

PETITION, LOCAL MEMBERS x 2, AM x 2, AND MP OBJECTIONS

COMMITTEE DATE: 19/06/2019

APPLICATION No. **18/02622/MJR**

APPLICATION DATE: 07/11/2018

ED: **GRANGETOWN**

APP: TYPE: Full Planning Permission

APPLICANT: Rightacres Property Company Limited

LOCATION: TRACK 2000, RESOURCE HOUSE, 54B PENARTH ROAD,
GRANGETOWN, CARDIFF, CF11 6NG

PROPOSAL: ERECTION OF A RESIDENTIAL DEVELOPMENT OF 74 UNITS
WITH ASSOCIATED INFRASTRUCTURE AND ENGINEERING
WORKS

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

1. CO1 STL
2. The consent relates to the application plans numbered:
 - SP545-P100 Site Location Plan
 - SP545-P01 Existing Site Plan
 - SP545-P02 Proposed Site Plan
 - SP545-P03revB Proposed Basement Plan
 - SP545-P04revC Proposed Ground Floor Plan
 - SP545-P05revA Proposed First Floor Plan
 - SP545-P06revA Proposed Second Floor Plan
 - SP545-P07revA Proposed Third Floor Plan
 - SP545-P08 Proposed Fourth Floor Plan
 - SP545-P09 Proposed Fifth Floor Plan
 - SP545-P10 Proposed Roof Plan
 - SP545-P11revB Proposed Elevations 1
 - SP545-P12revB Proposed Elevations 2
 - SP545-P13revB Proposed Elevations 3
 - SP545-P15 Proposed Elevations 4
 - SP545-P16 Proposed Elevations 5
 - SP545-P14revB Proposed Sections

- 184010/A09 Existing & Proposed Traffic Orders
- 184010/A03revA Proposed Table Crossing
- 291 2018/.92 Existing Landscape
- 291 2018/.93revC Landscape Proposals
- 291 2018/.94revA Tree Pit Sections

Reason: For the avoidance of doubt.

3. No above-ground development shall take place until samples of the external finishing materials have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details. Reason: To ensure a satisfactory finished appearance to the development.
4. No above-ground development shall take place until a scheme showing the architectural detailing of the main elevations of the building and of the site boundary enclosures has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. Reason: To ensure a satisfactory finished appearance to the development.
5. No development shall take place until details showing the provision of cycle parking spaces have been submitted to and approved in writing by the LPA. 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.
6. No development shall take place until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved by the Local Planning Authority, to include details of noise and dust control measures, site hoardings, site access and wheel washing facilities. Construction of the development shall be managed strictly in accordance with the scheme so approved. Reason: In the interests of highway safety and public amenity.
7. No part of the development hereby permitted shall be commenced until a scheme of environmental improvements to the footways on Penarth Road, Taff's Mead Embankment and Pentre Gardens adjacent to the site has been submitted to and approved in writing by the LPA. The scheme shall comprise the resurfacing of the footways, including as required the renewal or resetting of sunken or damaged kerbs, channels and edging as may be required, and include:

- details of an uncontrolled raised table zebra crossing and build-out on Taff's Mead Embankment, immediately south of the Pentre Gardens junction, in accordance with illustrative Vectos plan 184010/A03revA,
- the reinstatement of the footway and realignment of the kerb at the southern end of Taff's Mead Embankment in accordance with illustrative Vectos plan 184010/A09
- the reinstatement of the footway on Pentre Gardens, including the provision of 3no. street trees, between the site entrance and the junction with Taff's Mead Embankment in accordance with illustrative Vectos plan 184010/A09.

The agreed scheme shall be implemented to the satisfaction of the LPA prior to beneficial occupation of the site. Reason: To ensure the reinstatement of the adjacent public highway in the interests of highway and pedestrian safety and to facilitate access to the proposed development.

8. Unless otherwise agreed in writing by the LPA and notwithstanding the approved illustrative plans for highway improvements/ landscaping the scheme of environmental highway improvements shall include for the provision of 2no. street trees and a 6no. Nextbikes stand to be located on the footway at the corner of Taff's Mead Embankment and Penarth Road. The agreed scheme shall be implemented to the satisfaction of the LPA prior to beneficial occupation of the site. Reason: In the interests of visual amenity and promotion of cycling.
9. *Road Traffic Noise:* All habitable rooms must achieve an internal noise level of 35 dBA Leq 16 hour during the day and 30 dBA Leq 8 hour at night. If any habitable rooms require sound insulation measures to achieve these noise levels, a scheme shall be submitted to ensure that habitable rooms, subject to such 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 sqm and not less than 31 litres per second against a back pressure of 30 Newtons per sqm, to 2) a lower rate of between 10 and 17 litres per second against zero back pressure. No habitable room shall be occupied until the approved sound insulation and ventilation measures have been installed in that room. Any private open space (excepting terraces or balconies to any apartment) shall be designed to provide an area which is at least 50% of the area for sitting out where the maximum day time noise level does not exceed 55 dBA Leq 16 hour [free field]. Reason: To ensure that the amenities of future occupiers are protected.

10. *Plant Noise:* The rating level of the noise emitted from fixed plant and equipment on the site shall achieve a noise rating level of background - 10dB at any residential property when measured and corrected in accordance with BS 4142:2014 (or any British Standard amending or superseding that standard). Reason: To ensure that the amenities of future occupiers of the development and occupiers of other residential properties in the vicinity are protected.

11. *Ground Gas Protection:* Post demolition but prior to commencement of the construction phase of the development works a scheme to investigate and monitor the site for the presence of gases being generated at the site or land adjoining thereto, including a plan of the area to be monitored, shall be submitted to the Local Planning Authority for its approval. Following completion of the approved monitoring scheme, the proposed details of appropriate gas protection measures to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site shall be submitted to and approved in writing to the LPA. If no protection measures are required than no further actions will be required. All required gas protection measures shall be installed and appropriately verified before occupation of any part of the development which has been permitted and the approved protection measures shall be retained and maintained until such time as the Local Planning Authority agrees in writing that the measures are no longer required. Reason: To ensure that the safety of future occupiers is not prejudiced.

12. *Contaminated Land Measures – Assessment:* Post demolition but prior to commencement of the construction phase of the development an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority. The report of the findings shall include:
 - (i) a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a ‘conceptual site model’ (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages;
 - (ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;
 - (iii) an assessment of the potential risks to: human health; groundwater and surface waters; adjoining land; property (existing or proposed); ecological systems; 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 and related contaminated land measures – remediation and verification conditions must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WG / NRW guidance document ' Land Contamination: A guide for Developers' (2017), unless the Local Planning Authority agrees to any variation. Reason: To ensure that 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.

13. *Contaminated Land Measures – Remediation & Verification Plan:* Post demolition but prior to commencement of the construction phase of the development a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. 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.
14. *Contaminated Land Measures – Remediation & Verification:* The approved remediation scheme must be fully undertaken in accordance with its terms prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority. Reason : To ensure that any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

15. *Identification of Unsuspected Contamination:* In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place unless otherwise agreed in writing until a scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the LPA within 2 weeks of the discovery of any unsuspected contamination. Reason: To ensure that any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
16. *Imported soil:* Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation to be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes. Subject to approval of the above, verification sampling of the material received at the development site is required to verify that the imported soil is free from contamination and shall be undertaken in accordance with a scheme agreed with in writing by the LPA. Reason: To ensure that the safety of future occupiers is not prejudiced.
17. *Imported aggregates:* Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation to be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes. Subject to approval of the above, verification sampling of the material received at the development site is required to verify that the imported aggregate is free from contamination and shall be undertaken in accordance with a scheme agreed with in writing by the LPA. Reason: To ensure that the safety of future occupiers is not prejudiced.

18. *Use of site-won materials:* Any site won material including soils, aggregates, recycled materials shall be assessed for chemical or other potential contaminants in accordance with a sampling scheme which shall be submitted to and approved in writing by the Local Planning Authority in advance of the reuse of site won materials. Only material which meets site specific target values approved by the Local Planning Authority shall be reused. Reason: To ensure that the safety of future occupiers is not prejudiced.
19. *Drainage Details:* No development shall take place until a scheme for the sustainable drainage of the site and any connection to the existing drainage system has been submitted to and approved in writing by the LPA. Subject to the results of ground permeability tests to establish viability the scheme shall include a soakaway option for surface water management. In the event that ground conditions are not suitable then the scheme shall include for a direct connection to the adjacent main river. The scheme shall also include a sustainable method of managing the highway pollutants. Development shall be carried out in accordance with the approved details. Reason: To prevent hydraulic overloading of the public sewerage system.
20. *Landscaping Design and Implementation Programme:* No development shall take place until full details of soft landscaping have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
- A landscaping implementation programme;
 - Scaled planting plans prepared by a qualified landscape architect;
 - Existing and proposed services and drainage above and below ground level;
 - Schedules of plant species, sizes, numbers and densities prepared by a qualified landscape architect;
 - Scaled tree pit sectional and plan drawings prepared by a qualified landscape architect;
 - Topsoil and subsoil specification for all planting types, including full details of soil assessment, protection, stripping, storage, handling, amelioration and placement to ensure it is fit for purpose. Where imported planting soils are proposed, full specification details shall be supplied, including certification in accordance with British Standards and 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 prepared by a qualified landscape architect and including full details of oversight of landscaping implementation by the project landscape architect.

The submitted details shall be consistent with other plans submitted in support of the application and 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.

21. *Landscaping Maintenance:* Any newly planted trees, plants or hedgerows, which within a period of 5 years from the completion of the development die, are removed, become seriously damaged or diseased, or in the opinion of the Local Planning Authority (LPA) otherwise defective, shall be replaced. Replacement planting shall take place during the first available planting season, to the same specification approved in discharge of the landscaping condition, unless the Local Planning Authority gives written consent to any variation. Reason: To maintain and improve the amenity and environmental value of the area.

ADDITIONAL ADVISORY RECOMMENDATIONS

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

RECOMMENDATION 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: 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 applicant is requested to provide future residents with a welcome pack upon their arrival, detailing sustainable transport options available in the area, to help promote sustainable transport. Leaflets and advice in connection with production of the packs are available from Transport Vision, Strategy & Policy Team, Cardiff Council, County Hall, Atlantic Wharf.

RECOMMENDATION 6: The applicant is advised to notify the LPA of commencement of development.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 The detailed application is for the construction of 74 apartments (2 x 1-bed studios, 39 x 1-bed flats, 32 x 2-bed flats and 1 x 3-bed flat) in a cranked 4/5/6 storey block fronting Taffs Mead Embankment and Penarth Road Bridge.
- 1.2 Access: Pedestrian access is proposed from Taff's Mead Embankment to the south east corner of the site and from Pentre Gardens to the north of the site. Vehicular and cycle access is via the existing vehicle access from Pentre Gardens.
- 1.3 There are 57 car parking spaces, including 2 disabled car parking spaces; 37 of these in an enlarged basement with the remainder of spaces provided in a surface car park to the rear of the development. 102 cycle spaces are provided in a bike store located next to the rear entrance off Pentre Gardens (78), and in the

basement (24). A further 6 short stay cycle spaces will be located next to the main entrance from Taff's Mead Embankment.

- 1.4 The wing facing Taff's Mead Embankment is 5 storeys stepping down to 4 storeys at the junction with Pentre Gardens, the wing facing Penarth Road bridge is 5 storeys stepping down to 4 storeys at the SW boundary where the site adjoins the 3 storey terrace on Penarth Road. At the corner where the building cranks the height increases to 6 storeys to accommodate a penthouse flat with roof terrace.
- 1.5 The ground floor is raised to approximately 1.2m above the Taff's Mead Embankment pavement level to accommodate an enlarged basement car park.
- 1.6 The design adopts a warehouse type aesthetic with traditional brick masonry facades (buff and red brick) and simple repetitive rhythm and symmetry, and lighter weight zinc-clad upper storeys set back from the building's edge, giving the building a distinctive 'roof'. The 6 storey corner element wrapping the core and corner flats is metal clad and more contemporary in expression, with large areas of glazing. There is a small communal roof garden on the 6th floor accessed from the lift and stair lobby.
- 1.7 The footpath at the corner of Taff's Mead Embankment and Penarth Road will be widened and all adjoining footpaths will be resurfaced. A new tabled uncontrolled pedestrian crossing will be provided on Taff's Mead Embankment as part of the highway improvements package. A Section 106 financial contribution has been agreed for the provision of a Nextbike stand for 6 cycles located on the footway at the junction of Taff's Mead Embankment and Penarth Road
- 1.8 Three new trees will be provided to Pentre Gardens adjacent to the footpath and a condition has been added requiring the provision of 2no. new street trees where the footpath is to be widened. Small areas of landscaping are provided to the front of the building at the corner and to the rear car park (including 5no. small trees).
- 1.9 The application is supported by the following information:
 - Planning Statement
 - Design and Access Statement
 - Flood Consequences Assessment
 - Ground Conditions Report
 - Sunlight and Daylight Analysis, McCann & Partners, Engineers
 - Air Quality Report
 - Drainage Strategy Report
 - Justification of Heights and Volumes, CWA Architects
 - Noise Survey
 - Pre-application Consultation Report
 - Transport Assessment

- 1.10 Amended plans were received on 29.1.19 and publicised. The following changes were made to the scheme:
- Cycle parking increased to 108 long stay and 6 short stay cycle spaces
 - Accepted car parking dimensions included on the plans
 - Traffic Orders plan enclosed outlining the traffic orders around the development
 - Built-out tabled uncontrolled crossing on Taff's Mead Embankment included
 - Car park security gates incorporated into the scheme
 - Landscaping plans revised
 - Daylight/sunlight report revised to take account of the following design changes:
 - 3rd floor flat on Pentre Gardens set back from building's edge to improve daylighting and privacy for flats at 46 Taff's Mead Embankment
 - Parapet height to 3rd floor Pentre Gardens flats reduced to improve daylighting and privacy for flats at 46 Taff's Mead Embankment
 - 46 Taff's Mead Embankment ground and 1st floor flat gable windows added
 - Louvred privacy screens added to 4no. windows on Pentre Gardens elevation to avoid direct overlooking of 46 Taff's Mead Embankment 1st floor flat.
 - Obscure glazed windows added to ground floor of Pentre Gardens elevation (3no. to binstore).
- 1.11 Further amended plans were received on 11.4.19 and publicised. The following changes were made to the scheme:
- A 0.75m reduction in the overall height of the building (150mm reduction on the floor-to-floor heights);
 - All elevations and sections amended accordingly;
 - The solid parapet in the NE corner has been reduced from 1.5m to 0.6m and a glazed balustrade for security purposes added;
 - Additional elevations/sections (GG + HH) provided to show relationship of development to No. 46 Taff Meads Embankment. Section GG cuts through the existing first floor window to Flat 46B. Elevation HH cuts through the existing ground floor window to Flat 46A;
 - The basement plan has been revised to show parking spaces 1 and 2 moved forward to take account of head height restrictions.
- 1.12 Following receipt of amended plans further additional information has been provided by the applicant:
- Sunlight and Daylight Analysis Rev C, McCann & Partners, Engineers, Jan 2019;
 - Justification of Heights and Volumes, Rev A, CW Architects, Jan 2019;
 - Sunlight and Daylight Analysis Rev D, McCann & Partners, Engineers, April 2019, including: Appendix A: Shadow Plots; Appendix B: Annual Probable Sunlight Hours; Appendix C: Gardens & Open Spaces Sunlight Check;

- Sunlight and Daylight Analysis Rev F, McCann & Partners, Engineers, April 2019, responded to further issues raised by objectors/Planning providing early morning shadow plots and APSH calculations for 46A & 46B Taff's Mead Embankment, 2-12 Pentre Gardens, and 1-25 Pentre Gardens;
 - CGIs for agreed views from Penarth Road bridge, Penarth Road looking North East, Taff's Mead Embankment looking south (April 2019); Penarth Road next to bridge looking NW; and Pentre Gardens looking towards the river;
 - Physical model showing development in context (for Planning Committee).
- 1.13 Pre-application discussions: A formal pre-application enquiry was registered in May 2018. Discussions focused on the proposed scale of the development and its impact on residential amenity. Height of the building was reduced as a consequence, and the applicant was requested to provide a detailed analysis of the impact on neighbours (daylight, sunlight, privacy).
- 1.14 The scheme was presented to the Design Commission for Wales (DCfW) in October 2018. DCfW supported the principle of the development and the approach to the design, with comments limited to the range of building materials proposed, bike storage, lack of active ground floor use, and requirement for better images to explain the scheme at pedestrian level.
- 1.15 Statutory pre-application public consultation was carried out between 5 September and 3 October 2018. Site notices were posted, and adjoining landowners and occupiers and ward councillors (Grangetown and Butetown) were notified. Specialist consultees (NRW, Welsh Ministers in relation to Cardiff Castle scheduled monument, and the local highway authority) were consulted in accordance with the Development Management (Wales) Procedure Order 2012.
- 1.16 A letter was received from the local MP on behalf of a neighbouring resident, and 104 responses to the website survey. No responses were received from Ward Councillors. The following are the main comments received from members of the public during the Pre-Application Consultation, as detailed in the PAC Report:
- Building too large and out of keeping;
 - Overbearing and overlooking neighbours;
 - Blocking daylight and sunlight from neighbours;
 - Location of access;
 - No community facilities provided increasing pressure on existing infrastructure;
 - Increased traffic and safety concerns; Lack of affordable family housing.
- 1.17 Welsh Ministers raised no objection to the proposals. NRW raised concerns over potential contamination of groundwater and sought clarity on proposed floor levels in relation to flood risk.

- 1.18 As a consequence of the statutory pre-application consultation process the number of flats was reduced from 86 to 74 and the development further reduced in height to predominantly 5 storeys. The number of parking spaces was increased to 57 and some alterations were made to the facades.

2. **DESCRIPTION OF SITE**

- 2.1 The site is irregular in shape and occupies an area of approximately 0.29 ha at a prominent corner location. The boundaries of the site are defined by the road accessing Pentre Gardens to the north, existing residential properties off Pentre Gardens, Pentre Place and Penarth Road to the west and southwest, Penarth Road to the south and Taff's Mead Embankment with the River Taff beyond to the east.
- 2.2 The site is currently almost entirely occupied by the vacant former Track 2000 Community Resource Services building with an area of car parking along the northern boundary and storage yard in the south and southwest. The site was used to store, sell and recycle second-hand furniture, household and commercial goods (Use Classes B2 and B8).
- 2.3 The existing warehouse building on the site is rectangular in plan and 2 storeys with pitched roof (ridge height approx. 10.5m). Planning permission has previously been obtained for the demolition of all buildings within the site (Prior Approval 18/01511/MNR granted 31.7.18).
- 2.4 The brownfield site is located in an established residential area of Grangetown, in a prominent position on the River Taff opposite the Penarth Road bridge. The immediate context is low-rise 2/3 storey residential.
- 2.5 The opposite side of the river currently houses Brains Brewery and Sytner BMW garage but both are due to be redeveloped as part of the Central Quay proposals, with consent for the first phase recently approved. This site forms part of Strategic Site KP2A in the Central Business Area and is identified in the LDP as a major employment-led initiative for mixed use regeneration, including a regional transport interchange, the promotion of finance and business services, and residential development.

3. **PLANNING HISTORY**

- 18/1511/MNR Prior Approval granted July 2018 for demolition of existing warehouse. Demolition under way.

4. **POLICY FRAMEWORK**

National policy

- 4.1 Planning Policy Wales (PPW) Edition 10, 2018 favours the sustainable re-use of

previously developed land. The following Technical Advice Notes (TANs) are relevant: TAN 12 Design (2014)

Local Policy

- 4.2 The following policies of the 2016 City of Cardiff LDP are relevant to the consideration of this application:
- KP5 Good Quality and Sustainable Design
 - KP6 New Infrastructure
 - KP7 Planning Obligations
 - EC1: Existing Employment Land
 - H3 Affordable Housing
 - H6 Change of Use or Redevelopment to Residential Use
 - C1 Community Facilities
 - C5 Provision for Open Space, Outdoor Recreation, Childrens' Play and Sport
 - T5 Managing Transport Impacts
- 4.3 The following Supplementary Planning Guidance is relevant:
- Planning Obligations (2017)
 - Cardiff Residential Design Guide (2017)
 - Managing Transportation Impacts (Incorporating Parking Standards) (July 2018)
 - Waste Collection and Storage Facilities (2016)

5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 Transportation: The Council's adopted Managing Transport Impacts (Incorporating Parking Standards) SPG (July 2018) identifies a maximum car parking requirement of 1 space per unit in the Central Area. A minimum cycle parking requirement of one space per bedroom also applies in this instance. In accordance with the SPG the proposed development should provide a maximum of 74 car parking and a minimum of 108 cycle parking spaces.
- 5.2 The Council's Transportation Officer comments as follows: The highway access leads into a car parking area of 20 spaces, with a ramp leading down to a basement parking area of 37 spaces. Whilst the amount of car parking is within the Council's standards we would like to see a reduction in spaces given the sustainable location of the site. All of the carriageway surrounding the building should have controlled parking. This is currently the case except for Pentre Gardens on the northern edge of the site (currently continuous dropped kerb).
- 5.3 To enable residents to safely cross Taff's Mead Embankment to access the Taff Trail a raised table zebra crossing and build-out is required on Taff's Mead Embankment, immediately south of the Pentre Gardens junction. This will result in the loss of a few of the existing pay and display bays although these could move to the north of the site. Footway improvements will also be required

adjacent to the site including reinstatement of redundant crossovers and improvements to the existing dropped kerbs/ tactile paving crossings.

- 5.4 A significant public realm/footway area is proposed to the south of the site, which is welcomed. It would be beneficial if a Nextbike facility could be provided in this area (ideally a stand for 8 bikes, which would require a footprint of approximately 2x4m). The provision of such a facility may allow an appropriate reduction in the level of short/long-stay cycle parking provided. It may also be appropriate for bollards or other street furniture to be placed in the public realm area to prevent parking. Details can be finalised via the highways agreement for the site.
- 5.5 The TA indicates that the development would generate a maximum of 21no. 2-way vehicle movements in the peak hour. It is not considered that this amount of additional traffic (additional vehicle movement every 3 minutes at peak times) would constitute a material increase, or result in safety issues.
- 5.6 The Transport Officer has confirmed that in relation to the TA the application of traffic survey data collected in October 2014, which has been adjusted in accordance with the Temprow growth rates to the proposed opening year of the development (2020), is considered an acceptable approach.
- 5.7 Incoming residents of the development will not be eligible for 'Resident Parking Permits' (where such a scheme currently exists or where such a scheme may be introduced in the future) and as such not add to parking pressure on the existing bays.
- 5.8 In conclusion the proposals are acceptable subject to cycle parking and highway improvements conditions (including a new tabled zebra crossing), and a s106 agreement to secure £15,000 for the TRO process and a financial contribution towards the provision of an 8no. stand Nextbikes facility.
- 5.9 Parks Services: Parks have confirmed that in accordance with SPG Open Space a financial contribution of £117,036 is sought towards the improvement (including design and maintenance) of existing open space in the locality. The closest recreational open spaces are Taff's Mead Embankment, Taff Embankment South, Pentre Gardens, Merches Gardens, and Grange Gardens.
- 5.10 Trees: The Tree Officer makes the following comments: Implementation of development will result in the loss of a large and visually prominent highway lime (*Tilia* sp.) tree, located to the Taff's Mead Embankment frontage. No tree assessment supports the application but the DAS suggests the lime has been assessed and attains 'B' (moderate quality and value) categorisation. Without evidence to the contrary I see no reason why it should not attain 'A' (high quality and value) categorisation. Either way it must be considered a significant constraint to development and if it is proposed for removal, there must be an

overriding design reason to justify this and the loss must be fully offset by new tree planting.

- 5.11 Although x18 new trees are depicted on the proposed ground floor plan, with the exception of x1 tree located within the rear car-parking area away from wider public views, all the proposed trees are located in exceedingly constrained positions, both in terms of above and below ground growth. The trees would need to have branch spreads no greater than 2m radially to avoid conflicting with each other and building lines, and the trees bounding the 2.2m wall would likely require pruning to form a stilted hedge.
- 5.12 All of the trees with the exception of those in the soft landscape planter to the Penarth Road junction would require access to un-compacted soil in soil cells (RootSpace, Silva Cell), forming a continuous tree pit. Without full details of existing and proposed services, there is no evidence this would be possible, and it appears that a sewer is located to the Taff's Mead Embankment frontage that may be prohibitive. Aside from being extremely fastigiata, or small, the trees would need to feature relatively light canopies to avoid being perceived as oppressive in relation to living spaces. The palette in this context is extremely limited, but my suggestions, subject to confirmation regarding the absence of service constraints and that continuous soil cell tree pits are achievable, are as follows:
- X4 *Ligustrum japonicum* to the 2.2m boundary wall, potentially pruned to shape as a stilted hedge. Each *Ligustrum* to have access to a minimum 5m³ root available soil volume (RASV) in a shared soil cell pit with x1 aeration/irrigation inlet per tree and root director/barrier directing roots to cells and protecting wall. Pit openings to be minimum 1.5m x1.5m.
 - X1 *Ligustrum lucidum* 'Excelsum Superbum' 'Specimen' tree to car-parking with cells extending to occupy full extent of car-parking space to the SW. Companion groundcover planting to support.
 - X4 *Koelreuteria paniculata* 'Fastigiata' to the Pentre Gardens frontage in a continuous soil cell pit with each tree having access to at least 8m³ RASV, tree pit openings to be minimum 1.5m x 1.5m and each tree to have x2 aeration/irrigation inlets.
 - X6 *Ginkgo biloba* 'Fastigiata Blagon' to the Taff's Mead Embankment frontage, pruned at the nursery to maintain a tightly fastigiata form, in a continuous soil cell pit with each tree having access to 10m³ RASV, tree pit openings minimum 1.5m x 1.5m and each tree with x2 aeration/irrigation inlets. This tree would ideally have access to greater soil volumes but maintained as a pruned, fastigiata tree, and sharing soil volume, a reduced RASV is acceptable.
 - X1 central *Liquidambar styraciflua* 'Slender Silhouette' flanked by *Amelanchier alnifolia* 'Obelisk' either side. Planter to support 300mm topsoil over 600mm subsoil over 100mm washed sand blinding over 200mm clean stone soakage and drainage as appropriate. Companion groundcover planting to support.

- 5.13 If the above planting is achievable, the combined visual and environmental impact would offset the loss of the *Tilia*, albeit the visual appearance will be less naturalistic, with spire like trees fronting the building line. A development of different design that accommodated the *Tilia* and other similar trees would be preferred, but would require a significant set-back of the building line from the street frontages, to give the above and below ground space required.
- 5.14 It would not be reasonable to deal with landscaping via conditions, without comfort regarding its achievability. In any event, the information required in terms of landscaping is: Scaled planting plan; plant schedule; tree pit section and plan views for different situations and showing RASV (where cells are used, drawings to be drawn up in conjunction with product supplier); topsoil and subsoil specification; planting methodology; aftercare methodology; confirmation that service alignments, lighting, CCTV etc., do not conflict with planting, and; landscaping implementation programme.
- 5.15 Neighbourhood Regeneration: The officer makes the following observations: The Cardiff Planning Obligations SPG 2017 (Section 8 – Community Facilities) states that: ‘Growth in population arising from new development generates demand for and increases pressure on community facilities. To meet the needs of future residents, it may be necessary to meet this additional demand through:
- The provision of new facilities,
 - The extension to, or upgrading of, existing facilities.’
- If no onsite provision is proposed, a financial contribution is sought on residential developments containing 25 or more new dwellings where it has been identified that investment in community facilities will be required to meet the needs of the new population. The formula in the SPG is based on the number of habitable rooms per dwellings. In summary a contribution of £62,851 is requested.
- 5.16 The Cardiff Planning Obligations SPG was formally adopted by Council on 26th January 2017. The SPG was adopted to help 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. The contribution would be directed towards community facilities located close to the site.
- 5.17 Housing Development: In line with the Local Development Plan (LDP), an affordable housing contribution of 20% of the 74 units (15 units) is sought on this brown-field site. Our priority is to deliver on-site affordable housing, in the form of affordable rented accommodation, built to Welsh Government Development Quality Requirements.
- 5.18 Given the proposed design and location of the scheme, particularly from a deliverability perspective it does not appear appropriate to deliver the affordable

element on-site within the overall flatted block. If the applicant is unable to identify a satisfactory solution to onsite/offsite provision we would be prepared to accept financial contribution in lieu of on-site affordable housing provision. The financial contribution would be in lieu of: 20% x 74 = 15 units (8 x 1 bed flats & 7 x 2 bed flats).

- 5.19 On the basis of the above, we would seek a financial contribution of £1,157,912 (in lieu of 15 x units) which is calculated in accordance with the formula in the Planning Obligations– Supplementary Planning Guidance (SPG)(2017).
- 5.20 Drainage Management: The proposal is to connect the surface water directly to the combined sewer, which is unacceptable. A condition is therefore requested: Ground permeability tests shall be carried out to ascertain whether a soakaway option is viable for surface water management. If the ground conditions are not suitable then a direct connection to the adjacent main river (<20m from red line boundary) is the preferred option. A sustainable method of managing the highway pollutants will be required and the proposed permeable paving is one of several acceptable choices. No development shall take place until foul and surface water drainage details have been submitted to, and approved in writing by, the LPA. Development shall be carried out in accordance with the approved details. Reason: To prevent hydraulic overloading of the public sewerage system.
- 5.21 Waste Management: The Waste Strategy Officer has no objection.
- 5.22 Pollution Control (Contaminated Land): The Contaminated Land Officer makes the following observations: The submitted information, confirms that indicated by available records. This supports the need for a robust contamination and ground gas assessment of the site, as indicated at the pre-application stage, in line with current guidance. This is required to identify any associated risks and to determine whether further assessment and/or remediation is required to ensure the site is made suitable for use. Given that the site is predominantly occupied by existing structures, it is recommended that the standard conditions are amended to allow for demolition prior to site based ground investigations.
- 5.23 Should there be any importation of soils to develop the garden/landscaped areas of the development, or any site won recycled material, or materials imported as part of the construction of the development, then it must be demonstrated that they are suitable for the end use. This is to prevent the introduction or recycling of materials containing chemical or other potential contaminants which may give rise to potential risks to human health and the environment for the proposed end use.
- 5.24 Shared Regulatory Services would request the inclusion of the following conditions and informative statement in accordance with CIEH best practice and to ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff Local Development Plan: Ground Gas (Protection);

Contaminated Land Measures (Assessment); Contaminated Land Measures (Remediation); Contaminated Land Measures (Remediation & Verification); Unforeseen Contamination; Imported Soil; Imported aggregates; Use of Site Won Materials; and Contamination and Unstable Land Advisory Notice.

- 5.25 Pollution Control (Noise & Air): The Noise Officer requests a standard road traffic noise condition and a pre-implementation noise assessment to ensure the noise emitted from fixed plant and equipment on the site achieves a rating noise level of background -10dB at the nearest noise sensitive premises. The Air Quality Officer has no objection to the proposed development subject to a scheme to minimise dust emissions arising from demolition and construction activities.
- 5.26 Economic Development: The Track 2000 Building on Penarth Road 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 adjacent to 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.
- 5.27 The site is within the Grangetown Ward located adjacent to two key regeneration sites for the city with proposals progressing at the Dumballs Road residential scheme and also the Central Quay development of the site adjacent to track 2000 at the back of Central Station.
- 5.28 The Economic Development directorate is concerned at the continuing change of use requests for employment property to residential / student accommodation developments and would oppose a change of use request for the site on Penarth Road to residential accommodation with the loss of circa 2,141 sqm of employment space. If the site were to be progressed as change of use to residential accommodation then the Economic Development service area would seek a financial contribution through the s106 agreement.
- 5.29 Economic Development recognise that mixed use development may be considered appropriate, however if mixed use schemes with a reasonable proportion of B1 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 as if the site is lost to a residential use it is unlikely that it will revert back to an employment site.
- 5.30 A financial contribution is sought to address the concerns relating to the loss of this employment land at a key employment site in the city centre. Economic Development is seeking a financial contribution of £8,564. This contribution will form a package of assistance that will help support and develop companies within the Grangetown ward and provide further employment opportunities. The developer contributions for the loss of employment land are calculated from the Council's Planning Obligations SPG.

5.31 Ecology: The Ecology Officer requests that a bat survey be carried out before the building is demolished, and also states that the building's roof may support nesting birds such as gulls, and that active nests are protected by law.

6. **EXTERNAL CONSULTEE RESPONSES**

6.1 Welsh Water (DCWW): No objection subject to a condition requiring submission and approval in writing by the LPA of a comprehensive drainage scheme (including an assessment of the potential for disposal of surface and land water by sustainable means). DCWW note that the proposed foul drainage arrangement will utilise existing on site drainage which benefits from a live connection to the public sewer network off site. DCWW have no in-principle objection to this proposal, however reiterate that if this arrangement proves unviable then DCWW would not consider a direct connection to the brick work sewer in either Pentre Gardens or Penarth Road.

6.2 With regards to surface water DCWW request that further investigations are undertaken and that discussions take place to explore a direct connection to the nearby River Taff. A surface water connection to the public combined sewer is the least sustainable option and should only be considered as a last resort when all other options have been discounted.

6.3 Natural Resources Wales (NRW): NRW have no objection subject to a suite of NRW contaminated land, SUDs and piling conditions intended to protect controlled waters. Contamination is known/strongly suspected at the site due to historical contaminative uses. No adverse comments from a flood risk perspective. Advises that a bat survey may be required.

6.4 South Wales Police (SWP): SWP has no objection and makes a number of recommendations relating to security.

7. **REPRESENTATIONS**

7.1 The application was advertised on site and in the press as a major application. Neighbours and local members were notified. Letters of objection have been received from local members Cllrs. Ashley Lister and Lynda Thorne, AMs Vaughan Gething and Neil McEvoy, MP Steven Doughty, and from more than 130 mainly local residents. A valid petition of objection with 52 signatures has been received.

7.2 On behalf of their constituents Cllrs. Lister and Thorne object to the application on the following grounds:

- The 5/6 storey scale of the development is inappropriate for the local 2 storey context, and overbearing in relation to immediate neighbours.

- Proposed design not in keeping with the neighbouring Edwardian terraced properties.
- Privacy of neighbours likely to be compromised.
- Daylighting to the rear of properties and gardens on Pentre Gardens to the rear of the development and the gable windows of 46 Taff's Mead Embankment adjacent to the development will be significantly reduced.
- The number of additional vehicle trips generated by the development is extremely likely to add to existing traffic congestion in the area arising from commuters choosing to use Taff's Mead Embankment and Pentre Street/Gardens as a short cut.
- Increased risk for pedestrians and cyclists using the Taff Trail as a result of additional traffic movement.
- Although policy compliant 57 parking spaces for 74 dwellings will give rise to overspill parking that will exacerbate current parking problems for residents caused by city centre commuters regularly parking in the area, despite residents' only parking restrictions.
- Concerns that open access car park may encourage anti-social behaviours by providing an unsupervised area away from public view.

7.3 Local Members request that the applicant's daylighting reports and the BRE daylighting report commissioned on behalf of the residents are considered and clarity provided to the Committee on methodology and findings. They note there will be an opportunity to visit the site prior to determination of the application, and state their intention to voice the concerns of residents at Planning Committee.

7.4 On behalf of local constituents AM Vaughan Gething objects to the application on the following grounds:

- The proposed development would have a detrimental impact on the surrounding area, especially Pentre Gardens, which may result in a loss of privacy due to direct overlooking. There may also be an issue with loss of sunlight and reduced light levels for those properties in close proximity.
- Scale and design out of keeping with the existing residential character of the area
- Increased vehicular traffic associated with the development may contribute to further congestion, with Pentre Street already being used as a thoroughfare during rush hour, and the Taff Mead Embankment/Penarth Road junction very congested at busy times.
- Exacerbation of parking problems currently experienced by local residents.
- Notwithstanding the need for housing in Cardiff residents are of the view that this is not the right location for a building of this scale.

7.5 On behalf of local constituents AM Neil McEvoy objects to the application on the following grounds:

- Height not in keeping with surrounding streets. Building will dominate the skyline conflicting with Tall Buildings, Infill Development and Residential Design Development SPG

- Properties behind the development will suffer a loss of daylight and sunlight, as well as privacy. The AM requests that officers recalculate using the 25' rule (BRE) in relation to the properties on Pentre Gardens.
- Major increase in light pollution at night from the car park, the building and vehicles using the car park.
- Increase in air and noise pollution resulting from traffic using the car park 24 hours a day.
- Access to car park and servicing/delivery vehicles will be from Pentre Gardens
- Design out of keeping with the existing residential character of the area and does not enhance it.
- The applicant is incorrect in stating that the existing building is 3 to 4 storeys (equivalent height) and that there will be a reduction in vehicle use compared to the current commercial use. There has been very little vehicle movement associated with Track 2000 over the last 20 years. The development will increase the flow of traffic and will compromise pedestrian safety and through traffic.
- Increased vehicular traffic associated with the development may contribute to further congestion, with Pentre Street already being used as a thoroughfare during rush hour, and the Taff Mead Embankment/Penarth Road junction very congested at busy times.
- Exacerbation of parking problems currently experienced by local residents.
- Requirement for refuse vehicles to remain stationary on Pentre Gardens for a long period while collecting large amounts of waste from a 20m section of pavement is impractical and likely to cause chaos for collectors and pedestrians as well as further traffic congestion.

He requests a site meeting on the matter.

- 7.6 On behalf of local constituents AM Neil McEvoy reiterates objections to the amended plans, and raises the following additional grounds:
- Size of the development excessive and given that it is not offering a substantial addition to social housing is uncalled for and detrimental to the burden it will place in this area on services.
 - Residents may well be subject high air pollution risks, especially during often daily periods of traffic standstill, for which no mitigation is proposed.
 - The proposal reduces the number of trees at the site compromising pollution mitigation and traditional Cardiff street landscape value.
 - Open access car park could become a location for crime.
 - Apartments could be used by buy-to-let investors and for undesirable short-term lets.
 - Development must contribute to strategic aims such as sustainability and the Well-being of Future Generations.
- 7.7 On behalf of local constituents MP Stephen Doughty raises the following concerns:

- The proposed building will be overbearing, out of character with the area, and that the increase in traffic in what is already a highly-congested area will be significant, in turn affecting air quality.

The MP shares these concerns and requests that they are given full consideration.

7.8 A valid petition has been received (52 signatures) objecting to the application on the grounds that it contravenes many of the requirements of the Cardiff Supplementary Planning Guidance documents, Local Development Plan and BRE Guidelines. Principal objections include:

- Height, scale and massing – overbearing and oppressive
- Overshadowing and overlooking of adjoining properties
- Overdevelopment and overcrowding
- Out of character with adjoining properties and streets
- Negative impact on the character and amenity of the neighbourhood
- Increase in noise, air and light pollution
- Adverse impact on highway and pedestrian safety:
- Inadequate waste and recycling collection arrangements
- Lack of public realm improvement
- Lack of activity/interaction at street level

In addition the BRE Group Review of the Daylight and Sunlight Report and the Justification of Height and Volume document submitted by Rightacres indicates that the methodology, scope and conclusions drawn are inadequate and incorrect in many respects. Residents do not therefore consider either of these documents to be accurate or valid.

7.9 Local residents object on the following main grounds:

- Excessive height and massing (5/6 storeys) resulting in a development that is overbearing in relation to its immediate neighbours and of an inappropriate scale for the immediate area (predominantly 2 storey)
- Loss of privacy for Pentre Gardens residents caused by overlooking from proposed rear windows and terraces/balconies
- Loss of daylight and sunlight to the properties of Pentre Gardens and 46 Taff's Mead Embankment. Documentation provided by the applicant in relation to daylighting and sunlighting is inadequate and incorrect in many respects.
- Design is not in keeping with traditional adjoining properties and streets
- Overdevelopment of the site not in character with the traditional low density residential neighbourhood. Resulting overcrowding will have a negative impact on the character and amenity of the neighbourhood
- Increase in traffic will significantly add to existing traffic congestion in the area arising from commuters choosing to use Taff's Mead Embankment and Pentre Street/Gardens as a short cut.

- Insufficient on-site parking will give rise to overspill parking that will exacerbate current parking problems for residents caused by city centre commuters regularly parking in the area.
- Major increase in light pollution at night from the car park, the building and vehicles using the car park.
- Increase in air and noise pollution resulting from traffic using the car park 24 hours a day.
- Inadequate waste and recycling collection arrangements: Requirement for refuse vehicles to remain stationary on Pentre Gardens for a long period while collecting large amounts of waste from a 20m section of pavement is impractical and likely to cause chaos for collectors and pedestrians as well as further traffic congestion.
- Lack of significant public realm improvement to prominent corner.

In addition the following objections/concerns have been raised:

- Reference to emerging proposals for the redevelopment of the Brains Brewery site on the other side of the river and the existing Bakery student housing development at the north end of Taff's Mead embankment as a justification for a high density flatted development on the site is spurious. The site is in an established residential area and does not form part of the Central Area or the Cardiff Central Enterprise Zone (Central Quay proposals on the brewery site), and is neither close to the city centre nor adjacent to a railway line (Bakery student housing development).
- Lack of activity/interaction at street level which could have been delivered through a mixed use development with an element of community/café use at ground floor
- No justification for loss of employment use
- Reduction in pavement area on north side of Taff Mead Embankment
- Lack of social housing
- Increased pressure on local services
- Loss of street tree not mitigated by inadequate landscaping
- Over-provision of parking giving rise to increased traffic movements contrary to the objectives of the LDP
- Increased risk for pedestrians and cyclists using the Taff Trail as a result of additional traffic movement.
- Concerns that open access car park may encourage anti-social behaviours by providing an unsupervised area away from public view.
- The Daylight and Sunlight Report and the Justification of Height and Volume document submitted by the applicant in support of the application are inadequate and in some cases incorrect, and not therefore valid.
- No reference made to the Tall Buildings SPG in the application. The proposals are more than double the height of neighbouring properties and therefore the Tall Buildings SPG should apply.
- Validity of application in relation to statutory PAC consultation

- Reliability of 2014 traffic survey data used in the applicant's Transport Statement.
- Choice of viewpoints – no viewpoint chosen from the rear gardens of Pentre Gardens houses, or looking down Pentre Gardens towards the river.

7.10 In summary, the main grounds for objection relate to overbearing scale of development and insensitive design, unacceptable overshadowing and loss of daylight for adjoining properties, and significant increase in traffic congestion.

8. **ANALYSIS**

Land Use Policy Considerations

- 8.1 The application proposes 74 residential units. The application site falls within the settlement boundary as defined by the Adopted LDP proposals map and has no specific land use allocation or designation. The existing warehouse is vacant, having previously been used to store, sell, and recycle second hand furniture and household and commercial goods (Use Class B2/B8) and is afforded no protection under Policy EC1: Existing Employment Land. The surrounding area is predominantly residential in nature.
- 8.2 The application is supported by a Planning Statement which has assessed the proposal against Policy H6: Change of Use or Redevelopment to Residential Use. The policy permits the change of use of redundant premises or redevelopment of redundant previously developed land for residential use where:
- i. There is no overriding need to retain the existing use of the land or premises and no overriding alternative local land use requirements;
 - ii. The resulting residential accommodation and amenity will be satisfactory;
 - iii. There will be no unacceptable impact on the operating conditions of existing businesses;
 - iv. Necessary community and transportation facilities are accessible or can be readily provided or improved; and
 - v. It can be demonstrated that the change of use to a more sensitive end use has been assessed in terms of land contamination risk and that there are no unacceptable risks to the end users.
- 8.3 Assessed against the above policy framework, the application site is not protected employment land and therefore there is no need to retain the land and premises for business, industrial and warehousing use; the application site is in a highly sustainable location, well served by public transport and in walking distance to the City Centre and Cardiff Central Station and will not impact unacceptably on the operating conditions of any existing businesses. Given the predominantly residential character of the area the proposal is considered compatible with surrounding land uses. In summary, the application raises no land use policy concerns.

Scale and Design

- 8.4 LDP Policy KP5 requires that new developments respond positively to local character and context, do not cause unacceptable harm to the amenity of neighbouring occupiers, and in the case of tall buildings are located in highly accessible areas and within an existing or proposed cluster of tall buildings.
- 8.5 The development is larger than its neighbours and a starting point for assessing scale and design is establishing whether the Tall Buildings SPG is applicable.
- 8.6 The site is located outside the City Centre and the proposals are for a predominantly 5 storey high cranked residential block fronting the street. The wing facing Taff's Mead Embankment is 5 storeys stepping down to 4 storeys at the junction with Pentre Gardens, the wing facing Penarth Road bridge is 5 storeys stepping down to 4 storeys at the SW boundary where the site adjoins the 3 storey terrace on Penarth Road. At the corner where the building cranks the height increases to 6 storeys to accommodate a penthouse flat with roof terrace.
- 8.7 The immediate context is 3 storey residential with pitched roof to the south and 2 storey residential with pitched roof to the north and west.
- 8.8 The Tall Buildings SPG states that outside the City Centre buildings which are double or more than double height of surrounding buildings, or significantly taller in terms of actual height and number of floors, would be required to meet the Tall Buildings SPG.
- 8.9 In this case the ridge height of the 2 storey residential is c.8.2m, the ridge height of the 3 storey residential is c.11.5m, and the height of the bulk of the development is c.16.0m. The height of the 6 storey element is c.18.5m while that of the 4 storey element is c.13.5m. The ridge height of the Track 2000 building which it replaces was approximately 11m.
- 8.10 The height of the greater part of the building is therefore less than double the height of the 3 storey residential, and marginally less than double the height of the 2 storey residential. It is not therefore considered on balance to be significantly taller than its immediate context and the Tall Buildings SPG is not therefore applicable.
- 8.11 It is however acknowledged that the building is taller and more massive than its neighbours and the report assesses the impact of the additional height and bulk on visual amenity (street views), and the amenity of neighbouring and future occupiers (daylighting, sunlighting, privacy and outlook).
- 8.12 The building occupies a prominent corner site with extensive riverside frontage and unlike the existing building the proposals maximise their corner location by

building up to the back of pavement on Taff's Mead Embankment, picking up on the existing building line, and then cranking the building to follow the corner round to Penarth Road. By so doing the prominent corner is defined and the bulk of the development is shifted away from the neighbouring Pentre Gardens houses to the west of the site.

- 8.13 In terms of height the building is designed in such a way to take account of neighbouring development by stepping down in height to the north from 5 storeys to 4 storeys with top storey set back to relate better to the 2 storey Taff's Mead Embankment context, and to the southwest from 5 storeys to 4 storeys to relate better to the 3 storey Skomer Court context.
- 8.14 The scale of the building and the architectural choice of a 'traditional' masonry warehouse aesthetic responds positively to the local character and context and the open riverside setting, and is considered acceptable. The proposals are not considered to harm any of the views, and insofar as they remove dilapidated buildings and propose acceptable development, enhance the prominent corner location and the riverside frontage.

Impact on Amenity of Neighbours

Daylighting and Sunlighting:

- 8.15 Background: In response to concerns raised by neighbours in Pentre Gardens over the methodology and conclusions in the applicant's 'Sunlight and Daylight Analysis', and the 'Justification of Heights and Volumes' document, the applicant agreed to pay for an independent review of the reports. The document entitled 'Review of daylight and sunlight assessment for proposed development at the Bottleworks, Penarth Road, Cardiff' was prepared by the Building Research Establishment (BRE) for the residents of Pentre Gardens, and submitted to the Council in December 2018.
- 8.16 The BRE are the authors of 'Site layout planning for Daylight and Sunlight; A Guide to Good Practice' which provides guidance on site layout to provide good natural lighting within a new development; safeguarding of daylight and sunlight within existing buildings nearby; and the protection of daylighting of adjoining land for future development. The document is the standard reference work for planners.
- 8.17 The BRE Review covered the scope, methodology, text and conclusions of the assessment, but not validation of the calculations, and concluded as follows:
- Results suggest that windows at 2-12 and 1-25 Pentre Gardens would meet the guidelines. However more clarity required to ensure that all potentially impacted windows at 1-25 have been covered. Windows at the rear of Skomer Court could also be checked.

- Loss of light to the windows of 46A (ground floor flat) and 46B (first floor flat) Taff's Mead Embankment would be below the guidelines. At least 3 (possibly 5) windows would apparently be below the vertical sky component guideline. Two of these light the living rooms to the ground and first floor flats. These rooms are also lit by a window to the front; loss of daylight would therefore be less significant. Two windows light the kitchen areas to the two flats. The loss of daylight is therefore significant to these kitchens.
- Additional results in the report using average daylight factor and 'average lux' do not follow the appropriate assessment methodology and should not be used to assess daylighting impacts.
- An assessment of loss of sunlight is presented via shadow plots. The format used does not make for easy comparison between scenarios and there is no numerical analysis of probable sunlight hours. Loss of sunlight to the living areas at 46A and 46B Taff's Mead Embankment should be considered, as well as 2-12 Pentre Gardens, using the probable sunlight hours methodology. Loss of sunlight to gardens should be assessed using hours of sunlight received on 21st March. Walls and outbuildings would need to be included in the analysis.
- An assessment of daylight and sunlight provision to rooms in the proposed development itself has not been included. The worst case rooms should be checked for appropriate provision.

- 8.18 The applicant's amended 'Sunlight and Daylight Analysis, Rev C' (and 'Justification of Heights and Volumes, Rev A' document) assessed the January 2019 amended plans and responded to the conclusions of the December 2018 BRE Review. Annual Probable Sunlight Hours not calculated at this time; daylighting assessment done for windows to the rear elevation of Skomer Court.
- 8.19 The applicant's amended 'Sunlight and Daylight Analysis, Rev D' document assessed the April 2019 amended plans and responded to issues raised by objectors/Planning in relation to omissions/ discrepancies in the earlier document (Rev C). Easier to read shadow plots included; Annual Probable Sunlight Hours calculations done for the gardens to the rear of Pentre Gardens.
- 8.20 The applicant's amended 'Sunlight and Daylight Analysis, Rev F' document responded to further issues raised by objectors/Planning providing early morning shadow plots and APSH calculations for 46A & 46B Taff's Mead Embankment, 2-12 Pentre Gardens, and 1-25 Pentre Gardens for both the former Track 2000 development and the proposed development.
- 8.21 Assessment: Daylighting to habitable room windows in neighbouring properties affected by the development has been assessed in accordance with BRE guidelines by calculating the Vertical Sky Component (VSC). This measures the amount of skylight falling on a vertical window and is calculated for both the Track 2000 building and the proposals to allow comparison.

- 8.22 The BRE guidance advises that if VSC is greater than 27% a room with conventional windows will receive adequate daylight, and any reduction below this should be kept to a minimum. If VSC is between 15% and 27% special measures (larger windows, changes to room layout) are usually needed to provide adequate daylight. Between 5% and 15% it is very difficult to provide adequate daylight unless very large windows are used.
- 8.23 The guidance goes on to say that if the VSC, with the new development in place, is both less than 27% and less than 0.8 times its former value, occupants of the existing building will notice the reduction in the amount of skylight.
- 8.24 Please note that the documentation accompanying the application also refers to the 25 degree rule, which is described in the Residential Design Guidelines SPG. This states that where any part of the new development, measured on section, does not exceed a 25 degree line drawn from the centre point of the lowest existing habitable room window it is unlikely to have a substantial effect on the daylight enjoyed by the existing building. This 25 degree obstruction angle broadly speaking equates to a VSC of 27%. Where an existing window fails the 25 degree test the guidance advises that the VSC test is used as this takes into account the full extent of any obstruction (on plan as well as in section).
- 8.25 Nos. 2-12 Pentre Gardens (front windows): The VSC for the windows closest to the development site (nos 2 and 4 Pentre Gardens) reduces from 33% to between 31 and 32%. All windows will continue to receive adequate daylight.
- 8.26 Nos. 1-25 Pentre Gardens (rear windows): Nos. 1 and 3 Pentre Gardens are located closest to the development and the habitable room windows (separation distance of about 13m), will experience a small reduction of the order of 5-10% in the VSC from the already low levels of between 20% and 25% experienced with the former Track 2000 development. These windows do not face the development directly (ie. they are angled to the south east or north east).
- 8.27 These properties (1 and 3 Pentre Gardens) will therefore receive slightly lower levels of daylighting than that experienced with the former Track 2000 development however daylighting levels will remain greater than 0.8 times their former value and in accordance with BRE guidance the reductions are not therefore considered significant.
- 8.28 All other windows will continue to receive adequate daylight (ie. more than 27%), and in some cases there will be a marginal improvement as a result of the bulk of the proposed development being located further away
- 8.29 Nos. 44-48 Skomer Court (front windows): The impact on levels of daylight experienced by the front windows of nos. 44-48 Skomer Court is negligible. VSC levels are barely affected and all windows therefore comfortably exceed the VSC threshold.

- 8.30 Nos. 44-48 Skomer Court (rear windows): The impact on levels of daylight experienced by the rear windows of nos. 44-48 Skomer Court is also negligible. Worst case windows show little difference between the impact of the Track 2000 building on daylighting and that of the proposed development. There will be no significant impact on the levels of daylight received at all windows.
- 8.31 46A and 46B Taff's Mead Embankment: At a separation distance of 13m there will be a more significant loss of daylighting for the habitable room windows in the gable wall. These windows directly face the proposed development.
- 8.32 46A (ground floor flat) has two gable windows providing daylight to the kitchen/dining room and the front living room. The latter is also lit by a large bay window facing Taff's Mead Embankment.
- The VSC for the kitchen/dining window reduces from 33.4% to 23.8% which fails to meet the VSC threshold. It is also less than 0.8 times its former value and occupants will therefore notice the reduction in daylight in this room.
 - The VSC for the living room window reduces from 35% to 25.4% which also fails to meet the VSC threshold. Given that this is a secondary window a No Sky Line calculation was carried out. This method can be used where room layouts are known. It measures the impact of the development on daylighting distribution within the room by plotting that part of the room which will receive direct skylight on a notional 0.85m high horizontal working plane. The result demonstrates that the room would still be adequately daylighted.
- 8.33 46B (first floor flat) has three gable windows providing daylight to the kitchen/dining room, a corridor and the front living room. The latter is also lit by a large bay window facing Taff's Mead Embankment.
- The VSC for the kitchen/dining window reduces from 31.6% to 23.7% which fails to meet the VSC threshold. It is also less than 0.8 times its former value and occupants will therefore notice the reduction in the amount of skylight in this room?
 - The corridor is not considered a habitable room
 - The VSC for the living room window reduces from 33% to 25% which fails to meet the VSC threshold. Given that this is a secondary window a No Sky Line calculation was carried out. The result demonstrates that the room would still be adequately daylighted.
- 8.34 Planning policy on residential amenity states that development will not be permitted that would cause unacceptable harm to levels of daylighting received. The BRE document is guidance and confirms that each case should be considered on its individual merits and particularly that the requirement is for adequate daylighting only and not for the provision of the same daylighting that was enjoyed without the proposed development.

- 8.35 Of the 24 neighbouring properties assessed only the kitchen dining room windows at 46A and 46B Taff's Mead Embankment fail the BRE daylighting test. It is concluded therefore that on balance the development does not cause significant harm to the levels of daylighting enjoyed by neighbouring occupiers.
- 8.36 Sunlighting: Shadow Plots for March Equinox, Summer and Winter Solstices at various hours of the day are provided. Annual Probable Sunlight Hours (APSH) have been calculated for windows at 46A and 46B Taff's Mead Embankment, 2-12 Pentre Gardens, and 1-25 Pentre Gardens, and for the mid-point of the back gardens of 1-25 Pentre Gardens, for both the former Track 2000 building and the proposals to allow a comparison to be made.
- 8.37 APSH refers to the number of hours during which direct sunlight reaches an unobstructed ground for a particular location during a year, and is referred to as the number of 'annual sunlight hours'. If the number of annual sunlight hours for a location is measured and averaged over many years, the result is the 'annual probable sunlight hours'. The APSH for Cardiff (1,846 hours) has been calculated by the applicant's consultant in accordance with the EDSL Tas Daylight Analysis User Guide
- 8.38 To assess loss of sunlight to an existing building the BRE guidance suggests that all main living rooms of dwellings, and conservatories, should be checked if they have a window facing within 90 degrees of due south. Kitchens and bedrooms are less important, although care should be taken not to block too much sun.
- 8.39 Sunlighting will be adversely affected where a window receives less than 25% of Annual Probable Sunlight Hours (APSH), or less than 5% of APSH between 21 September and 21 March, and receives less than 0.8 times its former sunlight hours during either period, and has a reduction in sunlight received over the whole year greater than 4% of APSH.
- 8.40 To assess loss of sunlight to gardens and open spaces the BRE guidance suggests that for a garden or open space to appear adequately sunlit throughout the year at least half of the area should receive at least 2 hours of sunlight on 21 March. If an existing garden or amenity area does not meet the above, and the area which can receive 2 hrs of sun on 21 March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable. If a detailed calculation cannot be carried out it is recommended that the centre of the area should receive at least 2 hrs of sunlight on 21 March].
- 8.41 The shadow plots demonstrate that the proposed development will result in more overshadowing for 46 Taff's Mead Embankment and the Pentre Gardens properties closest to the development in the morning hours (more acute during the winter months when the sun is lower in the sky), however from late morning onwards the Pentre Gardens properties and their gardens will not experience any reduction in sunlighting.

- 8.42 The APSH calculations demonstrate that the impact on nos. 2-12 Pentre Gardens will be minimal, with the worst affected windows receiving 95% of the sunlight received with the former Track 2000 building. In the case of nos. 1-25 Pentre Gardens there will be a reduction in sunlighting for those properties closest to the proposed development (nos. 1-9) but this is not significant, with the worst affected windows receiving between 88% and 95% of the sunlight received with the former Track 2000 building.
- 8.43 The APSH calculations demonstrate that there will be a reduction in sunlighting for the kitchen dining room gable windows of 46A and 46B Taff's Mead Embankment, receiving 80% and 82% of the sunlight received with the former Track 2000 building. This property will be most affected in terms of reduced sunlighting to habitable room windows, however applying the BRE test neither window will receive less than 25% of APSH and less than 0.8 times its former sunlight hours, and will not therefore experience a significant adverse impact in terms of sunlight received.
- 8.44 In relation to the back gardens of nos. 1-25 Pentre Gardens calculations demonstrate that APSH at sample points in each of the back gardens remain largely unaffected by the proposed development and are reduced by no more than 4% per year in comparison with the former Track 2000 building. In some cases hours of sunlight will marginally improve due to the change in shape of the obstructing building.
- 8.45 The Sunlight and Daylight Analysis report also includes the simple check for gardens recommended in the BRE guidance. The sunpath diagrams visually demonstrate that the back gardens of nos. 1-25 Pentre Gardens receive at least 2 hrs of sunlight on 21 March in compliance with BRE guidance.
- 8.46 It is concluded therefore that the development does not cause significant harm to the levels of sunlighting enjoyed by neighbouring occupiers.
- 8.47 Overlooking and privacy: The Council's privacy standards require a minimum separation distance of 21m between facing windows of habitable rooms on the garden (private) side of new residential development. The guidance recognises there is flexibility to relax this 21m distance on the street (public) side. Habitable room windows of traditional terraced streets in inner city Cardiff typically overlook each other at a separation distance of between 12 and 15m.
- 8.48 The separation distance (habitable room to habitable room) between the development and facing rear windows on Pentre Gardens is approximately 30m, comfortably in excess of the minimum 21m.
- 8.49 In the case of 46A and 46B Taff's Mead Embankment the separation distance is 13m between facing habitable room windows. The kitchen dining room window of

46B is directly overlooked and a privacy screen has been provided to the overlooking windows on the first and second floors of the new development to ensure privacy is maintained.

- 8.50 Roof terraces to the rear of the development are located on the 3rd, 4th and 5th floors at a separation distance of 22m from the rear garden boundary walls of the closest properties at nos. 1 – 7 Pentre Gardens. The large 3rd floor roof terrace at the north end of the development has a 1.8m high privacy screen to prevent overlooking of nos. 1 and 3 Pentre Gardens and nos. 46A and 46B Taff's Mead Embankment. The communal roof terrace on the 4th floor at the southern end of the development indirectly overlooks the rear garden of Skomer Court at a separation distance of 10.6m. In accordance with SPG minimum separation distances for roof terraces/balconies from boundaries are respected.
- 8.51 It is concluded therefore that the development does not cause significant harm to the levels of privacy enjoyed by neighbouring occupiers.

Parking provision/ access arrangements/ traffic impact

- 8.52 The adopted Access, Circulation and Parking Standards SPG identifies a maximum parking requirement for new housing in the Central Area of 1 car space per unit (no minimum). The development proposes 74 units and provides 57 car parking spaces and is therefore policy compliant.
- 8.53 In line with Council policy the provision of less than the maximum no. of parking spaces is intended to manage demand for travel by car and encourage a shift to sustainable transport modes - the scheme is located in a very sustainable location, close to Penarth Road/Clare Road District Centre and the city centre. However this needs to be balanced against the need to manage pressure on on-street parking space and the negative impacts arising from such pressure – congestion, hazards, and harm to residential amenity.
- 8.54 108 cycle parking spaces are provided which is fully compliant with SPG. A cycle parking condition is recommended to control the design of such spaces and choice of cycle stand/storage system to ensure adequate accessibility and usability. 6 visitor spaces are provided adjacent to the main entrance and a minimum of 4 Nextbikes stands for hire bikes will be provided as part of the public realm improvements on the footpath at the corner of Penarth Road and Taff's Mead Embankment.
- 8.55 The proposed access makes use of the existing access and is acceptable subject to details required by condition. Access to the basement car park is from within the site and will be controlled by a gate to prevent unauthorised access.
- 8.56 In relation to waste collection/servicing arrangements the proposal is for kerbside collection from Pentre Gardens. The existing 'no waiting at any time' restriction

will be extended to accommodate bin lorries etc. There is no objection from Waste Management to the proposed waste storage and collection arrangements. Unauthorised parking on restricted areas (all matters raised by objectors) constitute traffic offences and are therefore matters for traffic Enforcement and the Police to enforce.

- 8.57 A pedestrian crossing is recommended to enable residents to safely cross Taff's Mead Embankment and access the Taff Trail. Location and design details are required by condition.
- 8.58 The Transport Assessment (TA) indicates the development would generate a maximum of 21no. 2-way vehicle movements in the peak hour (equating to no more than a vehicle movement every 3 minutes). There is also likely to have been some recent use associated with the recycling centre. Given the above it is not considered that this amount of additional traffic would result in unacceptable levels of congestion or safety issues.
- 8.59 In relation to the reliability of traffic data Transportation have confirmed that the application of traffic survey data collected in October 2014, extrapolated in accordance with the Temprow growth rates to the proposed opening year of the property (2020), is considered an acceptable approach.
- 8.60 In conclusion and while acknowledging that there may be times when parking demand exceeds supply in the area, the site is considered to be policy compliant, is in an extremely sustainable location in transport terms and given its nature likely to attract residents who are more likely not to own/use a car than otherwise might be the case. A reason for refusal on traffic or parking grounds is considered unlikely to withstand challenge.
- 8.61 Noise and AQ: Future noise arising from increased traffic movements associated with the development is not a material consideration given the location of the site and the volume of additional traffic generated. Conditions are imposed to ensure the noise emitted from fixed plant and equipment on the site achieves a rating noise level of background -10dB at the nearest noise sensitive premises, and to minimise construction-related noise.
- 8.62 The Air Quality Officer has no objection to the proposed development subject to a scheme to minimise dust emissions arising from demolition and construction activities.

Issues arising from representations

- 8.63 Local residents' objections on the grounds of scale and design, impact on residential amenity of neighbours, parking provision, impact of increased traffic on highway and pedestrian safety, access and waste collection/servicing arrangements, noise and AQ are addressed above.

8.64 The validity of the Daylight and Sunlight Report submitted by the applicant in support of the application, the applicability of the Tall Buildings SPG, and the reliability of 2014 traffic survey data are all addressed above

In addition the following objections/concerns have been raised:

- *Validity of application in relation to statutory PAC consultation:* DCWW was not formally consulted by the applicant as a statutory consultee because it is not a mixed use scheme. DCWW was however consulted prior to submitting the planning application and during the planning application process.
- *Choice of viewpoints – no viewpoint chosen from the rear gardens of Pentre Gardens houses, or looking down Pentre Gardens towards the river:* A view down Pentre Gardens has been provided in support of the application.
- *Reference to emerging proposals for the redevelopment of the Brains Brewery site on the other side of the river and the existing Bakery student housing development at the north end of Taff's Mead embankment as a justification for a high density flatted development on the site is spurious:* The site is a prominent corner site with an open river frontage, the immediate built context is an established residential area close to the city centre and sustainable transport links. The proposals have been assessed in these terms.
- *Lack of activity/interaction at street level which could have been delivered through a mixed use development with an element of community/café use at ground floor:* Although desirable the developer has not been persuaded of the viability of such a use on this site and there is no planning policy requirement for a mixed use scheme on what is essentially a large urban infill scheme in a residential area.
- *Overdevelopment of the site:* The proximity of the site to the city centre and the developing Central Enterprise Zone and public transport corridors lends itself to a higher density in line with the broader aspirations of the LDP and PPW for more sustainable forms of development. The no. of units and the resulting building envelope is a function of design and amenity considerations.
- *No justification for loss of employment use:* Justification is provided in the DAS. The site is not designated as protected employment land and is in an established residential area.
- *Lack of social housing:* Affordable housing provision is subject to viability. The independent viability review carried out by the District Valuer concluded that the scheme could not support any planning obligations.
- *Increased pressure on local services:* There is no planning policy requirement for a mixed use scheme on what is essentially a large urban infill scheme in a residential area.
- *Loss of street lime tree not mitigated by inadequate landscaping:* 2no. additional street trees to the corner are required by condition. This is in addition to on-site tree planting.

- *Lack of significant public realm improvement to prominent corner:* The footpath on the corner will be widened to provide a generous area of public realm. All footpaths will be resurfaced and redundant crossovers reinstated. Street trees and cycle hire stands to be provided. Pedestrians will benefit from a new crossing on Taff's Mead Embankment.
- *Reduction in pavement area on north side of Taff Mead Embankment:* See above.
- *Major increase in light pollution at night from the car park, the building and vehicles using the car park:* Given the scale of the domestic car park and the volume of traffic movements, and the fact that it is separated from the Pentre Gardens properties by a rear lane, it is considered unlikely to result in unacceptable levels of light pollution.

S106 Matters

- 8.65 In line with service area responses the following financial contributions (total £1,361,363) are sought:
- £1,157,912 towards the provision of affordable housing;
 - £117,036 towards public open space improvements in the vicinity;
 - £62,851 towards community facilities improvements in the vicinity;
 - £15,000 for traffic regulation orders related to the development;
 - £8,564 towards the provision of employment opportunities in Grangetown;
- 8.66 A viability statement has been submitted concluding that the level of Section 106 obligations sought by the Council render the scheme unviable. An independent viability review carried out by the District Valuer concluded that the scheme would be rendered unviable if any s106 monies were to be provided, and questioned whether the scheme is deliverable.
- 8.67 The DV recommends a time scale for substantially implementing the scheme which if not met will trigger a viability review
- 8.68 Notwithstanding the conclusion of the DV viability review the developer has agreed to make a financial contribution for the implementation of the TRO process, and for the provision of a minimum of 6no. Nextbikes stands.

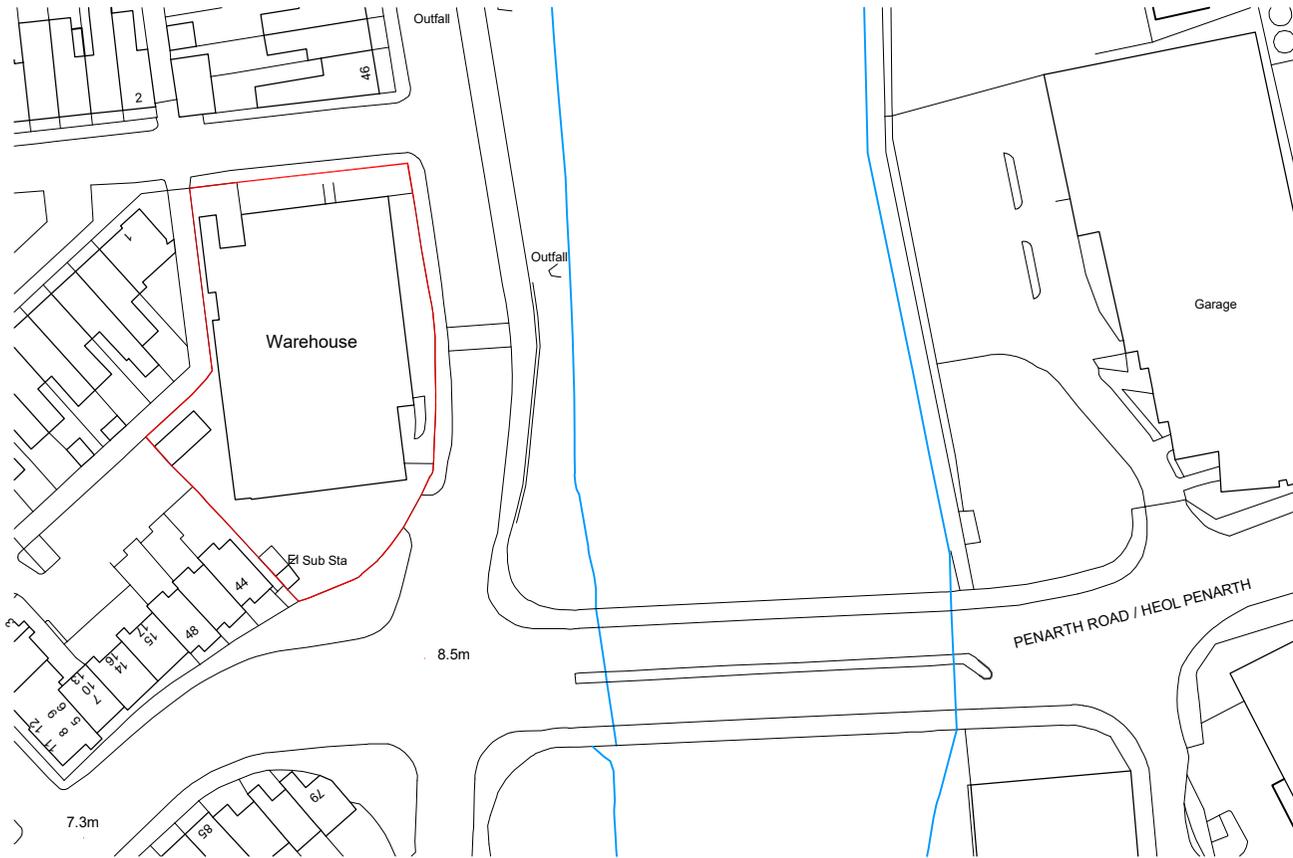
9. CONCLUSION

- 9.1 In conclusion the proposals redevelop a vacant plot on a prominent riverside site to provide 74 dwellings. The principle of residential development on this site is acceptable. The design responds positively to the scale and character of its setting, and is not considered on balance to result in a level of harm to the residential amenity of neighbours sufficient to sustain a refusal on amenity grounds. Parking provision is policy compliant and in such a highly sustainable location is considered acceptable.

- 9.2 The granting of planning permission is recommended subject to conditions being imposed and a legal agreement (Section 106) being signed to secure the following financial contributions:
- £15,000 for implementation of TRO process
 - £15,000 for provision of a stand for up to 6no. Nextbikes on the footway on or adjacent to the built out corner at the junction of Taff's Mead Embankment and Penarth Road.
- 9.3 The payment trigger shall be the implementation of the scheme, and the Section 106 legal agreement shall have a standard deferred payment clause enabling the viability of the scheme to be reviewed at the applicant's cost in the event that the foundation works and the basement floor slab are not completed within 2 years of the date of planning permission.

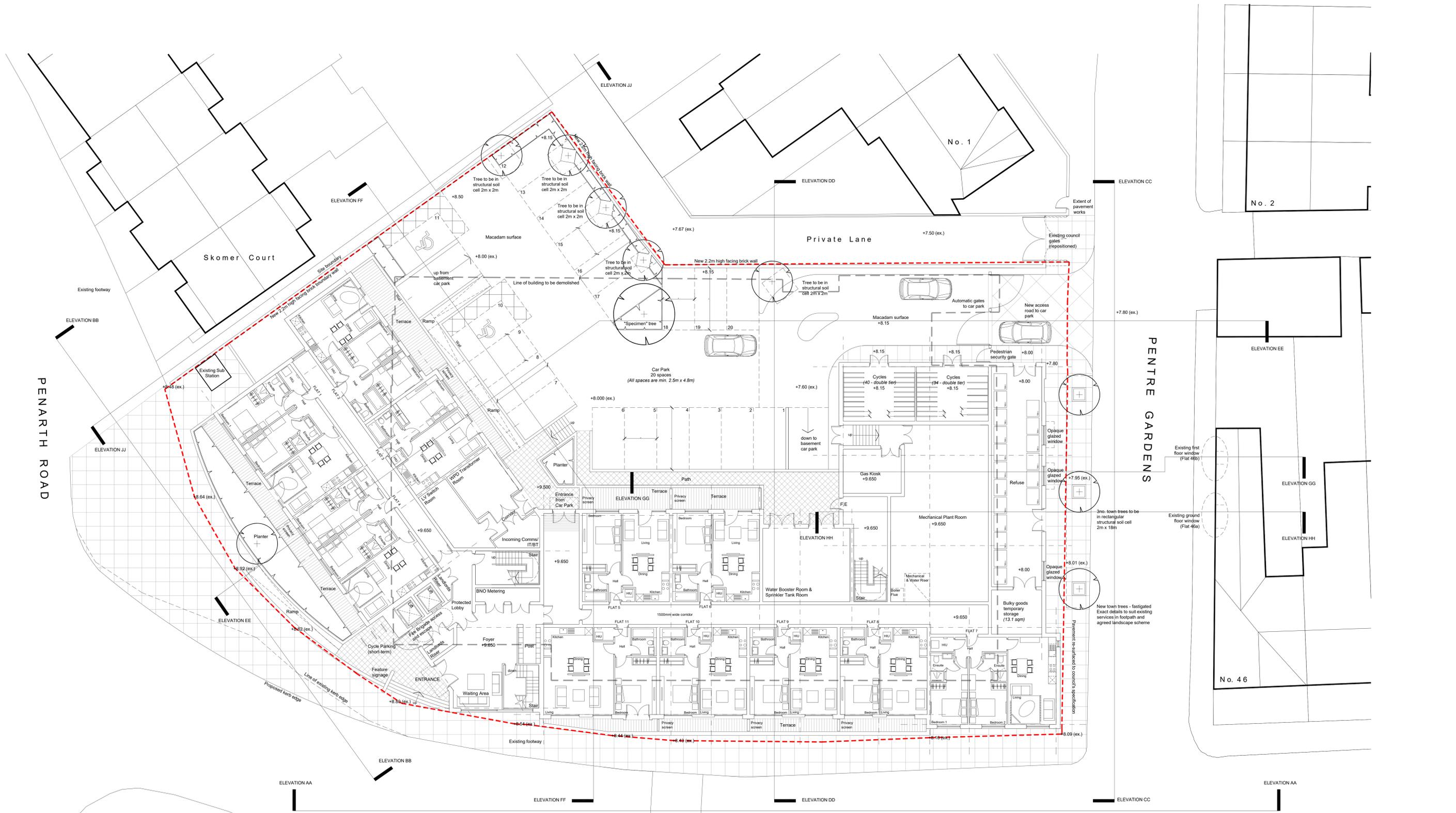
10. **OTHER LEGAL CONSIDERATIONS**

- 10.1 Crime and Disorder Act 1998 – Section 17(1) of the Crime and Disorder Act 1998 imposes 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.
- 10.2 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.
- 10.3 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.



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Project Name :	The Bottle Works, Penarth Road, Cardiff	
Project Ref :	SP545	
Drawing Title :	Site Location Plan	Scale :
Drawing Number :	SP545 - P100	1:1250 @ A4
Revision:	PLANNING	Drawn by: rb Date: July 2018



Rev D 07.05.19 - Elevation JJ added
 Rev C 27.03.19 - Elevations GG + HH added to take in No. 46 Taffs Mead Embankment removed due to conflict with existing services
 Rev B 01.03.19 - Cycle parking spacing dimensions added and number of spaces reduced to accommodate 500mm spaced racks. Reduced from 80 to 74
 Rev A 14.01.19 - Trees added adjacent to spaces 20. 1no. tree to Pentre Gardens removed due to conflict with existing services
 Windows to No.46 Taffs Mead Embankment indicated for reference
 All parking spaces made 2.5m x 4.8m
 Proposed town trees along Taffs Mead Embankment removed due to conflict with existing services
 Windows (opaque glazing) to Pentre Gardens to enliven street scene
 Cycle spaces increased and double tiered to 1 cycle space per bedroom
 2no. proposed trees fronting Penarth Road removed
 Structural soil cell sizes for trees indicated
 Automatic, vehicular and pedestrian gates to car park shown

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Project Name: The Bottle Works, Penarth Road, Cardiff
 Project Ref: SP545

Drawing Title: Proposed Ground Floor Plan
 Drawing Number: SP545-P04
 Scale: 1:100 @ A0

Revision: D Drawn by: rb Date: Oct 2018



