

LOCAL MEMBER OBJECTION

COMMITTEE DATE: 11/11/2015

APPLICATION No. **15/01163/MJR** APPLICATION DATE: 26/05/2015

ED: **CYNCOED**

APP: TYPE: Full Planning Permission

APPLICANT: Mr Jones

LOCATION: CARDIFF METROPOLITAN UNIVERSITY CYNCOED
CAMPUS, CYNCOED ROAD, CYNCOED, CARDIFF, CF23
6XD

PROPOSAL: ERECTION OF NEW SPORTS HALL BUILDING WITH
ANCILLARY CHANGING, TOILET AND STORAGE SPACES

RECOMMENDATION: That planning permission be **GRANTED** subject to the following conditions:

1. The development permitted shall be begun before the expiration of five years from the date of this planning permission.
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. Details of refuse storage and management shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the beneficial use of the development and shall thereafter be retained and maintained.
Reason: To ensure an orderly form of development and protect the amenities of the area.
3. Prior to the commencement of development a scheme of construction management to include (but not be limited to) any; site hoardings, site access, wheel washing facilities, HGV movements and management of all activities affecting the highway shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme.
Reason: in the interests of highway safety and public amenity.
4. C7Zd CLM - UNFORESEEN CONTAMINATION
5. D7Z Contaminated materials
6. E7Z Imported Aggregates

7. Any site won materials, including soils, aggregates, recycled materials shall be assessed for chemical or other potential contaminants in accordance with a sampling scheme which shall be submitted to and approved in writing by the local planning authority in advance of the reuse of site won materials. Only material which meets site specific target values approved by the local planning authority shall be reused.
Reason. To ensure that the safety of future occupiers is not prejudiced in accordance with policy 2.63 of the Cardiff Unitary Development Plan.
8. The sports hall hereby approved shall only be available for use between the hours of 07:30-22:00 Mondays to Fridays, 08:00-22:00 on Saturdays and 08:00-18:00 on Sundays and Bank Holidays.
Reason. To ensure the amenities of other occupiers in the vicinity protected.
9. The rating level of the noise emitted from fixed plant and equipment on the site shall not exceed the existing background noise level 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, in accordance with policy 2.24 of the deposit Unitary Development Plan.
10. Prior to any amplified music being played, the hall shall be insulated for sound in accordance with a scheme to be submitted and approved in writing by the local planning authority.
Reason. To ensure the amenities of other occupiers in the vicinity protected.
11. The landscaping proposals indicated in the approved revised Arboricultural Impact Assessment Method Statement and Tree Protection Plan ref: MSURV/Cardiff Met Uni/CV/03-2015 dated 22nd June 2015 shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner.

Any retained or planted trees or plants which within a period of 5 years from the completion of the development die, are removed, become seriously damaged or diseased, or (in the opinion of the Local Planning Authority) otherwise defective, shall be replaced in the planting season following their death with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
Reason: To maintain and improve the appearance of the area in the interests of visual amenity.
12. Notwithstanding the submitted plans, details of the cycle parking facilities for 10 cycles shall be submitted to and approved in writing by the local planning authority. The approved facilities shall be provided prior to any beneficial use of the development and shall thereafter be

retained and maintained.

Reason: To ensure appropriate provision for cyclists and in the interests of promoting alternative means of transport.

13. Notwithstanding the submitted plans, no development shall take place until ground permeability tests have been undertaken to ascertain whether sustainable drainage techniques can be utilised and a comprehensive drainage scheme for the disposal of both surface water and foul sewage has been submitted to and approved by the Local Planning Authority. No part of the development shall be occupied until the scheme is carried out and completed as approved.

Reason: To ensure an orderly form of development.

14. E1B Samples of Materials

15. This consent relates to the application as supplemented by the information contained in the email dated 1st July 2015 and attached Arboricultural Impact Assessment Method Statement and Tree Protection Plan.

Reason: The information provided forms part of the application.

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

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

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

radioactive substances.

- Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and

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

Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land. The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land can be considered free from contamination.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 A full application for the construction of a new multi-purpose sports hall with associated changing/wc and storage facilities, within the grounds of an existing University campus. The proposed building will be set on land currently occupied by outside tennis courts and will provide indoor playing facilities for:

- Basketball/Netball
- 4x cricket practice lanes
- 8x badminton courts

- 1.2 The proposed hall has a shallow bowed roof design, to a maximum height of approx. 13.5m. The hall is approx. 47.1m deep and approx. 54.9m wide overall. At the eastern end is a flat roof area of approx. 5.0m depth at approx. 5.3m high, with the western end being adjacent to the existing indoor tennis centre building.

- 1.3 The proposed hall is to be finished in a standing seam cladding to the main roof, with a bronze cladding to the upper part of the north elevation. The lower half of the hall is to be finished in Buff coloured facing brick.

- 1.4 The proposals impact on the existing treeline forming the eastern boundary of the campus to Circle Way West and the submitted details include provision for compensatory planting in this area.

- 1.5 Whilst the proposals include the provision of cycle parking for 10 bikes, no additional car parking is proposed.

2. **DESCRIPTION OF SITE**

- 2.1 The site is approx. 7000sqm of existing car parking, grassed space and hard surface tennis courts, with the proposed new hall occupying approx. 2100sqm of the site, predominantly covering the area of the tennis courts. The site is

within the curtilage of the University campus, surrounded by mixed use & design buildings, set on varying ground levels (increasing to towards the north).

The site is bounded by a retained rugby pitch to the south (lower ground level), an existing indoor tennis centre to the west, a hard surface sports pitch to the north (with Indoor Athletics Centre beyond), and the campus boundary to the east.

Access (existing) to the site lies to the north, adjacent to the Indoor Athletics Centre, with further access available via Cyncoed Road (existing).

- 2.2 To the east, outside the campus grounds and across Circle Way West is the residential area of Ael-Y-Bryn, with a number of two storey houses and a four storey block of flats (Lee House) facing towards the campus boundary. There are a number of mature street trees to the grass verge of Circle Way West between the houses and the carriageway.

3. **SITE HISTORY**

- 3.1 13/897DCO – Construction of a synthetic football and hockey pitches and associated works - Approved.

15/609MNR – Replacement running track, rugby pitch, field athletics areas and camera masts – Approved.

4. **POLICY FRAMEWORK**

- 4.1 Planning Policy Wales, Edition 7, July 2014

- 4.2 The adopted City of Cardiff Local Plan, 1996:

Policy 11 (Design and Aesthetic Quality)
Policy 17 (Parking and Servicing Facilities)
Policy 18 (Provision for Cyclists)
Policy 19 (Provision for Pedestrians)
Policy 20 (Provision for Special Needs Groups)

- 4.3 The Cardiff Unitary Development Plan, Deposit Written Statement, 2003:

Policy 2.20 (Good Design)
Policy 2.24 (Residential Amenity)
Policy 2.57 (Access, Circulation and Parking Requirements)
Policy 2.74 (Provision for Waste Management Facilities in Development)

- 4.4 Adopted Supplementary Planning Guidance:

Access, Circulation and Parking Requirements, 2010
Trees and Development, 2007
Waste Collection and Storage Facilities, 2007

5. **INTERNAL CONSULTEE RESPONSES**

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

The proposed new facility will generally represent an improvement to existing campus facilities, and though it will also be available for use by the general public such use may be generally expected to be outside the hours of peak activity at the campus.

There are a total of 689 parking spaces available within the site with 327 of these being available for use by the general public. Though no additional parking provision is proposed in conjunction with the proposed development the Parking Accumulation Survey provided with the Access Statement demonstrates that there is generally adequate spare capacity available throughout the day to accommodate any additional demand arising as a consequence of the new facility.

I note the concerns that have been raised by local members with regard to overspill parking on adjoining roads arising as a consequence of the parking charges that have been introduced in order to encourage alternative modes of travel in accordance with the University's approved Travel Plan, and would comment as follows;

While there may be merit in such comments, parking restrictions have been recently introduced in order to preclude parking on Circle Way West and at junctions with adjoining side roads where such restrictions are necessary in order to address safety issues. Beyond these restrictions parking on the public highway is of course perfectly legal and an objection on the grounds of increased overspill parking would therefore stand little chance of being upheld at appeal. Further restrictions could be introduced in the future if required to address issues relating to highway safety or congestion.

However, I would observe that since use of the new facilities by outside bodies or members of the public would be generally outside the main hours of activity of the college it's unlikely that any on-street parking that may occur by such outside users would be noticeable over and above any existing overspill arising from the current activities at the campus. I'd also note that the charge for off-peak campus parking is only £0.50 – which I would suggest would be unlikely to deter visitors from using the available on-site parking facilities.

I welcome the proposed provision of 10 new cycle stands which will serve to further encourage this mode of travel and I would request the imposition of condition CS3. I'd also suggest the provision of the standard Construction Management Plan condition in order to preclude any adverse impact on highway safety or conflict with existing operations within the University campus.

- 5.2 The Pollution Control Manager (Contaminated Land) has no objection, subject to conditions relating to unforeseen contamination and imported materials, with further advice regarding contamination and unstable land.
- 5.3 The Pollution Control Manager (Noise & Air) has no objection subject to the imposition of conditions in respect of plant noise, sound insulation and hours of operation, with further advice in respect of construction site noise.
- 5.4 The Parks Manager has no objection, making the following comments:
- The application boundary as indicated on some of the plans is adjacent adopted highway verge and impacts on a section of screen planting along this boundary, however the impact of the actual development doesn't appear to extend significantly into the screen planting and adequate compensatory planting is being provided. There are no public open space implications arising out of the development.*
- 5.5 The Council's Tree Protection Officer has no objection, subject to the implementation of the approved tree protection and planting scheme contained within the submitted Arboricultural Impact Assessment Method Statement and Tree Protection Plan, with a condition requiring a period of ongoing maintenance.

6. **EXTERNAL CONSULTEE RESPONSES**

- 6.1 The Sports Council for Wales have been consulted and no comments have been received.

7. **REPRESENTATIONS**

- 7.1 Local Members have been consulted and Councillors J Carter, J Woodman, K Hyde, K Lloyd, P Chaundy and B Kelloway have raised objections on the following grounds:
- The lack of additional on-site parking will exacerbate current issues of overspill parking on surrounding streets;
 - There has been a lack of community consultation from the University;
 - Loss of trees, with no replacement;
 - Visual impact on residents due to overdevelopment of the site, impacting on property values;
 - The submitted Transport Statement is inaccurate and disingenuous.
- 7.2 Subsequent to the resolution of Planning Committee to undertake a site visit, Cllr K Hyde makes the following additional comments:

Can I first of all thank you for the intended Site visit of the Planning Committee to the Cardiff Met Site and Circle Way West on Wednesday the 4th November 2015. This is not an ideal day as most students do not go into College on a Wednesday, it's their day to catch up with their work.

Monday would have been a better day, however we are not complaining. I have attached some photographs taken by residents that show how bad the congestion can be.

Finally we have a most serious Health and Safety issue with Mothers and Children using the footpath to take their Children to and from school. There is nothing more alarming than seeing a mother forced to walk in the Road pushing a push chair holding the hand of a child into the path of single oncoming traffic, because of the selfish parking on the pavement of motorists attending Cardiff Met.

It would be greatly appreciated if your committee and planning Officers would look again at this application with a view to including sufficient Parking on the Cardiff Met site or refusal of the application.

Cllr Hyde appended four photographs of parked vehicles (from residents) to this representation.

7.3 Adjacent occupiers have been consulted and the application has been advertised on site and in the press in accordance with adopted procedures. The occupiers of 140, 185, 187 and 189 Ael Y Bryn object to the proposals on the following grounds:

- Loss of natural light due to the proposed hall completely blocking light to the windows to the front of the 'Lee House' flats opposite the site, having a detrimental impact health and lifestyle of residents;
- Lack of additional on-site parking provision will exacerbate existing off-site university staff/student parking and obstruction issues;
- Noise disturbance from users of the proposed hall adding to existing noise disturbances from the campus;
- Loss of outlook due to the scale and setting of the proposed hall, and associated devaluation of properties;
- Lack of compliance with conditions attached to previous consents. Why would there be compliance with any conditions imposed on any new consent?
- Increased litter around the area;
- Questions are raised regarding facilities for contractor parking and construction deliveries;
- The university should provide staff and students with free on-site parking to alleviate the current off-site kerbside usage.

8. **ANALYSIS**

8.1 A full application for the construction of a new multi-purpose sports hall, replacing hard surfaced tennis courts within an existing university campus.

The application was deferred by Planning Committee at its meeting of October 14th 2015 in order to undertake a site visit. The site visit was undertaken on November 4th 2015.

- 8.2 The existing use of the application site and wider area is one of teaching and sports orientated activities. In this regard, the proposed hall is consistent with the use of the land.

This site is defined as an existing area of open space in the adopted City of Cardiff Local Plan. In view of this Policy 7 of the plan and approved Supplementary Planning Guidance on Open Space (March 2008) are relevant. Policy 7 seeks to protect such areas through only allowing proposals involving the loss of recreational or amenity open space where:

- they would not cause or exacerbate a local or city-wide deficiency of recreational open space
- the open space as no amenity or nature conservation importance
- the developers provide satisfactory compensatory open space.

This policy reflects national planning policy relating to open space set out in Planning Policy Wales and Technical Advice Note 16 relating to Sport, Recreation and Open Space (January 2009).

The site comprises an area of existing hardstanding used for outdoor tennis courts. The latest open space survey classifies this site as educational open space and it is noted that site is generally not accessible to the public so the key considerations in relation to Policy 7 are whether the open space has any visual amenity or nature conservation importance.

Paragraph 3.8 of the approved Open Space SPG offers the following guidance on assessing visual amenity value and I have reproduced it below:

3.8 Visual Amenity - For a site to possess visual amenity value, it must be located where the general public can gain significant "visual access". It must contribute to the visual character and environmental quality of the surrounding area. There will be an objection to proposals which would adversely affect the appearance of open spaces which significantly contribute to the visual appearance of an area.

Given the nature of the existing use on the site it is considered that the visual amenity value of the site is limited and it is also noted that the documentation submitted by the applicant states that there will be limited impact on visual amenity as views from nearby residential properties situated on the opposite side of Circle Way West will be minimal, due in part to the existing trees along the site boundary. In addition it is important to note that this proposal will deliver significant qualitative improvements in the form of modern fit for purpose sports facilities for the University.

Given this, it is considered that there are no concerns raised in terms of land use policy.

- 8.3 The design of the proposed hall is innovative, with a bowed main roof that wraps over to form the south elevation (upper), (it is of note that the height of the hall is required in order to meet regulations for the playing of badminton

and other ball sports). The proposed hall is set adjacent to the existing pitched roof indoor tennis centre, which is approx. 3.3m lower at ridge than the proposed hall, and extends to within approx. 16m of the campus boundary to Circle Way West (north-east corner - at its closest). The taller element of the hall sits approx. 26m from the campus boundary (north east corner - at its closest), and approx. 35m at its farthest (south-east corner). There are no windows proposed to the south or east elevations, and the roof has a facility for the installation of a number of photovoltaic cells.

Given the site context, it is considered that the proposed hall is of a scale and design that is in keeping with the campus setting, adding a degree of visual interest when viewed against the existing structures adjacent and nearby that hold little aesthetic quality.

- 8.4 The proposed hall is undoubtedly of a scale that will be visible from positions outside of the campus boundaries, particularly from the east. It is of note that there are several dwellings along Circle Way West, which face in the general direction of the application site, where views are considerably constrained by trees adjacent to the site and on the highway verge, and differing ground levels. A four storey block of flats (Lee House) will have clearer views across the campus than the dwellings, and the proposed hall will be visible through most front windows.

The closest windows serving the flats would be set approx. 55m from the south-east corner of the higher element of the hall. In addition, it is also of note that the area designated for compensatory tree planting is set along this line of sight. Whilst the proposed hall will be visible to occupiers of the flats, it is considered that these views would not cause sufficient harm to visual amenity as to warrant or sustain refusal of planning permission.

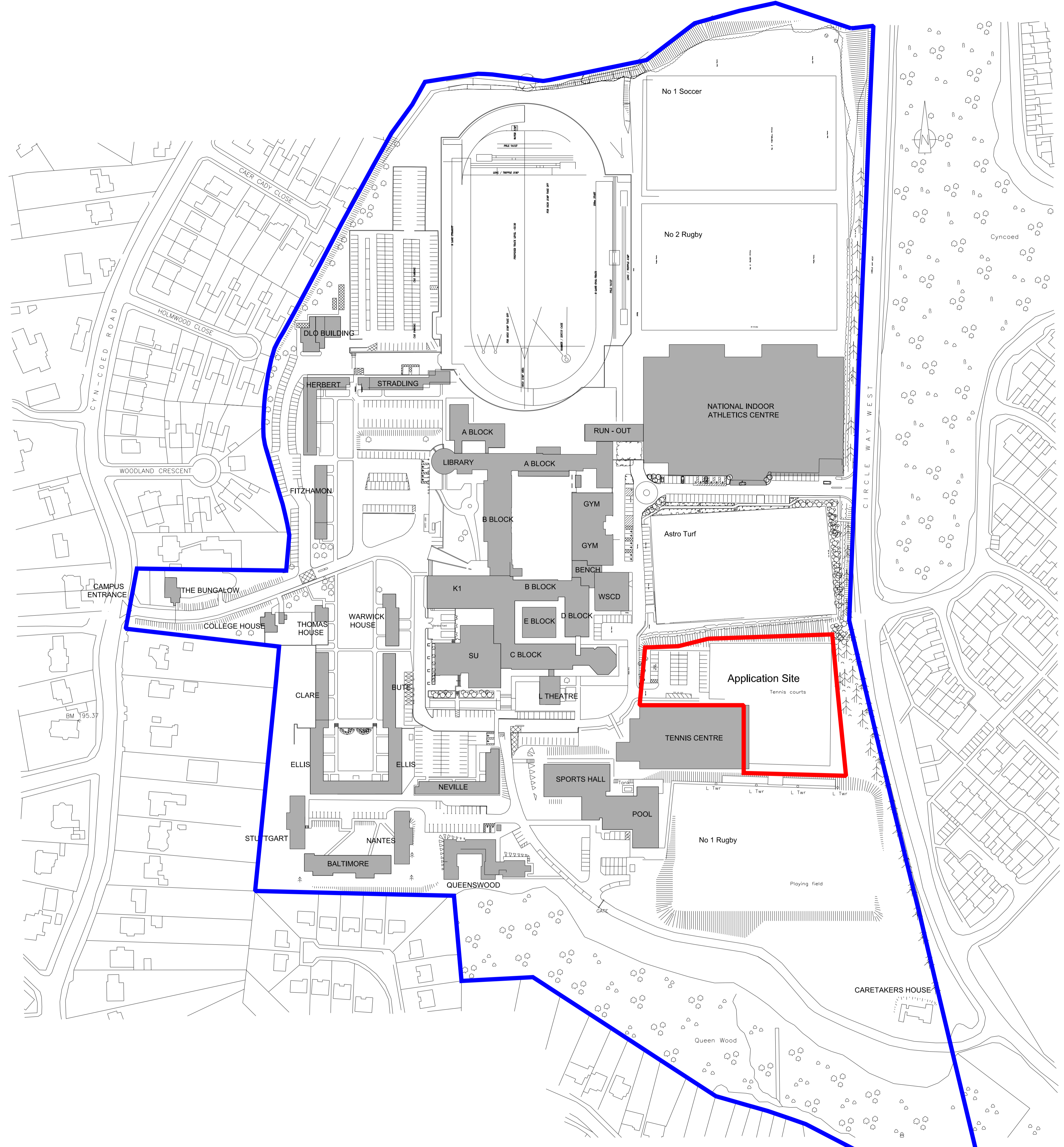
- 8.5 With regard to the issues raised by Local Members and nearby residents:
- The development proposals and submitted Transport Statement have been assessed by the Council's Transportation Manager, whilst having due regard to the concerns raised. The Transportation Manager has indicated that there would be no sustainable grounds to refuse consent in terms of on-site parking provision, or off-site impact;
 - Whilst it may be desirable, applicants are under no obligation to carry out a consultation in respect of their proposals, and planning permission cannot reasonably be withheld in the absence of any such consultation;
 - The submitted (amended) Arboricultural Impact Assessment Method Statement & Tree Protection Plan indicates that 33 new trees are to be planted, in an area equivalent to that being lost to development (approx. 4m x 20m area). These planting proposals have been considered by the Council's Tree Protection Officer, who has no objection;
 - The issue of visual impact has been considered above, and it is concluded that there are no sustainable grounds for refusal of consent;
 - The submitted Design & Access Statement includes a sun path analysis (page 8). The application site lies to the west of Lee House and slightly to its north, and is separated by approx. 55m (at max. height). In this case,

whilst there may be some impact on direct sunlight at sunset, any reduction in ambient light levels is likely to be low. Any impact on light would be insufficient to cause harm that would be significant enough to sustain refusal of consent. Whilst attention is drawn to a number of information sources in representations, no evidence has been provided which would support a case that the proposed hall would have such an impact on light as to result in ill health;

- The proposals have been considered by the Council's Pollution Control (Noise & Air) Manager, who has no objection, subject to conditions in respect of hours of use and soundproofing. In this case, there are no sustainable grounds for refusal of consent in terms of noise nuisance;
- The impact of development proposals on outlook is not a material planning consideration;
- Action, or inaction in respect of conditions attached to a separate planning permission can have no bearing on the determination of this application, which is considered on its own merits;
- There is no evidence that future use of the proposed hall will result in increased instances of littering in the vicinity of the site;
- The recommendation above includes a condition (condition 3), which requires the submission and approval of a site management plan. This plan will be assessed by the Transportation Manager in due course, should consent be granted;
- It is not within the powers of the local planning authority to compel the university to provide free on-site parking and consent cannot reasonably be withheld in this regard.

Whilst the additional representation and photographs from Cllr Hyde are noted, as indicated above, there would be no adopted policy support for refusal of consent on grounds of parking or highway safety.

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



— Proposed site development boundary
— Adjoining land under applicant ownership

Revision	Description	By	Chkd By	Date
*	Pre-App Planning submission	TY	TY	18.12.14
A	Planning Issue	TY	TY	13.05.15

Revision	Description	By	Chkd By	Date

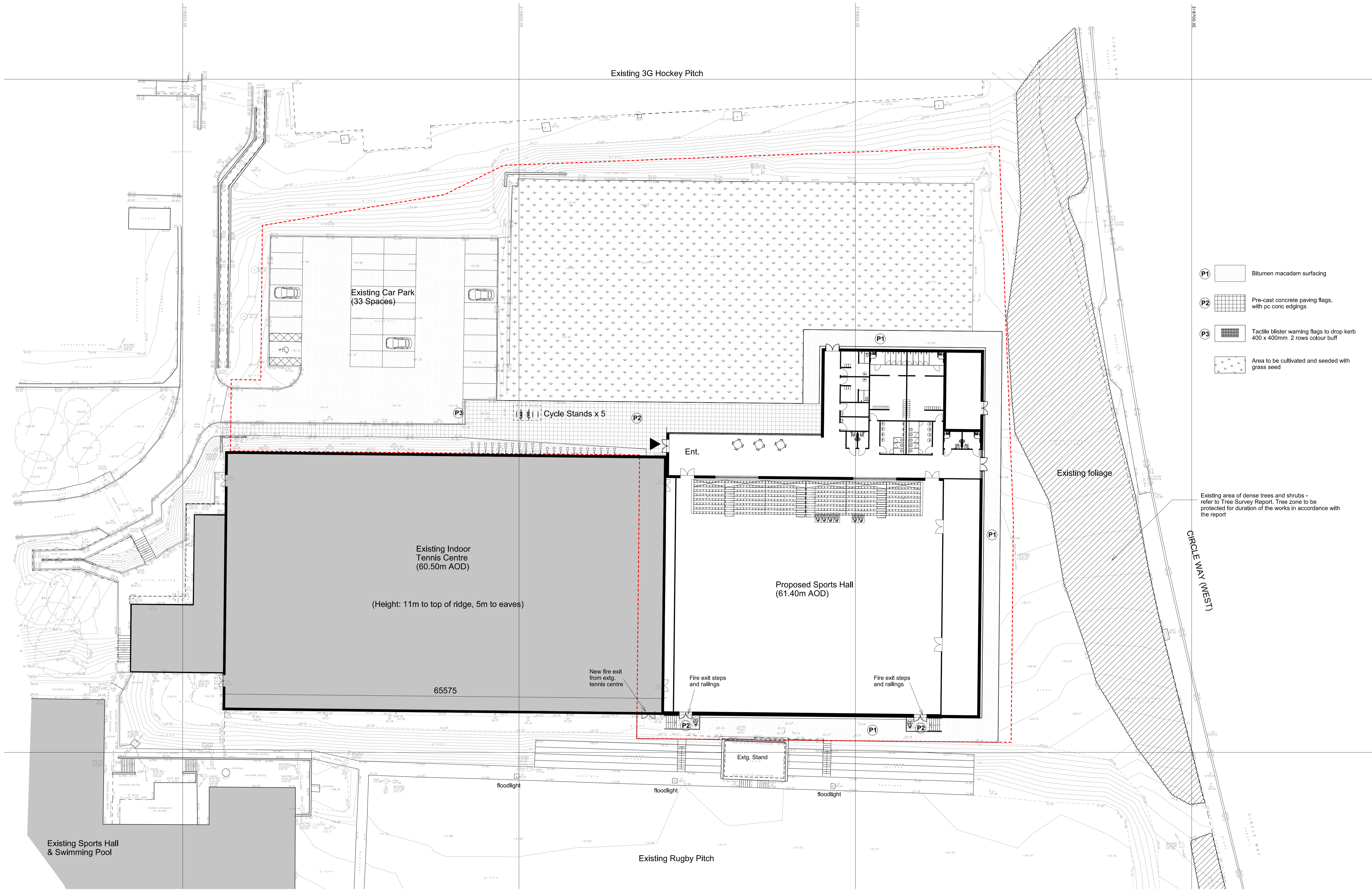
Revision	Description	By	Chkd By	Date

Revision	Description	By	Chkd By	Date

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Drawn: TY Austin-Smith:Lord LLP
 Architects Designers Planners
 Date: NOV 2014
 Landscape Architects
 One Dunleavy Drive
 Cardiff
 CF11 0SN
 t 02920 225 208
 f 02920 225 230
 e cardiff@austinsmithlord.com

Austin-Smith:Lord
 Project: Proposed Sports Hall
 Cardiff Metropolitan University, Cyncoed Campus
 Description: Site Location Plan
 Job No. 314273 Drawing No. L(90)301 Revision * A



- (P1)** Bitumen macadam surfacing
- (P2)** Pre-cast concrete paving flags, with pc conc edgings
- (P3)** Tactile blister warning flags to drop kerb 400 x 400mm 2 rows colour buff
- Area to be cultivated and seeded with grass seed

Existing area of dense trees and shrubs - refer to Tree Survey Report. Tree zone to be protected for duration of the works in accordance with the report

Revision	Description	By	Chkd By	Date
A	Pre-App Planning Submission	TY	TY	19.12.14
B	Planning Issue	TE	TY	13.05.15

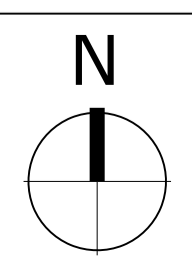
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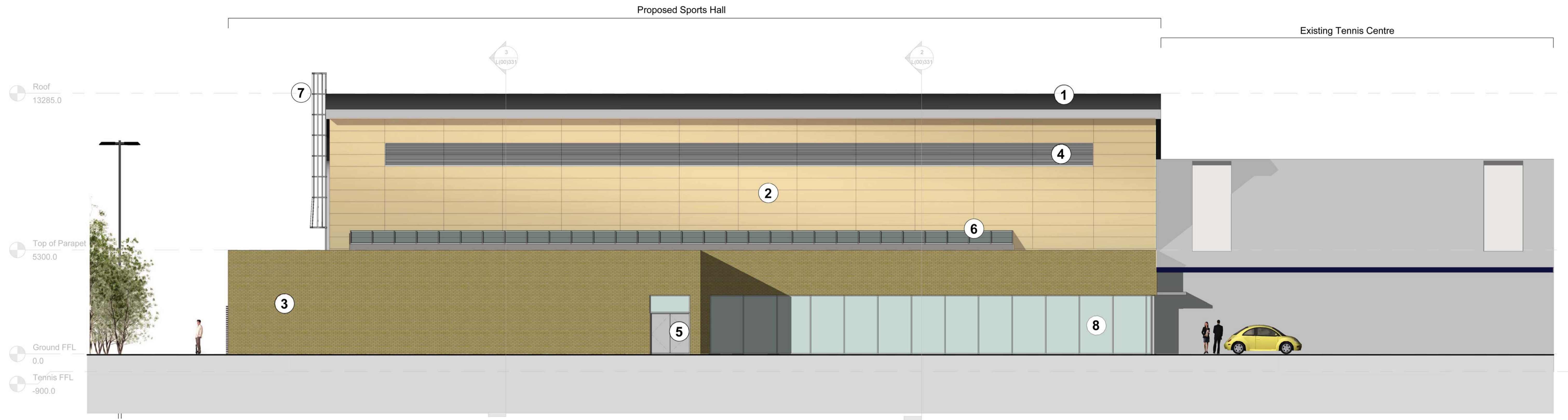
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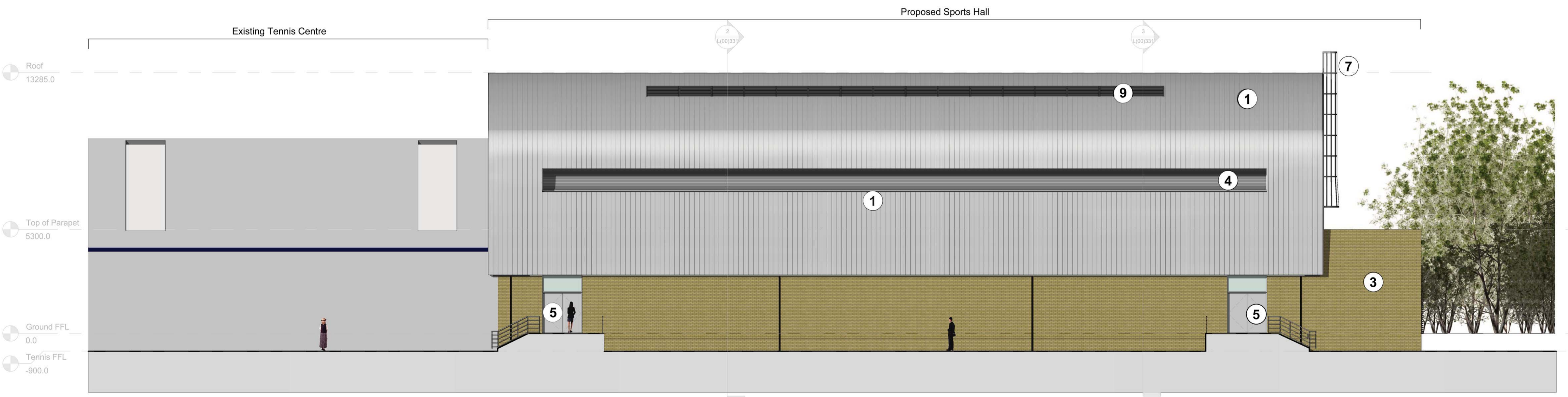
Drawn: TY Austin-Smith:Lord LLP Architects Designers Planners
 Date: DEC 2014
 Scale: 1:250 @ A1
 Status: PLANNING
 Cardiff
 CF11 0SN
 t 02920 225 208
 f 02920 225 230
 e cardiff@austinsmithlord.com



Austin-Smith:Lord
 Project: Proposed Sports Hall
 Cardiff Metropolitan University, Cyncoed Campus
 Description: Proposed Site Layout Plan
 Job No. 314273
 Drawing No. L(00)303
 Revision * A



1 North Elevation
1 : 100



2 South Elevation
1 : 100

- Materials Legend:
- 1** Colour Coated Aluminium Standing Seam Roof / Cladding
 - 2** Bronze Metallic Metal Cladding
 - 3** Buff Facing Brick
 - 4** Powder Coated Aluminium Louvres
 - 5** Powder Coated Aluminium Doors
 - 6** Powder Coated Aluminium Double Glazed Rooflight
 - 7** Steel Hooped Roof Access Ladder (Maintenance)
 - 8** Double Glazed Curtain Walling
 - 9** Indicative Photovoltaic Panels

Revisio	Description	By	Chkd B	Date
C	Planning Submission	AM		13.05.15

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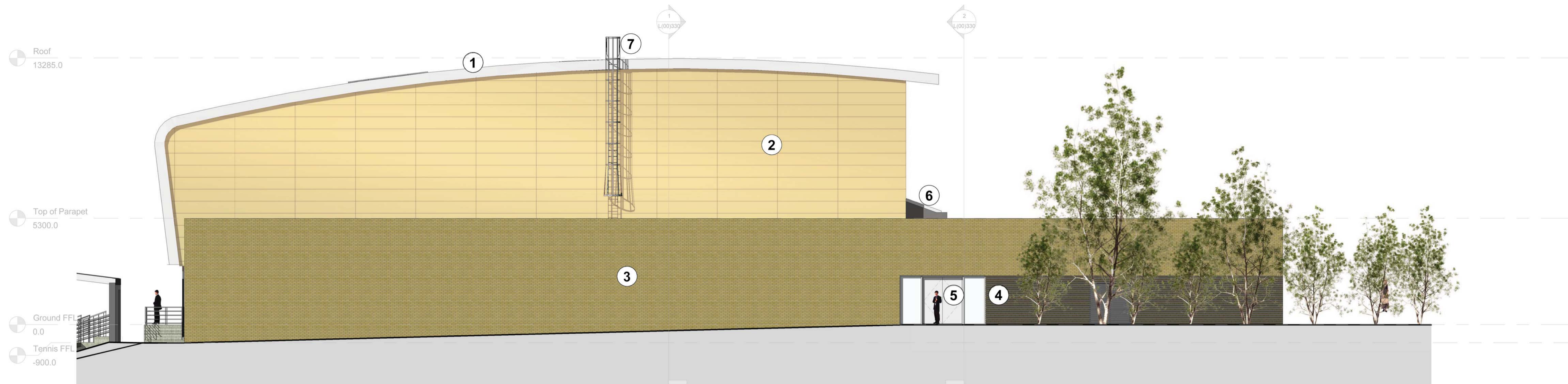
Drawn AM
 Date MAY 2015
 Scale 1 : 100 @ A1
 Status PLANNING

Austin-Smith Lord LLP
 Architects Designers Planners
 Landscape Architects
 one Dunleavy Drive
 Cardiff Bay
 CF11 0SN
 t +44 (0)2920 225208
 e cardiff@austinsmithlord.com
 Drawings and models prepared by Austin-Smith Lord LLP BIM using AutoDesk Revit

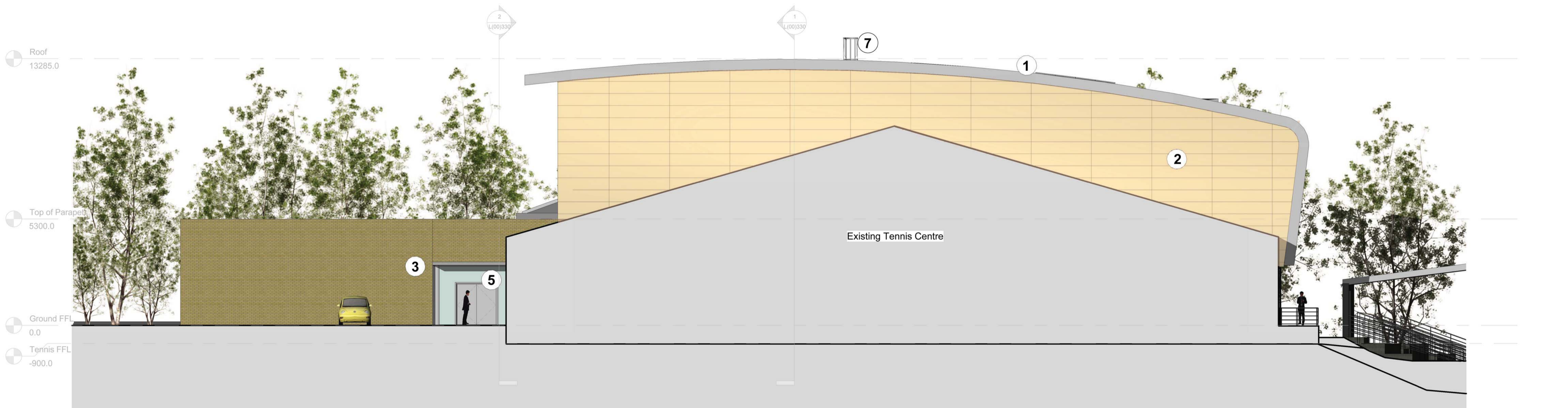


Austin-Smith:Lord
 Project Proposed Sports Hall
 Cardiff Metropolitan University, Cyncoed Campus
 Description Proposed North and South Elevations

Job No. 314273 Drawing No. L(00)320 Revision C



1 East Elevation
1 : 100



2 West Elevation
1 : 100

Materials Legend:

- 1** Colour Coated Aluminium Standing Seam Roof / Cladding
- 2** Bronze Metallic Metal Cladding
- 3** Buff Facing Brick
- 4** Powder Coated Aluminium Louvres
- 5** Powder Coated Aluminium Doors
- 6** Powder Coated Aluminium Double Glazed Rooflight
- 7** Steel Hooped Roof Access Ladder (Maintenance)

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Date MAY 2015
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Austin-Smith Lord LLP
Architects Designers Planners
Landscape Architects
one Dunleavy Drive
Cardiff Bay
CF11 0SN
t +44 (0)2920 225208
e cardiff@austinsmithlord.com
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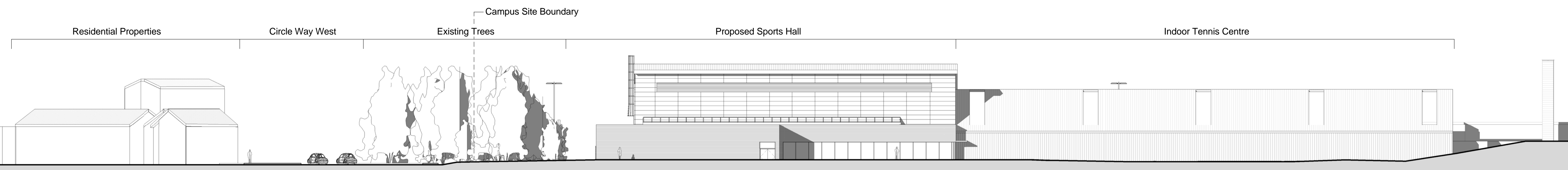


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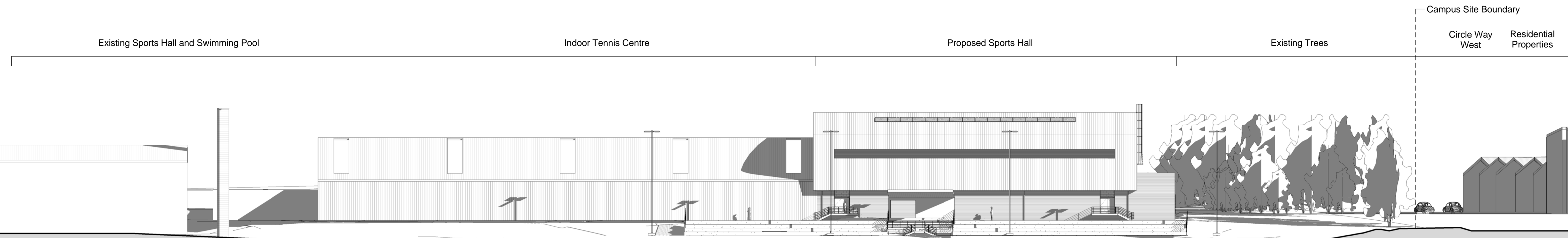
Project Proposed Sports Hall
Cardiff Metropolitan University, Cyncoed Campus
Description Proposed East and West Elevations

Job No. 314273 Drawing No. L(00)321 Revision C

Revisio	description	By	Chkd B	date
C	Planning Submission	AM		13.05.15

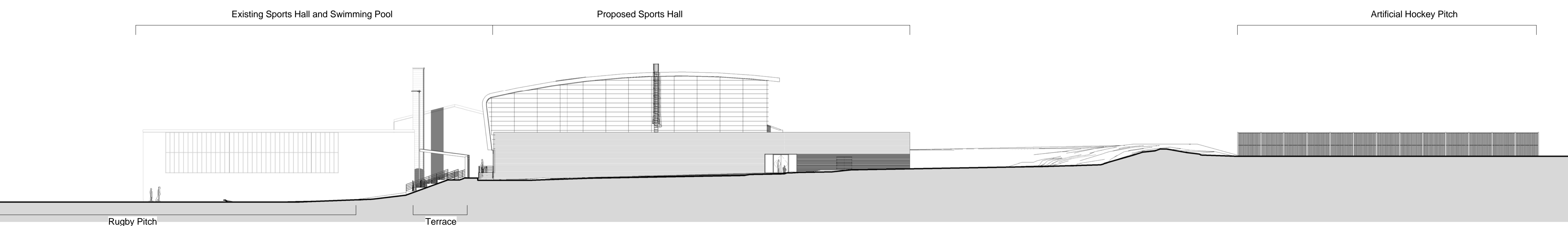


1 Proposed North Site Elevation
1 : 250

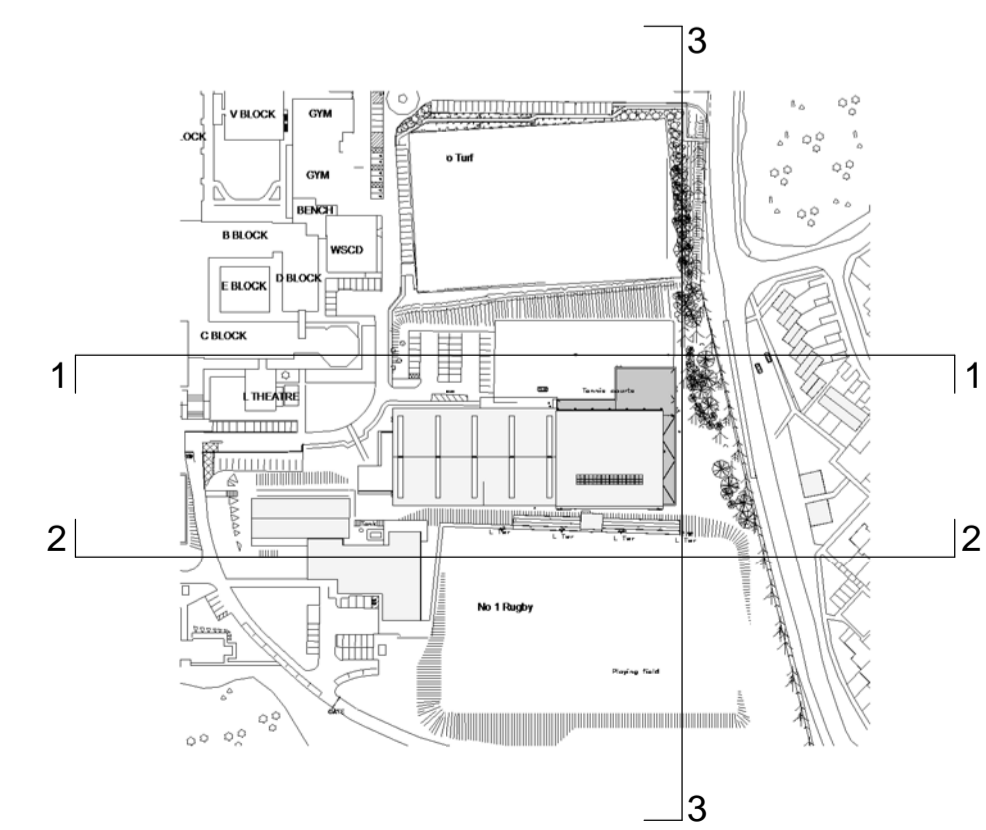


2 Proposed South Site Elevation
1 : 250

7 Drafting 11
1 : 100



4 Proposed East Site Elevation
1 : 250



Revision	Description	By	Chkd By	Date
B	Planning Submission	AM		13.05.15

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Drawn: AM
Date: MAY 2015
Scale: 1:250 @ A1
Status: PLANNING

Austin-Smith:Lord LLP
Architects, Designers & Planners
Landscape Architects
one Dunleavy Drive
Cardiff Bay
CF11 0SN
t +44 (0)2920 225208
e cardiff@austinsmithlord.com
Drawings and models prepared by Austin-Smith Lord LLP BIM using AutoCAD Revit



Austin-Smith:Lord
Project: Proposed Sports Hall
Cardiff Metropolitan University, Cyncoed Campus
Description: Proposed Site Elevations

Job No: 314273 Drawing No: L(00)317 Revision: B