

COMMITTEE DATE: 15/03/2018

APPLICATION No. **17/1417/MJR**

APPLICATION DATE: 20/6/2017

ED: **CATHAYS**

APP: TYPE: Full Planning Permission

APPLICANT: VITA (CARDIFF) 1 LTD

LOCATION: BRADLEY COURT, 11 PARK PLACE, CATHAYS PARK, CARDIFF

PROPOSAL: DEMOLITION OF BRADLEY COURT RETAINING 11 PARK PLACE, REDEVELOPMENT AND CHANGE OF USE TO STUDENT ACCOMMODATION (USE CLASS SUI GENERIS) COMPRISING STUDIOS AND COMMUNAL SPACES TOGETHER WITH GROUND FLOOR RESTAURANT (USE CLASS A3) AND ASSOCIATED ANCILLARY WORKS

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 9.6 of this report, planning permission be **GRANTED** subject to the following conditions:

1. C01 Statutory Time Limit
2. The consent relates to the following approved plans:
 - 1870-P101-G Site Location Plan
 - 1870-P001-C Existing Site Plan
 - 1870-P102-I Site Plan
 - 1870-P111-L Basement Floor
 - 1870-P112-M Ground Floor
 - 1870-P113-M Plan Level 1
 - 1870-P114-L Plan Level 2
 - 1870-P115-L Plan Level 3
 - 1870-P116-L Plan Level 4
 - 1870-P117-L Plan Levels 5 - 7
 - 1870-P118-L Plan Levels 8 - 11
 - 1870-P119-H Plan Levels 12 - 24
 - 1870-P121-B Plan Level 15
 - 1870-P122-B Plan Levels 16 - 18
 - 1870-P123-B Roof Plan
 - 1870-P210-L North Elevation
 - 1870-P211-J East Elevation
 - 1870-P212-K South Elevation
 - 1870-P213-M West Elevation

- 1870-P300-J Building Section A
- 1870-P301-J Building Section B
- 1870-P302-E Building Section C
- 1870-P400-F Bay Study 1
- 1870-P401-F Bay Study 2
- LTS-079(08)101-G Landscape General Arrangement
- LTS-079(08)102-F Landscape Planting Plan
- LTS-079(08)104 Roof Plan
- LTS-079(08)701D Proposed Landscape Sections 1 of 7
- LTS-079(08)702D Proposed Landscape Sections 2 of 7
- LTS-079(08)703D Proposed Landscape Sections 3 of 7
- LTS-079(08)704D Proposed Landscape Sections 4 of 7
- LTS-079(08)705C Proposed Landscape Sections 5 of 7
- LTS-079(08)706C Proposed Landscape Sections 6 of 7
- LTS-079(08)707B Proposed Landscape Sections 7 of 7
- LTS-079-010REVA Indicative Public Realm Proposals

Reason: For the avoidance of doubt.

3. In respect of the proposed A3 use and notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 no sale of hot food for consumption off the premises shall take place from the premises, other than that which is incidental to the primary function as a restaurant/café type use selling food and drink for consumption on the premises. Reason: To ensure that the use of the premises does not prejudice the amenities of the area.
4. No above-ground development shall take place until samples of the external finishing materials have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details. Reason: To ensure a satisfactory finished appearance of the development is in keeping with the area.
5. No above-ground development above ground 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 LPA. The development shall be carried out in accordance with the approved details. Reason: To ensure a satisfactory finished appearance to the building.
6. *Wind microclimate mitigation measures:* No above-ground development shall take place until details of appropriate mitigation measures as identified in the desk-based wind study report have been submitted to and approved in writing by the LPA. The mitigation measures shall be subject to wind tunnel testing, unless otherwise agreed in writing by the LPA, and the development shall be carried out in accordance with the approved details. Reason: To ensure the comfort of pedestrians and cyclists using the public realm and adjacent footways and carriageway.
7. *Ground Gas Protection:* Prior to the commencement of development a scheme to investigate and monitor the site for the presence of gases being

generated at the site or land adjoining thereto, including a plan of the area to be monitored, shall be submitted to the Local Planning Authority for approval. Following completion of the approved monitoring scheme, the proposed details of appropriate gas protection measures to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site shall be submitted to and approved in writing to the LPA. If no protection measures are required then no further actions will be required. All required gas protection measures shall be installed and appropriately verified before occupation of any part of the development which has been permitted and the approved protection measures shall be retained and maintained until such time as the Local Planning Authority agrees in writing that the measures are no longer required. Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff LDP.

8. *Contaminated Land Assessment:* Prior to the commencement of the development an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority. The report of the findings shall include:
- (i) desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages;
 - (ii) intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;
 - (iii) assessment of the potential risks to human health, groundwater and surface waters, adjoining land, property (existing or proposed), archaeological sites and ancient monuments, and any other receptors identified at (i);
 - (iv) appraisal of remedial options, and justification for the preferred remedial option(s).

Reason: To ensure a proper assessment of land contamination risks in accordance with policy EN13 of the Cardiff Local Development Plan.

9. *Remediation and Verification Plan:* Prior to commencement of the development a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are

minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

10. *Remediation and Verification:* The approved remediation scheme must be fully undertaken in accordance with its terms prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority. Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
11. *Unforeseen Contamination:* In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the LPA, 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 LPA. Following remediation a verification report must be submitted to and approved in writing by the LPA. The timescale for the above actions shall be agreed with the LPA within 2 weeks of the discovery of any contamination. Reason: To ensure that the safety of future occupiers is not prejudiced.
12. *Imported Soils:* Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA. Reason: To ensure that the safety of future occupiers is not prejudiced.
13. *Imported Aggregates:* Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. Subject to approval of the above, sampling of the material received at the development

site to verify that the imported material is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA. Reason: To ensure that the safety of future occupiers is not prejudiced.

14. *Use of Site-won Materials:* Any site won material including soils, aggregates, recycled materials shall be assessed for chemical or other potential contaminants in accordance with a sampling scheme which shall be submitted to and approved in writing by the Local Planning Authority in advance of the reuse of site won materials. Only material which meets site specific target values approved by the Local Planning Authority shall be reused. Reason: To ensure that the safety of future occupiers is not prejudiced.
15. No development shall take place until 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. No part of the scheme shall be occupied until the approved scheme is implemented. Reason: To ensure an orderly form of development.
16. No habitable room shall be occupied until the approved noise mitigation façade insulation works measures specified in Figure 4 and Table 5 of the Ambient Noise Assessment Report by PDA Ltd., dated December 2015, or other mitigation measures agreed in writing by the LPA, have been installed. Reason: To ensure that the amenities of future occupiers are protected.
17. A scheme of sound insulation works to the floor/ceiling and party wall structures between the commercial unit and any residential accommodation shall be submitted to and agreed by the Local Planning Authority in writing and implemented prior to occupation of the commercial unit to which it relates. Reason: To ensure that the amenities of future occupiers are protected.
18. No member of the public shall be admitted to or allowed to remain on the premises of any ground floor A3 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.
19. There shall be no arrival, departure, loading or unloading of delivery vehicles between the hours of 20:00 and 08:00 on any day. Reason: To ensure that the amenities of future residents and occupiers of other premises in the vicinity are protected.
20. 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.

21. The extraction of all fumes from the food preparation areas shall be mechanically extracted to a point to be agreed with the Local Planning Authority, and the extraction system shall be provided with a de-odorising filter. Details of the above equipment shall be submitted to the Local Planning Authority for approval in writing and the approved details shall be installed prior to the commencement of use for the cooking of food. The equipment shall thereafter be maintained in accordance with the manufacturers' guidelines, such guidelines having previously been agreed by the Local Planning Authority in writing. Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.
22. *Tree protection:* No development shall take place until the following have been submitted to and approved in writing by the Local Planning Authority (LPA) in accordance with the current British Standard 5837:
- A finalised **Arboricultural Impact Assessment**. An **Arboricultural Method Statement (AMS)** detailing the methods to be used to prevent loss of or damage to retained trees within and bounding the site, and existing structural planting or areas designated for new structural planting. The AMS shall include details of site monitoring of tree protection and tree condition by a qualified arboriculturist, undertaken throughout the development and after its completion, to monitor tree condition. This shall include the preparation of a chronological programme for site monitoring and production of site reports, to be sent to the LPA during the different phases of development and demonstrating how the approved tree protection measures have been complied with.
 - A **Tree Protection Plan (TPP)** in the form of a scale drawing showing the finalised layout and the tree and landscaping protection methods detailed in the AMS that can be shown graphically.
- Unless written consent is obtained from the LPA, the development shall be carried out in full conformity with the approved AMS and TPP. Reason: To enable the Local Planning Authority to assess the effects of the proposals on existing trees and landscape; the measures for their protection; to monitor compliance and to make good losses.
23. *Tree work to British Standard:* Any pruning necessary to implement the planning permission shall be undertaken in accordance with British Standard 3998: 2010 'Tree Work' or any Standard that replaces it. Reason: The trees are of value in the local environment and should be protected and maintained in good condition.
24. *Landscaping:* No development shall take place until full details of soft landscaping have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
- A landscaping implementation programme. Scaled planting plans prepared by a qualified landscape architect.
 - Existing and proposed services and drainage above and below ground level.

- Schedules of plant species, sizes, numbers and densities prepared by a qualified landscape architect.
- Scaled tree pit sectional and plan drawings prepared by a qualified landscape architect.
- Topsoil and subsoil specification for all planting types, including full details of soil assessment, protection, stripping, storage, handling, amelioration and placement to ensure it is fit for purpose. Where imported planting soils are proposed, full specification details shall be supplied, including certification in accordance with British Standards and interpretive reports by a soil scientist demonstrating fitness for purpose and a methodology for handling, amelioration and placement.
- Planting methodology and post-planting aftercare methodology prepared by a qualified landscape architect and including full details of oversight of landscaping implementation by the project landscape architect.

The submitted details shall be consistent with other plans submitted in support of the application and the landscaping shall be carried out in accordance with the approved design and implementation programme.
Reason: To enable the Local Planning Authority to determine that the proposals will maintain and improve the amenity and environmental value of the area, and to monitor compliance.

25. *Landscaping Maintenance:* Any newly planted trees, plants or hedgerows, which within a period of 5 years from the completion of the development die, are removed, become seriously damaged or diseased, or in the opinion of the Local Planning Authority (LPA) otherwise defective, shall be replaced. Replacement planting shall take place during the first available planting season, to the same specification approved in discharge of the landscaping condition, unless the Local Planning Authority gives written consent to any variation. *Reason: To maintain and improve the amenity and environmental value of the area.*
26. *Cycle Storage:* No above-ground development shall take place until a scheme showing details of the 80 basement cycle parking spaces and visitor cycle parking for students and restaurant users 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.*
27. *Construction Management Plan:* 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 details of site/compound, details of highway/footway closures, site hoardings and access/egress, noise and dust control measures, and any other such details as may be required. 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.*

28. *Student Travel Management Plan:* The student accommodation element of the development hereby permitted shall not 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.
29. *Highway Improvement Works:* No above ground development shall be commenced until a scheme of public footway reinstatement works to Park Place and Boulevard-De-Nantes adjacent to the site has been submitted to and approval in writing by the LPA. The scheme to include the resurfacing/ reinstatement of the footway as may be required as consequence of implementation of the development; to include as required surfacing, kerbs, edging, drainage, lighting, lining, signing and street furniture as required as a consequence of the scheme. No part of the development shall be occupied until the approved scheme has been implemented. Reason: To reinstate the footway and provide an improved pedestrian environment to facilitate safe commodious access to the proposed development.
30. *Delivery and Servicing Management Plan:* No part of the development hereby permitted shall be commenced until a plan for the management of delivery and servicing associated with the building has been submitted to and approved by the Local Planning Authority; the plan to include as required but not limited to the management of day to day access, deliveries and servicing, details of the maximum vehicle size(s), times and days of permitted access, control and management of noise. Management of the delivery and servicing associated with the development shall be carried strictly in accordance with the plan so approved. Reason: In the interests of highway safety and public amenity.
31. *Waste Storage:* Details of the strategy for dealing with the storage, recycling and collection of waste of the part of the development to which it relates 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 that part of the development being put into beneficial use. Reason: To ensure that the amenities of the area are protected.
32. *Historic Building Record:* Unless otherwise agreed in writing with the LPA no works to which this consent relates shall commence until an appropriate programme of historic building recording and analysis has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. Reason: As the buildings are of architectural and cultural significance the specified records are required to mitigate impact.
33. *Archaeological Record:* No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the

applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written 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.

ADDITIONAL RECOMMENDATIONS:

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

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

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

RECOMMENDATION 4: To protect the amenities of occupiers of other premises in the vicinity attention is drawn to the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities. Further to this the applicant is advised that no noise audible outside the site boundary adjacent to the curtilage of residential property shall be created by construction activities in respect of the implementation of this consent outside the hours of 0800-1800 hours Mondays to Fridays and 0800 - 1300 hours on Saturdays or at any time on Sunday or public holidays. The applicant is also advised to seek approval for any proposed piling operations.

RECOMMENDATION 5: The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), (www.archaeologists.net/codes/ifa) and it is recommended that it is carried out either by a CIfA Registered Organisation (www.archaeologists.net/ro) or an accredited Member.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 A detailed application for the demolition of the vacant 1980s Bradley Court office block, retention and conversion of the listed 11 Park Place villa, and redevelopment of the site for a mixed use development comprising purpose-built managed student accommodation in an 19/15 storey tower and 8 storey wing (320 student beds) and ground floor restaurant use.
- 1.2 The planning application is accompanied by an application for conservation area consent for the demolition of the office block, and an application for listed building consent for the alterations to the Victorian villa at 11 Park Place.
- 1.3 The new development is located to the rear of the site in an L-shaped block with the taller 19 storey element fronting Park Place, stepping down to a 15 storey element fronting Stuttgarter Strasse, and stepping down again to a lower 8 storey wing to the rear of 11 Park Place, abutting Park Lane service road.
- 1.4 Amended plans: Prior to registration of the planning application in June 2017 extensive pre-application discussions were held with Planning. Interim pre-application advice raised concerns over the scale of the proposals given the location and the policy framework however the applicant chose to submit the application because of time constraints.
- 1.5 After a number of meetings and various versions seeking to address our concerns amended plans were received in October 2017 reducing the number of student rooms and radically redesigning the tower. Massing, height and architecture remained an issue however and further amendments were received on 7th February 2018. Notwithstanding the significant improvements to the design the scheme was still not considered to be of sufficient quality and a final set of amended plans were registered on 22nd February. The plans show a reduction in height by 2 storeys of the lower tower and improvements to the façade treatment of the upper storeys.
- 1.6 The new building connects to the rear of the listed building necessitating the demolition of the 1988 rear elevation and construction of a new link. The footprint of the new building and the listed building create a new courtyard enclosed on 3 sides and open to Park Place. The entrance to the student accommodation and to the restaurant is from this courtyard.
- 1.7 Two of the three protected trees on the corner of Park Place and Stuttgarter Strasse are retained and a small sunken garden created in the corner which maintains the existing front garden level (approx 1m below pavement level). A new area of public realm fronting Park Place is created by raising the ground to the

same level as Park Place, with a secondary ramped access from SS. Three new trees are proposed on the Park Place frontage.

- 1.8 The ground floor of the student accommodation (320 beds in self-contained studio rooms) consists primarily of communal 'hub' spaces, including movie room and gym, serving the studio rooms above, and retail accommodation in the form of a stand-alone restaurant unit open to the public (the 'Lauderette'). The restaurant entrance sits below the corner tower, next to the main student entrance, accessed from a courtyard and the new public space on the corner of Park Place and Stuttgarter Strasse. The first floor of the retained villa is also given over to communal 'hub' uses.
- 1.9 Cycle parking for approximately 80 bikes is provided at basement level, accessed from Park Lane. One disabled parking space and a loading bay is provided in Park Lane.
- 1.10 Roof terraces for the use of the students are located at level 2 to the rear of the villa and on the top floor of the 15 storey tower.
- 1.11 The 19 storey and 15 storey tower elements are separated vertically by a pronounced recess intended to emphasise a more vertical form and visually reduce the massing of the tower in views from the north. The tower is also spilt horizontally into a 4 storey plinth clad in greyish brown brickwork, a middle section clad in a textured buff brick slip system, and a top 'lantern' section with large vertical windows extending over 4 storeys on the main tower and 3 storeys on the lower tower. Window reveals will be lined in metal. The 4 storey plinth includes full height glazed sections on the principal corner and elevations to the new public space.
- 1.12 The following information is submitted:
 - Design and Access Statement (amended Feb 2018)
 - Planning Statement
 - Community Involvement Statement
 - Archaeological Assessment
 - Bat Emergence Survey
 - Flood Impact and Drainage Statement
 - Environmental Noise Study
 - External Lighting Strategy
 - Transport Statement & Draft Travel Plan
 - Tree Report & Tree Constraints Plan
 - Ventilation Strategy
 - Employment Land Statement
 - Pre-Application Consultation Report
 - Draft Heads of Terms
 - Geo- Environmental and Geotechnical Assessment
 - Townscape and Historic Environment Visual Impact Assessment (THEVIA, amended Feb 2018)

- 1.13 The works are not a Schedule 2 development for the purposes of assessment under the Environmental Impact Assessment regulations and are not considered likely to have such significant environmental effects as to warrant the submission of an Environmental Statement to allow the Local Planning Authority to determine the application.
- 1.14 *Statutory pre-application consultation:* A statutory Pre Application Consultation was carried out by the developer in April/May 2017. Neighbours, local members and statutory consultees (DCWW, CADW, NRW, and the Council's Highways Department) were consulted in accordance with the legislation. A meeting was held on 12th May to which Local Councillors, AMs, MPs, Cardiff Civic Society, Victorian Society were invited, and the local press was informed. Site notices were posted on the 25th April.
- 1.15 Statutory consultees did not raise any significant issues. Cadw did express concerns regarding the impact of the proposal upon the Registered Historic Garden and Park.
- 1.16 Issues raised by members of the public included the design not being in keeping with the conservation area, overprovision of purpose-built student housing, loss of trees, students not benefitting local economy, and concerns over creation of additional waste, and adequacy of bin storage and collection arrangements.
- 1.17 *Design Commission for Wales:* The scheme was previously reviewed by the Design Commission for Wales in February 2017, April 2017, 30th May 2017 (immediately prior to submission of the application), and 15th February 2018. The Commission has been critical of the scheme throughout the pre-application and application process, and sent a formal letter of objection (see representations) to the October 17 amended scheme, and to the current scheme (see representations).
- 1.18 The DCfW Design Review Report issued on 22nd February concludes as follows: *The Tall Buildings SPG provides the guidance required to determine the suitability of the proposed tall building on this site. The highly sensitive location of the site, combined with the proposed height and mass, means that there is an increased obligation to achieve excellent quality and it is much harder to justify. DCFW considers that the current scheme still fails to achieve the architectural excellence needed in such a location, on a number of counts detailed above, including justification and elegance in form.*

2. **DESCRIPTION OF SITE**

- 2.1 The site occupies a prominent corner location in central Cardiff on the intersection of the A4161 (locally Stuttgarter Strasse/ Boulevard de Nantes) and Park Place. The site extends to 0.225ha and is currently occupied by the former office block Bradley Court and the associated former office at 11 Park Place. The site is located in the Central Business Area (CBA) of the adopted Cardiff Local Development Plan (LDP).
- 2.2 The site is bounded by Stuttgarter Strasse to the north, Park Place to the west, Park Lane service road to the east and the grade II listed 10 Park Place to the

south. The location sits at the very south-eastern tip of the Civic Centre and is within the Windsor Place Conservation Area.

- 2.3 The 5 storey Bradley Court office building was built in 1988 as an extension to 11 Park Place. It has been vacant for about a year and the general quality of the accommodation is poor and the buildings have structural restrictions which limit the extent to which upgrading and improvement works can be introduced.
- 2.4 The 11 Park Place 4 storey grade II Victorian villa was built in 1880 and listed in 1984 for its individual value and group value as part of the nos. 3-11 Park Place listed Victorian terrace. The building is of traditional pennant-sandstone construction with Bath-stone dressings and notable for its main front elevation to Park Place.
- 2.5 The 11 Park Place northern elevation, while plainer than the front elevation, includes finely detailed windows and a corbelled chimney stack. Historically this elevation has always been visible from Park Place because of the dock feeder canal immediately to the north of the site. The existing Bradley Court office block is set back a similar distance from the Park Place frontage to maintain views of this elevation.
- 2.6 The rear elevation of the villa was demolished in 1988 as part of the works joining Bradley Court to the listed building and rebuilt incorporating some traditional features, with the use of two gable fronts and a central two-storey bay window. However, the façade is particularly plain and lacks detail.
- 2.7 The roof of the villa has been rebuilt and its centre has been infilled between its pitches to create an additional floor that is served by rooflights. This roof alteration is not visible from street level.
- 2.8 The building was gutted internally in 1988 and no historic features remain, apart from shutters to the two front windows on the ground floor and a Victorian newel post.
- 2.9 The immediate area comprises a mix of commercial office, hotel, retail, and cultural buildings, including the red brick and terracotta 1893 Grade II listed New Theatre immediately opposite no. 11 Park Place, and a range of restaurants and bars, and is characterised by buildings from the 19th and 20th centuries, with those immediately to the south of Boulevard de Nantes being predominantly larger and from the late 20th century.
- 2.10 Buildings along Park Place are predominantly later 19th century Victorian villas and terraces, with a variety of newer infill locations, including the buildings on both sides of the Stuttgarter Strasse/ Park Place intersection (Bradley Court and Oakleigh House).
- 2.11 There are three distinct groups of buildings within the Windsor Place Conservation Area that stand out because of their layout, form and architectural features:

- *Windsor Place*: Characterised by two rows of Grade II listed classical style terraces facing each other across a wide tree-lined street. The Grade II listed City United Reformed Church is located at its southern end
 - *St. Andrews Crescent*: Pairs of Victorian gothic style houses with similar architectural features surround the central oval area and the Grade II listed Eglwys Dewi Sant (formerly St. Andrews Church).
 - *Park Place*: Characterised by a collection of buildings, all slightly different and somewhat eclectic in style, but unified by their scale, complementary materials and relationship with the street. Park House at no. 20 Park Place is Grade II listed, as are nos. 3 – 11 Park Place. On the west side of Park Place, opposite the listed terrace is the Grade II listed New Theatre and the Grade II listed former home of South Wales institute of Engineers (now PH/restaurant).
- 2.12 Gorsedd Gardens lies immediately to the north and west of the site on the other side of Boulevard de Nantes. The gardens form part of the Cathays Park Historic Park and Garden which in turn is part of the Cathays Park Conservation Area. The Grade 1 listed National Museum of Wales, City Hall and Law Courts are located on the northern boundary of the gardens and park at a distance of about 250m from the application site. Cathays Park is designated as a Historic Park and Garden.
- 2.13 The Queen Street Conservation Area lies immediately to the south of the Windsor Place Conservation Area. It includes the Grade II listed Park Hotel on the corner of Park Place and Queen Street.
- 2.14 The site is located in the south-east corner of the Tall Buildings SPG 'Area of Very High Sensitivity' which includes Cardiff Castle, Bute Park, the Civic Centre and Park Place.
- 2.15 The prevailing scale of development in the immediate vicinity is 3 to 4 storey although there are some taller buildings within a radius of 250m – the 9 storey Park Plaza hotel building on the north side of Greyfriars Road, the 25 storey Capital Tower (80m high) at the western end of Greyfriars, and the 15 storey residential tower block at the corner of Newport Road and Station Terrace.
- 2.16 Three trees located on the NW corner of the site are subject to a Tree Preservation Order. The Boulevard de Nantes group TPO lines the dock feeder between Kingsway and Park Place. The historic dock feeder canal is culverted beneath the site.

3. **PLANNING HISTORY**

- 17/01418/MJR Associated application for Conservation Area Consent for demolition of Bradley Court, under consideration.
- 17/01419/MJR Associated application for Listed Building Consent for works to 11 Park Place, under consideration.

4. **POLICY FRAMEWORK**

National policy

- 4.1 Planning Policy Wales (PPW) Edition 9, Nov 2016 favours the sustainable re-use of previously developed land. The following policies are relevant:
- 6.2.1 General
 - 6.5.11 Preservation of listed buildings & setting
 - 6.5.20 Preservation or enhancement of character or appearance of a conservation area.
- 4.2 The following Technical Advice Notes (TANs) are relevant:
- TAN 12: Design (2009)
 - TAN 24: Historic environment (2017)
- 4.3 The following policies of the 2016 City of Cardiff LDP are relevant to the consideration of this application:
- 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
 - EC4 Protecting Offices in the Central and Bay Business Areas
 - EN9 Conservation of the Historic Environment
 - EN12 Renewable Energy and Low Carbon Technologies
 - H6 Change of Use or Redevelopment to Residential Use
 - R8 Food and Drink Uses
 - T1 Walking and Cycling
 - T5 Managing Transport Impacts
- 4.4 The following current Supplementary Planning Guidance applies:
- Tall Buildings Design Guide (Jan 17)
 - Planning Obligations (Jan 17)
 - Food, Drink & Leisure Uses (Nov 17)
 - Safeguarding Business and Industrial Land and Premises (2017)
 - Windsor Place Conservation Area Appraisal (2008)
 - Cathays Park Conservation Area Appraisal (2008)
 - Queen Street Conservation Area Appraisal (2008)
- 4.4 The following older SPG, insofar as it is consistent with LDP policy, also applies:
- Access, Circulation and Parking Requirements (2010)
 - Waste Collection and Storage Facilities (2007)
 - Northern Professional Office Area (2000)

5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 ***Economic Development:*** No objection to the loss of office space and seeks a financial contribution of £58,000 towards economic development projects as part of the Cardiff Capital Fund and will relate directly to the site as part of the geographical ward or adjacent ward.

- 5.2 Historically, Bradley Court (~3,000sqm) has proven to be a successful location for Blake Morgan (previously Morgan Cole), a key Financial and Professional Services company within the city. Following new Grade A office space being developed in Central Square, Blake Morgan have chosen to relocate to new offices due to the outdated design of the building and Grade B condition.
- 5.3 Whilst Bradley Court has now been unoccupied for just over a year, there are neighbouring properties which have had success in attracting new occupiers such as Firstsource solutions taking 20,000 sq at Oakleigh House and Cardiff University taking 29,000 sq ft on Greyfriars Road.
- 5.4 Due to the small floor plates in Bradley Court the building may well be better suited to other uses such as student accommodation or residential use, however Economic Development would want to develop a future policy of protection of the other office buildings in the area due to their larger floor plates and competitive secondary office space pricing (between £10 to £15 per sq ft) that would be attractive to the F&PS and other sectors and therefore providing a niche product in the city centre.
- 5.5 While Economic Development is supportive of the principle of some secondary and tertiary office space being brought back into use on the city centre fringe (eg Shand House or Fitzalan Court being utilised for student / residential accommodation), the Economic Development directorate is concerned at the amount of applications for changes of use from secondary office space to student accommodation in the city centre. It is proposed that a strategy is developed by the Council's Planning and Economic Development departments for Cardiff's existing secondary office space to protect the best of the remaining secondary and tertiary stock, and to develop a set of criteria to identify which secondary and tertiary buildings will need to be protected to provide a sustainable employment role in Cardiff.
- 5.6 Economic Development recognise that mixed use development may be considered appropriate, however if mixed use schemes with a reasonable proportion of business/industrial space are not feasible or forthcoming on a particular site within a protected employment area, a planning obligation will be required to compensate for this loss, and mitigate the impact of this change.
- 5.7 The Planning Obligations SPG 2017 (Local Employment & Training) provides criteria to calculate the appropriate compensation. For Bradley Court the Economic Development division is seeking a financial contribution of £58,000. This contribution will form a package of assistance that will help support and develop companies within the city centre area and provide further employment opportunities. The sum will need to be incorporated into a Section 106 Agreement.
- 5.8 **Parks Service:** These comments relate to the current LDP (C5 Provision for Open Space, Outdoor Recreation, Children's Play and Sport; KP16 Green Infrastructure), and the 2017 Planning Obligations Supplementary Planning Guidance (SPG), supported by policies set out in the 2008 SPG for Open Space which set the Council's approach to open space provision.

- 5.9 The Council's LDP requires provision of a satisfactory level and standard of open space on all new housing/student developments, or an off-site contribution towards existing open space for smaller scale developments where new on-site provision is not applicable.
- 5.10 Based on the information provided on the number and type of units, I have calculated the additional population generated by the development to be **349**. This generates an open space requirement of **0.4467 ha** of on-site open space based on the criteria set for **Housing accommodation**, or an off-site contribution of **£190,738**.
- 5.11 Although some public realm is being provided at the front of the site (I measured this at 630m²), the developers will be required to make a financial contribution towards the provision of new public open space, or the design, improvement and/or maintenance of existing open space in the locality, given that demand for usage of the existing open spaces would increase in the locality as a result of the development.
- 5.12 The use of S106 contribution from this development will need to satisfy CIL and the current distance requirements set out in the 2017 Planning Obligations SPG – play areas 600m (not applicable to student and sheltered accommodation), informal recreation 1000m, and formal recreation 1500mm, measured from edge of the site.
- 5.13 Use of the contribution would be confirmed at S106 stage. The closest areas of recreational open space are Gorsedd Gardens, City Hall Lawn, Alexandra Gardens and University Lawn.
- 5.14 The Parks Officer makes the following design-related comments: I welcome the decision to set the buildings back from Park Place when compared to the pre-app designs, enabling retention of some of the key trees in this location. These trees are critical in visual terms, as part of a green link to the trees along the dock feeder and Gorsedd Gardens in terms of biodiversity, and the impact these would have on mitigating some of the traffic pollution/particulates, as well as the impact both in terms of wellbeing and noise reduction for residents living on a very busy junction.
- 5.15 In relation to providing access to the dock feeder and creating a new area of public open space the Parks Service Area supports the principle of improving the landscape quality of this area but has the following concerns that will need to be addressed satisfactorily before Parks can fully support the proposal:
- Funding: The offer of £250k towards the scheme is welcomed but is clearly insufficient to implement the proposals - where is the additional money required to implement the scheme to be sourced from?
 - Maintenance: There are no resources available to maintain the proposed increased quality of open space. A commuted maintenance sum will be required to secure the ongoing maintenance of all the proposed landscape features and structures.

- 5.16 **Ecology:** The Council ecologist agrees with the Bat Emergence Survey report that the presence of bats on the site is unlikely. An advisory is requested requiring precautionary measures during demolition work.
- 5.17 **Community facilities:** The Cardiff Planning Obligations SPG 2017 (Section 8 – Community Facilities) states that ‘Growth in population arising from new development generates demand for and increases pressure on community facilities. To meet the needs of future residents, it may be necessary to meet this additional demand through: The provision of new facilities, The extension to, or upgrading of existing facilities’.
- 5.18 If no onsite provision is proposed, a financial contribution is sought on residential developments containing 25 or more new dwellings where it has been identified that investment in community facilities will be required to meet the needs of the new population.
- 5.19 If no communal facilities were proposed for this development the full amount of £193,429.76 (349 student bedrooms x £554.24) would be requested. However, the Cardiff Planning Obligations SPG 2017 states that “*A reduced level of community facility provision will be sought from student accommodation developments where a significant element of communal facilities are provided onsite*”.
- 5.20 As some communal facility provision is proposed within this development, the following reduced contribution is sought from the developer: £100,000 towards the improvement of a community facility in the vicinity of the development.
- 5.21 **Transportation:** The Officer has no objection subject to standard cycle parking, student travel plan, construction management plan, highway works and delivery and servicing management plan conditions, and a legal agreement for highway improvement/ public realm works to Park Place and the Dock Feeder, and the Park Place/ Boulevard de Nantes crossing. He makes the following comments:
- 5.22 The adopted 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. There is also no minimum car parking requirement for the ancillary uses or (public) ground floor restaurant included in the application. In addition, established practice is that one cycle parking space be provided per two to three beds for the proposed type of development (between 116 and 178 for 320 beds).
- 5.23 Being mindful of the central, sustainable location of the site and that of the proposed use, I am satisfied that the proposed development is compliant with adopted parking policy as submitted, with on-site servicing provision only, and the provision of resident/visitor cycle parking as required by condition. It is also expected that active travel and demand for cycle parking will be monitored as part of the conditioned Travel Plan and provision of cycle parking enhanced as may be required to respond to any identified demand.
- 5.24 With reference to location and wider development considerations, it is noted that the site is in a city centre location in the vicinity of Cardiff’s main pedestrian area

with direct access to employment, leisure, shopping, etc. opportunities and the main university campus/facilities to the north. The site is also within an area where walking, cycling and public transport offer viable daily alternatives to the use of a private car; having very good access to bus based public transport services in Greyfriars Road and Dumfries Place; local and national rail services at Cathays, Queen Street and Central Stations; and continuous footways/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.

- 5.25 It is nonetheless noted that the introduction of circa 320 residents who will be wholly reliant on walking, cycling and public transport for daily journeys will put additional non-motorised traffic onto the adjacent footways, cycleways and crossings in the vicinity of the site. In respect of which (increased cycling/walking) it is noted the applicant has offered, by way of a universal undertaking, to make a financial contribution totalling £175,000 towards the provision of a new TOUCAN crossing on Park Place adjacent to the site, (£100,000), and the provision of improvements to pedestrian and cycle crossings on Boulevard-De-Nantes (£75,000).
- 5.26 The above combined contribution is considered to satisfy the relevant planning requirements, being necessary to make the development acceptable as well as directly related to the form and scale of the proposed development. The contribution will be used in accordance with the above headings and as well as facilitating access to the proposed development, is directly related to schemes associated with and supportive of Cardiff Council's emerging Cycle Strategy and Integrated Network Map, and on the alignment of the proposed east/west cycle super highway.
- 5.27 I am also satisfied, subject to agreement of the conditioned Traffic Management Plans, that there is sufficient capacity on the adjacent public highway to accommodate the arrival and departure of students at the start and end term, and daily servicing requirements of the proposed ancillary/restaurant elements of the scheme. The Traffic Management plan will also assist with the control of student car parking within the site and surrounding area.
- 5.28 Section 106 contribution: A combined crossings contribution of £175,000 as detailed in the submitted Unilateral Undertaking is required for the provision of a new TOUCAN crossing on Park Place adjacent to the site, £100,000; and improvements to pedestrian and cycle crossings on Boulevard-De-Nantes £75,000. To provide improved pedestrian and cycle access to support the proposed development and facilitate safe commodious access to/from adjacent facilities, sustainable transport options and encourage the uptake of active travel.
- 5.29 Second Recommendation: The highway works condition and any other works proposed to the existing adopted public highway, to be undertaken by the developer, to be subject to agreement(s) under Section 278 of the Highways Act 1980 between the developer and Council.
- 5.30 **Trees:** My previous observations remain pertinent with regard to the loss of existing trees. I would add that the excessive crown lifting of retained trees may serve to increase their structural vulnerability by reducing the buffering effect of

lower branches, increasing wind loading on branches higher in the crown. Some reduction in crown volume or end loading of selected limbs is likely to be expedient, possibly with some crown thinning at a future date. The only crown lifting that should be done as part of development is 'facilitation' pruning to enable unimpeded construction access – the extent of such needs to be clear since excessive facilitation pruning to accommodate for example a piling rig or crane, would not be acceptable.

- 5.31 In terms of new tree planting, x3 *Ginkgo biloba* are proposed fronting Park Place, x2 fronting 11 Park Place and x1 fronting the new courtyard. I recommend that the fastigiata male form 'Princeton Sentry' is utilised fronting 11 Park Place, since it maintains a very tightly fastigiata form appropriate to the space available. It will require access to a minimum 20m³ root available soil volume (RASV) per tree, and the applicant needs to demonstrate how this will be achieved. Whilst full landscaping details could be submitted via discharge of condition, I do require comfort that the below ground space is available to accommodate a minimum 20m³ RASV in a regular form – e.g. 5m x4m x1m depth pits, and information regarding the method to be used (load bearing soil cells are preferred). A different tree species should be used fronting the courtyard, because more above ground growing space is available to accommodate a tree that will offer some buffering to wind, uptake of pollution and amelioration of the local microclimate. At the same time, the tree should not be excessively spreading or with characteristics that make it oppressive, otherwise it may conflict with the highway and the enjoyment of the courtyard. I recommend *Tilia tomentosa* 'Brabant', as an upswept but large tree with good tolerance of dry soils and reflected heat, aromatic flowers, golden yellow autumn colour and very pale leaf undersides that help to reflect heat and mean the tree is less oppressive. Contrary to some nursery claims, the most recent research shows that there is no evidence that its nectar is toxic to bees. It will require access to 30m³ RASV and as per the *Ginkgo*, the applicant should demonstrate how this will be available (e.g. 6m x5m x1m depth pit with load bearing soil cells).
- 5.32 Each tree will require as large as practicable tree pit opening. The *Ginkgo* should be allocated x4 aeration/irrigation inlets (e.g. 'Arborvent') and the *Tilia* x6. Back-fill soils for cells will need to be fit for purpose (i.e. designed for use in the product specified). An example of such is attached (RootSpace topsoil and subsoil). The applicant should work with the product supplier to produce a full specification detail (section and plan view).
- 5.33 The Trees Officer recommends appropriate tree protection and landscaping conditions.
- 5.34 **Highways (Drainage):** No consultation response has been received to date.
- 5.35 **Pollution Control (Contaminated Land):** The Officer notes the contents of the Preliminary Geo-environmental and Geo-technical Assessment which provides an initial assessment of the site and identifies potential risks to human health from contaminants and ground gases. The Shared Regulatory Services Environment Team has no objection subject to standard ground gas, contaminated land assessment, remediation and verification conditions, and unforeseen

contamination, imported soils and aggregates, and use of site won materials conditions, and a contamination and unstable land advisory notice.

- 5.36 **Pollution Control (Noise & Air):** The PC Officer notes that the mitigation measures proposed in the Ambient Noise Assessment are acceptable and requests a condition requiring that the façade insulation works are carried out in accordance with the specifications in the noise report.
- 5.37 In relation to air quality the officer notes that a medium risk has been identified with respect to dust and emissions as a result of construction site activities.
- 5.38 **Waste Management:** Given the size and nature of the development an in-depth waste strategy detailing the anticipated volumes and segregation, and the proposed number of collections, is requested. Details are also required on how waste is to be transferred to the ground floor from the upper levels.

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 where a surface water communication with the public sewer can be justified on the basis of the submitted drainage strategy it shall be connected to the 600mm surface water sewer and attenuated to an agreed discharge rate. The DCWW response has been forwarded to the applicant.
- 6.2 **Glamorgan-Gwent Archaeological Trust (GGAT):** We have consulted the detailed information contained on your website and can confirm that **the** proposal has an archaeological restraint. We note the submission of an archaeological desk-based assessment by Black Mountains Archaeology (Report no. 1003, dated June 2017). The document assesses the archaeological potential of the area and as well as the potential impact of the proposed development. Specifically it was determined that the Bute Dock Feeder Canal, 11 Park Place and Triangular-shaped Building would be subject to a direct effect by the proposal. It recommends that a watching brief be conducted during ground intrusion works associated with the Canal, final design plans respect the profile of the canal and that the northern bank of the dock feeder be enclosed and planted with trees. It also indicates that the watching brief should monitor the demolition of the Triangular-shaped building. The assessment further recommends that a Level 2 building survey be conducted on 11 Park Place, incorporating the existing RCAHMW survey, together with a photographic survey of Bradley Court.
- 6.3 As such, we recommend that two conditions, one for a programme of building recording and one requiring the applicant to submit a written scheme of investigation for a programme of archaeological works prior to the commencement of the development, should be attached to any planning consent granted by your Members, ensuring that archaeological and architectural investigations are carried out to mitigate the impact of the proposed development. We have no objection to the determination of the consent as long as these conditions are attached and implemented.

- 6.4 We recommend that a programme of building survey is carried out prior to work commencing. To ensure that work is carried out in a suitable manner, we therefore suggest that a condition worded in a manner similar to model condition 73 given in Welsh Government Circular 016/2014 is attached to any consent that is granted in response to the current application.
- 6.5 The second condition will require the applicant to submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource should be attached to any consent granted by your Members. We envisage that this programme of work would take the form of a watching brief during the identified groundworks required for the development, with detailed contingency arrangements, including the provision of sufficient time and resources to ensure that any archaeological features or finds that are located are properly investigated and recorded; it should include provision for any sampling that may prove necessary, post-excavation recording and assessment and reporting and possible publication of the results. To ensure adherence to the recommendations we recommend that the condition should be worded in a manner similar to model condition 24 given in Welsh Government Circular 016/2014.
- 6.6 We also recommend that a note should be attached to the planning consent providing guidance on how the archaeological work is undertaken.
- 6.7 **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.
- 6.8 **Natural Resources Wales:** No objection subject to a recommendation that the Council Ecologist is consulted to determine if there is a reasonable likelihood of bats being present. If so a survey in accordance with TAN 5 may be required. The developer's attention is drawn to the Development Industry Code of Practice for the disposal of waste and the Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste materials. The NRW response has been forwarded to the applicant.
- 6.9 **CADW:** Having carefully considered the information provided with this planning application, we consider that the impact of the proposed development on the setting of the scheduled monument, Cardiff Castle and Roman fort (GM171), and the registered parks and gardens, PGW (Gm)26 (CDF) Cathays Park and PGW(Gm)22(CDF) Cardiff Castle and Bute Park, will be very slight but not significant. We therefore have no objections to the impact of the proposed development on the scheduled monument or the registered parks and gardens.

7. **REPRESENTATIONS**

- 7.1 The proposals were advertised as a major application, listed building consent application, and conservation area consent application, in the press and on site. Neighbours and Local Members were consulted.

- 7.2 *Representations on June 2017 application plans:* Five letters of objection to the original application, including from Cardiff Civic Society and the Victorian Society, one letter raising concerns, and one letter of support, have been received.

- 7.3 Cardiff Civic Society (CCS) object on the following grounds:

'This proposal is completely at odds with Welsh Government guidance as set out in PPW 2016, the Historic Environment (Wales) Act, TAN 24 and Cadw's Conservation Principles.

It would be located on one of the most sensitive and important sites in Wales, situated as it is, so close to the world famous and highly regarded Civic Centre. The Civic Centre buildings and gardens set a new standard for the world at the start of the twentieth century (RIBA conference of 1922).

It will adversely impact, by its very scale and massing, several Grade 1 and Grade 2 buildings and other important Grade 2 buildings, a Registered Park and several Conservation Areas.*

The deliberate delineation between the civic and commercial activities, as recommended by the Bute Estates, will be compromised by this structure.

Cardiff City's LDP heritage recommendations 'seek to protect the City's distinctive heritage character' KP17 and EN9, so how is such an inappropriate proposal even being considered? And how is it that KP5's requirement for high quality design has also been ignored? The design is bland and unimaginative with poorly chosen materials that do not defer to the context.

It should be noted that there is a strong presumption against granting planning permission for developments which damage the character and appearance of a Conservation Area or its setting. If it were to gain approval it would set a very dangerous precedent for the City by making it very difficult to resist further applications for such tall buildings so near to the Civic Centre.

The justification for this application uses the rather odd rationale of the existence and precedence of Capital Tower, which has long since been regarded as a planning disaster by architecture and planning professionals. It is widely understood to be extremely damaging to the setting of Cathays Park and the Civic Centre.

It should be asked if this application for student housing is a cynical ploy to avoid the stricter planning controls for flats, such as the need for parking facilities and better fire escape arrangements. Also whether there is need for so much luxury student accommodation when the market for overseas students, who are mostly the only students that can afford such accommodation, is under threat.'

- 7.4 The CCS objection concludes by stating that the development does not meet any of the criteria for tall buildings in the Tall Buildings SPG.

- 7.5 The Victorian Society object on the following grounds:

'We object to the application, implementation of which would result in the serious erosion of Cardiff's well-defined historic streetscape, harm to the Windsor Place Conservation Area and harm to the setting of numerous listed buildings.

11 Park Place is a handsome Grade II-listed villa of the sort that helps define the uniform character of the street. In addition, the site is located within the Windsor Place

Conservation Area, which, according to the Conservation Area Appraisal, is characterised by its “distinctive quality of place”, dictated by the layout, form and detailing of its architectural development. As with much of Cardiff’s rich townscape the buildings here are chiefly nineteenth-century. The site also overlooks the Cathays Park Conservation Area, standing as it does right at the corner of its south-eastern boundary.

Cardiff’s Tall Buildings Supplementary Planning Guidance states that “all tall building proposals must demonstrate that: there would be no negative impacts on important views or vistas; the character or setting of heritage assets is not harmed; the proposal will be a positive feature in skyline and streetscape; no material harm is caused by overshadowing or overlooking”. This application fails in every respect: important views within three conservation areas, and particularly from the unique and exceptionally important civic group to the north would be marred; by virtue principally of its inelegant form and alien scale – particularly in the context of the strongly-defined conservation area and local streetscape – the new structure would have an overbearing and intrusive quality. The setting of Windsor Place and St Andrew’s Church would be especially seriously impacted.

The Supplementary Planning Guidance also asserts that any tall building proposals could only be permitted “where it can be demonstrated that they will preserve or enhance” the architectural quality, historic and cultural significance, character, integrity and/or setting of listed buildings and conservation areas. It goes on to state that in the vicinity of the civic centre – an area designated as being of “high sensitivity” – “it is unlikely that proposed buildings significantly taller than the prevailing townscape will be supported”.

In no way can the proposed new building convincingly be argued to result in a ‘limited’ impact on the setting of the numerous listed buildings, conservation areas and key views in which it would play a part: its impact would be drastic and damaging, and it would fail to preserve or enhance the special character and identity of the conservation area and the setting of numerous listed buildings. This is simply not an appropriate location for what would be one of the tallest buildings in central Cardiff.

The redevelopment of the site is acceptable in principle, but any scheme should respond sympathetically to the special qualities of the local area. In particular it should respect the harmonious scale, form, materiality and grain of the chiefly nineteenth century development that characterises this part of the city, and which is recognised in the Council’s Conservation Area Appraisals. Bradley Court is justly acknowledged as being a building of limited architectural interest and the principle of its demolition is by no means contentious. It does though attempt, albeit rather naively, to respond contextually – evident in its general detailing, form and materials – and, overall, it must be considered a far more appropriate building for this site than that proposed.

In light of the above we strongly object to this application and urge the Council to refuse it consent.’

- 7.6 Cooke & Arkwright raise the following concerns on behalf of property owners and occupiers in the Park Place/ Windsor Place area of the city centre:
- Concern that the business district nature of this part of the city centre is being eroded
 - Provision of adequate waste storage facilities
 - Proliferation of graffiti and litter
- 7.7 Jonathan Vining, Architect, objects on the following grounds:
- Tower building too large in size and not in keeping with its context

- Adverse impact on the character and appearance of the Windsor Place conservation areas
- Does not respond adequately to the site's location at the junction of the administrative and commercial parts of the city
- Loss of protected trees

7.8 Mr. Christopher Hayes from Roath and Ms. Margaret Roberts from Canton object on the following grounds:

- Tower building too large in size and not in keeping with its context
- Bland uninteresting boxy design
- Adverse impact on the settings of a number of listed buildings (in particular the Civic centre buildings) and on the Cathays Park and Windsor Place conservation areas
- Over provision of student housing schemes on valuable city centre sites
- Another luxury student accommodation block catering for very wealthy students is not a requirement for the city
- Site should be used for high quality office accommodation or affordable housing for local workers in preference to students
- Inadequate parking provision
- Not a suitable location for a restaurant

7.9 *Representations on October 2017 amended plans:* A further 4 letters of objection to the first amended plans submission (October 2017), including from the Design Commission for Wales (DCfW), Cardiff Civic Society and the Victorian Society, have been received.

7.10 The Cardiff Civic Society and the Victorian Society reiterate their objections detailed above. The latter suggest that the scheme should be called in because of the sensitivity of the site.

7.11 DCfW object as follows:

'We note a significant revision to this proposal since the application was initially submitted which presents a substantially different scheme. The Design Commission for Wales do not consider these changes to have improved the scheme and, given that previous concerns expressed through comment at design review have not been adequately addressed, object to the current proposals.'

Following the substantial amendments to the scheme since the Design Commission for Wales was last consulted on this proposal through design review in May 2017 and since the initial planning submission, which give rise to further reservations regarding its appropriateness and quality, the Design Commission for Wales has the following comments to make on the scheme submitted on the 11th October. These comments should be read in conjunction with comments provided following consideration of the proposals at design review. The site for this development is particularly sensitive and complex, being within one Conservation Area and in close proximity to another, with another listed building on site, therefore, as highlighted in each of our design review reports, the proposals should be of the highest design quality.'

Height and proportion: *As per the requirements of the adoption Cardiff Council Tall Buildings Supplementary Planning Guidance (SPG), in which this area of the city is highlighted as one unlikely to see tall buildings consented, proposals should be elegant*

and slender in form with careful consideration given to the footprint-height ratio. The currently proposed scheme does not create an elegant profile and although the design team have explained that viability has influenced the height and massing, the quality of the scheme should not be compromised. This is particularly pertinent given the sensitive context and potential to negatively impact upon listed buildings and the Conservation Area. The SPG highlights that bulky tall buildings with strong horizontal massing should be avoided, with the emphasis being on creating vertically slender buildings, however the horizontal banding on the proposal has the opposite effect and the tiers reduce the apparent height.

Materials: *At the May 2017 Design Review meeting with DCFW on this project, the richness, durability and quality of the materials proposed were welcomed. It is disappointing, therefore, to see that these materials have been replaced in the most recent proposal with materials of significantly lower quality. A substantial amount of silver rain screen cladding is now proposed, a material which has little or no justification based on context. The grey brick and silver rain screen cladding are unlikely to create a pleasant contrast to the rich, high quality materials of the surrounding listed buildings. The visuals suggest that the reflective material will reflect blue skies and camouflage the building. In practice the material is likely to appear dark, grey and stand out in the Conservation Area comprising largely warm, rich materials.*

Ledges: *The ledges created at the bases of the articulated tiers are a cause for concern on the grounds of maintenance and management.*

Signage: *The treatment of the top of the building is particularly significant given its visibility on the sky line and, therefore, the proposed signage is considered inappropriate.*

Justification: *Design justification appears to have been retrofitted to suit the scheme which seems to have been led primarily by the commercial requirements. The design narrative and rationale is unconvincing, particularly with regard to the justification of a tall building and the articulation of the tiers.*

Quality: *Given the significant impact that a tall building would make on the immediate environment and the precedent it sets for the wider city, the proposal must demonstrate exceptional architectural standards. The suitability of a tall building on this site is a matter for the local authority to determine in light of its adopted policy and comprehensive justification of proposals, but a taller building also carries an increased obligation to achieve excellent quality and is harder to justify given its impact is more significant. This proposal fails to achieve architectural excellence on a number of counts detailed above, including justification, elegance in form and materials.*

On this basis and in light of current adopted Cardiff Council policy we are unable to comprehend any consideration that the proposal should achieve planning consent.'

7.12 Mr. Hunt of Park Place Chambers objects on the following grounds:

- The application is supported by a Townscape and Historic Environment Visual Impact Assessment (THEVIA) which concludes that 12 of the 14 key views identify some level of harm to the setting of a listed building and/or conservation area
- The proposal is clearly at odds with legislation and policy relating to the historic environment as set out in the Planning (Listed Buildings and Conservation Areas) Act, 1990, Planning Policy Wales, TAN24, and the Council's LDP
- In addition it fails to comply with guidance set out in the Council's SPG relating to tall buildings and the City Centre conservation areas.

- 7.13 *Representations on 7th February 2017 amended plans:* A further 2 letters of objection to the second amended plans submission (Feb 7th 2018), including from the Victorian Society, and one letter on behalf of local business owners raising concerns, have been received.
- 7.14 The Victorian Society and Ms. Margaret Roberts maintain their objections, detailed above.
- 7.15 Matt Bryant, business owner on Windsor Place, raises the following concerns regarding access via Park Lane on behalf of businesses trading from or owning buildings on the west side of Windsor Place:
- No strategy for servicing the development during the demolition and construction phase and requesting that deliveries are made to and from Park Place, not Park Lane
 - A condition is requested that requires Park Lane be kept open as much as possible during the construction phase
 - A condition is requested that requires noise and dust to be controlled as far as is reasonably practical
 - A condition is requested that limits the size of delivery vehicles to ensure they can be accommodated in the development's loading bay on Park Lane
 - A no loading restriction be placed on Park Lane between the junction with Stuttgarter Strasse and the proposed loading bay
 - To mitigate the harmful impact of the dominant building on the immediate area the S106 legal agreement should include a financial contribution for the improvement of the street and pavement surfacing on Windsor Place.
- 7.16 *Representations on 22nd February 2018 amended plans:* A further 3 letters of objection to the current plans (3rd amended plans submission, Feb 22nd 2018), including from the Design Commission for Wales (DCfW) and Cardiff Civic Society, have been received.
- 7.17 Jonathan Vining, Architect, and Cardiff Civic Society reiterate their objections detailed above.
- 7.18 DCfW object as follows:

'In response to the email received from Cardiff Council on 22nd February 2018, the Design Commission for Wales appreciates the opportunity to comment on the amended plans and DAS that have been submitted under application 17/01417/MJR for student accommodation at Bradley Court, 11 Park Place, Cardiff CF10 3DR.

Although we acknowledge the amendments to the scheme, these do not respond to the concerns raised in our most recent review, please see attached Design Review report dated 22nd February 2017.

The Tall Buildings SPG provides the guidance required to determine the suitability of the proposed tall building on this site. The highly sensitive location of the site, combined with the proposed height and mass means that there is an increased obligation to achieve excellent quality and it is much harder to justify.

DCFW considers that the amended scheme still fails to achieve the architectural excellence needed in such a location, on a number of counts detailed in the attached Design Review report, including justification and elegance in form.'

8. **ASSESSMENT**

8.1 The following are material to the determination of the application:

- **The acceptability of the proposed use in land use policy terms**
- **The consideration of the loss of existing employment land/premises**
- **The acceptability of the building design**
- **Conservation and heritage considerations**
- **Consultation responses and planning obligations**
- **Consideration of representations**

These are considered below:

Land Use Policy

8.2 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. Such 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.

8.3 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.

8.4 It is also acknowledged that a significant proportion of the purpose-built student housing demand is likely to be met in, or close to, the Central Business Area/Cardiff Central Enterprise Zone. By locating high density development in central locations there is a benefit in reducing the need to travel by non-sustainable modes, whilst providing a positive contribution to the day time and night time economy.

8.5 The proposal is considered acceptable in land use policy terms and represents a highly sustainable and accessible location for the uses proposed. The contribution of £100,000 towards a new pedestrian crossing over Park Place and £125,000 towards pedestrian/cycling measures on Boulevard de Nantes further enhance pedestrian/cycling safety and movement in this well-used location.

The Loss of Employment Use

8.6 LDP Policy EC4: Protecting Offices in the Central and Bay Business Areas states that *"The alternative use of offices in the Central and Bay Business Areas will only be permitted where it can be demonstrated that there is no need to retain the site or premises for office use, having regard to the demand for offices and the requirement to provide a range and choice of sites available for such use."* Paragraph 5.59 of the LDP provides further explanation of the policy stating: *"..long term vacancy can have a damaging impact upon the viability of commercial*

centres. Office premises that, despite active marketing, have remained unoccupied for over two years will be considered more favourably for changes of use to other, appropriate uses.” In this regard, the applicant commenced a comprehensive marketing campaign for the existing offices at Bradley Court and 11 Park Place in 2016 which has not generated any sustained interest from the office development/ refurbishment market. The previous occupiers of the building have relocated to Grade A office accommodation in the Central Square area of the city centre. Whilst occupying a prominent city centre location, the site has remained vacant and derelict for two years.

- 8.7 In relation to the Safeguarding Business and Industrial Land and Premises SPG, the 11 Park Place villa was substantially reconfigured and extended in the late 1980's to form part of the large floorplate Bradley Court development. The proposal does not therefore involve the loss of small-scale professional office floorspace from within the Northern Professional Office Area in this instance. The proposal has been considered by the Council's Economic Development Directorate, and no objections have been received. For the above reasons, the proposed development is considered acceptable in land use policy terms, having regard to LDP Policies EC3 and EC4 and associated Supplementary Planning Guidance.

Building Design

- 8.8 The design has evolved through a number of iterations, based on detailed analysis of the surrounding environment and the historic context. A series of amended plans have been submitted following extensive discussions with planning, statutory and technical consultees and third parties including the Design Commission for Wales. The latest submitted plans followed a “Design Review” with the Design Commission for Wales and resulted in a reduction in the bulk of the building as previously proposed. Discussions throughout the application process have maintained the need to demonstrate that the building is of exceptional quality and meets the requirements of the Council's LDP Policy KP(5): Good Quality and Sustainable Design, and the associated Tall Buildings Supplementary Planning Guidance.
- 8.9 Policy KP5 introduces twelve criteria whereby all new development will (in summary):
- i. Respond to the local character and context
 - ii. Provide legible development
 - iii. Provide a diversity of land uses
 - iv. Create interconnected streets
 - v. Provide a healthy and convenient environment
 - vi. Maximise renewable energy solutions
 - vii. Achieve resource efficient and climate responsive design
 - viii. Achieve an adaptable design
 - ix. Promote the efficient use of land
 - x. Ensure no undue effect on the amenity of neighbouring occupiers
 - xi. Ensure inclusive design
 - xii. And locate tall buildings in locations which are highly accessible through walking and public transport and within an existing or proposed cluster of tall buildings

- 8.10 In considering the application, officers have sought amendments to reduce the scale of development, enhance the setting of listed buildings, reduce the impact upon Conservation Areas and introduce materials and enhancements to the built form and public realm design that recognise both the sensitivity and importance of the development and its surroundings. In this respect, the most recent amended plans are considered to effectively satisfy the criteria in LDP Policy KP5.
- 8.11 The Tall Buildings SPG (approved 2017) is a material consideration in determining the application. Paragraph 1.5 states: “*well-designed tall buildings in appropriate locations have the potential to add significant value to Cardiff. They can enhance skylines and provide recognisable landmarks that can serve to promote the city on a national and international stage.*” Paragraph 1.7 further states: “*Cardiff seeks to become the most liveable city in Europe and to create an inclusive, vibrant, thriving, sustainable and attractive city in which to live and work. Proposals for tall buildings will need to demonstrate than exceptional standard of design together with appropriate land uses and public realm through careful planning and design so that they knit well into the existing fabric of the city.*” Tall buildings will be assessed having regard to locational criteria, specifically that they will only be acceptable where (Para 2.2):
- *There would be no negative impacts on important views or vistas.*
 - *The character or setting of heritage assets is not harmed.*
 - *The proposal will be a positive feature in skyline & streetscape, either by complementing a cluster of tall buildings or forming a strategic landmark.*
 - *No material harm is caused by overshadowing or overlooking.*
 - *There will be walking and cycling accessibility to sustainable transport and local facilities.*

These criteria are considered individually below:

- 8.12 *Impact on important views or vistas:* The visual impact on important views or vistas has been tested by means of a series of key views from 14 agreed locations. In views from Cathays Park the building is best appreciated as a distinctive landmark on a prominent corner site at a gateway location and its visual impact on these important views is considered to be acceptable.
- 8.13 Views from the east and south are predominantly views from within the Windsor Place and Queen Street conservation areas and these are assessed in detail in the ‘Impact on Conservation and heritage’ section below.
- 8.14 *Impact on heritage assets:* The applicant’s Townscape & Heritage Environment Visual Impact Assessment (THEVIA) identifies a moderate or significant adverse impact on heritage assets in 8 of the 14 agreed key views. The impact is described in more detail in the heritage impact assessment section of the report.
- 8.15 *Impact on skyline and streetscape:* The site is located on a prominent corner site, and at a gateway location as identified by the Windsor Place Conservation Area Appraisal. The Tall Buildings SPG states that corner sites and gateway locations

are more likely to be appropriate locations for tall buildings, subject to satisfying the other SPG tests. The building is considered to satisfy this criterion.

- 8.16 *Overshadowing and overlooking:* The tall building will cast a shadow in the morning over the Dock Feeder and the SE corner of Cathays Park, and from late morning onwards over properties on Park Place to the north of Stuttgarter Strasse, and the west side of St. Andrews Crescent. In the late afternoon in the summer months it will cast a shadow over properties on the western side of Windsor Place at its northern end.
- 8.17 Overshadowing of the Dock Feeder and Park is for a limited period in the morning only. Information provided by the applicant demonstrates that any properties affected are in commercial use and are overshadowed for a limited period of the afternoon at certain times of the year only. For the above reasons, it is considered that no material harm is caused from overshadowing.
- 8.18 Overlooking of residential properties is not a material consideration in this instance, as adjacent properties are in commercial use. For the above reasons, it is considered that no material harm is caused from overlooking.
- 8.19 *Location:* The building is within easy walking/ cycling 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.
- 8.20 The SPG goes on to say that detailed proposals for tall buildings:
- *Exhibit exceptional architectural standards: elegance in form, silhouette and quality of materials.*
 - *Maximise activity through ground floors uses and fenestration.*
 - *Provide the highest standards of building performance, safety, inclusivity and adaptability*
 - *Include exemplary cycle storage, low parking levels and integrated servicing, recycling and waste storage.*
 - *Prove that the development will not create adverse microclimatic effects.*
 - *Deliver significant enhancements to the public realm.*

Of the above, the detailed design considerations include:

- 8.21 *Form, silhouette and quality of materials:* The proposal has undergone a number of revisions to address form, silhouette, and quality of materials. The latest amendments have responded to the comments received following the Design Review meeting of 15 February by reducing the height of the lower tower to 15 storeys rather whilst retaining a 19 storey element fronting Park Place. The tower elements are separated by a pronounced recess and the effect in longer views from the north is to reduce the massing and bulk of the tower and add interest to the silhouette. Increasing the differences in height between the two tower elements creates a more slender emphasis to the tallest element. The secondary horizontal division of the tower, strong plinth, and distinctive lantern top, further mitigate the bulk of the tower and create a distinctive, well-proportioned building.

Furthermore, the amended plans evidence significant improvements in the detailing and architectural treatment to all the main elevations.

- 8.22 Materials are predominantly brick, being a textured mid-grey traditional masonry to the lower 4 floors and textured lighter buff brick cladding above, with colours, texture and coursing chosen to complement the materiality of 11 Park Place, and the surrounding Conservation Area. The quality of materials and detailing is beyond those seen in many other city centre developments, and meets the criteria for a tall building in this location. Notwithstanding the above, conditions are recommended to ensure that proposed materials and architectural details are agreed by the local planning authority to maintain the highest specification and design of the proposed building. Overall, the proposal, as amended, is considered to be of the exceptional quality required in this context.
- 8.23 *Ground floor activity:* The ground floor restaurant, student hub and public realm will maximise activity and create an attractive and lively mini-square. This is considered a positive contribution of the proposed development and brings forward a new, high quality public square/space in the city centre, albeit at the edge of a busy junction.
- 8.24 *Microclimate:* A desktop analysis of the wind microclimate demonstrates that the wind microclimate at pavement level will be generally acceptable (see below for more details). However, the analysis identifies uncomfortable walking conditions at ground level restaurant entrance and for the 15th storey roof garden area. A condition is recommended requiring details of measures (to be wind tunnel tested) to demonstrate how these potential microclimatic effects can be appropriately mitigated.
- 8.25 *Public realm enhancements:* The associated public realm, which includes the new area of public realm to the front of the building, a new toucan crossing on Park Place, improvements to the existing Boulevard de Nantes crossing, and the potential opening up of the eastern end of the Dock Feeder for public recreational use, will significantly improve the appearance and functionality of this key junction.
- 8.26 The loss of a large section of prominent railing-topped stone boundary walling is justified in this case given the intention to create a new area of integrated public realm. It should also be noted that the contribution of such features is stronger when they define the forecourts and entrance towards the villas behind, and in this instance the wall also currently relates to a change in levels which would be removed within the landscaping proposed.
- 8.27 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 to facilitate a potential sitting-out area for the A3 retail unit. The proposals are acceptable subject to the landscaping conditions included above.
- 8.28 The Tall Buildings SPG in paragraph 5.3 and Appendix A identify the development within an Area of Very High Sensitivity: The SPG states: '*Any proposals that can be viewed in the vicinity of Cardiff Castle and the Civic Centre need careful*

attention. In this area of very high sensitivity it is unlikely that proposed buildings significantly taller than the prevailing townscape will be supported.'

- 8.29 The proposals are visible from the Castle and the Civic Centre (see key views 4, 5 and 6). However, in all of these views the impact is considered to be acceptable. Given the oblique views and distance from the Castle, and recognising the positive contribution of the proposed development in framing the corner of Stuttgarter Strasse and Park Place, it is considered that the proposal is, on balance, considered acceptable and meets the highly sensitive location criteria of the approved Tall Buildings SPG.
- 8.30 In terms of design and tall building considerations, the latest amendments have materially improved the appearance such that the proposal is considered to represent the high-quality form of development which is necessary to satisfy relevant LDP design policy and SPG as described above.

Conservation and Heritage Considerations

- 8.31 Planning Policy Wales (Edition 9) and LDP policy EN9 provide relevant guidance when weighing up such considerations. Paragraph 6.5.11 refers to Listed Buildings and clarifies the importance of having special regard to the desirability of preserving the building, its setting or any features of special architectural or historic interest which it possesses and that the aim should be to find the best way to protect and enhance the special qualities of Listed Buildings, retaining them in sustainable use. Paragraph 6.5.21 provides relevant advice with regard to Conservation Areas: *"There will be a strong presumption against the granting of planning permission for developments, including advertisements, which damage the character or appearance of a conservation area or its setting to an unacceptable level. In exceptional cases, the presumption may be overridden in favour of development considered desirable on the grounds of some other public interest. Preservation or enhancement of a conservation area can be achieved by a development which either makes a positive contribution to an area's character or appearance or leaves them unharmed. Mitigation measures can also be considered which could result in an overall neutral or positive impact of a proposed development in a conservation area"*. LDP policy EN9 states that development will only be permitted where it can be demonstrated that it preserves or enhances the heritage asset
- 8.32 This section considers the impact on the character and appearance of the Windsor Place Conservation Area, the settings of Cathays Park, Queen Street and Churchill Way Conservation Areas, the impact upon trees and the setting of the listed buildings at nos. 3 – 11 Park Place, 20 Park Place (Park House), nos. 11 - 24 Windsor Place, Eglwys Dewi Sant on St Andrews Crescent and the Park Hotel on Queen Street, and the setting of the Cathays Park Historic Park and Garden
- 8.33 The basis for this assessment has regard to the applicant's Townscape and Historic Environment Visual Impact Assessment (THEVIA). This Assessment identifies before and after images of 14 key views to illustrate the heritage impact of the proposals. These were agreed as the key views with the Local Planning Authority.

- 8.34 **The Windsor Place Conservation Area.** The Conservation Area Appraisal (CAA) notes that the building scale in the area is: *'largely dominated by 3 storey Victorian houses at Windsor Place and St Andrews Crescent, and by more substantial 3 and 4 storey buildings at Park Place. The established building height of 3-4 storeys has been replicated in the modern office buildings at Stuttgarter Strasse, however, their larger footprint and massing presents a much more dominant scale to the Conservation Area, at odds with the historically residential character. The scale and proportions of the streets contribute as much to the character of the Conservation Area as do the scale of the buildings within it'* (2.1.2).
- 8.35 The proposal does not attempt to replicate the predominant scale of the Conservation Area, seeking instead to create a high quality landmark in the form of a tall building on a prominent corner site. The set-back position of the building reduces its impact in terms of the immediate street scene within Park Place, however important longer views would change significantly.
- 8.36 Key views (numbers 3 and 14) taken from the Cathays Park CA, and views 2, 7, 8, 9, 10, 11, from within the Windsor Place CA, and 12 and 13 from Churchill Way CA illustrate the impact of the proposals on the Windsor Place CA. These are considered below.
- 8.37 *Views taken from Cathays Park (views 3 and 14):* The proposed building, when viewed from Cathays Park, would not adversely impact upon the character or appearance of the Windsor Place Conservation Area.
- 8.38 *The view from Park Place, corner of Greyfriars Road (view 2):* This view is dominated by the Grade II listed New Theatre, with its curved 3 storey red brick façade. The height and massing of the new development, mitigated in part by being set back behind the Park Place building line, would nonetheless have a moderate adverse impact on the character and appearance of the Conservation Area. The use of different materials/colours to lower floors as well as the creation of active ground floor uses, does, in part, recognise the predominant scale of adjacent buildings.
- 8.39 *View from Park Place, corner of Museum (view 7):* The height and massing of the new development projecting above the Park Place roofline would have a moderate adverse impact on the character and appearance of the Conservation Area.
- 8.40 *View west along Stuttgarter Strasse (view 8):* The tall relatively slender eastern elevation would have a minor adverse impact on the Conservation Area. It is also noted that the use of high quality materials, architectural treatment and proportions would add quality to the wider streetscene.
- 8.41 *Views 9 (Windsor Place), and 11 (St Andrews Crescent):* The proposed development rises above the uniform rooflines of Windsor Place. It is acknowledged that the proposed development would have an adverse impact on the character and appearance of the Conservation Area in this regard.
- 8.42 *View from Stuttgarter Strasse, junction with St. Andrews Place (view 10):* The tall relatively slender eastern elevation would have a minor adverse impact on the CA as the skyline is currently impacted by the Capital Tower.

- 8.43 *Key views 12 and 13* from Churchill Way further illustrate the impact of the proposals on the Windsor Place CA and are not considered to have an adverse impact.
- 8.44 **Cathays Park Conservation Area** (*views 3 and 14*): The new building, although significantly larger and dominating the view, would, by virtue of its orderly “civic” design, sit comfortably within this varied townscape location, which is defined by the wide, busy junction of Park Place and Stuttgarter Strasse.
- 8.45 **Queen Street Conservation Area**: Key views 12 and 13 from Churchill Way illustrate the impact of the proposals on the Queen Street CA. The wide southern elevation of the new building projects above the unbroken roofline of the grade II listed Park Hotel in the Queen Street CA in these 2 views. The building would have a minor adverse impact on the setting of this Conservation Area.
- 8.46 **Churchill Way Conservation Area**: Key view 12 from the southern end of Churchill Way illustrates the impact of the proposals on the Churchill Way CA. the applicant’s Assessment concludes that the proposals would have no impact on the setting of the Churchill Way CA as it is already encroached upon by tall modern developments on its eastern side.
- 8.47 **The Impact on Trees**: The improved management of the retained and proposed new trees would enhance the character of the Conservation Area at this prominent corner. The provision of an attractive area of semi-public open space would also enhance the area, albeit more aligned to good urban design principles than heritage considerations. The side of the listed 11 Park Place would also be made more prominent and active through the proposed alterations and public realm enhancements.
- 8.48 **The Impact on the Setting of Listed Buildings**: The new building would have a limited impact on the setting of the adjacent no. 11 Park Place which is retained and enhanced as part of this application (see associated Listed building Consent application (ref: 17/01418MJR). The Listed Park Place terrace by virtue of being set back from the main building line is not adversely impacted by the proposed development. The new public realm and choice of building materials enhances the immediate setting of the listed building.
- 8.49 With regard to other Listed Buildings, the applicant’s Townscape and Historic Environment Visual Impact Assessment (THEVIA) and officer assessment identifies adverse impacts to neighbouring Listed Buildings, namely;
- *3-11 Park Place (Grade II)*
 - *Windsor Place (Grade II)*
 - *Park Hotel (Grade II)*
 - *Eglwys Dewi Sant (Grade II)*
- 8.50 Listed Buildings whose settings would not be materially harmed include:
- *New Theatre (Grade II):*

- *Civic Centre - principally City Hall, National Museum and Law Courts (all Grade I)*: The building would not be visible within key views towards civic centre buildings. Views would be possible from these buildings, however the intervening parkland and trees in Gorsedd Gardens would limit these views to glimpses. As such it is considered that the setting of these buildings would not be harmed.
- *Park House (Grade I)*

8.51 **The Setting of the Cathays Park registered Historic Park (Grade II)**: Given the divisive impact of the intervening Boulevard de Nantes, the conclusion of the applicant (and subsequently Cadw officers) regarding the setting of the Gorsedd Gardens section of Cathays Park is considered reasonable in that it would not harm the setting of the registered parkland.

8.52 The considerations with regard to conservation and heritage matters are described above. In this respect, it is apparent that from some of the identified locations, the impacts are not considered positive. These impacts vary depending upon the particular viewpoint and distance/juxtaposition between the proposal and either Conservation Areas or Listed Buildings. In terms of negative impacts from certain viewpoints, regard needs to be taken to the degree of harm and whether this may be considered unacceptable.

8.53 However, the scheme would deliver clear benefits through the removal of an existing building which is not considered to enhance the Conservation Area or setting of the Listed Building forming part of the site. The proposal would also bring the site, which has been derelict for 2 years, into beneficial use with associated economic and regeneration benefits. The relationship with the Civic Centre is considered to be positive representing the introduction of a high-quality building to this corner location. The introduction of a new usable public space in this important gateway location is also considered an enhancement along with the creation of an active frontage through the introduction of a restaurant on the ground floor. Furthermore, the contribution of £275,000 to improve the Dock Feeder and immediate area has also been secured and is also considered a positive enhancement. Cadw have been consulted and have not made an objection.

8.54 Taking account of both negative and positive considerations including the mitigation and enhancement measures along with high-quality architectural form and detailing, provision of an acceptable land use and new usable public space in a highly sustainable and accessible location, the proposal is overall considered to accord with the relevant policy context and the recommendation reflects this careful analysis.

Consultation Responses and Planning Obligations:

8.55 *Traffic & Transportation*: There is one disabled parking space provided on site and no on-street parking in the vicinity. The applicant advises that 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. The parking provision proposed at this location is considered acceptable.

- 8.56 There are approximately 80 secure covered cycle spaces in a storage area at basement level. This is consistent with other city centre student housing schemes, and is considered acceptable given the site constraints.
- 8.57 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. Pick-up and drop-off at start and end of term will be from Park Lane and/or Park Place. Use may also be made of public car parks in the vicinity. Students will occupy the accommodation for typically up to 51 weeks of the year and drop-off and collection is therefore only undertaken once per year. A condition is recommended requiring details of start and end of term arrangements.
- 8.58 The existing office has been vacant for almost two years and the submitted Employment Land Statement confirms that a comprehensive marketing campaign of the office block did not generate any interest from the office development/refurbishment market. The report also concluded that a significant supply of grade A and B office space is available in the city centre for the foreseeable future. Given the above, it is considered that a financial contribution to mitigate the loss of office accommodation is not justified having regard to the legal tests for planning obligations.
- 8.59 The Parks Officer has requested a financial contribution of £275,000 towards off-site public open space enhancements
- 8.60 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.
- 8.61 The development offers a large student hub space, gym and movie room at ground floor, and generous additional student hub space on level 1 of the retained villa to serve the 320 students. The proposals also include a significant new area of public realm to the front of the building, and a roof garden. This is considered 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, rather than going outside the city centre and immediate surroundings to use more local neighbourhood facilities.
- 8.51 The applicant has offered a total sum of £500,000 in 106 contributions which is comparable to amounts secured on other recent large-scale student developments in the city centre area and is considered acceptable.
- 8.52 Having regard to the nature and location of the site, and the Planning Obligations SPG, the contributions are sought to secure necessary public realm and highway improvements in the immediate vicinity of the site, and towards the provision of a new Dock Feeder pocket park at the corner of Park Place and Boulevard de Nantes, or improvements to other such public open space in the vicinity of the development.

Responses to Representations

- 8.53 Objections on grounds of proposed student housing use, scale and design of proposals, and impact on heritage assets have been addressed above.
- 8.54 Access at all times during the construction period for those businesses using Park Lane is a matter between the applicant and business owners. A construction management plan condition is recommended which requires applicants to provide details of highway/footway closures and access/ egress to the site. Discharge of this condition requires that reasonable access for other users of the Lane is maintained in the interests of highway safety and public amenity. The condition also controls dust and noise emissions.
- 8.55 In relation to servicing arrangements a delivery and servicing management plan condition is recommended which requires applicants to provide details of management of day to day access, deliveries and servicing, details of the maximum vehicle size(s), times and days of permitted access, control and management of noise. Management of the delivery and servicing associated with the development shall be carried strictly in accordance with the plan in the interests of highway safety and public amenity.
- 8.56 A request for a 106 financial contribution for the upgrading of Windsor Place would not meet the planning obligations tests as the works are not considered reasonable nor directly related to the proposed development.
- 8.57 Affordability and adaptability of student accommodation is not a material planning matter. Any future change of use would require planning permission as student housing is a sui generis use and would therefore be required to meet planning policy and guidance. A further planning obligation is recommended to ensure that the proposed development cannot be used for non-student accommodation.
- 8.58 In relation to other matters raised by representations: Waste storage arrangements are controlled by condition. Fire risk in relation to the specification of cladding is not a planning matter and is addressed under the Building Regulations.
- 8.59 Any decision to call in the application is at the discretion of the Welsh Government Planning Directorate. Such powers are rarely used and only when the proposals are considered to raise issues of more than local importance. In deciding whether to call in an application, Welsh Ministers will have regard to whether the LPA has identified and considered the material planning issues and the relevant planning policies.

Other Legislation

- 8.60 *Equality Act 2010*: The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council's duty under the above Act has been given due consideration in the determination of this application. The DAS notes that the access to the site would be safe, well-lit and level, with the development itself designed to have level thresholds. It is considered that the proposed development

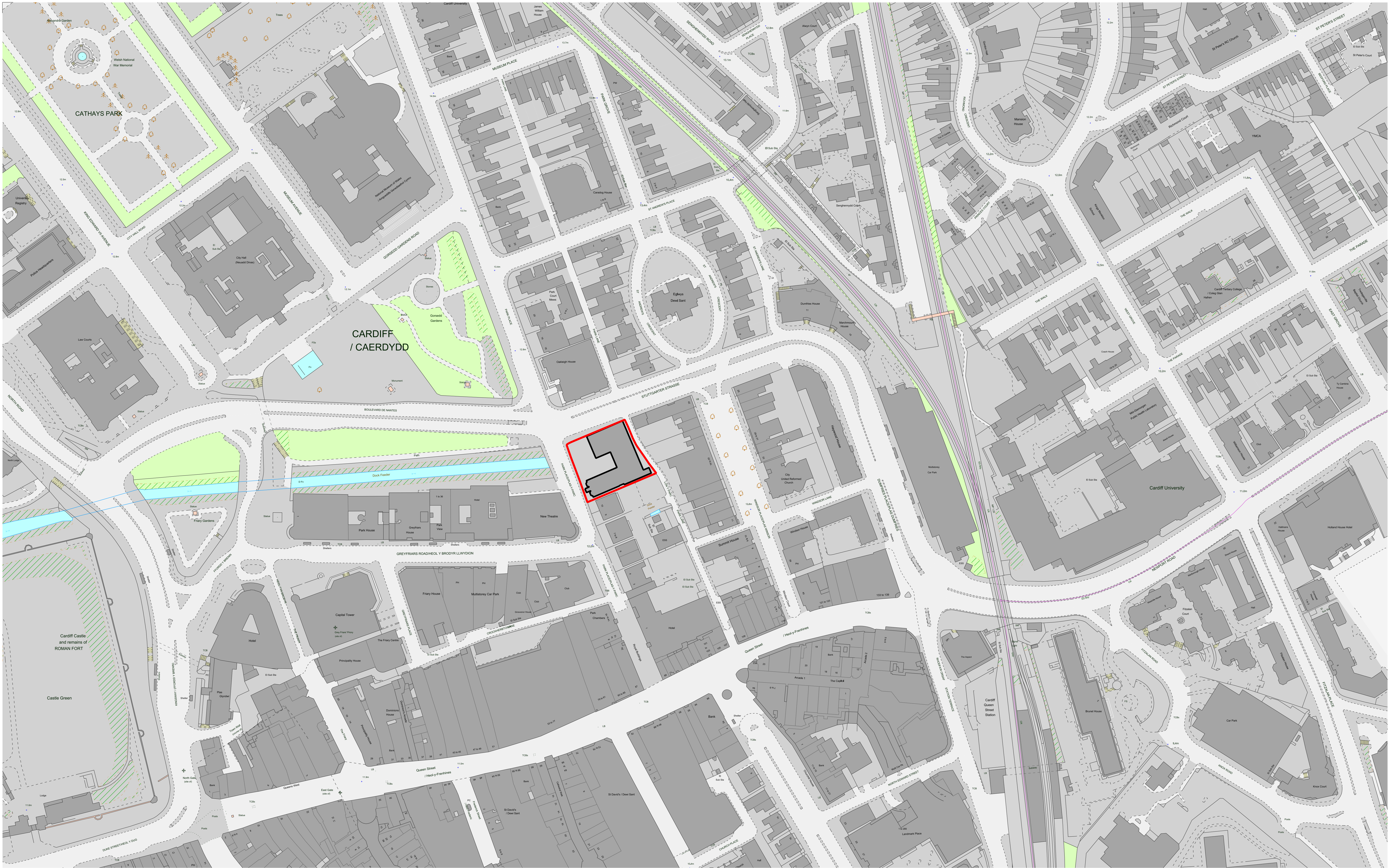
does not have any significant implications for, or effect on, persons who share a protected characteristic.

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

9. **CONCLUSION**

- 9.1 The proposal is considered acceptable in land use policy terms and represents a highly sustainable and accessible location for the uses proposed.
- 9.2 In terms of design and tall building considerations, the latest amendments have materially improved the appearance such that the proposal is considered to represent the high-quality form of development which is necessary to satisfy relevant LDP design policy and SPG as described above.
- 9.3 The considerations with regard to conservation and heritage matters are described above. In this respect, it is apparent that from some of the identified locations, the impacts are not considered positive. These impacts vary depending upon the particular viewpoint and distance/juxtaposition between the proposal and either Conservation Areas or Listed Buildings. In terms of negative impacts from certain viewpoints, regard needs to be taken to the degree of harm and whether this may be considered unacceptable.
- 9.4 However, the scheme would deliver clear benefits through the removal of an existing building which is not considered to enhance the Conservation Area or setting of the Listed Building forming part of the site. The proposal would also bring the site, which has been derelict for 2 years, into beneficial use with associated economic and regeneration benefits. The relationship with the Civic Centre is considered to be positive representing the introduction of a high-quality building to this corner location. The introduction of a new usable public space in this important gateway location is also considered an enhancement along with the creation of an active frontage through the introduction of a restaurant on the ground floor, as well as contributions to off-site highway and environmental improvements. Cadw have been consulted and have not made an objection.
- 9.5 Taking account of both negative and positive considerations including the mitigation and enhancement measures along with high-quality architectural form and detailing, provision of an acceptable land use and new usable public space in a highly sustainable and accessible location, the proposal is overall considered to accord with the relevant policy context and the recommendation reflects this careful analysis.

- 9.6 The granting of planning permission is recommended subject to conditions and the signing of a Section 106 legal agreement in the form of a financial contribution to secure the following highway improvement and public realm works:
- Financial contribution of £100,000 towards the provision of a new toucan crossing on Park Place. See dwg. no. LTS-079(08)101-G
 - Financial contribution of £125,000 towards improvements to the pedestrian and cycle crossing on Boulevard de Nantes, and associated improvements for the proposed east-west cycle super highway which will pass in front of the site.
 - Financial contribution of £275,000 towards public open space improvements, namely works to the Dock Feeder area on the west side of Park Place to create an accessible pocket park (see dwg. no. LTS-079-010REVA *Indicative Public Realm Proposals*), and/or other public open space improvements to the value provided.
 - An obligation restricting the use of the residential accommodation proposed to student occupation only.
- 9.7 The applicant has confirmed their acceptance of the above obligations



PLANNING ISSUE

0 10m 50m 100m 150m

Planning application site

Proposed development

Existing buildings

North arrow

FelddenCleggBradleyStudios
LLP
Bath Brewery
Toll Bridge Road
Bath
BA1 7DE
t 01225 852545
f 01225 852528
e bath@fcbstudios.com

Rev G
Amendment

VITA CARDIFF
BRADLEY COURT
SITE LOCATION PLAN

06/02/2018
Date

Job/Drawing No
1870/P/101
Amendment
G

Scale
1:1250 (1:2500 @ A3)
Date
21/04/2017
Drawn

All dimensions to be checked on site

Original printed at A1

4.0 Proposal

4.6 Illustrative Views



Illustrative View from Boulevard de Nantes