

COMMITTEE DATE: 11/10/2017

APPLICATION No. **17/01291/MJR** APPLICATION DATE: 12/06/2017

ED: **CATHAYS**

APP: TYPE: Full Planning Permission

APPLICANT: Mr Lim

LOCATION: 38-48 CRWYS ROAD, CATHAYS, CARDIFF, CF24 4NN

PROPOSAL: CONVERSION AND EXTENSION OF THE EXISTING BUILDINGS FRONTING CRWYS ROAD TO FORM A 4 STOREY DEVELOPMENT FOR STUDENT ACCOMMODATION WITH THE RETENTION OF THE EXISTING RETAIL UNITS AND RESTAURANT. ERECTION OF 3 THREE-STOREY WITH ROOMS IN ROOF STUDENT RESIDENTIAL UNITS, WITHIN THE EXISTING CAR PARK TO THE REAR OF 38-48 CRWYS ROAD, WITH A CAR PARK AND A COMMUNAL GARDEN

RECOMMENDATION 1 : That, subject to relevant parties entering into a binding planning obligation, in agreement with the Council, or otherwise 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 8.9 of this report, planning permission be **GRANTED** subject to the following conditions:

1. C01 Statutory Time Limit
2. This consent relates to the following approved plans and documents:

Plans

- G1373-P100 Site Location Plan
- G1373-P01 Existing Site Plan
- G1373-P02 rev. A Proposed Site Plan
- G1373-P03 Proposed Ground Floor Plan
- G1373-P04 Proposed First Floor Plan
- G1373-P05 Proposed Second Floor Plan
- G1373-P06 Proposed Third Floor Plan
- G1373-P07 Proposed Roof Plan
- G1373-P08 Proposed Elevations_1
- G1373-P09 Proposed Elevations_2
- G1373-P10 Proposed Elevations_3
- G1373-P11 Proposed Elevations_4
- G1373-P12 Proposed Sections
- G1373-P13 Existing Floor Plans
- G1373-P14 Existing Elevations

Documents

CWA Design & Access Statement

Asbri Section 2F Pre-Application Consultation Report dated May 2017

Acoustics Central Architectural Acoustics Report ref. 2017023-0 R2

dated 9th June 2017

CWA Emails dated 19 & 21 June 2017 relating to Refuse Storage and Collection

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

3. Notwithstanding the submitted plans, the external walls and roofs of any building shall be constructed and finished in accordance with a schedule of materials and finished which shall be submitted to and approved in writing by the local planning authority, prior to the commencement of development.

Reason: To ensure an acceptable standard of appearance is achieved.

4. No development shall take place until samples of the external finishing materials have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the finished appearance of the development is in keeping with the area

5. Notwithstanding the submitted plans, details of refuse storage facilities for both commercial and residential waste shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the beneficial occupation 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.

6. No development shall take place until ground permeability tests have been undertaken to ascertain whether sustainable drainage techniques can be utilised and a drainage scheme submitted for the disposal of both surface water and foul sewage to the approval of the local planning authority.

Reason: To promote sustainable drainage and ensure the site and to provide appropriate site drainage.

7. No part of the development hereby permitted shall be occupied until a travel/parking/traffic/resident/letting management plan to include, but not limited to, the promotion of public transport and other alternatives to the private car; the management of traffic at the start and end of term; the control of vehicular access to the site; the exclusion and control of student resident car parking within the site and surrounding area, has been submitted to and approved by the Local Planning Authority.

Reason: in the interest of highway safety and to regulate the impact of

the development on use of the adjacent highway.

8. No part of the development hereby permitted shall be commenced until a scheme of construction management has been submitted to and approved by the Local Planning Authority, to include as required but not limited to details of site hoardings, site access and wheel washing facilities. Construction of the development shall be managed strictly in accordance with the scheme so approved.
Reason: In the interests of highway safety and public amenity.
9. Details of the facilities for the secure and covered parking of cycles, at a ratio of one stand for every two beds, shall be submitted to and approved in writing by the local planning authority. The approved facility shall be provided prior to the beneficial occupation of the development and shall thereafter be retained and maintained.
Reason: To ensure adequate provision for cyclists.
10. 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.
11. No part of the development hereby permitted shall be commenced until a scheme of environmental footway improvements to Lucas Street adjacent to the site has been submitted to and approval in writing by the LPA. The scheme should include as required, but not be limited to, the closure of redundant and construction of new crossovers to access the site/parking, the reconstruction/resurfacing and re-kerbing of the remaining footways adjacent to the site, including surfacing, kerbs, edging, channels; the provision/renewal/improvement of street lighting and other street furniture. The agreed scheme to be implemented to the satisfaction of the LPA prior to beneficial occupation of the site.
Reason: To ensure the comprehensive enhancement/improvement of the adjacent public highway in the interests of highway and pedestrian safety, and to facilitate access to the proposed development.
12. The development shall be implemented in accordance with the following acoustic recommendations/specifications as indicated in the approved Architectural Acoustic Report:

T6 – Sound reduction performance of façade elements used to calculate break-in calculations

	Minimum expected sound reduction index (dB) at octave band with Centre Frequency (Hz)						
	125	250	500	1000	2000	4000	R' _w
External Wall to Flats	35	40	45	50	55	60	49
External Wall to Houses	37	42	52	60	63	68	54

T7 – Sound reduction performance of façade elements used to calculate break-in calculations

	Minimum expected sound reduction index (dB) at octave band with Centre Frequency (Hz)						
	125	250	500	1000	2000	4000	R' _w
Typical Thermal Double Glazing	20	18	28	38	34	38	31

T8 – Sound reduction performance of façade elements used to calculate break-in calculations

	Minimum expected sound reduction index (dB) at octave band with Centre Frequency (Hz)						
	125	250	500	1000	2000	4000	R' _w
Trickle vent with Indirect Air Path	36	36	36	34	35	30	36

T10 – Sound Reduction Indices used in noise transfer assessment

	Minimum expected sound reduction index (dB) at octave band with Centre Frequency (Hz)								
	63	125	250	500	1000	2000	4000	8000	R _w
First Floor Construction (between commercial and residential)	35	38	45	47	52	60	64	70	52

T12 – Permissible internal noise levels from lifts

Room	Maximum noise level (dB L _{AMAX, F})
Bedroom	25
Living Room	30
Other Areas	35

Noise: These figures relate solely to lift noise levels and do not account for any other noise sources. These values include noise from the lifts irrespective of the transmission mechanism, i.e. they include both airborne and structure-borne noise.

Reason: To ensure the amenities of future occupiers are protected

13. The extraction of all fumes from the food preparation area of the retained restaurant 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-odorising filter. All equipment shall be so mounted and installed so as not to give rise to any noise nuisance. Details of the above equipment including the chimney shall be submitted to, and approved by, the Local Planning Authority in writing and the equipment installed prior to the commencement of use for the cooking of food. The equipment shall thereafter be maintained in accordance with the manufacturers' guidelines, such guidelines having previously been agreed by the Local Planning Authority in writing.

Reason: To ensure the amenities of future occupiers are protected.

14. 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 in accordance with the requirements of condition 1 (above), and where remediation is necessary a remediation scheme and verification plan must be prepared in accordance with the requirements of condition 2 (above) 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 in accordance with condition 3 (above).

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 EN13 of the Cardiff Local Development Plan.

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

Reason: To ensure that the safety of future occupiers is not prejudiced.

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

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

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

Reason: To ensure that the safety of future occupiers is not prejudiced

17. 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 EN13 of the Cardiff Local Development Plan.

18. Notwithstanding the submitted plans details of the means of site enclosures and gates, including (but not limited to) the enclosure of the residential amenity space, shall be submitted to and approved in writing by the local planning authority. The approved enclosures shall be implemented prior to the beneficial occupation of the development and shall thereafter be retained and maintained.

Reason: To ensure the amenities of future occupiers are protected and to ensure an orderly form of development.

19. D4A Landscape Scheme

20. C4R Landscaping Implementation

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 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 and;
- (ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates / soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site:
 - Unprocessed / unsorted demolition wastes.
 - Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
 - Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and
- (iii) the safe development and secure occupancy of the site rests with the developer.

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

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

RECOMMENDATION 4 : That the applicant be advised that the highway works condition and any other works to existing adopted public highway are to be subject to an agreement under Section 278 Highways Act 1980 between the developer and Local Highway Authority.

RECOMMENDATION 5 : That the applicant be advised that foul and surface water discharges shall be drained separately from the site and land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

RECOMMENDATION 6 : Prior to the commencement of development, the developer shall notify the local planning authority of the commencement of development, and shall display a site notice and plan on, or near the site, in accordance with the requirements of Article 12 of the Town & Country Planning (Development Management Procedure)(Wales)(Amendment) Order 2016.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 A full application for the conversion and extension of an existing two storey mixed commercial building to accommodate a four-storey development

retaining the ground floor commercial uses and developing the upper floors and detached rear annexe for student accommodation. The upper floors of the building fronting Crwys Road contain 22 studio rooms, with self-contained facilities. The rear detached annexe building is 'split' into three units, accommodates 21 en-suite bedrooms to the upper floors, with shared living room/kitchen facilities to the ground floor.

- 1.2 The student accommodation is accessed via Lucas Street, with a central core staircase serving the Crwys Road element, and 3x independent front doors serving each of the units forming the detached annexe building.
- 1.3 The proposed Crwys Road building is of a flat roof design, with a recessed Mansard style roof, with small dormer windows. This element has a setback of approx. 1.6m from the front elevation (fronting Crwys Road). This set back is continued to the side elevations, with the inset increased to approx. 2.8m.

The rear annexe building is of a more traditional pitched roof design, with a split level ridge/eaves between the 2 units closest to the Crwys Road building and the final unit fronting the rear lane. The annexe building has projecting gables and bay windows to the Lucas Street frontage, with projecting gables to the rear (public house) boundary.

The taller (3.5 storey) units of the annexe have a ridge height of approx. 11.5m and an eaves height of approx. 8.3m. The smaller end unit (fronting the rear lane) has a ridge height of approx. 8.8m and an eaves height of approx. 5.7m. The end elevation of the annexe is approx. 3.4m off the rear land boundary.

- 1.4 The proposed development is to be finished in render, with grey/blue cladding to the third floor and relief sections to the Crwys Road building, and red facing brick, blue roof tiles and render to the annexe building.
- 1.5 The proposed plans show areas for refuse (commercial and residential) to the rear of the Crwys Road building and the annexe building, with an area for cycle storage adjacent. 8no. parking spaces that are retained. A communal garden space is proposed between the 'rear' elevation of the annexe building and the boundary to the adjacent pub (approx. 160sqm).
- 1.6 The proposals also include a small, single storey flat roof extension to the rear of the existing restaurant unit at 48 Crwys Road, and the completion of the rear elevation of the Crwys Road building as a result of the change to the previously approved scheme (detaching the annexe).

2. **DESCRIPTION OF SITE**

- 2.1 The site is approx. 1340sqm in area, accommodating a two storey pitched roof structure of brown facing brick construction. To the rear of the building is a large open yard area, used predominantly for off street parking. A rising arm barrier gives access to the yard off Lucas Street.
- 2.2 The adjacent public house is of a two storey construction, with a public area

(beer garden) to the rear. The dwellings to the rear of the site (fronting Lucas Street, Daniel Street and Woodville Road) are of two storey, pitched roof construction.

- 2.3 The buildings directly opposite the site (Crwys Road) are of mainly two storey construction and are in a mix of commercial and community uses.

3. **SITE HISTORY**

- 3.1 15/01137/MJR – Conversion & extension to provide 4 storey student accommodation and retention of existing commercial units (total 61 beds) – Approved

17/00873/MJR – Non-Material Amendment to reconfigure the block fronting Crwys Road to reduce the number of bedrooms from 37 to 22 - Approved

4. **POLICY FRAMEWORK**

- 4.1 The site is located within the Crwys Road District Centre as identified in the adopted Cardiff Local Development Plan 2006-2026.

- 4.2 The relevant Local Development Plan Policies are:

KP5 Good Quality and Sustainable Design
KP6 New Infrastructure
KP7 Planning Obligations
H3 Affordable Housing
H6 Change of Use or Redevelopment to Residential Use
R4 District Centres
T5 Managing Transport Impacts
W2 Provision for Waste Management Facilities in Development

- 4.3 The following Guidance was supplementary to the former Development Plan, now superseded by the Local Development Plan. However, it is considered consistent with adopted Local Development Plan policies and provides relevance to the consideration of this proposal to help and inform the assessment of relevant matters:

Access, Circulation and Parking Standards 2010
Infill Sites 2011

In addition to the above, the following Supplementary Planning Guidance is also relevant:

Locating Waste Management Facilities Jan. 2017
Planning Obligations Jan. 2017

5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 The Transportation Manager has no objection, subject to conditions relating to

retention of the parking space, provision of cycle parking, provision of student management and construction management plans and highway improvements, making the following comments:

In accordance with my observations in connection with the previous application 15/1137/MJR, I would confirm that the above submission has been assessed and is considered to be acceptable, subject to conditions, the following comments and additional recommendation:

Additional Recommendation:

The highway works condition and any other works to existing adopted public highway are to be subject to an agreement under Section 278 Highways Act 1980 between the developer and Local Highway Authority.

S106:

Unless the contribution has been applied to and paid by the previous application; a financial contribution of **£10,600** is sought towards a scheme of junction and crossing improvements at the junctions of Lucas Street and Crwys Road, and Woodville Road and Crwys Road adjacent to the site. The improvements include junction pavement build-outs on all arms, narrowed crossing facilities and improved bus stops. The contribution will added to other S106 contributions and funding sources to facilitate the scheme. The improvements are required to accommodate the additional pedestrian movements in the area, in the interests of highway and pedestrian safety.

Comments:

The adopted Access, Circulation and Parking Standards SPG confirms that up to one car parking space per 25 beds may be provided for operational use and that there is no requirement for on-site resident car parking for the sui generis use of student accommodation. In addition, established practice is that one cycle parking space should be provided per two beds for the proposed type of development. I am therefore satisfied that the Student accommodation element of the application is compliant with adopted parking policy as submitted, subject to the requested conditions and provision of the cycle parking.

It is also noted that the four retained retail and one restaurant units fronting Crwys Road will be served by eight no. car parking spaces accessed from Lucas Street via a new crossover. In which respect, the SPG suggests small retail units should be provided with a minimum of one operational space per unit. I am therefore satisfied that the eight retained spaces are both policy compliant and appropriate to the redevelopment given its location.

With reference to location and wider development considerations, it is noted that the site is in a central location within an existing District Centre, with excellent access to local employment, leisure, shopping and the main university campus. The site is also within the 20mph zone, where cycling and walking are encouraged as viable daily transport alternatives to the car; along

with having good access to public transport services and Cardiff's cycle network. The site is therefore considered to be very sustainably located in transport terms and entirely appropriate for the proposed form of development.

I therefore have no objection to the application subject to conditions, S106 contribution and associated comments.

- 5.2 The Highways Drainage Manager has been consulted and no comments have been received. However, under application 15/1137/MJR conditions relating to the undertaking of sustainable drainage tests, and the submission of a drainage scheme were requested. In this case, given the short timescale and having regard for the lack of change in the site circumstances, it is considered prudent to recommend these conditions again.
- 5.3 The Waste Manager advises that the amended refuse storage, and additional management information are acceptable. Notwithstanding this, a condition is recommended that seeks to clarify the construction of the refuse storage facilities.
- 5.4 The Pollution Control Manager (Contaminated Land) has no objection, subject to conditions in respect of contaminated land issues, with further contaminated land advice.
- 5.5 The Pollution Control Manager (Noise & Air) has no objection subject to the imposition of a condition requiring the development to be implemented in accordance with recommendations and specifications indicated in the approved Acoustic Report, plant noise, and with further advice in respect of construction site noise.
- 5.6 The Regeneration Manager makes the following comments:

Request for Community Facilities

The Cardiff Planning Obligations SPG 2017 (Section 8 – Community Facilities) states that 'Growth in population arising from new development generates demand for and increases pressure on community facilities. To meet the needs of future residents, it may be necessary to meet this additional demand through:

The provision of new facilities,
The extension to, or upgrading of existing facilities'.

If no onsite provision is proposed, a financial contribution is sought on residential developments containing 25 or more new dwellings where it has been identified that investment in community facilities will be required to meet the needs of the new population.

The formula in the SPG is based on the number of bedrooms and associated occupancy figures per dwelling, and is calculated as follows:

No. of bedrooms	Number of Dwellings	Contribution per dwelling	Totals
1	0	£720.51	£0.00
2	0	£997.63	£0.00
3	0	£1,385.60	£0.00
4	0	£1,718.14	£0.00
5+	0	£2,106.11	£0.00
Where number of bedrooms unknown	0	£1,291.38	£0.00
Single Student Bedroom	43	£554.24	£23,832.32
TOTALS:			£23,832.32

In summary, the following contribution is sought from the developer:

£23,832.32

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 Cardiff Planning Obligations SPG was formally adopted by Council on 26th January 2017. The SPG was adopted to help to ensure that developments contribute toward the provision of necessary infrastructure and measures required to mitigate their impact. Policy KP6 of the Cardiff Local Development Plan (adopted January 2016) 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 onsite provision or a financial contribution. It would be unacceptable to grant planning

consent in the absence of such provision.

(b) Directly related to the development

Several community facilities are located within proximity to the site and are likely to experience an added pressure as a result of the new population. It is envisaged that a forthcoming community facilities contribution would be directed towards these facilities in the vicinity of the development.

(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.

- 5.7 The Parks Manager has no objection, subject to a financial contribution towards the design, improvement and/or maintenance of public open space in the vicinity of the site, making the following comments:

Design Comments

I welcome the provision of the outdoor communal garden area at the back of the property. A detailed design showing planting species, sizes, specification and aftercare would be needed, along with details of hard landscape including any seating.

Open Space Provision

These comments relate to the current LDP (C5 Provision for Open Space, Outdoor Recreation, Children's Play and Sport; KP16 Green Infrastructure), and the 2017 Planning Obligations Supplementary Planning Guidance (SPG), supported by policies set out in the 2008 SPG for Open Space which set the Council's approach to open space provision.

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

Based on the information provided on the number and type of units, I have calculated the additional population generated by the development to be **43**. This generates an open space requirement of **0.055 ha** of on-site open space based on the criteria set for **Housing accommodation**, or an off-site contribution of **£23,501**. I enclose a copy of the calculation

Although the scheme includes for some amenity space for residents on site, no public open space is being provided, and therefore the developers will be required to make a financial contribution towards the provision of new open space, or the design, improvement and/or maintenance of existing open space

in the locality

The use of S106 contribution from this development will need to satisfy CIL and the current distance requirements set out in the 2017 Planning Obligations SPG – play areas 600m (not applicable to student and sheltered accommodation), informal recreation 1000m, and formal recreation 1500mm, measured from edge of the site.

Notes relating to provision for student housing

The calculation for student accommodation applies a lower rate compared to the full amount required for general purpose housing. This takes into account omission of the play provision element which is not applicable and the resident's accessibility to student sports facilities

However students will still regularly use public open spaces and sporting facilities within Parks, and therefore the off-site contribution relates to increased use of local public open spaces, with a corresponding need for increased maintenance, more rapid upgrading and potential expansion of existing facilities.

In the event that the Council is 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.

Following previous Council and Ward Member discussions the identified use for the S106 contribution from this development is **£10,600 for improvements to Blackweir Changing Rooms** and **£12,901 for improvements to Maindy Park**.

- 5.8 The Housing Strategy Manager advises that as the proposals are for wholly student accommodation, no Affordable Housing contribution is required.
- 5.9 The Neighbourhood Regeneration Manager (Access) has been consulted and no comments have been received.

6. EXTERNAL CONSULTEE RESPONSES

- 6.1 Dwr Cymru/Welsh Water have no objection subject to conditions in respect of site drainage.
- 6.2 South Wales Police have no objection. Advice is offered in respect of crime prevention and 'secured by design'. These comments have been passed to the agent.
- 6.3 Western Power & Distribution have been consulted and no comments have been received.

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 Local Members have been consulted. Councillor Mackie made an enquiry by email dated 5th July 2017 requesting information on the process of determination for this application. A response was sent by email dated 6th July 2017. No further correspondence, or representations have been received from Local Members.

7.6 The occupiers of 3 Lucas Street, object to the proposals (as originally submitted) on the following grounds:

- *The four storey building and the annexe will directly overshadow our property which will impact on our privacy.*
- *The planning guidance shows inadequate cycle storage; the insinuation that all students will cycle rather than drive is totally misleading. The majority of students who live in Cardiff bring their cars into the city; 1 student house currently has a total of 5 cars parked in this street. Also it is interesting to note that most of the commercial sites especially the Chinese Restaurant prefer to park in Lucas Street rather than use the existing car park. In fact the home delivery driver prefers to park on double yellow lines and half on the pavement and half on the road till late at night.*
- *There are plans for 8 car parking spaces for commercial use only. Again there will be more cars trying to park in Lucas Street. We already suffer from high volume of cars parking in this street who totally ignore the resident parking area causing increased stress to residents who cannot park even though they have paid for parking permits.*
- *The assumption that students will be encouraged to use public transport is absolutely ludicrous; as stated earlier there will be a large percentage of students bringing cars into the city expecting to park in Lucas Street.*
- *The increased volume of traffic in and out of Lucas Street will impact on traffic in Crwys Road at peak times which already is highly congested during this period.*
- *Access in and out of Lucas Street will be severely compromised as the road is very narrow and a dead end. The opportunities for 3 point turns are impossible as my own vehicle is testament to; it has been damaged 4 times this year by people trying to park or turn. • Increased noise pollution from extra residents in such a compact area will impact on our health. The position of the communal area is directly in line with the beer garden of the Crwys Public House. Our fear is the noise will increase and there is a danger of both parties trying to outdo each other with music and incidents of shouting will escalate into arguments and violence.*
- *Increased levels of waste and rubbish. The rubbish for students is at the rear of the lane with a collection point half way down the lane; it will be difficult for the rubbish collection vehicle to manoeuvre said lane. The arrangement for collection of the commercial rubbish i.e. leave the bins in Lucas Street is totally unacceptable. The bins will prevent pedestrians*

walking on the pavement and will no doubt be left on the road thus increasing on the access in and out of Lucas Street and the increase of the seagull population. There are currently huge problems with rubbish pollution in this street which is detrimental to the value of our properties and will impact on our health.

- *Finally is the applicant a suitable landlord as there has been no maintenance of the property for numerous years.*

8. **ANALYSIS**

- 8.1 A full application for the conversion and extension of an existing two storey mixed commercial building to accommodate a two & half to four storey development retaining the ground floor commercial uses and developing the upper floors and a detached rear annexe for student accommodation. The application provides for 43 bedrooms.

It is of note that the proposals under consideration here significantly reduce the level of student occupancy previously approved under application 15/01137/MJR from 61 beds to 43. The current scheme also amends the rear annexe situation, removing the previously approved flat roof attached annexe, to be replaced with a detached annexe, constructed so as to present as 3no. dwellings (1x 2.5 storey and 2x 3.5 storey).

- 8.2 The site falls within Crwys Road District Centre as defined by the Adopted Local Development Plan proposals map and should therefore be assessed against Policy R4 which aims to promote and protect the shopping role of district centres while supporting a mix of appropriate uses. Policy R4 aims to promote and protect the shopping role of district centres and favours retail, office, leisure and community facilities within District Centres. Paragraph 5.273 of the supporting text recognises that the provision of residential accommodation at upper floors within centres can support their vitality, attractiveness and viability.

The proposal includes the retention the existing ground floor retail units and therefore maintains the shopping role and character of the centre and the vitality and viability of the frontage. In addition the student accommodation will increase footfall which will benefit the vitality and viability of the district centre as a whole.

Assessed against this policy framework, the proposal raises no land use policy concerns.

- 8.3 The buildings along Crwys Road are broad ranging in terms their scale, form, massing and architectural detailing. While the existing site consists of a stretch of modest two storey buildings, given the evident variety in the built form along the street, scope to increase scale of the street frontage element of the building exists.
- 8.4 The proposals are considered to represent an acceptable and policy compliant form of development in terms of the visual context of the Crwys Road District Centre, which has a significant mixture of buildings in terms of their scale and

appearance in the street scene, and in terms of the favourable mixed use nature of the proposals, retaining the commercial frontage at ground floor. Notwithstanding this, it is considered appropriate to seek the highest quality materials, and conditions 2 & 3 are therefore recommended.

- 8.5 The rear annexe building differs from that previously approved in that it is a detached structure, and has a more traditional pitched roof design. The proposed annexe is broadly consistent with the previously approved annexe in terms of its scale and massing. However, it offers a considerably different approach in terms of its animation in the street scene, with projecting gable and bay windows, and presenting as three dwellings rather than the more utilitarian block approach.

It is considered that the alternative design and finish materials to the proposed annexe represent an improvement to the Lucas Street frontage when considered against the previously approved annexe.

- 8.6 It is considered that the proposals do not cause any significant harm to the amenity or privacy of existing adjacent occupiers. The dwellings fronting Daniel Street have windows to their rear elevations, facing towards the proposed rear annexe. These windows are set in an elevation that is approx. 21.m from the rear elevation of the proposed annexe, which has no windows to the lane elevation. In this case, there would be no concerns in respect for overlooking and loss of privacy. It is also considered that as a result of the degree of separation between the proposed annexe and these dwellings/gardens, and its 2 storey height at the closest point, there would be no adverse impact on the occupiers of those dwellings in terms of overbearing or dominance.

With regard to any impact on the properties on Lucas Street, the properties at no. 1 & 3 are some distance from the development (at the closest point approx. 23-25m), with both dwellings also set at an angle to the end of the proposed rear annexe. It cannot therefore be reasonably held that the proposals have any significant impact on the occupiers of these dwellings in terms of being overbearing, causing overshadowing, or impacting adversely on privacy. The infill dwelling at 11a Daniel Street has a number of windows to the side elevation, facing onto the lane at the rear of the application site. It is noted however that these are secondary windows, and that the proposed annexe is set in a position which is offset from these windows. Whilst it is acknowledged that there may be some impact on light to these windows earlier in the day, it is considered that the impact would not result in sufficient harm to sustain refusal of consent.

- 8.7 The premises directly to the south-east of the site is occupied by The Crwys Public House, with part of the rear area given over to a beer garden (directly adjacent to the site boundary).

The beer garden is sited to the east and slightly south of the proposed rear annexe, with a separation distance of approx. 7.9m from the shared boundary to the gable elevations and approx. 11.4m to the main 'rear' elevations of the proposed annexe. Whilst the proposed annexe may have an impact on the

degree of direct light into the beer garden in the afternoon/evenings, it is considered that the amount of natural light that will permeate into the area will still allow the beer garden to function, and the proposed annexe would not cause sufficient harm to warrant refusal of consent.

With regard to the privacy of the beer garden, it is a beer garden, and not private amenity space, with members of the public using the space to socialise, drink, eat and smoke. It cannot reasonably be argued therefore that the introduction of windows to the side elevation of the proposed annexe will cause a 'loss of privacy' that would cause sufficient harm to justify or sustain refusal of consent. (It is of note that in a similar consent for student accommodation over 5/6 floors adjacent to the Pen & Wig PH in Park Grove (14/3004/MJR), a similar conclusion was made).

8.8 With regard to the objections raised not discussed above, the following comments are made:

- The application has been considered by the Transportation Manager, who has not raised any concerns in respect of Highway safety, accessibility, or cycle parking. With regard for the issue of potential overspill parking in the vicinity of the site, whilst no objection is raised, a condition requiring the submission, approval and implementation of a 'Student Management Plan' is recommended (condition 6 above). In light of these comments, there would be no sustainable grounds to refuse consent in term of parking;
- There is no evidence that future occupiers would cause littering in the vicinity of the site;
- There is no evidence that future occupiers would cause unacceptable noise disturbance. However, should any such disturbance take place, the Council's Pollution Control (Noise & Air) Service have significant powers to take appropriate action;
- The proposals have been reviewed by the Waste Manager, who has not raised any objection in respect of the location of the refuse storage areas, or the indicated collection processes. In this case, there would be no sustainable grounds for refusal of consent;
- The 'suitability' of a landlord is not a material planning consideration.

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

Parks – A contribution of £23,501 is requested towards the maintenance/provision of open space in the vicinity of the site.

Regeneration – A contribution of £23,832.32 is requested towards the provision/maintenance of community facilities in the vicinity of the site.

Transportation – A contribution of £10,600 is requested towards junction/crossing improvements to Lucas St/Cr wys Rd and Woodville Rd/Cr wys Rd.

In addition to the above, it is recommended that the legal agreement restricts the residential elements of the development to be for term-time occupation by students, and no other occupiers.

The agent has confirmed that the above mentioned contributions are acceptable to the applicant.

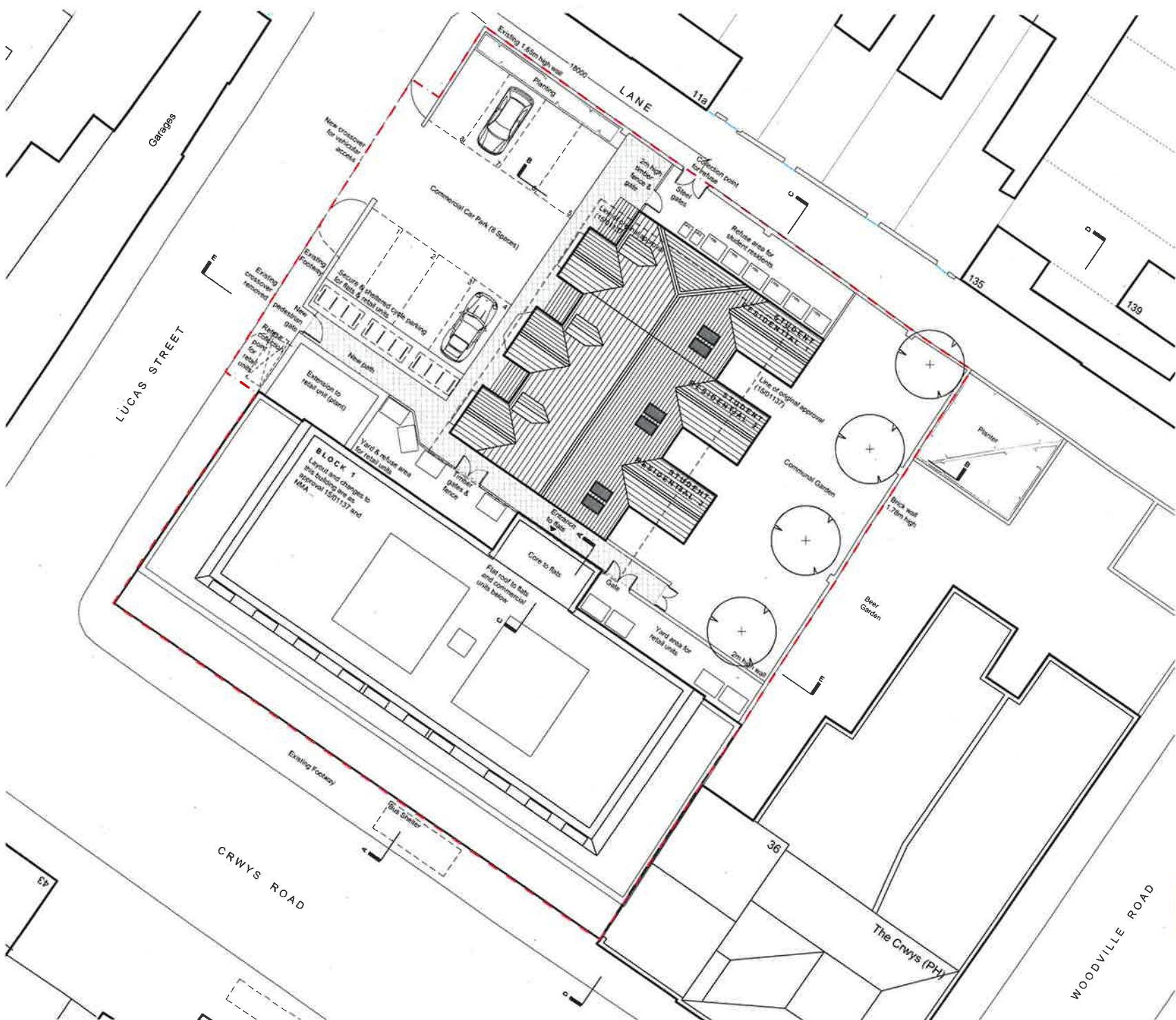
The above mentioned contributions are subject to review pending any payment that may be made in respect of planning permission 15/01137/MJR prior to completion of the new legal agreement to be attached to this application.

- 8.10 In light of the above, and having regard for adopted planning policy guidance it is recommended that planning permission be granted.



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Project Name : 38 - 48 Crwys Road, Cardiff		Scale :	
Project Ref : G1373		1:1250 @ A4	
Drawing Title :	Site Location Plan		
Drawing Number :	P100		
Revised :	-	Drawn by :	rb
		Date :	Sept 2010



BLOCK 1
 Layout and changes to this block are as approved 1501137 land

REV A 19.06.17 - Refuse layout amended as per CCC's comments

 C. W. ARCHITECTS Ltd <small>Crusvener House, 8 Park Grove, Cardiff CF10 3BN Tel: +44 (0)2920 22320 Fax: +44 (0)2920 90907 E: cwa@cwaarchitects.co.uk</small>	Project Name : 38 - 48 Crwys Road, Cardiff Project Ref : G1373	
	Drawing Title : Proposed Site Plan Drawing Number : P02	Scale : 1:200 @ A3
Revision: A	Drawn by: rh	Date: Nov 2016



FRONT ELEVATION (CRWYS ROAD)

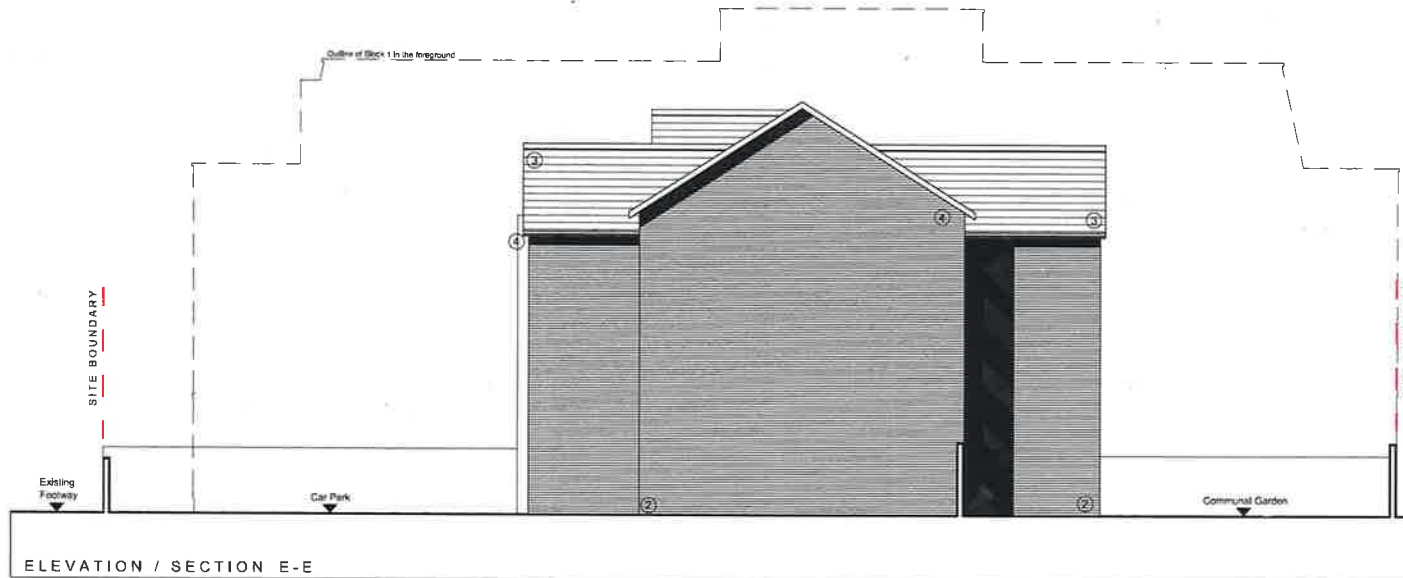
- MATERIALS KEY
- ① Colour coated windows with clear double glazing
 - ② Red facing brickwork
 - ③ Blue/black cement fibre roof tiles
 - ④ Colour coated barge boards, fascias, soffits & rainwater goods
 - ⑤ Render
 - ⑥ Recensified stone cills, heads and copings
 - ⑦ Lead damper
 - ⑧ Velfux type rooflights
 - ⑨ Render 'bays'



SIDE ELEVATION (LUCAS STREET)

MATERIALS KEY

- ① Colour coated windows with clear double glazing
- ② Red facing brickwork
- ③ Blue/black cement fibre roof tiles
- ④ Colour coated barge boards, fascias, soffits & rainwater goods
- ⑤ Render
- ⑥ Reconstituted stone cills, heads and copings
- ⑦ Lead dormer
- ⑧ Velux type rooflights
- ⑨ Render 'bays'



MATERIALS KEY

- ① Colour coated windows with clear double glazing
- ② Red facing brickwork
- ③ Blue/black cement fibre roof tiles
- ④ Colour coated barge boards, fascias, soffits & rainwater goods
- ⑤ Render
- ⑥ Reconstituted stone clifs, heads and copings
- ⑦ Lead dormer
- ⑧ Velux type rooflights
- ⑨ Render 'bays'

