on parking and highway grounds;
 - (ii) The acceptability of the proposed extension and other alterations on the visual amenity of the street scene and the living conditions of neighbouring occupiers;
 - (ii) The likely impact of the proposed use on the amenities of neighbouring and nearby residents as a result of possible smells resulting from the preparation and cooking of hot food, noise from the operation of the proposed plant and extraction system, noise and disturbance from within the premises and resulting from patrons and staff leaving the premises in the evening together with the possibility of the additional generation of litter.
- 8.4 Having regard to the existing access and off street parking arrangements which serve the parade, it is not considered that the proposal would cause harm to highway safety such that the application should be refused on this ground. The parking and traffic implications of the proposal have been considered by the Operational Manager, Transportation (refer to section 5.2). The Officer advises that there is no practical difference in parking requirements between the existing and proposed uses, and that the implications of a local delivery service does not itself give rise to particular concerns. He considers that the management and allocation of parking within the private car park is a matter for the landlord and tenants of the parade, not the Council. Having regard to the existing occupiers of the parade, the Officer is satisfied that space will naturally be available during periods of highest parking demand associated with the proposed pizza takeaway and that while demand may or may not occasionally exceed supply, the use will not itself result in an adverse impact on the adjacent highway network. He concludes that the proposal is considered to be policy compliant and that an objection on traffic or parking grounds would be unsustainable.
- 8.5 No alterations are proposed to the front (east) elevation of the building. The application proposes a rear extension to the building to create a 14.3 sq m

cold storage unit, in addition to the installation of a condenser unit and extraction flue to eaves level. Although the proposed rear extension would be sited next to the side boundary of the adjacent unit (9/9a), at approximately 2.8 metres in height, it would not be unduly dominating nor would it be visible in the wider street scene. The proposed extraction flue would be partially visible from the first floor flat at no 7 and also from dwellings to the rear in Lony-Mynydd. However, it is not considered that appearance of the flue would be detrimental to the living conditions of neighbouring occupiers such that refusal of the application on this ground could be supported. The structure would not be visible in the wider street scene.

- 8.5 The likely impact of the proposed use on the amenities of neighbouring and nearby residents has been given careful consideration, having particular regard to the applicants' operational model where the majority of orders are placed by telephone or online and fulfilled by home delivery with the majority of deliveries taking place between 6pm – 9pm, with fewer during lunch and the afternoon period.
- 8.6 The proposal requires the installation of an extraction flue from the gas conveyor oven and a cold storage unit with associated low level condenser unit. Details of the proposed plant together with a supporting noise survey have been considered by the Operational Manager, Pollution Control who advises that the amenity of neighbouring and nearby residents can be adequately protected, subject to the imposition of appropriate conditions.
- 8.7 To this end, conditions are recommended to require the installation of the proposed system for the treatment and extraction of cooking odours, a scheme to insulate against the transmission of noise and vibration between the proposed use and the first floor residential unit and a condition to restrict the proposed use to the preparation, cooking and sale of pizzas and associated ancillary items only and for no other purpose within use Class A3. Such a condition would provide control over undue odour that may be created by other types of cooking.
- 8.8 A condition is recommended to limit the proposed opening hours to between 11:00 and 23:00 hrs Sundays to Thursdays and between 11:00 and 23:30 hrs on Fridays and Saturdays. Whilst these hours are longer than might be considered appropriate in some local parades, the application site is situated at a busy intersection of the highway network in north Cardiff. As a consequence, it is accepted that the immediate road network is relatively busy over a course of a day resulting in a certain level of background noise at all times. On balance, therefore, no objections are raised to the proposed hours of opening.
- 8.9 With regard to concerns expressed by some residents to the potential for anti-social behaviour, the agent has responded that the majority of customers' orders are delivered to their home and only 10% of orders are typically placed after 9 pm, meaning that the potential for anti-social behaviour as a result of the proposal is low. South Wales Police has confirmed that it has no objections to the proposed change of use stating that the matter has been

discussed at length with the Neighbourhood Policing Team. The Agent has also submitted a copy of Papa John's Noise Management Plan document in respect of minimising anti-social behaviour (through avoiding loitering outside the premises, slow closing door systems, signage, driver training and training to ask customers to leave quietly etc.) It is recommended that the document forms the basis of a condition to further discourage anti-social behaviour.

- 8.10 With regard to litter generation, the agent states staff will remove any errant litter from around the premises during opening hours and before closing.
- 8.11 On balance, and subject to the recommended conditions, the application is recommended for approval.



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City of Cardiff Council
Cyngor Dinas Caerdydd



Title

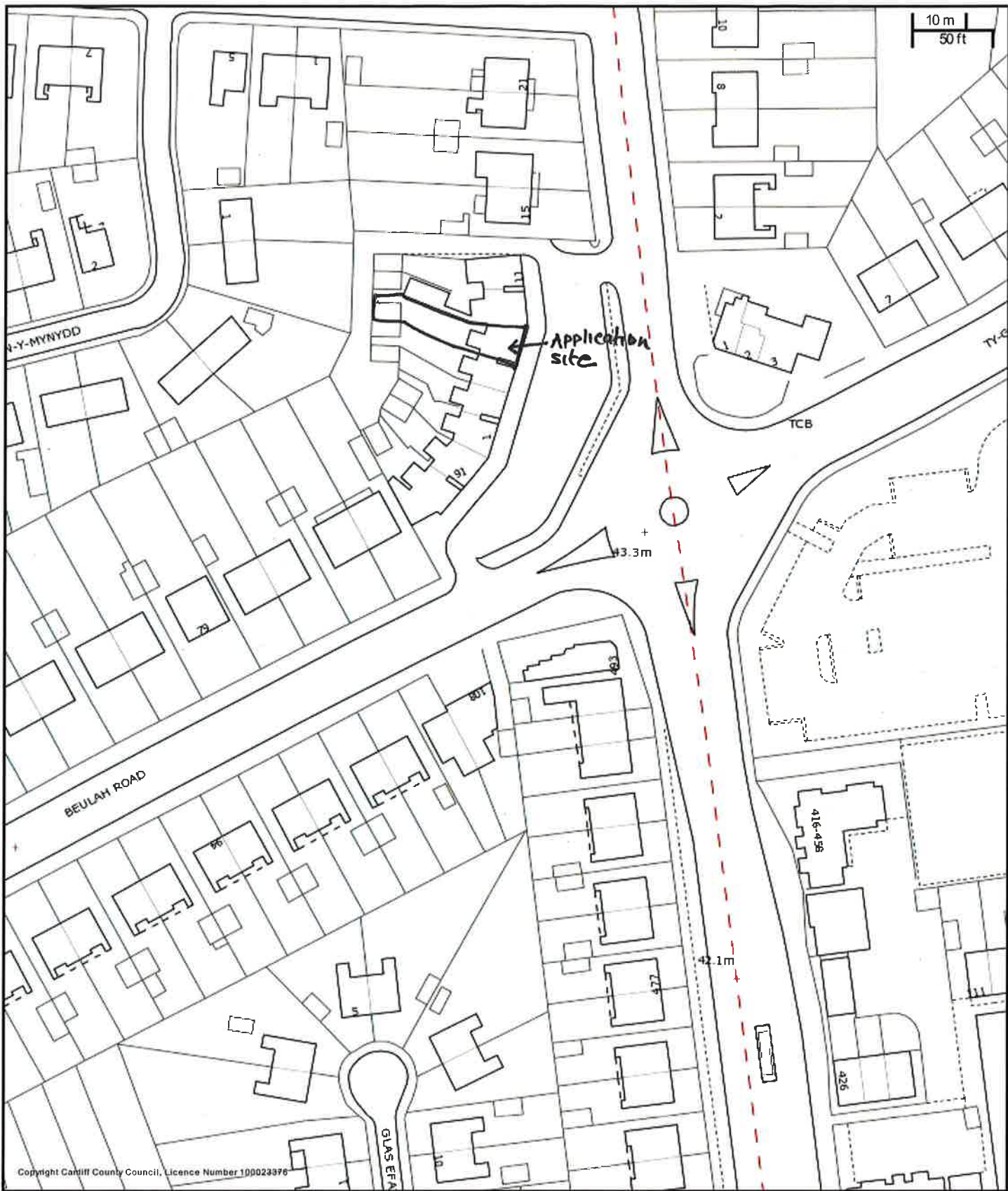
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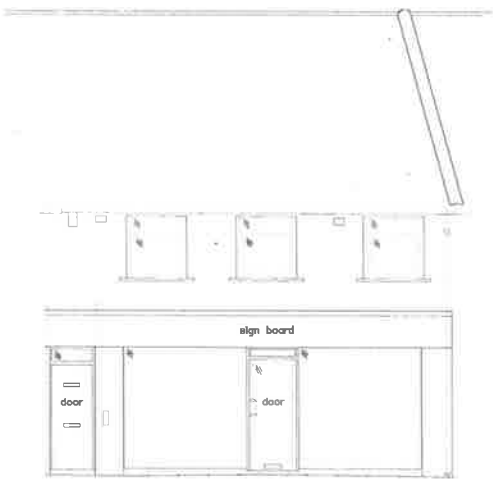
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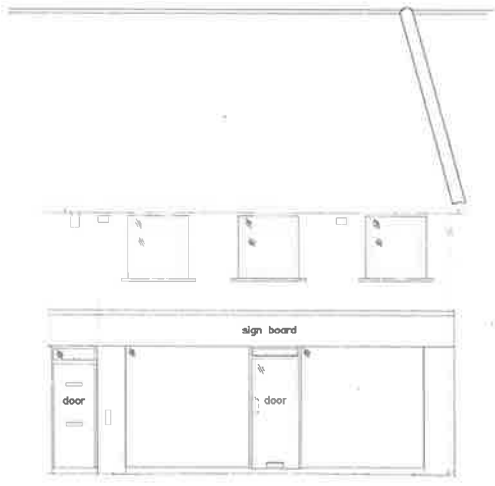
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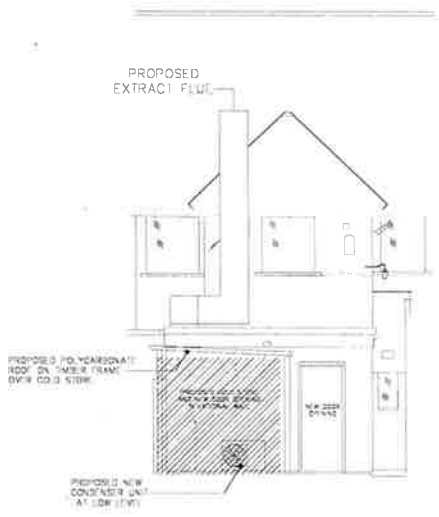
EXISTING FRONT ELEVATION EAST



EXISTING REAR ELEVATION WEST



PROPOSED FRONT ELEVATION EAST



PROPOSED REAR ELEVATION WEST

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#	DRAWING REVISION	18.11	MAS
REV	REVISION	DATE	CHG



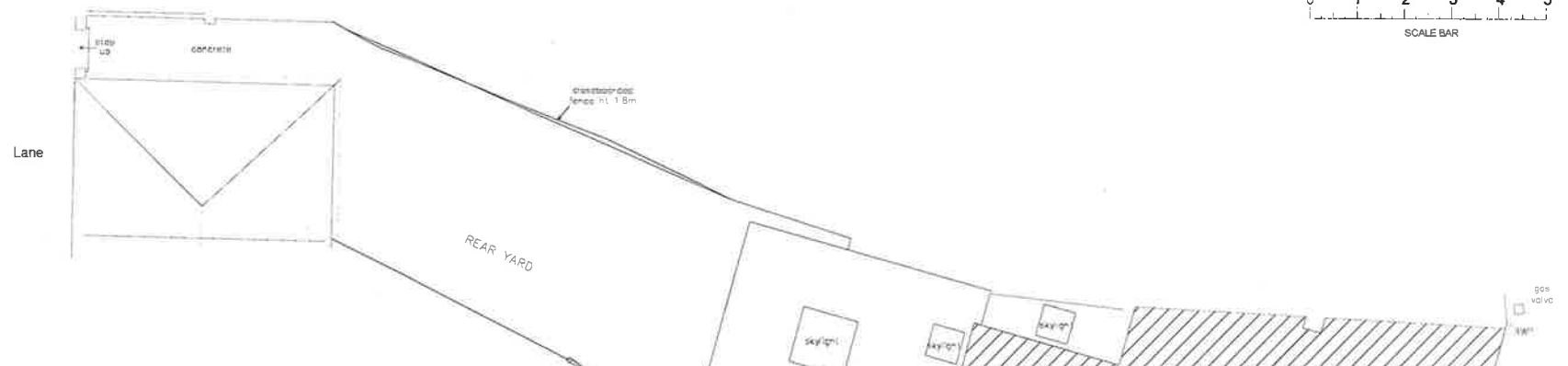
CLIENT
Papal John/GB Ltd

PROJECT
7 THORNHILL ROAD,
CARDIFF CF14 6PD

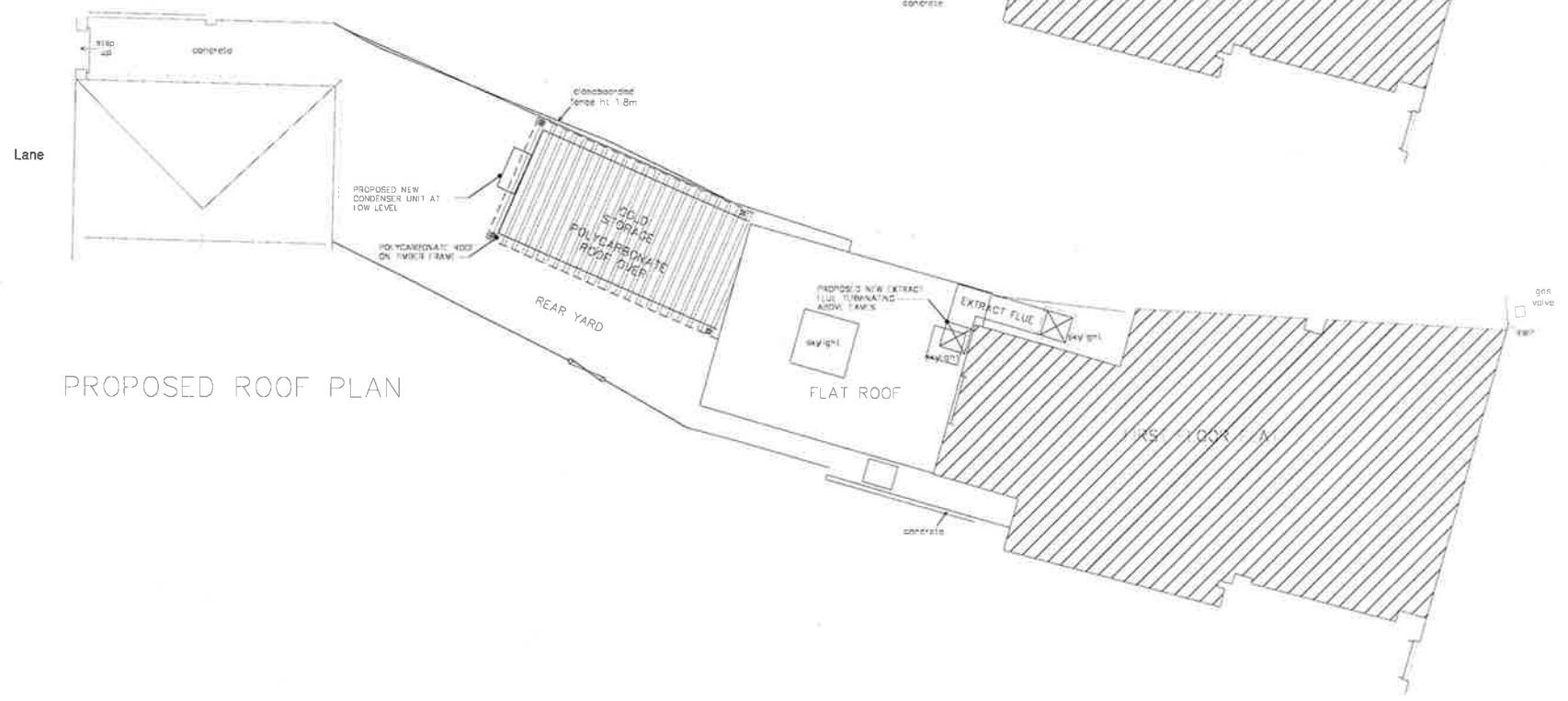
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EXISTING & PROPOSED ELEVATIONS

SCALE	DRAWN	CHECKED	DATE
1:100 @ A3	MAS		FEB 15
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EXISTING ROOF PLAN



PROPOSED ROOF PLAN

8	DRAWING REVISION	11.11.19	MAS
4	DRAWING REVISION	10.12.18	MAS
REV	APPROVED BY	DATE	BY

MARTIN DESIGN

01/19/19
 Pappalardo/GB/LJS

PROJEC
 7 THORN HILL ROAD,
 CARDIFF, CF14 6PD

DRAWING TITLE
 ROOF PLAN EXISTING & PROPOSED

SCALE	DRAWN BY	CHECKED BY	DATE
1:100@A3	MAS		FEB15
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00499-04			B

COMMITTEE DATE: 09/09/2015

APPLICATION No. 15/01015/MNR APPLICATION DATE: 18/05/2015

ED: **FAIRWATER**

APP: TYPE: Full Planning Permission

APPLICANT: Mr Michael

LOCATION: 56A & 56B PLAS MAWR ROAD, FAIRWATER, CARDIFF, CF5
3JX

PROPOSAL: THREE STOREY BUILDING ACCOMODATING 6 NO SELF
CONTAINED FLATS, AND EXTENSION OF EXISTING A1 AND
A3 PREMISES AT GROUND FLOOR LEVEL

RECOMMENDATION 1 : That, subject to relevant parties entering into a binding legal agreement with the Council under the provisions of a **SECTION 106** of the Town and Country Planning Act 1990 within 6 months of the date of this resolution unless otherwise agreed by the Council in writing, in respect of matters detailed in paragraph 5.1 and 8.13 of this report, planning permission be **GRANTED** subject to the following conditions:

1. C01 Statutory Time Limit
2. The consent relates to the application as amended by the revised plans numbered 40015:04A attached to and forming part of this planning application.
Reason: The plans amend and form part of the application.
3. The first and second floor stairwell windows on the rear (east) elevation, facing 58 Plas Mawr Road shall be non-opening below a height of 1.7 metres above internal floor level and glazed with obscure glass and thereafter be so maintained.
Reason: To ensure that the privacy of adjoining occupiers is protected in accordance with policy 2.24 of the deposit Cardiff Unitary development Plan.
4. No development shall take place until details showing the provision of both short and long stay cycle parking spaces have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the development being put into beneficial use. Thereafter the cycle parking spaces shall be maintained and shall not be used for any other purpose.
Reason: To make provision for the parking of vehicles clear of the roads so as not to prejudice the safety, convenience and free flow of traffic.
5. Prior to commencement of development a scheme of sound insulation works to the (floor / ceiling and party wall) structure between the

proposed ground floor commercial units and the adjoining residential properties (at both ground and first floor) shall be submitted to and agreed by the Local Planning Authority in writing and implemented prior to occupation. (Please note sound insulation above that of the minimum standard quoted in Part E building regulations is required when residential units are adjoining a non-residential use class).

A further scheme detailing the specific design to insulate and isolate the extraction system duct work shall also be submitted to and agreed by the Local Planning Authority in writing prior to commencement of development. The scheme shall include the chosen methods of noise, vibration and heat control. The design target for any calculations for airborne sound is NR25 and no perceptible vibration from any building services. The extraction duct work shall be implemented in accordance with the approved scheme prior to the beneficial occupation of the development unless otherwise agreed in writing by the Local Planning Authority and thereafter shall be so retained.

Reason : To ensure that the amenities of occupiers of other premises in the vicinity are protected.

6. No development shall take place until a scheme for the drainage of the site and any connection to the existing drainage system has been submitted to and approved in writing to the local planning authority. No part of the development shall be occupied until the scheme is carried out and completed as approved.

Reason: To ensure an orderly form of development.

7. E1B Samples of Materials

8. No development shall take place until details of the means of site enclosure have been submitted to and approved by the Local Planning Authority. The means of site enclosure shall be constructed in accordance with the approved details prior to the development being put into beneficial use.

Reason: To ensure that the amenities of the area are protected in accordance with Policy 2.24 of the Deposit Cardiff Unitary Development Plan.

9. Details of scheme for the installation of a CCTV monitoring system at the premises shall be submitted to and approved by the local planning authority prior to its installation on site. Thereafter the system shall be installed before any customers are served.

Reason: To deter the occurrence or antisocial behaviour in the vicinity to protect residential amenity of neighbours residents in accordance with Policy 2.24 of the deposit Cardiff District Development Plan and paragraph 4.11.12 of Planning Policy Wales (Ed 7, 2014).

10. Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in

accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the Local Planning Authority.

Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy 2.63 of the Cardiff Unitary Development Plan.

11. Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation to be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, verification sampling of the material received at the development site is required to verify that the imported aggregate is free from contamination and shall be undertaken in accordance with a scheme agreed in writing by the Local Planning Authority.

Reason: To ensure that the safety of future occupiers is not prejudiced, in accordance with policy 10 of the Cardiff Local Plan and policy 2.63 of the Cardiff Unitary Development Plan.

12. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing within 2 days to the Local Planning Authority, all associated works shall stop, and no further development shall take place unless otherwise agreed in writing until a scheme to deal with the contamination found has been approved. An investigation and risk assessment shall be undertaken and where remediation is necessary a remediation scheme and verification plan shall be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the LPA within 2 weeks of the discovery of any unsuspected contamination.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors,

in accordance with policy 2.63 of the Cardiff Unitary Development Plan.

13. Any site won material including soils, aggregates, recycled materials shall be assessed for chemical or other potential contaminants in accordance with a sampling scheme which shall be submitted to and approved in writing by the Local Planning Authority in advance of the reuse of site won materials. Only material which meets site specific target values approved by the Local Planning Authority shall be reused.
Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy 2.63 of the Cardiff Unitary Development Plan.
14. Member of the public shall only be admitted to or allowed to remain on the A3 take- away premises between 10.00 hrs and 23:00 hrs on Monday to Saturday and between 10:00hrs and 21.00 hrs on Sunday.
Reason: To ensure the amenity of occupiers of other premises in the vicinity are protected, in accordance with Policy 2.24 of the deposit Cardiff Unitary Development Plan.
15. The rating level of the noise emitted from fixed plant and equipment on the site shall not exceed the existing background noise level at any time when measured and corrected in accordance with BS 4142: 2014 (or any British Standard amending or superseding that standard).
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected, in accordance with Policy 2.24 of the deposit Unitary Development Plan and guidance contained within the adopted supplementary planning guidance, Restaurants, Takeaways and other Food and Drink Uses (1996).
16. The extraction of all fumes from the food preparation areas shall be mechanically extracted to a point to be agreed in writing by the Local Planning Authority, and the extraction system shall be provided with a de-odourising filter. All equipment shall be so mounted and installed so as not to give rise to any noise nuisance. Details of the above equipment including the chimney shall be submitted to, and approved by the Local Planning Authority in writing and the equipment installed prior to the commencement of use for the cooking of food. The equipment shall thereafter be maintained in accordance with the manufacturers' guidelines, such guidelines having previously been agreed by the Local Planning Authority in writing.
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected, in accordance with Policy 2.24 of the deposit Cardiff Unitary Development Plan.
17. Before the development hereby approved is brought into beneficial use, a plan showing details of facilities for the storage of refuse and recycling containers within the site and details of where they will be presented for collection, shall be submitted to and approved in writing by the Local Planning Authority and thereafter refuse and recycling containers shall only be stored in accordance with the approved details.

Reason: To secure an orderly form of development and protect the amenities of the area, in accordance with Policy 2.74 of the deposit Cardiff Unitary Development Plan.

18. Prior to the beneficial occupation of Flat 4, details of the solid (opaque) privacy screen to be erected along the side of the balcony serving that unit shall be submitted to and approved by the Local Planning Authority. The screen shall be erected in accordance with the approved details prior to the beneficial occupation of the flat and thereafter shall be retained at all times.

Reason: To ensure that the privacy of adjoining occupiers is protected in accordance with policy 2.24 of the deposit Cardiff Unitary development Plan.

19. No development shall take place, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The plan shall provide for:

- (i) loading and unloading of plant and materials;
- (ii) storage of plant and materials used in constructing the development;
- (iii) the erection and maintenance of security hoarding;
- (iv) measures to control the emission of dust and dirt during construction;
- (v) a scheme for recycling/disposing of waste resulting from any demolition and construction works;

Reason: In the interests of highway safety and public amenity, in accordance with policy 2.57 of the deposit Cardiff Unitary Development Plan.

20. This consent relates to the application as supplemented by the information contained in the e-mail communication from the Agent dated 21st August, 2015.

Reason: The information provided forms part of the application.

RECOMMENDATION 2: It is recommended that public transport options are provided to occupiers upon residency, as a welcome pack, as this can set in train sustainable transport behaviours. Leaflets are available from the Council for the bus and cycle routes in the area as well as guidance on the kind of information to provide in the pack. The applicant is advised to contact the Council's Transport Vision, Strategy & Policy Team in order to achieve this.

RECOMMENDATION 3: The contamination assessments and the affects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for

- (i) determining the extent and effects of such constraints and;
- (ii) ensuring that any imported materials (including, topsoils, subsoils,

aggregates and recycled or manufactured aggregates / soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under section 33 of the environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site:

- Unprocessed / unsorted demolition wastes.
- Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
- Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and

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

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

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

RECOMMENDATION 4 : 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.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

Planning permission is sought to extend a single storey building at 56a and 56b Plas Mawr Road, Fairwater to create a larger retail (hairdressers) and take-away unit and provide 6 no. flats in a contemporary three storey structure. The proposal seeks to extend the existing footprint forward towards Plas Mawr Road by approximately 5.5 metres and northwards towards the boundary with the neighbouring three storey commercial/residential block. It is proposed to extend over land which currently forms part of a hard surfaced area to the front and side of the building over which there is public access.

- 1.1 A 1.2 metre wide path would be retained between the extended building and the neighbouring block leading to an external amenity area with provision for

cycle parking and refuse storage. To the south, the extended building adjoins an access road which leads to a garage court. The access separates the application site from a two storey end of terrace dwelling at 56 Plas Mawr Road. The front elevation of the extended building is shown to project approximately 5.4 metres beyond the forward building line of the terrace. A paved area, between 4.5 metres and 5.0 metres deep is shown to remain between the front of the extended building and the back edge of the adjacent service road.

- 1.3 The building will provide accommodation over three floors with the top floor stepped back from the first floor parapet line to lessen its visual impact on the Plas Mawr Road street scene. The north elevation has been angled to respond to the side of the adjoining three storey block with the angled face of the proposed building kept back from the 'view line' of first and second floor bedroom windows in the side wall of the neighbouring block. The building is shown to rise to a height of approximately 9.0 metres with the first floor parapet rising to approximately 6.5 metres.
- 1.4 The proposed flats comprise a one bedroom unit on the ground floor, a one bedroom unit and 2 no. two bedroom units on the first floor with a further one bedroom unit and a three bedroom unit on the second floor. Four of the units are shown to have balcony areas.
- 1.5 Proposed materials comprise facing brick and painted render. The timber framed construction of the recessed top floor is proposed to be clad in pre-coated zinc which is intended to emphasize the solidity of the ground and first floors.
- 1.6 The scheme proposes no off street car parking spaces.
- 1.7 It should be noted that the application is a Member application.

2. **DESCRIPTION OF SITE**

- 2.1 The site forms part of the neighbourhood centre at the junction of Plas Mawr Road and Pwllmelin Road, Fairwater. It is occupied by 2 no. semi-detached single-storey flat roof commercial units in use as a hairdressers (56b) and a hot-food takeaway (56a). To the rear of the units, there are enclosed yard areas.
- 2.2 Immediately to the north there is a three-storey flat-roofed block which is occupied by a parade of shops at ground floor with residential accommodation over. The nearest unit to the application site (58 Plasmawr Road) is occupied by a take-away on the ground floor. In 2013, planning permission was granted for single storey side and rear extension at this unit to accommodate a new hot food take-away. However, the planning permission has not been implemented and the area remains part of the rear yard.
- 2.3 To the south, there is a two storey residential terrace which is separated from the application site by an access lane which connects to a garage court. To

the front of the pair of commercial units subject of the application there is a large paved area and footway together with a service road from which vehicular access to the site is obtained from Plas Mawr Road and Pwllmelin Road. On the opposite side of Plasmawr Road from the application site, lies Fairwater Rugby Club.

3. **SITE HISTORY**

- 3.1 04/2535/W: Planning permission was refused in October, 2009 for the creation of a three-storey block of 9 no. flats. Members should note that although this application was refused having originally been recommended for approval, the reason for refusal related solely to the non-completion of a 106 Agreement, as follows;

A planning obligation to secure a payment for improvements to local public transport facilities has not been signed. The development would therefore be contrary to policy MV2 of the South Glamorgan (Cardiff Area) Replacement Structure Plan 1991 - 2011 and the draft Supplementary Planning Guidance 'Developer Contributions for Transport.

- 3.2 10/01665/DCO: Planning permission was refused (contrary to officer recommendation) in June, 2011 to extend the building to create a three storey building comprising 2 no. retail units at ground level and 3 no. two bedroom flats on the upper floors for the following reasons:

i) The proposed development, by reason of its height and scale, would result in a poor overall design that has a harmful impact upon the visual amenities of the street scene, contrary to the provisions of Policy 11 (Design and Aesthetic Quality) of the City of Cardiff Local Plan (January 1996), and Policy 2.20 (Good Design) of the deposit Unitary Development Plan (October 2003).

ii) The third floor flat in the roof space of the dwelling fails to provide adequate head clearance to the detriment of future occupiers of this flat, contrary to the provisions of Policy 2.24 (Residential Amenity) of the deposit Unitary Development Plan (October 2003).

- 3.3 12/01520/DC): Refurbishment of existing A1 retail unit and change of use to A3 hot food takeaway including gated access to rear service yard, granted 15TH March, 2013.

- 3.4 13/00861/DCO: Extension at rear of property for storage purposes, revised access to service yard, security shutter to shopfront, granted 1st July, 2013

4. **POLICY FRAMEWORK**

- 4.1 *City of Cardiff Local Plan* – The application site falls within an existing housing area as indicated on the Proposals Map of the adopted City of Cardiff Local Plan. Relevant policies include:

11 (Design and Aesthetic Quality);

17 (Parking and Servicing Facilities);
19 (Provision for Pedestrians);

4.2 *Supplementary Planning Guidance - Access, Circulation and Parking Standards* (January 2010); *Waste Collection and Storage Facilities* (March 2007); *Residential Design guide* (March 2008); *Restaurants, Takeaways and other Food and Drink Uses* (June 1996); *Design Guidance for Infill Development* (2011).

4.3 *Deposit Cardiff Unitary Development Plan –*

2.20 (Good Design);
2.24 (Residential Amenity);
2.57 (Access, Circulation and Parking Requirements)
2.63 (Contaminated and Unstable Land)
2.64 (Air, Noise and Light Pollution)
2.74 Provision for Waste Management Facilities in Development);

4.5 *Planning Policy Wales Edition 7 (2014)*.

PPW contains the following advice:

4.4.3: Planning policies and proposals should (inter alia):

- Promote resource-efficient and climate change resilient settlement patterns, wherever possible avoiding development on greenfield sites
- Locate developments so as to minimise the demand for travel, especially by private car
- Minimise risks relating to unstable land, contaminated land and flooding
- Facilitate sustainable building standards
- Ensure that all communities have sufficient good quality housing, including affordable housing, in safe neighbourhoods

4.11.9: Visual appearance, scale and relationship to surroundings and context are material planning considerations. Local planning Authorities should reject poor building and contextual designs.

4.11.11: Local planning authorities and developers should consider the issue of accessibility for all.

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

4.12.4: Refers to 'Practice Guidance in Planning for Sustainable Buildings' which provides guidance for local planning authorities and developers on sustainable building design.

7.6.2: particular care should be taken to safeguard residential amenity where applications are considered for business development in primarily residential areas.

9.1.1 : The Assembly Government will seek to ensure that previously developed land is used in preference to Greenfield sites.

9.2.13: Sensitive design and good landscaping are particularly important if new buildings are successfully to be fitted into small vacant sites in established residential areas.

9.3.3: Insensitive infilling or the cumulative effects of development or redevelopment should not be allowed to damage an area's character and

amenity. This includes any such impact on neighbouring dwellings, such as serious loss of privacy or overshadowing.

13.15.1: Noise can be a material planning consideration, e.g. where proposed new development is likely to generate noise.

4.6 *Technical Advice Note 12 : Design*

4.7 *Technical Advice Note 11 : Noise.*

8. Local planning authorities must ensure that noise generating development does not cause an unacceptable degree of disturbance. They should also bear in mind that if subsequent intensification or change of use results in greater intrusion, consideration should be given to the use of appropriate conditions.

5. **INTERNAL CONSULTEE RESPONSES**

5.1 *The Operational Manager, Transportation* : comments as follows:

It is noted that no off road car parking is proposed and that this is currently the case for the existing uses.

The adopted Access, Circulation & Parking Standards SPG states that a minimum of 0.5 spaces be provided for each of the one and two bedroom flats (3No spaces) and that a minimum of 1No operational space be provided for the A1 use. There is no minimum requirement stipulated for the A3 use. Therefore the proposals would be deficient by 4No spaces in total, when compared against policy.

Similarly there would be a parking demand associated with the existing uses, i.e. a minimum of 1No operational space for the A1 use only, based upon its GFA. The difference in the minimum standards between the existing and proposed uses when applied and compared to the SPG therefore equates to 3No spaces.

Notwithstanding the above, whilst the proposal would result in an increase in minimum levels of parking demand, it is considered that an objection on parking grounds alone could not be sustained at appeal. This judgement is made on the basis that there are on road parking spaces available on Plas Mawr Road within close proximity to the development and opposite the row of existing shops which are situated nearby. I would not consider that residents would necessarily rely on these areas for parking purposes and that it is likely the spaces would be used for short stay parking associated with either of the ground floor uses.

In addition, occupiers of the proposed flats would be located close to existing bus stops which are served by the No. 61 service and which provides a regular service between Pentrebane and the City Centre via Fairwater Green, Romilly Road and Wyndham Crescent.

On the basis of the above, I can confirm that I would have no objection to the proposal subject to:

- (i) a financial contribution of £6,360, secured via a S106 Agreement, for the installation of 2No CCTV cameras at the bus stops adjacent to the site on Plas Mawr Road (one camera to be provided at each bus stop). The contribution is considered to be justified to encourage more sustainable mode choices of travel to/from the site.
- (ii) conditions relating to cycle parking provision and implementation of a construction management plan together with
- (iii) an informative recommending that public transport options are provided to occupiers upon residency.

5.2 *The Operational Manager, Drainage Management* : No objections subject to an appropriate drainage condition.

5.3 *Pollution Control (Noise & Air)*: The officer has requested conditions to safeguard residential amenity.

5.4 *Pollution Control (Contaminated Land)*: Standard conditions relating to unforeseen contamination, importation of soils and aggregates, use of site won materials together with informative R4: contaminated/unstable land.

5.5 *The Operational Manager, Waste Management* :

The Officer advises the bin store should be in a secure, purpose built enclosure and screened from the view of the main street. The Officer advises that the refuse storage area should be large enough to accommodate the following recommended provisions for 6 flats:

Dry Recyclables:	1 x 660 litre bulk bins
Food waste:	1 x 240 litre bins
General waste:	1 x 660 litre bulk bins

The Officer also states that waste must either be presented at the entrance to the development for collection (or the access gates to the site left open) and that a method statement should clarify who would be responsible for the transportation of the bins back and from the refuse area.

With regard to the commercial units, the Officer states that both units should have separate storage, if possible away from the domestic store, that commercial and domestic waste must not be mixed and that waste must not be stored on the highway.

(Note, the agent has amended the proposed plans having regard to the Officer's advice).

6. **EXTERNAL CONSULTEE RESPONSES**

6.1 South Wales Police (Architect Liaison Officer) has made various comments and recommendations in respect of community safety and crime prevention. In particular, the Officer notes that the main communal access door is located to the side of the building and is reached via a narrow footpath which is enclosed by the neighbouring perimeter wall/fence and the side of the

building. Due to the lack of natural surveillance from the surrounding area, he advises that the pathway could become a problem area regarding criminal activity and anti-social behaviour. The Officer suggests that community safety would be enhanced if the communal door was located to the front of the building. If this is not possible, the Officer advises that it will be necessary to install an access controlled gate at the entrance to the pathway, near to the front building line.

The Officer notes that the southern gable end of the building is located adjacent to the access to the garage courtyard and advises that it may be necessary to construct this wall with an anti-graffiti surface.

The Officer advises that South Wales Police would welcome the opportunity for consultation with the developer with an aim of exploring opportunities for designing out crime and has recommended a variety of detailed measures. His advice has been copied to the applicant's agent for consideration.

- 6.2 Welsh Water/ Dwr Cymru has been consulted on the application. No representations have been received.

7. **REPRESENTATIONS**

- 7.1 The application was advertised by site notice and neighbour notification.
- 7.2 Councillor L Ford has requested a site visit on the grounds of safety to the general public.
- 7.3 The occupier of 58 Plasmawr Road objects to the application for the following reasons (summary):
- (i) there is no parking at the site;
 - (ii) flat 1 is considered a voyeurs paradise. The balcony of flat 4 will overlook the occupier's property;
 - (iii) the side entrance has no outer gate and would lead to anti-social behaviour in an 'alleyway';
 - (iv) the occupier questions whether development would be allowed on Council land states that the lease for the tarmaced area should be checked;
 - (v) the extended shop units will have an effect on the original shops;
 - (vi) the proposed stairwell will be positioned close to the occupier's extraction systems;
 - (vii) the rear area appears to be very small to accommodate an existing container, washing lines and refuse storage for the flats and shops.
 - (viii) the internal extraction ducting would need to be checked by the fire authority as it may not be allowed. The plans do not show the extraction hood.

8. **ANALYSIS**

- 8.1 Planning permission is sought to extend a single storey building at 56a and 56b Plas Mawr Road, Fairwater to enlarge the existing retail (hairdressers)

and take-away units and provide 6 no. flats in a contemporary three storey structure.

- 8.2 The application site falls within an existing residential area, as defined by the City of Cardiff Local Plan Proposals Map. The development of residential accommodation above the existing ground floor commercial units is therefore considered acceptable.

The application site is currently occupied by two retail premises (Use Class A1 and A3). The properties form part of a parade of shops on the junction of Plasmawr Road and Pwllmelin Road. Although the application site does not fall within a designated district or local centre as identified under Policy 49, paragraph 9.3.8 of the Local Plan refers to such centres, stating that proposals involving either new or improved retail facilities or the loss of existing shopping will be considered on their merits, having regard to the role of the centre in meeting local shopping needs, local land use considerations, traffic and other environmental implications. Taking this policy framework into consideration the proposed extension to the existing ground floor commercial units raises no land use policy concerns.

- 8.3 The main planning issues in the assessment of the application are considered to be:
- (i) The effects of the proposed development on the character and appearance of the street scene and the general amenities of neighbouring occupiers.
 - (ii) Whether the proposed development will provide an acceptable living environment for existing and prospective occupiers.
 - (iii) The acceptability of the scheme in terms of highway safety/parking.

- 8.3 With regard to point (i), the appeal decision relating to planning application 10/01665/dco is considered material to the assessment of the current application. That proposal sought to extend the building to create 4 storeys of accommodation with the 3rd storey contained in the roof space. The two ground floor commercial units were retained and three flats were proposed in the upper floors.

- 8.4 The Inspector dismissed the appeal on design grounds concluding that the development would significantly harm the character and appearance of the surrounding area due to its height, siting and relationship with adjacent dwellings. The Inspector's reasoning on this matter was as follows:

The proposal would introduce an essentially four storey building into these surroundings and it would appear as an incongruous addition because of this added height. Most of the three storey development in the area occupies positions surrounding the complex road junction to the north and is fronted by a good deal of open space. This serves to reduce the impact of their height and visually separates them from the surrounding development.

The proposed development would be related strongly with the two storey development along Plasmawr Road and the pitched roof would give it an additional height which would appear even larger than the three storey block immediately to the north. This block of shops with flats above has a flat roof which reduces the overall height of the development and gives a less immediate impact on the street scene.

The appeal site occupies a position between this block and the surrounding two storey residential development and I consider that because of its height it would introduce a jarring note into the streetscape. It would be a poor transition between the various types of development along the road and would be an incongruous and prominent addition that would have a harmful impact on the character and appearance of the surrounding area as a result.

- 8.5 In the 2010 scheme, the proposed building was positioned to have regard to the building line created by the terraced dwellings to the south whilst being of a scale more aligned to the parade of shops to the north. Although the proposed building subject of the current submission would be positioned forward of the residential dwellings to the south, it has been designed to 'turn the corner' towards the three storey block to the north. Consequently, it is considered that the scheme more closely relates to the parade of shops than to the terrace to the south. Its scale and massing is considered appropriate relative to the built form of the adjoining three storey block. At approximately 9 metres in height, the building reflects the height and roof form of the neighbouring block and is substantially lower than the previous scheme dismissed at appeal which extended to a ridge height of approximately 11.1 metres.
- 8.6 Although the proposed building would be slightly taller than the residential terrace to the south, the proposed set back of the second floor from the front the sides of the building assists in reducing the perceived massing of the top floor within the street scene whilst creating a more subtle transition between it and the residential dwellings to the south.
- 8.7 The front elevation of the extended building is shown to project approximately 5.4 metres beyond the forward building line of the terrace. A paved area, between 4.5 metres and 5.0 metres deep is shown to remain between the front of the extended building and the back edge of the adjacent service road. This is considered a sufficient distance to retain a feeling of 'openness' between the building and Plas Mawr Road whilst also ensuring sufficient circulation space for pedestrians.
- 8.8 The main communal access door to the flats is located to the side of the building and is reached via a narrow footpath which is enclosed by the neighbouring perimeter wall/fence and the side of the building. Such a pathway could become a problem area attracting criminal activity and anti-social behaviour. Consequently, the plans have been amended with the inclusion of an access gate at the entrance of the pathway and provision of a glazed canopy above the access. A condition requiring the installation of a CCTV monitoring system is also recommended as requested by Crime

Prevention Officer.

- 8.9 The proposed flats are considered to have satisfactory internal space for future occupiers.

With regard to the provision of external space, the Infill Sites SPG states that;

'It should be demonstrated that the size and type of external amenity space provision is appropriate to the type of development and to the urban grain of the area.' (Para 4.3, p.27)

- 8.9 Whilst the external amenity area proposed is of a limited size and irregular shape, it is considered sufficient for the storage of waste, bicycles etc. It is also relevant that four of the proposed six flats benefit from a private balconies and that the two remain flats are single bedroom flats.

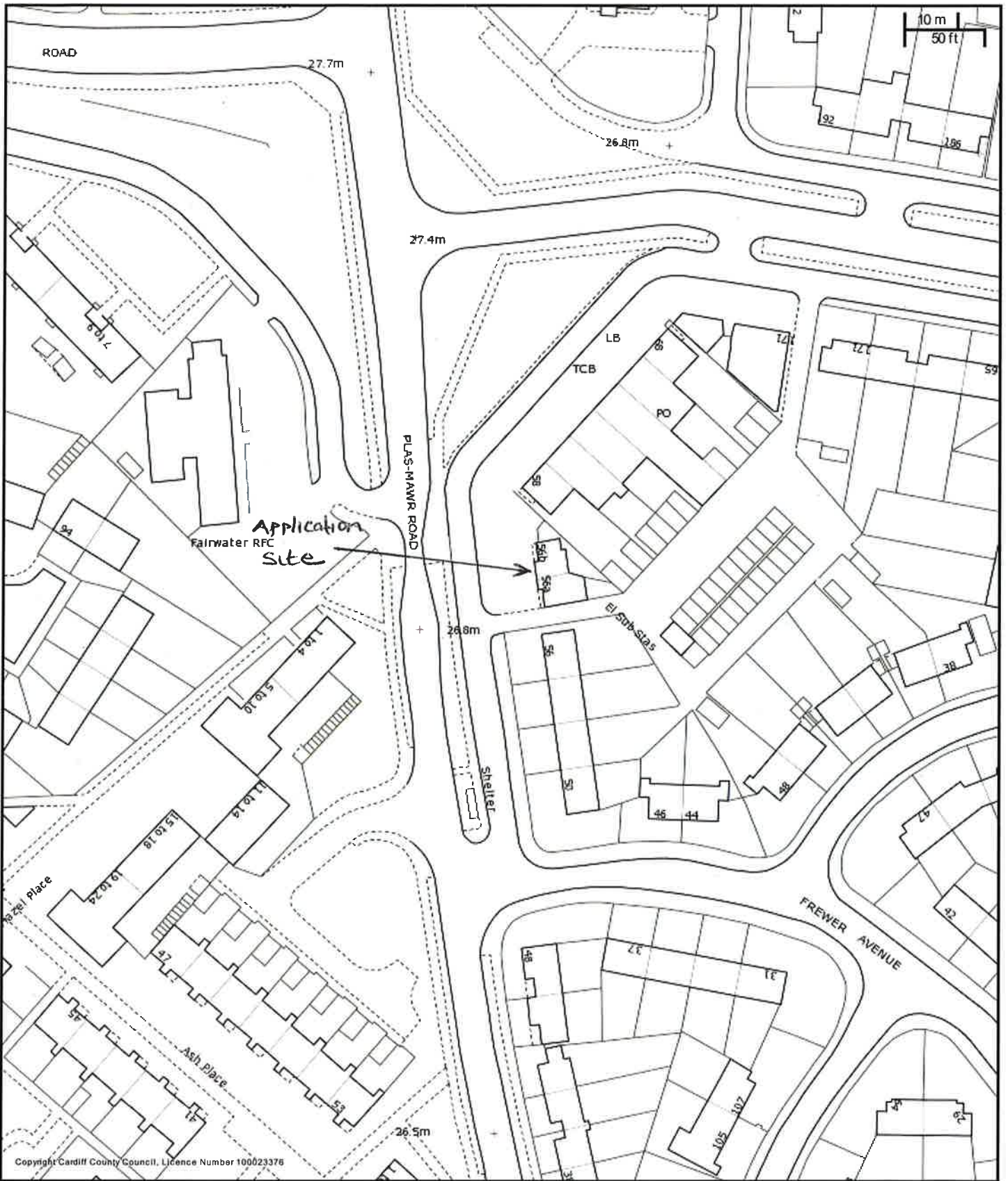
- 8.10 With regard to the amenities of neighbouring and nearby residents, the angled north face of the proposed building has been kept back from the 'view line' of first and second floor residential windows in the side elevation of the neighbouring block (above 58 Plas Mawr Road). Whilst it is evident that the extended building will be sited in close proximity to the side and rear of the neighbouring block, a similar relationship was proposed in the 2004 and 2010 planning applications and found to be acceptable. The matter was considered by the Inspector in relation to the 2010 scheme when he concluded as follows;

The proposal would also lie close to the rear of No 58 and there would be some opportunities for overlooking. Nonetheless, whilst it does offer amenity space for the accommodation above the take away at ground floor, the rear yard of No 58 seems to be little used. Any views into this area would be oblique and at a reasonable distance and I consider that there would be little loss of privacy as a result. The increased security of the rear of the proposal would also be of benefit to the residents of No. 58 preventing access to the side wall and rear yard.

- 8.11 In the interests of protecting privacy, conditions are recommended to require the use of obscure glazing in the upper floor stairwell windows sited near the boundary with no 58 and the erection of a privacy screen to the side of the balcony serving flat no 4.
- 8.12 The application seeks to extend both ground floor commercial units. Permission for the A3 takeaway use was granted in 2013. To safeguard the amenities of neighbouring occupiers it is recommended that the extended unit be subject to the same opening hours condition as imposed under the previous planning permission. The application proposed to install the flue from the kitchen extraction system internally within the building. This would have the benefit of largely concealing the apparatus from public view and is to be welcomed subject to its installation in manner which does not unduly harm the amenities of future occupiers by way of unacceptable noise and vibration.
- 8.13 The Operational Manager, Transportation has given careful consideration to the transportation and parking issues raised by the application and advises

that whilst the proposal would result in an increase in minimum levels of parking demand, there are on road parking spaces available on Plas Mawr Road within close proximity to the development and opposite the row of existing shops which are situated nearby. In addition, he comments that occupiers of the proposed flats would be located close to existing bus stops which are served by the No. 61 service and which provides a regular service between Pentrebane and the City Centre via Fairwater Green, Romilly Road and Wyndham Crescent. The Officer concludes that it would be difficult to sustain an objection to the application on parking grounds, subject to a S106 contribution towards public transport enhancement (the provision of crime cameras in nearby bus stops) and conditions relating to cycle parking provision and the approval of a construction management plan.

- 8.14 In conclusion, it is considered that the application (as amended), is acceptable on planning grounds and approval is recommended subject to the attached conditions.



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Cardiff CF10 4UW
Tel: 029 20872000

City of Cardiff Council
Cyngor Dinas Caerdydd



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13 / 0115 MNR

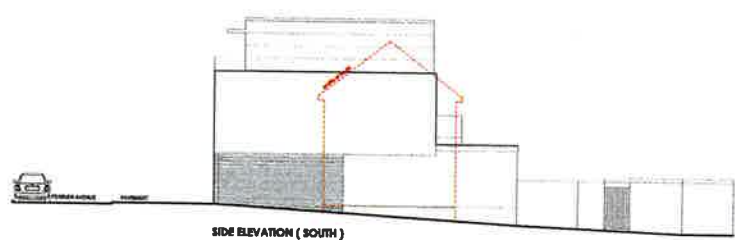
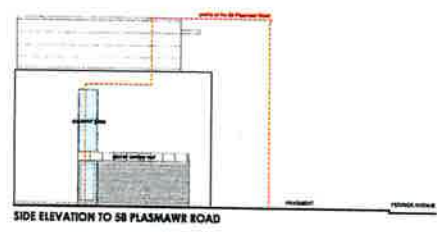
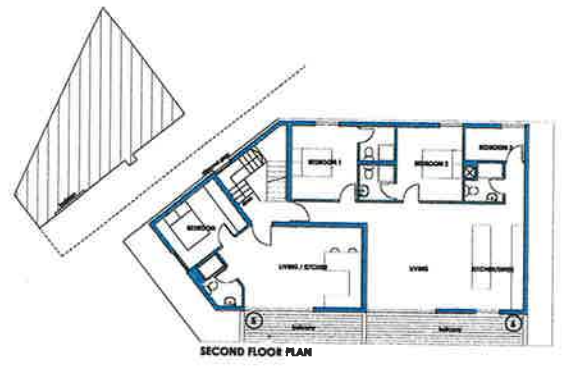
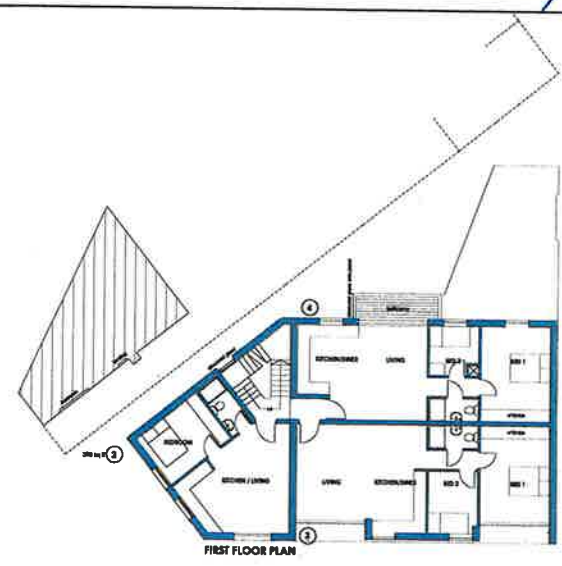
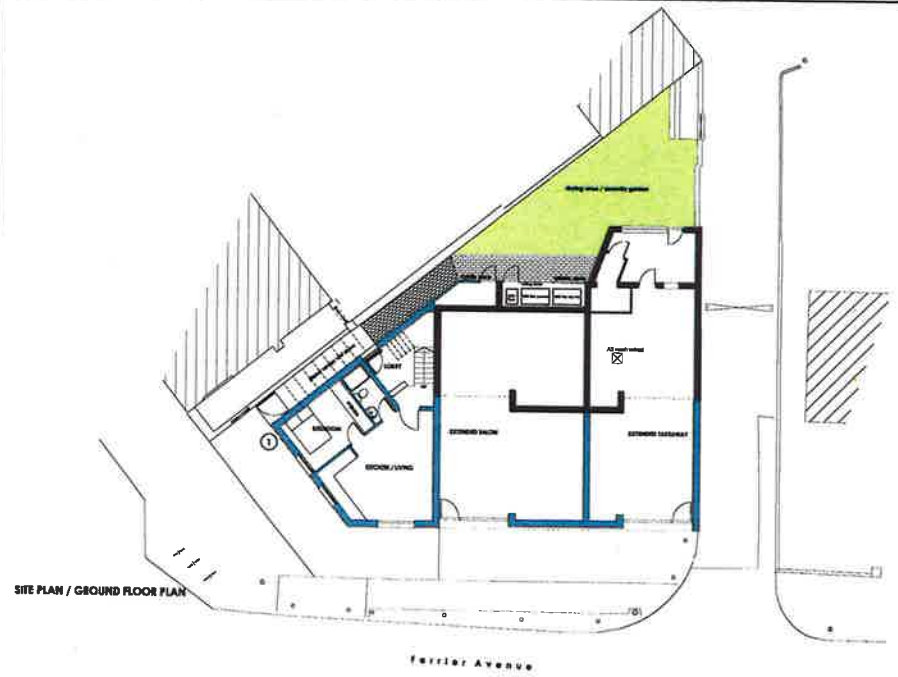
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 8/4 / SB PLASMAWE ROAD

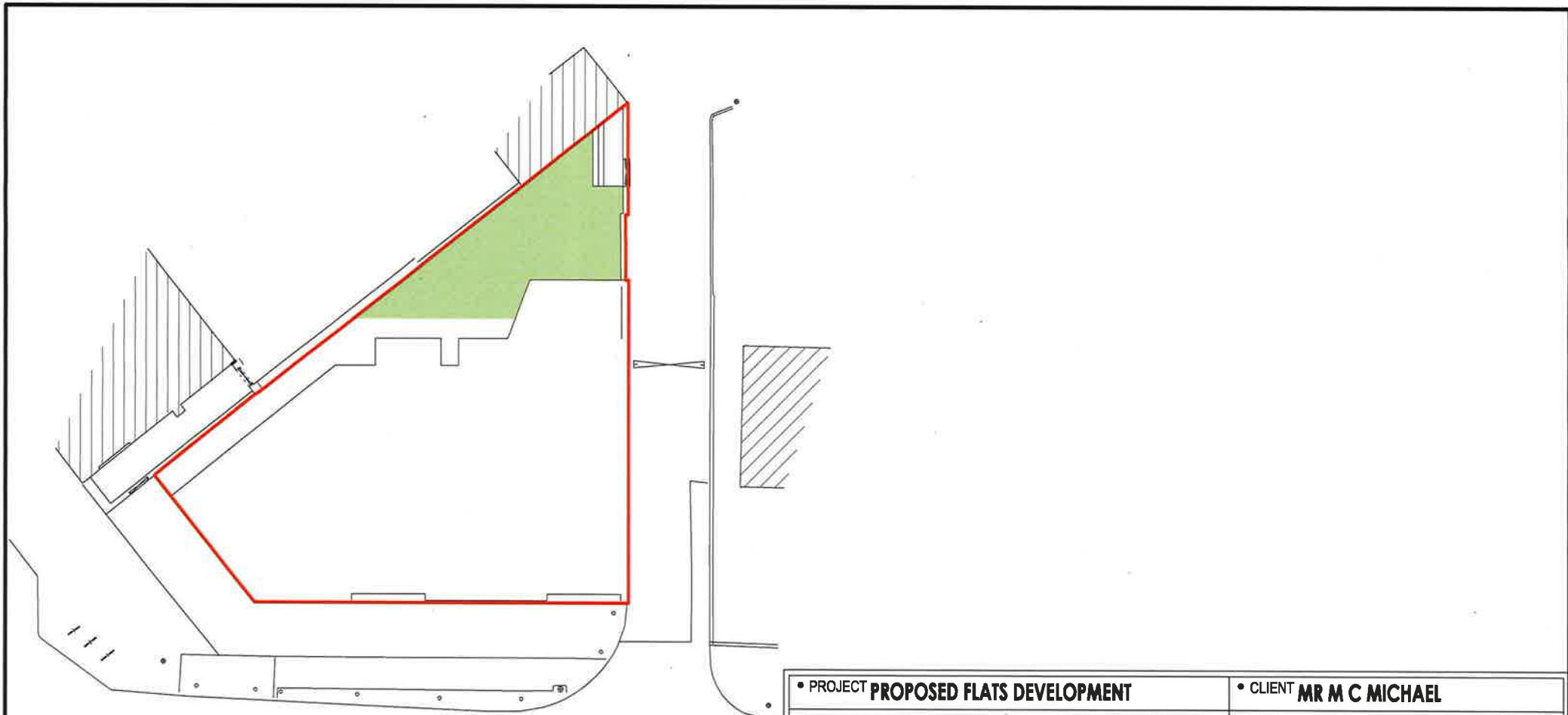
CLIENT MR & C MICHAEL

NIGEL ARNOLD
 ARCHITECT


PROPOSED
 - SITE PLAN
 - FLOOR PLANS
 - ELEVATION

DRAWN NA DATE 08/15 REVISIONS 125
 SHEET NO. 40015:04





Ferrier Avenue

• PROJECT PROPOSED FLATS DEVELOPMENT 56A / 56B PLASMAWR ROAD			• CLIENT MR M C MICHAEL	
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PROPOSED FRONT ELEVATION



PROPOSED REAR ELEVATION

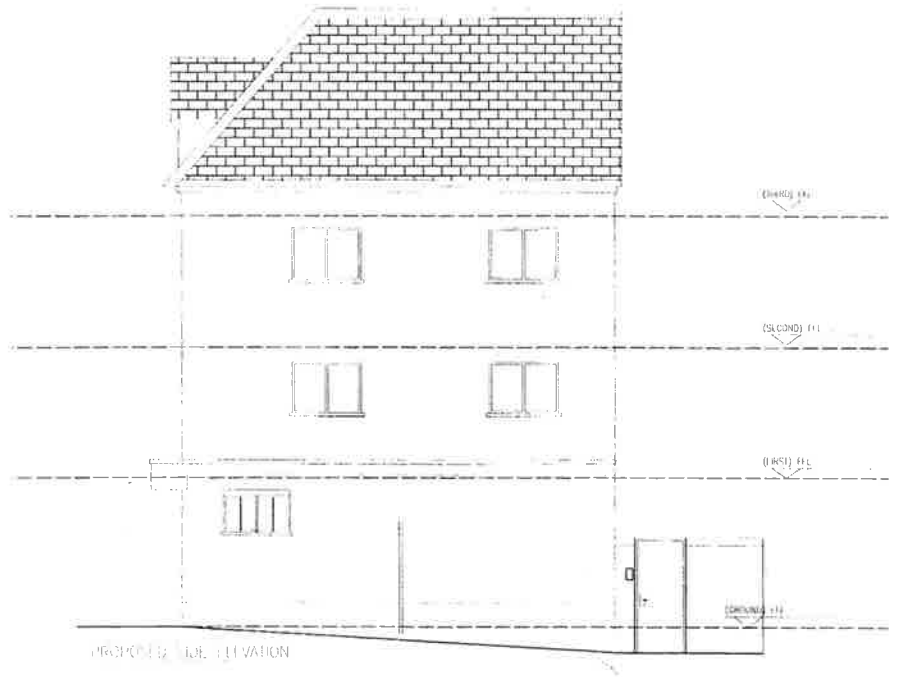
10/01665/DCO

M. Costas

FOR APPROVAL
 FAIRWATER APARTMENTS,
 PLASMWER ROAD,
 FAIRWATER, CARDIFF

FW-P-00-03

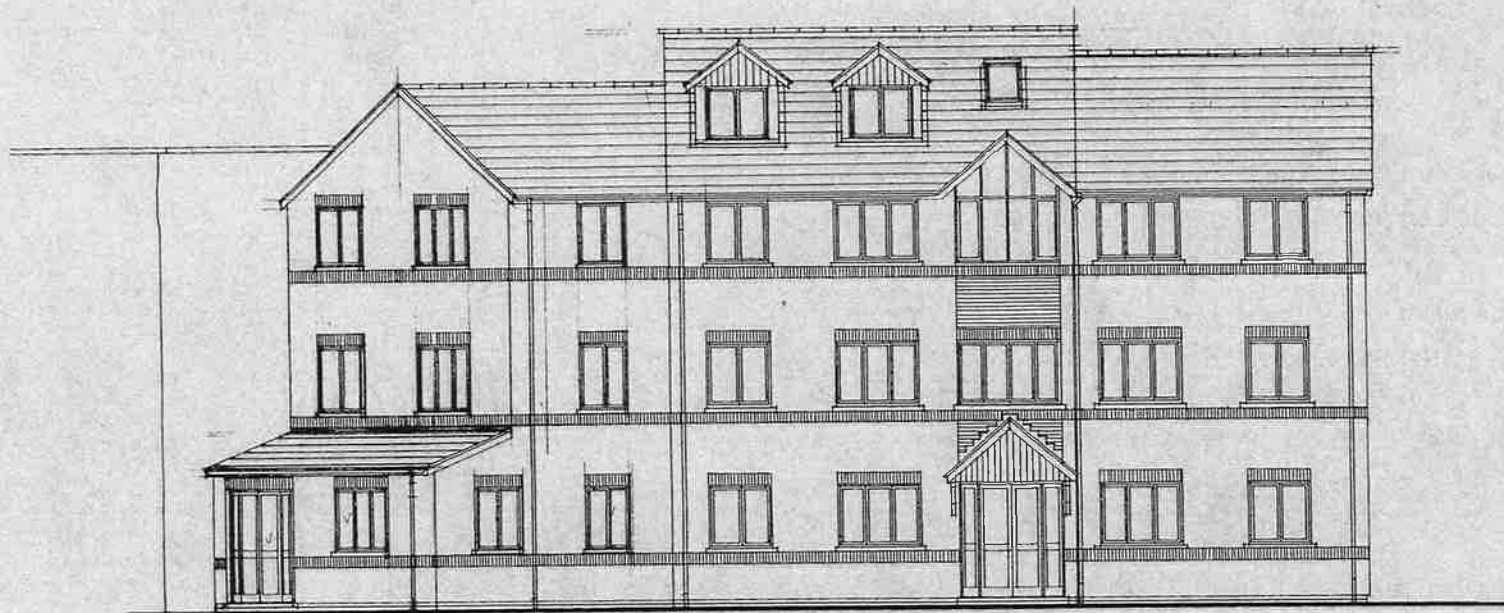
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10/01

FOR APPROVAL	
FAIRWATER APARTMENTS PLASMWER ROAD, FAIRWATERR, CARDIFF	
PROPOSED SIDE ELEVATIONS	
Scale: 1:50	Project: FW-P-00-04
Sheet: A.1	Page: A

04/2535/W



PROPOSED FRONT ELEVATION TO PLASMAWR ROAD

EXTERNAL FINISHES

ROOF:
KROWN CONCRETE INTERLOCKING TILES

WALLS:
RENDERED BLOCKWORK PAINTED WHITE
BRICKWORK FEATURES IN BUFF COLOUR

DOORS AND WINDOWS:
WHITE DOUBLE GLAZED UPVC WINDOWS
WHITE DOUBLE GLAZED UPVC DOORS

RAINWATER GOODS:
WHITE P.V.C. DOWNPIPES AND GUTTERING

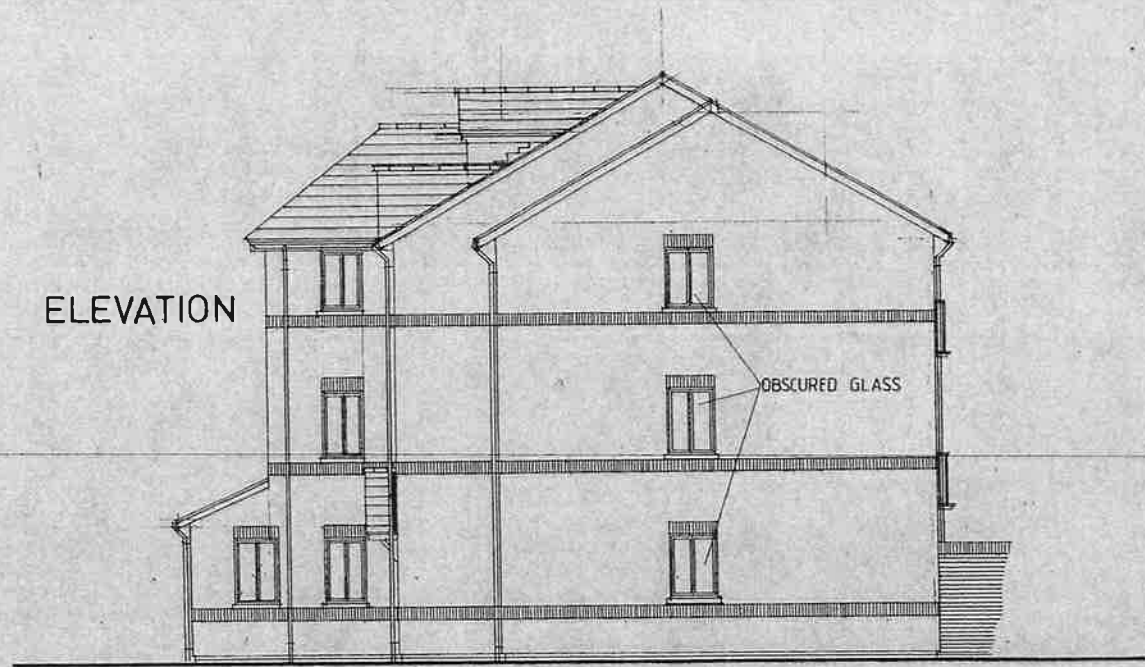
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PLAN
COUNCIL
SERVICES

04/2535/W

DATE 16.5.05

PROPOSED SIDE ELEVATION



APPROVED FOR THE BENEFIT OF A BUILDING
CONTRIBUTING TO THE LOCAL SCENE. 100% GREEN
ENVIRONMENTAL FRIENDLY. 100% RECYCLED
PAPER. 24 5 8 PLASMAWR ROAD, PLASMAWR

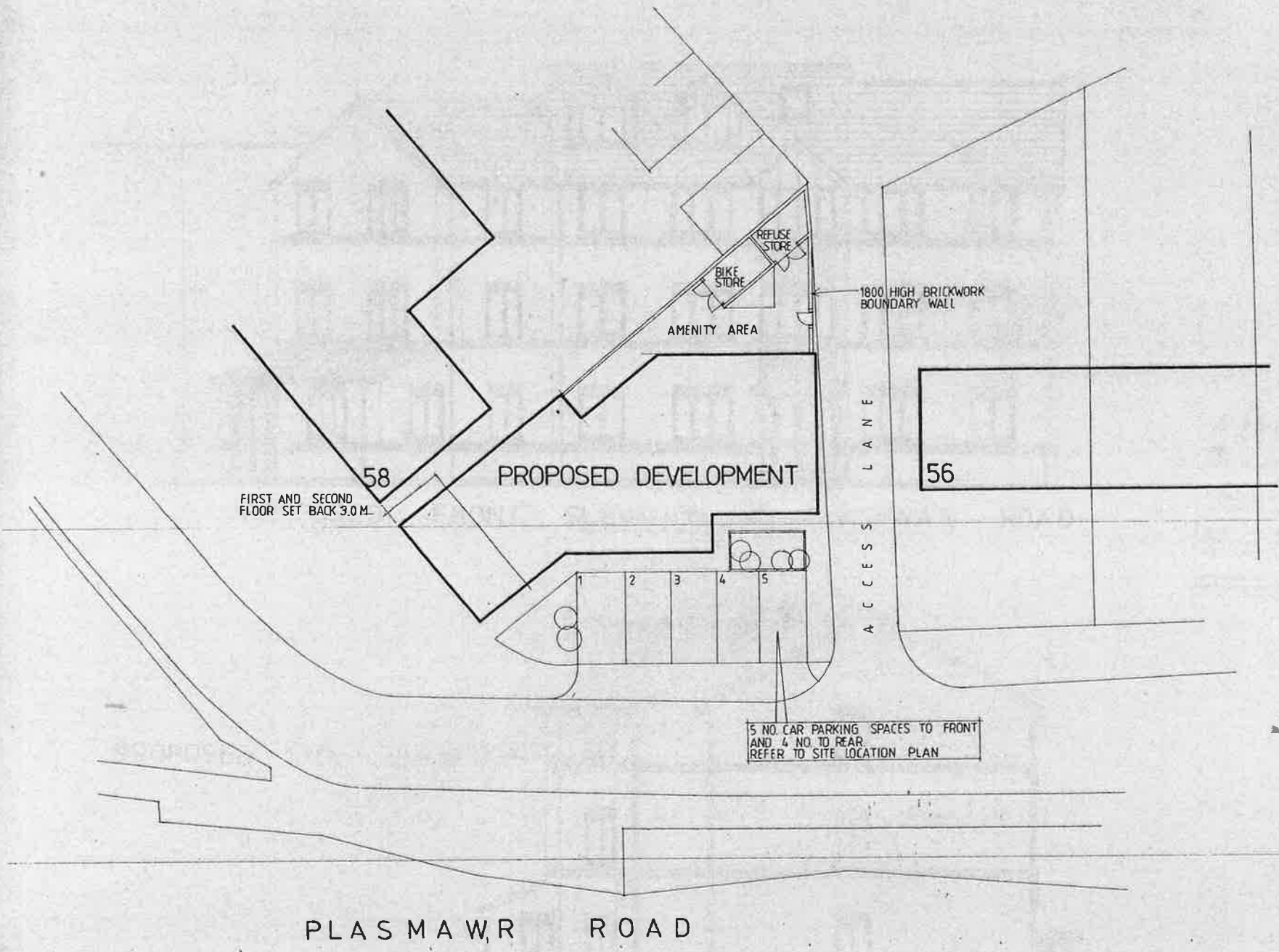
PROPOSED FRONT & SIDE ELEVATIONS

08888/33

POLARIS DESIGN GROUP

THE 27 WOODS FARM
POLARIS DESIGN GROUP

THE POLARIS DESIGN GROUP IS A REGISTERED
CONSTRUCTION COMPANY. ALL WORK IS
CONDUCTED TO THE HIGHEST STANDARDS
AND IS SUBJECT TO REGULAR INSPECTIONS
AND APPROVALS BY THE LOCAL AUTHORITY.



AIR PLAN
 CAR COUNCIL
 REG. SERVICES
 04/2535/W
 DATE 16.5.05

PROPOSED DEVELOPMENT OF 3 UNITS
 PROPOSED SITE LAYOUT
 0288/P/30
POLARIS DESIGN GROUP
 11/17/05
 POLARIS DESIGN GROUP
 11/17/05

LOCAL MEMBER CONCERNS

COMMITTEE DATE: 09/09/2015

APPLICATION No. 15/01321/MNR APPLICATION DATE: 23/06/2015

ED: **WHITCHURCH/TONGWYNLAIS**

APP: TYPE: Full Planning Permission

APPLICANT: Velindre Cancer Centre

LOCATION: VELINDRE HOSPITAL, VELINDRE ROAD, WHIT CHURCH, CARDIFF, CF14 2TL

PROPOSAL: TWO STOREY OFFICE BUILDING IN ORDER TO FACILITATE STAFF RELOCATION REQUIR EMENTS WITHIN VELINDRE HOSPITAL

RECOMMENDATION : That, subject to no adverse representations being received within the statutory period as a result of the advertisement of the application that raise issues not already addressed in the report to the Planning Committee, the application be delegated to the Head of Planning to 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 and documents:

8975-1-010	–	proposed ramp & level threshold detail
8975-01-002F	–	proposed elevations
8975-1-001D	–	proposed general arrangement
8975-01-1004	–	proposed ramp & steps site plan
8975-1-1003B	–	proposed site plan
8975-1-1002B	–	proposed location plan

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

3. Prior to the construction of the building above foundation level, details of the colour of the render, metal fascia, doors, window frames and rainwater goods shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the finished appearance of the development is in keeping with the area in accordance with policy 11 of the Cardiff Local Plan and policy 2.20 of the deposit Cardiff Unitary Development Plan.

4. Unless otherwise agreed in writing by the Local Planning Authority, no equipment, plant or materials shall be brought onto the site for the purpose of development until full details of the following have been submitted to and approved in writing by the Local Planning Authority, in accordance with the current British Standard for trees in relation to construction.

- An Arboricultural Method Statement (AMS), setting out the methodology that will be used to prevent loss of or damage to the retained Purple Plum tree (T2).
- A Tree Protection Plan (TPP) in the form of a scale drawing showing the finalised layout and the tree and landscaping protection methods detailed in the AMS that can be shown graphically.

Unless written consent is obtained from the Local Planning Authority, the development shall be carried out in full conformity with the approved AMS and TPP.

Reason: To enable the Local Planning Authority to assess the effects of the proposals on existing trees and landscape and the measures for their protection, and to monitor compliance, in accordance with Policies 2.20 and 2.45 of the deposit Cardiff Unitary Development Plan.

5. If the Purple Plum (Tree T2) is to be removed, prior to the occupation of the building full details of the removal and replacement of the tree with an appropriate species shall be submitted to and approved in writing by the Local Planning Authority. These details shall comprise a scaled planting plan, plant schedule, planting methodology, tree pit section and 5 year aftercare methodology. The planting shall be carried out in accordance with the approved details in the first planting season following the first beneficial occupation of the building.

Reason: To maintain and improve the appearance of the area in the interests of visual amenity in accordance with policy 11 of the Cardiff Local Plan and policy 2.20 of the deposit Cardiff Unitary Development Plan.

6. The first floor windows on the south east elevations shall be non opening below a height of 1.8 metres above internal floor level and glazed with obscure glass and thereafter be so maintained.

Reason: To ensure that adjoining occupiers do not suffer a perceived loss of privacy, in accordance with policy 2.24 of the deposit Cardiff Unitary development Plan.

7. No development shall take place until a scheme of construction management has been submitted to and approved in writing by the local planning authority. Such a scheme shall include details of the means of mitigation of construction noise and vibration, provision of a noise management plan, details of any temporary site access/parking and the likely position of haul roads, details of the location of compounds for the storage of plants and materials, measures to prevent dust pollution, plant and wheel washing facilities and site

hoardings. The scheme shall be carried out in accordance with the approved details. The approved measures shall remain in operation for the duration of the development unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of highway safety, public safety and amenity, in accordance with policies 2.24 and 2.57 of the Cardiff Unitary Development Plan.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 The application is for full planning permission for the erection of a two storey flat roofed modular building with an L-shaped footprint (maximum length 35m, maximum width 19m, height 7.5m), finished in render with cedar panels. The building will accommodate meeting space and post graduate offices, which will be relocated from within the other hospital buildings. The accommodation will comprise two open plan offices (each 158 sq.m), two meeting rooms, two small kitchens, toilets an office/reception, two small offices, an office/meeting space, an entrance foyer/reception and a lift.
- 1.2 An existing single storey L-shaped office building will remain adjacent to the new development and the buildings will be arranged to retain a central amenity area and existing tree. A number of demountable units will be removed from the site. Access will be via the existing road serving the hospital site from Velindre Road and existing parking spaces on the southern side of the building will be utilised. There will be a ramped access into the building on the southern side. The offices will be in use from 8.30 am to 5.30 pm Monday to Friday.

2. **DESCRIPTION OF SITE**

- 2.1 The site is within the curtilage of Velindre Hospital, to the south of the main hospital building, and currently contains a single storey flat roofed building housing post graduate office accommodation and a number of demountable storage units. The buildings are within a grassed area and surround a small central "courtyard" containing a tree. Immediately to the west is a larger grassed amenity area with protected trees. To the south and south west are two blocks of 3 storey residential flats. Existing parking facilities are immediately adjacent to the southern side of the building.

3. **SITE HISTORY**

- 3.1 14/00551/DCO – Proposed entrance lobby extension and general upgrade to elevations including new doors and windows to post graduate building.

4. **POLICY FRAMEWORK**

- 4.1 *South Glamorgan (Cardiff Area) Replacement Structure Plan 1991 - 2011* MV11 (Parking); B1 (Conservation of the Built Environment).

4.2 *Cardiff Local Plan –*

- 4 (Historic Gardens, Parks and Landscapes);
- 11 (Design and Aesthetic Quality);
- 17 (Parking and Servicing Facilities);
- 18 (Provision for Cyclists);
- 19 (Provision for Pedestrians);
- 20 (Provision for Special Needs Groups)

4.3 *Supplementary Planning Guidance - Access, Circulation and Parking Standards (January 2010); Trees and Development (March 2007); Waste Collection and Storage Facilities (March 2007)*

4.4 *Deposit Cardiff Unitary Development Plan:*

- 2.20 (Good Design);
- 2.24 (Residential Amenity);
- 2.29 (Office Development);
- 2.45 (Trees, Woodlands and Hedgerows);
- 2.51 (Statutory Listed Buildings);
- 2.54 (Historic Gardens and Parks);
- 2.57 (Access, Circulation and Parking Requirements);
- 2.64 (Air, Noise and Light Pollution);
- 2.74 (Provision for Waste Management Facilities in Development).

4.5 *Planning Policy Wales (July 2014):*

3.1.8: While the substance of local views must be considered, the duty is to decide each case on its planning merits. Local opposition or support for a proposal is not, on its own, a reasonable ground for refusing or granting planning permission.

4.4.3: Planning policies and proposals should (inter alia)

- Locate developments so as to minimise the demand for travel, especially by private car
- Help to ensure the conservation of the historic environment and cultural heritage
- Maximise the use of renewable resources
- Promote employment opportunities
- Support initiative and innovation
- Contribute to the protection and improvement of people's health and well-being

4.11.9: Visual appearance, scale and relationship to surroundings and context are material planning considerations. Local planning Authorities should reject poor building and contextual designs.

4.11.11: Local planning authorities and developers should consider the issue of accessibility for all.

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

4.12.2: Development proposals should mitigate the causes of climate change by minimising carbon and other greenhouse gas emissions associated with their design, construction, use and eventual demolition.

5.2.9: Local Planning Authorities should seek to protect trees, groups of trees and areas of woodland where they have natural heritage value or contribute to the character or amenity of a locality.

6.5.9: Where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have regard to the desirability of preserving the building, its setting or any special architectural or historic features it possesses.

6.5.25: Local Authorities should protect parks and gardens and their settings on the first part of the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales”.

8.4.2: Local Authorities should ensure that new developments provide lower levels of parking than have generally been achieved in the past. Minimum parking standards are no longer appropriate.

4.6 *Technical Advice Note 12 - Design (2014):*

4.7 *Welsh Office Circular 61/96: Planning and the Historic Environment: Historic Buildings and Conservation Areas.*

4.8 *Planning (Listed Buildings and Conservation Areas) Act 1990.*

5. **INTERNAL CONSULTEE RESPONSES**

5.1 *Operational Manager Transportation:* No comments received.

5.2 *Pollution Control (Noise & Air):* No comments received.

5.3 *Waste Strategy & Minimisation Officer:* A location for the storage of waste and recycling, and presentation for collection, must be included on site plans and thereafter retained for future use.

6. **EXTERNAL CONSULTEES RESPONSES**

6.1 *Glamorgan Gwent Archaeological Trust:* The Historic Environment Record notes no recorded archaeological features within the area of the proposed development itself, although the site is within a Grade II registered park, that of Whitchurch Hospital. Whitchurch Hospital (itself a Grade II listed building), its park, and garden, are of interest as one of the most important Edwardian mental hospitals in Wales. Of particular note is the arrangement of the gardens around the hospital which reflect the therapeutic philosophy of mental health care at the time, a number of the structures within the park are also protected as listed buildings. As the archaeological advisors to your Members we have no archaeological objection to the determination of this application. However given the potential impact of the proposed development on the setting of the Grade II registered park, Cadw should be consulted.

6.2 *Cadw:* Comments will be reported to the Committee if available.

7. **REPRESENTATIONS**

7.1 The application has been advertised by press notice, site notice and neighbour notification. 16 residents of Glendower Court have raised the following objections:

1. Loss of light to their flats.
2. Loss of privacy to flats and to communal grassed area.
3. The building will be unsightly.
4. The building will have a claustrophobic effect.
5. Property values will be reduced.
6. Construction works will cause disturbance.

7.2 Councillor Chris Davis considers that the construction would seriously block out the light for some of the residents on Glendower court. It would also undermine privacy as it will look directly at the windows of several of the residents.

8. **ANALYSIS**

8.1 The main considerations with regard to this proposal are the impact on the setting of the nearby Listed Building and on the Registered Park, the effect on the amenities of neighbouring residents and the implications for protected trees.

8.2. Having regard to the scale and nature of the proposed works, no concerns are raised in respect of the effect of the development on either the setting of the listed Whit church Hospital or the Historic Park within which Velindre and Whitchurch Hospitals are located. It is considered that the replacement of the existing, unsightly, temporary buildings with a more substantial structure will have a positive impact on the setting of the Listed Building and Park. The colour of the external finishing materials can be controlled to ensure that they are appropriate to the building's surroundings.

8.3 No trees of significant amenity value will be harmed by this development but a retained low quality purple plum will see an incursion into its branch spread and the development of a footway on the edge of its Root Protection Area. Since this tree has a very limited safe, useful life expectancy and the development will not benefit its condition but put it under increased pressure in terms of its above and below ground growing space, removal and replacement with a tree that will enhance the development would be appropriate. The planting of a single tree in the same or similar position is suggested. If approval is granted for this development, conditions can require either the protection of the tree during construction or details of its removal and replacement.

8.4 With regard to the impact on residents, the Post Graduate Centre is separated from the three storey residential block at Glendower Court to the south by an internal access road and is screened from the block by boundary fencing and vegetation. The proposed development is not considered to impact

detrimentally on the amenity of the neighbouring occupiers. In response to the neighbours' concerns set out at in section 7 above:

1. The building will have its narrowest elevation (around 7.5m wide) directly facing the existing flats, will be more than 22m away and will be only 2 storeys (7.5m) tall. The existing building adjacent is 3.5m to 4.1m tall. The building will be to the north of the flats. There will therefore be little, if any, difference in the levels of daylight reaching the flats.
2. The windows of the flats will be further from the new building (22m) than the recognised acceptable minimum distance between facing habitable room windows (21m), and, furthermore, the windows facing the flats will not serve habitable rooms, or even office/meeting rooms, but will light a staircase and lift foyer. The distance between office windows, which would be in the western side of the building, and facing windows of flats would be more than 80m. The building will be separated from the grassed amenity area adjacent to Glendower Court by an access road, boundary fence and trees/hedges. This grassed area is already overlooked by the habitable room windows of numerous flats and I would not consider that the presence of foyer windows on the opposite side of the road, more than 10m from the boundary, would reduce privacy levels in this area. In these circumstances, a refusal on the grounds of loss of privacy could not be justified. In order to ensure that there is no perceived loss of privacy, the windows in the south east elevation can be obscurely glazed.
3. The appearance of the development will harmonise with the adjoining single storey building and other modern buildings within the curtilage of the hospital, and existing unsightly temporary structures will be replaced. There will be no adverse impact on visual amenity.
4. The building will not be so tall, out of scale or close to other development as to appear oppressive. The existing flats are three storeys in height and this building will be only 7.5m tall and more than 20m away.
5. Property values are not a material planning consideration.
6. A construction management scheme can be required, which would minimise disruption caused by building works. Matters such as dust and noise are controlled under environmental health legislation. It would be unreasonable to refuse planning permission on the grounds of the temporary disturbance that would be caused by construction;

8.5 In conclusion, there are no reasonable grounds for refusal of this application and it is recommended that it is delegated to the Head of Planning for approval, subject to conditions, at the end of the statutory publicity period.

9. **OTHER CONSIDERATIONS**

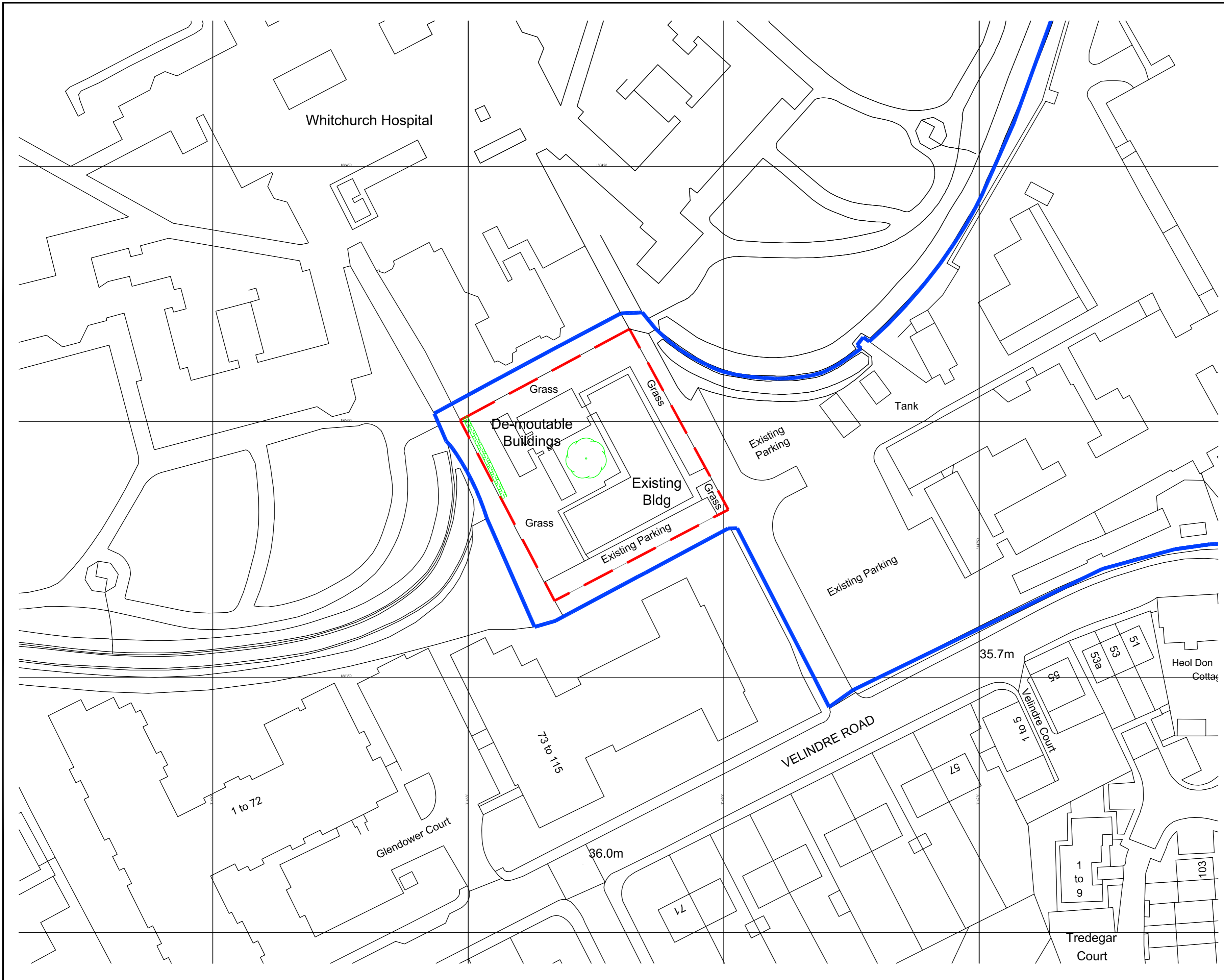
9.1 *Crime and Disorder Act 1998*

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.



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REVISIONS	DATE	INITIALS
A Same land ownership boundary amended, drawing scale amended.	27.5.15	cl

NOTES

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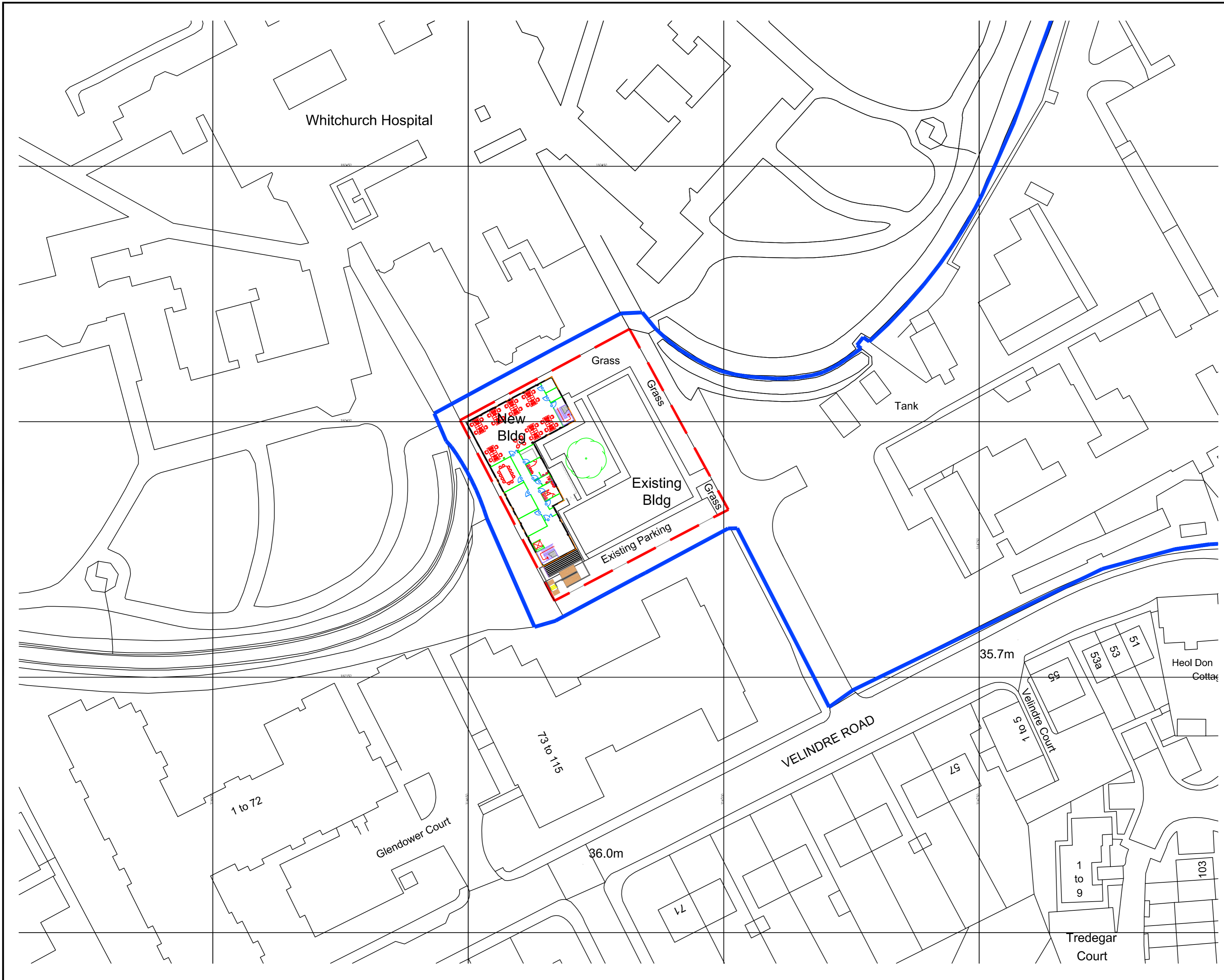
PROJECT TITLE
**Office Development
Velindre Hospital, Cardiff**

DRAWING TITLE
Existing Site Plan

DRAWN cl	CHECKED kl	USER
ORIGINAL SCALE 1:500@A2	DATE 27.05.15	

CONTRACT NO. DRAWING NO.
- 8975-1-1001A

WB526



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REVISIONS	DATE	INL	CH
A Same land ownership boundary amended, drawing scale amended.	27.5.15	cl	
B Ramp & Stairs added.	17.6.15	cl	

NOTES

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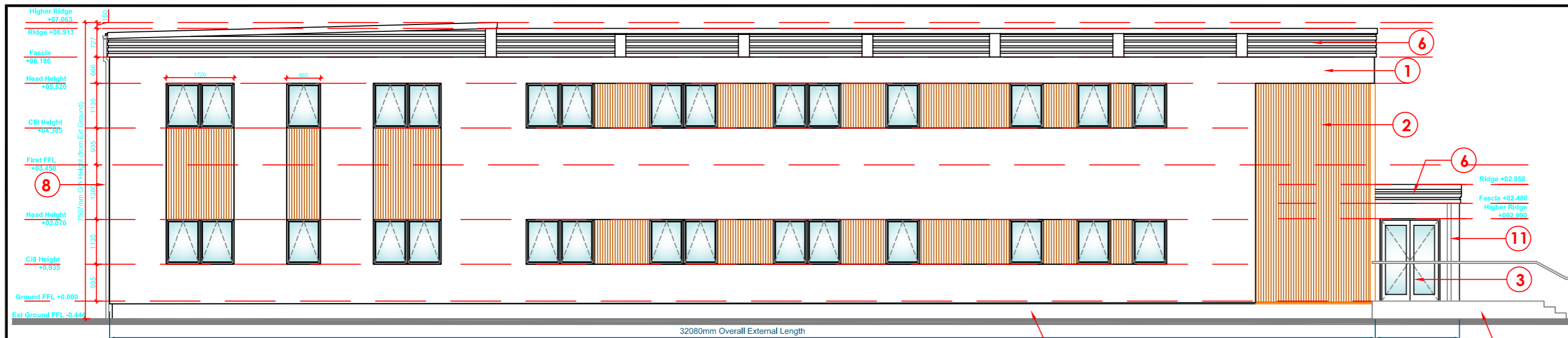
CLIENT
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PROJECT TITLE
**Office Development
Velindre Hospital, Cardiff**

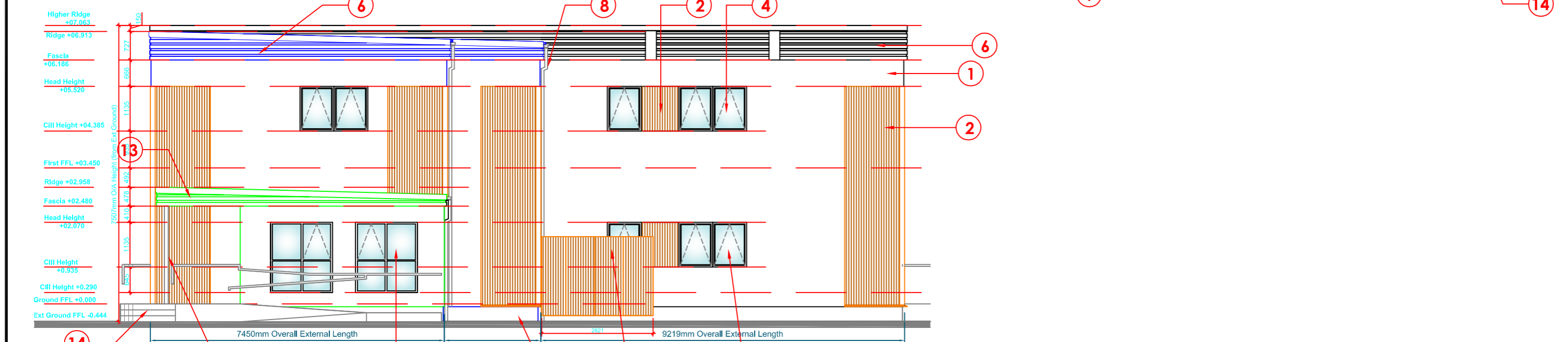
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Proposed Site Plan

DRAWN cl	CHECKED kl	USER
ORIGINAL SCALE 1:500@A2	DATE 27.05.15	

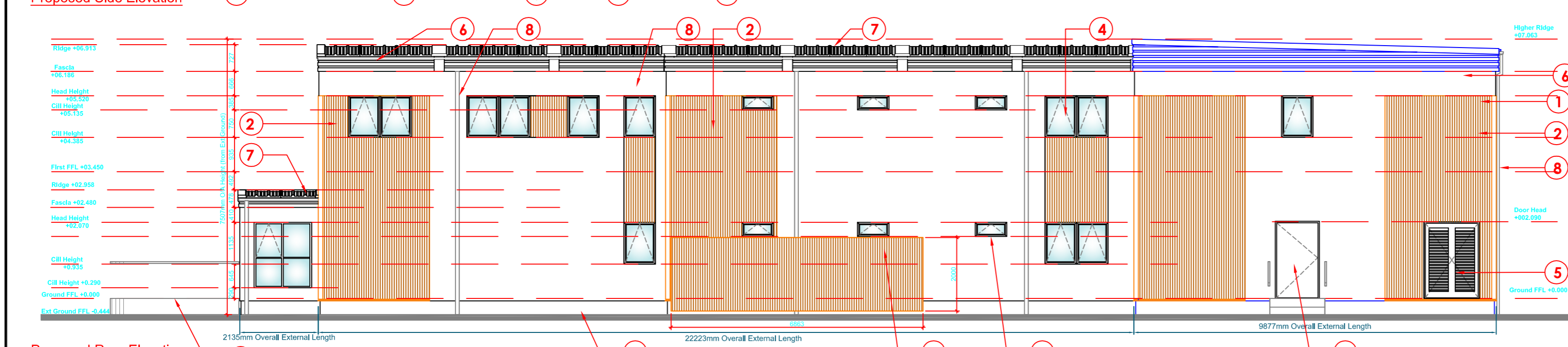
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8975-1-1003B
Wernick
GROUP **WB526**



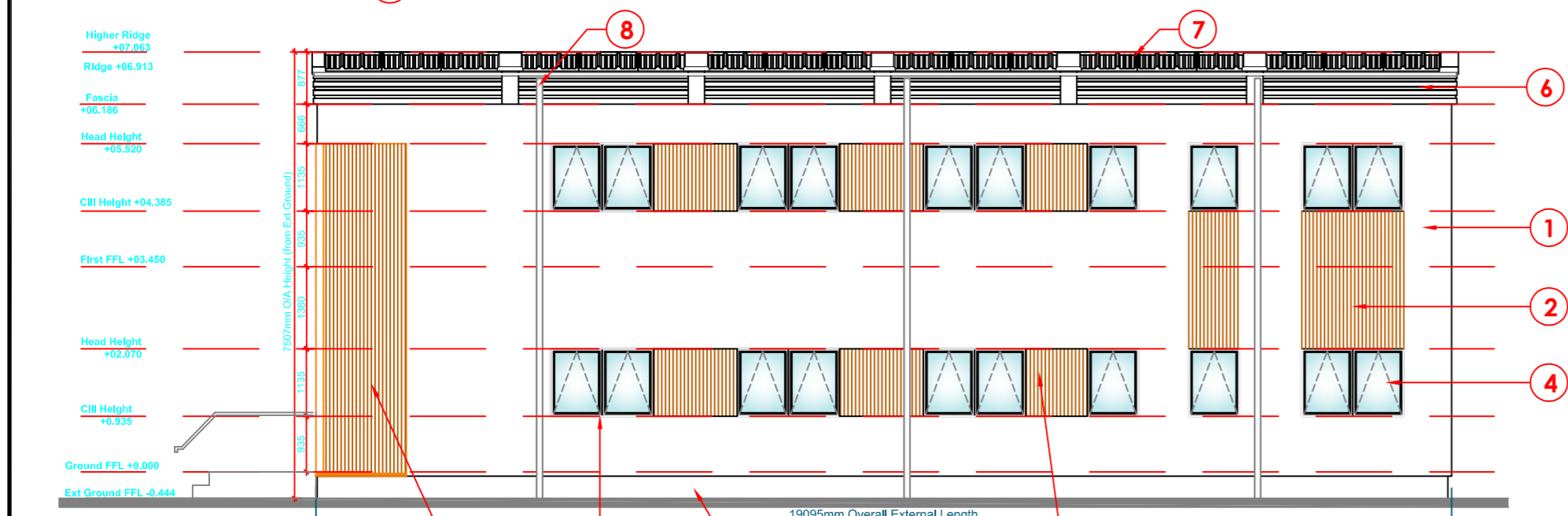
Proposed Front Elevation



Proposed Side Elevation



Proposed Rear Elevation



Proposed Side Elevation

External Finishes

1. 25mm EPS fixed to external face with washer head nails, with a plastic mesh weave fixed on top, 3-6mm base coat render is then applied with through colour 1.5mm top coat. Colour - TBC
2. Cedar cladding, vertically fixed.
3. Smart wall thermally broken aluminium door with double glazed units and powdercoat finish, colour - TBA
4. Taurus max odd leg window suite, thermally broken, pressure equalised, drained and ventilated with powdercoated finish - colour - TBA.
5. Aluminium louvered panel door with powdercoat finish - colour - TBA.
6. Profiled colourcoat metal fascia, colour - TBA
7. Composite roof sheet, colour Albatross.
8. Aluminium rainwater goods, colour TBA
9. GRP sheeting to close space between the building perimeter and the ground.
10. Steel fire exit door powder coated, colour - TBA
11. CHS support, colour TBA.
12. Cedar cladding to VRV Compound.
13. Canopy - formed by extending the roof sheets and colourcoat fascias to the lobby unit with cedar cladding to soffit.
14. Entrance ramp and steps indicated, please refer to drawing 8975-1-010 Ramp & Level Threshold Details

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REVISIONS	DATE	INL	CD
A	24.3.15	CL	
B	25.5.15	CL	
C	27.5.15	CL	
D	27.5.15	CL	
E	27.5.15	CL	
F	19.6.15	CL	

NOTES

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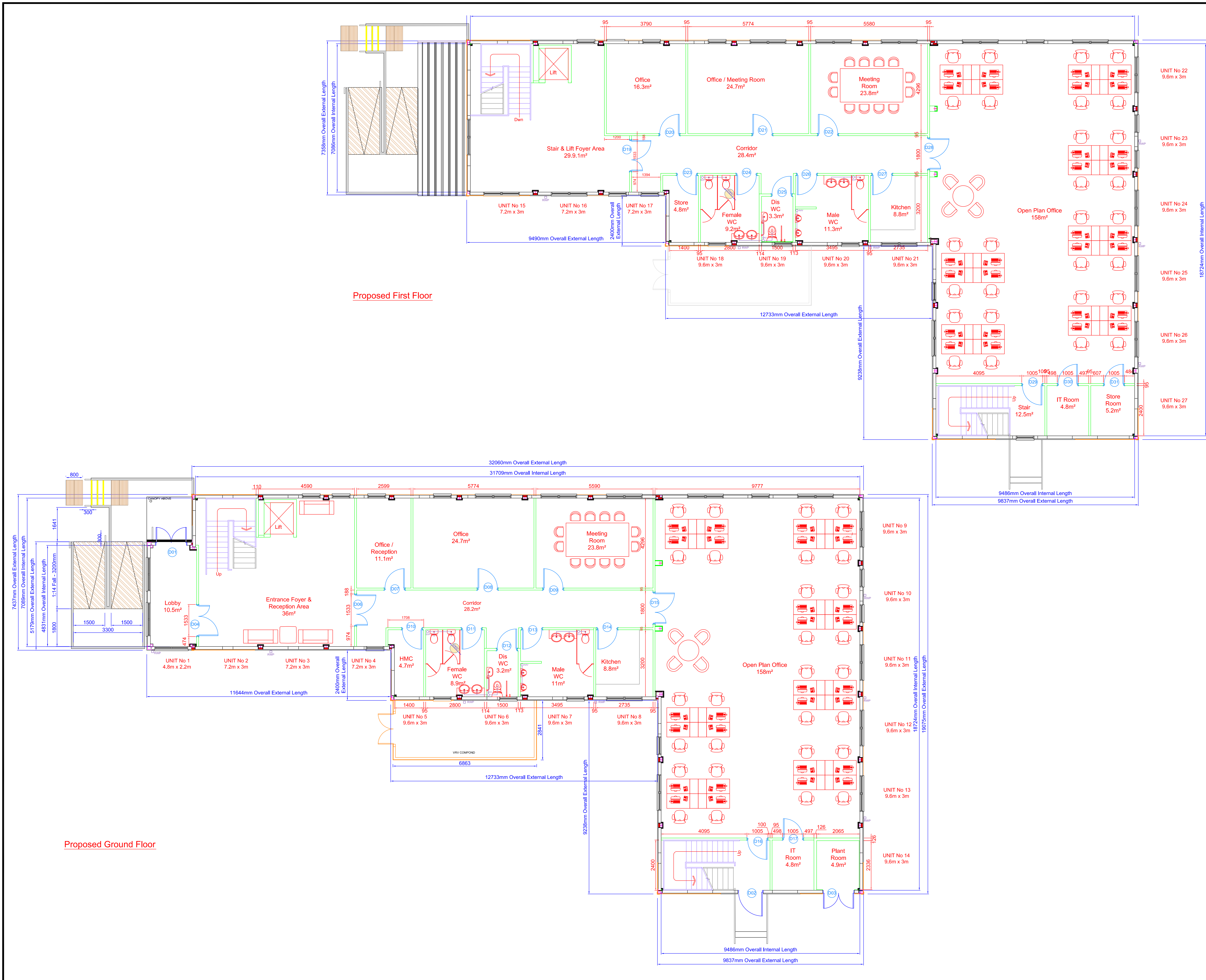
PROJECT TITLE
Office Development,
Velindre Hospital, Cardiff

DRAWING TITLE
Proposed Elevations

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ORIGINAL SCALE 1:50@A2	DATE 20.02.15	
CONTRACT NO.	DRAWING NO. 8975-01-002F	

Wernick
GROUP

WB526



Proposed First Floor

Proposed Ground Floor

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REVISIONS	DATE	INL	CHD
A Stair walls and windows on ground floor removed, furniture is indicatively shown	24.03.15	CL	
B External cladding added, windows revised and canopy added.	24.05.15	CL	
C Additional dimensions added.	27.05.15	CL	
D External ramp and stairs added, drawing sheet and scale revised.	19.06.15	CL	

NOTES

Please Note Furniture is indicatively shown, supplied by others

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CLIENT
Lee Wakemans

PROJECT TITLE
**Office Development
 Velindre Hospital
 Cardiff**

DRAWING TITLE
Proposed General Arrangement Drawing

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ORIGINAL SCALE 1:60@A0	DATE 20.02.15	
CONTRACT NO.	DRAWING NO. 8975-1-001D	

Wernick GROUP WB524

LOCAL MEMBER OBJECTIONS, PETITIONS

COMMITTEE DATE: 09/09/2015

APPLICATION No. 15/01416/MNR APPLICATION DATE: 16/06/2015

ED: **WHITCHURCH/TONGWYNLAIS**

APP: TYPE: Full Planning Permission

APPLICANT: Cariad Kitchen Ltd

LOCATION: REAR OF 17-19, PENLLINE ROAD, WHITCHURCH, CARDIFF,
CF14 2AA

PROPOSAL: CHANGE OF USE FROM OFFICES B1 TO A3 FOOD AND
DRINK WITH SMALL AREA FOR BABY/TODDLER SOFTPLAY

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

1. C01 Statutory Time Limit
2. The extraction of all fumes from the food preparation areas shall be mechanically extracted to a point to be agreed in writing by the Local Planning Authority, and the extraction system shall be provided with a de-odourising filter. All development shall be so mounted and installed so as not to give rise to any noise nuisance. Details of the extraction equipment including the design and appearance of the chimney shall be submitted to and approved by, the Local Planning Authority in writing and equipment installed prior to the commencement of use for the cooking of food. The equipment shall thereafter be maintained and retained in accordance with the manufacturers guidelines, such guidelines having previously being agreed in writing by the Local Planning Authority
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected
3. The extraction of all fumes from the food preparation areas shall be mechanically extracted to a point to be agreed in writing by the Local Planning Authority, and the extraction system shall be provided with a de-odourising filter. All development shall be so mounted and installed so as not to give rise to any noise nuisance. Details of the extraction equipment including the chimney shall be submitted to and approved by, the Local Planning Authority in writing and equipment installed prior to the commencement of use for the cooking of food. The equipment shall thereafter be maintained in accordance with the manufacturers guidelines, such guidelines having previously being agreed in writing by the Local Planning Authority
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected

4. C7X No Takeaway Sales
5. Members of the public shall only be admitted to or allowed remain on the premises between the hours of 0800 and 1800 Monday to Saturday and 1000 and 1400 Sundays
Reason: To ensure for the amenities of occupiers of other premises in the vicinity are protected
6. Prior to beneficial use a suitable grease trap shall be provided to prevent entry into the public sewerage of matter likely to interfere with the free flow of the sewer contents, or which would prejudicially affect the treatment and disposal of such contents
Reason: To protect the integrity of the public sewerage system, and sustain an essential and effective service to existing residents.
7. Prior to commencement of the development a scheme of construction management shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall include details of parking of contractors vehicles, together with measures to ensure the safety of members of the public and also the satisfactory operation of the existing public car park and unhindered access to other adjacent businesses
Reason: To ensure that the use of the proposed development does not interfere with the safety and free flow of traffic passing the site.
8. C3S Cycle Parking
9. C7S Details of Refuse Storage
10. No external serving hatches, doorways or windows shall be installed (other than those shown on the submitted plans) unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of pedestrian safety and visual amenity.

RECOMMENDATION 2: The granting of planning permission does not remove the need to comply with the statutory nuisance provisions of the Environmental Protection Act 1990. The rating level of the noise emitted from fixed plant and equipment on the site should not exceed the existing background noise level at the nearest noise sensitive premises, when measured and corrected in accordance with BS 4142: 2014 (or any British Standard amending or superseding that standard).

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 Planning permission is sought for the change of use of the existing vacant Betting shop (A2 use class) to a A3 cafe use with associated softplay area.
- 1.2 It is proposed that the opening hours of the business will be from 8am to 6pm

Monday to Saturday and 10am to 2pm Sundays

- 1.3 The alterations to the building entail internal alterations and a fume extraction system with a buggy/pram store + covered refuse store within the courtyard.

2. **DESCRIPTION OF SITE**

- 2.1 The application premises is a detached building, set back from the highway within a car parking area to the rear of Penlline Road. To side/rear is a narrow lane leading to the Earl Haig Social Club. To West and North of the site are commercial properties, to the east and south is the existing public car park
- 2.2 The property is a single storey building sited within its own gated courtyard

3. **SITE HISTORY**

- 3.1 A/15/110/MNR – Fascia Sign. To be determined
- 3.2 A/14/80/DCO – 2 x fascia adverts. Withdrawn
- 3.3 14/01560/DCO – Parking & use of catering trailer + c/u of offices to A3 with ancillary storage. Withdrawn
- 3.4 99/1515 – Conversion to Betting Shop. Approved

4. **POLICY FRAMEWORK**

- 4.1 The application site is shown as part of an existing housing area indicated on the Proposals Map of the City of Cardiff Local Plan
- 4.2 The Council has resolved that in addition to extant development plans, the Deposit Cardiff Unitary Development Plan (October 2003) should be taken into account in development control decisions.
- 4.3 The following policies of the approved City of Cardiff Local Plan (1996) are considered to be relevant to the proposal:

Policy 11 (Design)
Policy 17 (Parking & servicing facilities)

- 4.4 The following policies of the Deposit Cardiff Unitary Development Plan (October 2003) are considered to be relevant to the proposal:

Policy 2.20 (Good Design)
Policy 2.24 (Residential Amenity)
Policy 2.57 (Access, Circulation and Parking Requirements)
Policy 2.64 (Air, Noise and Light Pollution)
Policy 2.74 (Waste Management facilities in Development)

- 4.5 Supplementary Planning Guidance Restaurants, Takeaways and other Food

and Drink Uses (June 1996)

- 4.6 Supplementary Planning Guidance: Access, Circulation and Parking Standards (January 2010)
- 4.7 Supplementary Planning Guidance: Waste Collection and Storage Facilities (March 2007)
- 4.8 Technical Advice Note 11: Noise.
- 4.9 Planning Policy Wales 2014.

5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 **The Operational Manager, Environment & Public Protection (Pollution Control)** states no objections subject to conditions:

- (i) Appropriate Extraction Equipment
- (ii) The rating level of the noise emitted from fixed plant and equipment

- 5.2 **The Operational Manager, Transportation** states that he notes that numerous letters of both objection and support have been received – many of which relate to parking concerns. However, mindful of the existing B1 use and location immediately adjacent to a public car park and that the area is extensively used by pedestrians currently. Vehicle speeds are generally low and its difficult to conceive that an objection on the basis on such a minimal increase in the number of pedestrian movements within the car park compared to existing would be sustainable at appeal.

Having regard to the submitted details, it is considered difficult to assess the likely impact of the future building works on the existing public car park or other nearby businesses and being mindful of the concerns raised by the Headmaster of Whitchurch High School it is therefore suggested this is that a Construction Management Plan condition (see condition 9) is attached to any permission granted.

Maximum parking standards now apply and though a car park/courtyard area is shown, staff and customers can be adequately accommodated in the adjacent public car park. A condition relating to cycle parking (2 stands) would certainly be beneficial

- 5.3 The Councils Land Use Policy Officer states that the site falls within a residential area, as defined by the Local Plan. The vacant premises fall outside of the defined district centre and are afforded no protection in policy terms in this location. As the building is already in commercial rather than residential use, a change of use to an A3 use would be considered acceptable in policy terms subject to an assessment of residential amenity
- 5.4 The Operational Manager, Waste Management confirms that he has no objections.

6. **EXTERNAL CONSULTEE RESPONSES**

- 6.1 South Wales Architectural Liaison Officer – no comments received at the time of writing of this report. Any comments received will be reported to committee
- 6.2 Welsh Water/Dwr Cymru – No objections, advise that a grease trap is required

7. **REPRESENTATIONS**

- 7.1 The proposal was advertised by the site notice and press notice; the consultation period expired on 24th July 2015.
- 7.2 Neighbouring occupiers have been consulted. Letters and emails have been received from the occupiers of India Gate Restaurant, Burnett Davies (21 Penlline Rd, Earl Haig Social Club, Headmaster of Whitchurch High School, 21 Fairacre Close, 71 Manor Way, 7 Victoria Road, 58 Ashgrove, 2 Regents Gardens, 23 Kelston Road, 43 Merthyr Road and 42 Tyn-y-Pwll Road, their objections are summarised below;
 - (i) Highway Safety (pedestrians would access the site adjacent to a narrow lane with sharp bends along which vehicular traffic travels)
 - (ii) Noise and odours from extraction system
 - (iii) Saturation of food outlets with surrounding area
 - (iv) Proposal could attract pupils from surrounding schools and interfere with schools healthy eating message.
 - (v) Increased litter
 - (vi) Previous proposals on site have been turned down
 - (vii) Potential queues from serving hatch could impede adjacent highway
 - (viii) Congestion from deliveries/refuse collection vehicles
- 7.3 Two petitions have also been received against the proposed application from the Chair of the Earl Haig Social Club and the other from the manager of the Roundabout Cafe. Both petitions have more than 50 signatures
- 7.4 Local Members have been consulted and Councillor Ben Thomas objects, to the proposal for the following reasons:
 - (i) Food safety
 - (ii) Congestion within the confined area (vehicles)
 - (iii) Highway safety (pedestrians)
 - (iv) Saturation of food outlets within the surrounding area
 - (v) Application does not support the baby/toddler soft area
 - (vi) Asks that the application is taken to Planning Committee and requests a site visit
- 7.5 Craig Williams MP objects to the proposal for the following reasons;
 - (i) Asks that if recommended to grant that a site visit should take place

- (ii) Highway safety impacts upon pedestrians as vehicles enter and exit the car parks adjoining the site
- (iii) Impact of food sales on schoolchildren from adjacent Whitchurch High School

7.6 Julie Morgan AM states the following: 'The nearby neighbours are worried about the additional cars and traffic generated by the premises. I am also concerned by the points raised by the staff at Whitchurch High School saying they feared the development would affect their nutritional eating policy. Am asking for you to explore these points.

However, having met the applicant and she is keen to pursue this development in an entrepreneurial spirit, which is to be applauded, but I think the views of the neighbours must be explored. I think it is the best way forward to have a site visit.

7.7 Letters and E-mails have been received from the occupiers of 7 Tramore Way, 16 Chartwell Drive, 24 St Helens Road, 7 Mervyn Road, 50 Merthyr Road, 6 Clonakilty Way, 13 Heol Dolwen, 3 Victoria Road, 4 Clos Llysfaen, 176 Brynheulog, 15 Twyn-y-fedwen, 15 Heol Dolwen, 4 West Rise, 16 Cwrt Eglwys Newydd and 8 Monmouth House, Cyncoed Gardens, supporting the application for the following reasons;

- (i) Most objections to this venture appear to come from self-interested commercial uses
- (ii) Lack of suitable places for parents & children to go within area – venue would provide an area for parents & children to enjoy
- (iii) Ideal as a venue for babyshowers, christenings and birthday parties
- (iv) Provide jobs and tax income thus reducing government benefit liabilities

8. **ANALYSIS**

8.1 The main planning issues relate to:

- (i) The impact of the amenities of neighbouring occupiers.
- (ii) Highway safety/parking issues.

8.2 The Operational Manager, Environment and Public Protection (Pollution Control) has no objections to the proposal subject to appropriate conditions

8.3 The Operational Manager, Transportation advises that he has no objections to the proposal

8.4 It is noted that consent was granted (99/1515) in 1999 for the use of the property as a betting shop (A2 use class – Financial and Professional Services). The application had no restrictions in terms of the use of the property as a betting shop only and thus the property could be used for any use within Class A2 (including bank, building society, estate agent, financial and professional services). It is thus considered that the previous use could have had similar number of staff and customer movements into and out of the premises throughout the day and that the Local Planning Authority previously

thought this was acceptable in terms of highway safety, parking and amenity.

The site adjoins the Local District Centre and there are a number of commercial uses within close proximity including other A3 uses. It is noted that other commercial uses have been granted within car parks throughout the city within existing commercial areas (i.e. Greggs within Newport Road Retail Park).

Planning permission is on balance recommended for a daytime café use (with ancillary toddler soft play area) taking into account the previous approved use and the comments from consultees

8.5 In regard to the objections received from neighbouring occupiers:

- (i) The OM, Transportation raises no objections to the proposal
- (ii) The OM, Environment and Public Protection raises no objections to the proposal, he advises a number of conditions in regards to noise and smells from the extraction system.
- (iii) It is not considered that there is a saturation of food outlets within surrounding area. The Land Use Policy Officer, raises no objections to the proposal. It is noted that there is no 'saturation' policy in regards to Whitchurch District Centre
- (iv) Noted, the Council Schools programmes healthy eating education, however, it is from a planning perspective difficult to control and enforce the types of foods sold at premises
- (v) The OM, Waste Management, has no objections to the proposal
- (vi) Note, that previous application (app 14/1560/DCO) was withdrawn prior to determination
- (vii) + (viii) Noted, as stated above the OM, Transportation raises no objection

8.6 In regard to the objections received from Councillor Ben Thomas

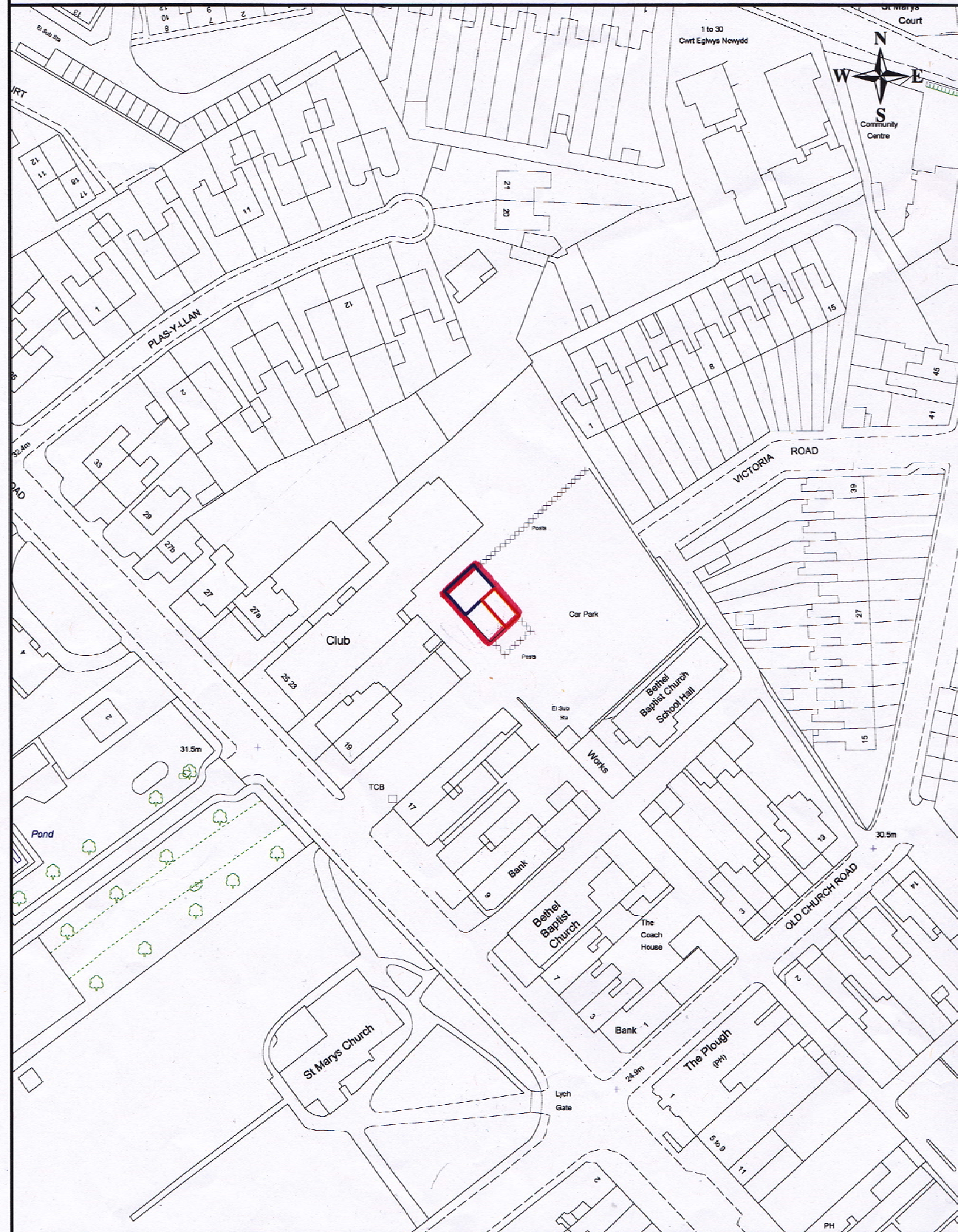
- (i) Dealt with under separate legislation
- (ii + iii) The OM, Transportation raises no objections
- (iv) See 8.5 (iii) above
- (v) The application is considered acceptable
- (vi) Noted

8.8 In regard to the objections received from Craig Williams MP;

- (i) Noted
- (ii) The OM, Transportation raises no objection
- (iii) Noted, the schoolchildren are not allowed outside premises at lunchtime, however, it is not part of the planning process to control who visits a particular premises (other than through opening hours) as this is controlled under the licensing regime.

8.9 In light of the above, it is considered on balance that the proposed change of use is acceptable and approval of planning permission is recommended

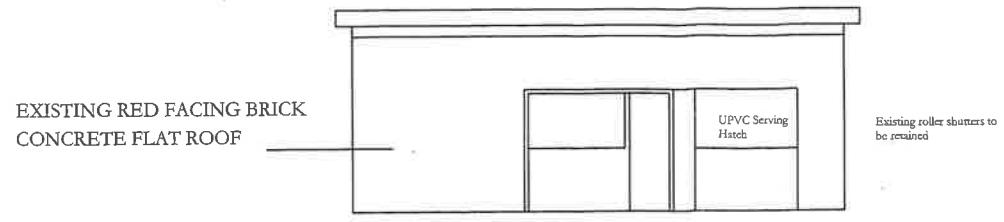
Former Betting Office, Rear of Penlline Road



Rev No.		Details	Based upon Ordnance Survey 1:1250 mapping with the permission of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Cardiff County Council 100023376 (2013)	
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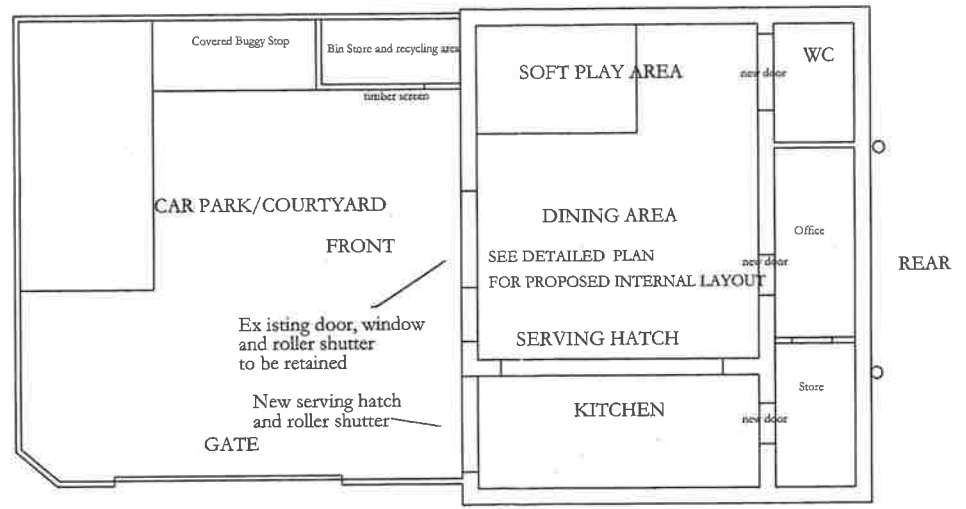


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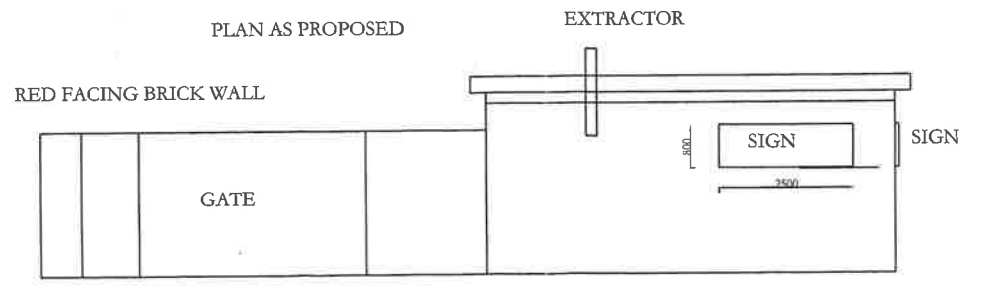


FRONT ELEVATION AS PROPOSED

DRAWINGS MAY BE SCALED FOR PLANNING PURPOSES ONLY



PLAN AS PROPOSED

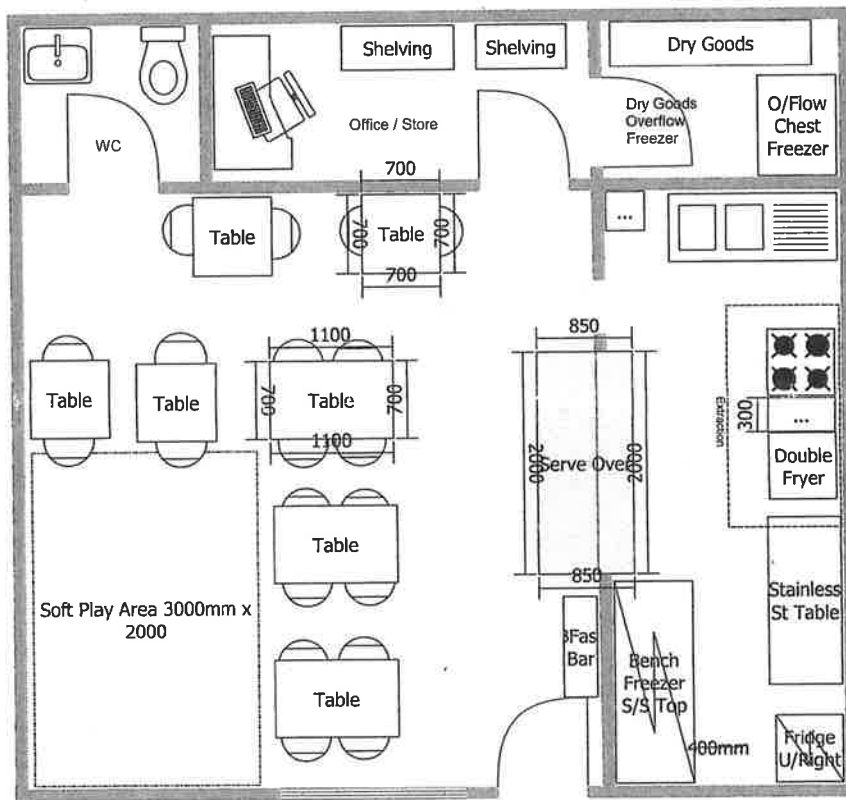


SIDE ELEVATION AS PROPOSED

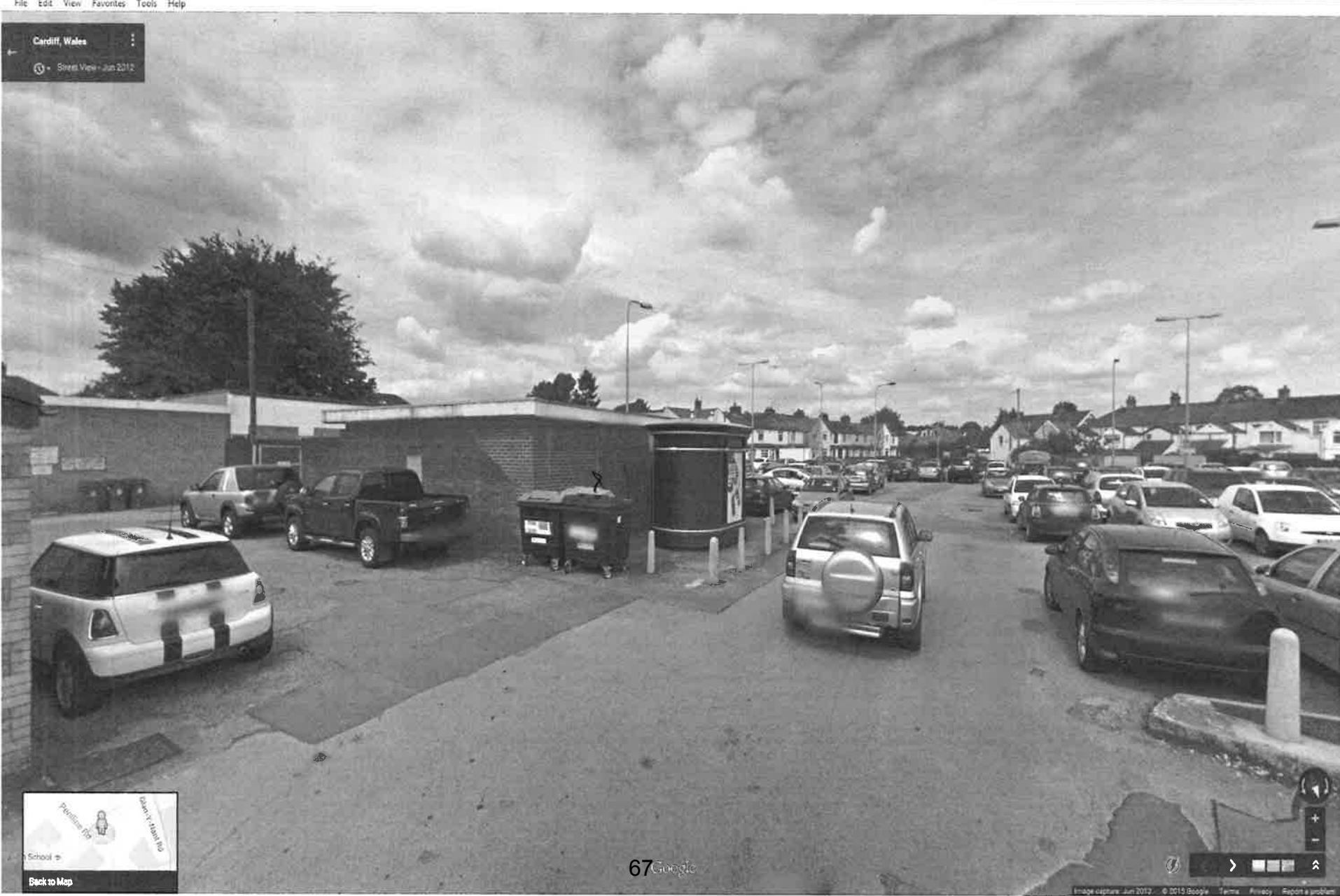
REVISION		DATE	
CLIENT			
SARAH JOHNSON			
PROJECT			
CARIAD KITCHEN REAR OF 19 PENLINE ROAD WHITCHURCH			
DRAWING TITLE			
PLANS AS PROPOSED			
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Sarah / Whitchurch Village



1500 mm



Cardiff, Wales
Street View Jun 2012

Map navigation controls including a street view pegman icon, a search bar with the text "School", and a "Back to Map" button.

67Google

AM OBJECTION AND PETITION OF SUPPORT

COMMITTEE DATE: 09/09/2015

APPLICATION No. 15/01863/MNR APPLICATION DATE: 24/07/2015

ED: **CYNCOED**

APP: TYPE: Full Planning Permission

APPLICANT: Mrs T Tugwell

LOCATION: 16 RHYD Y PENAU ROAD, CYNCOED, CARDIFF, CF23 6PT

PROPOSAL: CHANGE OF USE OF FIRST FLOOR FROM VACANT RESIDENTIAL USE TO CAFE USE AND USE OF EXISTING CAFE (PART) ON GROUND FLOOR TO COMMUNITY USE DURING OFF-PEAK PERIODS

RECOMMENDATION: That planning permission be **REFUSED** for the following reason:

1. The proposed change of use is contrary to policy 26 of the City of Cardiff Local Plan, policy 2.25 of the deposit Cardiff Unitary Development Plan and Supplementary Planning Guidance "Restaurants, Takeaways and Other Food and Drink Uses" (June 1996) in that the premises are not at ground floor level within a shopping centre, no evidence has been submitted which demonstrates that the premises and their location are no longer suitable for residential use, the resultant scale of the commercial use would be out of keeping with the residential character of the surrounding area and the proposal is not for a community use necessary within a residential area.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 The application seeks planning permission to change the use of the first floor of a two storey building to enable it to be used as part of an existing ground floor coffee shop. Opening hours are proposed to be 09:00 - 17:30 Monday to Saturday and 10:00 - 17:00 Sundays and Bank Holidays. Part of the existing ground floor coffee shop would be available for use as a space for community groups to meet, the proposed hours of use of this meeting space to be 10 am -11.30 am and 2 pm -4 pm.
- 1.2 The applicant has submitted a supporting statement, which states that the application seeks to change the emphasis of the development to a community hub/coffee shop to address a previous reason for the refusal of planning permission (ref. 14/02413/MNR) to use the first floor as part of the coffee shop. Within the shop there is a space where local tradespeople can advertise

their services and the applicant states that this provision will be expanded, which will enhance the use of the premises as a community hub.

2. **DESCRIPTION OF SITE**

- 2.1 The application relates to a two storey detached property currently in use as a coffee shop at ground floor level with a 3 bedroom flat at first floor. It is located on the corner of Rhyd y Penau Road and Heol Esgyn, within a residential area. There are other commercial properties (two retail units and a dental surgery) around 50m to the south west and a church, bank and retail units on 3 sides of the roundabout approximately 100m to the south west.

3. **SITE HISTORY**

- 3.1 01/2575 – Change of use of ground floor of property from A1 retail to residential.
- 3.2 13/2012 – Retention of coffee shop.
- 3.3 14/02413/MNR – Change of use of residential part of building above coffee shop to A3 to enable use of coffee shop on both floors. REFUSED – contrary to policy and SPG as not at ground floor level within a shopping centre, no evidence that premises and location are no longer suitable for residential use, scale of commercial use would be out of keeping with residential character of area and proposal is not for a community use necessary within a residential area.

4. **POLICY FRAMEWORK**

- 4.1 *Cardiff Local Plan* –
17 (Parking and Servicing Facilities);
18 (Provision for Cyclists);
20 (Provision for Special Needs Groups);
26 (Conversion or Redevelopment of Residential Accommodation)
- 4.2 *Supplementary Planning Guidance - Access, Circulation and Parking Standards* (January 2010); *Waste Collection and Storage Facilities* (March 2007); *Restaurants, Takeaways and Other Food and Drink Uses* (June 1996):
3.1: Food and drink uses are most appropriately located in the principal shopping area of the city; district and local; shopping centres; the principal business areas of the city centre and inner harbour, Cardiff Bay. Food and drink uses are unlikely to be acceptable within or adjacent to residential areas if they would cause nuisance and loss of amenity to residents, or result in the loss of residential property.
- 4.3 *Deposit Cardiff Unitary Development Plan* –
2.24 (Residential Amenity);
2.25 (Change of Use of Residential Land or Properties);
2.57 (Access, Circulation and Parking Requirements);
2.64 (Air, Noise and Light Pollution);
2.74 (Provision for Waste Management Facilities in Development).

4.4 *Planning Policy Wales (July 2014):*

3.1.7: The planning system does not exist to protect the private interests of one individual against the activities of another. Proposals should be considered in terms of their effect on the amenity and existing use of land and buildings in the public interest. The courts have ruled that the individual interest is an aspect of the public interest and it is therefore valid to consider the effect of a proposal on the amenity of neighbouring properties. However, such consideration should be based on general principles, reflecting the wider public interest (for example a standard of “good neighbourliness”) rather than the concerns of the individual.

3.1.8: While the substance of local views must be considered, the duty is to decide each case on its planning merits. Local opposition or support for a proposal is not, on its own, a reasonable ground for refusing or granting planning permission.

4.2.4: Legislation secures a presumption in favour of development in accordance with the development plan for the area unless material considerations indicate otherwise. Where there is no adopted development plan or relevant policies are considered outdated or superseded or there are no relevant policies, there is a presumption in favour of proposals in accordance with the key principles and key policy objectives of sustainable development in the planning system.

4.4.3: Planning policies and proposals should (inter alia)

- Locate developments so as to minimise the demand for travel, especially by private car
- Ensure that all communities have sufficient good quality housing – including affordable housing – in safe neighbourhoods
- Promote access to employment, shopping, education, health, community facilities and green space
- Promote employment opportunities
- Encourage diversity in the local economy

4.11.11: Local planning authorities and developers should consider the issue of accessibility for all.

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

7.1.3 The planning system should support economic and employment growth alongside social and environmental considerations within the context of sustainable development.

7.6.3 Employment and residential uses can be compatible and local planning authorities should have regard to the proximity and compatibility of proposed residential development adjacent to existing industrial and commercial uses to ensure that both amenity and economic development opportunities are not unduly compromised.

13.15.1: Noise can be a material planning consideration.

5. **INTERNAL CONSULTEE RESPONSES**

5.1 *Transportation:* No comments received.

5.2 *Pollution Control (Noise & Air):* Standard construction site noise recommendation advised.

5.3 *Waste Strategy & Minimisation Officer:* No comments received.

6. **EXTERNAL CONSULTEES RESPONSES**

6.1 None.

7. **REPRESENTATIONS**

7.1 The application has been advertised by neighbour notification. A petition in support of the application has been received, signed by more than 350 people and stating that the signatories “*fully support the extension of Coffee Plus to utilise the first floor of the existing premises. This will benefit regular users and also those wishing to use space for community meetings and social events in the local area. This in our opinion will not detract from the character of the area or cause any harm to the locality and will provide an improved local venue to support the district shopping centre nearby*”.

7.2 25 letters/emails of objection have been received, one signed by the occupiers of 4 different properties and one a petition of 21 signatures, from residents living close to the application site on Rhyd Y Penau Road and Heol Esgyn. Their grounds for objection are:

1. There is already a problem due to the excessive number of cars parked in the area by users of the café and the proposal will lead to an increase in traffic in the area. Disabled residents cannot park close to their homes, driveways and pavements are blocked, ambulances have difficulty finding a space to stop. Users of the café park illegally on double yellow lines and have almost caused accidents as a result and have damaged paving slabs. Local businesses such as the hardware shop will suffer as car borne customers will not be able to find anywhere to park.
2. Community use may mean late night opening and/or alcohol consumption. The extended use may cause noise disturbance.
3. There is no need for the development – it is not usually difficult to get a seat in Coffee Plus and the Park End Church currently provides more than adequate provision for community usage for all types of activity. There are other establishments in the area that offer ‘community facilities’, e.g. two church halls, the local library, a public house, two schools and two other refreshment outlets.
4. The rear garden of the adjacent house would be overlooked, reducing the residents’ privacy.
5. The bin storage at the front/side of the property is at present unsightly, inadequate and inappropriately located.
6. Fewer than 20 of the 375 people who signed the petition of support are actually from the immediate area.
7. The site is not in a sustainable location as it is not easily accessible by public transport - there are now very few buses along Rhydypenau

Road, and little use is made of the bicycle parks. The majority of customers arrive by car.

8. The 1st Floor accommodation is currently let, and has been for many months, it has been residentially occupied for the majority of the last 20 years, and continues to remain suitable for residential occupation. The site is located in what is primarily a residential area.
9. The residential character of the area will be compromised.

7.3 Eluned Parrott AM objects to the application and wishes the following observations to be brought to the attention of the Planning Committee:

1. A similar planning application for the premises was submitted in 2014 (Ref 14/02413/MNR). This was refused by the Council for the following reason:

The proposed change of use is contrary to policy 26 of the City of Cardiff Local Plan, policy 2.25 of the deposit Cardiff Unitary Development Plan and Supplementary Planning Guidance "Restaurants, Takeaways and Other Food and Drink Uses" (June 1996) in that the premises are not at ground floor level within a shopping centre, no evidence has been submitted which demonstrates that the premises and their location are no longer suitable for residential use, the resultant scale of the commercial use would be out of keeping with the residential character of the surrounding area and the proposal is not for a community use necessary within a residential area.

It would appear that the only difference between this application and the one that was previously refused is the addition of an element of community use. In respect of this, I suggest that the reason previously given for refusal remains valid.

2. The operation of the existing café at the premises currently causes significant issues for local residents. At present, residents in Heol Esgyn, Rhydypenau Road, Dan y Heol and Lakelands Court face issues caused by customers of the café and the nearby dental practice that include: cars parking on and opposite junctions, dangerously obscuring sight lines; cars parking illegally on double yellow lines; cars parking on pavements. The consequences of some of the above include ambulances and service vehicles having difficulty manoeuvring through Heol Esgyn and residents in wheelchairs and with pushchairs having to walk in the road due to blocked pavements. In addition, the area is plagued by cars circling the area trying to find a place to park. Residents inform me that these issues occur on a daily basis and fear that the situation will become intolerable should the café area expand in size and become a base for various community groups.
3. Before considering the application I would urge the Planning Committee to ask the applicant how they intend to not only mitigate

against an increase in these issues, but how they intend to deal with the issues that exist at present. Traffic congestion and parking issues are having a significant impact on the quality of life of local residents.

4. Residents have also asked me to point out that there is ample provision for community groups within the vicinity of the premises. Rhydypenau Library, Park End Church Hall, Christ Church Hall, Rhydypenau School, the Three Arches Public House and Cardiff High School are all within a 5 minute walk of the premises, are available for community use and all have off road parking.

8. **ANALYSIS**

- 8.1 The main considerations with regard to this proposal are the principle of allowing the loss of a residential use and the potential effect on the amenities of neighbouring occupiers. A previous, almost identical, application was refused in December 2014. This application differs only in that part of the ground floor coffee shop (45 square metres, or 30%) is now labelled on the drawings as "Community Space".

- 8.2 The amendments that have been made to the previous application are not considered to address the grounds for refusal of this proposal. The previous reason for refusal was that the proposal was contrary to:

a) policy 26 of the Cardiff Local Plan. This policy states: *"Planning permission for the conversion or redevelopment of viable residential accommodation, occupied or vacant, to retail, office or other commercial uses will be permitted only where: i) it is at ground floor level within shopping centres identified on the proposals map, or ii) the characteristics of the premises and their location are unsuitable for residential use, and iii) subject to considerations of scale, location, design, amenity and transportation."*

- 8.3 The first floor flat that is proposed to be converted to A3 use is viable residential accommodation which, according to neighbours, is currently let. It is not at ground floor level, is not within (or even close to) a designated shopping centre and the characteristics of the location are eminently suitable for residential use. The scale of the resulting commercial use would be out of keeping with what would be expected within a residential area (for example from a corner shop or post office, which this property was originally) and would affect the amenities of neighbouring residents.

- 8.4 The supporting text to policy 26 advises, inter alia, that the policy is designed to retain existing dwellings in residential use in order to help meet city-wide housing needs and to safeguard the amenity of residential areas from commercial encroachment. I consider this to be particularly pertinent, given the current shortfall in available housing land in the city. The site is an existing 3 bedroom flat with its own separate entrance, generous living space and a large garden and located within a residential area, which has always had a commercial unit at ground floor level (greengrocer's, newsagent's then coffee shop). It is not considered to be unsuitable for continued residential use. There is no evidence that it is difficult to let or that it has been

unsuccessfully marketed as residential property.

- 8.5 b) policy 2.25 of the deposit Cardiff Unitary Development Plan. This policy states: *“Outside the Central and Waterfront Business Areas and district centres, identified on the proposals map, conversion or redevelopment of residential properties to other use will only be permitted where: a) the premises or their location are no longer suitable for residential use; or b) the proposal is for a community use necessary within a residential area.”*
- 8.6 The application premises and their location remain suitable for residential use and the proposed “community use” of a small part of the ground floor does not bring the proposal into compliance with this policy. The supporting text to policy 2.25 advises, inter alia, that “offices, retail, entertainment and other uses that attract a significant number of visitors, whether by vehicle or on foot, are generally best located in centres where they are most widely accessible, particularly by public transport and have least harmful impact on residential amenity.” It also advises that “there is a range of community uses that are appropriate and necessary, in principle, within residential areas. These include doctors’ and dentists’ surgeries, residential homes and child care facilities. Where such uses cannot be satisfactorily accommodated within centres, proposals on the edge of centres or within residential areas – including by the conversion or redevelopment of residential property – will be permitted.” The “community use” proposed within these premises is simply a small meeting space and an area where local businesses can advertise their services. It is not the type of essential community use (e.g. doctors’ surgery or child care facility) that would justify the change of use from residential. Meeting spaces are available in other, more suitable, premises in the area and the proposal is not, in any case, for a community use but is for a coffee shop with ancillary meeting space.
- 8.7 c) Supplementary Planning Guidance “Restaurants, Takeaways and Other Food and Drink Uses” (June 1996). This SPG emphasises that food and drink uses are “most appropriately located in the principal shopping area of the city, district and local shopping centres and the principal business areas of the city centre and inner harbour, Cardiff Bay.” It also states that “food and drink uses are unlikely to be acceptable within or adjacent to residential areas, if they would cause nuisance and loss of amenity to residents, or result in the loss of residential property” and “proposals involving a change of use from residential accommodation to retail use are unlikely to be acceptable unless the premises is at ground floor level within a district or local shopping centre, or is unsuitable for residential use due to the characteristics of the premises and their location.”
- 8.8 In the applicant’s supporting statement they argue that the Development Plan policies quoted in the reason for refusal are “out of date and do not reflect modern trends towards a more flexible approach to land use planning in or adjacent to shopping areas and that “community hubs” are seen as the way forward in achieving a thriving community.” The policies quoted in the reason for refusal date from 1996 and 2003 but they are the current development

plan policies, pending the adoption of the Local Development Plan. Paragraphs 2.7.1 and 2.7.2 of Planning Policy Wales state that where development plan policies are outdated or superseded local planning authorities should give them decreasing weight in favour of other material considerations, such as national planning policy, in the determination of individual applications. This will ensure that decisions are based on policies which have been written with the objective of contributing to the achievement of sustainable development. It is for the decision-maker, in the first instance, to determine through review of the development plan whether policies in an adopted development plan are out of date or have been superseded by other material considerations for the purposes of making a decision on an individual planning application. This should be done in light of the presumption in favour of sustainable development

- 8.9 In this case I do not consider that the policies in the adopted Local Plan or deposit Unitary Development Plan, or Supplementary Planning Guidance, which relate to the reasons for refusal of this application are out of date or have been superseded by other material considerations. The aforementioned policies do not conflict with the most up to date national planning policy as set out in Planning Policy Wales (July 2014) which has been written with the objective of contributing to the achievement of sustainable development. Furthermore, proposed policy H4 of the Local Development Plan carries forward the restriction on the loss of residential accommodation unless it is no longer suitable as such, is for a necessary community use or is for a use that could contribute to the creation of sustainable communities, and proposed policy R7 reiterates the assertion that food and drink uses are most appropriately located in: the City Centre (Central Business Area); the inner harbour/waterfront area of Cardiff Bay (Bay Business Area), and District and Local Centres, and that they are unlikely to be acceptable within or adjacent to residential areas, where they would cause nuisance and loss of amenity, or result in the loss of a residential property.
- 8.10 A petition of support has been received, signed by more than 350 people, stating that they fully support the extension of Coffee Plus. However, of those who have signed the petition, only 7 live on Rhyd Y Penau Road or Heol Esgyn, the two streets closest to the application site. The rest are from various parts of Cardiff or from outside the city. As the supporters would not be directly affected by the development, I do not consider that their opinion that the development “will not detract from the character of the area or cause any harm to the locality” overrides the concerns of the residents who live close to the premises. Also, the supporting petition states that the “improved local venue” will “support the district shopping centre nearby”. However, I would point out that the small collection of commercial units to the west is not a designated “district centre” and has no such status in any development plan.
- 8.11 A number of objections have been received, which I will address as follows:
1. The Supplementary Planning Guidance “Access, Circulation and Parking Standards” (2010) contains no minimum requirement for off-street parking for A3 uses therefore the lack of parking facilities is not contrary to policy. The existing problems are due to inconsiderate and possibly illegal parking which

can be controlled under other legislation. Expansion of the coffee shop into the upper floor of the building would not attract a significant number of new car-borne customers causing traffic congestion, and this would not constitute adequate grounds for refusal of the application.

Furthermore, the majority of houses in this area have their own off-street parking spaces and also residents do not have a right to park on the public highway immediately outside their own property.

2. Opening hours could be controlled by a planning condition and an application would have to be made for a licence for the sale of alcohol, which would be considered by the police as well as the Council.
3. The issue of the proposed community use is discussed above.
4. Obscure glazing could be used to protect the neighbours' privacy. However, no additional windows are proposed and therefore there will be no reduction in existing privacy levels.
5. A condition of the permission for retention of the coffee shop (13/02012/DCO) required the approval of details for the storage of refuse containers. This condition does not appear to have been discharged. The applicant can be asked for the required details so that this issue can be resolved.
6. This issue is discussed above.
7. Policies relating to the location of A3 uses are discussed above.
8. Policies relating to the retention of residential accommodation are discussed above.
9. The scale of the resulting commercial use is considered to be out of keeping with the residential character of the surrounding area.

8.12 In conclusion, although there is no justification for a refusal of this application on the grounds of its immediate impact on amenity (i.e. from noise disturbance or odour and fumes) or on traffic and parking grounds, the proposal is contrary to policy 26 of the Local Plan and policy 2.25 of the deposit UDP, which seek to prevent the loss of viable residential accommodation and protect residential amenity. Although there would be only a small reduction in the city's housing stock as a result of this development, a precedent could be set and the cumulative impact of allowing such losses of residential accommodation would be harmful, particularly given the city's current severe shortage of housing land. The resultant scale of the A3 use would also be inappropriate within a residential area: the coffee shop is currently a relatively small scale enterprise, which does not have any significant impact on the residential character of the area, and includes residential use at first floor level. However, if the A3 use were to take over the whole building, it would have a total gross floor area of more than 190 square metres and the nature of the development would change from a small neighbourhood coffee shop to a much larger enterprise which would be more suitable within the city centre or a district/local centre. I am also concerned that the site includes a large garden to the rear of the premises which would no longer be required to serve a residential property but would be likely to become an extension to the A3 use (no condition was attached to the approval of the ground floor coffee shop to prevent this). Following the

increase in floorspace I would also foresee future pressure (justified by commercial necessity) to allow a wider range of foods to be served, including those cooked on the premises, which would be detrimental to the amenities of neighbouring residents. It is also likely that there would be pressure to amend the opening hours to allow customers onto the premises in the evenings, particularly if community use for meetings is being encouraged. There are examples of similar situations elsewhere in Cardiff where a small A1 use in a residential area has been permitted to change to a small scale A3 use, and where the business has subsequently expanded and changed its nature, becoming a nuisance to neighbouring residents. Policies 26 of the Local Plan and 2.25 of the deposit UDP are intended in part to prevent such problems.

8.13 For the reasons given above it is recommended that the application be refused.

9. **OTHER CONSIDERATIONS**

9.1 *Crime and Disorder Act 1998*

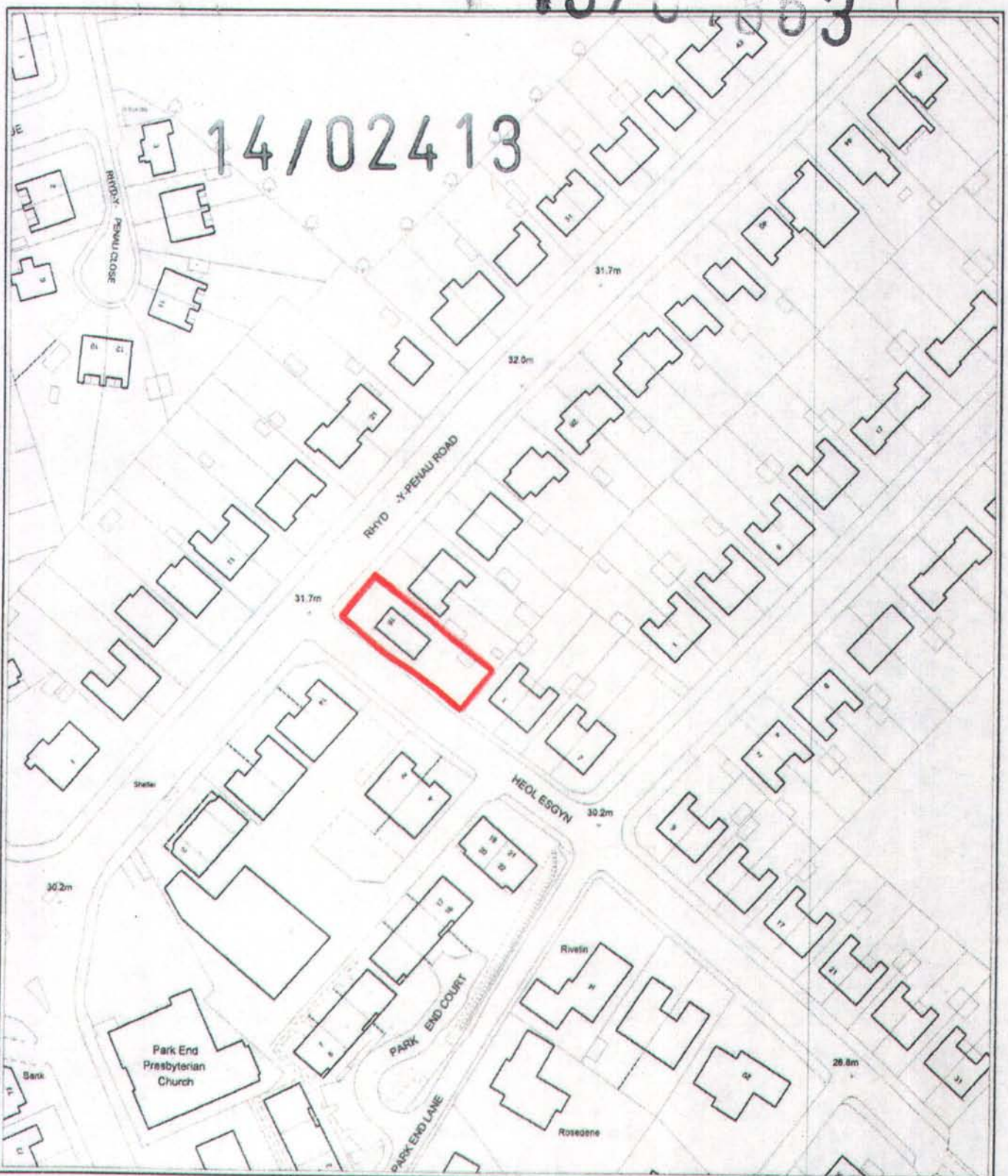
Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has 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.


15/02863 4

14/02413



CHIEF EXECUTIVE
 Jon House,
 County Hall
 Atlantic Wharf
 Cardiff CF10 4UW
 tel: 029 20872000

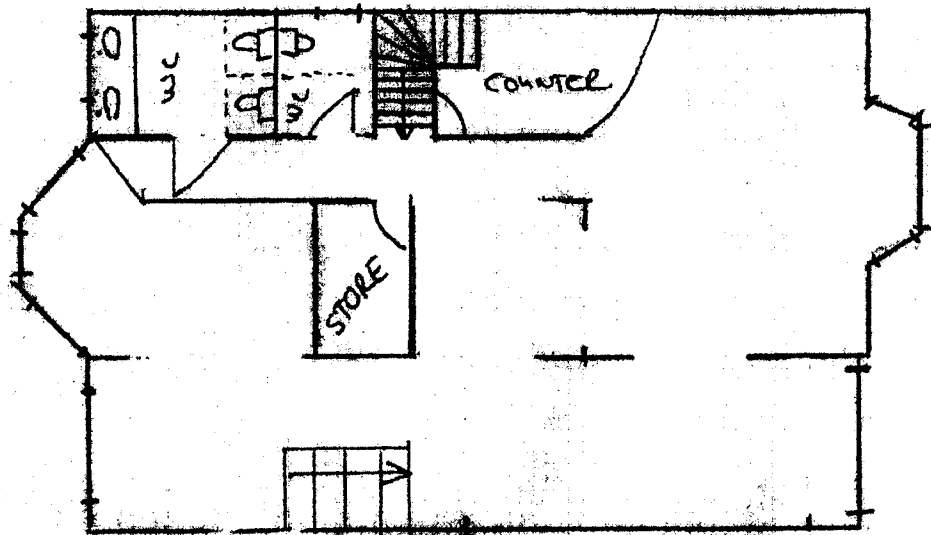
CARDIFF COUNTY COUNCIL
CYNGOR SIR CAERDYDD

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CARDIFF
CAERDYDD

Title:
 16 Rhyd y Penau Road
 Cyncoed
 Cardiff

Drawn by: Planning Enforcement
Date: 16/09/13
Scale: 1:1250
Centre Coords: 318426 / 180857
Drawing No.: 1

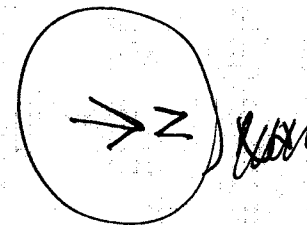
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PROPOSED FIRST FLOOR

Scale : 1-100

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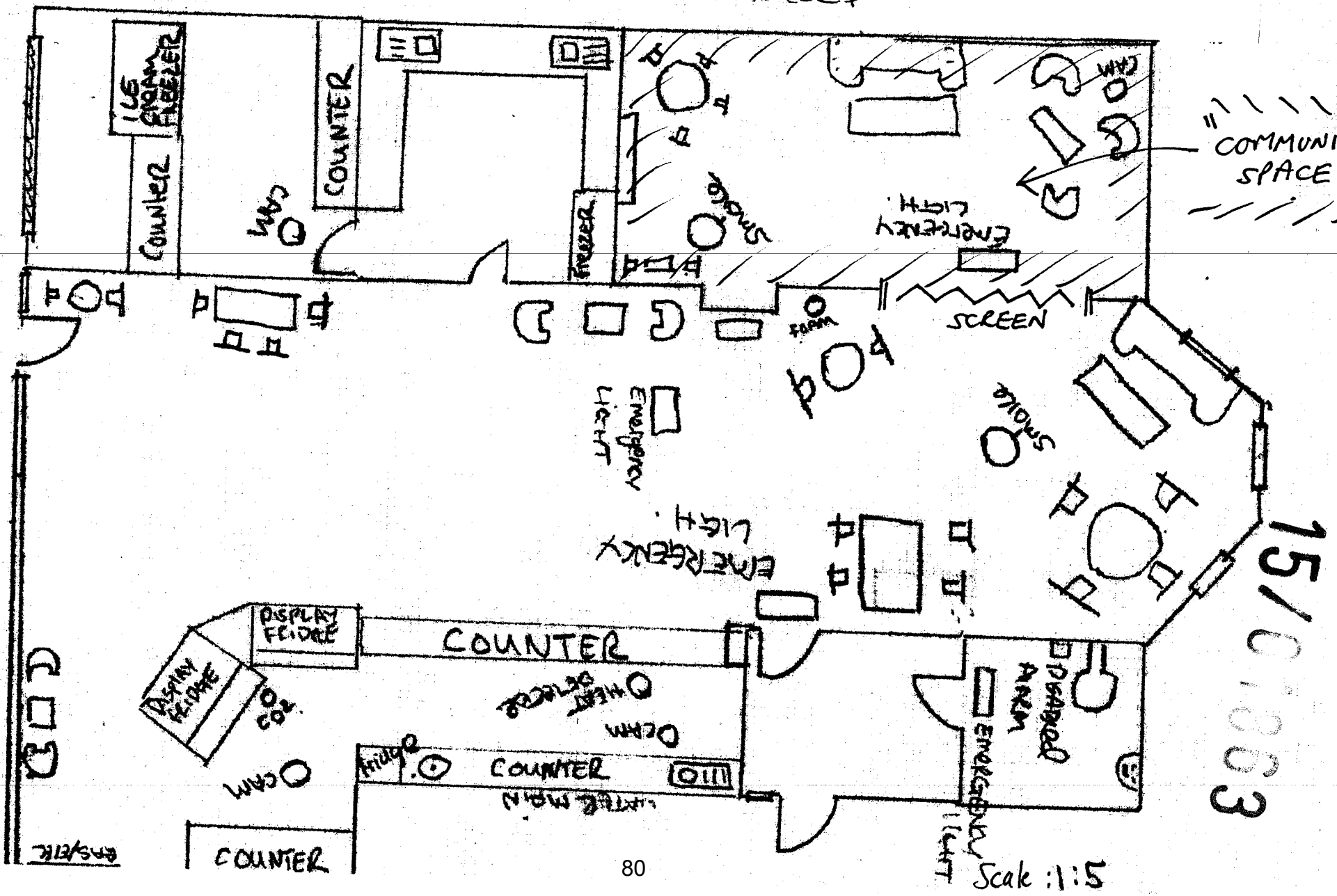


Plan 4.

COFFEE PMS
16 RHYDY PENAU RD CYNCOED.

← KFF7DYIENAWU KOATU. →

"COMMUNITY"
SPACE.







AM, MP, MEMBER OBJECTION, SITE VISIT REQUEST

COMMITTEE DATE: 09/09/2015

APPLICATION No. 15/00306/MJR APPLICATION DATE: 17/02/2015

ED: **PLASNEWYDD**

APP: TYPE: Full Planning Permission

APPLICANT: Mr Parish

LOCATION: 5-7 OAKFIELD STREET, ROATH, CARDIFF, CF24 3RD

PROPOSAL: DEMOLITION OF NOS. 5 - 7 OAKFIELD STREET, ROATH, CARDIFF, AND THE CONSTRUCTION OF 19 NO. ONE BEDROOM APARTMENTS and 1 NO. 2 BED DUPLEX APARTMENT AND REAR COACH HOUSE WITH 2NO. COMMERCIAL STUDIO / OFFICES WITH PARKING BELOW TOGETHER WITH EXTERNAL WORKS

RECOMMENDATION 1 : That, subject to relevant parties entering into a binding legal agreement with the Council under the provisions of a SECTION 106 of the Town and Country Planning Act 1990, within 6 months of the date of this Resolution unless otherwise agreed by the Council in writing, in respect of matters detailed in Section 9 of this report, planning permission be **GRANTED** subject to the following conditions :

1. C01 Statutory Time Limit
2. The consent relates to the application as amended by the revised plans numbered :

4025 (LP) 01
4025 (D) 409
4025 (P) 401
4025 (T) 408

4025 (FP) 603 A
4025 (P) 604 B
4025 (P) 605 A
4025 (P) 606 B
4025 (P) 607 B

4025 (P) 08

4025 (W) 01
4025 (W) 02
4025 (W) 03
4025 (W) 04
4025 (W) 05

Treescene Tree Schedule, Arboricultural Method Statement and Tree Protection Plan.

Reason : Reason: The plans amend and form part of the application.

3. All fenestration in the Northeast facing elevations of the studio/office building shall be of fixed pane, obscurely glazed construction below a height of 1.8m above internal floor level in accordance with a specification/sample of material which shall first have been submitted to and approved in writing by the local planning authority and shall thereafter be so maintained.
Reason: To ensure that an appropriate degree of privacy is achieved between neighbouring occupiers/users.
4. Unless otherwise agreed in writing by the Local Planning Authority, the stairwell windows above the principal entrance to the development fronting No. 3 Oakfield Street shall be of fixed pane, obscurely glazed construction below a height of 1.8m above internal floor level in accordance with a specification/sample of material which shall first have been submitted to and approved in writing by the local planning authority and shall thereafter be so maintained.
Reason: To ensure that an appropriate degree of privacy is achieved between neighbouring occupiers/users.
5. The elevations of the principal building shall be finished in a scheme of stucco render detail, the precise relief detail of which shall first have been submitted to and agreed by the Local Planning Authority in writing, and final finishes shall have been completed prior to the first beneficial occupation of the new accommodation provided.
Reason: To ensure for an appropriate quality of finish within the Oakfield Street Conservation Area.
6. The principal building shall be provided with cast iron rainwater goods and a natural slate roof prior to first beneficial occupation, and in accordance with materials samples which shall first have been submitted to and approved in writing by the local planning authority
Reason: To ensure for an appropriate quality of finish within the Oakfield Street Conservation Area.
7. Demolition shall not take place until a contract for the carrying out of works of redevelopment of the site has been signed and planning permission has been granted for the redevelopment for which the contract provides.
Reason: The demolition would be unacceptable in architectural terms in the absence of an immediate and sympathetic redevelopment.
8. No development shall take place until a scheme for the drainage of the site and any connection to the existing drainage system has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the scheme is

carried out and completed as approved. The scheme shall be based on the results of tests to assess the suitability of soils to accommodate Sustainable Urban Drainage Systems (SUDS) in the form of Soakaway Drainage for surface water discharge

Reason: To ensure an orderly form of development and to provide for SUDS where capacity exists.

9. No development shall take place until further details in respect of the provision of cycle parking spaces have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the development being put into beneficial use. Thereafter the cycle parking spaces shall be maintained and shall not be used for any other purpose.

Reason: To ensure that adequate provision is made for the secure parking of cycles and to make provision for the use of sustainable transport modes.

10. No development shall take place until there has been submitted to and approved by the Local Planning Authority a detailed hard and soft landscaping scheme including details of : tree, shrub and hedgerow plantings; means of enclosure; alterations in ground level and changes to ground conditions; other amenity features. The scheme shall provide but not be limited to the provision of:

- Scaled planting plan.
- Plant schedule.
- Planting methodology.
- 5 year aftercare methodology.
- Tree pit section and plan view.
- Site specific topsoil and sub-soil specifications for all planted areas (including full breakdown of soil physical and chemical characteristics etc, as per BS 3882:2007, and installation specifications as per BS 3882 and the 2009 DEFRA Construction Code of Practice for the Sustainable Use of Soils on Construction Sites).
- Hard surface materials specification and materials samples where appropriate

Reason: To maintain and improve the appearance of the area in the interests of visual amenity

11. C4R Landscaping Implementation

12. No development, including demolition, shall take place nor shall any equipment, plant or materials be brought onto the site for the purpose of development until the protective box hoarding and other tree protection measures approved have been carried out in accordance with the details provided within the submission. The tree protection measures shall thereafter be retained and maintained until such time as the Local Planning Authority agrees to their removal.

Reason: To ensure for the timely provision of such tree protection measures.

13. The rear Office/Studio approved shall be used only for such purposes and not for any other purpose, including any other purpose within use class B1(a) of the Town and Country Planning Use Classes Order 1987 (or in any provision equivalent to that Class in any statutory instrument amending, revoking or re-enacting that Order) and shall by definition not provide accommodation for any use which would be detrimental to the amenities of the area or neighbours by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.
Reason: Other Uses contained within use class B1 would have the potential to have unacceptable impacts on neighbouring amenity.
14. No development, including demolition, shall take place until such time as a demolition/construction management plan has been submitted to and approved in writing by the local planning authority. The plan shall include for but not be limited to details of site hoarding, vehicle and plant access, contractors parking, materials storage, provision for skips and other refuse vessels, wheel washing facilities, construction traffic routes, and such measures as will be proposed to mitigate nuisance to adjoining and nearby neighbours as might be caused through noise, dust, or site wastes or debris.
Reason: to mitigate against nuisance to neighbours and ensure safety on the highway network
15. Prior to first beneficial occupation of any apartment or beneficial use of the office/studio hereby approved, the rear access lane to the site (As indicated on attached plan 'A' shall be resurfaced at the developers expense and in accordance with a specification which shall first have been submitted to and approved by the Local Planning Authority in writing.
Reason: To ensure that the development will provide for an appropriate finish to the service lane for use by occupants of the development approved in the interests of vehicular and pedestrian safety.
16. Upon occupation, all new tenants or owners of the residential accommodation hereby approved shall be provided with a 'Welcome Pack' promoting sustainable transport opportunities in the area (walking, cycling and public transport routes and services).
Reason: To promote a sustainable transport opportunities over the use of private car in the interests environmental and health objectives.
17. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place unless otherwise agreed in writing until a scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the LPA within 2 weeks of the discovery of any unsuspected contamination.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy 2.63 of the Cardiff Unitary Development Plan

18. Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy 2.63 of the Cardiff Unitary Development Plan

19. The car parking spaces shown on the approved plans shall be provided prior to the development being brought into beneficial use and thereafter shall be maintained and shall not be used for any purpose other than the parking of vehicles.

Reason: To ensure that the use of the proposed development does not interfere with the safety and free flow of traffic passing along the highway.

20. No development shall take place until further details of the facilities for the storage of refuse and recycling containers, together with details of contractual arrangements for their collection have been submitted to and approved by the Local Planning Authority and the development shall not be put into beneficial use until the approved facilities are provided and thereafter refuse and recycling shall only be stored in accordance with the approved details.

Reason : To secure an orderly form of development and to protect the amenities of the area.

21. Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation

which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported material is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy 2.63 of the Cardiff Unitary Development Plan

22. Any site won material including soils, aggregates, recycled materials shall be assessed for chemical or other potential contaminants in accordance with a sampling scheme which shall be submitted to and approved in writing by the Local Planning Authority in advance of the reuse of site won materials. Only material which meets site specific target values approved by the Local Planning Authority shall be reused.
Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy 2.63 of the Cardiff Unitary Development Plan.

23. Notwithstanding the approved drawings, the monopitch roof of the principal side entrance of the building shall be finished in slate, leadwork, or another material impenetrable by any internal light source in accordance with a detail which shall first have been submitted to and approved in writing by the local planning authority and only a roof of the approved finish shall be provided.
Reason: to mitigate against any potential for nuisance as might result from light pollution between adjacent neighbours.

24. Notwithstanding the submitted drawings, No development shall take place until a scheme showing the precise architectural detailing of the bay and fenestration relationships and composition of the front facade has been submitted to and approved in writing by the Local Planning Authority and the development shall not be brought into beneficial use until the approved scheme is implemented in full.
Reason: To ensure a satisfactory finished appearance to the development in order to preserve the character of the Oakfield Street Conservation Area.

RECOMMENDATION 2 : The contamination assessments and the affects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for

- (i) determining the extent and effects of such constraints and;
- (ii) ensuring that any imported materials (including, topsoils, subsoils,

aggregates and recycled or manufactured aggregates / soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under section 33 of the environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site:

- Unprocessed / unsorted demolition wastes.
- Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
- Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and

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

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

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

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

RECOMMENDATION 4 : That the applicant be advised that the works subject of condition 16 and any other necessary works to the adopted highway will be subject of relevant S278/38 highways agreement.

RECOMMENDATION 5: That the applicant be advised that incoming residents should be informed that they would not be eligible for 'Resident Parking' permits.

1. **DESCRIPTION OF DEVELOPMENT**

- 1.1 In its revised form, this application seeks full planning permission for the demolition of a pair of Victorian Villas to the southern side of Oakfield Street near its junction with Newport Road, and for the rebuilding and extension of

the properties with enlarged rear annexe to provide for 19x one bedroom apartments and 1x two bed duplex; together with the rebuilding of the rear outbuildings on the site which have historically been used as commercial offices/a showroom as a new two storey design studio/office including for undercroft car parking .

- 1.2 The character of the proposed new building is that of a replication of the Victorian Villas, and lends from the composition of the existing properties on the site in terms of its frontage presentation. The rear of the building is now shown to accommodate a central staircase core running from basement to attic, with a two story duplex apartment adjacent to No. 3 Oakfield Street and a three storey annexe projection adjacent to No. 9 Oakfield Street. The floor level of these projections is noted to be partly below ground level.
- 1.3 The Materials Palette includes for a natural state slate roof, stucco render detailing, reinstatement of the quoining, timber box sash windows and cast iron guttering and rainwater goods.
- 1.4 A rear garden / amenity area of approximated 180m² usable space would be retained and is indicated to be layed out with shrubs, flower bed and raised vegetable beds with a single central tree.
- 1.5 The Building to the rear is proposed as a first floor office/studio over undercroft parking for five cars. (The property currently does not benefit from any on site car parking).
- 1.6 Originally submitted plans have been amended twice at the request of the planning officer to provide for a reduction in the scale of the development to reduce the impact of the proposals on adjacent occupiers and retention of more classical entrance doors to the front elevation of the properties.

2. **DESCRIPTION OF THE SITE**

- 2.1 Oakfield Street is a Conservation Area. Neither 5 or 7 Oakfield Street are of Listed Status.

The properties are currently used as flats. The applicant suggests with between 17-25 bedspaces.

- 2.2 The Villas are one of the larger pairs of buildings in the street and appear on the ordnance base of 1880. They occupy two of relatively standard plots of around 7.5m x 48m; and have other semidetached pairs of houses either side of them. Development at this end of Oakfield Street and in Oakfield Street generally contains a number of different styles of architecture from ornate Gothic revival to Classical and plain rendered presentations; but normally, originally presented as mirror pairs. Many of the properties have retained their original frontage composition and character which principally defines the character of the area; however very many properties have been altered and extended to the rear and many are flatted or Houses in multiple occupancy.

- 2.3 5 and 7 Oakfield Street are 4 storey buildings (including basement and attic accommodation) ; and display a pair of three storey bay window projections with plain rendered parapet detail to two symmetrical gable presentations to the Highway frontage. The 'Ground floor' level is elevated from the highway and accessed via a stepped entrances to the outer edge of the property frontages. Basement access is also via steps from the front garden which has also been excavated to provide a lightwell. The building retains 4 pane sash windows to its frontage. No 5 has a (non original) first floor side projection in timber, Both 7 and 5 have multiple apex dormer extensions to the rear, and both have been altered at lower levels to the rear.
- 2.4 The property is rendered and painted brickwork/stone with simple banding relief detail and overscale quoinwork to the corner of each property and to either side of the entrance doors and upper level windows. Finishes to side and rear are plain unpainted render, probably not original and suspected blown from the substrate in several places. The front presentation of the building shows signs of water damage and decay through process of water saturation.
- 2.5 To the rear garden, a detached outbuilding in the garden of Number 7, being an amalgam of several structures and extensions covers an area of approximately 110m² and abuts the boundary of the site with the Partridge Road service lane. It is used as an office for a number of companies but primarily as the base for a bathroom and kitchen business with 7 staff members.
- 2.6 There are two street trees close to the site on the Oakfield Street footway which is pennant paving.

3 **SITE HISTORY**

- 3.1 Planning (14/01544) and Conservation Area Consent (14/01713) applications to demolish the property and to rebuild it with a very large extension were withdrawn prior to determination in August 2014
- 3.2 This application and Conservation Area Consent Application 15/00307 seek to address previous concerns regarding the scale and impact of the development.

4. **POLICY FRAMEWORK**

Planning Policy Wales

WG Technical Advice Notes

TAN 12: Design (2009)

Welsh Office Circular

61:96 & 1:98 Planning and the Historic Environment

11:99 Environmental Impact Assessment
60:96 Archaeology
16/94 Planning out Crime

Cardiff Unitary Development Plan Deposit Written Statement 2003

Policy 2.20: Good Design
Policy 2.23: Affordable Housing
Policy 2.24: Residential Amenity
Policy 2.26: Provision for Open Space, Recreation and Leisure
Policy 2.53: Conservation Areas
Policy 2.57: Access, Circulation and Parking Requirements
Policy 2.74: Provision for Waste Management Facilities in Development

Cardiff Adopted Local Plan January 1996

Policy 3 Development in conservation areas
Policy 18 Provision for cyclists
Policy 25 Affordable housing within the built-up area

SPG

Access, Circulation and Parking Standards Jan 2010
Affordable Housing Mar 07
Waste Collection & Storage Facilities Mar 07

Other Material Considerations

Section 149 Equality Act 2010
Oakfield Street Conservation Area Appraisal

5. **INTERNAL CONSULTEE RESPONSES**

5.1 **Traffic and Transportation Officer**

Raises no objection to the development in principle.

Notes cycle parking is shown as stands in the side passages and considers the 5 No. car parking spaces proposed appropriate for the uplift in unit numbers proposed.

Standard conditions relating to retention of cycle parking, retention of car parking, demolition and construction management plan and to require the resurfacing (S278) of the rear access lane up to end of the site (as indicated on appended plan 'A') prior to beneficial use of the development will be required.

Further recommendations are also indicated in respect of an advisory

notification to residents that incoming residents will not be eligible for resident parking permits; and that each resident shall be provided with a welcome pack at the applicant's expense which shall promote sustainable travel options and services within the locality.

5.2 Tree Officer

The submitted Arboricultural Method Statement requires amendment to confirm that street tree protection barriers will be erected prior to site demolition. Subject to this amendment a non-standard condition should be attached to any permission requiring that no demolition, site preparation or development shall be undertaken that is not in accordance with the approved Arboricultural Method Statement and Tree Protection Plan.

I would expect a development of this scale to feature a detailed, upfront landscaping scheme. The indicative proposal for a grassed area and tree at the rear of the site is supported, but full details comprising the following are required: -

- Scaled planting plan.
- Plant schedule.
- Planting methodology.
- year aftercare methodology.
- Tree pit section and plan view.
- Site specific topsoil and sub-soil specifications for all planted areas
- (including full breakdown of soil physical and chemical characteristics etc, as per BS 3882:2007, and installation specifications as per BS 3882 and the 2009 DEFRA Construction Code of Practice for the Sustainable Use of Soils on Construction Sites).

5.3 Parks Officer

The Parks Officer concurs with the views of the trees officer in respect of tree protection and landscaping.

In addition the Parks Officer has indicated that as a new build development that as no public open space is being provided on-site, the developers will be required to make a financial contribution towards the provision of open space off-site, or the improvement (including design and maintenance) of existing open space in the locality.

Based on the information given, a contribution of **£4212** would be sought for a specific project in the locality to be advised.

Should the developer be able to confirm that the development would accord with the Council's definition of an affordable housing scheme and that no children would be accommodated in the development that the above contribution may be able to be reduced by the extent of the Children's Play element of the contribution.

5.4 Housing Officer

Cardiff has a very high housing need for affordable housing in this area of the City. Data available from the Council's current housing waiting list (December 2014) indicates there are 6,296 households waiting for a property in Roath.

An affordable housing contribution of 20% is sought on this brownfield site, as it is suitable for affordable housing.

Our priority is to deliver on-site affordable housing, in the form of intermediate rented accommodation. However, given the proposed design of the site, the proposed tenure of the units and the level of service charges to be applied, we would need to explore and engage in detailed discussion with the applicant, as to how the affordable housing could be delivered, taking into consideration the practicality of managing and maintaining affordable housing on-site for a Registered Social Landlord. We would suggest that the applicant contacts us directly to discuss.

For information, any affordable housing scheme should be appraised on a NIL Social Housing Grant (SHG) basis, and for the intermediate rented housing, the indicative amounts that a Registered Social Landlord (RSL) would pay for the units is based on an intermediate rent level and is specified below:

1b2p flat	£60,000
2b3p flat	£77,548
2b4p house	£89,829

All intermediate rented units need to meet Welsh Government Development Quality Requirements (DQR) & the Welsh Housing Quality Standard (WHQS). The affordable units will be delivered by a Registered Social Landlord (RSL) and the Council will identify a preferred RSL partner.

Pending the discussion as suggested above, if it is not possible to deliver on-site affordable housing there would be justification for seeking a financial contribution of in lieu of on-site affordable housing provision. On that basis we would seek a financial contribution of **£250,560** (in lieu of 4 units) which is calculated in accordance with the formula in the Affordable Housing – Supplementary Planning Guidance (SPG) (2007).

In addition, applicants also need to be aware that if economic viability is evidenced via an acceptable appraisal as preventing the development coming forward unless an affordable housing contribution of less than the relevant policy is agreed, then the applicant shall accept a deferred payment clause in the s106 agreement to secure equivalent extra provision up to the full policy requirement should market conditions improve. The developer will be required to work on an 'open book' basis, as well as meeting the Council's costs in having the appraisal and any revised contributions or extra provision agreed or determined by an independent expert.

We would use legal contract/agreement to cover: the provision of affordable housing on site including numbers, site mix and layout; the timing and phasing of the provision as relating to open market housing provision. The precise terms of the legal contract/agreement would be drafted by Legal Services.

5.5 Pollution Control Contaminated Land

Should there be any importation of soils to develop the garden/landscaped areas of the development, or any site won recycled material, or materials imported as part of the construction of the development, then it must be demonstrated that they are suitable for the end use. This is to prevent the introduction or recycling of materials containing chemical or other potential contaminants which may give rise to potential risks to human health and the environment for the proposed end use.

Pollution Control requests the inclusion of the following conditions and informative statement in accordance with CIEH best practice and to ensure that the safety of future occupiers is not prejudiced in accordance with policy 2.63 of the Cardiff Unitary Development Plan:

Contaminated land measures – unforeseen contamination, imported soil, imported aggregates, and Use of site won materials together with a Contamination and unstable land advisory notice

5.6 Pollution Control Air and Noise have no comment on the proposals

5.7 Waste

Current site plans detailing refuse storage have been noted, however are not ideal. As there are flats proposed it may be more practical for communal bins to be accommodated, instead of having to move 22 bins every fortnight to the collection point on the kerbside. For the 22 flats I would expect the following requirements to be accommodated:

- 2 x 1100 litre bins for non-recyclable waste
- 2 x 1100 litre bins for recycling
- 2 x 240 litre bins for food

Bins would have to be presented on kerbside on Oakfield Street as crews no longer drive down lanes. This would mean the access route to the kerbside would have to be large enough to safely manoeuvre 1100 litre bins. Paths to the kerbside 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.

The bins should be enclosed and the store should be constructed with double doors that open outwards so that bins can be manoeuvred easily. Any gates/doors should be able to safely fit the bins through.

If communal bins cannot be accommodated it may be worth reducing the

amount of wheelie bins to restrict the amount of non-recyclable waste the residents put out and to encourage recycling as much as possible.

- Waste must not be stored on the highway
- Commercial and domestic waste must not be mixed

As a commercial studio will be available at the rear, please remind the agent/applicant that a commercial contract is required for the collection and disposal of all commercial waste (see extract from the Waste Collection and Storage Facilities SPG below):

Commercial Development

By law (Environmental Protection Act, 1990, section 34) all commercial premises have a duty of care to ensure that their waste is transferred to and disposed of by a registered waste carrier.

Owners or developers of commercial developments/properties who require Cardiff County Council to collect and dispose of their waste can contact to commercial services department on 029 20717500.

Waste storage must be retained for future use.

Please refer the agent/architect to the Waste Collection and Storage Facilities Supplementary Planning Guidance for further relevant information.

6. **EXTERNAL CONSULTEE RESPONSES**

6.1 **The Victorian Society**

We object to the proposed demolition of 5 and 7 Oakfield Street, which would deprive the street of two non-designated heritage assets and harm the character and appearance of the Conservation Area in which they stand.

Oakfield Street Conservation Area was designated in 1992, with an Article 4 direction coming into force later the same year. The street was developed from 1860 and was largely complete by 1900. While a number of architects appear to have had a hand in its development, *Thomas Waring* was the building agent and the borough engineer around the same time, and was likely responsible for many of the houses. The Conservation Area Appraisal describes the street as one that is characterised by pairs of semi-detached villas, the design of which is generally either neo-Gothic or mildly Classical in inspiration. 5-7 Oakfield Street is a semi-detached pair of Gothic-revival houses. Akin to many of the buildings on the street it is a handsome stucco-clad edifice, with rusticated quoins, surviving sash windows and doors, and tall paired gables with surviving finials. The oriel window on the east elevation is a particularly attractive feature.

The demolition of 5-7 Oakfield Street would harm the significance of the Oakfield Street Conservation Area. It would deprive it of an attractive and well-preserved building, one that makes a thoroughly positive contribution to its

appearance. As the appraisal makes abundantly clear, the character of the Conservation Area is defined by buildings such as this, and its loss would therefore inevitably erode its character.

Part of the purpose of designating the Conservation Area (and the Article 4 direction) was to protect those buildings which make a positive contribution, such as 5-7 Oakfield Street, from insensitive alteration or – as now – complete demolition.

We therefore object to this application and urge you to refuse it consent.

6.2 **Welsh Water**

Have provided a standard response in respect of foul, surface and land drainage run off and will need to approve any connection to the existing sewer network

6.3 **South Wales Police**

The Design and Access Statement states under the heading Community Safety that: *'All properties will achieve Secured by Design compliance, as well as achieving the minimum windows and doors security standards'*

With the above in mind South Wales Police would welcome the opportunity for detailed consultation with the developers with an aim of fully exploring the opportunities for designing out crime prior to any decisions being made. In view of this South Wales Police recommend a number of principles relating to secure entrances and boundaries; lighting; CCTV; Door and Window Specifications; Cycle and Bin Storage.

7. **REPRESENTATIONS**

7.1 The application has been advertised on site and in the Local Press and Members have been consulted:

7.2 **Objections** have been received from occupiers at 1,3,17, 39, 49, and 62 Oakfield Street; and from a resident of Bowley Court in Splott,

The principal reasons for objection are:

- The principle of demolition
- Building should be repaired
- Contrary to Conservation Area Policy/Guidance
- Adverse impact on other historic buildings
- Any new building should be kept in scale with the existing building
- Scale of the proposal/Overly dominant extension(Height and projection)
- Overshadowing
- Loss of stepped entrances
- Inadequate car parking space
- Noise and Disruption caused by demolition and construction

- Increase in population density
- Traffic Congestion
- Increase in refuse bins
- Precedent
- Inadequate privacy between coach house and residential new build

7.4 The owner of 3 Oakfield Street is perhaps most affected by the proposals and comments as follows:

I object to this application, which appears to conflict with the planning policies of central and local government.

The proposal to demolish properties in the conservation area and replace them with a block of flats behind a rebuilt façade is at variance with the objective of conserving historic buildings and areas, as provided for in both the Cardiff Local Development Plan and the previous 1996 Plan, together with the Oakfield Street Conservation Area Appraisal, which does not envisage any demolitions in the street.

Planning Policy Wales refers to demolitions in conservation areas and the need to consider their wider effects on the area as a whole e.g. the precedent for similar applications.

W.O. Circular 61/96 requires demolitions in conservation areas to be assessed against the same criteria as for the demolition of listed buildings and calls for evidence that buildings could not be conserved in their existing use.

I wish also to object because of the effects on my property. Last year I objected to a similar proposal for the site, and this was withdrawn. Although modified, the revised scheme would again seriously affect my house and garden. My objections concern:-

- *Overshadowing effect and loss of daylight.*
- *Massing of the flats which would be out of keeping with the area.*
- *Loss of privacy*
- *Car parking effects.*

I am the owner/occupier of 3 Oakfield Street and am actively enjoying my retirement in a house suited to my needs with a pleasant fruit and flower garden.

I am not against redevelopment; I raised no objection 6 years ago to the conversion of the other property adjoining mine, (No 1 Oakfield Street) from a single family residence into 5 flats. This was done within its existing walls, and its rear extension remained at ground floor level only. It thus did not overshadow or otherwise harm my amenities, and the developer retained it as a modernised building in keeping with the appearance and character of the conservation area. I would not have objected now to the rebuilding of Nos. 5 and 7 had this development similarly remained within its existing walls and its extension had not been proposed to greatly increase in depth and in width

and to superimpose an additional floor.

The increased height of the extension would inevitably reduce the daylight reaching my ground floor living rooms and upstairs bedrooms.

My bedroom and study windows and my garden face south and my remaining living rooms face west, so at present I enjoy sunshine progressively through the day, particularly during the evening. The extent to which I would lose direct sunshine in all of these rooms and also to my garden would vary during the year. It appears that the developer did not attempt to measure my loss of sunlight or natural daylight before submitting his application and there was no prior consultation. The other adjoining house (No 9) is owned by the developer.

The proposals would be likely to fail the "45 degrees test" used by some authorities to assess the overshadowing and overbearing effects of a development.

The application appears also not to satisfy the requirements of the Cardiff planning authority in its Guidance (SPG) for Infill Sites that proposals must not cause unacceptable harm by overbearing, overshadowing or overlooking of neighbouring properties. This further stipulates minimum privacy distances to habitable rooms and for the overlooking of gardens. These seem not to have been observed.

The flats would generate appreciable traffic, with up to 44 occupants, each a potential car owner. Even if refused parking permits, the additional cars would be parked close to their flats, overcrowding a frequently congested street not designed for such traffic. The existing bed-sit tenants, who would be displaced, are not normally car owners.

The application states that there are no historic buildings nearby. This fails to appreciate the origins and character of the Oakfield Street conservation area. Its latest Appraisal refers to the large number of historic buildings, mostly unlisted, which collectively maintain its character and which need to be safeguarded.

This is a conservation area because its buildings are locally historic, including No. 3, adjoining the site, which was once selected by the Victorian Society for a public lecture on its distinctive period features.

For the above reasons I ask that the application be not granted. If it is shown that the buildings cannot be conserved, then any replacement should be kept within the existing walls and height, (as was done with No. 1) to avoid becoming a precedent for further demolitions within the conservation area.

- 7.5 Correspondence has also been received from Cllrs McGarry, Lent, Javed and De'ath; From Jo Simmons MP Cardiff Central, and from former MP Jenny Willot. Which object to the proposals on the grounds of lack of parking, disruption and the scale and impact of the development.
- 7.6 Local Members have indicated that they would wish Planning Committee to visit the site prior to determining the application to see the context of the proposal.
- 7.7 MP representations also suggest that should planning permission be granted, that incoming residents should not be eligible for 'Resident Only' car parking permits and that demolition and construction activities should be closely controlled to limit impact on surrounding neighbours.
- 7.8 **Support** for the proposals has been received from occupiers at 7C (River Gods Ltd), 9, and 34 Oakfield Street and from a resident of 39 Merthyr Road in Tongwynlais.

The principal reasons for support are that:

- Coach house development more pleasant to look at than existing
- Improved sunlight receipt to the garden of No.9
- Increased Privacy by virtue of new window placements
- Provides much needed 1x bedroom flats in the area
- New design improves existing building
- Improves working environment for office staff on site

8. **ANALYSIS**

8.1 **Land Use**

The proposal is for residential accommodation in a residential area raises no land use policy objection.

The provision of a studio/office type use within a new building to the rear of the site would replace an established commercial use on the land and is not objected to on the basis of the scale proposed.

8.2 **Historic Environment**

8.3 **The principle of demolition/argument for repair**

The Planning (Listed Buildings and Conservation Areas Act) 1990 is the principal Statute impacting on development in Conservation areas.

- 8.4 Planning Policy Wales sets out land-use planning policies as they apply in Wales. It sets out general principles including sustainable development and the role of the planning system, and at Chapter 6 sets out overarching policy guidance relating to the historic environment; this in conjunction with Welsh

Office Circular 61:96 forms the basis of National Policy and guidance in Wales relating to Conservation Areas and Listed Buildings.

- 8.5 The Act requires that 'Conservation Area Consent' is required to demolish a building within a conservation area, and that the loss of that building is a material consideration in determining any application for planning permission for the redevelopment.
- 8.6 Authorities are required by Section 72 of the Act, in the exercise of their powers under the planning Acts, to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 8.7 Section 33. of Welsh Office Circular 61:96 indicates that there should be a general presumption in favour of retaining buildings which make a positive contribution to the character or appearance of a conservation area; and that proposals to demolish such buildings should be assessed against the same broad criteria as proposals to demolish listed buildings. In cases where a building makes little or no such contribution the authority will normally need to have full information about what is proposed for the site after demolition. Consent for demolition should not be given unless there are acceptable and detailed plans for redevelopment. It has been held that the decision-maker is entitled to consider the merits of any proposed development in determining whether consent should be given for the demolition of an unlisted building in a conservation area.
- 8.8 The general criteria relevant to the consideration of all listed building consent applications relate to the importance of the building, its intrinsic architectural and historic interest and rarity; the particular physical features of the building; the building's setting and its contribution to the local scene; and the extent to which the proposed works would bring substantial benefits for the community, in particular by contributing to the economic regeneration of the area or the enhancement of its environment.
- 8.9 In respect of the 'broad criteria' forming part of the assessment of the demolition of Listed Buildings mentioned above. Section 91 of Welsh Office Circular 61:96 advises that the following should be taken into consideration:
- (i) the condition of the building, the cost of repairing and maintaining it in relation to its importance and to the value derived from its continued use.
 - (ii) the adequacy of efforts made to retain the building in use. (Including the offer of the unrestricted freehold of the building on the open market at a price reflecting the building's condition.
 - (iii) the merits of alternative proposals for the site.
- 8.10 The applicant has submitted a building conditions survey as the basis of a parallel application for Conservation Area Consent to demolish the buildings. The report indicates evidence of surface degradation and suggests this is

indicative of likely internal building decay caused through long term water ingress.

- 8.11 From Site Inspection the building is indeed showing signs of distress externally; appears to have been subject to ad hoc repair (as would be expected in a property of this age), and does show signs of external render cracking and areas of damp /efflorescence / spaling , and certain tell tale 'bulges' which may well suggest a 'blown' cavity between render and masonry. The observations conveyed in the report by the Austin Partnership in respect of the external condition are therefore generally concurred with.
- 8.12 What has not been evidenced however are some of the opinions/assumptions as to the condition of the internal structure, which on the basis of a non intrusive/interrogation of the building fabric cannot be conclusive and are considered, at this point in time, to be conjecture.
- 8.13 However the report suggests that there may be a cost benefit to demolition and re-building over repair, and the applicant obviously wishes to limit his risk in respect of the potential costs of repairing a building which may not be structurally sound or may require additional works to make it so. From a business perspective, the guarantees that are available on a new build construction and in respect of VAT exemption are evidently also attractive.
- 8.14 In respect of the contribution which the existing building makes to the character and appearance of the Conservation area, the building is not considered a landmark building, but rather more a building which combines with other mirrored pairs of Villas as part of a general backcloth of buildings making an equal contribution to the overall character of the area.
- 8.15 The building is not considered significant structurally, and has a stucco render finish and does not for example display any significant architectural features such as might be observed in other more gothic inclined buildings in the road with exposed or unusual stonework detailing, archwork, orders or pilasters rathermore displaying a finish which would be relatively easy to replicate in a new build construction. The building's contribution to the character of the area is therefore considered to be derived from its architectural composition of mirror pairing, bay projections, and Gable attic projections to the highway and simplicity of its render relief detailing.
- 8.16 Given that the duty placed on the Local Planning Authority is to have special regard to the desirability of preserving the character and appearance of the area, (as opposed to the preservation of the building fabric, (as is the case with a Listed Building), there would therefore appear some potential for its replacement if the redevelopment would equally preserve, or enhance the character and appearance of the area.
- 8.17 In terms of comparison, the proposed building provides for a mirror pair of four storey buildings of very similar character to those existing. The buildings provide for a 12.6m wide frontage 11.0m ridge height above the Oakfield

Street footway with three storey bay projections set back some 3.5m from the front boundary enclosure.

8.18 The existing buildings present an identical frontage width, and a ridge height of circa 11.4m with three storey bay projections set back some 4m back from the front boundary enclosure.

8.19 The proposed building is shown with very similar simple stucco relief detailing to the existing and with a natural slate roof, and timber 4 pane sliding sash windows.

As such, in respect of the contribution the new building would make to the character and appearance of the conservation area, the proposed building is considered to preserve the appearance and character of the area, and would in fact not be significantly different aesthetically to that which exists currently.

8.20 **Design**

8.21 Aesthetic

As indicated above, aesthetically the design of the proposed building is effectively a replication of a pair of Victorian Villas presenting to a greater degree, the same painted render relief aesthetic of the existing building but in modern construction and to modern building codes, but also retaining and 4 pane sash windows, and natural state roof.

This is considered appropriate and acceptable.

8.22 Accommodation

The building provides for (19x) 1 bed flats all of a minimum of 28m² net internal floor area. Generally this provides for a bedroom of circa 8m²; a living room/kitchen of 14m², a shower room of circa 3m² and remaining circulation/cupboard space of around 3m².

A single 2 bed duplex apartment is also proposed circa 58m².

8.33 This is considered to represent a reasonable living environment for those seeking small scale accommodation with independent facilities (as opposed to bedsit or HMO accommodation with shared facilities).

8.34 Access

8.35 A principal difference in the construction is the provision of a central access and stair core, with the main entrance to the building proposed to the side of No. 5 Oakfield St from Basement level. The entrance position would be opposite the area of the rear annexe projection to No. 3 Oakfield Street which contains rear parlour windows. This area of No. 3 Oakfield Street is reported to be well used as a living area of the occupier of No. 3 and to fulfil more than a secondary function. The entrance would however be set back from the side elevation of the new building and would achieve a separation distance of

some 9.5 between the rear annexe of No. 3. The basement entrance level to No. 5 would also be well below the ground floor level of No. 3 and is shown separated from it by a high boundary enclosure. The entrance lobby is however shown with a glazed roof, which may prove problematic to the adjacent neighbour if illuminated at night, and therefore a condition is suggested to allow the applicant to revise the finish of the roof to a lead or slate finish which would substantially remove any nuisance as might result from light pollution.

8.36 Rear projections

8.37 In its latest revised form the proposal effectively provides for an alternative arrangement of rear projections from the plane of the rear of the original building in the form of a three storey projection to the length of the projection at No. 9 Oakfield Street adjacent to that boundary, a four storey projection to the middle of the building (which accommodates a staircase access to all floors) to the depth of No. 3 Oakfield Street and a two storey projection some 4m longer than the extent of No. 3 Oakfield Street (Roughly corresponding to the extent of the projection at No.1 Oakfield Street) adjacent to and separated by the boundary Boundary with No.1. By approximately 1.5m. These storey heights include for the basement storey which is partly below ground level.

8.38 The scheme is the result of a number of amendments which have sought to reduce the scale and bulk of the extension and to lessen its impact on the adjoining neighbours in terms of outlook and day and sunlight receipt.

The design uses a number of gable features in keeping with the architecture of the original building and area generally; and would be finished in materials common to the area.

8.39 The new building, although larger than the original structure in terms of its rear projection , but is not considered disproportionate to other buildings/extensions in the road, and has attempted to overcome adverse impacts on neighbouring properties within the design

The principal building is not considered objectionable on design grounds.

8.40 Stepped front entrance

8.41 Commentary from some objectors regarding the loss of a traditionally stepped entrance to the property have been considered by the architect who has amended the design to allow for the retention of steps and front doors to the property as existing; The stepped entrance and entrance doors would maintain the desired aesthetic, but annotation on the drawings suggests that the doors may not provide for a functioning access, this is considered regrettable, but not objectionable.

8.42 Rear Buildings

The proposed two storey building to the end of the garden provides two no. office/studio spaces of approximately 43m² each over 5 undercroft car parking spaces. The presentation to the lane is of 5 traditionally designed garage doors (close boarded with Georgian toplights over), and two obscurely glazed French doors at first floor level with access hoists over. The building would have an eaves height of some 4m and a central ridge of 7m. The building is indicated to have a half rendered/half natural stone façade to the garden which would be a shared space and allow access to the upper levels of the building.

The building is considered an enhancement of the rear of the two properties,

8.43 **Amenity**

8.44 Proposal

In respect of layout, the site retains a relatively generous amenity area set out as a garden with shrub and central tree planting. The Tree officer's comments are noted and a detailed landscaping scheme can be required by condition. The layout of the rear garden is however heavily dominated by refuse bins and the agent has been requested to reconsider the bin storage arrangement as indicated below.

The floorspace allocation for each of the one bedroom flats is considered acceptable and to provide for a reasonable independent living environment. Bedroom and Living room windows are located on all four principal elevations, but windows to basement apartments level apartments would have no overlooking implications as they would be below the height of the side boundary enclosures. Upper level windows facing 3 Oakfield Street parallel to windows in that property are staircase landing windows and can be required to be obscurely glazed. Windows facing 9 Oakfield street are generally offset to windows in the side elevations of that property (which are not extensive) and the situation is not dissimilar to that which exists currently, in other instances of flat conversions along the street.

The site is located within 750m of local/district centres, public parkland, public houses, churches and related community services.

The proposal is therefore considered to provide an acceptable level of amenity and access to services for tenants or owner occupiers of the accommodation.

8.45 Impact on neighbouring amenity.

The use is not considered of materially different character to that currently existing on the site albeit that the accommodation offered will be of a higher standard than some of the units currently available.

The principal impact of the development is therefore considered to be the impact of the built structure on immediate neighbours at 3 and 9 Oakfield Street.

No 9 Oakfield Street is a similarly multiply occupied /Flatted development owned by the applicant, The new building has been amended not to project any further backward toward Partridge lane than the existing extensions at No. 9 and the limited number of windows within the side elevation of No. 9, although affected by the increased scale of the rear projection of No. 7 would not be an uncommon relationship between buildings in the area. It is also noted that a tenant of No. 9 is supportive of the works to replace the amalgam of outbuildings in the garden of No. 7 which are considered to improve sunlight and usability of the garden of No. 9.

- 8.46 Number 3 is a single dwelling house with a traditional two storey annexe which has a small single storey projection toward No. 5. and a larger single storey lean –to projection to the rear of the annexe. The design of this property has a glazed door to the rear of the main body of the house with a stepped entrance to the garden and a marginal glazed bedroom window above, and two ground floor parlour windows to the west facing annexe elevation facing number 5 and a toilet and bedroom window above these.

The owner of No. 3 Oakfield Street has therefore expressed concern as to the length of the rear projections proposed, their height in comparison with the existing single storey building currently opposite the annexe and as to the implications on his outlook and receipt of sunlight.

- 8.47 Although substantially amended from the proposal originally submitted, it is acknowledged that the new build rear projections will impact on the amount of sky visible from the ground floor parlour windows in No. 3. However the element of the building that would appear in that view is the staircase core of the proposal which is some 9.5m away from the parlour windows.

In respect of the impact on sunlight receipt, the architect was asked to undertake a sunpath analysis, which indicates that sunlight receipt to the rear of number three should not be impacted upon during spring to summer months when the sun is higher in the sky until past 4pm in the afternoon.

- 8.48 The planning officer is sympathetic to the situation of the owner of number 3 as the development will undoubtedly have an impact on the outlook from the rear parlour windows, however given the distance of separation between the two buildings, even at the increased height and projection proposed, it is concluded that an objection to the development as amended could not be sustained on amenity grounds.

Objections based on noise and disruption caused by demolition and construction are noted but the situation is no different to any other development site within the city and a demolition and construction plan can be required by condition.

8.49 Supplementary Planning Guidance

Some objections have cited best practice standards in SPG and also such 'rule of thumb' standards as the 45° rule used by some authorities relating to the degree of extension and overshadowing generally considered permissible.

It should be noted however that the best practice standards referenced in the Council's SPGs must also be considered in the light of existing street and plot layouts, and in the context of different building forms in existing residential areas of the city, where many properties constructed in the late 19th century/first half of the twentieth century do not comply.

Oakfield Street is one such example where rear annexe projections often provide for overlooking at close proximity, and for windows considerably closer than 10.5m to a boundary, or 21 metres apart.

Cardiff does not generally apply the 45° rule, however in its reduced form the proposed stairwell projection; and three storey projection adjacent to Numbers 3 and 9 Oakfield Street respectively, would be very close to that standard if applied.

8.50 Traffic and Transportation

Parking

The current use of the property is as 16 bedsits with a communal living room, a whole ground floor flat (bedspaces unknown), and approximately 110m² of office/showroom space. No Off street car parking space currently exists on the plots. Cycle stands are indicated within the lightwells and along side access paths.

The proposal is for 19 one bed units of accommodation and a two bed duplex apartment and for two studio/office spaces of circa 86m² total. and the development affords 5 No. off street car parking spaces.

In terms of parking standards, the site is located outside of the Central Area Bay Core and current standards would require a minimum provision of 10 car parking spaces for the 20 units of residential accommodation proposed, together with 5 visitor car parking spaces and 20 cycle parking spaces. The commercial element of the proposals would require 2 car parking spaces.

- 8.51 As a new build development the proposal therefore does not provide sufficient off street car parking to accord with the standard, but again must also be weighed against the existing situation which has zero provision of any sort, and the context which is on a principal bus route served by many services running to the City Centre and the site location is within 700m of Albany Road, 350m of Clifton Street and 700m of City Road centres.

Given the above it is suggested that access to local services would be likely to be most easily accessed on foot or by cycle and that longer journeys could be undertaken by use of public transport which would be easily accessible from bus stops on Newport Road. As such, subject to the provision of adequate secure cycle parking within the site, the level of off street car parking proposed is considered acceptable, and not thought likely to materially alter the requirement for on street spaces than that generated by the existing intensity of use of the building.

8.52 Waste Management

The comments of the Waste Manager are noted and have been conveyed to the applicant's agent, who concurs with the Planning Officer that accommodation of bin storage, whether standard or bulk bins within the frontage of the property would not be desirable. The use of smaller bins for waste and standard bins for recycling could be accommodated and although this may be more labour intensive for residents on collection days, would appear a less damaging option in respect of the impact on the Conservation area. The applicant has suggested however that it may be preferable for waste management to be undertaken via private contract which would allow for servicing from the rear of the site (No longer offered by the Council) , and this option is being explored. The planning officer would raise no objection to this solution.

8.53 Affordable Housing

The Council's SPG on Affordable Housing provision would require a 20% allocation of affordable units on a New Build Brown field site, however because of the nature of the accommodation and potential difficulties in managing only a proportion of the units by an Registered social landlord, it is considered more appropriate for the developer to make a financial contribution in lieu of such provision. No objection has been raised to the sum of **£250,560** by the applicant.

8.54 Public Open Space.

The development does not provide for any public open space and would therefore generate a requirement for a contribution to maintain existing parkland or for the provision of new. The Parks Manager has calculated that a contribution of **£4212.00** would be required in this instance and would be used for project works in Shelley Gardens.

9. Section 106 Matters

For clarity, the development is considered acceptable on the basis of:

A payment in lieu of on site provision of affordable housing of the order of **£250,560** which is considered necessary to meet planning objectives, reasonable and proportionate to the development proposed.

A payment in lieu of on site provision of Public Open Space of the order of **£4212.00** be used for a project in the local area, to be advised.

It is noted that the resurfacing works necessary to the rear service lane are able to be adequately secured by condition.

10 **Recommendation:**

That subject to the signing of a Legal Agreement under S106 of the Town and Country Planning Act, that Planning Permission be Granted subject to conditions



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5 - 7 OAKFIELD STREET



STREET VIEW - AS EXISTING

5 - 7 OAKFIELD STREET



STREET VIEW - AS PROPOSED



SOUTH WEST ELEVATION



EAST ELEVATION (Facing No. 3 Oakfield Street)

AM, MP, MEMBER OBJECTION SITE VISIT REQUEST

COMMITTEE DATE: 09/09/2015

APPLICATION No. 15/00307/MJR APPLICATION DATE: 17/02/2015

ED: **PLASNEWYDD**

APP: TYPE: Conservation Area Consent

APPLICANT: Mr Parish

LOCATION: 5-7 OAKFIELD STREET, ROATH, CARDIFF, CF24 3RD

PROPOSAL: DEMOLITION OF NOS. 5-7 OAKFIELD STREET, ROATH, CARDIFF, CF24 3RD

RECOMMENDATION 1 : That, subject to the granting of planning application 15/00306/MJR that Conservation Area Consent be **GRANTED** subject to the following conditions :

1. C02 Statutory Time Limit - Listed Building
2. The consent relates to the buildings indicated for demolition on drawing number 4025 (D) 409.
Reason: The information provided forms part of the application.
3. Demolition shall not take place until a contract for the carrying out of works of redevelopment of the site has been signed and planning permission has been granted for the redevelopment for which the contract provides.
Reason: The demolition would be unacceptable in architectural terms in the absence of an immediate and sympathetic redevelopment.
4. No demolition, shall take place until such time as a demolition management plan has been submitted to and approved in writing by the local planning authority. The plan shall include for but not be limited to details of site hoarding, vehicle and plant access, contractors parking, materials storage, provision for skips and other refuse vessels, wheel washing facilities, construction traffic routes, and such measures as will be proposed to mitigate nuisance to adjoining and nearby neighbours as might be caused through noise, dust, or site wastes or debris.
Reason: To mitigate against nuisance to neighbours and ensure safety on the highway network.

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.

1. **DESCRIPTION OF DEVELOPMENT**

Conservation Area Consent is sought for the total demolition of No.s 5-7 Oakfield Street and for the outbuildings located within the curtilages of those properties for the purpose of re-development.

2. **DESCRIPTION OF THE BUILDINGS**

- 2.1 No.s 5 and 7 Oakfield Street are originally a mirror pair of four storey Victorian Villas presenting a painted Stucco render finish to the Oakfield Street Highway behind a dwarf wall and railed enclosure and front garden curtilage containing a lightwell.
- 2.2 The Villas are one of the larger pairs of buildings in the street and appear on the ordnance base of 1880. They occupy two of relatively standard plots of around 7.5m x 48m
- 2.3 5 and 7 Oakfield Street are 4 storey buildings (including basement and attic accommodation); and display a pair of three storey bay window projections with plain rendered parapet detail to two symmetrical gable presentations to the Highway frontage. The 'Ground floor' level is elevated from the highway and accessed via a stepped entrance to the outer edge of the property frontages. Basement access is also via steps from the front garden which has also been excavated to provide a lightwell. The building retains 4 pane sash windows to its frontage. No 5 has a (non original) first floor side projection in timber, Both 7 and 5 have multiple non original apex dormer extensions to the rear, and both have been altered at lower levels to the rear.
- 2.4 The property is rendered and painted brickwork/stone with simple banding relief detail and overscale quoinwork to the corner of each property and to either side of the entrance doors and upper level windows. Finishes to side and rear are plain unpainted render, probably not original and suspected blown from the substrate in several places. The front presentation of the building shows signs of water damage and decay through process of water saturation.
- 2.5 To the rear garden, a detached outbuilding in the garden of Number 7, being an amalgam of several structures and extensions covers an area of approximately 110m² and abuts the boundary of the site with the Partridge Road service lane

3. **SITE HISTORY**

- 3.1 Planning (14/01544) and Conservation Area Consent (14/01713) applications to demolish the property and to rebuild it with a very large extension were withdrawn prior to determination in August 2014
- 3.2 This application seeks to obtain consent to demolish the buildings in order to redevelop the site as proposed under the head of Planning Application 15/00306/C

4. **POLICY FRAMEWORK**

Planning Policy Wales

Chapter 6

Welsh Office Circular/Direction

61:96 & 1:98 Planning and the Historic Environment

Other Material Considerations

Oakfield Street Conservation Area Appraisal

5. **INTERNAL CONSULTEE RESPONSES**

5.1 **Traffic and Transportation Officer**

Raises no objection to the proposal subject to standard conditions relating to approval of a demolition management.

6. **EXTERNAL CONSULTEE RESPONSES**

6.1 **The Victorian Society**

We object to the proposed demolition of 5 and 7 Oakfield Street, which would deprive the street of two non-designated heritage assets and harm the character and appearance of the Conservation Area in which they stand.

Oakfield Street Conservation Area was designated in 1992, with an Article 4 direction coming into force later the same year. The street was developed from 1860 and was largely complete by 1900. While a number of architects appear to have had a hand in its development, *Thomas Waring* was the building agent and the borough engineer around the same time, and was likely responsible for many of the houses. The Conservation Area Appraisal describes the street as one that is characterised by pairs of semi-detached villas, the design of which is generally either neo-Gothic or mildly Classical in inspiration. 5-7 Oakfield Street is a semi-detached pair of Gothic-revival houses. Akin to many of the buildings on the street it is a handsome stucco-

clad edifice, with rusticated quoins, surviving sash windows and doors, and tall paired gables with surviving finials. The oriel window on the east elevation is a particularly attractive feature.

The demolition of 5-7 Oakfield Street would harm the significance of the Oakfield Street Conservation Area. It would deprive it of an attractive and well-preserved building, one that makes a thoroughly positive contribution to its appearance. As the appraisal makes abundantly clear, the character of the Conservation Area is defined by buildings such as this, and its loss would therefore inevitably erode its character.

Part of the purpose of designating the Conservation Area (and the Article 4 direction) was to protect those buildings which make a positive contribution, such as 5-7 Oakfield Street, from insensitive alteration or – as now – complete demolition.

We therefore object to this application and urge you to refuse it consent.

7. **REPRESENTATIONS**

7.1 The application has been advertised on site and in the Local Press and Members have been consulted:

7.2 Objections have been received from occupiers at 1,3,17, 39, 49, and 62 Oakfield Street; and from a resident of Bowley Court in Splott, although a number of these relate to the merits of the redevelopment proposal as well as to the principle of demolition.

7.4 The owner of 3 Oakfield Street is perhaps most affected by the proposals and comments as follows:

The proposal to demolish properties in the conservation area and replace them with a block of flats behind a rebuilt façade is at variance with the objective of conserving historic buildings and areas, as provided for in both the Cardiff Local Development Plan and the previous 1996 Plan, together with the Oakfield Street Conservation Area Appraisal, which does not envisage any demolitions in the street.

Planning Policy Wales refers to demolitions in conservation areas and the need to consider their wider effects on the area as a whole e.g. the precedent for similar applications.

W.O. Circular 61/96 requires demolitions in conservation areas to be assessed against the same criteria as for the demolition of listed buildings and calls for evidence that buildings could not be conserved in their existing use.

7.5 Correspondence has also been received from Cllrs McGarry, Lent, Javed and De'ath; From Jo Simmons MP Cardiff Central, and from former MP Jenny Willot. Which object to the proposed redevelopment proposals including disruption as would be caused by demolition.

7.8 **Support** for the redevelopment proposals has been received from occupiers at 7C (River Gods Ltd), 9, and 34 Oakfield Street and from a resident of 39 Merthyr Road in Tongwynlais. Which in principle includes for the demolition of the existing buildings

8. **ANALYSIS**

8.1 The Planning (Listed Buildings and Conservation Areas Act) 1990 is the principal Statute impacting on development in Conservation areas.

8.2 Planning Policy Wales sets out land-use planning policies as they apply in Wales. and at Chapter 6 sets out overarching policy guidance relating to the historic environment; this in conjunction with Welsh Office Circular 61:96 forms the basis of National Policy and guidance relating to Conservation Areas and Listed Buildings.

8.3 The Act requires that 'Conservation Area Consent' is required to totally or substantially demolish an unlisted building within a conservation area, and that the loss of that building is a material consideration in determining any application for planning permission for the redevelopment.

8.4 Authorities are required by Section 72 of the Act, in the exercise of their powers under the planning Acts, to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

8.5 Section 33. of Welsh Office Circular 61:96 indicates that there should be a general presumption in favour of retaining buildings which make a positive contribution to the character or appearance of a conservation area; and that proposals to demolish such buildings should be assessed against the same broad criteria as proposals to demolish listed buildings.

8.6 The Circular is clear that Consent for demolition should not be given unless there are acceptable and detailed plans for redevelopment. It has been held that the decision-maker is entitled to consider the merits of any proposed development in determining whether consent should be given for the demolition of an unlisted building in a conservation area.

8.7 The general criteria relevant to the consideration of all listed building consent applications relate to the importance of the building, its intrinsic architectural and historic interest and rarity; the particular physical features of the building; the building's setting and its contribution to the local scene; and the extent to which the proposed works would bring substantial benefits for the community, in particular by contributing to the economic regeneration of the area or the enhancement of its environment.

- 8.8 In respect of the 'broad criteria' forming part of the assessment of the demolition of Listed Buildings mentioned above. Section 91 of Welsh Office Circular 61:96 advises that the following should be taken into consideration:
- (i) the condition of the building, the cost of repairing and maintaining it in relation to its importance and to the value derived from its continued use.
 - (ii) the adequacy of efforts made to retain the building in use. (Including the offer of the unrestricted freehold of the building on the open market at a price reflecting the building's condition.
 - (iii) the merits of alternative proposals for the site.
- 8.9 The applicant has submitted a building conditions survey which indicates evidence of surface degradation and suggests this is indicative of likely internal building decay caused through long term water ingress.
- 8.11 From Site Inspection the building is indeed showing signs of distress externally; appears to have been subject to ad hoc repair (as would be expected in a property of this age), and does show signs of external render cracking and areas of damp /efflorescence / spalling, and certain tell tale 'bulges' which may well suggest a 'blown' cavity between render and masonry. The observations conveyed in the report by the Austin Partnership in respect of the external condition are therefore generally concurred with.
- 8.12 What has not been evidenced however are some of the opinions/assumptions as to the condition of the internal structure, which on the basis of a non intrusive/interrogation of the building fabric cannot be conclusive and are considered, at this point in time, to be conjecture.
- 8.13 However the report suggests that there may be a cost benefit to demolition and re-building over repair, and the applicant obviously wishes to limit his risk in respect of the potential costs of repairing a building which may not be structurally sound or may require additional works to make it so. From a business perspective, the guarantees that are available on a new build construction and in respect of VAT exemption are evidently also attractive.
- 8.14 In terms of the importance of the buildings, and the contribution which the existing building makes to the character and appearance of the Conservation area, The building is not considered a landmark building, but rathermore a building which combines with other mirrored pairs of Villas as part of a general backcloth of buildings making an equal contribution to the overall character of the area.
- 8.15 The building is not considered significant structurally, and where render has spalled appears to be brick and rubble built with soft bedding mortar as substrate with patched stucco render finish to the front and cementitious

render to the sides and rear, (which speculatively may well be the cause of the majority of the buildings problems with damp and fabric saturation).

- 8.16 The building does not for example display any significant architectural features such as might be observed in other more gothic inclined buildings in the road with exposed limestone or freestone detailing, archwork, orders or pilasters.

The building's contribution to the character of the area is therefore considered to be derived from its architectural composition of mirror pairing, bay projections, Gable attic projections to the highway and simplicity of its render relief detailing together with such original four pane sash windows and stepped entrances and forward facing doorways which are characteristic of the period of building.

- 8.17 Given that the duty placed on the Local Planning Authority is to have special regard to the desirability of preserving the character and appearance of the area, (as opposed to the preservation of the building fabric, (as is the case with a Listed Building), there would therefore appear some potential for its replacement if the redevelopment would equally preserve, or enhance the character and appearance of the area.

- 8.17 In respect of the merit of the proposed redevelopment, In terms of comparison, the proposed building provides for a mirror pair of four storey buildings of very similar character to those existing. The buildings provide for a 12.6m wide frontage 11.0m ridge height above the Oakfield Street footway with three storey bay projections set back some 3.5m from the front boundary enclosure.

- 8.18 The existing buildings present an identical frontage width, and a ridge height of circa 11.4m with three storey bay projections set back some 4m back from the front boundary enclosure.

- 8.19 The proposed building is shown with very similar simple stucco relief detailing to the existing and with a natural slate roof, stepped front entrance doors and timber 4 pane sliding sash windows, replicated rusticated quoinwork and cast iron rainwater goods. The proposed building is not presented as a replica structure, but as a new building displaying a number of similar architectural features.

- 8.20 As such, in respect of the contribution the new building would make to the character and appearance of the conservation area, the proposed building is considered to have a relatively neutral impact and to preserve the appearance and character of the area, and would in fact not be significantly different aesthetically to that which exists currently.

- 8.21 The Planning Officer concludes therefore that arguments to support the retention of existing buildings are essentially philosophical in respect of a desire to retain what remains of the original building fabric of the structures; and although accepting that such fabric could be repaired, that the merit of

preserving it is balanced in the main by the additional robustness and potentially improved sustainability standards that a new build construction of very similar presentation would offer.

- 8.22 As this is the case, It is concluded that should Planning Permission be approved for the replacement development sought, that the Granting of Conservation area consent would not damage the character or appearance of the conservation area and should be granted subject to appropriate conditions to avoid, as far as is reasonably practical, the realisation of a gap site, and the comprehensive redevelopment of the land further to demolition.



CHIEF EXECUTIVE
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 Tel: 029 20872000

City of Cardiff Council
Cyngor Dinas Caerdydd



**CARDIFF
 CAERDYDD**



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5 - 7 OAKFIELD STREET



STREET VIEW - AS EXISTING

5 - 7 OAKFIELD STREET



STREET VIEW - AS PROPOSED



SOUTH WEST ELEVATION



EAST ELEVATION (Facing No. 3 Oakfield Street)

AM OBJECTION / PETITION

COMMITTEE DATE: 09/09/2015

APPLICATION No. 15/00561/MJR APPLICATION DATE: 20/03/2015

ED: **ELY**

APP: TYPE: Full Planning Permission

APPLICANT: Cadwyn Housing Association
LOCATION: WANDERERS BUNGALOW, 1A STIRLING ROAD, ELY,
CARDIFF, CF5 4SR

PROPOSAL: THE ERECTION OF 15 (ONE BEDROOM) AND 3 (2
BEDROOM) RESIDENTIAL APARTMENTS ACCESS
ARRANGEMENTS, LANDSCAPING, AMENITY SPACE,
BICYCLE PARKING, BIN STORE AND ASSOCIATED WORKS
WITH DEMOLITION OF EXISTING BUNGALOW

RECOMMENDATION 1 : That, subject to relevant parties entering into a binding planning obligation, in agreement with the Council, under **SECTION 106** of the Town and Country Planning Act 1990, within 6 months of the date of this resolution unless otherwise agreed by the Council in writing, in respect of matters detailed in paragraph 5.6 of this report, planning permission be **GRANTED** subject to the following conditions:

1. C01 Statutory Time Limit
2. The refuse storage facilities shown on the approved plans shall be provided prior to the beneficial occupation of the development and shall thereafter be retained and maintained.
Reason. To ensure an orderly form of development and to protect the amenities of the area.
3. Notwithstanding the submitted plans, details of cycle parking facilities for 18 cycles shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the beneficial occupation of the development and shall thereafter be retained and maintained.
Reason. To ensure appropriate provision for cyclists.
4. Details of any means of illuminating the external areas of the site, including (but not limited to) access footpaths and the approved vehicle parking area shall be submitted to and approved in writing by the local planning authority. Details submitted shall allow for (but not be limited to) low intensity lighting which will seek to limit light overspill outside the application site. The approved details shall be implemented prior to the beneficial occupation the development.
Reason. To ensure an orderly form of development and in the interests

of residential amenity.

5. The car parking provision shown on the approved plans shall be provided prior to the beneficial occupation of the development and shall thereafter be retained and maintained.
Reason. To ensure an orderly form of development.
6. Notwithstanding the submitted plans, details of the means of site enclosure shall be submitted to and approved in writing by the local planning authority. The approved enclosures shall be provide prior to the beneficial occupation of the development and shall thereafter be retained and maintained.
Reason. To ensure an orderly form of development and in the interests of visual amenity.
7. No part of the development hereby permitted shall be occupied until a scheme of improvements to the Stirling Road footway including the reinstatement of the footway in place of the existing vehicle crossover to Wanderers Bungalow has been submitted to and approval in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the beneficial occupation of the development.
Reason: To ensure the reinstatement of the adjacent public highway in the interests of highway and pedestrian safety and to facilitate access to the proposed development.
8. Prior to the commencement of development a scheme of construction management shall be submitted to and approved by the Local Planning Authority. This scheme shall include details of how events at the adjacent rugby ground will continue to operate during the construction period together with construction traffic routes, site hoardings, site access, parking of contractors' vehicles and wheel washing facilities. It should also include a photographic survey of the existing condition of the footway fronting the site – with any damage to it sustained during construction to be re-instated to the satisfaction of the Local Planning Authority.
Reason: In the interests of highway safety and public amenity.
9. No site clearance/demolition to take place between 1st February and 15th August unless otherwise approved in writing by the Local Planning Authority. This approval will be granted if a suitably qualified and experienced consultant ecologist can provide evidence to the Local Planning Authority that there are no birds nesting in this vegetation immediately (48 hrs) before clearance.
Reason: To avoid disturbance to nesting birds which are protected under the Wildlife and Countryside Act 1981: Part 1, 1(1)(b), it is an offence to intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built.
10. C2N Drainage details

11. C4P Landscaping Design & Implementation Pro
12. C4R Landscaping Implementation
13. C1B Materials Specification Required
14. C2O Architectural detailing
15. The consent relates to the application as amended by the revised plans numbered (90)003D; (90)004C; (90)005C; 990)008D and (90)009D attached to and forming part of this planning application.
Reason: The plans amend and form part of the application.

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: Welcome Pack – The applicant is requested to provide future residents with a welcome pack upon their arrival, detailing public transport services in the area, to help promote sustainable transport. Leaflets and advice in connection with production of the packs are available from Miriam Highgate, Cardiff Council, County Hall, Tel: 029 2087 2213.

RECOMMENDATION 4: Bats often roost in trees, and work on these trees may disturb a bat roost. All bats and their roosts are protected against disturbance under UK and European legislation. If works are planned on a tree in which bats are roosting, Natural Resources Wales must be contacted for advice.

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

Where bats are known or found to occur, no works of felling or lopping of major limbs should take place until a licence to disturb these species has been granted in accordance with the relevant legislation.

NRW can be contacted at:-

Customer Care Centre 0300 065 3000 (Mon-Fri, 8am-6pm)
enquiries@naturalresourceswales.gov.uk
Natural Resources Wales
c/o Customer Care Centre
Ty Cambria

29 Newport Rd
Cardiff
CF24 0TP

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 An amended application for the construction of 18 self contained flats (15x 1 bed and 3x 2 bed), in two detached blocks of 2.5 storey scale. With associated amenity space, refuse and cycle storage facilities and off street parking for 9 vehicles.
- 1.2 Proposed Block 1 fronts Stirling Road and has an overall frontage of approx. 21m, set approx. 4.2m off the back of pavement at its closest point. The main ridge height is approx. 103m, reducing to approx. 7.1m at eaves, with a hipped, pitched roof, two small dormer windows to the side elevations and 6 small dormer windows to the rear elevation. The building is to be finished in white render, with an imitation blue/black slate band to the (half) top storey, continuing to the roof finish.
- 1.3 Proposed block 2 has its main frontage towards the Glamorgan Wanderers Club House, with its side elevation being set approx. 1.8m off the back of the Stirling Road pavement. The block frontage is approx. 22.7m, with the width along the Stirling Road elevation being approx. 12.2m. The general design and finish is the same as Block 1.
- 1.4 The site is shown as being enclosed by a combination of 2.1m high close boarded timber fence and 0.9m high hoop topped railings.
- 1.5 An off-street parking area for 9 vehicles is sited at the eastern end of the site, with a new access point off Stirling Road being approx. 7m wide. The vehicles would park on the development side of the parking area, with the opposite side (adjacent to the dwellings fronting Stirling Road having a small landscape strip.
- 1.6 A detached refuse storage structure is sited on one side of the new access road, formed by a 2.1m high brick enclosure, with gates that face into the site. The submitted site plan also indicates capacity for 21 'cycle racks' to be fixed to the side elevation of Block 1 (facing towards Block 2).
- 1.7 A communal amenity space area of approx. 390sqm is provided in the space between the 'front' elevation of Block 1 and the site boundary to the Memorial Ground.
- 1.8 Access to the proposed flats is via communal entrances fronting Stirling Road and the amenity area, with a pedestrian gate located between Block 1 and 2 in addition to the new access road.
- 1.9 The application has been amended to:
- Reduce the unit numbers from 21 to 18 by reducing size of Block 1;

- Relocate Block 1 to the front of the site & associated reposition and enlargement of amenity area;
- Relocate bin store;
- Relocate cycle parking;
- Reposition car park bays;
- Remove dormers from entrance elevations

2. **DESCRIPTION OF SITE**

- 2.1 The site is approx. 0.16Ha in area, along the southern boundary of the Memorial Ground, fronting Stirling Road. The site is currently open space ancillary to the Rugby Club and the site of an existing residential bungalow and garden. The application site also takes in a small area of the Rugby Club land currently used as a training pitch.
- 2.2 The site includes an area of trees that are covered by a Tree Protection Order (TPO 65/G01).
- 2.2 To the west of the site is the Glamorgan Wanderers RFC Clubhouse, to the east there are residential bungalows continuing into a small housing area of mixed detached and semi detached dwellings. To the south (across Stirling Road) are the gardens to dwellings fronting Grand Avenue.

3. **SITE HISTORY**

- 3.1 No relevant history.

4. **POLICY FRAMEWORK**

- 4.1 The site is within an area identified as Existing Open Space Use in the adopted City of Cardiff Local Plan 1996.
- 4.2 The relevant Local Plan Policies are:
- Policy 7 (Protection of Open Space)
 Policy 11 (Design and Aesthetic Quality)
 Policy 17 (Parking and Servicing Facilities)
 Policy 18 (Provision for Cyclists)
 Policy 43 (Enhancement of Existing open Space)
- 4.3 The relevant Deposit Unitary Development Plan Policies are:
- Policy 2.20 (Good Design)
 Policy 2.24 (Residential Amenity)
 Policy 2.49 (Protection of Open Space)
 Policy 2.57 (Access, Circulation and Parking Requirements)
 Policy 2.74 (Provision for Waste Management Facilities in Development)
- 4.5 Supplementary Planning Guidance

'Infill Sites' 2011
'Open Space' 2008

5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 The Transportation Manager has no objection, making the following comments:

I note that the revised proposals entail a reduction in the number of proposed units from 21 to 18 thereby further limiting any potential for overspill parking - with the provision of 9 off-street spaces now fully complying with the minimum requirement of the SPG. Mindful also that this is to be a Housing Association development, with significantly lower levels of car ownership than for private ownership, I am further persuaded that the concerns raised with respect of overspill parking will prove to be unfounded.

I'd therefore generally reiterate my original comments with the exception that the cycle parking condition (C3S) should now relate to 18 stands to reflect the reduced number of units.

I'd suggest that the Construction Management Plan condition be worded as follows to avoid exacerbation of the existing congestion problems during matches at the adjacent rugby ground – and also to address any potential damage to the existing frontage footway during the construction period. I'd suggest the following;

'Prior to the commencement of development a scheme of construction management shall be submitted to and approved by the LPA. This scheme shall include details of how events at the adjacent rugby ground will continue to operate during the construction period together with construction traffic routes, site hoardings, site access, parking of contractors' vehicles and wheel washing facilities. It should also include a photographic survey of the existing condition of the footway fronting the site – with any damage to it sustained during construction to be re-instated to the satisfaction of the LPA.

For clarity, the comments of the Transportation Manager in respect of the original submission are:

9 off-street parking spaces are proposed in association with a development of 18 one bed and 3 two bed flats. The requirement of the SPG (Access, Circulation & Parking) is for 'between 0.5 and 1 spaces per unit' for one bed flats, and for 'between 0.5 and 2 spaces' for two beds i.e. the 'minimum' requirement for the proposed development would be some 10/11 off-street spaces – with something towards this lower end of the ranges stipulated in the SPG perhaps being appropriate mindful of the location with ready access to public transport and local services/shops.

Whilst this may still indicate the potential for an element of overspill on-street parking I'm mindful that this is to be a Housing Association development – the future residents of which may therefore be expected to have significantly

lower levels of car ownership than would be the case for a private development. Indeed a level of parking provision of only half (or less) compared to what would have been required for private developments has been accepted for many previous Housing Association developments and has invariably proved adequate. I therefore consider that the proposed level of off-street parking provision is adequate in this instance and would have no objection subject to a condition relating to future retention of parking.

I note that a number of objections have been received with respect to inadequate parking provision – with particular concern expressed with regards to the exacerbation of existing congestion problems at such times when rugby matches are played at the ground. However, I do not share these concerns for the reasons which I've explained above – and even in the unlikely event that an element of overspill parking were to occur I would comment that kerbside parking is generally freely available, and that the problems that currently occur during matches are of an occasional and transient nature and an objection on such grounds would be very difficult to sustain at appeal.

Provision is shown for cycle parking (though only for 16 stands). However, these might be better located at a more central and convenient location in order to encourage their use – perhaps to the rear, and between, the two blocks of flats? I'd therefore request a condition relating to the submission for approval by the LPA, and implementation prior to beneficial occupation, of details of the provision of 21 cycle stands within a secure, lockable and convenient centrally located structure.

It appears that the existing access to Wanderers Bungalow will become redundant as a consequence of the proposed development and will be replaced by a new access. A further condition is therefore required relating to the re-instatement as footway of the redundant existing access. I'd also suggest a second recommendation advising the applicant of the need to secure the consent of the Operational Manager (Street Operations) - via 'Highwaypermits@cardiff.gov.uk' - prior to undertaking any works within the adopted highway in relation to the creation of the new access and the re-instatement of the existing one.

It may also be worth applying the standard Construction Management Plan condition – which could perhaps be expanded to include arrangements for such times when rugby matches are being played at the ground?

- 5.2 The Waste Manager considered the originally indicated refuse storage area to be acceptable, subject to the proposals accommodating the appropriate capacities.
- 5.3 The Housing Strategy Manager notes that the development is wholly for affordable housing and supports the proposals for the provision of social rented housing in this area, given the levels of housing need.
- 5.4 The Pollution Control Manager (Noise & Air) has no objection, subject to advice regarding construction site noise.

- 5.5 The Neighbourhood Renewal (Access) Manager has been consulted and any comments will be reported to Committee.
- 5.6 The Parks Manager has no objection to the proposals, subject to the developer agreeing to a financial contribution of **£10,120** towards the provision of or maintenance of existing open space in the vicinity of the site.
- 5.7 The Council's Ecologist has no objection, making the following comments:

In this case, I would refer to section 1.5.17 (4) of the adopted Biodiversity SPG where it sets out criteria for asking for surveys for bats, i.e.

(4) Felling, removal or lopping of:

- woodland*
- field hedgerows and/or lines of trees with connectivity to woodland or water bodies*
- old and veteran trees that are older than 100 years;*
- mature trees with obvious holes, cracks or cavities or ivy covered (and also large dead trees).*

I would say that these criteria are not met - the trees aren't part of a woodland, they are not connected to nearby woodland or lakes/streams, I wouldn't say they were over 100 years old, and the arboricultural report doesn't refer to any holes, cracks and cavities present. The arb report doesn't specifically mention any presence of bats but then again, it wouldn't normally do so, as tree consultants wouldn't necessarily be looking for these things.

Whilst some die-back and fungal infections are noted, which may create roosting opportunities, overall I would not say that there is enough weight to justify delaying the application while a bat survey is undertaken.

There is at least some potential for bats though, and their presence can never be ruled out, so in order to demonstrate that we have satisfied our statutory duties in relation to bats, we should attach the following recommendation to any consent granted:-

'Bats often roost in trees, and work on these trees may disturb a bat roost. All bats and their roosts are protected against disturbance under UK and European legislation. If works are planned on a tree in which bats are roosting, Natural Resources Wales must be contacted for advice.

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

Where bats are known or found to occur, no works of felling or lopping of major limbs should take place until a licence to disturb these species has been granted in accordance with the relevant legislation.

NRW can be contacted at:-

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enquiries@naturalresourceswales.gov.uk
Natural Resources Wales
c/o Customer Care Centre
Ty Cambria
29 Newport Rd
Cardiff
CF24 0TP'

The trees are very likely to support nesting birds, and active nests are protected by law. We would normally attach the following condition in these circumstances:-

Condition: No site clearance/demolition to take place between 1st February and 15th August unless otherwise approved in writing by the Local Planning Authority. This approval will be granted if a suitably qualified and experienced consultant ecologist can provide evidence to the Local Planning Authority that there are no birds nesting in this vegetation immediately (48 hrs) before clearance.

Reason: To avoid disturbance to nesting birds which are protected under the Wildlife and Countryside Act 1981: Part 1, 1(1)(b), it is an offence to intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built.

- 5.8 The Planning Policy Team raise no objection to the proposals, making the following comments:

The application site forms 0.18 ha of land, comprising previously developed land (the Wanderer's bungalow and surrounding curtilage), in addition to 0.1 ha of recreational open space forming part of the existing rugby training pitch.

This site is identified as an existing area of open space on the adopted City of Cardiff Local Plan Proposals Map. Policy 7 and approved Supplementary Planning Guidance on Open Space (March 2008) are of relevance. Policy 7 seeks to protect such areas through only allowing proposals involving the loss of recreational or amenity open space where

- They would not cause or exacerbate a local or city-wide deficiency of recreational open space.*
- The open space has no amenity or nature conservation importance.*
- The developers provide satisfactory compensatory open space.*

This policy reflects national planning policy relating to open space set out in Planning Policy Wales (Edition 7, July 2014), and Technical Advice Note 16 relating to Sport, Recreation and Open Space (January 2009).

The most recent survey of open space undertaken in 2009 classifies part of the site as formal recreational open space. It is noted that this area forms part of a larger area of formal recreational open space at the Rugby Club.

An Open Space Assessment has been submitted in support of the application. The Assessment includes a desk top appraisal of the Cardiff Open Space Survey (2009) in the context of this site and addresses each of the assessment criteria of Policy 7 as summarised below.

In relation to whether the proposal would cause or exacerbate a local or city wide deficiency of recreational open space the assessment states that the proposed development incorporates 0.06ha of amenity space on site. Taking this proposed amenity space within the context of the loss of 0.1 ha of the training pitch the overall loss of open space is 0.04ha. At this level the applicants consider the loss is insignificant and would not exacerbate the local or city wide deficit which stands at -349.74 ha (Cardiff wide). The assessment notes that the amount of training field which forms part of the development proposals comprises 5.1% of the current rugby club open space and its value in terms of public amenity is limited as the recreational ground is under private ownership, therefore offering limited access to the general public. The assessment considers that the extent to which the site can be considered 'public' open space is therefore arguable, given the gated/fenced nature of the site. The assessment also states that a range of existing open space exists in the immediate surrounding area including the children's play space and surrounding green at Green Farm Road, Wilson Road recreation ground and Western cemetery.

In relation to the second criteria of Policy 7, the Assessment concludes that the open space has no specific amenity of nature conservation importance in terms of statutory or non-statutory designation.

In relation to the third criteria of Policy 7 they state compensatory amenity open space is to be provided within the proposed scheme.

Summary

In terms of the existing provision of recreational open space the Open Space SPG sets out the amount of recreational open space relative to the standard for each ward within the city. This demonstrates that the Ely ward overall has a deficit of 10.65 hectares of recreational open space (based on the 2.43 ha per 1000 population standard) and therefore the proposal will exacerbate a local and city wide deficiency of recreational open space. It is noted however that the proposal is incorporating 0.06ha of amenity space on site and although this additional amenity open space will not contribute to recreational open space provision it is still important to note that the overall loss of open space is 0.04 ha.

On balance it is concluded that the proposed development will result in a limited loss of formal recreational open space. However, given the scale and nature of the site, a rugby ground with limited public access, the range of

existing open space in the immediate area and the associated qualitative gains in relation to the delivery of affordable housing, it would be difficult to sustain a policy objection to this proposal.

- 5.9 The Tree Protection Officer has no objection to the proposals, making the following comments:

I seek confirmation from the applicants that all existing trees are to be removed since the proposed layout plan uses a slightly different hatching for some trees.

Other than one moderate quality and value 'B' category beech (T4), the trees are of low quality or moribund, and therefore should not be considered a significant constraint to development. The indicative proposal to remove and replace trees is therefore supported, including the removal of T4 which I think will not thrive as a stand-alone tree because it will lack the benefits afforded by being part of a group. Aside from the shelter afforded from extreme winds, beech trees typically perform better in woodlands or groups because their combined canopy cover helps to shade out competing plants and create a deep, moist organic soil horizon where mycorrhizal fungi flourish that form mutualistic associations with beech roots. The roots themselves are concentrated close to the soil surface and the shading of the canopy and protection of the litter layer and decaying organic matter shields them from temperature extremes. The thin, sensitive bark of beech is also sheltered from temperature extremes in woodlands, and this helps to prevent damage that can otherwise result in beech bark disease.

Given the scale of development and the extent of soil disturbance, tree loss and new planting involved, I would have expected a detailed, upfront landscaping scheme, informed by a Soil Resource Survey (SRS) and Soil Resource Plan (SRP) in accordance with the DEFRA Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (2009). My pre-application observations recommended this approach and I reiterate it here. The landscaping scheme should comprise a scaled planting plan, plant schedule, topsoil and subsoil specification (to BS 3882:2007 and BS 8601:2013 respectively), tree pit section and plan views, planting methodology and 5 year aftercare methodology. It must be clear that existing and proposed services, including drainage, will not significantly constrain the below ground growing space for new planting. The SRS and SRP should also inform a Construction Environmental Management Plan or its equivalent.

- 5.10 The Urban Design Team make the following comments in respect of the amended proposals:

Density

Given the significant scale and massing of the two blocks, the revised proposal would still represent a significant intensification of the site.

The reduction in the number of units proposed from 21 to 18 is welcomed as it

would bring the density of the development more in line with that in the local area, albeit within a different form of development. A further reduction in the density to enable a more in keeping form of development within the local area would however be favoured.

Layout

It is considered that the revised positioning and reduction in scale, of Block 1 would ensure that its height and general massing would have a reduced impact upon the neighbouring bungalow to the east. The positioning of this block would now also better reflect that of the building line created by the bungalows to the east while providing better definition along Stirling Road.

The amended positioning of Block 1 would also ensure that the amenity space provision associated with the development would be of a more appropriate scale and therefore significantly more usable.

The proposed layout does however remain of concern given the bulk/massing of the two blocks which fails to reflect that of the built form in the area. The Infill Sites SPG states that;

'Infill development needs to be sensitive to its immediate surroundings and respond well to the built context. It is important that in residential areas where there is a clear existing pattern and form of development, that new buildings, landscaping and boundary treatments complement the character of the surroundings.' (Para, 3.12, p.14)

'The spaces between adjacent buildings often have as much impact on the character of the area as the form of the buildings themselves. Plots must be of a sufficient width to accommodate buildings that fit well into the street scene and provide adequate visual separation where appropriate.' (Para 3.20, p.18)

Form, Scale and Massing

It is noted that the two blocks proposed would be located towards the western side of the site in closer proximity to the adjacent two storey rugby club building than the bungalow to the east. As such, it would be difficult to sustain a strong objection to the height of the buildings given their positioning and therefore closer relationship to the rugby club clubhouse than the bungalows to the east.

Whilst the reduced length and revised positioning of Block 1 would reduce its impact on the adjacent bungalow to the east, the massing of Block 1 and 2 there remain concerns regarding the scale and massing of development within the wider area of the site. Consideration should therefore be given to reducing the scale and massing of the any development within the site such that it would better reflect that of the localised built form. The Infill Sites SPG states 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 frontage building line and respond to the existing street scene.'*

(Para 2.14, p.11)

The scale and massing of Block 2 remains as previously proposed and therefore remains uncharacteristic of the layout and form of development in the locality. It is noted that the layout/orientation of Block 2 is such that its side elevation would face onto Stirling Road thereby limiting the perceived massing of the building from this principal street.

Design

It is considered that the general design/finish of the two buildings would fail to respond to that of the built form / finish of development in the area, contrary to the Infill Sites SPG. This states that;

'Proposals must respect the urban grain and consider locally distinct patterns of streets and spaces including:

- *Elements of the form of the street (organic or regular)*
- *Predominant housing layouts (terraced, semi-detached or detached)*
- *Garden Sizes*

(Para 3.15, p.14)

'Materials (colour, texture and extent) used for roofing, walls, doors and window frames should respond to the dominant construction or facing material in the area; materials should either match exactly or be complementary.'

(Para 3.16, p.15)

'Fenestration, openings and doorways of new development should complement the size, proportions, design and rhythm of detailing of neighbouring properties. The roofline should comprise of appropriate design and pitch of roofs, ridge height, eaves level, and notice taken of any other relevant details in the street scene.

(Para 3.18, p.15)

The two buildings proposed would not be considered to be reflective of the predominant local housing layout. Detailing within the buildings proposed such as the abundance of dormer windows and rooflights and the introduction of large areas of overhanging roof supported by large brackets would represent uncharacteristic detailing within the local area.

Internal Layout

Strong concerns remain with regard to the internal arrangement of the two blocks. The layout/positioning of the communal halls and stairwells mean that the proposed flats would have to be single aspect and therefore the quality of the internal living space, particularly in terms of light provision given the orientation of the buildings, would be compromised.

Bin Store

The positioning of the proposed bin store is such that it would be easily accessible for residents of the development and collection operatives. Some concern is had however with regard to the prominence in which it would have within the streetscene. As such, a more discrete location for the store would be favourable. Should it be located as proposed, it would be important that the store would be constructed from high quality materials.

Amenity Space

Concerns were previously raised with regard to the size and usability of the amenity space provision proposed. The revised positioning of Block 1, combined with the reduced number of units proposed would however ensure that the size and usability of the amenity space provision would now be in line with the guidance contained in the Infill Sites SPG.

6. **EXTERNAL CONSULTEE RESPONSES**

- 6.1 Dwr Cymru/Welsh Water have no objection subject to conditions in respect of site drainage. In light of comments made in representations, Welsh Water were asked to clarify the Sewerage and water supply situation. The following comments have been received:

Further to our conversation earlier I have had a discussion with both internal consultees from both water and waste operations and have the following comments.

We have no records of any sewer flooding or problems at this address. There was one record dating back to 2012 which was a private drainage issue.

We have a duty to provide 1.5 bar pressure to the main in the road. If individual houses experience problems this may be because they are on a shared supply or there may be an issue with their private system.

In both circumstances we advise customers if they experience any problems with flooding or low water pressure to contact us to investigate. But we do not have any concerns this development would cause any problems based on the data and information we hold.

I hope this helps, if you do speak to any of the residents they can contact us on

0800 085 3968 to report any matter and seek assistance.

- 6.2 South Wales Police offer comments in respect of crime prevention matters. Their correspondence has been forwarded to the agent.
- 6.3 South Wales Fire & Rescue Service have provided comments relating to water supply and access for firefighting appliances. These comments have been passed to the agent.

7. **REPRESENTATIONS**

- 7.1 Adjacent occupiers have been consulted and the application has been advertised on site and in the press in accordance with adopted procedures.
- 7.2 43 letters of objection were received from neighbouring residents (in respect of the original submission), which raise the following concerns:
- Inadequate parking provision will exacerbate existing on street parking pressures, particularly on GWRFC event days;
 - The increased on street parking demand will hinder accessibility to the wider area for emergency service vehicles;
 - Overlooking and overshadowing to adjacent bungalows from the taller buildings will adversely affect privacy, light and amenity;
 - The area already suffers from drainage and water supply pressure issues which the development will exacerbate;
 - The development will result in an over-subscription to local schools that are already under pressure;
 - The proposed flats are an incongruous form of development that are out of character with the surrounding bungalows and 2 storey dwellings;
 - The presence of social housing will de-value privately owned dwellings;
 - The proposals represent an over development of the site;
 - There has been an absence of community consultation by the applicant, prior to making the application;
 - There is a lack of detail regarding the illumination of the parking area and the impact on the occupiers of 33 & 35 Stirling Road;
 - The location of the bin store is inappropriate;
 - The proposed parking area will cause light disturbance to the rear of the bungalows at 33 & 35 Stirling Road;
 - The proposed fence to the parking area will affect views from 33 Stirling Road;
 - The DAS is inaccurate in that Wanderers Bungalow is still occupied, and the training pitch is still used;
 - The security to the rear of the bungalows is compromised;
 - Loss of open space;
 - Loss of visual amenity due to loss of trees;
 - Loss of privacy for occupiers of dwellings fronting Grand Avenue due to overlooking from 3 storey height;
 - Loss of views from the rear of dwellings fronting Grand Avenue due to building height;

- Vermin infestation due to proximity of bin store to bungalows;
- The proposals contravene Article 1 of the Human Right Act in that they prevent peaceful enjoyment of possessions, and Article 8 in that they fail to respect the right to a private family life;
- The land was gifted to the club by Lord Tredegar for the benefit of the community;
- Increased instances of crime, disorder and anti-social behaviour from future residents and others visiting future occupiers.

7.2 Local Members have been consulted and any comments will be reported to Committee.

7.3 Mark Drakeford AM makes the following comments:

I am writing with regards to the following planning application:

Reference: 15/00561/MJR – WANDERERS BUNGALOW, 1A STIRLING ROAD, ELY, CARDIFF, CF5 4SR

I have been contacted by constituents who have made a very strong case to me that this application represents an over-development of this area. They are convinced that the increased density of residential accommodation will create a number of issues, particularly its impact on traffic and on water/sewerage.

The area currently suffers from issues of traffic congestion and very high pressures on the amount of parking available. This is especially true on days when the Glamorgan Wanderers Rugby Club have their home matches, and other events at their grounds, when the situation for current residents can become very difficult indeed.

They are concerned that the amount of parking proposed for the development is too low for the number of potential occupants, and that the limited access to the site is inadequate for the volume of traffic that may be using it.

Local residents who have contacted me have expressed their concern that a lack of parking within the development will lead to greater pressures on the on-street parking, particularly on Stirling Road. They feel that this additional congestion could have a negative impact on road safety, and also could restrict access by emergency services vehicles. They feel that previous efforts to improve the parking situation have been unsuccessful and this undermines their confidence that the situation will improve in the future.

I understand that, in the past, problems have arisen with sewerage and water pressure following the completion of a housing development in this area of a more modest scale than that proposed here. Constituents who have contacted me are therefore concerned that this larger development will lead to more significant problems in this regard.

I would be very grateful if you would give the above matters thorough consideration when determining this application.

- 7.4 A petition of 180 valid signatures has been submitted, with the covering letter making the following statement:

“Please find a petition comprising of signatures collected by various individuals who feel that the proposed development would be detrimental to themselves, others and the area as a whole. The petition was collected from every road that is accessed via and including Stirling Road. This includes those who would be affected by intrusion issues on the Grand Avenue should the application be granted despite overwhelming and almost unanimous opposition in the area.

The reasons for the objection are so numerous and varied as to be difficult to list. Therefore we ask that you take into account all objections posted online and via conventional post as the basis for our objection.”

- 7.5 A re-consultation exercise has been undertaken, in light of the amended proposals. A further 16 letters have been received from neighbouring occupiers. Whilst there is an acknowledgement that changes have been made, the comments received re-iterate previous concerns raised above.

8. **ANALYSIS**

- 8.1 An amended application for the demolition of an existing bungalow, with a wider site to be redeveloped as 18 self contained flats set in two 2.5 storey blocks. The proposals include an off street parking provision, refuse and cycle storage facilities and amenity space.

- 8.2 The application site is set within an area identified as being open space in the Local Plan, surrounded by land identified as existing residential use. The site includes areas that are currently land in general use by the rugby club, part in use as a training pitch facility by the rugby club and part in use as a dwelling and garden. The Planning Policy Team have considered the impact of the proposals in light of the requirements of adopted national and local planning policy and has advised that, on balance, there would be no sustainable grounds to refuse consent (para 5.8 above).

- 8.4 With regard to the scale and design of the proposed flats, the comments of the Urban Design officer (para 5.10 above) are noted. The amended proposals have addressed many of the issues initially raised with regard to scale, massing, relationships to surrounding properties and scale of amenity space.

It is acknowledged that the proposals are of a larger scale than the existing residential built form around the site. However, it is considered that the amended proposals offer a building to building relationship that has a stronger contextual link to the larger scale rugby clubhouse than the dwellings further along Stirling Road and beyond. It is also considered that the application site, whilst forming part of the make-up of the general area, also has a standalone characteristic that separates it (and the existing rugby club buildings) from the existing residential context.

In terms of the detailed design and appearance of the proposals, it is acknowledged that they do not replicate the existing situation. However, it is of note that the nearby dwellings do hold some similarities in that there is a combination of facing brick and cladding panels to many. It is an accepted principle that new development should not attempt to completely replicate the existing situation. Development that has a differing approach in design and materials can be acceptable in its own right. Whilst it is acknowledged that the proposed buildings have a more functional than aesthetic design, it is considered that they have sufficient merit, all things considered, to warrant a favourable recommendation. In addition, conditions recommended above, regarding materials and architectural detailing will result in a further element of control over the precise nature of the finished development.

Whilst it is noted that there may be potential to present an objection to the proposals on design grounds, it is considered, in this instance and on balance, that the contribution of the proposed development towards the much needed housing provision in the area is a significant material consideration.

- 8.5 Representations have included concerns in respect of overshadowing, loss of privacy, loss of light and loss of views.

Overshadowing/impact on light – It is acknowledged that the proposals result in new built form on a site that is currently occupied by a single storey dwelling and a number of larger trees. However, the amended plans see 'Block 1' re-sited to the Stirling Road frontage, rather than the rear of the site, this takes the building out of the direct line of sight of the windows to the rear of the dwelling at no. 33 Stirling Road and introduces a separation distance of approx. 24.6m (from the side elevation of Block 1 to the centre of the rear elevation to no. 33), and approx. 18.2m to the shared boundary. Whilst it is also acknowledged that the introduction of the 2.5 storey development, located to the south-west of no. 33 and 35 may have some impact on light for a small period of time, it is considered that it would not result in such significant harm to amenity that would justify or sustain refusal of consent.

The proposed buildings are set at differing distances from the rear elevations of the dwellings fronting Grand Avenue, with Block 1 being approx. 33m from the rear of no. 400 (approx. 16m to the rear garden boundary), and Block 2 being approx. 31m from the rear of no. 404 (approx. 15m from the rear garden boundary). Whilst the scale of the built form on the site is obviously more than at present, the separation distances are policy compliant and any impact on natural light would not sustain grounds for refusal of consent.

Privacy – The proposed buildings undoubtedly introduce more windows, with some at upper floor levels. However the separation distances mentioned above are clearly in excess of the adopted guidelines of 21m window to window and 10.5m window to boundary. In addition, it is also of note that the closest windows with views in the direction of the dwellings at 33 & 35 Stirling Road (to Block 1) serve a kitchen area, The windows to the side elevation of block 2 that have views towards the rear of the dwellings on Grand Avenue also serve kitchen areas, and the windows and rooflights to the rear elevation of Block 1

that also face towards the rear of the dwellings on Grand Avenue are windows to the communal access corridors and are not part of any of the 'habitable room' areas of the building.

It is considered therefore, that the proposed buildings would not result in such an impact on privacy to the occupiers of the existing dwellings, or to future occupiers of the development, that would justify or sustain refusal of consent.

Views – The impact of development on any views currently enjoyed by surrounding occupiers is not a material planning consideration.

8.6 With regard to other comments made in representations:

- The proposed development has been assessed in terms of its design and scale. As indicated above, there would be no sustainable grounds to refuse consent in this regard;
- The proposals have been assessed by the Transportation Manager, who has also had regard for objection comments and the location of the site, in respect of parking, public transport and highway safety. As indicated in para. 5.1 above, there would be no sustainable grounds to refuse consent on these issues;
- The proposals have been considered by Welsh Water. As indicated in para. 6.1 above they have been made aware of the issues raised relating to drainage and supply pressures and have no objection to the proposals, subject to the imposition of standard drainage conditions;
- Whilst the proposals may result in school age children being housed on the site, this is not under the control of the local planning authority. Notwithstanding this, given the scale of the proposals, it is considered unlikely that there would be such an influx of school aged children that would cause sufficient concern to justify or sustain refusal of consent;
- The proposals have been considered by the Council's Urban Design Officers in terms of the scale, design and impact on the character of the site and wider area, as indicated in para 5.10 above. Whilst there are some concerns regarding the design, layout and scale of proposed development, the proposals as amended are, on balance, considered acceptable in this regard;
- The nature of occupancy of the proposed development, and any perceived impact on the values of surrounding properties is not a material consideration in the determination of planning applications;
- Applicants are under no obligation to undertake any community consultation prior to, or after the submission of a planning application (the Council is given to understand that a senior officer from Cadwyn Housing Association has met with some local residents). Planning permission cannot be refused on these grounds;
- The issue of any communal external illumination within the site is covered by condition 4 above;
- The amended proposals include the relocation of the refuse storage facilities away from the boundaries to the dwellings at 33/35 Stirling Road. These facilities are considered to be acceptable, subject to implementation as indicated by condition 2 above;

- Views from properties surrounding development sites are not protected under planning legislation. The submitted plans indicate a timber fence enclosure of 2.1m height to that part of the site that bounds no's 33 & 35 Stirling Road. The height of the proposed fence is 100mm higher than a fence of similar construction could be erected immediately, under permitted development rights. In this case, the difference of 100mm would not justify or sustain refusal of consent;
- Whether the existing bungalow on part of the application site is or is not currently occupied (at the time of the site inspection it was occupied), would have no impact on any recommendation. The training pitch is in the ownership of the rugby club, who clearly have a relationship with the applicant in respect to this proposal;
- South Wales Police offered crime prevention advice in light of the original submission, which was passed to the agent. Whilst concerns were raised in respect of opportunities for crime and disorder, these concerns were focussed on accessibility to ground floor windows to the proposed buildings. No concerns were raised in respect of the enclosures (2.1m close boarded fence) to the site boundary. In addition, it should be noted that the occupancy of the site for residential purposes offers increased general surveillance opportunities. It is therefore considered that refusal of consent in terms of any perceived lack of security caused by the proposals could not be justified or sustained;
- The proposals have been assessed by the Planning Policy Team, who have advised that the impact on the existing open space is such that there would be no justification for refusal of consent (para. 5.8 above);
- It is of note that the trees currently on site are the subject of a Tree Protection Order. However, it is the opinion of the Council's Tree Protection Officer that they are in poor condition and, as such, he would not be in a position to oppose their removal, subject to satisfactory compensatory planting within the development site;
- The proposals as amended relocate the refuse store away from the bungalows at 33 & 35 Stirling Road. In addition, the store is to be constructed using brick walls and secured gates. There are no reasonable or sustainable grounds for refusal of consent in terms of potential for vermin infestation;
- With regard to development proposals and the provisions of the European Convention on Human Rights, advice obtained from the Council's Legal Services is that - The established planning decision-making process assesses the impact which a proposal will have on individuals and weighs that against the wider public interest when determining whether development should be permitted. That is consistent with the requirements of the European Convention on Human Rights;
- Investigations have found that the 'Memorial Ground' is formed by land that was purchased by Glamorgan Wanderers in 1951, using funds including monies raised by 'fundraising activities', and named in honour of the fallen from World War 1 and 2. (*Fields of Praise: Official History of the WRU 1881-1981*). The agent has sought advice from the applicant's legal representatives and confirms that there are no covenants on the

- land relating to use by the community, notwithstanding this, any such covenant would not be material to the consideration of this application;
- Whilst crime and disorder, and the perception of crime and disorder are material considerations in the determination of applications, there is no evidence that future occupiers of the proposed development would participate in instances of crime and disorder. Without such evidence, there would be no reasonable or sustainable grounds for refusal of consent.

8.7 S106 matters – The following contribution requests have been made, with reference made to the Community Infrastructure Levy tests:

Parks – £10,120 – Towards the improvement of open space in the vicinity. Details to be agreed in line with the CIL tests.

8.8 In light of the above, and having regard for adopted planning policy guidance it is recommended that planning permission be granted, subject to a legal agreement and conditions.

Notes

This drawing is copyright.
All dimensions are to be checked prior to construction or manufacture.
Any discrepancies to be reported immediately to the Architect.

davies llewelyn and jones

Chartered Architects

The Mallings, East Tyndall Street, Cardiff Bay, Cardiff CF24 5BA,
Tel: (029) 2046433 Fax: (029) 20464345

Sheet SITE LOCATION PLAN

Sheet No/Revision (90)001

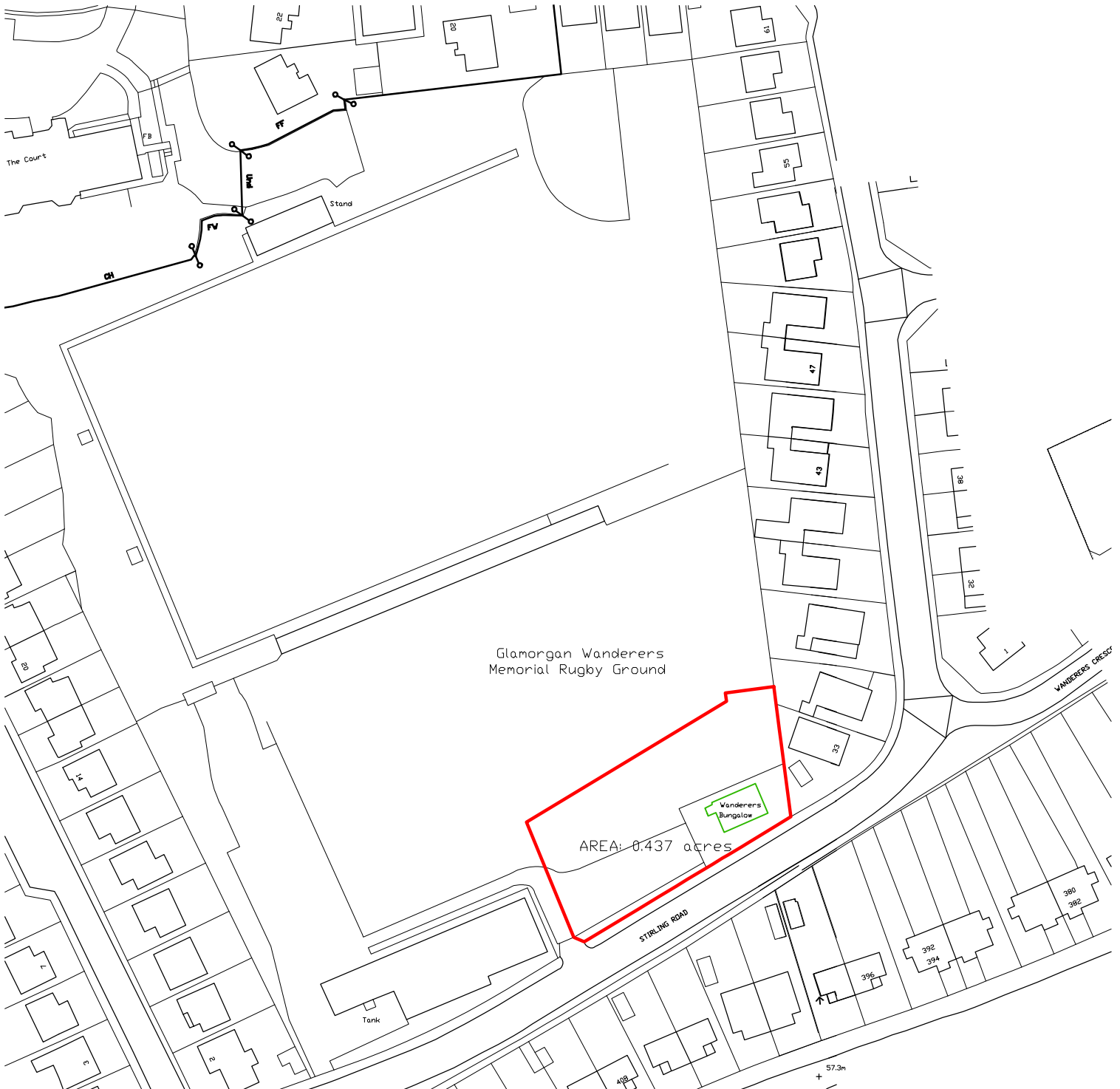
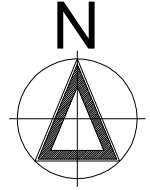
Client CADWYN HOUSING ASSOCIATION LTD.

Date FEB 2015

Scale 1:1250

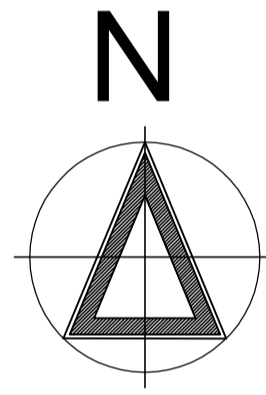
Drawn/Checked OK/DD

Job PROPOSED RESIDENTIAL DEVELOPMENT AT
GLAMORGAN WANDERERS, CARDIFF, CF5 4SR



SITE LOCATION PLAN

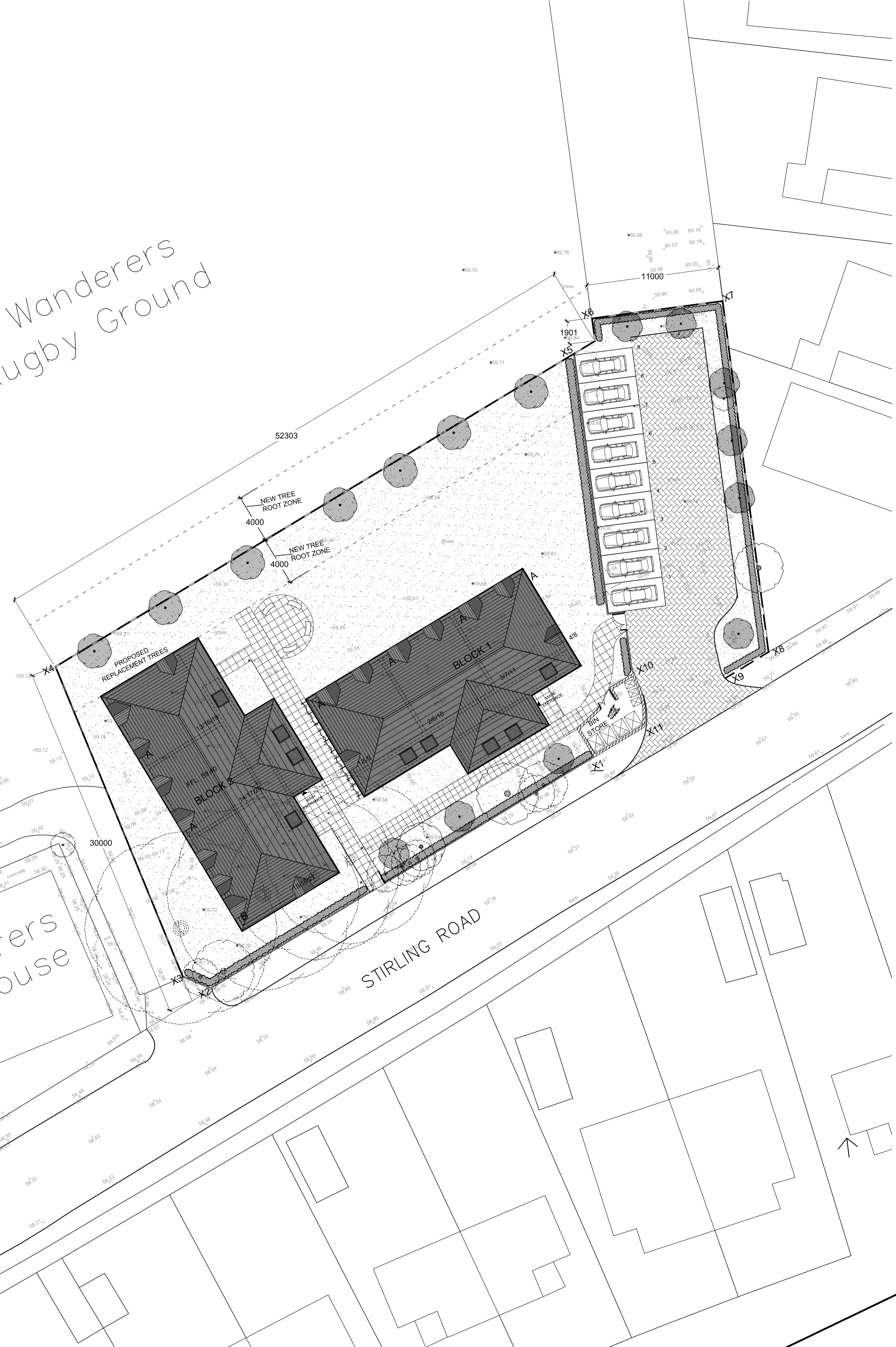
Glamorgan Wanderers
Memorial Rugby Ground



Glamorgan Wanderers
Rugby Clubhouse

Tank

STIRLING ROAD



PROPOSED SITE LAYOUT

notes

THIS DRAWING SHALL BE READ IN CONJUNCTION WITH THE FOLLOWING ARCHITECTS DRAWINGS:

- (90)001 SITE LOCATION PLAN
- (90)002 EXISTING SITE SURVEY
- (90)004 PROPOSED FLOOR PLANS-BLOCK1
- (90)005 PROPOSED FLOOR PLANS-BLOCK1
- (90)006 PROPOSED FLOOR PLANS-BLOCK2
- (90)007 PROPOSED FLOOR PLANS-BLOCK2
- (90)008 PROPOSED ELEVATIONS
- (90)009 PROPOSED ELEVATIONS
- (90)010 PROPOSED ELEVATIONS - BLOCK 1
- (90)011 PROPOSED ELEVATIONS - BLOCK 2

SCHEDULE OF ACCOMMODATION

BLOCK 1		
COMMUNAL FLAT TYPE 'A'	2P 1B	9 No
BLOCK 2		
COMMUNAL FLAT TYPE 'A'	2P 1B	6 No
COMMUNAL FLAT TYPE 'B'	3P 2B	3 No
TOTAL No. OF UNITS		18 No

EXTERNAL WORKS

DENOTES COMMUNAL PATHWAYS TO BE FINISHED WITH 600x600mm P.C.C PAVING SLABS, WITH TEXTURED NON-SLIP FINISH. PATHS TO BE EDGED WITH 200X50mm P.C.C KERBS.

ALL CAR PARKING BAYS TO BE IN TARMACADAM (NON ADOPTABLE STANDARD) WITH BAYS DEMARKED WITH BRICKS LAID ON EDGE. ALL BAYS 2.4m WIDEX 4.8m DEEP.

WALLING + FENCING

DENOTES 2.1m HIGH CLOSE BOARDED S.W. FENCE TO B.S. 1722,PART 5 WITH TIMBER POSTS AND RAILS.

GALVANISED MILD STEEL HOOP TOPPED RAILING PAINTED, PROVIDE 900mm HIGH RAILING+GATES.

BIN STORE

- 2x1100 LITRE BIN FOR GENERAL WASTE
- 1x240 LITRE BIN FOR GENERAL WASTE.
- 2x1100 LITRE BIN FOR RECYCLABLE WASTE.
- 2x240 LITRE BIN FOR FOOD WASTE.

BIKE STORE

21 No LOCKABLE SECURE WALLMOUNTED BICYCLE RACKS.

LANDSCAPING

- DENOTES AREAS TO BE TOP SOILED AND TURFED.
- EXISTING TREES TO BE REMOVED.
- EXISTING TREES TO BE RETAINED.
- DENOTES NEW TREES. FOR STAKING ETC REFER TO SPECIFICATION Q30.
- HEDGEROW PLANTINGS. BUXUS SEMPERVIRENS 'SUFFRUTICOSA' 3 LITRE POT SIZE.

BOUNDARY TREATMENTS

- X1-X2-X3
X5-X10 DENOTES 900mm HIGH GALVANISED MILD STEEL HOOP TOPPED RAILING PAINTED INCLUDING PEDESTRIAN GATES.
- X3-X4-X5-X6-X7-X8-X9 DENOTES 2.1m HIGH CLOSE BOARDED S.W. FENCE TO B.S. 1722 PART 5, WITH TIMBER POSTS + RAILS.
- X10-X11-X1 DENOTES NEW 2.1m HIGH F.L BRICK WALL TO BIN STORE.

Notes
This drawing is copyright... All dimensions are to be checked prior to construction... Do not scale this drawing. Mark to figure dimensions only.

Specification
This drawing must be read in conjunction with 'Drawing Specification Notes' Bill of Materials... and specialist's drawings and documents.

Rev	Description	Date
A	ADDITIONAL ELEVATION DRAWINGS (90)010, (90)011 REQUESTED BY PLANNING DEPARTMENT	19-03-2015
B	AMENDMENTS TO BLOCK 1, BLOCK 2 AND SITE LAYOUT	28-05-2015
C	BLOCK 1 AMENDED TO 9NO UNITS AND SITE LAYOUT REVISED	11-08-2015
D	BIN STORE RELOCATED	23-08-2015

Sheet	Proposed Site Layout	Scale	Job No	Sheet No/Revision
JUNE 2015	1:200 (@ A1)	1014/48	(90)003D	OK/DD

Client: CADWYN HOUSING ASSOCIATION LTD.
Job: PROPOSED RESIDENTIAL DEVELOPMENT AT GLAMORGAN WANDERERS, CARDIFF, CF5 4SR

davies lewelyn and jones
Chartered Architects
The Millgate, East Tyndall Street, Cardiff Bay, Cardiff CF24 5EJ, Tel: (029) 2040 4433 Fax: (029) 2046 4345

notes

THIS DRAWING SHALL BE READ IN CONJUNCTION WITH THE FOLLOWING ARCHITECTS DRAWINGS:

- (90)001 SITE LOCATION PLAN
- (90)002 EXISTING SITE SURVEY
- (90)003 PROPOSED SITE LAYOUT
- (90)004 PROPOSED FLOOR PLANS-BLOCK1
- (90)005 PROPOSED FLOOR PLANS-BLOCK1
- (90)006 PROPOSED FLOOR PLANS-BLOCK2
- (90)007 PROPOSED FLOOR PLANS-BLOCK2
- (90)009 PROPOSED ELEVATIONS
- (90)010 PROPOSED ELEVATIONS - BLOCK 1
- (90)011 PROPOSED ELEVATIONS - BLOCK 2

SCHEDULE OF ACCOMMODATION

BLOCK 1	COMMUNAL FLAT TYPE 'A'	2P 1B	9 No
BLOCK 2	COMMUNAL FLAT TYPE 'A'	2P 1B	6 No
	COMMUNAL FLAT TYPE 'B'	3P 2B	3 No
TOTAL No. OF UNITS			18 No

SCHEDULE OF MATERIALS

WALLS
S/C RENDER COLOUR WHITE.
WALL CLADDING: BLUE/BLACK IMITATION SLATES.

ROOF
BLUE/BLACK IMITATION SLATES.

WINDOWS
UPVC DG WINDOWS COLOUR WHITE.

WINDOW CILLS & SURROUNDS
RECONSTITUTED STONE. COLOUR : BATH.

FASCIAS / SOFFITS
PVC-U. COLOUR WHITE.

R.W GUTTERS + DOWNPIPES
PVC-U. COLOUR WHITE.

Notes

This drawing is copyright... All dimensions are to be checked prior to construction... Do not scale this drawing. Mark to figure dimensions only.

Specification

This drawing must be read in conjunction with 'Drawing Specification Note' Bill of Materials... and specialist's drawings and documents.

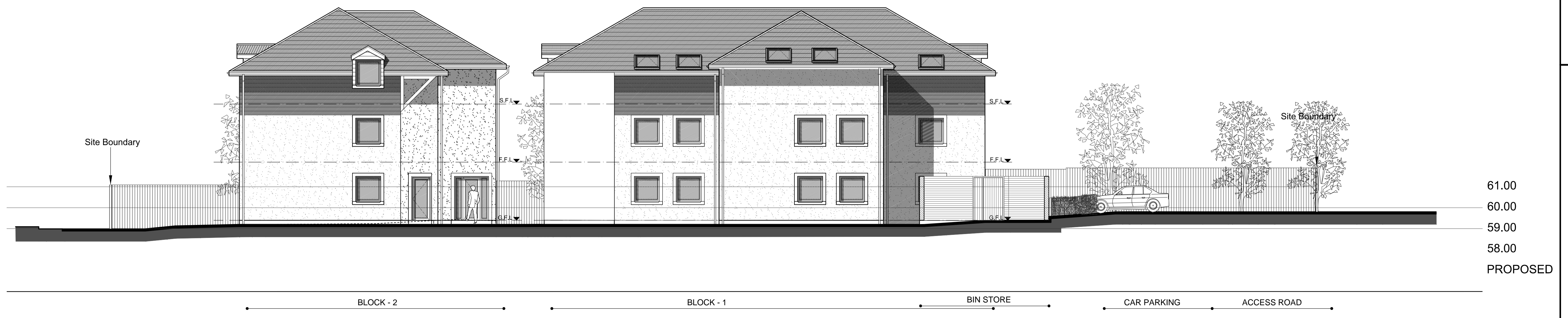
Rev	Date	Description
A	19-03-2015	APPROVAL: SEPARATION DRAWINGS (90)010, (90)011 REQUESTED BY PLANNING DEPARTMENT
B	28-05-2015	AMENDMENTS TO BLOCK 1, BLOCK 2 AND SITE LAYOUT
C		BLOCK 1 AMENDED TO 9NO UNITS AND SITE LAYOUT REVISED
D	25-06-2015	BIN STORE RELOCATED



Proposed Side Elevation (Facing East)



Proposed Rear Elevation (Facing North)



Proposed Front Elevation (Facing Stirling Road)

PROPOSED ELEVATIONS

Sheet No/Revision
PROPOSED ELEVATIONS
Scale: 1:100 (A1)
Date: JUNE 2015
Job No: 1014/48
Drawn/Checked: OK/DD
Sheet No/Revision: (90)008D
Client: CADWYN HOUSING ASSOCIATION LTD.
Job: PROPOSED RESIDENTIAL DEVELOPMENT AT GLAMORGAN WANDERERS, CARDIFF, CF5 4SR
daves lewelyn and jones
Chartered Architects
The Millgate, East Tyndal Street, Cardiff CF24 5EJ. Tel: (029) 2040 4433 Fax: (029) 2046 4345

COMMITTEE DATE: 09/09/2015

APPLICATION No. 15/00656/MJR APPLICATION DATE: 13/03/2015

ED: **SPLOTT**

APP: TYPE: Discharge of Condition(s)

APPLICANT: Viridor

LOCATION: ENERGY FROM WASTE FACILITY, TRIDENT INDUSTRIAL PARK,
GLASS AVENUE, SPLOTT

PROPOSAL: DISCHARGE OF CONDITION 4 (PHASE 3 VERIFICATION
REPORT: EXTERNAL WORKS INCLUDING LANDSCAPING) OF
PLANNING PERMISSION 10/00149/E (THE ERECTION OF AN
ENERGY FROM WASTE FACILITY TO INCLUDE A COMBINED
HEAT AND POWER PLANT, PRE-TREATMENT/RECYCLING
FACILITY, INCINERATOR BOTTOM ASH RECYCLING AND
ANCILLARY OFFICES)

RECOMMENDATION : That, having taken the environmental information into consideration, the subsequent applications dated 13th March and 18th May 2015 be **APPROVED** in discharge of Condition 4 of planning permission 10/00149/E dated 29th June 2010.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

1.1 This application seeks the approval of the Phase 3 Verification Report submitted in pursuance of the discharge of condition 4 of planning permission no. 10/00149/E dated 29th June 2010. Condition 4 reads as follows:

4. *Prior to commencement of development a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.*

Reason: To prevent pollution of the water environment and to ensure that the safety of future occupiers is protected.

1.2 Condition 4 was partially discharged by Planning Committee on 13th February 2013 when the Phase 1 Remediation Verification Report was considered, and again on 15th April 2014 when the Phase 2 Remediation Verification Report was considered. The Phase 1 report, submitted in July 2012, documented the

remediation works carried out prior to the commencement of development. The Phase 2 report, submitted in December 2013 and amended in August and September 2014 detailed the samples results and photographs of the excavation works and the stockpile.

- 1.3 This application seeks the approval of the Phase 3 Remediation Verification Report, which considers all external works, including the soft landscaping and planting. As confirmed by the Phase 2 verification reports, there was a net excess of materials arising from the construction excavation works. While the bulk of the excess was removed off-site to authorised locations (as detailed in the Phase 2 Reports), sufficient was retained to develop the landscaping works. All landscaping areas are therefore formed using a mix of made ground material pre-dating the current development and natural soils excavated within the Project. All landscaped areas have a further (varied) thickness of imported topsoil. Supplier test data for the Topsoil has been provided. The report concludes:
- (i) Tests on samples confirmed that no measured values exceed the thresholds for commercial or industrial sites;
 - (ii) Traces of asbestos were identified in four samples which, following further testing, were confirmed to be below the reporting limit of 0.001% which has generally been accepted as the limit used for human health risk. It should be noted that the tested soils are covered by the imported topsoil and therefore are not exposed to the air.
- 1.4 Supplementary Information submitted in May 2015 confirmed that approximately 1,222 cubic metres of topsoil was imported and distributed throughout the site at varying depths. The required testing frequency was one sample every 500 cubic metres, however six samples were taken and tested in respect of BS 3882-2007 (The British Standard for the requirements for topsoil that is to be imported or traded). The result confirmed that some of the samples fall just below the requirements for multipurpose topsoil, but this does not present any contamination issues.
- 1.5 The Town and Country Planning (Environmental Impact Assessment) (Amendment) (Wales) Regulations 2008 amended the Environmental Impact Assessment Regulations 1999 requiring submissions to discharge pre-commencement conditions in relation to EIA development to be treated as a “subsequent application” for the purposes of the Regulations. Prior to determining the subsequent applications the Council must take into account the environmental information and publicise the applications and further and/or other information as required by the Regulations and the Town and Country Planning (Development Management Procedure) (Wales) Order 2012. The Local Planning Authority must also state in any decision that they have considered the environmental information. For the purposes of the applications to discharge the conditions, the Environmental Statement is that which accompanied the 2010 application for planning permission.
- 1.6 A judicial review into the Council’s processing of the discharge of conditions and its decision not to take enforcement action was dismissed by the Courts

in March 2014. A subsequent application for leave to appeal to the Court of Appeal was refused in December 2014.

2. **DESCRIPTION OF SITE**

- 2.1 The site is located within the Trident Park development and relates to 4.5 hectares of the total 20.2 hectares. The site was formerly occupied by Nippon Glass and is surrounded by industrial premises. The site is accessed via Glass Avenue and lies to the south and west of Ocean Way (see attached location plan).

3. **SITE HISTORY**

- 3.1 13/02600/DCO: Permission granted in April 2015 for the partial discharge of Condition 4 (Phase 2 Verification Report) of planning permission no. 10/00149/E.
- 3.2 10/00149/E: Permission granted in June 2010 for the erection of an Energy from Waste facility to include a combined heat and power plant, pre-treatment/recycling facility, incinerator bottom ash recycling and ancillary offices.
- 3.3 08/02616/E: Permission refused in July 2009 for the erection of an energy from waste facility with combined heat and power plant and ancillary offices for the following reason:
1. *In order to operate at its design capacity, without compromising the recycling targets of the Welsh Assembly Government, the proposal would need to import substantial quantities of residual waste material from outside the administrative boundary of Cardiff Council and to export a substantial quantity of hazardous fly ash waste for disposal at an unspecified authorised disposal site in England. This would result in the unsustainable transportation of waste material contrary to the objectives of Technical Advice Note 21: Waste.*
- 3.4 97/1390/R: Permission granted in October 1997 for waste management compound including associated roadway extension.
- 3.5 96/0616/R: Permission granted in June 1996 for erection of third phase of TV screen manufacturing facility (erection of warehouse).
- 3.6 96/0578/R: Permission granted in May 1996 for combustible warehouse, cullet pool, NG control room and chimney blower room.
- 3.7 95/1368/R: Permission granted in December 1995 for second phase of TV screen manufacturing facility (production area, plant and warehousing).

- 3.8 95/0100/R: Permission granted in February 1995 for first phase of TV screen manufacturing facility (production area, offices and warehousing).
- 3.9 94/1217/R: Outline Permission granted in October 1994 for construction of a television component manufacturing facility.
- 3.10 81/161: Permission granted for layout and construction of roads, sewers and other site development.
- 3.11 78/787: Outline permission granted to carry out industrial redevelopment, general industry.
- 3.12 2237: Outline permission granted in 1948 for a blast furnace.

4. **POLICY FRAMEWORK**

4.1 Planning Policy Wales, Edition 7 (July 2014).

4.2 Technical Advice Notes (TANs):

- 5 Nature Conservation and Planning (2009)
- 8 Renewable Energy (2005)
- 9 Enforcement of Planning Control (1997)
- 11 Noise (1997)
- 15 Development and Flood Risk (2004)
- 18 Transport (2007)
- 21 Waste (2001)

4.3 South Glamorgan (Cardiff Area) Replacement Structure Plan 1991-2011 (April 1997):

- EV2 Urban Regeneration
- EV4 Pollution
- MV1 Location of New Developments

4.4 City of Cardiff Local Plan (January 1996):

- 36 Alternative Use of Business, Industrial and Warehousing Land
- 37 Safeguards for Residential Amenity and Existing Industrial Areas or Operational Docks
- 39 Older Industrial and Commercial Areas
- 55 Other Waste Disposal Facilities

4.5 Deposit Unitary Development Plan (October 2003)

- 1A General Principles for the Location of Development
- 1H Sites of International or National Importance for Nature Conservation
- 1P Waste Management
- 2.37 Change of Use of Industrial and Warehousing Land

- 2.46 Sites of International or National Importance for Nature Conservation
- 2.48 Biodiversity
- 2.57 Access, Circulation and Parking Requirements
- 2.58 Impact on Transport Networks
- 2.63 Contaminated and Unstable Land
- 2.64 Air, Noise and Light Pollution
- 2.73 Sites for Waste Management Facilities

4.6 Relevant Supplementary Planning Guidance:

Locating Waste Management Facilities (2006)
Access, Circulation and Parking (2010)

5. **INTERNAL CONSULTEES RESPONSES**

5.1 The **Operational Manager, Environment (Contaminated Land)**, following consideration of the Phase 3 verification report, requested a further review and amendment to include the use of latest guidance regarding lead values. In addition, he noted the capping of soft landscaped areas with various thicknesses of imported topsoils. He requested further certificates to be able to assess the risks from contamination as analysis of the determinants has been undertaken or provided.

5.2 Following the submission of the amended Phase 3 verification report in May 2015, he confirms that he is now fully satisfied with the information provided and therefore he recommends full discharge of condition 4 of planning permission no. 10/00149/E.

6. **EXTERNAL CONSULTEES RESPONSES**

6.1 **Welsh Water** has been consulted. Any comments received will be reported to Committee.

6.2 **Natural Resources Wales (NRW)** has reviewed the Phase Three Verification Report and considers the information to be acceptable to enable condition 4 of planning permission no. 10/00149/E to be discharged.

7. **REPRESENTATIONS**

7.1 **Local Members** have been consulted and any comments received will be reported to Committee.

7.2 In accordance with Regulation 19 of The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 and Article 12 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 the subsequent applications were **advertised** in the press on 23rd April and 16th July 2015. The application was also advertised on the same dates by site notices at 10 locations in the vicinity of the application site, consistent with the publicity for the previous applications.

7.3 **Neighbouring occupiers**, together with all objectors to the original application (ref: 10/00149/E), have been consulted. No objections have been received.

8. **ANALYSIS**

8.1 Members will recall that Condition 4 was partially discharged by Committee in February 2013, when the Phase 1 verification report was considered, and again in April 2015 when the Phase 2 verification report was considered. It has previously been agreed that discharge of condition 4 can appropriately take place in the following 3 phases:

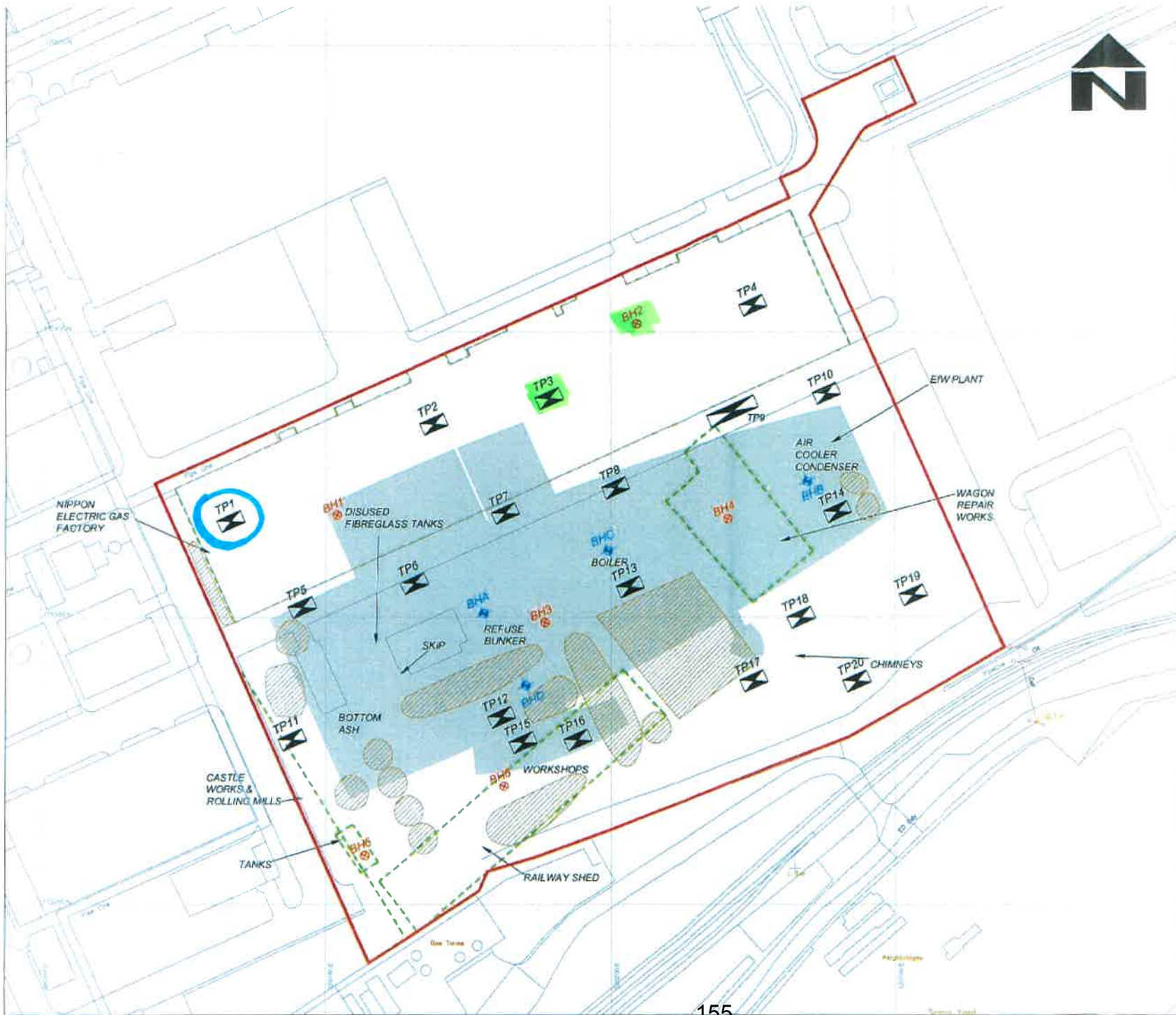
- (i) Phase 1 – Summary of remedial works undertaken in advance of construction commencing;
- (ii) Phase 2 – Excavation works, including bunker, and stockpiles;
- (iii) Phase 3 – External earthworks and landscaping.

8.2 Prior to presentation to Committee in February 2013, officers sought Counsel's opinion to confirm that the structure of this condition provided the Council with the option to partially discharge this condition. Counsel advised that it was possible to partially discharge the condition. The Geo-technical, Geo-environmental Factual and Interpretive Report, submitted in pursuance of condition 3 of planning permission No. 10/00149/E assessed the site in the light of previous decontamination works to ensure the environment and local residents are sufficiently protected from any possible pollution that might be discovered during construction of the plant. Condition 4 requires the submission of a verification report to confirm this. Should the verification identify further contingency is necessary the second part of the condition can secure it. Such contingency is further addressed by conditions 5 and 6 in the event of the discovery of unexpected contamination (see attached copy of decision notice 10/00149/E).

8.3 The Phase 1 and 2 reports, were subject to the statutory EIA Regulations consultation process, were accepted by statutory consultees and were subsequently approved by Planning Committee in February 2013 and April 2015 respectively. The Phase 1 report concluded that the ground conditions are well-established and fall within acceptable tolerances. Any soil conditions discovered during construction which were not picked up in phase 1 would be picked up in subsequent phases or through conditions 5 and 6 (see attached decision notice for the original planning Permission, ref: 10/00149/E). This approach was deemed to be robust and would ensure for adequate protection to prevent pollution of the environment and ensure the safety of future occupiers.

8.4 The Phase 2 report, including amendments, concluded that the bunker excavation proved to be a watertight structure, of the 10,000 cubic metres excavated, 3,300 cubic metres was retained on site, and samples demonstrated there was no contamination. Neither was any contamination found in the excavations for the water tank and northeast area site formation (approximately 9,000 cubic metres and 5,000 cubic metres respectively).

- 8.5 The Phase 3 report has also been subject to the consultation process set out in the 1999 EIA Regulations (as amended). It is noted that Natural Resources Wales (see paragraph 6.2) considers the information to be acceptable and has no objection to the discharge of this condition.
- 8.6 The Operational Manager, Environment (Contaminated Land) was also consulted and he is now satisfied that phase 3 has complied with the remediation strategy (see paragraphs 5.1 and 5.2).
- 8.7 It is recommended that, having taken the environmental information into consideration, the subsequent applications dated 13th March and 18th May 2015 be approved in discharge of Condition 4 of planning permission 10/00149/E dated 29th June 2010.



NOTES

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LEGEND

- SITE BOUNDARY
- PROPOSED EIW PLANT BUILDINGS
- HISTORIC LAND USE BUILDINGS
- DEEP BOREHOLES/ INSTALLATIONS, SLR JUNE 2009
- SHALLOW BOREHOLES/ INSTALLATIONS, SLR JUNE 2008
- TRIAL PITS, SLR JUNE 2008
- EXISTING STOCKPILES

Revision	Issue Date	Issued By	Comments
0	JAN 10	0	



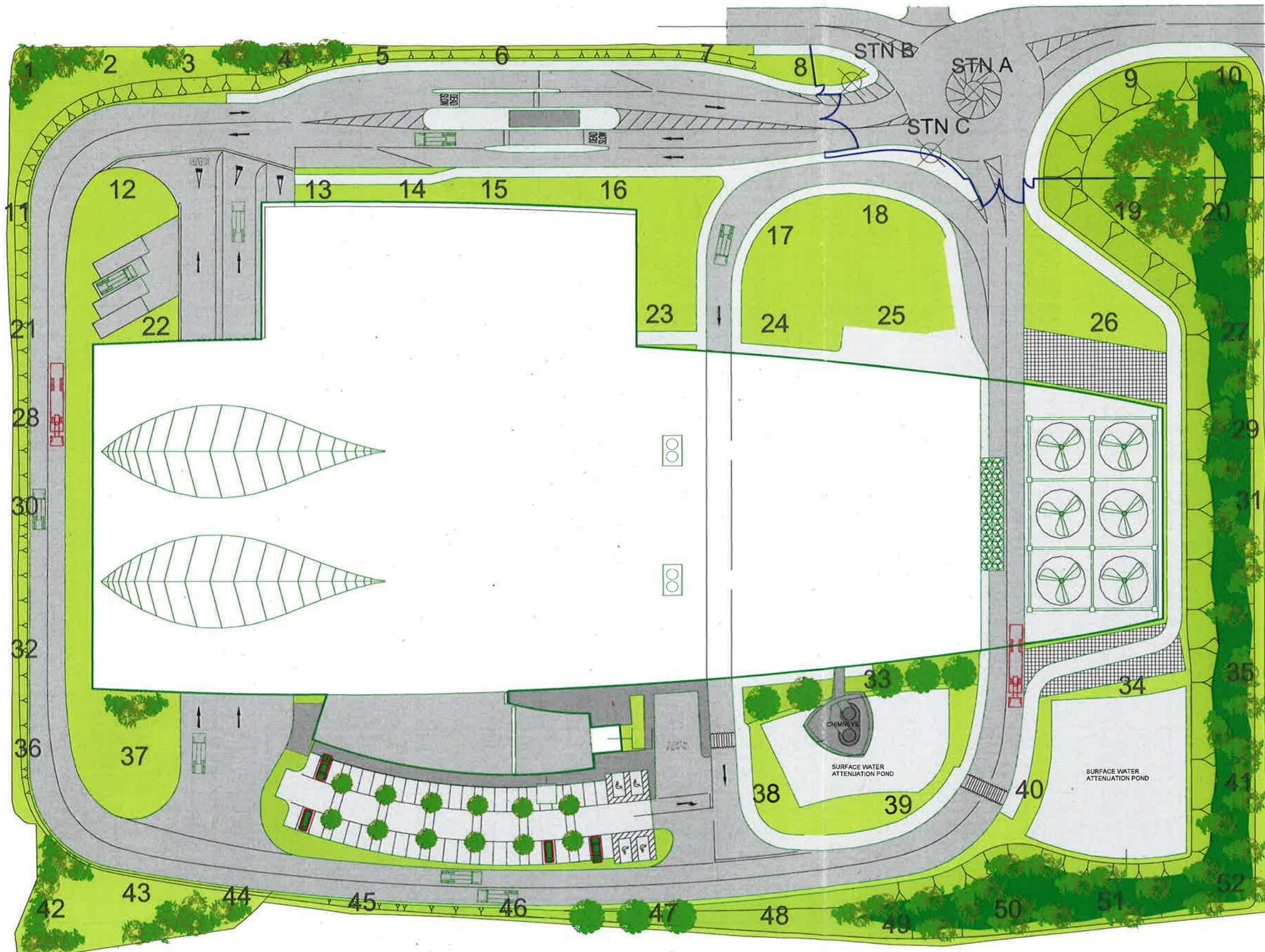
Site: FORMER NIPPON ELECTRIC GLASS BTL, THROENT PARK, GLASS AVE, CARDIFF
 Project: LAND QUALITY RISK ASSESSMENT

Drawing
Site Layout and Investigation Locations

Date: JANUARY 2010
 Scale: 1:1250
 Drawing No: 2

PAPER SIZE: A3
 FULMAR HOUSE
 BEIGNON CLOSE
 OCEAN WAY
 CARDIFF CF24 5HF
 T: 029 2048 1010
 F: 029 2048 7903
 www.nippon.co.uk

15/00056



Contract - Cardiff Energy From Waste

D2034-12 - Soil Analysis - Sampling Location Co-Ordinates Date - 26th January 2015
Revision - A Creator - M.Leavey

Sample Number	Easting	Northing
REF STN A	320220885	175417177
REF STN B	320196218	175407942
REF STN C	320219422	175403122
1	320046267	175344028
2	320060376	175351589
3	320074513	175358448
4	320092144	175367048
5	320109175	175376195
6	320131214	175385246
7	320168745	175402605
8	320186870	175407617
9	320248330	175431943
10	320265664	175440844
11	320055547	175316248
12	320073526	175329660
13	320108479	175346754
14	320125986	175353436
15	320141240	175360540
16	320162884	175369297
17	320197085	175374794
18	320212699	175386498
19	320258784	175407686
20	320275084	175414855
21	320066428	175296320
22	320089990	175306952
23	320181637	175350764
24	320203310	175358708
25	320223982	175369149
26	320263254	175385450
27	320287754	175394190
28	320073932	175280106
29	320298091	175377797
30	320080694	175264319
31	320305176	175365297
32	320092921	320092921
33	320251180	175302295
34	320298169	175321463
35	320316882	175332291
36	320101624	175220211
37	320121550	175227418
38	320239846	175272394
39	320265423	175280687
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41	320325515	175312201
42	320119270	175192677
43	320133067	175202564
44	320151994	175209965
45	320176155	175218785
46	320203444	175229932
47	320231313	175241656
48	320251554	175250263
49	320274672	175258306
50	320293886	175270929
51	320311834	175280515
52	320332530	175293499

A	Soil Analysis - Sampling Locations	2015.01.26	ML
REV.	TEXT OF REVISION	DATE	SIGN.
1	Lagan Construction	N/A	ML
<small>This document and information is confidential and the property of Meso Denmark A/S. It must not be used, copied or handed to any third party or otherwise disposed of, without the written permission of Meso Denmark A/S.</small>			
<small>Dimensions without specified tolerances according to ISO 2768-mK and ISO 13920-BE. GPS according to EN ISO 8015</small>			
Cardiff EFW Soil Analysis - Sampling Locations			D2034-12 A

Application No: 10/00149/E

PERMISSION FOR DEVELOPMENT

To:
Mr W Ryan
SLR Consulting Limited, Fulmar House
Beignon Close
Ocean Way
Cardiff
CF245HF

Town and Country Planning Act 1990 Town and Country Planning (General Development Procedure) Order 1995

WHEREAS you submitted an application for Full Planning Permission received on 01/02/2010 for: THE ERECTION OF AN ENERGY FROM WASTE FACILITY TO INCLUDE A COMBINED HEAT AND POWER PLANT, PRE-TREATMENT/RECYCLING FACILITY, INCINERATOR BOTTOM ASH RECYCLING AND AND ANCILLARY OFFICES AT TRIDENT PARK, GLASS AVENUE, OFF OCEAN WAY, CARDIFF. at Land at Trident Park, Glass Avenue, Cardiff (hereinafter called "the development");

CARDIFF COUNTY COUNCIL, as the Local Planning Authority for the County of Cardiff, in pursuance of its powers under the above mentioned Act and Orders, hereby PERMITS the development to be carried out in accordance with the application and plans submitted therewith, subject to compliance with the conditions specified hereunder:

1. The development permitted shall be begun before the expiration of five years from the date of this planning permission.
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. No development 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 that the finished appearance of the development is in keeping with the area.
3. Prior to the commencement of development the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, by the Local Planning Authority:
 - (i) A preliminary risk assessment which has identified: all previous uses potential contaminants associated with those uses a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from

contamination at the site;

(ii) A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;

(iii) The site investigation results and the detailed risk assessment (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken;

(iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Reason: To prevent pollution of the water environment and to ensure that the safety of future occupiers is protected.

4. Prior to commencement of development a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.
Reason: To prevent pollution of the water environment and to ensure that the safety of future occupiers is protected.
5. Reports on monitoring, maintenance and any contingency action carried out in accordance with the approved long-term monitoring and maintenance plan shall be submitted to the Local Planning Authority in accordance with the approved plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.
Reason: To prevent pollution of the water environment and to ensure that the safety of future occupiers is protected.
6. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out (unless otherwise agreed in writing with the Local Planning Authority) until the developer has submitted, and obtained written approval from the Local Planning Authority for an

amendment to the remediation strategy, detailing how this unsuspected contamination shall be dealt with.

Reason: To prevent pollution of the water environment and to ensure that the safety of future occupiers is protected.

7. No part of the development hereby permitted shall be commenced until a scheme detailing the measures necessary for the purpose of monitoring gases generated on the site or land adjoining thereto and for any measures necessary to protect the development has been submitted to and approved in writing by the Local Planning Authority. Any such scheme shall provide details of measures that are required to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site. Gases includes landfill gases, vapours from contaminated land sites, and naturally occurring methane and carbon dioxide, but does not include radon gas. All measures specified in the above scheme shall (unless otherwise agreed in writing) be undertaken and completed prior to any development commencing or in accordance with a timetable as shall be previously agreed in writing with the Local Planning Authority and the measures shall be retained and maintained until such time as the Local Planning Authority agree in writing. Reason: To ensure that the safety of future occupiers is not prejudiced.
8. Any topsoil (natural or manufactured) or subsoil to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation to be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes. Subject to approval of the above, verification sampling of the material received at the development site is required to verify that the imported soil is free from contamination and shall be undertaken in accordance with a scheme agreed with in writing by the Local Planning Authority. Reason: To ensure that the safety of future occupiers is not prejudiced.
9. Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation to be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only

material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, verification sampling of the material received at the development site is required to verify that the imported aggregate is free from contamination and shall be undertaken in accordance with a scheme agreed with in writing by the LPA.

Reason: To ensure that the safety of future occupiers is not prejudiced

10. No development shall take place until full details of any piling or other foundation designs using penetrative methods have been submitted to and (subject to it being demonstrated that there is no resultant pollution risk to groundwater) approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To prevent pollution of the water environment.

11. No development shall take place until a scheme for the drainage of the site and any connection to the existing drainage system has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall contain ground permeability test results to ascertain whether sustainable drainage techniques can be utilised. No part of the development shall be beneficially occupied until the scheme is carried out and completed as approved.

Reason: To ensure an orderly form of development.

12. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

13. No development shall take place until details as to the provision within the site for loading, unloading and parking of vehicles have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented before the development is brought into beneficial use and be thereafter

maintained and retained at all times for those purposes in association with the development.

Reason: To ensure that the use of the proposed development does not interfere with the safety and free flow of traffic passing along the highway abutting the site.

14. No development shall take place until details showing the provision of 15 cycle stands have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the development being put into beneficial use. Thereafter the 15 cycle parking stands shall be maintained and shall not be used for any other purpose.
Reason: To ensure that adequate provision is made for the secure parking of cycles.

15. No development shall take place until detailed plans showing the position and form of construction of all roads and footpaths within the site and the method of disposal of all surface water drainage therefrom have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into beneficial use until the roads, paths and all surface water drainage works have been constructed and completed (except for the final surfacing) in accordance with the approved plans and details.
Reason: To ensure an orderly form of development and to make provision for the satisfactory access to the development by future occupants.

16. Prior to commencement of each phase of development a scheme of construction management shall be submitted to and approved by the Local Planning Authority to include details of construction traffic routes, site hoardings, site access, and wheel washing facilities. The development construction of the relevant phase shall be managed strictly in accordance with the scheme so approved.
Reason: In the interests of highway safety and public amenity.

17. No equipment, plant or materials shall be brought onto the site for the purpose of development until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels, any earthworks, hard surfacing materials, proposed and existing services above and below ground level, planting plans (including schedules of plant species, sizes, numbers or densities, and in the case of trees, planting, staking and protection methods) and an implementation programme. The details shall be consistent with other plans submitted in support of the application.
Reason : To enable the Local Planning Authority, to

determine that the proposals will maintain and improve the amenity of the area, and to monitor compliance.

18. The landscaping shall be carried out in accordance with the approved design and implementation programme submitted in discharge of condition 17. Any trees, plants, or hedgerows which, within a period of five years from the completion of the development, die, or are removed, or become seriously damaged or diseased, shall be replaced in the current planting season or the first two months of the next planting season whichever is the sooner, unless the Local Planning Authority gives written consent to any variation.
Reason : To maintain and improve the amenity of the area.
19. No development shall take place until details of the means of site enclosure have been submitted to and approved by the Local Planning Authority. The means of site enclosure shall be constructed in accordance with the approved details prior to the development being put into beneficial use.
Reason: To ensure that the amenities of the area are protected.
20. Prior to the commencement of development, details of external lighting shall be submitted to and approved by the local planning authority. The approved details shall be provided prior to beneficial use of the development and shall be retained at all times thereafter.
Reason: In the interests of visual amenity.
21. Prior to the commencement of development, details of aviation warning lights shall be submitted to and approved in writing by the local planning authority. The approved lighting shall be provided prior to beneficial use of the development and shall be retained at all times thereafter.
Reason: In the interests of aviation safety.
22. The energy from waste facility hereby approved shall not treat in excess of 350,000 tonnes of residual waste per annum.
Reason: The proposed development has been considered on the above basis.
23. The waste processed within the approved energy from waste facility shall at all times be non-hazardous.
Reason: In the interests of safety.

24. Prior to the commencement of development details shall be provided of the design of the proposed green roof along with a maintenance schedule. The green roof shall be constructed in accordance with the approved details and shall be maintained in accordance with the submitted maintenance schedule.
Reason: In the interests of ecology and drainage.
25. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.
Reason: To prevent pollution of the water environment.

All policies and proposals in the Development Plan which are relevant to this decision are listed in the report on the Application.

IT IS IMPORTANT THAT YOU SHOULD READ THOSE NOTES ON THE ATTACHED SHEET WHICH ARE RELEVANT TO THIS TYPE OF APPLICATION.

Dated: 29/06/2010

**Sean Hannaby
CHIEF STRATEGIC PLANNING AND ENVIRONMENT OFFICER
CITY HALL, CARDIFF CF10 3ND**

It should also be noted that;

- 1 The County Council is satisfied that the submitted Environmental Statement contains sufficient information and the Council has taken account of the Environmental Statement and accompanying information in making its decision on the application.
- 2 The contamination assessments and the affects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for
 - (i) determining the extent and effects of such constraints and;
 - (ii) safe development and secure occupancy of the site rests with the developer.

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

beneficial use of unstable land.

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

- 3 That the applicant be advised that the roundabout improvement works at the junction between Glass Avenue and Ocean Way will be subject to a Section 278 Agreement between the developer and the Local Authority under the Highways Act 1980.
- 4 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.
- 5 That the Environment Agency is requested to give consideration to the inclusion of a condition (in the Environmental Permit) to secure a programme for monitoring and mitigation of emissions to air using a continuous sampling system on any pollution prevention and Control Authorisation, and if not, to continually monitor the need for the inclusion of such a condition in any subsequent review of this authorisation.

COMMITTEE DATE: 09/09/2015

APPLICATION No. 15/01288/MJR APPLICATION DATE: 09/06/2015

ED: **CREIGAU/ST FAGANS**

APP: TYPE: Reserved Matters

APPLICANT: Charles Church East Wales

LOCATION: LAND OFF MICHAELSTON ROAD, MICHAELSTON ROAD, ST FAGANS, CARDIFF, CF5 6DW

PROPOSAL: RESERVED MATTERS IN RESPECT OF 10/2114/DCO DETAILS CONCERNING THE ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE OF THE PROPOSED DEVELOPMENT

RECOMMENDATION 1 : That, subject to the satisfactory completion of a Deed of Variation of the Planning Obligation under **SECTION 106** of the Town and Country Planning Act 1990 dated 22nd May 2012 relating to planning permission 10/02114/DCO, encompassing the matters referred to in paragraphs 5.9 to 5.12 (inclusive) of this report, planning permission be **GRANTED** subject to the following conditions:

1. All the conditions imposed on notice of outline approval (reference no. 10/02114/DCO) are hereby reiterated in as much as they relate to the development and have not been formally discharged, varied or removed by the Local Planning Authority.

Reason: For the avoidance of doubt and in order to ensure that the development is carried out in accordance with the conditions of the planning permission

2. The development hereby permitted shall be carried out accordance with the details shown on the submitted plans, drawings and schedules, as follows:

TP90-01 Rev K – overall site layout - received 13/08/15

PR90-01 Rev B – External works sheet 1 of 4 - received 13/08/15

PR90-02 Rev C – External works sheet 2 of 4 - received 13/08/15

PR90-03 Rev C – External works sheet 3 of 4 - received 13/08/15

PR90-04 Rev C – External works sheet 4 of 4 - received 13/08/15

A066625drg05 – site boundary

P-E-HTA1 – House Type A

P-E-HTA2 Rev A – House Type A - received 13/08/15

P-E-HTB1 – House Type B

P-E-HTB2 – House Type B

P-E-HTC1 – House Type C

P-E-HTC2 – House Type C

P-E-HTD – House Type D

P-E-HTE - House Type E

P-E-HTF - House Type F
 P-E-HTG1 - House Type G
 P-E-HTG2 - House Type G
 P-E-HTH - House Type H
 P-E-HTJ - House Type J
 P-E-HTK - House Type K
 P-E-HTL - House Type L
 P-E-HTM - House Type M
 P-E-HTN - House Type N
 P-E-HTN1 - House Type N
 P-E-HTBS - House Type BS
 P-E-HTCG1 - House Type CG1
 P-E-HTCG2 - House Type CG2
 P-E-HTDst - House Type Dst
 P-E-HTEG - House Type EG
 P-E-HTHst - House Type Hst
 P-E-HTJst1 Rev B - House Type Jst1 – received 13/08/15
 P-E-HTJst2 - House Type Jst2
 P-E-HTLst1 Rev A - House Type Lst1 – received 13/08/15
 P-E-HTMst - House Type Mst
 P-E-HTP-P1 - House Type P-P1
 P-E-CP1 Rev A – Car Port CP1
 P-E-CP3 Rev A – Car Port CP3 – received 13/08/15
 P-E-CP4 Rev A – Car Port CP4
 P-E-G1S-G1L Rev A – Garages G1S & G1L
 P-E-G2D-G2G-G2H Rev A – Garages G2D, G2G, G2H
 P-E-G3 Rev A – Garage G3
 P-E-G3 – Garage G4 – received 13/08/15
 PRHF90-01 Rev D – House Finishes - received 13/08/15
 TDA.2121.03 – detailed soft landscape proposals – received 21/08/15
 Design Statement (including appendices) - August 2015 – received 13/08/15.

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking or re-enacting that Order), no gates or other barriers shall be erected which would control access into and out of the application site.
Reason: To ensure that the development remains visibly connected to and integrated with the surrounding community and adjacent street networks, in accordance with paragraphs 5.11.6 and 5.17.6 of Planning Policy Wales Technical Advice Note 12 (Design).
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking or re-enacting that Order) no external alterations shall be made to any garage or other off street parking space hereby approved nor shall any such garage or space be used for any purpose other than

the parking of vehicles.

Reason: To make provision for the parking of vehicles clear of the roads so as not to prejudice the safety, convenience and free flow of traffic, in accordance with policy 17 of the Cardiff Local Plan and policy 2.57 of the deposit Cardiff Unitary Development Plan.

5. Prior to the commencement of development details of the design of the bin stores for the houses using them in Lane 1 and details of the collection point for bins for plots 17 to 21 shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, refuse and recycling containers shall only be stored in accordance with the approved details.

Reason: To secure an orderly form of development and protect the amenities of the area, in accordance with policy 2.74 of the deposit Cardiff Unitary Development Plan.

6. Prior to the commencement of development, a topsoil and sub-soil specification demonstrating how it will be ensured that planting soils will be fit for purpose shall be submitted to and approved in writing by the Local Planning Authority and the landscaping works shall be carried out in accordance with the approved details.

Reason : To reduce the risk of failure of elements of the approved landscaping scheme, in the interests of maintaining and improving the amenity of the area, in accordance with policy 11 of the Cardiff Local Plan and policy 2.20 of the deposit Cardiff Unitary Development Plan.

RECOMMENDATION 2: The developer is advised that the Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste materials are applicable for any off-site movements of wastes. If any controlled waste is to be removed off site, the Applicant must ensure a registered waste carrier is used to convey the waste material off site to an appropriate permitted facility and all relevant documentation is completed and kept in line with regulations. If any waste is to be used on site, the Applicant will be required to obtain the appropriate waste exemption or permit from Natural Resources Wales. The Applicant is advised to contact the Industry and Waste Regulation Team (Taff & Ely) on 0300 065 3149 or refer to guidance on the website <http://naturalresources.wales/apply-and-buy/waste/?lang=en>.

RECOMMENDATION 3: Public Right of Way St Fagans 16 lies within the application site and the developer is advised that no Public Right of Way may be blocked or diverted until the relevant Legal Order under the Highways Act 1980 is confirmed, otherwise there is an offence committed of obstructing a highway. Any changes to rights of way, however slight, will require a Legal Order.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 This application seeks the approval of reserved matters following the granting of outline planning permission reference 10/02114/DCO, for residential development and strategic open space, by virtue of appeal reference

APP/Z6815/A/11/2157448. The access location - between numbers 11 and 12 Cwrt-y-Cadno - was also approved by the appeal decision. This application relates only to the details of layout, scale, appearance and landscaping.

1.2 The details propose the erection of 90 dwellings in a mix of 8 x 2 bed, 31 x 3 bed, 46 x 4 and 5 x 5 bed houses in a variety of configurations. A total of 18 houses, comprising 8 x 2 bed and 10 x 3 bed, would be affordable (Low Cost Home Ownership). There are around 60 garages or carports, 141 private parking spaces and 22 visitor parking spaces proposed, giving an average of approximately 2.5 parking spaces per dwelling.

1.3 Layout

Of the 9.77 hectare site, residential development will be carried out on 3.59 hectares with the remaining 6.18 hectares (predominantly to the northern boundary) being enhanced strategic open space. The masterplan considered by the outline application utilises existing landscape features to divide the site into four development sections. The detail now being considered provides a network of vehicle and pedestrian linkage between each of the divisions whilst following the general form of the approved master plan. Primary circulation is enabled between each division and the buildings are arranged to create a series of urban spaces, including a main square, a secondary square and a green. A series of lanes and footpaths are arranged off this route to penetrate the site.

1.4 Scale

The houses will be 2 to 2.5 storeys (7.5m to 10.2m) high. The majority sit comfortably within the 9.0m maximum height envisaged by the outline permission. The footprints of the house types vary from those envisaged by the outline but the larger part are again within the maximum size parameters considered by the outline permission.

1.5 Appearance

The architectural character of the proposal draws on the character of St Fagan's village and the Welsh vernacular. The majority of the house types reflect the simple cottage styles with more formal geometric Georgian houses being used to add variety and articulate important junctions or views within the layout. The majority of houses on the site would have slate roofs and rendered walls with deep black plinths, many being finished in typical Welsh black and white with some other colours introduced for variety. A small number are in red brickwork. Most will have upvc conservation style casement windows, the more formal buildings having upvc conservation style sliding sashes. The majority of the houses will have "dummy" chimneys finished in red brick effect.

1.6 Landscaping

The proposal retains significant existing landscape features comprising hedgerows, woodland and water courses broadly in accordance with the masterplan considered by the outline permission. Landscape features (or habitat corridors) have been retained within corridors to provide visual amenity and ecological connectivity. "The Green" will have a formal character

reflecting a village green approach. Open space to the north of the young woodlands will be managed as grassland and approximately 130 new trees are proposed to be planted.

- 1.7 Approval has previously been granted for these reserved matters (reference 12/01810/DCO) but this application seeks the approval of an amended scheme. The details differ from those previously approved in that:
- The total number of dwellings has been increased to 90 (18 being “affordable”) – the previous approval was for 83 dwellings, 16 being “affordable”;
 - Semi detached and terraced dwellings have been subdivided to create detached and semi detached units;
 - Finishing materials have been amended slightly –around 80% would still be self coloured render and 15% natural rubble stone with the remainder red brick. Previously, traditional timber casement windows were to be used throughout the development but upvc casements and sliding sashes are now proposed.
 - Workshops that were proposed above some of the detached garages have been omitted.
- 1.8 The reason for the amended proposals is given by the applicant as being that the site would not be viable to develop as approved due to the “limited number of dwellings, and site abnormalities”.

2. **DESCRIPTION OF SITE**

- 2.1 The application relates to around 9.7 hectares of land some 400 metres due south of St Fagan’s village on the southern side of the Ely River valley. The site is irregular in form, has an approximate length of 500m and abuts existing development at Court Cottages, Cwrt-y-Cadno and public open space on its southern and south eastern boundaries. Its western boundary is with Michaelston Road whilst the remaining northern and eastern boundaries are with open countryside. The site comprises what appear to be three field enclosures.
- 2.2 The land rises with a general southern trend becoming much steeper as it approaches the southern boundary with the settlement. Here there is a wooded area within which there is a redundant sewage treatment works and what appear to be a number of unused farm buildings in a poor state of repair. The extent of these former uses is limited to a small section of the site in its south western corner. The area is generally characterised by its open fields separated with hedgerows and woodland blocks, and has a rural character as part of the steep sided Ely Valley. The northern section of two of the most northern field enclosures have belts of young mixed trees which meet Michaelston Road in the west and the existing public open space in the south east. The site is traversed a small water course running from the south western corner, in a north easterly direction to meet the eastern side boundary from where it runs in a northerly direction towards the River Ely.

2.3 The site lies within the St Fagan's conservation area. A public right of way runs through the southernmost section of the site parallel to its southern boundary. The western margin of the site and an area around Court Cottages in the south western corner of the site lie in The St Fagan's and Michaelston super Ely Archaeologically Sensitive Area. No.1 Court Cottage adjoining the application site is locally listed.

3. **SITE HISTORY**

3.1 10/02114/DCO – Outline planning for residential development and strategic open space. Granted at appeal 10/07/12.

3.2 12/01810/DCO – Approval of reserved matters for 10/02114/DCO for residential development and strategic open space.

3.3 13/01302/DCO – Discharge of condition 16 (scheme detailing measures to identify chemical and other contaminants) of 10/02114/DCO.

3.4 15/01271/MJR – Variation of condition 1 (schedule of plans) of 12/01810/DCO.

3.5 15/01669/MJR – Discharge of condition 12 (revised construction method statement) of 10/02114/DCO

3.6 15/01751/MJR - Discharge of condition 20 (Archaeological monitoring) of 10/02114/DCO

3.7 15/01795/MJR – Non material amendment – removal of conditions 17, 18 & 19 relating to Code for Sustainable Homes.

4. **POLICY FRAMEWORK**

4.1 *Cardiff Local Plan* –
3 (Development in Conservation Areas);
11 (Design and Aesthetic Quality);
12 (Energy Efficient Design);
17 (Parking and Servicing Facilities);
18 (Provision for Cyclists);
19 (Provision for Pedestrians);
31 (Residential Open Space Requirement)

4.2 *Supplementary Planning Guidance - Access, Circulation and Parking Standards* (January 2010); *Cardiff Residential Design Guide* (March 2008); *Householder Design Guide* (March 2007); *Trees and Development* (March 2007); *Waste Collection and Storage Facilities* (March 2007); *Biodiversity: Part 1 & Part 2* (June 2006); *Open Space* (June 2000); *Public Rights of Way and Development* (October 2006)

4.3 *Deposit Cardiff Unitary Development Plan* –
2.20 (Good Design);

2.24 (Residential Amenity);
 2.26 (Provision for Open Space, Recreation and Leisure);
 2.43 (General Landscape Protection);
 2.44 (Special Landscape Areas);
 2.45 (Trees, Woodlands and Hedgerows);
 2.48 (Biodiversity);
 2.52 (Locally Listed Buildings);
 2.53 (Conservation Areas);
 2.57 (Access, Circulation and Parking Requirements);
 2.74 (Provision for Waste Management Facilities in Development).

4.4 *Conservation Area Appraisal: St Fagans (2007).*

4.5 *Planning Policy Wales (July 2014):*

4.4.3: Planning policies and proposals should (inter alia)

- Facilitate sustainable building standards
- Contribute to the protection and improvement of the environment so as to improve the quality of life and protect local and global ecosystems
- Help to ensure the conservation of the historic environment and cultural heritage
- Ensure that all communities have sufficient good quality housing – including affordable housing – in safe neighbourhoods
- Promote access to employment, shopping, education, health, community facilities and green space
- Foster social inclusion.

4.7.8: Development in the countryside should be located within and adjoining those settlements where it can be best accommodated in terms of infrastructure, access and habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where it meets a local need for affordable housing, but new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. All new development should respect the character of the surrounding area and should be of appropriate scale and design.

4.11.8: Good design is essential to ensure that areas offer high environmental quality, including open and green spaces. Landscape considerations are an integral part of the design process and can make a positive contribution to environmental protection and improvement.

4.11.9: Visual appearance, scale and relationship to surroundings and context are material planning considerations. Local planning Authorities should reject poor building and contextual designs.

4.11.10: In areas recognised for their landscape, townscape or historic value, it can be appropriate to seek to promote or reinforce traditional and local distinctiveness.

4.11.11: Local planning authorities and developers should consider the issue of accessibility for all.

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

4.12.2: Development proposals should mitigate the causes of climate change by minimising carbon and other greenhouse gas emissions associated with

their design, construction, use and eventual demolition.

4.12.3: Development proposals should also include features that provide effective adaptation to and resilience against the current and predicted future effects of climate change, for example by incorporating green space to provide shading, sustainable drainage systems to reduce run-off, and are designed to prevent over-heating and to avoid the need for artificial cooling of buildings.

5.2.8: Local Authorities must address biodiversity issues, insofar as they relate to land use planning, in development control decisions.

5.2.9: Local Planning Authorities should seek to protect trees, groups of trees and areas of woodland where they have natural heritage value or contribute to the character or amenity of a locality.

5.3.11 Non-statutory designations, such as Special Landscape Areas or Sites of Interest for Nature Conservation, can add value to the planning process. Such designations should not unduly restrict acceptable development.

5.5.1 Biodiversity and landscape considerations must be taken into account in determining individual applications and contributing to the implementation of specific projects. The effect of a development proposal on the wildlife or landscape of any area can be a material consideration. In such instances and in the interests of achieving sustainable development it is important to balance conservation objectives with the wider economic needs of local businesses and communities. Where development does occur it is important to ensure that all reasonable steps are taken to safeguard or enhance the environmental quality of land. Pre-application discussions between the developers, local planning authorities and statutory advisers such as Natural Resources Wales are recommended.

5.5.2: When considering any development proposal, local planning authorities should consider environmental impact.

6.1.2: Local authorities have an important role in securing the conservation of the historic environment while ensuring that it accommodates and remains responsive to present day needs.

6.5.1: The desirability of preserving an ancient monument and its setting is a material planning consideration. Where nationally important archaeological remains, whether scheduled or not, and their settings are likely to be affected by the proposed development, there should be a presumption in favour of their physical preservation in situ. In cases involving lesser archaeological remains, local planning authorities will need to weigh the relative importance of archaeology against other factors, including the need for the proposed development.

6.5.2: If important remains are thought to exist at a development site, the planning authority should request the prospective developer to arrange for an archaeological field evaluation to be carried out before any decision on the planning application is taken. The results of any assessment and/or field evaluation should be provided as part of a planning application. If this information is not provided, authorities should consider whether it is appropriate to direct the applicant to supply further information, or whether to refuse permission for inadequately documented proposals.

6.5.17: If any proposed development would conflict with the objective of preserving or enhancing the character or appearance of a conservation area, or its setting, there will be a strong presumption against the granting of

planning permission.

6.5.20: Authorities should take into account the visual, historic and amenity contribution of trees in conservation areas. New planting or replanting may be appropriate where consistent with the character and appearance of the area.

9.1.1 : The Assembly Government will seek to ensure that previously developed land is used in preference to Greenfield sites; new housing and residential environments are well designed, meet national sustainability standards and make a significant contribution to promoting community regeneration and improving the quality of life, and new housing development in towns, villages and edge of settlement locations is a mix of affordable and market housing that retains and where possible enhances important landscape and wildlife features in the development.

9.1.2: Local authorities should promote sustainable residential environments, avoid large housing areas of monotonous character and make appropriate provision for affordable housing. Local authorities should promote mixed tenure communities, development that is easily accessible by public transport, attractive landscapes around buildings etc.

9.3.3 Insensitive infilling, or the cumulative effects of development or redevelopment, including conversion and adaptation, should not be allowed to damage an area's character or amenity. This includes any such impact on neighbouring dwellings, such as serious loss of privacy or overshadowing.

12.7.3: Adequate facilities and space for the collection, composting and recycling of waste materials should be incorporated into the design of any development and waste prevention efforts at the design, construction and demolition stage should be made by developers. All opportunities should be explored to incorporate re-used or recyclable materials or products into a new building or structure.

4.6 *Technical Advice Note 12 - Design (2014).*

4.7 *Welsh Office Circular 61/96: Planning and the Historic Environment: Historic Buildings and Conservation Areas.*

4.8 *Welsh Office Circular 60/96: Planning and the Historic Environment: Archaeology.*

4.9 *Planning (Listed Buildings and Conservation Areas) Act 1990.*

4.10 *Natural Environment and Rural Communities Act 2006, Section 40:*

Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity. Conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat.

5. **INTERNAL CONSULTEE RESPONSES**

5.1 *Transportation:* No comments received.

5.2 *Drainage:* In response to the application (reserved matters), the outline proposals are in principle acceptable. However, greater detail will be required

in relation to the management of the existing watercourse across the site, the precise attenuations volumes/agreed outflow and the design of the attenuation area.

- 5.3 *Pollution Control (Noise & Air):* No comments to make.
- 5.4 *Pollution Control (Contaminated Land):* No comments to make.
- 5.5 *Parks Development:* No comments received.
- 5.6 *Waste Strategy & Minimisation Officer:* A site waste management plan should be implemented as standard across all sites to reduce environmental impacts of construction waste. Whilst under construction, the site must be kept clear from litter and waste, cleansing is to be completed by the developer until site adoption. Refuse capacity for all properties should be made for contingent events such as snow or strike by collection companies, allowing for general waste to be stored for a 14 day period.

Bin Store- Lane 1

Drawings detailing the design of the bin store must be submitted for the houses using them in Lane 1. As bulk containers will be required 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. Collection points should be shown on site plans, detailing where the refuse vehicle can stop safely to allow the emptying of the bins. All communal bins will be funded by the developer, they must meet the spec determined by Cardiff Council, be purchased prior to the residents moving in. An agreement should be made with the Council. Waste Strategy method should be submitted detailing who will be responsible for keeping the communal bin compounds safe and clean, the general upkeep of the containers, the cleansing of the areas and the relocation (if needed) of the bins to their collection points.

Refuse vehicles

Vehicle tracking must be provided around the site to ensure accessibility – vehicles must be able to enter and exit in a forward gear. All road surfacing must have suitable foundations to withstand the weight of a refuse collection vehicle (27 tonnes). Block paving is not appropriate as it can break/sink over time, particularly where vehicles are manoeuvring. Parking restrictions should be enforced throughout the site to ensure the refuse vehicles can enter and exit the site, and be able to stop as and where the collection points are. The developer should indicate which roads are to be adopted, and if are unadopted should be up to an adoptable standard to ensure the safe movement of our vehicles. Access to the site must be large enough for a refuse vehicle, a single access road will not be appropriate.

Domestic waste

As a rule for every 10 houses the following refuse requirements should be accommodated:

- 1 x 1100 litre bin for general waste
- 1 x 1100 litre bin for recycling
- 1 x 240 litre bin for food waste
- 1 x 240 litre bin for garden waste (where necessary)

Extensive and thorough details of the bin store and location/s will need to be provided as mentioned in the general comments.

The applicant should also show the collection point for plots 17-21, the access road does not appear to be large enough for a refuse truck,

- 5.7 *Housing Strategy*: No comments to make.
- 5.8 *Housing and Neighbourhood Renewal (Access Officer)*: No comments received.
- 5.9 *Schools*: The developers are now proposing 7 more houses than previously approved. Based on the £41,488 contribution already secured for 83 dwellings, there should be another £3500 for the extra 7 units. Even though the Education Contribution is intended to go towards the Welsh Medium school in Pentreban, I understand that the rules have changed and any contributions secured can now go to the nearest school, even if it is a faith school. Therefore, is it fair to say that the extra amount should be directed towards the nearest primary school (St. Fagans Church in Wales School) where most of the children from this site will attend.
- 5.10 *Neighbourhood Regeneration*: The UU for the previous application refers to a pro rata amount if the number of houses is greater than the 79 initially proposed. In the original request for funding, it was stated:
 “The formula in the Community Facilities SPG is based on the number of habitable rooms per dwelling. In this instance the plan for the site does not include exact details of dwelling numbers or the number of habitable rooms. It is recommended, therefore, that the development makes provision for payment of a financial contribution for community facilities to be calculated in accordance with the formula in the SPG. An exact request for community facilities contributions will be made once details of dwelling numbers and habitable rooms have been provided.”
- 5.11 The wording of the UU was therefore not what was asked for, and a pro rata contribution would not be appropriate as it relies on a standard amount per dwelling, instead of an amount tailored to dwelling sizes. In this instance, the houses are fairly large, so by going with the pro rata amount, the community facility contribution would be less than a specific contribution based on the SPG.
- 5.12 With regard to this application, the exact amount requested has been calculated, based on the new number of houses, and the room numbers in each house. The amount required would be £97,721. Also, the community facility purposes described in the UU are now out of date. Works to Michaelston Shops have now been completed, and the Dusty Forge is no longer suitable for improvement. An amended UU should be phrased to allow the community facility contribution to be spent on the North Ely Youth Centre

in Ely. The proposed development would include a number of large houses, in which families would be likely to live. This youth centre would need significant improvements to cater for the needs of these new residents.

5.13 *Public Rights of Way:*

The PROW, St Fagans 16 is the only footpath within the planning application site. The application appears to maintain the footpath in its current alignment but if any changes are made, the new route is required to be equally commodious as stated in the Planning Guidance for diverting PROW. Each change to a footpath will require a legal order and must be confirmed prior to any development being started if the application is approved. We appreciate that there may be more commodious routes created by this development, but the legal order process still stands. The developer will also be required to pay for any legal fees.

5.14 Nearby are promoted walking trails as part of the Caer Heritage Project, which should be promoted with good access points along Michaelston Rd.

6. **EXTERNAL CONSULTEES RESPONSES**

6.1 *Welsh Water:* We have no objection to the application for approval of the reserved matters subject to compliance with the requirements of drainage conditions 14 and 15 imposed on the outline planning permission, and the subsequent applications to vary the conditions thereon.

6.2 *Wales and West Utilities:* No objections. Have provided an extract from the mains records for the area and a comprehensive list of general conditions for the developer's guidance.

6.3 *Glamorgan Gwent Archaeological Trust:* A monitoring inspection of the archaeological evaluation and watching brief being undertaken at the above site has been carried out. The evaluation work is being carried out to the agreed method statement, meeting the current professional Standard. The work has not revealed any significant archaeological features.

6.4 We have now received further information from AB Heritage. This shows that the area of the outer enclosure has been stripped of ground cover for the development; apparently this was as a result of the area being included in a previous amendment, which was however, covered by the archaeological WSI. The suitable programme of archaeological mitigation contained in the WSI would still be relevant to this current amendment; it is our opinion that therefore groundworks in the area of the three houses should be undertaken under archaeological supervision and with suitable contingencies to allow for appropriate time and resourcing to ensure that any remains which are encountered are fully understood and recorded. This will therefore remain under the extant condition for the site, and which we recommend should not be fully discharged until the final report has been received and approved.

6.5 *South Wales Police:* South Wales Police have no objection in principle to the development but comment that the general design is very permeable and high

levels of permeability have been associated with higher crime risks. Also, there are parking areas which are located in blind spots and not directly overlooked, the design and access statement does not adequately address community safety issues, proposed ranch style stock fencing of 1.5m does not provide adequate security (all gardens should be securely enclosed by suitable walls or fencing to minimum of 1.8m, including sub divisional fencing), all main entrance doors should meet PAS24 standards, all ground floor windows to meet PAS24 standards, all garage door sets locking systems should meet LPS1175 SR1, all service meters should be externally readable and located near to the front of properties, all properties should include defensible space to front elevations, there should be a scheme of work submitted in relation to lighting, the number of entrances into the development should be reduced.

- 6.6 In the case of Welsh Government funded housing and housing provided to Housing Associations, achieving Secured by Design forms part of the Welsh Housing Quality Standards. The proposal as submitted and on basis of information provided would fail to meet Secured by Design standards. South Wales Police would suggest that consideration is given to incorporating the above comments as conditions should approval be granted to ensure that the development meets adequate security standards
- 6.7 *St Fagans Community Council*: You will have received a detailed response from D. Gareth Davies expressing a number of concerns. Members of St Fagans Community Council support and endorse the various matters that he has highlighted. In particular the Council agree that the proposed name of the development - 'Michaelston Grange' - is factually wrong and is inappropriate. Members request that an alternative name be determined. Members urge the Council to strongly consider rejecting these applications until the matters raised by Mr Davies have been addressed.
- 6.8 *Natural Resources Wales* : The Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste materials are applicable for any off-site movements of wastes. If any controlled waste is to be removed off site, the Applicant must ensure a registered waste carrier is used to convey the waste material off site to an appropriate permitted facility and all relevant documentation is completed and kept in line with regulations. If any waste is to be used on site, the Applicant will be required to obtain the appropriate waste exemption or permit from us. We are unable to specify what exactly would be required if anything, due to the limited amount of information provided. Our Planning Advice Note provides further information on environmental matters, including drainage and pollution prevention measures.

7. **REPRESENTATIONS**

- 7.1 The application has been advertised by press notice, site notice and neighbour notification. 3 letters have been received objecting to the application on the following grounds –
1. There is already pressure on the Michaelston Road/Cwrt Y Cadno junction – there have been numerous “near misses” when traffic coming from both

directions on Michaelston Road seeks to turn right simultaneously. An additional 7 houses will make a collision more likely;

2. Important trees and hedges may be lost from the site. It is not acceptable to replace ancient trees with saplings.

3. The proposed name – Michaelston Grange – is factually wrong, misleading and infers a lack of basic understanding of or empathy for the historic landscape.

4. The current plan differs from what was agreed at outline stage – there is now no open area around the locally listed Court Cottages. This area may have historical significance – it is most likely to have been the property's garden from mediaeval times onwards.

5. The use of the term “welsh vernacular” is meaningless jargon. The designs are pastiche, bland and add nothing to the conservation area.

6. The use of Georgian style house types is inappropriate in this area, which traditionally has no Georgian architecture.

7. The use of upvc is inappropriate in the conservation area. Natural materials should be used.

8. Groundworks are in progress in breach of a condition which requires a qualified archaeologist to be present so that a watching brief can be conducted.

- 7.2 One letter has been received which does not object to the development but raises concerns about the lack of pavement on Michaelston Road leading to the footpath access at the south western corner of the site, which could be used by children as a route to school.

8. **ANALYSIS**

- 8.1 The details submitted are broadly in accordance with the masterplan considered at the outline stage and do not differ significantly from the details approved under the previous reserved matters application. Careful attention has been paid to the relationship of buildings, existing vegetation and topography to create a series of spaces that reflect a village form drawing on the character and detail of St Fagan's Village. The development will create a sense of place with variety, legibility and attention to detail.

- 8.2 To achieve this character it has been necessary to relax separation distances between new house frontages to as little as 10 metres but this is considered to benefit the aesthetics of the scheme. Space and privacy standards around buildings are generally considered to be balanced and reasonable for the future occupants and existing neighbours, and officers acknowledge that such separation standards are typical of older village forms that this development seeks to replicate.

- 8.3 The submitted landscape scheme follows principles of the landscape master plan as considered at appeal by the Assembly Inspector and has largely been approved previously, under 12/01810/DCO. Amended Arboricultural Impact Assessment, Method Statement and Tree Protection Plan are required to reflect the revised arrangements but these are covered by a condition of the outline planning approval therefore it is not necessary to consider them here.

Ideally a Soil Resource Survey (SRS) and Plan (SRP) should be prepared in accordance with the 2009 DEFRA Construction Code of Practice for the Sustainable Use of Soil On Constructions Sites, and used to inform all types of planting. However, this was not required under the 2012 permission and it would not be reasonable to insist on such detailed information at this stage. As a minimum, a topsoil and sub-soil specification can be requested by condition, to ensure that planting soils will be fit for purpose.

- 8.4 No consultees have objected to the revised reserved matters details. Drainage concerns are covered by the relevant condition of the outline permission and Waste Management concerns are either dealt with under the previous consent, are non-planning matters or are addressed by an appropriate condition. The concerns raised by the police are noted; however, this permeable layout has already been approved under the previous application.
- 8.5 Glamorgan Gwent Archaeological Trust (GGAT) had raised concerns with regard to the impact of the development on the area immediately North and East of Court Cottages, which is identified as a potential moated site. However, they acknowledge that the previous planning approval gave consent for development within this area and that part of it has already been stripped of ground cover, therefore they advise that the archaeological works already required by a condition of the outline consent will be adequate (the existing documentation submitted in compliance with that condition will have to be amended before it can be fully discharged).
- 8.6 Several objections have been raised by local residents, to which I would respond as follows:
1. An increase of 7 dwellings will not significantly increase the risk of a collision occurring at this junction. Highways officers have raised no concerns. The original (outline) planning permission for this development was assessed, in terms of Highways and Transportation issues, on the assumption that there would be 90 dwellings and was considered acceptable. Access details have already been approved and are not one of the reserved matters now under consideration.
 2. Although an additional 5 trees will be lost from what would previously have been open space, the landscape scheme for the development will retain a significant amount of hedgerow and woodland in order to integrate the development into its landscape setting. Approximately 130 new trees will be planted. The existing trees on and adjacent to the site are protected by virtue of being within a Conservation Area as well as by a condition of the outline permission which requires the approval of a site specific Arboricultural Method Statement and Tree Protection Plan.
 3. The Council has no control over what the developer chooses to name the site.
 4. The amended layout includes the siting of 3 of the additional 7 houses on an area that was previously shown as open space to the north/northeast of the locally listed 1, Court Cottages. However, this is not considered to have an unacceptable adverse impact on the setting

of the building. Locally listed buildings do not have the same status as statutory Listed Buildings and Cadw have not considered this building to be worthy of statutory Listing. The new houses will be more than 35m from the locally listed building and there will be a landscaped buffer ranging from 3.5m wide to 8m wide between the boundary of the garden of 1, Court Cottages and the garden boundaries of the new houses. Also, at outline stage, the Inspector concluded that "I have no evidence that the appeal scheme would have direct impacts on any known archaeological features or historic buildings. Archaeological investigations have been undertaken and claims that an earlier building at Court Cottages was a medieval manor built on a raised platform in a moated site have not been substantiated. The possible discovery of significant archaeology during construction could be mitigated by conditions" Cadw has not seen fit to add Court Cottages to the statutory list of protected buildings. The Council's Conservation Officers have also raised no concerns. The Glamorgan Gwent Archaeological Trust's comments regarding the moated site are considered elsewhere in this report.

5. The terminology used by the developer to describe the appearance of the buildings has no relevance to the consideration of the application. The designs of the buildings are considered by the Council's Urban Design and Conservation officers to be of good quality and appropriate to the area.
6. Conservation Areas may contain a variety of house types, any of which will be acceptable provided that, as in this case, they do not have any adverse impact on the character or appearance of the Conservation Area.
7. Provided the design of the windows is appropriate to the buildings and harmonises with the style of existing windows in the area, there is no overriding need to insist that they be constructed of timber. Currently, within the St Fagans conservation area, windows and doors that do not front a highway can be replaced with upvc without the need for planning permission.
8. This issue is being resolved between the developer and the Glamorgan Gwent Archaeological Trust.

8.7 In conclusion, the submitted details of appearance, landscaping, layout and scale are considered to be acceptable and it is recommended that the application be approved subject to conditions.

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 *Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.*

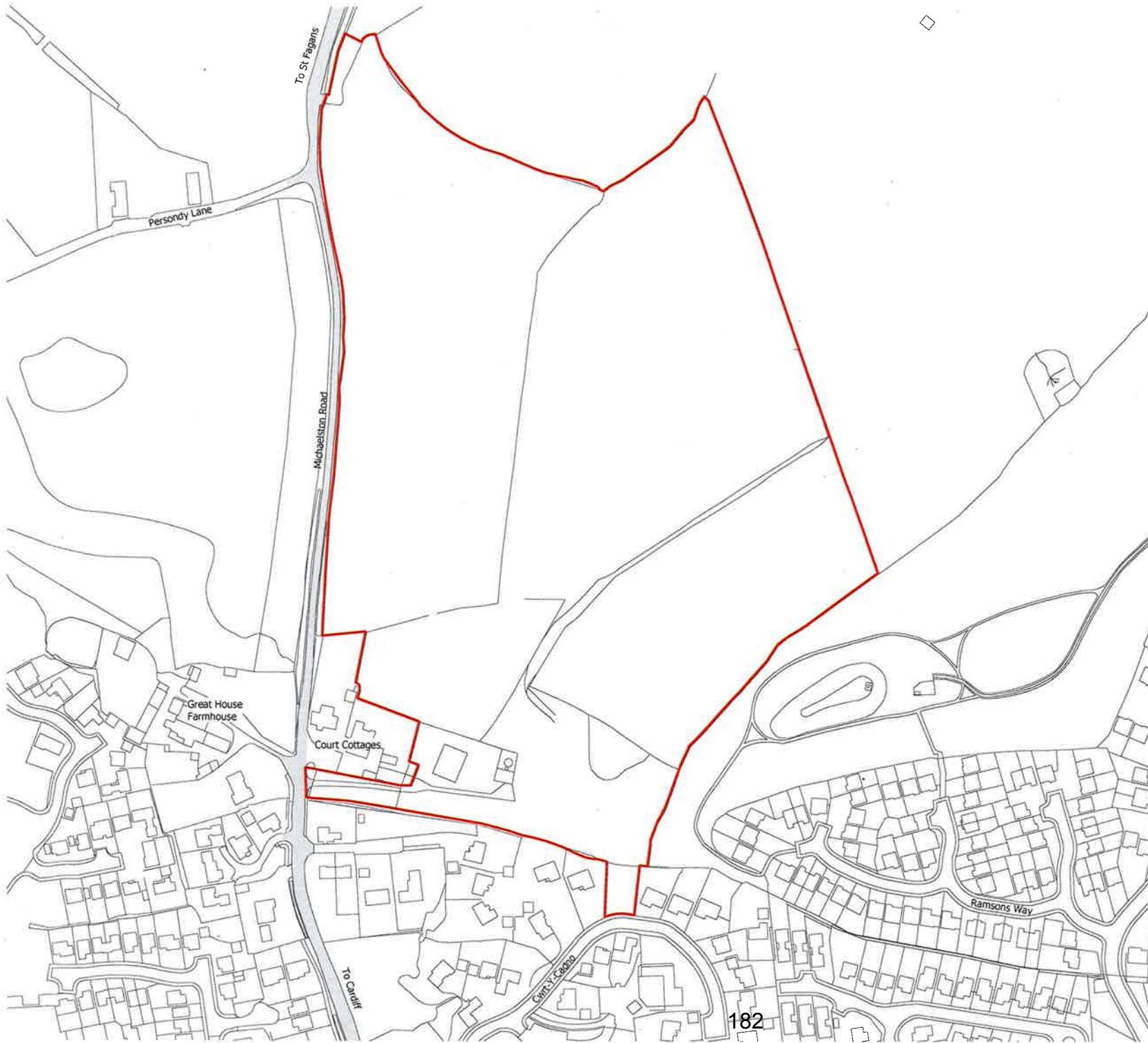
The proposal has been screened with regard to the need for the preparation of an Environmental Statement to accompany the application, in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. Based on the information provided with the application, it is considered that, having regard to the criteria set out in Schedule 3 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, and having regard to the advice given in Welsh Office Circular 11/99, Annex A, paragraphs A.18 and A.19, the development will not result in any significant effects on the environment that give rise to the need for an Environmental Impact Assessment in relation to this application. The proposal does not require the preparation and submission of an Environmental Statement.



Land at Michaelston Road, St Fagans Site Boundary 05

Key

 Site boundary



File: A066625df01 mcd
Drawing: A066625drg05

Scale 1:2000@A3
11 October 2010

WYG Planning & Design
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This drawing is for illustrative purposes only and is subject to detailed topographical survey and site investigation (including ground conditions/contaminants and drainage), engineering and planning / density negotiation. The feasibility of the design shown, therefore, must not be relied upon. It has not been considered in respect of the CDW Regulations.

Michaelston Grange, St Fagans, Cardiff proposed masterplan



TREES AND VEGETATION

- Trees to be retained
- Proposed trees
- Existing wood and orch to be retained
- Proposed native trees and shrub planting
- Existing hedgerow retention
- Trees proposed for removal

PATHS AND SURFACES

- 2m wide bound green pedestrian route/footpath
- 3.5m wide paving paths in Informal POS
- Mown paths in Informal POS
- Metalled road in Informal POS
- All other roads and footways to highway to be metalled with built-up verges to either side
- Line of a vested Public Right of Way

- Proposed boundaries
- Regular occupying (Minerals and Bone)
















INFORMAL PUBLIC OPEN SPACE

- Existing grassland (improved)
- Mature grassland (natural)
- Green spaces with environmental value
- Private gardens
- Proposed public or private (SUOS) feature with associated marking details

- Permanently wet area of SUOS feature
- Proposed cycling
- Elements of the proposal for informal public access and management to protect and enhance biodiversity in accordance with an associated Environmental Management Plan

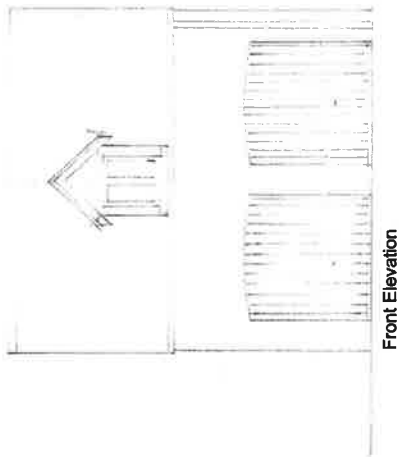


Key									
	Existing vegetation to be retained.		Proposed tree planting.		Proposed private gardens to dwellings.		Proposed SUDS area reinstated with marshy grassland.		Diverted Public Right of Way.
	Existing grassland retained.		Proposed ornamental planting.		Proposed public open spaces.		Site boundary.		Area allocated for the enhancement of site biodiversity.
	Existing grassland improved.		Proposed native buffer plantations		Permanently wet area of sustainable urban drainage system (SUDS).				

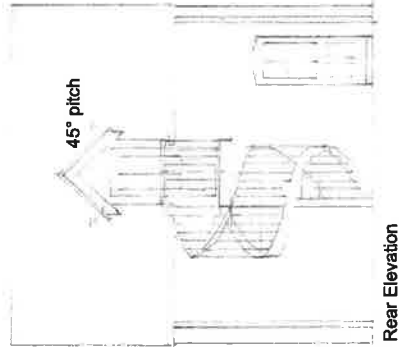


Michaelston Grange, St Fagans, Cardiff - Masterplan for 90 Dwellings (TDA.2121.01)

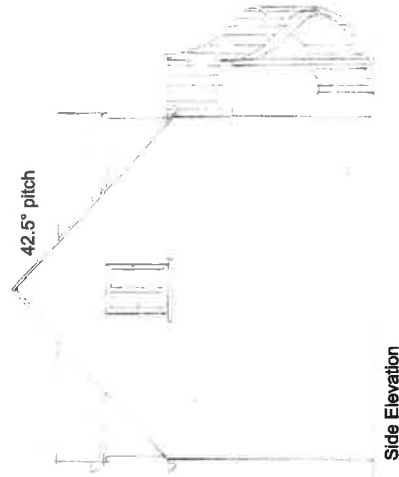
Note -
Roof to dormer varies - please
refer to Street Elevations.



Front Elevation



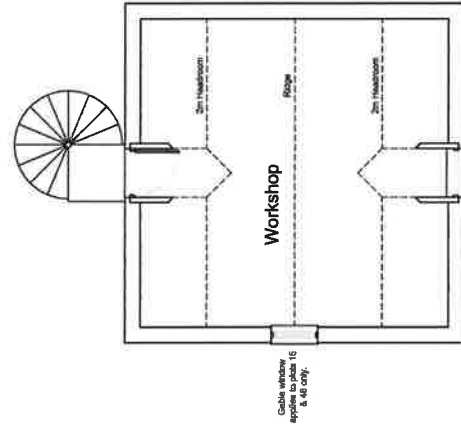
Rear Elevation



Side Elevation



Ground Floor Plan



First Floor Plan

Note -
Position of rear door varies -
please refer to P-SP site plan
proposed.

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ARCHITECTS
PLANNING CONSULTANTS

Michaelston Grange, St Fagans, Cardiff
for
Charles Church East Wales

Drawing Title
Plans & Elevations
Workshop WA

Drawing Number
P-E-WA-A3

Job No
12/016

Date
03.10.2012

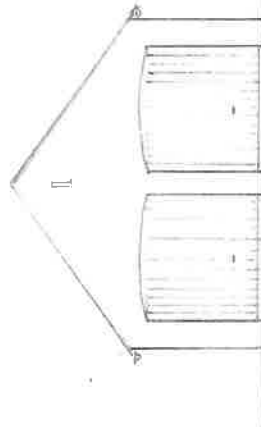
Scale
1:100 A3



G2D Front Elevation - Gabled Sided Roof



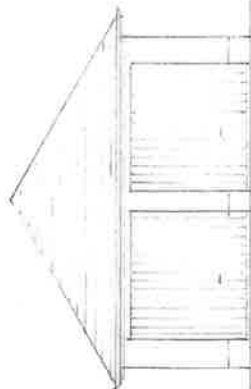
G2D Side Elevation - Gabled Sided Roof



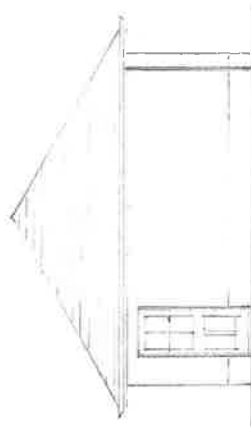
G2G Front Elevation - Gabled Fronted Roof



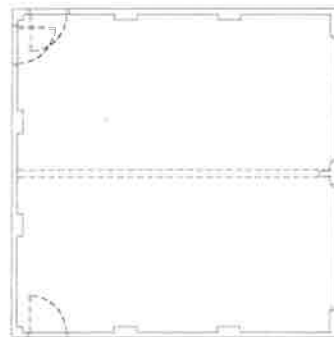
G2G Side Elevation - Gabled Fronted Roof



G2H Front Elevation - Hipped Roof

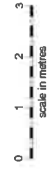


G2H Side Elevation - Hipped Roof



Ground Floor Plan

Note -
Position of rear door varies -
please refer to P-SP site plan
proposed.



Michaelson Group, St Fagans, Cardiff.

Drawn by: Ganges GSD, GSG & GSH

Rev No: 1242

Date: 11/06/13

Scale: 1:100

Sheet No: 03/04/15

Project No: P-EGD-G2G-G2H

Rev: A

Drawn by: HAL

Checked by:



Persimmon Homes

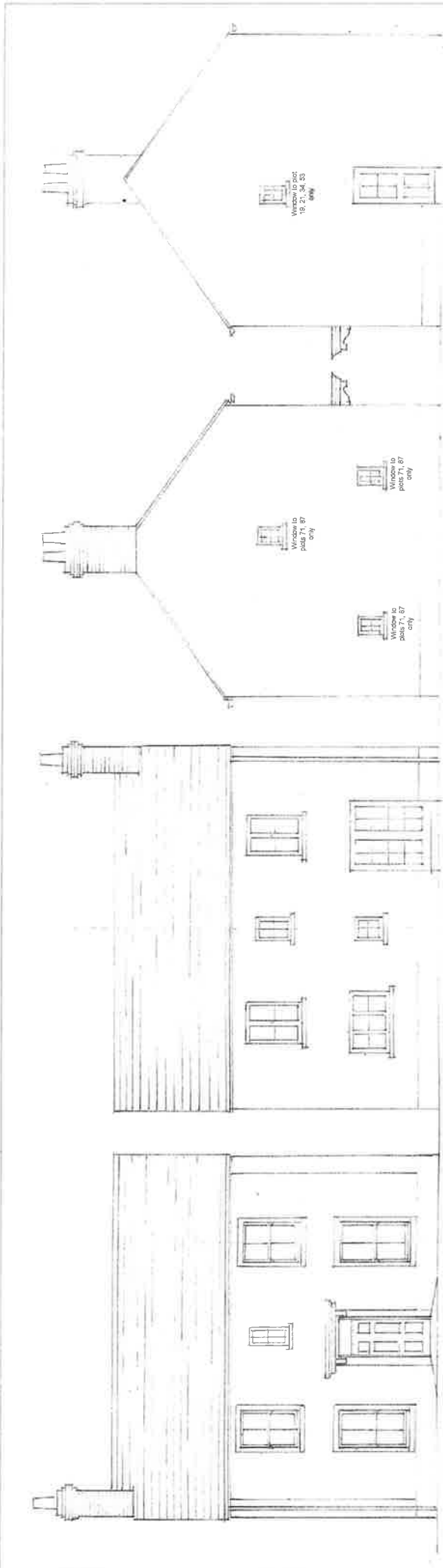
East Wales

Persimmon House

Llantrisant Business Park,

Rhosdda Cymon Talaf, CF72 8YF

tel: 01495 221 330



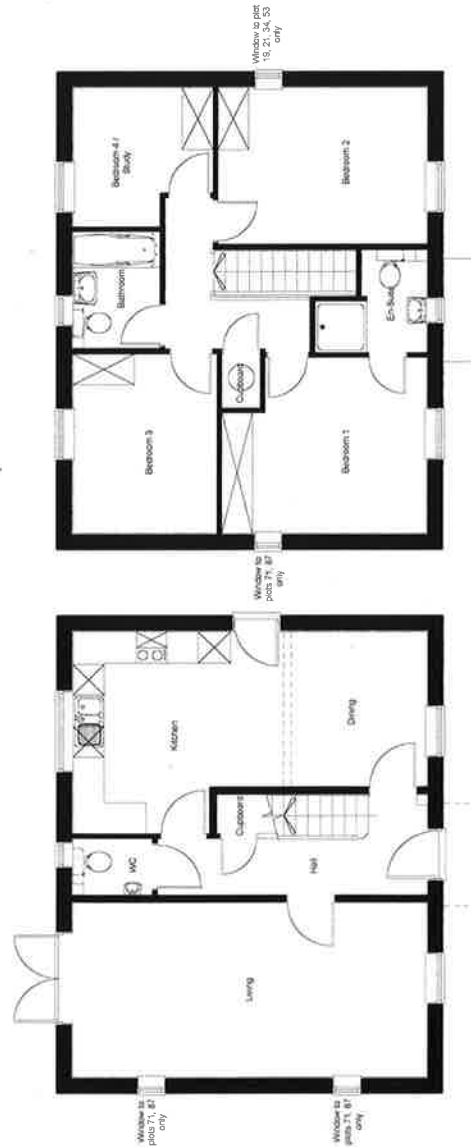
Front Elevation

Rear Elevation

Side Elevation

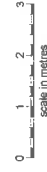
Side Elevation

PLOTS
AS = 21, 34, 71
OPP = 14, 19, 20, 53, 87



Ground Floor Plan

First Floor Plan

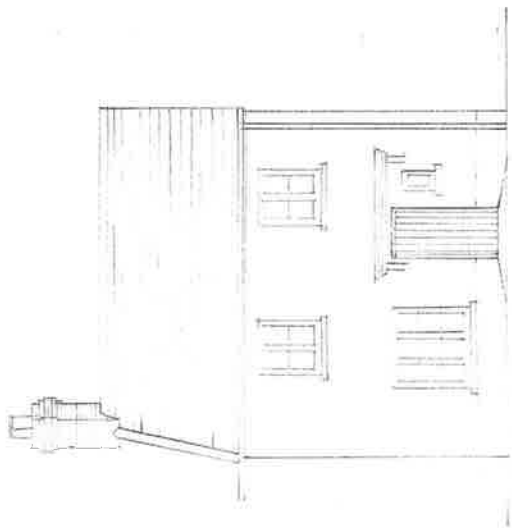


Michaelson George, St Fagans, Cardiff

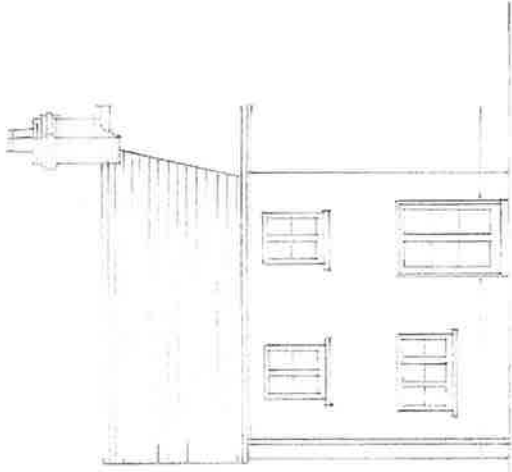
House Type H	PERTH
1342	HL
1:100 @ A3	
09/04/19	

CHARLES CHURCH
 East Wales

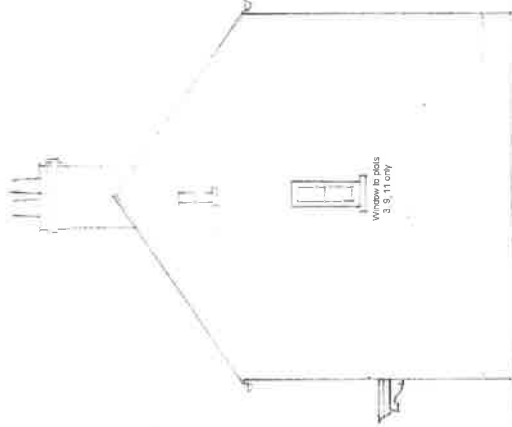
Perthmore House
 Llantrisant, Rhondda Cynon Taff,
 CF72 8PS
 Tel: 01443 221 019



Front Elevation

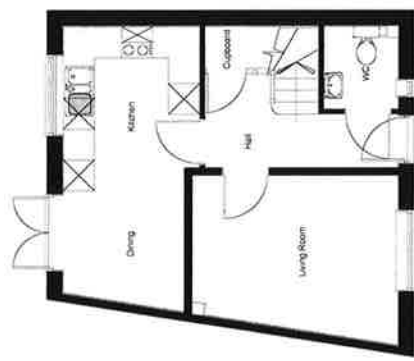


Rear Elevation

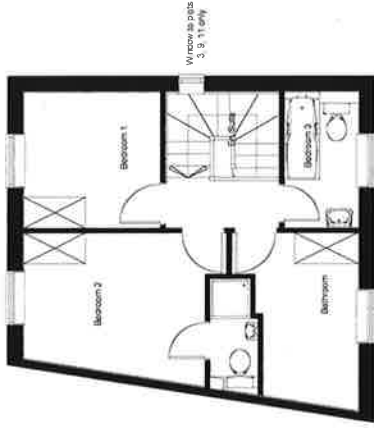


Side Elevation

PLOTS
AS = 4, 9, 11
OPP = 3, 8, 10



Ground Floor Plan



First Floor Plan



Manufacturer Change: St Fagan, Cardiff	
House Type	ES
Plot No.	1342
Plot Area	1,100 @ A3
Plot Area	500 sq ft
Plot Area	PEHTES
Plot Area	HAL
Plot Area	500 sq ft
Plot Area	500 sq ft

CHARLES CHURCH
East Wales

Perseus House
Llanfair Business Park,
Llanfair Cynon Taff,
Cardiff CF15 7YD
Tel: 01443 231 330

COMMITTEE DATE: 09/09/2015

APPLICATION No. 15/01373/MJR APPLICATION DATE: 08/06/2015

ED: **LLANDAFF**

APP: TYPE: Variation of conditions

APPLICANT: Doublet Holdings Ltd

LOCATION: THE RETREAT, 56 PWLLMELIN ROAD, LLANDAFF,
CARDIFF, CF5 2NL

PROPOSAL: VARIATION OF CONDITION 21 (DETAILS OF THE WESTERN
VEHICLE AND PEDESTRIAN ACCESS) OF PLANNING
APPLICATION 10/00846/W SO AS NOT TO PROHIBIT THE
USE OF GATES WITHIN THE ENTRANCE FEATURE

RECOMMENDATION : That, subject to persons having relevant interest in the application site entering into a deed of variation of the binding planning obligation in agreement with the Council under **SECTION 106** of the Town and Country Planning Act 1990 encompassing the matters referred to in committee report dated 08/06/2011 and referenced as 10/00846/W, that planning permission be **GRANTED** for the carrying out of the development in accordance with planning permission reference 10/00846/W, (but not condition 21) insofar as those conditions can be complied with and have not been formally discharged or removed by a non-material amendment by the Local Planning Authority, and subject to the following additional conditions

1. Notwithstanding the submitted plans details of the western vehicle and pedestrian access shall be submitted to and approved by the Local Planning Authority prior to its construction on site. The details shall provide for the creation of a symbolic entrance feature. The approved details shall be implemented and retained prior to the beneficial occupation of any of the flats.

Reason: to ensure a satisfactory means of enclosure.

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order amending, revoking or re-enacting that Order) no gate, fence, wall or other means of enclosure shall be erected, other than those hereby approved which fronts onto a highway without the prior written consent of the Local Planning Authority.

Reason: The comprehensive design and layout of the development would be adversely affected by the erection of means of enclosure, particularly of different types within the street scene.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

1.1 This application seeks to vary condition 21 of planning permission 10/00846/W, to allow the introduction of gates at the main entrance to the site.

The condition currently reads as follows:

Notwithstanding the submitted plans details of the western vehicle and pedestrian access shall be submitted to and approved by the Local Planning

Authority prior to its construction on site. The details shall provide for the creation of a symbolic entrance feature or features that do not include the erection of gates.

Reason: The gates would create the impression of a gated community and would be detrimental to social cohesion contrary to objective 9.2 of the Councils Supplementary Planning Guidance "Residential Design Guide" approved March 2008, policy 2.20 of the deposit Cardiff Unitary Development Plan and guidance in Planning Policy Wales and paragraph 5.17.6 of Technical Advice Note 12 "Design

The proposed new condition would read as follows:

Notwithstanding the submitted plans details of the western vehicle and pedestrian access shall be submitted to and approved by the Local Planning Authority prior to its construction on site. The details shall provide for the creation of a symbolic entrance feature. The approved details shall be implemented and retained prior to the beneficial occupation of any of the flats and thereafter be retained

Reason: To ensure a satisfactory means of enclosure

- 1.2 The details of the proposed entrance gates are not before the committee at this time as this application seeks to, in principle, allow such a feature. The details of which will be agreed at a later date
- 1.3 The condition imposed to not allow entrance gates was included at the request of the Planning Committee when the previous planning application was determined

2. **DESCRIPTION OF SITE**

- 2.1 The site comprises of a large detached residential property at the corner of Pwllmelin Road and The Chantry. It is set on a number of different levels, these levels being 48.85 metres AOD abutting Pwllmelin Road rising to 49.6 metres by the house and to 50 metres AOD abutting 1 The Chantry and includes a swimming pool, tennis courts and gardens.
- 2.2 The site is enclosed by hedge along the north, south and west boundaries and a 2 metres high wooden fence along the east boundary with neighbouring properties. The southern boundary is further reinforced with a number of protected mature trees (City of Cardiff (The Retreat), Llandaff) TPO 1977 and City Of Cardiff (Pwllmelin Lane)TPO 1987))
- 2.3 There are two access points to the site both of which are off Pwllmelin Road
- 2.4 The site is not located within a Conservation or flood plain area nor is there

any Listed Building that would be directly affected by this proposal

3. **SITE HISTORY**

- 3.1 10/00846/W - Demolish existing house and construct 20 no apartments 18 2 bed x 2 x one bedroom in two blocks 3 storey retaining existing TPO trees and laying out amenity gardens retaining existing boundaries providing additional access off The Chantry.

4. **POLICY FRAMEWORK**

- 4.1 Section 197 of the Town and Country Planning Act (1990)
- 4.2 Planning Policy Wales (2014)
- 4.3 Technical Advice Note 12: (Design) (2014)
- 4.5 Other National Planning Guidance of relevance:
Manual for streets
Welsh Government circular 16/2014 'The use of Planning conditions for Development Management'
W/O 13/97 'Planning obligations'
- 4.6 The following policies within the South Glamorgan (Cardiff Area) Replacement Structure Plan (adopted 1997) are relevant to the determination of this application;
- Policy EN1 'Towards Sustainable Development'
Policy MV11 'Parking'
Policy B2 'Improvement of Environmental Quality'
- 4.7 The following policies within the City of Cardiff Local Plan (adopted 1996) are relevant to the determination of this application;
- Policy 11 'Design and Aesthetic Quality'
Policy 17 'Parking and Servicing Facilities'
Policy 18 'Provision for Cyclists'
Policy 19 'Provision for Pedestrians'
- 4.8 The following policies within the deposit Cardiff Unitary Development Plan (2003) are relevant to the determination of the application;
- 1.B (Achieving Good Design)
1.N (Car Parking)
2.20 (Good Design)
2.21 (Change of Use or Redevelopment to Residential Use)
2.24 (Residential Amenity)
2.57 (Access, Circulation and Parking Requirements)
2.74 (Provision for Waste Management facilities in Development)

- 4.9 Information contained within the following Supplementary Planning Guidance is relevant to the determination of the application:

Access, Circulation and Parking (2010);
Residential Design Guide (2008);

5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 Operational Manager (Transportation): No objections subject to the access gates being set back 5 metres from the public highway - 'The Chantry'
- 5.2 The Council's Urban Design Officer : No objection in principle

6. **EXTERNAL CONSULTEE RESPONSES**

- 6.1 Nil

7. **REPRESENTATIONS**

- 7.1 Neighbouring properties were notified. The application was also advertised by a Site Notice. The properties known as Glenelg and nos.5, 9 & 11, all of The Chantry object on the following grounds:
The proposal would result in a "fortress mentality" which would be detrimental to social cohesion; the gates would create queuing onto The Chantry, which is a narrow road and is congested during the morning and evening, due to the adjoining schools; lack off street parking for the proposed development.
- 7.3 Local Ward Members have been notified: Councillor Gareth Aubrey requests that the application is presented to the Planning Committee

8. **ANALYSIS**

- 8.1 The application seeks permission to introduce gates onto the site entrance from 'The Chantry' by the variation of a planning condition. Matters under consideration relate to matters of amenity, and design of the gates, and also highway safety.
- 8.2 Highways Issues

Concern has been raised by local residents over the use of 'The Chantry' as the principle means of access to the development; as residents believe that the road was not designed for such a use. During the consideration of the previous application (reference 10/00846/W) the Council were satisfied that the road was suitable as an access point for the development. The transport assessment undertaken by the developer provided evidence that the proposal would not undermine highway safety and at that stage the information was based upon the proposal having entrance gates. The Council's Transportation Officer has raised no objection to the proposed gates, subject to a minimum set back of 5 metres, from the public highway known as The Chantry; so as not to undermine highway safety.

Local observations received raise concerns in respect of the parking provision for the proposed development of the land. However, this is not a matter for consideration under this application and was assessed and agreed acceptable under planning permission 10/00846/W.

8.3 Impact upon the character of the area

Whilst the Residential Design Guide and TAN 12 (Design) both state that design features which create a *'fortress mentality'* within development proposals should be avoided and it would be difficult to argue that the provision of entrance gates would create such a situation in the case of this proposal, particularly as the Local Planning Authority will retain control over the future design of any gates. While it is recognised that the provision of a large, heavy and non-see through gate could create a defensive feel to the development, should a more lightweight and, possibly, see-through gate be proposed, it would be difficult to sustain an argument against their provision in design terms. The Council, through the future consideration and discharge of the suggested new planning condition, will retain control over the finish and design of any gates ensuring that any design is sympathetic to its context.

8.4 The application is recommended for approval.

