

COMMITTEE DATE: 19/04/2018

APPLICATION No. **17/02832/MJR** APPLICATION DATE: 28/11/2017

ED: **PLASNEWYDD**

APP: TYPE: Full Planning Permission

APPLICANT: Piazza Estate Ltd

LOCATION: 116-118 CITY ROAD, ROATH, CARDIFF, CF24 3DQ

PROPOSAL: DEMOLITION OF EXISTING A3 UNIT AND RESIDENTIAL APARTMENTS ABOVE. PROPOSED A3 COMMERCIAL UNIT AT GROUND FLOOR AND 8 NO. RESIDENTIAL STUDENT CLUSTERS ACCOMMODATION ON 4NO. STOREY WITH COMMON FACILITIES ON THE GROUND FLOOR

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 10.1 of this report, planning permission be **GRANTED** subject to the following conditions:

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

Plans

P.01	Site Location Plan
P.02	Existing Site Plan
P.03	Existing Ground Floor Plan
P.04	Existing First Floor Plan
P.05	Existing Second Floor Plan
P.06	Existing Roof Plan
P.07	Existing South West Elevation
P.08	Existing South East Elevation
P.09	Existing NE & NW Elevations
P.10A	Proposed Site Plan
P.11A	Proposed Ground Floor Plan
P.12	Proposed First Floor Plan
P.13	Proposed Second Floor Plan
P.14	Proposed Third Floor Plan
P.15	Proposed Fourth Floor Plan
P.16	Proposed Roof Plan
P.17	Proposed South West Elevation
P.18A	Proposed South East Elevation
P.19	Proposed North West Elevation
P.20	Proposed North East elevation

Documents

WYG Pre-Application Consultation Report ref: A106055 dated November 2017

Elio Leo Architects Design & Access Statement

Dickson Consulting Drainage Strategy Report, revision B ref: 17.1164.

Agent Email dated 15 December 2017 with attached Transport Statement

Email dated 04 January 2018 from G Webber, Transport Consultant with attached Additional Transport Comments

Agent email dated 08 January 2018 with additional Air Quality information.

Reason: For the avoidance of doubt.

3. Notwithstanding the submitted plans, details of the facilities for the secure storage of 20 cycles shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be provided prior to the beneficial use of the development and shall thereafter be retained and maintained.

Reason: To ensure that adequate provision is made for the secure parking of cycles.

4. The refuse storage facilities shown on the approved plans shall be provided prior to the beneficial occupation of the development and shall thereafter be retained and maintained.

Reason: To protect the amenities of the area.

5. Prior to commencement of development, a construction management plan shall be submitted to and approved by the Local Planning Authority to include (but not be exclusive to) details of construction traffic routes, site hoardings, site access, wheel washing facilities and parking of contractors vehicles. A phasing plan shall identify phases of construction of development and shall ensure safe and convenient pedestrian, cycle and vehicular access around and through those areas not under construction or where construction is complete. The development shall be carried out in accordance with the provision of the approved phasing plan or any variation thereof agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety and public amenity and to ensure an orderly form of development and safe access through and within the site.

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 public realm reinstatement/improvement works to the City Road / Pearson Road footway and the side, and rear lanes adjacent to the site has been submitted to and approval in writing by the LPA. The scheme to include the removal, re-kerbing and reinstatement as footway of the existing vehicle dropped kerb to the front of the site on City Road / Pearson Road; the reinstatement/resurfacing as required of the remainder of the footway abutting the site; and the resurfacing of the side and rear lane to the south and west of the site, to include as required surfacing, kerbs, edging, drainage, lighting, lining, signing and street furniture as required as a consequence of the scheme. The agreed scheme to be implemented to the satisfaction of the LPA prior to beneficial occupation of the site.
Reason: To reinstate the footway/highway and provide an improved pedestrian environment to facilitate safe commodious access to the proposed development.
8. No customers shall be admitted to or allowed to remain on the ground floor commercial premises between the hours of 22:00 and 08:00 on any day.
Reason: To protect the amenity of adjacent residential occupiers.
9. Insofar as relates to any Class A3 (Food & Drink) use of the ground floor commercial units hereby approved, the premises shall be used as a coffee shop/café/restaurant and no other purpose (including as a bar or other vertical drinking establishment) within Use Class A3 (Food & Drink) of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument amending, revoking or re-enacting that Order).
Reason: The use of the premises as a bar or drinking establishment may prejudice the amenities of the area and may increase instances of crime and disorder.
10. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any Order amending or revoking and re-enacting that Order) no sale of hot food for consumption off the premises shall take place from the premises.
Reason: To ensure that the use of the premises does not prejudice the amenities of the area.
11. Prior to the commencement of the development an Acoustic Assessment shall be submitted to and approved in writing by the Local Planning Authority. The Acoustic Assessment must:
 - 1) Conduct a background noise assessment of the site to determine

- the types and extent of sounds affecting the site;
- 2) consider the likely impact of the road traffic noise from City Road affecting the habitable rooms in the development;
 - 3) Consider the likely impacts of other environmental noises from other land uses in the vicinity of the development;
 - 4) consider the likely impact of commercial noise from the proposed Food & Drink unit upon the habitable rooms in the development;
 - 5) Consider the likely impact of permitted, but as yet undeveloped sites in the area; and
 - 6) Recommend likely mitigation measures that would be required to minimise the potential impacts of the noise. The mitigation measures must be based upon points (2) – (5) above.

Any mitigation measures recommended must be installed and demonstrated, in writing, to be effective to the satisfaction of the Local Planning Authority prior to beneficial occupation.

Reason: To prevent unacceptable harm to health and/or local amenity because of noise pollution in accordance with LDP Policy EN13 – Air, Noise, Light Pollution and Land Contamination.

12. If at any time the use of the premises is to involve the preparation and cooking of hot food the extraction of all fumes from the food preparation areas shall be mechanically extracted to a point to be agreed with the Local Planning Authority, and the extraction system shall be provided with a de-odorising filter. Details of the above equipment shall be submitted to, and approved by, the Local Planning Authority in writing and the equipment installed prior to the commencement of use for the cooking of food. The equipment shall thereafter be maintained in accordance with the manufacturers' guidelines, such guidelines having previously been agreed by the Local Planning Authority in writing.
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.
13. Prior to the commencement of the development an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person * in accordance with BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and shall assess any contamination on the site, whether or not it originates on the site.
The report of the findings shall include:
 - (i) a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages;
 - (ii) an intrusive investigation to assess the extent, scale and nature

of contamination which may be present, if identified as required by the desk top study;

- (iii) an assessment of the potential risks to:
 - human health,
 - groundwaters and surface waters
 - adjoining land,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - ecological systems,
 - archaeological sites and ancient monuments; and
 - any other receptors identified at (i)

- (iv) an appraisal of remedial options, and justification for the preferred remedial option(s).

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

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

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

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

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment

Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document ' Land Contamination: A guide for Developers' (July 2012), unless the Local Planning Authority agrees to any variation.

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

15. The remediation scheme approved by condition 14 above must be fully undertaken in accordance with its terms prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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

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

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

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

the above actions shall be agreed with the LPA within 2 weeks of the discovery of any unsuspected contamination.

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

17. No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
- i) A suitable connection point to the existing public sewer network for both foul and surface water,
 - ii) A method statement to demonstrate how the public sewer will be protected during construction and for the lifetime of the development.
 - iii) A plan showing how surface water will drain to the agreed connection point (see i above) and limited to a maximum discharge rate that does not exceed 5 l/s.

Thereafter, the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and to ensure no pollution or detriment to the environment.

18. No development shall take place until a scheme showing the architectural detailing of the building(s) has been submitted to and approved in writing by the Local Planning Authority and the development shall not be brought into use until the approved scheme is implemented.
Reason: To ensure a satisfactory finished appearance to the development.
19. 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.
20. Prior to the commencement of the development, unless otherwise agreed with the LPA, the applicant is required to undertake an air quality assessment addressing potential dust impacts derived by demolition

and construction activities to local residents. The report shall quantify the magnitude of risk to surrounding/ nearby sensitive receptors, this being the various residential properties located within 350m to the site boundary, during the demolition and construction phase of the development. Prior to the commencement of development a scheme (Construction Environmental Management Plan) to minimise dust emissions arising from demolition and construction activities on the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of dust suppression measures and the methods to monitor emissions of dust arising from the development. Both the demolition and construction phase shall be implemented in accordance with the approved scheme, with the approved dust suppression measures being maintained in a fully functional condition for the duration of the phases.

Reason: To assess air quality and agree any mitigation measures that may be required to safeguard the amenity of nearby residents in the area.

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

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

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

and

- (iii) the safe development and secure occupancy of the site rests with the developer.

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

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

RECOMMENDATION 4 : The applicant is advised that works to the Highway will be subject to agreement(s) with the Council under Section 278 and/or Section 38 of the Highways Act 1980.

RECOMMENDATION 5: The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com.

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

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 An application for the construction of a 3 to 5 storey building with a ground floor commercial unit and 2 to 4 floors of student accommodation comprising 6x 5 bedroom cluster flats, with 5no. communal hubs.

The ground floor (student use) accommodates an entrance foyer, lift area, gym room, cycle and refuse storage facilities.

- 1.2 The application indicates that the commercial unit will occupy approx. 98sqm of ground floor area, fronting and accessed off City Road, with a proposed Class A3 (Food & Drink) use. The opening hours for these premises would be 08:00 – 22:00, controlled by condition (7 above).
- 1.3 The building's form is 3 storey flat roof to the rear part of the site (along Pearson

Street), with the taller 5 storey element forming the frontage to City Road & the corner to Pearson Street.

- 1.4 The City Road upper elevation is to be finished in a combination of glazing, brown facing brick and white render, with false balconies. There is a small projecting 'fin' feature to the northern end of this elevation (adjacent to no. 120).

The ground floor elevation (to the entrance foyer and commercial unit) is finished in large areas of glazing/glass doors, with separation formed by grey metal cladding.

- 1.5 The upper floors elevation to Pearson Street has an initial continuation of the white render which then gives way to a combination of facing brick and grey metal cladding to the first and second floor, with complete grey metal cladding coverage to the third and fourth floor element. The 5 storey element benefits from projecting windows with false balconies formed by railings.

The ground floor elevation has a glazed façade to the commercial unit frontage, with a grey facing brick finish to the area containing the refuse storage facilities.

A covered walkway is retained to the rear of the building (adjacent to 1 Pearson Street) giving access to the cycle store and providing emergency egress.

2. **DESCRIPTION OF SITE**

- 2.1 The site is approx. 236sqm in area, forming the northern corner of the junction of City Road and Pearson Street. The property is currently in use as a restaurant to the ground floor, with two floors of residential accommodation above (one floor in the roofspace).

- 2.2 The adjacent property on City Road (120) is in use as a ground floor restaurant, with accommodation above. The property to the southern corner of the same junction has a retail ground floor use, with residential above and to the rear.

The property to the immediate south is the 11 storey former 'Coleg Glan Hafren' (35 The Parade) building, which has been refurbished to provide student accommodation (and is linked to the current site).

To the opposite side of City Road there are commercial ground floor uses (Class A1 Shops), some with accommodation above.

To the rear of the site, the properties are residential terraced dwellings fronting Pearson Street.

3. **SITE HISTORY**

- 3.1 08/01372/C – Conversion of first floor to four flats – Approved.

08/02034/C – Change of use of ground floor to restaurant – Approved.

09/01286/C – Change use of ground & first floors to restaurant with external alterations – Refused.

4. **POLICY FRAMEWORK**

4.1 The relevant Local Development Plan Policies are:

Policy KP5 (Good Quality and Sustainable Design)
Policy H6 (Change of Use or Redevelopment to Residential Use)
Policy T1 (Walking and Cycling)
Policy T5 (Managing Transport Impacts)
Policy T6 (Impact on Transport Services and Networks)
Policy W2 (provision for Waste Management Facilities in Development)

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

Access, Circulation and Parking Standards 2010
Waste Collection and Storage Facilities 2007

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

Food Drink and Leisure Uses Nov 2017
Infill Sites Nov 2017

5. **INTERNAL CONSULTEE RESPONSES**

5.1 The Transportation Manager has no objection, subject to conditions in respect of construction site and student management plans, increased cycle parking provision (to 20 from 14) and highways improvement works. In addition, the following financial contributions are requested:

A combined transportation contribution of **£35,000** is sought to provide:-

- A contribution toward installation of improved pedestrian crossing facilities (including footways and crossings) in the immediate vicinity of the proposed development (£22,000);
- The investigation and implementation of new and amended TROs in the vicinity of the site. Including, but not limited to, implementation a 20mph area speed limit in the vicinity of the development, and parking and loading TRO amendments as required as a consequence of the development (£13,000).

To provide improved pedestrian access to support the proposed development and facilitate safe commodious access to/from adjacent facilities, sustainable transport options and encourage the uptake of active travel.

- 5.2 The Highways Drainage Manager has been consulted and no comments have been received.
- 5.3 The Waste Manager considers the indicated refuse storage facilities to be acceptable.
- 5.4 The Pollution Control Manager (Contaminated Land) has no objection, subject to a condition in respect of unforeseen contamination, along with contaminated land advice.
- 5.5 The Pollution Control Manager (Noise & Air) has no objection subject to the imposition of conditions in respect of an Acoustic Assessment, with further advice in respect of construction site noise.
- 5.6 The Neighbourhood Renewal (Access) Manager has been consulted and any comments will be reported to Committee.
- 5.7 The Parks Manager has no objection to the proposed change of use, subject to the developer agreeing to a financial contribution of **£16,396** towards the provision of or maintenance of existing open space in the vicinity of the site.
- 5.8 The Neighbourhood Regeneration Manager has no objection, advising that the proposals do not generate the requirement for a financial contribution.
- 5.9 The Housing Strategy Manager advises that given the proposal is for student accommodation, no affordable housing contribution is required.
- 5.10 The Air Quality Manager has no objection, subject to a condition in respect of an Air Quality Assessment.

6. **EXTERNAL CONSULTEE RESPONSES**

- 6.1 Dwr Cymru/Welsh Water have no objection subject to conditions and advice in respect of site drainage.
- 6.2 South Wales Police do not object to the proposals, providing advice in respect of the Secured by Design principles (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. No comments have been received.
- 7.2 Local Members have been consulted and no comments have been received.

8. **ANALYSIS**

- 8.1 An application for the construction of a 3 to 5 storey building with a ground floor commercial unit and 2 to 4 floors of student accommodation comprising 6x 5

bedroom cluster flats, with 5no. communal hubs.

This application was withdrawn from the Planning Committee Agenda for 15 March 2018 as the current occupier of the ground floor restaurant premises (with a current long term lease) had not been notified of the application by the applicant.

- 8.2 The application site falls within City Road District Centre as defined by the Adopted Local Development Plan proposals map and should therefore be assessed against Policy R4 which aims to promote and protect the shopping role of district centres while supporting a mix of appropriate uses. Policy R4 aims to promote and protect the shopping role of district centres and favours retail, office, leisure and community facilities within District Centres. Criterion (iv) permits proposals for uses other than Class A1 at ground floor level if they would not cause unacceptable harm to the predominant shopping role and character of the centre, the vitality, attractiveness and viability of a specific frontage or group of frontages.

Paragraph 5.273 of the supporting text recognises that the provision of residential accommodation at upper floors within centres can support their vitality, attractiveness and viability.

Assessed against this policy framework, the redevelopment of the site for student accommodation raises no land use policy concerns. Given the site's location in a designated district centre the commercial A3 element at ground floor level is supported, subject to an assessment of residential amenity. This unit will serve to maintain and enhance the vitality and viability of the City Road district centre.

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

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

In this case, given the nature of the development proposed and the extant use of the ground floor as a restaurant, it is considered that the proposals do not raise any land use policy concerns.

- 8.3 The proposed building, in terms of the City Road frontage building, presents a flat roof contemporary design in contrast to the existing traditional pitched roof structure, and is approx. 4.0m higher than the existing ridge height.

Although the proposals introduce (effectively) two additional floors of accommodation, the increase in height is considered to be acceptable to this

corner location, having no adverse impact on the amenity of adjacent occupiers, or the wider environment, presenting a 'bookend' to this end of terrace in the street scene.

The design and finish of the taller element is considered to be acceptable, with the split in materials (brick to render) providing a vertical emphasis to the façade, with the coloured balustrades adding a splash of colour and vibrancy. The ground floor presentation to the street is that of a commercial shopfront, with a high degree of glazing.

- 8.4 The side elevation of the taller element (fronting Pearson Street) presents a different approach to the City Road frontage in that the use of render is limited to a small wrap around from City Road, with the remainder of this structure finished in facing brick and grey metal cladding (to floor 3 & 4).

The upper floors feature projecting bay windows, with false balconies and full height glazing. It is considered that these windows add a degree of activity at upper floor level that provides interest to the large façade. The glazed finish to the ground floor (to the commercial unit frontage) continues the approach from City Road and will add further activity and light to this area.

- 8.5 The rearmost element of the proposals see the introduction of a second floor to the current building, which is one of a flat roof two storey structure. The relationship with the adjacent dwelling at no. 1 Pearson Street however remains relatively unchanged, as both the current building and the proposed, directly abut the side elevation of no. 1. It is of note that although the proposals introduce an additional floor, the overall height of the proposed building does not exceed that of the ridge to no. 1. In this case, it is considered that the scale of the rear element does not cause any undue harm to the street scene.

The Pearson Street façade of the rear element is slightly different to that of the taller element in that the projecting windows are replaced with narrower full height windows that are separated by sections of facing brick and cladding panels. This provides a distinction between the two elements and is considered to add further interest and diversion from the larger scale than that of the existing building.

To the reverse façade of the rear element (facing along the backs of the properties fronting City Road), there are four sets of new windows, serving 2x 'living hubs' and 2x disability studio rooms. The 'living hub' windows are protected from views into the rear garden of no. 1 Pearson Street by angled louvres, and the studio room windows sit over the roofs of the ground floor annexes to the adjacent properties fronting City Road. In this case, it is considered that the proposals do not result in any adverse impact on the privacy or amenity of adjacent occupiers.

9. **OTHER CONSIDERATIONS**

- 9.1 *Crime and Disorder Act 1998* – Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions

with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

- 9.2 *Equality Act 2010* – The Equality Act 2010 identifies a number of ‘protected characteristics’, namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council’s duty under the above Act has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic.
- 9.3 *Well-Being of Future Generations Act 2016* – Section 3 of this Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

10. **PLANNING OBLIGATIONS**

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

Transportation - £35,000 – Pedestrian crossing improvements and TRO’s

Parks – £16,396 – Towards the improvement of open space in the vicinity. Details to be agreed in line with the CIL tests.

The agent has indicated that the applicant agrees to the requested contributions.

11. **CONCLUSION**

- 11.1 In light of the above, and having regard for adopted planning policy guidance it is recommended that planning permission be granted, subject to a legal agreement and conditions

318900m

319000m

319100m

177400m

1774

177300m

1773

177200m

1772

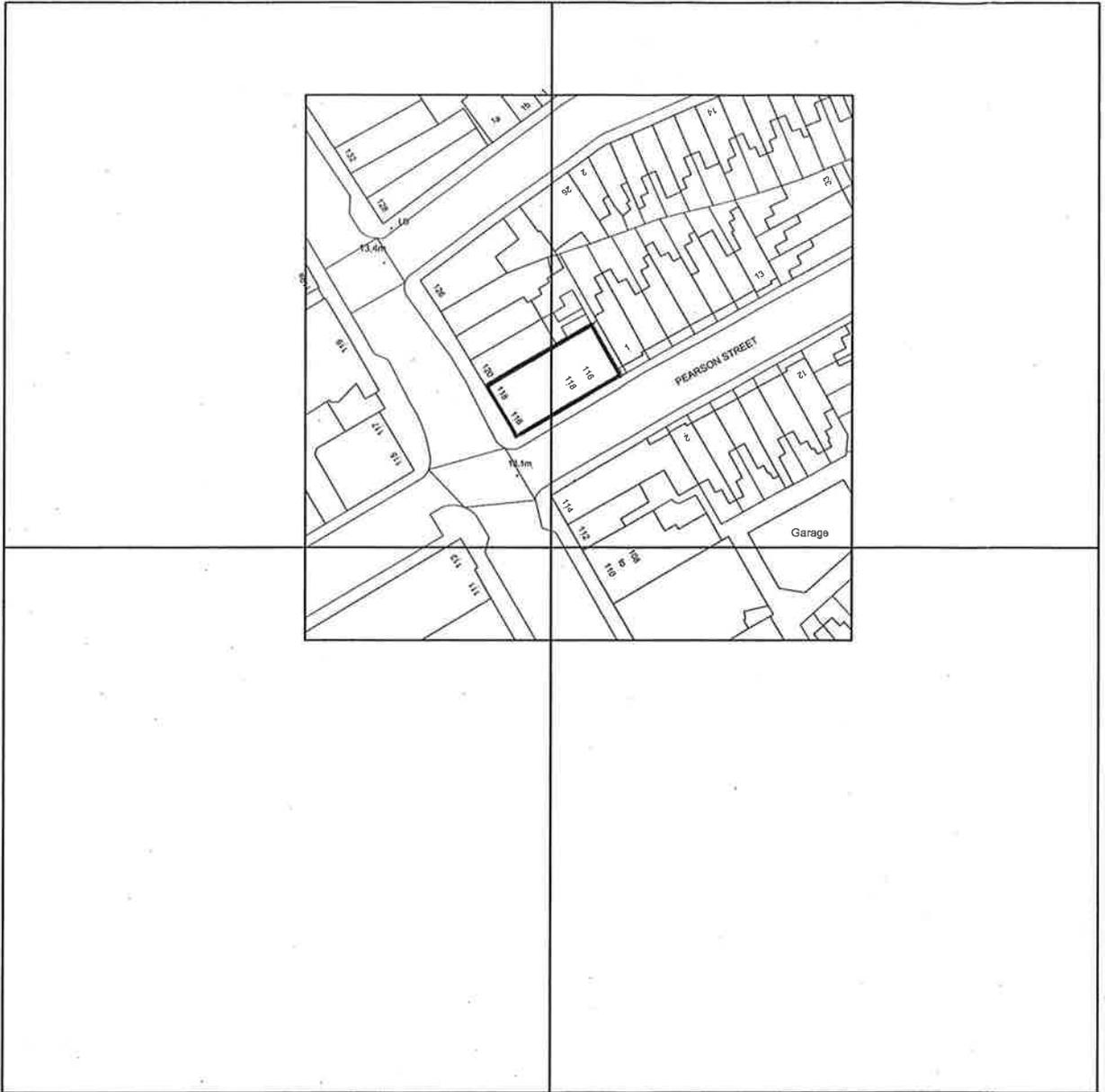
318900m

319000m

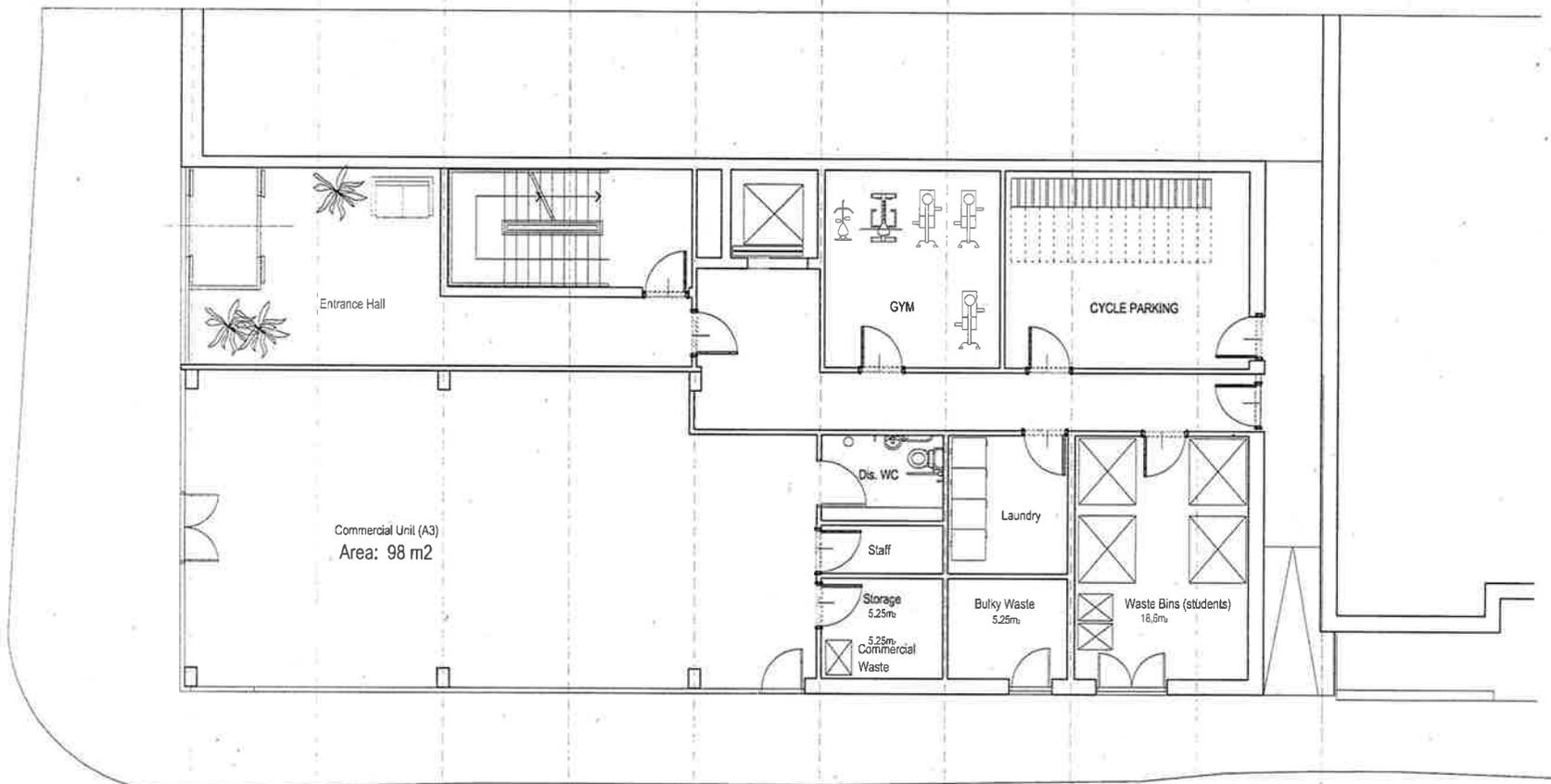
319100m

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SITE LOCATION PLAN



RevNo	Revision note	Date	Signature	Checked
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PROPOSED GROUND FLOOR PLAN
SCALE 1:100

Designed by EL	Checked by EL	Date 09.2017	File name X1	Dwg.N. P.11.A	Scale 1:100/A3
116-118 CITY ROAD CARDIFF			PROPOSED GROUND FLOOR PLAN		
<small>ELIO LEO ARCHITECT - Trade and Domestic Property 116-118 City Road, Cardiff, CF11 1JG Tel: 0117 9231111 Fax: 0117 9231112 Email: info@elioleo.co.uk</small>					

17/2832 MR 06/12/17



PROPOSED SOUTH WEST ELEVATION
SCALE 1:100

Designed by EL	Checked by EL	Date 09.2017	File name X1	Dwg.N. P.17	Scale 1:100/A3
116-118 CITY ROAD CARDIFF			PROPOSED SOUTH WEST ELEVATION		
<small>ELIO LEO ARCHITECT RIBA (HARTFORD) ARCHITECT 116-118 CITY ROAD, CARDIFF, WALES CF11 1AA T: 0144673336 N: 0749313343 © 2017 www.elioleoarchitect.com</small>					

parapet
+13.950

+11.000

+8.550

+5.850

+3.150

Ground Floor
SSL +
0.150



PROPOSED SIDE ELEVATION

PROPOSED SOUTH EAST ELEVATION

SCALE 1:100

Designed by EL	Checked by EL	Date 09.2017	File name X1	Dwg.N. P.16A	Scale 1:100/A3
116-118 CITY ROAD CARDIFF			PROPOSED SOUTH EAST		
<small>ELIO LEO ARCHITECT RIBA CHARTERED ARCHITECT STUDIO 6 BLUE HALL, 100A STREET, EDINBURGH, YORK OF EDINBURGH (S7) 1 1AA T: 0146377800 M: 0780512345 E: ELIO@ELIOLEOARCHITECT.COM WWW.ELIOLEOARCHITECT.COM</small>					

11/2/17



PROPOSED NORTH WEST ELEVATION
SCALE 1:100

Designed by EL	Checked by EL	Date 09.2017	File name X1	Dwg.N. P.19	Scale 1:100/A3
116-118 CITY ROAD CARDIFF			PROPOSED NORTH WEST ELEVATION		
<small>ELID LEO ARCHITECT RIBA CHARTERED ARCHITECT 116-118 CITY ROAD, CARDIFF, SOUTH WALES, CF11 3JH T: 01495 358585 M: 07884 12345 E: DESIGN@ELIDLEOARCHITECT.CO.UK WWW.ELIDLEOARCHITECT.CO.UK</small>					

11/12/17



**PROPOSED NORTH EAST ELEVATION
SCALE 1:100**

Designed by EL	Checked by EL	Date 09.2017	File name X1	Dwg.N. P.20	Scale 1:100/A3
116-118 CITY ROAD CARDIFF			PROPOSED NORTH EAST ELEVATION		
<small>ELIO LEO ARCHITECT - 118A CHARTERS ARCHITECT 118A CHARTERS ARCHITECT - 118A CHARTERS ARCHITECT 118A CHARTERS ARCHITECT - 118A CHARTERS ARCHITECT</small>					