

PETITION

COMMITTEE DATE: 16/12/2020

APPLICATION No. **20/01952/MJR** APPLICATION DATE: 01/10/2020

ED: **PLASNEWYDD**

APP: TYPE: Outline Planning Permission

APPLICANT: Ventura Developments and Holding Ltd

LOCATION: THE ROATH PARK, 170 CITY ROAD, ROATH, CARDIFF,
CF24 3JE

PROPOSAL: PROPOSED DEMOLITION OF EXISTING BUILDING, WITH
CONSTRUCTION OF MULTI- LEVELLED BUILDING, WITH
RESIDENTIAL UNITS ON UPPER FLOORS AND RETAIL USE
ON GROUND FLOOR AND BASEMENT

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

1. The proposed scale of the building would be out of keeping with the scale of surrounding buildings and would constitute an over-dominant and incongruous feature in the street scene, to the detriment of visual amenity and contrary to policy KP5(i and xii) of the Cardiff Local Development Plan, Supplementary Planning Guidance "Cardiff Infill Sites" (November 2017), Supplementary Planning Guidance "Tall Buildings" (January 2017), and Planning Policy Wales Technical Advice Note 12 - Design (March 2016).
2. The development would be detrimental to residential amenity in that a building of the height proposed would appear obtrusive and overbearing when viewed from neighbouring properties, contrary to policy KP5(x) of the Cardiff Local Development Plan.
3. The nature and location of the building to be demolished suggest that there is a reasonable likelihood of an impact upon roosting bats. In the absence of a bat survey relating to this site it is not possible to assume that the proposed development would have no negative implications for bat species and therefore approval of the application would be contrary to policy EN7 of the Cardiff Local Development Plan and paragraphs 6.4.3, 6.4.4, 6.4.5, 6.4.22 and 6.4.23 of Planning Policy Wales (edition 10).
4. The proposal, by virtue of the nature of the proposed development and the number of proposed residential units, meets the thresholds and criteria set out in policies KP6, H3 and C5 of the Cardiff Local Development Plan and Supplementary Planning Guidance 'Planning Obligations' (January 2017) for the provision of affordable housing, community facilities and functional open space but the proposal does not

include appropriate affordable housing or functional open space on site or an acceptable scheme for alternative off-site provision, or confirmation from the relevant parties that they are willing to provide a financial contribution in lieu of such provision and in fulfilment of the requirements for contributions relating to community facilities, or a satisfactory viability appraisal setting out how the developer is unable to meet the full policy requirements, and is therefore contrary to policies KP6, KP7, H3 and C5 of the Cardiff Local Development Plan and Cardiff Supplementary Planning Guidance "Planning Obligations" (January 2017).

1. DESCRIPTION OF PROPOSED DEVELOPMENT

1.1 The application is for outline planning permission for the demolition of a three storey public house with attached single storey skittle alley and its replacement with a multi-storey building which would have retail uses at basement and ground floor level and 7 storeys of residential units (around 37 flats) above.

1.2 The application is in outline, with all matters of detail (i.e. access, appearance, landscaping, layout and scale) reserved for future consideration. However, illustrative plans and photomontages have been submitted which show the applicant's intentions with regard to the appearance, layout and scale of future development. Where scale is a reserved matter, applications for outline planning permission must state the upper and lower limit for the height, width and length of each building included in the development proposed. In this case the following parameters have been provided:

Height - upper limit (including lift shafts) 24.8m; lower limit 13.8m.

Width – 10.5 to 12.3m.

Length - (including both frontages) 45 to 46.5m.

1.3 The illustrative plans and photomontages show a building on the same general footprint as the existing public house, at its tallest on the City Road frontage and reducing in height as it runs along Kinraig Street. It would be separated from the terraced housing on Kinraig Street by the existing alleyway, which would provide access to a rear courtyard. The corner of the building would be emphasised by balconies surrounded with a coloured cladding element. A flat roof area surrounded by 1.8m high translucent panels on one of the upper floors would provide amenity space for the occupants. Most of the units on the upper floors would have small balconies set into the elevations. A mix of external materials (facing brick, render and cladding) would be used, set at slightly differing planes. Roofs would be flat.

2. DESCRIPTION OF SITE

2.1 The application site lies within the City Road District Shopping Centre, at the corner of City Road and Kinraig Street, and contains a three storey, late Victorian public house, the Roath Park, which is currently vacant. The building is part of a terrace fronting onto City Road, the adjoining units to the south being

two storeys in height and containing a mix of uses (including a restaurant, retail shop and commercial office) with residential flats above.

- 2.2 The building steps down to a single storey element (which contains the skittle alley) in Kingcraig Street, which is a residential street containing Victorian terraced houses. The skittle alley building is separated from the residential terrace by a 2.5m wide gap which contains the side access to the adjacent dwellinghouse and a gated access to the rear yard of the public house, separated by a stone wall.

3. **SITE HISTORY**

- 3.1 98/01400/W - Extend into yard with new skittle alley and upgrade toilets with new disabled w.c. facility.

4. **POLICY FRAMEWORK**

- 4.1 *Cardiff Local Development Plan 2006-2021:*
KP5 (Good Quality and Sustainable Design);
KP6 (New Infrastructure);
KP7 (Planning Obligations);
KP13 (Responding to Evidenced Social Needs);
KP16 (Green Infrastructure);
H3 (Affordable Housing);
H6 (Change of Use or Redevelopment to Residential Use);
EN7 (Priority Habitats and Species);
EN10 (Water Sensitive Design);
EN13 (Air, Noise, Light Pollution and Land Contamination);
T5 (Managing Transport Impacts);
R1 (Retail Hierarchy);
R4 (District Centres);
C1 (Community Facilities);
C2 (Protection of Existing Community Facilities);
C3 (Community Safety/Creating Safe Environments);
W2 (Provision for Waste Management Facilities in Development).
- 4.2 *Supplementary Planning Guidance:*
Waste Collection and Storage Facilities (October 2016).
Tall Buildings (January 2017).
Cardiff Residential Design Guide (January 2017).
Planning Obligations (January 2017).
Cardiff Infill Sites (November 2017).
Green Infrastructure (November 2017).
Managing Transportation Impacts (Incorporating Parking Standards) (2018).
- 4.3 *Planning Policy Wales (Edition 10 – December 2018):*
2.2 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.
3.3 Good design is fundamental to creating sustainable places where people

want to live, work and socialise. To achieve sustainable development, design must go beyond aesthetics and include the social, economic, environmental, cultural aspects of the development, including how space is used, how buildings and the public realm support this use, as well as its construction, operation, management, and its relationship with the surrounding area.

3.4 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.

3.6 Development proposals must address the issues of inclusivity and accessibility for all.

3.9 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.

3.11 Local authorities are under a legal obligation to consider the need to prevent and reduce crime and disorder in all decisions that they take.

3.21 The planning system must consider the impacts of new development on existing communities and maximise health protection and well-being and safeguard amenity. This will include considering the provision of, and access to, community and health assets, such as community halls, libraries, doctor's surgeries and hospitals. Health impacts should be minimised in all instances, and particularly where new development could have an adverse impact on health, amenity and well-being. In such circumstances, where health or amenity impacts cannot be overcome satisfactorily, development should be refused.

4.1.31 Planning authorities must ensure new housing, jobs, shopping, leisure and services are highly accessible by walking and cycling.

4.1.34 New development must provide appropriate levels of secure, integrated, convenient and accessible cycle parking and changing facilities. As well as providing cycle parking near destinations, consideration must also be given to where people will leave their bike at home.

4.1.36 Planning authorities must direct development to locations most accessible by public transport. They should ensure that development sites which are well served by public transport are used for travel intensive uses, such as housing, jobs, shopping, leisure and services, reallocating their use if necessary.

4.1.37 Planning authorities must ensure the layout, density and mix of uses of new development support the use of public transport and maximise accessibility potential. In particular, higher densities and mixed-use development should be encouraged in areas highly accessible by public transport.

4.1.53 Parking standards should be applied flexibly and allow for the provision of lower levels of parking and the creation of high quality places.

4.2.22 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.

4.2.23 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.

4.2.25 A community's need for affordable housing is a material planning consideration which must be taken into account in formulating development plan policies and determining relevant planning applications.

4.2.29 Where development plan policies make clear that an element of affordable housing or other developer contributions are required on specific sites, this will be a material consideration in determining relevant applications. Applicants for planning permission should therefore demonstrate and justify how they have arrived at a particular mix of housing, having regard to development plan policies. If, having had regard to all material considerations, the planning authority considers that the proposal does not contribute sufficiently towards the objective of creating mixed communities, then the authority will need to negotiate a revision of the mix of housing or may refuse the application.

4.3.30 Although retailing (A1) uses should underpin retail and commercial centres, it is only one of the factors which contribute towards their vibrancy.

4.3.34 Leisure and entertainment, and food and drink uses can benefit retail and commercial centres, and with adequate attention to safeguarding amenities can contribute to a successful evening economy. In addition to general diversity of uses, mixed use developments, which combine retailing with entertainment, restaurants and, where appropriate, residential in a comprehensive and planned way should also be encouraged where appropriate to promote lively centres during both the day and the evening.

4.3.40 Local and village shops, and public houses provide an important role in the local community and their loss can have a detrimental impact, particularly in rural locations.

4.3.41 The economic and social function of local shops, village shops and public houses should be taken into account when considering applications for a change of use into residential or other uses.

5.12.9 Adequate facilities and space for the collection, composting and recycling of waste materials should be incorporated into the design and, where appropriate, layout of any development as well as waste prevention measures at the design, construction and demolition stage.

6.4.3 The planning system has a key role to play in helping to reverse the decline in biodiversity and increasing the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms are in place to both protect against loss and to secure enhancement. Development plan strategies, policies and development proposals must consider the need to:

- support the conservation of biodiversity, in particular the conservation of wildlife and habitats;
- ensure action in Wales contributes to meeting international responsibilities and obligations for biodiversity and habitats;
- ensure statutorily and non-statutorily designated sites are properly protected and managed;
- safeguard protected and priority species and existing biodiversity assets from impacts which directly affect their nature conservation interests and compromise the resilience of ecological networks and the components which underpin them, such as water and soil, including peat;
- secure enhancement of and improvements to ecosystem resilience by improving diversity, condition, extent and connectivity of ecological networks.

6.4.4 It is important that biodiversity and resilience considerations are taken into account at an early stage in both development plan preparation and when proposing or considering development proposals. All reasonable steps must be taken to maintain and enhance biodiversity and promote the resilience of ecosystems and these should be balanced with the wider economic and social needs of business and local communities. Where adverse effects on the environment cannot be avoided or mitigated, it will be necessary to refuse planning permission.

6.4.5 Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity.

6.4.22 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. An ecological survey to confirm whether a protected species is present and an assessment of the likely impact of the development on a protected species may be required in order to inform the development management process.

6.4.23 Developments are always subject to the legislation covering European protected species regardless of whether or not they are within a designated site.

6.6.17 New developments of more than one dwelling or where the area covered by construction work equals or exceeds 100 square metres also require approval from the SuDS Approval Body (SAB) before construction can commence. Adoption and management arrangements, including a funding mechanism for maintenance of SuDS infrastructure and all drainage elements are to be agreed by the SAB as part of this approval. This will ensure that SuDS infrastructure is properly maintained and functions effectively for its design life.

6.6.18 The provision of SuDS must be considered as an integral part of the design of new development and considered at the earliest possible stage when formulating proposals for new development.

4.5 *Technical Advice Note 12 - Design (March 2016):*

5.11.2 Development proposals, in relation to housing design should aim to: create places with the needs of people in mind, which are distinctive and respect local character; promote layouts and design features which encourage community safety and accessibility; focus on the quality of the places and living environments for pedestrians rather than the movement and parking of vehicles; avoid inflexible planning standards and encourage layouts which manage vehicle speeds through the geometry of the road and building; promote environmental sustainability features, such as energy efficiency, in new housing and make clear specific commitments to carbon reductions and/or sustainable building standards; secure the most efficient use of land including appropriate densities; consider and balance potential conflicts between these criteria.

5.11.3 The design of housing layouts and built form should reflect local context and distinctiveness, including topography and building fabric. Response to context should not be confined to architectural finishes. The important contribution that can be made to local character by contemporary design, appropriate to context, should be acknowledged.

6.16 The appearance and function of proposed development, its scale and its relationship to its surroundings are material considerations in determining planning applications and appeals. Developments that do not address the objectives of good design should not be accepted.

5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 *Transportation:* No car parking is proposed, which is acceptable. However, residents would not be eligible for residential parking permits. A cycle parking area is illustrated, although this looks tight in terms of manoeuvring/access space. Cycle parking needs to be covered and secure, and provided at a rate of one space per bedroom for the residential. Minimum horizontal spacings are 0.5m (1m gaps between Sheffield stands). There also needs to be staff/visitor parking for the retail unit, per the SPG. A cycle parking condition is recommended.
- 5.2 Cardiff Council have aspirations for public realm/footway improvements on City Road, and have secured s106 contributions from other schemes, and it would seem appropriate for this development to do likewise. I would be looking for footway improvements for the length of the Kinraig St frontage as well, which can be incorporated in the s106 figure. If there is deemed to be any reason that this s106 contribution cannot be sought there would need to be a planning condition relating to footway improvements around the site.
- 5.3 *Waste Strategy & Minimisation Officer:* The proposed waste and recycling storage area has been noted, however in a mixed development commercial and domestic waste must not be mixed. Two separate areas for the storage of waste and recycling need to be identified on the submitted plan. Please ensure these areas are documented on future plans. Guidelines for every 10 apartments are as follows
- 1 x 1100 litre bin for general waste
 - 1 x 1100 litre bin for recycling
 - 1 x 240 litre bin for food waste.
- 5.4 A designated area for the storage of bulky waste is now a compulsory element of all communal bin stores. The City of Cardiff Council offers residents a collection service, for items which are too large to be disposed of in general waste bins (i.e. fridges, televisions, mattresses etc.). There must be a designated area where these items can be left, with appropriate access to allow Council collection crews to remove. This area will prevent unwanted waste being left in the communal bin store or other areas, thereby improving the aesthetics of the site.
- 5.5 The developer is advised; as bulk containers are specified for this development, access paths to the kerbside for collection should be at least 1.5 metres wide,

clear of obstruction, of a smooth surface with no steps. Dropped kerbs should also be provided to ensure safe handling of bulk bins to the collection vehicle. The maximum distance that crews are expected to pull bins is 25m if the distance from the bin store to the refuse vehicle is further than this then a collection point near the access would have to be designated and details of who would be responsible for moving the bins to and from the collection point would need to be provided.

- 5.6 *Housing Development & Enabling*: In line with the Local Development Plan (LDP), Policy H3 an affordable housing contribution of 20% of the 37 units (7 units) is sought on this brown-field site. Our priority is to deliver on-site affordable housing, in the form of affordable rented accommodation, built to Welsh Government Development Quality Requirements. However, given the proposed design of the scheme, the practicality of managing and maintaining affordable housing on-site for a Registered Social Landlord may be unsustainable. On that basis we would be prepared to accept a financial contribution in lieu of on-site affordable housing provision. On the basis of the above, we would seek a financial contribution of **£485,982** in lieu of 7 x 1 bedroom flats, which is calculated in accordance with the formula in the Planning Obligations – Supplementary Planning Guidance (SPG)(2017).

Housing Waiting List Figures (1/7/20) – Plasnewydd

1 bed – 806

2 bed – 393

**applicants registered for this area; applicants can register for more than one area*

- 5.7 *Drainage*: No comments received.
- 5.8 *Pollution Control (Noise & Air)*: No objections subject to the approval of a Demolition and Construction Environment Management Plan prior to commencement, a noise report detailing the noise emissions from local sources (plant noise, road traffic and daytime and night time noise levels from the activities of the existing and proposed nearby commercial units), and any works required to the proposal to ameliorate their effects, a scheme of sound insulation works to the floor/ceiling structure between the proposed A3 ground floor development and the first floor, restrictions on delivery times to the A3 element and limits on the brightness of any illuminated advertisements.
- 5.9 *Neighbourhood Regeneration (Community Facilities)*: With larger scale outline applications, we would as a standard request a set £1,291.38 per dwelling, where the number of bedrooms is unknown. However, in this instance most dwellings will only have one bedroom. The standard contribution for a one-bedroom dwelling is £720.51. If possible the Section 106 agreement should state that a contribution is to be made in line with the 2017 SPG, the amount to be determined once the relevant reserved matter is approved.

6. **EXTERNAL CONSULTEES RESPONSES**

- 6.1 None.

7. **REPRESENTATIONS**

7.1 The application has been advertised by site notice and neighbour notification. More than 100 individual representations have been received, objecting to the proposals for the following reasons:

1. Loss of part of the city's built heritage. The existing building should be re-used not demolished. It is the last Victorian pub on City Road. The proposed development would further erode the Victorian character of the street and the area. Cadw should consider listing the building, or the area should be considered a conservation area. The building should be retained and preserved for future generations as an important link to local history. Every development like this diminishes the city's reputation as a place of individual character.
2. Damage to local culture and amenity. This is one of the only pubs in the area that caters predominantly to local residents, not students. It provides an opportunity for socialising out of the city centre. It is also one of a dwindling number of places where cultural events can happen. Local pubs also have cultural and social significance within British culture as a whole.
3. The pub is not necessarily unviable – Brains have allowed it to decline but there are numerous examples of other pubs that have been revitalised by investment and/or the introduction of mixed uses.
4. Old traditional pubs such as this attract visitors and make a contribution to the local economy that goes well beyond the direct contribution made through their taxes, jobs and business rates.
5. There are already too many one bedroom units and HMOs in this area and many recently built student flats remain uninhabited. What the community needs is family accommodation, affordable housing and employment opportunities, not more student housing. Demand for student accommodation, particularly of this type which would be affordable only to wealthy overseas students, is falling and may not recover post – COVID. 6. The flats would be likely to be turned into another illegally unlicensed HMO.
7. The nature of the accommodation will attract a high proportion of Buy to Let landlords, resulting in a temporary population who are not committed to the local community.
8. There are derelict buildings in the area that should be redeveloped instead.
9. The applicant has made no attempt to consult with the local community.
10. The construction will not bring new jobs and business to the area, in the same way that the two Student Castles further down the same street did not inject further revenue into the local area in the way developers pledged.
11. Recent developments have increased population density in the area, which has had negative impacts in terms of serious crime and anti-social behaviour.
12. The development will put undue strain on nearby doctors, dentists and other public services.
13. There will be a negative effect on house prices.
14. There will be an increase in litter and fly tipping which is already a major

- problem in the area.
15. Building works will cause congestion and noise.
 16. The area lacks sufficient parking capacity for 37+ additional occupants and their visitors and already suffers greatly from illegal parking issues at the junction next to the Roath Park.
 17. Increased demand for parking from new residents may reduce available space for customers of nearby businesses, which are already struggling.
 18. Increased traffic on City Road leading to more congestion and a reduction in highway safety – vehicles delivering to the ground floor businesses are likely to park across the pedestrian crossing next to the site and there isn't the infrastructure to cycle safely, especially for families.
 19. There is a problem with bike security in this area.
 20. There appears to be little to no grass, trees or plant life included in the scheme. There should be significant planting to absorb pollution and offset carbon.
 21. Not providing a place to securely park and charge their vehicle means these developers are denying all future occupants the option of purchasing an electric vehicle and will detract from the good work Cardiff Council has made in sustainability.
 22. Future residents would have a poor living environment due to fumes etc from nearby restaurants, noise and lack of communal space.
 23. Loss of light to adjacent residents on City Road and Upper Kingcraig Street as a result of an overbearing building.
 24. Loss of privacy to adjacent residents.
 25. Increased noise from residents and traffic due to the proposed number of apartments.
 26. The proposed building is unattractive and will look outdated and tired within 10 years.
 27. The proposal is out of keeping with adjacent housing. It is too tall, and the blue cladding is at odds with the brickwork that dominates the street scene. The design is wildly out of character with those buildings around it and inappropriate for the mostly residential area.
 28. Other tall, out-of-keeping buildings in the area should not set a precedent for more. The other few tall buildings on City Road are clearly disconnected from the proposed development location. High rise is pooled around the junction with Newport Road. This proposal, not surrounded by any other tall buildings, just low-rise terraces, creates an unattractive contrast and overbearing feel. The other existing and proposed mid-rises in the area on the Northern end of City Road also create this feel and this should not be repeated.
 29. The application lacks vital details such as number of flats and potential residents etc.
 30. There is no factor of sustainable design in the proposal - nothing to increase energy efficiency.
 31. The development is a clearly aggressive attempt to gentrify this culturally diverse area and price out local residents.
 32. The development is another opportunity for this agency to exploit students by providing unsafe and overpriced accommodation.
 33. Another Labour Council will not get voted for if more gross and needless

apartments are put up.

34. Other new builds in the area that obtained planning under the guise of student accommodation are now stealthily changing to private, which increases the car using population and parking demand.

7.2 Cardiff Civic Society has submitted the following objections:

- a) This handsome Victorian building is an integral part of the fabric of the neighbourhood, and should be preserved.
- b) The proposed block of flats is inappropriate for this site as it is jarring in design, is out-of-character with nearby buildings, and does nothing to enhance the environment.
- c) The proposed building is three storeys higher than any other building in the vicinity, and will adversely affect the character of the neighbourhood..
- d) The increased traffic will also exacerbate poor air quality in this part of the city.

7.3 A petition of 266 signatures has also been submitted. The petition states that the signatories “strongly object to planning application 20/01952/MJR to demolish the Roath Park pub and replace it with a multi-levelled building with residential units on upper floors and retail use on the ground floor and basement.”

8. **ANALYSIS**

8.1 The application site is located within the City Road District Centre as defined by the adopted Local Development Plan Proposals Map. Policy R4: District Centres is therefore relevant to an assessment of the proposal. Policy R4 aims to promote and protect the shopping role of District Centres and favours retail, office, leisure and community facilities. 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.

8.2 This proposal incorporates retail uses at ground floor level, which will provide an active frontage on City Road. In addition the provision of residential accommodation in the centre would increase footfall and positively benefit the centre’s vitality and viability.

8.3 Policy H6 of the Local Development Plan (Change of Use or Redevelopment to Residential Use) permits the redevelopment of redundant premises where: there is no overriding need to retain the existing use of the premises and no overriding alternative local land use requirement; the resulting residential accommodation and amenity will be satisfactory; there will be no unacceptable impact on the operating conditions of existing businesses; necessary community and transportation facilities are accessible or can be readily provided or improved; and it can be demonstrated that the change of use to a more sensitive end use has been assessed in terms of land contamination risk and that there are no unacceptable risks to the end users.

8.4 This proposed development’s location within a district centre would provide readily accessible community and sustainable transportation facilities for future

residents and would also positively contribute to the aims of Policy R4. As such, the proposal raises no land use policy concerns in principle.

- 8.5 As the application includes the demolition of a building, the proposal must be considered in relation to Table 2 in section 1.5.1 of the Ecology and Biodiversity section of the approved Green Infrastructure SPG, which sets out the criteria used for deciding when a bat survey is needed. In this instance, the nature and location of the building suggest that there is a reasonable likelihood of an impact upon roosting bats, therefore the application should be supported by a bat survey to determine if this is the case. However, there is no indication that a bat survey has been carried out and therefore it is not possible to determine that there would be no harm to bats (which are European Protected Species) and that the development would accord with LDP policy EN7 (Priority Habitats and Species); approval of the application would therefore be contrary to the requirements of the adopted Green Infrastructure SPG as well as Planning Policy Wales, particularly paragraphs 6.4.5 and 6.4.22, and the Council's obligation under the Environment (Wales) Act 2016, which imposes a duty on the Local Authority to seek to maintain and enhance biodiversity in the proper exercise of its functions. Paragraph 3.33 of the 'Infill Sites' SPG advises that:

'The Green Infrastructure SPG (2017) explains the actions which should be undertaken if protected species such as bats and nesting birds are present on a site. It is important that no works are undertaken until the necessary investigations have taken place. Surveys should be carried out by suitably qualified, experienced and licensed surveyors in accordance with published guidance and best practice. If EPS are likely to be affected by the proposals, the planning application should include details of all the mitigation that will be put in place to offset the anticipated impacts.'

- 8.6 There are also a number of serious concerns regarding the scale and indicative appearance of the development. The application is for outline planning permission with all details of layout, scale, appearance, access and landscaping reserved for future consideration. However, applicants are obliged to submit details of the maximum and minimum dimensions of the proposed development, and in this case the applicant has also submitted indicative plans and elevations. These show that the building would be up to 24.8m tall, 12.3m wide and 46.5m long and is intended to contain 37 flats over 7 storeys above a ground floor/basement commercial unit.

- 8.7 The scheme should be assessed against the Infill Sites SPG and, as the proposed building would be more than twice the height of neighbouring buildings and located away from the city centre, the Tall Buildings SPG.

- 8.8 The Infill Sites SPG states that:

'All development must be of good design and make a positive contribution to the adjacent townscape/landscape. This should come about following a clear vision for the project identified after a detailed analysis of what is appropriate for the context. The design response may be expressed in a number of ways but should always make a positive contribution to the context of the area.' (para.

2.3)

'Infill development needs to be sensitive to its context.' (para. 3.8)

'Infill development should take account of and respond to existing building heights (number of storeys and floor to ceiling heights), scale and massing of buildings in the street.' (para. 3.18)

'Some appropriate sites may be able to accommodate slightly taller buildings where they make positive contribution to the street scene, such as corner sites, on primary routes, and in higher density areas with variation in heights and massing. Where a taller building is proposed, the end treatment should relate sensitively to the heights of the adjacent buildings so that the rhythm of the street is not interrupted. This will often result in an appropriate reduction of height. The use of sympathetic elevational treatments can be used to relate innovative or modern designs with a more traditional context. Roofs should remain in proportion with those in surrounding buildings to create a successful transition between new and existing development.' (para. 3.20)

'Infill, backland development and site redevelopment can help to increase the efficiency of land and reduce demand for greenfield sites as outlined in PPW and Cardiff Local Development Plan, Policy KP5. However, the density of development, both in terms of scale and massing, as well as the number and type of units, should vary according to the site character and context and must respond sensitively to the scale, form and massing of existing development in the area.' (para. 3.21)

8.9 The 'Tall Buildings' SPG advises that:

'In areas outside the city centre, buildings tend to be far lower. Buildings which are double or more than double height of surrounding properties or significantly taller in terms of actual height and number of floors, would be considered tall in this context. Tall buildings outside the city centre are unlikely to be supported unless they can be demonstrated as meeting all of the criteria outlined in this SPG.' (para. 1.14)

'All tall building proposals must demonstrate that:

- *There would be no negative impacts on important views or vistas.*
- *The character or setting of heritage assets is not harmed.*
- *The proposal will be a positive feature in skyline & streetscape, either by complementing a cluster of tall buildings or forming a strategic landmark.*
- *No material harm is caused by overshadowing or overlooking.*
- *There will be walking and cycling accessibility to sustainable transport and local facilities.'* (para. 2.2)

'The form of the building must have a positive effect on the skyline and where appropriate, aid the legibility of the townscape, for example by providing a terminating landmark to a vista (without compromising other criteria).' (para. 6.8)

- 8.10 The 'Tall Buildings' SPG also advises that:
'The submission of an outline application for a tall building will not normally be appropriate given the requirement for detailed information to allow the application to be adequately assessed.' (para. 9.5).
- 8.11 The building would sit on a very narrow plot on a busy street corner and would be very significantly larger than other buildings in the locality. It would be extremely prominent in the City Road townscape in views from both north and south and this level of prominence would be out of scale and character with other development in the immediate context. The application site is not in an area where taller buildings are being encouraged. The development would not respond sensitively to the scale of existing development in the area, and would introduce a negative feature to the skyline and streetscape. It would therefore be contrary to the requirements of the Infill Sites and Tall Buildings SPGs as quoted above, and is considered unacceptable.
- 8.12 A building of this height would also have an adverse impact on the amenities of residents of neighbouring properties. The 'Infill Sites' SPG states that:
'Any infill, backland or site redevelopment must consider both the new and future occupiers' amenity, as well as the amenities available to neighbouring residents.' (para. 4.1); and
'To safeguard the amenity of existing residents, proposals must not result in unacceptable harm regarding the level of overbearing, overshadowing or overlooking of neighbouring properties.' (para.4.11).
The 'Tall Buildings' SPG advises that:
'Tall buildings will not be permitted in locations where they would overshadow or overlook adjacent properties to the significant detriment of the amenity of neighbouring occupiers.' (para. 6.37).
- 8.13 The scheme is considered to be overbearing upon neighbouring homes and garden areas in Kinraig Street, and in particular in Arran Street. The scheme has been modelled to show the building in its setting and to explore shadow impacts. Most of the shadow effects fall into street spaces and across properties, but not into private amenity areas, and therefore overshadowing is not considered to be particularly significant. However, the presence of such a tall building would be overbearing and obtrusive, which would adversely affect residential amenity, and it is also likely that the privacy of nearby private gardens would be compromised should a roof terrace be provided as shown on the indicative plans.
- 8.14 The amenities of future occupiers of the development must also be considered. The indicative plans show the majority of apartments with a single aspect, to the north, gaining no direct sunlight. This would not be good design and would not provide good living spaces. The 'Infill Sites' SPG states that:
'Infill, backland and site redevelopment must result in the creation of good places to live.' (para. 3.5) and *'Dual aspect dwellings (where windows are found on two external walls) are preferable to single aspect units. There will be a presumption against single aspect units unless the design is shown to allow adequate daylight and ventilation to all habitable rooms.'* (para. 4.10).
Apartment buildings should preferably not have apartments facing exclusively

towards the north, so that people who have limited aspect to amenity space can at least have access to direct sun light.

- 8.15 The proposed outdoor amenity space (in the form of a roof terrace and balconies) would also be sub-standard – the aspect from the roof is poor, apart from on the street side, and many of the balconies gain no sun light. Residential units on the ground floor and fronting City Road have no amenity space, which is contrary to the SPG standards. Balconies would not be supported in this location, which is prone to air pollution and noise from traffic on City Road.
- 8.16 The concerns regarding the amenities of future occupiers do not, however, constitute grounds for the refusal of this application given that it is an outline application with all details reserved for future consideration. The only aspects of the proposal that can be considered at this stage are the principle of the development and the proposed scale in terms of the parameters given in the ‘scaling statement’.
- 8.17 Policies KP6 and KP7 of the Cardiff Local Development Plan require all new developments to make appropriate provision for, or contribute towards, all essential, enabling and necessary infrastructure required as a consequence of the development, and enable planning obligations to be sought to mitigate any impacts directly related to the development, in line with Planning Policy Guidance. Local Development Plan policies and supplementary planning guidance indicate that a development of this nature and scale generates a requirement for affordable housing, functional open space and community facilities. However, the application does not include any binding commitment from the developer to fulfil these requirements and relevant parties have not indicated that they are willing to enter into a binding legal agreement with the Council in respect of appropriate financial contributions, nor has a satisfactory viability appraisal been submitted setting out how the developer is unable to meet the full policy requirements.
- 8.18 Policy H3 of the Cardiff Local Development Plan states that :
“ The Council will seek 20% affordable housing on Brownfield sites and 30% affordable housing on Greenfield sites in all residential proposals that:
i. Contain 5 or more dwellings; or
ii. Sites of or exceeding 0.1 hectares in gross site area; or
iii. Where adjacent and related residential proposals result in combined numbers or site size areas exceeding the above thresholds, the Council will seek affordable housing based on the affordable housing target percentages set out above.
Affordable housing will be sought to be delivered on-site in all instances unless there are exceptional circumstances.”
- Policy C2 states:
“Proposals involving the loss or change of use of buildings currently or last used for community facilities will only be permitted if:
i. An alternative facility of at least equal quality and scale to meet community needs is available or will be provided within the vicinity or;
ii. It can be demonstrated that the existing provision is surplus to the needs

of the community.”

Policy C5 states:

“Provision for open space, outdoor recreation, children’s play and sport will be sought in conjunction with all new residential developments. This policy is aimed at securing the provision or improvement of open space and other appropriate outdoor recreation and sport in conjunction with all new residential developments over 8 units and on site provision of functional open space in conjunction with all new residential developments over 14 units. The appropriate amount of multi-functional green space is based on a minimum of 2.43 hectares of functional open space per 1,000 projected population. All other open space provision will be in addition to the provision of multi-functional green space.”

- 8.18 Failure to provide an appropriate element of affordable housing and open space, and to compensate satisfactorily for the loss of a community facility (the public house), or to agree to pay a financial contribution in lieu of such provision, is, in the absence of satisfactory evidence that the scheme would be unviable were the contribution to be made, contrary to the requirements of policies KP6, KP7, H3, C2 and C5 of the Cardiff Local Development Plan and Cardiff Supplementary Planning Guidance “Planning Obligations” (January 2017).
- 8.19 A financial contribution towards public realm improvements has also been requested but these works could be secured via a planning condition if the developer did not agree to provide the contribution via a S106 obligation.
- 8.20 To summarise the Section 106 requirements, based on a development containing 37 one-bedroom flats as indicated in the application and calculated in accordance with the Planning Obligations SPG, the following financial contributions would be required from the developer:
Affordable Housing : **£485,982**;
Parks (public open space) : **£42,697**;
Community Facilities : **£26,659**
(Public Realm improvements at City Road and KinCraig Street : **£41,871**).
- 8.21 With regard to the objections received (see paragraph 7.1 of this report) –
1. The existing building is not protected from demolition. Cadw have not included it on the statutory list of buildings of architectural or historic importance and the surrounding area does not fulfil the criteria for designation by the Council as a conservation area. Outside of conservation areas, normal permitted development rights set by Welsh Government apply, including those for demolition. Any replacement building would, however, require planning permission and would be required to complement the character of the area.
 2. In Wales there is no equivalent to the English scheme whereby a pub can be given a degree of protection by being designated an ‘Asset of Community Value’. LDP policy C2 states that ‘proposals involving the loss or change of use of buildings currently or last used for community facilities will only be permitted if: i) An alternative facility of at least equal quality and scale to meet community needs is available or will be

provided within the vicinity or; ii) It can be demonstrated that the existing provision is surplus to the needs of the community' (the policy also applies to commercial uses if they provide a social or welfare benefit to the community). A community use provided by a public house could therefore be protected by this policy but in this case the building itself could be demolished without the need for planning permission. The community use could be replaced by an alternative facility secured via a section 106 obligation.

3. The viability of the pub is not relevant to the determination of this application. Permission is not required to close the pub or to demolish the building.
4. The local planning authority does not have the powers to prevent a pub closing.
5. The application is not for student housing or HMOs and the number of flats and bedrooms is not for determination at this stage.
6. If flats are approved they could not be turned into HMOs without further planning permission, and it cannot be assumed that the owner would act illegally.
7. Tenure is not a material planning consideration.
8. There are no planning policies which require derelict buildings to be redeveloped before other developments can take place.
9. The applicant was under no obligation to consult with the local community before submitting the application.
10. The development would include commercial uses on the lower level, which would provide employment opportunities. Also, the proposal is not for student housing.
11. It cannot be assumed that residents of the development would engage in crime and anti-social behaviour.
12. The relatively small increase in population that would result from this development would have a negligible impact on local public services.
13. The potential impact of development on house prices is not a material planning consideration.
14. It cannot be assumed that the proposed development would result in an increase in litter and fly-tipping.
15. The temporary disturbance that may be caused by building works would not constitute valid grounds for the refusal of planning permission. Also, construction noise is controlled by other legislation.
- 16 - 18. Transportation officers have raised no objections to the proposals and have indicated that it is acceptable for the development to provide no car parking and that residents would not be eligible for residential parking permits. It cannot be assumed that residents would park illegally or that local businesses are dependent on car parking spaces that would be used by residents of the development. Any increase in traffic caused by residents of the development would be unnoticeable. Improvements to the pedestrian and cycling environment are being carried out in the area.
19. At the detailed application stage the plans would be required to demonstrate that adequate secure and sheltered cycle parking facilities would be provided.
20. The plans are indicative only, and the issue of green infrastructure would be considered at the detailed application stage.

21. The site is in a sustainable location which is highly accessible by public transport, walking and cycling, and residents would not be encouraged to own a vehicle.
22. The living environment of future residents is discussed above but as this is an outline application this does not constitute grounds for the refusal of planning permission.
23. The overbearing impact of the building is discussed above.
24. As this is an outline application the position of windows is not being considered at this stage and this does not constitute grounds for the refusal of planning permission.
25. Any noise arising from the apartments would be domestic in nature and could be controlled under environmental health legislation. It is also unlikely that noise levels would be higher than the potential noise generated by a public house use.
26. The appearance of the building is a reserved matter and is not for consideration at this stage.
27. The proposed height of the building is of concern but the external finishing materials are indicative only and are not for consideration at present.
28. Other tall buildings located on City Road do not set a precedent for allowing a tall building on this site. Each planning application must be determined on its own merits.
29. The proposal lacks these details because it is an outline application with all details reserved for future consideration.
30. The plans are indicative and the design of the building is not for consideration at this stage. Energy efficiency would in any case be a matter controlled by the Building Regulations.
31. A development of flats would not change the cultural profile of the area and the potential cost of the accommodation is not relevant to the consideration of a planning application.
32. The application is not for student accommodation, and the management of the property is not a planning matter.
33. This is not a material planning consideration.
34. Developments of student flats cannot change to non-student residences without planning consent. There is no guarantee that such an application would be approved and there is a recent example of an appeal against the Council's refusal of permission to change student flats on City Road to general accommodation being dismissed.

8.22 The objections raised by the Civic Society are addressed in the responses above. The petition does not specify any particular points of objection.

8.23 In conclusion, the proposed development is considered unacceptable by virtue of its excessive height, which would be overbearing and detrimental to visual amenity, the lack of consideration of the impact on protected species and the lack of a commitment by the developer to provide appropriate affordable housing or functional open space on site or an acceptable scheme for alternative off-site provision, or confirmation from the relevant parties that they are willing to provide a financial contribution in lieu of such provision and in fulfilment of the requirements for contributions relating to community

facilities, or a satisfactory viability appraisal setting out how the developer is unable to meet the full policy requirements. It is therefore recommended that the application be refused.

9. **OTHER CONSIDERATIONS**

9.1 *Crime and Disorder Act 1998*

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

9.2 *Equality Act 2010*

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council's duty under the above Act has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

9.3 *Environment (Wales) Act 2016*

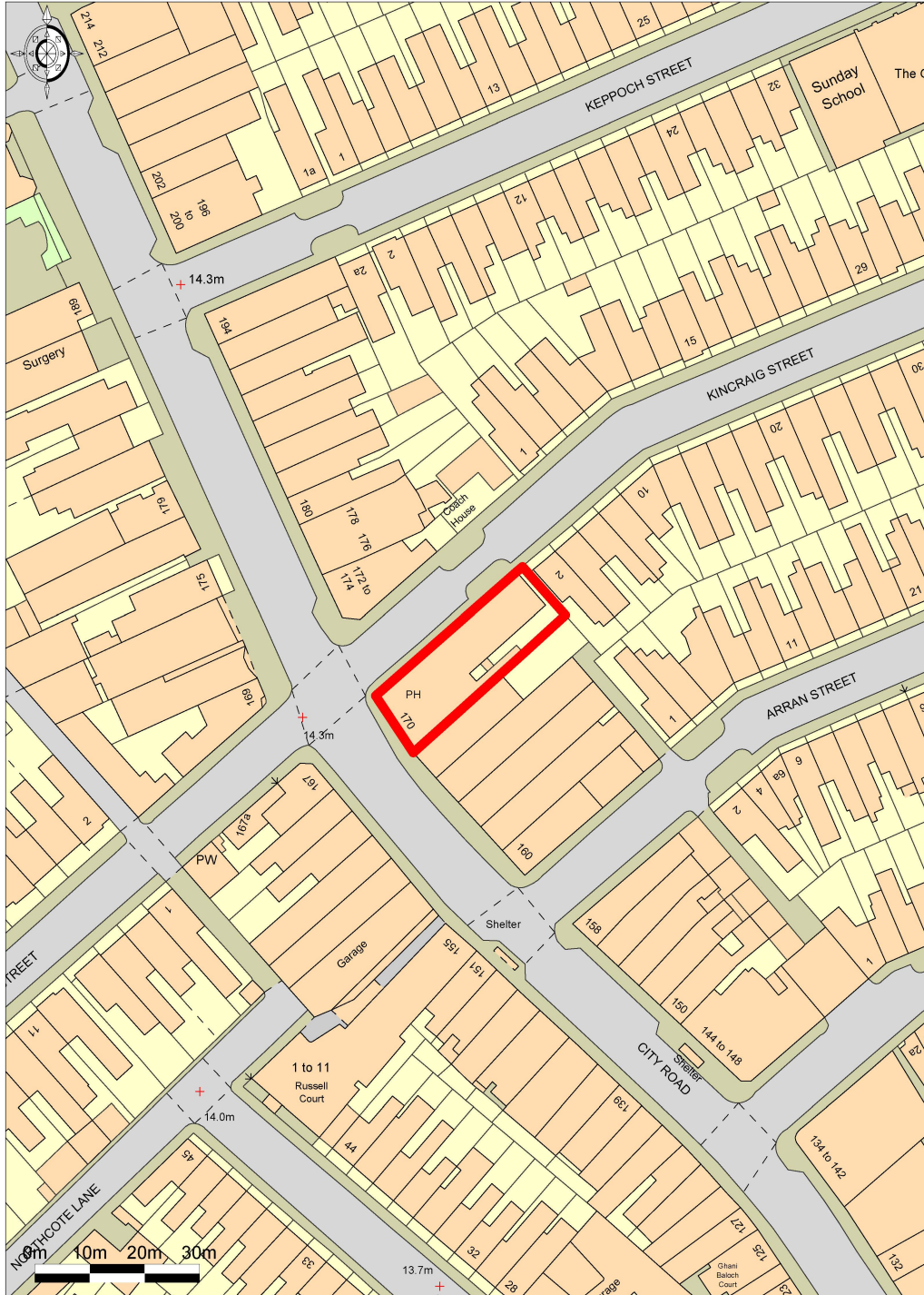
The Environment (Wales) Act 2016 imposes a duty on the Local Authority to seek to maintain and enhance biodiversity in the proper exercise of its functions. and in doing so to promote the resilience of ecosystems. It is considered that the proposed decision not have any significant implications for, or effect on, biodiversity.

9.4 *Well-being of Future Generations (Wales) Act 2015*

The Well-being of Future Generations (Wales) Act 2015 places a duty on the Welsh Ministers (and other public bodies) to produce well-being objectives and take reasonable steps to meet those objectives in the context of the principle of sustainable development. The duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act), has been considered and account has been taken of the ways of working set out at section 5 of the WBFG Act in the determination of this application, and it is considered that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the well-being objectives referred to in section 9 of the WBFG Act.

Site Location Plan (Ref: GVA/SLP/RP1)

The Roath Park, 170 City Road, Cardiff



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Gemapping plc 2017. Plotted Scale - 1:1250



For illustrative purposes only.



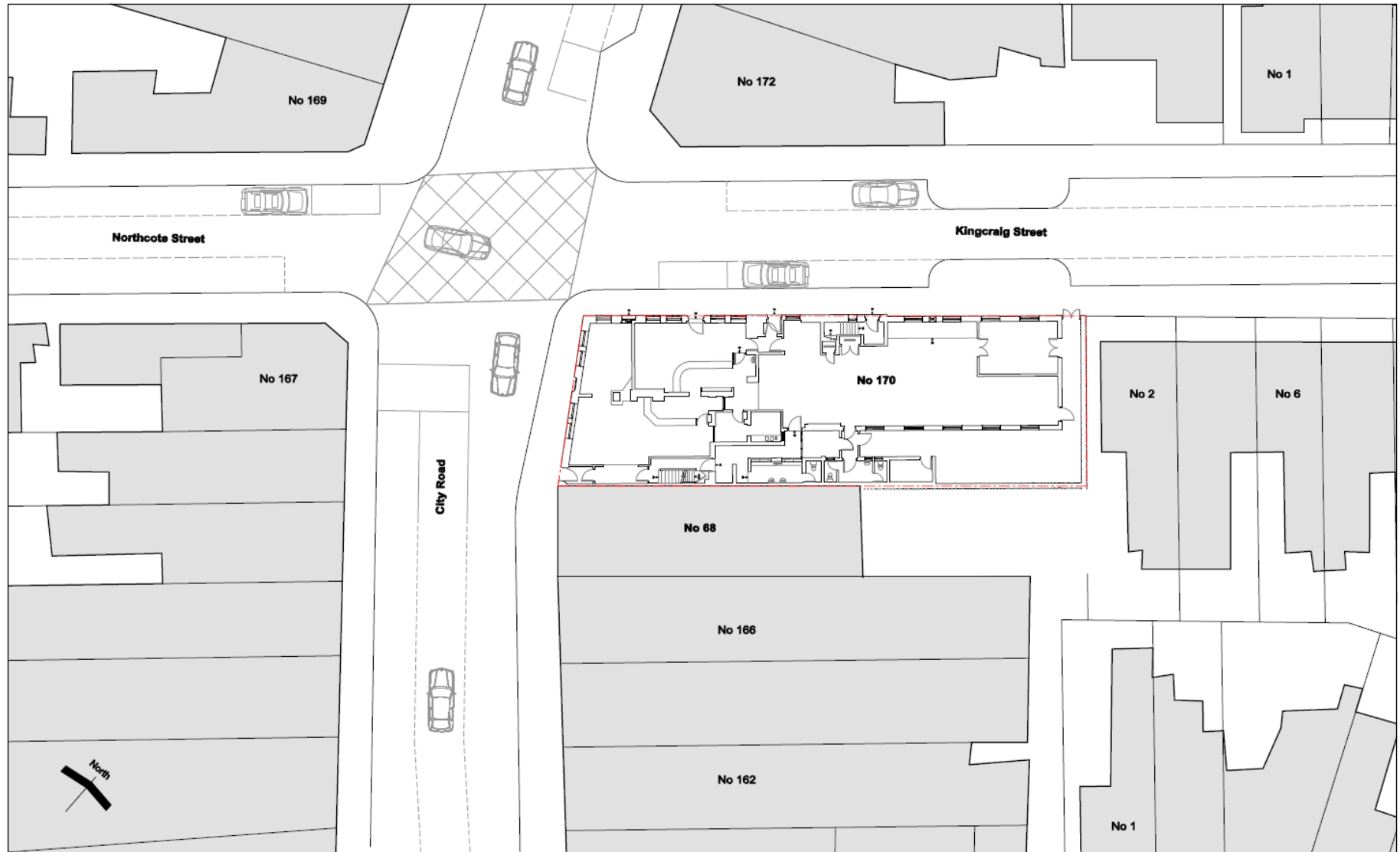












Existing Site Plan



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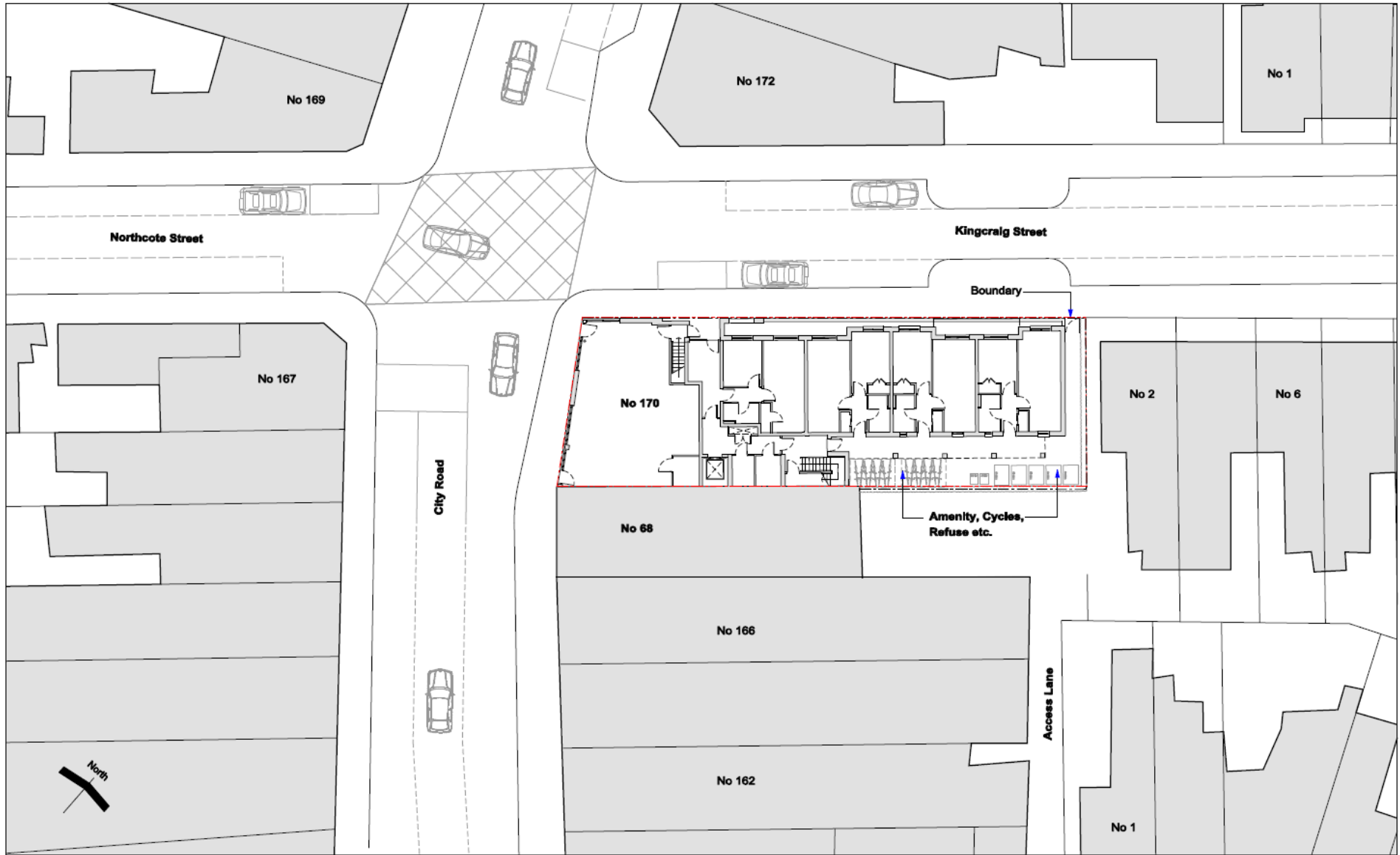
Site: **170 City Road, Cardiff.**

Title: **Existing Site Plan**

Scale: 1:250 @ A3
 Date: Feb 2020

Revision:

Drawing No: **506 ES 01**



Proposed Site Plan



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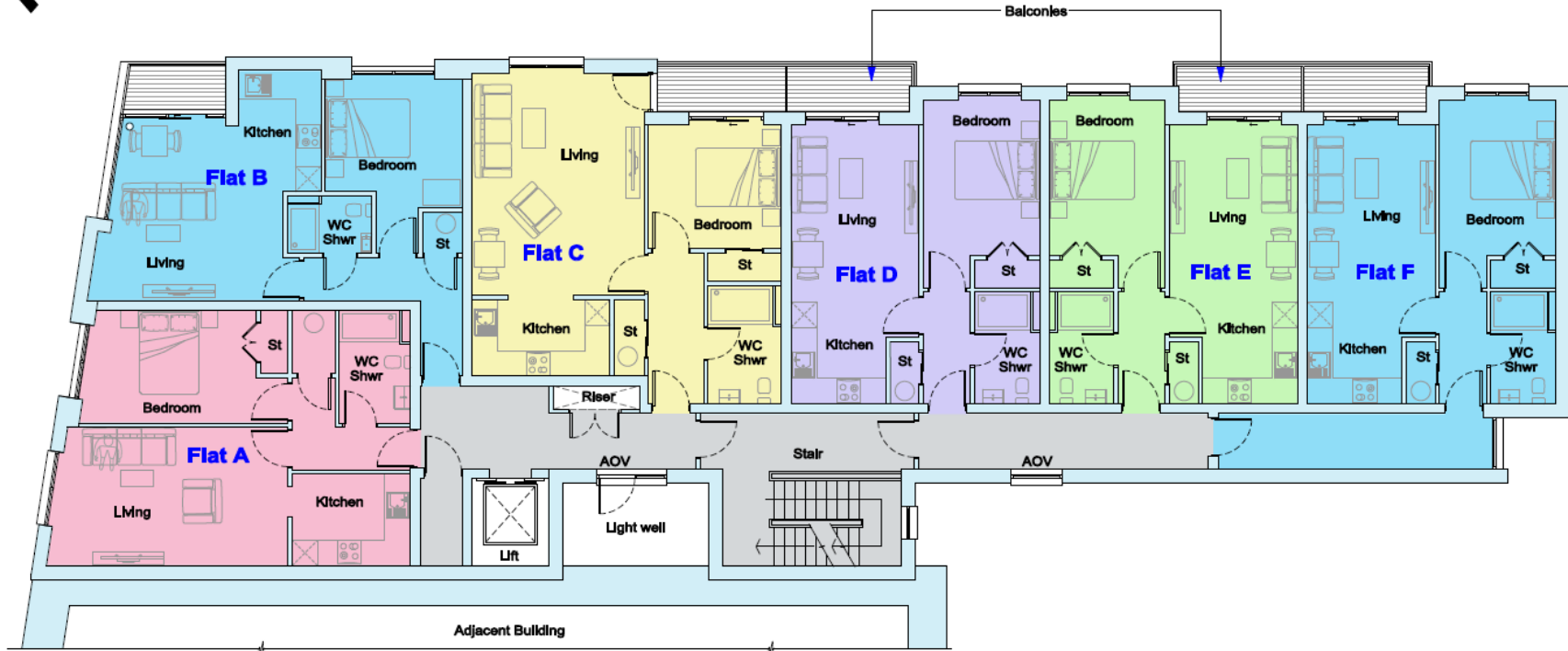
Site: **170 City Road, Cardiff.**

Title: **Proposed Site Plan**

Scale: 1:250 @ A3
 Date: Feb 2020

Revision:

Drawing No: **506 PS 01**



Proposed First Floor Plan

(Floors 02 & 03 similar)

Flat:	Bedrooms:	GIA: M ²
A	1	48.1
B	1	42.7
C	1	49.7
D	1	39.7
E	1	39.7
F	1	49.1



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Site: **170 City Road, Cardiff.**

Scale: 1:100 @ A3
 Date: Feb 2020

Title: **Proposed First Floor Plan**

Revision:

Drawing No: **506 - PL 01**



Kingcraig Street

Proposed Elevation to Kingcraig Street

City Road

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 Date: Feb 2020

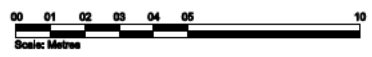
Revision:

Title: Proposed Elevations
 (Sheet 01)

Drawing No: 506 PE 01



- External Materials:**
- 01 = Render
 - 02 = Brick
 - 03 = Fibre cement slate
 - 04 = Aluminium windows
 - 05 = Spandrel panel
 - 06 = Glass balustrading
 - 07 = Aluminium panels



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Site: **170 City Road, Cardiff.**
 Scale: 1:100 @ A2
 Date: Feb 2020
 Revision:

Title: **Proposed Elevations (Sheet 02)**
 Drawing No: **506 PE 02**

