

7th October 2015

22330800

To: Members of the Council

Dear Councillor

Planning Committee
Wednesday 14th October 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 4th November 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 14TH OCTOBER 2015 AT 2.30PM**

AREA	PAGES
STRATEGIC	1 - 130
NON STRATEGIC	131 - 190
HOUSEHOLDER	THERE ARE NO HOUSEHOLDER APPLICATIONS ON THE OCTOBER 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 - 14th OCTOBER 2015

Page No.	App No.	Location	Description	Decision	Officer
1	14/01656/DCO	Land Adjacent to, Church Road, Pontprennau/Old St. Mellons	RESERVED MATTERS APPLICATION FOR THE CONSTRUCTION OF 50 DWELLINGS AND ASSOCIATED WORKS	PER	RJC
21	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
53	15/00307/MJR	5-7 OAKFIELD STREET, ROATH, CARDIFF, CF24 3RD	DEMOLITION OF NOS. 5-7 OAKFIELD STREET, ROATH, CARDIFF, CF24 3RD	PER	RJC
62	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
86	15/01163/MJR	CARDIFF METROPOLITAN UNIVERSITY CYNCOED CAMPUS, CYNCOED ROAD, CYNCOED, CARDIFF, CF23 6XD	ERECTOR OF NEW SPORTS HALL BUILDING WITH ANCILLARY CHANGING, TOILET AND STORAGE SPACES	PER	CJE
101	15/01667/MJR	LAND TO THE SOUTH OF FORESTER WAY AND MALTHOUSE AVENUE, PONTPRENNAU	OUTLINE APPLICATION FOR PROPOSED DEVELOPMENT OF UPTO 150 HOMES, PROVISION OF NEW VEHICLE ACCESS, PEDESTRIAN/CYCLIST ROUTES, PUBLIC OPEN SPACE, LANDSCAPING DRAINAGE AND ASSOCIATED WORKS RESERVED MATTERS BEING SOUGHT FOR ACCESS ONLY	REF	CJE

PLANNING COMMITTEE - 14th OCTOBER 2015

Page No.	App No.	Location	Description	Decision	Officer
131	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
151	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
162	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
173	15/01699/MNR	31 COBURN STREET, CATHAYS, CARDIFF, CF24 4BQ	CHANGE OF USE FROM SIX BEDROOM C3 DWELLING HOUSE TO EIGHT BEDROOM SUI GENERIS HOUSE IN MULTIPLE OCCUPATION	REF	SJB
181	15/01796/MNR	LAND ADJ 18 AVONRIDGE, THORNHILL, CARDIFF, CF14 9AU	CONSTRUCTION OF DETACHED HOUSE WITH CARPARKING AND GARDENS ON PLOT ADJOINING 18 AVONRIDGE, AND CREATION OF NEW OFF ROAD PARKING AREA TO FRONT OF EXISTING HOUSE AT NO 18.	REF	MCH

PETITIONS

COMMITTEE DATE: 14/10/2015
APPLICATION No. 14/01656/DCO APPLICATION DATE: 16/07/2014
ED: PONTPRENNAU/ST MELLONS
APP: TYPE: Reserved Matters
APPLICANT: Heron Land Developments Ltd & Welsh Ministers, Welsh Government
LOCATION: Land Adjacent to, Church Road, Pontprennau/Old St. Mellons
PROPOSAL: RESERVED MATTERS APPLICATION FOR THE CONSTRUCTION OF 50 DWELLINGS AND ASSOCIATED WORKS

RECOMMENDATION 1 : That, subject to a deed of variation being drawn up by the Council and agreed by the developer to include the transfer of additional Highways land to enable the provision of a 3m wide shared cycle path and footway to the eastern and northern boundaries of the site in accordance with Approved Drawing PL01 (Revision F) that matters of Siting; Design; External Appearance and Landscaping of the development be **GRANTED** subject to the following conditions:

1. The Matters reserved are approved in respect of the development indicated on drawing References :

Siting	Layout	PL01 (Rev F)
Landscape	Landscape	LAN01(Rev C)

Design and External Appearance

1-20 Plan	HT01
1-20 Elev	HT02
21-29 Plan&Elev	HT03
30-50Plan	HT 04/05/06
30-50 Elev	HT07

2. The submitted landscaping scheme shall be implemented prior to the first beneficial occupation of any of the approved apartments or in such timeframe as may otherwise be agreed by the local planning authority in writing.
Reason: To ensure for the timely provision of landscaping in the interests of visual amenity.
3. Notwithstanding the details submitted with the application, landscaping implementation shall accord with a scheme of detail which shall first

have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include for a full planting specification including finalised scaled planting plan and plant schedule and topsoil and sub-soil specification to BS 3882:2007 and BS 8601:2013 respectively and including full details concerning the handling of retained, stripped and imported soils, including their protection, storage and installation (to accord with both Standards and the 2009 DEFRA Construction Code of Practice for the Sustainable Use of Soils on Construction Sites) shall be submitted to and approved in writing by the local planning authority prior to the movement of any soils on site.

Soils to be re-used or imported must be demonstrated to be fit for purpose via testing and certification in accordance with the Standards (including an interpretive report). Ameliorants such as fertilisers and composts must only be proposed where the reports accompanying the testing require it.

Planting specifications shall also include for tree pit section details (to accord with BS 8545:2014 and based on the default principle of having topsoil depths of approximately 300mm with the remaining depth to minimum 900mm made up by sub-soil).

Reason: To ensure for adherence to best practice in landscaping provision and the greatest likelihood of future health and longevity of the planted scheme.

4. The implemented landscaping scheme shall be maintained in accordance with a planting and aftercare methodology in accordance with BS 8545:2014, BS 3998:2010 (formative pruning) and to include a chronological matrix covering aftercare works for a 5 year period post completion; which shall have been submitted to and approved in writing by the local planning authority prior to the implementation of the scheme.
Reason: To ensure for adherence to best practice in landscaping provision and the greatest likelihood of future health and longevity of the planted scheme
5. If within a period of five years from the date of planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed, or dies, or becomes (in the opinion of the local planning authority) seriously damaged or defective another tree of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.
Reason: To maintain and improve the appearance of the area in the interests of visual amenity.
6. Prior to the commencement of development or any site clearance, 2 No. Bat boxes shall be provided on two of the more mature remaining trees in accordance with details which shall first have been submitted to and approved in writing by the local planning authority.

Reason: to mitigate against the loss of any potential bat roost habitat in any trees proposed to be removed as part of the development.

7. Prior to the commencement of development or any site clearance, 10 No. Dormouse nesting boxes shall be located within the landscape buffer to the south of the site in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority..

Reason: To mitigate against the loss of habitat resultant of the loss of scrubland required to undertake the development.

8. The development shall be finished in accordance with a palette of external finishing and hard landscape materials, samples of which shall first have been submitted to and approved in writing by the local planning authority, and only approved materials shall thereafter be used in the development .

Reason: To ensure for an appropriate quality of appearance.

9. The development shall accord with a scheme of architectural detailing which shall first have been submitted to and approved in writing by the Local Planning Authority and the development shall not be brought into use until the approved scheme is implemented in full.

Reason: To ensure a satisfactory finished appearance to the development

10. D3D Maintenance of Parking Within Site

RECOMMENDATION 2: That the applicant be made aware that the Local Planning Authority consider that there is a high likelihood of the site containing protected species and remind the developer of the need to obtain necessary licences from Natural Resources Wales to disturb protected species, including dormice, bats and reptiles, and to mitigate against the impacts of development prior to any works commencing. It is suggested to the developer that best practice would dictate that site clearance is undertaken over a winter period to minimise its impact in accordance with the recommendations of an ecological consultant.

1. DESCRIPTION OF PROPOSED DEVELOPMENT

- 1.1 Outline planning permission for residential development of 1.34 hectares of land between Eastern Avenue and Church Road was Granted on 19/10/2011 with all matters other than access reserved for future consideration. (Two vehicular accesses were approved off Church Road).
- 1.2 This applications seeks approval of reserved matters in respect of siting, design and external appearance, and landscaping.
- 1.3 The proposal is for 50 residential units of accommodation comprising 10x one bed apartments and 40x two bed apartments (of which 8x two bed units would be affordable accommodation).

- 1.4 The maximum height of development to the Western lower part of the site is 4 storeys (15m ridge/10.5 eaves) and 3 storeys (10.7m ridge/ 7.4m eaves) to the higher Eastern part of the site. Development in the centre of the site is 3 storey (11.75m ridge 7.75m eaves).
- 1.5 The development would provide for 77 Parking spaces including 12 visitor spaces; and for secure cycle parking facilities for each residential block.
- 1.6 Secure waste storage is also indicated on plan.
- 1.7 In its revised form the layout also accommodates a 3m shared cycle/footway to the east and northern perimeter of the site,

2. DESCRIPTION OF SITE

- 2.1 The 1.34 hectare vacant site is approximately 190 metres long and 50 metres wide, lies between Church Road to the North, A48 Eastern Avenue slip road to the South, Capel Edeyrn to the East and the Premier Inn hotel to the West. Residences in Maes y bryn and Capel Edeyrn lie on the opposite sides of the Church Road and Capel Edeyrn carriageways at a distance of some 22.5m and 30m respectively.
- 2.2 The site is crossed by Nant Pontprennau (approx. 70m from the western site boundary) and a path which links open space to the north of Church Road with a subway underneath Eastern Avenue. This path links with the Rhymney Valley Trail to the South.
- 2.3 The site falls from eastern [26.5m AOD] and western extremes [17.5m AOD] to the banks of the Nant Pontprennau [15.5m]. The change in levels is around 11.0 m over 120m from the Eastern Boundary, and around 2m over 70m from the western boundary. [measurements approximated]
- 2.3 There are two areas of trees (Area 25 and Area 26) on the site which are covered by the City of Cardiff (North Pentwyn Area 2) Tree Preservation Order 1991. Area 26 is on the lower part of the site in the vicinity of Nant Pontprennau. Area 25 lies at the higher eastern end of the site.
- 2.4 Arboricultural survey suggests that the condition of trees present on the site is generally poor 'C' and 'D' class trees with only two exceptions (An Ash tree and an Oak) which are category 'B' trees.

Much of the site is overgrown, but there are remains of the slab of a gas valve compound on the lower part of the site which is at an elevated level.

3. SITE HISTORY

- 3.1 04/2351E : A planning application for housing and office development was withdrawn prior to determination.

- 3.2 04/3065/E : Outline Planning Permission for residential use with two points of access was Granted 19/10/11.

An indicative masterplan showed a development of a mix of 45 flats and houses up to 4 storeys in height but all matters other than access were reserved.

The Outline Planning Permission contains conditions relating to tree preservation; Tree survey and tree protection; levels; cycle parking; refuse storage; access implementation; Highway enhancements to Church Road; drainage; Acoustic mitigation; soils; design concept; and crime reduction.

4. POLICY FRAMEWORK

City of Cardiff Local Plan

Policy 11 (Design and Aesthetic Quality)
Policy 17 (Parking and Servicing Facilities)
Policy 18 (Provision for Cyclists)
Policy 24 (Affordable and Special Needs Housing)
Policy 31 (Residential Open Space Requirement)

Cardiff Unitary Development Plan Deposit Written Statement (October 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 2.57 (Access, Circulation and Parking Requirements)
Policy 2.64 (Air, noise and light pollution)

4.4 Supplementary Planning Guidance:

Open Space
Affordable Housing
Access, Circulation and Parking Requirements

5. INTERNAL CONSULTEE RESPONSES

5.1 Ecology Officer

5.2 At present the site supports a number of trees and a mosaic of scrub and rough grassland. These are all suitable habitats for a range of species, most important being the Dormouse which is a European Protected Species and which is known to occur in similar habitat about 100m away. There may also be reptiles on the site as is often the case in urban brownfield sites such as this, and there are likely to be nesting birds in spring. Depending on the age and condition of the trees, there may also be roosting bats present.

5.3 Therefore I believe there to be the potential for protected species to be present and this brings with it statutory responsibilities for the applicant and the Council

in considering granting consent.

5.4 Normally, in order to comply with section 5.5.11 of TAN 5, surveys for these species should be undertaken prior to determination, in order for any impacts upon them to be considered as a material consideration. However given that the time for ecological surveys has almost passed for this year, and that the site already has outline planning permission and a signed s106 agreement, and taking into account the small size of the site, in my view there is not enough justification to delay determination of this reserved matters application until next year on the basis of protected species alone.

5.5 This being the case, there are a series of mitigation measures which would ensure compliance with protected species legislation.

5.6 **Dormice**

Above-ground vegetation should be cleared during winter (from now until the end of March), as at this time the dormice are in hibernation at ground level. From April onwards, Dormice will make their way to adjacent remaining vegetation and so roots/stumps etc can be cleared. If vegetation is not cleared over winter 2015/16, then it will have to wait until winter 2016/17. Alternatively, the applicant may choose to have the site surveyed for dormice during spring, summer and autumn next year, and proceed according to the results.

5.7 **Bats**

Looking at the tree report, many trees are reported as showing features suitable for roosting bats, such as deadwood in the crown, basal cavities and heavy Ivy colonisation. Trees showing these features should be retained within the development. Where this is not possible, for those trees which are to be removed, or have branches removed, this should take place in winter when bats are much less likely to be present.

5.8 **Reptiles**

Above-ground vegetation should be cleared during winter (from now until the end of March), as at this time the reptiles are in hibernation at ground level. During April/May any reptiles on the site should be trapped and translocated to nearby suitable habitat, for example the park on the opposite site of Church Road. This should be undertaken by a suitably qualified and experienced ecological consultant using recognised techniques.

5.9 **Nesting Birds**

Above-ground vegetation should be cleared during winter, so that it is not available for nesting during the spring, thereby avoiding the potential to damage/destroy birds nests.

In order to compensate for the potential loss of habitat as a result of site clearance, nesting/roosting provision should be incorporated into remaining

vegetation. At least two bat-boxes should be placed at suitable locations on any mature trees that are to be retained. 10 dormouse nest boxes should be put up in remaining landscape buffer vegetation bordering the south of the site. If during works any species of bat are found or if any dormice are found, then works must cease while advice is sought from Natural Resources Wales.

5.10 **Trees Officer**

- 5.11 Has suggested comprehensive modification of the planting plans originally submitted which has been accommodated by the applicant, and therefore raises no objection to the amended landscape proposals now submitted subject to appropriate planting specifications.
- 5.12 The Trees Officer will require a topsoil and subsoil specification for the whole site and all planting types. This should include details of where and to what depth soil will be stripped, how it will be stored and installed, and where it will be re-used. Sections should be provided to illustrate the situation for different planting types e.g. root-balled and container trees should have a default specification of 300mm BS 3882:2015 approved topsoil over 600mm BS 8601:2013 approved free draining subsoil (not an enriched backfill that doesn't reflect a natural soil profile). Since no Soil Resource Survey (SRS) or Plan (SRP) has been prepared to date, we do not know much about the fitness for purpose of stripped site soils (or indeed the extent of proposed stripping). Consequently the topsoil and subsoil specification should be informed by an SRS and SRP.
- 5.13 A stand-alone planting and aftercare methodology should be produced to cover all planting types and a 5 year chronological matrix of aftercare tasks should be presented. It must be clear that the implementation of an approved landscaping scheme will be overseen by a Landscape Architect, and soil handling and installation will be overseen by a Soil Scientist.

The complex sites tree protection condition (D4X) is applicable in relation to tree protection.

- Finalised scaled planting plan and plant schedule.
- Topsoil and sub-soil specification to BS 3882:2007 and BS 8601:2013, respectively and including full details concerning the handling of retained, stripped and imported soils, including their protection, storage and installation (to accord with both Standards and the 2009 DEFRA Construction Code of Practice for the Sustainable Use of Soils on Construction Sites). Soils to be re-used or imported must be demonstrated to be fit for purpose via testing and certification in accordance with the Standards (including an interpretive report). Ameliorants such as fertilisers and composts must only be proposed where the reports accompanying the testing require it.
- Tree pit sections (to accord with BS 8545:2014 and based on the default principle of having topsoil depths of approximately 300mm with the remaining depth to minimum 900mm made up by sub-soil).

- Planting and aftercare methodologies to include accordance with BS 8545:2014, BS 3998:2010 (formative pruning) and to include a chronological matrix covering aftercare works for a 5 year period post completion.

5.14 Parks Officer

5.15 Overall welcomes the intention to protect the key trees identified in the tree survey, although given the gradient of the site and amount of regrading required, considers protection of the root protection zones to be critical, and comments that more detailed information will be needed in respect of existing and proposed levels around the trees, along with detailed tree protection methods.

5.16 Considers the amenity area shown on the plan to be quite limited but to assist in preservation of key trees. However he further comments that it is quite steeply sloping (4m fall) and is very open onto Church Road and is not a functional amenity space.

5.17 He notes that on the opposite side of the road the houses are well screened by vegetation; and suggests that a mixed native hedge is planted along the northern and eastern boundaries to mitigate the impact of traffic. Retention of the existing planting along the southern boundary does provide a buffer zone onto the A48 will also be crucial.

5.18 Maintaining the link from Local Park 4 in Pontprennau, north of Church Road, southwards through the site is welcomed. Details will need to be provided on public/private land ownership and measures taken to define the link in the proposed landscaping.

5.19 Request for Public Open Space

At a projected occupancy of rate of 81.67, the contribution in lieu of Public Open Space provision agreed under the terms of the outline approval is calculated at **£80,184.**

Lastly he comments that the areas shown as amenity areas would need to be assessed further in terms of design & appropriateness for adoption.

5.20 The Transportation Officer

5.21 The Transportation Officer has previously accepted the proposed access positions subject to provision of adequate visibility splays; speed reducing features on the eastern section of Church Road; dedication to the Council of a portion of the site frontage to facilitate upgrading Church Road in the future to 5.5 metres width together with 2 no. 1.8 metre wide footways; in order that a continuous footway along the frontage of the site is provided, and with appropriate levels of street lighting; together with a financial contribution towards public transport enhancement;

- 5.22 However with the recent approval for housing development at St. Ederyns, there are proposals to provide a ped/cycle link parallel to the Pentwyn Link road, and the Transport Officer has indicated that it would be very beneficial if this facility extended around the eastern and northern perimeter of the site to allow access to the Rhymney Trail.
- 5.23 The Applicant is bound by the terms of the existing Legal Agreement in respect of securing improvements to Church Road, but has agreed to the request to modify the layout to allow for the Council to upgrade the footpath to a shared Ped/cycleway provided there is no additional incurred cost to themselves.
- 5.24 There is no change to the approved access positions to the site.
- 5.25 In respect of Parking Provision the proposal has been considered against the current parking standards for development of this type,
- 5.26 The current Parking Guidelines would require a Minimum Parking Provision of 22.5 parking spaces and a Maximum provision of 90 spaces and space for the secure parking of 50 bicycles. The Transport Officer suggests that given the currently relatively isolated location of the site and limited public transport opportunities that he would expect more than the minimum standard and would suggest that off street parking provision lean more toward the maximum rather than the minimum provision. As the proposal indicates some 77 Car Parking Spaces and secure cycle storage, the development is considered Policy Compliant. The provision of the aforementioned ped/cycle path to the site perimeter will also encourage travel to and from the development by sustainable transport modes.

5.27 Pollution Control Officer

Is accepting of the proposed layout and acoustic measures necessary to overcome traffic noise and vibration from Church Road and the A48.

5.28 The Housing Officer:

Initially raised concern as to the practicalities of independent management of the affordable housing units identified for any Registered Social landlord and has agreed that a lesser amount of on site accommodation is acceptable (8 Units) in this instance together with a commuted payment in lieu of the shortfall of on-site accommodation.

- 20% x 50 units = 10 units to be delivered as:
- 8 units on-site (plots 1-8)
- 2 units as a financial contribution of £125,280 (2 x £ 62,640)
- The 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
- This amount is payable provided the 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. The occupants of the affordable housing will be allocated from the common waiting list.

- In addition, if there are any roads or public space/realms/bin stores within the site that will not be adopted (ie private), then neither the RSL nor their tenants would be expected or able to make additional contributions to them. The prices to be paid above relates solely to the purchase of the completed affordable units.

6. EXTERNAL CONSULTEE RESPONSES

- 6.1 **Natural Resources Wales** have no knowledge of flooding in the area and recommends the use of Sustainable Drainage Systems, if they are appropriate in this location, to reduce any negative impact of surface water discharges. The Agency also advises that Nant Pontpennau is scheduled as a statutory main river and therefore land drainage consent must be obtained for works in the vicinity.
- 6.2 **Welsh Water:**
Offers suggested conditions in respect of Foul, Surface and Land Drainage run off and has also provided a plan indicating the approximate position of a number of known sewers / drainage easements running across the site.
- 6.3 **The Glamorgan and Gwent Archaeological Trust** advise that there are no recorded archaeological features within the application area. It is therefore unlikely that features would be disturbed.

7. REPRESENTATIONS

- 7.1 Local Members have been consulted. Any comments will be reported to Committee.
- 7.2 The application has been with the planning authority for some time pending technical observations and negotiation of various reserved matters and was first advertised in July 2014; re-advertised in June 2015 and neighbours written to most recently at the end of Sept 2015.
- 7.3 Objections to the proposals, both to the principle and detail of the development have been received directly from 8 properties in Maes Y Bryn, 3 properties in Nant Eos; and 3 properties in Capel Ederyn.
- 7.4 Over the course of the application, Petitions of objection have been received from more than 50 signatories in those roads on more than two occasions, and most recently a number of local residents have grouped together to identify common concerns. Those are:
- *Insufficient car parking for 50 dwellings, this is unlikely to be sufficient and any overflow is going to end up in our streets. 50 dwellings will result in more than 50 cars.*

- Church road is already a busy "lane" with considerable congestion during peak traffic times, the inclusion of higher density accommodation within this development will only add to this problem and cause increased traffic generation with poor access to the development and surrounding roads.
- The proposed apartment block remains not in keeping with any of the surrounding developments – the inclusion of a high density, multi-level development across the road is completely not in character with the area.
- Currently some of the properties on Maes Y Bryn have uninterrupted views from the back gardens across trees and shrubbery with virtually no manmade structures in site other than lampposts – this is the reason they were brought. Should the development go ahead, this untouched view will be severely compromised and result in several apartments having a direct line of sight into gardens, thus severely effecting privacy.
- Two families have fairly recently purchased and moved into homes on Maes Y Bryn as location and surroundings were thought to be ideal to bring up children. This development was not shown on searches and they had assumed was a motorway "green" barrier. Therefore these 2 families that are new to the area, are very upset and might not have purchased their properties if they had known.
- The proposed height of the apartment block may create an eyesore! We are concerned that with the tallest building being located upon the highest point of the site it will be seen from all the neighbouring houses and will be the first thing that anyone driving into Pontprennau from the Pontprennau roundabout will see. Therefore should the development proceed it should not exceed 2 storeys.
- The added traffic will also generate considerably more noise, disturbance and pollution to the area.
- A pair of bats fly around local gardens around dusk. We have waited for these bats to come out on several occasions and they are definitely not nesting within anyone's premises, they appear to be coming from the direction of the proposed development. We are not sure if they are a protected species or not however we believe a massive housing development within an identified bat habitat is not satisfactory. In addition we have been led to believe that dormice may inhabit the area. Furthermore we are concerned that this development will result in a loss of trees and greenery.
- Reference to document;15_01361_MJR-DISCHARGE_OF_CONDITION_17_ROAD_TRAFFIC_NOISE-1676555
 Bullet point 1 states that the block containing units 30-50 has been reoriented as per Richard Cole's suggestion – it is assumed that this suggestion was to locate as many of the dwellings as far from the noisy A48 as possible.
 The site is only 70m wide at the widest point, surely if the noise is of such a level that buildings need to be located as far from the source of noise as possible, then it cannot be suitable for such accommodation?
 Bullet point 3 states that the eastern block has reduced from 4 to 3 storeys due to concerns over the relationship with the surrounding housing. Taking one storey off has effectively done nothing to reduce concerns to this effect – If anything this building is now less in keeping with the

surrounding buildings as it has 21 dwellings where as it previously had 17 dwellings.

- DENSITY, report claims to be in keeping with adjacent areas, however the density of the development will be much higher than the density of our streets.

Reference to document;

14_01656_DCO-DESIGN_STATMENT_PONTPRENNAU_REV_A-1675
790

Within Section 2.2 it is stated that the area of the development is 1.34 hectare – We believe this to be incorrect with the area nearer to 1.15 hectare.

Using this area of 1.15 hectare the dwelling density is approximately 43.5 dwellings per hectare not 37.31 as stated in section 3.2.

The housing development adjacent the site comprising Maes Y Bryn, Capel Ederyn and Clos Nanteos contains 64 detached properties and has an area of approximately 3 hectare.

This equates to a dwelling density of 21.3 dwellings per hectare, less than half of that which is proposed.

- The suggestion that the proposed apartment blocks will act as a “link between the commercial properties to the West and North West, and the standard housing patterns to the North and North East” is a ludicrous means of trying to justify their appropriateness within the area.
There is a clear break between the commercial area in Pentwyn to the West and the housing to the East, this being the woodland area and stream as highlighted.
This break makes the requirement of a “link” between the two areas redundant and non-admissible as a means of justifying the development.
- The area is already short of local shops, amenities and facilities for the local residents - if the development is to proceed it should be under the condition that something is done to help in this respect.
- All of the houses within the neighbouring areas are either detached houses or semi-detached townhouses. The closest buildings of a similar nature to the proposed apartment style blocks are more than 500m away to the west in Pentwyn.
- Newly proposed layout with the façade running parallel to Church road will result in overlooking and overshadowing of the properties to the North. Being 3 stories and located at the highest point of the plot will also result in an overbearing feeling.
- It will reduce the quality of life for residents during the building phase through such things as building work noise and intensified traffic.
- There is a general concern about the safety of children so close to the A48 and general highway safety.
- Is there a chance that during the building stage and beyond we will see an increase in crime (this was the experience of some residents during earlier stages of the Pontprennau estate).
- Increase in litter due to our streets being used as a ‘cut through’ to Asda and other local amenities. It has been suggested that in order to resolve this issue the path on the south side of Maes Y Bryn be blocked off (perhaps 11 & 13 Maes Y Bryn might like to purchase this small strip of land). This will ensure that the path below Maes Y Bryn is used instead.

- *Pedestrian safety; the existing pathways around the area, including Church Road are not lit and are therefore not safe. If more people move into the area more people will need to use these, therefore lighting should be installed.*
- *Church Road is used as a short cut by a huge volume of traffic. The road is not wide enough for the current amount of traffic let alone for site traffic and future occupiers of the development;*
- *The trees and shrubs act as a barrier between the A48 and give refuge to a great number of wildlife. The trees are beneficial to an area that has been stripped of trees and shrubs.*
- *The value of existing houses will be affected*

8. **ANALYSIS**

8.1 **Land Use**

The proposal is considered acceptable in land use policy terms and the residential use of the land is established by Outline Planning Approval 04/03065/E. This application seeks approval of reserved matters only as follows:

8.2 **Reserved Matters of Siting**

8.3 The amended layout plan indicates 3 principal groups of accommodation; comprising 20 units of accommodation to the western lower section of the site (in two linked buildings of 8 and 12 apartments respectively); 9 apartments in a single building to the mid section of the site just to the east of the Nant Pontpennau ; and a further 21 apartments in a right angled building with frontages to Church Road and Capel Edeyrn at the eastern extreme of the site.

8.3 The principal reason for the layout is that of attempting to gain benefit from increasing the distance from the A48 slip road; whilst accounting for a number of site constraints. Namely the TPO trees and their root protection areas, The watercourse, the existing right of way, Sewer easement, overhead powerline easements, and the approved access points.

8.4 The buildings are some 25m away from others on the opposite side of Church Road and would be separated by a landscape buffer to the rear of both footpaths.

8.5 Access to the properties is indicated via a number of pedestrian paths from linear car parking areas within the site and bin and cycle stores are similarly connected to the internal vehicle circulation route .

8.6 The layout is considered acceptable.

8.7 **Reserved Matters of Design & External Appearance**

8.8 The building heights to the eastern end of the site have been lowered since the approval of outline planning permission and now comprise multiple centrally

ridged roofs of a maximum of three storey height (10.7m ridge - 7.4m eaves, with through eaves fenestration, and with recessed, slightly lower apex heights to separating stair cores.

- 8.9 The 2nd floor (3rd storey) accommodation within the roofs of the buildings is illuminated by means of ridged roof dormer roof projections.
- 8.10 The agent has provided an indicative site section which shows the relationship of the development and those residences on the opposite side of the carriageways.
- 8.11 The floor plan for the right angled apartment units indicates that windows facing onto Church Road and Capel Ederyn would in all but one instance (The corner unit) be bedroom windows ; Living room windows being orientated to face in toward the centre of the development.
- 8.12 The materials palette is of red multi facing brick, low level smooth grey concrete tile roofing, bradstone detailing to window heads and cills upvc windows set back into reveals and upvc fascias to gable presentations.
- 8.13 The building aesthetic is considered acceptable and in keeping with development in the area. The internal layout of the buildings is considered beneficial in terms of mitigating against any perceived privacy/overlooking issues and in terms of improved acoustics and outlook for future occupiers.
- 8.14 The three and four storey developments to the mid and West sections of the site follow a similar aesthetic and accommodate the fall in land levels in respect of their height.
- 8.15 This scale and aesthetic of the development are considered acceptable.
- 8.16 **Parking Standards / Sustainable Transport Agenda.**
- 8.17 77 Parking Spaces are proposed for 40x 2 bed and 10x 1 bed apartments and visitors.
- 8.18 The Transport Officer confirms the parking allocation of 77 spaces to be policy compliant and nearer the maximum standard than the minimum which he considers desirable in this situation.
- 8.19 Noting neighbour concerns, It is suggested that any 'overspill' parking as might occur will more likely take space on the internal access road as opposed to an alternative highway. The Transport Officer has suggested that additional parking spaces might be achieved in lieu of landscaping, however the planning officer is of a view that as the proposed level of car parking meets the parking standards; that sufficient car parking opportunities to serve the development is proposed; that landscaping and ecology issues should be given equal weight; and that the car parking provision together with the improved cycle infrastructure and cycle parking facilities, is appropriate to serve the level of development proposed.

- 8.20 The proposal is considered acceptable in terms of highway safety, The Outline Planning Permission binds the applicant to provide speed reduction features to Church Road; the provision of a 1.8m wide pedestrian footway to the perimeter of the site, a financial contribution towards public transport improvements and to provide land to realise appropriate vision splays, as advised by the Chief Highways and Transportation Officer at the time of the consideration of that application.
- 8.21 However as indicated above, a feature of the recent approval for housing development at St. Ederyns, is the proposal to provide a ped/cycle link parallel to the Pentwyn Link road, and the Transport Officer's suggestion that it would be very beneficial if this facility extended around the eastern and northern perimeter of the application site to allow access to the Rhymney Trail to the south, or cycle movements north through local park 4 or further west toward Pentwyn Road is concurred with, and the applicant's agreement to allow for the provision of land to facilitate this is very welcomed.
- 8.22 For point of clarity, there is no requirement on the applicant to construct the additional cycle path, (which would be funded from the strategic cycle way budget), only to provide sufficient land (1.2m) adjacent to the 1.8m wide footpath already approved to allow for its provision.
- 8.23 **Reserved Matters of Landscaping**
- 8.24 Given that the site is sandwiched between two busy carriageways, the planning officer considers the site unsuitable for any meaningful amenity space for the purpose of sitting out and that the degree of noise suppression measures that would be required to make such external amenity space tolerable (such as acoustic screening) would visually detract from the amenity of residents to a similar degree as it would offer acoustic benefit. As this is the case, flattened accommodation in a managed landscaped setting has been encouraged as an appropriate model.
- 8.25 The proposed landscaping solution allows for the retention of some of the better quality trees on site, but the general quality of existing trees on site has declined since originally surveyed in 2004, and a long term tree and landscaping strategy is required.
- 8.26 Currently the site has 2x 'B' Category trees (an Ash T268 and an Oak T623) which are to be retained; and a further 9x C Category trees (fair to poor) trees, and 3x trees Categorised 'U' (Undesirable to retain) and 1x Dead Tree.
- 8.27 The Council's tree officer has therefore suggested an alternative planting plan which has been adopted by the developer which allows for long term replacement groups of trees as well as landscape buffering from the highways.
- 8.28 Hardscaping is shown as paviour surfacing to the vehicle circulation areas, tarmac access to demarked pavioured parking bays and rumble strip provision to the site access points.

8.29 The Tree Officer's comments regarding soil verification and planting specification/maintenance plans are concurred with and can be achieved by condition as can hardscape materials.

8.30 Other Matters raised by residents

- *Church road is already a busy "lane" with considerable congestion during peak traffic times, the inclusion of higher density accommodation within this development will only add to this problem and cause increased traffic generation with poor access to the development and surrounding roads.*

8.31 Residential development and access to and from the site has already been approved. Church Road is accepted as a busy highway and the development will add vehicles/traffic movements to that highway, but also incorporates visibility and traffic management features under the terms of the Outline approval.

- *The proposed apartment block remains not in keeping with any of the surrounding developments – the inclusion of a high density, multi-level development across the road is completely not in character with the area.*

8.32 The materials specification is similar to surrounding development. The site is separated from existing houses by a highway network and landscaping bund and will establish its own character. The area is not a conservation area and no specific design controls apply over the type of accommodation proposed. Higher level (4 storey) development originally proposed to the higher eastern end of the site has been reduced to three storey height and is considered an acceptable scale of development in the given context.

- *Loss of Uninterrupted views from Maes Y Bryn/ Privacy*

8.33 The view from existing properties in Maes y bryn is not a protected view. The principle of development has been established under the terms of the outline consent. The siting applied for exceeds applied privacy standards of 21m between habitable room windows, and as indicated will to the greater part present bedroom windows to the rear gardens of properties in Maes y Bryn. This is considered policy compliant and acceptable.

- *Two families have fairly recently purchased and moved into homes on Maes Y Bryn as location and surroundings were thought to be ideal to bring up children. This development was not shown on searches and they had assumed was a motorway "green" barrier. Therefore these 2 families that are new to the area, are very upset and might not have purchased their properties if they had known.*

8.34 The outline planning application has been with the Local Planning Authority since 2004 and the outline planning permission for the development was granted in 2011 and both should have been revealed by any the property agents involved. The development proposed is for general needs flatted

accommodation and there would appear no reason why this should be detrimental to the area or upbringing of children. An element of green buffer between the proposed development and the A48M and between the proposed development and Church Road will remain/be provided as part of the landscaping proposals.

- *Building heights should not exceed 2 storeys.*

8.35 Planning Committee, at the time of consideration of the outline proposals whilst considering the indicative four storey buildings to the Eastern end of the site submitted, encouraged the developer to reduce the height of the buildings at a reserved matters stage and this has been done. 4 storey buildings are now shown only to the west of the site at its lower level. 3 storey development in the form of flats, or town houses at a height of 10-11m is not considered excessive in respect of development height to the Eastern extreme of the site. The properties would be no higher than those in Maes y bryn and substantially lower than properties in Capel Ederyn.

- *The added traffic will also generate considerably more noise, disturbance and pollution to the area.*

8.36 The Transport Officer considers that the Highway network is capable of accommodating the additional vehicle movements derived from the development. The planning Officer considers it unlikely that the additional vehicle movements generated by the development would cause noise/disturbance or pollution which would be discernible over the existing vehicle movements on Church Road/Capel Ederyn, but in any event would be no different to levels of noise or activity experienced elsewhere on the estate.

- *Development density*

8.37 There is no planning policy which dictates the density of development and in many instances higher density developments are considered a more sustainable use of land and to accord with National Planning objectives.

The number of units proposed and nature of accommodation may be different to that originally indicated, however the overall number of bedspaces proposed is not considered materially different.

It is also not considered possible to undertake a like for like comparison of the density of the development in terms of unit numbers per hectare against development in the surrounding area which are houses not apartments.

- *The area is already short of local shops, amenities and facilities for the local residents - if the development is to proceed it should be under the condition that something is done to help in this respect.*

8.38 Planning permission is not granted or sought for retail use. The proximity to facilities must be considered acceptable as it would not be materially different to that of existing housing.

- *Overshadowing of the properties to the North./Overbearing.*

8.39 As indicated the buildings are some 10.5m to ridge and some 25m away from buildings to the north. Which although lower in absolute height are at a raised land level. The indicative section supplied by the developer suggests that the resulting ridge heights of the development would be similar, and that shadow cast would be very unlikely to extend to the properties on the opposite side of the road which would more likely be affected by shadow fall from the existing landscape buffer.

At a distance of 25m min separation, the buildings are not considered overbearing.

- *It will reduce the quality of life for residents during the building phase through such things as building work noise and intensified traffic.*

8.40 This is acknowledged, but no different to any other development undertaking in the city. Section 60 of the Pollution Control Act offers statutory protection against construction site noise nuisance.

- *There is a general concern about the safety of children so close to the A48 and general highway safety.*

8.41 It is not considered that the development would present any greater risk to children or highway safety than currently exists and the required package of highway improvement works agreed by the developer under the terms of the Outline permission will likely improve the situation.

- *Increase in crime during construction (this was the experience of some residents during earlier stages of the Pontprennau estate).*

8.42 If such instance occurred then this would be a matter for the police.

- *Increase in litter due to our streets being used as a 'cut through' to Asda and other local amenities. It has been suggested that in order to resolve this issue the path on the south side of Maes Y Bryn be blocked off (perhaps 11 & 13 Maes Y Bryn might like to purchase this small strip of land). This will ensure that the path below Maes Y Bryn is used instead.*

8.43 It would seem unusual to wish to reduce pedestrian permeability through the estate but should residents wish to obstruct their own access, then an application to purchase any adopted land could be made to the Council and would be considered on its merit.

- *Unlit roads*

8.44 The highway/access improvements sought at the Outline stage include for the provision of additional lighting.

- *The value of my house will be affected*

- 8.45 Planning considers impacts on environment and amenity, and not on property value. There is also no reason to suggest that additional residential accommodation in the locality would reduce the value of existing residences.

9 **SECTION 106 MATTERS**

- 9.1 The applicant has agreed to provide or undertake works or financial contributions for a number of items under the terms of the Outline Planning Permission S106 agreement including contributions toward school facilities; Open space; Affordable housing and Highways & Transportation Contributions; the offer of Public Open Space land, a POS scheme, and maintenance contributions, the offer of Highways land; all subject to RPI uplift.

A deed of variation will be required to ensure for the offer of the additional 1.2m of highway land to realise the shared pedestrian/cycleway; but all other matters are defined within the original agreement.

Members are advised for information only that the 'variable' contributions realised by the development (i.e. calculated by formulae) are likely to be

- | | | |
|-----|--|--|
| 9.2 | School Facilities
£20,000 | (£500.00 per dwelling of more than one bedroom) |
| 9.3 | Open Space
£80,184 | (At a projected occupancy of rate of 81.67 and in accord with current supplementary planning guidance) |
| 9.4 | Affordable Housing
contribution of £ 125,280 | (Provision to an RSL of Units 1-8) and a |

10 **CONCLUSION**

That subject to a deed of variation being drawn up by the Council and agreed by the developer to include the transfer of additional Highways land as above, that the Reserved Matters of Layout, Design and External Appearance, and Landscaping, be Approved subject to the recommended conditions.

MP, MEMBER OBJECTION

COMMITTEE DATE: 14/10/2015

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: 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 non opening, 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 Local Planning Authority 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 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.

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.

25. The property, side access and rear garden of the property shall be provided with a secure entry system in accordance with details that shall first have been submitted to and agreed in writing by the local planning authority with the aim of preventing any unauthorised access to the development or neighbouring properties which might be obtained from the rear garden.

Reason: In the interests of crime prevention and security of tenants and

neighbours.

26. Notwithstanding the details submitted with the application, Prior to the first beneficial occupation of any of the residential units hereby approved, the boundaries of the site shall be provided with a secure means of enclosure in accordance with details which shall first have been submitted to and approved in writing by the local planning authority.

Reason: To ensure for the security of the development; of neighbours; and to ensure that the design of enclosure will be appropriate to the character of the Oakfield Street Conservation Area.

27. Prior to the beneficial occupation of any of the residential units hereby approved, the development shall be fitted with a scheme of security lighting in accordance with a scheme of detail which shall first have been submitted to and approved by the local planning authority in writing, and only lighting which accords with the approved details shall thereafter be provided.

Reason: To ensure for an acceptable level of security whilst protecting neighbouring amenity.

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 This application was first reported to Planning Committee on 9th Sept 2015 but was deferred to allow Committee Members to visit the site before considering the application. This took Place on 7th Oct 2015.

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 laid 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 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 Shelley Gardens.

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 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**

Confirm that between March 2014 and March 2015 there were 47 criminal incidents reported in Oakfield Street.

The Design and Access Statement, under the heading Community Safety, states 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; Access control, Cycle and Bin Storage, and installation of smoke detectors.

Of particular relevance, SWP suggest that boundary enclosures should be a minimum of 1.8m high and that a secure entrance be provided as close to the Oakfield Street building line as possible. They also suggest that the site be fitted with operational and security lighting and that entrances should be monitored by CCTV/ Access requests by visitors obtained by video/audio link.

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, 10, 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/front entrances
- Development of flats in a family housing area
- Inadequate car parking space
- Noise and Disruption caused by demolition and construction
- Increase in population density
- Studio/Offices will be used as flats
- Traffic Congestion
- Increase in refuse bins
- Potential for rats and vermin
- 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.

The occupier of No, 3 has made further representation in respect of his concern over the proposal for a principal entrance to the side elevation of the building next to his property, including the potential for unauthorised access to both the application premises and his own; the view that the elevated economic status of tenants would mean that the likelihood of them owning a car would be higher than that of current occupants; and reiterates the view of a neighbour, that the property is suffering from lack of maintenance, not major structural decline.

- 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 (This has been undertaken).

- 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 and 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

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.

- 8.3 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.

- 8.4 The Act requires that 'Conservation Area Consent' is required to completely 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 redevelopment.

- 8.5 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.
- 8.6 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. i.e National Guidance would allow for the possibility that a replacement development might preserve, or enhance the character of a conservation area, if the architectural and historic merit of an existing building is equalled, or outweighed by the merit of a proposed building.
- 8.7 The general criteria relevant to the consideration of all listed building consent applications relates 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 confirms that the Secretary of State would not expect consent to be given for demolition simply because redevelopment is economically more attractive to the developer than repair and re-use of a historic building; and 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 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.

- 8.10 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.
- 8.11 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.
- 8.12 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.
- 8.13 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.
- 8.14 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, rather more displaying understated detailing and finishes 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, all of which are displayed by the new scheme.
- 8.15 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.
- 8.16 In terms of comparison, the existing buildings provide for a mirror pair of four storey buildings of 12.6m wide frontage, with an 11.0m ridge height above the Oakfield Street footway, and three storey bay projections set back some 3.5m from the front boundary enclosure.
- 8.17 The proposed buildings presents a near 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.

- 8.18 The proposed building is shown with very similar simple stucco relief detailing as exhibited by the existing and with a natural slate roof, timber 4 pane sliding sash windows, and cast iron rainwater goods.

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.

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, and also retaining 4 pane sash windows, natural state roof.

This is considered appropriate and acceptable.

8.20 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.

- 8.23 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).

8.24 Access

A principal difference in the construction as proposed to that existing 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 by 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 8.5m 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.

8.25 Rear projections

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. These are 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 from the boundary with No. 3. by approximately 1.5m. It should be noted however that the aforementioned storey heights include for the basement storey which is partly below ground level.

- 8.26 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.

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

On balance the principal building is not considered objectionable on design grounds.

8.28 Stepped Front Entrance

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.

8.29 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.

The inference by some objectors, that this building is a pre-cursor to a future change of use application for residential use are noted, however Planning Committee are asked to determine the application on the basis of the proposal before them, and the merits or otherwise of any future developments for the site should be properly considered at the time of any such submissions should such a situation occur.

Amenity

8.30 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.

8.31 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.

- 8.32 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.

- 8.33 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.

- 8.34 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.

- 8.35 Supplementary Planning Guidance

Some objections have cited best practice standards in SPG and also such 'rule of thumb' standards as the 45^o. 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.

Traffic and Transportation

8.36 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.

8.37 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.

The comment of the adjoining neighbour, that the elevated economic status of tenants in the new flats would indicate a greater likelihood of car ownership is

acknowledged, however this would have to be weighed against the absolute parking capacity of the road network and the extent of traffic orders including 'Resident Only' permit systems in the locality as a determining factor in whether to purchase or rent a flat in the area.

8.38 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 applicant has confirmed that waste management would be undertaken via private contract which would allow for servicing from the rear of the site (No longer offered by the Council). The planning officer would raise no objection to this solution.

8.39 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. The applicant has agreed to the requested payment of **£250,560** but would like to discuss payment terms. The Section 106 payment trigger and staggered payments are within the capacity of the Council to agree. It is not unusual for a trigger of first beneficial occupation to be agreed and there may be potential to stagger payments providing overall payment amounts can be guaranteed. This can be negotiated as part of the necessary legal agreement.

8.40 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. The Applicant has agreed to this sum. (The Parks manager has also confirmed that this figure may be reduced subject to confirmation of tenancy restrictions).

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 Shelley Gardens.

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

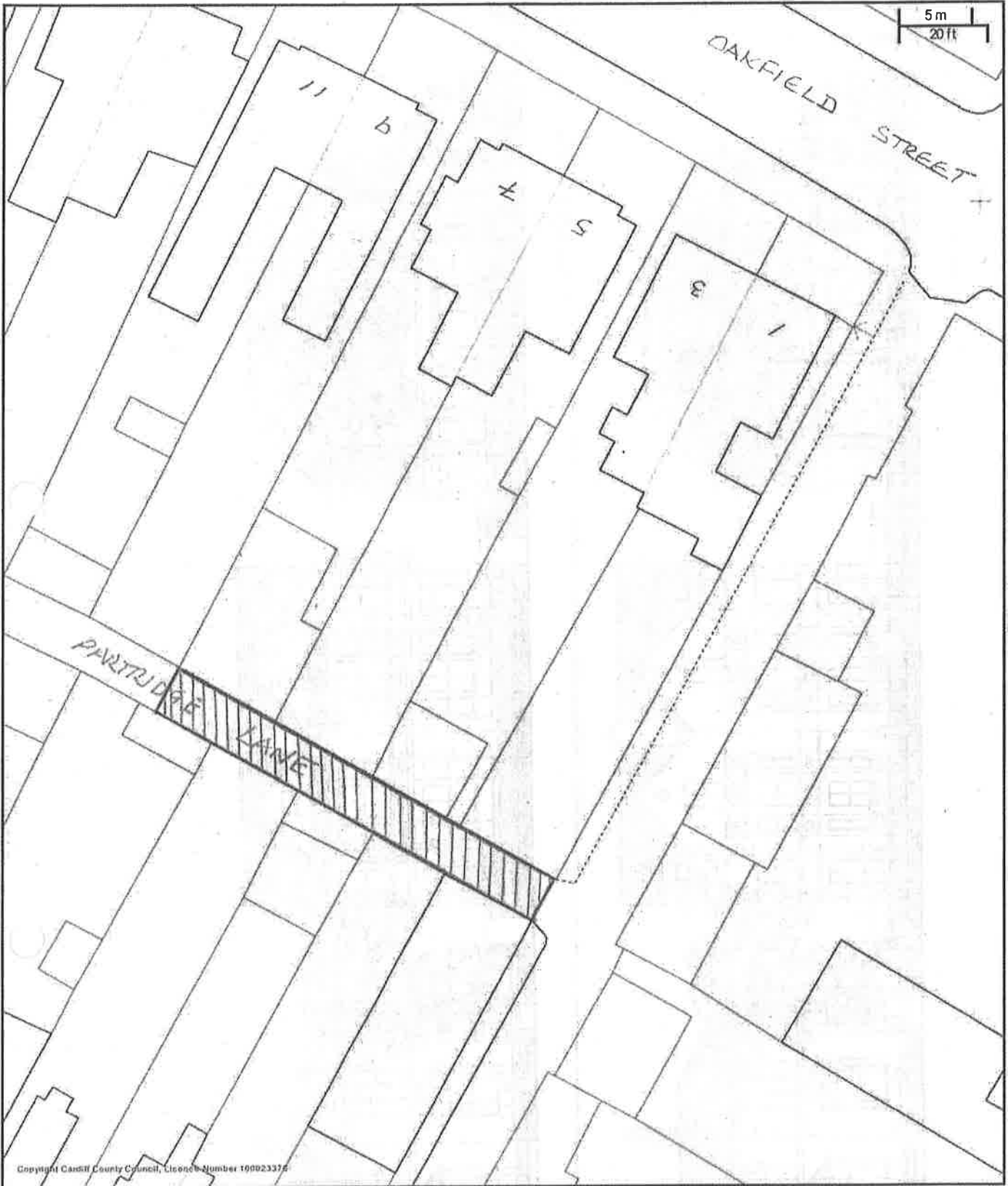


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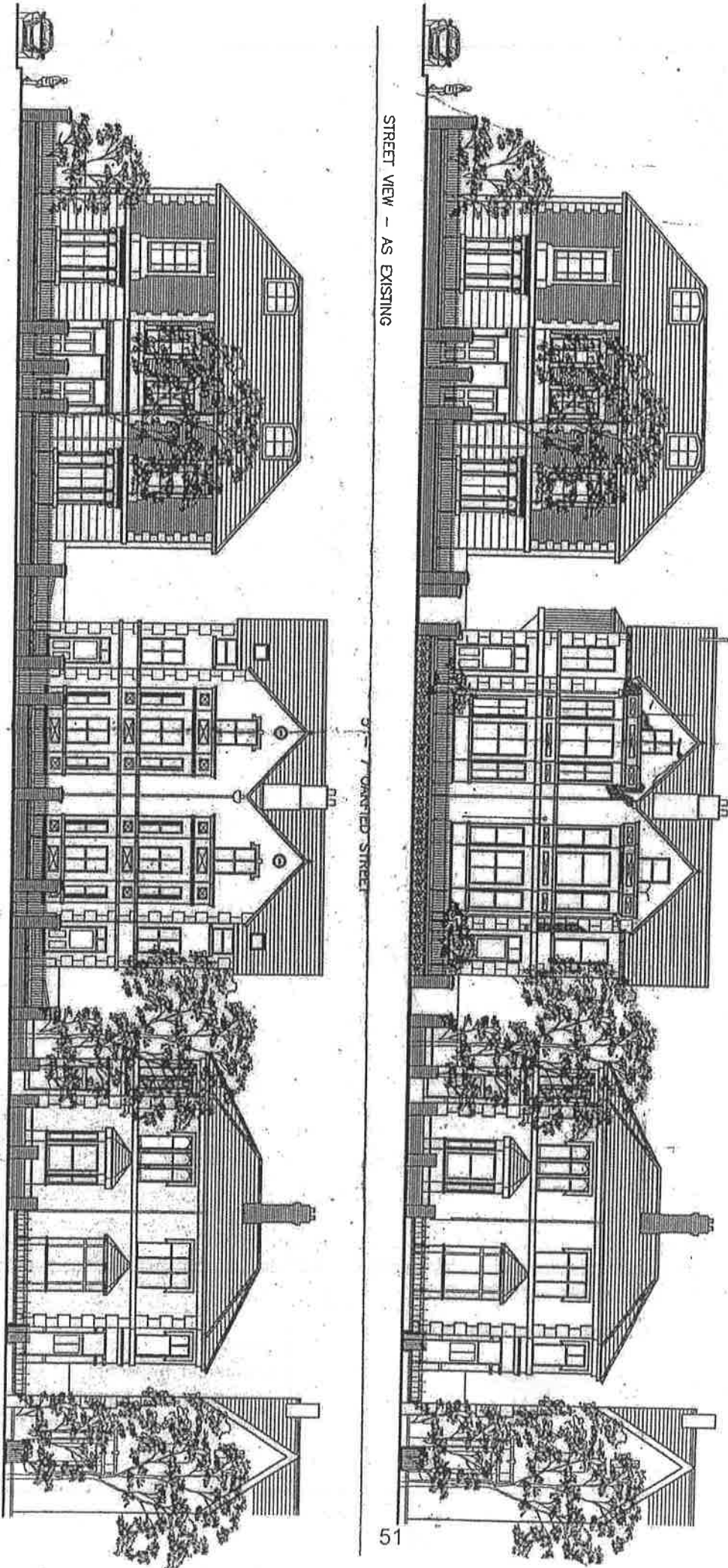


Plan A

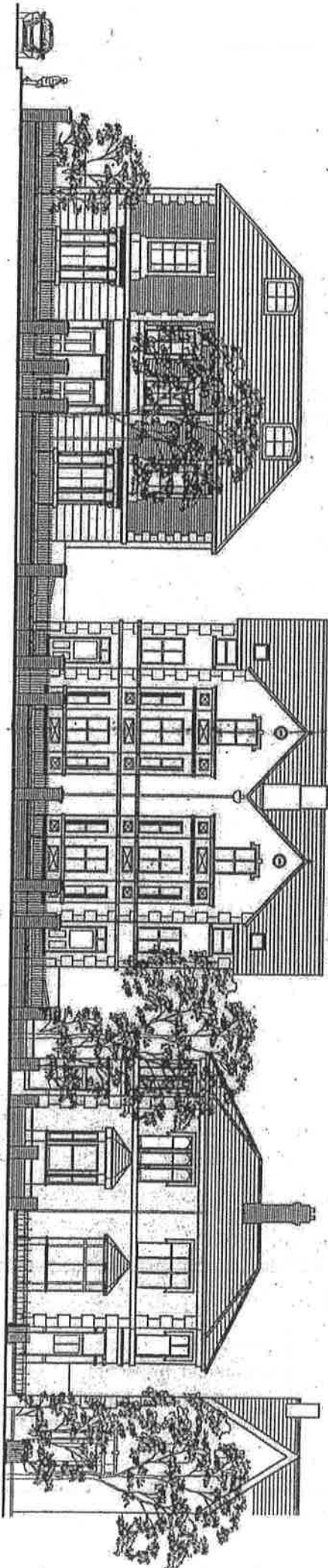
Extent of Lane Resurfacing
 Required in Respect of
 Compliance with Condition 15
 of Planning Permission 15/00306/MJR

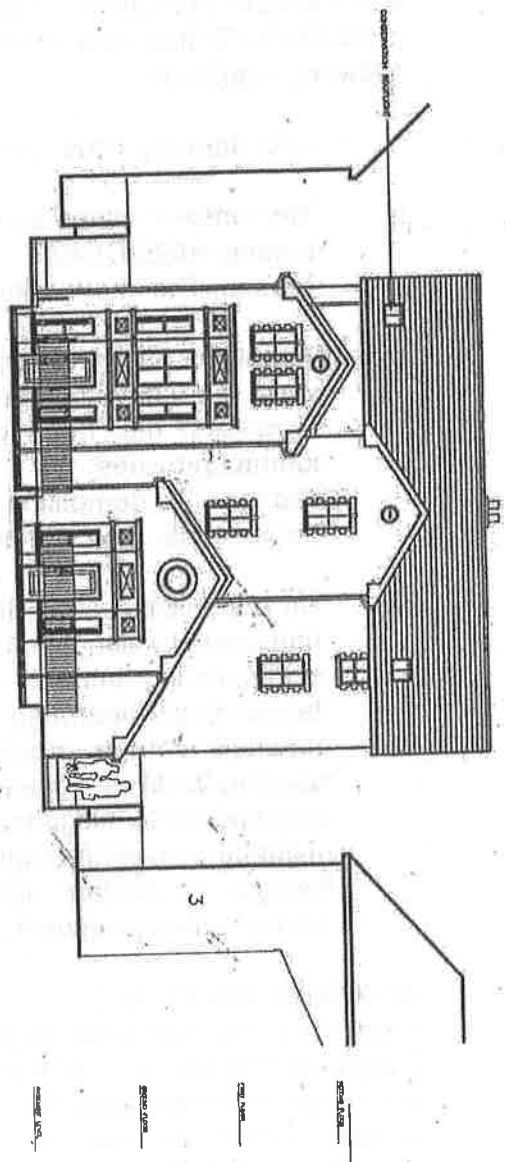
5 - 7 OAKFIELD STREET

STREET VIEW - AS EXISTING

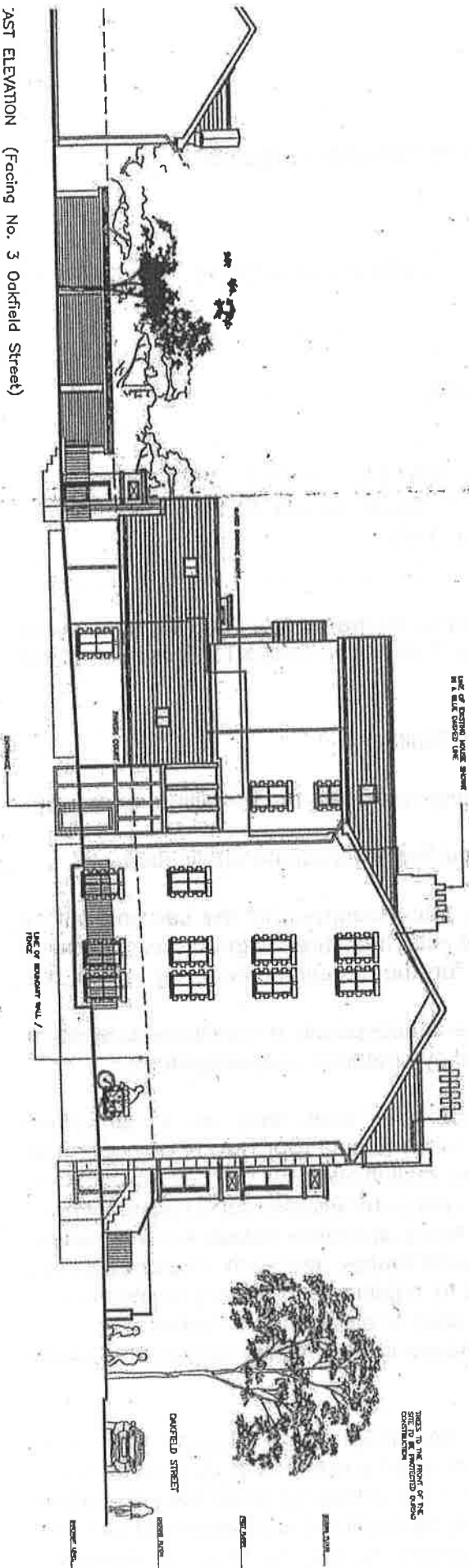


STREET VIEW - AS PROPOSED





SOUTH WEST ELEVATION



EAST ELEVATION (Facing No. 3 Oakfield Street)

MP, MEMBER OBJECTION / SITE VISIT REQUEST

COMMITTEE DATE: 14/10/2015

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

- 1.1 This application was first reported to Planning Committee on 9th Sept 2015 but was deferred to allow Committee Members to visit the site before considering the application. This took Place on 7th Oct 2015.
- 1.2 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, 10, 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 confirms that the Secretary of State would not expect consent to be given

for demolition simply because redevelopment is economically more attractive to the developer than repair and re-use of a historic building; and 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 / 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 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.



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 Ordnance Survey 100023376 (2014).

AM OBJECTION / PETITION

COMMITTEE DATE: 14/10/2015

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 5.7 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 LPA. 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. C20 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. 10.3m, 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).
- 2.3 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

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 Transportation Manager was advised that Members raised the issue of access to the site along Stirling Road at Committee on September 9th 2015. The following additional comments are made:

Further to my original observations I would comment as follows with respect to the concerns that have been raised with regards to access to site along Stirling Road;

Examination of data for a similar flats development on the TRICS database suggests that the proposed development may be expected to generate some 45 vehicle movements between the hours of 7.00am and 10.pm – which

equates to an average of some 3 to 4 vehicle movements per hour i.e 1 per 15 minutes. Though this represents an average figure which may be expected to be somewhat higher or lower at various times throughout the day I consider that an objection on the basis of such a very small increase over and above the number of existing vehicle movements along Stirling Road would be very unlikely to be sustainable at appeal. Though I appreciate that the concerns raised are in the context of the congestion that currently occurs during times when matches are being played the same consideration still applies i.e. the very limited increase in vehicle movements over and above existing.

- 5.3 The Waste Manager considered the originally indicated refuse storage area to be acceptable, subject to the proposals accommodating the appropriate capacities.
- 5.4 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.
- 5.5 The Pollution Control Manager (Noise & Air) has no objection, subject to advice regarding construction site noise.
- 5.6 The Neighbourhood Renewal (Access) Manager has been consulted and any comments will be reported to Committee.
- 5.7 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.
- 5.8 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/rivers, I wouldn't say they were over 100 years old, and the arboricultural report doesn't does it 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.

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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.

- 5.9 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.

- 5.10 Further clarification of the policy position relating to open space has been sought, in light of Members comments at Committee on September 9th 2015. The following comments are made:

It is considered that the applicants open space assessment has adequately demonstrated the proposal satisfies the criteria outlined in Policy 7 Protection of Open Space. Overall the proposal will result in a loss of 0.04ha of open space, which at this level is not considered to exacerbate the local or city wide deficiency; the open space has no specific amenity or nature conservation importance in terms of statutory or non-statutory designation and compensatory open space is to be provided within the proposed scheme.

On this basis the application raises no land use policy concerns.

- 5.11 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.

- 5.12 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 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.

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

7.4 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.

- 7.5 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."

- 7.6 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.

The application was deferred by Planning Committee at its meeting of September 9th 2015 in order to undertake a site visit. The site visit was undertaken on October 7th 2015.

- 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 impact of the proposals in light of the requirements of adopted national and local planning policy and it is considered, on balance, that there would be no sustainable grounds to refuse consent (para 5.9 above).
- 8.3 With regard to the scale and design of the proposed flats, the comments of the Urban Design officer (para 5.12 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.

- 8.4 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.

- 8.5 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 and 5.2 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 5.12 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;

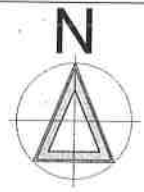
- The proposals have been assessed in terms of open space policy (LP policy 7). It is considered that the impact on the existing open space is such that there would be no justification for refusal of consent (para. 5.9 above);
- It is of note that the trees currently on site are the subject of a Tree 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.

8.6 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.

8.7 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.

<p>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.</p>	<p>davies llewelyn and jones Chartered Architects The Mallings, East Tyndall Street, Cardiff Bay, Cardiff CF24 5BA. Tel (029) 20464433 Fax: (029) 20464345</p>
<p>Sheet SITE LOCATION PLAN Sheet No/Revision (90)001</p>	<p>Client CADWYN HOUSING ASSOCIATION LTD. Job PROPOSED RESIDENTIAL DEVELOPMENT AT GLAMORGAN WANDERERS, CARDIFF, CF5 4SR</p>
<p>Date FEB 2015 Scale 1:1250 Drawn/Checked OK/DD</p>	



SITE LOCATION PLAN

notes

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

- 00001 SITE LOCATION PLAN
- 00002 EXISTING SITE SURVEY
- 00003 PROPOSED FLOOR PLANS - BLOCK 1
- 00004 PROPOSED FLOOR PLANS - BLOCK 2
- 00005 PROPOSED FLOOR PLANS - BLOCK 3
- 00006 PROPOSED ELEVATIONS - BLOCK 1
- 00007 PROPOSED ELEVATIONS - BLOCK 2
- 00008 PROPOSED ELEVATIONS - BLOCK 3

SCHEDULE OF APPROPRIATIONS:

BLOCK	COMMUNAL FLAT TYPE 'A'	'B'	'C'
BLOCK 1	20'10"	20'10"	20'10"
BLOCK 2	20'10"	20'10"	20'10"
BLOCK 3	20'10"	20'10"	20'10"
TOTAL NO. OF UNITS: 18 UNITS			

SCHEDULE OF MATERIALS:

- WALLS: BRICKS, COLOUR WHITE
- WALL CLADDING: BLUE GRAY, IMITATION SLATES
- ROOF: BLUE GRAY IMITATION SLATES
- WINDOWS: UPVC DOUBLE GLAZED, COLOUR WHITE
- WINDOUCHELS & BARRIERS: ALUMINIUM, COLOUR WHITE
- RECORDING: UPVC, COLOUR: WHITE
- PAVING: CONCRETE
- PAINT: EMULSION, COLOUR: WHITE
- SKYLIGHTS: POLYCARBONATE
- SKYLIGHT COLOUR: WHITE

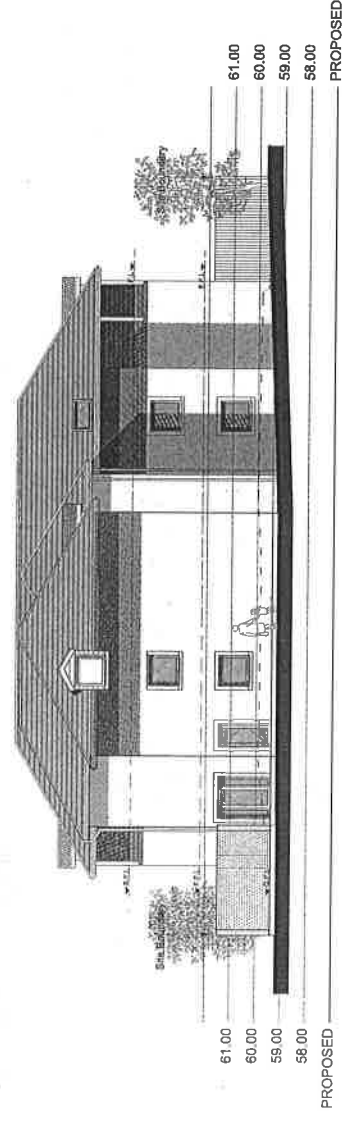
Notes

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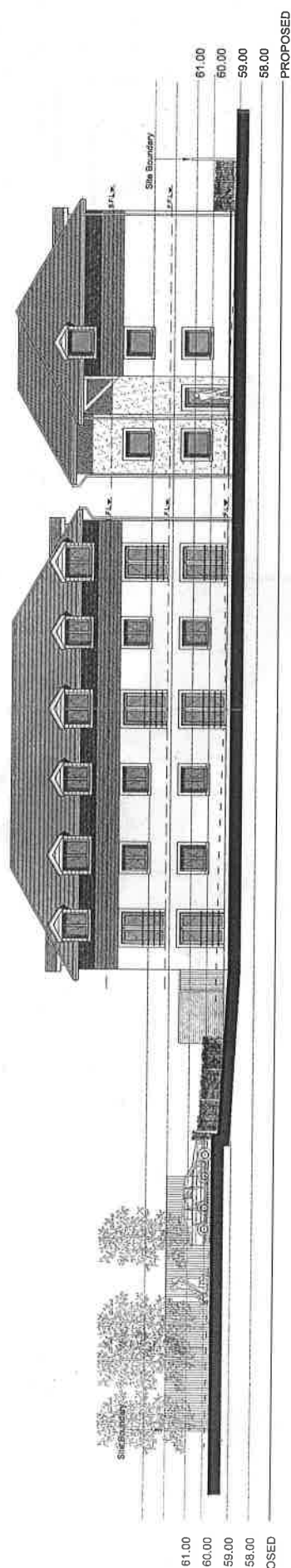
Specification:
The drawing shall be read in conjunction with 'Building Specification Book' BSI of quantities. The drawing shall be read in conjunction with all relevant documents mentioned and approved drawings and documents.

davies lewelyn and jones
Chartered Architects
The Malvern, East Tyndal Street, Cardiff Bay, Cardiff, CF10 1BA, Tel: (0303) 2044 433, Fax: (0303) 2044 434

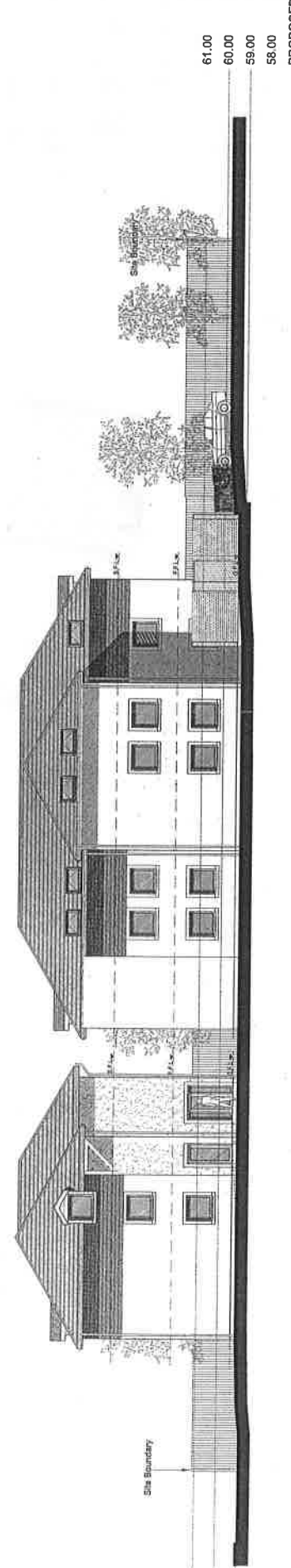
Project: PROPOSED ELEVATIONS
Client: CADWYNN HOUSING ASSOCIATION LTD.
Sheet No./Revision: (90)008D
Date: JUNE 2015
Scale: 1:100 (A1)
Job No.: 1014/48
Drawn/Checked: OK/DD
Job: PROPOSED RESIDENTIAL DEVELOPMENT AT GLAMORGAN WANDERERS, CARDIFF, CF5 4SR



Proposed Side Elevation (Facing East)



Proposed Rear Elevation (Facing North)



Proposed Front Elevation (Facing Stirling Road)
PROPOSED ELEVATIONS

LOCAL MEMBER OBJECTION

COMMITTEE DATE: 14/10/2015
APPLICATION No. 15/01163/MJR APPLICATION DATE: 26/05/2015
ED: CYNCOED
APP: TYPE: Full Planning Permission
APPLICANT: Mr Jones
LOCATION: CARDIFF METROPOLITAN UNIVERSITY CYNCOED
CAMPUS, CYNCOED ROAD, CYNCOED, CARDIFF,
CF23 6XD
PROPOSAL: ERECTION OF NEW SPORTS HALL BUILDING WITH
ANCILLARY CHANGING, TOILET AND STORAGE
SPACES

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

1. The development permitted shall be begun before the expiration of 5 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. Details of refuse storage and management shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the beneficial use of the development and shall thereafter be retained and maintained.
Reason: To ensure an orderly form of development and protect the amenities of the area.
3. Details of refuse storage and management shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the beneficial use of the development and shall thereafter be retained and maintained.
Reason: To ensure an orderly form of development and protect the amenities of the area.
4. C7Zd CLM - UNFORESEEN CONTAMINATION
5. D7Z Contaminated materials
6. E7Z Imported Aggregates
7. Any site won materials, 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.

8. The sports hall hereby approved shall only be available for use between the hours of 07:30-22:00 Mondays to Fridays, 08:00-22:00 on Saturdays and 08:00-18:00 on Sundays and Bank Holidays.

Reason. To ensure the amenities of other occupiers in the vicinity protected.

9. The rating level of the noise emitted from fixed plant and equipment on the site shall 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).

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.

10. Prior to any amplified music being played, the hall shall be insulated for sound in accordance with a scheme to be submitted and approved in writing by the local planning authority.

Reason. To ensure the amenities of other occupiers in the vicinity protected.

11. The landscaping proposals indicated in the approved revised Arboricultural Impact Assessment Method Statement and Tree Protection Plan ref: MSURV/Cardiff Met Uni/CV/03-2015 dated 22nd June 2015 shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner.

Any retained or planted trees or plants which within a period of 5 years from the completion of the development die, are removed, become seriously damaged or diseased, or (in the opinion of the Local Planning Authority) otherwise defective, shall be replaced in the planting season following their death with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

12. Notwithstanding the submitted plans, details of the cycle parking facilities for 10 cycles shall be submitted to and approved in writing by the local planning authority. The approved facilities shall be provided prior to any beneficial use of the development and shall thereafter be retained and maintained.

Reason: To ensure appropriate provision for cyclists and in the interests of promoting alternative means of transport.

13. Notwithstanding the submitted plans, no development shall take place until ground permeability tests have been undertaken to ascertain whether sustainable drainage techniques can be utilised and a comprehensive drainage scheme for the disposal of both surface water and foul sewage has been submitted to and approved by 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.

14. E1B Samples of Materials

15. This consent relates to the application as supplemented by the information contained in the email dated 1st July 2015 and attached Arboricultural Impact Assessment Method Statement and Tree Protection Plan.

Reason: The information provided forms 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 : 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.

1. DESCRIPTION OF PROPOSED DEVELOPMENT

- 1.1 A full application for the construction of a new multi-purpose sports hall with associated changing/wc and storage facilities, within the grounds of an existing University campus. The proposed building will be set on land currently occupied by outside tennis courts and will provide indoor playing facilities for:
- Basketball/Netball
 - 4x cricket practice lanes
 - 8x badminton courts
- 1.2 The proposed hall has a shallow bowed roof design, to a maximum height of approx. 13.5m. The hall is approx. 47.1m deep and approx. 54.9m wide overall. At the eastern end is a flat roof area of approx. 5.0m depth at approx. 5.3m high, with the western end being adjacent to the existing indoor tennis centre building.
- 1.3 The proposed hall is to be finished in a standing seam cladding to the main roof, with a bronze cladding to the upper part of the north elevation. The lower half of the hall is to be finished in Buff coloured facing brick.
- 1.4 The proposals impact on the existing treeline forming the eastern boundary of the campus to Circle Way West and the submitted details include provision for compensatory planting in this area.
- 1.5 Whilst the proposals include the provision of cycle parking for 10 bikes, no additional car parking is proposed.

2. DESCRIPTION OF SITE

- 2.1 The site is approx. 7000sqm of existing car parking, grassed space and hard surface tennis courts, with the proposed new hall occupying approx. 2100sqm of the site, predominantly covering the area of the tennis courts. The site is within the curtilage of the University campus, surrounded by mixed use & design buildings, set on varying ground levels (increasing to towards the north).

The site is bounded by a retained rugby pitch to the south (lower ground level),

an existing indoor tennis centre to the west, a hard surface sports pitch to the north (with Indoor Athletics Centre beyond), and the campus boundary to the east.

Access (existing) to the site lies to the north, adjacent to the Indoor Athletics Centre, with further access available via Cyncoed Road (existing).

- 2.2 To the east, outside the campus grounds and across Circle Way West is the residential area of Ael-Y-Bryn, with a number of two storey houses and a four storey block of flats (Lee House) facing towards the campus boundary. There are a number of mature street trees to the grass verge of Circle Way West between the houses and the carriageway.

3. **SITE HISTORY**

- 3.1 13/897DCO – Construction of a synthetic football and hockey pitches and associated works - Approved.

15/609MNR – Replacement running track, rugby pitch, field athletics areas and camera masts – Approved.

4. **POLICY FRAMEWORK**

- 4.1 Planning Policy Wales, Edition 7, July 2014

- 4.2 The adopted City of Cardiff Local Plan, 1996:

Policy 11 (Design and Aesthetic Quality)
Policy 17 (Parking and Servicing Facilities)
Policy 18 (Provision for Cyclists)
Policy 19 (Provision for Pedestrians)
Policy 20 (Provision for Special Needs Groups)

- 4.3 The Cardiff Unitary Development Plan, Deposit Written Statement, 2003:

Policy 2.20 (Good Design)
Policy 2.24 (Residential Amenity)
Policy 2.57 (Access, Circulation and Parking Requirements)
Policy 2.74 (Provision for Waste Management Facilities in Development)

- 4.4 Adopted Supplementary Planning Guidance:

Access, Circulation and Parking Requirements, 2010
Trees and Development, 2007
Waste Collection and Storage Facilities, 2007

5. **INTERNAL CONSULTEE RESPONSES**

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

The proposed new facility will generally represent an improvement to existing campus facilities, and though it will also be available for use by the general public such use may be generally expected to be outside the hours of peak activity at the campus.

There are a total of 689 parking spaces available within the site with 327 of these being available for use by the general public. Though no additional parking provision is proposed in conjunction with the proposed development the Parking Accumulation Survey provided with the Access Statement demonstrates that there is generally adequate spare capacity available throughout the day to accommodate any additional demand arising as a consequence of the new facility.

I note the concerns that have been raised by local members with regard to overspill parking on adjoining roads arising as a consequence of the parking charges that have been introduced in order to encourage alternative modes of travel in accordance with the University's approved Travel Plan, and would comment as follows;

While there may be merit in such comments, parking restrictions have been recently introduced in order to preclude parking on Circle Way West and at junctions with adjoining side roads where such restrictions are necessary in order to address safety issues. Beyond these restrictions parking on the public highway is of course perfectly legal and an objection on the grounds of increased overspill parking would therefore stand little chance of being upheld at appeal. Further restrictions could be introduced in the future if required to address issues relating to highway safety or congestion.

However, I would observe that since use of the new facilities by outside bodies or members of the public would be generally outside the main hours of activity of the college it's unlikely that any on-street parking that may occur by such outside users would be noticeable over and above any existing overspill arising from the current activities at the campus. I'd also note that the charge for off-peak campus parking is only £0.50 – which I would suggest would be unlikely to deter visitors from using the available on-site parking facilities.

I welcome the proposed provision of 10 new cycle stands which will serve to further encourage this mode of travel and I would request the imposition of condition CS3. I'd also suggest the provision of the standard Construction Management Plan condition in order to preclude any adverse impact on highway safety or conflict with existing operations within the University campus.

- 5.2 The Pollution Control Manager (Contaminated Land) has no objection, subject to conditions relating to unforeseen contamination and imported materials, with further advice regarding contamination and unstable land.
- 5.3 The Pollution Control Manager (Noise & Air) has no objection subject to the imposition of conditions in respect of plant noise, sound insulation and hours of operation, with further advice in respect of construction site noise.

5.4 The Parks Manager has no objection, making the following comments:

The application boundary as indicated on some of the plans is adjacent adopted highway verge and impacts on a section of screen planting along this boundary, however the impact of the actual development doesn't appear to extend significantly into the screen planting and adequate compensatory planting is being provided. There are no public open space implications arising out of the development.

5.5 The Council's Tree Protection Officer has no objection, subject to the implementation of the approved tree protection and planting scheme contained within the submitted Arboricultural Impact Assessment Method Statement and Tree Protection Plan, with a condition requiring a period of ongoing maintenance.

6. EXTERNAL CONSULTEE RESPONSES

6.1 The Sports Council for Wales have been consulted and no comments have been received.

7. REPRESENTATIONS

7.1 Local Members have been consulted and Councillors J Carter, J Woodman, K Hyde, K Lloyd, P Chaundy and B Kelloway have raised objections on the following grounds:

- The lack of additional on-site parking will exacerbate current issues of overspill parking on surrounding streets;
- There has been a lack of community consultation from the University;
- Loss of trees, with no replacement;
- Visual impact on residents due to overdevelopment of the site, impacting on property values;
- The submitted Transport Statement is inaccurate and disingenuous.

7.2 Adjacent occupiers have been consulted and the application has been advertised on site and in the press in accordance with adopted procedures. The occupiers of 140, 185, 187 and 189 Ael Y Bryn object to the proposals on the following grounds:

- Loss of natural light due to the proposed hall completely blocking light to the windows to the front of the 'Lee House' flats opposite the site, having a detrimental impact health and lifestyle of residents;
- Lack of additional on-site parking provision will exacerbate existing off-site university staff/student parking and obstruction issues;
- Noise disturbance from users of the proposed hall adding to existing noise disturbances from the campus;
- Loss of outlook due to the scale and setting of the proposed hall, and associated devaluation of properties;

- Lack of compliance with conditions attached to previous consents. Why would there be compliance with any conditions imposed on any new consent?
- Increased litter around the area;
- Questions are raised regarding facilities for contractor parking and construction deliveries;
- The university should provide staff and students with free on-site parking to alleviate the current off-site kerbside usage.

8. ANALYSIS

- 8.1 A full application for the construction of a new multi-purpose sports hall, replacing hard surfaced tennis courts within an existing university campus.
- 8.2 The existing use of the application site and wider area is one of teaching and sports orientated activities. In this regard, the proposed hall is consistent with the use of the land.

This site is defined as an existing area of open space in the adopted City of Cardiff Local Plan. In view of this Policy 7 of the plan and approved Supplementary Planning Guidance on Open Space (March 2008) are relevant. 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 as 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 and Technical Advice Note 16 relating to Sport, Recreation and Open Space (January 2009).

The site comprises an area of existing hardstanding used for outdoor tennis courts. The latest open space survey classifies this site as educational open space and it is noted that site is generally not accessible to the public so the key considerations in relation to Policy 7 are whether the open space has any visual amenity or nature conservation importance.

Paragraph 3.8 of the approved Open Space SPG offers the following guidance on assessing visual amenity value and I have reproduced it below:

- 3.8 *Visual Amenity - For a site to possess visual amenity value, it must be located where the general public can gain significant "visual access". It must contribute to the visual character and environmental quality of the surrounding area. There will be an objection to proposals which would adversely affect the appearance of open spaces which significantly contribute to the visual appearance of an area.*

Given the nature of the existing use on the site it is considered that the visual

amenity value of the site is limited and it is also noted that the documentation submitted by the applicant states that there will be limited impact on visual amenity as views from nearby residential properties situated on the opposite side of Circle Way West will be minimal, due in part to the existing trees along the site boundary. In addition it is important to note that this proposal will deliver significant qualitative improvements in the form of modern fit for purpose sports facilities for the University.

Given this, it is considered that there are no concerns raised in terms of land use policy.

- 8.3 The design of the proposed hall is innovative, with a bowed main roof that wraps over to form the south elevation (upper), (it is of note that the height of the hall is required in order to meet regulations for the playing of badminton and other ball sports). The proposed hall is set adjacent to the existing pitched roof indoor tennis centre, which is approx. 3.3m lower at ridge than the proposed hall, and extends to within approx. 16m of the campus boundary to Circle Way West (north-east corner - at its closest). The taller element of the hall sits approx. 26m from the campus boundary (north east corner - at its closest), and approx. 35m at its farthest (south-east corner). There are no windows proposed to the south or east elevations, and the roof has a facility for the installation of a number of photovoltaic cells.

Given the site context, it is considered that the proposed hall is of a scale and design that is in keeping with the campus setting, adding a degree of visual interest when viewed against the existing structures adjacent and nearby that hold little aesthetic quality.

- 8.4 The proposed hall is undoubtedly of a scale that will be visible from positions outside of the campus boundaries, particularly from the east. It is of note that there are several dwellings along Circle Way West, which face in the general direction of the application site, where views are considerably constrained by trees adjacent to the site and on the highway verge, and differing ground levels. A four storey block of flats (Lee House) will have clearer views across the campus than the dwellings, and the proposed hall will be visible to through most front windows.

The closest windows serving the flats would be set approx. 55m from the south-east corner of the higher element of the hall. In addition, it is also of note that the area designated for compensatory tree planting is set along this line of sight. Whilst the proposed hall will be visible to occupiers of the flats, it is considered that these views would not cause sufficient harm to visual amenity as to warrant or sustain refusal of planning permission.

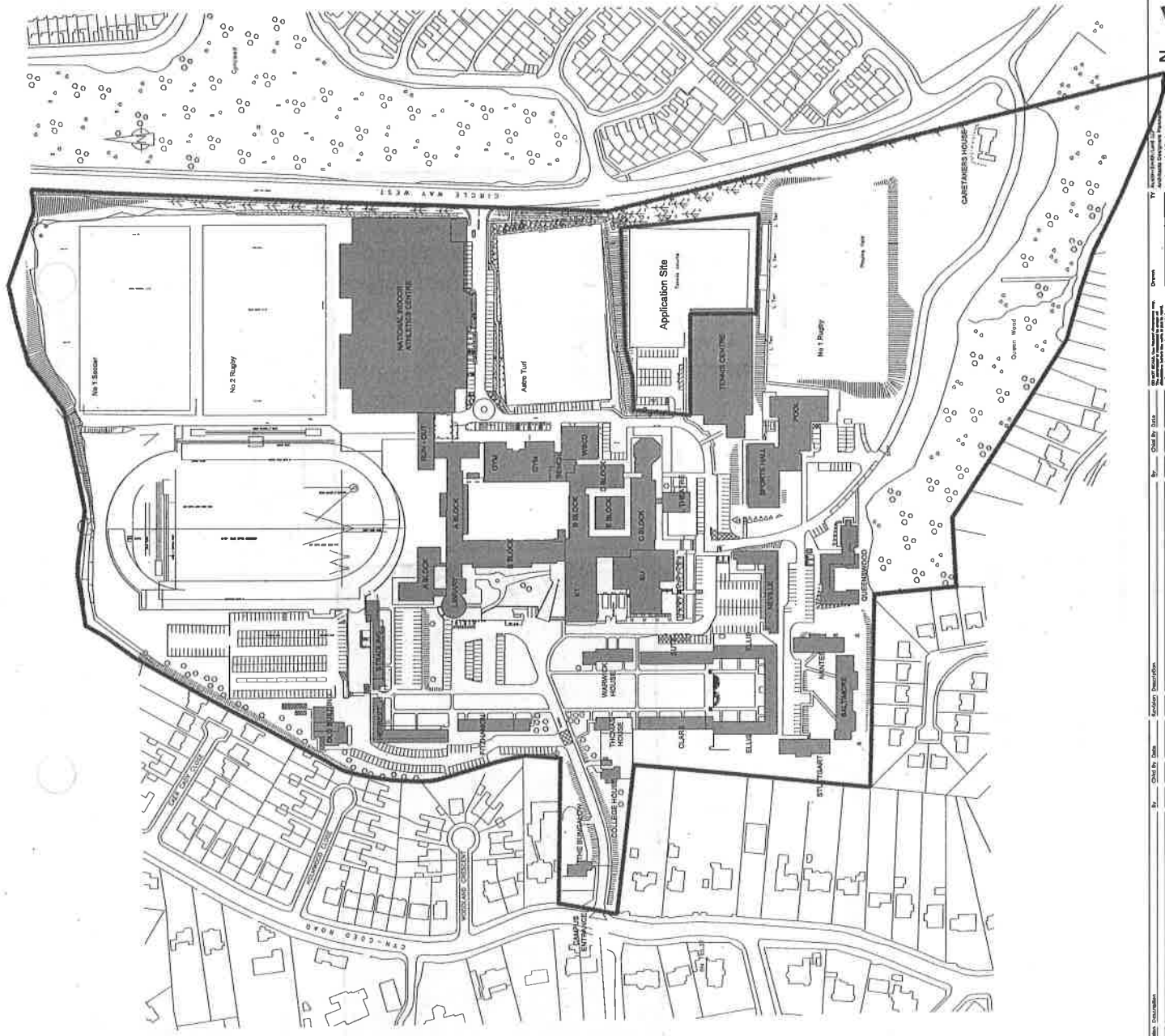
- 8.5 With regard to the issues raised by Local Members and nearby residents:

- The development proposals and submitted Transport Statement have been assessed by the Council's Transportation Manager, whilst having due regard to the concerns raised. The Transportation Manager has indicated

that there would be no sustainable grounds to refuse consent in terms of on-site parking provision, or off-site impact;

- Whilst it may be desirable, applicants are under no obligation to carry out a consultation in respect of their proposals, and planning permission cannot reasonably be withheld in the absence of any such consultation;
- The submitted (amended) Arboricultural Impact Assessment Method Statement & Tree Protection Plan indicates that 33 new trees are to be planted, in an area equivalent to that being lost to development (approx. 4m x 20m area). These planting proposals have been considered by the Council's Tree Protection Officer, who has no objection;
- The issue of visual impact has been considered above, and it is concluded that there are no sustainable grounds for refusal of consent;
- The submitted Design & Access Statement includes a sun path analysis (page 8). The application site lies to the west of Lee House and slightly to its north, and is separated by approx. 55m (at max. height). In this case, whilst there may be some impact on direct sunlight at sunset, any reduction in ambient light levels is likely to be low. Any impact on light would be insufficient to cause harm that would be significant enough to sustain refusal of consent. Whilst attention is drawn to a number of information sources in representations, no evidence has been provided which would support a case that the proposed hall would have such an impact on light as to result in ill health;
- The proposals have been considered by the Council's Pollution Control (Noise & Air) Manager, who has no objection, subject to conditions in respect of hours of use and soundproofing. In this case, there are no sustainable grounds for refusal of consent in terms of noise nuisance;
- The impact of development proposals on outlook is not a material planning consideration;
- Action, or inaction in respect of conditions attached to a separate planning permission can have no bearing on the determination of this application, which is considered on its own merits;
- There is no evidence that future use of the proposed hall will result in increased instances of littering in the vicinity of the site;
- The recommendation above includes a condition (condition 3), which requires the submission and approval of a site management plan. This plan will be assessed by the Transportation Manager in due course, should consent be granted;
- It is not within the powers of the local planning authority to compel the university to provide free on-site parking and consent cannot reasonably be withheld in this regard.

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



Proposed site development boundary
 Adjoining land under applicant ownership

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 Architects
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 St. Johns, NSW 1570
 Phone: (02) 9333 3333
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Site Name: **PLANNING**
 Date: **13/03/07**
 Author: **DAVID**
 Checker: **DAVID**
 Title: **PLANNING**

Client: **NSW GOVERNMENT**
 Project: **NSW GOVERNMENT**
 Location: **NSW GOVERNMENT**
 Scale: **1:1000**

Drawn: **DAVID**
 Checked: **DAVID**
 Date: **13/03/07**
 Title: **PLANNING**

Project Description:
 Scale:
 Date:
 Author:

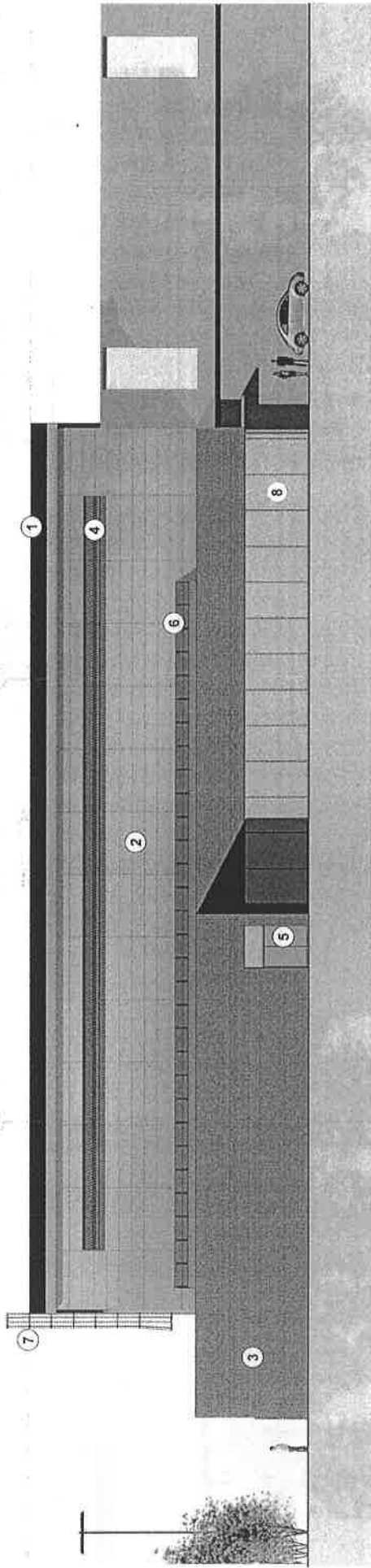
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Proposed Sports Hall

Existing Tennis Centre

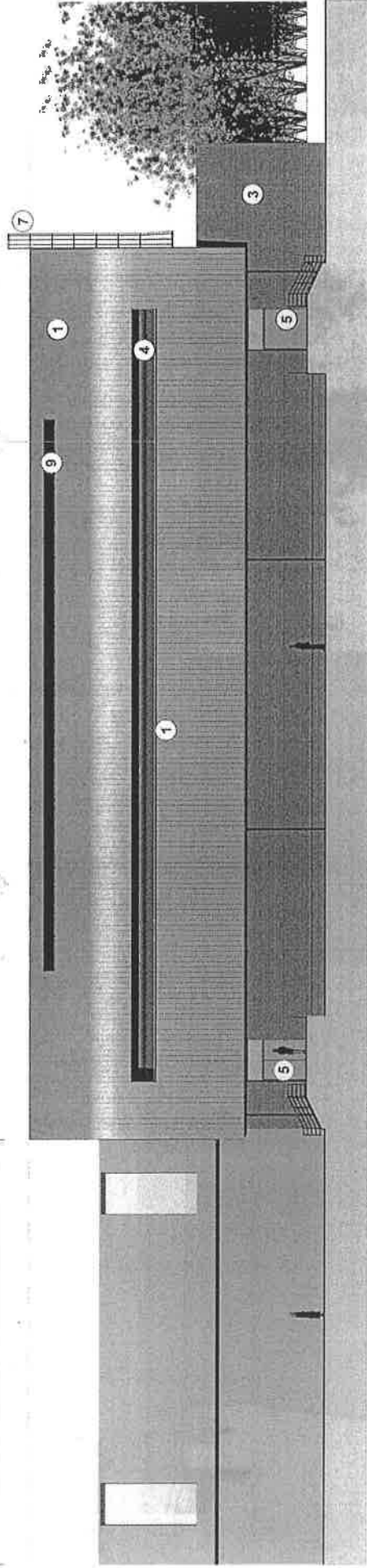


1 North Elevation

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Proposed Sports Hall

Existing Tennis Centre



2 South Elevation

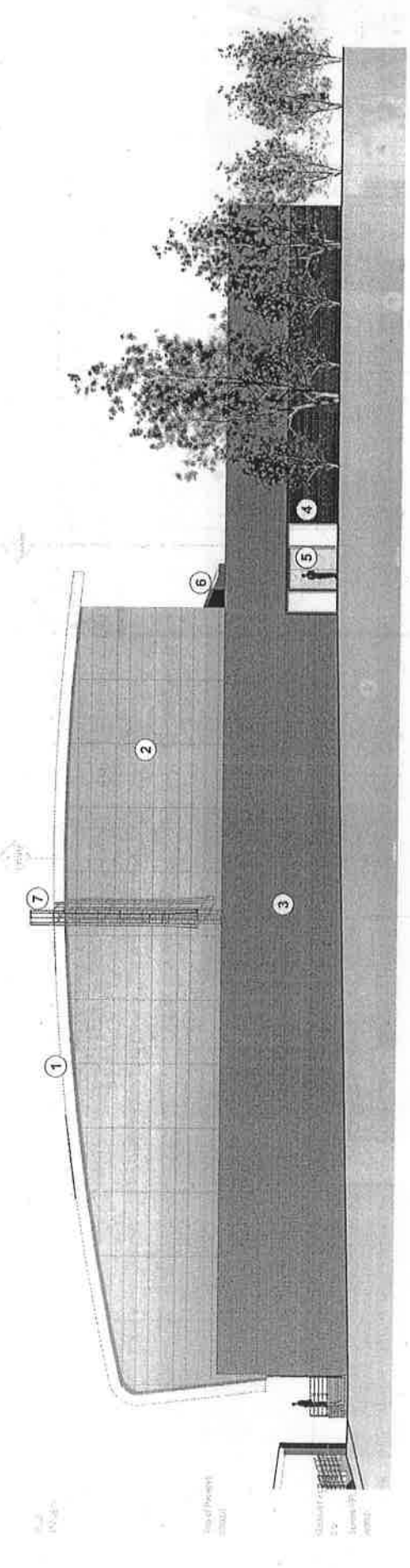
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- Materials Legend:
- 1 Color Coated Aluminum Standing Seam Roof / Cladding
 - 2 Bronze Metallic Metal Cladding
 - 3 Buff Flaming Brick
 - 4 Powder Coated Aluminum Louvers
 - 5 Powder Coated Aluminum Doors
 - 6 Powder Coated Aluminum Double Glazed Rooflight
 - 7 Sheet Hopped Roof Access Ladder (Maintenance)
 - 8 Double Glazed Curtain Walling
 - 9 Replicative Photovoltaic Panels

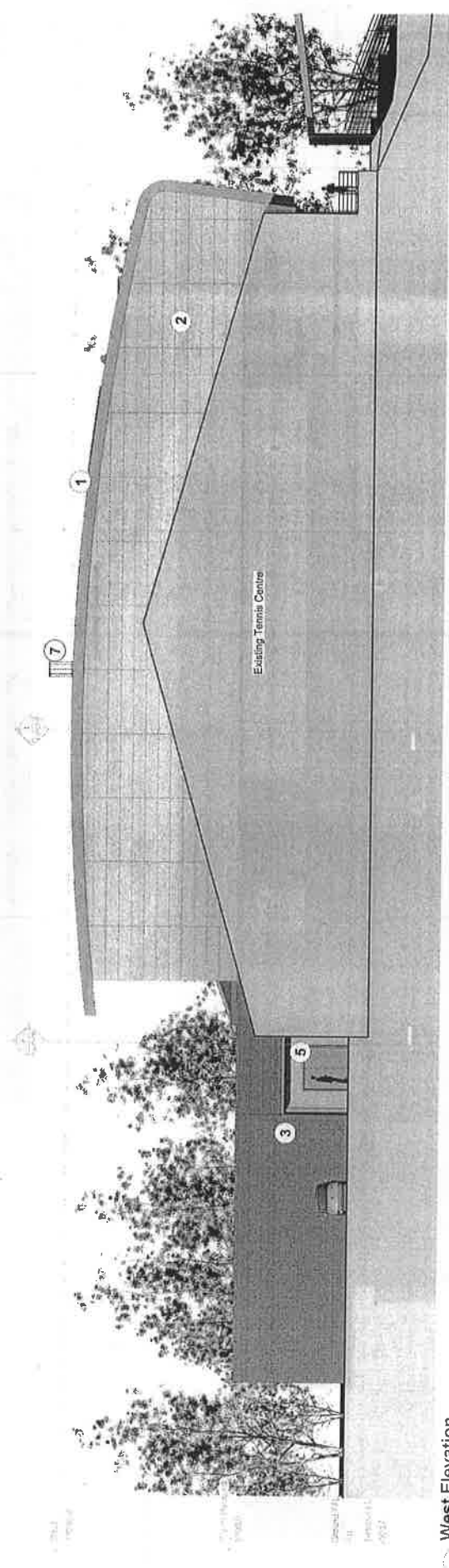
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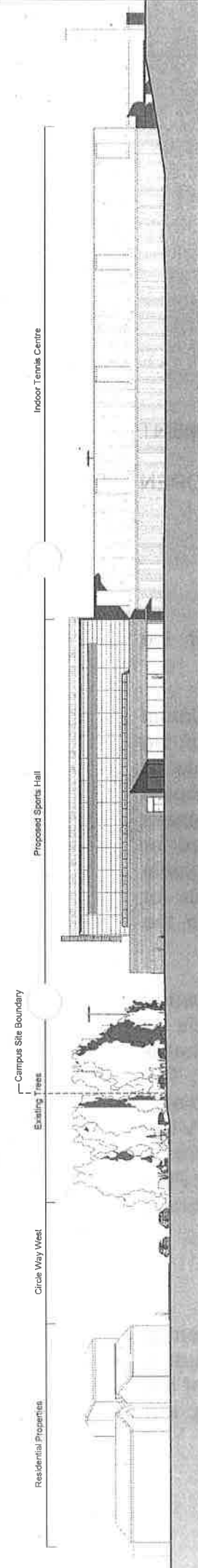
1 East Elevation
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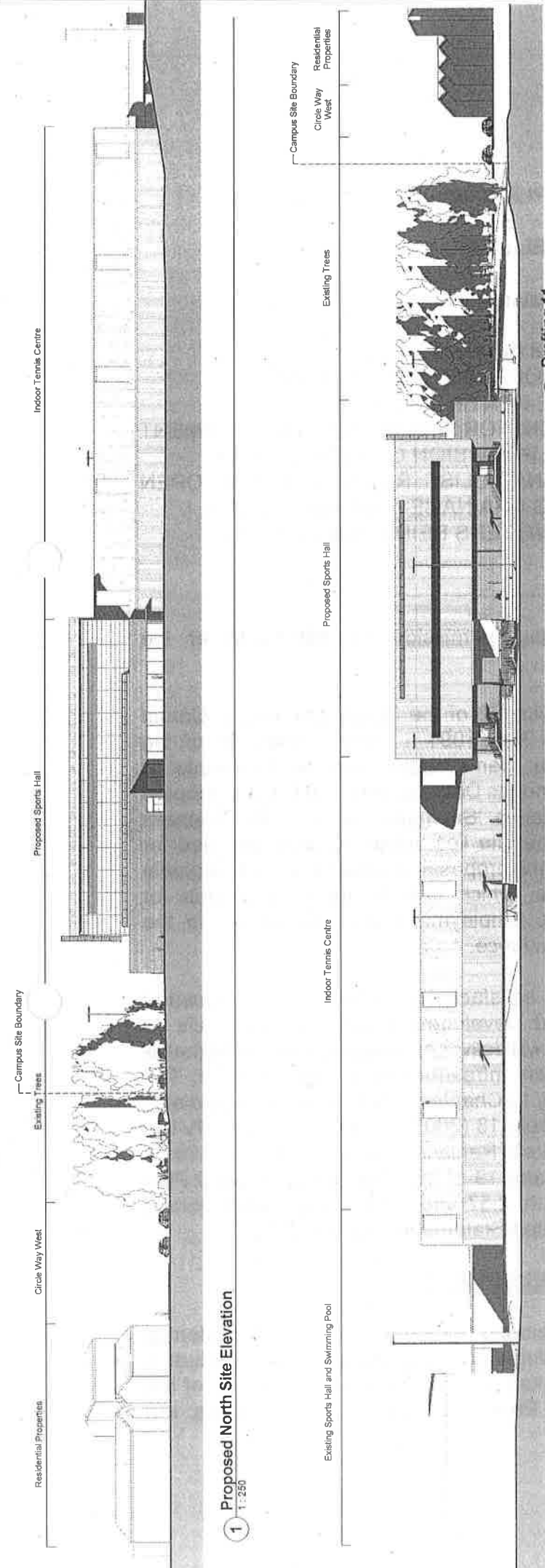
2 West Elevation
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- Material Legend:
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 - 2 Bronze Metallic Mesh Cladding
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 - 5 Powder Coated Aluminum Doors
 - 6 Powder Coated Aluminum Double Glazed Floodlight
 - 7 Steel Hospital Roof Access Ladder (Maintenance)

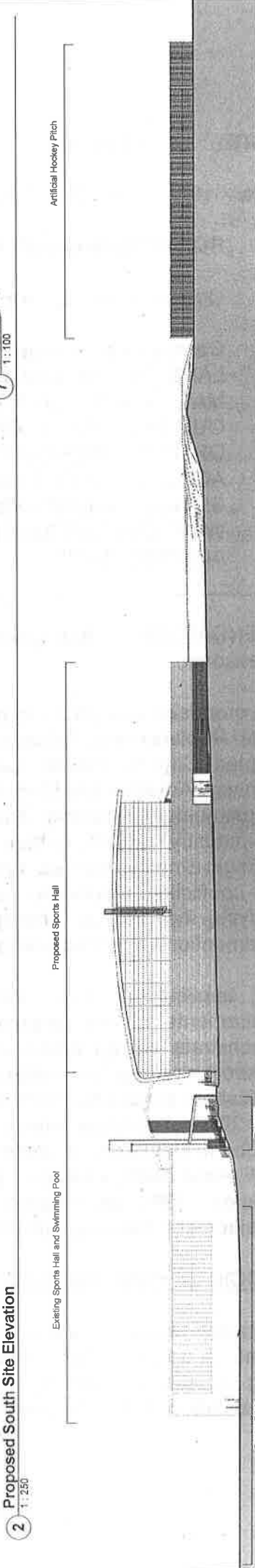
<p> Architect Austin Smith + Lord 10000 N. Mopac Expressway, Suite 200 Austin, TX 78758 Phone: 512.452.1000 Fax: 512.452.1001 Website: www.austinsmithlord.com </p>	<p> Client Quad City Macapollon University 1000 N. University Ave. Macapollon, TX 78758 Phone: 512.452.1000 Fax: 512.452.1001 Website: www.quadcitymacapollon.edu </p>
<p> Project Name Quad City Macapollon University Building 1000 N. University Ave. Macapollon, TX 78758 </p>	<p> Scale As Shown Date 11.20.13 </p>
<p> Project No. 10000 </p>	<p> Revision 1 11.20.13 </p>



1 Proposed North Site Elevation
1:250



2 Proposed South Site Elevation
1:250



4 Proposed East Site Elevation
1:250

7 Drafting 11
1:100



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COMMITTEE DATE: 14/10/2015

APPLICATION No. 15/01667/MJR APPLICATION DATE: 01/07/2015

ED: **PONTPRENNAU/ST MELLONS**

APP: TYPE: Outline Planning Permission

APPLICANT: Cardiff Gate International Business Park

LOCATION: LAND TO THE SOUTH OF FORESTER WAY AND
MALTHOUSE AVENUE, PONTPRENNAU

PROPOSAL: OUTLINE APPLICATION FOR PROPOSED DEVELOPMENT
OF UPTO 150 HOMES, PROVISION OF NEW VEHICLE
ACCESS, PEDESTRIAN/CYCLIST ROUTES, PUBLIC OPEN
SPACE, LANDSCAPING DRAINAGE AND ASSOCIATED
WORKS RESERVED MATTERS BEING SOUGHT FOR
ACCESS ONLY

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

1. The proposal is contrary to policy E3 of the South Glamorgan (Cardiff Area) Replacement Structure Plan 1991 - 2011, policy 36 of the adopted City of Cardiff Local Plan (1996), and the provisions of Technical Advice Note 23 'Economic Development' (2014) and adopted Supplementary Planning Guidance 'Safeguarding Land for Business and Industry' (2006), in that the site lies within an area identified for Strategic Employment use and the proposal represents an unacceptable and conflicting alternative use, which fails to meet the criteria for justifying the loss of Strategic Employment land, as set out in the aforementioned policies and guidance.
2. The application does not satisfactorily address the transport requirements of the proposed development and therefore fails to demonstrate that the proposals will deliver an integrated and sustainable transport strategy with necessary infrastructure to serve the site. The application is therefore contrary to Chapter 8 of Planning Policy Wales (July 2014), Technical Advice Note 18 (2007), Policies EV1 and MV1 of the South Glamorgan (Cardiff Area) Replacement Structure Plan 1991 – 2011 (April 1997), Policies 18 and 19 of the City of Cardiff Local Plan (January 1996), and Policies 1A, 2.57 and 2.58 of the Cardiff Unitary Development Plan Deposit Written Statement (October 2003).

1. DESCRIPTION OF PROPOSED DEVELOPMENT

- 1.1 The application seeks outline planning permission for a residential development of up to 150no. dwellings and associated works (including landscaping, access and highway works) on land identified as 'Plot 12' of the Cardiff Gate International Business Park. All matters except access are

reserved.

1.2 The submitted indicative plans offer the following information:

- A single point of vehicular access, taken off the existing Forester Way/Malthouse Avenue roundabout spur to the northern side of the application site;
- Four points of pedestrian access: two from St Mellons Road to the south of the site and two from adjacent land to the east;
- Approx. 2.7Ha of central core land to be allocated to residential use;
- Approx. 1.1HA of land to the west/south/east fringe to be allocated as public open space, retained and proposed hedge planting and sustainable urban drainage;
- Potential for a children's play area to the south-east corner;
- Scale and density diagrams indicating a north south development split, with the northern element having a density of 40-50 units per Ha, to a 2.5-3 storey scale, and the southern element having a density of 30-40 units per Ha, to a 2-2.5 storey scale.

1.3 The application is supplemented by:

- A Design & Access Statement;
- A Planning Statement;
- A Preliminary Ecological Assessment;
- A Transport Assessment and Interim Travel Plan;
- A Drainage and Flood Strategy;
- Supporting Site Marketing Information.

2. DESCRIPTION OF SITE

2.1 The application relates to a development plot within the Cardiff Gate International Business Park, of approx. 3.7Ha. The land is undulating, predominantly sloping down towards the south & east, with a grass, scrub bush covering. Hedgerows and trees bound the site to the south, east & west.

2.2 Existing office buildings and associated areas lie beyond the north, west and parts of the eastern boundaries, with St Mellons Road and the Pontprennau housing estate to the south.

2.3 A public right of way footpath runs along the eastern site boundary, from Malthouse Avenue to St Mellons Road.

3. SITE HISTORY

3.1 88/226 – Outline application for B1 and ancillary uses (wider site) - Granted

3.2 00/632N – Proposed landscaping to existing boundaries (wider site) - Granted

3.3 PA13/175DCO – Pre-application enquiry for 111 houses open space and

landscaping (same site) – Advice given that the proposed development would be contrary to planning policy regarding the alternative use of existing business and industry land.

4. POLICY FRAMEWORK

4.1 S. Glamorgan (Cardiff Area) Replacement Structure Plan 1991 - 2011

Policy E3 (Protection of Business and Industrial Land)

4.2 City of Cardiff Local Plan

14 (Facilities for Public Transport Services);
17 (Parking and Servicing Facilities);
18 (Provision for Cyclists);
19 (Provision for Pedestrians);
24 (Affordable and Special Needs Housing);
36 (Alternative Use of Business, Industrial and Warehousing Land)

4.3 *Supplementary Planning Guidance*

Safeguarding Land for Business and Industry (June 2006)
Access, Circulation and Parking Standards (January 2010);
Cardiff Residential Design Guide (March 2008); Objective 3.1: Proposals should be linked with surrounding developments and existing footpaths, cycle ways and roads effectively. These links should seek to integrate transport forms and be designed so that they are well overlooked and support the safety of the immediate surrounding dwellings.... Clear and easy access to local services and amenities, such as schools and parks, play areas, areas of open space, local employment sites, shops, pubs or cafes should be provided.
Trees and Development (March 2007);
Affordable Housing (March 2007);
Open Space (June 2000).

4.4 *Deposit Cardiff Unitary Development Plan –*

1.A (General Principles for the Location of Development)
2.20 (Good Design);
2.23 (Affordable Housing);
2.24 (Residential Amenity);
2.26 (Provision for Open Space, Recreation and Leisure);
2.45 (Trees, Woodlands and Hedgerows);
2.57 (Access, Circulation and Parking Requirements);
2.58 (Impact on Transport Networks).

4.6 *Technical Advice Note 1 - Joint housing land availability studies - (2015); Technical Advice Note 12 - Design (2014); Technical Advice Note 18 – Transport (2007):*

5. INTERNAL CONSULTEE RESPONSES

5.1 The Transportation Manager objects to the proposals, making the following comments:

The main Transportation issue relating to this proposal is whether the development would be sustainable as submitted in terms of its location and access by transport options other than the private car.

Access to Cardiff Gate Business Park (CGBP) and the site is from the northern end of the A4232 Pentwyn Link Road at Junction 30 of the M4, which has no meaningful footway or cycleway provision and is entirely dominated by vehicular traffic. The limited footway provision that does exist at the site access and over the motorway junction was primarily included to maintain a former Public Right of Way, and as such provides no practical connection to the wider services. CGBP, including the application site, therefore essentially exists as an 'island site' with extremely limited access/egress other than by motorised vehicles, as reflected in the current modal split of 76/24 (car driver/other) for the existing workforce of Pontprennau and CGBP.

While it is acknowledged that the traffic generation from the proposed residential development can be accommodated on the adjacent highway network and that the flow of that traffic will be reverse of the existing; neither of these matters make the development acceptable or sustainable as suggested in the submitted Transport Assessment.

The Transport Implementation Strategy within the Transport Assessment refers to a Residential Travel Plan and as such contains no specific measures to facilitate modal shift away from the private car. The Residential Travel Plan or Interim Travel Plan as it is also referred to, is similarly devoid of any meaningful specific measures to facilitate/improve non vehicle modes of transport and relies on 'encouraging' modal shift and use of facilities that may (or may not) be delivered by others.

There are numerous references to cycle and pedestrian access to/from the development site and adjacent Pontprennau area. However the identified routes lack legibility and are generally unlit, poorly surfaced, overgrown and unattractive paths; that include the use of St. Mellons Road, back lanes, public/park footpaths and uncontrolled crossings etc.

References to the use of the identified cycle and pedestrian routes in the numbers anticipated in the Transport Assessment is considered to be extremely optimistic; particularly considering the existing modal split for Pontprennau, where the majority of services are located, is indicated as 75% car/van driver 25% other. It is not therefore considered that there is any likelihood of incoming residents actually using cycle and walking for everyday trips in the numbers anticipated in the Transport Assessment and is further noted that there is no indication within the TA what the assumptions regarding the level of use are based on.

The existing cycle/footpath routes are therefore considered to represent leisure facilities that do not offer a realistic alternative to the private car for everyday trips and the submission contains no proposals to positively change this situation.

As identified in the Transport Assessment the site is within a reasonable walking distance of a bus shelter on Malthouse Avenue, circa 300m to/from the geographic centre of the site. However this shelter is only served by a limited half hourly bus service to/from Churchill Way (City Centre East) between 7am and 7pm, Monday to Friday, with no evening or weekend services or direct connection to the bus station.

The assessment also points to shelters and services on Heol Pontprennau which offer access to higher frequency services that operate throughout the day and evening, as well as weekends. However as identified elsewhere in my comments, pedestrian access to the shelters/services operating on Heol Pontprennau is considered to be of poor quality and therefore unlikely to be used by incoming residents for everyday trips.

Conclusion:

It is considered that the application fails to demonstrate how the development will achieve the modal split anticipated in the submitted Transport Assessment, or in fact any improvement on the current census derived modal split of 75/25 for the adjacent Pontprennau residence, and as such is in conflict with adopted Council Policy.

- 5.2 Highways (Drainage) Manager – No comments received.
- 5.3 The Pollution Control (Noise & Air) Manager advises that as the proposals are close to transportation noise sources (M4 motorway), an acoustic report should be submitted for consideration prior to the determination of the application. It is also recommended that, should consent be granted, advice regarding construction site noise should be appended to any decision notice.
- 5.4 The Pollution Control (Contaminated Land) Manager has no objection, subject to conditions relating to the assessment and treatment of contamination, the importation of materials and the addition of contaminated land advice to any planning permission.
- 5.5 The Parks Manager, whilst not objecting to the proposals, highlights some areas of concern that would require attention at any subsequent reserved matters stage. The Parks Manager's comments are:

Design Comments

The POS layout whilst designed to protect the existing vegetation by creating a 20m buffer and provide context for the development it does not take full advantage of the opportunity for the layout to emphasise green infrastructure and provide meaningful POS.

The POS is generally peripheral along eastern and western sides of development but does at least offer good frontage to the development, however, the open space only serves to provide a buffer to the retained trees and footpath corridor with little opportunity for informal recreational activities, and as such is at best only marginally acceptable in meeting the open space requirements of the current SPG. Which for a development of this size (based on the information available) would be in the region of 0.878ha. The only reasonably sized area of open space in the south east corner is dominated by a SUDS water retention feature rendering it unusable as recreational open space.

The buffer to the southern boundary hedgerow along St Mellons road is too narrow to provide any meaningful open space or protection buffer to the hedgerow and as such has been excluded from the open spaces calculations.

Consideration should be given to creating a more central main area of open space linking off the existing woodland area to the east fronted onto by housing to create a focus for the development and provide opportunity to incorporate some natural play features to a LEAP standard into the space as the nearest existing play facility is over 600m south of the development across St Mellons Road and Heol Pontprennau. Any on site provision of play facilities must be located a reasonable distance from any proposed flood attenuation feature that is designed to retain water for long periods of time.

At detailed design stage careful consideration of how the proposed SUDS feature shown integrates in to the design of the open space to add value to the to the open space rather than as a stand alone drainage feature which detracts from the open space design and sterilises and area preventing its consideration as active recreational open space.

By reconsidering the layout and position of the open space it should be possible to improve the arrangement and routing of the cycleway/footpath through the development linking the employment areas with the main Pontprennau development.

It is noted that the topo plan suggests significant level changes across the site and careful consideration of the relationship of the development to the proposed open spaces will need to be given as the detailed design is developed. Significant areas of steeply sloping open space will not be considered acceptable as recreational open space and may be excluded from the assessment of on site provision.

Given the current financial situation within Local Government it is unlikely that the Authority will consider adoption of the on site open space provided and therefore the developer will be required to maintain the on-site open space in perpetuity by putting in place an appropriate management scheme and service charge regime in relation to the future management and maintenance of the on-site open space which shall include proposals for default in the event of such management scheme failing to become operational or to properly

maintain the open space.

Request for Public Open Space

These comments relate to the Supplementary Planning Guidance for Open Space 2008

The Council's Supplementary Planning Guidance - Open Space requires provision of a satisfactory level and standard of open space on all new housing developments, or an off-site contribution towards existing open space for smaller scale developments where new on-site provision is not applicable.

The proposed development of 150 homes generates requirement for 0.878ha open space based on the limited information provided. As currently assessed the open space provided on site is 0.98ha which exceeds the requirements of the SPG. It should be noted that, as detailed above, the design of the on site open space is not considered ideal and significant redesign should be carried out prior to a final assessment of the on site provision. The amount of open space will be recalculated on provision of more detailed proposals and if there is a shortfall evident at this time 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 calculated in accordance with the formula set out in the Open Spaces SPG applicable at the time.

In the event that the Council's minded to approve the application, I assume it will be necessary for the applicant and the Council to enter into a Section 106 Agreement to secure payment of the contribution.

Community Infrastructure Levy (CIL)

CIL Regulation 122(2) provides :

A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is –

- a) necessary to make the development acceptable in planning terms*
- b) directly related to the development*
- c) fairly and reasonably related in scale and kind to the development*

(a) Necessary to make the development acceptable in planning terms.

The Welsh Government supports the use of Supplementary Planning Guidance (SPG) to set out detailed guidance on the way in which development plan policies will be applied in particular circumstances or areas. The SPG must be consistent with development plan policies and national planning policy guidance. It may be taken into account as a material planning consideration in planning decisions. The SPG for Open Space was formally adopted by Council on 13th March 2008.

Under current policy the proposed development is subject to Policy 31 of the

Local Plan (Provision of open space on new residential developments), which requires the provision of open space for recreational activity.

Open space provision on new housing development must meet the needs of future occupiers and the particular characteristics of the site. Where the density of redevelopment on a particular site does not allow for a satisfactory level of open space provision (2.43 hectares per 1000 projected population) then a developer shall provide an offsite financial contribution in lieu of open space. This contribution would be used toward the provision or improvement of existing open space in the locality of the site.

(b) Directly related to the development

Demand for usage of the existing open spaces would increase in the locality as a result of the development and therefore the Council considers it appropriate that an off site contribution is made, calculated in accordance with the guidelines set out in the SPG.

The Public Open Space Contribution shall be used by the Council towards the design, improvement and/or maintenance of public open space within the locality of the development site. The closest areas of recreational open space are within the Pontprennau development south of St. Mellons' Road.

In the event that the Council's minded to approve the application, information on the projects to which the contribution will be allocated within the Pontprennau open spaces reasonably related to the development will be provided for inclusion in the Section 106 Agreement to secure payment of the contribution.

*Based on the 2009 Cardiff Council Open Space Survey the **Pontprennau Ward**, in which the development is situated, is deficient in open space provision by **15.34** hectares (Measured by the Fields in Trust recommended standard of 2.43 hectares per 1000 population). The quality and facilities of existing open spaces also require improvement, with additional capacity to take into account the increased residential population resulting from the development*

The final decision on expenditure of the contribution at the time of receipt would be determined by the requirements for improving any individual open space in the locality at that time. This would involve local consultation with various parties and be subject to Member approval.

(c) Fairly and reasonably related to it in scale and kind

Contributions towards open space provision are derived using a formula-based calculation which takes into account, amongst other things, the size of the residential development and the projected increase in population. The method of calculation would be in accordance with the formula set out in the Council's adopted Supplementary Planning Guidance.

5.6 The Waste Manager offers advice in respect of the required refuse storage

capacities.

- 5.7 The Housing Strategy Manager makes the following comments in respect of affordable housing provision:

In line with the emerging LDP, an affordable housing contribution of 30% of the 150 units (45 units) is sought on this green-field site, to be split as social rented (15%) and intermediate rented (15%).

Our priority is to deliver on-site affordable housing, in the form of affordable rented accommodation both social rented (15%) and intermediate rented (15%) accommodation, built to Welsh Government Development Quality Requirements for purchase by a nominated Registered Social Landlord (RSL) partner.

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

Social Rented

*1 bed apartments (at an RSL purchase price of £45,000)
2 bed apartments (at an RSL purchase price of £52,000)
2 bed houses (at an RSL purchase price of £65,237)
3 bed houses (at an RSL purchase price of £71,854)
4 bed houses (at an RSL purchase price of £96,000)*

Intermediate Rented

*1 bed apartments (at an RSL purchase price of £60,000)
2 bed apartments (at an RSL purchase price of £77,548)
2 bed houses (at an RSL purchase price of £89,829)
3 bed houses (at an RSL purchase price of £110,000)
4 bed houses (at an RSL purchase price of £143,578)*

Please note that the above price relates to the properties only and any additional service charges for un-adopted roads, public open space, public realm etc. will not be due by any future residents of the affordable housing units. The affordable units will be delivered by a Registered Social Landlord (RSL) and the Council will identify a preferred RSL partner.

- 5.8 Housing and Neighbourhood Renewal (Access Officer) - No comments received.

- 5.9 The Council's Tree Protection Officer comments:

Whilst I nominally support the intention to retain all existing trees and hedgerows bounding the site, without an assessment of these features in accordance with BS 5837:2012 it is not possible to comment on the appropriateness of retention from an arboricultural perspective. This is

important since trees with a limited safe, useful life expectancy may be better removed and replaced and retained trees may offer a constraint to development due to Root Protection Areas and current/likely future branch spreads.

Service easements constrain the space available for new tree planting. The constraint is especially severe on the western boundary where a 30m easement applies due to a gas pipe. I note that new tree planting is shown within this easement on the illustrative master-plan, but this is unlikely to be acceptable to the service provider. Please can the applicant clarify the nature of the constraints in relation to tree planting and show new planting only where it has been deemed acceptable by the service provider. Where new planting cannot be provided due to easements, adjustments to design should be made to accommodate new planting where easements do not apply. It must be borne in mind that if the arboricultural assessment evidences a need to remove and replace existing trees, space will need to be made available outside of easements to mitigate the loss.

Given the lack of an arboricultural assessment and the implications thereof in relation to the green infrastructure strategy I must conclude there is insufficient evidence to demonstrate that development won't result in unacceptable harm to trees of amenity value.

The landscaping scheme and construction environmental management plan for any reserved matters application should be informed by a Soil Resources Survey (SRS) and Plan (SRP) in accordance with the DEFRA Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (2009). It is likely that there are soils at this site that will be capable of supporting the growth of new planting subject to careful handling, storage, amelioration and installation but the correct specification for soils depends on knowledge of the existing resource and any requirements for soils to be imported. Without careful soil protection and specification its functionality is likely to be severely impaired by the development process resulting in poor landscaping establishment and performance.

Whilst I would not expect a detailed landscaping scheme at this stage, a planting palette would be helpful. Native species are preferred close to the existing semi-natural vegetation with mixed native and exotic planting in the main residential areas. As a rule of thumb to avoid catastrophic pest and disease outbreaks and provide visual variety, no more than 10% of any tree species, 20% of any tree species within a genus and 30% of any tree species within a family should be planted. All planting should be designed to avoid existing and proposed service constraints including micro-drainage and street lighting.

The illustrative master-plan indicates street trees defining the primary access routes. I support this design objective but early consideration needs to be given to the above and below ground space to be allocated to street trees to ensure they can establish and grow healthily in the long-term. Illustrative section and plan views to show the relationship between street trees and the proposed

highway network, service network, street lights and building lines would be helpful in demonstrating the viability of this design objective.

- 5.10 The Council's Ecologist offers the following comments, in light of the submitted Preliminary Ecological Assessment, which has been superseded by an updated Ecological Assessment (received 25 Sept. 2015):

The following comments are made without prejudice to any further comments that I may make in the light of any plans or of alterations to plans as submitted.

In summary, I do not object to the application, but ask that the EclA be amended to provide more details regarding mitigation of and compensation for the impacts of the proposed scheme upon reptiles, dormice and habitats.

If planning consent were to be granted, then we should require as a condition of that consent the production of a Green Infrastructure Management Strategy, taking into account the recommendations for mitigation and enhancement as set out in section 7 of the EclA, my comments below, any amendments to the EclA in the light of my comments, and comments received from Parks Services and the Tree Protection Officer.

Habitats

*This site supports the UK Biodiversity Action Plan (UKBAP) habitat known as 'Open Mosaic Habitat on Previously Developed Land'. Section 4.9.1 of Planning Policy Wales 2014 states, in relation to the preference for the re-use of land, that the Welsh Government recognises that not all previously developed land is suitable for development. This may be, for example, because of its location, **the presence of protected species or valuable habitats** or industrial heritage, or because it is highly contaminated. For sites like these it may be appropriate to **secure remediation for nature conservation**, amenity value or to reduce risks to human health.*

Furthermore, looking at the botanical survey, this site would qualify as a wildlife site (Site of Importance for Nature Conservation - SINC) in accordance with Section H4 (Neutral Grassland) and probably H5 (Calcareous Grassland) of the Guidelines for the Selection of Wildlife Sites in South Wales 2004. The report acknowledges that, as the Phase 1 survey was undertaken in April, many flowering plants will have been missed, so in my view there are likely to be even more SINC-qualifying habitat indicators than have already been recorded.

As a precedent in cases such as this, we use the Planning Inspectorate's comments on the Monmouthshire Unitary Development plan, wherein:- 'The Council will assess sites proposed for development to ascertain whether they fulfil the criteria for designation and may request information from applicants to assist in that process. If a site satisfies the criteria it will, for planning purposes, be treated as if it were a SINC.' In other words, even if a site has yet formally to be designated as a SINC, if it meets the qualifying thresholds, it should be treated as a SINC for planning purposes.

In accordance with Section 5.5.3 of Technical Advice Note (TAN) 5, '...the conservation and enhancement of locally designated sites is an important contribution to the implementation of Biodiversity Action Plans and to the management of features of the landscape of major importance for wild flora Developers should avoid harm to those interests where possible. Where harm is unavoidable it should be **minimised by mitigation measures and offset as far as possible by compensation measures designed to ensure there is no reduction in the overall nature conservation value of the area or feature.**'

Therefore, in relation to the UKBAP habitats and the SINC-quality habitats present, mitigation or compensation measures should be secured if planning consent is granted. I note from the illustrative masterplan that some area of public open space are proposed. Subject to any requirement that our colleagues in Parks Services may have in relation to formal play areas etc, these POS areas should be managed as species-rich native wildflower meadows, as is suggested by section 7.1 and 7.3 of the EclA.

Dormice

I welcome the dormouse survey which is in progress, but we should seek confirmation that those undertaking the surveys are covered by the necessary European Protected Species licence issued by Natural Resources Wales.

The survey methodology for Dormice set out in the EclA uses that set out in Bright, P., Morris, P. & Mitchell-Jones, T. (2006). *The Dormouse Conservation Handbook. Second Edition. English Nature. Peterborough.* In this respect, I am satisfied that the survey techniques used meet the generally accepted guidelines.

However, whilst noting that no dormice have been found so far, I do not agree with the conclusion that '...dormice are likely absent from the site...' (Section 5.3, p.20, Section 7.2, p. 23, and Table 6, p.24). The scrub and hedgerow habitats on site are suitable for this species, and there are known dormouse records within 250m of your site, directly connected via an outgrown hedgerow along St Mellon's Road.

Furthermore, the English Nature Research Report (No 524) entitled 'Surveying dormice using nest tubes. Results and experiences from the South West Dormouse Project', upon which the Dormouse Conservation Handbook relies, includes at Page 17 the caveat:-

'However, it is essential to bear in mind that when Dormice are not recorded in (nest) tubes, it does not necessarily mean that they are not present'.

In addition, in Cardiff we have had several instances of where surveys using nest tubes have produced a negative result, but subsequent surveys using nest boxes have found dormice. Similarly, we had a case recently where 150 nest tubes on a site failed to detect dormice, but analysis of nibbled hazel nut shells revealed widespread dormouse presence on the same site.

Therefore, I would be cautious about stating that dormice are likely to be absent from your site, given the caveats associated with nest-tube surveying, the suitable habitat on site, and the known presence of this species very nearby.

This being the case, the EclA should be revised to set out precautionary mitigation measures which take account of the potential presence of dormice in the scrub and hedgerows on the site. These measures should include, but not be limited to, avoiding harm to individuals, and protection of functional habitat around the periphery of the site.

Reptiles

I have a number of concerns about the quality of the reptile survey, which lead me to have reduced confidence in the survey result. The reptile survey claims to have followed 'best practice guidelines' – there are no such guidelines for reptile surveys of course, and the Froglife Advice Sheet (FAS10) referred to is aimed at voluntary surveys for conservation work, not surveys by ecological consultants in respect of development. In any event the reptile survey described here deviates from FAS10 without reasoned justification.

The survey refers to the use of refugia as a survey technique, but no mention is made of direct observation surveys. Combination surveys involving both direct observation and use of artificial refugia are the most effective at detecting the presence of reptiles (e.g. DMRB, National Amphibian & Reptile Recording Scheme (NARRS)).

Roofing felt seems to have been the sole refugium material used. All sources of guidance (Krag 2003, FAS10, DMRB, Sewell) recommend using a range of materials for refugia surveys, not just roofing felt on its own.

The minimum size of refugia recommended is 0.5m² (e.g. FAS 10, DMRB). Note that Krag¹ interpret this as about 0.7m x 0.7m (or 1m x 0.5m), not 0.5m x 0.5m (see e.g. Krag 2003). Although Sewell 2013² does recommend a minimum 0.5m x 0.5m. Inns (1996)³ suggests 1m x 1m. Smaller refugia may not be as effective at detecting larger animals such as adult Grass Snakes (e.g. DMRB). A range of sizes is likely to be most effective (DMRB).

I am concerned about the timing of the reptile surveys. Whilst it is true that some individual reptiles may be seen at any time of year, the accepted peak months for reptile surveys are March, April, May and September (DMRB, Krag 2003, FAS10). Whilst ambient temperatures outside of these months may be within the recommended ranges, endogenous circannual rhythms may lead to reduced activity, and therefore reduced survey efficiency, perhaps giving an erroneous negative result.

1. Protected Reptiles and Build Development – Kent Reptile and Amphibian Group and Kent Wildlife Trust October 2003 (Krag 2003)

2. Survey protocols for the British Herpetofauna Version 1.0. Sewell D., et al. March 2013 (Sewell 2013)

3. Survey Guidelines for the Widespread British Reptiles by Howard Inns (Inns) in Reptile Survey Methods, Foster & Gent (Eds) 1996

Therefore I disagree with the statements in sections 5.3 p. 20, 7.3 p. 22 and table 6 p.25 that it can be concluded that reptile are absent, or likely to be absent, from the site.

In reality, it is rare that the absence of species from a site such as this can be confirmed with such certainty, and bold statements as to the absence of such cryptic and secretive animals from this site lead me to place reduced confidence in the conclusions of the reptile survey report.

A more reasonable conclusion of the survey result would be that reptiles are present at low density, or use the site on a transient basis. Grass Snakes are prevalent in this area, and the habitat is suitable for them to forage for food such as frogs and toads, so in my view it is most likely that this species will use this grassland on an opportunistic basis. Slow-worms occur throughout Cardiff and in my view it is likely that they occur on this site, albeit in low numbers. I am less convinced that Common Lizards will be present, and we do not have any records of Adder from this part of Cardiff, so it may well be that they are absent.

Therefore the applicant should amend the EclA to put forward precautionary mitigation measures in order to avoid harm to any reptiles which may be present, for example by using hand clearance to manipulate habitats in such a way as to encourage reptiles to leave the site. suitable reptile habitats (including, for example, rough grassland, south-facing scrub edge) should be incorporated into any landscaping scheme, such that these species can re-colonise after construction. If areas of suitable reptile habitat are to be retained as part of the development, then these should be clearly fenced-off and site operatives made aware of the sensitivity of these areas.

Nesting Birds

The site supports nesting birds, so any eventual site clearance should take place outside the bird nesting season. If development takes place, nest boxes should be used to compensate for loss of nesting habitat.

Pollinators

In accordance with the Pollinator Action Plan for Wales, every effort should be made to allow wildflowers to develop on roadside verges and any other areas of landscaping. Any landscaping should reflect the current mosaic of grassland, open mosaic habitats and scrub.

Enhancements

The proposal entails loss of foraging habitat for birds and bats, among others. Whilst opportunities to compensate directly for this loss of foraging habitat are limited, there are nonetheless opportunities for indirect compensation for the wider impact upon these species. Specifically, nesting/roosting opportunities should be built in to new build, in accordance with the advice given in the

TCPA's 'Biodiversity Positive: Eco-towns Biodiversity Worksheet 2009', and in the Bat Conservation Trust's 'Biodiversity for Low and Zero Carbon Buildings: A Technical Guide for New Build 2010'. i.e.

Potentially appropriate species	Recommended number of roosts/nest sites
Crevice dwelling bats	1 in 20 structures
Bats requiring flight space	1 in 5 public buildings (non-residential)
Horseshoe bats	1 in 5 public buildings (non-residential)
Swifts	1 in 20 buildings
House martins	1 in 50 buildings
House sparrows	1 in 40 buildings
Starlings	1 in 100 buildings
Swallows	1 in 50 buildings
Barn owls	2 per medium-size development; 3 per large development
Peregrine	1 per medium-size development; 2 per large development
Source: Bat Conservation Trust	

NERC Duty

These comments contribute to this Authority's discharge of its duties under Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006, wherein: (1) 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. (3) Conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat

- 5.11 The Economic Development Manager objects to the proposal, making the following comments:

From an economic development perspective we would want to retain all our strategic sites in employment use and this is a strategic and successful employment site for Cardiff and the region.

Cardiff Gate Business Park is one of three important out of centre business parks in Cardiff, occupying an important strategic position and enjoying good access to the M4 and central Cardiff via the A48(M). The business park is an important source of employment and should be retained for employment use. Proposals for further B1 development on the site should be encouraged and should be protected from alternative uses.

The site has been successful in attracting large employers such as SSE, KGB (UK) Ltd, International Baccalaureate, Lloyds Banking Group, Molson Coors, Broomfield and Alexander and Circle IT.

Taking the above factors into account, it is considered that the site is a strategic employment site and should therefore be protected from alternative uses.

- 5.12 Further to the receipt of additional information from the agent, the Economic Development Manager makes the following additional comments:

Having read the note, the conclusions say that the site has not been successful in attracting developers, this is potentially due to other more prominent sites on the Business Park being available for development that interested parties have felt more attractive and have committed to. The Business Park has continually expanded with new office and retail developments proving that there is interest, demand and occupiers for Cardiff Gate. Again we re-iterate that there needs to be a range and choice of office accommodation options and Cardiff Gate is now one of the few remaining with both land and available office options.

- 5.13 The Neighbourhood Regeneration Manager makes the following comments in respect of the requirement to secure community facilities enhancements from significant development proposals, in line with adopted Supplementary Planning Guidance:

Supplementary Planning Guidance (SPG) on Community Facilities and Residential Development states that 'the Council will seek a financial contribution for improvements to existing community facilities or the provision of additional community facilities on all significant developments because the increased population will result in increased demand for local community facilities'. If no onsite provision is proposed, a financial contribution is sought on residential developments containing 25 or more new dwellings.

No onsite community facilities have been proposed therefore a contribution towards local community facilities is required.

The application description states that the proposal is for 'up to 150 dwellings'. No exact number of dwellings or details of dwelling types is provided. Consequently, the developer is requested to provide a community facility contribution in line with the SPG.

If the development contains 150 dwellings, an indicative amount which could be required towards community facilities would be in the region of £148,275. (based on 150 x £988.50 cost per dwelling = £148,275)

Community Infrastructure Levy (CIL)

CIL Regulation 122(2) provides:

A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

- (a) necessary to make the development acceptable in planning terms;*
- (b) directly related to the development; and*
- (c) fairly and reasonably related in scale and kind to the development.*

Comments in respect of the request for contributions towards community facilities are as follows:

(a) Necessary to make the development acceptable in planning terms:

The SPG for 'Community Facilities and Residential Development' was formally adopted by Council on 22nd March 2007. The SPG was adopted to provide guidance on national and local planning policy which highlights the importance of the planning system in ensuring that the infrastructure on which communities depend is adequate to accommodate proposed development. Policy 21 of the City of Cardiff Local Plan (adopted January 1996) supports the provision of community facilities as part of new residential developments.

It is also in accord with Planning Policy Wales which supports the negotiation of planning obligations and states "Contributions from developers may be used to offset negative consequences of development, to help meet local needs, or to secure benefits which will make development more sustainable". A development proposing a significant increase in population, such as this, would create pressures on existing local facilities that need to be offset via financial contribution. It would be unacceptable to grant planning consent in the absence of such provision.

(b) Directly related to the development

The nearest community facilities to the proposed development are likely to experience an added pressure as a result of the new population. It is envisaged that a community facilities contribution from the development would be directed towards the following:

Community Facility within Pontprennau Primary School
Pontprennau Primary School is a new school which will open in September 2015. The school has incorporated the Pontprennau Community Hall building, and the community will still use the large and small halls within the building outside school hours.

The contribution from this development will ensure that improvements (for community purposes) to the halls within the school provide for the needs of any additional residents.

(c) Fairly and reasonably related in scale and kind to the proposed development

Contributions towards community facilities are derived using a formula-based calculation which takes into account, amongst other things, the size of the residential development and the projected increase in population.

6. EXTERNAL CONSULTEES RESPONSES

- 6.1 Welsh Water have no objection in principle, subject to a condition relating to the drainage of foul water only into the public sewerage system, with a specific

connection point indicated. Further advice regarding sewerage treatment and water supply are offered. It is further noted that a public sewer crosses the site, for which a 3m building easement is required.

- 6.2 South Wales Police have no objection in principle, offering further advice in respect of designing out crime and the principles of secured by design.
- 6.3 Glamorgan Gwent Archaeological Trust have no objection, However on noting that the proposals may include changes of ground levels that may result in the discovery of archaeological resources relating to the layout of a post medieval agricultural settlement, an archaeological watching brief condition is recommended.
- 6.4 Old St. Mellons Community Council object to the proposal, making the following comments:

As Clerk to the Old St. Mellons Community Council we are electing to put our objection in writing following a Community Council meeting. As well as our local residents our Councillors have also expressed an objection to the above application.

Application Number: 15/01667/MJR

Proposal: *Outline application on land to the South of Foresters Way and Malthouse Avenue*

Location: *Land North of Druidstone Road.*

- *It's an application for 150 homes on land which has not been allocated for residential use*
- *It is outside the settlement Boundary*
- *If permitted it would increase dependency on car usage and would not concur with the council's stated policy of 50:50 modal shift from car usage to public transport.*
- *It would increase pressure on road access which is one route in and out of the area.*

The application is contrary to the local Plan 1996, Unitary Development Plan and the

Therefore this application should be refused.

7. **REPRESENTATIONS**

- 7.1 Local Members were consulted and Councillor Dianne Rees objects to the proposal, making the following comments:

I am aware of the application which is No : 15/01667/MJR- OUTLINE APPLICATION ON LAND TO THE SOUTH OF FORRESTERS WAY AND MALTHOUSE AVENUE.

I will be objecting to this application for the following reasons: The Old St Mellons Community Council which has also been consulted will also send in its comments as below.

- 1. It's an application for 150 homes on land which has not been allocated for residential use**
- 2. It is outside the settlement Boundary**
- 3. If permitted it would increase dependency on car usage and would not concur with the council's stated policy of 50:50 modal shift from car usage to public transport.**
- 4. It would increase pressure on road access which is one route in and out of the area.**

The application is contrary to the local Plan 1996, Unitary Development Plan and the emerging LDP which is on deposit and awaiting the Inspector's final decision.

7.2 The application has been advertised by press notice, site notice and neighbour notification. Eight objection representations have been received from residential occupiers on Cork Drive and Clonakilty Way. Their grounds for objection are:

- Housing on this site makes no sense when considered in light of the approved development around Llanedeyrn Village;
- Cardiff Gate is a business park and the owner should concentrate on improved marketing for business use;
- Residents on any new development would rely heavily on cars, contrary to the Council's stated policy of a 50-50% modal split from cars to public transport and increasing existing traffic congestion at peak times;
- Increased instances of anti-social behaviour and littering;
- 150 homes in addition to the 1200 at Llanedeyrn Village will add to infrastructure pressures;
- The minimal public transport provision on the Business Park will increase foot traffic through Pontprennau, causing disturbance;
- There are concerns over the safety of children playing in the street due to the increased footfall of people walking to Asda, McDonalds and bus stops;
- The footpath running through the site is in a poor & dangerous condition. The point where it crosses St Mellons Road into Clonakilty Way is frequently flooded, with crossing that road being dangerous;
- Contrary to statements in the Design & Access Statement, policy E3 is relevant as the country has been in recession. Established business land should not be sacrificed for short term gain;
- The site is not previously developed land;
- Information in the Interim Travel Plan relating to public transport availability is misleading in that it includes a service which acts as a shuttle between the business park and the Pentwyn park & ride facility only;
- There is already overspill parking in residential streets from the business

park, indicating that public transport links are poor.

- 7.3 A further letter of objection has been received from the Castleoak Group, who occupy existing offices overlooking the site. Their representation makes comprehensive reference to current and emerging planning policy and guidance and concludes as follows:

Contrary to the applicants' Planning Statement, in the context of adjacent development, the site clearly relates to the business park, rather than residential development to the south.

Both national and local policy provide for a strong policy presumption against the redevelopment of business, industrial and warehousing land for alternative uses, particularly where it is regarded as a strategic site in terms of the transportation network.

Evidence in the form of successive Employment Land Studies have pointed to the importance of the site in strategic terms and the need to retain B1 employment land at this location. The site lies in one of the few parts of Cardiff with Assisted Area status, and is one of only two with direct motorway access. Furthermore there is a need to identify further land in the area for B1 uses, which is proposed in the LDP Strategic Site (NE Cardiff – West of Pontprennau).

The applicant has provided none of the supporting information required to present a convincing justification for allowing residential development in the context of Deposit LDP Policy EC3 and TAN 23. There is no over-supply of employment land and a housing development would also prejudice the favourable business environment which currently exists.

It is clear that, with reference to the recent appeal decision on land at Bridge Road, St Mellons, that a 5 year housing land shortfall, in the circumstances of a likely early plan-led resolution to increase supply, does not override the need to protect strategic employment land.

As a consequence the planning application is objected to in the strongest terms.

8. **ANALYSIS**

- 8.1 As the proposal is for an alternative use of existing business and industrial land, the application must be assessed against the following:

- Policy E3 of the South Glamorgan (Cardiff Area) Replacement Structure Plan 1991-2011;
- Policy 36 of the Local Plan;
- Supplementary planning guidance on 'Safeguarding Land for Business and Industry' (June 2006).

This policy framework aims to ensure that a sufficient range, choice and quality of development opportunities are available for both indigenous business and inward investors and requires development proposals for alternative use of employment land to be assessed against 2 main policy criteria:

- Whether there is a demand for business, industry or warehouse use on the application site
- Whether there is a need to retain the land for business, industrial and warehousing use.

TAN 23 'Economic Development' advises that:

'In managing the retention and release of existing employment sites, authorities should aim to ensure the integrity of remaining employment sites is not compromised'. It requires that employment land may be released only where 'the proposed redevelopment does not compromise unduly neighbouring employment sites that are to be retained'.

8.2 The agent has provided a planning statement in support of the application which addresses this policy framework and concludes the following:

- The site has been marketed and remained undeveloped since first being assembled in the mid-1990s.
- Plot 12 has been marketed for over 10 years.
- Cardiff Gate International Business Park (CGIBP) already has an existing stock of vacant B1 office floorspace of 50,000 sq ft which is immediately available and in addition a further 5.72ha of land available for B1 office development within the park.
- The application site is 3.76ha and capable of accommodating 18,581 sq m of B1 office floorspace which represents only 3% of the overall B1 office floorspace and land available within the City of 427,000 sq m (Cardiff Employment Land Study 2012).
- In terms of available B1 office floorspace, there is 45,200 sq m available across the City as well as new office floorspace at Capital Quarter (18,580 sq m and permission for 65,032 sq m; Central Square with 74,322 sq m to be delivered by Rightacres and 18,580 sq m at Capital Tower which was recently vacated by Admiral.
- There is already an oversupply of available land and buildings to meet the office floorspace requirements of the City to 2026 with an identified supply of 427,000 sq m compared to the Plans requirement for 413,500 sq m.

8.3 Despite the applicant's claim, the Council do not consider there to be an oversupply of available floorspace, to meet the Class B1 requirements of the County to 2026. As part of the evidence for the recent LDP Examination (Hearing Session 10), 537,883 sq m of office (Use Class B1) floorspace has been identified across the county set against a demand in the range of 413,900 – 501,200 sq m. This supply comprises vacant stock on existing employment

land and vacant office floorspace in the Central and Bay Business Areas; contributions from allocated strategic sites; land with planning permission and completions since 2006. Although the identified supply is above the top of the range for demand, it is not certain whether all opportunities identified as part of the supply will come forward over the plan period, for example, some sites are subject to legal agreement and some vacant stock may not meet the requirements of potential occupiers and therefore the supply will be reduced. Additionally, it is important to provide a range and choice of land and premises across the county, including out of centre business parks (campus style) as well as a strong focus on higher density office development within the Central Enterprise Zone and Bay Business Area. The greatest amount of office floorspace currently available is second hand offices located in the city centre and grade A office supply is under supplied. This is largely being addressed through developments in the pipeline and focussed on the Enterprise Zone. Cardiff Gate Business Park is therefore particularly important as it offers high quality investment opportunities and is the only out of town business park with build plots benefitting from Assisted Area Status. Cardiff Gate Business Park provides an alternative to a city centre location for those businesses which do not require a city centre location and therefore caters for a different offer in terms of range and choice.

8.4 Assessment against Local Plan Policy 36

Proposals for an alternative use of existing and proposed business, industrial and warehousing land are assessed against 3 criteria. Criteria (i) and (ii) are of relevance as outlined below.

8.4.1 *(i) The demand for and the need to preserve a range and choice and quality of sites available for business, industrial and warehousing development.*

Paragraph 7.4.2 of the Local Plan states that proposals for alternative use of existing and proposed business, industrial and wholesale warehousing land will be assessed having regard to demand, and to the extent that they preserve a range, choice and quality of available development opportunities. Assessment of quality will include consideration of availability, site characteristics and attractiveness, location and suitability for particular types of development. In particular, in order to protect high quality development opportunities, alternative uses will not be considered acceptable on business parks.

Since submitting the application, the applicants have supplied further additional evidence in support of their application in which they claim there is an oversupply of business and industrial land and premises and a vast quantity of available office space. They have also provided evidence to demonstrate the extensive marketing exercise that has been undertaken over a number of years in respect of development opportunities available at Cardiff Gate Business Park and which have been unsuccessful in leading to the development of plot 12 and therefore state that there is no demand for plot 12.

However, notwithstanding this additional information, even where demand has not been established, the need to retain a site for business, industry or warehousing will be assessed against a range of criteria including the need to preserve a range, choice and quality of available development opportunities.

Assessment of quality will include consideration of availability, site characteristics and attractiveness, location and suitability for particular types of development. In particular, in order to protect high quality development opportunities such as characterise Cardiff Gate Business Park, (as demonstrated in this report) alternative uses will not be considered acceptable (Local Plan para 7.4.2).

In this respect Cardiff Gate Business Park is a key strategic employment location accommodating national companies in a high quality landscaped environment and providing readily available high quality employment development opportunities.

This view is endorsed by the Cardiff Employment Land and Commercial Property Study (March 2009), which recognises that Cardiff Gate Business Park is one of three important out of centre business parks in Cardiff, occupying an important strategic position and enjoying good access to the M4 and central Cardiff via the A48(M). The study notes that the business park is an important source of employment and should be retained for employment use. Proposals for further B1 development on the site should be encouraged. The study concludes that Cardiff Gate Business Park should be protected from alternative uses.

In terms of the assessment criteria contained in Policy 36 (i) Plot 12 is situated within a modern and well established business park that provides high quality office accommodation and infrastructure within an attractive landscape setting and has excellent connectivity to the strategic highway network. Residential development of the site would result in the loss of a uniquely prestigious employment allocation in Cardiff that is the only out of town Business Park for offices with future build potential that benefits from Assisted Area Status.

8.4.2 (ii) *Considerations of scale, location, design, amenity and transportation.*

Paragraph 7.4.3 states that considerations of scale, location, design and transportation including highway access, car parking and servicing will also apply. In particular, proposals will be carefully considered regarding their compatibility with existing industrial and commercial activities to ensure that unreasonable constraints are not imposed on existing enterprises. In relation to this it is considered that residential development of Plot 12 would introduce an incompatible use within the business park setting and would reduce the attractiveness of the park to existing firms, particularly those considering future expansion and new inward investment which could result in a negative impact on the commercial viability of the park as a whole. In addition this is a strategic site in terms of scale and its location with direct access to the M4 and primary road network.

8.5 Although the site has been marketed for 10 years for employment purposes without success this was in the context of a significant economic downturn. Economic recovery is now evident and it is considered that it would be detrimental to the economic objectives of the Council to lose this key strategic employment site to residential development, especially given that as of July

2014 the application site has been given Assisted Area Status which will provide a new impetus to attract business investment.

Policy affords that high priority is given to the retention of strategic employment sites for such use.

- 8.6 The development of this site for housing must not be at the expense of the employment and economic objectives of the plan and the site should be protected for employment use to maintain confidence in the local economy and promote investment. If approved, this proposal could set an undesirable precedent for the development of new housing on other plots within CGIBP and land in other established business parks, the cumulative effect of which would be an erosion of the Council's supply of established business and industrial land to the detriment of the economy.
- 8.7 Taking the above factors into account, it is considered that the site is a strategic employment site and should therefore be protected from alternative uses.
- 8.8 With regard to the matter of the Council's Housing Land Supply, it is acknowledged that LPAs must ensure a 5-year supply (PPW, para. 9.2.3). The last agreed Joint Housing Land Availability Study (JHLAS) for Cardiff indicated a land supply of 3.6 years at the base date of 1st April 2014. Since the 2014 JHLAS, Welsh Government has published a revised Technical Advice Note (TAN) 1 – the principle guidance relating to JHLASs. Under revised guidance only LPAs with an adopted LDP or UDP are eligible to undertake a JHLAS and thus able to demonstrate whether they have a five-year housing land supply. Since Cardiff does not presently have either an adopted LDP or UDP it is unable to undertake a JHLAS and therefore effectively considered not to have a 5-year supply (TAN1, para. 8.2). TAN1 outlines that the housing land supply figure should be treated as a material consideration and where the LPA is unable to undertake a JHLAS, the need to increase supply should be given considerable weight provided that the development would otherwise comply with development plan and national planning policies.
- 8.9. In terms of addressing the shortfall, the Council continues to progress the LDP, now nearing completion, as fast as procedures allow. The Deposit LDP (2006-2026) was submitted to Welsh Government on 14th August 2014 and is presently under independent examination by the Planning Inspectorate. Whilst the Plan is not adopted at this point, it none-the-less provides a clear indication of the proposed scale of growth and identifies the necessary sites to deliver requirements. As part of the examination process, evidence has been produced by the Council to demonstrate how the Plan can effectively meet housing need over the entire plan period and also satisfy the 5 year housing land supply requirements upon adoption. While the Examination is formally still open, it is anticipated that the Inspector's Report will be received on 30th November 2015 (TBC). This Report is binding on the Council and if found to be sound, the LDP can be progressed by Council through to adoption.
- 8.10 It is acknowledged that a number of appeals have been allowed during the period in which Cardiff has not had a 5 year housing land supply. However, at a

recent appeal - land north of Bridge Road, Old St Mellons (APP/Z6815/A/14/2229933) in considering whether the need to increase housing supply outweighed conflict with countryside Policy in the Local Plan, the Planning Inspector reached the overall conclusion summarised below:

"15. ... at the time of the Church Road and Michaelston Road appeals the LDP was still some way from examination and there was little prospect of an early plan led resolution to the lack of a 5 year housing land supply.

16. That is not the case here ... it seems likely that Cardiff will soon have an adopted development plan...

17. ...in my view, it would be wrong, so close to the finalisation of the LDP process, to permit a development which conflicts with policy and may not be needed. I conclude, therefore, that the need to increase housing land supply does not outweigh the conflict with national and local policy designed to protect the countryside and that the appeal should be dismissed. "

8.11 While it is acknowledged that the current site is not outside the settlement boundary, as was the case in the appeals above, it would be reasonable to adopt an equivalent stance. That is the proposed development conflicts with adopted policy; while a Plan-led resolution to the 5 year land supply is anticipated in the very near future. It is therefore not considered that the need to increase housing land supply should outweigh the need to protect employment land.

8.12 With regards to the Plan-led approach it should be noted that the site was assessed by the Council as part of the Alternative Sites stage during the LDP process. The Council considered that:

"Sufficient land has been allocated for residential development to provide for the level of growth identified in Policy KP1 (Level of Growth). Allocation of this site for residential development is therefore not required to make the LDP sound".

Whilst, the LDP examination remains open and theoretically the need for additional sites cannot yet be ruled out, at this point in time no further hearing sessions have been scheduled and as noted above, the Inspectors anticipate delivering their binding report to the Council on 30th November 2015.

8.13 The comments of Councillor Rees and the Old St Mellons Community Council are noted, and the application is recommended for refusal as indicated. However, it should also be noted that the application site is not outside the settlement boundary.

8.14 With regard to issues raised in representation, that have not been considered above, the following comments are made:

- There is no evidence to support the assertion that future occupants of the development proposed would be responsible for any increase in incidents of anti-social behaviour or littering;
- There is no evidence that any increase pedestrian movement along established pedestrian routes would result in harm to playing children;
- This is an outline application, with all matters reserved. The existing right of way is within the site and it is likely that development of this land would include improvements to the right of way and its immediate environment;
- Whilst the specific site has not been developed, it is nonetheless land set within a Business Park, that is subject to an established outline consent for Class B1 (Business) development.

8.15 Section 106 Matters – Notwithstanding the recommendation above, the following contribution requests have been made, with reference made to the Community Infrastructure levy tests:

Affordable Housing – A contribution of 30% on site is requested, with a 50-50 split between social rented and intermediate rented accommodation.

Neighbourhood Renewal – A financial contribution of £148,275 is requested in respect of improvements to the existing Pontprennau Community Hall (and two other halls within a new school development).

Parks – It is suggested that, should a favourable recommendation be made, the developer enter into an agreement to ensure that any on site open space provision is managed and maintained by them (not adopted by the Council). It is further highlighted that as an open space re-design is required, there remains a possibility that an off-site financial contribution may be required, in accordance with the Council's adopted SPG.

8.16 Having regard for the above, and in light of adopted planning policy and guidance, it is recommended that outline planning permission 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.

9.3 Environmental Impact

The application 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.

It has been concluded that the application does not require the preparation and submission of an Environmental Statement.

A copy of the Council's Screening Opinion has been placed on record in accordance with procedures.



Site boundary



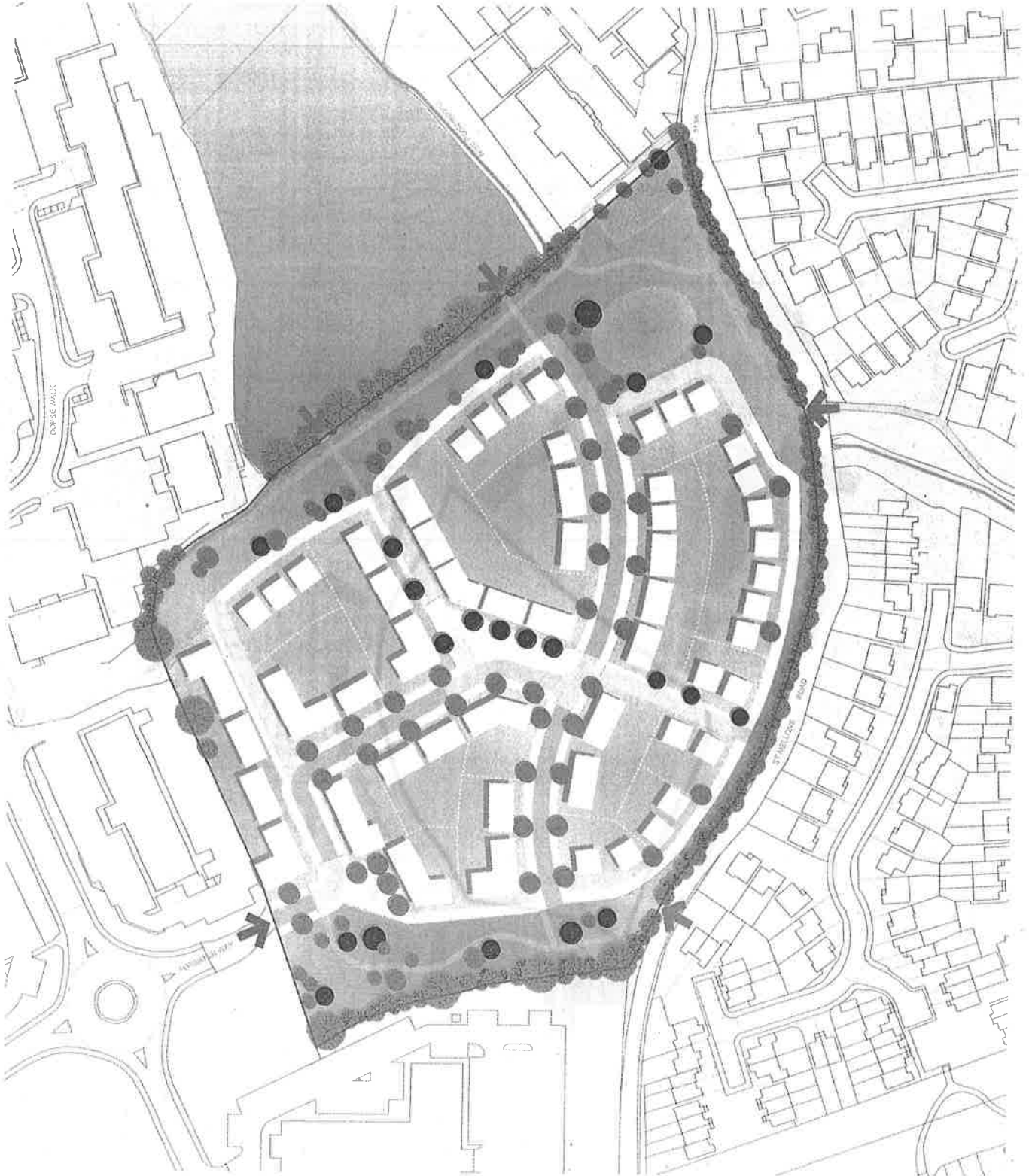
Project: Cardiff Gate

Drawing Title: Red Line Boundary

Date	25.02.15	Scale	1:2500	Drawn by	KT	Check by	BW
Project No	21674	Drawing No	9000	Revision			

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- Site Boundary
- Approximate location of residential units
- Private gardens with block subdivision
- Vehicular Access Point
- Pedestrian Access Point
- Primary Vehicular Route
- Access Road
- Private Drive
- Footway
- Pedestrian and Cycle route
- Watercourse
- Shared Surface
- Public Open Space
- Children's Play Area
- Existing Trees
- Proposed Trees
- Existing Woodland
- Attenuation Pond

Project
Cardiff Gate

Drawing Title
Illustrative Masterplan

Date	19.06.15	Scale	1:1,250	Drawn by	CW	Check by	BW
Project No	21674	Drawing No	9400	Revision			D

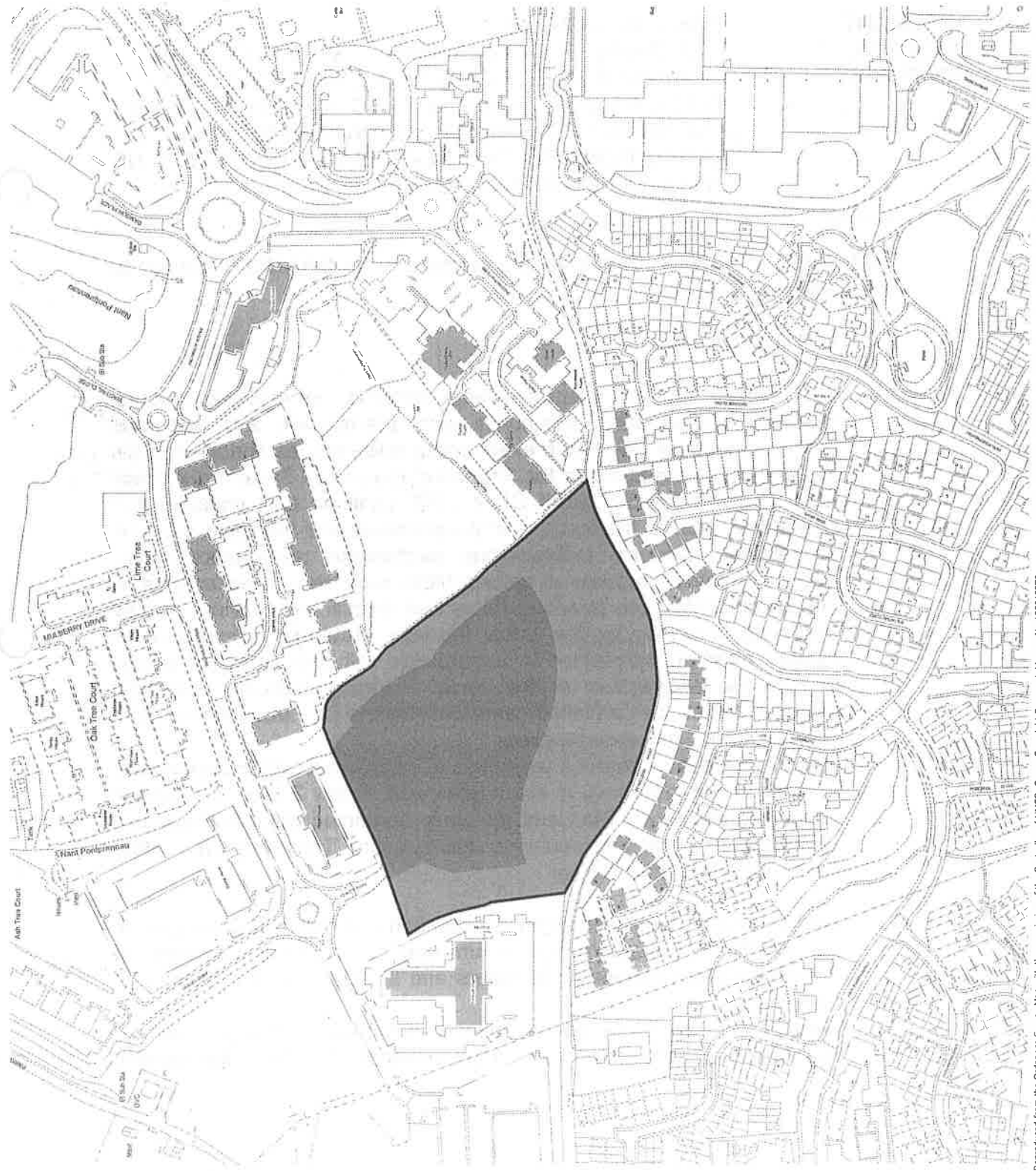
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The scaling of this drawing cannot be assured

Revision Date Dm Ckd

- Site boundary
- Up to 12.5m high (2.5 - 3)
- Up to 11 m high (2 - 2.5)



Project
Cardiff Gate

Drawing Title
Parameter Plan 4
Scale

Date	27.05.15	Scale	1:2500	Drawn by	KT	Check by	BW
Project No	21674	Drawing No	9604	Revision			B

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LOCAL MEMBER CONCERN / PETITION

COMMITTEE DATE: 14/10/2015

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 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 (McCull'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 Takeaway 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 This application was deferred at the Committee meeting on 9th September, 2015 for a Site Visit. The application is reported back for determination.
- 8.2 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.
- 8.3 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.'*
- 8.4 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.
- 8.5 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.



- 8.6 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.
- 8.7 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.
- 8.8 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.
- 8.9 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.
- 8.10 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 that 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 results in a certain level of background noise at all times. On balance, therefore, no objections are raised to the proposed hours of opening.
- 8.11 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.

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



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<p>CHIEF EXECUTIVE Paul Orders County Hall Atlantic Wharf Cardiff CF10 4UW Tel: 029 20872000</p>	<p>City of Cardiff Council Cyngor Dinas Caerdydd</p>  <p>CARDIFF CAERDYDD</p>		<p>Title</p> <p>Scale: 1:1000 Date: 25/8/2015 Coordinates: © Crown copyright and database rights (2014). This copy is produced specifically to supply County Council information NO further copies may be made. Ordnance Survey 100023376 (2014).</p>
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LOCAL MEMBER CONCERNS

COMMITTEE DATE: 14/10/2015

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, WHITCHURCH, CARDIFF, CF14 2TL

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

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

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 deposit 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.
- 1.3 The application was originally reported to the Planning Committee on 9th September 2015 and was deferred for a site visit, which took place on 7th October 2015.

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:* The development area has previously been developed for hospital buildings and the proposed development does not alter any historic features, mature planting or the site's historic layout and is therefore acceptable with regards to its impact on the registered Whitchurch Hospital.

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 Whitchurch Hospital or the Historic Park within which Velindre and Whitchurch Hospitals are located. Cadw have raised no objections. 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 it's 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 as 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 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.

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REVISIONS	DATE (DD/MM/YY)
A Same land ownership boundary amended, drawing scale amended.	27.05.15

SCALE

Wernick BUILDINGS
 TECHNICAL SERVICES DEPARTMENT
 Nidrum Works, Neach Abbey,
 Neach, SA10 7DS
 Tel: 01792 321222
 Fax: 01792 325251
 e-mail: technical@wernick.co.uk
 Web-site: www.wernick.co.uk

Lee, Walkemans

PROJECT TITLE	Office Development Velindre Hospital, Cardiff
DRAWING TITLE	Existing Site Plan
DATE	27.05.15
ORIGINAL SCALE	1:500@A2
CONTRACT NO.	8975-1-1001A

WB5526



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REVISIONS	DATE	BY
A. Same land ownership boundary amended, drawing scale amended.	27.05.15	cl
B. Ramp & Stairs added.	27.05.15	cl

DATE: 27.05.15
 DRAWN BY: cl
 CHECKED BY: cl
 PROJECT NO: S975-1-1003B
 CONTRACT NO: WBS26

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 Website: www.wernick.co.uk

Lee Wakemans

PROJECT TITLE: Office Development, Velindre Hospital, Cardiff
 DRAWING TITLE: Proposed Site Plan
 ORIGINAL SCALE: 1:500/0/1/2
 DATE: 27.05.15
 CONTRACT NO: S975-1-1003B
Wernick
GROUP
 WBS26



REVISIONS	DATE	INITIALS
A Windows removed to ground floor reception area.	24.3.15	CI
B Elevation revised to include shading, window arrangement and cornice.	26.3.15	CI
C Elevation revised to include cornice, window height and dimensions added at the request of James Owen of IBI Group.	27.3.15	CI
D Overall building height added at the request of James Owen of IBI Group.	27.3.15	CI
E Overall building height dimension corrected.	27.3.15	CI
F Ramp and steps added.	13.6.15	CI

NOTE

Wernick BUILDINGS
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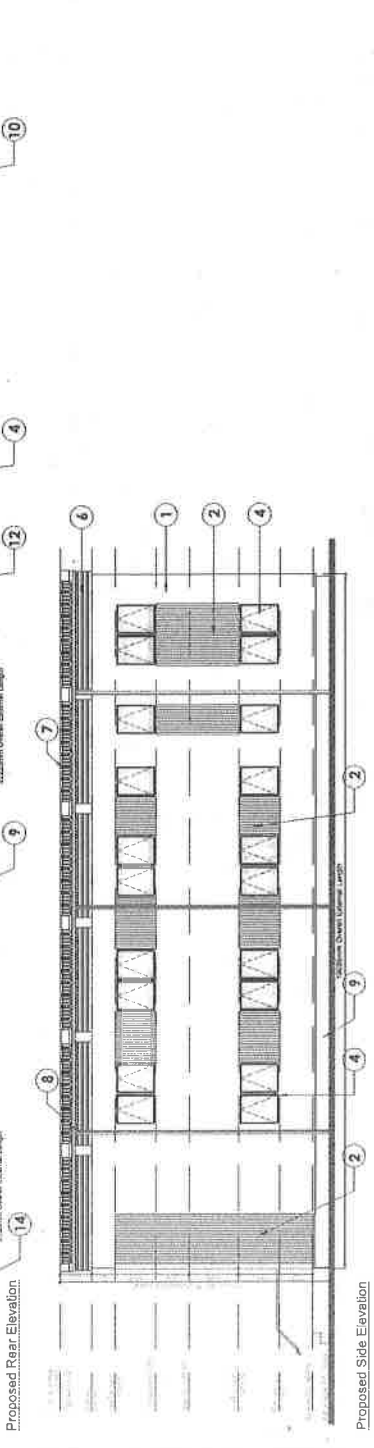
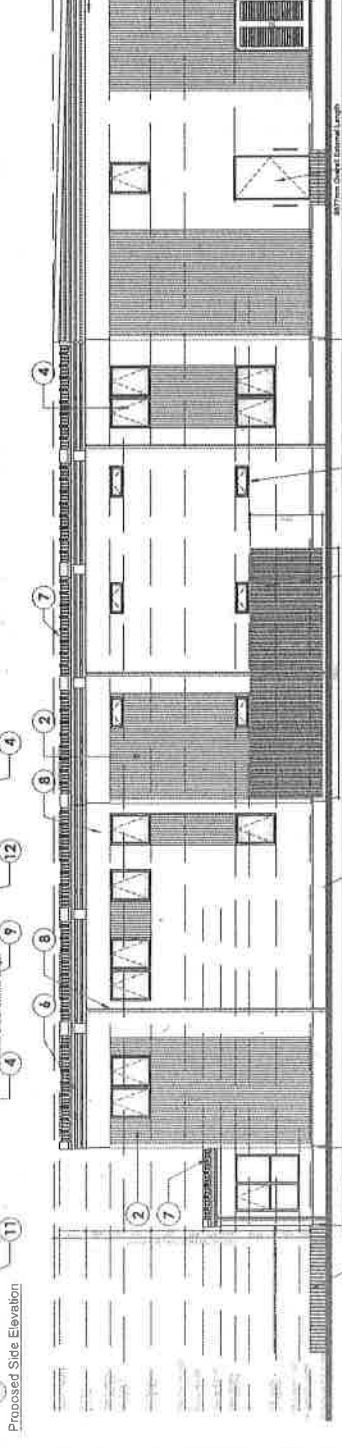
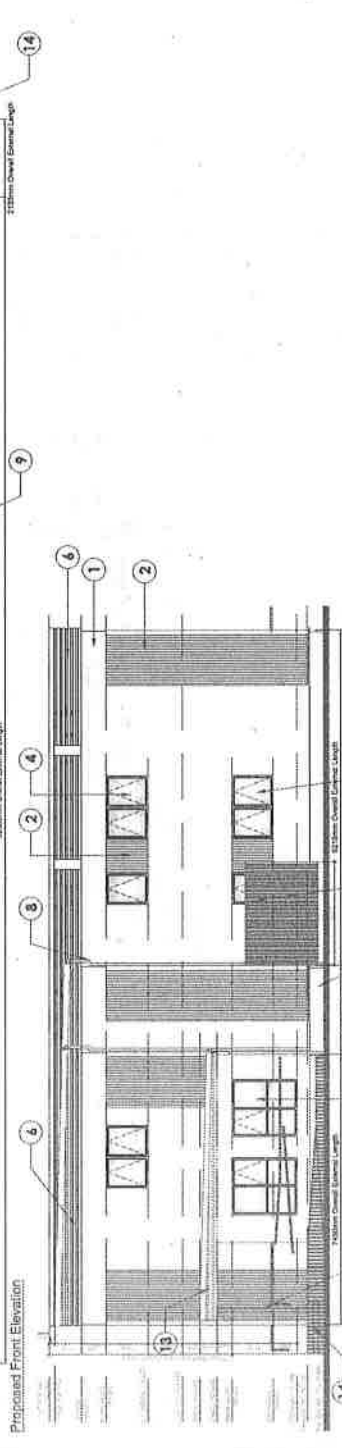
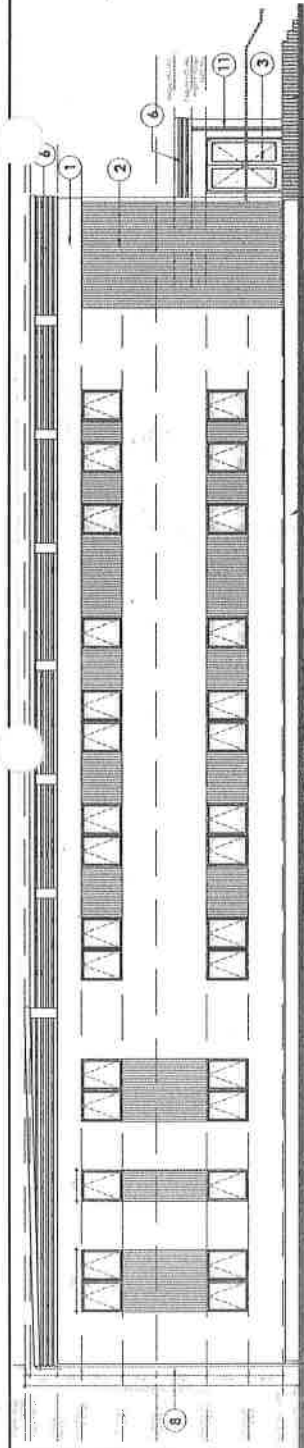
CLIENT: Lec Walekems

PROJECT TITLE: Office Development, Vainiro Hospital, Cardiff

PROPOSED ELEVATIONS
 DRAWN: [] CHECKED: [] USA
 DATE: []
 DRAWING SCALE: 1:5000 A3
 DATE: 20.03.15
 CONTRACT NO.: 8975-01-002F

Wernick GROUP WBS26

- External Finishes**
- 25mm EPS board to external face with weather head nails, with a plastic mesh weave fixed on top, 24mm base coat render is then applied with through colour 1.5mm top coat. Colour - TBC
 - Cedar cladding, vertically fixed.
 - Structural thermally broken aluminium door with 3 panes glass unit and powdercoat finish, colour - TBA
 - Taurus max odd leg window sash, thermally broken, powdercoat finish - colour - TBA
 - Aluminium bowrised panel door with powdercoat finish - colour - TBA
 - Profiled colourcoat metal fascia, colour - TBA
 - Composite roof sheet, colour / substrate.
 - Aluminium rainwater goods, colour TBA
 - GRP sheeting to close space between the building perimeter and the ground.
 - Edge fix wall door powder coated, colour - TBA
 - CHS support, colour TBA.
 - Canopy - formed by extending the roof eave and cladding to soffit.
 - Entrance ramp and steps indicated, please refer to drawing 1072-1-070 Ramp & Level Threshold Details



ALL DIMENSIONS ARE METRICKS COMPARTMENT MAP MAY VARY FROM
 THESE DIMENSIONS AND TO BE TAKEN IN PREFERENCE TO
 OTHER APPROPRIATE

REVISIONS	DATE	BY
A. Rein walls and windows on ground floor	24.03.15	DL
B. External cladding panels, window frames and cavity walls	24.03.15	DL
C. Alterations to external walls, window frames and cavity walls	27.05.15	DL
D. Alterations to external walls, window frames and cavity walls	16.06.15	DL

NOTES
 Please Note: Provision is indicated where shown, supplied by others.

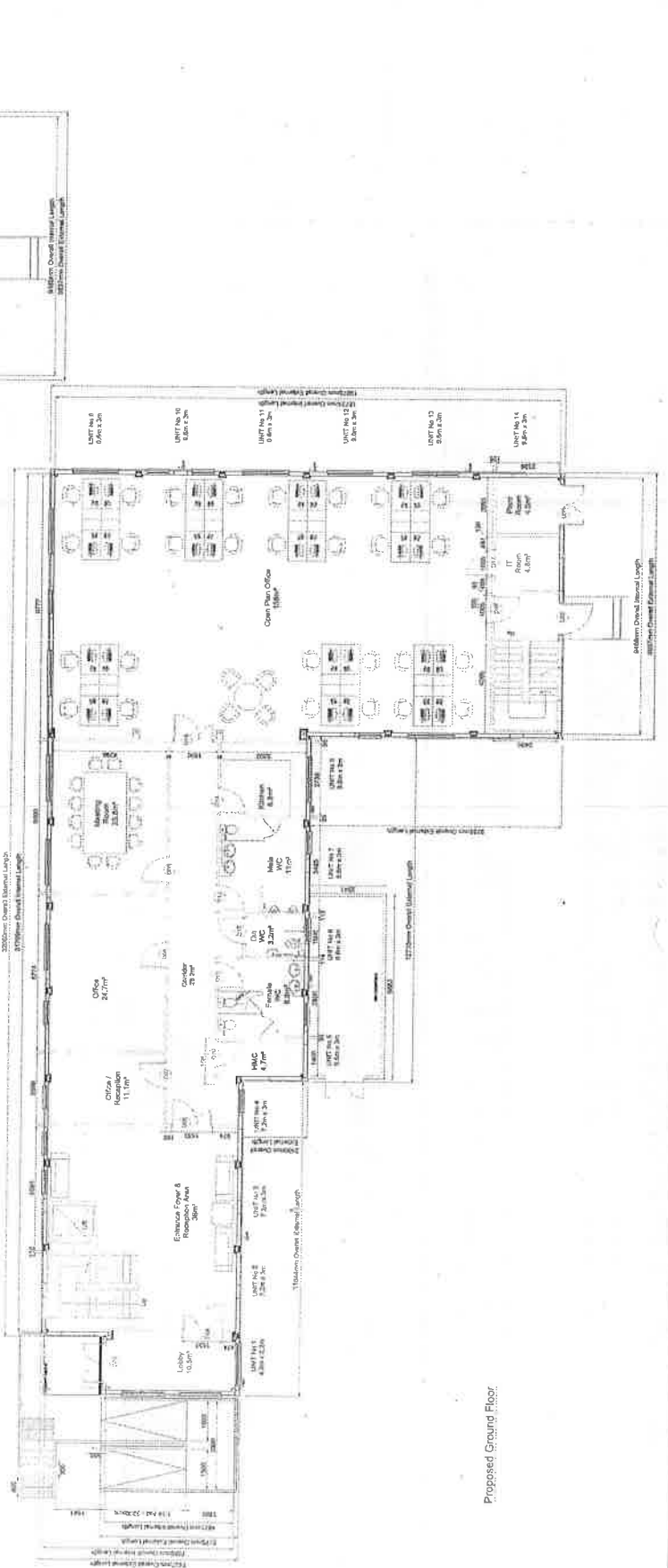
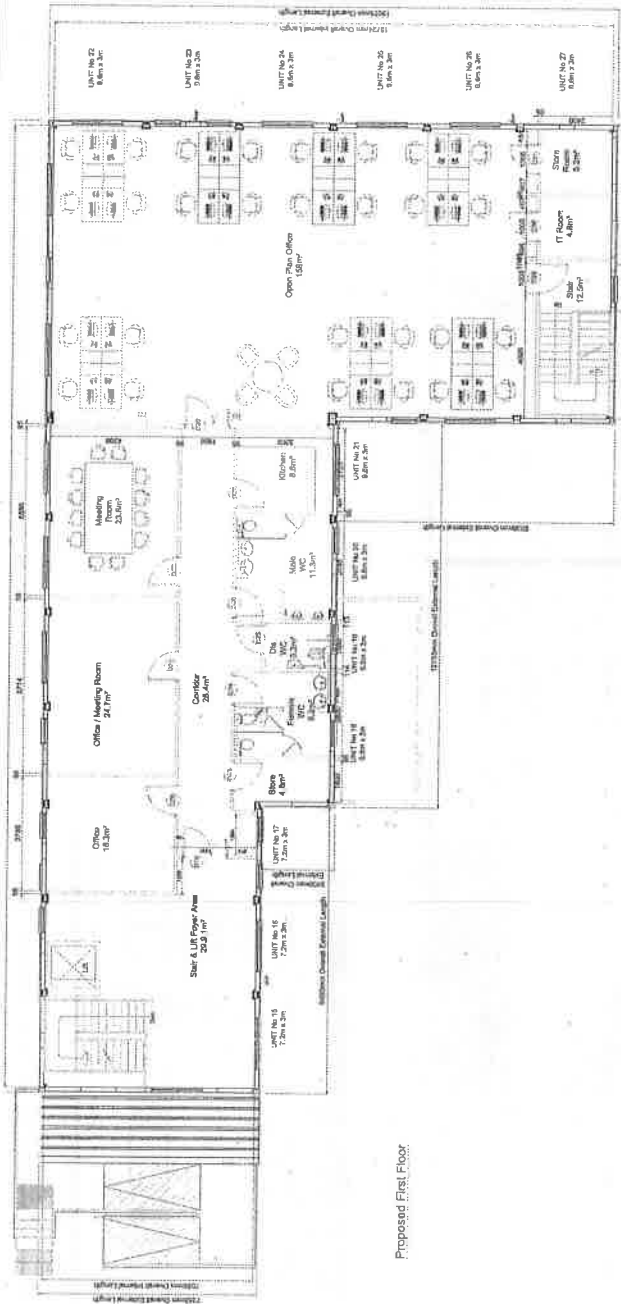
Wernick BUILDINGS
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 Neath, SA10 7DS
 Tel: 01792 321222
 Fax: 01792 325251
 e-mail: technical@wernick.co.uk
 Website: www.wernick.co.uk

PROJECT TITLE
 Office Development
 Velindre Hospital
 Cardiff

PROPOSED CLIENT
 Lee Valemans

PROPOSED CONTRACT ARRANGEMENT DRAWING
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 DATE: 20.02.15
 CONTRACT NO: 8975-1-001D
 DRAWING NO: [Number]

Wernick GROUP WBS234



LOCAL MEMBER OBJECTIONS & PETITIONS

COMMITTEE DATE: 14/10/2015

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 premises shall be used only for a café (with ancillary softplay area) and for no other purpose (including any other purpose in Class A3 Use Class of the schedule to 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).
Reason: The use of the premises for other purposes within Class A3 would be likely to detract from the amenities of nearby occupiers for the particular use applied for is only granted because of the special considerations peculiar to it.
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)** confirms no objections subject to conditions:

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

5.2 **The Operational Manager, Transportation** confirms 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 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. I am asking for you to explore these points.'

However, having met the applicant 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

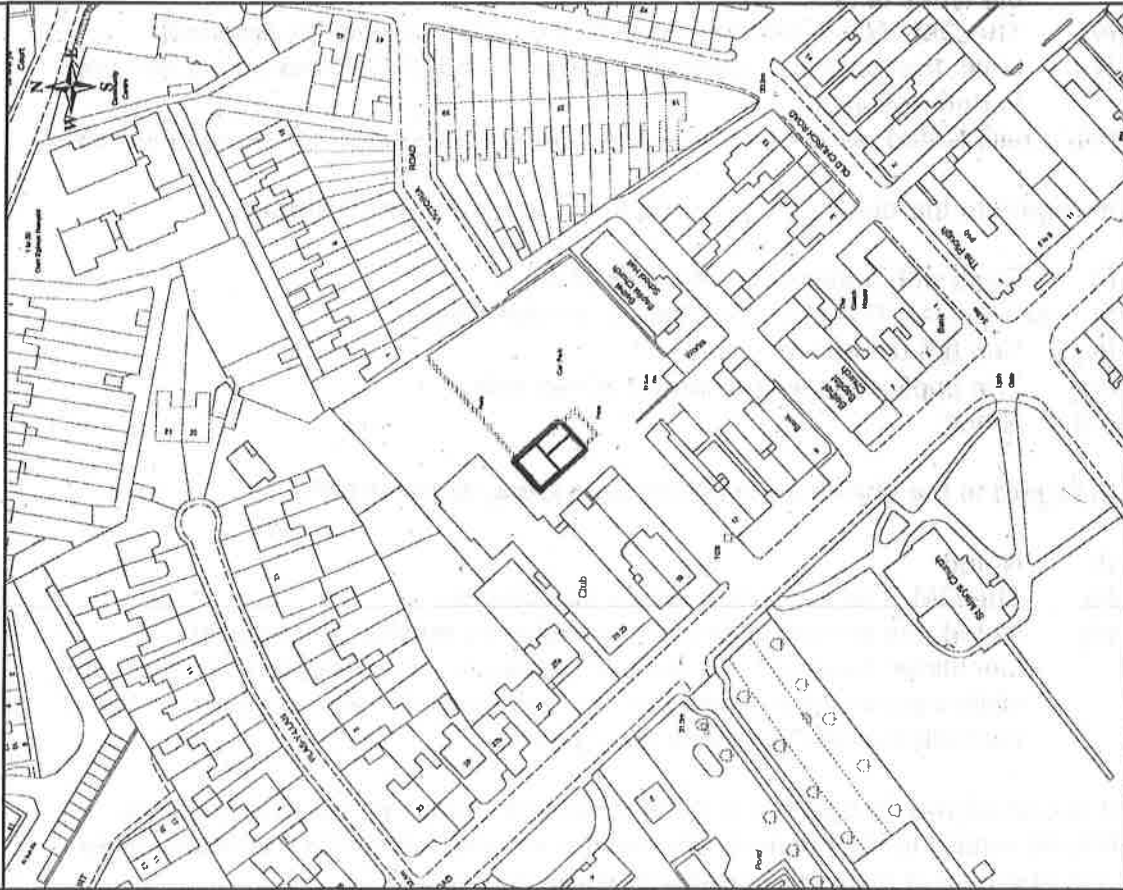
8. ANALYSIS

- 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 site is located just inside the residential area of Whitchurch, as defined by the Local Plan being just outside of the defined district centre and 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
- 8.3 The Operational Manager, Environment and Public Protection (Pollution Control) has no objections to the proposal subject to appropriate conditions
- 8.4 The Operational Manager, Transportation advises that he has no objections to the proposal
- 8.5 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 therefore could be used for another use within Class A2 (Town and Country Planning (Use Class) Order 1987) (including bank, building society, estate agent, financial and professional services). The previous use could have had similar 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.

- 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 It is considered on balance that the proposed change of use is acceptable having regard to the previous approved uses and comments from consultees and approval of planning permission is recommended

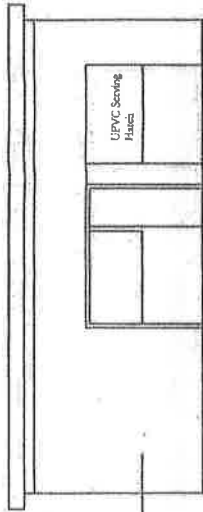
Former Betting Office, Rear of Penline Road



Rev No.	Details		
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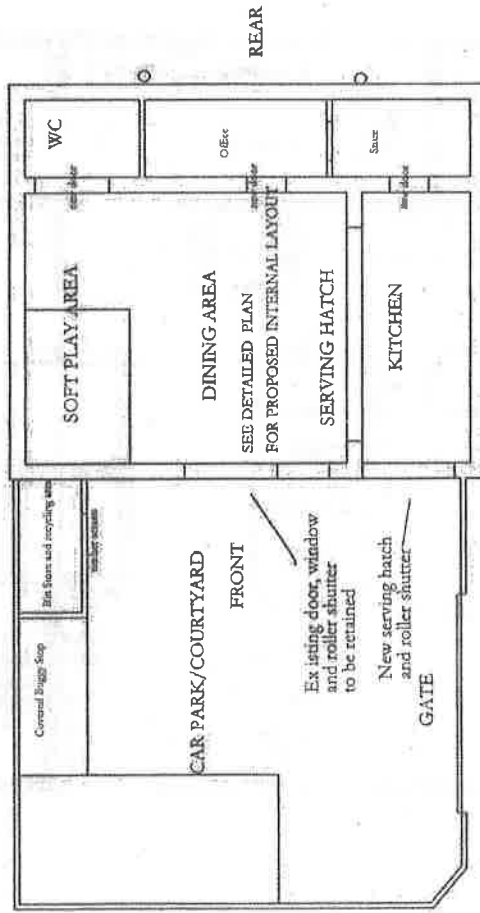
15/01416

EXISTING RED FACING BRICK
CONCRETE FLAT ROOF

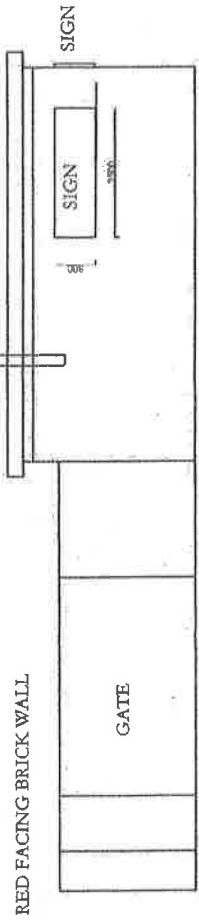


FRONT ELEVATION AS PROPOSED

DRAWINGS MAY BE SCALED FOR PLANNING
PURPOSES ONLY



PLAN AS PROPOSED

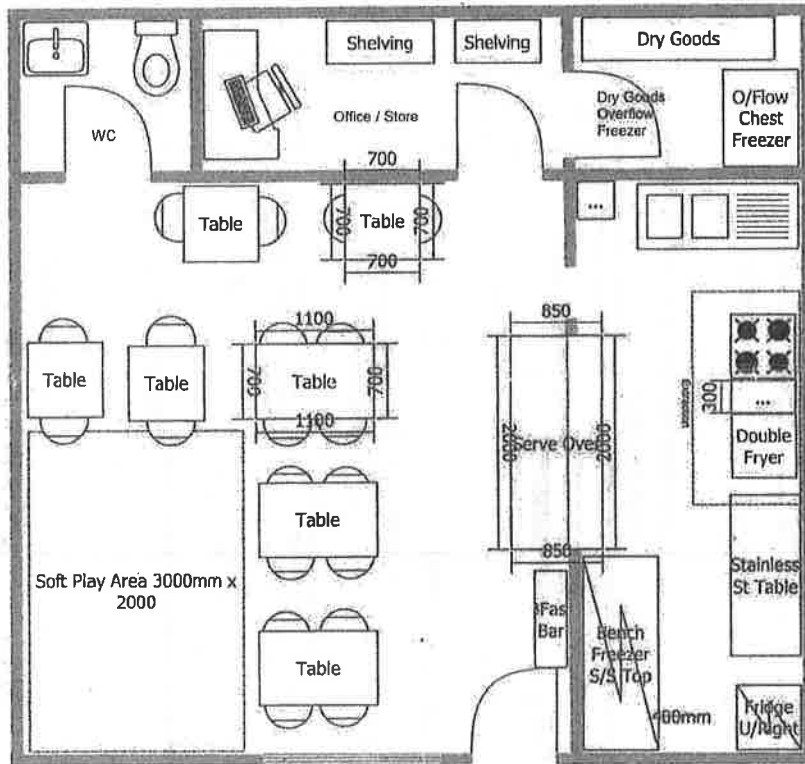


SIDE ELEVATION AS PROPOSED

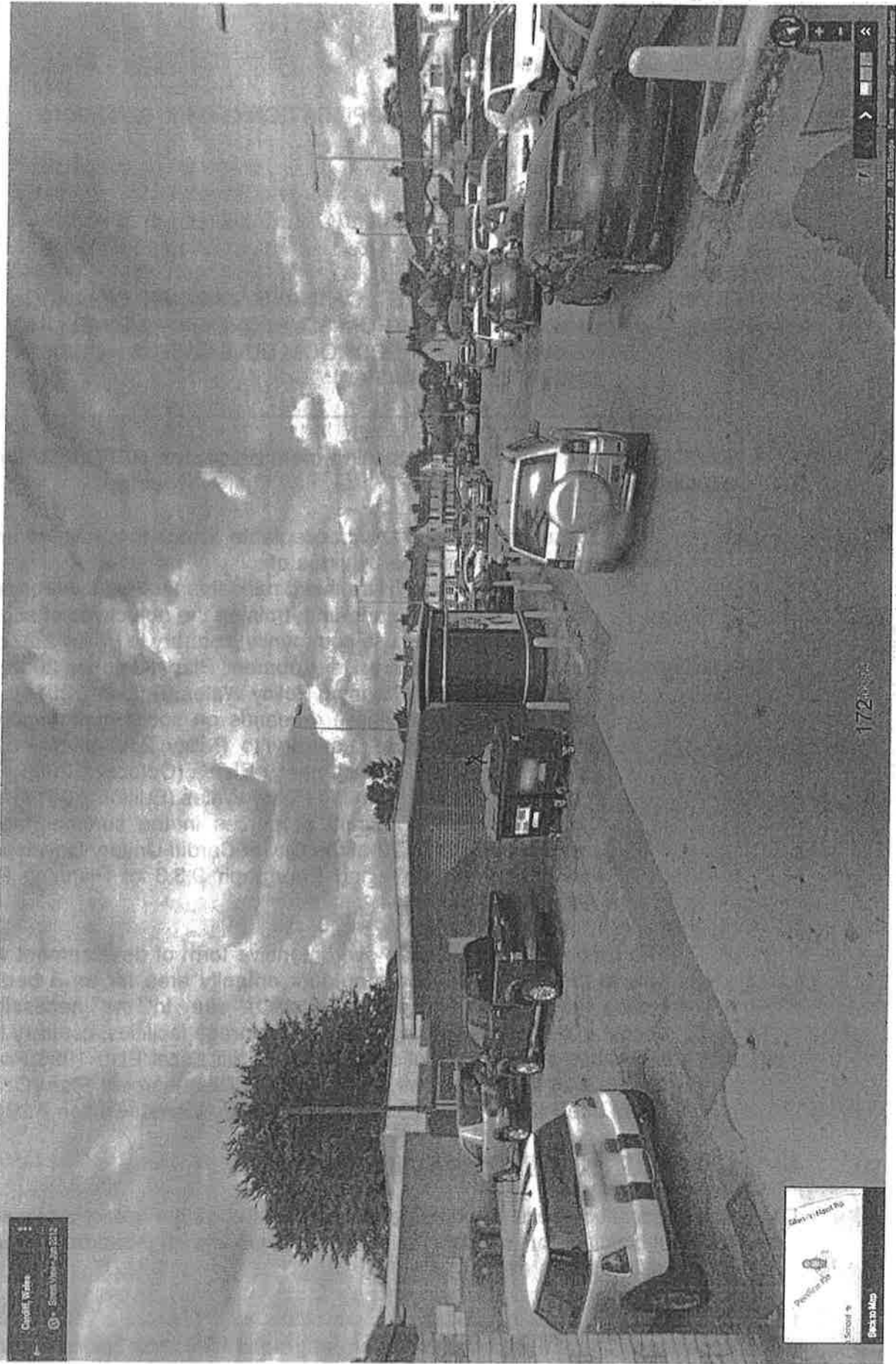
CLIENT	SARAH JOHNSON		
REVISION	DATE		
PROJECT			
CARRAD KITCHEN REAR OF 19 PENNINE ROAD WHITCHURCH			
DRAWING TITLE			
PLANS AS PROPOSED			
SCALE	DATE	DRAWN / APPROVED	PLOTTED
1:10 @ A3	MAY 11		
DRAWING No			REVISION
			SK/02

15/01416

Sarah / Whitchurch Village



1500 mm



Google Maps
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COMMITTEE DATE: 14/10/2015

APPLICATION No. 15/01699/MNR APPLICATION DATE: 02/07/2015

ED: **CATHAYS**

APP: TYPE: Full Planning Permission

APPLICANT: CPS Homes

LOCATION: 31 COBURN STREET, CATHAYS, CARDIFF, CF24 4BQ

PROPOSAL: CHANGE OF USE FROM SIX BEDROOM C3 DWELLING HOUSE TO EIGHT BEDROOM SUI GENERIS HOUSE IN MULTIPLE OCCUPATION

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

1. The proposal will result in an unacceptable cumulative adverse impact on the amenities of the area by virtue of :
 - i. a higher proportion of transient residents leading towards a less community cohesion and undermining the objectives of securing a sustainable mixed use community, contrary to Policy 2.22 of the City of Cardiff Unitary Development Plan (October 2003) and Paragraph 9.3.3 of Planning Policy Wales (Edition 7 2014);
 - ii. an increase of cumulative demands on social, community and physical infrastructure, contrary to Policy 2.22 of the City of Cardiff Unitary Development Plan (October 2003) and Paragraph 9.3.3 of Planning Policy Wales (Edition 7 2014); and
 - iii. the proliferation of vacant properties in the summer months, contrary to Policy 2.22 of the City of Cardiff Unitary Development Plan (October 2003) and Paragraph 9.3.3 of Planning Policy Wales (Edition 7 2014).
2. The proposal represents an over-intensive form of development which fails to provide an adequate outdoor amenity area for an 8 bedroom House in Multiple Occupation (HMO) due to the necessity to accommodate cycle parking and refuse storage facilities, contrary to the provisions of Policy 28 of the City of Cardiff Local Plan 1996 Policies 2.22 & 2.24 of the Deposit Cardiff Unitary Development Plan (October 2003) and Paragraph 9.3.3 of Planning Policy Wales (Edition 7 2014).

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 The application seeks planning permission to change the use of a two storey terraced building from a single residential dwelling into an 8 bedroom House in Multiple Occupation (HMO).
- 1.2 Internally the property would accommodate two bedrooms, bathroom, a separate WC and a kitchen/living room at ground floor; four bedrooms at first

floor; and two bedrooms and a bathroom within the second floor roof space.

1.3 Externally a small amenity space is provided to the rear of the property.

2. DESCRIPTION OF SITE

2.1 The site comprises a two storey building located within a terrace of two storey traditional dwellings.

3. SITE HISTORY

3.1 In April 2015 a Certificate of Lawful Development was refused for a single storey rear extension and a rear dormer roof extension. The application was refused on the basis that the ground floor rear extension required the benefit of planning permission. Planning application reference number 15/00213/DCH refers.

3.2 In April 2014 a full planning application was submitted for a single storey rear extension and dormer roof extension (the same proposal that failed to receive a Certificate of Lawful Development (proposed)). The application was approved in June 2015. It should also be noted that whilst the dormer roof extension was applied for this could have been constructed under the Permitted Development legislation and did not need to be included on the planning application for the rear extension. Planning Application Reference Number 15/00883/DCH refers.

4. POLICY FRAMEWORK

4.1 The site lies within a residential area as defined by the proposals map of the City of Cardiff Local Plan and the Deposit Unitary Development Plan (October 2003).

4.2 Relevant National Planning Guidance:

Planning Policy Wales (Edition 7, 2014)
Planning Policy Wales TAN 12: Design
Planning Policy Wales TAN 21: Waste

4.3 Relevant City of Cardiff Local Plan Policies:

Policy 11: Design & Aesthetic Quality
Policy 17: Parking & Servicing Facilities
Policy 18: Provision for Cyclists

4.4 Relevant Deposit Unitary Development Plan (October 2003) Policies:

Policy 2.20: Good Design
Policy 2.24: Residential Amenity
Policy 2.57: Access, Circulation & Parking Requirements
Policy 2.74: Waste Management

4.5 Relevant Supplementary Planning Guidance:

Waste Collection and Storage Facilities (March 2007)
Access, Circulation & Parking Requirements (June 2006)
Residential Extensions & Alterations June (2015)

5. INTERNAL CONSULTEE RESPONSES

5.1 Private Sector Housing were consulted on this application and have advised that the property is suitable for 8 persons in Licensing terms.

5.2 Waste Management have advised that a location for the storage of waste and recycling must be included within the site. As this application results in an increase in the number of habitable rooms the use will therefore result in an increase in the production of waste. Suitable bins should be provided to accommodate this and no waste should be stored on the adopted highway.

6. EXTERNAL CONSULTEE RESPONSES

6.1 None.

7. REPRESENTATIONS

7.1 None.

8. ANALYSIS

8.1 This application seeks planning permission for the conversion of a residential dwelling into a HMO for 8 people. In planning terms the Town and Country Planning (Use Classes) Order 1987 defines a dwelling house as a residence that is used (whether or not as a sole or main residence):

- i) By a single person or by people living together as a family; or
- ii) By not more than six residents living together as a single household (including a household where care is provided for residents).

In this particular instance up to 6 people can reside together as a single household at the property without there being a change of use. This application should therefore be considered on the basis of how the two additional bedrooms/occupiers will impact upon the area.

8.2 When considering whether the use of the property as an 8 bedroom HMO is acceptable in planning terms reference can be made to Policy H7: Enhancement and Conversion; of the South Glamorgan Replacement Structure Plan which states that the maintenance, rehabilitation and improvement of the existing housing stock and the conversion of suitable existing dwellings and change of use of suitable structures to provide additional dwellings, particularly in the city centre and inner urban areas, will be favoured; and Policy 28 : Subdivision of Residential Property of the City of Cardiff Local

Plan which states that applications for the subdivision of residential property and for the conversion of houses in multiple occupation to self-contained flats will be favourably considered subject to appropriate provision for car parking, amenity space and refuse disposal together with appropriate external alterations.

Reference should also be made to previous planning decisions for such changes of use. In this respect it should be noted that planning permissions have recently been granted (on appeal) for use of similar sized properties, all within close proximity, as 8 bedroom HMO's. I would refer to 52 Colum Road, 103 Harriet St, 75 Minny St & 72 Flora St – planning application reference numbers 14/2375MNR, 11/02185/DCI, 13/01746/DCI & 14/02423/MNR refers.

In regards to 52 Colum Road the Inspector who considered this appeal concluded that *"The scheme would contribute to the stock of low cost accommodation which would be particularly suitable for students using the nearby teaching blocks and other facilities of the university. The proposal would make more efficient use of a large town house in a location which is within easy access to the City's facilities and services. In this respect it would perform well in terms of promoting sustainable residential environments that is encouraged by Welsh Government."*

In regards to 103 Harriet Street - The planning inspector who considered this appeal concluded that *'Whilst there would possibly be a small increase in the numbers of comings and goings by the occupiers of the HMO I do not consider that this is likely to affect the amenity or character of the area. It is also clear from the evidence of the appellant that there are a significant number of houses near No. 103 which are already used as HMO accommodation.'*

In regards to 75 Minny Street - The inspector who considered this appeal concluded that *'there is no detailed evidence before me to demonstrate that the resulting property would be occupied by students or that its change of use would materially alter existing social structures and patterns. Indeed, the property could be shared by up to six people without the need for a formal change of use. Notwithstanding this, the proposed use clearly serves to meet a particular housing need and the prevention of such changes of use is not supported by policy. Moreover, the area of Cathays offers a broad mix of uses and, for this reason, I do not consider that the appeal proposal would run counter to the objectives of securing a sustainable mixed use community.'*

In regards to 72 Flora Street - The inspector who considered this appeal concluded that *'no evidence has been presented to demonstrate that future occupants of the appeal dwelling would have an adverse effect on the social or economic profile of Cathays or have a detrimental effect on the visual qualities of the area. Moreover, I consider that the development of the site in the manner proposed would make the best use of the existing housing stock and that the use of the dwelling would assist in maintaining the predominantly residential character and appearance of the area.'*

Overall the application can be considered to bring low-cost housing in an

accessible location meetings existing demand.

- 8.3 However, the positive benefits of the application need to be carefully balanced with the potential negative consequences such a proposal may bring. In this respect Policy 2.22 Subdivision of Residential Properties of the City of Cardiff Unitary Development Plan states that "Subdivision of residential properties...will be permitted where ...the cumulative impact of such conversions will not adversely affect the amenity of the area." In addition to this Policy 2.24 Residential Amenity of the City of Cardiff Unitary Development Plan advises that "Development will not be permitted that would cause unacceptable harm to residential amenity." Policy 2.24 is intended to ensure that potential impact on residential amenity is among factors considered in assessing development proposals. It goes on to state that "Unacceptable harm may be caused as a result of...intensification of use or activity."

Paragraph 9.3.3 of Planning Policy Wales (Edition 7 2014) also states that "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."

- 8.4 Having regard to the "cumulative impact" of such conversions, in respect of this application, an analysis has been made on the extent of houses in multiple occupation (including those defined as such under Sections 254 to 259 of the Housing Act 2004 and those covered under the Additional Licensing Scheme which operates within the Cathays and Plasnewydd Wards of Cardiff). The analysis used the approach adopted by many Local Authorities which have a Supplementary Planning Guidance on HMO's in place where the percentage of homes within a 50m radius are checked. In this instance having undertaken such checks within 50m of the application site it has been found that 78% of properties within the immediate area are classed as HMO's. This figure is well above percentage thresholds used in HMO Supplementary Planning Guidance's adopted by other local authorities to trigger the active consideration of negative cumulative impact consequences. See Appendix 1 for a plan which illustrates the extent of such properties.

However, it should be noted that Cardiff does not yet possess such Supplementary Planning Guidance on HMO's and reference to such guidance in other local authorities cannot be used to form the policy basis for any decisions in Cardiff and as such documents are referenced to provide context as to how cumulative impacts are assessed elsewhere. Work is currently being undertaken on preparing such documentation which it is intended be aligned to new Policy H5 in the Local Development Plan. It is expected that this will be progressed further after the adoption of the Local Development Plan.

- 8.5 Whilst the above decisions are noted each case should be considered on its individual merits. The current application therefore needs to be considered on this basis. In this case a 78% figure of homes in use as HMO's within the immediate vicinity of the application site is considered a particularly high percentage, especially within the context of the characteristics of the wider

locality which has high levels of HMO's and raises the following issues with regard to the cumulative impact on the amenity of the area:

- As a result of the property being used as a HMO there is likely to be a higher proportion of transient residents occupying the property which in turn will lead to less community cohesion;
- The use of the property as a HMO will likely lead to an increase in cumulative demands on the social community and physical infrastructure of the area;
- As most HMO's are occupied by students there is likely to be a proliferation of vacant properties during non-term times to the detriment of the character of the area.

8.6 With respect to the proposed layout of the property this is governed under the amenity requirements of the Council's Private Sector Housing Service and whilst the layout may not be considered ideal, in light of Private Sectors Housing's advice that the property is suitable for use as an 8 bedroom HMO it is considered that a refusal of planning permission could not be justified in terms of the internal amenity standard provided for occupiers of the HMO.

8.7 Whilst it is noted that Waste Management have not objected to this application it should be noted that the applicant would have to provide one 240 litre bin and one 140 litre bin for general waste and one 25 litre bin for food waste. As there is no front garden to the property these bins would have to be stored within the curtilage of the property for use by future occupiers i.e. in the rear garden.

Enquiries have also been made with the Waste Enforcement Section of the Council regarding any problems associated with properties within Coburn Street. These enquiries have revealed that in the last 24 months 12 Domestic Duty of Care Notices were issued on a proactive basis relating to waste being put out on the wrong day or the wrong bins being used. No complaints of rubbish had been received.

8.8 The Access, Circulation and Parking Standards SPG identifies a car parking requirement of zero to one space per HMO unit and a cycle parking requirement of 0.25% per bedroom. No car parking spaces are available at this property, however, as long as two secured cycle parking spaces are provided then the application will be in compliance with this policy. In this respect as there is no front garden to the property then these cycle parking spaces will have to be stored within the rear garden.

8.9 In respect of amenity space the Council's SPG on Residential Extensions and Alterations seeks to retain sufficient space to accommodate bin and cycle storage, a washing line and a useable form of amenity space. When the application for the rear extension was considered it was noted that the accessible amenity space fell below the Council's minimum standard of 25 square metres for a residential dwelling. However, as the application did not involve a change of use and subsequent intensification of the property it was felt that a refusal of planning permission could not be justified.

However, whilst it is noted that this application seeks a change of use of a residential property into an HMO and therefore the SPG on Residential Extensions and Alterations is not relevant, it is felt that as the rear amenity space would now have to incorporate two secured cycle parking spaces and a bin storage area the resultant limited amenity space would be considered to be unacceptable contrary to Policy 28 of the City of Cardiff Local Plan and Policies 2.22 and 2.24 of the deposit Cardiff Unitary Development Plan and paragraph n9.3.3 of Planning Policy Wales (7th Edition 2014).

The suitability of amenity space has also been the subject of appeal decisions against planning refusals. I would refer to 66 Connaught Road and 45 Merthyr Street - planning application reference numbers 06/00693/C and 12/00872/DCI refers.

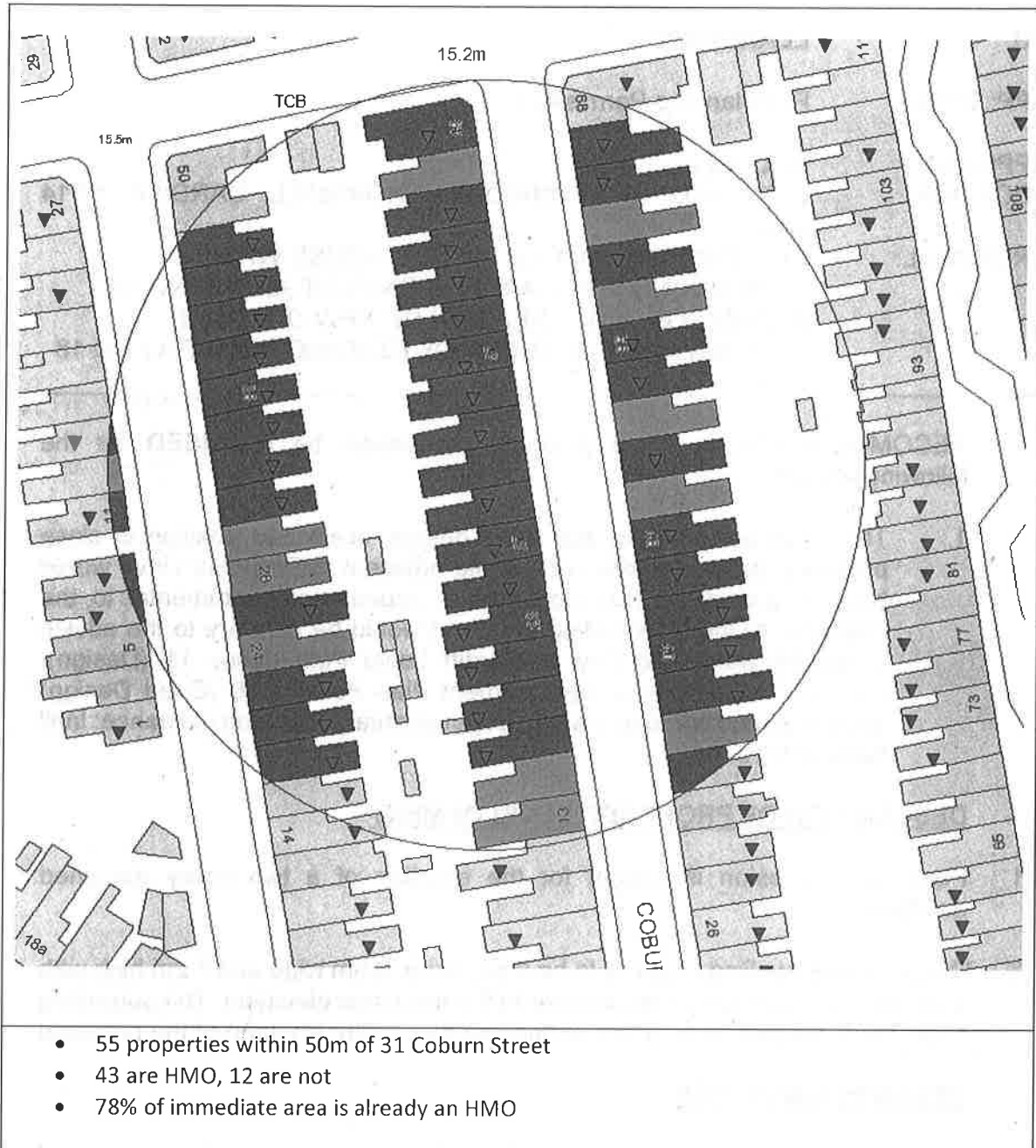
In regards to 66 Connaught Road planning permission was refused for the change of use of the property into five one bedroom flats over three storeys with a two storey extension. The refusal to grant planning permission was appealed against and subsequently dismissed. The Inspector who considered the appeal concluded that *"Much of the existing outside space would be built on or used for parking so there would be little provision for basic amenities such as sitting out, clothes drying and refuse and recycling storage facilities. Not only would this result in cramped living conditions for future occupants, it would exacerbate the existing problems of refuse storage and the consequent adverse effects on the visual amenities of the area."*

In regards to 45 Merthyr Street planning permission was sought to retain the use of the property as an 8 bedroomed HMO. The refusal to grant planning permission was appealed against and subsequently dismissed. The Inspector who considered the appeal concluded that *"The outdoor rear space is very small, some 15 square metres, well below the minimum standard of 25 square metres prescribed for single dwellings in dense urban areas...Such a minimum standard aims to ensure adequate space for basic amenity purposes including sitting out, the drying of washing and the storage of refuse and bicycles. I do not consider the very small area available in this case adequately meets this aim for 8 people, despite the applicant's submission that students do not need such space. Like any other tenants, students are entitled to expect accommodation with a reasonable standard of amenity. The appeal property would fail to provide that for 8 people."*

9. **RECOMMENDATION**

- 9.1 Having taken all of the relevant factors into consideration it is concluded that the negative impacts of the proposal, together with the limited assessable amenity space available, outweigh the matters raised which support the application and it is therefore recommended that planning permission be refused.

Plan showing properties within a 50m radius of 31 Coburn Street, Cathays



Key

	Application site
	Licensed HMO according to Licensing
	Residential dwelling

PETITIONS & LOCAL MEMBER CONCERNS

COMMITTEE DATE: 14/10/2015

APPLICATION No. 15/01796/MNR APPLICATION DATE: 15/07/2015

ED: LLANISHEN

APP: TYPE: Full Planning Permission

APPLICANT: Mr Davies

LOCATION: LAND ADJ 18 AVONRIDGE, THORNHILL, CARDIFF, CF14 9AU

PROPOSAL: CONSTRUCTION OF DETACHED HOUSE WITH CARPARKING AND GARDENS ON PLOT ADJOINING 18 AVONRIDGE, AND CREATION OF NEW OFF ROAD PARKING AREA TO FRONT OF EXISTING HOUSE AT NO 18

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

1. The proposed dwelling due to its design, scale and position in close proximity to the boundary of the site adjacent to Excalibur Drive would have a, prejudicial and incongruous appearance, detrimental to the character of the surrounding area and would be contrary to the advice contained within the City of Cardiff Local Plan Policy 11 (Design), Deposit Cardiff Unitary Development Plan Policy 2.20 (Good Design) and the advice contained within Supplementary Planning Guidance: Infill Sites (2011).

1. DESCRIPTION OF PROPOSED DEVELOPMENT

- 1.1 Planning permission is sought for the erection of a two-storey detached dwelling
- 1.2 The proposed dwelling house is to be 9.6m deep, 9.5m wide and 7.2m high with a pitched roof and two-storey annexe to the front/side elevation. The submitted plans show the provision of two-parking spaces to the frontage of the proposal

2. DESCRIPTION OF SITE

- 2.1 The application site is the garden area to no.18 Avonridge. The proposed dwelling house is sited north of no.18 and is accessed off a short private access drive.
- 2.2 To the west of the site is a single-storey dwelling and to the east (behind) is a two-storey dwelling. To the north of the site is the main highway through the Thornhill estate (Excalibur Drive). The site is currently enclosed by a 3-4m high Hedgerow and 1.8m high boundary fence.

3. SITE HISTORY

3.1 N/A

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: Infill Sites (April 2011)

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, Transportation is concerned about the proposed off street parking layout but recognises that it would be possible to achieve an acceptable parking arrangement that could serve both the existing and proposed properties.

5.2 The Operational Manager, Environment and Public Protection - confirms no objections

6. EXTERNAL CONSULTEE RESPONSES

6.1 Welsh Water/Dwr Cymru – No objections

7. REPRESENTATIONS

7.1 The proposal was advertised by site notice and press notice; the consultation period expired on 2nd September 2015.

7.2 Neighbouring occupiers have been consulted. Letters and emails have been received from the occupiers of 11, 15, 16, 17, 19, 20 and 21 Avonridge, their objections are summarised below;

- i) Loss of privacy/overlooking
- ii) Loss of parking/parking problems
- iii) Loss of mature trees/increased highway noise from loss of tree screen
- iv) Noise & disturbance from construction works
- v) Overdevelopment of site
- vi) Loss of view
- vii) Sewer system is at capacity

7.3 A petition has been received from neighbouring occupiers with more than 50 signatures

7.4 Local Members have been consulted and a request has been received that the matter is considered by the Planning Committee

7.5 Craig Williams MP, objects to the proposal for the following summarised reasons:

- i) Unclear if there is sufficient amenity space for both existing and proposed dwellings
- ii) Overlooking/loss of privacy to the adjoining neighbours

8. ANALYSIS

8.1 The main planning issues relate to:

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

8.2 It is considered that the design and appearance of the proposed property would have a prejudicial and incongruous impact upon the character and appearance of the area.

Avonridge is a cul-de-sac primarily containing single storey semi-detached and detached dwellings and semi-detached two-storey buildings with a particular design and appearance. The proposed dwelling is a detached two-storey dwelling with the addition of a two-storey front/side annexe to the north-western elevation and this bulk and massing is considered to make the proposal unacceptable in design terms as it would be an alien and incongruous addition

within the street-scene

8.3 Concern is also so raised in regard to the siting of the proposed property in close proximity to the main highway through the estate (Excalibur Drive). The submitted plans show the two-storey annexe being sited approximately 1-2 metres from the northern boundary of the site adjoining Excalibur Drive and that the massing and bulk of the annexe would be visible from public viewpoints.

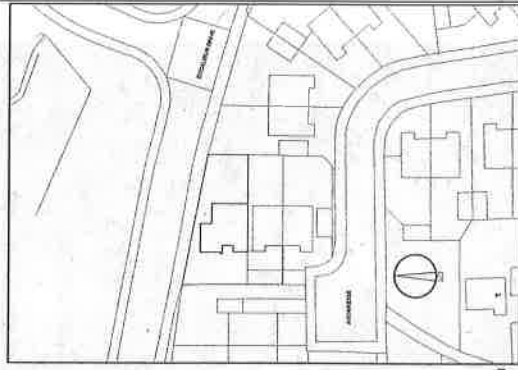
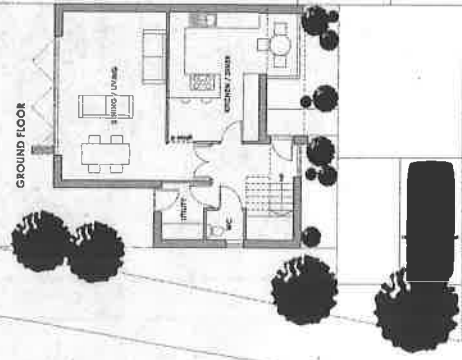
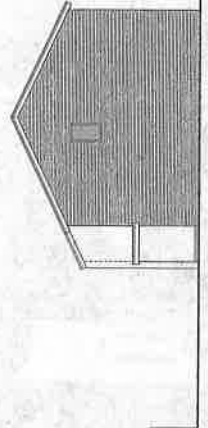
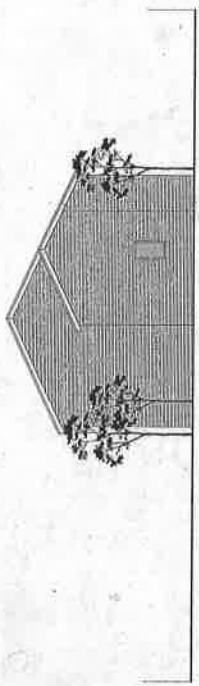
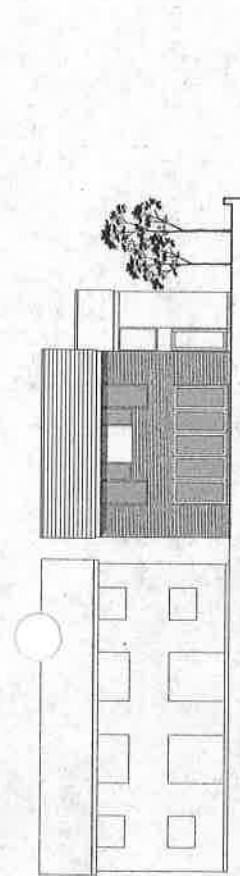
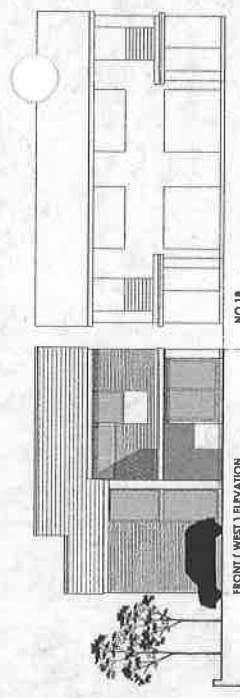
8.4 In regard to the objections received from neighbouring occupiers:

- i) It is considered that the amended plans overcome any issues in regards to overlooking/loss of privacy. The submitted plans show the rear windows are sited approximately 10.2metres from the boundary with no. 20 Avonridge (which is the same as the existing dwellings at nos. 18 and 19 Avonridge). The front facing first floor window is to a bathroom window and this is a non-habitable room and could be conditioned so that it would be obscurely glazed and non-opening. No other windows are to be inserted into this elevation
- ii) The submitted plans show sufficient parking provision for the proposed and existing developments
- iii) The trees are not protected and the consent of the Council would not be required for their removal.
- iv) Dealt with under separate legislation
- v) Noted
- vi) Not a material planning consideration
- vii) Welsh Water/Dwr Cymru has raised no objections to the proposal

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

- (i) It is considered that both properties (existing and proposed) would have sufficient amenity space available for occupiers
- (ii) See para 8.4 (i)

8.6 In light of the above and planning policy, it is considered that the proposal is unacceptable and refusal of planning permission is recommended for the reasons stated above.



PROJECT PROPOSED NEW DWELLING FLOOR ADDING 18 AVONTERIDGE		DRAWN: N/A DATE: 04/13 CHECK: J. DUNN	
TITLE PROPOSED - SITE PLAN - FLOOR PLANS - ELEVATIONS		DRAWN: N/A DATE: 04/13 CHECK: J. DUNN	
NIGEL ARNOLD ARCHITECTS 100/101 MORNINGTON AVENUE MORNINGTON VIC 3190 PH: 03 9771 4044		SCALE: 1:500	
		39714/04	



