

PETITION OF OBJECTION & LOCAL MEMBERS OBJECTION

COMMITTEE DATE: 15/03/2018

APPLICATION No. **17/02618/MJR**

APPLICATION DATE: 31/10/2017

ED: **ADAMSDOWN**

APP: TYPE: Full Planning Permission

APPLICANT: Crosslane Student Developments (UK) Limited
LOCATION: LAND AT HOWARD GARDENS, ADAMSDOWN, CARDIFF
PROPOSAL: ERECTION OF BUILDING (BETWEEN 4-11 STOREYS)
FOR MIXED USE PURPOSES INCLUDING RESTAURANT
(CLASS A3) (PART GROUND FLOOR) AND RESIDENTIAL
ACCOMMODATION FOR STUDENTS COMPRISED IN A
COMBINATION OF CLUSTER FLATS (UP TO 61 NO.) AND
STUDIOS (UP TO 50 NO.) WITH ASSOCIATED
ACCOMMODATION AND WORKS FOLLOWING
DEMOLITION OF EXISTING BUILDINGS

RECOMMENDATION 1: That, subject to relevant parties entering into a binding planning obligation in agreement with the Council 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 9.2 of this report, planning permission be **GRANTED** subject to the following conditions:

1. C01 Statutory Time Limit
2. The consent relates to the following approved plans:
 - Site Location Plan PL(90)01
 - Site Topographical Survey Existing PL(90)02
 - Demolition Plan PL(90)03
 - Site Layout Plan PL(90)04 F
 - Layout Plan Level 00 PL(99)01 E
 - Layout Plan Levels 01-02 PL(99)02 E
 - Layout Plan Level 03 PL(99)03 E
 - Layout Plan Level 04 PL(99)04 E
 - Layout Plan Level 05 PL(99)05 E
 - Layout Plan Level 06 PL(99)06 E
 - Layout Plan Level 07 PL(99)07 E
 - Layout Plan Roof PL(99)08 D
 - Elevations 01 South West PL(99)09 C

- Elevations 02 North West PL(99)10 C
 - Elevations 03 North East PL(99)11 C
 - Elevations 04 South East PL(99)12 C
 - Elevations 05 North East Internal PL(99)13 C
 - Elevations 06 SW/ SE/ NW Internal PL(99)14 C
 - Site Sections PL(99)15 C
 - Accommodation Schedule PL(99)16 C
 - Layout Plans Levels 08-10 PL(99)17 E
 - Proposed Tree Removal DLA-1847-L01
 - Tree Protection DLA-1847-L02
 - Proposed Landscape Plan DLA-1847-L03
 - Proposed Planting Plan DLA-1847-L04
 - Overall Landscape Scheme DLA-1847-L05
- Reason: For the avoidance of doubt.

3. Any A3 use shall be restricted to café/ restaurant type uses where the primary function is the sale and consumption of food within the premises, and for no other A3 Use Class unless otherwise agreed in writing by the LPA. Reason: To ensure the amenity of future residents and occupiers of other premises in the vicinity are protected.
4. No member of the public shall be admitted to or allowed to remain on any A3 premises between the hours of 23:00 and 08.00 hrs. on any day. Reason: To ensure that the amenities of neighbours and future occupiers are protected.
5. There shall be no arrival, departure, loading or unloading of vehicles between the hours of 20:00 to 0800.
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.
6. No above ground superstructure works shall be commenced 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 a satisfactory finished appearance to the development.
7. No above ground superstructure works shall be commenced until architectural details of the elevations in the form of large scale key plans, sections, and elevations 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 a satisfactory finished appearance to the development.
8. *Contaminated land measures – assessment:* 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 an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study; an assessment of the potential risks to human health, ground waters and surface waters, adjoining land, property (existing or proposed), and any other receptors identified through investigation, and an appraisal of remedial options, and justification for the preferred remedial option(s). Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff LDP.

9. *Contaminated land measures – remediation & verification plan:* 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. Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff LDP.
10. *Contaminated land measures - remediation & verification:* The approved remediation scheme 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. Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff LDP.
11. *Identification of Unsuspected Contamination:* In the event that contamination is found at any time when carrying out the approved

development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place unless otherwise agreed in writing until a scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the LPA within 2 weeks of the discovery of any unsuspected contamination. Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised.

12. *Importation of Soils:* Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes. Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA. Reason: To ensure that the safety of future occupiers is not prejudiced.
13. *Importation of Aggregates:* Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with Pollution Control's Imported Materials Guidance Notes. Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA. Reason: To ensure that the safety of future occupiers is not prejudiced.

14. *Use of Site Won Material:* Any site won recycled aggregate materials 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 reuse. Only material approved by the Local Planning Authority shall be reused. Reason: To ensure that the safety of future occupiers is not prejudiced.
15. C2N Drainage Details
16. H7G Plant Noise
17. G7Q Future Kitchen Extraction
18. A scheme of sound insulation works to the floor/ceiling and party wall structures between the commercial unit and any residential accommodation shall be submitted to and agreed by the Local Planning Authority in writing and implemented prior to occupation. Reason: To ensure that the amenities of future occupiers are protected.
19. C4P Landscaping Design and Implementation Pro
20. *Integration of landscaping:* Notwithstanding the submitted landscape proposals and illustrative proposal for the adjacent Howard Gardens open space detailed plans, elevations, sections and construction details shall be submitted for the approval of the LPA to demonstrate the seamless integration of design, materials and levels of the open space to the south and west of the proposed building with the adjacent enhanced open space design for Howard Gardens, and the public realm forming part of the Fusion Eclipse Student Accommodation. Unless otherwise agreed in writing a root radar survey is required to inform the design and demonstrate the impact of the proposals on the retained trees closest to the development. The development shall be carried out in accordance with the approved details. Reason: To ensure the full integration of the application site open space with the adjacent open space design for Howard Gardens and the Eclipse student Accommodation.
21. C4R Landscaping Implementation.
22. *Tree Protection:* No demolition, site preparation or development shall take place until the following have been submitted to and approved in writing by the Local Planning Authority (LPA) in accordance with the current British Standard 5837:

- An Arboricultural Method Statement (AMS) detailing the methods to be used to prevent loss of or damage to retained trees within and bounding the site, and existing structural planting or areas designated for new structural planting. The AMS shall include details of site monitoring of tree protection and tree condition by a qualified arboriculturist, undertaken throughout the development and after its completion, to monitor tree condition. This shall include the preparation of a chronological programme for site monitoring and production of site reports, to be sent to the LPA during the different phases of development and demonstrating compliance with the approved tree protection measures.
- A Tree Protection Plan (TPP) in the form of a scale drawing showing the finalised layout and the tree and landscaping protection methods detailed in the AMS that can be shown graphically.

Unless written consent is obtained from the LPA, the development shall be carried out in full conformity with the approved AMS and TPP. Reason: To enable the Local Planning Authority to assess the effects of the proposals on existing trees and landscape; the measures for their protection; to monitor compliance and to make good losses.

23. C4W Tree Works

24. *Site enclosure:* Details of the means of site enclosure shall be submitted to and approved by the Local Planning Authority and the scheme shall be constructed in accordance with the approved details prior to the development being put into beneficial use. Reason: To ensure that the amenities of the area are protected.

25. *Cycle parking:* No above-ground development shall take place until a scheme showing details of 98 undercover and secure cycle parking spaces and 12 external cycle parking spaces has been submitted to and approved in writing by the Local Planning Authority and the development shall not be brought into beneficial use until the approved scheme is implemented. Reason: To ensure that adequate provision is made for the secure parking of cycles.

26. *Combined Travel and Student Accommodation Traffic Management Plan:* 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.

27. *Highway Works:* 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 Howard Gardens and Howard Place, to tie into the works associated with the West Wing development, has been submitted to and approval in writing by the LPA. The scheme to include the removal and reinstatement as footway of the existing vehicle entrance the north of the site; the reinstatement/resurfacing as required of the remainder of the footway abutting the site; and the creation of a buildout and uncontrolled crossing to the south of the site: to include as required surfacing, kerbs, edging, drainage, lighting, lining, signing and street furniture as required as a consequence of the scheme. 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.
28. *Construction Management Plan condition:* 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.

RECOMMENDATION 2: The highway works condition and any other works to the existing public highway (to be undertaken by the developer) are to be subject to an agreement under Section 278 Highways Act 1980 between the developer and Local Highway Authority.

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

RECOMMENDATION 6: Welcome Pack – 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 in the area, to help promote sustainable transport options.

RECOMMENDATION 7: That the developer be advised that where any species listed under Schedules 2 or 4 of The Conservation (Natural Habitats etc.) Regulations 1994 is present on the site in respect of which planning

permission is hereby granted, no demolition works shall take place in pursuance of this approval unless a licence to disturb any such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been produced to the local planning authority. In the event that demolition work has already commenced and bats are found, or if any evidence that bats are using the site as a roost is found, work should cease and the Council ecologist and NRW should be contacted immediately. It is recommended that on a precautionary basis, 'reasonable avoidance measures' be implemented during demolition/tree felling to prevent/reduce the possibility of an offence being committed through direct mortality of bats. These measures would include:

- Toolbox talk to site workforce prior to commencement to advise on the low risk that bats may be present and that if bats were discovered, all work would cease immediately and either the project ecologist or Natural Resources Wales (NRW) contacted for further advice.
- Giving tool-box talks to site operatives such that they are aware that bats may be present
- 'Soft-stripping' of features such as roof tiles, soffits, barge-boards, fascias etc, and any other features which bats may use to roost or to access a roost
- Having an ecologist present on site in case bats are found during removal of the buildings' roofs
- Repeat of the bat survey if works do not take place within one year of the most recent survey, as bats may colonise these buildings in the interim.

1. DESCRIPTION OF PROPOSED DEVELOPMENT

- 1.1 A detailed application for purpose built student accommodation (384 bed spaces), communal spaces and ground floor A3 café/restaurant unit, landscaped courtyard, and public realm improvements adjoining the site.
- 1.2 Amended plans addressing the overall massing of the western block and the relationship with the future park to the south were received on 6.12.17 and re-consulted on for a period of 14 days.
- 1.3 The proposals are for the construction of a building that ranges between 4 and 11 storeys with a central courtyard.
- 1.4 Access to the building is proposed from the north from Newport Road Lane to a student reception area. Communal facilities on the ground floor include a student common room, media room, and study rooms, as well as cycle storage accessed from the central courtyard. There is a secondary, ramped access to the courtyard area from the south adjacent to the commercial unit and facing the new park. This will be for those entering/ exiting with bicycles only.

- 1.5 The ground floor also incorporates commercial floor space for café use adjacent to the south-west site boundary, which will be accessed from the south from new public realm adjacent to the Park. Above ground floor the entire building comprises study bedrooms in a combination of cluster flats of varying sizes and studios.
- 1.6 The lowest part of the building (4 storeys) is adjacent to the eastern site boundary where it faces the Victorian terraced properties on the east side of Howard Gardens. The building has an aspect to the park to the south, with between four and five floors of student accommodation above the ground floor commercial unit that directly overlook it.
- 1.7 The building rises away from the eastern site boundary to a height of 11 storeys adjacent to the north-western boundary, approximately three storeys higher than the adjacent Fusion scheme. Angled privacy windows are incorporated in the west elevation of the proposed development to ensure that there is no direct overlooking of student rooms in the adjacent Fusion scheme.
- 1.8 No parking is provided on the premises, although there is space adjacent to the south-west boundary for maintenance vehicles to pull off the adjacent highway. There is some on-street parking capacity to the front of the proposed building adjacent to the entrance from Newport Road Lane. Approximately 104 cycle parking spaces are provided on site in a secure cycle store.
- 1.9 The materials considered are bricks in two different colours, metal panel cladding system, glass, white render and timber in the courtyard.
- 1.10 The Management Statement includes a detailed travel plan which outlines arrangements for managing student pick-up and drop-off at the start and end of each year.
- 1.11 *Public realm improvements:* The scheme will contribute in the form of a financial contribution towards a new park on the site of the Adamsdown Play Centre and Playground. The park will be designed and delivered by the Council's Parks Department, paid for by Section 106 financial contributions from this and other student housing schemes in the Adamsdown ward. Protected trees will be retained and a potential new entrance to the park from Moira Terrace to the south will be created.
- 1.12 The area of the Park adjacent to the scheme will be hard landscaped, acting as a terrace for the use of the café and a pedestrian route linking the recently completed Eclipse student housing public realm to the west with Howard Gardens and the student development on the Glossop Road site to the east. Adjacent footways will be resurfaced, and public realm works as necessary to integrate the development with the adjacent Fusion student development. The

Newport Road Lane footway to the north of the site will be widened and built out as part of the public realm works package.

- 1.13 *Pre-application discussions with Council Officers:* In summary, the bulk and massing of the proposed development has been reduced from earlier iterations to reduce overlooking and overbearing impacts, particularly on the northern elevation. The height in the north western corner in particular was reduced and effectively relocated to the north eastern corner to provide a landmark local feature.
- 1.14 *Statutory pre-application:* The developer Crosslane undertook statutory pre-application consultation on its proposals from 25.8.17 to 22.9.17. Site notices were posted, a press release was issued on 21.8.17, a project webpage with the draft planning application went live on 25.8.17, and meetings were held in September 2017 with AM Jenny Rathbone and LM Cllr Owen Jones.
- 1.15 A notification letter and formal notice was delivered to 60 residents and business addresses neighbouring the site, and to community consultees (local Adamsdown Ward members), as well as additional community consultees including Cardiff Council Cabinet members, local schools and community organisations, neighbouring businesses and organisations, and Cardiff Universities and Colleges.
- 1.16 The following Specialist Consultees were consulted: Council Highways Department; DCWW; NRW; Sport Council for Wales; CADW
- 1.17 A total of 45 written responses were received by the 22nd September deadline. Of these 24 were letters prepared by the Cardiff Green Party and signed by local individuals. The issues raised were loss of public open space and green park area, overdevelopment of student housing in the area, impact on local community, design of the building (too big), impact on wildlife and need for bat surveys, need for affordable housing, and construction impact.
- 1.18 The following supporting information is submitted:
 - Pre-application Consultation Report
 - Design and Access Statement
 - Planning Statement
 - Arboricultural Assessment & Method Statement
 - Drainage Strategy
 - Transport Statement
 - Daylight and Sunlight Report, revised Jan 18
 - Market Demand report
 - Bat Survey Report, amended Jan 18
 - Illustrative information (cgis), revised Jan 18

2. **DESCRIPTION OF SITE**

- 2.1 The 0.27ha square flat application site is located on the eastern edge of the City Centre Principal Business Area in a highly sustainable location close to public transport and community facilities.
- 2.2 The site is currently used as the building contractor's compound for the student housing scheme immediately to the west of the site. It was previously used as a bowling green up until 2013 when it was decommissioned. Several small trees are located on the perimeter of the site.
- 2.3 Access is from the north via Newport road and along Newport Road Lane which forms the site's north boundary. To the west is the Eclipse student housing scheme of 670 bed spaces which is substantially completed and occupied. The accommodation is in two courtyard blocks of varying heights rising to 8 storeys on the NE corner. Between the student housing and the application site is a generous area of public realm (part of the Eclipse development) which provides a north-south pedestrian route linking Moira Terrace to Newport Road Lane.
- 2.4 The eastern boundary of the site is Howard Gardens, a residential street of 3 storey Victorian properties. To the south is the single storey Adamsdown Play Centre and a grassed publicly accessible playground area enclosed by a number of protected mature trees. To the south of the playground is the busy Moira Terrace. To the north of the site is the 15 storey Mercure Hotel building on Newport Road.
- 2.5 Both the application site and the Play Centre and Playground are identified as open space in the 2017 Council Open Space Survey. Cabinet agreed to the disposal of the bowling green site on the open market in 2015 and its disposal was advertised in September 2016.
- 2.6 Further to the east and separated by established terraced housing is the West Wing student housing scheme (644 bed spaces) which is under construction.
- 2.7 To the south of the Magistrates Court on Moira Terrace is Student Castle, a purpose-built student accommodation block with 540 bed spaces completed several years ago.
- 2.8 A number of tall buildings lie to the north west on Newport Road including the Grade II listed St James' Church, the 15 storey Admiral House, the 15 storey Mercure Holland House and the 14 storey Eastgate House.

3. **PLANNING HISTORY**

- None

Related planning history

- 14/2670/MJR PP granted May 2015 for demolition of UWIC buildings and redevelopment of a 671 student accommodation block located immediately to the west of the application site. The scheme is nearing completion.

4. **POLICY FRAMEWORK**

National policy

- 4.1 Planning Policy Wales (PPW) Edition 9, 2016 favours the sustainable re-use of previously developed land.
- 4.2 The following Technical Advice Notes (TANs) are relevant:
- TAN 12: Design (2009)
- 4.3 The following policies of the 2016 City of Cardiff LDP are relevant to the consideration of this application:-
- KP5 Good Quality and Sustainable Design
 - KP6 New Infrastructure
 - KP7 Planning Obligations
 - KP16 Green Infrastructure
 - C1 Community Facilities
 - C4 Protection of Open Space
 - C5 Provision for Open Space, Outdoor Recreation, Children's Play and Sport
 - H6 Change of Use or Redevelopment to Residential Use
 - R6 Retail Development (Out of Centre)
 - R8 Food and Drink Uses
- 4.4 The following Supplementary Planning Guidance is relevant in considering the application:
- Tall Buildings Design Guide (Jan 17)
 - Planning Obligations (Jan 17)
 - Cardiff Green Infrastructure (Nov 17)
 - Food, Drink & Leisure Uses (Nov 17)
 - Access, Circulation and Parking Requirements (2010) insofar as it is consistent with LDP policy

5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 **Land Use Policy & Regeneration:** The proposal is for the construction of a student accommodation (Sui Generis) scheme, comprising 384 bed spaces, with a restaurant (Class A3) use (160sqm) to the ground floor. The vacant (former bowling green) site (0.26ha) is located outside, but directly adjacent

to, the Central Business Area (CBA) of the adopted Cardiff LDP. As such, the main land use planning policy issues relate to:

- 5.2 Loss of Open Space Provision: Situated between Newport Road Lane and Moira Terrace, Howard Gardens comprises two elements of open space, with a former bowling green (0.26ha) to the north and an outdoor gym (0.14ha) to the south. These open spaces are divided by a children's play centre located across the centre of the site.
- 5.3 LDP Policy C4 (Protection of Open Space) seeks to protect open space that has significant functional, conservation, environmental or amenity value and identifies criteria against which proposals will be assessed, including: whether a proposal would cause or exacerbate a deficiency of open space, whether the open space has significant functional or amenity value, whether it is of significant quality, and whether the developer can make satisfactory compensatory provision.
- 5.4 The application site relates to the former bowling green only, which closed in 2013. Following disposal of the land as public open space in 2015/16 the area has most recently been used as a site compound for the construction of a neighbouring development and has therefore not recently contributed towards open space provision. To the south of the site, the outdoor gym is of a poor quality, with the area being laid to hardstanding (macadam) and gated from the surrounding public realm, which impacts on its functional and amenity value.
- 5.5 In relation to the impact on visual amenity the application would result in the loss of several small trees on the periphery of the site. These are only visible in the immediate vicinity and their loss will have no significant impact on the wider setting as the larger mature trees to the south dominate the local character and will be retained as part of the enhanced park.
- 5.6 The applicant has identified in their Design and Access Statement that the proposed student accommodation has been designed to integrate with the southern part of the site (the outdoor gym) and would provide the opportunity for the area to be opened up and regenerated as a publicly accessible park, set within the crescent of mature trees.
- 5.7 In addition to the design and layout of the proposed development contributing towards opportunities for the future use of the park as public open space, a financial contribution would also be sought from developer towards the enhancement and upgrading of the space as set out in LDP Policy C5 (Provision for Open Space, Outdoor Recreation, Children's Play and Sport). It is therefore considered that the proposal would provide the opportunity to significantly improve the quality, function and amenity value of the open space at Howard Gardens.

- 5.8 Whether the proposed Sui Generis (student accommodation) use is acceptable at this location: Policy H6 of the LDP (Change of Use or Redevelopment to Residential Use) identifies criteria against which the change of use of redundant previously developed land to residential use will be considered, including whether there is an overriding need to retain the existing use of the land and whether necessary community and transportation facilities are accessible or can be readily provided.
- 5.9 As identified above, the former bowling green closed in 2013 and following the disposal of the land as public open space in 2015/16, the area has most recently been used as a site compound for the construction of a neighbouring development.
- 5.10 Whilst student accommodation is a 'sui generis' use, the nature of such a use exhibits many characteristics of a typical residential scheme. The principle of both student accommodation and residential uses are well established within the surrounding Newport Road area and the site is well served by transport links and is close to local amenities.
- 5.11 Whether the proposed A3 (Food and Drink) use is acceptable at this location: Policy R8 (Food and Drink Uses) of the LDP identifies the Central Business Area as an appropriate location for food and drink uses, subject to amenity considerations.
- 5.12 Given that the application proposes 384 flats to the upper floors and the proximity of neighbouring occupiers, consideration would need to be given to the potential impact of a ground floor A3 use on local amenity. This could be achieved through the applicant accepting a restricted use condition, limiting any use to a restaurant / café / snack bar where their primary function is the sale and consumption of food on the premises rather than alcohol or hot food takeaways and through controlled hours of opening to minimise disturbance to residents.
- 5.13 Strategic Planning (Public Realm) Considerations: This is a large scale development, which will place increased pressure on the surrounding pedestrian environment, particularly due to the nature of the scheme as student accommodation where movement to and from the site will predominantly take place on foot and by bike.
- 5.14 Planning Policy Wales, Paragraph 3.4.3 states that 'When a new building is proposed, an existing building is being extended or altered, or a change of use is proposed, developers should consider the need to make it accessible for all those who might use the building. The appropriate design and layout of spaces in, between and around buildings, including parking provision and movement routes, is particularly important in ensuring good accessibility'.

Cardiff Local Development Plan Policy KP6 (New Infrastructure) seeks that new developments will make appropriate provision for, or contribute towards, necessary infrastructure required as a consequence of proposed development, including public realm improvements.

- 5.15 The applicant has identified in their 'Proposed Site Layout Plan' (Drawing Number PL(90)04, Revision F, August 2017), that a series of footway widening works at Howard Gardens are to be undertaken as part of an adjacent development (Application 16/01808/MJR). To help integrate the site with the surrounding area, to tie-in with the above works, and to help improve the overall quality of the pedestrian environment, it is requested that the developer undertakes a scheme of public realm works to the footway surrounding their site at Howard Gardens and Newport Road Lane (as identified on *Plan 1: 'Proposed Extent of Public Realm Improvements'* in the Land use Policy and Regeneration consultation response dated 4.1.18).
- 5.16 The scheme would comprise resurfacing the footways with concrete paving (to match recently completed works in the vicinity of the site) and the replacement of all kerbstones, lighting columns and drainage channels. To ensure that the proposed scheme of improvements is provided in a timely manner, it is requested that the developer undertake the public realm works as part of their development.
- 5.17 **Parks Service:** The proposed development is subject to LDP Policy C5 Provision for Open Space, Outdoor Recreation, Children's Play and Sport, KP16 Green Infrastructure, and the 2017 planning Obligations SPG which sets out the Council's approach to open space provision.
- 5.18 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.
- 5.19 Based on the information provided on the number and type of units, I have calculated the additional population generated by the development to be **384**. This generates an open space requirement of **0.492 ha** of on-site open space based on the criteria set for **Student accommodation**, or an off-site contribution of **£210,000**.
- 5.20 As no public open space is being provided on-site, the developers will be required to make a financial contribution towards the provision of new open space, or the design, improvement and/or maintenance of existing open space in the locality, given that demand for usage of the existing open spaces would increase in the locality as a result of the development.

- 5.21 The calculation for student accommodation applies a lower rate compared to the full amount required for general purpose housing. This takes into account omission of the play provision element which is not applicable and the resident's accessibility to student sports facilities.
- 5.22 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.
- 5.23 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.
- 5.24 The Parks Officer raises a number of concerns relating to the incursion of the development into tree root protection areas and the protection of trees during the construction period. The comments have been forwarded to the agent.
- 5.25 **Community facilities:** The Neighbourhood Regeneration Officer requests a financial contribution of £221,700 based on a student population of 400 calculated in accordance with the SPG Planning Obligations 2017.
- 5.26 **Transportation:** The submission is considered acceptable subject to the following comments and conditions:
- 5.27 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. There is similarly no minimum car parking requirement for the A3 ground floor restaurant use detailed in the application. In addition, established practice is that one cycle parking space be provided per two to three beds for this form of development (a minimum of 128 spaces for 384 beds). Given the sustainable location of the site I am happy to accept the minimum number of cycle parking spaces, with details of layout, type of rack, etc. controlled by the proposed condition.
- 5.28 Being mindful of the central, sustainable location of the site and that of the proposed use I am satisfied that the proposed development is compliant with adopted parking policy with zero on-site operational parking and the provision of resident/visitor cycle parking as required by condition. It is also expected that active travel and demand for cycle parking will be monitored as part of the conditioned Travel Plan and provision of cycle parking, enhanced as may be required, to respond to any identified demand/shortfall.
- 5.29 With reference to location and wider development considerations. It is noted that the site is in a city centre fringe location in the vicinity of Cardiff's main pedestrian shopping area, with access to employment, leisure, shopping, etc.

opportunities and the main university campus/facilities to the north. The site is also within an area where walking, cycling and public transport offer viable daily alternatives to the use of a private car; having very good access to high frequency bi-directional bus services on Newport Road and rail services at Queen Street Station, with access to both local and national services. The site is therefore considered to be sustainably located in transport terms and entirely appropriate for the proposed form of development.

- 5.30 It is nonetheless noted that the introduction of circa 400 residents (plus staff, visitors and customers) who will be wholly reliant on walking, cycling and public transport for daily journeys will put a not insignificant additional amount of pedestrian traffic onto the adjacent footways. In keeping with the approach taken in connection with the two adjacent student developments, a Highway Works condition is therefore sought to secure improvements to the footways adjacent to the site.
- 5.31 The proposed highway works condition ties into the pavement widening on the north east corner of the site, provided by the S106 works attached to the West Wing/Glossop Road development and identified in the application submission. The conditioned works also extend south along the Howard Gardens frontage of the site and include a buildout and crossing, again to tie into the West Wing works, to provide a unified scheme that takes account of access to and pedestrian desire lines associated with the proposed development on the Bowling Green.
- 5.32 I have attached for illustrative purposes a copy of the S106 highway works plan for the West Wing site, annotated to show the works sought in connection with the application, showing:-Resurfacing the adjacent footways in the same material and tying into the West Wing widening works (red outline); Provision of a buildout and uncontrolled crossing opposite and to tie into the Howard Terrace West Wing works (blue outline).
- 5.33 The application is supported by a Transport Statement that examines the impact of the proposals on the highway network and concludes, through assessment of the trip generation and distribution, that daily trips generated by the proposed development will be distributed across sustainable modes. The proposed development is not therefore anticipated to have an adverse impact on the surrounding vehicular highway network.
- 5.34 The exception to the above is vehicle trips that are likely to be generated at the start and end of term, when student residents are generally dropped-off/collected by car. However as identified in the submitted TS this will be controlled to ensure it does not have an adverse impact on the highway. The management of traffic, dropping off/collection, and parking of vehicles is also subject to a Traffic Management Plan condition and I am satisfied, subject to agreement of this condition, that there is sufficient capacity on the adjacent

public highway to accommodate the arrival and departure of students at the start and end term.

- 5.35 The conditioned Traffic Management Plan will also assist with the control of student car parking within the site and surrounding area, where parking is currently fully controlled under the Central Parking Zone. It should also be noted that incoming student residents will not be eligible to receive Resident Parking Permits and as such will not add to any burden on the existing resident parking bay provision.
- 5.36 Given the sustainable location of the site and compliance with parking policy I must conclude that any objection on parking or traffic grounds would be unsustainable and any reason for refusal on this basis would not withstand challenge.
- 5.37 The following conditions are requested: Standard Cycle Parking condition C3S – in respect of a minimum 128 cycle parking spaces; combined travel and student accommodation traffic management plan condition; highway works condition to tie into the works associated with the West Wing development; construction management plan condition.
- 5.38 Additional advisories as follows: Non-eligibility for resident parking permits in the adjacent streets; provision of welcome pack detailing sustainable transport options to help promote sustainable transport options; and need for Section 278 agreement for works to adjacent highway.
- 5.39 **Highways (drainage):** No observations received.
- 5.40 **Pollution Control (Contaminated Land):** No objection subject to standard contaminated land remediation and verification plan, remediation and verification implementation, unforeseen contamination, imported aggregates, imported soils and use of site won materials conditions, and a contamination and unstable land advisory notice.
- 5.41 **Pollution Control (Noise & Air):** No objection subject to standard kitchen extraction and plant noise conditions and a construction noise advisory notice.
- 5.42 **Waste Management:** The amended plan which details the bin storage is acceptable providing a weekly collection is arranged.
- 5.43 **Trees:** The submitted tree report refers to a Tree Protection Plan, but I cannot find it on file.
- 5.44 Based on the proposed site layout plan, two London plane trees will see their nominal Root Protection Areas (RPA) incurred upon by development. The most significant incursion is into the RPA of the plane at the SE corner of the

site, which sees paving, edging and soft landscaping occupying nearly one quarter of the RPA, though this extent is greater if the extent of these features depicted outside of the red-line site is taken into account. Furthermore, the real distribution of roots is likely to be offset into the site and playground rather than beneath the highway at Howard Gardens.

- 5.45 The topographical site survey shows vegetation currently where the paving, edging and soft landscaping will be located, so roots are highly likely to be present here relatively close to the soil surface, and therefore may be more vulnerable to damage than roots that may have developed beneath hard surfaces in the playground. A further consideration is the fact that the bowls green soil has been removed and replaced by hard-core. This soil may well have been being exploited by tree roots. 'Fire Truck' is annotated on the proposed site plan at the edge of the paved area incurring into the RPA, and I therefore assume that access is required here for a fire engine, meaning that an engineered, load bearing surface will likely be required, and excavation/compaction to enable construction is the likely consequence.
- 5.46 Tolerant as London plane is, I do not see the incursions into its RPA to be insignificant, and I would like to see more detail concerning existing and proposed treatments within its RPA, and that of the other tree affected to the SW corner of the site. The tree at the SW corner also has the potential to conflict with the proposed building line as it grows.
- 5.47 I note that two 'B' category trees were removed as part of the land purchase agreement. I had understood provision may be made to replace these trees in the highway verge facing Howard Place? Given the paucity of soft landscaping for the scale of development (notwithstanding the possibility that a new park may be developed in the playground), and the presence of a tree line fronting the adjoining 'Fusion' development, the street-scape would benefit considerably from some softening, particularly the paved area off the NW corner. If below ground constraints are significant, a bespoke, large volume planter could be considered?
- 5.48 No details of proposed soft landscaping are provided. The two circular planters in the courtyard might accommodate 10m³ root available soil at best, likely more like 8m³. They should be designed to maximise root available soil volume. For trees, the profile should be 300mm sandy loam topsoil over 600mm sandy loam subsoil, over 100mm washed sand blinding over clean stone linked to drainage. Trees such as *Aralia elata*, *Arbutus unedo*, *Arbutus x andrachnoides*, *Koelreuteria paniculata* and *Robinia x slavinii* 'Hillieri' may be appropriate, with companion planting.
- 5.49 A detailed landscaping scheme comprising scaled planting plan, plant schedule, tree pit section and plan views, planter section, topsoil and subsoil specification (I make the assumption all planting soils will be imported),

planting methodology and aftercare methodology should be submitted as soon as possible.

- 5.50 **Ecology:** In the absence of an internal inspection, a more precautionary approach to demolition would need to be taken. In this respect, I do not agree with the statement in Section 6.1 of the Bat Survey Report that '*Given the lack of any evidence of any use by bats, it is highly unlikely that the development proposals will have any impact on bats or their roosts.*' In my view an external inspection together with one emergence survey does not provide enough information to allow this conclusion.
- 5.51 This being the case, I support the proposed precautionary mitigation measures in respect of the buildings, as set out in section 6.1 of the Bat Survey Report, but would add to these the following measures:
- Giving tool-box talks to site operatives such that they are aware that bats may be present
 - 'Soft-stripping' of features such as roof tiles, soffits, barge-boards, fascias etc, and any other features which bats may use to roost or to access a roost
 - Having an ecologist present on site in case bats are found during removal of the buildings' roofs
 - Repeat of the bat survey if works do not take place within one year of the most recent survey, as bats may colonise these buildings in the interim.

6. **EXTERNAL CONSULTEE RESPONSES**

- 6.1 **Welsh Water:** No objection subject to a standard drainage detail condition.
- 6.2 **Natural Resources Wales (NRW):** NRW raised significant concerns in relation to bats and sought further information demonstrating that bats will not be adversely affected by the proposals. In particular that the bat survey did not inspect inside the buildings to be demolished and did not carry out the emergence survey at the right time of the evening.
- 6.3 The agent has submitted a revised bat survey report with corrected times for the emergence survey.
- 6.4 **South Wales Police:** No objection.

7. **REPRESENTATIONS**

- 7.1 The proposals were advertised as a major application in the press and on site, and Local Members and neighbours were consulted. A valid petition with 111 signatures, representations from 2 local members, and representations from

the owners of the adjacent student housing development (Fusion Students) and 30 local residents, all objecting to the proposals, have been received.

- 7.2 A petition of objection was also received on 16.2.18 from Cllr. Owen Jones. The petition is however invalid because postal addresses of signatories were not included. For a petition to be valid signatories must be Cardiff electors who are likely to be affected by the development. In other words they would need to live in the vicinity of the property, indicated by including their postal addresses on the petition alongside their names and email addresses.
- 7.3 The valid petition, signed by residents of Admiral House flats, objects on the following grounds:
- Loss of Howard Gardens open space. Space should be restored as a public park;
 - Overconcentration of student housing in the immediate vicinity, changing the character of the neighbourhood and running the risk of future under-utilisation and the possibility of neglected or derelict properties and associated criminal activities;
 - Noise and disruption from construction activities.
- 7.4 Representation from Cllr. Owen Jones (Adamsdown) objecting on the following grounds;
- Loss of open space, part of Cardiff's green infrastructure, contrary to Green Infrastructure SPG, and LPD policies KP15 (Climate Change), EN5 (Designated Sites), EN6 (Ecological Networks and Features of Importance for Biodiversity), EN7 (Priority Habitats and Species), C6 (Health) and KP5 (Good Quality and Sustainable Design);
 - Sale of the land is not in accordance with Council policy on green spaces, and requests the restoration of the land to a public park.
- 7.5 Representation from Cllr. Nigel Howells (Adamsdown) objecting on the following grounds;
- Calls on Council to halt sale of the land to carry out a full public consultation on what residents want for the former bowling green site;
 - Loss of open space contrary to section 1.2.5 of the LDP;
 - Oversupply of student accommodation in the area as evidenced by recent change of use applications to allow use by non-students;
 - Impact on air quality of additional traffic movements generated by the development, particularly on Tredegarville Primary School;
 - Increased demand for parking in the area;
 - Adverse impact on local infrastructure eg. Doctors and Dentists;
 - Noise and disruption arising from construction activities.
- 7.6 A total of 30 local residents object on the following grounds:
- Loss of public open space

- Over-concentration of student housing in the area and over-supply of student housing in the city centre
- Scale not in keeping with the neighbourhood (over-dominant in relation to traditional housing on east side of Howard Gardens)
- Lack of parking leading to Increased demand for on-street parking in the area
- Noise and disruption arising from construction activities
- Adverse impact on park to south of application site
- Influx of students having negative impact on community cohesion
- No measures to offset increased demand for community facilities
- Breach of privacy for neighbouring development
- Devaluing neighbouring property values

7.7 JLL on behalf of Fusion Students, the owners of the neighbouring student housing development, object on the following grounds:

- Statutory pre-application did not display all documents and information correctly and the formal site notice contained incorrect description of development;
- The site is overdeveloped. West elevation facing the Fusion development is too tall and massive and is out of keeping with the neighbouring buildings. This is not in accordance with the Council development brief prepared to support the disposal of the site;
- Significant adverse impact on daylighting for 98 habitable rooms;
- Overlooking (less than 10m between habitable rooms) resulting in loss of privacy.

8. **ASSESSMENT**

8.1 Matters to be assessed are the loss of open space, proposed use, scale and design of proposals, the residential amenity of neighbours (daylight, sunlight and privacy), and matters raised in representations.

Loss of open space

8.2 Notwithstanding the fact that it is no longer used as a bowling green (decommissioned in 2013 and in use as a contractor's compound), and that the Council has approved its disposal subject to Planning, the site and the playground/park to the south are identified as recreational open space and public open space respectively in the 2017 Open Space Study (which underpins the Green Infrastructure SPG), and therefore the proposals need to be assessed against LDP Policy C4 Protection of Open Space and the Green Infrastructure SPG.

8.3 The policy seeks to protect open space that has significant functional, conservation, environmental or amenity value, and identifies criteria against which proposals will be assessed, including: whether a proposal would cause or exacerbate a deficiency of open space, whether the open space has

significant functional or amenity value, whether it is of significant quality, and whether the developer can make satisfactory compensatory provision.

- 8.4 *Open space deficiency:* Following disposal of the land as public open space in 2015/16 the area has most recently been used as a site compound for the construction of a neighbouring development and has therefore not recently contributed towards open space provision.
- 8.5 *Functional/ amenity value:* There is no public access to the open space and it has most recently been used as a site compound, it therefore has no functional value. In relation to the impact on visual amenity the loss of the open space will have a minimal impact on the wider setting as the larger mature trees to the south dominate the local character. These trees will be retained as part of the enhanced park.
- 8.6 *Compensatory provision:* The scheme will contribute in the form of a financial contribution towards a new park on the site of the Adamsdown Play Centre and Playground. The park will be designed and delivered by the Council's Parks Department, paid for by Section 106 financial contributions from this and other student housing schemes in the Adamsdown ward. Protected trees will be retained and a potential new entrance to the park from Moira Terrace to the south will be created.
- 8.7 The area of the Park adjacent to the scheme will be hard landscaped, acting as a terrace for the use of the café, and a pedestrian route linking the recently completed Eclipse student housing public realm to the west with Howard Gardens and the student development on the Glossop Road site to the east.
- 8.8 It is therefore considered that the proposal will significantly improve the quality, function and amenity value of the open space at Howard Gardens, and therefore meets the policy compensatory provision criterion.

Proposed Uses

- 8.9 *Student housing use:* The site is located adjacent but outside the Central Business Area and the principle of large purpose-built student housing schemes in or close to the city centre is established. The immediate area centred on Newport Road and City Road has seen a number of large student schemes realised in recent years.
- 8.10 *Retail A3 use:* Although located outside the Central Shopping Area and any district or local centres the scale and nature of the A3 retail floor space, intended primarily as an ancillary facility to meet the on-site demands generated by a new student population, is considered acceptable in land-use policy terms. A condition is imposed to restrict any A3 use to café/ restaurant use only.

Scale and design

- 8.11 The scale of the development acknowledges the lower housing to the east and is of a similar scale to the Fusion development to the west. The principle of a taller element on the NW corner is established by the Fusion development and the development brief. The perimeter block layout respects neighbouring development, and design and materials are appropriate for the established residential context to the east and south, and the newly built student housing development to the west. Layout, scale and design of the building are considered acceptable.
- 8.12 The scheme benefits from a range of onsite community facilities (student common room, media room, study rooms and internal courtyard). Given this provision, and the contribution the scheme makes towards the creation of a new improved public park on the site of the old playground, no community facility contribution is requested.

Residential Amenity

- 8.13 *Daylight & sunlight:* A revised Daylight and Sunlight Amenity Study has assessed the impact of the development on neighbouring properties using the Building Research Establishment (BRE) 'Site Layout Planning for Daylight & Sunlight' guidance.
- 8.14 An adverse impact is identified on 60% of the Fusion Student development student bedroom windows facing the development (separation distance of 14m), and on 8 of the 9 properties on Howard Gardens facing the development (separation distance of 15m).
- 8.15 The BRE guidance is not mandatory and allows for flexible interpretation eg. historic city centre location, or an area with modern high-rise buildings.
- 8.16 The Fusion student accommodation is by its nature transient and therefore the need to safeguard levels of daylighting is not as important compared with traditional residential use.
- 8.17 In relation to the properties on Howard Gardens nos. 11-15 is in guesthouse use ('Nomads Backpackers') and does not therefore benefit from the same level of protection. Nos. 1 – 9 facing the development will experience an adverse impact, on ground floor windows in particular. However the development is restricted in height to 4 storeys (with a significantly set back 5th storey) facing Howard Gardens, at a separation distance of 15m, and is located in a developing high density urban context on the edge of the city centre, where such relationships are not unusual.
- 8.18 The report concludes levels of sunlighting are acceptable, with only a small number of instances where the results are below the recommended guidelines.

- 8.19 The development is not considered to cause unacceptable harm to residential amenity in relation to daylighting/ sunlight levels.
- 8.20 *Privacy:* Privacy distances are below the Council guidance recommended 21m, however in the case of Howard Gardens it is a typical urban street relationship and a separation distance of 15m is acceptable. Privacy issues in relation to the Fusion student development are mitigated by the use of projecting windows angled to face south for those student bedroom windows that directly face existing student bedroom windows.
- 8.21 The development is not considered to cause unacceptable harm to residential amenity in relation to privacy.

Representations

- 8.22 The main concern is the loss of public open space and this is addressed in the consultation response from Planning Policy, and in the assessment above.
- 8.23 The representation from Cllr. Owens makes reference to policies KP15 (Climate Change), EN5 (Designated Sites), EN6 (Ecological Networks and Features of Importance for Biodiversity), EN7 (Priority Habitats and Species), and C6 (Health).
- 8.24 Policy KP15 seeks to mitigate against the effects of climate change by reducing carbon emissions and protecting carbon sinks and is of limited relevance in this case. Policies EN5, EN6 and EN7 deal with the protection of designated sites, semi-natural habitats and priority habitats and species, and are not applicable in this case. Policy C6 relates primarily to the provision of health facilities on strategic sites and is not applicable.
- 8.25 A local resident argues that the land should not be developed given the lack of open space in the Adamsdown ward, and should be returned to community use. She makes reference to the Green Infrastructure SPG, LDP section 1.2.5, and policies KP16 (Green Infrastructure), KP13 (Responding to Evidenced Social Needs), and KP14 (Healthy Living).
- 8.26 The loss of open space is assessed against LDP C4 Protection of Open Space and the Green Infrastructure SPG, see above. The Council decision to dispose of the former bowling green land has provided an opportunity for the creation of an enhanced and fully accessible public pocket park to serve the residents of Adamsdown. The development will make a financial contribution, calculated in accordance with the Infrastructure SPG, towards these works. KP13 and KP14

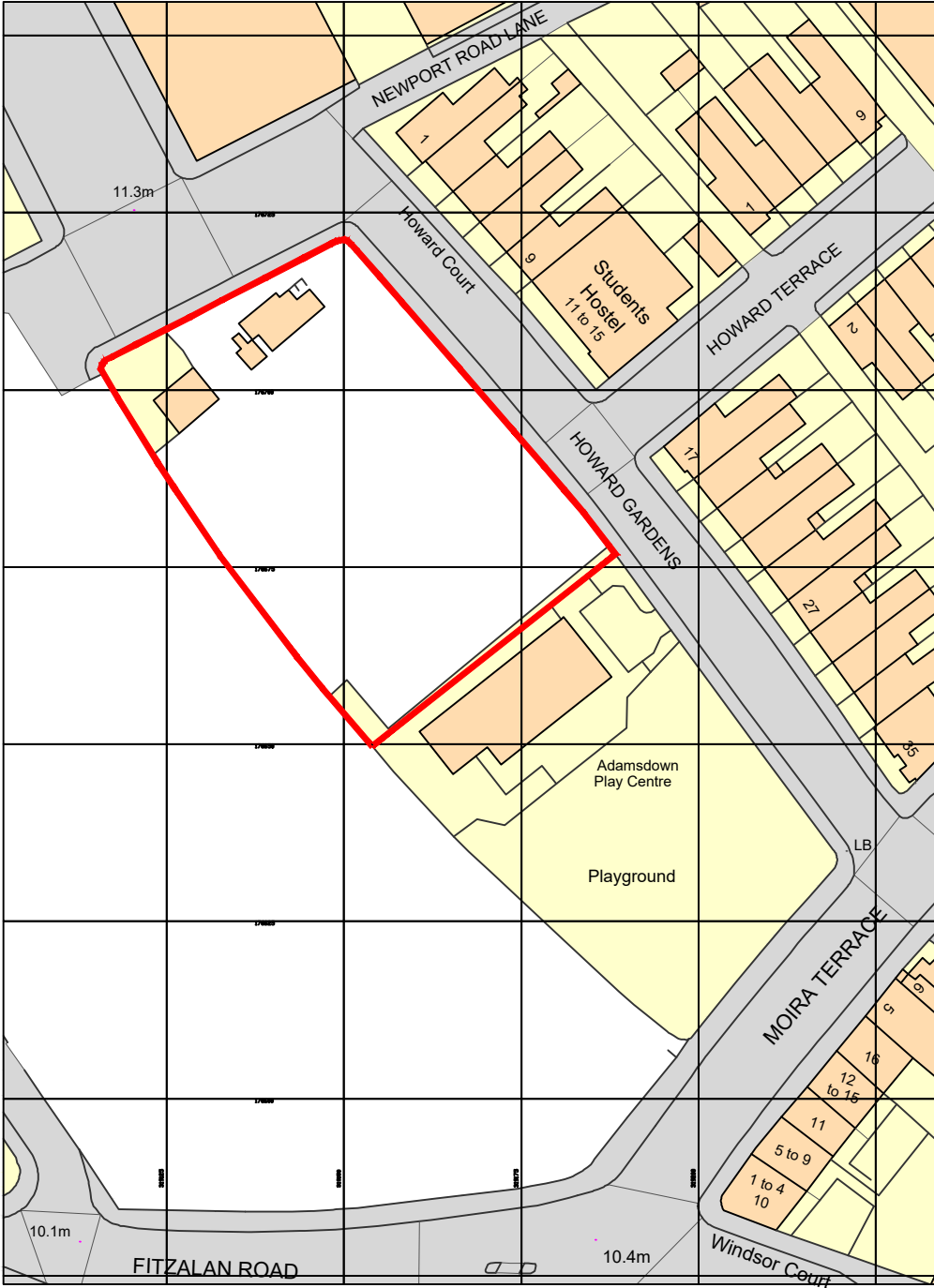
- 8.27 In relation to the principle of student housing in the local area there is strong demand for such accommodation within the city as evidenced by the number of schemes recently approved and coming forward.
- 8.28 The general principle of locating high quality purpose-built student housing schemes in sustainable locations is supported by the LDP. There is no specific policy framework for where such student accommodation is located, or for assessing the cumulative impact of concentrating student accommodation within a particular area.
- 8.29 Such changes of use as have been granted have been temporary (up to 1 year) to allow for voids to be filled. The voids arise when accommodation is not completed in time for the start of the academic year.
- 8.30 In relation to lack of parking the adopted Access, Circulation and Parking Standards SPG confirms that up to one parking space per 25 beds may be provided for operational use, amounting to a maximum of 28 spaces for the proposed development; there is no requirement for on-site resident or visitor car parking. The Transport Officer is therefore satisfied that subject to the cycle parking condition, the application is compliant with adopted parking policy.

Other Matters

- 8.31 *Ecology (Bats)*: A recommendation has been attached advising the developer of their duty in respect of protected species during demolition, and advising that a qualified and licenced ecological consultant be available on an 'on-call' basis at all stages of the demolition works to deal with any unexpected encounters with bats.
- 8.32 *Statutory pre-application public consultation (PAC)*: The agent has responded to the representation from JLL on behalf of Fusion Students which questioned the validity of the PAC, as follows: The application was registered as valid by the Council and this has not been challenged; the documentation required by legislation for the PAC ('any documents and particulars or evidence that would be required for a subsequent application, in the same or substantially the same form, to be a valid application') was included, together with additional documents requested by the LPA. The PAC information included an accurate description of the proposals, including the description of development on the draft Application Forms.
- 8.33 The statutory pre-application public consultation was carried out in accordance with legislation and is considered acceptable.

9. **CONCLUSION**

- 9.1 The proposals provide a significant quantum of high quality purpose-built student housing in a sustainable city centre location. The quality of the layout, design and associated public realm, and the contribution towards the creation of a new public park designed to complement the application site, will enhance the appearance and amenity of the area.
- 9.2 The granting of planning permission is recommended subject to conditions and the signing of a Section 106 legal agreement to secure the following:
- Financial contribution of £210,000 towards the creation of a new public park immediately to the south of the application site on the site of the former Adamsdown Play Centre and playground (see indicative dwg. no. DLA-1847-L05 'Overall Landscape Scheme'), or improvement works associated with the creation of the new park to the equivalent value, to be delivered as part of the development.



— Site Boundary

REV	DATE	DESCRIPTION	BY
IN CASE OF DOUBT OR DISCREPANCIES PLEASE REFER TO ARCHITECT FOR INSTRUCTIONS. THIS DRAWING SHOULD NOT BE SCALED. THIS DRAWING IS COPYRIGHT.			
01. DESIGN	04. PRODUCTION INFORMATION	07. CONSTRUCTION	
02. DESIGN CONCLUSION	05. BUILDING REGULATIONS	08. FINAL CONSTRUCTION	
03. PLANNING	06. TENDER	09. SPARE	
DRAWING STATUS :			
PLANNING			
01. PRELIMINARY	02. FOR COMMENT	03. FOR APPROVAL	
OTHER :			
FOR APPROVAL			
PROJECT :			
PROPOSED STUDENT ACCOMMODATION Howard Gardens Cardiff			
DRAWING TITLE :			
Site Location Plan			
boyesrees architects 4th Floor, Greyfriars House Greyfriars Road, Cardiff CF10 3AL Tel: 029 2055 8900 www.boyesrees.co.uk <small>Registered office. As above Reg No. 295 3683 (England & Wales)</small>			
DATE : August 2017		SCALE : 1:1000 @ A4	
JOB NO. : 5874		DRAWN BY :	
DWG NO. : PL(90)01			REV :
CAD REFERENCE: H:\01 Projects\0814 Howard Gardens - Cardifne\40_Architectural\02_Planning\02_Siteplan.dwg			



Sketch View 05 - Axonometric looking North West