

COMMITTEE DATE: 20/04/2016

APPLICATION No. **16/00194/MJR** APPLICATION DATE: 04/02/2016

ED: **BUTETOWN**

APP: TYPE: Full Planning Permission

APPLICANT: Cardiff Community Housing Association

LOCATION: BUTE STREET 152-160, BUTE STREET, BUTETOWN

PROPOSAL: DEMOLITION OF EXISTING WAREHOUSE BUILDING AND WORKSHOPS AND THE CONSTRUCTION OF 25 NO. RESIDENTIAL UNITS AND A SINGLE RETAIL UNIT (CLASS A1)

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**RECOMMENDATION 1** : That, subject to relevant parties entering into a binding legal agreement with the Council under the provisions of a **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. This approval is in respect of the following plans and documents:-  
PI(90)001 and 003D; PL(99)001C, 002C, 003D, 004, 005, 006, 007 008 and 009C all as amended by email and elevational illustrative plan dated 22/3/16; and Design and Access Statement.  
Reason: To avoid any doubt and confusion as the approved plans.
3. 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 local planning authority. 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.

Reason: To ensure that the safety of future occupiers is not prejudiced.

4. 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 shall 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.

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.

5. 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 2006), unless the local planning authority agrees to any variation.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite

6. The remediation scheme approved by condition 5 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 shall 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 shall be submitted to and approved in writing by the local planning authority. All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document 'Land Contamination: A guide for Developers' (July 2006), unless the local planning authority agrees to any variation.  
Reason : To ensure that any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors
7. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall 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 shall 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 shall be submitted to and approved in writing by the local planning authority. The timescale for the above actions shall be agreed with the local planning authority 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

8. Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation to be submitted to and approved in writing by the local planning authority in advance of its importation. Only material approved by the 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, verification sampling of the material received at the development site is required to verify that the imported soil is free from contamination and shall be undertaken in accordance with a scheme agreed with in writing by the local planning authority.

Reason: To ensure that the safety of future occupiers is not prejudiced.

9. 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 to 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, verification sampling of the material received at the development site is required to verify that the imported aggregate is free from contamination and shall be undertaken in accordance with a scheme agreed with in writing by the local planning authority.

Reason: To ensure that the safety of future occupiers is not prejudiced



10. 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
  
11. 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
  
12. Prior to commencement of development a scheme shall be submitted to and approved in writing by the local planning authority to provide that all habitable rooms exposed to external 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 –
  1. an upper rate of not less than 37 litres per second against a back pressure of 10 newtons per square metre and not less than 31 litres per second against a back pressure of 30 newtons per square metre, to
  2. a lower rate of between 10 and 17 litres per second against zero back pressure.No habitable room shall be occupied until the approved sound insulation and ventilation measures have been installed in that room. Any private open space (excepting terraces or balconies to any apartment) shall be designed to provide an area which is at least 50% of the area for sitting out where the maximum day time noise level does not exceed 55 dBA Leq 16 hour [free field].  
Reason: To ensure that the amenities of future occupiers are protected.

13. The cycle storage areas shall be constructed prior to the occupation of the dwellings they serve and shall then be retained in perpetuity.  
Reason: To ensure adequate provision is made for the secure parking of cycles.
14. D3D Maintenance of Parking Within Site
15. 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 scheme to include as required, details of the site/compound, hoardings and site access/egress, and reinstatement of any part of the public highway affected by construction. 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.
16. C1B Materials Specification Required
17. No development shall take place until details of the means of site enclosure and details of all boundary walls and fences within the development have been submitted to and approved by the local planning authority. The scheme shall be constructed in accordance with the approved details prior to the development being put into beneficial use unless otherwise agreed in writing by local planning authority.  
Reason: To ensure that the amenities of the area are protected.
18. Prior to development commencing on site full details of the landscaping details, comprising a scaled planting plan, plant schedule, topsoil and subsoil specification and planting and aftercare methodology, profiles of 150mm topsoil and 150mm subsoil for grassed and herbaceous planting beds and 300mm topsoil over 300mm subsoil for shrub beds shall be submitted to and approved by the local planning authority and then implemented during the first planting season following the occupation of the first dwelling. The quality and fitness for purpose of planting soils shall be demonstrated via certification in accordance with BS 3882:2015, BS 8601:2013 and a soil scientist's interpretive report.  
Reason: In the interests of visual amenities and the amenities of future occupants.
19. Prior to development commencing on site the position public sewer crossing the middle of the site (north to south) shall be accurately located and marked out on site and then protected during the course of development.

Reason: To protect the integrity of the public sewer and avoid damage thereto protect the health and safety of existing residents and ensure no pollution of or detriment to the environment

20. 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.

21. Prior to any development commencing on site a scheme of public realm / highway improvements shall be submitted to and approved by the local planning authority and then implemented prior to the occupation of any of the units. The scheme shall include:-

- The resurfacing of the footways bordering the site with 400x400 exposed aggregate silver-grey concrete slabs
- The removal of redundant vehicle cross-overs along Hannah Street
- The replacement of kerbstones along Hannah Street and to the rear of the site
- The provision of new footways to the rear of the site (as identified in the applicants 'proposed development site plan' PL(90)003).

Reason: To ensure that key routes around the site are suitably enhanced

22. The retail unit shall only be used for purposes falling within Class A1 of the Town and Country Planning Use Classes Order and for no other purpose.

Reason: To avoid doubt and confusion as to the use of the retail unit and in the interests of the amenities of future residents.

23. The developer shall notify the Local Planning Authority of the commencement of development on site.

Reason: To comply with the Development Management Procedure (Wales) Order 2012.

24. No part of the development hereby permitted shall be occupied until a scheme for the provision of the new footway and access to the site

from Alice Street car park and environmental improvements to Hannah Street, Bute Street and the remaining footways adjacent to the site has been submitted to and approved in writing by the Local Planning Authority. The scheme should include as required, but not be limited to, the construction of new footway and reconstruction as footway of the existing crossover on Hannah Street, the relaying of the uncontrolled tactile crossing at Bute Street (across Hannah Street) and the repair/resurfacing of the remaining areas of footway; including as required surfacing, tactile paving, kerbs, edging, the provision/renewal of street lighting and street furniture as may be required as a consequence of the development. The agreed scheme shall be implemented prior to beneficial occupation of the site.

Reason: To ensure the reinstatement of the adjacent public highway in the interests of highway and pedestrian safety and to facilitate access to the proposed development.

**RECOMMENDATION 2:** The highway works condition and any other works to be undertaken by the developer to the existing public highway 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;
- (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 developer is reminded of the need to protect the sewers crossing the site and the other utilities in the vicinity of the site. The developer is advised to discuss his proposal with Welsh Water particularly for those parts of his development that will fall within the easement zones of the sewers crossing the site.

**RECOMMENDATION 6:** The developer is reminded to display a notice confirming the grant of planning permission and a plan at or near the development site in a safe place for public inspection during the development of the site.

**RECOMMENDATION 7:** Welcome Pack – The applicant is requested to provide future residents with a welcome pack upon their arrival, detailing sustainable transport options available in the area, to help promote sustainable transport. Leaflets and advice in connection with production of the packs are available from Miriam Highgate, Cardiff Council, County Hall, tel: 029 2087 2213.

## 1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 The proposal is a full application to demolish the Brandon Toolhire building and construct 25 dwellings and a small corner retail unit. The dwellings would comprise 7no three bedroom houses, 2no two bedroom flats and 15 one bedroom flats.
- 1.2 The proposal comprises three blocks: A larger L-shaped corner block fronting Bute Street (3 storeys to Bute and Hannah Streets with a 4 storey element turning the corner on to Hannah Street), a three storey block fronting Hannah Street and a two storey block adjoining the end of the car parking area accessed off Alice Street and parallel to Hannah Street. The distance

between the larger blocks is 21m from the two storey block (which face each other), and 11.6m from the three storey block (at right angles to each other), and the two smaller blocks are 10m apart (at right angles to each other).

- 1.3 Easements to two sewers run beneath the site (one 6m wide and the other 2m wide. This area forms part of the landscaped communal gardens that extend around to the rear of the blocks that front Hannah Street.
- 1.4 The blocks follow the building line on Hannah Street, being set back approximately 2m from the back of the pavement, and the approximate Bute Street building line to the north of the site, being set back approximately 2.6m from the back of the Bute Street pavement. Immediately to the south of the site there is an a terrace of four 2 storey houses set back approximately 9m from the back of pavement.
- 1.5 The two and three storey units are designed with monopitched roofs sloping down into the site. The roofs would be finished in dark grey metal. The upper walls would be finished in buff brick and the lower walls in grey brick. Windows and doors would be grey in colour. The four storey element would combine flat roofs on either side of an angled roof. This element would be finished in grey and buff bricks with the corner element projecting above the shop finished in a euroclad metal rain screen cladding system. An illustrative drawing shows the site enclosed by high walls to rear gardens and low walls topped by railings to the adjoining highways.
- 1.6 Vehicular access to the parking area is from Alice Street to the rear via an adopted area of hardstanding/ parking.
- 1.7 A total of 5 parking spaces are provided on site in the form of surface parking located towards the middle of the site. Bike and bin stores are either located within the curtilages of proposed houses or in a communal area adjoining the vehicular access into the site. Following the comments of the Waste Management officer the applicant has amended the proposed bin store and shown a bin store within the retail unit.
- 1.8 A Design and Access Statement has been submitted with this application.

## 2. **DESCRIPTION OF SITE**

- 2.1 The 0.29ha site is flat and bounded by Bute Street and then the railway line to the east, Hannah Street and late 20<sup>th</sup> century 2/3 storey residential development to the north, the blocked up Henry Street and the residential block on the former Hannah Street church site to the west, and late 20<sup>th</sup> century 2/3 storey residential development to the south.
- 2.2 The site was formerly the Brandon Tool Hire building and depot.

2.3 The site is well served by public transport with adjoining bus stops and Cardiff Bay railway station within easy walking distance. Shops and community facilities are close by on Bute Street (the nearest is 176m distant) and Mermaid Quay.

### 3. **PLANNING HISTORY**

- 13/522/DCI: Prior approval application for demolition of existing structures approved.
- 12/1615/DCI: Application to demolish existing buildings and construct 46 flats withdrawn November 2012 to address design and access issues
- 07/1243/C: Resolution to grant outline permission in August 2007 for demolition of existing buildings and construction of 43 self-contained flats. Deemed withdrawn in January 2012.

#### Related Planning History

- 05/2531/C: Planning permission granted in Nov 2007 for demolition of existing building and construction of 6no. 1 bed and 6no. 2 bed self-contained flats at Hannah Street Church site.
- 13/1239: Planning permission granted on 29 August 2014 for 14 one bedroom apartments at Hannah Street Church site with no on street parking. This consent has been implemented.

### 4. **POLICY FRAMEWORK**

Policy H6 (change of use or redevelopment to residential use)

Policy R6 of the Local Development Plan identifies criteria against which proposals for retail development within, adjacent or outside the Central Shopping Area and District / Local Centres will be considered.

Policy KP6 (New Infrastructure)

### 5. **INTERNAL CONSULTATIONS**

5.1 The Tree Officer states: This site suffers the constraint of two easements. No tree planting is proposed since there simply isn't suitable space under the current layout. I would of course support amendments to the layout to reduce the built footprint and hard-standing to accommodate one or two trees. There may also be opportunities for street tree planting, particularly on Hannah Street that currently has no street trees. However, the feasibility of such would be dependent on service constraints and the ability to provide some build-outs into the highway, since the footway on the development side is too narrow to accommodate trees without them presenting an obstruction to pedestrians. If there will be some resurfacing of pavements bounding the development as

part of the scheme, then opportunities for softening the street-scape should certainly be explored at the same time.

I support the proposed provision of a communal garden and look forward to full details of this and other soft landscaping at the earliest opportunity. Landscaping details should comprise a scaled planting plan, plant schedule, topsoil and subsoil specification and planting and aftercare methodology. I assume imported soil will be required as there appears to be inadequate usable soil in situ. Profiles of 150mm topsoil and 150mm subsoil for grassed and herbaceous planting beds and 300mm topsoil over 300mm subsoil for shrub beds should be provided and the quality and fitness for purpose of planting soils should be demonstrated via certification in accordance with BS 3882:2015, BS 8601:2013 and a soil scientist's interpretive report.

5.2 Air and Noise Pollution Team proposes the following 2 conditions and note:-

R1 CONSTRUCTION SITE NOISE  
PLANT NOISE (2015)  
PC2 RAILWAY NOISE

5.3 The Pollution Control Team states:- In reviewing available records and the application for the proposed development, the site has been identified as formerly commercial/industrial with uses including retail, warehousing, depot and workshops. Activities associated with this use 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.

In addition former landfill/raise 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 importation of soils to develop the garden/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.

Shared Regulatory Services requests the inclusion of the following conditions and informative statements in accordance with CIEH best practice and to ensure that the safety of future occupiers is not prejudiced

GROUND GAS PROTECTION



CONTAMINATED LAND MEASURES – ASSESSMENT  
CONTAMINATED LAND MEASURES – REMEDIATION & VERIFICATION  
PLAN  
CONTAMINATED LAND MEASURES - REMEDIATION & VERIFICATION  
CONTAMINATED LAND MEASURES – UNFORESEEN CONTAMINATION  
IMPORTED SOIL  
IMPORTED AGGREGATES  
USE OF SITE WON MATERIALS  
CONTAMINATION AND UNSTABLE LAND ADVISORY NOTICE

- 5.4 The Housing Officer states that: - There is a high demand for affordable housing in this area and the Housing Development Team are fully supportive of Cardiff Community Housing Association (CCHA) redeveloping this site wholly for affordable housing.

In terms of the affordable housing, the proposal is for 25 affordable homes, to be delivered as social rented accommodation by Cardiff Community Housing Association. All social rented units will meet Welsh Government Development Quality Requirements (DQR) & the Welsh Housing Quality Standard (WHQS).

- 5.5 The Waste Management Officer has submitted revised comments stating: Plans detailing refuse storage are acceptable. This area must be retained as refuse storage for future use. The concerns we have now is the access for the collection vehicles. My original comments on 9/2/2016, stated that vehicle tracking will be required to show that the collection vehicle can safely collect these bins. It is not clear whether the vehicle will be able to manoeuvre safely on the hammerhead turning area off Alice Street. The collection vehicle is not permitted to reverse down any roads, and must therefore be able to turn around on this access road.

Please submit amended site plans to show vehicle tracking for an Olympus-19N 6x2RS.

- 5.6 The Parks Officer says:

Design Comments

Overall the design feels very harsh due to lack of tree cover resulting from the service easements through the site. I agree with Ed Baker that a reduction in the density of housing to allow some tree planting would create a much more attractive living environment. Alternatively if a scheme (public realm or Highway S278) to improve the adjacent public realm was carried out street tree planting should be planned as part of this, this is very much dependant on services present. Planting along Hannah Street would require buildouts along to avoid trees being sited too close to the buildings. A better option might be to place a tree at the end of the Henry Street cul de sac, which is currently very unattractive, but again this would be subject to services.

No existing highway trees are affected by the development.

#### Open Space Provision

The Council's Supplementary Planning Guidance - Open Space requires provision of a satisfactory level and standard of open space on all new housing/student developments, or an off-site contribution towards existing open space for smaller scale developments where new on-site provision is not applicable.

Based on the information provided on the number and type of units, I have calculated the additional population generated by the development to be 43.48. This generates an open space requirement of 0.1 ha of on-site open space based on the criteria set for Housing accommodation.

As no public open space is being provided on-site, the developers will be required to make a financial contribution towards the provision of open space off-site, or the improvement (including design and maintenance) of existing open space in the locality. Based on the above assessment the contribution payable will be £41,881, which includes the 6% Development Control administration fee. I enclose a copy of the calculation space in the locality of the site.

Demand for usage of the existing open spaces would increase in the locality as a result of the development and therefore the Council considers it appropriate that an off-site contribution is made, calculated in accordance with the guidelines set out in the SPG.

The Public Open Space Contribution shall be used by the Council towards the design, improvement and/or maintenance of public open space within the locality of the development site. The closest area of recreational open space is Canal Park.

Based on the 2009 Cardiff Council Open Space Survey there is a deficiency in open space provision of 3.96 hectares in the Butetown Ward, in which the development is situated

- 5.7 The Transportation Officer has no objection subject to conditions. He comments as follows:-

The site is currently a vacant Brandon Tool Hire shop unit and storage yard at the junction of Hannah Street and Bute Street, adjacent to the recently redeveloped Hannah Street Church site. The proposal is for a 100% affordable development of mixed residential dwellings and flats, with a retained ground floor retail unit facing Bute Street and a small parking courtyard accessed from the rear. While the existing site yard appears

capable of having previously accommodated car parking, there is no evidence to suggest this would have been available to customers.

The Council's adopted Access, Circulation and Parking Standards SPG does not require a minimum level of on-site car parking provision for residential use, as the site falls within the Central Area as defined in the standards, and any parking requirement associated with the retained retail use would be offset against the existing. In principle the proposed development would therefore be acceptable in policy terms with zero on-site provision.

In considering the application I would also take into account that the site is within easy walking distance of shops/services/employment/entertainment/etc. opportunities in the adjacent district centre and nearby city centre; along with having good access to high frequency bus and rail public transport services, and Cardiff's cycle network. The site is therefore considered to be in a sustainable location in transport terms, reducing the reliance on private car ownership and use of the same for everyday trips.

You will note that conditions are requested to manage the impact of construction, reinstatement and enhancement of the adjacent footways, and provision of cycle parking. In which respect it is noted that the footways around the site are generally in a poor condition, with broken surfacing and a crossover on Hannah Street that will become redundant as a result of the development.

Given the policy compliant nature of the proposed development and sustainable location of the site I must conclude that an objection on parking or traffic grounds would be unsustainable and any reason for refusal on this basis would not withstand challenge. I therefore have no objection to the application subject to the above requested conditions.

## **6 EXTERNAL CONSULTATIONS**

- 6.1 Glamorgan Gwent Archaeological Trust states:- The Historic Environment Record indicates no known archaeological features or finds within the proposed development area, although it is located adjacent to the projected line of the Castel, Collen to Cardiff Roman Road (RR621-20). A review of historic Ordnance Survey mapping indicates that the area formed part of a model housing estate constructed by the 2nd Marquess of Bute, John Crichton-Stuart in the early 19th century. The houses were arranged in an elongated grid pattern, with a central lane to the rear of the properties. However, the area was bombed during the Second World War, resulting in heavy damage to the buildings in the vicinity, which also underwent significant change during the 1960s redevelopment of the Bay.

Therefore it is likely that any potential archaeologically significant material has already been disturbed. Furthermore, the application is located in an area of reclaimed land and whilst deep excavations could encounter archaeological features, the current application does not feature basements and is unlikely to require deep foundations. Therefore, it is our opinion that it is unlikely that archaeological material would be disturbed during the course of the current development. Whilst, the application also includes the demolition of a standing building, the structure is of limited archaeological importance.

As a result, there is unlikely to be an archaeological restraint to this proposed development and consequently, as the archaeological advisors to your Members, we have no objections to the positive determination of this application. The record is not definitive, however, and features may be disturbed during the course of the work. In this event, please contact this division of this Trust.

## 6.2 Welsh Water suggests the following conditions and advisory notes.

The proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. The position shall be accurately located marked out on site before works commence and no operational development shall be carried out within 6 metres either side of the centreline of the public sewer.

Reason: To protect the integrity of the public sewer and avoid damage thereto protect the health and safety of existing residents and ensure no pollution of or detriment to the environment

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.

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](http://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. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

(A copy of the letter has been forwarded to the applicant).

- 6.3 Natural Resources Wales states:- We have no objection to the application as submitted. We provide the following advice in relation to flood risk management and waste management.

#### Flood Risk Management

The application site lies entirely within Zone C1, as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Our Flood Map information, which is updated on a quarterly basis, confirms the site to be within the tidal outlines.

The submitted Flood Consequences Assessment (FCA) prepared by Austin Partnership, dated October 2014, shows:

The proposed development is not located within the 1% (1 in 100 year) plus 20% for climate change or the 0.1% (1 in 1000 year) annual probability fluvial flood outlines. This is compliant with A1.14 and A1.15 of TAN15;

The site could be at risk from tidal flooding, however the site is afforded protection by Cardiff Bay Barrage. Cardiff Bay Barrage is a flood defence structure that provides protection to Cardiff from tidal flood risk.

In consideration of the above, we have no adverse comments to make from a flood risk perspective.

We recommend consideration be given to the incorporation of flood resistance/resilience measures into the design and construction of the development. These could include flood barriers on ground floor doors,

windows and access points, implementation of suitable flood proofing measures to the internal fabric of the ground floor, and locating electrical sockets/components at a higher level above possible flood levels. Additional guidance can be found on the gov.uk website. The developer can also access advice and information on protection from flooding from the ODPM publication 'Preparing for Floods: Interim Guidance for Improving the Flood Resistance of Domestic and Small Business Properties', which is available from the Planning Portal website.

Our records indicate various former landfill sites are within the surrounding vicinity of the proposed development. These sites accepted inert, industrial, commercial and household waste material and there may be a potential for landfill gas to be generated.

Developers may be required to carry out a comprehensive risk assessment due to the risks the former landfill site poses. Your Authority's Environmental Health and Building Control departments would wish to ensure any threats from landfill gas have been adequately addressed in the proposed development. This may include building construction techniques that minimise the possibility of landfill gas entering any enclosed structures on the site to be incorporated into the development.

(A copy of this letter has been forwarded to the applicant's agent).

6.4 Wales and West Utilities say that they have pipes in the area and may be at risk. During construction and the developer needs to contact the utility company to safeguard the apparatus.

6.5 The Fire Officer states that:-

The developer should consider the need for the provision of:-

- a. adequate water supplies on the site for firefighting purposes; and
- b. access for emergency firefighting appliances.

(A copy of the full response has been forwarded to the applicant).

## 7. **REPRESENTATIONS**

7.1 The application has been advertised on site and in the press. Local Members have not responded to date but any comments made will be reported to Committee.

7.2 A petition signed by 128 people has been received stating that:-

Butetown already has a major issue with parking and this development which only looks to provide 5 spaces will only further add to this problem and the misery on the local population.

We also believe that there is no need for any additional retailers in the vicinity as there are ample existing and longstanding business which cater for our needs. An additional retailer is not required and the proposed location of one will increase traffic and parking in a particular hotspot that has long standing issue in this area.

There will be nowhere for passing trade to park and we are worried about the impact on safety particularly for the young and elderly.

7.3 A local resident objects for the following reasons:-

The fact that there are a proposed 25 dwellings on this site with only five parking spaces. As you know in the last few months a newly built block of flats were allocated directly behind the proposed site in Hannah Street, also a large private development on the corner of West Close and Bute Street each without adequate parking provision for each dwelling. Parking in the West Close Alice Street, Belmont Walk and adjacent areas are already at breaking point.

With another development in such a confined space would bring chaos to an already very highly charged situation, Councillor Ali Ahmed representing Butetown and Atlantic Wharf is very aware of the ongoing situation of people coming into Cardiff Bay to work parking their cars in the same streets, residents are unable to park in these streets let alone outside their front door.

- The development is to be made up of “100 percent affordable residential units” could you please inform me if the “affordable” dwellings are Social Housing or private properties for sale and the retail unit would this be a small outlet for one of the large supermarkets chain or an independent trader.

Having worked with homeless families for the last 14 years I do understand that homes are needed but surely the planning committee should be talking to the developer and indeed the architect of the scheme regarding the proposed block of flats would it be a more sensible to build the flats in stilts so that a parking area could be provided for residents beneath.

8. **ANALYSIS**

8.1 The proposal is for the demolition of a warehouse building on partially vacant land at the corner of Custom House Street / Hannah Street and the construction of 25 no. residential units (Class C3), together with a single retail unit (class A1 / 120sqm). The main land use planning policy issues relate to:

8.2 The main land use planning policy issues relate to :

1. The acceptability of Class C3 (residential) use at this location.

Cardiff Local Development Plan Policy H6 (change of use or redevelopment to residential use) identifies that the redevelopment of redundant previously developed land for residential use will be permitted where there is no overriding need to retain the existing use of the land or premises and no overriding alternative local land use requirement.

The application site is not located within the Central and Bay Business Area as defined by Policy KP10 of the LDP, or within an area of existing employment land (EC1). Taking into consideration that a significant portion of the site has remained long-term vacant and that the site is located within a predominantly residential area, the proposed Class C3 use is considered acceptable in this instance.

2. The acceptability of a Class A1 (Shop) use at this location.

Policy R6 of the Local Development Plan identifies criteria against which proposals for retail development outside the Central Shopping Area and District / Local Centres will be considered. Taking into consideration the relative small scale of the retail unit at 120sqm and its edge of centre location, it is not considered that the proposal would cause unacceptable harm to the attractiveness or viability of District and Local centres in this instance.

- 8.3 The public realm surrounding the site is of a significantly poor quality and there is a need for it to be upgraded to a standard commensurate with recent improvements in the surrounding area (at Loudoun Square) in order to provide a more efficient pedestrian environment than that which serves the site at present.
- 8.4 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'. As this proposal is for residential use, where movements to and from the properties will predominantly take place on foot, the public realm in the immediate vicinity of the site should be considered in this context.
- 8.5 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.



- 8.6 The use of the existing rear access from Alice Street via the adopted hardstanding/car parking area as the main vehicular access is acceptable.
- 8.7 The proposed layout makes good use of the site and picks up on the notional building line on Bute Street and on Hannah Street.
- 8.8 The proposed houses on Bute Street are 3 storeys with monopitched roofs, as are those on Hannah Street. The design is for a predominantly 3 storey development with 4 storey element to the Bute Street/ Hannah Street corner and a 2 storey block to the rear. The scale is appropriate for a corner site.
- 8.9 Proposed materials are brick, in keeping with the surrounding development. Both facades are restrained and have a regular fenestration pattern articulated by box projections to the front windows of the townhouse facing Bute Street. The angled roof corner acknowledges its prominent location on Bute Street.
- 8.10 The communal garden and private gardens provide an acceptable level of outdoor amenity space, subject to the required S106 contribution towards offsite amenity space.
- 8.11 Affordable housing provision exceeds the minimum that would be required for a mixed private/social housing development.
- 8.12 The proposed building is 4m from the boundary with the 2 storey end of terrace house at no. 145 Bute Street. No 145 is built tight on the boundary and set back 9m from the rear of Bute Street pavement. The proposed building is set forward approximately 6m from the house and rises to an average height of approximately 8m at a distance of 4m from the boundary.
- 8.13 The amenity issues that need to be assessed are potential overbearing impact, overshadowing and reduction in daylighting to the ground floor front window of no. 145 Bute Street. There are no overlooking issues as the gable wall of no. 145 is blank and there are no windows indicated to the gable of the proposed building.
- 8.14 The overbearing impact of the proposed building is on to the front garden of no. 145 Bute Street. There is no local or national guidance on what constitutes an unacceptable impact in terms of the overbearing nature of a proposed development. The SPG Cardiff Residential Design Guide states that regard should also be had to building height, separation distance and solar orientation to ensure that proposals do not result in significant overshadowing or have an overbearing impact.
- 8.15 The primary factors to take into account are the height, bulk and proximity of the development, and the extent to which the design and materials act to

mitigate any overbearing impact. Given that the overbearing impact is on to the front garden only and is to the north of the front garden (thus there is no overshadowing), and that the building is set back 4m from the boundary, projects 6m, and is an average of approximately 8m high with a monopitched roof, it is concluded that the proposed location and height of the building would not cause unacceptable harm to the residential amenity of no. 145 Bute Street.

- 8.16 There would be no significant reduction in sunlight and daylighting to the front ground floor window of no. 145 Bute Street.
- 8.17 The application site is to the north of the closest neighbours (145 Bute Street) and issues of overshadowing do not therefore arise. No 145 would overshadow part of the nearest proposed dwelling to the north but it would be at a distance of 4m. No 145 has a shallow pitched roof and any overshadowing would be for only a limited time of the day.
- 8.18 The western gable wall of the three dwellings fronting on to Henry Street will not have habitable room windows and is approximately 11.5m from the Hannah Street Church residential development. Whilst there may be some limited impact on early morning light to this relatively new development it will only be for part of the year.
- 8.19 The proposed development is some 17.5m south of 152-160 Bute Street and separated by Hannah Street from those dwellings. The development is some is at an angle and some 15 m south of units 13,14, 20, 21, 27 and 28 Hannah Street and separated by a public highway.
- 8.20 600mm combined sewer crosses the site from north to south. A 225mm surface water sewer runs along the southern side of Hannah Street. An 18" gas main runs directly in front of the Bute Street frontage. The existing services restrict any opportunity for tree planting within and to the front of the site. There is a row of trees on the eastern side of Bute Street next to the railway line.
- 8.21 Welsh Water requires a 6m easement on either side of their combined sewer. For most of the length of the sewer this can be achieved but for a 8m length only 4.5m can be achieved on the eastern side of the sewer in the northern half of the site and for a 5m length in the southern half of the site only 3.5m can be achieved on the western side of the sewer. These incursions into the easement zones are relatively modest and it will be incumbent upon the developer to undertake the necessary measures to protect the sewer for these short sections. Slightly further to the south of the application site is Belmont Square. The sewer passes within a 8m gap between dwellings in Belmont Square, which produces a potential easement of 4m either side, which is less than can be achieved within the application site.

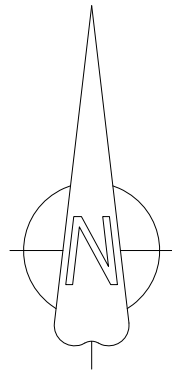
- 8.22 In view of the relative modest scale of the retail unit at 120sqm and its edge of local centre location, it is not considered that the proposal would cause unacceptable harm to the attractiveness or viability of District and Local centres in this instance. It appears that all the retail units at Loudon Square are occupied.
- 8.23 On street parking is heavy along Bute Street and this extends into the adjoining side streets. An early morning and mid-day site visit revealed marked differences in the level of on street parking that occurred at the time of those visits. High levels of on street parking are not unique to this part of Cardiff and may well affect refuse collection and the attractiveness of the proposed retail unit to passing vehicular trade. In this case Transportation has raised no objection to this aspect of the development.
- 8.24 The Council's Supplementary Planning Guidance identifies this site as falling within the Central Area parking zone. The minimum parking required for residential development in this area is 0 and a maximum of 0.5 spaces per unit, no visitor parking is required (or is to be provided) and 1 cycle space per unit is required. In this case 5 car parking spaces and 8 sheds for bike spaces and part of the proposed rear building will accommodate 17 cycle spaces. The proposal meets the Council's parking requirements for this type and scale of development in this location.
- 8.25 The applicant's agent has responded to The Council's Tree Officer's comments as follows:-

There is limited opportunity for provision of tree planting without fundamentally altering the design proposals which, it is considered, would offer limited benefit and would be an unreasonable request on this heavily constrained site. There may be opportunity to provide some tree planting outside of our site within the highway however we are not in a position to confirm this and, again, would suggest that this is a matter for discussion between your tree officer and the highways department.

## 9. **CONCLUSION**

- 9.1 The proposals are acceptable in terms of land use, access and layout. The design and external appearance and landscaping is considered acceptable for this particular development and location. The proposal is in a sustainable location immediately adjoining bus stops, close to and within walking distance of community and retail facilities and employment opportunities and is 400m in a straight line from St Cuthberts Primary School. The proposal will provide a range of much needed affordable housing.

- 9.2 The granting of planning permission is recommended subject to conditions and the signing of a Section 106 legal agreement to secure the following:
- Financial contribution of £41,881 towards the improvement of existing open space in the locality.



- DEVELOPMENT BOUNDARY
- EXISTING BUILDING DEMOLITION
- OTHER OWNERSHIP BOUNDARIES

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| 03. PLANNING          | 06. TENDER                 | 09. SPARE              |

DRAWING STATUS :

**03. PLANNING**

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OTHER :

**03. FOR APPROVAL**

PROJECT :

**PROPOSED BUTE STREET DEVELOPEMNT  
 CARDIFF FOR CCHA**

DRAWING TITLE :

**LOCATION PLAN**



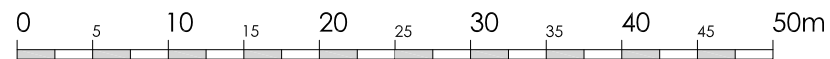
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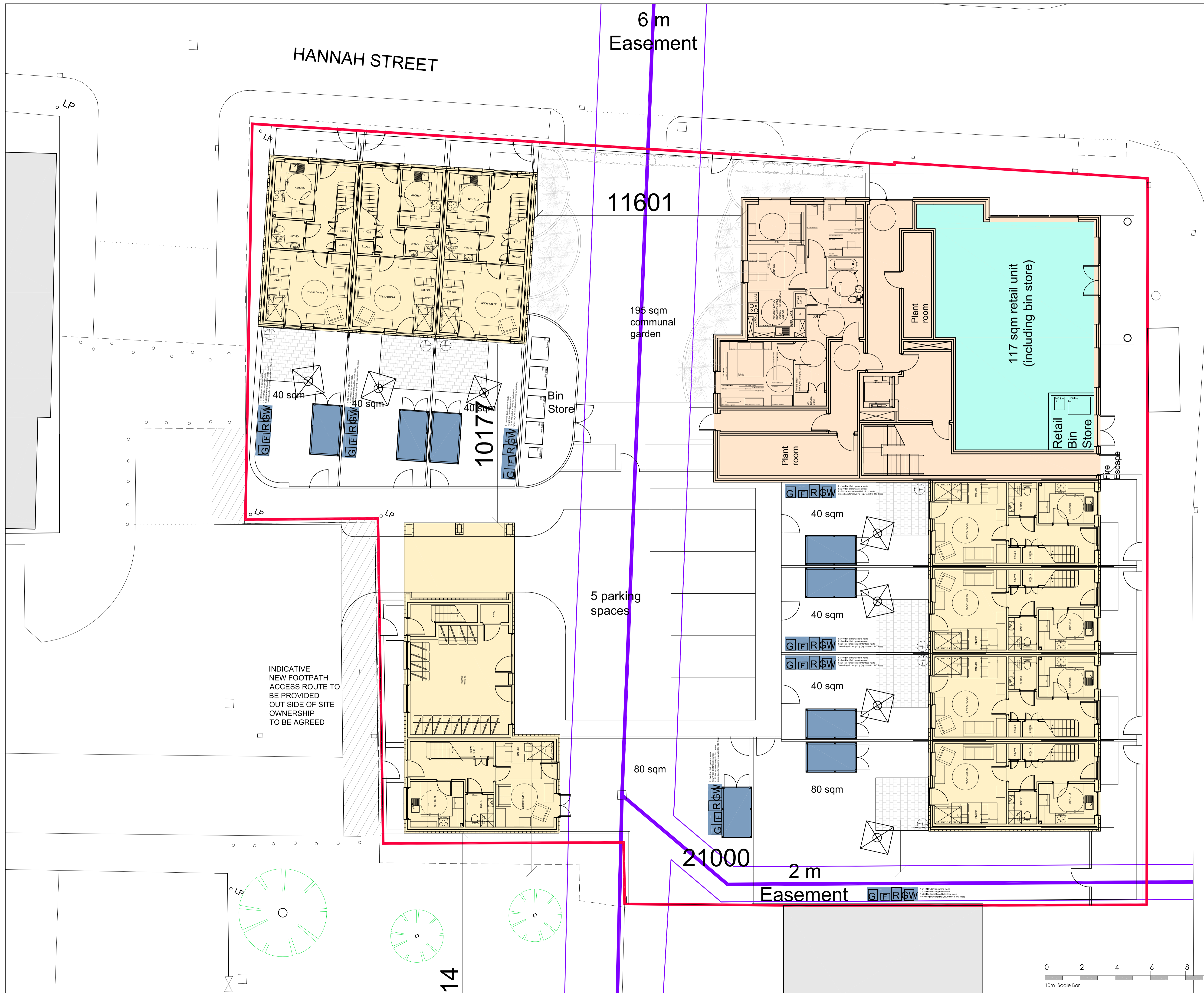
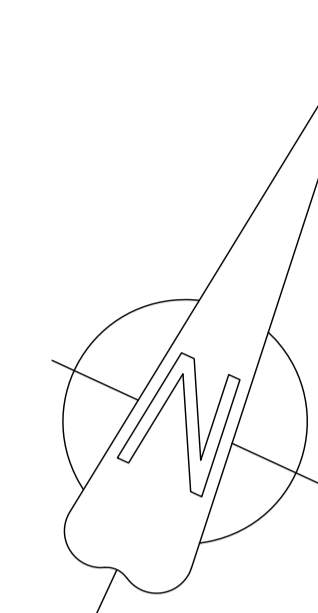
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DWG NO. : **PL (90)001** REV : **-**







INDICATIVE  
NEW FOOTPATH  
ACCESS ROUTE TO  
BE PROVIDED  
OUT SIDE OF SITE  
OWNERSHIP  
TO BE AGREED

|     |          |   |    |
|-----|----------|---|----|
| D   | 31 03 16 | New bin store to retail and revised notation to bins. Revised fire exit and increase plant zones. | SH |
| REV | DATE     | DESCRIPTION   | BY |

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OTHER :  
**03. FOR APPROVAL**

PROJECT :  
**PROPOSED BUTE STREET  
DEVELOPEMNT  
CARDIFF  
FOR CCHA**

DRAWING TITLE :  
**SITE PLAN**

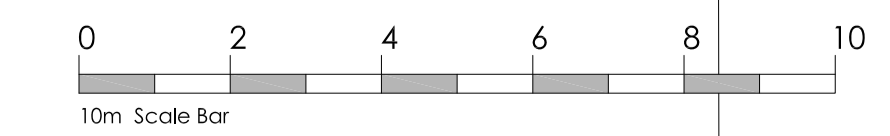
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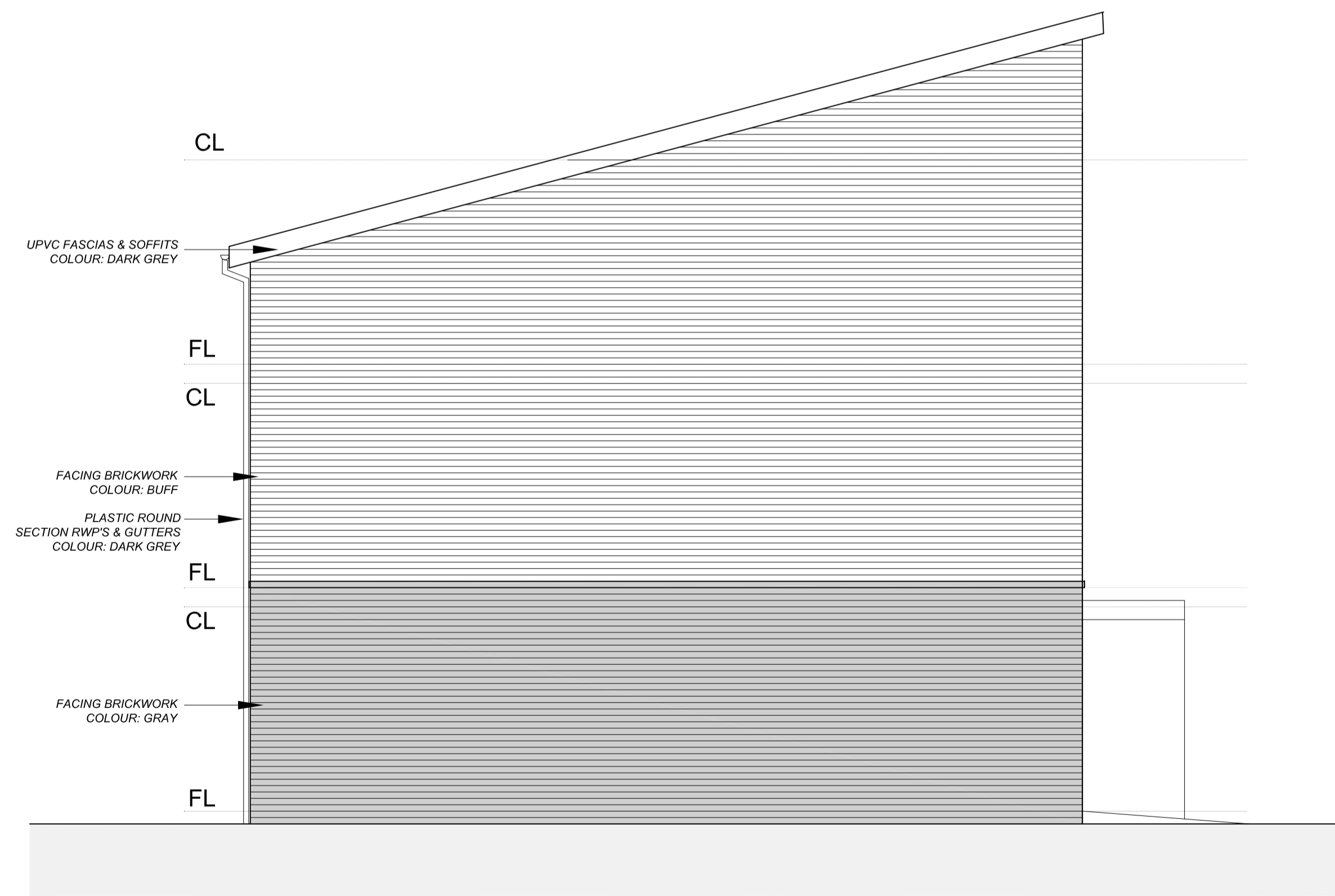




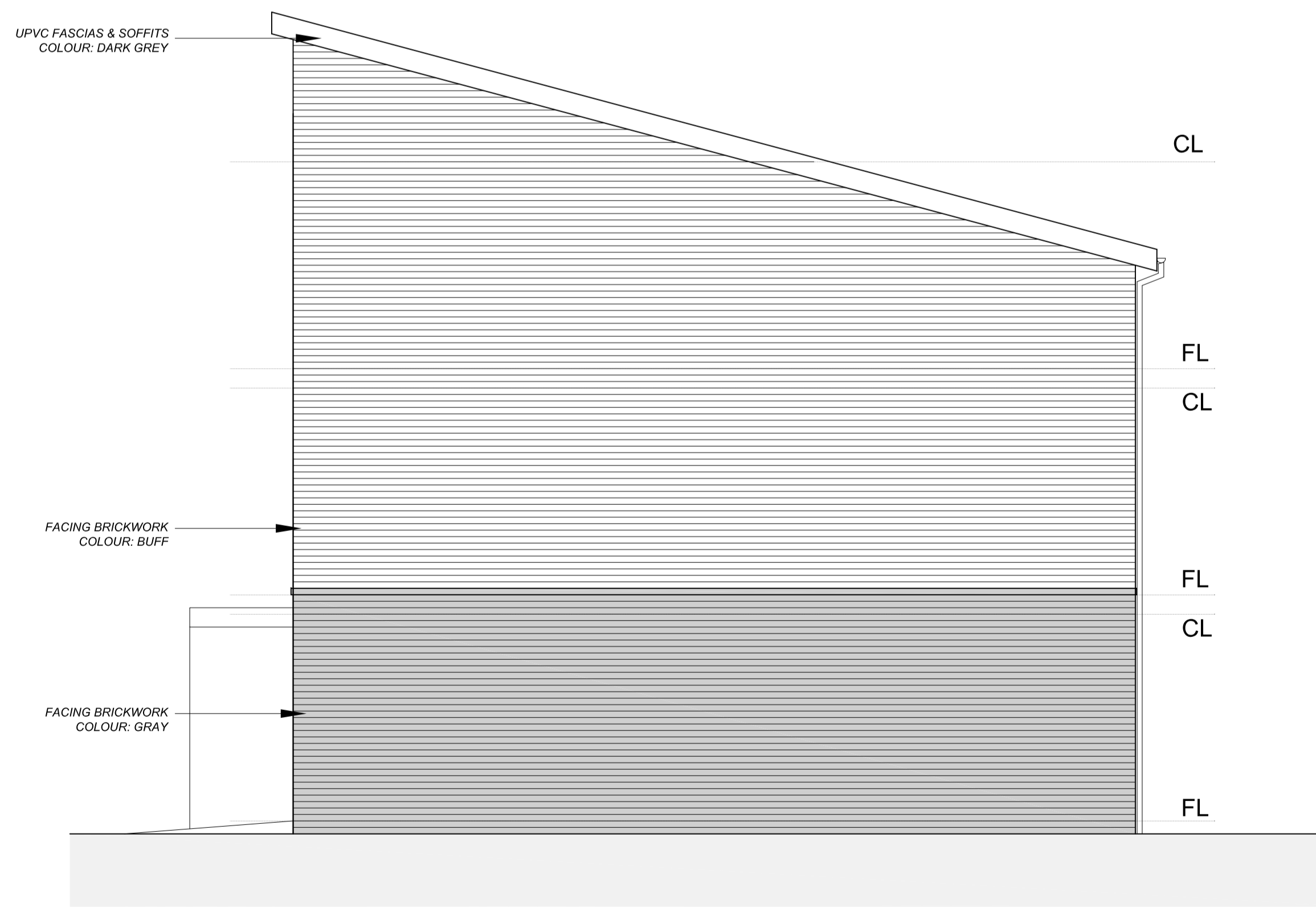
PROPOSED NORTH ELEVATION



PROPOSED SOUTH ELEVATION



PROPOSED NORTH ELEVATION



PROPOSED SOUTH ELEVATION

**NOTE.**  
ALL GROUND FLOOR WINDOWS AND DOORS TO BE SBD PAS 24 STANDARD AND MARKED ACCORDINGLY.  
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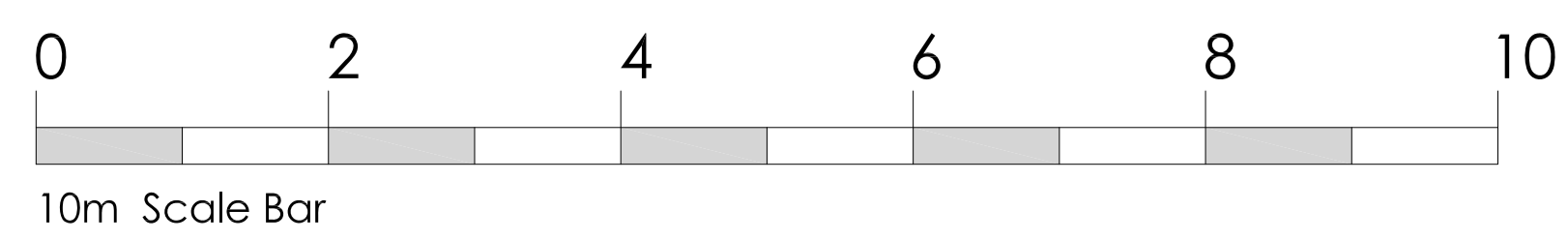
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**PROPOSED BUTE STREET DEVELOPEMNT CARDIFF FOR CCHA**

DRAWING TITLE :  
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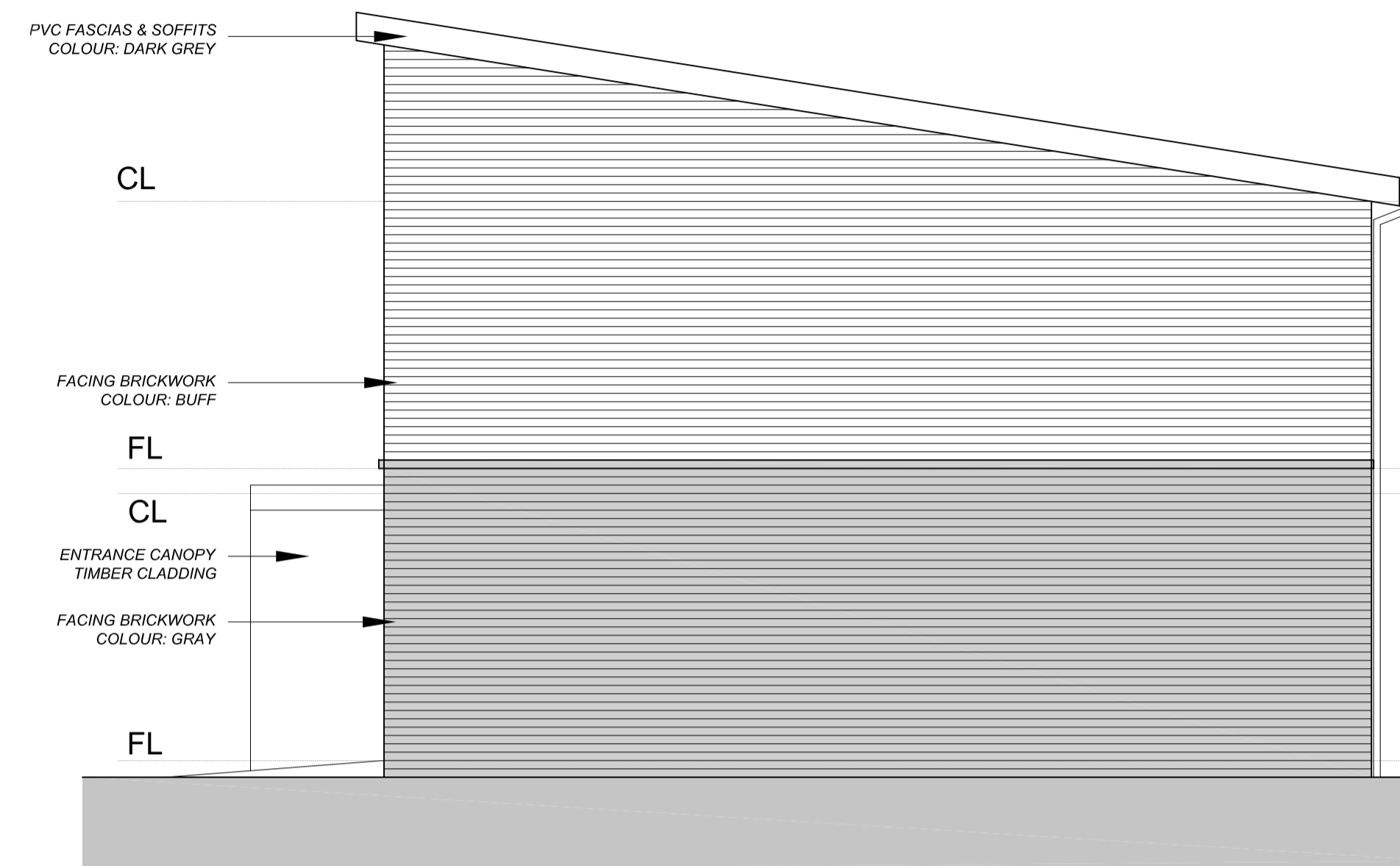
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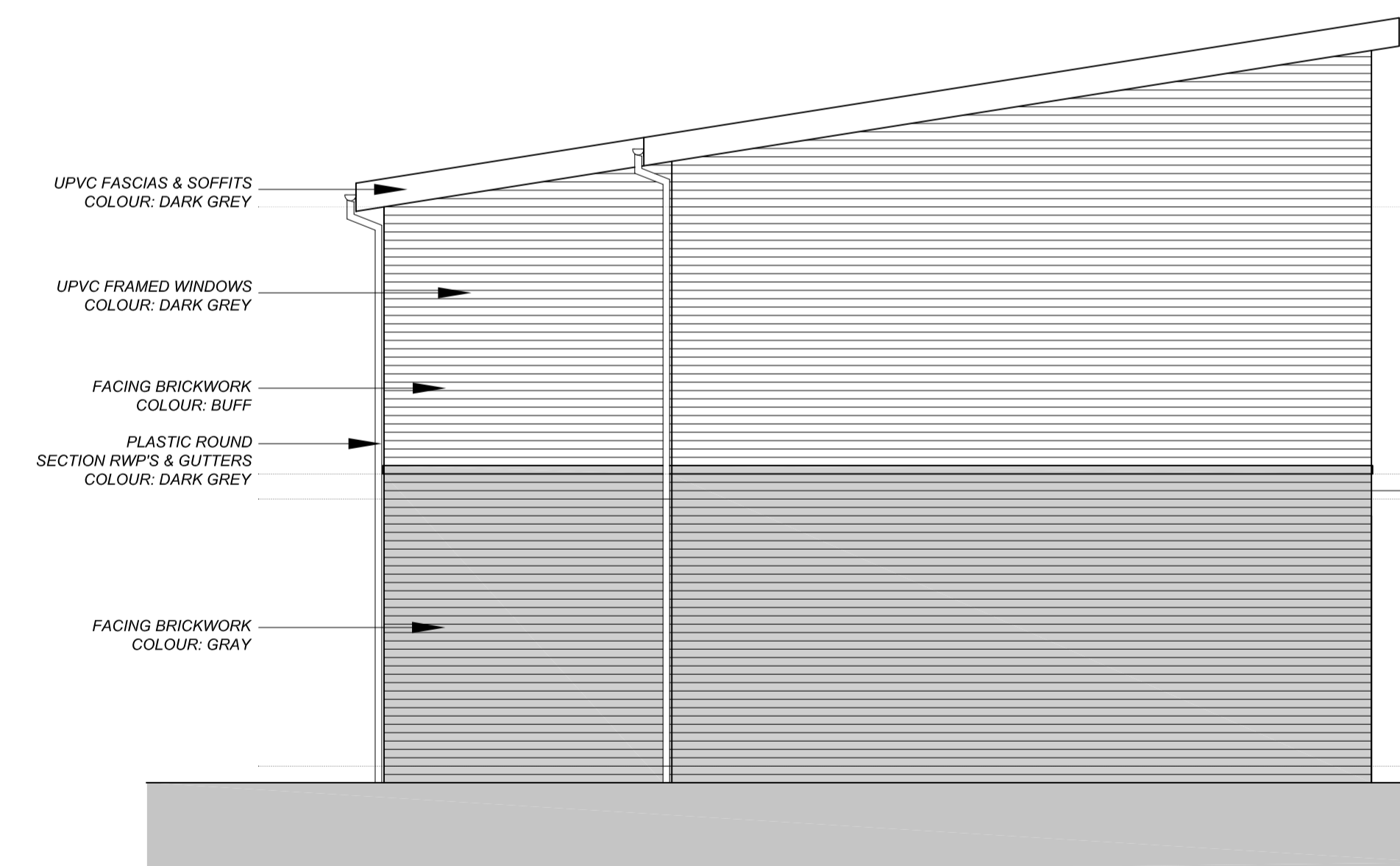
PROPOSED SOUTH WEST ELEVATION



PROPOSED SOUTH EAST ELEVATION



PROPOSED NORTH EAST ELEVATION



PROPOSED NORTH WEST ELEVATION

NOTE:

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| 03. PLANNING          | 06. TENDER                 | 09. SPARE              |

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PROJECT :  
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