

LOCAL MEMBER OBJECTION

COMMITTEE DATE: 9/3/2016

APPLICATION No. **15/2820/MJR**

APPLICATION DATE: 18/11/2015

ED: **CATHAYS**

APP: TYPE: Full Planning Permission

APPLICANT: Watkin Jones Group

LOCATION: LAND BOUND BY CUSTOM HOUSE STREET, BUTE STREET AND HOPE STREET, CARDIFF

PROPOSAL: APPLICATION FOR PLANNING PERMISSION FOR THE REDEVELOPMENT OF THE SITE FOR A MIXED USE DEVELOPMENT COMPRISING OF PURPOSE BUILT STUDENT ACCOMMODATION (447 BED SPACES) AND A RETAIL/COMMERCIAL UNIT (CLASSES A1 AND A3) WITHIN A 42 STOREY TOWER, TOGETHER WITH LANDSCAPING, ANCILLARY AND COMMUNAL FACILITIES

RECOMMENDATION 1: That, subject to relevant parties entering into a binding planning obligation in agreement with the Council under **SECTION 106** of the Town and Country Planning Act 1990, within 6 months of the date of this resolution unless otherwise agreed by the Council in writing, in respect of matters detailed in paragraph 9.2 of this report, planning permission be **GRANTED** subject to the following conditions:

1. C01 Statutory Time Limit
2. The consent relates to the application plans numbered:
 - AS00 Existing Site Plan
 - AS01 Existing Site Location Plan
 - AS10A Proposed Site Plan
 - AL00A Level 0 Floor Plan
 - AL01A Level 1 Floor Plan
 - AL02A Level 2-17 Floor Plan
 - AL18A Level 18 Floor Plan
 - AL19A Level 19-22 Floor Plan
 - AL23A Level 23-34 Floor Plan
 - AL35A Level 35 Floor Plan
 - AL36A Level 36-38 Floor Plan
 - AL39A Level 39 Floor Plan
 - AL40A Level 40 Floor Plan

- AL41A Level 41 Floor Plan
 - AL42A Level 42 Floor Plan
 - AL10A Proposed Coloured Context Elevations 01
 - AL11A Proposed Coloured Context Elevations 02
 - AL12A Proposed Coloured Elevations 01
 - AL13A Proposed Coloured Elevations 02
 - AX01 Proposed Site Section AA
 - AX02 Proposed Site Section BB
 - ASK15 Façade Details 01
 - ASK16 Façade Details 02
 - ASK17 Façade Details 03
 - ASK18 Façade Details 04
 - ASK19 Façade Details 05
 - 1566401/P/GA/001C Hard and Soft Landscape Proposals
- Reason: The plans form part of the application.

3. Any A3 use shall be restricted to café/ restaurant type uses where the primary function is the sale and consumption of food within the premises, and for no other A3 Use Class unless otherwise agreed in writing by the LPA.
Reason: To ensure the amenity of future residents and occupiers of other premises in the vicinity are protected.
4. E1B Samples of Materials
5. 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 and the development shall not be brought into beneficial use until the approved scheme is implemented. Reason: To ensure a satisfactory finished appearance to the building.
6. Prior to the commencement of development the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
 - A site investigation scheme to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - The site investigation results and the detailed risk assessment and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - A verification plan providing details of the data that will be collected in order to demonstrate that the approved scheme is complete and

identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved. Reason: The controlled waters at this site are environmentally sensitive and contamination is known on site.

7. Prior to occupation a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority. Reason: To demonstrate the remediation criteria relating to controlled waters have been met, and (if necessary) to secure longer-term monitoring of groundwater quality.
8. Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the Local Planning Authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority. Reason: To ensure that longer term remediation criteria relating to controlled waters have been met.
9. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place unless otherwise agreed in writing until a scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following remediation a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the Local Planning Authority within 2 weeks of the discovery of any contamination. Reason: To ensure that the safety of future occupiers is not prejudiced.

10. D7Z Imported soil
11. E7Z Imported aggregates
12. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, 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: There is an increased potential for pollution of controlled waters from inappropriate methods of piling.
13. 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.
14. No development shall take place until a site assessment, including ground permeability testing, has been undertaken to determine whether sustainable drainage techniques can be utilised, and a drainage scheme for the disposal of both surface water and foul water including any connection to the existing drainage system has been submitted to and approved by the Local Planning Authority. The works shall be implemented in accordance with the approved details. Reason: To ensure an orderly form of development.
15. D7G Road Traffic Noise
16. A scheme of sound insulation works to the floor/ceiling and party wall structures between the commercial units and any residential accommodation shall be submitted to and agreed by the Local Planning Authority in writing and implemented prior to occupation. Reason: To ensure that the amenities of future occupiers are protected.
17. No member of the public shall be admitted to or allowed to remain on the premises of the ground floor retail unit between the hours of 12:00 midnight and 06:00 on any day. Reason: To ensure the amenity of future residents and occupiers of other premises in the vicinity are protected.
18. There shall be no arrival, departure, loading or unloading of delivery vehicles between the hours of 20:00 and 08:00. Reason: To ensure

that the amenities of future residents and occupiers of other premises in the vicinity are protected.

19. 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 the current British Standard 4142. Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.
20. No above-ground development shall take place until a scheme showing details of the 150 undercover and secure cycle parking spaces has been submitted to and approved in writing by the Local Planning Authority and the development shall not be brought into beneficial use until the approved scheme is implemented. Reason: To ensure that adequate provision is made for the secure parking of cycles.
21. 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 but not limited to, details of site/compound, details of highway/footway closures, site hoardings and access/egress, etc. 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.
22. No part of the development hereby permitted shall be occupied until a travel/ parking/ traffic/ resident/ letting management plan to include 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; and 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.
23. C4P Landscaping Design and Implementation Pro
24. C4R Landscaping Implementation.
25. Details of the strategy for dealing with the storage, recycling and collection of waste shall be submitted to and approved by the Local Planning Authority and the scheme shall be constructed in accordance with the approved details prior to the development being put into beneficial use. Reason: To ensure that the amenities of the area are protected.

26. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The works shall be implemented in accordance with the scheme. Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

RECOMMENDATION 2: The highway works condition and any other works to the existing public highway (to be undertaken by the developer) are to be subject to an agreement under Section 278 Highways Act 1980 between the developer and Local Highway Authority.

RECOMMENDATION 3: R4 Contamination and unstable land advisory notice

RECOMMENDATION 4: R1 Construction Site Noise

RECOMMENDATION 5: Aviation warning lighting is not a statutory requirement in this case because the building is less than 150m tall. However given the height of the building the applicant is advised to liaise with the CAA and Cardiff Heliport to ascertain whether it would be appropriate for the top of the building to be lit because of the proximity of the visual reporting point (VRP) near Cardiff Heliport.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 A detailed application for redevelopment for a 42 storey mixed use development comprising purpose built managed student accommodation and a ground floor commercial/ retail unit.
- 1.2 The student accommodation (447 bedspaces) comprises 46 one bedroom apartments, 114 studio bedrooms and 41 cluster flats (287 bedspaces). A studio unit is a self-contained unit with kitchen, dining and living facilities. A cluster unit is a unit with 7 single bedrooms and shared kitchen, dining and living facilities.
- 1.3 Communal facilities include common rooms at levels 01 and 18 and the sky lounge which is located within the top 3 storeys (levels 39, 40 and 41). The sky lounge (156 sqm) can also be used for managed events. Laundry, refuse store, cycle store and plant room are located on the ground and first floors.
- 1.4 The single main entrance for the student accommodation is located on the principal Customhouse Street frontage and leads directly to a 24 hour reception area. Access to bike storage is from the lane adjacent to the railway line.

- 1.5 The ground floor retail unit of 46 sqm has its own dedicated entrance and is located at the junction of Customhouse Street and Hope Street. A1 and A3 use classes are applied for. The intention is that this will be used for retail, restaurant or café uses.
- 1.6 The new building is 132m high and will be significantly taller than neighbouring tall buildings and the tallest building in Cardiff and, by virtue of its height, a landmark and a significant element in the city's skyline. Design development has therefore focused on the form and silhouette of the building. A number of verified views were agreed early in the discussions and these, together with closer street views, have been used to assess the landscape and visual impact of the building on the city skyline, and arrive at the final design.
- 1.7 The constrained corner site has resulted in a small footprint and a tall slim tower. During pre-application discussions the building form has been simplified down to 3 elements and greater height differential between the 3 elements has been introduced to reduce mass at the top of the building and create a more distinctive form and silhouette.
- 1.8 The palette of building materials is limited to a fibreglass reinforced concrete (GRC) cladding panel in different shades of dark grey, punctured by flush, frameless window openings emphasised by the introduction of anodised aluminium cladding panels in a range of bronze colours to contrast with the darker concrete cladding.
- 1.9 The fully glazed façade to the reception and retail unit to the underside of the second floor creates a double storey glazed façade to the principal elevations.
- 1.10 The glazed façade at the base of the building is stepped and framed within a lighter coloured cladding to contrast with the main form and colour of the building above, including a projecting first floor communal lounge overlooking a potential siting-out area for a ground floor A3 café/restaurant use.
- 1.11 The proposals aim to achieve a BREEAM 'very good' rating.
- 1.12 The following information is submitted:
 - Design and Access Statement
 - Planning and Student Accommodation Statement
 - Community Involvement Statement
 - Desk-based Archaeological Assessment
 - Draft Construction Management Plan
 - Ecological Appraisal
 - Energy Statement
 - Flood Consequences Assessment

- Arboricultural Assessment and Tree Survey
- Student Management Plan
- Wind Assessment
- Sustainability Statement
- Phase 1 Geo-environmental Preliminary Risk Assessment (Desk Study)
- Phase 2 Geo-environmental Investigation
- Transport Statement
- Framework Travel Plan
- Ambient Noise and Vibration Assessment
- Contaminated Land Statement
- Daylight and Sunlight Assessment
- Air Quality Impact Assessment
- Heritage Statement
- Landscape and Public Realm Design Statement

1.13 In accordance with the T&CP Environmental Impact Assessment (England and Wales) Regulations 1999 the development was screened to consider whether the scale of the proposal would require the submission of an Environmental Statement (ES) to assess the environmental impact of the development.

1.14 The screening opinion dated 9.10.15 concluded that an ES is not required for the following reasons:

- a) In relation to size the development proposes a 135m high slender tower which will form part of a cluster of high rise buildings on the southern edge of the city centre. The development will be highly visible from around the city and a visual impact assessment has been carried out based on a number of verified key views agreed with the Council. The visual impact of the development on the city's skyline is considered to be beneficial given the form and silhouette of the tower and the cumulative impact when viewed together with the other tall buildings in the vicinity, which include a hotel of 21 storeys and an apartment block of 23 storeys within a 150m radius of the site.
- b) The development is not located within, nor is it close to, an environmentally sensitive location as defined by Schedule 3 of the regulations, and there are no areas around the location which contain important, high quality or scarce resources which could be affected by the development.
- c) The student residential use is a car-free development (no parking provision is proposed) and will not therefore result in any additional traffic movements or associated noise and emissions, and will not give rise to any unusually complex or potentially hazardous environmental effects.

In conclusion the environmental impact is capable of being considered as part of the normal planning application process and the application does not therefore require the submission of an Environmental Statement.

- 1.15 An early iteration of the scheme was presented to the Design Commission for Wales on 16.7.15. The Commission was supportive of a tall building for student housing on the site but raised concerns over the design of the top of the tower, and stressed the need for elegant simplicity of form, and the importance of a key views analysis to fully assess its impact on the City's skyline. The façade treatment and palette of materials must be of the highest quality for what will be the tallest building in Wales and some doubts were expressed over whether this could be achieved given that it is for student housing. The importance of active uses at ground floor and a high quality public realm was emphasised.

2. **DESCRIPTION OF SITE**

- 2.1 The 0.06 ha application site is located on the corner of Customhouse Street and Bute Street immediately to the north of the mainline railway. It is located in the Central Business Area, to the south of the city centre commercial hub in a highly sustainable location close to public transport and city centre facilities. The Central Train and Bus Stations are c. 300m to the west, Queen Street Station is approximately 800m to the east. The University of South Wales Cardiff campus is 350m to the north-east, the Cardiff University campus is 1.1 km to the north.
- 2.2 The cleared site has been undeveloped and hoarded off since the early 1980s when the buildings were demolished to make way for the widening of Customhouse Street.
- 2.3 The site is bounded to the north by Customhouse Street and directly opposite the site is the Grade II listed 2 storey Golden Cross PH. Further to the north is the St. David's 2 Shopping Centre. To the east is Bute Street and the 21 storey Radisson Blu Hotel and several large residential blocks of up to 23 storeys. To the south are the railway line and the 7 storey Eversheds office building fronting Callaghan Square. To the west is Hope Street a pedestrian/cycle route linking Callaghan Square to Customhouse Street, and beyond that the 4/ 5 storey Unison building and the Open University building.
- 2.4 Customhouse Street and Bute Street are both busy city centre thoroughfares and strategic bus routes. At the junction of these roads adjacent to the development site there is significant vehicle movement as vehicles enter the city centre and access the parking areas of John Lewis and St. David's shopping centre. Footfall around the site is comparatively low compared with other areas in the vicinity. This is likely to increase significantly as a result of this development and future development of the Callaghan Square area.

- 2.5 The site is adjacent to the strategic cycle route that runs from Callaghan Square, along Hope Street and east on Customhouse Street. This route links to the shared cycle route outside Golden Cross PH and north to the city centre.
- 2.6 The area has a diverse built environment which is very mixed in character, both in terms of uses and in terms of building ages, styles and heights from 2 to 23 storeys. Uses include offices, commercial, retail, hotels, leisure and residential.
- 2.7 The site is immediately adjacent to a number of tall and significant buildings which stretch along the fringes of the railway line on the southern and eastern boundaries of the city centre. The cluster of tall buildings is a significant feature of the city and its skyline. The buildings include the Radisson Blu Hotel adjacent to the site (75m high), the Alto Lusso apartments (c. 72m). The Ty Pont Hearn student housing block on Pellet Street is c. 63m high.
- 2.8 By way of background on tall buildings in Wales and the UK the tallest building in Cardiff is Capital Tower at c. 80m, the BT tower is c. 78m high. The tallest building in Wales is Meridian Tower in Swansea (107m high). The St. Mary Axe office building in London (the 'Gherkin') is 180m high, the Shard mixed use tower at London Bridge is 306m high. Beetham Tower in Manchester is 168m high.
- 2.9 The architecture of the immediate area around the site and along Bute Street is of varying quality. The materials of the more significant taller buildings are a mix of brick, white render (beginning to degrade and discolour), and medium or low quality metal cladding. The massing, form and detailing of these larger buildings is often very bulky, of a similar height, and generally unexceptional.
- 2.10 The site is not located in a conservation area. The nearest conservation area is St. Mary Street Conservation Area located 130m to the NW. The closest listed buildings are the Golden Cross PH immediately to the north of the site (see above), and the Grade II listed Customhouse building on Customhouse Street 50m to the west.
- 2.11 The site is located within the Cardiff Central Enterprise Zone (LDP Policy KP2A) immediately to the north of the emerging Callaghan Square and Capital Quarter commercial office areas.
- 2.12 *Development constraints:* Vehicular access to the site from Bute Street and Customhouse Street is not feasible because of level changes; circa 50% of the site is undevelopable because of below ground services; there is a 3m 'no build' strip adjacent to the railway line, and; vehicular access from Hope Street is limited because of 2.6m clearance underneath the railway bridge.

The site has been hoarded off and undeveloped since the 1980s and is an eyesore on a prominent city centre corner.

3. **PLANNING HISTORY**

- 96/75C Full PP granted for 4 storey office building with parking
- 97/289C Outline PP granted for office building, parking and landscaping
- 05/1084C Full PP granted in 2005 for class B1 offices, class A1/A3 kiosk, associated car parking and landscaping. Implemented except for retail kiosk and landscaped seating area proposed for the corner site, subject of this application.

For wider Callaghan Square redevelopment (which includes this site)

- Outline planning permission no. 98/529C was granted on 01/10/98 for a 52,000 square metre mixed use development comprising business, shops, financial & professional services, food & drink and residential uses, and car parking, access and landscaping.
- Permission no. 02/1158C, on 24/07/02, varied conditions 1C and 14 of outline planning permission no. 98/529C, prolonging its life and allowing more time for the submission of highway layout details.
- Permission no. 03/1781C, on 18/09/03 for varied conditions 1C, 14 and 24 of outline planning permission no. 02/1158C, prolonging its life, giving more time for the submission of highway layout details, and to deal with the implementation of the Cardiff Bay Barrage flood defence structure becoming operational.
- Permission no. 05/2530C, on 21/12/05 for varied conditions 1C and 14 of outline planning permission no. 03/1781C, further prolonging the time allowed by those conditions.
- Permission no. 07/2014C varied conditions 1C and 14 of outline planning permission no. 05/2530C, allowing until 30/09/09 for approval of reserved matters to be applied for in discharge of condition 1C, and until 31/12/09 for a highway works scheme to be submitted in discharge of condition 14 (and allowing until 31/12/10 for those works to be completed).
- Permission no. 09/1725C varied conditions 1C and 14 of outline planning permission no. 07/2014C to extend the periods for submission of reserved matters and highway works scheme.

4. **POLICY FRAMEWORK**

National policy

- 4.1 Planning Policy Wales (PPW) Edition 8, 2016 favours the sustainable re-use of previously developed land.
- 4.2 The following Technical Advice Notes (TANs) are relevant:
 - TAN 12: Design (2009)

4.3 The following policies of the recently adopted 2016 City of Cardiff LDP are relevant to the consideration of this application:-

- KP2(A) Cardiff Central Enterprise Zone and Regional Transport Hub
- KP5 Good Quality and Sustainable Design
- KP6 New Infrastructure
- KP7 Planning Obligations
- KP10 Central and Bay Business Areas
- C1 Community Facilities
- C5 Provision for Open Space, Outdoor Recreation, Childrens' Play and Sport
- EC3 Alternative Use of Employment Land and Premises
- EC4 Protecting Offices in the Central and Bay Business Areas
- EN3 Landscape Protection
- EN9 Conservation of the Historic Environment
- EN12 Renewable Energy and Low Carbon Technologies
- H6 Change of Use or Redevelopment to Residential Use
- R6 Retail Development (Out of Centre)
- R8 Food and Drink Uses
- T1 Walking and Cycling
- T5 Managing Transport Impacts

4.4 The following Supplementary Planning Guidance relates to the previous 1996 Local Plan. It is under review following the adoption of the LDP however it remains a material consideration in considering the application insofar as it is consistent with LDP policy:

- Tall Buildings (2009)
- City Centre Strategy (2007)
- Open Space (2008)
- Community Facilities and Residential Development (2007)
- Premises for Eating, Drinking and Entertainment in the City Centre (2000)
- Access, Circulation and Parking Requirements (2010)
- Waste Collection and Storage Facilities (2007)
- St. Mary Street Conservation Area Appraisal (2005)

5. **INTERNAL CONSULTEE RESPONSES**

5.1 **Land Use Policy:** The site is located within the Central Business Area (CBA) of the adopted Cardiff Local Development Plan (LDP). The main land use planning policy issues relate to:

5.2 **The acceptability of Student Accommodation at this location:** LDP Policy KP10 identifies that in addition to new offices residential uses are considered appropriate within the Central and Bay Business Areas. Whilst student accommodation is a 'sui generis' use, the nature of such a use exhibits many

characteristics of a typical high density city centre residential scheme, particularly in terms of impact on its surroundings/ environs, and the need to protect the amenity of future residents and adjoining businesses. It is acknowledged that student accommodation uses can be appropriate within city centre locations, as evidenced by similar recent student housing developments.

- 5.3 The original outline application 98/00529/C for Callaghan Square (which incorporates the application site) allowed for a mixed use development including provision for offices, retail, hotel, housing, leisure and non-residential institutions with all matters reserved. The total gross floorspace permitted was 52,000m², of which 40,750m² of B1 offices have been completed to date.
- 5.4 The acceptability of a Class A1 (Shop) use at this location: As the site is located outside the Central Shopping Area (CSA) of the City Centre and also falls outside of any designated District / Local Centres as identified within the LDP, any proposal for a Class A1 (shop) use at this location would have to satisfy the three tests of out-of-centre retail policy. In this regard and given the relatively small scale of the proposed unit at 50sqm, an element of convenience retail could be considered acceptable to serve the newly established population associated with the wider development. The sale of comparison goods would not be considered acceptable at this location and an associated condition could be attached that excludes the sale of comparison goods.
- 5.5 The acceptability of a Class A3 (Food and Drink) use at this location: Policy R8 of the LDP identifies the Central Business Area as an appropriate location, in principle, for food and drink uses, subject to amenity considerations. It does however state that food and drink uses can impact of residential uses in terms of noise, fumes, litter and late night disturbance. A condition could therefore be applied limiting any ground floor A3 use to a snack bar / café / coffee shop (excluding hot food takeaway) in order to safeguard the amenity of residential occupiers within the proposed development.
- 5.6 Strategic Planning (Regeneration) Considerations: 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.
- 5.7 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’.

- 5.8 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. Cardiff Local Development Plan Policy KP6 (New Infrastructure) seeks that new developments will make appropriate provision for, or contribute towards, necessary infrastructure required as a consequence of proposed development, including public realm improvements.
- 5.9 The applicant, in their Landscape and Public Realm Design Statement (November 2015) identify a series of potential public realm enhancements around the boundary of the site at Bute Street, Hope Street and Custom House Street, including the resurfacing of the footways/ carriageway, the realignment of a retaining wall to the north-east of the site in order to increase pedestrian movement space and a feature lighting scheme within the adjoining underpasses.
- 5.10 Taking into consideration the landmark nature of the proposal, it is requested that a scheme of public realm works be undertaken by the developer, including the following components (as identified on Plan 1: Proposed Public Realm and Highway Improvement Scheme):
- The resurfacing of the footways surrounding the site with new silver-grey exposed aggregate block paving (to match existing), extending to the edge of the adjacent building to the west and to the southern edge of the Hope Street and Bute Street underpasses.
 - The pedestrianisation and resurfacing of the carriageway within the Hope Street underpass and the installation of bollards at its southern boundary.
 - The inclusion of a black granite ‘café’ / street furniture zone between the application site and adjacent building at Hope Street.
 - That the soft landscaping / tree planting zones identified in the applicants Public Realm Statement incorporate an element of seating as an integral part of the planting areas.
 - That the blue clay paver banding is realigned to the edge of the adjacent building in order to tie-in with the public realm in the vicinity of the site.
 - Improvements to the pedestrian crossing facilities (guardrail rationalisation / kerb realignments) in the immediate vicinity of the site at the junction of Bute Street / Custom House Street / Hayes Bridge Road.
- 5.11 ***Parks Service:*** Based on the 2009 Cardiff Council Open Space Survey the Cathays Ward, in which the development is situated, is deficient in open space provision by 24.68 hectares. The quality and facilities of existing open

spaces also require improvement, with additional capacity to take into account the increased residential population resulting from the development.

- 5.12 Demand for usage of the existing open spaces would increase in the locality as a result of the development and therefore the Council considers it appropriate that an off-site contribution is made, calculated in accordance with the guidelines set out in the 2008 Open Space SPG.
- 5.13 Based on no public open space being provided on-site and on an occupancy rate of 447 the contribution will be £233,963 (including the 6% development control administration fee).
- 5.14 The Public Open Space Contribution shall be used by the Council towards the design, improvement and/or maintenance of public open space within the locality of the development site.
- 5.15 **Community Facilities:** The Neighbourhood Regeneration Officer notes that the development proposes some limited onsite community facilities for the new student population and comments as follows:
- 5.16 Whilst acknowledging that some provision of communal facilities is made within the proposed development, 287 of the students would be accommodated within 'cluster bedspaces'. Consequently, some of the 'communal facilities' are argued to be basic living space for these students, rather than an additional communal facility.
- 5.17 In light of this, it is considered reasonable for an adjusted contribution of **£117,670** to be made, reflecting the provision of some communal space. This has been calculated based on a £410 contribution per person, for 287 beds (not 447 beds as shown on the submitted plans).
- 5.18 Community facilities in the locality of the proposed development are likely to experience an added pressure as a result of the new population. It is envisaged that a forthcoming community facilities contribution would be directed towards these facilities:
- **Butetown Community Centre** – a financial contribution could be spent on adaptations to this facility, and equipment to accommodate increased and changing uses.
 - **Butetown Youth Pavilion** – community facility funding could be spent on adaptations and equipment to accommodate increased use.
 - **Local shops on Bute Street and James Street** – the improvement of local and neighbourhood shopping centres is included in the definition of community facilities. Improvements to the shopping centre could include environmental regeneration.

- 5.19 **Transportation:** The Officer has no objection subject to standard cycle parking, student travel plan, highway works and construction management conditions. He makes the following comments:
- 5.20 The 2010 Access, Circulation and Parking Standards SPG confirms that up to one car parking space per 25 beds may be provided for operational use and that there is no requirement for on-site resident car parking for the sui generis use of student accommodation. In addition, established practice is that one cycle parking space should be provided per two beds for the proposed type of development.
- 5.21 However being mindful of the central, extremely sustainable location of the site and that of the proposed use, the Officer is satisfied that the proposed development is compliant with adopted parking policy as submitted, with no on-site car parking and resident cycle parking at 1 space per 3 beds.
- 5.22 With reference to location and wider development considerations, it is noted that the site is in a central location immediately adjacent to the City Centre, with direct access to local employment, leisure, shopping and university facilities. The site is also within an area where walking, cycling and public transport offer viable daily alternatives to use of a private car; having very good access to both bus and train based public transport services and Cardiff's cycle network. The site is therefore considered to be very sustainably located in transport terms and entirely appropriate for the proposed form of development.
- 5.23 It is nonetheless noted that the introduction of up to circa 480 residents who will be reliant on walking and cycling for daily journeys will put additional pedestrian traffic onto adjacent footways and crossings at the Bute Terrace junction north east of the site; footways and crossing which are of a restricted size and a layout that is not ideally suited to use by larger numbers of pedestrians.
- 5.24 A condition/S106 commitment is therefore sought to capture the public realm improvements envisaged in the application, along with inclusion of a scheme of works aimed at improving the user experience and capacity of the adjacent crossing facilities by removing guardrail and widening where possible footways and islands within the junction.
- 5.25 However in this respect it must be noted that the adjacent Bute Terrace junction is critical to the current operation of the highway network and as such it is not possible to make major interventions or changes to the layout or signal operation at this time. Any pedestrian crossing improvements must therefore respect the currently sensitive nature of the local highway network.

- 5.26 The Officer is 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 students at the start and end term. The management plan will also assist with the control of access to and student car parking within the site and surrounding area.
- 5.27 It should also be noted that separate licences/permissions will be required for:
- Tables & chairs on Hope Street
 - Oversailing/ projection above the GF A3 unit
 - Any subterranean structures
 - Provision/maintenance of public art/lighting
 - Potential modifications to existing TROs adjacent to the site.
- 5.28 All costs associated with securing and maintain the above (or any other) licences or permissions required to facilitate the development must be met by the developer/operator as appropriate to the licence/activity.
- 5.29 It should also be noted that all of the area identified for the highway public realm works is adopted, but subject to a PFI agreement, which will necessitate engagement with the PFI body during design and implementation of the works.
- 5.30 **Highways (Drainage):** No comments have been received.
- 5.31 **Pollution Control (Contaminated Land):** No objection subject to unforeseen contamination, imported aggregates, and use of site won materials conditions, and a contamination and unstable land advisory notice.
- 5.32 The Officer has also confirmed that she is happy for the contaminated land, remediation and verification plan, remediation and verification implementation, and piling conditions requested by NRW (to address concerns over the potential for contamination of groundwater) are attached to any permission.
- 5.33 **Pollution Control (Noise & Air):** The PC Officer notes that the mitigation measures proposed in the Ambient Noise and Vibration Assessment are acceptable and requests a pre-commencement condition requiring submission of details of the proposed wall construction and window specifications (including ventilation specifications).
- 5.34 **Waste Management:** Confirms that the refuse storage arrangements shown in the refuse strategy plan are acceptable provided the following refuse collection frequency is arranged: General waste collected 6x per week; Recycling collected 6x per week; Food waste collected 2-3x per week. The refuse details supplied in the Transport Statement are also acceptable.

5.35 **Trees:** The Trees Officer provided detailed comments which were forwarded to the agent and discussed with their landscape and tree consultant. As a result of the discussions the Tree Officer is happy with the amended plan and looks forward to full details to discharge the landscaping condition.

6. **EXTERNAL CONSULTEE RESPONSES**

6.1 **Welsh Water:** No objection subject to a condition requiring submission of a drainage scheme that includes details of points of communication for foul water, a surface water drainage strategy informed by the findings of percolation tests which demonstrates surface water drainage consistent with sustainable drainage principles, and details of any surface water communication with the public sewer. The DCWW response has been forwarded to the applicant.

6.2 **GGAT:** The proposal will require mitigation. A condition requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource (a watching brief) should be attached to any consent.

6.3 **South Wales Police:** No objection. SWP confirm that community safety and security issues have been addressed through the design process. The applicant has indicated that they wish to work with SWP to achieve 'Secured by Design' standards.

6.4 **Natural Resources Wales:** No objection subject to conditions to address potential contamination of groundwater. The NRW response has been forwarded to the applicant.

6.5 **Network Rail:** No objection subject to standard Network Rail comments and requirements for the safe operation of the railway and the protection of Network rail's adjoining land. These have been forwarded to the applicant.

6.6 **Wales & West Utilities:** A map has been provided showing the gas governor and the route of gas pipelines across the site. The developer is requested to liaise with the provider before commencing any construction work and advised that there shall be no building over any plant or enclosure of apparatus. The response has been forwarded to the applicant.

6.7 **Western Power Distribution:** No comments have been received.

6.8 **CADW:** No comments have been received.

7. **REPRESENTATIONS**

- 7.1 The proposals were advertised as a major application in the press and on site, and neighbours and Local Members were consulted. A public consultation exercise was organised by the applicant and took place at the Radisson Blu Hotel on 8th July 2015.
- 7.2 Letters of objection have been received from Cllr. Clark (Cathays), Knight Frank LLP on behalf of the Radisson Blu Hotel, and Howard Kennedy LLP on behalf of Unison House.
- 7.3 Comments have been received from Gerald Eve LLP on behalf of the Marriott Hotel, from Mr. Arun Rangunathan, resident of Altolusso Apartments, and Mr. Corsi, resident of Llandough.
- 7.4 Cllr. Clark objects on the following grounds:
- Excessively tall building out of scale with surrounding buildings;
 - Design of tall building not of required exceptional quality;
 - Black colour not in keeping with surrounding tall buildings;
 - Overshadowing/ overlooking of Radisson Blu Hotel;
 - Quality/durability of proposed materials;
 - No objection to principle of student housing on the site but should not be considered until there is a robust overall strategy for student accommodation in the city in place – including this and the Watkin Jones Bridge Street application over 5,000 student beds have been approved in high rise blocks close to the city centre over the last 5 years;
 - Residents of Altolusso Apartments and Meridian Plaza not consulted.
- 7.5 Knight Frank LLP on behalf of the Radisson Blu Hotel objects on the following grounds:
- The application has not been correctly screened - the screening relates to a 35 storey building and not the 42 storey building subject of the application under consideration;
 - The proposal presented at the July 2015 public engagement event was for a tower up to 35 storeys high and does not reflect the 42 storey submitted scheme;
 - The Daylight and Sunlight Assessment has demonstrated that the proposed development would result in a scheme which would not comply with guidance and would have a negative impact on the daylighting and sunlight received by the Radisson Blu;
 - Overly conservative assessment of the impact of the development on the Grade II listed Golden Cross PH and on the St. Marys Street Conservation Area;
 - Overdevelopment of the site resulting in excessive height and a building which is totally out of keeping with its surrounding context.

- 7.6 Howard Kennedy LLP on behalf of Unison House objects on the following grounds:
- Description to be amended to clarify student housing accommodation as a 'sui generis' use;
 - Excessive height of the building is emphasised by its slender form making it out of place in relation to its neighbours and over-dominant in the city skyline;
 - Development is detrimental to the amenity enjoyed by Unison House and result in a sense of enclosure on the block, in particular overlooking, daylight and sunlight;
 - No cumulative visual impact assessment undertaken, i.e. taking into account other tall buildings in the pipeline;
 - Oversaturation of student housing in the area;
 - A large student housing scheme is in conflict with the Enterprise Zone designation of the area;
 - Student housing in close proximity to the city centre likely to worsen the 'drinking culture/ rowdy behaviour' image of the city;
 - Negative impact of the development on the setting of the Grade II listed Golden Cross PH and on the Grade II listed Customhouse building;
 - Impact on traffic of influx of vehicles at start and end of term times;
 - Non-compliant cycle storage provision;
 - Potential for uncomfortable wind microclimate;
 - Concern that planning obligations necessary to make the development acceptable are not being actively sought.
- 7.7 Gerald Eve LLP makes the following comments on behalf of the Marriott Hotel:
- The building may 'dwarf' other buildings in the vicinity;
 - The reduction in daylight and sunlight enjoyed by the Radisson Blu Hotel and the Golden Cross PH will be detrimental to their amenity;
 - Careful consideration should be given to the creation of a 'wind-tunnel' effect;
 - Fully supportive of student housing at this location;
 - Likely to be considerable traffic congestion from car movements at the start and end of term times;
 - Sufficient pedestrian and cycle controlled crossings are required to ensure safety in accessing the property;
 - Given the growth in popularity of cycling the proposed provision (<0.5 cycle spaces per student) is likely to be inadequate.
- 7.8 Mr. Ragnathan makes the following comments:
- Appreciates the plan;
 - Is there any information/ documentation relating to the impact of the construction works on neighbouring residents/

7.9 Mr. Corsi supports the height and location of the building but has concerns over the dark colour of the tower.

8. **ASSESSMENT**

Land Use

8.1 The application site is located in the LDP Central Business Area. The relevant LDP policy (KP10) states that, in addition to major office and commercial leisure uses, residential uses are considered appropriate. Residential development in the Central Business Area is considered to support the delivery of balanced mixed use areas which can create sustainable urban neighbourhoods, and contribute to the daytime and evening economy.

8.2 The site is also located in the Cardiff Central Enterprise Zone, one of eight strategic sites which collectively play a crucial role in delivering the LDP strategy. The relevant policy (KP2A) emphasises the area's role as economic driver of the city-region providing major employment uses focused on financial and business services, as well as a regional transport hub and other mixed uses, including residential.

8.3 In relation to residential uses a key masterplanning requirement is that densities will be maximised to make efficient use of city centre land in a highly accessible location.

8.4 Whilst student accommodation is a 'sui generis' use, the nature of such a use exhibits many characteristics of a typical high density city centre residential scheme, particularly in terms of impact on its surroundings / environs and the need to protect the amenity of future residents and adjoining businesses.

8.5 Loss of Employment Land/ Premises: In relation to policies EC3 Alternative Use of Employment Land and EC4 Protecting Offices in the CBA the site is not an existing office use, and there is therefore no loss of office use.

8.6 Furthermore the site is cleared and has remained undeveloped for more than 30 years. A previous planning consent (05/1084C) for office uses was partially implemented (Open University building and Unison House). However the application site, which has planning permission for a retail kiosk and landscaped sitting area, remains a prominent eyesore. The 'leftover' site is small and constrained and does not lend itself to the size and associated flexibility of modern office floorplate requirements.

8.7 Redevelopment of the site would not therefore result in the loss of a viable office site, or office premises.

8.8 Acceptability of student housing in the city centre: It is acknowledged by the LDP that student accommodation uses can be appropriate within city centre

locations, as evidenced by similar recent student housing developments: Summit House (83 bed spaces); Shand House (198 bed spaces); Northgate House (67 bed spaces); Windsor House (321 bed spaces, nearing completion); Capital Quarter, Tyndall Street (602 bed spaces, on site); Howard Gardens (671 bed spaces, on site); Caradog House (378 bed spaces, PP granted 2015); Fitzalan Court (355 bed spaces, PP granted 2016).

- 8.9 The strong demand for purpose-built student accommodation in Cardiff is likely to continue – data provided by the applicant indicates that of the approx. 35,000 full-time students studying at higher education institutes in the city only about 10,000 bed spaces are in purpose-built student accommodation, with a further 3,000 bed spaces in the pipeline (consented schemes).
- 8.10 Given the Council's policy framework, and the attractions to developers and student housing providers of a highly sustainable central location, a significant proportion of the purpose-built student housing shortfall is likely to be met in or close to the Central Business Area / Cardiff Central Enterprise Zone.

Design

- 8.11 *Impact on the city skyline and landscape setting:* The building is significantly higher than its immediate neighbours and will be the tallest building in Cardiff. LDP design policy KP5 requires tall buildings to be highly accessible for pedestrians and public transport, and located within an existing or proposed cluster of tall buildings.
- 8.12 The 2009 Tall Buildings SPG is under review following the adoption of the LDP. However it remains a material consideration in considering the application insofar as the SPG is consistent with LDP policy.
- 8.13 The SPG states that tall buildings will be assessed having regard to locational criteria, specifically that they will only be acceptable where they:
- Are located within easy walking distance of public transport hubs;
 - Create a positive feature in the city skyline;
 - Add to legibility of city and wider townscape;
 - Terminate or enclose important vistas;
 - Have a minimal visual impact on sensitive historic environments (including conservation areas and their setting).
- 8.14 The SPG also states that tall buildings will be assessed having particular regard to their design, specifically:
- Form and silhouette of the building;
 - Quality and appearance;
 - Impact and interface at street level;
 - Sustainable design

- 8.15 In terms of location the building is within easy walking distance of railway stations, the bus station, and the city centre shops and facilities, and is well served by buses with stops adjacent to the site. It is also centrally located for higher education institutions.
- 8.16 The visual impact on the city skyline and wider city landscape setting has been tested by means of a series of verified views from key viewpoints around the city, namely Penarth Headland, Cardiff Bay Barrage, Rumney Hill, Lloyd George Avenue, Radyr Golf Club, Cardiff Museum, Callaghan Square and the Hayes. The long views demonstrate how the tall slim tower enhances the skyline by adding interest and a strong focal point to the uniform urban profile by inserting a new dominant structure. It is a major landmark.
- 8.17 In terms of design the form and silhouette of the building has evolved during the pre-application process to address the impact of the height and bulk of the building on the skyline. The slenderness of the tower is accentuated by its form and the three distinct masses of differing height create a striking silhouette.
- 8.18 The location of the tower at the junction of Bute Street and Customhouse Street on the southern edge of the city centre aids legibility to the wider townscape by terminating an important vista from Cardiff Bay and the Lloyd George Avenue boulevard to the south. In these views (and to a lesser extent in views from the city centre to the north) it also complements the 21 storey Radisson Blu Hotel tower.
- 8.19 *Impact on the streetscape:* The proposals develop a prominent derelict corner site, enclose the junction, and provide a high quality addition to the streetscape (see ground floor interface below) which enhances the street views. The associated public realm, which includes lighting to both bridges, significantly improves the appearance (and functionality for pedestrians/cyclists) of this key junction.
- 8.20 *Quality and appearance of facades:* The SPG states that tall buildings must be of the highest quality in terms of appearance and materials. The architectural detailing of the facades reveals a clear understanding of proportions and materials. It is designed as a flat face without window reveals and cills, and relies on the interplay of the glazing and metal cladding panels set within a dark anthracite coloured concrete cladding to provide variety, interest and colour to the facades.
- 8.21 The result lends the building a coherence and simplicity of façade lacking in many of the other tall buildings in Cardiff. The limited palette of materials of dark coloured glassfibre reinforced concrete (GRC) cladding, anodised aluminium panels finished in a bronze colour, and glass is high quality and durable, and appropriate for the building's prominence and setting.

- 8.22 Three shades of dark grey are used for the GRC cladding the three elements of the tower, with the darkest (anthracite) cladding reserved for the central highest element.
- 8.23 Conditions are attached requiring submission of sample materials and architectural details of the façade, and a sample panel of the façade will be erected on site to control quality and appearance. It is understood that the project architects will be retained to supervise construction of the building.
- 8.24 The form and silhouette of the tower and its impact on the city skyline and wider landscape setting and streetscape, and the quality and appearance of architectural detailing and materials, is acceptable.
- 8.25 *Ground floor interface:* The retail unit and the student accommodation reception are both accessed directly from the newly designed public realm and are located in key positions to address the public realm as actively as possible.
- 8.26 The fully glazed façade extends to the underside of the second floor creating a double storey glazed facade with some areas of double height void behind. The communal area at first floor projects out and overlooks the outdoor sitting area on Hope Street. The glazed façade is framed within a lighter coloured cladding to contrast with the main form and colour of the building above.
- 8.27 The impact and interface of the building at street level is acceptable.
- 8.28 *Sustainability:* The Sustainability Statement voluntarily targets a BREEAM 'Very Good' rating. This will be achieved through implementing an energy strategy (see below) and various other standard sustainability measures.
- 8.29 Recent changes to national planning policy no longer require buildings to meet national sustainability standards. The reference within the 2009 Tall Buildings SPG to achieving BREEAM 'Excellent' rating does not therefore apply.
- 8.30 LDP Policy EN12 requires major developments to be supported by an independent energy assessment demonstrating how renewable energy and low carbon technologies have been incorporated. A supporting 'Energy Statement' has been submitted.
- 8.31 The Energy Statement concludes that the use of high performance building fabrics and energy efficient lighting and building services and controls for space heating, cooling and ventilation, and a highly efficient gas-fired CHP system to deliver hot water, results in an efficient low carbon development.

Impact on the setting of listed buildings

- 8.32 The closest listed buildings are the Grade II listed Golden Cross PH immediately to the north of the site, and the Grade II listed Customhouse building on Customhouse Street, approx. 50m to the west.
- 8.33 PPW and LDP Policy EN9 states that development will only be permitted where it can be demonstrated that it preserves the setting of a listed building. The objective of preservation can be achieved either by development which makes a positive contribution to an area's character or appearance, or by development which leaves character and appearance unharmed.
- 8.34 *Golden Cross PH:* The 2 storey listed building is separated from the application site by a wide busy road and is on a relatively isolated corner site surrounded by a number of non-descript tall modern buildings. In street views from the east and west it is a relatively minor feature in the streetscape which is dominated by the road and the tall buildings flanking the street. In street views from the south the building is a minor focal point, overshadowed by the bulk of the Marriott Hotel. In views from the north the building is dominated by the Radisson Blu and Marriott Hotels.
- 8.35 The proposals will not harm the setting of the listed building for the following reasons:
- The listed building is already surrounded by existing high-rise development and the addition of a very tall slim tower to the existing cluster of towers will not make the situation significantly worse;
 - By virtue of its design the proposals makes a positive contribution to the streetscape. In street views from the east, west and the south the ground floor active frontage and architectural treatment and the high quality public realm improve the character and appearance of the area;
 - The application site is physically separated from the listed building by the width of the street (30m separation distance).
- 8.36 The proposals therefore meet the test of preserving the setting of the listed building.
- 8.37 *Grade II listed Customhouse:* The Customhouse building is 50m to the west of the application site and separated by substantial modern development. The proposals, by virtue of separation and intervening development, do not harm the setting of the listed building

Impact on the setting of the Conservation Area

- 8.38 The application site is located approximately 130m to the SE of the St. Mary Street Conservation Area and separated by substantial modern development. The site is therefore substantially screened from the conservation area. However the height and relative proximity of the building will mean it is visible from the conservation area.

- 8.39 Policy EN9 requires that development will only be permitted where it can be demonstrated that it preserves or enhances the setting of a conservation area.
- 8.40 The Conservation Area Appraisal defines significant views within the area, and significant views into and out of the area. The proposals will not have an impact on any of the significant views and therefore the proposals are not considered to harm the setting of the conservation area.

Public realm, landscaping and public art

- 8.41 The public realm proposals significantly enhance the immediate environs of the building and in addition to resurfacing and new hard and soft landscaping works include widening of the pavement, public art lighting to the underside of both bridges, and complete redesign of Hope Street including a potential sitting-out area for the retail unit. The proposals are acceptable subject to standard landscaping conditions.

Wind Microclimate:

- 8.42 The Wind Assessment provided by the applicant is based on wind tunnel testing of the proposed tower. The relative slenderness of the tower presents minimal surface area to the prevailing winds and therefore winds will tend to flow around the building, rather than being deflected down the building to ground level and creating an unacceptable wind microclimate for pedestrians or cyclists moving around the building at ground level.
- 8.43 Results show that the proposed development will increase slightly the wind speeds at a number of ground level locations. However this is not expected to cause any significant adverse impact because all ground level locations are expected to be suitable for their intended activities (pedestrian strolling/ entrances/ sitting out areas).
- 8.44 In winter there are 3 locations to the north of the tower and 2 locations to the west of the tower where wind conditions will be unsuitable for long term sitting or entrances. These do not coincide with the proposed sitting area or with the entrances. All other public realm locations are acceptable for any pedestrian activity.
- 8.45 In summer all areas of the public realm are suitable for any pedestrian activity.

Impact on daylight and sunlight received by neighbours:

- 8.46 The supporting 'Daylight and Sunlight Assessment' document looks at the impact of the proposed development on the following neighbouring properties:
- Cardiff Marriot Hotel, Mill Lane;
 - Golden Cross PH, Hayes Bridge Rd;
 - Radisson Blu Hotel, Bute Terrace;

- Prince of Wales Building, John St, and;
- York Hotel, St Mary St.

- 8.47 In later correspondence an assessment was carried out of the impact on daylight and sunlight enjoyed by Unison House, Customhouse St.
- 8.48 The document makes reference to policies H6 and KP5 of the LDP and adopts an assessment methodology based on the BRE 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice.' (Building Research Establishment, 2011).
- 8.49 The analysis shows that the Marriot Hotel, Prince of Wales Building, and the York Hotel comply fully with the BRE Report guidelines.
- 8.50 *The Golden Cross PH:* The windows affected are first floor residential windows on the southern elevation facing the site. Observation suggests that these rooms are used as bedrooms. The reduction in daylight received by these windows exceeds the BRE guidelines however the retained levels of daylighting are consistent with levels experienced in urban settings, and the reduction in daylighting does not cause unacceptable harm to residential amenity. Sunlight testing shows that all but one of the south-facing windows fully comply with the BRE Report guidelines.
- 8.51 *The Radisson Blu Hotel:* The windows affected are bedroom windows facing the development site on floors 3 to 22. Of the 167 windows tested approx. 50% comply fully with the BRE Report guidelines. The reduction in daylighting to the remaining windows exceeds the BRE guidelines however considering the hotel use and the urban context the degree of reduction in daylighting for these bedrooms is acceptable.
- 8.52 Overshadowing of the hotel is limited as the proposed building is located to the west south-west of the hotel, and is relatively slender, and will only therefore overshadow the building for a relatively short period in the mid to late afternoon. Sunlight amenity analysis shows that the overwhelming majority of windows retain sunlight values in excess of the BRE Report guidelines. Where transgressions do occur the reduction below the guidelines is minimal.
- 8.53 *Unison House:* A 4 storey office building whose principal windows serving the open plan offices on floors 1 to 3 face north and south. There are also office windows in the eastern elevation facing the site. Given the commercial use of the building (not considered to have any special requirement for daylighting), the open plan nature of the offices (lit from multiple full height windows), and the fact that the principal windows do not overlook the site, the proposals will not result in an adverse impact on the daylighting enjoyed by the building.

Overshadowing will be limited to a relatively brief period in the early morning in the summer months

- 8.54 *Impact on sunlighting of amenity open spaces:* The nearest amenity space is Callaghan Square which lies to the south of the development and will be unaffected. There are no public amenity open spaces where the building will have an adverse impact on the levels of sunlight.
- 8.55 *Privacy and overlooking:* In relation to privacy and overlooking the closest windows of the Golden Cross are at a separation distance of 30m. The closest windows of the Radisson Blu Hotel are at a separation distance of 24m. Both these distances are well in excess of Cardiff's recommended minimum separation distance of 21m which exists to safeguard residential privacy.
- 8.56 The closest windows of Unison House are at a separation distance of 15m. Given the nature of the office use and the urban context this is acceptable.
- 8.57 *Traffic & Transportation:* There are no parking spaces provided on site and no on-street parking in the vicinity. The Students are strongly encouraged not to bring vehicles into the city as part of their tenancy agreements. Sanctions will be applied in the event that their tenancy agreement in this respect is breached. The development is located in a highly sustainable location with direct access to public transport, and within walking/ cycling distance of the city centre and higher education facilities.
- 8.58 Disabled drivers visiting the site would be able to use the existing on-street parking provision on Hope Street.
- 8.59 There are 150 secure covered cycle spaces in a storage area at ground level and 22 short term visitor cycle spaces. This is consistent with other city centre student housing schemes and is considered acceptable given the site constraints.
- 8.60 Students are required to give advance notice of their moving-in date and the on-site management team organise phased appointments and tight time slots in order to alleviate traffic congestion. Use may also be made of public car parks in the vicinity. Students will occupy the accommodation for typically 51 weeks of the year and drop-off and collection is therefore only undertaken once per year.

Consultation responses

- 8.61 *Parks public open space s106 request:* The proposed development is subject to Policy C5 (Provision for Open Space, Outdoor Recreation, Children's Play and Sport) of the Local Development Plan, which requires provision or improvement of open space and other appropriate outdoor recreation and

sport in conjunction with all new residential developments, including student accommodation, over 8 units.

- 8.62 The policy allows for a financial contribution for off-site provision/ improvements where functional open space is not provided on site, and furthermore that this may include improvements to the public realm in line with Policy KP5 High Quality and Sustainable Design.
- 8.63 The principle of utilising POS money on upgrading public realm has been established and is considered appropriate to the particular site and development proposal.
- 8.64 The applicant has offered a total sum of £500,000 in 106 contributions which is broadly comparable to the total amounts secured on other recent large scale student housing developments in the city centre area and is considered acceptable. Given the nature and location of the site, and after discussions with City Centre Strategy and Highways, my intention is to recommend to Committee that all of the sum be used towards much-needed public realm and highway improvements in the immediate vicinity of the site.
- 8.65 *Regeneration community facilities 106 request:* The proposed development is subject to LDP Policy C1 Community Facilities which states that on significant residential developments, which will result in increased demand for local community facilities, land, buildings and or financial contributions towards community facilities will be secured through negotiation with the developer.
- 8.66 A letter from the agent dated 21.1.16 queried the amount requested by Neighbourhood Regeneration (£117,670) given the area and range of community facilities provided on site, and provided more information on the proposed on-site community facilities.
- 8.67 The 2007 Community Facilities and Residential Development SPG does not provide any criteria for assessing the adequacy or otherwise of onsite provision, stating only that a contribution will be required where there is no onsite provision. However the intention of the document is clearly to mitigate the impact of additional pressure arising from significant residential development on existing community facilities.
- 8.68 The development offers 266 sqm of common room facilities for general use and 41 no. generous kitchen/ dining/ living areas (min size 32 sqm) to serve the 287 students living in cluster flats. I consider this to be acceptable in terms of the SPG criteria and the CIL tests, particularly as students are likely to make use of the extensive city centre facilities right on their doorstep rather than going into Butetown to use what are very local facilities.
- 8.69 CIL Regulation 122(2) states that a *planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:*

- *necessary to make the development acceptable in planning terms;*
- *directly related to the development; and*
- *fairly and reasonably related in scale and kind to the development.*

- 8.70 Butetown CC, Butetown YP and Bute Street/ James Street shops cannot be considered as being directly related to the development (being a long way away and essentially local facilities), and the financial contribution requested does not therefore in my view meet the CIL tests. It should also be noted that the site is located in the Cathays Ward, not Butetown Ward.
- 8.71 The applicant has offered a total sum of £500,000 in 106 contributions which is broadly comparable to the total amounts secured on other recent large scale student housing developments in the city centre area and is considered acceptable.
- 8.72 Given the nature and location of the site, and after discussions with City Centre Strategy and Highways, the recommendation is that the sum be used towards much-needed public realm and highway improvements in the immediate vicinity of the site.

Representations

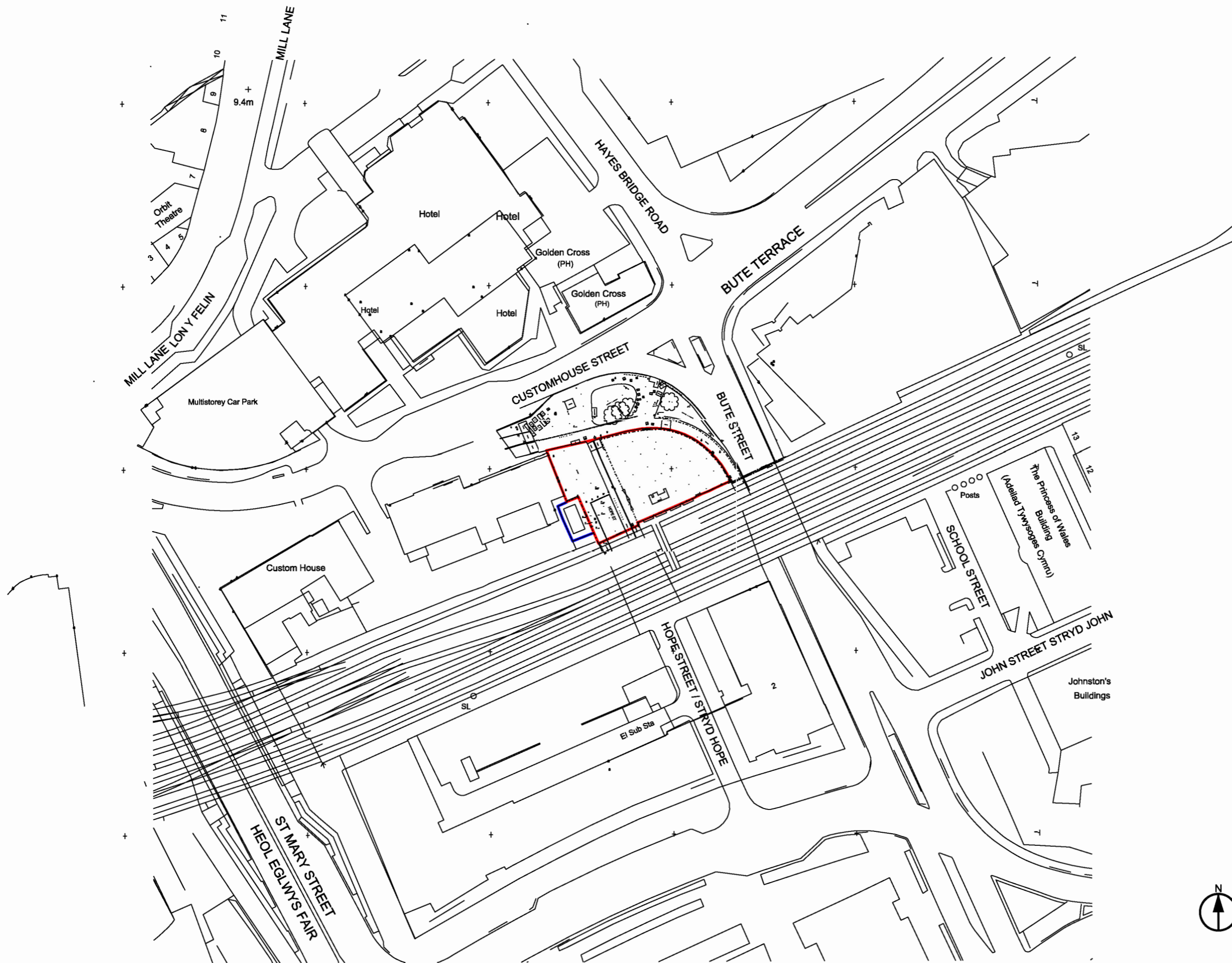
- 8.73 Objections on grounds of proposed land use, design, impact on heritage assets, cycle parking provision, drop-off/ pick-up at start and end of terms, overshadowing/ overlooking, daylighting/ sunlighting, and wind microclimate have been addressed above. Other grounds for objection/ concerns are addressed below:
- 8.74 *Incorrect EIA screening:* The proposals for a 135m high tower have been correctly screened in accordance with the EIA Regulations (see 'Description of Proposed Development' above)
- 8.75 *Provision of misinformation at public meeting:* The proposals presented at the public engagement event were for a 35 storey building. Public consultation by the applicant at the pre-application stage is not a statutory requirement. The decision by the applicant not to hold a similar public engagement event for the amended 42 storey tower was a decision for the applicant and is not a planning matter. The public have been consulted on the planning application for a 42 storey tower in accordance with statutory procedures
- 8.76 *Not properly assessed against Tall Buildings SPG:* The assessment against planning policy and guidance falls to the LPA and not the applicant.
- 8.77 *No cumulative visual impact assessment undertaken:* Assessment of the cumulative impact of the building on the city skyline (i.e. assessment which takes into account buildings with planning permission, or with a realistic prospect of being built, as well as existing tall buildings) is not required to be

demonstrated for this application as the development has been negatively screened for an Environmental Impact Assessment.

- 8.78 *Clarification of description:* The description makes it clear that the proposed development is for student housing, which is a sui generis use class. A change of use to residential apartments or hotel use would therefore require planning permission.

9. **CONCLUSION**

- 9.1 The proposals redevelop a brownfield site and provide a significant quantum of high quality purpose-built student housing in a highly sustainable city centre location. The building will be the tallest in Wales and its location, silhouette and form contribute positively to the capital city's skyline and image. The quality of the design and associated public realm enhances the appearance and amenity of the streetscape and wider area, and reinforces pedestrian and cycle links.
- 9.2 The granting of planning permission is recommended subject to conditions and the signing of a Section 106 legal agreement (up to a maximum value of £500,000) to secure the following:
- New public realm works extending to the edge of the adjacent building to the west and to the southern edge of the Bute Street and Hope Street underpasses, including the realignment of a retaining wall to the north-east of the site in order to increase pedestrian movement space, and public art lighting to both underpasses. See indicative *Plan 1: Proposed public realm and highway improvement scheme*, dated 15.2.16.
 - Potential improvements to the pedestrian crossing facilities (guardrail rationalisation/ kerb realignments) at the junction of Bute Street, Customhouse Street and Hayes Bridge Road.



Rev.	Description	Ini.	Ch'k	Date
------	-------------	------	------	------

Rio
 studio@rioarchitects.com
 www.rioarchitects.com
 @rioarchitects

Rio Cardiff
 21a Allensbank Road
 Cardiff CF14 3PN
 +44 (0)29 2025 0066

Rio London
 19 21 Hatton Garden
 London EC1N 8BA
 +44 (0)20 2691 7565

Client:
Watkin Jones Group

Project:
**Land at Customhouse St.
 Bute St. & Hope St., Cardiff**

Drawing status:
PLANNING

Scale @ A1: 1:500	Scale @ A3: 1:1000
Drawn: AB	Checked: AB
Date: 10.02.15	Date: 10.02.15

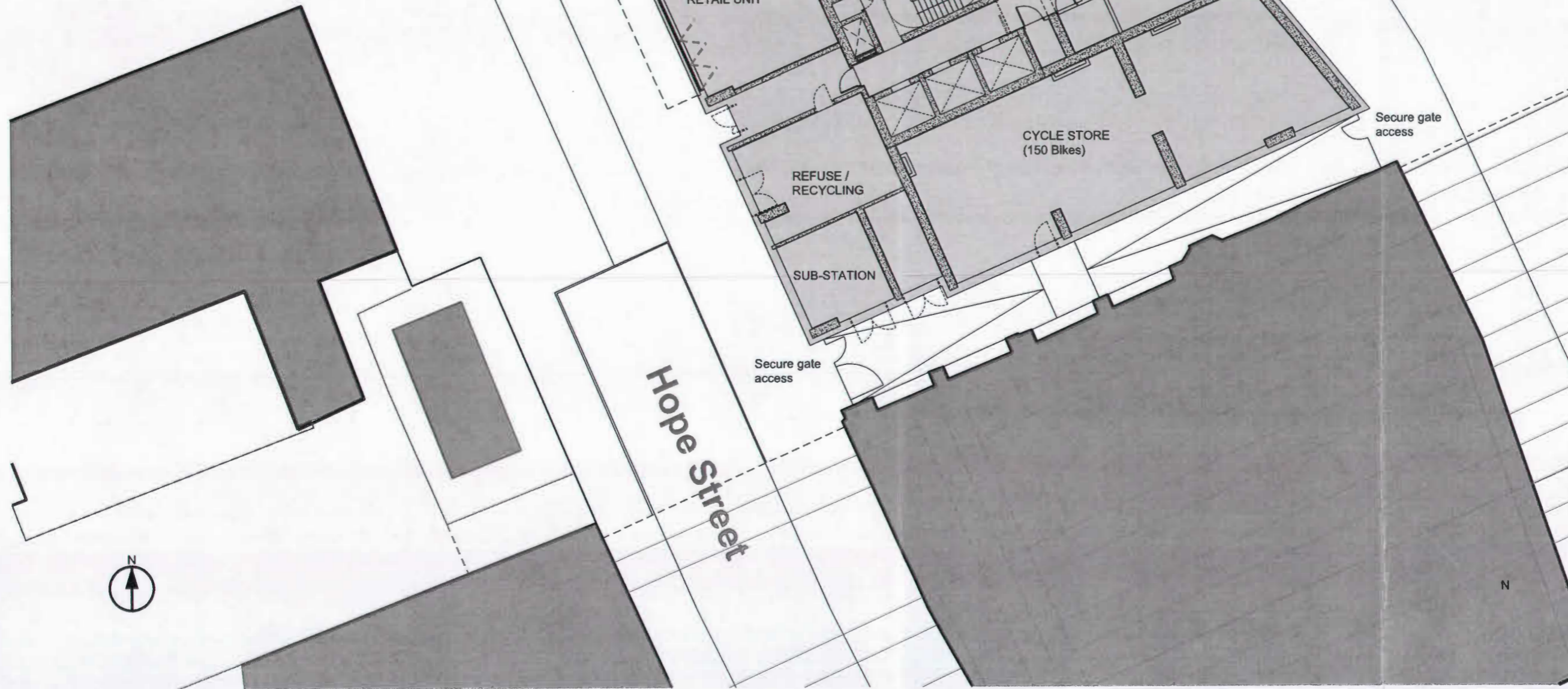
Drawing:
**Existing
 Site Location Plan**

Job No.:	Drawing No.:	Rev.
Rio 0266	AS.01	-

Customhouse Street

Bute Terrace

Hope Street



Notes:

This drawing should be read in conjunction with 1566401_P_GA_002_Hard and Soft Landscape Proposals Plan

Rev.	Description	Inl.	Ch'k	Date
A	Retail folding door added	AB	AB	Dec 15

Rio studio@rioarchitects.com
www.rioarchitects.com
@rioarchitects

Rio Cardiff
21a Allensbank Road
Cardiff CF14 3PN
+44 (0)29 2025 0066

Rio London
19 21 Hatton Garden
London EC1N 8BA
+44 (0)20 2691 7565

Client:
Watkin Jones Group

Project:
**Land at Customhouse St.
Bute St. & Hope St., Cardiff**

Drawing status:
PLANNING

Scale @ A1:	1:100	Scale @ A3:	1:200
Drawn:	AB	Checked:	AB
Date:	12.02.15	Date:	12.02.15

Drawing:
**Proposed
Site Plan**

Job No.:	Drawing No.:	Rev.
Rio 0266	AS.10	A



Notes:

Rev.	Description	Ini.	Ch'k	Date
------	-------------	------	------	------

Rio studio@rioarchitects.com
www.rioarchitects.com
[@rioarchitects](https://twitter.com/rioarchitects)

Rio Cardiff 21a Allensbank Road Cardiff CF14 3PN +44 (0)29 2025 0066	Rio London 19 21 Hatton Garden London EC1N 8BA +44 (0)20 2691 7565
--	--

Client:
Watkin Jones Group

Project:
**Land at Customhouse St.
 Bute St. & Hope St., Cardiff**

Drawing status:
PLANNING

Scale @ A1: No Scale	Scale @ A3: No Scale
Drawn: ISJ	Checked: AB
Date: 09.11.15	Date: 09.11.15

Drawing:
Verified View from Lloyd George Avenue

Job No.:	Drawing No.:	Rev.
Rio 0266	V03	-



Rev.	Description	Inl.	Ch'k	Date
------	-------------	------	------	------



studio@rioarchitects.com
www.rioarchitects.com
@rioarchitects

Rio Cardiff
21a Allensbank Road
Cardiff CF14 3PN
+44 (0)29 2025 0066

Rio London
19 21 Hatton Garden
London EC1N 8BA
+44 (0)20 2691 7565

Client:
Watkin Jones Group

Project:
Land at Customhouse St.
Bute St. & Hope St., Cardiff

Drawing status:
PLANNING

Scale @ A1: No Scale	Scale @ A3: No Scale
Drawn: AB	Checked: AB
Date: 02.02.16	Date: 02.02.16

Drawing:
CGI View from Customhouse Street

Job No.:	Drawing No.:	Rev.
Rio 0266	V23	-