

COMMITTEE DATE: 8/11/2017

APPLICATION No. **17/1906/MJR**

APPLICATION DATE: 4/8/2017

ED: **CATHAYS**

APP: TYPE: Full Planning Permission

APPLICANT: LEOM LLP

LOCATION: Custom House and former York Hotel, Custom House Street, City Centre, Cardiff.

PROPOSAL: REDEVELOPMENT OF THE SITE TO PROVIDE A 248 BED HOTEL (CLASS C1) AND ANCILLARY RESTAURANT (CLASS A3) INCLUDING PARTIAL DEMOLITION OF THE CUSTOM HOUSE, RETENTION AND RESTORATION OF THE CUSTOM HOUSE FAÇADE, DEMOLITION OF THE FORMER YORK HOTEL, AND ASSOCIATED ACCESS, PARKING AND ANCILLARY WORKS.

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. C01 Statutory Time Limit
2. The consent relates to the application plans numbered:
 - Existing location plan A-90-101-C
 - Proposed site plan A-00-001-D
 - Ground floor plan A-00-010-D
 - Mezzanine floor plan A-00-011-D
 - First floor plan A-00-012-D
 - Second floor plan A-00-013-D
 - Third floor plan A-00-014-D
 - Fourth floor plan A-00-015-D
 - Fifth floor plan A-00-016-D
 - Sixth floor plan A-00-017-D
 - Seventh floor plan A-00-018-D
 - Eighth floor plan A-00-019-D
 - Ninth floor plan A-00-020-D
 - Tenth floor plan A-00-021-D
 - Eleventh floor plan A-00-022-D
 - Twelfth floor plan A-00-023-D
 - Thirteenth floor plan A-00-024-D
 - Fourteenth plan A-00-025-D

- Fifteenth floor plan A-00-026-D
- Sixteenth floor plan A-00-027-D
- Seventeenth floor plan A-00-028-D
- Plant room floor plan A-00-029-D
- Roof plan A-00-030-D
- North elevation A-00-200-D
- South elevation A-00-201-D
- East elevation A-00-202-D
- West elevation A-00-203-D
- Section AA A-00-204-D
- Section BB A-00-205-D
- Section CC A-00-206-D
- Section DD A-00-207-D

Reason: For the avoidance of doubt.

3. Any A3 use shall be restricted to café/ restaurant type uses where the primary function is the sale and consumption of food within the premises, and for no other A3 Use Class unless otherwise agreed in writing by the LPA. Reason: To ensure the amenity of future occupiers and occupiers of other premises in the vicinity are protected.
4. *Samples of Materials:* No above ground development shall take place until a representative sample panel of the external cladding has been approved in writing by the LPA. The development shall be carried out in accordance with the approved details. Reason: To ensure a satisfactory finished appearance to the building.
5. *Architectural detailing:* No above ground development shall take place until a scheme showing the architectural detailing of the main elevations of the building has been submitted to and approved in writing by the LPA. The development shall be carried out in accordance with the approved details. Reason: To ensure a satisfactory finished appearance to the building.
6. *Ground gas protection:* Prior to the occupation of the development and following completion of the monitoring scheme, the proposed details of appropriate gas protection measures to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site shall be submitted to and approved in writing to the LPA. If no protection measures are required then no further actions will be required. All required gas protection measures shall be installed and appropriately verified before occupation of any part of the development which has been permitted and the approved protection measures shall be retained and maintained until such time as the Local Planning Authority agrees in writing that the measures are no longer required. Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff LDP.
7. *Contaminated land measures – assessment:* Prior to the construction phase 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. This assessment must be carried out by or under the direction of a suitably qualified competent person in accordance with BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and shall assess any contamination on the site, whether or not it originates on the site. The report of the findings shall include an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study; an assessment of the potential risks to human health, ground waters and surface waters, adjoining land, property (existing or proposed), and any other receptors identified through investigation, and an appraisal of remedial options, and justification for the preferred remedial option(s). Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff LDP.

8. *Contaminated land measures – remediation & verification plan:* Prior to the construction phase 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. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff LDP.
9. *Contaminated land measures - remediation & verification:* The approved remediation scheme 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. Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff LDP.
10. *Contaminated land measures – unforeseen 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, 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 Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to

and approved in writing by the Local Planning Authority. 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 the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff LDP.

11. *Imported soil:* 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 which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority 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, 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 in accordance with policy EN13 of the Cardiff LDP.
12. *Imported 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 Local Planning Authority 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, sampling of the material received at the development site to verify that the imported material 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 in accordance with policy EN13 of the Cardiff LDP.
13. *Use of site won materials:* 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 EN13 of the Cardiff LDP.
14. *Drainage scheme:* No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall demonstrate how the site will be effectively drained and the means of disposal of surface water, and indicate how foul flows will communicate to the public sewerage system. Thereafter, the scheme shall be implemented in accordance with the approved details prior to the occupation of the development. If it is proved that surface water can only communicate with the public sewer then this flow shall only

connect to a public surface water sewer at a rate not exceeding 9 l/s. Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

15. *Railway Traffic Noise:* 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.
16. F7G Railway Vibration
17. *Restaurant opening hours:* No member of the public shall be admitted to or allowed to remain on the premises of the ground floor restaurant between the hours of 12:00 midnight and 06:00 on any day. Reason: To ensure the amenity of future occupiers and occupiers of other premises in the vicinity are protected.
18. *Plant noise:* 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 by more than 5dB(A) at any residential property when measured and corrected in accordance with the current British Standard 4142. Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.
19. *Visitor cycle parking:* Prior to beneficial occupation details showing the provision of visitor cycle parking shall be submitted to and approved in writing by the LPA and implemented in accordance with the approved details. Reason: To ensure that adequate provision is made for the secure parking of cycles.
20. *Travel Plan:* No part of the development hereby permitted shall be occupied until a travel plan to include, but not limited to, the promotion of public

transport and other sustainable alternatives to the private car and the details of an identified Travel Plan coordinator have been submitted to and approved in writing by the Local Planning Authority. Reason: in the interest of highway safety, sustainable transport and to regulate the impact of the development on use of the adjacent highway

21. *Construction Management Plan:* 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 but not limited to, details of site/compound, details of highway/footway closures, site hoardings and access/egress, noise and dust suppression measures, and working hours etc. 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.
22. *Service layby works:* No above-ground works shall be commenced until the details of a scheme to provide the proposed, extended bus and loading layby has been submitted to and approval in writing by the LPA. The scheme to include the extension of the existing laybys on both sides of the car park access, including re-kerbing and reinstatement/resurfacing in block to match the existing layby to the east; to include surfacing, kerbs, edging, drainage, lighting, lining, signing, street furniture, Traffic Orders and relocation of the bus shelter and public art as required as a consequence of the scheme. The agreed scheme to be implemented to the satisfaction of the LPA prior to beneficial occupation of the site or at such other time as may be agreed in writing with the LPA. Reason: To provide the proposed loading bay to facilitate safe commodious access to and use of the proposed development.
23. *Waste Strategy:* Details of the strategy for dealing with the storage, recycling and collection of waste shall be submitted to and approved by the Local Planning Authority and the scheme shall be constructed in accordance with the approved details prior to the development being put into beneficial use. Reason: To ensure that the amenities of the area are protected.
24. *Former York Hotel:* No part of the development hereby permitted shall be commenced until an appropriate photographic record of the existing exterior of the former York Hotel, undertaken in accordance with Historic England's 'Understanding Historic Buildings: A Guide to Good Recording Practice' (2016), has been carried out in accordance with a previously submitted Written Scheme of Investigation approved in writing by the LPA. Reason: As the building is an element of the setting of the former Custom House (grade II listed building) and the St Mary Conservation Area, records are required to mitigate the impact arising from its demolition.
25. *Desk Based Wind Assessment :* Within 6 months of commencement a desk based wind assessment, shall be submitted to the Local Planning Authority. Details of any mitigation measures that may be required shall be subject to approval by the Local Planning Authority and implemented in accordance with the approved details prior to occupation.

Reason : To ensure the comfort of pedestrians using adjacent footways.

RECOMMENDATION 2: The highway works condition and any other works to the existing public highway (to be undertaken by the developer) are to be subject to an agreement under Section 278 Highways Act 1980 between the developer and Local Highway Authority.

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.

RECOMMENDATION 4: 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.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 The application is for the development of a 19 storey hotel (Class C1 / 10,462sqm) with 630sqm of ground floor restaurant (Class A3) floor space. The proposal includes the demolition of the former York Hotel (vacant) and the partial demolition of the Custom House building (vacant), with the retention of its 1845 façade to Customhouse Street and St Mary Street.
- 1.2 The hotel is located to the back of the site and cranked on its long elevation and is 61m tall. The main entrance to the hotel and the ground floor restaurant is from Customhouse Street in the location currently occupied by the 1985 extension to the Custom House which will be demolished. The new building will be located approximately 1.2m closer to the OU building and will extend further back into the site than the existing building. The upper levels (1st to 18th floors) cantilever 1.8m over the ground floor on the east elevation.
- 1.3 The original Custom House will accommodate the double height restaurant with kitchen and seating on the ground floor and a plant area on a new mezzanine floor. The York Hotel frontage will be demolished and replaced by a full height glazed curtain wall providing views into the kitchen area of the restaurant.
- 1.4 The palette of building materials is limited to a dark-coloured diagonally-laid and profiled metal cladding, and glazing arranged in a highly regular fenestration pattern comprising skewed windows and mesh ventilation panels integrated into the diagonal cladding.
- 1.5 Car parking is not proposed on the site for guests or staff. Two disabled car parking spaces will be provided.
- 1.6 The following information is submitted:
- Design and Access Statement
 - Planning Statement
 - Pre-application Consultation Report
 - Heritage Statement
 - Economic Impact Statement
 - Transport Statement
 - Travel Plan
 - Bat Survey Report
 - Acoustic Assessment
 - Flood Consequences Assessment and Drainage Strategy
 - Geo-Technical and Geo-Environmental Assessment
 - Demolition and Façade Retention Statement
- 1.7 Amended plans have been received altering the fenestration and the cladding to the rear elevation and the main entrance on Customhouse Street, and a revised public realm design showing on-street servicing from an extended shared layby. The amended plans do not materially alter the footprint, scale or appearance of the development and on this basis it was not considered necessary to notify neighbours and members of the relatively minor changes.

- 1.8 In accordance with the T&CP Environmental Impact Assessment (England and Wales) Regulations 1999 the development was screened to consider whether the scale of the proposal would require the submission of an Environmental Statement (ES) to assess the environmental impact of the development.
- 1.9 An ES is not required for the following reasons:
- a) In relation to size the development proposes a 61m high tower which will form part of a cluster of high rise buildings on the southern edge of the city centre, including buildings of 72m and 75m. Given the building's location and relative height it is not considered that the building will have a significant visual impact on the city's skyline.
 - b) The development is not located within, nor is it close to, an environmentally sensitive location as defined by Schedule 3 of the regulations, and there are no areas around the location which contain important, high quality or scarce resources which could be affected by the development.
 - c) The hotel use is a car-free development (no parking provision is proposed) and will not therefore result in any additional traffic movements or associated noise and emissions, and will not give rise to any unusually complex or potentially hazardous environmental effects.

In conclusion the environmental impact is capable of being considered as part of the normal planning application process and the application does not therefore require the submission of an Environmental Statement.

- 1.10 The proposal benefitted from non-statutory pre-application discussions with the planning department which helped to shape the design approach adopted.
- 1.11 A statutory Pre Application Consultation was carried out by the developer in August 2017. Neighbours, local members and statutory consultees (DCWW, CADW, NRW, and the Council's Highways Department) were consulted in accordance with the legislation. A meeting was held with Cathays Councillors, and the local press was informed. There were no significant issues raised.
- 1.12 The Open University raised concerns over the construction phase and the impact of such a large building so close to their building (daylighting, privacy and shared access), and highways issues arising from the lack of parking and the requirement for servicing. Other responses (6 in total) objected to various aspects of the design of the building and its relation to the listed Custom House.
- 1.13 The scheme was presented to the Design Commission for Wales (DCfW) in July 2017. The general approach to the retention of the listed building and the design of the contrasting tower was supported with the following reservations: coherence of the façade treatment – how it is carried round from the front to the back, the design of the main entrance, and whether the retained façade should return at its eastern end.

2. **DESCRIPTION OF SITE**

- 2.1 The site is located on the corner of St. Mary St. and Customhouse Street immediately to the north of the mainline railway, on the former East Canal Wharf of the Glamorganshire Canal, and comprises the Custom House and the former York Hotel.
- 2.2 The Custom House was built c.1845. In 1975 it was grade II listed for its importance in the commercial history of Cardiff, despite extensive alterations and extension. In 1985 it was effectively internally gutted, altered and extended to the east along Customhouse Street, and a metal mansard roof extension was added.
- 2.3 The building is finished in painted stucco render with some bathstone dressings, with rusticated ground floor/pilasters, and roman arch headed window apertures with segmental/marginal glazing bars to double glazed timber windows. The building has been completely altered internally and currently has a now somewhat dated 1980s modern hipped Mansard roof. The building is listed as much for its importance in the commercial history of Cardiff as for its remaining architectural merit.
- 2.4 The York Public House (proposed to be demolished) is adjoined to the rear and western side elevation of the Custom House and is bounded by the main central railway line to its rear (S) elevation. The building is not listed and has been vacant for a number of years and is boarded and reported to have come to the end of its useful life, and to be derelict/structurally unsound.
- 2.5 The public realm surrounding the site is now looking dated with a somewhat random mix of paving materials, planters, benches, sculptural public art and cycle stands and barriers.
- 2.6 The Custom House is separated from the adjacent Open University building to the east (10.5m at the closest point) by the access road shared with the OU building. Customhouse Street now acts principally as a bus layby and bus only access in a westerly direction and with limited traffic flows travelling east.
- 2.7 The site is located in the Central Business Area and the Cardiff Central Enterprise Zone (LDP Policy KP2A), immediately to the south of the city centre commercial hub and north of the Callaghan Square commercial office area, in a highly sustainable location close to public transport and city centre facilities. The Central Train and Bus Stations are c. 200m to the west, Queen Street Station is approximately 900m to the east.
- 2.8 The area has a diverse built environment which is very mixed in character, both in terms of uses and in terms of building ages, styles and heights. Uses include offices, commercial, retail, hotels, leisure and residential.
- 2.9 The site is close to a number of tall and significant buildings which stretch along the fringes of the railway line on the southern and eastern boundaries of the city centre. The cluster of tall buildings is a significant feature of the city and its skyline. The buildings include the 21 storey Radisson Blu Hotel to the east of the site (75m high) and the Altolusso apartments (c. 72m). Consent has recently been granted

for a 42 storey student housing tower about 50m to the east on Customhouse Street.

- 2.10 To the west on the other side of St. Mary Street is the 13 storey Clayton Hotel. To the south on the other side of the railway is the 7 storey Eversheds office building fronting Callaghan Square. To the north of the site is the red brick Marriott Hotel multi-storey car park (4 storeys).
- 2.11 The architecture of the immediate area around the site is of varying quality. The materials of the more significant taller buildings are a mix of brick, white render (beginning to degrade and discolour), and medium or low quality metal cladding. The massing, form and detailing of these larger buildings is often very bulky, of a similar height, and generally unexceptional.
- 2.12 The nearest conservation area is St. Mary Street Conservation Area located 60m to the NW. The closest listed building to the site is the grade II listed Golden Cross PH on Customhouse Street about 80m to the east.

3. **PLANNING HISTORY**

- 17/01907/MJR Associated application under consideration for listed building consent for partial demolition, retention of the original northern and western facades, external alterations, refurbishments and extensions to the Custom House to facilitate its redevelopment and re-use as a class C1 hotel and ancillary class A3 food and drink use.
- 17/2382/MNR – See LBC 17/1907/MJR planning history
- 17/2383/MNR - See LBC 17/1907/MJR planning history
- 15/02261/MJR Listed building consent granted in January 2016 for partial demolition (rear), internal works, external alteration and extension and refurbishment of Custom House
- 15/02236/MJR Planning permission granted in September 2016 for demolition of former York Hotel, partial demolition of Custom House, refurbishment, extensions and change of use of existing building for managed student accommodation, communal facilities and 95 sqm a3 retail use.
- 12/978/DCI Planning permission granted in July 2012 to vary condition 2 of planning permission 09/00993/C to allow the temporary use (as a day centre and accommodation for homeless persons) of the building to continue until 30th July 2012.
- 09/993/C Planning permission granted Nov 09 for change of use to a day centre and accommodation for homeless persons.
- 09/2188/C Resolution to grant subject to 106 for partial demolition of Custom House, total demolition of York Hotel, construction of 3-4 storey office accommodation and refurbishment of listed façade.
- 08/1724/C Resolution to grant subject to 106 for demolition of York Hotel and rear areas of Custom House, construction of 3 storey rooftop extension for office use, 2no. A3 restaurant uses at ground floor, and undercroft parking.
- 08/1725/C Planning permission granted April 09 for internal refurbishment/ demolition rear areas/ 3 storey extension.
- 05/2239/C Planning permission granted March 06 for change of use to hotel and ancillary services.

4. **POLICY FRAMEWORK**

National policy

- 4.1 Planning Policy Wales (PPW) Edition 9 (Nov 2016) Policy 6.5 Development Management and the Historic Environment.
- 4.2 The following Technical Advice Notes (TANs) are relevant:
- TAN 12: Design (2009)
 - TAN 24: The Historic Environment
- 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
 - EC4 Protecting Offices in the Central and Bay Business Areas
 - EC5 Hotel Development
 - EN9 Conservation of the Historic Environment
 - R8 Food and Drink Uses
- 4.4 Supplementary Planning Guidance
- Tall Buildings (2017)
 - Planning Obligations (2017)
 - Waste Collection and Storage Facilities (2016)
- 4.5 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:
- City Centre Strategy (2007)
 - Premises for Eating, Drinking and Entertainment in the City Centre (2000)
 - Access, Circulation and Parking Requirements (2010)
 - St. Mary Street Conservation Area Appraisal (2005)

5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 **Land Use Policy and Public Realm:** The site is located within the Central Business Area (CBA) and the Central Enterprise Zone (CEZ) of the adopted Cardiff Local Development Plan 2006-2026 (LDP). As such, the main land use planning policy issues relate to:
- 5.2 *Loss of land for Class B1 (Business) use:* Policy EC4 (Protecting Offices in the Central and Bay Business Areas) of the LDP identifies that to ensure Cardiff continues to attract and retain quality businesses, the city centre must provide a range and choice of office premises for existing and future occupiers. The LDP states that where proposals involve the loss of office accommodation, a series of issues will be considered, including whether and for how long the premises have been vacant and actively marketed for office use.

- 5.3 The Custom House was last used as office accommodation in the 1990s. It has subsequently benefitted from several planning permissions / 'resolutions to grant', however none of these have come to fruition. The site was last occupied as a temporary homeless hostel. Taking into consideration the significant long-term vacancy of the site and associated marketing for Class B1 (Office) use, there is some policy justification to support the proposed change of use in this instance.
- 5.4 *Acceptability of proposed Class C1 (Hotel) use:* The application site is located within the boundary of LDP Policy KP2A (Central Enterprise Zone and Regional Transport Hub), which is allocated for major employment led initiatives, together with other mixed uses in Cardiff City Centre. Policy EC5 (Hotel development) identifies the Central Business Area as an acceptable location for hotel uses, subject to there being no need to preserve the site for its existing use and subject to considerations of scale, location, design, amenity and transportation.
- 5.5 *Acceptability of proposed A3 (Food and Drink) use:* Policy R8 (Food and Drink Uses) of the LDP identifies the Central Business Area as an appropriate location for food and drink uses, subject to amenity considerations. The proposed Class A3 floorspace, as a restaurant, is considered complementary to the primary use of the site as a hotel and has the potential to contribute to the vitality of the wider Custom House Street area.
- 5.6 Taking into consideration the sites location within the High Street / St Mary Street Area, which has been highlighted as a problem area in terms of alcohol-related incidents of anti-social behaviour and disorder, a condition would be sought that restricts the use of the premises to a restaurant / café / coffee shop and for no other purpose within the A3 use class.
- 5.7 *Public Realm Enhancements:* This is a large scale proposal, where the increase in floor space and intensification of use will place increased pressure on the surrounding pedestrian environment, particularly due to the nature of the proposal as a hotel where movements will take place across a longer period of time, including late at night.
- 5.8 Planning Policy Wales, paragraph 3.4.3 states that 'When a new building is proposed, an existing building is being extended or altered, or a change of use is proposed, developers should consider the need to make it accessible for all those who might use the building. The appropriate design and layout of spaces in, between and around buildings, including parking provision and movement routes, is particularly important in ensuring good accessibility'.
- 5.9 As this proposal is for a hotel, where movements to and from the building will predominantly take place on foot, the public realm in the immediate vicinity of the site should be considered in this context. Cardiff Local Development Plan Policy KP6 (New Infrastructure) seeks that new developments will make appropriate provision for, or contribute towards, necessary infrastructure required as a consequence of proposed development, including public realm improvements.
- 5.10 There is a large public space immediately outside the site at the junction of Custom House Street and St Mary Street, which, mainly due to the long-term

vacancy of the Custom House and York Hotel buildings, has been largely underused since it was laid out between 15-20 years ago. Should the application be considered acceptable in all other respects, it is requested that a scheme of public realm / highway improvements be provided by the applicant to ensure that key routes around the site are suitably enhanced and that the public space is upgraded to a standard commensurate with the area surrounding the neighbouring Clayton Hotel.

- 5.11 The public realm works as identified on drawing 17/01906/MJR – *Custom House and York Hotel: Proposed public realm works (September 2017)* should include:
- Resurfacing the footway outside the York Hotel with 200x100 Silver-grey block paving to match the material used along Custom House Street and to provide a consistent treatment around the boundary of the site.
 - The removal of guard railings around the Custom House Street, St Mary Street and Mill Lane junctions to improve and increase pedestrian movement space on the routes leading to and from the site.
 - Revisiting the layout of existing street furniture within the public space at Custom House Street and proposing a revised layout, (that includes higher quality paving materials), which creates a more attractive pedestrian environment.
 - Replacement of existing street trees (if required). Any works required by highways to improve cycling routes to and from the site.
 - With regard to the paving around the site, although the materials are of a reasonable quality, there is an opportunity to significantly improve the appearance of the public realm by steam cleaning (or suitable alternative) the footways to restore them to their original appearance (see Clayton Hotel).
- 5.12 It would be preferable for the developer to undertake the public realm works as part of their development, as opposed to requiring a financial contribution to meet the cost of the works. This could be secured by means of Section 106 Agreement.
- 5.13 **Transportation:** The Officer confirms that the submission has been assessed and is considered to be acceptable in principle subject to the following comments, conditions and S106 matters.
- 5.14 Comments: The adopted Access, Circulation and Parking Standards SPG confirms there is no minimum requirement for on-site car parking for staff or visitors for hotel/A3 use in the Central Area. Secure staff and visitor cycle parking should be provided at a ratio of 1 space per 5 employees plus 1 space per 40 sq/m of public floor space.
- 5.15 The existing use benefits from 11 car parking spaces to the side/rear of the building accessed from a shared entrance on Customhouse Street, via a left in/right out barrier control system. The majority of the area currently used for parking will be built over, with a proposed retention/provision 2 number accessible disabled parking spaces. Access to and use of the adjacent Unison car park to the east of the site will be unaffected by the proposed development.
- 5.16 There is extensive private, paid car parking available within a short walk of the site; with 500 spaces in the John Lewis car park and 2,500 spaces in St. David's car

park, approximately 200m and 500m respectively northwest of the site. As with other hotels, both locally and elsewhere in Cardiff, clients of the proposed hotel and A3 development will therefore have access to ample public car parking.

- 5.17 The site is well located in relation to cycling facilities, with Customhouse Street, Bute Terrace, Bute Street, Hayes Bridge Road, St. Mary Street junctions having advanced cycle stop lines. The southern footway of Customhouse Street also has shared and segregated cycle use/lanes, connecting to cycle facilities on Hope Street to the east, which in turn connects to off road cycle lanes running south/north to/from Cardiff Bay, the Barrage and the Taff Trail.
- 5.18 Customhouse Street also benefits from a number of bus stops, with shelters and bus boarder kerbs, immediately north of the site, with a combined provision of some 47 services per day Monday to Friday and 37 services on a Saturday; Sunday is currently less well served, however this situation will improve in time as demand for Sunday services increases in-line with emerging developments in the city.
- 5.19 The site is also within a short, circa 350m, walk of Cardiff Central Station and the proposed Transport Interchange/bus station on the site of the former Marland House/NCP car park north of Saunders Road.
- 5.20 Being mindful of the central, very sustainable location of the site and nature of the proposed use the Officer is satisfied that the development is both acceptable and compliant with adopted parking policy as submitted, with two onsite disabled car parking spaces and the provision of staff/visitor cycle parking as required by condition.
- 5.21 With reference to location and wider development considerations, it is noted that the site is in a City Centre location adjacent to wide pedestrian footways and controlled crossings, providing direct pedestrian access to major shopping, entertainment and leisure destinations to the north. The site is also within an area where walking, cycling and public transport offer viable daily alternatives to use of a private car; as noted above having very good access to bus based public transport services and Cardiff's cycle network. The site is therefore considered to be extremely sustainably located in transport terms and entirely appropriate for the proposed form and scale of development.
- 5.22 With regards to servicing, the supporting Transport Statement advises that the proposed hotel and A3 ground floor use will attract circa 15 service visits per week in the form of linen, food and drinks deliveries, and refuse collections. The servicing analysis advises that the visits range from 20 to 45 minutes depending on the specific operation. However I feel this is probably overly pessimistic and would expect operations to be managed in such a way as to minimise the visit durations.
- 5.23 To accommodate the identified servicing requirements and following discussion on possible options, it is proposed to extend the existing bus stop layby immediately to the north on Customhouse Street and incorporate a service layby to the western end. The creation of the extended layby will require works to the public highway, which will need to be subject to Section 278 of the Highways Act 1980, the

implications of which are shown in principle on MHA drawing A-00-002 rev D and Vectos drawing W162624/SK/05 rev D.

- 5.24 There is also ongoing construction of a student accommodation tower by Watkin Jones at the eastern end of Customhouse Street, as a consequence of which a temporary push button crossing has recently been installed within the area of the proposed layby extension discussed in the above paragraph. While the temporary nature of the new crossing will not impact on the identified servicing proposals in the long term, there may be a short period while the temporary crossing is still in place and the hotel servicing provision is required. Depending on timing and delivery of the ongoing developments, it may be necessary to temporarily accommodate servicing for the hotel elsewhere on Customhouse Street or an adjacent street/area.
- 5.25 A suitably worded condition is therefore sought to secure agreement of the details and delivery of the proposed service layby, while allowing flexibility to ensure that the timing of delivery does not unnecessarily restrict occupation of the development in the event a temporary servicing solution is required. I am also satisfied that there is sufficient capacity on the adjacent public highway to accommodate the arrival and departure of the identified servicing requirements.
- 5.26 A condition is also sought to manage construction, bearing in mind the restricted nature of the site, the use of Customhouse Street by public transport, pedestrians and cyclists, and the nearby ongoing development to the east of the site.
- 5.27 The Officer has not sought a separate S106 contribution or extended highway works condition as colleagues have identified public realm improvements to the footways to the front and side of the site, on Customhouse Street and St. Mary Street, which will be subject to condition/S106 and completed via a Highways Act 1980 Section 278 Agreement.
- 5.28 It should also be noted that a separate licence will be required for the provision of tables & chairs on the footway, should they be proposed in association with the A3 use of the ground floor. All costs associated with securing any licence, permission or agreement required to facilitate the development or its subsequent operation must be met by the developer/operator as appropriate to the licence/activity.
- 5.29 Conditions: Standard Cycle Parking condition C3S; travel Plan condition; construction management plan condition; service Layby works condition.
- 5.30 Section 106: A separate S106 contribution is not sought in relation to the proposed development, all costs and requirements associated with the conditioned service layby works and public realm works will be met by the developer through the associated Section 278 Highways Agreement(s).
- 5.31 **Highways (Drainage):** No comments have been received.
- 5.32 **Pollution Control (Contaminated Land):** General indications from the SI report are that there is no significant chemical contamination, but asbestos containing materials are present in existing site structures and within the soils. Further assessment is required to determine the extent of the asbestos contamination and

confirm that no significant chemical contamination exists on parts of the site that are currently inaccessible. Some of this work will need to be undertaken post-demolition, requiring an amended contamination assessment condition. Following this, remediation requirements, if appropriate, can be fully determined.

- 5.33 The assessment indicates that ground gas assessments are ongoing. Consequently an amended ground gas condition is required.
- 5.34 Should there be any importation of soils to develop the landscaped areas of the development, or any site won recycled material, or materials imported as part of the construction of the development, then it must be demonstrated that they are suitable for the end use. This is to prevent the introduction or recycling of materials containing chemical or other potential contaminants which may give rise to potential risks to human health and the environment for the proposed end use.
- 5.35 **Pollution Control (Noise & Air):** The Pollution Control Officer requested additional information relating to the contents of the acoustic report, the proposed ventilation scheme, the vibration assessment and scheme, sound insulation works, opening hours of A3 use, and kitchen ventilation. The acoustic consultant's response has been sent to PC (Noise & Air). Their consultation response will be reported to committee as a late representation.
- 5.36 **Waste Management:** Confirms that the refuse storage arrangements shown in the site plans are acceptable. For a development of this size and nature a detailed waste strategy should be produced detailing anticipated volumes of waste, recycling strategy, and collection arrangements.
- 5.37 **Trees:** The Trees Officer provided detailed comments which were forwarded to the agent and discussed with their landscape and tree consultant. As a result of the discussions the Tree Officer is happy with the amended plan and looks forward to full details to discharge the landscaping condition.

6. **EXTERNAL CONSULTEE RESPONSES**

- 6.1 **Welsh Water:** No objection subject to a condition requiring submission of a drainage scheme that includes for attenuation of the surface water flows in the event that it is demonstrated that surface water can only discharge to the public sewer. The DCWW response has been forwarded to the applicant.
- 6.2 **GGAT:** The proposal will require archaeological mitigation. Conditions are requested requiring an appropriate photographic survey of the existing buildings on the site, and an appropriate programme of historic building recording and analysis of Custom House.
- 6.3 **South Wales Police:** No objection. The applicant has indicated that they wish to work with SWP to achieve 'Secured by Design' standards.
- 6.4 **Natural Resources Wales:** No objection to the application. The submitted bat survey report concludes that bats were not using the site. Controlled waters at this site are not of the highest environmental sensitivity. The NRW response has been forwarded to the applicant.

- 6.5 **Network Rail:** No objection subject to standard Network Rail comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land. These have been forwarded to the applicant.
- 6.6 **CADW:** CADW's statutory role in the planning process is to provide the local planning authority with an assessment of the likely impact that the proposal will have on scheduled monuments and registered historic parks and gardens. CADW do not provide an assessment of the likely impact of the development on listed buildings or conservation areas, as these are matters for the local authority.
- 6.7 Having carefully considered the information provided with this planning application, CADW consider that the proposed development will have an impact on the setting of the scheduled monument Cardiff Castle and Roman Fort (GM171). However in determining the scale of this impact it is necessary to consider the changes that have already occurred in this significant view. The construction of Callaghan Square and other developments in close proximity to the application area have already produced buildings of a similar height in this view and it is noted that consent has also been given to a 42 storey building close by (15/2820). As such the addition of another building of 20 storeys into this view will cause no more than a very slight impact on the setting of scheduled monument GM171.

7. **REPRESENTATIONS**

- 7.1 The proposals were advertised as a major application in the press and on site, and neighbours and Local Members were consulted.
- 7.2 A representation has been received from Cardiff Civic Society objecting on the following grounds:
- Overbearing design without any architectural merit
 - Dwarfs Victorian listed façade making its retention meaningless
 - Destroys character of neighbourhood
 - Contravenes Tall Buildings SPG – unsympathetic to surroundings; does not enhance city skyline; not an elegant building

8. **ASSESSMENT**

- 8.1 Matters to be assessed are proposed land use, siting, scale and design of hotel, impact of development on listed Custom House building and its setting, impact on setting of St Marys Street Conservation Area, impact on neighbours, and design of public realm.

Land Use

- 8.2 The application site is located in the Central Business Area (CBA) and the Central Enterprise Zone (CEZ) of the adopted Cardiff Local Development Plan which is allocated for major employment led initiatives, together with other mixed uses in Cardiff City Centre. Policy EC5 (Hotel development) identifies the Central Business Area as an acceptable location for hotel uses, subject to there being no need to preserve the site for its existing use. Policy EC4 (Protecting Offices in the Central and Bay Business Areas) of the LDP applies.

8.3 The Custom House was last used as office accommodation in the 1990s. It has subsequently benefitted from several planning permissions, including change of use to a hotel, however none of these have come to fruition. The site was last occupied as a temporary homeless hostel. Taking into consideration the significant long-term vacancy of the site and associated marketing for Class B1 (Office) use, there is some policy justification to support the proposed change of use in this instance.

Design

8.4 LDP design policy KP5 requires tall buildings to be highly accessible for pedestrians and public transport, and located within an existing or proposed cluster of tall buildings.

8.5 The 2017 Tall Buildings SPG states that tall buildings will be assessed having regard to locational criteria, specifically that they will only be acceptable where they:

- Are located within easy walking distance of public transport hubs;
- Create a positive feature in the city skyline;
- Add to legibility of city and wider townscape;
- Terminate or enclose important vistas;
- Have a minimal visual impact on sensitive historic environments (including conservation areas and their setting).

8.6 In terms of location the building is within easy walking distance of railway stations, the bus station, and the city centre shops and facilities, and is well served by buses with stops adjacent to the site.

8.7 The location of the tower at the bottom end of St. Marys Street forms part of a cluster of tall buildings alongside the railway line on the southern edge of the city centre, and aids legibility to the wider townscape by terminating vistas south from the St Marys Street Conservation Area, and west from Customhouse Street.

8.8 The impact on the listed Custom House and on its setting, and on the setting of the conservation area is discussed below.

8.9 The SPG also states that tall buildings will be assessed having particular regard to their design, specifically:

- Form and silhouette of the building;
- Quality and appearance;
- Impact and interface at street level;
- Sustainable design

8.10 Unlike previous proposals for development on this site, which have gone down the route of relatively modest 2 to 3 storey roof extensions, the requirement for 248 hotel bedrooms necessitates a tall building.

- 8.11 As discussed above the principle of a tall building in this location is acceptable, and the key issue is the quality of the design and its impact on the listed Custom House.
- 8.12 In relation to form and silhouette the siting of the hotel to the rear of the site, adjacent to the railway line, and the cranking of the building, minimises its impact on the listed façade by reducing the footprint of the tower and setting it back about 8m from the prominent NW corner of the Custom House. The crank also performs an important function by breaking up the massing of the tower in views from the north, and resulting in a tower with a distinct form and character.
- 8.13 The architectural detailing of the facades reveals a clear understanding of proportions and materials. It is designed as a flat face without window reveals and sills, and relies on the interplay of the integrated glazing and profiled metal cladding panels to provide variety, interest and colour to the facades.
- 8.14 The strong rationale here is that the simplicity of the main façade works to contrast and highlight the listed building. The hotel is essentially a backdrop to the listed façade in views from the north and west.
- 8.15 The result lends the building a coherence and simplicity of façade lacking in many of the other tall buildings in Cardiff. The limited palette of materials of dark coloured anodised aluminium cladding panels (flat and profiled), and glass and perforated panels, is high quality and durable, and appropriate for the building's prominence and setting.
- 8.16 Conditions are attached requiring submission of sample materials and architectural details of the façade, and a sample panel of the façade to be erected on site to control quality and appearance.

Impact on the listed Custom House and on the setting

- 8.17 By setting the building back and cranking it away from the most prominent north western corner the building will form a dramatic and contemporary backdrop to the classical detailing and light stone and stucco, whilst ensuring that its character as a significant corner building is reinforced.
- 8.18 The proposed replacement glazed façade to the south west in place of the former York Hotel will reinforce the character of the listed building, being a neutral foil to the richer character of the Custom House. While the loss of the characterful façade of the York Hotel is regrettable, the building is not a designated heritage asset and the principle of replacement has been established within other recent permissions.
- 8.19 In all views, the hotel above will be set sufficiently far back that the listed building will continue to be understood as a building in its own right, as opposed to a more harmful façade-only retention where historic masonry is merely grafted on to a much larger building behind, robbing it of much of its character. It is considered that the close range views of the building would be improved compared to the existing mansard or the glazed rooftop extension approved in early 2016.

- 8.20 The hotel entrance is intentionally 'freestanding' allowing the main façade to extend to the ground and frame the Custom House, and the entrance is expressed differently to give prominence and provide contrast with the Custom House.
- 8.21 The proposals restore prominence to the listed Custom House and provide a high quality addition to the streetscape which enhances the street views.
- 8.22 The closest listed buildings are the Grade II listed Golden Cross PH approx. 80m to the east of the site, and a number of listed buildings located in the southern end of the conservation area. In both case the proposals have no impact on the settings by virtue of separation distances and intervening development.

Impact on the setting of the St Marys Street Conservation Area

- 8.23 While the building would add significant scale to the townscape adjoining the conservation area, its position would represent a contemporary contrast to the highly decorative nineteenth century 3-6 storey commercial scale which characterises the lower end of St Mary Street. It is considered that, while a highly subjective matter, this contrast could be viewed as serving to reinforce the character of the protected area. The proposed building would not affect key views within or into the area. Numerous listed buildings form an integral part of the southern end of the conservation area, particularly 62, 63 and 64 St Mary Street. However, given the distances involved and the nature of the intervening highway layout and built form, the proposal is not considered to affect the way in which they are experienced.
- 8.24 As such, the proposals are considered to preserve the setting of the St Mary Street Conservation Area, in accordance with policies KP17 and EN9 of the LDP. The scheme is also considered to be consistent with the statutory requirement to give special regard to the desirability of preserving listed buildings, or their settings, or the features of special architectural or historic interest that they possess.

Impact on amenity of neighbours

- 8.25 The closest neighbour is the OU office building immediately to the east of the site. The proposals site the building 3m closer to the western elevation. Given that the elevation is blank except for 3 small windows (one per floor) serving what appears to be the circulation core of the building (the main office windows are on the north and south elevations of the building) the siting and footprint of the proposed hotel will not have a significant adverse impact on the levels of privacy or daylighting enjoyed by the office building.
- 8.26 The closest Marriott Hotel rooms are c.75m away, the closest Clayton Hotel rooms are c.50m away, and the rear elevation of the Callaghan Square offices are c.35m away, separated by the railway lines. Given these separation distances there are no overlooking or daylighting concerns.

Public realm, landscaping and public art

- 8.27 The prominent but poorly designed and chaotic area of public realm to the front of Custom House contains a large piece of public art, benches and street trees, and bus stop. The proposed works comprise resurfacing of the area to the front of Custom House, including a better defined higher quality paved area with relocated public art and benches, new street trees, relocation of the bus stop to the east to

improve the relationship with the public art and new area of public realm, and extension of the layby to accommodate buses and servicing for the hotel. Footways around the site will also be improved.

- 8.28 The provision of active hotel and restaurant uses at ground floor, and enhancement of the associated public realm, significantly improves the appearance and functionality for pedestrians/ cyclists at this key junction.

Wind Microclimate:

- 8.29 No wind assessment has been provided. Given the location of the tower set back from the footway it is not considered that wind conditions at pavement level will be significantly worse. Notwithstanding this a condition is added requiring a desk-based wind assessment to be carried out prior to the commencement of above ground development.

Traffic & Transportation:

- 8.30 There are no parking spaces provided on site and none required for a city centre hotel in a highly sustainable location. The impact on traffic movements on the highway is acceptable. Highway improvements (including extended layby for servicing) have been agreed with the applicant and are subject to a highway works condition and a 106 agreement.

Consultation responses

- 8.31 GGAT response: A condition requiring a photographic record of the exterior of the former York Hotel is attached.

Representations

- 8.32 The Cardiff Civic Society's grounds for objection are addressed in the assessment above.

Section 106 planning obligations

The public realm improvements to the front of Custom House form an integral part of the proposals and will be delivered through the 106 legal agreement as they are not within the application red line. The broad scope and extent of the works has been agreed up front in the form of an indicative public realm scheme. See the Council's indicative public realm works drawing '*Plan 1: Public Realm Enhancement Scheme for Application 17/1906/MJR, Custom House and former York Hotel*'.

- 8.33 The legal agreement will require the submission of a detailed scheme for the public realm within a time period post implementation to be agreed, and completion of the scheme prior to beneficial occupation (or other period to be agreed). Delivery of the agreed scheme will be the responsibility of the applicant and be delivered as part of the contract works, unless otherwise agreed in writing by the LPA.
- 8.34 Please note the land in question is not adopted highway but is adopted and maintained by PFI.

Other Matters

- 8.35 *Crime and Disorder Act 1998* – Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due

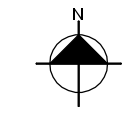
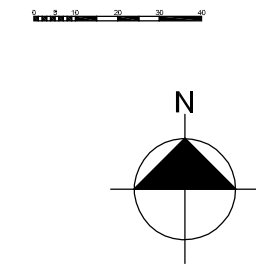
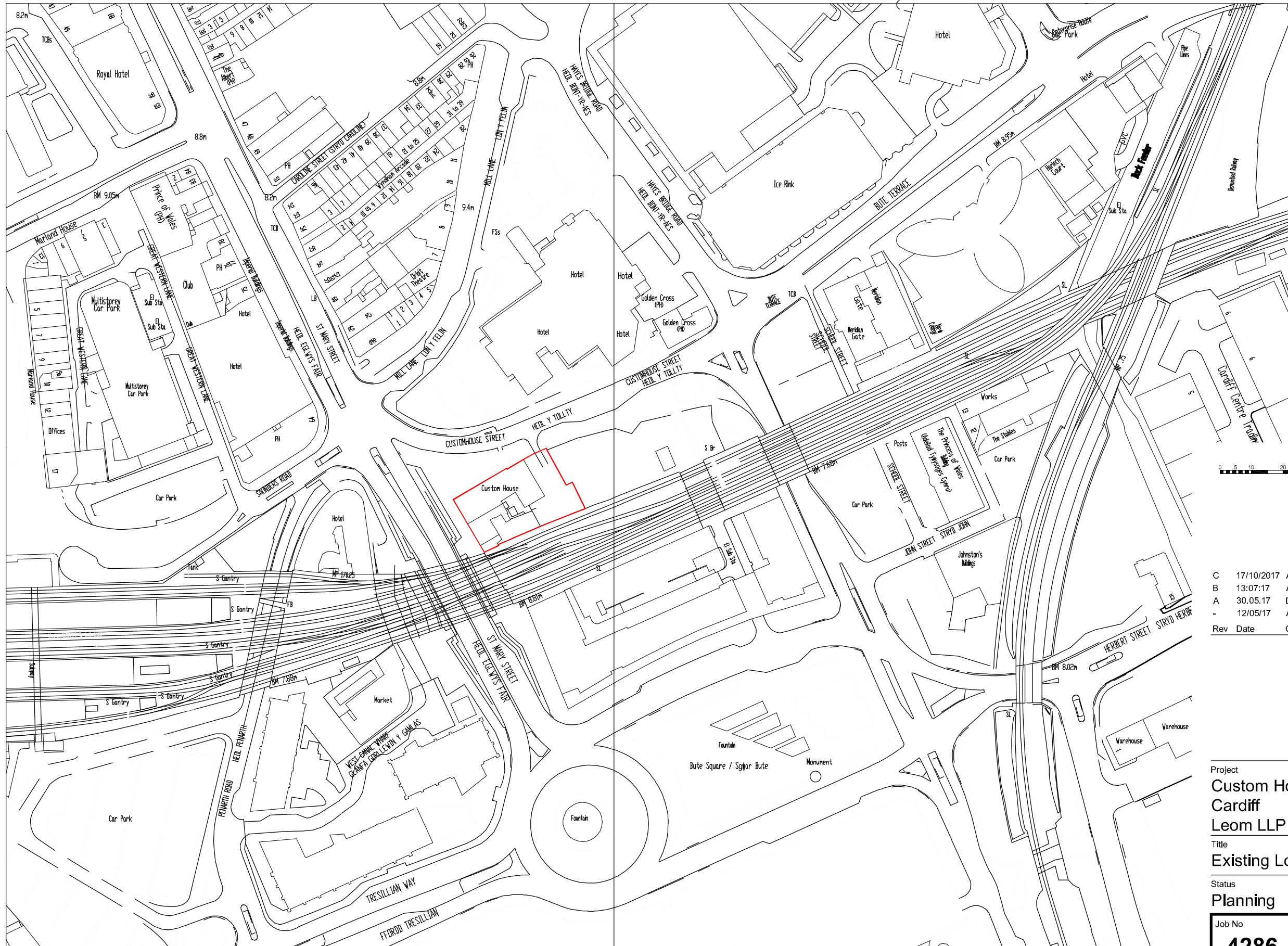
regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

- 8.36 *Equality Act 2010* – The Equality Act 2010 identifies a number of ‘protected characteristics’, namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council’s duty under the above Act has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic.
- 8.37 *Well-Being of Future Generations Act 2016* – Section 3 of this Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

9. **CONCLUSION**

- 9.1 The proposals bring back into beneficial and sustainable use the Grade II listed Custom House and provide a significant quantum of high quality hotel accommodation and a public restaurant in a prominent city centre location. The building’s location, silhouette and form enhance the bottom end of St Marys Street and do not adversely impact on the Custom House or its setting, or on the setting of the St Marys Street Conservation Area.
- 9.2 The granting of planning permission is recommended subject to conditions and the signing of a Section 106 legal agreement to secure improvement works to the public realm in front of the Custom House, and highway improvement works to Customhouse Street and St. Marys Street footways, as follows:
- Resurfacing the footway outside the York Hotel with 200x100 Silver-grey block paving to match the material used along Custom House Street and to provide a consistent treatment around the boundary of the site.
 - The removal of guard railings around the Custom House Street, St Mary Street and Mill Lane junctions to improve and increase pedestrian movement space on the routes leading to and from the site.
 - Revisiting the layout of existing street furniture within the public space at Custom House Street and proposing a revised layout (that includes higher quality paving materials) to create a more attractive pedestrian environment.
 - Replacement of existing street trees (if required).
 - Works required by highways to improve cycling routes to and from the site.
 - Improving the appearance of the footways around the site by steam cleaning (or suitable alternative) to restore them to their original appearance (see Clayton Hotel).

See the Council's indicative public realm works drawing '*Plan 1: Public Realm Enhancement Scheme for Application 17/1906/MJR, Custom House and former York Hotel*'.



Rev	Date	Check	Description
C	17/10/2017	AGW	Minor Amendments Submission
B	13/07/17	AGW	Planning Issue
A	30.05.17	DL	PAC Issue
-	12/05/17	AGW	FIRST ISSUE

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Project
Custom House
Cardiff
Leom LLP

Title
Existing Location Plan

Status
Planning

Scale at A3
1:1250

Job No	Zone	Sheet No	Rev
4286		A-90-101	C

ISO 14001 : 2004 ISO 9001 : 2000 RIBA Chartered Practice
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- SITE NOTES**
- Red Lines indicates Assumed Site Boundary
 - Blue Lines indicates proposed site works
 - Restricted area for Maintenance (Open Access)
 - Shared Access with the Open University
 - Norwich Rail (1m/10th Restriction)



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Holder Mathias architects

Premier Inn
 Custom House Street
 Leam LLP

Proposed Ground Floor Site Plan

Planning	1:100
4286	A-00-002 D

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