

COMMITTEE DATE: 12/04/2017

APPLICATION No. **16/00720/MJR** APPLICATION DATE: 12/04/2016

ED: **BUTETOWN**

APP: TYPE: Full Planning Permission

APPLICANT: COAL AND BRICK LIMITED

LOCATION: HSBC BANK PLC, 97 BUTE STREET, BUTETOWN, CARDIFF, CF10 5NA

PROPOSAL: FULL PLANNING PERMISSION FOR THE RENOVATION, EXTENSION AND CHANGE OF USE OF 97-100 BUTE STREET TO CREATE A RESTAURANT (CLASS A3) AND 16 APARTMENTS INCLUDING NEW PENTHOUSE (CLASS C3) ; MODIFICATION / EXTENSION OF LOADING BAY BUILDING FRONTING JAMES STREET AND ASSOCIATED EXTERNAL ALTERATIONS

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

1. C01 Statutory Time Limit – 18 Months
2. Planning Permission is granted for the development detailed on drawing references:

J15/22	P001	A	Site and Block plan
J15/22	P002	B	Site plan indicating demolition zone
J15/22	P003	A	Existing Basement Plan
J15/22	P004	A	Existing Ground Floor Plan
J15/22	P005	A	Existing First Floor Plan
J15/22	P006	A	Existing Second Floor Plan
J15/22	P007	A	Existing Third Floor Plan
J15/22	P008	B	Existing Roof Level Plan
J15/22	P009	A	Existing Street Scene (N&S)
J15/22	P010	A	Existing Elevations East
J15/22	P011	A	Existing Elevations West
J15/22	P012	A	Existing Elevations South
J15/22	P013	A	Existing Elevations North
J15/22	P014	A	Existing Light Well Elevations
J15/22	P015	D	proposed Site Plan
J15/22	P016	C	Proposed Basement Plan
J15/22	P017	B	Proposed Ground Floor plan
J15/22	P018	B	Proposed First Floor Plan
J15/22	P019	B	Proposed Second Floor Plan
J15/22	P020	B	Proposed Third floor Plan
J15/22	P021	D	Proposed Penthouse Floor Plan
J15/22	P022	E	Proposed Roof Plan

J15/22	P023	C	Proposed Street Scenes (N&S)
J15/22	P024	B	Proposed N Elevation
J15/22	P025	B	Proposed East elevation
J15/22	P026	B	Proposed South Elevation
J15/22	P027	C	Proposed South Elevation

Reason: For the avoidance of doubt

3. Prior to the beneficial use of any part of the development for the purposes approved, a waste management strategy including for the storage and collection of both residential and commercial wastes and materials for recycling shall be submitted to and approved by the Local Planning Authority in Wring and wastes from the development shall thereafter be managed in accordance with the approved Waste Management Plan.

Reason: To ensure for a sustainable management of wastes.

4. 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.

5. Prior to the commencement of the development an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority.

This assessment must be carried out by or under the direction of a

suitably qualified competent person * in accordance with BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and shall assess any contamination on the site, whether or not it originates on the site.

The report of the findings shall include:

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

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / 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.

6. 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.

7. The remediation scheme approved by condition 7 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.

8. 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.

9. Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes. Subject to approval of the above, sampling of the material received at the development site to verify that the imported material is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

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

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

11. 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 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 provided with sound insulation measures to reduce the impacts of such noise.

The sound insulation measures shall look to ensure that no habitable room in the building is subject to noise levels in excess of 40 dBA Leq 16 hour during the day and 35 dBA Leq 8 hour at night.

The submitted scheme shall also look to provide habitable rooms with active acoustic dampening mechanical ventilation units. Each ventilation unit shall provide (with air filter in position), by itself or with an integral air

supply duct and cowl (or grille), 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.

The methodology of achieving any necessary sound insulation measures shall have special regard to the character of the building as a building of architectural and historic interest and of any features of the building that positively contribute to that character.

No habitable room shall be occupied until the approved sound insulation and ventilation measures have been installed.

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

12. A scheme of sound insulation works to the (floor/ceiling) /(party walls) between adjoining retail, commercial, and residential units shall be submitted to and agreed by the Local Planning Authority in writing and implemented in full prior to the beneficial use of any part of the development hereby approved.

The methodology of achieving any necessary sound insulation measures shall have special regard to the character of the building as a building of architectural and historic interest and of any features of the building that positively contribute to that character.

Reason: To ensure that the amenities of all occupants/users are protected.

13. No development shall take place until a scheme for the drainage of the site and any connection to the existing drainage system has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the scheme is carried out and completed as approved.

Reason: To ensure an orderly form of development.

14. The restaurant use of the building shall not operate, or members of the public be allowed to remain in the premises outside of the hours of 08.00 - 23.00 hours Monday to Fridays, 08.00 - 00.00 hours on Saturdays, and 10.00 and 22.00 on Sundays..

Reason: To ensure for the amenities of residents.

15. There shall be no arrival, departure, loading or unloading of delivery vehicles outside the hours of 08:00 and 18:00.

Reason: To ensure for the amenities of residents..

16. The rating level of the noise emitted from fixed plant and equipment on

the site (including noise from Kitchen extraction systems) shall not exceed the existing background noise level at any time by more than -10dB(A) at any residential property when measured and corrected in accordance with BS 4142: 2014 (or any British Standard amending or superseding that standard).

Reason: To ensure for the amenities of residents

17. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that Order with or without modification) no sale of hot food for consumption off the premises shall take place from the premises.

Reason: To ensure for the amenities of residents

18. Notwithstanding the details submitted with the application, the extraction of all fumes from the food preparation areas shall be mechanically extracted via a route and to a point to be agreed in writing by the Local Planning Authority in writing, and the extraction system shall be provided with a de-odorising filter.

All equipment shall be so mounted and installed so as not to give rise to any noise nuisance or visual intrusion and shall include for, if necessary, a means of visual screening.

Details of the above equipment including any ductwork, pumps, fans, filters, flues, and chimney shall be submitted to, and approved by, the Local Planning Authority in writing and the equipment installed prior to the commencement of any commercial cooking of food. The equipment shall thereafter be maintained in accordance with the manufacturers' guidelines, such guidelines having previously been agreed by the Local Planning Authority in writing.

Reason: To ensure for the amenities of residents

19. The commercial element of the development shall be used for the purpose specified in the application (as a restaurant*) and for no other purpose (including any other purpose in Class A3 of the schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument amending, revoking or re-enacting that Order, or any other use as may otherwise be permitted as a change of use from that class as provided by the General Permitted Development Order 1995 (as amended) or in any provision in any statutory instrument amending, revoking or re-enacting that Order.

* For the avoidance of doubt a restaurant is a premise where the principal characteristic of the use is that of the sale of food for consumption on the premises. This may include for the ancillary sale of drink to accompany food, but does not provide for the sale of drink as the principal or significant use of the premises.

Reason: Other uses within Class A3 could prejudice the amenities of the area

20. No development shall take place until a scheme showing the architectural detailing of the rear infill extension and roof extension has been submitted to and approved in writing by the Local Planning Authority and the development shall thereafter accord with the approved scheme..

Reason: Such detail has not been produced to date and to ensure that such detail will preserve and enhance the character of the Mont Stuart Square Conservation Area.
21. No 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 that the finished appearance of the development is in keeping with the area and will not detract from the aesthetic of the building.
22. Notwithstandiing the submitted details, The development shall be provided with a secure and covered store for the safe storage of cycles in accordance with the ratios contained within the approved parking guidelines and in accordance with a scheme of detail which shall first have been submitted to and approved in writing by the local planning authority. The approved store shall be provided prior to the development being put into beneficial use and thereafter shall be so maintained and shall not be used for any other purpose.

Reason: To ensure that adequate provision is made for sustainable transport modes.
23. No part of the works/development hereby permitted shall be commenced until a scheme of demolition/construction management has been submitted to and approved in writing by the Local Planning Authority, to include as required, details of any site hoardings, site access, contractor parking, construction vehicle routes, hours of operation, wheel washing facilities, dust control measures, and other such matters proposed specifically to mitigate against the impact of development on adjoining neighbours and to ensure for controlled and safe access to, and maintenance of the free flow of pedestrains and traffic along the public highway. Demolitions and Construction of the development shall thereafter be managed strictly in accordance with the scheme so approved.

Reason: In the interests of highway safety and public amenity.
24. The car parking areas/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.

25. Upon first occupation, each resident/apartment shall be provided with a welcome pack, describing and promoting the use of public transport options and other alternative sustainable transport modes and facilities in the area over use of the private car.

Reason: To encourage the use of sustainable transport modes and reduce reliance on car based transport.

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

- (i) determining the extent and effects of such constraints;
- (ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use.

Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site;

- (i) 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.

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.

RECOMENDATION 3 : That the applicant be advised 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 : That the applicant be reminded, that irrespective of the granting of planning permission, that no works to the building can be undertaken until such time as Listed Building Consent has been granted for the works proposed and any relevant conditions discharged.

RECOMMENDATION 5 : That the applicant be advised that the building has the potential to accommodate bats, and that bats are a protected species. The applicant is therefore encouraged to undertake a further bat survey prior to the commencement of any works and to seek such licences as may be required from Natural Resources Wales as may be necessary if bats are found to be present as the disturbance of bats is an Offence in law.

RECOMMENDATION 6 : Prior to the commencement of development, the developer shall notify the Local Planning Authority of the commencement of development, and shall display a site notice and plan on, or near the site, in accordance with the requirements of Article 12 of the Town & Country Planning (Development Management Procedure)(Wales)(Amendment) Order 2016.

1. **DESCRIPTION OF DEVELOPMENT**

- 1.1 Full planning permission is sought for the conversion of the former Grade II Listed HSBC Bank located on the Corner of Bute Street and James Street for purposes of a ground floor restaurant (class A3) and 16 apartments (class C3). The proposals include for a new rooftop penthouse apartment to the building and would also incorporate the unlisted service building adjacent to the bank on James Street..
- 1.2 The scheme would utilise the surface level car park fronting James Street a short distance to the west for off street car parking.

2. **DESCRIPTION OF THE SITE**

- 2.1 James Street and Bute Street form a busy corner junction in terms of vehicular and pedestrian traffic in this area.
- 2.2 The former HSBC (Midland) bank is a Grade II Listed Building of two principal builds, but which are aesthetically very similar and read as a single building with long frontage to Bute Street. The corner building was constructed in 1874 for Cory Bros, coal owners and exporters, and was altered and extended to the South by Henry Budgen, in 1914. The building is constructed over four storeys with 10 bays facing Bute Street, 7 bays facing James Street with freestone detailing. Principal materials are Bathstone and yellow brick with columns in red and grey granite.
- 2.3 Along Bute Street the building is bounded to the south by a contrastingly modern unlisted 4 storey residential building (Embassy House) with a

commercial outlet to ground floor; and then by the Packet Public House further to the South again; this building has a rear beer garden to the west.. The Packet is a traditional sneaked fronted penant façade with Bathstone detailing to Bute Street but presents a rendered and more recently constructed brick annexe projection to New George Street to the south.

- 2.4 To the west, on James Street, the building is adjoined by an unlisted two storey motor garage with a large roller shutter and painted render upper storey presentation to James Street.

Both of the above unlisted buildings are included within the application site.

- 2.5 Further west, two 4 storey units with commercial GF frontages front James Street, but do not form part of the application site. Further to the west again is a surface level car park enclosed by a brick wall and gates which forms the western part of the application site, and abuts a pedestrian access lane to Louisa Place, a relatively modern estate of red brick terraced houses and flats.
- 2.6 To the south of the properties fronting James Street, are located two semi-detached dwelling houses and respective garden curtilages (32 and 33 Louisa Place)

2. **SITE HISTORY**

- 3.1 Since 1997 the HSBC bank has seen numerous applications for minor works and signage related to changes in branding of the bank.
- 3.2 Planning Permission 00/01152/C also permitted the alteration of the roof of the building to accommodate a series of roof condensers and a new lift motor overrun as the building was made more easily accessible.
- 3.3 The building was Listed as being of architectural and historic interest in 1975 which was reconfirmed/updated in 1998
- 3.4 In the days of early Listing however, little attention was payed to the interior of Listed Buildings, and the bank has seen much interior modernisation, its special interest now being principally derived from its external facades.

4. **POLICY FRAMEWORK**

Planning Policy Wales Edition 9, November 2016

Chapter 6 - Conserving the Historic

Chapter 7 - Economic Development

Chapter 8 - Transport

Chapter 9 - Housing

Chapter 13 - Minimising and Managing Environmental Risks and Pollution

WG Technical Advice Notes

TAN 2: Planning for Affordable Housing (2006)
TAN 11: Noise (1997)
TAN 12: Design (2009)
TAN 15: Development and Flood Risk (2004)

Welsh Office Circular

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
KP10: CENTRAL AND BAY BUSINESS AREAS
KP12: WASTE
KP17: BUILT HERITAGE
H2: CONVERSION TO RESIDENTIAL USE
H3: AFFORDABLE HOUSING
H6: CHANGE OF USE OR REDEVELOPMENT TO RESIDENTIAL USE
EC3: ALTERNATIVE USE OF EMPLOYMENT LAND AND PREMISES
EC4: PROTECTING OFFICES IN THE CENTRAL AND BAY BUSINESS AREAS
EN7: PRIORITY HABITATS AND SPECIES
EN9: CONSERVATION OF THE HISTORIC ENVIRONMENT
EN10: WATER SENSITIVE DESIGN
EN13: AIR, NOISE, LIGHT POLLUTION AND LAND CONTAMINATION
EN14: FLOOD RISK

T1: WALKING AND CYCLING
T5: MANAGING TRANSPORT IMPACTS
T6: IMPACT ON TRANSPORT NETWORKS AND SERVICES
R4: DISTRICT CENTRES
R8: FOOD AND DRINK USES
C1: COMMUNITY FACILITIES
W2: PROVISION FOR WASTE MANAGEMENT FACILITIES IN DEVELOPMENT

Supplementary Planning Guidance to Adopted LDP

Waste Collection & Storage Facilities Oct 2016
Planning Obligations Jan 2017

Other Material Considerations

Section 149 Equality Act 2010

Mount Stuart Square Conservation Area Appraisal

Supplementary Planning Guidance to former Local Plan, considered material insofar as it is the latest locally approved guidance, which has been formulated in the context of National Guidance and Advice.

Access, Circulation and Parking Standards Jan 2010

Restaurants, Takeaways and Other Food & Drink Uses Jun 96

5. **INTERNAL CONSULTEE RESPONSES**

5.1 **Waste Manager**

The bin storage area location indicated within current site plans is acceptable. However, further details of the bin enclosure are required.

Please show the refuse storage area is large enough to accommodate the following recommended provisions for 24 apartments:

Dry Recyclables:	3 x 1100 litre bulk bins
Food waste:	1 x 240 litre bins
General waste:	3 x 1100 litre bulk bins

The applicant must show the following requirements can be met:

- Ideally communal bin stores should have double doors that open outward. 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 bins are completely enclosed.
- Details of how waste will be accessed is required. 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. (Note: The collection vehicle will be remaining on James Street.)
- 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.

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
Please refer the agent/architect to the Waste Collection and Storage Facilities
Supplementary Planning Guidance for further relevant information.
If you or the agent have any further queries, about this proposal please do not
hesitate to contact me.

5.2 **Pollution Control Officer – Contaminated Land**

In reviewing available records and the application for the proposed development, the site has been identified as formerly commercial uses including offices and car park. Activities associated with this use may have caused the land to become contaminated and therefore may give rise to potential risks to human health and the environment for the proposed end use. In addition former landfill/raise sites have been identified within 250m of the proposed development. Such sites are associated with the generation of landfill gases, within subsurface materials, which have the potential to migrate to other sites. This may give rise to potential risks to human health and the environment for the proposed end use. Should there be any 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 the Cardiff Local Development Plan:

- Ground gas protection
- Contaminated land measures – assessment
- Contaminated land measures – remediation & verification plan
- Contaminated land measures - remediation & verification
- Contaminated land measures – unforeseen contamination
- Imported aggregates
- Use of site won materials

together with a contamination and unstable land advisory notice.

5.3 **Housing Manager**

In line with the Local Development Plan (LDP), an affordable housing contribution of 20% of the 16 units (3 units) 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 in a listed building, 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 the basis of the above, we would seek a financial contribution of £232,290 (in lieu of 3 units) which is calculated in accordance with the formula in the Planning Obligations – Supplementary Planning Guidance (SPG) (2017).

5.4 Pollution Control Noise and Air

Require conditions relating to :

- Insulation of road traffic noise;
- Sound insulation between party wall and floors;
- Limitation of noise outside specified hours of operation (08.00 - 18.00 hours Monday to Fridays and 08.00 - 13.00 hours on Saturdays).
- Restricted delivery times (within the hours of 08:00 & 16:00)
- Plant noise limitation (background -10db(a) at any residential property)
- No Takeaway Sales
- Kitchen Extraction Equipment

together with a construction site noise advisory notice.

5.5 Parks Officer

The Council's Supplementary Planning Guidance requires provision of a satisfactory level and standard of open space on all new housing developments, or an off-site contribution towards existing open space for smaller scale developments where new on-site provision is not applicable.

Based on the provision of 15x 3 room/2bed apartments and 1x 7 room /4 bed penthouse apartment, and the provision of no on site public open space, it is considered appropriate to require a financial contribution toward the maintenance and enhancement of public open space in the locality (details to be confirmed and subject to Local Member input of £31,230.

5.6 Transportation Officer

The transportation officer raises no objection to the principle of the scheme but seeks clarification of the number and location of the cycle store, access, clarification of cycle parking provision for restaurant staff / customers, clarification of car parking space allocation (Spaces 8 and 10 appear to be constrained by 7 and 9); location and access to refuse store for residents and refuse collection team; any disabled parking space; potential for drop-off area for restaurant staff / customers / home delivery etc; tracking requirement for restaurant service access; parking / unloading for restaurant facility; tactile surface proposals if on highway; and would require conditions relating to a construction management plan.

5.7 **Ecologist**

Suggests that the building may provide a habitat for bats, noting the submitted preliminary bat survey submitted with the application, and suggests that a further survey be undertaken prior to the commencement of works, in line with the recommendations of that report. The applicant should in any event be reminded that bats are a protected species.

6. **EXTERNAL CONSULTEE RESPONSES**

6.1 **Welsh Water**

Have confirmed that the site is crossed by two large diameter brick work sewers. One underneath the existing HSBC building and the second located on the western boundary near the existing car park.

Whilst the first sewer has already been built over, Welsh Water would require a 10 metre No build easement either side of the centre line of the western sewer.

This would not appear to conflict with the continued use of the car park area for such purposes as proposed under this application as amended.

6.2 **Natural Resources Wales**

Natural Resources Wales (NRW) has no objection to the proposed development as submitted from a flood risk perspective subject to the recommendations of the Flood Consequences Assessment submitted with the planning Application.

6.3 **South Wales Police**

Would encourage the developer to seek 'Secured by Design' accreditation for the scheme and have made a number of recommendations regarding access specifications, security, cctv, and lighting. A copy of the detailed comments have been sent to the applicant.

6.4 **Glamorgan and Gwent Archaeological Trust**

We do not have any objections to the granting of the application on archaeological grounds. However, we agree with the Heritage Assessment that the building is of historic importance.

Therefore in order to preserve this structure by record we strongly recommend that a survey is made prior to work commencing.

To ensure that work is carried out in a suitable manner, we therefore suggest that a condition worded in a manner similar to model condition 73 given in

Welsh Government Circular 016/2014 is attached to any consent that is granted in response to the current application. This condition is worded:-

No works to which this consent relates shall commence until an appropriate programme of historic building recording and analysis has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority

Reason: As the building is of architectural and cultural significance the specified records are required to mitigate impact.

We also recommend that a note should be attached to the planning consent explaining that:

The archaeological work must be undertaken to the Chartered Institute for Archaeologists (CIfA), "Standard and Guidance for Building Recording" (www.archaeologists.net/codes/ifa) and it is recommended that it is carried out either by a CIfA Registered Organisation (www.archaeologists.net/ro) or an accredited Member.

A list of archaeological contractors who have indicated their availability to work in Wales is available from <http://www.archaeologists.net/ro>

6.5 **The Victorian Society**

While we accept the principle of converting the listed building to the mix of uses proposed, we object to this application, which would cause a high degree of unjustified harm to the listed building and surrounding Mount Stuart Square Conservation Area.

97-100 Bute Street is amongst the very finest architectural manifestations of Cardiff's nineteenth and early twentieth-century prosperity. The building is imposing in scale, commanding its site, and serving a landmark role in this part of the Conservation Area.

Its command of the local streetscape is accentuated by the lack of buildings of a comparable height to either side. Its elevations display a richness of decoration and bravura detailing of a very high quality. This extends to its impressive number and variety of materials: yellow brick, bath stone, terracotta, and grey and pink granite.

Despite its periodic alterations and phased development it retains great coherence and integrity. The Buildings of Wales describes the building as being "*like an overblown Venetian palazzo, the details a mélange such as only High Victorians could conceive*".

There are a number of strands to this proposal. As far as 97-100 Bute Street is concerned, it is proposed to convert the ground floor to restaurant use and the upper floors to residential. An extension across the listed building and Embassy

House is proposed to host a penthouse flat.

Consent is also sought for two new buildings on James Street: one immediately abutting and linked to the listed building to replace an existing three-storey structure, and the other at the west end of the same block, on the site of a car park.

This is one of the finest commercial buildings in Cardiff and any proposals for its adaptation and alteration must be very carefully considered. The principle of restaurant and residential uses is one we accept. However, we would welcome more information on the significance of the fabric that would be removed from the ground floor. It is important that all the panelling is retained.

We object to the roof extension proposed, which would be visible from a number of angles, but particularly from the south. The palazzo architectural idiom, its carefully contrived Italianate composition, increasingly detailed on its upper levels, and a roofline defined by a rhythmic parapet, is one that does not lend itself to upward extension or addition. A roof extension would therefore be an incongruous and disruptive addition. From Bute Place, the roof extension would appear an inappropriate addition, creating the (albeit false) illusion that the listed building is little more than a retained façade. It would cause harm to both the listed building and the Mount Stuart Square Conservation Area and should be omitted from the scheme.

Accurate, detailed CGIs should be generated in order to give an accurate representation of the likely visual impact of the penthouse extension. Without them the Council is not in a position to make a genuinely informed judgement.

The applicant has failed to demonstrate the need for the additional space a roof extension would provide. Any case from necessity for a roof extension is further undermined by the inclusion in the scheme of the two plots on James Street, which would be redeveloped with new buildings. The heavy massing and poor detailing of the proposed five-storey building at the block's west end should be refined.

Nevertheless, it is acceptable in principle and, if the applicant is able to demonstrate the need for additional accommodation in order to make the scheme viable, it is this building – and not the roof of the listed building – that should provide it.

The building adjoining the listed building on James Street would be replaced with what would essentially be a tall four-storey extension to it. While we accept the approach of linking it to the listed building, we recommend that it is reduced by a storey, thereby maintaining the primacy of the listed building in the Conservation Area. The Conservation Area Appraisal notes that much of the townscape of the Conservation Area is defined by its mix of large-scale public and commercial buildings and smaller – and usually earlier – domestic properties. By erecting such a tall residential building directly adjoining the listed building, this important characteristic of the Conservation Area's special interest would be diminished.

97-100 Bute Street proudly and splendidly evokes the extraordinary wealth Cardiff enjoyed at the end of the nineteenth century. It is one of the City's best historic commercial buildings, one that plays a major and defining role in the Mount Stuart Square Conservation Area. Implementation of this scheme – particularly the roof extension – would have a harmful and unjustified impact on the fabric and setting of both designated heritage assets. Unless the application is reworked and amended in accordance with our advice then we object and urge you to refuse it consent.

7. **REPRESENTATIONS**

- 7.1 The application has been advertised in accordance with Statutory requirements, Ward Members have been consulted and neighbours advised of the application.
- 7.2 The occupier of 40 Louisa Place objects to the application on grounds of loss of Public Parking; likely increase illegal parking in nearby residential areas, that it is unrealistic to expect that the occupants of the new flats will only have bicycles and will not receive visitors with cars; and on grounds of general increase in traffic on already congested roads..
(These comments were received in response to an earlier consultation and proposal which did not retain the surface level car park)

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 to have any significant environmental effects warranting the submission of an Environmental Statement to allow the Local Planning Authority to understand the environmental implications of the scheme.

8.2 **Land Use**

The application site is located within the Bute Street/James Street District Centre and in the Central and Bay Business Area as defined by the adopted LDP Proposals Map. The application should therefore be assessed against Policy R4 and Policy KP10, also of relevance is Policy R8.

Policy R4 aims to promote and protect the shopping role of district centres and favours retail, office, leisure and community facilities within District Centres. Criterion (iv) permits proposals for uses other than Class A1 at ground floor level if they would not cause unacceptable harm to the predominant shopping role and character of the centre, the vitality, attractiveness and viability of a specific frontage or group of frontages. Applications for changes of use that involve new non-shopping uses in vacant premises will be considered in the light of:

- The vacancy rate in the surrounding area; and

- Whether, and for how long, the premises have remained vacant whilst being actively marketed for their existing or previous use.

Policy KP10 considers new offices, residential and commercial uses are appropriate within the Central and Bay Business Areas.

Also of relevance is Policy R8 which considers that food and drink uses are most appropriately located in the city centre, the inner harbour/waterfront area of Cardiff Bay (Bay Business Area) and District and Local centres, subject to amenity considerations, highway matters, crime considerations and where they do not cause unacceptable harm to the shopping role and character of designated centres.

The premises were formerly occupied by a bank and have been vacant since 2014 and are therefore not contributing to the vitality and viability of the frontage or the centre as a whole.

The proposal would not result in the loss of an active A1 unit and the A3 use would create an active frontage. The residential element of the application would increase the footfall in the centre which would positively benefit the centre's vitality and viability.

Assessed against this policy framework and given the location of the application premises in close proximity to the waterfront area of Cardiff Bay, the proposal raises no land use policy concerns.

8.3 Housing

The proposal would provide for 15 No. two bed apartments, and 1x No. 4 bed Penthouse.

The apartments are generous in size and are not objected to in respect of the quality of accommodation proposed.

Issues of traffic impact and sound insulation from the commercial use of the ground floor, and the area generally, are considered likely to be able to be addressed by appropriate sound insulation measures.

As the development is for more than 5 residential units, the Housing Managers request for a financial contribution in lieu of the on site provision of affordable housing is noted. This is considered within S9 of this report

8.4 Public Open Space

The Parks Officer's comments are noted as is his request for a financial contribution to maintain existing public open space in the vicinity. This is also considered within S9 of this report.

8.5 **Economy**

The building has been empty since 2014. The proposal is therefore considered to be beneficial in terms of contributing to the regeneration of the area in providing high quality living accommodation in the area but also retaining a commercial use, and associated employment opportunities with the shopping and commercial context of the bay. This is welcomed.

8.6 **The Natural Environment**

The vacancy of the building and its stonework detailing may have made it attractive to bats (Although none were detected at the time of the Planning Officer's site inspection). The Ecologist's recommendation that the developer should undertake a further bat survey before undertaking any work, and that the developer should be reminded of the protected status of bats is concurred with.

Should the building be found to be home to bats, a licence will need to be obtained to disturb them from Natural Resources Wales and any necessary mitigation agreed. The applicant can be advised of this, by means of an advisory notice.

8.7 **Pollution**

Noise and Air

The pollution control Officers observations are noted, however the status of the building as a listed building would preclude a double glazing and mechanically ventilated solution to achieving aspired levels of sound insulation to mitigate traffic noise and other noise transmission. Standard conditions are therefore recommended to be modified to allow for a situation where a lesser level of insulation would be accepted where retention of historic fabric is considered the priority.

8.8 **Contamination**

The conditions requested by the contaminated land officer are concurred with and are recommended .

8.9 **Flood Risk**

The submitted flood consequences assessment suggests that the threat and consequences of an extreme flood event could be appropriately managed. The provision of residential accommodation at the higher levels of the building should ensure that human health is assured and that basement and ground floor accommodation would need to address the potential for fabric damage only.

8.10 **Transport**

As originally submitted the scheme proposed a new build development on James Street in the area of the surface level bank car park. This element of the scheme has been removed because of complications relating to the easement of a sewer in close proximity of that site and the area is to be retained as existing as a surface level car park..

The transport officers comments are noted. The additional information required can be secured by condition.

8.11 The retained car park would appear to be able to accommodate sufficient residential vehicle parking, cycle storage and refuse facilities to meet planning policy requirements. The commercial delivery bay would not operate any differently to that which existed during the use of the building as a bank and it is not proposed to require a tracking diagram to establish this..

8.12 The building is located in the central area/bay core where minimum levels of car parking space is promoted. The site would appear to have adequate space for cycle storage at approved ratios, and details of construction management and amenity provisions during construction can be required by the submission of a construction management plan.

8.13 On this basis the planning officer raises no objection to the proposals from a transportation perspective and considers the detail of transport to be appropriately controlled by planning condition.

8.14 **Waste Management**

The site would appear to have adequate capacity for waste storage including any revised or required bin specification. A waste management strategy can be required by means of condition.

8.15 **The Historic Environment / Design**

The building is Listed Grade II and a parallel application for Listed Building Consent has been submitted to seek consent for any works which would affect the character of the building as a building of architectural historic interest.

8.16 For Planning Purposes, the Local Planning Authority has a duty, in consideration of their determination of this application, to have special regard to the desirability of preserving the building, and any features of architectural and historic interest which it possesses.

8.17 The application is therefore welcomed in principle as the development would revitalise a large long term vacant Listed Building with evidently little interest in uptake for its original office purpose.

8.18 The proposals are considered to pay appropriate regard to the remaining special interest of the building. The GGAT suggestion that the building should

be recorded prior to works commencing is noted, however the justification statement/statement of significance submitted with the parallel listed building consent application is considered to make adequate account of the building and further recording would not seem reasonable in this instance.

- 8.19 The principal changes proposed by the scheme are the rationalisation of the rear roof forms of Embassy House in Bute Street and the rear (southern) roof forms of the extended bank to provide for a new penthouse suite. This would not impact on any historic features of merit. The impact of the structure on the character of the conservation area is also not considered detrimental, as the character of the area is quite diverse in terms of building form, aesthetic and roofscape. Although the Penthouse would extend over the rooftop of the bank, it is set well back from the edges of the building and would not be seen at close quarters, and would read as a separate entity from mid and long distance views. Views from the North looking southward would also have the inclined roof slopes at the front (N) of the bank, and chimney structures forward of the Penthouse flat which would further accentuate the appearance of the Penthouse as a separate backdrop building.
- 8.20 The penthouse would be visible from the south (George Street) but would reflect the relatively modern appearance of Embassy house and of the extended bank building from this direction, which does not currently provide a historic aesthetic to the building.
- 8.21 The modification of the garage building to James Street would increase the height of that building by an additional storey, but neither the existing or proposed building currently read as an integral part of the adjacent bank, and this will not change. Although the proposed structure will be taller than the existing, it will not exceed the eaves height of the bank, and will remain as a subservient and separate entity. This said the new façade will share window cill and lintel heights with the bank as opposed to the adjacent commercial building, which will regularise the façade presentation, but this will be expressed in a different architectural language to the bank, which is considered appropriate.
- 8.22 Overall the new works are not considered to detract from the character of the conservation area, and to have appropriate regard to the Listed Building and its setting.
- 8.23 The scheme does not propose any modification of the highway frontages of the existing bank which will continue to positively contribute to the character of the area. The alterations to the façade of the service building to James Street which has a large roller shutter door with windows above will not be significantly altered in character by the addition of an additional storey. This building has a distinctly different appearance to the James street façade of the bank and will continue to do so.
- 8.24 The internal layout has been designed in order that the outlook from principal living areas does not result in any undue privacy implications for neighbours. The infilling of a light well to the rear of the building would bring windows closer

to the rear enclosure of commercial premises on Bute Street, but it is not considered that the relationship would be significantly different to that existing between those premises and the existing lightwell windows. Neither windows overlook the domestic curtilages of the properties in Louisa Place, which are also provided with a degree of tree screening.

8.25 Equalities

Section 149 Equality Act 2010 requires that due regard be given to any actual or potential differential impact of the development on the needs of those with protected characteristics.

The restaurant element of the proposal, which will provide a service to members of the public will maintain a level/ramped access. The existing lift in the building will be retained to upper floors.

On this basis It is concluded that the proposal results in no apparent abnormal differential impact.

- 8.26 Overall the design is considered to make efficient use of the building and existing arrangement and is supported.

9. **SECTION 106 MATTERS**

- 9.1 The requests of the Housing Officer and Parks Officer in respect of financial contributions in lieu of the on-site provision of affordable housing and public open space are noted. However the applicant has submitted a viability appraisal which suggests that the scheme cannot deliver the required payments whilst maintaining a positive residual land value.
- 9.2 The appraisal has been submitted to the District Valuer who confirms the above position, but also suggests that if the Committee are minded to approve the development without any S106 contributions, that a timescale for delivery should be agreed, or a trigger confirmed, which if not met, would require a further viability review.
- 9.3 The applicant has therefore been approached to confirm that the development would come to fruition quickly, and the perceived benefit of the development in terms delivering the reuse of a long term vacant listed building and as a contribution to the regeneration of the area realised in a timely manner.
- 9.4 The applicant has confirmed that it is their intention to begin the scheme within a year, and the planning officer therefore recommends that the implantation period for any consent as may be granted be reduced to 18 months (as opposed to the normal 5 years).

On this basis it is recommended to planning committee that the development be supported, and that Planning Permission be Granted.

10. **RECOMMENDATION**

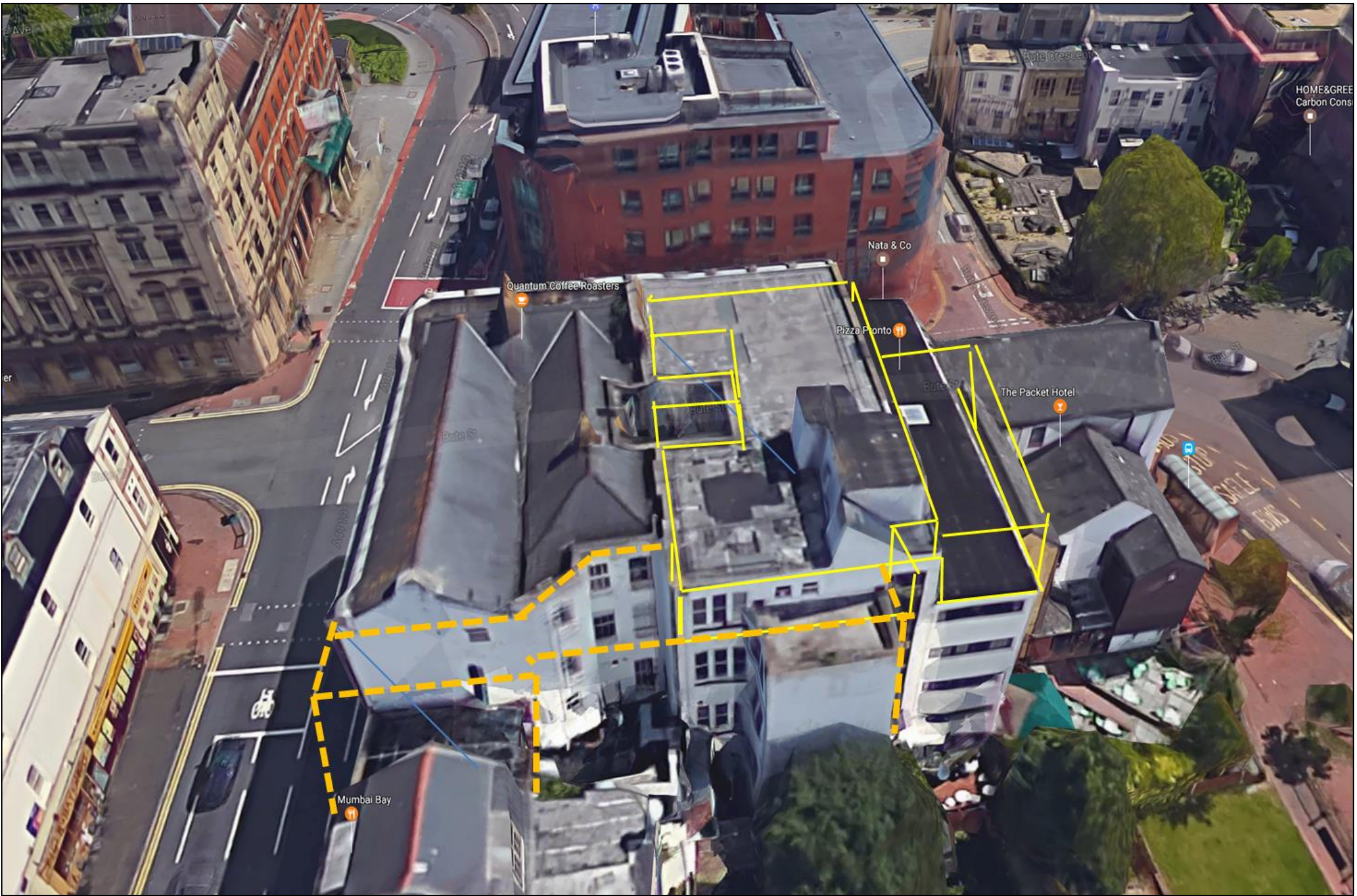
That Planning Permission be Granted subject to conditions and subject to development commencing within 18 Months..



EXISTING NORTH STREET SCENE



PROPOSED NORTH STREET SCENE



AVE

Bute Crescent

HOME&GREE
Carbon Cons

Nata & Co

Quantum Coffee Roasters

Pizza Pronto

Butte St

The Packet Hotel

Butte St

Mumbai Bay