

COMMITTEE DATE: 08/02/2017

APPLICATION No. **16/02758/MJR** APPLICATION DATE: 16/11/2016

ED: **CATHAYS**

APP: TYPE: Full Planning Permission

APPLICANT: PARK PLACE ESTATES LLP

LOCATION: LAND TO THE REAR OF 35-37 CHARLES STREET, CITY CENTRE, CARDIFF, CF10 2GB

PROPOSAL: ERECTION OF A FIVE STOREY BUILDING PROVIDING 8 NO. 1 BED APARTMENTS; 7 NO. CAR PARKING SPACES; 28 NO. CYCLE STANDS AND WASTE FACILITIES

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 section 9 of this report, that planning permission be **GRANTED** subject to the following conditions:

1. C01 Statutory Time Limit
2. Permission is granted for the development detailed on drawing references:
 - APE01 Proposed Elevations
 - APP02 Proposed Floor Plans and Site Plan
 - APP02 Proposed Site Sections
 - APP02 Proposed Streetscape

Reason: The drawings form part of the application and for the avoidance of doubt.

3. Prior to the commencement of development, a construction management plan providing full details of construction traffic routes, contractor parking, delivery protocols, dust suppressions, noise mitigation, wheel washing facilities, site enclosures, site security and other such features as are proposed to minimise interference with, and maintenance of the safe and convenient free flow of traffic along the highway and protection of neighbouring amenity, shall be submitted to and approved by the local planning authority in writing.

Reason: To ensure for an orderly form of development with least impact on existing businesses and residences in the area.

4. No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority in writing. 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 full 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.

5. 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 in accordance with policy EN13 of the Cardiff Local Development Plan.

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

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

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

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

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

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

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

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

9. Any site won material including soils, aggregates, recycled materials shall be assessed for chemical or other potential contaminants in accordance with a sampling scheme which shall be submitted to and approved in writing by the Local Planning Authority in advance of the reuse of site won materials. Only material which meets site specific target values approved by the Local Planning Authority shall be reused.
Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff Local Development Plan.

10. The development shall be provided in accordance with a scheme of architectural detailing which shall first have been submitted to and approved by the local planning authority in writing. The scheme shall include for details of the construction methodology, balcony construction, drainage, window and door specification, gates, and means of enclosure.
Reason: To ensure for an appropriate finished appearance to the development.
11. The develop shall be finished in accordance with a palette of external finishing materials, samples of which having first been submitted to and approved by the Local Planning Authority in writing.
Reason: To ensure for an appropriate finished appearance to the development.
12. The rear Courtyard amenity area and frontage landscaping to Wesley Lane shall be provided prior to the first beneficial occupation of any of the flat units hereby approved, in accordance with a scheme of hard and soft landscaping detail which shall first have been submitted to and approved in writing by the local planning authority. The scheme shall include for full details of (i) drainage (11) soils and growing media; (iii) planting schedule (iv) means of enclosure; (v) maintenance and management arrangements including details of any specific contractual or leasehold tenancy arrangements to secure the maintenance of landscaping for the life of the development.
Reason: To ensure for appropriate amenity space provision and landscaping in perpetuity, which is important for the living conditions of residents and for the presentation of the development to the Wesley Lane Highway in the interests of visual amenity.
13. No part of the access gates proposed shall open over the adopted highway.
Reason: To ensure that the use of the gates do not interfere with the safety and convenience of pedestrians and vehicles on that adjoining highway.
14. The refuse storage facilities indicated on the approved plans shall be provided prior to the first beneficial occupation of any flat unit hereby permitted and thereafter be maintained and retained for the storage of refuse at all times.
Reason : To secure an orderly form of development and to protect the amenities of the area.
15. No flat unit shall be occupied until such time as a refuse management plan has been submitted to and approved by the local planning authority in writing. Thereafter refuse shall only be presented for collection in accordance with the approved plan.
Reason : To secure an orderly form of development and to protect the amenities of the area.

16. The bicycle storage facilities indicated on the approved drawings shall be provided prior to the beneficial occupation of any the flat units hereby approved and shall thereafter be retained solely for the purpose of the parking of bicycles.
Reason: To provide appropriate facilities for the secure, covered storage of cycles.
17. Should any excavations reveal any archaeological finds, including , any unexpected masonry structures, coins, metalwork, jewellery, ceramics, bones, or other historic items, excavations shall cease until such time as the local planning authority has been allowed to assess the find, and given express consent that excavations may resume.
Reason: To allow appropriate investigation and recording of any unexpected archaeological resource.
18. The pedestrian and vehicle access from Wesley Lane shall be fitted with a system of access control, and a system of video and audio connectivity to each flat.
Reason: to prevent unauthorised access to the development in the interests of crime prevention and discouragement of anti-social behaviour.
19. The Undercroft area shall be painted/finished in a light colour and include for PIR sensitive lighting or similar prior to the beneficial occupation of any of the flat units hereby approved and thereafter be so maintained.
Reason: To enhance levels of personal safety and discourage crime and anti -social behaviour.

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

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

soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and

- (iii) the safe development and secure occupancy of the site rests with the developer.

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

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

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

RECOMMENDATION 4 : Works to adopted highways would need to be approved by means of section 278/38 agreement as appropriate.

RECOMMENDATION 5 : The applicant be advised that they may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

Only foul water from the development site shall be allowed discharge to the public sewerage system and this discharge shall be made between manhole reference number ST18814601 and ST18814501 as indicated on the extract of the Sewerage Network Plan attached to this decision notice.

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.

A water supply can be made available to serve this proposed development. The developer may be required to contribute, under Sections 40 - 41 of the Water Industry Act 1991, towards the provision of new off-site and/or on-site watermains and associated infrastructure. The level of contribution can be calculated upon receipt of detailed site layout plans which should be sent to the address above.

To prevent pollution of the SSSI and the water environment, we recommend relevant Pollution Prevention Guidelines are followed during construction. Pollution Prevention Guidelines are available from NetRegs.

RECOMMENDATION 6 : The applicant is encouraged to liaise with South Wales Police and South Wales fire and Rescue Service to discuss the potential for Secured by Design accreditation and appropriate fire fighting design including adequate water supply arrangements

RECOMMENDATION 7 : Prior to the commencement of development, the developer shall notify the local planning authority of the commencement of development , and shall display a site notice and plan on, or near the site, in accordance with the requirements of Article 12 of the Town & Country Planning (Development Management Procedure)(Wales)(Amendment) Order 2016.

1. **DESCRIPTION OF DEVELOPMENT**

- 1.1 The proposal is for a five storey building positioned to the rear of 35-37 Charles Street and fronting Wesley Lane; to provide 8 No. one bedroom flats; car parking, waste and cycle storage facilities. The development would be accessed from Wesley Lane.
- 1.2 The building would have a 14.5m frontage to Wesley Lane, and would offer a 15.5m tall flat roofed presentation. The principal elevation would be finished in a composition of a dark perforated screen and metal access gates to the ground floor level, copper clad panelling projections which provides for balcony enclosures forward of a lighter coloured mushroom/cream panel to the first, second and third floors, and a slightly recessed top floor in zinc clad appearance at forth floor level.
- 1,3 The building would be set back by some 1m from the Wesley Lane vehicle carriageway to retain a footway in front of the building, and would thereafter be some 13.5m in depth, including a ground level planted beds, positioned under the balcony projections above. The building would provide for 3 undercroft car parking spaces. Land to the rear of the site is shown on submitted drawings to

contain a courtyard amenity space and a further 4 car parking spaces to be shared between this development and the now near completed conversion of 35-37 Charles Street to flatted accommodation previously approved in 2015.

- 1.4 The building would be some 13.5 metres away from residential accommodation within 35-37 Charles Street; but is designed so as to have only stairwell and bathroom windows to the rear to overcome any potential privacy problems. The building would be separated from the rear annexe of buildings in Churchill way on the opposite side of Wesley Lane by approximately 8.2m at its closest point.

2. **DESCRIPTION OF THE SITE**

- 2.1 Charles street and Churchill way are parallel streets which back onto Wesley Lane. Wesley lane used to provide unrestricted rear access for parking and to annexe accommodation for properties in both streets, which both contain a number of office, commercial, retail, food and drink and residential uses. Wesley lane originally allowed vehicle and pedestrian access to Church Place at it's northern end, however Wesley Lane was stopped up with a metal palisade fence in a position between the rear of the former Ebenezer Chapel (now "Cornerstone " project) and the rear of 22 Churchill way some years ago, to prevent the lane being used as a through way.
- 2.2 The rear of the majority of properties in Wesley Lane are therefore now accessed from the South. Their character is disparate and random, ranging from the original annexe projections of Victorian housing, to modern infill development. There are few buildings which have not been extended or altered to the rear.
- 2.3 Charles Street is a Conservation Area; and Churchill way also, with Wesley Lane forming the boundary between the two areas. To the main highway, both streets are characterised by relatively tall originally domestic and commercial Victorian properties. The area has seen some recent infilling however in the form of a modern building insertion at No. 43 Charles Street, and a redevelopment of flats at 47-53 in a faux Georgian style.
- 2.5 Wesley lane has also seen relatively recent development since the closure of a number of Night Clubs in Charles Street, including a detached residential building of 4-5 storey height, and a number of applications and permissions exist for modification and extension of the rear annexes and curtilages of both Charles Street and Churchill way.
- 2.6 Currently, a new student tower is under construction to the southern end of Wesley lane, which includes for the façade retention of properties to the very southern end of Charles Street, and further environmental enhancement to the southern end of Wesley Lane and Charles Street . The conversion of the principal buildings at 35-37 Charles street into residential accommodation is nearing completion.

3. **SITE HISTORY**

14/01487/DCI

35-37 Charles Street Conversion of commercial property into 8 apartments including part demolition of rear annexes Approved 23rd February 2015

Previous pre 1995 history regarding change of use of former offices to various uses including nightclub use.

4. **POLICY FRAMEWORK**

Planning Policy Wales Edition 8, January 2016

Chapter 6 - Conserving the Historic Environment

Chapter 7 - Economic Development

Chapter 8 - Transport

Chapter 9 - Housing

Chapter 10 - Planning for Retail and Town Centres

WG Technical Advice Notes

TAN 1: Joint Housing Land Availability Studies (2006)

TAN 2: Planning and Affordable Housing (2006)

TAN 4: Retailing and Town Centres (1996)

TAN 11: Noise (1997)

TAN 12: Design (2009)

TAN 18: Transport (2007)

TAN 21: Waste (2001)

TAN 23 Economic Development (2014)

Welsh Office Circular

11/99: Environmental Impact Assessment 30/06/99

1/98: Planning and the Historic Environment: Directions by the Secretary of State for Wales 02/02/98

61/96: Planning and the Historic Environment: Historic Buildings and Conservation Areas 05/12/96

Cardiff Local Development Plan 2006-2026 (Adopted January 2016)

KP5: GOOD QUALITY AND SUSTAINABLE DESIGN

KP8: SUSTAINABLE TRANSPORT

KP10: CENTRAL AND BAY BUSINESS AREAS

KP17: BUILT HERITAGE

H6: CHANGE OF USE OR REDEVELOPMENT TO RESIDENTIAL USE

EN9: CONSERVATION OF THE HISTORIC ENVIRONMENT

EN13: AIR, NOISE, LIGHT POLLUTION AND LAND CONTAMINATION

T1: WALKING AND CYCLING

T6: IMPACT ON TRANSPORT NETWORKS AND SERVICES
W2: PROVISION FOR WASTE MANAGEMENT FACILITIES IN
DEVELOPMENT

Other Material Considerations

Section 149 Equality Act 2010

Charles Street Conservation Area Appraisal

Churchill Way Conservation Area Appraisal

Supplementary Planning Guidance

Access, Circulation and Parking Standards Jan 2010

Householder Design Guide Mar 07

Infill Sites Design Guide April 2011

Open Space Mar 08

Residential Design Guide Mar 08

Waste Collection & Storage Facilities Jan 2016

Planning Obligations Jan 2017

5. **INTERNAL CONSULTEE RESPONSES**

5.1 **Design**

5.2 Architecture and materials

5.3 The materials labelled on the drawings are considered to be appropriate, subject to approval of materials samples. The materials on the section/elevation drawings are: brick work, aluminium framed doors and windows and glazed balconies, light render from first to third floor, bronze metal cladding, light grey metal cladding on the set-back fourth floor.

5.4 Height, scale, massing and impact on two adjoining Conservation Areas

The site falls to the rear of two Conservation Areas.

The height of the proposed building is 5 storeys, although the 5th storey is set back so the visual impact is minimised (could be argued 4.5 storeys).

The section drawings show that the height of the proposed building is below ridge line of Charles Street. but is 4.2m higher than the ridge line of Churchill Way. The applicants should confirm whether the proposal would be viewable from either conservation area.

The building may need to be dropped to 4 storeys (or 3.5), a similar height to the property next-door in Wesley Lane. although arguably the very tall Rio building that is currently being built behind the Chapel on Charles Street breaks the ridge line dramatically.

Therefore, it should be made clear what impact (if any), there is likely to be on the Churchill Way Conservation Area, so it can be assessed fully.

5.5 Wesley Lane environment, safety and security

In the City Centre Conservation Area Appraisal, Wesley Lane is identified as an 'enhancement opportunity' (Section 3.3, p.40, and Section 3.2, p.55). The Lane should be resurfaced as it is currently patchy and uneven tarmac. It would be beneficial if a suitable material for a shared pedestrian, cycle and vehicular access, is discussed with the Placemaking Team, particularly if there is to be a strategy for Wesley Lane given that similar proposals may arise in the future. This may be subject of S106 contributions.

5.6 The brick wall at ground floor level that contains a pattern with holes in is considered beneficial to help to create some element of overlooking and sense of relationship between people in the public and private space at ground floor level. There is only car-parking and bicycle storage at ground floor, so surveillance is limited, but it is better than a solid brick wall and some activity may be able to be experienced.

5.7 It could be argued that Wesley Lane is in a state of flux, given that the development bridges a transition, between a time when it was only a back service lane with the backs of properties, and becoming a mixed-use / residential area with frontages. This means that it is important, firstly to protect the security of the occupiers from the Lane in terms of a secure barrier, but secondly to protect the security of the residents that are walking up and down the Lane in terms of ground floor overlooking and the future to access new properties.

5.8 It would be beneficial to plant defensive species of shrubs to the front of the property onto Wesley Lane to soften the Lane and humanise it, whilst also planting robust plants to discourage vandalism.

5.9 It would be beneficial to make the gates out of a material that is of a residential nature, as opposed to industrial. For example, black painted railings or decorative railings with an element of public art, whether bespoke or 'off the shelf'.

5.10 Courtyard amenity space, balconies to Lane and soft green landscaping

The Courtyard amenity space to the rear of the flats is currently shown with four car parking spaces. This results in effectively a landscaped carpark, as opposed to an amenity space.

It is acknowledged that prospective occupiers may be seeking an urban city centre environment with little external space to upkeep (given the proposal is for eight one-bed flats). However, it is still considered important to create an easy-to-maintain planted courtyard urban environment with shared usable amenity space if possible. This would bring amenity benefits, and some biodiversity benefits.

Planting will help to create carbon sinks, and whilst this would have minimal impact from one development, a cumulative impact could occur in the city centre if more developments planted soft landscaping (see LDP policy KP15: Climate Change, paragraph 4.163).

It is the preference to exclude parking from the courtyard and to include block paving and more planting (appropriate species that are slow growing, hardy and work in a hard landscape area and require little maintenance), seating and a washing line instead. Whilst there are balconies to the front, these front the lane so it is questionable how much that they would be used for sitting out in. The balconies are beneficial from an overlooking perspective to the lane, but it would be better to have a good quality additional sitting out space in the courtyard to the rear as well.

- 5.11 It will be important to agree some robust conditions to ensure that any landscaping in the Courtyard is implemented to avoid a tarmac space (as appears to be the case at the next door property).

5.12 **Land Use / Place making**

The proposal is for the erection of a five storey building to the rear of no. 35-37 Charles Street to provide 8 no. 1 bed apartments (Class C3 – residential use). The site is located within the Central Business Area (CBA) of the Cardiff Local Development Plan (LDP), as such the main land use planning policy issues relate to:

Whether the proposed C3 (Residential) use is acceptable at this location.

National Planning guidance seeks the redevelopment of Brownfield sites within urban areas for housing to help meet city-wide housing needs and to promote urban regeneration. Local Development Plan Policy H6 (Change of use or redevelopment to residential use) identifies that the change of use of redundant previously developed land for residential use will be permitted where:

- i. There is no overriding need to retain the existing use of the land or premises;
- ii. The resulting residential accommodation and amenity will be satisfactory;
- iii. There will be no unacceptable impact on the operating conditions of existing businesses;
- iv. Necessary community and transportation facilities are accessible or can be readily provided or improved;

The principle of residential development is well established within the surrounding Churchill Way / Charles Street area and the central location of this site is suited to residential use as it is well served by transport links and is close to local amenities.

- 5.13 Strategic Planning (Regeneration) Considerations:

Planning Policy Wales, Paragraph 3.4.3 states that 'When a new building is proposed, an existing building is being extended or altered, or a change of use is proposed, developers should consider the need to make it accessible for all those who might use the building. The appropriate design and layout of spaces in, between and around buildings, including parking provision and movement routes, is particularly important in ensuring good accessibility'. As this proposal is for residential accommodation, where movements to and from the building will predominantly take place on foot, the public realm in the immediate vicinity of the site should be considered in this context. Cardiff Local Development Plan Policy KP6 (New Infrastructure) seeks that new developments will make appropriate provision for, or contribute towards, necessary infrastructure required as a consequence of proposed development, including public realm improvements.

The public realm outside the site at Wesley Lane is of a poor quality and there is a need for it to be upgraded to a standard commensurate with recent city centre enhancement schemes in order to provide a safer and more efficient pedestrian environment than that which serves the area at present.

Recent developments in the immediate vicinity of the site have contributed towards the upgrading of Wesley lane as part of a wider public realm enhancement scheme for the Charles Street / Wesley Lane area and a financial contribution towards the scheme would be sought in this instance.

A pro rata public realm calculation measured against a recently consented applications in the immediate vicinity of the site would equate to a financial contribution of **£10,579** in this instance. Public realm improvements would include the resurfacing of the carriageway within Wesley Lane, the replacement of kerbstones / drainage channels and the removal / replacement of street furniture and street lighting.

5.14 Summary

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

Subject to the application being acceptable in all other respects, a financial contribution of £10,579 is requested towards public realm improvements at Wesley Lane.

5.15 Traffic and Transportation

The Transportation Officer has expressed some initial concerns as to the suitability of the Wesley Lane highway to accommodate a principal access to the development, in terms of the condition of the lane, and in respect of servicing the development as Wesley lane currently has no turning head, and requires larger service vehicles to reverse to egress the lane which is narrow at its southern end.

Any further observations will be reported at committee.

5.16 Pollution Control Noise and Air

Prior to commencement of development a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide that all habitable rooms 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 – 1) 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

2) 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 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.

5.17 PLANT NOISE (2015)

Prior to implementation a noise assessment shall be carried out and submitted to the Local Planning Authority to ensure the noise emitted from fixed plant and equipment (such as air conditioning) on the site achieves a rating noise level of background -10dB at the nearest noise sensitive premises when measured and corrected in accordance with BS 4142: 2014 (or any British Standard amending or superseding that standard).

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.

5.18 R1 CONSTRUCTION SITE NOISE

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

5.19 DUST CONTROL

Prior to the commencement of development a scheme (Construction Environmental Management Plan) to minimise dust emissions arising from 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 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 construction phase.

Reason: To assess any mitigation measures that may be required to safeguard the amenity of nearby residents in the area.

5.20 Pollution Control Contaminated Land

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

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

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

Ground gas protection; Contaminated land measures – unforeseen contamination; Imported soil; Imported aggregates; Use of site won materials; together with a contamination and unstable land advisory notice.

5.21 Housing

In line with the Local Development Plan (LDP), an affordable housing contribution of 20% of the 8 units (1 unit) is sought on this brown-field site.

Our priority is to deliver on-site affordable housing, in the form of affordable rented accommodation, built to Welsh Government Development Quality Requirements. However, given the proposed design of the scheme, the

unknown proposed future tenure of the units, and the likely service charges for this type of residential development, all of which could affect the affordability as well as the practicality of managing and maintaining affordable housing on-site for a Registered Social Landlord, we would be prepared to accept financial contribution in lieu of on-site affordable housing provision

On that basis of the above, we would seek a financial contribution of **£62,640** (in lieu of 1 unit) which is calculated in accordance with the formula in the Affordable Housing – Supplementary Planning Guidance (SPG) (2007).

5.22 Waste

This site will only require the following for waste collections and storage for 8 flats:

Dry Recyclables:	1 x 1100 litre bulk bins
Food waste:	1 x 240 litre bins
General waste:	1 x 1100 litre bulk bins

The door to the store shown on the floor plan does not appear to be wide enough to allow the larger 1100L bins to pass through. This door needs to be a minimum of 1.5m and preferably be double doors that open outwards with a facility to keep the doors open (as stated under Paragraph 6.5 of the Waste Collection and Storage Facilities SPG).

Surfaces should be smooth and impervious to permit cleaning and the floor must be laid to create suitable drainage. Adequate lighting must be provided and good natural ventilation if completely enclosed.

The developer is advised; as bulk containers are specified for this development, access paths to the kerbside for collection should be at least 1.5 metres wide, clear of obstruction, of a smooth surface with no steps. Dropped kerbs should also be provided to ensure safe handling of bulk bins to the collection vehicle.

Waste Management will not carry keys or access codes for bin storage areas; so waste must either be presented at the entrance to the development for collection, or the access gates to the site must be left open.

Bulk containers must be provided by the developer/other appropriate agent, to the Councils' specification (steel containers are required where capacity exceeds 240 litres) as determined by S46 of the Environment Protection Act 1990 and can be purchased directly from the Council. Please contact the Waste Management's commercial department for further information on 02920 717504.

Refuse storage, once implemented, must be retained for future use

6. **EXTERNAL CONSULTEE RESPONSES**

6.1 **South Wales Police**

South Wales Police have no objection to proposed development but note that the Design and Access statement makes very little reference to issues of community safety other than allude to improved surveillance opportunities.

South Wales Police note references to provision of affordable homes and if this is to be provided on site then homes will need to meet Welsh Housing Quality standards and part of this is the requirement to meet Secure By Design standards.

In view of above South Wales Police would make the following recommendations,

- 1 The development has a secure perimeter wall, fencing or gating to all elevations reason *to prevent burglary and theft.*
- 2 The front elevation pedestrian and vehicle gates are fitted with access control reason *to prevent unauthorised access.*
- 3 There are secure post boxes in external wall near to pedestrian gate, gate also includes audio visual access control features to facilitate visitor entry reason *to prevent unauthorised access.*
- 4 Undercroft area is painted in light reflective material and has adequate lighting along with courtyard reason *to enhance high levels of personal safety*
- 5 Main entrance door to development complies with PAS24 and is fitted with audio visual access control features reason *to prevent unauthorised entry.*
- 6 Main entrance doors to apartments complies with PAS24 reason *to prevent burglary.*
- 7 Building is fitted with adequate fire detection, warning and evacuations systems reason *the protection of life.*
- 8 Secured by Design (SBD) is achieved for all affordable/ Social housing elements reason *compliance with Welsh Government Housing standards.*

South Wales Police are happy to work with developers to achieve Secured by Design accreditation for the development.

6.2 **South Wales Fire and Rescue**

The developer should consider the need for the provision of:-

- a. adequate water supplies on the site for firefighting purposes; and
- b. access for emergency firefighting appliances.

7. **REPRESENTATIONS**

- 7.1 The application has been advertised in accordance with statutory requirements and neighbouring properties have been notified of the proposals.

No representations have been received

8. **ANALYSIS**

8.1 **Environmental Impact Assessment**

The works are not a Schedule 2 development for the purposes of assessment under the Environmental Impact Assessment regulations and are not considered likely to have such significant environmental effects as to warrant the submission of an Environmental Statement to allow the Local Planning authority to consider the Environmental Impact of the development.

8.2 **Land Use**

The site is currently vacant and was previously used as a service area and external area in connection with a former night club use.

The application site is located within the 'Central and Bay Business Area' in the adopted LDP, where there is an acceptance of residential use subject to caveats regarding the quality of accommodation provided and the there being no negative impact on existing uses.

The provision of 8 new apartments would seek to contribute to the supply of city centre living accommodation, and the quality of accommodation is considered appropriate in respect of size of unit (57m²), amenity space (Balconies and an external area); the availability of transport options, facilities and shopping opportunities; and the relationship of the development with adjacent uses in terms of separation and privacy.

There would not appear any conflict with nearby commercial premises as the development is self contained within the perimeter of the application site and provides for an independent access and appropriate boundary enclosures to the adjoining curtilages.

As the development does not result in any reduction of business or employment floorspace and occupies a previously under utilised area of land, there is no objection to the development from a land use policy perspective.

8.3 **Design**

Scale and Massing

At 15m – 15.5m the building would be one of the taller building presentations to the lane, Its closest adjacent neighbour being some 12.5m. in height The building would however be some 2m lower than the ridge height of the

traditional properties in Charles Street at a distance of over 18.5m. Properties in Churchill way are typically lower than those in Charles Street, with ridge heights of approximately 13m. at a distance of approximately 20m. As this is the case, the building height would not be readily appreciable from the principle highways of either conservation area as there would be no direct line of site.

Glimpse views of the development would likely be possible through gaps between properties on Churchill way, however the building would be some 30m back from the footway of Churchill way, and the angle of view would be very acute because of the depth of the properties on Churchill way. Given the proposed neutrality of the finishing materials it is not considered likely that glimpse views of the building would jar, or be considered out of character with the character of the conservation area.

Within the context of Wesley Lane, there is no objection to the overall height of the development which makes efficient use of the land available, whilst providing for an acceptable relationship with adjacent neighbours.

At 5 storey height, this development is probably the maximum height of development that would be acceptable along the lane, and any future developments within the lane would be expected to realise some variety of roof heights below this height, which equates relatively to the height of rear annexe accommodation in Charles Street.

The aesthetic of the building has also been modified to break up its overall visual mass by means of the introduction on contrasting materials as described below.

8.4 Aesthetic

The building line of the development has been set back by 0.5m and soft landscaping planted bed inserted, to soften the relationship with the adjoining footway at ground level and to provide a defensible space. Wrought iron gates will be used at the front of the development to allow an open and transparent frontage whilst also providing for passive/natural surveillance of the building undercroft.

The building provides for a symmetrical composition.

To the rear of the planted area the ground floor elevation appears as a perforated façade which provides for a dark base to the building.

At first, second and third floors, the building acquires a lighter appearance in a cream/mushroom central panel, incorporating two bays each of six windows of vertical emphasis; to either side a through storey projecting balcony surround is provided in a contrasting copper/bronze coloured panel, with balustrade to the balconies themselves being a glazed screen in front of tri-partite sliding doors.

The top floor has been set back by 0.5m to reduce scale and visual massing of the building. And is shown in a dark grey, possibly zinc panel with a

continuance of tri-partite glazing, but with only two, single windows to the centre of the building.

The composition is considered pleasing and to bring a modern but tasteful aesthetic to Wesley Lane.

In addition to the amenity space provided by the apartment balconies, a courtyard with hard and soft landscaping, and with outdoor seating has been created at the rear of the building to be a shared garden space for both the existing buildings (35-37) and the new apartments.

8.5 Housing

The proposals provide for generously sized one bedroom apartments in the context of land which is currently under utilised and where the principle of residential use is accepted.

The comments of the Housing Officer are noted, and the requirement for a financial contribution in lieu of on site affordable housing provision is concurred with in terms of making the development policy compliant.

8.6 Public Open space

At 8 units of accommodation, the development does not trigger a need for off site Public Open Space within the policy context of the LDP/SPG.

8.7 Public Realm

The condition of Wesley Lane is very poor, and has been maintained infrequently and only as a service environment. It is therefore considered appropriate that the development make contribution to the refurbishment and enhancement of the highway network in respect of the provision of a package of environmental enhancements to the lane in the immediate vicinity of the site. The Observations of the placemaking team are therefore noted and concurred with and considered appropriately applied against the context of other contributions relating to developments nearby.

8.8 Economy

35-37 Charles Street is in the process of being converted from offices and night club to 8 apartments. Planning permission was allowed on appeal for the erection of 2 apartment blocks of 5 and 3 storeys height at 41 Charles Street.; A mixed use development on land at Bridge Street and Charles Street, providing a 25 storey tower for 463 student beds and flexible A1, A2 and A3 ground floor units, was approved in April 2016 and site preparation works have commenced on that site.. As such the immediate area is undergoing a number of developments which will add to the economy of the city, and it is hoped that the proposed development will further support the enhancement of the immediate area and stimulate further investment, development and repair .

It is also noted that a number of other applications are pending which it is hoped will deliver further enhancement to what has become a somewhat neglected service road, but which has the potential to become an improved and desirable residential/mixed use environment .

8.9 The Historic Environment

As indicated, the development would not be wholly / directly visible from either Charles Street or Churchill Way, and so there is no need to require the proposals to replicate or relate to any historic architectural precedent.

The scale, mass and aesthetic of the building is however considered to respect the character of the area and to extend the crisp and contrasting modern visualisation of the architecture now coming forward on Wesley Lane.

As such the requirement for development within conservation areas to preserve and enhance the character of the area is considered to have been met in respect of the fact that the development will have little impact on the traditional appearance of the historic streetscape, but will also positively contribute to the new evolving aesthetic of Wesley Lane.

As the building will be located in one of the older areas of the city centre, it is considered appropriate that a condition is attached to any permission as may be granted, to ensure that any unexpected revealed archaeology is reported and recorded appropriately.

8.10 Pollution

The comments of the pollution control officer are noted in respect of potential contamination on the land. A standard suite of contamination / ground gas conditions is therefore proposed.

The comments of the noise and air officer are also noted. However the planning officer has asked for the requirement for the conditions to be justified and if considered necessary, for the conditions to be redrafted to meet planning tests.

Any additional comments/conditions will be reported to committee via late representation.

8.11 Transport

The comments of the transportation officer are noted.

In terms of the narrow carriageway entry to Wesley Lane, The planning officer observes that both of the previous uses on the site would have generated far more vehicle movements and service vehicle activity than the residential use proposed, and also that the impact of this development, although increasing the potential number of pedestrian users of the lane by 16 would also reduce the currently approved car parking associated with the current development on the site from 8 to 7 car parking spaces. Overall the planning officer suggests that

this would be unlikely to adversely affect highway safety in terms of vehicular / pedestrian conflict to such a degree as to warrant the refusal of the application, especially as traffic speeds in the lane are relatively slow because of the limited manoeuvring space in the lane and because it is a block end.

- 8.12 In respect of the limited space to allow service vehicles to turnaround at the northern end of the lane. The planning officer suggests that Wesley lane has accommodated such vehicle movements for many years, as the principal service corridor for properties on both Charles St and Churchill way and also observes that that the development in itself will not diminish the manoeuvring space available in the lane.

As with all developments which would impact on the condition of the adopted highway, the developer would ordinarily be expected to make good the condition of the perimeter of the site prior to the beneficial use of the development, but on this occasion has been asked instead to make a financial contributions toward the longer term public realm enhancement of Wesley lane which it is hoped, along with other contributions will complete the provision of an improved shared surface environment for pedestrians and vehicle users alike.

- 8.13 The planning officer therefore concludes that in the context of the former use of the land as a service car park for office accommodation, and as a night club; which would have generated far more traffic and pedestrian movements than proposed by this development, and in the context of reduced on site parking provision, the planning officer concludes that resistance of the development on highway safety grounds would not be sustainable.

Additionally, on hearing that there may be concern in respect of service vehicle movements, the applicant has advised that they normally manage all of their tenanted properties and will make arrangements to transfer refuse for collection to any designated collection point on Charles Street if required. This can be required by condition .

8.14 **Parking**

Whether considered on the basis of 3 car parking spaces for the eight residential units proposed. or cumulatively with the residential conversion on Charles Street as 7 parking spaces serving a total of 16 residential units, In the context of its city centre location and proximity to both Queen Street and Central Railway Stations, and context of the retail and community / recreational facilities in the city centre, the off street parking arrangements are considered acceptable.

The development also provides for the secure storage of 28 bicycles under cover of the undercroft which is secured by gates. This is also considered acceptable and policy compliant.

8.15 Waste Management

A waste storage area is located within the undercroft and provides for 2200l waste, 2200l recyclable, and 1320l of compostable waste.

This is considered acceptable.

9. SECTION 106 MATTERS

9.1 Amenity Space

Interested parties are asked to sign a legally binding obligation with the Council, under S106 of the Planning Act to ensure that the shared amenity space to the rear of the building be available to all residents of the development at 37-35 Charles Street and all residents of the development to the rear of 35-37 Charles street at all times.

9.2 Affordable Housing / Public Realm Enhancement

The developer has been advised of the financial payments requested for Affordable Housing (£62,640) and Public Realm Enhancement (£10,579).

However they have advised that the scheme is not in itself a viable scheme in terms of immediate or short term profit and is proposed to be developed as a long term rental investment and therefore have asked if the amount of contributions could be reviewed.

As this was the case, it was considered whether to require the applicant to commission a formal viability appraisal, which would have also committed them to reimburse the Council for the payment of District Valuer's fees to verify the appraisal findings. However the applicant has also provided correspondence from a local agent, and provided (unverified) land value figures, estimated build costs, and costs of professional fees which would appear to bear out, the advised overall negative development value.

As part of this submission, the applicant, who does not desire to spend further monies on valuation fees, and who is accepting of the principle of the S106 provisions requested, has, rather than going down a formal valuation route offered a sum of £50,000 to at least meet some of the Council's objectives, whilst saving time and professional fees unrelated to the development itself.

9.3 The planning officer has considered this position, and recommends to Planning Committee that the sum of £50,000 be accepted as a contribution of £40,000 toward off site affordable housing and £10,000 toward public realm enhancement.

10. RECOMMENDATION

That planning permission be granted.

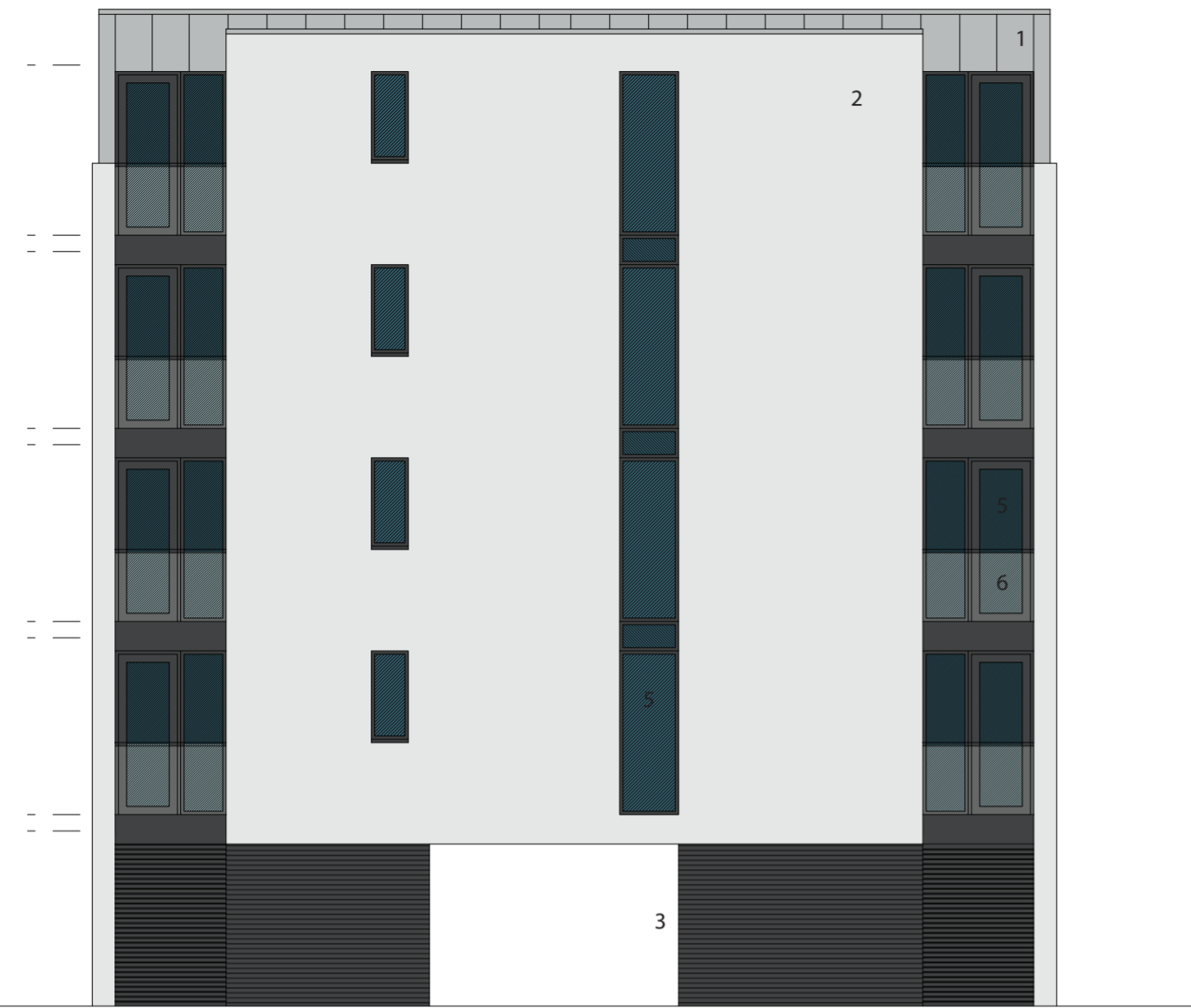
Land to the rear of 35-37 Charles Street, Cardiff, CF10 2GB



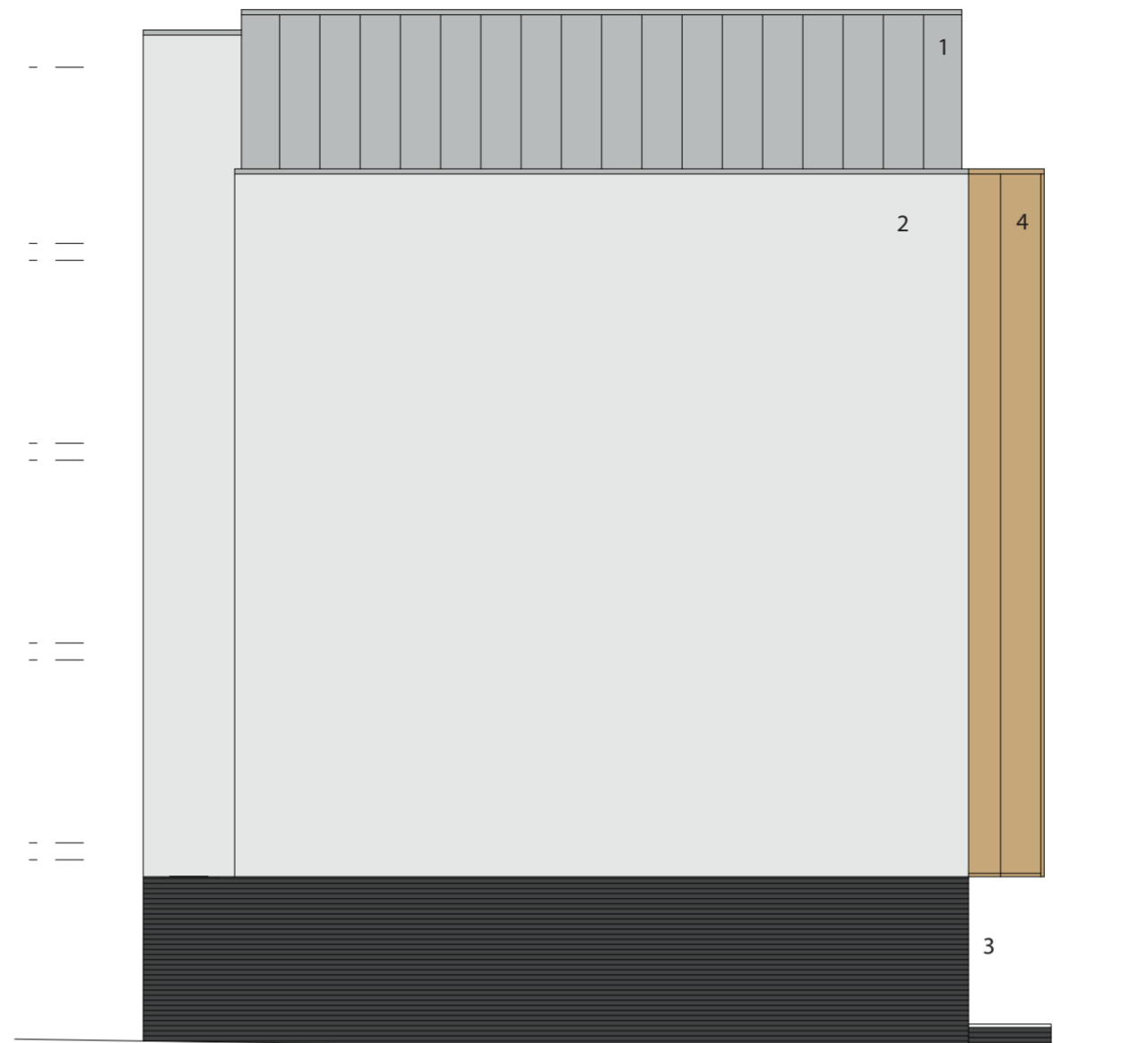
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Proposed Rear Elevation (01)

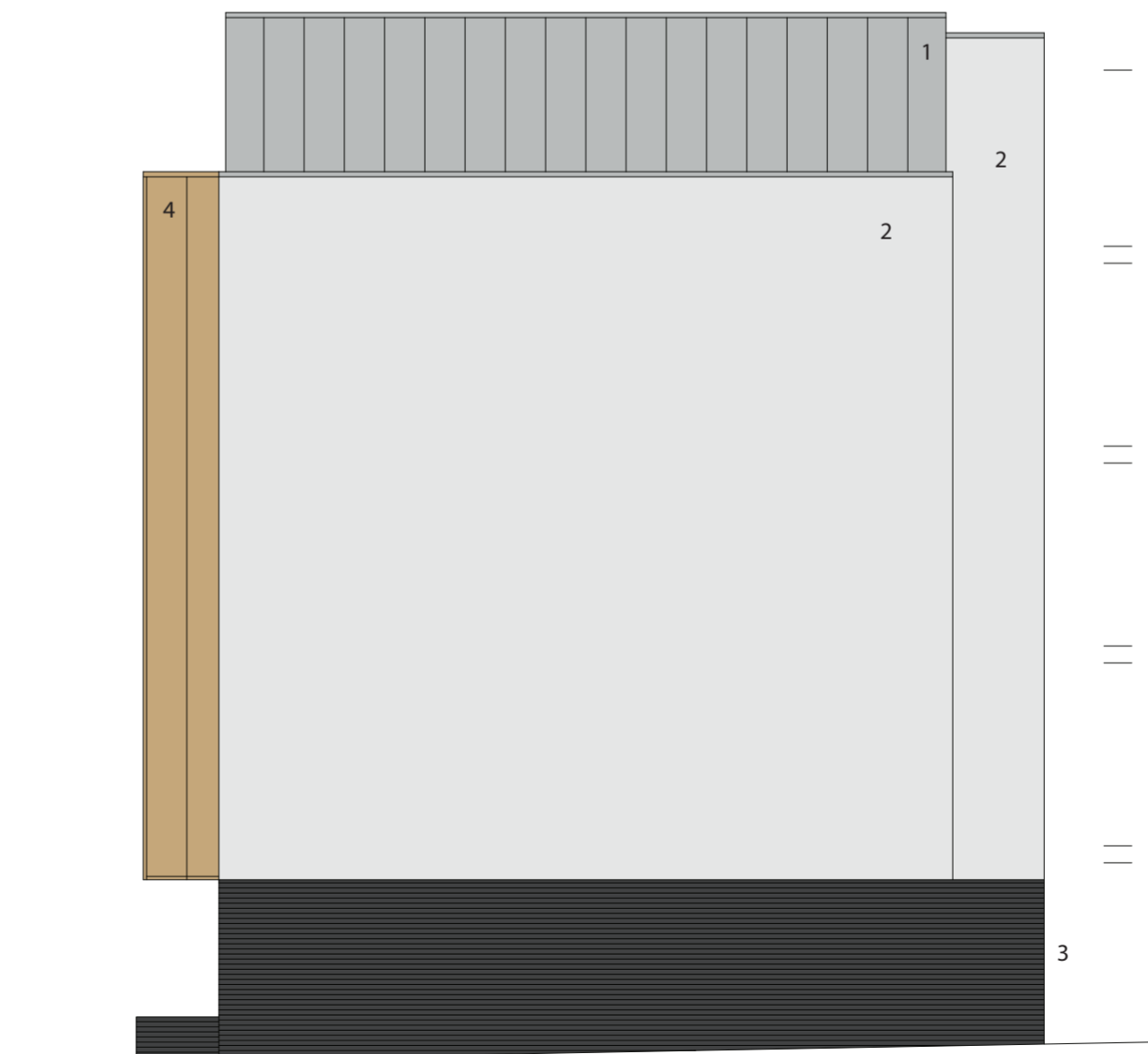


Proposed Side Elevation (02)

Proposed Front Elevation - Wesley Lane (03)



Proposed Side Elevation (04)



1. Light Grey Metal Cladding
2. Light Grey Render
3. Dark Facing Brick (with open elements to front)
4. Bronze Coloured Metal Cladding
5. Aluminium Framed Windows & Doors
6. Glazed Balconies



Project: New Build 8 x 1 Bed Apartments
Wesley Lane
Rear of 35-37 Charles Street

Client: Park Estate Offices LLP

Drawing: Proposed Elevations

Number: A P E 01 Scale: 1:100 A2

Date: October 2016

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