

LOCAL MEMBER OBJECTION / AM & MP CONCERNS & PETITION

COMMITTEE DATE: 28/09/2016

APPLICATION No. **16/01584/MJR** APPLICATION DATE: 11/07/2016

ED: **BUTETOWN**

APP: TYPE: Full Planning Permission

APPLICANT: J R Smart (Builders) Ltd
LOCATION: LAND AT JOHN STREET, BUTETOWN, CARDIFF, CF10 5PE
PROPOSAL: ERECTION OF A NEW OFFICE BUILDING ON THE JOHN STREET SITE, CENTRAL CARDIFF. THREE BLOCKS OF 20 FLOORS, 10 FLOORS AND 8 FLOORS RESPECTIVELY. THE LOWER 2 FLOORS COMPRISE OF RETAIL, RECEPTIONS, CAFES, PLANT AND ANCILLARY SPACE, CAR PARKING AND SERVICE BAY TO THE REAR OF THE SITE

RECOMMENDATION 1 : That, subject to relevant parties entering into a binding legal agreement with the Council under the provisions of a **SECTION 106** of the Town and Country Planning Act 1990, within 6 months of the date of this Resolution unless otherwise agreed by the Council in writing, in respect of matters detailed in Section 9 of this report, planning permission be **GRANTED** subject to the following conditions :

1. C01 Statutory Time Limit
2. The consent relates to the following approved plans:

<i>Dwg. No.</i>	<i>Title</i>
1519-P-001	Site plan
1519-P-100B	Ground floor plan
1519-P-101B	Level 1 plan
1519-P-102A	Levels 2 & 3 plan
1519-P-104A	Levels 4 - 7 plans
1519-P-108A	Level 8 plan
1519-P-109A	Level 9 plan
1519-P-110A	Level 10 plan
1519-P-111A	Level 11 plan
1519-P-112A	Levels 12 - 19 plans
1519-P-120A	Level 20 plan
1519-P-121A	Level 21 plan
1519-P-122A	Level 22 Roof plan
1519-P-210A	South building section A-A
1519-P-211A	Tower & north building section B-B
1519-P-240A	North building section C-C
1519-P-241B	Tower & south building section D-D
1519-P-301A	South elevation

1519-P-302B	West elevation
1519-P-303A	North elevation
1519-P-304A	East elevation
1519-P-311	South context elevation
1519-P-322	West context elevation
1519-P-420A	Façade bay study
1519-P-1001D	Network Rail access
1519-P-1002D	Hard landscaping
1153/SK/03A	Landscape proposals: street level

Reason: The plans amend and form part of the application.

3. No member of the public shall be admitted to or allowed to remain on the retail premises between the hours of 23.30 and 08.00 on any day.
Reason: To ensure the amenity of occupiers of other premises in the vicinity is protected.
4. Any A3 use shall be restricted to café/ restaurant type uses where the primary function is the sale and consumption of food within the premises, and for no other A3 Use Class unless otherwise agreed in writing by the LPA.
Reason: To ensure the amenity of future residents and occupiers of other premises in the vicinity are protected.
5. No above ground superstructure works shall be commenced until samples of the external finishing materials have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: To ensure that the finished appearance of the development is in keeping with the area.
6. No above ground superstructure works shall be commenced until a scheme showing the architectural detailing of all building facades have been submitted to and approved in writing by the Local Planning Authority and the development shall not be brought into use until the approved scheme is implemented.
Reason: To ensure a satisfactory finished appearance to the development.
7. No development shall take place until comprehensive proposals showing how foul and surface water flows from the site will be dealt with have been submitted to and approved by the Local Planning Authority. The scheme shall take account of the drainage requirements of the existing businesses located in the railway arches, and shall achieve the reduced surface water discharge requirements of 20l/s within the attenuated drainage system as required in the DCWW consultation response dated 9.8.16. The works shall be implemented in accordance with the approved details.
Reason: To ensure an orderly form of development.

8. A scheme of sound insulation works to the floor/ ceiling/ party wall structure between the retail and the office units shall be submitted to and agreed by the LPA in writing and implemented prior to occupation.
Reason: To ensure the amenity of future occupiers of the offices is protected.
9. The rating level of the noise emitted from fixed plant and equipment on the site shall not exceed the existing background noise level at any time at the nearest residential property when measured and corrected in accordance with the current British Standard 4142:2014 (or any BS amending or superseding that standard).
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.
10. G7Q Future Kitchen Extraction
11. Details showing the provision of secure, covered long-stay cycle parking spaces and publicly accessible short-stay cycle parking spaces shall be submitted to and approved in writing by the LPA and the approved details shall be implemented prior to beneficial occupation. 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 secure parking of cycles.
12. E3D Retain Parking Within Site
13. C3F Details of Access Road Junction
14. Unrestricted vehicular access to the railway arches and existing Network Rail assets via John Street and the access road immediately in front of units 1–8, in accordance with dwg. no. 1519-P-1001D, shall be maintained at all times.
Reason: To ensure that existing access arrangements to the Network Rail arches are retained.
15. Prior to commencement of development a scheme of construction management shall be submitted to and approved by the Local Planning Authority to include details of construction traffic routes, site hoardings, site access, wheel washing facilities and parking of contractors vehicles. The development construction shall be managed strictly in accordance with the scheme so approved.
Reason: In the interests of highway safety and public amenity.
16. Prior to the commencement of development a scheme of environmental highway and public realm improvements, and programme for its implementation, in accordance with dwg. no. 1519-P-1002D, shall be submitted to and approved by the Local Planning Authority. The scheme should include, but not be limited to, the repaving of the public realm area, including surfacing, kerbs, edging, drainage; and the provision/

renewal/ improvement of street lighting, street trees, and street furniture. Unless otherwise agreed in writing with the LPA the agreed scheme is to be implemented in accordance with the approved details prior to beneficial occupation of the development.

Reason: To ensure the comprehensive enhancement/ improvement of the adjacent public footway and public realm.

17. C4P Landscaping Design & Implementation Pro
18. C4R Landscaping Implementation
19. Details of facilities for the storage of refuse containers shall be submitted to and approved in writing by the Local planning Authority and the approved facilities shall be provided before the development is brought into beneficial use.
Reason: To secure an orderly form of development and to protect the amenities of the area.
20. *Land Contamination Risk Assessment:* Prior to the commencement of the development an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority. The report of the findings shall include 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; an intrusive investigation to assess the extent, scale and nature of contamination which may be present; an assessment of the potential risks, and an appraisal of remedial options and justification for the preferred remedial option(s).
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.
21. *Submission of Remediation Scheme and Verification 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.
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.
22. *Undertaking of Remediation and Issue of Verification Report:* The remediation scheme as approved by the LPA must be fully undertaken in

accordance with its terms prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

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

23. *Identification of Unsuspected Contamination:* In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the 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.

24. *Ground Gas Assessment:* 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 and prior to commencement of any development works, the proposed details of any appropriate gas protection measures which may be required to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site shall be submitted to and approved in writing to the LPA. All required gas protection measures shall be installed in accordance with the approved details 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.

25. *Importation of Aggregates:* Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with Pollution Control's Imported Materials 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.

26. *Use of Site Won Material:* Any site won recycled aggregate materials 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 reuse. Only material approved by the Local Planning Authority shall be reused.

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

RECOMMENDATION 2: To protect the amenities of occupiers of other premises in the vicinity attention is drawn to the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities. Further to this the applicant is advised that no noise audible outside the site boundary adjacent to the curtilage of residential property shall be created by construction activities in respect of the implementation of this consent outside the hours of 0800-1800 hours Mondays to Fridays and 0800 - 1300 hours on Saturdays or at any time on Sunday or public holidays. The applicant is also advised to seek approval for any proposed piling operations.

RECOMMENDATION 3: The highway works conditions and any other works to existing or proposed adopted public highway are to be subject to an agreement under Section 38 and/or Section 278 Highways Act 1980 between the developer and Local Highway Authority.

RECOMMENDATION 4: 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 5: To ensure the safe operation of the railway and the protection of Network Rail's adjoining land attention is drawn to comments and requirements contained within Network Rail's consultation response dated 18.8.16, a copy of which has been sent to the applicant.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 A detailed application for a major office development on a vacant site at the north-east corner of Callaghan Square. The office accommodation (40,000 sqm) comprises three interlocking blocks with heights of 21 storeys, 11 storeys and 9 storeys. The ground and first floors include reception rooms, 400 sqm of retail fronting Bute Street, plant and ancillary accommodation.
- 1.2 The lower 9 storey block runs north-south and encloses the eastern end of Callaghan Square, the 10 storey block runs east-west parallel to the railway tracks, the 21 storey tower is located at the intersection of these two blocks to the NW corner of the site.
- 1.3 The façades are designed with a double-storey order which accentuates verticality. The main vertical aluminium fins are approximately 290mm deep and run the full height of the building and provide depth and interest to the facade. At the top of the building planted roof terraces and a set-back pavilion terminate the three blocks. At ground floor reception entrances and retail uses set behind a double height colonnade provide an active public frontage to Bute Street.

- 1.4 The external cladding is coloured anodised aluminium and glass. The blocks will be further differentiated by the use of colour. The taller block will be darker and the lowest block fronting Callaghan Square will be the lightest in colour.
- 1.5 A public square is created at the northern end of the site animated by the main office entrance, a retail unit and the office café/ reception area. There is also the potential for the three railway arch units closest to Bute Street, which are currently leased by Network Rail to local businesses, to engage more actively with the proposed square and provide additional interest and create a distinctive character. The building is set back about 10m from the Bute Street pavement boundary and street trees and landscaping is proposed for this frontage
- 1.6 A smaller square is created at the southern end of the building serving a secondary entrance and providing a south-facing sitting-out area for the office café/ reception area. There is the potential for this space to add life to Callaghan Square, especially if the filter road can be altered to create more pedestrian space.
- 1.7 The 86m high 21 storey tower is approximately 14m higher than the Altolusso apartment building and 11m higher than the Radisson Blu Hotel. The lower element fronting Callaghan Square is approximately 8m higher than the 7 storey Eversheds office building.
- 1.8 Parking and access arrangements: There are 112 car parking spaces provided to the rear of the building and 227 cycle spaces (189 long term and 38 short term). The majority of the car parking spaces (67) are located in a 4 storey decked car park with lift access sandwiched between the building and the railway line at the southern end of the site.
- 1.9 Access for vehicular, cycle and pedestrian traffic is via the existing junction of John Street with Bute Street. This is a left in/left out arrangement. Servicing is from the car park and service yard to the rear of the building.
- 1.10 The same access will also provide unrestricted access around the rear of the building to the Network Rail owned access road serving the 8no. railway arches immediately to the north of the site.
- 1.11 Waste Management: General waste will be collected from each floor and transferred to a refuse store located centrally on the ground floor of the building and accessed from John Street.
- 1.12 The following information is submitted:
 - Design and Access Statement including key views analysis
 - Drainage Strategy & FCA Report
 - Transport Statement
 - Road and Rail Noise and Vibration Assessment
 - Energy Strategy
 - Geotechnical and Geoenvironmental Report
 - Sunpath Analysis

- Landscape Strategy
- Physical model of the proposals in context.

1.14 Environmental screening opinion: No part of the development is located in a sensitive area and the development does not meet the applicable thresholds for Schedule 2 development and consequently cannot be considered to be 'EIA development'.

1.15 A letter dated 5th May 2016 was sent to the agent confirming that the development is not EIA development and that a formal screening opinion is not therefore required.

2. **DESCRIPTION OF SITE**

2.1 The 0.84ha triangular site is located at the NE corner of Callaghan Square. It is wedged between two elevated railway lines and bounded to the west by Bute Street. The site was formerly used by No Fit State circus and for car parking, and the buildings have recently been demolished and the site cleared.

2.2 The immediate area is in transition. The Capital Quarter masterplan on the old Tyndall Street industrial site to the east of the railway line is being developed by the applicant, including a planning application under consideration for a 25 storey student housing development on the Herbert Street site located between the railway line and the Dock Feeder.

2.3 The area to the south of Callaghan Square is the subject of recent planning permission(s). To the north of the railway line there is a cluster of tall buildings comprising the Radisson Blu Hotel, the Meridian Plaza and Altolusso apartment blocks, and the Big Sleep Hotel. Planning permission has recently been granted for a 42 storey student housing development on Customhouse Street. To the west is the low rise Eversheds office building which is a stronger architectural statement. Its reconstituted stone rhythmic curved façade forms the backdrop to the vast Callaghan Square public space.

2.4 The general area has a diverse built environment which is very mixed in character, both in terms of uses and in terms of building ages, styles and heights from 2 to 23 storeys. Uses include offices, commercial, retail, hotels, leisure and residential.

2.5 The site is adjacent to a number of tall and significant buildings which stretch along the northern side of the railway line and define the southern boundary of the city centre. The cluster of tall buildings is a significant feature of the city and its skyline. The buildings include the Radisson Blu Hotel (75m high) and the Altolusso apartments (72m high) to the north of the site on the other side of the railway line. The Ty Pont Hearn student housing block on Pellet Street to the north-east of the site is c. 63m high.

2.6 To put the proposed height in a city-wide context the tallest building in Cardiff is Capital Tower at c. 80m, the BT tower is c. 78m high. The recently consented Customhouse street student tower is 132m high

- 2.7 With the exception of the Eversheds building and the consented Customhouse Street student tower the neighbouring buildings are of mixed quality and inconsistent architectural language, characterised by large areas of white render on the Altolusso apartment building, and strips of curtain wall cladding on the Radisson Blu Hotel. On both these buildings the finishes are showing signs of ageing.
- 2.8 The site is divided by John Street which is adopted and is accessed from Bute Street. Two adopted side roads connect John Street with an unadopted narrow access road running alongside the railway line and serving a small industrial unit and various small businesses which lease six of the eight railway arches from Network Rail. The arches are leased to Jukebox Collective, Only Drums Aloud and Cardiff Arches - businesses offering rehearsal studio space for music, dance and arts-related activities.

3. **PLANNING HISTORY**

- 15/3112/MJR Prior approval granted Jan 16 for demolition of No Fit State Circus, Princess of Wales building, John Street
- 12/1938/DCI Prior approval granted Dec 12 for demolition of 4 storey former warehouse building, John Street
- 98/529/DCI Outline PP granted Oct 1991 for mixed use development, Bute Square

Pre-application process

- 3.1 Pre-application discussions started in early 2016 and have focused on the design of the building, in particular its impact on the skyline, and ground floor treatment including the design of the public realm.

4. **POLICY FRAMEWORK**

National policy

- 4.1 Planning Policy Wales (PPW) Edition 8, 2016 favours the sustainable re-use of previously developed land.

- 4.2 The following Technical Advice Notes (TANs) are relevant:

- TAN 12: Design (2009)

Local policy

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

- KP2(A) Cardiff Central Enterprise Zone and Regional Transport Hub
- KP5 Good Quality and Sustainable Design
- KP7 Planning Obligations
- KP10 Central and Bay Business Areas
- EN12 Renewable Energy and Low Carbon Technologies
- R6 Retail Development (Out of Centre)
- R8 Food and Drink Uses

- T1 Walking and Cycling

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

- Tall Buildings (2009)
- City Centre Strategy (2007)
- Premises for Eating, Drinking and Entertainment in the City Centre (2000)
- Access, Circulation and Parking Requirements (2010)
- Waste Collection and Storage Facilities (2007)

5. **INTERNAL CONSULTEE RESPONSES**

5.1 Land Use Policy and Regeneration: The application site is located within the Central Enterprise Zone (CEZ) and the Central Business Area (CBA) of the adopted Cardiff Local Development Plan.

5.2 Policy KP10 of the Local Development Plan identifies that new office uses are considered appropriate within the Central Business Area. As such, the proposal is considered acceptable from a land use policy perspective.

5.3 As the site is located outside the Central Shopping Area (CSA) of the City Centre and also falls outside of any designated District/ Local Centres as identified within the LDP, any proposal for a Class A1 (shop) use at this location would have to satisfy the three tests of out-of-centre retail policy.

5.4 In this regard and given the relatively small scale of the proposal (400sqm in two units), an element of convenience retail could be considered acceptable to serve the newly established population associated with the development. The sale of comparison goods would not be considered acceptable at this location and an associated condition could be attached that excludes the sale of comparison goods.

5.5 Policy R8 of the LDP identifies the Central Business Area as an appropriate location, in principle, for food and drink uses, subject to amenity considerations. A condition could be applied limiting any ground floor A3 uses to a snack bar / café / coffee shop (excluding hot food takeaway) in order to safeguard the amenity of occupiers within the proposed development.

5.6 This is a large scale development, where the introduction of circa 40,000sqm of office floor space will place increased pressure on the surrounding pedestrian environment.

5.7 Planning Policy Wales, Paragraph 3.4.3, states that 'When a new building is proposed, an existing building is being extended or altered, or a change of use is proposed, developers should consider the need to make it accessible for all those who might use the building. The appropriate design and layout of spaces

in, between and around buildings, including parking provision and movement routes, is particularly important in ensuring good accessibility’.

- 5.8 Cardiff Local Development Plan Policy KP6 (New Infrastructure) seeks that new developments will make appropriate provision for, or contribute towards, necessary infrastructure required as a consequence of proposed development, including public realm improvements.
- 5.9 The application site occupies a prominent location at the north east corner of Callaghan Square. To help integrate the proposed development with the surrounding area and to improve pedestrian movements to, from and around the site, the following public realm works are sought as part of the development (as identified on Plan 1: Proposed Extent of Public Realm Improvements):
- The resurfacing of the footways to the southern and western boundary of the site with 200x100mm silver-grey block paving, to tie-in with the surrounding surface treatment.
 - The use of a higher quality paving slab treatment to the public squares / spaces within boundary of the site.
 - The provision of a block paved ‘shared surface’ treatment to the section of highway between the railway arches to the north of the site and the northern office building.
 - The replacement and upgrading of the existing wall mounted strip lighting units, together with the installation of associated pigeon proofing to both sides of the Bute Street underpass.
- 5.10 To ensure that the offsite highway and public realm improvements are provided in a timely manner it is requested that the developer undertake the works as part of their development.
- 5.11 The Council estimate a sum of £17,500 for an enhanced replacement lighting scheme to the Bute Street underpass to be undertaken by the Council.
- 5.12 Transportation: To be reported to planning committee as a late representation.
- 5.13 Trees and Landscaping: The Council’s Tree Officer notes that 5no. trees (4x London Plane & 5x lime trees) are affected by this proposal. These trees are not protected, and whilst casual observation suggests they are in reasonable health, the planes have been too closely planted and have mutually suppressed as a consequence, whilst the limes are relatively young and therefore arguably easily replaced. This said, the existing trees are a material consideration and should be subject to assessment in accordance with BS 5837:2012. Only upon receipt of satisfactory, full details of replacement tree planting can we have comfort that it will offset the losses.
- 5.14 16no. new trees are proposed as part of the street level landscape strategy, but the soft landscape beds into which they will be planted are of limited size, constraining root available soil volume (RASV). Furthermore, above ground constraints from building lines and highway infrastructure mean that the

planting palette must necessarily be restricted to species with limited branch spreads and with relatively light, airy canopies. At the same time, tough trees capable of coping with reflected heat, traffic fumes and wind tunnel effects are required. Having considered the submitted plans, the tree planting palette proposed in the submitted landscape strategy, and my own comments at pre-application, the Officer considers the following tree planting strategy to be appropriate:

- 5.15 *Bute Street frontage*: Linear, raised planters are proposed here, but full details of the dimensions and specification are lacking. As stand-alone RASV, the planters are potentially very constrained vertically and laterally. To accommodate trees that will make a significant street-scape impact (equivalent to London plane or lime), provision should be made for a vertical profile of 300mm free draining, well aerated sandy loam topsoil over 600mm free draining, well aerated sandy loam subsoil. This profile should be as continuous and wide as practicable to maximise RASV and allow root architecture to optimise, rather than be constrained within narrow planters.
- 5.16 Street level (or as close to street level as practicable) planters that are as wide and continuous as possible, with RASV extending beneath pavers via sand based structural tree soil or soil crates, are considered the best option.
- 5.17 The beds need not be the same width, shape or on the same alignment – a rigid geometry should not be imposed upon soft planters merely to mimic building architecture, whilst constraining root architecture and RASV. Whilst x7 trees are depicted here, x4 would suffice if they can be provided with improved above and below ground growing space. A number of suitable species are recommended.
- 5.18 *Corner of Bute and Herbert Street*: The Officer suggests x1 large, relatively upright tree here, rather than the two trees proposed, which are likely to mutually suppress. A number of suitable species are recommended.
- 5.19 *Car park verge*: A suitable species is recommended.
- 5.20 The Officer would like to see a detailed, upfront landscaping scheme, comprising scaled planting plan, plant schedule, topsoil and subsoil specifications, tree pit section and plan views for different situations, planting methodology and 5 year aftercare methodology. It must be clear that all existing and proposed services including drainage and lighting have been taken into account when drawing up planting plans, to ensure there is no or minimal conflict.
- 5.21 The fitness of existing soils for re-use as part of landscaping should be established via a Soil Resource Survey and Plan prepared in accordance with the 2009 DEFRA Code. Where no or insufficient re-usable soil is available, planting soils that have been certified in accordance with BS 3882:2015 and BS 8601:2013, and found to be fit for their proposed end use by a soil scientists interpretive report should be imported and emplaced to an agreed specification.

- 5.22 Pollution Control (Noise & Air): Pollution Control has no objections subject to the recommendations of the Road and Rail Noise and Vibration Assessment (Hunter Acoustics dated 2.6.16) being implemented and standard conditions in relation to floodlighting, sound insulation, plant noise, opening hours, delivery times, kitchen extraction, a second recommendation on construction site noise, and advice on illuminated advertisements and smoking areas.
- 5.23 Pollution Control (Contaminated land): No objection subject to amended ground gas protection and contaminated land measures (assessment) conditions, standard contaminated land (remediation and verification) conditions, standard unforeseen contamination condition, and standard imported soil, aggregates and recycled aggregates conditions. A contamination and unstable land advisory notice is to be added.
- 5.24 Waste Management: The Waste Management Officer has no objection to the proposed bin stores.

6. **EXTERNAL CONSULTEE RESPONSES**

- 6.1 Welsh Water (DCWW): DCWW have reviewed the information submitted as part of this application with particular focus on the Drainage Strategy dated May 2016 and the revised drainage layout reference C6550_SK002 Rev A. DCWW have undertaken extensive on-site investigations and confirm that the site is crossed by a 915mm brick built sewer. These sewers are currently live and conveying flows to the downstream public sewer network.
- 6.2 In order to facilitate the proposed development layout the sewers serving the current site will need to be diverted and/or abandoned. The applicant is advised to contact Welsh Water to enter into agreements under Section 185 of the Water Industry Act 1991 to successfully divert and abandon the public assets. Until such time that these agreements have been technically vetted and legally complete we maintain the need for the easements on these assets to remain. We therefore recommend the following conditions and advisory notes are included within any subsequent decision notice:
- No work shall commence on site until the public sewers which cross the site have first been diverted and/or abandoned. Thereafter, no building shall be occupied until the drainage system serving that building has been completed in accordance with the approved details as shown on drawing reference C6550_SK002 Rev A. Thereafter, no further surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage system. Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.
 - Notwithstanding the details shown on drawing reference C6550_SK002 Rev A, surface water flows from the development shall only communicate with the public combined sewer through an attenuation device that discharges at a rate not exceeding 20 l/s. Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

- 6.3 Natural Resources Wales (NRW): No objection subject to receipt of a Flood Consequences Assessment (FCA) Report that demonstrates that the risks and consequences of flooding can be managed in accordance with TAN 15, and the imposition of a number of contaminated land conditions to protect controlled waters (the Dock Feeder Canal).
- 6.4 Network Rail (NR): Access to the arches via the adopted highway and the land immediately in front of units 1-8 must be maintained at all times. Consideration should be given to the arches in terms of minimising disruption during construction.
- 6.5 The application site includes Network Rail's arches in this location, whilst we do not wish to object, negotiations with the developer/applicant are still ongoing and Network Rail has not given the applicant permission to develop the arches.
- 6.6 The arches are currently tenanted and are under the ownership of Network Rail. Any development involving the arches themselves or any other land belonging to Network Rail adjacent to the arches will require prior consent from Network Rail, which is subject to agreement of commercial terms.
- 6.7 Network Rail has retaining walls and bridges in this area which denotes Network Rail's boundary, we will need a minimum of 2m clearance from the wall in order for inspections to take place and also any remedial works which may arise in the future. Should any piling work take place, these will need to be carefully monitored by Network Rail. This can be controlled by an appropriately worded planning condition.
- 6.8 No objection subject to a number of recommendations to ensure the safe operation of the railway and the protection of Network Rail's adjoining land. The Network Rail recommendations have been sent to the agent.
- 6.9 Police Architectural Liaison: South Wales Police have no objection subject to appropriate security measures for the service delivery entrance and parking, lighting, landscaping, glazing, doorways, and CCTV coverage.
- 6.10 Glamorgan Gwent Archaeological Trust: No objection subject to a condition requiring the submission of a programme of archaeological investigation prior to the commencement of the development.

7. **REPRESENTATIONS**

- 7.1 The proposals were advertised as a major application in the press and on site, and Local Members and neighbours were consulted.
- 7.2 A valid petition with over 100 signatures has been received objecting to the development and calling upon the developers, JR Smart, and Cardiff Council to:
- Amend the proposal to retain access and parking for all railway arches on the John Street site;

- Fully consult with the existing tenants and users of the arches to ensure that the arts organisations based there can continue to flourish.
- 7.3 A representation from Mark Drakeford, AM Cardiff West, and Kevin Brennan, MP Cardiff West, raises the following concerns on behalf of constituents who are involved with or have benefitted from the music and dance businesses operating from the railway arches:
- Restricting access and parking facilities through seeking to remove the existing adopted highways used to reach the facilities;
 - The Environmental Noise Survey has not adequately taken the noise from the existing businesses, and the potential impact on the proposed development, into consideration;
 - Non-compliance with Policy C2 of the Cardiff LDP which requires applications to safeguard community facilities if an alternative facility of at least equal quality and scale is not available within the vicinity.
- 7.4 A representation from Cllr. Darren Williams, Riverside, objects on the following grounds on behalf of his constituent Mr. Tom Pinder, whose business (The Cardiff Arches) would be adversely affected by the proposals:
- Failure to take account of or consult with the existing railway arches businesses;
 - Restricting access and parking facilities through seeking to remove the existing adopted highways used to reach the facilities;
 - Non-compliance with Policy C2 of the Cardiff LDP which requires applications to safeguard community facilities if an alternative facility of at least equal quality and scale is not available within the vicinity.
 - The developer needs to resubmit the application making allowance for continued access and parking provision for the existing arches businesses.
- 7.5 A representation from Cllr. Peter Bradbury, Caerau, objects on the following grounds on behalf of his constituent Ms. Liara Barussi, whose business (Jukebox Collective) would be adversely affected by the proposals:
- Non-compliance with Policy C2 of the Cardiff LDP which requires applications to safeguard community facilities if an alternative facility of at least equal quality and scale is not available within the vicinity;
 - The developer needs to redesign the scheme to acknowledge the existence of the railway arch businesses.
- 7.6 A total of 35 individual representations have been received from users and supporters of the railway arches businesses, objecting to the development on **all of the above grounds**, plus:
- Failure to notify owners with an interest in the land, namely Network rail and the Council, under Certificate B notification procedures;
 - Removal/ blocking up of sewers serving the arches;
 - Ensuring adequate access and parking during the construction phase;
 - Failure to properly publicise the application;
 - A retail planning statement addressing the proposed out-of-centre retail provision has not been provided;

- Impact of increased traffic movements on the operation of the existing businesses.

8. **ASSESSMENT**

- 8.1 The proposal is acceptable from a land use policy perspective. The main issues to be assessed are the scale and design of the building and the associated public realm.
- 8.2 Design: At its highest point the building is approximately 86m above street level (21 commercial storeys). The Tall Buildings SPG therefore applies.
- 8.3 The SPG states that tall buildings will be assessed having regard to locational criteria, specifically that they will only be acceptable where they: are located within easy walking distance of public transport hubs; create a positive feature in the city skyline; add to legibility of city and wider townscape; terminate or enclose important vistas; have a minimal visual impact on sensitive historic environments (including conservation areas and their setting)
- 8.4 The SPG also states that tall buildings will be assessed having particular regard to their design, specifically: Form and silhouette of the building; Quality and appearance; Impact and interface at street level; Sustainable design
- 8.5 The building is located in a highly sustainable location within walking distance of Cardiff Central railway station and bus services.
- 8.6 The before and after key views demonstrate that the building enhances the city skyline. The considerable mass of the building is broken up by the tripartite block arrangement. The building terminates long views from the south (Lloyd George Avenue) and enhances the city skyline.
- 8.7 The public realm treatment, imposing main entrance, and active ground floor frontage ensure the building makes a positive contribution to the streetscape. Views from Callaghan square are acceptable.
- 8.8 The form and silhouette of the building, tested through a series of key views, is acceptable. The building forms a landmark at the gateway to the city centre from the south and successfully encloses the eastern end of Callaghan Square.
- 8.9 The simple palette of materials is high quality and durable and appropriate for the building's scale and setting on Callaghan Square. Quality and appearance of architectural detailing and materials is acceptable.
- 8.10 Sustainable Design: The aspiration for the building is to achieve a BREEAM Excellent rating. In terms of energy this target is currently being met as evidenced in the supporting Energy Strategy report.
- 8.11 Access to railway arches businesses: Amended plan no. 1519-P-1001D received on 5.9.16 removes the gate and shows the existing 3m wide access lane will be widened to 5m, and demonstrates that unrestricted and improved

vehicular access (via the existing John Street access) to all of the arches will be retained. This has been confirmed in a letter dated 8.8.16 from the developer. A condition has been added to this effect.

- 8.12 Public Realm works: The extent of the public realm and indicative scope of works is defined in dwg. no. 1519-P-1002D
- 8.13 A financial contribution by means of a Section 106 agreement is secured for a replacement underpass lighting scheme.
- 8.14 The surfacing material will be predominantly block paving and slab paving in line with Cardiff City Centre Public Realm guidance. Details of the hard landscaping materials palette, tree planting, street furniture and lighting will be required by condition.
- 8.15 The public realm proposals are acceptable subject to standard landscaping and highway improvement works conditions for on-site works, and a section 106 agreement for offsite public realm works, including a financial contribution for an enhanced replacement lighting scheme to the Bute Street underpass.
- 8.16 Transportation: Access and Parking arrangements are acceptable subject to a condition to secure highway improvements and a sustainable Travel Plan.
- 8.17 Drainage: The applicant has reviewed DCWW's response and looked at the original design and has confirmed that the proposed scheme can accommodate the reduced flow requirements of 20l/s within the attenuated drainage system up to and including the 1:30yr storm event, it would require slight amendment to detailed design stage but nothing major.
- 8.18 Please note that the attenuation has only been designed to accommodate the 1 in 30yr storm as we would be connecting directly to the DCWW combined sewer. If there is any additional requirement for storm attenuation above the 30yr storm placed upon the development by the planning authority the attenuation system would need to be enlarged to accommodate the additional flows.
- 8.19 Waste Management: Waste Management arrangements are acceptable subject to a condition for more details.
- 8.20 PC (Noise & Air): The Officer has no objection subject to the recommendations of the Hunter Acoustics Report being implemented in full and standard sound insulation, opening hours, delivery times, kitchen extraction, and plant noise conditions.
- 8.21 Issues raised in representations: The concerns and objections raised by the petition, AM, MP, Cllrs. and individuals relate in their entirety to the arts-related businesses currently operating from 6 of the 8 railway arches which abut the northern edge of the site.

- 8.22 In relation to future uses and access please note that the current application does not include any detailed reference to the future of the arches and the images provided in the DAS showing alternative restaurant type uses for the three arches closest to Bute Street are for illustrative purposes only, and do not form part of the application. Furthermore the existing tenants have a lease with Network Rail and any change of use would have to be agreed with both the tenants and the planning authority.
- 8.23 The developer has confirmed in a letter dated 8.8.16 that unrestricted access will be retained to all the units, and amended plans have been submitted removing the gate and fence shown across the access road.
- 8.24 *Access and parking for railway arch businesses:* The question of unrestricted access to the railway arch units has been addressed above. The question of access to the arches during the construction phase will form part of the Construction Management Plan which is required by condition
- 8.25 In relation to parking the units are leased from Network Rail and it is our understanding that the leases provide for access and loading/unloading only, via the Network Rail land. The users of the arches park on the public highway.
- 8.26 The provision of dedicated parking spaces for the businesses cannot be made a requirement of the planning permission. Parking provision for the businesses in the future would be a matter between the railway arch businesses and the future owners/ occupiers of the office development.
- 8.27 Please note that the closure/ extinguishment of an adopted highway is the subject of a separate legislative procedure and does not form part of the planning process.
- 8.28 *Failure to notify neighbours, specifically the railway arches:* Units 1-6 School Lane, John Street, no. 13 John Street, and The Stables, Wisbey Yard, John Street were notified of the application by letter dated 20.7.16 in accordance with Council procedures for neighbour notification.
- 8.29 *Failure to notify owners with an interest in the land under Certificate B procedures:* The applicant has confirmed that Network Rail, owners of the strip of land providing access to the arches, and the Council, owners of the adopted roads on the site, have been given requisite notice of the application under Certificate of Ownership – Certificate B procedures on 5.9.16
- 8.30 *Non-compliance with Cardiff LDP Policy C2 Protection of Existing Community Facilities:* This issue does not arise as the railway arches do not form part of the application and the application retains unrestricted access for the businesses occupying the arches.
- 8.31 For the record it should also be noted that the businesses in question are not classed as community facilities. LDP Policy C1: Community Facilities paragraph 5.301 defines community facilities as non-commercial facilities used by local communities for leisure and social purposes. The Arts businesses

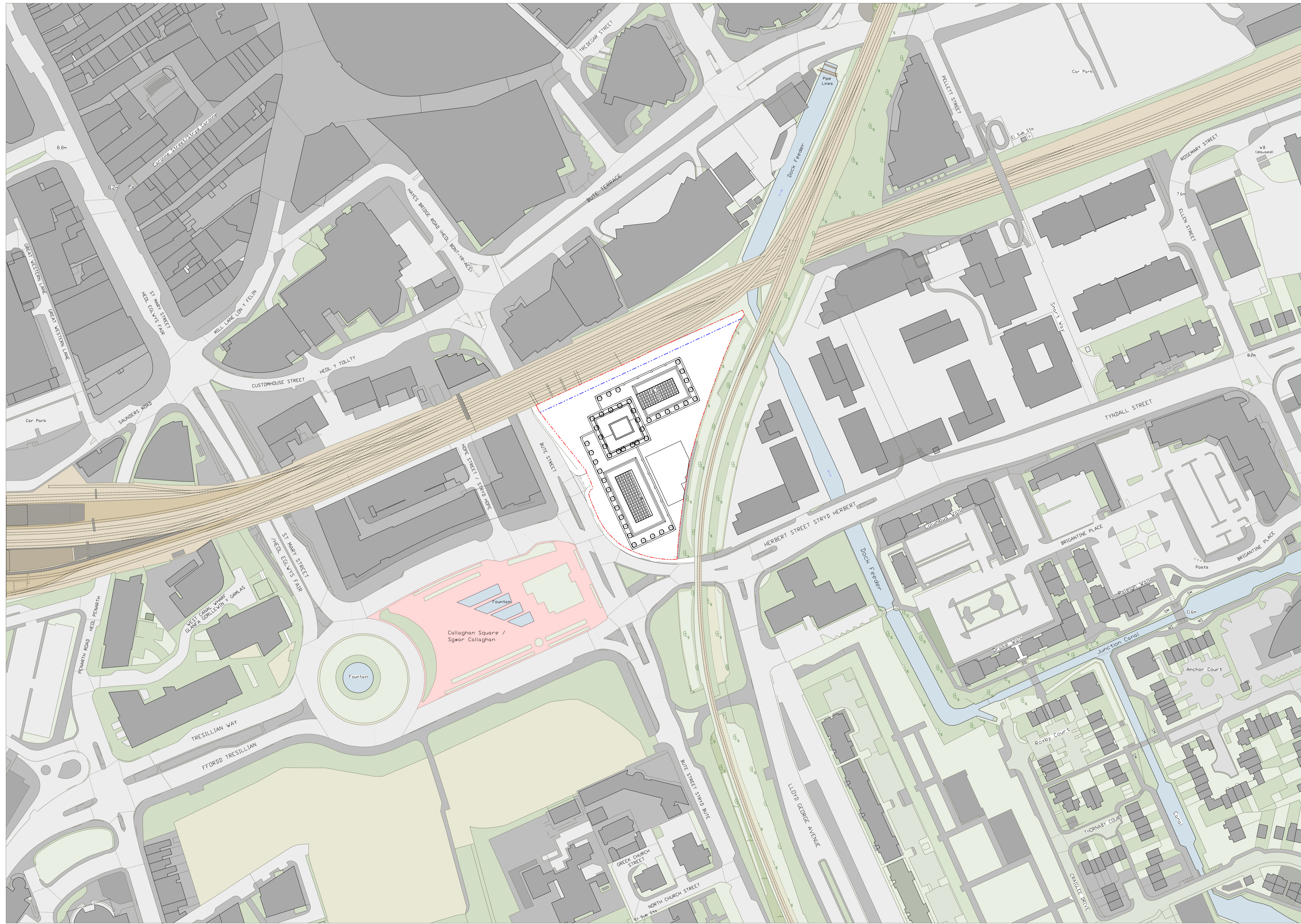
which occupy the Arches are classed as creative industries as opposed to community facilities, i.e. industries that are based on individual creativity, skill and talent with the potential to create wealth and jobs and include the performing arts.

- 8.32 *Adequacy of Environmental Noise Survey:* The Environmental Noise Survey deals with background road and rail noise levels, and the implications for the design of the building fabric. The impact of noise from the railway arches (music rehearsal spaces/ dance studios) on the offices has not been considered. However these businesses operate in the evenings and there is therefore unlikely to be a significant impact in terms of noise on future office users. In addition the building fabric will be designed to ensure adequate sound reduction in relation to significant rail and road noise, i.e. sealed glazing and mechanical ventilation.
- 8.33 *Drainage for businesses located in railway arches:* The drainage condition requires the drainage scheme to take into account the existing drains serving the businesses located in railway arches.
- 8.34 *Requirement for a retail impact assessment:* The land use policy consultation response advises that 400 sqm of retail is acceptable subject to conditions. A retail impact assessment is not required.
- 8.35 *Impact of increased traffic movements:* The impact of increased traffic movements generated from the office development on the existing businesses is not a material consideration.

9. **CONCLUSION**

- 9.1 The proposed high quality office development on a prominent under-used city centre site complies with planning policy and the number of additional jobs being created will bring significant economic benefits to Cardiff City Centre. The scale of the building is appropriate for the site and the impact on the streetscape and the city's skyline, as evidenced by the key views, is acceptable. The proposed public realm improvements enhance the route and the wider Callaghan Square environment.
- 9.2 The granting of planning permission is recommended subject to conditions being imposed and a Section 106 legal agreement to secure the following:
- off-site public realm works to Bute Street as indicated on dwg. no. 1519-P-1002D, to be completed prior to beneficial occupation of the building, and a financial contribution of £17,500 towards a replacement lighting scheme for the Bute Street underpass, to be paid on implementation of the works.
 - Travel Plan, which shall detail proposals and targets, together with a timetable, to limit or reduce the number of single occupancy trips to the site and promote sustainable travel.

Notes
 --- Site Boundary



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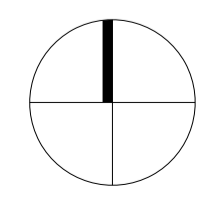
Project Project No. 1519

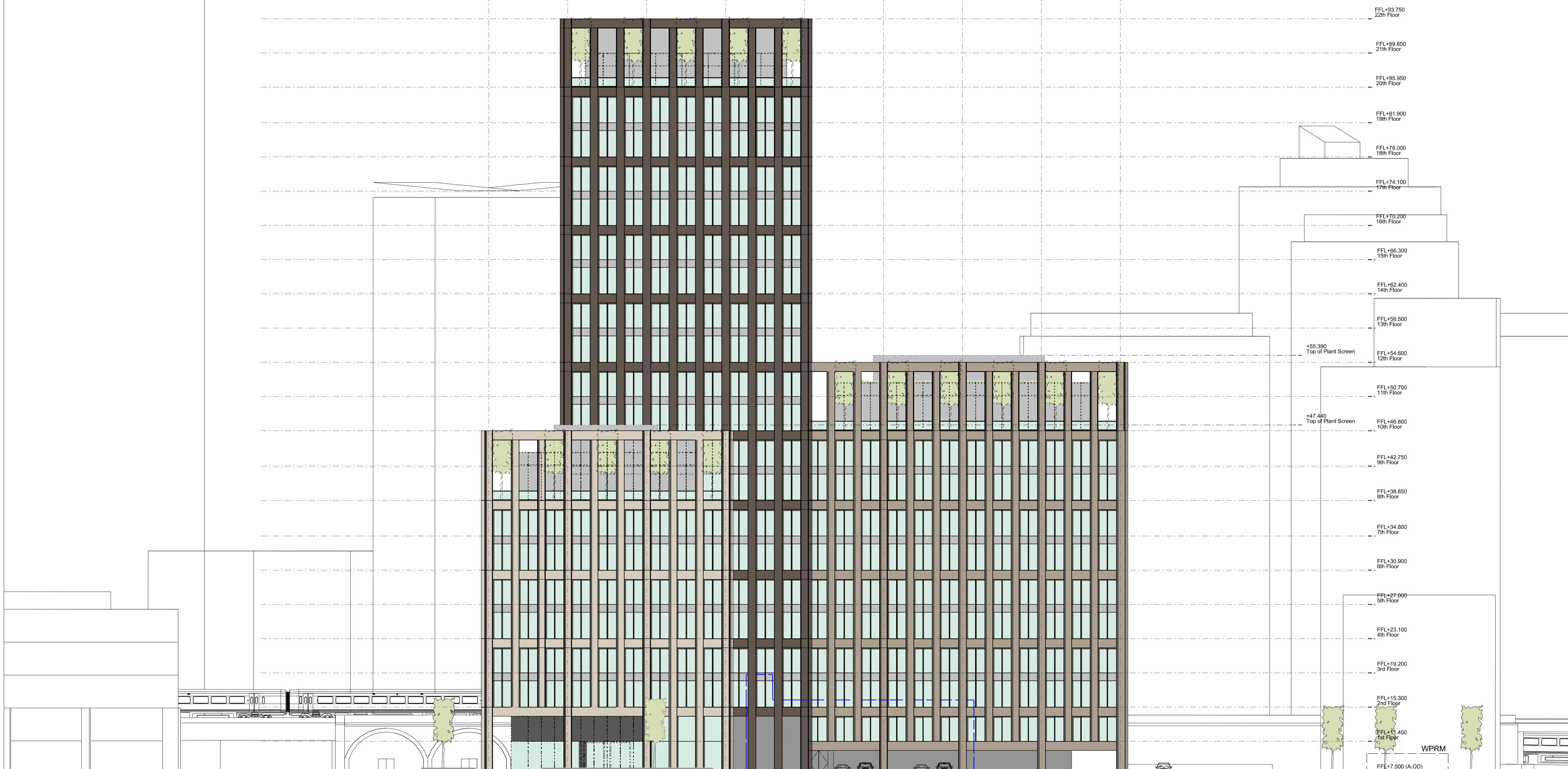
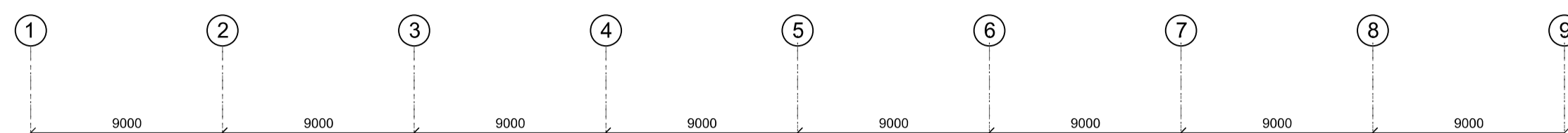
John Street, Cardiff
 JR Smart

Drawing Title
 Site Plan
 Plan
 Ground level

Drawing Number
 1519_P_001

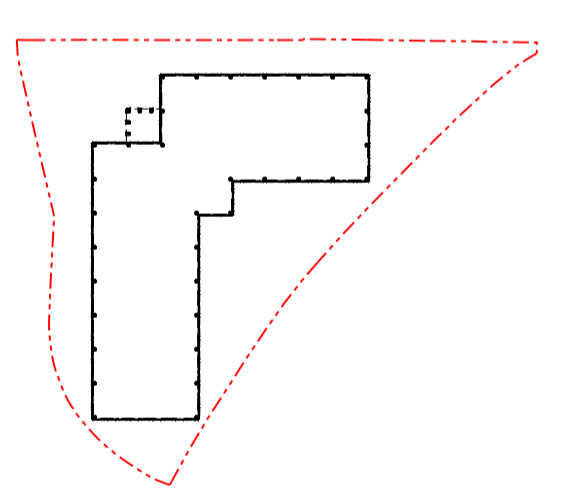
Scale @ A3 Scale @A1 Revision Date
 1:2500 1:1250 160527
 YY MM DD





- FFL+83.750
22th Floor
- FFL+80.850
21th Floor
- FFL+85.950
20th Floor
- FFL+81.900
19th Floor
- FFL+78.000
18th Floor
- FFL+74.100
17th Floor
- FFL+70.200
16th Floor
- FFL+66.300
15th Floor
- FFL+62.400
14th Floor
- FFL+58.500
13th Floor
- +55.380
Top of Plant Screen
- FFL+54.600
12th Floor
- FFL+50.700
11th Floor
- +47.480
Top of Plant Screen
- FFL+46.800
10th Floor
- FFL+42.750
9th Floor
- FFL+38.850
8th Floor
- FFL+34.800
7th Floor
- FFL+30.900
6th Floor
- FFL+27.000
5th Floor
- FFL+23.100
4th Floor
- FFL+19.200
3rd Floor
- FFL+15.300
2nd Floor
- FFL+11.400
1st Floor
- FFL+7.500 (A.O.D)
Ground Floor

Notes



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Project **John Street, Cardiff**
 Project No. 1519
 JR Smart

Drawing Title
**General Arrangement
 South Elevation**

Drawing Number **1519_P_301**
 Revision **A**

Scale @ A3 **1:500** Scale @A1 **1:250** Revision Date **160608**
 YY MM DD

Revisions	By	Chk
160527 First Issue. Issued For Planning	TP	DW
A 160608 General update With FFLs Annotated	CC	DW
B 160907 Chairs removed	TP	DW

Notes
 - - - Site Boundary
 - - - 5m From Railway

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Project Project No. 1519

John Street, Cardiff
 JR Smart

Drawing Title
 General Arrangement
 Plan
 Ground Floor

Drawing Number
 1519_P_100

Revision
 B

Scale @ A3 Scale @ A1 Revision Date
 1:500 1:250 160907
 YY MM DD

