

COMMITTEE DATE: 11/04/2024

APPLICATION No. 23/01174/FUL

APPLICATION DATE: 24/05/2023

ED: Cathays

APP TYPE: Full Planning Permission

APPLICANT: Topland Mercury Ltd and Colico Living (Cardiff) Ltd

LOCATION: Friary House, Greyfriars Road, Cathays, Cardiff, CF10 3AE

PROPOSAL: Erection of building (up to 28 storeys, including ground) for mixed use purposes, including commercial space (Use Classes A1, A2, A3, B1 and/or D1) (part ground floor) and residential accommodation for students comprised in a combination of cluster flats and studios (Sui Generis) with associated accommodation and works following demolition of existing buildings

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 Section 10 of this report, planning permission be GRANTED subject to the conditions listed in Section 14.

RECOMMENDATION 2: That delegated authority is given to the Head of Planning &/or Operational Manager: Strategic Development & Placemaking, to make changes to the conditions and/or Heads of Terms of the required legal agreement, subject to consultation with the Chair of Planning, up to the point where the legal agreement is signed and planning permission issued.

1. DESCRIPTION OF SITE

- 1.1 The application site comprises a rectangular shaped piece of land which lies on the junction of Greyfriars Road and Greyfriars Place, with Crockherbtown Lane adjoining the site to the south. The site is occupied by Friary House, which is a mixed-use building comprising the recently vacated 'Tiger Tiger' nightclub located at basement, ground and first floor level (Use Class D1) with vacant office floorspace above (B1) from the second to the eighth floor.
- 1.2 Friary House is an elongated block with a taller element placed centrally within the plan. The central, red brick tower is ten storeys in height, with the block fronting the junction of Greyfriars Road and Greyfriars Place at six storeys and then at 5 storeys fronting Greyfriars Road with an enclosed courtyard area between the blocks. The block to the rear (south) is also 6 storeys with a two-

storey storey element to the south-east. Four car parking spaces are located to the south. The site measures 0.26 hectares and is a relatively flat site. There is no vegetation on site.

- 1.3 To the north directly across the road from Greyfriars Road is a nightclub at ground floor level with offices as part of Greyfriars House which is 8 storeys high. To the west of this building are Park House and One Kingsway which are also both in office use. To the east of Greyfriars House is the Park Plaza hotel which comprises 5-storeys of hotel use and 3-storeys of residential apartments above, which also extend over Greyfriars House. These apartments feature private balconies facing the site and to the north. Directly adjacent to the site to the west is the 25-storey Capital Tower occupied by offices, which was constructed in the 1970 and stands at 92m high and is highly visible across Cardiff. Also to the west is a 9 storey office building occupied by the Principality Building Society with windows facing the site. Adjoining the site to the east is an NCP multi-storey car park which stands at 5 storeys high with roof car parking and public houses at ground floor level. To the south across the road from Crockherbtown Lane is a 5 storey high building used as ancillary storage space for the commercial units fronting Queen Street. The rear entrance to the Dominions Arcade is located to the south-west with the Indigo Hotel further to the west.

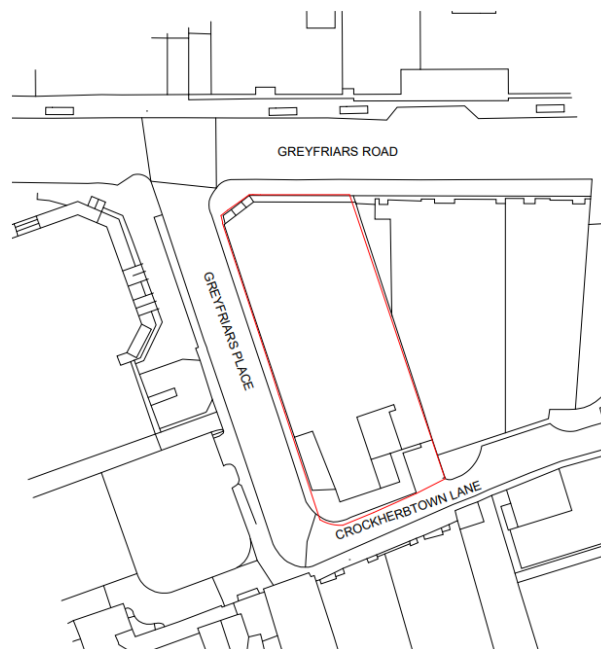


Figure 1: Site location plan.

- 1.4 Greyfriars Road, Greyfriars Place and Crockherbtown Lane bound the site to the north, west and south respectively. Greyfriars Place is currently used as for servicing of the adjacent office uses and also comprises disabled parking either side of the highway. Crockherbtown Lane is also used for servicing. Bus stops are located along Greyfriars Road which includes a bus lane with two lanes of traffic and the closest railway station is Cardiff Queen Street which lies approximately 440m to the south-east.
- 1.5 Although the site is not located within a conservation area, the site is

surrounded on all sides by Conservation Areas. These comprise the Cathays Park Conservation Area (CA) to the north and west, the Queen Street CA from the south-west to south-east and the Windsor Place CA to the west (see Fig 2 below).

- 1.6 The building is not listed, but there are a number of listed buildings in close proximity. Among others, these comprise the Grade I listed Cardiff City Hall to the north, the Law Courts to the north-west and the National Museum of Wales to the north-east. The surrounding Grade II listed buildings comprise; statues within the Cardiff Castle and Bute Park Registered Park and Gardens to the north, the Statue of Third Marquess of Bute and the Bridge over Dock feeder including Cast Iron Drinking Fountain to the west, the New Theatre and Brannigan's including forecourt walls and railings to the east at the end of Greyfriars Road on the junction with Park Place, the Lloyds Bank and Andrews Buildings to the south.
- 1.7 The Cardiff Castle and Roman Fort Scheduled Monument is located to the west which is located within the Cardiff Castle and Bute Park Registered Park and Gardens. Cathays Park Registered Park and Gardens are also located to the north and west (which include Alexandra Gardens, Gorsedd Gardens, and Friary Gardens).

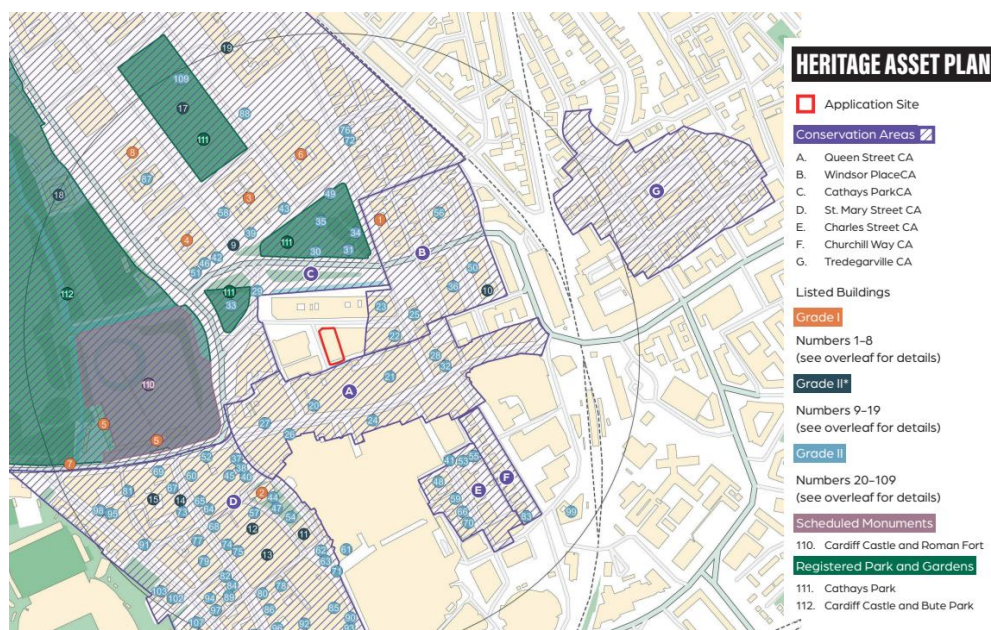


Figure 2: The proximity of the site to the adjacent Conservation Areas, Listed Buildings, and the Registered Historic Park and Gardens.

- 1.8 The Welsh Government Development Advice Maps show the site to be within Flood Zone C1, which demarks areas served by significant infrastructure, including flood defences.
- 1.9 The area is within the Cardiff City Centre Archaeologically Sensitive Area, defined for the concentration of evidence of activity from the Roman period onwards. The site is situated approximately 200m to the east of the Scheduled

Monument of Cardiff Castle and Roman Fort and is in an area where archaeological remains of Roman and Medieval origin have been identified.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1 The application seeks full planning permission for the redevelopment of the site involving the demolition of the existing building and the construction of a purpose built student accommodation (PBSA) block (Use Class Sui Generis). This will have a total of 585 bedspaces comprising 384 studios and 48 apartments. The application also proposes three double height commercial units at ground floor level (Use Classes A1, A2, A3, B1 and/or D1). The two commercial units to the front (north) measure 96sqm and 97sqm with the commercial unit to the rear (south-west) measuring 86sqm.

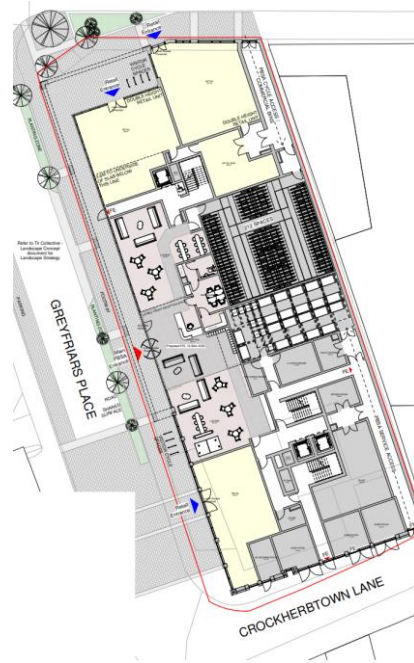


Figure 3: Proposed ground floor layout.

- 2.2 The proposed building comprises a number of different blocks featuring a tall tower (28 storeys/84.2m) with a lower 'shoulder' element (19 storeys/56.2m), a middle block (12 storeys/35.1m) and the front lowest block (8 storeys/25.1m).



Figures 4 and 5: Illustrative CGIs of the proposed development.

- 2.3 In terms of the elevations, the proposed materials comprise flat metal panels, buff brickwork, vertical ribbed metal feature panels, perforated purge vent metal panels, flat GRC panels, aluminium window colour matched metal cladding panels and opaque glazed spandrels. A light-coloured brick blend incorporating a variety of tones is proposed for the lower elements.
- 2.4 The tower element proposes a ‘basketweave’ façade which creates a checkerboard aesthetic, which then becomes more regularised at the top of the tower. The fenestration pattern of the top of the tower also differentiates from the lower levels but the materiality and internal function remains consistent. A bright, reflective metal in flat, ribbed and perforated panels will be a consistent linking component between the two elements of the scheme. Large, floor to ceiling, aluminium-framed windows will be throughout the scheme, with glazed purge ventilation panels concealed behind the perforated mesh.
- 2.5 The north and southern elevation of the ‘shoulder’ element will be composed of brickwork and GRC cladding with the western elevation proposing the same checkerboard design as the tower. A colonnade is proposed along the front and to the student entrance of the scheme. Finally, up/down lighting is also proposed with LED lighting at the base.



Figure 6 shows the detailed design of the elevations.

2.6 The proposed schedule of accommodation is as follows:

Name	Count	Bedspaces
Studio	383	383
Accessible Studio	1	1
TOTAL	384	384

1 Bed Apt	18	18
5 Bed Cluster	9	45
6 Bed Cluster	12	72
7 Bed Cluster	6	42
8 Bed Cluster	3	24
TOTAL	48	201

GRAND TOTAL	432	585
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2.7 The size of each bedroom within 5 bed clusters range between 13- 16m² with the associated lounge/kitchen/diners being 33m². The size of each bedroom within 6 bed clusters range between 13-14m² with the associated lounge/kitchen/diners being between 30-38m². The size of each bedroom within 7 bed clusters range between 13-17m² with the associated lounge/kitchen/diners being 35m². The size of each bedroom within 8 bed clusters range between 13-20m² with most of these being 13m² with the associated lounge/kitchen/diners being 47m².

2.8 Studio units range between 17-26m² with most of these being 19-20m². There are 15 studios per floor up to four storeys and 17 - 19 per floor thereafter up until floor 18. The mix changes between floors 19 and 27 where 8 studios and 2 no. 1 bed flats are provided per floor. 1 bed flats measure 29m².

2.9 The application also proposes 654sqm of communal internal amenity space. This comprises 155sqm at ground floor level (the reception and management rooms have been excluded as these are basic requirements for the running of the building) in the form of lounge areas and 359sqm at level 1 in the form of coworking, lounges and a cinema, karaoke rooms, games rooms and an entertainment room. 40sqm amenity spaces are then proposed at levels 2, 3 and 4 and a 20sqm space is proposed at level 11. There is also a 111sqm roof terrace proposed to the north on level 11.

2.10 The development is car free and as such does not include any on-site resident or employee car parking spaces. 212 cycle parking spaces are proposed internally at ground floor level and will be accessed from the front through a separate access which is combined with the commercial refuse waste access. There are also external Sheffield cycle stands proposed, in the form of two groups of four stands (providing a total 16 cycle spaces). The student refuse store has a separate access to the rear of the site.

2.11 The application has been supported by the following documents:

- Design and Access Statement Addendum
- Planning Statement

- Cardiff City Market Report
- Management Plan
- Transport Statement
- Framework Travel Plan
- Heritage, Townscape and Visual Impact Assessment
- Noise Impact Assessment
- Ecological Assessment
- Drainage Strategy and Flood Statement
- Fire Safety Strategy
- Daylight and Sunlight Assessment
- Energy Statement
- Microclimate Assessment
- Archaeological Assessment
- Friary House Measured Survey
- Pre-Application Consultation Report
- Landscape Concept

2.12 All documentation relating to the application, including plans, can be viewed on the Council's website using the following link; [23/01174/FUL](https://www.cardiff.gov.uk/23/01174/FUL).

3. NEGOTIATIONS

3.1 The application has been the subject of negotiations between the developer and Council officers, with input from Placemaking and Transportation Officers throughout.

3.2 During the course of the application, the application has been amended by the applicant, with a new set of plans being submitted on 28/12/2023. The key amendments made are summarised as follows:

- Increase in the overall height from 25 to 28 storeys and increase in width of tower;
- Reduction in the overall number of units from 600 to 585;
- Alterations to the overall form and elevational treatment;
- Increase in commercial floorspace at ground level;
- External roof terrace communal amenity space included at level 11.

Screening:

3.3 Consideration has been given as to whether the proposed development constitutes Environmental Impact Assessment ('EIA') development. Having regard to the size of the site and number of dwellings proposed, it was concluded that an Environmental Statement was not required to enable the Local Planning Authority to understand and consider the likely environmental effects of the proposal, due to the development not exceeding the thresholds within Schedule 2 (Part 10(b)ii) of the EIA (Wales) Regulations 2017.

4 RELEVANT SITE HISTORY

4.1 The site has the following relevant planning history: -

- 03/02120/C: Change of use from B1 to A3, including new shopfronts, exits and disabled ramp (ground and first floor only) (Approved: 13/07/2004)
- 07/01525/C: Variation of Condition 5 of planning permission 03/2120/C relating to opening hours (Approved: 30/08/2007)
- 15/02310/MJR: Variation of Condition 5 (Opening Hours) of planning application 07/01525/C to allow opening between 0700 and 0330 and occasional extended hours in accordance with temporary event notices (Approved: 06/11/2015)
- 15/02498/MJR: Change of use of floors 6, 7 and 8 to non-residential educational establishment (Class D1) or B1 Offices (Approved: 03/12/2015)
- 16/01127/MJR: Change of use from offices (B1) to a mixed use of offices (B1) and educational (D1) for second, third and fourth floors (Approved: 06/07/2016)

5 POLICY FRAMEWORK

National Policy

- 5.1 The **Well-being of Future Generations (Wales) Act 2015** (WFG) imposes a duty on public bodies to carry out 'sustainable development' in accordance with the 'sustainable development principle'.
- 5.2 'Sustainable development' means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the well-being goals.
- 5.3 'Sustainable development principle' means that Local Authorities must act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.
- 5.4 Well-being goals identified in the Act are:
- A Prosperous Wales
 - A Resilient Wales
 - A Healthier Wales
 - A More Equal Wales
 - A Wales of Cohesive Communities
 - A Wales of Vibrant Culture and thriving Welsh Language
 - A Globally Responsible Wales

- 5.5 The **Environment (Wales) Act 2016** has been designed to complement the WFG Act. It imposes a duty to require all public authorities, when carrying out their functions in Wales, to seek to “maintain and enhance biodiversity” where it is within the proper exercise of their functions. In doing so, public authorities must also seek to “promote the resilience of ecosystems”.

National Planning Policy

- 5.6 [Planning Policy Wales](#) (Edition 12) was revised and restructured in February 2024. Its primary objective is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015 and the Well-being of Future Generations (Wales) Act 2015.
- 5.7 It aligns with the themes and approaches set out in [Future Wales - the National Plan 2040](#) (see below) to deliver the vision for Wales that is set out therein.
- 5.8 PPW12 takes the seven *Well-being Goals* and the five *Ways of Working* as overarching themes and embodies a placemaking approach throughout, with the aim of delivering *Active and Social Places*, *Productive and Enterprising Places* and *Distinctive and Natural Places*. It also identifies the planning system as one of the main tools to create sustainable places, and that placemaking principles are a tool to achieving this through both plan making and the decision-making process.
- 5.9 The document should be *read as a whole*, and where ‘must’ is used, it reflects a legislative requirement or indicates where action is needed now to achieve strategic outcomes in the longer term.

Technical Advice Notes

- 5.10 PPW is supported by a series of more detailed [Technical Advice Notes](#) (TANs), of which the following are of relevance: -
- TAN 2: Planning and Affordable Housing (2006)
 - TAN 4: Retail and Commercial Development (2016)
 - TAN 5: Nature Conservation and Planning (2009);
Noting also the Chief Planning Officer letter dated 23/10/19: securing bio-diversity enhancement;
 - TAN 11: Noise (1997)
 - TAN 12: Design (2016)
 - TAN 16: Sport, Recreation and Open Space (2009)
 - TAN 18: Transport (March 2007)
 - TAN 21: Waste (February 2017)
 - TAN 24: Historic Environment (2017)
- 5.11 On 16th July 2020 the Welsh Government published [Building Better Places: The Planning System Delivering Resilient and Brighter Futures](#) which provides planning policy guidance for local planning authorities and the development

industry on priorities for the planning system to deliver post Covid-19. The guidance is to be read in conjunction with PPW, which contains the principles and policies needed for Wales to recover from Covid-19 in a positive manner, putting placemaking at the heart of future development.

- 5.12 It also emphasises that development management decisions should focus on creating healthy, thriving active places with a focus on a positive, sustainable future for our communities. The planning system has an important role in supporting healthier lifestyles and reducing inequalities. This includes both direct and indirect opportunities such as the allocation of land for health facilities, ensuring good design and barrier free development, jobs and skills, improving air quality, soundscapes and protecting and improving access to recreation and natural green spaces. These can provide both physical and mental health benefits, improve well-being and help to reduce inequality.

The Development Plan:

- 5.13 Section 38 (6) of the Planning and Compulsory Purchase Act 2004, requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 5.14 [Future Wales - the National Plan 2040](#) now forms part of the Development Plan for all parts of Wales, comprising a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. All Development Management decisions, strategic and local development plans, planning appeals and all other work directed by the development plan need to accord with Future Wales.
- 5.15 The Local Development Plan is the [Cardiff Local Development Plan 2006-2026](#) which was adopted in January 2016, and within which the following policies are of relevance:
- KP1 Level of Growth
 - KP3(B) Settlement Boundaries
 - KP5 Good Quality and Sustainable Design
 - KP6 New Infrastructure
 - KP7 Planning Obligations
 - KP8 Sustainable Transport
 - KP12 Waste
 - KP13 Responding to Evidenced Social Needs
 - KP14 Healthy Living
 - KP15 Climate Change
 - KP16 Green Infrastructure
 - H6 Change of Use or Redevelopment to Residential Use
 - EN6 Ecological Networks and Features of Importance for Biodiversity
 - EN8 Trees, Woodlands and Hedgerows

- EN10 Water Sensitive Design
- EN11 Protection of Water Resources
- EN13 Air, Noise, Light Pollution & Land Contamination
- EN14 Flood Risk
- T1 Walking & Cycling
- T5 Managing Transport Impacts
- R1 Retail Hierarchy
- R8 Food and Drink Use
- C1 Community Facilities
- C3 Community Safety/ Creating Safe Environments
- C5 Provision for Open Space, Outdoor Recreation, Children's Play and Sport
- W2 Provision for Waste Management Facilities in Development

5.16 The following Supplementary Planning Guidance (SPG) is of relevance to this application:

- Green Infrastructure Consultation Draft (2017)
- Managing Transportation Impacts (Incorporating Parking Standards) (July 2018)
- Planning Obligations (2017)
- Waste Collection and Storage Facilities (2016)
- Infill Sites (November 2017)
- Cardiff Residential Design Guide (January 2017)
- Shop Fronts and Signage (October 2011)
- Archaeology and Archaeologically Sensitive Areas (July 2018)
- Student Accommodation (March 2019)

6. INTERNAL CONSULTEE RESPONSES

6.1 **Transportation:** The development is car free and as such does not include any on-site resident or employee car parking spaces. Servicing will generally also be provided from street, in a similar way to the site was previously managed and as is currently the case for the majority of the city centre. The principle of servicing from street is well established in the city and it is noted that Crockherbtown Lane is utilised for servicing by businesses adjacent to the site, helping to keep service vehicles away from established pedestrian areas. The car free/zero parking nature of the proposed development is considered to be both policy compliant and acceptable in this location. In this respect car parking standards are expressed as a maximum, with no minimum requirement, supporting a move away from reliance on the ownership and use of private cars.

6.2 In terms of transport and movement, it is noted that the site is located in the city centre within an easy level walk of Queen Street railway station (circa 440m south-east), and on the doorstep of extensive bus services on Greyfriars Road and Churchill Way. Car share is also available on Churchill Way and there is extensive taxi rank provision alongside and nearby the site. There is also walkable access to all the service, amenities, employment, university, and leisure facilities that such a central location affords. The site is therefore considered to be extremely sustainably located in transport terms and

somewhere where walking, cycling, and public transport offer viable alternatives to the ownership and use of private cars.

- 6.3 Pedestrian access to the development will be provided from Greyfriars Road and Greyfriars Place, with separate entrances for the commercial/retail and PBSA elements of the proposals. Separate secure bin and cycle store provision and entrances are also provided on the ground floor level, to the south and north of the building respectively. The ground and first floor building line/façade will be setback on Greyfriars Place and corner of Greyfriars Road to provide a widened footway and colonnade space that could accommodate external seating space associated with the commercial units.
- 6.4 Cycle parking is proposed on the ground floor in a segregated secure cycle store with a separate access directly to/from Greyfriars Road. The store proposes 212 cycle parking spaces in what are assumed to be two-tier bike racks. Officers require the inclusion of a proportion of Sheffield/ground based stands for inclusivity reasons to ensure people with a physical impairment or an electric cycle can push their cycle in and out of a horizontal cycle parking space rather than lifting a cycle on and off a cycle rack. As such, further details will be required by condition to ensure that there is a minimum of 20% accessible stands with appropriate manoeuvring distances. The submitted plans also show external Sheffield cycle stands, in the form of two groups of four stands (providing a total 16 cycle spaces), located on the Greyfriars Road and Greyfriars Place frontage of the building. While the number of proposed internal cycle parking spaces for the PBSA is slightly below the usual standard applied to this form of development, the proposal is nonetheless considered acceptable given the sustainable, walkable location of the development.
- 6.5 The proposals are considered to be appropriate development for the location and acceptable in transport terms. The submission has demonstrated that the proposed development can be accommodated without causing detriment to the surrounding highway network and well placed to take advantage of sustainable travel choices. Conditions are therefore sought to ensure appropriate management of construction, in the form of a Demolition and Construction Management Plan, design/agreement of a highway public realm improvement scheme to be delivered by the developer via a Section 278 agreement, cycle parking and a Resident Management and Travel Plan.
- 6.6 Given the sustainable location of the site and otherwise acceptable, policy compliant form of development, the Transportation Officer concludes that any objection on Transportation grounds would be unsustainable and any reason for refusal on this basis would not withstand challenge. As such, no objection is raised subject to conditions.
- 6.7 **Waste** requested that amended plans were submitted to ensure that residents can sufficiently access the bins correctly and safely and provide spaces between the refuse containers. They also requested that the servicing access path is over 1.5m wide, which is now 1.8m wide. The applicant has confirmed that refuse collections will be through a private licensed contractor with bi-weekly collections for food containers and weekly collections for the larger

waste. Given that the waste will be managed by a private contractor, no objection is therefore raised. Notwithstanding this, a Servicing and Waste Management Plan has been imposed as a condition to ensure that the servicing and waste protocols, procedures and facilities will allow for the minimal potential for pedestrian and vehicular conflict. Conditions have also been requested for waste management to be considered during the demolition and construction phases.

- 6.8 **Ecology:** The application is supported by an Ecological Assessment (prepared by Wessex Ecological Consultancy, dated January 2024) which the Ecology Officers has some concerns about given the absence of methodologies, limitations, or reference to policies/legislation. There are also contradictions on the possibility of bats being present. As such, concerns are raised regarding bats and so a Preliminary Roost Assessment condition has been applied to ensure that the favourable conservation status of bats is maintained. An additional condition has been requested for ecological enhancements. Subject to these conditions, no objection is raised.
- 6.9 **Trees:** The application is supported by a landscape concept document (prepared by tir collective, dated January 2024) and landscape plan for the ground floor level and the roof terrace at level 11. At ground floor level, this demonstrates that trees will be planted to the front and side along Greyfriars Road and Greyfriars Place with areas for rain gardens, shrubs and plants. Soft landscaping including trees are also proposed within the roof terrace.
- 6.10 Whilst the proposed soft landscaping is welcomed, the Tree Officer remains to be convinced that the soft planting at street level is achievable, as they have not been backed up by servicing constraints data. Notwithstanding this, the Tree Officer has agreed to allow the full landscaping proposals to be delivered through a condition to have confidence that the proposals can deliver a net gain in biodiversity. A landscaping maintenance condition has also been imposed. Subject to these conditions, no objection is raised.
- 6.11 **Parks:** The Council's LDP requires provision of a satisfactory level and standard of open space on all new housing/student developments over 8 units or an off-site contribution towards existing open space for smaller scale developments where new on-site provision is not applicable.
- 6.12 Based on the information provided on the number and type of units proposed, I have calculated the additional population generated by the development to be 585. This generates an open space requirement of 0.749 ha of on-site open space based on the criteria set for student accommodation or an off-site contribution of £319.719.
- 6.13 As no public open space is proposed the developers will be required to make a financial contribution towards the provision of new open space, or the design, improvement and/or maintenance of existing open space in the locality, given that demand for usage of the existing open spaces would increase as a result of the development. In fact, given the city centre location and availability of

public open spaces nearby, investment into those spaces would be preferred over on-site provision.

- 6.14 The calculation for student accommodation applies a lower rate compared to the full amount required for general purpose housing. This takes into account omission of the play provision element which is not applicable and the resident's accessibility to student sports facilities.
- 6.15 In the event that the Council is minded to approve the application, it will be necessary for the applicant and the Council to enter into a Section 106 Agreement to secure payment of the contribution. The use of S106 contribution from this development will need to satisfy CIL and the current distance requirements set out in the 2017 Planning Obligations SPG – informal recreation 1000m, and formal recreation 1500m, measured from the edge of the site. Eligible parks/open spaces will be listed in the S106 and then consultation will take place with Ward members about its specific use.
- 6.16 **Regeneration:** Officers note that the Cardiff Planning Obligations SPG 2017 (Section 8 – Community Facilities) states that 'Growth in population arising from new development generates demand for and increases pressure on community facilities. To meet the needs of future residents, it may be necessary to meet this additional demand through:
- The provision of new facilities
 - The extension to or upgrading of existing facilities'
- 6.17 If no onsite provision is proposed, a financial contribution is sought on residential developments containing 25 or more new dwellings where it has been identified that investment in community facilities will be required to meet the needs of the new population.
- 6.18 The formula in the SPG is based on the number of bedrooms and associated occupancy figures per dwelling. In summary, following engagement with the developer, a contribution of £274,230.40 is sought from the developer.
- 6.19 Several community facilities are located within proximity to the site and are likely to experience an added pressure as a result of the new population. It is envisaged that a forthcoming community facilities contribution would be directed towards one of these facilities.
- 6.20 **Pollution Control (Contamination):** The site has been identified as former offices. Contamination is not known at this site, however the potential for this cannot be ruled out and the 'unforeseen contamination' condition is requested.
- 6.21 In addition, a former landfill site has 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. The inclusion of the condition requiring ground gas risk assessment and any necessary ground gas protection measures is requested.

- 6.22 Should there be 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.
- 6.23 Conditions have therefore been recommended to ensure that the safety of future occupiers is not prejudiced in accordance with Policy EN13 of the Cardiff Local Development Plan. Subject to these conditions, no objection has been raised. A contamination and unstable land informative has also been included.
- 6.24 **Pollution Control (Air Quality):** As the proposed development is 'car free' and not within an area that would be considered at risk of exposing future occupants of unacceptable levels of air pollution, an air quality assessment was not requested as part of this application. The Air Quality Officer has requested that dust nuisance impacts are considered as part of the Demolition and Construction Environmental Management Plan. Subject to this condition being applied, no objection is raised.
- 6.25 **Pollution Control (Noise)** have reviewed the supporting Noise Impact Assessment (NIA) (prepared by Parker Jones Acoustics, dated 11th May 2023). The Noise Officer considers this to be a noise-sensitive location as it is within the city centre with contributors to background noise. This is particularly from the various night clubs that are located on Greyfriars Road, with the associated noise from people queuing and revellers leaving at night from taxis (with their door banging) and also the numerous outdoor concerts that are held in the grounds of Cardiff Castle. It is however noted that there no nearby heavy industrial uses or railway noise in the vicinity. The Noise Officer notes that the Assessment has not covered all noise sources, such as from early morning deliveries, street noise, live music break-out from the nearby entertainment venues.
- 6.26 Paragraph 4.3.44 of Planning Policy Wales (Edition 12) states that where residential development is proposed next to or near existing evening and night-time uses, it will be necessary to consider the compatibility of uses and to incorporate mitigation measures to minimise any impact on the amenity of any future residents. The *agent of change* principle says that a business or person responsible for introducing a change is responsible for managing that change. Officers therefore seek to promote good acoustic design at the early stages of the planning process and do not wish the default position to be 'double-glazed and fitted with mechanical ventilation' in all schemes. A condition has been imposed for event monitoring to take place to deliver a detailed scheme of noise mitigation to assess the noise levels from events at Cardiff Castle and District nightclub to ensure maximum internal noise levels can be achieved when exposed to the music noise levels at the façade of the development. Two additional conditions have also been imposed to ensure that post-construction assessments are delivered to demonstrate compliance with the maximum internal noise levels agreed from the aforementioned condition and also to

demonstrate compliance with the noise mitigation measures and results outlined in the upfront Noise Impact Assessment.

- 6.27 Vortex shedding (wind noise) has also been considered, whereby the issue of 'whistling' is generally caused by facades which contain gaps or porous elements, especially at high levels where they are more exposed to the wind. The natural frequency of these less rigid elements can sometimes fall within the range of expected vortex shedding frequencies, and when it does this will cause whistling or humming. The applicant has stated that the proposed façade is designed to not to include any such items, however, if the design changes this needs to be taken into account and a qualitative review should be undertaken on the final detailed façade design prior to construction of the relevant part. This will ensure that the design does not deviate from the current low risk situation. As such, a condition has been imposed.
- 6.28 An additional condition is recommended to ensure that appropriate noise insulation measures are delivered if a gym, health and fitness studio or anything similar is proposed in one of the leisure/games/exercise spaces for the student residential units. Full details of the noise control scheme and a Noise Management Plan shall be submitted to and approved by the Local Planning Authority prior to the first beneficial use.
- 6.29 Additional conditions imposed relate to plant noise, sound insulation for the commercial units, construction noise (as part of Demolition and Construction Environmental Management Plans), kitchen extraction details and operation hours/servicing hours for the commercial units. An informative has been included reminding the applicant of Section 60 of the Control of Pollution Act 1974 in relation to construction activity hours. As such, subject to the aforementioned conditions, no objection is raised.
- 6.30 **Economic Development (ED)** have considered and accepted the marketing letter (prepared by Fletcher Morgan Chartered Surveyors, dated 22nd March 2023) which provides details of whether and for how long the premises have been vacant and actively marketed for office use. ED are prepared to compromise on the loss of the commercial leisure space on the ground and basement levels (24,090sqft) being replaced with a smaller footprint of 3,003sqft of retail space. However due to the loss of 44,718sqft of office space, a financial contribution of £85,945 is sought in accordance with the Council's adopted Supplementary Guidance on Planning Obligations (adopted January 2017). This contribution will form a package of assistance that will help support and develop companies within the Cathays ward and provide further employment opportunities. ED note that given that the proposal results in the loss prime employment in the city centre, the contribution is justified in this case for the loss of the employment land to support other businesses in the area and protect and support job creation in line with the aforementioned SPG.

7. EXTERNAL CONSULTEE RESPONSES

- 7.1 **Dŵr Cymru Welsh Water (DCWW)** have raised no objection subject to a condition for the details of a potable water scheme to serve the site. This shall

demonstrate that the existing water supply network can suitably accommodate the proposed development site. If necessary, a scheme to reinforce the existing public water supply network in order to accommodate the site shall be delivered prior to the occupation of any building. An informative has also been included regarding the public sewer and noting that SAB permission is required. Finally, DCWW note that the developer will need to fund the undertaking of a hydraulic modelling assessment on the water supply network.

- 7.2 **South Wales Police** have raised no objection but have provided a number of security-related recommendations. An informative has been included.
- 7.3 **Gwent-Glamorgan Archaeological Trust (GGAT)** note that the site forms part of the area occupied by the Franciscan Greyfriars during the Medieval period. The religious precinct included a church building, living accommodation for religious and visitors, and gardens. The main part of the buildings were outside the current redline boundary, and changes to the layout and buildings post-reformation (mid-16th century).
- 7.4 The area is within the Cardiff City Centre Archaeologically Sensitive Area, defined for the concentration of evidence of activity from the Roman period onwards. GGAT note that the development area is situated approximately 200m to the east of the Scheduled Monument of Cardiff Castle and Roman Fort (Cadw reference GM171), and is in an area where archaeological remains of Roman and Medieval origin have been identified.
- 7.5 The supporting information includes an Archaeological Desk-Based Assessment (prepared by Cotswold Archaeology, dated May 2023, refCR1377_1). This was undertaken to an agreed methodology and GGAT confirm that it meets current professional standards. The assessment concludes that there may be a potential for 'islands' of archaeological deposits to have survived, which may be impacted by a proposed development. However, there was no detail available to the authors concerning the location of the possible 'islands' in relation to any known basement plan, existing or proposed.
- 7.6 Basement details have been provided on request which indicates that the works will be located in the south of the building footprint. This area is furthest from the known areas of Medieval remains, and which historic mapping sequences show was formerly open ground, and part of the later 19th and early 20th century landscaped Castle Gardens, and changed in the later 20th century. GGAT confirm that it is likely that the landscaping and later 20th century development has altered the nature of any archaeological deposits, and confirm that it is unlikely that significant archaeological deposits that would require mitigation remain.
- 7.7 As such, GGAT have no archaeological objection to the determination of the application. An informative has been included advising the application that should archaeological remains be encountered, they should contact GGAT as mitigation may be required.

7.8 **Cadw** have considered the Scheduled Monuments and Registered Park and Gardens which are located within 2km of the proposed development site. They note that the impact of the proposed development on the setting of designated historic assets has been considered in the Heritage, Townscape and Visual Impact Assessment (prepared by Montague Evans, dated December 2023). Cadw have concluded that the proposed development will have no impact on the settings of the adjacent designated historic assets.

7.9 **Fire Service:** No objection has been raised. An informative has been included.

8. REPRESENTATIONS

8.1 The application was subject to a 21-day consultation period on 12/06/2023, being advertised by press and site notices and neighbours and local members were notified. Following amended plans being received, a re-consultation was undertaken on 03/01/2024. Another re-consultation was undertaken on 08/03/2024 to the residents to the north (Park View) and the Park Plaza hotel due to an amended Daylight and Sunlight Report being received. A final re-consultation was undertaken on 26/03/2024 to neighbours and members due to an amended Sun Path Analysis being received reflecting the amended proposal.

8.2 To date, seven letters of objection have been received, which are summarised below.

Representations relating to the first consultation on 12/06/2023:

8.3 An objection letter was received on behalf of the Principality Building Society dated 17th July 2023. The full representation is available to view online at [23/01174/FUL](#). For the benefit of members, this has been broadly summarised as follows:

- No consultation letter received;
- Representations made at PAC have not been addressed;
- Concerns over density which will alter the demographic within the area;
- Student use will result in adverse impacts such as noise, increased anti-social behaviour and will discourage other non-student related interests and investment in the locality;
- Concerns over the demand for student accommodation, noting a number of other purpose built student accommodation (PBSA) schemes which have been subject to a change of use application;
- Scale will be out of keeping. Capital Tower has set a poor precedent and the proposed scale will create a clutter adjacent to this building;
- The development will detract from the setting of the Civic Centre and Castle, which are the heart of the cultural centre of the City and key tourism attracting areas. The building is contrary to the Tall Building SPG and not a suitable location for a tall building.
- Contradictions with the Daylight and Sunlight Amenity Study;
- The design of the building does not exhibit outstanding design quality from an aesthetic perspective;

8.4 An additional objection letter was received on behalf of the Principality Building Society dated 8th August 2023. The full representation is available to view online at [23/01174/FUL](#). For the benefit of members, this has been broadly summarised as follows:

- The development will have an oppressive and overbearing impact on the way the occupiers of the building enjoy the property;
- The Daylight and Sunlight Report has only considered the impact on the residential buildings in the locality and should also consider the subject office building;
- The property benefits from legal right of light restrictions.

8.5 A letter expressing concerns (but no objection) was received by the New Theatre, Park Place dated 15th June 2023. The full representation is available to view online at [23/01174/FUL](#). For the benefit of members, this has been broadly summarised as follows:

- Concerns over road closures during construction, especially as large commercial vehicles need to access the theatre to unload/load their sets. A request has been sought for a clearer understanding of how this will be managed.
- Concerns over recreational drug taking from the Vita PBSA block and anti-social behaviour such as urinating against the rear of the building. Reassurance of how this will be managed is requested.

Representations relating to the second consultation on 03/01/2024:

8.6 An objection letter was received on behalf of the Principality Building Society dated 18th January 2024. The full representation is available to view online at [23/01174/FUL](#). For the benefit of members, this has been broadly summarised as follows:

- The Principality Building Society has occupied Principality House for more than thirty years and has invested heavily within the building and in Cardiff City Centre.
- Concerns over density which will alter the demographic within the area;
- Concerns over anti-social behaviour which has increased from the Vita purpose PBSA block
- Concerns over the demand for student accommodation, noting a number of other approved PBSA schemes which have been subject to a change of use application;
- Scale will be out of keeping. Capital Tower has set a poor precedent and the proposed scale will create a clutter adjacent to this building;
- The amended proposals increase the massing of the main tower and its dominance above the neighbouring listed buildings, as follows:
 - o The development will detract from the setting of the City Hall clock tower which maintains some visual separation Capital Tower

- The tower will extend above the height of the gate house of Cardiff Castle, which are the heart of the cultural centre of the City and key tourism attracting areas.
- The building is contrary to the Tall Building SPG and the site is not a suitable location for a tall building.
- The amended scheme has increased the scale which will further prejudice the amenities of occupiers of neighbouring buildings and pay little regard to the scale of development surrounding;
- The scale will impact the skyline of the City and increase visual clutter within important vistas across the city;
- The design of the building does not exhibit outstanding design quality from an aesthetic perspective.

8.7 An additional objection letter was received on behalf of the Principality Building Society dated 18th January 2024. The full representation is available to view online at [23/01174/FUL](#). For the benefit of members, this has been broadly summarised as follows:

- The BRE Guidance states at paragraph 1.1 that 1.1 states that *“people expect good natural lighting in their homes and in a wide range of non-domestic buildings. Daylight makes an interior look more attractive and interesting as well as providing light to work or read by. Access to skylight and sunlight helps make a building energy efficient; effective daylighting will reduce the need for electric light, while winter solar gain can meet some of the heating requirements.”*
- Concerns over the loss of daylight on the eastern elevation of the office building. The rooms with windows to the rear of the Principality building will become more enclosed, darker, and hence, and so concerns are raised that the building will become a less desirable place to live and work for the future occupants.
- Request for the case officer to undertake a site visit at the Principality Building.
- Request that the applicant submits a complete and accurate daylight and sunlight assessment prepared in accordance with the BRE Guide.
- The Principality Building benefits from a legal right of light. Request for the applicant to resolve all potential right of light matters.

8.8 An objection letter was received on behalf of the Principality Building Society dated 18th March 2024. For the benefit of members, this has been broadly summarised as follows:

- The latest Daylight and Sunlight Assessment has not included an assessment on the Principality Building.
- Whilst it is appreciated that the property is non-domestic but as they have a vast amount of vacant space which cannot be let, they are looking at alternative uses which will include a residential use.

8.9 A letter expressing concerns (but no objection) was received by the Indigo Hotel dated 22nd March 2024, as follows:

- Concerns with the delivery requirements we needed for the business which is at the back entrance of Dominions Arcade.
- Noise disruption
- Timeframe concerns

8.10 A final objection letter was received on behalf of the Principality Building Society dated 3rd April 2024. For the benefit of members, this has been broadly summarised as follows:

- The Principality Building Society is currently considering the longer term future of the building given change in work patterns and resulting amount of space that is underutilised in the building and also the poor response in marketing the rear of the building (which faces the proposed development). All possible uses are being considered but the very obvious alternative is residential. Reports are in the process of being prepared.
- Request that the impact on the building is considered properly in the applicants Daylight and Sunlight Report – i.e. Vertical Sky Component, Annual Probable Sunlight Hours and Daylight Distribution analysis.

Officer Comments:

8.11 The majority of the objections raised will be addressed in the analysis section of the report (Section 9). It should be noted that officers are satisfied that the Pre-Application Consultation (PAC) and the consultation for the subject application was undertaken in accordance with statutory requirements, noting that the scheme has been subject to further iterations and consultation as part of the determination of the application.

8.12 The case officer undertook a site visit at the Principality Building on 2nd February 2024. The site visit has been considered in the analysis section of the report. It is noted that an objection states that the Principality Building Society are looking at alternative uses which will include a residential use. However, no application has been put before the Council for a change of use of the building and so the impact on a future residential use has not been considered as part of this application.

9. ANALYSIS

9.1 The main issues to be assessed are:

- a. Principle of Development
- b. Impact on Historic Environment
- c. Design
- d. Impact on Neighbouring Amenity
- e. Transportation and Waste
- f. Microclimate
- g. Biodiversity
- h. Sustainability / Energy

a. Principle of Development

9.2 The policy framework for these comments is as follows:

- Planning Policy Wales (Edition 12, February 2024)
- Future Wales - the National Plan 2040
- Cardiff Local Development Plan 2006-2026 (January 2016)
- Food, Drink and Leisure Uses SPG (November 2017)

9.3 The application proposal is for the demolition of Friary House which is currently occupied by offices (Use Class B1) and a nightclub (Sui Generis) and the redevelopment of the site for a mixed-use scheme comprising purpose built student accommodation (Sui Generis) providing 585 bedspaces of 384 studios and 48 apartments. This includes studios, accessible studios, 1 bed apartments and clusters ranging from 5 to 8 bedrooms. The application also proposes three double height commercial units at ground floor level (Use Classes A1, A2, A3, B1 and/or D1). The site is located within the Central Business Area (CBA) of the adopted Cardiff Local Development Plan (LDP) (2006-2026). The main land use policy issues relate to:

Student Accommodation Use:

9.4 With regard to Policy KP10 (Central and Bay Business Areas) of the adopted Cardiff LDP, the principle of residential development and student accommodation use is well established within the surrounding area and the central location of this site is suited to a student use as it is well served by transport links and is close to local amenities.

9.5 In addition, while noting objections regarding concerns over the demand for student housing in Cardiff and reference to subsequent applications for changes of use, officers have considered the UK Student Accommodation Report 2023 (Cushman Wakefield) which notes (p12) that "*Markets that have historically experienced occupancy issues such as Newcastle, Cardiff and Lancaster have seen a change in fortunes and are now amongst the strongest for occupancy*".

9.6 Officers have also consulted the Student Liaison Officer, and there is a recognition that demand has significantly grown post-covid, and that existing student accommodation units are significantly more full than previously. Officers are also aware that student numbers in Cardiff University and Cardiff Metropolitan University have increased in recent years which would increase demand for accommodation. It is also notable that the report states that Cardiff is "*currently the most affordable student location in the UK*".

Loss of B1 (Office) Accommodation:

9.7 The upper floors above the nightclub of Friary House are currently in Class B1 (office) use. LDP Policy EC4 (Protecting Offices in the Central and Bay Business Areas) states that "*The alternative use of offices within the Central and Bay Business Areas will only be permitted where it can be demonstrated*

that there is no need to retain the site or premises for office use having regard to the demand for offices and the requirement to provide a range and choice of sites available for such use". At paragraph 5.56, it is identified that when considering proposals for the alternative use of office accommodation, a series of issues will be considered including whether and for how long the premises have been vacant and actively marketed for office use. It goes on to state at paragraphs 5.59 and 5.60 that "office premises that, despite active marketing, have remained unoccupied for over two years will be considered more favourably for changes of use to other, appropriate uses" and that "mixed-use redevelopment proposals that retain a significant element of commercial office floorspace, or those that do not result in any net loss in the level or quality of office accommodation within the City Centre, are likely to be more favourably considered".

- 9.8 With regard to paragraph 5.56, the applicant has provided a marketing letter (prepared by Fletcher Morgan Chartered Surveyors, dated 22nd March 2023) which provides details of whether and for how long the premises have been vacant and actively marketed for office use. This notes that the office space (above the nightclub) at second floor level and above have been vacant since 2021 and despite a full marketing campaign and some refurbishment by the landlords, there has been no serious interest shown in the office space since 2021. This is a consideration in determining the acceptability of the proposal alongside the nature of the proposed change of use to student accommodation.
- 9.9 Economic Development have confirmed that they accept the marketing information and have been aware of the efforts by the owner to refurbish the office space to attract interest. The scheme also includes 3,003sqft (279 sq.m) of commercial space (including B1 opportunities). It is also accepted that the office element of this building is at upper floors above commercial leisure uses. Notwithstanding this, due to the loss of 44,718sqft of office space, Economic Development are seeking a financial contribution of £85,945 in accordance with the Council's approved Supplementary Guidance on Planning Obligations (January 2017). This contribution will form a package of assistance that will help support and develop companies within the Cathays ward and provide further employment opportunities.

Ground Floor Commercial Uses:

- 9.10 At ground floor level the application proposes three commercial units (Use Classes A1, A2, A3, B1 and/or D1) with two at the front facing Greyfriars Road (96sqm and 97sm) and one to the rear on the corner of Greyfriars Place and Crockherbtown Lane (86sqm).
- 9.11 The site is located outside of the Central Shopping Area (CSA) as defined by Policy R2 of the LDP. However, taking into consideration the relatively small scale of the ground floor commercial units and that convenience retail could serve the students associated with this proposed development, an element of Class A1 (shop) use is considered acceptable at this location.

- 9.12 It is recognised that Class A3 uses, such as restaurants, cafes and snack bars that are open during normal shopping/business hours have the potential to contribute towards the range and choice of facilities available in the Central Business Area. In this regard and taking into consideration that the units are considered essential in ensuring that the ground floor incorporates active uses and active frontages, Class A3 uses are considered acceptable at this location, subject to amenity considerations. A condition has been imposed preventing takeaway sales to protect neighbouring amenity.
- 9.13 With regard to LDP Policy KP10 (Central and Bay Business Areas), Class A2 (Financial and Professional Services), B1 (Business) and D1 (Non-residential Institution) uses are be considered acceptable at this location, subject to amenity considerations.
- 9.14 For the above reasons, the proposal is considered acceptable from a land use policy perspective.

b. Impact on Historic Environment

- 9.15 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, when assessing development which affects a listed building or its setting, special regard shall be paid to the desirability of preserving the building or its setting or any special architectural or historic interest it possesses.
- 9.16 This approach is supported by LDP Policy EN9 (Conservation of the Historic Environment) which requires any development relating to historic assets (including their settings) to demonstrate that it preserves or enhances that asset's architectural quality, historic and cultural significance, character, integrity and/or setting.
- 9.17 LDP Policy EN9 also states that development relating to any of the heritage assets listed below (or their settings) will only be permitted where it can be demonstrated that it preserves or enhances that asset's architectural quality, historic and cultural significance, character, integrity and/or setting.
- i. Scheduled Ancient Monuments
 - ii. Listed Buildings and their curtilage structures
 - iii. Conservation Areas
 - iv. Archaeologically Sensitive Areas
 - v. Registered Historic Landscapes, Parks and Gardens; or
 - vi. Locally Listed Buildings of Merit and other historic features of interest that positively contribute to the distinctiveness of the city.
- 9.18 The supporting text to Policy EN9 at para. 5.145 notes that considerable damage can be done to the architectural or historic interest of the listed building if the development is insensitive in design, scale or positioning. The setting of a listed building is often an essential feature of its character. The setting may be limited to the immediate surroundings, but it can extend for a considerable distance. A proposed development might affect the gardens or parkland of a

major house, the rural characteristics of a farmstead or the street setting of an urban building that forms an important visual element of that street. Policy EN9 requires that development proposals take full account of the setting of any listed building in the vicinity and that developers demonstrate that the setting will not be harmed.

- 9.19 LDP Policy KP17 (Built Heritage) states that Cardiff's distinctive heritage assets will be protected, managed and enhanced, in particular the character and setting of its Scheduled Ancient Monuments; Listed Buildings; Registered Historic Landscapes, Parks and Gardens; Conservation Areas; Locally Listed Buildings and other features of local interest that positively contribute to the distinctiveness of the city.
- 9.20 Para 4.184 states that in seeking to respond to the presence of heritage assets, developers are encouraged to follow a sequence of investigation and assessment to identify the cultural and historic significance of a place before developing proposals for change or alteration. In this way appropriate approaches can be developed to preserve and enhance the historic environment through proposals that respond to and complement their context. The process is commended within Circular 61/96 and advice within BS Standard 7913, 2013.
- 9.21 The Tall Buildings SPG states that *"all tall building proposals must demonstrate that...the character or setting of heritage assets is not harmed."* It goes on to state that at paragraph 4.2 that *"The skyline of Cardiff is typically made up of a number of tall buildings, in addition to other notable architectural features in the roofscape. It is considered important to retain key views to strategic architectural features and buildings in the skyline from both long range and intermediate range views because they create an image for the city of Cardiff as well as aiding legibility when walking through the city. Examples of notable features in the city centre and bay include: the Millennium Stadium masts, the Millennium Centre bronze-coloured domed roof, the Pierhead building, church steeples, Cardiff Castle clock tower, City Hall clocktower and the Norwegian Church."*
- 9.22 Paragraph 4.3 of the Tall Building SPG states that *"Buildings of character should be given sufficient breathing space to preserve their setting. Consideration should be given to how a tall building may impact on smaller buildings of character within a view corridor. The proposal should show how the building complements those character buildings, possibly framing them, but not distract from them."*
- 9.23 At paragraph 5.3, the SPG notes that *"the area surrounding Cardiff Castle along Castle Street is especially sensitive to any buildings which break the height of the walls of the castle. Any proposals that can be viewed in the vicinity of Cardiff Castle and the Civic Centre need careful attention. In this area of very high sensitivity, it is unlikely that proposed buildings significantly taller than the prevailing townscape will be supported."* Appendix A of the SPG identifies an approximate area of very high sensitivity covering the Civic

Centre, Cardiff Castle and their immediate settings, with the application site on the edge/partially within such a zone (see Figure 7 below).

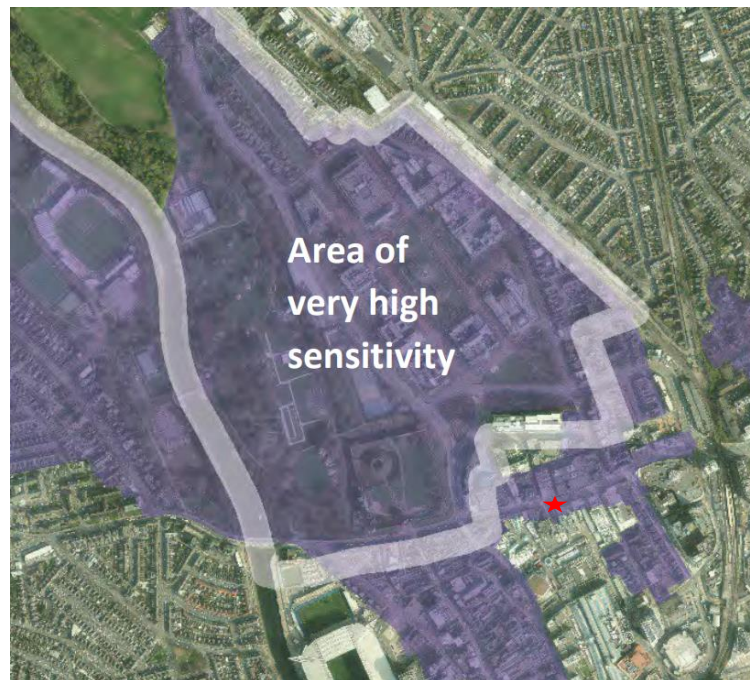


Figure 7: Area of Very High Sensitivity (Tall Buildings SPG).

Skyline and Key Views:

- 9.24 In addition to the Tall Buildings SPG, further national policy guidance is provided in TAN12, which also highlights the importance of identifying distinctive views, key skylines and vistas.
- 9.25 The visual impact has been tested in the supporting Heritage, Townscape and Visual Impact Assessment (HTVIA), which was prepared by Montagu Evans (dated December 2023) by means of a series of key views from agreed locations, which are assessed below. The key views comprise:
- View 1: Facing north-east from Castle Street;
 - View 2: Facing west from the Cardiff Castle keep;
 - View 3: Facing south from outside of the Cardiff University Bute Building;
 - View 4: Facing south outside of City Hall;
 - Views 5 and 6: Facing South from Two Viewpoints within Alexandra Gardens;
 - View 7: Facing west along Greyfriars Road from Park Place;
 - View 8: Facing south-east from Greyfriars Road;
 - View 9: Facing south from the City Hall Lawn.
- 9.26 The respective consultation roles of Cadw and the Local Planning Authority should be made clear. Within their consultation response, Cadw have agreed with the conclusions reached by the supplied HTVIA, stating that "...there may be slight visual changes in the views from scheduled monuments GM173 Dominican Friary and GM171 Cardiff Castle and Roman Fort and registered parks and gardens PGW(Gm)21(CDF) Sophia Gardens, PGW (Gm) 22(CDF)

Cardiff Castle and Bute Park and PGW(Gm)26(CDF) - Cathays Park but this will not have any effect on the way that they are experienced, understood and appreciated and therefore the proposed development will have no impact on the settings of these designated historic assets. We concur with this conclusion."

9.27 However, Cadw were neither consulted nor commenting upon setting impact in relation to listed buildings or conservation areas. Their purview extends to the assessment of impact upon Scheduled Monuments and Registered Parks and Gardens only. Therefore, whilst officers have no reason to fundamentally disagree with the conclusions drawn by Cadw, the following observations have particular regard for the following:

- The settings of both the Grade I Listed status of Cardiff Castle (as opposed to its Scheduled status) and City Hall;
- The settings of both the Grade II Listed Brannigan's (including forecourt walls and railings) and the New Theatre;
- St Mary Street, Cathays Park, Queen Street and Windsor Place Conservation Areas.

9.28 It should be noted that the supporting HTVIA makes no reference to the adopted Cardiff LDP Policy EN9. The following observations are primarily assessed against the requirements of this policy. Though PPW provides no terminology with which to identify levels of impact (only 'harm'), the below observations utilise the terminology already established by the HTVIA which accompanies this application.

View 1: Facing North-East from Castle Street:



9.29 The Conservation Officer considers that the Grade I listed asset of Cardiff Castle forms a particularly striking landmark within the centre of the city and, most significantly for this application, it is the principal elevation and gateway

entrance to the asset which dominate easterly views along Castle Street, where it occupies a whole stretch of the northern side of the road. This setting makes a strong contribution to its significance. This is reinforced within the Tall Buildings SPG (para 5.3 and quoted above), noting the sensitivity of the asset to any proposals which break the height of the walls within these views.

- 9.30 With regard to the easterly view along Castle Street view, the supplied HTVIA states that *"The upper elements of the Proposed Development are visible, appearing above the exterior outer wall of the Castle. Where visible, the light materiality of the Proposed Development would soften its appearance against the skyline and the Grade I listed Cardiff Castle in the foreground. The perception of mass is further reduced by the vertical placement of fenestration which enhances the slender linearity of the proposals."* It then states that *"There is no material change to how one would experience the historic and architectural significance of the Castle."* And finally *"...the magnitude of impact of the Proposed Development is Low, resulting in a Minor Likely Effect. The Nature of Effect is Beneficial."*
- 9.31 On the other hand, whilst acknowledging the assessment within the HTVIA, the Conservation Officer considers that the height and bulk of the tower will rise above the existing elevation of the Castle walls and the tower will compete with and distract from a key view of this Grade I Listed asset from Castle Street. In particular, the tower intrudes into the backdrop of the gatehouse and overshadows its turret. As a result, the Conservation Officer disagrees with the beneficial impact concluded within the HTVIA. It is considered that the development will result in cumulative harm, by adding to the negative impact which the adjacent Capital Tower already has upon the setting of the Grade I asset. However, considering that this is not a framed or designed view, rather it is a transient view as one progresses along the street, the identified harm upon the setting (and significance) of Cardiff Castle will be somewhat lessened to a moderate adverse impact.

View 2: Facing West from the Cardiff Castle Keep:



- 9.32 The Conservation Officer agrees that views of the proposed tower from within the castle will be read as part of the modern developing city “*as part of the ongoing story of the growth of the city of Cardiff as seen from the castle bounds*”. It is therefore considered that this incremental skyline change beyond the castle walls will have a negligible material impact upon how the asset would be experienced from within.

View 3: Facing South from Outside of the Cardiff University Bute Building:



- 9.33 Though the proposed development will be prominent within views from the centre of the road when one passes south-east along King Edward VII Avenue, the extensive tree-cover to the avenue breaks-up and obscures views of the proposed tower from the pavements to either side. This is demonstrated within

the above view which, it should be noted, is in fact considerably further up the road to the north-west than shown within the view location plan provided within the HTVIA.

View 4: Facing South from Outside of City Hall:



- 9.34 Here, the tower will sit alongside Capital Tower, between the prominent clock tower of City Hall to the east and the Law Courts to the west, with its prominent Cupolas. Though the proposal does not sit directly behind or intrude directly into the views of these Grade I Listed assets from this location, there is low cumulative impact resulting from reinforcing the massing of the already distracting Capital Tower which sits prominent upon the skyline.

View 5 and 6: Facing South from Two Viewpoints within Alexandra Gardens:



- 9.35 The Conservation Officer notes that the principal views of City Hall are its grand south-eastern elevation and entrance, and its relationship with the open space of City Hall Lawn to the fore. However, there are also significant views available of all sides of the building. In particular, its finely composed rear (north-western) elevation should be noted, where the building and its tall and ornate clock tower define and enclose the south-eastern edge of Alexandra Gardens. This fine, designed setting contributes considerably to the significance of the asset.
- 9.36 It should also be highlighted that the clock tower to City Hall is identified within the Tall Buildings SPG (para 4.2.) as a notable architectural feature in the roofscape of Cardiff, for which "...it is considered important to retain key views

to strategic architectural features and buildings in the skyline from both long range and intermediate range views because they create an image for the city of Cardiff as well as aiding legibility when walking through the city."

- 9.37 With regard to views from Alexandra Gardens, the HTVIA states at paragraph 11.39 that *"The Proposed Development sits below the horizontal details on the clock tower and is not in competition with the tower despite its visibility. The visual amenity would remain intact from Alexandra Park, and the Proposed would be a slender and complementary addition to the skyline adjacent to Capital Tower. Where seen from the eastern side of the park the slender profile of the tower would be seen in relation to Capital Tower and City Hall clock tower, forming a staggered composition with even spacing between each building"*. Then at para. 11.40 it concludes by stating that *"Given the reasons above, the magnitude of impact of the Proposed Development is Low, resulting in a Minor Likely effect. The nature of effect is Beneficial."*
- 9.38 The Conservation Officer has taken a differing view to the HTVIA. They note that within key views from Alexandra Gardens, the proposed development is shown to be standing immediately adjacent to the City Hall ornate clock tower and clearly visible above the roof line of the Grade I Listed Law Courts building. Though it is acknowledged that these key views have already been blemished by the Capital Tower, and that the proposal will sit below the horizontal details on the clock tower (view 6), the proposal is still considered to be visually intrusive and distracting, appearing in direct competition with the asset (and its clock tower) and intruding above the roofline of the building (view 5), resulting in a harmful impact upon its prominent and finely composed setting. Though principal views from the pathways within the park have been identified, visitors are free to roam across the park and its lawns which includes the Welsh National War Memorial, meaning that views of this secondary (rear) elevation to the Grade I listed asset are transitory. Therefore, the identified harmful impact upon setting of the asset is tempered. Overall, harm to the setting of City Hall is considered moderate adverse.

View 7: Facing West Along Greyfriars Road from Park Place:



- 9.39 The above view considers the impact on Brannigan's (latterly Steinbeck & Shaw and Pryzm) and the New Theatre. Built on Park Place in 1893 as the South Wales Institute of Engineers, the Grade II Listed Brannigan's also has a large library extension of 1907 which fronts onto Greyfriars Road. This ornate terracotta building occupies a prominent corner plot. In combination with the richly decorated Grade II Listed New Theatre (to the opposite corner), they create a visually striking pair of prominently located buildings which, together with the listed row of houses along Park Place, form an attractive composition of high quality buildings. This setting is somewhat tempered by the modern buildings to its background within westerly views along Greyfriars Road, including Capital Tower which in some aspects intrudes partially into the backdrop of Brannigan's. However, overall, its setting makes a positive contribution to its significance.
- 9.40 The HTVIA states at para. 11.45 that *“The Proposed Development will introduce new built form on the existing Site. View 7 of the visual impact assessment illustrates how the Proposed Development is seen in views looking west along Greyfriars Road. It introduces a tower at the scale of which complements the existing Capital Tower and creates a staggered effect, forming a transitional, step up to Capital Tower which terminates the lower scale terrace development along the southern side of Greyfriars Road. The front section, fronting Greyfriars Road, will be significantly lower, adding a human scale to the street scene. The reduction in height along Greyfriars Road, as established in the determination period, creates a better sense of rhythm along Greyfriars Road which is abetted by the architectural moves through the addition of a concrete frame to the frontage.*
- 9.41 The HTVIA also states that *“The sculpted approach to massing divides the tower into two slender, linear blocks”. The perception of mass is mitigated by the light metallic, panelling on the exterior which softens the appearance of the*

proposals against the skyline and aids in contrasting with the light buff brick of the lower scale development along Greyfriars Road.

- 9.42 Para 11.48 of the HTVIA states that *“Further design measures including the vertical fenestration, helps to enhance the linearity and slenderness of the proposals.”* Para. 11.49 states *“The Proposed Development would enhance visual amenity to Greyfriars Road at the western end through its improved frontage (in contrast to the existing condition) and considered materiality. The recessed, double storey entrance contributes to a sense of human scale in the exterior and reduces the sense of mass above the pedestrian moving through the area. The location of the tower towards the southern side of the Site reduces this effect, also.”*
- 9.43 Para 11.50 of the HTVIA states that: *“The frontages along Greyfriars Place are improved, in contrast to the existing condition, whereby the Proposed Development provides new commercial uses at ground, with a colonnaded frontage, which assists in drawing people down towards Dominions Arcade.”*
- 9.44 Para 11.51 of the HTVIA states that: *“A contrasting light, buff brick has been used at the ground and first floor level of the building, giving it a distinct hierarchy of form, with a distinct base, middle and top. This distinction is further articulated through window groupings and structural components of the architecture, which is bettered visually through the addition of different textures in the provision of GRC panels, perforated metal cladding and solid metal cladding.”*
- 9.45 Para 11.52 of the HTVIA states that: *“Given the reasons above, the magnitude of impact of the Proposed Development is Low, resulting in a Minor Likely Effect. This is due to the specific locations the Proposed Development is visible from, from over a wide ranging area. The Nature of Effect is Beneficial.”*
- 9.46 However, the Conservation Officer expresses concern that within the key westerly view down Greyfriars Road, the proposed will not bring a particularly visually unified frontage to Greyfriars Road by virtue of its scale, the ‘relatively featureless’ articulation of its eastern elevation at lower levels and its prominent positioning where it breaks above and beyond the existing frontages. They thus disagree that this proposal improves the appearance compared to the existing backdrop to these listed buildings, given that it is currently, for the most part, low rise and set some 100m away from the presented viewpoints.
- 9.47 The tower element of the proposed is also shown to rise directly behind Grade II Brannigan's building. Though it is agreed that the available westerly views are transitory, the impact of the proposed is again considered to be visually intrusive and to distract from the asset; an intrusion exacerbated by the form and design of the proposed which is a large and obvious tower block, with additional shouldered mass to its lower levels. As a consequence, the impact upon the setting of Brannigan's is considered moderate adverse. Due to the scale and positioning of New Theatre within the street scene, impact upon its setting would be minor adverse.

View 8: Facing South-East from Greyfriars Road (existing and proposed):



- 9.48 Officers welcome that through negotiation the scale has been reduced to the front to better integrate with its surrounding built form and street context, with the proposed 8-storey height now reflecting the 8-storey height on the opposite side of the road. Whilst it is acknowledged that the proposed development will extend outwards on to the street appearing significantly more dominant than the existing building, the proposed elevational treatment is considered to be of a high quality to enliven the corner. By introducing mass, fenestration and detailing of significance at the corner point, along with the location of the residential entrance towards the southern end of Greyfriars Place, there is significant enticement to enliven and activate the streetscape. The building can then become a catalyst for further development and regeneration within the local area and reinvigoration of the surrounding buildings. This area will also be enhanced by the public realm works which will be delivered through a Section 278, which will also include soft landscaping in the form of trees and rain gardens, which will soften the appearance. As such, it is considered that the scale and siting of the scheme will be acceptable from this identified view.

View 9: Facing South from City Hall Lawn:



- 9.49 As the viewer passes south, beyond the Grade I Listed assets which line Gorsedd Gardens Road, there will be clear views of the proposed tower over the City Hall lawn. Considering the nature of the existing view from this location (where all key conservation area views are towards the grand buildings and their associated avenues), the Conservation Officer considers that the increased cumulative massing of the proposed tower will impact little upon this view.
- 9.50 It should however be cautioned that the submitted views are unlikely to be an exhaustive summary of potential impacts, particularly considering the height of the proposed tower. For example, the open and publicly accessible nature of Alexandria Gardens already identified above means that there will be other views and glimpses of the tower above the roofline of City Hall which have not been quantified. Similarly, during the winter months (when there are no leaves upon the trees), it can be gauged from the existing Capital Tower that the proposed height and positioning of the tower will be visible from the western end of Cowbridge Road East/eastern end of Castle Street, where it will also intrude into views of the eastern elevations of the asset, and likely distract further from its distinctive skyline. The precise extent of these intrusions currently remains unclear.

The Setting of Conservation Areas:

- 9.51 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the requirement. In discharging functions relating to planning, that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. This is reflected in Policy KP17 (Built Heritage) which should be read in conjunction with the adopted Conservation Area Appraisal prepared for each area, including the enhancement proposals included within them.
- 9.52 The **Cathays Park Conservation Area (CA)** is located to the north of the application site, encompassing the grand buildings of the civic centre (including the Grade I Listed Law Courts) and Cardiff Castle, both of which are identified as a landmark building of the highest architectural quality by the Conservation Area Appraisal (CAA).
- 9.53 Most significant to this application are available views from within the CA; Alexandra Gardens (discussed above) and the views along the tree lined boulevard of King Edward VII Avenue, which is identified as an “*important view or vista*” within the CAA. The latter is shown within Views 3 and 4 of the HTVIA. It is agreed that, within views along King Edward VII Avenue, the proposed development is an incremental addition. Though, it forms a cumulative impact upon this long and clearly defined view (View 3), this is tempered by the available views from the roadside being obscured by the relatively dense coverage of mature trees that line the avenue. With regards to Views 5 and 6, the negative impacts upon views of the Grade I Listed Law Courts identified above extend into the harm to the setting of the CA, by virtue of the landmark status of the building and the significance of the views available from Alexandra Gardens, located at the civic heart of the area.

- 9.54 The most significant view of the proposed development available from outside the CA is that of Cardiff Castle from Castle Street (identified above). However, those negative impacts upon views of Grade I Listed Cardiff Castle extend into some harm to the setting of the conservation area, by virtue of the landmark status of the building and the significance of those views available from Castle Street. Overall, the setting impact upon Cathays Park CA is considered to be moderate/minor adverse.
- 9.55 The **St Mary Street Conservation Area** directly abuts Cathays Park CA to the south, their shared boundary being the centre of Castle Street. As a result, Cardiff Castle forms a strong visual boundary to the north in much the same way it does for this location within Cathays Park CA. Within views from the western end of Castle Street, the proposed will therefore have much the same impact upon the setting of the area, intruding above views of the castle. Further to the east, at the head of St Mary Street and beyond, the proposed (if at all appreciable) will fall beyond the castle and form backdrop to the modern developments upon the corner of Duke Street.
- 9.56 Views of the proposed development have also been identified from the eastern end of Church Street, within the context of Grade I Listed St Johns Church. The tower will be visible above the buildings which line the western side of St John Street. These are considered to be peripheral to the church which dominates the easterly aspect from this position, resulting in little impact upon the setting of this highly significant building, the tallest within the immediate area. Overall, the harmful setting impact upon St Mary Street CA is considered to be minor adverse.
- 9.57 A number of incidental views of the proposed development have been identified from the **Queen Street Conservation Area** which runs from east to west, to the south of the site. However, it is agreed that due to the scale and tight grain of the street which creates a strong sense of enclosure, there will be incidental visibility of the proposed from the principal areas of the asset as it forms a backdrop to the clearly defined principal portion of the area. It will therefore be read as part of the modern backdrop to the developing city and have a negligible impact upon the setting of the area.
- 9.58 With regard to the **Windsor Place Conservation Area**, the proposed development will be seen, layered with Capital Tower, from the Windsor Place Conservation Area, most notably at the junction of Greyfriars Road.
- 9.59 The HTVIA states that *“The Proposed Development would be seen in conjunction with Capital Tower from the Windsor Place Conservation Area, specifically at the junction of Greyfriars Road. Due to the scale of the Capital Tower, the Proposed Development would form part of a layer of contemporary development with the older Capital Tower in the backdrop.*
- 9.60 *Capital Tower is constructed in dark, visually heavy materials. The tower of the Proposed Development will be constructed from light materials that will help to break up the massing and make it subordinate to Capital Tower. The condition*

of the townscape along Greyfriars Road does not contribute to the setting of the conservation area. The addition of the Proposed Development, visually, makes a slight change to this condition. By removing the poorly designed buildings on the Site as existing (which do not contribute to significance of the conservation area through its setting), the uniformity provided by the Proposed Development is a clear visual improvement.”

- 9.61 Though it is agreed that the proposed will form part of the existing backdrop of contemporary development to the setting of the CA, as noted above, the proposal will not bring a particularly visually unified frontage to Greyfriars Road. Those harmful impacts previously identified for the setting of the listed buildings in this location will, by extension, impact upon the setting of the CA of which they form a part. However, this westerly aspect is not considered to form a key view within the area. Impact upon the setting of Windsor Place is be considered moderate adverse.

Archaeology:

- 9.62 As noted by the Glamorgan Gwent Archaeological Trust (GGAT) in their consultation response the site is located within the Cardiff City Centre Archaeologically Sensitive Area (ASA), defined for the concentration of evidence of activity from the Roman period onwards. This is one of four ASAs identified in Cardiff, with the purpose of this non-statutory designation being to assist those who are planning development in areas where there is a known archaeological resource or where it is likely that remains may be sensitive to development pressures. The Council's SPG on Archaeologically Sensitive Areas provides further guidance.
- 9.63 GGAT has further advised that landscaping and later 20th century development has likely altered the nature of any archaeological deposits, such that it is unlikely that significant archaeological deposits that would require mitigation remain. As such, there is no archaeological objection to the determination of the application.

c. Design

- 9.64 LDP Policy KP5 (Good Quality and Sustainable Design) contains criteria for assessment of new development proposals to ensure that high quality, sustainable designs occur which positively contribute to the creation of distinctive communities, places and spaces. A criterion includes, for example, the influence of the proposal on the local character and context. Other criteria include creating legible development, providing a diversity of land uses, creating distinctive places and providing a healthy environment.

Scale and Massing:

- 9.65 The proposed development incorporates high density development including the development of a 28-storey tower. Accordingly, the Tall Buildings Supplementary Planning Guidance (SPG) (January 2017) is a material consideration in determining this application.
- 9.66 Para. 1.5 states that *“well-designed tall buildings in appropriate locations have the potential to add significant value to Cardiff. They can enhance skylines and provide recognisable landmarks that can serve to promote the city on a national and international stage”*. Para. 1.7 states that *“Cardiff seeks to be the most liveable capital city in Europe and to create an inclusive, vibrant, thriving, sustainable and attractive city in which to live and work. Proposals for tall buildings need to demonstrate an exceptional standard of design together with appropriate land uses and public realm through careful planning and design so that they knit well into the existing fabric of the city”*.
- 9.67 Further, para 2.1 of the Tall Buildings SPG states that *“attractive tall buildings in clusters can help to signify the core areas of the city, particularly areas within the city centre”*, and states that *“the areas that tend to lend themselves to tall buildings are often along railway corridors, urban corner sites in the core of the city centre, sites that form part of existing clusters of tall buildings and waterfronts”*.
- 9.68 Tall buildings are therefore assessed having regard to locational criteria, specifically that they will only be acceptable where (para. 2.2):
- There would be no negative impacts on important views or vistas
 - The character or setting of heritage assets is not harmed
 - The proposal will be a positive feature in skyline and streetscape, either by complementing a cluster of tall buildings or forming a strategic landmark
 - No material harm is caused by overshadowing or overlooking
 - There will be walking and cycling accessibility to sustainable transport and local facilities
- 9.69 The above criteria are considered in detail later in the analysis.
- 9.70 Whilst officers have sought to negotiate changes to the proposals including a reduction in the height and width of the tower, the site is considered, on balance, to be one which can accommodate a sensitively designed building of significant height, which accords with the wording of para. 2.1. This is due to the site being located in the city centre and adjacent to the existing Capital Tower (92m high) and in close proximity to the Vita student accommodation tower at Bradley Court (55m high), with the latter demonstrating that tall buildings can be developed in this location, potentially providing the opportunity to create a city-centre cluster of tall buildings. The Capital Tower is an of-its-time architectural icon within the Cardiff cityscape, and it is considered that the proposal will create another landmark building through the alternative form and high quality elevational treatment. The tallest part of the

tower has been positioned away from the Capital Tower to ensure there is no convoluting mass when viewed from the north.

- 9.71 Officers consider that the form and silhouette of the tower will deliver a design which will be instantly recognisable and stand out from the typically rectangular towers seen elsewhere in the city centre skyline. This has been delivered through the proposed tall, elegant tower with the lower 'shoulder' element which will create a distinctive silhouette within longer views. The addition of separate blocks also helps break the mass up appropriately. It is therefore considered that the proportions of the elevations when viewed from the north and south of the city (from where the site is predominantly visible) are slender and graceful, especially in comparison to the adjacent Capital Tower.
- 9.72 While local concerns have been raised about the proposed density of development on the site, it is noted that Planning Policy Wales emphasises the need to maximise the efficient use of land in highly sustainable locations (such as this city centre location). The creation of such high density new development in the city centre is thus fully supported, subject to all schemes ensuring that there will be no unacceptable impacts arising from such a scale of development.

Elevational Treatment:

- 9.73 Given the aforementioned analysis on the impact on the surrounding heritage assets, there has been an expectation that the scheme fully demonstrate excellence in terms of architectural detailing and quality of materials necessary to justify the scale of the development proposed.
- 9.74 The lower block of the proposed building is considered an improvement in contrast to the existing building. The use of brick with the deep depth of reveals provides a textural link to the nearby historical assets and creates a robust and long-lasting façade. The application proposes a greater sense of rhythm afforded along the Greyfriars Road and Greyfriars Place frontage, as seen through the addition of the light coloured buff brick, which works well visually with the metallic panels of varying textures added across the scheme. Further details on the materiality and depths of reveals are required by condition, to ensure the highest specification and design of the proposed building.
- 9.75 The corner of Greyfriars Road and Greyfriars Place of the existing building is underwhelming and provides no inducement to enter Greyfriars Place and the northern end of Dominions Arcade beyond. The proposed corner of Greyfriars Road and Greyfriars Place provides an important transition between these two streets and creates a point of interest with additional glazing at this primary node. Officers also welcome the addition of the colonnade to the front of the double height glazed commercial spaces and the residential entrance, which will create an active frontage to the street adding vibrancy at street level. A condition has been imposed to ensure the glazing at ground floor level retains the active frontage. This will also complement the required public realm improvements (which will be delivered through a separate Section 278

Highways Agreement) to provide more focus to the rear entrance of the Dominions Arcade and the southern commercial unit.

- 9.76 The taller elements are to be finished in a metallic cladding with a 'basketweave' façade which creates a checkerboard aesthetic, which then becomes more regularised at the top of the tower. This is considered a high quality elevational treatment which will alter in appearance with the movement of the sun and will create a distinguishable and recognisable design which will be appreciated from across the city. Notwithstanding the proposed lighting at the base of the building, a lighting strategy condition has been imposed to ensure that the lighting does not detract upon the character and appearance of the surrounding heritage assets.
- 9.77 As such the proposed elevational treatment of the proposed building is considered to be of a high quality, which will provide a landmark building within the city centre.

Layout:

- 9.78 Pedestrian access to the development will be provided from Greyfriars Road and Greyfriars Place, with separate entrances for the commercial/retail and student accommodation elements of the proposals. The provision of the three double height commercial units at ground floor level as well as the residential entrance along Greyfriars Place with active frontages is supported to ensure an appropriate activity is delivered at street level. This is considered a significant enhancement to the existing building. The plant rooms have been appropriately positioned to the rear along Crockherbtown Lane which is an existing servicing lane. All accesses will provide a level threshold from the street for inclusivity reasons.
- 9.79 Officers welcome the extent of the internal communal amenity spaces which proposes 654sq.m of floorspace. This comprises 155sq.m at ground floor level (the reception and management rooms have been excluded as these are basic requirements for the running of the building) in the form of lounge areas and 359sq.m at level 1 in the form of co-working, lounges, a cinema, karaoke rooms, games rooms and an entertainment room. 40sq.m amenity spaces are then proposed at levels 2, 3 and 4 and a 20sqm space is proposed at level 11. On this basis, the communal floorspace per student is 1.1sqm which is supported. There is also a 111sq.m roof terrace proposed to the north on level 11 which will provide additional space for the residents to enjoy. A condition has been imposed to ensure that appropriate landscaping is provided and ensure that the microclimatic effects are designed to be within reasonable limits.
- 9.80 The size of the cluster bedrooms and studio units comply with the space standards outlined in para. 6.2 of the Student Accommodation SPG (2019). The application also proposes an accessible unit at level 1 which is welcomed.
- 9.81 The application has not been accompanied by an internal Daylight and Sunlight Report, so officers are unable to determine whether the bedrooms will benefit from sufficient ambient light levels. Whilst this is regrettable, given the transient

nature of the student accommodation use, officers consider this to be acceptable in this instance.

- 9.82 The Residential Design Guide Supplementary Planning Guidance (SPG) (2017) states that a minimum of 21 metres will be required between facing windows to habitable rooms on the private side of a development. The proposal will be positioned directly to the north of the 5 storey high commercial ancillary storage building with a separation distance of just 9.2m. A condition has therefore been imposed to ensure that the southern facing PBSA units opposite this building (levels 2 to 4) shall have obscurely glazed to overcome the loss of privacy.
- 9.83 The proposed building will have a 20m separation distance from the front 8 storey block to the Park Plaza hotel and Park View apartments. The proposal is also to the east of the 9 storey high Principality Building Society building with the tower shoulder element having a 17m separation distance. There will also be a 19.9m separation distance between facing units within the courtyard of the proposed development, with some units being closer but with a 90 degree angle. These separation distances in terms of privacy for the future student occupants is considered acceptable as they will occupy the units on a short term basis. The 90 degree angle between closer looks is also considered sufficient.
- 9.84 In addition, as the scheme has been submitted and assessed as purpose-built student accommodation, and without a detailed understanding of ambient light levels, a condition has been proposed to ensure that the development is only used for student accommodation, thus ensuring it does not benefit from Permitted Development rights allowing a change of use to a Co-Living scheme which would require further assessment.

d. Impact on Neighbouring Amenity

- 9.85 LDP Policy KP5 contains criteria for assessment of new development proposals to ensure that no undue effect on the amenity of neighbouring occupiers occurs. The scheme has been carefully assessed against the Council's SPG guidance on sunlight/daylight, overlooking and privacy.

Sunlight, Daylight and Overshadowing:

Impact on Residential Uses:

- 9.86 Following amended plans being received, the applicant has provided an updated Daylight and Sunlight Report (DSR) (prepared by Rapleys, dated March 2024, ref 21-02005) which considers the impact of the development on the adjacent residential units (Use Class C3) and the Park Plaza hotel (C1). These comprise the Park View residential apartments to the north which form three storeys starting from level 5 above the Park Plaza hotel and Greyfriars House with private balconies facing north and south.

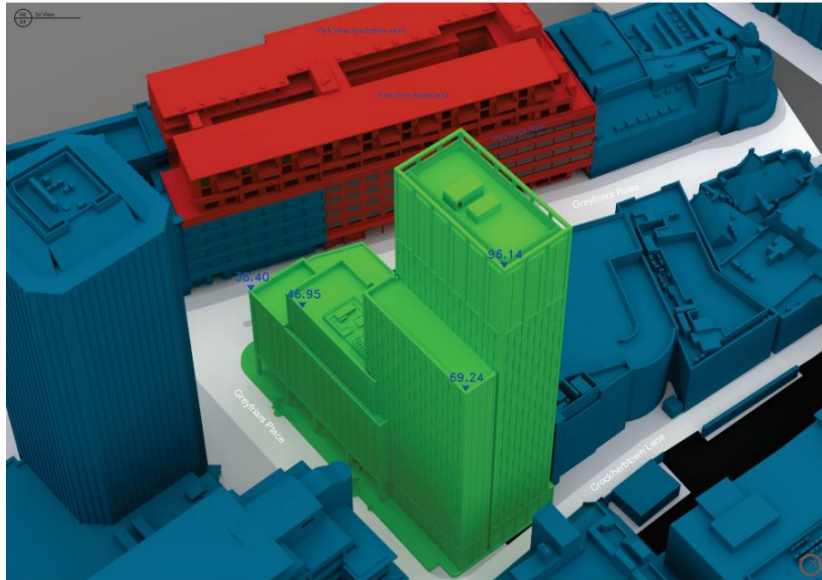


Figure 8 shows the proposed development in green with the Park View apartments and Park Plaza hotel to the north in red.

- 9.87 The Building Research Establishment (BRE) guide ‘Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (2022)’ states that when “*assessing the loss of light to an existing building, the VSC is generally recommended as the appropriate parameter to use. This is because the VSC depends only on obstruction, and is therefore a measure of the daylight environment as a whole*”. As such, officers have primarily considered the Vertical Sky Component (VSC) instead of the Daylight Distribution results.
- 9.88 Although the submitted DSR assesses the impact on 155 windows in the whole building (hotel and residential) the main area of assessment has focussed on the impact on existing residential units. In this regard, a VSC of 27 is considered satisfactory, while a 20% reduction (0.8) on existing levels is considered to accord with BRE guidance.
- 9.89 The DSR states that, following scrutiny, the assessment confirms “*isolated areas of moderate impact bordering on severe*”, albeit tempering this with an associated conclusion that the Daylight Distribution (DD) results show the amount of light received by the occupiers of the building will be satisfactory to 94% of the property.
- 9.90 The DSR concludes that the results should be regarded as “*positive and not out of the ordinary given the context of the dense urban / city centre location and the desire to construct a tall building in this location*” and that “*whilst there will inevitably be some degree of impact ... our analysis confirms this to be small and reasonable. Having due regard to relevant planning policy, it is our opinion that the proposal is acceptable from a Daylight and Sunlight perspective*”.
- 9.91 Interrogating the data in more detail, there are 60 windows in the Park View apartments (serving 21 apartments) and a further 30 windows for the Park View apartments (rear).

- 9.92 Taking the impact on the Park View apartments (rear) first, although regrettably no specific details are provided in the DSR about the number of units or rooms they serve, of the 30 windows identified, 8 will see their VSC reduced by >20%. However, all of these windows are already compromised in terms of the amount of daylight entering the rooms they serve, and would already be largely reliant on internal lighting, such that it is not considered possible to sustain an objection on such grounds, noting also in particular the high density city centre environment.
- 9.93 Of the 21 Park View apartments, 5 will see their living rooms have a reduction in light of >20%, with all of these on the 5th floor. Each of these apartments already has a VSC below 27, with the reductions in light for 3 being 2% and two much lower at 31%. While a number of other windows serving living rooms will fall below 20%, these are served by 2 (or in one case 3) windows which remain at acceptable levels, such that these dual aspect apartments will not be unacceptably affected by the development.
- 9.94 As such, a number of the residential Park View units will experience a reduction in natural daylight, making them gloomier in aspect. Whilst this will create poorer quality living conditions as a result, the site is located in a city centre location, where exercising a degree of flexibility as recommended by the BRE Report, is considered reasonable in this instance. Within this context, the DSR impacts are considered, on balance, to be within reasonable limits.
- 9.95 In addition, the application has provided an overshadowing analysis which has considered the overshadowing impact on the balconies at Park View (north and south) in hourly intervals during 21st March. Whilst it is acknowledged that there will be some form of overshadowing, the results demonstrate that the balconies will continue to enjoy at least 2 hours of direct sunlight between the equinoxes, in line with the BRE guidance. In addition, the results highlight that overshadowing is already being caused from the adjacent Capital Tower. As such, officers consider the overshadowing impact upon the Park View balconies to be within reasonable limits.

Impact on Office, Hotel and Commercial Uses:

- 9.96 Directly adjacent to the site to the west are two office buildings; the 25-storey Capital Tower and the 9 storey Principality Building Society building. Both buildings have windows on all four elevations including facing the application site.
- 9.97 The applicant has provided a Sun Path Analysis (prepared by Rapleys, dated 26th March 2024) which has considered the overshadowing impact upon the surrounding neighbouring buildings. Officers acknowledge the objection letters correctly point out that the in-depth Daylight and Sunlight Report only considers the neighbouring residential uses, with only the sun path analysis/overshadowing assessment considering the office/hotel uses. On this point, with regard to safeguarding the daylight of nearby buildings, para. 2.2.2, the Building Research Establishment (BRE) guide 'Site Layout Planning

for Daylight and Sunlight: A Guide to Good Practice (2022)' states that "*The guidelines given here are intended for use for rooms in adjoining dwellings where daylight is required, including living rooms, kitchens, and bedrooms. Windows to bathrooms, toilets, storerooms, circulation areas, and garages need not be analysed. The guidelines may also be applied to any existing non-domestic building where the occupants have a reasonable expectation of daylight; this would normally include schools, hospitals, hotels and hostels, small workshops, and some offices.*"

9.98 However, para. 1.6 of the BRE Guidance emphasises that "*the guide should be interpreted flexibly since natural lighting is only one of many factors in site layout design. In special circumstances the developer or planning authority may wish to use different target values. For example, in a historic city centre, or in an area with modern high-rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings.*"

9.99 Given the objections raised, the case officer undertook a site visit to the Principality Building Society and noted that the building benefits from glazing from the north, east, south and western elevations and whilst the proposed tower will overshadow the eastern elevation, the building will continue to benefit from light from the remaining sides. For the side windows closest to Greyfriars Place, the majority of the natural light these windows currently receive is to the north-east, directly over the proposed development site. As these windows are restricted in the existing scenario with Capital Tower, the proposal will likely make a noticeable difference to the light received. However, having regard to the city centre context, officers have taken the stance that it is reasonable to assume that a degree of obstruction is unavoidable. The BRE guidance also infers that applying such guidance to offices would be the exception (i.e. 'some') than the rule. The same approach has been considered for the Capital Tower which also benefits from quadruple aspect but will also experience overshadowing.

9.100 The submissions do indicate that there will be an impact on light levels achieved at the Principality Building Society and Capital Tower, but within the above context it is considered that the degree of impact is acceptable insofar as the impact relates to commercial offices as opposed to residential accommodation. The same applies to the overshadowing impact on the Park Plaza Hotel, whereby it is considered that the impact on the hotel use is acceptable given the transient nature of the use. The overshadowing of the ancillary storage building for the commercial units along Queen Street is also considered acceptable in this instance.

9.101 Whilst officers have noted the objections on the basis of a claimed *right to light*, this is a civil matter and so is not a planning consideration.

Overbearing and Overlooking:

9.102 The proposed building will have a 20m separation distance from the front 8 storey block to the Park Plaza hotel and Park View apartments, which then

increases to 29.9m to the middle block and 51.1m to the tower element. These distances are considered sufficient to ensure there will be no overbearing impact or undue sense of enclosure upon the residents of the apartments and hotel.

- 9.103 In addition, paragraph 4.9 of the Infill Sites Supplementary Planning Guidance (SPG) (2017) states that a minimum of 21 metres will be required between facing windows to habitable rooms on the private side of a development. Whilst officers note that the 20m separation distance of facing windows falls marginally short of the SPG guidance, this is considered acceptable in this urban context, whereby this is a normal street arrangement, so the relationship with facing windows is unavoidable.
- 9.104 The proposal will be positioned directly to the east of the 9 storey high Principality Building Society building with the tower shoulder element having a 17m separation distance from the Principality building. The separation distance to the Capital Tower is 22m. Whilst it is acknowledged that the proposed building is significantly taller than the existing building, officers consider the overbearing impact to be acceptable within this city centre context, especially considering it is an office use rather than a residential use. The same approach has been considered in relation to the overlooking impact into an office use.
- 9.105 Finally, the proposed building will have a 9.2m separation distance to the commercial storage building to the south. The overbearing impact is considered acceptable given the nature of the use within the city centre context. There will also be no overlooking due to the aforementioned condition to obscure the southern elevation windows of levels 2 to 4 of the proposed development.

Noise and the Agent of Change Principle:

- 9.106 The application site is considered a noise-sensitive location as it is within the city centre with Cardiff Castle lying in close proximity to the west which hosts large scale music events. There are also a number of nightclubs on Greyfriars Road, with the associated noise from people queuing and revellers leaving at night from taxis (with their door banging). Paragraph 4.3.44 of Planning Policy Wales (Edition 12) states that where residential development is proposed next to or near existing evening and night-time uses, it will be necessary to consider the compatibility of uses and to incorporate mitigation measures to minimise any impact on the amenity of any future residents. The *agent of change* principle says that a business or person responsible for introducing a change is responsible for managing that change.
- 9.107 The applicant has provided a Noise Impact Assessment (NIA) (prepared by Parker Jones Acoustics, dated 11th May 2023). This has determined ambient noise levels affecting the proposed development and background sound levels at existing noise sensitive receptors. The Noise Officer however notes that the Assessment has not covered all noise sources, such as from early morning

deliveries, street noise, or live music break-out from the nearby entertainment venues.

- 9.108 Officers seek to promote good acoustic design at the early stages of the planning process and do not wish the default position to be 'double-glazed and fitted with mechanical ventilation' in all schemes. Noting that not all noise sources have been considered within the NIA, officers have requested a condition for event monitoring to take place. A detailed scheme of noise mitigation measures will be provided prior to commencement of development (excluding demolition), which will need to be fully informed by the results of a representative assessment of the music noise levels from Cardiff Castle during two events and at District nightclub. The monitoring will be in accordance with a methodology that shall first have been agreed in writing by the Local Planning Authority, and will set maximum internal noise levels that must be achieved when exposed to the music levels during these future events. An additional condition is also recommended that will seek to secure a post-construction assessment to demonstrate that the internal noise limits approved under the previous condition are achieved. Finally, a further condition has been imposed to demonstrate compliance with the noise mitigation measures and results outlined in the Noise Impact Assessment (prepared by Parker Jones Acoustics, dated 11th May 2023).
- 9.109 Vortex shedding (wind noise) has also been considered, whereby the issue of 'whistling' is generally caused by facades which contain gaps or porous elements, especially at high levels where they are more exposed to the wind. The natural frequency of these less rigid elements can sometimes fall within the range of expected vortex shedding frequencies, and when it does this will cause whistling or humming. The applicant has stated that the proposed façade is designed to not to include any such items, however, if the design changes this needs to be taken into account and a qualitative review should be undertaken on the final detailed façade design prior to construction of the relevant part. This will ensure that the design does not deviate from the current low risk situation. As such, a condition has been imposed.
- 9.110 The Noise Officer has requested operational hour conditions for the proposed commercial units to be between 07:00 and 23:00 on any given day. These operational hours are not considered to be unreasonable and will not result in an unacceptable level of noise disturbance in this location. Servicing hours have been restricted to 07:00 to 22:00 on any day to ensure that the amenity of future occupiers are protected. Additional conditions imposed relate to plant noise, sound insulation for the commercial units and kitchen extraction details.
- 9.111 Officers have considered the representation raised with regard to the impact that the construction side of the development will have on the amenity of local occupiers. To ensure the impact of construction is minimised on the surrounding area, a Demolition and Construction Environmental Management Plan (DCEMP) (which could comprise a separate DEMP and CEMP if undertaken as separate operations) has been requested by condition. This will address aspects such as general site management, access and traffic management, the control of nuisance (noise and vibration etc), dust, dirt and

air quality management measures, resource management, pollution prevention, soil management, biodiversity management and details of persons dealing with complaints. An informative has also been applied to remind the applicant of the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities.

- 9.112 In light of the above, subject to the aforementioned conditions, it is considered that the amenity of the future occupiers and any neighbouring occupiers within the vicinity, will be sufficiently protected.

Other Matters Impacting Upon Amenity:

- 9.113 Finally, officers have noted the objections raised regarding the potential for anti-social behaviour relating to the student accommodation use. A condition has therefore been imposed for a Residential Management Scheme which will include all aspects associated with the management of the occupiers, a method of dealing with complaints, and appropriate controls put in place to react and respond to any issues that may arise. This shall also include the management of the communal amenity terrace. Such a condition will therefore ensure that any potential impacts arising from the nature of occupancy can be controlled.

e. Transportation, Servicing and Waste

Public Realm Works:

- 9.114 This is a large-scale proposal, where the introduction of 585 bedspaces will place increased pressure on the surrounding pedestrian environment. Planning Policy Wales, paragraph 4.1.19 states that “*Well-designed, people orientated streets are fundamental to creating sustainable places and increasing walking, cycling and use of public transport. New development should improve the quality of place and create safe, social, attractive streets where people want to walk, cycle and enjoy*”. LDP Policy KP6 (New Infrastructure) seeks that new developments make appropriate provision for, or contribute towards, necessary infrastructure required as a consequence of proposed development, including public realm improvements.
- 9.115 Work is currently being undertaken to upgrade the public realm throughout the city centre in order to provide an improved pedestrian environment. A condition has therefore been imposed to ensure a scheme of public realm improvement works are proposed to the footways and carriageway abutting the site on Greyfriars Road and Greyfriars Place, providing a more desirable pedestrian connection to the Dominions Arcade rear entrance. The works will include surfacing, kerbs, edging, drainage, lighting, lining, signing, telematics, traffic orders, trees, soft landscaping and street furniture as required as a consequence of the scheme. The scheme will be delivered to ensure that a number of the existing disabled parking spaces will be retained and will consider the existing servicing arrangements to the surrounding buildings. The works will be delivered through a Section 278 and have been calculated to cost approximately £490,000.

9.116 In addition, a Section 106 contribution of £204,761 has also been sought for highway improvement works to Greyfriars Road which is part of the Councils Northern Bus Corridor. This contribution will help to enhance this street by providing much needed improvements to the bus infrastructure.

Car Parking:

9.117 The proposed development is car free and as such does not include any on-site resident or employee car parking. Policy T5 of the adopted LDP requires development to accord with the council parking standards, as outlined in the approved SPG. Paragraph 6.1 of the approved Managing Transportation Impacts SPG states that *“the availability of parking spaces and their location can influence travel choices. Excessive provision can serve to stimulate demand for car travel and perpetuate reliance on the car. The application of parking standards to new developments is therefore an important tool in managing demand for travel by car and encouraging a shift to sustainable transport modes”*. The aforementioned SPG uses maximum parking standards (as required by Planning Policy Wales), and there is no minimum amount of car parking that has to be provided.

9.118 The absence of any car parking proposed is therefore considered to be policy compliant and welcomed. This is also due to the sustainable location within an easy level walk of Queen Street railway station (circa 440m south-east), and on the doorstep of extensive bus services on Greyfriars Road and Churchill Way. Car share is also available on Churchill Way and there is extensive taxi rank provision alongside and nearby the site. There is also walkable access to all the service, amenities, employment, university, and leisure facilities that such a central location affords. The site is therefore considered to be extremely sustainably located in transport terms and somewhere where walking, cycling, and public transport offer viable alternatives to the ownership and use of private cars.

Cycle Parking:

9.119 Cycle parking is proposed on the ground floor in a segregated secure cycle store with a separate access directly to/from Greyfriars Road. The store proposes 212 cycle parking spaces in what are two-tier bike racks. Officers require the inclusion of a proportion of Sheffield/ground based stands for inclusivity reasons to ensure people with a physical impairment or an electric cycle can push their cycle in and out of a horizontal cycle parking space rather than lifting a cycle on and off a cycle rack. As such, further details will be required by condition to ensure that there is a minimum of 20% accessible stands with appropriate manoeuvring distances. The submitted plans also show external Sheffield cycle stands, in the form of two groups of four stands (providing a total 16 cycle spaces), located on the Greyfriars Road and Greyfriars Place frontage of the building. While the number of proposed internal cycle parking spaces for the student accommodation use is slightly below the usual standard applied to this form of development, the proposal is nonetheless

considered acceptable given the sustainable, walkable location of the development.

Servicing and Waste:

- 9.120 Servicing will be provided from the street, in a similar way to the site was previously managed and as is currently the case for the majority of the city centre. Separate secure refuse and cycle store provision and entrances are also provided on the ground floor level, to the south and north of the building respectively. The principle of servicing from street is well established in the city and it is noted that Crockherbtown Lane is utilised for servicing by businesses adjacent to the site, helping to keep service vehicles away from established pedestrian areas.
- 9.121 The applicant has confirmed that refuse collections will be through a private licensed contractor with bi-weekly collections for food containers and weekly collections for the larger waste. Given that the waste will be managed by a private contractor, the Waste Officer has raised no objection. Notwithstanding this, a Servicing and Waste Management Plan has been imposed as a condition to ensure that the servicing and waste protocols, procedures and facilities will allow for the minimal potential for pedestrian and vehicular conflict.
- 9.122 As such, the proposals are considered to be appropriate for the location and acceptable in transport and servicing terms. Officers are satisfied that the proposed development can be accommodated without causing detriment to the surrounding highway network, subject to both a Demolition and Construction Environmental Management Plan and is well placed to take advantage of sustainable travel choices. A Resident Management and Travel Plan has been requested through a condition.

f. Microclimate

- 9.123 The application is supported by a Wind Microclimate Assessment (prepared by Wardell Armstrong, dated December 2023). Officers note that this assessment states that the amended scheme has not been remodelled to determine accurate wind impacts. Instead, the variations to the wind have been assumed based on the experience of the authors.
- 9.124 An area that was previously considered unsafe is the mid-section of the roof terrace on level 11. Wind mitigation measures have therefore been included in the form of a 1.65m high glass balustrade and landscaping features. The authors of the Assessment have noted that mitigation has therefore been 'quantified' through the submitted roof terrace landscape plan. As such, it has been confirmed that it is not anticipated that there will be any necessity for closure of the roof terrace due to unsafe conditions. Notwithstanding this, a wind mitigation scheme has been conditioned, to ensure appropriate revised wind modelling is undertaken to ensure that the terrace is safe to be open at all times.
- 9.125 It has been identified that Greyfriars Place is already affected by its

neighbouring built form and with the proposal included, the environment will remain an area which is negatively impacted by wind with regards to being comfortable for pedestrians. Paragraph 4.2.21 of the supporting Assessment also determines that the area which is currently used for disabled and ambulance parking will be impacted by wind, making the street uncomfortable. The most recent changes to the building relating to its revised scale and mass however has improved some areas which had been previously identified as being unsafe. Nonetheless, areas within the southwest corner of the building and within an area next to Crockherbtown Lane appear to be the most affected where the design of the building and position to the back of pavement fails to provide areas of shelter, unlike what is proposed facing the remainder of Greyfriars Place.

9.126 The report summary states that the changes to the design proposed in December 2023 are not expected to worsen and that the updated design is expected to improve conditions or be neutral in respect of the previous results. Whilst it is regrettable that updated wind modelling has not been provided to reflect the amended scheme, officers are satisfied that sufficient wind mitigation measures can be delivered through a condition.

g. Biodiversity

9.41 Future Wales Policy 9 Resilient Ecological Networks and Green Infrastructure requires developers to ensure the enhancement of biodiversity, the resilience of ecosystems and provision of green infrastructure. In all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net-benefit), the resilience of ecosystems and green infrastructure should be demonstrated as part of development proposals.

9.42 The conservation of native wildlife habitats and the safeguarding of protected species is discussed in Planning Policy Wales (PPW) (Edition 12). New development opportunities have an important part to play in creating new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable. Improving habitat connectivity through promoting wildlife corridors, whilst ensuring development minimises species and habitat impact, are also important considerations.

9.43 Paragraph 6.4.5 of PPW (2021) states that “*Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity*”.

9.44 The application is supported by an Ecological Assessment (prepared by Wessex Ecological Consultancy, dated January 2024) which notes that the existing site is composed of built land of limited ecological value. A Preliminary Roost Assessment is required by condition to ensure that the favourable conservation status of bats is maintained. Noting the Planning Policy Wales extract above, the proposals have sought to provide a net benefit for biodiversity by providing a green roof, new trees and associated soft landscaping at street level and on the communal amenity terrace. Full

landscaping proposals are to be delivered through a condition to ensure the proposal delivers this net gain in biodiversity.

h. Sustainability / Energy

- 9.45 Future Wales Policy 16 emphasises that large scale mixed-use development should, where feasible, have a heat network with a renewable / low carbon or waste heat energy source. Policy 17 (Renewable and Low Carbon Energy and Associated Infrastructure) outlines support for developing renewable and low carbon energy at all scales.
- 9.46 PPW (para 5.8.1) states that *“the planning system should support new development that achieves high energy performance, supports decarbonisation, tackles the causes of the climate emergency and adapts to the current and future effects of climate change through the incorporation of effective mitigation and adaptation measures”*.
- 9.47 LDP Policy EN12 (Renewable Energy and Low Carbon Technologies) requires major development to maximise the potential for renewable energy. The council will encourage developers to incorporate schemes which generate energy from renewable and low Carbon technologies.
- 9.48 The application is supported by an Energy Statement Report (prepared by Hydrock, dated May 2023, ref FRY-HYD-XX-XX-RP-MEP-0004) in relation to energy efficiency. This seeks to design an efficient building using a fabric first approach and the energy shall be supply by an appropriate low carbon technology.
- 9.49 The report states that *“the recommended approach is to adopt a largely passive design (fabric-first approach) which involves designing to reduce the need for energy consumption from the outset. This includes aspects such as improved insulation and air permeability standards to reduce the need for heating and cooling and the use of natural ventilation where possible in place of fans”*.
- 9.50 *“The second step is to deliver the building’s energy as efficiently as possible, providing efficient building services and high-performance appliances, such as high-efficiency lighting, demand-controlled ventilation, and ventilation heat recovery strategies. The final step is to generate energy from low or zero-carbon technologies. This should only be considered as a final measure following the ‘insulate then generate’ philosophy due to capital cost and the complexity of technology.”*
- 9.51 The report has considered the most appropriate solutions in terms of technical, functional, and economic viability. Photovoltaic panels and Air Source Heat Pumps have been considered viable options. Officers would support these measures being implemented and have therefore imposed a condition to ensure an appropriate energy strategy is provided detailing the final options proposed.

10 PLANNING OBLIGATIONS

- 10.1 Policy KP7 (Planning Obligations) states that “planning obligations will be sought to mitigate any impacts directly related to the development and will be assessed on a case by case basis in line with Planning Policy Guidance”.
- 10.2 The supporting text emphasises that new development often generates additional demands upon existing services, facilities, infrastructure and the environment, with planning obligations being a means of seeking contributions from developers towards these demands, as well as negotiating benefits that improve the standard of development proposals by providing necessary infrastructure and community benefits.
- 10.3 The Planning Obligations SPG sets out the Council’s approach to planning obligations when considering applications for development in Cardiff, providing further guidance on how the policies set out in the LDP are to be implemented.
- 10.4 The Community Infrastructure Levy Regulations 2010 came into force on 6th April 2010 in England and Wales. They introduced limitations on the use of planning obligations (Reg. 122 refers), and state that a planning obligation may only legally constitute a reason for granting planning permission if it is: (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development.
- 10.5 In view of the type and form of development proposed, having regard to local circumstances and needs arising from the development, the need for planning obligations which are considered necessary to make the development acceptable in planning terms and to meet the policy and legislative tests for planning obligations are considered below.
- 10.6 The following planning obligations has been requested to mitigate any significant adverse impacts of the proposed development and to provide essential, enabling and necessary infrastructure as defined within LDP policies KP6 (New Infrastructure) and KP7 (Planning Obligations):

CONTRIBUTION	REQUEST (£)
Public Open Space	319,719
Community Facilities	274,230.40
Economic Development	85,945
Off-Site Public Realm Improvements	204,761
TOTAL	884,655.40

S278 Works	Est 490,000
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- 10.7 The applicant has confirmed their acceptance of the obligations.
- 10.8 Having regard to the legal and policy test outlined above, it is clear that the requested monies are necessary and reasonable to mitigate the impacts of the proposed development and thus ensure that the proposal accords with planning policy.
- 11 OVERALL ASSESSMENT – ‘THE PLANNING BALANCE’
- 11.1 PPW11 refers to the need to assess the Sustainable Benefits of Development and (at 2.27) emphasises that Planning authorities should ensure that social, economic, environmental and cultural benefits are considered in the decision-making process and assessed in accordance with the five ways of working to ensure a balanced assessment is carried out to implement the Well-being of Future Generations Act and the Sustainable Development Principle.
- 11.2 There may be occasions when one benefit of a development proposal outweighs others, and in such cases robust evidence should be presented to support these decisions, whilst seeking to maximise contributions against all the well-being goals.
- 11.3 Key factors in the assessment process include:
- *Social Considerations*, including: - who are the interested and affected people and communities; who will benefit and suffer any impacts from the proposal;
 - what are the short and long-term consequences of the proposal on a community;
 - *Economic Considerations* including: - the numbers and types of long term jobs expected to be created or retained; whether, and how far, the development will help redress economic disadvantage or support regeneration priorities, for example by enhancing local employment opportunities;
 - *Cultural Considerations* including: - how far the proposal supports the conditions that allow for the use of the Welsh language; whether or not the development protects areas and assets of cultural and historic significance; have cultural considerations and their relationships with the tourism industry been appropriately maximised; and
 - *Environmental Considerations* including: - will important features of the natural and built environment be protected and enhanced; are the environmental impacts of development on health and amenity limited to acceptable levels and the resilience of ecosystems improved.
- 11.4 At 2.29 it further refers to the need to have an integrated approach to balancing priorities against policy on an individual basis, which enables the full range of

costs and benefits over the lifetime of development to be taken into account.

- 11.5 Section 5 of PPW11 provides further emphasis on the need to develop 'Productive and Enterprising Places' which promote our economic, social, environmental and cultural well-being by providing well-connected employment and sustainable economic development.
- 11.6 The role of the Local Planning Authority is therefore to balance the weight to be attributed to each of the positive and negative impacts of the development and come to a balanced conclusion as to whether the development is acceptable or not.
- 11.7 The application has been subject to extensive negotiations between the developer and Council Officers throughout. However, the final scheme is brought forward by the applicant as a viable and deliverable investment in the city centre.
- 11.8 As identified within the assessment above, it is accepted that a tall building within this city centre location will inevitably have impacts upon the setting of heritage assets. In this instance, the report acknowledges a moderate adverse impact on the setting of Cardiff Castle from Castle Street, City Hall (both Grade I listed) and Brannigans (Grade II listed) and a minor adverse impact on the setting of the New Theatre (Grade II listed). There is also considered to be a moderate adverse impact upon the setting of the Windsor Place Conservation Area (CA), a moderate/minor adverse impact on the setting on the Cathays Park CA and a minor adverse impact on the St Mary St CA from certain viewpoints. The report also acknowledges the need to pay *special regard* to the importance of protecting such assets and their settings.
- 11.9 Furthermore, the impact on daylight to the residential apartments at Park View directly to the north of the site is also acknowledged. All of the above matters have been carefully considered against the positive aspects of the development.
- 11.10 In recommending that the application be approved, the following matters have been considered:
 - The development of high quality, high rise, purpose built student accommodation will include a significant amount of new occupants that will contribute positively to the vitality, attractiveness and viability of the city centre, increasing footfall in the area and supporting businesses by serving the daytime and nighttime economy.
 - The development also introduces commercial units at ground floor which has the potential to animate what is currently a poor quality environment and will create a stronger and much needed improvement to the streetscene, through delivery of public realm / wider environmental improvements around the site, connecting to Dominions Arcade.
 - Bringing back into beneficial use a brownfield site has positive benefits in

terms of sustainability as well as meeting national and local policies in terms of land use, biodiversity, and active travel.

- The scheme is also policy compliant in delivering the required financial and other contributions towards community infrastructure as well as supporting economic development initiatives through the Section 106 obligations identified above.

11.11 These matters have all been considered in the wider planning balance, and for all of the above reasons, and subject to conditions and the legal agreement, the application is considered to be policy compliant, and its benefits are considered to outweigh the identified impacts outlined within the report.

12 CONCLUSION

12.1 The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Cardiff Local Development Plan (2006–2026) adopted January 2016.

12.2 The application proposes a high quality building with associated regeneration benefits, which promotes the efficient use of land on a highly sustainable site and makes a positive contribution to student accommodation supply. The site is considered, on balance, to be one which can accommodate a sensitively designed building of significant height. The elevational treatment of the tower is considered to be of a high quality which will provide the site with its own distinctive character. Finally, the proposed commercial units will help create vibrancy and activity at street level and the public realm improvements will provide substantial public benefits.

12.3 The proposals have been assessed against local and national policies and guidance. Whilst not all the identified concerns could be resolved, there are clear benefits of the scheme which are considered to outweigh the concerns. It is therefore recommended that planning permission be granted, subject to the recommended conditions and relevant parties entering into a Section 106 Agreement. Accordingly, the proposed development is considered, on balance, to be acceptable and in accordance with local and national policies.

13 LEGAL CONSIDERATIONS

13.1 *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.

- 13.2 *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.
- 13.3 *Wellbeing of Future Generations (Wales) Act 2016*: Section 3 of this Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.
- 13.4 *Statutory pre-application public consultation*: The statutory pre-application public consultation was carried out in accordance with legislation and is considered acceptable.

14. RECOMMENDATION

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 Section 10 of this report, planning permission be **GRANTED** subject to the conditions listed below.

RECOMMENDATION 2: That delegated authority is given to the Head of Planning &/or Operational Manager: Strategic Development & Placemaking, to make changes to the conditions and/or Heads of Terms of the required legal agreement, subject to consultation with the Chair of Planning, up to the point where the legal agreement is signed and planning permission issued.

CONDITIONS

1. The development shall begin no later than five years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following approved plans and documents:

Proposed Basement Plan	W0677_0149 Rev C
Ground Floor Plan with Survey Information	W0677_0178 Rev C
Ground Floor Layout	W0677_0220 Rev A
Site Layout Plan_Proposed	W0677_1002 Rev A
Layout_Proposed_Level 01	W0677_0221 Rev A
Layout_Proposed_Level 02	W0677_0222
Layout_Proposed_Level 03	W0677_0223
Layout_Proposed_Level 04	W0677_0224
Layout_Proposed_Level 05	W0677_0225
Layout_Proposed_Level 06	W0677_0226
Layout_Proposed_Level 07	W0677_0227
Layout_Proposed_Level 08	W0677_0228
Layout_Proposed_Level 09	W0677_0229
Layout_Proposed_Level 10	W0677_0230
Layout_Proposed_Level 11	W0677_0231 Rev A
Layout_Proposed_Level 12	W0677_0232
Layout_Proposed_Level 13	W0677_0233
Layout_Proposed_Level 14	W0677_0234
Layout_Proposed_Level 15	W0677_0235
Layout_Proposed_Level 16	W0677_0236
Layout_Proposed_Level 17	W0677_0237
Layout_Proposed_Level 18	W0677_0238
Layout_Proposed_Level 19	W0677_0239
Layout_Proposed_Level 20	W0677_0240
Layout_Proposed_Level 21	W0677_0241
Layout_Proposed_Level 22	W0677_0242
Layout_Proposed_Level 23	W0677_0243
Layout_Proposed_Level 24	W0677_0244
Layout_Proposed_Level 25_Roof	

Layout_Proposed_Level 25	W0677_0245
Layout_Proposed_Level 26	W0677_0246
Layout_Proposed_Level 27	W0677_0247
Layout_Proposed_Level 28_Roof	W0677_0248
Elevations_Proposed_North	W0677_0320
Elevations_Proposed_East	W0677_0321
Elevations_Proposed_South	W0677_0322
Elevations_Proposed_West	W0677_0323
Elevations_Proposed_North_Internal	W0677_0326
Elevations_Proposed_South_Internal	W0677_0327
Lighting_Proposed_North Elevation	W0677_0350 Rev A
Lighting_Proposed_East Elevation	W0677_0351 Rev A
Lighting_Proposed_South Elevation	W0677_0352 Rev A
Lighting_Proposed_West Elevation	W0677_0353 Rev A
Layout_Proposed_Level 00_Inc Survey Information	W0677_0178_B
Topographical Survey	
Adaptability Statement	W0677_0270

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.

Pre-Commencement Conditions:

3. *Demolition Environmental Management Plan:* No development shall commence until such time as a Demolition Environmental Management Plan (DEMP) has been submitted to and approved in writing by the Local Planning Authority. The DEMP shall include as a minimum the following details:
 - General Site Management: hours of work on site; hours for deliveries, loading and unloading; construction compounds, temporary facilities for construction / sales staff; site hoardings and means of enclosure to prevent unauthorised access;
 - Access and Traffic Management: site access and manoeuvring; vehicle and cycle parking for site operatives and visitors, site deliveries, loading and unloading of plant and materials, wheel wash facilities, measures to ensure that pedestrian access past the site on public footpaths is safe and not obstructed during construction works or details of any safe temporary

- pedestrian routes; advisory access routes to the site;
- A construction Site Management and Access plan detailing construction compounds and storage, site hoardings and means of enclosure, site access, parking and materials storage;
- Control of Nuisances: identification of construction and demolition noise and vibration sources; details of restrictions to be applied during construction and demolition to minimise noise and vibration emissions, for example timing, duration and frequency of works;
- Details of dust, dirt and air quality management measures (including dust suppression measures and methods to monitor emissions of dust);
- Resource Management: details of materials (including oil, fuel, cementitious materials and chemicals) storage, containment, bunding and/or appropriate buffer zones; details of waste generation and its management/ recycling/ disposal;
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan;
- Construction Drainage Scheme, indicating how surface water and land drainage flows will be controlled during the construction period and this will include preventing surface water/contamination entering drains, any filtering/trapping and de-watering devices;
- Methods of dealing with complaints;
- Details of the persons and bodies responsible for activities associated with the DEMP and emergency contact details;
- The location of a large notice board on the site that clearly identifies the name and contact details of the site manager;
- Soil management: Details of topsoil strip and storage. Amelioration for re-use;
- A risk assessment of potentially environmental harmful activities/operations which includes on Green/Blue Infrastructure;
- The procedure for incidental finds (noting that works would require a licence if a European Protected Species is identified).

The DEMP shall be implemented as approved during the site preparation, demolition and construction phases of the development.

Reason: To ensure necessary management measures are agreed prior to commencement of the development and implemented for the protection of the environment, biodiversity and amenity of the area and adjoining neighbours during construction, in accordance with Policies T1, T5, EN5, EN6, EN7, EN8 and EN13 of the adopted Cardiff Local Development Plan (2006-2026)

4. *Preliminary Roost Assessment*: No development shall commence (including any works of demolition) until such time as a Preliminary Roost Assessment (PRA) (together with the results of any additional recommended surveys) has been submitted to and approved in writing by the Local Planning Authority (see informative 6).

If the PRA or subsequent surveys identify the presence of bats, immediately prior to the commencement of works, a toolbox talk shall be given to operatives

to ensure they are aware of the legislation and procedures during inspections and if a bat is located. All documents relating to surveys, inspections and toolbox talks shall be provided to the Local Planning Authority within one month of such request being made in writing by the Local Planning Authority

Reason: To ensure surveys are undertaken when safe to do so and to ensure the favourable conservation status of bats is maintained, in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended) and Policies EN5, EN6, EN7 and KP16 of the adopted Cardiff Local Development Plan (2006-2026).

Action Conditions:

5. *Construction Environmental Management Plan:* No development shall commence (other than works involved in the demolition of the existing building) until such time as a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include as a minimum the following details: -
- General Site Management: hours of work on site; hours for deliveries, loading and unloading; construction compounds, temporary facilities for construction / sales staff; site hoardings and means of enclosure to prevent unauthorised access;
 - Access and Traffic Management: site access and manoeuvring; vehicle and cycle parking for site operatives and visitors, site deliveries, loading and unloading of plant and materials, wheel wash facilities, measures to ensure that pedestrian access past the site on public footpaths is safe and not obstructed during construction works or details of any safe temporary pedestrian routes; advisory access routes to the site;
 - A construction Site Management and Access plan detailing construction compounds and storage, site hoardings and means of enclosure, site access, parking and materials storage;
 - Control of Nuisances: identification of construction and demolition noise and vibration sources; details of restrictions to be applied during construction and demolition to minimise noise and vibration emissions, for example timing, duration and frequency of works;
 - Details of dust, dirt and air quality management measures (including dust suppression measures and methods to monitor emissions of dust);
 - A specific Piling Methodology Statement highlighting the chosen methodology and mitigation and to limit such operations to agreed hours;
 - Resource Management: details of materials (including oil, fuel, cementitious materials and chemicals) storage, containment, bunding and/or appropriate buffer zones; details of waste generation and its management/ recycling/ disposal;
 - Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan;
 - Construction Drainage Scheme, indicating how surface water and land drainage flows will be controlled during the construction period and this will include preventing surface water/contamination entering drains, any

- filtering/trapping and de-watering devices;
- Methods of dealing with complaints;
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details;
- The location of a large notice board on the site that clearly identifies the name and contact details of the site manager;
- Soil management: Details of topsoil strip and storage. Amelioration for re-use;
- A risk assessment of potentially environmental harmful activities/operations which includes on Green/Blue Infrastructure;
- The procedure for incidental finds (noting that works would require a licence if a European Protected Species is identified).

The CEMP shall be implemented as approved during the site preparation, demolition and construction phases of the development.

Reason: To ensure necessary management measures are agreed prior to commencement of the development and implemented for the protection of the environment, biodiversity and amenity of the area and adjoining neighbours during construction, in accordance with Policies T1, T5, EN5, EN6, EN7, EN8 and EN13 of the adopted Cardiff Local Development Plan (2006-2026).

6. *Material Samples*: Notwithstanding the submitted details (condition 2), prior to their use on site samples of all external finishing materials (to include, where requested, construction of a sample panel on site) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

7. *Architectural Detailing*: Notwithstanding the submitted details (condition 2), prior to commencement of work on the external elevations, drawings showing the architectural detailing of the elevations and the depths of the reveals shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the agreed architectural details.

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

8. *Lighting Strategy*: Notwithstanding the submitted details (condition 2), prior to commencement of work on the external elevations, details of a lighting strategy shall have been submitted and approved in writing with the Local Planning Authority. The approved details shall be implemented on site before the occupation of the units hereby approved and shall thereafter be retained.

Reason: To ensure a satisfactory finished appearance to the development, in

accordance with Policy KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).

9. *Student Traffic Management and Active Travel Plan*: Notwithstanding the submitted documents, no part of the student accommodation hereby permitted shall be occupied until a Student Traffic Management and Active Travel Plan, to include but not limited to, the management of student arrival and departure at the start and end of term(s), restriction on students bringing and using cars while tenants, and the promotion of walking, cycling, public transport and other alternatives to the ownership and use of private cars has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of sustainability and to limit the impact of the development on use of the adjacent highway, in accordance with Policy T1 of the adopted City of Cardiff Local Development Plan (2006-2026).

10. *Cycle Parking*: No development shall take place (other than works involved in the demolition of the existing building) until such time as details showing the provision of the proposed 212 space cycle parking facility (to include a minimum of 20% accessible stands), including the layout, dimensions and spacing of the proposed stands, have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the development being put into beneficial use. Thereafter the cycle parking spaces shall be maintained and shall not be used for any other purpose.

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

11. *Highway Public Realm Works*: Notwithstanding the submitted plans, no later than six months following the commencement of the development hereby authorised, a final scheme of public realm improvement works to the footways and carriageway abutting the site on Greyfriars Road, Greyfriars Place and Crockherbtown Lane (to be delivered under section 278), shall be submitted to the Local Planning Authority for its approval in writing. The scheme shall include a timetable for implementation, and include details of surfacing, kerbs, edging, drainage, lighting, lining, signing, telematics, Traffic Orders, trees, soft landscaping and street furniture as required as a consequence of the scheme.

The building hereby approved shall not be brought into beneficial use until such time as the scheme of public realm improvement works has been approved in writing by the Local Planning Authority, and the agreed scheme shall be implemented in accordance with the approved timescales.

Reason: To ensure the reinstatement of the public highway and provide an improved public realm environment to facilitate safe commodious access to and use of the proposed development, in accordance with Policies KP5, T1 and T5 of the adopted Cardiff Local Development Plan (2006-2026).

12. *Servicing and Waste Management Plan*: Prior to the beneficial use of the building, a Servicing and Waste Management Plan shall have been submitted to and approved in writing by the Local Planning Authority. The plan shall identify all servicing protocols, procedures, and related facilities and equipment, for all types of delivery and collection services and for the collection and disposal of all residential and commercial waste for the building, and the building shall thereafter be serviced in accordance with the approved plan.

Reason: To ensure that the servicing protocols, procedures and facilities will allow for the minimal potential for pedestrian and vehicular conflict, in accordance with Policies W1 and T5 of the adopted Cardiff Local Development Plan (2006-2026).

13. *Soft Landscaping*: Notwithstanding the submitted plans, no later than six months following the commencement of the development hereby authorised, full details of soft landscaping, including rooftop landscaping, shall be submitted to the Local Planning Authority for approval in writing. These details shall include:

- A soft landscaping implementation programme.
- Scaled planting plans prepared by a qualified landscape architect, horticulturist or garden designer (details of tree, shrub, hedge and woody climber planting may be provided by an arboriculturist).
- Evidence to demonstrate that existing and proposed services, lighting, CCTV, drainage and visibility splays will not conflict with proposed planting.
- Schedules of plant species, sizes, numbers and densities prepared by a qualified landscape architect, horticulturist or garden designer (details of trees, shrubs, hedging and woody climbers may be provided by an arboriculturist).
- Scaled tree pit and rooftop planter sectional and plan drawings prepared by a qualified arboriculturist, landscape architect, horticulturist, or garden designer, that show the Root Available Soil Volume (RASV) as per the Cardiff Council Green Infrastructure Supplementary Planning Guidance, for each tree/shrub and expressed in cubic metres.
- Topsoil and subsoil specification for all planting types, including full details of soil assessment in accordance with the Cardiff Council Soils and Development Technical Guidance Note (Soil Resource Survey and Plan), soil protection, soil stripping, soil storage, soil handling, soil amelioration, soil remediation and soil placement to ensure it is fit for purpose. Where imported planting soils are proposed, full specification details shall be provided including the parameters for all imported planting soils to demonstrate they are suitable for the specific landscape type(s) proposed. Parameters shall include profile depths, textural range, nutrient status, pH on placement, drainage performance and other factors relevant to their functionality in supporting the landscape type.

- Planting methodology and minimum 10-year post-planting aftercare methodology prepared by a qualified landscape architect, horticulturist or garden designer (details on tree, shrub, hedge and woody climber planting may be provided by an arboriculturist) including full details of how they will oversee landscaping implementation and report to the Local Planning Authority to confirm compliance with the approved plans and specifications.
- The technical specification for the proposed biodiverse green roof (as identified on LA2 Rev A Landscape Plan Floor 11 Roof terrace) as prepared by a qualified landscape architect, horticulturist or garden designer.

The submitted details shall be consistent with the approved plans and the landscaping shall be carried out in accordance with the approved design and implementation programme.

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

14. *Data Shelf Life*: If site clearance in respect of the development hereby approved does not commence (or, having commenced, is suspended for more than 12 months) within 2 years from the date of the planning consent, all the approved ecological measures and those secured through other planning conditions and ecological reports, shall be reviewed and, where necessary, amended and updated, with careful consideration of new ecological receptors. The review shall be informed by update or full further ecological surveys commissioned to i) establish if there have been any changes in the presence and/or abundance of habitats and species (ii) identify any likely new ecological impacts that might arise from any changes and (iii) and identify any changes to legislation, policy or best practice that may alter the conclusions of the assessment.

Where the survey results/desk study indicate that changes have occurred that will result in ecological impacts, having not been previously addressed in the approved scheme, the original approved ecological measures will be revised. New or amended measures and a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Works shall then be carried out in accordance with the new approved ecological measures and timetable. If a current ecological report suggests the reassessment of a particular feature before 2 years, that recommendation takes precedence.

Reason: To ensure that the assessment of the impacts of the development upon the species concerned, and any measures to mitigate those impacts, are informed by up-to-date information, in accordance with Policies KP16, EN4 and EN8 of the adopted Cardiff Local Development Plan (2006-2026).

15. *Ecological Enhancement*: No part of the development hereby approved shall be brought into beneficial use until a scheme of ecological enhancement

measures covering green infrastructure to individual ecological receptors have been implemented, in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority. A drawing indicating the location of the enhancements and photographic evidence they have been installed, both close up and at a distance, shall be submitted to and approved in writing by the Local Planning Authority no later than one month after the buildings first beneficial use.

Reason: To comply with the Environment (Wales) Act 2016, to maintain and enhance biodiversity and promote the resilience of ecosystems, the Section 6 duty. Future Wales – The National Plan 2040 - Policy 9, Planning Policy Wales Chapter 6 and Policies KP16, and EN4 to EN8 of the adopted Cardiff Local Development Plan (2006-2026) and the Cardiff Green Infrastructure SPG Ecology and Biodiversity Technical Guidance Note (2017).

16. *Potable Water Scheme*: No development shall take place (other than works involved in the demolition of the existing building) until such time as a potable water scheme to serve the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that the existing water supply network can suitably accommodate the proposed development site. If necessary, a scheme to reinforce the existing public water supply network in order to accommodate the site shall be delivered prior to the occupation of any building. Thereafter, the agreed scheme shall be constructed in full and remain in perpetuity.

Reason: To ensure the site is served by a suitable potable water supply, in accordance with Policy EN10 of the adopted Cardiff Local Development Plan (2006-2026).

17. *Energy Strategy*: No development shall take place (other than works involved in the demolition of the existing building) until such time as an amended Energy Strategy has been submitted to and approved in writing by the Local Planning Authority. The Energy Strategy shall outline how the development will incorporate renewable and low carbon technology and reduce electric and heat consumption.

Thereafter, the development shall accord with the approved details or any modifications as may be approved through subsequent discharge of condition applications.

Reason: To promote energy efficient and sustainable development in accordance with Future Wales, Planning Policy Wales and Policy EN12 of the adopted Cardiff Local Development Plan (2006-2026).

18. *Ground Gas Protection*: Prior to the commencement of any development works (other than works involved in the demolition of the existing building), 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 then no further actions will be required.

All required gas protection measures shall be installed and a verification report that demonstrates the effectiveness of the measures carried out must be submitted to and approved in writing by the Local Planning Authority before occupation of any part of the development. 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 BS 8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings.

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

19. *Contaminated Land Measures – Unforeseen Contamination:* In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place unless otherwise agreed in writing until a scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the 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 in accordance with Policy EN13 of the adopted Cardiff Local Development Plan (2006-2026).

20. *Imported Aggregates:* Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation

which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported material is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the Local Planning Authority.

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

21. *Use of Site Won Materials*: Any site won material including soils, aggregates, recycled materials shall be assessed for chemical or other potential contaminants in accordance with a sampling scheme which shall be submitted to and approved in writing by the Local Planning Authority in advance of the reuse of site won materials. Only material which meets site specific target values approved by the Local Planning Authority shall be reused.

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

22. *Piling*: No piling or excavation works on building foundations shall commence until details of piling or any other foundation designs using penetrative methods sufficient to demonstrate that there is no unacceptable risk to groundwater have been submitted to and approved in writing by the Local Planning Authority. The piling/foundation designs shall be implemented in accordance with the approved details.

Reason: Piling/foundation details should be submitted to ensure there is no unacceptable risk to groundwater during construction and methods/design are agreed prior to the commencement of development, in accordance with Policy EN13 of the adopted Cardiff Local Development Plan (2006-2026).

23. *Music Noise Levels Assessment*: No development shall commence (other than works involved in the demolition of the existing building) until such time as a detailed scheme of noise mitigation measures to ensure that Music Noise Levels from Cardiff Castle and District nightclub do not cause unreasonable impact on the amenity of future residents at all levels of the development, shall have been submitted to and approved in writing by the Local Planning Authority. As a minimum the scheme shall:

- i) be fully informed by the results of representative assessments of Music Noise Levels from Cardiff Castle during two events (a DJ event and a band event) and an event at District nightclub that must have been

- undertaken in accordance with a methodology that shall first have been agreed in writing by the Local Planning Authority; and
- ii) Shall set agreed maximum internal noise levels that must be achieved when exposed to Music Noise Levels at the façade of the development during future events at Cardiff Castle and District nightclub.

All measures outlined in the detailed scheme of noise mitigation shall be implemented in full accordance with the approved details, and thereafter retained at all times.

Reason: To ensure the amenity of future occupiers is protected, and (having regard to the 'agent of change' principle) that the development will incorporate sufficient noise mitigation measures to ensure there will no unacceptable impact on the pre-existing hospitality operations at Cardiff Castle and District nightclub, in accordance with Policies EN13 and KP5 of the adopted Cardiff Local Development Plan (2006-2026).

24. *Post-Construction Noise Assessment*: No later than three months following occupation of any residential unit (or other such timescale that might be agreed in writing by the Local Planning Authority) a post-construction assessment to demonstrate compliance with the maximum internal noise levels set by condition 23, shall be submitted to the Local Planning Authority for its approval in writing.

Reason: To ensure the amenity of future occupiers is protected, and (having regard to the 'agent of change' principle) that the development will incorporate sufficient noise mitigation measures to ensure there will no unacceptable impact on the pre-existing hospitality operations at Cardiff Castle and District nightclub, in accordance with Policies EN13 and KP5 of the adopted Cardiff Local Development Plan (2006-2026).

25. *Internal Noise*: Prior to the beneficial occupation of the units, a post-build Acoustics Report shall be conducted in order to demonstrate compliance with the noise mitigation measures and results outlined in the Noise Impact Assessment (prepared by Parker Jones Acoustics, dated 11th May 2023) using a full representative data set. The report shall be submitted to and approved by the Local Planning Authority to demonstrate that this has been achieved, specifically:

- BS8233:2014;
- 35dB LAeq, 16hour;
- 30dB LAeq,8hour;
- 45dB LAFmax not to be exceeded more than 10-15 times per night.
- 55dB LAeq, 16hour in external amenity space Details of the Mechanical Ventilation with Heat Recovery system or other system depending on the findings of the AVO survey.

In addition to the above, the report should demonstrate compliance with NANR45+NR30 in living areas and NANR45+NR20 in bedrooms. Using modified curves by combining the low frequency content between 31.5 Hz and

160 Hz from NAN45 with NR20 and NR30 between 200 Hz and 8 kHz (refer to informative 14).

Reason: To protect the amenity of future occupiers, in accordance with Policies EN13 and KP5 of the adopted Cardiff Local Development Plan (2006-2026).

26. *Vortex Shedding (Wind Noise)*: In the event that the elevational design treatment is sought to be amended through submission of details under conditions (or subsequent applications), a qualitative review shall be undertaken by an approved acoustic assessor with a validated certificate of compliance, to ensure that the altered design does not deviate from the current low risk situation for creating a whistling noise, and such review shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in full accordance with the agreed architectural details.

Reason: To protect the amenity of future occupiers, in accordance with Policies EN13 and KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).

27. *Sound Insulation*: No part of the development hereby approved shall be brought into beneficial use until sound insulation works to the floor/ceiling/party wall structure between commercial and residential uses and between the plant have been implemented, in accordance with a scheme which shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that noise generated from the use of the ground floor commercial businesses does not cause a nuisance to the above domestic dwellings via sound transfer, in accordance with Policies EN13 and KP5 of the adopted Cardiff Local Development Plan (2006-2026).

28. *Future Gymnasium*: Should any gymnasium (ancillary to the primary use) be proposed within any part of the building, such a gymnasium shall not be brought into beneficial use until such time as a Noise Management Plan has been submitted to and approved in writing by the Local Planning Authority. The gym shall thereafter be operated in full accordance with such approved Noise Management Plan.

Reason: To ensure that noise generated from any ancillary gymnasium does not cause a nuisance to nearby noise sensitive receptors, in accordance with Policies EN13 and KP5 of the adopted Cardiff Local Development Plan (2006-2026).

29. *Wind Mitigation Measures*: No part of the development hereby approved shall be brought into beneficial use until all necessary wind mitigation measures for the level 11 roof terrace and the surrounding highways have been implemented, in full accordance with a Wind Mitigation Scheme which shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full details of the size, design and materials (including

samples where applicable) or species of trees with appropriate Root Available Soil Volumes, and shall be informed by additional wind tunnel testing. All approved mitigation measures shall thereafter be retained as approved.

Reason: To ensure the amenities of the area are protected in accordance with Policy KP5, KP13 and C3 of the Cardiff Local Development Plan 2006-2026.

30. *Kitchen Extraction*: If at any time the use of the ground floor commercial units are 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 in writing 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 KP5 of the Cardiff Local Development Plan (2006-2026).

31. *Student Accommodation Management Scheme*: Prior to occupation of the student accommodation units, a Student Accommodation Management Scheme shall be submitted to and approved in writing by the Local Planning Authority. This will include all aspects associated with the management of the occupiers, a method of dealing with complaints, and appropriate controls put in place to react and respond to any issues that may arise. This shall also include the management of the communal amenity terrace.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected, in accordance with Policies KP5 and EN13, of the adopted Cardiff Local Development Plan (2006-2026).

Regulatory Conditions:

32. The residential accommodation hereby approved shall only be occupied by students (as part of managed student accommodation) and for no other form of residential use, including co-living or serviced accommodation.

Reason: Since any other form of residential occupation, including co-living or serviced accommodation, would have different impacts that have not been assessed, and/or might require additional mitigation including delivery of affordable housing, in accordance with Policies KP5 and H3, of the adopted Cardiff Local Development Plan (2006-2026).

33. *Landscaping Maintenance*: Any new planting, seeding or turf laying which within a period of 5 years from the completion of the development dies, is removed, becomes seriously damaged or diseased, or in the opinion of the Local Planning Authority otherwise defective, shall be replaced.

Replacement planting, seeding or turf laying shall take place during the first available planting/seeding season, to the same specification approved in discharge of condition 14, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the visual amenity of the area, enhancing biodiversity and mitigating the effects of climate change in accordance with Policy KP5, KP15 and KP16 of the adopted Cardiff Local Development Plan (2006-2026).

34. *Servicing Hours for Commercial Units*: There shall be no arrival, departure, loading or unloading of Heavy and Light Good Vehicles associated with operations on the premises outside of the hours of 07:00 and 22:00 from Monday to Saturdays and no deliveries on Sundays or public holidays.

Reason: To protect the amenity of future occupiers, in accordance with Policies EN13 and KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).

35. *Operation Hours for Ground Floor Commercial Units*: No member of the public shall be admitted to or allowed to remain on the premises outside the hours of 07:00 and 23:00 from Monday to Sunday.

Reason: To ensure that the amenities of existing and future occupiers are protected, in accordance with Policies EN13 and KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).

36. *Plant Noise*: The rating level of the noise emitted from fixed plant and equipment on the site shall not exceed the existing background noise level at any time by more than -10dB(A) at any residential property when measured and corrected in accordance with BS 4142: 2014+A1 2019 (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 Policies EN13 and KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).

37. *Takeaway Sales*: No takeaway sales shall be permitted in any A3 Use Class occupied within the ground floor commercial units.

Reason: To protect the amenities of adjacent occupiers, in accordance with Policy KP5 of the adopted Cardiff Local Development Plan (2006-2026).

38. *Active Frontages*: All glazing installed at ground level fronting Greyfriars Road and Greyfriars Place shall at all times retain an active frontage with no application of any stickers, vinyl or advertisements within the windows which prevent views into the building.

Reason: To ensure that the windows allow for an active frontage for enhanced animation at street level, in accordance with Policy KP5 of the adopted Cardiff Local Development Plan (2006-2026).

39. *Obscure Glazing*: Prior to beneficial use of the development hereby approved, the windows on the southern elevation from levels 2 to 4 shall be obscurely glazed and thereafter so maintained.

Reason: In the interests of the privacy of neighbouring occupiers in accordance with Policy KP5 of the adopted Cardiff Local Development Plan (2006-2026).

Informative 1: The applicant is advised that section 3.25 of Planning Policy Wales states that the land use planning system should take account of the conditions which are essential to the Welsh language and in so doing contribute to its use and the Thriving Welsh Language well-being goal. In this context and with regard to the Welsh Language (Wales) Measure 2011, it is recommended that: (1) developments adopt a Welsh name that is consistent with the local heritage and history of the area, (2) during the construction phase, on site marketing information (i.e. text on construction hoardings / flags / banners - as consented) be provided bilingually and (3) for commercial developments, shopfront / premises signage be provided in Welsh or bilingually. Where bilingual signage is provided, Welsh text must not be treated less favourably in terms of size, colour, font, prominence, position or location (it is recognised that Welsh translation does not extend to company / business names). Cardiff Council's Bilingual Cardiff team (BilingualCardiff@cardiff.gov.uk) can provide advice on unique and locally appropriate Welsh names for developments, bilingual marketing / branding and bilingual signage.

Informative 2: The Public Realm works, along with any other works to the existing public highway, are to be subject to S278 Highways Act 1980 agreements between the developer and Council. All works to be completed in accordance with the approved plans and to the satisfaction of the Council.

Informative 3: The applicant is advised to liaise with South Wales Police and contact Mike Harvey (Michael.Harvey2@south-wales.pnn.police.uk).

Informative 4: Should bats be identified in trees/a buildings, a European protected species (EPS) licence would be required for this development. This development approval does not provide consent to undertake works that require an EPS licence. It is an offence to deliberately capture, kill or disturb EPS or to damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine. To undertake the works within the law, you would first need to obtain an EPS licence from Natural Resources Wales (NRW), and no work can be undertaken until this is received. You can obtain further information on the need for a licence and how to apply from NRW on 0300 065 3000 or at <https://naturalresources.wales/permits-andpermissions/species-licensing/when-you-need-to-apply-for-a-protected-species-licence/?lang=en>. You will need the services from an NRW bat licenced ecologist to produce the licence and subsequently supervise the works. The licence holder is usually the developer, who will hold legal responsibility for undertaking the works as agreed in documents with NRW.

Informative 5: Should birds be found nesting on the roof of this building or in the internal structure where works are required that could cause direct harm or

disturbance, all work must cease until the nesting attempt is complete. All birds are protected under Section 1, Paragraph 1 of the Wildlife and Countryside Act 1981 (as amended). This makes it an offence amongst other things to intentionally kill a wild bird, destroy a nest (including when being built) or the eggs of a wild bird. Therefore, if works to the roof/building are required during March to September inclusive, you must be sure that works will not impact upon nesting birds, otherwise a survey/or watching brief should be undertaken by a suitably experienced ecologist prior to the works.

Informative 6: When undertaking the Preliminary Roost Assessment, where the potential is low, it may be considered appropriate to undertake an up close visual inspection of these features instead, immediately prior to the works, which is most likely to be the parapet capping, as undertaken by an NRW bat licenced Ecologist. Immediately prior to works commencing, a toolbox talk shall also be given to operatives to ensure they are aware of the legislation and procedures during inspections and if a bat is located. If features of higher potential are found, emergence surveys for bats following Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th Edition), shall be undertaken as required.

Informative 7: 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.

Informative 8: In accordance with Planning Policy Wales (Edition 11) and Technical Advice Note 12 (Design), the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption. We would

recommend that the applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency requirements.

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.

Informative 9: The proposed development is in an area where there are water supply problems for which there are no improvements planned within our current Capital Investment Programme AMP5 (years 2010 to 2015). In order to establish what would be required to serve the site with an adequate water supply, it will be necessary for the developer to fund the undertaking of a hydraulic modelling assessment on the water supply network. For the developer to obtain a quotation for the hydraulic modelling assessment, Dwr Cymru Welsh Water will require a fee of £250 + VAT.

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.

Informative 10: 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.

Informative 11: The applicant should note that the structure [insert identifying details here if required] may be considered "enclosed" or "substantially enclosed" premises as defined within the Smoke-free Premises etc. (Wales) Regulations 2007 and therefore smoking would not be permitted within that structure/section of premises.

The regulations as define enclosed and substantially enclosed premises as follows:

- Enclosed premises: premises are considered to be enclosed if they have a ceiling or roof, and except for doors, windows and passageways, are wholly enclosed, whether on a permanent or temporary basis.

- Substantially enclosed premises: premises are considered to be substantially enclosed if they have a ceiling or roof, but there are openings in the walls which are less than half of the total area of walls (including other structures which serve the purpose of walls and constitute the perimeter of the premises). When determining the area of an opening, no account can be taken of openings in which doors, windows or other fittings can be opened or shut.

- Roof includes any fixed or movable structure or device which is capable of covering all or part of premises as a roof – this would include retractable canvas awnings.

Further advice on the ban on smoking in public places and the Smoke-free Premises etc. (Wales) Regulations 2007 can be obtained from the Health Improvement Team on 029 2087 1840. The applicant may also wish to seek legal advice on the likely compliance of the structure with the requirements of this legislation.

Informative 12: Should archaeological remains be encountered, the applicant is required to notify the Gwent-Glamorgan Archaeological Trust in the first instance as mitigation will likely be required.

Informative 13: 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

Should the applicant require further information in relation to these matters they should contact D. Thomas at firesafety@southwales-fire.gov.uk.

Informative 14: The post-build Acoustics Report as requested by condition shall be conducted in accordance with:

- British Standards Institution (2014). BS 8223:2014, Guidance on sound insulation and noise reduction on buildings. BSI: London, UK
- University of Salford, 2011. Proposed criteria for the assessment of low frequency noise disturbance. December 2011.