#### MP OBJECTION

COMMITTEE DATE: 03/11/2021

APPLICATION No. 21/01682/MJR APPLICATION DATE: 09/07/2021

ED: CATHAYS

APP: TYPE: Full Planning Permission

APPLICANT: GT Guildford Crescent Limited, Rappsons Trust Limited, Edmee

Properties Limited,

LOCATION: SITE OF 1-6 GUILDFORD CRESCENT, CITY CENTRE,

**CARDIFF** 

PROPOSAL: PROPOSED RESIDENTIAL-LED MIXED USE

REDEVELOPMENT COMPRISING RESIDENTIAL

APARTMENTS (USE CLASS C3) INCLUDING ANCILLARY INDOOR AND OUTDOOR RESIDENTIAL AMENITY SPACE; FLEXIBLE COMMERCIAL FLOORSPACE ON THE GROUND

FLOOR (USE CLASS A1, A2, A3, B1, D1 AND D2); LANDSCAPING; RELATED INFRASTRUCTURE AND

**ENGINEERING WORKS** 

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

- 1. C01 Statutory Time Limit
- 2. The development shall be carried out in accordance with the following approved plans and documents:
  - C4307-AHR-XX-XX-DR-A-9003 Rev P3 Site Location Plan
  - C4307-AHR-XX-GF-DR-A-0530 Rev P2 Proposed GF Plan
  - C4307-AHR-XX-GF-DR-A-9004 Rev P3 Proposed GF Site Plan
  - C4307-AHR-XX-MZ-DR-A-0531 Rev P2 Proposed Mezzanine Plan
  - C4307-AHR-XX-01-DR-A-0532 Rev P2 Proposed Level 1 Floor Plan
  - C4307-AHR-XX-23-DR-A-0534 Rev P2 Proposed Level 23 Floor Plan
  - C4307-AHR-XX-27-DR-A-0535 Rev P2 Proposed Level 27 Floor Plan
  - C4307-AHR-XX-28-DR-A-0536 Rev P2 Proposed Level 28 Floor Plan
  - C4307-AHR-XX-RF-DR-A-0537 Rev P2 Proposed Roof Plan
  - C4307-AHR-XX-XX-DR-A-9002 Rev P3 Proposed Roof Site Plan
  - C4307-AHR-XX-ZZ-DR-A-0500 Rev P3 Proposed Floor Plan Summary
  - C4307-AHR-XX-ZZ-DR-A-0511 Rev P2 Proposed North, North-

- West and South Elevation
- C4307-AHR-XX-ZZ-DR-A-0512 Rev P2 Proposed East Elevation
- C4307-AHR-XX-ZZ-DR-A-0513 Rev P2 Proposed West Elevation
- C4307-AHR-XX-ZZ-DR-A-0514 Rev P2 Proposed West, South-West Elevations
- C4307-AHR-XX-ZZ-DR-A-0516 Rev P2 Proposed Terrace Elevations
- C4307-AHR-XX-ZZ-DR-A-0520 Rev P3 Proposed Sections
- C4307-AHR-XX-ZZ-DR-A-0521 Rev P2 Proposed Sections Zoom
- C4307-AHR-XX-ZZ-DR-A-0522 Rev P2 Proposed Elevation Detail
   West and NE Blocks
- C4307-AHR-XX-ZZ-DR-A-0523 Rev P2 Proposed Elevation Detail
   Central Block
- PRRD-01 Public Realm Site Plan Boundary

Reason: To avoid doubt and confusion as to the approved plans.

- 3. Material Samples: Notwithstanding condition 2, prior to their application on site, samples of the external finishing materials shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to occupation. Reason: To ensure a satisfactory finished appearance to the development, in accordance with Policy KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).
- 4. Architectural Detailing: Prior to commencement of the building's elevation construction work, drawings showing the architectural detailing of the depths of the reveals shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be brought into beneficial use until the approved drawings are implemented. Reason: To ensure a satisfactory finished appearance to the development, in accordance with Policy KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).
- 5. Public Realm Works Scheme: No above ground works shall be commenced until a scheme of public realm improvement works to the footways and carriageway adjacent to the site on Guildford Crescent, Guildford Street and Churchill Way, as shown outlined in red on drawing no. PRRD-01, has been submitted to and approved in writing by the Local Planning Authority (LPA). The scheme shall include timescales for its implementation and the removal and reinstatement of the enabling Construction Logistics scheme, to include but not be limited to; the provision of a public space at the junction of Churchill Way and Guildford Street; the relocation of the vehicle entrance to the Crescent from Guildford Street to Churchill Way; the widening of the footway along the eastern side of Guildford Crescent to between 4.0m-4.7m; the resurfacing of the footways and carriageway throughout the area to match the materials to be used on wider highway/public realm works in the surrounding area; the provision of cycle lanes through the area; the replacement and provision of street lighting; the provision of tree planting and improvements to the stepped access between Guildford Crescent and

Churchill Way. The works shall include surfacing, kerbs, edging, drainage, lighting, lining, signing, telematics, traffic orders, trees, soft landscaping and street furniture. The agreed scheme is to be implemented to the satisfaction of the LPA in accordance with timescales to be agreed through the Scheme.

Reason: To ensure the reinstatement of the public highway and provide an improved public realm environment to facilitate safe commodious access to and use of the proposed development, in accordance with Policies KP5, T1, T5 and T6 of the adopted City of Cardiff Local Development Plan (2006-2026).

- 6. Cycle Parking: Notwithstanding the approved plans C4307-AHR-XX-GF-DR-A-0530 Rev P2 - Proposed GF Plan; C4307-AHR-XX-GF-DR-A-9004 Rev P3 - Proposed GF Site Plan; C4307-AHR-XX-MZ-DR-A-0531 Rev P2 - Proposed Mezzanine Plan and C4307-AHR-XX-01-DR-A-0532 Rev P2 -Proposed Level 1 Floor Plan, prior to beneficial occupation of the development, a cycle parking details scheme showing the provision of 272 cycle parking spaces (comprising a minimum of 20% accessible ground based stands, 50% of the two tier racks to have trav centres of 500mm and the remaining to be a minimum of 375mm centres), and appropriate access to them, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the development being put into beneficial use. Thereafter the cycle parking spaces shall be maintained and shall not be used for any other purpose. Reason: To ensure that adequate provision is made for the sheltered and secure parking of cycles, Policy T5 of the adopted City of Cardiff Local Development Plan (2006-2026).
- 7. Construction Environmental Management Plan: Prior to commencement of the building's elevation construction work, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The approved CEMP shall be adhered to throughout the construction period and should include details of:
  - i. General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain;
  - ii. Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use with particular attention of Safe Storage of Oil regulations;
  - iii. Traffic Management: details of site deliveries, highways/footway closures, plant on site, wheel washing facilities;
  - iv. Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan;
  - v. Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details;

vi. A dust assessment with measures to monitor and control the emission of dust and dirt during demolition and construction;

Reason: In the interests of highway safety and public amenity, in accordance with Policies KP5, T6, EN6, EN7 and EN13 of the adopted City of Cardiff Local Development Plan (2006-2026).

8. Construction Logistics Plan: Prior to the commencement of development a Construction Logistics general arrangement plan and phasing programme for its delivery, setting out a scheme of works to provide the site construction compound and access/egress arrangements, is to have been submitted to and approved in writing by the Local Planning Authority (LPA). The scheme is to include the construction/reconstruction of the compound area and any additional highway works required or impacted by the scheme, including but not be limited to, surfacing, kerbs, edging, drainage, telematics, lighting, lining and signing required as a consequence of the scheme. The agreed scheme to be implemented to the satisfaction of the LPA.

Reason: In the interest of highway safety and to limit the impact of the works on use of the adjacent highway, in accordance with Policy T6 of the adopted City of Cardiff Local Development Plan (2006-2026).

- 9. Travel Plan: Prior to beneficial occupation of the development hereby approved, a Travel Plan shall be submitted to, and approved in writing by the Local Planning Authority. The Travel Plan shall include, but not limited to, the promotion of walking, cycling, public transport and other alternatives to the ownership and use of private cars.
  - Reason: In the interest of sustainability and to limit the impact of the development on use of the adjacent highway, in accordance with Policies T1, T5 and T6 of the adopted City of Cardiff Local Development Plan (2006-2026).
- 10. Post-Build Noise Survey: 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 the C4307-MACH-ZZ-ZZ-RP-YA-9000 P02, dated 18/03/2021) and 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
  - 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 existing and future occupiers are protected, in in accordance with Policies EN13 and KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).

11. Sound Insulation: A scheme of sound insulation works to the floor and ceiling structure between the commercial and residential amenity levels shall be submitted to and agreed by the Local Planning Authority in writing and implemented prior to occupation. Reference must made to the specific use, acoustic qualities, support from a competent person and relevant British Standards.

Reason: To ensure that the amenities of existing and future occupiers are protected, in accordance with Policies EN13 and KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).

- 12. Operation Hours: No member of the public shall be admitted to or allowed to remain on the premises outside the hours of 08:00 and 12:00 (midnight) on Sunday to Thursdays and 08:00 01:00 on Friday and Saturdays. Reason: To ensure that the amenities of existing and future occupiers are protected, in in accordance with Policies EN13 and KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).
- 13. Delivery Hours: There shall be no arrival, departure, loading or unloading of delivery vehicles outside the hours of 07:00 20:00. Reason: To ensure that the amenities of existing and future occupiers are protected, in in accordance with Policies EN13 and KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).
- 14. Plant Noise: The rating level of the noise emitted from fixed plant and equipment on the site shall not exceed 10db below background noise level at the new and existing noise sensitive premises, when measured and corrected in accordance with BS 4142: 2014 +A1 2019 (or any British Standard amending or superseding that standard).

  Reason: To ensure that the amenities of existing and future occupiers are protected, in in accordance with Policies EN13 and KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).
- 15. Plant Extraction Odour: If at any time the use of the premises is to involve the preparation and cooking of hot food the extraction of all fumes from the food preparation areas shall be mechanically extracted to a point to be agreed with the Local Planning Authority, and the extraction system shall be provided with a de-odorising filter. Details of the above equipment shall be submitted to, and approved by, the Local Planning Authority in writing and the equipment installed prior to the commencement of use for the cooking of food. The equipment shall thereafter be maintained in accordance with the manufacturers' guidelines, such guidelines having previously been agreed by the Local Planning Authority in writing. Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected, in accordance with Policies EN13 and KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).

16. Ground Gas Protection: Prior to the commencement of any development works 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.

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.

'Gases' include landfill gases, vapours from contaminated land sites, and naturally occurring methane and carbon dioxide, but does not include radon gas. Gas Monitoring programmes should be designed in line with current best practice as detailed in CIRIA 665 and BS 8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy EN13 of the adopted City of Cardiff Local Development Plan (2006-2026).

- 17. Contaminated Land Measures 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. This assessment must be carried out by or under the direction of a suitably qualified competent person \* in accordance with BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and shall assess any contamination on the site, whether or not it originates on the site. The report of the findings shall include:
  - (i) not required
  - (ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present.
  - (iii) an assessment of the potential risks to:
    - human health,
    - groundwaters and surface waters
    - adjoining land,
    - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
    - ecological systems,
    - archaeological sites and ancient monuments; and
    - any other receptors identified at (i)

(iv) an appraisal of remedial options, and justification for the preferred remedial option(s).

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WG / NRW guidance document 'Land Contamination: A guide for Developers' (2017), unless the Local Planning Authority agrees to any variation.

\* A 'suitably qualified competent person' would normally be expected to be a chartered member of an appropriate professional body (such as the Institution of Civil Engineers, Geological Society of London, Royal Institution of Chartered Surveyors, Institution of Environmental Management) and also have relevant experience of investigating contaminated sites.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy EN13 of the adopted City of Cardiff Local Development Plan (2006-2026).

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

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WG / NRW guidance document 'Land Contamination: A guide for Developers' (2017), unless the Local Planning Authority agrees to any variation.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy EN13 of the adopted City of Cardiff Local Development Plan (2006-2026).

19. Contaminated Land Measures - Remediation & Verification: The remediation scheme approved by condition 18 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.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WG / NRW guidance document 'Land Contamination: A guide for Developers' (2017), unless the Local Planning Authority agrees to any variation.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy EN13 of the adopted City of Cardiff Local Development Plan (2006-2026).

20. Contaminated Land Measures – Unforeseen Contamination: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place unless otherwise agreed in writing until a scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the LPA within 2 weeks of the discovery of any unsuspected contamination.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy EN13 of the adopted City of Cardiff Local Development Plan (2006-2026).

21. Imported Aggregates: Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of

investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported material is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy EN13 of the adopted City of Cardiff Local Development Plan (2006-2026).

22. Use of Site Won Materials: Any site won material including soils, aggregates, recycled materials shall be assessed for chemical or other potential contaminants in accordance with a sampling scheme which shall be submitted to and approved in writing by the Local Planning Authority in advance of the reuse of site won materials. Only material which meets site specific target values approved by the Local Planning Authority shall be reused.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy EN13 of the adopted City of Cardiff Local Development Plan (2006-2026).

- 23. A3 Use: Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any Order amending or revoking or reenacting that Order) the premises within the building hereby permitted on approved plan drawing number C4307-AHR-XX-GF-DR-A-0530 Rev P2 shall be used as a restaurant/coffee shop/café (excluding a vertical drinking establishment) and for no other purpose within Class A3. Reason: Other uses within Class A3 could prejudice the amenities of the area, in accordance with Policies KP5, R8 and EN13 of the adopted City of
- 24. Hot Food Takeaway: Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any Order amending or revoking and re-enacting that Order) no sale of hot food for consumption off the premises shall take place from the premises.

Cardiff Local Development Plan (2006-2026).

Reason: To ensure that the amenities of existing and future occupiers are protected, in in accordance with Policies EN13 and KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).

- 25. Roof Terrace Landscaping: No works to the level 1 communal roof terrace shown on approved plan drawing number C4307-AHR-XX-01-DR-A-0532 Rev P2 shall take place until details of the landscaping measures have been submitted to and approved in writing by the Local Planning Authority. Reason: To maintain and improve the appearance of the area in the interests of visual amenity, in accordance with Policy KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).
- 26. Drainage and Water Supply: No above ground development shall take place until a scheme for the drainage of the site, water supply and any connection to the existing drainage system has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the scheme is carried out and completed as approved. Reason: To ensure an orderly form of development and to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment, in accordance with Policies EN10 and EN11 of the adopted City of Cardiff Local Development Plan (2006-2026).

**RECOMMENDATION 2:** The Construction Logistics and Public Realm works, along with any other works to the existing public highway, are to be subject to S278 Highways Act 1980 agreements between the developer and Council. All works to be completed in accordance with the approved plans and to the satisfaction of the Council.

The eastern footpath running alongside the Network Rail retaining wall and application site/Masonic Hall is to be stopped-up by way of a S257 T&CPA 1990 Order. The Order to be made prior to closure of the footpath by application to LPA following grant of planning permission. Stopping-up and closure of the footpath to apply to the full width/length, between its junctions with Station Terrace to the north and Guildford Crescent to the south.

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

- (i) determining the extent and effects of such constraints;
- (ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site;
  - Unprocessed / unsorted demolition wastes.
  - Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.

- Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and
- (iii) the safe development and secure occupancy of the site rests with the developer.

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

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

**RECOMMENDATION 4:** 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.

**RECOMMENDATION 5:** Since January 7th 2019, all new developments of more than 1 house, or where the construction area is 100 square metres or more, require sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by the Welsh Ministers.

These systems must be approved by the local authority acting in its SuDS Approving Body (SAB) role before construction work begins. The SAB will have a duty to adopt compliant systems so long as they are built and function in accordance with the approved proposals, including any SAB conditions of approval.

**RECOMMENDATION 6:** The applicant is advised to liaise with South Wales Police and contact Jon Brown; 01656 655555 ext: 29238, Jon.Brown@south-wales.pnn.police.uk).

**RECOMMENDATION 7**: The applicant is advised to liaise with TFW/AIW to determine the interface with any assets, buried or otherwise and by entering into a Basic Asset Protection Agreement.

**RECOMMENDATION 8**: The applicant is advised to contact the Glamorgan Gwent Archaeological Trust if archaeological features are found that may be disturbed during the course of the construction work.

**RECOMMENDATION 9:** Given that the size of the bin store and number of bins proposed do not meet the Council's recommendations, any future requests to use the domestic Council collection service will not be possible.

# 1. DESCRIPTION OF PROPOSED DEVELOPMENT

- 1.1 The application seeks full planning permission for the construction of a 30-storey tower comprising 272 'Build to Rent' residential units (Use Class C3). The units will be split into 140x 1-bedroom flats and 132x 2-bedroom flats and will include purpose built internal and external communal spaces, ancillary cycle storage and refuse storage. The ground floor will comprise 380sqm of commercial floorspace (flexible A1, A2, A3, B1, D1 and D2 Use Classes) which could provide up to four individual units. The commercial uses will utilise the retained frontages of the previously demolished buildings and will have a double height internal ceiling height.
- 1.2 The design of the tower will be viewed as three blocks that vary from 30 storeys (the main central block) to 26 storeys (the western block) to 22 storeys (the north-eastern wrap-around block). The front western block will be set-back from the adjoining Masonic Hall by 6 metres and the rear north-eastern block will be set-back by 3.2 metres.
- 1.3 The ground floor level fronting Guildford Crescent will also accommodate the main entrance to the residential apartments, with refuse and secure bike storage areas to the rear and mezzanine level. There will be two entrances to the cycle storage, one from the main entrance and another from the footpath that runs to the rear of the building. Plant rooms and water tank rooms will also be located at ground floor level. A level of residential amenity space at level 1 will separate the commercial and private residential space.
- 1.4 The residential units will be 'Build to Rent' (BTR) which means that all residential apartments will be available for rent on a longer-term basis from a single institutional investor and the units will not be available to purchase individually. The residential element of the development will include the following communal amenity spaces:
  - 235sqm Level 1 indoor communal area comprising a mix of uses, all ancillary to the main residential use (i.e. gym, games area, lounge, dining room)
  - 194sqm Level 1 external communal terrace area, providing a series of 'pocket' spaces similar to individual patios
  - 204sqm Level 27 external communal terrace area
- 1.5 The façade of the building will be constructed of a white acid etched precast concrete façade system with feature profiled and integral aluminium framed

windows. The fenestration will have spandrel and side panels proposed in a copper brown colour on the western and north-eastern blocks and grey on the grey block. The windows will be inward tilting and will measure 2.15 metres high and 1.8 metres wide to living rooms and 1.2 metres wide to bedrooms At the street level the proposal sees the retention of the majority of the Guildford Crescent façade and the reconstruction of the original pitched roofs. PV panels and a 'blue roof' system will be incorporated to part of Level 27 and on the roof of the tallest 30 storey block.

- 1.6 The development is proposed to be car free and as such does not include any on-site resident or employee car parking. Servicing will generally also be provided from street, in a similar way to the site as previously managed and as currently the case for the hotel to the south. The eastern footpath running along the rear of the Masonic Hall and the application site (up against the rail retaining wall) is proposed to be stopped-up and used for a controlled shared service route to the development and the Masonic Hall. Controlled gated access would be provided at both ends, with the public street lighting removed and replaced with new lighting served by the development.
- 1.7 The proposals were subject to a screening opinion under the Environmental Impact Assessment Regulations 2017 in February 2021 (ref: SC/20/00011/MJR). It was the Council's opinion that an Environmental Statement was not required to enable the Local Planning Authority to understand and consider the likely environmental effect of the proposal.

# 2. DESCRIPTION OF SITE

- 2.1 The application site comprises a roughly triangular shaped plot of brownfield land fronting Guildford Crescent. The site was formerly occupied by six late-19<sup>th</sup> century terraced buildings arranged in a curve along the street. These were occupied by restaurants and a music venue prior to their demolition in September 2019. The frontage of the properties remains intact and are currently being supported by scaffolding.
- 2.2 Adjoining the site to the north is the Grade II listed Masonic Hall (former United Methodist Free Church) beyond which is an associated small surface car park. This was built around 1863 and converted by the Freemasons approximately 30 years later. Whilst the site is not located within a conservation area, the Churchill Way Conservation Area and the Charles Street Conservation Area lie in close proximity to the north-west. The former Welsh Presbyterian Chapel (The Chapel) is a further Grade II listed building opposite the site on the corner of Churchill Way and Bridge Street. The site does not contain any statutory or non-statutory environmental designations.
- 2.3 Running parallel to the east of the site is a public pedestrian footway, with the Taff Vale railway line that facilitates train services from Cardiff to Pontypridd beyond this. To the south is Guildford Crescent which leads to the Sandon Street to the south-east via a railway bridge. The Ibis Cardiff Hotel lies directly opposite the site to the south. To the west is Churchill Way, with an MCP Rapport Car Park and Ivor House further to the east. The Motorpoint Arena lies

- to the south-west and further afield are Cineworld cinema and the nearby St David's 2 Shopping Centre.
- 2.4 There are a number of tall buildings in the area including the 26-storey Bridge Street Exchange student accommodation tower located opposite the site at Bridge Street, Admiral Building (14 storeys) lying further west beyond the car park, Landmark Place (18 storeys) and Helmont House which lies opposite the site to the north which is 18 storeys.
- 2.5 The site is currently accessed by vehicles to the south, adjacent to the pedestrian footway which runs to the rear parallel to the railway lone. Guildford Crescent is a one-way road that runs beneath the Taff Vale railway bridge to the south-east, at which point it becomes Sandon Street and provides access to the University of South Wales Atrium car park. A dedicated cycle lane is incorporated into Guildford Crescent and Sandon Street (not segregated), which joins the A470/Adam Street at a T-junction between the University of South Wales and Cardiff Prison.
- 2.6 The site is well served by public transport within an easy level walk of Queen Street rail station (250m to the north-east), bus services on Churchill Way (100m to 200m north and west), car share and Nextbike sites, along with access to all the service, amenities, employment and leisure facilities such a central location affords.
- 2.7 The site is located within the Central Business Area of the adopted Cardiff Local Development Plan. It is also located within Flood Zone A, which is categorised as being at little or no risk of fluvial or coastal/tidal flooding. The site is not located within an Air Quality Management Area (AQMA).

# 3. RELEVANT SITE HISTORY

- 18/02874/MJR: Prior approval for the demolition of 1-6 Guildford Crescent and the buildings/structures to the rear, whilst retaining the front facades. Permitted: 18/07/2019
- SC/20/00011/MJR: Screening opinion for the subject development. Environmental Statement not required. Response sent: 18/02/2021

#### 4. POLICY FRAMEWORK

- 4.1 The following national planning policy and guidance is considered to be of particular relevance:
- 4.2 National Development Framework: Future Wales 2040 (February 2021)
- 4.3 Policy Wales (PPW) (Edition 11, February 2021)
- 4.4 Building Better Places (July 2020)
- 4.5 The following Technical Advice Notes (TANs) are relevant:

- TAN 12: Design (March 2016)
- TAN 24: The Historic Environment (May 2017)
- 4.6 The following local planning policy and guidance is considered to be of particular relevance:

#### 4.7 Cardiff Local Development Plan 2006-2026:

- KP3(B) Settlement Boundaries
- KP5 Good Quality and Sustainable Design
- KP7 Planning Obligations
- KP8 Sustainable Transport
- KP12 Waste
- KP13 Responding to Evidenced Social Needs
- KP14 Healthy Living
- KP15 Climate Change
- KP16 Green Infrastructure
- KP17 Built Heritage
- KP18 Natural Resources
- H3 Affordable Housing
- H6 Change of Use or Redevelopment to Residential Use
- EN6 Ecological Networks and Features of Importance for Biodiversity
- EN7 Priority Habitats and Species
- EN9 Conservation of the Historic Environment
- EN10 Water Sensitive Design
- EN11 Protection of Water Resources
- EN12 Renewable Energy and Low Carbon Technologies
- EN13 Air, Noise, Light Pollution & Land Contamination
- T1 Walking & Cycling
- T5 Managing Transport Impacts
- T6 Impact on Transport Networks and Services
- W2 Provision for Waste Management Facilities in Development
- R6 Retail Development (Out of Centre)
- R8 Food and Drink Uses
- C3 Community Safety/Creating Safe Environments
- C5 Provision for Open Space, Outdoor Recreation, Children's Play and Sport
- W2 Provision for Waste Management Facilities in Development

# 4.8 <u>Supplementary Planning Guidance:</u>

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

- Green Infrastructure Consultation Draft (2017)
- Managing Transportation Impacts (Incorporating Parking Standards) (July 2018)
- Planning Obligations (2017)
- Waste Collection and Storage Facilities (October 2016)
- Infill Sites (November 2017)
- Tall Buildings (January 2017)

Planning for Health and Wellbeing (November 2017)

#### 4.9 Other Material Considerations:

- Churchill Way Conservation Area Appraisal (2009)
- Charles Street Conservation Area Appraisal (2009)

#### 5. INTERNAL CONSULTEE RESPONSES

- Transportation: The development is proposed to be car free and as such does not include any on-site resident or employee car parking. Servicing will generally also be provided from the street, in a similar way to the site as previously managed and as is currently the case for the hotel to the south. The principle of servicing from the street is well established in the city and it is noted that a service layby already exists immediately south of and adjacent to the site. The zero parking nature of the proposed development is considered to be policy compliant and therefore acceptable, in this respect car parking standards are expressed as a maximum, with no minimum requirement, supporting a move away from reliance on the ownership and use of private cars.
- 5.2 The site is located in a highly sustainable location with excellent access to public transport. Also due to the constrained size of the plot, officers have agreed to accept a provision of 1 cycle space per apartment. To ensure that the spaces are sufficiently accessible and can be used for all types of bicycles, the cycle parking details condition requests that there are a minimum of 20% accessible ground based stands and 50% of any two tier racks having tray centres of 500mm, with the remaining 50% having tray centres of a minimum of 375mm.
- 5.3 Given the sustainable location of the site and otherwise acceptable policy compliant form of development, officers conclude that any objection on Transportation grounds would be unsustainable and any reason for refusal on this basis would not withstand challenge. Officers therefore raise no objection to the application subject to the following conditions; cycle parking details, Construction Management Plan, Construction Logistics Plan, highway public realm works and a Travel Plan.
- 5.4 An advisory note has also been included to remind the applicant that the Construction Logistics and public realm works, along with any other works to the existing public highway, are to be subject to S278 Highways Act 1980 agreements between the developer and Council. Further, the eastern footpath running alongside the Network Rail retaining wall and application site/Masonic Hall is to be stopped-up by way of a S257 T&CPA 1990 Order.
- 5.5 Refer to para's 8.46 8.53 for detailed comments on transportation.
- 5.6 <u>Waste:</u> The supporting documentation indicates that all refuse will be collected privately with a more frequent collection schedule. The Waste Officer states that the refuse store for the commercial units as shown on the submitted plans is acceptable. As such, no objection has been raised.

- 5.7 An advisory note has been included reminding the applicant that any future requests to use the domestic council collection service would not be possible. This is due to the size of the bin store and number of bins proposed does not meet the Council's recommendations.
- Affordable Housing: In line with the Local Development Plan (LDP), an affordable housing contribution of 20% of the 272 units (54 units) is sought on this brownfield site or a financial contribution of £4,181,800. This has been calculated in accordance with the formula in the Planning Obligations—Supplementary Planning Guidance (SPG) (2017).
- 5.9 <u>Regeneration:</u> Officers note that the Cardiff Planning Obligations SPG (Section 8 Community Facilities) states that "growth in population arising from new development generates demand for and increases pressure on community facilities". To meet the needs of future residents, it may be necessary to meet this additional demand through:
  - The provision of new facilities,
  - The extension to, or upgrading of existing facilities.
- 5.10 If no onsite provision is proposed, a financial contribution is sought on residential developments containing 25 or more new dwellings where it has been identified that investment in community facilities will be required to meet the needs of the new population.
- 5.11 The formula in the SPG is based on the number of bedrooms and associated occupancy figures per dwelling. In summary, a contribution of £232,559.10 is requested.
- 5.12 <u>Trees:</u> The development will not impact existing trees. The Tree Officer provided comments in relation to the public realm works stating that they would welcome increased soft landscaping at this location, including trees. Services are likely to significantly constrain the scope for large volume, below ground tree pits, but it is advised that large volume open planters or large volume below ground tree pits are much preferred to the large 'plant pot' style planters. Further comments will be provided at the discharge of condition stage for the public realm works.
- 5.13 <u>Ecology:</u> Concerns were raised that the re-created roof of Guildford Crescent will be tied into the Masonic Hall. Officers requested that an Inspection Report is provided to see if there are any gaps or holes which bats could exploit which would subsequently be affected by construction. The applicant provided an Inspection Report, prepared by Soltys Brewster Ecology, dated 17/12/2020. The Ecology Officer confirms that the report demonstrates that the applicant has considered the possibility of bats in the Masonic Hall building being affected by the proposed development, and ruled out any likely significant impact. It is also noted that that the proposed building will be freestanding and not connected to the Masonic Hall and so the impact on potential bats is even more unlikely. As such, no objection is raised.

- 5.14 **Parks**: These comments relate to the current LDP Policy C5 (Provision for Open Space, Outdoor Recreation, Children's Play and Sport; KP16 Green Infrastructure), and the Planning Obligations SPG which set out the Council's approach to open space provision.
- 5.15 The Council's LDP requires provision of a satisfactory level and standard of open space on all new housing/student developments, or an off-site contribution towards existing open space for smaller scale developments where new on-site provision is not applicable.
- 5.16 Based on the information provided on the number and type of units, officers have calculated the additional population generated by the development to be 419.6. This generates an open space requirement of 1.02 ha of on-site open space based on the criteria set for housing accommodation, or an off-site contribution of £435,356.
- 5.17 As no public open space is being provided on-site, Parks Officers have requested that the developer makes 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, informal recreation 1000m, and formal recreation 1500mm, measured from edge of the site.
- 5.18 Parks Officers welcome the addition of additional planting on the roof terraces on Level 1 to be provided by condition.
- 5.19 Pollution Control (Noise): Officers have reviewed the supporting Environmental Noise Report, prepared by Mach Acoustic Ltd (ref: C4307-MACH-ZZ-ZZ-RP-YA-9000 P02, dated 18/03/2021) and the Train Induced Vibration and Assessment Report (ref: 28428/VAR1, dated 01/02/2021).
- 5.20 The Environmental Noise Report assesses the existing day and night noise from traffic, the railway and existing plant noise, and details the differences between two sets of facades. The report recommends the minimum sound reduction required at for each façade, roof construction and windows, so that good internal acoustics can be achieved. Further, in order to achieve this, windows are closed, with core reliance on Mechanical Ventilation Heat Recovery system, but also affording future residents the choice to open windows for ventilation too.
- 5.21 There are also concerns that insufficient consideration to the night-time economy has been assessed, namely the Motorpoint Area (agent of change principle). The Noise Report has not considered any proposed external area and the expected noise levels of control measures. During pre-application discussions it was advised that any external amenity space should not have at least 50% of the space not exceeding 55db LAeq 16 hour. The communal

external amenity spaces are present in the lesser sensitive areas (based on the facades noise levels in the report) so this should have been considered within the report. In the absence of this, the Noise Officer has recommended a pre-occupation validation noise survey via condition, to ensure that the noise levels are properly considered before occupation of the development. (Refer to para's 8.40 - 8.42 for further discussion on the agent of change principle).

- 5.22 In light of the above, the Noise Officer has raised no objection, subject to conditions to ensure that the amenities of future occupiers are protected. These conditions relate to sound insulation measures between the commercial and the residential uses, operation hours/servicing hour restrictions, plant noise and plant extraction odour conditions. Later operation hours were agreed due to the floor immediately above the commercial units being a shared space and not a private residency and also due to the internal noise mitigation measures and plant noise conditions being applied.
- 5.23 No objection is raised from the vibration of the railway line and the report has recommended solid construction to ensure doses are not exceeded.
- 5.24 **Pollution Control (Air Quality):** Air Quality Officers have assessed the supporting Air Quality Assessment, prepared by 'Redmore Environmental', dated 01/07/2021 (ref: 4174-1P03). This states that the potential air quality impacts during the operational phase have been assessed as 'not significant'. As such, officers are satisfied with this outcome and have no concerns.
- 5.25 For the construction phase, Table 17 of the report states that unmitigated dust soiling risks have been rated as 'medium', with Table 18 outlining mitigation measures in place. The assessment states that "Assuming the relevant mitigation measures outlined in Table 18 are implemented, the residual impacts from all dust generating activities is predicted to be not significant, in accordance with the IAQM guidance". Therefore, a condition has been requested to ensure that the dust mitigation measures outlined are reviewed prior to commencement and incorporated into the Construction Environmental Management Plan (CEMP). Subject to this condition, no objection is raised.
- 5.26 <u>Pollution Control (Contamination)</u>: Contamination Officers have assessed the supporting Ground Investigation Report, prepared by 'Johnson Poole & Bloomer', dated 06/04/2021 (ref: UC453-246/TNO). This report includes a detailed assessment of potential ground gas and contamination, and the associated risks to human health and the environment.
- 5.27 In relation to human health, the investigations identify elevated carbon dioxide levels, classifying the site as 'Characteristic Situation 2'. This will require the inclusion of ground gas protection measures in the design of the development and protective measures and site practices in place for construction and maintenance workers. The submission for approval of the proposed ground gas protection measures and verification plan, including the subsequent provision of a validation report is required in relation to this. In addition, asbestos was identified within the made ground which will require the implementation of protective measures and site practices.

- 5.28 In relation to the environment, supplementary investigation works are recommended to robustly assess any potential chemical contaminant impact on the deeper groundwater regime. Remediation/mitigation options are included as part of the report which will need to be reviewed on completion of the proposed supplementary works and should be used to produce a remediation strategy and verification plan submitted for approval. A remediation validation report, meeting the requirements of such a plan will also need to be submitted for approval.
- 5.29 Should there be 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.
- 5.30 Notwithstanding the above, conditions and advisory notes in accordance with CIEH best practice have been recommended to ensure that the safety of future users is not prejudiced in accordance with Policy EN13 of LDP. The following standard conditions have been recommended; ground gas protection, contamination land measures (assessment, remediation and verification plan, remediation and verification, unforeseen contamination) and imported aggregates, use of site won materials. A contamination and unstable land advisory note has also been included.
- 5.31 **Schools:** This development is below the threshold of where officers would make a claim. If the number of units changes, then re-assessment would be made, but currently there is no claim from Schools brought against this application.

#### 6. <u>EXTERNAL CONSULTEE RESPONSES</u>

- 6.1 <u>Dwr Cymru Welsh Water (DCWW)</u> stated that it is necessary for the developer to fund the undertaking of a hydraulic modelling assessment on the water supply network.
- 6.2 In terms of sewerage, DCWW considered the impact of foul flows generated by the proposed development and concluded that flows can be accommodated within the public sewerage system. They advised that the flows should be connected to the on-site foul drainage, serving the existing site which indirectly connects to the combined sewer in Guildford Crescent. No new connection direct to the brick egg sewer would be allowed. A drainage layout or strategy would be required as a condition.
- 6.3 DCWW raised an objection due to a large diameter (900mm) brick egg sewer being located on the road and pavement on Guilford Crescent adjacent to the development site boundary. They advised that this sewer has a protection zone of 5 meters either side the centreline of the sewer in which no development, including the raising or lowering of ground levels can take place. Having

reviewed the proposed site plan, they stated that it is unclear whether the existing buildings located on the development site located adjacent to the sewer are to be re-utilized or demolished in order for a new building to be constructed.

Officer comments: The applicant has confirmed that they are in discussions with DCWW and that the development will not extend any closer to the easement of the egg brick sewer than that of the retained facades. They state that it is apparent that the easement issue is not strictly a planning concern but an asset protection/commercial one that will necessitate detailed dialogue and collaborative working with DCWW post-planning. The applicant has made the following comments:

"We understand the 'fragile' nature of the historical brick egg sewers across Cardiff. The sewer adjacent to the site had been identified at an early stage of the structural design and the design construction methodology considered to date has been designed such a way as to avoid loading the brick egg sewer or inducing settlement that could damage it.

This is being achieved by a combination of the following which will be further developed as the design of the building continues in detail, post planning

- Ground movement assessments to analyse expected settlement during excavations on site and as the structure loads the ground
- Ground movement isolation techniques such as permanent perimeter piled wall with perimeter movement joint to isolate the heavily loaded ground below the structure from adjacent areas.
- The use of low vibration piling techniques.
- The use of sleeved piling if necessary to lower the ground stress in the construction and permanent condition if deemed necessary by the Ground Movement Analysis.
- Designing foundations with tight settlement tolerances in the permanent condition to eliminate 'ground drag/ movement'"
- 6.5 Notwithstanding this, officers have recommended a pre-commencement condition related to drainage and water supply to ensure that DCWW's comments are sufficiently addressed.
- 6.6 Transport for Wales (TFW) / Amy Infrastructure Wales (AIW): Given that the site is next to AIW managed infrastructure, AIW have requested that the applicant engages with them to determine the interface with any assets, buried or otherwise and by entering into a Basic Asset Protection Agreement. Whilst AIW and TFW do not object to the development in totality, they have a number of concerns regarding the overhang, windows, the access lane, vibrations, wind effects, drainage boreholes and vegetation that must be addressed in order to ensure the safety and functionality of the operational railway in this area.
- 6.7 The applicant has confirmed that they are fully engaged in discussions and so an advisory note has therefore been included.
- 6.8 Glamorgan Gwent Archaeological Trust (GGAT): GGAT have noted the

previous development of the site (now demolished, with the exception of the street frontage) is likely to have had an adverse effect on any potential archaeological remains that may have pre-dated the 19th century construction activities. They also note the partially preserved street frontage of the proposal.

- 6.9 Overall it is considered unlikely that significant archaeological remains will be encountered during the course of the proposed groundworks. As a result there is unlikely to be an archaeological restraint to this proposed development and consequently GGAT have no objections to the positive determination of this application. The record is not definitive, however, and features may be disturbed during the course of the work. An advisory note has therefore been included.
- 6.10 **South Wales Police (SWP**): SWP have raised no objection but have provided a number of security-related recommendations. An advisory note has been included.
- 6.11 <u>Cadw</u> note the designated historic assets located within 3km of the proposed development. A Heritage Impact Assessment has been prepared by Lichfields that has considered the impact of the proposed development on all designated heritage assets that could be affected. This has concluded that there will be no significant impact on the settings any designated heritage assets. Cadw therefore have no objection to the proposed development with regard to any scheduled monuments or registered historic parks and gardens.

# 7. REPRESENTATIONS

- 7.1 The application was subject to a 21-day consultation period, being advertised by press and site notices as a major application and neighbours and local members were notified.
- 7.2 Jo Stevens MP has objected, as follows:
- 7.3 "On behalf of numerous constituents, I write to object to the above-named planning application. As part of the pre-application consultation process, I presented a petition signed by 509 people against the proposal. The application and proposals that have now been lodged are barely different to those contained within the initial consultation, except for an increase in the number of units proposed.
- 7.4 My primary concerns about the proposals are as follows:

# **Quality of Design**

- 7.5 Cardiff Tall Buildings Supplementary Planning Guidance (SPG) requires that proposals for tall buildings need to demonstrate an exceptional standard of design and that there should be no negative impacts on important views and vistas. This proposal does not, in my view, fulfil these design requirements.
- 7.6 The proposed scheme is not a high-quality design. In terms of massing, it does not adequately address the existing Guildford Crescent buildings and treats them as

- a poor attempt at facadism. The scale and massing of the 29-storey tower and the 2-storey crescent is not acceptable and is contrary to LDP policy KP5 Good Quality and Sustainable Design and the Tall Buildings SPG.
- 7.7 The Supplementary Planning Guidance states that any proposal should be a positive feature in the skyline and streetscape, either by complementing a cluster of tall buildings or forming a strategic landmark. I am not convinced that the proposed design is of a quality which forms a landmark feature, nor does it exhibit exceptional architectural standards: elegance in form, silhouette and quality of materials.
- 7.8 I also note that in the consultation response, the developers argue this development is in keeping with surrounding buildings, namely the Motorpoint Arena but the future of this site is in doubt as a new, larger arena is to be built in Cardiff Bay.

# Impact on conservation area /listed building

- 7.9 I note that a key policy consideration this application must be assessed against is: Does the proposal preserve and, where appropriate, enhance the setting, significance and special architectural or historic interest of listed buildings?
- 7.10 The character of the Churchill Way conservation area will be impacted by a building of this scale.

# Clustering of tall buildings

7.11 The proposal for this 29-storey block should be considered in terms of the impact on the microclimate in this part of the city centre especially given the location of the 26-storey tower at Bridge Street opposite.

# <u>Assessment of Housing Need</u>

- 7.12 The proposals are for one and two bed flats that will be 'build to rent'. I note that in the consultation document there were questions as to how this 'specific, identified need' was found? There is no assessment of housing assessment contained within the application".
- 7.13 7 letters of objection have been received from residents. These reiterate the same comments as Jo Stevens MP. For the benefit of members the letters of objection have been summarised below:
  - Concerns with quality of design
  - Detrimental impact on the setting of the Grade II listed Masonic Hall and the character of the Churchill Way Conservation Area.
  - Concerns with the microclimate of the area in terms of clustering of buildings
  - Concerns with the specific, identified need of the 'build to rent' units

#### 8. ANALYSIS

- 8.1 The main issues to be assessed are:
  - a. Proposed Land Use
  - b. Building Design and Impact on the Setting of the Listed Building and adjacent Conservation Areas
  - c. Amenity for Neighbouring Occupiers
  - d. Transport, Servicing and Waste
  - e. Drainage
  - f. Other Considerations

#### a. Proposed Land Use

8.2 The application site falls within the settlement boundary as defined by the Cardiff Local Development Plan (LDP) (2006-2026) Proposals Map. The site is currently vacant, having formerly comprised of a two-storey terrace of three Class A3 uses. It is located within the Central Business Area (CBA) of the adopted Cardiff LDP.

# The acceptability of the residential use:

8.3 LDP Policy KP10 (Central and Bay Business Areas) describes the range of uses appropriate within the Central Business Area, 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.

# The acceptability of the ground floor commercial use:

- 8.4 The site is located outside, but on the edge of the Central Shopping Area (CSA) as defined by Policy R2 of the LDP. Taking into consideration the relatively small scale of the ground floor commercial units at up to 380sqm (combined) and that a convenience retail element could serve the residents associated with the proposed development and the wider community in the surrounding area, an element of A1 Use Class (retail) could be considered acceptable at this location.
- 8.5 Policy R8 (Food and Drink Uses) of the LDP identifies the Central Business Area as an appropriate location for food and drink uses, subject to amenity considerations. Given that the application proposes 272 apartments to the upper floors of the building, the applicant will be expected to demonstrate how their proposal can address concerns over the potential impact of a ground floor A3 use upon the amenity of residential occupiers. Conditions have been applied to prevent the A3 use as a vertical drinking establishment (where the primary purpose is the sale and consumption of alcoholic drinks on the premises), or as a hot food takeaway.
- 8.6 Classes A2 (financial and professional services), B1 (business), D1 (non-residential institutions) and D2 (assembly and leisure) uses would be

considered acceptable at this location, subject to amenity considerations.

# Strategic Planning (Regeneration) Considerations

- 8.7 This is a large scale proposal, where the introduction of 272 apartments will place increased pressure on the surrounding pedestrian environment. The public realm at Guildford Crescent is of a poor quality and there is a need for it to be upgraded to a standard commensurate with recent developments in the city centre. This would provide an enhanced and more efficient pedestrian environment than that which serves the area at present.
- 8.8 Planning Policy Wales (Ed 11, 2021), paragraph 4.1.19 states that 'Well-designed, people orientated streets are fundamental to creating sustainable places and increasing walking, cycling and use of public transport. New development should improve the quality of place and create safe, social, attractive streets where people want to walk, cycle and enjoy'. Cardiff LDP Policy KP6 (New Infrastructure) seeks that new developments make appropriate provision for, or contribute towards, necessary infrastructure required as a consequence of proposed development, including public realm improvements.
- 8.9 To help integrate the proposed development with the surrounding area and to improve pedestrian movements to, from and around the site, a scheme of public realm and highway improvements are sought as a condition. Drawing no. DRRD-01 shows the extent of the improvement works. The scheme shall tie into the improvement works to be undertaken by the Council on the surrounding streets and shall include:
  - Provision of a public space at the junction of Churchill Way and Guildford Street;
  - Relocation of the vehicle entrance to the Crescent from Guildford Street to Churchill Way;
  - Widening of the footway along the eastern side of the street to between 4.0 - 4.7metres;
  - Resurfacing of the footways and carriageway throughout the area to match the materials to be used on wider highway/public realm works in the surrounding area;
  - Provision of cycle lanes through the area;
  - Replacement and provision of street lighting;
  - Provision of tree planting:
  - Improvements to the stepped access between Guildford Crescent and Churchill Way;
  - Other works to include surfacing, kerbs, edging, drainage, lighting, lining, signing, telematics, traffic orders, trees, soft landscaping and street furniture
- 8.10 To help ensure that the proposed works tie in with wider highway/public realm improvements being undertaken in the surrounding area and that they are implemented in a timely manner, it is requested that the scheme of improvements be agreed in writing as part of a condition and then implemented

by the developer prior to the occupation of the proposed development.

# b. Building Design and Impact on the Setting of the Listed Building and adjacent Conservation Areas

- 8.11 LDP Policy KP5 (Good Quality and Sustainable Design) contains criteria for assessment of new development proposals to ensure that high quality, sustainable designs occur which positively contribute to the creation of distinctive communities, places and spaces. A criterion includes, for example, the influence of the proposal on the local character and context. Other criteria include creating legible development, providing a diversity of land uses, creating distinctive places and providing a healthy environment.
- 8.12 The Tall Buildings Supplementary Planning Guidance (SPG) (January 2017) is a material consideration in determining this application. Para. 1.5 states that "well-designed tall buildings in appropriate locations have the potential to add significant value to Cardiff. They can enhance skylines and provide recognisable landmarks that can serve to promote the city on a national and international stage". Further, para. 1.7 states that "Cardiff seeks to be the most liveable capital city in Europe and to create an inclusive, vibrant, thriving, sustainable and attractive city in which to live and work. Proposals for tall buildings need to demonstrate an exceptional standard of design together with appropriate land uses and public realm through careful planning and design so that they knit well into the existing fabric of the city". Tall buildings are therefore assessed having regard to locational criteria, specifically that they will only be acceptable where (para. 2.2):
  - There would be no negative impacts on important views or vistas
  - The character or setting of heritage assets is not harmed
  - The proposal will be a positive feature in skyline and streetscape, either by complementing a cluster of tall buildings or forming a strategic landmark
  - No material harm is caused by overshadowing or overlooking
  - There will be walking and cycling accessibility to sustainable transport and local facilities
- 8.13 The site is located on a prominent corner site, whereby the Tall Buildings SPG states that urban corner sites are more likely to be appropriate for tall buildings, subject to satisfying the other SPG tests. The above criteria will be considered in detail in the following analysis section.

# Skyline and Key Views

- 8.14 In addition to the Tall Buildings SPG, further national policy guidance is provided in TAN12, which also highlights the importance of identifying distinctive views, key skylines and vistas.
- 8.15 The visual impact has been tested by means of a series of key views from agreed locations. These comprise facing:
  - north from Churchill Way

- south from Churchill Way (and from the junction of Queen Street)
- south-west from Guildford Street
- east from Bridge Street (including the Barrack Lane corner and Charles Street junction)
- north-west from the University of South Wales/HM Cardiff Prison along Sandon Street
- Longer views from Charles Street within the Charles Street Conservation
   Area have also been considered.
- 8.16 Views from the north and south along Churchill Way will result in a cluster of tall buildings, with the closest to the site being the 26-storey Bridge Street Exchange student accommodation tower. Also visible are three tall buildings fronting Churchill Way; Helmont House (18 storeys), Landmark Place (18 storeys) and Churchill House (10 storeys). When viewed south from the Churchill Way junction with Queen Street, the proposal will suitably terminate the tall buildings along the street. The Motorpoint Arena can only be viewed from the south but is also a large building with imposing massing. The view from the east along Sandon Street adjacent to the prison shows the site in relation to Helmont House and the Admiral Building (14 storeys). In light of the above, it is considered that the development will sit comfortably within a cluster of other tall buildings in a city centre location. The view from Bridge Street shows the relationship with the listed Masonic Hall and is discussed below (para (XXX)).

# Impact on the setting of the Grade II Listed Masonic Hall

- 8.17 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, when assessing development which affects a listed building or its setting, special regard shall be paid to the desirability of preserving the building or its setting or any special architectural or historic interest it possesses. This approach is supported by Policy EN9 of the LDP, which makes clear that development relating to a listed building or its curtilage structures will only be permitted where it can be demonstrated that it preserves or enhances that asset's architectural quality, historic and cultural significance, character, integrity and/or setting.
- 8.18 The Masonic Hall is an ensemble of connected structures fronting Guildford Street and Guildford Crescent. The immediate setting in terms of buildings has remained constant since around 1880, and certainly since the Grade II listing in 1975. The Conservation Officer notes that the component buildings have a mostly utilitarian external appearance when viewed from any position other than from the west towards the striking stone façade of the Masonic Hall. The biggest change to the setting has been the recent partial demolition of the terrace (prior approval for which was granted in 2019, ref: 18/02874/MJR), which has left partially demolished terraces, leaving only the facades remaining and the introduction of scaffolding. There have also been later additions to the Masonic Hall to the rear and there is a small car park immediately to the north.
- 8.19 Notwithstanding the immediate setting, the Conservation Officer notes that the wider historic setting of the Masonic Hall has been heavily eroded over time. This is characterised by tall and mid-rise modern development and poor quality

public realm. An MCP car park lies opposite the site, with the low rise 1960s Ivor House and the Motorpoint Arena further to the south-west. Cadw state that a reason for the listing of the Masonic Hall is the "Striking former chapel by one of best of Cardiff's C19 chapel architects; facade closes vista down Bridge Street". The Conservation Officer also notes that from longer views of the building, the slated roofscape of the hall is visible, which is currently the dominant scale within the crescent block. The domed roof lantern/cupola is also evident from the railway and in glimpsed ground level views from Guildford Crescent near the underpass and the lane connecting to Station Terrace.

- The Conservation Officer considers that the intermediate view down Bridge 8 20 Street, and those closer views towards the elevation from Guildford Terrace will be changed dramatically by the proposed development, which will reduce the Masonic Hall's prominence. This is noted, however, the supporting Design and Access Statement (DAS) states that the Bridge Street view is contrived, with a key views study being provided. This shows that whilst the Masonic Hall front façade does sit to the end of Bridge Street and forms an important 'end stop', in reality the Masonic Hall orientation is slightly oblique to the street. The true elevation is only available from a non-facing transient viewpoint on the north pavement. Therefore, the key important views of the Masonic Hall are those on the natural approach vista down Bridge Street which are oblique to the facade. Given the 6 metre (front) set-back from the listed building, the proposal reads as a separate building from this view and the northern flank elevation will not always be visible from the southern pavement on Bridge Street (Charles Street Junction). As pedestrians move westward up Bridge Street the visual distance between the proposed building and Masonic Hall increases due to the oblique angle. As such, it is considered that the Masonic Hall will continue to act as a punctuation 'end-stop' to Bridge Street due to the slanting angle and whilst officers have acknowledged the Conservation Officers comments, it is considered that the setting of the listed building will not be significantly affected. Furthermore, Ivor House may be redeveloped in the future as part of the wider Canal Quarter Regeneration, and officers acknowledge historic consents on the site, where the view of the proposed development from Bridge Street is likely to change as further developments are progressed.
- 8.21 In addition, the Conservation Officer agrees that some positive contribution to the immediate setting is offered by rebuilding the terrace in terms of the closer street level views towards the terrace. They also note that it provides some mitigation to what they consider is a negative impact on the longer views from Bridge Steet. Officers also note that the public realm improvements that have been required as a condition will provide an enhancement to the setting of the listed building and terrace of properties and secure public benefits in bringing back into beneficial use buildings that have remained vacant for some time. For the above reasons, it is considered that, on balance, the concerns of the Conservation Officer can be addressed through the proposed development and associated public realm enhancements.

Impact on the Settings of the Adjacent Conservation Areas:

8.22 Given the position and presence of the intervening townscape, Conservation

Officers do not consider the impacts to the setting of the Charles Street nor Queen Street Conservation Areas (CA) to be significant. In terms of the nearest Churchill Way CA, this was designated in 1991; "giving recognition to its historical and architectural quality in the face of increasing pressure for redevelopment in the area" (CA Appraisal, 2008 p.47). Therefore, at the time of designation, the historic character and setting of Churchill Way had already been compromised by redevelopment of the eastern and southern areas of the street. This means that the remaining three storey villas and listed chapel have been primarily preserved for their group value, fabric and scale as opposed to their relationship to the wider townscape, which is one of contrast. The site is not easily appreciated within key views towards or from the retained villas and chapel, so does not change the way in which they are experienced. A key view image from the Charles Street Conservation Area has also been provided, which demonstrates that the building will be mainly hidden behind the existing buildings on the street. As such, it is considered that the settings of the adjacent conservation areas will be preserved.

8.23 Further, both Conservation Officers and Cadw have raised no objection to the proposed development with regard to any scheduled monuments or registered historic parks and gardens. Likewise, the Glamorgan-Gwent Archaeological Trust and Cadw have not raised an objection on the grounds of conserving archaeological remains.

#### Scale, Massing and Silhouette:

8.24 As noted in para. 8.16 above, there are a number of tall buildings in close proximity to the site, including the 26-storey Bridge Street student building lying opposite to the west. Whilst the 30-storey tower will be tall and add to the existing skyline, this is considered acceptable when viewed in the context of the other tall buildings. In terms of the massing, the design contains a combination of three linked blocks, with each block having a four-storey difference in height. This is considered to help break-up the bulk of the building and the juxtaposition of the three blocks means that the building will be viewed differently from a variety of angles. The use of large windows with two different colours to the spandrel and side panels will also ensure that the building's mass will not appear too bulky. Further, it is considered that the three blocks will provide an interesting building silhouette to the top of the building. The set-back from the Masonic Hall allows the proposal to be read as a separate element to the listed building from most angles.

#### Building Appearance:

8.25 Officers welcome the positive retention of the Guildford Crescent terrace, including the reconstruction of the original pitched roof. The tower frontage to the rear will appear lifted by incorporating a two-storey recessed base in a contrasting colour to the retained façade, providing a visible break from the street terrace frontage. The use of materials is on balance acceptable in this location, as they are in general conformity with the surrounding context. The acid etched precast concrete façade system with feature profiled aluminium framed windows are considered high quality materials and will provide a

materiality similar to the Admiral Building to the west. The different colours of the side panels and spandrels is welcomed to add visual interest and again break up the massing. All windows will be within 2.4 metre vertical reveals, formatted in four storey staggers ordered consistently. The 60mm deep/wide side panels will add depth and texture to the façade and will respond subtlety to the angled nature of the building. Officers welcome the inward tilting windows, to ensure that the façade doesn't appear visually cluttered.

8.26 Notwithstanding the above, conditions have been applied to ensure that the proposed materials and architectural details are agreed by the Local Planning Authority to maintain the highest specification and design of the proposed building.

#### Street Interface:

8.27 The retention of the Guildford Crescent terrace and the reconstruction of the original pitched roof from the eaves to the ridge means that the majority of the proposed new building interfaces at street level via the retained crescent facade. This allows the existing terrace to be brought into a new use and provides an active frontage that will help create vibrancy and activity at street level. The condition to create an improved public realm outside the retained terraces will create an attractive space through appropriate soft landscaping and high quality hard landscaping and will enhance the building's presence at street level, significantly improving the pedestrian experience.

# Layout and Amenity of Future Occupiers:

- 8.28 The proposed residential units are considered a reasonable size and will receive sufficient levels of outlook and ventilation. Whilst the apartments will not benefit from private balconies, the scheme includes communal internal and external amenity spaces with a combined footprint of 633sqm.
- 8.29 The supporting Daylight, Sunlight and Overshadowing Assessment, prepared by WSP (dated: 29/06/2021) has provided an internal daylight/ambient light assessment. This concludes that all the proposed bedrooms will achieve the recommended average daylight factor (ADF) levels outlined in the BRE Guide. 79% of living/kitchen spaces will meet the recommended target for living rooms, with 36% falling marginally below the guidance threshold. Whilst the BRE Guide provides numerical guidelines, the guide itself states that it is not an instrument of planning policy, and therefore some level of flexibility should be applied where appropriate. Further, the lower values are not unusual for open-plan apartments where the kitchen is deliberately located to the back of the space, so that the living area benefits from increased light by the window.
- 8.30 In terms of overshadowing of the communal spaces, the 27th level meets the BRE guidelines, however less than 50% of the area of the terrace on the first floor receives at least 2 hours of sunlight on the 21st of March. Whilst this is not ideal, this is not unusual in an urban context. The space will still be useable, and officers will secure details such as low light freestanding planters and associated furniture by virtue of a condition. This will ensure that it is a desirable

space for future occupants. Additional planting will be requested to enhance green infrastructure.

# Sustainable Building Design:

- 8.31 Future Wales: National Plan 2040 (2021) requires energy consumption to be reduced by 70% by 2030 to combat the climate emergency. LDP Policy EN12 seeks that development proposals maximise the potential for renewable energy and that carbon emissions associated with heating, cooling and power systems are minimised.
- 8.32 The development design takes a fabric-first approach and the tower has been designed to have a very low U value. The thermal mass of the building structure will minimise the energy needs of future residents within the building, thereby minimising energy demand. Further, the Level 31 and 27 roofs will include solar PVs as part of the building's on-site renewable sustainable energy provision.

# c. Amenity for Neighbouring Occupiers

8.33 LDP Policy KP5 contains criteria for assessment of new development proposals to ensure that no undue effect on the amenity of neighbouring occupiers occurs. The scheme has been carefully assessed against the Council's SPG guidance on sunlight/daylight, overlooking and privacy.

# Sunlight, Daylight and Overshadowing:

- 8.34 The applicant has provided a Daylight, Sunlight and Overshadowing Assessment, prepared by WSP (dated: 29/06/2021). This has assessed the impact on the existing adjacent residential properties based on the Building Research Establishment (BRE) guide 'Site Layout Planning for Daylight and Sunlight: a guide to good practice' by P J Littlefair 2011. The analysis also focuses on the overshadowing impacts on existing neighbouring gardens and open spaces.
- 8.35 The above BRE Guidance only relates to protecting residential accommodation and whilst the impact on all the neighbouring buildings has been assessed, only the residential accommodation is considered to be within a Use Class that is protected by LDP policy. The residential properties in close proximity to the site are at Wesley Lane, No's 17, 31, 32, 33, 34 and 38 Churchill Way Villas and Landmark Place on Churchill Way. The student accommodation at Bridge Street Exchange has also been considered. The remaining buildings in close proximity are not in residential use and the University of South Wales building to the south-east is not used for student living accommodation.

#### Daylight:

8.36 The Vertical Sky Component (VSC) metric has been used for the daylight impact assessment on existing surrounding properties. The results show that the development would meet the BRE criteria for all the residential neighbouring buildings, except a low impact on some windows of the Churchill Way Villas.

Given that this would only be a low impact and the site is in an urban context, officers consider the impact to be within reasonable limits.

#### Sunlight:

8.37 For existing properties around the site, the access to sunlight is measured from the windows to main living rooms, facing within 90° of due south. The majority of the windows to the Churchill Way Villas are not facing 90° of due south and so are not assessed in line with BRE criteria. Two windows that face within 90° of due south will be affected, however there would only be a marginal impact in the summer. There would be a loss of sunlight during the winter, however this is due to existing low levels of light from the close proximity to the flank elevation of the adjoining building. As such, it is considered that the impact on sunlight to the neighbouring residential buildings would be negligible.

#### Overshadowing:

8.38 The assessment has looked at the overshadowing of gardens and amenity areas. The results show a negligible impact on the amenity spaces of the Villas on Churchill Way. Further, these areas are front/side passes which are more passing areas and not used as functional amenity space. There will therefore be no detrimental overshowing impact on neighbouring amenity spaces.

# Overlooking and Privacy:

8.39 Paragraph 4.9 of the Infill Sites SPG (2017) states that a minimum of 21 metres should be maintained between principal windows to habitable rooms. Para. 4.9 follows on to state that the minimum overlooking distance from a habitable room window to a garden area of a separate dwelling should be 10.5 metres. The proposal will not result in any overlooking or loss of privacy to any neighbouring properties.

# Agent of Change Principle:

- 8.40 The application site lies in a busy city centre environment and has a number of night-time economy and entertainment venues in close proximity. In particular the Motorpoint Arena which lies to the south-west and the Chapel public house/restaurant to the north-east, which is open until 2am on Fridays and Saturdays.
- 8.41 Paragraph 4.3.44 of Planning Policy Wales (PPW) (Edition 11, 2021) states that "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 says that a business or person responsible for introducing a change is responsible for managing that change". Further, para 6.7.24 or PPW 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."

8.42 The applicant has provided an Environmental Noise Report to assesses the existing day and night noise from traffic, the railway line and existing plant noise. This recommends noise mitigation measures to be installed. Whilst the Nosie Officer supports these recommendations, they are concerned that insufficient consideration to the night-time economy has been assessed. As such, a pre-occupation validation noise survey has been recommended as a condition. This will demonstrate that the adopted noise mitigation measures are effectual in reducing external noise within habitable rooms to agreed acceptable levels and will ensure that the recommended measures are provided and installed correctly. It will also assess the noise from the surrounding night-time economy and make sure that external amenity spaces in the development have acceptable noise levels. Subject to this condition, it is considered that both the future of the existing night-time cultural economy and the amenity of future residents within the development will be protected.

#### Other matters impacting upon amenity:

- 8.43 Conditions have been applied ensuring that there will no delivery vehicles arriving, departing, loading or unloading outside the hours of 7am and 8pm. The commercial units will also have operation hours restricted to 8am to 1am on any day. These hours are not considered to be unreasonable in a city centre location and will not result in an unacceptable level of noise disturbance. A sound insulation condition has been applied between the commercial units and residential communal amenity level. A Plant Noise condition has been applied to protect occupants from excessive environmental noise. Finally, a condition ensuring that the preparation and cooking of hot food and the extraction of all fumes from the food preparation areas in the ground floor units shall be mechanically extracted.
- 8.44 The Noise Officer assessed the supporting Train Induced Vibration and Assessment Report and has raised no objection with regard to potential vibration from the railway line.
- 8.45 In light of the above, subject to the aforementioned conditions, it is considered that the amenity of the future occupiers any neighbouring occupiers within the vicinity, will be sufficiently protected.

# d. Transport, Servicing and Waste

#### Resident and Transport Movement:

8.46 The site is located in the city centre within an easy level walk of Queen Street Railway Station (250m north/east), bus services on Churchill Way (100m to 200m north/west), car share and Nextbike sites, along with access to all the

services, amenities, employment and leisure facilities such a central location affords. The site is therefore considered to be extremely sustainably located in transport terms and somewhere where public transport and active travel offer viable alternatives to the ownership and use of private cars.

- 8.47 Notwithstanding the acceptability of the proposed development, there is a significant overlap between the works required for construction and the public realm associated with the Council's improvement works to Churchill Way and Guildford Crescent at the junction with Guildford Street and Bridge Street. The scheme being delivered by the Council in the area is associated with the opening of the canal and delivery of improved bus facilities (bus lanes/stops/shelters) on Churchill Way. The scheme includes reprioritisation of traffic on Churchill Way and associated public realm improvements, including improvements to Guildford Crescent adjacent to the Masonic Hall, which the Council is unlikely to be able to complete due to the timing of development construction (as it is currently understood) and the associated need for a construction compound on Guildford Crescent.
- 8.48 Conditions are therefore sought to ensure appropriate management of construction, in the form of a Construction Management Plan (as part of the Environmental Management Plan (CEMP)) and Construction Logistics Plan, along with the reinstatement of the highway in accordance with the Council improvement scheme (in the form of a Highway Public Realm Works condition). Both the Construction Logistics Plan and Public Realm Plan will be delivered by the developer via Section 278 agreements with the Council.
- 8.49 Further, subject to planning permission being granted for the proposed development, the eastern footpath running along the rear of the Masonic Hall and the application site (up against the rail retaining wall) is proposed to be stopped-up and used for a controlled shared service route to the development and the Masonic Hall. Controlled gated access will be provided at both ends, with the public street lighting removed and replaced with new lighting served by the development. This principle is agreeable and will be subject to a formal Stopping-up process following grant of permission.

# Car Parking:

8.50 The application proposes no car parking spaces, which complies with the Managing Transportation Impacts SPG. Policy T5 of the adopted LDP requires development to accord with the council parking standards, as outlined in the approved SPG. Paragraph 6.1 of the approved 'Managing Transportation Impacts' SPG states that 'the availability of parking spaces and their location can influence travel choices. Excessive provision can serve to stimulate demand for car travel and perpetuate reliance on the car. The application of parking standards to new developments is therefore an important tool in managing demand for travel by car and encouraging a shift to sustainable transport modes'. The aforementioned SPG uses maximum parking standards (as required by Planning Policy Wales), and there is no minimum amount of car parking that has to be provided. Transportation Officers raise no objection on the grounds of potential increased traffic congestion.

# Cycle Parking:

- 8.51 The application proposes a ratio of one cycle space per apartment (272 spaces). Whilst it is acknowledged that this does not comply with the Council's adopted SPG guidance of providing a one space per bedroom, Transportation Officers have agreed to accept this ratio due to the constrained size of the plot and due to the site being located in an extremely sustainable location with excellent access to public transport (buses, trains, Nextbike cycle hire all within 200m). To ensure that the spaces are sufficiently accessible and can be used for all types of bicycles, a cycle parking details condition has been applied that will ensure there is a minimum of 20% accessible ground-based stands and 50% of any two tier racks will have tray centres of 500mm, with the remaining to be a minimum of 375mm spacings. Officers are satisfied that there will be sufficient room for this provision. Further, an additional condition has been applied for a Resident Travel Plan to promote walking, cycling, public transport and other alternatives to the ownership and use of private cars. Servicing:
- 8.52 Servicing will generally be provided from street, in a similar way to the site as previously managed and as currently the case for the hotel to the south. The principle of servicing from street is well established in the city and it is noted that a service layby already exists immediately south and adjacent to the site. Given that the commercial units are relatively small, it is not considered that a Servicing Management Plan is necessary in this instance.

#### Waste:

8.53 The refuse store will be accessed through the side footpath and all refuse will be collected privately with a more frequent collection schedule. The Waste Officer raises no objection to the arrangements.

# e. Drainage

- 8.54 Officers note the objection from Dwr Cymru Welsh Water (DCWW) due to the location of a large diameter (900mm) brick egg sewer located on the road and pavement on Guilford Crescent adjacent to the development site boundary. The applicant has confirmed that they are in discussions with DCWW and that the development will not extend any closer to the easement of the egg brick sewer than that of the retained facades. Notwithstanding this, officers have recommended two pre-commencement conditions related to drainage and water supply. The Association of British Ports (ABP) have a right to the flow of the water of the dock feeder but the Council own the tunnel structures. Notwithstanding this, ABP will be consulted on any condition related to the dock feeder.
- 8.55 The development incorporates blue roof systems on the roof terrace and roof areas. Runoff from the development will drain to a below-ground storage tank, which would control flows to the discharge rate of 2.2 litres per second. Additional planting will also be proposed at level 1 to satisfying the SAB

credentials of the scheme using filtering layers below planting to throttle and filter the run-off from the site.

8.56 The applicant has noted the concerns of the SAB officer. The requirement of SAB is a separate regulatory process and as advised by WG circular 16/2014, it is not the role of the planning system to regulate other frameworks. In this instance it is considered that the conditions imposed requiring details of drainage and water supply are considered to meet planning objectives and that surface water can be controlled through the SAB regulatory framework.

#### f. Other Considerations

#### 'Build to Rent' Housing Need:

- 8.57 Officers note the objections raised regarding the lack of an assessment of the housing need for 'build to rent' units. A thorough understanding of housing need forms a key component of the evidence base behind the Council's adopted LDP. The adopted LDP seeks to deliver 41,415 new dwellings within the Plan period (2006-2026) of which over half of the overall housing requirement is expected to come forward on brownfield sites.
- 8.58 The Council is currently carrying out a review of the adopted LDP and whilst this is at an early stage of preparation and the latest Welsh Government growth projections has reduced, Cardiff is still projected to experience growth over future years Cardiff's population is still expected to grow by 8% up to 2036. In terms of spatial distribution, the emerging LDP review recognises that brownfield sites will continue to play an important role in delivering windfall sites and proposes that brownfield sites contribute over half of the provision.
- 8.59 Although the adopted LDP does not specify a mix of dwelling types to be expected on brownfield sites, both local and national policy seeks the most efficient use of land indicating a clear preference for higher density development.
- 8.60 Whilst the Council's Housing Strategy relates to affordable homes only, it provides a helpful picture on general need. This indicates that the greatest demand is for 2-bedroom units by a substantial margin, followed by 1-bed bed units and then 3-bed units. The Council's Housing Strategy also indicates that Cathays (which includes the city centre) is one of the wards with the lowest availability of housing stock.
- 8.61 The proposed development is a 'Build-to-Rent' scheme and is intended to meet a specific sector in the local housing market. It is intended to create diversity in the overall housing stock which is important against the backdrop of increasing disparity between wage growth and house price increase evidenced in the latest Annual Housing Monitoring Report.
- 8.62 The apartments will be purpose 'build to rent' and offered on flexible and long-term tenancies by an institutional investor, they will not be sold to individuals. The development includes a internal and external community spaces to foster

a community feel as well having a dedicated manager on-site.

#### Microclimate:

8.63 A Wind Microclimate Study, prepared by SWP (dated March 2021) has been provided, which identifies that the only where there is concern in relation to wind tunnelling is the immediate area to the rear of the building, which will be used as a controlled access lane. As such, no concerns are raised with regard to any potential microclimatic effects.

# 9. **PLANNING OBLIGATIONS**

- 9.1 The following planning obligations have been requested to mitigate any significant adverse impacts of the proposed development and to provide essential, enabling and necessary infrastructure as defined within LDP policies KP6 (New Infrastructure) and KP7 (Planning Obligations):
  - (i) £232,559.10 towards community facilities
  - (ii) £435.356 towards public open space
  - (iii) £4,181,800 towards affordable housing
- 9.2 To assist the consideration of planning obligations, the applicant provided a Viability Statement (June 2021). This states that the estimated construction cost is £45,362,217 and in order for the application to be considered viable, the scheme must produce a developer's profit margin of 15% on cost. Based on providing no provision towards s106, the scheme produces a profit on cost of 4.02% and is therefore considered unviable.
- 9.3 In accordance with the established practice of obtaining an independent assessment of viability appraisals presented in support of planning applications, the Council has sought the advice of an independent assessor. To provide further diligence in considering this application, the Council's Economic Development Directorate have also been consulted and raise no objection to the submitted scheme in terms of viability.
- 9.4 Officers have considered the abnormal costs associated with retaining the terrace of properties, site constraints in terms of construction, and acknowledge the positive contribution of the development to public realm enhancements and bringing back into beneficial use buildings which currently remain vacant. It is considered that, despite the viability of the scheme, the contribution toward public realm enhancements under Condition 5 above would be of a value of circa £500,000. When considered against other consented schemes in the prepandemic era, this is considered comparable and acceptable.

# 10. **LEGAL CONSIDERATIONS**

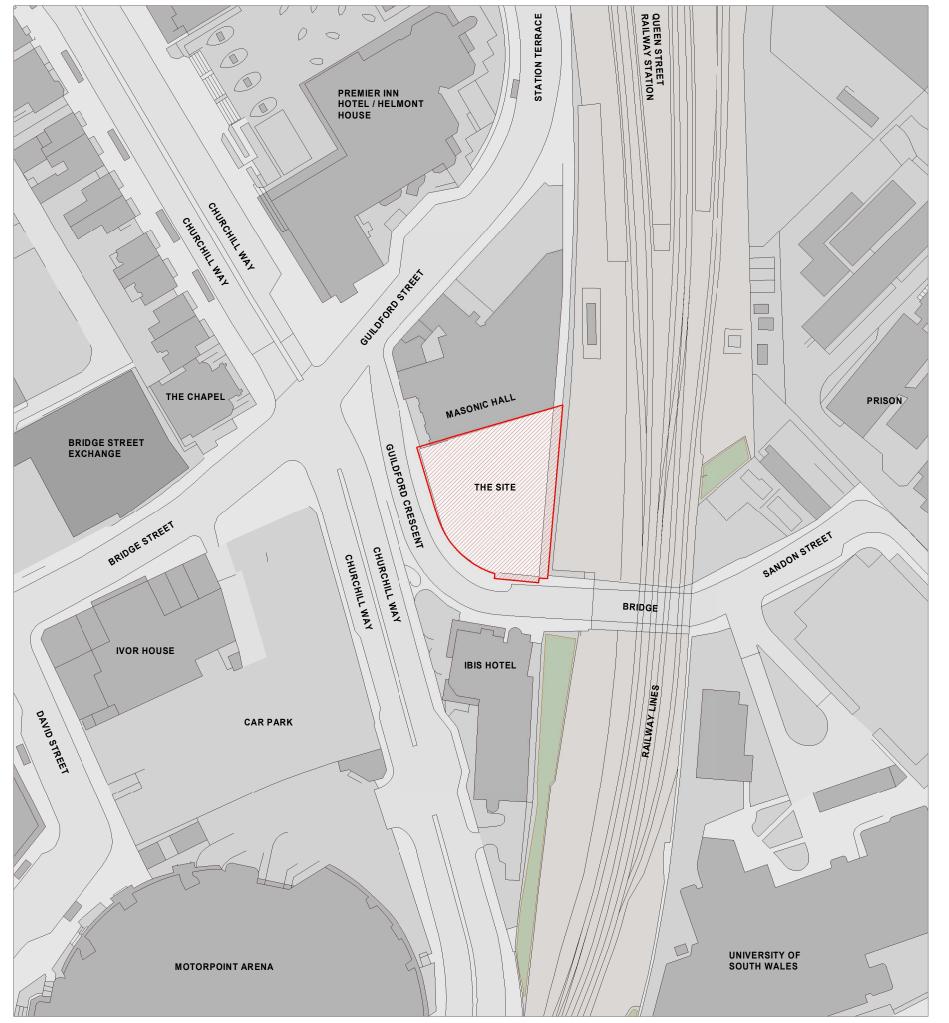
10.1 Crime and Disorder Act 1998: Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder 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.
- 10.2 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.
- 10.3 Wellbeing of Future Generations (Wales) 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.
- 10.4 Statutory pre-application public consultation: The statutory pre-application public consultation was carried out in accordance with legislation and is considered acceptable.

# 11. **CONCLUSION**

- 11.1 The proposal delivers a significant number of residential units in a highly sustainable location on brownfield land. The retention of the Guildford Crescent façades will bring the site back into beneficial use, providing an active frontage that will help create vibrancy and activity at street level. The public realm improvements that have been required as a condition will provide an enhancement to the setting of the listed building. It is considered that, on balance, the concerns of the Conservation Officer can be addressed through the proposed development and associated public realm enhancements.
- 11.2 It is therefore recommended that planning permission be approved subject to the relevant conditions.

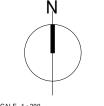
# Site Location Plan 1:500 @ A1 / 1:1000 @ A3



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**Application Boundary** 

original by		date cres		appro NT	ved by
Rev	Description		Date	Dr by	App by
P1	First Issue		25.11.20	OD	NT
P2	Issued for PAC		08.03.21	OD	NT
P3	Planning application issue		22.06.21	OD	NT



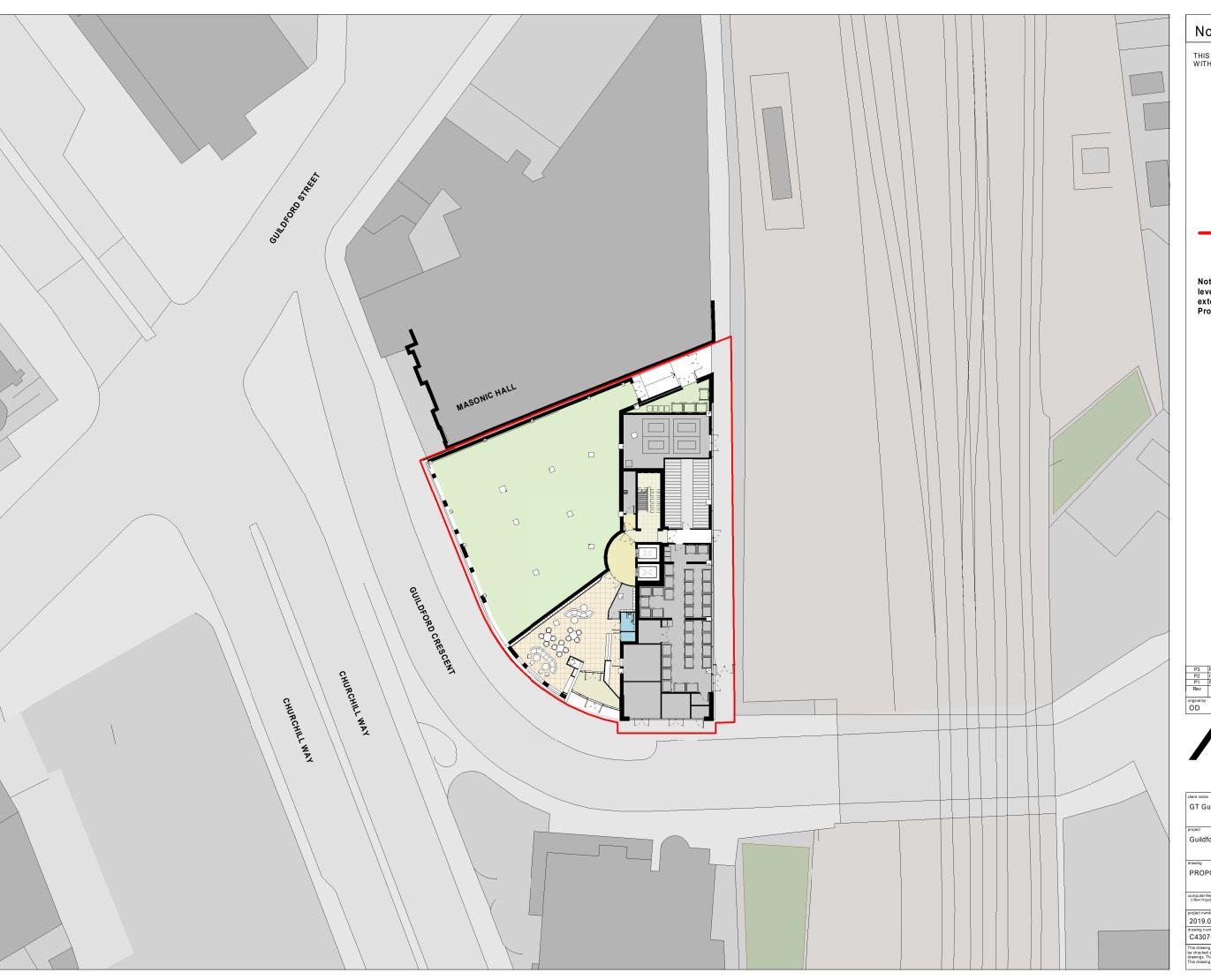
GT Guildford Crescent Limited

Guildford Crescent Residential

SITE LOCATION PLAN

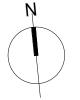
1:500 2019.00194.000

P3 C4307-AHR-XX-XX-DR-A-9003



# Notes

THIS DRAWING READ IN CONJUNCTION WITH:



Application Boundary

Note: For the proposed building levels in relation to the retained external levels please refer to the Proposed Ground Floor Plan 0530.

P3	Planning application issue		22.06.21	OD	NT
P2	Issued for PAC		08.03.21	OD	NT
P1	First Issue		25.11.20	OD	NT
Rev	Description		Date	Dr by	App by
original by		date crea	ated	appro	ved by
OD		25/1	1/20	NT	

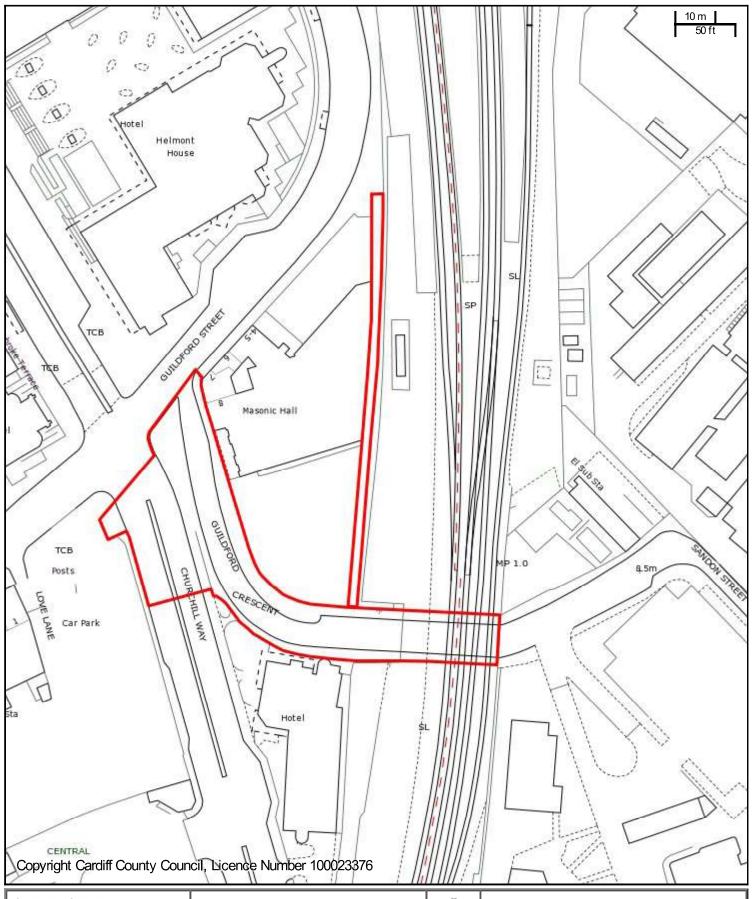
AHR Architects Ltd
First Floor
Victoria House
Victoria Guay
Shrewsbury
SY1 1HH
United Kingdom

GT Guildford Crescent Limited

Guildford Crescent Residential

PROPOSED GROUND FLOOR SITE PLAN

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project number	scale	
2019.00194.000	1:200	@/
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C4307-AHR-XX-GF-DR-A-9004	P3	



CHIEF EXECUTIVE

Neuadd y Sir, Glanfa'r Iwerydd CAERDYDD CF10 4UW Tel: 029 20872088

County Hall, Atlantic Wharf CARDIFF CF10 4UW Tel: 029 20872087

# **Cyngor Caerdydd**

#### **Cardiff Council**



Drawing no: PRRD-01



#### Title:Public Realm Area

Scale: 1:1000

Date: 22/10/2021 at 10:25 AM

Coordinates:

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Notes THIS DRAWING READ IN CONJUNCTION WITH: MATERIALS KEY: White acid etched concrete panel (to main frame) Colour: Aspen (white) PPC Aluminium framed windows with top-tilt hung opening window Colour: Graphite Grey RAL 9024 Grey acid etched concrete panel (central block)
Colour: Signal TBC Copper acid etched concrete panel (west 'wedge' block)
Colour: Camel TBC Copper acid etched concrete panel (NE block)
Colour: Camel TBC Copper acid etched profiled concrete panel (NE block)
Colour: Camel TBC Grey acid etched concrete panel (to vertical recesses and plinth) Colour: Charcoal PPC Aluminium Louvre Air Vents (final positions TBC) Colour: To match concrete

10/09/20

GT Guildford Crescent Limited

Guildford Crescent Residential

PROPOSED NORTH NORTH WEST and SOUTH ELEVATION

2019.00194.000 As indicated@A P2 Issue statu C4307-AHR-XX-ZZ-DR-A-0511



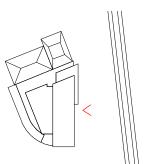
Note: Plinth base will be obscured by raised level of railway and retaining wall.

Level of Railway line

#### Notes

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12n



#### MATERIALS KEY:

White acid etched concrete panel (to main frame)
Colour: Aspen (white)

PPC Aluminium framed windows with top-tilt hung opening window Colour: Graphite Grey RAL 9024

Grey acid etched concrete panel (central block)
Colour: Signal TBC

Grey acid etched profiled concrete panel (central block)
Colour: Signal TBC

Copper acid etched concrete panel (west 'wedge' block)
Colour: Camel TBC

Copper acid etched profiled concrete panel (west 'wedge' block)
Colour: Camel TBC

Copper acid etched concrete panel (NE block)
Colour: Camel TBC Copper acid etched profiled concrete panel (NE block)
Colour: Camel TBC

Grey acid etched concrete panel (to vertical recesses and plinth)
Colour: Charcoal

Louvred Panel Colour: Charcoal

PPC Aluminium Louvre Air Vents (final positions TBC)
Colour: To match concrete

P2	Planning application issue		22.06.21	OD	NT
P1	Issued for PAC		08.03.21	OD	NT
Rev	Description		Date	Dr by	App by
original by		date crea	ated	appro	ved by
		10/0	9/20	NT	



GT Guildford Crescent Limited

Guildford Crescent Residential

# PROPOSED EAST ELEVATION

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project number	scale	
2019.00194.000	As indica	ated@A
drawing number C4307-AHR-XX-ZZ-DR-A-0512	P2	ssue statu S2



Central Block

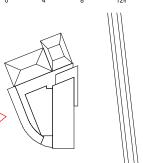
#### WEST ELEVATION

Note: West Elevation is the true perpendicular elevation to the Central block

For terrace frontage refer to proposed terrace elevations.

#### Notes

THIS DRAWING READ IN CONJUNCTION WITH:



#### MATERIALS KEY:

White acid etched concrete panel (to main frame) Colour: Aspen (white)

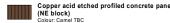
















PPC Aluminium Louvre Air Vents (final positions TBC) Colour To match concrete

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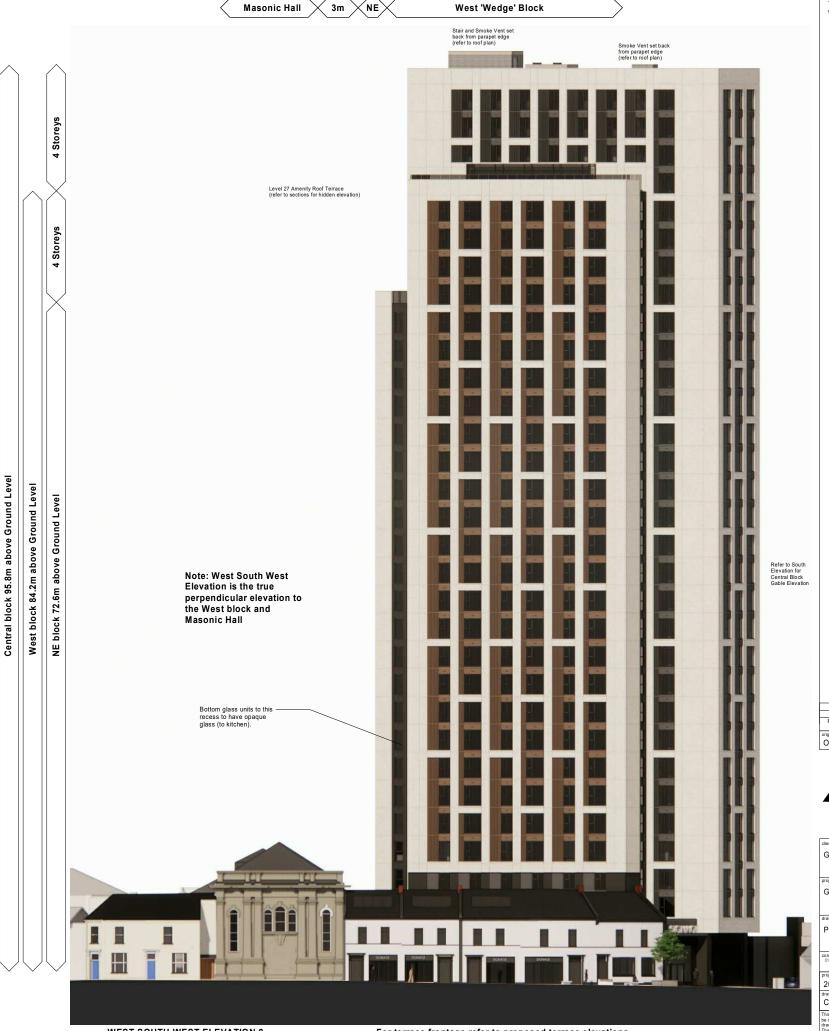


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PROPOSED WEST ELEVATION

2019.00194.000 As indicated@A rev issue statu P2 S2 C4307-AHR-XX-ZZ-DR-A-0513

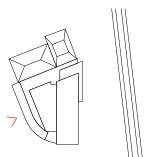


Central Block

Notes

THIS DRAWING READ IN CONJUNCTION WITH:

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MATERIALS KEY:

White acid etched concrete panel (to main frame) Colour: Aspen (white)

PPC Aluminium framed windows with top-tilt hung opening window Colour: Graphite Grey RAL 9024

Grey acid etched profiled concrete panel (central block)
Colour: Signal TBC

Copper acid etched concrete panel (west 'wedge' block)

(west 'wedge' block)

Copper acid etched concrete panel (NE block)
Colour: Camel TBC

Copper acid etched profiled concrete panel

Copper acid etched profiled concrete panel (NE block)
Colour: Camel TBC

Louvred Panel Colour: Charcoal

PPC Aluminium Louvre Air Vents (final positions TBC) Colour: To match concrete

11/19/20

GT Guildford Crescent Limited

Guildford Crescent Residential

PROPOSED WEST SOUTH WEST ELEVATION

As indicated@A 2019.00194.000 rev P2 C4307-AHR-XX-ZZ-DR-A-0514

Level 2 windows with light grey side panel

Level 1 windows / doors with glass side panel as full 2.4m window.

Elevation shows part hidden elevation

behind terrace monopitch roof



Bay 4

1 TERRACE PROPOSED ELEVATION

Bay 1

Bav 2

Bay 3

Commercial Unit Commercial Unit Commercial Unit Commercial Unit Residential Foyer Residential Entrance Plant • . . . Plant 4.4 Residential Foyer Commercial Area 4 í : . : . . Bay 1 Bay 2 Bay 3 Bay 4 Bay 5 Bay 6 Commercial Unit Commercial Unit Commercial Unit Commercial Unit Residential Foyer Residential Entrance



Bav 6

Bay 5

Aluminium framed curtain walling to residential entrance with clear glass double glazed units, integral glazed doors and brise sollioliouve blades supported off bracketary as part of curtain walling system. Roof canopy over entrance in PPC aluminium flashing / panels. 'Signage' llustrative.

SIGNAGE

Aluminium louvre wall to plant area with integral doors and removable louvred panels for access and plant replacement

Pre-cast concrete a etched 'charcoal' cladding panels to

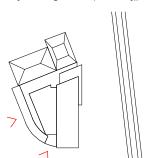
#### The list below highlights the key scope of works proposed to the terrace facade:

- Painted Render note the proposed colour(s) are to be confirmed with the Planning Department and could incorporate a
  public art design. \*
- 2. New shopfront windows openings to be provided to Bays 1-4 with double glazed PPC aluminium window system providing either full double glazed height windows, bi-fold/concertina doors, or swing opening doors with an integral opaque panel at the head for shop signage. All shopfronts to be full-height from pavement level with top set to align with adjoining recreated doorway canopy. Entrance door to be integrated into glazing system dependent on the comrecial unit configuration. Shopfronts to have dark grey reveal / border frame with thickness to match stone band detailing on terrace.
- The original window opening sizes are to be retained to Bay 5 to the residential foyer with new aluminum framed double glazed unit windows to match shopfronts.
- 4. Doorway surround architraves and canopies to be recreated to match the original historic profiles.
- 5. Doorsets to be replaced to match the appearance of the original doors.
- Original integral wall signs retained and refurbished.
- New upper timber framed windows to match principles of original design though with modern thermally broken frames and double glazed units.
- New slate tiled roof to be constructed as mono-pitch to reflect original pitch and height to a lapping ridge tile detail with eave detail gutter to match original appearance and relationship to cornice. Downpipes to replaced to match original.
- 9. Potential solar PV panels integrated flush into the roof tile line.
- New roof division walls constructed to original positions to suit corbel eave detail with new stone/concrete capping and rendered finish.
- Reformed chimney feature ends of division walls to be constructed to reflect original. (Chimneys to potentially be used as flue pipe discharge points from plantroom).
- 12. Cornice detailing to be retained / painted. \*
- 13. Stone cill and keystone to upper windows to be retained / painted. \*
- 14. Feature horizontal banding to be retained / painted. \*
- 15. Terrace skirting at pavement edge to be painted dark grey.
- \* Colours to be agreed

## Notes

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GT Guildford Crescent Limited		
project		
Guildford Crescent Residential		
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project number	scale	
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drawing number	rev	issue status
C4307-AHR-XX-77-DR-A-0516	P2	

drawing is to be read in conjunction with all related drawin necked and verified on site before commencing any work or ings. The originator should be notified immediately of any