

COMMITTEE DATE: 08/06/2023

APPLICATION No. 21/02984/MJR **APPLICATION DATE:** 23/12/2021

ED: Cathays

APP TYPE: Full Planning Permission

APPLICANT: Rightacres Property Company Ltd

LOCATION: Plots 4 and 5 Central Square, City Centre, Cardiff

PROPOSAL: Full planning application for a mixed-use building providing commercial uses at ground floor/mezzanine level (Use Classes A1/A2/A3/B1/D1/D2) and residential accommodation above (Use Class C3 and including non C3 Use Class residential), a pavilion (Use Classes A1/A2/A3), public realm, cycle parking, access, drainage and other infrastructure works required for the delivery of Central Square Plots 4 and 5.

RECOMMENDATION 1: That, subject to relevant parties entering into a binding legal agreement with the Council under the provisions of a 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 11 of this report, planning permission be GRANTED subject to the conditions listed in Section 14.

RECOMMENDATION 2: That delegated authority is given to the Head of Planning &/or Operational Manager: Strategic Development & Placemaking, to make changes to the conditions and/or Heads of Terms of the required legal agreement, subject to consultation with the Chair of Planning, up to the point where the legal agreement is signed and planning permission issued.

1. BACKGROUND INFORMATION

- 1.1 The application site lies within the allocated strategic site KP2(A) Cardiff Central Enterprise Zone and Regional Transport Hub within the adopted Cardiff Local Development Plan (LDP). The site also forms part of the unadopted 'Central Square Masterplan', which has been the subject of a previous masterplan to develop brownfield land within the heart of Cardiff City Centre. However, to date there has been no single outline planning application and instead individual parts of the masterplan have come forward as separate proposals (identified in Figure 1 below).
- 1.2 Plots 1, 2 and 3 of the 'Central Square Masterplan' lie to the south of Wood Street and immediately to the north of Cardiff Central Station and have been developed. These plots are now occupied by the BBC Cymru Headquarters,

Cardiff University and numerous businesses with associated retail and food/drink uses at ground floor level. To the south of Wood Street, within Plots 9, 10, 11, 12 and 13A lies the Bus Interchange which is currently under construction and will provide a new central bus station for Cardiff as well as commercial, residential and office floorspace and a car park.

- 1.3 To the north of Wood Street, the HMRC Tŷ William Morgan House office building has been developed within Central Square Plots 7 and Plot 6 (in part) and is now occupied. A new area of public realm (in the process of being adopted by the Council in agreement with the developer) has been created to the south/front of the HMRC building (Plot 8), which accommodates the Betty Campbell statue.
- 1.4 This application comprises Plots 4 and 5 which are one of the remaining development plots within 'Central Square Masterplan'.



Figure 1: The unadopted illustrative Central Square Masterplan dated October 2014.

2 DESCRIPTION OF SITE

- 2.1 The application site comprises a 0.19 hectare brownfield site within the city centre of Cardiff. The site is rectangular in shape and is bound by Wood Street to the south, Scott Road to the west, Park Street Lane to the north-west (until it becomes a dead end to the north-west) and a public square to the east. The site was formerly occupied by St David's House, until it was demolished in late 2018. This provided retail and office accommodation across the length of Wood Street between Scott Road and Havelock Street. The site has a flat topography.

2.2 In terms of built form, to the north of the site is a 7-storey office building known as 6 Park Street which was built in 2008 (north-west). To the north-east is the 12-storey Tŷ William Morgan House office building (occupied by HMRC) which was completed in 2020. The 74,000 seater Principality Stadium then lies beyond. Immediately to the east lies a public square with the Betty Campbell statue and public seating areas. To the immediate west lies Scott Road with the Millennium Plaza leisure complex situated across the road. Across Wood Street to the south lies the Cardiff University School of Journalism, Media and Culture (south-west) and the BBC Cymru building to the south-east. Further to the south-east lies the Bus Interchange building which is currently under construction. To the south of the BBC Cymru building lies Central Square and Cardiff Central Railway Station.

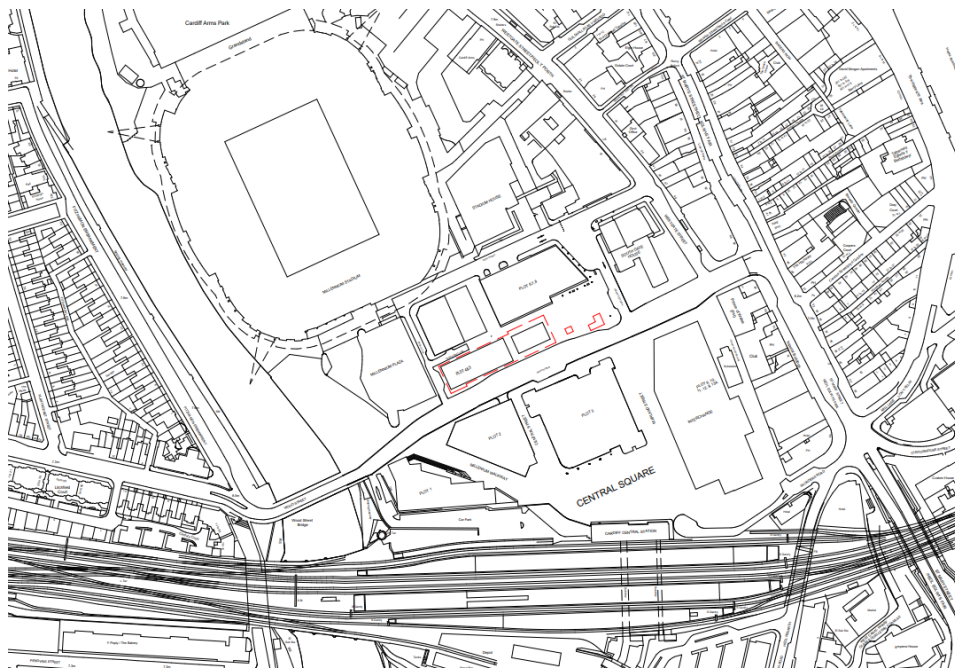


Figure 2: Site location plan.

2.3 Wood Street has recently benefitted from enhancement works which have involved the construction of a two-way segregated cycle lane, improved pedestrian and cycle crossings, public realm enhancements and rain gardens. There is currently no pedestrian or cycle access within the site as it is enclosed by hoardings and fencing to ensure pedestrian safety. Authorised vehicles and pedestrians are able to access the site from Park Street Lane, via Scott Road.

2.4 Given the highly central location, the site is well connected strategically to the rest of Cardiff and the surrounding region. Cardiff Central Railway Station is located approximately a 130 metre walk away and provides frequent rail services to local, regional and national destinations. Various bus stops are within walking distance of the site including directly in front of the site on Wood Street, providing frequent departures to most areas of the city. On completion of the emerging Bus Interchange the accessibility of the site by bus services will be further enhanced.

- 2.5 Whilst the site is not located within a conservation area, the St Marys Street Conservation Area lies approximately 130 metres to the east. There are no listed buildings in the immediate setting, however Cardiff Central Railway Station and the Water Tower lie approximately 130 metres to the south and are both Grade II listed. The Parkgate Hotel (formerly the Head Post Office), Royal Hotel, Bar Emporium, Jackson Hall, the Queens and Royal Garage, the Flyhalf and Firkin, the Cardiff and County Club, Former Prince of Wales Theatre and the Philharmonic Hall are all Grade II listed and located within 150m of the site.
- 2.6 In addition to lying within the allocated strategic site KP2(A) Cardiff Central Enterprise Zone and Regional Transport Hub within the adopted Cardiff LDP, the site also lies within the Central Business Area (CBA). The site is located outside, but on the edge of the Central Shopping Area (CSA) as defined by Policy R2 of the LDP.
- 2.7 The site is located within Zone C1 of the NRW Development Advice Map (DAM) contained in TAN15 and the Flood Map for Planning (FMfP) identifies the application site to be at risk of flooding and falls into Flood Zone 2 Rivers and Flood Zone 3 Sea (albeit in a 'defended zone').
- 2.8 The site is cleared of development and is currently used as a car park/site compound area associated with the construction of the Bus Interchange building to the south-east. No significant ecological receptors have therefore been identified and no part of the site is subject to any statutory environmental designations. The River Taff Site of Importance for Nature Conservation (SINC) is approximately 100 metres west of the site, which links with the Severn Estuary Ramsar Special Area of Conservation (SAC) and Special Protection Area (SPA) within approximately 3.2km, though there is intervening development including Millennium Plaza. The site is not located within an Air Quality Management Area (AQMA) or an Archaeologically Sensitive Area.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1 The application seeks full planning permission for the construction of two separate buildings; a 35-storey residential-led mixed use tower to the west with ground floor commercial floor space; and a standalone 2-storey pavilion building which provides 688sqm of commercial floorspace to the east. Surrounding the two buildings are areas of public realm, sustainable urban drainage features and the addition of 120 external Sheffield cycle parking stands.

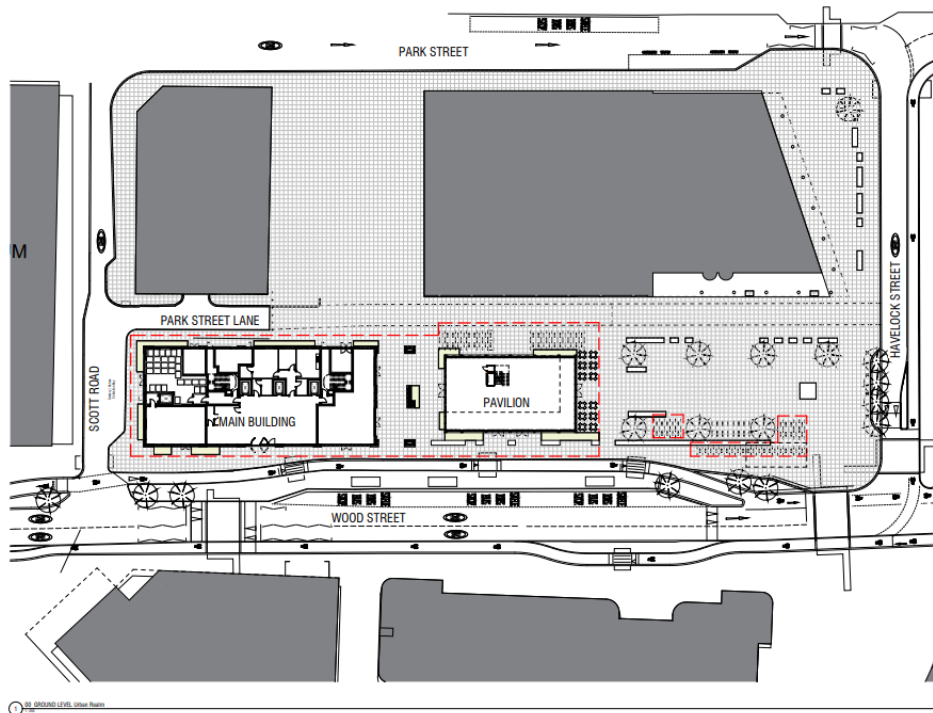


Figure 3: Proposed site plan.

Tower:

- 3.2 The proposed tower will measure 113 metres high, 50 metres wide and 19 metres deep. It will comprise 332 ‘Build to Rent’ residential apartments (Use Class C3), which will be split into 236 no. 1-bed/2-person units, 125 no. 2-bedroom/4-person units and 3 no. 3-bedroom/6-person units. The application also proposes 32 no. serviced apartments (Use Class C6¹) which are located on levels 3 and 4 (the lowest level of accommodation), and four units each on levels 5, 6 and 7. In addition, the tower proposes 894sqm of communal amenity space, with 689sqm of amenity space at Level 20 (including a 108sqm ‘winter garden’) and a further 205sqm of amenity space is provided at Level 1. No private balconies are proposed.
- 3.3 The ground floor will comprise commercial units either side of the entrance/reception area which is located centrally along the southern elevation. Ancillary office, maintenance and plant rooms are located to the rear along the northern boundary. The smaller commercial unit on the south-western corner will measure 76sqm and the larger unit on the south-eastern corner will measure 123sqm. Two levels of communal amenity space for the residents is proposed at first floor level to the front (south) with the remainder of the floor comprising cycle parking storage. The first two levels on the south, east and west elevations are proposed with active frontages. Refuse storage is located within the north-west corner, accessed via a collection bay on Scott Road.

Class C6 (short term lets) – dwellinghouses used for commercial short-term letting not longer than 31 days for each period of occupation.

- 3.4 The second floor contains building servicing equipment with the remaining levels up to level 34 comprising residential accommodation, with the exception of Level 20 which will be used as communal amenity space. The top floor will contain penthouses in the form of larger 2 and 3-bedroom apartments. Finally, plant equipment and photovoltaic panels are proposed at roof level.

Tower Elevational Treatment:

- 3.5 The proposed tower will have a glazed 3-storey base with an associated dark grey brick frame. The proposed upper elevations are articulated by a structural frame with a 3 storey primary bay. The majority of the block will incorporate grey, textured ceramic cladding panels running vertically between windows, all of which will be set within the opening of the bay. Each bay will be accentuated through a projecting feature finished with a bronze coloured metal flashing. The surrounding frame will be clad in dark grey, matt ceramic cladding panels. The uppermost 4 storeys will be differentiated through the use of a bronze colour with a 5 storey primary bay with a glazed finished fluted ceramic cladding. A 17.8m high colonnade fronts the square on the eastern elevation. A 1.5 metre deep wind canopy is proposed on the western end of the southern elevation and a 3 metre deep wind canopy is proposed to the north-east.



Figure 4: Proposed south and east elevations.

Pavilion Building:

- 3.6 The proposed pavilion will be two storeys measuring 7.5 metres high, 24.5 metres wide and 14.4 metres deep. Whilst the floor plans label the pavilion as a restaurant / café, the proposed description states that they seek a flexible A1/A2/A3 Use. The total floorspace measures 688sqm and includes a

149.3sqm roof terrace on the south and eastern elevation overlooking the existing square. External seating is proposed to spill out from the eastern elevation. The building will have two accesses that open on to public realm, as well as allowing the floorspace to be split, should this be required by future occupiers.

- 3.7 The pavilion will have a flat roof and the elevations will be composed of glazing at ground floor level with the first floor being clad in gold panelling with glazed doors with full height windows connecting to a roof terrace.



Figure 5: Proposed pavilion elevations.

Access, Cycle Parking and Refuse:

- 3.8 Primary pedestrian access to and from the tower is to be taken from the widened northern footway of Wood Street, for the residential reception/hub area and two commercial units. The eastern commercial unit opens onto a colonnade area to the east of the building. Servicing and waste collection will be taken from the side of the building via Scott Road, which proposes a dedicated delivery/refuse collection bay. Plant maintenance access is to the rear along Park Street Lane.
- 3.9 The application proposes 484 cycle parking spaces, made up of 364 residential two-tier racks and Sheffield stands within the tower building, situated on the mezzanine/Level 1 and accessed from Scott Road via a dedicated lift. An additional 120 Sheffield cycle stand spaces are provided externally in 3 blocks of 40, located to the rear of the pavilion building and supplementing the existing stands to the eastern end of the public realm square. These external spaces have been proposed as part of the Section 106 Legal Agreement associated with the Bus Interchange building (ref 19/02140/MJR) which lies to the south-east of the site.

Public Realm:

- 3.10 The proposals include completion of the public realm to the north of Wood Street and south of Tŷ William Morgan House and 6 Park Street, between the existing public square to the east and Scott Road to the west. Discussions are currently ongoing with regard to adopting the square. Along with the cycle parking and the external tables and chairs associated with the pavilion, the public realm will include rain gardens comprising shrubs, perennials, grasses and bulb planting, which wrap around the façade of the tower and pavilion. The rain gardens will have the dual purpose of providing sustainable drainage within the scheme. The glazed frontages of the commercial units within the tower and the pavilion provide active frontage to the public realm.

Sustainability:

- 3.11 The scheme has incorporated various methods of sustainability and will adopt a fabric-first approach in the first instance to maximise the efficiency of the buildings. The pavilion building will have a green roof and the development will provide sustainable drainage systems. The tower building will also incorporate solar panels on the roof and proposes Air Source Heat Pumps to reduce the buildings energy consumption and carbon dioxide emissions. Finally, the proposals will be designed to meet BREEAM Excellent level for the shell of the commercial units and Home Quality Mark Level 3 as a minimum for the apartments.

- 3.12 The application has been supported by the following documents:

- Design and Access Statement
- Planning Statement
- Pre-Application Consultation Report
- Economic Benefits Assessment
- Townscape and Visual Assessment
- Transport Statement
- Framework Travel Plan
- Construction Environmental Management Plan
- Flood Consequences Assessment
- Ground Conditions Phase 1 Study
- Noise and Vibration Assessment
- Sun Path Analysis
- Energy Statement
- Planting Palette
- Pedestrian Wind Environmental Study and a Wind Mitigation Report
- Townscape and Visual Impact Assessment
- Daylight and Sunlight Analysis
- Moda Company Profile
- Moda Serviced Apartment Document

- 3.13 All documentation relating to the application, including plans, can be viewed on the Council's website using the following link: [21/02984/MJR](https://www.wrexham.gov.uk/21/02984/MJR).

4. NEGOTIATIONS

4.1 The application has been the subject of extensive negotiations between the developer and Council officers, with input from Placemaking and Transportation Officers throughout.

4.2 The application was amended with a new set of plans being submitted on 30/03/2023. The amendments made are summarised as follows:

- The tower has increased from 30 storeys to 35 storeys increasing the number of residential units from 330 to 364. The unit mix has been amended from 220 no. 1-bed apartments and 110 no. 2-bed apartments to 236 no. 1-bed apartments, 125 no. 2-bed apartments and 3 no. 3-bed apartments;
- Previously the communal amenity space for the tower was solely located at Level 2 and provided a total of 343sqm of space. The tower now proposes 894sqm of communal amenity space, with 689sqm of amenity space at Level 20 (including a 108sqm winter garden) and a further 205sqm of amenity space is provided at Level 1;
- The restriction of 32 no. units to be serviced apartments under Use Class C6 due to daylight and sunlight concerns;
- The tower building position has moved further north by 0.5 metres reducing the separation distance to 6 Park Street from 10.2m to 9.7m;
- The pavement width to the south adjacent to the existing cycle lane has been reduced 2.4m to 2.2m;
- The fully glazed base of the building has been increased from 5.6m to 10.8m;
- The colonnade on the eastern elevation has been increased from 5.6m to 17.8m in height and from 4.2m to 7.2m in width to provide an improved visual 'wayfinding' connection from Central Square (between the BBC Cymru and University buildings) towards Gate 5 of the Principality Stadium;
- The internal cycle parking for the tower was previously located at the western end of Level 1/mezzanine floor. This has been amended and increased in size (due to the increased number of units and cycle parking spaces required) and is now located along the western and northern areas of the same floor with communal amenity space facing the southern elevation;
- The positioning of the cycle parking to the south-east has been amended to reduce the pinch point along the existing pavement. The cycle parking sheltering green roofs have been removed;
- The size and configuration of the refuse store has been amended on the ground floor of the tower;
- Further wind modelling and mitigation has been provided;
- The tower and pavilion elevational treatment has been amended;
- The footprint of the pavilion has been reduced from 341 to 321sqm. The distance from the eastern flank elevation of the tower has been reduced from 7m to 5.5m. Additional space has also been provided for external tables and chairs to the east of the pavilion;

- The ambiguously scaled drawings have been resolved;
- A Daylight and Sunlight Analysis has been provided.

4.3 However, the developer has not been able to positively respond to all identified concerns, and thus this report assesses the scheme as amended. There remain areas of concern, which are considered at section 12 as part of the consideration of the overall 'planning balance'.

Screening:

4.4 Consideration has been given as to whether the proposed development constitutes Environmental Impact Assessment ('EIA') development because the development exceeds the threshold of 150 dwellings set within Schedule 2 (Part 10(b)ii) of the EIA Regulations 2017 (as amended). During pre-application discussions, it was the Council's opinion that an Environmental Statement was not required to enable the Local Planning Authority to understand and consider the likely environmental effects of the proposal. This was subject to the subsequent planning application being supported by a number of supporting documents to allow for the robust assessment of this major development and the subsequent implementation of avoidance, mitigation and enhancement measures, as appropriate. Having formed part of the submissions, it has been concluded that the development does not constitute EIA development.

5. RELEVANT SITE HISTORY

5.1 The site has the following relevant planning history: -

- 17/00841/MJR – Prior approval for the demolition of St David's House and clearance of the site. Permitted: 23/06/2017.

Related Planning History:

- 17/01751/MJR (Tŷ William Morgan House occupied by HMRC): 31,630 sqm (GIA) / 24,837 sqm (NIA) of Use Class C1 (office) floorspace, of which up to 372sqm of Use Class A1/A3 (retail/cafe) will be provided at ground floor level, with car and cycle parking and public realm works. Permitted on 28/09/2017.
- 17/00714/MNR (6 Park Street): External alteration to office building to provide new external windows and new visitor and employee entrance with ground floor internal alternations. Application refused: 06/06/2017. Appeal dismissed on 10/04/2018 (ref APP/Z6815/A/17/3190684).
- 19/02140/MJR (Bus Interchange building): Section 73 to vary the approved plans of 18/01705/MJR which permitted the erection of a transport interchange with an associated concourse and ancillary retail/commercial units (Use Classes A1/A2/A3), 305 residential apartments (Use Class C3), 10,318 sqm (GIA) office floorspace (Use Class B1), a 249-space car park, public realm and related infrastructure and engineering works. Permitted: 31/07/2019.
 - The Section 106 of 19/02140/MJR requires "120 secure, operational

cycle parking spaces and public cycle parking stands which will be clearly visible and accessible to members of the public to be undertaken by Rightacres on land within control of Rightacres situated on the north side of Wood Street, Cardiff” (within the subject site).

6. POLICY FRAMEWORK

National Policy:

- 6.1 The [Well-being of Future Generations \(Wales\) Act 2015](#) (WFG) imposes a duty on public bodies to carry out ‘sustainable development’ in accordance with the ‘sustainable development principle’.
- 6.2 ‘Sustainable development’ means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the well-being goals.
- 6.3 ‘Sustainable development principle’ means that Local Authorities must 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.
- 6.4 Well-being goals identified in the Act are:
- A Prosperous Wales
 - A Resilient Wales
 - A Healthier Wales
 - A More Equal Wales
 - A Wales of Cohesive Communities
 - A Wales of Vibrant Culture and thriving Welsh Language
 - A Globally Responsible Wales
- 6.5 The [Environment \(Wales\) Act 2016](#) has been designed to complement the WFG Act. It imposes a duty to require all public authorities, when carrying out their functions in Wales, to seek to “maintain and enhance biodiversity” where it is within the proper exercise of their functions. In doing so, public authorities must also seek to “promote the resilience of ecosystems”.

National Planning Policy

- 6.6 [Planning Policy Wales](#) (Edition 11) was revised and restructured in February 2021 to coincide with the publication of, and take into account the policies, themes and approaches set out in, [Future Wales - the National Plan 2040](#) (see below) and to deliver the vision for Wales that is set out therein.
- 6.7 The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the

Planning (Wales) Act 2015 and the Well-being of Future Generations (Wales) Act 2015.

- 6.8 PPW takes the seven *Well-being Goals* and the five *Ways of Working* as overarching themes and embodies a placemaking approach throughout, with the aim of delivering *Active and Social Places*, *Productive and Enterprising Places* and *Distinctive and Natural Places*. It also identifies the planning system as one of the main tools to create sustainable places, and that placemaking principles are a tool to achieving this through both plan making and the decision-making process.
- 6.9 PPW is supported by a series of more detailed [Technical Advice Notes](#) (TANs), of which the following are of relevance:
- TAN 4: Retail and Commercial Development (2016)
 - TAN 5: Nature Conservation and Planning (2009)
Noting also the Chief Planning Officer letter dated 23/10/19 securing biodiversity enhancement
 - TAN 10: Tree Preservation Orders (1997)
 - TAN 11: Noise (1997)
 - TAN 12: Design (2016)
 - TAN 15: Development and Flood Risk (2004)
 - TAN 16: Sport, Recreation and Open Space (2009)
 - TAN 18: Transport (March 2007)
 - TAN 20: Planning and the Welsh Language (2017)
 - TAN 21: Waste (February 2017)
 - TAN 23: Economic development (2014)
 - TAN 24: The Historic Environment (May 2017)
- 6.10 On 16th July 2020 the Welsh Government published [Building Better Places: The Planning System Delivering Resilient and Brighter Futures](#) which provides planning policy guidance for local planning authorities and the development industry on priorities for the planning system to deliver post Covid-19. The guidance is to be read in conjunction with PPW, which contains the principles and policies needed for Wales to recover from Covid-19 in a positive manner, putting placemaking at the heart of future development.
- 6.11 It also emphasises that development management decisions should focus on creating healthy, thriving active places with a focus on a positive, sustainable future for our communities. The planning system has an important role in supporting healthier lifestyles and reducing inequalities. This includes both direct and indirect opportunities such as the allocation of land for health facilities, ensuring good design and barrier free development, jobs and skills, improving air quality, soundscapes and protecting and improving access to recreation and natural green spaces. These can provide both physical and mental health benefits, improve well-being and help to reduce inequality.

The Development Plan:

- 6.12 Section 38 (6) of the Planning and Compulsory Purchase Act 2004, requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 6.13 [Future Wales - the National Plan 2040](#) now forms part of the Development Plan for all parts of Wales, comprising a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate resilience, developing strong ecosystems and improving the health and wellbeing of our communities. All Development Management decisions, strategic and local development plans, planning appeals and all other work directed by the development plan need to accord with Future Wales.
- 6.14 Policies 1 and 33 emphasise the support for sustainable growth in all parts of Wales, identifying Cardiff, Newport and the Valleys as one of three National Growth Areas where there will be growth in employment and housing opportunities and investment in infrastructure.
- 6.15 Policy 33 emphasises that Cardiff will remain the primary settlement in the region, its future strategic growth shaped by its strong housing and employment markets and it will retain its capital city role, accommodating higher level functions and attractions.
- 6.16 Policy 2 states that the growth and regeneration of towns and cities should positively contribute towards building sustainable places that support active and healthy lives, with urban neighbourhoods that are compact and walkable, organised around mixed-use centres and public transport, and integrated with green infrastructure. Urban growth and regeneration should be based on the following strategic placemaking principles:
- creating a rich mix of uses;
 - providing a variety of housing types and tenures;
 - building places at a walkable scale, with homes, local facilities and public transport within walking distance of each other.
 - increasing population density, with development built at urban densities that can support public transport and local facilities;
 - establishing a permeable network of streets, with a hierarchy that informs the nature of development;
 - promoting a plot-based approach to development, which provides opportunities for the development of small plots, including for custom and self-builders; and
 - integrating green infrastructure, informed by the planning authority's Green Infrastructure Assessment.
- 6.17 Policy 6 states that significant new commercial, retail, education, health, leisure and public service facilities must be located within town and city centres. They

should have good access by public transport to and from the whole town or city and, where appropriate, the wider region. A sequential approach must be used to inform the identification of the best location for these developments and they should be identified in Strategic and Local Development Plans.

6.18 Policy 16 states that within Priority Areas for District Heat Networks planning authorities should identify opportunities for District Heat Networks and plan positively for their implementation. Large scale mixed-use development should, where feasible, have a heat network with a renewable / low carbon or waste heat energy source. Planning applications for such development should prepare an Energy Masterplan to establish whether a heat network is the most effective energy supply option and, for feasible projects, a plan for its implementation.

6.19 The Local Development Plan is the [Cardiff Local Development Plan 2006-2026](#) which was adopted in January 2016, and within which the following policies are of relevance:

Key Policies:

- KP1 Level of Growth
- KP2 Strategic Sites
- KP2(A) Cardiff Central Enterprise Zone and Regional Transport Hub
- KP3(B) Settlement Boundaries
- KP4 Masterplanning Approach
- KP5 Good Quality and Sustainable Design
- KP6 New Infrastructure
- KP7 Planning Obligations
- KP8 Sustainable Transport
- KP9 Responding to Evidenced Economic Needs
- KP10 Central & Bay Business Areas
- KP12 Waste
- KP13 Responding to Evidenced Social Needs
- KP14 Healthy Living
- KP15 Climate Change
- KP16 Green Infrastructure
- KP17 Built Heritage
- KP18 Natural Resources

Detailed Policies:

Housing:

- H3 Affordable housing
- H6 Change of use or redevelopment to residential use

Economy:

- EC1 Existing Employment Land
- EC3 Alternative Use of Employment Land and Premises

Environment:

- EN6 Ecological Networks and Features of Importance for Biodiversity
- EN7 Priority Habitats and Species
- EN9 Conservation of the Historic Environment
- EN10 Water Sensitive Design
- EN11 Protection of Water Resources
- EN13 Air, Noise, Light Pollution & Land Contamination
- EN14 Flood Risk

Retail:

- R1 Retail Hierarchy
- R2 Retail Development in the Central Shopping Area
- R7 Retail Provision within Strategic Sites
- R8 Food and Drink Uses

Transport:

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

Community:

- C1 Community Facilities
- C3 Community Safety / Creating Safe Environments
- C6 Health
- C7 Planning for Schools

Waste:

- W2 Provision for Waste Management Facilities in Development

Supplementary Planning Guidance:

6.20 The following [Supplementary Planning Guidance](#) (SPG) is of relevance to this application:

- Archaeology and Archaeology Sensitive Areas (July 2018)
- Food, Drink and Leisure Uses (November 2017)
- Green Infrastructure (including Technical Guidance Notes relating to: Ecology and Biodiversity; Trees and Development; Public Rights of Way and Development; River Corridors; Protection and Provision of Open Space in New Developments; Soils and Development) (November 2017)
- Managing Transportation Impacts (Incorporating Parking Standards) (July 2018)

- Planning for Health and Wellbeing (November 2017)
- Planning Obligations (January 2017)
- Residential Design Guide (January 2017)
- Tall Buildings Design Guide (January 2017)
- Waste Collection & Storage Facilities (October 2016).

7. INTERNAL CONSULTEE RESPONSES

- 7.1 **Conservation:** Given the distances involved and the presence of significant scale within the intervening townscape, the Conservation Officer does not consider that the proposals would dramatically change the way in which heritage assets will be experienced in their respective settings. As such, it is considered that the proposed tower will have a neutral impact upon the setting of the nearby St Mary Street Conservation Area or the setting of listed buildings within the vicinity.
- 7.2 **Transportation:** The proposed development is car free, which is considered to be policy compliant and therefore acceptable; noting in this respect that car parking standards are expressed as a maximum, with no minimum requirement, supporting a move away from reliance on the ownership and use of private cars in compliance with the Managing Transportation Impacts SPG.
- 7.3 In terms of resident transport and movement, the site is located in the city centre within close proximity to Cardiff Central Railway Station (150m south) and the emerging Bus Interchange (100m east). The area adjacent to the site also benefits from cycle parking and Nextbike stands, along with access to all the service, amenities, employment and leisure facilities such a central location affords. The site is therefore considered to be extremely sustainably located in transport terms and somewhere where public transport and active travel offer viable alternatives to the ownership and use of private cars. The Transportation Officer has also considered the objections with regard to trip generation and parking accumulation and raises no objection (refer to para's 10.80 and 10.81 for further discussion).
- 7.4 The application proposes 484 cycle parking spaces in total. This comprises 364 internal residential Sheffield stands and two-tier stackers proposed at Level 1 and accessed from Scott Road via a service lift. An additional 120 Sheffield cycle stand spaces being provided externally within the public realm, in accordance with the Section 106 associated with the Bus Interchange building (ref 19/02140/MJR). Whilst the residential cycle parking fails to comply with the Managing Transportation Impacts SPG requirement of providing one cycle parking space per bedroom, the Transportation Officer has raised no objection to the provision given the sustainable location and the proximity to existing cycle parking and Next Bikes (refer to para. 10.83 for further discussion).
- 7.5 Discussions are ongoing with regard to the adoption of the square to the east of the site. A public realm works condition has been imposed requesting that PAS 68 security features (hostile vehicle mitigation bollards) are installed to ensure an improved public realm environment and to facilitate a safe commodious access to the site.

- 7.6 In light of the above, the Transportation Officer has raised no objection, subject to the following conditions; cycle parking details, public realm works and a Construction Environmental Management Plan (CEMP).
- 7.7 **Trees:** It is noted that the proposed Planting Plan does not reflect the amended site plan with minor discrepancies. As such, this plan has not been included in the approved drawings condition. Notwithstanding this, the fundamentals of the planting have been agreed with the Tree Officer who supports the principle of proposing rain gardens within the public realm comprising shrubs, perennials, grasses and bulb planting. The Tree Officer has therefore requested that the final landscaping details are provided by condition with planting and aftercare specification details. An additional condition has been requested to ensure that if the landscaping features die within 5 years of completion of the development, then they should be replaced.
- 7.8 **Regeneration:** Officers note that the Cardiff Planning Obligations SPG 2017 (Section 8 – Community Facilities) states that ‘Growth in population arising from new development generates demand for and increases pressure on community facilities. To meet the needs of future residents, it may be necessary to meet this additional demand through:
- The provision of new facilities
 - The extension to, or upgrading of existing facilities’
- 7.9 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.
- 7.10 The formula in the SPG is based on the number of bedrooms and associated occupancy figures per dwelling. In summary, a contribution of £298,901.63 is sought from the developer.
- 7.11 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 these facilities.
- 7.12 **Ecology:** The site is currently a site compound with no ecological habitats found. As a consequence, no ecological reports have been prepared. The Ecology Officer has raised no objection to the proposal, subject to conditions being imposed. These relate to the Construction Environmental Management Plan, drainage strategy and planting plan being part of the approved plans. Another condition has been requested to ensure that if site clearance does not commence (or, having commenced, is suspended for more than 12 months) within 2 years from the date of the decision, then an ecological walkover shall be undertaken, to ensure there are no ecological receptors that would require consideration by the Council. Other conditions relate to contamination and a green roof being applied to the pavilion.

- 7.13 It is noted that the Ecology Officer has requested a SuDS infrastructure condition. This is for all SuDS features to incorporate an impermeable liner with taped seams, to ensure that surface water flows do not mix with contaminated soils/perched ground water/ground water and allow the mobilisation of land contamination at the site, to the River Taff via the SuDS pipework. This has not been applied as a condition (rather as an informative), as this will be dealt with through the SAB application. Having regard to the condition circular, it is not for other legislative frameworks to be duplicated and therefore it would be unreasonable to impose this as a planning condition. Surface water will be dealt with through the SuDS infrastructure.
- 7.14 **Parks:** The LDP requires provision of a satisfactory level and standard of open space on all new housing/student developments over 8 units, or an off-site contribution towards existing open space for smaller scale developments where new on-site provision is not applicable.
- 7.15 Based on the information provided on the number and type of units for this application, Parks have calculated the additional population generated by the development to be 539.3 . This generates an open space requirement of 1.31 ha of on-site open space based on the criteria set for Housing accommodation, or an off-site contribution of £559,550.
- 7.16 No public open space is being provided on site so the developers will be required to make a financial contribution towards the provision of new open space, or the design, improvement and/or maintenance of existing open space in the locality, given that demand for usage of the existing open spaces would increase in the locality as a result of the development.
- 7.17 The use of S106 contribution from this development will need to satisfy CIL and the current distance requirements set out in the 2017 Planning Obligations SPG – play areas 600m, informal recreation 1000m and formal recreation 1500mm, measured from edge of the site.
- 7.18 In the event that the Council is minded to approve the application, Parks have requested that applicant enters into a Section 106 Agreement to secure payment of the contribution.
- 7.19 Consultation will take place with Ward Members to agree use of the contribution and this will be confirmed at S106 stage. The following open space are within the distance requirements set out above – Bute Park, Friary Gardens, City Hall Lawn, Gorsedd Gardens and Alexandra Gardens.
- 7.20 **Affordable Housing:** In line with the Local Development Plan (LDP), an affordable housing contribution of 20% of the 364 units (72 units) is sought on this brown-field site. The Councils priority is to deliver on-site affordable housing, in the form of rented accommodation, built to Welsh Government Development Quality Requirements (WDQR) (2021) for purchase by a nominated Registered Social Landlord (RSL) partner or the Council at a specified price.

- 7.21 If the units were to be delivered on-site, officers would need to understand how any affordable units can meet Welsh Government Development Quality Requirements (WDQR) (2021) standards and how any demarcation between the market and the affordable could work in practice, as a scheme has to be able to be managed and easily maintained by the Registered Social Landlord or the Council, including the control of applicable service charges.
- 7.22 Based on the proposed design/configuration, as an alternative to on-site provision, officers would be willing to enter into discussions with the applicant with regard to providing the affordable housing contribution as a financial contribution in lieu. A financial contribution of £6,209,364 in lieu of 47 x 1 bedroom units & 25 x 2 bedroom units, which is calculated in accordance with the formula in the Planning Obligations – Supplementary Planning Guidance (SPG) (2017) is requested. This would be secured as a planning obligation in the s106 agreement.
- 7.23 **Pollution Control (Contamination)** have reviewed the Phase 1 Desk Study Report prepared by Jubb Consulting Engineers Ltd (dated 16/12/2021), which includes a site specific preliminary contamination and ground gas assessment of the proposed development. This is based on a desk study, including previous site investigations in the wider development area and a site walkover. The assessment identifies the potential for contamination and ground gas. An intrusive ground investigation, including geo-environmental sampling and testing and ground gas monitoring, in line with current guidance, is required to assess contamination and the need for remediation works. A condition has been imposed in relation to this.
- 7.24 Should there be any importation of soils to develop the landscaped areas of the development, or any site won recycled material, or materials imported as part of the construction of the development, then it must be demonstrated that they are suitable for the end use. This is to prevent the introduction or recycling of materials containing chemical or other potential contaminants which may give rise to potential risks to human health and the environment for the proposed end use.
- 7.25 To ensure that the safety of future occupiers is not prejudiced in accordance with LDP Policy EN13, Pollution Control have requested a number of contamination conditions. Subject to these conditions being imposed, no objection is raised. A contamination and unstable land informative has also been included.
- 7.26 **Pollution Control (Air Quality):** The site is not located within an Air Quality Management Area (AQMA). As such, the Air Quality Officer raises no concerns regarding the operation aspect of the site. For the construction side, a dust assessment has been requested as part of Construction Environmental Management Plan (CEMP) condition. Subject to this condition, no objection is raised.

- 7.27 **Pollution Control (Noise)** have reviewed the Noise and Vibration Planning Assessment (dated 17/12/2021 ref: 21518-HYD-ZZ-XX-RP-Y-1001), the Design Access Statement and Construction Environmental Management Plan.
- 7.28 To ensure that the ambient noise and facade mitigation measures and results outlined in the supporting Noise and Vibration Assessment are implemented and complied with, a post-build acoustics report has been requested as a condition. Further conditions have been imposed to ensure that adequate event monitoring takes place for a live music event(s) at the Principality Stadium, which will result in a detailed scheme of noise mitigation measures to be provided prior to the glazing being installed on the building. This will be fully informed by the results of the representative assessment of the music noise levels from the Principality Stadium. An additional condition has been requested to ensure that a further representative assessment will be undertaken when the tower is occupied to assess a live music event at Principality Stadium, to ensure the proposed glazing and noise mitigation measures are correctly implemented and complied with. No objections have been raised with regard to the noise associated with a live sport events. The aforementioned conditions are consistent with the agent of change principle and most importantly protects the amenity of future residents (refer to para's 10.64 - 10.70 in the analysis section for further details).
- 7.29 Further conditions have been requested with regard to plant noise, sound insulation for the commercial units and gym, operation hours, servicing hours, and for hot food extraction. Finally, noise, vibration, construction hours and piling methodology/mitigation have been included as part of the Construction Environmental Management Plan. Subject to the above conditions, no objection is raised.
- 7.30 **Waste:** Servicing and waste collection will be taken from the side of the building via Scott Road, which proposed delivery/refuse collection bay. To supplement the fortnightly Council collection, the application proposes a regular private collection on the alternate weeks, thus allowing for a smaller storage areas. The Waste Officer supports this approach but has requested a Servicing Management Plan as a condition which will include the detailed storage and collection arrangements.
- 7.31 **Education:** A financial contribution of £121,212 has been requested towards the expansion of school provision in accordance with the Planning Obligation SPG formula using net pupil yield.

8. EXTERNAL CONSULTEE RESPONSES

- 8.1 **Natural Resources Wales (NRW)** note that a Construction Environmental Management Plan (CEMP) (dated 16/12/2021, Rev C) has been submitted as part of the application. They request that this is identified in the condition listing for the approved plans and documents. They also advise that the CEMP includes reference to guidance documents from the nutregs.org.uk website. Whilst specific reference has not been made to the website in the CEMP, the topics requested have all been included.

Land Contamination and Controlled Waters:

- 8.2 With regard to land contamination and controlled waters, NRW note that a Phase 1 Desk Study Report (prepared by Jubb Consulting Engineers Ltd, ref 21209-DTS-01, dated October 2021) has been provided. This recommends intrusive investigation which should be submitted part of the planning application. In the absence of this information, groundwater and contamination conditions have been requested as conditions. A controlled waters informative has also been requested.

Flood Risk:

- 8.3 NRW have reviewed the supporting Flood Consequence Assessment (FCA) (prepared by Jubb Consulting Engineers Ltd dated 3 November 2021, reference 21209-FCA01-v01). They consider that the risks and consequences of flooding are manageable to an acceptable level. NRW have also considered the risk of tidal flooding to the proposed development to be 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. Finally, the FCA has discussed flood management of any extreme risk by recommending that occupiers sign up to the flood warning service and advising that no residential accommodation is proposed on either the ground or first floors. The residential accommodation begins at level 3. As such, NRW raise no objection to the proposal on flood grounds.

Foul Drainage:

- 8.4 NRW note that the intention to connect to the existing DCWW sewer for foul water disposal. Given that DCWW have raised no objection to this, NRW have no comment to make.
- 8.5 In light of the above, NRW raise no objection to the proposal subject to conditions.
- 8.6 **South Wales Police:** The Police have raised no objection but have provided a number of security-related recommendations. As such, a condition has been applied to ensure laminated glass is proposed to the ground floor of the tower and pavilion buildings. To ensure further public safety, the public realm works condition has been amended to incorporate CCTV details and hostile vehicle mitigation details in the form of PAS 68 provision (bollards). An informative has also been included with regard to the remaining recommendations.
- 8.7 **Cadw** note that a number of designated historic assets are located within 800 metres of the proposed development and it is likely that the proposed tower will be visible from them. However, the tower will be seen along with the nearby concentration of tall buildings, both built and proposed, which has already altered these views. As such, Cadw note that whilst there may be very slight visual changes in the views from the designated historic assets, they consider that these will not have any effect on the way that they are experienced,

understood and appreciated. As such, Cadw raise no objection to the proposed development with regard to any scheduled monuments or registered historic parks and gardens.

- 8.8 **Glamorgan-Gwent Archaeological Trust (GGAT)** confirm that there are no known archaeological sites within the proposed development area. They note that from a review of historic Ordnance Survey and other historic mapping, the area was originally on the west bank of the River Taff in the early 19th century. Following canalisation and channel changes it is now on the east bank. Mid to late 20th century buildings were constructed on the site, with basementing and infill of made ground. These have since been demolished, and so GGAT consider that it is unlikely that any archaeological deposits would have survived.
- 8.9 GGAT confirm that they do not make any recommendation for archaeological mitigation. The impact on statutorily protected buildings, structures and areas has been considered and it is unlikely that there would be any adverse impact. They note from the supporting documentation that the applicant has considered the likelihood of archaeological deposits being encountered, and would notify GGAT of any discoveries should this occur. As such, an informative has been applied.
- 8.10 **Dŵr Cymru Welsh Water (DCWW)** have raised no objection, subject to a condition being imposed for a portable water scheme to serve the site. A SAB informative has also been requested.
- 8.11 **Network Rail:** raise no objection in principle. However, given that the site is next to Network Rail land and their infrastructure, they have raised some comments which have been included as an informative for the applicant. This is to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway system.

9. REPRESENTATIONS

- 9.1 The application was subject to a 21-day consultation period on 14/01/2022, being advertised by press and site notices and neighbours and local members were notified. Following amended plans being received, a re-consultation was undertaken on 31/03/2023. A third re-consultation was undertaken on 25/04/2023 due to a number of supporting documents not being in the public domain from the previous consultation.
- 9.2 To date, five letters of objection have been received, which are summarised below.

Representations relating to the first consultation on 14/01/2022:

- 9.3 An additional objection letter was received on behalf of 6 Park Street (dated 07/03/2022). The full representation is available to view online at; [21/02984/MJR](https://www.wales.gov.uk/docs/dwrcymru/21/02984/MJR). For the benefit of members, this has been broadly summarised as follows:

- Concerns that the proposed tower is a significant departure from the original Central Square Masterplan. The proposed residential use results in larger windows, an increase in height and shape of the footprint which previously connected to the eastern face of 6 Park Street;
- Inadequacy of PAC report in responding to stakeholder comments and publishing comments. It is considered that the application should not be progressed further until a suitable PAC Report is provided, in accordance with Section 17 of the Planning (Wales) Act 2015;
- Concerns over loss of privacy, overshadowing and overbearing nature of tower;
- Concerns with the limited separation distance to 6 Park Street. Reference made to the dismissed appeal (ref. APP/Z6815/A/17/3190684) at 6 Park Street which proposed a series of windows on the eastern elevation. The Inspector concluded that if windows were located on the eastern elevation of 6 Park Street then a separation distance in excess of 10.4m would be required to create an acceptable relationship between Tŷ William Morgan House to ensure adequate levels of light to both buildings;
- Concerns with potential wind tunnelling and failure to provide a Wind Tunnel Assessment;
- Failure to provide a Daylight and Sunlight Report to assess impact on 6 Park Street;
- Suggestions provided for a proposed CEMP condition.

Representations relating to the second consultation on 31/03/2023:

- 9.4 Additional comments on behalf of 6 Park Street were made on 05/04/2023 requesting that the comments from Council Officers to the applicant are provided.

Representations relating to the third consultation on 25/04/2023:

- 9.5 An additional objection letter was received on behalf of 6 Park Street dated 05/05/2023. The full representation is available to view online at; [21/02984/MJR](#). For the benefit of members, this has been broadly summarised as follows:

- The proposal is a significant departure from the Central Square Masterplan;
- The proposal has been amended to propose a taller building closer to 6 Park Street, failing to respond to the previous objections raised;
- Disagreement with supporting documentation which states that at present local and national planning policies prevent (or have the potential to prohibit) the development of Build to Rent residential towers within City Centre locations;
- The Daylight and Sunlight Analysis considers whether the proposed apartments will receive adequate daylight and sunlight. It does not consider the proposed loss of daylight and sunlight to the neighbouring buildings. Given that the impact has not been assessed to 6 Park Street, the proposal is contrary to Policy EN13 of the LDP;

- The reduction in the separation distance from 7.75m as originally proposed to 7.25m further exacerbates the previous objection with regard to loss of privacy. Restricting the units on the northern side of floors 3, 4, 5, 6, and 7 to serviced apartments does not address matters relating to privacy, as the separation distance between a residential and commercial use will be inadequate;
- Overbearing and overshadowing impact. Reference is again made to the APP/Z6815/A/17/3190684 planning appeal (refer to para. 9.3 above).

9.6 A second objection letter dated 10/05/2023 was also received on behalf of HM Revenue and Customs (HMRC) at Tŷ William Morgan House, 6 Central Square. The full representation is available to view online at; [21/02984/MJR](#). For the benefit of members, this has been broadly summarised as follows:

- The total height of 35 storeys (amended from 30 storeys) is a significant departure from the Central Square Masterplan which showed a building half the height and with massing more in keeping with the immediate context;
- It is considered that the proposal is contrary to the Tall Buildings SPG which states that tall buildings should not have a negative impact on important vista/views and there should be no harm to the amenity of neighbouring occupiers. The building does not sit within a cluster of tall buildings;
- Overbearing concerns;
- Daylight and overshadowing concerns. The Sun Path Analysis is based on the previous scheme without the added height. It is not considered to be a sufficient overshadowing assessment;
- The Daylight and Sunlight Analysis focuses solely on the amount of daylight and sunlight each residential unit within the proposed tower will receive. It does not address the impact on the neighbouring occupiers. There are also concerns with lux benchmarks used and with the proposed units not meeting BRE guidance;
- General privacy concerns and security concerns regarding overlooking into the HMRC office building due to confidential nature of staff activities;
- Concerns with the wind mitigation report with regard to safety of pedestrians and cyclists. The content of the wind analysis has been disputed and it is considered that further information should be provided up-front;
- Concerns regarding potential construction traffic, vibration and noise. It is considered that a Construction Traffic Management Plan should be imposed as a condition;
- Concerns on the content and accuracy of the Transport Statement with a failure to consider parking stress/utilisation levels, blue badge provision for visitors and person trips expected. It also does not consider servicing trip calculations with no servicing swept path analysis being provided.
- Non-compliance with LDP Policy H3 on provision of affordable housing.

9.7 1 neighbouring objection was received on 02/05/2023, however no comments were provided. The case officer contacted the objector directly via email to establish what the concerns were. No response has been received to date.

Officer Comments:

- 9.8 The majority of the objections raised will be addressed in the analysis section of the report (Section 10). To provide clarification on a specific point, officers note that the separation distance between 6 Park Street and the proposed tower is referred to incorrectly in the objection at para. 9.5. The correct separation distance is 9.7m.
- 9.9 It is also noted that Officers are satisfied that the Pre-Application Consultation (PAC) was undertaken in accordance with statutory requirements, noting that the scheme has been subject to further iterations and consultation as part of the determination of the application.

10. ANALYSIS

- 10.1 Having regard to the above policy framework, the main issues to be assessed are:

- a. Principle of Development
- b. Design
- c. Impact on Neighbouring Amenity
- d. Transport, Servicing and Waste
- e. Ecology
- f. Flooding and Drainage
- g. Sustainability
- h. Economic Impact

a. Principle of Development

- 10.2 The policy framework for these comments is as follows:

- Planning Policy Wales (Edition 11, February 2021)
- Cardiff Local Development Plan 2006-2026 (January 2016)
- Food, Drink and Leisure Uses SPG (November 2017)

- 10.3 The site is currently vacant and is located within the Central Business Area (CBA) and Central Enterprise Zone (CEZ) of the adopted Cardiff Local Development Plan. The main land use planning policy issues relate to:

Residential Use:

- 10.4 The application site is located within the boundary of Cardiff Local Development Plan (LDP) Policy KP2A (Central Enterprise Zone and Regional Transport Hub), which is allocated for major employment led initiatives, focussing on financial and business services, together with other mixed uses including residential development. The principle of residential development is well established within the surrounding area and the central location of this site is suited to residential use as it is well served by transport links and is close to local amenities.

- 10.5 The applicant has identified that of the 364 residential units, 332 will be Use Class C3 (dwellinghouses) and 32 will be C6 (serviced apartments).

Ground Floor / Pavilion Commercial Uses:

- 10.6 The site is located outside, but on the edge of the Central Shopping Area (CSA) as defined by Policy R2 of the LDP. Taking into consideration the relatively small scale of the ground floor commercial units at up to 199sqm and that convenience retail could serve the residents associated with this proposed development and the wider Central Square area, an element of Class A1 (shop) use would be considered acceptable at this location. To ensure appropriate vibrancy and activity is associated with the pavilion building, a condition has been applied to restrict it to be solely used as a café / restaurant and to ensure that it does not benefit from Permitted Development rights allowing a change of use to Use Class A2.
- 10.7 It is recognised that Class A3 uses, such as restaurants, cafes and snack bars that are open during normal shopping/business hours have the potential to contribute towards the range and choice of facilities available in the Central Business Area. In this regard and taking into consideration that the units and pavilion would contribute towards the creation of active uses and active frontages both within and around the new public square at Wood Street, Class A3 uses are considered acceptable at this location, subject to amenity considerations.
- 10.8 With regard to LDP Policy KP10 (Central and Bay Business Areas), Class A2 (Financial and Professional Services), B1 (Business), D1 (Non-residential Institution) and D2 (Assembly and Leisure) uses would be considered acceptable at this location, subject to amenity considerations.
- 10.9 For the above reasons, subject to a condition being attached to the applicant confirming the Use Class of the serviced apartments, the proposal is considered acceptable from a land use policy perspective.

b. Design

- 10.10 LDP Policy KP5 (Good Quality and Sustainable Design) contains criteria for assessment of new development proposals to ensure that high quality, sustainable designs occur which positively contribute to the creation of distinctive communities, places and spaces. A criterion includes, for example, the influence of the proposal on the local character and context. Other criteria include creating legible development, providing a diversity of land uses, creating distinctive places and providing a healthy environment.
- 10.11 Objections have been raised with regard to the design of the proposed development being a departure from the original 'Central Square Masterplan'. Officers however note that the 'Masterplan' was not adopted by the Council and, in this regard, has no 'planning policy' status as supplementary planning guidance. It is therefore not considered that the application is contrary to LDP

Policy KP4 (Masterplanning Approach), provided the impacts of the development are considered to be acceptable.

Scale and Massing:

- 10.12 The proposed development incorporates high density development through a 35-storey tower. Accordingly, the Tall Buildings Supplementary Planning Guidance (SPG) (January 2017) is a material consideration in determining this application.
- 10.13 Para. 1.5 states that *“well-designed tall buildings in appropriate locations have the potential to add significant value to Cardiff. They can enhance skylines and provide recognisable landmarks that can serve to promote the city on a national and international stage”*. Para. 1.7 states that *“Cardiff seeks to be the most liveable capital city in Europe and to create an inclusive, vibrant, thriving, sustainable and attractive city in which to live and work. Proposals for tall buildings need to demonstrate an exceptional standard of design together with appropriate land uses and public realm through careful planning and design so that they knit well into the existing fabric of the city”*.
- 10.14 Further, para 2.1 of the Tall Buildings SPG states that *“attractive tall buildings in clusters can help to signify the core areas of the city, particularly areas within the city centre”*, and states that *“the areas that tend to lend themselves to tall buildings are often along railway corridors, urban corner sites in the core of the city centre, sites that form part of existing clusters of tall buildings and waterfronts”*.
- 10.15 Tall buildings are therefore assessed having regard to locational criteria, specifically that they will only be acceptable where (para. 2.2):
- There would be no negative impacts on important views or vistas
 - The character or setting of heritage assets is not harmed
 - The proposal will be a positive feature in skyline and streetscape, either by complementing a cluster of tall buildings or forming a strategic landmark
 - No material harm is caused by overshadowing or overlooking
 - There will be walking and cycling accessibility to sustainable transport and local facilities
- 10.16 The above criteria are considered in detail later in the analysis.
- 10.17 The site is considered to be one which can accommodate a sensitively designed building of significant height, which accords with the wording of para. 2.1. This is due to the site being located in the city centre, in very close proximity to Cardiff Central Railway Station and close to the river. The site is located outside the ‘area of very high sensitivity’ within the Tall Building SPG and there are also a number of tall buildings in close proximity forming a cluster. These include the emerging Bus Interchange building at a height of 83 metres, Stadium House, Capital Tower and the Principality Stadium. Further tall buildings have been permitted as part of the redevelopment of ‘Central Quay’ to the immediate south of the railway line (18/00735/MJR,

21/02883/MJR, 21/02884/MJR) which was formerly occupied by Brains Brewery. Finally, as the proposed tower is a similar height to the Bus Interchange building at the other end of the street, it is considered that the two structures together act as 'bookends' to Wood Street in a complimentary way. The proposed tower is therefore considered to meet the requirements of LDP Policy KP5 and the Tall Buildings SPG.

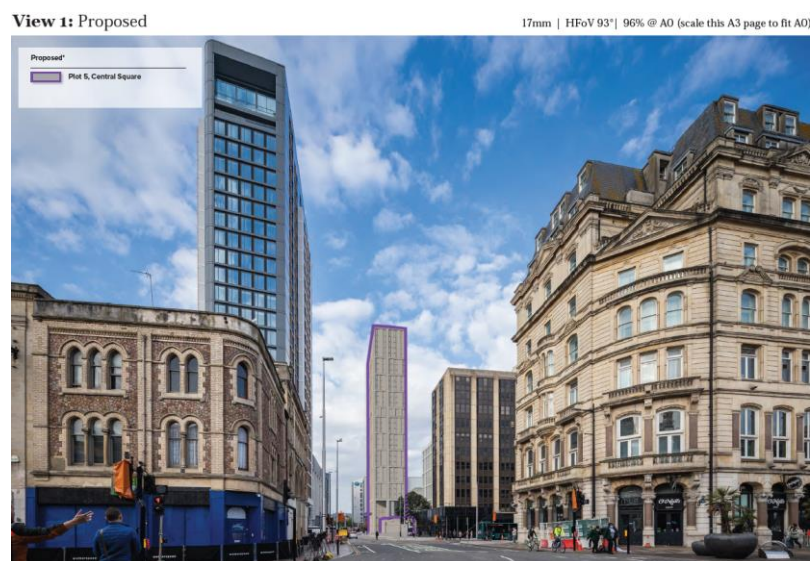
Skyline and Key Views:

10.18 In addition to the Tall Buildings SPG, further national policy guidance is provided in TAN12, which also highlights the importance of identifying distinctive views, key skylines and vistas.

10.19 The visual impact has been tested by means of a series of key views from agreed locations, which are assessed below. The keys views have not been amended since the tower building has moved 0.5 metres further north. However, it is considered that the change to receptors (both visual and townscape) will be imperceptible and as such the applicant concluded that the value, susceptibility and sensitivity to change of the townscape character areas, receptors and visual receptors will remain unchanged. The key views comprise:

- View 1: St. Mary Street / Wood Street Junction
- View 2: Wood Street Bridge
- View 3: Penarth Road Bridge
- View 4: Westgate Street
- View 5: Cardiff Castle Grounds

View 1 - St. Mary Street / Wood Street Junction:



10.20 The above view when facing west from the St Mary Street / Wood Street junction provides a backdrop of two Grade II listed buildings; the former Prince of Wales Theatre to the left and the Royal Hotel to the right. The emerging Bus Interchange building rises beyond the Prince of Wales, to the west of Great

Western Lane and Southgate House can be seen opposite. Wood Street is currently undergoing substantial change as a result of the Central Square development.

- 10.21 When viewing the tower within the context of the 27-storey Bus Interchange tower along Wood Street, as well as Southgate House, the proposal introduces not only a new focus within the view but also creates a more dynamic skyline when facing westwards and effectively punctuates the western edge of the city centre. With the height comes an increased sense of enclosure to the public square to the east, which is welcomed. The scale is therefore considered acceptable in this city centre context.
- 10.22 With regard to the impact on the setting of the listed buildings, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, when assessing development which affects a listed building or its setting, special regard shall be paid to the desirability of preserving the building or its setting or any special architectural or historic interest it possesses. This approach is supported by Policy EN9 of the LDP, which makes clear that development relating to a listed building or its curtilage structures will only be permitted where it can be demonstrated that it preserves or enhances that asset's architectural quality, historic and cultural significance, character, integrity and/or setting.
- 10.23 Given the distances involved and the presence of significant scale within the intervening townscape, the Conservation Officer does not consider that the proposals would dramatically change the way in which heritage assets would be experienced in their respective settings. As such, it is considered that the proposed tower will have a neutral impact upon the setting of the nearby St Mary Street Conservation Area or the setting of listed buildings within the vicinity.

View 2 - Wood Street Bridge:

View 2: Proposed

17mm | HfOV 93° | 96% @ A0 (scale this A3 page to fit A0)



- 10.24 The above view is facing east from the opposite side of the river of the Wood Street bridge. To the southern side of the road is the One Central Square office building. A glimpsed view of the clock tower at Cardiff Central Railway Station can just be seen, together with the Grade II listed Water Tower. Stadium Plaza forms a key focus to the northern side of Wood Street with the southern terraces of the Principality Stadium rising behind. The uppermost part of Stadium House is visible. In the distance there are longer views past Southgate House, through to the junction of the St. Mary Street Conservation Area.
- 10.25 Whilst the proposed tower will rise beyond the stair tower of Stadium Plaza, it is considered that the slender western façade will punctuate the skyline and will create a dramatic change in height from the development to the southern side of Wood Street. The framed treatment of the elevations, together with the material and colour choice will complement the existing development within Wood Street and contrast with Stadium Plaza, creating additional visual interest at both ground level and within the skyline. This will create a new landmark at the western edge of the city centre and a wayfinding route towards the public realm square immediately to the east of the square.

View 3 - Penarth Road Bridge:

View 3: Proposed

17mm | HfV 93° | 96% @ A0 (scale this A3 page to fit A0)



- 10.26 The River Taff forms the foreground of this view when facing north-west from the Penarth Road bridge. The existing view comprises the existing accumulation of tall buildings in the city centre including the Principality Stadium, Stadium Plaza and Stadium Tower together with the Bus Interchange building rising behind the former Brains Brewhouse chimney. Numerous developments on Penarth Road and Callaghan Square can be seen from the vantage points, as can existing and current high-rise development within the city centre. Views of the rooftops of the residential terraces along Penarth Road and Crawshay Street are also visible.

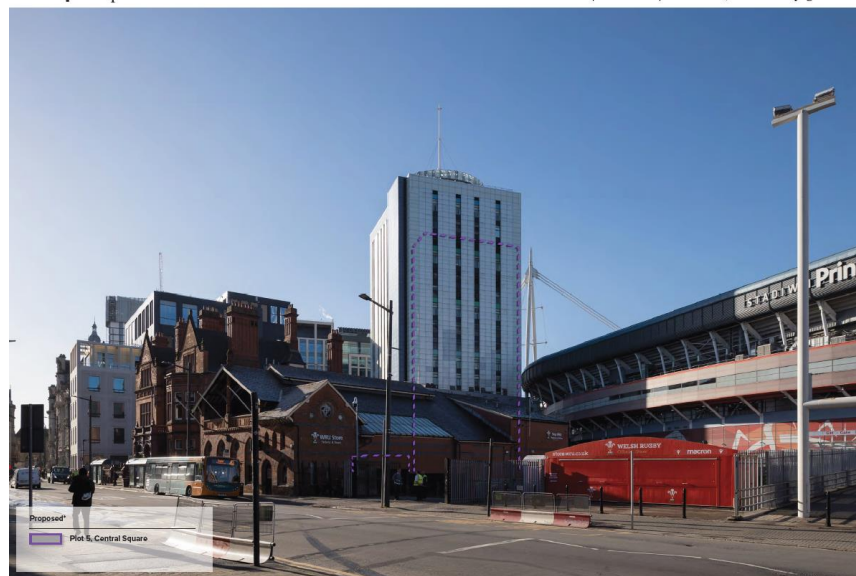
10.27 The proposed tower will rise beyond the One Central Square office building and screen views of Stadium House from this viewpoint. The proposal, together with the choice of colour would contrast with the horizontal emphasis of One Central Square, when viewed from a distance, providing additional visual interest. Again, it is considered that the proposal will provide a distinctive new landmark on the city centre skyline.

10.28 It is also notable that the land to the south on the 'Central Quay' site, identified in the picture above also forms part of Strategic Site KP2(A). The development approved at Phase 2, Plots 1 and 2 (21/02883/MJR and 21/02884/MJR) will largely obscure the view of the proposed tower and cumulatively there will be a large nature of change to the view. It is also anticipated that further high density mixed-use development will be proposed on the remainder of the 'Central Quay' site.

View 4 - Westgate Street:

View 4: Proposed

24mm | HFoV 74° | 96% @ A1 (scale this A3 page to fit A1)



10.29 A number of listed buildings are clustered to the western side of Westgate Street within the St. Mary Street Conservation Area. These are Jackson Hall the former County Club, County Court Offices and the Head Post Office (all Grade II listed). Notwithstanding this, the proposed tower will not be visible due to Stadium House blocking the view. Whilst views of the tower may be visible from other vantage points along Westgate Street, the Conservation Officer does not consider that the proposal will dramatically change the way in which heritage assets would be experienced in their respective settings. As such, it is considered that the character and appearance of the St. Mary Street Conservation Area will be preserved.

View 5 - Cardiff Castle Grounds:

View 5: Proposed

24mm | HfOV 74° | 96% @ A1 (scale this A3 page to fit A1)



- 10.30 When facing south from Cardiff Castle, a number of key buildings are visible, including the Principality Stadium, Stadium House, the roofline and chimneys of the County Court Offices (Grade II listed), the Portland stone clock tower of Hodge House (Grade II) and the emerging Bus Interchange tower. The proposed tower is not visible from this view, as it is obscured by Stadium House. Whilst the tower may be more visible from alternative locations within the Castle Grounds, it is considered that the development will sit comfortably within a cluster of other tall buildings in a city centre location, providing a contemporary landmark building.

Building Appearances and Ground Floor Interface:

- 10.31 Officers consider the elevational treatment of the tower to be a high quality design with a clear lower, middle and top section. The building has a strong glazed base which is designed to maximise active frontages, with two commercial units on the south-west and south-eastern corners and the concierge entrance in the centre. This will create vibrancy and activity at street level. A 17.8m high colonnade fronts the square on the eastern elevation, which (as shown on the visual impression below) retains the visual 'wayfinding' connection from Central Square (between the BBC Cymru and University buildings) towards Gate 5 of the Principality Stadium.



Figure 6: Visual impression of wayfinding connection to Millennium Stadium.

- 10.32 The mid-section of the tower proposes a 3-storey primary bay which will incorporate grey textured ceramic cladding panels running vertically between windows. Each bay will be accentuated through a projecting feature finished with a bronze coloured metal flashing which is considered a high quality design feature. The uppermost 4 storeys will be differentiated with a bronze clad top section with a 5-storey primary bay. This is considered to compliment the lower levels which incorporate subtle bronze highlights. The proposed textured ceramic cladding panels, bronze coloured metal flashing with brickwork are considered high quality materials which will provide the building with its own distinctive character. Further details on the materiality and depths of reveals are required by condition, to ensure the highest specification and design of the proposed building.
- 10.33 In contrast to the tower, officers welcome the design of the pavilion building, which will be mostly glazing to maximise visibility into and out of the structure. The façade detailing will complement the tower by replicating elements of its materials including the bronze highlights. Material samples and architectural detailing conditions will also be required for the pavilion. The extent of the active frontages and the proposed external tables and chairs is welcomed to ensure there is an appropriate vibrancy and activity at street level.



Figure 7: Artists impression of proposed development with pavilion in foreground, HMRC Tŷ William Morgan House to the right and 6 Park Street to the right of main tower.

10.34 Following internal discussions with South Wales Police and Emergency Management, officers have requested a condition to ensure that the ground floor glazing of both the tower and pavilion will be constructed of laminated glass. This will enhance the safety and security of the elevations in the case of a terrorist attack.

Public Realm:

10.35 The tower and pavilion will sit within and complete the public realm for this part of the masterplan area on the northern side of Wood Street, and follow the principles established by the preceding development phases and plots.

10.36 The proposals include completion of the public realm to the north of Wood Street and south of 6 Park Street and Tŷ William Morgan House, between the existing public square to the east and Scott Road to the west. This includes cycle parking, tables and chairs associated with the pavilion and rain gardens. It is noted that there are gaps in the coverage of the proposed PAS 68 provision (bollards) for hostile vehicle mitigation, which will be addressed through the public realm works condition. This will also cover CCTV and lighting to adhere to the South Wales Police recommendations. On-going discussions are taking place to ensure the public realm square is adopted. As such, many of these items will be within what is proposed to be adopted highway, and ultimately will be managed and maintained by the Council.

10.37 Further, this is a large-scale proposal, where the introduction of 364 units will place increased pressure on the surrounding pedestrian environment.

Planning Policy Wales, paragraph 4.1.19 states that “Well-designed, people orientated streets are fundamental to creating sustainable places and increasing walking, cycling and use of public transport. New development should improve the quality of place and create safe, social, attractive streets where people want to walk, cycle and enjoy”. Cardiff Local Development Plan (LDP) Policy KP6 (New Infrastructure) seeks that new developments make appropriate provision for, or contribute towards, necessary infrastructure required as a consequence of proposed development, including public realm improvements.

- 10.38 To date, public realm improvements associated with the regeneration of Central Square have been focused within Central Square itself and at Wood Street, which have significantly enhanced the quality of the pedestrian environment. The public realm immediately surrounding these areas is however of a poorer quality, including to the west of the site at the River Taff, leading to Riverside/Grangetown and to the south of the site at the London-Swansea mainline, connecting to Central Quay, Dumballs Road and Callaghan Square.
- 10.39 The public realm treatments proposed immediately around the site have been designed to tie-in with the established palette of materials in the new public square at Wood Street and are considered acceptable. Notwithstanding this, there is a need for the public realm in these areas to be upgraded to a standard more commensurate with Central Square in order to enhance connectivity and to provide an improved and more efficient pedestrian environment than that which serves the area at present. A financial contribution is sought towards the provision of public realm works to improve connectivity to, from and between Central Square and Central Quay (including the proposed active travel bridge).

Layout and Amenity of Future Occupiers:

- 10.40 Para. 3.3 of Planning Policy Wales states that “design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places. To achieve sustainable development, design must go beyond aesthetics and include the social, economic, environmental, cultural aspects of the development, including how space is used, how buildings and the public realm support this use, as well as its construction, operation, management, and its relationship with the surrounding area”.
- 10.41 The proposed residential units are considered a reasonable size and will receive sufficient levels of outlook and ventilation. Officers requested that balconies or private winter gardens should be provided however the applicant advised “*that due to the site constraints it would not be feasible or viable to incorporate balconies or external amenity areas within the building footprint for individual apartments*”. The absence of private amenity space for occupiers is considered a missed opportunity for enhancing the liveability of the scheme, however this has been considered as part of the wider planning balance.

- 10.42 With regard to communal amenity space, the Residential Design Guide SPG states that a minimum area of 75sqm should be provided for up to 5 units with additional 10 sqm of space for each additional unit. The application proposes 364 residential units (Use Classes C3 and C6) which would require 3,665sqm of communal amenity space, split between internal and external space. The scheme proposes 894sqm of communal amenity space, with 689sqm of amenity space at Level 20 (including a 108sqm winter garden) and a further 205sqm provided at Level 1. This results in a shortfall of 2,771sqm of communal amenity space.
- 10.43 It is noted that the applicant has provided evidence where other city centre residential schemes in Cardiff failed to provide generous amenity space, however officers do not consider that this should inform amenity standards at this development. Whilst the significant shortfall of amenity space is noted and regrettable, the particular city centre context of this site is acknowledged, as is the fact that the size of the site precludes the opportunity for external rooftop amenity areas, while the site also provides a high quality pavilion building with outdoor seating spilling into the public realm. It is also noted that the scheme is accessible to key public open spaces including Bute Park, Sophia Gardens, Blackweir and Pontcanna Fields, which provide extensive areas of amenity and recreation space within easy walking and cycling distance. The outdoor space in the form of a winter garden was increased in size following discussions with officers, which is welcomed.
- 10.44 As previously noted, LDP Policy KP2(a) also recognises that the strategic site allocation is suitable for residential development and requires that densities are maximised to make efficient use of city centre land in a highly accessible location. Given the size of the site and its highly sustainable location adjacent to Cardiff Central Railway Station, the emerging Bus Interchange and the Central Shopping and Business Areas, the shortfall of amenity space is considered, on balance, to be acceptable in this instance.
- 10.45 In addition to requesting further amenity space, officers requested that the amenity space offers additional social space on additional floors. Disappointingly, the applicant stated that this was deemed unsuitable due to management operational reasons. As such, this has been considered as part of the wider planning balance. Although it is stated that the more generous space will facilitate a more critical mass of activities, no further detail exists on plan to determine what amenity will be provided. A condition has therefore been requested to ensure that further details are provided in terms of the layout and function of the communal amenity spaces for future occupants.
- 10.46 Officers raised concerns with regard to the separation distance between the 6 Park Street office building and the northern elevation of the building in terms of the potential loss of privacy to the future occupiers within the tower. As such, the proposed apartments facing the southern windows of the office building have been amended as serviced apartments. The Residential Design Guide SPG states that a 21m separation distance should be provided between two facing habitable windows. Given that the building to the north is used as offices and the apartments facing it will be short-term lets in the form of serviced

accommodation, officers consider the privacy issue to be acceptable in this instance and for the aforementioned SPG recommendation to not apply to this relationship.

Daylight and Sunlight to Proposed Units:

- 10.47 The Residential Design Guide SPG requires development to provide adequate light for residential units in accordance with BRE guidance. The applicant has therefore provided a Daylight and Sunlight Analysis (DSA) prepared by McCann and Partners (dated: November 2022). This has assessed the ambient light levels of the future residential units using a dynamic simulation model to calculate the Vertical Sky Component, illuminance levels and sunlight requirements which are recognised as appropriate assessment methodologies by the Building Research Establishment (BRE) guide 'Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice 3rd Edition'.
- 10.48 There is a recognition that the high density, high-rise nature of the development, and its relationship with neighbouring buildings may make it difficult for all units to fully achieve the require standard of daylight/sunlight. Nevertheless, there have been considerable discussions with the developer to maximise the ambient light levels for the future occupiers of the apartments. Given the levels of light achieved on some of the lower floors (along with the relationship described above with neighbouring offices), the scheme has been amended to identify 32 no. apartments between levels 3 and 7 which, following agreement by the applicant, will be for short term accommodation no longer than 31 days for each period of occupation only (i.e. not permanent residential accommodation - Use Class C6). To ensure that no permanent accommodation is provided to the lower units with poor ambient light levels, a restrictive condition has also been imposed to withdraw the Permitted Development rights allowing the units to be converted to a C3 or C5 Use without permission.
- 10.49 It is welcomed that some of the poorly affected units will be restricted to serviced apartments only. However, there are other units which fail to meet the ADF LUX requirements as outlined in the BRE Guidance and consequentially the Cardiff Residential Design Guide SPG. Given the city centre location, the Council has applied flexibility to the scheme which has allowed the proposed kitchen living diners to be assessed against a 150 LUX requirement rather than 200 LUX. There are 364 units proposed in total and although some flexibility has been applied, the number of units which are contrary to the guidance equate to 100 units. 32 units are discounted from the overall C3 residential offering, which results in 68 units which fall below the BRE requirement and in percentage terms, this equates to 19% of the C3 units failing overall.
- 10.50 Although 32 units are being discounted from C3 residential provision, the quantity that fail and the standard they provide remains significantly below what should be safeguarded. Failure to provide high quality amenity is contrary to the Cardiff Residential Design Guide SPG advice. It is also contrary to the Future Generations Act 2015, a Healthy Wales wellbeing goal

which is to ensure a society in which peoples physical and mental well-being is maximised.

- 10.51 Significant efforts have been made by officers to amend the scheme to ensure that additional C3 units that receive poor light levels are converted to short term accommodation. Whilst this had led to reduced percentage of overall failures there are still a number of units that fail the DSA tests. Ultimately, the scheme has been improved to the maximum extent possible within the constraints of the site/development and having regard to viability considerations. In this regard and given the acknowledgement of the specific context of the site, the failure of parts of the development to achieve a satisfactory level of light to some apartments and amenity space, while regrettable, is not considered, on balance, to outweigh the positive benefits of the scheme in terms of bringing forward residential-led, city centre regeneration north of the railway line.

c. Impact on Neighbouring Amenity

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

Sunlight, Daylight and Overshadowing:

- 10.53 The proposed tower will be positioned directly to the south of the 6 Park Street Office building with a separation distance of 9.7m. This distance was reduced to ensure there was a sufficient width to the pavement along the southern elevation until it adjoins the existing segregated cycle lane which runs parallel to the site. The Tŷ William Morgan House office building (occupied by HMRC) is located to the north-east with a 12.6m distance from the two closest points (at an angle).
- 10.54 The applicant has provided a Daylight and Sunlight Analysis (DSA) prepared by McCann and Partners. Officers acknowledge the objection letters that correctly point out that the document focuses solely on the amount of daylight and sunlight each residential unit within the proposed tower will receive, rather than specifically addressing the impact on the neighbouring occupiers. It is also noted that whilst a Sun Path Analysis (SPA) (prepared by McCann and Partners) has been provided, it does not account for the additional 5 floors subsequently added. Whilst officers are satisfied that the original SPA provided sufficient information to understand the overshadowing impacts of the proposed tall building on neighbouring buildings, the applicant has recently provided an amended SPA taking into account the 5 additional storeys. No additional consultation has been undertaken given the above views on adequacy of the original supporting information, and noting the views that there is an acceptance that any scheme on this site was always going to have an impact on achievement of light levels in adjoining commercial properties.

- 10.55 On this point, with regard to safeguarding the daylight of nearby buildings, para. 2.2.2 The Building Research Establishment (BRE) guide 'Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice 3rd Edition' states that "*The guidelines given here are intended for use for rooms in adjoining dwellings where daylight is required, including living rooms, kitchens, and bedrooms. Windows to bathrooms, toilets, storerooms, circulation areas, and garages need not be analysed. The guidelines may also be applied to any existing non-domestic building where the occupants have a reasonable expectation of daylight; this would normally include schools, hospitals, hotels and hostels, small workshops, and some offices.*"
- 10.56 However, para. 1.6 of the BRE Guidance emphasises that "*the guide should be interpreted flexibly since natural lighting is only one of many factors in site layout design (see Section 5). In special circumstances the developer or planning authority may wish to use different target values. For example, in a historic city centre, or in an area with modern high-rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings.*"
- 10.57 Having regard to the wider plan for Central Square, and the fact that 6 Park Street and Tŷ William Morgan House (HMRC) are offices located within a city centre context, officers have taken the stance that it is reasonable to assume that a degree of obstruction is unavoidable (irrespective of height). The BRE guidance also infers that applying such guidance to offices would be the exception (i.e. 'some') than the rule. It is also important to note that daylight and sunlight enjoyed by 6 Park Street was previously restricted by an existing 6-storey building which the new development is set to replace.
- 10.58 The submissions do indicate that there will be an adverse impact on light levels achieved at adjoining buildings (notably 6 Park Street), but within the above context, and having regard to the importance of the site(s) in largely completing the Central Square development, it is considered that the degree of impact is unavoidable and acceptable insofar as the impact relates to commercial offices as opposed to residential accommodation.

Overlooking and Privacy:

- 10.59 Paragraph 6.37 of the Tall Buildings SPG state "*Tall buildings will not be permitted in locations where they would overshadow or overlook adjacent properties to the significant detriment of the amenity of neighbouring occupiers*". In addition, paragraph 4.9 of the Infill Sites SPG (2017) states that a minimum of 21 metres will be required between facing windows to habitable rooms on the private side of a development.
- 10.60 The close relationship between the proposed development and 6 Park Street to the north has been acknowledged above, as are the objections from the neighbouring properties. The latter objections have referred to a previous appeal at the 6 Park Street building (APP/Z6815/A/17/3190684) which proposed a series of windows on the eastern elevation, arguing that it concluded that a separation distance in excess of 10.4m would be required to

create an acceptable relationship between Tŷ William Morgan House to ensure adequate levels of light to both buildings.

- 10.61 In dismissing the appeal, the Inspector noted the developing (albeit unadopted and evolving) masterplan and acknowledged the need for densities to be maximised in order to make best use of the site in a highly sustainable location. While considering the relationship between buildings/plots, it is considered that the Inspector focussed (in refusing consent for new windows in the facing elevation) primarily on ensuring that the masterplan would not be prejudiced by introducing such windows, as this would preclude development opportunities in the 'gap'. It did not therefore strictly state that such a 10.2m gap must be preserved to create an acceptable relationship and ensure adequate levels of light to both buildings.
- 10.62 In this context, while recognising the close relationship proposed in this development, it is considered that this decision was not strictly about privacy distances, and that the decision, while of note, does not preclude the Council taking a balanced view on the merits and impacts of this development on adjoining properties which, for the reasons given elsewhere in this report, are considered to be acceptable. In reaching such conclusions, it is noted that officers considered whether the provision of angled windows to the lower units facing north would ease the potential impacts on privacy, but concluded that the potential benefits would be outweighed by the likely adverse impact on design aesthetics. Instead, the application has been amended to incorporate short term (Class C6) accommodation to the units facing the existing windows on the southern elevation of 6 Park Street.
- 10.63 The objection indicating concerns over security concerns relating to potential overlooking into the HMRC office building, which deals with confidential matters, is not a material planning matter.

Agent of Change Principle:

- 10.64 Officers note that the Principality Stadium lies in close proximity to the north of the site which hosts large scale sporting and music events. Paragraph 4.3.44 of Planning Policy Wales (Edition 11, February 2021) states that where residential development is proposed next to or near existing evening and night-time uses, it will be necessary to consider the compatibility of uses and to incorporate mitigation measures to minimise any impact on the amenity of any future residents. The *agent of change* principle says that a business or person responsible for introducing a change is responsible for managing that change.
- 10.65 The applicant has provided a Noise and Vibration Planning Assessment (dated 17/12/2021 ref: 21518-HYD-ZZ-XX-RP-Y-1001). This has determined ambient noise levels affecting the proposed development and background sound levels at existing noise sensitive receptors, as well as potential vibration impacts due to the railway to the south of the site. The assessment considers both typical urban noise sources such as rail and road traffic, as well as sporting events at the adjacent Principality Stadium.

Sporting Event Noise:

- 10.66 The Noise Officer welcomes that the Noise Assessment was taken during a large sporting fixture at the Principality Stadium, and more so to see that the noise outbreak from the stadium itself would not cause unreasonable levels of harm. The assessment showed that before and after the event it was pedestrian noise that would cause up to 13dB increase at façade level. This would in part be due to the vicinity of the railway station as the key access point for visitors to the city during large sporting fixtures. The duration of this increase is likely limited for peak before/after which reduces impact significantly. With this considered and with the sporting fixtures of this nature being an acceptable part of the culture offerings in the city, the Noise Officer does not consider this to be a concern for the development, nor should it concern or risk the operations of the Principality Stadium.

Music Event Noise:

- 10.67 Given that planned music events were cancelled in December 2021, no event monitoring has taken place for music events within the Principality Stadium. Whilst the Noise Assessment has used representative music noise modelling, it states that it may be necessary to measure a music event at the Principality Stadium and consult further on appropriate music noise criteria for the proposed development.
- 10.68 It is noted that if the roof is open, music noise levels at upper floor facades of the proposed development may be greater than at the existing dwellings. Given the *agent of change* principle, the proposed development should not impose unreasonable restrictions on the stadium.
- 10.69 To ensure that sufficient glazing is installed on the facades of the residential tower, officers have requested a condition for event monitoring to take place. A detailed scheme of noise mitigation measures will be provided prior to the glazing being installed on the building, which will need to be fully informed by the results of a representative assessment of the music noise levels from the Principality Stadium during an agreed event (or events). The monitoring will be in accordance with a methodology that shall first have been agreed in writing by the Local Planning Authority, and will set maximum internal noise levels that must be achieved when exposed to the music levels during future events at the Principality Stadium.
- 10.70 An additional condition is also recommended that will seek to secure a post-construction assessment to demonstrate that the internal noise limits approved under the previous condition are achieved.

Other matters impacting upon amenity:

- 10.71 The Noise Officer has requested operational hour conditions for the proposed commercial units to be between 07:00 and 12:00 (midnight) on Sunday to Thursdays and 07:00 – 01:00 on Friday and Saturdays. These operational hours are not considered to be unreasonable and will not result in an

unacceptable level of noise disturbance in this location. Servicing hours have been restricted to 07:00 to 22:00 on any day to ensure that the amenity of future occupiers are protected.

- 10.72 Given that different use classes pose different noise related risks, a separate condition relating to any D2 Use Class has been recommended ensuring that a Noise Management Plan is provided. Finally, a fixed plant noise condition and a condition ensuring that the preparation and cooking of hot food and the extraction of all fumes from the food preparation areas in the ground floor units shall be mechanically extracted. The Noise Officer has assessed the supporting Train Induced Vibration and Assessment Report and has raised no objection with regard to potential vibration impacts from the railway line.
- 10.73 Finally, whilst a Construction Environmental Management Plan (CEMP) has been provided upfront with the submission, a more detailed CEMP has been requested through condition. This will consider noise, vibration, construction hours and piling methodology/mitigation to ensure necessary management measures are agreed prior to commencement of the development. Officers have noted the objections which relate to suggestions for the CEMP, however consider the wording and content to be sufficient for the protection of the environment and amenity of the area and adjoining neighbours during construction.
- 10.74 In light of the above, subject to the aforementioned conditions, it is considered that the amenity of the future occupiers and any neighbouring occupiers within the vicinity, will be sufficiently protected.

Microclimate:

- 10.75 A Pedestrian Wind Environment Study (prepared by Windtech, dated 04/11/2022) was originally submitted which presented the results of a detailed investigation into the wind environmental impacts of the proposed development. This considered three relationships; the existing site conditions, the proposed development with the existing surrounds and the proposed development with the future surrounds. The results of the Study indicated that wind conditions for most trafficable outdoor locations within and around the development will be suitable for their intended uses. Some locations have in fact seen improvements of wind conditions when compared with the current existing model. However, some areas will experience strong winds which will exceed the relevant criteria for comfort and/or safety. The Study therefore identified that there is potentially a requirement for additional mitigation in order to achieve acceptable wind conditions for pedestrians and cyclists at ground level.
- 10.76 As such, an amended Wind Mitigation Report was provided (prepared by GIA Chartered Surveyors, dated 27/01/2023). This provided a further round of computational fluid dynamics (CFD) modelling by testing a number of different scenarios with different wind mitigation canopy lengths at different heights, depths and porosity. This found that the optimal solution requires a 3m deep

solid canopy on the northern side of the tower and a 1.5m deep solid canopy on the southern side (refer to images below).



- 10.77 While the amended plans have integrated the optimal canopy solutions on the north and south elevations, final details of the size, design and materials of any necessary wind mitigation measures will be required to be approved by condition, which would need to be informed by additional wind tunnel testing. It is noted that there will be a need to ensure that any such measures are fully integrated into the design of the building, and do not unacceptably impact on pedestrian movements around the building, hence the condition will require such design work to be approved at the earliest stage.

d. Transport, Servicing and Waste

Car Parking:

- 10.78 The proposed development is car free and as such does not include any on-site resident or employee car parking. Policy T5 of the adopted LDP requires development to accord with the council parking standards, as outlined in the approved SPG. Paragraph 6.1 of the approved Managing Transportation Impacts SPG states that “the availability of parking spaces and their location can influence travel choices. Excessive provision can serve to stimulate demand for car travel and perpetuate reliance on the car. The application of parking standards to new developments is therefore an important tool in managing demand for travel by car and encouraging a shift to sustainable transport modes”. The aforementioned SPG uses maximum parking standards (as required by Planning Policy Wales), and there is no minimum amount of car parking that has to be provided.
- 10.79 The absence of any car parking proposed is therefore considered to be policy compliant and welcomed. This is also due to the extremely sustainable location within an easy level walk of Cardiff Central Railway Station which lies 150m to the south, the emerging Bus Interchange building which lies 100m to the east and to the segregated cycle lane immediately outside of the site which connects to the wider cycle network. The site also benefits from existing cycle parking provision including Nextbike stands, along with access to all the services, amenities, employment and leisure facilities such a central location affords. As such, the site is considered to offer viable alternatives in the form of public transport and active travel to the ownership and use of private cars.

- 10.80 Officers note the objections regarding the content and accuracy of the Transport Statement. In terms of trip generation and parking accumulation, the Managing Transportation Impacts SPG either specifies a zero parking (food and drink) or zero minimum (retail) parking allocation. Where visitors insist on arriving by car they would be expected to make use of existing public parking facilities (multi-storey car parks or pay and display etc.), as is the case for the vast majority of food and drink and retail uses in the city centre. In accordance with local and national policy and guidance, Cardiff has long since moved away from a 'predict and provide' model within the central area.
- 10.81 With regard to the disabled car parking objection, the Transportation Officer acknowledges the apparent conflict with TAN 18, but notes that car parking requirements in Cardiff are determined by standards detailed in the adopted Managing Transport Impacts SPG and not those in TAN 18. In accordance with Planning Policy Wales, car parking standards in the SPG are expressed as a maximum, with residential development attracting a minimum of zero spaces for all users. Disabled provision is specified to be "provided in car parking allocation", thus allowing for zero disabled provision where development is proposed with zero parking. Policy T5 of the LDP also refers to "measures appropriate to a particular development which may include providing for and/or improving, as appropriate", rather than requiring provision for disabled parking as suggested in the letter of objection.

Cycle Parking:

- 10.82 The application proposes 484 cycle parking spaces, made up of 364 residential two-tier racks and Sheffield stands within the tower building, situated on the mezzanine/Level 1 and accessed from Scott Road via a dedicated lift. An additional 120 Sheffield cycle stand spaces are provided externally in 3 blocks of 40, located to the rear of the pavilion building overlooked by the adjacent Tŷ William Morgan House office building to the north and supplementing the existing stands to the eastern end of the public realm square.
- 10.83 To comply with Managing Transportation Impacts SPG requirement of providing one cycle parking space bedroom, the tower would require 495 internal spaces, however the application proposes 364 internal spaces. The Transportation Officer has considered the sites close proximity to the city centre, central bus and railway stations, and the availability of Nextbike cycle hire. As a result of these factors, it is considered that the demand for on-site residential cycle parking is likely to be lower than similar developments located elsewhere, with a much higher proportion of trips being undertaken by walking and public transport. It has therefore been agreed that the total number of cycle parking spaces can be reduced to 64% of the SPG requirement of 1 space per bedroom. This approach is consistent with similar city centre residential developments and officers are advised that further cycle parking for the residential uses could be added in external areas in the future if the provided cycle parking becomes overused. The ratio of Sheffield stands and two-tier stackers and arrangement is considered acceptable to ensure the spaces are sufficiently accessible and the dedicated service lift is also a suitable

arrangement. As such, the internal cycle parking provision is therefore considered to be appropriate and is therefore acceptable in regard to policy.

- 10.84 Further cycle parking is provided within the public realm around the pavilion building and the public square. This comprises a 120-space cycle hub set out in two clusters; a cluster of 80 spaces to the north of the pavilion and a southern cluster of 40 spaces to the east of the pavilion. This provision is required as part of the Section 106 Agreement for the emerging Bus Interchange building (19/02140/MJR) to the south-east of the site. The wording of the S106 requires “120 secure, operational cycle parking spaces and public cycle parking stands which will be clearly visible and accessible to members of the public to be undertaken by Rightacres on land within control of Rightacres situated on the north side of Wood Street, Cardiff”. Officers are satisfied with the layout of these spaces which will be overlooked by the HMRC building and the subject tower. A condition is sought to secure the details and delivery of the proposed cycle parking provision.

Servicing and Waste:

- 10.85 Servicing and waste collection will be taken from the side of the building via Scott Road, which proposes a dedicated delivery/refuse collection bay. To supplement the fortnightly Council collection, the application proposes a regular private collection on the alternate weeks, thus allowing for a smaller storage areas. The Waste Officer supports this approach but has requested a Servicing Management Plan as a condition which will include the detailed storage and collection arrangements.

e. Ecology

- 10.86 The conservation of native wildlife habitats and the safeguarding of protected species is discussed in Planning Policy Wales (Edition 11). New development opportunities have an important part to play in creating new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable. Improving habitat connectivity through promoting wildlife corridors, whilst ensuring development minimises species and habitat impact, are also important considerations.
- 10.87 Paragraph 6.4.5 of Planning Policy Wales (2021) states that “Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity”.
- 10.88 The site is a cleared brownfield site which is currently being used as a car park/site compound area associated with the construction of the Bus Interchange building to the south-east. No significant ecological receptors have therefore been identified and no part of the site is subject to any statutory environmental designations. Notwithstanding this, noting the Planning Policy Wales extract above, the proposals have sought to provide a net benefit for biodiversity by providing a green roof for the pavilion and planting within the

rain gardens which will support biodiversity. A condition has also been applied for an ecological walkover to take place if the construction is delayed to ensure there are no ecological receptors that would require consideration by the Council.

f. Flooding and Drainage

10.89 LDP Policies EN10 and EN14 require water sensitive design solutions that do not increase the risk of flooding elsewhere to be incorporated within new development.

10.90 The site is within Flood Zone C1 as identified on the Welsh Government Development Advice Map (DAM), wherein the current TAN15 states that development will only be justified if it can be demonstrated that:-

- i. Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement
or
- ii. Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region;
and
- iii. It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1);
and
- iv. The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and appendix 1 found to be acceptable.

10.91 The Natural Resources Wales (NRW) Flood Map for Planning identifies the site within Flood Zone 2 Rivers and Flood Zone 3 Sea (defended zone).

10.92 Given the site location inside the settlement boundary and its contribution towards new housing, plus its previously-developed status, the proposal is considered to comply with tests (i) to (iii). In terms of test (iv) the applicant has provided a Flood Consequence Assessment (FCA) (prepared by Jubb Consulting Engineers Ltd dated 3 November 2021, reference 21209-FCA01-v01) which shows that the risks and consequences of flooding are manageable to an acceptable level. Further, the risk of tidal flooding to the proposed development is negligible, as the site benefits from the presence of the Cardiff Bay Barrage. No objection has been raised on flooding by NRW. As such that there are no objections to the principle of residential development on this site which begins at Level 3 and above.

g. Sustainability

10.93 Future Wales Policy 16 emphasises that within Priority Areas for District Heat Networks planning authorities should identify opportunities for District Heat Networks and plan positively for their implementation. Large scale mixeduse

development should, where feasible, have a heat network with a renewable / low carbon or waste heat energy source. Planning applications for such development should prepare an Energy Masterplan to establish whether a heat network is the most effective energy supply option and, for feasible projects, a plan for its implementation. Policy 17 outlines support for developing renewable and low carbon energy at all scales.

- 10.94 Para 5.8.1 of Planning Policy Wales states that the planning system should support new development that achieves high energy performance, supports decarbonisation, tackles the causes of the climate emergency and adapts to the current and future effects of climate change through the incorporation of effective mitigation and adaptation measures.
- 10.95 LDP Policy EN12 requires major development to maximise the potential for renewable energy. The council will encourage developers to incorporate schemes which generate energy from renewable and low carbon technologies. The scheme has incorporated various methods of sustainability and will adopt a fabric-first approach in the first instance to maximise the efficiency of the buildings. The pavilion building will have a green roof and the development will provide sustainable drainage systems. The tower building will also incorporate solar panels on the roof and proposes Air Source Heat Pumps to reduce the buildings energy consumption and carbon dioxide emissions. Finally, the proposals will be designed to meet BREEAM Excellent level for the shell of the commercial units and Home Quality Mark Level 3 as a minimum for the apartments.
- 10.96 Whilst the applicant has provided an Energy Statement (prepared by McCann and Partners, undated), no reference has been made to a potential connection to the proposed Cardiff District Heat Network (CDHN). While the applicants indicate that such a connection is unlikely due to timescales and other considerations, having regard to Future Wales Policy 16 a condition is attached requiring an Energy Strategy which will need to include an evidence-based assessment (at that time) of the feasibility of connecting to the CDHN.

h. Economic Impact

- 10.97 Planning Policy Wales (PPW) (Edition 11) places a duty on the LPA the need to improve the social economic of Wales' disadvantaged areas. Chapter 5 'Productive and Enterprising Places' covers the economic components of placemaking and states that "a more Equal Wales can be achieved through promoting sufficient employment and enterprise opportunities for people to realise their potential and by recognising and building on the existing economic strengths of places to assist in delivering prosperity for all."
- 10.98 Chapter 4 of PPW also recognises the need to "realise the potential of new sustainable transportation infrastructure to create new or renewed hubs of activity to support sustainable communities which capitalise on their location and the opportunities these present." TAN 23 (Economic Development) also states economic generation is a material consideration.

10.99 Further, para 4.8 of the LDP clarifies the importance of the Cardiff economy and the importance of the Central Enterprise Zone to the Cardiff economy, stating that “The key economic role performed by Cardiff must be maintained and enhanced for benefits to Cardiff, the city-region and Wales. The Cardiff Central Enterprise Zone will be a key element of the approach but there is also a need to maintain the roles of the City Centre, Cardiff Bay, existing employment sites together with providing a range and choice of sites to cater for demand across sectors.”

10.100 The application is supported by an Economics Benefit Assessment (prepared by Lichfields, dated December). Whilst this has not been updated to align with the amended proposals, the document still concludes that the development represents a significant new capital investment in the area, which will help to enhance the profile of Cardiff city centre and will raise the overall economic activity in the area. The following benefits (for the earlier 330 unit scheme) have been identified:

Construction Impacts:

- A capital investment of approximately £55 million;
- The provision of 355 gross direct FTE jobs and 483 spin-off FTE jobs annually over the 2.5 year construction phase;
- A total of £53.2 million direct and indirect GVA produced per annum over the construction period, equating to a total of £133 million in direct and indirect GVA over the construction period (not all retained locally).

Operational Impacts:

- The contribution of between 59 and 62 direct jobs once the development is operational with the precise number of direct jobs to be created dependent on the use of commercial floorspace. This could help to reduce local unemployment levels in Cardiff (4.3%), which in 2020 were higher than the Welsh average (4.0%). The provision of residential accommodation will also reduce commuting levels from South East Wales to Cardiff by approximately 0.2%;
- Total economic output (direct and indirect GVA) of between £2.0 million and £3.5 million per annum.

Expenditure Impacts:

- A first occupation expenditure of £1.8 million;
- A total gross expenditure of £6.9 million per annum from households that are new to the local area

Local Tax Contributions:

- £576,000 in Annual Council Tax revenue from the 330 dwellings (which will be more for 364 units). This represents 0.3% of the total Council Tax revenue collected by Cardiff Council in 2019/20;
- Between c.£77,000 and c.£90,000 business rates per annum, dependent on the use of commercial floorspace. This represents approximately 0.1%

of the total business rate revenue that was raised by Cardiff Council in 2019/20.

10.101 The proposed development meets the number of placemaking-related objectives outlined in Planning Policy Wales. Of relevance to the economic assessment is the alignment of employment and residential development with transport infrastructure, and the regeneration of disadvantaged communities. The economic potential of the proposed development will contribute to the goals outlined in the Well-being of Future Generations Act 2015 by boosting improving the cohesion of communities and boosting the prosperity and resilience of Wales.

11. PLANNING OBLIGATIONS

11.1 Policy KP7 (Planning Obligations) states that “planning obligations will be sought to mitigate any impacts directly related to the development and will be assessed on a case by case basis in line with Planning Policy Guidance”.

11.2 The supporting text emphasises that new development often generates additional demands upon existing services, facilities, infrastructure and the environment, with planning obligations being a means of seeking contributions from developers towards these demands, as well as negotiating benefits that improve the standard of development proposals by providing necessary infrastructure and community benefits.

11.3 The Planning Obligations SPG sets out the Council’s approach to planning obligations when considering applications for development in Cardiff, providing further guidance on how the policies set out in the LDP are to be implemented.

11.4 The Community Infrastructure Levy Regulations 2010 came into force on 6th April 2010 in England and Wales. They introduced limitations on the use of planning obligations (Reg. 122 refers), and state that a planning obligation may only legally constitute a reason for granting planning permission if it is: (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development.

11.5 In view of the type and form of development proposed, having regard to local circumstances and needs arising from the development, the need for planning obligations which are considered necessary to make the development acceptable in planning terms and to meet the policy and legislative tests for planning obligations were identified as follows (in line with the Planning obligations SPG). These are the maximum levels of contributions which could be sought, and are subject to viability considerations:

CONTRIBUTION	REQUEST (£)
Affordable Housing	6,209,364
Community Facilities	298,902
Education	121,212
Public Open Space	559,550
Public Realm/Bridge	639,912
TOTAL	7,828,940

- 11.6 To assist the consideration of planning obligations, the applicant provided a Viability Assessment prepared by Savills (dated December 2022). This concludes the Benchmark Land Value to be £2,400,000. In order to be considered viable, the scheme must produce a sufficient developer's profit margin which in this instance is 15% on cost. Based on the Viability Assessment, the scheme produces a profit on cost of 7.31% before the deduction of any S106 obligations or provision of affordable housing and is therefore considered unviable. When assessed against a fixed profit margin of 15% on cost the residual land value is -£1,934,235 and therefore there is a deficit of £4,334,235 before the scheme generates any surplus for S106 contributions.
- 11.7 In accordance with the established practice of obtaining an independent assessment of viability appraisals presented in support of planning applications, the Council has sought the advice of an independent assessor (Avison Young), who has reviewed the viability submission. Avison Young have concluded that: -
- "We have carried out a viability assessment and incorporated a review of the Savills December 2022 report. Whilst we have applied a different rationale, we are in agreement that the likely developer profit on completion of the funding structured sale does not generate a market-accepted 15% Profit on Cost".*
- 11.8 While the scheme has been identified as unviable, negotiations have been entered into with the developer to secure an appropriate financial contribution which, while not mitigating the identified impacts of the development, would nevertheless secure contributions towards identified infrastructure or to address deficiencies. These discussions have secured an overall financial contribution of £800,000.
- 11.9 It is anticipated that the financial contribution will be apportioned in the table below, with the greatest level of contribution proposed to be put towards the provision of public realm works to improve connectivity to, from and between

Central Square and Central Quay. This includes a contribution towards the active travel bridge associated with Phase 2, Plots 1 and 2 Central Quay (21/02883/MJR and 21/02884/MJR). These applications were recently granted planning permission for mixed-use developments on the former Brains Brewery site immediately south of Cardiff Central Railway Station. In the unlikely event such a bridge cannot be delivered, the £500,000 contribution will be spent on public realm improvements, with any surplus reallocated to the provision of affordable housing.

CONTRIBUTION	SECURED CONTRIBUTION (£)
Affordable Housing	200,000
Community Facilities	30,000
Education	10,000
Public Open Space	60,000
Public Realm/Bridge	500,000
TOTAL	800,000

12. OVERALL ASSESSMENT – ‘THE PLANNING BALANCE’

- 12.1 Planning Policy Wales (PPW) (Edition 11) refers to the need to assess the Sustainable Benefits of Development and (at 2.27) emphasises that Planning authorities should ensure that social, economic, environmental and cultural benefits are considered in the decision-making process and assessed in accordance with the five ways of working to ensure a balanced assessment is carried out to implement the Well-being of Future Generations Act and the Sustainable Development Principle.
- 12.2 Paragraph 3.38 of PPW states that the countryside is a dynamic and multi-purpose resource. In line with sustainable development and the national planning principles and in contributing towards placemaking outcomes, it must be conserved and, where possible, enhanced for the sake of its ecological, geological, physiographic, historical, archaeological, cultural and agricultural value and for its landscape and natural resources. The need to conserve these attributes should be balanced against the economic, social and recreational needs of the local communities and visitors.
- 12.3 There may be occasions when one benefit of a development proposal outweighs others, and in such cases robust evidence should be presented to support these decisions, whilst seeking to maximise contributions against all the well-being goals.

12.4 Key factors in the assessment process include:

- *Social Considerations*, including: - who are the interested and affected people and communities; who will benefit and suffer any impacts from the proposal;
- what are the short and long-term consequences of the proposal on a community;
- *Economic Considerations* including: - the numbers and types of long term jobs expected to be created or retained; whether, and how far, the development will help redress economic disadvantage or support regeneration priorities, for example by enhancing local employment opportunities;
- *Cultural Considerations* including: - how far the proposal supports the conditions that allow for the use of the Welsh language; whether or not the development protects areas and assets of cultural and historic significance; have cultural considerations and their relationships with the tourism industry been appropriately maximised; and
- *Environmental Considerations* including: - will important features of the natural and built environment be protected and enhanced; are the environmental impacts of development on health and amenity limited to acceptable levels and the resilience of ecosystems improved.

12.5 At para. 2.29 it further refers to the need to have an integrated approach to balancing priorities against policy on an individual basis, which enables the full range of costs and benefits over the lifetime of development to be taken into account.

12.6 Section 5 of PPW provides further emphasis on the need to develop 'Productive and Enterprising Places' which promote our economic, social, environmental and cultural well-being by providing well-connected employment and sustainable economic development.

12.7 The role of the Local Planning Authority is therefore to balance the weight to be attributed to each of the positive and negative impacts of the development and come to a balanced conclusion as to whether the development is acceptable or not.

12.8 The application has been subject to extensive negotiations between the developer and Council Officers, with input from Placemaking and Transportation Officers throughout. However, not all the identified concerns were able to be resolved. This relates to the overall number of units failing to comply with the BRE daylight/sunlight tests, the lack of balconies, the shortfall of communal amenity space with a better split amongst floors and the close relationship with neighbouring sites, with consequential impacts. The development is also unable to meet all of the financial obligations.

12.9 These matters have all been considered in the wider planning balance, and in this respect significant weight has been afforded to the importance of this development as part of the Central Square development and the wider Strategic Site A allocation, with the development bringing forward city centre

regeneration north of the railway line, connect to the emerging Bus Interchange building and through the commercial uses and pavilion building will create a new and vibrant destination. The site will also bring vacant land into beneficial use with associated regeneration benefits, which promotes the efficient use of land and makes a notable positive contribution to housing supply.

12.10 Overall therefore, while the scheme has not been able to be further improved to address all of the identified deficiencies, these are outweighed by the clear benefits of the scheme.

13. LEGAL CONSIDERATIONS

13.1 *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.

13.2 *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.

13.3 *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.

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

13.5 *Section 6 of Environment (Wales) Act 2016* subsection (1) imposes a duty that a public authority must seek to maintain and enhance biodiversity in the exercise of its functions, and in so doing promote the resilience of ecosystems, so far as is consistent with the proper exercise of those functions. In complying with subsection (1), a public authority must take account of the resilience of ecosystems, in particular the following aspects:

- (a) Diversity between and within ecosystems;
- (b) The connections between and within ecosystems;

- (c) The scale of ecosystems;
- (d) The condition of ecosystems (including their structure and functioning);
- (e) The adaptability of ecosystems.

13.6 It is considered that the Local Planning Authority has considered its duty under this Act and has met its objectives for the reasons outlined above.

14. CONCLUSION

14.1 The proposal will play a key role in delivering the LDP strategy, providing 364 new residential units (Classes C3 and C6) as part of a high quality, mixed-use scheme on a vacant site in a highly sustainable, brownfield location within LDP strategic site KP2(A); Cardiff Central Enterprise Zone.

14.2 The site will bring vacant land into beneficial use with associated regeneration benefits, which promotes the efficient use of land and makes a positive contribution to housing supply. The site is considered to be one which can accommodate a sensitively designed building of significant height, which will enclose the public square to the east in a positive way. The elevational treatment of the tower and pavilion are both considered to be of a high quality which will provide the site with its own distinctive character. Finally, the proposed commercial units and the pavilion will help create vibrancy and activity at street level and the public realm improvements and external cycle parking spaces will provide substantial public benefits.

14.3 The site is highly sustainable in transport terms with excellent access to the public transport network. The delivery of 120 external cycle parking spaces (in accordance with the S106 for the Bus Interchange building) will complement the existing cycle parking and Next Bike stands adjacent to the site, increasing the sustainable nature of the site further. The proposed development also includes a financial contribution towards the delivery public realm works to improve connectivity to, from and between Central Square and Central Quay.

14.4 The proposals have been assessed against local and national policies and guidance. Whilst not all the identified concerns could be resolved, there are clear benefits of the scheme which are considered to outweigh the concerns. This relates to bringing forward city centre regeneration north of the railway line, connecting to the emerging Bus Interchange building and creating a new and vibrant destination through the commercial uses and pavilion building. Therefore, there is no demonstrable or compelling reasons which indicate sufficient harm to warrant refusal of the application. It is therefore recommended that planning permission be granted, subject to the recommended conditions and relevant parties entering into a Section 106 Agreement. Accordingly, the proposed development is considered, on balance, to be in accordance with Policies.

15. RECOMMENDATIONS

RECOMMENDATION 1: That, subject to relevant parties entering into a binding legal agreement with the Council under the provisions of a 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 11 of this report, planning permission be GRANTED subject to the conditions listed below.

RECOMMENDATION 2: That delegated authority is given to the Head of Planning &/or Operational Manager: Strategic Development & Placemaking, to make changes to the conditions and/or Heads of Terms of the required legal agreement, subject to consultation with the Chair of Planning, up to the point where the legal agreement is signed and planning permission issued.

CONDITIONS

1. The development shall begin no later than five years from the date of this decision.

Reason: To comply with the requirements 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 and documents:

- Site Location Plan: 18733-SBR-ZZ-00-DR-A-00100 Rev 9
- Site Plan (Public Realm): 18733-SBR-ZZ-00-DR-A-00101 Rev 15
- Site Plan (Servicing Strategy): 18733-SBR-ZZ-00-DR-A-00102 Rev 5
- Level 0 Floor Plan: 18733-SBR-ZZ-00-DR-A-10200 Rev 16
- Level 1 Floor Plan Mezzanine Plan: 18733-SBR-01-DR-A-10201 Rev 16
- Level 2 Floor Plan: 18733-SBR-02-DR-A-10202 Rev 17
- Level 3 Floor Plan Typical Residential Plan: 18733-SBR-ZZ-03-DR-A-10203 Rev 17
- Level 5 Floor Plan: 18733-SBR-ZZ-05-DR-A-10205 Rev 7
- Level 8 Floor Plan: 18733-SBR-ZZ-08-DR-A-10208 Rev 6
- Level 20 Floor Plan: 18733-SBR-ZZ-20-DR-A-10220 Rev 6
- Level 34 Floor Plan: 18733-SBR-ZZ-34-DR-A-10234 Rev 5
- Level 35 Roof Plan: 18733-SBR-ZZ-35-DR-A-10235 Rev 9
- North and West Elevations: 18733-SBR-ZZ-XX-DR-A-11100 Rev 12
- South and East Elevation: 18733-SBR-ZZ-XX-DR-A-11101 Rev 13
- Pavilion Floor Plans: 18733-SBR-ZZ-XX-DR-A-10600 Rev 8
- Pavilion Roof Plan: 18733-SBR-ZZ-02-DR-A-10601 Rev 8
- Pavilion Elevations: 18733-SBR-ZZ-XX-DR-A-11600 Rev 7
- Street Scene – East: 18733-SBR-ZZ-XX-DR-A-11200 Rev 8
- Street Scene – North: 18733-SBR-ZZ-XX-DR-A-11201 Rev 8
- Street Scene – South: 18733-SBR-ZZ-XX-DR-A-11202 Rev 8
- Street Scene – West: 18733-SBR-ZZ-XX-DR-A-11203 Rev 7
- GA Sections: 18733-SBR-ZZ-XX-DR-A-12101 Rev 9

- Pavilion Sections: 18733-SBR-ZZ-XX-DR-A-12200 Rev 7
- Bay Window Study: 18733-SBR-ZZ-XX-DR-A-11603 Rev 2
- Drainage Strategy: 0500 Rev P4
- Construction and Environmental Management Plan, (prepared by BECT Building Contractors Ltd, dated 16/12/2021)

Reason: To ensure satisfactory completion of the development and for the avoidance of doubt in line with the aims of Planning Policy Wales to promote an efficient planning system.

Pre-Commencement Conditions:

3. *Construction Environmental Management Plan:* No development shall take place until such time as an additional Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include as a minimum the following details:

- General Site Management: hours of work on site; hours for deliveries, loading and unloading; construction compounds, temporary facilities for construction / sales staff; site hoardings and means of enclosure to prevent unauthorised access
- Access and Traffic Management: site access and manoeuvring; vehicle and cycle parking for site operatives and visitors, site deliveries, loading and unloading of plant and materials, wheel wash facilities, measures to ensure that pedestrian access past the site on public footpaths is safe and not obstructed during construction works or details of any safe temporary pedestrian routes; advisory access routes to the site
- A construction Site Management and Access plan detailing construction compounds and storage, site hoardings and means of enclosure, site access, parking and materials storage.
- Control of Nuisances: identification of construction and demolition noise and vibration sources; details of restrictions to be applied during construction and demolition to minimise noise and vibration emissions, for example timing, duration and frequency of works; details of measures to minimise noise and vibration from piling activities, for example acoustic barriers; details of dust, dirt and air quality management measures (including dust suppression measures and methods to monitor emissions of dust)
- A specific Piling Methodology Statement highlighting the chosen methodology and mitigation and to limit such operations to agreed hours
- Resource Management: details of materials (including oil, fuel, cementitious materials and chemicals) storage, containment, bunding and/or appropriate buffer zones; details of waste generation and its management/recycling/disposal
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan
- Construction Drainage Scheme, indicating how surface water and land drainage flows will be controlled to prevent contamination reaching

Cardiff Bay, during the construction period, this will include preventing surface water/contamination entering drains, any filtering/trapping and de-watering devices

- Methods of dealing with complaints
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details
- The location of a large notice board on the site that clearly identifies the name and contact details of the site manager

The CEMP shall be implemented as approved during the site preparation, demolition and construction phases of the development.

Reason: To ensure necessary management measures are agreed prior to commencement of the development and implemented for the protection of the environment and amenity of the area and adjoining neighbours during construction, in accordance with Policies T1, T5, EN6, EN7 and EN13 of the adopted Cardiff Local Development Plan (2006-2026).

4. *Energy Strategy:* No development shall commence until such time as an Energy Strategy has been submitted to and approved in writing by the Local Planning Authority. The Energy Strategy shall outline how the development will incorporate renewable and low carbon technology and reduce electric and heat consumption, and shall include a study to determine the feasibility of connecting to the Cardiff District Heat Network.

Thereafter, the development shall accord with the approved details or any modifications as may be approved through subsequent discharge of condition applications.

Reason: To promote energy efficient and sustainable development, in accordance with Future Wales, Planning Policy Wales and Policy EN12 of the adopted Cardiff Local Development Plan (2006-2026).

5. *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 Local Planning Authority. 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 BS 8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings.

Reason: To ensure that the safety of future occupiers is not prejudiced, in accordance with Policies KP5, KP18 and EN13 of the adopted Cardiff Local Development Plan (2006-2026).

6. *Contaminated Land Measures – Assessment:* Prior to the commencement of the development an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person * in accordance with BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and shall assess any contamination on the site, whether or not it originates on the site. The report of the findings shall include:

- (i) not required
- (ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present.
- (iii) an assessment of the potential risks to:
 - human health,
 - groundwaters and surface waters
 - adjoining land,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - ecological systems,
 - archaeological sites and ancient monuments; and
 - any other receptors identified at (i)
- (iv) an appraisal of remedial options, and justification for the preferred remedial option(s).

All work and submissions carried out for the purposes of this condition must be conducted in accordance with the Environment Agency's 'Land contamination: risk management (LCRM)' (October 2020) 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 Cardiff Local Development Plan (2006-2026).

7. *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 the Environment Agency's 'Land contamination: risk management (LCRM)' (October 2020) 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).

8. *Potable Water Scheme:* No development above ground shall take place until a potable water scheme to serve the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that the existing water supply network can suitably accommodate the proposed development site. If necessary, a scheme to reinforce the existing public water supply network in order to accommodate the site shall be delivered prior to the occupation of any building. Thereafter, the agreed scheme shall be constructed in full and remain in perpetuity.

Reason: To ensure the site is served by a suitable potable water supply, in accordance with Policies EN10 and EN14 of the Cardiff Local Development Plan (2006-2026).

Action Conditions:

9. *Material Samples:* Notwithstanding the submitted details (condition 2), prior to their use on site samples of all external finishing materials for the tower and the pavilion shall be 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, in accordance with Policy KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).

10. *Architectural Detailing*: Notwithstanding the submitted details (condition 2), prior to commencement of work on the external elevations of the tower and pavilion, drawings showing the architectural detailing of the principal elevations and the depths of the reveals shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the agreed architectural details.

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).

11. *Communal Amenity Spaces*: Prior to beneficial occupation of the tower, details of the proposed layout of the internal communal amenity spaces within the tower shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: To provide appropriate amenity for future residents, in accordance with Policy KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).

12. *Cycle Parking*: Prior to the commencement of the relevant part of development, detailed provision of the cycle parking shown on the approved plans, to include the type and layouts of the proposed racks and stands, shall have been submitted to the Local Planning Authority for approval in writing. The relevant part of the development hereby permitted shall not be brought into beneficial use until such time as the approved cycle parking has been implemented in accordance with the approved plans, and thereafter the cycle parking spaces shall be maintained and shall not be used for any other purpose.

Reason: To ensure that adequate provision is made for the sheltered and secure parking of cycles, in accordance with Policy T5 of the adopted Cardiff Local Development Plan (2006-2026).

13. *Public Realm Works*: Prior to the commencement of each part of this development (i.e. the tower and/or pavilion), a General Arrangement plan for that part of development showing in detail the scheme for the public realm works shall have been submitted to the Local Planning Authority for approval in writing. The scheme plan shall clearly identify the area of works and include, but not be limited to details of the materials and construction finishes for the works, to include surfacing, kerbs, edging, drainage, hostile vehicle mitigation (HVM), lighting, CCTV, trees, soft landscaping/SUDS and street furniture as required as a consequence of the submitted scheme of works. The agreed scheme to be constructed to an adoptable standard to the satisfaction of the Local Planning Authority prior to beneficial occupation of the relevant part of the development and in accordance with a delivery programme to be agreed with the Council.

Reason: To ensure the provision of the public realm in accordance with the submitted application and provide an improved public realm environment to facilitate safe commodious access to and use of the proposed development, in accordance with Policies T5, T6 and C3 of the adopted Cardiff Local Development Plan (2006-2026).

14. *Servicing Management Plan*: Prior to the beneficial use of the tower or pavilion, a Servicing Management Plan relevant to that part of the development shall have been submitted to and approved in writing by the Local Planning Authority. The plan shall identify all servicing protocols, procedures, and related facilities and equipment, for all types of delivery and collection services for the relevant building, and the relevant building shall thereafter be serviced in accordance with the approved plan.

Reason: To ensure that the servicing protocols, procedures and facilities will allow for the minimal potential for pedestrian and vehicular conflict, and to ensure for the safe free flow of traffic on the highway, in accordance with Policies W1 and T5 of the adopted Cardiff Local Development Plan (2006-2026).

15. *Soft Landscaping*: Prior to commencement of any elevation construction work, full details of the soft landscape works through a planting and aftercare specification program shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- A soft landscaping implementation programme
- Topsoil and subsoil specification for all planting types, including full details of soil protection, storage, handling, amelioration and placement to ensure it is fit for purpose. Where imported planting soils are proposed, full specification details shall be provided including the parameters for all imported planting soils, a soil scientists interpretive report demonstrating that the planting soil not only meets British Standards, but is suitable for the specific landscape type(s) proposed.
- Planting methodology and post-planting aftercare methodology prepared by a qualified landscape architect, including full details of how the landscape architect will oversee landscaping implementation and report to the Local Planning Authority to confirm compliance with the approved plans and specifications.

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 Policies EN8 and KP5 of the adopted Cardiff Local Development Plan (2006-2026).

16. *Wind Mitigation Measures*: Prior to commencement of any elevational construction work on the tower building hereby approved, the final details of the size, design and materials (including samples where applicable) of any necessary wind mitigation measures, which shall be informed by additional wind tunnel testing, shall have been submitted to and agreed in writing by the

Local Planning Authority. All approved mitigation measures shall be implemented in accordance with the approved details prior to first beneficial use of the tower, and shall thereafter be retained as approved.

Reason: To ensure the amenities of the area are protected in accordance with Policy KP5, KP13 and C3 of the Cardiff Local Development Plan 2006-2026.

17. *Data Shelf Life:* If site clearance in respect of the development hereby approved does not commence (or, having commenced, is suspended for more than 12 months) within 2 years from the date of the decision, an ecological walkover shall be undertaken, to ensure there are no ecological receptors that would require consideration by the Local Planning Authority, in respect of the conditions imposed. Where a survey indicates that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, new measures, and a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Works shall then be carried out in accordance with the new approved ecological measures and timetable.

Reason: To ensure that the assessment of impacts of the development upon the environment, and any measures to mitigate those impacts, are informed by up-to-date information, in accordance with Policy EN7 of the adopted Cardiff Local Development Plan (2006-2026).

18. *Pavilion Green Roof:* Prior to beneficial occupation of the pavilion, a biodiverse green roof mimicking an open mosaic habitat or coastal grassland, shall be installed to the roof of the pavilion in accordance with details and installation timescales that shall first have been submitted to and approved in writing by the Local Planning Authority. Within one month of its installation, photographic evidence that the green roof has been installed (both close up and at a distance) shall be submitted to the Local Planning Authority. Thereafter the green roof shall be maintained, and shall not be used for any other purpose.

Reason: To enhance the green infrastructure on site, in accordance with Policy EN7 of the adopted City of Cardiff Local Development Plan (2006-2026).

19. *Music Noise Levels Assessment:* Prior to any work commencing on the installation of external glazing to any part of the development hereby permitted, a detailed scheme of noise mitigation measures to ensure that Music Noise Levels from the Principality Stadium do not cause unreasonable impact on the amenity of future residents at all levels of the development, shall have been submitted to and approved in writing by the Local Planning Authority. As a minimum the scheme shall:

- i) be fully informed by the results of representative assessments of Music Noise Levels from the Principality Stadium during an event (or events), that must have been undertaken in accordance with a methodology that shall first have been agreed in writing by the Local Planning Authority; and

- ii) Shall set agreed maximum internal noise levels that must be achieved when exposed to Music Noise Levels at the façade of the development during future events at the Principality Stadium.

All measures outlined in the detailed scheme of noise mitigation shall be implemented in full accordance with the approved details, and thereafter retained at all times.

Reason: To ensure the amenity of future occupiers is protected, and (having regard to the 'agent of change' principle) that the development will incorporate sufficient noise mitigation measures to ensure there will no unacceptable impact on the pre-existing hospitality operations at the Principality Stadium, in accordance with Policies EN13 and KP5 of the adopted Cardiff Local Development Plan (2006-2026).

20. No later than three months following occupation of any residential unit (or other such timescale that might be agreed in writing by the Local Planning Authority) a post-construction assessment to demonstrate compliance with the maximum internal noise levels set by condition 19, shall be submitted to the Local Planning Authority for its approval in writing.

Reason: To ensure the amenity of future occupiers is protected, and (having regard to the 'agent of change' principle) that the development will incorporate sufficient noise mitigation measures to ensure there will no unacceptable impact on the pre-existing hospitality operations at the Principality Stadium, in accordance with Policies EN13 and KP5 of the adopted Cardiff Local Development Plan (2006-2026).

21. *Internal Noise:* Prior to the beneficial occupation of the units, a post-build Acoustics Report shall be conducted in order to demonstrate compliance with the noise mitigation measures and results outlined in the Noise and Vibration Planning Assessment (prepared by Hydrock, dated 17/12/2021 ref: 21518-HYD-ZZ-XX-RP-Y-1001) using a full representative data set. The report shall be submitted to and approved by the Local Planning Authority to demonstrate that this has been achieved, specifically:

- 35dB LAeq, 16hr,
- 30dB LAeq, 8hr,
- 45dB LAF not exceeded more a max 10 times, night.
- Final details of the chosen ventilation strategy

Reason: To protect the amenity of future occupiers, in accordance with Policies EN13 and KP5 of the adopted Cardiff Local Development Plan (2006-2026).

22. *Fume Extraction:* If at any time the use of the premises is to involve the preparation and cooking of hot food the extraction of all fumes from the food preparation areas shall be mechanically extracted to a point to be agreed with the Local Planning Authority, and the extraction system shall be provided with a de-odorising filter. Details of the above equipment shall have been submitted

to and approved in writing by the Local Planning Authority, and the equipment installed in accordance with the agreed scheme, prior to the commencement of use for the cooking of food. The equipment shall thereafter be maintained in accordance with the manufacturers' guidelines, such guidelines having previously been agreed by the Local Planning Authority.

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

23. *D2 Use*: If at any time the D2 use is to be implemented as a health and fitness studio/gym or any similar use, full details of the noise control scheme and a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the first beneficial use.

The works and scheme shall be implemented and thereafter retained in accordance with the approved details. No alteration to the scheme which undermines the sound insulation or isolation integrity of the areas it applies to, shall be undertaken without the grant of further specific consent of the local planning authority.

The noise control scheme (including sound insulation and isolation measures) shall target airborne and impact noise levels detailed in ProPG:GAG2022 (Table 2) with consideration given to the internal background sound level in receptor rooms.

Reason: To protect the amenity of future occupiers, in accordance with Policies EN13 and KP5 of the adopted Cardiff Local Development Plan (2006-2026).

24. *Contaminated Land Measures – Remediation & Verification*: The remediation scheme approved by condition 7 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 the Environment Agency's 'Land contamination: risk management (LCRM)' (October 2020) 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 Cardiff Local Development Plan (2006-2026).

25. *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 Cardiff Local Development Plan (2006-2026).

26. *Imported Soil:* Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

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

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

27. *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 Cardiff Local Development Plan (2006-2026).

28. *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 occupiers is not prejudiced, in accordance with Policy EN13 of the adopted Cardiff Local Development Plan (2006-2026).

Regulatory Conditions:

29. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 or the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any orders revoking and re-enacting those orders with or without modification) the proposed pavilion building as shown on approved drawing number 18733-SBR-ZZ-XX-DR-A-10600 Rev 8 shall only be used as a café / restaurant use and for no other purposes whatsoever.

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).

30. The 32 units labelled as non-C3 Use Classes identified on approved drawing numbers 18733-SBR-ZZ-03-DR-A-10203 Rev 17 and 18733-SBR-ZZ-05-DR-A-10205 Rev 7 shall be used for the purpose specified on the approved plans under Use Class C6 and for no other purpose (this includes any purpose in Use Classes C3 or C5 of the schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument amending, revoking or re-enacting that Order) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To provide appropriate amenity for future occupiers, in accordance with Policy KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).

31. *Laminated Glass:* The ground floor elevations on the proposed tower and pavilion as demonstrated on approved drawing numbers 18733-SBR-ZZ-XX-

DR-A-11100 Rev 12, 18733-SBR-ZZ-XX-DR-A-11101 Rev 13, 18733-SBR-ZZ-XX-DR-A-11600 Rev 7 shall be constructed of laminated glass and shall thereafter be retained.

Reason: To ensure appropriate public safety, accordance with Policy C3 of the adopted Cardiff Local Development Plan (2006-2026).

32. *Landscape Retention:* Any trees, plants or hedgerows, which within a period of 5 years from the completion of the development die, are removed, become seriously damaged or diseased, or in the opinion of the Local Planning Authority (LPA) otherwise defective, shall be replaced. Replacement planting shall take place during the first available planting season, to the same specification approved in discharge of condition 12 unless the Local Planning Authority gives written consent to any variation in re-discharge of that condition.

Reason: In the interests of the visual amenity of the area, enhancing biodiversity and mitigating the effects of climate change in accordance with Policy KP5, KP15 and KP16 of the adopted Cardiff Local Development Plan (2006-2026).

33. *Plant Noise:* The accumulative rating level of the noise emitted from fixed plant and equipment on the site shall not exceed those in Table 11 from Noise and Vibration Planning Assessment dated 17 December 2021 ref: 21518-HYD-ZZ-XX-RP-Y at the nearest noise sensitive premises, when measured and corrected in accordance with BS 4142: 2014 +A1 2019 (or any British Standard amending or superseding that standard). Any complaint received to Local Planning Authority in respect to plant noise shall be investigated by a suitability qualified acoustician to ensure compliance with this condition and any deviation corrected in accordance with approval.

Reason: To protect the amenity of future occupiers, in accordance with Policies EN13 and KP5 of the adopted Cardiff Local Development Plan (2006-2026).

34. *Operation Hours for Commercial Units:* No member of the public shall be admitted to or allowed to remain on the premises outside the hours of 07:00 and 12:00 (midnight) on Sunday to Thursdays and 07:00 – 01:00 on Friday and Saturdays.

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

35. *Servicing Hours for Commercial Units:* There shall be no arrival, departure, loading or unloading of Heavy and Light Good Vehicles outside of the hours of 07:00 and 22:00 on any day that are directly associated with the following Use Classes at the development; A1/A2/A3/B1/D1/D2.

Reason: To protect the amenity of future occupiers, in accordance with Policies EN13 and KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).

Informative 1: Any works to the existing adopted public highway are to be subject to agreement under S278 of the Highways Act 1980 between the developer and Council. All works to be completed in accordance with the approved plans and to the satisfaction of the Council.

Informative 2: It is noted from the supporting documentation that the applicants have considered the likelihood of archaeological deposits being encountered. Should this occur, please notify the Glamorgan-Gwent Archaeological Trust as mitigation may be required.

Informative 3: The applicant is advised to liaise with Network Rail and contact Grace Lewis (grace.lewis@networkrail.co.uk).

Informative 4: Natural Resources Wales (NRW) consider that the controlled waters at this site are not of the highest environmental sensitivity. Therefore NRW have not provided detailed site-specific advice or comments with regards to land contamination issues for this site. However, it is recommended that the requirements of Planning Policy Wales and the Land Contamination Risk Management (LCRM) guidance should be followed. NRW recommend that the developers should:

1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
2. Refer to the Environment Agency's 'Guiding Principles for Land Contamination' for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
3. Refer to our groundwater protection advice on www.gov.uk

Informative 5: The applicant is advised to liaise with South Wales Police and contact Julie Odgers, Julie.odgers2@south-wales.police.uk.

Informative 6: The applicant is advised that section 3.25 of Planning Policy Wales states that the land use planning system should take account of the conditions which are essential to the Welsh language and in so doing contribute to its use and the Thriving Welsh Language well-being goal. In this context and with regard to the Welsh Language (Wales) Measure 2011, it is recommended that: (1) developments adopt a Welsh name that is consistent with the local heritage and history of the area, (2) during the construction phase, on site marketing information (i.e. text on construction hoardings / flags / banners – as consented) be provided bilingually and (3) for commercial developments, shopfront / premises signage be provided in Welsh or bilingually. Where bilingual signage is provided, Welsh text must not be treated less favourably in terms of size, colour, font, prominence, position or location (it is recognised that Welsh translation does not extend to company / business names). Cardiff Council's Bilingual Cardiff team (BilingualCardiff@cardiff.gov.uk) can provide advice on unique and locally appropriate Welsh names for developments, bilingual marketing / branding and bilingual signage.

Informative 7: 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.

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. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

Informative 8: The applicant is advised that new residential units are required to purchase the bin provision required for each unit. The bins must meet the Council's specifications. 240 litre wheeled bins can be purchased via waste Connect to Cardiff at (029) 2087 2087. Bulk supply of individual bins, or 660litre/1100 litre wheeled bins should be ordered via our bin order form located at www.cardiff.gov.uk/wasteplanning.

A commercial contract is required for the collection and disposal of all non-domestic waste. By law (Environmental Protection Act, 1990, section 34) all non-domestic premises have a duty of care to ensure that their waste is transferred to and disposed of by a registered waste carrier. For approximate size of waste storage capacity for businesses, please refer to **Section 5.3 - Waste Collection and Storage Facilities SPG**. Please refer to the Waste Collection and Storage Facilities Supplementary Planning Guidance (2016) for further relevant information. www.cardiff.gov.uk/wasteplanning.