

LOCAL MEMBER/AM OBJECTION/PETITION

COMMITTEE DATE: 09/12/2015

APPLICATION No. **15/01137/MJR** APPLICATION DATE: 18/05/2015

ED: **CATHAYS**

APP: TYPE: Full Planning Permission

APPLICANT: Mr Lim

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

PROPOSAL: CONVERSION AND EXTENSION OF THE EXISTING BUILDINGS ON SITE TO FORM A 4 STOREY DEVELOPMENT FOR STUDENT ACCOMMODATION WITH THE RETENTION OF THE EXISTING RETAIL UNITS AND RESTAURANT

RECOMMENDATION: RECOMMENDATION 1: That, subject to relevant parties entering into a binding planning obligation, in agreement with the Council, or otherwise under **SECTION 106** of the Town and Country Planning Act 1990, within 6 months of the date of this resolution unless otherwise agreed by the Council in writing, in respect of matters detailed in paragraph 8.10 of this report, planning permission be **GRANTED** subject to the following conditions:

1. The development permitted shall be begun before the expiration of 5 years from the date of this planning permission.
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. Notwithstanding the submitted plans, the external walls and roofs of any building shall be constructed and finished in accordance with a schedule of materials and finished which shall be submitted to and approved in writing by the local planning authority, prior to the commencement of development.
Reason: To ensure an acceptable standard of appearance is achieved.
3. No development shall take place until samples of the external finishing materials have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: To ensure that the finished appearance of the development is in keeping with the area
4. Notwithstanding the submitted plans, details of refuse storage and management for both commercial and residential waste shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the beneficial

occupation of the development and shall thereafter be retained and maintained.

Reason: To ensure an orderly form of development and protect the amenities of the area.

5. No development shall take place until ground permeability tests have been undertaken to ascertain whether sustainable drainage techniques can be utilised and a drainage scheme submitted for the disposal of both surface water and foul sewage to the approval of the local planning authority.
Reason: To promote sustainable drainage and ensure the site and to provide appropriate site drainage.
6. No part of the development hereby permitted shall be occupied until a travel/parking/traffic/resident/letting management plan to include, but not limited to, the promotion of public transport and other alternatives to the private car; the management of traffic at the start and end of term; the control of vehicular access to the site; the exclusion and control of student resident car parking within the site and surrounding area, has been submitted to and approved by the Local Planning Authority.
Reason: in the interest of highway safety and to regulate the impact of the development on use of the adjacent highway.
7. No part of the development hereby permitted shall be commenced until a scheme of construction management has been submitted to and approved by the Local Planning Authority, to include as required but not limited to details of site hoardings, site access and wheel washing facilities. Construction of the development shall be managed strictly in accordance with the scheme so approved. Reason: In the interests of highway safety and public amenity.
8. Details of the facilities for the secure and covered parking of cycles, at a ratio of one stand for every two beds, shall be submitted to and approved in writing by the local planning authority. The approved facility shall be provided prior to the beneficial occupation of the development and shall thereafter be retained and maintained.
Reason: To ensure adequate provision for cyclists.
9. The car parking spaces shown on the approved plans shall be provided prior to the development being brought into beneficial use and thereafter shall be maintained and shall not be used for any purpose other than the parking of vehicles.
Reason: To ensure that the use of the proposed development does not interfere with the safety and free flow of traffic passing along the highway.
10. No part of the development hereby permitted shall be commenced until a scheme of environmental footway improvements to Lucas Street adjacent to the site has been submitted to and approval in writing by the LPA. The scheme should include as required, but not be limited to,

the closure of redundant and construction of new crossovers to access the site/parking, the reconstruction/resurfacing and re-kerbing of the remaining footways adjacent to the site, including surfacing, kerbs, edging, channels; the provision/renewal/improvement of street lighting and other street furniture. The agreed scheme to be implemented to the satisfaction of the LPA prior to beneficial occupation of the site. Reason: To ensure the comprehensive enhancement/improvement of the adjacent public highway in the interests of highway and pedestrian safety, and to facilitate access to the proposed development.

11. 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 the amenities of future occupiers are protected

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

In addition to the above, a BS4142: 2014 assessment must be carried out to take into consideration the surrounding commercial businesses. Mitigation measures must be addressed in the noise assessment and submitted to the LPA prior to development.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected, in accordance with policy 2.24 of the deposit Unitary Development Plan.

13. A scheme of sound insulation works to the (floor/ceiling)/(party wall) structure between each commercial unit and residential unit shall be submitted to and agreed by the local planning authority in writing and implemented prior to beneficial occupation.

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

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

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

15. C7Za CONTAMINATED LAND MEASURES - ASSESSMENT

16. C7Zb CLM - REMEDIATION & VERIFICATION PLAN

17. C7Zc CLM - REMEDIATION & VERIFICATION

18. C7Zd CLM - UNFORESEEN CONTAMINATION

19. D7Z Contaminated materials

20. E7Z Imported Aggregates

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

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

22. The windows to the rear elevation of the rear annexe serving rooms at ground, first and second floors shall be glazed in obscured glass and

shall not open below 1.8m in height above internal floor level and shall thereafter be retained and maintained.

Reason. To ensure the privacy and amenity of adjacent and future occupiers are protected.

23. D4A Landscape Scheme

24. C4R Landscaping Implementation

25. This consent relates to the application as amended by the revised plans numbered AL(90)10 rev. D; AL(00)10 rev. D; AL(00)11 rev. E and AL(00)12 rev. E attached to and forming part of this planning application.

Reason. The plans amend and form part of the application.

RECOMMENDATION 2: To protect the amenities of occupiers of other premises in the vicinity attention is drawn to the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities. Further to this the applicant is advised that no noise audible outside the site boundary adjacent to the curtilage of residential property shall be created by construction activities in respect of the implementation of this consent outside the hours of 0800-1800 hours Mondays to Fridays and 0800 - 1300 hours on Saturdays or at any time on Sunday or public holidays. The applicant is also advised to seek approval for any proposed piling operations.

RECOMMENDATION 3: The contamination assessments and the affects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for

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

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

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

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

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

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 A full application for the Conversion and extension of an existing two storey mixed commercial building to accommodate an (amended) four storey development retaining the ground floor commercial uses and developing the upper floors and rear annexe for student accommodation. The amended application includes 53 bedrooms, 8 studio apartments and 10 communal hubs – giving a total of 61 beds, (reduced from 64 bedrooms, 6 studios and 12 hubs – 70 beds).
- 1.2 The student accommodation can be accessed via a central core, with the primary entrance doors set in the elevation to Crwys Road. Secondary access is available to the rear (via the annexe link), allowing access to/from a retained car parking area, or an enclosed amenity area.
- 1.3 The proposed building is of a flat roof design, with various levels. The third floor has a Mansard style roof, with small dormer windows. This element has a setback of approx. 1.6m from the front elevation (fronting Crwys Road). This setback is continued to the side elevations, with the inset increased to approx. 2.8m. The third floor extends rearwards to the rear annexe, with a setback of approx. 5.8m to the second floor rear elevation.

The second floor of the rear annexe is approx. 9.1m high. This element is set back approx. 5.3m off the rear elevation of the ground and first floor.

The rear annexe ground and first floors are approx. 6.5m high, and area set off the site boundary to the rear lane by approx. 3.4m. The annexe is set off the boundary to Lucas Street by approx. 11.0m and the shared boundary to The Crwys pub by approx. 9.3m.

- 1.4 The proposed building is to be finished in render, with grey/blue cladding to the third floor and relief sections.
- 1.5 The proposed plans show areas for refuse (commercial and residential) to the rear of the annexe, with an area for cycle storage adjacent. 8no. parking spaces are retained, with a new sliding gate proposed.
- 1.6 The submitted plans also propose a small, single storey flat roof extension to the rear of the existing restaurant unit at 48 Crwys Road.

2. DESCRIPTION OF SITE

- 2.1 The site is approx. 1340sqm in area, accommodating a two storey pitched roof structure of brown facing brick construction. To the rear of the building is a large open yard area, used predominantly for off street parking. A rising arm barrier gives access to the yard off Lucas Street.
- 2.2 The adjacent public house is of a two storey construction, with a public area (beer garden) to the rear. The dwellings to the rear of the site (fronting Lucas Street, Daniel Street and Woodville Road) are of two storey, pitched roof construction.
- 2.3 The buildings directly opposite the site (Crwys Road) are of mainly two storey construction and are in a mix of commercial and community uses.

3. SITE HISTORY

- 3.1 No relevant history.

4. POLICY FRAMEWORK

- 4.1 The site is located with the Crwys Road/Woodville Road District Centre as identified in the adopted City of Cardiff Local Plan 1996.
- 4.2 The relevant Local Plan Policies are:
 - Policy 11 (Design and Aesthetic Quality)
 - Policy 17 (Parking and Servicing Facilities)
 - Policy 18 (Provision for Cyclists)
 - Policy 27 (Conversion to Residential Use)
- 4.3 The site is within the Crwys Road/Woodville Road District Centre as identified in the Cardiff Unitary Development Plan Deposit Written Statement 2003.
- 4.4 The relevant Deposit Unitary Development Plan Policies are:
 - Policy 2.20 (Good Design)
 - Policy 2.24 (Residential Amenity)
 - Policy 2.36 (District and Local Centres)
 - Policy 2.57 (Access, Circulation and Parking Requirements)

5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 The Transportation Manager has no objection, subject to conditions relating to retention of the parking space, provision of cycle parking, provision of student management and construction management plans and highway improvements, making the following comments:

"I would confirm that the submission has been assessed and is considered to be acceptable subject to the following comments, conditions and S106:-

Conditions:

*Standard Maintenance of Parking condition D3D (condition 9 above);
Standard Cycle Parking condition C3S modified to specify a minimum of one stand per two proposed bedrooms (50% by bed) to be under cover and secure for residential use (condition 8 above);
Combined Travel and Student Accommodation Traffic Management Plan (condition 6 above);
Construction management plan (condition 7 above);
Highway works (condition 10 above).*

Second Recommendation:

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

S106:

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

Comments:

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

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

With reference to location and wider development considerations, it is noted that the site is in a central location within an existing District Centre, with excellent access to local employment, leisure, shopping and the main university campus. The site is also within the 20mph zone, where cycling and walking are encouraged as viable daily transport alternatives to the car; along with having good access to public transport services and Cardiff's cycle network. The site is therefore considered to be very sustainably located in transport terms and entirely appropriate for the proposed form of development.

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

- 5.2 The Highways Drainage Manager has no objection, subject to a condition requiring the undertaking of sustainable drainage tests, and the submission of a drainage scheme.
- 5.3 The Waste Manager indicates that the refuse storage facilities shown on the submitted plans provide poor access to residents and refuse collectors, along with questionable capacities.
- 5.4 The Pollution Control Manager (Contaminated Land) has no objection, subject to conditions in respect of contaminated land issues, with further contaminated land advice.
- 5.5 The Pollution Control Manager (Noise & Air) has no objection subject to the imposition of conditions in respect of traffic noise and plant noise, soundproofing, fume extraction and a restriction on takeaway sales, with further advice in respect of construction site noise.
- 5.6 The Regeneration Manager has been consulted and any comments will be reported to Committee.
- 5.7 The Parks Manager has no objection, subject to a financial contribution towards the design, improvement and/or maintenance of public open space in the vicinity of the site, making the following comments:

“Design Comments

The small courtyard shown on drawing 14-051_AL(90)10 proposed site plan is too small to be considered as recreational open space and will offer limited outdoor recreational activities for the occupants of the development.

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

The Council's Supplementary Planning Guidance - Open Space requires provision of a satisfactory level and standard of open space on all new housing/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 in the design and access statement on the number and type of units I have calculated the additional population generated by the development to be **61**. This generates an open space requirement of **0.148ha** of on-site open space based on the reduced Open Space Criteria of 2.13ha per 1000 population for student accommodation.*

*As no public open space is being provided on-site, the developers will be required to make a financial contribution towards the provision of open space off-site, or the improvement (including design and maintenance) of existing open space in the locality. Based on the above assessment the contribution payable will be **£36,425**, which includes the 6% Development Control administration fee. I enclose a copy of the calculation*

In the event that the Council is minded to approve the application, I assume it will be necessary for the applicant and the Council to enter into a Section 106 Agreement to secure payment of the contribution. Information on the projects to which the contribution will be allocated within open spaces reasonably related to the development will be provided for inclusion in the Section 106 Agreement to secure payment of the contribution.

Community Infrastructure Levy (CIL)

CIL Regulation 122(2) provides :

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

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

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

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

Under current policy the proposed development is subject to Policy 31 of the Local Plan (Provision of open space on new residential developments), which requires the provision of open space for recreational activity.

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

(b) Directly related to the development

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

The Public Open Space Contribution shall be used by the Council towards the design, improvement and/or maintenance of public open space within the locality of the development site. The closest areas of recreational open space are Roath Recreation Ground, Cogan Gardens and Cathays Park.

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

*Based on the 2009 Cardiff Council Open Space Survey the **Cathays Ward**, in which the development is situated, is deficient in opens space provision by **24.68** hectares (Measured by the Fields in Trust recommended standard of 2.43 hectares per 1000 population). The quality and facilities of existing open spaces also require improvement, with additional capacity to take into account the increased residential population resulting from the development*

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

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

Contributions towards open space provision are derived using a formula-based calculation which takes into account, amongst other things, the size and type of the residential development and the projected increase in population. The method of calculation is shown on the off-site contribution calculation sheet.

6. EXTERNAL CONSULTEE RESPONSES

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

7. REPRESENTATIONS

- 7.1 Adjacent occupiers have been consulted and the application has been advertised on site and in the press in accordance with adopted procedures.
- 7.2 Local Members have been consulted and Cllr knight (also on behalf of Cllr Merry and Cllr Weaver) makes the following comment in objecting to the proposals (as originally submitted):

"We are writing to object to planning application 15/01137/MJR for a 4-story development including 3 stories of student accommodation with 60 bedrooms. We feel there are two main issues with this application with visual impact on the area and unsuitable transportation arrangements.

A 4-storey building would be out of keeping with Crwys Road which the majority consists of shops with a traditional terraced house height of two-stories and a sloped roof. This development will overshadow the Baptist church opposite and overlook The Crwys beer garden and properties of Lucas Street and Robert Street.

The transportation facilities provided is wholly inadequate for the development. The planning guidance advises that cycle storage is made available for each bedroom. The cycle storage shown on the plans amounts to the equivalent of just under 2 parking spaces which is not enough for the demands of the planning guidance.

The current space behind the building allocates approximately 30 parking space currently used for businesses in that block and is frequently at a high utilisation rate. Not only are the nearby streets going to be affected by the potentially 60 cars being added to the area (plus the cumulative impact of other blocks in the area) it will also have cars from staff and users of the current businesses who will have to find elsewhere to park and potentially damage business.

We would urge the committee to look at the scale of development especially in context of nearby properties and consider the impacts on businesses and residents in the area without an adequate transport plan."

- 7.3 Cllr Clarke makes the following comments in objecting to the proposals (as originally submitted):

"I am writing to object to the above planning application for 38-48 Crwys Road, Cathays.

The basis of my objection are that:

- This application is in direct contradiction to Cardiff Council's Supplementary Planning Guidance (SPG) on Residential Extensions and Alterations dated 25 June 2015 and there are robust grounds for refusal.*
- The proposed development will be overbearing keeping in mind that it will be 4 storeys high and the adjacent buildings are 2 storeys high at the front. In addition, the back extension is most definitely not subservient to the main dwelling. (Paragraphs 7.26 and 7.27 of the SPG states, "Extensions should not be overbearing to your neighbours". As the main building is 2 storeys high, the extension should be no more than 2 storeys. The guidance says, "Two storey extensions if appropriate should be subservient to the main dwelling and be limited in depth, width and height so as to avoid an overbearing appearance.")*
- The proposed development is completely out of keeping with the rest of the street scene as it is 4 storeys high and the adjacent properties are 2 storeys. This is of particular concern as it is one of the main high streets in Cardiff. In addition the development has a flat roof when the neighbouring properties have pitched roofs. Also its appearance is totally out of harmony with the nearby historic Crwys Pub (Paragraph 6.1 of the SPG states, "All alterations and additions to a property should relate well to the character and context of the surrounding area.")*
- Having such a high proportion of people living in the development will have a very adverse impact on congestion in the area which already has severe problems. Since there is such little parking allocated on the development, the residents will park in nearby streets. As experience has shown there will increased parking pressures regardless of any restrictions placed on the residents ability to park.*
- There is insufficient amenity space for 60 people which would result in a poor quality of life for the residents. The surrounding area is already heavily built up and the communal garden, cycle storage and refuse space on the development is inadequate. (Paragraph 7.41-7.43 says, "Any extensions to the side or rear of your house should maintain a 'reasonable' extension to back garden ratio... Sufficient garden space should be retained to accommodate bin and cycle storage, a washing line and a useable form of private amenity space.")*
- The large number of people living in this development will add to the high density problems in the area. These problems include noise, rubbish problems and anti-social behaviour.*

Since this is such a large development, providing accommodation for 60 bedrooms, I formally request that the application be considered by the Full Planning Committee and for a site visit.”

7.4 In submitting a petition (6x signatures), Councillor Clarke further comments:

“Please note the attached strong objection from local traders to the above development on Crwys Road. The petition includes the pastor at Woodville Road Baptist and the adjacent property to the proposed development, the Crwys Pub.

From a business perspective, the landlord of the Crwys is also concerned that the development will block light and privacy to their beer garden (which has been very successful). Presumably any windows overlooking the beer garden would need to be opaque.”

7.5 Eluned Parrott AM makes the following comments in objecting to the proposals (as originally submitted):

“I am writing to object to the above planning application on the following grounds:

- . The proposal, consisting of 4 storeys, is totally out of character with the rest of the street scene of Crwys Road. The vast majority of properties on that side of Crwys Road consist, in the main, of two storeys.*
- . The proposal to accommodate 60 people in the development will have an adverse effect on the traffic and congestion issues in the area. Experience of other developments indicates that restricting the number of car parking spaces for a development does not necessarily reduce car ownership. Cars unable to park in the development itself will inevitably be parked in neighbouring streets to the detriment of existing local residents.*
- . The proposed amenity space is, to my mind, insufficient for the demands of 60 residents. With amenity space in the area already at a premium, this will have a negative impact on the quality of life of local residents*
- . Many local traders and members of the community are opposed to this development, as is the Pastor of the Woodville Road Baptist Church opposite.*
- . I share the concerns of the Landlord of The Crwys Public House that the proposed development will significantly impact on its popular beer garden, blocking light and negatively affecting the privacy its patrons currently enjoy.*
- . It will also overshadow residential properties in Daniel Street and Lucas Street.*

I would therefore urge the Planning Committee to refuse this planning application when it comes before them.”

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

- *The four storey building will directly overshadow our property which will impact on our privacy.*
- *The planning guidance shows inadequate cycle storage; the implication that all students will cycle rather than drive is totally misleading. The majority of students who live in Cardiff bring their cars into the city; 1 student house currently has a total of 5 cars parked in this street.*
- *There are plans for 8 car parking spaces. Is this for commercial or student cars? Again there will be more cars trying to park in Lucas Street. We already suffer from high volume of cars parking in this street who totally ignore the resident parking area causing increased stress to residents who have cannot park even though they have paid for parking permits.*
- *The increased volume of traffic in and out of Lucas Street will impact on traffic in Crwys Road at peak times which already is highly congested during this period.*
- *Increased noise pollution from 60 extra residents in such a compact area will impact on our health.*
- *Increased levels of waste and rubbish; the plans show areas for both commercial and residential refuse at the rear of the building. How will this be collected as the refuse collectors will not be able to access the area directly? Our fear is that the rubbish be dumped in Lucas Street for collection. There are currently huge problems with rubbish pollution in this street which is detrimental to the value of our properties and will impact on our health.*

7.7 A further consultation exercise has taken place in light of the receipt of the amended plans. No additional comments have been received.

8. **ANALYSIS**

8.1 A full application for the Conversion and extension of an existing two storey mixed commercial building to accommodate an (amended) four storey development retaining the ground floor commercial uses and developing the upper floors and rear annexe for student accommodation. The amended application provides for 53 bedrooms, 8 studio apartments and 10 communal hubs.

8.2 In terms of the policy implications of the proposals, the application is located within the Crwys Road/Woodville Road District Centre as defined by the City of Cardiff Local Plan (1996).

The proposal would result in the loss of office floorspace, however Policy 27 favours the conversion of space above commercial premises to residential use where:

(i) adequate servicing and security can be maintained to the existing commercial uses, and

(ii) appropriate provision can be made for car parking, pedestrian access, amenity space, and refuse disposal together with any appropriate external alterations.

The application will not result in the loss of any retail, and the addition of student accommodation within the District Centre should increase expenditure and footfall within the centre, thus enhancing its vitality/viability.

Taking the above factors into consideration this application does not raise any land use policy concerns subject to an assessment of residential amenity.

8.3 In terms of design, the original proposals raised several issues and concerns, including:

The buildings along Crwys Road are broad ranging in terms their scale, form, massing and architectural detailing. While the existing site consists of a stretch of modest two storey buildings, given the evident variety in the built form along the street, scope to increase scale of the street frontage element of the building exists.

Concerns would be had however with regard to the scale, bulk and lack of vertical emphasis the principal elevation of the building would have. As proposed, only the provision of downpipes would break up the massing of the building adding an element of verticality. Further consideration would subsequently be expected to be given to how the massing of the building could be broken up in order to improve its verticality.

While the scale of the proposed rear annexe element of the building is generally considered to be acceptable, further consideration might be given to how this element of the building could better relate to that of the adjacent built form.

While it is accepted that 4th floor of the proposed scheme would be set back from principal elevation of the building, the change in its finishing material from that of the floors below and its general horizontal form would ensure it would form an overly dominant feature. It would however be expected to recede against the building and not stand out. Notwithstanding the other fundamental design concerns noted, the use of zinc or lead cladding might be considered as a more appropriate finishing material here. Consideration should also be given to how the massing of the top floor / roof could be broken up.

The buff coloured brick of the existing building is not considered to be a high quality or sympathetic material within the street scene or wider residential area that is generally characterised by pennant stone, red brick and to a lesser extent painted render. Further use would therefore not be supported.

It appears as though the existing fenestration of the building has been replicated throughout proposed scheme. The existing windows however lack verticality, offer little aesthetic value to the building as a whole and are not consistent with the predominant vertical emphasis found within the local townscape.

8.4 Following lengthy negotiations, amended plans have been submitted (and re-consultation has taken place), in order to address the concerns raised.

The amended proposals, in brief:

- Reduce the scale of the development at roof level and to the rear annexe, including the introduction of a Mansard effect to the third floor and setbacks to reduce the overall massing;
- Increase the level of external amenity space for future occupiers;
- Reduce the level of off street parking (enabling the increased amenity area), while still accommodating both operational spaces for the existing commercial ground floor occupiers, and operational spaces for the residential occupiers use,
- Amend the nature of the finished appearance and regularise the fenestration.

The amended proposals are considered to represent an acceptable and policy compliant form of development in terms of the visual context of the Crwys Road/Woodville Road District Centre, which has a significant mixture of buildings in terms of their scale and appearance in the street scene, and in terms of the favourable mixed use nature of the proposals, retaining the commercial frontage at ground floor. Notwithstanding this, it is considered appropriate to seek the highest quality materials, and conditions 2 & 3 are therefore recommended.

8.5 The proposals as amended also reduce the impact of the new build at the rear on existing adjacent occupiers. The dwellings fronting Daniel Street have windows to their rear elevations, facing towards the proposed rear annexe. These windows are set in an elevation that is approx. 21.5m from the rear elevation of the proposed annexe. Whilst it is also acknowledged that there are also windows set in the end elevations of the annexes to the Daniel Street dwellings (approx. 17.5m separation), it is considered that as the only windows to the end elevation of the proposed annexe are high level windows, and are conditioned to be obscurely glazed, there would be no concerns in respect for overlooking and loss of privacy. It is also considered that as a result of the degree of separation between the proposed annexe and these dwellings/gardens, and its 2 storey height at the closest point, there would be no adverse impact on the occupiers of those dwellings in terms of overbearing or dominance.

With regard to any impact on the properties on Lucas Street, the properties at no. 1 & 3 are some distance from the development (at the closest point approx. 23-25m), with both dwellings also set at an angle to the end of the proposed rear annexe. It cannot therefore be reasonably held that the proposals have any significant impact on the occupiers of these dwellings in terms of being overbearing, causing overshadowing, or impacting adversely on privacy.

The infill dwelling at 11a Daniel Street has a number of windows to the side elevation, facing onto the lane at the rear of the application site. It is noted however that these are secondary windows, and that the proposed annexe is

set in a position which is offset from these windows. Whilst it is acknowledged that there may be some impact on light to these windows earlier in the day, it is considered that the impact would not result in sufficient harm to sustain refusal of consent.

- 8.6 The premises directly to the south-east of the site is occupied by The Crwys Public House, with part of the rear area given over to a beer garden (directly adjacent to the site boundary). The occupiers of the pub are signatories of the petition submitted by Cllr Clarke, with issues of loss of light and privacy being raised.

The beer garden is sited to the east and slightly south of the proposed rear annexe, with a separation distance of approx. 9.3m from the shared boundary to side elevation of the proposed annexe. Whilst the proposed annexe will undoubtedly have an impact on the degree of direct light into the beer garden in the afternoon/evenings, it is considered that the amount of natural light that will permeate into the area will still allow the beer garden to function, and the proposed annexe would not cause sufficient harm to warrant refusal of consent.

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

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

- The application has been considered by the Transportation Manager. With regard for the issue of potential overspill parking in the vicinity of the site, whilst no objection is raised, a condition requiring the submission, approval and implementation of a 'Student Management Plan' is recommended (condition 6 above). In light of these comments, there would be no sustainable grounds to refuse consent in term of parking;
- Whilst the objections from Cllr Clarke are noted, the Supplementary Planning Guidance on Residential Extensions and Alterations is not relevant to the consideration of this application;
- The scale, massing and design of the proposed building has been considered in terms of urban design, and is considered acceptable. When viewed from either direction along Crwys Road, the proposed development will be seen as being opposite the existing 5 storey office block at Crwys House. In this case there would not appear to be such a discourse in the 'balance' of the street at this point that would sustain refusal of consent;
- There is no evidence that future occupiers would cause littering in the vicinity of the site;

- There is no evidence that future occupiers would cause unacceptable noise disturbance. However, should any such disturbance take place, the Council's Pollution Control (Noise & Air) Service have significant powers to take appropriate action.

8.8 The comments of the Waste Manager are noted. The submitted plans demonstrate that future residents would access the indicated refuse storage area via the rear doors. This arrangement is considered acceptable. Whilst the issue of capacities is noted, there is sufficient space to accommodate the required number of bins and condition 4 above is recommended to secure such provision.

8.9 The comments of the Pollution Control (Noise & Air) Manager are noted, and conditions are recommended to reflect them. However, whilst the condition relating to details of fume extraction is considered appropriate in that the proposals will impact upon the current situation, the requested restriction on any takeaway sales is considered to be overly onerous on the extant operations of the retained restaurant. It is considered that this condition would fail the mandatory tests for the use of conditions in planning permissions.

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

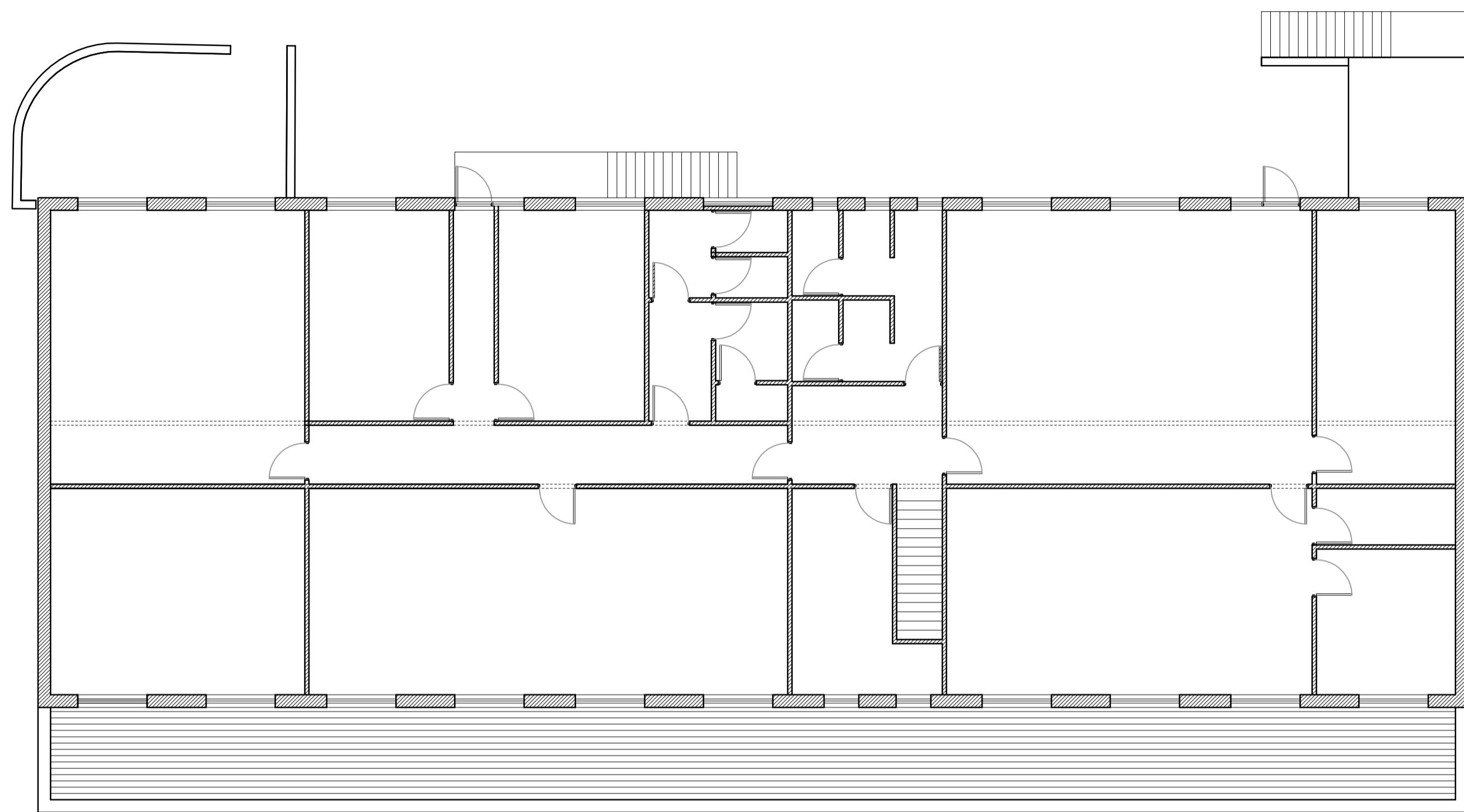
Parks – A contribution of £36,425 is requested towards the maintenance/provision of open space in the vicinity of the site.

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

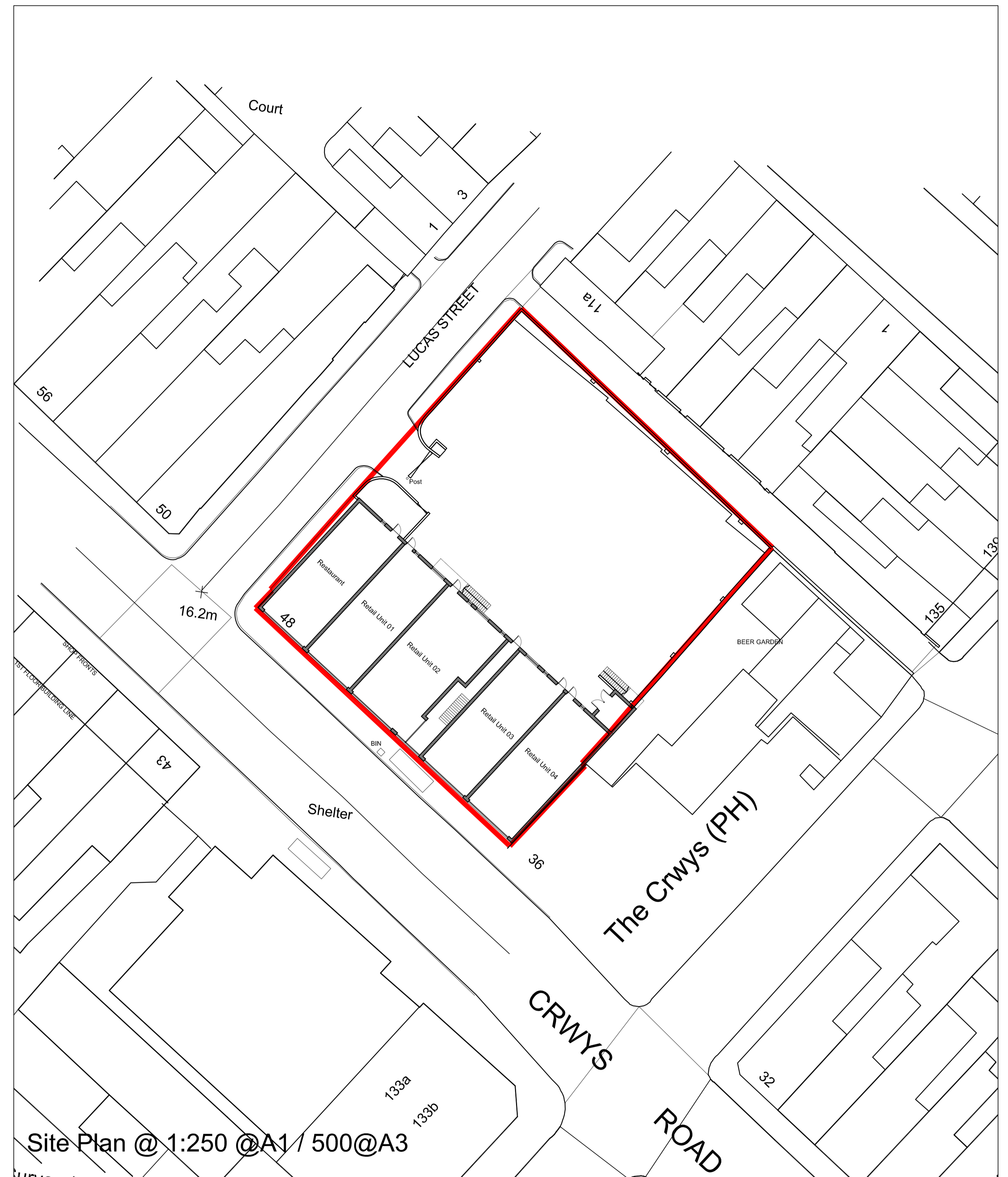
In addition to the above, it is recommended that future occupancy by students only is secured through any legal agreement made.

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

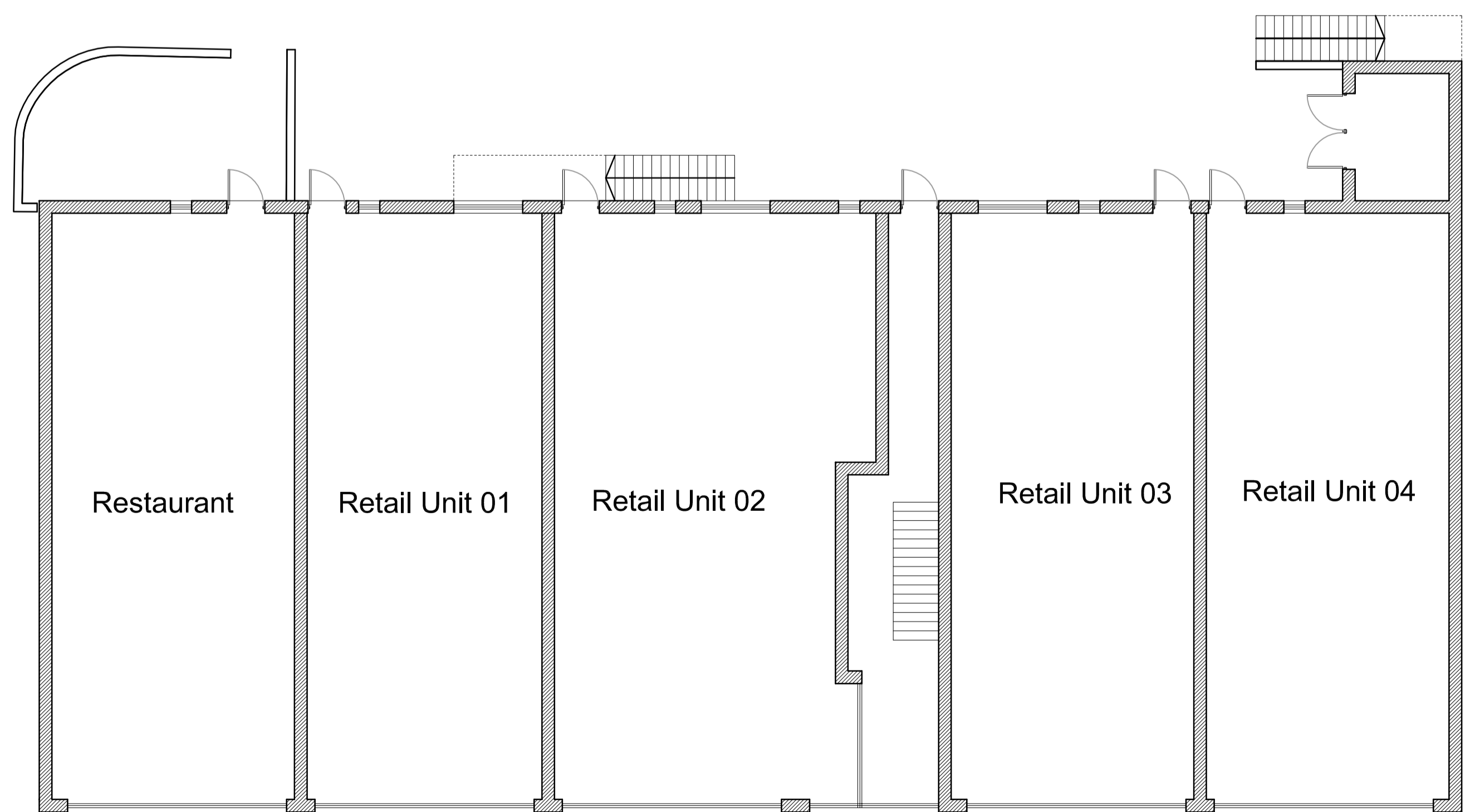
8.11 In light of the above, and having regard for adopted planning policy guidance it is recommended that planning permission be granted.



FIRST FLOOR



Site Plan @ 1:250 @A1 / 500@A3



GROUND FLOOR

Proposed Student Accommodation		Job No:	14_051
38-48 Crwys Road		Dwg No:	AL(00)03
Cardiff		Rev:	
Title			
Existing Floor Plans			
Date:	03/03/15	Drawn:	IWJ
Scale:	1:100@A1/200@A3		


Architects · Town planners
Environmental & Urban design
Unit 1A, Compass Business Park, Porthkerry, Cardiff, CF24 0PL. www.compassarchitects.co.uk Tel: 079 20452100



SITE PLAN @ 1:100 A1 / 1:200A3

Shelter

LUCAS STREET

11

(PH) S

BEER GARDEN

Communal Garden

cycle store


8 car parking spaces

sliding gate

16.2m

BIN

Date	Drawn	Checked	Reviewed
07/04/15	AWJ	AWJ	AWJ
20/04/15	AWJ	AWJ	AWJ
17/05/15	AWJ	AWJ	AWJ

 <p>Architects Town planners Environmental & Urban design</p>	<p>Job No. 14_051 Drawn: AWJ Date: 03/03/15</p> <p>Proposed Student Accommodation 14, O'Byrne's Road Castleblayney Co. Wick</p> <p>Scale: 1:100 @ A1/200 @ A3</p>	<p>Rev: D Date: 14/03/15</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------

Date	Drawn	Check	Description	Rev.
05.08.15	SJD		Massing of building broken up following planning consultation	A
26.08.15	SJD		Door indicated on R/side elevation as per plan	B
17.09.15	SJD		Massing of scheme reduced further to planning comments	C
12/10/15	IWJ		Elevations amended to address planning comments	D



Crwys Road Front Elevation



L/H Side Lucas Street Elevation




Rear Lane Elevation



Rear of Lucas Street Elevation

Proposed Student Accommodation 38-48 Crwys Road Cardiff	Job No. 14_051	Rev. D
Title Proposed Elevations		Dwg No. AL(00)12
Date 03/03/15	Drawn IWJ	Scale 1:100@ A1/200@A3


 Architects
Environmental & Urban design
Town planners
Urban design

Unit 1A, Cornhill Business Park,
Pacifc Road, Cardiff, CF24 0RQ
www.c-jarchitects.co.uk
Tel: 029 20421100