

MP OBJECTION / LOCAL MEMBER OBJECTION

COMMITTEE DATE: 26/02/2020

APPLICATION No. **19/01374/MJR** APPLICATION DATE: 14/05/2019

ED: **PLASNEWYDD**

APP: TYPE: Outline Planning Permission

APPLICANT: Bonnes Mares Ltd

LOCATION: 195-197 CITY ROAD, ROATH, CARDIFF, CF24 3JB

PROPOSAL: DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF PURPOSE BUILT STUDENT ACCOMMODATION INCORPORATING CLASS A1/A2/A3 AND D2 FLOORSPACE AT GROUND LEVEL AND ALL ASSOCIATED DEVELOPMENT

RECOMMENDATION 1 : That, subject to relevant parties entering into a binding planning obligation in agreement with the Council under **SECTION 106** of the Town and Country Planning Act 1990, within 6 months of the date of this resolution unless otherwise agreed by the Council in writing, in respect of matters detailed in paragraph 10.1 of this report, planning permission be **GRANTED** subject to the following conditions:

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

Plans

| | |
|-----------------------|-----------------|
| A100414[ST2]S01 | Location Plan |
| A100414[ST3]11 Rev. A | Parameters Plan |

Documents

WYG Planning Statement dated April 2019
WYG Design & Access Statement dated September 2019
WYG PAC Report dated April 2019
WYG Bat Roost Assessment and Emergence/Re-Entry Surveys dated August 2019
Vale Consultancy Drainage Strategy ref: 8854 dated February 2019
WYG Air Quality Assessment dated February 2019
WYG Geo-Environmental Desk Based Assessment dated October 2018
WYG Noise Assessment dated February 2019
WYG Transport Statement dated May 2019
WYG Travel Plan dated May 2019
WYG Historical Building Record dated December 2018

Reason: for the avoidance of doubt.

3. Unless otherwise agreed in writing by the local planning authority, the development shall accord with the general scale and massing principles as set out in the approved Parameters Plan no. A100414[ST3]11 rev. A.. Reason. To ensure that the development accords with the principles of the approved indicative plans and in the interests of visual amenity.
4. Prior to the commencement of the development an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person * in accordance with BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and shall assess any contamination on the site, whether or not it originates on the site.

The report of the findings shall include:

- (i) a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages;
- (ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;
- (iii) an assessment of the potential risks to:
 - human health,
 - groundwaters and surface waters
 - adjoining land,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - ecological systems,
 - archaeological sites and ancient monuments; and
 - any other receptors identified at (i)
- (iv) an appraisal of remedial options, and justification for the preferred remedial option(s).

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WG / NRW guidance document ' Land Contamination: A guide for Developers' (2017), unless the Local Planning Authority agrees to any variation.

* A 'suitably qualified competent person' would normally be expected to

be a chartered member of an appropriate professional body (such as the Institution of Civil Engineers, Geological Society of London, Royal Institution of Chartered Surveyors, Institution of Environmental Management) and also have relevant experience of investigating contaminated sites.

Reason: To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment.

5. Prior to the commencement of the development a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures.

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

6. The remediation scheme as approved by condition 5 above must be fully undertaken in accordance with its terms prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

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

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

writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the LPA within 2 weeks of the discovery of any unsuspected contamination.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised.

8. Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with Pollution Control's Imported Materials Guidance Notes. Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason: To ensure that the safety of future occupiers is not prejudiced.

9. Any site won recycled aggregate materials shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its reuse. Only material approved by the Local Planning Authority shall be reused.

Reason: To ensure that the safety of future occupiers is not prejudiced.

10. No building shall be occupied until the drainage system for the site has been completed in accordance with the approved details as shown in the Drainage Strategy Report ref: 8854 and surface water shall be restricted to a rate no greater than 2.5l/s. Thereafter no further surface water and/or land drainage shall be allowed to connect directly or indirectly to the public sewerage system.

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

11. Any Reserved Matters application which includes refuse storage provision shall generally accord with the principles set out in the submitted illustrative numbered A100414[ST3)12 rev. A.

Reason. To ensure adequate provision for the storage and collection of waste and to protect the amenities of the area.

12. Prior to commencement of development details of the proposed cycle storage for 148 bicycles shall be submitted and approved in writing. The detail shall ensure that the proposed cycle provision is safe, secure and easily accessible to resident.

Reason: To ensure acceptable cycle provision for the development in accordance with Policy T1 of the adopted Cardiff Local Development

Plan (2006-2026).

13. No part of the development hereby permitted shall be occupied until a travel/parking/traffic/resident/letting management plan to include, but not limited to, the promotion of walking, cycling, public transport and other alternatives to the ownership and use of the private car; the management of student drop-off and collection/traffic at the start and end of term; the control of vehicular access to the site and the exclusion, and control of student resident car parking within the site and surrounding area, has been submitted to and approved by the Local Planning Authority.
Reason: in the interest of highway safety and to regulate the impact of the development on use of the adjacent highway in accordance with Policy T6 of the adopted Cardiff Local Development Plan (2006-2026).
14. No part of the development hereby permitted shall be commenced until a scheme of public realm reinstatement/improvement works to the City Road footway and the side (if not completed by others), and rear lanes adjacent to the site has been submitted to and approval in writing by the LPA. The scheme shall include the removal, re-kerbing and reinstatement as footway of the existing vehicle dropped kerb to the front of the site on City Road; the reinstatement/resurfacing as required of the remainder of the footway abutting the site; and the resurfacing of the side and rear lane to the north and west of the site, to include as required surfacing, kerbs, edging, drainage, lighting, lining, signing and street furniture as required as a consequence of the scheme. No part of the development shall be occupied until the approved scheme has been implemented.
Reason: To reinstate the footway/highway and provide an improved pedestrian environment to facilitate safe commodious access to the proposed development in accordance with Policy T6 of the adopted Local Development Plan (2006-2026).
15. No part of the development hereby permitted shall be commenced until a scheme of construction management has been submitted to and approved in writing by the Local Planning Authority, to include as required but not limited to details of site hoardings, site access and wheel washing facilities, a strategy for the delivery of plant and material, and construction staff parking. Construction of the development shall be managed strictly in accordance with the scheme so approved.
Reason: To ensure the development does not interfere with the free flow of traffic in accordance with Policy T6 of the adopted Cardiff Local Development Plan (2006-2026) in the interests of highway safety.
16. A scheme of sound insulation works to the floor/ceiling structure between residential units and between residential and commercial premises shall be submitted to and agreed by the Local Planning Authority in writing and implemented prior to occupation.
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.

17. Prior to implementation a noise assessment shall be carried out and submitted to the Local Planning Authority to ensure the noise emitted from fixed plant and equipment on the site achieves a rating noise level of background -10dB at the nearest noise sensitive premises when measured and corrected in accordance with BS 4142: 2014 (or any British Standard amending or superseding that standard).
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.
18. Any reserved matters application submitted in respect of site layout and building appearance shall include full details of site security measures including (but not limited to) on-site external lighting, on site CCTV (including arcs of camera coverage outside the site perimeter), details of monitoring the CCTV feeds and manned on-site security, and door/gate entry systems. The details shall be in accordance with the security measures indicated in the approved documents and shall be implemented prior to the beneficial occupation of the development and thereafter retained and maintained.
Reason. To make appropriate provision for the safety and security of future occupiers, in the interests of crime prevention.
19. The precautionary mitigation measures set out in section 5.2 of the 'Bat Roost Assessment and Emergence / Re-entry Surveys' document, Revision No. 2, shall be implemented in full.
Reason: To implement precautionary mitigation measures to ensure the protection of bats, which are protected species.
20. The ground floor Class A3 (Food & Drink) floorspace shall be used as a restaurant/café/coffee shop, and for no other purpose within Use Class A3 (Food & Drink).
Reason: To protect the amenities of adjacent occupiers.
21. No customers shall be admitted to or allowed to remain on any ground floor Class A3 (Food & Drink), or Class D2 (Assembly and Leisure) premises between the hours of 22:00 and 08:00 on any day.
Reason: To ensure the amenities of adjacent occupiers are protected.
22. No customers shall be admitted to or allowed to remain on the ground floor Class A1 (Shops) premises between the hours of 22:30 and 07:30 on any day.
Reason: To ensure the amenities of adjacent occupiers are protected.
23. If at any time the use of the premises is to involve the preparation and cooking of hot food the extraction of all fumes from the food preparation areas shall be mechanically extracted to a point to be agreed with the Local Planning Authority, and the extraction system shall be provided with a de-odorising filter. Details of the above equipment shall be submitted to, and approved by, the Local Planning Authority in writing and the equipment installed prior to the commencement of use for the cooking of food. The equipment shall thereafter be maintained in

accordance with the manufacturers' guidelines, such guidelines having previously been agreed by the Local Planning Authority in writing.
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.

24. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that Order with or without modification) no sale of hot food for consumption off the premises shall take place from the premises.
Reason: To ensure that the amenities of future occupiers are protected.

RECOMMENDATION 2: Works to the existing public highway are subject to agreement or licence under the Highways Act 1980, the subject of separate application to the Local Highway Authority.

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

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

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

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

RECOMMENDATION 4 : To protect the amenities of occupiers of other premises in the vicinity attention is drawn to the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities. Further to this the applicant is advised that no noise audible outside the site boundary adjacent to the curtilage of residential property shall be created by construction activities in respect of the implementation of this consent outside the hours of 0800-1800 hours Mondays to Fridays and 0800 - 1300 hours on Saturdays or at any time on Sunday or public holidays. The applicant is also advised to seek approval for any proposed piling operations.

RECOMMENDATION 5: The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

A water supply can be made available to serve this proposed development. The developer may be required to contribute, under Sections 40 - 41 of the Water Industry Act 1991, towards the provision of new off-site and/or on-site watermains and associated infrastructure. The level of contribution can be calculated upon receipt of detailed site layout plans which should be sent to the address above. Internal pumps and storage will be required to maintain supplies to this property.

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RECOMMENDATION 6: Prior to the commencement of development, the developer shall notify the local planning authority of the commencement of development, and shall display a site notice and plan on, or near the site, in

accordance with the requirements of Article 12 of the Town & Country Planning (Development Management Procedure)(Wales)(Amendment) Order 2016.

RECOMMENDATION 7: The developer is advised that bats often roost in houses and other buildings, and work on these buildings may disturb a bat roost. All bats and their roosts are protected against disturbance under UK and European legislation. If works are planned on a building in which bats are known to be roosting, Natural Resources Wales must be contacted for advice.

If work has already commenced and bats are found, or if any evidence that bats are using the site as a roost is found, work should cease and either NRW or a suitably qualified, experienced and licenced ecologist is consulted for advice on how to proceed.

Where there is a likelihood that bats are present, or where bats are found to be present, a suitably qualified and experienced ecological consultant should be contracted to provide an assessment of the impact of the proposed works, and undertake bat surveys if necessary.

Where bats or their roosts are present, no works of site clearance, demolition or construction should take place unless a licence to disturb these species and/or their roosts has been granted in accordance with the relevant legislation.

NRW can be contacted at:-

Natural Resources Wales, Tŷ Cambria, 29 Newport Road, Cardiff CF24 0TP, 0300 065 3000

Bat Conservation Trust can be contacted at:-

5th Floor, Quadrant House, 250 Kennington Lane, London, SE11 5DR, 0845 1300228

RECOMMENDATION 8: On the 7th January 2019 Schedule 3 of the Flood and Water Management Act 2010 was enacted. This effects all new developments where the construction area is of 100m² or more. Cardiff Council is aware that your application for planning permission was validated after the recent legislative change in which Schedule 3 of the Flood and Water Management Act was enacted and therefore may be subject to surface water drainage proposals under the SAB application process.

It is recommended that the developer engage in consultation with the Cardiff

Council SAB team, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Cardiff Council are aware that this is new legislation and as such we are offering a free pre-application service for the first year. To arrange discussion regarding this please contact

SAB@cardiff.gov.uk

In the meantime if you require further information please review our website:

<https://www.cardiff.gov.uk/ENG/resident/planning-and-suds/suds-approval-body/>

Or, alternatively you can review the legislation set by Welsh Government here:

<https://gweddi.gov.wales/topics/environmentcountryside/epq/flooding/drainage/>

RECOMMENDATION 9: With regard to any future Reserved Matters (Landscaping) submission, the following advice is given:

Landscaping proposals should be directly linked with a SuDS strategy. In this regard the submitted Drainage Strategy plan denotes a Bio-retention garden system and tree pit/planter with infiltration system in the courtyard. Such features are supported in principle but full details should be provided upfront with any reserved matters application and comprise scaled planting plan, plant schedule, tree pit section and plan views (to show Root Available Soil Volume), topsoil and subsoil specification giving parameters for all planting soils to demonstrate fitness for the specific landscape functions, planting methodology, aftercare methodology and implementation programme.

Appropriate courtyard trees to perform a SuDS function, subject to provision of a minimum 30m³ Root Available Soil Volume (RASV) via soil cells include: -

Acer rubrum 'Red Sunset'
Gleditsia triacanthos 'Imperial'
Liquidambar orientalis
Quercus palustris 'Woodside Splendor'
Quercus phellos 'Hightower'

The proposed planting of two trees to the City Road frontage is supported but both suffer highly constrained growing space, especially above ground, but also below ground unless soil cells can be accommodated to give a shared RASV of 30m³. In the context of the constraints depicted and subject to provision of RASV as described, I think the following tree would be appropriate: -

Ulmus 'Columella'

If, as I would hope, the City Road frontage tree pits can be adapted as per the courtyard to serve a SuDS function, but the above ground constraints remain similar, then the following would be appropriate: -

Acer rubrum 'Bowhall'
Acer rubrum 'Doric'
Acer rubrum 'Scanlon'

The project Landscape Architect should work with the project architect and drainage engineer to draw up detailed specifications that harmonise with all other aspects of design.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

1.1 An amended outline application, with all matters reserved, for the demolition of

an existing former cinema building and redevelopment to provide purpose built student residential accommodation of 114 beds, laid out as individual studio rooms (reduced from 134no. beds).

The indicative plans show ground floor commercial floorspace of 265sqm over 2 x units, fronting City Road

1.2 The amended indicative plans show the development formed by three elements:

- Element 1 is to the City Road frontage, adjacent to no. 189 City Road. This element is shown as accommodating ground floor commercial, with three floors of residential above (third floor set within a Mansard style roof), linking to;
- Element 2 forms the corner of City Road and Northcote Lane and is shown a accommodating ground floor commercial uses, entrance foyer, stair core and plant room with 5 floors of residential accommodation above, linking to;
- Element 3 forms the rear corner of the site and extends south along Northcote Lane. This element is shown as accommodating ground floor cycle (148 spaces) and refuse storage facilities, a stair core and plant room, with two floors of residential accommodation above.

1.3 The three elements as shown form an open ended hard and soft landscaped amenity area, with direct access onto Northcote Lane

1.4 Although all matters are reserved, this application has been considered having due regard to the following illustrative plans:

- Plan 01a Illustrative Ground Floor Plan
- Plan 02a Illustrative First Floor Plan
- Plan 03a Illustrative Second floor Plan
- Plan 04a Illustrative Third Floor Plan
- Plan 05a Illustrative Fourth Floor Plan
- Plan 06a Illustrative Fifth Floor Plan
- Plan 07a Illustrative Roof Plan
- Plan 08a Illustrative Elevation & Section
- Plan 09a Illustrative Views 01
- Plan 10a Illustrative Views 02
- Plan 12a Illustrative Bins & Bike Provisions
- Plan SPA01 Swept Path Analysis: 3.5t Panel Van

2. **DESCRIPTION OF SITE**

2.1 The site is approx. 0.13Ha in size and is located at the northern end of City Road, within the City Road District Centre as identified by the LDP Proposals Map. The site is currently partially occupied by the former Gaiety Cinema building.

2.2 The site is bounded to the north by a newly built student residential development, to the south and east by various mixed use properties fronting City Road, and to the west by the rear areas/outbuildings of the properties fronting Richmond Road.

3. **PLANNING HISTORY**

3.1 PA/17/00157/MJR – A discretionary pre-application enquiry in respect of redevelopment for purpose built student accommodation.

18/02382/MNR – An application seeking the Prior Approval of the Council for the demolition of the former Gaiety Cinema – Approved.

15/0205/MJR – Demolition of existing offices and redevelopment for student accommodation (tower block) - Withdrawn

4. **POLICY FRAMEWORK**

National policy

4.1 Planning Policy Wales (PPW) Edition 10, 2018 favours the sustainable re-use of previously developed land.

4.2 The following Technical Advice Notes (TANs) are relevant:

- TAN 12: Design

4.3 The following policies of the recently adopted 2016 City of Cardiff LDP are relevant to the consideration of this application:-

- KP5 Good Quality and Sustainable Design
- KP6 New Infrastructure
- KP7 Planning Obligations
- C1 Community Facilities
- C5 Provision for Open Space, Outdoor Recreation, Childrens' Play and Sport
- EN12 Renewable Energy and Low Carbon Technologies
- H2 Conversion to Residential Use
- R4 District Centres
- T1 Walking and Cycling
- T5 Managing Transport Impacts

4.4 The following Supplementary Planning Guidance relates to the previous 1996 Local Plan. It is under review following the adoption of the LDP however it remains a material consideration in considering the application insofar as it is consistent with LDP policy:

- Community Facilities and Residential Development (2007)
- Access, Circulation and Parking Requirements (2010)

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

- Locating Waste Management Facilities Jan. 2017
- Planning Obligations Jan. 2017
- Infill Sites Nov. 2017
- Green Infrastructure Nov. 2017

5. **INTERNAL CONSULTEE RESPONSES**

(Original Submission)

5.1 The Operational Manager Transportation has no objection to the proposals, subject to conditions and a financial contribution of **£50,000**, making the following comments:

I refer to the above application and would confirm that the submission has been assessed and is considered to be acceptable in principle subject to the following comments and conditions.

The Managing Transportation Impacts (Incorporating Parking Standards) SPG confirms that purpose built student residential accommodation attracts a maximum of one operational parking space per 25 beds. The proposed provision of two circa 12m loading/drop-off/pick-up laybys (which will accommodate a total of four cars or two delivery vehicles) as shown on the illustrative ground floor plan is therefore considered to be policy compliant.

The adopted parking standards also identify that a minimum of one under cover and secure cycle parking space per two beds should be provided and the illustrative GF plan shows two internal cycle stores accommodating a total of 148 cycle spaces. The proposed number of cycle parking spaces is considered to be acceptable and is secured, including the detail of the stands/internal layout, by way of the requested condition.

I am therefore satisfied that the application is parking policy compliant subject to the requested conditions.

With reference to the location and wider development considerations. It is noted that the site is in the well established district centre of City Road with good access to employment, leisure, shopping opportunities, as well as being within easy walk/cycle of the City Centre and main university campus. The site is also in an area where walking, cycling and public transport offer viable daily alternatives to the use of a private car; having very good access to bus based public transport services on street. The site is therefore considered to be sustainably located in transport terms and entirely appropriate for the proposed form of development.

It is however considered that the introduction of 140+ new residents who will be entirely reliant on walking, cycling and public transport for daily journeys will put additional pedestrian traffic pressure onto adjacent footways and crossings

in the vicinity of the site. Conditions are therefore sought to secure reinstatement/improvements to adjacent footways and a S106 contribution toward the provision of a controlled pedestrian crossing (ZEBRA) in the vicinity of the site. I am also satisfied, subject to agreement of the conditioned Traffic Management Plan, that there is sufficient capacity on the adjacent public highway to accommodate the arrival and departure of students at the start and end term. The Traffic Management plan will also assist with the control of student car parking within the site and surrounding area.

In terms of servicing, taxi drop-off/pick-up, and the arrival/departure of residents at the start/end of year, it is proposed to provide a new footway area, two loading bays and primary access to the student accommodation in Northcote Lane on the northern elevation of the site. I have no objection to the installation of these bays etc. and note that they will provide a useful facility to serve the development and help to keep City Road clear of delivery vehicles. However they (the bays) will be open to potential abuse for fly-parking and will necessitate vehicles to continue along Northcote Lane and on to Northcote Street or to undertake a U-turn to exit back onto City Road.

S106:

Commensurate with the student residential development at 199/209 City Road, a pro-rata financial contribution of £50,000 (£375/bed) is required towards the implementation of Traffic Regulation Orders in the vicinity of the site and completion of the controlled pedestrian crossing works (both of which were part funded by the 199/209 application).

Second Recommendation:

Works to the existing public highway are subject to agreement or licence under the Highways Act 1980, the subject of separate application to the Local Highway Authority.

Conclusion:

In light of the foregoing I must conclude that any objection on parking or traffic grounds would be unsustainable and any reason for refusal on this basis would not withstand challenge. I therefore have no objection to the application subject to the above requested conditions, S106 and associated comments.

- 5.2 The Pollution Control Manager (Noise & Air) has no objection, subject to noise/soundproofing conditions and noise advice.
- 5.3 The Pollution Control Manager (Contaminated Land) has no objection, subject to conditions in respect of contaminated land issues, with further contaminated land advice.
- 5.4 The Highways Drainage Manager advises that there is insufficient or conflicting information relating to either flood risk, or surface water drainage. Whilst he recommends deferral of any decision until such time as relevant details are

provided, it is noted that should the LPA be minded to grant planning permission, sustainable drainage conditions are requested, along with a further sustainable drainage advisory.

- 5.5 The Air Quality Manager has been consulted and no comments have been received.
- 5.6 The Water Quality Manager has been consulted and no comments have been received.
- 5.7 The Regeneration Manager has no objection, commenting that the proposed development of 134 bedroom student accommodation generates a requirement for a financial contribution of **£74,268.16** towards the provision or maintenance of community facilities in the vicinity of the site.
- 5.8 The Parks Manager has no objection, advising that whilst having regard for the open space provision on site, the scale of the proposed development generates a requirement for a financial contribution of **£73,235** towards the provision or maintenance of public open space in the vicinity of the site.
- 5.9 The Council's Trees Officer provides advice in respect of matters that would require attention in the preparation and submission of any future Reserved Matters (Landscaping) application.
- 5.10 The Council's Ecologist has no objection, subject to a condition requiring the development to be implemented in accordance with the provisions of the approved Bat Survey, along with a further Bats advisory.
- 5.11 The Neighbourhood Regeneration Manager (Access) has been consulted and no comments have been received.

Amended Plans Re-Consultation

- 5.14 Following a limited re-consultation exercise in light of the amended submission, the following comments are made:
- 5.15 The Regeneration Manager advises that the reduction in rooms results in a revised financial contribution request of **£63,186.36**.
- 5.16 The Parks Manager advises that the reduction in rooms results in a revised financial contribution request of **£62,304**.
- 5.17 The Operational Manager Transportation advises that he has no further comment to add in light of the amended indicative plans and that the requested financial contribution remains as originally indicated - **£50,000**.

6. **EXTERNAL CONSULTEE RESPONSES**

- 6.1 Welsh Water have no objection subject to a drainage condition and connection

advisories.

- 6.2 Western Power Distribution have been consulted and no comments have been received.
- 6.3 South Wales Police have no objection, subject to advice in respect of crime prevention

7. **REPRESENTATIONS**

Original submission

- 7.1 Local Members were consulted and the following letter of objection has been received:

We are writing to object to this proposal on behalf of residents living in the community.

The application is contrary to local and national planning policy, especially with regard to sustainable, balanced communities, and contrary to local amenity. There is already an abundance of student accommodation in City Road and the surrounding area and this application does not support the need to have a more balanced community as set out in Cardiff Council's Student Accommodation Supplementary Planning Guidance (SPG) 2019.

While students are always a welcome part of the community, the sheer volume creates an imbalance. As councillors we are aware of the impact to our area brought about by great number of students and their need for accommodation. While we have no objection to students and welcome them each year it is recognised that one of the impacts is an imbalance in our community and this has been recognised by the Supplementary Planning Guidance adopted by Cardiff Council in recent years to address this. These policies have begun to work but any further introduction of accommodation specifically used for students would be a backward step in this process.

As the Design and Access statement for the application itself states "in the last 5 years there has been a significant number of PBSA (purpose built student accommodation) developed on or near City Road (para 215, page 14)" This is now an oversaturated and unsustainable market, where PBSAs not even completed are making applications to extend their planning permission to enable renting to non-students.

The oversupply of the PBSA market has been already been acknowledged by Cardiff Council Planning Department. As reported by Wales online in September 2018, in reference to the granting of a permanent change of use application away from student accommodation at 34 Park Place, Council planning officer Lawrence Dowdall said "Cardiff may now have an oversupply of student accommodation - and even larger developments with hundreds of rooms are struggling to be filled."

This ongoing occupancy decline was firmly established by two Market Reports on Cardiff Student Housing undertaken by Savills in June 2018 and October 2018, and accepted as justification for granting the removal of the student occupancy condition for application 18/02469/MJR, also on City Road. The Savills report is available on the planning website for 18/02469/MJR and notes 1,326 beds were opened for new lettings last year, with another 2979 beds with historic planning permissions or resolutions to grant consent. In their summary they conclude that “commercial funders will no longer consider backing PBSA in Cardiff because of this significant oversupply and it is our view that many, if not all, existing larger schemes will no longer be viable.”

This development would add to at least 7 major purpose built student accommodation in or near City Road, which have provided almost 1,000 rooms between them. We therefore consider this proposal for an additional 134 student rooms to be an unsustainable overdevelopment in this already saturated market, contrary to Cardiff Council’s Student Accommodation Supplementary Planning Guidance (SPG) 2019. The SPG purpose states that “deep concentrations of one type of accommodation in small areas can create issues for other residents, particularly in terms of amenity or character of areas. As such, this SPG seeks to present guidance for the balanced development of student accommodation, ensuring they positively contribute to the communities in which they are sited.” An additional 134 student rooms on City Road is not a balanced development contributing to the community, and instead will aggravate this imbalance of students in this area. There is a danger that local retail, commercial, and social facilities will end up being more suited to students rather than the whole of Roath residents.

This proposed development is also contrary to the primary objective of Planning Policy Wales (Edition 10, December 2018) as set out at Paragraph 2.1 the need to “ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales.” Placemaking should be at the heart of the planning system, where proposals “must seek to promote sustainable development” for the “well-being of people and communities across Wales.” This proposal will do nothing for the well-being of local people, businesses and the community.

7.2 The following letter of objection has been received from Jo Stevens MP:

I am writing to object to the above proposal - the application is contrary to local and national planning policy, especially with regard to sustainable, balanced communities, and contrary to local amenity.

If approved, this development would add to at least 7 major purpose built student accommodation in or near City Road, which have provided almost 1,000 rooms between them. We must therefore consider this proposal for an additional 134 student rooms to be an unsustainable overdevelopment in an already saturated market, contrary to Cardiff Council’s Student Accommodation Supplementary Planning Guidance (SPG) 2019. The SPG purpose states that “deep concentrations of one type of accommodation in

small areas can create issues for other residents, particularly in terms of amenity or character of areas. As such, this SPG seeks to present guidance for the balanced development of student accommodation, ensuring they positively contribute to the communities in which they are sited." An additional 134 student rooms on City Road is not a balanced development contributing to the community, and instead will aggravate this imbalance of students in this area. There is a danger that local retail, commercial, and social facilities will end up being more suited to students rather than the whole of Roath residents.

As the Design and Access statement for the application itself states "in the last 5 years there has been a significant number of PBSA {purpose built student accommodation) developed on or near City Road (para 215, page 14)" This is now an oversaturated and unsustainable market, where PBSAs not even completed are making applications to extend their planning permission to enable renting to non-students.

The oversupply of the PBSA market has been already been acknowledged by the Council planning department and seemingly developers, as we have already seen applications in Cardiff to change purpose built student accommodation into more general accommodation due to these rooms not being filled. As reported by Wales online in September 2018, in reference to the granting of a permanent change of use application away from student accommodation at 34 Park Place, a Council planning officer said "Cardiff may now have an oversupply of student accommodation - and even larger developments with hundreds of rooms are struggling to be filled." It is clear that the addition of more rooms of this type would be absolutely unnecessary. I note too that several local residents have raised the issue of congestion and local infrastructure - City Road is an extremely busy road and shopping centre. An additional 134 rooms on this road would add much strain to an already congested area with very limited parking.

7.3 Adjacent occupiers were notified and 29 representations in objection to the proposal were received, citing the following as grounds for objection:

- There is enough student accommodation on City Road;
- The scale damages the skyline of City Road;
- There will be an increase in parking congestion;
- Loss of the Gaiety building;
- There is need for affordable housing and community spaces;
- There is a lack of integration with student accommodation;
- Implementation works will obstruct existing business uses;
- Noise nuisance from people and vehicles;
- Impact on local amenities;
- Increased instances of littering;
- Impact on character of City Road;
- Scale is out of proportion to surroundings;
- Saturation of area with PBSA is contrary to Supplementary Planning Guidance.

- 7.4 The application was publicised as a Major development by way of site and press notice. No comments have been received.

Amended Plans Re-Consultation

- 7.5 Following a re-consultation exercise in light of the amended submission, a further 4 objection representations were received. Of those representations the following additional ground for objection (in addition to matters already raised above) was raised:

- The local Planning Authority should not consider the viability of applicant's business plans.

8. **ANALYSIS**

- 8.1 An amended outline application, with all matters reserved, for the demolition of an existing former cinema building and redevelopment to provide purpose built student residential accommodation of 114 beds, laid out as individual studio rooms (reduced from 134no. beds).

The indicative plans show ground floor commercial floorspace of 265sqm over 2x units, fronting City Road

- 8.2 The application site is located within City Road District Centre as defined by the adopted Local Development Plan proposals map. The application should therefore be assessed against Policy R4: District Centres. Also of relevance is Policy H2: Conversion to Residential Use.

Policy R4 aims to promote and protect the shopping role of district centres and favours retail, office, leisure and community facilities within District Centres. Criterion (iv) permits proposals for uses other than Class A1 at ground floor level if they would not cause unacceptable harm to the predominant shopping role and character of the centre, the vitality, attractiveness and viability of a specific frontage or group of frontages. Paragraph 5.273 of the supporting text recognises that the provision of residential accommodation at upper floors within centres can support their vitality, attractiveness and viability.

Policy H2 favours the conversion of suitable vacant space above commercial premises to residential use in District Centres where adequate servicing and security can be maintained to the existing commercial use; appropriate provision can be made for parking, access, amenity space and refuse disposal and the residential use does no compromise the ground floor use. Paragraph 5.3 of the supporting text recognises that the conversion of empty space above shops to residential use provides a valuable contribution to the city's housing stock and positively contributes to the creation of vibrant, mixed use communities where people live and shop. Centres therefore remain busy and populated beyond business hours, increasing surveillance and providing a market for ancillary uses associated with the night time economy.

The former Gaiety Cinema has remained unused for a number of years and

therefore not contributing to the vitality, viability and attractiveness of the frontage or the centre as a whole. The proposal includes a ground floor commercial frontage (Use Class A1, A2, A3 and D2) which would regenerate the frontage and enhance the vitality, viability and attractiveness of the frontage and the centre as a whole. In addition the provision of student accommodation in the centre would increase footfall and positively benefit the centre's vitality and viability.

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

- 8.4 Whilst it is noted that this is an outline application, with all matters reserved, sufficient information has been submitted to allow the Local Planning Authority arrive at an informed opinion that the scale and massing principles of the development are acceptable. In addition, though not for consideration here, the illustrative plans and elevations provide sufficient confidence that moving forward this site can achieve a form of development that has a positive impact on the quality of the built form and street scene in this area.

The site is located in an area currently dominated by 2-3 storey (third floor in roofspace), with the exception of the adjacent land to the north, where a student accommodation development is practically completed, with heights ranging from 4 to 8 storeys.

The 'in principle' scale and massing of the proposal sees the taller element (6 storeys) sit adjacent to the taller element of the adjacent site (8 storeys), with a four storey element extending south to meet no. 189 City Road and a three storey element forming the rear of the site.

The three storey element has a height approx. 3.6m higher than the ridge to no. 189 City Road, and is set approx. 3.5m off the side elevation of no. 189.

The rear three storey element is set on one side of Northcote Lane. To the opposite side, the majority of the properties benefit from substantial rear outbuildings/garages, which offer some visual screening from their amenity space. The shortest window to window distance in this relationship is approx. 21.3m from the site boundary to the rear annexe elevation of no. 132 Richmond Road.

Having regard for these relationships, and the likely primary views from the north and south along City Road, it is considered that the proposals as amended would not cause such harm to the visual amenity of the area so as to reasonably justify or sustain refusal of consent.

- 8.5 Although not a material consideration in the determination of a planning application, the 'need' for further student accommodation has been raised as a cause for objection. These concerns were brought to the attention of the applicant who, though not obliged to, has provided additional information in support of the proposal. This report is available to view on record and its summary is as follows:

1.6 Summary

- *The application site is a derelict eyesore in continuing decline. There is a pressing need to redevelop the site. The proposals re-use vacant brownfield land and also deliver employment-based commercial uses at a thriving district centre location.*
- *The proposals scale and massing have been revised/reduced. It now provides up to 114 beds over six storeys.*
- *The wider context is one where student numbers in Cardiff continue to grow. There is no compelling, credible evidence of an oversupply of PBSA. The number of bed spaces remains significantly less than the student population. The Council has recognised publicly it cannot refuse an application based on lack of need.*
- *Students are increasingly discerning and well catered for. Increased choice and competition has driven up standards of accommodation.*
- *The redevelopment proposals aim to provide an affordable, viable alternative to HMO accommodation. Theoretically it would obviate the need for c.23 HMOs, easing pressure on family housing.*

8.6 Notwithstanding the above, it should be noted that the recent application to remove the student occupancy stipulation from the adjacent site to the north (1990209 City Road – 18/02469/MJR) was refused by the Local Planning Authority and was subsequently dismissed at appeal.

8.7 The preferred location for student accommodation is the subject of discussion in section 4 of the Council's Supplementary Planning Guidance 'Student Accommodation' (March 2019).

Whilst it is acknowledged that this guidance notes that larger developments can have a significant impact on the immediate surrounding area, it also highlights that student accommodation is more acceptable in sustainable locations either close to or within campuses.

This current site lies within the largest catchment area for the City Centre campuses as identified in the guidance, is within easy walking/cycling distance to the major Faculties and is well served by public transport links.

It is acknowledged that there are either approved student developments, or built/occupied developments on City Road. However there is no evidence that the use of properties actually on City Road (all with commercial ground floor uses) is causing harm to the wider residential demographic of the Plasnewydd Ward due to over intensification.

Given that this site has been unused for a considerable period of time, it is considered that it would be very difficult to sustain any argument that this

proposal has a negative impact on community facilities, bearing in mind that the proposals include ground floor commercial units that would be publicly accessible.

In this regard, it is considered that there are insufficient grounds to justify or sustain refusal of consent.

8.8 With regard to conditions requested, but not recommended:

- The drainage conditions requested by the Highways Drainage Manager are noted. However the information requested is required to establish an acceptable form of development in respect of sustainable drainage and, though warranting due consideration are not required to make the proposals acceptable in planning terms. In addition, given the outline nature of this application, with all matters reserved, it is considered that the addition of the standard SuDS advisory (Recommendation 8 above), is considered appropriate;
- The request for an hours of delivery condition from Shared Regulatory Services is noted. However, given the context of the site, within a well established District Centre, with many premises in close proximity that would benefit from unrestricted delivery times, it is considered that to impose such a condition on this site in isolation would be overly onerous and open to challenge.

8.9 With regard to matters raised in objection not discussed above, the following comments are made:

- The proposals have been considered by the Operational Manager Transportation, who has no objection on parking or highway safety grounds;
- The loss of the Gaiety building has been established under application 18/02382/MNR. Whilst the loss of the City Road façade is unfortunate, this is not a valid reason to refuse consent;
- Whilst there may well be a need for affordable housing and/or community space, the Local Planning Authority have a duty to consider the application before it;
- Whilst it is acknowledged that there may be local disruption during any implementation phase (should consent be granted), this is not unusual in such circumstances and cannot be presented as grounds for refusal of consent;
- There is no evidence that the occupancy of any development on this site would cause litter;
- The current Supplementary Planning Guidance 'Planning Obligations' permits the submission of viability assessments, which are independently scrutinised and are a material consideration that the Local Planning Authority must have regard to in making its recommendations/decisions. It should be noted that no such submission is made in respect of this application.

9. OTHER CONSIDERATIONS

- 9.1 *Equality Act 2010* – The Equality Act 2010 identifies a number of ‘protected characteristics’, namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council’s duty under the above Act has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic.
- 9.2 *Well-Being of Future Generations Act 2016* – Section 3 of this Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.
- 9.3 *Crime and Disorder Act 1998* – Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

10. PLANNING OBLIGATIONS

- 10.1 The following contribution requests have been made, with reference made to the Community Infrastructure Levy tests (and having regard for the amended submission):

Parks – A contribution of **£62,304** is requested towards the maintenance/provision of open space in the vicinity of the site.

Regeneration – A contribution of **£63,183.36** is requested towards the provision/maintenance of community facilities in the vicinity of the site.

Transportation – A contribution of **£50,000** is requested, towards Traffic Regulation Orders in the vicinity, and the provision of a pedestrian crossing close to the site on City Road.

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

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

11. **CONCLUSION**

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



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CHIEF EXECUTIVE

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Cardiff Council



Title 19/03022/MJR 195-197 City Road

Scale: 1:1250

Date: 12/2/2020 at 7:57 AM

Coordinates:

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Ordnance Survey 100023376 (2014).

195 - 197 City Road
Proposed student accommodation
Site location plan

S01

Key

 Application boundary



North



A100414[ST2]S01
File reference: A100414[ST2]drf[S]01_v3

Scale: 1:2500 @ A3
Date: 11 December 2018

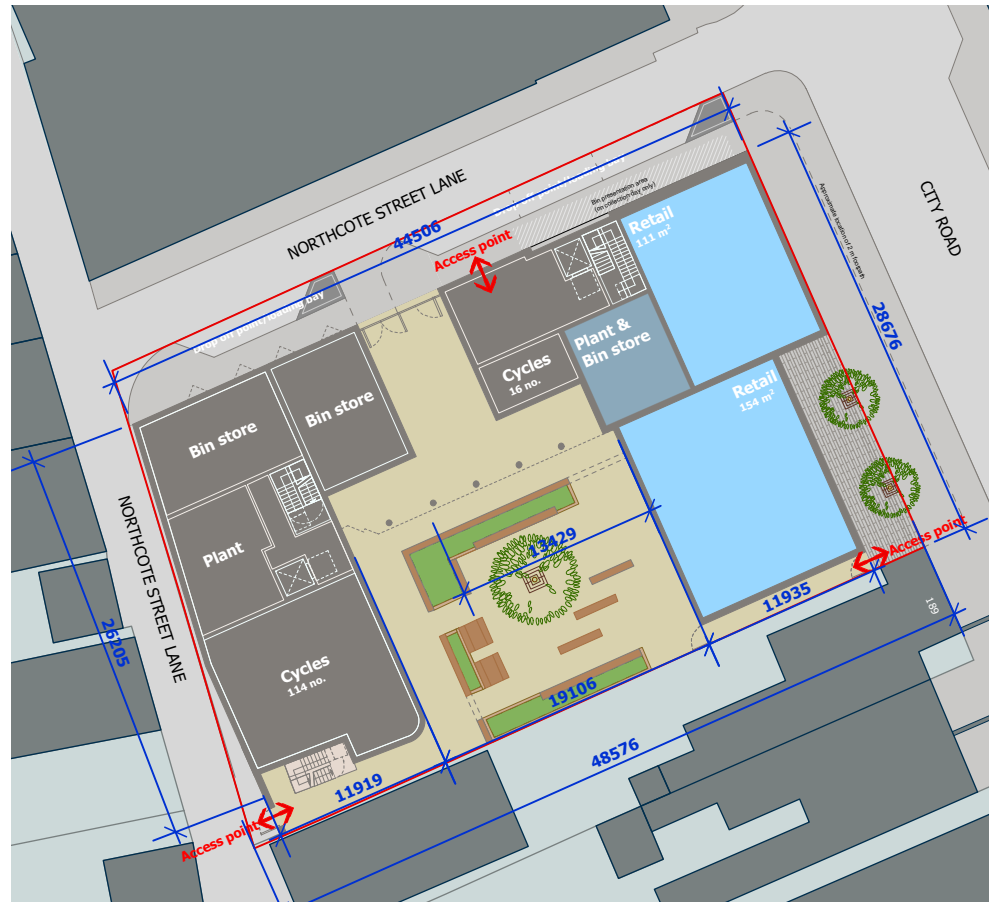
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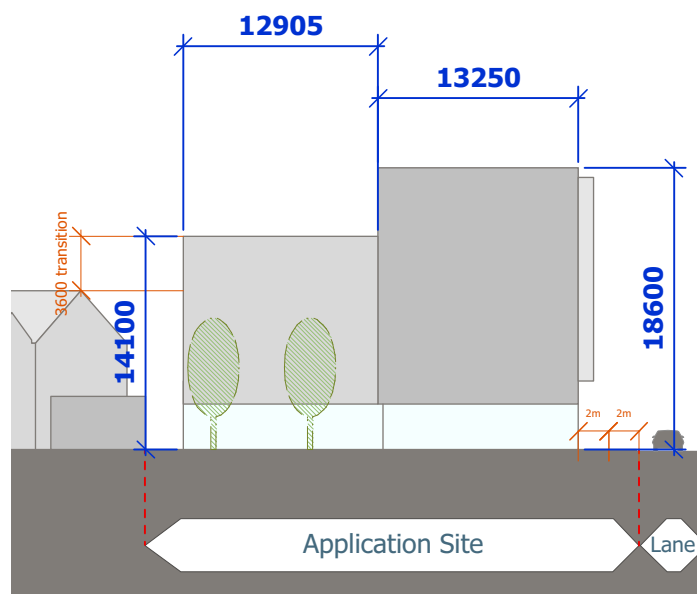
195 - 197 City Road
Proposed student accommodation
Illustrative:
 Parameters

11

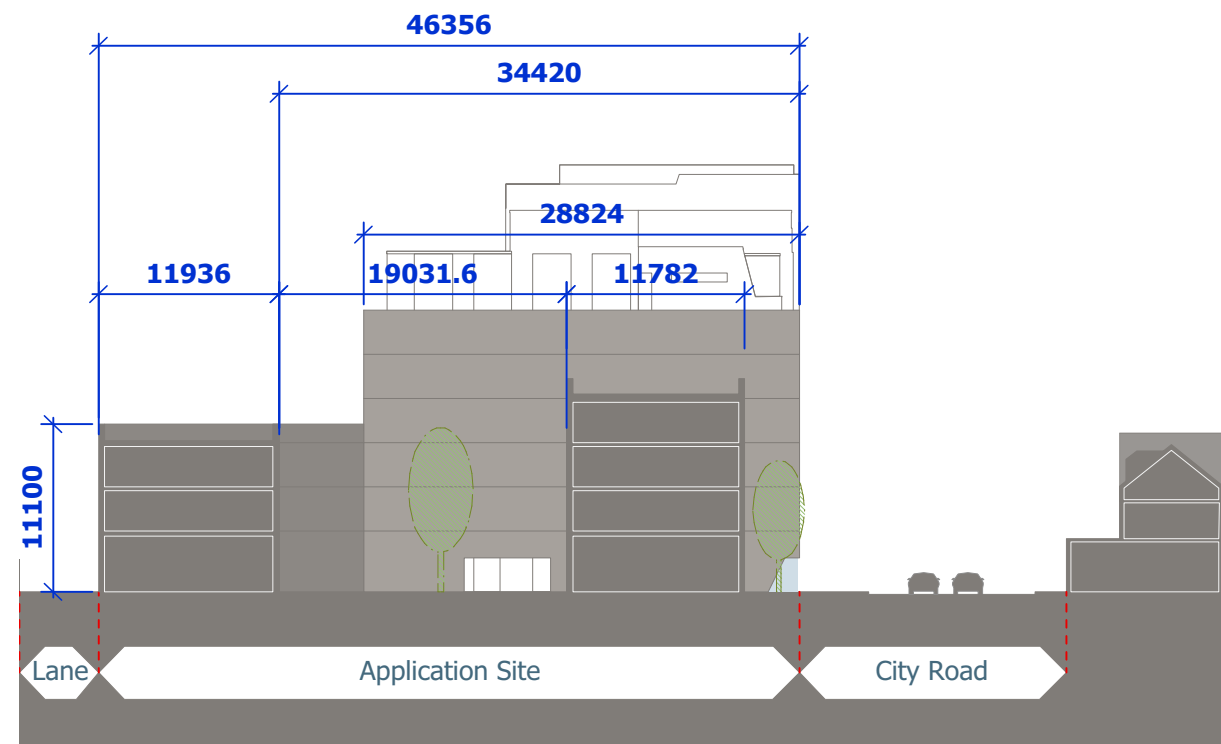


Illustrative - Ground floor plan

| | |
|---------|-------------|
| Height: | 11 m - 19 m |
| Width: | 29 m - 29 m |
| Length: | 45 m - 49 m |



Illustrative - Elevation



Illustrative - Section

195 - 197 City Road
Proposed student accommodation
Illustrative - Ground floor plan

01

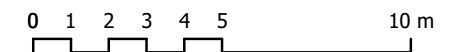
Unit Schedule

| | |
|--------|---|
| First | 31 en-suite bedrooms (in 5 cluster flats) |
| Second | 31 en-suite bedrooms (in 5 cluster flats) |
| Third | 18 en-suite bedrooms (in 3 cluster flats) |
| Fourth | 12 en-suite bedrooms (in 2 cluster flats) |
| Fifth | 12 en-suite bedrooms (in 2 cluster flats) |

Total 114



North



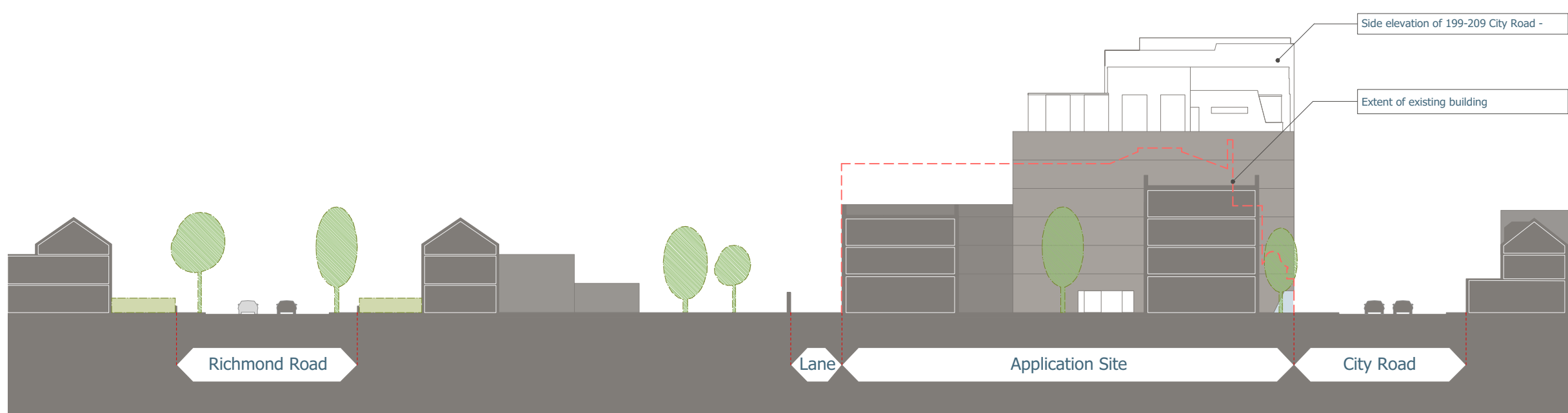
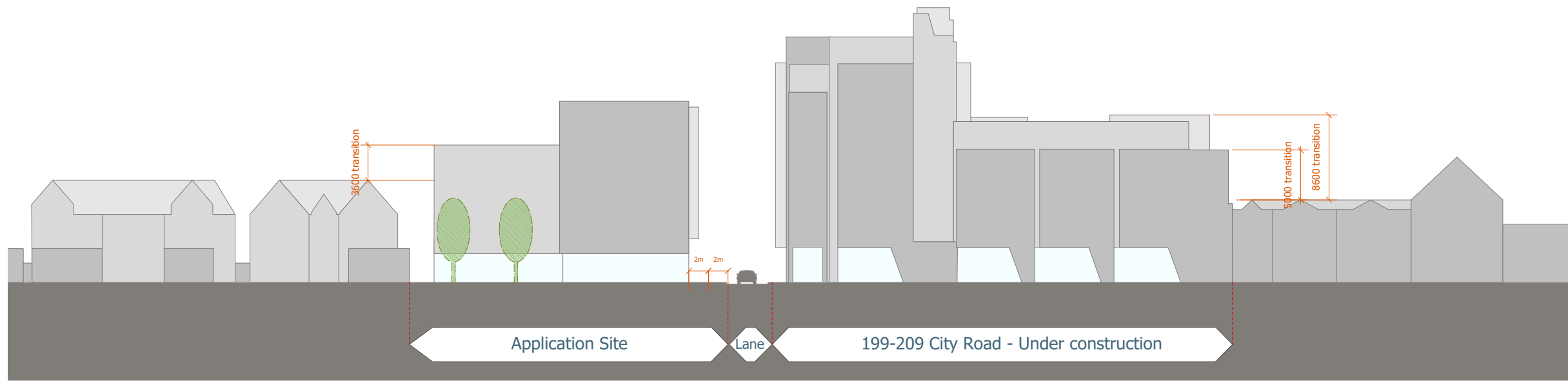
A100414[ST3]01 Revision A
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Scale: 1:200 @ A3
 Date: 30 September 2019

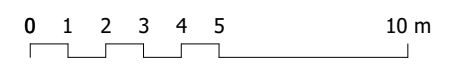
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195 - 197 City Road
Proposed student accommodation
Illustrative:
 Elevation & Section



North



A100414[ST3]08 Revision A
 File reference: A100414[ST3]drf01_v2

Scale: 1:500 @ A3
 Date: 30 September 2019

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195 - 197 City Road
Proposed student accommodation
Illustrative:
Views 01



A100414[ST3]09 Revision A
File reference: A100414[ST3]drf01_v2

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195 - 197 City Road
Proposed student accommodation
Illustrative:
Views 02



A100414[ST3]10 Revision A
File reference: A100414[ST3]drf01_v2

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