

COMMITTEE DATE: 08/11/2017

APPLICATION No. **17/01850/MJR** APPLICATION DATE: 04/08/2017

ED: **BUTETOWN**

APP: TYPE: Full Planning Permission

APPLICANT: Board of Trustees of the Museum of Military Medicine
LOCATION: LAND OFF HEMINGWAY ROAD, ATLANTIC WHARF
PROPOSAL: CONSTRUCTION OF A MUSEUM, WHICH INCLUDES A
CAFE, EXHIBITION ROOMS, COLLECTION STORES AND
OFFICE SPACE AT LAND OFF HEMINGWAY ROAD,
CARDIFF BAY

RECOMMENDATION 1 : That planning permission be **GRANTED** subject to the following conditions :

1. C01 Statutory Time Limit
2. The Development shall be carried out in accordance with the following approved plans:

16659 TP(00)001 Rev 4 – Amended Site Location Plan,
16659 TP(00)002 Rev 2 – Site Plan – Existing
16659 TP(00)003 Rev 4 – Site Plan – Proposal
16659 TP(10)100 Rev 4 – Ground Floor Plan
16659 TP(10)101 Rev 4 – First Floor Plan
16659 TP(10)102 Rev 4 – Second Floor Plan
16659 TP(10)103 Rev 4 – Third Floor Plan
16659 TP(10)104 Rev 4 – Roof Plan
16659 TP(11)100 Rev 2 – Elevations
16659 TP(12)100 Rev 2 - Sections
16659 TP(10)200 Rev 2 – 3D Views
16659 TP(10)400 Rev 1 – Shadow Study
Design and Access Statement (Rev 2 - 16659)

Reason: To ensure satisfactory completion of the development and for the avoidance of doubt in line with the aims of Planning Policy Wales to promote an efficient planning system.

3. Notwithstanding the submitted details, no development shall take place until full details of hard and soft landscaping have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
 - A landscaping implementation programme.
 - Scaled planting plans prepared by a qualified landscape architect.

- Proposed finished levels.
- Earthworks.
- Hard surfacing materials.
- Existing and proposed services and drainage above and below ground level.

Planting plans shall be supplemented by:

- Schedules of plant species, sizes, numbers or densities prepared by a qualified landscape architect.
- Scaled tree pit sectional and plan drawings prepared by a qualified landscape architect.
- Topsoil and subsoil specification for all planting types, including full details of soil assessment, protection, stripping, storage, handling, amelioration and placement to ensure it is fit for purpose. Where imported planting soils are proposed, full specification details shall be supplied, including certification in accordance with British Standards and interpretive reports by a soil scientist demonstrating fitness for purpose and a methodology for handling, amelioration and placement.
- Planting methodology and post-planting aftercare methodology (minimum 5 years) prepared by a qualified landscape architect.

Details shall be consistent with the Concept Plan submitted as part of the Landscape Statement (August 2017)

Reason: To enable the Local Planning Authority to determine that the proposals will maintain and improve the amenity and environmental value of the area, and to monitor compliance in accordance with policies KP5 and EN8 of the adopted Cardiff Local Development Plan (2006-2026)

4. Any newly planted trees, plants or hedgerows which, within a period of 5 years from the completion of the development, die, are removed, become seriously damaged or diseased, or in the opinion of the Local Planning Authority (LPA) otherwise defective, shall be replaced. Replacement planting shall take place during the first available planting season, to the same specification approved in discharge of condition 3, unless the Local Planning Authority gives written consent to any variation.

Reason: To maintain and improve the amenity and environmental value of the area in accordance with Policy KP5 of the adopted Cardiff Local Development Plan (2006-2026).

5. Prior to the commencement of any development works a scheme to investigate and monitor the site for the presence of gases* being generated at the site or land adjoining thereto, including a plan of the area to be monitored, shall be submitted to the Local Planning Authority for its approval. Following completion of the approved 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 than 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.

* 'Gases' include landfill gases, vapours from contaminated land sites, and naturally occurring methane and carbon dioxide, but does not include radon gas. Gas Monitoring programmes should be designed in line with current best practice as detailed in CIRIA 665 and or BS8485 year 2007 Code of Practice for the Characterization and Remediation from Ground Gas in Affected Developments,.

Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff Local Development Plan (2006-2026).

6. 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. 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:

- (i) 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. The desk study shall establish a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages;
- (ii) 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;
- (iii) an assessment of the potential risks to:
 - human health,
 - groundwaters and surface waters
 - adjoining land,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - ecological systems,
 - archaeological sites and ancient monuments; and
 - any other receptors identified at (i)

- (iv) an appraisal of remedial options, and justification for the preferred remedial option(s).

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document ' Land Contamination: A guide for Developers' (2012), unless the Local Planning Authority agrees to any variation. * A 'suitably qualified competent person' would normally be expected to be a chartered member of an appropriate professional body (such as the Institution of Civil Engineers, Geological Society of London, Royal Institution of Chartered Surveyors, Institution of Environmental Management) and also have relevant experience of investigating contaminated sites.

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 in accordance with policy EN13 of the Cardiff Local Development Plan (2006-2026).

- 7. 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. 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. All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document ' Land Contamination: A guide for Developers' (July 2012), unless the Local Planning Authority agrees to any variation.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN13 of the Cardiff Local Development Plan (2006-2026).

- 8. The remediation scheme approved by condition 7 (PC14B above) must be fully undertaken in accordance with its terms prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation

scheme works. Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority. All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document 'Land Contamination: A guide for Developers' (July 2012), unless the Local Planning Authority agrees to any variation.

Reason : To ensure that any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN13 of the Cardiff Local Development Plan (2006-2026).

9. 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 any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN13 of the Cardiff Local Development Plan (2006-2026).

10. 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 Local Development Plan (2006-2026).

11. 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 provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.
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.
12. No member of the public shall be admitted to or allowed to remain on the premises between the hours of 18:00hrs and 08:00hrs on any day.
Reason: To ensure the amenity of occupiers of other premises in the vicinity are protected in accordance with policy EN13 of the Cardiff Local Development Plan (2006-2026).
13. Arrival, departure, loading or unloading of delivery vehicles may only take place between the hours of 08:00hrs and 18:00hrs Monday – Saturday.
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected in accordance with policy EN13 of the Cardiff Local Development Plan (2006-2026).
14. Prior to implementation a noise assessment shall be carried out and submitted to the Local Planning Authority to ensure the noise emitted from fixed plant and equipment on the site achieves a rating noise level of background -10dB at the nearest noise sensitive premises when measured and corrected in accordance with BS 4142: 2014 (or any British Standard amending or superseding that standard).
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected, in accordance with policy EN13 of the Cardiff Local Development Plan (2006-2026).
15. If at any time the use of the premises is to involve the preparation and cooking of hot food, the extraction of all fumes from the food preparation areas shall be mechanically extracted to a point to be agreed with the Local Planning Authority, and the extraction system shall be provided with a de-odorising filter. Details of the above equipment shall be submitted to, and approved by, the Local Planning Authority in writing and the equipment installed prior to the commencement of use for the cooking of food. The equipment shall thereafter be maintained in accordance with the manufacturers' guidelines, such guidelines having previously been agreed by the Local Planning Authority in writing.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected in accordance with policy EN13 of the Cardiff Local Development Plan (2006-2026).

16. The development shall be constructed in accordance with a scheme of architectural detailing which shall have been submitted to and approved in writing by the local planning authority. The development shall not be brought into beneficial use until the approved scheme is implemented in full.

Reason: To ensure a satisfactory finished appearance to the development in accordance with Policy KP5 of the adopted Local Development Plan (2006-2026).

17. No development shall take place until samples of the external finishing materials have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory finished appearance to the development in accordance with Policy KP5 of the adopted Local Development Plan (2006-2026).

18. Prior to beneficial occupation, details of any gates, or other means to restrict access to the passageway running north-south between the external plant room and offices proposed on the ground floor eastern side of the building, shall be submitted to and approved in writing by the Local Planning Authority in writing and shall thereafter be installed and retained.

Reason: In the interests of public safety and security in accordance with Policy KP5 & C3 of the adopted Local Development Plan (2006-2026).

19. Prior to the commencement of the development, the applicant shall relocate the public artwork located on the site to a location which shall have been previously agreed in writing by the local planning authority.

Reason: In the interest of visual amenity in accordance with Policy KP5 of the adopted Local Development Plan (2006-2026).

20. No part of the development hereby permitted shall be commenced until a scheme of construction management has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall 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 in accordance with Policy T5 of the adopted Cardiff Local Development Plan (2006-2026).

21. Prior to the beneficial occupation of the development hereby approved, details showing the provision of staff and visitor cycle parking spaces shall be submitted to and approved in writing by the local planning authority. The submitted details shall include a minimum of 7 visitor

stands. The approved details shall be implemented and thereafter maintained and shall not be used for any other purpose.

Reason: To ensure that adequate provision is made for the secure parking of cycles in accordance with Policy T5 of the adopted Cardiff Local Development Plan (2006-2026).

22. No part of the development hereby permitted shall be commenced until a scheme of public highway / footway works to Hemingway Road and Lloyd George Avenue adjacent to the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include, but not be limited to, the resurfacing/reinstatement of the footway and cycleway as may be required as a consequence of the implementation of the development and shall include surfacing, kerbs, edging, drainage, lighting, lining, signing and street furniture as required as a consequence of the scheme. For the avoidance of doubt no layby shall be introduced along Hemingway Road. The approved scheme shall be implemented prior to the beneficial use of the development hereby approved.

Reason: To reinstate the footway and provide an improved pedestrian environment to facilitate safe commodious access to the proposed development in accordance with Policy T1 of the adopted Cardiff Local Development Plan (2006-2026).

23. No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme. The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), (www.archaeologists.net/codes/ifa) and it is recommended that it is carried out either by a CIfA Registered Organisation (www.archaeologists.net/ro) or an accredited Member.

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource in accordance with Policy KP17 & EN9 of the adopted Cardiff Local Development Plan (2006-2026).

RECOMMENDATION 2: That the applicant be advised that prior to the commencement of development, the developer shall notify the Local Planning Authority of the commencement of development, and shall display a site notice and plan on, or near the site, in accordance with the requirements of Article 12 of the Town & Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016.

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;
- (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.

RECOMMENDATION 5: The applicant is encouraged to liaise with South Wales Police and to seek accreditation under the Secured by Design scheme.

RECOMMENDATION 6: The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must

also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

RECOMMENDATION 7: Details submitted in discharge of condition 17 (finishing materials) shall include the means by which the glazing materials proposed would mitigate against the impact of glare.

RECOMMENDATION 8: The footprint of the proposed building sits on land that forms part of the adopted public highway, maintained under PFI agreement. Prior to the commencement of any works that will result in building on, removal of or otherwise permanently affect the ability of public to use the highway, the developer must have Stopped-up the affected area by way of an order made under Section 247 of the Town and Country Planning Act 1990.

RECOMMENDATION 9 : The public realm highways works and any other works to the existing or proposed adopted public highway are to be subject to agreement under Section 278 of the Highways Act 1980 between the developer and Council.

1. DESCRIPTION OF PROPOSED DEVELOPMENT

- 1.1 Full planning permission is sought for the construction of a museum (Class D1 – 2352sqm) ancillary shop (Class A1 – 209sqm) and food / drink café area (Class A3 – 217sqm) at the junction of Hemingway Road and Lloyd George Avenue.
- 1.2 The site is located within the Bay Business Area (BBA) of the adopted Cardiff Local Development Plan 2006-2026 (LDP).
- 1.3 The building would measure approximately 69m in length, 23m in width and 19m in height. The building would be composed of two distinct elements, a transparent flat roofed box to its western end and partially fretted Corten skin finished building with sawtooth roof design along the rest of its length.
- 1.4 The application boundary has been amended to include the access road at the rear of the building to enable it to be serviced.
- 1.5 The application has been subject to the statutory 28-day pre-application consultation (PAC) which has informed the PAC Report.

2. DESCRIPTION OF SITE

- 2.1 The application site is a level area of land measuring 0.22 hectares in size. The site is located on a prominent corner location between Lloyd George Avenue and Hemingway Road and forms an area of informal hard landscaped open space. The site currently contains a small number of trees, shrub planting, benches and some public art.
- 2.2 The site is bound to the north by Hemingway Road, a 4 storey residential development (Forio House) and the grounds of County Hall, to the east by the 5 storey Travelodge Hotel, to the south by the Red Dragon Centre building and to the west, beyond Lloyd George Avenue, by the Grade II listed, former Cardiff Bay Railway Station.
- 2.3 The site is not located within a conservation area but is located on the opposite side of the street to the Grade II* Listed Cardiff Bay Railway Station Building. The site is also located within flooding Zone B as identified on Natural Resources Wales – Development Advice Map.
- 2.4 The land forms part of the adopted highway which is managed by a private finance agreement (PFI).
- 2.5 A large sewer runs diagonally through the site.

3. SITE HISTORY

- 3.1 No relevant history.

4. POLICY FRAMEWORK

- 4.1 National Policy

Planning Policy Wales (Edition 9) November 2016

- 4.2 Technical Advice Notes

Tan 11: Noise (1997)

Tan 12: Design (March 2016)

Tan 23: Economic Development (February 2014)

Tan 18: Transport (March 2007)

- 4.3 Cardiff Local Development Plan 2006 – 2026 (Adopted January 2016)

KP5: Good Quality and Sustainable Design

KP6: New Infrastructure

KP7: Planning Obligations

KP8: Sustainable Transport

KP10: Central and Bay Business Areas

KP15: Climate Change

EN3: Landscape Protection
EN8: Trees, woodlands and Hedgerows
EN10: Water Sensitive Design
EN12: Renewable Energy and Low Carbon Technologies
EN13: Air, Noise, Light Pollution and Land Contamination
EN14: Flood Risk
T1: Walking and Cycling
T5: Managing Transport Impacts
T6: Impact on Transport Networks and Services
R8: Food and Drink Uses
C3: Community Safety/Creating Safe Environments
W2: Provision for Waste Management Facilities in Development

4.4 Supplementary Planning Guidance adopted to the Cardiff Local Development Plan (SPG's)

Waste Collection and Storage Facilities (October 2016)

4.5 Supplementary Planning Guidance adopted to the *City of Cardiff Local Plan (1996)*

Access, Circulation and Parking (January 2010)

Trees and Development (March 2007)

SPGs approved as supplementary guidance to the City of Cardiff Local Plan (1996). Although the City of Cardiff Local Plan (1996) has recently been superseded by the Cardiff Local Development Plan (2016), the advice contained within the SPGs is pertinent to the assessment of the proposal and remains consistent with the aims of both LDP Policies and guidance in Planning Policy Wales and are afforded significant weight.

5. INTERNAL CONSULTEE RESPONSES

5.1 Transportation

Transportation raise no in principle objection to the proposed museum and inclusive café facility subject to conditions.

The museum would be accessed by pedestrians via an entrance to the west of the building fronting Lloyd George Avenue (and Cardiff Bay railway station). The site is well served by public transport (rail and bus). There are existing cycle lanes outside the proposed entrance on Lloyd George Avenue.

No parking is proposed, as the site is located within 300m of an existing public car park at the Red Dragon centre. There are existing on-street parking bays (P&D) opposite the Travelodge on Hemingway Road and on Schooner Way (opposite the proposed museum).

An integral / internal serving point would be incorporated within the building. This would be accessed from the rear of the building (south side) and be

accessed via the Red Dragon centre car park. Vehicle tracking provided indicates that the site can be accessed by articulated delivery vehicles, rigid delivery vehicles and refuse vehicles.

Plan 16659 TP(10)100 Rev 4 shows a layby to the north of the proposed museum on Hemingway Road. This is not shown on any of the other plans being presented as part of the proposal. The layby is not considered to be part of the design layout, as this could encourage inappropriate parking and waiting activity.

5.2 **Tree Officer**

It will be necessary to remove x15 Norway maple trees to implement development, comprising x13 of 'B' (moderate quality and value) categorisation and x2 of 'A' (high quality and value categorisation). The retained T11 (off-site) may be harmed by new hard landscaping. It is expected that 'A' and 'B' category trees are retained as part of development unless overriding design considerations necessitate their removal and their loss is fully mitigated. Assuming there is an overriding design consideration, then then a landscaping condition should be added to any subsequent grant of consent with details comprising the following elements: -

- Scaled planting plan.
- Plant schedule.
- Topsoil and subsoil specification.
- Tree pit section and plan views.
- Planting methodology.
- Minimum 5 year aftercare methodology.

5.3 **Conservation Team**

The proposed development would be located approximately 50m away from the Grade II* Cardiff Bay Station Building. Taking this into account together with the scale, massing and finish of the proposed building, it is not considered that it would have an unacceptable impact upon the setting of the listed station building. It should also be noted that planning permission (ref: 17/00224/MJR) was recently granted for a large extension to the eastern elevation of the station building. If constructed, this will largely screen the listed element of this building from the site of the application under consideration here thereby further reducing any potential impact upon the setting of the listed building.

5.4 **Ecology**

No comments received

5.5 **Shared Services - Pollution Control (Contaminated Land)**

The application site currently forms a paved area of public open space. Available records indicate the site includes part of the former (infilled) Bute West Dock, a timber yard, and a former tank location; historically railway

sidings and a sawmill were situated in close proximity to the site. Activities associated with these uses may have caused the land to become contaminated and therefore may give rise to potential risks to human health and the environment for the proposed end use.

Additional landfill sites have been identified within 250m of the proposed development. Such sites are associated with the generation of landfill gases, within subsurface materials, which have the potential to migrate to other sites. This may give rise to potential risks to human health and the environment for the proposed end use.

Should there be any 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 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.

Shared Regulatory Services requests the inclusion of conditions and informative statements in accordance with CIEH best practice and to ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff Local Development Plan:

5.6 Shared Services - Pollution Control (Noise and Air)

Pollution Control – Noise and Air raise no objection to the proposal subject to conditions.

5.7 Waste Management

Waste Management have been consulted and consider the bin store shown acceptable.

5.8 Highways (Drainage)

No comments received

6. EXTERNAL CONSULTEE RESPONSES

6.1 Welsh Assembly Government

No comments received

6.2 Glamorgan Gwent Archaeological Trust (GGAT)

Glamorgan Gwent Archaeological Trust have reviewed the detailed information submitted as part of the planning application and can confirm that **the proposal has an archaeological restraint.**

GGAT have consulted the regional Historic Environment Record and note that there are no designated sites within the proposed development area.

However, the application is located on the line of the Glamorganshire Canal, specifically a review of the historic Ordnance Survey mapping indicates it is located on the site of Bute West Dock and associated infrastructure. Previous archaeological work on canals in the vicinity, such as at Callaghan Square, has indicated they can survive with very high levels of preservation.

Although no above ground remains of such structures survive, it is possible that below ground remains persist and will be encountered during any ground intrusion works. Therefore we recommend a condition requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource should be attached to any consent granted by your Members.

We envisage that this programme of work would take the form of an archaeological watching brief during ground disturbance works, these include geotechnical and preparatory works, landscaping and any other groundworks, with detailed contingency arrangements including the provision of sufficient time and resources to ensure that any archaeological features or finds that are located are properly investigated and recorded; it should include provision for any sampling that may prove necessary, post-excavation recording and assessment and reporting and possible publication of the results.

6.3 Natural Resources Wales

Natural Resources Wales have no objection to the proposed development in its current form.

6.4 Welsh Water / Dwr Cymru

Welsh Water request that conditions and an advisory note be included within any grant of planning consent to ensure that the proposal would be of no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

SEWERAGE

We have reviewed the information submitted as part of this application, however note the absence of a drainage strategy to demonstrate how the site will be effectively drained.

The site is crossed by a number of assets with the approximate position being marked on the attached Statutory Public Sewer Record. Of particular interest is the 1350mm public surface water sewer and can confirm that we have been in dialogue with the applicant to address this and to ensure sufficient access is maintained. Drawing number 16659 TP(12)100 and Rev 4 and 16659 TP(10)100 Rev 4 show the first and second floor layout plans in which a void has been created within the building to allow for machinery to access the sewer to ensure we are able to fulfil our obligations.

With regard to the foul flows we recommend that these drain to the 150mm

public foul sewer between manhole reference ST19741913 and ST19741914 located in Lloyd George Avenue.

We acknowledge that the application form indicates that a sustainable drainage system will be used to dispose of surface water, in the absence of specific details we recommend that this is investigated further and information provided in the form of a strategy. Should any public sewer connection be required the strategy should consider all alternative options and reasons why they have been discounted. If it is demonstrated that surface water can only be disposed of via a public sewer then these flows shall be attenuated on site and restricted to greenfield runoff rate.

Therefore, if you are minded to grant planning permission we request that conditions and advisory notes are included within any consent.

6.5 South Wales Police – Architectural Liaison Officer

South Wales Police have no objection in principle but make the following recommendations:

- 1 Scheme of work conducted with regard to lighting levels.
- 2 Scheme of work conducted with regard to installation of CCTV.
- 3 A scheme of work conducted with regard to vehicle mitigation measures.
- 4 Laminated glazing to be used in construction.
- 5 Details of security measures such as alarms and access control to be discussed with South Wales Police Design out Crime Officer.

South Wales Police are happy to work with developers to achieve above and would recommend that developers build to Secured by Design standards more information can be found on www.securedbydesign.com . Please can this respond be shared with developer.

6.6 Design Commission for Wales (DCfW)

No comments received

7. REPRESENTATIONS

- 7.1 The application proposal was advertised by way of press and site notice. Letters were also sent to nearby properties in close proximity to the application site.
- 7.2 One letter has been received in opposition to the proposal from a resident of Forio House, directly opposite the application site on the following grounds;

- Disruption in the building phase should the scheme be developed;
- Potential blocking out of light once built & views directly into flats,
- An adverse effect on their property value
- Increased traffic directly outside of their flat, both vehicular & pedestrian.
- The Bay has plenty of potential sites without cramming a huge building into a small space, thus negatively impacting the environment & open space.
- The Museum should locate in an alternative, more suitable site, such as the Dr Who site, thus maintaining the open spaces on Hemingway Road & not impacting on existing residents & housing.

7.3 One letter of support has been received to the proposal on the behalf of the British Airways pension Fund (BAPF) who own the Travelodge Hotel and Red Dragon Centre.

7.4 British Airways pension Fund (BAPF) fully support the principle of the proposal and consider that the site represents an ideal location for the museum which will complete the Hemingway Road frontage and create a new piazza on the corner of Hemingway Road and Lloyd George Avenue. They are also supportive of the design concept in creating a new focal building on this prominent corner.

7.5 BAPF request that, given that proposals for the museum will utilise areas which are used by the Travelodge Hotel, delivery and servicing arrangements are considered carefully as part of the proposals to ensure that there are no subsequent operational difficulties.

8. ANALYSIS

8.1 Land Use

8.2 The application site is located with the Central and Bay Business Area where leisure uses are considered appropriate.

8.3 The proposal is for the construction of a museum (Class D1 – 2352sqm) at Hemingway Road, with ancillary shop (Class A1 – 209sqm) and food / drink (Class A3 – 217sqm) floorspace. The site is located within the Bay Business Area (BBA) of the adopted Cardiff Local Development Plan 2006-2026 (LDP).

8.4 LDP Policy KP10 (Central and Bay Business Areas) identifies the Bay Business Area as a focus for government, tourism and leisure uses and states that future development should continue to enhance the waterfront as an attractive and diverse mixed-use location. It goes on to recognise that new and improved leisure, recreation and tourist facilities are important for the future development of Cardiff and that by improving the quality and range of such uses, the area can be made a more attractive place in which to live, work and visit.

8.5 Taking into consideration the nature of the Class D1 use as a museum, the

hours of operation from 9.00am-5.00pm and that inclusion of ancillary Class A3 floorspace, which can cater towards extended trips to the bay, the proposal is considered acceptable in land use policy terms.

8.6 **Economy**

8.7 LDP Policy KP10 (Central and Bay Business Areas) identifies the Bay Business Area as a focus for government, tourism and leisure uses and states that future development should continue to enhance the waterfront as an attractive and diverse mixed-use location.

8.8 The application site currently forms an underutilised area of open space and therefore the redevelopment of the site will bring about a betterment to the area, in terms of tourism / leisure / employment opportunities, in line with LDP Policy KP10.

8.9 **Trees**

8.10 While the proposed development would necessitate the removal of 15 trees, it is considered that the positive benefits that the proposed development would bring to the area in terms of its increased tourism and associated economic benefits would outweigh the loss of the trees on the site in this instance subject to appropriate compensatory planting.

8.11 A landscaping condition is proposed to ensure that appropriate compensatory planting is provided.

8.12 **Design**

8.13 The proposed building would be located on an area of open space on the corner of Lloyd George Avenue and Hemingway Road. The building would be sited such that it would follow the building line created by the properties along Lloyd George Avenue. Forio House being the closest block of flats. The building would sit forward of the closest point of the curved rear elevation of the Red Dragon Centre as a result but level with it at its maximum projection.

8.14 Amended plans have been received which set the building back from Hemingway Road by an additional metre. The building would therefore be set approximately 2.5m back from the front elevation of the adjacent Travelodge Hotel to the east and 4.4m from Hemingway Road. This increased set back would allow for the retention of cycle infrastructure whilst maintaining an appropriate width of continuous pedestrian footway. There is no distinct building line along Hemingway road and therefore this set back is considered acceptable.

8.15 The proposed building would measure approximately 69m in length, 23m in width and 19m in height. The building would be oblong in shape with a part flat and part sawtooth like roof design. The height of the building would be broadly consistent with that of the adjacent Travelodge Hotel and Residential block of flats. The building is therefore considered to be of an appropriate scale and

massing relative to that of the surrounding built form. The proposal would address the street well along both its Lloyd George Avenue and Hemingway Road frontages and would deliver a high quality architectural building on this prominent site.

- 8.16 The submitted Design and Access Statement describes the proposed building *'a composition of boxes with variant degree of opacity. The content of each box determining the degree of opacity.'* The gallery spaces of the proposed building are to be enclosed in a corten skin with rooflights serving these space to allow natural daylight to enter. The public elements of the proposed building will be contained within a large transparent box. This space will include the entrance foyer, circulation space and a café.
- 8.17 The transparent box element of the building will be located towards its western end and will therefore address Lloyd George Avenue. Part of the glazing will however stretch beyond the box at ground and second floor levels adjacent to corridors/ramps located along the northern elevation of the building. The larger element of the building will be finished in a Corten skin and have a sawtooth roof profile.
- 8.18 While the potential issue of glare could result from the localised use of glass within the translucent box element of the proposed building, it is not considered that this would lead to any more significant issues than if the equivalent level of glazing was proposed in a more traditional fenestration.
- 8.19 The comments of the South Wales Police have been noted and passed on to the applicant for consideration.
- 8.20 It is noted that a passageway is proposed running north-south between the external plant room and offices proposed on the ground floor eastern side of the building. In order to prevent this covered area being used for anti-social activities, it is considered pertinent to condition that it be gated in the interests of public safety and security.
- 8.21 Numerous renewable energy and low carbon technologies are proposed thought the building with the aspiration that it would meet BREEAM 'Very Good' level as a minimum.
- 8.22 **Conservation / The Historic Environment**
- 8.23 The comments of the conservation team are noted.
- 8.24 **Residential Amenity**
- 8.25 The proposed building would be located approximately 21m from the nearest residential properties within Forio House. Given the separation distances involved and taking into account the existing use of the site, it is not considered that the proposed development would generate an unacceptable increase in the potential for overlooking upon these neighbouring residences.

8.26 The submitted Shadows Study Plan (Drawing Ref: 16659 TP(10)400 Rev 1) demonstrates that the proposed building would cast a shadow over the neighbouring block of flats, Forio House. It is however clear from this plan that any overshadowing would be limited to certain times of the day at differing point of the year when a degree of overshadowing might be expected. Given the separation distances involved and in light of the shadow study plan, it is not considered that the proposed building would have an unreasonable or therefore unacceptable overshadowing impact upon the neighbouring block of flats.

8.27 The scale of the proposed building, combined with the separation distances involved, is such that the proposal would neither have an overbearing nor unneighbourly impact upon the neighbouring residential properties.

8.28 **Noise**

8.29 The proposed development could potentially generate increased activity in the immediate area of the site as people come and go. However the location of the application site within Cardiff Bay and adjacent to 2 busy roads, coupled with the opening times proposed is such that it is not considered that there would be an unreasonable noise nuisance generated as a result of the proposal. It must also be noted that pollution control have been consulted and do not object on noise grounds.

8.30 **Flood Risk**

8.31 The application site is located within flooding Zone B as identified on Natural Resources Wales' - Development Advice Map. A Flood Consequences Assessment has not however been submitted as part of the application.

8.32 While the risk of tidal and fluvial flooding and the consequences of an extreme flooding event has not been fully assessed at this time, the application proposal is not considered to be for a vulnerable use such as residential. Taking this into account, that a staged tidal and fluvial warning system is in operation for the area and the positioning of the proposed building adjacent to primary highways with direct linkages to areas above flooring risk, that in the unlikely event of an extreme flood occurring the risks to human health and property can be appropriately managed.

8.33 The application site is located within an area of low flood risk and the proposal is for a low vulnerability development. NRW have not raised concerns over the proposal in relation to flood risk it. It is considered that the proposal complies with LDP Policy EN14 and Tan 15 (Flood Risk).

8.34 **The Natural Environment**

8.35 A bat report was not submitted as part of the application, however it is the opinion of the County Ecologist that bats would not be present on site.

8.36 **Waste Management**

8.37 The waste storage area indicated on the submitted drawings appears adequate. Waste have raised no objection to the proposed scheme.

8.38 **Transport**

8.39 The site, being located across the road from Cardiff Bay Railway Station, enables easy access to the city centre, to Cardiff Central Station and the rail network beyond and is therefore sustainably located. The site is also adjacent to principal bus routes; cycle routes, and easily accessible on foot from the city centre. The site is also located in close proximity to other leisure uses, hotels, shops and restaurants and local shops and therefore the proposal would have a mutually beneficial relationship with these nearby uses.

8.40 The development is therefore considered to be in a sustainable location where 0 car parking provision is acceptable and to be encouraged. It should however be noted that numerous dedicated car parks and on street pay and display parking bays are located within a short distance of the proposed development.

8.41 The development is also noted to include for cycle parking provision which can be secured by condition.

8.42 Tracking diagrams have been provided which demonstrate that refuse vehicles and articulated Lorries can manoeuvre into the vector unit of the proposed building. The development would neither restrict service vehicles serving the Red Dragon Centre. It is noted that the a letter received on the behalf of the British Airways Pension Fund (BAPF) who own the adjacent Red Dragon Centre have requested that, given that proposals for the museum will utilise the areas which are used by the Travelodge Hotel, delivery and servicing arrangements are considered carefully as part of the proposals to ensure that there are no subsequent operational difficulties.

8.43 No objection has been received to the proposal on highways grounds.

8.44 **Other issues raised by objectors**

Disruption in the building phase should the scheme be developed:

8.45 A construction management plan can be required by condition which will seek to highlight and minimise any immediate impacts of construction activities on existing neighbours, maintenance of the highway and any environmental implications of development.

Potential blocking out of light once built & views directly into flats

8.46 The proximity of the proposed building to the neighbouring residential properties is such that it is not considered that the development would generate any unacceptable overlooking upon neighbouring residential

properties.

- 8.47 A shadow Study has been undertaken and submitted which demonstrates that the proposed building would not unacceptably block light from or overshadow the neighbouring residential properties.

Adverse effects on property values

- 8.48 Property values are not a material planning consideration.

Increased traffic directly outside of their flat, both vehicular & pedestrian.

- 8.49 The application site is located in a highly sustainable location with good pedestrian, bicycle, train, bus and road links. Given its sustainable location, it is considered that visitors arriving and departing the proposed building would use a variety of differing means of travel. As such, the demand in which the proposal would create in terms of increased traffic generated would be considered acceptable. The highway infrastructure surrounding the site also has sufficient capacity to accommodate this increased demand.

The Bay has plenty of potential sites without cramming a huge building into a small space, thus negatively impacting the environment & open space.

- 8.50 Local Planning Authorities must determine planning applications on their individual merits and cannot specify where proposals should be located. The impact of the proposed development has been assessed within section 8 of this report.

The Museum should locate in an alternative, more suitable site, such as the Dr Who site, thus maintaining the open spaces on Hemingway Road & not impacting on existing residents & housing.

- 8.51 Local Planning Authorities must determine planning applications on their individual merits and cannot specify where proposals should be located.

Delivery and servicing arrangements

- 8.52 Deliveries and servicing for the proposed building will be undertaken from its rear and will utilise the existing access road associated with the Red Dragon Centre and Travelodge Hotel. Tracking diagrams have been included within the appendices of the Design and Access Statement (DAS) which clearly illustrate that an articulated vehicle can access the Vactor Unit Shaft of the building and that sufficient room is available for a refuse vehicle to manoeuvre. It should also be noted that highways have no objection to the application proposal.

- 8.53 **Pre Application Consultation PAC**

- 8.54 A PAC report has been submitted alongside the planning application. A single letter of public representation was received to the PAC on the basis of the

following;

- Disruption during construction
- Blocking out of light
- Overlooking issues
- Property values
- Increased Traffic

8.55 In addition to the PAC, a consultation event was held in a local college to which 34 people attended. Details of this have been included in the PAC report. 20 responses were received to this with 19 of these in support and 1 in neutral response.

9. OTHER CONSIDERATIONS

9.1 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.

9.2 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, over and above any other person.

9.3 Well-being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 places a duty on the Welsh Ministers (and other public bodies) to produce well-being objectives and take reasonable steps to meet those objectives in the context of the principle of sustainable development. The duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act), has been considered and account has been taken of the ways of working set out at section 5 of the WBFG Act in the determination of this application, and it is considered that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the well-being objectives referred to in section 9 of the WBFG Act.

9.4 *Environment (Wales) Act 2016*

The Environment (Wales) Act 2016 imposes a duty on the Local Authority to

seek to maintain and enhance biodiversity in the proper exercise of its functions and in doing so to promote the resilience of ecosystems. It is considered that the proposed development does not have any significant implications for, or effect on, biodiversity.

9.5 *Flood and Water Management Act 2010*

Section 12 (3) of the Flood and Water Management Act 2010 places a duty on risk management authorities (e.g. a county council for the area) to have regard to the national and local strategies and guidance when exercising any other function in a manner which may affect a flood risk or coastal erosion risk. The relevant strategies and guidance have been taken into consideration in the determination of this application.

10. RECOMMENDATION

10.1 The proposed building is an acceptable and appropriate development for the site and would bring about a positive economic, tourism and cultural benefit to the area.

10.2 It is recommended that Planning Permission be granted.



Revision	Description	Date	Drawn
2	Planning Application	28.07.2017	HHL
1	Pre-Planning Submission	08.05.2017	HHL/AK



Client's Name
Board of Trustees

Job Title
The Museum of Military Medicine

Drawing Title
Site Plan - Existing

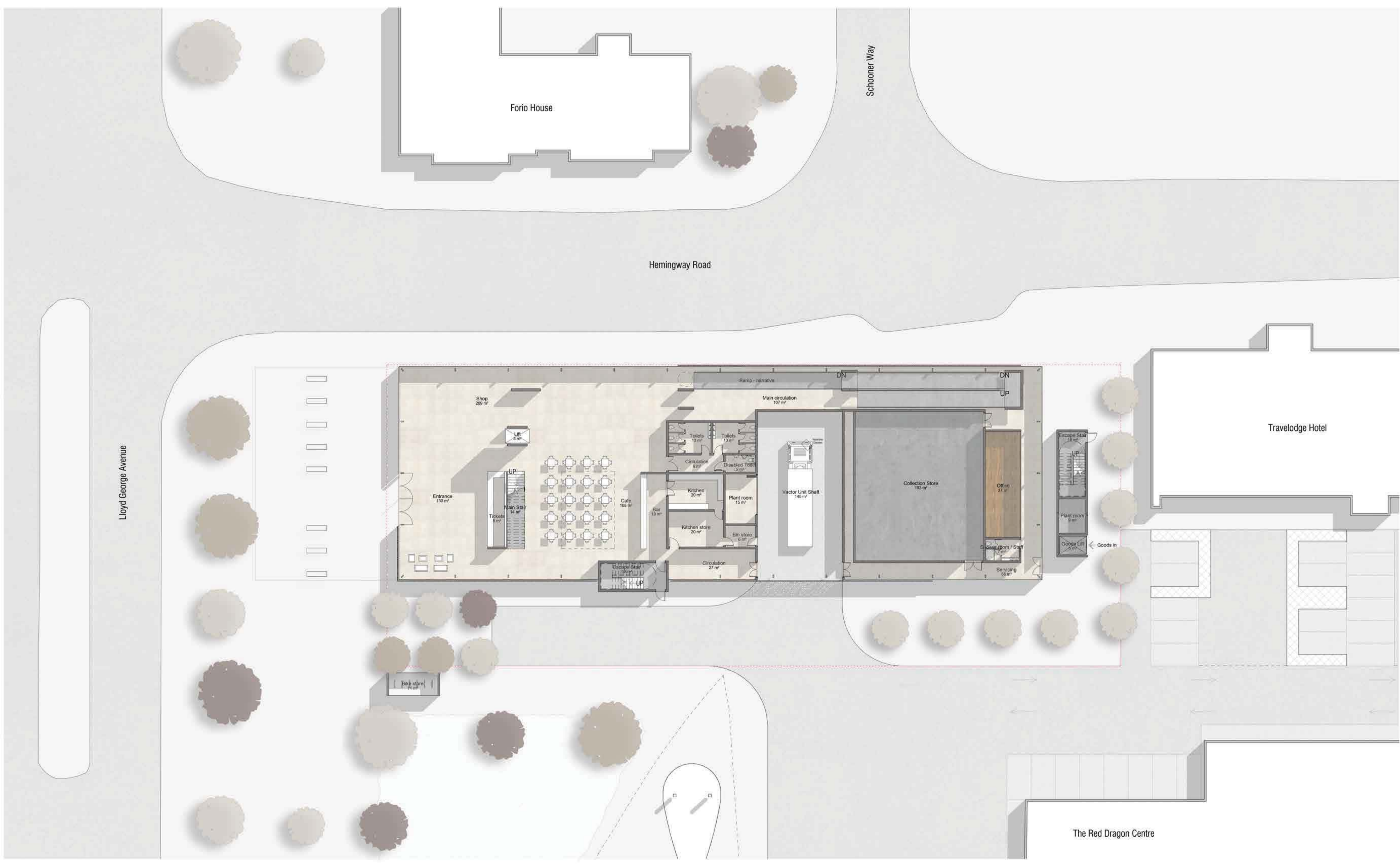
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Drawing Number
16659

Drawing No
TP(00)002

Status
Planning

Rev
2



Revision	Description	Date	Drawn
2	Planning Application	28.07.2017	HHL
1	Pre-Planning Submission	08.06.2017	HHL/AK



Client's Name
Board of Trustees

Job Title
The Museum of Military Medicine

Drawing Title
Ground Floor Plan

Scale
1 : 200 @ A1

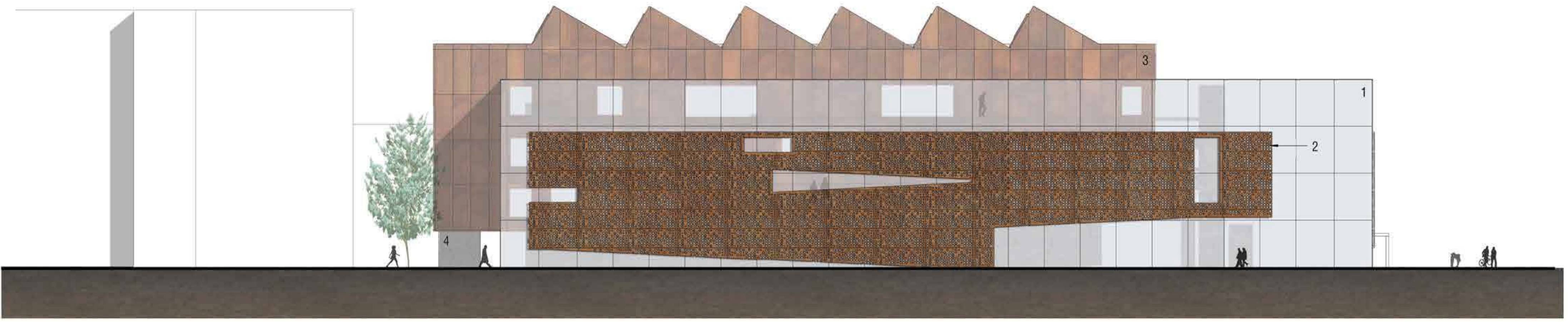
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16659

Drawing No
TP(10)100

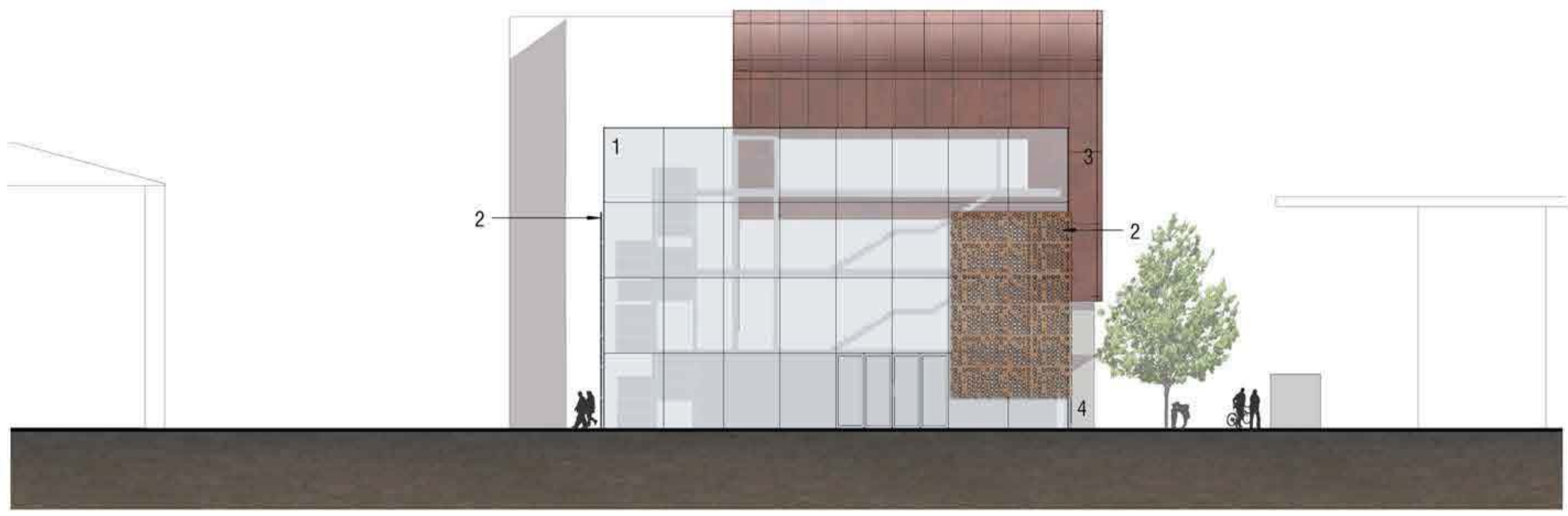
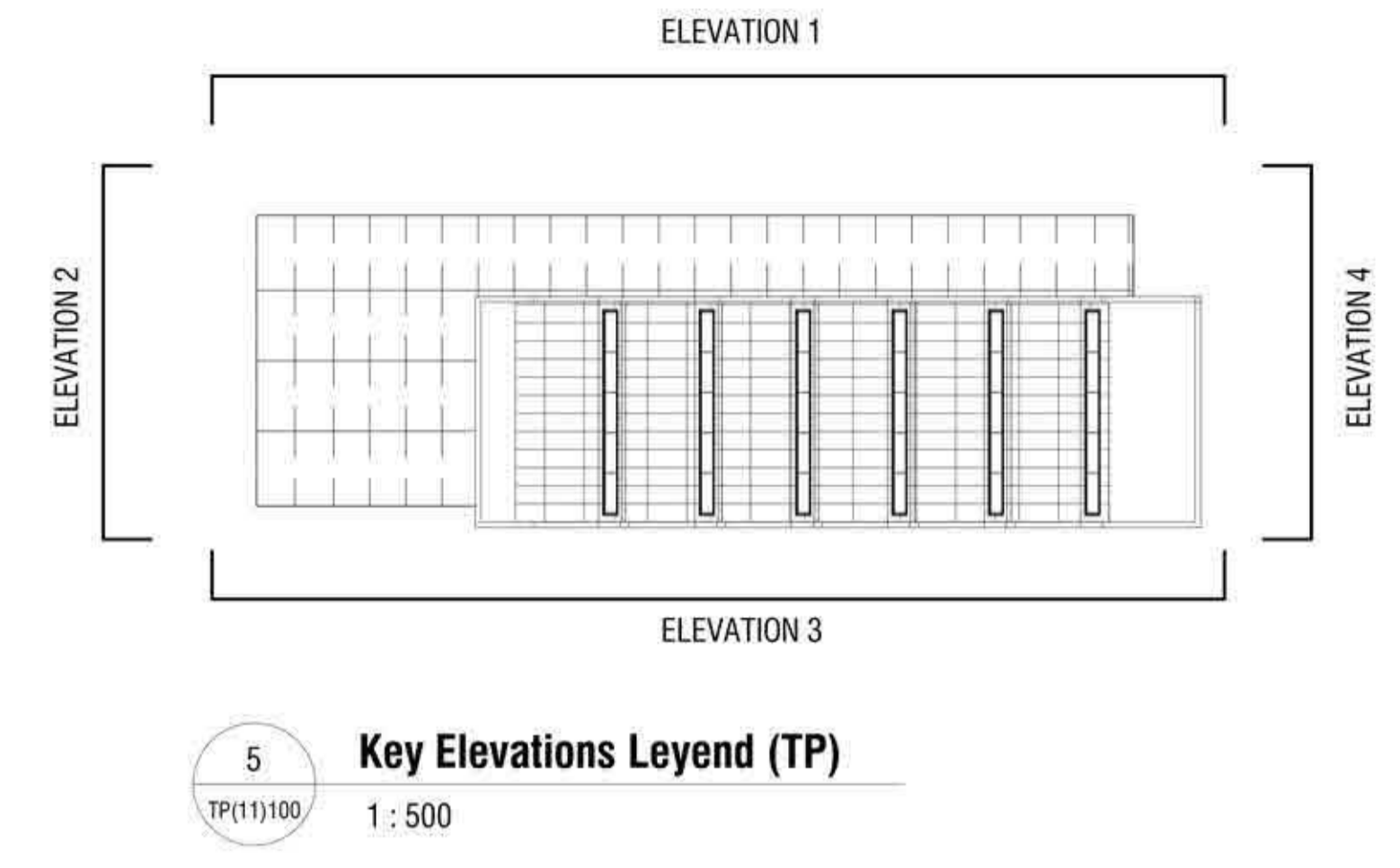
Status
Planning

Rev
2

1
 TP(10)100
Ground Floor (TP)
 1 : 200



1 Elevation 1 - Northwest (TP)
 TP(11)100 1 : 200



2 Elevation 2 - Southwest (TP)
 TP(11)100 1 : 200



4 Elevation 4 - Northeast (TP)
 TP(11)100 1 : 200

- MATERIALS LEGEND**
- 1. Curtain walling facade
 - 2. Perforated copper panels
 - 3. Corten panels
 - 4. Bare polished concrete
 - 5. Polycarbonate panels



3 Elevation 3 - Southeast (TP)
 TP(11)100 1 : 200

Revision	Description	Date	Drawn
2	Planning Application	28.07.2017	HR/L
1	Pre-Planning Submission	08.05.2017	HR/L/AK

SCOTT BROWNRIGG

Client's Name
Board of Trustees

Job Title
The Museum of Military Medicine

Drawing Title
Elevations

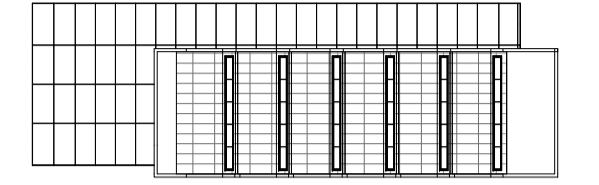
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Drawing Number
16659

Drawing No
TP(11)100

Status
Planning

Rev
2



Artistic Impression only. NTS. Not to be interpreted as a verified view. Materials, finishes and their visual appearance may be altered during final design and construction.

1	Planning Application	28.07.2017	HH-L
Revision	Description	Date	Drawn



Client's Name
Board of Trustees

Job Title
The Museum of Military Medicine

Drawing Title
**Visualisation 1 - Northwest
façade**

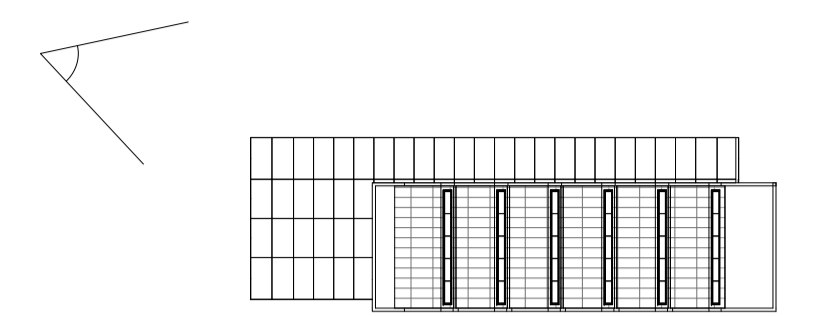
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Drawing Number
16659

Drawing No
TP(10)300

Status
Planning

Rev
1



Artistic Impression only. NTS. Not to be interpreted as a verified view. Materials, finishes and their visual appearance may be altered during final design and construction.

1	Planning Application	28.07.2017	HL
Revision	Description	Date	Drawn

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Client's Name
Board of Trustees

Job Title
The Museum of Military Medicine

Drawing Title
Visualisation 2 - Northwest & Southwest façades

Scale
1 : 1000 @ A1

Drawing Number
16659

Drawing No
TP(10)301

Status
Planning

Rev
1