

COMMITTEE DATE: 14/10/2015

APPLICATION No. 14/02887/MJR APPLICATION DATE: 10/12/2014

ED: **BUTETOWN**

APP: TYPE: Full Planning Permission

APPLICANT: Mr J R Smart

LOCATION: FORMER SURFACE CARPARK ON TRIANGULAR SITE OFF HERBERT STREET.

PROPOSAL: 180 1/2/3 BEDROOM APARTMENTS IN 7/8/22 STOREY BLOCKS WITH A3(FOOD AND DRINK), B1(OFFICE) AND A2(FINANCE/PROFESSIONAL)USE TO GROUND FLOOR WITH ASSOCIATED CAR PARKING AND AMENITY SPACE

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

1. C01 Statutory Time Limit
2. The consent relates to the following approved plans:

<i>Dwg. No.</i>	<i>Title</i>
<i>PL 106A</i>	<i>Proposed Masterplan - Key Plan</i>
<i>PL 201A</i>	<i>Proposed Ground Floor Plan</i>
<i>PL 202A</i>	<i>Proposed First Floor Plan</i>
<i>PL 203A</i>	<i>Proposed Second to Fourth Floor Plan</i>
<i>PL 204A</i>	<i>Proposed Third & Fifth Floor Plan</i>
<i>PL 205A</i>	<i>Proposed Sixth Floor Plan</i>
<i>PL 206A</i>	<i>Proposed Seventh Floor Plan</i>
<i>PL 207A</i>	<i>Proposed Eighth Floor Plan</i>
<i>PL 208A</i>	<i>Proposed Ninth & Seventeenth Floor Plan</i>
<i>PL 209A</i>	<i>Proposed Tenth, Twelfth & Eighteenth Floor Plan</i>
<i>PL 210A</i>	<i>Proposed Eleventh & Thirteenth Floor Plan</i>
<i>PL 211A</i>	<i>Proposed Fourteenth Floor Plan</i>
<i>PL 212A</i>	<i>Proposed Fifteenth Floor Plan</i>
<i>PL 213A</i>	<i>Proposed Sixteenth Floor Plan</i>
<i>PL 214A</i>	<i>Proposed Nineteenth Floor Plan</i>
<i>PL 215A</i>	<i>Proposed Twentieth to Twenty Second Floor Plan</i>
<i>PL 216A</i>	<i>Proposed Roof Plan</i>
<i>PL 250A</i>	<i>Proposed First Floor Plan - Flat Layouts</i>
<i>PL 251A</i>	<i>Proposed Second & Fourth Floor Plan - Flat Layouts</i>
<i>PL 252A</i>	<i>Proposed Third & Fifth Floor Plan - Flat Layouts</i>
<i>PL 253A</i>	<i>Proposed Sixth Floor Plan - Flat Layouts</i>

PL 254A	<i>Proposed Seventh Floor Plan - Flat Layouts</i>
PL 255A	<i>Proposed Eighth Floor Plan - Flat Layouts</i>
PL 256A	<i>Proposed Ninth & Seventeenth Floor Plan - Flat Layouts</i>
PL 257A	<i>Proposed Tenth, Twelfth & Eighteenth Floor Plan - Flat Layouts</i>
PL 258A	<i>Proposed Twentieth to Twenty Floor Plan - Flat Layouts</i>
PL 259A	<i>Proposed Twentieth to Twenty Floor Plan - Flat Layouts</i>
PL 301A	<i>Proposed South (Herbert St) Context Elevation</i>
PL 302A	<i>Proposed East (Canal & Capital Quarter) Context Elevation</i>
PL 303A	<i>Proposed West (Callaghan Square) Context Elevation</i>
PL 304A	<i>Proposed North (Altolusso) Context Elevation</i>
PL 305A	<i>Proposed South (Herbert St) Detail Elevation</i>
PL 306A	<i>Proposed East (Canal & Capital Quarter) Detail Elevation</i>
PL 307A	<i>Proposed West (Callaghan Square) Detail Elevation</i>
PL 308A	<i>Proposed North (Altolusso) Detail Elevation</i>
PL 310A	<i>Proposed Typical Elevation Details - South Elevation to Tyndall St</i>
PL 311	<i>Proposed Typical Elevation Details - Block 3 South Elevation</i>
PL 312	<i>Proposed Typical Elevation Details - Block 3 East Elevation</i>
PL 313	<i>Proposed Typical Elevation Details - Block 3 Top Levels East Elev.</i>
PL 314	<i>Proposed Typical Elevation Details - Block 3 Top Levels West Elev.</i>
PL 315	<i>Proposed Typical Elevation Details - Block 3 Top Levels South Elev.</i>
PL 316	<i>Proposed Typical Elevation Details - Block 3 Top Levels North Elev.</i>
PL 401A	<i>Proposed Section A-A</i>
PL 402A	<i>Proposed Section B-B</i>
PL 403A	<i>Proposed Section C-C</i>
PL 410A	<i>Proposed Section F-F - Proposed Herbert Street Section</i>
PL 411A	<i>Proposed Section G-G - Proposed Car Park & Podium Section</i>
PL 412A	<i>Proposed Section H-H - Proposed Canal Section</i>
PL 451A	<i>Proposed Part Sections & Elevation Detail Sheet 1</i>
PL 452A	<i>Proposed Part Sections & Elevation Detail Sheet 2</i>
PL 453A	<i>Proposed Part Sections & Elevation Detail Sheet 3</i>
PL 510	<i>Proposed Sections through Canal / Dock Feeder Walkway</i>
PL 511	<i>Proposed Sections through Herbert St & Proposed Building Entrance</i>
PL 512	<i>Proposed Sections through Herbert St & South Elevation</i>
PL 513	<i>Proposed Sections through Rail Embankment / Car park & Podium</i>
PL 1010	<i>Proposed CGI Perspective A3 NTS /</i>
PL 1011	<i>Proposed CGI Perspective A3 NTS /</i>
PL 1012	<i>Proposed CGI Perspective A3 NTS /</i>

1096 SK/01 *Landscape Proposals - Planting Plan A1 1:250 /*
1096 SK/02 *Landscape Proposals - Podium Planting Plan A1 1:250 /*

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

3. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking, or re-enacting that Order) there shall be no permitted development rights for change of use from A2 (professional and financial services) use to A1 (shop) use.
Reason: To conform with Local Plan out-of-centre retail policy.
4. A3 (food & drink) ground floor uses fronting Herbert Street and the Dock Feeder Canal (as indicated on Proposed Ground Floor dwg. no. PL201A) shall be restricted to café/restaurant A3 uses only.
Reason: To ensure that the amenities of existing neighbours and future occupiers are protected.
5. C7X No Takeaway Sales
6. No member of the public shall be admitted to or allowed to remain on any A3 premises between the hours of 23:00 and 08.00 hrs. on any day.
Reason: To ensure that the amenities of occupiers of existing neighbours and future occupiers are protected.
7. G7W Delivery Times
8. H7G Plant Noise
9. A scheme of sound insulation works to the floor/ceiling and party wall structures between the B1/ A2/ A3 premises and the residential accommodation shall be submitted to and agreed by the Local Planning Authority in writing and implemented prior to occupation. Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.
10. F7Q Kitchen Extraction
11. All habitable rooms exposed to external railway noise in excess of 66 dBA Leq 16 hour (free field) during the day (07.00 to 23.00 hours) or 59 dBA Leq 8 hour (free field) at night (23.00 to 07.00 hours) shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 40 dBA Leq 16 hour during the day and 35 dBA Leq 8 hour at night. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with acoustically treated active ventilation units. Each ventilation unit (with air filter in position), by itself or with an integral air supply duct and cowl (or grille), shall be capable of giving variable ventilation rates ranging from –
 - 1) an upper rate of not less than 37 litres per second against a back

pressure of 10 newtons per square metre and not less than 31 litres per second against a back pressure of 30 newtons per square metre, to

- 2) a lower rate of between 10 and 17 litres per second against zero back pressure.

No habitable room shall be occupied until the approved sound insulation and ventilation measures have been installed in that room. Any private open space (excepting terraces or balconies to any apartment) shall be designed to provide an area which is at least 50% of the area for sitting out where the maximum day time noise level does not exceed 55 dBA Leq 16 hour [free field]. Reason: To ensure that the amenities of future occupiers are protected.

12. Prior to commencement of development a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide that all habitable rooms exposed to external road traffic noise in excess of 63 dBA Leq 16 hour [free field] during the day [07.00 to 23.00 hours] or 57 dBA Leq 8 hour [free field] at night [23.00 to 07.00 hours] shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 40 dBA Leq 16 hour during the day and 35 dBA Leq 8 hour at night. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with acoustically treated active ventilation units. Each ventilation unit (with air filter in position), by itself or with an integral air supply duct and cowl (or grille), shall be capable of giving variable ventilation rates ranging from –
 - 1) an upper rate of not less than 37 litres per second against a back pressure of 10 newtons per square metre and not less than 31 litres per second against a back pressure of 30 newtons per square metre, to
 - 2) a lower rate of between 10 and 17 litres per second against zero back pressure.

No habitable room shall be occupied until the approved sound insulation and ventilation measures have been installed in that room. Any private open space (excepting terraces or balconies to any apartment) shall be designed to provide an area which is at least 50% of the area for sitting out where the maximum maximum day time noise level does not exceed 55 dBA Leq 16 hour [free field].

Reason: To ensure that the amenities of future occupiers are protected.

13. No development shall take place until samples of the external finishing materials have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

14. No development shall take place until a scheme showing the architectural detailing of the principal elevations has been submitted to and approved in writing by the Local Planning Authority and the

development shall not be brought into beneficial use until the approved scheme is implemented.

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

15. C3S Cycle Parking
16. E3D Retain Parking Within Site
17. C3O No Additional Access
18. C3F Details of Access Road Junction
19. Prior to commencement of development a scheme of environmental highway improvements to Herbert Street and Tyndall Street in the vicinity of the site is to have been submitted to and agreed in writing with the Local Planning Authority. The scheme to include as required, but not be limited to, extending the central island on Herbert Street and implementation of the revised site access as indicated in principle on Appendix 8 of the submitted TA; the resurfacing of the east and westbound carriageways of Herbert Street between the Canal Bridge and junction of Lloyd George Avenue; the widening to 3m and resurfacing of the northern footway of Herbert Street from the Canal Bridge to the Rail Bridge; including surfacing, kerbs, edging, drainage, lining and signing, street lighting, street furniture and TROs as may be required as a consequence of the scheme. The agreed scheme to be implemented to the satisfaction of the Local Planning Authority prior to beneficial occupation of the development. Reason: To facilitate safe and efficient access to and egress from the proposed development by the incoming residents; and the improvement, and reinstatement of the adjacent public highway in the interests of highway and pedestrian safety.
20. Prior to commencement of development a scheme of construction management shall be submitted to and approved by the Local Planning Authority, to include details of construction traffic routes, site hoardings, site access, contractor parking and wheel washing facilities. Construction of the development shall be managed strictly in accordance with the scheme so approved. Reason: In the interests of highway safety and public amenity.
21. Prior to the commencement of the any part of the approved development, the proposed details of appropriate gas protection measures which are required to ensure the safe management of gases to prevent migration of gases into the buildings shall be submitted to and approved in writing to the Local Planning Authority. All required gas protection measures shall be installed and appropriately verified before occupation of any part of the development which has been permitted and the approved protection measures shall be retained and maintained until such time as the Local Planning Authority agrees in writing that the measures are no longer required.

Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy 2.63 of the Cardiff Unitary Development Plan

22. Prior to the commencement of the development a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy 2.63 of the Cardiff Unitary Development Plan

23. The remediation scheme as approved by the Local Planning Authority must be fully undertaken in accordance with its terms prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason :To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy 2.63 of the Cardiff Unitary Development Plan.

24. 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 2.63 of the Cardiff Unitary Development Plan.

25. During the development an Asbestos Monitoring Plan must be submitted to and approved in writing by the Local Planning Authority, in order to ensure that appropriate measures are taken to monitor and mitigate against the release of any asbestos fibres which may be present. All works shall be undertaken in accordance with the approved documents. Reason: To ensure that the development can be carried out safely without any acceptable risks to workers, neighbours or any other offsite receptors in accordance with Policy 2.63 of the Cardiff Unitary Development Plan.
26. Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation to 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, verification sampling of the material received at the development site is required to verify that the imported soil is free from contamination and shall be undertaken in accordance with a scheme agreed with in writing by the Local Planning Authority. Reason: To ensure that the safety of future occupiers is not prejudiced.
27. 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 to 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, verification sampling of the material received at the development site is required to verify that the imported aggregate is free from contamination and shall be undertaken in accordance with a scheme agreed with in writing by the Local Planning Authority. Reason: To ensure that the safety of future occupiers is not prejudiced.
28. Any site won material including soils, aggregates, recycled materials shall be assessed for chemical or other potential contaminants in accordance with a sampling scheme which shall be submitted to and approved in writing by the Local Planning Authority in advance of the reuse of site won materials. Only material which meets site specific target values approved by the Local Planning Authority shall be reused. Reason: To ensure that the safety of future occupiers is not prejudiced in

accordance with Policy 2.63 of the Cardiff Unitary Development Plan.

29. C2N Drainage details
30. C7S Details of Refuse Storage
31. C4P Landscaping Design & Implementation Pro
32. C4R Landscaping Implementation

RECOMMENDATION 2: The applicant is asked to consider entering into an agreement under Section 35 Highways Act A 1980, creation of walkways by agreement, for the secondary pedestrian routes identified on submitted M2H plan number PL109A. The applicant is reminded that the highway works condition and any other works to existing or proposed adopted public highway are to be subject to an agreement under Section 38 and/or Section 278 Highways Act 1980 between the developer and Local Highway Authority.

RECOMMENDATION 4: The applicant is advised of the NR requirements for the safe operation of the railway and the protection of NR's adjoining land contained within their consultation response dated 8.1.15.

RECOMMENDATION 5: To protect the amenities of occupiers of other premises in the vicinity attention is drawn to the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities. Further to this the applicant is advised that no noise audible outside the site boundary adjacent to the curtilage of residential property shall be created by construction activities in respect of the implementation of this consent outside the hours of 0800-1800 hours Mondays to Fridays and 0800 - 1300 hours on Saturdays or at any time on Sunday or public holidays. The applicant is also advised to seek approval for any proposed piling operations.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 The detailed application proposes the construction of 180 apartments (40x1 bed; 114x2 bed; 8x3 bed; 18x studios) in a seven/ eight/ 23 storey block on a triangular site bounded by Herbert Street to the south, the Dock Feeder Canal to the east and the railway line embankment to the north and west.
- 1.2 The block is L-shaped with a 7 storey block fronting Herbert Street stepping up to an 8 storey block fronting the Dock Feeder and terminating in a 23 storey tower block at the northern end of the site.
- 1.3 Vehicular access is from Herbert Street via the existing access point underneath the building to an undercroft parking area with 42 parking spaces. Access and egress from/to Herbert Street will be left turn only.
- 1.4 A small landscaped square is located at the SE corner of the site adjacent to the Dock Feeder. Main front door access to the 7 and 8 storey blocks is from the

Square which then continues northwards as a 6m wide pedestrian/ cyclist path running alongside the Dock Feeder. This path gives access to the front door of the tower block and to a pedestrian footbridge over the Dock Feeder to link the site to the adjacent Tyndall Street Capital Quarter site. The capital Quarter site is being developed in phases by the applicant.

- 1.5 Retail (A2 and A3) and office uses are proposed to the ground floor of the 7 storey block fronting Herbert Street, and to approximately 60% of the ground floor of the 8 storey block fronting the landscaped pedestrian route and the Dock Feeder.
- 1.6 To the rear of the development is a landscaped amenity podium deck spanning over the undercroft parking area. The podium is accessed from the circulation cores and measures approx. 500sqm, and at its NW boundary with the Network Rail land is approximately 1.5m below the level of the railway tracks at a minimum separation distance of 12m. The podium is in sunlight for all of the afternoon at the equinox.
- 1.7 The lower buildings fronting Herbert Street and the Dock Feeder are of a similar scale and design to the Capital Quarter and Callaghan Square developments, characterised by a restrained civic style of architecture.
- 1.8 The residential tower is of a similar scale to the tall buildings on Bute Street and extrudes the architecture of the lower blocks over 23 storeys. The height of the tower is staggered by 4 storeys at the top in order to break up the massing and provide more interest to the skyline, and the façade is broken up by framed bay elements and the introduction of balconies and winter gardens.
- 1.9 Materials are primarily metal cladding and curtain walling with the introduction of some colour to the bay elements. Elevations are further enlivened by the introduction of balconies and winter gardens to the southern corners.
- 1.10 Amended plans addressing the height, massing and design of the tower block in particular have been received and local members, neighbours and representators have been reconsulted.
- 1.11 The application is supported by the following additional information:
 - Design and Access Statement
 - Transport Assessment
 - Sun Path Analysis
 - Geo-Technical and Geo-Environmental Report
 - Drainage Strategy Statement
 - Environmental Noise Survey
 - Masterplan car parking allocation plan PL120A
 - Visual Impact Assessment of tower (May 2015)
 - Herbert Street Viability Appraisal (Savills, Jan 2015 on behalf of the applicant)
 - Review of development viability in respect of land off Herbert Street (DVS, April 2015)

- Review of DVS draft assessment (Savills, May 2015 on behalf of the applicant)

2. **DESCRIPTION OF SITE**

- 2.1 The triangular largely flat application site is 0.35 hectares in area and has been cleared. It was most recently been in use as a temporary car park with access from Herbert Street to the south. The railway line runs on a 6m high embankment to the north and west, and the Dock Feeder to the east. To the other side of the Dock Feeder is the Capital Quarter site which has outline planning permission for a mixed use development and is being built out in phases.
- 2.2 In terms of context: To the west is the Callaghan Square office development, and to the south the Atlantic Wharf new and refurbished relatively low-rise office/resi development. To the north of the site is the City Centre Principal Business Area and there are a number of high buildings on Bute Terrace, including the Pellet Street student housing block, the Altolusso residential tower, and the Radisson Blu Hotel.

3. **PLANNING HISTORY**

- 11/173/DCI Planning permission refused for application to extend temporary car park use. The site first got permission for temporary car park use (3yrs) in 1999 and the permission had been renewed annually.

Related planning history on the Capital Quarter (Tyndall St. Industrial estate) site.

- Planning permission 12/1716/DCI granted in October 2013 to vary condition 1C of outline consent 08/2740C to extend the period for the application for approval of reserved matters for a further 3 years.
- Planning permission 11/1099/DCI granted December 2014 for a 296 parking space multi-storey car park. Legal agreement changed by Deed of Variation in May 2015 varying the car park occupancy management plan to remove the public car parking element and include a residential parking element for the Herbert street site.
- Outline planning permission 08/2740C granted in December 2009 for a mixed use development including offices, a hotel, a care home, student accommodation, an aparthotel, and A1 and A3 uses.

4. **POLICY FRAMEWORK**

- 4.1 Adopted City of Cardiff Local Plan
 Policy 11 Design and Aesthetic Quality
 Policy 17 Parking and Servicing Facilities
 Policy 31 Residential Open Space Requirements
 Policy 36 Alternative Use of Business, Industrial and Warehousing Land
- 4.2 Deposit Cardiff Unitary Development Plan (2003)
 Policy 2.20 Good Design

Policy 2.24 Residential Amenity

4.3 Supplementary Planning Guidance

Open Space Supplementary Planning Guidance (2008)
Community Facilities and Residential Development (2007)
Affordable Housing (2007)
Affordable Housing Delivery Statement (2010)
Tall Buildings Design Guide (2009)
Safeguarding Land for Business and Industry (2006)
Access, Circulation & Parking Standards (2010)
Developer Contributions for School Facilities (2007)
Residential Design Guide (2008)
Restaurants, Takeaways, & other Food & Drink Uses (1996)
Eating, Drinking and Entertainment in the City Centre (2000)

5. **INTERNAL CONSULTEE RESPONSES**

5.1 Land Use Policy: The vacant site (0.35ha) is located within the City Centre Principal Business Area (PBA), of the adopted City of Cardiff Local Plan. As such, the main land use planning policy issues relate to:

5.2 *Whether the loss of Business, Industrial and Warehousing land is acceptable:* Policy 36 of the Local Plan sets out criteria against which proposals for the alternative use of business, industrial and warehousing land will be assessed. This requires an evaluation of the demand for such a use and the need to secure a range and choice of quality sites available for business development.

5.3 Located at the junction of Lloyd George Avenue and Tyndall Street, the site is bounded by the Cardiff Bay railway to the north / west and the Dock Feeder Canal to the east. The site has remained vacant since the adoption of the Local Plan in 1996 (having been cleared of previous uses) and has most recently been used as a surface car park.

5.4 The site is located immediately adjacent to the former Tyndall Street Industrial Estate, which is currently being redeveloped as a mixed use scheme comprising office and residential uses (application 08/02740/C). A pedestrian footbridge linking the two sites is proposed.

5.5 Taking into consideration that the site has remained vacant for circa 20 years, the established mix of business (office) and residential uses within the surrounding area of Tyndall Street / Lloyd George Avenue and the proposed integration with the adjoining mixed use (Capital Quarter) development, the loss of business, industrial and warehousing land could be considered acceptable in this instance.

5.6 *Whether the proposed C3 (Residential) use is acceptable at this location:* National Planning guidance seek the redevelopment of vacant sites and the use of Brownfield sites within urban areas for housing to help meet city-wide housing needs and to promote urban regeneration. The principle of residential development is well established within the surrounding area and the central

location of this site is suited to residential use as it is well served by transport links and is close to local amenities.

- 5.7 *Whether the proposed A2 (Financial and Professional Services) or B1 (Office) uses are acceptable at this location:* The site is located within the City Centre Principal Business Area and as such, the proposed A2 and B1 uses are considered acceptable in this instance. There would however be a concern regarding the potential for a Permitted Change from Class A2 to a Class A1 (shop) use.
- 5.8 The proposal lies outside the Principal Shopping Area (PSA) identified by the Local Plan and as such, and in accordance with Planning Policy Wales, any proposal for Class A1 (shop) use would need to satisfy the three tests of out-of-centre retail policy, namely: whether there is a need for the development; whether there are sites available to accommodate this need within or on the edge of the PSA (i.e. the “sequential test”); and whether the proposal would have any harmful impacts on existing centres or retail strategies. To overcome this issue, conditions could be imposed restricting a permitted change of use to Class A1.
- 5.9 *Whether the proposed A3 (Food and Drink) use is acceptable at this location:* The Premises for Eating, Drinking and Entertainment in the City Centre SPG identifies the Principal Business Area as an appropriate location for food and drink (A3) uses, subject to detailed considerations.
- 5.10 The SPG does however state that food and drink uses are unlikely to be acceptable where residents live immediately above or next door. Given that the application proposes 180 residential units which are located directly above in upper floors, then 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.
- 5.11 This could be achieved through the applicant accepting a restricted use condition, limiting any use to a café / restaurant where their primary function is the sale and consumption of food within the premises rather than alcohol or hot food takeaways, in order to safeguard future amenity and through controlled hours of opening to minimise disturbance to residents caused by noise at quiet times.
- 5.12 *Strategic Planning (Policy) Advice:* For the above reasons, the proposal is, on balance, considered acceptable in land use policy terms, subject to detailed design and amenity considerations. As referred to above, it is requested that conditions be imposed restricting permitted change of use from Class A2 to A1 and limitations on the type and associated opening hours of any Class A3 unit.
- 5.13 Transportation: The Council’s Transportation Officer confirms that the submission has been assessed and is considered to be acceptable in principle, subject to the following comments, and parking and access-related conditions:

- 5.14 The TA submitted in support of the application considers the impact of the proposed development and confirms that there is little or no difference between the surveyed traffic generated by the former use as a car park, and the calculated impact of the proposed development. In reaching its conclusions the assessment compares the 2008 surveyed use of the former surface car park (while it was still operational) with the calculated traffic generation of the proposed development, based on the capacity of the car park and TRICS derived trip generation; the results of which confirm that the proposals will generate two additional AM two-way trips and a decrease of three PM two-way trips.
- 5.15 The traffic assessment also confirms that the predicted level of traffic associated with the new access on Tyndall Street has increased since it was originally tested in 2008, as result of various detailed, approved applications. As such use of the Tyndall Street junction is expected to increase by 7% to 11% when compared to the last time it was assessed. In order to provide a robust assessment the junction has been tested in relation to the revised projected flows, the results of which show the junction will retain a reserve capacity of 29%.
- 5.16 It is therefore considered that the proposed development will have no impact on the operation of Tyndall Street and as such the submission is considered acceptable in this respect.
- 5.17 The submission identifies the provision of 120 car parking spaces for the proposed 180 flats, split 42 on site and 78 in the adjacent Capital Quarter car park, allocated on the basis of one space per two/three bed apartments and zero for one bed apartments. The adopted Access, Circulation and Parking Standards SPG identifies a range of zero to one space per unit for all residential development in the Central Area, and as such the proposed car parking is considered to be acceptable.
- 5.18 It is noted that the proposed cycle parking provision of 60 residential spaces and 7 visitor spaces is below the level identified in the SPG. However the application confirms that additional cycle parking can be accommodated within the on site car park should demand exceeds the proposed provision. I would therefore expect any details submitted in discharge of the requested cycle parking condition to detail how this will be assessed and provided as required.
- 5.19 It is also noted that the site is in a central location, within an area of employment, leisure, shopping, as well as close to both rail and bus public transport services. The site is therefore considered to be very sustainably located and entirely appropriate for the proposed development.
- 5.20 Parks Services: Under current policy the proposed development is subject to Policy 31 of the Local Plan (Provision of open space on new residential developments), which requires the provision of open space for recreational activity.

- 5.21 The Council's Supplementary Planning Guidance - Open Space requires provision of a satisfactory level and standard of open space on all new housing developments (2.43 hectares per 1000 projected population), or an off-site contribution towards existing open space for smaller scale developments where new on-site provision is not applicable.
- 5.22 As no public open space is being provided on-site, the developers will be required to make a financial contribution towards the provision of open space off-site, or the improvement (including design and maintenance) of existing open space in the locality.
- 5.23 Based on the information given, allowing for an occupancy rate of 258.92, the contribution will be £254,210. Contributions towards open space provision are derived using a formula-based calculation which takes into account, amongst other things, the size of the residential development and the projected increase in population.
- 5.24 Demand for usage of the existing open spaces would increase in the locality as a result of the development and therefore the Council considers it appropriate that an off-site contribution is made, calculated in accordance with the guidelines set out in the SPG.
- 5.25 The Public Open Space Contribution shall be used by the Council towards the design, improvement and/or maintenance of public open space within the locality of the development site. Further details will be provided.
- 5.26 The Parks Officer makes the following additional comments:
- 5.27 The dock feeder is the key environmental asset of the site offering the most potential for recreation. On the other side of Herbert Street it forms a major connecting feature between developments and is important for public amenity and is visually attractive. Parks' view is that the design does not make good use of this feature, with the building too close. Although the walkway is shown as 5.5-6m in width, the gap between the building line and edge of the dock feeder is a maximum of 4m which leaves very limited room tree planting without conflict with the building and given that the underground root spread of the tree will be severely limited by the need to protect the dock feeder wall. This lack of space can partly be compensated by having a wide landscape element on the opposite side but creating an attractive and usable walkway on the Herbert street site is crucial to the success of the scheme.
- 5.28 The tree planting along the frontage of Herbert Street is welcomed as a positive feature and the opportunity exists to plant a substantial size tree in the paved area at the front of the site. However the planting details shown are completely inadequate – see comments below.
- 5.29 The proposed bridge across the dock feeder is welcome but this needs to link properly to the footpaths and proposed courtyard / open space areas on the main site. In order to assess the scheme properly a revised masterplan (with the involvement of a landscape architect) needs to be drawn up to ensure that

the site is designed in an integrated way, rather than piecemeal. The current proposals do not provide sufficient good quality outdoor space for residents and office workers likely to be based at the site and Parks would like to see a bigger public open space area to be designed on the other side of the canal.

- 5.30 Creating a link along the east edge of the dock feeder, to connect to the existing road crossing is important in allowing residents/employees to access the dock feeder/walkway for recreation, and this looks to be included in the masterplan design proposals. I'm unable to determine from the plan whether it's possible to extend access northwards along the dock feeder beneath the railway or whether this is cost prohibitive.
- 5.31 The proposed design of the 'Podium' area is extremely poor and offers an environment of primarily slab and block paving which is likely to feel harsh and exposed and is unlikely to provide the type of environment residents would feel comfortable using.
- 5.32 Aside from the overall quality of design there are three other concerns with this area:
- a) The first is how the 'landscaped' area will be screened from the railway line in order to make it a sheltered and welcoming environment for residents to use.
 - b) Secondly a detailed sun path analysis is needed for the podium area. Without access to sun for a significant amount of the day the podium area is unlikely to be used by residents. Shading and also wind turbulence produced by the buildings needs to be analysed in the design process.
 - c) The third concern is how the podium landscape will be constructed and maintained. Although vehicles can access close to the area at ground level there needs to be access to the podium for machinery and materials, which is particularly important in terms of health and safety legislation regarding lifting etc. The maintenance operation will also have a major impact on the design process, although given that there is only minimal soft landscape within planters this may not be an issue, although these will require regular watering.
- 5.33 The planted areas at the edge of the car park, under the podium will not be feasible due to lack of water and shading caused by the overlying roof.
- 5.34 Having a planted area at the back of the site is reasonable but maintenance access is a problem, particularly with regard to trees. Vehicle access will be required for maintenance if trees are present. Regulations relating to trees adjacent to Network Rail land would also need to be considered. I would need clarification on what a receptor area is in order to comment on this aspect.
- 5.35 The tree pits shown on the drawing are far too small and poorly designed. These need to be completely redesigned to create larger rooting area in line with the principles expressed by Ed Baker. Including tree planting within the scheme, particularly along the frontage and dock feeder is welcome and important given a relatively hard paved environment and adjacent road, but this needs to be designed to allow long term growth of trees both in terms of canopy and below ground rooting. The choice of *Tilia cordata* 'Streetwise' is

fine, but I'm aware that Ed Baker has some reservations about use of Pyrus 'Chanticleer' as it is being very widely used in many schemes leading to potential long term problems with disease resistance.

- 5.36 The drainage from the site needs to be carefully considered given the amount of paving. If the dock feeder was to be used for drainage this would need to be discussed with the Council's Drainage Section, although it may be intended to drain the site via the standard below ground pipe system rather than SuDS.
- 5.37 Parks consider that the podium area and narrow walkway along the dock feeder do not constitute public open space and have therefore calculated an off-site contribution – see below. If the walkway had been more substantial and connected through to the City Centre, encouraging public access beyond the site, then this would have been taken into account, but with the current design I can not see this is achievable.
- 5.38 Given the nature of the Capital Quarter scheme I would suggest maintenance by a management company. Parks would not be interested in adopting the open spaces within the wider scheme for maintenance.
- 5.39 Neighbourhood Regeneration: The officer makes the following observations: Supplementary Planning Guidance (SPG) on Community Facilities and Residential Development states that 'the Council will seek a financial contribution for improvements to existing community facilities or the provision of additional community facilities on all significant developments because the increased population will result in increased demand for local community facilities'. 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. The formula in the SPG is based on the number of habitable rooms per dwellings. In summary a contribution of £106,266 is requested.
- 5.40 The SPG for 'Community Facilities and Residential Development' was formally adopted by Council on 22nd March 2007. The SPG was adopted to provide guidance on national and local planning policy which highlights the importance of the planning system in ensuring that the infrastructure on which communities depend is adequate to accommodate proposed development. Policy 21 of the City of Cardiff Local Plan (adopted January 1996) supports the provision of community facilities as part of new residential developments.
- 5.41 It is also in accord with Planning Policy Wales which supports the negotiation of planning obligations and states "Contributions from developers may be used to offset negative consequences of development, to help meet local needs, or to secure benefits which will make development more sustainable". A development proposing a significant increase in population, such as this, would create pressures on existing local facilities that need to be offset via a financial contribution. It would be unacceptable to grant planning consent in the absence of such provision.

- 5.42 Several community facilities are located within proximity to the site and are likely to experience an added pressure as a result of the new population. It is envisaged that a forthcoming community facilities contribution would be directed towards one of the many local community facilities, which could include:
- Butetown Community Centre – a financial contribution could be spent on adaptations to this facility, and equipment to accommodate increased and changing uses.
 - Butetown Youth Pavilion – community facility funding could be spent on adaptations and equipment to accommodate increased use.
 - Channel View Leisure Centre – As the nearest leisure centre to the development, this is likely to be used by residents of the new development. A financial contribution could be spent on adaptations and equipment to accommodate increased use.
 - Local shops on Bute Street and James Street – the improvement of local and neighbourhood shopping centres is included in the definition of community facilities. Improvements to the shopping centre could include environmental regeneration.
- 5.43 Education: The Education officer makes the following observations:
- 5.44 The Council has assessed the supply of and demand for places in the local area. The calculated land contribution required to accommodate the combined yield of primary and secondary school pupils that cannot be accommodated in existing provision, totals 0.0671 hectares. Land contributions, or financial contributions towards the costs of land, will not be sought as it is expected that the additional demand for English-medium primary, Welsh-medium primary and English-medium secondary school places will be provided on existing school sites and/ or other Council owned sites.
- 5.45 A total contribution of £153,710 is requested towards the provision of additional English-medium and Welsh-medium primary, secondary and sixth-form school places.
- 5.46 The contribution is calculated in accordance with the Council SPG *Developer Contributions for School Facilities (2007)* and is based on the capacity of local schools, the pupil yield from the proposed development, and 2007 DfES figures for the cost of providing additional school places.
- 5.47 Land contributions, or financial contributions towards the costs of land, may also be sought as it will not be possible to accommodate the additional demand for school places on existing school sites.
- 5.48 Housing Strategy: The Housing strategy Officer makes the following comments:
- 5.49 In line with the emerging LDP, an affordable housing contribution of 20% of the 180 units (36 units) is sought on this brown-field site.

- 5.50 Our priority is to deliver on-site affordable housing, in the form of affordable rented accommodation, built to Welsh Government Development Quality Requirements (DQR) & the Welsh Housing Quality Standard (WHQS) for purchase by a nominated Registered Social Landlord partner.
- 5.51 However, given the proposed design of the scheme, the unknown proposed future tenure of the units, the likely service charges for this type of residential development and the mixture of commercial and residential, all of the above could affect the affordability as well as the practicality of managing and maintaining affordable housing on-site for a Registered Social Landlord.
- 5.52 As an alternative to on-site provision at Herbert Street, we would be willing to accept the provision of affordable rented housing as:

- (a) Off-site on another site in the vicinity. The site must deliver the equivalent number of units (36 units); or if a site cannot deliver the full 36 units then we would be willing to accept a combination of affordable rented housing units and a financial contribution to make up for any shortfall in units. The site must come forward within the same timescales as the Herbert Street site.

For information, any affordable housing scheme should be appraised on a NIL Social Housing Grant (SHG) basis, and, the indicative amounts that a Registered Social Landlord (RSL) would pay for the units is based on an intermediate rent level and is specified below:

- 24 x 1 bed apartments (at an RSL purchase price of £60,000)
- 12 x 2 bed apartments (at an RSL purchase price of £77,548)

Please note that the above price relates to the properties only and any additional service charges for unadopted roads, public open space, public realm etc will not be due by any future residents of the affordable housing units. OR

- (b) As a financial contribution in lieu of the on-site affordable housing provision. On that basis we would seek a financial contribution of £2,206,320 (in lieu of 36 units) which is calculated in accordance with the formula in the Affordable Housing – Supplementary Planning Guidance (SPG) (2007).

- 5.53 Please note that in respect of financial viability, the District Valuer Report (April 2015) advised that the above level of affordable housing contribution was financially viable.
- 5.54 Drainage Management: The Drainage Engineer has not provided a response.
- 5.55 Waste Management: The Sustainable Planning Officer makes the following observations:
- 5.56 The refuse storage areas have been noted, however I don't believe they are big enough for 180 apartments. The following provisions are recommended: Dry Recyclables: 18 x 1100 litre bulk bins; Compostable waste: 18 x 240 litre bins;

General waste: 18 x 1100 litre bulk bins. Additional space should also be provided to account for bulky item reuse/recycling/disposal.

- 5.57 The agent should be made aware that we would be looking to secure the funding below to provide recycling and refuse arrangements for residents. This funding (£15,000) is sought under S106 Town and Country Planning Act.
- 5.58 The developer should also confirm where the bins will be presented on collection day – access to the site appears limited. If a reuse vehicle is to enter the site to make collections, there needs to be enough headroom and an area to turn the vehicle so that it can drive off site in a forward gear. The developer is advised; as bulk containers are specified for this development, access paths to the kerbside for collection should be at least 1.5 metres wide, clear of obstruction, of a smooth surface with no steps. Dropped kerbs should also be provided to ensure safe handling of bulk bins to the collection vehicle.
- 5.59 Waste Management will not carry keys or access codes for bin storage areas; so waste must either be presented at the entrance to the development for collection, or the access gates to the site must be left open.
- 5.60 The refuse storage areas identified for the commercial units are acceptable.
- 5.61 Refuse storage, once implemented, must be retained for future use
- 5.62 Please refer the agent/architect to the Waste Collection and Storage Facilities Supplementary Planning Guidance for further relevant information.
- 5.63 Pollution Control (Contaminated Land): The Contaminated Land Officer makes the following observations:
- 5.64 The report has identified a number of potential contamination issues at the site that will require remediation in order to ensure that the site can be developed on a suitable for use basis. As such Pollution Control requests a standard suite of contaminated land and ground gas conditions.
- 5.65 An area of the site will require remediation to remove asbestos impacted soils, and therefore the remediation scheme must ensure that appropriate asbestos control measures are implemented and requests an additional non-standard condition.
- 5.66 Pollution Control (Noise & Air): No objection subject to the following standard conditions: road traffic noise; railway noise; sound insulation between commercial and residential uses; opening hours; delivery times; plant noise; future kitchen extraction; and a construction noise recommendation.
- 5.67 Trees: See Parks response above.

6. **EXTERNAL CONSULTEE RESPONSES**

- 6.1 Glamorgan Gwent Archaeological Trust (GGAT): No comments have been received.
- 6.2 DCWW: No objection subject to standard conditions on separation of foul and surface water, and discharge of surface and land drainage run-off to the public sewer, provision of a grease trap, and submission of a comprehensive drainage scheme for approval by the LPA.
- 6.3 Natural Resources Wales (NRW): NRW have no comments on the proposal.
- 6.4 Network Rail (NR): NR have no objection in principle to the proposal subject to maintaining access to the NR retaining wall. The response lists a number of requirements for the safe operation of the railway and the protection of NR's adjoining land. These have been forwarded to the applicant and are referred to in an additional recommendation.
- 6.5 Civil Aviation Authority (CAA): Note that the tower is less than 300' in height and offer general advice in relation to aerodrome safeguarding, aviation warning lighting, and aviation notification (only required for structure over 300' in height).
- 6.6 Cardiff Bus: No comments have been received.

7. **REPRESENTATIONS**

- 7.1 The application was advertised on site and in the press as a major application. Neighbours and local members were consulted on the original application and on amended plans. 3 representations have been received:
- 7.2 One from a local resident on Lloyd George Ave supports the application but raises some concerns over the public realm and landscaping elements of the scheme, in particular the public Herbert Street and Dock Feeder frontages.
- 7.3 The other two representations are from a local resident of Edward England Wharf. The first representation raises concerns over the potential traffic safety implications of right turns into or out of the site, and proposing a new primary access to the site from the Capital Quarter site via a new bridge over the Dock Feeder canal. A restriction on the hours within which driven piling can take place is also requested.
- 7.4 The second representation formally objects to the access arrangements, specifically the impact on traffic movements and highway safety of vehicles turning right into or out of the development. Primary vehicular access from the Capital Quarter site via a new bridge over the Dock Feeder is again proposed.

8. **ANALYSIS**

- 8.1 The main issues to assess are the principle of residential use on the site, the design of the tall building in particular, the amenity of the future occupiers, and the nature and extent of the planning obligations.
- 8.2 The vacant site (0.35ha) is located within the City Centre Principal Business Area (PBA), of the adopted City of Cardiff Local Plan. As such, the main land use planning policy issues relate to:
- 8.3 Whether the loss of Business, Industrial and Warehousing land is acceptable: Policy 36 of the Local Plan sets out criteria against which proposals for the alternative use of business, industrial and warehousing land will be assessed. This requires an evaluation of the demand for such a use and the need to secure a range and choice of quality sites available for business development.
- 8.4 Located at the junction of Lloyd George Avenue and Tyndall Street, the site is bounded by the Cardiff Bay railway to the north / west and the Dock Feeder Canal to the east. The site has remained vacant since the adoption of the Local Plan in 1996 (having been cleared of previous uses) and has most recently been used as a surface car park.
- 8.5 The site is located immediately adjacent to the former Tyndall Street Industrial Estate, which is currently being redeveloped by the same applicant as a mixed use scheme comprising office and residential uses and MSCP (outline permission 08/02740/C and subsequent detailed applications for different parts of the site). A pedestrian footbridge linking the two sites is proposed.
- 8.6 Taking into consideration that the site has remained vacant for circa 20 years, the established mix of business (office) and residential uses within the surrounding area of Tyndall Street / Lloyd George Avenue and the proposed integration with the adjoining mixed use (Capital Quarter) development, the loss of business, industrial and warehousing land could be considered acceptable in this instance.
- 8.7 Whether the proposed C3 (Residential) use is acceptable at this location: National Planning guidance seeks the redevelopment of vacant sites and the use of Brownfield sites within urban areas for housing to help meet city-wide housing needs and to promote urban regeneration. The principle of residential development is well established within the surrounding area and the central location of this site is suited to residential use as it is well served by transport links and is close to local amenities.
- 8.8 Whether the proposed A2 (Financial and Professional Services) or B1 (Office) uses are acceptable at this location: The site is located within the City Centre Principal Business Area and as such, the proposed A2 and B1 uses are considered acceptable in this instance. There would however be a concern regarding the potential for a Permitted Change from Class A2 to a Class A1 (shop) use.

- 8.9 The proposal lies outside the Principal Shopping Area (PSA) identified by the Local Plan and as such, and in accordance with Planning Policy Wales, any proposal for Class A1 (shop) use would need to satisfy the three tests of out-of-centre retail policy, namely:
- whether there is a need for the development;
 - whether there are sites available to accommodate this need within or on the edge of the PSA (i.e. the “sequential test”); and
 - whether the proposal would have any harmful impacts on existing centres or retail strategies.
- 8.10 To overcome this issue, conditions could be imposed restricting a permitted change of use to Class A1.
- 8.11 Whether the proposed A3 (Food and Drink) use is acceptable at this location: The Premises for Eating, Drinking and Entertainment in the City Centre SPG identifies the Principal Business Area as an appropriate location for food and drink (A3) uses, subject to detailed considerations.
- 8.12 The SPG does however state that food and drink uses are unlikely to be acceptable where residents live immediately above or next door. Given that the application proposes 180 residential units which are located directly above in upper floors, then the applicant will be expected to demonstrate how their proposal can address concerns over the potential impact of a ground floor A3 use upon the amenity of residential occupiers. This could be achieved through the applicant accepting a restricted use condition, limiting any use to a café / restaurant where their primary function is the sale and consumption of food within the premises rather than alcohol or hot food takeaways, in order to safeguard future amenity and through controlled hours of opening to minimise disturbance to residents caused by noise at quiet times.
- 8.13 For the above reasons, the proposal is, on balance, considered acceptable in land use policy terms, subject to detailed design and amenity considerations. As referred to above, it is requested that conditions be imposed restricting permitted change of use from Class A2 to A1 and limitations on the type and associated opening hours of any Class A3 unit.
- 8.14 Scale and Design: The scale and civic nature of the lower ‘L-shaped’ block fronting Herbert Street and the Dock Feeder is in keeping with the Capital Quarter development. The elevations are enlivened by a mix of commercial uses to the ground floor and a setback upper floor treatment. Materials include stone and metal cladding
- 8.15 The residential tower has been sited to the back of the site where it complements the tall buildings to the north of the railway line. Its design has been subject to an extensive pre-application process to address height, massing, architecture and materials.
- 8.16 The resulting form is staggered in height with a splayed corner to the north and vertical framed glazing elements articulated by balconies and winter gardens to the southern corners. The design has sufficient slenderness and depth and

articulation in the façade design to avoid the bulky blandness of the neighbouring tall buildings to the north of the railway line.

- 8.17 Subject to conditions controlling type and quality of cladding materials and architectural detailing the design meets the requirements of the Tall Buildings SPG and is considered acceptable.
- 8.18 Amenity of future occupiers: A landscaped podium above the on-site parking provides an acceptable external private amenity space for the future occupiers. In addition the landscaped pedestrian route alongside the Dock Feeder linking the Capital Quarter development via a foot bridge to a small square fronting Herbert Street provides additional public amenity space. Outlook is acceptable for all residents. There are a significant number of single aspect flats however aspect, orientation and design is acceptable. Good quality access is provided from Herbert Street to both circulation cores
- 8.19 Access and Parking provision: The TA assesses the traffic impact of the proposed development on Tyndall Street and concludes that there will be little or no difference between the traffic generated by the former use as a car park and the proposed use.
- 8.20 The site already benefits from an existing ‘all movements’ vehicular access which serviced the previous temporary car park. The existing access from Herbert Street will be redesigned to prevent right turns into or out of the site by extending the kerbed central refuge from Lloyd George Avenue junction to the Tyndall Street pedestrian crossing. The MSCP (which does not form part of this application) will be served via the existing access road which has been constructed to serve Phase 2 of the Capital Quarter development.
- 8.21 The adopted Access, Circulation and Parking Standards SPG identifies a parking requirement of zero to one car space per residential unit (zero visitor) for the City Centre and Bay; and a minimum cycle parking requirement of 1 space per unit for flats/apartments. The proposed development (180 apartments) has 42 car parking spaces on site and a further 78 identified in the adjacent Capital Quarter MSCP which is under construction. It is therefore policy compliant.
- 8.22 The proposed cycle parking provision (60 spaces and 7 visitor spaces) is below the SPG standard. However the application confirms that additional cycle parking can be accommodated within the car park should demand exceed provision. A cycle parking condition requiring details of how this would be achieved is attached.
- 8.23 Representations: The objection to the proposed access arrangements, namely the impact on traffic movements and highway safety of vehicles turning right into or out of the development, is addressed by the proposed alterations to the access and to the highway to prevent right turns into or out of the site. See Access and Parking section above. Concerns over the public realm treatment and landscaping will be addressed through conditions. A construction site noise recommendation is attached.

- 8.24 Section 106 obligations: The total s106 requirement calculated in accordance with Council policy and guidance is £2,870,506. The breakdown is as follows:
- 20% affordable housing (36 units) or equivalent £2,206,320 financial contribution
 - £153,710 for educational facilities
 - £254,210 for public open space
 - £106,266 for community facilities
 - £150,000 for highway alterations and improvements
- 8.25 The applicant provided a viability appraisal, prepared by Savills and dated January 2015, which concludes that any 106 requirements to provide affordable housing or other 106 contributions in excess of the £150,000 offered towards highway alterations/ improvements will have a negative impact on the viability of the scheme.
- 8.26 In accordance with the established practice of obtaining an independent assessment of viability appraisals presented in support of planning applications the Council commissioned the District Valuer (DV) to prepare an assessment of Savill's viability appraisal. The DV's amended draft report dated 21.9.15 concluded that the level of Section 106 obligations sought by the Council rendered the scheme unviable.
- 8.27 Following discussions with the applicant on the nature and extent of the abnormal costs identified in the draft DV report, in particular the design enhancement costs identified by the applicant, and in order to progress the application, the applicant has formally offered the sum of £625,000 to mitigate the effects of the development in respect of community facilities, open space provision, education and the provision of affordable housing.
- 8.28 The offer is made on the following terms:
- That the Council endeavour to present the application to October Planning Committee;
 - That the contributions become payable within 12 months of the implementation of the scheme;
 - That the internal distribution of the financial sum is a matter for the Council;
 - That the legal agreement takes the form of a unilateral undertaking (UU) which the applicant will draft and execute following a resolution to grant planning permission.
- 8.29 Finally it is the applicant's intention that the UU would not contain provisions enabling the viability of the scheme to be reviewed at a later date.
- 8.30 Having considered the contents and conclusion of the DV's draft report, and in the interests of progressing the application, it is considered that the sum offered and the terms are acceptable. However in drawing up the UU the omission of standard provisions enabling the viability of the scheme to be reviewed at a later date would have to be conditional on the scheme being progressed within an agreed time period, such period to commence on the signing of the 106.

- 8.31 It is proposed that the sum of £625,000 be allocated to the various service areas on a pro-rata basis, as follows:
- £510,000 for off-site affordable housing
 - £36,000 for educational facilities
 - £54,000 for public open space
 - £25,000 for community facilities
- 8.32 In addition the applicant will either make a financial contribution of £150,000 for alterations and improvements to the adopted highway to be implemented by the Council, or carry out the necessary alteration and improvement works under a section 278 agreement.

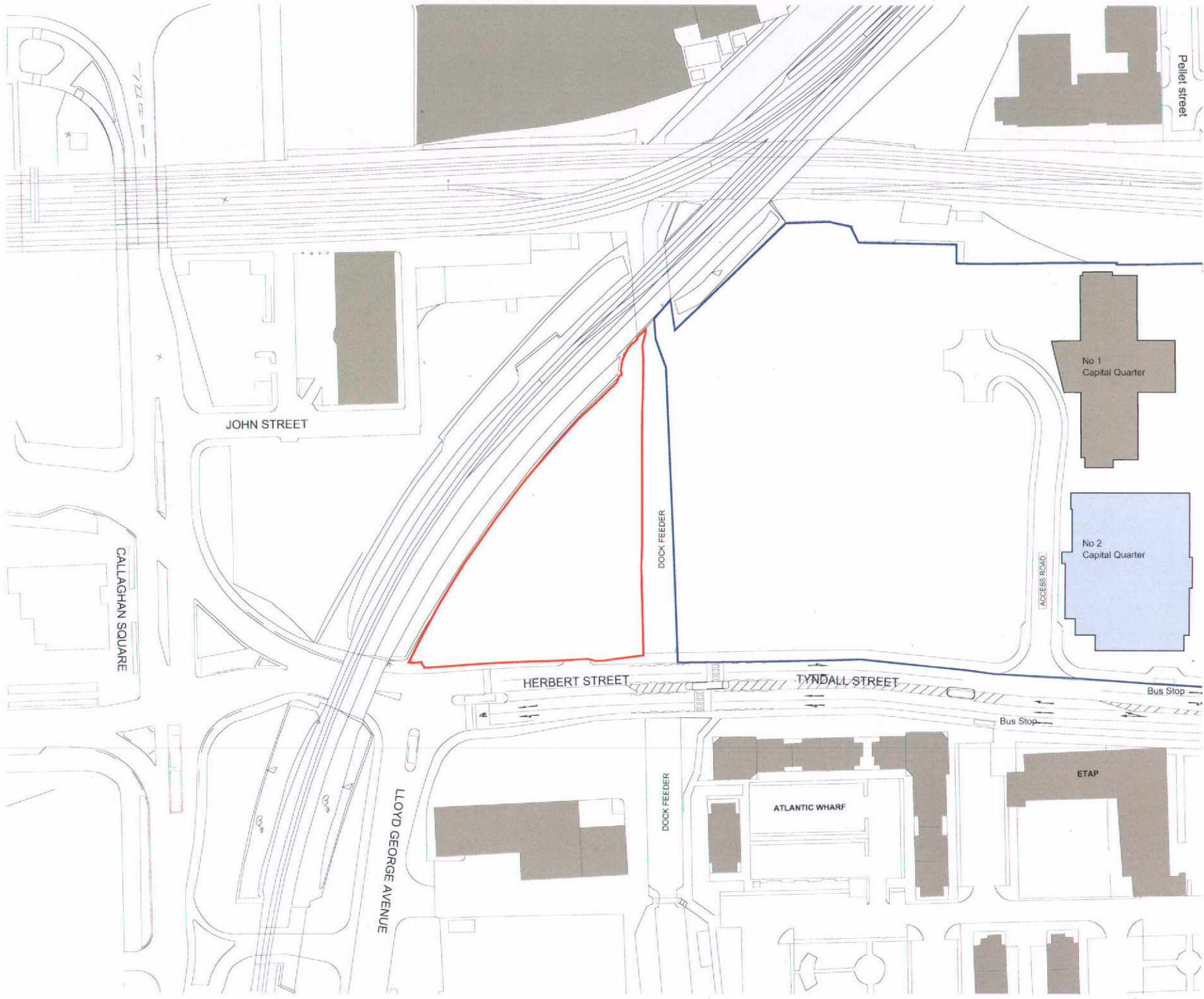
9. **CONCLUSION**

- 9.1 In conclusion the proposals redevelop a vacant plot and provide 180 new dwellings in a highly sustainable location. The principle of residential development, the location, height, massing, form and architecture of the tall building, the access arrangements and parking provision, and the amenity of future occupiers is all acceptable.
- 9.2 The granting of planning permission is recommended subject to conditions being imposed and a legal agreement (Section 106) being signed to secure the following financial contributions:
- £510,000 for the provision of affordable housing offsite in the vicinity of the development site;
 - £54,000 towards the design, improvement and/or maintenance of public open space within the vicinity of the development site. The closest area of recreational open space is Craiglee Drive Open Space;
 - £25,000 towards the improvement of community facilities in the vicinity eg. Butetown Community Centre, Butetown Youth Pavilion, Channel View Leisure Centre, Local shops on Bute Street and James Street, and local community venues run by the voluntary sector in the ward;
 - £36,000 towards the provision of English and Welsh medium primary school provision and English medium secondary/ sixth form provision in the vicinity;
 - £150,000 for implementing transport and highway-related improvements to improve access from Herbert Street, including public realm improvements adjacent to the site; or carry out the necessary alteration and improvement works to the access and adjacent highway under a section 35 and 278 agreement.

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REVISIONS

No	By	Description	Date



- Application Site
0.87 Acres
0.35 Ha

- Land under control of Applicant
7.3 Acres
2.95 Ha

- Capital Quarter Site.
Planning Ref :
- 08/02740/C
- 12/01716/DCI



morgan hayman

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 16 Columbus Walk, Atlantic Wharf, Cardiff, CF10 4BY
 Tel (029) 2044 7520 Fax (029) 2045 1813

Project: Herbert Street, Cardiff
 Client: JR Smart Ltd
 Title: Proposed Location Plan

Drawn	Checked	Scale	Sheet	Date
HJM	ARM	1:1000	A3	Dec 2014
3025	PL	101	Planning	

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REVISIONS			
No	By	Description	Date
A	DG	2015 revised planning scheme - Submitted May	May 2015



Scale: 1:250 @ A1
1:500 @ A3

morgan 2 hayman

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Client: Herbert Street, Cardiff

Client: JR Smart Ltd

Drawing Title: Proposed Ground Floor

Level 0

Drawn	Checked	Scale	Original	Date
BE	ARM	1:500	A3	Dec 2014
Job Number	Drawing Number	Revision	Status	
3025	PL	201	A	Planning

Proposed Ground Floor Plan (Level 0)

