

COMMITTEE DATE: 23/11/2016

APPLICATION No. **16/01749/MJR** APPLICATION DATE: 25/07/2016

ED: **BUTETOWN**

APP: TYPE: Hybrid Application

APPLICANT: Mr J Smart

LOCATION: PLOT 1, J AND L, WESTERN COURTYARD, CAPITAL QUARTER, TYNDALL STREET, ATLANTIC WHARF, CARDIFF

PROPOSAL: HYBRID APPLICATION COMPRISING OF FULL DETAILED APPLICATION FOR THE PROPOSED MIXED-USE COMMERCIAL OFFICE BUILDING AT NUMBER 4 CAPITAL QUARTER AND OUTLINE APPLICATION FOR REMAINING PARTS OF WESTERN COURTYARD AT PLOT J AND L FOR RESIDENTIAL AND ASSOCIATED PUBLIC REALM AND LANDSCAPING

RECOMMENDATION 1 : That, subject to relevant parties entering into a binding planning obligation in agreement with the Council under **SECTION 106** of the Town and Country Planning Act 1990, within 6 months of the date of this resolution unless otherwise agreed by the Council in writing, in respect of matters detailed in paragraph 9.2 of this report, planning permission be **GRANTED** subject to the following conditions:

1. The development permitted in respect of the detailed part of the hybrid permission, namely the mixed use commercial office building (Plot I) and associated access, servicing and public realm, 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 1991.
2.
 - A. Approval of the details of the scale and appearance of the buildings, and the landscaping of the site (hereinafter called "the reserved matters") in respect of the outline part of the hybrid permission, namely the residential block and associated access, servicing and public realm, shall be obtained from the Local Planning Authority in writing before any development is commenced.
 - B. Plans and particulars of the reserved matters referred to in condition 2A above, relating to the scale and appearance of the buildings, and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
 - C. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
 - D. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the

expiration of two years from the date of the last of the reserved matters to be approved, whichever is the later.

Reasons (A): In accordance with the provisions of Article (3)1 of the Town and Country Planning (General Procedure) Order 1995.

Reasons (B, C & D): In accordance with the provisions of Section 92 of the Town and Country Planning Act, 1990.

3. The consent relates to the following approved plans:

General plans:

Dwg. No.	Title
PL100	Location Plan
PL114A	Masterplan/ Ground Floor

Office Block, No. 4 Capital Quarter (Detailed part):

Dwg. No.	Title
PL200	Ground Floor Plan
PL201A	First Floor Plan
PL202	Second Floor Plan
PL203	Third Floor Plan
PL204	Fourth Floor Plan
PL205	Fifth Floor Plan
PL206	Sixth Floor Plan
PL207A	Seventh Floor Plan
PL208A	Roof Plan
PL320A	South Elevation
PL321A	West Elevation
PL322	North Elevation
PL323A	East Elevation
PL400	Section AA
PL401	Section BB
PL410	Part Sections & Elevation Details Sheet 1
PL411	Part Sections & Elevation Details Sheet 2
PL412	Part Sections & Elevation Details Sheet 3
PL413	Part Sections & Elevation Details Sheet 4
PL421	Section showing Canal/ Public Realm

Residential Tower, No. 5 Capital Quarter (Outline part):

Dwg. No.	Title
PL250A	Ground Floor Plan
PL251A	First Floor Plan
PL252A	Typical Floor Plan 2-9
PL253A	Typical Floor Plan 10-12
PL254A	Typical Floor Plan 13-18
PL255	Typical Floor Plan 16-20
PL256A	Typical Floor Plan 19-22
PL370A	North & West Elevations
PL371A	South & East Elevations
PL451A	Building Sections

Reason: The plans amend and form part of the application.

4. A3 (food & drink) ground floor uses fronting Tyndall Street and the East-West route (as indicated on Ground Floor plan dwg. no. PL200) shall

be restricted to café/restaurant A3 uses only.

Reason: To ensure that the amenities of existing neighbours and future occupiers are protected.

5. No member of the public shall be admitted to or allowed to remain on any A3 premises between the hours of 23:00 and 08.00 hrs. on any day.
Reason: To ensure that the amenities of neighbours and future occupiers are protected.
6. There shall be no arrival, departure, loading or unloading of vehicles between the hours of 20:00 and 08:00 hours.
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.
7. No above-ground development shall take place in respect of the detailed part of the hybrid permission until samples of the external finishing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory finished appearance to the development.
8. No above-ground development shall take place in respect of the detailed part of the hybrid permission until a scheme showing the architectural detailing of the main elevations of the building has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory finished appearance to the development.
9. For each phase 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, 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.
10. For each phase any trees, plants, or hedgerows which within a period of five years from the completion of the development die, are removed, become seriously damaged or diseased, or become (in the opinion of the Local Planning Authority) otherwise defective, shall be replaced in the current planting season or the first two months of the next planting season, whichever is the sooner, unless the Local Planning Authority gives written

consent to any variation.

Reason : To maintain and improve the amenity of the area.

11. The rating level of the noise emitted from fixed plant and equipment on the site shall achieve a noise rating level of background – 10dB at any residential property 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 future occupiers of the development and occupiers of other premises in the vicinity are protected.

12. Prior to commencement of the outline part of the hybrid permission a scheme shall be submitted to and approved in writing by the LPA to demonstrate that all habitable rooms exposed to external railway noise in excess of 66 dBA Leq 16 hour (free field) during the day (07.00 to 23.00 hours) or 59 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 :

- (i) an upper rate of not less than 37 litres per second against a back pressure of 10 newtons / square metre and not less than 31 litres per second against a back pressure of 30 newtons / square metre, to
- (ii) 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 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. Prior to commencement of the outline part of the hybrid permission a scheme shall be submitted to and approved in writing by the LPA to demonstrate 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 –

- (i) 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

- (ii) 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 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.

- 14. For each phase no development shall take place until details showing the provision of cycle parking spaces have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the development being put into beneficial use. Thereafter the cycle parking spaces shall be maintained and shall not be used for any other purpose.
Reason: To ensure that adequate provision is made for the secure parking of cycles.
- 15. E3D Retain Parking Within Site
- 16. For each phase no part of the development hereby permitted shall be commenced until a scheme of construction management has been submitted to and approved by the Local Planning Authority, to include as required details of site hoardings, site access and wheel washing facilities. Construction of the development shall be managed strictly in accordance with the scheme so approved.
Reason: In the interests of highway safety and public amenity.
- 17. The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul and surface water has been submitted to, and approved in writing by, the LPA. 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.
- 18. *Land Contamination Risk Assessment:* Prior to the commencement of the development an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority. The report of the findings shall include a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters; an intrusive investigation to assess the extent, scale and nature of contamination which may be present; an assessment of the potential risks, and an appraisal of remedial options and justification for the preferred remedial option(s).
Reason: To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a

proper assessment.

19. *Submission of Remediation Scheme and Verification Plan:* Prior to the commencement of the development a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures.
Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
20. *Undertaking of Remediation and Issue of Verification Report:* The remediation scheme as approved by the Local Planning Authority (LPA) 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 LPA. The 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 LPA.
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.
21. *Identification of Unsuspected Contamination:* In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority (LPA), all associated works must stop, and no further development shall take place unless otherwise agreed in writing until a scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the LPA. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the LPA. The timescale for the above actions shall be agreed with the LPA within 2 weeks of the discovery of any unsuspected contamination.
Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised.

22. *Importation of Aggregates:* Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the LPA shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with Pollution Control's Imported Materials Guidance Notes. Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.
Reason: To ensure that the safety of future occupiers is not prejudiced.
23. *Importation of Topsoils:* Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation to be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the LPA shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes. Subject to approval of the above, verification sampling of the material received at the development site is required to verify that the imported soil is free from contamination and shall be undertaken in accordance with a scheme agreed with in writing by the LPA.
Reason: To ensure that the safety of future occupiers is not prejudiced.
24. *Use of Site Won Material:* Any site won recycled aggregate materials shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its reuse. Only material approved by the LPA shall be reused.
Reason: To ensure that the safety of future occupiers is not prejudiced.
25. For each phase piling or any other foundation designs using penetrative methods shall not be permitted without the express written consent of the LPA, which may be given where it has been demonstrated that there is no resultant unacceptable risk to groundwater.
Reason: To minimise the risk of pollution of controlled waters.
26. No development shall take place until a scheme for the investigation and recording of any archaeological features has been submitted to and approved in writing by the Local Planning Authority. The implementation of the works shall be carried out in accordance with the approved scheme.
Reason: To identify and record any features of archaeological interest discovered during the works.

RECOMMENDATION 2 : CONSTRUCTION SITE NOISE: 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: CONTAMINATION AND UNSTABLE LAND ADVISORY NOTICE: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;
- (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: The applicant is advised of the NR requirements for the safe operation of the railway and the protection of NR's adjoining land contained within their consultation response dated 18th August 2016.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 A hybrid planning application seeking detailed planning permission for office accommodation (Number 4 Capital Quarter) with ground floor retail uses, and outline permission for access and layout only for a 23 storey residential tower and associated open space in the form of a large landscaped courtyard. The proposed development completes the build-out of the wider Capital Quarter site.

- 1.2 Phase 1 (detailed part) comprises the office block and associated access, servicing and landscaping. Phase 2 (outline part) comprises the residential tower and associated access, servicing and landscaping, and amenity open space public realm and landscaping works.
- 1.3 The wider Capital Quarter site of which this site forms part benefits from outline consent (2009), renewed in 2013. That part of the Capital Quarter site (Plots I, J, & L) to which this application relates has outline consent for a 6-13 storey hotel fronting Tyndall Street, and a 16 storey office block and 6-8 storey office block to the north of the site.
- 1.4 Because of the introduction of the residential use and associated amenity open space, and the changes to the envelope (principally the height) of the tower element of the scheme, a new planning application has been submitted.
- 1.5 The proposal is to develop Plot I on Tyndall Street for offices of approximately 11,600sqm and Plot J to the north for 160 apartments superceding the current outline planning for a 200 bed hotel and 10,100sqm of office development. The proposal also replaces a 6,500sqm office block on plot L with a large area of amenity open space.
- 1.6 The design of the atrium style 8 storey office block fronting Tyndall Street and the courtyard access road is similar in layout, scale and appearance to Number 3 Capital Quarter and Number 2 Capital Quarter to the east. The ground floor frontage to Tyndall Street is double height and colonnaded. Materials are curtain walling and metal rainscreen cladding.
- 1.7 The main entrance is from Tyndall Street and is linked via an internal 'street' and central atrium to a secondary entrance on to the east/ west pedestrian route. There are three ground floor retail units located on the 2 corners of the building that front on to Tyndall Street and the NW corner fronting the dock feeder and east-west route. These are likely to be A2 or A3 uses (568sqm).
- 1.8 Parking for the offices (17 spaces) is provided in the MSCP with some visitor spaces in the Western Courtyard. Secure covered cycle parking for 58 bikes is provided on the ground floor, and there are 12 visitors' cycle spaces.
- 1.9 The residential tower is designed with a mix of one and two bed apartments. It is a single core building with 3 staggered blocks of varying heights arranged in parallel on a north-south axis. The central block is 23 storeys high, the block fronting the Dock Feeder lowest at 13 storeys and an intermediate block of 19 storeys facing the open space.
- 1.10 The main entrance to the flats is on the south-east corner of the tower on the east-west pedestrian route, opposite the secondary entrance to the office block. There is a gym and common area for the use of the residents on the ground floor.
- 1.11 A total of 74 car parking spaces for residential use are provided in the MSCP (50% provision). Secure covered cycle parking for 160 cycle spaces is provided on the ground floor, plus visitors' cycle parking.

- 1.12 Servicing is from the new access road which serves Nos. 1, 2, and 3 Capital Quarter and the MSCP. Collections/ deliveries will be undertaken from on-street. The existing access road will be extended to create a turning area and some surface parking for visitors (9 spaces) to the front of the residential tower block.
- 1.13 The site is bisected by an east-west pedestrian route linking the site and the recently consented Herbert Street student housing development on the other side of the dock feeder canal, to the new pedestrian bridge over the railway line.
- 1.14 There is a significant new central open space large enough to accommodate areas of landscaping including a number of large trees, and areas of grassed amenity space. The provision of the open space is a departure from the outline scheme, and is a requirement associated with the introduction of residential to the Capital Quarter site.
- 1.15 The principles of the landscaping of the periphery of the site have been approved as part of the discharge of conditions on the outline consent. An indicative landscaping scheme is provided for the whole application site, and details required by condition.
- 1.16 The application is accompanied by the following information:
- Transport Statement;
 - Design and Access Statement (DAS);
 - Visual Impact Assessment (October 2016)
 - Drainage Strategy Statement;
 - External Building Fabric Review (Acoustics) Block I;
 - External Building Fabric Review (Acoustics) Block J;
 - Landscape Strategy.

2. **DESCRIPTION OF SITE**

- 2.1 The wider Capital Quarter site of which this site forms part is located on the on the south-east edge of the city centre and was formerly known as the Tyndall Street Industrial Estate.
- 2.2 The larger site was granted outline planning permission in December 2009 (planning permission 08/02740/C) for a mixed use development including offices, a hotel, a care home, student accommodation, an aparthotel, and A1 and A3 uses. Driscoll Buildings offices on Ellen Street, Block A offices (Number 1 Capital Quarter) and Block G offices (Number 2 Capital Quarter) are occupied, and Block G offices (Number 3 Capital Quarter) is nearing completion. The period for submission of reserved matters was recently extended for a further 3 years (PP 12/1716/DCI).
- 2.3 The masterplan zones the site and defines the scale of the buildings and access to the site. The associated legal agreement secured a financial sum to be spent on a footbridge across the adjacent railway. The new replacement footbridge was granted planning permission in April 2009 (application ref. 08/02789/C) and the bridge was completed in 2014.

- 2.4 The site is roughly L-shaped and flat with an area of 0.69ha and has been cleared. The site is bounded on its north side by a multi-storey car park, on its west side by the dock feeder canal, on its south side by Tyndall Street, and on its east side by a 7 storey office block (No. 3 Capital Quarter under construction) and the access road for the site and an 8 storey office block with ground floor café (No. 1 Capital Quarter).
- 2.5 The site is not in, nor near, a conservation area, and there are no listed buildings affected by the proposals.

3. **PLANNING HISTORY**

- 3.1 Planning permission 12/1716/DCI granted in October 2013 to vary condition 1C of outline consent 08/2740C to extend the period for the application for approval of reserved matters for a further 3 years.
- 3.2 Outline planning permission 08/2740C granted in December 2009 for a mixed use development including offices, a hotel, a care home, student accommodation, an aparthotel, and A1 and A3 uses. Blocks I, J, & L (the subject of this hybrid application) form part of phase 2 of the outline planning permission.

Related planning history

- Planning permission 15/2766/MJR granted Jan 2016 for a 7 storey office building (Block H – Number 3 Capital Quarter) with under-croft parking and landscaping works. Under construction and nearing completion.
- Planning permission 13/2267/DCI granted 16.1.14 for a 6-7 storey office building (Block G – Number 2 Capital Quarter) with under-croft parking and landscaping works. Completed.
- Planning permission 13/130/DCI granted November 2013 for a student housing development (602 beds). Under construction.
- Resolution to grant PP 11/1099/DCI in August 2011 for a 296 space MSCP. Legal agreement yet to be signed (dependent on signing of tripartite contract between developer, Council and Network Rail for delivery of footbridge). Completed.
- Approval of reserved matters 10/1054C granted in August 2010 for a 6-8 storey office block. Completed.
- Planning permission 08/02789C granted in April 2009 for a replacement pedestrian footbridge. Completed.

4. **POLICY FRAMEWORK**

National policy

- 4.1 Planning Policy Wales (PPW) Edition 8, 2016 favours the sustainable re-use of previously developed land.
- 4.2 The following Technical Advice Notes (TANs) are relevant:
- TAN 12: Design (2009)
- 4.3 The following policies of the recently adopted 2016 City of Cardiff LDP are relevant

to the consideration of this application:-

- KP2(A) Cardiff Central Enterprise Zone and Regional Transport Hub
- KP5 Good Quality and Sustainable Design
- KP6 New Infrastructure
- KP7 Planning Obligations
- KP10 Central and Bay Business Areas
- C1 Community Facilities
- C5 Provision for Open Space, Outdoor Recreation, Childrens' Play and Sport
- EC3 Alternative Use of Employment Land and Premises
- EN12 Renewable Energy and Low Carbon Technologies
- R8 Food and Drink Uses
- T1 Walking and Cycling
- T5 Managing Transport Impacts

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

- Safeguarding Land for Business and Industry SPG (June 2006)
- Tall Buildings (2009)
- Open Space (2008)
- Community Facilities and Residential Development (2007)
- Premises for Eating, Drinking and Entertainment in the City Centre (2000)
- Access, Circulation and Parking Requirements (2010)
- Waste Collection and Storage Facilities (2007)

5. **INTERNAL CONSULTEE RESPONSES**

5.1 Land-use policy: The site is located within the Central Enterprise Zone (CEZ) and the Central Business Area (CBA) of the adopted Cardiff Local Development Plan. As such, the main land use planning policy issues relate to the acceptability of B1 Office, C3 Residential, and A2 Financial and Professional Services/A3 Food and Drink retail uses at this location:

5.2 Policy KP10 of the Local Development Plan identifies that new office uses (Class B1) are considered appropriate within the Central Business Area.

5.3 Policy R8 of the LDP identifies the Central Business Area as an appropriate location, in principle, for food and drink uses, subject to amenity considerations. A condition could be applied limiting any ground floor A3 uses to a snack bar / cafe / coffee shop (excluding hot food takeaway) in order to safeguard the amenity of residential occupiers within the wider development. Taking into consideration the sites location within the Central Business Area and the relatively small scale of the proposed floorspace at 568sqm across three units, an element of Class A2 (Financial and Professional Service) floorspace would be considered acceptable.

5.4 Policy KP10 of the LDP at paragraph 4.142 identifies that new residential development within the Central and Bay Business areas will support the delivery

of balanced, mixed use areas where, by virtue of their proximity to public transport, leisure, employment and community facilities, can create sustainable urban neighbourhoods and contribute to the daytime and evening economy. Taking into consideration the mixed use nature of the proposal and the associated provision of Class B1 (office) floorspace within the wider development, the proposed use is considered acceptable from a land use policy perspective.

- 5.5 *Public Realm Considerations:* The applicant has identified in their Design and Access Statement that the landscaping and public realm specifications and details will be carried out as indicated in the overarching Public Realm Detailed Design Document 'M2H/2880/01-November 2009', submitted as a discharge of condition for outline application 08/02740/C. As such, the proposals are considered acceptable.
- 5.6 Parks Services: Parks welcome the presence of an open space on site. Although this is not true public open space in the broader sense, it is publicly accessible to some extent and will provide an area for some informal recreation for residents.
- 5.7 These comments relate to the current LDP (C5 Provision for Open Space, Outdoor Recreation, Children's Play and Sport; KP16 Green Infrastructure; EN8 Trees Woodlands and Hedgerows), supported by policies set out in the 2008 Supplementary Planning Guidance for Open Space which set the Council's approach to open space provision.
- 5.8 The Council's LDP requires provision of a satisfactory level and standard of open space on all new housing/student developments, or an off-site contribution towards existing open space for smaller scale developments where new on-site provision is not applicable.
- 5.9 Based on the information provided on the number and type of units, I have calculated the additional population generated by the development to be 222. This generates an open space requirement of 0.54 ha of on-site open space based on the criteria set for Housing accommodation.
- 5.10 If no public open space was being provided on-site, the developers would be required to make a financial contribution towards the provision of open space off-site, or the improvement (including design and maintenance) of existing open space in the locality. Based on the above assessment the contribution payable would be £227,298
- 5.11 However an open space of approximately 0.12ha is being provided on site. Therefore any contribution would be reduced accordingly. I enclose a copy of the calculation. The nearest open space is Craiglee Drive, which has recently been allocated a payment from the Herbert Street development.
- 5.12 In the event that the Council is minded to approve the application, I assume it will be necessary for the applicant and the Council to enter into a Section 106 Agreement to secure payment of any contribution.

- 5.13 Transportation: The Transportation Officer's consultation response will be reported to committee as a late representation.
- 5.14 Neighbourhood Regeneration: The officer makes the following observations: Supplementary Planning Guidance (SPG) on Community Facilities and Residential Development states that 'the Council will seek a financial contribution for improvements to existing community facilities or the provision of additional community facilities on all significant developments because the increased population will result in increased demand for local community facilities'.
- 5.15 In line with the SPG a development of 160 one and two bedroom apartments generates a financial contribution of £93,760.
- 5.16 Housing Strategy: In line with the Local Development Plan (LDP), an affordable housing contribution of 20% of the 150 units (30 units) is sought on this brown-field site.
- 5.17 On-site: Our priority is to deliver affordable housing on-site and we would require detailed discussion with the applicant to ascertain if the affordable housing can be delivered successfully and sustainably on the site via a RSL partner. The priority is to deliver social rented accommodation delivered at the following prices - 1 bed @ £45,000 & 2 bed @ £52,000. All affordable housing units would need to meet Welsh Government DQR standards in terms of design requirements.
- 5.18 Off-site: We would be willing to discuss the delivery of the affordable housing on another site that the applicant may already own or be in the process of purchasing in the vicinity/area of the site.
- 5.19 Financial Contribution: In exceptional cases if we cannot deliver the affordable housing on-site or off-site on another site then then we would consider a financial contribution. For information, based on a 20% contribution of 30 flats, the affordable housing contribution would be £2,055,810. This could increase/decrease depending on final numbers.
- 5.20 Highways and Parks (Drainage): The Drainage Officer requests additional information which was forwarded to the agent on 27.7.16. The agent has responded and provided the additional information requested. Any further consultation response will be reported to committee as a late representation.
- 5.21 Pollution Control (Contaminated Land): No objection subject to standard suite of contaminated land conditions, and imported soils and aggregates conditions.
- 5.22 Pollution Control (Noise & Air): No objection. Confirmation is sought on glazing and ventilation specifications. Standard road noise and railway noise conditions have been added for the residential part of the application.
- 5.23 Waste Management: No objection subject to more details on the size of the refuse storage area for the residential block. The refuse store for the office block is acceptable. Details are required of the proposed refuse vehicle turning area to ensure the largest Council refuse vehicle can enter and exit in a forward gear.

5.24 Trees Officer: No objection subject to recommendations on species of trees and standard landscaping conditions.

6. **EXTERNAL CONSULTEE RESPONSES**

6.1 DCWW: No objection subject to a standard condition requiring the submission of a comprehensive drainage scheme for approval by the LPA; and in the event that confirmation is not received prior to determination that the two public sewers crossing the site have been removed a condition requiring that no operational development be carried out within 3m either side of the sewers.

6.2 Natural Resources Wales (NRW): NRW have no objection subject to an unsuspected contaminated land condition.

6.3 Network Rail (NR): NR has no objection in principle to the proposal. The response lists a number of requirements for the safe operation of the railway and the protection of NR's adjoining land. These have been forwarded to the applicant and are referred to in an additional recommendation.

6.4 South Wales Police (SWP): No objection. They make a number of recommendations which have been forwarded to the agent.

6.5 Glamorgan Gwent Archaeological Trust: No objection subject to a condition requiring the implementation of a programme of archaeological work in accordance with an approved written scheme of investigation. The letter has been forwarded to the agent.

7. **REPRESENTATIONS**

7.1 The proposals were advertised as a major application in the press and on site, and neighbours were consulted. One representation has been received from a worker on Columbus Walk raising concerns over noise and vibration caused by piling on the Capital Quarter site.

8. **ANALYSIS**

8.1 Land Use: The principle of office accommodation has been established by the outline consent for the wider Capital Quarter site, and is considered acceptable in terms of land use policy. New residential development within the Central Business Area is supported by the LDP Policy KP10, particularly in the context of a mixed use development providing a significant quantum of B1 office accommodation. Policy R8 of the LDP identifies the Central Business Area is an appropriate location for food and drink uses.

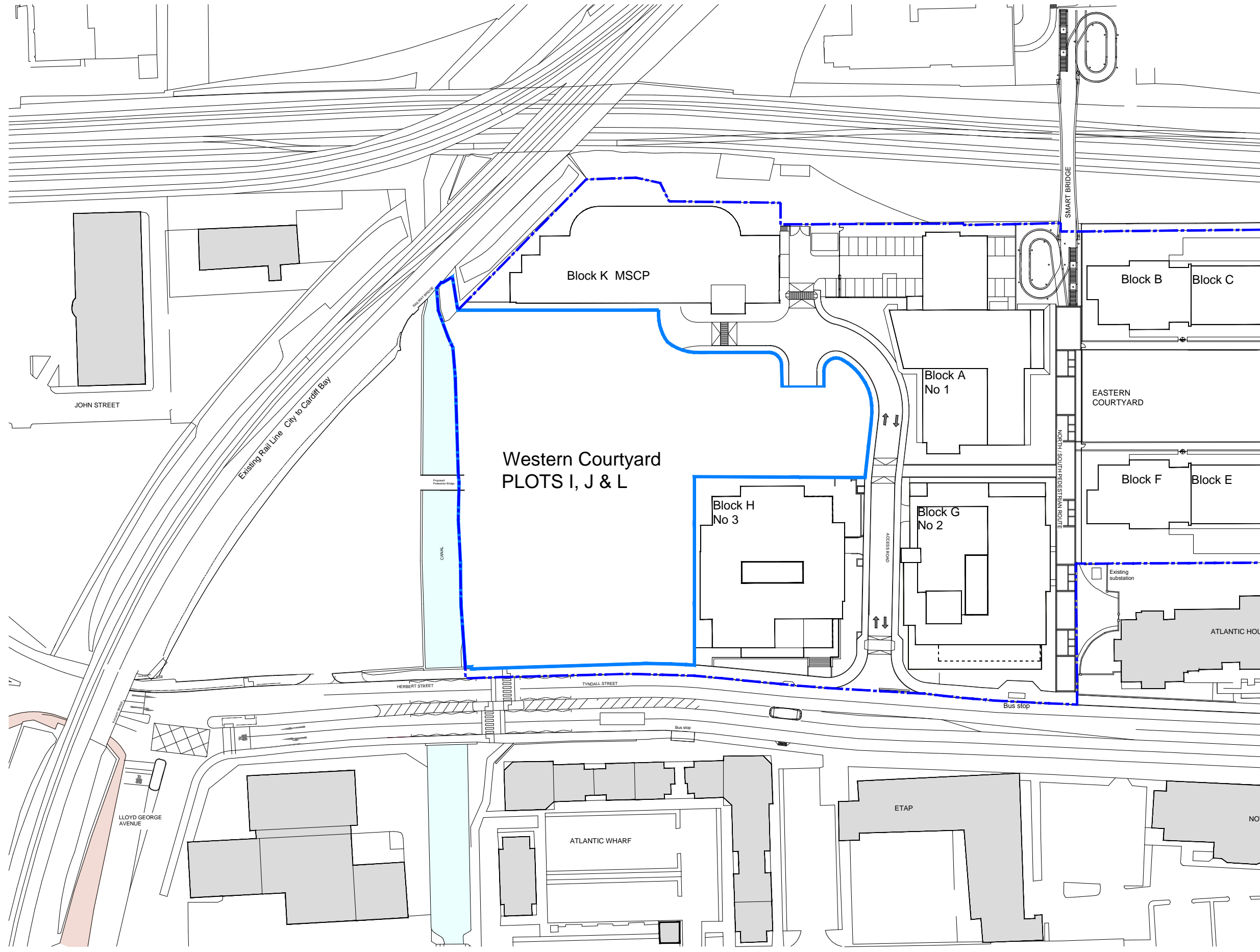
8.2 Design: The height, massing, and footprint of the office building, although marginally larger than its neighbours to the east, are broadly in line with the outline consent and are acceptable. The design complements No. 3 Capital Quarter, and completes a high quality commercial frontage to Tyndall Street.


- 8.3 Given its location in the city centre adjacent to the railway line the height, massing and footprint of the residential tower is acceptable. It should also be noted that the outline consent for the wider Capital Qtr. Site included a 16 storey tower at this location.
- 8.4 The immediate area is characterised by a number of tall buildings to the north of the railway line – Radisson Blu Hotel, Altolusso Apartments, and Ty Pont Hearn student housing block. Recently planning permission has been granted for a 25 storey tower on the Herbert Street site (subject to legal agreement), a 20 storey tower on the John Street site to the other side of the railway line, and for a 42 storey tower on the corner site at the junction of Bute Street and Customhouse Street. The principle of a cluster of tall buildings at this location is therefore firmly established.
- 8.5 Given this context the increased height is appropriate and will contribute to the emerging cluster of towers in this area of the city. It will also ensure a more elegant form on the city's skyline. The application seeks outline permission only for the tower, details of the architecture and materials will be the subject of a reserved matters application.
- 8.6 Public realm and landscaping: The provision of the open space is a departure from the outline scheme and is a requirement associated with the introduction of residential to the Capital Quarter site. It is large enough to accommodate significant areas of landscaping, including a number of large trees, and areas of grassed amenity space, provides a breathing space for the tall building and enhances the east-west pedestrian route.
- 8.7 Transportation: The proposals are acceptable in relation to parking provision and the impact on Tyndall Street and the local highway network.
- 8.8 S106 Matters: The introduction of a C3 residential use to the Capital Quarter site triggers affordable housing, open space and community facilities planning obligations. Policy compliant obligations requested by service areas amount to approximately £2,5 million.
- 8.9 A viability statement has been submitted concluding that the level of Section 106 obligations sought by the Council render the scheme unviable. This conclusion is consistent with the viability exercise carried out for the Herbert Street scheme (14/2887/MJR) for 180 apartments. Notwithstanding the conclusion of the viability exercise a sum of £625,000 together with highway works to be completed by the developer (valued at £150,000) was agreed for the Herbert Street scheme, and it was resolved to grant planning permission on this basis.
- 8.10 Given the conclusion of the independently assessed viability exercise and the precedent established by Herbert Street a contribution of £510,000 has been agreed with the developer. This sum takes into account the provision of a significant open space on the site and the large area of public realm works.
- 8.11 The agreed sum is to be divided pro-rata between community facilities, education and affordable housing. The payment trigger will be the implementation of the


outline residential part of the scheme, and the 106 will have a standard deferred payment clause enabling the viability of the Phase 2 outline part of the scheme to be reviewed at reserved matters stage.

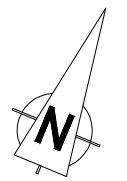
CONCLUSION

- 9.1 In conclusion the proposals do not raise any land use, design, amenity or access/transportation concerns. The proposals deliver high quality office space, 160 dwellings and a significant area of public open space serving the apartments and the Capital Quarter development as a whole.
- 9.2 The grant of planning permission is recommended subject to conditions being imposed, and a Section 106 legal agreement to secure the following:
- £450,000 for the provision of offsite affordable housing in the vicinity;
 - £25,000 towards the improvement of community facilities in the vicinity;
 - £35,000 towards the provision of English and Welsh medium primary school provision and English medium secondary/ sixth form provision in the vicinity.
 - Payment trigger for all of the financial contributions to be implementation of the Phase 2 outline permission. A standard deferred payment clause is to be included to enable a review of the viability of Phase 2 of the scheme at the reserved matters stage.



 Capital Quarter Site
 Planning Ref:
 -08/02740/C
 -12/01716/DCI

 Application Boundary
 Western Courtyard
 PLOTS I, J & L



Scale: 1:1000 @ A3
 1:500 @ A1

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 Tel: (029) 2044 7520 Fax: (029) 2045 1813

Project
 Capital Quarter, Tyndall Street, Cardiff
 Client

JR Smart Ltd
 Drawing Title
 Western Courtyard - No. 4 & 5 Capital Quarter

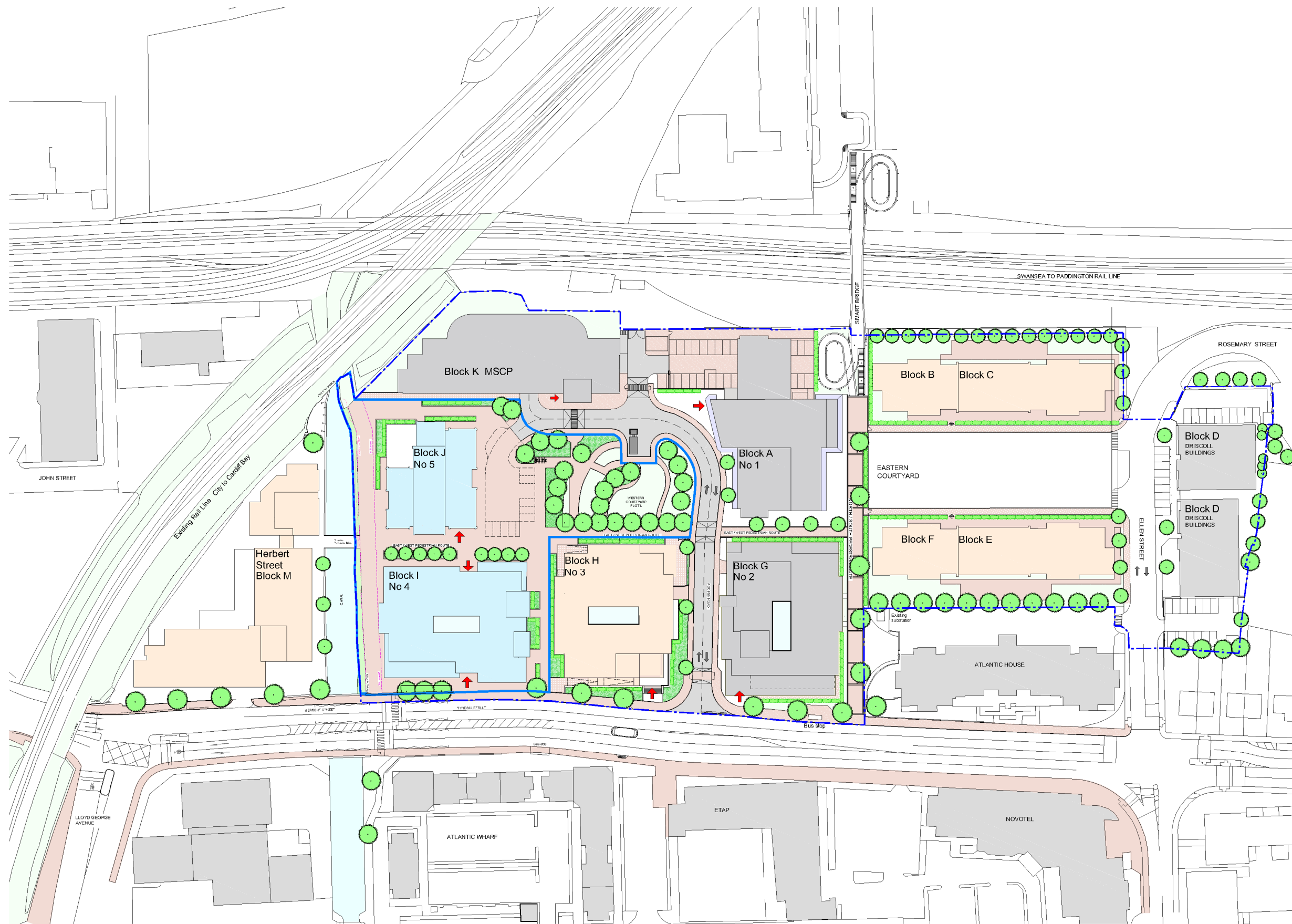
HERBERT STREET RESIDENTIAL CAPITAL QUARTER DEVELOPMENT SITE Planning Ref: - 08/02740/C
 - 12/01716/DCI




Location Plan - Western Courtyard

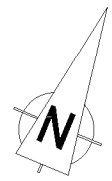
Site Location Plan					
Drawn	Checked	Scale	Original	Date	
DG	ARM	1:1000	A3	June 2016	
Job Number	Drawing Number	Revision	Status		
3035	PL	100	Planning		

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 * ANY DISCREPANCIES TO BE REPORTED TO THE ARCHITECT
 * DO NOT SCALE THIS DRAWING

REVISIONS			
No	By	Description	Date
A	HM	Revised Planning Drawings	06.10.16



-  Capital Quarter Site Boundary
Ref: 08/02740/C
12/01716/DCI
-  Existing Surrounding Buildings
-  Future Developments Planning Approved
-  No. 4 Plot I & No. 5 Plot J
-  Application Boundary Western Courtyard PLOTS I, J & L



Scale: 1:1250 @ A3

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HERBERT STREET RESIDENTIAL | CAPITAL QUARTER DEVELOPMENT SITE | Planning Ref: - 08/02740/C - 12/01716/DCI

Project: Capital Quarter, Tyndal Street, Cardiff
 Client: JR Smart Ltd
 Drawing Title: Western Courtyard - No. 4 & 5 Capital Quarter

Proposed Context Master Plan					
Drawn	Checked	Scale	Original	Date	
DG	ARM	1:1250	A3	June 2016	
Job Number	Drawing Number	Revision	Status		
3035	PL	110	A Planning		

Proposed Context Master Plan

8.0 Perspective Views



View from East on Tyndall Street