

COMMITTEE DATE: 12/10/2016

APPLICATION No. **16/01855/MJR** APPLICATION DATE: 29/07/2016

ED: **BUTETOWN**

APP: TYPE: Full Planning Permission

APPLICANT: Fusion Cardiff Capital Quarter LLP

LOCATION: LAND AT HERBERT STREET, ATLANTIC WHARF, CARDIFF, CF10 4AY

PROPOSAL: REDEVELOPMENT OF THE SITE FOR STUDENT ACCOMMODATION (APPROXIMATELY 18,333 SQUARE METRES, USE CLASS SUI GENERIS) COMPRISING STUDIO, APARTMENTS AND COMMUNAL SPACES TOGETHER WITH FLEXIBLE COMMERCIAL SPACE ON THE GROUND FLOOR (APPROXIMATELY 303 SQUARE METRES USE CLASS A1, A2, A3, B1)

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

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

<i>Dwg. No.</i>	<i>Title</i>
Location Plan:	DWG No. 0200 P-02
Site Plan:	DWG No. 0300 P-00
Ground Floor Plan:	DWG No. 0310 P-02
First Floor Plan:	DWG No. 0311 P-02
Levels 2-5 Floor Plan:	DWG No. 0312 P-02
Levels 6-7 Floor Plan:	DWG No. 0316 P-02
Level 8 Floor Plan:	DWG No. 0318 P-02
Levels 9-10, 12-19 Floor Plan:	DWG No. 0319 P-02
Level 11 Floor Plan:	DWG No. 0321 P-00
Levels 20-21 Floor Plan:	DWG No. 0330 P-02
Levels 22-23 Floor Plan:	DWG No. 0332 P-02
Level 24 Floor Plan:	DWG No. 0334 P-02
South/Herbert St. Elevation:	DWG No. 0340 P-00
East Elevation:	DWG No. 0341 P-00
North Street Elevation:	DWG No. 0342 P-00
West Elevation:	DWG No. 0343 P-00
Site Sections:	DWG No. 0350 P-01
Section AA:	DWG No. 0351 P-01

Section BB:	DWG No. 0352 P-01
Section CC:	DWG No. 0353 P-01
Section DD:	DWG No. 0354 P-01
Landscaping – Ground Floor:	DWG 0360 P-00
Landscaping – 01 Floor:	DWG 0361 P-00
Landscaping – 08 Floor:	DWG 0362 P-00

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

3. Any A3 (food & drink) ground floor uses fronting Herbert Street and the Dock Feeder Canal (as indicated on Ground Floor plan dwg. no. 0310 P-02) shall be restricted to café/restaurant A3 uses only.  
Reason: To ensure that the amenities of existing neighbours and future occupiers are protected.
4. No member of the public shall be admitted to or allowed to remain on any A3 premises between the hours of 23:00 and 08.00 hrs. on any day.  
Reason: To ensure that the amenities of neighbours and future occupiers are protected.
5. There shall be no arrival, departure, loading or unloading of vehicles between the hours of 20.00 and 08.00 hrs.  
Reason: To ensure that the amenities of neighbours and future occupiers are protected.
6. H7G Plant Noise
7. A scheme of sound insulation works to the floor/ceiling and party wall structures between the B1/A1/A2/A3 premises and the residential accommodation shall be submitted to and agreed by the Local Planning Authority in writing and implemented prior to occupation.  
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.
8. F7Q Kitchen Extraction
9. All habitable rooms exposed to external railway noise in excess of 66 dBA Leq 16 hour (free field) during the day (07.00 to 23.00 hours) or 59 dBA Leq 8 hour (free field) at night (23.00 to 07.00 hours) shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 40 dBA Leq 16 hour during the day and 35 dBA Leq 8 hour at night. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with acoustically treated active ventilation units. Each ventilation unit (with air filter in position), by itself or with an integral air supply duct and cowl (or grille), shall be capable of giving variable ventilation rates ranging from –
  - (i) an upper rate of not less than 37 litres per second against a back pressure of 10 newtons / square metre and not less than 31 litres per second against a back pressure of 30 newtons / square

metre, to

- (ii) a lower rate of between 10 and 17 litres per second against zero back pressure.

No habitable room shall be occupied until the approved sound insulation and ventilation measures have been installed in that room. Any private open space (excepting terraces or balconies to any apartment) shall be designed to provide an area which is at least 50% of the area for sitting out where the maximum day time noise level does not exceed 55 dBA Leq 16 hour [free field].

Reason: To ensure that the amenities of future occupiers are protected.

10. Prior to commencement of any above ground development a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide that all habitable rooms exposed to external road traffic noise in excess of 63 dBA Leq 16 hour [free field] during the day [07.00 to 23.00 hours] or 57 dBA Leq 8 hour [free field] at night [23.00 to 07.00 hours] shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 40 dBA Leq 16 hour during the day and 35 dBA Leq 8 hour at night. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with acoustically treated active ventilation units. Each ventilation unit (with air filter in position), by itself or with an integral air supply duct and cowl (or grille), shall be capable of giving variable ventilation rates ranging from –

- (i) an upper rate of not less than 37 litres per second against a back pressure of 10 newtons per square metre and not less than 31 litres per second against a back pressure of 30 newtons per square metre, to
- (ii) a lower rate of between 10 and 17 litres per second against zero back pressure.

No habitable room shall be occupied until the approved sound insulation and ventilation measures have been installed in that room. Any private open space (excepting terraces or balconies to any apartment) shall be designed to provide an area which is at least 50% of the area for sitting out where the maximum day time noise level does not exceed 55 dBA Leq 16 hour [free field].

Reason: To ensure that the amenities of future occupiers are protected.

11. No above ground development shall take place until samples of the external finishing materials have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory finished appearance to the building.

12. No above ground development shall take place until a scheme showing the architectural detailing of the principal elevations has been submitted to and approved in writing by the Local Planning Authority and the development shall not be brought into beneficial use until the approved scheme is implemented.

Reason: To ensure a satisfactory finished appearance to the building.

13. C3S Cycle Parking
14. E3D Retain Parking Within Site
15. C3O No Additional Access
16. C3F Details of Access Road Junction
17. Prior to commencement of development a scheme of environmental highway improvements to Herbert Street in the vicinity of the site is to have been submitted to and agreed in writing with the Local Planning Authority. The scheme to include the following: the resurfacing of the east and westbound carriageways of Herbert Street between the Canal Bridge and junction of Lloyd George Avenue; the widening to 3m and resurfacing of the northern footway of Herbert Street from the Canal Bridge to the Rail Bridge; including surfacing, kerbs, edging, drainage, lining and signing, street lighting, street furniture and TROs as may be required as a consequence of the scheme. The agreed scheme is to be implemented to the satisfaction of the LPA prior to beneficial occupation of the development.  
Reason: The improvement of the adjacent public highway in the interests of highway and pedestrian safety.
18. 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, contractor parking and wheel washing facilities. Construction of the development shall be managed strictly in accordance with the scheme so approved.  
Reason: In the interests of highway safety and public amenity.
19. No part of the development hereby permitted shall be occupied until a travel/ parking/ traffic/ resident/ letting management plan to include the promotion of public transport and other alternatives to the private car; the management of traffic at the start and end of term; the control of vehicular access to the site; and the exclusion and control of student resident car parking within the site and surrounding area, has been submitted to and approved by the Local Planning Authority.  
Reason: in the interest of highway safety and to regulate the impact of the development on use of the adjacent highway.
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 Local Planning Authority (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 LPA. The 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 LPA.

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 (LPA), all associated works must stop, and no further development shall take place unless otherwise agreed in writing until a scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the LPA. Following completion of measures identified in the approved remediation scheme a

verification report must be submitted to and approved in writing by the LPA. The timescale for the above actions shall be agreed with the LPA within 2 weeks of the discovery of any 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 LPA 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 LPA 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. *Importation of Topsoils:* Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation to be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the LPA shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes. Subject to approval of the above, verification sampling of the material received at the development site is required to verify that the imported soil is free from contamination and shall be undertaken in accordance with a scheme agreed with in writing by the LPA.

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

27. *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 LPA shall be reused.

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

28. C2N Drainage details “prior to above ground development...”
29. C7S Details of Refuse Storage “prior to above ground development...”
30. C4P Landscaping Design & Implementation Pro “prior to above ground development...”
31. C4R Landscaping Implementation

**RECOMMENDATION 2:** The applicant is asked to consider entering into an agreement under Section 35 Highways Act A 1980, creation of walkways by agreement, for the secondary pedestrian routes identified on Landscaping Proposals Ground Floor Plan dwg. no. 0360 P-00. The applicant is reminded that the highway works condition 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 applicant is advised of the NR requirements for the safe operation of the railway and the protection of NR's adjoining land contained within their consultation response dated 26.8.16.

**RECOMMENDATION 5:** 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 6 :** 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 and;
- (ii) ensuring that any imported materials (including, topsoils, subsoils,

aggregates and recycled or manufactured aggregates / soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under section 33 of the environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site:

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

(iii) the safe development and secure occupancy of the site 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.

## 1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 The detailed application proposes the construction of 674 student bedrooms in a seven/ eight/ nine/ 25 storey block on a triangular site bounded by Herbert Street to the south, the Dock Feeder Canal to the east and the railway line embankment to the north and west.
- 1.2 The block is L-shaped with a 7/ 8 storey block fronting Herbert Street stepping up to a 9 storey block fronting the Dock Feeder and terminating in a 25 storey tower block at the northern end of the site.
- 1.3 Retail units are located at the SE corner of the site adjacent to the Dock Feeder and on the ground floor of the block fronting Herbert Street. A small landscaped square is located at the SE corner which continues northwards as a 7.5m wide landscaped pedestrian/ cyclist path running alongside the Dock Feeder.
- 1.4 This new route gives access to the main entrance and reception area for the student housing, and to a pedestrian footbridge over the Dock Feeder to link the site to the adjacent Tyndall Street Capital Quarter site, which is being developed in phases. The footbridge will be heavily used as it provides a more direct link to the new Pellet Street footbridge ('Smart Bridge') and the city centre.



- 1.5 A large double height communal area for the use of the students fronts the dock feeder route and provides views to and from the courtyard. Further communal areas in the form of dinner party rooms, study rooms and cinema are located on the first floor. At the top of the 25 storey tower is an open plan 'Sky Bar' social space for the use of the students.
- 1.6 To the rear of the development is a landscaped courtyard area which also serves as a parking court. The courtyard is approximately 4m below the level of the railway line and most of the courtyard is in sunlight for all of the afternoon at the equinox. An external terrace area over the cycle store is accessed from the courtyard area. A roof terrace is located on the block facing Herbert Street.
- 1.7 The lower buildings fronting Herbert Street and the Dock Feeder are of a similar scale to the Capital Quarter and Callaghan Square developments, and are characterised by a horizontal emphasis. The façade of the tower element is expressed as a double storey to provide a more vertical emphasis. The base of the building is expressed as a double height volume.
- 1.8 The southwest corner of the building is a storey lower and in dark brickwork to acknowledge the railway bridge and the important vista from the corner of Lloyd George Avenue. The southeast corner of the building is recessed and has an A3 retail café/ restaurant use at ground floor with a small public square on the dock feeder canal. The upper storey of the block fronting the dock feeder is set back and has a saw-tooth roofline and is clad in a dark metal finish.
- 1.9 The residential tower is of a similar scale to the tall buildings on Bute Street and extrudes the architecture of the lower blocks over 25 storeys. The height of the top 3 storeys of the tower are also clad in dark metal and are finished with an angular roof creating a feature on the skyline. The massing of the tower reduces at the 20<sup>th</sup> storey.
- 1.10 The building has a consistent façade treatment and uses a limited palette of materials of pale engineered stone/ ceramic cladding, with recessed splayed openings comprising full height aluminium glazing and perforated bronze coloured aluminium panels to conceal openings and vents.
- 1.11 *Access and parking:* Vehicular access is via an altered access from Herbert Street (approximately 5.5m to the west of the existing access) underneath the building to a courtyard/ parking area with 6 operational/ disabled parking spaces. Pedestrian access is from Herbert Street and via the new pedestrian footbridge which connects the development with the evolving Capital Quarter development to the east.
- 1.12 *Pre-application discussions:* The applicant entered into pre-application discussions with the Council in November 2015. Pre-app advice confirmed the acceptability of the principle of development with reference to planning policy and recent planning history on the site, and progressed through an iterative process of design development and refinement with the architects. The application is in accordance with the advice offered at the pre-app stage.

- 1.13 The applicant consulted with all adjoining occupiers by letter and questionnaire during the pre-app stage. Concerns raised related to size and scale; drop-off and pick-up arrangements; increased noise; ecology impact on the dock feeder; and construction disruption/ noise.
- 1.14 The application is supported by the following additional information:
- Design and Access Statement (including Viewpoint Analysis) – July 2016
  - Planning and Consultation Statement – July 2016
  - Transport Assessment and Framework Travel Plan – July 2016
  - Phase I Geotechnical Report – July 2016
  - Noise Assessment
  - Drainage Strategy

## 2. **DESCRIPTION OF SITE**

- 2.1 The triangular largely flat application site is 0.35 hectares in area and has been cleared. It has most recently been in use as a temporary car park with access from Herbert Street to the south. The railway line runs on a 6m high embankment to the north and west, and the Dock Feeder to the east.
- 2.2 To the other side of the Dock Feeder is the Capital Quarter site which has outline planning permission for a mixed use development and is being built out in phases. To the west is the Callaghan Square office development, and to the south the Atlantic Wharf new and refurbished relatively low-rise office/residential development.
- 2.3 To the north of the site is the City Centre Principal Business Area and there are a number of high buildings on Bute Terrace, including the Pellet Street student housing block, the Altolusso residential tower, and the Radisson Blu Hotel.

## 3. **PLANNING HISTORY**

- 14/2887/MJR Planning permission granted in December 2015 for 180 apartments in 7/8/22 storey blocks with A2/A3 uses to ground floor and associated car parking and amenity space.
- 11/173/DCI Planning permission refused for application to extend temporary car park use. The site first got permission for temporary car park use (3yrs) in 1999 and the permission had been renewed annually.

### Related planning history on the Capital Quarter site

- Planning permission 12/1716/DCI granted in October 2013 to vary condition 1C of outline consent 08/2740C to extend the period for the application for approval of reserved matters for a further 3 years.
- Planning permission 11/1099/DCI granted December 2014 for a 296 parking space multi-storey car park. Legal agreement changed by Deed of Variation in May 2015 varying the car park occupancy management plan to remove the public car parking element and include a residential parking element for the Herbert street site.

- Outline planning permission 08/2740C granted in December 2009 for a mixed use development including offices, a hotel, a care home, student accommodation, an aparthotel, and A1 and A3 uses.

#### 4. **POLICY FRAMEWORK**

##### National Policy

- 4.1 Planning Policy Wales (PPW) Edition 8, 2016 favours the sustainable re-use of previously developed land.
- 4.2 The following Technical Advice Notes (TANs) are relevant:
- TAN 12: Design (2009)
- 4.3 The following policies of the recently adopted 2016 City of Cardiff LDP are relevant to the consideration of this application:-
- KP2(A) Cardiff Central Enterprise Zone and Regional Transport Hub
  - KP5 Good Quality and Sustainable Design
  - KP6 New Infrastructure
  - KP7 Planning Obligations
  - KP10 Central and Bay Business Areas
  - C1 Community Facilities
  - C5 Provision for Open Space, Outdoor Recreation, Childrens' Play and Sport
  - EC3 Alternative Use of Employment Land and Premises
  - EC4 Protecting Offices in the Central and Bay Business Areas
  - EN3 Landscape Protection
  - EN12 Renewable Energy and Low Carbon Technologies
  - R6 Retail Development (Out of Centre)
  - R8 Food and Drink Uses
  - T1 Walking and Cycling
  - T5 Managing Transport Impacts
- 4.4 The following Supplementary Planning Guidance relates to the previous 1996 Local Plan. It is under review following the adoption of the LDP however it remains a material consideration in considering the application insofar as it is consistent with LDP policy:
- Safeguarding Land for Business and Industry SPG (June 2006)
  - Tall Buildings (2009)
  - Open Space (2008)
  - Community Facilities and Residential Development (2007)
  - Premises for Eating, Drinking and Entertainment in the City Centre (2000)
  - Access, Circulation and Parking Requirements (2010)
  - Waste Collection and Storage Facilities (2007)

#### 5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 Land Use Policy: The proposal is for the construction of a student accommodation development (18,333sqm) incorporating 674 bed spaces, with

an A1 (retail), A2 (financial and professional service), A3 (food and drink) or B1 (office) use (316sqm) to the ground floor. The vacant site (0.35ha) is located within the Central Business Area (CBA) and Central Enterprise Zone (CEZ), of the adopted Cardiff Local Development Plan. As such, the main land use planning policy issues relate to:

- 5.2 *Whether the proposed Sui Generis (student accommodation) use is acceptable at this location:* The application site is located within the boundary of LDP Policy KP2A (Central Enterprise Zone and Regional Transport Hub – Strategic Site), which is allocated for major employment led initiatives, focussing on financial and business services, together with other mixed uses. The schematic framework for Strategic Site A identifies the site as a location for residential land uses within the CEZ.
- 5.3 Located at the junction of Lloyd George Avenue and Tyndall Street, the site is bounded by the Cardiff Bay railway to the north / west and the Dock Feeder Canal to the east. The site has remained vacant since the adoption of the Local Plan in 1996 (having been cleared of previous uses) and has most recently been used as a surface car park.
- 5.4 The site is located immediately adjacent to the former Tyndall Street Industrial Estate, which is currently being redeveloped as a mixed use scheme comprising office and residential uses (application 08/02740/C). A pedestrian footbridge linking the two sites is proposed.
- 5.5 Taking into consideration that the site has remained vacant for circa 20 years, the established mix of business (office) and residential uses within the surrounding area of Tyndall Street / Lloyd George Avenue, the integration with the adjoining mixed use (Capital Quarter) development and the previously consented residential application for the site (14/02887/MJR), the proposed student accommodation use is considered acceptable in this instance.
- 5.6 *The acceptability of a Class A1 (Shop) use at this location:* As the site is located outside the Central Shopping Area (CSA) of the City Centre and also falls outside of any designated District / Local Centres as identified within the Local Development Plan, any proposal for a Class A1 (shop) use at this location would have to satisfy the three tests of out-of-centre retail policy.
- 5.7 In this regard and given the relatively small scale of the proposed units at 191sqm and 125sqm, an element of convenience retail could be considered acceptable to serve the newly established population and the wider residential community within the surrounding area. 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.
- 5.8 *Whether the proposed A2 (Financial and Professional Services) or B1 (Office) uses are acceptable at this location:* The site is located within the City Centre Principal Business Area and as such, the proposed A2 and B1 uses are considered acceptable in this instance.

- 5.9 *Whether the proposed A3 (Food and Drink) use is acceptable at this location:* The Premises for Eating, Drinking and Entertainment in the City Centre SPG identifies the Principal Business Area as an appropriate location for food and drink (A3) uses, subject to detailed considerations.
- 5.10 The SPG does however state that food and drink uses are unlikely to be acceptable where residents live immediately above or next door. Given that the application proposes 674 student bed spaces which are located directly above in upper floors, then the applicant will be expected to demonstrate how their proposal can address concerns over the potential impact of a ground floor A3 use upon the amenity of residential occupiers.
- 5.11 This could be achieved through the applicant accepting a restricted use condition, limiting any use to a café / restaurant where their primary function is the sale and consumption of food within the premises rather than alcohol or hot food takeaways, in order to safeguard future amenity and through controlled hours of opening to minimise disturbance to residents caused by noise at quiet times.
- 5.12 Transportation: The Transportation consultation response will be reported to committee as a late representation.
- 5.13 Parks Services: The Parks consultation response will be reported to committee as a late representation.
- 5.14 Neighbourhood Regeneration: The officer makes the following observations: Supplementary Planning Guidance (SPG) on Community Facilities and Residential Development states that 'the Council will seek a financial contribution for improvements to existing community facilities or the provision of additional community facilities on all significant developments because the increased population will result in increased demand for local community facilities'. If there are no onsite communal facilities provided in proposed student accommodation, an off-site contribution of £410 per person is required.
- 5.15 In this instance, the development would house 674 students. Therefore, a contribution of £276,340 is sought from the developer (674 x £410).
- 5.16 Community Infrastructure Levy (CIL) Regulation 122(2) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. Comments in respect of the request for contributions towards community facilities are as follows:
- 5.17 *Necessary to make the development acceptable in planning terms:* A development proposing a significant increase in population, such as this, would create pressures on existing local facilities that need to be offset via a financial contribution. It would be unacceptable to grant planning consent in the absence of such provision.

- 5.18 *Directly related to the development.* Several community facilities are located within proximity to the site and are likely to experience an added pressure as a result of the new population. A forthcoming community facilities contribution would be directed towards a local community facility in the vicinity of the development.
- 5.19 *Fairly and reasonably related in scale and kind to the proposed development.* Contributions towards community facilities are derived using a formula-based calculation which takes into account, amongst other things, the size of the residential development and the projected increase in population.
- 5.20 Drainage Management: No consultation response received. There was no objection to the consented residential scheme (14/2887/MJR).
- 5.21 Waste Management: The Officer has no objection subject to details of the refuse storage areas.
- 5.22 Pollution Control (Contaminated Land): The Contaminated Land Officer makes the following observations: The report has identified a number of potential contamination issues at the site that will require remediation in order to ensure that the site can be developed on a suitable for use basis. As such Pollution Control requests a standard suite of contaminated land and ground gas conditions.
- 5.23 Pollution Control (Noise & Air): No consultation response received. The consultation response on the previous application for a residential scheme (14/2887/MJR granted December 2015) raised no objection subject to the following standard conditions: Road traffic noise; railway noise; sound insulation between commercial and residential uses; opening hours; delivery times; plant noise; future kitchen extraction; and a construction noise recommendation.
- 5.24 Trees: No objection subject to further details and recommendation on species of tree to be planted. The consultation response has been forwarded to the applicant.

## 6. **EXTERNAL CONSULTEE RESPONSES**

- 6.1 DCWW: No objection subject to standard conditions on separation of foul and surface water, and discharge of surface and land drainage run-off to the public sewer, provision of a grease trap, and submission of a comprehensive drainage scheme for approval by the LPA.
- 6.2 Natural Resources Wales (NRW): NRW have no objection subject to an unsuspected contaminated land condition.
- 6.3 Network Rail (NR): NR has no objection in principle to the proposal. The response lists a number of requirements for the safe operation of the railway and the protection of NR's adjoining land. These have been forwarded to the applicant and are referred to in an additional recommendation.

6.4 South Wales Police (SWP): No objection to the development. They make a number of recommendations which have been forwarded to the applicant.

## 7. **REPRESENTATIONS**

7.1 The application was advertised on site and in the press as a major application. Neighbours and local members were consulted on the original application and on amended plans. 2 representations have been received from local residents of Edward England Wharf objecting on the following grounds:

- Size and scale of the development out of place with the area;
- Inadequate pick-up and drop-off facilities for start and end of term;
- Noise from the future occupiers and from users of the retail facilities and on-site communal facilities;
- Over-supply of very large student housing developments in the immediate vicinity.

## 8. **ANALYSIS**

8.1 The main issues to assess are the principle of student housing use on the site, the design of the tall building in particular, the amenity of the future occupiers and neighbours, and the nature and extent of the planning obligations.

8.2 Taking into consideration that the site has remained vacant for circa 20 years, the established mix of business (office) and residential uses within the surrounding area of Tyndall Street / Lloyd George Avenue, the integration with the adjoining mixed use (Capital Quarter) development, and the previously consented residential application for the site (14/02887/MJR), the proposed student accommodation use is acceptable.

8.3 Scale and Design: The proposals retain the broad form and scale of the consented scheme, increasing the height of the tower to the north and slightly reducing the heights of the buildings to the south and east. The scale and civic nature of the lower 'L-shaped' block fronting Herbert Street and the Dock Feeder is in keeping with the Capital Quarter development. The elevations are enlivened by a mix of commercial uses to the ground floor (as in the consented scheme) and a setback upper floor treatment. Materials include reconstituted stone and metal cladding.

8.4 The residential tower has been sited to the back of the site where it complements the tall buildings to the north of the railway line. Its design has been subject to an extensive pre-application process to address height, massing, architecture and materials. The visual impact assessment of the tower on the city's skyline demonstrates a beneficial impact, enhancing the cluster of towers (existing and approved) in this part of the city.

8.5 The architecture of the tower is restrained and ordered, relying on depth of façade and use of quality materials to provide visual interest and richness. The design has sufficient slenderness of proportion, and depth and articulation in

the façade design to avoid the bulky blandness of the neighbouring tall buildings to the north of the railway line.

- 8.6 Subject to conditions controlling type and quality of cladding materials, and architectural detailing, the design meets the requirements of the Tall Buildings SPG and is acceptable.
- 8.7 Amenity of future occupiers and neighbours: External amenity space for the students is provided in the form of a courtyard space and two rooftop terraces, and the landscaped pedestrian route alongside the dock feeder. A significant element of communal provision for the use of students is provided at ground and first floor. Outlook and daylighting is acceptable for all occupiers. The scheme is residential and the nearest residential development is 30m away on the other side of Herbert Street. The development does not have a harmful impact on the amenity of neighbours.
- 8.8 Access and Parking provision: Vehicular and pedestrian access arrangements have been established by the consented scheme and are acceptable. The intention is to make the development “zero parking” for residential students except for those with a blue badge for personal disability. Seven car parking spaces will be provided in total within the courtyard. Five spaces will be for staff and servicing & maintenance with the remaining two available for disabled residents or visitors. The central courtyard will also provide a turning area for refuse and delivery vehicles.
- 8.9 Students will be required not to bring a car to the campus through the implementation of a Travel Plan, and as a condition of individual tenancies. Control of these matters will be managed by the onsite management and any breach of this policy could result in the termination of a lease tenancy. A framework Transport Plan is submitted with this application to describe these matters.
- 8.10 Temporary arrangement will be in place to manage drop-off and collections within the internal courtyard at the beginning and end of terms. Residents will be allocated time slots for unloading vehicles, these slots will be staggered and pre-arranged to avoid congestion with onsite staff managing the process throughout. The management of this process will be the subject of a planning condition.
- 8.11 Given the largely car free nature of the current proposals there will be a significant reduction in vehicular movement on the surrounding highway in comparison with the extant permission. Vehicle movements in connection with the proposals are considered to be negligible and would largely be associated with maintenance and servicing. The consented scheme included left turn only access and egress from the site onto Herbert Street. Given the significant reduction of vehicular movements this restriction is not required.
- 8.12 Cycle parking provision will be provided on the site in the form of secured, covered areas. The intention is to provide 124 spaces which equates to a provision of one per six students. The site is located in a central location and



therefore offers good opportunities to promote public transport links. A condition is attached requiring number and details of cycle parking provision.

- 8.13 Representations: The objection to the size and scale is addressed above. Student pick-up and drop-off is addressed above. The over-supply or otherwise of large student housing schemes in the vicinity of the site is not a material planning consideration. Concerns over noise are addressed through conditions on the operation of the retail premises (including opening hours, restrictions on use, delivery times) and a plant noise condition. Construction site noise is brought to the attention of the developer through a standard advisory.
- 8.14 Section 106 obligations: The 106 obligations have been agreed with the developer. They are consistent with other similar large city centre student housing schemes and reflect the peculiarities of the site, particularly the provision of a significant area of public realm including a new footbridge.

## 9. **CONCLUSION**

- 9.1 In conclusion the proposals redevelop a vacant plot and provide 674 student bedspaces in a high quality purpose-built development with ancillary communal facilities, retail development, and associated public realm in a highly sustainable location. The development will go some way to meeting the significant latent demand for high quality purpose-built student accommodation in Cardiff. The principle of the development, siting, height, massing, form and architecture of the tall building, access arrangements and parking provision, and amenity of future occupiers and neighbours, is acceptable.
- 9.2 The granting of planning permission is recommended subject to conditions being imposed and a legal agreement (Section 106) being signed to secure the following financial contributions and/ or works:
- £266,000 towards the design, improvement and/or maintenance of public open space within the vicinity of the development site;
  - £40,000 towards the improvement of community facilities in the vicinity;
  - Implement the necessary alteration and improvement works to the adjacent highway, including public realm improvements adjacent to the site, under a section 278 agreement to a maximum of £100,000.

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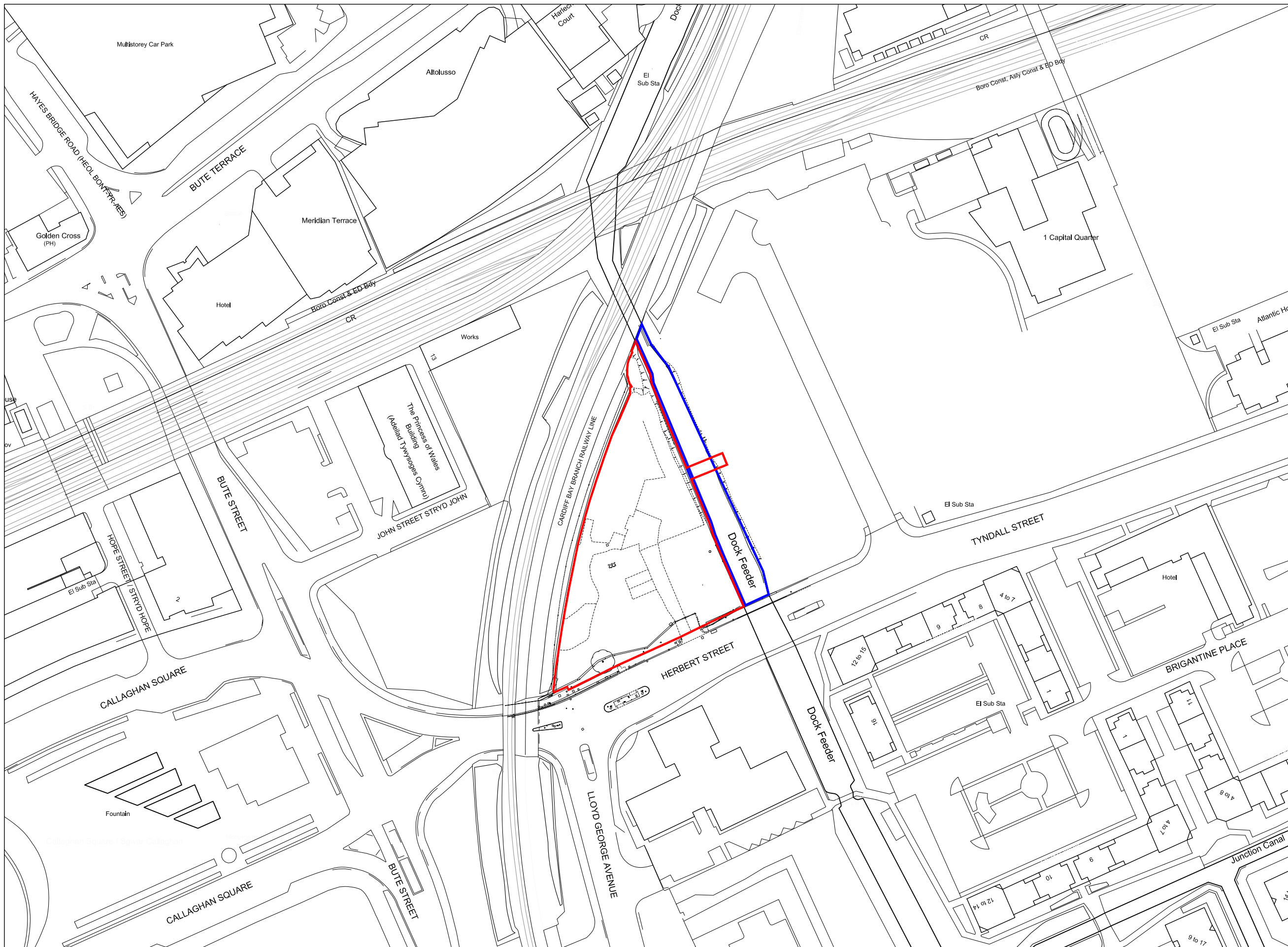
Figured dimensions only to be taken from this drawing. DO NOT SCALE. All contractors must visit the site and be responsible for checking all setting out dimensions and notifying the architect of any discrepancies prior to any manufacture or construction work.

NOTES:

**BOUNDARY LINE**

Site Area = 3613sqm (0.89acres)

Adjacent land under the control of the applicant - interpretation of title plan



P-02	29.07.16	Red / blue line amendments	SMJ
P-01	28.07.16	General updates for Planning	SMJ
P-00	11.07.16	General updates for Planning	SMJ
REV	DATE	NOTES	CHK

Client  
**FUSION STUDENTS**

Project  
**CARDIFF CAPITAL QUARTER**

Drawing Title  
**LOCATION PLAN**

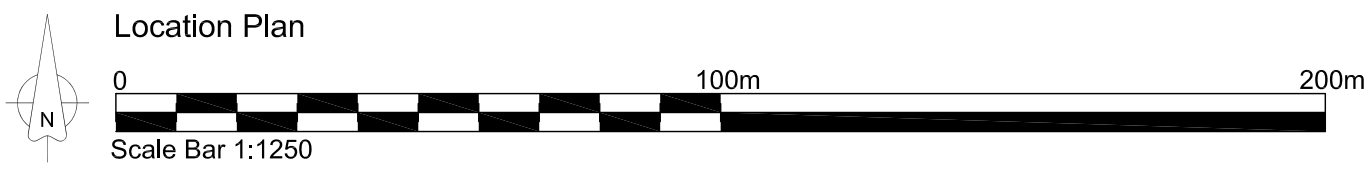
Drawn	Checked	Paper Size	Scale	Date
NB	ML	A3	1:1250	JULY 2016
Project No.	15227	Drawing No.	0200	Revision
				P-02

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Location Plan



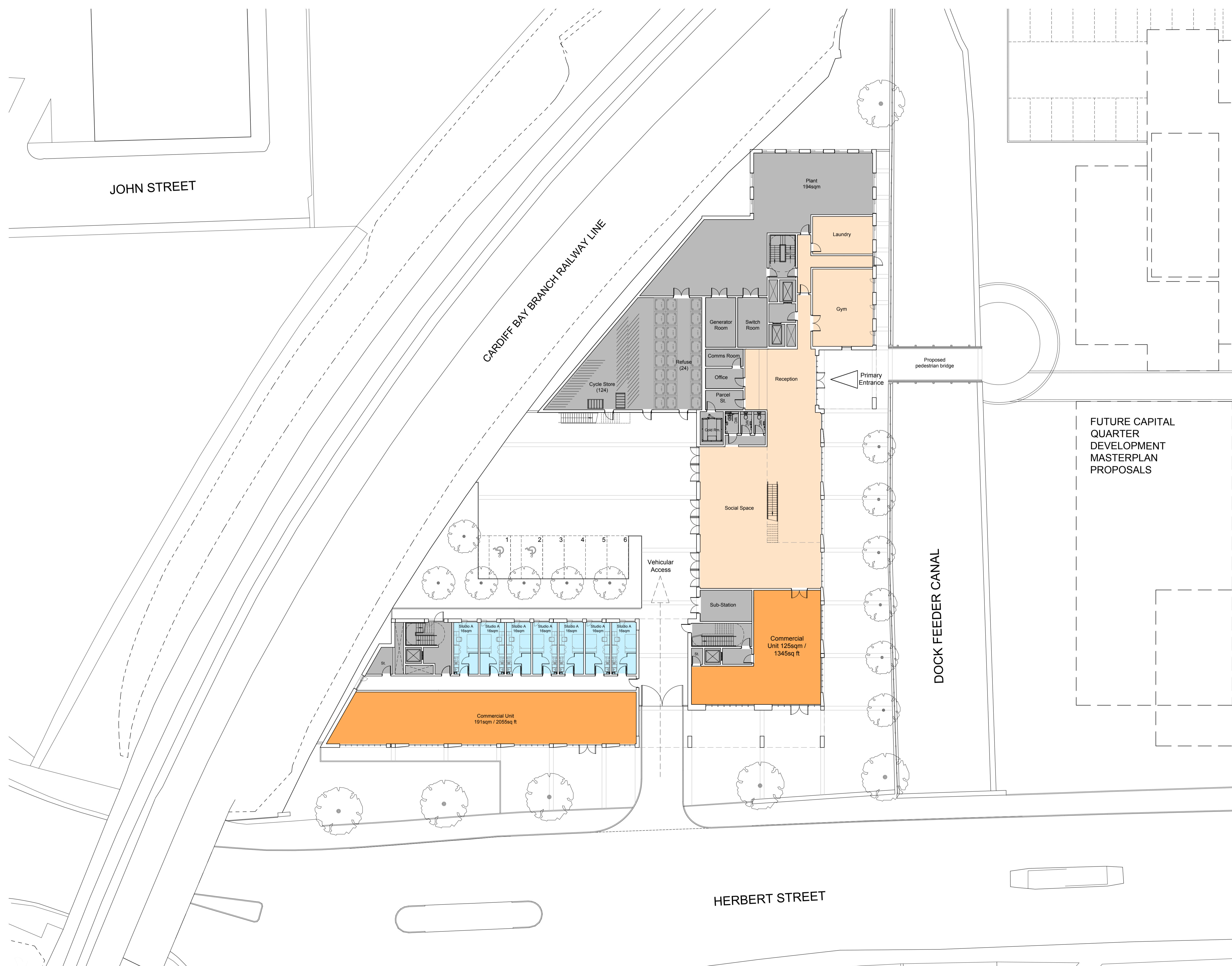
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NOTES:

- ROOM KEY:
- STUDENT SOCIAL SPACE
  - COMMERCIAL UNIT
  - PLANT / SERVICING / BACK OF HOUSE
  - STUDIO ROOM
  - 2 BED APARTMENT
  - APARTMENT ROOM
  - APARTMENT SOCIAL SPACE



REV	DATE	NOTES	CHK

Client

FUSION STUDENTS

Project

CARDIFF CAPITAL QUARTER

Drawing Title

PROPOSED GROUND FLOOR PLAN

Drawn	Checked	Paper Size	Scale	Date
SMJ	ML	A1	1:200@A1	JULY 2016
Project No.	Drawing No.	Revision		
15227	0310	P-02		



Proposed Ground Floor Plan

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