

PLANNING APPLICATION SUBMITTED BY CURRENT ELECTED MEMBER OF COUNCIL

COMMITTEE DATE: 19/08/2020

APPLICATION No. **20/01165/MNR** APPLICATION DATE: 14/07/2020

ED: **FAIRWATER**

APP: TYPE: Full Planning Permission
APPLICANT: MR SEAN DRISCOLL
LOCATION: 4 CHESTNUT ROAD, FAIRWATER, CARDIFF, CF5 3HR
PROPOSAL: PROPOSED ALTERATIONS AND SIDE/REAR EXTENSION TO EXISTING SHOP, NEW SHOPFRONT AND REPOSITIONING OF EXISTING EXTERNAL STAIRCASE

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

1. The development permitted shall be commenced before the expiration of five years from the date of this planning permission.
Reason: In accordance with the provisions of Sec. 91(1)(b) of the Town and Country Planning Act 1990.
2. The development shall be carried out in accordance with the following approved plans and details unless otherwise expressly required by the ensuing Conditions:
 - AL(01)01 – Proposed Plans and ElevationsReason: To ensure satisfactory completion of the development and for the avoidance of doubt in line with the aims of Planning Policy Wales to promote an efficient planning system
3. Prior to beneficial use of the extension, hereby approved, 2 undercover and secure staff cycle parking spaces and 1 visitor cycle parking space shall be provided in accordance with details which shall be approved by the Local Planning Authority.
Reason: In the interests of promoting sustainable modes of transport in accordance with Policies KP8, T1 and T5 of the Cardiff Local Development Plan 2006-2026.
4. Prior to beneficial use of the extension, hereby approved, facilities for the storage of waste and recycling shall be provided in accordance with details which shall be approved by the Local Planning Authority.
Reason: In the interests of an orderly form of development and to ensure adequate provision in accordance with Policy W2 of the Cardiff Local Development Plan 2006-2026.

5. The development, hereby approved, shall not be occupied until such time as a drainage scheme, incorporating where viable sustainable drainage techniques, has been implemented in accordance with details that have been approved by the Local Authority.

Reason: In the interests of water cycle management and averting flood risk in accordance with Policies EN10 and EN14 of the Cardiff Local Development Plan 2006-2026.

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.

RECOMMENDATION 3: On the 7th January 2019 Schedule 3 of the Flood and Water Management Act 2010 was enacted. This effects all new developments where the construction area is of 100m² or more. Cardiff Council is aware that your application for planning permission was validated after the recent legislative change in which Schedule 3 of the Flood and Water Management Act was enacted and therefore may be subject to surface water drainage proposals under the SAB application process.

It is recommended that the developer engage in consultation with the Cardiff Council SAB team, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Cardiff Council are aware that this is new legislation and as such we are offering a free pre-application service for the first year. To arrange discussion regarding this please contact SAB@cardiff.gov.uk

In the meantime if you require further information please review our website: <https://www.cardiff.gov.uk/ENG/resident/planning-and-suds/suds-approval-body/>

Or, alternatively you can review the legislation set by Welsh Government here: <https://gweddill.gov.wales/topics/environmentcountryside/epq/flooding/drainage/>

RECOMMENDATION 4: The planning permission, hereby approved, does not extend to the adverts shown on the submitted drawings. An application for advertisement consent may be required for advertisements that do not benefit from an exemption or deemed consent.

The contamination assessments and the effects 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;
- (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 5: 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 City Council to collect and dispose of their waste can contact the commercial services department c.services@cardiff.gov.uk

RECOMMENDATION 6: Welsh Water advise:

Some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal we request the applicant contacts us on 0800 917 2652 to establish the location and status of the sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

If you have any queries please contact Developer Services on 0800 917 2652 or via email at developer.services@dwrcymru.com

1. DESCRIPTION OF THE SITE AND AREA

- 1.1 The application site consists of a commercial property (A1) comprised within a three storey block and located at the end of a row of similar units comprising

ground floor shops with residential accommodation above. The site benefits from a flat roofed single storey annex to the side. There is an enclosed yard to the rear, access to the yard and residential accommodation being via the rear of the building.

- 1.2 Aspect from the front of the building is over Fairwater Green an area of open space forming the focal point of the immediately surrounding mixed-use residential and commercial area that forms a Local Centre. To the side and rear of the site there are three storey flats dating from the same period as the shops (circa. 1960's). There are further shops, other commercial uses and residential properties on the opposite side of St Fagans Road. The wider area is predominately characterised by two storey dwellinghouses.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1 The existing single storey flat roof annex would be demolished and replaced with a marginally wider extension in terms of width, height and depth. An existing external staircase, providing access to upper floor residential units, would be relocated and renewed to the rear of the proposed extension.
- 2.2 The shop existing shop front is to be replaced, including removal of a stall riser, with full height powder coated aluminium windows and doors which would be duplicated within the extended element of the proposal.
- 2.3 Planning permission (ref: 11/00299/DCO) was previously granted for an identical scheme on the 11th April 2011.

3. PLANNING HISTORY OF RELEVANCE

Application No : 11/00299/DCO
Proposal : PROPOSED ALTERATIONS AND EXTENSION TO
EXISTING SHOP, NEW SHOPFRONT AND
REPOSITIONING OF EXISTING EXTERNAL STAIRCASE

Application Type: FUL
Decision : PER
Decision Date : 11/04/2011

4. POLICY FRAMEWORK

- 4.1 National Planning Policy
- Planning Policy Wales (10th Ed, 2018)
 - Technical Advice Note 11: Noise (1997)
 - Technical Advice Note 12: Design (2016)
 - Technical Advice Note 15: Development and Flood Risk (2004)
 - Technical Advice Note 18: Transport (2007)
 - Technical Advice Note 20: Planning and the Welsh Language (2017)
 - Technical Advice Note 23: Economic Development (2014)
- 4.2 Cardiff Local Development Plan 2006-2026
- Policy KP1: Level of Growth

- Policy KP3(B): Settlement Boundaries
- Policy KP5: Good Quality and Sustainable Design
- Policy KP8: Sustainable Transport
- Policy KP19: Responding to Evidenced Economic Needs
- Policy KP14: Healthy Living
- Policy KP15: Climate Change
- Policy R5: Local Centres
- Policy EN10: Water Sensitive Design
- Policy EN13: Air, Noise, Light Pollution and Land Contamination
- Policy EN14: Flood Risk
- Policy T1: Walking and Cycling
- Policy T5: Managing Transport Impacts
- Policy T6: Impact on Transport Networks and Services
- Policy C3: Community Safety/Creating Safe Environments
- Policy W2: Provision for Waste Management Facilities in Development

4.3 Supplementary Planning Guidance

- Managing Transportation Impacts (July 2018)
- Shopfronts and Signage (June 2019)
- Waste Collection and Storage (October 2016)

5. **INTERNAL CONSULTEE RESPONSES**

5.1 The Operational Manager (Flood & Coastal Risk Management) has been consulted, no representations have been received.

5.2 The Operational Manager (Traffic and Transportation) has been consulted, no representations have been received.

5.3 The Operational Manager (Waste Management) advises that the extension in floor space may lead to an increase in waste production. This should be reflected in an increase in refuse storage capacity or the frequency of collections. General advice is provided in regard to commercial waste.

5.4 The Operational Manager (Shared Regulatory Services – Noise & Air Pollution) has been consulted, no representations have been received.

5.5 The Operational Manager (Shared Regulatory Services – Environment Team) raise no objection to the proposal an advisory note is recommended.

6. **EXTERNAL CONSULTEE RESPONSES**

6.1 Welsh Water raise no objection, advisory notes are recommended.

7. **REPRESENTATIONS**

7.1 The application was advertised by way of neighbour consultation letters, no representations have been received.

7.2 Local Ward Members have been consulted, no representations have been received.

8. ANALYSIS

8.1 Introduction

8.1.1 The application site lies within the defined settlement boundary and within the Fairwater Green Local Centre. Policy KP3(B) is a generally permissive policy that favours development within the settlement boundary and the proposal accords with the principles of Policy R5 which seeks to promote and protect the shopping role of local centres.

8.1.2 Accordingly, the principle of the proposed development is considered to be acceptable and the matters for consideration are the effect of the proposed extensions and alterations upon:

- the character of the area;
- the amenities of the area and neighbouring occupiers;
- the transport network.

8.2 Impact Upon the Character of the Area

8.2.1 Policy KP5 requires that all new development should respond *‘to the local character and context of the built and landscape setting so that layout, scale, form, massing, height, density, colour, materials, detailing and impact on the built and natural heritage are all addressed within development proposals’*. Policy R5 supports retail development within Local Centres subject to *‘the proposal being of a scale appropriate to the particular centre’*.

8.2.2 The proposed extension and associated alterations are subservient additions that have regard for the character and scale of the parade of shops which it forms and the general context of the area.

8.2.3 Accordingly it is considered that the proposal would have no adverse impact upon the character of the area and accords with the principles of Policies KP5 and R5 of the Cardiff Local Development plan.

8.3 Impact Upon the Amenity of Neighbouring Occupiers and the Area

8.3.1 Policy KP5 seeks to ensure that *‘no undue effect on the amenity of neighbouring occupiers’* results from development. Policy EN13 details development will not be permitted where it would cause or result in unacceptable harm to health or local amenity because of air, noise, light pollution or the presence of unacceptable levels of contaminated land.

8.3.2 Given the nature and siting of the proposal relevant to neighbouring properties and the existing context there are no concerns in this regard.

8.3.3 Accordingly it is considered that the proposal would have no adverse impact

upon the amenity of the area or neighbouring occupiers and accords with the principles of Policies KP5 and EN13.

8.4 Transport Impact

8.4.1 Policy KP8 seeks to achieve a 50:50 modal split between journeys by car and other more sustainable means and, therefore, seeks to reduce reliance on the private car as a means of transport in favour of more sustainable methods. Policy T5, supports this key policy, by seeking to ensure *'that all new developments properly address the demand for travel and its impacts, contributes to reducing reliance on the private car and avoids unacceptable harm to safe and efficient operation of the road, public transport and other movement network and routes'*. Whilst Policy T6 details that *'development will not be permitted which would cause unacceptable harm to the safe and efficient operation of the highway, public transport and other movement networks'*.

8.4.2 Car parking for the proposal would be supplied by means of existing parking within the area and no additional parking would be required.

8.4.3 Bicycle parking spaces, in the interests of promoting sustainable modes of travel, are required for staff and visitors a condition is recommended in this regard.

8.4.4 Accordingly, it is considered, subject to conditions, that the proposal would have no adverse transport impact having a minimal impact upon the road network and accords with the principles of Policies KP8, T1, T5 and T6.

8.5 Other Matters

8.5.1 Policy EN10 and EN14 require water sensitive design solutions that do not increase risk of flooding elsewhere are incorporated within new developments, a condition is recommended in this regard.

8.5.2 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.

8.5.3 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 Councils 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.

8.5.4 Well-Being of Future Generations Act 2016 - Section 3 of this Act imposes a

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

- 8.5.5 Environment (Wales) Act 2016 – The Environment (Wales) Act 2016 imposes a duty on the Local Authority to seek to maintain and enhance biodiversity in the proper exercise of its functions and in doing so to promote the resilience of ecosystems. It is considered that the proposed development does not have any significant implications for, or effect on, biodiversity.
- 8.5.6 Flood and Water Management Act 2010 – Section 12 (3) of the Flood and Water Management Act 2010 places a duty on risk management authorities (e.g. a county council for the area) to have regard to the national and local strategies and guidance when exercising any other function in a manner which may affect a flood risk or coastal erosion risk. The relevant strategies and guidance have been taken into consideration in the determination of this application.
- 8.5.7 It should be noted that the value of property is not a material planning consideration.

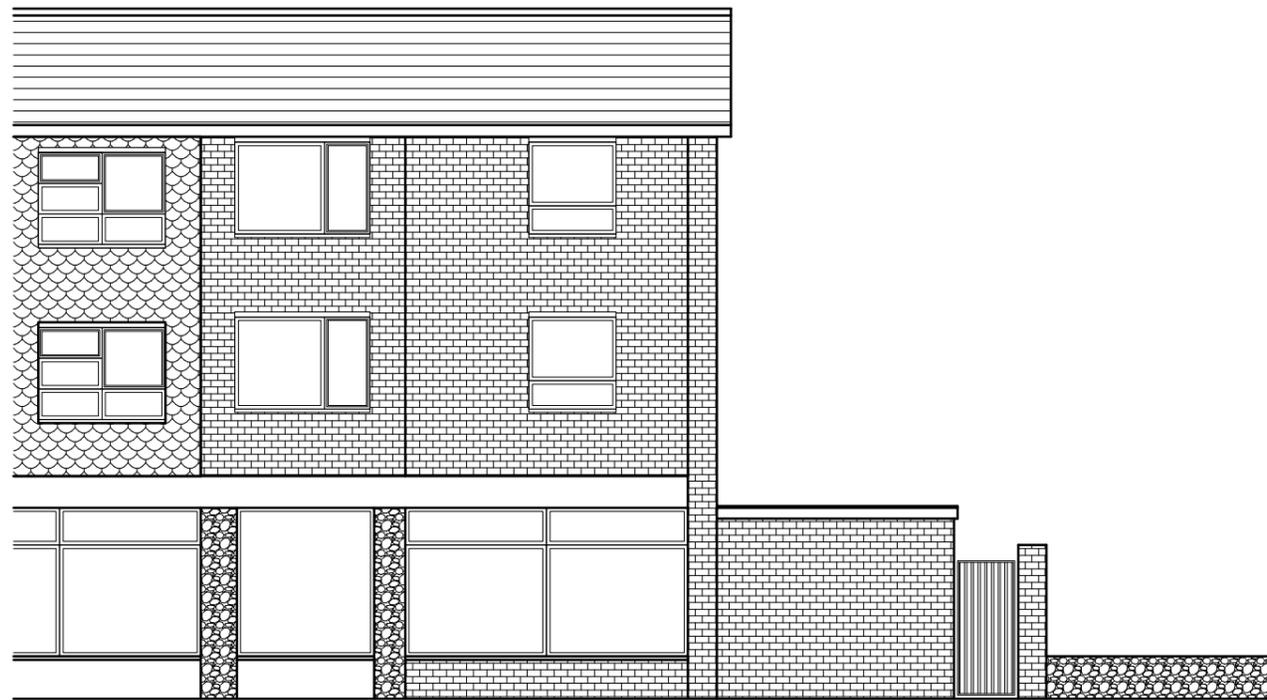
9. CONCLUSION

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

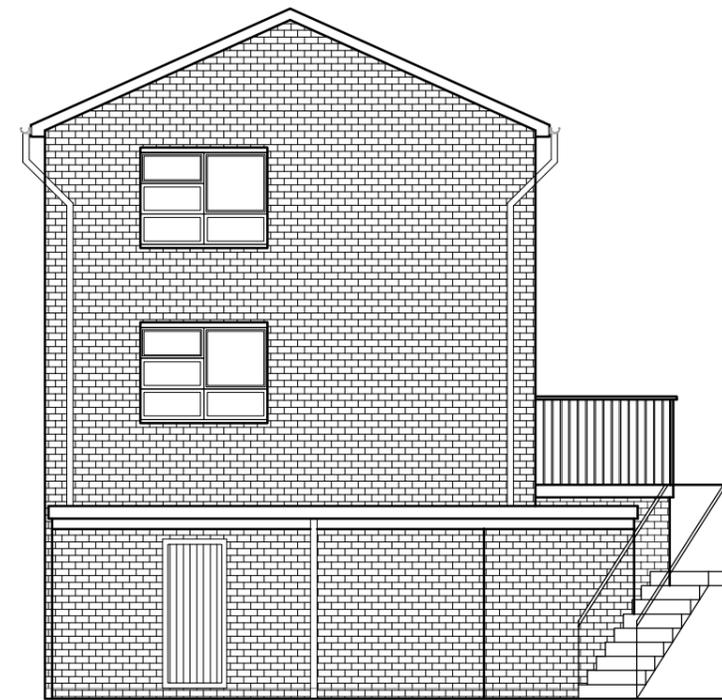
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Date	Drawn	Check	Description
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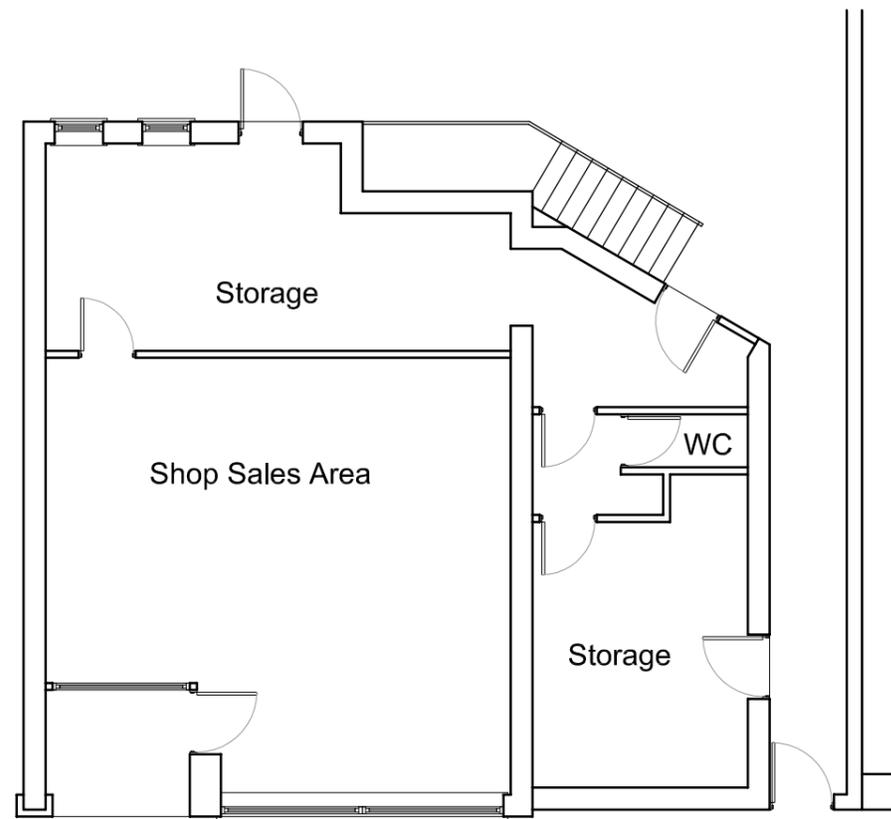
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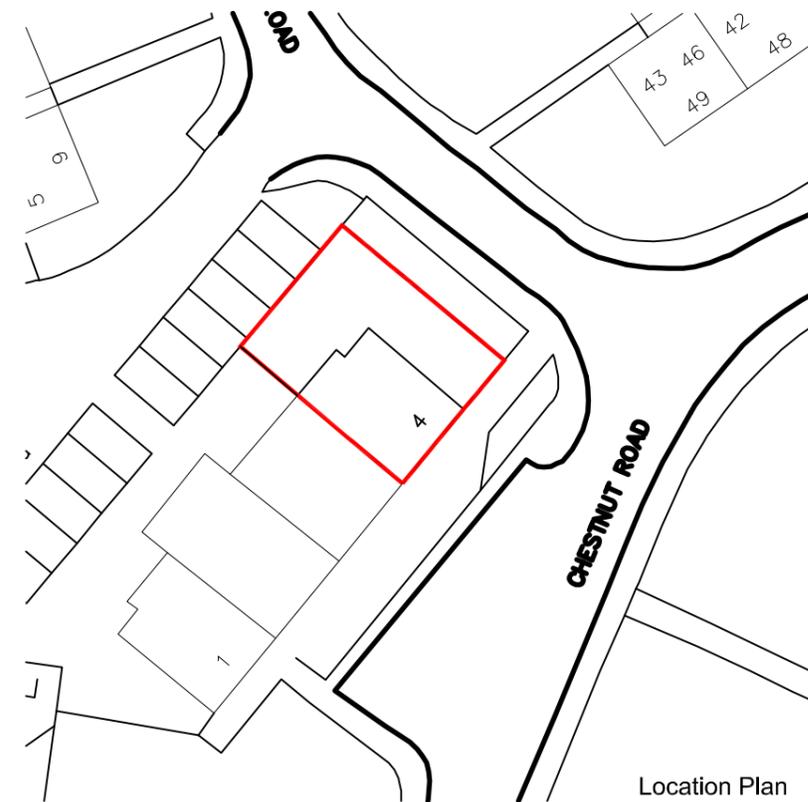
Front Elevation



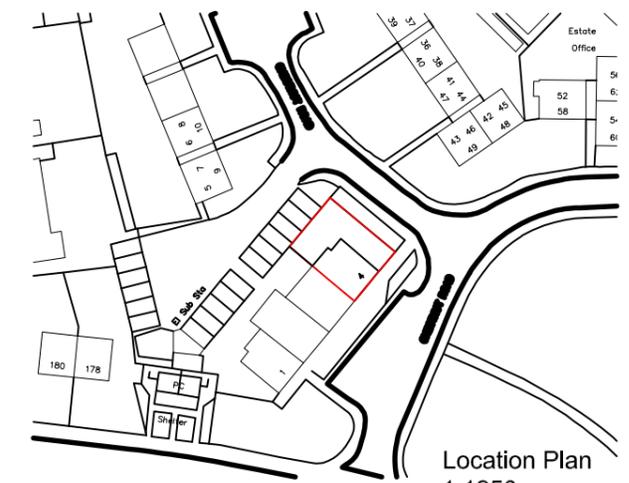
Side Elevation



Ground Floor



Location Plan
1:500



Location Plan
1:1250

Extension 4 Chestnut Road Cardiff		Job No. 10_067	Rev.
Title Existing Plans & Elevations		Dwg No. AL(00)01	
Date 09/02/11	Drawn ***	Scale 1:100/500/1250 @ A3	
		Architects · Town planners Environmental & Urban design	
		Unit 1A, Compass Business Park, Pacific Road, Cardiff. CF24 5HL www.cjarchitects.co.uk tel: 029 20452100	

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Rev.



Front Elevation

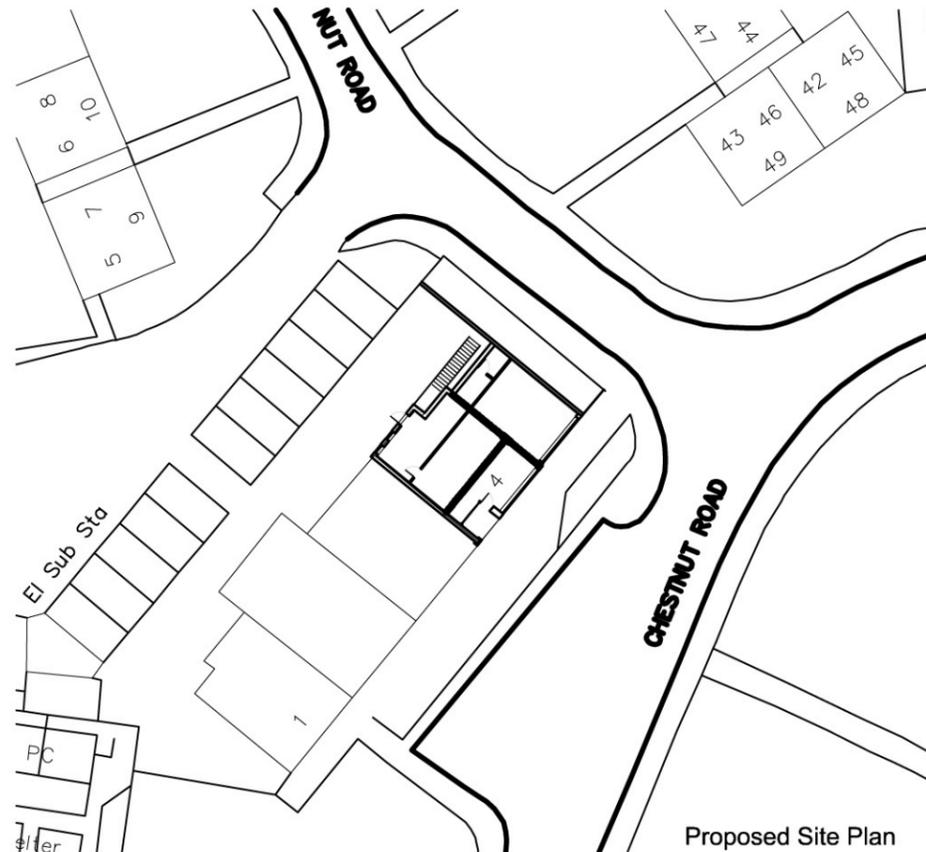
Powder coated aluminium windows and doors colour tbc



Side Elevation



Ground Floor



Proposed Site Plan 1:500

Extension 4 Chestnut Road Cardiff		Job No. 10_067
Title Proposed Plans & Elevations		Dwg No. Rev. AL(01)01
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