

## LOCAL MEMBER, MP AND AM OBJECTION

COMMITTEE DATE: 18/12/2019

APPLICATION No. **19/01521/MJR** APPLICATION DATE: 17/06/2019

ED: **CATHAYS**

APP: TYPE: Full Planning Permission

APPLICANT: Mr Ellerman

LOCATION: LAND TO THE REAR OF 14, QUEEN ANNE SQUARE,  
CATHAYS PARK

PROPOSAL: PROPOSED CONSTRUCTION OF 15 SINGLE ROOMS AND 2  
SELF CONTAINED STUDIOS STUDENT HUB WITH ON SITE  
CYCLE AND REFUSE STORE, PARKING AND AMENITY

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RECOMMENDATION: That planning permission be **REFUSED** for the following reason :

1. The proposals for vehicular access to the site, including disabled access, are unacceptable, taking into consideration the constraints of the rear lane access and North Road, and the harm to highway safety resulting from the consequent use of North Road by vehicles, including deliveries, contrary to policies KP8, T5 and T6 of the Cardiff Local Development Plan (2006 – 2026).

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

- 1.1 This is a full planning application, as amended, for a 3 storey student accommodation building, with on-site parking, cycle and refuse storage, and amenity facilities. It would comprise 15 single bedrooms and 2 larger self-contained studio rooms. The ground and first floors would provide 7 single bedrooms per floor, with a further 3 rooms and communal facilities at 2<sup>nd</sup> floor. Each single bedroom would be en-suite, with sleeping and study zones, whilst the two studio rooms would comprise a sitting area in addition to kitchenette and bathroom facilities.
- 1.2 The building would be designed as a pair of three storey villas to reflect the large late Victorian properties which characterise the North Road section of the Cathays Park Conservation Area, with red brown facing brick walls with brick plinths, reconstituted stone string courses and bands, half timbering, reconstituted bath stone double height bay windows, and reconstituted bath stone cills and lintels, timber sash windows, a timber front door with a reconstituted bath stone porch. The roof would have two conservation style rooflights on the front and rear elevations. Existing boundaries to the north, east and south would be maintained in their current form. The existing pedestrian entrance in the boundary wall fronting North Road would be altered to form an entrance between two stone capped pillars and a gate and a gate with black

painted railings. An electric sliding gate is proposed to secure the vehicular access to the lane.

1.3 Pedestrian access would be solely from the North Road frontage and vehicular access from the rear lane, accessed off North Road. The site access is shown on the topographical survey as approx 3.5m, with the access reducing to approx 2.7m wide outside the site as it turns at a sharp angle to the lane. (See Section 2 for measurements from officer site visit.) The DAS notes that vehicle movement to the rear of the site would be controlled via a management agreement, monitored by a controlled access and only available to authorised visitors at specified times. Pedestrian access would be controlled by a coded door entry system. The DAS notes that a single car parking space is proposed for both general maintenance and deliveries. The Transport Technical note notes that this space would be used to service the proposed building, inclusive of maintenance and would provide a dedicated drop-off point for students at the start and the end of term times (para 2.4.2). Cycle storage for 16 cycles and refuse storage would be located to the rear of the site, and waste collected via the rear lane access. Whilst land ownership is not a planning matter *per se*, the Agent has confirmed that the site owner has legal right to utilise the lane up to the boundary of the site. Planting is proposed along the North Road frontage and to the rear of the building, with the vehicle parking area and paths to be formed in permeable materials.

1.4 The Transport Technical Note (Revision E dated 26<sup>th</sup> September 2019, as amended) provides further details, including:

*Refuse vehicle access* – to be serviced by an 18 tonne refuse vehicle, as advised by the Council's Waste Management team. Vehicle to turn left into the northern lane from North Road, before turning south at the rear of the Christian Science Church and reversing along the northern rear lane as far as possible, with bins then carried /dragged from the bin store. A swept-path analysis is provided for an 18 tonne refuse vehicle.

*Construction vehicle access* – it is anticipated that the range of construction vehicles are likely to include 8.4m concrete mixer, 7.1m mobile crane, 6.3m skip lorry, small tipper lorry and low loader with excavator, the majority of which would access the site in the same way as the refuse vehicle. Swept path analyses are provided for a 8.4m concrete mixer, a 7.1m mobile crane and a 6.3m skip lorry; these are not shown actually entering the site. The Technical Notes states that an excavator would need to be transported to the site to prepare the groundworks and that this would need to stop on North Road and require temporary lane closure, which would need to be agreed with the highway authority in advance, outside peak period.

*Student access and the start and end of term* – The single car parking space would be used to service the proposed building, inclusive of maintenance, and provide a dedicated drop-off point for students at the start and end of term. A strict time booking system would be used to manage the number of vehicles on site and ensure they do not arrive/leave at the same time, to be managed by the letting agents. The student/parents would drive up the lane to access the

site at their allotted time, park to unload their car and leave the site before the next vehicle arrives. The TN notes that whilst there is only one car parking space, there is sufficient space to accommodate an additional vehicle in the event that there is an unavoidable overlap. Swept path analysis drawings are submitted to demonstrate that various car sizes (4.7m Estate Car, 4.5m Volkswagen Touran and Mini with wing mirrors folded out and Luxury 4 x 4 with wing mirrors folded in can drive up the lane in a forward gear, manoeuvre within the car parking space and exit the site in a forward gear. The TN concludes that due to the size of the development and the fact that they are all furnished, it is likely that the provision of dedicated time slots for each resident throughout a 1 to 2 day time period would be an effective and easy way to manage the arrival and departure of students at the beginning and end of term.

- 1.5 Whilst not included within the TN and with no supporting commentary, swept path analysis have also been submitted for a 7.5t box van, 7.9m fire engine and ambulance, showing the vehicles as accessing the site by reversing up the rear lane, but not entering the site itself.
- 1.6 Two sets of amended plans / additional information were issued for consultation 09/09/2019 and 07/11/2019.
- 1.7 The September submission included the following:
  - An amended Block Plan following detailed survey of the proposed access and including amendments to building position, landscaping, refuse and cycle storage
  - Amendments to the detailing on the front elevation of the building, and new architectural detailing and materials specification
  - Tree Assessment (including details of the impact of the development on the adjacent trees within Nazareth House) and landscaping
  - A Transport Technical Note, including additional information in respect of Construction Traffic Management, details of refuse, servicing/deliveries and student access, management of start and end of term, refuse process and management
  - Further swept path assessments.
- 1.8 The November submission included the following:
  - An amended block plan to incorporate amendments to cycle parking
  - A new Topographical survey plan
  - An amended Transport Technical Note, including updated swept path analysis
  - Additional swept path analyses
  - Details of two tier, cycle storage for 16 cycles
  - An Air Quality Assessment
- 1.9 The application is supported by:
  - a Design and Access Statement
  - a Transport Technical note, including swept path assessments of various vehicles
  - a Tree Assessment

- an Air Quality Assessment.

## 2. **DESCRIPTION OF SITE**

- 2.1 The application site comprises a broadly level and rectangular shaped, vacant and overgrown plot of land measuring 425m<sup>2</sup>, which originally formed part of the curtilage and rear garden of 14 Queen Anne Square. The site benefits from outline planning permission for a single dwelling and constitutes previously developed land in policy terms.
- 2.2 The site lies to the rear of 14 Queen Anne Square, and adjoins that property's rear garden and garage to the east, and the gardens of Nazareth House care home to the north. It has a frontage onto A470 North Road to the west, which is a major traffic route into the City. To the south, the site adjoins the Rosemount Funeral Home at 30 North Road and a rear lane.
- 2.3 The boundary to no 14 Queen Anne Square, to the east, is formed by its garage, a high brick wall and timber fencing, and that to Nazareth House by a low brick walls with brick piers and timber fencing, rising to approx 2.2m. The garage belonging to no 14 Queen Anne Square has a window that faces into the site. Beyond the northern boundary and within the gardens to Nazareth House is a collection of densely planted mature trees. The southern boundary is formed by a stone wall, approx 1.8m high. The western boundary to North Road is formed by a high stone wall with a timber gate.
- 2.4 The lane from which vehicular access is proposed, runs parallel to North Road, to the rear of, and providing access to, various Queen Anne Square and North Road properties, both north and south of its junction with North Road. The northern part of the lane is private (not adopted highway), whilst the southern part and the length that forms the junction with North Road is adopted. The northern part of the lane is over 65m long, single track, uneven, overgrown in places with vegetation and unlit. Whilst varying in width, the lane is shown on the submitted topographical survey as being approx 4.6m wide outside the site. Some planters are present to the rear no No 13 Queen Anne Square (as shown on the tracking diagrams) and trees further south, restricting the available width of the lane.
- 2.5 Pedestrian access to the site is currently via a gate in the high stone wall that forms the western site boundary onto North Road. There is no direct vehicular access to the site off North Road. A vehicular access to the site has been formed off the rear lane. The point of access to the site is constrained by the existing garage belonging to 14 Queen Anne Square and a left bend in the lane as it approaches the site entrance. A 2m close board fence has been erected across the proposed access. A site visit was arranged with Agent, case officer and Transport officer to remove the fence, and inspect and measure the access. The width at the point of access to the site was measured as approx. 3.6m wide from the stone wall to No 14's garage, aprox 4.14m from the line of the rear of the garage to the wall opposite and approx. 2.83m wide in between where the access bends.

- 2.6 There are various Traffic Regulation Orders (TROs) in the vicinity of the site, which are in place to manage traffic and parking. There are double yellow lines outside the site on North Road, meaning that no waiting can take place, and additional 'No Loading' restrictions, meaning that loading cannot take place on Monday - Saturday between 07:45-09:15 and 16:00-18:00 hours.
- 2.7 A tidal lane traffic control scheme is also operated by the Council along the North Rd frontage of the site to manage traffic along North Road, whereby three lanes are provided, with the direction of the middle lane switching depending on the time of the day. (The in-bound lane is the lane closest to the site frontage.) Traffic signs and overhead gantries indicate when the lane is open or closed to traffic in a particular direction. Coloured cats eyes are also used, glowing red to show a line that cannot be crossed, and white between traffic lanes going in the same direction. On Monday to Saturday the tidal flow operates as 2 lanes inbound between 05:00-14:30 and 18:30-19:55, and two lanes outbound at other times. Sundays are as above with the exception that 16:30 – 18:30 there are 2 lanes outbound. There are different arrangements when there are special events/matches in the City Centre, where timings are changed depending on the time and nature of the event. It takes around 10 minutes for a manual change to the lane control to take effect on the ground. A key time for the tidal flow would be when there are 2 outbound lanes and the lane adjacent to the site is the sole inbound lane, which could be used and blocked at times by a vehicle associated with the new development. The lane adjacent to the site would be the sole inbound lane in the afternoon between 14:30 – 18:30, and evening/night, 19:55 – 05:00. These tidal flow hours do not match the hours of the 'no loading' restrictions adjacent to the site on North Road (07:45-09:15 and 16:00-18:00).
- 2.8 There are various parking restrictions on the rear lane, as follows:
- single yellow lines (no waiting at specified times) on both sides of the unadopted rear lane north of no 9 Queen Anne Square and approx. up to the shared boundary between nos 12 and 13 Queen Anne Square, with signage listing the specified times for no waiting as Mon – Sat 8am – 6:30pm. However, Transportation advise in their comments that the actual order wording refers to 'at any time' (i.e. double yellow lines), and that the order is not legally enforceable as a result of this discrepancy. Transportation advise that even if there was not this discrepancy, Cardiff Council would not normally enforce parking on private roads without the permission of the landowner and would not do so give the current surfacing condition of the road.
  - single yellow lines (no waiting at specified times) on both sides of the southern part of the rear lane (which is adopted highway) and a residents parking bay.
  - double yellow lines (no waiting at any time) on the section of the lane that runs north east from its junction with North Road (also adopted highway).
- 2.9 With regards heritage assets, the site lies within the Cathays Park Conservation Area, on the opposite side of North Road from the boundary of the Grade 1 listed registered Historic Park and Garden 'Cardiff Castle and Bute Park'. The

Rosemount Funeral home complex lies to the SSE of the site and includes the two storey Grade II listed detached mid19<sup>th</sup> c villa. The southern elevation of the villa is the principle elevation, which is set at right angles to North road. A single storey flat roofed outhouse/garage building lies adjacent to the shared boundary with the site, itself attached to a single storey out building, with dormer windows and roof accommodation. The Grade II listed Nazareth House lies to the NNW. The site also lies within approx 0.85k of the Cardiff Castle and Roman Fort Scheduled Monument and approx 0.75km from the Dominican Friary Scheduled Monument.

- 2.10 The Councils Conservation Area Appraisal for the Cathays Park (2009) notes that the Cathays Park Conservation Area was designated in 1975 and extended in 1992 to include Blackweir Farm to the west, Nazareth House to the north and the Prudential Assurance Building and the Hilton Hotel to the south. It includes a number of distinct 'areas of special character', of which Queen Anne Square is one. Queen Anne Square consists of 30 red brick, two storey Neo-Georgian houses built in the 1930s and 1950s and set in generous grounds and arranged in two parallel lines either side of a rectangular shared lawn glanced by street trees and a shared circular driveway. North Road is a further 'area of special character', with the appraisal noting it is a major traffic route into the city that dominates the character of this sub-area. The appraisal refers specifically to the series of attractive semi-detached Victorian villas which have retained much of their original detailing, located along North Road, further to the south of application site. They comprise 2 1/2 and 3 storey villas, of traditional appearance, a common scale and proportion, with slate pitched roofs and brick, render and stone detailing. A more recently built religious establishment, the Christian Science Church, at 28 North Road adopts a modern interpretation of the adjacent traditional properties. There are a number of student residences and university buildings and civic buildings in close proximity to the site, within the Conservation Area.
- 2.11 The site falls within flood zone A and, therefore, outside areas considered at risk from flooding now and in the future. The site falls within a highly sustainable location, within easy access of shops/local facilities in North Road, Cathays Terrace, with public transport and cycle facilities readily accessible from the site. A large public car park is located directly opposite the site and beyond this, Bute Park.

### 3. **RECENT PLANNING HISTORY OF RELEVANCE**

#### **Site history**

- 3.1 16/00604/MNR – 'Outline planning permission for a single dwelling (renewal of earlier permissions' – permitted 06/05/2016

It is noted that access was conditioned as a reserved matter and that the conditions also included the following access related conditions:

- *All vehicular access to the site shall be provided via the lane to the rear of 30 North Road only and the access shall be permanently maintained. Reason: In the interests of highway safety and to maintain the free flow of traffic along North Road, in accordance with policy T5 of the Cardiff Local Development Plan.*

- *The details submitted as reserved matters shall include a turning space within the curtilage of the site enabling vehicles to enter and leave the site in a forward gear. The approved space shall be maintained thereafter and not be used for any purpose other than the turning of vehicles. Reason: In the interests of highway safety, in accordance with policy T5 of the Cardiff Local Development Plan.*

The delegated report notes in para 8.2 that, 'access to the site can be achieved via the rear lane. The lane is restricted in width but is adequate to serve the development - it is already used for vehicular access by adjoining properties, and its use would not harm the amenities of the residents of Queen Anne Square or cause their access to become blocked provided that parking and turning space is provided within the application site. Transportation officers have no objection to the proposals'.

11/0044/DCI – 'Variation of condition 1C of 08/00854/C to allow application for approval of the reserved matters to be made to the local planning authority before the expiration of three years from the date of this permission' – permitted 11/05/2011

08/00854/C – outline permission granted for 1 no dwelling – permitted 28/05/2008

02/00441/C – outline permission granted for a single dwelling (renewal of 99/00265/C) – permitted 16/04/2002

99/00265/C – outline permission granted for a single dwelling (renewal of 96/00142/C) - 17/02/1999

96/00142/C – outline permission granted for a single dwelling (renewal of 92/01861/C) - 21/03/1996

92/01861/C – outline permission granted for single dwelling –09/02/1993

Planning history cited by the Applicant.

3.2 19/01863/MNR – 16 North Road- Convert existing office building into 4 luxury 2 bedroom flats and double storey extension –approved 29/09/19

19/01864/DCH - 18 North Road - Demolition of existing rear previous extension and erection of double storey extension with balcony – approved 29/08/19

#### 4. **POLICY FRAMEWORK**

##### Local Policy

4.1 **Cardiff Local Development Plan 2006-2026** (Adopted January 2016)

Key Policies:

KP5: GOOD QUALITY AND SUSTAINABLE DESIGN

KP6: NEW INFRASTRUCTURE

KP7: PLANNING OBLIGATIONS

KP8: SUSTAINABLE TRANSPORT

KP13: RESPONDING TO EVIDENCED SOCIAL NEEDS  
KP14: HEALTHY LIVING  
KP15: CLIMATE CHANGE  
KP16: GREEN INFRASTRUCTURE  
KP17: BUILT HERITAGE  
KP18: NATURAL RESOURCES

Detailed Policies:

H3: AFFORDABLE HOUSING  
EN7: PRIORITY HABITATS AND SPECIES  
EN8: TREES, WOODLANDS AND HEDGEROWS  
EN9: CONSERVATION OF THE HISTORIC ENVIRONMENT  
EN10: WATER SENSITIVE DESIGN  
EN13: AIR, NOISE, LIGHT POLLUTION AND LAND CONTAMINATION  
EN14: FLOOD RISK  
T1: WALKING AND CYCLING  
T5: MANAGING TRANSPORT IMPACTS  
T6: IMPACT ON TRANSPORT NETWORKS AND SERVICES  
C3: COMMUNITY SAFETY/ CREATING SAFE ENVIRONMENTS  
C5: PROVISION FOR OPEN SPACE, OUTDOOR RECREATION, CHILDREN'S PLAY AND SPORT  
C6: HEALTH  
W2: PROVISION FOR WASTE MANAGEMENT FACILITIES IN DEVELOPMENT

- 4.2 The application site falls within Cardiff's settlement boundary, as identified on the adopted Cardiff LDP Proposals Map, outside the Central & Bay Business Areas.

**Supplementary Planning Guidance (SPG) and other local guidance**

- 4.3 Relevant SPG approved following the adoption of the Cardiff Local Development Plan:  
Green Infrastructure (approved November 2017)  
Infill Sites (approved November 2017)  
Managing Transport Impacts (Incorporating Parking Standards) (April 2018)  
Planning Obligations (approved January 2017)  
Residential Design Guide (approved January 2017)  
Waste Collection and Storage Facilities (approved October 2016)  
Student Accommodation (March 2019)  
Cardiff City Centre Conservation Area Appraisals (2009), including – Cathays Park

National Planning Policy

- 4.4 Planning Policy Wales (**Edition 10, December 2018**) and the Wales Spatial Plan set out the land use policies of the Welsh Government. These are supplemented by a series of Technical Advice Notes and Circulars.
- 4.5 Key statements contained within Planning Policy Wales include:
- *Legislation secures a presumption in favour of sustainable development in accordance with the development plan unless material considerations*



*indicate otherwise to ensure that social, economic, cultural and environmental issues are balanced and integrated (para 1.17)*

- *All development decisions, either through development plans policy choices or individual development management decisions should seek to contribute towards the making of sustainable places and improved well-being (para 2.2)*
- *Planning policies, proposals and decisions must seek to promote sustainable development and support the well-being of people and communities across Wales. This can be done through maximising their contribution to the achievement of the seven well-being goals and by using the five Ways of Working, as required by the Well-being of Future Generations Act. This will include seeking to maximise the social, economic, environmental and cultural benefits, while considering potential impacts when assessing proposals and policies in line with the Act's Sustainable Development Principle (para 2.8)*
- *Planning authorities should ensure that social, economic, environmental and cultural benefits are considered in the decision-making process and assessed in accordance with the five ways of working to ensure a balanced assessment is carried out to implement the Well-being of Future Generations Act and the Sustainable Development Principle. There may be occasions when one benefit of a development proposal or site allocation outweighs others, and in such cases robust evidence should be presented to support these decisions, whilst seeking to maximise contributions against all the well-being goals (para 2.21)*
- *Meeting the objectives of good design should be the aim of all those involved in the development process and applied to all development proposals, at all scales (para 3.4)*
- *Development proposals must address the issues of inclusivity and accessibility for all. This includes making provision to meet the needs of people with sensory, memory, learning and mobility impairments, older people and people with young children. Good design can also encourage people to meet and interact with each other, helping to address issues surrounding loneliness. Good design must also involve the provision of measures that help to reduce the inequality of access to essential services, education and employment experienced by people without access to a car. Design measures and features should enable easy access to services by walking, cycling and public transport (para 3.6)*
- *Developments should seek to maximise energy efficiency and the efficient use of other resources (including land), maximise sustainable movement, minimise the use of non-renewable resources, encourage decarbonisation and prevent the generation of waste and pollution (para 3.7)*
- *The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations. A clear rationale behind the design decisions made, based on site and context analysis, a strong vision, performance requirements and design principles, should be sought throughout the development process and expressed, when appropriate, in a design and access statement (para 3.9)*
- *In areas recognised for their particular landscape, townscape, cultural or historic character and value it can be appropriate to seek to promote or*

*reinforce local distinctiveness. In those areas, the impact of development on the existing character, the scale and siting of new development, and the use of appropriate building materials (including where possible sustainably produced materials from local sources), will be particularly important (para 3.10)*

- *Local authorities are under a legal obligation to consider the need to prevent and reduce crime and disorder in all decisions that they take (para 3.11)*
- *New development must provide appropriate levels of secure, integrated, convenient and accessible cycle parking and changing facilities (para 4.1.34)*
- *Planning authorities must require good standards of car parking design, which do not allow vehicles to dominate the street or inconvenience people walking and cycling. Car parking should be overlooked by surrounding properties, to provide natural surveillance (para 4.1.52)*
- *Planning authorities will need to ensure that in development plans and through the development management process they make the most efficient use of land and buildings in their areas. Higher densities must be encouraged on sites in town centres and other sites which have good walking, cycling and public transport links (para 4.2.22)*
- *Infill and windfall sites can make a useful contribution to the delivery of housing. Proposals for housing on infill and windfall sites within settlements should be supported where they accord with the national sustainable placemaking outcomes (para 4.2.23)*
- *Whilst employment and residential uses can be compatible planning authorities should have regard to the proximity and compatibility of proposed dwellings to existing industrial and commercial uses to ensure that both residential amenity and economic development opportunities are not unduly compromised (para 5.4.15)*
- *The Welsh Government's specific objectives for the historic environment seek to ...preserve or enhance the character or appearance of conservation areas, whilst the same time helping them remain vibrant and prosperous... (para 6.1.16)*
- *There is a strong presumption against the granting of planning permission for developments, including advertisements, which damage the character or appearance of a conservation area or its setting to an unacceptable level. In exceptional cases, the presumption may be overridden in favour of development considered desirable on public interest grounds (para 6.1.15)*
- *Preservation or enhancement of a conservation area can be achieved by a development which either makes a positive contribution to an area's character or appearance or leaves them unharmed. Mitigation measures can also be considered which could result in an overall neutral or positive impact of a proposed development in a conservation area (para 6.1.16)*
- *The presence of a species protected under European or UK legislation, or under Section 7 of the Environment (Wales) Act 2016 is a material consideration when a planning authority is considering a development proposal which, if carried out, would be likely to result in disturbance or harm to the species or its habitat and to ensure that the range and population of the species is sustained. Planning authorities should advise anyone submitting a planning application that they must conform with any*

*statutory species protection provisions affecting the site, and potentially the surrounding area, concerned (para 6.4.22)*

- *Planning authorities should protect trees, hedgerows, groups of trees and areas of woodland where they have ecological value, contribute to the character or amenity of a particular locality, or perform a beneficial and identified green infrastructure function (para 6.4.25)*
- *Planning authorities should be aware of the risk of surface water flooding, usually caused by heavy rainfall, and ensure developments are designed and planned to minimise potential impacts. Development should not cause additional run-off, which can be achieved by controlling surface water as near to the source as possible by the use of SuDS (para 6.6.27)*

## **Technical Advice Notes (TANs) and other legislation**

### 4.6 Key TANs include:

- TAN 2: Planning and Affordable Housing (2006)
- TAN 11: Noise (1997)
- TAN 12: Design (2016)
- TAN 15: Development and Flood Risk (2004)
- TAN 18: Transport (2007)
- TAN 24: The Historic Environment (2017)

Section 66(1) of Planning (Listed Buildings and Conservation Area) Act 1990: In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 (1) of Planning (Listed Buildings and Conservation Area) Act 1990: In the exercise, with respect to any buildings or other land in a conservation area... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

## 5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 **Pollution Control (Contaminated Land)** raise no objection and recommend conditions to control ground gas, unforeseen contamination, imported soil, imported aggregates and use of site won materials, with advice recommended in respect of contamination and unstable land.
- 5.2 **Pollution Control (Noise)** raise no objection and recommend conditions to require a scheme to protect future occupiers from road traffic noise and a scheme to protect neighbouring occupiers from noise from fixed plant and equipment on site, and an advisory in respect of construction noise.
- 5.3 **Pollution Control (Air Quality)** require the submission of an Air Quality Assessment given the size of the development, its proposed residential use and location in close proximity to the busy road network (A470), to assess the potential impacts on ambient air quality and the magnitude / risk of these

potential air quality impacts on local/ current and future residents. Detailed advice is provided on the scope of the required assessment.

- 5.4 In response to the September amended plans submission, the Air Quality officer confirmed that the AQA would be needed upfront, prior to determination, not by condition as proposed.
- 5.5 Following the November submission, the Air Quality officer confirmed that an Air Quality Assessment (AQA) and that they are satisfied on grounds of air quality, subject to a condition to require a Construction Environmental Management Plan for the construction phase, outlining a detailed Dust Management Plan.
- 5.6 In respect of the initial submission, the **Council's Tree Officer**:
- Advises that in the absence of a tree assessment, they cannot confirm that unacceptable harm would not result to the evergreen trees off-site to the north in the grounds of Nazareth House
  - Advises that landscape treatment to the North Road frontage is important and should focus on the interception of pollutants and visual buffering and provides planting detailed planting advice
  - Advises that landscape details should be preferably provided upfront and sets out the submission requirements.
- 5.7 In respect of the September amended plans submission, the Council's Tree Officer:
- Advises that the RPA of the off-site 'B' category tree group 4 would be impinged upon slightly by the development, including the planting of trees and hedging, but would not result in unacceptable harm to trees of amenity value so long as the development is undertaken in accordance with an approved Arboricultural Method Statement and Tree Protection Plan secured via a discharge of pre-commencement condition.
  - Welcomes the indicative landscaping showing on the block plan, but wishes to see the landscaping detail upfront.
- 5.8 The Tree Officer confirms they have no additional observations to make in respect of the November amended plans submission.
- 5.9 The **County Ecologist** advises that the site previously supported a number of trees, which would have provided habitat for, amongst other, nesting birds and perhaps roosting bats. Noting that almost all of the vegetation has been removed, they support the comments made by the Tree Officer in respect of the importance of green infrastructure along the site frontage and also advise of the Council's duty under the Environment (Wales) Act 2016 to maintain and enhance biodiversity, and sets out a requirement for the provision of bat and bird boxes, to be secured by condition. They note that features which are integrated into the buildings rather than attached to the outside are preferable as they are more secure in the long-term and less prone to interference by the public.
- 5.10 In respect of the initial submission, **Transport** advise:

- *The site is proposed to have one car parking space located to the east of the building (with a turning area) that is accessed via the narrow (unadopted) lane that runs north from North Road Lane. The swept path assessment using a VW Touran indicates that it is a very tight squeeze between the wall and the garage, and one of the track drawings appears to show over-running of some of the lines. It is therefore requested that further swept path assessment is undertaken on a topo base, clearly indicating what each line (of relevance) represents. In any case though, the submitted swept path plans effectively indicate a limit to the size of vehicle that can access the parking area, and noting this is not an especially large vehicle.*
- *Further details should be provided as to who/what the parking space will be for. The DAS indicates it will 'allow for general maintenance and deliveries', although as a result of the constraints it is considered that no delivery vehicles would realistically be able to access it and probably very few 'maintenance' vehicles. Whilst we are acceptable to the provision of one space in principle there does need to be clarity as to who it is intended for. In any case, a suitable planning condition would be sought, referencing that a maximum of one vehicle can park in the rear area.*
- *There are no details on Construction Traffic Management. Given the location of the site right next to the busy North Road, and noting the narrow lane referenced above, we need to understand in basic terms what the construction traffic/access plans will be during the build process, in order to get to a position that we can be satisfied that the development would not have an undue effect on the network. Subject to reviewing this and being broadly content, further details can follow via a CMP condition.*
- *Further details should also be provided on Refuse, Servicing/Deliveries and Student Access, and a key issue would be how the arrival of students at the start of term would be managed, and given the lack of easy waiting locations, this would probably need to be dealt with via a strict time booking system. It may be appropriate for some of the car park on the west side of North Rd to be booked out and for students/parents to park their cars there and walk with their belongings to the apartment from there.*
- *The refuse storage area is a considerable distance from North Road, and we would not want a situation where the relatively large distance means that bins might be left elsewhere within footway access areas, or that generally wheeling bins out to North Road would cause any problems for pedestrians. Further details should be provided on how the refuse process will work and who will be responsible for moving the bins.*
- *The proposed development is for 17 rooms, and thus the proposed number of cycle parking spaces (11) is acceptable. However, it is not apparent they can be easily accessed (there may be a number of columns close to where they would be wheeled out, and there is less than 1m clearance between the cycle store doors and the parking space), or exactly what type of parking is proposed. However, spacings between the stands appear tight (less than the 0.5m minimum we require) and no covered Sheffield stand is provided, that would offer some flexibility for different bike types. Additional details are required.*
- *Depending on the details provided regarding construction traffic, servicing and deliveries it may be appropriate for a Section 106 contribution to cover the potential for additional money for extended parking restriction hours,*

*and it is likely we would require resurfacing of the footway on the North Rd frontage.*

5.11 In respect of the September amended plans submission, Transportation advise that:

- Tracking plans 1.1.04 and 05 have missing notes/ vehicle information, and 04/05 and 01/03 the same drawing titles.
- the following details – previously requested – still need addressing – the ability of the rear lane to be used for access (whether refuse, constriction, maintenance) with regards other properties access off the lane, the purpose/rationale of the one parking space being provided, the little detail as to how student access would be managed, the need for the exact type of cycle parking proposed including security, spacing.
- a clean copy of the base topo is needed, as the details are overlain by tracking and block plan details and hard to read
- all the information will be fully reviewed on submission of additional plans.

5.12 Following the November submission, Transportation advise:

#### *Site Access*

*The site is shown to have one car parking space in a rear area to the east of the building, and be accessed via North Lane (the northern unadopted cul-de-sac leading up to the site). Whilst there is a relative 'pinch-point' between the stone wall and the brick wall of the garage as the rear lane bends left into the site, revised swept path assessment is indicating that some vehicles (including an Estate Car) can fit through the gap, and turn in the rear area and access the car parking space, although it is not clear which larger vehicles cannot make the movement, but any maintenance/service vehicles that need to access the space would obviously have to be small enough to make the required movement. The revised tracks have generally been undertaken with the wing mirrors out (as requested) although this may not be the case for the 4X4 vehicle. The drawings do now show the sliding gate that is proposed, although ideally some additional details (including a manufacturer spec) would help to clarify exactly what is proposed. A Technical Note (TN) has been submitted to support the application and this indicates that the car parking space is available for service/maintenance use and would not be available for use by students.*

#### *Refuse Access*

*Cardiff Council Waste section originally indicated that smaller 18 Tonne refuse vehicles would reverse part-way up North Lane. However, it is now understood they would not support this and would only stop refuse vehicles further down North Lane at the limit of adopted highway. An alternative approach to refuse could be for the site to use a private refuse arrangement. Further details on the proposed refuse strategy should be supplied.*

#### *Service/delivery vehicles/taxis*

*These could expected to comprise general delivery vehicles such as food shopping and Amazon deliveries. The swept path assessment indicates that a 7.5T box van could reverse most of the way up the lane. This is not necessarily an easy manoeuvre or one that would be taken by delivery vans depending on the information they have to hand. The alternative would then be to deliver via*

stopping on North Road, although this is not mentioned in the TN. Further details in relation to this are made in the section below. Taxi access has not been mentioned in the TN. Some taxis would be able to use the rear lane and turn, although they might not actually do this depending on their knowledge of the area/what they are told by their passenger. Otherwise it is assumed that taxis would stop on North Road. The TN does not include information on the likely number of these vehicles that are anticipated.

#### *Emergency access*

Swept path assessment has shown an ambulance and fire tender could reverse most of the way up the lane. In practice, it is considered that in emergencies such vehicles would just park up on North Road, and this is not considered to be a problem considering the likely low frequency when this would occur.

#### *Construction traffic*

The TN indicates that a concrete mixer, crane and skip vehicle could access the top of the lane by reversing up it (or down). This would need to be controlled via the use of a banksman. It may be necessary for other large construction vehicles (e.g. excavator) to access the site, and these would need to use North Road and utilise a temporary lane closure. This is likely to be acceptable in principle, and further details on this could be set out via the CEMP condition that would be placed on any permission.

#### *Student access at start of term*

Students will need to be able to access the site at the start of term with their belongings. This could be facilitated via the use of the rear area (including parking space), with slots to control that only one student can be using the parking space at a time. This would need to be managed on the chosen weekend via use of staff to control matters, and these could also direct cars to the adjacent North Road car park if any slots are running late. Students would need to be fully informed of the booking-in process beforehand, including advising that certain larger vehicles may not be able to access the rear area. These matters would need to be set out fully in a Student Travel Management document which would be conditioned.

#### *Legal status of North Lane*

The northern stub of North Lane is an unadopted road. However there is a parking restrictions traffic order on it, originally dating from the 1970's, but which was consolidated around 10 years ago. Whilst the lane has signing and lining (albeit faded) relating to single yellows the actual order wording refers to 'at any time' (i.e. double yellow lines). There is therefore a discrepancy in the order and it is not legally enforceable. In any case, even if there was not this discrepancy, Cardiff Council would not normally enforce parking on private roads without the permission of the landowner, and would not do so given the current surfacing condition of the road. At the next time the orders are reviewed they would likely seek to amend the order so as the parking could theoretically be enforced. Looking on Land Registry it appears that the lane is not registered. Do we know if any of the nearby residents claim ownership?

*In the absence of any mechanism for the Council to enforce parking, should*

*any vehicle obstruction occur on the lane it would technically be a police matter, who would also need to take a view as to whether any obstruction was taking place.*

#### *North Road parking/loading*

*In the vicinity of the site North Road has double yellow parking restrictions, meaning that no waiting can take place, and additional No Loading plates, meaning that loading cannot take place on Monday – Saturday between 0745-0915 and 1600-1800 hours. Whilst the exact number of additional traffic movements has not been confirmed, and there is some uncertainty as to exactly how much of the service/taxi traffic etc. would use North Road or North Lane it is apparent that there will be some increase in the use of North Road as a result of this development. Outside the site North Road is within the limits of a tidal lane traffic control scheme, whereby three lanes in total are provided, but the direction of the 3rd lane switches depending on the time of day. There is a particular concern that when the tidal flow is showing 2 lanes outbound, that only leaves one lane in the inbound (southbound) direction, and this could technically be utilised at times by a vehicle associated with the new development. We would therefore seek an extension of the No Loading period, at least to cover the daytime period when the tidal system has only one lane southbound. This would require a Section 106 contribution to deal with the TRO process, and the details of time periods etc. would need to be determined.*

#### *Cycle Parking*

*This has been revised and a 2-tier system is now proposed which will provide capacity for 16 cycles, which is in excess of the minimum of 9 spaces that are required according to the SPG. Whilst a cycle parking drawing is included in the TN there is no scale on it, and I am unclear as to what the mechanism is to access the upper tiers. As a general rule we like to see a variety in the type of cycle parking provision, and would ideally want a 2m clear space in front of the cycles, which may not be achievable. Also, it is not apparent that the store would have a secure door/gate? The horizontal spacings appear to be acceptable. Further details should be supplied.*

*Whilst a number of the points previously raised have now been addressed there are some outstanding points (as above) that would ideally be clarified and set out in a revised version of the TN. This should also include the swept path drawings (and commentary on them) that have been separately submitted.*

5.13 The following further advice was provided by way of clarification:

- *Given the potential safety concerns arising from vehicles associated with the development (e.g. deliveries) stopping/loading on North Road we would not be in a position to support the development, as the TRO referred to below cannot be guaranteed to happen. The site has consent for a single dwelling and thus theoretically there could be a 17-fold increase in delivery/service/other vehicular movements on North Road, in comparison with the consented situation. In the absence of detailed/agreed information on realistic amounts of traffic that could end up using North Road adjacent to the site it would seem reasonable to take this position to safeguard potential safety/traffic concerns.*



- *The rear lane access into the site parking area involves a tight manoeuvre which could not be achieved in practice by vehicles much bigger than a Large Car (exact limit of vehicles that can access the area has not been determined), and which a number of drivers may have reluctance to do in practice. In addition it is around 60m from the start of the unadopted lane to near the garage, a distance over which any larger vehicles (not able to turn in the rear area) would have to reverse. This is a significant length, above the maximum reversing distance recommended for refuse vehicles and emergency vehicles.*
- *We are not convinced of the extent to which certain vehicle types would in reality use North Lane instead of North Road e.g. delivery drivers that have not visited the site before (they could well simply follow whatever route their sat nav shows), taxis dropping off passengers.*
- *Access to the site for wheelchair users may be difficult. If they were dropped off by vehicle it would either have to be small enough to access the rear area, or make an unsatisfactory stop on North Road.*

*I would suggest grounds for objection are:*

- *Concern that the rear lane access into site is a difficult manoeuvre and consequently only a small number of vehicle types could actually turn in the site. Other vehicles would need to reverse up to 60m on the lane.*
- *As a result of the difficulties in accessing the lane there is likely to be use of North Road by various vehicles (e.g. deliveries), and this has safety implications due to the nature of the road and it being within the tidal flow section adjacent to the site.*

*The cycle parking, student management and construction traffic matters could potentially dealt with via condition at appeal.*

5.14 In respect of the initial submission, **Waste Management:**

- Advise that that in order to find a solution for the storage and collection of waste and recycling, it has been agreed with the Waste Collections Team that a smaller 18 tonne vehicle could be used to service the development, which could drive into the lane and reverse to the proposed development.
- Advise the Applicant that that there could be the potential for missed collections should undisciplined parking on the rear access lane result in obstruction to the refuse vehicle, and that if this becomes problematic a collection point near the land entrance would need to be considered
- Provide details of the recommended refuse storage provision requirements for the development and detailed advice on the design of communal bin stores and their access requirements, and the provision of bulk containers by the developer
- Advise that refuse storage must be retained for future use.

5.15 Further to a query from the case officer, Waste Management confirmed:

- In the event of the rear lane being blocked, it would be down to the property managers to move the bins to an alternative bin collection point if necessary or alternatively arrange a private collection of waste.

- If the lane is blocked by cars the refuse lorry would not be able to reverse the vehicle to within 25m of the development and waste would not be collected, noting that crews are not expected to pull the bins further than 25m.
- 5.16 Following the November submission and a change of management, Waste Management confirmed they have concerns regarding collecting from this location, advising that it is not normal practice to collect from un-adopted lanes, and given the overgrown trees, the broken surface of the lane, and the inability to enforce parking restrictions, they would be unable to provide a safe and reliable collection service from this location. They note that bins could be collected from the end of the lane (to the rear of the Christian Science Church), where the road is adopted. They note that alternatively collection could potentially be arranged via a private contractor, who may have more appropriate vehicles, and/or less stringent health and safety requirements.
- 5.17 In respect of the initial submission, **Parks** request a financial contribution towards the provision of new open space or the design, improvement and/or maintenance of existing open space of **£9,291**. They also confirm that have introducing screening between the property and North Road would be beneficial and agree with the Tree Officer's comments.
- 5.18 **Drainage Services** provide their standard response to applications subject to surface water drainage proposals under the SAB application process, noting that the applicant has provided insufficient or conflicting detail relating to either flood risk or surface water drainage proposals, such that it is difficult to assess the potential impact of the proposed development in respect of flood risk management matters. They advise that they would expect a drainage strategy as a minimum advising how they propose to dispose of the surface water from the site and also a site investigation report to prove/disprove the viability of infiltration methods. They recommend a decision is deferred until all relevant details are provided, but advise that if the LPA are minded to grant planning permission, a series of drainage conditions are recommended to require a detailed drainage scheme for the site based on a site investigation report into the potential for infiltration.

## 6. **EXTERNAL CONSULTEE RESPONSES**

- 6.1 **Cadw** advise that the development will have no impact on the setting of the registered Cardiff Castle and Bute Park historic park and garden. In providing this advice, they note the proposal is to build a traditional style three-storey building with a slate roof similar in style to other buildings in the Cathays Park Conservation Area in which it will be located, that the part of the registered historic park closest to the proposed development is now in use as a car park which has altered it from its historic use, and that – whilst the proposal will add a new building into the surroundings of the historic park - its design is similar to other buildings in the area.

- 6.2 **The Glamorgan / Welsh Historic Gardens Trust** advises that it is a very uninteresting design, that it does not enhance the Conservation Area and is not really a suitable use of the site given its location and neighbours.
- 6.3 **South Wales Police** provide a range of design advice to address community and crime prevention.
- 6.4 **Dwr Cymru Welsh Water** note the intention to drain both foul and surface water to the mains sewer, that the application is subject to a sustainable drainage review by the SAB and that as they have not had sight of any application to date they cannot assume that a mains sewer connection is the most sustainable option and conclude that they are unable to support the application in full at this stage. They also note that no details have been provided to show how the proposed development will connect to the existing public sewer network, noting that the closest public sewer in North Road is a 975x600mm brick work to which they would not accept any new direct connections into and urge early engagement to develop a suitable foul and surface water drainage strategy for the site. Notwithstanding the above, DCWW request drainage conditions and advisory notices are attached to any permission if the LPA is minded to grant planning permission.
- 6.5 Further to a query from the case officer as to whether they are satisfied that a drainage connection is possible, in principle, DCWW advised that they are content the sewer has the required capacity but that, in the first instance, they would not support a new direct connection to the strategic asset due to health and safety and the risk of damage due to their age. They note that there are options to find alternative options and survey work could locate a suitable alternative, confirming that a connection onto the brick work sewer is possible, but that the logistics and cost are usually unviable, such that they ask for all alternative options to be investigated first. They note that there are often unmapped sewers that could be located which could form a connection.

## 7. **REPRESENTATIONS**

- 7.1 The application was advertised by means of press and site notices, and neighbour consultation letters.
- 7.2 8 letters of objection have been received from owners/occupiers of the following addresses in respect of the **initial consultation**: 13, 14 (X2), 20, 29 Queen Anne Square, Chairman of the Queen Anne Square Management Company Ltd, Nazareth House and 19 St Angela Road, Heath, summarised below:

### Use

- Lack of need for more student accommodation
- Concern that the development if built would not be needed or occupied, taking into consideration the overprovision of purpose built private student accommodation in the city, the fact that other student developments in more suitable locations have failed, and the constraints of this development, including its unsuitable location, North Road frontage, narrow access and limited parking. This could result in the developers

applying for change of use soon after completion, with the concern that this development would not be suitable for any alternative purpose and risks becoming a 'white elephant' if approved.

#### Residential Amenity

- Overbearing impact on the occupiers of 14 Queen Anne Sq
- Overlooking into the funeral home, convent and garden of no 14 and would be clearly visible from within Queen Anne Square
- Harm to the use and amenity of 14 Queen Anne Sq as a result of loss of privacy from overlooking into rear garden, bedrooms and bathroom
- Increased height of proposed development compared to the previous approved application for two storey dwelling, resulting in significant overshadowing of the garden and rear property at 14 Queen Anne Sq due to SW facing aspect
- Harm to the amenity, peace and tranquillity of Queen Anne Sq residents, Nazareth House care home (particularly to residents recovering from illness who use the adjacent gardens for convalescence) and Rosemount Funeral Home (including users of the Quiet Rooms and the Chapel of Rest) from adverse noise impact, particularly during summer months when windows will be open. Residents note they already have to the issue of all night parties going on from the houses on Column Rd, with up to 8 students in them, compared to the 17 proposed here.
- Increased in antisocial behaviour and disturbance from students and their 'drunken ill-thought through activities' such as garden trespass
- Increase in crime and disorder, whether by the students themselves or as targets of crime, noting vandalism and thefts in Queen Anne Square and two stabbings in the Cathays Area, one by a student
- Noise pollution from construction
- Increase in littering and fly tipping, similar to the streets in Cathays

#### Access and Highway matters

- Unsuitability of the site entrance at only 2.25m wide and positioned at a sharp angle to the lane, reducing the effective width of the access, such that only the smallest of city cars will be able to enter the site. It would not be possible for a delivery van, removals lorry, heavy construction equipment, refuse vehicle or emergency vehicle to access the site.
- Objectors challenge whether the manoeuvre shown on the Swept Path Analysis for a 4.5m Volkswagen Touran could be carried out safely in reality. There is a risk that vehicles would strike the garage at 14 Queen Anne Square and/or the boundary wall of the Funeral Home.
- The developers have erected a wooden fence panel, which deliberately masks the compromised access from view. The developers should be instructed to remove this prior to any site inspection. The fence has been erected in the lane, outside the land included in the site's title deed, which make the entrance appear wider than it actually is.
- Unsuitability of vehicular access to the site, via a one-track, unadopted lane off North Road, the busiest road into the City Centre, leading to increased traffic and congestion.

- The double yellow lines are painted only up to and access the lane to the rear of 12 Queen Anne Square, as the owner had at the time installed a gate across the lane. The owners have removed the gate but have used the area beyond the yellow lines for their own parking and composting.
- A single car parking space is proposed on site, leading to students and their visitors' parking cars in the narrow access lane and restricting access further and overspill parking into Queen Anne Square, which is private and would reduce access for residents
- Unsuitability of vehicular access given Queen Anne Square residents regularly park at the rear entrances to their properties in the lane and have garages, which open directly into the lane and noting that there is very limited room for two vehicles to pass each other. Nos 9 – 14 inclusive have rear gates and /or garages onto this lane and a legal right to use it.
- The Ambulance Service, Fire Service and the Council's Highways and Waste Management teams should be asked to assess the access
- The change of use of the lane is a potentially serious security risk for Armed Forces officers and their families who occupy nearby houses and the MoD, South Wales Police and South Wales counter-terrorism authorities should be asked to assess the access
- Road safety impact, noting that turning into and out of the access lane – particularly turning right into North Road - is difficult and potentially dangerous especially at peak times
- Traffic congestion and harm to road safety from delivery, service and emergency vehicles having to park on the southbound carriageway of North Road, exacerbated by a 'blind curved section of the road'. Concern that traffic may be tempted to try and pass stationary vehicles here even if the North Road lane control signals are showing the red X to prevent this, risking a head on collision with approaching traffic travelling north.
- A realistic assessment is required as to whether a small overgrown lane is suitable and whether the dangerous entrance to/from a lane-controlled contraflow section with stopping/waiting restrictions, sitting shortly after a curve, on the busiest road into the City Centre is actually appropriate.
- If visitors, taxis, deliveries etc attempt to stop outside on North Road, there will be implications for traffic flow which could cause serious back-ups during rush hour. Any suggestion of deliveries using the parking area opposite are impractical due to the distance from any safe crossing point.
- Detrimental impact on traffic flow from road closures during construction
- The site is unique in being the only property on the contraflow section of North Road not to have either multiple parking spaces to the rear, or a suitable side road in close proximity which allows free short term parking.
- It is noted that No Right Turn restrictions have been imposed on other turnings to/from North Road into entrances which are far less concealed, and that the Council has erected enforcement cameras in light of the risks.
- At the time outline planning permission was first granted in 1993 Planning Committee acknowledged that due to the busy nature of North Road vehicular access to the plot from north Road would be inappropriate and potentially hazardous and it was deemed that use of the rear lane for one additional property would not be unreasonably detrimental to the amenities and residents in QAS providing that adequate provision for parking and

vehicular turning could be accommodated within the site boundary. The Management Company and other residents had not previously objected to the proposals relying on Planning Committee's assessment, as reiterated 10/04/2002 that use of the lane to access one additional property would not be unreasonably detrimental to residents. The owners of 13 Queen Anne Square objected to a renewal of the outline permission on grounds of the unsuitability of the access, with a request that Highways Dept visit the site but they do not believe that such a visit was carried out.

- The assessment should take into account the servicing demands of 17 students units, with modern day needs for regular access to the site for takeaway food and online shopping/ parcel deliveries, visitors etc, compared to the single dwelling permitted at outline

#### Heritage and Placemaking matters

- This is another unwanted blight on the centre, focussed on assisting developers to impact on the historic features of the city and if permitted will be used to permit further destruction of the area
- The development is totally out of character with the surrounding area / rest of Queen Anne Square, which falls within the Cathays Park Conservation Area with the application site at one point forming part of the Queen Anne Square estate.
- Adverse noise effect on the peace and serenity of the Conservation Area
- The development is incompatible with Queen Anne Square by virtue of its intensification of use
- The application is a 'far departure' from the outline planning permission for a two storey single private dwelling that exists on the site.

#### Environmental and other matters

- Air quality impact of the change of use from a single development to a commercial development with parking, with the need to consult the Council's Environmental Strategy department
- All of the trees on the site have been felled in contravention of the planning permission, with consequent increase in air and noise pollution for neighbouring properties
- The residents of other properties in Queen Anne Square bar no 13 only learnt of the application through their local Councillors who had delivered a leaflet to each house advising them of the application

7.3 6 letters of objection have been received from the owners/occupiers of 9, 13, 14 and 29 Queen Anne Square, Nazareth House and the Queen Anne Square Management Company following consultation on the **September amended plans consultation**, summarised below. Many of the same objections are raised and these are not re-stated.

- The lounge/dining area has insufficient seating for 17 students. There needs to be sufficient communal space to ensure that students are not left alone in their little rooms given the issues surrounding mental health and suicide.

- Failure of the development could lead to the property being empty or being used as a HMA, reducing the security of the area and noting the number of military personnel living nearby.
- The land should be used constructively and in accord with its location adjacent to North Rd and within the Conservation Area, but multiple-occupancy should not be the immediate solution.
- Questions whether the swept-path analysis documents are correct, noting that the swept path for the Volkswagen Touran excludes wing mirrors and door panels/wheel arches and that the actual vehicle width including mirrors is 2.087m –wider than the site entrance. Even so, the drawings indicate that the vehicle is touching the walls.
- There are no measurements given for swept path analysis drawings for the larger estate cars. Service vehicles tend to be small vans, which would be wider still.
- The vertical plane of the entrance walls is not straight, being of rough stone construction, such that the true width of the access may be narrower than that shown
- the objector attempted to drive onto the site in their MBW x1 (the smallest of the range with a width of 2.06m with mirrors extended), which proved impossible
- a site visit must be undertaken by Highways and Planning, requiring the removal of the fence erected across the lane, which gives a misleading impression of the width of the entrance
- questions whether it is acceptable to accept that the site cannot be included on general waste collection, such that the Council would make a special vehicle available leading to inefficiencies and adding to the Council's costs
- confirms residents do regularly park in the rear lane, which would block access to a refuse vehicle and lead to refuse operatives having to drag a large number of bins potentially over a distance of approx 110m, noting that the right to park in the lane is long established
- it is just possible for a non-SUV-sized car to pass another similarly small parked car in the lane, but nothing larger
- bins would have to be dragged 20m even if a refuse vehicle has reversed to the end of the lane, adding to time and costs.
- The refuse store is immediately adjacent to the gardens of no 14 Queen Anne Square and Nazareth House, with concerns raised about the smell from refuse within their garden and home when the windows are open. Even if the building is fully enclosed it will be likely that the students would leave the door open. If a refuse collection is missed, as it's a possibility due to site access constraints, the risk of smell would be exacerbated particularly if the refuse store is full and bags are placed outside.
- The amended plans do not address the very serious issue of emergency vehicle access
- Complete absence of local amenities, with corresponding need for frequent and multiple grocery and other deliveries, taxi drop-offs etc

7.4 6 letters of objection have been received from the owners/occupiers 13 and 29 Queen Anne Square, 19 St Angela Road, Priest in Charge-The City Parish of St John The Baptist and the Chairman of the Queen Anne Square Management

company following consultation on the **November amended plans consultation**, summarised below. Many of the same objections are raised and previous objections resubmitted, and these are not re-stated.

- The amended submission does not address the main issues
- The swept path analysis drawings do not show anything different in relation to the site's severely restricted access.
- support for the construction of a single family dwelling as previously approved for the site, noting this would be the only type of development that could be appropriate for this site.
- Concerns over the practicality of the proposals for student access at the start and end of term, with allocated time slots, with students arriving from all over the UK and beyond, with questions as to where they would park whilst they wait given waiting in the lane would restrict access to other arrivals.
- Question as to how the sliding gate would work given the restricted access, how it would be operated and how arrivals of taxi and delivery vehicles would be controlled.
- Access to emergency, refuse and service vehicles concerns – swept paths analyses for ambulance, fire engine and 8m box van do not show manoeuvring on site, as per the title, as none access into the site. Note the risk to safety, as fire engines and ambulances would not be able to access a point adjacent to the site if the lane is blocked and would have to operate from a distance from 110m. The swept path for the 4x4 vehicle is questioned given the compromised access into the site. Photographs of the lane are submitted showing the access and parked vehicles.

7.5 Local Ward Members Cllr Merry, Cllr Weaver and Cllr Mackie object to the application as **originally submitted** on the following grounds:

- *We wish to object to this application and can only echo the comments made in the objection by the resident's committee – apart from clarifying that we always opposed the original application to convert Park Place to student accommodation!*
- *As stated in the committee's objection letter there has been a consistent pattern of failed student accommodation developments in recent months and we understand that there was a survey of the market submitted as part of an application in the Plasnewydd ward. This may not be a material consideration in terms of this planning decision but if we want sustainable development in our city we must consider whether building could be converted to an alternative use in line with our SPG on student housing. We do not, for example think that the flats would meet our flat planning guidance and once built we would be under pressure to allow a conversion to avoid an empty building. This application is similar to that on Park Place and it would seem an even less desirable location as while it would be attractive facing on to the park there are no facilities close by.*
- *The committee has thoroughly analysed the access to the property in their objection and we would support their comments. We have been out to visit the site and can confirm the access is almost impossibly tight as recognised by the earlier council decision on a previous application which as a result asked for a turning circle. We believe that even with a turning circle within the site that accessing the site itself would be extremely difficult if not*



*impossible. We recognise that the developer will argue that it is a “sustainable location” but occupiers will undoubtedly want car access at drop off, pick up times and do not see how this could be safely achieved. Ditto taxis - taxis late at night are a regular complaint at other student halls, taxis can hardly safely drop off on North Road and any suggestion that the taxis could stop on the lane must be firmly rebutted for the safety of future residents particularly vulnerable female students. As there are no shops close by it is undoubtedly the case that students would use food delivery services and how could they make deliveries without causing chaos and blocking the lane? We would also have concerns in terms of emergency vehicle access – we believe that it would be impossible for a fire engine to access the site. We would also ask waste to consider how waste could be removed in view of the limited access.*

- We would like to be clear that we believe it is essential not only that this application goes to planning committee but that the committee should visit the site to see it for themselves. The wood panelling blocking the access is wider than the access itself so the pictures give a misleading impression of how tight the access is.*
- We also do not believe that the application responds to its location within a conservation area. The building is significantly taller than the funeral home which is adjacent and is an elegant lower building that is grade two listed. It would be sacrilege to place this mock gothic building next to it. We would also have concerns about the appropriateness of some of the materials in view of the location including the windows. Finally of course the character of a conservation is wider than the buildings themselves but their use. As this site is located opposite one of our great civic parks, Nazareth House (a residential care home), backing on to Queen Anne Square and next to a funeral home we would argue it would be impossible to claim that this is in character with this part of the conservation area.*

7.6 In response to the **September amended plans consultation**, Local Ward Members Cllr Merry, Cllr Weaver and Cllr Mackie raised various queries over the plans and requested additional information, also raising concerns:

- that students would be likely to have shopping and food deliveries, leading to vans parking on the pavement on North Road or blocking the rear lane while unload.
- That the Manual for Streets sets out Building Regulation B5 (2000) requirements in respect of Access and Facilities for the Fire Service, with Section 17 ‘Vehicle Access’ providing that advice providing that there should be a minimum carriageway width of 3.7 m between kerbs; there should be a minimum gateway width of 3.1 m; there should be vehicle access for a pump appliance to within 45 m of every point within single family houses; and that fire service vehicles should not have to reverse more than 20 m.”
- They note that this is not a family home which raises even greater concerns and that there is no way that the rear access would meet these guidelines, asking whether the Council routinely consult the fire service about applications for flats and whether we would be accepting that North Road would be blocked.

- They confirm their concerns relate not simply to this application but the wider issue, noting the concerns there have been about fires in flats since Grenfell.

7.7 This was followed up by a further objection:

- *We would like to support the comments made in this objection and we have raised similar questions about access. We do not accept that the access is wide enough or safe enough for the vehicles that will need to get on to the site with students arriving, deliveries from multiple sources and taxis. This is of particular concern when you think of the potential of female students being dropped off in the rear lane either because the taxi driver is unable or unwilling to drive through such a narrow gateway. The access is also narrower than that set by building regulations for fire engines. We also note that the developer in response to concerns about the start of term suggests there will not be problems as the accommodation is furnished so students will not need to bring much – but furnishings still have to get into the building somehow! Is the developer suggesting that like the waste lorries larger vans can park in the lane? The lane is access for other properties and this could cause repeated issues.*
- *We suspect too that delivery drivers (such as supermarket and online shopping deliveries) will be tempted to chance a ticket and park at the front of the property, they may not even find the rear access, causing traffic issues on a main arterial road into Cardiff – the A470. There are no food shops close to the development so there are likely to be multiple deliveries as the students are living independently of each other.*
- *We therefore confirm that this additional information has done nothing to address the concerns raised in our original objection which still stands.*
- *We will also be requesting a site visit so that members of the planning committee can see just how poor the access is.*

7.8 Following the **November** submission, Cllr Mackie asks if the Fire Service was consulted on access to the development and asks for their assessment of the access for fire engines.

7.9 Following the November submission, Cllr Merry writing on behalf of herself, Cllr Weaver and Cllr Mackie:

- Confirm they continue to object to this planning application despite the additional information submitted
- Advise that if access is so tight that on a traffic sweep they feel the need to show the wing mirrors folded in then in all likelihood (even if access is actually possible) delivery vans, taxis etc will be tempted to stop on North Road with resulting traffic chaos. Alternatively with taxis in particular dropping off late at night they worry about them insisting on passengers getting out in the lane putting them at risk.
- Confirm their concern about access for emergency vehicles and request that it be noted that the lane is access for several properties so it should not be presumed that vehicles can park up in the lane without impacting on others.

7.10 Jenny Rathbone AM objects to the application as **originally submitted** on the following grounds:

- *I wish to object to this application and want to echo the comments made by the resident's committee and local councillors in their submissions.*
- *Lately, there has been an increasing pattern of failed developments supposedly earmarked as student accommodation. I have concerns that this pattern may continue with this development and that any alterations from its intended purpose could have serious knock-on effects and may not meet the Council's guidelines on converted student housing. It is concerning that the Council may be forced to make an uncomfortable decision on allowing conversion in order to avoid an empty building if the proposed student development falls through.*
- *Access to the building on the proposed site is incredibly tight, which will cause very serious issues for residents with mobility problems in addition to access problems for public or personal transport. Occupiers will wish to have car access at school drop off and pick up times, therefore it seems that even the solution of a turning circle would prove insufficient to deal with the saturation of vehicles at peak times.*
- *The safety of students is paramount, I am therefore incredibly concerned about taxis who will be dropping off students, particularly female students, being able to access the site and perform safe drop offs. It is not safe for taxis to perform drop offs on North Road, and suggestions that students could be dropped off in the lane is unacceptable.*
- *A lack of local amenities means that students will also be using food delivery services, which would cause chaos as these services attempt to drop off to student accommodation, blocking the roads. Other local services, such as the emergency services and waste collection services would also find it incredibly difficult to access the site.*
- *I note that that the building is significantly taller than the lower, grade-two listed building which currently houses a funeral parlour next door. In addition, the building is located close to a residential care home. Given the sensitive nature of both these buildings, I do not believe student accommodation fits the local aesthetic*
- *I urge that this application goes to committee and the committee a site visit is organised in order to see for themselves how unsuitable this site is for the intended purpose.*

7.11 Jenny Rathbone AM objects to the application as amended in **September** on the following grounds, reiterating previous objections and noting that the revised plans still do not alleviate the concerns raised in their initial objection from July. They note that local services, such as the emergency services and waste collection services would also find it incredibly difficult to access the site, even under the revised plans.

7.12 Jenny Rathbone AM objects to the application as amended in **November**, noting the revised plans do not alleviate their concerns raised in July and September.

7.13 Jo Stevens MP objects to the application on the following grounds:

- The need to undertake a site visit to view the site and means of access to it
- The historic planning approval for a single dwelling with in-built parking and turning is materially different, with the new proposal presenting very different access issues given the transient nature of the student tenants
- Road safety risk to vehicles and pedestrians from traffic entering and exiting the narrow lane due to the 'extremely concealed' access point onto North Road and requiring a right turn manoeuvre for access to North Road going north
- Taxi drivers and passengers may not attempt to access the lane
- Narrow vehicle access, at 2.25m wide, which is too narrow for fire appliances and other emergency vehicles, leading to safety concerns
- Many vehicles will not be able to access the site or parking, with manoeuvres carrying a risk to neighbouring properties
- The wall that borders the site on the southern side appears to have recently been demolished, querying the ownership of the wall and impact of its reinstatement
- Impact on road safety from deliveries risking traffic infringements on a major arterial road by delivery vehicles that cannot or do not want to traverse the lane to access the rear of the development
- Questions whether access at the beginning and end of the academic year has been considered
- Lack of alternative use - If the development is unable to be let to full capacity it will remain unused or require permission for conversion to another use
- Gross over-development of the site with access problems that cannot be easily overcome or overcome at all.

## 8. **ANALYSIS**

8.1 The key issues for consideration are:

(i) *The principle of development*

8.2 The site, which previously formed part of the rear garden of no 14 Queen Anne Square, is located within the settlement boundary and the Cathays Park Conservation Area, outside the Central Business Area, and has no specific land use designation or allocation in the LDP. The principle of accommodating a single dwelling on this vacant, brownfield site has been established through the previous planning history, subject to conditions. Whilst purpose-built student accommodation falls within a different Use Class (Sui Generis), the principle of purpose-built student housing in this location is supported in the Council's 'Student Accommodation' SPG. Paragraph 4.3 notes that '*student accommodation is more acceptable (if not in the city centre or Bay) than in sustainable locations either as close to [the major university] campuses as possible, or within them*'. The SPG provides a map showing the location of the various major university campuses and shows the application site as falling within one such campus area. Responding to the objections raised, there is no policy or SPG requirement to consider the need for student accommodation. Taking the above into consideration, it is considered that the principle of student

accommodation on this site is acceptable in land use terms, subject to detailed amenity and other considerations set out below.

*(ii) Design and Impact on Heritage Assets*

- 8.3 The general duty placed on Local Planning Authorities when considering planning applications for buildings located within Conservation Areas is to pay special attention to the desirability of preserving and enhancing the character and appearance of those areas (section 72, Planning (Listed Buildings and Conservation Area) Act 1990). Additionally, in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority is required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (Section 66(1) of Planning (Listed Buildings and Conservation Area) Act 1990). Policies KP17 (Built Heritage) and policy EN9 (Conservation of the Historic Environment) provides protection for the full range of assets that make up Cardiff's historic environment. In terms of wider design considerations, policy KP5 (Good Quality and Sustainable Design) requires that all new development should respond 'to the local character and context of the built and landscape setting so that layout, scale, form, massing, height, density, colour, materials, detailing and impact on the built and natural heritage are all addressed within development proposals'. Policy C3 (Community Safety/ Creating Safe Environments) requires the development to be designed to promote a safe and secure environment and minimise opportunities for crime.
- 8.4 As noted in Section 2, there are a number of heritage assets in the vicinity of the application site that require consideration. The site falls within the Cathays Park Conservation Area, and within the setting of the Grade 1 listed registered Historic Park and Garden 'Cardiff Castle and Bute Park' on the opposite side of North Road and adjacent to two listed buildings. The site also lies within approx 0.85km of the Cardiff Castle and Roman Fort Scheduled Monument and approx 0.75km from the Dominican Friary Scheduled Monument.
- 8.5 Overall the scheme is considered to offer good design, to preserve the character and appearance of the Conservation Areas and the setting of the registered historic park and garden, listed buildings and scheduled monuments. In coming to this view, it is noted that the building has been designed as a pair of three storey villas, incorporating a pitched slate roof, scale, form and style to replicate the existing, large late Victorian villas which characterise the North Road section of the Cathays Park Conservation Area. Amended plans were submitted to improve the minor detailing of the building and ensure that it more closely represents those that it is seeking to imitate, with changes secured to the width of the bays, to introduce additional windows at second floor, to remove the Mullion in the bay windows and introduce architraves and cills into the second floor windows. A scheme of architectural detailing and materials has also been submitted as additional information in response to the need to pay very close attention to architectural detailing and quality in materials.
- 8.6 The proposal is now considered to provide the necessary form, detail and quality that is required to conclude that the Conservation Areas's character and

appearance, and the setting of the identified historic assets would be preserved, subject to minor issues that could be appropriately dealt with by condition:

- the rooflights to the front are not supported and should be omitted. Those to the rear should be conditioned to be the flush conservation style.
- The use of large areas of reconstituted stone within the bay windows is of some concern, as this would need to be very well detailed and appropriately high quality in order to be acceptable. Natural stone would be preferred in this sensitive and prominent location.
- Imperial red bricks should be specified. These are widely available and would better reflect the character of villas that characterise the area. Coursing should be Flemish bond not stretcher bond, using black mortar.
- The plans show inconsistency in the ridge and finial details – on plan MAT 3 they are red clay, on other plans they are grey. They should be red. Use of reclaimed decorative finials would be beneficial, these are widely available from local reclamation yards.
- The insertion of an opening into the front boundary wall is considered acceptable and details should be secured by condition. The sliding gate is acceptable given its rear lane location.
- The provision of a hedge and tree planting within the site is welcomed and will enhance the character and appearance of the Conservation Area. Full and acceptable landscaping details should be secured by condition.

8.7 It should also be noted that Cadw have confirmed they have no objection to the impact of the proposed development on the registered historic parks and garden opposite the site, noting that the proposal is to build a traditional style three-storey building with a slate roof similar in style to other buildings in the Cathays Park Conservation Area in which it will be located. They note that whilst the proposal will add a new building into the surroundings of the historic park, its design is similar to other buildings in the area. The concerns raised by the Glamorgan/ Welsh Historic Gardens Trust that the proposal is an uninteresting design and does not enhance the Conservation Area are noted, but do not justify a refusal of the application. Whilst the design intent of replicating North Road properties may be perceived as uninteresting by some, it is acceptable as an approach, subject to the recommended conditions, and it is noted that the duty in respect of conservation areas is to preserve or enhance the Conservation Area. In concluding that the proposal would not harm the setting of the adjacent listed buildings, it is also noted that the southern elevation of the Rosemount Funeral Home listed villa is the principle elevation, which is set at right angles to North road and that the building is separated from the application site by a single storey, flat roofed outhouse/garage building and which is, itself, attached to a modern, 1 1/2 storey out building. The Grade II listed Nazareth House to the NNW is separated from the application site by a distance of over 100m and trees and landscaping. There would not be any harm to the setting of the Cardiff Castle and Roman Fort Scheduled Monument and the Dominican Friary Scheduled Monument, given their separation distances (0.85km and 0.75km, respectively) and the intervening screening provided by built form and Bute Park.

*(iii) Impact on the amenity of neighbouring occupiers and future occupiers*

- 8.8 Policy KP5 seeks to ensure that 'no undue effect on the amenity of neighbouring occupiers' results from development. The impact on the living conditions of adjoining occupiers has been carefully considered and the objections received noted. The proposal would not cause unacceptable harm to the amenities of adjoining residents and occupiers as a result of overbearing impact, outlook, loss of privacy or light, overshadowing or noise, taking into consideration the proposed building's separation distances between adjoining properties (including approx 22- 25m separation distance from both the rear of 14 Queen Anne Square and the main building of Rosemount Funeral home), the level of screening provided by trees and other planting along the boundary with Nazareth House, the absence of habitable room windows in the elevation facing Nazareth House gardens and the funeral home, the extent of the adjoining gardens at Nazareth House, the height (at approx 10.1m) and orientation of the building, and number of units proposed. The existing window in the garage of No 14 Queen Anne Square would not result in any unacceptable harm to the amenities of the occupiers of no 14 Queen Anne Square by virtue of a loss of privacy from in-looking, noting that it is a garage and not a habitable room.
- 8.9 The amenity of future occupiers would be acceptable, noting that the internal floor area of all units are above the minimum size requirements set out in the Student Accommodation SPG and that all living areas would have an acceptable outlook. There would not be any harm to the amenity of future occupiers from a loss of privacy from overlooking from the garage window of no 14 Queen Anne Square, noting that this serves a garage, the oblique angle involved and that future residents could erect a 2m fence to cover the window. Whilst there is sufficient on site amenity space to provide for refuse and cycle parking, there is very little meaningful space available for sitting out. This would not justify concern for the local planning authority in this instance, noting: that student accommodation is accepted as a distinct form of residential accommodation, that there are no standards for on-site amenity space set out within the student accommodation SPG, the close proximity of Bute Park and that the Applicant has agreed to the requested financial contribution of £9,291 towards off-site public open space.
- 8.10 The Student Accommodation SPG, in paragraph 6.4, states that 'the Council would welcome an Adaptability Statement, which would consider how the development would not prejudice future users, such as for residential or hotel use' and which 'may make reference to room sizes, floor plates, access or amenity issues'. The absence of such a statement is not a concern in this instance, given the scale and form of the proposed development, noting that this is not an application requirement, that any changes to alternative uses would be subject to a full and separate planning application, and given the negative recommendation.
- (iv) *Whether the proposal would make satisfactory provision for access, parking and circulation, and the storage of waste*
- 8.11 A key issue for consideration is whether the Applicant has satisfactorily demonstrated that appropriate access to the site can be achieved, both in the construction and operational phases.

- 8.12 As noted in section 1, pedestrian access is proposed from an amended entrance along the North Road frontage, and vehicular access and refuse collection proposed via the existing rear lane off North Road. 16 cycle spaces are proposed, and a single parking space would be provided for general maintenance and deliveries, and would not be used by students. There is no dedicated provision for disabled parking. The application is supported by a Technical Note and various swept path drawings, details of which are summarised in Section 1.
- 8.13 The site lies in a highly sustainable urban location, well served by public transport and within walking distance of shops and facilities in the City Centre, Cathays Terrace and North Road, and Cardiff University and the RWCMD. It is located on the eastern side of A470 North Road, a major arterial route into the city and a 'Rapid Transit Corridor' as identified on the LDP Constraints Map, one of four principal rapid transit corridors and a strategic bus route that connects Cardiff to the region (policy T2). To help maximise the efficiency of this route, traffic management measures are in place adjacent to the site's North Road frontage, including parking restrictions in the form of double yellow lines and additional 'No Loading' restrictions, and a 3 lane tidal flow control scheme. These measures are described in section 2, with the loading restrictions having the effect of limiting the times that vehicles associated with the development could stop adjacent to the site's pedestrian entrance. Section 2 also highlights that a key time for the flow of traffic, is when the tidal flow sequencing results in 2 outbound lanes and the lane adjacent to the site being the sole inbound lane; in the afternoon between 14:30 – 18:30, and evening/night, between 19:55 – 05:00 Monday to Saturday, with Sundays as above with the exception that there is one lane inbound 16:30 - 18:30. These tidal flow hours do not match the hours of the 'no loading' restrictions adjacent to the site on North Road (07:45-09:15 and 16:00-18:00 Monday to Saturday), such that there are periods when the lane adjacent to the site is the sole inbound lane when vehicles would be permitted to stop on the highway, including all day on Sundays. The physical limitations of the rear lane access are described in detail in Section 2, including the narrow entrance to the site formed between the garage of no 14 Queen Anne Square and boundary wall, which is further constrained by a 45 degree bend in the lane as it approaches the site entrance. The unadopted lane itself is narrow, single lane, uneven and unlit, and not wide enough for 2 larger vehicles to pass. Whilst the lane is subject to parking restrictions, Section 2 notes that the order is not legally enforceable. The presence of a pay and display car park on the opposite side of North Road is noted, albeit that the nearest safe crossing point is approx 45m from the site.
- 8.14 The detailed comments and concerns of the Operational Manager Transportation are provided in Section 5, and encompass site access, refuse access, service/delivery vehicles/ taxi, emergency access, construction traffic, student access at start and end of term, the legal status of North Lane, North Road parking/loading and cycle parking.



- 8.15 The Operational Manager Transportation concludes that they are unable to support the application on grounds of vehicular access, with suggested grounds for objection set out below:
- *Concern that the rear lane access into site is a difficult manoeuvre and consequently only a small number of vehicle types could actually turn in the site. Other vehicles would need to reverse up to 60m on the lane.*
  - *As a result of the difficulties in accessing the lane there is likely to be use of North Road by various vehicles (e.g. deliveries), and this has safety implications due to the nature of the road and it being within the tidal flow section adjacent to the site.*
- 8.16 This position and their detailed comments are supported. Whilst the swept path analyses shows that some cars are theoretically able to access the site and exit in a forward gear, they also show that that the 'Luxury 4 x 4' vehicle requires its wing mirrors to be folded in and that there is little margin for error for the rest, even the mini, with the reality being that some drivers may not be willing to risk damage to their paintwork or the adjacent garage and wall by attempting the manoeuvre. Swept path analyses also show the option of vehicles reversing down the rear lane and this is the only option shown for the 8m box van. However, it is certainly the case that some drivers may be unwilling to reverse the required distance down the lane, such that this reversing option is not a viable alternative. Furthermore, parked vehicles could be blocking the lane, restricting access for larger vehicles further, with the Council unable to enforce the parking restrictions. The Transport Technical Note advises that whilst there is only one car parking space on site, there is sufficient space to accommodate an additional vehicle in the event that there is an unavoidable overlap between vehicles (para 2.4.4). However, this point is not evidenced and Section 2 notes that the lane is overgrown with trees and vegetation in places. Faced with these constraints, there is real concern that certain vehicles would use North Road instead of the lane, where access is also constrained. Whilst letting staff could help manage access at the start and end of term, given the limited period of time and frequency, with drivers of larger vehicles alternatively directed to the public car park opposite, this is far from ideal, given the heavy loads that are likely to be involved. Moreover, it would not be reasonable to impose a condition to require deliveries and taxis to be managed in the same way, with the real concern that this would result in increased use of North Road, to the detriment of road safety. Delivery drivers may not have visited the site before and could simply follow whatever route their sat nav shows and may not be aware of the loading restrictions. The risks to road safety would be increased due to the nature of North Road and it being within the tidal flow section adjacent to the site.
- 8.17 It is noted that the application site benefits from outline planning permission for a single dwelling. However, this permission is not considered to justify a positive recommendation in this instance. Parking standards set out in the Council's SPG would permit a maximum of 1 car parking space for a single dwelling. It should also be noted that the permission was subject to conditions identified in Section 3 of this report, including a requirement that '*details submitted as reserved matters shall include a turning space within the curtilage of the site enabling vehicles to enter and leave the site in a forward gear*'. In

this circumstance, it is considered reasonable to expect that a future resident would choose to drive a car that could fit through their access and that they were happy with the required manoeuvre. However, it is considered that the same assumption could not be reasonably made in respect of drivers accessing the site for a 17-bed student accommodation to drop off students, where residents are temporary and where not all drivers would not be familiar with the site and access. Drivers accessing the site should reasonably expect to be able to access the site and exit safely in a forward gear. It is also noted that the outline permission was first granted in 1993, at a time when trends in food and on-line shopping deliveries were materially different and that it is not unreasonable to expect that there would be an increase in deliveries, compared to the fall-back position. The Agent has referred to the recent permissions at nos 16 – 18 North Road. These permissions are not considered to justify a positive recommendation, in light of the material differences between the applications, noting in particular that the access into the site itself is different, that they are served by a different rear lane, that the lane is adopted highway and that the site does not lie adjacent to the tidal flow section of North Road.

- 8.18 It is agreed that cycle parking, construction traffic (including the use of a banksman), and student management at the start and end of term could be dealt with by condition, should it be concluded at appeal that vehicular access was acceptable. Details of the sliding gate proposed to the rear, with tracking details, could also be required by condition. The use of a Parking and Traffic Management Plan to manage the start and end of term is commonly used for purpose built student accommodation scheme and is even specified as an approach in the Managing Transport Impacts SPG. The OM Transportation has advised that this would need to set out the fact that certain larger vehicles would not be able to access the rear area and require staff to control time slots and direct cars to the adjacent North Road car park if any slots are running late. It could also be required to specify the use of banksmen to assist larger vehicles at student drop off and pick up times. Whilst Waste Management have latterly advised that the Council would not be able to provide a safe and reliable collection service from this location, it is considered that refuse collection could also be addressed by a condition requiring a Waste Management Strategy where collection via a private contractor is a viable option. The location of the refuse store within the site is considered acceptable and Waste Management have not raised any objection. Whilst submitted tracking details show ambulances and fire tenders reversing up the 60m rear lane, which is above the maximum reversing distance recommended for such vehicles, the OM Transportation advises that, in reality, such vehicles would park up on North Road in an emergency, which they advise is not considered to be a problem given the likely low frequency. The emergency lights would help to warn approaching vehicles in such circumstances.
- 8.19 Notwithstanding the possibility of overcoming some concerns by condition, it is considered that vehicular access to the site is unacceptable and sufficient to justify a reason for refusal, as concluded by the OM Transportation. It should be noted that the Agent requested a meeting with a view to clarify the LPA's position and try to overcome the concerns. In response, the Agent was advised of the intention to report the Application to the next committee on the basis that

the grounds for objection are a result of the physical constraints of the rear lane access, the effect of the TROs in place on the rear lane and North Road, the nature of North Road and the location of the tidal flow section of North Road adjacent to the site, which are all factors outside the Applicant's control and which, it was considered, could not be satisfactorily overcome by condition or a third amended or additional information submission.

- 8.20 Taking the above factors into consideration, it is considered that the proposal should be refused on grounds of inadequate vehicular access and its related impact on the road network, contrary to LDP policies KP8, T5 and T6.

*(v) Impact on trees, landscaping, wildlife and habitats*

- 8.21 There would not be an unacceptable impact on the above matters. Following the submission of the requested tree assessment, the Council's Tree Officer confirms that there would not be any harm to any off-site trees of amenity value within the gardens of Nazareth House, subject to conditions to require an Arboricultural Method Statement and Tree Protection Plan. The illustrative landscaping, including hedgerow and new trees, is welcome and full landscaping details could be secured by condition in the event of a positive recommendation. Similarly, the County Ecologist's request for bird and bat boxes could be secured by condition to provide biodiversity enhancements to the site.

*(vi) Impact on contaminated land, air quality and noise*

- 8.22 There would not be any unacceptable impact with respect to the above matters. The Contaminated Land team have no objection, subject to conditions to control ground gas, unforeseen contamination, imported soil and aggregates and advice in respect of contamination and unstable land, which could be attached in the event of a positive determination. The applicant has submitted the requested Air Quality Assessment and Pollution Control have confirmed that they are satisfied, subject to a condition to control dust in the construction phase, in the form of a Construction Environmental Management Plan. Pollution Control (Noise) raise no objection and recommend conditions to require a scheme to protect future occupiers from road traffic noise and a scheme to protect neighbouring occupiers from noise from fixed plant and equipment on site, and an advisory in respect of construction noise, which could be attached in the event of a positive recommendation.

*(vii) Water Resources, Drainage and Flood Risk*

- 8.23 Policies EN10 and EN14 require water sensitive design solutions that do not increase the risk of flooding elsewhere to be incorporated within new development. The site falls within flood zone A and, therefore, outside areas considered at risk from flooding now and in the future. The development would require SuDS for surface water, designed and built in accordance with the Welsh Ministers' Statutory SuDS Standards, which would be required to be approved by the local authority acting in its SuDS Approving Body (SAB) role. It is proposed that surface and foul water would be disposed of via the public sewer, but no further details have been provided. Both DCWW and Drainage Services have advised that details could be secured via an appropriate drainage condition.

*(viii) Other Legal Considerations*

- 8.24 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 and it is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision. The proposals in respect of controlled entrances and means of enclosure are welcomed. South Wales Police have been consulted and have not objected to the application. The comments of SWP have been noted and could be recommended to the developer as an advisory in the event of a positive determination, noting that the majority of issues raised cannot reasonably be controlled by planning and/or are matters for building control.
- 8.25 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. There is concern that access to the site for wheelchair users may be difficult. If they were dropped off by vehicle, that it would either have to be small enough to access the rear area, make an unsatisfactory stop on North Road or park elsewhere. This forms part of the basis for the recommended reason for refusal.
- 8.26 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 and it is considered that there would be an unacceptable impact upon the achievement of wellbeing objectives as a result of and relating to the recommended decision, including the contribution towards the Welsh Ministers' well-being objective of building healthier communities and better environments.
- 8.27 The Environment (Wales) Act 2016 - The Environment (Wales) Act 2016 enshrines in law principles and policies for managing natural resources in a sustainable way. Amongst other things, it introduces a new biodiversity duty on public authorities to seek to maintain and enhance biodiversity when exercising their functions, and in so doing to promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions. This duty and the resilience of ecosystems have been considered and discharged in the evaluation of this outline application. In the event of a positive recommendation, a condition could be attached in respect of nesting birds and bats, which has been agreed by the Applicant.
- 8.28 Flood and Water Management Act 2010 – Section 12 (3) of the Flood and Water Management Act 2010 places a duty on risk management authorities (e.g. a

county council for the area) to have regard to the national and local strategies and guidance when exercising any other function in a manner which may affect a flood risk or coastal erosion risk. The relevant strategies and guidance have been taken into consideration in the determination of this application.

*(ix) Response to third party and other objections*

8.29 The objections raised by third parties and other objectors have been duly noted. The following comments are provided in respect of matters not addressed above:

- Fire Service access is a Building Regulations matter (Part B) and the Fire Service are not consulted on planning applications. They are not a statutory consultee and access is considered by colleagues in Transportation and Highways, as the Local Highway Authority. The Fire Service are, however, sent a copy of the application weekly list and so can comment on an application should they wish to do so
- the publicity and consultation met legal requirements, having been advertised by press and site notice, and neighbour letters, both to the immediately adjoining neighbours and also including nos 9 - 14 Queen Anne Square
- neighbour letters are addressed to the owner/occupiers and recipients are advised to tell the owner about the proposal if they are a tenant, or other occupiers if they share the property.

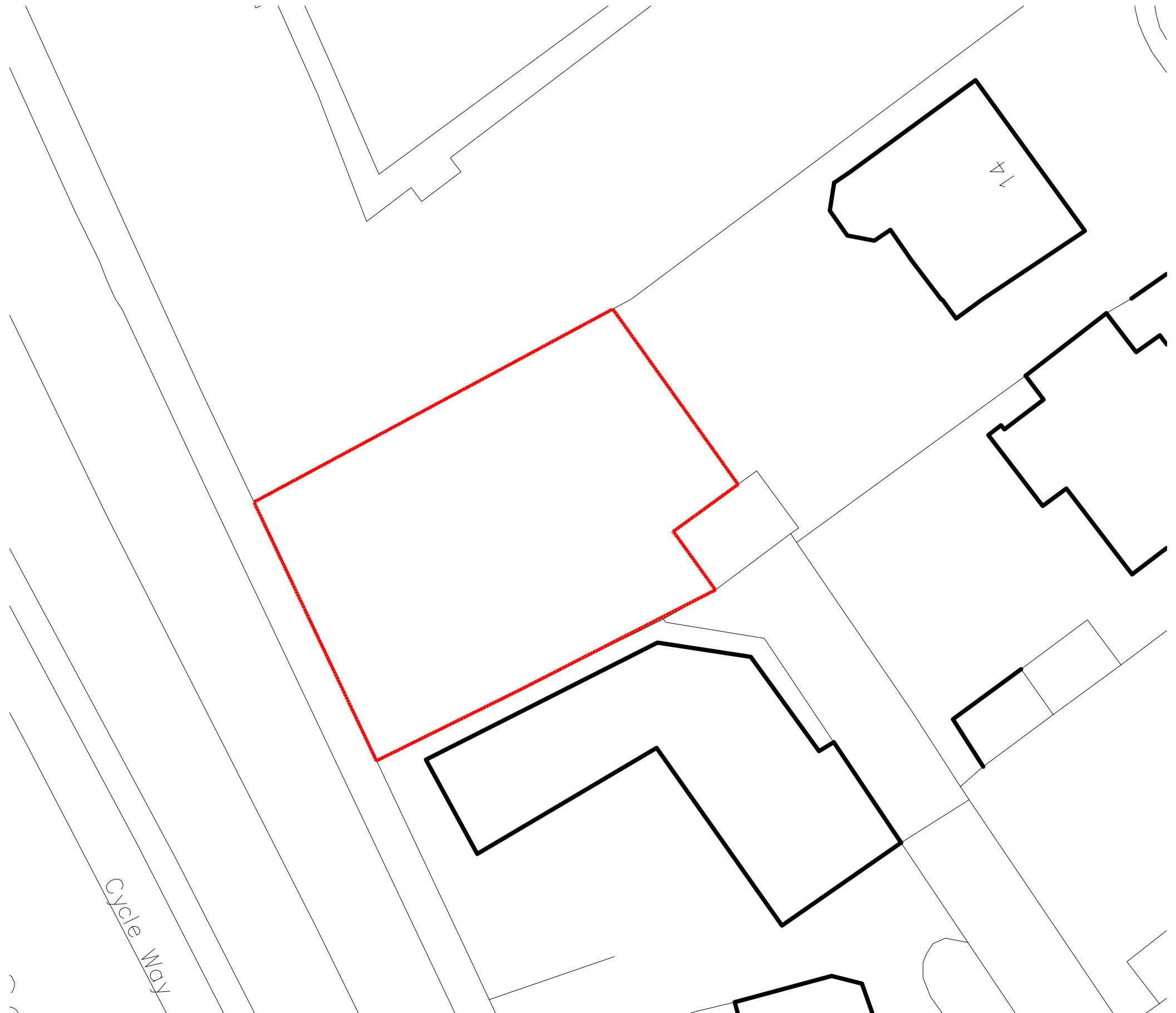
9. **S106 Requirements and Viability**

9.1 The developer has confirmed their willingness to provide a s106 financial contribution of £9,281, in the event of a positive determination, towards the provision of new public open space or the design, improvement and/or maintenance of existing open space in the locality. Were the LPA in a position to recommend approval of the application, it is considered that the above would reflect the local planning policy framework and related SPG, and meet the tests prescribed under the CIL Regulation 122 and Welsh Office Circular 13/97 Planning Obligations. In the event of a refusal of the application and subsequent appeal, a planning obligation would need to be submitted by the Applicant at appeal.

10. **CONCLUSION**

10.1 The proposal has been assessed against the policy and legislation cited above and the material factors, policy implications, and issues and objections raised considered. Whilst many issues are capable of being addressed by condition, the proposal is recommended for refusal for the single reason noted above. It is not considered that there are any factors that would outweigh the harm identified and justify a positive recommendation in this instance.


Date	Drawn	Check	Description	Rev.
15.02.18	***	***	Red line boundary indicated on plan.	A



Location Plan  
1:250



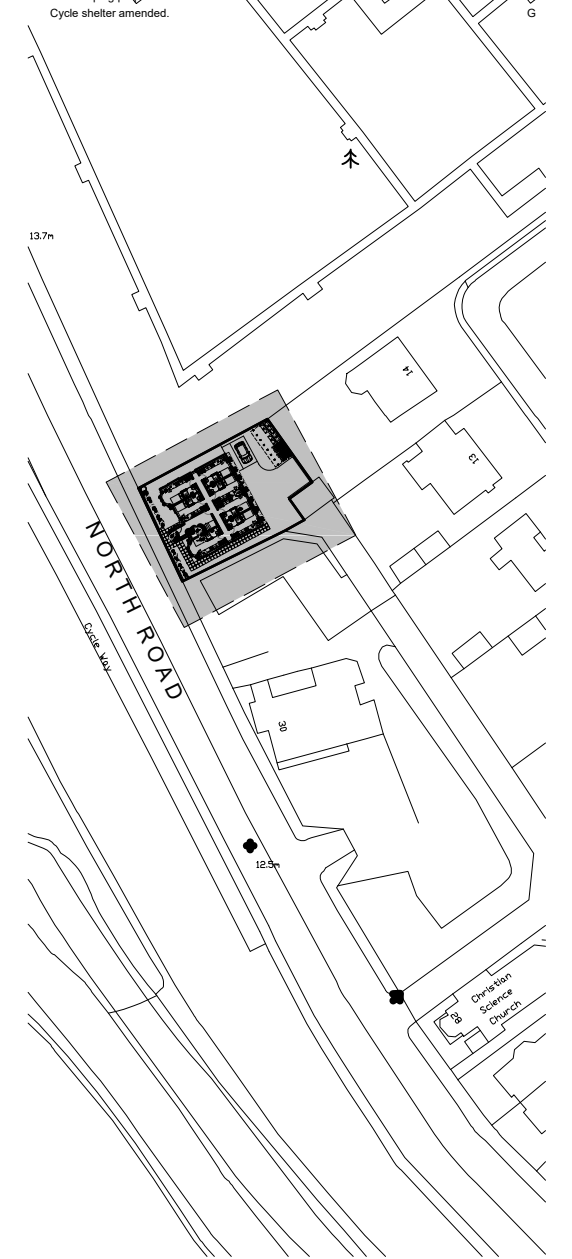
Location Plan  
1:1250

Proposed Residential Development at North Road, Cathays		Job No. 17_057
Location Plan		Dwg No. AL(00)01
Date 09/06/2017	Drawn WS	Rev. A
		Scale 1:250/1250 @ A3
		
Unit 1A, Compass Business Park, Pacific Road, Cardiff CF24 8HL		www.cjarchitects.co.uk tel: 029 20462100



Date	Drawn	Check	Description
17.04.18	WS	WS	Scheme amended following pre app meeting
23.10.18			Further amendments.
20.02.19			Block amended to indicate small porch
17.05.19			Colour added.
24.07.19			Site boundary made consistent with topographic survey.
04.09.19			Landscaping proposals added.
12.09.19			Cycle shelter amended.

Rev.	Description
A	Scheme amended following pre app meeting
B	Further amendments.
C	Block amended to indicate small porch
D	Colour added.
E	Site boundary made consistent with topographic survey.
F	Landscaping proposals added.
G	Cycle shelter amended.



**LOCATION PLAN**  
1:1250

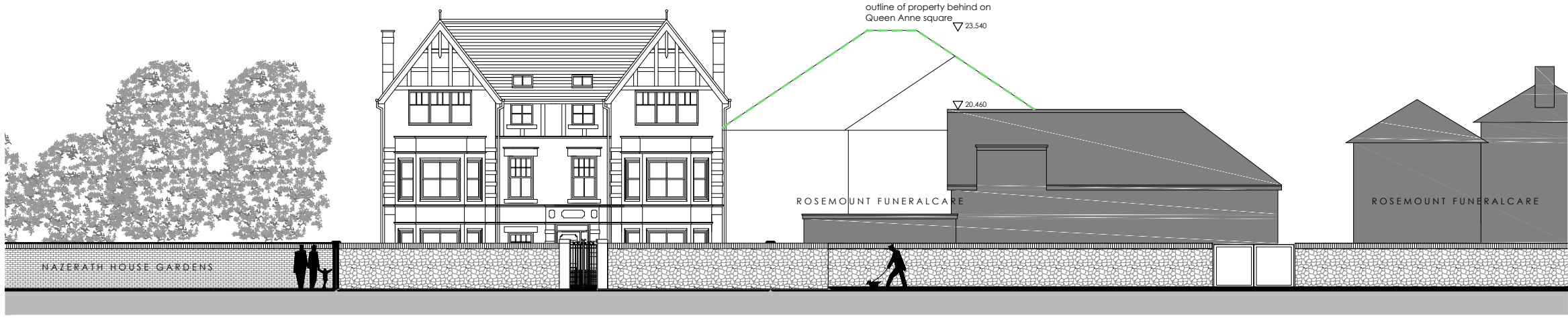
**PROPOSED PLAN**  
1:100

Proposed Residential Development at North Road, Cathays		Job No. 17_057	Rev. G
Title		Dwg No. AL(00)07	
Date 09/06/2017	Drawn	Scale As Shown @ A3	
Architects		Town planners Environmental & Urban design	
<small>Unit 1A, Compass Business Park, Pacific Road, Cardiff. CF24 5HL</small>		<small>www.c-jarchitects.co.uk tel: 029 20452100</small>	



NORTH ROAD  
A 470

SOUTH WEST FACING ELEVATION ADJACENT TO NORTH ROAD @ 1:100



SOUTH WEST FACING ELEVATION ADJACENT TO NORTH ROAD @ 1:200

- ① Bath Stone.
- ② Render.
- ③ Brick.
- ④ New Aluminium windows, colour RAL 7016 Anthracite grey.
- ⑤ Synthetic slate.
- ⑥ Black Fascias, barge boards and rainwater goods.
- ⑦ Omitted
- ⑧ Painted timber panels

Proposed Residential Development at North Road, Cathays		Job No. 17_057	Rev. B
Title Elevations 1 of 3.		Dwg No. AL(00)15	
Date 18.04.18	Drawn	Scale 1:100 & 1:200 @ A3	

**CJ** Architects · Town planners  
Environmental & Urban design

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NORTH FACING ELEVATION ADJACENT TO NAZERATH HOUSE GARDENS @ 1:100


NORTH ROAD  
A 470



- ① Bath Stone.
- ② Render.
- ③ Brick.
- ④ New Aluminium windows, colour RAL 7016 Anthracite grey.
- ⑤ Synthetic slate.
- ⑥ Black Fascias, barge boards and rainwater goods.
- ⑦ Omitted
- ⑧ Painted timber panels

REAR ELEVATION @ 1:100

REAR AREA


Proposed Residential Development at North Road, Cathays		Job No. 17_057
		Dwg No. Rev. AL(00)16 B
Title Elevations 2 of 3.		
Date 18.04.18	Drawn	Scale 1:100 @ A3
 Architects · Town planners Environmental & Urban design		www.c2architects.co.uk tel: 029 20452100
<small>Unit 1A, Compass Business Park, Pacific Road, Cardiff, CF24 6HL.</small>		

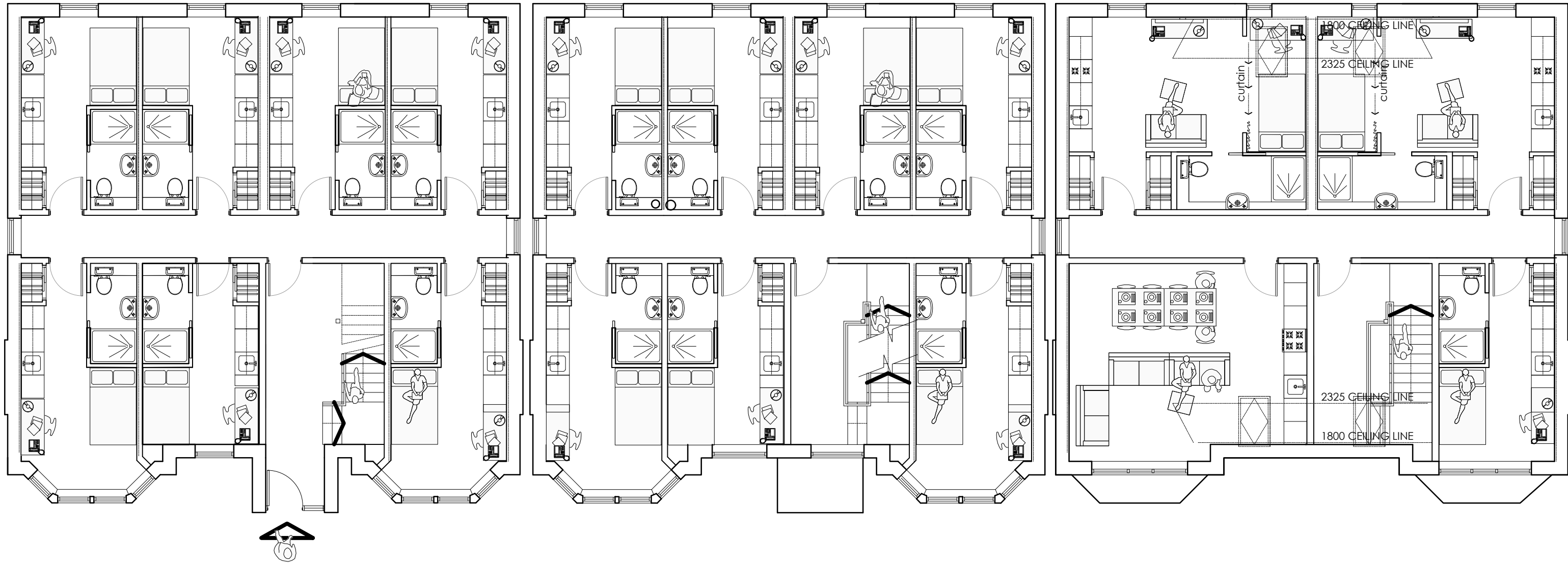


A 470  
NORTH ROAD

SOUTH FACING ELEVATION ADJACENT TO ROSEMOUNT FUNERAL SERVICES @ 1:100

- ① Bath Stone.
- ② Render.
- ③ Brick.
- ④ New Aluminium windows, colour RAL 7016 Anthracite grey.
- ⑤ Synthetic slate.
- ⑥ Black Fascias, barge boards and rainwater goods.
- ⑦ Omitted
- ⑧ Painted timber panels

Proposed Residential Development at North Road, Cathays		Job No. 17_057	Rev. B
Title Elevations 3 of 3 Option 2		Dwg No. AL(00)17	
Date 18.04.18	Drawn	Scale 1:100 @ A3	
 <b>Architects</b> · Town planners <b>Environmental &amp; Urban design</b>		<small>Unit 1A, Compass Business Park, Pacific Road, Cardiff, CF24 5HL.</small> <small>www.c2architects.co.uk tel: 029 20452100</small>	



GF PLAN

1st FLOOR PLAN

2nd FLOOR PLAN

17 rooms total

Proposed Residential Development at North Road, Cathays		Job No. 17_057
Title Floor Plans		Dwg No. Rev. AL(00)18 B
Date 12.02.19	Drawn	Scale 1:100 @ A3

**C<sup>2</sup>** Architects · Town planners  
Environmental & Urban design

Unit 1A, Compass Business Park,  
Pacific Road, Cardiff, CF24 5HL [www.c-jarchitects.co.uk](http://www.c-jarchitects.co.uk)  
tel: 029 20452100



C2J Architects have been commissioned by our client to secure planning permission for the vacant site on North Road. The proposal is for a three storey student accommodation.

The site is situated in a conservation area on a main route in to the city centre of Cardiff. Due to the sensitive nature in a prominent location care and attention is required for the appearance and detailing of the scheme.

The proposal seeks to imitate the character, nature and details of the existing properties within the street.

The adjacent colour elevation indicates the primary front elevation together with images of the properties within the street which the scheme looks to imitate.

Front elevation

20 North road




14 North road



6 North road



Proposed Residential Development at North Road, Cathays	Job No. 17_057	Rev.
	Dwg No. MAT 01	
Title Front elevation		
Date 18.04.18	Drawn	Scale
 Architects · Town planners Environmental & Urban design		
<small>Unit 1A, Compass Business Park,                  Pacific Road, Cardiff, CF24 9HL.                  www.c2jarchitects.co.uk                  tel: 029 20462100</small>		