

COMMITTEE DATE: 15/03/2018

APPLICATION No. **17/01672/MJR** APPLICATION DATE: 07/07/2017

ED: **BUTETOWN**

APP: TYPE: Full Planning Permission

APPLICANT: South Central Cardiff Ltd

LOCATION: ITEC TRAINING SOLUTIONS LTD CRAWSHAY COURT, 6
CURRAN ROAD, BUTETOWN, CARDIFF, CF10 5TG

PROPOSAL: DEMOLITION OF EXISTING BUILDINGS AND
CONSTRUCTION OF 25 STOREY APARTMENT BUILDING
(140 NO. UNITS) WITH ANCILLARY AREAS, PARKING, A1/A3
UNIT(S) AND RESIDENT'S ROOF TERRACE

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

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

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

Plans:

- Proposed Site Plan (SP495 – P02 Rev B);
- Proposed Ground and First Floor Plans (SP495 – P03);
- Proposed 2nd-8th & 9th-21st Floor Plans (SP495 – P04);
- Proposed 22nd & 23rd Floor Plans (SP495 – P05);
- Proposed 24th & 25th Floor Plans (SP495 – P06);
- Proposed Elevation to Penarth Road (NW Facing) (SP495 – P07);
- Proposed Elevation to Cardiff Bay (S Facing) (SP495 – P08);
- Proposed Elevation to City Centre (N Facing) (SP495 – P09);
- Proposed Elevation to Brickworks (SP495 – P10);
- Site Location Plan (SP495 – P100);
- Demolition Plan (SP495 – P101);
- Topographical Survey (SP495 – P102);

Documents:

- Flood Consequences Assessment, Jubb Consulting (July 2017);
- Transport Statement, Vectos (October 2017);
- Transport Statement Addendum, Vectos (16 February 2018);

- Transport Note, Vectos (1 March 2018)

Reason: For the avoidance of doubt

3. No development shall commence, including any works of demolition, until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The approved CMP shall be adhered to throughout the construction period. The CMP shall provide for:
 - (i) The parking of vehicles of site operatives and visitors;
 - (ii) Loading and unloading of plant and materials;
 - (iii) Storage of plant and materials used on constructing the development;
 - (iv) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - (v) Details of highways/footway closures;
 - (vi) Wheel washing facilities;
 - (vii) Measures to control the emission of dust and dirt during demolition and construction; and
 - (viii) A scheme for the recycling/disposing of waste resulting from demolition and construction works.

Reason: In the interests of highway safety and public amenity.

4. The proposed car parking and manoeuvring areas shall be laid out in accordance with the details shown on the 'Proposed Site Plan' (drawing no. SP495 – P02 Rev B) 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 satisfactory provision for the parking of vehicles clear of the roads so as not to prejudice the safety, convenience and free flow of traffic.

5. The secure cycle parking for a minimum of 140 no. cycles for the apartments hereby approved shall be provided prior to the development being brought into beneficial use and shall be retained in perpetuity. Prior to their installation details of the cycle parking for the ground floor commercial unit shown on the 'Proposed Site Plan' (drawing no. SP495 – P02 Rev B) shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be provided in accordance with the approved details prior to the commercial unit being brought into beneficial use and shall be retained in perpetuity.

Reason: To ensure that adequate provision is made for the secure parking of cycles.

6. No development shall take place until a photographic survey of the adopted highway adjacent to the site has been submitted to and approved in writing by the Local Planning Authority nor shall any development take place until a scheme of public realm reinstatement/improvement works to this highway has also been

submitted to and approved in writing by the Local Planning Authority. The scheme shall include but not be limited to the reinstatement/resurfacing as required of the carriageway and footway abutting the site to include surfacing, kerbs, edging, drainage, lighting, lining, signing and street furniture required as a consequence of the scheme. Any reinstatement/improvement works deemed necessary by the Local Planning Authority shall be completed prior to the occupation of any part of the development.

Reason: To reinstate the footway/highway and provide an improved pedestrian environment to facilitate safe commodious access to the proposed development in accordance with Policy T6 of the adopted Local Development Plan (2006-2026).

7. Ground floor windows and doors shall be installed to avoid opening outwards over the adjacent public footways.

Reason: In the interests of pedestrian safety.

8. No development shall take place until a site assessment, including ground permeability testing, has been undertaken to determine whether sustainable drainage techniques can be utilised, and a drainage scheme for the disposal of surface and foul water including any connection to the existing drainage system has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to occupation of the development.

Reason: To ensure an orderly form of development.

9. Prior to their installation, the external finishing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and completed in accordance with the approved details.

Reason: To ensure a high quality finished appearance to the development.

10. Prior to their installation, details of the sliding gate to the vehicular entrance shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and completed in accordance with the approved details.

Reason: To ensure a high quality finished appearance to the development.

11. The ground floor commercial premises hereby approved shall be used only for purposes within Class A1 or A3 of the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument amending, revoking or re-enacting that Order) and for no other purpose whatsoever. Any A3 use shall be restricted to coffee shop/café/restaurant type uses where the primary function is the sale and consumption of food within the premises, and for no other A3 Use (including as a bar or other vertical drinking establishment).

Reason: To ensure the amenity of future residents and occupiers of other premises in the vicinity are protected.

12. The residential and commercial refuse storage facilities shown on drawing no. SP495 – P02 Rev B (Proposed Site Plan) shall be provided before the development is brought into beneficial use and shall be thereafter retained for future use.

Reason: To secure an orderly form of development and to protect the amenities of the area.

13. No member of the public shall be admitted to or allowed to remain on the ground floor commercial premises hereby approved outside the hours of 08:00 to 23:00 on any day.

Reason: To protect the amenities of future residential occupiers and other occupiers in the vicinity of the site.

14. There shall be no loading or unloading of vehicles between the hours of 22:00 and 07:00 hours.

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

15. No development other than demolition and remediation works shall take place until a scheme has been 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 approved scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with acoustically treated active ventilation units. Each ventilation unit (with air filter in position), by itself or with an integral air supply duct and cowl (or grille), shall be capable of giving variable ventilation rates ranging from –

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

The development shall be carried out in accordance with the approved details.

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

16. No above ground superstructure works shall take place until a scheme of sound insulation works to the floor/ceiling and party wall structures between the commercial unit and residential accommodation shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to occupation.

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

17. If at any time the use of either of the ground floor 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 deodorising filter. Details of the above equipment shall be submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed prior to the commencement of use for the cooking of food and 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 site in accordance with Policy R4 of the adopted Cardiff Local Development Plan (2006-2026).

18. No above ground superstructure works shall take place until full details of hard and soft landscaping, including the 9th floor communal terrace, have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall be prepared by a qualified landscape architect and shall include:

- A landscaping implementation programme.
- Scaled planting plans
- Proposed finished levels.
- Earthworks.
- Hard surfacing materials.
- Existing and proposed services and drainage above and below ground level.

Planting plans shall be supplemented by:

- Schedules of plant species, sizes, numbers or densities
- Scaled, site specific, tree pit and planter sectional and plan drawings
- Topsoil and subsoil specification (including structural soil media) for all planting types, including soil type parameters, certification in accordance with British Standards, interpretive reports by a soil scientist demonstrating fitness for purpose and a methodology for handling, amelioration and placement.
- Planting methodology and post-planting aftercare methodology

The landscaping shall be carried out in accordance with the approved design and implementation programme.

Reason: To enable the Local Planning Authority to determine that the proposals will maintain and improve the amenity and environmental value of the area, and to monitor compliance.

19. C4R Landscaping Implementation

20. No development other than demolition and remediation works shall take place until details of existing ground levels and proposed finished

ground and floor levels have been submitted to and approved in writing by the Local Planning Authority. The finished floor levels of the development shall be a minimum of 7.9 metres AOD. The development shall be carried out in accordance with the approved details.

Reason: These details are not included with the application and are required to ensure an orderly form of development and to satisfactorily safeguard against flood risk.

21. No development shall take place until 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, has been submitted to the Local Planning Authority for written approval.

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

22. No development shall take place until an assessment of the nature and extent of contamination has been 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:

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

- of contamination which may be present, if identified as required by the desk top study;
- (ii) an assessment of the potential risks to:
- (iii) human health
 - groundwaters and surface waters
 - adjoining land
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - ecological systems
 - archaeological sites and ancient monuments; and
 - any other receptors identified at (i)
- (iv) an appraisal of remedial options, and justification for the preferred remedial option(s).

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / 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.

23. No development shall take place until 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 has been 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 writing.

Reason: To ensure that any unacceptable risks from land contamination

to the future users of the land , neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN13 of the Cardiff Local Development Plan.

24. The remediation scheme approved by Condition 23 shall be fully undertaken in accordance with its terms prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority 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 in writing.

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

25. 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 must stop, and no further development shall take place unless otherwise agreed in writing until a scheme to deal with the contamination found has been approved. An investigation and risk assessment 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 agreed in writing with the Local Planning Authority within 2 weeks of the discovery of any unsuspected contamination.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the

development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN13 of the Cardiff Local Development Plan.

26. Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes. Subject to approval of the above, sampling of the material received at the development site to verify that the imported material is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

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

27. No development shall take place until a wind tunnel assessment has been submitted to and approved in writing by the Local Planning Authority. The submitted study shall include measures, where necessary, to mitigate the effects of wind. The development shall be carried out in accordance with the recommendations of the approved assessment.

Reason: In the interests of pedestrian safety.

RECOMMENDATION 2 : 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 3 : The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for

- (i) determining the extent and effects of such constraints 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 4: Prior to the commencement of development, the developer shall notify the Local Planning Authority of the commencement of development, and shall 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

RECOMMENDATION 5: Bats often roost in houses and other buildings, and work on these buildings may disturb a bat roost. All bats and their roosts are protected against disturbance under UK and European legislation. If works are planned on a building in which bats are roosting, Natural Resources Wales (NRW) must be contacted. They must be given reasonable time to advise as to whether the works should be carried out and, if so, the method to be used. This legislation does not apply to bats in the living area of a dwelling-house. If work has already commenced and bats are found, or if any evidence that bats are using the site as a roost is found, work should cease and NRW should be contacted immediately. For buildings other than a dwelling-house, no works of site clearance, demolition or construction should take place unless a licence to disturb these species has been granted in accordance with the relevant legislation. The Cardiff office of NRW can be contacted at:

Rivers House
St Mellons Business Park
St Mellons
Cardiff
CF3 0EY

Enquiry Line: 0300 065 3000

For further advice on bats please contact:

Bat Conservation Trust
5th Floor,
Quadrant House
250 Kennington Lane
London
SE11 5RD

Bat Helpline: 0345 1300228

RECOMMENDATION 6: That the applicant be advised that the condition regarding works to the adopted highway on Curran Road (Condition 7) and any other works to existing or proposed adopted public highway will be subject to agreement(s) under Section 278 and/or Section 38 of the Highways Act 1980 between the developer and Council.

RECOMMENDATION 7: That the Applicant / Developer be advised of South Wales Police's recommended design and layout principles for designing out crime, set out in their letter of 3 August 2017, forwarded to the Agents acting on behalf of the Applicant.

RECOMMENDATION 8: That the Applicant / Developer be advised of DCWW's advice regarding public sewer connections and water supply, set out in their letter of 10 August 2017, forwarded to the Agents acting on behalf of the Applicant.

RECOMMENDATION 9: That the Applicant / Developer be advised of Wales and West Utilities' advice regarding their requirements during works, set out in their letter received on 2 August 2017, forwarded to the Agents acting on behalf of the Applicant.

RECOMMENDATION 10 : That the Applicant / Developer be advised of Natural Resources Wales' advice regarding the incorporation of flood resistance/resilience measures into the design and construction of the development, referred to in their letter received on 2 August 2017, which has been forwarded to the Agents acting on behalf of the Applicant.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 Full planning permission is sought for the demolition of the existing buildings and the construction of a 25 storey apartment building (140 no. units) with ancillary areas, parking, a ground floor A1/A3 unit and resident's roof terrace at Crawshay Court, Curran Road, Butetown.
- 1.2 The ground floor of the building would accommodate a double-height A1/A3 commercial unit which would be positioned at the north-eastern corner of the building. It would have a floorspace of approximately 87 square metres.
- 1.3 The building is arranged with the highest element positioned nearest to Penarth

Road. The tower varies in overall height between 21 and 25 storeys, with a maximum height of approximately 75 metres. A 9 storey element attached to the southwest elevation will accommodate a resident's private garden terrace on the roof. This element would be approximately 27 metres in height.

- 1.4 The building would retain privacy distances of approximately 19 metres to St. Patrick's House to the northwest, a minimum of 17.2 metres to Brickworks, currently under construction to the southwest, and approximately 10.6 metres to St. Williams House to the east.
- 1.5 The building would be finished in a range of materials including smooth cast colour concrete panels, black and grey curtain walling, zinc cladding (pre-weathered), glazing, timber screening and brickwork.
- 1.6 The site is accessed via Curran Road. 27 no. car parking spaces are proposed including 2 no. disabled spaces. 140 no. cycle parking spaces are proposed in accordance with the Council's guidelines, plus provision for the commercial unit. Refuse storage facilities are proposed which would be accessed from the northwest elevation with a separate storage area for the commercial waste, again, in accordance with Council guidelines.
- 1.7 A solar array will be added to the south elevation which will power the communal areas of the building.
- 1.8 A pre-application report has been submitted with the application, together with a Bat Survey, a Transport Statement, a Transport Statement Addendum and a Flood Consequences Assessment.
- 1.9 The proposed development was screened under the Environmental Impact Assessment Regulations 2017 in August 2017 which concluded that an Environmental Statement was not required as the development does not meet or exceed the thresholds set out in Schedule 2 of the Regulations nor were the impacts of the development likely to result in significant effects on the environment.

2. **DESCRIPTION OF SITE**

- 1.1 The site comprises approximately 0.13 hectares and currently accommodates two-storey offices in a traditional building with gables and a pitched roof.
- 1.2 The site is generally flat and level.
- 1.3 Immediately east and northwest the site is bordered by 5 storey office development.
- 1.4 The site is within 200 metres of Central Station and the Transport Interchange. It is within the Central Business Area and within 350 metres of the Central Shopping Area.
- 1.5 The site is located within Zone C1 as defined by the Development Advice Map

(DAM) referred to in Technical Advice Note 15 (July 2004).

3. **SITE HISTORY**

- 3.1 14/01026/DCI: Permission granted in July 2014 for demolition of existing office buildings and redevelopment of the site to provide 6 storey office building with undercroft car parking, open space, and new access from Curran Road.
- 3.2 02/02112/C: Permission granted in November 2002 for conversion of roof void to additional office accommodation and addition of 5 no. dormers.

4. **POLICY FRAMEWORK**

- 4.1 Planning Policy Wales, Edition 9 (November 2016).

1.2.1 The planning system manages the development and use of land in the public interest, contributing to the achievement of sustainable development. It 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. A well-functioning planning system is fundamental for sustainable development.

1.4.3 The Well-being of Future Generations Act (Wales) 2015 places a duty on the Welsh Ministers (and other public bodies) to produce well-being objectives and take reasonable steps to meet those objectives in the context of the principle of sustainable development.

4.1.4 The Act puts in place seven well-being goals to help ensure that public bodies are all working towards the same vision of a sustainable Wales:

- *A prosperous Wales*
- *A resilient Wales*
- *A healthier Wales*
- *A more equal Wales*
- *A Wales of cohesive communities*
- *A Wales of vibrant culture and thriving Welsh language*
- *A globally responsible Wales*

4.2.2 The planning system provides for a presumption in favour of sustainable development to ensure that social, economic and environmental issues are balanced and integrated, at the same time, by the decision-taker when...taking decisions on individual planning applications.

4.2.4 Legislation secures a presumption in favour of development in accordance with the development plan for the area unless material considerations indicate otherwise.

4.3.1 All those involved in the planning system are expected to adhere to (inter alia):

- *putting people, and their quality of life now and in the future, at the centre of decision-making;*
- *engagement and involvement, ensuring that everyone has the chance to obtain information, see how decisions are made and take part in decision-making;*
- *taking a long term perspective to safeguard the interests of future generations, whilst at the same time meeting needs of people today;*
- *respect for environmental limits, so that resources are not irrecoverably depleted or the environment irreversibly damaged. This means, for example, mitigating climate change, protecting and enhancing biodiversity, minimising harmful emissions, and promoting sustainable use of natural resources;*
- *tackling climate change by reducing the greenhouse gas emissions that cause climate change and ensuring that places are resilient to the consequences of climate change; and*
- *taking account of the full range of costs and benefits over the lifetime of a development, including those which cannot be easily valued in money terms when making plans and decisions and taking account of timing, risks and uncertainties. This also includes recognition of the climate a development is likely to experience over its intended lifetime.*

4.4.1 The following sustainability objectives for the planning system reflect our vision for sustainable development and the outcomes we seek to deliver across Wales. These objectives should be taken into account...in taking decisions on individual planning applications in Wales. These reflect the sustainable development outcomes that we see the planning system facilitating across Wales.

4.4.3 Planning policies, decisions, and proposals should (inter alia):

- *Contribute to the protection and improvement of the environment so as to improve the quality of life and protect local and global ecosystems*
- *Ensure that all communities have sufficient good quality housing – including affordable housing – in safe neighbourhoods*
- *Promote access to employment, shopping, education, health, community facilities and green space*
- *Foster improvements to transport facilities*
- *Foster social inclusion.*
- *Promote resource-efficient and climate change resilient settlement patterns that minimise land-take and urban sprawl, especially through preference for the re-use of suitable previously developed land and buildings, wherever possible avoiding development on greenfield sites;*
- *Locate developments so as to minimise the demand for travel, especially by private car;*
- *Support the need to tackle the causes of climate change by moving towards a low carbon economy.*
- *Play an appropriate role to facilitate sustainable building standards (including zero carbon) that seek to minimise the sustainability and environmental impacts of buildings.*

- *Contribute to the protection and improvement of the environment, so as to improve the quality of life, and protect local and global ecosystems.*
- *Ensure that all local communities – both urban and rural – have sufficient good quality housing for their needs, including affordable housing for local needs and for special needs where appropriate, in safe neighbourhoods.*
- *Promote access to employment, shopping, education, health, community, leisure and sports facilities and open and green space, maximising opportunities for community development and social welfare.*
- *Foster improvements to transport facilities and services which maintain or improve accessibility to services and facilities, secure employment, economic and environmental objectives, and improve safety and amenity.*
- *Foster social inclusion by ensuring that full advantage is taken of the opportunities to secure a more accessible environment for everyone that the development of land and buildings provides. This includes helping to ensure that development is accessible by means other than the private car.*

4.2 Technical Advice Notes (TANs):

11	Noise
12	Design
15	Development and Flood Risk
16	Sport, Recreation and Open Space
18	Transport
21	Waste
23	Economic Development

4.3 Local Development Plan (January 2016):

KP2(A)	Cardiff Central Enterprise Zone and Regional Transport Hub
KP5	Good Quality and Sustainable Design
KP6	New Infrastructure
KP7	Planning Obligations
KP8	Sustainable Transport
KP10	Central and Bay Business Areas
KP12	Waste
KP13	Responding to Evidenced Social Needs
KP14	Healthy Living
KP15	Climate Change
KP17	Built Heritage
KP18	Natural Resources
H6	Changes of Use or Redevelopment to Residential Use
EC3	Alternative Use of Employment Land and Premises
EC4	Protecting Offices in the Central and Bay Business Areas
EN9	Conservation of the Historic Environment
EN10	Water Sensitive Design
EN11	Protection of Water Resources
EN12	Renewable Energy and Low Carbon Technologies
EN13	Air, Noise, Light Pollution and Land Contamination
EN14	Flood Risk
T1	Walking and Cycling

T5	Managing Transport Impacts
T6	Impact on Transport Networks and Services
R6	Retail Development (Out of Centre)
R8	Food and Drink Uses
C1	Community Facilities
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

- 4.4 The following guidance documents were supplementary to the City of Cardiff Local Plan (1996), now superseded by the Local Development Plan (LDP). They remain a material consideration insofar as they are consistent with LDP policy:

Access, Circulation and Parking Standards (January 2010)

- 4.5 Supplementary Planning Guidance:

Waste Collection and Storage Facilities (October 2016)

Planning Obligations (January 2017)

Tall Buildings Design Guide (January 2017)

Residential Design Guide (January 2017)

Locating Waste Management Facilities (January 2017)

Dumballs Road Area Planning Brief (June 2006)

Food, Drink and Leisure Uses (November 2017)

Safeguarding Business and Industrial Land and Premises (November 2017)

5. **INTERNAL CONSULTEES RESPONSES**

- 5.1 The Operational Manager, **Transportation**, makes the following comments:

- (i) Trip Generation - He accepts the information provided in the additional note following the Transport Statement (TA) Addendum which confirms that, whilst the trips generated by the new development (122 no. two-way trips over twelve hours (i.e. per day)) would exceed the existing use (53 no. two-way trips), the traffic generated would be almost half that under the office development approved in 2014 (217 two-way trips) which was not a concern to the Council at the time (see paragraph 3.1);
- (ii) He is satisfied with the amended car parking arrangements;
- (iii) He is satisfied with the proposed cycle storage arrangements, having received confirmation from the applicant that there is adequate space to manoeuvre the top tier cycles between the rack and the wall;
- (iv) He notes the amended site plan which now excludes the public highway adjacent to the site. He recommends a condition for public

realm/reinstatement works on Curran Road should these be required as a consequence of the development being carried out;

- (v) He requests a financial contribution of £102,000 to construct a 2m footway adjacent to the proposed development and to the junction with Penarth Road (including dropped kerbs to facilitate cycle access from Curran Road to Penarth Road and vice versa), re-instatement of the access to St Patrick's House and installation of a raised 6m table including an uncontrolled pedestrian crossing facility in Curran Road. These contributions would be secured via a Section 106 Agreement.

5.2 The **Operational Manager, Environment (Contaminated Land)**, in reviewing available records, identifies the site as formerly commercial/industrial. Activities associated with this use may have caused the land to become contaminated and therefore may give rise to potential risks to human health and the environment for the proposed end use. In addition former landfill/raise sites have been identified within 250m of the proposed development. Such sites are associated with the generation of landfill gases, within subsurface materials, which have the potential to migrate to other sites. This may give rise to potential risks to human health and the environment for the proposed end use. Should there be any importation of materials imported as part of the construction of the development, then it must be demonstrated that they are suitable for the end use. This is to prevent the introduction or recycling of materials containing chemical or other potential contaminants which may give rise to potential risks to human health and the environment for the proposed end use. They request the inclusion of the relevant conditions and informative statements in accordance with CIEH best practice and to ensure that the safety of future occupiers is not prejudiced in accordance with LDP Policy EN13 (Air, Noise, Light Pollution and Land Contamination).

5.3 The Council's **Tree Officer** is content with the amended site plan showing the repositioning of new trees into raised beds, avoiding planting the in plaza/footpath and car parking area. Relevant conditions are recommended.

5.4 The **Operational Manager, Waste Management**, advises:

- (i) The commercial refuse area is acceptable;
- (ii) The bins on the site plans meet the space requirements. There appears to be plenty of space to manoeuvre the bins in the stores;
- (iii) Resident refuse - Although the overall amount capacity is exceeded she is sure that there will be enough to accommodate these flats. If one take into account only 32 bins are needed for the residual waste there will be plenty of space to replace these with the eight smaller 240L bins.

5.5 The Council's **Ecologist** notes that the survey work did not find any signs of bat use of the buildings, and no bats were found to be using the buildings or the immediate area. However as there was some bat roost potential, he supports the recommendation that an ecologist be "on call" for the duration of the demolition process so that in the unlikely event that bats are observed during the demolition process, they can be notified and Natural Resources Wales be

consulted. As the bat use of the general area was very low, and the habitat is unsuitable for bats, he sees no value in requiring the applicant to incorporate bat boxes into any new buildings.

- 5.6 The **Air Quality Officer** has been consulted on the application and any comments received will be reported.
- 5.7 The **Noise Pollution Officer** requests a noise report that focuses on the rail noise from Central Station and road noise from Penarth Road. He appreciates that the station is several hundred metres away, but once the proposed building gets over the 8th floor the façade will be on direct line of sight to the platforms and having done a rough and ready level vs. distance calculation there is the possibility that acoustically treated facades may be necessary to meet World Health Organisation internal noise levels.
- 5.8 The Council's **Access Officer** has been consulted and any comments received will be reported to Committee.
- 5.9 The **Operational Manager, Regeneration**, references Section 8 of the Planning Obligations Supplementary Planning Guidance (SPG) 2017 which states 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 or the extension to, or upgrading of, existing facilities. If no onsite provision is proposed, a financial contribution will be sought on residential developments containing 25 or more new dwellings where it has been identified that investment in community facilities will be required to meet the needs of the new population. The formula in the SPG is based on the number of bedrooms and associated occupancy figures per dwelling, and is calculated as follows:

No. of bedrooms	Number of Dwellings	Contribution per dwelling	Total
1	102	£720.51	£73,492.02
2	37	£997.63	£36,912.31
3	1	£1,385.60	£1,385.60
4		£1,718.14	£0.00
5+		£2,106.11	£0.00
Where number of bedrooms unknown		£1,291.38	£0.00
Single Student Bedroom		£554.24	£0.00
TOTAL:			£111,789.93

- 5.10 In summary, a financial contribution of £111,789.93 is sought. CIL Regulation 122(2) states that obligations must be necessary to make the development

acceptable in planning terms, directly related to the development; and fairly and reasonably related in scale and kind to the development.

- 5.11 Concerning necessity, she refers to the Planning Obligations SPG helps to ensure that developments contribute toward the provision of necessary infrastructure and measures required to mitigate their impact. Policy KP6 of the Cardiff Local Development Plan (adopted January 2016) supports the provision of community facilities as part of new residential developments. This also accords with Planning Policy Wales which supports the negotiation of planning obligations and states “Contributions from developers may be used to offset negative consequences of development, to help meet local needs, or to secure benefits which will make development more sustainable”. A development proposing a significant increase in population, such as this, would create pressures on existing local facilities that need to be offset via onsite provision and/or a financial contribution. It would be unacceptable to grant planning consent in the absence of such provision._
- 5.12 Concerning relationship with the development, she advises there are several community facilities located within close 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. 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 contribution 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.
- 5.13 Concerning reasonableness, 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.
- 5.14 The **Operational Manager, Drainage Division**, has been consulted and any comments received will be reported to Committee.
- 5.15 The **Operational Manager, Parks and Sport**, advises that although an area of public realm is shown in front of the building, the details provided are very limited and it is difficult to determine whether this will provide a usable recreational space for residents or the public. It appears to be more of a circulation space for people accessing the ground floor retail units (with potential seating for café use), rather than public open space. Therefore he has not included this area in the POS calculation below. The inclusion of trees planted into cell systems is welcome, as additional tree planting is important in this area; the area of cells will need to reflect the species of tree planted.

- 5.16 Concerning provision, he begins by referring to LDP Policy C5 (Provision for Open Space, Outdoor Recreation, Children's Play and Sport) and KP16 (Green Infrastructure) and the 2017 Planning Obligations SPG, supported by policies set out in the 2008 SPG for Open Space which set the Council's approach to open space provision. The LDP requires provision of a satisfactory level and standard of open space on all new housing/student developments, or an off-site contribution towards existing open space for smaller scale developments where new on-site provision is not applicable. Based on the information provided on the number and type of units, he has calculated the additional population generated by the development to be 201. This generates an open space requirement of 0.488 ha of on-site open space based on the criteria set for housing accommodation, or an off-site contribution of £208,547. Therefore the developers will be required to make a financial contribution towards the provision of new open space, or the design, improvement and/or maintenance of existing open space in the locality.
- 5.17 The use of S106 contribution from this development will need to satisfy CIL and the current distance requirements set out in the 2017 Planning Obligations SPG – play areas 600m (not applicable to student and sheltered accommodation), informal recreation 1000m, and formal recreation 1500mm, measured from edge of the site. In the event that the Council is minded to approve the application, it will be necessary for the applicant and the Council to enter into a Section 106 Agreement to secure payment of the contribution.
- 5.18 Consultation will take place with Ward Members to agree use of the contribution, and this will be confirmed at S106 stage. The closest areas of recreational open space are Canal Park, Callaghan Square and Taffs Mead Embankment. One other possibility would be to use a POS contribution to provide additional much needed open space in this area of Butetown.
- 5.19 The **Operational Manager, Building Control**, confirms that a building regulations application will be required.
- 5.20 The **Operational Manager, Economic Development**, advises that the site is well located within the city centre within a five minute walk of Cardiff Central Station and city centre bus routes. The site is also located within the Cardiff Central Enterprise Zone, a zone designated for the attraction of Financial and Professional Services sector companies. The F&PS sector is highlighted as a key sector for Cardiff and Wales employing over 50,000 people within the city. The site is also within the Butetown Ward and therefore within the current assisted area (Tier 2) and therefore attracts discretionary funding as well as further incentives through the Cardiff Central Enterprise Zone schemes. The site is a key regeneration site for the city with proposals progressing to the south through the Dumballs Road residential scheme and also potential redevelopment of the site north of Penarth Road at the back of Central Station.
- 5.21 He is concerned at the continuing change of use requests for office property to residential / student accommodation developments and would oppose a change of use request for the site on Curran Road from office to residential accommodation with the loss of circa 12,500 sq ft of employment space. The

Cardiff LDP aims to deliver 40,000 new jobs to 2026 and is one of the fastest growing cities in the UK. To deliver the expected jobs growth in the city it is essential that Cardiff retains its key city centre sites that can deliver the required density and high quality office developments to attract new jobs and investment and retain existing jobs in the city.

- 5.22 If the site were to be progressed as change of use to residential accommodation then he would seek a significant financial contribution. He recognises that mixed use development may be considered appropriate, however if mixed use schemes with a reasonable proportion of business space are not feasible or forthcoming on a particular site within a protected employment area, a planning obligation will be required to compensate for this loss, and mitigate the impact of this change. The Curran Road site office building of circa 12,500 sq ft with the capacity to provide between 100 and 150 jobs and the low rise nature of the site could provide higher densities of employment opportunities, however if the building is lost to a residential use it is unlikely that the site will revert back to an employment site.
- 5.23 A financial contribution is therefore sought to address the concerns relating to the loss of this employment land at a key employment site in the city centre. They request a financial contribution of £23,959. This contribution will form a package of assistance that will help support and develop companies within the Butetown ward and provide further employment opportunities. This figure is equitable to other figures that have been agreed on sites of the same size in other parts of the city. The developer contributions for the loss of employment land will be utilised for Economic Development projects and are calculated from the Council's Planning Obligations SPG.
- 5.24 In line with the LDP, the **Housing Strategy Team**, seek an affordable housing contribution of 20% of the 140 units (28 units) on this brown-field site. Their priority is to deliver affordable housing on-site and they would require detailed discussion with the applicant to ascertain if the affordable housing can be delivered successfully and sustainably on the site via a RSL partner. The priority is to deliver social rented accommodation delivered at the following prices - 1 bed @ £45,000 & 2 bed @ £52,000. All affordable housing units would need to meet Welsh Government DQR standards in terms of design requirements. They would be willing to discuss the delivery of the affordable housing on another site that the applicant may already own or be in the process of purchasing in the vicinity/area of the site. In exceptional cases if they cannot deliver the affordable housing on-site or off-site on another site then then they would consider a financial contribution. Based on a 20% contribution of 28 flats, the affordable housing contribution would be £1,872,240.
- 5.25 The **Chief Schools Officer** advises that the total pupil yield from a development of this size and type would be expected to be c. 9 pupils.
- 5.26 The catchment area English-medium primary School (Grangetown 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.

- 5.27 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.
- 5.28 The catchment area secondary school (Fitzalan) is full and is projected to be oversubscribed from within catchment. A planning obligation would therefore be sought.
- 5.29 The catchment secondary school (Y Glantaf) will be over-subscribed from within catchment by 2021, and a planning obligation would therefore be sought.
- 5.30 A separate obligation is also sought in respect of the proportion of pupils who access Special Educational Needs provision.
- 5.31 The contribution request calculated in accordance with the SPG may therefore be broken down as follows:

Number of dwellings:	140
English-medium nursery	£11,427
English-medium primary	£39,487
English-medium secondary	£23,220
English-medium sixth form	£5,131
Welsh-medium nursery	
Welsh-medium primary	
Welsh-medium secondary	£5,805
Welsh-medium sixth form	£1,283
Statemented SEN	£5,527
Total	£91,880

6. **EXTERNAL CONSULTEES RESPONSES**

- 6.1 **Dwr Cymru Welsh Water** has reviewed the submitted information however they note that a drainage strategy has not been included. As part of the mandatory pre-application enquiry they have provided confirmation that sufficient capacity exists in the public sewer network to accommodate the foul only flows from the proposed development. They did however recommend that an assessment be undertaken to verify whether sustainable drainage techniques can be utilised for the disposal of surface water. They note that the application form indicates that the preference is to discharge surface water to the mains sewer.
- 6.2 They recommend that the applicant conducts the on-site investigations as

described above and produce a full surface water strategy to include evidence to support their proposal, confirmation that the current site drains surface water to the public sewer, alternative options considered, pre and post development discharge rates and details of the betterment offered on the proposed from the current discharge rate.

- 6.3 They have undertaken a brief site visit and can confirm that a portion of the sewer in Curran Road appears redundant. The proposed point of connection and thus the foul drainage strategy, will therefore be necessary to understand the impact of the receiving sewer and they advise that works to address this sewer are undertaken prior to the communication of new flows from the development. They recommend relevant conditions.
- 6.4 The **South Wales Police Designing Out Crime Officer** notes that the development is part of a planned redevelopment which will eventually connect the city centre with the Bay. The site is located south of the city centre and Penarth Road while Trade Street lies to the West. To the east are existing buildings on Dumballs Road. To the south are mainly office buildings which along with Trade Street are currently experiencing problems with anti-social behaviour. The fact that the area is being developed with residential use being introduced will assist in reducing anti-social behaviour in the vicinity. It is encouraging to see that the applicant has considered security and community safety, which is evidenced in the section titled Community Safety and includes improvement to lighting, access control to apartments, enclosed parking along with Secured by Design ethos. The development could achieve a Secured by Design award if the applicant wishes to make contact with the South Wales Police Designing out Crime Officer. They have no objection to this development however they would wish for the contents of this report to be given due consideration and make detailed recommendations in respect of street furniture/bollards, canopies, lighting, access control, doors and windows, balconies, mail delivery, CCTV, dwelling identification, cycle and bin storage, car parking, meters, smoke and fire alarms and commercial units.
- 6.5 **CADW**, having carefully considered the information provided with this planning application, considers there to be no adverse impact. They therefore have no objections to the proposed development within the vicinity of scheduled monument Cardiff Castle and Roman Fort (GM171).
- 6.6 Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW), Technical Advice Notes and circular guidance. PPW (Chapter 6 – The Historic Environment) explains that the conservation of archaeological remains is a material consideration in determining a planning application, whether those remains are a scheduled monument or not. Where nationally important archaeological remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical protection in situ. It will only be in exceptional circumstances that planning permission will be granted if development would result in an adverse impact on a scheduled monument (or an archaeological site shown to be of national importance) or has a significantly

damaging effect upon its setting. Technical Advice Note 24: The Historic Environment elaborates by explaining that when considering development proposals that affect scheduled monuments or other nationally important archaeological remains, there should be a presumption in favour of their physical preservation in situ, i.e. a presumption against proposals which would involve significant alteration or cause damage, or would have a significant adverse impact causing harm within the setting of the remains. PPW also explains that local authorities should protect parks and gardens and their settings included in the first part of the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales, and that the effect of a proposed development on a registered park or garden or its setting should be a material consideration in the determination of a planning application.

- 6.7 The proposed application area is located some 890m south of scheduled monument Cardiff Castle and Roman Fort (GM171). The proposed development, standing some 75 metre high will be visible from the keep of the castle in one of the original key views, looking south towards the mouth of the river Taff. However, the existing BT Stadium House (17 storeys high) will be in this view as will be the Transport Interchange Building. Thus modern high rise buildings are already a significant part of this view and whilst the proposed building will be visible it will not, in their opinion, constitute a significant change to the current setting of the scheduled monument.
- 6.8 **Natural Resources Wales** do not object to the application. The application site lies entirely 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). Their Flood Map information, which is updated on a quarterly basis, confirms the site to be within the 0.5% (1 in 200 year) and 0.1% (1 in 1000 year) annual probability tidal flood outlines of the River Taff, a designated main river. The submitted FCA prepared by Jubb Consulting Engineers Ltd., dated July 2017, shows based on a minimum finished floor level of 7.9m AOD:
- (i) The proposed development is not located within the 1% (1 in 100 year) plus 25% for climate change or the 0.1% (1 in 1000 year) annual probability fluvial flood outlines;
 - (ii) Based on a life time of development of 100 years, the proposed development is predicted to be affected by tidal flooding during the 0.5% (1 in 200 year) plus climate change and the 0.1% (1 in 1000 year) plus climate change tidal flood scenarios for 2117 (undefended).
- 6.9 They consider the risk of tidal flooding to the proposed development is minimal as the site is afforded protection by Cardiff Bay Barrage. This is a flood defence structure which provides protection to Cardiff from tidal flood risk. The FCA has proposed management of this risk by recommending signing up for the Flood Warnings service. In consideration of the above, they have no adverse comments to make from a flood risk perspective.
- 6.10 In areas at risk of flooding, they recommend consideration be given to the incorporation of flood resistance/resilience measures into the design and construction of the development. These could include flood barriers on ground

floor doors, windows and access points, implementation of suitable flood proofing measures to the internal fabric of the ground floor, and locating electrical sockets/components at a higher level above possible flood levels. Additional guidance can be found on the gov.uk website. Advice and information on protection from flooding is in the ODPM publication 'Preparing for Floods: Interim Guidance for Improving the Flood Resistance of Domestic and Small Business Properties', which is available from the Planning Portal website.

6.11 As it is for the Local Planning Authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN15, they recommend the Local Planning Authority considers consulting other professional advisors on the acceptability of the developer's proposals, on matters that they cannot advise the Local Planning Authority on such as emergency plans, procedures and measures to address structural damage that may result from flooding. They refer to the above information and the FCA to aid these considerations. Please note, they do not normally comment on or approve the adequacy of flood emergency response plans and procedures accompanying development proposals, as they do not carry out these roles during a flood. Their involvement during a flood emergency would be limited to delivering flood warnings to occupants/users.

6.12 **Wales & West Utilities** enclose an extract from their mains records of the area covered by the application together with a comprehensive list of General Conditions for guidance. This plan shows only those pipes owned by Wales & West Utilities in its role as a Licensed Gas Transporter (GT). Gas pipes owned by other GT's and also privately owned pipes may be present in this area. Information with regard to such pipes should be obtained from the owners. The information shown on this plan is given without obligation, or warranty and the accuracy thereof cannot be guaranteed. Service pipes, valves, syphons, stub connections, etc., are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by Wales & West Utilities, its agents or servants for any error or omission. Wales & West Utilities has pipes in the area. Their apparatus may be affected and at risk during construction works. Should the planning application be approved then they require the promoter of these works to contact them directly to discuss their requirements in detail before any works commence on site. Should diversion works be required these will be fully chargeable. There must be no building over any of their plant or apparatus.

7. **REPRESENTATIONS**

7.1 **Local Members** have been consulted. Any comments received will be reported to Committee.

7.2 The application was publicised as a major development by press and site notices under Article 12 of the Town and Country Planning (Development Management Procedure (Wales) Order 2012 (as amended).

7.3 **Neighbouring occupiers** have been consulted. Any responses received will

be reported to Committee.

8. **ANALYSIS**

- 8.1 The Tall Buildings Supplementary Planning Guidance (January 2017) supplements policies in the Local Development Plan (LDP) (particularly KP5 (Good Quality and Sustainable Design)) and provides advice on the provision of high quality well-designed tall buildings within Cardiff. The themes contained within this document therefore provide a sound basis for assessing the merits of this application.

Principle of Development

- 8.2 The application site is located within the boundary of LDP Policy KP2A (Central Enterprise Zone and Regional Transport Hub - Strategic Site), which is allocated for major employment led initiatives, focussing on financial and business services, together with other mixed uses including residential development.
- 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. The 'Dumballs Road' section of the Central Enterprise Zone contains a number of low-density, land-hungry warehouse / business 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 there has been a turnover of occupiers since 2006 and that the premises are largely considered to be of an unsuitable design for modern business demands, having been actively marketed during that period.
- 8.4 The principle of residential development is well established within the wider Dumballs Road area and the site is well served by transport links and is close to local amenities. In addition, the proposal incorporates a commercial unit at the ground floor of the building, which will assist in creating active uses along the Curran Road frontage and in adding vitality to the streetscape throughout the day.
- 8.5 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. In this regard and given the relatively small scale of the proposed unit (approximately 87sqm), an element of convenience retail could be considered acceptable to serve the newly established population and the wider residential community within the surrounding area.
- 8.6 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. Taking into consideration the relatively small scale of the proposed floorspace, it is anticipated that the unit would operate as a coffee shop / snack bar type use, which would assist in contributing towards the creation of an active streetscape along Curran Road. In order to minimise any potential noise and disturbance to residents located above the ground floor, a condition could be applied to restrict the opening hours of the commercial unit.

Skyline and Key Views

- 8.7 The site is located at a key junction linking Penarth Road with Dumballs Road and Callaghan Square, south of the railway. The existing Brains Brewery to the north is identified for future re-development and the preliminary 'Central Quay' proposals give an indication of how this site could potentially be re-developed. The site is strategically positioned within an area that is likely to be substantially re-developed in the near future.
- 8.8 The application is supported by a number of key viewpoints from Callaghan Square, Central Station and Curran Road. These viewpoints demonstrate that the building would sit comfortably near this key junction and would create a landmark presence south of the railway, acting as a focal point for the future development of this part of the Central Enterprise Zone. The future redevelopment of the Brains Brewery site may result in the building being read as part of a cluster of tall buildings south of the railway.

Historic Environment

- 8.9 It is noted that CADW, in their assessment of the application, do not object to the proposals and conclude that, although the development will be visible from the keep of Cardiff Castle, it will be viewed in the context of other existing tall buildings and therefore, in their opinion, it will not constitute a significant change to the current setting of the scheduled monument.
- 8.11 It is not considered that the development would result in harm to the St. Mary Street Conservation Area, which is approximately 350 metres north of the site.

Design Proposals

- 8.12 LDP Policy KP 5 (Good Quality and Sustainable Design) contains criteria for assessment of new development proposals to ensure that high quality, sustainable designs occur which positively contribute to the creation of distinctive communities, places and spaces. Such criteria includes, for example, a proposal's response to the local character and context, creating legible development, providing a diversity of land uses, creating distinctive places, providing a healthy environment, and adaptable design. The Tall Buildings SPG expands on these criterion and provides a guide for assessing the acceptability of a tall building proposal to ensure their design and appearance is of exceptional quality.

Mixed Use

- 8.13 The proposed development contains an A1/A3 unit at ground floor which would have a mezzanine floor creating, in effect, a two-storey glazed frontage at the most prominent northeast corner. This unit will help encourage pedestrian activity around and within the building and help create an active frontage on this key corner location which fronts onto Curran Road.

Form and Silhouette

- 8.14 A thorough pre-application dialogue between the applicant and Council officers has helped guide the evolution of the design towards the submission of the application.
- 8.15 The form of the building is considered to add interest from both close views and long-range views through the use of high quality external finishing materials, articulation, and interest to the top of the building through varying heights and the installation of a solar array. As a consequence the building is considered to create a striking form which will be appreciated from numerous public vantage points.
- 8.16 The proposal will, in the considered opinion of officers, provide a landmark feature that makes a positive contribution to this part of the city centre and will aid legibility. It is considered that the amended proposal successfully creates an elegant and slender building.

Quality and Appearance

- 8.17 The use of smooth cast Portland colour concrete panels, zinc cladding, and brickwork gives confidence that the finished building will be of high quality and, together with the glazing (especially double height to the north east corner), will help create a robust and elegant finished appearance.
- 8.18 The double height glazing at ground and first floor also will help avoid a 'bulky' feel to the development at street level by creating transparency and activity.

Street Interface and Impact

- 8.19 It is recognised that the building is positioned close to a key junction which will form an important point when the surround area is substantially re-developed. The provision of the ground floor commercial unit will help provide vibrancy and activity around and within the building, enlivening what is currently a quiet section of Curran Road outside of normal working hours.
- 8.20 The development will create a 'public plaza' outside the building foyer and entrance to the commercial unit. Although no detailed plans have been submitted for this space, conditions are recommended to ensure that an attractive space is created through appropriate soft landscaping and high quality hard landscaping. This will enhance the building's presence at street level. The tree planting arrangements to the site frontage have been amended

following input from the Tree Officer during the processing of the application.

- 8.21 Financial contributions have also been secured to carry out public realm improvements adjacent to and north of the application site.
- 8.22 The application is accompanied by desk study wind assessment which concluded that some wind funnelling could occur between the building and St. Williams House to the east (i.e. along Curran Road) due to the buildings being 10.6 metres apart. The report recommends that a wind tunnel study is carried out to provide a quantitative assessment of the likely wind loads on the building and the dynamic response of the tower. A relevant condition is attached.

Sustainable Building Design

- 8.23 The building will be constructed to achieve high insulation levels and low water use technologies will be employed. A substantial solar array will be installed to the roof of the building to power communal areas of the building.
- 8.24 In respect of future adaptability, the application confirms that the building will be constructed with a frame which will allow for modification and re-use negating the need for demolition in the event that adaptation for another use occurs.

Amenity Considerations

- 8.25 The site is bounded to the east and northwest by office development five storeys high. Mindful of the proposed separation distances, the relationship with these neighbouring buildings is considered to be acceptable.
- 8.26 The relationship with the 'Brickworks', (currently under construction to the southwest) is also considered to be satisfactory. The minimum distance between the two buildings would be approximately 20 metres (17.2 metres to balconies on part of the Brickworks). This distance is considered to be satisfactory and the privacy and amenities of existing and future occupiers are not considered to be unduly prejudiced by the development.
- 8.27 A condition is attached to safeguard future occupiers of the building from the potential of noise pollution.
- 8.28 The proposals are considered to be in accordance with LDP Policy KP5(x) (Good Quality and Sustainable Design) in that no undue effect on the amenity of neighbouring occupiers would occur and LDP Policy EN13 (Air, Noise, Light Pollution and Contamination) in that no unacceptable harm to health or local amenity would arise.

Transportation

- 8.29 It is recognised that the site is located in a sustainable location within short walking distance of Cardiff's city centre and is well served by public transport, with Cardiff's Central train station opposite together with the future Transport Interchange.

- 8.30 The car parking provision within the site of 27 no. spaces for 140 no. apartments reflects the site's highly sustainable location. Cycle parking is also promoted as a viable transport alternative through the provision of 140 no. spaces (1 space per apartment) plus additional spaces for staff and patrons of the commercial unit.
- 8.31 The comments of the Transportation Officer in paragraph 5.1 are noted, who is now satisfied with the transport evidence submitted with the application. He has no objections to the development, subject to relevant conditions and a financial contribution to secure public highway improvements (see Section 9 below). A development of this scale will place increased pressure on the surrounding pedestrian environment and the improvements sought will ensure the development aligns with paragraph 3.4.3 of Planning Policy Wales which 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 Local Development Plan 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."*

Flood Risk

- 8.32 It is noted that the Flood Consequences Assessment accompanying the application concludes that the development, with a finished floor level of 7.9 metres AOD, would not be located within the 1% (1 in 100 year) plus 25% for climate change or the 0.1% (1 in 1000 year) annual probability fluvial flood outlines. The report identifies a small risk of tidal flooding which proposes management through signing up to the Flood Warnings service. Natural Resources Wales (NRW), in making their comments, consider this risk to be minimal as the Cardiff Bay barrage affords protection and they do not object to the application.
- 8.33 The applicant has been advised of NRW's representations and has been issued with a copy of their response, which makes recommendations for the incorporation of flood resistant/resilient measures into the design and construction of the building. A relevant recommendation is attached. A condition is also proposed to ensure finished floor levels are at least 7.9 metres AOD as per the findings of the assessment.
- 8.34 Mindful of the conclusions of the submitted FCA and the advice received by NRW, it is considered that the risks and consequences of flooding can be acceptably managed in accordance with the guidance contained in TAN15.

Other Considerations

- 8.35 *Crime and Disorder Act 1998* – Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.
- 8.36 *Equality Act 2010* – The Equality Act 2010 identifies a number of ‘protected characteristics’, namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council’s duty under the above Act has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic
- 8.37 *Well-Being of Future Generations Act 2016* – Section 3 of this Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

9. SECTION 106 AGREEMENT

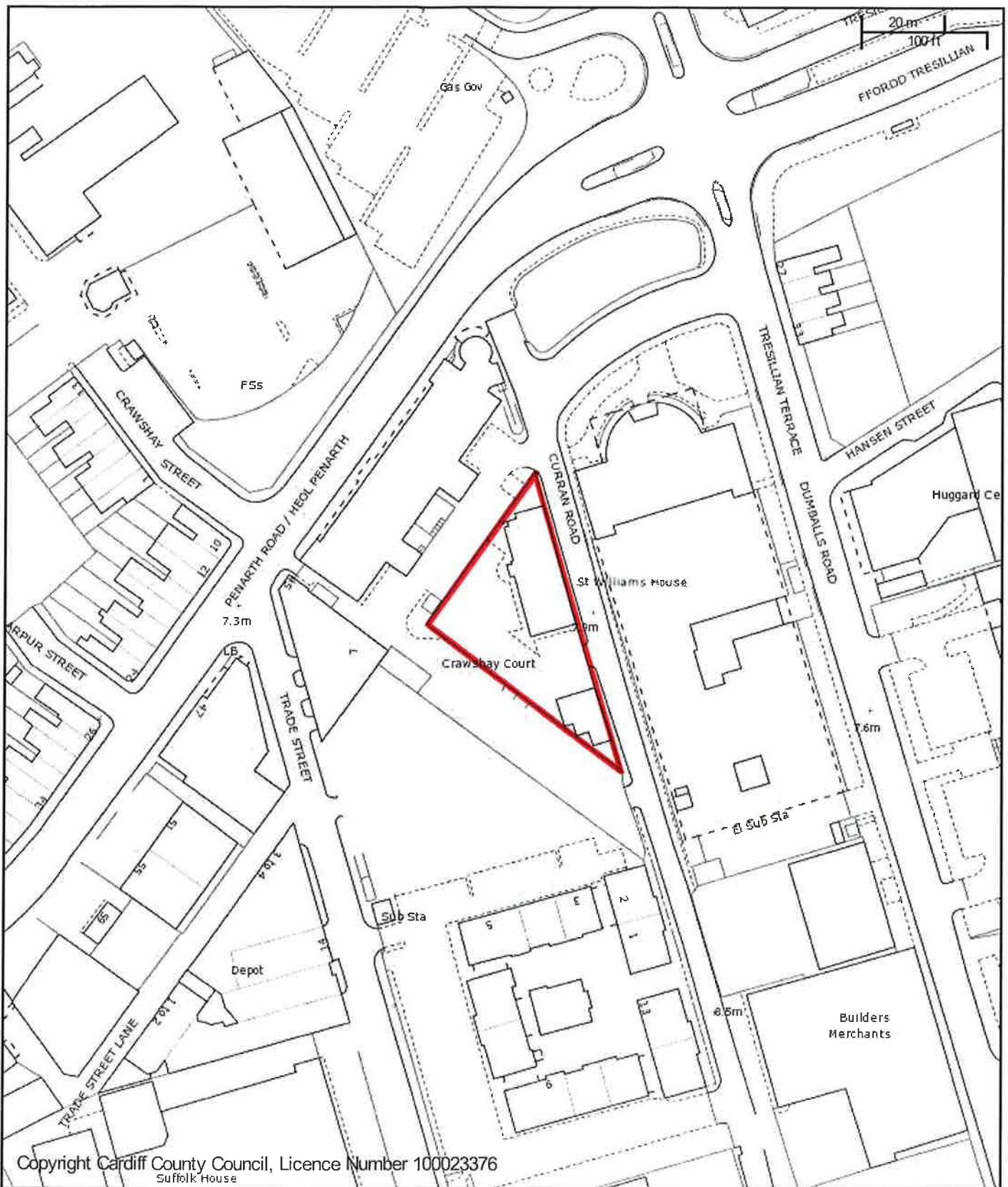
- 9.1 The following planning obligations have been requested to mitigate any significant adverse impacts of the proposed development and to provide essential, enabling and necessary infrastructure as defined within LDP policies KP6 (New Infrastructure) and KP7 (Planning Obligations).
- (i) £102,000 for Highways and public realm improvements to Curran Road
 - (ii) £23,959 for Economic development
 - (iii) £208,547 for public open space
 - (iv) £91,880 for school places
 - (v) £1,872,240 for affordable housing
 - (vi) £111,789.93 for community facilities
- 9.2 These requests amount to a total sum of £2,410,415.93.
- 9.3 However, the submission of a viability appraisal during the application process concluded that the development would be unviable were these contributions to be required for the scheme. This appraisal was independently assessed by the District Valuer who identified a sum of £400,000 that could be provided for financial contributions without threatening the scheme’s viability. The applicant has agreed to contribute this sum through a Section 106 Agreement which is proposed to be apportioned in the following way:


- (i) £102,000 towards public realm enhancements on Curran Road;
- (ii) £23,959 to help support and develop companies within the Butetown ward and provide further employment opportunities;
- (iii) £91,880 towards new school places;
- (iv) £111,789.93 towards improving facilities at the Butetown Pavilion;
- (v) £35,185.53 towards public open space; and
- (vi) £35,185.53 towards affordable housing

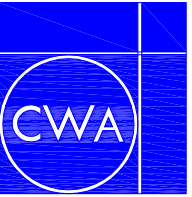
- 9.4 To help secure a positive recommendation, the developer has agreed a further viability assessment in the event that construction of the ground floor of the development does not occur within 24 months of the issue of the planning permission to allow the financial contributions to be reassessed and to protect the Council's position.

10. **CONCLUSIONS**

- 10.1 The amended proposals are considered to provide a high quality tall building south of the railway which will act as a landmark feature near the future regeneration of the Brains Brewery site and the wider Dumballs Road area. Being conveniently located close to Central Station and near Transport Interchange, the building maximises opportunities for travel by sustainable modes. The provision of a commercial unit at ground floor and the provision of a 'public plaza' with tree planting and soft landscaping will enhance this part of Curran Road. The proposals have been assessed against relevant LDP Policies, particularly KP5 (Good Quality and Sustainable Design) and the Tall Buildings Design Guide SPG and has been found to be compliant with their aims, subject to the completion of a legal agreement to secure a range of compensatory measures. It is therefore recommended that permission be granted subject to the completion of a legal agreement to secure the measures identified in Section 9, and relevant conditions.



<p>CHIEF EXECUTIVE Paul Orders County Hall Atlantic Wharf Cardiff CF10 4UW Tel: 029 20872000</p>	<p><u>City of Cardiff Council</u></p> <p><u>Cyngor Dinas Caerdydd</u></p> 	<p>Title</p> <p>Scale: 1:1250 Date: 6/3/2018 at 12:10 PM Coordinates © Crown copyright and database rights (2014). This copy is produced specifically to supply County Council information NO further copies may be made. Ordnance Survey 100023376 (2014).</p>
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Project Name :	Crawshay Court, Curran Road, Cardiff	
Project Ref :	SP495	
Drawing Title :	Proposed Site Plan	Scale :
Drawing Number :	SP495 - P02	1:200 @ A1
Revision:	-	Drawn by: rb Date: MAY 2017

