RECOMMENDATION 1: That, subject to relevant parties entering into a binding planning obligation, in agreement with the Council, or otherwise under SECTION 106 of the Town and Country Planning Act 1990, within 6 months of the date of this resolution unless otherwise agreed by the Council in writing, in respect of matters detailed in paragraph 8.6 of this report, planning permission be GRANTED subject to the following conditions:

1. The development permitted shall be begun before the expiration of 5 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. No development shall take place until samples of the external finishing materials have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
   Reason: To ensure that the finished appearance of the development is in keeping with the area.

3. Notwithstanding the approved plans, details of the refuse stores shall be submitted to and approved in writing by the local planning authority. The approved facilities shall be provided prior to the beneficial occupation 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.

4. Notwithstanding the approved plans, details of the secure and under cover facilities for the storage of cycles shall be submitted to and approved in writing by the local planning authority. The approved facilities shall be provided prior to the beneficial occupation of the
development and shall thereafter be retained and maintained. Reason: To ensure appropriate provision for the secure storage of cycles.

5. No equipment, plant or materials shall be brought onto the site for the purpose of development until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels, earthworks, hard surfacing materials, water feature, proposed and existing services above and below ground level, planting plans (including schedules of plant species, sizes, numbers or densities, and in the case of trees, planting, staking, mulching, protection, soil protection and after care methods) and an implementation programme. The details shall be consistent with other plans submitted in support of the application and the landscaping shall be carried out in accordance with the approved design and implementation programme. Reason: To enable the Local Planning Authority, to determine that the proposals will maintain and improve the amenity of the area, and to monitor compliance.

6. C4R Landscaping Implementation

7. Notwithstanding the approved plans, details of the means of enclosure of the site shall be submitted to and approved in writing by the local planning authority. The approved enclosures shall be implemented prior to the beneficial use of the development. Reason: In the interests of visual amenity.

8. No development shall take place until a scheme for the drainage of the site and any connection to the existing drainage system has been submitted to and approved in writing 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.

9. Prior to the commencement of the development hereby permitted a combined Travel/Residential Management Plan shall be submitted to the LPA for approval. Such a Plan shall include, but not be limited to; the promotion of public transport and other means of travel to the private car, and the exclusion and control of residents parking within the surrounding area as a condition of tenancy/occupation. Reason: in the interests of highway safety and the control of car parking within the surrounding area.

10. Prior to the commencement of the development hereby approved a scheme of construction management shall be submitted to and approved by the LPA to include details of construction traffic routes, traffic/pedestrian management, site hoardings, site access, and wheel washing facilities.
Reason: in the interests of highway safety and public amenity.

11. Prior to the commencement of the development hereby approved a scheme of Highway Improvement Works shall be submitted to the LPA for approval. The scheme shall comprise, but not be limited to; the provision of a tabled zebra crossing on City Road at the location of the previous pedestrian refuge in the vicinity of the Gaiety Theatre, the improvement of the section of footway fronting the site – including the reinstatement as footway of the redundant existing vehicular crossover, and improvements to the surfacing/street lighting etc. of the section of adjacent lane which will provide pedestrian access to the rear of the development. The approved scheme of highway improvements works shall be implemented prior to beneficial occupation. Reason: in the interests of highway safety.

12. Prior to commencement of development a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide that all habitable rooms exposed to external road traffic noise in excess of 63 dBA Leq 16 hour [free field] during the day [07.00 to 23.00 hours] or 57 dBA Leq 8 hour [free field] at night [23.00 to 07.00 hours] shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 40 dBA Leq 16 hour during the day and 35 dBA Leq 8 hour at night. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with acoustically treated active ventilation units. Each ventilation unit (with air filter in position), by itself or with an integral air supply duct and cowl (or grille), shall be capable of giving variable ventilation rates ranging from –

1) an upper rate of not less than 37 litres per second against a back pressure of 10 newtons per square metre and not less than 31 litres per second against a back pressure of 30 newtons per square metre, to
2) a lower rate of between 10 and 17 litres per second against zero back pressure.

No habitable room shall be occupied until the approved sound insulation and ventilation measures have been installed in that room. Any private open space (excepting terraces or balconies to any apartment) shall be designed to provide an area which is at least 50% of the area for sitting out where the maximum maximum day time noise level does not exceed 55 dBA Leq 16 hour [free field]. Reason: To ensure that the amenities of future occupiers are protected.

13. The rating level of the noise emitted from fixed plant and equipment on the site shall not exceed the existing background noise level at any time at any residential property when measured and corrected in accordance with BS 4142: 1997 (or any British Standard amending or superseding that standard). In addition to the above, a BS4142: 2014
assessment must be carried out to take into consideration the surrounding commercial businesses. Mitigation measures must be addressed in the noise assessment and submitted to the LPA prior to development.
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.

14. A scheme of sound insulation works to the floor/ceiling and party wall structure between the proposed residential units and the commercial units shall be submitted to and agreed by the Local Planning Authority in writing and implemented prior to occupation. Please note sound insulation requirements between that of a commercial unit and residential will need to be greater than that of the minimum standard of Part E building regulations.
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.

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

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency’s ‘Model procedures for the Management of Land Contamination, CLR 11’ (September 2004) and the WLGA / WAG / EA guidance document ‘ Land Contamination: A guide for Developers’ (July 2006), unless the Local Planning Authority agrees to any variation.
Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy 2.63 of the Cardiff Unitary Development Plan.

16. C7Zd CLM - UNFORESEEN CONTAMINATION

17. D7Z Contaminated materials

18. E7Z Imported Aggregates
19. Any site won material including soils, aggregates, recycled materials shall be assessed for chemical or other potential contaminants in accordance with a sampling scheme which shall be submitted to and approved in writing by the Local Planning Authority in advance of the reuse of site won materials. Only material 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.

20. Notwithstanding the approved plans, details of any relevant security measures for future residents, including (but not limited to) CCTV, secured door entry, internal and external communal lighting, shall be submitted to and approved in writing by the local planning authority. The approved measures shall be implemented as approved prior to the beneficial occupation of the development and shall thereafter be retained and maintained.
Reason: In the interests of the safety and security of future residents.

21. No customers shall be admitted to or allowed to remain on the ground floor Class A1 units hereby approved outside the hours of 07:30 to 22:00 Mondays to Saturdays and 09:00 to 22:00 on Sundays.
Reason: To protect the amenities of future residential occupiers and other occupiers in the vicinity of the site.

22. C2O Architectural detailing

23. This consent relates to the application as supplemented by the information contained in the email dated 10th November 2015 and attached plans from the agent.
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 affects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for

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

- Unprocessed / unsorted demolition wastes.
- Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
- Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and

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

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

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

RECOMMENDATION 4: That the applicant be advised that the highway works specified above will be the subject of an agreement under Section 278 of the Highways Act 1980.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

1.1 A full application for the demolition of all of the existing one, two and three storey buildings on site, and construction of a new three and four storey development accommodating three ground floor retail units, with 20no. one bedroom student accommodation rooms and 9no. one bedroom open market flats. A rear amenity courtyard of approx. 392sqm is created, providing communal amenity space, cycle parking and refuse storage provision.

1.2 The accommodation will be accessed via a central core, with the main entrance doors set in the elevation to City Road. A secondary access is available via a gate to the amenity area off the existing side access lane. All future occupiers will have direct access to the rear of the building to utilise refuse and cycle storage facilities.

1.3 The proposed building has a pitched roof design (to the front and side aspects), with a taller (four storey), gable feature to the corner of the side lane and City Road. The City Road frontage has a combination of window styles, with some Juliet style balconies. This frontage is to be finished in a combination of facing brick, white render and contrasting coloured panels to several window areas.
1.4 To the rear elevation of the main frontage element, the same general appearance is applied. However, at third floor level, the roof is formed by a continuous ‘dormer’ style stretching across the building from the Gable element to the boundary of the site to no. 205. This area is to be finished in blue black tiles as per the remainder of the roofs of the development. To this rear elevation, there are more substantial balconies, offering aspects towards the communal amenity space.

1.5 The rear annexe element again carries forward the same design and finish principles, whilst having a shallow roof pitch. Balconies overlook the communal amenity area.

1.6 The proposed refuse storage and cycle parking facilities are to be sited at the end of the amenity area. The amenity area is shown as having a mix of hard and soft surfaces, and some tree planting, with a central water feature.

2. DESCRIPTION OF SITE

2.1 The site is approx. 1040sqm in area, with the existing buildings covering approx. 95% of the available land. The existing buildings to the City Road frontage are in a mixed use of ground floor furniture sales and a general store, with storage behind and some residential above. To the access lane side of part of the rear, there is a single storey commercial vehicle garage, with access off the side lane.

2.2 The premises behind the site are occupied by further vehicle repair garages, with the gardens of the dwellings on Richmond Road beyond. To the south of the site lies the vacant Gaiety building, and to the north a two storey building in office use. On the opposite side of City road there are two/three storey properties in mixed retail, food & drink and residential use.

3. SITE HISTORY

3.1 PA/15/11/MJR – Pre-application enquiry regarding redevelopment for residential accommodation for students and young professionals and ground floor retail uses – Advice provided.

4. POLICY FRAMEWORK

4.1 The site is located with the City Road as identified in the adopted City of Cardiff Local Plan 1996.

4.2 The relevant Local Plan Policies are:

Policy 11 (Design and Aesthetic Quality)
Policy 17 (Parking and Servicing Facilities)
Policy 18 ( Provision for Cyclists)
Policy 40 (Development in City Road)
4.3 The site is within the City Road District Centre as identified in the Cardiff Unitary Development Plan Deposit Written Statement 2003.

4.4 The relevant Deposit Unitary Development Plan Policies are:

- Policy 2.20 (Good Design)
- Policy 2.24 (Residential Amenity)
- Policy 2.36 (District and Local Centres)
- Policy 2.57 (Access, Circulation and Parking Requirements)
- Policy 2.74 ( Provision for Waste Management Facilities in Development)

4.5 Supplementary Planning Guidance

Access, Circulation and Parking Standards, 2010
Community Facilities and Residential Development, 2007
Infill Sites Design Guide, 2011
Open Space, 2008
Waste Collection & Storage Facilities, 2007

5. INTERNAL CONSULTEE RESPONSES

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

A total of 29 new flat units are proposed together with replacement ground floor retail units. Though no off-street parking is proposed I consider that this will be acceptable in this instance mindful of the sustainable location close to the city centre and with ready access to public transport and all necessary facilities such as shops/doctors surgeries etc. – subject to the imposition of a condition, of a type which has been previously applied to a number of student residential developments, to preclude car ownership and promote non-car-borne modes of travel among future residents. I’d suggest a condition along the following lines;

Condition: Prior to the commencement of the development hereby permitted a combined Travel/Residential Management Plan shall be submitted to the LPA for approval. Such a Plan shall include, but not be limited to; the promotion of public transport and other means of travel to the private car, and the exclusion and control of residents parking within the surrounding area as a condition of tenancy/occupation. Reason: in the interests of highway safety and the control of car parking within the surrounding area.

Further conditions relating to cycle parking and a Construction Management Plan are also required;

Condition: Prior to the commencement of the development hereby approved a scheme of construction management shall be submitted to and approved by the LPA to include details of construction traffic routes, traffic/pedestrian management, site hoardings, site access, and wheel washing facilities.
Condition C3S is also required - though worded to relate to the provision of a cycle stand for each of the proposed units.

Mindful of the lack of on-site parking provision a contribution towards enhancement of non-car borne modes of travel is appropriate. City Road is a very heavily trafficked main road with limited provision for crossing it by pedestrians. The only facility in the vicinity of the site is/was an unsatisfactory pedestrian refuge near the adjacent Gaiety Theatre site. This refuge has been subject to regular damage due to vehicle impact and has had to be repeatedly repaired in the past, and has in fact been recently removed altogether as current budgetary constraints make further on-going repairs unsustainable. Ideally it would be replaced by a table zebra crossing – though current financial restrictions makes this unlikely in the foreseeable future. I’d therefore request this, as opposed to a contribution public transport enhancement, as a condition of approval of the current application which will generate significant additional pedestrian movement across City Road.

The condition should also include for improvement works to the section of City Road footway fronting the site in terms of the reinstatement as footway of the redundant existing vehicular crossover which currently encourages parking on it by delivery vehicles to the disadvantage of pedestrians, and also to address the damage that will be inevitably be sustained to it as a consequence of construction work associated with the new development. The works should also include for any necessary improvements to the adopted side lane since this will represent the primary means of pedestrian access the proposed units at the rear of the site.

Condition: Prior to the commencement of the development hereby approved a scheme of Highway Improvement Works shall be submitted to the LPA for approval. The scheme shall comprise, but not be limited to; the provision of a tabled zebra crossing on City Road at the location of the previous pedestrian refuge in the vicinity of the Gaiety Theatre, the improvement of the section of footway fronting the site – including the reinstatement as footway of the redundant existing vehicular crossover, and improvements to the surfacing/street lighting etc. of the section of adjacent lane which will provide pedestrian access to the rear of the development. The approved scheme of highway improvements works shall be implemented prior to beneficial occupation. Reason: in the interests of highway safety.

I’d also suggest a second recommendation advising the applicant that the above works will be subject to an agreement under Section 278 of the Highways Act 1980.

5.2 The Highways Drainage Manager has been consulted and any comments will be reported to Committee.

5.3 The Waste Manager advises that the refuse storage facilities shown on the approved plans are acceptable.
5.4 The Pollution Control Manager (Contaminated Land) has no objection. In light of the submitted Geotech/Geoenvironmental Report, conditions are requested in respect of contaminated land matters, and further advice is offered.

5.5 The Pollution Control Manager (Noise & Air) advises that in the absence of an appropriate acoustic report, conditions are recommended relating to road traffic noise, the impact of plant noise from inside and outside the site, soundproofing, opening hours, delivery times and fume extraction. Further advice is offered, relating to construction site noise and illuminated advertisements.

5.6 The Neighbourhood and Regeneration Manager has been consulted and has advised that the scale of the proposed development generates a request for a financial contribution of £13,474 towards improvements to, or provision of community facilities in the vicinity of the site, in accordance with the adopted Supplementary Planning Guidance.

5.7 The Parks Manager has been consulted and has advised that the scale of the proposed development generates a request for a financial contribution of £19,783 towards improvements to, or provision of public open space in the vicinity of the site, in accordance with the adopted Supplementary Planning Guidance.

5.8 The Housing Strategy Manager has advised that as the proposals are below the relevant thresholds, there is no requirement for an affordable housing provision.

6. **EXTERNAL CONSULTEE RESPONSES**

6.1 Dwr Cymru/Welsh Water have no objection subject to conditions in respect of site drainage.

6.2 South Wales Fire & Rescue Service have provided advice regarding water supply and fire appliance accessibility.

6.3 South Wales Police have provided advice regarding crime prevention and ‘Secured by Design’.

7. **REPRESENTATIONS**

7.1 Adjacent occupiers have been consulted and the application has been advertised on site and in the press in accordance with adopted procedures. No comments have been received.

7.2 Local Members have been consulted and any comments will be reported to Committee.

8. **ANALYSIS**

8.1 A full application for the demolition of all of the existing one, two and three
storey buildings on site, and construction of a new three and four storey development accommodating three ground floor retail units, with 20no. one bedroom student accommodation rooms and 9no. one bedroom open market flats.

8.2 In terms of land use policy, this proposal is for the redevelopment of the site to provide residential accommodation, with retail units on the ground floor. The site is currently occupied retail units on the ground floor frontage and commercial units to the rear none of which are afforded specific protection in land use policy terms.

The site falls within the City Road area, as defined by the Local Plan Proposals Map. The application should therefore be assessed against policy 40 of the Local Plan which states that business development, housing, shops and financial and professional services will be favoured. Assessed against this policy framework the application raises no land use policy concerns.

8.3 Although the proposed building has a contemporary design, it is of some note that the existing buildings fronting City Road are offer very little in terms of their form or appearance, with the upper floors particularly poor.

The scale of the proposed building is predominantly three storey, with the four storey gable forming a bookend to this terrace. Whilst it is noted that many buildings along City Road are two storey, it is considered that there remains significant variety in the street scene. This is reflected by the existing taller gable fronted buildings (Park Conservative Club and newer Albany Surgery) to the northern end of the same terrace.

It is considered that the new building, with its use of contemporary materials and colour, will have a positive impact on the vitality of the street scene.

8.4 The proposals have no adverse impact on adjacent occupiers, with the premises at no. 205 having an extensively developed rear area, the Gaiety site being vacant for a considerable time, and the dwellings to the rear (fronting Richmond Road) being set at some distance from the development and being separated by commercial garages.

8.5 With regard to the Pollution Control (Noise & Air) Manager’s request for conditions relating to fume extraction and delivery times, the imposition of such conditions would not meet the tests for the use of conditions in planning permission in that the fume extraction condition is not required to make the development acceptable, as there is no Class A3 (Food & Drink) use proposed, and that given the extant use of the site and the immediate surroundings (ground floor commercial uses with upper floor residential), and the nature and context of the area (essentially a District Centre), the delivery times condition would be overly onerous and un-enforceable.

8.6 Section 106 matters – The following contribution requests have been made, with reference made to the Community Infrastructure Levy tests:
Parks – £19,783 – Towards the improvement or provision of open space in the vicinity. Details to be agreed in line with the CIL tests.

Community Facilities - £13,474 – Towards the improvement or provision of community facilities in the vicinity. Details to be agreed in line with the CIL tests.

The agent has confirmed that the applicant is willing to enter into an agreement regarding the above mentioned contributions, in addition to a Section 278 Highways Agreement in respect of the required highway improvements.

8.7 In light of the above, and having regard for adopted planning policy guidance it is recommended that planning permission be granted.