

COMMITTEE DATE: 09/11/2016

APPLICATION No. **16/00504/MJR** APPLICATION DATE: 26/04/2016

ED: **BUTETOWN**

APP: TYPE: Full Planning Permission

APPLICANT: Lower West Side Limited

LOCATION: OLD IMPERIAL BUILDINGS, TRADE STREET, BUTETOWN, CARDIFF, CF10 5DQ

PROPOSAL: DEMOLITION OF WILLIAMS COURT EXCEPT NO. 1 & 3 WHICH SHALL BE RETAINED AND CONVERTED FROM B1 USE (OFFICES) TO A1/A2/A3 USE. NEW BUILD RESIDENTIAL DEVELOPMENT CONSISTING OF NO. 102 1 & 2-BED FLATS WITH GROUND FLOOR RETAIL UNITS FRONTING TRADE STREET AND UNDERCROFT CAR PARKING FOR 45 VEHICLES

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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 9.1 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 and documents:

*Plans*

Location Plan:	DWG No. SP462-P00
Existing Site Plan:	DWG No. SP462-P01
Proposed Site plan	DWG No. SP462-P02 ALT-B
Ground Floor Plan:	DWG No. SP462-P03 ALT-B
First Floor Plan:	DWG No. SP462-P04 ALT-B
Second Floor Plan:	DWG No. SP462-P05 ALT-B
3 <sup>rd</sup> & 4 <sup>th</sup> Floor Plans:	DWG No. SP462-P06 ALT-B
Fifth Floor Plan:	DWG No. SP462-P07 ALT-B
Sixth Floor Plan:	DWG No. SP462-P08 ALT-B
Seventh Floor Plan:	DWG No. SP462-P09 ALT-B
Eighth Floor Plan:	DWG No. SP462-P10 ALT-B
Ninth Floor Plan:	DWG No. SP462-P11 ALT-B
Roof Plan:	DWG No. SP462-P12 ALT-B
Trade St. Elevation:	DWG No. SP462-P13 ALT-B
Coopers Yard Elevation:	DWG No. SP462-P14 ALT-B
Curran Road Elevation:	DWG No. SP462-P15 ALT-B
Courtyard Elevation:	DWG No. SP462-P16 ALT-B

## *Documents*

CWA Design & Access Statement, revision B dated 21 October 2016  
Jubb Flood Consequences Assessment ref: 16188-FCA01-A  
Celtic Ecology Bat Survey dated January 2016  
Business Justification Statement  
Portabella Developer Statement

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

3. Any A3 (food & drink) ground floor uses shall be restricted to café/restaurant/coffee shop uses only and no other use within Use Class A3.

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 the commercial ground floor premises between the hours of 21:00 and 08.00 hrs. on any day.

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

5. The refuse storage facilities hereby approved shall be implemented prior to the beneficial occupation of the development and shall thereafter be retained and maintained.

Reason. To ensure an orderly form of development and to protect eh amenities of the area.

6. H7G Plant Noise

7. A scheme of sound insulation works to the floor/ceiling and party wall structures between the commercial 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. G7Q Future Kitchen Extraction

9. Prior to the commencement of development a scheme to minimise dust emissions arising from demolition/construction activities on the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of dust suppression measures and the methods to monitor emissions of dust arising from the development. The demolition/construction phase shall be implemented in accordance with the approved scheme, with the approved dust suppression measures being maintained in a fully functional condition for the duration of the demolition/construction phase.

Reason: To reduce the impacts of dust disturbance from the site on the

local environment/nearby dwellings.

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

Following completion of the approved monitoring scheme, the proposed details of appropriate gas protection measures to ensure the safe and

inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site shall be submitted to and approved in writing to the LPA. If no protection measures are required than no further actions will be required.

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

\* 'Gases' include landfill gases, vapours from contaminated land sites, and naturally occurring methane and carbon dioxide, but does not include radon gas. Gas Monitoring programmes should be designed in line with current best practice as detailed in CIRIA 665 and or BS8485 year 2007 Code of Practice for the Characterization and Remediation from Ground Gas in Affected Developments,.

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

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

The report of the findings shall include:

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

- 1(iv) an appraisal of remedial options, and justification for the preferred remedial option(s).

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

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

Reason: To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment.

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

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document 'Land Contamination: A guide for Developers' (July 2006), unless the Local Planning Authority agrees to any variation.

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

16. The remediation scheme approved by condition 15 above must be fully undertaken in accordance with its terms prior to the occupation of any

part of the development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document 'Land Contamination: A guide for Developers' (July 2006), unless the Local Planning Authority agrees to any variation.

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

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

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

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

Guidance Notes.

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

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

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

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

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

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

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

21. No above ground development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and 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.

22. The proposed works to buildings 1 and 4 as identified in Figure 2 on page 4 of the Bat Survey Report provided by Celtic Ecology and dated January 2016 shall not in any circumstances commence unless the local planning authority has been provided with a licence issued by Natural

Resources Wales pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 (as amended) authorising the specified activity/development to go ahead

Reason: To ensure that Cardiff Council is able to demonstrate that it has had due regard to the EU Habitats Directive in the exercise of its functions, as required by Regulation 9(3) of the above-mentioned Regulations.

23. No works of roof replacement or repair to take place between 1st February and 15th August unless otherwise approved in writing by the Local Planning Authority. This approval will be given if it can be demonstrated that there are no birds nesting in this roof immediately (48 hrs) before works commence.

Reason: To avoid disturbance to nesting birds which are protected under the Wildlife and Countryside Act 1981: Part 1, 1(1)(b), it is an offence to intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built.

24. No equipment, plant or materials shall be brought onto the site for the purpose of above ground development until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include details of paved areas, verges and other open spaces, indications of all existing trees and hedgerows on the land, and details of any to be retained and planted.

Reason: To maintain and improve the appearance of the area and in the interests of visual amenity.

25. Any trees, plants, or hedgerows which within a period of five years from the completion of the development die, are removed, become seriously damaged or diseased, or become (in the opinion of the Local Planning Authority) otherwise defective, shall be replaced in the current planting season or the first two months of the next planting season, whichever is the sooner, unless the Local Planning Authority gives written consent to any variation.

Reason : To maintain and improve the amenity of the area.

26. The cycle parking facilities hereby approved shall be implemented prior to the beneficial occupation of the development and shall thereafter be retained and maintained.

Reason. To ensure that provision is made for the secure parking of cycles.

27. The car parking spaces shown on the approved plans shall be provided prior to the development being brought into beneficial use and thereafter shall be maintained and shall not be used for any purpose other than the parking of vehicles.

Reason: To ensure that the use of the proposed development does not interfere with the safety and free flow of traffic passing along the highway.



28. Details of gates/enclosure to the vehicle entrance arch shall be submitted to and approved in writing by the local planning authority. The approved enclosure shall be implemented in accordance with the approved details prior to the beneficial occupation of the development. Reason. To ensure an orderly form of development and in the interest of visual amenity.

**RECOMMENDATION 2:** The applicant is requested to provide future residents with a welcome pack upon their arrival, detailing sustainable transport options available in the area, to help promote sustainable transport.

**RECOMMENDATION 3:** To protect the amenities of occupiers of other premises in the vicinity attention is drawn to the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities. Further to this the applicant is advised that no noise audible outside the site boundary adjacent to the curtilage of residential property shall be created by construction activities in respect of the implementation of this consent outside the hours of 0800-1800 hours Mondays to Fridays and 0800 - 1300 hours on Saturdays or at any time on Sunday or public holidays. The applicant is also advised to seek approval for any proposed piling operations.

**RECOMMENDATION 4 :** 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.

**RECOMMENDATION 5:** Prior to the commencement of development, the developer shall notify the local planning authority of the commencement of development, and shall display a site notice and plan on, or near the site, in accordance with the requirements of Article 12 of the Town & Country Planning (Development Management Procedure)(Wales)(Amendment) Order 2016.

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

1.1 This full application proposes the construction of 102 self-contained flats, with a ground floor commercial unit(Class A1/A2/A3/B1) in a six/seven/ eight/ nine storey block on a triangular site bounded by Trade Street, Coopers yard, Curran Road and the rear of commercial premises fronting Penarth Road. In addition to the new build, no. 1 and 3 Williams Court, a pair of 2.5 storey Victorian Villas, are to be retained and converted for commercial use (Class A1/A2/A3/B1). The scheme has been amended insofar as the original submission was for 97 flats, with an additional ground floor commercial unit and an internal courtyard 'terrace' omitted.

1.2 The block is L-shaped with the courtyard elevation facing towards Curran Road. The site frontage to the adjacent land & premises at Crawshay Court is formed by an existing red brick wall of approx. 2.5m height. The building elevation to the courtyard has a combination of finishes, with red brick, blue brick and dark grey cladding being prominent. Many of the flats have glazed balconies to this frontage.

1.3 The main elevations are to Trade Street and Coopers Yard.

The Coopers Yard frontage has a 6 storey height, with the elevation formed by arched windows set in facing brick facets, separated by balconies with glass balustrades. Floors 7-9 step backwards off this elevation, towards the north of the site along the axis of the Trade Street frontage.

The Trade Street frontage (in general) replicates the Coopers Yard elevational treatment. However, the finish to the sixth, seventh, eighth and ninth floors changes to a combination of grey cladding and blue facing brick. The northern end of this elevation includes the tallest element of the proposed block, at 9 storeys. At 6<sup>th</sup> floor level, there is a communal roof terrace of approx. 125sqm area, overlooking Trade Street and beyond.

1.4 The primary pedestrian and vehicle access is set into the Trade Street frontage. A large residential reception area is located to the northern end of the frontage, with a secondary entrance adjacent to the retained Villas. The vehicle entrance is set centrally, with the new build commercial unit between it and the secondary residential entrance.

- 1.5 The courtyard/undercroft has vehicle parking for 45 cars (including 3 disability bays) and 124 cycles.

## 2. **DESCRIPTION OF SITE**

- 2.1 The triangular application site is approx. 0.3 hectares in area. The buildings currently on site are in commercial uses and are of 2 storey scale finished in red brick. The existing buildings form the boundary to Trade Street and Coopers Yard, with the boundary to Curran Road/Crawshay Court being partly formed by a 2 storey building and 2.5m high wall.
- 2.2 The northern boundary of the site is formed by the rear of the adjacent four storey commercial premises. To the opposite side of Trade Street the buildings (commercial) are of mixed modern and older design & finish, with heights of 2-3 storeys. To the south of the site is Coopers Yard, a modern commercial estate comprising 2 storey red brick premises.
- 2.3 The wider area includes the Brains Brewery, Central Rail Station, multi-storey offices and the Dumballs Road industrial area.

## 3. **PLANNING HISTORY**

- 3.1 No relevant history

## 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
  - TAN 15: Flood Risk
- 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
  - H3 Affordable Housing
  - H6 Change of Use or Redevelopment to Residential Use
  - EC4 Protecting Offices in the Central and Bay Business Areas
  - EN14 Flood risk
  - C1 Community Facilities

- C5 Provision for Open Space, Outdoor Recreation, Childrens' Play and Sport
- R8 Food and Drink Uses
- T1 Walking and Cycling
- T5 Managing Transport Impacts
- W2 Provision for Waste Management Facilities in Development

4.4 The following Guidance was supplementary to the development Plan, now superseded by the Local Development Plan. However, it is considered consistent with adopted Local Development Plan policies and provides relevance to the consideration of this proposal to help and inform the assessment of relevant matters:

- 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 The Transportation Manager has no objection to the proposals, making the following comments:

*I refer to the above and would confirm that the submission has been assessed and is considered to be acceptable in principle subject to the following:-*

*Conditions:*

*Standard cycle parking condition C3S.*

*Standard car parking condition D3D.*

*Construction Management Plan condition – No part of the development hereby permitted shall be commenced until a scheme of construction management has been submitted to and approved in writing by the Local Planning Authority; the scheme to include as required, details of the site/compound, hoardings and site access/egress, and reinstatement of any part of the public highway affected by construction. 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.*

*Section 106 Financial Contribution*

*A lump sum financial contribution of **£120,000** is required towards a scheme of works to resurface the footway and reconstruct the carriageway of Trade Street from its junction with Penarth Road up to and including the full extent of the site*

*frontage. The scheme shall include as required, but not be limited to, the resurfacing of the footways and carriageway of Trade Street, including reconstruction as footway of any redundant vehicle crossovers and reconstruction as crossovers of any retained vehicle entrances. The contribution is required to ensure the reinstatement of the public highway adjacent to the development to a standard appropriate to the change of use, and in the interests of highway and pedestrian safety. The works will facilitate safe, commodious access to the proposed development.*

*Second recommendation:*

*Welcome Pack – The applicant is requested to provide future residents with a welcome pack upon their arrival, detailing sustainable transport options available in the area, to help promote sustainable transport.*

*Comments:*

*The site is currently occupied by Williams Court, which will be demolished (except 1 & 3 which are retained) and new build residential apartments constructed. The proposed development will consist of 97 no. 1 and 2 bed apartments with ground floor retail units fronting Trade Street, with 45 undercroft residential car parking spaces, cycle parking and ancillary space.*

*The Access, Circulation and Parking Standards SPG identifies a car parking requirement of zero to one space per dwelling for all dwellings in the Central Area. In accordance with the SPG, the development would therefore attract zero to 97 car parking spaces and as such the proposed 45 spaces are considered to be policy compliant. In considering access and parking I would also take into account that the former use of the site attracted customer and operational car parking throughout the day, along with the associated vehicle movements.*

*I would also take into account that the site is within easy walking distance of shops/services/employment/entertainment/etc. opportunities in the adjacent city centre; along with easy level access to high frequency bus and train public transport services and Cardiff's cycle network. The site is therefore considered to be in an extremely sustainable location in transport terms, reducing the reliance on private car ownership and use of the same for everyday trips. I would further confirm that incoming residents of the development would not be eligible for resident parking permits, where such schemes already exist locally or are developed in the future, and as such will not add to parking pressure on existing bays.*

*A number of proposed conditions are listed above to manage the impact of the development, provide and retain car and cycle parking, and a S106 contribution is required to facilitate the resurfacing of the adjacent highway/footways following construction. The applicant's agent has been advised of the extent and specification of the S106 highway works and the developer, in a letter dated 04 October 2016 has agreed payment of the contribution via S106.*

*In light of agreement relating to the scope and extent of the highway works, and the otherwise acceptable principle of the proposed development, no further S106 contributions are sought.*

*Given the policy compliant nature of the proposed development and sustainable location of the site I would conclude that any objection on parking or traffic grounds would be unsustainable and any reason for refusal on this basis would not withstand challenge. I therefore have no objection to the application subject to the above requested conditions.*

5.2 The Parks Manager comments that the four trees indicated on the submitted plans are unlikely to succeed, given the constrained location. In addition, given the scale of the development, in line with the requirements of the Council's Supplementary Planning Guidance: Open Space, a financial contribution of **£150,596** (based on the original submission for 97 dwellings) towards the provision of new open space facilities, or maintenance of existing facilities in the vicinity of the site. The Parks Manager has been consulted in respect of the amended proposals and any further comments will be reported to Committee.

5.3 The Neighbourhood Regeneration Manager makes the following comments (in light of the amended submission):

*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 no onsite provision is proposed, a financial contribution is sought on residential developments containing 25 or more new dwellings where it has been identified that investment in community facilities will be required to meet the needs of the new population.*

In this instance, the development of 102 dwellings would generate a contribution of **£59,772**

5.4 The Highways Drainage Manager has been consulted and any comments will be reported to Committee.

5.5 The Waste Manager advises that the refuse storage facilities are acceptable, subject to implementation and retention.

5.6 The Pollution Control (Contaminated Land) Manager has no objection, subject to conditions and advice relating to contaminated land and landfill gas remediation.

5.7 The Pollution Control (Noise & Air) Manager has no objection, subject to conditions relating to Road traffic noise; sound insulation between commercial and residential uses; opening hours; delivery times; plant noise; future kitchen extraction; and a construction noise recommendation.

- 5.8 The Tree Protection Officer has no objection, subject to further details and recommendations on species of tree to be planted. The consultation response has been forwarded to the applicant.
- 5.9 The Ecology Officer has no objection, subject to conditions relating to Bat protection and the timing of works in relation to nesting birds.
- 5.10 The Housing Strategy Manager advises that the development generates an Affordable Housing contribution requirement of 20% of the units on-site. However, as it is noted that the application includes a statement that the economic viability of the of the development is such that it would not sustain any S106 contributions, no further comment is made until such time as this has been independently verified.
- 5.11 The Neighbourhood renewal (Accessibility) Officer has been consulted and no comments have been received.
- 5.12 The Economic Development Directorate has concerns with the proposed change of use and comment that the site is well located within the Cardiff Central Enterprise Zone, for the attraction of Financial and Professional Services companies.

In line with the requirements of policy EC.3 of the Local Development Plan, where alternative development meets the criteria for changes of use, in conjunction with policy KP7 of the Plan, a financial contribution may be sought in order to provide compensatory employment opportunities elsewhere.

In this case, should this proposal be progressed to change the use, a financial contribution of **£51,000** is sought.

## 6. **EXTERNAL CONSULTEE RESPONSES**

- 6.1 Welsh Water have no objection, subject to a drainage condition.
- 6.2 Natural Resources Wales have no objection subject to the imposition of a condition in respect of European Protected Species (Bats). Condition 22 above relates.
- 6.3 Wales & West Utilities provide advice in respect of services that run across the site. This information has been passed to the agent.
- 6.4 South Wales Police have no objection to the development in light of discussions in respect of crime prevention and the principles of Secured by Design.
- 6.5 South Wales Fire & Rescue Service have no objection, subject to advice in respect of water supply and appliance accessibility. These comments have been forwarded to the agent.

## 7. **REPRESENTATIONS**

- 7.1 Local Members have been consulted and any comments will be reported to Committee.
- 7.2 Adjacent occupiers have been consulted and no comments have been received.
- 7.3 The application has been advertised by site and press notice in accordance with procedures. No comments have been received.

## 8. **ANALYSIS**

- 8.1 An amended full application for the demolition of the existing buildings on site (except 1 & 3 Williams Court, to be retained for commercial uses), and the construction of a 9 storey building accommodating 102 self-contained flats, with associated parking and other facilities, a new build commercial unit. The proposed commercial units are to benefit from multiple use opportunities, including shops, offices and food & drink (limited to café/coffee shop type).
- 8.2 Land Use Policy: The proposal is for the demolition of existing Class B1 (office) floor space at the Old Imperial Buildings, Trade Street (1844sqm) and the development of a mixed-use scheme comprising 102 one and two bed flats, with commercial (flexible Class A1/A2/A3/B1) units to the Trade Street frontage. The site 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:

### **Whether the Proposed Residential / Mixed Use Development 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 employment / mixed uses within the CEZ.

LDP Policy EC4 (Protecting offices in the Central and Bay Business Areas) identifies that in circumstances where alternative (non B class) landuses are proposed, mixed use developments that retain a proportion of business space are likely to be more favourably considered and that they will only be permitted where they do not harm, and are complementary to the primary office role and function of the area and accord with other plan policies. It goes on to identify that such uses could include residential development.

Taking into consideration the scale and location of the site, that the proposal seeks to retain an element of office floor space to the ground floor of the building and that the provision of two commercial units will create active uses along the Trade Street frontage of the development, which is consistent with



the wider master planning principles for the area, the proposed mixed use development is considered acceptable in this instance.

**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. In this regard and given the relatively small scale of the proposed units, an element of convenience retail could be considered acceptable to serve the newly established population and the wider residential community within the surrounding area.

**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.

**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.

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 102 flats to the upper floors, 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. This could be achieved through the applicant accepting a restricted use condition, limiting any use to a café / snack bar / restaurant where their primary function is the sale and consumption of food on the premises rather than alcohol or hot food takeaways, in order to safeguard residential amenity.

For the above reasons, the proposal is considered acceptable in land use policy terms, subject to detailed design and amenity considerations.

That the Class A3 floor space be restricted to a restaurant / snack bar / café use and for no other purpose within the A3 Use Class.

- 8.3 Scale and Design: Whilst it is acknowledged that the proposals include a 'taller' 9 storey element, there is a good relationship with surrounding buildings that have a commercial scale. The proposed building increases in height from the south towards Penarth Road, with the 9 storey element sitting behind the existing four storey buildings to Trade Street and Penarth Road, creating an impression that it is central to this block of buildings bounded by Penarth Road, Trade Street, Coopers Yard and Curran Road. The 9 storey element, when

viewed from farther away, will sit comfortably in the context of the existing nearby office blocks, located to the northern end of Dumballs Road and Curran Road, close to the junction with Penarth Road.

- 8.4 The architecture of the new build is restrained and ordered, relying on depth of façade and use of quality materials to provide visual interest and richness. The design has sufficient depth and articulation in the façade design and varying roof levels to avoid the bulky blandness of the neighbouring commercial buildings to the north. The use of ‘mill’ style windows, in conjunction with more modern styles and materials is reflective of the existing architecture of the area, particularly the adjacent buildings fronting Trade Street. The primary elevation to Trade Street is enlivened by a mix of commercial uses to the ground floor, including the retained Villas that provide a sense of character and context to the new development.
- 8.5 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.
- 8.6 Amenity of future occupiers and neighbours: External amenity space for the students is provided in the form of a rooftop terrace, individual rooftop gardens and balconies. Outlook and daylighting is acceptable for all occupiers. The scheme is predominantly residential and the nearest existing residential properties would be those to the opposite side of the Penarth Road/Trade Street junction, approx. 50m away from the north elevation to the 9 storey element. Bearing in mind this distance, and the existing aspect form these dwellings, onto the existing four storey offices opposite, it is considered that the development does not have a harmful impact on the amenity of neighbours, or future occupiers.
- 8.7 Access and Parking provision: Vehicular access and parking arrangements have been reviewed by the Transportation Manager and are considered acceptable. The cycle parking facilities (124 spaces) are also considered to be acceptable. Pedestrian access is via a primary (reception staffed) and secondary entrance on Trade Street. There is also resident access directly from the courtyard parking area. The applicant has indicated in discussions with South Wales Police that these will be subject to electronic entry, with audio and visual entry systems. The pedestrian accesses are level, with lift access to all floors.
- 8.8 Whilst the requested condition in respect of delivery times is noted, given the context of the site and the environment surrounding, it is considered that this condition would be overly onerous, unenforceable and not required to make the development acceptable, contrary to the tests for the use of conditions in planning permission.
- 8.9 Section 106 obligations: The applicant has submitted information relating to the economic viability of the proposed development in light of the requested contributions. This information has been assessed by the District Valuation Service.

In their report dated 26<sup>th</sup> September 2016, the DVS concluded:

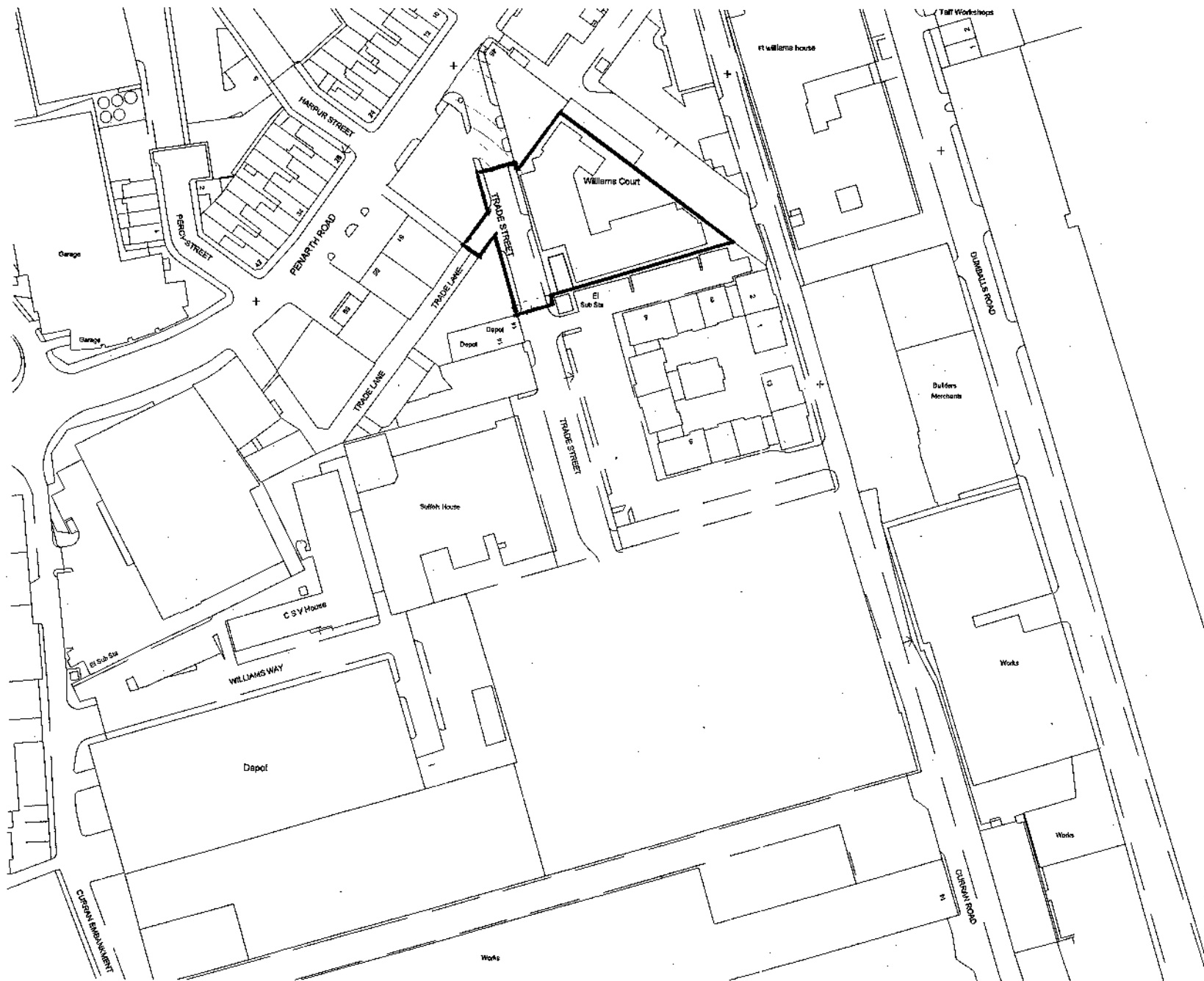
*“Our appraisal as detailed above for a fully open market mixed use scheme providing no Affordable Housing contribution and no such S106 sums returns a residual land value of some £123,000 and so suggests the scheme is unviable on that basis when measured against the benchmark land value.”*

Notwithstanding the findings of the DVS, the applicant has offered the Council a contribution of £120,000 in lieu of undertaking highways improvements, and £15,000 to offset the change of use of employment land.


## 9. **CONCLUSION**

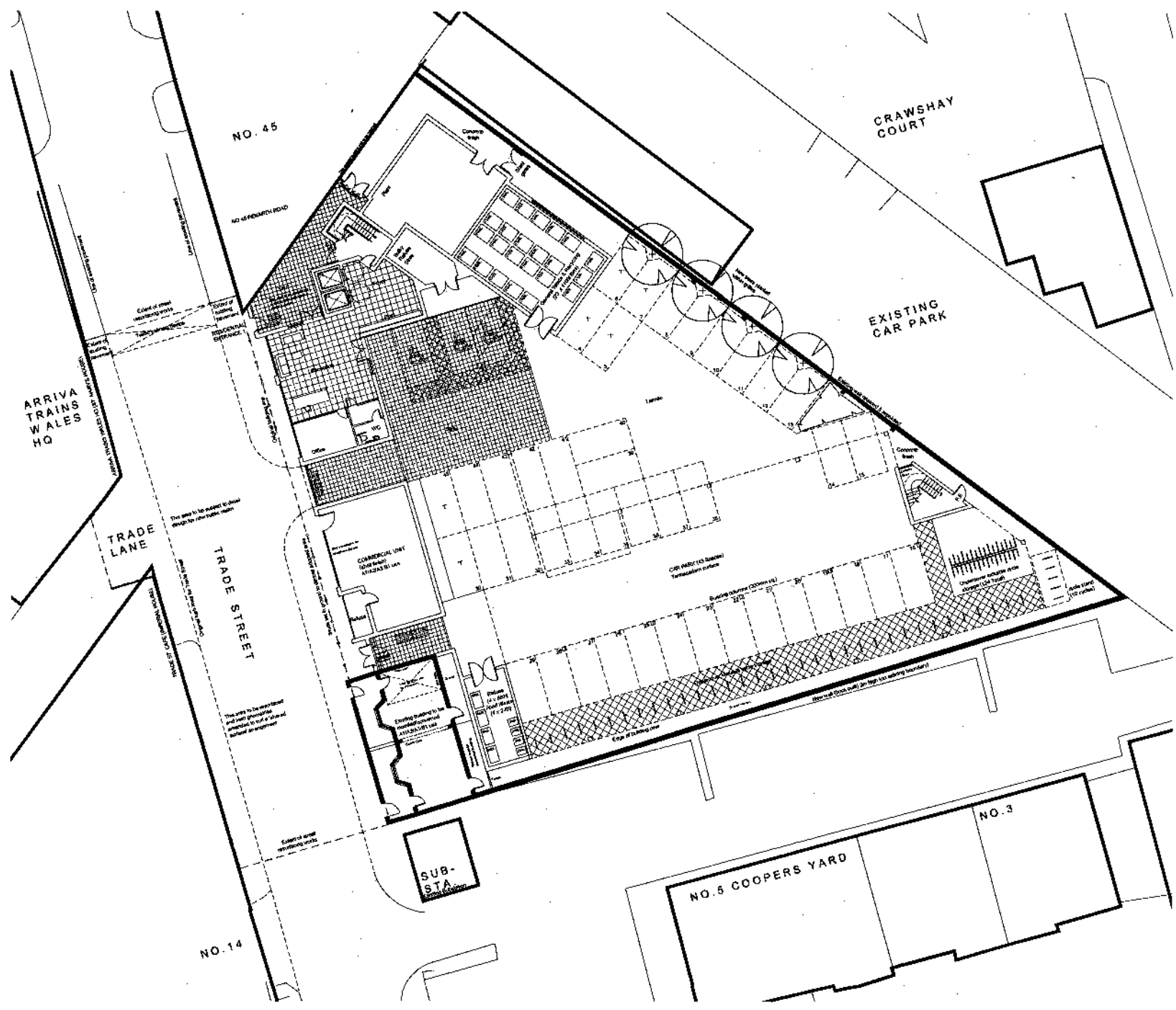
9.1 The granting of planning permission is recommended subject to conditions being imposed and a legal agreement (Section 106) being signed to secure the following financial contributions:

- £120,000 towards the improvement of the footpaths and carriageway adjacent to the site along Trade Street and up to the junction with Penarth Road;
- £15,000 towards the promotion of employment opportunities in the vicinity of the site.



16/00504/113K

 <b>C. W. ARCHITECTS Ltd</b> Grosvenor House, 8 Park Grove, Colwell CP10 2BN Tel: +44 (0)1509 272125 Fax: +44 (0)1509 330427 E: info@cwa-architects.co.uk	
Drawing Title : Location Plan Drawing Number : P00	Scale : 1:1250 @ A3
Revisar:	Drawn by: rb Date: Dec/ 2015



**C. W. ARCHITECTS Ltd**  
 Grosvenor House, 8 Park Grove, Cardiff CF10 0BN  
 Tel: +44 (0)2920 225125 Fax: +44 (0)2920 268207 E-Mail: [office@cwarchitect.co.uk](mailto:office@cwarchitect.co.uk)

Project Name: Wilkems Court, Trade Street  
 Project Ref: SP402

Drawing Title: Proposed Site Plan Scale: 1:200 @ A2  
 Drawing Number: P02

Revision: ALT - B Drawn by: tb Date: Dec 2015



ELEVATION TO TRADE STREET

MATERIALS KEY

- ① Facing brick (red - to LPA approval)
- ② Colour coated cladding panels (Dark grey)
- ③ Colour coated double glazed doors and windows
- ④ Facing brick (blue - to LPA approval)
- ⑤ Aluminium curtain walling
- ⑥ Horizontal aluminium louvres
- ⑦ Colour coated steel security door
- ⑧ Sand cement render (dark grey - black)
- ⑨ Clear, toughened glass balustrade
- ⑩ Balconies with galvanised channel
- ⑪ Colour coated roller shutters



**C. W. ARCHITECTS Ltd**  
 Governance House, 8 Park Drive, Cardiff CF10 2BN  
 Tel: +44 (0)1222 339113 Fax: +44(0)1222 339114 Email: info@cwaarchitects.co.uk

Project Name:	Williams Court, Trade Street	
Project Ref:	SP402	
Drawing Title:	Proposed Elevation to Trade St	Scale:
Drawing Number:	P13	1:100 @ A1
Revision:	ALT - 05	Date: Dec 2015



MATERIALS KEY

- ① Facing brick (red - to LPA approval)
- ② Colour coated cladding panels (Dark grey)
- ③ Colour coated double glazed doors and windows
- ④ Facing brick (blue - to LPA approval)
- ⑤ Aluminium curtain walling
- ⑥ Horizontal aluminium louvers
- ⑦ Colour coated steel security door
- ⑧ Sand cement render (dark grey - black)
- ⑨ Glass - toughened glass balustrade
- ⑩ Balconies with galvanneal channel
- ⑪ Colour coated roller shutters



C. W. ARCHITECTS Ltd  
 Grosvenor House, 8 Park Green, Cardiff CF10 3SN  
 Tel: +44 (0)1495 209120 Fax: +44 (0)1495 209121 E-Mail: cwa@cwa-architects.co.uk

Project Name:	Williams Court, Trade Street	
Project Ref:	SP-482	
Drawing Title:	Proposed Elevation to Coopers Yard	Scale:
Drawing Number:	P14	1:100 @ A1
Revision:	ALT. B	Drawn by: rb Date: Dec 2015



MATERIALS KEY

- ① Facing brick (red - to LPA approval)
- ② Colour coated cladding panels (Dark grey)
- ③ Colour coated double glazed doors and windows
- ④ Facing brick (blue - to LPA approval)
- ⑤ Aluminium curtain walling
- ⑥ Horizontal aluminium louvres
- ⑦ Colour coated steel security door
- ⑧ Sand cement render (dark grey - black)
- ⑨ Clear, toughened glass balustrade
- ⑩ Balconies with galvanised channel
- ⑪ Colour coated roller shutters



**C. W. ARCHITECTS Ltd**  
 Grosvenor House, 8 Park Grove, Cardiff CF10 3BN  
 Tel: 0303 333 3333 Fax: 0303 333 3334 Email: cwa@cwa.co.uk

Project Name:	Williams Court Trade Street
Project Ref:	SH402
Drawing Title:	Proposed Elevation to Curran Road
Drawing Number:	P-15
Revision:	ALT. B
Drawn by:	RB
Date:	Dec 2015
Scale:	1:100 @ A1