

COMMITTEE DATE: 15/03/2018

APPLICATION No. **17/02404/MJR** APPLICATION DATE: 10/10/2017

ED: **BUTETOWN**

APP: TYPE: Full Planning Permission

APPLICANT: UrbanCentric

LOCATION: FORMER BROWNING JONES AND MORRIS, DUMBALLS ROAD, BUTETOWN, CARDIFF, CF10 5FE

PROPOSAL: DEMOLITION OF EXISTING WAREHOUSE AND ERECTION OF 206 RESIDENTIAL FLATS OVER TWO BUILDINGS WITH ASSOCIATED PUBLIC SQUARE, 4 NO. COMMERCIAL UNITS POTENTIALLY COMPRISING A1/A2/A3/B1 USES, PARKING, RESIDENTS ROOF TERRACE AND PUBLIC REALM WORKS

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 9 of this report, planning permission be **GRANTED** subject to the following conditions :

TIME LIMIT AND PLANS

TIME LIMIT

1. The development permitted shall be begun before the expiration of five years from the date of this planning permission.
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

PLAN SPECIFICATION

2. Subject to the provisions of the conditions below, the development shall be carried out in accordance with the following approved plans and documents:

Plans

- 'Site Location Plan' (drawing no SP527 – P100)
- 'Existing Site Plan' (drawing no SP527 – P01)
- 'Demolitions Plan' (drawing no SP527 – P102)
- 'Proposed Site Plan' (drawing no SP527 – P101 Rev A)
- 'Proposed Site Plan' (drawing no SP527 – P02 Rev A)
- 'Proposed Ground Floor Plan' (drawing no SP527 – P03 Rev A)
- 'Proposed 1st Floor Plan' (drawing no SP527 – P04 Rev A)
- 'Proposed 2nd Floor Plan' (drawing no SP527 – P05 Rev A)
- 'Proposed 3rd Floor Plan' (drawing no SP527 – P06 Rev A)
- 'Proposed 4th Floor Plan' (drawing no SP527 – P07 Rev A)
- 'Proposed 5th Floor Plan' (drawing no SP527 – P08 Rev A)

- 'Proposed 6th Floor Plan' (drawing no SP527 – P09 Rev A)
- 'Proposed 7th Floor Plan' (drawing no SP527 – P10 Rev A)
 - 'Proposed 8th Floor Plan' (drawing no SP527 – P11 Rev B)
 - 'Proposed 9th Floor Plan' (drawing no SP527 – P12 Rev A)
 - 'Proposed 10th Floor Plan' (drawing no SP527 – P13)
 - 'Proposed 11th Floor Plan' (drawing no SP527 – P14)
 - 'Proposed Elevation to Dumballs Rd' (drawing no SP527 – P15 Rev A)
 - 'Proposed Elevation to Public Square 1' (drawing no SP527 – P16 Rev A)
 - 'Proposed Elevation to Vacant Land' (drawing no SP527 – P17 Rev A)
 - 'Proposed Elevation to St Williams House' (drawing no SP527 – P18 Rev A)
 - 'Proposed Elevation to Curran Road' (drawing no SP527 – P19 Rev A)
 - 'Proposed Elevation to Public Square 2' (drawing no SP527 – P20 Rev A)

Documents

- 'Flood Consequence Assessment Proposed Brownfield Redevelopment, Dumballs Road, Cardiff' (Revision A, dated 5th October 2017)

Reason: For the avoidance of doubt.

CONDITIONS TO BE DISCHARGED

DRAINAGE

3. No development, except for demolition, shall commence until details of a scheme for the disposal of foul and surface water has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall:
 - demonstrate how the site will be effectively drained
 - indicate how foul flows will communicate to the public sewerage system
 - indicate the means of disposal of surface water
 - demonstrate that surface water flows shall communicate to the 900mm public surface water sewer in Canal Parade at a rate not exceeding 10 l/s unless otherwise agreed in writing by DCWW
 - demonstrate that there is no resultant unacceptable risk to controlled waters arising from any infiltration of surface water into the ground

The scheme shall be implemented in accordance with the approved details prior to the occupation of any building on the site and shall be maintained and retained in perpetuity and no further surface water or land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and

ensure no pollution of or detriment to the environment/controlled waters.

CEMP

4. Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of site hoardings, site access, contractor parking, wheel washing facilities, dust suppression measures and the methods to monitor emissions of dust arising from demolition and construction activities on site. The demolition and construction phase shall be implemented in accordance with the approved CEMP. Reason: To manage the impact of construction in the interests of highway safety, protection of the environment and public amenity.

CYCLE PARKING

5. Notwithstanding the details shown on 'Proposed Ground Floor Plan' (drawing no SP527 – PO3 Rev A), no development shall take place until details showing the provision of cycle parking spaces have been submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be undercover and secure for the long term storage of bicycles. The approved details shall be implemented prior to the development being put into beneficial use. Thereafter the cycle parking spaces shall be maintained and shall not be used for any other purpose.
Reason: To ensure that adequate provision is made for the secure parking of cycles.

WIND MICRO-CLIMATE

6. No development shall take place until a desk-based study of the wind micro climate in the vicinity of the proposed buildings has been submitted to and approved in writing by the LPA. The study shall include details of any mitigation measures that may be required and the development shall be carried out in accordance with the approved details.
Reason: To ensure the comfort of pedestrians and cyclists using the public realm and adjacent footways and carriageway.

DUMBALLS ROAD HIGHWAY WORKS

7. No development, except for demolition, shall commence until a scheme of environmental footway improvements to Dumballs Road adjacent to the site has been submitted to and approval in writing by the LPA. The scheme shall include as required, but not be limited to, the closure and reconstruction as footway of redundant crossovers/accesses, and the reconstruction/resurfacing and re-kerbing of the remaining footway on Dumballs Road adjacent to the site, including surfacing, kerbs, edging, channels; the provision/renewal/improvement of street lighting and other street furniture. The agreed scheme shall be implemented to the satisfaction of the LPA prior to beneficial occupation of the site.

Reason: To ensure the comprehensive enhancement/improvement of the adjacent public highway in the interests of highway and pedestrian safety, and to facilitate access to the proposed development.

CURRAN ROAD FOOTWAY PROVISION

8. No development, except for demolition, shall commence until a scheme for the provision of an adoptable standard footway on Curran Road as shown on the approved plans has been submitted to and approval in writing by the LPA. The scheme shall include as required, but not be limited to, surfacing, kerbs, edging, channels, the provision of street lighting and other street furniture. The agreed scheme shall be implemented to the satisfaction of the LPA prior to beneficial occupation of the site.

Reason: To ensure the comprehensive enhancement/improvement of the adjacent public highway in the interests of highway and pedestrian safety, and to facilitate access to the proposed development.

LANDSCAPING SCHEME

9. No development shall commence until full details of both hard and soft landscape works and details of their management and maintenance have been submitted to and approved in writing by the local planning authority. The landscape details shall comply with the provisions of conditions 26 (FINISHED FLOOR LEVELS), 6 (WIND MICRO-CLIMATE), 7 (DUMBALLS ROAD HIGHWAY WORKS) AND 8 (CURRAN ROAD FOOTWAY PROVISION), and shall include the following details: proposed finished ground and floor levels, any wind micro-climate mitigation measures, hard surfacing materials, proposed and existing functional services above and below ground, litter bin(s) located in the vicinity of the commercial units, scaled planting plans (noting schedules of plants, species, plant sizes and proposed numbers/densities), and in the case of trees, tree pit section and plan views for each tree pit type, top soil and sub soil specifications, details of access to root available soil, planting and aftercare methodology and an implementation programme. These works shall be carried out in accordance with the approved details prior to the occupation of any part of the development and shall be managed and maintained thereafter in accordance with the approved details. Reason: To maintain and improve the appearance of the area and in the interests of visual amenity.

MATERIALS SPECIFICATION REQUIRED

10. The external walls and roofs of any building shall be constructed and finished in accordance with a schedule of materials and finishes which shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. Reason: To ensure that the finished appearance of the development is in keeping with existing buildings in the area.

MATERIALS

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

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

ARCHITECTURAL DETAILING

12. No development shall take place until a scheme showing the architectural detailing of the buildings has been submitted to and approved in writing by the Local Planning Authority and the development shall not be brought into beneficial use until the approved scheme is implemented.

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

SWIFT BOXES

13. No development shall commence until a scheme showing the design, location and maintenance proposals for 8 no swift nest boxes has been submitted to and approved by the Local Planning Authority, further to the details contained in the Code 7 Consulting Ecology Phase 1 Survey & Assessment Report (August 2017). The scheme shall be implemented in accordance with the approved details prior to occupation and the swift nest boxes shall be retained and maintained thereafter in accordance with the approved details.

Reason: To ensure adequate provision for nesting birds in the interests of biodiversity enhancement.

ROAD TRAFFIC NOISE

14. Prior to commencement of development, a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide that all habitable rooms exposed to external road traffic noise in excess of 63 dBA Leq 16 hour [free field] during the day [07.00 to 23.00 hours] or 57 dBA Leq 8 hour [free field] at night [23.00 to 07.00 hours] shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 40 dBA Leq 16 hour during the day and 35 dBA Leq 8 hour at night. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with acoustically treated active ventilation units. Each ventilation unit (with air filter in position), by itself or with an integral air supply duct and cowl (or grille), shall be capable of giving variable ventilation rates ranging from :

- a. an upper rate of not less than 37 litres per second against a back pressure of 10 newtons per square metre and not less than 31 litres per second against a back pressure of 30 newtons per square metre, to
- b. a lower rate of between 10 and 17 litres per second against zero back pressure.

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

SOUND INSULATION

15. Prior to the commencement of development, a scheme of sound insulation works to the floor/ceiling structure between the proposed ground floor commercial units and the first floor residential accommodation shall be submitted to and agreed by the Local Planning Authority in writing and shall be implemented in accordance with the approved details prior to occupation.
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.

PLANT NOISE

16. Prior to the commencement of development a noise assessment shall be carried out and submitted to the Local Planning Authority for approval to ensure the noise emitted from fixed plant and equipment on site achieves a rating noise level of background -10dB at the nearest noise sensitive premises when measured and corrected in accordance with BS 4142:2014 (or any British Standard amending or superseding that standard). The development shall be implemented in accordance with the approved details prior to occupation.
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.

FUTURE KITCHEN EXTRACTION

17. If at any time the use of any of the proposed commercial premises is to involve the preparation and cooking of hot food, the extraction of all fumes from the food preparation areas shall be mechanically extracted to a point to be agreed with the Local Planning Authority, and the extraction system shall be provided with a de-odorising filter. Details of the above equipment shall be submitted to the Local Planning Authority for approval in writing and the approved details shall be installed prior to the commencement of use for the cooking of food. The equipment shall thereafter be maintained in accordance with the manufacturers' guidelines, such guidelines having previously been agreed by the Local Planning Authority in writing.
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.

GROUND GAS PROTECTION

18. Prior to the commencement of development, 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 and approved in writing by the Local

Planning Authority. 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 by the Local Planning Authority. If no protection measures are required then no further actions will be required. All required gas protection measures shall be installed and appropriately verified before occupation of any part of the development which has been permitted and the approved protection measures shall be retained and maintained until such time as the Local Planning Authority agrees in writing that the measures are no longer required. * 'Gases' include landfill gases, vapours from contaminated land sites, and naturally occurring methane and carbon dioxide, but does not include radon gas. Gas Monitoring programmes should be designed in line with current best practice as detailed in CIRIA 665 and or BS8485 year 2007 Code of Practice for the Characterization and Remediation from Ground Gas in Affected Developments. Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff Local Development Plan.

CONTAMINATED LAND MEASURES - ASSESSMENT

19. Prior to the commencement of development, an assessment of the nature and extent of contamination and a report of its findings shall be submitted to and approved in writing by the Local Planning Authority. This assessment shall 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) an intrusive investigation to assess the extent, scale and nature of contamination which may be present
- (ii) 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;
- (iii) 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 shall be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document 'Land Contamination: A guide for Developers' (2012), 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 Cardiff Local Development Plan.

CONTAMINATED LAND MEASURES– REMEDIATION & VERIFICATION PLAN

20. Prior to the commencement of 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 shall 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 shall be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document 'Land Contamination: A guide for Developers' (July 2012), 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.

CONTAMINATED LAND MEASURES – REMEDIATION AND VERIFICATION

21. The remediation scheme approved by the above condition shall be fully undertaken in accordance with its terms prior to the occupation of any part of the development. The Local Planning Authority shall 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 shall be submitted to and approved in writing by the Local Planning Authority. All work and submissions carried out for the purposes of this condition shall be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document 'Land Contamination: A guide for Developers' (July 2012), 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.

CONTAMINATED LAND MEASURES – UNFORSEEN CONTAMINATION

22. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it shall be reported in writing within 2 days to the Local Planning Authority, all associated works shall stop, and no further development shall take place unless otherwise agreed in writing until a scheme to deal with the contamination found has been submitted to and approved in writing by the Local Planning Authority. An investigation and risk assessment shall be undertaken and, where remediation is necessary, a remediation scheme and verification plan shall 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 shall be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be submitted to the LPA for approval 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.

IMPORTED SOIL

23. 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 which shall be first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the safety of future occupiers is not prejudiced.

IMPORTED AGGREGATES

24. 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 which shall be first submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff Local Development Plan.

USE OF SITE WON MATERIALS

25. 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 Cardiff Local Development Plan.

COMPLIANCE CONDITIONS

FINISHED FLOOR LEVELS

26. The Finished Floor Level across the site shall be brought up to a minimum level of 8.2m AOD prior to occupation of the first residential unit and shall be maintained at that minimum level thereafter.
Reason: In line with the recommendations of the approved Flood Consequences Assessment (Revision A, dated 5th October 2017) to mitigate flood risk.

FLOOD ACCEPTABILITY MEASURES

27. Prior to occupation, new residents shall be advised of the flood risks and consequences, flood emergency plans and procedures, and the NRW early flood warning alert system. Flood emergency plans and procedures shall be put in place for future occupiers prior to occupation of the first residential unit.
Reason: To ensure that new residents are aware of the potential for the property to be affected in the scenario of an extreme flooding event.

PILING

28. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.
Reason: There is an increased potential for pollution of controlled waters from inappropriate methods of piling.

FLEXIBLE USES

29. The commercial premises shall only be used for the following uses:
Unit 1 Class A1 (3,500sqft)
Unit 2 Class A1/A3 Retail unit (930sqft)

Unit 3 Class A1/A2/A3/B1 Flexible unit (1,388sqft)

Unit 4 Class A1/A2/A3 Retail unit (2,604sqft)

Reason: For the avoidance of doubt.

FOOD AND DRINK FLOORSPACE

30. Notwithstanding the provisions of the Town and Country Planning General Development Order 1995 (or any Order amending, revoking or re-enacting that Order with or without modification), the Class A3 (Food & Drink) floorspace shall be used as a restaurant, café or coffee shop and for no other purpose within Use Class A3 (Food & Drink).

Reason: To prevent the use of the premises as a drinking establishment where the primary purpose is the sale and consumption of alcoholic drink on the premises protect the amenities of adjacent occupiers.

SHOP FLOORSPACE

31. Class A1 (Shop) floorspace proposed in any of the ground floor commercial units shall not be used for purposes other than the sale of convenience goods, including those set out in Class A1 of the Schedule for the Town and Country Planning (Use Classes) Order 1987 (or any Order amending, revoking or re-enacting that Order with or without modification). For the avoidance of doubt "convenience goods" shall be taken to mean: food, drink, tobacco, non-durable household goods, newspapers and magazines.

Reason: To prevent changes to the type and scale of retail floorspace which may prejudice the retail strategy of the development plan and/or government planning guidance.

GROUND FLOOR WINDOWS

32. Notwithstanding the provisions of the Town and Country Planning General Development Order 1995 (or any Order amending, revoking or re-enacting that Order with or without modification), the ground floor windows of the commercial units shall allow an open and unrestricted view of a window display or the trading area or floorspace within the premises and the windows shall not be painted, covered over or otherwise obscured without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity.

NO HOT FOOD TAKEAWAY

33. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that Order with or without modification) no sale of hot food for consumption off the premises shall take place from any of the commercial premises.

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

OPENING HOURS

34. No member of the public shall be admitted to or allowed to remain on any ground floor commercial premises between the hours of 23:00 hrs and 07:00 hrs on any day.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity of the site are protected.

DELIVERY TIMES

35. There shall be no arrival, departure, loading or unloading of delivery vehicles to any of the ground floor commercial units between the hours of 19:00 hrs and 08:00hrs.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.

LANDSCAPING IMPLEMENTATION

36. Any trees, plants, or hedgerows which within a period of five years from the completion of the development die, are removed, become seriously damaged or diseased, or become (in the opinion of the Local Planning Authority) otherwise defective, shall be replaced in the current planting season or the first two months of the next planting season, whichever is the sooner, unless the Local Planning Authority gives written consent to any variation.

Reason: To maintain and improve the amenity of the area.

CAR PARKING AND REFUSE FACILITIES

37. The proposed car parking and manoeuvring areas and refuse facilities shall be laid out in accordance with the details shown on 'Proposed Ground Floor Plan' (drawing no SP527 – PO3 Rev A) before the development is brought into beneficial use and shall be thereafter maintained and retained at all times for those purposes in association with the development.

Reason: to make provision for the parking of vehicles clear of the roads so as not to prejudice the safety, convenience and free flow of traffic.

CURRAN ROAD HIGHWAY WORKS

38. Notwithstanding the details shown on 'Proposed Ground Floor Plan' (drawing no SP527 – PO3 Rev A), the development hereby approved shall not extend to the resurfacing of the part of Curran Road shown hatched on the above plan.

Reason: For the avoidance of doubt and given that the scheme will deliver the public realm improvements that are the subject of conditions 7 and 8.

INFORMATIVES

RECOMMENDATION 2 : Any works to existing or proposed adopted public highway are to be subject to an agreement under Section 278 and/or S38 of the Highways Act 1980 between the developer and Local Highway Authority.

RECOMMENDATION 3 : That the developer be advised of the advice from:

- DCWW, dated November 2017, a copy of which was sent to the Agent 17/11/17, in respect of connections to the public sewer, the adequacy of DCWW's maps of public sewers, DCWW's right of access to its apparatus at all times, that the developer may be required to contribute towards the provision of watermains and associated infrastructure, that a booster pump will need to be installed and associated watermains laid to the site to ensure an adequate mains water supply to service the development.
- NRW dated 10 November 2017, a copy of which was sent to the Agent 17/11/17
- South Wales Fire and Rescue dated 23 October 2017, a copy of which was sent to the Agent 17/11/17
- South Wales Police, dated November 2017, a copy of which was sent to the Agent 17/11/17
- Wales and West Utilities dated 30 October 2017, a copy of which was sent to the Agent 17/11/17. WWU advise that they have pipes in the area, and that their apparatus may be affected and at risk during construction works. The developer is advised to contact them to discuss their requirements in detail prior to commencement, that any diversion works would be fully chargeable and that the developer must not build over any of their plant or enclose their apparatus.
- Waste Management, dated 1 November 2017, a copy of which was sent to the Agent 17/11/17. Particular attention is drawn to the advice that when located on private land, litter bins must be serviced and maintained privately.

RECOMMENDATION 4 : To protect the amenities of occupiers of other premises in the vicinity attention is drawn to the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities. Further to this the applicant is advised that no noise audible outside the site boundary adjacent to the curtilage of residential property shall be created by construction activities in respect of the implementation of this consent outside the hours of 0800-1800 hours Mondays to Fridays and 0800 - 1300 hours on Saturdays or at any time on Sunday or public holidays. The applicant is also advised to seek approval for any proposed piling operations.

RECOMMENDATION 5 : The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for

- (i) determining the extent and effects of such constraints and;
- (ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates / soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under section 33 of the Environmental Protection Act 1990 to deposit controlled waste on

a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site:

- Unprocessed / unsorted demolition wastes.
- Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
- Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and

- (iii) the safe development and secure occupancy of the site rests with the developer.

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

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

RECOMMENDATION 6 : That the Developer be advised that prior to the commencement of development, the Developer must notify the local planning authority of the commencement of development , and must display a site notice and plan on, or near the site, in accordance with the requirements of Article 12 of the Town & Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016.

1. DESCRIPTION OF PROPOSED DEVELOPMENT

- 1.1 This is a full application, as amended, for the demolition of existing warehouse buildings and redevelopment to provide residential accommodation (206 flats over two buildings with residents roof terrace), a public square, 4 no ground floor commercial units (potentially comprising Class A1, A2, A3 and B1 uses), parking and public realm works. The flats would comprise 113 no one bedroom flats and 93 no two bedroom flats.
- 1.2 The stated vision is to *‘create a compact living opportunity in a courtyard form at a key position in the city, which will act as a containment architecture for a new public square and a legible ‘waypoint’ on Dumballs Road where users can cross to Curran Road and vice versa’.*
- 1.3 The demolition of the existing industrial buildings would result in the loss of 2,260m² of employment floorspace. A flexible mix of economic land uses are proposed in four ground floor commercial units, as set out below, with the application form noting that 40 equivalent number of full-time posts would be created as a result:
- Unit 1 Class A1 Convenience store (3,500sqft)
Unit 2 Class A1/A3 Retail unit (930sqft)

Unit 3 Class A1/A2/A3/B1 Flexible unit (1,388sqft)

Unit 4 Class A1/A2/A3 Retail unit (2,604sqft)

- 1.4 Two buildings are proposed, with a central plaza and a pedestrian walkway between Dumballs Road and Curran Road formed between them, which will integrate into the pedestrian network and become part of the public realm. Both buildings would be 8 storeys high (approx 24.5m) adjacent to Dumballs Road, with the southern most building rising to 9 storeys (approx 27.5m) and the northern building to 12 storeys (approx 38.5m), adjacent to Curran Road. The buildings would be modern in appearance, and finished in dark and red facing brickwork, with strips of facing slate. Balconies are proposed along the frontage facing Dumballs Road, on the SW corner adjacent to Curran Road and on the three elevations facing into the plaza. A roof garden is proposed on the 8th floor of the southernmost building.
- 1.5 The residential units would be accessed via an entrance lobby off the square, facing Dumballs Rd. Access to the 39 car parking spaces (including 2 disabled spaces) and 112 cycle parking spaces would be from Curran Road. Separate refuse storage is provided for commercial users, domestic users and bulky refuse. Refuse collection vehicles would enter the site from Curran Road to collect the residential refuse within the prescribed SPG distances. Deliveries to the commercial units in the square would be by loading from Dumballs Road. A substation is proposed adjacent to Curran Road.
- 1.6 Public realm improvements are offered via planning obligation, comprising the wholesale reinstatement of Curran Road within the length of the curtilage and beyond, and the completion of the avenue of trees along the Dumballs Road frontage.
- 1.7 The proposed landscaping is noted to be indicative only, with the Applicant's willingness to accept a condition noted. The drawings show a predominantly hard landscaped plaza, with a raised planted bed, two specimen trees and a decked seating area to capitalise on the southerly aspect. A key landscape proposal is the provision of an avenue of 12 no trees planted in tree grilles along the Dumballs Road frontage, to continue the existing avenue of trees to the north, with 6 no trees proposed in planted beds proposed along the Curran Rd frontage. Hedges are proposed adjacent to the parking proposed along the northern and southern boundaries.
- 1.8 The application is accompanied by a Design and Access Statement, PAC Report, Ecology Phase 1 Survey and Assessment Report, Site Investigation Report (Phase 1 geo-environmental desk study of the site), Flood Consequences Assessment and Transport Statement. A viability assessment report was also submitted in confidence and has been reviewed by the District Valuer (see section 9 for further information).
- 1.9 A screening opinion was issued which concluded that the development is not likely to have significant effects on the environment and, therefore, does not require the preparation of an Environmental Statement (SC/17/00013/MJR).

- 1.10 The description was amended to clearly reflect number of commercial units proposed and the flexible uses proposed therein. Amended plans were prepared which included the following key changes:
- The omission of a free-standing unit within the square
 - Amended landscaping plans to respond to the Tree Officer's comments (to be subject of a landscaping condition)
 - The parking fronting Curran Road has been moved east to allow for a 2m wide footway, with the number of car parking spaces along this frontage reduced by 3 to allow for larger planting beds
 - Corner balconies on the southern block looking on to the public square have been reduced to 'front on' balconies to avoid overlooking into flats in the northern block
 - Corner balconies overlooking Curran Road on the southern block have been added to floor plans for the 4th – 8th floors, to overcome a discrepancy between the plans and elevations.

2. **DESCRIPTION OF SITE**

- 2.1 This broadly rectangular 'brownfield' site is approx. 0.45 ha in size, and is occupied by two warehouse buildings that are currently operating as Browning Jones & Morris builders and plumbers merchant. The Dumballs Road frontage is formed by the two buildings, with the northern most one set back behind an area of hard standing. The Curran Road frontage is set back behind two gated service yards and a row of car parking spaces. The site is gently sloping, falling in a north easterly direction from a high point of approx 8.9m (AOD) near the SW corner of the site to a low point of approx 8.0m AOD near the NE corner. Not all of Curran Road adjacent to the site is adopted highway.
- 2.2 The site is bordered by the 5-storey Lloyds TSB office building to the north, a vacant cleared site to the south, and Dumballs Road and Curran Road to the east and west, respectively. The 3-storey 'Fusion Point', 4-storey 'Fusion Point 2' and new 6-storey 'No 1 Canal Parade' office buildings lie opposite the site, to the east of Dumballs Rd. The iconic 3 – 6 storey Cardiff and Vale College lies to their south. Cooper's Yard, a 2-storey courtyard office building, lies opposite the site to the west of Curran Road. Approx 20m to the North West, between Trade Street and Curran Road, lies a 6 – 9 storey development currently under construction to provide 102 apartments (pp 16/00504/MJR – Williams Court). An adjacent site - Crawshay Court – is the subject of a current application (16/01672/MJR). A max 8-storey student development was approved in outline on Land at Suffolk House, Trade St (17/01292/MJR) to the West. Further to the south of the site, planning permission has been granted for a high-density, residential-led development (c695 dwellings) including a 16 storey courtyard residential scheme fronting Dumballs Road (14/00430/DCI). A 23 storey residential tower block was recently approved (subj to s106) approx 260m to the south of the site along Dumballs Rd (17/00159/MJR).
- 2.3 In terms of the TAN 15 Development Advice Map, the site is mostly within Zone C1 (areas of floodplain served by significant infrastructure, including

flood defences), with the rest in Zone B (known to have been flooded in the past).

- 2.4 The site is located within Strategic Site A (Cardiff Central Enterprise Zone and Regional Transport Hub) and the Central Business Area, and approx 400m from the Central Shopping Area, as defined on the Cardiff Local Development Plan (LDP) Proposals Map. The LDP Constraints Map identifies that Dumballs Road, adjacent to the site would form a Rapid Transit Corridor. The site is located approx 0.96km to the south of the Ancient Monument 'Cardiff Castle and Roman Fort' (thus requiring consultation with Cadw).

3. **RELEVANT RECENT SITE HISTORY**

Site History

- 3.1 02/02821/C – Additional car park – refused 27/02/03

99/00446/R - The demolition of existing buildings and the construction of a new warehouse building – approved 20/05/99

96/01650R – Portal framed building with offices at first floor – approved 09/01/97

90/00131/R – Portal framed building with offices at 1st floor. Storage of materials and offices - Refused 11/06/90

Site History on vacant plot to South

01/01458/C – Unit 5 Dumballs Road – Raise roof & walls to rear section of building – approved 13/09/01

15/03147/MJR – C&J Food Products Dumballs Rd – Demolition of single/two storey food processing and storage units - approved 01/02/16

4. **POLICY FRAMEWORK**

Local Policy

- 4.1 **Cardiff Local Development Plan 2006-2026** (Adopted January 2016)

Key Policies:

KP2: STRATEGIC SITES

KP2(A): CARDIFF CENTRAL ENTERPRISE ZONE AND REGIONAL TRANSPORT HUB

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 AND 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:

H3: AFFORDABLE HOUSING
H6: CHANGE OF USE OR REDEVELOPMENT TO RESIDENTIAL USE
EC2: PROVISION OF COMPLEMENTARY FACILITIES FOR EMPLOYEES
IN BUSINESS, INDUSTRIAL AND WAREHOUSING DEVELOPMENTS
EC3: ALTERNATIVE USE OF EMPLOYMENT LAND AND PREMISES
EN9: CONSERVATION OF THE HISTORIC ENVIRONMENT
EN12: RENEWABLE ENERGY AND LOW CARBON TECHNOLOGIES
EN13: AIR, NOISE, LIGHT POLLUTION AND LAND CONTAMINATION
EN14: FLOOD RISK
T1: WALKING AND CYCLING
T2: STRATEGIC RAPID TRANSIT AND BUS CORRIDORS
T5: MANAGING TRANSPORT IMPACTS
T6: IMPACT ON TRANSPORT NETWORKS AND SERVICES
T9: CARDIFF CITY REGION 'METRO' NETWORK
R6: RETAIL DEVELOPMENT (OUT OF CENTRE)
R7: RETAIL PROVISION WITHIN STRATEGIC SITES
R8: FOOD AND DRINK USES
C3: COMMUNITY SAFETY/ CREATING SAFE ENVIRONMENTS
C5: PROVISION FOR OPEN SPACE, OUTDOOR RECREATION,
CHILDREN'S PLAY AND SPORT
C6: HEALTH
C7: PLANNING FOR SCHOOLS
W2: PROVISION FOR WASTE MANAGEMENT FACILITIES IN
DEVELOPMENT

Supplementary Planning Guidance (SPG) and other local guidance

- 4.2 Relevant SPG approved following the adoption of the Cardiff Local Development Plan:

Food, Drink and Leisure Uses (approved November 2017)
'Green Infrastructure' (approved November 2017)
'Planning Obligations' (approved January 2017)
'Residential Design Guide' (approved January 2017)
'Safeguarding Business and Industrial Land and Premises (November 2017)
'Tall Buildings' (approved January 2017)
'Waste Collection and Storage Facilities' (approved October 2016)

- 4.3 SPG approved prior to the adoption of the Cardiff Local Development Plan are no longer linked to adopted development plan policies. However, where such SPG is considered consistent with the new LDP policy framework, it will continue to be material to the Development Management process. The following SPG and other local guidance are considered relevant to the determination of this application:

'Access, Circulation and Parking Standards' (approved January 2010)
Dumballs Rd Area Planning Brief June 2006

National Policy

Planning Policy Wales (Edition 9, November 2016)

- 4.4 Section 1.2 explains that the purpose of the planning system is to manage the development and use of land in the public interest, contributing to improving the economic, social, environmental and cultural well-being of Wales, as required by the Well-being of Future Generations (Wales) Act 2015. It notes that the planning system should reconcile the needs of development and conservation, securing economy, efficiency and amenity in the use of land, and protecting natural resources and the historic environment. It recognises that a well-functioning planning system is fundamental for sustainable development (para 1.2.1).
- 4.5 PPW has been updated to include reference to the statutory purpose for the planning system introduced by the Planning (Wales) Act 2015 – that any statutory body carrying out a planning function must exercise those functions in accordance with the principles of sustainable development as set out in the Well-being of Future Generations (Wales) Act 2015. PPW has been updated to take into account the Well-being of Future Generations (Wales) Act 2015 more fully, and includes information on the provisions of the Act. It notes that the Act establishes a ‘sustainable development principle’ which it notes means that a defined public body 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 and lists a series of key principles that they expect all those involved in the planning system to adhere to.
- 4.6 In addition, PPW sets out a series of sustainability objectives that reflect the vision for sustainable development and which should be taken into account in taking decisions on individual planning applications in Wales, structured around 7 well-being goals: 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, and a globally responsible Wales.

Technical Advice Notes (TANs)

- 4.7 Key TANs and related WG guidance:
- TAN 1: Joint Housing Land Availability Studies (2015):
 - TAN 2: Planning and Affordable Housing (2006)
 - TAN 4: Retail and Commercial Development (2016)
 - TAN5: Nature Conservation and Planning (2009)
 - TAN 8: Renewable Energy (2005)
 - TAN 11: Noise (1997)
 - TAN 12: Design (2016)
 - TAN 15: Development and Flood Risk (2004)
 - Summary of what TAN 15 requires for highly vulnerable development (houses) to be considered acceptable
 - TAN 16: Sport, Recreation and Open Space (2009)
 - TAN 18: Transport (2007)
 - TAN 21: Waste (2014)
 - TAN 23: Economic Development (2014)

5. **INTERNAL CONSULTEE RESPONSES**

RESPONSE TO INITIAL CONSULTATION

- 5.1 **Pollution Control (Contaminated Land):** Advise that: *The site has been identified as formerly commercial/industrial with uses including building and plumbers merchants, warehouse, car parking and (infilled) timber pond. In addition, there are further historical landfills identified within 250m of the proposed development. The activities associated with the onsite and offsite use may have caused the land to become contaminated and be associated with the generation of landfill gases. These factors may give rise to potential risks to human health and the environment for the proposed end use. The following information has been submitted as part of the application: Terra Firma (Wales) Ltd, August 2017; Desk Study Report Ref: 14369.*
- 5.2 Based on the above, Pollution Control recommend that the following conditions are imposed: Ground Gas Protection, Contaminated Land Measures – Assessment, Contaminated Land Measures - Remediation and Verification Plan, Contaminated Land Measures – Remediation and Verification, Contaminated Land Measures – Unforeseen Contamination, Imported Soil, Imported Aggregates, Use of Site Won Materials, and a standard contamination and unstable land advisory notice.
- 5.3 **Pollution Control (Noise):** Recommend conditions to control road traffic noise, opening hours, delivery times and plant noise, and to require sound insulation between the flats and commercial units, and future kitchen extraction for any ground floor commercial properties involving the preparation/cooking of hot food. An advisory notice is recommended in respect of site noise. The EHO confirmed that an 11pm closing hours for the A3 units would be acceptable subject to sound insulation.
- 5.4 **Drainage Services:** Advise that DCWW's request that the drainage condition should control the discharge of surface water to 10l/s into the 900mm sewer in Canal Parade is acceptable.
- 5.5 Drainage Services subsequently advised:
This connection is a big problem for ourselves and DCWW in the Dumballs Road area, as the SW 900mm dia sewer in Canal Parade is actually a combined, as it has I believe an overflow from an upstream foul brick egg in the city centre. It also goes to Harrowby St pumping station anyway so is effectively fully foul from that point onwards. There are no other options for sw drainage in this area, as it is heavily contaminated from its previous industrial uses (a former railway line behind and a filled timber pond on the other side of the road) and so soakaways are not feasible. As the adjoining site (industrial estate between Dumballs Road and the river) is being developed for housing soon, it would make sense to look at options for a future sw sewer being laid from the road to the river, to accommodate flow currently going to foul/combined. However, that would have to be a consideration for DCWW if they saw it as a means of reducing flow to the Docks STW. The other option

would be for the Canal Parade sewer to be re-laid at a higher level, have the one foul removed and allow it to drain straight to the Bay. This, of course, is another decision for DCWW and not for ourselves.

- 5.6 Following clarification by DCWW of the drainage arrangements further to a site visit, Drainage Services confirm that the drainage arrangements are acceptable, subject to the recommended conditions.
- 5.7 The Council's Tree Officer:
Detailed comments are provided, summarised as follows:
- Welcomes the provision of 30 trees, but raised concerns that 14 are to be planted in narrow soft landscaping strips, with the remainder planted into a wholly hard landscaped environment.
 - Raises concerns over the very tight spacing of some trees in relation to each other and building lines, with conflict with the building a certainty beyond the short-term and noting that at the spacing shown, trees must necessarily be fastigiata, upswept or diminutive in general terms.
 - Recommends a reduction in the numbers of trees, the coalescing of narrow beds to form larger 15m³ soft landscape beds, the creation of a soft landscape bed at the end of the narrow shrub bed bisecting the central 'courtyard', and the planting of a stilted hedge bounding the car-parking on the side boundaries.
 - Provides detailed advice on trees species and root available soil volumes (RASV).
 - Notes that whilst the full details of landscaping can be agreed via condition, the parameters and layout should be agreed upfront – i.e. numbers, locations, RASV.
- 5.8 Waste Management: advise that the domestic and commercial refuse storage areas shown are acceptable, and provide advice in respect of design and commercial contracts. They advise that where A3/A1 units are proposed, litter bins should be provided in the immediate vicinity, by the developer and that when located on private land they must be serviced and maintained privately.
- 5.9 The County Ecologist: advises that he supports the conclusions of the Ecology Phase 1 Survey & Assessment Report, which are that the proposed demolition and subsequent development is not likely to have a significant adverse impact upon any nature conservation interests. He agrees that there is scope for ecological enhancement, which would enable the LPA to seek to maintain and enhance biodiversity as required by Section 6 of the Environment (Wales) Act 2016. He recommends a condition to secure the 8 Swift boxes proposed in section 6.4 and Plan 4 of the Ecology Phase 1 Survey & Assessment Report.
- 5.10 Neighbourhood Regeneration: Advise that:
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’.

If no on-site provision is proposed, a financial contribution is sought on residential developments containing 25 or more new dwellings where it has been identified that investment in community facilities will be required to meet the needs of the new population. The following contribution is sought from the developer: **£174,197.22**

In respect of the Community Infrastructure Levy (CIL) tests, they advise that:

- Necessary to make the development acceptable in planning terms- A development proposing a significant increase in population, such as this, would create pressures on existing local facilities that need to be offset via onsite provision or a financial contribution. It would be unacceptable to grant planning consent in the absence of such provision.
- Directly related to the development – 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 the Butetown Pavilion on Dumballs Road
The Butetown Pavilion is located within easy walking distance of the proposed flats, approximately 800m to the south of the application site. The Pavilion currently provides a range of youth facilities for the surrounding area. Plans to upgrade the facility to provide a broader range of facilities to benefit the wider community, including residents of the proposed flats, are being developed.
The requested s.106 contribution of £174,197.22 would help facilitate these changes to the Pavilion, resulting in a community facility which is more able to respond to the varied needs of a growing population including the residents of the new flats at this site. Such uses may include a sports hall, rooms for hire and teaching spaces.
- Fairly and reasonably related in scale and kind to the proposed development - Contributions towards community facilities are derived using a formula-based calculation which takes into account, amongst other things, the size of the residential development and the projected increase in population.

5.11 Parks Services: provide detailed design advice summarised as follows:

- Welcomes the inclusion of a public realm space, with concern raised that it is largely hard surfaced
- Raises concern that the freestanding commercial unit occupies a significant part of outdoor space and that the plaza appears to be designed primarily for customers of the commercial units, rather than providing a meaningful space for residents
- Welcomes the tree planting along Curran and Dumballs Rd.

5.12 An-off site s106 contribution of **£326,102** towards Open Space is requested. They advise that consultation will take place with Ward Members to agree use of the contribution and that this will be confirmed at s106 Stage, the closest areas of recreational open space being Canal Park and Callaghan Square.

- 5.13 Housing Development: Advise that an affordable housing contribution of 20% of the 206 units (41 units) is sought in line with LDP policy, that given the proposed design of the scheme particularly from a deliverability perspective it does not appear appropriate to deliver the affordable element on-site within the high rise blocks, that they need to discuss the potential for off-site provision elsewhere, but that if the applicant is unable to identify a satisfactory solution to on-site/off-site provision they would be prepared to accept a financial contribution of **£2,849,250** in lieu of 41 no units of on-site affordable housing provision.
- 5.14 Economic Development: Request a s106 contribution for loss of employment land of **£14,426** in line with losing 2,260m² of B1 use.
- 5.15 The School Organisation Planning Team: request a financial contribution of **£181,795** towards school provision, noting:
- The catchment area English-medium primary School (St Mary The Virgin Primary) is projected to continue to be full and hence an English-medium primary school obligation would be sought proportionate to the development yield in this age range.
 - Although the catchment Welsh-medium primary school is projected to be full (Ysgol Gymraeg Pwll Coch), it follows the phased expansion of the new Ysgol Hamadryad that there would be sufficient places and hence no obligation would be sought for Welsh-medium primary or nursery places.
 - The catchment area secondary school (Fitzalan) is full and is projected to be oversubscribed from within catchment. A planning obligation would therefore be sought
 - The catchment secondary school (Y Glantaf) will be over-subscribed from within catchment by 2021, and a planning obligation would therefore be sought.
 - A separate obligation is also sought in respect of the proportion of pupils who access Special Educational Needs provision.

The contribution request calculated in accordance with the SPG may therefore be broken down as follows:

Number of dwellings:	206
English-medium nursery	£21,640
English-medium primary	£77,716
English-medium secondary	£45,910
English-medium sixth form	£11,233
Welsh-medium nursery	
Welsh-medium primary	
Welsh-medium secondary	£11,478
Welsh-medium sixth form	£2,808
Statemented SEN	£11,008
Totals	£181,795

- 5.16 The Council's Access officer: no comments received.

RESPONSE TO AMENDED PLANS CONSULTATION

- 5.17 The Operational Manager, Transportation confirms they have no objection subject to the comments and conditions recommended below:

The adopted Access, Circulation and Parking Standards SPG confirms that up to one car parking space per residential dwelling unit may be provided in the Central Area, there is no requirement for visitor car parking. There is similarly no minimum car parking requirement for the ancillary ground floor uses included in the application. The parking standards identify one cycle parking space be provided per bedroom, however in a sustainable location such as this flexibility can be applied as considered appropriate. In this case the development includes two secure cycle parking/storage facilities with 68 and 98 racks respectively within each block.

Being mindful of the central, sustainable location of the site and that of the apartment based residential and ancillary/local catchment uses I am satisfied that the proposed development is compliant with adopted parking policy as submitted, with on-site car and cycle parking provision to be secured by condition.

With reference to location and wider development considerations, it is noted that the site is in a city centre fringe location in the vicinity of Cardiff's main pedestrian shopping area, with direct access to employment, leisure, shopping, etc. opportunities. The site is also within an area where walking, cycling and public transport offer viable daily alternatives to the use of a private car; having very good access to bus and rail based public transport services in and around Central Station, with access to both local and national rail and bus services. The site is therefore considered to be very sustainably located in transport terms and entirely appropriate for the proposed form of development.

In keeping with all recent developments in Dumballs Road, in the interests of pedestrian amenity and visual continuity, a condition is sought for the reconstruction of the disused crossovers/entrances and resurfacing of the remaining pavement on Dumballs Road to provide a continuous width footway along the site frontage. A condition is also sought to secure the proposed 2m footway to the rear of the building on Curran Road.

The above footway provision/conditions, along with the lighting contribution sought by colleagues, are considered to satisfy the relevant transport improvement requirements to make the development acceptable and as such no further works or S106 is sought by Transportation in this instance.

Following consideration of the submitted Transport Statement I am also satisfied that there is sufficient capacity on the adjacent public highway and junctions to accommodate the traffic generated by the development.

Conditions are requested to control the provision of car and cycle parking, to secure highway works along Dumballs Road and Curran Road, to require a

CEMP and a recommendation for highway works to be subject to a Section s278 and s38 Agreement under the Highways Act 1980.

5.18 The Tree Officer:

My only concern is the spacing between the two trees in the square. At 5m, this means each tree can only have a 2.5m radial spread towards the other, before conflict arises. This means that phototropic growth will develop in other directions, leading to an imbalanced crown and increased risk of structural vulnerabilities in the medium-long-term, unless very small trees are used, which would be out of place in the context. I suggest doubling the spacing to allow for more balanced crown forms, or using an individual but larger tree. If two trees at 10m spacing are used, appropriate species include Celtis australis, Ostrya carpinifolia, Pinus pinea, Pinus sylvestris (with crowns pruned to a 'cloud' or 'umbrella' shape) and Zelkova serrata (minimum 20m³ root available soil volume per tree). If single trees are used, appropriate species include Platanus orientalis and Tilia tomentosa (minimum 30m³ root available soil volume).

Full details of landscaping will be required at the earliest opportunity, comprising finalised scaled planting plan, plant schedule, tree pit section and plan view for the three tree pit types, topsoil and subsoil specification, planting methodology, aftercare methodology and landscaping implementation programme. It must be clear that tree pits will not be compromised by services, existing or proposed.

5.19 Waste Management has no further observations or objection.

5.20 Parks Services:

- Welcomes the removal of the flexible unit from the public square, but remains concerned that the space outside the buildings is designed primarily for people to move through the square to the ground floor units, and that whilst some seating is shown adjacent to the planted bed it does not provide a well-designed meaningful space that residents will feel comfortable using or staying within for any length of time, with the tables and umbrellas suggesting the sitting out area could be a commercial space relating to a café to be based in one of units.
- Because the space is effectively public realm largely serving the units, they would not currently consider this as 'public open space' which could reduce the off-site contribution, in line with the Planning Obligation SPG.
- The design of the public realm and tree planting along Dumballs road should be conditioned and include details of maintenance responsibility.

6. **EXTERNAL CONSULTEE RESPONSES**
RESPONSE TO INITIAL CONSULTATION

6.1 Cadw have no objection to the impact of the proposed development on the scheduled monument 'Cardiff Castle and Roman Fort'.

6.2 Glamorgan Gwent Archaeological Trust advise they have no objection, noting that there are no recorded archaeological features within the site.

- 6.3 South Wales Police have no objection to the development, but provide recommendations in respect of lighting, building lines, access control, windows and doors, glazing and CCTV, balconies, car parking, cycle/bin store, mail delivery, protection for the public plaza, landscaping and smoke/fire alarms, Secure by Design and opening hours for the A3 (closing hours no later than 23:00hrs).
- 6.4 Wales and West Utilities advise that they have pipes in the area, and that their apparatus may be affected and at risk during construction works. The developer is advised to contact them to discuss their requirements in detail prior to commencement, that any diversion works would be fully chargeable and that the developer must not build over any of their plant or enclose their apparatus.
- 6.5 South Wales Fire and Rescue advise that the developer should consider the need for the provision of adequate water supplies on the site for firefighting purposes and access for emergency firefighting appliances. Advice on standards are provided.
- 6.6 Dwr Cymru Welsh Water provide the following initial comments:

Sewerage:

We have reviewed the information submitted as part of this application with particular focus on the Flood Consequence Assessment reference ES17.41 Rev A dated 5th October 2017. The report identifies the need to undertake further investigations to understand the existing drainage arrangement and to confirm where the foul and surface water connect to the public sewerage system. The report indicates that ground contaminants would preclude the use of infiltration methods, we recommend that the authority's Land Drainage team assess this and confirm if the use of soakaways are not a viable option. We would encourage the use of sustainable drainage techniques wherever possible and request further verification of these findings.

The proposed surface water strategy as currently outlined is to communicate flows to the public sewer, subject to the further on site investigations and confirmation that soakaways are not viable then we would only consider the communication of new storm water to the designated 900mm public surface water sewer in Canal Parade. This dedicated surface water sewer is the more sustainable option than the 150mm sewer in Dumballs Road as this asset communicates with the public combined system, and due to the diameter may not have capacity to accommodate additional flows. The drainage strategy states that a discharge rate shall be agreed with Welsh Water, to date we have not reached an agreement on this matter and welcome dialogue from the applicant once all alternative options have been exhausted, to progress these discussions. Due to age of the buildings and the size of the surface water sewer in Dumballs Road it is likely that the surface water from the current buildings would drain to the public combined system. Our previous assessment was based upon the removal of surface water from this system to free up capacity for the new foul flows which would be a significant increase from the current site. Notwithstanding the broad principles provided within the

Drainage Strategy we acknowledge that further work and discussions are required before a final scheme be submitted for approval.
DCWW recommend a standard condition and advisory notices.

DCWW subsequently advise that the drainage condition should control the discharge of surface water to 10l/s into the 900mm sewer in Canal Parade.

- 6.7 Further to concerns raised by the Council's Drainage Engineers, DCWW confirmed that they have been to site to understand the arrangement of the manhole and where the surface water goes and confirm that the Council's Drainage Engineer was correct that some flow gets into the pumping station but the line does continue on to a possible positive outfall. They confirm they are happy that the pumping station has adequate capacity and that they would prefer to continue with the option to connect to the 900mm sewer in Canal Parade. They confirm they are happy with the proposed drainage condition.
- 6.8 Natural Resources Wales confirm they have no objection to the application and provide the following advice:
The proposed development site lies partially within Zone C1, as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Our Flood Map information, which is updated on a quarterly basis, confirms the site to be within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Taff, a designated main river. We have reviewed the following Flood Consequences Assessment submitted in support of this application. The FCA confirms:
- *The site will be flood free during the 1% plus climate change (1 in 100 year with climate change) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines from the River Taff.*
 - *Based on a lifetime of development of 100 years, the proposed development the FCA acknowledges that the site will be affected by both the 0.5% and 0.1% probability tidal scenarios for 2117.*
 - *The proposed development is above the impoundment level of Cardiff Bay.*
- The FCA has proposed the following mitigation measures:*
- *NRW provided a comprehensive flood forecasting and warning service in Wales. We recommend signing up to this service.*
- In consideration of the above, we have no adverse comments to make from a flood risk perspective.*
- 6.9 NRW provide further advice in respect of flood resistance/resilience measures, and later requested conditions to address potentially contaminated land and agreed that the finished floor levels condition is necessary.
- 6.10 Western Power Distribution: no comments received.

RESPONSE TO AMENDED PLANS CONSULTATION

- 6.11 South Wales Police: No further comments.

7. **REPRESENTATIONS**

- 7.1 The application was advertised by press and 10 site notices. Local Members were consulted and adjacent occupiers notified in respect of the original application and amended plans.
- 7.2 Two objections were received from the owner/occupier of 25 Carlotta Way, who objected to the application on the following summarised grounds:
- (i) All units are proposed as market housing, contrary to policy H3. Affordable Housing should be delivered on-site unless there are exceptional circumstances.
 - (ii) It should be possible to adjust the plans to allow part of the development to be managed as social rented housing.
 - (iii) There is local demand for social rented housing from Butetown and Grangetown residents who do not wish to see family members forced to move far away.
 - (iv) Dumballs Road must not become a class divide within the Butetown ward.
- 7.3 A representation was received from Nat West, asking for their details to be removed.

8. **ANALYSIS**

- 8.1 The key issues for consideration are:
- (i) *Whether the principle of the loss of the existing warehouse uses and proposed residential uses is acceptable in this location*
- 8.2 The site is located within Strategic Site A (Central Enterprise Zone and Regional Transport Hub), allocated under policy KP2(A) for major employment-led initiatives, focussing on financial and business services, together with other mixed uses including residential development. The site is currently in active use as Browning Jones & Morris builders and plumbers merchants. The proposal would involve the loss of 2,260sq m of existing employment floorspace, with approx 782sq m of flexible commercial floorspace (A1/A2/A3/B1) proposed, in addition to the residential floorspace.
- 8.3 Policy H6 of the LDP (change of use or redevelopment to residential use) identifies criteria against which the change of use of previously developed land will be considered, including whether there is an overriding need to retain the existing use of the land and whether necessary community and transportation facilities are accessible or can be readily provided. Dumballs Road contains a number of low-density, land-hungry warehouse / industrial uses, with much of the area being largely under-utilised having regard to its strategic city centre location. The applicant has identified in their Design and Access Statement that, despite the premises having been actively marketed for Class B (office / warehouse) uses, the units are considered to be of an unsuitable design for current tenant demands. The proposed commercial uses, which significantly are all defined as 'employment uses' in TAN 23 (Economic Development), will help mitigate the loss of the existing economic floorspace.

- 8.4 The principle of residential development is well established within the Central Business Area and wider Dumballs Road area, and the site is well served by transport links and is close to local amenities. Taking into consideration the above, the loss of the existing employment use and proposed residential use is acceptable in land-use policy terms.

(ii) Whether the proposed ground floor commercial uses are acceptable in this location

- 8.5 Class A1 (Shop) use: As the site is located outside the Central Shopping Area (CSA) of the City Centre and also falls outside of any designated District / Local Centres as identified within the Local Development Plan, any proposal for a Class A1 (shop) use at this location would have to satisfy the three tests of out-of-centre retail policy. Whilst an element of convenience retail could be considered acceptable to serve the newly established population and the wider residential community within the surrounding area, taking into consideration the size of the proposed retail units, there is the potential for the floorspace to be attractive to other 'city centre' type retailing, which could compete directly with existing and future provision within the Central Shopping Area (CSA) and other designated centres. A condition is therefore recommended to preclude the sale of comparison goods in order to minimise the potential for direct competition with retail provision in the CSA and district / local centres.
- 8.6 Class A2 (Financial and Professional Services) and B1 (Office) uses: The site is located within the Central Business Area and as such, the proposed A2 and B1 uses are considered acceptable in this instance.
- 8.7 Class A3 (Food and Drink) uses: Policy R8 (Food and Drink Uses) of the LDP identifies the Central Business Area as an appropriate location for food and drink uses, subject to amenity considerations. Given that the application proposes 206 apartments to the upper floors of the building and that the site is situated on one of the main north-south pedestrian routes between the city centre and Cardiff Bay, the applicant will be expected to demonstrate how their proposal can address concerns over the potential impact of a ground floor A3 uses on the amenity of residential occupiers and the wider public. Conditions are recommended to prevent hot food takeaways and the use of the commercial premises as drinking establishments, and to control opening and delivery hours, cooking odours and noise insulation.
- 8.8 The proposed Class A uses are welcomed, as they would provide active frontages during the day time, contribute to a sense of place, and help mitigate against the loss of employment within the site. Taking into consideration the above, the proposal is acceptable in land use policy terms.
- (iii) Placemaking and Public Realm Considerations
- 8.9 As a development of 8 storeys and above, the application falls to be assessed against the Tall Buildings SPG, and an assessment against the Section 6 criteria is set out below:

A mix of land uses:

- 8.10 This criteria is satisfied through the provision of a public square and a mix of land uses, which will provide active frontages to the ground floor, and enliven the streets and public spaces throughout the day and night. A condition is recommended to ensure that the ground floor windows of the commercial units are not obscured, to ensure active frontages.

Form and silhouette of the building, incl. visual and heritage impact

- 8.11 The principle of high density residential uses is established within this strategic site, with the policy KP2(A) key masterplanning requirements encouraging 'high rise, high density developments at appropriate locations within the site', with 'residential densities in excess of 100 dwellings per hectare not considered unreasonable in principle'. The site's location falls outside of the 'area of very high sensitivity', identified in the Tall Buildings SPG and section 2 of this report sets out the height of surrounding buildings, lending further weight to the acceptability in principle of tall buildings in this area.
- 8.12 A pre-application process was undertaken and was valuable in guiding the scheme's evolution. The design intent was to establish a benchmark height along Dumballs Road, as a common lower datum against which other buildings in 'non-nodal' locations can sit and against which key towers and higher iconic buildings can shine, and the proposal is considered to be successful in this regard. The scheme, as amended, is acceptable in terms of its scale, massing and form, with its varied heights and compact, courtyard layout. The architectural expression is welcomed, with articulation and design providing vertical emphasis and visual interest, and the taller 9 and 12 storey elements presenting a positive feature in the skyline and streetscape, providing legibility and helping to break up the overall massing.
- 8.13 The proposed buildings will not harm any key views or vistas, taking into consideration the scale, height, form, massing and surrounding context. In terms of heritage assets, the site is approx 400m from the St Mary St Conservation Area, approx 650m from Mount Stuart Square Conservation Area, and approx 300m from the nearest listed buildings (Grade II listed Cardiff Central Station and the Parish Church of St Mary and St Stephen, Bute St). The general duty placed on Local Planning Authorities when considering proposals relating to Statutory Listed Buildings is to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which they may possess (section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990). Given the distances involved and the scale of the intervening built form, it is considered that the setting of the listed buildings, and the character and appearance of the Conservation Areas would be preserved. With respect to the impact on the scheduled monument 'Cardiff Castle and Roman Fort', the proposed development at up to 12 storeys high will be visible from the keep of the castle in one of the original key views, looking south. However, given that modern high rise buildings are already a significant part of this view, it is considered that the proposed development will not harm the

scheduled monument or its setting. Cadw were consulted given that the application falls within their consultation zone and they have no objection.

- 8.14 In terms of adaptability, the DAS notes that the building will be constructed with a frame which will allow it to be modified and reused overtime without the need for total demolition.

Quality and appearance

- 8.15 The buildings are modern and would be finished in dark and red facing brickwork, with strips of facing slate to articulate the building form. Conditions are attached to require a materials specification, materials samples and a scheme of architectural details to be submitted and approved to ensure the architectural quality demonstrated in the submission is delivered.

Impact and Interface at Street Level

- 8.16 The formation of the public square and the pedestrian route between Dumballs Road and Curran Road are key benefits of the scheme, helping the buildings connect successfully to the street and creating a landscaped 'place'. The pedestrian route would significantly improve the permeability of the area, helping to ensure the future status of Curran Road as the area develops, and helping to strengthen the links between the City Centre and Bay.
- 8.17 The removal of the free-standing commercial unit from the plaza, in the amended plans submission, is welcome, providing clear views of the main entrance and a more open plaza. The widening of the Curran Road pavement from 1.2m to 2.0m is also welcomed, as is the more thoughtful indicative landscaping scheme. A condition is recommended to require a definitive landscaping scheme to be submitted. This will help ensure that key elements of the scheme are delivered, including the avenue of trees proposed along the Dumballs Road and Curran Road frontages, and the specimen trees and areas for sitting out in the plaza.
- 8.18 With respect to public realm, this large scale development of 206 apartments will place increased pressure on the surrounding pedestrian environment. Planning Policy Wales, Paragraph 3.4.3 states that '*When a new building is proposed, an existing building is being extended or altered, or a change of use is proposed, developers should consider the need to make it accessible for all those who might use the building. The appropriate design and layout of spaces in, between and around buildings, including parking provision and movement routes, is particularly important in ensuring good accessibility*'. Cardiff LDP Policy KP6 (New Infrastructure) seeks that new developments will make appropriate provision for, or contribute towards, necessary infrastructure required as a consequence of proposed development, including public realm improvements. In addition, Policy KP2A (Central enterprise Zone) identifies that developments shall 'ensure a consistent approach to the use of high quality street furniture and paving materials'.
- 8.19 To help integrate the proposed development with the surrounding area and to improve pedestrian movements to, from and around the site, the following public realm works are sought by the Council:

- The resurfacing of the footway along the sites Dumballs Road frontage with 200x100mm red block pavers (to match wider Dumballs Road design),
- The resurfacing of the vehicle crossover to the north of the site (at Dumballs Road) with block paving, consistent with and to tie into recently completed public realm works in the vicinity,
- The removal of all redundant vehicle crossovers,
- The replacement of all concrete kerbstones,
- The replacement of one lighting column (to match those located outside the Cardiff and Vale College),
- That the footway to the rear of the site at Curran Road be surfaced with concrete sett paving and bordered with a conservation kerbstone.

8.20 The developer has agreed to undertake these works, which will be secured by condition. In addition, the developer would provide a financial contribution of **£12,500** towards the upgrading of five lighting columns along Dumballs Road, between the application site and the junction with Penarth Road, in order to help improve the safety of the route from the site to the city centre and public transport facilities, to be secured via s106. The resurfacing of the Curran Road highway, proposed by the developer, is not a priority for this scheme, and a condition to this effect is recommended.

8.21 Taking into consideration the surrounding land uses, building height and scale, balcony arrangements, and the separation distances involved, there would not be any unacceptable harm to existing or future residential amenity, as a result of loss of privacy, overshadowing, loss of light or overbearing impact. The development will not compromise the development of the vacant plot of land to the south, taking into consideration the scale, height, form, massing, separation distances involved and elevation details. A condition is recommended to require a study of the wind micro climate and ensure that any necessary mitigation to ensure the comfort of people using the public realm and adjacent footways and carriageway are designed into the landscaping scheme.

8.22 With regards waste management and servicing, waste management have confirmed that the proposed details are acceptable, and a condition is attached to ensure that the details are implemented and maintained.

Sustainable building design

8.23 The development is in a truly sustainable location, within walking distance of sustainable transport modes and all the services and facilities the city centre has to offer, thus, reducing the need to travel by car. The re-use of this brownfield site and compact building form is also sustainable, making efficient use of the scarce land resource. The DAS notes that the design will take on board the spirit of the now defunct 'Code for Sustainable Homes' and the ethos of 'Lifetime Homes', and that insulation levels will be high and this is welcomed.

(iv) Impact on air quality, noise, light pollution and contaminated land

- 8.24 The development would not cause or result in unacceptable harm as a result of air quality, noise and contaminated land, taking into consideration the recommended conditions by, and the lack of objection from, Pollution Control. Conditions are recommended to control sound insulation, plant noise, road traffic noise, future kitchen extraction, ground gases, piling, land contamination, imported soils and aggregates, opening hours and delivery times, and hot food takeaways.

(v) Whether the proposal would make satisfactory provision for access, parking and circulation

- 8.25 The site enjoys a highly sustainable location, being within walking distance to Central Station, bus stops and city centre employment and leisure uses. The Operational Manager Transportation has confirmed that the proposal is compliant with parking policy, subject to the recommended conditions, and that there is sufficient capacity on the adjacent highway and junctions to accommodate the traffic generated by the development. Their suggested conditions are all recommended, including standard cycle and car parking conditions, a CEMP condition and, importantly, conditions to secure improvements to Dumballs Road and Curran Road, which will significantly improve the area and follow the approach to public realm secured further north through other developments.

(vi) Water Resources, Drainage and Flood Risk

- 8.26 In terms of the TAN15 Development Advice Map zones used to control and manage development (zones A, B and C with subdivision into C1 and C2), the site is mostly within Zone C1 (areas of floodplain served by significant infrastructure, including flood defences), with the remainder Zone B (known to have been flooded in the past). All residential premises are classed as 'highly vulnerable development' in the TAN 15 precautionary framework identifying the vulnerability of different land uses to flooding and zone C is defined as a 'high risk area'. TAN 15 states that development should only be permitted within Zone C1 if determined by the planning authority to be justified in that location.

- 8.27 The Welsh Government 'Summary of what TAN 15 requires for highly vulnerable development (houses) to be considered acceptable' sets out the following justification criteria:

- 1) *Should be located only in an area of flood risk which is developed and served by significant infrastructure, including flood defences (Zone C1 of the DAM) **AND***
- 2) *Its location is necessary to assist a local authority regeneration initiative or strategy, or contribute to key employment objectives, necessary to sustain an existing settlement or region **AND***
- 3) *The site meets the definition of previously developed land (i.e. is not a Greenfield site) and concurs with the aims of Planning Policy Wales (i.e. the presumption in favour of sustainable development) **AND***
- 4) *A Flood Consequences Assessment has been produced to demonstrate that the potential consequences of a flood event up to the extreme flood*

event (1 in 1000 chance of occurring in any year) have been considered and meet the criteria below in order to be considered acceptable'.

8.28 Assessed against these criteria:

- 1) the area is developed and served by significant infrastructure, including sea defences, with the FCA (para 7.4) noting that the existing flood defence regime in the catchment is such that flood defence to a level of at least 8.0m AOD is afforded to the site.
- 2) The site is located within a 'Strategic Site A (Cardiff Central Enterprise Zone and Regional Transport Hub)', as defined on the Cardiff Local Development Plan (LDP) Proposals Map to help meet the need for new dwellings and jobs.
- 3) The site is a brownfield site / previously developed land.
- 4) A FCA supports the application, which has been subject to consultation, including with Drainage Services and NRW who confirm they no adverse comments to make from a flood risk perspective.

8.29 The FCA confirms the site is flood free during the 1% plus climate change (1 in 100 year with climate change) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines from the River Taff. It notes that flood risk from tidal flooding is low due to the presence of two significant flood defence features in the form of the Cardiff Bay Barrage and the harbour wall which protect the site to a minimum level of 8.0m AOD.

8.30 In terms of flood mitigation, the FCA recommends that the minimum Finished Floor Level of the site is brought up to a level of 8.2m AOD (from the min existing on-site level of 8.0m AOD) and a condition is recommended to ensure this. The FCA concludes that this minimum FFL of 8.2m in combination with the existing flood defences will provide a secure measure of flood protection. The FCA also sets out other mitigation measures to manage extreme flood events, including the presence of two access points, the ability of residents to take safe refuge within their homes above ground floor, and the availability of flood forecasts and warnings via the NRW's floodline information service. A further condition is recommended to ensure that future occupiers are made aware of the flooding risks and consequences, and that flood emergency plans and procedures are put in place for future occupiers, in line with the TAN 15 criteria. An advisory notice is attached containing further advice from NRW.

8.31 Taking the above into consideration, it is considered that the development meets the TAN 15 justification tests and that the consequences of flooding have been considered and found to be acceptable.

(vii) Impact on wildlife and habitats

8.32 The County Ecologist supports the conclusions of the Ecology Phase 1 Survey & Assessment Report, which are that the proposed demolition and subsequent development is not likely to have a significant adverse impact upon any nature conservation interests. Taking into consideration his advice that there is scope for ecological enhancement, which would enable the LPA to seek to maintain and enhance biodiversity as required by Section 6 of the

Environment (Wales) Act 2016, a condition is recommended to secure the provision of 8 Swift boxes.

Other Legislation

(viii) Crime and Disorder Act 1998

- 8.33 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. The project would deliver better-lit footpaths and roadways, segregated pedestrian and vehicular entrances and controlled access to the residential flats via a service lobby. The 'pod' unit originally proposed in the central plaza and which would have partially obscured the entrance to the flats has been removed. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision. An advisory notice, referring the Applicant to the advice of South Wales Police is recommended.

(ix) Equality Act 2010

- 8.34 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. The DAS notes that the access to the site would be safe, well-lit and level, with the development itself designed to have level thresholds. A landscaping condition is recommended which includes the requirement to submit ground levels and comply with the requirement to raise the FFL of the site to 8.2m AOD. Public realm improvements will be secured by condition, which would secure better lit and surfaced footpaths along Curran and Dumballs Roads. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic.

(x) Well-Being of Future Generations Act 2016

- 8.35 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.

(xi) The Environment (Wales) Act 2016

- 8.36 The Environment (Wales) Act 2016 enshrines in law principles and policies for managing natural resources in a sustainable way. Amongst other things, it introduces a new biodiversity duty on public authorities to seek to maintain and enhance biodiversity when exercising their functions, and in so doing to promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions. This duty and the resilience of ecosystems have

been considered and discharged in the evaluation of this application, with a condition recommended to secure swift boxes to enhance biodiversity.

(xii) Response to third party objections

- 8.37 The objections raised by the third party in respect of affordable housing are noted. A financial contribution towards the delivery of affordable housing off-site has been secured, as noted in Section 9 of this report. Housing Development has confirmed that, given the proposed design, it does not appear appropriate to deliver the affordable element on site within the high rise blocks and that they would be prepared to accept a financial contribution in lieu of on-site provision. Whilst the level of contribution falls significantly short of 20% that the policy seeks, it should be noted that the written justification to the policy clearly notes that *'in negotiating affordable housing, each proposal's actual contribution will depend on that scheme's capacity for provision. This will ensure that the affordable housing contribution in itself will not make the scheme unviable'* (para 5.11). It establishes that affordable housing contributions should not make a scheme unviable, and that viability assessments and reviews will be required to agree the level of contribution. Section 9 sets out details of the viability assessment and review, and the recommended s106 offer.

9. **S106 Requirements and Viability**

- 9.1 The total planning obligations requested amount to **£3,558,270.22**, broken down as follows and calculated in accordance with Council policy and guidance:
- £2,849,250 towards affordable housing
 - £326,102 towards Public Open Space
 - £174,197.22 towards community facilities
 - £14,426 towards compensatory employment and training opportunities
 - £181,795 towards school places
 - £12,500 towards street lighting improvements
- In addition, the applicant has been asked undertake a scheme of public realm/highway improvement works along Curran Road and Dumballs Road.
- 9.2 The Applicant provided a viability appraisal (Viability Statement Former Browning Jones & Morris Dumballs Road, Cardiff, CF10 5 PE), prepared by Urban Centric (Cardiff) Ltd and dated December 2017, which concluded that the s106 contributions should be £0 on grounds of viability.
- 9.3 In accordance with the established practice of obtaining an independent assessment of viability appraisals presented in support of planning applications, the Council commissioned the District Valuer (DV) to prepare an assessment of the viability appraisal. The DV's draft report (Review of Development Viability Appraisal Address: Former Browning Jones & Morris, Dumballs Road, Cardiff, CF10 5 FE) dated 6 February 2017 confirmed that the scheme viability could not support any s106 obligations.
- 9.4 Section 106 obligations are required to meet planning policy and guidance, and national planning obligations tests, and are also subject to viability.

Notwithstanding the viability exercise carried out by the Applicant and verified by the District Valuer, the view of the LPA is that a significant market housing scheme on this site that does not offset negative consequences of development or help meet local needs would be difficult to support.

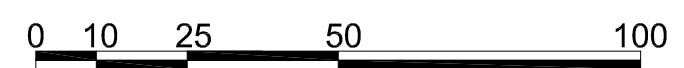
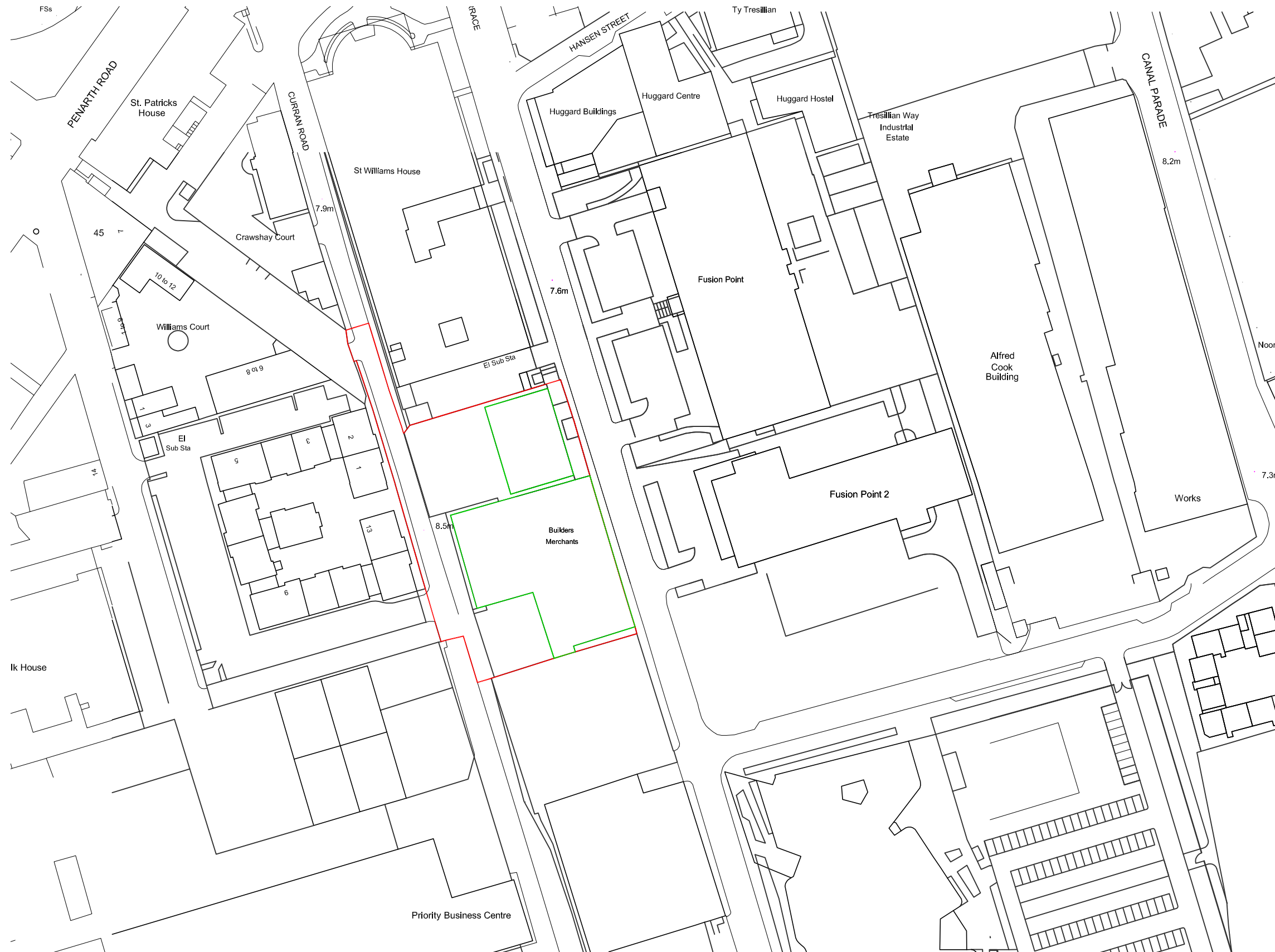
- 9.5 To help secure a positive recommendation, the developer has:
- offered **£396,000** for s106 contributions, to be allocated by the Council
 - agreed to undertake the requested public realm works to Curran Road and Dumballs Road, to be secured by condition
 - agreed to a further viability assessment, in the event that construction of the ground floor of the development does not occur within 24 months of the issue of the planning permission to allow the financial contributions to be reassessed and to protect the Council's position.
- 9.6 Given the above, and taking into consideration the very real positives of the scheme - namely of delivering 206 dwellings in a highly sustainable location, on a brownfield site that forms part of a strategic site allocated for redevelopment, as part a high quality and well-designed scheme that includes the provision of a landscaped public square and a pedestrian through-route that will significantly improve the permeability of the strategic site - this offer is recommended to members of Planning Committee.
- 9.7 Further to internal consultation, it is proposed that the **£396,000** for s106 contributions should be split as follows:
- £123,025 towards off-site affordable housing
 - £123,025 towards the improvement of community facilities in the vicinity, to include improvements to the Butetown Youth Pavillion
 - £123,025 for school places
 - £12,500 towards the upgrading of five lighting columns along Dumballs Road, between the application site and the junction with Penarth Road in order to help improve the route to the city centre and public transport facilities
 - £14,425 for compensatory employment and training opportunities.
- 9.8 The Agent has confirmed their agreement to the Section 106 contributions, the further viability assessment and review and to undertake the requested public realm works to Dumballs Road and Curran Road. It is considered that the above section 106 Heads of Terms fully satisfy the requirements of Circular 13/97 Planning Obligations and the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations.

10. **CONCLUSION**

- 10.1 The amended proposals are considered to provide a high quality scheme delivering 206 new dwellings in a highly sustainable location within the Cardiff Central Enterprise Zone strategic site. The proposed use, location, design, access and parking provision, and amenity of future occupiers are all acceptable. The provision of a new landscaped public square, an important pedestrian through route between Curran Road and Dumballs Road, mixed

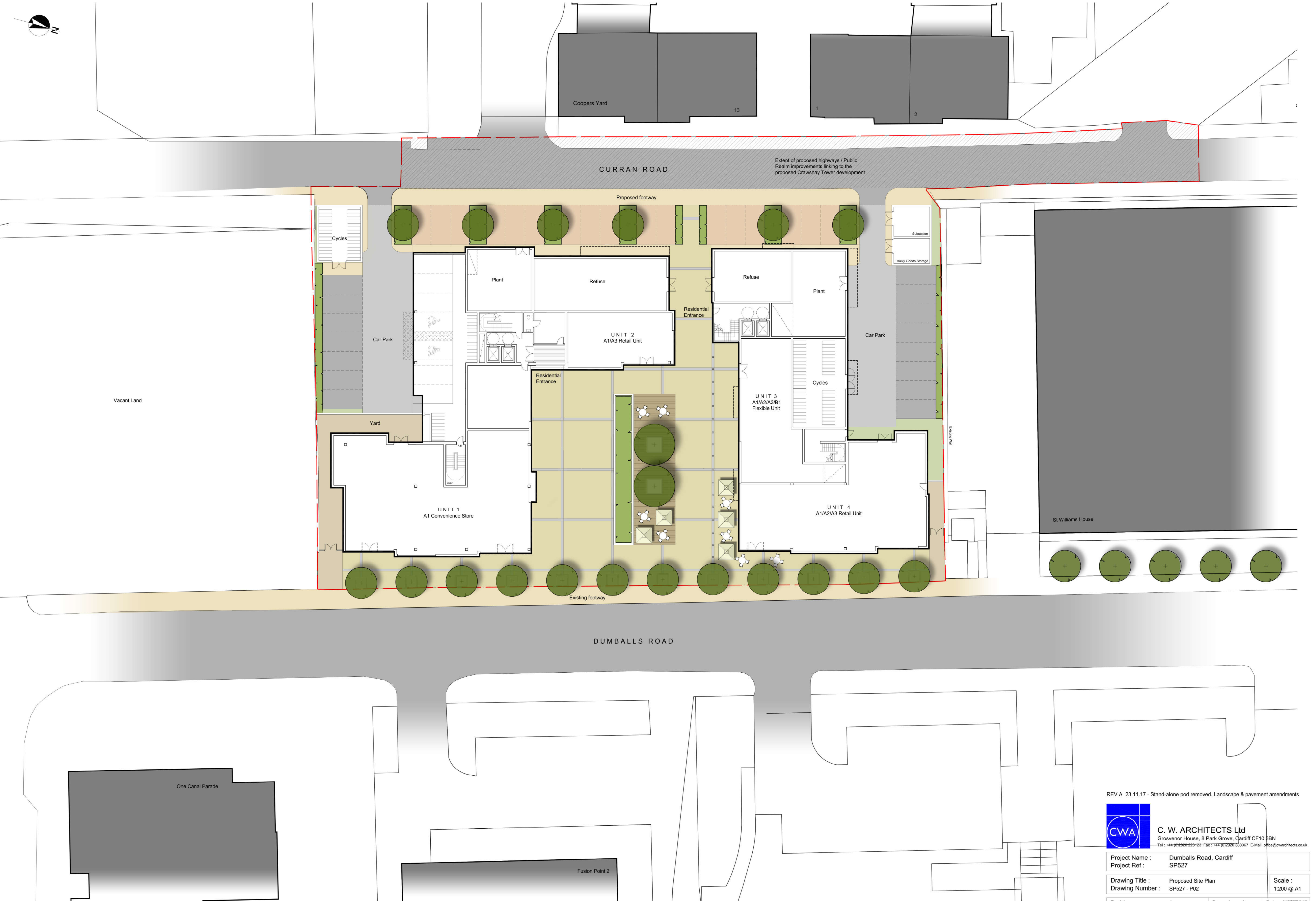
uses at ground floor and the public realm improvements along Curran Road and Dumbals Road are welcomed.

- 10.2 The proposals have been assessed against local and national policies and guidance and there are no demonstrable or compelling reasons which indicate sufficient harm to warrant refusal of the application, with all material factors, policy implications and issues raised through consultation satisfactorily addressed. It is recommended that planning permission be granted, subject to the recommended conditions and relevant parties entering into a Section 106 Agreement.



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Project Name : Dumballs Road, Cardiff	
Project Ref : SP527	
Drawing Title : Demolitions Plan	Scale : 1:1250 @ A3
Drawing Number : SP527 - P102	
Revision:	Drawn by: rb Date: OCT '17



REV A 23.11.17 - Stand-alone pod removed. Landscape & pavement amendments



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Project Name :	Dumballs Road, Cardiff	
Project Ref :	SP527	
Drawing Title :	Proposed Site Plan	Scale :
Drawing Number :	SP527 - P02	1:200 @ A1
Revision:	A	Drawn by: rb Date: AUG 2017



REV A 23.11.17 - Stand-alone pod removed. Landscape & pavement amendments
Corner balconies amended

CWA

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Project Name : Dumballs Road, Cardiff		Scale : 1:100 @ A1
Project Ref : SP527		
Drawing Title : Proposed Elevation to Dumballs Road		Scale : 1:100 @ A1
Drawing Number : SP527 - P15		
Revision: A	Drawn by: rb	Date: AUG' 2017

- 1. Red brickwork
- 2. Dark brickwork
- 3. Tile type hanging
- 4. Dark grey coloured door and window frames
- 5. Grey curtain walling with clear glass
- 6. Timber balustrades

Eleventh FFL +32550

Tenth FFL +29650

Ninth FFL +26800

Eighth FFL +23950

Seventh FFL +21100

Sixth FFL +18250

Fifth FFL +15400

Fourth FFL +12550

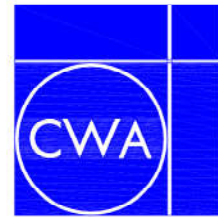
Third FFL +9700

Second FFL +6850

First FFL +4000

ELEVATION TO CURRAN ROAD (WEST FACING)

REV A 23.11.17 - Stand-alone pod removed. Landscape & pavement amendments
Corner balconies amended



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Project Name : Dumballs Road, Cardiff
Project Ref : SP527

Drawing Title : Proposed Elevation to Curran Road
Drawing Number : SP527 - P19

Scale :
1:100 @ A1

Revision: A Drawn by: rb Date: AUG' 2017