

LOCAL MEMBER CONCERNS MP & AM CONCERNS

COMMITTEE DATE: 07/02/2018

APPLICATION No. 17/02615/MJR APPLICATION DATE: 31/10/2017

ED: **BUTETOWN**

APP: TYPE: Hybrid Planning Permission

APPLICANT: J R Smart (Builders) Ltd

LOCATION: LAND ON THE NORTH AND SOUTH SIDE OF JOHN STREET, BUTETOWN

PROPOSAL: HYBRID APPLICATION COMPRISING OF FULL APPLICATION FOR MIXED USE COMMERCIAL BUILDING ON THE SOUTH SITE (NO. 1 JOHN STREET) AND OUTLINE APPLICATION FOR MIXED USE COMMERCIAL AND LEISURE HOTEL ON THE NORTH SITE (NO. 2 JOHN STREET), INCLUDING ASSOCIATED PARKING, PUBLIC REALM AND LANDSCAPE WORKS

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 of this report, planning permission be **GRANTED** subject to the following condition(s):

1. The development permitted in respect of the detailed part of the hybrid permission, namely the mixed use office building (plot to the south of John Street) and associated access, servicing and public realm, shall be begun before the expiration of five years from the date of this planning permission. Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1991.
2. A. Approval of the details of the appearance of the buildings, and the landscaping of the site (hereinafter called "the reserved matters") in respect of the outline part of the hybrid permission, namely the office/ hotel block (plot to the north of John Street) and associated access, servicing and public realm, shall be obtained from the Local Planning Authority in writing before any development is commenced.
B. Plans and particulars of the reserved matters referred to in condition 2A above, relating to the appearance of the buildings, and the landscaping of the site, shall be submitted in writing to the Local Planning Authority, and shall be carried out as approved.

C. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

D. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of the last of the reserved matters to be approved, whichever is the later.

Reasons (A): In accordance with the provisions of Article (3)1 of the Town and Country Planning (General Procedure) Order 1995.

Reasons (B, C & D): In accordance with the provisions of Section 92 of the Town and Country Planning Act,1990.

3. The consent relates to the following approved plans:

| <i>Dwg. No.</i> | <i>Title</i> |
|-----------------|--|
| 3034 PL-100 | Site Location Plan |
| 3034 PL-110 A | Proposed Site Context Masterplan |
| 3034 PL-106 B | Proposed Boundaries & Access Plan |
| 3034 PL-200 A | Proposed Ground Floor Plan |
| 3034 PL-201 | Proposed First Floor Plan |
| 3034 PL-202 | Proposed Second Floor Plan |
| 3034 PL-203 | Proposed Third to Eighth Floor Plan |
| 3034 PL-204 | Proposed Ninth Floor Plan |
| 3034 PL-205 | Proposed Tenth Floor Plan |
| 3034 PL-206 | Proposed Eleventh Floor Plan |
| 3034 PL-207 | Proposed Twelfth to Twenty-fifth Floor Plan |
| 3034 PL-208 | Proposed Twenty-sixth Floor Plan |
| 3034 PL-209 | Proposed Roof Plan |
| 3034 PL-301 | Proposed Context Elevation –South |
| 3034 PL-302 | Proposed Context Elevation –West |
| 3034 PL-310 | Proposed South Elevation -South & North Blocks |
| 3034 PL-311 | Proposed West Elevation -South & North Blocks |
| 3034 PL-312 | Proposed North Elevation -South & North Blocks |
| 3034 PL-313 | Proposed East Elevation -South & North Blocks |
| 3034 PL-317 | Proposed North Elevation -South Block |
| 3034 PL-320 | Proposed South Elevation -North Block |
| 3034 PL-400 | Proposed Section -North & South Block AA |
| 3034 PL-401 | Proposed Section -South Block BB |
| 3034 PL-402 | Proposed Section -North Block CC |
| 3034 PL-403 | Proposed Section -South Block AA |
| 3034 PL-404 | Proposed Section -North Block AA |
| 3034 PL-122 A | Proposed Hard Landscaping Plan |
| 3034 PL-410 | Proposed Facade Detail -South Block |

Reason: The plans amend and form part of the application.

4. *Retail opening hours:* No member of the public shall be admitted to or allowed to remain on the retail premises between the hours of 23.30 and 08.00 on any day. Reason: To ensure the amenity of future occupiers of the hotel and occupiers of other premises in the vicinity is protected.

5. Any A3 use shall be restricted to café/ restaurant type uses where the primary function is the sale and consumption of food within the premises,

and for no other A3 Use Class unless otherwise agreed in writing by the LPA. Reason: To ensure the amenity of future occupiers of the hotel and occupiers of other premises in the vicinity are protected.

6. *Material samples:* No above ground superstructure works shall be commenced in respect of the detailed part of the hybrid permission 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.
7. *Architectural detailing:* No above ground superstructure works shall be commenced in respect of the detailed part of the hybrid permission until a scheme showing the architectural detailing of all building facades have 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.
8. *Drainage scheme:* No development shall commence 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 scheme shall take account of the drainage requirements of the existing businesses located in the railway arches. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system. Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents, and to ensure no pollution of or detriment to the environment.
9. *Water supply:* No development shall take place in respect of the outline part of the hybrid permission until a potable water scheme to serve the site has been submitted to and approved in writing by the Local Planning Authority. If necessary a scheme to upgrade the existing public water supply network shall be submitted prior to the occupation of that part of the development for which outline approval is sought. Thereafter, the agreed scheme and any reinforcement works identified shall be constructed in full and remain in perpetuity. Reason: To ensure the site is served by a suitable potable water supply.
10. *Landscape details:* In respect of the detailed part of the hybrid permission no equipment, plant or materials shall be brought onto the site for the purpose of development until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels, earthworks, hard surfacing materials, proposed and existing services above and below ground level, planting plans (including schedules of plant species, sizes, numbers or densities, and in the case of trees, planting,

staking, mulching, protection, soil protection and after care methods) and an implementation programme. The details shall be consistent with other plans submitted in support of the application and the landscaping shall be carried out in accordance with the approved design and implementation programme. Reason: To enable the Local Planning Authority, to determine that the proposals will maintain and improve the amenity of the area, and to monitor compliance.

11. *Landscape implementation:* Any trees, plants, or hedgerows which within a period of five years from the completion of the detailed part of the hybrid permission die, are removed, become seriously damaged or diseased, or become (in the opinion of the Local Planning Authority) otherwise defective, shall be replaced in the current planting season or the first two months of the next planting season, whichever is the sooner, unless the Local Planning Authority gives written consent to any variation. Reason: To maintain and improve the amenity of the area.
12. *Waste Storage:* In respect of the detailed part of the hybrid permission details of facilities for the storage of refuse containers shall be submitted to and approved in writing by the Local planning Authority and the approved facilities shall be provided before that part is brought into beneficial use. Reason: To secure an orderly form of development and to protect the amenities of the area.
13. *Land Contamination Risk Assessment:* Prior to the commencement of the development an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority. The report of the findings shall include an intrusive investigation to assess the extent, scale and nature of contamination which may be present, 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, 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.
14. *Submission of Remediation Scheme 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. Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to

ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

15. *Undertaking of Remediation and Issue of Verification Report:* The remediation scheme as approved by the LPA must be fully undertaken in accordance with its terms prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority. Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
16. *Identification of Unsuspected Contamination:* In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place unless otherwise agreed in writing until a scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the LPA within 2 weeks of the discovery of any unsuspected contamination. Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised.
17. *Ground Gas Protection:* Following completion of the monitoring scheme and submission of the full assessment, 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.

18. *Imported Soils:* Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. 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.
19. *Importation of Aggregates:* Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with Pollution Control's Imported Materials Guidance Notes. Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA. Reason: To ensure that the safety of future occupiers is not prejudiced.
20. *Use of Site Won Material:* Any site won recycled aggregate materials shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its reuse. Only material approved by the Local Planning Authority shall be reused. Reason: To ensure that the safety of future occupiers is not prejudiced.
21. *Piling:* Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the LPA, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. Reason: To ensure there is no pollution of controlled waters arising from piling operations.
22. *Road Traffic Noise:* No development shall take place in respect of the outline part of the hybrid permission until a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that all habitable rooms exposed to external road traffic noise in excess of 63 dBA Leq 16 hour [free field] during the day [07.00 to 23.00 hours] or 57 dBA Leq 8 hour [free field] at night [23.00 to 07.00 hours] shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 40 dBA Leq 16 hour during the day and 35 dBA Leq 8 hour at night. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with acoustically treated active

ventilation units. Each ventilation unit (with air filter in position), by itself or with an integral air supply duct and cowl (or grille), shall be capable of giving variable ventilation rates ranging from – an upper rate of not less than 37 litres per second against a back pressure of 10 newtons per square metre and not less than 31 litres per second against a back pressure of 30 newtons per square metre, to a lower rate of between 10 and 17 litres per second against zero back pressure. No habitable room in respect of the outline part of the hybrid permission shall be occupied until the approved sound insulation and ventilation measures have been installed in that room. Reason: To ensure that the amenities of future occupiers are protected.

23. *Railway Noise:* No development shall take place in respect of the outline part of the hybrid permission until a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that all habitable rooms exposed to external railway noise in excess of 66 dBA Leq 16 hour (free field) during the day (07.00 to 23.00 hours) or 59 dBA Leq 8 hour (free field) at night (23.00 to 07.00 hours) shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 40 dBA Leq 16 hour during the day and 35 dBA Leq 8 hour at night. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with acoustically treated active ventilation units. Each ventilation unit, by itself or with an integral air supply duct and cowl (or grille), shall be capable of giving variable ventilation rates ranging from – 1) an upper rate of not less than 37 litres per second against a back pressure of 10 newtons per square metre and not less than 31 litres per second against a back pressure of 30 newtons per square metre, to 2) a lower rate of between 10 and 17 litres per second against zero back pressure. No habitable room in respect of the outline part of the hybrid permission shall be occupied until the approved sound insulation and ventilation measures have been installed in that room. Reason: To ensure that the amenities of future occupiers are protected.
24. *Railway Vibration:* No development shall take place in respect of the outline part of the hybrid permission until a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the habitable rooms are designed and constructed so as to ensure that vibration dose values do not exceed 0.4m/s^{1.75} between 07.00 and 23.00 hours, and 0.26m/s^{1.75} between 23.00 and 07.00 hours, as calculated in accordance with BS 6472:1992, entitled "Guide to Evaluation of Human Exposure to Vibration in Buildings", [1Hz to 80Hz]. The outline part of the hybrid permission shall be constructed in accordance with the approved scheme. Reason: To ensure that the amenities of future occupiers are protected.
25. *Plant Noise (2015):* Prior to implementation of both the detailed and the outline parts of the permission a noise assessment shall be carried out and submitted to the Local Planning Authority to ensure the noise emitted from fixed plant and equipment on the site achieves a rating noise level of background -10dB at the nearest noise sensitive premises when measured and corrected in accordance with BS 4142: 2014 (or any British Standard amending or superseding that standard). Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.

26. *Sound insulation:* A scheme of sound insulation works to the floor/ceiling/party wall structures between potentially noise making aspects of the development (such as retail units and public areas of the hotel) and the noise sensitive aspects of the development (such as offices and hotel guest rooms) shall be submitted to and agreed by the Local Planning Authority in writing and implemented prior to occupation. Reason: To ensure that the amenity of future occupiers is protected.
27. *Delivery times:* There shall be no arrival, departure, loading or unloading of delivery vehicles between the hours of 20:00 and 08:00. Reason: To ensure that the amenity of occupiers of other premises in the vicinity is protected.
28. G7Q Future Kitchen Extraction
29. *Retain parking within site:* For both the detailed and the outline parts of the permission the proposed car parking and manoeuvring areas shall be laid out in accordance with the approved details before that part of the development is brought into beneficial use and be thereafter maintained and retained at all times for those purposes in association with the development. Reason: to make provision for the parking of vehicles clear of the roads so as not to prejudice the safety, convenience and free flow of traffic.
30. *Details of access road junction:* In respect of the detailed part of the hybrid permission no development shall take place until details of the junction between the proposed access road and the highway have been submitted to and approved in writing by the Local Planning Authority. Those details shall be implemented prior to that part of the development being put into beneficial use. Reason: To ensure that the use of the proposed development does not interfere with the safety and free flow of traffic passing along the highway abutting the site.
31. *Details of Roads:* For both the detailed and the outline parts of the permission no development shall take place until detailed plans showing the position and form of construction of all roads and footpaths within the site and the method of disposal of all surface water drainage therefrom have been submitted to and approved in writing by the LPA. The detailed part of the hybrid permission shall not be brought into beneficial use until the roads, paths and all surface water drainage works have been constructed and completed (except for the final surfacing) in accordance with the approved plans and details. Reason: To ensure an orderly form of development and to make provision for the satisfactory access to the development by future occupants.
32. *Cycle parking provision:* For both the detailed and the outline parts of the permission details showing the provision of secure, covered long-stay cycle parking spaces and publicly accessible short-stay cycle parking spaces shall be submitted to and approved in writing by the LPA and the approved details shall be implemented prior to beneficial occupation of that part of the permission. 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.

33. *Construction management plan:* For both the detailed and the outline parts of the permission no part of the development hereby permitted shall be commenced until a scheme of construction management has been submitted to and approved in writing by the Local Planning Authority; the scheme to include as required, details of the site/compound, hoardings and site access/egress, and reinstatement of any part of the public highway affected by construction. Construction of that part of the development shall be managed strictly in accordance with the scheme so approved. Reason: In the interests of highway safety and public amenity.
34. *Environmental highway improvement works:* Prior to the commencement of development of both the detailed and the outline parts of the permission a scheme of environmental highway and public realm improvements for that part of the development, and programme for its implementation, in accordance with dwg. no. 3034-PL-122A, shall be submitted to and approved by the Local Planning Authority. The scheme should include, but not be limited to, the widening to 3m of the footway to the south of the site entrance, the repaving of the public realm area, including surfacing, kerbs, edging, drainage; and the provision/renewal/improvement of street lighting, street trees and street furniture. For each part of the development the agreed scheme is to be implemented in accordance with the approved details prior to beneficial occupation. Reason: To ensure the comprehensive enhancement/ improvement of the adjacent public footway and public realm.
35. *Travel plan condition:* For both the detailed and the outline parts of the permission no part of the development hereby permitted shall be occupied until a Travel Plan has been submitted to and approved in writing by the LPA. The Travel Plan shall set out proposals and targets, together with a timetable to limit or reduce the number of single occupancy car journeys to the site, and to promote travel by sustainable modes. The Travel Plan shall be implemented in accordance with the timetable set out in the plan, unless otherwise agreed in writing with the LPA. Reports demonstrating progress in promoting the sustainable transport measures detailed in the Travel Plan shall be submitted annually to the LPA, commencing from the first anniversary of beneficial occupation of each part of the development. Reason: In the interest of sustainable transport.
36. Unrestricted vehicular access to the railway arches and existing Network Rail assets via John Street and the access road immediately in front of units 1–8, in accordance with dwg. no. 3034-PL-122A, shall be maintained at all times. Reason: To ensure that existing access arrangements to the Network Rail arches are retained.
37. *Archaeological record:* For both the detailed and the outline parts of the permission no development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the

applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written 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.

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

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

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

- (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
- (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 5: To ensure the safe operation of the railway and the protection of Network Rail's adjoining land attention is drawn to comments and requirements contained within Network Rail's consultation response dated 18.8.16, a copy of which has been sent to the applicant.

RECOMMENDATION 6: The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), (www.archaeologists.net/codes/ifa) and it is recommended that it is carried out either by a CIfA Registered Organisation (www.archaeologists.net/ro) or an accredited Member.

RECOMMENDATION 7: The site identified in the application is crossed by a number of lengths of adopted public highway, collectively known as John Street, which must be stopped-up under procedures contained within Section 247 of the Town and Country Planning Act 1990, prior to commencement of development.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 A hybrid planning application seeking detailed permission for a 10 storey office development with retail to the ground floor on that part of the site to the south of John Street, and outline permission seeking approval for access, layout and scale for a 10/27 storey mixed use office and hotel development on that part of the site to the north of John Street.
- 1.2 The site benefits from an extant planning consent for a new office block (40,000 sqm) comprising three interlocking blocks with heights of 21 storeys, 11 storeys and 9 storeys. The ground and first floors include reception rooms, 400 sqm of retail fronting Bute Street, plant and ancillary accommodation.
- 1.3 The proposals occupy roughly the same footprint as the approved scheme but split the building into two to allow phased development, and introduce a hotel use to the upper floors of the northern block. The height, massing and architectural approach is broadly similar to the approved scheme, and in keeping with the previous scheme retail units are introduced at ground floor level to create an active frontage to Bute street and the new public square.
- 1.4 The southern office block (13,275sqm) is 10 storeys high (one storey higher than approved), with 2 ground floor commercial units (275sqm). Office and retail units are accessed from Bute Street, and parking is provided to the rear of the building.
- 1.5 The northern building is separated from the southern building by John Street and comprises office accommodation (15,360sqm) on the lower 10 storeys, and hotel accommodation (212 rooms) occupying floors 11 to 27 above. The office and hotel entrance and an ancillary coffee shop (110sqm) are accessed from a new public square on Bute Street. The proposed hotel tower is 99m high and is 13m (4 storeys) higher than the approved scheme.
- 1.6 The façades are designed with a double-storey order which accentuates verticality. Vertical aluminium fins run the full height of the building and provide depth and interest to the facade. At the top of the building planted roof terraces and a set-

back pavilion terminate the three blocks. At ground floor reception entrances and retail uses set behind a double height colonnade.

- 1.7 The external cladding is coloured anodised aluminium and glass. The blocks will be further differentiated by the use of colour. The taller block will be darker and the lowest block fronting Callaghan Square will be the lightest in colour.
- 1.8 A landscaped public square is created at the northern end of the site, animated by the main office entrance and foyer, hotel lounge, and an ancillary office café/reception area. There is potential for the three railway arch units closest to Bute Street, which are owned by the developer, J.R.Smart, and are leased to local businesses, to engage more actively with the proposed square and provide additional interest and character.
- 1.9 The northern building is set back about 15m from the Bute Street pavement boundary and 9m from the railway arches
- 1.10 A smaller area of public realm is created at the southern end of the building serving a secondary entrance and providing a south-facing sitting-out area for the southernmost ground floor A1/A3 unit.
- 1.11 The 99m high 27 storey hotel tower is approximately 27m higher than the Altolusso apartment building and 24m higher than the Radisson Blu Hotel. The lower element fronting Callaghan Square is approximately 12m higher than the 7 storey Eversheds office building.
- 1.12 Parking and access arrangements: There are 110 car parking spaces, of which 33 will serve the southern office building and 77 the northern office/hotel building. Four of the spaces will be for the disabled. The majority of the car parking spaces are located in 2 storey decked car parks to the rear of the buildings adjacent to the railway line.
- 1.13 The development will provide 81 cycle spaces for the south building (66 long stay and 15 short stay) and 136 for the north building (119 long stay and 17 short stay). The office block to the south of John Street will have 33 spaces and 227 cycle spaces (189 long term and 38 short term).
- 1.14 Access for vehicular, cycle and pedestrian traffic is via the existing junction of John Street with Bute Street. This is a left in/left out arrangement. Servicing is from the car park and service yard to the rear of the building.
- 1.15 The same access provides unrestricted access around the rear of the northern building to the 8no. railway arches to the north of the site.
- 1.16 There will be a pedestrian/cycle only access from Herbert Street located at the SW corner of the site.
- 1.17 Waste Management: General waste will be collected from each floor and transferred to a refuse store located centrally on the ground floor of the building and accessed from John Street.

- 1.18 The following supporting information is submitted:
- Design and Access Statement including key views analysis
 - Drainage Strategy Statement
 - Flood Consequences Assessment Report
 - Transport Statement
 - Energy Strategy
 - Geotechnical and Geo-environmental Report
 - Landscape Strategy
 - Pre-application consultation report
 - Road & Rail Noise & Vibration Assessment & Environmental Noise Survey
 - Hunter Acoustic Arches Music Report dated 10.1.18
 - Physical model of the proposals in context.
- 1.19 Environmental screening opinion: No part of the development is located in a sensitive area and the development does not meet the applicable thresholds for Schedule 2 development and consequently cannot be considered to be 'EIA development'. A formal screening opinion is not therefore required.
- 1.20 Pre-application consultation: The proposal benefitted from non-statutory pre-application discussions with the planning department which helped to shape the design approach adopted.
- 1.21 A statutory Pre Application Consultation was carried out by the developer in September/ October 2017. Neighbours, local members and statutory consultees (DCWW, CADW, NRW, and the Council's Highways Department) were consulted in accordance with the legislation.
- 1.22 Three responses were received from occupiers of the adjacent railway arches raising issues relating to maintaining access and parking for the arches, and the need for a noise survey to demonstrate that the proposed hotel use is compatible with the rehearsal studios located in the arches.

2. **DESCRIPTION OF SITE**

- 2.1 The 0.84ha triangular site is located at the NE corner of Callaghan Square. It is wedged between two elevated railway lines and bounded to the west by Bute Street. The site was formerly used by No Fit State circus and for car parking, and the buildings have recently been demolished and the site cleared.
- 2.2 The immediate area is in transition. The Capital Quarter masterplan on the old Tyndall Street industrial site to the east of the railway line is being developed by the applicant, including a 25 storey student housing development located immediately to the east of the site which is under construction.
- 2.3 The area to the south of Callaghan Square is the subject of recent planning permission(s). To the north of the railway line there is a cluster of tall buildings comprising the Radisson Blu Hotel (75m high), the Meridian Plaza and Altolusso apartment block (72m high), and the Big Sleep Hotel. The Ty Pont Hearn student housing block on Pellet Street to the north-east of the site is c. 63m high.

- 2.4 Planning permission has recently been granted for a 42 storey student housing development on Customhouse Street. To the west is the low rise Eversheds office building which is a stronger architectural statement. Its reconstituted stone rhythmic curved façade forms the backdrop to the vast Callaghan Square public space.
- 2.5 The general area has a diverse built environment which is very mixed in character, both in terms of uses and in terms of building ages, styles and heights from 2 to 23 storeys. Uses include offices, commercial, retail, hotels, leisure and residential.
- 2.6 To put the proposed height in a city-wide context the tallest building in Cardiff is Capital Tower at c. 80m, the BT tower is c. 78m high. The recently consented Customhouse street student tower is 132m high
- 2.7 With the exception of the Eversheds building and the consented Customhouse Street student tower the neighbouring buildings are of mixed quality and inconsistent architectural language, characterised by large areas of white render on the Altolusso apartment building, and strips of curtain wall cladding on the Radisson Blu Hotel. On both these buildings the finishes are showing signs of ageing.
- 2.8 The site is divided by John Street which is adopted and is accessed from Bute Street. Two adopted side roads connect John Street with an unadopted narrow access road running alongside the railway line and serving a small industrial unit and various small businesses which lease six of the eight railway arches from the developer J.R.Smart. The arches are leased to Jukebox Collective, Only Drums Aloud and Cardiff Arches - businesses offering rehearsal studio space for music, dance and arts-related activities.

3. **PLANNING HISTORY**

- 16/1584/MJR Planning permission granted in March 2017 for office accommodation (40,000 sqm) comprising three interlocking blocks with heights of 21 storeys, 11 storeys and 9 storeys, and ground floor retail.
- 15/3112/MJR Prior approval granted Jan 16 for demolition of No Fit State Circus, Princess of Wales building, John Street
- 12/1938/DCI Prior approval granted Dec 12 for demolition of 4 storey former warehouse building, John Street
- 98/529/DCI Outline PP granted Oct 1991 for mixed use development, Bute Square

4. **POLICY FRAMEWORK**

National Policy

- 4.1 Planning Policy Wales (PPW) Edition 8, 2016 favours the sustainable re-use of previously developed land.
- 4.2 The following Technical Advice Notes (TANs) are relevant:
 - TAN 12: Design (2009)

Local Policy

- 4.3 The following policies of the 2016 City of Cardiff LDP are relevant to the consideration of this application:-
- KP2(A) Cardiff Central Enterprise Zone and Regional Transport Hub
 - KP5 Good Quality and Sustainable Design
 - KP7 Planning Obligations
 - KP10 Central and Bay Business Areas
 - EC5 Hotel Development
 - EN12 Renewable Energy and Low Carbon Technologies
 - R6 Retail Development (Out of Centre)
 - R8 Food and Drink Uses
 - T1 Walking and Cycling
- 4.4 Supplementary Planning Guidance
- Tall Buildings (2017)
 - Planning Obligations (2017)
 - Waste Collection and Storage Facilities (2016)
- 4.5 The following Supplementary Planning Guidance relates to the previous 1996 Local Plan. It is under review following the adoption of the LDP however it remains a material consideration in considering the application insofar as it is consistent with LDP policy:
- City Centre Strategy (2007)
 - Premises for Eating, Drinking and Entertainment in the City Centre (2000)
 - Access, Circulation and Parking Requirements (2010)

5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 Land Use Policy and Regeneration: The site is an area of vacant land situated to the eastern side of Callaghan Square and is located within the Central Enterprise Zone (CEZ) and the Central Business Area (CBA) of the adopted Cardiff Local Development Plan. As such, the main land use planning policy issues relate to:
- 5.2 *Whether the proposed Class B1 (Office) and C1 (Hotel) uses are acceptable at this location:* The application site is located within the boundary of LDP Policy KP2A (Central Enterprise Zone and Regional Transport Hub), which is allocated for major employment led initiatives, together with other mixed uses in Cardiff City Centre. Policy KP10 identifies that new office uses are considered appropriate within the Central Business Area (CBA), whilst Policy EC5 (Hotel development) identifies the CBA as an acceptable location for hotel uses, subject to there being no need to preserve the site for its existing use. Taking into consideration the mixed use nature of the scheme and that the site is an area of vacant land, the proposed Class B1 and C1 uses are considered acceptable from a land use policy perspective.
- 5.3 *The acceptability of Class A1 (Shop) and Class A3 (Food and Drink) uses at this location:* As the site is located outside the Central Shopping Area (CSA) of the City

Centre and also falls outside of any designated District / Local Centres as identified within the LDP, any proposal for a Class A1 (shop) use at this location would have to satisfy the three tests of out-of-centre retail policy. In this regard and given the relatively small scale of the proposal at 275sqm across two units, an element of convenience retail could be considered acceptable to serve the newly established population associated with the development. The sale of comparison goods would not be considered acceptable at this location and an associated condition could be attached that excludes the sale of comparison goods.

- 5.4 LDP Policy R8 (Food and Drink Uses) identifies the Central Business Area as a suitable location for Class A3 uses, subject to amenity considerations. The proposed use, as a café / coffee shop would be considered acceptable in this context.
- 5.5 *Strategic Planning (Public Realm) Considerations:* This is a large scale development, which will place increased pressure on the surrounding pedestrian environment. Planning Policy Wales, Paragraph 3.4.3 states that 'When a new building is proposed, an existing building is being extended or altered, or a change of use is proposed, developers should consider the need to make it accessible for all those who might use the building. The appropriate design and layout of spaces in, between and around buildings, including parking provision and movement routes, is particularly important in ensuring good accessibility'. Cardiff Local Development Plan Policy KP6 (New Infrastructure) seeks that new developments will make appropriate provision for, or contribute towards, necessary infrastructure required as a consequence of proposed development, including public realm improvements.
- 5.6 The applicant has identified in their 'Proposed Hard Landscaping Plan' (Drawing Number PL122, Revision A, September 2017) that the public realm within the sites boundary will be surfaced with a high quality paving treatment and that the footway bordering the site between Bute Street Bridge and Herbert Street Bridge will be resurfaced with silver-grey block paving to tie-in with surrounding public realm treatments. These proposals are supported and would be sought to be secured either via Condition and / or through a S106 agreement.
- 5.7 In addition to the public realm works identified by the applicant, it is requested that a financial contribution of £17,500 be provided towards the replacement and upgrading of the existing wall mounted strip lighting units to both sides of the Bute Street underpass, in order to help improve the quality of the pedestrian environment between the application site and the city centre both throughout the day and at night.
- 5.8 Transportation: The extant permission (from the same developer) on the site was supported by a Transport Statement that considered the impact of the then proposed development and compared this with the previous uses, accessibility of the site and existing use of the adjacent highway network. The TS concluded that the development as proposed will result in a predicted morning peak hour increase of 5.7% in traffic on Bute Street (to the north of the site). The evening peak hour would also see an increase, however a lower of 4.9% (to the south of the site). The predicted increase being more or less in line with the +/- 5% typical daily

variation in traffic flows and therefore unlikely to have any noticeable impact on local traffic conditions.

- 5.9 The Transport Statement provided in support of the current application provides a calculation of the likely traffic generation for the proposal and compares this with the permitted use, based on the Transport Statement submitted in support of the 2016 application and discussed in the above paragraph. The current TS also advises on the proposed car and cycle parking provision, and the location and availability of public transport options in the vicinity of the site.
- 5.10 The submitted TS demonstrates that the now proposed uses will generate similar levels of traffic to the permitted uses during the peak periods, albeit on a daily basis there will be an overall increase of some 96 vehicle trips (two-way) when compared to the permitted use, amounting to 1 additional vehicle every 10 minutes. As with the headline peak hour traffic, the slight overall daily increase will be largely imperceptible.
- 5.11 Given that the application now being considered is of a comparable scale and the uses are either the same or less intensive in terms of peak hour traffic generation/impact, I am content the current proposals will not have a detrimental impact on the operation of the adjacent highway network.
- 5.12 In considering the submitted application I have taken into account that the site is within the Central Area where reduced car parking for all forms/classes of development is positively considered. The site is also within easy level walking distance of shops/services, high frequency bus and rail public transport services, and Cardiff's cycle network. The site is therefore considered to be in an extremely sustainable location in transport terms, reducing the reliance on single occupant private cars for everyday trips.
- 5.13 I would also confirm that the application is considered to be policy compliant as submitted in relation to both car and cycle parking, and that the submission is otherwise considered to be acceptable and an appropriate use of the site.
- 5.14 It must nonetheless be noted that the site and proposed buildings incorporate and/or will be constructed on lengths of what is currently adopted public highway known as John Street. The applicant should therefore be reminded that no development that impacts on the public highway should be undertaken until such time as that highway has been successfully Stopped-up under procedures contained in Section 247 of the Town & Country Planning Act 1990 (a second recommendation is sought in this respect).
- 5.15 Given the policy compliant nature of the proposed development and sustainable location of the site I would conclude that any objection on parking or traffic grounds would be unsustainable and any reason for refusal on these basis would not withstand challenge. I therefore have no objection to the application subject to standard retention of parking within site, details of road access junction, details of roads, details of cycle parking provision, construction management plan, travel plan, and environmental highway improvement works conditions and recommendations.

- 5.16 Trees and Landscaping: The Council's Tree Officer makes the following observations: There are some London plane trees on the outline plot. These were overlooked as part of the previous application, but are a material consideration that should be assessed through a BS 5837:2012 tree survey. However, the fact that there is an extant consent allowing their removal, may in your view obviate the need for a survey.
- 5.17 Furthermore, whilst the trees appear healthy, they have been planted very close together such that mutual suppression has occurred that will shorten their safe, useful life expectancy. In any event, the proposed development, taking the full and outline elements together, makes provision for new tree planting that will more than offset their loss.
- 5.18 Proposed soft landscaping is shown on a Morgan Henshaw drawing within the DAS. I'm uncertain what the status of this plan is and would ask that the proposed soft landscaping plan be submitted separately, with a full specification (tree pit section, topsoil and subsoil specification, planting and aftercare methodology).
- 5.19 Currently, the 'full' site supports x3 new trees on the Bute Street frontage and x1 new tree on the Herbert Street frontage close to the railway bridge. The trees are appropriate to the context but those on the Bute street frontage may be compromised by drainage, shown aligned through the eastern edge of the beds. If drainage will compromise root available soil due to a requirement for an easement and/or root-barrier, then it should be re-aligned, or the beds increased in size to compensate.
- 5.20 The same points apply to the x4 new trees on the Bute Street frontage in the outline plot, except that I think consideration should be given to doubling the size of the northern-most planting bed, to support a single, larger, centrally planted tree that will offer increased amenity and environmental benefit, without interfering with the building. A suitable tree in this context, is *Tilia tomentosa* 'Brabant'. This tree is large but upswept, with pale leaf undersides (ideally suited to reflected heat bouncing off pavers) and yellow autumn colour. It is very tolerant of urban conditions including dry soil, and there are successful local precedents at the southern end of Bute Street. The advantages of a large, single tree here in a larger bed, are environmental – less reflected heat, increased microclimatic amelioration, increased rainfall and pollution interception and storage, buffering of wind tunnel effects and visual – less monotonous streetscape.
- 5.21 Of the planter sections depicted on the Morgan Henshaw drawing in the DAS, the street-level one is preferred as it avoids the need for retaining structures. Whatever scheme is finalised, slight mounding of the soil profile would be beneficial to ensuring good drainage, and allowing increased soil volume. Tree root-balls should be seated on 150mm horticultural grade sharp sand. A 100mm washed sand blinding layer would be expedient above the clean stone soakage layer (geotextiles should not be used as they block up), and the soakage layer should link to piped drainage. Soils should be sandy loams certified to BS 3882:2015 and BS 8601:2013, of pH 5.5-7.0 on placement, and found fit for purpose via a soil scientists interpretive report.

- 5.22 I would strongly support the provision of roof garden planting, including trees or shrubs, and look forward to reviewing further details in due course.
- 5.23 Pollution Control (Noise & Air): Pollution Control has no objections subject to the recommendations of the Road and Rail Noise and Vibration Assessment (Hunter Acoustics Report Number: 4165/ENS1_Rev5; Author: David Hunter; Report Date: 05/09/2017 dated 2.6.16) being implemented and standard conditions in relation to road and railway noise, railway vibration, sound insulation, plant noise, opening hours, delivery times, kitchen extraction, and a second recommendation on construction site noise.
- 5.24 The Noise Officer refers to the aforementioned report, where a condition regarding “environmental noise criteria” has been quoted. This condition has been superseded by the Council’s 2015 Plant Noise condition. This condition has been modified to ensure the introduction of plant associated with a new development does not “add to the creep” of the existing background noise. The applicant will need to confirm this modified condition will be met.
- 5.25 Pollution Control (Contaminated land): In reviewing available records and the details of the proposed development, the site has been identified as formerly commercial/industrial. 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.
- 5.26 In addition former landfill/raise sites have 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.
- 5.27 The developer refers in the above application to previous site investigation undertaken by Terra Firma. This has not been made available by DC as part of the above application. However the following information was reviewed in the context of the previous application 16/01584/MJR: *Terra Firma (Wales) Ltd. February 2015 Geotechnical & Geo-Environmental Report Ref: 12976*
- 5.28 The above provides a comprehensive desk based contamination assessment of the development site and a site based assessment of all areas of the site accessible at the time. The desk based assessment has identified potential contaminative issues in areas that could not be confirmed on site. In addition, asbestos contamination was identified at one location; one of the potential fuel tank positions was confirmed; at least one other remains unconfirmed.
- 5.29 Post demolition contamination assessment is therefore required, necessitating a modified contamination assessment condition.
- 5.30 With regards to potential ground gas issues, monitoring was ongoing at the time of the report and further information to confirm the extent of ground gas protection measures was awaited. Although the monitoring has probably now been completed, the consultant’s conclusions were not submitted as part of the

application. Based on the information submitted to date, an amended ground gas protection measures condition would be appropriate.

- 5.31 Should there be any importation of soils to develop the landscaped areas of the development, or any site won recycled material, or materials imported as part of the construction of the development, then it must be demonstrated that they are suitable for the end use. This is to prevent the introduction or recycling of materials containing chemical or other potential contaminants which may give rise to potential risks to human health and the environment for the proposed end use.
- 5.32 Shared Regulatory Services has no objection subject to amended ground gas protection and contaminated land measures (assessment) conditions, standard contaminated land (remediation and verification) conditions, standard unforeseen contamination condition, and standard imported soil, aggregates and recycled aggregates conditions. A contamination and unstable land advisory notice is to be added.
- 5.33 Waste Management: The Waste Management Officer has no objection to the proposed bin stores.

6. **EXTERNAL CONSULTEE RESPONSES**

- 6.1 Welsh Water (DCWW): DCWW responds as follows:
- 6.2 *Water Supply*: We acknowledge that the site already benefits from planning permission to construct three blocks for office and retail use. During the initial assessment we confirmed that an adequate water supply can be provided to serve the proposed development. This has subsequently been confirmed by further Hydraulic analysis.
- 6.3 However we note that the latest application proposes to construct a 210 bed hotel. The applicant has not yet been able to provide the specific water demand expected for the hotel, however based upon industry specification and our assumptions, the water demand would significantly increase from that required to serve the office/retail. In the absence of specific consumption figures we have conducted an assessment based upon experience and concluded that the existing potable water network cannot accommodate the proposed development and therefore cannot support the application.
- 6.4 We recommend that in order to progress that further information is submitted and the applicant commissions the undertaking of a comprehensive Hydraulic Modelling Assessment. The report will assess the proposal, identify possible connection points and where appropriate recommend reinforcement works in order to overcome our concerns. It is our preference to address this prior to the determination of the application, however if you are minded to approve planning permission we request that the water condition provided below is included within any subsequent consent.
- 6.5 *Sewerage*: We have reviewed the information submitted as part of this application with particular focus on the Drainage Strategy Statement reference C6685 Rep01 dated September 2017 which provides a comprehensive review of the existing

drainage arrangement and proposed drainage to serve the new buildings. We have been in dialogue with the applicant and their consultant in which on site investigations have confirmed that the public sewers shown with the site boundary serve the previous/existing buildings. The proposal to abandon a section of this drainage in order to facilitate the proposed layout is considered acceptable subject to the applicant entering into a specific legal agreement with Welsh Water.

- 6.6 The foul drainage proposal appears acceptable in principle, however with regards to surface water, we acknowledge that percolation tests have not been undertaken and the strategy based on assumptions of the ground material make up. We also observe that the option to drain to the nearby Dock Feeder was discounted due to the presence of the railway, however it appears that a section of this watercourse is visible on the western side of the railway, thus potentially making a surface water connection from the site viable and recommend this be explored further.
- 6.7 In light of the above we cannot support the full proposal at this time until the option to drain to the dock feeder has been considered further.
- 6.8 Therefore, if you are minded to grant planning permission we request that the following conditions and advisory notes are included within any subsequent consent.
- 6.9 *Conditions:* No development shall commence 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. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system. Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.
- 6.10 No development shall take place until a potable water scheme to serve the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that the existing water supply network can suitably accommodate the proposed development site. If necessary a scheme to upgrade the existing public water supply network in order to accommodate the site shall be delivered prior to the occupation of any building. Thereafter, the agreed scheme and any reinforcement works identified shall be constructed in full and remain in perpetuity. Reason: To ensure the site is served by a suitable potable water supply.
- 6.11 Natural Resources Wales (NRW): NRW responds as follows:
- 6.12 The reports suggest that the development poses a low or no risk to controlled water receptors. We are of the view that sufficient information has not been provided to demonstrate this. Deficiencies in the submitted report include but are not limited to the following:

- Justification for the distribution and location of sampling points has not been provided. A section outlining the site investigation and sampling strategy in relation to the historical land uses at the site would be useful.
- Only one round of groundwater monitoring has been carried out. Hydrogeological variations, variations in the contaminants of concern and other trends are therefore unlikely to be accounted for.
- Underground storage tanks have been identified on site. The current condition of the tanks is unknown. Validation of tank excavations has not been provided.
- Groundwater flow has not been delineated through groundwater level contouring. This information is essential in characterising the site and understanding the risk to receptors.
- Further explanation is required as to why the risk posed to the adjacent dock feeder canal is regarded as low. Information provided to date does not rule out hydraulic continuity between the canal and groundwater at the site.
- Leaching test analysis undertaken at the site is limited and has been carried out in line with the revoked NRA testing methodology (see appendix B of remedial targets methodology EA 2006 for further info).
- Groundwater samples have shown levels of metals, PAH and petroleum hydrocarbons above the relevant EQS. The current assessment has not adequately demonstrated that this contamination is not a direct result of previous land use on site.

- 6.13 In the absence of additional information being provided with any future planning application we would recommend to the local authority that they should only grant planning permission for a scheme if a suite of Land Contamination conditions listed are attached to the planning permission. The conditions are listed in the consultation response dated 23.11.17
- 6.14 NRW acknowledge that whilst there is some information missing (as indicated above) large parts of the preliminary risk assessment and site investigation scheme are contained within the information submitted.
- 6.15 Network Rail (NR): The application area includes Network Rail land immediately adjoining the arches and agreement will be required from Network Rail for the proposed hard landscaping of this area including materials used and future maintenance. Although we have an easement in place regarding access, Network Rail will need to be consulted before the stopping up of the public highways to ensure continued access to its infrastructure.
- 6.16 No objection subject to a number of recommendations to ensure the safe operation of the railway and the protection of Network Rail's adjoining land. The Network Rail recommendations have been sent to the agent.
- 6.17 Police Architectural Liaison: South Wales Police have no objection subject to appropriate security measures for the service delivery entrance and parking, lighting, landscaping, glazing, doorways, and CCTV coverage.

- 6.18 Glamorgan Gwent Archaeological Trust: No objection subject to a condition requiring the submission of a programme of archaeological investigation prior to the commencement of the development.

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.
- 7.2 A representation from Mark Drakeford, AM Cardiff West, and Kevin Brennan, MP Cardiff West, stress they have no objection to the general principle of the development but raise the following concerns on behalf of constituents who are involved with or have benefitted from the music and dance businesses operating from the railway arches:
- Restricting access to the Cardiff Arches businesses;
 - Potential risk to the Cardiff Arches businesses arising from noise complaints made by the hotel on behalf of the occupiers;
 - Requesting clarification on whether the 'agent of change' principle in national planning policy applies to the Cardiff Arches case.
- 7.3 A representation from MP Stephen Doughty raises the following concerns:
- Whilst supporting the redevelopment of the area some elements of the plans, if not addressed, could threaten the future viability of the arts based businesses located in the railway arches, namely:
 - Restricting access to the arches both during and after construction;
 - Change of proposal from office space to hotel space could put the studios at risk from noise complaints.
- 7.4 A representation from Cllr. Peter Bradbury, Caerau, raises the following concerns on behalf of his constituent Ms. Liara Barussi, whose business (Jukebox Collective) would be adversely affected by the proposals:
- Non-compliance with Policy C2 of the Cardiff LDP which requires applications to safeguard community facilities if an alternative facility of at least equal quality and scale is not available within the vicinity;
 - The developer needs to redesign the scheme to acknowledge the existence of the railway arch businesses.
- 7.5 Two representations have been received from businesses located in the arches raising the following concerns which have potentially serious implications for the continuing successful future use of the arches as arts based businesses:
- Restricted access to the arches businesses, including potential gating of the access.
 - Risk to the businesses from noise complaints made by the hotel operator on behalf of the occupiers of the hotel.
 - loss of parking (raised by one of the businesses).
 - relevance of recently introduced 'agent of change' principle.
- 7.6 A total of 10 individual representations have been received from users and supporters of the railway arches businesses, 5 objecting to the development, and 5 raising concerns on the following grounds:

- Potential loss of the businesses located in the arches if the proposals go ahead because of restrictions on access to the businesses located in the arches, risk to the businesses from noise complaints made by the hotel operator on behalf of the occupiers of the hotel (including reference to newly introduced 'agent of change' principle), and lack of parking for the users of the arches businesses.

8. **ASSESSMENT**

- 8.1 The proposal is acceptable from a land use policy perspective. The main issues to be assessed are the scale and design of the building and the associated public realm.
- 8.2 Design: At its highest point the hotel building is approximately 99m above street level (27 commercial storeys). The Tall Buildings SPG therefore applies.
- 8.3 The SPG states that tall buildings will be assessed having regard to locational criteria, specifically that they will only be acceptable where they: are located within easy walking distance of public transport hubs; create a positive feature in the city skyline; add to legibility of city and wider townscape; terminate or enclose important vistas; have a minimal visual impact on sensitive historic environments (including conservation areas and their setting)
- 8.4 The SPG also states that tall buildings will be assessed having particular regard to their design, specifically: Form and silhouette of the building; Quality and appearance; Impact and interface at street level; Sustainable design
- 8.5 The building is located in a highly sustainable location within walking distance of Cardiff Central railway station and bus services.
- 8.6 The before and after key views demonstrate that the building enhances the city skyline. The considerable mass of the building is broken up by the tripartite block arrangement. The building terminates long views from the south (Lloyd George Avenue) and enhances the city skyline.
- 8.7 The public realm treatment, imposing main entrance, and active ground floor frontage ensure the building makes a positive contribution to the streetscape. Views from Callaghan square are acceptable.
- 8.8 The form and silhouette of the building, tested through a series of key views, is acceptable. The building forms a landmark at the gateway to the city centre from the south and successfully encloses the eastern end of Callaghan Square.
- 8.9 The simple palette of materials is high quality and durable and appropriate for the building's scale and setting on Callaghan Square. Quality and appearance of architectural detailing and materials is acceptable.
- 8.10 Sustainable Design: The aspiration for the building is to achieve a BREEAM Excellent rating. In terms of energy this target is currently being met as evidenced in the supporting Energy Strategy report.

- 8.11 Access to railway arches businesses: Application plan no. 3034-PL-106A (amended by plan 106B received on 10.1.18) does not include a gate and shows the existing 3m wide access lane will be widened to 5m, and demonstrates that unrestricted and improved vehicular access (via the existing John Street access) to all of the arches will be retained. This has been confirmed in a letter dated 11.1.18 from the developer's solicitor. A condition has been added to this effect.
- 8.12 Public Realm works: The extent of the public realm and indicative scope of works is defined in dwg. no. 3034-PL-122A
- 8.13 A financial contribution by means of a Section 106 agreement is secured for a replacement underpass lighting scheme.
- 8.14 The surfacing material will be predominantly block paving and slab paving in line with Cardiff City Centre Public Realm guidance. Details of the hard landscaping materials palette, tree planting, street furniture and lighting will be required by condition.
- 8.15 The public realm proposals are acceptable subject to standard landscaping and highway improvement works conditions for on-site works, and a section 106 agreement for offsite public realm works, including a financial contribution for an enhanced replacement lighting scheme to the Bute Street underpass.
- 8.16 Transportation: Access and Parking arrangements are acceptable.
- 8.17 Water Supply and Drainage: DCWW's response requesting a hydraulic modelling assessment be carried out in advance of development has been forwarded to the agent. Conditions have been added requiring that such an assessment be carried out prior to commencement of the outline part of the development, and that a drainage scheme be submitted prior to development that includes an assessment of the potential to dispose of surface and land water by sustainable means, and that takes account of the drainage requirements of the existing businesses located in the railway arches.
- 8.18 Waste Management: Waste Management arrangements are acceptable subject to a condition for more details.
- 8.19 PC (Noise & Air): The Officer has no objection subject to the recommendations of the Hunter Acoustics Report being implemented in full and the imposition of standard sound insulation, opening hours, delivery times, kitchen extraction, and plant noise conditions.
- 8.20 Issues raised in representations: The concerns and objections raised by the petition, AM, MP, Cllrs. and individuals relate in their entirety to the arts-related businesses currently operating from 6 of the 8 railway arches which abut the northern edge of the site.
- 8.21 In relation to future uses and access the current application does not include any detailed reference to the future uses of the arches. The existing tenants have a lease with J.R. Smart and any change of use would be a matter in the first instance for the tenants and J.R. Smart, and would be subject to planning permission.

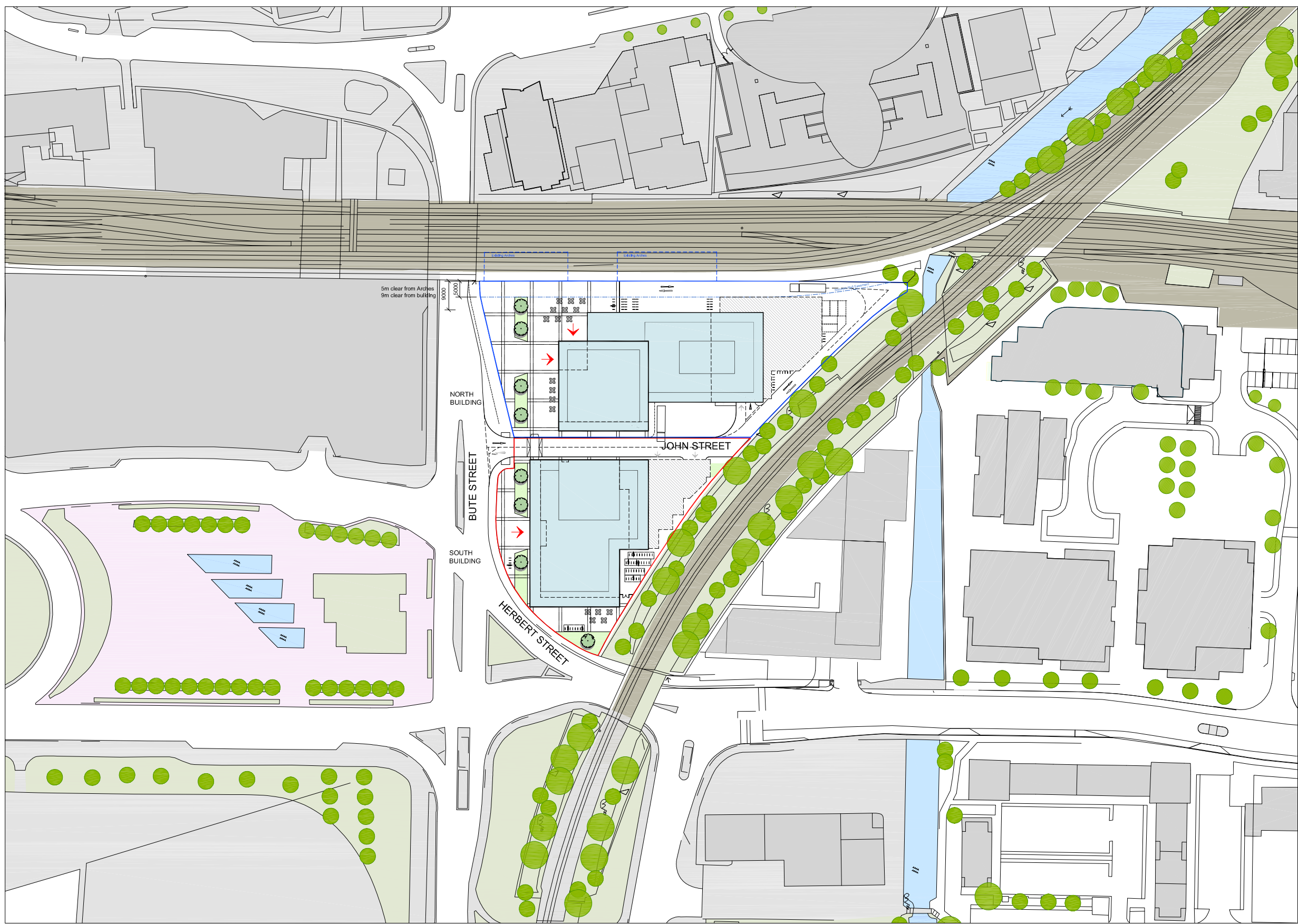
- 8.22 The developer has confirmed in a letter dated 11.1.18 that unrestricted access will be retained to all the units, and plans do not show any gating of the access road.
- 8.23 *Access and parking for railway arch businesses:* The question of unrestricted access to the railway arch units has been addressed above. The question of access to the arches during the construction phase will form part of the Construction Management Plan which is required by condition
- 8.24 In relation to parking the units are leased from J.R.Smart and it is our understanding that the leases provide for access and loading/unloading only, via the public highway and Network Rail land. The users of the arches currently park on the public highway. The public highway will be stopped up under a separate highways procedure as part of the enabling works for the development, and the provision of dedicated parking spaces for the businesses cannot be made a requirement of the planning permission.
- 8.25 Please note that the closure/ extinguishment of an adopted highway is the subject of a separate legislative procedure and does not form part of the planning process.
- 8.26 *Non-compliance with Cardiff LDP Policy C2 Protection of Existing Community Facilities:* This issue does not arise as the railway arches do not form part of the application and the application retains unrestricted access for the businesses occupying the arches.
- 8.27 For the record it should also be noted that the businesses in question are not classed as community facilities. LDP Policy C1: Community Facilities paragraph 5.301 defines community facilities as non-commercial facilities used by local communities for leisure and social purposes. The Arts businesses which occupy the Arches are classed as creative industries as opposed to community facilities, i.e. industries that are based on individual creativity, skill and talent with the potential to create wealth and jobs and include the performing arts.
- 8.28 *Adequacy of Environmental Noise Survey:* In relation to concerns raised over the risk to existing businesses from noise complaints made by the hotel an additional noise survey of the music businesses was carried out during practice sessions in the rehearsal studios. This concluded that the proposed hotel building fabric is sufficient to control music noise intrusion, as well as the road and rail noise. In this context it should be noted that the closest hotel room window will be more than 50m away (12 storeys up) from any potential arches music noise source.
- 8.29 Welsh Government has recently stated that it intends to include the 'Agent of Change' principle within updated national planning policy. Under this principle, if new developments or uses are to be introduced near a pre-existing business, such as a live music venue, it is the developer's responsibility to ensure solutions to address and mitigate the noise are put forward.
- 8.30 In this case the developer has demonstrated through the noise survey report and the proposed construction of the hotel bedroom facades that noise intrusion will be within acceptable limits.

9. **CONCLUSION**

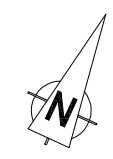
- 9.1 The proposed high quality mixed use development on a prominent under-used city centre site complies with planning policy. The number of additional jobs being created, and the provision of additional hotel accommodation, will bring significant economic benefits to Cardiff City Centre. The scale of the building is appropriate for the site, and the impact on the streetscape and the city's skyline, as evidenced by the key views, is acceptable. The proposed public realm improvements enhance the route and the wider Callaghan Square environment.
- 9.2 The granting of planning permission is recommended subject to conditions being imposed and a Section 106 legal agreement to secure the following:
- 9.3 Off-site public realm works to Bute Street as indicated on dwg. no. 3034-PL-122A, as follows:
- A detailed scheme for the off-site public realm works to the south of John Street, and the footpath linking that part of the site for which detailed permission is sought to the Bute Street underpass, to be submitted prior to implementation of the detailed part of the permission, and completed prior to beneficial occupation of that part.
 - A detailed scheme for the off-site public realm works to the north of John Street to be submitted and approved prior to implementation of the outline part of the permission, and completed prior to beneficial occupation of that part.
 - A financial contribution of £17,500 towards a replacement lighting scheme for the Bute Street underpass, to be paid on implementation of the detailed part of the hybrid permission.

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| REVISIONS | | |
|-----------|-----|----------|
| No | By | Date |
| A | cig | 24.10.17 |



- ▨ Outline Planning
North Block
1.26 Acres
0.51 Ha
- ▨ Detailed Planning
South Block
0.79 Acres
0.32 Ha
- Existing Arches



Scale: 1:1250 @ A3
 1:625 @ A1

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Project: John Street, Callaghan Square, Cardiff

Client: JR Smart Ltd

Drawing Title: Proposed Site Context Masterplan

| Drawn | Checked | Scale | Original | Date |
|------------|----------------|----------|----------|-----------|
| DG | ARM | 1:1250 | A3 | Sept 2017 |
| Job Number | Drawing Number | Revision | Status | |
| 3034 | PL | 110 | A | Planning |

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| REVISIONS | | |
|-----------|----|-------------|
| No | By | Description |
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View from North on Lloyd George Avenue

morgan hayman

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Client
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Drawing Title
 Proposed Perspective

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|------------|----------------|----------|----------|----------------|
| DW | ARM | NTS | A3 | September 2017 |
| Job Number | Drawing Number | Revision | Status | |
| 3034 | PL | 1002 | - | Planning |