

COMMITTEE DATE: 08/11/2017

APPLICATION No. **17/00111/MJR** APPLICATION DATE: 19/01/2017

ED: **PLASNEWYDD**

APP: TYPE: Full Planning Permission

APPLICANT: Draycott Construction Ltd

LOCATION: 199-209 CITY ROAD, ROATH, CARDIFF, CF24 3JD

PROPOSAL: CONSTRUCTION OF A NEW 5 TO 8 STOREY (PLUS ROOFTOP PLANT ROOM) DEVELOPMENT OF STUDENT RESIDENTIAL ACCOMMODATION: COMPRISING 146 STUDIO ROOMS AND ASSOCIATED AMENITY SPACES; A PRIVATE INTERNAL LANDSCAPED COURTYARD AND TWO SMALL GROUND FLOOR COMMERCIAL UNITS (CLASS A1 OR A2 OR A3)

BACKGROUND

1. Application reference 17/00111MJR was resolved to grant planning permission, at the Planning Committee of 16 August 2017, subject to the applicant entering into a planning obligation.

ISSUES

2. The obligations requested in the heads of terms of the Committee Report included:
 - £10,000 towards traffic orders
 - £45,000 towards the provision of a pedestrian/zebra crossing on City Road
 - Restriction of the term-time use of the premises for student accommodation.
3. Following the meeting of the Committee, the applicant has requested that the obligations are secured under a Unilateral Undertaking, with the exception of the student occupation restriction, which could be controlled by an appropriately worded condition to the planning permission.

RECOMMENDATION

4. To add a new condition (26):

During term-time, the development (with the exception of the ground floor A1/A3 uses) shall not be used or occupied for any purpose other than as Student Accommodation (where the term "student" shall mean a student as defined in the Council Tax (Discount Disregards) Order 1992 (or any statutory amendment or re-enactment thereof for the time being in force)).

Reason: For the avoidance of doubt and to ensure the development hereby permitted is for the occupation of students and for no other residential use.

The following appendices are attached:

1. Report to Planning Committee 16 August 2017 Ref 17/00111MJR

APPENDIX 1

LOCAL MEMBER OBJECTION

COMMITTEE DATE: 16/08/2017

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RECOMMENDATION 1 : That, subject to relevant parties entering into a binding legal agreement with the Council under the provisions of **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 paragraphs 9.1 and 9.2 of this report, planning permission be **GRANTED** subject to the following conditions:

1. C01 Statutory Time Limit
2. *Approved Plans:*
The development shall be carried out in accordance with the following approved plans and supporting documents:

Plans

- A_00_001_LEVEL 00_GROUND FLOOR PLAN_REV E
- A_00_002_LEVEL 01_FIRST FLOOR PLAN_REV E
- A_00_003_LEVEL 02_SECOND FLOOR PLAN_REV E
- A_00_004_LEVEL 03_THIRD FLOOR PLAN_REV E
- A_00_005_LEVEL 04_FOURTH FLOOR PLAN_REV E
- A_00_006_LEVEL 05_FIFTH FLOOR PLAN_REV E
- A_00_007_LEVEL 06_SIXTH FLOOR PLAN_REV E
- A_00_008_LEVEL 07_SEVENTH FLOOR PLAN_REV E
- A_00_011_ROOF PLAN_REV D
- A_00_014_PROPOSED ELEVATIONS (N)_REV D
- A_00_015_PROPOSED ELEVATIONS (E)_REV D

- A_00_016_PROPOSED ELEVATIONS (S)_REV D
- A_00_017_PROPOSED ELEVATIONS (W)_REV D
- A_00_019_PROPOSED SECTION B-B (COURTYARD ELEVATION)_REV D
- A_00_020_PROPOSED SECTION C-C (COURTYARD ELEVATION)_REV D
- A_00_021_PROPOSED SECTION D-D (COURTYARD ELEVATION)_REV D
- A_00_022_PROPOSED SECTION E-E (COURTYARD ELEVATION)_REV D
- A_90_101_EXISTING LOCATION PLAN
- A_90_102_PROPOSED LOCATION PLAN_REV D
- A_90_104_PROPOSED SITE PLAN_REV D
- A_90_106_EXISTING ELEVATIONS [S_W]
- A_90_107_PROPOSED ELEVATIONS (N_E)_REV D
- A_90_108_PROPOSED ELEVATIONS (S_W)_REV D

Supporting Documents

- Noise Assessment (Acoustics & Noise Ltd: March, 2016)
- Transport Assessment (Asbri Transport: January , 2016)
- Pre-application Report (PAC) (Asbri Planning: January 2017)
- Geotechnical and Geo-environmental Report (Terra firma: Oct 2015)
- Planning Statement (Asbri Planning: June 2017)
- Design and Access Statement (HMA)

Reason: For the avoidance of doubt

3. *Road Traffic Noise:*

Prior to commencement of development a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide that all habitable rooms exposed to external road traffic noise in excess of 63 dBA Leq 16 hour [free field] during the day [07.00 to 23.00 hours] or 57 dBA Leq 8 hour [free field] at night [23.00 to 07.00 hours] shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 40 dBA Leq 16 hour during the day and 35 dBA Leq 8 hour at night. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with acoustically treated active ventilation units. Each ventilation unit (with air filter in position), by itself or with an integral air supply duct and cowl (or grille), shall be capable of giving variable ventilation rates ranging from :

- 1) an upper rate of not less than 37 litres per second against a back pressure of 10 newtons per square metre and not less than 31 litres per second against a back pressure of 30 newtons per square metre, to
- 2) a lower rate of between 10 and 17 litres per second against zero back pressure.

No habitable room shall be occupied until the approved sound insulation and ventilation measures have been installed in that room. Any private

open space (excepting terraces or balconies to any apartment) shall be designed to provide an area which is at least 50% of the area for sitting out where the maximum maximum day time noise level does not exceed 55 dBA Leq 16 hour [free field].

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected in accordance with Policy EN13 of the adopted Cardiff Local Development Plan (2006-2026).

4. *Sound Insulation:*

A scheme of sound insulation works to the floor/ceiling and party wall structure between the proposed residential units and the commercial units shall be submitted to and agreed by the Local Planning Authority in writing and implemented prior to occupation. Please note sound insulation requirements between that of a commercial unit and residential will need to be greater than that of the minimum standard of Part E building regulations.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected in accordance with Policy EN13 of the adopted Cardiff Local Development Plan (2006-2026).

5. *Landscaping Plan:*

No development shall be undertaken until a detailed landscaping plan has been submitted to and approved in writing with the Local Planning Authority. The submitted landscaping plan shall include, but not limited to, the following: scaled planning plan, plant schedule, tree pit sections and plan views, top soil specification, planting methodology and 5 year aftercare methodology.

Reason: To ensure an acceptable form of development in accordance with Policy KP5 of the adopted Cardiff Local Development Plan (2006-2026).

6. *Drainage:*

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.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment in accordance with EN10 of the adopted Cardiff Local Development Plan (2006-2026).

7. *Refuse Strategy:*

Prior to commencement of the development details of a refuse strategy shall be submitted to and approved in writing with the Local Planning Authority. The strategy shall include, but not limited to, details of how and where the refuse collection would be presented for its collection and who is providing the refuse service. The approved strategy shall be implemented on site and thereafter retained.

Reason: To ensure acceptable refuse provision for the development in

accordance with Policy W2 of the adopted Cardiff Local Development Plan (2006-2026).

8. *Samples of Materials:*
Samples of the external finishing materials 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 KP5 of the adopted Cardiff Local Development Plan (2006-2026).
9. *Cycle Storage:*
Prior to commencement of development details of the proposed cycle storage shall be submitted and approved in writing. The detail shall ensure that the proposed cycle provision is safe, secure and sheltered with the number of cycle spaces to accord with the Council's adopted parking standards as outlined in the council approved Access, Circulation and Parking Standards SPG (2010).
Reason: To ensure acceptable cycle provision for the development in accordance with Policy T1 of the adopted Cardiff Local Development Plan (2006-2026).
10. *Construction Management Plan:* Prior to commencement of development a Construction Management Plan shall be submitted and approved in writing with the Local Planning Authority. The Construction Management Plan shall include, but not limited to ,details of site hoardings, site access and wheel washing facilities, a strategy for the delivery of plant and material, construction staff parking. The approved strategy shall be implemented during the construction of the development.
Reason: To ensure the development does not interfere with the free flow of traffic in accordance with Policy T6 of the adopted Cardiff Local Development Plan (2006-2026).
11. *Combined Travel Plan:*
A combined Travel/Residential Management Plan shall be submitted to the LPA for approval. Such a Plan shall include, but not be limited to: the promotion of public transport and other means of travel to the private car as a condition of tenancy/occupation.
Reason: in the interests of highway safety and the control of car parking within the surrounding area in accordance with Policy T6 of the adopted Cardiff Local Development Plan (2006-2026).
12. *Servicing Management Plan:*
No part of the development hereby permitted shall be commenced until a plan for the management of delivery and servicing associated with the building has been submitted to and approved by the Local Planning Authority; the plan to include as required but not limited to the management of day to day access, deliveries and servicing, details of

the maximum vehicle size(s), times and days of permitted access, control and management of noise. Management of the delivery and servicing associated with the development shall be carried strictly in accordance with the plan so approved.

Reason: In the interests of highway safety and public amenity in accordance with Policy T6 of the adopted Cardiff Local Development Plan (2006-2026).

13. *Public Realm Reinstatement Works:*

No part of the development hereby permitted shall be commenced until a scheme of public realm reinstatement/improvement works to the City Road footway and the side, and rear lanes adjacent to the site has been submitted to and approval in writing by the LPA. The scheme shall include the removal, re-kerbing and reinstatement as footway of the existing vehicle dropped kerb to the front of the site on City Road; the reinstatement/resurfacing as required of the remainder of the footway abutting the site; and the resurfacing of the side and rear lane to the south and west of the site, to include as required surfacing, kerbs, edging, drainage, lighting, lining, signing and street furniture as required as a consequence of the scheme. No part of the development shall be occupied until the approved scheme has been implemented.

Reason: To reinstate the footway/highway and provide an improved pedestrian environment to facilitate safe commodious access to the proposed development in accordance with Policy T6 of the adopted Local Development Plan (2006-2026)

14. *Contaminated Land Assessment:*

Prior to the commencement of the construction of the development an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person * in accordance with BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and shall assess any contamination on the site, whether or not it originates on the site.

The report of the findings shall include:

- (i) A desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages;
- (ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;
- (iii) an assessment of the potential risks to:

- human health,
 - groundwaters and surface waters
 - adjoining land,
 - property (existing or proposed) including buildings, crops, livestock, pets,
 - woodland and service lines and pipes,
 - ecological systems,
 - archaeological sites and ancient monuments; and
 - any other receptors identified at (i)
- (iv) an appraisal of remedial options, and justification for the preferred remedial option(s).

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document 'Land Contamination: A guide for Developers' (2012), unless the Local Planning Authority agrees to any variation.

** A 'suitably qualified competent person' would normally be expected to be a chartered member of an appropriate professional body (such as the Institution of Civil Engineers, Geological Society of London, Royal Institution of Chartered Surveyors, Institution of Environmental Management) and also have relevant experience of investigating contaminated sites.*

Reason: To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment in accordance with policy EN13 of the Cardiff Local Development Plan.

15. *Remediation Scheme and Verification Plan:* Post demolition and prior to the commencement of the construction of the development a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land

Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document ' Land Contamination: A guide for Developers' (July 2006), unless the Local Planning Authority agrees to any variation.

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.

16. *Remediation and Verification:*

The remediation scheme approved by condition 15 above must be fully undertaken in accordance with its terms prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document ' Land Contamination: A guide for Developers' (July 2006), unless the Local Planning Authority agrees to any variation.

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

17. *Unforeseen Contamination:*

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

discovery of any unsuspected contamination.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN13 of the Cardiff Local Development Plan.

18. *Imported Soil:*

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 EN13 of the Cardiff Local Development Plan.

19. *Imported Aggregates:*

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

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

Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff Local Development Plan.

20. *Use of Site Won Materials:*

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.

21. *Security Measures:*

Notwithstanding the approved plans, details of any relevant security measures for future residents, including (but not limited to) CCTV, secured door entry, internal and external communal lighting, shall be submitted to and approved in writing by the local planning authority. The approved measures shall be implemented as approved prior to the beneficial occupation of the development and shall thereafter be retained and maintained.

Reason. In the interests of the safety and security of future residents. in accordance with Policy C3 of the adopted Cardiff Local Development Plan (2006-2026)

22. *Hours of Operation:*

No customers shall be admitted to or allowed to remain on the ground floor Commercial units hereby approved outside the hours of 07:30 to 22:00 on any day.

Reason. To protect the amenities of future residential occupiers and other occupiers in the vicinity of the site in accordance with Policy R4 of the adopted Cardiff Local Development Plan (2006-2026).

23. *No Takeaway Sales:*

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that Order with or without modification) no sale of hot food for consumption off the premises shall take place from the premises.

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

24. *Specified Use:*

In so far as relates to any Class A3 (Food & Drink) use of the ground floor commercial units hereby approved, the premises shall be used as a coffee shop/café/restaurant and no other purpose (including as a bar or other vertical drinking establishment) within Use Class A3 (Food & Drink) of the Schedule to the Town & 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 as a bar or drinking establishment may prejudice the amenities of the area and may increase instances of crime and disorder.

25. *Future Kitchen Extraction:*

If at any time the use of the ground floor commercial premises is to involve the preparation and cooking of hot food the extraction of all fumes from the food preparation areas shall be mechanically extracted to a point to be agreed with the Local Planning Authority, and the extraction system shall be provided with a deodorising filter. Details of the above equipment shall be submitted to, and approved by, the Local Planning Authority in writing and the equipment installed prior to the

commencement of use for the cooking of food. The equipment shall thereafter be maintained in accordance with the manufacturers' guidelines, such guidelines having previously been agreed by the Local Planning Authority in writing.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected site in accordance with Policy R4 of the adopted 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. 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 specified above will be the subject of an agreement under Section 278 of the Highways Act 1980.

RECOMMENDATION 5: That, 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 to accord 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 Full planning permission is sought for new student development (146, 30 m² studios) with two ground floor commercial units (class A1/A2/A3). The original proposal (225 beds) has been significantly reduced in terms of both height and mass. The blocks (as amended) would range from four to eight storey in height fronting onto City Road, with the upper storeys being set back the main City Road frontage.
- 1.2 The development also provides for internal refuse and cycle storage. A private internal courtyard/amenity space is provided to the rear of the development.
- 1.3 The elevation fronting onto City Road is proposed as a combination of predominantly brickwork with aluminium sheet cladding as the background material. The ground floor including the main entrance and the commercial units being comprised of predominantly glass elevations.
- 1.4 The plans have been amended on two occasions (16th March and 13 July 2017)

2. **DESCRIPTION OF SITE**

- 2.1 The application site is located at the northern end of City Road, on the west side, immediately adjacent to the Gaiety building (to the south), and directly opposite the junction with Glenroy Street. Just to the north of the site, again on the west side of City Road, is the Park Conservative Club and Co-operative Pharmacy buildings, which in conjunction with the Gaiety building, represent the largest buildings in the immediate area. The application site is also on the corner of a narrow access lane (between the site and the Gaiety building) that leads from City Road to another lane that runs parallel to City Road and provides access to garages and similar storage structures associated with properties on both City Road and Richmond Road.
- 2.2 All of the original properties on the site, numbers 199-209 City Road, were demolished during the early part of 2017. The site is now fully cleared, hoarded-off and vacant.

3. **SITE HISTORY**

- 3.1 01/02164/W: Change of use to taxi booking office- Refused
- 3.2 15/02500/MJR: Proposed demolition of existing buildings on 199-203 City Road and construction of 29 no. self-contained units, 9 No. open market units and 20 No. Student accommodation units including ground floor retail accommodation along City Road with associated external works – resolved to approve subject to the signing of an S106 agreement (S106 currently not signed).
- 3.3 16/00445/MNR – Prior approval for demolition of existing 3 storey pitched roof properties – Prior approval granted.

4. **POLICY FRAMEWORK**

- 4.1 Planning Policy Wales, Edition 9 (November 2016).
- 4.2 Technical Advice Notes (TANs):
 - 11 Noise
 - 12 Design
 - 16 Sport, Recreation and Open Space
 - 18 Transport
 - 21 Waste
- 4.3 Cardiff Local Development Plan (January 2016):
 - KP1 Level of Growth
 - KP5 Good Quality and Sustainable Design
 - KP6 New Infrastructure
 - KP7 Planning Obligations
 - KP8 Sustainable Transport
 - KP12 Waste
 - EN13 Air, Noise, Light Pollution and Land Contamination
 - T1 Walking and Cycling
 - T2 Strategic Rapid Transit and Bus Corridor Enhancement
 - T5 Managing Transport Impacts
 - T6 Impact on Transport Networks and Services
 - T7 Strategic Transportation Infrastructure
 - C1 Community Facilities
 - C3 Community Safety/Creating Safe Environments
 - C5 Provision for Open Space, Outdoor Recreation, Children’s Play and Sport
 - W2 Provision for Waste Management Facilities in Development
- 4.4 The following guidance documents were supplementary to the City of Cardiff Local Plan (1996), now superseded by the Local Development Plan (LDP). They remain a material consideration insofar as they are consistent with LDP policy:

Access, Circulation and Parking Standards (January 2010)
Trees and Development (March 2007)
Open Space (March 2008)
Cardiff Liveable Design Guide (May 2015)

4.5 Supplementary Planning Guidance:

Waste Collection and Storage Facilities (October 2016)
Planning Obligations (January 2017)
Tall Buildings (January 2017)
Residential Design Guide (January 2017)
Location Waste Management Facilities (January 2017)

5. **INTERNAL CONSULTEES RESPONSES**

- 5.1 **The Operational Manager, Transportation:** The development is considered to be acceptable in principle subject to the following matters. 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. Being mindful of the central, sustainable location of the site and that of the proposed use, I am satisfied that the proposed development is compliant with adopted parking policy as submitted, with zero on-site car parking, and the provision of resident/visitor cycle parking as required by condition. It is also expected that active travel and demand for cycle parking will be monitored as part of the conditioned Travel Plan and enhanced as may be required.

With reference to location and wider development considerations, it is noted that the site is in a central location within an extensively served, pedestrian dominated, district centre with direct access to employment, leisure, shopping and wider university facilities. The site is also within an area where walking, cycling and public transport offer viable daily alternatives to use of a private car; having very good access to bus based public transport services, high quality footways and Cardiff's cycle network. The site is therefore considered to be sustainably located in transport terms and entirely appropriate for the proposed form of development.

It is however noted that the introduction of 146 residents who will be reliant on walking and cycling for daily journeys will put additional pedestrian traffic onto adjacent footways and crossings in the vicinity of the site. Conditions and a S106 contribution are therefore sought to secure reinstatement/improvements to adjacent footways and the provision of a controlled pedestrian crossing (ZEBRA) in the vicinity of the site.

I am also satisfied, subject to agreement of the conditioned Traffic Management Plans, that there is sufficient capacity on the adjacent public highway to accommodate the arrival and departure of students at the start and

end term, and daily servicing requirements of the proposed retail elements of the scheme. The Traffic Management plan will also assist with the control of student car parking within the site and surrounding area.

It should also be noted that a separate licence will be required for the provision of tables & chairs on the footway, should they be proposed in association with any A3 use of the ground floor units. All costs associated with securing any licence, permission or agreement required to facilitate the development or its use must be met by the developer/operator as appropriate to the licence/activity.

A combined transportation contribution of £55,000 is sought to provide:

- A ZEBRA crossing on City Road south of the site at the location of the former island crossing (£45,000);
- The investigation and implementation of new and amended TROs in the vicinity of the site. Including, but not limited to, implementation of the City Road phase of the 20mph area speed limits, and parking and loading TRO amendments as required as a consequence of the development (£10,000);

5.2 **The Operational Manager, Environment (Contaminated Land):** No objection subject to conditions to control and assess contamination of the land

5.3 **The Council's Tree Officer:** No objection subject to a landscaping condition being imposed.

5.4 **The Operational Manager, Waste Management** states that for a development of this size and nature, an in depth waste strategy should be produced detailing anticipated volumes of waste and the segregation of materials for recycling (suggested recycling includes cardboard, paper, glass, food, plastics as a minimum). It should also predict the number of collections required so that we can ensure the refuse storage space is large enough to accommodate all waste between collections, it may be necessary to implement a compactor to minimise the number of collections of materials such as cardboard.

A method statement detailing how waste is to be transferred to the ground floor (service lifts must be large enough to accommodate bins being used, plus one person) should also be provided.

The developer is advised, as bulk containers are required for this development, access paths to the kerbside for collection should be at least 1.5 metres wide, clear of obstruction, of a smooth surface with no steps. Dropped kerbs should also be provided, to ensure safe handling of bulk bins to the collection vehicle.

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.

- 5.5 **The Operational Manager, Environment (Noise & Air)** No objection, subject to a condition requiring all habitable rooms to meet a certain noise level and require details of any fume extraction that may be used on the ground floor flat.
- 5.6 **The Operational Manager, Regeneration (Community Facilities)** The Council's approved Planning Obligations SPG 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 and extension to, or upgrading of existing facilities. If no onsite provision is proposed, a financial contribution would be sought on residential developments containing 25 or more units.
- 5.7 **The Operational Manager, Drainage:** No comments received
- 5.8 **The Operational Manager, Parks and Sport:** 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 146. This generates a maximum open space requirement of 0.187 ha of on-site open space based on the criteria set for Student accommodation, or an off-site contribution of £79,793.

- 5.9 **The Housing Development (Enabling) Team** state that as the proposed development is solely for student accommodation, our current policy does not allow us to seek/require an affordable housing contribution, provided the residential element is restricted to such use, and for no other purpose.

6. **EXTERNAL CONSULTEES RESPONSES**

- 6.1 Dwr Cymru Welsh Water: No objection subject to a drainage condition that seeks to separate foul and surface water We have no further comments to make on the amended details submitted
- 6.2 The South Wales Police Crime Prevention Design Advisor: No objection. The comments of the South Wales Police regarding Secured by Design have been passed to the applicant.

7. **REPRESENTATIONS**

- 7.1 As a Major Development, a press notice was published and site notices have been placed outside the development site on City Road and on Richmond Road. Neighbouring properties have been consulted by letter, and local Ward Councillors consulted. The applicant has also undertaken a pre-application public consultation (PAC) which is now a statutory requirement for all major development proposals.
- 7.2 Local Ward Members McGarry, Lent and De'Ath object to the amended (March 2017) plans and have made the following comments: *"We have looked at the amended plans and cannot see how the objections of local residents and businesses have been addressed: The buildings will still overshadow the backs of houses in Richmond Road and the design is totally out of keeping with the Victorian buildings next to the development, including the Park Conservative Club. So, please add our objections, as local councillors, to this application."* No further comments have been received to the latest (July 2017) amended plans.
- 7.3 A total of 9 no. objections were received from neighbours from the initial (January) consultation. A further 3 no. objections were submitted from the (March) amended plans consultation, and a further 1 no. (one) objection was received from the second amended plans consultation in July 2017. The subject of the objections received are summarised below:
- *The height, massing and scale of the proposal*
 - *The impact on the adjacent cinema building and its potential for redevelopment*
 - *The use of render is inappropriate in terms of appearance and maintenance*
 - *The development fails to accord with the Tall Buildings SPG*
 - *Noise and disturbance from drunk students*
 - *Overlooking of neighbouring properties*
 - *Overshadowing/loss of light*
 - *Impact on drainage and water supply*
 - *Traffic generation and lack of on-street parking*
 - *Lack of transparent public consultation*
 - *Comments regarding inconsistencies in the issue of licenses for takeaways*
 - *Unclear what the use of the proposed building would be*
 - *Issues of litter and waste management*
 - *Congestion and disturbance during construction including noise and dust*
 - *Increase in crime and anti-social behaviour*
- 7.4 A petition of 27 signatures was received on 13 February 2017 objecting to the proposal on the following grounds:
- *The height of the buildings proposed at four, six and nine storeys being twice the heights of neighbouring occupiers, resulting in the loss of light and overshadowing*

- *The increase in traffic worsening congestion and parking in the area*
- *The impact on the amenity and privacy of neighbouring occupiers from overlooking*
- *Lack of regard to the character and context of the built environment by virtue of the design and scale of the proposal*

7.5 A total of 3 no. statements of support were submitted from the initial (January) consultation. The statements of support are summarised below:

- *Economic uplift to the area for local businesses*
- *Visual improvement from former buildings on the site*
- *Gaiety Building is not listed, and should be demolished*
- *Support for high density student development*
- *Potential for properties in Cathays and Roath to return to family homes*
- *Enduring vandalism, arson and anti-social behaviour from years of dereliction*

8. **ANALYSIS**

- 8.1. The application has been considered on its merits having regard to all material planning factors. The following issues are relevant to the consideration of the proposal and are addressed below.
- 8.2. Land Use Policy Considerations: The application site is located within the City Road District Centre as defined by the adopted LDP Proposals Map. The application should therefore be assessed against Policy R4: District Centres.
- 8.3. Policy R4 aims to promote and protect the shopping role of district centres and favours retail, office, leisure and community facilities within District Centres. Criterion (iv) permits proposals for uses other than Class A1 at ground floor level if they would not cause unacceptable harm to the predominant shopping role and character of the centre, the vitality, attractiveness and viability of a specific frontage or group of frontages. Paragraph 5.273 recognises that the provision of residential accommodation at upper floors within centres can support their vitality, attractiveness and viability.
- 8.4. The proposal provides for 2 commercial units at ground floor level. The provision of retail at ground floor level will maintain an active frontage and the provision of student accommodation in the centre would increase footfall and positively benefit the centre's vitality and viability.
- 8.5. Assessed against this policy framework, the proposal would positively contribute to the aims of Policy R4 and as such the proposal raises no land use concerns
- 8.6. Design and Amenity Considerations: This scheme sits along the existing building line. It is noted that the earlier plans, by creating an enhanced/larger public realm along city road, provided a better relationship to the proposed taller element and the street frontage, and provided the potential for landscaping/trees as well as the creation of a new public space along City

Road. However, by setting the building back and by virtue of its depth and height, resulted in an overbearing development to the rear of properties along Richmond Road; inappropriate in scale, height and massing at this location. The current plans have reduced the height of the building proposed from 10 to 8 storeys (max) with reduced height across the main City Road frontage creating a more appropriate relationship with adjacent buildings.

Whilst it is accepted that the scale of the development is greater than those existing buildings along this northern section of city road, it is accepted that the size of the plot, the further potential for development of the former Gaiety Cinema site immediately to the south, and the location opposite the junction of Glenroy Street, all give credence to the potential for a taller building at this location.

It is further noted that the site and adjacent (Gaiety) site are currently vacant within an area which has suffered from dereliction and consequential anti-social behaviour for a number of years.

The scale of development to the rear lane is acceptable, being 3 storey wings equivalent in scale to existing buildings., Setting back the taller elements of the main frontage to within acceptable separation distances, and limiting the scale of the wings to three storeys, addresses the concerns neighbouring residents Richmond Road in terms of overlooking and overshadowing.

The creation of additional distance (setting the building back from the existing side lane) and the introduction of angled windows allows for an acceptable aspect from those units, without compromising future development of the adjacent site.

The materials proposed (as amended) being predominantly brick with metal cladding and glazing are considered to be an improvement in quality from the original submission and more in keeping with the street scene and adjacent premises along City Road. A condition is recommended to ensure that samples of these materials are submitted to, and approved by the Local Planning Authority, before commencement of any development.

The proposal provides for an internal private courtyard/amenity space for residents which is considered to be a positive contribution to the development, and provides for a better aspect to the inward-facing windows/rooms. This is strengthened by the proposal (as amended) which removes the need for vehicular/service access along the side and rear lanes. The aspect will allow the penetration of natural daylight to encourage the use of the space and improve the amenity of those units that overlook the space. A condition to define the detailed landscaping/design of the space has been recommended to ensure that the space is well designed and has the potential to accommodate planting appropriate for the location/ground conditions.

For the above reasons, and mindful of other recent/consented developments along City Road, the proposal (as amended) is, on balance, considered acceptable from a design and amenity perspective.

8.7. Access, parking and circulation considerations: The Operational Manager (Transportation) has considered the application (as amended) and raises no objection to the proposed development, (see paragraph 5.1), subject to conditions and the applicant entering into a S106 agreement to secure a contribution towards necessary highway improvements.

8.8. Comments received by neighbours/objectors: Paragraphs 7.2 to 7.4 summarise the objections received following public consultation. Those areas not already considered in this report are listed and addressed below

The impact on the adjacent cinema building: Contrary to some of the views expressed through the consultation, the former Gaiety Cinema is not a statutory Listed Building. Whilst the tallest element of the development is immediately adjacent, the building is currently vacant and derelict and has attracted anti-social behaviour and vandalism for a number of years. By bringing back into new and beneficial use the adjacent site, it is hoped that a new development/appropriate use for the Gaiety site is more likely to be forthcoming.

Noise and disturbance from drunk students: This is not a material planning consideration for the purposes of considering this application

Impact on drainage and water supply: Comments have been received from Dwr Cymru Welsh Water and the Council Highways (Drainage) Section. No objections have been received, subject to a condition.

Lack of transparent public consultation: The proposal has been the subject of a statutory 28-day Pre-Application Consultation (PAC) and the associated report was submitted as part of the application. The application has been advertised as a major development and adjacent neighbours have been notified of the proposed development by letter and on the Council website. Furthermore, site notices have been positioned at appropriate locations adjacent to the site. Following the receipt of amended plans, further 14-day public consultations, along with neighbour letters and site notices have been issued.

Licenses for takeaways: This is not a matter for the Local Planning Authority.

8.9. *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.

8.10. *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

- 8.11. *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 upon the achievement of wellbeing objectives as a result of the recommended decision.

9. **SECTION 106 AGREEMENT**

- 9.1 A contribution of £55,000 is sought to secure the following essential highway infrastructure:

- The investigation and implementation of new and amended TRO's in the vicinity of the site. Including, but not limited to, implementation of the City Road phase of the 20mph area speed limits, and parking and loading TRO amendments as required as a consequence of the development (£10,000)
- A ZEBRA crossing on City Road south of the site at the location of the former island crossing (£45,000)

- 9.2 In addition to the above, the S106 agreement will specify that the residential use of the premises is for student accommodation, and for no other purpose.

- 9.3 The applicant has confirmed their acceptance of the above terms.

10. **CONCLUSION**

- 10.1 For the above reasons, and as amended, the application is recommended for approval, subject to conditions and S106 agreement.