

COMMITTEE DATE: 13/07/2016

APPLICATION No. **16/00887/MJR** APPLICATION DATE: 27/04/2016

ED: **PLASNEWYDD**

APP: TYPE: Full Planning Permission

APPLICANT: Parade Cardiff Ltd

LOCATION: 11-13 CITY ROAD, ROATH, CARDIFF, CF24 3BJ

PROPOSAL: FULL PLANNING APPLICATION FOR THE DEMOLITION OF THE EXISTING BUILDING AND CONSTRUCTION OF A NEW NINE STOREY BUILDING (3556 SQM FLOORSPACE) COMPRISING 106 STUDENT APARTMENTS (109 BEDS) ALONG WITH GROUND FLOOR A1/A3 USES (106 SQM) AND ASSOCIATED INFRASTRUCTURE AND FACILITIES

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**RECOMMENDATION 1** : That, subject to relevant parties entering into a binding planning obligation, in agreement with the Council, or otherwise under **SECTION 106** of the Town and Country Planning Act 1990, within 6 months of the date of this resolution unless otherwise agreed by the Council in writing, in respect of matters detailed in paragraph 8.5 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 Numbered – 1502\_2001; 2002; 2004; 2005; 2006; 2007; 2008; 2020; 2021; 2022A; 2023; 2024; 2025; 2026; 2027A.  
1502\_SK\_160517; 160610; 160818.

T2 Architects Design & Access Statement ref. 1502

LRM Planning Ltd. Planning Statement dated April 2016

Soltys Brewster Ecology, Building Inspection Survey dated 18 April 2016.

Waterman Assessment of Residential Amenity dated April 2016

Waterman Traffic & Parking Technical Note ref. WIE10921

Email dated 23 June 2016 from LRM Planning with attached document '1502 South Wales Police – Response'

Reason : The plans and documents form part of the application.

3. The cycle parking facilities shown on the approved plans shall be provided prior to the development being put into beneficial use. Thereafter the cycle parking spaces shall be maintained and shall not be used for any other purpose.

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

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 the commencement of development a scheme of construction management shall be submitted to and approved by the LPA to include details of construction traffic routes, site hoardings, site access, delivery and storage of materials, parking by construction staff, and wheel washing facilities. It should also include for the taking of photographs to demonstrate the current condition of the existing frontage footway in order to accurately assess any damage that may be cause during the course of construction operations.  
Reason. In the interests of highway safety and public amenity.
6. Prior to the beneficial occupation of the development, a Student Management Plan to include, but not be limited to, building management/security, the promotion of public transport and other alternatives to the private car, the management of traffic at the start and end of term, the exclusion and control of car ownership and the parking of vehicles by students in the vicinity of the site, shall be submitted to and approved in writing by the local planning authority.  
Reason: In the interests of student safety and highway safety, and to regulate the impact of the development in terms of exacerbation of existing kerbside parking pressure on roads in the vicinity of the site.
7. 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.
8. 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.
9. C7X No Takeaway Sales
10. A scheme of sound insulation works to the floor/ceiling/party wall structures between the commercial and the residential areas shall be submitted to and approved in writing by the local planning authority in writing and implemented prior to beneficial occupation of the development.  
Reason. To protect the amenities of future occupiers.

11. Mitigation measures to control the impact of Traffic Noise shall be implemented in accordance with Section 6 of submitted noise report drafted by Waterman dated April 2016 (ref: WIE10921-101-R-1-1-3-RA). Reason. To protect the amenities of future occupiers.
12. The rating level of the noise emitted from fixed plant and equipment on the site shall not be greater than background -10dB at any residential property when measured and corrected in accordance with BS 4142.  
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.
13. G7Q Future Kitchen Extraction
14. C7Zd CLM - UNFORESEEN CONTAMINATION
15. D7Z Contaminated materials
16. E7Z Imported Aggregates
17. Any site won material including soils, aggregates, recycled materials shall be assessed for chemical or other potential contaminants in accordance with a sampling scheme which shall be submitted to and approved in writing by the local planning authority in advance of the reuse of site won materials. Only material that meets site specific target values approved by the local planning authority shall be reused.  
Reason. To ensure that the safety of future occupiers is not prejudiced in accordance with policy 2.63 of the Cardiff Unitary Development Plan.
18. C2N Drainage details
19. D4A Landscape Scheme
20. C4R Landscaping Implementation
21. C20 Architectural Detailing
22. E1B Samples of Materials
23. Details of the access gates fronting City Road shall be submitted to and approved in writing by the local planning authority. The gates shall be installed in accordance with the approved details prior to the beneficial occupation of the development.  
Reason. In the interests of visual amenity.
24. The access gates and undercroft shall be used as a fire escape route and for servicing purposes only, and shall not be made available as a residential point of access.  
Reason. In the interests of crime prevention.

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

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

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

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

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

## 1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 An application for the demolition of an existing two/three storey premises, in use as a restaurant/club, and the construction of a 9 storey building with a ground floor commercial unit and 8 floors of student accommodation

comprising 109 bedroom in 106 student apartments.

The City Road elevation is to be finished in a 'hit & miss' combination of glazing, 'Pebble' coloured cladding and white cladding, set in a light grey render 'frame'. A services/lift shaft is to be similarly framed in light grey render, with two tones of grey metallic cladding. The first floor has a fenestration pattern that ties in with the current situation to 35 The Parade, and the ground floor commercial unit has a higher floor to ceiling height and full shopfront style glazing.

The north elevation (facing along City Road) has a light grey render panel finish, with staggered movement joints.

The rear elevation is finished in a combination of light & mid grey render, with fenestration arranged so as to appear staggered.

- 1.2 The application indicates that the commercial unit will occupy approx. 106sqm of ground floor area, fronting and accessed off City Road, with a proposed Class A1 (Shops) or Class A3 (Food & Drink) use. The opening for these premises would be 08:00 – 22:00, controlled by condition (7 above).
- 1.3 The development subject of this application is to be physically linked to the adjacent premises (35 The Parade), which is in the process of conversion to student accommodation by the same developer. Primary access for future occupiers is via pedestrian doors fronting The Parade. Gates offer secondary access to the rear yard refuse and cycle stores off City Road. Occupiers will also be able to access the rear yard area via a ground floor link building (to 35 The Parade).

## 2. **DESCRIPTION OF SITE**

- 2.1 The site is approx. 475sqm in area, forming the southern end of a small terrace of commercial/mixed use properties. The site is adjacent to, but outside The Parade Conservation Area.
- 2.2 The adjacent properties on City Road are in mixed commercial/residential use with both having restaurant uses to their ground floors.

The property to the immediate south is the 11 storey 'Coleg Glan Hafren' (35 The Parade) building, currently in the process of refurbishment to provide student accommodation (and linked to the current application).

To the opposite side of City Road there are commercial ground floor uses (several A3 (Food & Drink) units) with residential above.

To the rear of the site there is the rear parking area of a domestic scale building fronting The Parade, in use as a Solicitors office.

## 3. **SITE HISTORY**

- 3.1 15/00417/MJR – an outline application for redevelopment to provide ground

floor commercial premises and flats above – Resolution to grant, subject to a legal agreement. This application has been withdrawn as it is superseded by the current application.

3.2 35 The Parade

15/01036/MJR – Refurbishment & change of use to student accommodation - Approved

16/00578/MNR – Ground floor glazed extension to City Road elevation and associated works - Approved

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

Infill Sites 2011

5. **INTERNAL CONSULTEE RESPONSES**

5.1 The Transportation Manager has no objection, making the following comments:

*I'd have no objection in principle to this application for student accommodation in this very sustainable location close to the university and with ready access to public transport and shops/services etc – and indeed I'm aware that a number of similar consents have been granted recently for student accommodation on/near City Road.*

*Though no provision is made for off-street parking this is acceptable in this instance – subject to the imposition of a Combined Student Accommodation and Traffic Management Plan along the following lines;*

*'No part of the development hereby permitted shall be occupied until a travel/parking/traffic/resident letting management plan to include, but not be limited to: the promotion of public transport and other alternative modes of*

*travel to the private car, the management of traffic at the start and end of term, and the exclusion and control of student resident car parking within the surrounding area, has been submitted to and approved by the LPA. Reason: in the interests of highway safety and to regulate the impact of the development on use of the adjacent highway.*

*I'm pleased note the provision of secure cycle parking which will encourage this mode of travel – and condition C3S is appropriate in this respect.*

*A S106 contribution of £15,000 towards the provision of an RTI unit and crime camera within an adjacent bus shelter was agreed in connection with the withdrawn previous application for this site (15/417/MJR) and I'd request the same contribution in association with this application also. However, mindful that this is significantly more intense application (106 units compared to 30) I'd seek an additional contribution towards cycling improvements, as indicated on the attached plan, which would comprise part of an aspirational cycle route to the university avoiding Newport Road i.e. an overall financial contribution of **£30,000**.*

*This is more consistent with the contributions agreed recently in association with a number of other similar student accommodation schemes in the vicinity. e.g. 21-27 City Road (15/2057/MJR), 199-203 City Road (15/2500/MJR) and Oxford Street (12/309/DCI) - though these were Section 278 works requirements rather than financial contributions. A lesser £15,000 contribution was agreed in association with the similar development at 35 The Parade (15/1036/MJR) though this was in the context of the existing college use (and associated numbers of pedestrian movements) which accommodates over 1000 students.*

*A further condition relating to a Construction Management Plan condition is required ; 'Prior to the commencement of development a scheme of construction management shall be submitted to and approved by the LPA to include details of construction traffic routes, site hoardings, site access, delivery and storage of materials, parking by construction staff, and wheel washing facilities. It should also include for the taking of photographs to demonstrate the current condition of the existing frontage footway in order to accurately assess any damage that may be cause during the course of construction operations. Reason: in the interests of highway safety and public amenity.*

*I'd also suggest a second recommendation advising the developer to secure a licence from the Operational Manager, Street Operations prior to the erection of any hoarding, or storage of materials, on the adopted highway.*

- 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 in principle.

- 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 traffic noise, plant noise and sound insulation, 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 **£55,481** 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, making the following comments:

*Supplementary Planning Guidance (SPG) on Community Facilities and Residential Development states that 'the Council will seek a financial contribution for improvements to existing community facilities or the provision of additional community facilities on all significant developments because the increased population will result in increased demand for local community facilities'. If there are no onsite communal facilities provided in proposed student accommodation, an off-site contribution of £410 per person is required.*

*In this instance, the development would house 109 students. Therefore, a contribution of **£44,690** is sought from the developer (109 x £410).*

- 5.9 The Housing Strategy Manager advises that given the proposal is for student accommodation, no affordable housing contribution is required.

## 6. **EXTERNAL CONSULTEE RESPONSES**

- 6.1 Dwr Cymru/Welsh Water have no objection subject to conditions in respect of site drainage.
- 6.2 South Wales Fire & Rescue Service have no objection, offering fire safety advice (passed to agent).
- 6.3 South Wales Police objected to the application as originally submitted on a number of anti-social behaviour and crime & disorder grounds. However, in light of the conditions recommended above (relating to the A3 use and management plan), and having regard for the agent's response to the Police representation (indicated in the approved documents in conditions 2 above), their objection is withdrawn.

## 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. The occupier of 34 The Parade objects to the proposals on grounds of loss of light & privacy; overbearing overdevelopment, noise disturbance and inability to provide cycle and refuse facilities as required. In conclusion of the representation, the following summary is made:

*“In summary, the proposed development, i.e. the increases in width and depth is a clear over development of the property and will have a huge impact on its neighbours i.e. us at 34 The Parade, by reducing the natural daylight available, a right to which we are entitled to. The development is over bearing and does not take account of the needs of a development for 109 bedrooms where no car parking is available and the needs are to be in tandem with the property at 35 The Parade. It is clear that the requirements for such a development are far greater than those that are being offered by the developer. Due to the size constraints of the property, the site cannot physically offer the storage space for the cycles required, the refuse requirements for the number of bedrooms and hence should be refused.”*

7.2 Local Members have been consulted and no comments have been received.

## 8. **ANALYSIS**

8.1 An application for the demolition of an existing two/three storey premises, in use as a restaurant/club, and the construction of a 9 storey building with a ground floor commercial unit and 8 floors of student accommodation comprising 109 bedroom in 106 student apartments.

8.2 The application site is located within the City Road District Centre as defined by the adopted LDP Proposals Map. The application should therefore be assessed against Policy R4. Also of relevance is Policy H2.

Policy R4 aims to promote and protect the shopping role of district centres while supporting a mix of appropriate uses. Paragraph 5.273 of the supporting text recognises that the provision of residential accommodated at upper floors within centres can support their vitality, attractiveness and viability.

Policy H2 favours the conversion of suitable vacant space above commercial premises to residential use where adequate servicing and security can be maintained to the existing commercial use; appropriate provision can be made for parking, access, amenity space and refuse disposal and the residential use does not compromise the ground floor use. Paragraph 5.3 of the supporting text recognises that the conversion of empty space above shops to residential use provides a valuable contribution to the city's housing stock and positively contributes to the creation of vibrant, mixed use communities where people live and shop. Centre therefore remain busy and populated beyond business hours, increasing surveillance and providing a market for ancillary uses associated with the night time economy.

The ground floor premises are currently vacant and not contributing to the vitality, viability and attractiveness of the frontage or the centre as a whole.

The proposal includes a ground floor commercial frontage (A1/A3) which would regenerate the frontage and enhance the vitality, viability and attractiveness of the frontage and the centre as a whole. In addition the provision of student accommodation in the centre would increase footfall and positively benefit the centre's vitality and viability.

Assessed against this policy framework, the proposal would positively contribute to the aims of Policy R4 and as such the proposal raises no land use concerns.

- 8.3 The height of the proposed building is such that it would sit comfortably between the adjacent former Coleg Glan Hafren building to the south (No. 35) and recently approved student accommodation to the north (15/002057/MJR - 21-27 City Road) The footprint of the building would be largely consistent with the existing buildings on the plot and while its height and bulk would be greater, its scale and massing is considered to be appropriate for the site and within this stretch of City Road.

While the part of the building proposed as containing the lift shaft and working gear would rise marginally higher than the rest of the building, this would be located towards the middle of the site and tucked back from the buildings frontage thereby reducing the angles by which it would be visible.

The architecture of the proposed building is considered to be appropriate within the context of the area. The hit and miss arrangement of the glazing and cladding panels would add interest within the street scene while sitting comfortably against the chequerboard arrangement of the former Coleg Glan Hafren building.

The quality of the finishing materials and detailing will be critical to the successfulness of the scheme, especially at ground and first floor levels where it has been designed to tie into/complement that of the former Coleg Glan Hafren building.

The provision of bespoke gates would be welcomed on the buildings frontage in order to add further interest within the street scene.

The introduction/provision of an A1/A3 unit at ground floor level is welcomed in ensuring that the commercial vitality of the street would not be harmed and that the development would have some interaction with the street.

Despite the increase in height the proposed building would have from that of the existing buildings on the site, it is not considered that it would overlook, overbear or reduce light provision from the adjacent buildings to the south west or on the opposite side of City Road.

- 8.4 With regard to the issues raised in objection to the proposals, whilst it is acknowledged that the proposed building has an increased footprint in comparison to the outline proposals approved under application 15/00417/MJR, it has been found that the design, scale and massing of the

current proposal is acceptable. In respect of the specific light, privacy, amenity and provision of facilities issues raised :

- The application site is located to the north of no. 34 The Parade. In this case, the amount of direct natural light to the rear office windows would be limited. Whilst it is acknowledged that in having the built form closer to the shared boundary is likely to have an impact on ambient light, it is considered that this impact would not cause sufficient harm to sustain refusal of consent. In addition, it is important to note that the original fire escape stair to no. 35 The Parade has been demolished. Plans have been submitted that demonstrate that this demolition offers a significant improvement in the spacing between no. 35 and the proposed building, which will allow more early morning sunlight to permeate through the site to the car park of no. 34;
- The rear of no. 34 is in use as a car park and not as amenity space for staff. In this case, overlooking into the car park would not sustain refusal of consent. The windows to the rear elevation of the proposed building are angled away from any rear facing windows to no. 34 The Parade. In this case, there are no sustainable grounds to refuse consent in terms of loss of privacy or amenity to users of those offices;
- There is no evidence that future occupiers would generate such noise as to cause unacceptable harm to the amenity of occupiers of no. 34. The available outdoor space is limited, and is likely to be used primarily for access to the cycle and refuse storage facilities. In addition, given the District Centre setting, and the use of the rear of no. 34 as a car park, there would be no sustainable grounds to refuse consent in terms of noise disturbance. It is also important to note that the Pollution Control (Noise & Air) Manager has not raised any concern relating to noise disturbance;
- The application details have been considered by the Operational Manager Transportation and the Waste Manager. No concerns regarding the provision of cycle parking, or refuse storage are raised. In this case, there are no sustainable grounds to refuse consent in terms of any perceived lack of provision;
- Access to the proposed accommodation for disabled users is along the same route as able bodied occupiers – via a ramped access off The Parade (through 35 The Parade), and along a level corridor through the previously approved ground floor link, with ongoing access to the upper floors via a lift. Access facilities for disabled occupiers is therefore considered to be acceptable

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

Transportation - £30,000 – Real Time Information board and Crime Camera in a bus stop close to the site, and cycle route improvements along Shakespeare Street.

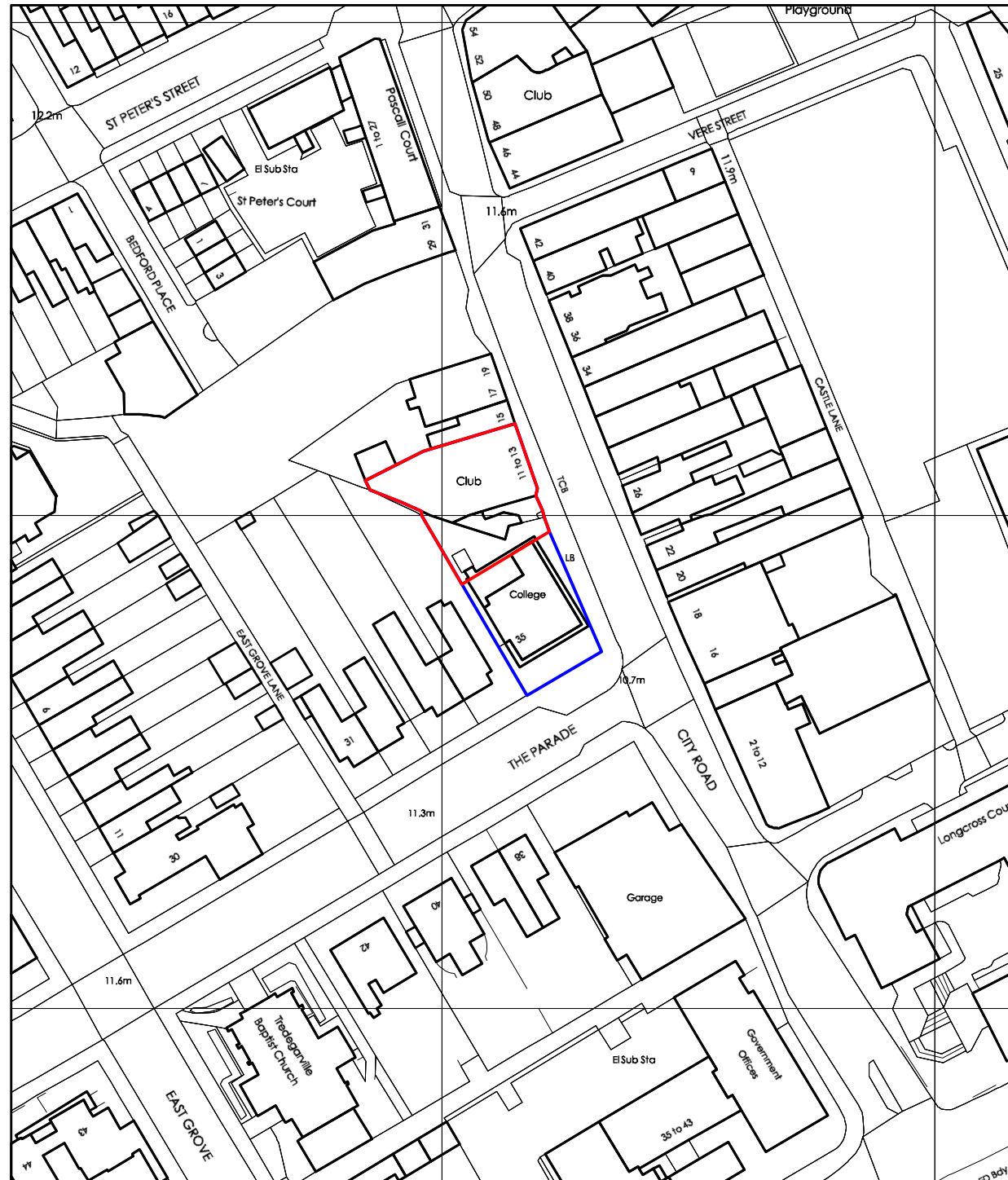
Neighbourhood Regeneration – £44,690 – towards the improvement of community facilities in the vicinity of the site.

Parks – £55,481 – 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 submission of a Unilateral Undertaking may be considered to cover the matters above (the applicant has agreed to the requests). Recommendation 1 is therefore worded accordingly.

- 8.6 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.

revisions



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project  
**11-13 City Road  
Cardiff  
CF24 3BJ**

client  
**Parade Cardiff Limited**

drawing  
**Location plan**

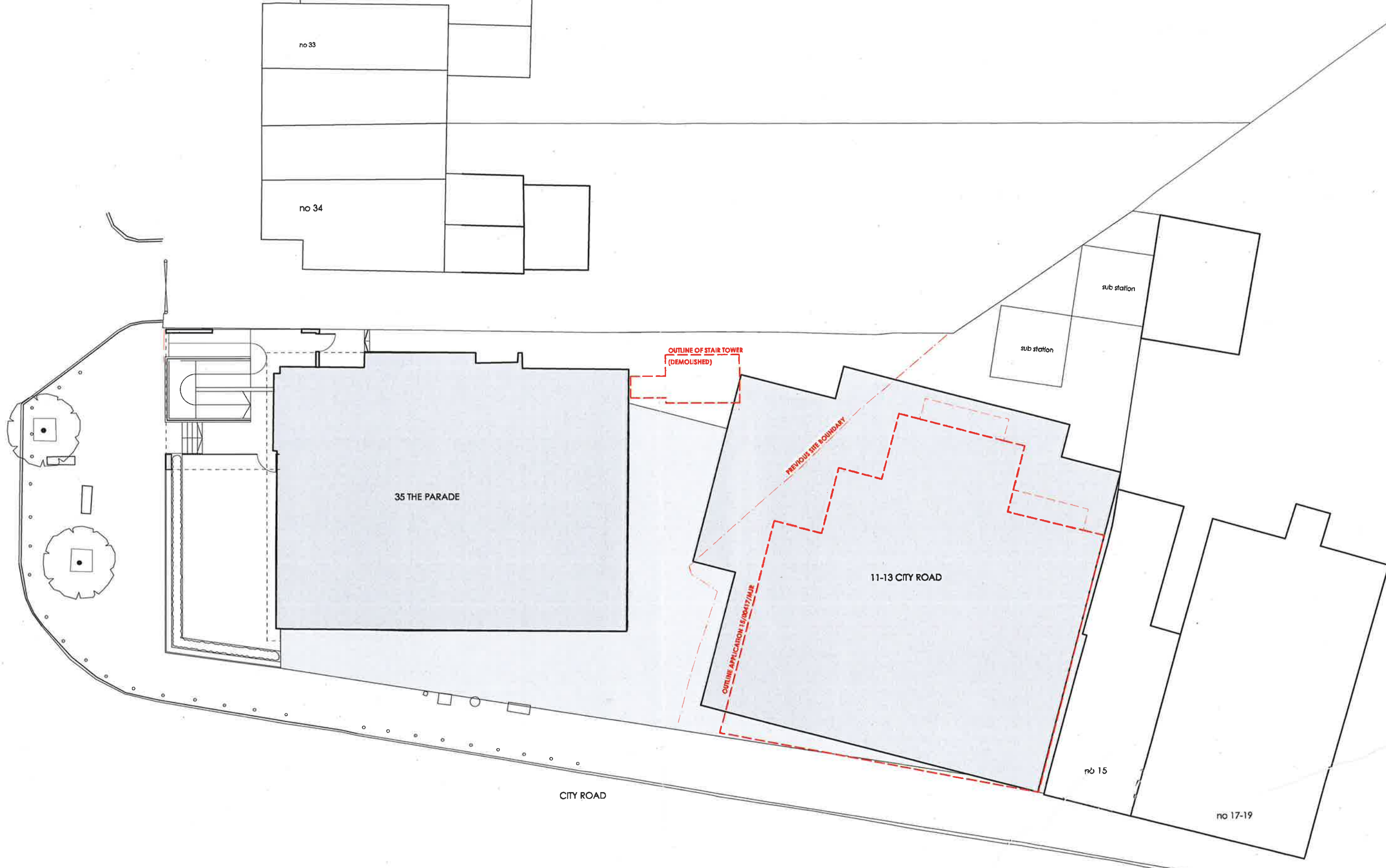
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**1502\_2001**



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notes

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project  
**11-13 City Road  
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client  
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drawing  
**Site Plan  
As Proposed**

stage  
**Planning**

scale  
**1:200 @ A3**

date  
**April 2016**

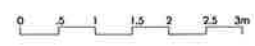
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**1502\_2020**

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| revisions  |
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| A: 17.05.16<br>• Split of 1100 ltr & 240 ltr bins altered within bin store |



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notes

project  
**11-13 City Road  
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**Parade Cardiff Ltd**

drawing  
**Ground Floor Plan  
As Proposed**

stage  
**Planning**

scale  
**1:100 @ A1  
1:200 @ A3**

date  
**March 2016**

job no./dwg no./revision  
**1502\_2022\_A**

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CITY ROAD ELEVATION SHOWING MASSING OF OUTLINE PLANNING APPLICATION



CITY ROAD ELEVATION AS PROPOSED

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notes

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project  
**11-13 City Road  
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client  
**Parade Cardiff Ltd**

drawing  
**Street Elevation:  
Comparisons**

stage  
**Planning Application**

scale  
**1:200 @ A1**

date  
**June 2016**

job no. / dwg no. / revision  
**1502\_SK\_160610**

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