

LOCAL MEMBER OBJECTION, AM OBJECTION, MP OBJECTION & PETITION

COMMITTEE DATE: 16/10/2019

APPLICATION No. **19/01426/MNR** APPLICATION DATE: 10/05/2019

ED: **BUTETOWN**

APP: TYPE: Full Planning Permission

APPLICANT: The City Zip Company Limited

LOCATION: ST DAVIDS HOTEL & SPA, HAVANNAH STREET,
CARDIFF BAY, CARDIFF, CF10 5SD

PROPOSAL: PROPOSED TEMPORARY ZIP LINE DEVELOPMENT FOR
A PERIOD OF 6.5 MONTHS (30 CALENDAR WEEKS)
FROM THE ROOF OF ST DAVID'S HOTEL, HAVANNAH
STREET, CARDIFF CF10 5SD TO LAND ADJACENT TO
THE NORWEGIAN CHURCH (WATERFRONT
PARK / BRITANNIA PARK), HARBOUR DRIVE` CARDIFF
BAY

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

1. Construction of the zip wire and associated structures must not commence prior to 25 February 2020 and all structures must be removed from site by 11 October 2020.

Reason : To protect the character and setting of Cardiff Bay.

2. The use, hereby permitted, shall only be operational between the 24 March 2020 and 27 September 2020 and thereafter the development, inclusive of the zip wire and all associated structures, shall be removed from the land before the 11 October 2020.

Reason : To protect the character and setting of Cardiff Bay.

3. The zip wire shall only be operational between the following hours:

- Monday – Friday: 11.00 to 18.00;
- Saturday and Sundays: 09.00 to 19.00

Reason : In the interests of the amenity of residents in the vicinity of the site in accordance with Policies KP5 and EN13 of the Cardiff Local Development Plan 2006-2026.

4. No amplified music, which is audible at the nearest residential property, shall be played within the red line boundary of the site.

Reason : In the interests of protecting the amenity of residents in the vicinity of the site in accordance with Policies KP5 and EN13 of the Cardiff Local Development Plan 2006-2026.

5. The use of electrical generators is not permitted anywhere within the red line boundary of the site.

Reason : In the interests of protecting the amenity of residents in the vicinity of the site in accordance with Policies KP5 and EN13 of the Cardiff Local Development Plan 2006-2026.

6. The development shall be carried out in accordance with the following approved plans and details unless otherwise expressly required by the ensuing Conditions.

- CBZ / 001 – REV 1 – Site Location Plan – Aug 2019
- CBZ / 002 – REV 2 – Block Plan - Sept 2019
- CBZ / 003 – REV 2 – Existing Site Layout - Sept 2019
- CBZ / 004 – REV 2 – Proposed Site Layout - Sept 2019
- CBZ / 005 – REV 1 – Proposed Elevation of Launch Site – Aug 2019
- CBZ / 008 – Proposed Long Section - Sept 2019
- CBZ / 009 – REV 1 – Proposed Elevation of Landing Site – Aug 2019
- CBZ / 010 – REV 1 – Customer Route and Nominated Viewing Areas - Aug 2019
- CBZ / 012 – Proposed Elevation of Landing Site – Sept 2019
- CBZ / 013 – Proposed Elevations of Ancillary Buildings – Finish – Sept 2019

Reason : To ensure satisfactory completion of the development and for the avoidance of doubt in line with the aims of Planning Policy Wales to promote an efficient planning system.

7. Prior to beneficial use of the development, hereby approved, a privacy screen shall be erected along the top floor north elevation of the St David's Hotel in accordance with drawing ref: CBZ /005 – REV 1 and thereafter retained at all times.

Reason : Protection of Residential amenity and privacy.

8. Notwithstanding the approved plans, prior to their installation the external finish of the 'cabins', and all means of enclosure, shown on drawings no. and CBZ /012 and CBZ / 013 shall be approved by the Local Planning Authority and the development implemented in accordance with the approved details prior to beneficial use of the development

Reason : In the interests of the character and appearance of the area in accordance with Policy KP5 of the Cardiff Local Development Plan 2006-2026.

9. The temporary buildings, hereby approved, shall be provided with a 150 mm air gap beneath each structure, protected by mesh to keep out litter,

and any service entry points shall be sealed.

Reason: To prevent the build-up of landfill gas and to ensure that the safety of future occupiers is not prejudiced in accordance with Policy EN13 of the Cardiff Local Development Plan 2006-2026.

RECOMMENDATION 2: The applicant is advised to liaise with Natural Resources Wales regarding a Marine Licence as soon as possible and should inform Cardiff Harbour Authority of the outcome of this process.

RECOMMENDATION 3: The applicant is advised to contact Strategic Estates as soon as possible regarding necessary requirements to operate on Strategic Estates land.

RECOMMENDATION 4: The applicant is advised that the set-up and de-rig operations for the application are likely to require Highways licenses and/or arrangements with the Highways Authority and the applicant is advised to contact Cardiff Council Highways as soon as possible.

1. **DESCRIPTION OF SITE AND PROPOSED DEVELOPMENT**

- 1.1 It is proposed to erect a zip wire ride across part of Cardiff Bay from the St David's Hotel to a landing site positioned close to the Norwegian Church.
- 1.2 The zip wire extends for around 350m consisting of thin wires with no interaction with the ground except for the launch pad and landing tower. The key areas therefore are where the riders are proposed to enter and exit the zip wire, where associated structures and impact on the surrounding area will be most experienced.
- 1.3 To the west, the launch pad for the zip wire is positioned on top of the St David's Hotel. Outside of the hotel, a small cabin serving as a *Reception and Safety Area* is proposed in the event that the developer cannot agree a suite to hire within the hotel itself (which is the applicant's preferred intention). The purpose of this cabin is to brief riders on the forthcoming ride. There is relatively minimal infrastructure atop the hotel, and revised plans provide a privacy screen to prevent riders from viewing the closest properties while they wait to depart. This screen consists of a lightweight skrim/mesh in white finish, successfully obscuring views from the top of the hotel, whilst preventing the screen acting as a sail in high winds.
- 1.4 Having completed the transfer across the Bay, riders would disembark close to the Norwegian Church, on the hard standing near the public space known as Britannia Park. The proposed infrastructure at this location is more substantial than at the launch site; consisting of a 20m high landing tower, associated ballast and fencing, and two cabins situated in an 'L' shape for debriefing, removal of kit, as well as a staff rest area. The landing area is owned and maintained by Cardiff Council. The final design of the cabins and fencing surrounding the tower will be subject to a pre-commencement condition (Condition 8) and the agreement of the final appearance drawings approved by Cardiff Council.
- 1.5 The zip line itself consists of two wires (four including safety lines). Riders will be attached to pulleys running on polyurethane wheels, which are designed to be quieter than those initially proposed, and which inform the Noise Survey.

2. **PLANNING HISTORY**

- 2.1 Given the unusual boundaries of the site, which spans Cardiff Bay, there is an extensive history of applications in the vicinity of the site. Focusing on those close to the points where the attraction is proposed to start and finish, notable recent applications include the following:

12/00394: Retention of floating Christian Centre at Britannia Park, Harbour Drive

12/01220: Installation of a temporary Ferris Wheel at Britannia Park, Harbour Drive.

13/00623: Installation of a temporary Ferris Wheel at Britannia Park, Harbour Drive.

13/01587: Discharge of Condition 13 (Public Art) at Land at Roath Basin

It should also be noted that this is one of numerous applications across Cardiff Bay seeking temporary consent for tourist industry structures, which is reflective of the nature of the area.

3. **POLICY FRAMEWORK**

- 3.1 Planning Policy Wales, Edition 10 (December 2018)

- 3.2 Technical Advice Notes (TANs)

TAN11: Noise

TAN12: Design

TAN13: Tourism

TAN16: Sport, Recreation and Open Space

TAN23: Economic Development

- 3.3 Cardiff Local Development Plan (January 2016)

KP5: Good Quality and Sustainable Design

KP8: Sustainable Transport

KP10: Central and Bay Business Areas

EN3: Landscape Protection

EN9 Conservation of the Historic Environment

EN13: Air, Noise, Light Pollution and Land Contamination

C4: Protection of Open Space

T5: Managing Transport Impacts

4. **INTERNAL CONSULTEE RESPONSES**

- 4.1 **Transportation**

No Objection. The submission has been assessed and is acceptable in principle. The location affords good access to existing on street, surface and multi-storey parking, along with convenient sustainable travel options by bus, rail, cycling and walking. The applicant is advised to contact Cardiff Highways department as soon as possible to discuss licenses and agreements for the set-up of the proposals. This is reflected in Recommendation 4

- 4.2 **Contaminated Land**

No objection. However, as the eastern most point of the site lies within 250m of former landfill sites, a condition is requested to be attached to any approval, requiring an air gap between the ground and any installations to prevent the build-up of any landfill gases. This is reflected in Condition 9

Ecology

No objection. Given the location of the proposed zip wire, and level of public concern regarding the impact on wildlife (see Section 7), the below ecologists comments are provided verbatim.

Because of its proximity to the Severn Estuary, the proposed development should be screened for any potential impacts upon the Severn Estuary Special Area of Conservation (SAC) and Special Protection Area (SPA), collectively known as the Severn Estuary European Marine Site (EMS), together with the Severn Estuary Ramsar Site. Competent authorities such as Cardiff Council have a statutory duty to undertake this screening, and subsequent assessment if necessary, in accordance with the Conservation of Habitats and Species Regulations 2017. This process is known as a Habitats Regulations Assessment or HRA.

Section 1.5.11 of the Ecology and Biodiversity Technical Guidance Note which forms part of the Green Infrastructure SPG, sets out the criteria we use to decide when to undertake a HRA screening. Looking at those criteria, the proposed development is not within the Severn Estuary EMS, nor is it in hydrological continuity with that site as it is raised some way above the ground and above the bay. It is not an industrial, mineral or larger housing development, nor is it an A2 or B installation. Therefore the only criterion which may be relevant is 'All land within 1000m of the boundary of a European site'.

In this context, I estimate that the launch pad is about 1100m from the Severn Estuary EMS boundary at its nearest point, but the landing area is about 900m from the boundary. Therefore on a precautionary basis I am satisfied that the proposed development should be subject to a Test of Likely Significance to determine whether an Appropriate Assessment is required, as part of the HA process.

This being the case, I have considered the Report to inform a Habitats Regulations Assessment undertaken by SLR Consulting.

The first conclusion of that report is that the proposed development is not likely to affect the Severn Estuary SAC. However this SAC includes the waterfowl assemblage as a sub-feature, and so as with the SPA below a likely significant effect should be assumed.

The second conclusion is that it is not possible to exclude likely significant effect upon the Severn Estuary SPA due to the uncertainty of the risk of collision between birds and the zip wires. The features of the Severn Estuary SPA (and sub-features of the SAC) are overwintering and migratory birds which inhabit the estuary and its foreshore habitats. Some of these birds may at times use the Cardiff Bay Wetland Reserve or the lower reaches of the Ely and the Taff. Therefore on a precautionary basis, a likely significant effect is assumed because these birds may collide with the zip wire lines, and an Appropriate Assessment is performed in order to determine whether the proposed project will have an adverse effect upon the integrity of the SPA/SAC.

For the purposes of the Appropriate Assessment we turn to the advice provided by Natural Resources Wales, the statutory advisor on nature conservation issues in Wales. Their view as set out in their letter of 10/06/19 is that the risk of collision of wetland birds with the zip wires is low, such that we are entitled to conclude that there will be no adverse effect on the integrity of the Severn Estuary SAC and SPA.

Therefore the outcome of the HRA process is that there will be no impact upon the Severn Estuary SAC or SPA, so there is no further need to consider any impacts of the proposed scheme upon these sites. The features of the Severn Estuary Ramsar site

overlap with those of the SAC and SPA, so if there is no impact upon these two sites then there can be no impact upon the Ramsar Site.

Concerns have been raised about the impacts of the proposed scheme upon the flora and fauna of the nearby Cardiff Bay Wetland Reserve (CBWR). The only conceivable effect that I can see is that of noise from the proposed scheme, as customers may scream as they leave the launch pad. In my view, the launch pad is about 45m in the air, and about 90m from the nearest point of the CBWR, making a straight line distance of over 100m, between the two. Over this distance occasional screams are likely to have dissipated before they could potentially disturb species such as birds in the CBWR. In addition, almost all of the reserve would be shielded from the launch pad by the structure of the St David's Hotel, plus any screams would be directed away from the reserve as the customers slide eastwards. Finally, the CBWR is in a highly urbanised area with existing background noise from traffic etc, so any additional noise from the occasional scream from zip wire customers is unlikely in my view to have a significant effect upon bird fauna which use it.

There may be a small risk of swans colliding with the zip wires are the Norwegian church end of the site, however this is an animal welfare issue which I am not qualified to comment upon.

If there are any nesting birds such as Gulls on the top of the St David's Hotel where the launch pad is to be constructed, then we should remind the applicant that all active bird nests are protected under the Wildlife and Countryside Act 1981: Part 1, 1(1)(b), whereby it is an offence to intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built.

4.4 **Parks Services**

No objection. No existing landscape features or regularly used areas of public open space will be impacted by the proposals. Following revisions, an observation was also made that the movement of additional pedestrian traffic will need to be carefully managed.

4.5 **Pollution Control.**

No objection. Given the level of public comment on noise matters, the comments are provided verbatim.

The report draws on experience from the previously built zip wire in Lambeth, London. The zip wire at this location is similar in scope although it has four lines crossing a park area as opposed to the two lines proposed to cross the water of Cardiff Bay. The noise assessment assumes a worst case scenario for the installation and use of the zip wire, in that there is assumed to be 48 riders an hour, the expected situation will be that the number of riders will actually be less, as it is not expected to operate at peak capacity.

I have considered the effect on residents and whilst the noise report does present the worst case scenario as described above I maintain that the nature of the expected noise is quite different than the background observed. The report states that no noise complaints have been received in regards to the zip wire in London, however it should be noted that the background noise in London will be different in nature and magnitude, and the hours of operation are different to what is proposed in Cardiff, including a period in the afternoon from 3pm until 4pm when the ride is closed to customers. Therefore in order to mitigate the impact to local residents conditions should be placed on any permission granted to restrict the hours of operation for customers to the hours suggested in the report:

Monday to Friday: 11:00 am to 18:00
Saturday and Sunday : 09:00 to 19:00

Furthermore conditions should be placed requiring the mitigation measures discussed in the report and by email to be required throughout the operation i.e. improved wheel bearings on the trolleys and the use of electrical supply rather than diesel generator.

4.6 **Economic Development:**

No Objection. Economic Development are supportive of the application, stating the following: *The Zip Line will be complementary to other key attractions within the bay such as the Senedd, Barrage, Wetland reserve, Pierhead building, Techniquet, Wales Millennium Centre, and the International Sports Village (swimming pool, twin pad ice rink, white water rafting) to name just a few, while also providing key footfall for bars, restaurants, retail, cinema etc in the area.*

5. **EXTERNAL CONSULTEE RESPONSES**

5.1 **Natural Resources Wales.**

No objection. They note the proposal is temporary for 30 weeks. They note the conclusions in the report to Inform Habitat Regulations Assessment Screening, but consider; *"The risk of [bird] collision is low and will not be sufficient to have any significant effect on population levels and therefore..do not consider that this temporary proposal is likely to cause an adverse effect on the integrity of the Severn Estuary SPA, RAMSAR or SAC"*

In respect of foul drainage, the applicant is reminded in terms of requirements for disposal of foul water. In respect of flood risk, the proposals are considered acceptable.

5.2 **South Wales Police.**

No objection. A number of recommendations were made in respect to designing out crime including measures to prevent access into the landing area outside of hours of operation. These included; the provision of a 3.4m high anti-climb fence, the removal of any climbing aids nearby, and the use of good quality locks.

5.3 **Cardiff Harbour Authority (CHA).**

No objection, with the following comments made *The Harbour Authority is not prevented by Section 33 of the Harbours, Docks, Piers and Clauses Act 1847 as amended and incorporated into the Cardiff Bay Barrage Act 1993, from imposing an exclusion zone under the wire where the height is below 33 metres Above Ordnance Datum (AOD)*

[The applicant is requested to] to install appropriate mitigation measures as required and determined by the Harbour Master to ensure an exclusion zone is in place where the wire is below a height of 33mtrs above Bay level at 4.65 AOD. The Dock walls in the location of the landing tower are listed structures therefore nothing is to be fixed into them. City Zip to confirm following discussion with NRW if a Marine Licence is required; if so the Marine Licence is to be submitted to CHA prior to the licence being granted by Cardiff Council. CHA have consulted with the Yacht Clubs and Marinas regarding this proposal to minimise the impact on navigation and ensure the maximum air draft clearance is obtained.

A licence is required from the Council for the use of Britannia Park for a landing tower and associated facilities. This is reflected in Recommendation 3.

6. REPRESENTATIONS

- 6.1 Three rounds of consultation have taken place. The initial consultation was in May 2019, based on the initial application to operate the zip wire in the summer of 2019. A second round of consultation following revised plans and operational dates, commenced in August 2019 and finally, following minor amendments, a two-week consultation period was held in September 2019.
- 6.2 Objections have been received from the local Councillor, local AM and local MP. The councillor for Butetown ward objects due to the detrimental impact on the homes in the surrounding area, concerns over local wildlife and noise pollution, and concerns over a lack of parking. The AM cites concerns over disturbance to neighbours, a lack of privacy, the hours of operation and the impact on green spaces. The MP objects, citing a negative impact on residents of the Ocean Reach development, both in terms of disturbance from the operation of the attraction, but also associated impacts from parking, traffic and an increased number of pedestrians. He also cites noise, disturbance and the impact on wildlife.
- 6.3 A petition of 63 names objecting to the proposals has been submitted under the following wording: *"We the undersigned, residents of Cardiff, are totally opposed to the proposed zip wire installation. We consider that the intrusive nature of the zip wire is such that the claimed benefits of the project would be completely outweighed by its impact on the Cardiff Bay Waterfront and the reputation that it currently enjoys throughout the world. Zip wires are appropriate in rural settings, and completely out of place in a highly acclaimed tourist centre like Cardiff Bay with its renowned water views and the centre of the Welsh Government."*
- 6.4 Letters were initially sent to 100+ properties and six site notices were displayed. Following the revised plans in August 2019, a further 10 site notices were displayed, and the same properties notified as well as anyone who had submitted comments online. The same process was followed for the final consultation following revisions in September 2019. The proposals also attracted media coverage in the Welsh and UK media. In total, correspondence was received from more than 142 members of the public and local businesses.
- 6.5 Letters of objection numbered 62. The reasons for objections were varied and are summarised below. Typically, letters in opposition came from addresses relatively close to the proposals.
- Noise disturbance
 - Impact upon wildlife and birds
 - Impact on amenity and quality of life of neighbours
 - Impact upon car parking
 - Impact upon privacy of neighbours
 - Increase in pedestrian and vehicular traffic
 - Visual impact on landscape / views of Cardiff Bay
 - Operating hours / length of temporary period.
 - Development being out of character in Cardiff Bay
 - Concerns over use of drones and video cameras
 - Inadequate consultation / communication with local residents
 - Inaccurate or misleading information provided with planning application
 - Landing area scale of development
 - Zip wire company obtaining 56 letters of support via a templated letter
 - Impact upon the sailing and boating community

- Company selling tickets before planning permission being obtained
- Concerns over queues for the zip wire
- Impact upon the nearby Cardiff Bay wetlands reserve
- Concerns over light pollution
- Impact on the heritage / culture of Cardiff Bay
- Concerns over air pollution / Carbon footprint
- Devaluation of residential property prices nearby
- Lack of toilet facilities
- Concerns the application does not accord with planning policy
- Litter concerns
- Insurance concerns
- Concerns the hotel are not aware of the scheme
- Concerns over security of the site.

6.6 **Civic Society.**

Objection. Cardiff Civic Society objects to the application due to the height of the landing tower, which following revisions at 20m high will have a detrimental impact on the historic environment of the Norwegian Church. In addition, concerns are raised in respect of the impact on the waterfront area for pedestrians, danger to wildlife and the length of the temporary period.

6.7 **Welsh Norwegian Society.**

Objection. The Welsh Norwegian Society object on the grounds that the church is an iconic landmark at a prominent and visible point of Cardiff Bay, and consider that the landing tower will undermine the view of the church

6.8 **Yachting Associations**

Objections were also received from the Cardiff Yacht Club and the Royal Yachting Association, citing a lack of consultation, the precedent of boats having some access restricted, the economic impact of larger boats being restricted and navigation safety. An emphasis was made that this proposal should be subject to a Marine Licence, which is outside of the planning process, although reflected in Recommendation 2.

6.9 82 letters and emails in support of the application were received. It should be noted that 75 of which were signatories to a template letter collected by the applicant. Several letters in support were from local businesses, emphasising the proposed economic benefits of the scheme. Several people acknowledged concerns regarding noise or traffic, but felt that the application addressed these issues in a satisfactory manner. In summary, the letters in support focused on the following issues:

- Perceived economic benefit of the scheme
- The creation of an additional tourist attraction
- New employment opportunities

7. **ANALYSIS**

7.1 As stated in Section 6, the application has attracted a large amount of correspondence both to object to the proposals and also in support.

7.2 As stated in 6.1 It is important to note that the scheme was revised on two occasions, with a new set of drawings being received following an extension of the application deadline. The revised scheme was subject to an additional three-week consultation period, and made the following amendments:

- Raised the height of the landing platform.
- Better screened those waiting at the top of hotel, protecting the privacy of flats
- Enhanced the space surrounding the cabins on Britannia Park.

The second public consultation commenced in September 2019 and presented the following amendments:

- A more accurate vision of the scale of the landing tower
- Greater clarity on the finish of the proposed fencing and associated huts.

7.3 **Principle of Development**

In terms of the principle of the application, Policy KP10 (Central and Bay Business Areas) in the Local Development Plan supports the development of tourism related activities in this part of the city, stating: *New and improved leisure, recreation and tourist facilities are important for the future development of Cardiff...By improving the quality and range of sporting, recreation and leisure facilities, the area is made a more attractive place in which to live work and visit, thereby helping to attract inward investment and regeneration.*

In terms of land use policy, the application site falls within the Central and Bay Business Areas as defined by the Adopted Local Development Plan proposals map. The proposal for the temporary zip wire should therefore be assessed against Policy KP10. KP10 considers commercial leisure uses are appropriate within the Central and Bay Business Areas. Paragraph 4.141 of the supporting text to KP10 recognises that new and improved leisure, recreation and tourist facilities are important for the future development of Cardiff and generate significant benefits to the local economy. Improved recreation and leisure facilities makes the area a more attractive place in which to live, work and visit and thereby attracts inward investment and regeneration. Assessed against this policy framework, the proposal raises no land use policy concerns.

Therefore, notwithstanding the specific issues raised relating to the details of the application, it is considered that the application does align with planning policy and there is no land use policy conflict with a zip wire in this location if other matters are satisfied.

7.4 **Noise impact / Pollution Control**

Concerns have been raised over potential noise and disturbance to neighbours. The revised plans which reduce the total number of operational hours to those highlighted within the conditions are designed to alleviate the concerns. In addition, the use of polyurethane wheels on the zip wire should reduce any noise pollution further, making the Noise Impact Assessment a worst case scenario. Finally, it is not intended to use generators in the proposed cabins associated with the development and this is Conditioned against. Whilst recognising that any noise can be a nuisance, it is felt that in this instance that the recommended conditions will ensure that any impact upon neighbours is kept to an acceptable level.

Other matter raised by objectors, such as light pollution and air pollution are considered not to be harmful by the LPA.

7.5 **Privacy and Amenity of Residents**

Objections were raised from different parts of Cardiff Bay. However, the closest properties on Havannah Street are around 80m from the launch pad and are most likely to be impacted by any negative outcomes from the application. Concerns relate to overlooking and the general disturbance of the zip line disrupting views and altering

the character of the area. In respect of overlooking, Condition 7 requires the provision of a screen at the launch pad on top of the St David's Hotel, which will prevent those waiting to use the zip wire from overlooking the properties. It should also be noted that the north-facing hotel rooms directly look upon adjacent residential properties from a distance of 60m or less, so any privacy intrusion is unlikely to be greater than what is already in existence. In addition, the nearest properties lie to the northwest of the launch site, whereas the zip line will travel in an easterly direction, away from residential properties. The revised plans also show a reduction in operational hours, as reflected in Condition 3

7.6 Impact upon Wildlife and Birds

Cardiff Bay is an important environmental location, and to the south of the launch pad lies the Cardiff Bay wetlands, which is a Site of Importance for Nature Conservation (SINC) and to the east lies the Severn Estuary. The comments from Council Ecologist and Natural Resources Wales (NRW) are critical in assessing this issue. Whilst the concerns are recognised, it is acknowledged that the representations "*do not consider that this temporary proposal is likely to cause an adverse effect on the integrity of the Severn Estuary SPA, RAMSAR or SAC*".

In addition, the Harbour Authority has an obligation to the environmental sustainability of the Bay, and a need to maintain a stable and attractive environment. On balance, the environmental impact is not considered sufficient to sustain an objection to the proposal.

7.7 Character of the Bay / Impact on Visual appearance of Cardiff Bay

It is considered that the visual impact of a zip wire will be minimal, and while in operation, the prospect of people moving across the area in the air may be unusual, it is not considered harmful, especially given the hours of operation.

From most vantage points, the centre of the zip wires will be around 150-250m from the waterfront, and even when someone is riding the zip wire, it is considered that this will not detract from the wider appeal of the views on offer. When outside the hours of operation, the wires are expected to have a negligible impact upon views within Cardiff Bay. In respect of the character of the Bay, while the area has many uses, including commercial and residential, as stated in Policy KP10 of the LDP it is also an important leisure and tourist area, which the proposals will complement.

More widely, the Bay is a busy location with a wide range of water activities, public movements, noise and visual stimulation, which the zip wire, while a unique example thereof does not conflict with. In addition, the temporary nature of the development will allow for the Council to review the operation and its impact.

The impact on property prices is not a material planning consideration

7.8 Length of Consent and Operating Hours

The second revision of the scheme in August 2019 reduced the hours of operation to those outlined in Condition 3. These are considered reasonable and typical for tourist attractions in the Bay area. In respect of the temporary consent, it aligns with the spring and summer tourist season and condition 2 will clearly limit its period of operation.

7.9 Landing Area / Impact on Norwegian Church

The landing area near the Norwegian Church and the presence of a 20m high tower, enclosed by hoardings and two associated cabins will have a noticeable impact in what is currently public space.

The tower itself has increased in height by 5m following revisions, reaching a

maximum height of 20m. This has the effect of raising the zip wire, thus allowing greater access under the wire for sailing boats to safely pass underneath. As a result, it should be noted that the tower will be taller than the Norwegian Church by approximately 4m.

The cabins associated with the landing site have been reduced in scale following the revised plans, and the omission of a generator means that associated fencing will be less intrusive, and with a correspondingly smaller noise impact. Whilst concerns have been raised in respect of the visual impact on the landing area, particularly in terms of the size of the tower, the fact that this application is for a temporary time period and for a strictly limited period of time (See Condition 2) will ensure that the structures are removed from the land.

In terms of the impact upon heritage assets, the view across the dock between the Norwegian Church and the Pierhead building are regarded as important views. The zip wire and the landing platform will be directly visible in these views.”

The Heritage Statement does acknowledge there will be an impact on the setting of the Pierhead building and the Norwegian Church (which is not designated). There should be no doubt that the updated proposal will also have an impact on the character of the conservation area. Views out of the bay including upon the Norwegian Church, are a key element of the character of the conservation area and this is specified in the appraisal with the Norwegian Church central to two key views. The surrounding architecture and structures are generally of a high quality design.

The proposed landing structure is higher than that which was previously proposed and is now notably higher than the Norwegian Church. The height difference is not so great however to alter the conclusion that the structure will be prominent in some views of the Norwegian Church and therefore to mitigate any small temporary harm to the character, the structure should hold some visual interest.

However, considering the structure is temporary the harm to the conservation area is regarded as small, an improved design which embraces the vibrant atmosphere and design within this location of Cardiff Bay would mitigate the harm caused and is likely to be acceptable on a temporary basis. The suggested Conditions will ensure that no long term impact upon the heritage assets is felt.

In summary, the temporary nature of the proposals will ensure that there is no permanent impact upon the setting of the Norwegian Church. The fact that the church is not a Listed Building is also of note. In addition, Condition 8 to ensure an appropriate visual finish to the hoarding and cabins will ensure an appropriate visual finish

7.10

Car Parking and increases in Pedestrian and Vehicular Movements

In terms of transportation Impact, a comprehensive *Transport and Crowd Management Plan* and *Design and Access Statement* has been provided. While the numbers of people that may use the experience is not inconsiderable, owing to capacity issues they are by definition spread out across the day, which is not the case with many other attractions in Cardiff Bay, which can have radically different peaks and troughs throughout the day and week. In terms of sustainability, there is a clear route provided for walkers from the landing area. The Bay itself is well served by sustainable transport means and car parking. Any increase in visitors to the Bay can result in increased transport and pedestrian movements, but there is considered no reason to have undue concern that this development will result in a dramatic rise in footfall or in unsustainable transport movements.

Impact upon the Sailing Community

- 7.11 The Barrage Act means that the Bay must be accessible to users, including tall ships. The presence of a zip wire across Cardiff Bay, would by definition potentially limit the height of boats which manoeuvre underneath it, primarily in order to access the marina located at Mermaid Quay. As stated in 7.9, the height of the wire has been increased, in order to make a greater part of Cardiff Bay accessible to all boats while the zip wire is operational. Under the revised scheme, around 170m of the water beneath the zip wire will be subject to an exclusion zone (marked by floating buoys for which planning permission is not required), leaving a similar expanse of water for boats to navigate under. The Harbour Authority does not object to the scheme as access is maintained, even if restricted.

7.12 **Inadequate Consultation / misleading information.**

The scheme has been in the public domain since early May 2019. Over the process of two revisions, 26 site notices have been displayed, and 100+ nearby properties made aware of the proposals on each occasion. This aligns with standard process. The applicant's level of engagement with the public is not something that will determine the planning application.

The initial revision raised the height of the proposed landing tower to 20m. While these drawings were accurate in terms of the landing tower specifics, they were misleading as they placed the image next to the Norwegian Church, which was not drawn to scale. As a result, this was amended in the second revision. The Council is not aware of any other misleading information.

Some objections were made referring to the applicant's provision of 75 letters of support on a templated letter. The applicant is entitled to do this, and all observations are considered on their planning merits.

7.13 **Economic Impact**

The positive economic impact was highlighted by many representations and emphasised by Economic Development's support for the proposals. This aligns with the LDP Objective that seeks that *Cardiff has a thriving and prosperous economy*

7.14 **Other Matters**

Other matters raised such as concerns over insurance, the lack of toilet facilities, concerns over the use of drones, or the company selling tickets without planning permission are either not considered material planning matters, or have been adequately addressed in the Planning Statement accompanying the application.

8. **OTHER CONSIDERATIONS**

- 8.1 *Crime and Disorder Act 1998* – Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.
- 8.2 *Equality Act 2010* – The Equality Act 2010 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. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a

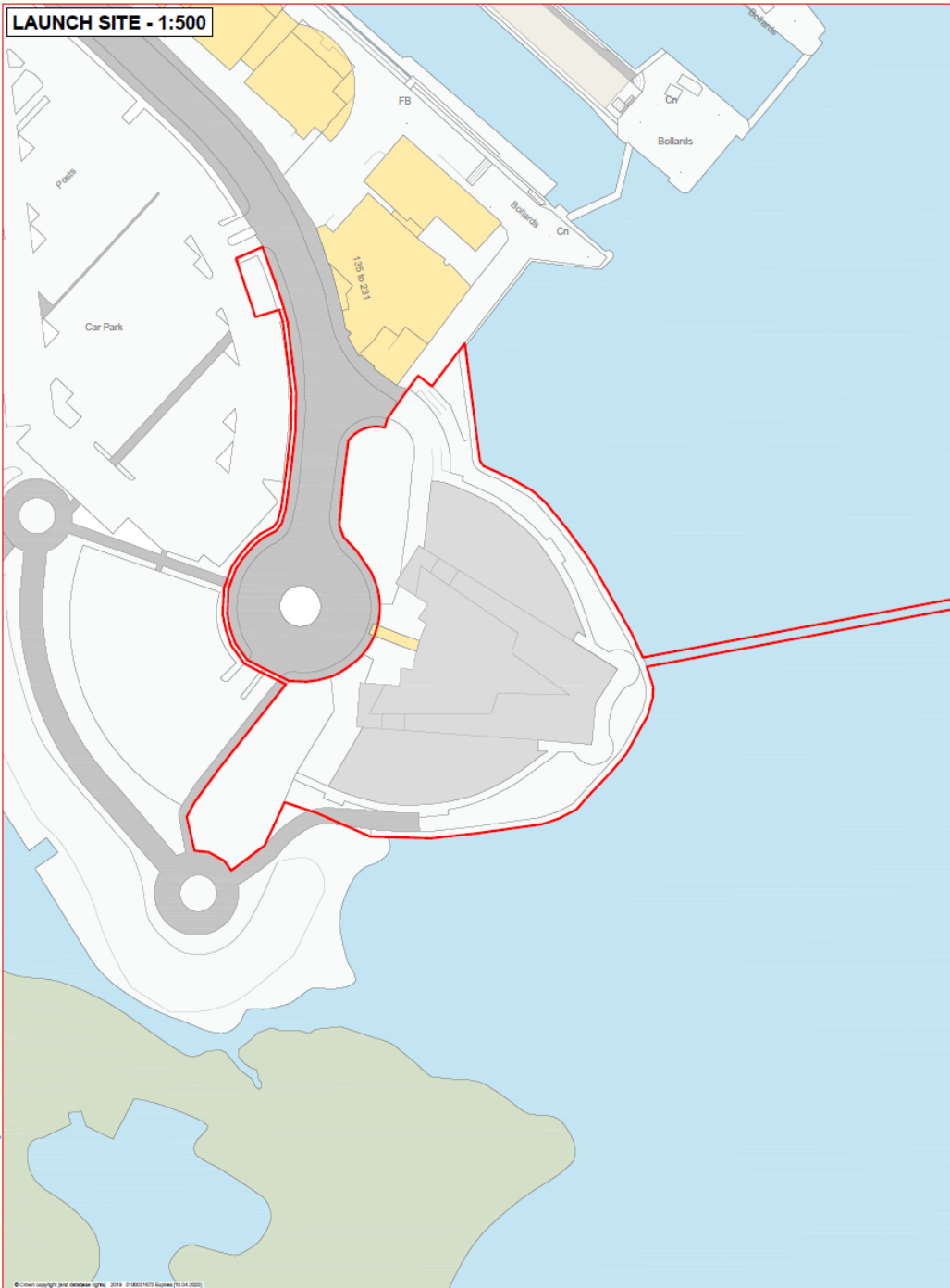
protected characteristic.

- 8.3 *Well-Being of Future Generations Act 2016* – Section 3 of this Act 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). This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

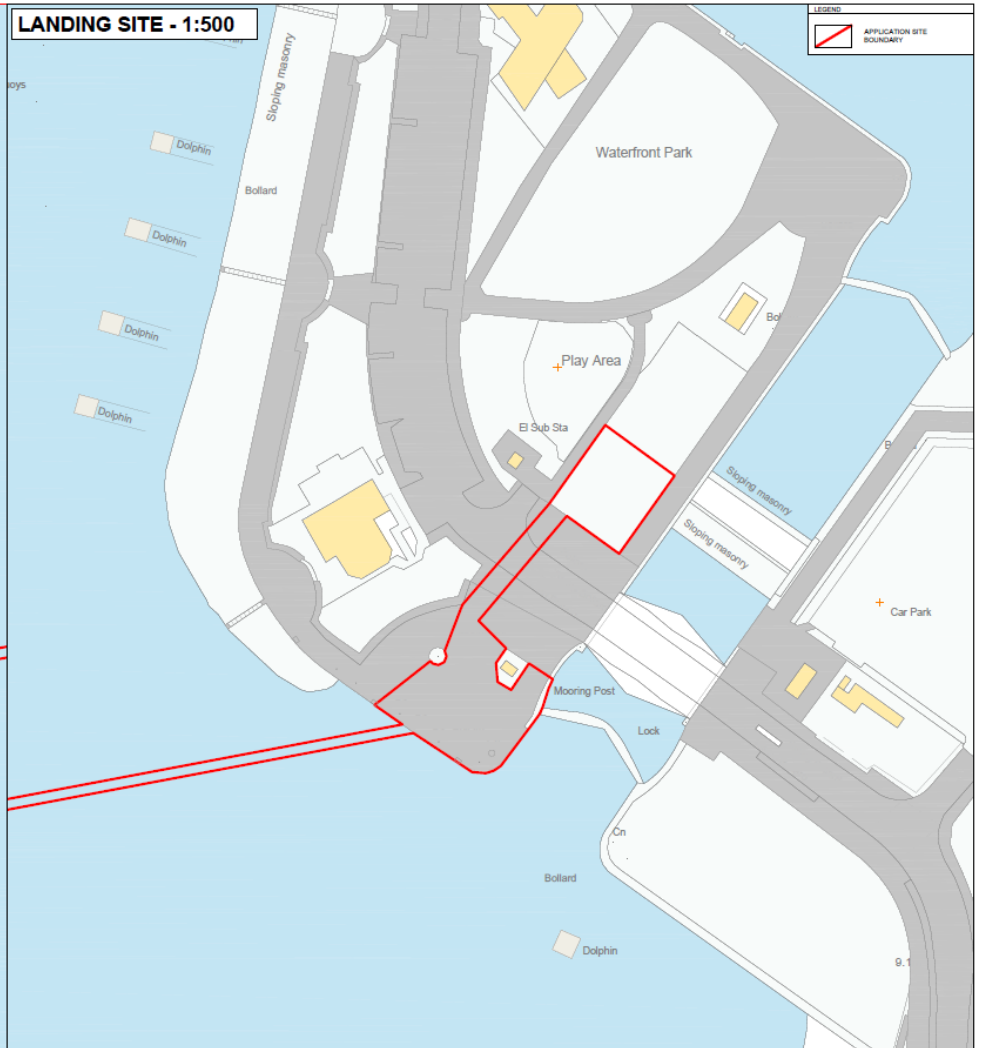
9. **CONCLUSION**

- 9.1 In coming to a conclusion consideration has been given to the many points made from the public as well as representations made from internal and external consultees. Where comments have been received, particularly weight has been given to those from residents living near to the zip wire, who would realistically be expected to be most impacted by the proposals. More generally, it is recognised that this is a new and unique planning application that has attracted conflicting opinions.
- 9.2 On balance, given the matters addressed within the revised scheme, and the imposition of appropriate planning conditions to control the design issues, it is recommended that the application is APPROVED for a temporary period as referenced above.

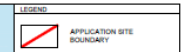
LAUNCH SITE - 1:500



LANDING SITE - 1:500

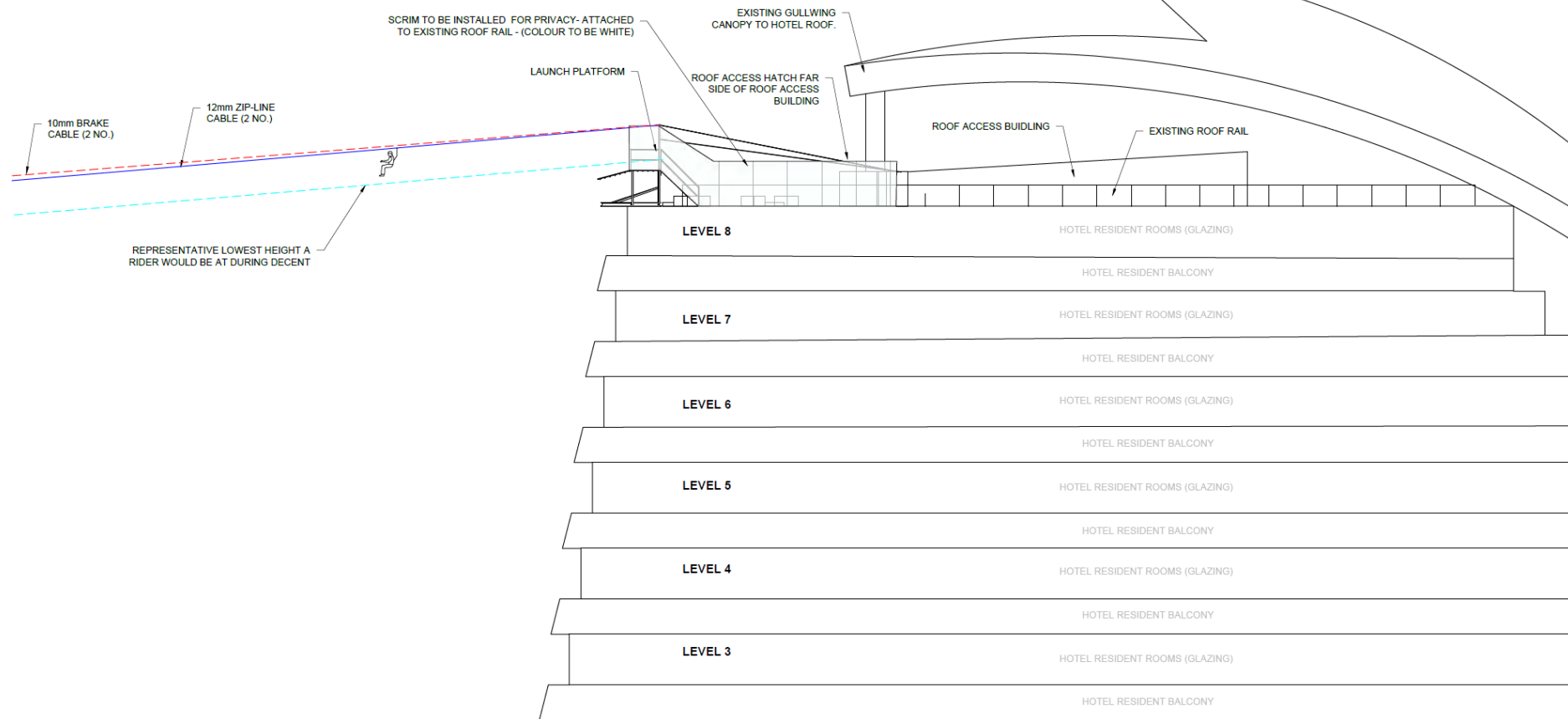


CONTEXT PLAN - 1:5000

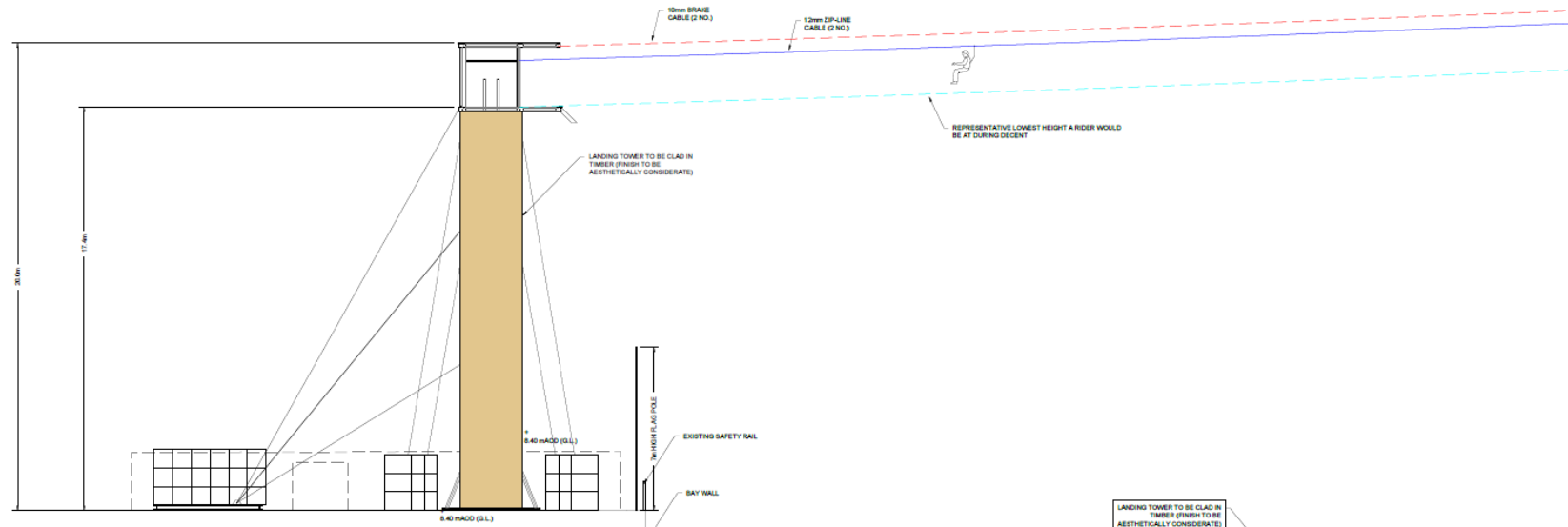


THE CITY ZIP COMPANY LIMITED	
SLR	2020-2021 THE SLR GROUP UNION STREET BIRMINGHAM, B3 3NF 0121 634 4000 www.slr.co.uk
CARDIFF BAY TEMPORARY ZIP LINE PLANNING APPLICATION BLOCK PLAN CBZ / 002 - REV 2	
DATE: 14 SEP 2019	BY: AD SHOWN (AL)

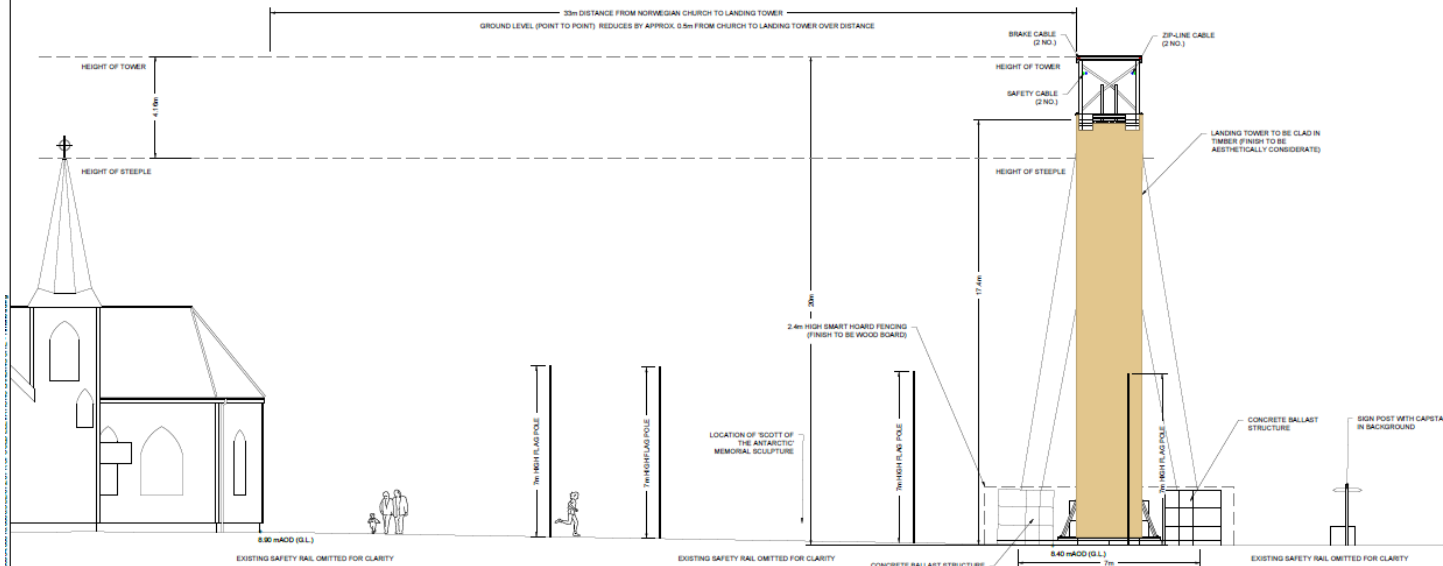
ST. DAVID'S
HOTEL



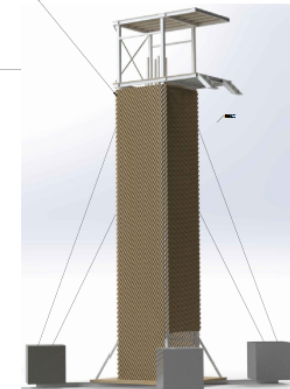
SOUTH-WEST ELEVATION OF PROPOSED LANDING TOWER



FRONT ELEVATION (SOUTH-EAST) OF PROPOSED LANDING TOWER



LANDING TOWER TO BE CLAD IN
TIMBER FINISH TO BE
AESTHETICALLY CONSIDERATE



TOWER CLADDING - FINISH

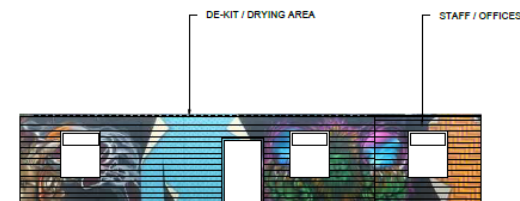
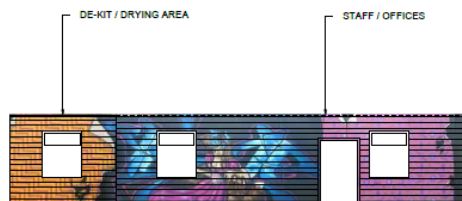
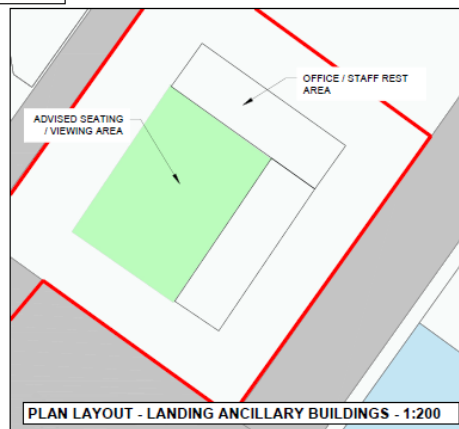


SMART HOARD FENCING - FINISH

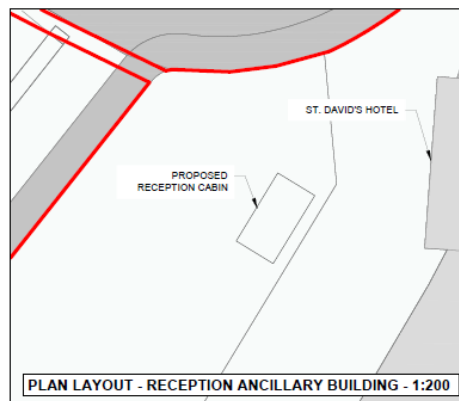
0 1 2 3 4 5 6 7 8 9 10
Metres 1:100

<p>THE CITY ZIP COMPANY LIMITED</p>	
<p>SLR</p>	<p>1001-1002 THE BARRACKS JACKSON ROAD CARDIFF, CF1 1LW</p>
<p>CARDIFF BAY TEMPORARY ZIP LINE PLANNING APPLICATION PROPOSED ELEVATION OF LANDING SITE - FINISH</p>	
<p>CBZ / 012</p>	
<p>DATE AS SHOWN (A1)</p>	<p>DATE SEPTEMBER 2019</p>

LANDING



RECEPTION



ALL FINISHES SHOWN ARE ILLUSTRATIVE ONLY AND
SUBJECT TO FINAL DESIGN WHICH IS TO BE AGREED IN
CONSULTATION WITH CARDIFF COUNCIL



THE CITY ZIP COMPANY LIMITED	
SLR <small>global environmental solutions</small>	<small>3RD FLOOR THE BROW HOUSE JACOB STREET BRISTOL, BS2 0EQ T: 01179 084080 www.slrcouk.com</small>
CARDIFF BAY TEMPORARY ZIP LINE PLANNING APPLICATION PROPOSED ELEVATIONS OF ANCILLARY BUILDINGS - FINISH	
CBZ / 013	
<small>Scale AS SHOWN (A2)</small>	<small>Date SEPTEMBER 2019</small>

END