COMMITTEE DATE: 13/01/2015

APPLICATION No. 15/02766/MJR APPLICATION DATE: 04/11/2015

ED: BUTETOWN

APP: TYPE: Full Planning Permission

APPLICANT: J R SMART LOCATION: BLOCK H, CAPITAL QUARTER, TYNDALL STREET, ATLANTIC WHARF, CARDIFF, CF10 4BG PROPOSAL: 6-7 STOREY OFFICE BUILDING, NUMBER 3 CAPITAL QUARTER WITH LOWER GROUND FLOOR PARKING

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

- 1. C01 Statutory Time Limit
- 2. No development shall take place until samples of the external finishing materials have been 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.
- No development shall take place until a scheme showing the architectural detailing of the main elevations of the building has been submitted to and approved in writing by the 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.
- 4. C4P Landscaping Design & Implementation Pro
- 5. C4R Landscaping Implementation
- 6. The rating level of the noise emitted from fixed plant and equipment on the site shall not exceed the existing background noise level at any time by more than 5dB(A) at any residential property when measured and corrected in accordance with BS 4142: 1997 (or any British Standard amending or superseding that standard). Reason: To ensure that the amenities of future occupiers of the development and occupiers of other premises in the vicinity are protected.
- 7. C3S Cycle Parking
- 8. E3D Retain Parking Within Site

- 9. C3O No Additional Access
- 10. C3F Details of Access Road Junction
- 11. No part of the development hereby permitted shall be commenced until a scheme of construction management has been submitted to and approved by the Local Planning Authority, to include as required details of site hoardings, site access and wheel washing facilities. Construction of the development shall be managed strictly in accordance with the scheme so approved.

Reason: In the interests of highway safety and public amenity.

12. The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul and surface water has been submitted to, and approved in writing by, the Local Planning Authority. No part of the development shall be occupied until the scheme is carried out and completed as approved.

Reason: To ensure an orderly form of development.

13. 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 are minimised.

- 14. Piling or any other foundation designs using penetrative methods shall not be permitted without the express written consent of the LPA, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. Reason: To minimise the risk of pollution of controlled waters.
- 15. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Consequences Assessment Statement submitted by RVW Consulting (Report: Rep 01 Dated: October 2013), and the following mitigation measures detailed within the FCA Statement: Finished floor levels of the proposed development shall be set no lower than 7.5 metres above ordnance datum (AOD).

Reason: To reduce the impact of flooding on the proposed development and future occupants.

- 16. Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation to be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes. Subject to approval of the above, verification sampling of the material received at the development site is required to verify that the imported soil is free from contamination and shall be undertaken in accordance with a scheme agreed with in writing by the Local Planning Authority. Reason: To ensure that the safety of future occupiers is not prejudiced.
- 17. Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation to be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes. Subject to approval of the above, verification sampling of the material received at the development site is required to verify that the imported aggregate is free from contamination and shall be undertaken in accordance with a scheme agreed with in writing by the Local Planning Authority.

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

18. No development shall take place until a scheme for the investigation and recording of any archaeological features has been submitted to and approved in writing by the Local Planning Authority. The implementation of the works shall be carried out in accordance with the approved scheme.

Reason: To identify and record any features of archaeological interest discovered during the works.

RECOMMENDATION 2: 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 3: The contamination assessments and the affects 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, aggregrates and recycled or manufactured aggregrates/ soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site:
 - Unprocessed / unsorted demolition wastes.
 - Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
 - Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and
- (iii) the safe development and secure occupancy of the site rests with the developer.

Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land. The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land can be considered free from contamination.

RECOMMENDATION 4: In relation to the public sewer that runs close to the eastern boundary of the site the applicant is referred to the contents of the DCWW consultation response dated 7.12.15 which has been forwarded to the agent.

1. DESCRIPTION OF PROPOSED DEVELOPMENT

- 1.1 A detailed planning application for office accommodation (Number 3 Capital Quarter) with undercroft parking and associated landscaping works immediately to the west of Number 2 Capital Quarter (outline consent Block G) offices on Tyndall Street.
- 1.2 There is a 2009 outline consent (renewed in 2013) for the wider Capital Quarter site for a 4-6 storey L-shaped office block (5,900 sqm) with ground floor undercroft parking (28 spaces) at this location (Block H of Phase 2 of the outline consent).
- 1.3 The proposals are for a 7 storey office building (8,700 sqm). The layout of the block on the site and the height and massing differ from the outline consent.

The proposals are for a square atrium style office block mirroring the layout, scale and appearance of Number 2 Capital Quarter immediately to the east.

- 1.4 Because of the significant increase in office floor area and consequent changes to the envelope of the building the applicant was advised that a detailed application was required.
- 1.5 The proposal is for Grade A flexible office space arranged around a central atrium and fronting on to Tyndall Street and the new access road. The main entrance is located on the SE corner at the main entrance to the development and is indicated by a reduction in the building's massing on this corner and a prominent double height entrance lobby accessed by steps and ramp from Tyndall Street.
- 1.6 The building is similar in height to Number 1 and Number 2 Capital Quarter office developments, and shares a similar architecture with No. 2 offices, making use of a palette of extensive areas of glazing and horizontal brise soleil elements to the Tyndall Street elevation and SW corner, and aluminium rainscreen cladding and glazing to the other sides.
- 1.7 The building is set back at ground floor level on the Tyndall Street elevation which allows for the introduction of a one and a half storey high colonnade with circular concrete columns, and trees and landscaped buffer to the footway. There is a rooftop terrace to the SE corner.
- 1.8 The ground floor is 1.5m higher than the Tyndall Street footway at the SE corner to address the site topography. This allows for an undercroft (lower ground floor) accessed from the new access road as per the outline consent. Parking, bin and bike stores and staff changing areas are accommodated on this floor.
- 1.9 A total of 12 car parking spaces and 36 cycle spaces are provided to the undercroft. 7no. visitor cycle spaces are provided at the NE corner of the building. Rooftop plant is located to the rear of the building and screened.
- 1.10 Servicing is from the new access road which serves Block G, the MSCP and the remaining Phase 2 development. Collections/ deliveries will be undertaken from on-street.
- 1.11 The principles of the landscaping of the periphery of the site have been approved as part of the discharge of conditions on the outline consent. An indicative landscaping scheme (including tree planting to the edges of the site) conforms with the outline scheme.
- 1.12 The application is accompanied by the following information:
 - Transport Statement;
 - Design and Access Statement (DAS);
 - Flood Consequences Assessment and Drainage Strategy;
 - Outline Building Strategy (Sustainability) Report;
 - External Building Fabric Review (acoustics);

• Landscape Strategy.

2. **DESCRIPTION OF SITE**

- 2.1 The wider Capital Quarter site of which this site forms part is located on the on the south-east edge of the city centre and was formerly known as the Tyndall Street Industrial Estate.
- 2.2 The larger site was granted outline planning permission in December 2009 (planning permission 08/02740/C) for a mixed use development including offices, a hotel, a care home, student accommodation, an aparthotel, and A1 and A3 uses. Driscoll Buildings offices on Ellen Street and Block A offices are occupied, and Block G offices (Number 2 Capital Quarter) are nearing completion. The period for submission of reserved matters was recently extended for a further 3 years (PP 12/1716/DCI).
- 2.3 The masterplan zones the site and defines the scale of the building and access to the site. The associated legal agreement secured a financial sum to be spent on a footbridge across the adjacent railway. The new replacement footbridge was granted planning permission in April 2009 (application ref. 08/02789/C) and the bridge was completed in 2014.
- 2.4 The site is roughly square in shape and flat with an area of 0.21ha and has been cleared. The site is bounded, on its north side, by an east-west pedestrian site and to the east by the completed new access road and Number 2 Capital Quarter which is nearing completion. To the south is Tyndall Street. The area to the west of the site is yet to be developed.
- 2.5 The site is not in, nor near, a conservation area, and there are no listed buildings affected by the proposals.

3. PLANNING HISTORY

- Planning permission 12/1716/DCI granted in October 2013 to vary condition 1C of outline consent 08/2740C to extend the period for the application for approval of reserved matters for a further 3 years.
- Outline planning permission 08/2740C granted in December 2009 for a mixed use development including offices, a hotel, a care home, student accommodation, an aparthotel, and A1 and A3 uses. Block H (the subject of this application) forms part of phase 2 of this outline planning permission and is for an office development (5,900 sqm) with undercroft parking.

Related site history

- Planning permission 13/2267/DCI granted 16.1.14 for a 6-7 storey office building (Block G – Number 2 Capital Quarter) with undercroft parking and landscaping works.
- Planning permission 13/130/DCI granted November 2013 for a student housing development (602 beds).
- Resolution to grant PP 11/1099/DCI in August 2011 for a 296 space MSCP. Legal agreement yet to be signed (dependent on signing of tripartite

contract between developer, Council and Network Rail for delivery of footbridge).

- Approval of reserved matters 10/1054C granted in August 2010 for a 6-8 storey office block
- Planning permission 08/02789C granted in April 2009 for a replacement pedestrian footbridge.

4. **POLICY FRAMEWORK**

- 4.1 The site is located in a Business, Industry and Warehousing zone in the 1996 adopted Local Plan. There is no such zoning in the 2003 Deposit UDP. Immediately to the north of the site is the City Centre Principal Business Area of the adopted LP and the Central Business Area of the deposit UDP.
- 4.2 The policy framework for this advice is as follows:
 - Planning Policy Wales (Edition 7, July 2014)
 - City of Cardiff Local Plan (Adopted January 1996)
 - Cardiff Unitary Development Plan (to 2016)
- 4.3 The following Local Plan policies are considered to be of particular relevance:
 - Policy 11 Design and Aesthetic Quality
 - Policy 12 Energy Efficient Design
- 4.4 The following deposit Cardiff Unitary Development Plan policies are of particular relevance:
 - Policy 2.20 Good Design Policy
 - Policy 2.57 Access, Circulation and Parking
- 4.5 The following Supplementary Planning Guidance (SPG) is relevant:
 - Access, Circulation and Parking Standards (2010)
 - 4.6 Relevant National Policy Guidance
 - TAN 12: Design

5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 <u>Transportation:</u> The Council's Transportation Officer has no objection to the proposals subject to standard conditions on cycle parking, retention of parking, no additional access, and details of Access Road junction.
- 5.2 The application is supported by a Transport Statement that considers the impact of the proposals over and above that established by the extant permissions. The TS identifies that the proposed development amounts to an additional 1,055 sqm on top of that currently permitted and tested in relation to the outline proposals.
- 5.3 In summary the statement confirms that the additional floor area will add a maximum of 5 two way trips in the AM & PM peak hours, less than 1% of that assumed for the outline permission. It is therefore considered that the

proposed development will have no material impact on the operation of Tyndall Street, the new junction or the local highway network, and as such the submission is considered acceptable in this respect.

- 5.4 The Transport Statement also identifies the provision of 12 on-plot car parking spaces, along with 36 secure long stay and 7 external short stay cycle parking spaces; which is in accordance with the ranges identified in the Council's Access, Circulation and Parking Standards. I would therefore confirm that the proposed car parking provision, and layout shown in the submission, is considered to be acceptable.
- 5.5 It is also noted that the site is in a central location with good access to both rail and bus public transport services, and Cardiff's cycle network. The site is therefore considered to be very sustainably located and entirely appropriate for the proposed development.
- 5.6 <u>Highways and parks (Drainage):</u> No comments received.
- 5.7 <u>PC (Contaminated Land):</u> Consultation response will be reported to committee as a late representation.
- 5.8 <u>Waste Management:</u> No objection subject to the retention of a turning area on the access road.
- 5.9 <u>Trees Officer:</u> No objection subject to the planting of a greater variety of trees and an improved design of tree pit, and a detailed upfront landscape scheme including aftercare methodology.

6. EXTERNAL CONSULTEE RESPONSES

- 6.1 <u>Welsh Water:</u> No objection subject to conditions requiring that no development take place within 9m either side of the centreline of the public sewer that crosses the site, and submission of a drainage scheme for approval by the LPA.
- 6.2 <u>Natural Resources Wales:</u> NRW has no objection subject to conditions relating to unsuspected contamination, surface water drainage, and piling. In relation to flood risk management NRW has considered the Flood Consequences Assessment Report and has no objection subject to a condition to ensure that the development is carried out in accordance with the FCA and proposed flood risk measures.
- 6.3 <u>South Wales Police:</u> No objection but make a number of recommendations on building security that have been forwarded to the agent.
- 6.4 <u>Glamorgan Gwent Archaeological Trust</u>: No objection subject to a condition requiring the implementation of a programme of archaeological work in accordance with an approved written scheme of investigation. The letter has been forwarded to the agent.

7. **REPRESENTATIONS**

7.1 The proposals were advertised as a major application in the press and on site, and Local Members and neighbours were consulted. No representations have been received.

8. ANALYSIS

Land Use

8.1 The principle of office accommodation with undercroft parking has been established by the outline consent for the wider Capital Quarter site, and is considered acceptable in terms of land use policy.

<u>Design</u>

8.2 The height, massing, and footprint of the building, although larger, is broadly in line with the outline consent and is acceptable. The design complements the Block G office block to the east and creates an appropriate gateway to the Capital Quarter site, and establishes a building line and good quality streetscape for the northern edge of Tyndall Street.

Landscaping

8.3 The principles of the public realm/ landscaping of the perimeter of the site have been approved as part of the discharge of conditions on the outline consent. The submitted indicative landscaping scheme (including tree planting to the edges of the site) conforms with the outline scheme. Standard landscaping conditions are imposed.

Transportation

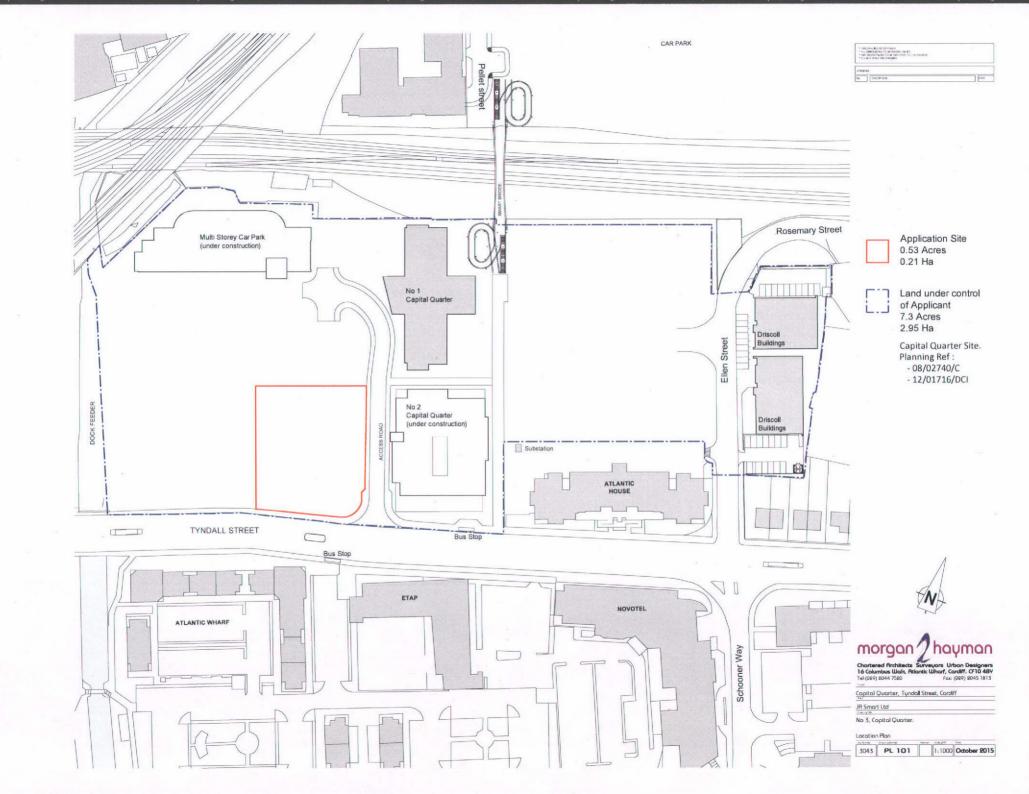
8.4 The proposals are acceptable in relation to parking provision and the impact on Tyndall Street and the local highway network.

S106 Matters

8.5 A contribution towards the construction of the replacement pedestrian footbridge was secured under the outline consent. No further planning obligations are requested.

CONCLUSION

9.1 In conclusion the proposals do not raise any land use, design or access/transportation concerns. The grant of planning permission is recommended subject to conditions being imposed.







PL1002 - Number 3 Capital Quarter view from Tyndall Street Looking West

15/02766/m SR



Chartered Architects Surveyors Urban Designers 16 Columbus Walk, Atlantic Wharf, Cardiff. CF10 4BY Tel:(029) 2044 7520 Fax: (029) 2045 1813