

LOCAL MEMBER OBJECTION, AM OBJECTION & PETITION

COMMITTEE DATE: 21/11/2018

APPLICATION No. **18/00455/MJR** APPLICATION DATE: 28/02/2018

ED: **BUTETOWN**

APP: TYPE: Full Planning Permission

APPLICANT: Hospitality and Capital Management Group
LOCATION: HOLIDAY INN EXPRESS, LONGUEIL CLOSE, ATLANTIC WHARF, CARDIFF, CF10 4EE

PROPOSAL: PART DEMOLITION OF EXISTING HOTEL AND ERECTION OF 'EXTENDED STAY' HOTEL, ADDITIONAL PARKING AND ANCILLARY DEVELOPMENT

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

1. C01 Statutory Time Limit
2. This approval is in respect of the following plans and documents, unless otherwise amended by any other condition attached to this consent:

3971-014A, 010A, 011, 012, 013, 201E, 202B, 203C, 204B, 205B, 206D, 207, 208A and 18/640/03D

Reason: To avoid doubt and confusion as to the approved plans.

3. Prior to the commencement of any development works a scheme to investigate and monitor the site for the presence of gases being generated at the site or land adjoining thereto, including a plan of the area to be monitored, shall be submitted to the Local Planning Authority for its approval.

Following completion of the approved monitoring scheme, the proposed details of appropriate gas protection measures to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site shall be submitted to and approved in writing to the Local Planning Authority. If no protection measures are required then no further actions will be required.

All required gas protection measures shall be installed and 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 Local Development Plan.

4. Prior to the commencement of the development an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person in accordance with BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and shall assess any contamination on the site, whether or not it originates on the site. The report of the findings shall include:

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

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WG / NRW guidance document ' Land Contamination: A guide for Developers' (2017),, unless the Local Planning Authority agrees to any variation.

Reason: To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment in accordance with policy EN13 of the Cardiff Local Development Plan.

5. Prior to the commencement of the development a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical

environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

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 neighbours and other offsite receptors in accordance with policy EN13 of the Cardiff Local Development Plan

6. The remediation scheme approved by condition 5 shall 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 shall 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 shall be submitted to and approved in writing by the Local Planning Authority.

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

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 neighbours and other offsite receptors in accordance with policy EN13 of the Cardiff Local Development Plan.

7. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing within 2 days to the Local Planning Authority, all

associated works shall 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 shall be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the Local Planning Authority within 2 weeks of the discovery of any unsuspected contamination.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN13 of the Cardiff Local Development Plan

8. Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

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

Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff Local Development Plan.

9. Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

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

Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff Local Development Plan.

10. Any site won material including soils, aggregates, recycled materials shall be assessed for chemical or other potential contaminants in accordance with a sampling scheme which shall be submitted to and approved in writing by the Local Planning Authority in advance of the reuse of site won materials. Only material which meets site specific target values approved by the Local Planning Authority shall be reused.
Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff Local Development Plan.
11. All planting, seeding, turf-laying and paving shown on the approved plan 18/640/03D shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is sooner.
Reason: To maintain and improve the amenity and environmental value of the area.
12. 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 otherwise defective, shall be replaced in the first available planting season and to the specification shown on approved plans and in supporting documents.
Reason: In the interests of the visual amenities of the area.
13. The development shall be carried out in accordance with the recommendation set out in the conclusions in the plant noise report conducted by Hunter Acoustics.
Reason: In the interests of residential amenities.
14. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted and approved in writing by the Local Planning Authority and then implemented in accordance with the approved scheme before the development is completed.
Reason: To ensure satisfactory surface drainage water for the site.
15. Prior to the commencement of any development a scheme (Construction Environmental Management Plan) to minimise dust emissions and minimise the impact on the highway arising from construction activities on site during the construction period shall be submitted in writing for approval by the Local Planning Authority. The scheme shall include (but not be limited to) details of site hoardings, site access and wheel washing facilities, a strategy for the delivery of plant and materials, construction staff parking, traffic management proposals and details of dust suppression measures and the methods to monitor emissions of dust arising from the development. The demolition and construction phases shall be implemented in accordance with the approved scheme, with the approved dust suppression measures being

maintained in a fully functional condition for the duration of the demolition and construction phases.

Reason: To safeguard the amenity of nearby residents in the area and highway safety

16. No development shall take place until details showing the provision of cycle parking spaces, and appropriate access to them, have been submitted to and approved in writing by the local planning authority, to include secure, covered, accessible facilities for the residents and staff. The approved details shall be implemented prior to the development being put into beneficial use. Thereafter the cycle parking spaces shall be maintained and shall not be used for any other purpose.

Reason: To ensure that adequate provision is made for the sheltered and secure parking of cycles.

17. No development shall commence on the construction of the development until samples of the external materials have been submitted to the Local Planning Authority for approval and shall then be implemented as approved.

Reason: In the interests of the visual amenities of the area.

18. Prior to development commencing the existing bench seat artwork in the north east corner of the site shall be re-sited in accordance with drawing 3971/201 E.

Reason: In the interests of the visual amenities of the area.

19. No development shall take place until a Travel Management Plan has been submitted to and approved in writing by the local planning authority, to include details of how sustainable travel choices to the hotel will be communicated to staff and residents, and how the car park will be controlled, including the process that will be put in place when the car park is full.

Reason: To ensure that travel to the site is fully considered.

20. Prior to development commencing a Tree Protection Plan shall be submitted to and approved in writing by the local planning authority and then implemented in accordance with the approved Tree Protection Plan.

Reason: To protect those existing trees that are to be retained on site.

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

- (i) determining the extent and effects of such constraints;
- (ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances

should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site;

- Unprocessed / unsorted demolition wastes.
 - Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
 - Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and
- (iii) the safe development and secure occupancy of the site rests with the developer.

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

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

RECOMMENDATION 3 : 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 4 : A commercial contract is required for the collection and disposal of all commercial waste Commercial Development By law (Environmental Protection Act, 1990, section 34) all commercial premises have a duty of care to ensure that their waste is transferred to and disposed of by a registered waste carrier. Owners or developers of commercial developments/properties who require Cardiff County Council to collect and dispose of their waste can contact to commercial services department on 029 20717500. Please refer to the Waste Collection and Storage Facilities Supplementary Planning Guidance for further relevant information.

RECOMMENDATION 5 : Should construction works encounter archaeological remains then the developer should contact Glamorgan Gwent Archaeological Trust.

RECOMMENDATION 6 : Prior to the commencement of development, the developer shall notify the Local Planning Authority of the commencement of development, and shall display a site notice and plan on, or near the site, in

accordance with the requirements of Article 12 of the Town & Country Planning (Development Management Procedure)(Wales)(Amendment) Order 2016.

1. DESCRIPTION OF DEVELOPMENT

- 1.1 The proposal is to extend the existing hotel building by the demolition of the single storey northern part of the hotel, which includes the restaurant area and entrance canopy; to demolish a 9.5m length of roof towards the northern end of the hotel and replace with a roof garden enclosed by a parapet walls; the creation of 72 extended stay suites; to reduce the number of existing hotel bedrooms from 87 to 79; and increase the number of parking spaces from 53 to 69.
- 1.2 The proposed development would be accommodated in a six storey extension on the northern side of the existing hotel building with a five storey element to the west of the main extension. The extension would result in the creation of an L-shaped building.
- 1.3 The extension would have a flat roof design with walls finished in colour panels and vertical brick features on each elevation with white framed windows. The ground floor would be finished in white render. Glazed panel balconies are proposed to 16 of the suites near the dock.
- 1.4 Extended stay suites have bathrooms and kitchen facilities and are intended to accommodate employees working away from home, temporary employees, people new to the city looking for permanent accommodation as well as tourists. The cost of the accommodation in extended stay suites will decrease with length of stay. The extended stay suites will have separate lobby/reception area from the existing hotel.
- 1.5 Walkways to the north, east, south and west around the site would be retained.
- 1.6 The applicant describes the key benefits of this proposal as:
 - Increased choice and competition in the hotel and self catering accommodation sector
 - Between 31 and 67 full time equivalent jobs
 - Investment in a brownfield site
 - Development in a sustainable location accessible by a variety of modes of transport
 - Efficient use of land and resources
 - Increased activity and vitality fronting a key waterfront location
 - Supporting Cardiff and Wales tourism and events economy

2. DESCRIPTION OF SITE

- 2.1 The site is occupied by the Holiday Inn hotel. To the south and west are residential developments, Henke Court and Amity Court respectively. Parking for these residential developments is in private courtyards with private parking controls. To the north is a canal and then a vacant site formerly occupied by a

public house. To the east is Bute East Dock.

- 2.2 The existing hotel is four storeys high with a tiled pitched roof and walls that are principally finished in brick.
- 2.3 Most of the site falls within Flood Zone B and a fractional part at the northern end of the site is within Zone C2.
- 2.4 Vehicular access to the site is off Schooner Way via Longueil Close. On one side of Longueil Close and Schooner Way are double yellow lines. On one side of Schooner Way is controlled by parking tariffs.
- 2.5 There is a public work of art at the north east corner of the site.

3. **PLANNING HISTORY**

- 3.1 Application Site
15/00001/MJR : Extension to hotel to provide 38 additional rooms approved 8/05/2015. This proposed a four storey extension on the northern end of the hotel that would increase the number of rooms from 87 to 125. That consent has not been implemented.
- 3.2 On land to the north of the application site.
16/00660/MJR : Mixed use residential development of 180 dwellings with A1 and A3 uses to ground floor. This comprises 5 blocks reaching a maximum of 7 storeys in height. That consent has not yet been implemented.
- 3.3 On land to the west of the application site
Detailed consent for the Amity Court residential development was granted in 2000 (ref 00/00434/C) and has since been implemented.
- 3.4 The existing hotel was operational prior to the construction of the apartments at Amity Court.

4. **PLANNING POLICY**

- 4.1 It is considered that the following LDP policies are relevant to this application:-
KP5, KP7, KP8, EC5, EN8, EN13, EN14, T1, T5, T6, R8, and W2
- 4.2 It is considered that the following SPG policies are relevant to this application:-
SPG Managing Transport Impacts (incorporating Parking Standards)
SPG Residential Design Guide
SPG Green Infrastructure Trees and Development
- 4.3 Separate reference to the Tall Buildings SPG will be made in section 8 of this report.

5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 The Parks Officer states:

I confirm that no off-site POS contribution is due for this scheme, albeit that the longer stay nature of the accommodation mean that the guests are more likely to use local open spaces and other facilities. The bay edge walkway is particularly important and I would like the design proposals expanded to show how the walkway will continue to function (and improvements made to it) around the new building, for example the proposed site plan shows "Existing raised patio adapted" but it's not clear how the walkway in this area will function in terms of public use.

5.2 The Noise Team state:

Having looked at the application specifically the plant noise report conducted by Hunter Acoustics I recommend that the developer follows the recommendation set out in the conclusions in the report below

1. Acoustic louvre to replace weather screen around roof top plant to ensure full line of sight is removed to top floor apartments of nearby noise sensitive receivers
2. Attenuators to be installed on kitchen supply, extract and MVHR systems
3. Acoustic louvre to replace weather screen around ground floor plant room housing cold water booster set
4. Existing chiller to be replaced or attenuation measures to be installed by manufacturer to achieve 40dB(A) at 10m for each unit. If it is possible to remove line of sight to the chiller plant from the top floor of Amity Court/Wharf developments by means of an acoustic louver section on top of the compound wall, the design limit could be increased to 50dB(A) at 10m.

Construction Noise

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, there shall also be no burning of any materials on site.

5.3. The Tree Officer states

The applicant forwarded a revised planting plan job no 18/640/03C and the Tree Officer is satisfied with an updated landscaping plan submitted on 5 October.

5.4 The Waste Officer states:

An increase in the number of rooms will lead to an increase in the production of waste. The hotel management should provide additional bins/arrange additional collections to accommodate this.

Please remind the agent/applicant that a commercial contract is required for the

collection and disposal of all commercial waste (see extract from the Waste Collection and Storage Facilities SPG below):

Commercial Development

By law (Environmental Protection Act, 1990, section 34) all commercial premises have a duty of care to ensure that their waste is transferred to and disposed of by a registered waste carrier.

Owners or developers of commercial developments/properties who require Cardiff County Council to collect and dispose of their waste can contact to commercial services department on 029 20717500.

Please refer the agent/architect to the Waste Collection and Storage Facilities Supplementary Planning Guidance for further relevant information.

5.5 The Transport Officer states:

Car Park Demand

The TN includes a car parking survey undertaken at the HI Express in July 2014. The car park was surveyed between 1100-2300 hours and the maximum number of parked cars was 39 (at the end of the period). There were 25 vehicles parked at 1100. It is assumed the hotel was fully operational and comprised 87 bedrooms at this time, although no information is provided on room occupancy that day. However, using the figures of 39 parked vehicles/87 rooms results in a parking accumulation of 0.45 per room. If this ratio was applied to the future number of rooms at the hotel (79) then the demand would be 36 spaces.

I re-visited the hotel car park this morning, and counted 25 vehicles parked at 0930, including one vehicle not parked in a designated space. It would be expected that the parking demand would fall during the period 0930-1100 (as people check out of the hotel), and this is reinforced by the parking survey included within the original Transport Statement. This would suggest that the July 2014 survey does not especially represent a worst case situation, and that the parking demand may often be higher than that. It is noted there is an Objection to the application that includes photos of parking at the hotel on 24 June, which coincided with the Ed Sheeran concert and can be expected to represent peak occupancy. This confirms that the car park is at capacity, with a number of vehicles not parked in designated spaces.

The potential parking demand for the new Staybridge part of the development can be calculated from the survey of the existing facility in Newcastle. This was set out in my email of 20 March and results in a forecast average maximum parking demand of 41 vehicles for the Staybridge facility.

The above figures suggest that the overall site could have a parking demand of 77 vehicles. However, it is clear this is far from the overall highest (theoretical) parking demand that may occur, and it may well be that the demand figure of 77 vehicles parked is actually realised on a regular basis rather than only when 'spikes in demand' occur.

Car Park Layout

The latest drawing indicates that there is a proposal for 74 spaces at the combined hotel/Staybridge car park. This includes a number of spaces immediately adjacent to proposed new trees, and care would be required that appropriate trees/shrubs are planted in order that those spaces remain as accessible to vehicles.

It is clear that the development would often be operating at peak car park capacity and that there will be off-site vehicular demand arising. Whilst there is a relatively small supply of free car parking adjacent to the site on Longueil Close, it is the case that the development may result in increased car parking off-site. Notwithstanding the above points on parking demand/supply, there needs to be more information provided as to how the usage of the car park will be monitored and controlled by the operator, especially when the car park is approaching or at capacity, and how sustainable travel modes will be maximised.

Cycle Parking

No cycle parking is shown on the layout plan, and a suitable area should be marked at this stage, in order to have some comfort that an appropriate amount of secure, covered cycle parking can be provided. In line with standards, long stay parking should be provided at a minimum of 1 space per 5 employees, and short-stay parking at a rate of 1 per 40m² of public floorspace.

Pedestrian walkway to north-west of site

The layout plan shows a raised patio is proposed to the north of the hotel, which would involve a reduction in the width of walkway that is available to pedestrian and other users. There are a number of different lines on the plan, which appear to represent items such as guard rail, different paving etc. but these should be clearly labelled, and available widths shown at various points, with a comparison to the existing situation.

The Transport Officer subsequently submitted revised comments stating: Whilst little detail on cycle parking is provided, I consider that the matter could be conditioned. Please can you add the below two conditions.

No development shall take place until details showing the provision of cycle parking spaces, and appropriate access to them, have been submitted to and approved in writing by the local planning authority, to include secure, covered, accessible facilities for the residents and staff. The approved details shall be implemented prior to the development being put into beneficial use. Thereafter the cycle parking spaces shall be maintained and shall not be used for any other purpose.

Reason: To ensure that adequate provision is made for the sheltered and secure parking of cycles.

No development shall take place until a Travel Management Plan has been submitted to and approved in writing by the local planning authority, to include details of how sustainable travel choices to the hotel will be communicated to staff and residents, and how the car park will be controlled, including the

process that will be put in place when the car park is full.
Reason: To ensure that travel to the site is fully considered.

5.6 Pollution Control states:

In reviewing available records and the application for the proposed development, the site has been identified as part of the former industrial area of railway sidings and other structures associated the docks. Activities associated with this use may have caused the land to become contaminated and therefore may give rise to potential risks to human health and the environment for the proposed end use.

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

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

Shared Regulatory Services requests the inclusion of the following conditions and informative statements in accordance with CIEH best practice and to ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff Local Development Plan:

Prior to the commencement of any development works a scheme to investigate and monitor the site for the presence of gases* being generated at the site or land adjoining thereto, including a plan of the area to be monitored, shall be submitted to the Local Planning Authority for its approval.

Following completion of the approved monitoring scheme, the proposed details of appropriate gas protection measures to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site shall be submitted to and approved in writing to the Local Planning Authority. If no protection measures are required than no further actions will be required.

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

* 'Gases' include landfill gases, vapours from contaminated land sites, and naturally occurring methane and carbon dioxide, but does not include radon gas. Gas Monitoring programmes should be designed in line with current best

practice as detailed in CIRIA 665 and or BS8485 year 2007 Code of Practice for the Characterization and Remediation from Ground Gas in Affected Developments,.

Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff Local Development Plan

Prior to the commencement of the development an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person * in accordance with BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and shall assess any contamination on the site, whether or not it originates on the site.

The report of the findings shall include:

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

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WG / NRW guidance document ' Land Contamination: A guide for Developers' (2017),, unless the Local Planning Authority agrees to any variation.

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

Reason: To ensure that information provided for the assessment of the risks

from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment in accordance with policy EN13 of the Cardiff Local Development Plan.

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

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WG / NRW guidance document ' Land Contamination: A guide for Developers' (2017), unless the Local Planning Authority agrees to any variation.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN13 of the Cardiff Local Development Plan

The remediation scheme approved by condition x (PC14B above) must be fully undertaken in accordance with its terms prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WG / NRW guidance document ' Land Contamination: A guide for Developers' (2017),, unless the Local Planning Authority agrees to any variation.

Reason : To ensure that any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and

ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN13 of the Cardiff Local Development Plan

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

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN13 of the Cardiff Local Development Plan

Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

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

Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff Local Development Plan

Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

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

Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff Local Development Plan

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

Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff Local Development Plan.

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

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

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

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

- 5.7 The Drainage Officer has no objections on the grounds of surface water subject to the following planning condition:

No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted and approved in writing by the LPA in consultation with the Lead Local Flood Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The Drainage Officer specifies the details of the required scheme which has been forwarded to the applicant's agent.

6. EXTERNAL CONSULTEE RESPONSES

- 6.1 GGAT advises that there is unlikely to be any adverse archaeological impact. There is no need for archaeological mitigation, however, should construction works encounter archaeological remains then the developer should contact GGAT.
- 6.2 NRW considers the risk of tidal flooding to be minimal as the site is protected by the Cardiff Bay Barrage. NRW has no adverse comments.
- 6.3 Wales and West utilities has submitted a plan of their pipelines which is not below the proposed building.
- 6.4 South Wales Police have no objection to the proposal but would ask that following issues are considered,
- Any new ground floor windows to meet PAS24 2016 standards reason to prevent burglary and theft.
 - Any extended car parking areas are well lit reason to prevent crime and enhance personal safety.
 - Any CCTV system is expanded to cover any new building reason to prevent crime.

7. REPRESENTATIONS

- 7.1 Local Member has been notified and has objected on the following grounds:
- The proposed development would have a detrimental impact on the surrounding area. The development would be overlooking neighbouring properties and therefore would cause loss of privacy and considerable overshadowing. The extension would have a detrimental impact on the residents of Amity Court and Longueil Close.
 - The scale, height, massing and finish would be out of character with the area and contrary to national policies which seek good design to have regard to the character and context of the area.
 - The proposed design, sitting and its finish would reduce and contribute loss of sunlight into the neighbouring properties at the rear of the proposed development.
 - I have concerns about the size of the development and the impact this will have on the immediate local area.
 - During construction given the narrowness of Amity Close and Longueil

Close, Holiday Inn Express Hotel entrance, it will make it difficult for construction vehicles to access and egress the site safely without affecting the existing traffic.

- I also have concerns about the impact of the development on property values.
- The property/building is completely out of scale and much larger than the existing hotel site.

7.2 Vaughan Gething, Assembly Member for Cardiff South & Penarth, objects on the following grounds:

- The proposed development would have a detrimental impact on the surrounding area. The development would be overlooking neighbouring properties and would cause considerable overshadowing and a loss of privacy. The extension would have a detrimental impact on the residents of Amity Court and Longueil Close.
- The scale, height, massing and finish would be out of character with the area and contrary to national policies which seek good design to have regard to the character and context of the area. It will be significantly bigger than the previous building and those that currently exist.
- The proposed design, siting and its finish would reduce and contribute loss of sunlight into the neighbouring properties at the rear of the proposed development. I would urge the committee to visit the site to see directly how this proposal would significantly and deteriorating affect nearby residents.
- During construction given the narrowness of Amity Close and Longueil Close, Holiday Inn Express Hotel entrance, it will make it difficult for construction vehicles to access and egress the site safely without affecting the existing traffic.
- I have concerns about the size of the development and the impact this will have on the immediate local area.
- The property/building is completely out of scale and much larger than the existing hotel site.

7.3 The application has been advertised on site and in the press

7.4 Adjoining occupiers have been notified. A petition of objection has been received from 66 local residents. Letters of objection have been received from the occupiers of two properties in Amity Court and the Amity Court Management Company. Their objections cover the following matters:-

Amenity / Light

I live in one of the mid link apartments opposite the hotel, The apartment is single aspect with living room and bedroom windows (the only windows to the apartment) overlooking the existing hotel (approximately 41m away) and the Atlantic Wharf. The plans for the proposed extension indicate that it will sit directly opposite both my living room and bedroom windows (the only windows to my apartment). It will come significantly closer to my windows and will rise to a height of 18.25m, approximately 15.5m above the floor level of my first floor apartment.

Proposal breaches Cardiff Planning policy on Loss of light to Amity Court

The construction of the Holiday Inn development will be extremely tall in comparison to other buildings built or proposed in the area and result in a loss of light to residents in Amity Court. The application by Holiday Inn states that the residential development will be 21m away from Amity court. The committee report written by Cardiff Planning when reviewing the nearby residential development (16/00660/MJR) in consideration of the residential proposal states in section 8.13:

"Amity Court will not be significantly affected because of the policy compliant separation distance (22.5m) and the gable relationship of block AB to Amity Court."

The Holiday Inn proposal is in direct breach of the policy that Cardiff Planning abides to. This means that the proposed building will be both significantly taller than the block AB that has previously been reviewed, and in direct contradiction of Cardiff Planning's stated policy. The impact would be extremely negative on the wellbeing of residents at Amity Court as a result of the loss of light that the development would inflict on residents. This is not acceptable.

National planning policy identifies that amenity represents a key material consideration for local authorities in their consideration of development proposals.

"Factors to be taken into account in making planning decisions (material considerations) must be planning matters.... Proposals should be considered in terms of their effect on the amenity and existing use of land and buildings in the public interest." (Planning Policy Wales, Edition 9, Para 9.3.4).

Key Policy 5 (KP5: Good Quality and Sustainable Design) of the adopted Cardiff Local Development Plan (LDP) reinforces the import to the placed upon amenity in the consideration of planning applications, requiring that, amongst other matters, all new development proposals:

x. Ensure no undue effect on the amenity of neighbouring occupiers and connecting positively to surrounding communities;

With specific regard to hotel proposals, LDP Policy EC5 affords support proposals for hotel development subject to appropriate consideration of "scale, location, design, amenity and transportation." The supporting text to this policy advises that "In terms of both the proposed property and its location, importance will be attached to the need to safeguard amenity of residential areas."

It is therefore clearly enshrined in both national and local policy that development proposals must avoid an adverse detrimental impact on the amenity afforded to existing residents.

With regard to how these policies are applied in practice, the BRE Report 'Site layout planning for daylight and sunlight: a guide to good practice' (BR209) has been adopted by Cardiff Council as a basis for assessing the impact of new development on the amenity of residential dwellings, underpinning a number of

the authorities' SPG documents.

Cardiff Council's recently adopted Infill Sites SPG (November 2017) identifies three primary types of infill development, to include "site redevelopment (where the replacement of an existing building is proposed)" which "may involve the redevelopment of any type of building". Where infill development is proposed the SPG identifies the consideration of neighbouring uses and the neighbouring townscape/landscape context as key considerations, advising that the overarching aims of the SPG include ensuring that infill development:

- Protects residential amenity, both of new and existing occupiers.
- Is of good design which encompasses sustainability principles.
- Responds to the context and character of the area.

With regard to the application of the BRE standards the SPG states:

"The assessment of sunlight and daylight is based on the BRE guidance presented in Site Planning for Daylight and Sunlight- a guide to good practice.

We will resist developments which do not meet these standards without further justification or other reasonable measures being in place to provide adequate light.

The standards apply equally to impacts on both new and existing buildings and should be assessed accordingly.

The 25 degree rule

- 4.17 The first assessment relates to windows facing other buildings or relevant structures. A significant building or structure will be obstructing reasonable light to a relevant window if it breaks a line projecting up from the centre of the relevant window 25 degrees from the horizontal.

The application of these standards to the proposed scheme identifies considerable shortcomings to the detriment of the existing residential occupiers of Amity Court. The hotel block would be sited just 26 metres from the eastern elevation of Amity Court, which presents habitable room windows at each floor. At this location the proposed development would be between 18.25 and 19 metres in height, and circa 17 metres in width. As a result of its location and height, the roof of the proposed hotel would sit at an angle circa of 36° from the horizontal taken from centre line of the of the ground floor habitable room windows of Amity Court. This represents a significant shortfall against the requisite 25° BRE standard and will consequently obstruct "reasonable light" to these existing residents.

It is quite possible that the application would fail the same test were it to be applied to the proposed residential development on the former Wharf site to the north however, at the time of writing; insufficient information was available to enable an assessment of this relationship to be made.

A review of the application submission would indicate that, despite the import placed upon amenity within national and local planning policy and guidance, it

appears to have been given little consideration by the applicant in the preparation of the development proposals. The DAS does not cite any of the aforementioned guidance documents or standards and no reference is made as to how the scheme has responded to the requirement to protect the amenity of neighbouring occupiers. The applicant appears to rely on the fact that the proposed scheme is "a similar distance" from Amity Court as the scheme on The Wharf site as sufficient analysis of this issue.

Adopted Cardiff Council guidance confirms that the Council "will resist developments which do not meet these standards without further justification or other reasonable measures being in place to provide adequate light". In this respect no assessment or justification has been provided by the applicant and so there is no basis upon which the Council can reasonably support the scheme as proposed. Furthermore, given that the scheme proposes the introduction of a six storey development immediately adjacent to an existing residential block, whose occupiers have already pre-existing expectations of amenity, it is considered that there could be no justification for a relaxation of these standards. In order to comply the requisite standards, the proposed building would need to be reduced in height by at least 6 metres or relocated at least further 12 metres from Amity Court (or a relevant combination of both).

In light of the above, the application proposals clearly fail to have due regard to the amenity of residential occupiers and consequently conflict with the aforementioned national and local planning policy and guidance.

Loss of privacy

The pre-planning application cover document from RPS, in the 'Design and Amenity' section, states:

"Regarding amenity, the proposals are sited a minimum of 21 m from the habitable room window of any existing residential property and at 6-storeys is a storey lower than the proposed development to the north of Amity Court. Therefore, the proposals are considered to preserve residential amenity to an acceptable degree."

This statement is extremely disingenuous as it suggests that the building closest to Amity Court is 6 stories high. This is not the case. The blocks that will be developed the other side of the canal to Amity Court are the blocks 'AB' in planning proposal 16/00660/MJR. This proposal shows that the residential proposal are a much lower height, only 3.2m higher than Amity Court, are 22.5m away (further than Holiday Inn's proposal) and with trees creating privacy between the two blocks. The tallest residential development that Holiday Inn refer to in this statement is offset from Amity Court and does not offer direct line of site into Amity Court property. This is acknowledged as such in section 8.7 of the committee report from 9th November 2016 where it states:

"The southernmost block (block CD) is 6 storeys at its western end where it is closest to Amity Court, and 7 storeys where it fronts on to the new square and the dockside. The block does not directly face Amity Court and is separated by the existing landscaped buffer and the dock feeder canal."

The proposed Holiday Inn development would:

- be nearly 10% closer to Amity Court,
- would have a significantly higher building than the buildings with line of sight into Amity Court resulting in far more privacy loss
- would have direct uninterrupted views into the residential properties of Amity Court. Windows viewing onto Amity Court are clearly shown on drawing 3971/203 that has been submitted. The proposed development offers a substantial loss of privacy, dramatically more than the approved residential building, that is not applicable to the residents at Amity Court.

Noise

Since the hotel is very busy I am also concerned by the noise guests make, particularly on the weekend when they are likely to return in the early hours of the morning. This is already a concern and the increase in the number of beds proposed in the extension can only increase this annoyance.

There are three factors that I believe will exacerbate any increased noise problems. Firstly, the position and height of the hotel will create an "alleyway" between the hotel and Amity Court. Secondly, guests and passers-by often cut across the car park to cross the footbridge indicated in the plans of the hotel. With this route cut off they will be forced to pass through the "alleyway" mentioned above. Thus there will not only be an increase in the number of people passing my apartment, but any noise these people do make will reverberate in the "alleyway" created by the extension.

The Holiday Inn application contains a "Plant Noise Assessment" report which acknowledges that there will be an installation of an external chiller plan "...approximately 20m away from Amity Court, compared with the current 35m distance."

The report also identifies that the noise will be approximately 37db (page 19). The WHO identifies that decibels should not exceed 30db through the night in order to not disturb sleep (WHO report 'Night Noise Guidelines for Europe, 2009). The report submitted by Holiday Inn suggests that the proposed Holiday Inn development is acceptable because:

"Taking a 15dB loss through a partially open window would result in levels well below the 30dB WHO sleep disturbance criterion"

This seems unfair and unreasonable to try and get around the WHO requirements as opposed to meeting them directly by creating a reduction in the noise levels of 'partially open windows' having a reduction. During the summer many people choose to sleep with windows open, in which case this plant noise level will be nearly 25% higher than the WHO guidelines.

Residents at Amity Court are we feel the proposed external noise plant will be close to half the distance it previously was and will be against WHO guidelines on night time noise limits.

Parking

I am very concerned with the increase in traffic and the associated issue of car parking. The addition of 67 rooms with an increase of only 24 parking spaces causes me grave concern as the parking provision for the hotel is already inadequate.

Also the car park plans do not seem to allow for access by the several delivery lorries and waste disposal lorries that access the hotel during the course of the week. In this sense I believe the plans are a false representation and to allow for this access several spaces will not materialise.

The traffic proposal submitted by the Holiday Inn in the latest development includes a level of parking that is insufficient. The proposed development by Holiday Inn contains a Transport Statement, in which section 4.3.4 reads:

"the proposed development retains parking at the ratio of the consented extended Holiday Inn Express Hotel."

The report then goes on to acknowledge in section 4.3.6 of the same report that:

"customers of this type of hotel are likely to stay longer, often for business purposes, and may need to transport larger quantities of luggage and provisions for their stay. They are therefore more likely to arrive at the proposed hotel by car."

By the reports own arguments, the demand for parking for the proposed development will be significantly more. This makes the arguments in this report nonsensical. This argument is contradictory. The traffic assessment acknowledges more parking is required for a long stay hotel, yet this proposal offers no solution to the problem it identifies in the analysis. Worse, it attempts to dismiss these problems and call the proposal 'acceptable'. How can the same report identify the greater demand for parking spaces with long stay customer it is targeting, identify that there will be 0.5 spaces for apartment (section 4.3.3) which was approved for short term hotel guests, and then call this 'acceptable'? This report should either be dismissed as inconsistent, unreliable and contradictory and the proposal should be rejected, or it should be taken as acknowledgement that Holiday Inn's proposal is completely unsuitable and the proposal should be rejected. If this proposal were to go ahead despite the evidence submitted by Holiday Inn themselves showing it should not, the effect would be a massive overspill of parking into the local area. Capacity for overflow parking has fallen substantially in the last few years, and this proposal would exacerbate this problem. There would likely be a significant negative impact on Amity Court, as parking becomes unmanageable and Holiday Inn residents potentially come into the Amity Court parking area. This is completely unacceptable.

A further letter of objection to parking says in summary that

1. The number of car parking spaces is currently insufficient

2. Buses are regularly in the Holiday Inn and are not considered
3. Hotel guests are regularly parking out of the hotel boundaries

The objector cites several examples from Tripadvisor, Google reviews and Booking.com where guests have provided reviews referencing various parking problems within the hotel car park. Photos of cars parked outside the designated spaces within the hotel have also been submitted.

The objector states that Holiday Inn makes no existing or proposed provision for bus parking yet buses do park in the hotel's car park reducing the space available for cars to park. Photos of buses parked within the hotel have been submitted.

The objector cites several examples from Tripadvisor where guests have provided reviews referencing parking outside the hotel car park and having to pay for on street parking.

Committee is implored to reject the proposal on the grounds that the traffic proposals are completely unrealistic for the demands of the hotel. This will have a major negative impact on surrounding residents. She has provided a large amount of evidence to demonstrate this, which she says is critical that it is taken into account in Committee's decision.

Traffic disruption

The proposed development moves the barrier for parking closer to the entrance to the Amity Court site. This removes some street parking that is presently available. Holiday Inn's previous planning permission application from 2015 (15/00001/MJR) stated in relation to traffic:

"the parking surveys indicate that when the demand for parking for the hotel is busiest there is spare parking capacity on local streets should it be needed, even with the changes proposed by Cardiff Council"

In the time since this application was approved there have been substantial changes, proposal Schooner Way now has paid parking which has reduced this capacity. Further residential developments next to Henke Court has further reduced this capacity. The latest proposal from Holiday Inn will further reduce this again. Previously the Holiday Inn stressed overflow capacity was available in local streets, yet it now chooses to ignore that this will no longer be the case, having previously looked to rely on it. In addition, the substantial increase in size of the development would require significantly more deliveries and refuse management. This will have an adverse effect on the quality of life for residents at Amity Court.

Highway Access

Part 2, Article 5 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (DMO) requires that an application for planning permission be accompanied by "a plan which identifies the land to which the application relates". The accompanying guidance notes make it clear that the application site should include all land necessary to carry out the proposed

development, to include land required for access to the site from a public highway.

In the case of the proposed development the application site does not extend to the public highway and, furthermore, nor is the land between the application site and the highways highlighted in blue, indicating that the applicant does not own the requisite land to secure this connection. As currently proposed therefore the application fails to meet this requirement of the DMO.

Risk of structural damage to Amity Court

The proposed development at Holiday Inn will require significant development, including pilings being driven into the ground to provide suitable foundations for the structure. The vibrations caused by this work will have significant damaging effect on the integrity of the Amity Court building structure, more so than most buildings as it is a timber framed building. Proximity to the site of the piling obviously increases the effect of this, and no other building is closer to the site of the required piling than Amity Court. (http://vibrationdamage.com/vibration_and_damage.htm)

Effects of pile driving on marine life

Research shows that construction, specifically that involving piling, has a detrimental effect on fish in the affected area (as published here: Mueller-Blenkle, Christina, et al. "Effects of pile-driving noise on the behaviour of marine fish." 2010). The water surrounding the Holiday Inn is extremely popular with local fisherman. The Atlantic Wharf Angling club is based here. Consequently, the proposed development would negatively affect both wildlife and the wellbeing of people that enjoy this in the area.

Holiday Inn's Sustainability Statement

The pre-planning proposal contains a report from Beechfield that shows that the building will improve energy efficiency, but all these listed features are included in the already approved building proposal. Creating a much larger development does not achieve further sustainability targets. The sustainability report from Beechfield also fails to detail how it will address the increased noise from the plant, which will be located significantly closer to Amity Court, merely saying "measures will be introduced" without detailing anything further.

Planning permission already granted

The Holiday Inn has already had planning permission agreed by Cardiff Council (application 15/00001/MJR). You will note that there were no objections from residents at Amity Court at the time as the residents accept that developing the city is in the interests of all residents. However, Holiday Inn have not built the extension that they were approved, and have instead reapplied with this current proposal which is extreme and the residents will now protest against. If Holiday Inn were so in need of extending their current development, why have they failed to act upon the planning permission granted to them in 2015?

Design

With regard to design LDP Policy KP5 (Good Quality and Sustainable Design) states:

“To help support the development of Cardiff as a world-class European Capital City, all new development will be required to be of a high quality, sustainable design and make a positive contribution to the creation of distinctive communities, places and spaces by:

Responding to the local character and context of the built and landscape setting so that layout, scale, form, massing, height, density, colour, materials, detailing and impact on the built and natural heritage are all addressed within development proposals;”

As identified above design also represents a key consideration of LDP Policy EC5 (Hotel Development). The proposed building would be constructed as an extension to the existing hotel on the site, replacing a current single storey extension. The site’s primary frontage is to Bute Dock to the east where it is prominently visible from the A4234 Central Link Road (the southern gateway to the city) and pedestrian routes around the dock. The existing hotel on the site appropriately responds to this context by presenting its primary façade to the dock. The primary external frontage of the proposed building by contrast would be to the north, a frontage of limited consequence.

Despite representing an extension to the existing hotel on a subservient frontage of the site, the proposed building has not been designed to be subservient to the primary building on the site. Indeed it would sit a full two storeys higher than the existing building. Furthermore, little or no effort has been made to replicate the design or form of the existing hotel. The net result is a modern, flat-roof six-storey building which both dominates and sits at odds with the existing traditional four storey hotel to which it would represent an extension. Given this it is contended that the proposals fail to appropriately respond to their immediate context and, as such, do not comply with the aforementioned planning policies.

Flooding

The NRW flood risk maps identify that the site lies within a C1 Flood Risk Zone for the purposes of the Welsh Government Development Advice Maps. TAN 15 Development and Flood Risk identifies that highly vulnerable development (to include hotels) should be subject to the application for a justification test, including acceptability of consequences. The covering letter for the application, prepared by RPS, indicates that the application is accompanied by a Flood Consequences Assessment however, at the time of writing, this was not available for review on the Council’s website and so it has not been possible to critique this in order to understand whether these risks have been satisfactorily addressed.

8. **ANALYSIS**

- 8.1 This application was deferred by Planning Committee at its meeting on 17th October 2018, in order to undertake a site visit. The visit took place on Monday 12th November, 2018 and the application is reported back for determination.
- 8.2 The site is located within the settlement boundary, as defined by the Local

Development Plan Proposals Map. The site has no other specific designation or allocation. The application should be assessed against policy EC5 'Hotel Development'. This states that proposals for hotel development will be permitted:

- i. Within the Central and Bay Business Areas of the city centre;
- ii. In appropriate locations for the conversion of suitable residential or commercial properties;
- iii. At other locations within the urban area, if there is no need to preserve the site for its existing or allocated use, assessed against the relevant policies of the plan.

8.3 Given that the site is already in hotel use, the proposal raises no land use policy concerns.

8.4 Planning Policy Wales at paragraph 3.1.4 states:

Factors to be taken into account in making planning decisions (material considerations) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability (see 4.2). The planning system does not exist to protect the private interests of one person against the activities of another. Proposals should be considered in terms of their effect on the amenity and existing use of land and buildings in the public interest. When determining planning applications local planning authorities must take into account any relevant view on planning matters expressed by neighbouring occupiers, local residents and any other third parties. While the substance of local views must be considered, the duty is to decide each case on its planning merits.

8.5 During the processing of this application and after the receipt of the objections the applicant amended his scheme by omitting two of the proposed upper most suites at the north-west corner of the development. The omission of these two suites has reduced the height of the building at its closest point to Amity Court from 18.25m to 15.5m. As a consequence the development only marginally infringes the 25 degree angle assessed from the ground floor patio doors of the nearest apartment in Amity Court. The apartments are just over 26m from the nearest part of the hotel extension and their floor level is approximately 2m higher than the floor level of the hotel. There are 3 ground floor apartments in Amity Court. Each apartment has a living room and bedroom facing towards the hotel extension, the living rooms in the end apartments are dual aspect. The living room window of the middle apartment faces east towards the hotel.

8.6 The Council's SPG for residential development includes as a guideline for safeguarding daylight and sunlight a 25 degree angle from a living room window. Bedrooms are not normally included as part of the assessment nor are rooms containing more than one effective source of light. The Guidelines also state that "The measure of daylight should not fall below 27 degrees." The amended scheme does not infringe the 27 degree requirement and only marginally infringes the 25 degree guideline.

8.7 The windows in the end suites of the proposed development facing west

towards Amity Court are to bedrooms with the windows to the living room element of the suites facing north and south. The Council's privacy standard requires a distance of 21m between facing windows to habitable rooms of dwellings. In view of the residential use of a hotel, however transient the occupants, it is not unreasonable to apply this standard in this case. It should be noted that the 21m standard is not infringed in this case as there is a separation distance of 26m.

- 8.8 The issue of noise has been raised by objectors but this matter has been carefully considered by the Council's Noise Team who raised no objection subject to the recommendations in the Noise Report being adhered to. Condition 13 is proposed to address this matter. Noise from guests staying in the suites is likely to be similar to employees working away from home, temporary employees and people new to the city looking for permanent accommodation who are currently accommodated in other parts of the City.
- 8.9 The hotel's car park is to be reorganised to create 16 additional car parking spaces. The application plan indicates 3 other car parking spaces but they are undersized and have not been included as part of this assessment. For parking purposes the site falls within the "Central Area" as defined by the SPG Managing Transport Impacts (incorporating Parking Standards). There is no minimum car parking provision required. The number of parking spaces proposed does not infringe the Authority's parking standards.
- 8.10 There is a requirement in the SPG Managing Transport Impacts (incorporating Parking Standards) for a minimum of 5 plus 1 for every 20 beds for cycle parking. A covered cycle stand is indicated between the entrances to the two hotels but it is not fully detailed. Condition 16 is proposed to ensure safe and sufficient cycle parking.
- 8.11 The site is approximately 1 kilometre from Cardiff Central and Queen Street railway stations, approximately 0.5 Kilometres from Cardiff Bay railway station. The 89 bus service is hourly during the day along Schooner Way with bus stops close to the hotel. There is a much more frequent bus service along Lloyd George Avenue with bus stops on that road and in front of County Hall some 400m from the hotel. There is on street parking available on Schooner Way, subject to parking tariff during the day but free after 18.00 hours, approximately 100m from the hotel should the hotel car park be full. On one side of Longueil Close there is space for some eight cars to be parked that are not subject to parking tariff.
- 8.12 LDP Policy KP8 Sustainable Transport states in part that:-
Development in Cardiff will be integrated with transport infrastructure and services in order to:
- i. Achieve the target of a 50:50 modal split between journeys by car and journeys by walking, cycling and public transport.
 - ii. Reduce travel demand and dependence on the car;
 - iii. Enable and maximise use of sustainable and active modes of transport;

8.13 Supporting paragraphs of this Policy states:-

4.106 For Cardiff to accommodate the planned levels of growth, existing and future residents will need to be far less reliant on the private car. Therefore, ensuring that more everyday journeys are undertaken by sustainable modes of transport, walking, cycling and public transport, will be essential.

4.107 The location and form of developments are major determinants of the distance people travel, the routes they take and the modes of transport they choose. Much of the growth in car travel in recent decades can be attributed to developments which have been poorly integrated with the transport network. Integration of land use and transport provision can help to manage travel demand, avoid developments which are car dependent and make it easier to facilitate movements by sustainable modes.

4.108 The purpose of this Key Policy, therefore, is to ensure that developments are properly integrated with the transport infrastructure necessary to make developments accessible by sustainable travel modes and achieve a necessary shift away from car-based travel.

8.14 The use of some five car parking spaces to accommodate a coach, that may transport some 50 guests at a time, may well reduce parking pressures rather than increase them should guest cars have been used instead of a coach. Delineating a specific coach parking space that would not be used on a daily basis would reduce the number of car parking spaces available for use on most days.

8.15 There would be no change in the principal vehicular and pedestrian access to and from the site. The Transport Officer believes that the gap between the adopted highway and the red line boundary is correct and should not be an issue as no works are proposed in this area. The pedestrian access from the existing car park to the footbridge to the north would be omitted. The new raised patio areas would all be set within the application site boundaries and would be finished to match the existing patio area. Part of the land for the enlarged patio area north of the hotel and south of the canal is currently not enclosed. The nearest part of the northern patio would be 3m from the edge of the canal. The applicant has confirmed that a minimum footway of 2.5m would be maintained in this location.

8.16 There is no objection from the Transport Officer to the car parking or access arrangements subject to conditions included within the recommendation.

8.17 Separate consent is required for any proposed piling which is controlled by the Pollution Control team. Government advice is clear that it is not for planning to seek to try and duplicate controls exercised under separate legislation. This issue is covered within Recommendation 3. Furthermore the developer would want to ensure that if piling were undertaken it was not carried out in a manner that adversely affected the structure of the existing hotel.

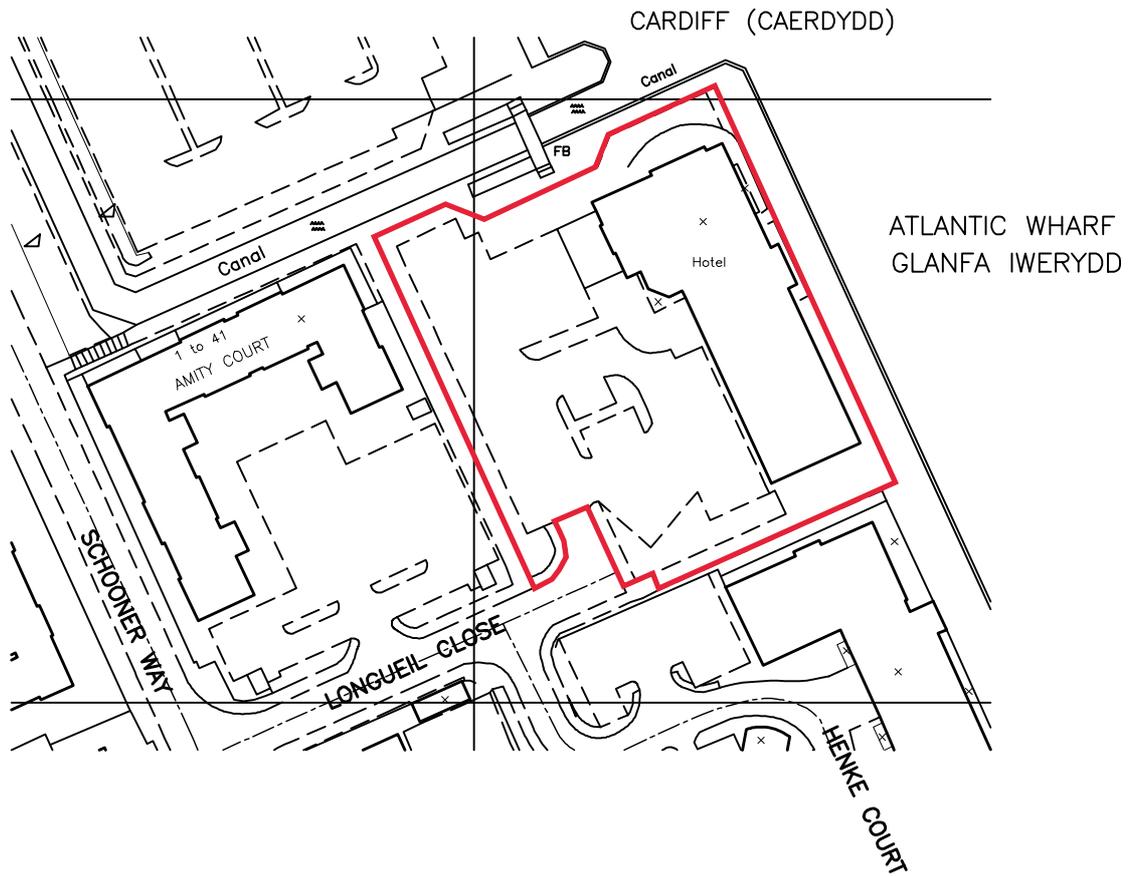
8.18 Any piling that may take place and any subsequent localised impact on fish or

angling would be for a temporary period only.

- 8.19 The technical issues associated with the construction of a sustainable building would be considered under the Building Regulations. From a planning perspective developing a brownfield site relatively close to transport and leisure hubs, employment opportunities and within walking distance of public transport is considered a sustainable form of development.
- 8.20 That planning permission has been granted for a different extension to the Holiday Inn is not a reason for the refusal of the current proposal. Developers are able to revise their investment intentions whenever they want and are able to submit numerous planning applications for different schemes if they so wish. The consent previously granted was for a 4 storey extension on the northern side of the existing hotel creating an L-shaped building with pitched roof. Each application has to be judged on its own particular merits.
- 8.21 In terms of the acceptability of the design the proposal has not sought to mimic the appearance of the existing building but create an extension of contemporary design that will integrate with its surroundings fronting an important water feature. The existing hotel would have a separate lobby and reception serving the existing accommodation whilst the extended stay hotel would also have its own separate reception and lobby. The design distinguishes the two different types of hotel accommodation on offer. The removal of a section of the existing pitched roof helps facilitate an acceptable transition between a nineties style hotel and a contemporary style hotel. The approved development just to the north of this site would include six storey flat roof buildings. The apartment block being built north of County Hall is seven storeys with a flat roof. These developments are of designs that the Local Planning Authority has relatively recently found acceptable and contribute to the local context.
- 8.22 The site is not within a Conservation Area nor does it affect the setting of a listed building.
- 8.23 TAN 12 Design identifies the five elements that contribute to good design which are Community Safety, Environmental Sustainability, Movement, Access and Character. It is considered that this scheme satisfactorily addresses these five elements. However, the external materials are not yet confirmed and this will be covered under condition 17. Safeguarding the existing artwork will be addressed by condition 18. Conditions 11, 12 and 20 are to address the necessary landscaping for this site, which would be around and within the car parking area.
- 8.24 In terms of height the Tall Buildings SPG defines a tall building as being 8 storeys plus in the city centre or bay area (this site does not fall within the city centre or bay area). A tall building is also defined outside the city centre as a building double or more than double the height of surrounding properties or significantly taller in terms of actual height and number of floors. In this case the proposed development is only between one – two floors higher than the adjoining hotel, one storey lower than the nearest part of the approved

residential development to the north and lower than that part of Henke Court facing Bute Docks.

- 8.25 The nearest block in Amity Court is three storeys and reaches a maximum height of 10m. The five storey element of the proposed development is a maximum of 15.5m high. This is below the definition of tall building in the SPG as the nearest part of the development is not double the height of Amity Court nor is the remainder of the proposed development.
- 8.26 An objection has been raised on grounds of flooding; however, no objection has been received from NRW or the Council's Drainage Team.
- 8.27 The applicant states that the number of proposed employees will be 49 equivalent full time posts. The creation of new employment opportunities is to be welcomed.
- 8.28 Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision. South Wales Police have no objections to this proposal and their comments have been forwarded to the applicant.
- 8.29 Section 3 of the Well-Being of Future Generations Act 2016 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. 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.
- 8.30 The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council's duty under the above Act has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic in the vicinity of the site or who may occupy the proposed accommodation with lift access.
- 8.31 Notwithstanding the various objections raised the proposal as amended complies with the Council's LDP policies and SPGs on residential amenity and car parking standards. The proposal makes efficient use of land in a well-designed scheme that positively contributes to the provision of additional hotel accommodation and to the economy of the City in a sustainable location on a brownfield site.



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Site

Holiday Inn Express
 Longueil Close, Atlantic Wharf, Cardiff, CF10 4EE

Title

Site Location Plan

Client

Holiday Inn Express
 (First Inns)

Checked

Arch./Des.

Drawn By

Dwg No.

Scale (A4 Size)

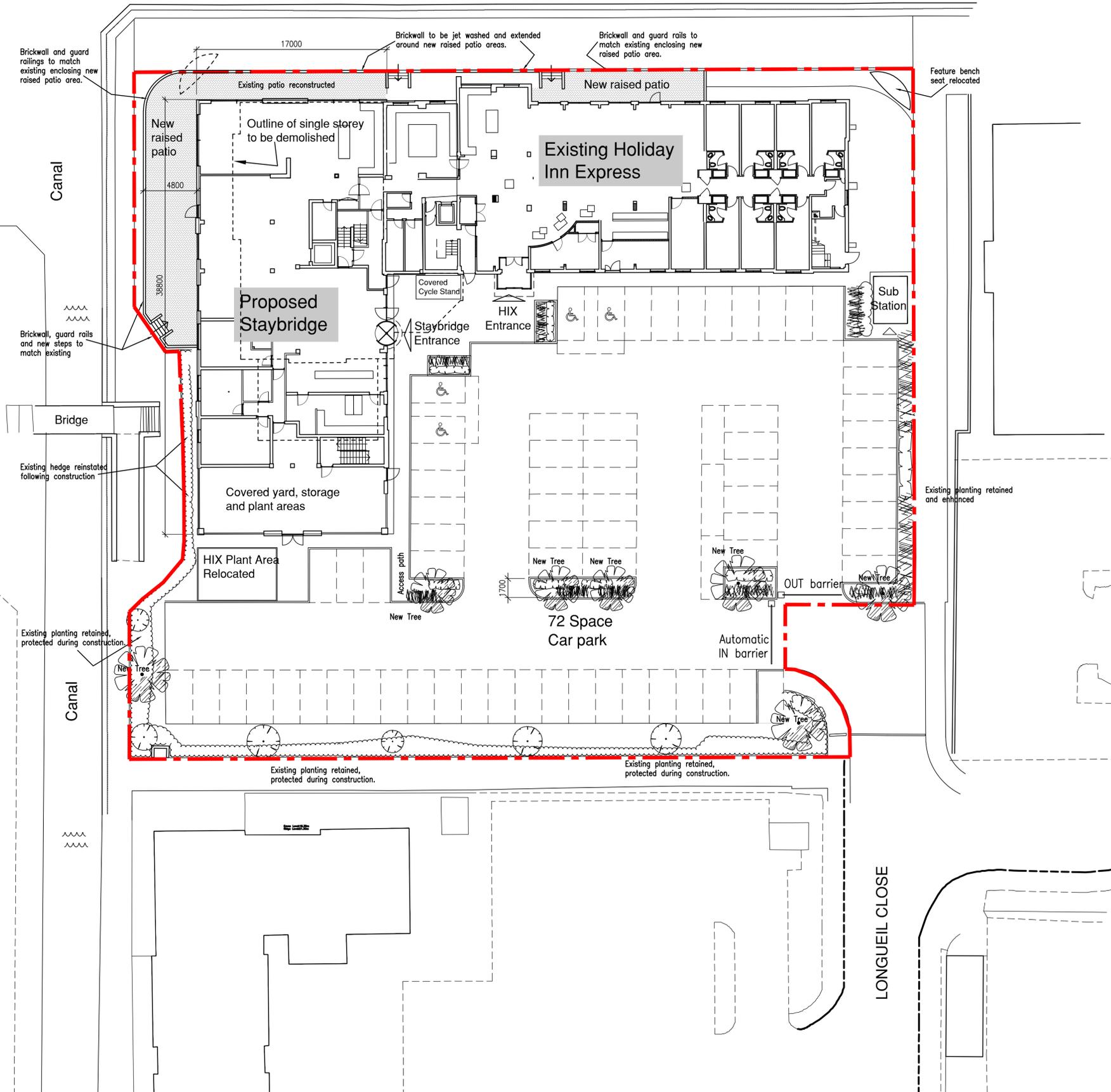
3971-014

Date

June 16

Rev. A

Bute East Dock



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Scale = 1:200
Metres 5 10 15 20

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REVISIONS

REV	DATE	BY	DESCRIPTION
A	20.3.17	EAL	Sub-station, barrier and plant areas shown. Parking numbers amended.
B	22.5.18	EAL	Adjustments to parking bays to retain planting, new planting shown, patio areas defined with notes re surround walls. Boundary amended at entrance and barrier moved/split.
C	19.6.18	EAL	Planting adjusted to match proposed planting plan.
D	18.7.18	EAL	Planting bays increased in width. Raised patio reduced. Tree planting updated.
E	3.10.18	EAL	Cycle parking added.

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PROJECT

Proposed Staybridge Hotel, Cardiff Bay

CLIENT

Holiday Inn Express (First Inns)

TITLE

Proposed Site Plan

DATE	DRAWN	SCALE (A1 Size)
Feb 17	EAL	1:200

DRAWING NUMBER	REVISION
3971/201	E

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REVISIONS

REV	DATE	BY	DESCRIPTION
A	17.9.18	EAL	Two bedrooms omitted on 5th floor.
B	3.10.18	EAL	Outlines of distant parapets shown.

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PROJECT
 Proposed Staybridge Hotel,
 Cardiff Bay

CLIENT
 Holiday Inn Express
 (First Inns)

TITLE
 Proposed Elevations
 West and South
 onto Car Park

DATE
 Feb 17

DRAWN
 EAL

SCALE (A1 Size)
 1:100 at A1
 1:200 at A3

DRAWING NUMBER
 3971/205

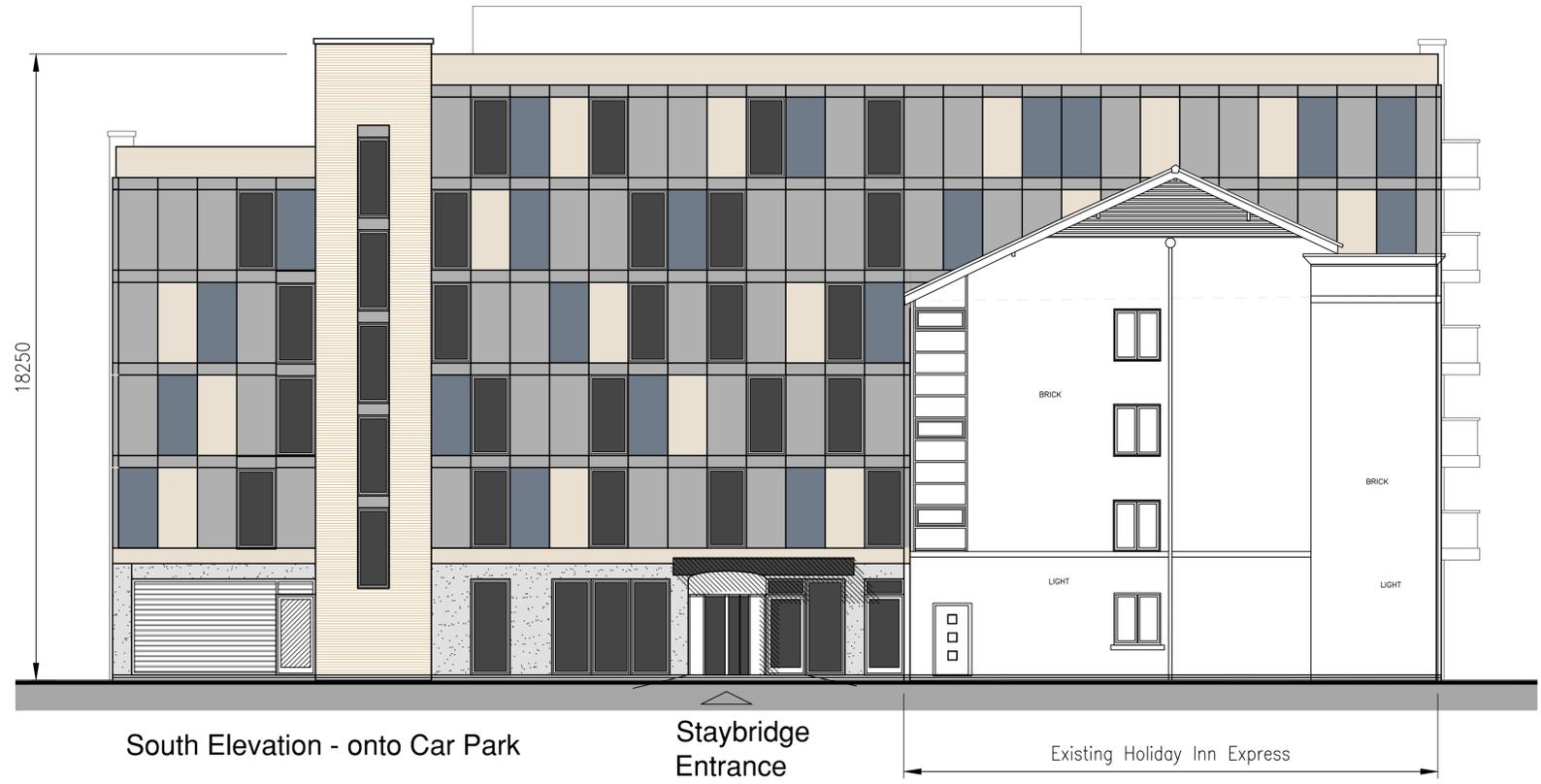
REVISION
 B



West Elevation - onto Car Park

HIX Entrance

Existing Holiday Inn Express



South Elevation - onto Car Park

Staybridge Entrance

Existing Holiday Inn Express

18250

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Scale = 1:100 At A1 (1:200 at A3)
 Metres 2 4 6 8 10

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REVISIONS

REV	DATE	BY	DESCRIPTION
A	22.5.18	EAL	External landscaping, walls, railings and planting added.
B	18.7.18	EAL	Width of patio reduced on East Elevation
C	17.9.18	EAL	Two bedrooms omitted on 5th floor.
D	3.10.18	EAL	Outlines of distant parapets shown.

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PROJECT

Proposed Staybridge Hotel,
 Cardiff Bay

CLIENT

Holiday Inn Express
 (First Inns)

TITLE

Proposed Elevations
 East and North
 onto Dock and Canal

DATE	DRAWN	SCALE (A1 Size)
Feb 17	EAL	1:100 at A1 1:200 at A3

DRAWING NUMBER	REVISION
3971/206	D



East Elevation - onto Dock



North Elevation - onto Canal

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Scale = 1:100 At A1 (1:200 at A3)
 Metres 2 4 6 8 10

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REVISIONS

REV	DATE	BY	DESCRIPTION
A	21.3.17	EAL	Detail and notes added.
B	11.4.17	EAL	Coffee Bar and Lounge amended.

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PROJECT

Proposed Staybridge Hotel,
 Cardiff Bay

CLIENT

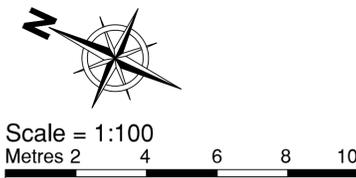
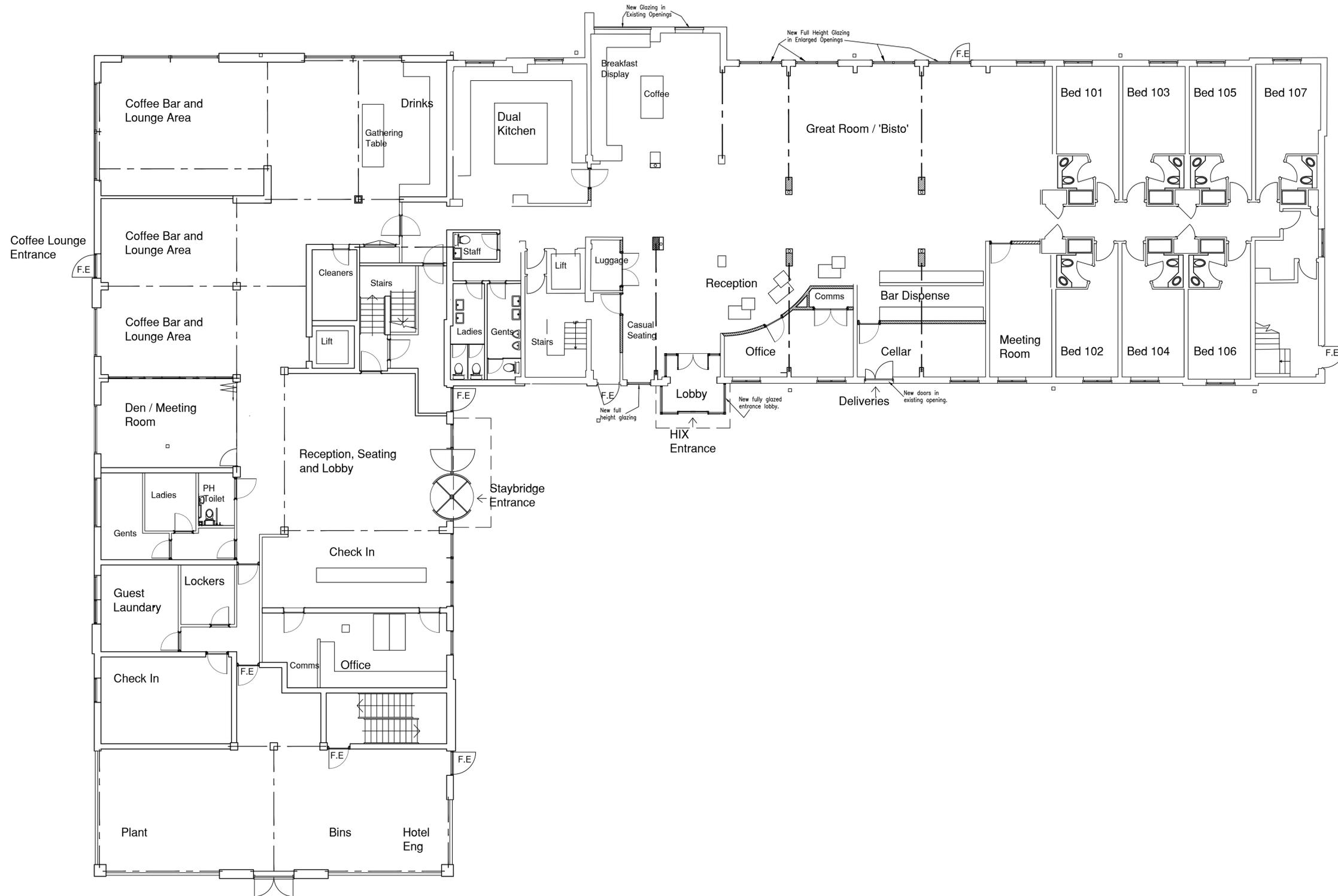
Holiday Inn Express
 (First Inns)

TITLE

Proposed Plan
 Ground Floor

DATE	DRAWN	SCALE (A1 Size)
Feb 17	EAL	1:100
DRAWING NUMBER	REVISION	
3971/202	B	

SURVEY INFORMATION
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REVISIONS

REV	DATE	BY	DESCRIPTION
A	21.3.17	EAL	PH room shown. Balconies amended.
B	31.08.17	EAM	Drawing title changed to show number of floors in Staybridge and Express as they are different. Layout of bedrooms added to corner of building.
C	17.9.18	EAL	Part 5th floor plan added to show omission of two rooms.

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PROJECT
 Proposed Staybridge Hotel,
 Cardiff Bay

CLIENT
 Holiday Inn Express
 (First Inns)

TITLE
 Proposed Plans
 Upper Floors
 1st to 5th (Staybridge)
 1st to 3rd (Express)

DATE	DRAWN	SCALE (At Size)
Feb 17	EAL	1:100

DRAWING NUMBER	REVISION
3971/203	C



Balconies on top floor shown dashed.

Alternative window locations shown dashed. See elevations.

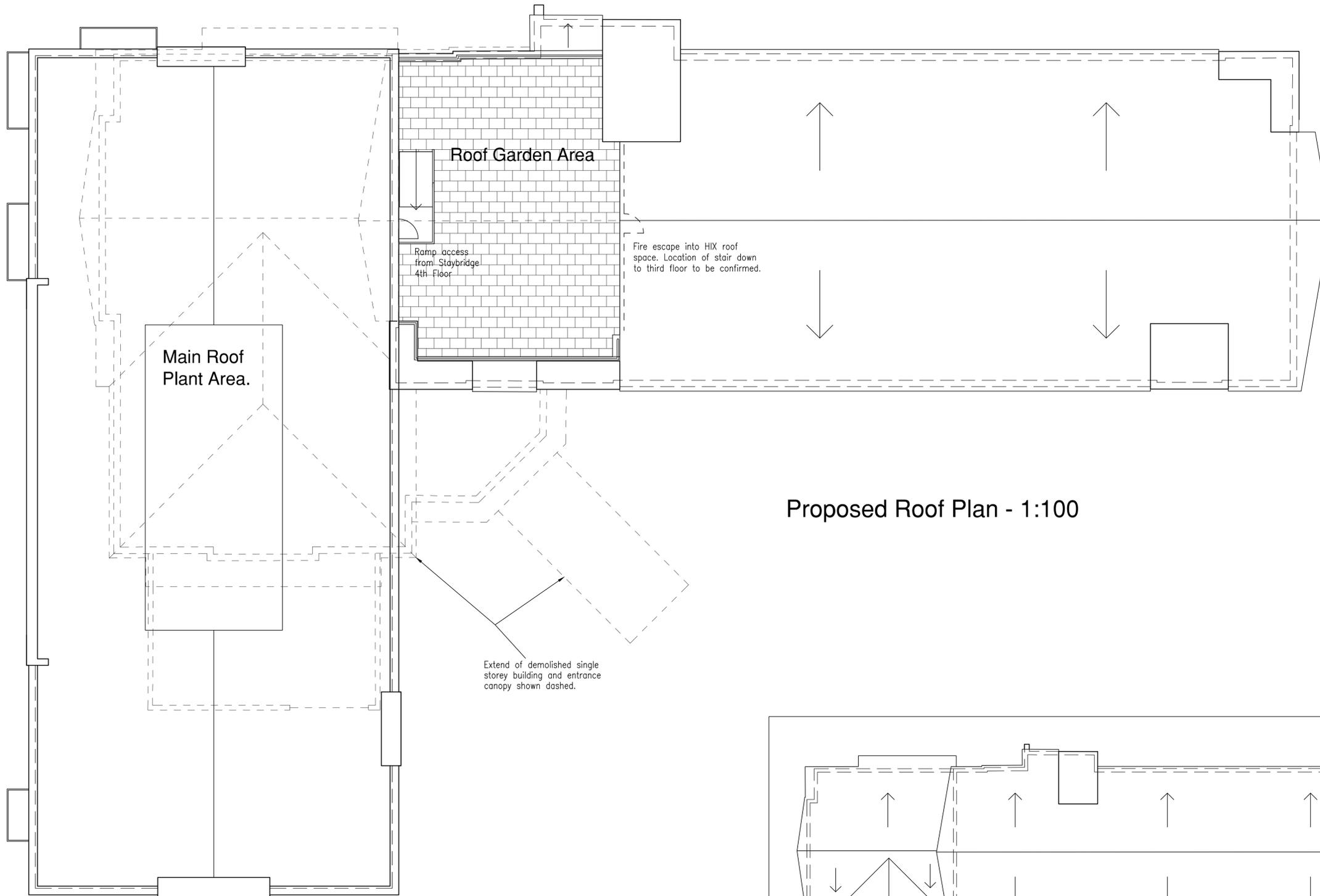
First to Fourth Floors

Fifth Floor
 Identical to floors below, except as shown

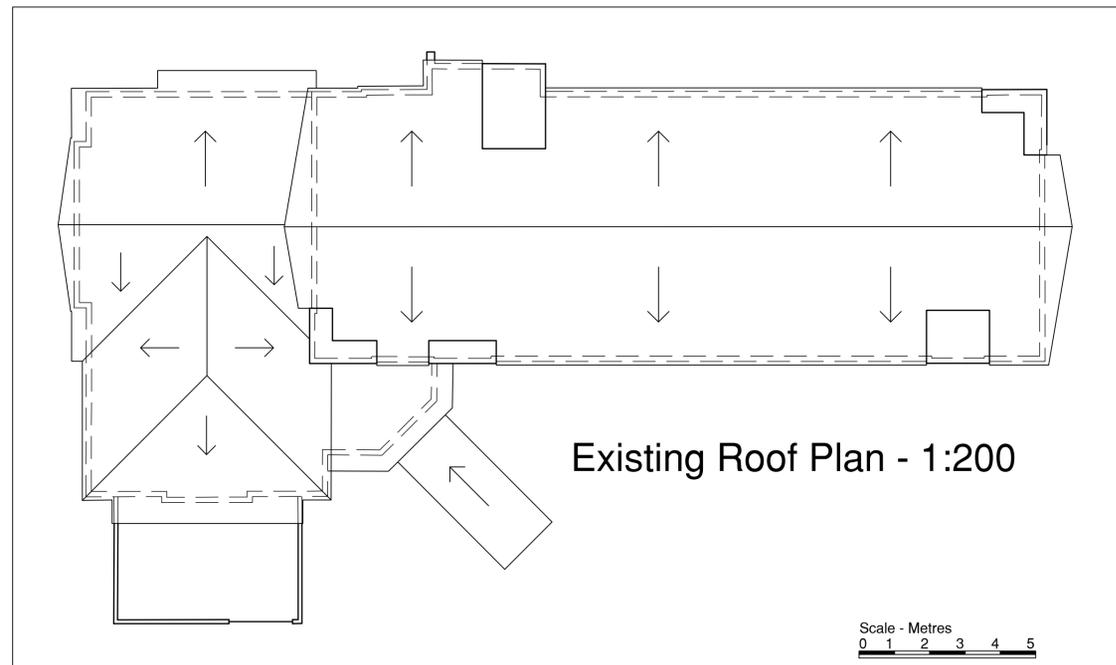


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Proposed Roof Plan - 1:100



Existing Roof Plan - 1:200



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Scale = 1:100
Metres 2 4 6 8 10

Scale - Metres
0 1 2 3 4 5

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REVISIONS

REV	DATE	BY	DESCRIPTION
A	20.3.17	EAL	Roof garden area amended.

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PROJECT

Proposed Staybridge Hotel,
Cardiff Bay

CLIENT

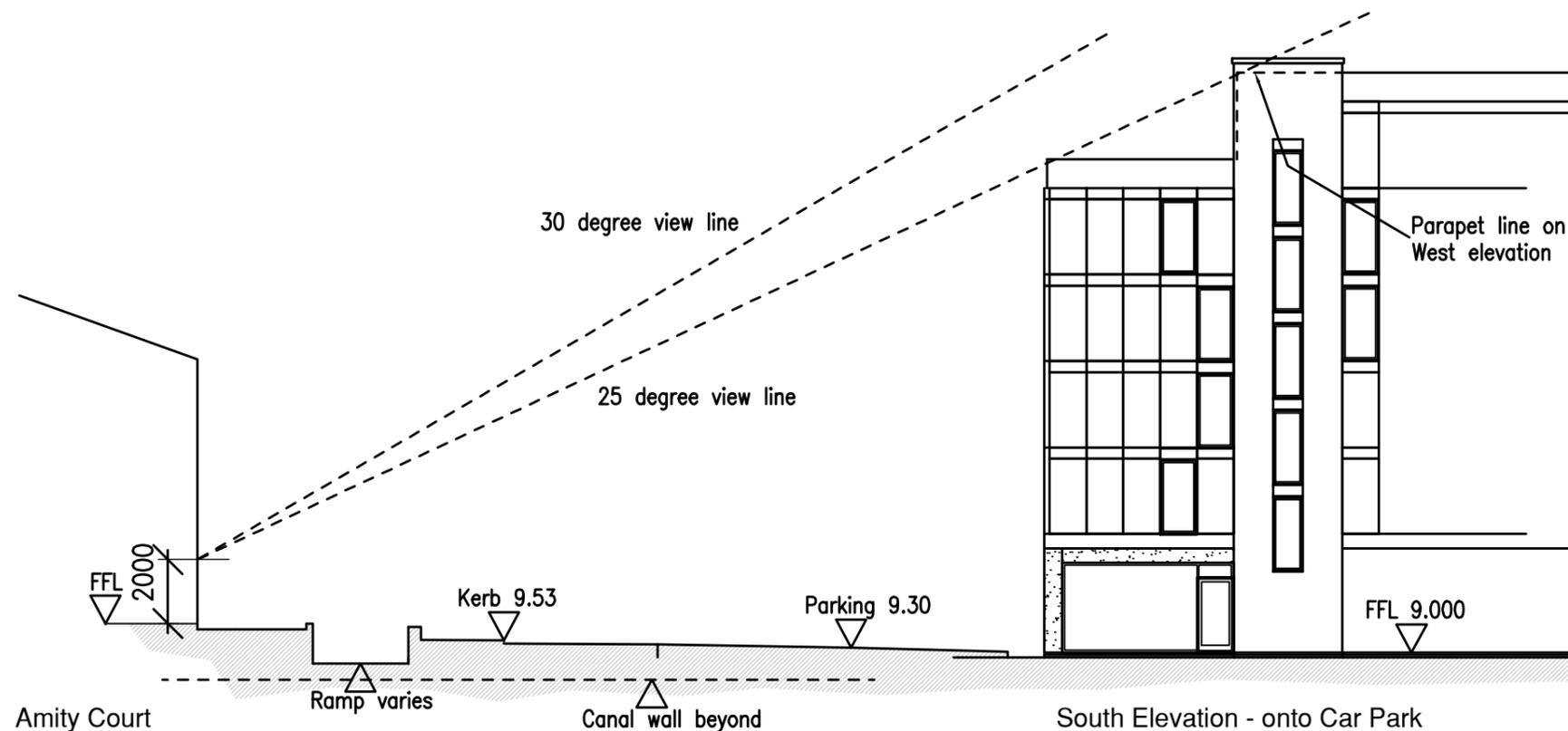
Holiday Inn Express
(First Inns)

TITLE

Proposed Roof Plan
And Existing Roof Plan

DATE	DRAWN	SCALE (A1 Size)
Feb 17	EAL	1:100

DRAWING NUMBER	REVISION
3971/204	A



Section A-A showing angled view lines



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REVISIONS

REV	DESCRIPTION	BY	DATE
A	Bedrooms removed to clear vision line.	EAL	14.9.18

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PROJECT

Proposed Staybridge Hotel,
Cardiff Bay

CLIENT

Holiday Inn Express
(First Inns)

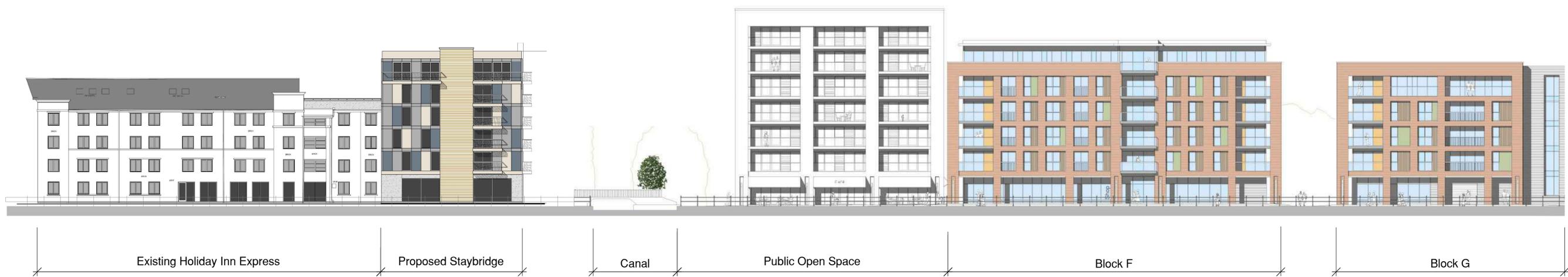
TITLE

Section Showing Visions Line
From Adjacent Property.

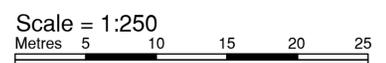
DRAWN EAL	SCALE @ A3 1:200	DATE May 18
CHECKED CP	PROJECT/DRAWING NO 3971/208	REVISION A

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REVISIONS		
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DESIGN
 COALITION

PROJECT
 Proposed Staybridge Hotel,
 Cardiff Bay

CLIENT
 Holiday Inn Express
 (First Inns)

TITLE
 Context East Elevation

DATE	DRAWN	SCALE (A1 Size)
Apr 18	EAL	1:200

DRAWING NUMBER	REVISION
3971/207	