

LOCAL MEMBER OBJECTION

COMMITTEE DATE: 09/05/2018

APPLICATION No. **17/03026/MJR** APPLICATION DATE: 18/12/2017

ED: **CATHAYS**

APP: TYPE: Full Planning Permission

APPLICANT: JM Properties Management

LOCATION: LAND AT JUNCTION OF NORTH ROAD AND MAINDY ROAD, CATHAYS, CARDIFF

PROPOSAL: TOTAL DEMOLITION OF THE EXISTING BUILDINGS AND REDEVELOPMENT FOR STUDENT ACCOMMODATION (APPROX. 3,644M2) COMPRISING STUDIOS AND CLUSTERS, COMMON AMENITY AREAS, EXTERNAL OPEN SPACE AMENITY AREAS, 1NO A1/A3 UNIT AND ASSOCIATED LANDSCAPING AND HIGHWAYS WORKS

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 paragraph 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

Drawing No: 27066 ELE_50_01 Rev F (Proposed Elevations 1 of 3);
Drawing No: 27066 ELE_50_02 Rev F (Proposed Elevations 2 of 3);
Drawing No: 27066 ELE_50_03 Rev E (Proposed Elevations 3 of 3);
Drawing No: 27066 ELE_60 Rev E (Proposed Street Elevation);
Drawing No: 27066 LO_50_01 Rev G (Proposed Ground Floor Plan);
Drawing No: 27066 LO_50_02 Rev F; (Proposed First Floor Plans);
Drawing No: 27066 LO_50_03 Rev F (Proposed Second Floor Plans);
Drawing No: 27066 LO_50_04 Rev F (Proposed Third Floor Plan);
Drawing No: 27066 LO_50_05 Rev F (Proposed Fourth and Fifth Floor Plans);
Drawing No: 27066 LO_50_06 Rev E (Proposed Roof Plan);
Drawing No: 27066 PL_10 Rev E (Proposed Site Layout);
Drawing No: SHF.1466.001L.D.001A Rev A (Planting Proposals);
Drawing No: SHF.1466.001.L.D.003 (Tree Pit Detail);

Documents

Design and Access statement;
Design and Access statement February 2018 Addendum;
Air Quality Assessment by Hydrock dated 8th March, 2017;
Planning and Retail Statement by Barton Willmore dated August 2017,
Transport Statement by Corun Transport and Highway Engineering dated December 2017;
Environmental Noise and Vibration Survey by Hunter Acoustics dated 20th July, 2017,
Bat Scooping Survey Report by Environmental Methods dated August, 2017
Geotechnical desk study report by integral Geotechnique
Pre-Application Consultation Report dated October 2017;
Drainage Strategy by SHEARdesign dated December, 2017.

Reason: For the avoidance of doubt.

3. Prior to their installation 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 Cardiff Local Development Plan.
4. Prior to the beneficial occupation of the development hereby approved the details of the proposed windows on the east elevations facing the terraced properties shall be submitted and approved in writing with the Local Planning authority. The approved details shall be implemented on site and shall thereafter be retained.
Reason: To ensure the privacy of the adjoining neighbours in accordance with Policy KP5 of the adopted Cardiff Local Development Plan (2006-2026).
5. The existing brick boundary wall between the application site and 133 Maindy Road shall remain.
Reason for the avoidance of doubt.
6. No development, other than demolition and site clearance, shall commence until a drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate how the site will be effectively drained, the means of disposal of surface water and indicate how foul flows will communicate to the existing public sewerage system.
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 policy EN10 of the Cardiff Local Development Plan.

7. The landscaping scheme as shown on Drawing No: SHF.1466.001L.D.001A Rev A (Planting Proposals); and Drawing No: SHF.1466.001.L.D.003 (Tree Pit Detail shall be implemented prior to beneficial occupation of the development, or unless agreed in writing with the Local Planning Authority.
Reason: To ensure that the proposals will maintain and improve the amenity and environmental value of the area, in accordance with policy KP5 of the Cardiff Local Development Plan.
8. Any trees, plants, or hedgerows which within a period of five years from the completion of the development die, are removed, become seriously damaged or diseased, or become (in the opinion of the Local Planning Authority) otherwise defective, shall be replaced in the current planting season or the first two months of the next planting season, whichever is the sooner, unless the Local Planning Authority gives written consent to any variation.
Reason: To maintain and improve the amenity of the area in accordance with policies KP5 and EN8 of the Cardiff Local Development Plan.
9. No development shall commence, including any works of demolition, until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The approved CMS shall be adhered to throughout the demolition and construction period. The CMS shall provide for: (i) The parking of vehicles of site operatives and visitors; (ii) Loading and unloading of plant and materials; (iii) Storage of plant and materials used on constructing the development; (iv) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; (v) Details of highways/footway closures; (vi) Wheel washing facilities; (vii) A dust assessment with measures to monitor and control the emission of dust and dirt during demolition and construction; and (viii) A scheme for the recycling/disposing of waste resulting from demolition and construction works.
Reason: In the interests of highway safety and public amenity.
10. 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 walking, cycling, public transport and other alternatives to the ownership and use of the private car; the management of student drop-off and collection/traffic at the start and end of term; the control of vehicular access to the site and 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.
Reason: in the interest of highway safety and to regulate the impact of the development on use of the adjacent highway in accordance with policy T5 of the Cardiff Local Development Plan.
11. No part of the development hereby permitted shall be commenced until a

scheme of public realm improvement works to the footways adjacent to the site on Maindy Road and North Road, has been submitted to and approval in writing by the LPA. The scheme to include the removal and reinstatement as footway of the redundant existing vehicle entrances on Maindy Road and the resurfacing/reinstatement as required of the remainder of the footway abutting the site; to include as required renewal of surfacing, kerbs, edging, drainage, lighting, lining, signing and street furniture as required as a consequence of the scheme. The agreed scheme to be implemented to the satisfaction of the LPA prior to beneficial occupation of the site.

Reason: To ensure the reinstatement of the footway and provide an improved pedestrian environment to facilitate safe commodious access to the proposed development highway in accordance with policy T5 of the Cardiff Local Development Plan.

12. Prior to beneficial occupation of the development hereby approved details showing the provision of 72 cycle parking spaces have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the development being put into beneficial use. Thereafter the cycle parking spaces shall be maintained and shall not be used for any other purpose.

Reason: To ensure that adequate provision is made for the secure parking of cycles in accordance with policy T5 of the Cardiff Local Development Plan.

13. The proposed car parking and manoeuvring areas shall be laid out in accordance with the approved details before the development is brought into beneficial use and be thereafter maintained and retained at all times for those purposes in association with the development.

Reason: to make provision for the parking of vehicles clear of the roads so as not to prejudice the safety, convenience and free flow of traffic in accordance with policy T5 of the Cardiff Local Development Plan.

14. 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 day time noise level does not exceed 55 dBA Leq 16 hour [free field].

Reason: To ensure that the amenities of future occupiers are protected in accordance with Policy EN13.

15. The rating level of the noise emitted from fixed plant and equipment from on the site shall not exceed the existing background noise level at any time by more than -10dB(A) at any residential property when measured and corrected in accordance with BS 4142: 1997(or any British Standard amending or superseding that standard).

Reason: To ensure that the amenities of future and existing occupiers are protected in accordance with policy EN13 of the adopted Cardiff Local Development Plan.

16. The extraction of all fumes from the food preparation areas shall be mechanically extracted to a point to be agreed in writing by the Local Planning Authority, and the extraction system shall be provided with a de-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 that the amenities of occupiers of other premises in the vicinity are protected in accordance with EN13 & R8 of the adopted Cardiff Local Development Plan.

17. If at any time the use of the ground floor (A1/A3)premises is to involve the preparation and cooking of hot food, then all fumes from the food preparation area shall be mechanically extracted to a point not less than one metre above the eaves of the main roof and the extraction system shall be provided with a deodorising filter; all fans and pumps shall be so mounted and installed so as not to give rise to any noise nuisance. Details of the above equipment shall be submitted to and approved by the Local Planning Authority and the equipment installed prior to the use for the cooking of food commencing..

Reason: To ensure that the amenities of adjoining and nearby occupiers are not prejudiced.

18. Prior to occupation of any part of the development the proposed details of appropriate gas protection measures to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site shall be submitted to and approved in writing to the Local Planning Authority.

All required gas protection measures shall be installed and appropriately verified before occupation of any part of the development which has been permitted and the approved protection measures shall be retained and maintained until such time as the Local Planning Authority agrees in writing that the measures are no longer required.

* 'Gases' include landfill gases, vapours from contaminated land sites, and naturally occurring methane and carbon dioxide, but does not include radon gas. Gas Monitoring programmes should be designed in line with current best practice as detailed in CIRIA 665 and or BS8485 year 2007 Code of Practice for the Characterization and Remediation from Ground Gas in Affected Developments.

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

19. Prior to the construction phase 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) not required;
- (ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present;
- (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 / WG / NRW guidance document ' Land Contamination: A guide for Developers' (2017),, 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.

20. Prior to the construction phase 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 / WG / NRW guidance document 'Land Contamination: A guide for Developers' (2017), 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.

21. The remediation scheme approved by condition 17 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 / WG / NRW guidance document ' Land Contamination: A guide for Developers' (2017),, 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.

22. 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.

23. Any topsoil [natural or manufactured], subsoil, or 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 soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the Local Planning Authority.

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

24. Piling or any other foundation designs using penetrative methods shall not

be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Reason: There is an increased potential for pollution of controlled waters from inappropriate methods of piling.

25. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order amending, revoking or re-enacting that Order) no windows, other than those hereby approved, shall be inserted in the side elevations facing 133 Maindy Road.
Reason : To ensure the privacy of the adjoining neighbours in accordance with policy KP5 of the Cardiff Local Development Plan
26. Prior to beneficial occupation of the development hereby approved, details of the means of enclosure shall be submitted to an approved in writing with the Local Planning Authority. The approved details shall be implemented before the beneficial occupation of any of the development hereby approved and shall thereafter be retained. Reason: To ensure a satisfactory means of enclosure in accordance with Policy KP5 of the Cardiff Local Development Plan
27. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking, or re-enacting that Order) no telecommunication apparatus shall be erected within the curtilage of the development.
Reason: To ensure the orderly development of the area with adequate space about buildings and in the interests of the visual amenity of the area in accordance with policy KP5 of the adopted Cardiff Local Development Plan.
28. The ground floor A3 use hereby permitted shall be used for the purpose a café or restaurant and for no other purpose (including any other purpose in Class A3 of the schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument amending, revoking or re-enacting that Order).
Reason: Permission is granted only because of the characteristics peculiar to this proposal. Other uses within Class A3 could prejudice the amenities of the area in accordance with policy R8 of the adopted Cardiff Local Development Plan.
29. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any Order amending or revoking and re-enacting that Order) no sale of hot food for consumption off the premises shall take place from the premises.
Reason: To ensure that the use of the premises does not prejudice the amenities of the area in accordance with Policy R8 of the adopted Cardiff Local Development Plan.
30. No member of the public shall be admitted to or allowed to remain on the

ground floor commercial (A1/A3) premises between the hours of 23:00 and 08:00 on any day.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity of the site are protected in accordance with Policy R8 of the adopted Cardiff Local Development Plan.

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: 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.

RECOMMENDATION 5: The applicant is advised that incoming residents will not be eligible to receive resident parking permits in the adjacent streets.

RECOMMENDATION 6: In addition to matters covered by the conditioned Travel Plan, the applicant is requested to provide residents (upon their arrival) with a welcome pack detailing sustainable transport options available locally, to help promote sustainable transport options.

RECOMMENDATION 7: The highway works condition and any other works to existing or proposed adopted public highway are to be subject to agreement(s) under Section 278 and/or Section 38 of the Highways Act 1980 between the developer and Council.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 The application was presented at the April Planning committee, where it was deferred for a site visit. The site visit was undertaken on the 30th April, 2018.
- 1.2 Full planning permission is sought for demolition of the existing buildings and replace with a new building of various height from 2 storey to 6. The building is proposed to accommodate 137 bed student accommodation and a 104 sqm A1/A3 retail unit located on the ground floor.
- 1.3 The proposed parking to service the development would be 4 parking spaces (2 of which will be for disabled users) and 72 cycle spaces that would be located within a block located to the rear. Access to both would be via an existing adopted lane located to the south of the application site.
- 1.4 The building is proposed to be finished predominately red brick with upper floors finished in cladding. The window and door frames would be dark grey aluminium.
- 1.5 The plans have been amended as follows:
 - i) The height of the eastern most part of the site adjacent to 133 Maindy Road has been reduced from 3 storeys to 2 storeys, which has reduced the number of rooms from 139 down to 137. These revisions reduce the height of this element of the scheme from approx. 9m down to approx. 6m, just above the eaves height and below the ridge height of the adjacent terraced properties;
 - ii) A horizontal and vertical 45 degree test has been submitted for the revised scheme and it demonstrates that overall there is no adverse effect on daylight for the adjacent dwelling and it would not be unreasonably affected by the proposal.
 - iii) The external treatment of this revised 2 storey section has also been amended. The original red brick has been substituted for recess cladding to match other aspects of the proposed development to provide more

- articulation and architectural interest; and
- iv) The internal refuse store has been increased in size and a separate waste storage has been included for the commercial bin store for the A1/A3 use.

1.6 The following documents have been submitted in support of the application:

Design and Access statement;
Design and Access statement February 2018 Addendum;
Air Quality Assessment by Hydrock dated 8th March, 2017;
Planning and Retail Statement by Barton Willmore dated August 2017,
Transport Statement by Corun Transport and Highway Engineering dated December 2017;
Environmental Noise and Vibration Survey by Hunter Acoustics dated 20th July, 2017;
Bat Scooping Survey Report by Environmental Methods dated August, 2017
Geotechnical desk study report by integral Geotechnique
Pre-Application Consultation Report dated October 2017;
Drainage Strategy by SHEARdesign dated December, 2017.

1.7 The agent has provided the following points in support of the application

- 1) There are approx. 36,000 full time students in Cardiff universities (including within University of South Wales campuses based in Cardiff). Taking into account privately-owned and university-owned student accommodation and the 'pipeline' of unimplemented planning permissions, there are still approximately 14,000 students in existing housing stock, with the majority within the wards of Cathays, Plasnewydd and Roath.
- 2) This development will reduce the pressure on the existing housing stock within Cathays, Plasnewydd and Roath, potentially returning it to the open market for family homes.
- 3) Whilst the development will be high quality it will not be 'top-end', and will therefore target the students who are likely to occupy existing housing stock in the area. In addition, as this scheme is not 'top-end' it is not likely to lead to difficulties in letting, which it is understood some of the more expensive student schemes in Cardiff are currently experiencing.
- 4) The gap between the existing built form and the adjacent property is approx. 933mm. The pre-application scheme increased that gap to 1974mm. After discussions with officers this gap has now been increased to 3827mm therefore the separation distance between the two buildings is now 3m wider than the existing situation.
- 5) The element of the proposed development adjacent to the residential property has been reduced to 2 storeys, lower than the adjacent two storey dwelling.
- 6) The shadowing studies demonstrate that BRE guidelines are more than comfortably met.
- 7) Extensive pre-application discussions have taken place with officers regarding the design of the scheme
- 8) Oriel windows have been introduced on the eastern elevation of the rear flank to prevent any overlooking into adjacent properties.
- 9) Public realm improvements are proposed in the vicinity, including improved

- landscaping and footpaths.
- 10) The proposed development provides a focal or landmark feature on this approach to Cardiff, and important vista that is currently occupied by a weak building.
 - 11) Quality materials are proposed.
 - 12) The development is a virtually car-free development.
 - 13) The existing building is in a poor state of repair, particularly the roof, and is at the end of its life.
 - 14) Over £200,000 of planning obligations for public open space, highways and community facilities improvements in the area will be secured via a Section 106 Agreement.

2. **DESCRIPTION OF SITE**

- 2.1 The site measures 0.2ha in area. The site comprises a collection of existing one storey buildings of a commercial use.
- 2.2 The site is bound by Maindy road to the north east, which comprises two storey residential terrace dwellings which benefit from rear lane access. Also to the east, and sharing the same rear lane access, is the student development know as Cambrian Point. To the south west is the railway line beyond which is another student development known as Severn Point and to the south west is a principal road known as North Road.

3. **SITE HISTORY**

- 3.1 10/00915/C : change of use of former storage area to Upvc showroom – approved.
- 3.2 00/01526/W : alteration to front offices and fence – approved.

4. **POLICY FRAMEWORK**

- 4.1 Planning Policy Wales, Edition 9 (November 2016).

4.2.2 The planning system provides for a presumption in favour of sustainable development to ensure that social, economic and environmental issues are balanced and integrated, at the same time, by the decision-taker when...taking decisions on individual planning applications.

4.2.4 Legislation secures a presumption in favour of development in accordance with the development plan for the area unless material considerations indicate otherwise.

4.3.1 All those involved in the planning system are expected to adhere to (inter alia):

- *putting people, and their quality of life now and in the future, at the centre of decision-making;*
- *taking a long term perspective to safeguard the interests of future generations, whilst at the same time meeting needs of people today;*

- *respect for environmental limits, so that resources are not irrecoverably depleted or the environment irreversibly damaged. This means, for example, mitigating climate change, protecting and enhancing biodiversity, minimising harmful emissions, and promoting sustainable use of natural resources;*
- *tackling climate change by reducing the greenhouse gas emissions that cause climate change and ensuring that places are resilient to the consequences of climate change; and*
- *taking account of the full range of costs and benefits over the lifetime of a development, including those which cannot be easily valued in money terms when making plans and decisions and taking account of timing, risks and uncertainties. This also includes recognition of the climate a development is likely to experience over its intended lifetime.*

4.4.1 The following sustainability objectives for the planning system reflect our vision for sustainable development and the outcomes we seek to deliver across Wales. These objectives should be taken into account...in taking decisions on individual planning applications in Wales. These reflect the sustainable development outcomes that we see the planning system facilitating across Wales.

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

- *Contribute to the protection and improvement of the environment so as to improve the quality of life and protect local and global ecosystems*
- *Ensure that all communities have sufficient good quality housing – including affordable housing – in safe neighbourhoods*
- *Promote access to employment, shopping, education, health, community facilities and green space*
- *Foster improvements to transport facilities*
- *Foster social inclusion.*
- *Promote resource-efficient and climate change resilient settlement patterns that minimise land-take and urban sprawl, especially through preference for the re-use of suitable previously developed land and buildings, wherever possible avoiding development on greenfield sites;*
- *Locate developments so as to minimise the demand for travel, especially by private car;*
- *Support the need to tackle the causes of climate change by moving towards a low carbon economy.*
- *Play an appropriate role to facilitate sustainable building standards (including zero carbon) that seek to minimise the sustainability and environmental impacts of buildings.*
- *Contribute to the protection and improvement of the environment, so as to improve the quality of life, and protect local and global ecosystems.*
- *Ensure that all local communities – both urban and rural – have sufficient good quality housing for their needs, including affordable housing for local needs and for special needs where appropriate, in safe neighbourhoods.*
- *Promote access to employment, shopping, education, health, community, leisure and sports facilities and open and green space, maximising opportunities for community development and social welfare.*

- *Foster improvements to transport facilities and services which maintain or improve accessibility to services and facilities, secure employment, economic and environmental objectives, and improve safety and amenity.*
- *Foster social inclusion by ensuring that full advantage is taken of the opportunities to secure a more accessible environment for everyone that the development of land and buildings provides. This includes helping to ensure that development is accessible by means other than the private car.*

4.2 Technical Advice Notes (TANs):

5	Nature Conservation and Planning
11	Noise
12	Design
16	Sport, Recreation and Open Space
18	Transport
21	Waste

4.3 Local Development Plan (January 2016):

KP5	Good Quality and Sustainable Design
KP7	Planning Obligations
KP8	Sustainable Transport
KP12	Waste
KP14	Healthy Living
KP15	Climate Change
KP16	Green Infrastructure
KP18	Natural Resources
H6	Change of use or redevelopment to residential use
EC6	Non-Strategic employment site
EN10	Water Sensitive Design
EN12	Renewable Energy and Low Carbon Technologies
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
R7	Retail Provision Within Strategic Sites
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 Supplementary Planning Guidance to the Adopted Local Development Plan (Jan 2016):

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

Tall Buildings (January 2017)

- 4.5 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)

5. **INTERNAL CONSULTEES RESPONSES**

- 5.1 The Operational Manager, Transportation has assessed the submitted information and raises no objection subject to conditions regarding:
- i. Provision of cycle parking;
 - ii. Provision of disabled/operational parking;
 - iii. Construction management plan;
 - iv. Combined Travel and Student Accommodation Traffic Management plan;
 - v. Public realm highway improvements in the form of a resurfacing scheme around the site apron, including the removal of redundant crossovers on Maindy Road; and
 - vi. The applicant entering into a legal agreement for £74,000 of improvement works (the breakdown is outlined in para 9 of this report)
- 5.2 The Operational Manager, Environment (Contaminated Land): No objections subject to assessment of land and remediation conditions;
- 5.3 The Operational Manager, Environment (Noise) no objection subject to noise and construction management conditions
- 5.3 The Operational Manager, Environment (Air quality): No objection
- 5.4 The Council's Tree Officer No objection.
- 5.5 The Operational Manager, Waste Management: No objection
- 5.6 Team Leader, Neighbourhood Regeneration: No objection subject to the applicant entering into a legal agreement to contribute towards community facilities at Cathays Community Centre (the amount is outlined in paragraph 9 of this report)
- 5.7 The Operational Manager, Drainage Division: No objections
- 5.8 The Operational Manager, Parks and Sport: Overall I welcome the changes made since the pre-application, particularly with regard to retention of the lime trees on Maindy Road and the landscaped courtyard for students which will provide some privacy from the busy road adjacent.

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 **95.3**. This generates an open space requirement of **0.232 ha** of on-site open space based on the criteria set for Housing accommodation.

Based on the information/drawings submitted a contribution of **£69,452** is sought.

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. Consultation will take place with Ward Members to agree use of the contribution, and this will be confirmed at S106 stage.

6. **EXTERNAL CONSULTEES RESPONSES**

- 6.1 Dwr Cymru Welsh Water: No objections subject drainage details to be submitted
- 6.2 The South Wales Police Crime Prevention Design Advisor: welcome the fact that the development is situated close to nearby University Buildings, student facilities and other community infrastructure issues such as transport links.
The development is located in the council ward of Cathays (which includes the city centre). Over a period between December 2016 and December 2017 there were 3272 incidents reported to South Wales Police within the Cathays ward. The nearby existing student accommodation at Liberty Cambrian Point saw eight incidents reported over the same period including 2 thefts, 2 incidents of anti-social behaviour and 2 violent incidents.
- 6.4 The South Wales Fire and Rescue Service: No objections;
- 6.5 Network Rail. : No objection in principle but request the developer contact them before undertaking any works
- 6.6 Wales and West Utilities : no objection subject to the developer contact them before undertaking any works

7. **REPRESENTATIONS**

- 7.1 Neighbouring properties have been notified and site/press notices have also been undertaken in accordance with statutory requirement. 26 letters of representation have been received all objecting to the proposal on the following grounds:
 - i. The design is out of keeping with the two storey terraced properties within

- the area
- ii. The proposed materials are not in keeping with the area;
- iii Insufficient parking has been provided and access to the parking would be dangerous to other users
- iv The proposal is an overdevelopment of the site;
- v The proposal would undermine the residential character of the area;
- vi The proposal would result in more antisocial behaviour issues for the area;
- vii The proposal is overbearing and un-neighbourly upon the adjoining properties
- viii Would affect their human rights to the enjoyment of their property and possessions

7.2 Local members have been notified Councillor Merry, Weaver, Mackie object to this application for the reasons:

Contrary to the Approved Tall Building SPG

At 6 storeys high, adjacent to 2 storey terraced housing, this clearly would be a Tall Building:

Point 1.11 of the SPG says *“Outside the city centre: Buildings which are double or more than double height of surrounding properties or significantly taller in terms of actual height and number of floors.”* This would be 6 storeys, adjacent to 2 storey houses.

In relation to the Tall Buildings SPG we want to point out that point 1.6 of the SPG says: *“1.6. This guidance is focussed on the development of tall buildings within the city centre and broadly Cardiff Bay.”*

Tall buildings outside of these areas are unlikely to be supported unless a justification within the parameters of the guidance can be provided.”

We do not believe any justification has been provided. We believe there would be serious harm with overlooking and overshadowing, that the application is not exceptional, that the cycle storage is not exemplary, and that there would be no significant improvement to the public realm – all contrary to 2.2 of the Tall Buildings SPG.

Point 4.8. of the SPG says: *“Proposals for tall buildings should generally be located within an existing cluster or form part of a proposal to create a new cluster (a cluster can be defined as a group of buildings which form a visual cohesion from more than one viewing point).”*

This application does not do that.

Point 6.37 of the SPG says: *“Tall buildings will not be permitted in locations where they would overshadow or overlook adjacent properties to the significant detriment of the amenity of neighbouring occupiers.”*

This clearly would fail that point, being incredibly close to existing 2-storey terraced houses.

Contrary to the Approved Infill Sites SPG

“Makes a positive contribution to the creation of distinctive communities, places and spaces.” & “Responds to the context and character of the area”.

It is entirely out of character to Maindy Road, would severely harm the amenity of existing residential properties, and make no positive contribution to the community or place.

Point 2.3 says “All development must be of good design and make a positive contribution to the adjacent townscape/landscape.”

There is no explanation as to how this could make a positive contribution to the neighbouring terraced houses.

The application clearly falls down on point 2.13 of the SPG, which says *“It is important to strike a balance between maintaining the established positive character of a residential street and introducing additional housing. To avoid a ‘town cramming’ effect, any proposals must: **“Maintain appropriate scale and massing which respects buildings in the vicinity of the site” and “Respect the building line and be of a design which complements the existing street scene.”***

This proposal is of vastly different scale and massing to the housing in the street, and by extending the height and massing of the building imprint, completely breaks both the building line and fails to complement the existing street scene.

The proposal must respond to the urban grain and context of an area
This proposal fails to achieve that.

Contrary to the Approved Residential Design Guide SPG

Policy KP5 of the LDP states that *“**The scale and massing of any design must not be overbearing or result in the unacceptable overshadowing of neighbouring properties**”.*

This application is entirely out of character with existing properties, which would suffer severe loss of amenity due to the inappropriate scale, height and massing of the proposal. The height is too great – 4 storeys within a few metres of neighbouring two storey terraces, rising to 6 storeys just a few metres further on. It also fills in the entire area, to an inappropriate height, to the rear of the land – clearly overbearing.

If the owner of an end terrace house were to propose to build a 4 or 6 storey extension over the entire footprint of their property, including the rear garden, we would reject it instantly. This proposal has exactly the same effect. Whilst we could imagine a much smaller, appropriate development could replace the existing buildings with residential properties, the scale of this is entirely inappropriate for the site.

In summary, it is extremely over-sized, would be overbearing, overshadowing, and is completely out of character with the residential street on which it is proposed. It

would cause severe detriment to immediate neighbours, greatly increase the parking pressures in the area, and likely contribute to increased noise and disturbance in a residential area. The height is unacceptable, and the massing, and building all the way to the rear of the land is entirely inappropriate.

8. ANALYSIS

8.1 The key material planning considerations are the:

- I) Principle of development;
- II) Impact upon the character of the area;
- III) Impact upon neighbouring properties
- IV) Impact upon the future occupiers
- V) Impact upon parking and highway safety
- VI) Other matters raised

8.2 Principle of development

8.2.1 Land Use

The application site falls within the settlement boundary, as shown on the Local Development Plan (2006-2026) Proposals Map. The site has no other specific designation or allocation. The application has been assessed against policy H6 'Change of Use or Redevelopment to Residential Use'. This states that, amongst other criteria, change of use of redundant premises or redevelopment of redundant previously developed land for residential use will be permitted where:

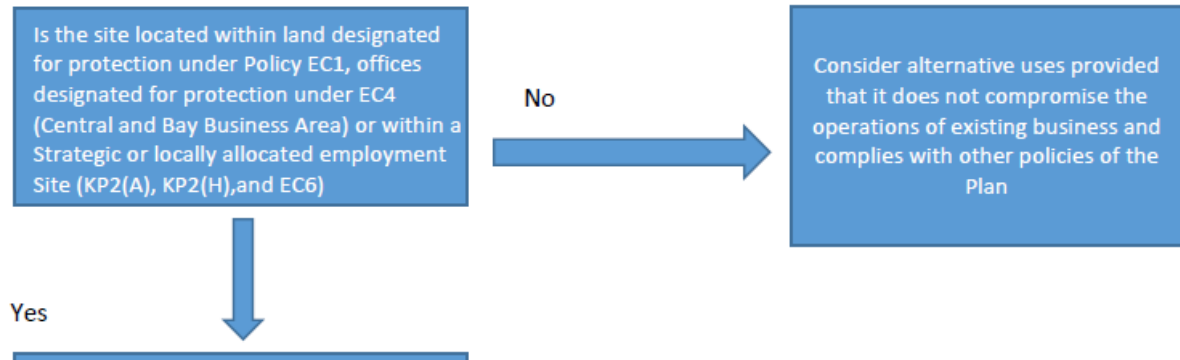
i. There is no overriding need to retain the existing use of the land or premises and no overriding alternative local land use requirement;

ii. The resulting residential accommodation and amenity will be satisfactory....

Concern was raised by the ward councillors that officers had incorrectly use the above policy, given that the wording of the policy refers to 'Redundant', and there are currently viable business on site i.e the site is not redundant. The accompanying text of the above policy states, in para 5.27, redundant is defined as "Assessment of whether land or premises are redundant or need to be retained in their former use (criterion (i)) will include tests identified in relevant policies, notably Policy EC3 Alternative Use of Sites and Premises relating to the protection of employment land and premises."

The interpretation of Policy EC3 is defined in para 4.1 of the approved 'Safeguarding Business and Industrial Land and Premises' SPG as "Policy EC3 seeks the retention of employment land and premises (identified in Policy EC1 and Defined on the Proposals Map)". The land is not designated under Policy EC1 or on the proposal map, therefore policy EC3 does not apply.

The Council's approved 'Safeguarding Business and Industrial Land and Premises' SPG also has a flow chart outlining the process the council would undertake in regards to the assessment outlined above (see below)



The existing commercial uses are offered no specific protection in land use policy terms (i.e. Policies EC1, EC3, EC4 or KP2 and EC6). Given the site's location in a predominantly residential area, the proposed redevelopment of the land for student accommodation purposes is considered acceptable subject to an assessment of residential amenity (see para 8.4 & 8.5 of this report).

The A3 café use has been assessed against Policy R8 (Food and Drink Uses) of the adopted LDP and the Food Drink and Leisure Uses SPG (November 2017). Policy R8 states that food and drink uses are most appropriately located within existing retail centres and are unlikely to be acceptable within or adjacent to residential area, where they would cause nuisance and loss of amenity, or result in the loss of a residential property.

Paragraph 1.4 of the SPG also acknowledges that there are instances where the provision of appropriately sized retail (including A3) units may be actively encouraged or required as part of redevelopment plans.

Given the above paragraph 1.4 and suitably worded conditions (restricting the use to a café with no takeaway sales) the proposed use raises no land use policy concerns.

The A1 use has been assessed against Policy R6 (Retail Development (Out of Centre) of the adopted LDP. Policy R6 states that retail development will only be permitted outside existing retail centres if the proposal can demonstrate it meets the following criteria:-

- (i) There is a need for the proposed floorspace;
- (ii) That need cannot satisfactorily be accommodated within or adjacent to an existing defined centre;
- (iii) The proposals would not cause unacceptable harm to the vitality, attractiveness or viability of the defined centres or a proposal or strategy including the Community Strategy, for the protection or enhancement of these centres;
- (iv) The site is accessible by a choice of means of transport; and
- (v) The proposal is not on land allocated for other uses. This especially applies to land designated for employment and housing, were retail development can be shown to limit the range and quality of sites for such use.

The principle of retail has already been established in this location. In addition the

scale of the proposed floorspace would not impact on designated centres or have any negative effect on shopping patterns in the catchment, and it will perform an ancillary retail function to the new student accommodation. Given this, the proposed new A1 retail use raises no land use policy concerns

8.2.2 Tall buildings

The comments from the Ward Councillors, in relation to the requirements of the tall building SPG are noted. Whilst acknowledging that the terraced properties along Maindy Road are two storey in nature, careful consideration of this application has been given to the relationship to those properties, resulting in amended plans which seek to mitigate any adverse impact upon the amenity of neighbouring properties. It is acknowledged that there are taller buildings within close proximity to the site (i.e Maindy leisure centre and more recent student accommodation schemes which are up to 6 storeys (Liberty Severn Point and Liberty Cambrian Point)).

The proposed development would not be out of context with the scale of development within the area and is located within a highly sustainable location which accords with both policy KP5 xii (Locating tall buildings in locations which are highly accessible through walking and public transport and within an existing or proposed cluster of tall buildings) and the Tall Buildings SPG

In relation to the other criteria contained within the Tall Buildings SPG, it is considered that that the building:

1. Establishes an acceptable scale of development at its tallest point where the scheme fronts North Rd, creating a very positive landmark for people arriving in the city from the north. The scheme is not out of scale within this major road context;
2. Does not have a negative impact on any heritage assets;
3. Will integrate well within the wider street scene, as the applicant has amended the scheme in terms of scale and layout. The use of contemporary materials and the pattern of fenestration is considered acceptable in this location;
4. There will be no overshadowing or overlooking, as previously established;
5. This area is considered a sustainable location; and
6. The detailed design is of a good standard, and creates an interesting focal building for this prominent position. The scheme proposes an active ground floor use, an improved public realm, adequate provision of cycle facilities and will not result in adverse microclimate impacts.

Given the above it is considered to accord with the Council's Tall Buildings SPG

8.3 Impact upon the character of the area

Policy KP5 of the adopted Cardiff Local Development Plan 2006- 2026 (2016) (LDP) seeks to ensure that all new development is of a high quality, sustainable design that makes a positive contribution to the creation of distinctive communities. Whilst detailed advice on this policy is contained with the Council's

approved 'Residential Design Guide' and 'Infill sites SPG', student accommodation is defined as a 'sui generis' use in planning terms and is therefore not considered a residential use under Use Class C3. However, they do provide sound advice in regards to the principles of good design that should be considered in the context of this development, given that student developments exhibit many of the characteristics of residential developments.

The character of the area is principally derived from the scale and aesthetic of the properties of which it is comprised, together nature of uses. It is considered that there are two main vistas to the site which define the area, being Maindy Road and North Road, both are assessed below.

Maindy Road

Provides two storey red brick residential terraced properties that are sited on a tree lined street and is of a traditional domestic scale and character. As Maindy Road intersects with North Road the character changes to that of the leisure centre and that of the application site, which are more commercial in nature.

In this context the proposal is considered to provide a transition between the terraced properties and graduates up from two storeys up to six. It is considered that this separation and gradual increase in height combined with the proposed finish of red brick and cladding, architectural detailing and the proposed colour palette ensures that, the character of Maindy Road would not be visually harmed by this proposal and that the development provides an acceptable transition between buildings of domestic and commercial character.

North Road

North Road is the key principal route to and from the city centre with the site occupying a prominent location along this strategic route. The site is seen within the context of other tall building (6 storeys at Cambrian Pont, 5 storeys Severn Point and 7 storeys of the Talybont court student development). Given the above, it is considered that the proposed scale, massing and height of the proposal would not be out of character of the area. The proposed design and finish are also considered to represent an enhancement to the existing single storey block in terms of scale, density and aesthetics.

In terms of landscaping and public realm improvements, the applicant has submitted a landscape strategy that proposes a number of soft scape boundary deals of hedging and new paving to the principal entrance with a café terrace, It is considered that the proposed public realm improvement would, along with the proposed café use, would provide vitality to the area and visually enhance this important location

Given the above it is considered that the proposal is of a scale, density and design that are sympathetic to the character of the area.

8.4 Impact upon neighbouring properties

Policy KP5 (X) of the adopted Cardiff Local Development Plan 2006- 2026 (2016) (LDP) seeks to ensure that development does not have any undue effect on the

amenity of neighbouring occupiers. Detailed advice on this policy is set within the Council's approved 'Residential Design' SPG, which seeks, amongst other matters, to ensure suitable privacy distances from adjoining residential properties and that the scale, massing and design of a proposal would not result in development being overbearing or un-neighbourly on adjoining properties. This policy and guidance accords with national guidance, as outlined in Planning Policy Wales, which seeks, inter alia, to ensure development does not cause damage to an area's character or amenity (This includes any such impact on neighbouring dwellings, such as serious loss of privacy or overshadowing) and these points have been assessed below.

8.4.1 Privacy

The distance from the proposed rear wing of the development to the boundary of the nearest terraced property would be approximately 12.85 metres. Both residential SPGs suggest a min. distance of 10.5 metres and this is therefore considered acceptable. To militate against overlooking from the proposed building, the upper floor windows have been designed to be angled to ensure that there is no direct or perceived overlooking of the terraced properties with direct views being towards the side lane, which is supported.

In terms of the ground floor, a condition has been imposed to ensure that the existing brick boundary wall is retained and given its height, over 2 metres, will ensure that the privacy of occupiers of the terraced properties is protected.

8.4.2 Scale, massing and design

The Council's design SPG requires an assessment of the potential loss of light by undertaking the recognised 45 degree form of assessment. The proposal has been altered to meet these requirements and therefore the proposal is policy compliant.

In terms of the development being overbearing, the existing boundary and buildings as demonstrated by the submitted section drawing, indicates that any impact upon the adjoining property from the proposal would be negligible compared to the existing relationship. For those properties further along the terrace, their view will alter, but given the degree of separation, it is considered that the proposal would neither represent an overbearing nor un-neighbourly form of development.

8.4.3 The location of the bike store would be sited along the common boundary with the adjoining terrace but as it is set within a building, would not undermine the amenity of adjoining neighbours.

8.5 Impact upon the future occupiers

8.5.1 Internal and external amenity space

Both national guidance and local policies seek to ensure acceptable living standards for future occupiers. Given the nature of the proposal, the proposed

levels of internal space of 13m² for their bedrooms and 30m² for the shared kitchen/lounge, along with their outlook are considered acceptable. The proposed inner court yard is welcomed and will provide the students with an acceptable level of private amenity space.

8.5.2 Noise and air quality

Subject to conditions to control the type of A3 use, fume extraction and opening hours, the proposed A1/A3 use is not considered to harm the amenity of the future occupiers in terms of noise or odour.

In terms of traffic noise and air quality the agent has submitted an air quality report that has been assessed by the Council's Air Quality officer who raises no objections.

Overall it is considered that the proposal meets the requirements as set within Policy EN13

8.6 Impact upon parking and highway provision

8.6.1 Parking

The proposal seeks 4 parking spaces and 72 cycle parking spaces within the site. Officers note the concerns of residents and ward councillors that the a relative absence of onsite parking will result in parking issues within the area., The parking provision required, under the terms of the council's approved parking standard for this type of use is zero provision for residents and 4 four operational spaces. The Council's Transportation Section have raised no objection to the proposed level of parking provision due to the site being considered to be in a highly sustainable location that is within easy walking and cycling distance from the main university buildings, the city centre and other retail, community and recreational facilities, without the necessity for access to a car.

8.6.2 Highway safety

Given the nature of development, and recognised by the submitted Transport Statement, that during the beginning and end of each term there are peak periods. To ensure that the proposal does not have a detrimental impact upon the road network during these times the Transportation section have requested a combined travel and student accommodation traffic management plan via a condition to control traffic flows. Such a condition is considered to meet the test of a valid condition and has been imposed upon this application.

The proposed vehicular access, including waste collection, is along an adopted highway that serves as an access to the rear of the terraced properties along Maindy Road as well as providing pedestrian and vehicular access to the Cambrian Point student development. The Council's Transportation section raises no objections to the use of this lane as the principal access point for the development.

8.8 Other matters not assessed above

8.8.1 The proposals will result in the intensification of student accommodation – is there a need for further student accommodation?

The need for any development is not a material planning consideration. However, the applicant has stated within their planning statement that their development is aimed at those student who are likely to live in converted houses within the Cathays and by approving this development they believe would take pressure away from the existing housing stock within the ward.

8.8.2 The 'Pre-Application Process' undertaken by the client has been questioned; The pre-application consultation process exceeded the minimum requirements set out in legislation. The legislation requires one site notice to be erected on or near the site. 6 laminated site notices were erected along Maindy Road, extending approximately 130m from the site. All relevant statutory consultees were notified in accordance with the legislation. A hard copy was made available in a local public facility for the 28 day period, as requested by legislation.

8.8.3 Increase in crime/anti-social behaviour South Wales police has not objected to the scheme. A number of objections have raised concerns about an increase in crime/anti-social behaviour arising as a result of increased student pedestrian traffic along Maindy Road. The fear or perception of crime can be a material consideration, but planning case law dictates that it needs to be supported by evidence. No objective evidence has been presented that the future occupiers of this development would result in an increase in crime/anti-social behaviour to warrant refusal.

8.8.4 In terms of loss of house values, boundary matters and views, para 3.1.4 of Planning Policy Wales (2016) states:

*“Factors to be taken into account in making planning decisions (material considerations) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability (see 4.2). The planning system does not exist to protect the private interests of one person against the activities of another. Proposals should be considered in terms of their effect on the amenity and existing use of land and buildings in the public interest. When determining planning applications local planning authorities must take into account any relevant view on planning matters expressed by neighbouring occupiers, local residents and any other third parties. While the **substance of local views must be considered**, the duty is to decide each case on its planning merits.”*

Whilst officers note these matters are of concern to nearby owners they are not matters that can be considered through the planning process. The development is considered acceptable in respect of its likely environmental and amenity impact.

8.8.5 Any traffic disruption during the construction period will be temporary in nature and is a feature of all development proposals and not in itself a ground for refusal. However, a condition has been imposed for a construction management plan to be

submitted for approval to ensure construction activities are not unduly detrimental to amenity.

8.8.6 Article 1 (Right to peaceful enjoyment of possessions and protection of property) of the Human Rights Act has been raised. The Planning process and this report have properly assessed the likely environmental and amenity implications of the development as might impact upon the peaceful enjoyment of possessions and property. The granting of this application would not conflict with the aims of the Human Rights Act.

9. **SECTION 106 AGREEMENT**

9.1 The following contribution requests have been made:

- Parks – A contribution of **£69, 452** is requested towards the provision of open space in the vicinity of the site (this figure has taken account of the proposed on site public open space) .
- Neighbourhood Regeneration – A contribution of **£73,713.92** is requested towards the provision/maintenance of community facilities in the vicinity of the site.
- Transportation – A contribution of **£74,000** is requested, for the following areas:
 - £60,000 for pedestrian/cycle crossing improvements at the North Rd/Maindy Rd junction;
 - £5,000 for a parking survey/study to ascertain any problems arising and to identify locations for additional parking restrictions, and to cover funding of the TRO costs;
 - £9,000 for localised public realm improvements, to include a dropped kerb/tactile paving facility on the eastern side of North Road, where it crosses the access lane.
- Limiting the use of the properties to student accommodation during term time

Having regard to the legal tests within Regulation 122 of Community Infrastructure Levy Regulations 2010 (as amended), W/O circular 13/97 'Planning obligations' and the requirements outlined in Policy KP 7 (Planning Obligations) of the adopted Cardiff Local Development Plan, the requested contributions meet those requirements. The amounts are calculated using the formulae contained within the Council's approved Planning Obligations SPG where applicable.

The triggers for payment will be agreed during the S106 process.

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

10. **CONCLUSION**

10.1 The proposal will utilise a brownfield site for student housing. The proposed siting, scale, materials and design ensures that the development would accord with the character of the area without having a detrimental impact upon the existing residential properties.

10.2 Amended plans have been received and conditions are recommended to deal with matters of amenity of the site and the surrounding area. The conditions imposed meet the tests of valid conditions as outlined in national guidance WGC 016/2014: 'the Use of Planning Conditions for Development Management'.

11. **RECOMMENDATION**

11.1 The application is recommend for **approval** subject to the recommended conditions above and the applicant entering into a legal agreement.

12. Legal duties imposed on the Local Planning Authority

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.

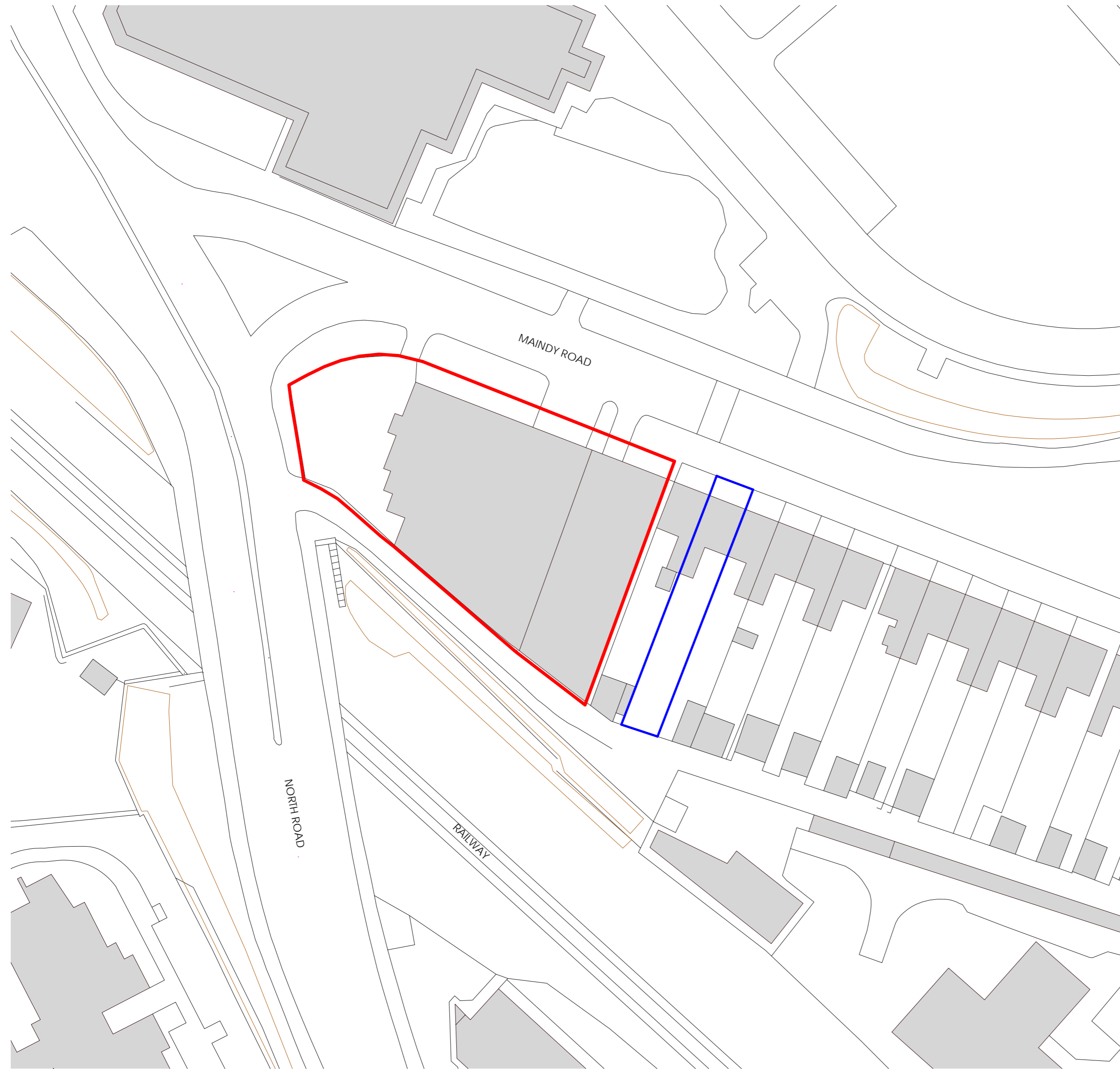
Equality Act 2010 – The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council's duty under the above Act has been given 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

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.

Environment (Wales) Act 2016- Section 6(1) states a public authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions. It is considered that subject to conditions the proposal will maintain the biodiversity on site and therefore this duty has been considered.

The scaling of this drawing cannot be assured

Revision	Date	Drn	Ckd
A	01/08/17	BRD	TM
B	17/11/17	BRD	TM

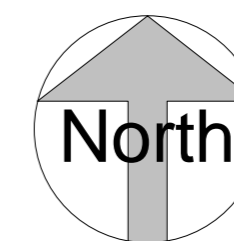


- Site Application Boundary
- Ownership Boundary

DRAFT PLANNING

Project
**Maindy Rd
 Cardiff**
 Drawing Title
Location Plan

Date	Scale	Drawn by	Check by
13/06/17	1 : 500 @ A2	BRD	TM
Project No	Drawing No	Revision	
27066	PL_01	B	



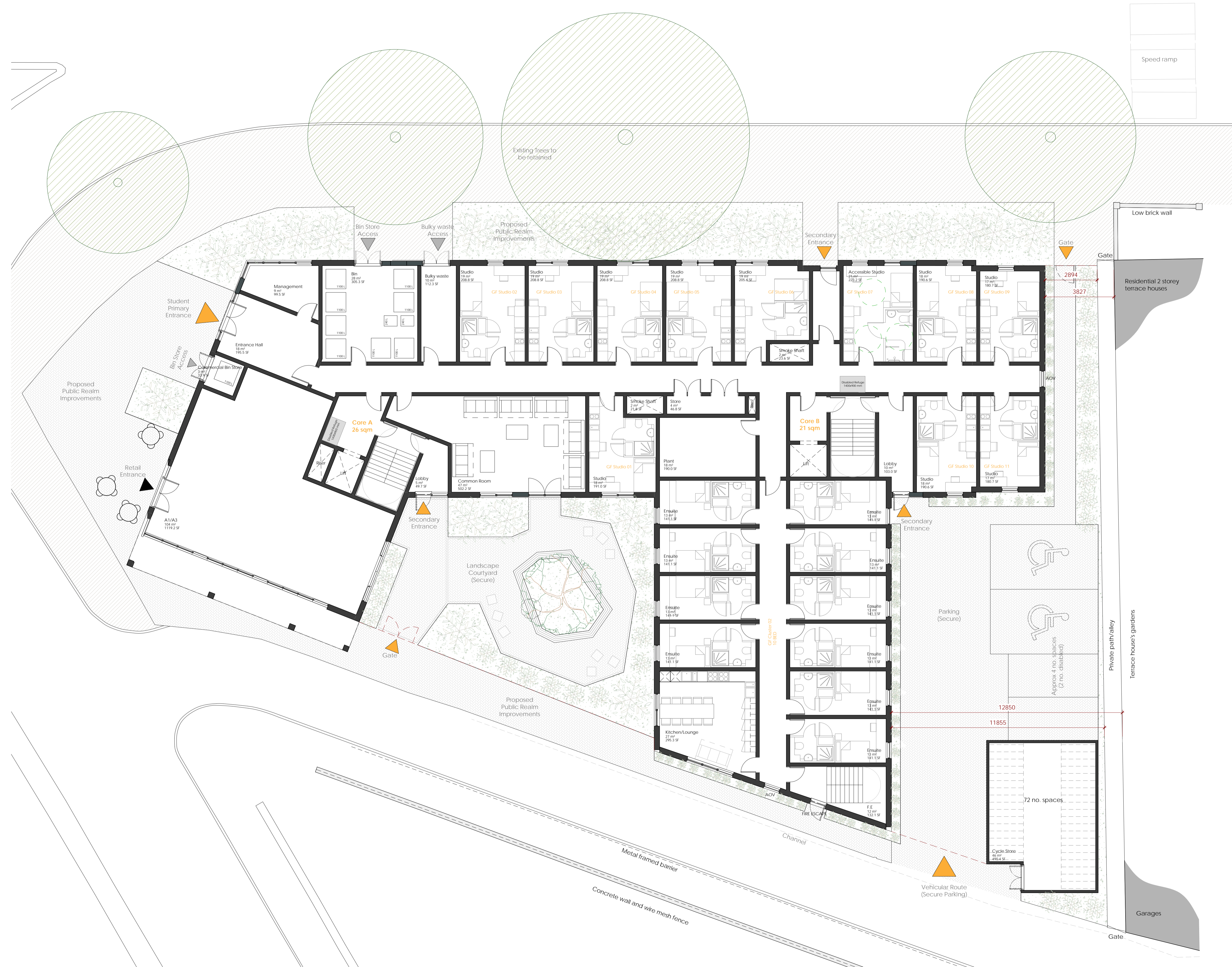
Location Plan
 1 : 500



VISUAL SCALE 1:500 @ A2

The scaling of this drawing cannot be assured

Revision	Date	Dwn	Ckd
A	01/08/17	BRD	TM
B	22/08/17	BRD	TM
C	23/08/17	BRD	TM
D	14/11/17	BRD	TM
E	17/11/17	BRD	TM
F	05/02/18	BRD	TM
G	19/02/18	BRD	TM



- Notes:
- Refer to drawing SC_10- Schedule of Accommodation, for more information about no. of units and areas.
 - Design subject to M&E and Structural input.
 - Fire strategy proposals and compliance subject to review and consultation with Building Control.
 - Refer to Landscape Drawings (Landscape Strategy & Planting Proposals) for detail information about Public Realm and Landscape Courtyard design.

Ground Floor

Ensuite	Accessible Ensuite	Studio	Accessible Studio
10	0	10	1

Total: 21



VISUAL SCALE 1:100 @ A1

PLANNING

Project
**Maindy Rd
 Cardiff**
 Drawing Title
Proposed Ground Floor Plan

Date	Scale	Drawn by	Check by
16/06/17	1 : 100 @ A1	BRD	TM
Project No	Drawing No	Revision	
27066	LO_50_01	G	



00 - Ground Floor
 1 : 100

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Reading London Bristol Cambridge Cardiff Ebbw Vale Edinburgh Leeds Manchester Salford Newcastle

The scaling of this drawing cannot be assured

Revision	Date	Drm	Ckd
A	01/08/17	BRD	TM
B	22/08/17	BRD	TM
C	23/08/17	BRD	TM
D	17/11/17	BRD	TM
E	29/11/17	BRD	TM
F	19/02/18	BRD	TM

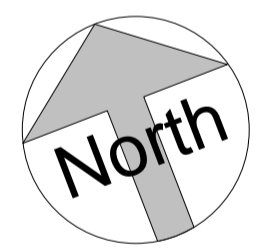


- Notes:**
- Refer to drawing SC_10- Schedule of Accommodation, for more information about no. of units and areas.
 - Design subject to M&E and Structural input.
 - Fire strategy proposals and compliance subject to review and consultation with Building Control.
 - Refer to Landscape Drawings (Landscape Strategy & Planting Proposals) for detail information about Public Realm and Landscape Courtyard design.

First Floor

Ensuite	Accessible Ensuite	Studio	Accessible Studio
34	3	0	0

Total: 37



VISUAL SCALE 1:100 @ A1

PLANNING

Project
**Maindy Rd
 Cardiff**
 Drawing Title
Proposed First Floor Plan

Date	Scale	Drawn by	Check by
16/06/17	1 : 100 @ A1	BRD	TM
Project No	Drawing No	Revision	
27066	LO_50_02	F	

01 - First Floor
 1 : 100

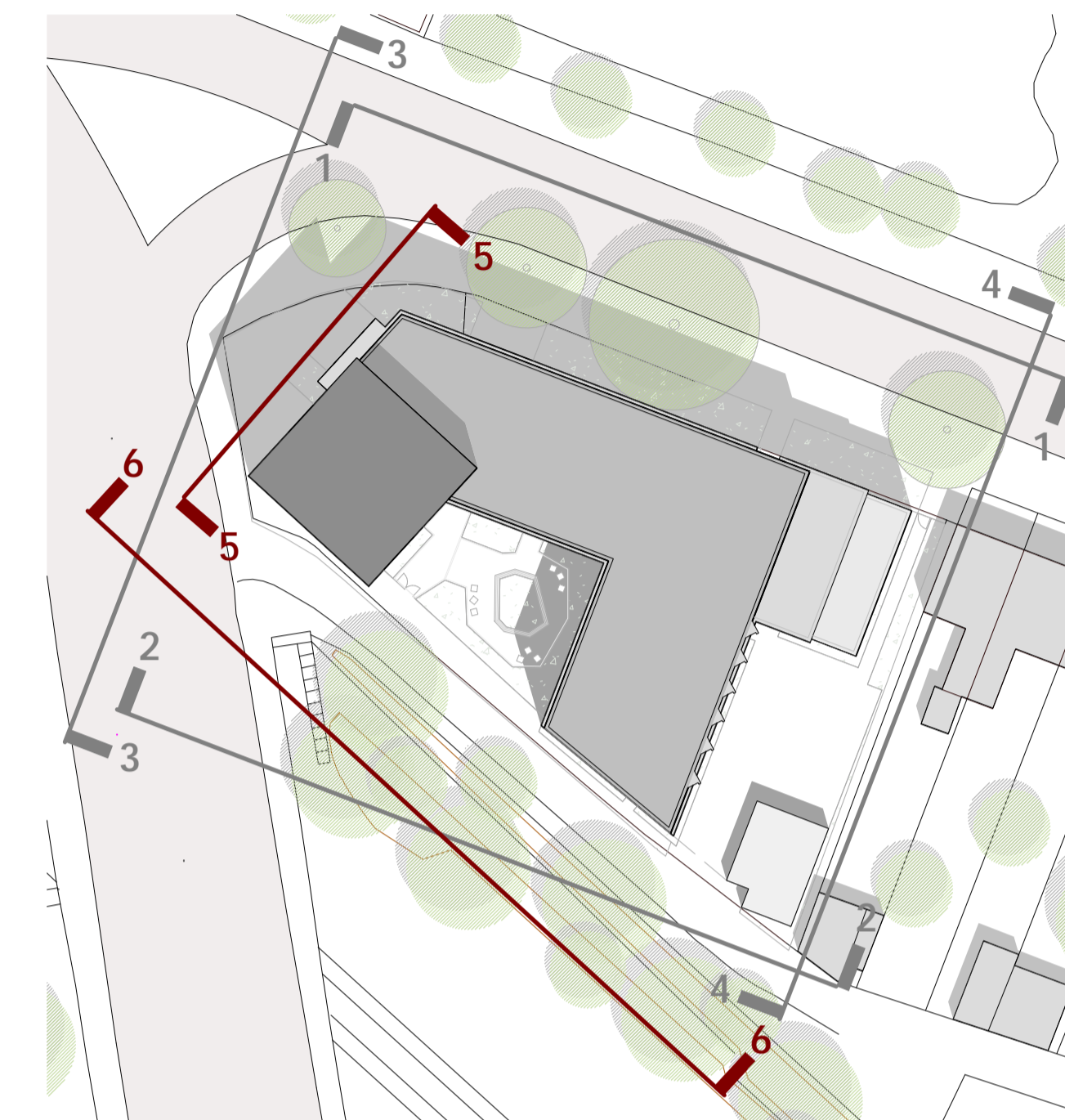


The scaling of this drawing cannot be assured

Revision	Date	Drm	Ckd
A	01/08/17	BRD	TM
B	22/08/17	BRD	TM
C	23/08/17	BRD	TM
D	14/11/17	BRD	TM
E	19/02/18	BRD	TM



Elevation 5-5
1 : 100

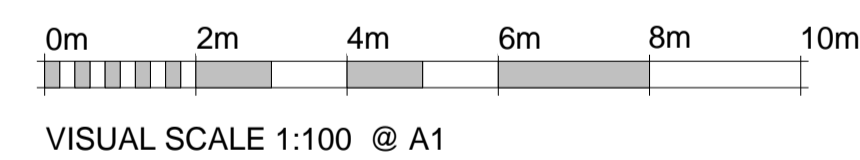


Key Plan - Elevations 3 of 3
1 : 500



Elevation 6-6
1 : 100

- Material Key**
1. Red Multi Stock Brick
 2. Rainscreen cladding set back (Light Grey colour)
 3. Aluminium framed windows (Dark Grey colour)
 4. Rainscreen cladding panel (Bronze colour)
 5. Aluminium picture frame surround (Dark Grey colour)
 6. Horizontal projecting brickwork at first floor level
 7. Aluminium rain water goods (Dark Grey colour)
 8. Brick detailing, projecting brick courses
 9. Aluminium projecting fins (Bronze colour)
 10. Aluminium Signage (Dark Grey colour)
 11. Aluminium canopy (Light Grey colour)
 12. Gate
 13. Aluminium framed entrance door
 14. Glazed entrance door
 15. Aluminium louvre double bin store door
 16. Spandrel panel as part of the window system (Bronze colour)
 17. Aluminium framed curtain walling (Dark Grey colour)
 18. Projecting 'oriel' windows



PLANNING

Project
**Maindy Rd
Cardiff**

Drawing Title
**Proposed Elevations
3 of 3**

Date	Scale	Drawn by	Check by
01/08/17	1:100@A1	BRD	TM
Project No	Drawing No	Revision	
27066	ELE_50_03	E	



The scaling of this drawing cannot be assured

Revision	Date	Drn	Ckd
A	01/08/17	BRD	TM
B	22/08/17	BRD	TM
C	23/08/17	BRD	TM
D	17/11/17	BRD	TM
E	19/02/18	BRD	TM



Proposed Street Elevation EE
1 : 250



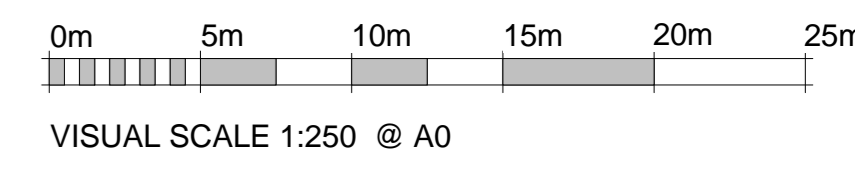
Street Section AA
1 : 200



Key Plan - Street Sections
1 : 1000



Street Section BB
1 : 200



PLANNING

Project			
Maindy Rd			
Cardiff			
Drawing Title			
Proposed Street			
Elevation & Sections			
Date	Scale	Drawn by	Check by
20/07/17	1:250@A0	BRD	TM
Project No	Drawing No	Revision	
27066	ELE_60	E	



LANDSCAPE STRATEGY:

The Landscape Strategy sets out the principles for the landscape design, including the pattern of development, the intended function and character of spaces and the key features within.

The strategy demonstrates that the development can be sensitively incorporated within the site context, and that the landscape is capable of satisfying the operational requirements of the residence. The final detailed scheme will be evolved from the principles established within these documents.

DESIGN OBJECTIVES:

The design objectives of the landscape are to create a safe, attractive and stimulating environment for residents, staff and visitors.

The design seeks to:

- offer a welcoming and legible approach to the building;
- create spaces of distinctive character, that offer a variety of experiences;
- ensure that the environment is safe, secure and legible;
- provide an attractive setting for the building;
- create a sense of enclosure within the residential courtyard;
- provide multiple seating opportunities with the courtyard;
- provide privacy for residents within the building and an attractive outlook;
- maintain privacy for neighbouring properties; and,
- create robust planting with seasonal interest.

Entrance Area:

The site is accessible to pedestrians and cyclists from all three bounding roads; Maindy Road, North Road and the unnamed access road. For residential vehicular access there is a double leaf security gate at the southern corner of the site.

The main building access is situated at the junction of Maindy and North Road. This space is a simple and open design to enable legibility, whilst shaping the route to the entrance and defining the cafe space. Planting provides visual interest, for the benefit of the cafe customers and residents alike.

Central Residential Courtyard:

The residents courtyard has been designed to create a sense of enclosure for those within the space on ground floor; and to provide visual amenity for the residents in the 3-4 floors above the courtyard. This has been achieved through a central focal point, surrounding loop route, lush planting, surfacing hierarchy and gated privacy perimeter.

The visual focus of the courtyard is a multistemmed 'Pride of India' tree with bright flowers in the summer and bold foliage colour in the autumn. This tree is set within a raised timber seating planter populated with lush and textural groundcover with themed emergent bulb and perennial planting. This feature provides continuous seating opportunities whilst around the edge of the courtyard pop colour seating cubes are clustered to provide smaller scale social spaces and sculptural interest.

This central loop is surrounded by planting complementary to the raised bed but with an emphasis on screening and enclosure. This will be achieved through taller evergreen species forming a backdrop for themed planting on the interior edge of the space. From the rooms above the seating cubes will provide accents of colour enhancing the visual amenity of the courtyard year round.

Maindy Road Perimeter:

The roadside boundary is to be defined by a formal beech hedge to complement the existing street trees and provide a clear ownership boundary / defensible edge. Within the beds bound by the hedge planting, shade tolerant, foliage focused plant species will create an attractive view for residents of the ground floors.

Eastern and "Unnamed Access Road" Perimeter:

Surrounding the site boundary and architectural facade to the east will be a robust palette of groundcover plant species including low maintenance evergreens which will soften the architectural facades throughout the year.

Trees and Vegetation:

The current layout has been developed to ensure that no significant existing trees or vegetation were compromised by the development. In addition, new tree planting is proposed, alongside mixed planting, to offer/maintain privacy, define spaces, and provide seasonal and sensory interest around and within the residence.

PLAN:



The Landscape Proposals should be read in conjunction with the Planting Proposals, reference SHF.1466.001L.D.002. This drawing provides further detail, including plant species.

KEY:

- Application Boundary
- Proposed vegetation
 - Multi-Stemmed Tree
 - Formal Hedge
 - Mixed ornamental borders
- Street furniture
 - Raised planter with seating edge
 - Sculptural cube seats
 - Indicative cafe style furniture
 - Cycle Store
- Boundary treatments
 - Boundary railings
 - Pedestrian gate
 - Vehicular gate
- Hard surfacing
 - Surfacing type 1: Courtyard Access
 - Surfacing type 2: Courtyard Recreation
 - Surfacing type 3: Accomodation Exterior

Precedent Images



Notes:

- Landscape Strategy drawing to be read in conjunction with the planting proposals, drawing reference SHF.1466.L.D.002.
- Drawing based upon latest Architect proposals, drawing reference LO_50_01C
- Drawing for planning purposes.
- Building Foundations to be confirmed by engineer, with reference to planting proposals and NHBC guidance or equivalent, where relevant.
- Hard Landscape proposals tbc.
- Ensure protection of trees intended for retention in accordance with BS 5837.