

## LOCAL MEMBER & AM OBJECTION

COMMITTEE DATE: 22/1/2020

APPLICATION No. **19/2464/MJR**

APPLICATION DATE: 06/09/2019

ED: **CATHAYS**

APP: TYPE: Full Planning Permission

APPLICANT: Ropemaker Properties Ltd

LOCATION: LANDORE COURT, 47-53 CHARLES STREET, CITY CENTRE, CARDIFF.

PROPOSAL: PROPOSED RESIDENTIAL-LED MIXED USE REDEVELOPMENT INVOLVING THE DEMOLITION OF THE EXISTING OFFICE BUILDING AND THE PROVISION OF 150 NO. RESIDENTIAL APARTMENTS (USE CLASS C3) WITH ASSOCIATED COMMUNAL FACILITIES AND OUTDOOR AMENITY AREAS, INCLUDING A RESIDENTS' ROOF TERRACE, AND 2 NO. GROUND FLOOR COMMERCIAL UNITS (USE CLASS A1/A2/A3/D1/D2), TOGETHER WITH REFUSE STORAGE, CYCLE PARKING, LANDSCAPING, PUBLIC REALM WORKS AND ANCILLARY WORKS AND USES

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**RECOMMENDATION 1:** That, subject to relevant parties entering into a binding planning obligation in agreement with the Council under **SECTION 106** of the Town and Country Planning Act 1990, within 6 months of the date of this resolution unless otherwise agreed by the Council in writing, in respect of matters detailed in paragraph 9.2 of this report, planning permission be **GRANTED** subject to the following conditions:

1. C01 Statutory Time Limit
2. The consent relates to the application plans numbered:
  - Location Plan (Dwg Ref. 0332-RIO-00-XX-DR-A-90002 Rev 4).
  - Existing Site Plan (Dwg Ref. 0332-RIO-00-XX-DR-A-90101 Rev 2).
  - Demolitions Plan (Dwg Ref. 0332-RIO-00-XX-DR-A-90102 Rev 2).
  - Proposed Site Plan (Dwg Ref. 0332-RIO-00-00-DR-A-90001 Rev 14).
  - 00 - Ground Floor Plan (Dwg Ref. 0332-RIO-00-00-DR-A-01000 Rev 11).
  - 01 - First Floor Plan (Dwg Ref. 0332-RIO-00-01-DR-A-01001 Rev 9).
  - 02 - Second Floor Plan (Dwg Ref. 0332-RIO-00-02-DR-A-01002 Rev 2).
  - 03 - Third Floor Plan (Dwg Ref. 0332-RIO-00-03-DR-A-01003 Rev 2).
  - 04 - Fourth Floor Plan (Dwg Ref. 0332-RIO-00-04-DR-A-01004 Rev 9).
  - 05 - Fifth Floor Plan (Dwg Ref. 0332-RIO-00-05-DR-A-01005 Rev 10).
  - 06 - Sixth Floor Plan (Dwg Ref. 0332-RIO-00-06-DR-A-01006 Rev 2).

- 07 – Seventh Floor Plan (Dwg Ref. 0332-RIO-00-07-DR-A-01007 Rev 8).
- 08 – Eight Floor Plan (Dwg Ref. 0332-RIO-00-08-DR-A-01008 Rev 9).
- 09 – Ninth Floor Plan (Dwg Ref. 0332-RIO-00-09-DR-A-01009 Rev 2).
- 10 – Tenth Floor Plan (Dwg Ref. 0332-RIO-00-10-DR-A-01010 Rev 2).
- 11 – Eleventh Floor Plan (Dwg Ref. 0332-RIO-00-11-DR-A-01011 Rev 2).
- 12 – Twelfth Floor Plan (Dwg Ref. 0332-RIO-00-12-DR-A-01012 Rev 2).
- 13 – Thirteenth Floor Plan (Dwg Ref. 0332-RIO-00-13-DR-A-01013 Rev 2).
- 14 – Fourteenth Floor Plan (Dwg Ref. 0332-RIO-00-14-DR-A-01014 Rev 2).
- 15 – Fifteenth Floor Plan (Dwg Ref. 0332-RIO-00-15-DR-A-01015 Rev 2).
- 16 – Sixteenth Floor (Roof) (Dwg Ref. 0332-RIO-00-16-DR-A-01016 Rev 5).
- M0 – Ground Floor Mezzanine (Dwg Ref. 0332-RIO-00-M0-DR-A-01020 Rev 5).
- Proposed Charles Street and Quaker House Elevations (Dwg Ref. 0332-RIO-00-ZZ-DR-A-02001 Rev 8).
- Proposed Wesley Lane Elevations (Dwg Ref. 0332-RIO-00-ZZ-DR-A-02002 Rev 7).
- Proposed Charles St. Context Elevation (SW) (Dwg Ref. 0332-RIO-00-ZZ-DR-A-02010 Rev 6).
- Proposed Quaker House Context Elevation (NW) (Dwg Ref. 0332-RIO-00-ZZ-DR-A-02011 Rev 7).
- Proposed Wesley Lane Context Elevation (NE) (Dwg Ref. 0332-RIO-00-ZZ-DR-A-02012 Rev 6).
- Proposed Wesley Lane Context Elevation (SE) (Dwg Ref. 0332-RIO-00-ZZ-DR-A-02013 Rev 6).
- Existing Charles St. Elevation (SW) (Dwg Ref. 0332-RIO-00-ZZ-DR-A-02110 Rev 2).
- Existing Quaker House Elevation (NW) (Dwg Ref. 0332-RIO-00-ZZ-DR-A-02111 Rev 2).
- Existing Wesley Lane Elevation (NE) (Dwg Ref. 0332-RIO-00-ZZ-DR-A-02112 Rev 2).
- Existing Wesley Lane Elevation (SE)(Dwg Ref. 0332-RIO-00-ZZ-DR-A-02113 Rev 2).
- Section AA, BB (Dwg Ref. 0332-RIO-00-ZZ-DR-A-03001 Rev 6).
- Section CC, DD (Dwg Ref. 0332-RIO-00-ZZ-DR-A-03002 Rev 6).
- Sections EE, FF (Dwg Ref. 0332-RIO-00-ZZ-DR-A-03003 Rev 6).
- Context Section AA (Dwg Ref. 0332-RIO-00-ZZ-DR-A-03011 Rev 6).
- Context Section BB (Dwg Ref. 0332-RIO-00-ZZ-DR-A-03012 Rev 6).
- Context Section CC (Dwg Ref. 0332-RIO-00-ZZ-DR-A-03013 Rev 6).
- Context Section DD (Dwg Ref. 0332-RIO-00-ZZ-DR-A-03014 Rev 2).
- Existing Context Section AA (Dwg Ref. 0332-RIO-00-ZZ-DR-A-03021 Rev 2).
- Existing Context Section BB (Dwg Ref. 0332-RIO-00-ZZ-DR-A-03022 Rev 2).
- Visually Verified Computer Generated Images (Dwg Ref: Visually Verified Computer Generated Images: Viewpoint EDP 1, 4, 9, 10 and 11).
- 0332- Planning Visualisations\_Photomontage\_View 01
- 0332-Planning Visualisations\_Photomontage\_View 02
- 0332-Planning Visualisations\_Photomontage\_View 03

Reason: The plans form part of the application.

3. The A1 retail floor space hereby permitted shall only be used for the sale of convenience goods and service uses and not be used for any other purpose including those set out in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or any order revoking, amending or re-enacting that Order with or without modification. For the avoidance of doubt convenience goods shall be taken to mean: Food, drink, tobacco, household cleaning products, newspapers and magazines. A1 service uses shall be taken to mean: hairdressers, travel and ticket agencies, dry cleaners, internet cafes. Reason: To ensure that changes to the type, format and scale of development do not compromise the retail strategy of the development plan and/or national planning guidance.
4. Any A3 use shall be restricted to café/ restaurant type uses where the primary function is the sale and consumption of food on the premises, and for no other A3 Use Class. Reason: To ensure the amenity of future occupiers and occupiers of other premises in the vicinity are protected.
5. In respect of any proposed A3 use and notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 no sale of hot food for consumption off the premises shall take place from the premises. Reason: To ensure the amenity of future occupiers and occupiers of other premises in the vicinity are protected.
6. In respect of any proposed A3 use no member of the public shall be admitted to or allowed to remain on the premises between the hours of 12.00 midnight and 06.00 am on any day. Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.
7. Any proposed D2 use shall be limited to that of a gymnasium or similar facility/ function. Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.
8. Notwithstanding the provisions of the Town and Country Planning General Development Order 1995 (or any Order amending, revoking or re-enacting that Order) and the Town and Country Planning (Control of Advertisements) Regulations 1992, the ground floor windows of the premises fronting Charles Street shall allow an open and unrestricted view of the trading areas within the premises, and the windows shall not be painted, covered over or otherwise obscured without the prior written consent of the Local Planning Authority. Reason: In the interests of visual amenity.
9. C8G No shutter in front of window. Reason: In the interests of visual amenity.
10. *Material Samples:* No above-ground development shall take place until samples of the main external finishing materials have been submitted to and

approved by the LPA. The development shall be carried out in accordance with the approved details. Reason: To ensure a satisfactory finished appearance to the development.

11. *Architectural Details:* No above-ground development shall take place until a scheme showing the architectural detailing of the main elevations of the building 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.
12. *Ground Gas Assessment:* Prior to the commencement of building works (excluding demolition) a scheme to investigate and monitor the site for the presence of gases being generated at the site or land adjoining thereto, including a plan of the area to be monitored, shall be submitted to the Local Planning Authority for its approval. Following completion of the approved monitoring scheme, the proposed details of appropriate gas protection measures to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site shall be submitted to and approved in writing to the LPA. If no protection measures are required 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.
13. *Contaminated Land Assessment:* Prior to the commencement of the development, except demolition, an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority. The report of the findings shall include: (a) a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages; (b) 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; (c) an assessment of the potential risks to human health, groundwater and surface waters, adjoining land, property (existing or proposed), and any other receptors identified at (a), and; (d) 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 to the future users



of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment.

14. *Remediation and Verification Plan:* Prior to the commencement of the development, except demolition, a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. 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.
15. *Remediation and Verification:* The approved remediation scheme must be fully undertaken in accordance with its terms prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority. Reason : To ensure that any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
16. *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 LPA, 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 LPA. Following remediation a verification report must be submitted to and approved in writing by the LPA. The timescale for the above actions shall be agreed with the LPA within 2 weeks

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

17. *Imported Soils:* Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. 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.
18. *Imported 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. Subject to approval of the above, sampling of the material received at the development site to verify that the imported material is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA. Reason: To ensure that the safety of future occupiers is not prejudiced.
19. *Use of Site-Won Material:* Any site won material including soils, aggregates, recycled materials shall be assessed for chemical or other potential contaminants in accordance with a sampling scheme which shall be submitted to and approved in writing by the Local Planning Authority in advance of the reuse of site won materials. Only material which meets site specific target values approved by the Local Planning Authority shall be reused. Reason: To ensure that the safety of future occupiers is not prejudiced.
20. *Landscaping Design & Implementation:* No development shall take place until full details of soft landscaping have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
  - A soft landscaping implementation programme.
  - Scaled planting plans.
  - Schedules of plant species, sizes, numbers and densities.
  - Scaled tree pit sectional and plan drawings that show the Root Available Soil Volume (RASV) for each tree.
  - Scaled sectional drawings to detail green roof and SuDS planting strip applications.

- Topsoil and subsoil specification for all planting types, including full details of soil protection, storage, handling, amelioration and placement to ensure it is fit for purpose. Full specification details shall be provided including the parameters for all imported planting soils supporting all landscaping functions such as SuDS tree pits, non-SuDS tree pits, green roof, SuDS planting strip. A soil scientists interpretive report shall be submitted demonstrating that the planting soil not only meets British Standards 3882:2015 (topsoil) and BS 8601:2013 (subsoil), but is suitable for the specific landscape type proposed.
- Planting methodology and post-planting aftercare methodology, including full details of how the project landscape architect will oversee landscaping implementation and report to the LPA to confirm compliance with the approved plans and specifications.

Reason: To enable the Local Planning Authority to determine that the proposals will maintain and improve the amenity and environmental value of the area, and to monitor compliance.

21. *Landscaping Maintenance:* Any new planting, which within a period of 5 years from the completion of the development dies, is removed, becomes seriously damaged or diseased, or in the opinion of the Local Planning Authority (LPA) otherwise defective, shall be replaced. Replacement planting shall take place during the first available planting season, to the same specification approved in discharge of the landscaping design and implementation condition, unless the Local Planning Authority gives written consent to any variation. Reason: To maintain and improve the amenity and environmental value of the area.
22. *Tree protection:* No development shall take place until the following have been submitted to and approved in writing by the Local Planning Authority (LPA) in accordance with the current British Standard 5837:
  - An Arboricultural Method Statement (AMS) detailing the methods to be used to prevent loss of or damage to retained trees within and bounding the site, and existing structural planting or areas designated for new structural planting, including any replacement for street tree T2. The AMS shall include details of site monitoring of tree protection and tree condition by a qualified arboriculturist, undertaken throughout the development. This shall include the preparation of a chronological programme for site monitoring and production of site reports, to be sent to the LPA during the different phases of development and demonstrating how the approved tree protection measures have been complied with.
  - A Tree Protection Plan (TPP) in the form of a scale drawing showing the finalised layout and the tree and landscaping protection methods detailed in the AMS that can be shown graphically.

Unless written consent is obtained from the LPA, the development shall be carried out in full conformity with the approved AMS and TPP. Reason: To enable the Local Planning Authority to assess the effects of the proposals on existing trees and landscape; the measures for their protection; to monitor compliance and to make good losses

23. *Road traffic Noise:* Details of the building facade noise mitigation measures shall be submitted to and agreed by the Local Planning Authority in writing and implemented prior to occupation of habitable rooms. Such measures shall be designed to meet the Building Fabric and Glazing Sound Insulation Requirements specified in Section 7.3 of the Noise Planning Report by Hydrock, dated June 2019. Reason: To ensure that the amenities of future occupiers are protected.
24. *Sound Insulation:* A scheme of sound insulation works to the floor/ceiling and party wall structures between the commercial units and any residential accommodation shall be submitted to and agreed by the Local Planning Authority in writing and the approved scheme implemented prior to occupation. Reason: To ensure that the amenities of future occupiers are protected.
25. *Delivery Hours:* There shall be no arrival, departure, loading or unloading of delivery vehicles between the hours of 20:00 and 08:00. Reason: To ensure that the amenities of future residents and occupiers of other premises in the vicinity are protected.
26. *Plant Noise:* The rating level of the noise emitted from fixed plant and equipment on the site shall achieve a noise rating level of background - 10dB at any residential property when measured and corrected in accordance with BS 4142:2014 (or any British Standard amending or superseding that standard). Reason: To ensure that the amenities of future occupiers of the development and occupiers of other residential properties in the vicinity are protected.
27. *Light Pollution:* Prior to occupation a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide that artificial light into neighbouring residential windows generated from the external lighting shall not exceed 10Ev (lux) (vertical illuminance in lux) and shall include an isolux diagram showing the predicted illuminance in the vertical plane (in lux) at critical locations on the boundary of the site and at adjacent properties. The approved scheme shall be implemented prior to beneficial use and be permanently maintained. Reason: To ensure that the amenities of residents in the vicinity are protected.
28. *Cycle Parking:* Prior to occupation details showing the provision of 122 secure, undercover cycle parking spaces shall be submitted to and

approved in writing by the local planning authority. The approved details shall be implemented prior to the development being put into beneficial use. Thereafter the cycle parking spaces shall be maintained and shall not be used for any other purpose. Reason: To ensure that adequate provision is made for the secure parking of cycles for the incoming residents, staff and visitors.

29. *Highway Improvement Works:* Prior to occupation a scheme of highway improvement works to the footway adjacent to the site on Charles Street and the highway of Wesley Lane to the South and East of the site shall be submitted to and approved in writing by the LPA. The scheme to include the reconstruction/ resurfacing of the footways/ highways abutting the site, including the provision of widening on Wesley Lane to the South, as broadly outlined on the submitted Proposed Site Plan (dwg ref. 0332-RIO-00-00-DR-A-90001rev14. The scheme to include, but not be limited to, surfacing, kerbs, edging, drainage, lighting, lining, signing, street furniture and new/revised TROs required as a consequence of the scheme. The agreed scheme to be implemented to the satisfaction of the LPA prior to beneficial occupation of the site. Reason: To ensure the reinstatement of the footway and provision of the improved pedestrian environment to facilitate safe commodious access to and use of the proposed development.
30. *Construction Environment Management Plan (CEMP):* Prior to the commencement of building works (excluding demolition works) a CEMP shall be submitted in writing for approval by the Local Planning Authority. The scheme shall include details of site hoardings, site access and wheel washing facilities, a strategy for the delivery of plant and materials, construction staff parking, traffic management proposals, working hours, and details of dust suppression measures and the methods to monitor emissions of dust arising from the development. The construction phases shall be implemented in accordance with the approved scheme. Reason: To ensure highway safety and protect the amenities of residents and occupiers of other premises in the vicinity.
31. *Travel Planning Condition:* No part of the development hereby permitted shall be occupied until a residential travel plan promoting walking, cycling, public transport and other alternatives to the ownership and use of the private car; to include details of the Travel Planning representative, incentivising the uptake of sustainable transport options and annual monitoring of the effectiveness of the plan, has been submitted to and approved by the Local Planning Authority. Reason: In the interest of highway safety and sustainability, and to manage the transportation impact of the development on the use of the highway.

## **ADVISORIES:**

**RECOMMENDATION 2:** The highway works condition and any other works to the existing public highway (to be undertaken by the developer) are to be subject to an agreement under Section 278 Highways Act 1980 between the developer and Local Highway Authority.

**RECOMMENDATION 3 :** The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for

- (i) determining the extent and effects of such constraints and;
- (ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates / soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under section 33 of the environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site:
  - Unprocessed / unsorted demolition wastes.
  - Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
  - Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and
- (iii) the safe development and secure occupancy of the site rests with the developer.

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

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

**RECOMMENDATION 4 :** 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 5:** The proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010 and therefore requires approval of Sustainable Drainage Systems (SuDS) features. It is therefore a legal requirement to obtain SAB consent from the relevant local authority, as the determining SuDs Approval Body (SAB). Prior to approval of an application to communicate surface water flows, under section 106A of the Water Industry Act 1991, SAB consent is required and will need to demonstrate an agreed connection to the public sewerage network.

**RECOMMENDATION 6:** Bird nesting and bat roosting boxes should be incorporated within the building. Swift boxes should be placed at a height of no lower than 5m, preferably at the eaves. The bat boxes can also be installed at this height.

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

- 1.1 A detailed application for the demolition of the Landore Court office block and redevelopment of the site for a mixed use development comprising 150 apartments and 2 ground floor commercial units in a U-shaped block rising from 5 storeys on Charles Street to 16 storeys at the rear of the site on Wesley Lane, together with ancillary and communal facilities, including a residents' roof terrace.
- 1.2 The 150 no. Built-to-Rent (BTR) apartments comprise 47 studios, 65 one-bed and 38 two-bed apartments. A studio apartment is a 31 sqm self-contained unit with kitchen, dining and living facilities. The average floor area for the one-bed apartments is 45 sqm, and for the two-bed apartments is 65 sqm.
- 1.3 Communal facilities include a 150 sqm amenity space at ground floor (part double height), a 125 sqm amenity space at mezzanine level, and a 117 sqm roof terrace at 5<sup>th</sup> floor level overlooking Charles Street and accessed from the main internal corridor. The main entrance to the apartments is a generous space accessed from Wesley Lane via a semi-private landscaped courtyard space with bench seating. The refuse store, cycle store and plant room are located on the ground floor.
- 1.4 The development includes two flexible retail/ commercial units measuring 190 sqm and 119 sqm with shop frontages on Charles Street. The larger unit is on the corner of Charles Street and Wesley Lane and Bridge Street. A variety of uses are applied for including A1 shops, A2 financial and professional services, A3 food and drink, D1 non-residential uses, and D2 assembly and leisure.
- 1.5 The 5 storey element fronting Charles Street follows the building line of the demolished building and has a set-back top storey. The ground floor is double height and highly glazed and the upper floors are brickwork with deep window

reveals. The 8 storey block to the north of the site is also in brickwork but a contrasting darker brick and simpler more repetitive floor to ceiling fenestration. The lower half of the apartment windows to the northern elevation are obscure glazed to afford more privacy for future occupants.

- 1.6 The 16 storey 50.5m high tower is located at the rear of the site with its long axis orientated north-south and is clad in a mixture of anodised aluminium panels folded to form closely spaced fins running the full height of the building, and which frame full height glazing and expanded mesh panels.
- 1.7 *Parking provision:* There is no vehicle parking provided. Secure undercover cycle parking is provided for 122 cycles. A sum will be secured via a section 106 legal agreement for the provision of 4 or 5 'nextbikes' on Charles Street close to the junction with Wesley Lane.
- 1.8 *Public Realm & Landscaping:* Wesley Lane will be widened and a courtyard created at the entrance to create a small external amenity space. 3no. new trees will be provided to the rear of the site alongside Wesley Lane, and the 2no. street trees on Charles Street retained. A number of seats and raised planters will be incorporated into the scheme.
- 1.9 *Existing Building:* Landore Court, a 4 storey 1980s office building, fronts Charles Street and has a car park with 32 spaces to its rear. The building is constructed in yellow brick with a mansard roof and is designed to imitate the style of the 19<sup>th</sup> century terraces on Charles Street. The building is to be demolished in its entirety and an application for conservation area consent for the demolition is under consideration.
- 1.10 The following information is submitted:
  - Design and Access Statement
  - Planning Statement
  - Accommodation Schedule
  - Transport Statement and Framework Travel Plan
  - Preliminary Roost Assessment
  - Bat Activity Survey Report
  - Drainage Strategy & Technical Assessment (Amended Nov 2019)
  - Phase 1 Ground Conditions Report
  - Noise Planning Report
  - Air Quality Assessment
  - Wind Analysis Modelling Report (Amended Nov 2019)
  - Townscape & Visual Impact Assessment (Amended Nov 2019)
  - Arboriculture Survey
  - Archaeological & Heritage Assessment (Amended Nov 2019)
  - Daylight & Sunlight Report (Amended Nov 2019)
  - Topographical Survey



- Viability Assessment
- External Lighting strategy
- Landscape and Public Realm Strategy (DAS)
- Refuse Management Strategy (DAS)
- Demolition Method Statement
- Pre-Application Consultation (PAC) Report

- 1.11 At the request of the LPA the following supporting information was revised to address concerns raised by the LPA following consultation: Wind Analysis Modelling Report; Townscape & Visual Impact Assessment; Archaeological & Heritage Assessment; Daylight & Sunlight Report. The Drainage Strategy was also amended to take account of landscaping requirements.
- 1.12 The amendments took the form of additional information and clarification where required. Amended reports were submitted in Nov 2019
- 1.13 At the request of the LPA amended plans introducing obscure glazing to the lower half of windows in the northern elevation of the 8 storey block were submitted in December 2019. The very minor nature of the amendment did not require neighbour/ representator written notification.
- 1.14 *Environmental Impact Assessment Screening:* In accordance with the T&CP (Environmental Impact Assessment) (Wales) Regulations 2017 the development was screened to consider whether the scale of the proposal would require the submission of an Environmental Statement (ES) to assess the environmental impact of the development.
- 1.15 The screening opinion dated 02.07.19 concluded that an ES is not required for the following reasons:
- a) In relation to size the development proposes an approximately 50m high slender tower which will form part of a cluster of high rise buildings in the city centre. The development will be visible from around the city centre and in long views from the east and north in particular. The pre-application design document provides a number of views of the proposed development from surrounding streets. Given its height, form and silhouette, and the cumulative impact when viewed together with the other tall buildings in the vicinity, which include a 27 storey student housing block (81m) immediately to the south of the site, the impact is likely to be relatively minor and beneficial. The visual impact of the development on the city's skyline will be fully assessed based on a number of verified key views to be agreed with the LPA and submitted as part of the application.
  - b) 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 site is within the Charles Street Conservation Area however conservation areas are not considered to be environmentally sensitive locations as defined by the EIA Regulations. The impact of the development on the conservation area, and on the adjacent Grade II listed buildings on the opposite side of Charles Street, and the Grade II listed church on the corner of Bridge Street and Churchill Way, will be considered as part of the planning application process.

- c) The PRS residential use is a car-free development (no parking provision is proposed) and will not therefore result in any additional traffic movements or associated noise and emissions, and will not give rise to any unusually complex or potentially hazardous environmental effects.

In conclusion the environmental impact 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.

- 1.16 *Pre-Application Enquiry:* Formal pre-application advice was provided by Council officers on 25.6.19 confirming that the proposed land use and design (footprint, height and massing) at this location are acceptable in principle subject to a detailed daylight and sunlight study, further details of the architectural treatment, and material samples.
- 1.17 *Statutory Pre-Application Consultation:* In accordance with legislation the draft planning application was publicised by the applicant for a 28 day period which ended on 21.8.19. Adjoining landowners, ward councillors and specialist consultees were consulted, site notices were put up and a public consultation event was held. A public consultation exercise was held at the Cathays Community Centre on 21<sup>st</sup> August 2019.
- 1.18 Ward Councillor Sarah Merry raised concerns relating to the inappropriate scale and design of the building in a conservation area. The Cardiff Quaker Meeting House provided a detailed representation raising a number of concerns: inappropriate design and bulk, contrary to Tall Buildings SPG, adverse impact on heritage assets, loss of sunlight/ daylight, and unacceptable wind microclimate created by tall building.

## 2. **DESCRIPTION OF SITE**

- 2.1 The 0.24 ha application site is located on the corner of Charles Street and Wesley Lane in a highly sustainable location close to public transport and city centre facilities. The Central Train and Bus Stations are c. 500m to the southwest, Queen Street Station is approximately 200m to the east.

- 2.2 The site is bounded to the west by Charles Street, a predominantly pedestrian route which is closed to vehicles at its northern Queen Street end; to the south by Wesley Lane and the high-rise Bridge Street Exchange student housing scheme, to the east by Wesley Lane and the backs of Victorian properties on Churchill Way, and to the north by the Quaker Meeting House, a 19c. villa on Charles Street. Wesley Lane, a narrow lane accessed from Charles Street, services the backs of Charles Street and Churchill Way premises and is gated off and closed to vehicles and pedestrians at its northern end.
- 2.3 The site is located in the Charles Street Conservation Area and adjacent to the Churchill Way Conservation Area. The only building on the site, Landore Court, a 4 storey 1980s office building, is of no historical significance and is to be demolished, subject to conservation area consent.
- 2.4 Charles Street is one of the city's earliest streets and is characterised by groups of stuccoed 2 or 3 storey mid 19<sup>th</sup> century Victorian townhouses in an Italianate style. The predominant uses are now offices, shops, bars, clubs and restaurants. The view looking north up Charles Street is identified in the conservation area appraisal document as a key view.
- 2.5 Located to the southeast of the site is the Grade II listed former Presbyterian chapel on Churchill Way which is now in use as a bar and restaurant. The building is located in the Churchill Way Conservation Area.
- 2.6 The area has a diverse built environment which is very mixed in character, both in terms of uses and in terms of building ages, styles and heights. Uses include offices, commercial, retail, hotels, leisure and residential.
- 2.7 There are a number of tall buildings in the immediate vicinity – Bridge Street Exchange student housing c.80.5m high, Admiral Insurance HQ building c.61m, Belmont House (Premier Inn Hotel and offices) c.55m, and Landmark Place (resi) c.51m high. The Bridge Street tower is the tallest building in Cardiff.
- 2.8 The materials of the taller buildings in the vicinity are a mix of anodised aluminium cladding and expanded mesh panels (Bridge Street), pre-cast stone cladding (Admiral), render, glass curtain walling, and medium or low quality metal cladding. With the exception of the Bridge Street tower the massing, form and detailing of these larger buildings is often very bulky, of a similar height (c. 50 to 60m), and generally unexceptional.
- 2.9 Footfall around the site is high as a result of the Admiral HQ and Bridge Street tower developments and likely to increase significantly as a result of this development, and potential future development of the Ivor House site located to the other side of Bridge Street.

- 2.10 The site is located in the Central Business Area (CBA) of the adopted Cardiff Local Development Plan (LDP), immediately to the north of the Cardiff Central Enterprise Zone (LDP Policy KP2A refers), and approximately 100m east of the Central Shopping Area.

### 3. **PLANNING HISTORY**

- 19/2465/MJR Application under consideration for conservation area consent for demolition of existing office building and redevelopment of the site for a mixed use development comprising 150 apartments and 2 ground floor commercial units, Charles Street, Cardiff
- A number of minor applications for the change of use of different parts of the existing Landore Court building, namely: 15/2464/MNR CoU B1 to D1 granted Jan 2016 (47 Charles Street); 15/1686/MJR CoU B1 to A2 granted Aug 2015 (49 Charles Street); 07/390/C CoU B1 to dual use B1 and D1 granted April 2007  
Related Planning History
- 18/538/MNR PP granted June 2018 for a rear ground floor extension to the Quaker Meeting House at 43 Charles Street (immediately to the north of the application site). Not yet implemented.
- 16/1822/MJR PP granted May 2017 for the demolition, extension, refurbishment, and change of use of the existing buildings at 34-44 Churchill Way (immediately to the east of the application site) from B1 office use to residential (36no. 1 bed and 12no. 2 bed apartments). Nearing completion.
- 15/3097/MJR PP granted July 2016 for the recently completed 27 storey purpose-built student accommodation on the corner of Charles Street and Bridge Street.

### 4. **POLICY FRAMEWORK**

#### National policy

- 4.1 Planning Policy Wales (PPW) Ed. 10 Dec 2018: Ch. 3 Good Design Making Better Places; Chapter 6 Historic Environment.
- 4.2 The following Technical Advice Notes (TANs) are relevant:
- TAN 2: Affordable Housing
  - TAN 12: Design
  - TAN 24: The Historic Environment

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

- 4.3 Cardiff Local Development Plan 2006-2026:
- KP5 Good Quality and Sustainable Design
  - KP6 New Infrastructure

- KP7 Planning Obligations
- KP8 Sustainable Transport
- KP10 Central & Bay Business Areas
- KP17 Built Heritage
- C1 Community Facilities
- C5 Provision for Open Spaces
- EC4 Protecting Offices in the Central and Bay Business Areas
- EN9 Conservation of the Historic Environment
- EN12 Renewable Energy and Low Carbon Technologies
- EN13 Air, Noise, Light Pollution & Land Contamination
- H3 Affordable Housing
- R6 Retail Development (Out of Centre)
- R8 Food & Drink Uses
- T1 Walking & Cycling

#### 4.4 Supplementary Planning Guidance

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

- Tall Buildings (2017)
- Waste Collection and Storage Facilities (2016)
- Access, Circulation and Parking Requirements (2010)
- Food, Drink & Leisure Uses (Nov 17)
- Planning Obligations (2017)
- Safeguarding Business and Industrial Land and Premises (2017)
- Charles Street Conservation Area Appraisal (2008)
- Churchill Way Conservation Area Appraisal (2008)

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

- 5.1 **Land Use Policy:** The site is located within the Central Business Area (CBA) of the adopted Cardiff Local Development Plan. As such, the main land use planning policy issues relate to:
- 5.2 *Whether the loss of land for B1 (office) use is acceptable:* LDP Policy EC4 (Protecting Offices in the Central and Bay Business Areas) identifies that to ensure Cardiff continues to attract and retain quality businesses, the city centre must provide a range and choice of office premises. It also states that where proposals involve the loss of office accommodation, a series of issues will be considered, including whether and for how long the premises have been vacant and actively marketed for office use.
- 5.3 The applicant has identified that existing leases are expiring during 2020 and that elements of the site have remained vacant despite having been actively marketed for Class B1 (office) use, which is a consideration in determining the acceptability of this proposal. In addition, given the availability of similar grade office

accommodation within the Central Business Area, there is some policy justification to support the proposed change of use on quantitative grounds in this instance.

- 5.4 *The acceptability of residential use at this location:* LDP Policy KP10 (Central and Bay Business Areas) describes the range of uses appropriate within the Central Business Area (CBA), which includes residential development (subject to associated policy considerations). The principle of residential development is well established within the surrounding area and the central location of this site is suited to residential use as it is well served by transport links and is close to local amenities.
- 5.5 *The acceptability of a ground floor commercial use at this location:* The site is located outside, but on the edge of the Central Shopping Area (CSA) as defined by Policy R2 of the LDP. Taking into consideration the relatively small scale of the units at 174/109sqm and that convenience retail could serve the residents associated with the development and the wider residential community in the surrounding area, an element of Class A1 (Retail) use could be considered acceptable at this location.
- 5.6 Policy R8 (Food and Drink Uses) of the LDP identifies the Central Business Area as an appropriate location for food and drink uses, subject to amenity considerations. Given that the application proposes 150 apartments to the upper floors of the building, the applicant will be expected to demonstrate how their proposal can address concerns over the potential impact of a ground floor A3 use upon the amenity of residential occupiers. This could be achieved through the applicant accepting a restricted use condition, preventing the use of the premises as a drinking establishment, where the primary purpose is the sale and consumption of alcoholic drink on the premises, or as a hot food takeaway, where the primary function is the sale of hot food for consumption off the premises.
- 5.7 Class A2 (Financial and Professional Services), D1 (Non-residential Institution) and D2 (Assembly and Leisure) uses would be considered acceptable at this location, subject to amenity considerations.
- 5.8 *Strategic Planning (Regeneration) Considerations:* This is a large scale proposal, where the introduction of 150 apartments will place increased pressure on the surrounding pedestrian environment, particularly due to the nature of the proposal as residential apartments where movements will take place across a longer period of time, including late at night.
- 5.9 The public realm surrounding the site at Charles Street and Wesley Lane is generally of a poor quality and there is a need for it to be upgraded to a standard commensurate with recent developments in the immediate vicinity in order to provide an enhanced and more efficient pedestrian environment than that which serves the area at present.

- 5.10 Planning Policy Wales, paragraph 4.1.18 states that 'Well-designed, people orientated streets are fundamental to creating sustainable places and increasing walking, cycling and use of public transport. New development should improve the quality of place and create safe, social, attractive streets where people want to walk, cycle and enjoy'. As this proposal is for residential accommodation, where movements to and from the building will predominantly take place on foot, the public realm in the immediate vicinity of the site should be considered in this context.
- 5.11 There is an established palette of paving materials and street furniture within the core of the city centre and a public realm contribution is sought as part of this application in order to provide a consistent and coherent treatment throughout the area.
- 5.12 Taking into consideration a pro-rata calculation from recently developments in the vicinity of the site, a financial contribution of £263,834 would be sought towards the provision of public realm improvements at Charles Street and Church Place, including footway / carriageway resurfacing and kerb, tree, bollard and lighting column replacements to tie-in with recently completed works at the southern end of the street.
- 5.13 **Affordable Housing:** In line with the Local Development Plan (LDP), an affordable housing contribution of 20% of the 150 units (30 units) is sought on this brown-field site. Our priority is to deliver on-site affordable housing, in the form of affordable rented accommodation, built to Welsh Government Development Quality Requirements.
- 5.14 In the event that the applicant is unable to identify a satisfactory solution to onsite/offsite provision we would be prepared to accept financial contribution in lieu of on-site affordable housing provision. On that basis we would seek a financial contribution of £2,215,948 (in lieu of 30 x units) which is calculated in accordance with the formula in the Planning Obligations– Supplementary Planning Guidance (2017).
- 5.15 **Parks Service:** The Parks Officer welcomes the retention of the two street trees, the inclusion of a roof terrace on level 5, and the courtyard area with seating off Wesley Lane. However he has concerns that a development of this size, when combined with a number of other recent large city centre residential developments that are being built, increases the need for a significant sized public open space based largely on soft landscape, to provide a place for residents (as well as people working within the centre of Cardiff) in the City Centre.
- 5.16 These comments relate to the current LDP (C5 Provision for Open Space, Outdoor Recreation, Children's Play and Sport; KP16 Green Infrastructure), and the 2017 Planning Obligations Supplementary Planning Guidance (SPG).

- 5.17 The Council's LDP requires provision of a satisfactory level and standard of open space on all new housing/student developments, or an off-site contribution towards existing open space for smaller scale developments where new on-site provision is not applicable.
- 5.18 Based on the information provided on the number and type of units, I have calculated the additional population generated by the development to be 200. This generates an open space requirement of 0.486 ha of on-site open space based on the criteria set for Housing accommodation, or an off-site contribution of £207,406. I enclose a copy of the calculation.
- 5.19 Although the scheme includes for some limited amenity space for residents on site (see comments above), no public open space is being provided, and therefore the developers will be required to make a financial contribution towards the provision of new open space, or the design, improvement and/or maintenance of existing open space in the locality, given that demand for usage of the existing open spaces would increase in the locality as a result of the development.
- 5.20 Consultation would take place with Ward Members to agree use of the contribution, and this would be confirmed at S106 stage. The closest areas of recreational open space are Bute Park, St Johns Churchyard, and Callaghan Square Open Space. There is also a need to deliver additional tree planting and new public open space as part of the City Centre Strategy.
- 5.21 The Parks Officer has no objection to the design of the landscaping and the provision of replacement trees subject to a mechanism to ensure that in the event street tree T2 cannot be replaced in the same location a suitable replacement is provided elsewhere on Charles Street.
- 5.22 **Trees:** The Tree Officer has no objection to the proposals as amended subject to landscaping design and implementation, landscaping maintenance, and tree protection conditions but still has some concerns about the replacement of the 'U' category tree T2 as part of the public realm works.
- 5.23 When public realm improvement works were proposed on Charles St. as part of another planning application, the delivery of tree planting had to be abandoned due to the complexity of services present and their shallow depth of installation. Consequently it may be the case that without geophysical or excavation works to establish the 'in the ground' situation, the replacement of T2 may prove impossible due to health and safety concerns.
- 5.24 Given this risk, it is suggested that the standard landscaping design and implementation condition is amended to include the following wording (or similar): *Should unforeseen service constraints and consequent health and safety considerations prevent the replacement of tree T2, an alternative compensation*



*package shall be agreed with the LPA to provide improvements to existing tree planting or to provide a new tree within the public realm as appropriate.*

- 5.25 **Ecology:** The Council Ecologist has considered the bat survey reports submitted in support of this application, and agrees with the methodology used and conclusions drawn from those surveys. No evidence that bats are using this building was found, however bats were noted flying in the vicinity, so the officer supports the precautionary mitigation and biodiversity enhancement measures that are proposed. Also, there is a possibility that the adjacent Quaker Meeting House is where the bats detected flying nearby are roosting.
- 5.26 These mitigation measures are set out in sections 5.8 to 5.10 of the Bat Activity Survey Report dated 19/06/19. A recommendation should be attached to any consent to advise the applicant to implement these measures.
- 5.27 **Community facilities:** The Cardiff Planning Obligations SPG 2017 (Section 8 Community Facilities) states that 'Growth in population arising from new development generates demand for and increases pressure on community facilities. To meet the needs of future residents, it may be necessary to meet this additional demand through the provision of new facilities and/or the extension to, or upgrading of existing facilities'.
- 5.28 Where no onsite provision is proposed, a financial contribution is sought on residential developments containing 25 or more new dwellings where it has been identified that investment in community facilities will be required to meet the needs of the new population. The formula in the SPG is based on the number of bedrooms and associated occupancy figures per dwelling, and the following contribution, calculated in accordance with the SPG, is sought from the developer: £118,607
- 5.29 Several community facilities are located within proximity to the site and are likely to experience an added pressure as a result of the new population. It is envisaged that a forthcoming community facilities contribution would be directed towards these facilities.
- 5.30 **Transportation:** In accordance with local and national policy guidance; the adopted 2018 Managing Transportation Impacts (Incorporating Parking Standards) SPG identifies appropriate levels of parking for different types/classes of development, within identified central and non-central areas of the city, and for different vehicle types (cars/cycles/servicing/etc.) The Charles Street site is within the Central Area of Cardiff as defined in the SPG and as such, in accordance with the principle of maximum parking standards in this area, the proposed zero car parking nature of the development is considered to be policy compliant in this respect.

- 5.31 As identified in the submitted Transport Statement the proposed development is centrally located in close proximity to a broad range of existing facilities, services and employment opportunities that will be easily accessible to pedestrians and cyclists, as you would expect for a city centre location such as this.
- 5.32 The site is a short level walk to Churchill Way where there are a number of bus stops/shelters with services providing access to destinations across Cardiff and beyond. Cardiff Queen Street rail station is also within a 350m walk to the East and Central Station (and the new bus station when complete) is circa 800m to the West of the site. In addition to active travel and public transport opportunities associated with the site, there are also two Enterprise Car Club bays in close proximity, at Churchill Way and Windsor Place.
- 5.33 The site is therefore considered to be extremely sustainably located in transport terms and as such it is considered that active/sustainable transport opportunities provide convenient, accessible and viable daily alternatives to the ownership and use of private cars by the incoming residents.
- 5.34 Notwithstanding the foregoing, it is noted that the proposed on-site cycle parking provision of 122 spaces falls well short of the SPG requirement of 197 spaces for the combined uses. In considering cycle parking and the justification for the reduced level outlined in section 4 of the submitted Transport Statement, I would make the following comments:
- 5.35 Paragraph 4.5.3 of the TS makes reference to the Cardiff Council and Sustrans document 'Bike Life Cardiff' published in 2017, and calculates a cycle parking requirement base on the percentage of households owning a bike at that time. However, it is not felt appropriate to simply assume the Council is looking to meet 2017 ownership levels. The trend for cycle ownership and use is increasing, and indications are that this trend will continue to do so as people become less reliant on daily access to a car and move to more sustainable, cheaper transport options.
- 5.36 Conditions are sought in relation to cycle parking provision (197 spaces), the adjacent highway and public realm improvements shown in the submission, Construction Environment Management Plan CEMP), and provision of Travel Planning.
- 5.37 **Highways (Drainage):** No objection. The drainage strategy has been discussed and agreed in principle with Drainage subject to Sustainable Urban Drainage (SAB) application.
- 5.38 **Pollution Control (Contaminated Land):** The Officer notes the preliminary contamination and ground gas assessment which identifies the need for further investigation, including site-works. The relevant conditions are recommended below in relation to this. However, given the current nature of the site, it is likely

that this work will need to be undertaken post demolition, rather than pre-commencement and the standard conditions have been amended to reflect this.

- 5.39 No objection subject to standard ground gas, contaminated land assessment, remediation and verification conditions, and unforeseen contamination, imported aggregates, and use of site won materials conditions (standard conditions amended where necessary), and a contamination and unstable land advisory notice.
- 5.40 **Pollution Control (Noise & Air):** The PC Officer has no objection to the proposed development subject to an amended road traffic noise condition, and standard plant noise, delivery times, and amended light pollution conditions, and construction noise recommendation.
- 5.41 **Waste Management:** Plans detailing waste storage are acceptable.
- 5.42 **Air Quality:** An Air Quality Assessment (AQA) has been undertaken to ascertain the likely air quality impacts associated with the proposed development through its construction and operational phases. For the construction phase of the proposed development a medium risk has been identified with respect to dust and human health as a result of construction phase activities (Construction). The Construction Environmental Management Plan required by condition shall therefore include a detailed Dust Management Plan. Reason: To ensure that the amenities of residents in the vicinity are protected.
- 5.43 **Economic Development:** The Economic Development directorate is concerned at the continuing change of use requests for employment property to residential / student accommodation developments and would oppose a change of use request for the site at Landore Court to residential accommodation with the loss of circa 1,723 sq m of employment space.
- 5.44 Economic Development recognise that mixed use development may be considered appropriate, however if mixed use schemes with a reasonable proportion of B1 business space are not feasible or forthcoming on a particular site within a protected employment area, a planning obligation will be required to compensate for this loss, and mitigate the impact of this change as if the site is lost to a residential use it is unlikely that it will revert back to an employment site.
- 5.45 A financial contribution is sought to address the concerns relating to the loss of this employment land at a key employment site in the city centre. Economic Development is seeking a financial contribution of £35,648. This contribution will form a package of assistance that will help support and develop companies within the Cathays ward and provide further employment opportunities. This figure is equitable to other figures that have been agreed on sites of the same size in other parts of the city.

## 6. **EXTERNAL CONSULTEE RESPONSES**

- 6.1 **Welsh Water:** Following discussions with held with the applicant and the Council's SAB body DCWW has no objection subject to a condition requiring submission of a drainage scheme that provides for the disposal of foul and surface water, the latter by sustainable means.
- 6.2 **GGAT:** Information in the Historic Environment Record shows no designated, and no non-designated historic assets within the area of the proposed development. The area borders but is outside the City Centre Archaeologically Sensitive Area; it is outside the medieval walled town and the medieval suburbs. A search of historic mapping has not shown any features likely to have an archaeological or historic environment impact. We note from the supporting documentation that the area has been rebuilt on and significant ground disturbance has occurred.
- 6.3 Given the nature of the proposed development, it is our opinion that the proposals are not likely to encounter any archaeological deposits. Given our understanding of the current information, it is our opinion that there will not be a requirement for archaeological mitigation works.
- 6.4 **South Wales Police:** No objection to the above application and can confirm that we have been involved in pre application discussions with developers regarding community safety issues, these discussions are reflected in the design and access statement. The only additional comment we would make is that any A3 approval is granted with suitable conditions to protect residential amenity.
- 6.5 **South Wales Fire and Rescue Service:** The developer should consider the need for the provision of adequate water supplies on the site for firefighting purposes and access for emergency firefighting appliances.
- 6.6 **Natural Resources Wales:** No objection. NRW notes that the bat report submitted in support of the application has identified that bats were not using the application site. The developer's attention is drawn to the Development Industry Code of Practice for the disposal of waste and the Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste materials.
- 6.7 **CADW:** No objections to the impact of the proposed development on the scheduled monuments or registered historic parks and gardens listed in our assessment.

## 7. **REPRESENTATIONS**

- 7.1 The proposals were advertised as a major application in the press and on site, and neighbours and Local Members were consulted.

- 7.2 A total of 14 letters of objection have been received from local member Cllr. Sarah Merry (also on behalf of Cathays Cllrs. Weaver and Mackie), Assembly Member for Cardiff Central, Jenny Rathbone, Cllr. Susan Elsmore (Canton, Quaker), Cardiff Civic Society, Victorian Society (Wales Group), Cardiff Quaker Meeting House, Unitarians (user), Church Army charity (user), and 6 members of the public (including 3 members of the Quakers who use the building).
- 7.3 Cllr. Sarah Merry (Cathays) objects on the following grounds:
- Adverse impact on the conservation area (tall and bulky building out of scale with surrounding buildings, not disguised by setting back)
  - Contrary to Tall Buildings SPG (design of tall building and adverse impact in terms of overshadowing/ overlooking, particularly rear of Churchill Way and Quaker Meeting House)
  - Turbulent wind micro climate around the building, and questions whether all surrounding buildings are assessed in the Wind Analysis report
  - No enhancement of green space
  - No affordable housing provision.
- 7.4 Assembly Member Jenny Rathbone objects on the following grounds:
- Demolition of existing building, contrary to principles of conservation area
  - Adverse impact on the conservation area (tall and bulky building out of scale with surrounding buildings)
  - Adverse impact on neighbouring buildings in terms of overshadowing/ overlooking
- 7.5 Cllr. Susan Elsmore (Canton) objects on the following grounds:
- Adverse impact on the conservation area contrary to LDP policies KP17 and EN9 (fails to preserve/ enhance the conservation area).
  - Contrary to Tall Buildings SPG (overshadows neighbouring properties, including the Quaker Meeting House)
  - Adverse impact in terms of daylight, air quality, air turbulence and noise
  - Increased waste and drainage requirements.
  - No affordable housing provision.
  - Inadequate traffic congestion mitigation
- 7.6 Cardiff Civic Society objects on the following grounds:
- Adverse impact on the conservation area contrary to LDP policies KP17 and EN9 (fails to preserve/ enhance the conservation area). Scheme would have major negative heritage, design and environmental impacts on the conservation area which are not outweighed by provision of more apartments
  - Contrary to Tall Buildings SPG (overshadows neighbouring properties, fails to demonstrate exceptional design quality)
  - Contrary to PPW ed. 10, section 6.1.9 (requirement to fully consider impact on the historic environment)

- Overdevelopment
- Supporting information (heritage statement daylight & sunlight, wind, and noise assessments) significantly downplays the scheme's adverse impact on the environment of this area
- No affordable housing provision
- No enhancement of green space/ public realm

7.7 Victorian Society (Wales Group) objects on the following grounds:

- Major adverse impact on the character and appearance of the conservation area contrary to LDP policies KP17 and EN9 (fails to preserve/ enhance the conservation area).
- Impact on the settings of some important listed buildings in the central conservation areas has not been properly assessed contrary to PPW ed. 10, section 6.1.9 (requirement to properly consider impact on historic environment)
- Contrary to Tall Buildings SPG (overshadows neighbouring properties, fails to demonstrate exceptional design quality)
- Overdevelopment without green breathing spaces required by the Wellbeing of Future Generations Act.
- Damaging impact on commercial centre of Cardiff and will destroy the character of the conservation area

7.8 Cardiff Quaker Meeting House objects on the following grounds:

- Overarching objection is the adverse impact the scale of the building will have on the Meeting House building and the uses to which it can be put.
- Multiple uses of the Meeting House building not fully acknowledged in some of the supporting documents therefore the impact of the development has been understated.
- Adverse impact on the conservation area contrary to LDP policies KP17 and EN9 (fails to preserve/ enhance the conservation area). Disagree with the Archaeological & Heritage Assessment (AHA) conclusions that the scheme's impact on the conservation area and on the Grade II listed buildings in the street is 'very minor adverse'. The assessments should have registered a severe adverse impact on the conservation area.
- Contrary to guidance in the Cardiff City Centre Conservation Area Appraisal (CCCAA) which requires 'development to respect adjoining properties...and the historic context of the conservation area'
- The recently approved Bridge Street Exchange tower on the adjacent site should not be used to justify a tall inappropriately designed building
- Contrary to Tall Buildings SPG (overshadows neighbouring properties, including the Quaker Meeting House, fails to demonstrate exceptional design quality and does not 'knit well into the existing fabric of the city' SPG para 1.7)
- Should follow the Charles Street building line to reduce the overbearing impact of the building's mass on the front of the Meeting House building, and enhance street sightlines

- Building formed of three chunky masses linked together without any grace
- Daylight and Sunlight report does not properly assess the impact of the proposals on the front and rear of the Meeting House building
- Neither the proposed rear extension to the Meeting House building or the existing trees in the garden offer 'justification' for a flexible application of the BRE guidelines
- Noise breakout from commercial premises and from future occupiers disturbing religious services and wellbeing activities
- Wind Analysis Modelling report does not properly assess the impact of the proposals on the front and rear of the Meeting House building
- Failure to provide social housing
- Light pollution from the building (up-washing of facades) not properly assessed
- Failure to incorporate environmental standards to futureproof the development
- PAC report largely dismisses or minimises the impacts identified by the Quaker Meeting House in their response
- Approach to the PAC public consultation was inadequate

7.9 Cardiff Unitarians, who make use of the Quaker Meeting House building, object on the following grounds:

- Adverse impact the scale of the building will have on the Meeting House building and the uses to which it can be put
- Overshadowing of the Meeting House rear garden and the Charles Street frontage.
- Failure to provide social housing

7.10 The Church Army charity, who make use of the Quaker Meeting House building, object on the following grounds:

- Adverse impact the scale of the building will have on the Meeting House building and the uses to which it can be put
- Overshadowing of the rear garden and the Charles Street frontage.
- Adverse impact on the conservation area (tall and bulky building out of scale with surrounding buildings)
- Noise from demolition/ construction phases and noise breakout from commercial premises once complete

7.11 Members of the public (total 6) object primarily on the grounds of adverse impact on the conservation area and on the Quaker Meeting House in particular, the height, massing and design of the building, lack of affordable housing, and adverse impacts on the amenity enjoyed by neighbouring residents/ occupiers and passers-by, namely overshadowing and wind turbulence at ground level.

## 8. **ASSESSMENT**

### Land Use

- 8.1 The application site is located in the LDP Central Business Area. The relevant LDP policy (KP10) states that, in addition to major office and commercial leisure uses, residential uses are considered appropriate. Residential development in the Central Business Area is considered to support the delivery of balanced mixed use areas which can create sustainable urban neighbourhoods, and contribute to the daytime and evening economy.
- 8.2 In relation to loss of office premises in the CBA existing leases are expiring during 2020 and elements of the site have remained vacant despite having been actively marketed for Class B1 (office) use, which is a consideration in determining the acceptability of this proposal. In addition, given the availability of similar grade office accommodation within the Central Business Area, there is some policy justification to support the proposed change of use.
- 8.3 The site is located outside, but on the edge of the Central Shopping Area. Taking into consideration the relatively small scale of the units at 174/109sqm and that convenience retail could serve the residents associated with the development and the wider residential community in the surrounding area, an element of Class A1 (Retail) use could be considered acceptable at this location.
- 8.4 The LDP identifies the Central Business Area as an appropriate location for food and drink uses, subject to amenity considerations. Given that the application proposes 150 apartments to the upper floors of the building, the applicant will be expected to demonstrate how their proposal can address concerns over the potential impact of a ground floor A3 use upon the amenity of residential occupiers. This could be achieved through the applicant accepting a restricted use condition, preventing the use of the premises as a drinking establishment, where the primary purpose is the sale and consumption of alcoholic drink on the premises, or as a hot food takeaway, where the primary function is the sale of hot food for consumption off the premises.
- 8.5 Class A2 (Financial and Professional Services), D1 (Non-residential Institution) and D2 (Assembly and Leisure) uses would be considered acceptable at this location, subject to amenity considerations.

### Design

- 8.6 LDP design policy KP5 requires new development to be of a high quality, sustainable design and make a positive contribution to the creation of distinctive places. Tall buildings are to be located in areas that are highly accessible for pedestrians and public transport, and within an existing or proposed cluster of tall buildings.



- 8.7 The 2017 Tall Buildings SPG states that tall buildings will be assessed having regard to locational criteria, specifically that they will only be acceptable where they:
- Are located within easy walking distance of public transport hubs;
  - Create a positive feature in the city skyline;
  - Add to legibility of city and wider townscape;
  - Terminate or enclose important vistas;
  - Have a minimal visual impact on sensitive historic environments (including conservation areas and their setting).
- 8.8 The SPG also states that proposals for tall buildings need to demonstrate an exceptional standard of design and will be assessed having particular regard to their design, specifically:
- Form and silhouette of the building;
  - Quality and appearance;
  - Impact and interface at street level;
  - Sustainable design
- 8.9 The site is within easy walking distance of railway stations, the bus station, and the city centre shops and facilities, and is well served by buses with stops adjacent to the site.
- 8.10 The architectural approach has emerged from detailed analysis of the surrounding environment, the historic context and the wider city context. A number of verified views were agreed early in the discussions and these, together with closer street views, have been used to assess the landscape and visual impact of the building on the city skyline, the streetscape, and in particular on the character and appearance of the Charles Street Conservation Area and the setting of the Churchill Way Conservation Area.
- 8.11 The tower is 50.5m high and is significantly taller than neighbouring historic buildings on Charles Street and Churchill Way but about half the height of the 27 storey 80.5m high Bridge Street Exchange student tower immediately to the south. It will by virtue of its height and juxtaposition to the Bridge Street tower reinforce the building group as a distinctive landmark on the city's skyline.
- 8.12 The development in conjunction with the Bridge Street Exchange creates a strong piece of townscape at a busy but non-descript junction. It will regenerate this particular part of the city and provides a high quality marker for future redevelopment in the area (Ivor House site/ Job Centre site/ Guildford Crescent site)
- 8.13 In relation to the Tall Buildings SPG locational criteria the key issue is whether or not the visual impact of the development on the Charles Street and Churchill Way conservation areas is acceptable.

- 8.14 The massing of the scheme is a direct response to the context of the conservation area and the Bridge Street Exchange development
- 8.15 The tower element is orientated north-south and set back within the site in order to minimise the impact on the Charles Street Conservation Area, and to develop a suitable relationship with the Bridge Street Exchange tower. Various heights were explored during the pre-application process before agreeing a height of 50.5m (16 storeys), just over half the height of the Bridge Street tower (80.5m). This height complements the taller tower without detracting from it, and provides a stepping point from the dominant tower down to the existing buildings in the conservation area.
- 8.16 The block fronting Charles Street is 4 storeys high with a set-back fifth floor and maintains the rhythmical proportions of the existing heritage streetscape. The façade has depth and texture to the upper floors and large expanses of glazing at ground floor. The setback on level 4 respects the existing rooflines and creates a visual link materially to the tower behind. The Charles Street façade turns the corner onto Wesley Lane to give some presence to the widened entrance to the scheme.
- 8.17 Commercial/ retail units along Charles Street create an active frontage which also wrap around the corner onto Wesley Lane.
- 8.18 The simple material palette responds to the three distinct blocks and their location within the site. The Charles Street block makes use of a textured brick with tones that complement the materials palette in the conservation area. The intermediate 8 storey block is of much simpler design clad in a darker contrasting brickwork. The tower is clad in a bronze coloured anodised aluminium cladding that incorporates slender fins and picks up on the verticality and articulation of the Bridge Street tower while contrasting sufficiently to set itself apart and read clearly as a separate tower.
- 8.19 Textures and colours in general have been carefully selected to pick up on the tones of the surrounding stonework, and the use of anodised aluminium and expanded metal mesh on the tower ties the development together with the Bridge Street development and effects a successful transition between the high-rise modern city centre and the conservation area.
- 8.20 Conditions are attached requiring submission of sample materials and architectural details of the façade, and a sample panel of the façade will be erected on site to control quality and appearance.
- 8.21 The building forms a contemporary high quality addition to the skyline and streetscape.

- 8.22 *Sustainability*: The design incorporates the following measures to improve energy efficiency (see Sustainability Statement in the DAS):
- Fabric U-values significantly above building regulation requirements
  - Passive ventilation via openable windows and extract fans to the bedrooms (no requirement for mechanical purge ventilation)
  - Combined heat and power unit to generate heat and electricity on site
  - High efficiency natural gas-fired condensing boilers throughout
  - Energy efficient lighting controls
  - Low energy LED lighting throughout
- 8.23 The use of high performance building fabrics and energy efficient lighting and building services and controls for space heating, cooling and ventilation, and a highly efficient gas-fired CHP system to deliver hot water, results in an efficient low carbon development.

#### Impact on heritage assets

- 8.24 PPW and LDP Policy EN9 requires that development will only be permitted where it can be demonstrated that it preserves or enhances the character or appearance of a conservation area, its setting or the setting of listed buildings. The objective of preservation can be achieved either by development which makes a positive contribution to an area's character or appearance, or by development which leaves character and appearance unharmed.
- 8.25 The applicant's Heritage Assessment considered effects from the proposed development on all designated historic assets within a 500m radius of the site, and identified the following effects:
- A beneficial effect from the loss of the existing building, which is considered to have a very minor negative effect on the character and appearance of the Charles Street Conservation Area and on the significance of the Grade II listed terraced houses 52-62 Charles Street and 50 Charles Street
  - From the proposed new building; a very minor adverse effect on the character and appearance of the Charles Street Conservation Area, and a very minor loss of significance for the adjacent Grade II listed terraced houses 52-62 Charles Street and 50 Charles Street
  - A minor adverse effect on the significance of the Grade II listed building, Former Welsh Presbyterian Chapel on account of change to its setting; and
  - A very minor adverse effect on the character and appearance of the Churchill Way Conservation Area.
- 8.26 The conclusions of the Archaeological and Heritage Assessment (Nov 19) are not disputed; it is agreed that there will be a 'minor adverse' impact on the significance of the Churchill Way and Charles Street Conservation Areas, as well as the listed buildings within the Conservation Area, most notably the Former Welsh Presbyterian Church in Churchill Way. However, the CGIs provided are invaluable

in demonstrating how the building will blend in with the modern buildings that already form a part of the setting of these designated heritage assets.

- 8.27 *Charles Street Conservation Area:* The site is within the Charles Street CA, and is currently occupied by Landore Court, an unexceptional 4 storey 1980s office building constructed in yellow brick with a mansard roof, and architectural detailing designed to imitate the style of the 19<sup>th</sup> century terraces on Charles Street. The pastiche building does little to enhance the Charles Street frontage.
- 8.28 The proposals replace this building with a high quality contemporary block of similar massing and located on the same building line. The architecture, choice of materials and active frontages will enhance the streetscape as discussed above.
- 8.29 The greater 8 storey mass of the development and the tower being oriented and set back as proposed takes any potentially overbearing impact away from the conservation area, creating sufficient depth to the composition in order to preserve the overriding scale which characterises the street. Thus the streetscape with its historic buildings retains prominence and continues to make a strong contribution to the character and appearance of the conservation area.
- 8.30 *Churchill Way Conservation Area:* The Churchill Way CA was designated in 1991, 'giving recognition to its historical and architectural quality in the face of increasing pressure for redevelopment in the area' (CA Appraisal, 2008 p.47). Therefore, at the time of designation, the historic character and setting of Churchill Way had already been compromised by redevelopment of the eastern and southern areas of the street.
- 8.31 This means that the remaining three storey villas and listed chapel have been primarily preserved for their group value, fabric and scale as opposed to their relationship to the wider townscape; which at the southern end is one of contrast. The primary views towards the uninterrupted roofline would not be negatively affected, whereas this would likely be unacceptable within the central or northern part of this series of villas – which would be more sensitive to such changes in scale.
- 8.32 In terms of the impact of this proposal on the setting of the villas, the combination of the arrangement of appropriate massing, simplicity of detailing, materials and use of colour of the higher elements and the tower itself is considered to leave the character, appearance and setting (the way in which the area is experienced from outside) of the conservation area unharmed.
- 8.33 It should be noted that the characteristics and context are particularly unusual for a site within a conservation area in Cardiff. When assessing the impact of the development on the character and appearance of Charles Street CA and the setting of Churchill Way CA it is important to bear in mind that the conservation

areas at their southern end are set within the context of a modern urban landscape populated by large, tall and highly contemporary buildings.

- 8.34 *Setting of Grade II LBs on Charles Street (terraced houses 52-62 Charles Street and 50 Charles Street):* It is considered that there will be a very minor loss of significance for the adjacent listed houses at 52-62 Charles Street and 50 Charles Street. This is primarily due to the taller elements which are set within the block between Charles Street and Churchill Way. Impact is minimised by the positioning of these taller elements away from prominent viewpoints which define the way in which the listed buildings are experienced, together with the replacement of a poor quality pastiche building with a higher quality contemporary building fronting the street. As such, the setting of these listed buildings would not be harmed to a significant extent.
- 8.35 *Setting of Listed Building - Former Welsh Presbyterian Chapel (Grade II):* Addition of a subservient tower does not impinge significantly on the backdrop to the former chapel. As a result the listed building retains its prominence within key street views of the corner of Churchill Way/ Bridge Street.
- 8.36 As with the assessment for the setting of Churchill Way, potential impacts of a proposal of this scale on the setting of the former chapel is mitigated by careful design and choice of materials. The assessment of impact upon the listed building put forward within the application documents is considered to be appropriate.
- 8.37 On balance there would clearly be effects on the historic environment arising from the development but these are not deemed to be significant. Given the design quality of the proposals, the contribution towards public realm improvements and to the wider urban context the change to the heritage assets is on balance considered acceptable.

#### Public realm

- 8.38 The public realm proposals significantly enhance the immediate environs of the building, and in addition to resurfacing and new hard and soft landscaping works include widening of the Wesley Lane entrance and creation of a landscaped entrance courtyard.
- 8.39 A significant financial contribution is secured towards completing the upgrading of Charles Street and Church Place.

#### Wind Microclimate:

- 8.40 The Wind Assessment provided by the applicant is based on a computational wind study to assess the pedestrian level wind climate around the site of the proposed development. The study concludes as follows:

- 8.41 The wind conditions around the existing site for leisure walking are not acceptable on Churchill Way, Barrack Lane, the corner of Wesley Lane and Charles Street. The rear of Landore Court and property to the North East of the Quakers garden area is considered tolerable for pedestrian leisure walking. In terms of business walking Barrack Lane, the corner of Wesley Lane and parts of Churchill Way are currently unacceptable.
- 8.42 The proposed scheme improves the conditions for business and leisure walking on Barrack Street and Churchill Way and reduces the impact on the corner of Wesley Lane and Charles Street.
- 8.43 In general the proposals do not make any of the areas worse other than an isolated seating area at the Meeting House garden which is made worse during winter months. It should be noted the trees in the back garden are not accounted for in the model. These trees would provide more protection during the summer but not in the winter where seating outside would be an issue.
- 8.44 The proposed scheme improves entrance usage on the site and the surrounding area particularly to the entrance to the proposed building on the North East corner of the Quakers garden. In terms of the Quakers current site door entrances are unaffected. The entrance area to the Landore Court building is also performing better with the proposed building.
- 8.45 The 5<sup>th</sup> floor terrace area is considered tolerable during winter months and acceptable during summer months. Depending on the level of usage some additional screening would enhance the space.
- 8.46 The proposed scheme improves the current distress areas experienced on Barrack Street and the corner of Charles Street and Bridge Street in terms of Distress/Safety conditions/cyclists currently being experienced.
- 8.47 Given the above the wind microclimate created by the proposals is acceptable.

#### Impact on daylight and sunlight received by neighbours

- 8.48 *Assessment Methodology (Daylighting)*: Daylighting to habitable room windows in neighbouring properties affected by the development has been assessed in accordance with BRE guidelines by calculating the Vertical Sky Component (VSC), and the internal daylight distribution by plotting the position of the existing and proposed No Sky Line (NSL) contour.
- 8.49 The VSC measures the amount of skylight falling on a vertical window. The BRE guidance advises that if VSC is greater than 27% a room with conventional windows will receive adequate daylight, and any reduction below this should be kept to a minimum. If VSC is between 15% and 27% special measures (larger windows, changes to room layout) are usually needed to provide adequate

daylight. Between 5% and 15% it is very difficult to provide adequate daylight unless very large windows are used.

- 8.50 The guidance goes on to say that if the VSC, with the new development in place, is both less than 27% and less than 0.8 times its former value, occupants of the existing building will notice the reduction in the amount of skylight.
- 8.51 Please note that Council guidelines also refer to the 25 degree rule, which is described in the Residential Design Guidelines SPG. This states that where any part of the new development, measured on section, does not exceed a 25 degree line drawn from the centre point of the lowest existing habitable room window it is unlikely to have a substantial effect on the daylight enjoyed by the existing building. This 25 degree obstruction angle broadly speaking equates to a VSC of 27%. Where an existing window fails the 25 degree test the Council's guidance advises that the VSC test is used as this takes into account the full extent of any obstruction (on plan as well as in section).
- 8.52 VSC is measured on the outside face of the window and does not therefore take account of the size of the window or the size or use of the room served by the window for this reason. For this reason the BRE guidelines require internal daylight distribution to be measured in addition to VSC.
- 8.53 *Assessment Methodology (Sunlight)*: The internationally accepted test date for measuring sunlight is the spring equinox (21st March), on which day the United Kingdom has equal periods of daylight and darkness and sunlight is available from approximately 0830hrs to 1730hrs. In addition, on that date, sunlight received perpendicular to the face of a window would only be received where that window faces within 90° of due south. The BRE Guidelines therefore limit the extent of testing for sunlight where a window faces within 90° of due south.
- 8.54 BRE Guidelines state: If the window centre point can receive more than one quarter of annual probable sunlight hours, including at least 5% of annual probable sunlight hours between 21 September and 21 March, then the room should still receive enough sunlight. Any reduction in sunlight access below this level should be kept to a minimum. If the availability of sunlight hours are both less than the amounts given and less than 0.8 times their former value, either over the whole year or just during the winter months, then the occupants of the existing building will notice the loss of sunlight.
- 8.55 Where sunlight levels fall below the suggested recommendations, a comparison with the existing condition should be undertaken and if the reduction ratio is less than 0.2, i.e. the window continues to receive more than 0.8 times its existing sunlight levels, the impact on sunlight will not be noticeable.
- 8.56 Sunlight is considered relevant for living rooms and conservatories but is viewed as less important in bedrooms and in kitchens. The BRE Guidelines suggest that

site layout (i.e. orientation and overshadowing) are the most important factors affecting the duration of sunlight in buildings. If a room is more north facing or if the building is in a densely-built urban area, the absence of sunlight is more acceptable than when its exclusion seems arbitrary.

- 8.57 The following windows have been assessed: Bridge Street Exchange (student accommodation); 34 to 44 Churchill Way (rear extensions); Quaker Meeting House; Barrack Lane Apartments; 30 to 32 Churchill Way; and 41 Charles Street.
- 8.58 *Bridge Street Exchange:* The majority of rooms and windows facing the development would experience reductions to daylight and sunlight which exceed the BRE guidelines. It is however important to note that Bridge Street Exchange has been built up to its boundary directly opposite the site and in situations like this where a building is particularly close to the boundary and taking more than its fair share of light alternative BRE guideline criteria may be used (mirror image assessment). The windows affected also face north. An assessment using these criteria demonstrates that the proposed development results in an improved daylight and sunlight position overall when compared to a mirror image of Bridge Street Exchange.
- 8.59 *34 to 44 Churchill Way:* Residential extensions to the rear of the villas at nos. 34 to 44 Churchill Way have recently been completed and are occupied (planning permission 16/1822/MJR granted May 2017 for the refurbishment, change of use and extension of the villas. The 4 storey extensions (total 24no. 1 and 2 bedroom flats) are built 1.2m off the Wesley Lane boundary and have a total of 24 windows directly facing the proposed development. The windows serve open plan living/ kitchen/ dining areas.
- 8.60 All of the 24 windows would experience reductions to daylight and sunlight which exceed the BRE guidelines. The more notable impacts are to the 8 units to the rear of nos. 38 & 40 Churchill Way which are located directly opposite the proposed 16 storey tower at a separation distance of 14.3m.
- 8.61 The living areas are dual aspect with windows facing towards and away from the Proposed Development. Whilst there is an impact upon VSC and NSL, a view of the sky is retained, albeit at a level which continues to be below, or reduced below, that recommended by the BRE Guidelines.
- 8.62 Given the significance of the adverse impact on the residential amenity of the living areas of the flats to the rear of Churchill Way a more detailed assessment of the actual level of daylight experienced within the affected rooms was carried out.
- 8.63 The method of assessment calculates the Average Daylight Factor (ADF) for each room and takes into account the total glazed area to the room, the transmittance quality of the glazing proposed, the total area of the room surfaces including ceilings and floors, and the internal average reflectance for the room being



assessed. The method also takes into account the VSC and the amount of reflected light off external surfaces. It is therefore, a significantly more detailed method of assessment than the VSC and NSL methods of assessment.

- 8.64 Radiance Analysis is also used to present the daylight information visually. Accordingly, it provides a great deal of information on the estimated levels of light within a room in an existing scenario; how this may differ in a proposed scenario; and whether any changes in the two scenarios may be noticeable.
- 8.65 None of the rooms achieve an ADF of 2% and many fall woefully short in the existing baseline condition. This demonstrates that these are very poorly lit spaces which do not currently achieve a level of natural light which could reasonably be considered useable or valuable.
- 8.66 Referring to the drawings in Appendix 6, it can be seen that the pools of light remain similar (both in intensity and distribution) in both the existing baseline and proposed conditions. This is partly due to the Proposed Development being clad in bronze anodised aluminium. This choice of material works very well because of its lightness and excellent reflectivity.
- 8.67 Whilst the ADF would reduce in some rooms it is important to note that these rooms receive little in the way of light already and would be most likely to need electric lighting to facilitate use. The assessment concludes that where rooms rely on electric lighting for most of the time any changes in daylight are likely to be unnoticeable and the relatively small impacts would make little difference to the pattern of use, or the manner in which residents enjoy the spaces.
- 8.68 Planning policy on residential amenity states that development will not be permitted that would cause unacceptable harm to levels of daylighting received. The BRE document is guidance and confirms that each case should be considered on its individual merits, and particularly that the requirement is for adequate daylighting only and not for the provision of the same daylighting that was enjoyed without the proposed development.
- 8.69 While it is acknowledged that harm will be caused to the levels of daylight received by the residents of the flats to the rear of nos. 34-44 Churchill Way, and in particular the living areas of the 8 flats to the rear of nos. 38-40, it is concluded that given the existing levels of daylight enjoyed by these properties the proposals will not cause unacceptable harm.
- 8.70 In terms of sunlight, the BRE Guidelines suggests that site layout (i.e. orientation) is an important factor affecting the duration of sunlight in buildings. The degree of satisfaction is related to the expectation of sunlight. If a room is necessarily north facing or if the building is in a densely-built urban area, the absence of sunlight is more acceptable than when its exclusion seems arbitrary.

- 8.71 A site's existing layout and other design constraints may impose orientation or sunlight constraints which may not be possible to overcome. In this particular case, 34 to 44 Churchill Way comprises windows which face west across the Site - access to sunlight is therefore already limited to the latter part of the day when considering the path of the sun across the sky. In such circumstances even a modest obstruction opposite is likely to have an adverse impact upon sunlight.
- 8.72 Sunlight levels in the existing baseline condition are often low with the majority of windows achieving levels which are below the BRE Guidelines recommendations. The effects of the Proposed Development mean that an additional 14 windows would be reduced below the BRE Guidelines recommendation.
- 8.73 Focusing on the pertinent main living areas, whilst there will be a breach of the BRE Guidelines and with the exception of one room, all main living areas will have access to sunlight, albeit often at lower levels to those recommended by the BRE Guidelines.
- 8.74 *Quaker Meeting House:* The windows to the front and rear of the Quaker Meeting House serve the Main Meeting Room, kitchen and other meeting rooms. These windows face west and east and do not directly face the Proposed Development. Therefore, the vast majority of effects are compliant with the BRE Guidelines or of a minor adverse nature.
- 8.75 The south elevation comprises windows serving toilets and circulation spaces and such spaces are not relevant for assessment. There are three potentially relevant windows, one on the ground floor and two on the first floor of the south elevation. The ground floor window serves a small entrance/office area. This area is dual aspect and the impact is minor adverse. The two first floor windows likely serve a small office and small meeting room. These two windows sit relatively close to the existing building on the Site. Therefore, the daylight levels in the existing baseline condition are not compliant with the BRE Guidelines. Whilst the VSC and NSL would reduce to these two windows/rooms, the resulting impact on the use and enjoyment of the rooms cannot be judged purely in those terms. This is important because they receive little in the way of light already.
- 8.76 The most appropriate method for assessing an acceptable standard of light within a room is the ADF. A Radiance analysis was therefore undertaken to simulate levels of light not only to calculate the single figure ADF but also present the information visually. For a room to appear well daylit, it should achieve an ADF of 3% to 5%. A space that achieves an ADF of less than 2% will require supplementary electric lighting when in use, during most daylight hours.
- 8.77 None of the relevant rooms assessed achieve an ADF of even close to 2% which shows that these are poorly lit spaces which do not currently achieve a level of natural light which could reasonably be considered to be useable or valuable. The

reduction of 0.2% and 0.3% ADF to the respective rooms is small in absolute terms.

- 8.78 The Radiance analysis demonstrates that any changes in light within the two rooms will make little difference to the pattern of use and that no unacceptable harm is caused by the Proposed Development.
- 8.79 In terms of sunlight, with the exception of two windows, all are compliant with the BRE Guidelines annual probable sunlight hour and winter sunlight criteria. Therefore, the vast majority of windows will not be impacted and/or continue to enjoy excellent and BRE compliant levels of sunlight. The two exceptions serve the abovementioned small office and a small meeting room. There is likely to be a noticeable change in annual probable sunlight hours. There are poor levels of winter sunlight in the existing condition at 0% and 3% for each respective window, whilst in the proposed condition this will be 0% and 2%. The small absolute loss of 1% results in a disproportionately large percentage change - in reality there will be no material impact.
- 8.80 The overall effect on this property is therefore considered to be of minor adverse significance.
- 8.81 *Barrack Lane Apartments; 30 to 32 Churchill Way; 41 Charles Street:* With the exception of one window at 41 Charles Street where there is a minor breach of the BRE guidelines there is a negligible impact upon daylight. In relation to sunlight no assessment was carried out for Barrack Lane as windows do not face within 90' of south. In the case of 30-32 Churchill Way the windows face west and are therefore already limited to sunlight later in the day and where the sun is lower in the sky. In the case of 41 Charles Street with the exception of two windows there is a negligible impact on sunlight. For the two exceptions the rooms are dual aspect and the impact is minor.

#### Overshadowing

- 8.82 To assess loss of sunlight to gardens and open spaces the BRE guidance suggests that for a garden or open space to appear adequately sunlit throughout the year at least half of the area should receive at least 2 hours of sunlight on 21 March. If an existing garden or amenity area does not meet the above, and the area which can receive 2 hrs of sun on 21 March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable. If a detailed calculation cannot be carried out it is recommended that the centre of the area should receive at least 2 hrs of sunlight on 21 March.
- 8.83 The BRE Guidelines advise that housing front gardens which are relatively small and visible from public footpaths should be omitted; only the main back garden should be analysed. Nonetheless, in response to the Quakers concerns both the front and rear gardens have been subject to a sun hours on ground assessment.

- 8.84 The assessment demonstrates that 91% of the front garden achieves over 2 hours of sunlight in the baseline existing condition and proposed conditions on 21st March. The effect on the front garden is therefore considered to be of negligible significance.
- 8.85 In terms of the rear garden 64% achieves over 2 hours of sunlight in the baseline existing condition and 34% in the proposed condition on 21st March. During the summer months, when the garden would more likely be in greater use, the assessment demonstrates that 94% of the rear garden achieves over 2 hours of sunlight in the current condition and 90% in the proposed condition on 21st June.
- 8.86 It is important to note that if the extant planning permission (LPA reference 18/00538/MNR) comprising of a single storey side and rear extension, is implemented, it will develop upon the rear garden area , which will result in a significant reduction in the amenity area (by over 50%).
- 8.87 The overall effect on the garden of this property is therefore considered to be of minor to moderate adverse significance.
- 8.88 *Privacy and overlooking:* The proposals as amended do not give rise to any privacy or overlooking issues. The introduction of obscure glazing to the lower half of the full height windows on the north elevation overlooking the Quaker Meeting House garden improves privacy for both sides. The separation distance across Wesley Lane of 14.2m is tight but not unusual on the public side of buildings in an urban situation. There are no overlooking issues on the south side of the building.
- 8.89 *Traffic & Transportation:* There are no parking spaces provided on site and no on-street parking in the vicinity. The development is located in a highly sustainable location with direct access to public transport, and within walking/ cycling distance of the city centre and higher education facilities.
- 8.90 There are 122 secure covered cycle spaces in a storage area at ground level. This is consistent with other city centre student housing schemes and is considered acceptable given the site constraints and the city centre location. The agreed public realm contribution may also be used for the provision of a next 'Nextbikes' stand (up to \$10,000) close to the junction of Charles Street and Wesley Lane. These bikes are of course for public use and contribute to the promotion of cycling in the city but being adjacent to the development will encourage future tenants to make use of the facility.

#### Consultation responses

- 8.91 No objections received. Requests for affordable housing and financial contributions from service areas are summarised in S106 Matters below.

## Representations

- 8.92 Objections on grounds of impact on heritage assets, non-compliance with Tall Buildings SPG, scale and design, impact on amenity enjoyed by neighbours, wind microclimate, affordable housing provision, and quality of supporting information have been addressed above. Other main grounds for objection/ concerns are addressed below:
- 8.93 *Noise breakout:* Types of commercial use, opening hours, delivery times and plant noise are all conditioned to ensure that the amenities of neighbouring and future occupiers are protected. Noise arising from residents opening windows, arriving/ leaving, parking bikes etc. is to be expected in a city centre location.
- 8.94 *Light pollution:* A condition is attached to control external lighting levels/ direction to ensure that the amenities of neighbouring and future occupiers are protected.

## S106 Matters

- 8.95 In line with service area responses the following financial contributions (total £2,841,443) are sought: £2,215,948 towards the provision of affordable housing; £207,406 towards public open space improvements in the vicinity; £118,607 towards community facilities improvements in the vicinity; £263,834 towards the upgrading of public realm in the vicinity, and £35,648 towards the provision of employment opportunities in Cathays.
- 8.96 A viability appraisal (October 2019) has been submitted concluding that the development is viable with zero affordable housing and a S106 contribution of £97,000
- 8.97 An independent viability review carried out by the District Valuer (Jan 2020) concluded that a scheme that required s106 financial contributions would not be viable. However a scheme with no s106 financial contributions provides a profit margin which falls slightly above a level deemed competitive in relation to the scheme and would, in his opinion, be viable. For example a profit level of 12% produces a surplus of £118,000. The DV also recommended that a timescale for delivery is agreed which if not met would trigger a further viability review.
- 8.98 In line with the independent viability review the applicant has agreed to a S106 financial contribution of £266,834. This sum equates to the sum requested towards the upgrading of public realm in the vicinity (completing the public realm works to Charles Street and Church Place). Notwithstanding the viability limitations the completion of these works is considered to be necessary in order to make the scheme acceptable.

9. **CONCLUSION**

- 9.1 The proposals redevelop a brownfield site and provide a significant quantum of housing with retail ground floor uses in a highly sustainable city centre location. On balance the identified minor adverse impacts on heritage assets and on neighbouring amenity are outweighed by the design quality of the proposals, and the positive contribution they make to the ongoing regeneration of this part of the city and to the wider urban context.
- 9.2 The granting of planning permission is recommended subject to conditions and the signing of a Section 106 legal agreement for a financial contribution of £266,834 towards:
- Public realm works to complete the upgrading of Charles Street and Church Place, including up to £3,000 for provision of replacement street tree if necessary, and up to £10,000 for provision of a stand of 'Nextbikes' close to the junction of Wesley Lane and Charles Street.





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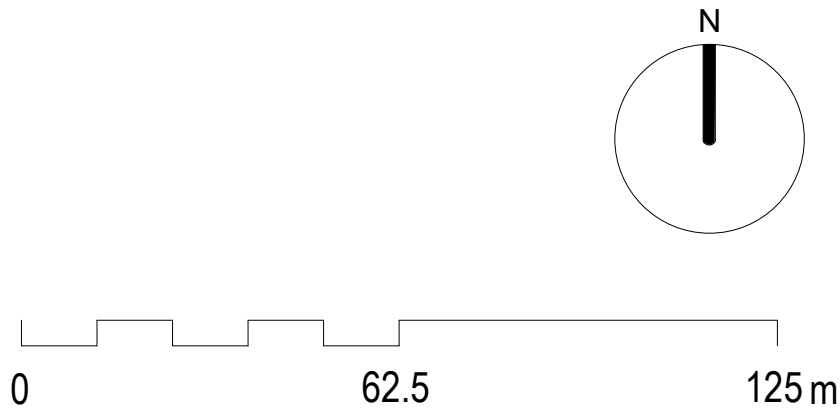
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This drawing is to be read in conjunction with all other relevant project drawings, specifications and schedules prepared by Rio Architects Ltd and any other relevant consultants, specialists or subcontractors.

**Proposed Development Site Area:** 2438 m<sup>2</sup> - area subjected to agreement

**Key:**

- Proposed Development Boundary
- Existing Building



Rev	Description	Rev'd	Chk'd	Date
4	PAC Issue	CC	CT	23/07/2019
3	Draft Planning Issue	CC	CT	20/06/2019
2	Scheme Revised	CC	CT	31/05/2019
1	Pre-Planning Application	KG	CT	12/10/2018

STATUS:		PLANNING	
<b>SUITABILITY NUMBER KEY:</b>			
<b>WIP</b>		<b>DOCUMENTATION - SIGN-OFF</b>	
S0 - Work in Progress*		A - Fit for construction	
<b>SHARED</b>		B - Fit for construction, with comments	
S1 - Fit for co-ordination**		<b>ARCHIVE</b>	
S2 - Fit for information		AB - As Built	
S3 - Fit for internal review and comment		FC - Final Construction	
S4 - Fit for construction approval			
<b>DOCUMENTATION</b>			
D1 - Fit for costing		* For internal pre-issue usage only.	
D2 - Fit for tender		** For model file usage only.	
D3 - Fit for contractor design			
D4 - Fit for manufacture/ procurement			



studio@rioarchitects.com  
www.rioarchitects.com  
@rioarchitects

**Rio Cardiff**  
21a Allensbank Road  
Cardiff CF14 3PN  
+44 (0)29 2025 0066

**Rio London**  
19 21 Hatton Garden  
London EC1N 8BA  
+44 (0)20 2691 7565



PROJECT TITLE :  
Landore Court  
Charles St. Cardiff

DRAWING TITLE :  
Location Plan

DRAWN BY : CC		CHECKED BY : CT		APPROVED BY : HJ		
JOB NO : 0332		SCALE :		1 : 1250 @ A1		
SUITABILITY :		S2				
DATE : 12/10/18		REVISION:		4		
PROJECT	ORIGIN.	VOLUME	LEVEL	TYPE	DISCIP.	NUMBER
0332	RIO	00	XX	DR	A	90002





Figure 1: Example of Bio Retention Landscaping, Grange town, Cardiff



Figure 2: Example of SuDS Raingarden Tree Pit System

Notes:

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This drawing is to be read in conjunction with all other relevant project drawings, specifications and schedules prepared by Rio Architects Ltd and any other relevant consultants, specialists or subcontractors.

Proposed Development Site Area: 2438 m<sup>2</sup> - area subjected to agreement

Key:

- Proposed Development Boundary
- Stone Pavers to match existing (as per Council specification)
- New Shared Surface - Bonded Gravel
- Stone Paving Slabs
- Planting
- Tarmac Paving (Resurface)

Notes:

To be read in conjunction with drawing number LAN-HUD-XX-XX-DR-C-1100 for Site Drainage Strategy

14	No. of Tree Pits and Location Reviewed following Drainage Strategy Update	CC	CT	12/11/2019
13	Tree Pits Location Reviewed	CC	CT	22/10/2019
12	Landscape Design Reviewed following Drainage Strategy Update	CC	CT	22/10/2019
11	Drainage Strategy Amended	CC	CT	25/09/2019
10	PAC Issue	CC	CT	23/07/2019
Rev	Description	Rev'd	Chk'd	Date

STATUS:		PLANNING	
SUITABILITY NUMBER KEY:			
WIP		DOCUMENTATION - SIGN-OFF	
S0 - Work in Progress*		A - Fit for construction	
SHARED		B - Fit for construction, with comments	
S1 - Fit for co-ordination**		ARCHIVE	
S2 - Fit for information		AB - As Built	
S3 - Fit for internal review and comment		FC - Final Construction	
S4 - Fit for construction approval			
DOCUMENTATION			
D1 - Fit for costing		* For Internal pre-issue usage only.	
D2 - Fit for tender		** For model file usage only	
D3 - Fit for contractor design			
D4 - Fit for manufacture/ procurement			



studio@rioarchitects.com  
www.rioarchitects.com  
@rioarchitects

**Rio Cardiff**  
21a Allensbank Road  
Cardiff CF14 3PN  
+44 (0)29 2025 0066

**Rio London**  
19 21 Hatton Garden  
London EC1N 8BA  
+44 (0)20 2691 7565



Crossmark

PROJECT TITLE :  
Landore Court  
Charles St. Cardiff

DRAWING TITLE :  
Proposed Site Plan

DRAWN BY : CC	CHECKED BY: CT	APPROVED BY : HJ
JOB NO : 0332	SCALE : 1 : 200 @ A1	
SUITABILITY : S2		
DATE : 12/10/18	REVISION: 14	
PROJECT 0332	ORIGIN. RIO	VOLUME 00
LEVEL 00	TYPE DR	DISCIP. A
NUMBER 90001		



