

COMMITTEE DATE: 13/09/2017

APPLICATION No. **17/01751/MJR** APPLICATION DATE: 14/07/2017

ED: **CATHAYS**

APP: TYPE: Full Planning Permission

APPLICANT: Rightacres Property Company Ltd

LOCATION: LAND NORTH OF WOOD STREET, WEST OF HAVELOCK STREET, SOUTH OF PARK STREET AND EAST OF NO.6 PARK STREET. (THE SITE ENCOMPASSES PLOTS 6 (IN PART), 7 AND 8 OF THE CENTRAL SQUARE MASTERPLAN AREA)

PROPOSAL: 31,630 SQ M (GIA) / 24,837 SQ M (NIA) OF USE CLASS B1 (OFFICE) FLOORSPACE, OF WHICH UP TO 372 SQ M OF USE CLASS A1/A3 (RETAIL/CAFE) WILL BE PROVIDED AT GROUND FLOOR LEVEL, WITH CAR AND CYCLE PARKING AND PUBLIC REALM WORKS

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**RECOMMENDATION 1** : That, subject to relevant parties entering into a binding legal agreement with the Council under the provisions of **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 9.3 of this report, planning permission be **GRANTED** subject to the following conditions:

1. C01 Statutory Time Limit
2. The development shall be carried out in accordance with the following approved plans:

<b>Description</b>	<b>Drawing Number</b>
• Existing Location Plan	A0.001B
• Proposed Location Plan	A0.002B
• Site Plan	A0.003B
• Basement Level Floor Plan	A0.109B
• Ground Floor Plan	A0.110B
• Level 1 Floor Plan	A0.111B
• Level 2 Floor Plan	A0.112B
• Level 3 Floor Plan	A0.113B
• Level 4 Floor Plan	A0.114B
• Level 5 Floor Plan	A0.115B
• Level 6 Floor Plan	A0.116B
• Level 7 Floor Plan	A0.117B
• Level 8 Floor Plan	A0.118B
• Level 9 Floor Plan	A0.119B
• Level 10 Floor Plan	A0.120B

- Level 11 (Amenities) Floor Plan A0.121B
- Level 12 (Plant) Floor Plan A0.122B
- Roof Plan A0.160B
- Section 1-1 A0.300B
- Section 2-2 A0.301B
- South Elevation A0.401B
- North Elevation A0.402B
- West Elevation A0.403B
- East Elevation A0.404B

Reason: For the avoidance of doubt.

3. *Phasing plan:* Excluding demolition, site preparation and ground works (foundations and basement structures to ground floor slab) no other development shall take place until a comprehensive phasing plan for the development, to include the public realm works, is submitted to and agreed with the LPA. Unless otherwise agreed in writing with the LPA the development shall be carried out in accordance with the approved phasing plan.

Reason: To ensure an orderly form of development.

4. A minimum of 372 sqm of use class A1/A3 (retail/café) floorspace will be provided at ground floor level fronting the new square.

Reason: To ensure an active frontage to the new square.

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

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

6. *Architectural detailing:* No above-ground development shall take place until a scheme showing the architectural detailing of the principal elevations has been submitted to and approved in writing by the LPA and the development shall not be brought into beneficial use until the approved scheme is implemented.

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

7. *Surface water drainage:* Only foul water from the development site shall be allowed to discharge to the public sewerage system in accordance with the submitted Proposed Foul and Stormwater Drainage dwg. ref. 248507 CSK001 P1. Thereafter, no surface water shall connect directly or indirectly to the public sewer network.

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.

8. *Hydraulic Assessment:* Unless otherwise agreed in writing with the LPA no development shall take place until a potable water scheme to serve the site has been submitted to and approved in writing by the Local

Planning Authority. The scheme shall demonstrate that the existing water supply network can suitably accommodate the proposed development site. If necessary a scheme to upgrade the existing public water supply network in order to accommodate the site shall be delivered prior to the occupation of any building. Thereafter, the agreed scheme shall be constructed in full and remain in perpetuity.

Reason: To ensure the site is served by a suitable potable water supply.

9. *Cycle parking:* Prior to beneficial occupation details showing the provision of cycle parking spaces have been submitted to and approved in writing by the LPA. The approved scheme shall be implemented in accordance with the approved details.

Reason: To ensure adequate provision is made for the secure parking of bicycles.

10. A scheme of environmental improvements to the adjacent footway/ carriageway of Park Street and the adjacent footway of Havelock Street shall be submitted to and approved in writing by the LPA prior to the commencement of above-ground works. The improvement works shall include details of surfacing, kerbs, edging, drainage, lighting, lining, signing, street furniture, soft and hard landscaping, and traffic Orders as may be required as a consequence of the development.

Reason: To facilitate safe and efficient access to and egress from the development and improve/ reinstate the adjacent public highway in the interests of highway and pedestrian safety.

11. *Public realm:* - Notwithstanding the submitted plans an amended public realm scheme for the new square shall be submitted to and approved in writing by the LPA prior to commencement of above-ground development. The scheme shall include details of surfacing, kerbs, edging, drainage, lighting, lining, signing, telematics/ signals/ CCTV and communications, street furniture, cycle stands, soft and hard landscaping, public art, and indicative phase 2 public realm proposals. The phase 2 proposals shall include for the provision of an A3 pavillion unless otherwise agreed in writing with the LPA, and shall provide sufficient detail and clarity to enable the phase 1 scheme to be properly assessed. The agreed phase 1 scheme to be implemented in accordance with the approved details prior to beneficial occupation.

Reason: In the interests of visual amenity and highway and pedestrian safety.

12. *Inclusive access:* In support of the amended public realm scheme a detailed access strategy setting out the measures proposed to ensure inclusive access to the new square for all groups shall be submitted to and approved in writing by the LPA prior to commencement of above-ground development. The measures shall include signage and wayfinding, the use of guidance path and other interpretive tactile paving within the public realm proposals where appropriate, and the design and siting of on-street furniture, including lighting. The measures shall be implemented in accordance with the approved details prior to beneficial

use of the building.

Reason: To ensure inclusive access in accordance with LDP Policy KP5.

13. C4P Landscaping Design & Implementation Pro
14. C4R Landscaping Implementation
15. *Construction Environmental Management Plan:* Prior to commencement of development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved by the Local Planning Authority to include details of construction traffic routes, site hoardings, site access, wheel washing facilities, storage of plant and materials, parking of contractors vehicles, details of how dust and dirt emissions will be controlled and how pollution risks to controlled waters will be managed during the works, and a scheme for recycling/ disposing of waste resulting from demolition and construction works. The construction of the development shall be managed strictly in accordance with the scheme so approved.  
Reason: In the interests of highway safety and public amenity and to prevent pollution of the water environment.
16. *Plant noise:* The rating level of the noise emitted from fixed plant and equipment on the site shall not exceed the existing background noise level minus 10dBA at any time at any residential property when measured and corrected in accordance with BS 4142: 1997 (or any British Standard amending or superseding that standard).  
Reason: To ensure that the amenities of future occupiers of the development and occupiers of other premises in the vicinity are protected.
17. *Future kitchen extraction:* If at any time the use of the premises is to involve the preparation and cooking of hot food the extraction of all fumes from the food preparation areas shall be mechanically extracted to a point to be agreed with the Local Planning Authority, and the extraction system shall be provided with a de-odorising filter. Details of the above equipment shall be submitted to, and approved by, the Local Planning Authority in writing and the equipment installed prior to the commencement of use for the 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 that the amenities of occupiers of other premises in the vicinity are protected.
18. *Waste storage:* Details of facilities for the storage of refuse containers shall be submitted to and approved in writing by the Local Planning Authority. The facilities approved shall be provided before the development is brought into beneficial use.  
Reason: To secure an orderly form of development and to protect the

amenities of the area.

19. *Ground gas protection:* Prior to the commencement of any development works and following completion of the 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 then 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.

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

20. *Contaminated land – assessment:* Prior to the commencement of the development an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority. 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:

- 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;
- an assessment of the potential risks to: human health; groundwater 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;
- an appraisal of remedial options, and justification for the preferred remedial option(s).

Reason: To ensure that information provided for the assessment of the risks from land contamination is sufficient to enable a proper assessment in accordance with policy EN13 of the Cardiff Local Development Plan.

21. *Submission of Remediation Scheme and Verification Plan:* Excluding demolition and site preparation no other development shall commence until 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, and buildings is submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures.

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

22. *Undertaking of Remediation and Issue of Verification Report:* The remediation scheme as approved by the LPA must be fully undertaken in accordance with its terms prior to the occupation of any part of the development. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

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

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

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, 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.

24. *Importation of Aggregates:* Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation.

Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with Pollution Control's Imported Materials Guidance Notes. Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

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

25. *Importation of Topsoil:* Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation to be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the 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, verification sampling of the material received at the development site is required to verify that the imported soil is free from contamination and shall be undertaken in accordance with a scheme agreed with in writing by the LPA.

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

26. *Use of Site Won Material:* Any site won recycled aggregate materials shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its reuse. Only material approved by the Local Planning Authority shall be reused.

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

27. *Piling works:* Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Reason: There is an increased potential for pollution of controlled waters from inappropriate methods of piling.

28. *Independent energy assessment:* Unless otherwise agreed in writing with the LPA no above-ground development shall take place until an independent energy assessment of the financial viability and technical feasibility of incorporating renewable energy and low carbon technologies has been submitted to and approved in writing by the LPA and the development shall not be brought into beneficial use until the approved scheme is implemented. Reason: To ensure that the potential for renewable energy and low carbon technologies is maximised in

accordance with policy EN12 of the Cardiff Local Development Plan.

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

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

**RECOMMENDATION 4:** The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for

- determining the extent and effects of such constraints;
- (i) 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 the safe development and secure occupancy of the site rests with the developer. Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land. The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land can be considered free from contamination

**RECOMMENDATION 5:** The applicant is advised that the design and construction of the building should facilitate future connection to an area wide district heating network; through the adoption of a low temperature hot water based internal heating system. In formulating the design, reference should be made to the Building Engineering Services Association (BESA) District Heating



and Cooling – Early Design Building Connections Guidance.

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

- 1.1 The application seeks detailed planning permission for a 12 storey office block with ground floor retail/café use and store for 158 bikes, basement parking for 14 cars accessed from Park Street, and a new public square on Wood Street. The application is for Phase 1 of the development of the land north of Wood Street.
- 1.2 The office block will occupy the greater part of the vacant site that was formerly occupied by Thomson House printing works. The square will be located on the eastern half of St. David's House. Prior approval was recently granted for demolition of St. David's House, and makes allowance for phased demolition if necessary.
- 1.3 *Office building:* The building is split into 2 wings divided by a recessed glazed element. The east wing is higher by one storey and has a double height fully glazed ground floor set back behind a colonnade. The main entrance foyer and an ancillary café use front the square. The bulkier rooftop plant is enclosed in a plant room located on the eastern wing and concealed behind a top floor portico formed by extending the structural frame by a storey and a half.
- 1.4 The lower western wing also has a double height ground floor but it is not set back behind a colonnade. At roof level there is a terrace fronting the square and rooftop plant is set back behind the terrace and screened.
- 1.5 The plan of the building is splayed on its eastern façade to take account of critical underground BT infrastructure. The resulting plan form creates space at the north east corner of the site for a secure drop-off and parking area (6 spaces) screened by a raised planting bed.
- 1.6 The façade is expressed as an external precast concrete clad frame enclosing recessed full height curtain wall glazing. The building is given a vertical emphasis by vertically joining pairs of windows to creating a double height order to the façade. Intermediate floors are concealed by opaque glazed spandrel panels. The façade treatment is repeated on all the elevations of the building.
- 1.7 The precast concrete cladding to the building's structural frame is coloured and finished to take on the appearance of natural Portland stone, a material chosen to complement the stone work of the listed building on the corner of Park Street and Westgate Street.
- 1.8 The first cornice and eaves lines of the listed building establish rough datum heights for the building in principal views from the south, and the horizontal frame elements of the new building at first floor and fourth floor levels are aligned with these heights.

- 1.9 *Public realm:* The application includes a new square between the building and Wood Street. The area immediately to the front of the office building is physically separated from the main square by raised, landscaped areas with seating areas and by security bollards. This area has a different format paving treatment from the main square and is referred to on the plans as 'Park Street Lane pedestrian street'.
- 1.10 The main square fronting Wood Street is divided into an outdoor seating area with 5 street trees, and a flexible open space with public art located on the corner of Wood Street and Havelock Street. Diagonal routes demarcated by paving treatment cut across the square and through the raised landscaped areas to converge on the main entrance of the office building.
- 1.11 *Central Square Masterplan & Phasing:* The application forms part of the wider Central Square regeneration proposals. The masterplan for the area, approved as part of the hybrid planning permission for the new BBC HQ, Plot 2 offices and Central Square public realm, indicates a mixture of student residential in a tall tower adjacent to the BT tower, and 10-12 storey blocks of private rented sector, and office development fronting Scott road and Wood Street with retail uses at ground floor. A large L-shaped public 'square' threads its way between the blocks with limited presence on to Wood Street.
- 1.12 The key difference between the application and the indicative masterplan is the concentration of office uses into one large block set back from Wood Street, and the provision of a large south-facing public Square fronting Wood Street and the new BBC building.
- 1.13 Phase 2 of the development is likely to be more office development located on the western part of the site, and will require the demolition of St. David's House in its entirety. The DAS shows the Phase 2 office building wrapping around the Media Wales building, and illustrates different scenarios in terms of the extent of the building's footprint along Wood Street.
- 1.14 *Inclusive Design and Access:* In contrast to Central Square, which serves the railway station, the character of the square will be different and is likely to be more of an area for sitting and relaxation with the potential for café/restaurant type uses, and the incorporation of a significant piece of public art. The design of the new square will reflect its different nature, and will incorporate measures to ensure inclusive access in accordance with statutory requirements.
- 1.15 *Waste Management:* Waste storage areas are located to the rear of the development and are accessed from a pull-in on Park Street.
- 1.16 *Environmental screening opinion:* A screening opinion was issued on 4.5.17 stating that an environmental statement is not required for the following reasons:
- In relation to the characteristics of the development the proposals are in keeping with the scale of neighbouring city centre development, and proposed uses are in accordance with the LDP.

- The development is not located within, nor is it close to, an environmentally sensitive location as defined by Schedule 3 of the regulations, and there are no areas around the location which contain important, high quality or scarce resources which could be affected by the development. The impact of the development on the setting of the Grade II listed Old Post Office building immediately to the NE of the site will be considered as part of the normal planning application process.
- The site is in a sustainable location, with bus and rail services, the City Centre and Bay areas in easy walking distance. The proposals include 20 parking spaces and facilities for the storage of up to 144 cycles. In this case, having regard for the previous industrial uses on this site (and the surrounding sites), it is considered that the proposals will not result in any significant additional traffic movements or associated noise and emissions, and will not give rise to any unusually complex or potentially hazardous environmental effects.

1.17 In conclusion the environmental impact of the redevelopment proposals is capable of being considered as part of the normal planning application process, and the application does not therefore require the submission of an Environmental Statement.

1.18 The following supporting information is submitted:

- Pre-application consultation report
- Design and Access Statement
- Planning Statement
- Transport Statement including Outline/Framework Travel Plan
- Heritage Impact Assessment
- Townscape & Visual Impact Assessment
- Geotechnical Desk Study (ARUP, 2017)
- Ground Investigation Planning Application Support (ARUP, 2017)
- Flood Consequences Assessment
- Archaeological Desk-Based Assessment
- Drainage & Utilities Strategy

## 2. **DESCRIPTION OF SITE**

2.1 The application site is located on a vacant 0.6ha site in the city centre, bounded by Havelock Street to the east, Park Street to the north, the Media Wales building to the west and St. David's House and Wood Street to the south. The site was formerly part of the Thomson House printing works demolished in 2008.

2.2 To the north of the site lies the Principality Stadium, the 17 storey BT Stadium House office building, and Cardiff Civil Justice Centre, occupying the listed old Post Office building. To the east is the 13 storey Southgate House office building. St Davids House to the south has prior approval for demolition. Immediately to the west of the site is the 7 storey high Media Wales building.

- 2.3 The application site lies within the Central Business Area, just to the west of the Primary Shopping Area. The site forms part of Local Development Plan Strategic Site KP2(A) Cardiff Central Enterprise Zone which is allocated for major employment-led mixed use development. The main entrance to the Grade II listed Cardiff Central Station lies to the south of the site, separated by Central Square.
- 2.4 The St Mary Street Conservation Area is located immediately to the northeast of the application site and includes the Cardiff Civil Justice Centre building. The eastern half of this building (former Head Post Office), which sits on the corner of Westgate Street and Park Street, is Grade II listed.
- 2.5 The immediate area is characterised by transport, office, retail and leisure uses.

### 3. **PLANNING HISTORY**

- 17/01286/MJR Planning permission granted for site preparation and ground works on land north of Wood Street in advance of a full planning application for a proposed office development.
- 11/840/DCI Resolution to Grant detailed planning permission for 240 bed hotel, Havelock Street.
- 10/431/C Permission granted in December 2010 to vary condition 1 of outline planning permission 06/1379/C to extend time period for submission of reserved matters.
- 09/1370/DCI Permission granted in December 2010 to vary condition 1 of outline planning permission 06/1385/C to extend time period for submission of reserved matters.
- 06/1379/C Planning Permission granted in September 2009 for erection of 231 residential apartments at Thomson House, Park Street.
- 06/1385/DCI Outline PP granted June 2009 for a 250 bed hotel, Havelock Street.

#### Related planning history

- 17/714/MNR Planning permission refused June 2017 for external alterations to Media Wales building.
  - 17/841/MJR Prior approval granted 22.6.17 for the demolition of St. David's House
  - 14/2405/MJR Hybrid planning permission granted August 2015 for demolition of Marland House and construction of media centre with ground floor retail units, basement parking to plots 2 and 3, and Central Square public realm. Outline application for B1 office floorspace on Plot 2, all matters reserved except access. The application included an indicative masterplan for the wider Central Square, including land north of Wood Street.
  - 06/1378/C Planning permission granted in October 2006 for erection of 6,096 sqm of office accommodation (Media Wales building) with associated parking and public realm improvements.
- 3.1 Applications 06/1378/C, 06/1379/C, and 06/1385/C comprised the three related applications on the site of the former Thomson House printing works,

demolished and cleared 9 years ago. Of these only the Media Wales building at the western end of the site has been implemented.

- 3.2 The Central Square masterplan was approved as part of application 14/2405/MJR as a supporting document to provide context for the BBCHQ hybrid application, primarily to address the requirement to assess environmental effects of relocation of bus station and provide a framework for wider Central Square regeneration. It has the status of an indicative masterplan only. Similarly the LDP Schematic Framework: Strategic Site A, which shows development blocks to the north of Wood Street, is intended as a schematic framework.
- 3.3 Pre-application process: A formal pre-application enquiry was registered in October 2016. Informal feedback from the LPA on the proposed use and design of the building was positive. ■
- 3.4 The scheme was presented to the Design Commission for Wales (DCfW) in February 2017. DCfW supported the principle of a new square but raised concerns over its design: nature of the square and future management; integration of square with wider masterplan; perceived barrier around the perimeter of the building; location of main entrance (off-axis); inclusion of space outside Southgate House; certainty over footprint of phase 2; and continuation of Central Street through new public square. In relation to the design of the building comments focused on the design of the facades and were generally positive.
- 3.5 Statutory pre-application public consultation was carried out between 8<sup>th</sup> May and 6<sup>th</sup> June 2017. Site notices were posted, and adjoining landowners and occupiers and ward councillors (Cathays, Riverside, Butetown and Grangetown) were notified. Specialist consultees (Welsh ministers and the local highway authority) were consulted in accordance with the Development Management (Wales) Procedure Order 2012.
- 3.6 No responses were received from Ward Councillors. The following are the main comments received from members of the public:
  - Another bland office building;
  - Square too small;
  - Suggestion for naming the square and statue;
  - Scheme by virtue of its proximity to neighbouring buildings prejudices new development and alterations;
  - No justification provided for non-compliance with the Central Square masterplan;
  - Concerns over the impact of construction operations on neighbouring users (primarily BT House);
- 3.7 Welsh Government raised no objection to the proposals.
- 3.8 As a consequence of the consultation process some further design work was undertaken in relation to the new square.

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

The following national planning policy and guidance is considered to be of particular relevance:

4.1 Planning Policy Wales (PPW) 2016: Ch. 4 Planning for Sustainability; Chapter 6 Conserving the Historic Environment; Ch. 7 Economic Development.

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

- TAN 12: Design
- TAN 18: Transport
- TAN 22: Sustainable Buildings
- TAN 23: Planning for Economic Development

The following local planning policy and guidance is considered to be of particular relevance:

4.3 Cardiff Local Development Plan 2006-2026:

- KP2 Strategic Sites
- KP2A Cardiff Central Enterprise Zone and Regional Transport Hub
- KP4 Masterplanning Approach
- KP5 Good Quality and Sustainable Design
- KP6 New Infrastructure
- KP7 Planning Obligations
- KP10 Central & Bay Business Areas
- KP17 Built Heritage
- EN9 Conservation of the Historic Environment
- EN13 Air, Noise, Light Pollution & Land Contamination
- R6 Retail Development (Out of Centre)
- T1 Walking & Cycling

4.4 Supplementary Planning Guidance

The following Supplementary Planning Guidance (SPG) is of relevance:

- Tall Buildings (2017)
- Access, Circulation and Parking Requirements (2010)
- Cardiff City Centre Public Realm Manual (2009)
- Waste Collection and Storage Facilities (2016)
- Planning Obligations (2017)
- Cardiff Public Art Strategy (2005)
- Cardiff Public Art SPG (June 2006)

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

5.1 Strategic Planning (Land Use policy): The site is located within the Central Business Area (CBA) and the Central Enterprise Zone (CEZ) of the adopted Cardiff Local Development Plan 2006-2026 (LDP). As such, the main land use planning policy issues relate to:

- 5.2 *Whether the proposed Class B1 (Office) use is acceptable at this location:* The application site is located within the boundary of LDP Policy KP2A (Central Enterprise Zone and Regional Transport Hub), which is allocated for major employment led initiatives, focussing on financial and business services and Policy KP10 (Central and Bay Business Areas), which identifies that new office uses are considered appropriate within the CBA. As such, the proposed Class B1 (office) use is considered acceptable from a land use policy perspective.
- 5.3 *Whether the proposed ancillary Class A1 (Retail) and A3 (café) uses are acceptable at this location:* The application site is located outside, but on the edge of the Central Shopping Area (CSA – LDP Policy R6). Taking into consideration both the previous established retail floorspace within the Central Square area and the relatively small scale / ancillary nature of the unit, an element of Class A1 retail floorspace could be considered acceptable at this location. LDP Policy R8 (Food and Drink Uses) identifies the Central Business Area as a suitable location for Class A3 uses, subject to amenity considerations. The proposed use, as a café / coffee shop would be considered acceptable in this context.
- 5.4 *Public Realm Enhancements:* This is a large scale development, where the introduction of circa 24,837sqm of office floorspace will place increased pressure on the surrounding pedestrian environment.
- 5.5 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'. 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 and public art.
- 5.6 The application includes the provision of a new public square to the south side of the building and the upgrading of the northern and eastern footways bordering the site. It is identified that the design of the space and use of paving materials will be consistent with the wider public realm design principles set out in the overarching Central Square Masterplan and, as such, the proposal is considered acceptable from a planning policy perspective, subject to detailed design considerations.
- 5.7 The 'public realm – proposed plan' at page 25 of the applicants Design and Access Statement identifies a 'focal point' within the square for a 'sculpture / wayfinding / placemaking element'. The new public square will be situated at one of the main gateways into the city centre and, as such, the provision of public art would be sought as part of this application to create a landmark feature.

- 5.8 For the above reasons, the proposal is considered acceptable in land use policy terms. Subject to the application being acceptable in all other respects, the applicant is requested to include the provision of public art as part of the new public space at Wood Street.
- 5.9 Transportation: The Transportation Officer's formal consultation response will be reported to committee as a late representation.
- 5.10 Trees and Landscaping: The Council's Tree Preservation Officer makes the following observations:
- 5.11 It is proposed to retain an existing street tree on the SE corner adjacent to Havelock Street. Street-view suggests this is a lime (*Tilia* sp.). Its appropriateness for retention and the constraints it places on development should be determined via a BS 5837:2012 tree assessment. Assuming it is good condition, it could be harmed directly via new paving and tree grille installation, or indirectly via construction operations. Furthermore, its current and likely future branch spread may conflict with the establishment and future growth of the new street tree proposed to its NW, leading to mutual suppression and the development of structural vulnerabilities in both trees. My provisional view, assuming it is a large species *Tilia* with a 40+ life expectancy, is that the proposed street tree should be deleted, and the new planting bed to the north of this street tree increased in size such that it can accommodate a large species tree that will not mutually suppress with the existing street tree, but will provide considerable visual amenity and environmental benefits to the development.
- 5.12 It makes sense to use large, soft landscape planting beds to plant large, long-lived trees, rather than vice versa, placing large species trees in hard-landscape pits and small multi-stemmed trees or shrubs in large planting beds. It would be possible to accommodate both in a large enough bed.
- 5.13 The three soft landscape beds on the south side of the proposed building, subject to detailed design, could accommodate large(r) species trees, and need not be so constrained in terms of palette compared with hard landscape pits.
- 5.14 The planting of large and medium sized trees in soft landscape planting beds will not prevent the use of multi-stemmed trees in the under-storey.
- 5.15 The capacity of soft landscape beds to support trees is dependent on detailed design, so full sectional details and details of planting soils would be required as part of a detailed landscape design, comprising scaled planting plan, tree pit section and plan view, topsoil and subsoil specification, planting methodology and aftercare methodology.
- 5.16 The spacing of the proposed hard landscape pits is far too tight to support the proposed species. Whichever tree is selected for hard landscape pits, there must be full details concerning the pits, demonstrating how each tree will have access to adequate root available soil.



- 5.17 Before planting plans are finalised, it should be certain that soil volumes can be achieved in relation to existing and proposed service constraints. I note that a sewer, gas and electric pass through the proposed position of the soft landscape bed on the NE corner of the site onto Havelock Street, which is to accommodate multi-stemmed trees, and services may conflict with or run close to the south-eastern most proposed street tree onto Wood Street.
- 5.18 The full consultation response contains further detailed comments on planting beds and choice of tree species etc. The Tree Officer's consultation response has been sent to the agent.
- 5.19 Highways and Waste Management (Drainage): No comments received. Any comments from the Drainage Engineer will be reported to committee as a late representation.
- 5.20 Pollution Control (Noise): No objection subject to a standard plant noise compliance condition, a future kitchen extraction condition, and an advisory on construction site noise limiting demolition/ construction works to 8.00 to 6.00pm Mondays to Fridays and 8.00 to 1.00pm Saturdays.
- 5.21 Pollution Control (Air): No comments.
- 5.22 Pollution Control (Contaminated land): Information is submitted in relation to ongoing contamination and ground gas assessments for the proposed development. The 'desk study' element of this assessment is complete and there is no further information required in relation to this aspect of the assessments.
- 5.23 Although the above reports are relevant and informative, the completion of both assessments is required in order to establish fully the risks to human health and the environment from potential contamination and ground gases. I therefore recommend amended versions of the contamination assessment and ground gas assessment conditions, plus the standard contamination remediation conditions.
- 5.24 In addition, the development proposals potentially incorporate areas of permanent and temporary soft landscaping as well as hard landscaping, necessitating further conditions for imported soils and materials.
- 5.25 Pollution Control (Contaminated Land) requests the inclusion of standard ground gas, contaminated land, and imported materials 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.
- 5.26 Waste Management: The plans detailing the refuse storage are acceptable.

## 6. EXTERNAL CONSULTEE RESPONSES

- 6.1 Welsh Water (DCWW): It is unlikely that the proposed development can be accommodated within the existing potable water infrastructure and therefore the applicant is required to commission a hydraulic assessment to establish the impact and identify solutions to overcome our concerns. DCWW has no objection subject to a condition requiring the undertaking of a hydraulic modelling assessment prior to commencement of development, and a compliance condition requiring foul water discharge only to the public sewer system.
- 6.2 Natural Resources Wales (NRW): Note that the site was previously occupied by Thompson House between 1963 and 2008. A print room occupied the basement of this building which contained a machine room, boiler room, fuel store, sub-station, electricians work shop, a switch room and an engineer's workshop. This former use may have resulted in land contamination which may pose a significant risk to controlled waters.
- 6.3 NRW recommend that planning permission should only be granted if a suite of land contamination conditions are attached to address significant concerns over potential pollution of controlled waters.
- 6.4 *Additional comments*: NRW consider that the requirements of part 1 of condition 1 (preliminary risk assessment) have been satisfactorily completed by the submission of the Desk Study and we are in general agreement with the conclusions and recommendations set out within section 7.2 of the report.
- 6.5 NRW acknowledge that work has and is taking place to fulfil these requirements as summarised within the Arup file note provided. NRW will be able to review the full controlled waters risk assessment alluded to within section 1.7 of the file note once the results of the factual investigation and groundwater monitoring are available.
- 6.6 Having regard to the Flood Consequences Assessment report NRW have no objection to the proposals from a flood risk perspective.
- 6.7 The NRW consultation response has been forwarded to the applicant.
- 6.8 Police Architectural Liaison: South Wales Police have had pre-application discussions with the developers and have no objection to the proposals. Advice is offered on public safety in the new square, and safety and security of the building.
- 6.9 Glamorgan Gwent Archaeological Trust: No consultation response received. An archaeological desk-based assessment submitted with the application concludes as follows:
- Based on current evidence, it is considered that the archaeological potential of the study site prior to the construction of Temperance Town is very low. While there is high theoretical potential for remains of Temperance Town to be present within the study site, any such remains will have been adversely impacted by the construction of the modern buildings which occupied or still occupy the site.

- Any archaeological remains that do survive within the study site are likely to be severely truncated/ disturbed and therefore will be of no more than local significance.
- Given the very low potential and likely heavily truncated/disturbed state of any archaeological remains of significance to be present within the study site, it is concluded that no further works would be required to understand the very limited archaeological interest which may survive.

6.10 CADW: It was not considered necessary to consult CADW for the following reason: Application 14/2405/MJR for the new BBC HQ included assessment of the wider Central Square masterplan area. The masterplan included buildings up to 20 storeys on the application site under consideration. The CADW response concluded that the cumulative impact of the wider Central square masterplan development on the setting of Cardiff Castle and Roman Fort (GM171) and of PGW (Gm) 22 (CDF) Cardiff Castle and Bute Park and PGW (Gm) 26 (CDF) Cathays Park will be very slight.

6.11 Wales & West Utilities: No objection. A plan and general conditions for guidance are provided.

## 7. **REPRESENTATIONS**

7.1 The proposals were advertised in the press and on site as major development affecting the setting of a listed building (old Post Office building), and the character and appearance of the St. Mary Street Conservation Area, and Local Members and neighbours were notified. Statutory pre-application consultation was undertaken by the applicant.

7.2 No representations have been received.

## 8. **ASSESSMENT**

8.1 The main issues to be assessed are:

- a. Proposed land use in this location.
- b. Design of the office building and associated public realm.
- c. Access and Parking.
- d. Impact on the character and appearance of the conservation area and the setting of the listed buildings.
- e. Impact on the amenity of neighbours.
- f. Planning obligations.

### **a. Proposed land use**

8.2 The proposed office use fully complies with Key Policy KP2A Cardiff Central Enterprise Zone and Regional Transport Hub, and will bring significant economic, social and environmental benefits to the city.

## **a. Design of the office building and associated public realm**

- 8.3 Policy KP5 of the LDP states that all new development will be required to be of a high quality, sustainable design that makes a positive contribution to the creation of distinctive communities, places and spaces.
- 8.4 *Height:* The proposed development will be 12 storeys in height (plus a rooftop plant area) and will rise to a maximum height of 55.1 metres above ground level. The Tall Buildings SPG states that tall buildings will only be acceptable in locations that are highly accessible to a range of public transport options. The central location of the site in close proximity to Cardiff Central Station and the forthcoming Transport Interchange, renders the site highly sustainable. The SPG also states that proposals for tall buildings should be located within an existing cluster of tall buildings. There are numerous tall buildings adjacent to the site and within close proximity including the Stadium House (17 storeys), Southgate House (13 storeys) and Maldron Hotel (12 storeys).
- 8.5 The proposed building does not overshadow or overlook adjacent properties and the proposal has a minimal visual impact on important vistas and sensitive historic environments. It is considered that the height of the proposal is appropriate at this location.
- 8.6 *Density:* The compact nature of the site lends itself to a high density development that is promoted by Policy KP2(A) of the LDP. The policy states that densities will be maximised to make efficient use of city centre land and that high rise. This is achieved by the proposed development.
- 8.7 *Appearance:* The civic quality of the architecture and the use of quality modern materials complements and contrasts with existing and future development in and around Central Square, and with nearby heritage assets.
- 8.8 The proposed development also allows for the incorporation of a café or small-scale retail operator at ground floor level which, together with regular movements of employees and visitors into and out of the building, will provide active frontage.
- 8.9 The scale and design of the office building is appropriate for its city centre location and is in accordance with policy KP5 and the Tall Buildings SPG.
- 8.10 *Public Realm works:* Submitted plans for the new square are not acceptable for the following reasons:
- Undue emphasis in the public realm design on entrance to new office block.
  - Square arbitrarily divided by landscaped beds and change in surface treatment. Notwithstanding security concerns this significantly reduces the 'public' element and compromises the integrity of the Square
  - More thought to be given to the location of the public art and how it integrates into the public realm design.
  - More clarity required on extent and design of phase 2 public realm, including footprint and main entrance of phase 2 office, legibility of

north-south route to Stadium, and siting/design of pavilion building(s). This information is needed to enable us to properly assess phase 1 public realm proposals.

- Relationship to Central Square (routes/materiality/landscaping) and Wood Street not resolved. A key component of the wider masterplan for the Central Square area is a unifying ground floor plane.

- 8.11 Notwithstanding the submitted plans a condition is therefore imposed requiring the submission of amended plans of the public realm prior to commencement of above-ground works.
- 8.12 A further condition is attached requiring a detailed access strategy setting out the measures proposed to ensure inclusive access to and from the square for all groups.
- 8.13 A financial contribution of £1,200,000 by means of a Section 106 agreement is secured towards funding the delivery of the wider Central Square public realm works which include Wood Street. The works will be implemented as part of the wider Central Square public realm improvements.

#### **c. Access and parking**

- 8.14 Access and Transport: The Transport Statement concludes that the proposed development is forecast to generate 131 additional two-way vehicle movements in the AM peak hour and 121 additional two-way vehicle movements in the PM peak hour. Given the limited onsite parking proposed, employees are anticipated to park in one of the eleven public car parks located within walking distance of the site. A Travel Plan will also be prepared to encourage non-car modes of transport to the site – which will be facilitated by the development's location in very close proximity to rail and bus facilities.
- 8.15 There will also be benefits to pedestrians and cyclists in terms of locating the development proposals within desirable active travel distances of facilities (including the Transport Interchange cycle hub), the provision of on-site cycle facilities including secure cycle parking and showers/changing facilities inside the building, and public cycle parking stands within the public realm fronting Wood Street and Havelock Street.

#### **d. Impact on the character and appearance of the conservation area and the setting of the listed buildings.**

- 8.16 LDP Policy KP17 states that Cardiff's distinctive heritage assets will be protected, managed and enhanced. Policy EN9 states that development relating to a heritage asset will only be permitted where it preserves or enhances that asset's architectural quality, historic and cultural significance, character, integrity and/or setting.
- 8.17 The submitted Heritage Impact Assessment assessed a total of 41 above ground heritage assets. The assessment concludes that the proposed

development will have an impact ranging from neutral/negligible to moderate beneficial on the above ground heritage assets within the surrounding area.

8.18 The magnitude of change apparent in the setting of the of the assets, varies from high for the assets immediately surrounding the site to negligible for those assets further north along St Mary's Street and Westgate Street.

8.19 The high quality of architectural design ensures that the setting of the old PO listed building and the character and appearance of the St Mary Street Conservation Area is enhanced by the introduction of an attractive contemporary office building and new public square.

**a. Impact on the amenity of neighbours.**

8.20 There will be no adverse impact on the amenity enjoyed by the occupiers of any of the neighbouring buildings as a result of this development.

**b. Section 106 Planning obligations**

8.21 In accordance with the LDP and Planning Obligations SPG (Jan 2017) the office building triggers a requirement for public realm works. The public realm works will be required to integrate fully with the wider Central Square public realm proposals.

8.22 *Public realm:* Submitted plans for the square are not acceptable (see above) and a condition is imposed requiring amended plans to be submitted and approved prior to the commencement of above-ground development.

8.23 The applicant has agreed a financial contribution of £1,200,000 for wider Central Square public realm improvements to be secured by a Section 106 legal agreement. This is over and above the public realm works north of Wood Street which are within the red line and form part of the application, and will therefore be delivered as part of the scheme. This sum is in accordance with an agreement between the Council and the applicant on the funding and delivery of the wider Central Square public realm improvements.

**Representations**

8.24 None received.

**Other Matters**

8.25 *Trees:* The Tree Officer raises concerns over the proposed soft landscaping and offers detailed advice. The advice has been forwarded to the agent and will be a material consideration in assessing the amended design for the new square.

8.26 *NRW consultation response:* The contaminated land conditions required by NRW to minimise the potential risk to controlled waters are covered by the conditions requested by Pollution Control (Contaminated Land) with the

exception of a condition related to piling works. The NRW piling works condition has been attached.

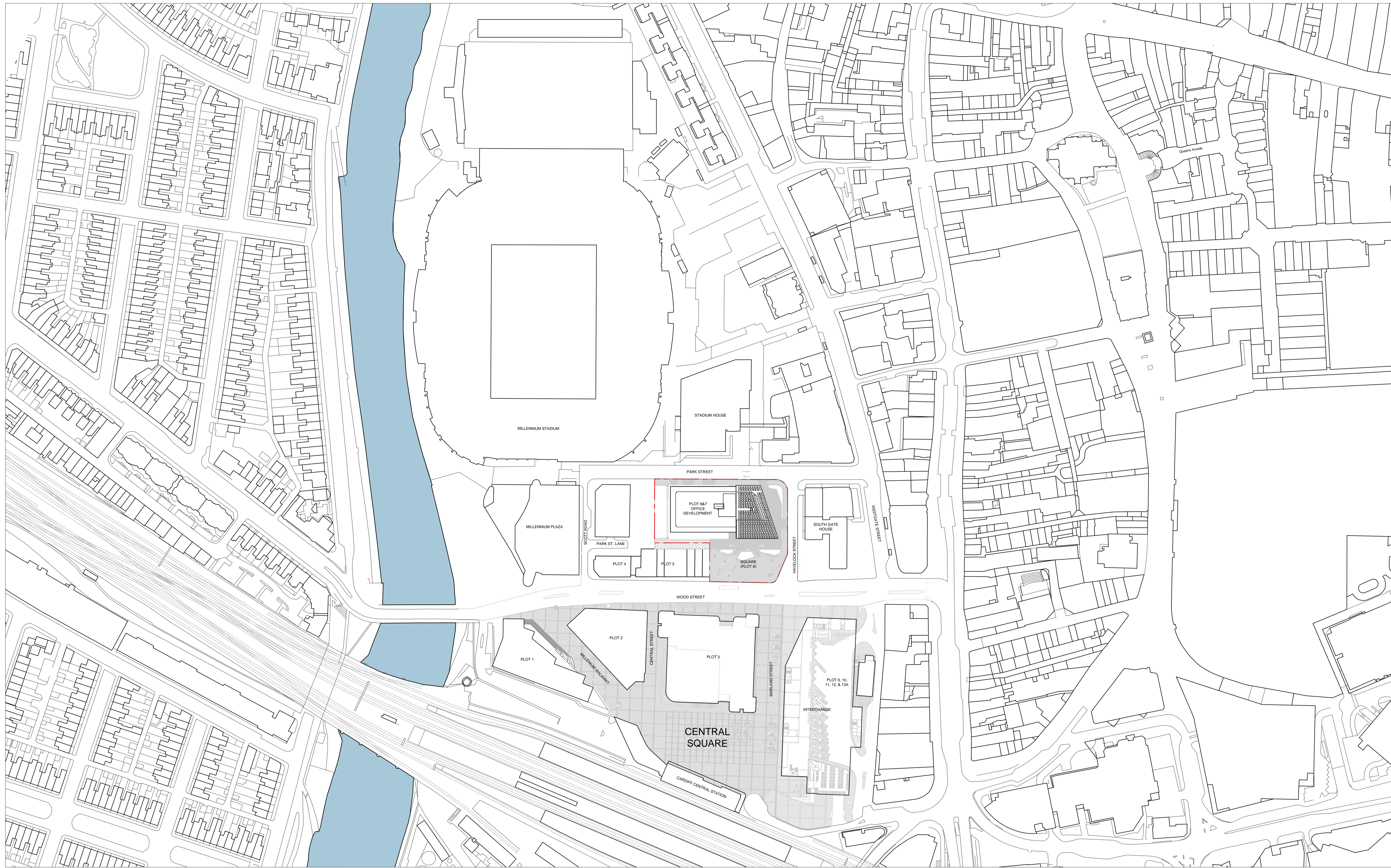
- 8.27 *DCWW consultation response:* As requested by DCWW a pre-commencement condition requiring the submission of a hydraulic assessment has been attached, unless otherwise agreed in writing by the LPA in consultation with DCWW.
- 8.28 *Waste Management:* Waste Management arrangements are acceptable subject to a condition for more details.
- 8.29 *Equalities Impact Assessment:* The Public Sector Equality Duty (Section 149 of the Act 2010) requires the Council to have due regard to the need to eliminate discrimination, promote equality of opportunity and foster good relations between different communities. The Act identifies a number of 'protected characteristics', namely, age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation, marriage and civil partnership. The Council's duty under the above Act has been given due consideration in the determination of this application.
- 8.30 In terms of the promotion of inclusive access, equality and diversity, there will be no apparent abnormal differential impact on any people protected under the Equality Act 2010 as assessed at this stage, noting that the detailed design of the public realm, including any highway improvement works is the subject of planning conditions and/or section 106 legal agreement.
- 8.31 *Wellbeing of Future Generations (Wales) Act 2015:* Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (section 5).
- 8.32 This duty has been considered in the evaluation of this application and it is concluded that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.
- 8.33 *Statutory pre-application public consultation:* The statutory pre-application public consultation was carried out in accordance with legislation and is considered acceptable.

## 9. **CONCLUSION**

- 9.1 The proposals deliver a high quality prestige office development in the Cardiff Enterprise Zone in accordance with LDP policy for the Central Square strategic site. The creation of a new public square is a significant gain for Cardiff and further realises the vision for the area in accordance with the 2016 local development plan.

- 9.2 The proposals are fully policy compliant. There are no objections from service areas, and no objections from external consultees.
- 9.3 Section 106: In terms of Section 106 planning obligations the applicant has agreed to enter into a legal agreement with the council to secure a financial contribution of £1,200,000 to be used towards the wider Central Square public realm works in accordance with the development agreement between the Council and the developer, Rightacres.
- 9.4 It is recommended that planning permission be granted, subject to conditions and a Section 106 agreement.





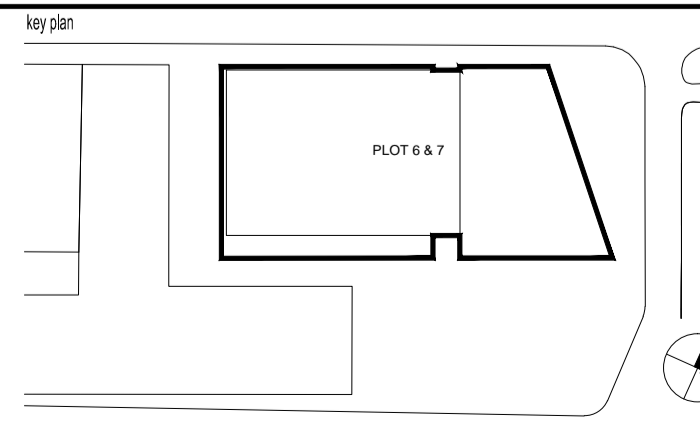
notes:  
 Do not scale from drawings. All discrepancies to be reported to Gensler architect immediately.  
 Dimensions and area are indicative and may vary during design development.  
 RB&S Stage 1 Drawings. Layout subject to design development. Drawing not for construction purposes.  
 All dimensions to be verified by contractor on site prior to any works.

**KEY**  
 --- PROPOSED PLOT BOUNDARY

rev	date	revision note	author	checked
B	19.06.17	ISSUE FOR PLANNING	AC	MG
A	05.05.17	ISSUE FOR PLANNING CONSULTATION (DRAFT)	AC	MG

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 CARDIFF



category  
 PLANNING SUBMISSION SET  
 family  
 GENERAL  
 title  
 PROPOSED LOCATION PLAN

project  
 OFFICE DEVELOPMENT CARDIFF - PHASE 1

project no  
 08.7186.002  
 scale  
 1:500@A1  
 date  
 19.06.17  
 drawn  
 AC  
 checked  
 MG

number  
**A0.002**  
 rev  
**B**

**Gensler**

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