

## PETITION AND LOCAL MEMBER OBJECTION

COMMITTEE DATE: 22/07/2020

APPLICATION No. **19/01012/MJR** APPLICATION DATE: 09/04/2019

ED: **BUTETOWN**

APP: TYPE: Full Planning Permission

APPLICANT: Schrodgers UK Real Estate Fund  
LOCATION: MULTI STOREY CAR PARK, STUART STREET, CARDIFF BAY, CARDIFF, CF10 5BW

PROPOSAL: EXTENSION AND ALTERATION OF EXISTING MULTI-STOREY CAR PARK, RECONFIGURATION OF CAR PARK LAYOUT, REVISED/ADDITIONAL ENTRANCE AND EXIT POINTS, BICYCLE HUB FACILITY, LANDSCAPING AND ASSOCIATED WORKS

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**RECOMMENDATION 1:** That, subject to relevant parties entering into a binding legal agreement with the Council under the provisions of **SECTION 106** of the Town and Country Planning Act 1990, within 6 months of the date of this Resolution unless otherwise agreed by the Council in writing, in respect of matters detailed in Section 9 of this report, planning permission be **GRANTED** subject to the following conditions:

1. The development permitted shall be begun before the expiration of five years from the date of this planning permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following approved plans:

Drawing Reference	Drawing Title
• MQC-ASL-00-00-DR-A-0001	Site Location Plan
• MQC-ASL-00-00-DR-A-0010	Existing Ground Floor Plan
• MQC-ASL-00-01-DR-A-0011	Existing First Floor Plan
• MQC-ASL-00-ZZ-DR-A-0050	Existing Elevations
• MQC-ASL-00-ZZ-DR-A-0020	Existing Site Sections A, B & C
• MQC-ASL-00-ZZ-DR-A-0021	Existing Site Sections D & E
• MQC-ASL-00-00-DR-A-0100	Proposed Ground Floor Plan
• MQC-ASL-00-01-DR-A-0101	Proposed First Floor Plan
• MQC-ASL-00-02-DR-A-0102	Proposed Second Floor Plan
• MQC-ASL-00-03-DR-A-0103	Proposed Third Floor Plan
• MQC-ASL-00-ZZ-DR-A-0120	Proposed Site Sections A,B & C

- MQC-ASL-00-ZZ-DR-A-0121 Proposed Site Sections D & E
- MQC-ASL-00-ZZ-DR-A-0150 Proposed Elevations
- MQC-ASL-00-00-DR-L-0900 Rev P1 External Works General Arrangement

Reason: For the avoidance of doubt.

3. *Material Specification:* Notwithstanding condition 2, prior to the construction of any external walls and/or roofs on site, details (which shall include a schedule of materials and finishes) shall be submitted to and approved in writing with the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained

Reason: To ensure an acceptable form of development, in accordance with Policy KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).

4. *Architectural Detailing:* Prior to commencement of any construction work, a scheme showing the architectural detailing of the buildings 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 scheme is 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. *Revised Access and Adjacent Highway Works:* Prior to commencement of development detailed schemes for the provision of the revised access arrangements to Stuart Street, entry and exit, and New George Street, exit only northbound, are to have been submitted to and agreed in writing with the LPA. The schemes shall include, but not be limited to, details of surfacing, kerbs, edging, drainage, lighting, lining, signing, street furniture, landscaping and traffic Orders as may be required as a consequence of the development. The approved schemes shall thereafter be implemented in accordance with the agreed details prior to beneficial occupation of the development.

Reason: To facilitate safe and orderly access to and egress from the development and the reinstatement of the adjacent public highway in the interests of highway and pedestrian safety in accordance with policy T5 of the adopted City of Cardiff Local Development Plan (2006-2026).

6. *Construction Environment Management Plan:* Prior to commencement of development a Construction Environment Management Plan (CEMP) shall be submitted to and approved by the Local Planning Authority to include details of construction traffic routes, site hoardings, site access, wheel washing facilities, storage of plant and materials, parking of contractors vehicles, details of how dust and dirt emissions will be controlled and monitored, how pollution risks to controlled waters will be managed during

the works, and a scheme for recycling/disposing of waste resulting from demolition and construction works. The construction of the development shall be managed strictly in accordance with the scheme so approved.

Reason: In accordance with Policies EN11, EN13 and T5 of the adopted City of Cardiff Local Development Plan (2006-2026), in the interests of highway safety and public amenity and to prevent pollution of the water environment.

7. *Cycle Parking*: Prior to commencement of development details showing the provision and layout of the cycle parking hub/spaces is to be submitted to and approved in writing by the LPA. The approved scheme shall be implemented in accordance with the agreed details prior to beneficial occupation of the development.

Reason: To ensure adequate provision is made for the secure parking of bicycles, in accordance with policy T5 of the adopted City of Cardiff Local Development Plan (2006-2026).

8. *Floodlighting Scheme*: Prior to commencement of development a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide that:
- (i) Light into neighbouring residential windows generated from the floodlights shall not exceed 10 Ev (lux) (vertical illuminance in lux).
  - (ii) Each floodlight must be aligned to ensure that the upper limit of the main beam does not exceed 70 degrees from its downward vertical.
  - (iii) The floodlighting shall be designed and operated to have full horizontal cut-off and such that the Upward Waste Light Ratio does not exceed 5%.

The submitted scheme shall include an isolux diagram showing the predicted illuminance in the vertical plane (in lux) at critical locations on the boundary of the site and at adjacent properties.

The approved scheme shall be implemented prior to beneficial use and be permanently maintained.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected, in accordance with Policy EN13 of the adopted City of Cardiff Local Development Plan (2006-2026).

9. *Ground Gas Protection*: Prior to the commencement of any development works a scheme to investigate and monitor the site for the presence of gases\* being generated at the site or land adjoining thereto, including a plan of the area to be monitored, shall be submitted to the Local Planning Authority for its approval.

Following completion of the approved monitoring scheme, the proposed details of appropriate gas protection measures to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site shall

be submitted to and approved in writing to the LPA. If no protection measures are required than no further actions will be required.

All required gas protection measures shall be installed and appropriately verified before occupation of any part of the development which has been permitted and the approved protection measures shall be retained and maintained until such time as the Local Planning Authority agrees in writing that the measures are no longer required.

\* '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 or BS8485 year 2007 Code of Practice for the Characterization and Remediation from Ground Gas in Affected Developments,.

Reason: To ensure that the safety of future users is not prejudiced, in accordance with Policy EN13 of the adopted City of Cardiff Local Development Plan (2006-2026).

10. *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) a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages;

(ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;

(iii) an assessment of the potential risks to:

- human health,
- 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 information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment, in accordance with Policy EN13 of the adopted City of Cardiff Local Development Plan (2006-2026).

11. *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).

12. *Contaminated Land Measures – Remediation & Verification:* The remediation scheme approved by condition 11 above must be fully undertaken in accordance with its terms prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

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).

13. *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).

14. *Imported Aggregates:* Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical

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

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

Reason: To ensure that the safety of future occupiers is not prejudiced, in accordance with Policy EN13 of the adopted City of Cardiff Local Development Plan (2006-2026).

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

Reason: To ensure that the safety of future users is not prejudiced, in accordance with Policy EN13 of the adopted City of Cardiff Local Development Plan (2006-2026).

16. *Landscaping:* Prior to the occupation of the development hereby permitted, landscaping details shall be submitted to and approved in writing by the Local Planning Authority. These details shall include a scaled planting plan (trees should be depicted at their likely ultimate branch spreads), plant schedule, topsoil and subsoil specification (based on a soil assessment in accordance with the Soils and Development TGN), tree pit section and plan view, planting methodology, aftercare methodology and implementation programme and evidence to confirm that services, including drainage, will not conflict with planting.

Reason: To enable the Local Planning Authority, to determine that the proposals will maintain and improve the amenity of the area, and to monitor compliance, in accordance with Policy KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).

17. *Drainage Scheme:* Notwithstanding the submitted detail, no development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the

development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment, in accordance with Policies EN10 and EN11 of the adopted City of Cardiff Local Development Plan (2006-2026).

18. *Management strategy:* Prior to the use of the development hereby permitted, a full management strategy shall be submitted to and approved in writing by the local planning authority. The use hereby permitted shall thereafter be operated in accordance with the approved details. The submitted details will include the following:

- a) Details of security measures and lighting.
- b) Details on how the car park and cycle hub will be staffed, maintained and managed.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected, in accordance with Policy KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).

**RECOMMENDATION 2:** The highway works conditions and any other works to existing or proposed adopted public highway are to be subject to an agreement under Section 38 and/or Section 278 Highways Act 1980 between the developer and the Local Highway Authority

**RECOMMENDATION 3:** The applicant is advised to liaise with South Wales Police and contact Jon Brown; 01656 655555 ext: 29248, [Jon.Brown@south-wales.pnn.police.uk](mailto:Jon.Brown@south-wales.pnn.police.uk)).

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

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

- Unprocessed / unsorted demolition wastes.
- Any materials originating from a site confirmed as being contaminated or

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

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

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

**RECOMMENDATION 5:** The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

**RECOMMENDATION 6:** To protect the amenities of occupiers of other premises in the vicinity attention is drawn to the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities. Further to this the applicant is advised that no noise audible outside the site boundary adjacent to the curtilage of residential property shall be created by construction activities in respect of the implementation of this consent outside the hours of 0800-1800 hours Mondays to Fridays and 0800 - 1300 hours on Saturdays or at any time on Sunday or public holidays. The applicant is also advised to seek approval for any proposed piling operations.

**RECOMMENDATION 7:** On the 7th January 2019, Schedule 3 of the Flood and Water Management Act 2010 was enacted. This affects all new developments where the construction area is of 100m<sup>2</sup> or more. Cardiff Council is aware that your application for planning permission was validated after the recent legislative change in which Schedule 3 of the Flood and Water Management Act was enacted and therefore may be subject to surface water drainage proposals under the SAB application process. It is recommended that the developer engages in

consultation with the Cardiff Council SAB team, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features.

To arrange discussion regarding this please contact:  
[SAB@cardiff.gov.uk](mailto:SAB@cardiff.gov.uk)

If you require further information please review:  
<https://www.cardiff.gov.uk/ENG/resident/planning-and-suds/suds-approval-body/>

Or, alternatively you can review the legislation set by Welsh Government here:  
<https://gweddiill.gov.wales/topics/environmentcountryside/epq/flooding/drainage/>

## 1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 Full planning permission is sought to extend and alter the existing multi-storey car park and the associated external ground floor parking area to the north. This will involve the addition of two new decks on top of the existing structure, a four storey extension to the rear (north east), new stair and lift cores, a reconfigured car park layout with revised entrance/exit points, a bicycle hub facility and other associated works.
- 1.2 The proposals will result in an additional 9,897sqm of floorspace, providing a further 310 car parking spaces (including 20 electric charging spaces) and 52 cycle parking spaces. This is demonstrated in the tables below:

	<b>Ground</b> (Level 0 - <b>internal</b> ) (m <sup>2</sup> )	<b>Ground</b> (Level 0 - <b>external</b> ) (m <sup>2</sup> )	<b>First</b> (Level 1) (m <sup>2</sup> )	<b>Second</b> (Level 2) (m <sup>2</sup> )	<b>Third</b> (Level 3) (m <sup>2</sup> )	<b>Total</b> (m <sup>2</sup> )
Existing	3,810	1,941	3,810	0	0	9,561
Proposed	4,569	1,182	4,569	4,569	4,569	19,458
Difference	+759	-759	+759	+4,569	+4,569	+9,897

Table 1: Existing and proposed floorspace.

<b>Type of Parking</b>	<b>Ground</b> (Level 0)	<b>First</b> (Level 1)	<b>Second</b> (Level 2)	<b>Third</b> (Level 3)	<b>Total</b>
Standard	140 (-54)	147 (-6)	157 (+157)	158 (+158)	<b>602</b> (+257)
Disabled	32 (+15)	0 (=)	0 (=)	0 (=)	<b>32</b> (+15)
Parent & Child	0 (-10)	9 (+9)	9 (+9)	10 (+10)	<b>28</b> (+18)
Electric Charging	10 (+10)	10 (+10)	0 (=)	0 (=)	<b>20</b> (+20)
<b>Total</b>	182 (-38)	166 (+13)	166 (+166)	168 (+168)	<b>682</b> (+310)
Cycle	60 (+56)	0 (=)	0 (=)	0 (=)	<b>60</b> (+56)

Table 2: Proposed parking summary.

- 1.3 The addition of two new decks above the existing car park structure, will increase the overall height of the building (excluding the lift cores) by 6.5 metres, to a total height of 10.5 metres. The proposed four storey extension to the north east of the site, will extend over the existing external ground floor parking area. This will measure the same height as the two additional decks, but will project 15.8 metres deep to the north and 41.1 metres wide (the width of the existing building will not be increased). The minimum separation distance to the northern boundary will be 10.9 metres, with this distance increasing as the boundary runs diagonally away from the building. The top deck will be open air. New stair cores will be added to the north, south-east corner and western elevations and will measure 12.5 metres high. Adjoining the south eastern stair core will be a cycle parking hub. This will provide an additional 56 cycle parking spaces, all at ground floor level, and will include secure storage facilities and space for a pop-up maintenance shop.
- 1.4 The existing brickwork at ground floor level will be replaced by an extruded metal mesh. On the southern elevation along Stuart Street, the remainder of the façade at first, second, and third floor level will comprise undulating vertical aluminium fins. A profiled finish will run until the stair cores to the east and west, after which the profiled aluminium fins will not undulate and will be a flatter profile on the northern elevation. The new stair cores will be clad in living green walls, except for the northern stair core which will be constructed of concrete. Proposed hard and soft landscaping is proposed around the site.

#### *Movement*

- 1.5 The car park layout will be reconfigured with the existing entrance/exit fronting Stuart Street being realigned and segregated to provide two entry/exit points along Stuart Street. The first being a centrally located two lane entry point with a single exit lane provided 19 metres to the east on the same elevation. A new two lane exit point is proposed to the north east of the site, exiting out onto New George Street, facilitating both left and right turns. With regard to pedestrians, the four existing access points will remain, but will include external stair cores on the north, east and western elevations. Two pedestrian lifts providing access to all the decks will be provided beside the eastern stair core. The existing internal ramps will be maintained but vehicular circulation will be modified to allow for efficient manoeuvring of vehicles.

## **2. DESCRIPTION OF SITE**

- 2.1 The application site forms a triangular plot covering an approximate area of 0.80ha. It comprises an existing fully operational multi-storey car park with an external ground floor parking area to the north. The car park was granted permission in August 1999 (ref: 98/00834/C).
- 2.2 The site lies to the north west of the Mermaid Quay estate, approximately 2 km south of Cardiff City Centre and directly above the Butetown Tunnel (A4232), which runs diagonally in a south west to north east direction. The site is bounded to the south by Stuart Street, which features Techniquest, a science

and technology learning centre. This building is located to the south west and is currently undergoing construction work for an extension to provide additional exhibition space (ref: 18/02513/MJR). Also on the opposite side of Stuart Street, lies two five storey and three storey apartment buildings and a two storey restaurant building. Stuart Place road runs between these buildings and provides access to the Mount Square public house. Adjoining the site to the east is the single storey Council owned Butetown Tunnel control room/pumping station with New George Street and the Mermaid Quay shopping and leisure estate beyond. To the north lies a number of two storey residential dwellings in Louisa Place. Bound to the west is Adelaide Street, with Mount Stuart Primary School situated on the opposite side of the road.

- 2.3 Whilst the site is not located within a conservation area, the Pierhead Conservation Area lies immediately to the south, with the boundary running centrally along Stuart Street. There are two Grade II listed buildings located on the opposite side of Stuart Street; the former Pilotage House building (and its associated railings) and the currently vacant Big Windsor building directly to the south, which was recently granted permission for its change of use from a restaurant across all floors to provide two commercial units at ground floor level and apartments on the floors above (ref: 18/02957/MNR and 19/02958/MNR).
- 2.4 The site is located within the Central and Bay Business Area (Policy KP10) of the adopted Cardiff Local Development Plan (LDP). It is also located within a C1 Flood Zone (served by flood defences) as defined on Welsh Government's TAN15 Development Advice Map.

### Car Park

- 2.5 The car park structure has two decks with an open air first floor and measures 4.4 metres high, 115 metres wide and 35 metres deep. The building has a white painted steel structural frame with painted blue brick/timber infill elements. The external ground floor car park lies to the north and features a low brick wall along the northern boundary with planting and semi-mature trees adjacent to it. There is also planting found along the western boundary and parts of the southern boundary.
- 2.6 The vehicle entrance and exit points lie on Stuart Street and there are four pedestrian entrances; two on Adelaide Street to the west, one on New George Street to the north east and one on Stuart Street to the south. An external staircase is located to the south east of the site which provides pedestrian access to the first floor and links to the pelican crossing on the corner of Stuart Street/New George Street into the wider Mermaid Quay estate.
- 2.7 The car park currently operates an Automatic Number Plate Recognition ticketless entry system. There are a total of 372 existing car parking spaces, which are summarised below:

Type of Parking	Ground floor level	First Floor Level	Total
Standard	192	153	345
Disabled	17	0	17

Parent & Child	10	0	10
Electric Charging	0	0	0
Total	219	153	372

Table 3: Existing parking summary.

- 2.8 The site also has 4 cycle parking spaces. 10 loop stands and 8 'Next Bike' stands are found adjacent to the north east boundary of the site on the corner of New George Street.

### 3. **SITE HISTORY**

- 98/00834/C – Planning permission granted on 02/08/1999 for a two storey car park

### 4. **POLICY FRAMEWORK**

- 4.1 The following national planning policy and guidance is considered to be of particular relevance:

- 4.2 Planning Policy Wales (PPW) (Edition 10, December 2018)

- 4.3 The following Technical Advice Notes (TANs) are relevant:

- TAN 4: Retail and Commercial Development (November 2016)
- TAN 11: Noise (October 1997)
- TAN 12: Design (March 2016)
- TAN 13: Tourism (October 1997)
- TAN 15: Development and Flood Risk (July 2004)
- TAN 18: Transport (March 2007)
- TAN 23: Economic Development (February 2014)
- TAN 24: The Historic Environment (May 2017)

- 4.4 The following local planning policy and guidance is considered to be of particular relevance:

4.5 **Cardiff Local Development Plan 2006-2026:**

- KP5 Good Quality and Sustainable Design
- KP7 Planning Obligations
- KP8 Sustainable Transport
- KP9 Responding to Evidenced Economic Needs
- KP10 Central & Bay Business Areas
- KP15 Climate Change
- KP17 Built Heritage
- C3 Community Safety/ Creating Safe Environments
- EN9 Conservation of the Historic Environment
- EN10 Water Sensitive Design
- EN11 Protection of Water Resources
- EN13 Air, Noise, Light Pollution & Land Contamination
- EN14 Flood Risk

- T1 Walking & Cycling
- T4 Regional Transport Hub
- T5 Managing Transport Impacts
- T6 Impact on Transport Networks and Services
- T9 Cardiff City Region 'Metro' Network

#### 4.6 Supplementary Planning Guidance:

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

- Access, Circulation and Parking Requirements (2010)
- Green Infrastructure Consultation Draft (2017)
- Managing Transportation Impacts (Incorporating Parking Standards) (July 2018)
- Planning Obligations (2017)
- Waste Collection and Storage Facilities (2016)

### 5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 **Transportation:** The Operational Manager (Transportation) makes the following comments: The submitted proposal is for the extension and alteration of the multi-storey car park at Stuart Street, Cardiff Bay, primarily to provide an increase of 310 car parking spaces, up from an existing 372 to proposed 682 spaces.
- 5.2 The extension and alteration of the car park will see the number of disabled bays on site increased to 33, the number of dedicated parent & child spaces increased to 28, the introduction of 20 electric vehicle charging points and the addition of 56 cycle spaces. The proposed cycle spaces (existing + additional) are to be provided in a dedicated cycle hub in the south east corner of the building, with a total of 80 spaces (including 6 cycle lockers), flexible workshop space, staff welfare and improvements to the pedestrian accessibility of the building.
- 5.3 The site is located within the Bay Business Area (BBA) of the adopted Cardiff Local Development Plan and situated at the edge of Cardiff Bay. The existing car park on Stuart Street is well situated to intercept vehicles traveling from the west of the city on the A4232, prior to them entering the wider Bay area, and is located within close walking distance of a number of leisure facilities/destinations. The location of the car park is also situated on existing public transport routes that connect to the City Centre and further afield, as well as being in close proximity to existing cycle routes/facilities and on-street cycle hire.
- 5.4 The application is supported by a Transport Assessment (TA) and while we do not have any major concerns with the underlying methodology, there is some concern why the assessment is restricted to a Bank Holiday, with no account made for weekday peaks or the weekends which can already be busy with commuter and visitor traffic respectively.

- 5.5 Whilst the flows into/out of the car park itself may be higher on a Bank Holiday, the surveys show that at the other study junctions the flow in the PM peak is higher than that on the Bank Holiday, even having accounted for the development traffic; suggesting that the PM peak at least should have been assessed. Similarly, from the daily flows from the SDR count the indications are that Saturdays are also busy, the Saturday single peak being at least as busy as that of the weekday PM, ideally for completeness this should have also been considered.
- 5.6 Notwithstanding, overall on the basis of what has been provided, all assessed junctions appear to continue to operate within capacity with the addition of development traffic and accounting for background traffic growth. Nevertheless Transportation would have liked to have been assured that the same is true for the AM, PM and Saturday peaks.
- 5.7 Surveys undertaken to inform the TA identify that during normal weekday conditions the car park reaches an average maximum occupancy of circa 50% and as such operates well within capacity. The survey results suggest there is also little weekday impact on the highway network, with only a small amount of traffic queuing within the eastbound protected right turn. It also is noted that the car park operates a ticketless entry system, so vehicles do not have to wait/stop to collect a ticket as they enter the car park. It is however noted that some identifiable queuing occurred during the surveyed August Bank Holiday, this being associated with the car park being over capacity and vehicles having difficulty finding spaces/waiting despite the car park full signs being displayed.
- 5.8 However as noted above the TA has not considered weekday PM or weekend peak traffic movements at the tested junctions, movements which are known to be higher than the surveyed Bank Holiday movements, and as such it is anticipated that there will be some negative impact during these peaks that the Council considers it necessary to mitigate.
- 5.9 Personal Injury Accident (PIA) data obtained from Cardiff Council and reported in the TA reveals 6 Slight and 2 serious accidents within the assessment area, with only 1 of the slight incidents occurring in close proximity to the site. The close proximity incident is not directly related or attributed to the use of the car park, involving a vehicle and pedestrian at an adjacent crossing.
- 5.10 However what the PIA data does reveal is 1) a cluster of 4 slight accidents at the junction of James Street and Adelaide Street, 2 involving a vehicle and pedestrian, and 2 involving a vehicle and cyclist; and 2) that all recorded incidents, including the 2 serious, involve a vehicle and a vulnerable road user (pedestrians young and old, and cyclists). As with the close proximity incident, while none of the incidents are directly attributable to use of the car park, any increase in background traffic will generally have the effect of increasing the likelihood of such incidents happening in the future.
- 5.11 The car park's existing access/egress to Stuart Street is proposed to be altered to facilitate a two vehicle entry in a side by side formation, with the lanes separated by kerbing. It is suggested that this will enable more efficient entry to

the car park, by separating eastbound and westbound traffic into separate lanes. Access will also continue to be controlled by ANPR ticketless entry, with pay on foot prior to exit.

- 5.12 Vehicle egress will be facilitated by the provision of two new exits, with the Stuart Street exit repositioned to the east of the current location. This new position will provide more efficient egress to the network during normal operating conditions, as it is located further away from the entry position thereby minimising conflict. Separation of the access/egress positions will also provide improved visibility between pedestrians travelling along Stuart Street and vehicles exiting the car park.
- 5.13 A second vehicle egress is proposed at the north east corner of the car park onto New George Street in the location of the existing gated pedestrian access/egress. Pedestrian access/egress will be maintained under the new arrangement by the provision of a new 2m footway that will run parallel to the proposed car park egress. The TA advises that it is anticipated that this new northern egress will be generally used for left turning traffic only, but that due to the reported difficulty of engineering a highway layout that is self-enforcing, a layout that can accommodate both movements has been submitted.
- 5.14 However in-line with mitigation proposals discussed elsewhere in these comments, the Council would look to progress a junction design for the new northern egress that only accommodated left turn movements onto New George Street, supported with white lining, signage and a traffic Order. As confirmed in the submitted TA this minor alteration to the proposals will not adversely impact the operation of the car park, however it will assist operation of the bus gate mitigation, as well as provide an improved pedestrian and public transport environment on New George Street.
- 5.15 In addition to the vehicle access arrangements, the TA advises three of the four existing pedestrian access points will remain as existing. The current north-west pedestrian access (Adelaide Street) will become an 'emergency exit only', and new external stairways will be created on the western and northern elevations, providing additional spaces internally. A new stairway will be created for the south east corner area with the addition of lifts.
- 5.16 Other than changes noted to the number and type of parking spaces, and access/egress arrangements discussed, the operation and use of the extended car park will follow a similar layout to the original, subject to necessary changes to the internal directional lining/signing required as a consequence of the submitted proposals.

### **Mitigation**

- 5.17 In light of the capacity sensitivity of the Butetown Tunnel to traffic and the consequential impact this has on the strategic highway network of the A4232, Central Link and PDR; along with managing the peak impact of the use of the car park on the surrounding highway network, it is proposed that part time ANPR bus gates are established on Stuart Street to the east of the car park

exit, and Adelaide Street north of its junction with Stuart Street. The bus gates would operate on a part time basis and be used to manage local peak time access to/egress from the A4232 to ensure highway safety. The bus gates would not prohibit access to the car park, but would ensure that at traffic sensitive times the combined existing traffic plus development traffic did not compromise safety on the surrounding highway network.

5.18 The bus gates are required to mitigate impacts:

- Minimise the impact of queuing through the A4232 westbound tunnel;
- Minimise the impact of queuing back onto the A4232 from the eastbound off-slip;
- Minimise impact on bus services from potential delays resulting from queuing associated with the increased car park capacity;
- Minimise the potential increased collisions where there is already a cluster at the James Street/Adelaide Street junction near Mount Stuart Primary School.

5.19 To support the operation of the bus gates an additional traffic control CCTV camera is required on Stuart Street, located to provide a clear view of the A4232 on/off slips and Stuart Street, areas which are not adequately covered by existing CCTV provision.

5.20 In addition to the above traffic management matters a contribution is sought towards the implementation of Active Travel improvements in the vicinity of the site, in the form of improved cycling and walking facilities in the Cardiff Bay area, including improvements to the Bay Trail and access to Mermaid Quay.

### **Planning conditions**

5.21 In the event the Council is minded to grant planning permission the following conditions are sought to ensure an orderly and compliant form of development:

- Details of the Revised Access and Adjacent Highway Works:
- Construction Management Plan:
- Cycle Parking:

### **S106 contributions**

5.22 A financial contribution of £250,000 is sought to assist in the mitigation of the impact of traffic on the adjacent highway network, in the form of:

- Improvements to walking and cycling in the vicinity of the site, including provision of improvements to infrastructure associated with the Bay Trail and active travel connections to Mermaid Quay.
- The provision of 2 part time ANPR bus gates, one each on Adelaide Street and Stuart Street, to manage the movement of traffic on the adjacent

highway network and particularly to/from the A4232 slip roads to the west of the Butetown tunnel. The contribution is required in the interest of highway safety on the roads in the vicinity of the site and tunnel/A4232 traffic interaction with vehicles using the slip roads.

- The supply and installation of a pole mounted joint traffic management/crime prevention CCTV camera on Stuart Street. In the interest of traffic management and highway safety on the roads in the vicinity of the site and the tunnel/A4232/merging traffic using the slip roads.

- 5.23 The highway works conditions and any other works to existing or proposed adopted public highway are to be subject to an agreement under Section 38 and/or Section 278 Highways Act 1980 between the developer and the Local Highway Authority.
- 5.24 While the application may not be entirely in accordance with the spirit of current policy, the proposed bus gate mitigation, along with the CCTV provision, are intended to assist with the management of vehicle access to the Bay and limit impact on the A4232 (Tunnel safety) from the existing + development traffic. Along with addressing more generally traffic impact/safety in the Bay area to the north of the site and the adjacent school. The proposed mitigation strategy (bus gate operation) will not impact operation of the car park itself and will be limited to peak hours (+ school peak hrs) and subject to ongoing review.
- 5.25 The concept of restricting through movements in the Bay is not new, and has been regularly discussed in relation to development over a number of years, with this principle being identified as a key component of the management of development impact on both the strategic and local highway network.
- 5.26 **Contamination:** Activities associated with its current use as a car park may have caused the land to have become contaminated and therefore may give rise to potential risks to human health and the environment. In addition, former landfill/raise sites have been identified within 250m of the proposed development. Such sites are associated with the generation of landfill gases within subsurface materials, which have the potential to migrate to other sites.
- 5.27 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.
- 5.28 Therefore conditions and informative statements 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 the Cardiff Local Development Plan. The following standard conditions have been recommended; ground gas protection, contamination land measures (assessment, remediation and verification plan and unforeseen contamination),

imported aggregates and use of site won materials. A contamination and unstable land advisory note has also be included.

- 5.29 It should be noted that requesting these conditions is normal procedure for sites with commercial/industrial history. The ground gas assessment is routinely included for developments with enclosed/ occupied elements to the structure sited within 250m of several historical landfills. The remainder of the conditions requested are normal procedure for sites with commercial/industrial history.
- 5.30 **Pollution Control (Air Quality):** Officers have examined the application and the supporting document, and there does not appear to be evidence to oppose the application.
- 5.31 An Air Quality Assessment (AQA), prepared by Jones Lang LaSalle and dated 20/12/2018, has been undertaken to ascertain the likely air quality impacts associated with the proposed development through its construction and operational phases.
- 5.32 For the construction phase, a medium risk has been identified with respect to dust as a result of demolition and construction phase activities. It is therefore considered essential that a suitable Construction Environmental Management Plan outlining a detailed Dust Management Plan with appropriate measures be submitted and approved by the Local Planning Authority (LPA) prior to the development proceeding.
- 5.33 For the operational phase, the report utilises detailed dispersion modelling to depict whether existing and future residents will be made susceptible to any adverse changes in air quality levels, particularly focusing upon transport derived nitrogen dioxide (NO<sub>2</sub>) and particulate matter (PM<sub>10</sub> & PM<sub>2.5</sub>). For operational purposes, in order to determine potential impacts to air quality as a result of increased traffic movements associated with the development, the air quality modelling considers an understanding for a baseline scenario (2017) and a projected year of opening scenario (2023). The modelling adopts best practise guidance and considers worse case predictions by performing conservative assumptions.
- 5.34 The AQA concludes that the overall effect of the proposed development, in terms of road traffic impacts, will be 'not significant'.
- 5.35 Table 20 of the AQA outlines the projected change to annual mean air quality levels (NO<sub>2</sub>) with the proposed scheme in place for an opening year of 2023 (With Scheme). Utilising EPUK & IAQM guidance, as displayed by the matrix in Table 9, the level of significance, in terms of the amount of % change to the air quality levels is classified. As documented, three existing sensitive receptor locations will be subjected to a slight adverse impact for annual mean NO<sub>2</sub> levels, for a proposed year of opening 2023. These three receptors are considered as residential, situated on Louisa Place. Although a slight adverse impact is projected, it is noted that the portrayed levels do not breach air quality objectives for NO<sub>2</sub>; the highest projected annual average figure for NO<sub>2</sub> predicted as 27.6 µg/m<sup>3</sup> at receptor H13.

- 5.36 It is recognised that the proposal does look to encourage and facilitate the uptake of OEV & ULEV with the installation of relevant infrastructure. This is recognised as good practise.
- 5.37 As the submitted AQA demonstrates that the proposal will cause the potential for adverse impact to air quality, this does cause additional burden to resources within Shared Regulatory Services/Cardiff Council, and as such additional air quality monitoring will be needed to review air quality levels, at an increased resolution, particularly for NO<sub>2</sub> levels. In order to provide a more detailed understanding for air quality in the area and gather further evidence in terms of supporting air quality datasets it is suggested that an investment is made in automatic and non-automatic monitoring capabilities. The proposed indicative costing for such capabilities would total a cost of £21,000 exc VAT. It is proposed that this sum of £21,000 be raised by a means of S106 agreement.
- 5.38 **Pollution Control (Noise): Road Traffic Noise:** Officers reviewed the Noise Assessment Report, prepared by Clarke Saunders and dated 20/11/2018 and have requested a number of issues that require clarification: Additional information has been submitted by the applicant. No adverse representations have been received and two conditions have been recommended; a floodlighting scheme and construction site noise.
- 5.39 **Trees:** For a development of this scale, a detailed upfront landscaping scheme is to be expected, comprising scaled planting plan (trees should be depicted at their likely ultimate branch spreads), plant schedule, topsoil and subsoil specification (based on a soil assessment in accordance with the Soils and Development TGN), tree pit section and plan view, planting methodology, aftercare methodology and implementation programme.
- 5.40 Some indicative landscaping details are provided on the external works plan, but this is insufficient alone. The proposal to densely plant small, rosaceous tree species to the rear is noted and whilst a percentage of such planting is supported, and is necessary given the limited space and need to avoid over-dominance, excessive planting of rosaceous trees may lead to catastrophic pest and disease outbreaks, so consideration should be given to other species such as *Acer pensylvanicum*, *Amelanchier* spp., *Cornus* spp., and *Euonymus europaeus* 'Red Cascade' to increase diversity.
- 5.41 The loss of a street tree and lack of provision to mitigate this loss or provide for new street trees generally is disappointing, and every effort should be made to accommodate street trees that will help to gobble up pollutants and soften the frontage onto Stuart Street. Potential street trees include *Ginkgo biloba* 'Fastigiata', *Liquidambar styraciflua* 'Slender Silhouette', *Ulmus* 'Columella' and *Ulmus* 'Vada'.

## 6. **EXTERNAL CONSULTEE RESPONSES**

- 6.1 **Police Architectural Liaison:** South Wales Police make a number of security-related recommendations. An advisory note has been included.

- 6.2 **Welsh Water (WW)**: WW have reviewed the information submitted as part of this application with particular focus on the Drainage Strategy Statement CC1897, prepared by Cambria (not dated). The report suggests that the requirement to submit an application under Schedule 3 of the Flood and Water management Act is not required, however it is suggested that this is given further consideration. Investigations could consider what measures can be introduced to reduce the overall volume of surface water discharging off site through the introduction of sustainable drainage methods. WW request that further work is undertaken to investigate the existing off site connection to confirm the eventual discharge and whether this is into the combined sewer or surface water sewer.
- 6.3 WW were previously consulted as part of the mandatory Article 2D Pre Planning enquiry in which they made the applicants aware of the presence of a large diameter public combined sewer which runs along the northern boundary of the development site. They state that they provided specific advice to ensure that the building is located 6 meters away from the public sewer to avoid any additional loading and to maintain sufficient access for them to carry out their duties to repair and maintain the public sewer network. WW state that it is unclear whether this advice was addressed as part of the PAC report and the drawings appear to show the proposed extension would conflict with their advice.
- 6.4 WW have requested a drainage scheme condition and an advisory note.
- 6.5 **Natural Resources Wales (NRW)**: The planning application proposes less vulnerable development (car park). NRW's Flood Risk Map, which is updated on a quarterly basis, confirms the site to be entirely within Zone C1 of the Development Advice Map (DAM) contained in TAN15 and the 0.5% (1 in 200 year) and 0.1% (1 in 1000 year) annual probability tidal flood outlines.
- 6.6 NRW consider the risk of tidal flooding to the proposed development is negligible, as the site benefits from the presence of the Cardiff Bay Barrage. This operates in a flood risk capacity, providing significant protection to Cardiff from tidal flood risk. Therefore, NRW have no further comment regarding tidal flood risk in this instance and raise no objection.

## **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.
- 7.2 A petition of objection has been submitted by Councillor Ebrahim, with 214 signatures. The petition was submitted on grounds of *'as nearby residents, we object to enlarging the Mermaid Quay car park on Stuart Street. This would lead to more traffic, worsening local problems of noise, congestion and air pollution (including to children at Mount Stuart Primary School). It would overshadow local homes'*.

7.3 Nine objections were received, on the following summarised grounds:

- *Concerns that the application is contrary to policy*
- *Road safety concerns and increase in traffic*
- *Existing vehicle access from Harbour Point Apartment's garage onto Stuart Street is poor due to Blue Badged parked vehicles, and this will be worsened*
- *Further access concerns from Stuart Place with increased traffic (lorries currently have to reverse onto Stuart Street)*
- *Refuse concerns*
- *Loss of daylight/sunlight, privacy, undue sense of enclosure to neighbouring dwellings*
- *Increase in noise pollution*
- *Climate change emergency and pollution (CO2 emissions) concerns, especially considering proximity to school*
- *Possible structural damage to neighbouring dwellings*
- *No details on visibility from proposed egress points*

7.4 Five letters of support have been received, on the following summarised grounds:

- *Car park busy during weekends, essential that visitors can park with new development from Everyman Cinema, Techniquet extension, Military Museum and Arena*
- *New façade enhances the building's appearance*

7.5 Cllr Ebrahim objected on 08/05/2019, on the following summarised grounds:

- *Concerns with overlooking, loss of privacy, overshadowing and loss of light to neighbouring dwellings. Residents in immediate vicinity will be affected, especially Stuart Street, Louisa Place and Adelaide Street*
- *Concerns with the size of the extension and the impact it will have on the local area (especially children from the local schools), in terms of air quality and noise from the rise in traffic*
- *Limited space surrounding the existing car park for construction vehicles during construction*

## **8. ANALYSIS**

8.1 The main material planning factors to be considered are:

- Whether the proposed land use is acceptable
- Whether transportation impacts can be managed
- The impact upon heritage assets
- Whether the proposal is of an acceptable design
- The impact upon the amenity of neighbouring occupiers

### **Proposed land use**

8.1 The proposal is for the extension and alteration of the existing multi-storey car

park, provide an additional 310 car parking spaces and 52 cycle parking spaces. The site is located within the Bay Business Area (BBA) of the adopted Cardiff Local Development Plan.

- 8.2 Situated at the edge of Cardiff Bay, the existing car park is well situated to intercept vehicles traveling from the west of the city prior to them entering the core of the bay area. It is located within close walking distance of a number of leisure facilities/destinations and is situated along public transport routes that connect to the wider bay area and the city centre. These are considerations in determining the acceptability of this proposal.
- 8.3 The Local Development Plan and Managing Transport Impacts SPG (July 2018) identify the need to facilitate transfer between transport modes and to encourage the use of sustainable transport. In this regard, the applicant has identified that as part of this application, a financial contribution of £250,000 will be provided towards undertaking improvements to the pedestrian environment along Stuart Street, carrying out cycling improvements in the vicinity of the site / along the wider Strategic Cycle Network and improving local facilities for public transport users.
- 8.4 In addition to the above, the extension and alteration of the car park will see the number of disabled bays on site increased to 33, the number of dedicated parent/child spaces increased to 28 and the introduction of 20 electric vehicle charging points. The proposal will also include the provision of a dedicated cycle hub with 60 spaces (including 6 cycle lockers and associated facilities) and improvements will be made to the pedestrian accessibility into the building.
- 8.5 Taking into consideration that the proposal is an extension to an existing established use, that it includes the introduction of electric vehicle charging facilities, improvements to disabled and parent/child parking, and that it will contribute towards the provision of improved pedestrian, cycling and public transport facilities in the surrounding area, the application is, on balance, considered acceptable from a land use policy perspective.

### **Whether transportation impacts can be managed**

- 8.6 Policy KP8 of the Local Development Plan (LDP) states:

*Development in Cardiff will be integrated with transport infrastructure and services in order to:*

- i. Achieve the target of a 50:50 modal split between journeys by car and journeys by walking, cycling and public transport.*
- ii. Reduce travel demand and dependence on the car;*
- iii. Enable and maximise use of sustainable and active modes of transport;*
- iv. Integrate travel modes;*
- v. Provide for people with particular access and mobility requirements;*
- vi. Improve safety for all travellers;*

- vii. *Maintain and improve the efficiency and reliability of the transport network;*
- viii. *Support the movement of freight by rail or water; and*
- ix. *Manage freight movements by road and minimise their impacts.*

Without mitigation, the submitted application fails to adequately meet the tests set out in i, ii, iii, iv and vii above.

- 8.7 The purpose of this Policy is to ensure that developments are properly integrated with the transport infrastructure necessary to make developments accessible by sustainable travel modes and achieve a necessary shift away from car-based travel. The significant expansion of existing standalone car parking in Cardiff Bay, in an area that is congested at peak times, already well catered for in terms of public car parking and served by sustainable transport, does not support these principles and objectives.
- 8.8 In addition to the above, the adopted Managing Transportation Impacts (Incorporating Parking Standards) SPG provides guidance on the number of parking spaces relating to development based on type/floorspace. The submitted proposal does not include any enabling development or additional floorspace beyond the car park itself, and as such there is no proposed development to generate the additional parking sought by the application.
- 8.9 Notwithstanding the above, it is noted that this proposal is for the extension of an existing car park in an area that has seen significant growth in leisure and tourism development since its original construction some 20 years ago. The bay is host to the Wales Millennium Centre, the recently consented extension to Techniquest, the Everyman Cinema in Mermaid Quay and numerous national and international events. For the above reasons, and acknowledging the additional traffic control, safety and support of public transport services provided by the S106 funding; along with the on-site and off-site active travel improvements, it is considered that there is, on balance, sufficient mitigation to overcome any policy objection in this instance.

### **The impact upon heritage assets**

- 8.10 The proposal is for a multi storey car park just outside the Pierhead Conservation Area and within the setting of two grade II listed buildings. The proposed structure will be visible from the Graving Docks – an important and iconic element within the Conservation Area.
- 8.11 The Conservation Area is typified by a combination of buildings of different heights and different periods with a range of materials visible throughout. Therefore the principle of increasing the height of the existing car park outside the conservation area to 3 storeys is not regarded as having a negative impact on the conservation area's character. The building's materials and location outside the conservation area should ensure that it is not too dominant when glimpsed from the Graving Docks.

- 8.12 The proposal is also not considered to impact on the significance of the two listed buildings in the vicinity. Buildings of an equivalent height and in a varied material palette are already within the setting of the listed buildings and it is not felt that the proposed will affect how the heritage assets will be experienced.

### **Whether the proposal is of an acceptable design**

- 8.13 The existing car park is squat and prominent within the street scene. It is noted that the design of the existing building includes some features to enliven the frontage (round windows/views into the car park/rhythmic setbacks/material changes). The resulting overall effect is marginally better than a solid mass.
- 8.14 The proposed scheme introduces 2 additional storeys, and some changes to the internal arrangements for circulation, including an access point in the NE. The scheme includes a green wall at the pedestrian access point to the west as well as a cycle hub to the east. The facade includes a solid/mesh base with graphics applied along its extent and also an aluminium grille along the rest of the façade, modelled to create visual relief.
- 8.15 The scheme adds additional mass and interest to what is currently a poor building. The introduction of fins to break up the mass of the building, the introduction of a green wall and more interest at street level through the introduction of a more animated frontage are all welcomed.
- 8.6 The introduction of large graphics on the building is not considered an overall enhancement in this location. The introduction of fins onto large bland buildings is a common method of creating interest from afar, say for people driving past. It is noted that the aluminium will create more life when compared with concrete although it is suggested that some further ideas for colour should also be explored, to break up the mass and add more interest as well as create some greater variety along the primary frontage.
- 8.7 The development has been considered in terms of potential overshadowing, overlooking and any overbearing relationship upon neighbouring properties and is considered acceptable. However, details of how these facades will be treated should be carefully considered to ensure that they maintain visual interest when viewed from a domestic setting.
- 8.8 For the above reasons, Conditions have been recommended to address any impact from neighbouring properties from light pollution as well as conditions requiring further details of materials and architectural details.

### **The impact upon the amenity of neighbouring occupiers**

- 8.9 The addition of two new decks above the existing car park structure, will increase the overall height of the building (excluding the lift cores) by 6.5 metres to a total height of 10.5 metres. The proposed four storey extension will project 15.8 metres deep to the north. The northern boundary runs diagonally away from the car park structure, so the shortest separation distance between neighbouring properties will be 10.9 metres.

- 8.10 Officers note that objections have been raised in terms of loss of daylight, sunlight, overshadowing and the overbearing nature of the proposal to the neighbouring residents. The dwellings that lie in closest proximity are 11 Adelaide Street, 4-7 Louisa Place, and 20-21 Louisa Place, however consideration is also given to the commercial properties on the opposite side of New George Street and Stuart Street, and the residential units within Harbour Point and the proposed residential units that will be delivered as part of the conversion of the Big Windsor building.

#### Overbearing

- 8.11 No. 11 Adelaide Street is the nearest residential property to the north. The footprint of the car park adjacent to No. 11 will not change, however the height will be increased by 6.5 metres. The dwelling does not feature any south facing windows at first floor level and so will have a less direct view of the car park at its closest points. The shortest separation distance from the dwelling's rear boundary to the car park structure will be 11 metres and the views will be screened in part by planting. Therefore it is not considered that the additional height will not result in any undue sense of enclosure or will be overbearing to these neighbouring occupiers.
- 8.12 Whilst the properties on Louisa Place have first and second floor south facing windows facing the site, the dwellings have existing views of the car park and of taller buildings located behind (Harbour Point and Techniquet). The closest point of the proposed car park structure to the boundaries of these dwelling is 10.9 metres, with the distance increasing considerably as the boundary runs diagonally to the site. The site is within an urban context and the separation distances are considered sufficient in order to not appear overbearing to these dwellings. The addition of the planting along the boundary will further reduce the visual impact.
- 8.13 At it's closest points, the car par structure will be approximately 20 metres from Unit 9 Mermaid Quay, 19 metres from the Pilotage Building and 15 metres from Techniquet. These distances are considered sufficient for the urban context and to ensure that the increased height of the building will not be overbearing to the commercial buildings to the east, south east and south. Whilst officers acknowledge that the structure will become more prominent from the windows within the north facing flats within Harbour Point and the Big Windsor building, the flats currently overlook the car park and the additional increase in height with a 15 metre separation is not considered to be significantly adverse.

#### Daylight, Sunlight and Overshadowing

- 8.14 The application has been supported by a Daylight and Sunlight Assessment, prepared by 'eb7'. This has assessed the potential daylight and sunlight implications using the Building Research Establishments guidance 'Site layout planning for daylight and sunlight: a guide to good practice' (BRE, 2011) and the BS8206-2:2008. This states that if a proposed development falls beneath a 25 degree angle when measured perpendicular from the centre point of the

relevant neighbour's window, the light is unlikely to be adversely affected and no detailed analysis is required. 4-7 Louisa Place, 20-21 Louisa Place, Harbour Point and the Big Windsor building, all passed the 25 degree test. The test however found that 11 Adelaide Street was close enough to the car park structure to require detailed analysis.

- 8.15 The only windows within 11 Adelaide Street that overlook the proposed development, serve a conservatory on the ground floor. The conservatory windows were therefore assessed against the Vertical Sky Component (VSC) test. The results of the test showed that the mean retained level of VSC for the conservatory is 36.5%, which is in excess of the BRE target of 27%. As such, the conservatory will continue to experience high levels of daylight.
- 8.16 In terms of overshadowing, the assessment has considered the impact on the front and rear garden of 11 Adelaide Street, and the rear gardens of 4-7 Louisa Place. The BRE guidance suggest that for a space to be well-sunlit it should receive two or more hours of sunlight to at least 50% of its area. The results show that the gardens will continue to receive at least two hours of sunlight to at least 50% of their area.
- 8.17 In light of the above, all the properties have been assessed against the BRE guidance and the proposed development is considered acceptable in terms of the impact it will cause on the neighbouring occupier's daylight, sunlight, and overshadowing.

#### Light Pollution

- 8.18 Solid upstands are to be retained and some added to prevent light overspill by blocking out head lights from vehicles when manoeuvring within the car park. Whilst there will be modest safety lighting inside the car park, the applicant confirms that this will be carefully controlled and managed to prevent light overspill from the car park, in order for it not to impact on neighbouring occupiers' living conditions.

#### **Consideration of objections not addressed above**

- 8.19 Paragraphs 8.1 to 8.18, paragraphs 5.1 to 5.41 and the recommended conditions and obligations contained within the report address the objections and representations received.

### **9. PLANNING OBLIGATIONS**

- 9.1 National Policy and CIL regulations outline the legal requirements for a valid Planning Obligation. Policy KP7 is also relevant and the Council's position reflects careful consideration of the national and local planning policy framework, together with relevant guidance contained within the Council's Supplementary Planning Guidance (SPG).
- 9.2 The following obligations have been requested and agreed with the applicant:

9.3 **TRANSPORT:** A financial contribution of **£250,000** is sought to assist in the mitigation of the impact of traffic on the adjacent highway network, in the form of:

- Improvements to walking and cycling in the vicinity of the site, including provision of improvements to infrastructure associated with the Bay Trail and active travel connections to Mermaid Quay.
- The provision of 2 part time ANPR bus gates, one each on Adelaide Street and Stuart Street, to manage the movement of traffic on the adjacent highway network and particularly to/from the A4232 slip roads to the west of the Butetown tunnel. The contribution is required in the interest of highway safety on the roads in the vicinity of the site and tunnel/A4232 traffic interaction with vehicles using the slip roads.
- The supply and installation of a pole mounted joint traffic management/crime prevention CCTV camera on Stuart Street. In the interest of traffic management and highway safety on the roads in the vicinity of the site and the tunnel/A4232/merging traffic using the slip roads.

9.4 **AIR QUALITY MONITORING:** Additional air quality monitoring will be needed to review air quality levels, at an increased resolution, particularly for NO<sub>2</sub> levels. The proposed indicative costing for such capabilities would total a cost of **£21,000** exc VAT.

9.5 The total planning obligations requested amount to **£271,000**

9.6 It is considered that the above section 106 Heads of Terms fully satisfy the requirements of Circular 13/97 Planning Obligations and the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations, and this offer is recommended to members of Planning Committee.

## 10. **CONCLUSION**

10.1 For the reasons it is recommended that planning permission be granted, subject to the recommended conditions and relevant parties entering into a s106 agreement.

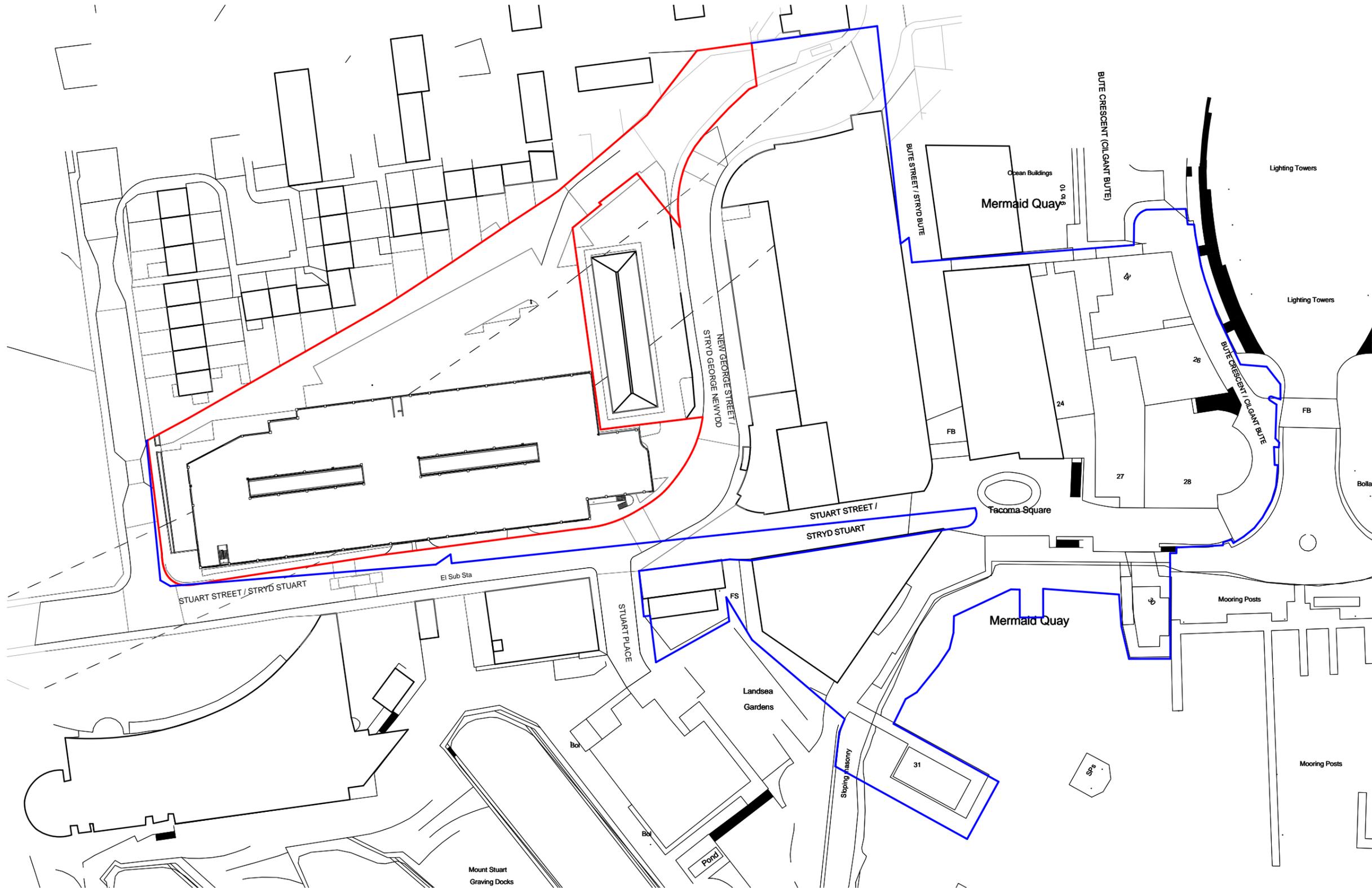
## 11. **LEGAL CONSIDERATIONS**

11.1 *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.

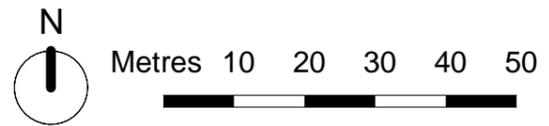
11.2 *The Equality Act 2010* identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or

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.

- 11.3 *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.
- 11.4 *Statutory pre-application public consultation*: The statutory pre-application public consultation was carried out in accordance with legislation and is considered acceptable.



— Site Boundary  
— Land within applicant's ownership



Rev	Description	Drawn	Checked	Date Issued

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 Job No. \_\_\_\_\_ Drawing No. \_\_\_\_\_ Revision \_\_\_\_\_  
 Project Number MQC-ASL-00-00-DR-A-0001