

**MP/LOCAL MEMBER OBJECTION
PETITION**

COMMITTEE DATE: 16/12/2020

APPLICATION No. **20/01346/MJR** APPLICATION DATE: 21/07/2020

ED: **CATHAYS**

APP: TYPE: Full Planning Permission

APPLICANT: TE Cardiff 5 Ltd
LOCATION: 121-123 QUEEN STREET, CITY CENTRE, CARDIFF,
CF10 2BJ

PROPOSAL: CHANGE OF USE OF EXISTING UPPER FLOORS
FROM D1 AND B1 OFFICES TO RESIDENTIAL USE

RECOMMENDATION 1 : That, subject to relevant parties entering into a binding planning obligation in agreement with the Council under **SECTION 106** of the Town and Country Planning Act 1990, within 6 months of the date of this resolution unless otherwise agreed by the Council in writing, in respect of matters detailed in paragraph 10 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 and documents:

Plans

P520/SK00	Location Plan and Views
P520/SK101A	Proposed Basement Plan
P520/SK102A	Proposed Ground Floor Plan
P520/SK103A	Proposed First Floor Plan
P520/SK104A	Proposed Second Floor Plan
P520/SK105A	Proposed Third Floor Plan
P520/SK106C	Proposed Roof Plan
P520/SK107B	Proposed Elevations
P520/SK108A	Propose Sections

Documents

John Wotton Architects, Design & Access Statement ref:
P520/Admin/06/01/DAS
Savills, Supporting Planning Statement dated July 2020
Hunter Acoustics, Environmental Noise Assessment ref: 5938/ENS1-R1
dated 24 October 2020

Reason: for the avoidance of doubt.

3. Notwithstanding the submitted plans, details of the secured and under cover external cycle storage facilities shall be submitted to and approved by the Local Planning Authority. The external facilities subject of this condition, and the internal cycle parking facilities identified on plan number P520/SK101A shall be provided prior to the development being brought into beneficial use and shall thereafter be retained and maintained.

Reason. To ensure adequate provision for cyclists.

4. The refuse storage facilities as shown on plans umber P520/SK101A and 102A, and the Waste Management Strategy indicated in the approved Design and Access Statement shall be implemented in accordance with those details prior to the beneficial occupation of the development and shall thereafter be retained and maintained.

Reason: To ensure an orderly form of development and protect the amenities of the area.

5. Notwithstanding the submitted plans, details of the rooftop amenity space facilities, including (but not limited to) details of rooftop balustrades, potted planting and other materials finishes shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the beneficial occupation of the development and shall thereafter be retained and maintained.

Reason: To ensure an appropriate standard of appearance and to provide meaningful amenity space for future occupiers.

6. Prior to the occupation of the residential units, a pre-occupation validation noise survey shall be conducted in order to demonstrate that the noise mitigation measures detailed in Environmental Noise Assessment 5938/ENS1-R1 are effectual in reducing external noise to agreed acceptable levels. The Survey, with a validated certificate of compliance by an approved acoustic assessor shall be submitted to the Local Planning Authority to demonstrate this has been achieved. Specifically:

BS8233:2014

35dB LAeq, 16hour;

30dB LAeq,8hour;

45dB LAFmax not to be exceeded more than 10-15 times per night.

55dB LAeq, 16hour in external amenity space

Details of the Mechanical Ventilation with Heat Recovery system.

The development shall not be beneficially occupied until such time as the formal written approval of the validation has been issued by the Local Planning Authority.

Reason: To ensure that the amenities of future occupants of the

development are protected from environmental noise.

7. Prior to the occupation of the residential units, an assessment of the plant noise shall be carried out in accordance with BS41412:2014 (or any British Standard amending or superseding that standard) shall be submitted to and agreed in writing by the Local Planning Authority to ensure the plant noise criteria detailed in Environmental Noise Assessment 5938/EBS1-R1 are met.

Reason: To ensure that the amenities of future occupants of the development are protected from environmental noise.

8. The communal hallway and staircase windows that serve the lightwell and overlook the bedroom windows to flats 3, 10 and 17 as identified on the approved plans shall be glazed in obscured glass and shall be non-opening below 1.8m from the finished floor level.

Reason: To protect the privacy an amenity of future occupiers.

RECOMMENDATION 2: The applicant is advised that section 3.25 of Planning Policy Wales states that the land use planning system should take account of the conditions which are essential to the Welsh language and in so doing contribute to its use and the Thriving Welsh Language well-being goal. In this context and with regard to the Welsh Language (Wales) Measure 2011, it is recommended that: (1) developments adopt a Welsh name that is consistent with the local heritage and history of the area, (2) during the construction phase, on site marketing information (i.e. text on construction hoardings / flags / banners – as consented) be provided bilingually and (3) for commercial developments, shopfront / premises signage be provided in Welsh or bilingually. Where bilingual signage is provided, Welsh text must not be treated less favourably in terms of size, colour, font, prominence, position or location (it is recognised that Welsh translation does not extend to company / business names). Cardiff Council's Bilingual Cardiff team (BilingualCardiff@cardiff.gov.uk) can provide advice on unique and locally appropriate Welsh names for developments, bilingual marketing / branding and bilingual signage.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 Full planning permission is sought for a change of use of the upper floors to 121-123 Queen St (and 40 Windsor Place) from offices within Use Classes D1 and B1 to 20no. open market residential flats.
- 1.2 The schedule of accommodation, set over three floors is broken down into 4no. studio flats, 13no. 1 bed flats and 3no. 2 bed flats. Each of the flats benefits from floorspace that exceeds the minimum floorspace requirements for such conversions (studios 35-39sqm; 1 beds 50-75sqm & 2 beds 91sqm).
- 1.3 The ground floor of the site includes the entrance to the flats via the existing office entrance doors fronting Windsor Place, with stair and lift access to the upper floors. There is a secondary doorway (as existing) to the Queen Street frontage, which is to be utilised as a fire escape route. There is an external area

to the rear (accessed off Windsor place) for refuse storage and the parking of 8no. cycles.

The basement area of the site provides a 'bulky waste' storage area of approx. 10sqm and further cycle storage for 18 cycles, and is accessed via stairs and/or lift.

- 1.4 There are no external alterations to the building façade proposed, however, the submitted plans indicate a rooftop amenity space, with potted planting and areas for leisure /seating etc, with a new balustrade to be sited inside the existing parapet. This area is accessible to all future residents via the existing lift to the third floor and stairs to the rooftop via a new stairwell access structure beyond.

The proposed rooftop access structure measures approx. 3.0m high x 7.0m long x 3.2m wide and is to be sited to the eastern side of the building, adjacent to the parapet to the reduced level of the roof to no. 125 Queen Street. The structure is to be finished in white render.

2. **DESCRIPTION OF SITE**

- 2.1 The application site is a corner property at the junction of Queen Street and Windsor Place. The property comprises ground floor retail premises, with three floors of office space above, having active frontages to both Queen St and Windsor Place. Access to the retail floorspace is via Queen Street (secondary small access off Windsor Place), with access to the upper floors via existing glazed doors off Windsor Place.
- 2.2 The site is within the Queen Street Conservation Area, the Central and Bay Business Area, the Central Shopping area and an Archaeologically Sensitive Area.
- 2.3 The premises adjacent to and in proximity of the site are a mixture of retail, entertainment, restaurant and other business uses.

3. **PLANNING HISTORY**

- 3.1 12/00706/DCI – Change of use from banking premises to retail shop on ground floor and associated works– Approved.

17/00925/MJR – Change of use of 2nd floor 40 Windsor Place to a health & disability assessment centre with ancillary offices – Approved.

4. **POLICY FRAMEWORK**

- 4.1 Planning Policy Wales (Edition 10) Dec. 2018
- 4.2 The following policies of the City of Cardiff LDP are relevant to the consideration of this application:-

- KP7 Planning Obligations
- KP10 Central and Bay Business Areas
- KP18 Sustainable Transport
- H6 Change of Use or redevelopment to Residential Use
- EC3 Alternative Use of Employment Land and Premises
- EC4 Protecting Offices in the Central and Bay Business Areas
- EN9 Conservation of the Historic Environment
- T1 Walking and Cycling
- T5 Managing Transport Impacts
- W2 Provision for Waste Management Facilities in Development

4.3 The following Supplementary Planning Guidance is relevant:

- Access, Circulation and Parking Requirements (2010)
- Locating Waste Management Facilities (2017)
- Planning Obligations (2017)

5. **INTERNAL CONSULTEE RESPONSES**

5.1 The Operational Manager Transportation has been consulted and no comments have been received.

5.2 The Waste Manager notes the refuse storage facilities indicated on the submitted plans and the Waste Strategy indicated in the DAS, which are considered acceptable, subject to ongoing maintenance and compliance.

5.3 The Neighbourhood Renewal (Access) Manager has been consulted and no comments have been received.

5.4 The Neighbourhood Regeneration Manager advises that as the development is for less than 25 units, there is no adverse comment and no requirement for any planning obligations.

5.5 The Housing Strategy Manager advises:

In line with the Local Development Plan (LDP), Policy H3 an affordable housing contribution of 20% of the 20 units (4 units) is sought on this brown-field site.

Our priority is to deliver on-site affordable housing, in the form of affordable rented accommodation, built to Welsh Government Development Quality Requirements. However, given the proposed design of the scheme, the practicality of managing and maintaining affordable housing on-site for a Registered Social Landlord may be unsustainable. On that basis we would be prepared to accept a financial contribution in lieu of on-site affordable housing provision.

On the basis of the above, we would seek a financial contribution of **£277,704** in lieu of 4 x 1 bedroom flat which is calculated in accordance with the formula in the Planning Obligations – Supplementary Planning Guidance (SPG)(2017).

- 5.6 The Economic Development Manager has considered the proposals, having regard to the marketing information included in the Planning Statement and advises that the proposed change of use of the vacant office space to residential use does not raise any concerns or adverse comment, subject to a request for a financial contribution of **£20,928** to offset the loss of the offices, in accordance with the Planning Obligations SPG and Policy EC3 of the adopted LDP.
- 5.7 The Parks Manager has no objection, making the following comments and financial obligation request:

Design Comments

Presence of a roof garden is welcomed and will provide important amenity space for residents

Open Space Provision

These comments relate to the current LDP (C5 Provision for Open Space, Outdoor Recreation, Children's Play and Sport; KP16 Green Infrastructure), and the 2017 Planning Obligations Supplementary Planning Guidance (SPG), supported by policies set out in the 2008 SPG for Open Space which set the Council's approach to open space provision.

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

Based on the information provided on the number and type of units, I have calculated the additional population generated by the development to be 26.3. This generates an open space requirement of 0.064 ha of on-site open space based on the criteria set for Housing accommodation, or an off-site contribution of **£27,288**. I enclose a copy of the calculation

As no public open space is being provided on-site, the developers will be required to make a financial contribution towards the provision of new open space, or the design, improvement and/or maintenance of existing open space in the locality, given that demand for usage of the existing open spaces would increase in the locality as a result of the development.

The use of S106 contribution from this development will need to satisfy CIL and the current distance requirements set out in the 2017 Planning Obligations SPG – play areas 600m (not applicable to student and sheltered accommodation), informal recreation 1000m, and formal recreation 1500m, measured from edge of the site.

In the event that the Council is minded to approve the application, I assume it will be necessary for the applicant and the Council to enter into a Section 106

Agreement to secure payment of the contribution.

Consultation will take place with Ward Members to agree use of the contribution, and this will be confirmed at S106 stage. The closest areas of recreational open space are City Hall Lawn, Gorsedd Gardens, St Johns Churchyard and Friary Gardens.

- 5.8 The SRS (Noise & Air) Manager reviewed the original submission and required the applicant to make a further submission of an Acoustic Report in order to establish the potential impact of existing noise sources on the development.

The Hunter Acoustics Environmental Noise Assessment ref: 5938/ENS1-R1 dated 24 October 2020 was subsequently submitted and its content and findings have been reviewed and considered by the SRS Manager, who makes the following comments and recommendations:

I have now reviewed the above application and accompanying Environmental Noise Assessment ref 5938/EBS1-R1 (the Assessment) provided as part of this application and I view that the development is acceptable subject to condition, drawn from the recommendations of the Assessment.

The Assessment was completed following initial consultation with this team on what we felt needs to be achieved in order to equally protect future residents from noise, but also protect existing commercial activities and existing night time economy who may be negatively prejudiced by having residents living in close proximity without a high standard of acoustic design. (ie agent of change principle).

A specific concern raised is noise break-out from a nearby premises, namely the Flute and Tankard. The premises is permitted by the Licensing Authority to provide live music 0800 – 0100 hours, 7 days a week, and recorded music between 0800 – 0200 hours. The methodology details predicted live music break out from the premises to make overall assessment of cumulative noise sources (road, rail, HGV movements, other night time economy) to inform attenuation measures for the development, and achieve internal noise criteria.

The Assessment details that internal noise criteria can only be achieved by providing a scheme of secondary glazing, tight fitting casement frame and airspace. Where the standards can only be achieved through such scheme, the Assessment outlines the need for Mechanical Ventilation with Heat Recovery (MVHR) System to allow fresh air whilst the windows are closed. I agree with the judgements and rational, accepting the noise sensitive location of the development. The Assessment confirms that further information on the Glazing and MVHR will need to be provided and assessed to ensure the noise criteria is achieved. So far as I can see, there has been no specific facades or flats listed as requiring these attenuation measures, so can assume that all facades and flats will benefit from the same. *For advice, I would expect all supply air ventilations systems to be supplied with heat recovery to reduce energy loss in winter and be supplied with a heat recovery by-pass in summer. Further, all supply air ventilation systems shall have a standard and boost facility and the*

control shall be easily and practicably assessment by the occupants of the dwelling. In respect to the roof top terrace, I am in agreement with the proposed mitigation measures to bring levels to the agreed noise criteria, subject to the conditions below.

I agree with the Assessment that a 40dBLAr 1hr (day) and 40dBLAr 15mins (night) for the plant noise limit is set and that further assessment will be needed to ensure this standard is achieved, recognising that this is below background levels recorded.

Recommended Condition

Drawing from the conclusions above, I am on the opinion that conditions are attached to any permission granted that would require a pre-occupation survey be completed prior to occupation of the flats. Such survey would allow further consultation to take place with the Flute and Tankard and be completed when they are operating a representative evening, and also allow for some recovery of the central location thus showing the mitigation measures proposed were effective in achieving noise criteria. This would also allow the developer to work closely with an appointed acoustic consultant through the design stages encompassing the mitigation measures – as opposed to agreeing such measures with this team each time. A final survey will surely demonstrate the flats adequately protect the future residents and business alike.

Such a condition could be worded as follows, though I welcome any adjusted wording:

1. *Prior to the occupation of the residential units, a pre-occupation validation noise survey shall be conducted in order to demonstrate that the noise mitigation measures detailed in Environmental Noise Assessment 5938/ENS1-R1 are effectual in reducing external noise to agreed acceptable levels. A certificate of compliance by an approved acoustic assessor shall be submitted to the Local Planning Authority to demonstrate this has been achieved. Specifically:*

BS8233:2014

35dB LAeq, 16hour;

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55dB LAeq, 16hour in external amenity space

Details of the Mechanical Ventilation with Heat Recovery system.

2. *Prior to the occupation of the residential units, an assessment of the plant noise shall be carried out in accordance with BS41412:2014 (or any British Standard amending or superseding that standard) submitted and agreed with the Local Planning Authority to ensure the plant noise criteria detailed in Environmental Noise Assessment 5938/EBS1-R1 are met.*

As a final note, it is worth mentioning that *post* completion and once occupied, should a high standard not be achieved it is unlikely this team would be take

enforcement action on existing premises in the vicinity under the Statutory Nuisance provisions. This in turn negatively prejudices the development and so residents making it a less attractive, as opposed to prejudicing existing business and venues which is often the presumption. This is because when assessing Statutory Nuisance we must consider the Nature of the Area (similar to the agent of change principle) as well as actual volumes, time of day and type of noise etc. That is not to say that occupants are not affected by the noise due to poor design, but that would be the then “existing nature” – and it is just that is very unlikely further action can be taken. Therefore I stress the importance of achieving the best noise standards through the planning regime – and completing a preoccupation survey and encompassing Environmental Noise Attenuation into every part of the design is the best means of demonstrating this.

6. **EXTERNAL CONSULTEE RESPONSES**

6.1 The Glamorgan Gwent Archaeological Trust have no adverse comment.

7. **REPRESENTATIONS**

7.1 Local Members were consulted and Councillor Norma Mackie (also on behalf of Councillors Sarah Merry and Christopher Weaver) offers the following comments in objection to the proposals:

Our primary objection is that the application does not appear to comply with Planning Policy Wales and the Noise and Soundscape Action Plan as the application makes minimal reference to soundproofing. We would specifically refer officers and members of the planning committee to paragraphs 4.3.1 to 4.3.5 inclusive of the Noise and Soundscape Action Plan. Developers have to ensure that their development is soundproofed, or take other action to ensure that residents in their development do not have reason to complain about noise from existing neighbouring properties.

Opposite the proposed development and in close proximity, is an established pub and live music venue, the Flute and Tankard. This venue runs a variety of very popular arts and music events, including jazz nights, folk nights, comedy nights, poetry nights, other live music performances and arts events. Many students from the Royal Welsh College of Music and Drama use the flute and tankard for practice gigs, as well as a number of smaller, up and coming artists from Cardiff.

This is an important space for music and culture in our city and contributes to our city’s recently developed music city strategy.

This pub is also used as a community resource, providing a community room in the city centre, to enable people to meet and socialise in a safe environment, helping to develop a community in the city centre and combating loneliness and the mental health issues that brings.

Whilst considering this application and the issues above, we would urge

members of the planning committee and planning officers to assess whether this proposed development deals adequately with the risk of noise from premises in close proximity. If it does not, as we believe is the case on the current submitted documentation, then we would urge members, or officers if this decision is delegated, to refuse the application or place requirements on it, in order that the development is properly soundproofed.

7.2 Jo Stevens, MP for Cardiff Central has submitted the following objection to the proposals:

I am writing having been contacted by a number of constituents, to object to the above planning application.

My primary objection is that the application does not appear to comply with Planning Policy Wales and the Noise and Soundscape Action Plan as the application makes minimal reference to soundproofing. I would specifically refer officers and members of the planning committee to paragraphs 4.3.1 to 4.3.5 inclusive of the Noise and Soundscape Action Plan. Developers have to ensure that their development is soundproofed, or take other action to ensure that residents in their development do not have reason to complain about noise from existing neighbouring properties.

Opposite the proposed development and in close proximity, is an established pub and live music venue, the Flute and Tankard. This venue runs a variety of very popular arts and music events, including jazz nights, folk nights, comedy nights, poetry nights, other live music performances and arts events. Many students from the Royal Welsh College of Music and Drama use the flute and tankard for practice gigs, as well as a number of smaller, up and coming artists from Cardiff.

As such, this is an important space for music and culture in our city and contributes to our city's recently developed music city strategy.

Whilst considering this application and the issues above, I would urge members of the planning committee and planning officers to assess whether this proposed development deals adequately with the risk of noise from premises in close proximity. If it does not, as I believe is the case on the current submitted documentation, then I would urge members, or officers if this decision is delegated, to refuse the application or place requirements on it, in order that the development is properly soundproofed.

7.3 Adjacent occupiers were notified of the application by letter.

Seven representations (third parties, neighbours, the Cardiff Music Board and the Music Venue Trust) objecting to the proposed change of use were received, with the concern in all cases being the potentially adverse impact the introduction of residents in very close proximity to a live late night entertainment venue would have on the future viability and operation of such a venue, due to increased risk of noise complaints from future residents, contrary to the provisions of the Cardiff Local Development Plan 2006-2026, Planning Policy

Wales (Ed.10 2018) and the Welsh Government Noise and Soundscape Action Plan 2018-2023.

A further representation from the Flute & Tankard has been received post submission of the Environmental Noise Assessment which disputes the findings of that report.

- 7.4 An online petition (via Change.Org) containing 788 electronic signatures in objection to the application has been submitted to the LPA. The grounds of objection relate to the potentially adverse impact on the live entertainment venue (Flute & Tankard).

The Local Planning Authority are continuing to try to contact the lead petitioner any further developments will be reported to Planning Committee.

8. **ANALYSIS**

- 8.1 A full planning permission is sought for a change of use of the upper floors of the premises at 121-123 Queen ST (and 40 Windsor Place), from vacant office accommodation to 20 residential self-contained flats/studio apartments, with external works limited to the provision of a roof terrace amenity space.

- 8.2 The proposal is for the change of use of the upper floors of 121-123 Queen Street from Class B1/D1 (office/non-residential institution) to a Class C3 (residential) use, comprising 20 flats. The application does not involve the change of use of the ground floor of the building (Class A1 / Retail). The site is located within the Central Business Area (CBA) of the adopted Cardiff Local Development Plan 2006-2026 (LDP). As such, the main land use planning policy issues relate to:

8.2.1 Whether the loss of Class B1 (office) floorspace is acceptable:

Policy EC4 (Protecting Offices in the Central and Bay Business Areas) of the LDP identifies that the alternative use of offices within the Central and Bay Business Areas will only be permitted where it can be demonstrated that there is no need to retain the site or premises for office use, having regard to the demand for offices and the requirement to provide a range and choice of sites available for such use. It states that where proposals involve the loss of office accommodation, a series of issues will be considered including whether and for how long the premises have been vacant and actively marketed for office use.

The applicant has identified in their Planning Statement that the upper floors of the building have remained predominantly vacant for the past two years despite having been actively marketed for Class B1 (office) use, which is a consideration in determining the acceptability of this proposal. In addition, given the availability of similar grade office accommodation within the Central Business Area, there is some policy justification to support the proposed change of use on quantitative grounds in this instance.

8.2.2 The acceptability of residential use at this location:

LDP Policy KP10 (Central and Bay Business Areas) describes the range of uses appropriate within the Central Business Area (CBA), which includes residential development. The principle of residential development is well established within the surrounding area and the central location of this site is suited to residential use as it is well served by transport links and is close to local amenities.

8.2.3 Environmental Impact and 'Agent of Change' Principle

The application site lies in a busy City Centre environment, and has a number of night time economy and entertainment venues in close proximity – Starbucks and KFC to the adjacent premises on Queen Street, the Central Bar to the ground floor of the neighbouring property on Windsor Place, and Valentinos restaurant and the Flute & Tankard to the opposite side of the Windsor Place frontage (with the Flute & Tankard being a live music and other entertainment venue).

In their letter dated 26 May 2017 to Local Planning Authorities, Welsh Ministers advised that *“Under the agent of change principle, if new developments or uses are to be introduced near a pre-existing business, such as a live music venue, it is the responsibility of the developer to ensure solutions to address and mitigate noise are put forward as part of the proposals and are capable of being implemented.”*

Para 4.1.43 of PPW (Ed 10 2918) advises, *“Similarly where residential development is proposed next to or near existing evening and night time uses.....it will be necessary to consider the compatibility of uses and to incorporate mitigation measures to minimise any impact on the amenity of any future residents. The agent of change principle will be a guiding principle for supporting the evening economy.....”*

Para 6.7.24 of PPW (Ed 10 2018) advises, *“The potential impacts of noise pollution arising from existing development, be this commercial, industrial, transport-related or cultural venues (such as music venues, theatres or arts centres), must be fully considered to ensure the effects on new development can be adequately controlled to safeguard amenity and any necessary measures and controls should be incorporated as part of the proposed new development. This will help to prevent the risk of restrictions or possible closure of existing premises or adverse impacts on transport infrastructure due to noise and other complaints from occupiers of new developments.”*

8.2.4 The applicant has submitted an Environmental Noise Assessment, undertaken by Acoustic Engineers, and this document has been reviewed and carefully considered by the Council's Shared Regulatory Services (Noise & Air) Manager in respect of its content, methodology and conclusions/findings.

The comments of the Shared Regulatory Services Manager can be seen in para 5.8 above, which advise the Local Planning Authority that in their expert

opinion, subject to the imposition of conditions requiring verification of the proposed soundproofing mitigation measures prior to the beneficial occupation of the development, there would be no objection to the proposals in terms of potential noise nuisance.

For the above reasons, and having due regard to the comments of the Shared Regulatory Services Manager, the proposal is considered acceptable in policy terms.

- 8.2.5 It is acknowledged that a further representation has been received which questions the quality of the Environmental Noise Assessment. As indicated above, the Assessment has been reviewed by the Shared Regulatory Services Manager, who has not raised any concerns regarding its validity.
- 8.2.6 Whilst an electronic (Change.Org) petition of 788 'signatures' has been submitted and is held on record, under current procedures the LPA could not verify the validity of the petition.

Notwithstanding this, the petition was submitted in objection to the proposal on grounds of adverse impact of new residents on the viability of the Flute & Tankard as a live performance venue.

As discussed above, this matter has been the subject of a Noise Assessment, which has been considered by the Council's Shared Regulatory Services (Noise & Air) Manager. Their formal comments can be found in para 5.8 above, where it can be seen that there are no significant concerns, subject to the imposition of conditions.

In light of the above, it is considered that the Local Planning Authority have had due and proper regard to the submitted petition and its grounds for objection in the determination of this application.

Impact on Character and Appearance of Queen St Conservation Area

- 8.3 Given that the very limited external works are taking place at rooftop level, they are considered to have no significant impact on the character or appearance of the Queen Street Conservation Area, or the visual amenity of the wider area as a whole. Whilst the new staircase rooftop structure may be partially visible when approaching Queen Street from Station Terrace (from the east), at such a height and finish it is considered that this would present as a neutral feature in an inner city roofscape.

Residential Amenity and Standard of Accommodation

- 8.4 Each of the proposed flats benefits from a floor area well in excess of the Council's minimum standards. In addition, being commercial in original nature, the floor to ceiling heights are above the normal residential scale (particularly to the first floor).
- 8.5 It is noted that some of the flats have deep footprints and single aspect, thus

requiring consideration regarding energy efficiency to the point furthest from window openings. In other cases, these deep footprints could give rise to concern. However, in the case of this particular site, the larger scale footprints, increased ceiling heights and the larger than usual fenestration (allowing more light penetration) are considered sufficient to mitigate any such concerns and it is considered that, in this instance, there would be no justifiable or sustainable grounds for refusal of consent.

- 8.6 Aspect from the majority of flats is acceptable, with two elevations having street frontages. Although Windsor Place is a relatively narrow 'street', it is to be expected that, in an inner city setting, this is more likely to occur and should not be a barrier to residential conversion. The third 'rear' elevation overlooks the rear area created by no. 39 Windsor Place and the student accommodation fronting Windsor Lane. Views from the windows serving these flats allow for a distance of approx. 25m between facades and this is above the minimum threshold. It is of note that one vertical line of windows serving flats 2, 9 and 16 may conflict very slightly with the side elevation of no. 39 Windsor Place, but this is offset by the wider open aspect towards the rear as indicated above and is considered insufficient to warrant refusal of consent.

It is also noted that the bedroom windows to flats 3, 10 and 17 have very restricted aspects onto an existing lightwell. Whilst flat 17 (3rd floor) has the best opportunity for light penetration of the three units, it is considered that as these are bedrooms, with all other standards issues considered acceptable, it would be unreasonable to withhold consent on this issue alone.

- 8.7 All future residents would benefit from access to the proposed rooftop terrace via lift to the third floor and then stairs to the roof. Given this potential level of movement past a number of windows that would look into the bedrooms of flats 3, 10 and 17, it is considered reasonable to require the communal area windows affected to be obscurely glazed.
- 8.8 The submitted plans show a rooftop amenity area of approx. 280sqm, benefitting from potted planting, decking and seating areas, with a new balustrade and planter enclosure. This area is set well inside the roof parapet and will not be visible from the street. This area is considered to represent a significant benefit to future residents given the inner city setting of this site and further details of the nature of the planting and finishes are required by condition in order to secure a high quality environment.

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 **LEGAL AGREEMENT**

- 10.1 The following contribution requests have been made, with reference made to the Community Infrastructure Levy tests (and having regard for the amended submission):

Parks – A contribution of **£27,288** is requested towards the maintenance/provision of open space in the vicinity of the site.

Affordable Housing – A contribution of **£277,704** is requested in lieu of any on-site affordable housing provision.

Economic Development – A contribution of **£20,928** is requested, to offset the loss of the existing vacant office accommodation.

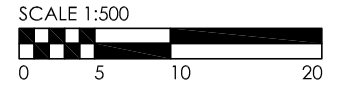
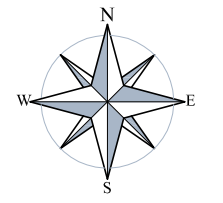
The applicant has confirmed that the above mentioned contributions are acceptable.

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



Legend:
 Site Boundary Line



rev note date

PLANNING

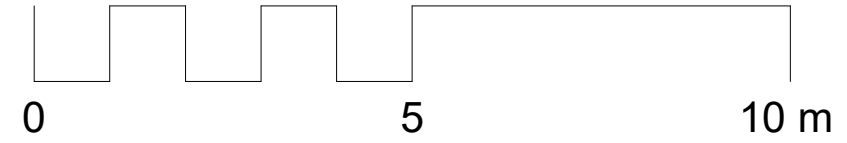
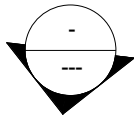
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TE Cardiff 5 Ltd

**Barclays, Queen St,
 CARDIFF**

title
Site Location Plan

job no.	drg no.	rev
P520	SK100	-
scale	date	drawn by
1:500 @ A3	June '20	CD
		checked by



1 Basement

1 : 100

A	Layout revised to suit client's comments.	03/07/20
Rev	note	Date

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title
Proposed Basement Plan

job no.	drg no.	rev
P520	SK101	A
scale (@A3)	date	drawn by checked by
1 : 100	June '20	CD



A	Layout revised to suit client's comments.	03/07/20
Rev	note	Date

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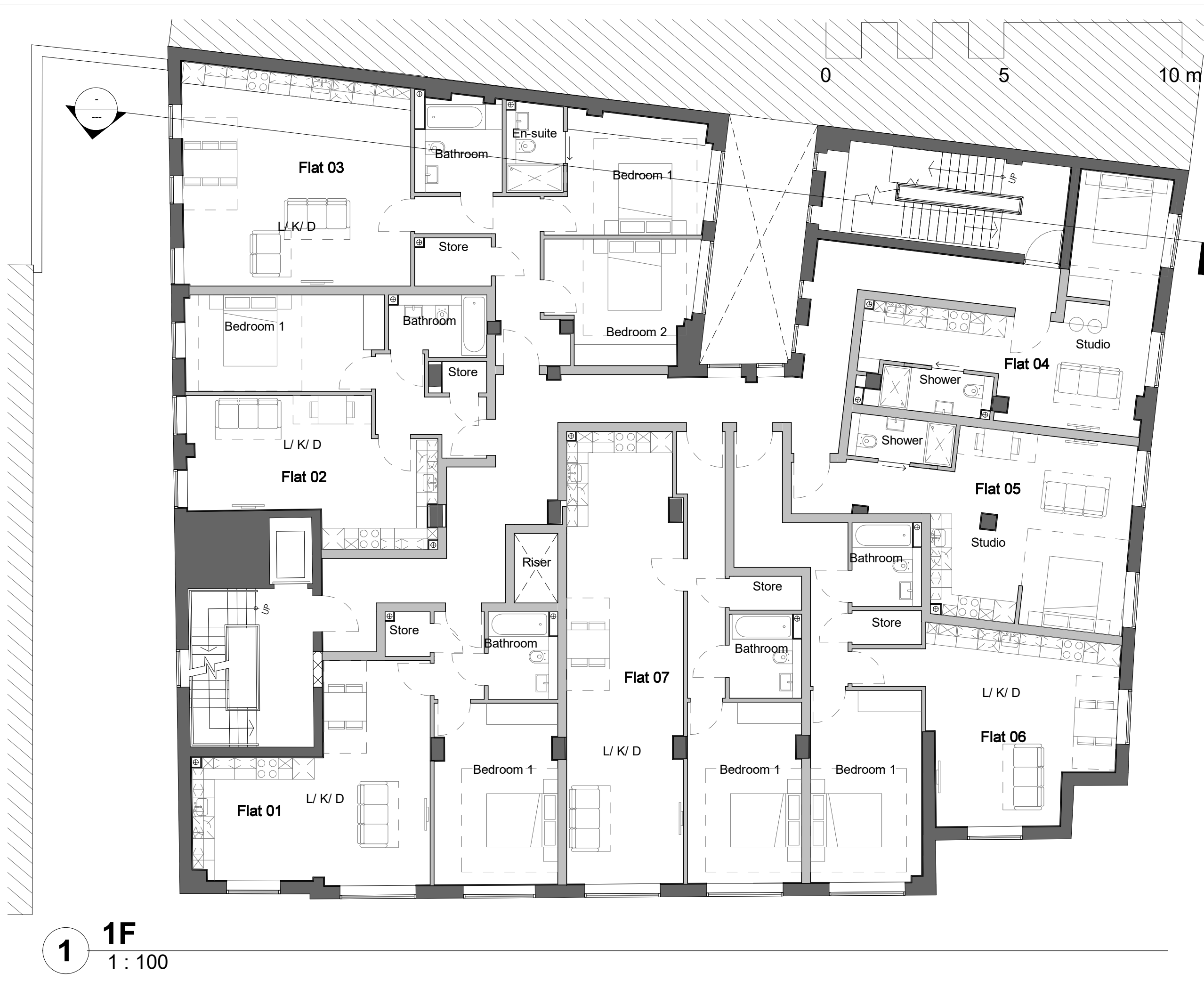
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title
 Proposed GF Plan

job no.	drg no.	rev
P520	SK102	A
scale (@A3)	date	drawn by checked by
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Area Schedule (GIA)			
Level	Name	Type	Area
1F	Flat 01	1B2P	61 m ²
1F	Flat 02	1B2P	52 m ²
1F	Flat 03	2B4P	91 m ²
1F	Flat 04	Studio	35 m ²
1F	Flat 05	Studio	39 m ²
1F	Flat 06	1B2P	64 m ²
1F	Flat 07	1B2P	75 m ²
2F	Flat 08	1B2P	60 m ²
2F	Flat 09	1B2P	52 m ²
2F	Flat 10	2B4P	91 m ²
2F	Flat 11	Studio	39 m ²
2F	Flat 12	Studio	37 m ²
2F	Flat 13	1B2P	65 m ²
2F	Flat 14	1B2P	75 m ²
3F	Flat 15	1B2P	50 m ²
3F	Flat 16	1B2P	52 m ²
3F	Flat 17	2B4P	91 m ²
3F	Flat 18	1B2P	51 m ²
3F	Flat 19	1B2P	63 m ²
3F	Flat 20	1B2P	67 m ²

A	Layout revised to suit client's comments.	03/07/20
Rev	note	Date

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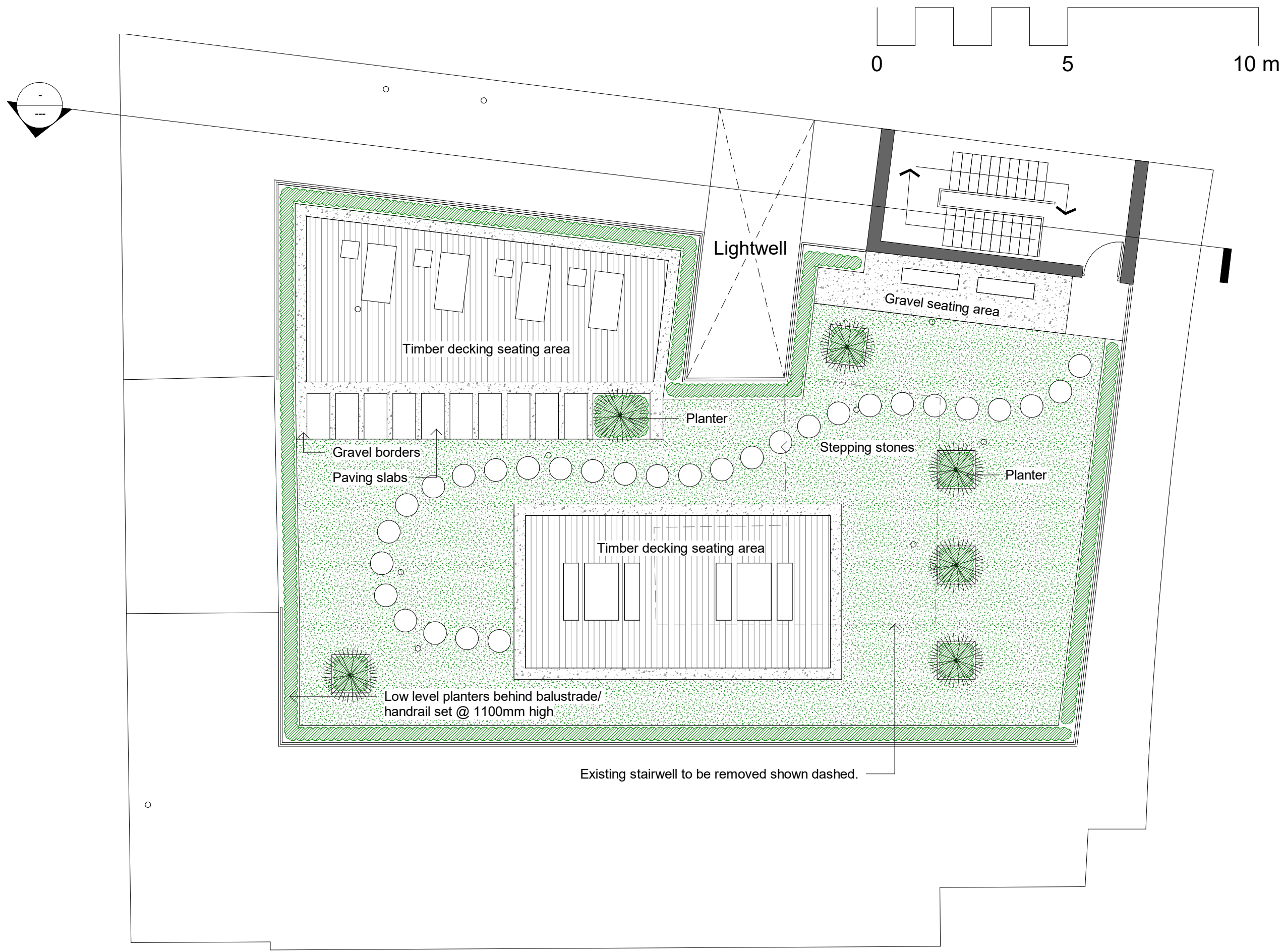
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title
Proposed 1F Plan

job no.	drg no.	rev
P520	SK103	A
scale (@A3)	date	drawn by checked by
1 : 100	June '20	CD

1 **1F**
1 : 100



C	Existing stairwell to be removed added.	02/12/20
B	Landscape added to roof layout.	08/07/20
A	Layout revised to suit client's comments.	03/07/20
Rev	note	Date

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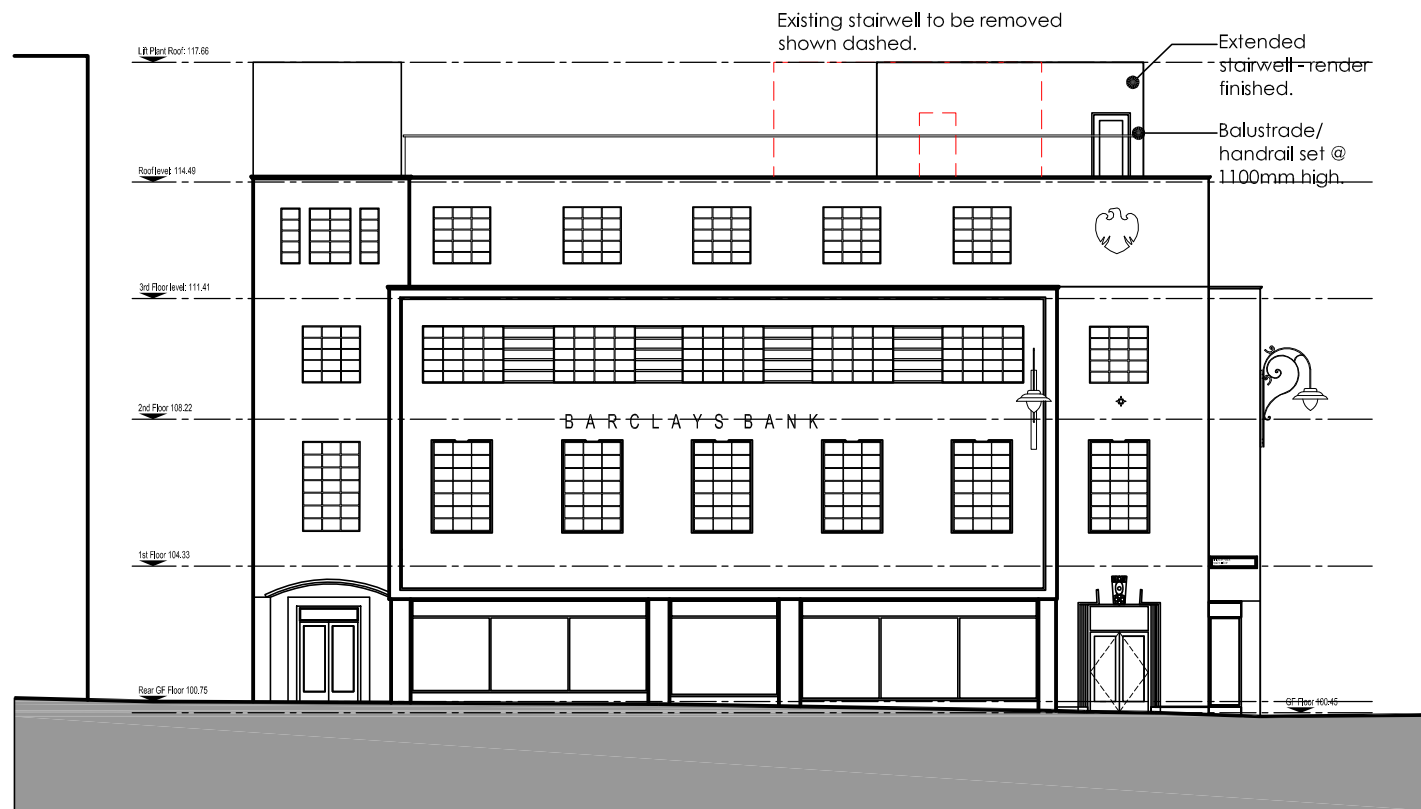
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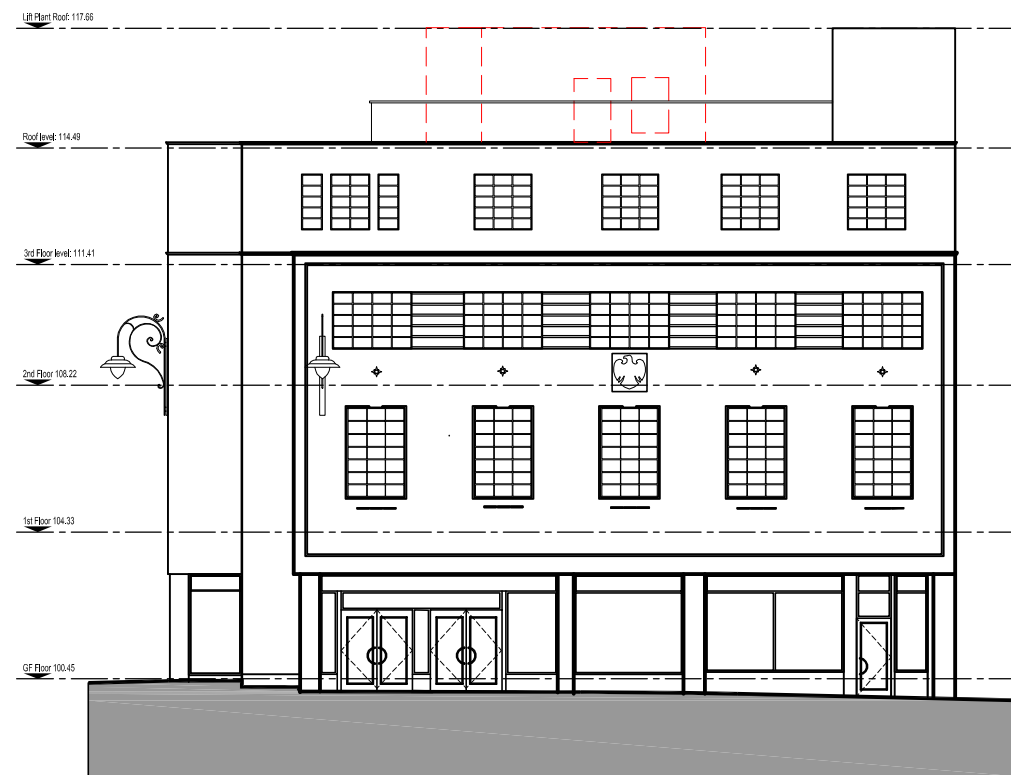
title
Proposed Roof Plan

job no.	drg no.	rev
P520	SK106	C
scale (@A3)	date	drawn by checked by
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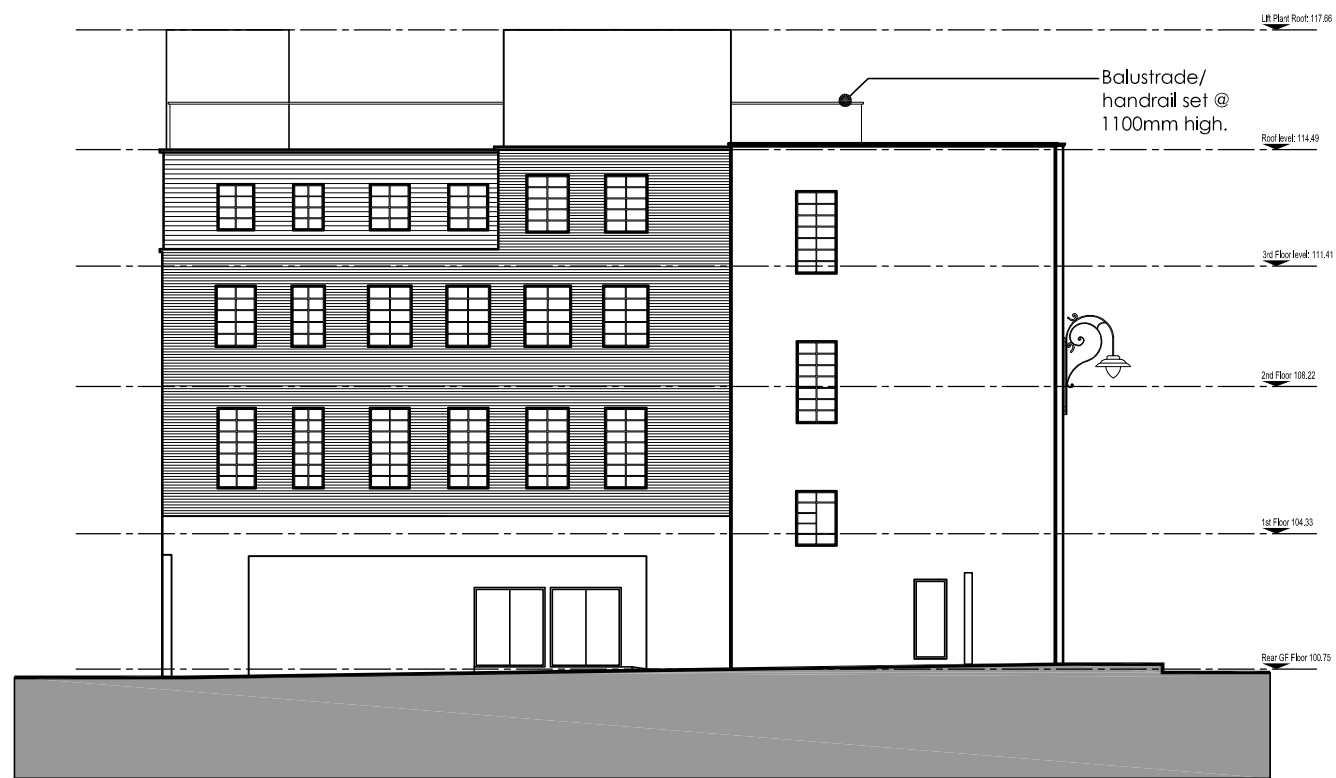
1 Roof
 1 : 100



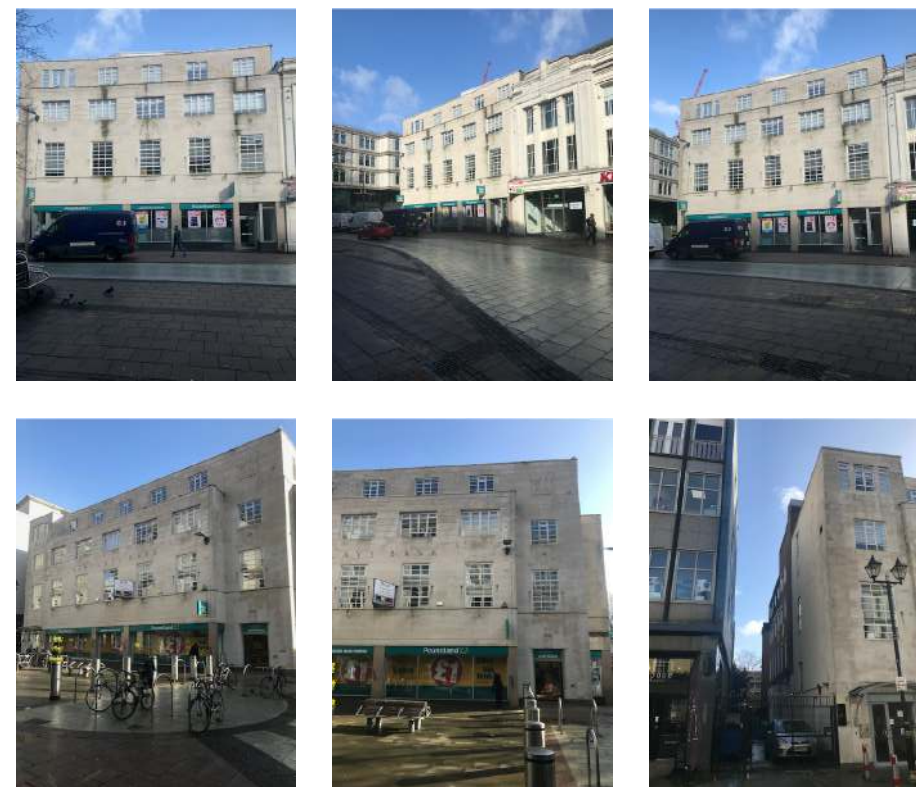
Windsor Place Elevation



Queen Street Elevation



Rear Elevation



SCALE 1:200



B Elevations corrected to suit existing. 02/12/20
 A Handrail/ balustrades added to roof terrace. 08/07/20
 rev note date

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title
 Proposed Elevations

job no. drg no. rev

P520 SK107 B

scale date drawn by checked by
 1:200 @ A3 June '20 CD -