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LATE REPRESENTATIONS

Committee PLANNING COMMITTEE

Date and Time of Meeting THURSDAY, 8 JUNE 2023, 10.30 AM

Please see attached Late Representation Schedule received in respect of applications to be determined at this Planning Committee

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PLANNING COMMITTEE

8th JUNE 2023

AMENDMENT SHEET / LATE REPRESENTATIONS

Agenda Item 5a

APPLICATION NO.	21/02984/MJR
LOCATION:	Plots 4 and 5 Central Square, City Centre, Cardiff
PROPOSAL:	Full planning application for a mixed-use building providing commercial uses at ground floor/mezzanine level (Use Classes A1/A2/A3/B1/D1/D2) and residential accommodation above (Use Class C3 and including non C3 Use Class residential), a pavilion (Use Classes A1/A2/A3), public realm, cycle parking, access, drainage and other infrastructure works required for the delivery of Central Square Plots 4 and 5

ADDITIONAL REPRESENTATION 1:

FROM: Councillor Chris Weaver

RESPONSE: To Planning Committee,

I'm writing on behalf of myself, Cllr Merry, and Cllr Mackie as local members for Cathays to make a representation regarding planning application 21/02984/MJR, Plots 4 and 5 Central Square, City Centre, Cardiff

We are not objecting to the development, but have a comment regarding one of the conditions that we believe the Committee should strengthen prior to granting approval. This relates to para 10.84 of the report and Condition 12, regarding the cycle storage available to the public.

The proposal is for *“a 120-space cycle hub set out in two clusters; a cluster of 80 spaces to the north of the pavilion and a southern cluster of 40 spaces to the east of the pavilion.”*

We note that *“This provision is required as part of the Section 106 Agreement for the emerging Bus Interchange building (19/02140/MJR) to the south-east of the site. The wording of the S106 requires “120 secure, operational cycle parking spaces and public cycle parking stands which will be clearly visible and accessible to members of the public to be undertaken by Rightacres on land within control of Rightacres situated on the north side of Wood Street, Cardiff”. “*

The Section 106 statement there refers to 120 “secure” spaces, but we do not think the report and conditions currently make this explicit, and therefore should be clarified for the avoidance of any doubt.

There is a comment in the report in 10.84 which states that: “*Officers are satisfied with the layout of these spaces which will be overlooked by the HMRC building and the subject tower.*” We are not sure what relevance being overlooked by these buildings is to the security of the storage? We believe Condition 12 should explicitly and unequivocally state that the 120 spaces should be “*secure cycle parking spaces*”, copying the wording of the S106 Agreement, and should also explicitly state that being overlooked by tall buildings is *not* deemed sufficient security.

If the Committee would amend Condition 12 so that it references “Secure cycle parking” – not just “Cycle Parking” - and by explicitly stating that being overlooked is not considered adequate security, we believe we can ensure that genuinely secure cycle parking is delivered by the developer at central square, as expected, and as set out in the existing S106 Agreement. All we’re asking for is the wording of the report to reflect that S106 Agreement, so hope the Committee will make this amendment.

Condition 12 could be amended to address this using either this wording or similar (suggested additional wording highlighted in bold):

“12. **Secure** Cycle Parking: Prior to the commencement of the relevant part of development, detailed provision of the **secure** cycle parking shown on the approved plans, to include the type and layouts of the proposed racks and stands, shall have been submitted to the Local Planning Authority for approval in writing. The relevant part of the development hereby permitted shall not be brought into beneficial use until such time as the approved **secure** cycle parking has been implemented in accordance with the approved plans, and thereafter the **secure** cycle parking spaces shall be maintained and shall not be used for any other purpose. **Ensuring the best practicable security is an essential part of the public cycle parking provision associated with this development: merely being overlooked by buildings or public space will not be considered adequate security.** Reason: To ensure that adequate provision is made for the sheltered and secure parking of cycles, in accordance with Policy T5 of the adopted Cardiff Local Development Plan (2006-2026”

RESPONSE:

While Members’ views are noted, the design of the external cycle parking provision has been discussed in depth between the Council and the applicant and the shared vision was for a vibrant active space.

Officers consider the natural surveillance from the public square (to be adopted), pavilion building and other adjacent commercial uses including Tŷ William Morgan House (HMRC), would ensure the use and security of the spaces. Moreover, the open nature, surrounded by activity, likely creates a more effective form of passive surveillance and security. In addition, a public realm works condition has been imposed to ensure CCTV and lighting is proposed to further enhance security.

In this context, and given the need to ensure the highest design quality within Central Square, it is considered that a sheltered enclosed cycle store would not be appropriate, while also potentially creating other security issues, such as the possibility of blind spots increasing possibility of thefts.

Accordingly, no changes are proposed to the condition in question (with CCTV already covered by condition 13 (public realm works)).

ADDITIONAL REPRESENTATION 2:

FROM: UKRO Property Holdings (owner of 6 Park Street)

RESPONSE: UKRO Property Holdings (UKRO) is the owner of 6 Park Street, a multi-let office building located adjacent to the application site, ADAPT are retained asset managers for UKRO. UKRO is the owner of two other substantial commercial properties in central Cardiff, and investors in UKRO own other assets in Cardiff via other structures. The proximity of 6 Park Street to the application site, which at its closest point is c.7.75m, means that UKRO is a significant stakeholder and impacted by the proposal.

Representations have been made by UKRO at all stages of the planning process, from Statutory Pre-Application Consultation through to the consultation and re-consultation on the latest revised plans (these are available on the Council's planning website). The concerns raised have been consistent and have not been addressed by any revisions (if not worsened); they are summarised as:

- A significant departure from the approved Central Square Masterplan;
- Significant overshadowing and the loss of daylight and sunlight for 6 Park Street. This is recognised and not disputed in Paragraph 10.57 of the Committee Report; and
- The complete loss of privacy for occupiers of 6 Park Street and the future residents of the proposed residential building. The requirement for the lower six storeys of the building to be used as short term lets does not resolve this.

These serious concerns are caused by the height of the proposed building, which is very significantly taller than the subject site, the separation distance, and the mass of glazing that is proposed on the northern elevation of the proposed buildings. The separation distance alone is considerably smaller than that previously considered acceptable by the Planning Inspectorate for proposals for the installation of windows on the subject site, on the grounds that allowing the windows would "severely limit if not preclude the construction of a building in that space" which "would prejudice the efficient use of the adjoining land."

The revised plans from March 2023 show a taller building, but also the building positioned closer to 6 Park Street, and a substantial increase in the proportion of glazing on the building's northern façade. Overall, they represent a clear worsening of the proposals compared to the scheme as originally submitted.

These concerns are also shared by HM Revenue and Customs as the occupier of the recently completed purpose built public sector hub Ty William Morgan House, which is also located adjacent to the application site. HMRC's move from Llanishen to the city centre was applauded and they see the proposals will have a significant detrimental impact on the continued ability of William Morgan House to operate as offices.

The application will sterilise the future development potential of 6 Park Street, a site that, just like the application site, sits within the Cardiff Centre Enterprise Zone, and for which there is also clear policy support for redevelopment and intensification. Should the subject application be approved as submitted it is extremely difficult to see any future redevelopment of 6 Park Street given the residential nature of the tower and privacy concerns that future residents might cite in objection to any increase in massing at 6 Park Street.

UKRO Property Holdings therefore suggest that this application either needs to be refused or deferred so that meaningful discussions can take place as to how this north-western portion of Central Square can be delivered in a holistic and equitable way which incorporates rather than precludes nearby future development opportunities and ensures a fitting completion to the Central Square development, rather than resulting in sterilising and 'prejudicing the efficient use' of prime city centre sites.

RESPONSE:

The objections from the adjoining landowner reiterate earlier concerns, and have been noted and addressed within the report.

It is noted that there is a suggestion that there could be 'meaningful discussions ... as to how this north-western portion of Central Square can be delivered in a holistic and equitable way', and in this regard Members should note that the approval of this application – while deemed acceptable for the reasons within the report - will also not preclude or prejudice any future discussions between adjoining landowners, should they seek to work collaboratively to come forward with an alternative scheme incorporating additional land.

CORRECTIONS:

- Para 2.8: The site is cleared but is used by City Council contractor undertaking highways works, rather than for the Bus Interchange.
- Para 3.12: There is reference to two MODA reports in this section. MODA were previously linked to the application as potential operators of the Serviced Accommodation. However, they are no longer linked as such and so the specific reports do not form part of the application.
- Para 9.3: This should state "a first objection letter was received".
- Para 9.6: This should state "An objection letter was received" to clarify that only one objection letter was received on behalf of HM Revenue and Customs (HMRC) at Tŷ William Morgan House