

COMMITTEE DATE: 19/08/2020

APPLICATION No. **18/01280/MJR** APPLICATION DATE: 31/05/2018

ED: **BUTETOWN**

APP: TYPE: Full Planning Permission

APPLICANT: Drake Walk Ltd.

LOCATION: LAND ADJACENT TO 12-14 DRAKE WALK, ATLANTIC WHARF, CARDIFF

PROPOSAL: SIX STOREY SERVICED ACCOMMODATION COMPRISING SERVICED APARTMENTS WITH GROUND FLOOR COMMERCIAL/AMENITY SPACE, RE-ROUTING OF PUBLIC RIVERSIDE WALKWAY AND RENOVATION OF EXISTING DOCK FEEDER FOOTBRIDGE

RECOMMENDATION 1: That, subject to relevant parties entering into a binding legal agreement with the Council under the provisions of **SECTION 106** of the Town and Country Planning Act 1990, within 6 months of the date of this Resolution unless otherwise agreed by the Council in writing, in respect of matters detailed in Section 10.1 of this report, planning permission be **GRANTED** subject to the following conditions:

1. C01 Statutory Time Limit
2. The consent relates to, and the development shall be implemented in accordance with the following approved plans:

Plans

W0591 0110 rev. A	Proposed Site Plan
W0591 0200 rev. B	Proposed Ground Floor Plan
W0591 0201	Proposed First to 4 th Floor Plan
W0591 0205	Proposed Fifth Floor Plan
W0591 0300	Proposed Elevations 1 & 2
W0591 0301	Proposed Elevations 2 & 3

Reason: for the avoidance of doubt.

3. *Material samples:* No development shall take place until samples of the external finishing materials have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory finished appearance to the development.
4. *Architectural detailing:* No development shall take place until a scheme showing the architectural detailing of all building facades has been

submitted to and approved in writing by the Local Planning Authority and the development shall not be brought into use until the approved scheme is implemented.

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

5. *Drainage scheme:* No development shall take place until a drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. The works shall be implemented in accordance with the approved details.

Reason: To prevent hydraulic overloading of the public sewerage system and ensure no pollution of the environment.

6. *Public realm improvements:* No part of the development hereby permitted shall be commenced until a scheme of public realm improvements to the footways adjacent to the site, including an adoptable standard, minimum 3m wide, replacement footpath between the building and the Dock Feeder Canal, to tie into the existing network, and widening and surfacing improvements to the junction of the dock feeder path with Tyndall Street, in accordance with the consultation response from Strategic Planning (Regeneration) dated 12.7.18: *Plan 1 Proposed public realm enhancements for application 18/1280/MJR*, has been submitted to and approved in writing by the LPA. The works should include as required, but not be limited to retaining structures, full depth footway construction, surfacing, kerbs, edging, drainage, lighting, guardrail/street furniture, soft landscaping and any other matters as may be required as a consequence of the development. The agreed scheme to be implemented to the satisfaction of the LPA prior to beneficial occupation of the site.

Reason: To facilitate the provision of acceptable, safe alternative footpath provision to replace that lost as a consequence of the development, and to provide a meaningful connection to the adjacent highway network, in the interests of pedestrian safety.

7. *Dock feeder works:* Prior to commencement of any works to the dock feeder details of the proposed construction and methodology, including an assessment of the impact on the flow of water along the canal and potential impact on flood risk upstream, shall be submitted to and approved in writing by the LPA. The works shall be implemented in accordance with the approved details.

Reason: To prevent an adverse impact on water flows and flood risk.

8. *Travel Plan:* No part of the development hereby permitted shall be occupied until a travel/ parking/ traffic/ resident/ letting management plan to include, but not limited to, the promotion of walking, cycling, public transport and other alternatives to the ownership and use of the private car and the control of vehicular access to the site has been submitted to and approved by the Local Planning Authority. The operation of the

development shall be managed strictly in accordance with the scheme so approved.

Reason: in the interest of highway safety and to regulate the impact of the development on use of the adjacent highway.

9. *Cycle parking*: No development shall take place until details showing the provision of 77no. secure, covered long-stay cycle parking spaces and publicly accessible short-stay cycle parking spaces (number to be determined) have been submitted to and approved in writing by the LPA. The approved details shall be implemented prior to beneficial occupation. 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.
10. *Pedestrian footbridge*: Prior to beneficial occupation a scheme for the new or rehabilitated footbridge linking the Waterfront 2000 development with Craiglee Park shall be submitted to and approved by the Local Planning Authority. The scheme shall include the provision of a path link on the applicant's land and the creation of a gated entrance into the Craiglee Park and the provision of a 3m wide path to match existing to link the new entrance to the existing path network in the Park, total approximately 25m length of 3m wide path. The scheme shall be implemented in accordance with the approved details prior to beneficial occupation.
Reason: In the interests of pedestrian movement and amenity.
11. *Construction management plan*: Prior to commencement of development a scheme of construction management shall be submitted to and approved by the Local Planning Authority to include details of construction traffic routes, site hoardings, site access, noise and dust control measures, wheel washing facilities and parking of contractors vehicles. The development construction shall be managed strictly in accordance with the scheme so approved.
Reason: In the interests of highway safety and public amenity.
12. C4P Landscaping Design and Implementation Programme
13. C4R Landscaping Implementation
14. D4X Tree protection – complex sites with on-site monitoring.
15. C5A Construction of site enclosure
16. *External lighting & CCTV coverage*: Prior to occupation an LPA approved scheme for external lighting and CCTV coverage of the realigned footpath and perimeter of the building shall be implemented.
Reason: In the interests of public safety and amenity.
17. *Plant noise*: The rating level of the noise emitted from fixed plant and

equipment on the site shall not exceed the existing background noise level at any time by more than 5dB(A) at any residential property when measured and corrected in accordance with BS 4142: 1997 (or any British Standard amending or superseding that standard).

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

18. *Ground gas protection:* Prior to the commencement of any development works a scheme to investigate and monitor the site for the presence of gases being generated at the site or land adjoining thereto, including a plan of the area to be monitored, shall be submitted to the Local Planning Authority for its approval. Following completion of the approved monitoring scheme, the proposed details of appropriate gas protection measures to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site shall be submitted to and approved in writing to the LPA. If no protection measures are required than no further actions will be required. All required gas protection measures shall be installed and appropriately verified before occupation of any part of the development which has been permitted and the approved protection measures shall be retained and maintained until such time as the Local Planning Authority agrees in writing that the measures are no longer required.

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

19. *Contaminated land measures – assessment:* Prior to commencement of the development an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person in accordance with BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and shall assess any contamination on the site, whether or not it originates on the site. The report of the findings shall include:

- (i) a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages;
- (ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;
- (iii) an assessment of the potential risks to: human health; ground waters and surface waters; adjoining land; property (existing or proposed); ecological systems; and any other receptors identified above;

- (iv) 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 in accordance with policy EN13 of the Cardiff Local Development Plan.

- 20. *Contaminated land measures – remediation and verification plan:* Prior to the commencement of the development a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

- 21. *Contaminated land measures – remediation and verification:* The remediation scheme approved by condition x (PC14B above) must be fully undertaken in accordance with its terms prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

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

- 22. *Unforeseen contamination:* In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place unless otherwise agreed in writing until a

scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the LPA within 2 weeks of the discovery of any unsuspected contamination.

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

23. *Imported soil:* Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes. Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

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

24. *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. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes. Subject to approval of the above, sampling of the material received at the development site to verify that the imported material is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

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

25. *Use of site-won materials:* Any site won material including soils, aggregates, recycled materials shall be assessed for chemical or other potential contaminants in accordance with a sampling scheme which shall be submitted to and approved in writing by the Local Planning

Authority in advance of the reuse of site won materials. Only material which meets site specific target values approved by the Local Planning Authority shall be reused.

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

26. *Archaeological work*: No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved scheme. Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.
27. *Nesting birds*: No site clearance/demolition to take place between 1st March and 15th August unless otherwise approved in writing by the Local Planning Authority. Reason: To avoid disturbance to nesting birds which are protected under the Wildlife and Countryside Act 1981: Part 1, 1(1)(b), it is an offence to intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built.

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

RECOMMENDATION 3: The applicant is advised that a large proportion of the proposed building footprint sits on the adopted public highway (in this case footpath and landscaped embankment) and that this highway will need to be stopped-up by way of an Order under the Town and Country Planning Act 1990 prior to implementation of any permission.

RECOMMENDATION 4: The applicant is advised that in addition to any third party approvals that may be required, the Council will require a Technical Approval in Principle in connection with the revised canal wall/embankment and any retaining structures that will support the adoptable footway. Further details of these requirements can be obtained by contacting Tony Williams, Cardiff Council.

RECOMMENDATION 5: The applicant is advised that the highway works condition and any other works to the existing or proposed public highway (to be undertaken by the developer) are to be subject to an agreement under Sections

38 and/or 278 of the Highways Act 1980 between the developer and Local Highway Authority.

RECOMMENDATION 6: Resident Parking Permits: The applicant is advised that incoming residents will not be eligible to receive resident parking permits in the adjacent streets, where such schemes already exist or are developed in the future.

RECOMMENDATION 7: Welcome Pack: In addition to matters covered by the conditioned Travel Plan, the applicant is requested to provide residents (upon their arrival) with a welcome pack detailing sustainable transport options available in the area, to help promote sustainable transport options.

RECOMMENDATION 8: S177 Oversail License: The applicant is advised that any part of the building structure that oversails the existing or proposed public highway (verge or footpath) will be subject to licence under Section 177 of the Highways Act 1980.

RECOMMENDATION 9: The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for:

- (i) determining the extent and effects of such constraints;
- (ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site:
 - 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
- (ii) 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 10: That the applicant takes advice from an ecological consultant as to what measures may be appropriate to offset the loss of potential bird and bat nesting/roosting habitat. These measures could include placement of bird nest boxes or bat roost boxes on remaining trees at the site, and incorporation of features into the new building which allow for house nesting birds such as swifts, swallows and house-martins.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 An amended full application for a six storey building, accommodating vehicle and cycle parking undercroft, refuse storage facilities, a 'commercial' space/lobby area for use by the landlord and a small amenity room, with 77 aparthotel rooms on the upper five floors (previously student accommodation).
- 1.2 Whilst there are no major external alterations to the building proposed (which benefits from a resolution to grant consent), minor alterations in the plans and elevations are provided due to errors in the fenestration shown on the plans previously considered. The siting, scale, massing and design all remain unchanged from that considered by Planning Committee on 21 November 2018.
- 1.3 The development requires the stopping up of the adopted footpath and the rerouting of the path further to the west to run alongside the Dock Feeder. The new pedestrian link will be a minimum 3m wide and will link with the existing route to the south via a small area of landscaped amenity space, and to the existing footpath next to the Dock Feeder to the north that leads to Tyndall Street.

In addition to the amended change of use, the applicant has requested that, should planning permission be granted, the new footbridge and path be adopted by the Council's Highways Service.
- 1.4 The Dock Feeder eastern bank (currently a steep landscaped embankment) will be remodelled and replaced with a sheet piled retaining wall to support the new rerouted footpath link.
- 1.5 The building is predominantly red brick, dark metal cladding, render and glazing. The central section of the upper storeys project 3m to the rear of the building bridging over the new riverside walkway. A new covered pedestrian walkway formed by projecting the upper storeys over the ground floor runs the full length of the front of the building and wraps around its northern end.
- 1.6 Unlike its neighbours the building has a flat roof with the upper storey set back 2.7m at the northern and southern ends of the building. The architecture adopts a modern business park style with an active glazed ground floor at the northern end of the building.

- 1.7 The proposals result in the loss of 13 'B' category (moderate quality and value) trees and a large number of 'C' category (low quality and value) trees that function as linear woodland bounding the dock feeder canal. The footprint of the proposed building leaves very little space for replacement planting on the application site.
- 1.8 The trees have formed a dense screen and provide a significant area of landscaping to the western edge of the car park. The trees are not protected.

2. **DESCRIPTION OF SITE**

- 2.1 The rectangular application site has an area of 0.23ha and is located in the Central Business Area, at the western boundary of the Waterfront 2000 office park. Immediately to the west of the site is the Dock Feeder Canal, to the east is the car park and 12-14 Drake Walk offices, to the north is the northern wing of the office block and the Converted Edward England Wharf residential development to the other side of the Dock Feeder, and to the south is an area of open space adjacent to the Dock Feeder with residential development beyond that.
- 2.2 The site is currently landscaped with a large number of trees and shrubs located in planting beds. The western half of the site is adopted highway and forms part of the network of landscaped walking and cycling routes linking Herbert and Tyndall Street with Schooner Way, Lloyd George Ave., and Cardiff Bay to the south. The site also includes a closed footbridge over the Dock Feeder linking the site to Craiglee Park on the west side of the Canal and the flatted development fronting Lloyd George Avenue.
- 2.3 The immediate area is characterised by a mixture of 2 and 3 storey residential and 4-5 storey office uses, mainly comprising modern development interspersed with the occasional traditional waterside warehouse building.

3. **PLANNING HISTORY**

This application was presented to Planning Committee on 21 November 2018, where it was resolved to grant planning permission for the same building and associated works, for student occupancy, subject to conditions and a legal agreement. The legal agreement has yet to be completed.

- 3.1 15/00087/MJR: Planning Committee resolved to grant planning permission (subject to the signing of a legal agreement) in June 2015 for a 5 storey office building with undercroft parking, re-routing of public riverside walkway and renovation of existing dock feeder footbridge.

98/528/C: Outline planning permission granted June 1999 for residential development of approx. 351 units and associated open space, parking, landscaping and retail unit on Lloyd George Ave. This permission is for the land to the west of the Dock Feeder and includes Craiglee Park public open space.

88/318R: Planning permission granted in April 1988 for 117,000 sq ft of office development (Waterfront 2000) and associated car parking at land bounded by existing Dock Feeder Canal, LMS Warehouse and Tyndall Street, Atlantic Wharf. This permission required the submission of a landscape scheme.

4. **POLICY FRAMEWORK**

4.1 Planning Policy Wales (Edition 10) Dec. 2018

4.2 The following Technical Advice Notes (TAN's) are relevant:

TAN 12: Design

4.3 The following policies of the City of Cardiff LDP are relevant to the consideration of this application:-

- KP5 Good Quality and Sustainable Design
- KP6 New Infrastructure
- KP7 Planning Obligations
- KP10 Central and Bay Business Areas
- KP16 Green Infrastructure
- C1 Community Facilities
- C5 Provision for Open Space, Outdoor Recreation, Childrens' Play and Sport
- EN6 Ecological Networks and Features of Importance for Biodiversity

4.3 The following Supplementary Planning Guidance is relevant:

- Planning Obligations (Jan 17)
- Food, Drink & Leisure Uses (Nov 17)
- Green Infrastructure (Nov 17)
- Managing Transportation Impacts (Including Parking Standards) (Jul 18)
- Waste Collection & Storage Facilities (Oct 16)

5. **INTERNAL CONSULTEE RESPONSES** (Amendment Re-Consultation)

5.1 The Operational Manager Transportation has no objection to the amended use in that the base uses of student accommodation and serviced accommodation are broadly consistent in transportation terms.

Conditions previously recommended should be amended to remove references to student use.

The previously requested contribution of **£4000** towards the investigation and implementation of new parking control Traffic Orders in Craiglee Drive, Celerity Drive and Vellacott Close as may be required as a consequence of any overspill parking generated by the development remains valid.

With regard to the proposed adoption of the footpath and new bridge, this is an

acceptable proposal 'in principle', however further details of the connectivity of the bridge to wider pedestrian routes is required before any agreement can be considered.

5.2 The Neighbourhood Regeneration Manager advises that the proposed serviced apartment use results in a requirement for a financial contribution of **£42,676.48** towards the provision and/or maintenance of community facilities in the vicinity of the site (specific purpose to be determined)

5.3 The Housing Strategy Manager has been consulted and any comments will be reported to Committee. However given the nature of the proposed occupancy (Use Class C1) it is not expected that there would be any affordable housing contribution required.

5.4 The Parks Manager has been consulted and any comments will be reported to Committee. Notwithstanding this, the applicant has agreed to meet the previously requested financial contribution of **£55,000** towards the provision and/or maintenance of public open space in the vicinity of the site.

6. **EXTERNAL CONSULTEE RESPONSES** (Amendment Re-Consultation)

6.1 Given the nature of the proposed amendment no external re-consultations were undertaken. See the Committee report dated 21 November 2018 appended below for previous comments.

7. **REPRESENTATIONS** (Amendment Re-Notification)

7.1 Adjacent occupiers were consulted and the amended proposals were advertised by way of site notices.

7.2 Four representations have been received from interested parties. Objections are raised on various grounds, including:

- Impact on the historical character of the area (particularly the Edward England Warehouse development);
- Impact on wildlife, natural habitats and trees;
- Diversion of the dock feeder footpath
- Issues over the validity of answers to sections of the application form (particularly sustainable drainage and the requirement for SAB);
- Impact on existing parking provisions for adjacent office occupiers including ownership issues;
- Oversupply of serviced apartments in the area.

8. **ANALYSIS**

8.1 An amended full application for a six storey building, accommodating vehicle and cycle parking undercroft, refuse storage facilities, a 'commercial' space/lobby area for use by the landlord and a small amenity room, with 77 aparthotel rooms on the upper five floors (previously student accommodation).

The application has been amended to change the end use of the proposed building from student accommodation. The amendment does not alter the design, scale, massing or siting of the proposed building from that which benefits from a resolution to grant consent, obtained at Planning Committee on 21 November 2018.

The report to that Committee is appended below for clarity.

- 8.2 The main issue to be considered in this report is the proposed amended change of use, from student residential (*sui generis*) to serviced apartments (Use Class C1).

The issues of the scale, siting, design and appearance of the proposed building, and its impacts on the surrounding area are discussed in the report to Planning Committee dated 21 November 2018 appended below. In this regard, given that planning policy and guidance has not changed significantly in the interim period that would result in any change to the original recommendation, it is considered that the comments and dialogue contained in the original report remain valid.

- 8.3 The site is located within the Central Business Area. Policy KP10 of the LDP (Central and Bay Business Areas) describes the range of uses appropriate within the Central Business Area, which includes residential development. Residential uses can be appropriate within city centre locations, as evidenced by recent developments along Tyndall Street (Capital Quarter).

The site is also in close proximity to existing hotel uses (Novotel and Ibis Tyndall St)

- 8.4 The proposed use as serviced apartments is considered to be generally consistent with the use as student accommodation previously found to be acceptable. The serviced apartment sector offers an alternative form of hotel accommodation in that the stay duration is generally longer than standard hotel use and the rooms tend to have amenities that allow occupiers accommodation similar to self-contained flats in order to compensate for the lack of standard hotel facilities.

- 8.5 The site is located in close proximity to the City Centre and its shopping/leisure facilities, and is in reasonable walking distance of Cardiff Central station. The location (as supported by the existing hotel uses) is considered to be a suitable and sustainable location for serviced apartment use.

- 8.6 With regard to the matters raised in representations to the amended proposals, with the exception of the matters below, these are discussed in the appended report to Planning Committee dated 21 November 2018. As mentioned above, there has been no significant change in policy or guidance and the comments remain valid.

- With regard to the details contained in the application form, the Local Planning Authority are satisfied that the details allow the reasonable and

informed consideration of the application. In respect of the sustainable drainage aspect, it should be noted that this application was submitted prior to the requirement for developments to go through the SAB process as such, the surface water drainage indicated on the form is a standard response and the drainage details condition recommended above (condition 5) includes reference to the exploration of utilising sustainable drainage techniques);

- Disruption is an unavoidable consequence of development and cannot reasonably be cited as grounds for refusal. With regard to ownership of parking spaces, the applicant has confirmed that the parking spaces in question are not within the application boundary and all ownership notifications have taken place in accordance with legal requirements. Any dispute regarding land ownership is not a material planning consideration;
- The level of serviced apartment provision in an area is not a material planning consideration. Land use policy is such that this area is an acceptable location for such a use.

9. **OTHER CONSIDERATIONS**

9.1 *Crime and Disorder Act 1998* – Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

9.2 *Equality Act 2010* – The Equality Act 2010 identifies a number of ‘protected characteristics’, namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council’s duty under the above Act has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic.

9.3 *Well-Being of Future Generations Act 2016* – Section 3 of this Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

10. **SECTION 106 MATTERS**

10.1 The applicant has agreed to meet the following contribution requests:

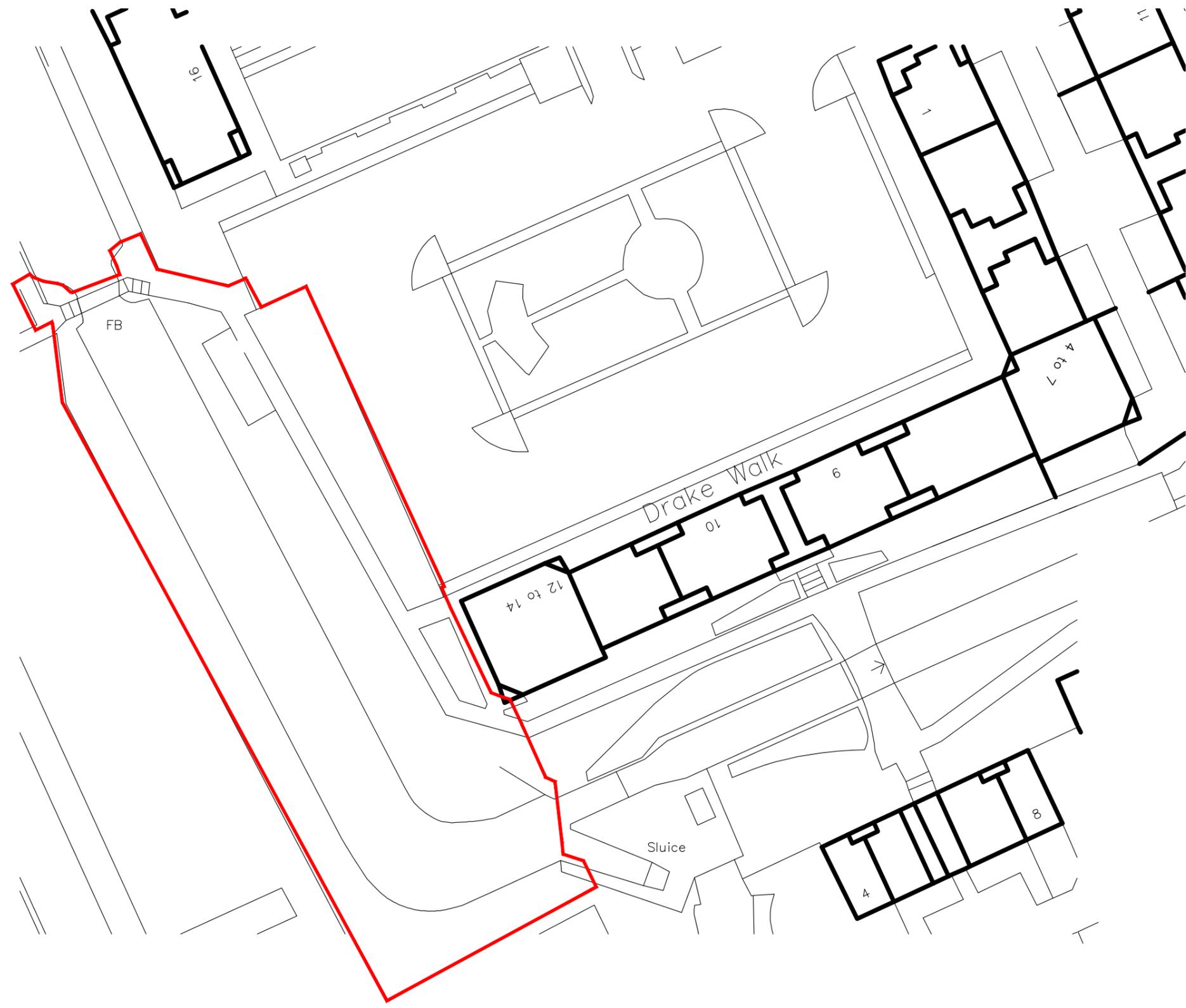
- An off-site contribution of **£55,000** for improvements to public open space, including replacement tree planting (exact number, location and species to

be agreed), in Craiglee Park or other public space in the vicinity of the development;

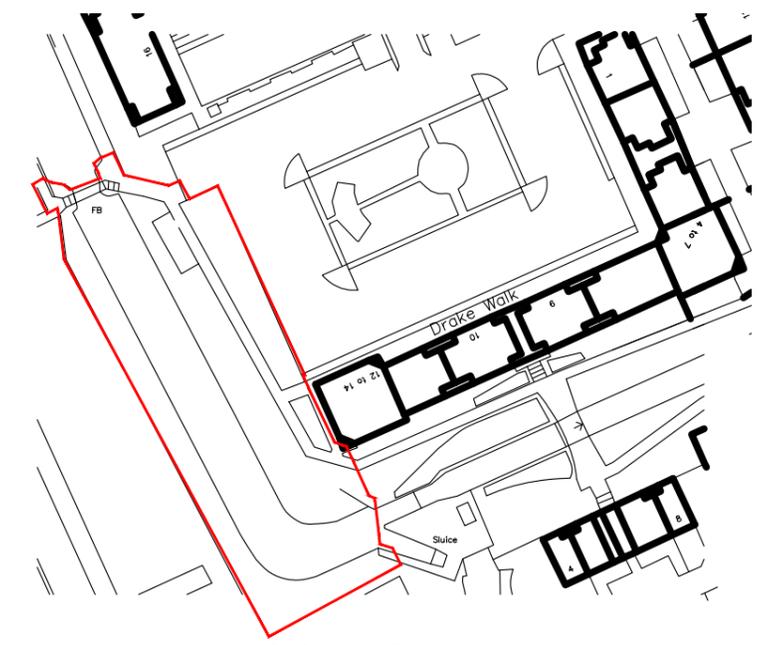
- A contribution of **£42,676.48** towards the provision and/or improvement of community facilities in the vicinity of the site;
- A contribution of **£4,000** towards the investigation and implementation of new parking control Traffic Orders in Craiglee Drive, Celerity Drive and Vellacott Close as may be required as a consequence of any overspill parking generated by the development.

11. **CONCLUSION**

- 11.1 In light of the above, and having regard for current planning policy and guidance, it is recommended that planning permission be granted, subject to conditions and a Legal Agreement.



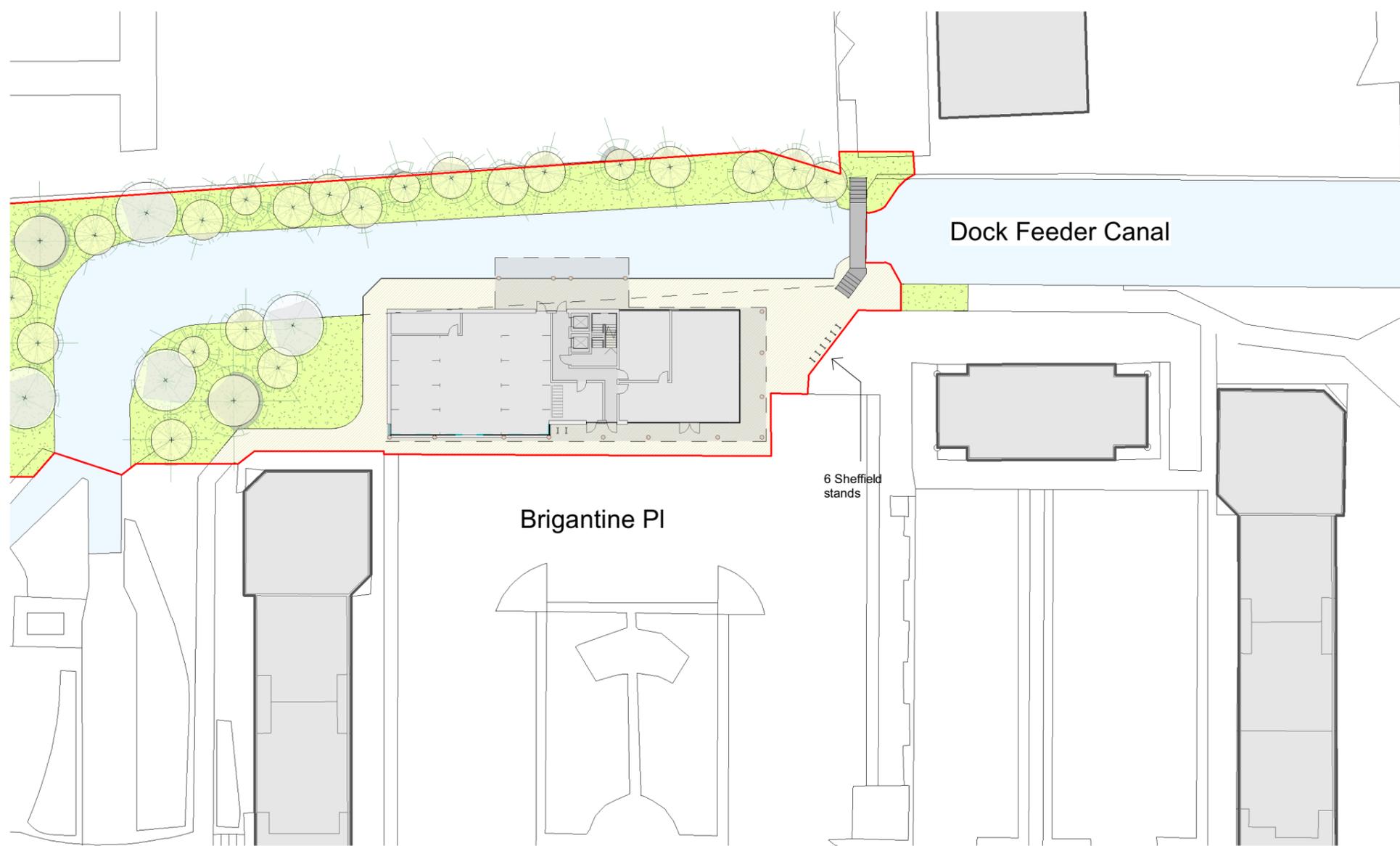
LOCATION PLAN
1:500



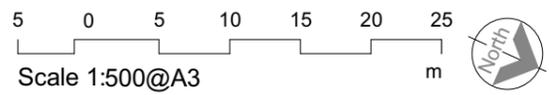
LOCATION PLAN
1:1250

Drake Walk Student Accomodation Waterfront 2000		Job No. 17_093
Location Plan		Dwg No. AL(90)01 Rev.
Date 18/12/2017	Drawn BK	Scale 1:500 & 1:1250 @ A3
 C2 Architects		Town planners Environmental & Urban design
<small>Unit 1A, Compass Business Park, Pacific Road, Cardiff, CF24 6HL</small>		<small>www.c2architects.co.uk tel: 029 20452100</small>

Trees shown in plan are existing and shown indicatively



1 Proposed Site Layout
 1 : 500



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Client's Name Drake Walk Ltd		Drawing Title Site Plan Proposed					
Job No	Origin	Volume	Level	Type	Role	Number	Rev
W0591	WW	00			A	0110	A

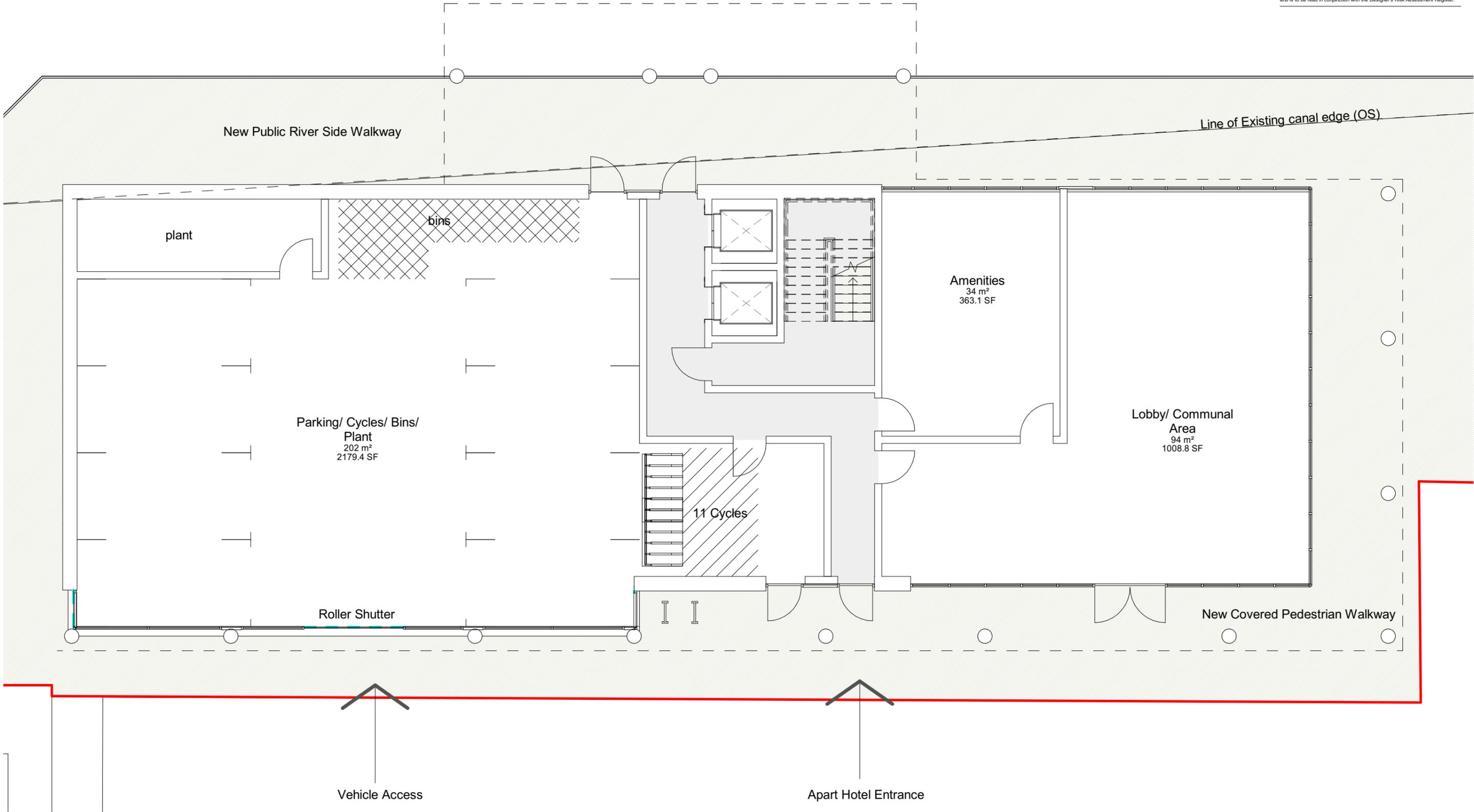
Drawn	Checked	Date
CP	TS	05/25/20
Job Title DRAKE WALK, CARDIFF		
Status AMENDED PLANNING		

A 30.07.20 Cycle provision changes

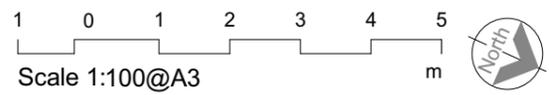
Rev	Date	Revision Details	Dr	Ch
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Westworks
 Bristol: Westworks, Colston Tower, Colston Street, Bristol, BS1 4XE
 T 0117 214 1101 E bristol@ecwestworks.com
 Sussex: Brooklyn Chambers, 11 Goring Road, Worthing, West Sussex, BN12 4AP
 T 01903 248777 E sussex@ecsearchitecture.com
 London: 76 Great Suffolk Street, London, SE1 0BL
 T 0207 928 2773 E london@ecsearchitecture.com
 www.ecwestworks.com

CAD Plot Date: 30/07/2020 15:03:34



1 00_Ground
 1 : 100



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Client's Name Drake Walk Ltd		Drawing Title Ground Floor Plan					
Job No	Origin	Volume	Level	Type	Role	Number	Rev
W0591	WW	00			A	0200	B

Drawn	Checked	Date
CP	TS	05/25/20
Job Title DRAKE WALK, CARDIFF		
Status AMENDED PLANNING		

Rev	Date	Revision Details	Dr	Ch
B	30.07.20	Cycle provision changes	TS	TS
A	23.06.20	Parking layout added		

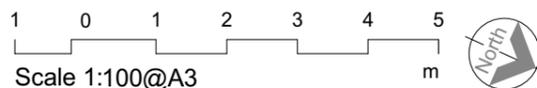
WESTWORKS
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1 01_First Floor Plan

1 : 100

Shown as a typical illustration of first to fourth floor plans



Scale 1:100@A3

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Client's Name Drake Walk Ltd		Drawing Title First Floor (Typical)					
Job No	Origin	Volume	Level	Type	Role	Number	Rev
W0591	WW	00			A	0201	

Drawn	Checked	Date
CP	TS	05/25/20
Job Title DRAKE WALK, CARDIFF		
Status AMENDED PLANNING		

Rev	Date	Revision Details	Dr	Ch

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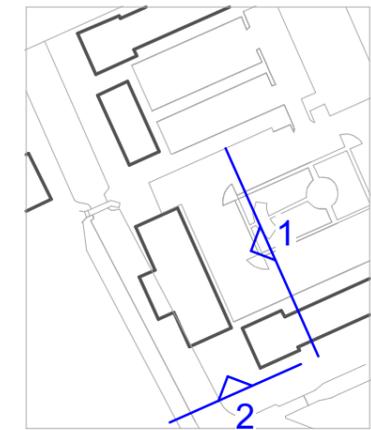
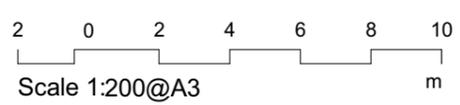
Trees shown in elevation are existing and shown indicatively



1 East Elevation
 1 : 200



2 South Elevation
 1 : 200



Client's Name
 Drake Walk Ltd

Drawing Title
 Elevations 1 + 2

Drawn CP Checked TS Date 05/25/20

Rev Date Revision Details Dr Ch

Job No	Origin	Volume	Level	Type	Role	Number	Rev
W0591	WW	00			A	0300	

Job Title
 DRAKE WALK, CARDIFF

Status
AMENDED PLANNING

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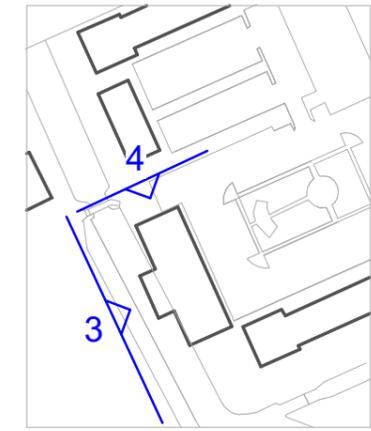
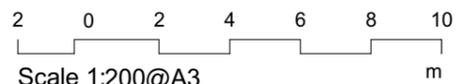
3 West Elevation

1 : 200



4 North Elevation

1 : 200



Client's Name
Drake Walk Ltd

Drawing Title
Elevations 3 + 4

Drawn CP Checked TS Date 05/25/20

Rev Date Revision Details Dr Ch

Job No	Origin	Volume	Level	Type	Role	Number	Rev
W0591	WW	00			A	0301	

Job Title
DRAKE WALK, CARDIFF

Status
AMENDED PLANNING

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COMMITTEE DATE: 21/11/2018

APPLICATION No. 18/01280/MAJ

APPLICATION DATE: 31/05/2018

ED: **BUTETOWN**

APP: TYPE: Full Planning Permission

APPLICANT: Waterfront 2000

LOCATION: LAND ADJACENT TO 12-14 DRAKE WALK, ATLANTIC WHARF
PROPOSAL: SIX STOREY STUDENT ACCOMMODATION BLOCK (91 BEDS)
WITH GROUND FLOOR COMMERCIAL UNIT, RE-ROUTING OF
PUBLIC RIVERSIDE WALKWAY, AND RENOVATION OF
EXISTING DOCK FEEDER FOOTBRIDGE.

RECOMMENDATION 1: That, subject to relevant parties entering into a binding legal agreement with the Council under the provisions of **SECTION 106** of the Town and Country Planning Act 1990, within 6 months of the date of this Resolution unless otherwise agreed by the Council in writing, in respect of matters detailed in Section 9.1 of this report, planning permission be **GRANTED** subject to the following conditions:

1. C01 Statutory Time Limit
2. The development shall be carried out in accordance with the following approved plans:
 - AL(90)01 Location plan
 - AL(90)02 revA Site plan
 - AL(00)01 revA Ground floor plan
 - AL(00)02 revA 1st - 4th floor plans
 - AL(00)06 revA 5th floor plan
 - AL(00)10 revA East & North elevations
 - AL(00)11 revA West & South elevations
 - AL(00)30 Canal Walkway detailReason: For the avoidance of doubt.
3. *Material samples:* No development shall take place until samples of the external finishing materials have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details. Reason: To ensure a satisfactory finished appearance to the development.
4. *Architectural detailing:* No development shall take place until a scheme showing the architectural detailing of all building facades has been submitted to and approved in writing by the Local Planning Authority and the development shall not be brought into use until the approved scheme

is implemented. Reason: To ensure a satisfactory finished appearance to the development.

5. *Drainage scheme:* No development shall take place until a drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. The works shall be implemented in accordance with the approved details. Reason: To prevent hydraulic overloading of the public sewerage system and ensure no pollution of the environment.
6. *Public realm improvements:* No part of the development hereby permitted shall be commenced until a scheme of public realm improvements to the footways adjacent to the site, including an adoptable standard, minimum 3m wide, replacement footpath between the building and the Dock Feeder Canal, to tie into the existing network, and widening and surfacing improvements to the junction of the dock feeder path with Tyndall Street, in accordance with the consultation response from Strategic Planning (Regeneration) dated 12.7.18: *Plan 1 Proposed public realm enhancements for application 18/1280/MJR*, has been submitted to and approved in writing by the LPA. The works should include as required, but not be limited to retaining structures, full depth footway construction, surfacing, kerbs, edging, drainage, lighting, guardrail/street furniture, soft landscaping and any other matters as may be required as a consequence of the development. The agreed scheme to be implemented to the satisfaction of the LPA prior to beneficial occupation of the site. Reason: To facilitate the provision of acceptable, safe alternative footpath provision to replace that lost as a consequence of the development, and to provide a meaningful connection to the adjacent highway network, in the interests of pedestrian safety.
7. *Dock feeder works:* Prior to commencement of any works to the dock feeder details of the proposed construction and methodology, including an assessment of the impact on the flow of water along the canal and potential impact on flood risk upstream, shall be submitted to and approved in writing by the LPA. The works shall be implemented in accordance with the approved details. Reason: To prevent an adverse impact on water flows and flood risk.
8. *Combined Travel and Student Accommodation Traffic Management Plan:* No part of the development hereby permitted shall be occupied until a travel/ parking/ traffic/ resident/ letting management plan to include, but not limited to, the promotion of walking, cycling, public transport and other alternatives to the ownership and use of the private car; the management of student drop-off and collection traffic at the start and end of term; the control of vehicular access to the site and the exclusion and control of student resident car parking within the site and surrounding area, has been submitted to and approved by the Local Planning Authority. The operation of the development shall be managed

strictly in accordance with the scheme so approved. Reason: in the interest of highway safety and to regulate the impact of the development on use of the adjacent highway.

9. *Cycle parking*: No development shall take place until details showing the provision of 80no. secure, covered long-stay cycle parking spaces and publicly accessible short-stay cycle parking spaces (number to be determined) have been submitted to and approved in writing by the LPA. The approved details shall be implemented prior to beneficial occupation. 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.
10. *Pedestrian footbridge*: Prior to beneficial occupation a scheme for the new or rehabilitated footbridge linking the Waterfront 2000 development with Craiglee Park shall be submitted to and approved by the Local Planning Authority. The scheme shall include the provision of a path link on the applicant's land and the creation of a gated entrance into the Craiglee Park and the provision of a 3m wide path to match existing to link the new entrance to the existing path network in the Park, total approximately 25m length of 3m wide path. The scheme shall be implemented in accordance with the approved details prior to beneficial occupation. Reason: In the interests of pedestrian movement and amenity.
11. *Construction management plan*: Prior to commencement of development a scheme of construction management shall be submitted to and approved by the Local Planning Authority to include details of construction traffic routes, site hoardings, site access, noise and dust control measures, wheel washing facilities and parking of contractors vehicles. The development construction shall be managed strictly in accordance with the scheme so approved. Reason: In the interests of highway safety and public amenity.
12. C4P Landscaping Design and Implementation Programme
13. C4R Landscaping Implementation
14. D4X Tree protection – complex sites with on-site monitoring.
15. C5A Construction of site enclosure
16. *External lighting & CCTV coverage*: Prior to occupation an LPA approved scheme for external lighting and CCTV coverage of the realigned footpath and perimeter of the building shall be implemented. Reason: In the interests of public safety and amenity.
17. *Plant noise*: The rating level of the noise emitted from fixed plant and equipment on the site shall not exceed the existing background noise level at any time by more than 5dB(A) at any residential property when

measured and corrected in accordance with BS 4142: 1997 (or any British Standard amending or superseding that standard). Reason: To ensure that the amenities of future occupiers of the development and occupiers of other premises in the vicinity are protected.

18. *Ground gas protection:* Prior to the commencement of any development works a scheme to investigate and monitor the site for the presence of gases being generated at the site or land adjoining thereto, including a plan of the area to be monitored, shall be submitted to the Local Planning Authority for its approval. Following completion of the approved monitoring scheme, the proposed details of appropriate gas protection measures to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site shall be submitted to and approved in writing to the LPA. If no protection measures are required than no further actions will be required. All required gas protection measures shall be installed and appropriately verified before occupation of any part of the development which has been permitted and the approved protection measures shall be retained and maintained until such time as the Local Planning Authority agrees in writing that the measures are no longer required. Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff Local Development Plan.
19. *Contaminated land measures – assessment:* Prior to commencement of the development an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person in accordance with BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and shall assess any contamination on the site, whether or not it originates on the site. The report of the findings shall include:
- (i) a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a ‘conceptual site model’ (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages;
 - (ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;
 - (iii) an assessment of the potential risks to: human health; ground waters and surface waters; adjoining land; property (existing or proposed); ecological systems; and any other receptors identified above;
 - (iv) 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 in accordance with policy EN13 of the Cardiff Local Development Plan.

20. *Contaminated land measures – remediation and verification plan:* Prior to the commencement of the development a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN13 of the Cardiff Local Development Plan.
21. *Contaminated land measures – remediation and verification:* The remediation scheme approved by condition x (PC14B above) must be fully undertaken in accordance with its terms prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority. Reason : To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN13 of the Cardiff Local Development Plan.
22. *Unforeseen contamination:* In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place unless otherwise agreed in writing until a scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale

for the above actions shall be agreed with the LPA within 2 weeks of the discovery of any unsuspected contamination. Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN13 of the Cardiff Local Development Plan.

23. *Imported soil:* Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes. Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA. Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff Local Development Plan.
24. *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. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes. Subject to approval of the above, sampling of the material received at the development site to verify that the imported material is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA. Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff Local Development Plan.
25. *Use of site-won materials:* Any site won material including soils, aggregates, recycled materials shall be assessed for chemical or other potential contaminants in accordance with a sampling scheme which shall be submitted to and approved in writing by the Local Planning Authority in advance of the reuse of site won materials. Only material which meets site specific target values approved by the Local Planning Authority shall be reused. Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff Local Development Plan.
26. *Archaeological work:* No development shall take place until the applicant, or their agents or successors in title, has secured the

implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved scheme. Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

27. *Nesting birds*: No site clearance/demolition to take place between 1st March and 15th August unless otherwise approved in writing by the Local Planning Authority. Reason: To avoid disturbance to nesting birds which are protected under the Wildlife and Countryside Act 1981: Part 1, 1(1)(b), it is an offence to intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built.

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

RECOMMENDATION 3: The applicant is advised that a large proportion of the proposed building footprint sits on the adopted public highway (in this case footpath and landscaped embankment) and that this highway will need to be stopped-up by way of an Order under the Town and Country Planning Act 1990 prior to implementation of any permission.

RECOMMENDATION 4: The applicant is advised that in addition to any third party approvals that may be required, the Council will require a Technical Approval in Principle in connection with the revised canal wall/embankment and any retaining structures that will support the adoptable footway. Further details of these requirements can be obtained by contacting Tony Williams, Cardiff Council.

RECOMMENDATION 5: The applicant is advised that the highway works condition and any other works to the existing or proposed public highway (to be undertaken by the developer) are to be subject to an agreement under Sections 38 and/or 278 of the Highways Act 1980 between the developer and Local Highway Authority.

RECOMMENDATION 6: Resident Parking Permits: The applicant is advised that incoming residents will not be eligible to receive resident parking permits in the adjacent streets, where such schemes already exist or are developed in the future.

RECOMMENDATION 7: Welcome Pack: In addition to matters covered by the conditioned Travel Plan, the applicant is requested to provide residents (upon their arrival) with a welcome pack detailing sustainable transport options available in the area, to help promote sustainable transport options.

RECOMMENDATION 8: S177 Oversail License: The applicant is advised that any part of the building structure that oversails the existing or proposed public highway (verge or footpath) will be subject to licence under Section 177 of the Highways Act 1980.

RECOMMENDATION 9: The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for:

- determining the extent and effects of such constraints;
- (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 10: That the applicant takes advice from an ecological consultant as to what measures may be appropriate to offset the loss of potential bird and bat nesting/roosting habitat. These measures could include placement of bird nest boxes or bat roost boxes on remaining trees at the site, and incorporation of features into the new building which allow for house-nesting birds such as swifts, swallows and house-martins.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 A detailed application for a six storey block of student accommodation on a landscaped area on the west side of the Brigantine Place office development (Waterfront 2000) parking area, adjacent to the Dock Feeder.

The student accommodation comprises 91 student rooms in 10 cluster flats and 15 studios above an independent ground floor commercial café/restaurant unit, entrance lobby, staff parking (2 spaces), cycle parking, and bin storage.

- 1.2 *Amended plans:* Following discussions amended plans were received on 19.9.18 removing the rear wing of the building bridging over the Dock Feeder and reducing the number of student rooms from 99 to 91, adjusting the footprint of the building to accommodate a 3m footpath to the rear of the building, revising the elevations, and increasing the floor area of the top storey. Neighbours and representators were re-consulted on the amended plans (14 days).
- 1.3 The development requires the stopping up of the adopted footpath and the rerouting of the path further to the west to run alongside the Dock Feeder. The new pedestrian link will be a minimum 3m wide and will link with the existing route to the south via a small area of landscaped amenity space, and to the existing footpath next to the Dock Feeder to the north that leads to Tyndall Street.
- 1.4 The Dock Feeder eastern bank (currently a steep landscaped embankment) will be remodelled and replaced with a sheet piled retaining wall to support the new rerouted footpath link.
- 1.5 The building is predominantly red brick, dark metal cladding, render and glazing. The central section of the upper storeys project 3m to the rear of the building bridging over the new riverside walkway. A new covered pedestrian walkway formed by projecting the upper storeys over the ground floor runs the full length of the front of the building and wraps around its northern end.
- 1.6 Unlike its neighbours the building has a flat roof with the upper storey set back 2.7m at the northern and southern ends of the building. The architecture adopts a modern business park style with an active glazed ground floor at the northern end of the building.
- 1.7 The proposals result in the loss of 13 'B' category (moderate quality and value) trees and a large number of 'C' category (low quality and value) trees that function as linear woodland bounding the dock feeder canal. The footprint of the proposed building leaves very little space for replacement planting on the application site.
- 1.8 The trees have formed a dense screen and provide a significant area of landscaping to the western edge of the car park. The trees are not protected.
- 1.9 The proposals include the removal of the private bridge over the dock feeder and its replacement (or refurbishment of existing depending on condition), with a new pedestrian bridge linking Craiglee Park and Lloyd George Avenue with the Waterfront 2000 office development and Schooner Way. NB The existing bridge is closed to the public.

1.10 The following information is submitted:

- Statutory Pre-application Consultation report
- Design and Access Statement
- Tree Survey

2. **DESCRIPTION OF SITE**

- 2.1 The rectangular application site has an area of 0.23ha and is located in the Central Business Area, at the western boundary of the Waterfront 2000 office park. Immediately to the west of the site is the Dock Feeder Canal, to the east is the car park and 12-14 Drake Walk offices, to the north is the northern wing of the office block and the Converted Edward England Wharf residential development to the other side of the Dock Feeder, and to the south is an area of open space adjacent to the Dock Feeder with residential development beyond that.
- 2.2 The site is currently landscaped with a large number of trees and shrubs located in planting beds. The western half of the site is adopted highway and forms part of the network of landscaped walking and cycling routes linking Herbert and Tyndall Street with Schooner Way, Lloyd George Ave., and Cardiff Bay to the south. The site also includes a closed footbridge over the Dock Feeder linking the site to Craiglee Park on the west side of the Canal and the flatted development fronting Lloyd George Avenue.
- 2.3 The immediate area is characterised by a mixture of 2 and 3 storey residential and 4-5 storey office uses, mainly comprising modern development interspersed with the occasional traditional waterside warehouse building.

3. **PLANNING HISTORY**

- 15/00087/MJR: Planning Committee resolved to grant planning permission (subject to the signing of a legal agreement) in June 2015 for a 5 storey office building with undercroft parking, re-routing of public riverside walkway and renovation of existing dock feeder footbridge.
 - 98/528/C: Outline planning permission granted June 1999 for residential development of approx. 351 units and associated open space, parking, landscaping and retail unit on Lloyd George Ave. This permission is for the land to the west of the Dock Feeder and includes Craiglee Park public open space.
 - 88/318R: Planning permission granted in April 1988 for 117,000 sq ft of office development (Waterfront 2000) and associated car parking at land bounded by existing Dock Feeder Canal, LMS Warehouse and Tyndall Street, Atlantic Wharf. This permission required the submission of a landscape scheme.
- 3.1 Pre-application discussions were held with planning (SPA/18/001/MJR) and focussed on the height, footprint and appearance of the building. Without prejudice pre-application advice was given on 7.3.18.
- 3.2 The developer's statutory pre-application consultation was carried out in May 2018 and a report of the consultation feedback accompanies the application.

4. **POLICY FRAMEWORK**

- 4.1 Planning Policy Wales (PPW) Edition 9, Nov 2016 favours the sustainable re-use of previously developed land.
- 4.2 The following Technical Advice Notes (TANs) are relevant:
- TAN 12: Design (2009)
- 4.3 The following policies of the 2016 City of Cardiff LDP are relevant to the consideration of this application:
- KP5 Good Quality and Sustainable Design
 - KP6 New Infrastructure
 - KP7 Planning Obligations
 - KP10 Central and Bay Business Areas
 - KP16 Green Infrastructure
 - C1 Community Facilities
 - C5 Provision for Open Space, Outdoor Recreation, Childrens' Play and Sport
 - EN6 Ecological Networks and Features of Importance for Biodiversity
 - R8 Food and Drink Uses
- 4.4 The following current Supplementary Planning Guidance applies:
- Planning Obligations (Jan 17)
 - Food, Drink & Leisure Uses (Nov 17)
 - Green Infrastructure (Nov 17)
 - Managing Transportation Impacts (Including Parking Standards) (Jul 18)
 - Waste Collection & Storage Facilities (Oct 16)

5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 Land use: 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 the acceptability of student accommodation and a ground floor commercial use at this location.
- 5.2 Policy KP10 of the LDP (Central and Bay Business Areas) describes the range of uses appropriate within the Central Business Area, which includes residential development. Whilst student accommodation is a 'sui generis' use, the nature of such a use exhibits many characteristics of a typical high density city centre residential scheme, particularly in terms of impact on its surroundings / environs and the need to protect the amenity of future residents and adjoining businesses. It is acknowledged that student / residential uses can be appropriate within city centre locations, as evidenced by similar recent developments along Tyndall Street and Adam Street.
- 5.3 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. Taking into consideration the relatively small scale of the floor space and the nature of the use as a café, the proposal is considered acceptable in this instance.

- 5.4 Strategic Planning (Regeneration): This is a large scale proposal, where the introduction of 99 student beds will place increased pressure on the surrounding pedestrian environment.
- 5.5 Planning Policy Wales, Paragraph 3.4.3 states that 'When a new building is proposed, an existing building is being extended or altered, or a change of use is proposed, developers should consider the need to make it accessible for all those who might use the building. The appropriate design and layout of spaces in, between and around buildings, including parking provision and movement routes, is particularly important in ensuring good accessibility'. As this proposal is for student 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.
- 5.6 The pedestrian entrance to the site at Tyndall Street (along the Dock Feeder Canal walkway) is currently of a poor quality and a financial contribution of £18,800 is sought towards upgrading this area to a standard commensurate with recently completed and programmed public realm improvements along Tyndall Street. The works would comprise: Footway widening and resurfacing with block paving, Extension and realignment of dock edge railings, Installation of bollards and wayfinding at the entrance to Dock Feeder Canal Walkway.
- 5.7 *Strategic Planning Advice*: For the above reasons, the proposal is considered acceptable in land use policy terms, subject to detailed design and amenity considerations. Subject to the application being acceptable in all other respects, a financial contribution of £18,800 is sought towards the upgrading of the public realm at the Tyndall Street entrance to the Dock Feeder Canal Walkway.
- 5.8 Transportation: The officer makes the following comments: I confirm that the submission has been assessed and is considered to be acceptable in principle subject to the following comments and conditions.
- 5.9 *Transportation Comments*: The adopted Managing Transport Impacts SPG confirms that up to one car parking space per 25 beds may be provided for operational use associated with purpose built student accommodation, there is no on-site parking requirement for either residents or the ground floor commercial use detailed in the application. The proposed 2 number operational spaces shown on the proposed ground floor plan are therefore considered to be compliant with adopted parking policy.
- 5.10 In addition, a minimum of one undercover and secure cycle parking space per 2 beds should be provided for this type of residential development. The proposed provision of 80 number cycle spaces on the ground floor is therefore considered to policy compliant and otherwise acceptable. Details of the layout, type and arrangement of the racks etc. will be controlled by proposed condition.
- 5.11 Being mindful of the sustainable location of the site and that of the proposed use I am satisfied that the development is otherwise acceptable with the 2 on-site operational parking spaces and the provision of resident cycle parking as proposed/required by condition. It is also expected that active travel and

demand for cycle parking will be monitored as part of the conditioned Travel Plan and provision of cycle parking enhanced as may be required to respond to any identified demand/shortfall.

- 5.12 With reference to the site location and wider development considerations it is noted that the site is in the vicinity of Cardiff's main pedestrian shopping area, with access to employment, leisure, shopping, etc. opportunities and the main university campus/facilities to the north. The site is also within an area where walking, cycling and public transport offer viable daily alternatives to the use of a private car; having very good access to high frequency bus and rail services at Central Station. The site is therefore considered to be sustainably located in transport terms and entirely appropriate for the proposed form of development.
- 5.13 It is nonetheless noted that the new residents (plus staff, visitors and customers) will be reliant on walking, cycling and public transport for daily trips, resulting in additional pedestrian traffic on the adjacent footways. In keeping with the approach taken in connection with the previous application and other student developments locally, and given the impact on the existing adopted footway network, a Highway Works condition is sought to secure improvements to the footways adjacent to the site.
- 5.14 In terms of the impact on the adjacent adopted footway, it is noted that approx. 2 thirds or more of the footprint of the proposed building sits on an adopted footpath and verge alongside the dock feeder. I have attached for information a copy of the highway record showing the adopted public highway shaded pink, with the approximate outline of the building footprint and proposed new canal wall shown by red lines. You will note from the plan the minimum area of highway that will need to be stopped-up to accommodate the building, along with the area of new footpath required to replace that lost as a consequence of the proposed development.
- 5.15 The proposed highway works condition is required to secure the provision of the new, replacement footpath and improvement of the remainder of the footpaths adjacent to the site and north to tie into Tyndall Street. The new and improve footpaths will provide access to the Bay to the south and city centre, and public transport services accessible from Tyndall Street to the north.
- 5.16 With the exception of vehicle trips that are likely to be generated at the start and end of term, when student residents will generally be dropped-off/collected by car, it is not anticipated that the development will generate any noticeable daily vehicle trips or additional parking demand. The management of traffic, dropping off/collection, and parking of vehicles also subject to a Traffic Management Plan condition and I am satisfied, subject to agreement of this condition, that there is sufficient capacity on the adjacent public highway network to accommodate the arrival and departure of students at the start and end term.
- 5.17 The conditioned Traffic Management Plan will also assist with the control of student car parking within the site and surrounding area, where parking is either private or largely controlled by existing TRO. It should be noted that incoming

student residents will not be eligible to receive Resident Parking Permits (where such schemes exist or are established in the future) and as such will not add to any burden on any existing resident parking bay provision. In addition to which a S106 contribution has also been sought towards the investigation and implementation of new TROs in Craiglee Drive, Celerity Drive and Vellacott Close as may be required as a consequence of any overspill parking that is generated by the development.

- 5.18 Given the sustainable location of the site and compliance with parking policy I must conclude that any objection on parking or traffic grounds would be unsustainable and any reason for refusal on this basis would not withstand challenge.
- 5.19 *Conditions:* Standard cycle parking condition in respect of the proposed 80 cycle parking spaces; combined travel and student accommodation traffic management plan condition; highway works condition; and construction management plan condition.
- 5.20 *S106 contribution:* In accordance with the previous application, a financial contribution of £4,000 (current costs) towards the investigation and implementation of new parking control Traffic Orders in Craiglee Drive, Celerity Drive and Vellacott Close as may be required as a consequence of any overspill parking generated by the development. The contribution is required to specifically mitigate any impact on the existing residential area, in the interests of highway safety.
- 5.21 Additional recommendations: Resident Parking Permits; Welcome Pack; Highway Works; S177 Oversail License; Adopted Highway; Structures Technical Approval.
- 5.22 Trees and Landscaping: The Council's Tree Preservation Officer comments as follows on the amended plans: The plans represent a slight improvement in terms of the total number of trees lost, but the losses remain substantial (at least 12 'B' category trees as far as I can ascertain), and the implications for retained trees in terms of wind loading, as per my previous observations, remain pertinent.
- 5.23 I note the proposed section 106 agreement including £5,000 for 10 new trees, but where are these trees to go? Craiglee Park appears well stocked and additional planting within the Park may serve to increase lurking space? If there is a proposal to offset losses via new planting, I'm of the view that we need to see details of this planting upfront to be able to ascertain whether or not it will mitigate the losses.
- 5.24 In general terms the loss of trees and vegetation bounding the canal represents a precedent that may invite similar proposals elsewhere and that could significantly erode this important green corridor.
- 5.25 Tree Officer's previous comments: The absence of a topographical site survey plan means that direct comparison between existing and proposed is not

possible, but it is clear from the Tree Constraints Plan, that at least x13 'B' category trees and a swathe of 'C' category trees, forming a continuous green corridor on the banks of the dock feeder and adjoining the POS to the rear of Sorrento House, will be lost to accommodate development. No space is available to offset the loss and there will no longer be a green corridor, which was clearly a laudable design aim of the original Drake Walk/Brigantine Place layout.

- 5.26 In addition to the direct loss of trees, those that remain to either side of the development will suffer increased wind exposure and wind tunnel effects, putting them at increased risk of failure in whole or part. Finally, in addition to the loss of trees there will be a very large volume of vegetated soil that is lost or sealed – there is no opportunity to offset this loss in terms of water management, pollution absorption, biodiversity or microclimatic amelioration, by de-sealing and creating new green corridors.
- 5.27 Given the above I must object to the proposed development since it is at odds with EN8, KP15 and KP16.
- 5.28 Ecology: The Ecology Officer makes the following comments: The amended plans represent some improvement on the original scheme, as the interruption to ecological connectivity by the loss of trees is now limited to one embankment of the dock feeder canal, as opposed to both embankments as previously.
- 5.29 However, the proposed development would still result in the loss of a significant green infrastructure resource in the form of the mature trees alongside the dock feeder. Loss of this resource should be considered in the context of our statutory duty under section 6 of the Environment (Wales) Act to '*...seek to maintain and enhance biodiversity in the exercise of our functions and in doing so to promote the resilience of ecosystems.*'
- 5.30 One of the five attributes of ecosystem resilience is connectivity, and the proposed development would inevitably significantly compromise the connectivity of habitats along the dock feeder corridor. Therefore in considering this application we should seek to ensure that there is no loss, and ideally a net gain, of biodiversity and habitat connectivity. I can see nothing in the submitted documents to suggest that this would be possible.
- 5.31 The application should be considered in the light of LDP Policy KP16 – Green Infrastructure, and LDP Policy EN6 – Ecological Networks and Features of Importance for Biodiversity.
- 5.32 The text of KP16 makes it clear that if development results in overall loss of green infrastructure then appropriate compensation is required. The supporting text of KP16 reiterates that new developments should incorporate new and/or enhanced green infrastructure to ensure no fragmentation or loss of connectivity. There is no compensation for fragmentation or loss of connectivity proposed in this instance.

- 5.33 Similarly, in respect of EN6 there is a requirement for it to be demonstrated that there is no satisfactory alternative location for the development and for compensatory provision to be made of comparable ecological value to that lost. It is difficult to see how it is possible to compensate for such a significant interruption to habitat connectivity.
- 5.34 Therefore I do not see that the present application is compatible with those policies.
- 5.35 Public Rights of Way (PROW): The PROW Officer comments as follows on the amended plans: No objection to the amended plans as the footway along the canal is now accessible for the public to use.
- 5.36 PROW Officer's previous comments: PROW formally object to the application as the footway alongside the canal will no longer be accessible for public use but rather for maintenance only. The canals are key historic features and quiet area to enjoy by the public away from the busy roads and need to be retained as an important asset to Cardiff city centre.
- 5.37 The proposed refurbishment to the footbridge over the canal is welcome by PROW as it is a historic feature, provides character and improves access.
- 5.38 The proposed development will impede on the existing adopted highway therefore if planning consent is given, there will be a requirement for the applicant to apply to Welsh Government for a change of use in order to extinguish the area to be affected.
- 5.39 Flood and Coastal Risk Management: The Officer states that the design reduces the cross sectional area of the watercourse and is therefore an increase in flood risk as an obstruction to flow. He advises that any works will require consent under Section 23 of the Land Drainage Act 1991.
- 5.40 Highways and Waste Management: The Drainage engineer has not provided comments.
- 5.41 Pollution Control (Noise & Air): Pollution Control raises the following concerns: Firstly, I am concerned about any fixed plant that may be installed. The area is particularly quiet, especially at night, so any fixed plant to be installed will need to be done sensitively.
- 5.42 Secondly, the development is, as I understand it, likely to straddle the dock feeder. Careful consideration needs to be made of what construction methods are to be used, and due to the relative tranquillity of the area, what noise levels the construction methods are to make.
- 5.43 With that in mind, a detailed Construction and Environmental Management Plan needs to be carried out prior to determination. In addition, should any fixed plant be planned, an assessment of the likely impacts also needs to be carried out prior to determination.

- 5.44 I consider both to be necessary prior to determination so that the applicant can demonstrate that they are not causing unacceptable harm to health or to local amenity due to noise and vibration, as per policy EN13 of the LDP.
- 5.45 Pollution Control (Contaminated land): No objection subject to standard ground gas protection, suite of contaminated land conditions, and imported and recycled aggregates conditions.
- 5.46 In reviewing available records and the application for the proposed development, the site has been identified as within an area of former industry and sited over part of the infilled Bute West Dock. Activities associated with this use may have caused the land to become contaminated and therefore may give rise to potential risks to human health and the environment for the proposed end use.
- 5.47 Additional former landfill/raise sites have also been identified within 250m of the proposed development. Such sites are associated with the generation of landfill gases, within subsurface materials, which have the potential to migrate to other sites. This may give rise to potential risks to human health and the environment for the proposed end use.
- 5.48 Waste Management: The Waste Management Officer has no objection.
- 5.49 Parks Services: The Parks Officer has no objection and makes the following comments on the amended plans: The revised proposals look to be a significant improvement on the earlier design with the dock feeder footpath next to the building retained, which will maintain important connectivity to the existing footpath links along the dock feeder.
- 5.50 The loss of trees and green infrastructure link where the building is to be located is regrettable from a green infrastructure point of view, but in order to accommodate a building I accept this is unavoidable, and I note that £5000 has been included for up to 10 replacement trees, plus a commuted sum (costs to be confirmed).
- 5.51 The retention of the pedestrian link across the bridge is welcome, to allow access into Craiglee Drive open space, although more detailed discussions will need to take place on how the link is designed and delivered as I presume at present there is no pedestrian entrance into the park at this point, or connecting footpath within the park, and how these would be funded. Given that the off-site POS contribution for the development is not listed in the sums to be provided below, some mechanism for carrying out these works needs to be established.
- 5.52 Park's preference is for the developer to implement the footpath connection across Craiglee Drive rather than provide an off-site contribution for the work. The work could be carried out under licence on council land as part of the main contract. Clarification should be sought to confirm responsibility for the ongoing long term maintenance and management of the refurbished/ replacement bridge, and the connection as far as the boundary of the open space. Parks would only consider taking over responsibility for the maintenance of the

footpath within the curtilage of Craiglee Drive open space from the fence to the connection with the existing paths.

- 5.53 A financial contribution of £49,734, calculated in accordance with the 2017 Cardiff Planning Obligations SPG, is sought towards the improvement of community facilities in the vicinity of the development.
- 5.54 Community Facilities: The Neighbourhood Regeneration Officer makes the following comments: If no on-site provision is proposed a financial contribution a financial contribution is sought on residential developments (including student housing) of 25 or more new dwellings.
- 5.55 Policy KP6 of the Cardiff LDP supports the provision of community facilities as part of new residential developments. A development proposing a significant increase in population would create pressures on existing local facilities that need to be offset via a financial contribution. It would be unacceptable to grant planning consent in the absence of such provision.
- 5.56 A financial contribution of £50,436, calculated in accordance with the 2017 Cardiff Planning Obligations SPG, is sought towards the improvement of community facilities in the vicinity of the development.

6. **EXTERNAL CONSULTEE RESPONSES**

- 6.1 Welsh Water: No objection subject to a condition requiring submission to the LPA of a detailed drainage scheme, including an assessment of the potential to dispose of surface and land water by sustainable means. DCWW understand that the intention is to drain both foul and surface water to the main sewer for which they can only comment on the acceptability of the foul water proposal at this stage. The site is located in close proximity to the dock feeder which offers a sustainable means to dispose of surface water and therefore they will not consider the communication of this flow to the public sewer at this stage.
- 6.2 The proposed development is crossed by a 100mm distribution water main. A map showing the approximate location of the water main, and DCWW conditions for development near a water main, are provided. It may be possible for the water main to be diverted under section 185 of the water industry act 1991, the cost of which will be re-charged to the developer.
- 6.3 NRW: No objection and advise that in the event that gross contamination is found to be present at the site the LPA may wish to re-consult NRW.
- 6.4 Police Architectural Liaison: South Wales Police have no objection but raise concerns in relation to the proposed use: 'Students can be considered to be a vulnerable group as many will be young people, away from home for first time and possibly foreign students who lack experience of living in the UK'. They recommend adequate lighting, CCTV coverage, and security measures. A copy of their advice has been forwarded to the agent.

- 6.5 Glamorgan Gwent Archaeological Trust: The Trust note that the site lies on the NE corner of the former Bute West Dock. The proposals will therefore require archaeological mitigation which requires the submission of a written scheme of investigation taking into account the nature of the known archaeological resource and the elements of the groundworks that impact on this.
- 6.6 Associated British Ports: The build-out will have an impact on the flow of water along the feeder and would appreciate an understanding of what this is or how this can be prevented or minimised. The narrowing will also impact flood risk by potentially hold water back upstream in the city centre.
- 6.7 We need to request details of the construction methodology. Will the feeder be closed for a length of time to enable construction? If so what provision will be put in place to maintain the flows or will we be compensated for the additional impounding required to maintain the dock level? The methodology will also need to cover off any contamination of the water.

7. **REPRESENTATIONS**

- 7.1 The proposals were advertised as a major application in the press and on site, and Local Members and neighbours were consulted. Amended plans were also consulted on for a period of 14 days.
- 7.2 A total of 18 representations were received, primarily from neighbouring Drake Walk residents, Waterfront 2000 businesses, and residents of Edward England Wharf, one supporting the application while raising some concerns, the remainder objecting to the application plans on the following grounds:
- Scale and appearance of the office block – too big and not in keeping with its neighbours.
 - Loss of trees and landscaped area and associated visual amenity and habitat for wildlife
 - Rerouting of footpath resulting in a tortuous route of inadequate width and potentially dangerous because of its location adjacent to the dock feeder
 - Negative impact on Dock Feeder Canal
 - Loss of privacy for the residents of Edward England Wharf
 - Reduction in daylighting for the occupiers of the neighbouring offices
 - Impact of increase in traffic on narrow access roads
 - Inadequate parking provision
 - Disruption, noise and impact on existing parking provision during construction period
 - Negative impact on commercial interests of adjoining businesses during construction period
 - Oversupply of student housing
 - Adverse impact on setting of listed Edward England Wharf building
 - Adverse impact on Craiglee Park amenity
 - No ecology survey carried out
 - Requesting right to speak
 - Failure to consult residents of EEW during the statutory pre-application consultation

- 7.3 A petition from the Director of the Edward England Wharf Management Committee with 28 signatures of residents objecting to the application was received on 19.7.18. A letter was sent to the lead petitioner on 20.7.18 stating that the points raised will be considered when the application is determined, and pointing out that as the petition has been signed by less than 50 people, there is no right to speak if this application is considered by the Planning Committee. The letter outlined the criteria that would need to be met for a petition to be considered valid.
- 7.4 A further representation has been received from a neighbouring business objecting to the amended plans on the same grounds, and raising additional grounds relating to the proposed student use on the existing business use and parking arrangements.

8. **ASSESSMENT**

- 8.1 The main issues to be assessed are the proposed land use, the scale and design of the building, the loss of the landscaped amenity area and associated trees/ habitat, the adequacy and design of the rerouted public footpath and external areas, and parking provision.
- 8.2 Proposed land use: The site is located within the Central Business Area. Policy KP10 of the LDP (Central and Bay Business Areas) describes the range of uses appropriate within the Central Business Area, which includes residential development. Student/ residential uses can be appropriate within city centre locations, as evidenced by similar recent developments along Tyndall Street (Capital Quarter) and Adam Street.
- 8.3 The site is in the vicinity of Cardiff's main pedestrian shopping area, with access to employment, leisure, shopping, etc. opportunities and the main university campus/facilities to the north. The site is also within an area where walking, cycling and public transport offer viable daily alternatives to the use of a private car; having very good access to high frequency bus and rail services at Central Station.
- 8.4 The proposed land use is policy compliant.
- 8.5 Scale and Appearance: The design has been amended to significantly reduce the footprint of the building so it no longer spans the dock feeder, and the floor area of the top storey has been increased. The footprint of the building is similar to the previously approved 4 storey office scheme but it is approximately 3.5m higher at 16.5m. The appearance of the building and proposed materials are similar to the office scheme and are in keeping with the neighbouring office blocks.
- 8.6 The immediate context of the site is 3 / 4 storey buildings with pitched roofs. The ridge height of the 4 storey 12-14 Drake Walk adjacent to the site is approx. 14m. Given this context the scale and appearance of the building is acceptable.

- 8.7 Loss of the trees and the landscaped area: The Tree Officer objects on the grounds that the proposed development will result in unacceptable harm to trees of amenity value. However this needs to be balanced against the fact that the previous scheme, which had a similar impact on trees and ecology, has a resolution to grant subject to the signing of the legal agreement, that the trees are not protected, and the benefits accruing from the provision of additional purpose-built student housing in a sustainable location and a replacement/ repaired footbridge over the Dock Feeder linking the Waterfront 2000 development to Craiglee Park.
- 8.8 The visual amenity and habitat value of unprotected trees is related both to size and longevity, with a greater degree of protection afforded to ancient woodlands and veteran trees and hedges. Other trees and woodlands should normally be retained and a tree survey should determine the priorities and practicalities of retention. Where trees are lost compensatory landscaping will be sought.
- 8.9 It is acknowledged in this case that the trees to be lost do offer significant amenity value for the business occupiers of the Waterfront 2000 development and the users of the pedestrian footpath, and that they form part of a green corridor along the dock feeder. A condition has therefore been imposed requiring the applicant to provide detailed landscaping proposals including the planting of new replacement trees on the site, including the west bank of the dock feeder which forms part of the application site.
- 8.10 However the extent of replacement tree planting possible on the application site is limited in extent because of site constraints, and the grant of planning permission is also therefore made conditional on the signing of a s106 legal agreement to secure a public open space (POS) financial contribution towards POS improvements including off site replacement tree planting in Craiglee Park public open space (or other open space to be agreed).
- 8.11 Ecology: The Ecology Officer objects on the grounds that the amended scheme would still result in the loss of a significant green infrastructure resource in the form of the mature trees alongside the dock feeder, contrary to LDP policies EN6 and KP16. However this needs to be balanced against the fact that the previous scheme, which had a similar impact on trees and ecology, has a resolution to grant subject to the signing of the legal agreement, that one side of the green corridor is retained (Craiglee Park bank side), and a Section 106 financial contribution has been secured for compensatory replacement tree planting in mitigation for the loss of habitat.
- 8.12 Details of the landscaping and the means of enclosure are required by condition. A standard nesting birds condition, and a recommendation advising enhancement measures to compensate the loss of habitat have also been added.
- 8.13 Re-routed footpath and external works: The rerouted footpath is of adequate width. Public Rights of Way has no objection. A pre-commencement condition has been added requiring full details of its design, including safety measures and appropriate lighting.

8.14 A pre-commencement condition has also been added requiring full details of the proposed footbridge over the dock feeder. This includes for the provision of a path link on the applicant's land and the creation of a gated entrance into the park through the existing fencing and the provision of a 3m wide path to match existing to link the new entrance to the existing path network in the Park, totalling approx. 25m length of 3m wide path.

8.15 Transportation: The number of parking spaces provided and the access arrangements meet policy guidelines and are considered acceptable. The existing Waterfront 2000 parking arrangements are not affected by the development.

Representations

8.16 Objections to the proposed use, incongruous scale and design of the building, loss of trees/ habitat/ amenity landscaped area, rerouting and adequacy of pedestrian footpath, and inadequate access and parking provision are addressed above.

8.17 Daylighting/ overlooking: The proposals are of a similar scale and sited at right angles to the existing office blocks and will not therefore result in any loss of daylighting for the existing office occupiers, nor will the future occupiers of the student housing block overlook the residents of Edward England Wharf which is located approx. 25m away on the other side of the Dock Feeder.

8.18 Oversupply of student housing in the area: The supply of purpose-built student housing developments in the city centre is not a material planning consideration. There is no specific LDP policy that seeks to control the number or location of purpose built student housing developments, other than that they should be located close to campuses and in sustainable locations. The Bay and central Areas are considered appropriate locations for student accommodation, which would complement existing uses within these areas.

8.19 Disruption and noise during construction: There will inevitably be a degree of noise and disruption during the construction period. A condition requires the approval of a construction management plan prior to commencement covering the construction traffic routes, site hoardings, site access, dust and noise control measures, wheel washing facilities and parking of contractors vehicles. A construction noise advisory is also attached to the permission.

8.20 Impact on neighbouring commercial interests: Loss of custom is not a material consideration in assessing a planning application. Compensation for loss of trade as a result of the building works is not a planning matter. It is a matter between the representator and the applicant.

8.21 Adverse impact on setting of listed Edward England Wharf (EEW) building: The proposed development is of a not dissimilar scale to the EEW building and will be located approximately 25m away on the other side of the dock feeder, and visually separated by the trees along the western bank. The development will not therefore have an adverse impact on the setting of the listed EEW building.

- 8.22 *Adverse impact on Craiglee Park amenity:* The development is of modest scale and separated from the Park by the dock feeder and associated tree belt and landscaping. The impact on the amenity of the park is negligible.
- 8.23 *No ecology survey carried out:* No ecology survey was carried out. The decision on whether such a survey is required is made by the Ecology Officer on a case by case basis (in general where protected species or habitats are likely to be affected an ecology survey is required). In this case (removal of young trees and partial loss of connecting green corridor) a habitat and species survey was not required.
- 8.24 *Requesting right to speak:* There is no public right to speak at committee unless a valid petition has been submitted
- 8.25 *Failure to consult residents of EEW during the statutory pre-application consultation:* The legislation requires that the owner or occupier of any land adjoining the land to which the proposed application relates be notified by the developer, and that a site notice be displayed. It is understood that the land on which the EEW building is located does not adjoin the application site and the residents were not therefore consulted. A site notice was posted in accordance with the legislation (28 day consultation period ending 21.5.18).

Other Matters

- 8.26 Associated British Ports (ABP) raise concerns over the impact of the narrowing of the dock feeder on the flow of water and flood risk, and request details of the construction methodology and programme. A condition has been added to this effect.
- 8.27 Further to the South Wales Police (SWP) consultation response a condition is attached requiring details of external lighting of the realigned pedestrian route and the building perimeter, and the installation of CCTV cameras at locations to be agreed with the SWP in the interests of public safety and amenity.

9. CONCLUSION

- 9.1 It is recommended that planning permission be granted, subject to conditions and a section 106 agreement to secure a financial contribution of £109,000, allocated as follows:
- a public open space financial contribution of £55,000 for improvements to public open space, including replacement tree planting (exact number, location and species to be agreed), in Craiglee Park or other public space in the vicinity of the development;
 - a community facilities contribution of £50,000 towards improvements of community facilities in the vicinity of the development;
 - a financial contribution of £4,000 towards the investigation and implementation of new parking control Traffic Orders in Craiglee Drive, Celerity Drive and Vellacott Close as may be required as a consequence of any overspill parking generated by the development.