

COMMITTEE DATE: 09/12/2015

APPLICATION No. **15/02236/MJR** APPLICATION DATE: 11/09/2015

ED: **CATHAYS**

APP: TYPE: Full Planning Permission

APPLICANT: Ascent

LOCATION: CUSTOM HOUSE, CUSTOM HOUSE STREET, CITY CENTRE, CARDIFF, CF10 1AP

PROPOSAL: DEMOLITION OF FORMER YORK HOTEL, PARTIAL DEMOLITION OF CUSTOM HOUSE, REFURBISHMENT, EXTENSIONS AND CHANGE OF USE OF EXISTING BUILDING FOR MANAGED STUDENT ACCOMMODATION, COMMUNAL FACILITIES AND 95 SQM A3 RETAIL USE

RECOMMENDATION 1 : That subject to the applicant entering into a binding legal agreement with the Council, under the terms of **S106** of the Town and Country Planning Act to address issues indicated in section 9 of this report, within 6 Months of the date of this resolution unless otherwise agreed in writing by the Council, that Planning Permission be **GRANTED** subject to the following conditions:

1. C01 Statutory Time Limit
2. No development, including demolition, shall take place until a demolition and construction method and management plan has been submitted to and approved in writing by the local planning authority and the demolition shall thereafter be undertaken in accordance with the approved details. The statement shall include for protection measures to the remaining Customhouse, and for details of any necessary shoring and making good, details of construction traffic routes, site hoardings, site access, and wheel washing facilities. Demolition and construction of the development shall thereafter be managed strictly in accordance with the approved plan.
Reason: In the interests of pedestrian vehicular and railway safety, and to ensure for the protection and preservation of the remaining Listed Building.
3. Prior to the commencement of any development works a scheme to investigate and monitor the site for the presence of gases* being generated at the site or land adjoining thereto, including a plan of the area to be monitored, shall be submitted to the Local Planning Authority for its approval.

Following completion of the approved monitoring scheme, the proposed details of appropriate gas protection measures to ensure the safe and

inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site shall be submitted to and approved in writing to the LPA. If no protection measures are required than no further actions will be required.

All required gas protection measures shall be installed and appropriately verified before occupation of any part of the development which has been permitted and the approved protection measures shall be retained and maintained until such time as the Local Planning Authority agrees in writing that the measures are no longer required.

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

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

4. Prior to the commencement of the development an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority.

This assessment must be carried out by or under the direction of a suitably qualified competent person * in accordance with BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and shall assess any contamination on the site, whether or not it originates on the site.

The report of the findings shall include:

- (i) a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages;
- (ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;
- (iii) an assessment of the potential risks to:
 - human health,
 - groundwaters and surface waters
 - adjoining land,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, - ecological systems, - archaeological sites and ancient monuments; and - any other receptors identified at (i)
- (iv) an appraisal of remedial options, and justification for the preferred remedial option(s).

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

* A 'suitably qualified competent person' would normally be expected to be a chartered member of an appropriate professional body (such as the Institution of Civil Engineers, Geological Society of London, Royal Institution of Chartered Surveyors, Institution of Environmental Management) and also have relevant experience of investigating contaminated sites.

Reason: To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment in accordance with policy 2.63 of the Cardiff Unitary Development Plan.

5. Prior to the commencement of the development a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document ' Land Contamination: A guide for Developers' (July 2006), unless the Local Planning Authority agrees to any variation.

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

6. The remediation scheme approved by condition x (PC14B above) must be fully undertaken in accordance with its terms prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that

demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document ' Land Contamination: A guide for Developers' (July 2006), unless the Local Planning Authority agrees to any variation.

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

7. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place unless otherwise agreed in writing until a scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the LPA within 2 weeks of the discovery of any unsuspected contamination.

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

8. Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes. Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the Local Planning Authority.

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

9. Any aggregate (other than virgin quarry stone) or recycled aggregate

material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation 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.

10. Any site won material including soils, aggregates, recycled materials shall be assessed for chemical or other potential contaminants in accordance with a sampling scheme which shall be submitted to and approved in writing by the Local Planning Authority in advance of the reuse of site won materials. Only material which meets site specific target values approved by the Local Planning Authority shall be reused.
Reason: To ensure that the safety of future occupiers is not prejudiced.
11. The shared access and car parking areas, and access to the rear of the site from St Mary Street/Heol Eglwys Fair shall be secured by means of a fenced and gated enclosure the details of which having first been submitted to and approved in writing by the local planning authority and the development shall not be put to beneficial use until such time as the enclosure is provided.
Reason: In the interests of crime prevention and user safety.
12. Further to the demolition of the York Hotel, full details of the works to the "2m Zone" to the site shown on drawing PL 201 shall be submitted to and approved by the Local Planning Authority in writing.
Reason : To ensure for a satisfactory treatment of the area following the removal of the York Hotel.
13. Should any items of archaeological interest be revealed during the course of any excavation works on the site [including but not limited to any masonry constructions, ceramics, items of metalwork, coins or burial remains] all finds shall be immediately reported to the local planning authority and all works of excavation shall cease until such time as written authority is obtained from the local planning authority to continue.
Reason: To ensure for the protection and recording of any archaeological resource as may be revealed.
14. The building shall be finished in accordance with a scheme of architectural detailing which shall first have been submitted to and approved by the Local Planning Authority in writing, and the building shall not be brought into use until the approved scheme is implemented in full.

Reason: To ensure a satisfactory finished appearance to the development.

15. The development shall be drained in accordance with a comprehensive drainage scheme, the detail of which having first been submitted to and approved by the Local Planning Authority in writing. The scheme shall be based on the results of a report by a suitably qualified drainage engineer to ascertain whether soak away or other sustainable drainage techniques can be utilised. The drainage scheme shall thereafter be completed in full prior to first beneficial occupation of the development.
Reason: In the interests of a sustainable drainage solution.
16. The building shall be finished in a palette of materials, samples of which having first been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that the finished appearance of the development is in keeping with the area.
17. The development hereby approved shall be completed as a whole and shall not be phased. Reason: To ensure for the enhancement of the listed building in a timely manner.
18. The approved cycle parking facilities shall be provided prior to the development being put into beneficial use and thereafter shall be maintained and accessible for that purpose at all times.
Reason: To ensure that adequate provision is made for the secure parking of cycles.
19. The car parking and manoeuvring areas shall be laid out in accordance with the details approved, or other such detail as may be agreed with the Local Planning Authority prior to the beneficial use of the development and shall thereafter be retained and maintained for those purposes in association with the development.
Reason: To make provision for the parking and turning of vehicles to ensure the proposed development does not prejudice highway safety.
20. No part of the development hereby permitted shall be occupied until a resident travel/parking/traffic management plan to include, but not limited to, the promotion of public transport and other alternatives to the private car; the management of traffic at the start and end of term; the control of vehicular access to the site; the exclusion and control of student resident car parking within the site and surrounding area, has been submitted to and approved by the Local Planning Authority.
Reason: in the interest of highway safety and to regulate the impact of the development on use of the adjacent highway.
21. Waste management, waste streams, and collection arrangements shall accord with a waste strategy and management plan which shall first have been submitted to and approved by the local planning authority in

writing. The strategy and management plan shall include details of responsibilities for keeping the communal bin compounds safe and clean, the general upkeep of the containers, the cleansing of the areas and the relocation (if needed) of the bins to their collection points.

Reason: To ensure that waste resulting from the development will be managed practically and sustainably.

22. The development shall be provided with a scheme of hard and soft landscape works in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels, any earthworks, hard surfacing materials, details of proposed and existing services above and below ground level, Topsoils and Subsoil analysis and recommendations for soils management, tree and planting plans (including schedules of plant species, sizes, numbers or densities, and in the case of trees, planting, staking establishment and protection methods) and an implementation programme).

Reason : The details shall be consistent with other plans submitted in support of the application.

23. The landscaping shall be carried out in accordance with the approved details and implementation programme, and any trees, plants, or hedges which, within a period of five years from the beneficial occupation of the development, die, or are removed, or become seriously damaged or diseased, shall be replaced in the current planting season or the first two months of the next planting season whichever is the sooner, with species of the approved specification, unless the Local Planning Authority gives written consent to any variation.

Reason : To enable the Local Planning Authority, to determine that the proposals will have the best possible chance of establishing and maintaining an appropriate landscape of amenity value.

24. Unless otherwise agreed in writing by the Local Planning Authority, the development shall be undertaken in accordance with the recommendations of the Hunter Acoustic Report submitted in support of the application.

Reason: To mitigate against the impacts of railway noise and vibration.

25. Unless otherwise agreed in writing by the Local Planning Authority, The development shall be constructed so as to ensure that all habitable rooms exposed to external railway noise in excess of 66 dBA Leq 16 hour (free field) during the day (07.00 to 23.00 hours) or 59 dBA Leq 8 hour (free field) at night (23.00 to 07.00 hours) shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 40 dBA Leq 16 hour during the day and 35 dBA Leq 8 hour at night. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures implemented to achieve the above relevant dBA limits shall be provided with acoustically treated active ventilation units. Each ventilation unit (with air filter in position), by itself

or with an integral air supply duct and cowl (or grille), shall be capable of giving variable ventilation rates ranging from – an upper rate of not less than 37 litres per second against a back pressure of 10 newtons per square metre and not less than 31 litres per second against a back pressure of 30 newtons per square metre, to a lower rate of between 10 and 17 litres per second against zero back pressure. No habitable room shall be occupied until the approved sound insulation and ventilation measures have been installed in that room.

Reason: To ensure that the impact of railway noise is appropriately mitigated for the proposed use.

26. Unless otherwise agreed in writing by the Local Planning Authority, The development shall be constructed so as to ensure that vibration dose values do not exceed $0.4\text{m/s}^{1.75}$ between 07.00 and 23.00 hours, and $0.26\text{m/s}^{1.75}$ between 23.00 and 07.00 hours, as calculated in accordance with BS 6472:1992, entitled “*Guide to Evaluation of Human Exposure to Vibration in Buildings*”, [1Hz to 80Hz]. The dwellings shall be constructed in accordance with the approved scheme unless otherwise agreed by the Local Planning Authority.

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

27. Notwithstanding the provisions of the Town and Country Planning Use Classes Order 1987 and Town and Country Planning General Permitted Development Order 1995, (or any provision equivalent to those Classes or rights of change of use in any statutory instrument(s) amending, revoking or re-enacting those Orders); The coffee shop hereby approved shall be used only for that specific purpose and for no other purpose whatsoever.

Reason: Use of the facility for any other A3, A2 or A1 purpose may have undesirable environmental and amenity implications and have not been considered as part of this application.

28. The development shall be provided with a scheme of external lighting, the detail of which shall first have been submitted to and approved in writing by the Local Planning Authority and the development shall not be put to beneficial use until such time as the lighting scheme is implemented in full.

Reason: In the interests of crime prevention and user safety.

29. The development shall be provided with a scheme of CCTV recording equipment, the detail of which shall first have been submitted to and approved in writing by the Local Planning Authority and the development shall not be put to beneficial use until such time as the scheme is implemented in full.

Reason: In the interests of crime prevention and user safety.

30. No demolition of the York Hotel shall take place until such time as further investigative surveys for Bats have taken place in accordance with the recommendations of the Preliminary Bat appraisal submitted in support of the application.

Reason: To confirm or otherwise the presence of any protected species.

- 31 Should such surveys as required by condition 30 identify the presence of bats, or other protected species, no demolition works shall commence until such time as suitable mitigating measures (including any amendments necessary to building design) have been submitted to and approved in writing by the local planning authority, and the mitigating measures shall thereafter be implemented in full accordance with the approved details prior to the beneficial occupation of the development.
Reason: To ensure that appropriate alternative habitat is provided for any protected species present.

RECOMMENDATION 2 : The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for

- (i) determining the extent and effects of such constraints and;
- (ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates / soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under section 33 of the environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site:
 - Unprocessed / unsorted demolition wastes.
 - Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
 - Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and
- (iii) the safe development and secure occupancy of the site rests with the developer.

Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land.

The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land can be considered free from contamination.

RECOMMENDATION 3 : That the applicant be advised that a commercial waste contract will be required for the collection and disposal of commercial wastes.

RECOMMENDATION 4 : That the applicant be advised that all plant and scaffolding shall be erected in such a way that at no time will any poles or cranes be allowed to oversail or fall onto adjacent railway land.

RECOMMENDATION 5 : That the applicant be advised to protect the amenities of occupiers of other premises in the vicinity attention is drawn to the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities. Further to this the applicant is advised that no noise audible outside the site boundary adjacent to the curtilage of residential property shall be created by construction activities in respect of the implementation of this consent outside the hours of 0800-1800 hours Mondays to Fridays and 0800 - 1300 hours on Saturdays or at any time on Sunday or public holidays. The applicant is also advised to seek approval for any proposed piling operations.

RECOMMENDATION 6 : That the applicant be advised that notwithstanding the submission of the Bat assessment, that Bats often roost in old buildings, and work on the York Hotel might potentially disturb a bat roost.

RECOMMENDATION 7 : That the applicant be advised that no development relating to the Custom House should commence until such time as listed building consent has been approved for such works or the agreement of the local planning authority that no such consent is required obtained.

RECOMMENDATION 8 : That the applicant be advised that no work should take place on, over, or under neighbouring land without the neighbour's express consent and this planning approval gives no such rights to undertake works on land outside the applicant's ownership.

RECOMMENDATION 9 : That the applicant be advised to contact Network Rail's Company's Asset Protection Wales Team well in advance of mobilising on site or commencing any works via assetprotectionwales@networkrail.co.uk.

RECOMMENDATION 10 : That the applicant be forwarded a copy of the observations made by South Wales Police advised to contact them to discuss the safety and security measures recommended.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 Full Planning Permission is sought for extensions to the Custom House building in Custom house street, in part, into the area currently occupied by the adjoining York Hotel (proposed to be demolished) and also to the South East over an area of land currently used for open air car parking; and also for a replacement roof extension to Custom House.
- 1.2 The proposals are very similar in form and aesthetic to an office development scheme previously resolved to be granted planning permission in 2009 and 2012 and effectively replaces the York Hotel with a five storey building in cream

finish with upper storey in curtain glazing, separated from, but linked to the Custom House with a recessed curtain glazed link. The currently 1990s Mansard roof of the Custom house would also be replaced by a curtain glazed roof. To the east, the existing building extension would be enlarged to provide for 6 storeys of accommodation, set back from the frontage of the existing building.

- 1.3 A courtyard garden would be formed to the rear of the Customhouse; and a secure access path would be formed to the north of the railway track boundary which is currently abutted by the York Hotel.
- 1.4 The buildings lies just outside the St. Mary St. conservation area but the Custom House, despite significant alterations, is listed as being of architectural and historic Interest [Grade II].
- 1.5 The York Public House is not Listed or protected by any other designation.

2. **DESCRIPTION OF SITE**

- 2.1 The Custom House is located on the corner of St. Mary St. and Customhouse Street, on the former east canal wharf of the Glamorganshire Canal. The present Building was likely built Circa 1845 and extended along Custom House Street 1865; but was effectively internally gutted, altered and extended by Lock-Newcrews, Hill & Partners, architects, of Cardiff Circa 1983-5 who also undertook a metal Mansard roof extension.
- 2.2 The building is finished in painted Stucco render with some Bathstone dressings, with rusticated ground floor / pilasters, and roman arch headed window apertures with segmental/marginal glazing bars to double glazed timber windows. The building has been completely altered internally and currently has a now somewhat dated 1980s modern hipped Mansard roof. It is suggested that the building is listed now, more for its importance in the commercial history of Cardiff, than for its remaining architectural merit.
- 2.3 The York Public House (proposed to be demolished) is adjoined to the rear and western side elevation of the Customhouse and is bounded by the main central railway line to its rear (S) elevation. The building has been vacant for a number of years and is boarded and reported to have come to the end of its useful life, and to be derelict/structurally unsound.
- 2.4 The York was not included on the Statutory List of Buildings of Architectural and Historic Interest at the time of the last resurvey of the Castle Community in 1999. Cadw were asked to re-confirm that they did not consider the building worthy of listing at the time of previous planning applications for development of the land Circa 2009 and confirmed that it did not meet the criteria for designation.
- 2.5 The public realm surrounding the site is now looking dated with a mix of paving materials, planters, benches, sculptural public art and cycle stands and barriers.

- 2.6 The Customhouse is separated from the adjacent open university building by a pair of electronically operated gates and security pass facility. Customhouse Street now acts principally as a bus layby and bus only access in a westerly direction and with limited traffic flows travelling east.
- 2.7 The site is surrounded by a number of relatively new buildings, The 4-5 storey Open university Building adjacent, 21 story Radison Blue Hotel, 13 storey Maldron Hotel, and multi storey (4 floor) car park of the Marriot Hotel opposite

3. **SITE HISTORY**

- 3.1 In Oct 2012 Committee revisited a previous scheme [09/02188] and resolved to grant planning permission, principally because of the ongoing deterioration of the York P.H., without the necessity to retain the York until letting of a contract for the redevelopment of the site subject to the signing of a S106 agreement.
- 3.2 In January 2010, Planning permission 09/02188/C for the partial demolition of Custom house, total demolition of York hotel, and construction of 3/4 storey office accommodation and refurbishment of listed façade was resolved to be Granted subject to no demolitions commencing until a contract for re-development of the site had been Lett.(ranted (Subject to S106 agreement)
- 3.3 09/0993C - Change of Use to Day Centre and Accommodation for Homeless Persons. Granted 05.11.2009
- 3.4 08/1724C - Demolish York Hotel and Rear Areas of Custom House, Construct 3 Storey Extension Providing 2 Upper Floors of Office Use, and 2 No. A3/Restaurant Units on Ground Floor with undercroft Car Parking
Granted subject to S106 10.12.2008
- 3.5 05/2239C - Change of Use to Hotel and Ancillary Services.
Granted 16.03.2006
- 3.6 89/2013C Erection of Plaque Recording the History of the Custom House. Granted 09.01.1990

4. **POLICY FRAMEWORK**

4.1 **Cardiff Unitary Development Plan Deposit Written Statement 2003**

Policy 2.20: Good Design

Policy 2.51: Statutory Listed Buildings

Policy 2.55: Public Realm Improvements

Policy 2.57: Access, Circulation and Parking Requirements

Policy 2.62: Flood Risk

Policy 2.64: Air, Noise and Light Pollution

Policy 2.74: Provision for Waste Management Facilities in Development

4.2 **SPG**

Access, Circulation and Parking requirements June 2006
Waste Collection and Storage Facilities March 2007
Safeguarding Land for Business and Industry June 2006

4.3 **Other**

City Centre Strategy 2007-2010
PPG Wales V7
TAN 12 – Design
Welsh Office Circular 61:96 - Planning and the Historic Environment.

5. **INTERNAL CONSULTEE RESPONSES**

5.1 **Transportation**

Confirms that the submission has been assessed and is considered to be acceptable subject to the following comments, S106 contribution requirements and conditions:

Conditions:

Standard Cycle Parking condition C3S; Combined Travel and Student Accommodation Traffic Management Plan condition ; Construction management plan condition

Section 106 contribution:

A combined S106 contribution of £14,840 towards the following items on Customhouse Street in the vicinity of the site:-

- Cycle route legibility, way marking and signage;
- On street public cycle parking facilities;
- Environmental pedestrian improvements, including guardrail removal de-cluttering;
- Pedestrian crossing improvements.

Comments:

The adopted Access, Circulation and Parking Standards SPG confirms that up to one parking space per 25 beds may be provided for operational use, amounting to a maximum of 7 spaces for the proposed development; there is no requirement for on site resident or visitor car parking. I am therefore satisfied that, subject to the cycle parking condition, the application is compliant with adopted parking policy.

I am also satisfied, subject to agreement of the Traffic Management Plan, that there is sufficient capacity within the adjacent public highway to accommodate

the arrival and departure of the students at the start and end term. The management plan will also control vehicle access to and student car parking within the site and surrounding area.

It is noted that the site is located within easy walking reach of both the Bus Station (temporarily located on-street pending redevelopment) and well served, high frequency bus routes with inbound and outbound stops/services. Cardiff Central and Queen Street rail stations are also located within an easy level walk of the site, providing access to both local and intercity services. The site is also on the fringe of the City Centre with easy access to employment, shopping, entertainment, leisure and other facilities/amenities that such a location affords.

To conclude, I am satisfied that the development is policy compliant and will not have a detrimental impact on the use of the surrounding highway network, and therefore have no objection to the application as submitted, subject to the above S106 contribution, planning conditions and comments.

5.2 Regeneration

This is a large scale proposal, where the increase in floorspace and intensification of use will place increased pressure on the surrounding pedestrian environment, particularly due to the nature of the proposal as student accommodation where movements will take place across a longer period of time, including late at night.

Planning Policy Wales, Paragraph 3.4.3 states that 'When a new building is proposed, an existing building is being extended or altered, or a change of use is proposed, developers should consider the need to make it accessible for all those who might use the building. The appropriate design and layout of spaces in, between and around buildings, including parking provision and movement routes, is particularly important in ensuring good accessibility'. As this proposal is for student accommodation, where movements to and from the building will predominantly take place on foot, the public realm in the immediate vicinity of the site should be considered in this context.

There is a large public space immediately outside the site at the junction of Custom House Street and St Mary Street, which, mainly due to the long-term vacancy of the Custom House and York Hotel buildings, has been largely underused since it was laid out between 15-20 years ago. Should the application be considered acceptable in all other respects, it is requested that a scheme of public realm / highway improvements be provided by the applicant to ensure that key routes around the site are suitably enhanced and that the public space is upgraded to a standard commensurate with the area surrounding the neighbouring Maldron Hotel. The public realm works would include:

- Resurfacing the footway outside the York Hotel with 200x100 Silver-grey block paving to match the material used along Custom House Street and to provide a consistent treatment around the boundary of the site.

- The removal of guard railings around the Custom House Street, St Mary Street and Mill Lane junctions to improve and increase pedestrian movement space on the routes leading to and from the site.
- Revisiting the layout of existing street furniture within the public space and proposing a revised layout that creates a more attractive pedestrian environment.
- Replacement of existing street trees (if required).
- Any works required by highways to improve cycling routes to and from the site.
- With regard to the paving around the site, although the materials are of a reasonable quality, there is an opportunity to significantly improve the appearance of the public realm by steam cleaning (or suitable alternative) the footways to restore them to their original appearance (see Maldron Hotel).

It would be preferable for the for the developer to undertake the public realm works as part of their development, as opposed to requiring a financial contribution to meet the cost of the works. This could be secured by means of Section 106 Agreement.

5.3 Highways [Drainage]

Recommend a condition relating to the use of Sustainable Urban Drainage Techniques and further consultation with Welsh Water.

5.4 Highways [Waste]

The development currently has only one bin store planned which is used for both commercial and domestic waste. Please note commercial and domestic waste must not be mixed. For this reason we suggest either there are two separate bin stores or the commercial bins are locked, in order to prevent residents using the wrong bins. If a lock is used on commercial bins, arrangements will need to be made with the commercial waste contractors, in regards to access for collection. Relevant signage and labelling on bins and in the store may also be required.

A Waste Strategy method should be submitted detailing who will be responsible for keeping the communal bin compounds safe and clean, the general upkeep of the containers, the cleansing of the areas and the relocation (if needed) of the bins to their collection points.

Please remind the agent/applicant that a commercial contract is required for the collection and disposal of all commercial waste.

For the commercial waste, it is also suggested that the general and recyclable waste is separated. In most circumstances this can reduce collection costs.

All bulk containers (domestic and commercial) must be provided by the developer/other appropriate agent, to the Councils' specification (steel containers are required where capacity exceeds 240 litres).

The scale of this development will increase the footfall of the area, particularly between the development and Custom House Street. Therefore, litter bins will may be required and funded via the Section 106 agreements.

5.5 Trees

No details are provided concerning the ‘overgrown’ area shown on the existing site survey adjoining the railway, but it seems highly unlikely that it contains trees of significant public value. In contrast, the proposed courtyard garden has the potential to offer significant amenity benefits. A detailed garden design produced by a Landscape Architect is warranted and should preferably be submitted upfront, or otherwise via discharge of condition. In any event, the design will need to take account of above and below ground constraints. No information is provided concerning existing soils, but there may be recoverable soils on site that are fit for use in the courtyard garden subject to analysis in accordance with BS 3882:2015 and BS 8601:2013, and stripping, storage and installation in accordance with the same standards and the 2009 DEFRA Construction Code of Practice for the Sustainable Use of Soils on Construction Sites. A topsoil and subsoil specification will therefore be required that includes requirements and recommendations in accordance with the above and provides a sectional and plan view of soil installation/use at the site for different planting types – e.g. root-balled trees, amenity grass, herbaceous planting etc. Any below ground service constraints should be identified before planting plans are prepared, and planting should also take account of the likely light levels in the enclosed space. Aside from the topsoil and subsoil specification, landscaping details should include a scaled planting plan, plant schedule, tree pit section, planting and aftercare methodology, and details of supervision of soil preparation and planting by the project Landscape Architect.

5.6 Pollution Control

Having reviewed the Acoustics and Vibration report it is clear that there is a significant potential for the site to suffer from railway noise and railway vibration. With this in mind, we would recommend that the following conditions are placed on any development consent.

Façade Insulation – Walls and Roof

- 1) *As per Table 3834/T5 of Section 5.1 of the Hunter Acoustics report ref: DH3834, dated the 14th October 2015, the Sound Reduction Index of the Walls and Roof should be as follows:*

Sound Reduction Index (SRI: BS EN 140) at Octave Band Frequency (Hz)

Element Description 125 250 500 1k 2k Wall Brick and block external wall

40.0 44.0 45.0 51.0 56.0 Roof Flat, 100mm concrete 39.0 40.0 49.0 53.0 57.0

(230kg/m²) Façade Insulation –

Windows

- 2) *As per Table 3834/T6 of Section 5.3 of the Hunter Acoustics report ref: DH3834, dated the 14th October 2015, the Sound Reduction Index of the Glazing to habitable rooms should be as follows:*

Sound Reduction Index (SRI: BS EN 140) at Octave Band Frequency (Hz)

Element Description 125 250 500 1k 2k Glazing 1 6/16/8.8 Optiphon or Secondary glazing Rw 41dB 24 26 40 48 46 Glazing 1 6/16/9.1 Optiphon or

Secondary glazing Rw 45dB 29 33 44 46 49

NB: Glazing 1 and Glazing 2 are indicated by the following site plan, reproduced from Section 5.3 of the Hunter Acoustics report ref: DH3834, dated the 14th October 2015.

Ventilation

- 3) *As recommended by Section 5.2 of the Hunter Acoustics report ref: DH3834, dated the 14th October 2015, all habitable rooms are to be provided mechanical ventilation at all floor levels. It is recommended that the mechanical ventilation system can be achieved by either:*
- a. Mechanical acoustic ventilators meeting requirements of the Noise Insulation Regulations 1988; or*
 - b. A whole house ventilation system (meeting the requirements of Part F of the Building Regulations.)*
- Any scheme decided upon should be submitted for approval by the Local Planning Authority prior to installation.*

Railway Vibration

- 4) *As recommended by Section 4.3 of the Hunter Acoustics report ref: DH3834, dated the 14th October 2015 an assessment of the vibration levels at pile foundation level should be carried out. A report detailing the assessment and any mitigation measures considered necessary should be submitted for review and approval by the Local Planning Authority prior to installation.*

5.7 Parks

The development does not provide for any Public Open Space

Base on a occupancy of 170 persons, the development would realise a contribution toward maintenance of off site Public Open Space of a sum of **£101,512**. Projects to be identified.

5.8 Pollution Control Contamination:

In reviewing available records and the application for the proposed development the site has been identified as formerly commercial/industrial with uses including – fish warehouse, stores, labour exchange and hotel. Activities associated with this use may have caused the land to become contaminated and therefore may give rise to potential risks to human health and the environment for the proposed end use.

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

Should there be any importation of soils to develop the garden/landscaped areas of the development, or any site won recycled material, or materials imported as part of the construction of the development, then it must be demonstrated that they are suitable for the end use. This is to prevent the introduction or recycling of materials containing chemical or other potential contaminants which may give rise to potential risks to human health and the environment for the proposed end use.

Pollution Control therefore requests the inclusion of the following conditions and informative statement in accordance with CIEH best practice and to ensure that the safety of future occupiers is not prejudiced in accordance with policy 2.63 of the Cardiff Unitary Development Plan:

PC13. GROUND GAS PROTECTION

PC14A. CONTAMINATED LAND MEASURES – ASSESSMENT

PC14B. CONTAMINATED LAND MEASURES – REMEDIATION & VERIFICATION PLAN

PC14C. CONTAMINATED LAND MEASURES - REMEDIATION & VERIFICATION

PC14D. CONTAMINATED LAND MEASURES – UNFORESEEN CONTAMINATION

PC15A IMPORTED SOIL

PC15B IMPORTED AGGREGATES

PC15C USE OF SITE WON MATERIALS together with an

R4 CONTAMINATION AND UNSTABLE LAND ADVISORY NOTICE

5.9 Council Ecologist

These buildings have the potential to support bat roosts, and the proposed works would be likely to affect those roosts if present.

Therefore a preliminary bats roost likelihood assessment should be undertaken in accordance with Section 8.2 of the 2012 Bat Surveys Good Practice

Guidelines. The preliminary assessment should include check for signs of bat use, plus potential access points to roosting areas etc. Based on this assessment, recommendations should be made as to whether no further survey work is required, or whether further bat emergence/re-entry surveys should be undertaken next spring.

Whilst the buildings themselves look suitable for bats, its location is isolated from suitable feeding grounds which mitigates against the likelihood of bat use. A preliminary assessment will hopefully provide some guidance either way.

6. **EXTERNAL CONSULTEE RESPONSES**

6.1 Network Rail

Have sent a response essentially seeking to safeguard Network Rail assets and safe operation of the railway. They make specific comments about land access rights, and how these will be supported by the developer, Acoustic considerations; forthcoming major electrification works; existing cabling protection works; trackside telecommunications equipment; Excavations; fencing; building proximity; foundations; plant and materials; drainage; Landscaping; Ground disturbance; Lighting; Signalling; Vehicle incursion; Access Points; Method statements and Risk assessments... and strongly recommend the Developer contacts the company's Asset Protection Wales Team well in advance of mobilising on site or commencing any works via assetprotectionwales@networkrail.co.uk.

6.2 Welsh Water

Request the attachment of a drainage condition to any recommendation to approve planning permission in respect the potential to dispose of surface and land water by sustainable means.

They also ask that the developer investigates where the surface water from current building drains and would encourage them to divert surface water flows away from the combined system to the designated surface water sewer for the benefit of the sewer network and create capacity for new foul flows in the combined sewer

6.3 South Wales Police

South Wales Police have no objection in principle to the proposed development and feel that increasing legitimate use of this area is likely to bring positive benefits. However, there are concerns, as students can be considered as vulnerable people and Cardiff City centre has a high crime rate, so security and safety of users needs to be adequate for both purpose and location.

Given the above South Wales Police feel the developers need to demonstrate how safety and security is to be achieved in any proposed development and South Wales Police make recommendations in respect of Provision of secure

site boundaries, especially to rear and side of building; external lighting; extensive and monitored CCTV; Internal lighting ; laminated glazing specification; Ground floor opening window specification; External door set specification; safety and security management plan ; adequate fire prevention, warning and evacuation procedures ; Cycle storage; ;Bin stores; ;access controls ;distinction between semi public and commercial areas and more private student accommodation; maximum pod ; zoned alarm systems;

and confirm that SWP would welcome the opportunity to work with developers to achieve a secured by design accreditation.

- 6.4 Wales and West Utilities Have notified of pipework and ductwork in the vicinity and of safe working practices.

7. **REPRESENTATIONS**

- 7.1 The application has been advertised in accordance with statutory requirements and neighbouring occupiers and local members have been notified.

Cardiff Civic Society

- 7.2 Are disappointed about the proposals on two counts. Namely:

That they have previously made representations in the context of the LDP about the need for a policy on the conversion of existing buildings for student accommodation in the City Centre. We note from the press reports on this case that this is a concern that others share. There is a real danger that provision for students – which clearly offers a substantial return for developers as student numbers in the City increase – will crowd out commercial and office uses. In a recession this may not present an immediate problem, but as we emerge from the downturn and as Cardiff promises to play an increasingly important role as the centre of its city region we may find that the lack of and/or the range of office space becomes an issue. It is especially important that the provision of office space close to transport hubs, as will be the case with this development, should be a priority and not prejudiced by provision for students. If Cardiff is to meet the LDP's ambitions for reducing car use then workplaces need to be near transport links.

We are naturally aware of the development in the Central Square that will increase available office and commercial space adjacent to rail and bus connections. However we don't think that weakens the argument above. It is likely that Central Square will command a premium, being a prestige site, and alternatives should be available with similarly good transport connections.

Our second concern lies with the loss of part of the City's Victorian heritage – the York Hotel - and the retention of only the façade of the Custom House. The City centre is becoming increasingly bland, losing its character as a quintessentially Victorian City. This is not helped by retaining a façade behind which looms an overpowering, modern development. A recent Guardian article highlighted this, citing in particular the Altolusso Tower – not a good

advertisement for the City.

The retention of facades can be appropriate in the right circumstances, but all too often is a means by which developers can secure permission by assuaging planners' concerns and getting round listing at little cost to themselves. At worst they represent an unimaginative and expedient solution to the problem of what to do

with a listed building. The Civic Society's view is that there should be a strong presumption in favour of retaining the fabric and essential character of listed buildings, allowing that, where appropriate, internal works to make them capable of a beneficial use can be done. Similarly, and extensions to the exterior should be sympathetic and, critically, in scale with the original, not overwhelming it.

The Open University

7.3 Have concerns in that they consider that :

1. The application has a negative impact on the security of their building (at the rear) as it would appear that any residents or visitors to the new property with access to the proposed parking spaces or bicycle parking will also have access to the rear of their building and car park area.

2. The proposed location of storage bins on the application reduces the width for vehicular access to our car park.

The OU would like the application to be amended so that the security of their building and the vehicular access to their car park are not negatively affected.

8. **ANALYSIS**

8.1 Land Uses

The main land use planning policy issues are the loss of the office space within the PBA and the acceptability of the use of the land for student residences.

The buildings are located in the City Centre principal business area, but not in the principal shopping area. The Custom House has not been used for office accommodation for many years, with lengthy periods of vacancy, and the York hotel (An A3 use when operational) is now derelict. The Customhouse was last used as office accommodation in the 1990s by the Welsh Rugby Union and subsequently benefitted from planning permissions/'resolutions to grant' for conversion to a hotel, restaurant / bar; restaurant and office; and a number of permissions/resolutions exist for office development in the area of the York Hotel. However none of these have come to fruition, and the Customhouse was last used as a temporary homeless hostel.

Policy 36(i) of the Local Plan. requires the evaluation of the demand for office use and the need to secure a range and choice of quality sites available for business, development. The extended period of vacancy of the existing

Customhouse is noted as is the level of vacancy of a number of the older office buildings in and around the City Centre, where cost of floorspace over quality of accommodation is often less preferable than purpose built modern office buildings elsewhere.

The planning officer notes the two previous resolutions to grant planning permission for refurbished and new office development on the land, but the legal agreements relating to these permissions have not been signed and permissions have not been granted.

Ultimately It is considered that there is a sufficient amount of available and proposed office floorspace within the City Centre to meet the quantitative demand. It would therefore be difficult to resist proposals for an alternative use of the site on grounds of the loss of viable office floorspace; or the loss of a potential office development site, when such permissions have not been progressed.

Given the City Centre location, close to the university and other learning institutions, the site is considered a suitable and sustainable location for student accommodation,.

The proposal for an A3 coffee shop within the scheme is accepted as an appropriate use in the City Centre context, and as a continuance of the A3 use right previously enjoyed by the York Hotel. The Coffee shop is also considered to add a much needed vitality to the area and is viewed positively in this regard.

8.2 Historic Environment

The York Hotel.

The York is not a Listed Building or within the Conservation Area and, whilst its loss is regrettable on the basis of age, and some architectural interest, it is in such poor condition that its retention and restoration is unlikely to be practically or financially realistic, and the provision of a new building on the site has been, and is accepted.

The Customhouse.

There remains very little of the original Customhouse building, having been completely remodelled internally in the 1980s to accommodate a modern lift, central corridor spine and partitioned office rooms, The architect confirms the building now has concrete floors, and with the additional Mansard roof extension, and double glazed fenestration, the building has little architectural interest other than the aesthetic of the northern and western facades. Additionally the building has been subsequently further adapted internally with additional partitions and screens to allow use as a homeless hostel to provide compartmentalised dormitory spaces and communal areas.

The listed status of the Custom House is therefore believed by the planning officer to relate principally to the historic interest of the building as a regulatory

building relating to the movement of goods from the historic docks and canal systems, rather than because of its remaining architectural merit. Notwithstanding the above, The remaining merit of the Listed façade, with rusticated stucco detailing, keystone arch headed windows and parapet arch has resulted in a number of discussions with the developer's architects in an attempt to ensure that the proposed development will pay appropriate respect to the building aesthetic.

Design

Custom House refurbishment

The design proposed is very similar to the Office development previously approved, with only very minor modifications. Similar to previous schemes, a replacement roof extension to that provided in the 1980s has been negotiated, and the now tired and aesthetically very heavy looking metal mansard roof is to with a visually lighter glazed flat roofed structure with more vertical sides.

Noting the comment's of the Civic Society, in respect of the Listed Custom House, it is accepted that the proposed scheme, as with others previously, amounts to a façade retention; however it must be accepted that the existing building is in itself a façade retention, and for reasons outlined above, this is not resisted, as the proposals have minimal impact on any remaining original fabric, and are considered a positive enhancement of such original fabric as does remain.

The new building

The proposed new buildings would be finished in a light coloured palette of cream render and regimented fenestration considered appropriate to the form of the Customhouse; and the new build 'interface' with the existing Custom House is critically set back from the western elevation and principal façade to allow the original form of the listed building to remain legible, and to allow the western frontage and eastern extensions to appear as two separate, but connected buildings, which provides for a more traditionally scaled presentation to the street scene.

Whilst the new build element is clearly taller than the existing building, the immediate context is of taller buildings in a built-up urban area, and the increased height of the extension to the Customhouse is considered to read as a separate but complimentary structure, supporting as opposed to being overbearing to its neighbour, and as a soft preface to the taller Maldron Hotel and tower of Raddison Blu a short distance away..

The building extension is offset from Network Rail land by some 2metres and will be entirely detached from the Railway bridge and retaining boundary. This is considered positive in respect of the mitigation of railway noise and vibration and to allow improved access to the track level if required by Network Rail, currently denied by the York Hotel.

The extension to the east elevation, is set some 6m back from the northern frontage of the existing Custom House extension and would project a further 3 metres toward the Open University Building than the existing building. This building element would be of six storey height and would be similarly finished in a light coloured render system. The site also provides for an area for cycle parking and for 5 off street parking spaces including two disabled parking spaces. For operational purposes. In the context of the 4 storey Open University building which has a 5th storey plant room, the set back position of the 6 storey building proposed is considered acceptable.

Architectural detailing.

Submitted plans suggest that the only modifications to the front elevation of the Custom House is the replacement of the existing double 6 panel entrance doors and canopy with a fully glazed entrance door and canopy. There is no objection to the principle of this from a planning perspective.

An architectural detailing condition is considered prudent to allow control of the precise detail of new extensions and new buildings windows, any potential modification of existing fenestration, new glazing construction systems and roofscape finishes.

8.3 Public Realm Improvements

A previous scheme for similar 7538 sq ft of A3 restaurant and 19,029 sq ft office floor space at the site was subject to a Public Realm Enhancement Contribution of £30, 000 which was agreed by a different applicant at that time.

The current applicant accepts the need to upgrade the quality and appearance of public realm in the vicinity of the site, but rather than pay a financial contribution the regeneration team have suggested that it would be more beneficial for the applicant to undertake a package of public realm enhancement as opposed to the receipt of a financial contribution. The applicant has agreed to this, and the precise nature of works can be secured by means of a Section 106 agreement.

8.4 Public Open Space

The Parks Officer's comments are noted and concurred with. The development provides for a high density of accommodation for circa 170 students and although an area of private amenity space is provided to the rear of the site it is likely that the increased number of residents will wish to benefit from the City's public open spaces and facilities. As this is the case the requested contribution of **£101,512**. Is considered a reasonable and proportionate request in line with the current formulae provided within approved supplementary planning guidance. The Applicant has been advised of this and agreed to the payment being secured via meansd of S106 agreement

8.5 Access, Circulation and Parking

The comments of the Transportation Officer are noted.

The requested conditions and S106 contributions to increase pedestrian and cycle access and legibility in the vicinity of the site are concurred with given the increased population and activity that the use of the site will generate, and which would coincide with aspirations to improve the public realm in the area.

The applicant has been advised of this request and agreed to its provision.

The comments of the OU are noted in respect of vehicle manoeuvring and security, and it is noted that to date that OU vehicles have been able to use the parking area to the rear of the custom house as a manoeuvring area. Under the new arrangement an area behind the proposed car parking spaces and adjacent to the switchgear room would remain available subject to the agreement of the current applicant. There would also remain a minimum of 6m between the proposed car parking bays and the OU building which should be able to accommodate the manoeuvring of most cars and small vans. Ultimately access to and use of the currently shared access to the rear of the site will be a matter to be agreed between interested parties.

8.6 Protected species

Given the condition of the York Hotel, the applicant was requested to undertake a preliminary bats roost likelihood assessment in accordance with Section 8.2 of the 2012 Bat Surveys Good Practice Guidelines. (including checks for signs of bat use, potential access points to roosting areas). as whilst the buildings themselves look suitable for occupation by bats, their location is isolated from suitable feeding grounds which mitigates against the likelihood of bat use; and is close to a railway line with inherent noise and vibration.

The preliminary assessment undertaken reported that the main structure of the Custom House has negligible potential to be used by bats. However the small mono-pitched lean-to section, attached along the southern elevation, does offer moderate potential to support such species, and further survey work is recommended to determine whether bats are utilising this element of the building.

The internal areas of the former York Hotel could not be surveyed due to health and safety concerns. However the external examination revealed that the features of the building have high potential to be used by bats for roosting purposes. The building has the potential to support both crevice and non-crevice roosting species, and there is also possibly hibernation potential. Further assessment for the presence of bats is considered essential.

The surveyor recommends that two dusk/emergence activity observations are carried out at the site in the summer period between May and September. This level of targeted follow-up survey conforms to National Survey Guidelines, and is the minimum standard of survey necessary to support a European Protected

Species (EPS) licence, if such a licence needs to be obtained.

The survey also noted potential bird nesting and feral pigeon (*Columba livia / domestica*) activity was noted on site, and recommended that future nest establishment be mitigated against over the winter.

As this is the case, it is the recommendation of this report that the applicant be reminded of the protected status of Bats and Nesting Birds and the necessity to obtain a licence to disturb any species confirmed to be present at the site. Given the Health and Safety concerns regarding access to The York, it is not considered that the applicant can do any more than follow the recommendation of the ecologist's report at this juncture which will inform any demolition methodology and proportionate mitigating measures as may be required to be incorporated into the new development. Conditions are recommended to this effect.

8.7 Flood Risk

NRW confirm that there is no record of flooding in the locality

8.8 Waste Management

The comments of the waste manager are noted and a condition requires the submission of a waste management strategy prior to beneficial occupation of the development. However the site is considered to have sufficient capacity for waste storage.

8.9 Open University

The comments of the OU are noted in respect of their site security, however it is noted that the OU have previously maintained an operational arrangement with previous users of the Customs House and that as with vehicle manoeuvring, site access will ultimately be a matter of agreement between the two interested parties. The eastern site access and parking facility proposed are also noted to be for operational purposes only, and for two Disabled parking bays, not a general access for students, As such the matter is considered best left to agreement between the two neighbours and does not in itself raise any expectation of any heightened level of crime or disorder.

Conditions relating to the precise nature of site enclosure and security are attached to the recommendation of this report.

9. **S106 CONTRIBUTIONS**

For Clarity, the applicant is required to make a Transport Infrastructure Improvement contribution of **£14,840** towards the following items on Customhouse Street / in the vicinity of the site:-

- Improvements to Cycle route legibility, way marking and signage;
- Improvements to on street public cycle parking facilities;

- Environmental pedestrian improvements, including guardrail removal de-cluttering;
- Pedestrian crossing improvements.

and

To undertake a package of works of Public Realm Enhancement, to include

- Resurfacing the footway outside the York Hotel with 200x100 Silver-grey block paving to match the material used along Custom House Street and to provide a consistent treatment around the boundary of the site.
- The removal of guard railings around the Custom House Street, St Mary Street and Mill Lane junctions to improve and increase pedestrian movement space on the routes leading to and from the site.
- Revisiting the layout of existing street furniture within the public space and proposing a revised layout that creates a more attractive pedestrian environment.
- Replacement of existing street trees /tree planters (if required).
- Steam cleaning (or suitable alternative deep cleaning) of the footways to restore them to their original appearance (comparable with the finish outside the Maldron Hotel).

and

A contribution toward maintenance of off site Public Open Space of **£101,512.**
(project to be confirmed)

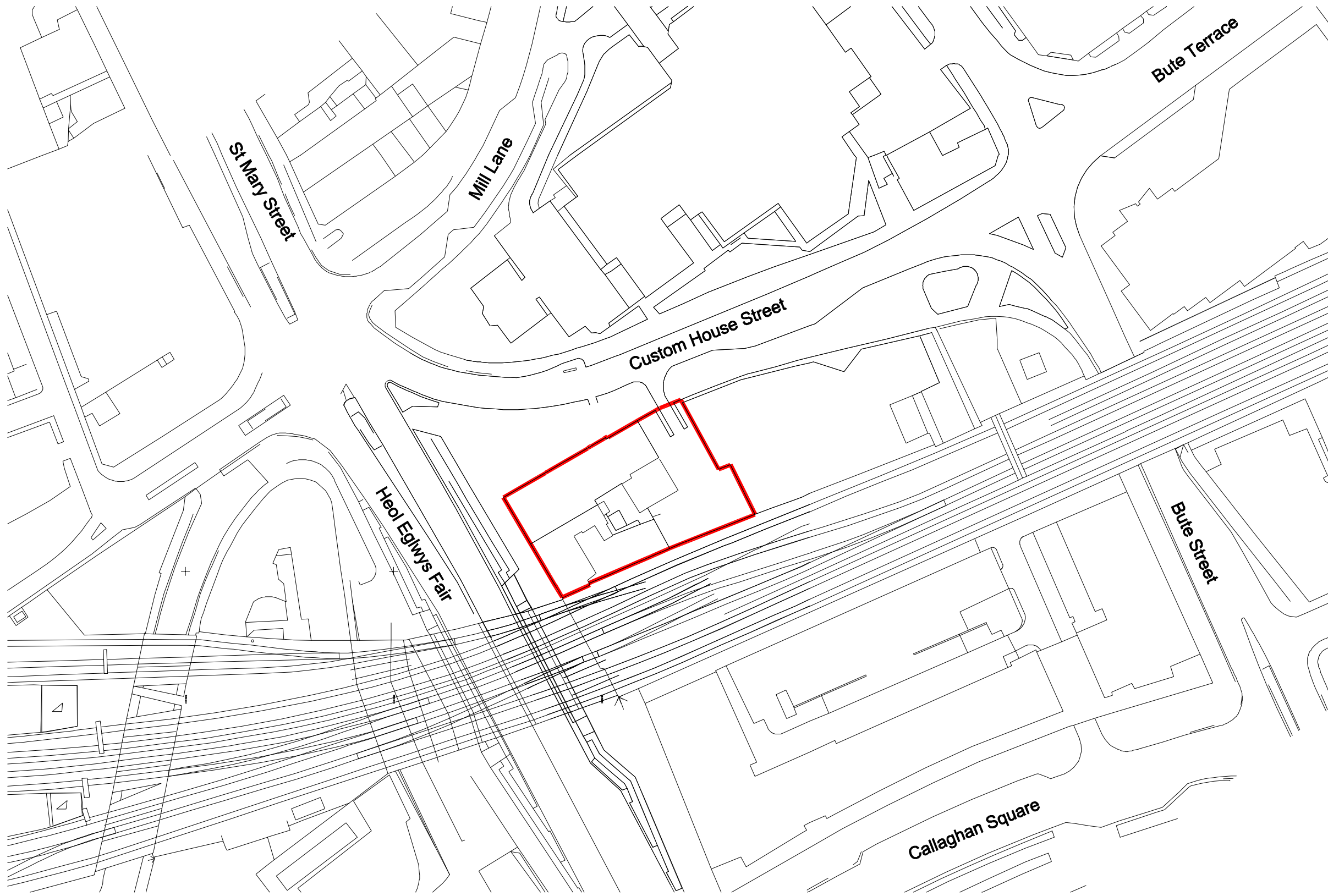
The Local Authority reserve the right to combine the required financial contributions alongside other contributions to undertake any larger comprehensive scheme of public realm/environmental improvements within the constraints of CIL regulations as might benefit the area generally and as might be accrued from adjacent or nearby developments in the area .


10. **CONCLUSION**

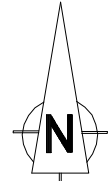
- 10.1 That the development is acceptable and that the granting of planning permission be recommended subject to the signing of a legal agreement and subject to conditions.

Custom House, Cardiff.

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 Application Site
0.4 Acres
0.16 Ha



morgan hayman

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Project: Custom House
Client: Ascent Development Ltd
Drawing Title: Site Location Plan

Location Plan

Drawn	Checked	Scale	Original	Date
HM	ARM	1:1000	A3	August 2015
Job Number	Drawing Number	Revision	Status	
2876	PL	101	Planning	



2876

Custom House Customhouse Street Cardiff - PL1000