

PETITION & LOCAL MEMBER SUPPORT

COMMITTEE DATE: 27/01/2021

APPLICATION No. **20/01629/MJR** APPLICATION DATE: 20/08/2020

ED: **BUTETOWN**

APP: TYPE: Full Planning Permission

APPLICANT: Willowmead Holdings Ltd
LOCATION: THE PADDLE STEAMER, LOUDOUN SQUARE, BUTETOWN,
CARDIFF, CF10 5JB
PROPOSAL: PROPOSED DEMOLITION OF EXISTING STRUCTURES AND
REDEVELOPMENT FOR AFFORDABLE APARTMENTS AND
ASSOCIATED WORKS

RECOMMENDATION 1 : That detailed consent be **GRANTED** subject to the applicant entering a **SECTION 106 AGREEMENT** to provide a financial contribution of £39,450 towards offsite open space and to secure the scheme as affordable housing and the following conditions:

1. TIME LIMIT

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

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

2. APPROVED PLANS

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

- Site Location Plan
- Existing Plan/ Topographical survey, Drawing number: 6719, Hywel John Surveys Ltd
- Proposed Ground Floor Plan, Drawing No. 1396 P01 Rev E, Architexture Architects
- Proposed First / Second Floor Plan, Drawing No. 1396 P02 Rev G, Architexture Architects
- Proposed Third / Fourth Floor Plans, Drawing No. 1396 P03 Rev F, Architexture Architects
- Proposed Roof Plan, Drawing No. 1396 P04 Rev D, Architexture Architects
- Proposed Elevations, Drawing No. 1396 P05 Rev H, Architexture Architects
- Proposed Elevations, Drawing No. 1396 P06 Rev F, Architexture Architects
- Site Layout Plan, Drawing No. 1396 P07 Rev F, Architexture

Architects

- Proposed Sections, Drawing No. 1396 P08 Rev B, Architecture Architects
- Bat Scoping Survey, Ecological Services Ltd, February 2020,
- Bat Activity Survey, Ecological Services Ltd, July 2020,
- Noise Impact Assessment, Acoustic Consultants Ltd, March 2020
- Site Investigation, Johnson Poole & Bloomer, August 2020
- Written Scheme of Investigation, Cardiff Archaeology, June 2020

Reason: For the avoidance of doubt

3. MATERIALS

Notwithstanding condition 2, prior to the commencement of development (excluding demolition) samples of the external finishing materials shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to occupation.

Reason: To ensure a satisfactory finished appearance to the development, in accordance with Policy KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).

4. ARCHITECTURAL DETAILING

Prior to commencement (excluding demolition) of any elevation construction work, a scheme showing the architectural detailing of the depths of the reveals of the building shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be brought into beneficial use until the approved scheme is implemented.

Reason: To ensure a satisfactory finished appearance to the development, in accordance with Policy KP5 of the adopted City of Cardiff Local Development Plan (2006-2026)

5. BOUNDARY TREATMENTS

Notwithstanding condition 2, prior to the commencement of development (excluding demolition) details of the boundary treatment shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to occupation.

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

6. LANDSCAPING SCHEME

Notwithstanding the submitted plans no development (excluding demolition) 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 soft landscaping implementation programme

- Details of hard landscaping;
- Scaled planting plans prepared by a qualified landscape architect.
- Evidence to demonstrate that existing and proposed services, lighting, CCTV, drainage and visibility splays will not conflict with proposed planting
- 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 that show the Root Available Soil Volume (RASV) for each tree.
- Topsoil and subsoil specification for all planting types, including full details of soil assessment in accordance with the Cardiff Council Soils and Development Technical Guidance Note, soil protection, soil stripping, soil storage, soil handling, soil amelioration, soil remediation and soil placement to ensure it is fit for purpose. The re-use of site won soil and in-situ soil must be based on a soil scientist assessment of the soil in the full knowledge of the landscape types proposed. Where imported planting soils are proposed, full specification details shall be provided, including the parameters for all imported planting soils, a soil scientists interpretive report demonstrating that the planting soil not only meets British Standards, but is suitable for the specific landscape type(s) proposed. The specification shall be supported by a methodology for storage, handling, amelioration and placement.
- Planting methodology and post-planting aftercare methodology prepared by a qualified landscape architect, including full details of how the landscape architect will oversee landscaping implementation and report to the LPA to confirm compliance with the approved plans and specifications.

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 (LDP Policy EN8).

7. **LANDSCAPE SCHEME IMPLEMENTATION**

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 condition 6.
Reason: To maintain and improve the amenity and environmental value of the area (LDP Policy EN8).

8. **CONSTRUCTION MANAGEMENT PLAN**

No development shall commence until a Construction Management

Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The approved CMP shall be adhered to throughout the construction period and should include details of:

- The parking of vehicles of site operatives and visitors;
- Loading and unloading of plant and materials;
- Storage of plant and materials used on constructing the development;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Details of highways/footway closures;
- Wheel washing facilities;
- A dust assessment with measures to monitor and control the emission of dust and dirt during demolition and construction;
- A scheme for the recycling/disposing of waste resulting from demolition and construction works.

Reason: In the interests of highway safety and public amenity, Policies KP5, T6, EN6, EN7 and EN13 of the adopted City of Cardiff Local Development Plan (2006-2026).

9. DRAINAGE ASSETS RISK ASSESSMENT

No development shall commence until details of a method statement and risk assessment for the protection of the structural condition of the strategic sewer adjacent to the development site has been submitted to and approved in writing by the Local Planning Authority. The approved protection measures shall be implemented in full before any other development hereby permitted has commenced, and shall be retained at all times for the duration of the approved operations including the restoration works.

Reason: To ensure that the proposed development does not affect the integrity of the public sewerage system in the interests of public health and safety.

10. STRUCTURAL CONDITION SCHEME OF DRAINAGE ASSETS

No development shall commence until a scheme demonstrating the distance and relationship of the development, for the protection of the structural condition of the 4 inch water main located adjacent to the northern boundary of the development site, has been submitted to and approved in writing by the Local Planning Authority. The approved protection measures shall be implemented in full before any other development hereby permitted has commenced, and shall be retained at all times for the duration of the approved operations including the restoration works.

Reason: To ensure that the proposed development does not affect the integrity of the public water supply system in the interests of public health and safety.

11. ECOLOGICAL MITIGATION

The ecological mitigation and enhancement measures set out in

section 4 of the Extended Phase 1 Survey report provided by Ecological Services Ltd and dated September 2019 shall be implemented in full accordance with the approved details and the features shall be retained and maintained during the lifetime of the development.

Reason: To secure the protection of bats, which are European Protected Species, in accordance with Regulation 9 of the Conservation of Habitats and Species Regulations 2017 and in accordance with policy EN7 of the adopted Cardiff Local Development Plan (January 2016).

12. GROUND GAS PROTECTION

Prior to the commencement of any development works, except demolition and on completion of the investigation and monitoring of the site for the presence of gases* being generated at the site, 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.

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

'Gases' include landfill gases, vapours from contaminated land sites, and naturally occurring methane and carbon dioxide, but does not include radon gas. Gas Monitoring programmes should be designed in line with current best practice as detailed in CIRIA 665 and BS 8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings.

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

13. CONTAMINATED LAND MEASURES – ASSESSMENT

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

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

- (ii) an assessment of the potential risks to:
 - human health,
 - groundwaters and surface waters
 - adjoining land,
 - property (existing or proposed) including buildings, crops, livestock, pets,
 - woodland and service lines and pipes,
 - ecological systems,
 - archaeological sites and ancient monuments; and
 - any other receptors identified at (i)

- (iii) an appraisal of remedial options, and justification for the preferred remedial option(s).

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WG / NRW guidance document 'Land Contamination: A guide for Developers' (2017), unless the Local Planning Authority agrees to any variation.

*A 'suitably qualified competent person' would normally be expected to be a chartered member of an appropriate professional body (such as the Institution of Civil Engineers, Geological Society of London, Royal Institution of Chartered Surveyors, Institution of Environmental Management) and also have relevant experience of investigating contaminated sites.

Reason: To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment.

14. REMEDIATION & VERIFICATION PLAN

Prior to the commencement of any development works, except demolition, a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment

Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WG / NRW guidance document ' Land Contamination: A guide for Developers' (2017), unless the Local Planning Authority agrees to any variation.

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

15. REMEDIATION & VERIFICATION

The remediation scheme approved by condition 15 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. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be carried out in accordance with the approved details.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WG / NRW guidance document ' Land Contamination: A guide for Developers' (2017), unless the Local Planning Authority agrees to any variation.

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

16. UNFORESEEN CONTAMINATION

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be

reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place unless otherwise agreed in writing until a scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the LPA within 2 weeks of the discovery of any unsuspected contamination.

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

17. IMPORTED SOIL

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

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

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

18. IMPORTED AGGREGATES

Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

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

timescale to be agreed in writing by the LPA.

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

19. USE OF SITE WON MATERIALS

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

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

20. LONG TERMS MONITORING PLAN

Prior to the occupation or operation of the development hereby approved, a long term monitoring plan for land contamination shall be submitted and approved in writing by the Local Planning Authority. The long term monitoring plan should include:

- Details of the methods and triggers for action to be undertaken
- Timescales for the long term monitoring and curtailment mechanisms e.g. a scheme of monitoring for 3 years unless the monitoring reports indicate that subsequent monitoring is or is not required
- Timescales for submission of monitoring reports to the LPA e.g. annually
- Details of any necessary contingency and remedial actions and timescales for actions
- Details confirming that the contingency and remedial actions have been carried out.
- The monitoring plan shall be carried out in accordance with the approved details, within the agreed timescales.

Reason: A long term monitoring plan should be submitted prior to occupation or operation, to ensure necessary monitoring measures are approved to manage any potential adverse impacts as a result of development on controlled waters.

21. BATS AND BIRD MITIGATION AND ENHANCEMENT

The recommendations in respect of precautionary measures and biodiversity enhancements measures set out in Section 8 the Bat Activity Survey Report provided by Ecological Services Ltd. dated July 2020 shall be implemented in full accordance with the approved details and the features shall be retained and maintained during the lifetime of the development.

Reason: To protect and enhance biodiversity in accordance with Policy LDP Policy EN7.

22. NOISE MITIGATION MEASURES

The following noise mitigation measures shall be undertaken in accordance with the measures set out in the submitted Noise Impact Assessment prepared by Acoustic Consultants Ltd, 17th March 2020 and retained in perpetuity including:

- External walls to the development are to be constructed to meet the minimum Sound Reduction Standards in Section 6.1, table 5.0 of 8225/JA dated 17th March 2020 completed by Acoustic Consultants Ltd;
- Roof Structure to the development shall be constructed to meet the minimum Sound Reduction Standards in Section 6.2, table 6.0 of 8225/JA dated 17th March 2020 completed by Acoustic Consultants Ltd;
- Window construction on all habitable rooms on all elevations of the development shall meet the minimum Sound Reduction Standards in Section 6.3, table 7.0 of 8225/JA dated 17th March 2020 and fitted with the outlined Ventilation Provisions of 6.4 and table 8.0 of the same.

Reason: In the interests of the amenities of future residents in accordance with Policy.

23. IMPLEMENTATION OF A PROGRAMME OF ARCHAEOLOGICAL WORK

No development shall take place until the applicant, or their agents or successors in title, has secured implementation of a programme of archaeological work in accordance with that out-lined in “Written Scheme of Investigation Archaeological Watching Brief” (Cardiff Archaeology, Report No.: WSI/766/20, dated 14th June 2020.

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource. Constructions management plan

24. CYCLE PARKING

Prior to development commencing (excluding demolition) details showing the provision of cycle parking spaces, and appropriate access to them, shall be submitted to and approved in writing by the Local Planning Authority. 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 sheltered and secure parking of cycles.

25. CROSSOVERS/FOOTWAY RESURFACING

The existing vehicle accesses/crossovers shall not be used and shall be permanently closed, and full height kerb re-instated, and the footway resurfaced. A new pedestrian crossover shall be provided in the south-west corner of the site. These works shall be implemented before the development is brought into beneficial use.

Reason: To ensure that the use of the proposed development does not result in any safety or pedestrian accessibility concerns.

ADVISORY/INFORMATIVE

RECOMMENDATION 2: New developments where the area covered by construction work exceeds 100 square metres also require approval from the SuDS Approval Body (SAB) before construction can commence. Adoption and management arrangements, including a funding mechanism for maintenance of SuDS infrastructure and all drainage elements are to be agreed by the SAB as part of this approval. This will ensure that SuDS infrastructure is properly maintained and functions effectively for its design life. The developer is reminded to obtain all necessary approvals ahead of the commencement of development.

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

RECOMMENDATION 4: Natural Resources Wales recommends that developers should:

- i. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
- ii. Refer to the Environment Agency's '[Guiding Principles for Land Contamination](#)' for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
- iii. Refer to the [Environment Agency's \(2018\) 'Approach to Groundwater Protection'](#)

The treatment and disposal of contaminated soils and groundwater is regulated by waste legislation and requires an environmental permit.

Excavated materials that are recovered via a treatment operation can be re-used on-site under the [CL:AIRE Definition of Waste: Development Industry](#)

Code of Practice. This voluntary Code of Practice provides a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, Natural Resources Wales should be contacted for advice at an early stage to avoid any delays.

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

- i. determining the extent and effects of such constraints;
- ii. ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site;
 - Unprocessed / unsorted demolition wastes.
 - Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
 - Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and
- iii. the safe development and secure occupancy of the site rests with the developer.

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

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

RECOMMENDATION 6: The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and

Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

RECOMMENDATION 7: The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

RECOMMENDATION 8: The developer is advised to contact Cardiff Council Asset Management (AssetManagement@Cardiff.gov.uk) for the necessary Highway licenses for any works to upgrade or amend the existing access which would directly abut the adopted highway.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 This application, as amended, seeks full planning permission for the demolition of the existing building and the redevelopment of the site for 28no. affordable residential flats within in a five storey building, with an element of three storeys to the southern elevation. The approximate dimensions of the proposed building are as follows:
 - Height at five storeys: 15.8m
 - Height at three storeys: 9.75m
 - Maximum Depth: 22m
 - Maximum Width: 27.5m
- 1.2 The north western corner of the proposed building at the first floor is splayed to add interest but also to accommodate a public sewer easement located in the public highway to the north. The upper floor above this corner will be cantilevered.
- 1.3 The building material palette includes grey facing bricks to external walls with stone window surroundings and banding, aluminium windows and doors, coloured grey, and glazed balustrading to the balconies. The roof will be a green roof construction. The proposed bin store will be a timber enclosure.
- 1.4 Hard landscaping will include asphalt and concrete paving. The soft landscaping is indicative at this stage and final details to be agreed at via a planning condition.
- 1.5 The boundary treatments will include the retention of the brick wall to the southern and eastern boundary. The northern and western boundaries will be demarcated by the proposed landscaping and potentially railings, final details to be agreed via planning condition.

- 1.6 The proposed residential mix includes the following units:
- 8 no. 1bed flats; and
 - 20 no. 2bed flats.
- 1.7 All the units will be a 100% affordable tenure and designed to meet Design Quality Requirements set by Welsh Government.
- 1.8 Within the building, each floor will accommodate the proposed residential apartments and a central core and circulation area, including stairs and 2no. lifts to access the upper floors. A total of 16no. apartments will have private balconies.
- 1.9 Externally there will be approximately 121m² of open space to serve the development, a cycle store for 42 bicycles, bin store and bulky goods refuse storage area. The scheme includes a planted perimeter to the site along Loudoun Square.
- 1.10 In terms of access to the scheme, the ground floor flats have individual access points, three of which are located to the northern western boundary along Loudoun Square and the remaining accesses are to the rear via the controlled gates in the south western corner of the site. The main entrance to the building is located centrally to the rear of the building and also accessed via controlled gates located. Access to the upper floor flats is via the central core of the building via stairs or lift. The amenity space, bicycle store and refuse storage areas are all accessed via the access controlled gates, to the rear of the proposed building.

2. **DESCRIPTION OF SITE**

- 2.1 The application site is located on the south western corner of Loudoun Square, Butetown, immediately to the east of Canal Park and around 700m from the centre of Cardiff Bay and approximately 950m from Cardiff City Centre. The application site is also within approximately 160m of the Loudon Square Local Shopping Centre.
- 2.2 Immediately surrounding the application site are residential flats to the north and east (Loudoun Square) and south (Hodges Square). The flats to the north are separated from the site by the public highway. To the West is Canal Park which is also separated by public highway.
- 2.3 The application site itself is a rectangular parcel of land which comprises a former public house, known as the Paddlesteamer, with residential accommodation above. In recent years, the premise has been operated as a café, known as the Paddlesteamer Café, which has now closed. The building, at ground and upper floor, is now vacant. The building is two storeys and has low architectural merit with a varied roofscape including a mono pitch and a flat roof. The building materials include cream render and brick with uPVC windows.
- 2.4 The building is surrounded by hardstanding to the north and west and a

narrow path is located to the rear (south) and eastern side of the building. The site limits to the north and west is open, demarked by low-level bollards only. The south and east boundary comprises a brick wall. The site is predominantly flat.

- 2.5 In terms of access, there are two established vehicular access points to the north and west. Pedestrian access is freely available to the north and west.
- 2.6 In terms of the site's context, it is densely developed and has a varied built form. The housing stock in the area comprises a mix of two and three-storey terraced dwellings, three and four storey flatted blocks and high-rise blocks that either have pitched or flat roofs. Window design varies throughout the area in terms of size, shape and material, including oriel windows on some dwellings. There is no prominent materials palette for the area with a mix of buff, grey and red facing brick with varying decorative features such as cladding and render panelling. Boundary treatments are predominantly brick walls or railings.

3. **SITE HISTORY**

- 3.1 The relevant site history is listed below:

Application No : 04/00818/C
Proposal : CHANGE OF USE FROM PUB TO COMMUNITY CAFE
Application Type: FUL
Decision : PER
Decision Date : 26/05/2004

4. **POLICY FRAMEWORK**

National Policy

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

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

- TAN 12: Design (March 2016)
- TAN15: Development and Flood Risk (July 2004)

Local Policy

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

Key Policies:

- KP1: LEVEL OF GROWTH
- KP5: GOOD QUALITY AND SUSTAINABLE DESIGN
- KP6: NEW INFRASTRUCTURE
- KP7: PLANNING OBLIGATIONS
- KP8: SUSTAINABLE TRANSPORT
- KP12: WASTE
- KP13: RESPONDING TO EVIDENCED SOCIAL NEEDS
- KP14: HEALTHY LIVING
- KP15: CLIMATE CHANGE

- KP16: GREEN INFRASTRUCTURE
- KP18: NATURAL RESOURCES

4.4 Detailed Policies:

- H3: AFFORDABLE HOUSING
- EN6: ECOLOGICAL NETWORKS AND FEATURES OF IMPORTANCE FOR BIODIVERSITY
- EN8: TREES, WOODLANDS AND HEDGEROWS
- EN10: WATER SENSITIVE DESIGN
- EN13: AIR, NOISE, LIGHT POLLUTION AND LAND CONTAMINATION
- EN14: FLOOD RISK
- T1: WALKING AND CYCLING
- T5: MANAGING TRANSPORT IMPACTS
- T6: IMPACT ON TRANSPORT NETWORKS AND SERVICES
- C5: PROVISION FOR OPEN SPACE, OUTDOOR RECREATION, CHILDREN'S PLAY AND SPORT
- C6: HEALTH
- W2: PROVISION FOR WASTE MANAGEMENT FACILITIES IN DEVELOPMENT

Supplementary Planning Guidance (SPG):

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

- Waste Collection and Storage Facilities' (approved October 2016)
- Planning Obligations' (approved January 2017)
- Residential Design Guide' (approved January 2017)
- Managing Transportation Impacts (approved July 2018)
- Infill Sites (November 2017)

5. **INTERNAL CONSULTEE RESPONSES**

Ecology Officer

- 5.1 The Ecology Officer raised no objection and agreed with the conclusion of the submitted Bat Survey Report. They requested that the recommendations of the Bat Report be secured via planning condition.

Trees and Landscaping

- 5.2 The Tree Officer did not raise any objection to the 1no. tree on site being removed. They did, however, raised concerns with the level of planting and considered a more substantial soft landscaping scheme should be secured. Should the scheme be deemed acceptable, the Tree Officer requests that a landscaping scheme should be secured by condition.

Transportation

- 5.3 The Transportation Manager has raised concerns regarding the level of cycle parking provided and advised that the provision should be 55no. spaces in accordance with the requirements of the Managing Transportation Impacts SPG. The majority of these spaces should be provided at ground level and

not in an upper tier to avoid accessibility issues. Additionally, the cycle spaces should have 0.5m spacing and an acceptable level of manoeuvring space to the front of the cycle store. Furthermore, the store must be fully secure to encourage use. The store as originally submitted did not meet the necessary requirements.

- 5.4 He advises that the proposed development does not need to provide parking given its location in the Central Area as defined by the Managing Transportation Impact Supplementary Planning Guidance. He also advised that the 2no. existing vehicle access points should be stopped up and the full height footway reinstated.
- 5.5 Initially, the Transportation Manager also requested that parking restrictions along the site frontage to enhance the highway safety was required and should be secured via a Traffic Regulation Order (TRO) which should be funded by the applicant and included within a Section 106 agreement. During the course of the application an extensive order restricting parking in the area was put in place and will be implemented shortly. This has negated the need for a TRO to be secured via this application.
- 5.6 Following the submission of the revised scheme the Transportation Manager has provided updated comments and maintains concerns regarding the level of cycle parking and also requested a condition relating to the cycle parking provision.

Waste Management

- 5.7 In their initial response the Waste Management Team advised the bin store proposed was not large enough to accommodate the recommended amount of bins and a designated area for the storage of bulky waste was not provided.
- 5.8 The Waste Management team commented on the revised scheme and confirmed the revised bin store and bulky waste storage area was sufficient.

Parks

- 5.9 The Parks Officer commented that the proposed development results in small areas of external space which are unlikely to enhance future occupier's amenity and needed to be appropriately designed and provide basic SuDs functions. The parks officer also requested a landscape proposal which included additional details included a scaled planting drawing.
- 5.10 In terms of open space provision, the parks officer requested an onsite provision of **0.12 ha** or an off-site contribution of **£39,450** to implement to infrastructure and recreational improvements. In this case, no on-site provision is being provided so a financial contribution is requested to be secured by Legal agreement.

Land Contamination

- 5.11 No objection, subject to conditions.

Noise Team

5.12 No objection, subject to a condition.

Public Rights of Way Officer

5.13 No objection.

Affordable Housing

5.14 No objection.

Schools Services

5.15 No financial contribution is sought from this development.

Neighbourhood Regeneration

5.16 No contribution required.

Building Control

5.17 No objection but provided formal notice served under section 81 of the Building Act 1984 with regard to the proposed demolition.

Drainage

5.18 No comments received.

Air Team

5.19 No comments received.

Air Quality

5.20 No comments received.

6. EXTERNAL CONSULTEE RESPONSES

Natural Resources Wales

6.1 Natural Resources Wales (hereafter referred to as NRW) commented on the application in respect of land contamination, protected species, flood risk and foul water. Their response is summarised in respect of each topic below.

Land Contamination

6.2 No objection subject to conditions.

European Protected Species

6.3 The submitted Bat Survey Report states that no bats were identified to be using the buildings on the proposed development site and, therefore, NRW have no further comments to make in regards to bats.

Flood Risk

6.4 The application site is located in Zone C1 and the proposal is for a residential use which is classed as highly vulnerable development. Whilst the application site is within a Zone C1 flood zone, NRW consider the risk of tidal flooding to the proposed development is negligible, as the site benefits from the presence of the Cardiff Bay Barrage. This operates in a flood risk capacity, providing significant protection to Cardiff from tidal flood risk.

Foul Water

- 6.5 NRW note that foul water disposal is to be via the existing mains sewer network and have no further comment on this matter.

Dwr Cymru Welsh Water

- 6.6 No objection. Dwr Cymru Welsh Water (DCWW) have advised that the revised proposal is located adjacent to/within the 3m easement of a sewer and water main which must be taken account of in respect proposed development. To ensure sufficient protection of these assets DCWW have requested two conditions to secure a method statement and risk assessment.
- 6.7 DCWW confirm that foul water can be accommodated in existing sewer network and have no objection in principle to the point of connection proposed by applicant.
- 6.8 Surface water disposal is subject to SAB approval, however, DCWW note that should surface water be discharged via the existing surface water network (if agreed via SAB) then, due to the size and strategic nature of this asset, Welsh Water may seek to undertake the connection under Section 107 of the Water Industry Act.

Glamorgan Gwent Archaeological Trust

- 6.9 No objection, subject to conditions.

South Wales Police

- 6.10 No objection. The South Wales Police provided advice in relation to possible improvements to the design which would enhance the security of the development and reduce the risk of crime. The suggestions include provision of a 1.8m fence to the side and rear of the development, secure gates to the development, external lighting especially to cycle and bin store and secure cycle parking.
- 6.11 Some of the suggestions, such as window and door security and access control is outside of the remit of planning.
- 6.12 The comments have been forward to the applicant to consider further.

7. REPRESENTATIONS

Neighbours/Other Representations

- 7.1 There has been a letter in support received for the application from the local Councillor.
- 7.2 A petition of 248no. signatures has been received objecting to the proposed development stating '*Whilst we recognise the need for more social housing for the most vulnerable, we disagree that this needs to come at the expense of a vital and much-valued community space. We demand that the council engages with the community and adapt the plans in order to secure*

ground-floor units that can continue to provide such a much-needed space for local residents’.

7.3 In addition to the petition. 345no. objections have been received from the general public and other interested organisations including the following:

- Race Alliance Wales
- Taff Housing Association
- Somaliland Mental Health Support Organisation
- Noor-El-Islan Mosque and Community Centre
- Tiger Bay Boxing Club

7.4 These representations raised by the general public and interested organisations can be summarised as follows:

- The café is an important facility for the local community, especially Somali and Yemeni community
- The café is well located for the local community
- The proposal fails to meet the requirements of Key Policy 13
- Loss of the café is against aims of LDP by losing a food and drink establishment as well as a community hub
- A replacement A3 use should be secured as part of the new development as well as housing at the site
- No evidence has been provided to demonstrate why the A3 use cannot be retained
- Other similar A3 facilities do not have capacity to replace the Paddlesteamer Café
- Affordable housing is needed but not at the expense of the community facility
- This proposal will predominantly affect the BAME community
- The proposal fails to meet the requirements of Policy H6
- The development is in conflict with Policy R5 of LDP
- The loss of the cafe will result in the loss of employment of the existing staff
- It is not clear if the public consultation undertaken by Cardiff Council was undertaken in different languages
- There has been no consultation regarding this development
- The decision makers should be willing to engage
- The community has little say in the redevelopment and so the application is premature
- Concerns raised during the PAC process are not dealt with
- It is not clear if an equal opportunities assessment been undertaken in accordance with the Equality Act in relation to the loss of the café;
- The proposed housing will cause increased tensions in the community by increased pressure on existing infrastructure
- Additional pressures on community infrastructure
- The type of housing is unsuitable and family housing should be developed with gardens
- This development will dilute the history of the area, which has already occurred In Cardiff Bay

- The community facility/site has historic importance to community
- This will result in an oversupply of affordable housing especially given the unfilled student accommodation
- Adverse impact on traffic and air quality
- Not a suitable location to develop
- The proposed development would result in loss of light from adjacent properties
- The development would be over development
- The proposed development does not provide any outdoor space
- Due to no parking provision the development will exacerbate existing lack of parking provision in the area
- Impact on construction traffic will be dangerous especially given location of site adjacent to Canal Park
- The proposed development does not accord with the future well beings Act
- The proposal lacks vision and is uninspiring
- Red Sea House (Taff Housing facility) has a contract with the Paddlesteamer Café to provide food to and this facility would be lost which would have a negative impact on the tenants of Red Sea House
- The café has been a hub for charities and to provide disaster relief
- The café has reduced crime by allowing the police use of its CCTV footage
- The loss of the café would affect the socialising of young and elderly persons in the community

7.5 Please note, the responses from third parties and the listed organisations have been summarised for the purposes of this report, full responses are available to be viewed on the Cardiff Council website, link:

https://planningonline.cardiff.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal= CARDIFF_DCAPR_131759

8. **ANALYSIS**

Principle of Development

8.1 The application site is located within the settlement boundary as defined by the adopted Local Development Plan (hereafter LDP) and has no formal policy designation. There is a presumption in favour of development of sites within settlement providing the proposal accords with all relevant planning policies and material planning considerations

8.2 In this case, the relevant policy is PPW10 and Policy H6 of the LDP which relates to the change of use or redevelopment of previously developed land for residential use.

8.3 PPW10 favours the re-use of brownfield land for alternative uses (para. 3.51) especially in whereby the proposed redevelopment will promote sustainably principles. The development of the site fully accords with these requirements.

8.4 Policy H6 is a criteria based policy which requires the following to be met in order to satisfy the policy. The relevant criteria are addressed in turn below.

i. There is no overriding need to retain the existing use of the land or premises and no overriding alternative local land use requirement;

8.5 The application site is currently in use as an A3 use (café) at ground floor and residential accommodation at upper floor level. These uses, including the A3 use, are not protected at this location by a policy designation. No overriding need in planning policy terms to retain the existing use, therefore, exists. The loss of the café is addressed separately below for completeness under sub-heading 'Loss of A3 Use (Café)'.

ii. The resulting residential accommodation and amenity will be satisfactory;

8.6 The proposed residential accommodation and the amenity of future occupiers has been assessed and it is concluded the proposals are satisfactory. Full discussion on this consideration is below under sub-heading 'Residential Amenity'.

iii. There will be no unacceptable impact on the operating conditions of existing businesses;

8.7 Criterion iii) seeks to ensure that the introduction of residential development at a site would not unduly affect the operation of existing employment uses in proximity of the site. There are no employment uses in the vicinity of the site which would be adversely affected by the introduction of intensified residential use at the application site.

8.8 It is acknowledged that representations made in respect of the application have indicated the development will result in the loss of the café which employs staff. The existing or previous use, however, is not a protected employment use in planning terms and thus not afforded the protection of employment policies (i.e. Policy EC3 does not apply).

iv. Necessary community and transportation facilities are accessible or can be readily provided or improved; and

8.9 The application site is in a highly sustainable location. The Bute Street and Loudoun Square local centre is approximately 160m from the application site which has a range of services including, but not limited to, a medical centre, pharmacy, convenience store, takeaway outlets which are easily accessible on foot. The Butetown community centre is 120m to the north and Canal Park, a large recreational space with formal and informal facilities, is directly opposite the application site. The nearest bus stop 160m and has regular services to the city centre and local area. Cardiff Bay Train Station is less than 500m to the south east. Cardiff Central Railway Station is less than 1km to the north, as is the city centre. The centre of Cardiff bay and Cardiff City centre are 800m and 950m away, respectively.

8.10 A high level of community and transport facilities are accessible from the proposed development by foot in accordance with the requirement of criterion iv.

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.

- 8.11 As discussed later in this report under 'Ground Conditions', the redevelopment for the site would not have an unacceptable risk to the end users, subject to conditions relating to remediation works and verification of such works. The relevant conditions are imposed as listed earlier in this report.
- 8.12 The proposals has been thoroughly assessed against the criteria of Policy H6 and it has been demonstrated the proposed re-use of the site for a residential use accords with the criteria and complies with Policy H6.
- 8.13 It is concluded that redevelopment of the site for residential uses accords with relevant national and local planning policy and, therefore, the principle of development is established.

Loss of the Existing A3 Use (Café)

- 8.14 It is recognised that the existing café was well frequented and serves a purpose within the community. The extensive responses to the application primarily objecting to, but not limited to, the loss of the café are acknowledged and have been considered fully in the assessment of this application. It is understood from the applicant that the café, since the submission of the application, has closed permanently. The closure of the café was not directly related to this application, however, inevitably the closure of the café would have been necessitated should this application be approved.
- 8.15 Despite the level of local opposition, the Local Planning Authority must consider the planning application against the material planning considerations and in the consideration of the relevant planning policies. In this case, the lawful use of the café is an A3 use and, therefore, it is not afforded protection by planning policy to prevent its loss to other uses since it is not in an identified retail centre.
- 8.16 It is acknowledged that representations to the application have suggested the café provides a community hub to enable a meeting place which is well used by members of the Somali and Yemeni community which cannot be accommodated elsewhere in the community. The representations indicate that the café is an important local place for the community and, therefore, akin to a community facility. The lawful use, however, is not a community facility and so it is not reasonable or justified for the Local Planning Authority to apply policy C2 (which relates to the protection of community facilities) to this application.
- 8.17 It is regrettable that the café cannot be retained especially given the strength of local resident's objections when the application was initially submitted. The Local Planning Authority must, however, act within its scope of power and in this instance there is no mechanism within their gift to secure the retention of the existing café or its replacement within the new development. To insist

on a replacement facility, would be unreasonable and not in accordance with the LDP policies.

- 8.18 It is acknowledged that some representations have indicated the loss of the café would result in a loss of employment for the staff. As discussed above, the existing use is not an employment use in planning terms.
- 8.19 The loss of the existing café in planning terms is acceptable and in accordance with planning policy. The Local Planning Authority cannot substantiate an objection to the application on the grounds of the loss of the A3 use and, therefore, must conclude that the loss of the existing A3 use is acceptable.

Good Design and Place-making

- 8.20 The place-making goals of Planning Policy Wales (hereafter PPW10) and Policy KP5 of the adopted LDP require development to be good quality, designed sustainably and to make a positive contribution to the creation of distinctive communities. This should be achieved by, amongst other things, development responding to the local character, being sustainably located, providing well connected spaces which are distinctive, making best use of land and providing a responsive design which includes waste solutions, water management and suitable parking provision as well as amenity space.
- 8.21 The proposed site is an under-utilised brown field site, accommodating a building of low architectural merit and is in a highly sustainable location. The site represents a prime opportunity for a sustainable development with regeneration benefits. The site also occupies a key corner plot which fronts onto Loudoun Square and Canal Park providing an opportunity to provide a high quality focal scheme which relates well to the streetscene and wider townscape.
- 8.22 The scheme as initially proposed was not considered to be acceptable in place-making terms broadly for the following reasons:
- The scheme was too dense and represented an overdevelopment of the site which, in turn, resulted in an adverse impact on adjacent neighbouring properties;
 - The proposed design did not respond well to the setting of the site, which has a dual aspect onto Loudoun Square and Canal Park; and
 - The proposed on-site amenity space was uninviting for future residents.

After negotiation, a revised scheme was provided which responded more positively to the site and its surroundings. The changes can be summarised as following:

- Reduced density;
- Additional landscaping to the streetscene;
- Provision of balconies to the majority of apartments;
- Increased separation from neighbouring properties;
- Improved elevation design and architectural detailing which responds better to the site's position; and

- A high quality materials palette.
- 8.23 The revised scheme, subject to this report, is discussed in more detail against the policy requirements.
- 8.24 The revised scheme in place-making terms is an appropriate density for the area, it represents an efficient use of a brownfield site which regenerates the site to enhance the local area and proposes a well-designed, high quality development providing much needed affordable homes. The scheme promotes a car-free development preventing increased vehicle trips and associated pollution and taking advantage of the highly sustainable location which has services, facilities and open space within a short distance.
- 8.25 Whilst the appearance of the proposal is modern and not a replication of the wider streetscene, this is considered to work well given the varied design and types of properties in the locale, as discussed earlier in respect of the application site's context. Despite the differing outward appearance, the proposal has taken cues from the surrounding built form by proposing a similar tone of colours in materials palette to assist with its integration into the streetscene.
- 8.26 Additionally, the scheme introduces landscaping to the site peripheries, which remains in keeping with the surrounding context which has intermittent landscaping in an otherwise hard urban setting. The landscaping proposed softens the appearance of the building in the streetscene whilst also offering an improved visual transition from Loudoun Square to Canal Park. The scheme also includes a green roof to assist in the surface water strategy.
- 8.27 The apartments proposed are spacious, provide private amenity space for the majority of units and provide 28no. accessible apartments to address housing need in the community. The scheme also provides the necessary infrastructure to support the scheme including a suitability sized bin store, a cycle store and provision within the building for the necessary plant and equipment to serve the proposed building.
- 8.28 The revised proposals have addressed the initial concerns raised and is considered to accord with Policy KP5 and the place-making principle of PPW10 and promotes an acceptable development which supports positive place-making.

Residential Amenity

- 8.29 Policy KP5 of the LDP requires development to, amongst other things, have no undue effect on neighbouring amenity and connect positively with the existing community. The Residential Design Guide and Infill Sites Supplementary Planning Guidance's provides guidelines in relation to the protection of residential amenity which should be considered where possible.
- 8.30 The application site is in a built-up residential area with existing properties located in proximity to the site, with the nearest properties being:
- 31- 48 Hodges Square to the south;

- 20-28 Loudoun Square to the east; and
- Linked dwellings no. 7 to no. 19b Loudoun Square

8.31 The impact of the development on these dwellings will be discussed in more detail below.

31- 48 Hodges Square to the south

8.32 No. 31 to 48 Hodges Square is a four storey block of flats located to the south of the application site. The proposed building at its closest is three storeys, with a maximum of 9.75m in height, and offset by a separation distance of approximately 13.7m. The five storey element of the proposed building is approximately 15.8m in height and offset from the Hodges Square flats by 21m.

8.33 In terms of overlooking, the three storey element, which has a lesser separation distance (of 13.7m) has 2no. angled windows which serve a second bedroom on the south elevation, nearest to the Hodges Square flats. Due to the angled nature of the windows and on the basis that half of the window will be opaque, views towards Hodges Square are prevented and views from these 2no. second bedrooms are directed toward Canal Park. This window design ensures no adverse overlooking into the Hodges Squares flats to the south. The five storey element of the build is offset by 21m which is an acceptable distance to ensure no adverse overlooking impact on the Hodges Square flats.

8.34 In terms of any overbearing impact, the proposed building is larger than the existing building and will have an impact on some of the flats within the Hodges Square development. It is necessary, therefore, to assess whether the extent of the impact would be harmful.

8.35 The bulk of the proposed building has been carefully designed to ensure it is 21m away from the Hodges Square flats, this separation distance is considered sufficient to prevent an overbearing relationship or adverse impact on ambient light.

8.36 The three storey element of the building has a lesser separation distance, however, this portion of the building only extends to 10m of the 27.5m proposed building width thus lessening its impact. Furthermore, due to the positioning of the proposed building forward of the end gable of the Hodges Square flats, only 7.5m of the three storey portion of the proposed building will directly face the Hodges Square flats, thus further limiting the likely impact and reducing any potential overbearing impact.

8.37 In terms of the impact of the three storey element on ambient light, there are a small number of windows on a limited section of the ground floor of the Hodges Square flats which would not meet the 25 degree rule, thus the proposal would affect ambient light to these windows. Failing to meet the 25 degree rule in itself does not indicate the development is unacceptable but further consideration is required. In this case, the area is a dense urban setting where such relationships between the built form is not uncommon, for

example, north-east of the application site are no. 1-5 Loudoun Square, which are two storey dwellings, which have a rear aspect approximately 8m from the end gable of three storey flat block. The proposed relationship is not out of character for the area. Furthermore, the Hodges Square flats are located south of the application site and so the development would not affect their access to sunlight. On balance, given the limited number of windows affected together the context and orientation of the development, it is considered the impact will be limited and not to an extent which would warrant refusal of the application.

20-28 Loudoun Square to the east

- 8.38 No. 20 to no. 28 Loudoun Square are contained within a three storey 'T' shaped building (hereafter referred to as the Loudoun Square flats) and the closest element of building is a blank gable, approximately 3.5m from the proposed building. The nearest window of the adjacent block is approximately 12.3m away from the proposed building at its closest.
- 8.39 The offset of the proposed building is similar to the existing building and whilst the existing building is two storeys to the front, its scale is similar to the adjacent three storey building. The rear of the existing building is single storey and fills the south eastern corner of the site. The proposed building will be offset a similar amount to the existing building, adjacent to the blank gable of Loudoun Square flats. It would, however, be approximately 4m taller and positioned approximately 5.8m forward of the existing building.
- 8.40 The proposed building, whilst larger in scale and footprint, is positioned towards the front of the site resulting in the main bulk of the building being in line with Loudoun Square flats, thus preventing an overbearing impact. It is acknowledged that the proposed building's position would have a greater impact on the front of the Loudoun Square flats than the existing building. The Loudoun Square flat block, however, is set within an open area benefitting from its own landscaped gardens to the front with a depth between 4.5m to 7.5m and also directly opposite a large area of open space associated with Loudon House and Nelson House. Given the established openness of the front aspect of Loudoun Square flats, it has a greater capacity to accommodate the proposed building's position without it resulting in an overbearing or oppressive impact.
- 8.41 In terms of overlooking, the proposed elevation overlooking the Loudoun Square flats has 2no. windows per floor, which are secondary windows serving a living/dining/kitchen space. These windows have been carefully positioned centrally to face onto the blank gable end of the adjacent block. The windows on the side elevation which are closest to the front of the building, however, will sit partially forward of the blank gable. Whilst the overlap is minimal and unlikely to result in overlooking, to protect the neighbours in the Loudoun Square flats from any perception of overlooking these windows will be obscured and fixed. Given these windows are secondary windows to the proposed living space it is not considered this would have an adverse impact on the future amenity of future occupiers of the proposed development.

- 8.42 The proposal is considered to have an acceptable impact on nos. 20 to 28 Loudoun Square.

Linked dwellings no. 7 to no. 19b Loudoun Square

- 8.43 19B is located to the north of the site and the end of a terrace of linked properties (no. 7 to 19B). No. 19B is separated by the public road with an offset distance of approximately 15m, and is side-on to the application site with a blank side gable being the facing elevation to the application site. There is no adverse overlooking or overbearing impact on this property itself or the linked properties to the north of it.
- 8.44 There is a balcony and bedroom window on each floor which will face towards the garden of no.19B. The balcony, however, is built into the building envelope and small in size and would, therefore, have a similar impact to a window. It is considered that due to the offset distance of the windows and balcony from the rear gardens it would not have an adverse overlooking impact and would offer a greater offset than the typically accepted 10.5m separation distance advocated by the Residential Design Guide SPG
- 8.45 In terms of overbearing impact on the rear garden of 19B, the proposed building is located between 14.5m to 18.5m away and at an angle from the southern western portion of the garden, given that the application site is a corner plot. Due to the offset and position of the proposed building, it is not considered it will have an overbearing impact or detract from the amenity of the garden of no. 19B or the dwellings beyond to the north.

Future Occupier Amenity

- 8.46 The proposed flats are spacious and would provide a high quality living space for future occupiers. Additionally, 16no. flats would have access to private balconies. Of the 12.no flats without balconies, six will have Juliette balconies (the upper floor flats) and all of the flats have convenient access to Canal Park, which is directly opposite the application site. There is also a small amount of amenity space onsite which could be utilised, however, it is expected that Canal Park would offer a more inviting setting. The proposed units are considered to offer a good level of amenity for future occupiers.
- 8.47 To conclude on residential amenity, the impact has been assessed carefully and whilst the proposed scheme will bring about change to the site by increasing the density and scale of the built form, it is considered the proposal has been carefully positioned and designed to avoid an adverse impact as far as possible. Any impact which has been identified and discussed above has been deemed not to be harmful to neighbouring properties to an extent which warrants refusal of the application. On balance, the proposed scheme is considered to have an acceptable impact and would offer a long term, suitable beneficial use, compatible with the neighbouring properties.

Flood Risk

- 8.48 The site is in a Zone C1 floodplain. LDP Policy EN14 relating to Flood Risk together with national planning policy TAN 15 are, therefore, relevant. The

proposal relates to 28no. residential flats, which is highly vulnerable development, in a C1 floodplain. It is, therefore, necessary to consider whether the proposal satisfies the tests outlined in TAN 15 to justify vulnerable development in the C1 floodplain and whether the criteria in Policy EN14 is met. These policy requirements will be addressed below.

8.49 The TAN 15 justification tests are extracted below and discussed in turn.

Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement

8.50 The application site is in the urban area of Butetown and will regenerate a currently under-utilised parcel of land which has recently become vacant.

Or

Its location in zone C is necessary to contribute to key employment objective supported by the local authority, and other key partners, to sustain an existing settlement or region;

8.51 Not applicable since i) is met.

And:

iii. It concurs with the aims of PPW and meets the definition of previously developed land.

8.52 The site is previously developed in accordance with the definition included in Planning Policy Wales 10.

iv. The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and appendix 1 found to be acceptable

8.53 NRW has assessed the proposed development and concluded that the site has a negligible risk of flooding since it is afforded the protection of the flood defence measures offered by Cardiff Bay Barrage.

8.54 It is concluded the potential consequences of flooding as a result of the development are acceptable in accordance with criterion iv. of TAN 15. The development has also been considered against the criteria of Policy EN14 and the proposals will not result an unacceptable flood risk and accords with national policy, as discussed above. The proposed development is, therefore, acceptable in terms of risk of flooding

Highway Impact

8.55 Policy T1 and Policy KP5 of the adopted LDP requires new development to be safely accessible and to enable people to access essential services, community facilities and employment opportunities on foot or by bicycle. Policy KP14 seeks to encourage healthy living by encouraging active travel, as well as other things.

- 8.56 The proposed development will be car free and, therefore, does not include a vehicular access point or parking provision. This approach supports the authority's ambition of a modal shift of 50:50 towards sustainable travel given the site's highly sustainable location and is in accordance with the guidance set out in the Managing Transportation SPG.
- 8.57 The proposal includes provision of 42no. bicycles spaces within a two tier storage structure. This is 6no. spaces short of the required level of cycle parking (of one space per bedroom) as defined by the Managing Transportation Impacts SPG. The Highway Authority has raised concern with the shortfall in cycle parking and also the suitability of the proposed cycle parking enclosure, which is an open sided structure.
- 8.58 Whilst ideally the development would provide the maximum spaces, due to the constrained nature of the site it is not possible to provide additional cycle spaces. It is, therefore, necessary to assess the harm of the reduced level of cycle spaces and whether it warrants refusal of the application. The application site is in a highly sustainable location, as discussed above. The majority of shops, services and facilities are within 160m walking distance. Additionally, the city centre is approximate 950m to the north of the site, an approximate walking time of 12 minutes (based on an average walking speed of 20 minutes per mile) and Cardiff Bay centre is approximately 800m away and an 11 minute walk. PPW 10 advocates that the Sustainable Transport Hierarchy should be used to reduce the need to travel by car. Applying the Sustainable Transport Hierarchy to this development, it is clear that the proposal prioritises sustainable forms of transport in the form of walking, cycling and public transport. The distances of local facilities are minimal and would not prohibit walking as a legitimate mode of transport. Indeed, in accessing Loudoun Square walking is likely to be the most convenient mode. Given the sustainable location of the site together with the provision of a significant number of cycle parking, the deficit of 6no. spaces would not encourage future occupiers not to opt for sustainable modes of transport and does not undermine the sustainability of the scheme overall or the aims of a 50:50 modal shift. Despite the cycle parking shortfall of 6no. spaces, the proposal still accords the Sustainable Transport Hierarchy of PPW 10, Policy KP5, Policy KP14 and Policy T1.
- 8.59 In terms of the design of the cycle store, a condition is imposed requiring the final details to be agreed to ensure the final structure is fit for purpose and acceptable.
- 8.60 During construction there is likely to be short-term temporary impact which may affect the local highway network. To prevent an adverse impact a Construction Management Plan will be conditioned.
- 8.61 The highway implications of the development are considered to be acceptable and in accordance with policy.

Ecology Considerations

- 8.62 Policy EN6 requires the protection of ecological networks and features of importance for biodiversity.
- 8.63 The existing site is a brownfield parcel of land which currently accommodates a building which is surrounded by hard standing. The only notable natural feature within the site is a tree located to the north eastern corner.
- 8.64 The application was supported by a bat scoping and bat activity survey which concluded that there was no evidence of bats at the applicant site.
- 8.65 The ecology officer has assessed the application and raised no objection and agreed with the conclusion of the submitted Bat Survey Report. NRW also raised no concerns in relation to protected species.
- 8.66 The site, therefore, has limited ecological value. Despite this, the PPW 10 requires development to have a net benefit for biodiversity and, therefore, the proposal must provide biodiversity enhancements. The bat activity survey recommends 6no. bird boxes and 2no. bat boxes are integrated into the proposed building. This recommendation will be secured via planning condition. The scheme also introduces landscaping around the building which will also offer some ecological benefit.
- 8.67 The proposed development does not impact on biodiversity and will offer enhancements representing a net gain in biodiversity value at the site in accordance with PPW10 and Policy EN6.

Impact on Trees

- 8.68 Policy EN8 requires the protection of trees which are of significant public amenity value or contribute significantly to the effects of climate change.
- 8.69 There is 1no. tree within the site limits which is of visibly poor quality. Whilst the application is not accompanied by a Tree Survey the tree officer considers the tree likely to be a category C and, therefore, not a constraint to development. Its loss is compatible with Policy EN8.
- 8.70 Although the tree officer has not raised an objection to the loss of the tree, they have indicated that the extent of landscaping proposed should be increased. Whilst these comments are acknowledged, given the size of the site and the development proposed, an increase in soft landscaping is not possible. Given the urban setting of the site, the level of soft landscaping is compatible with the surrounding area would result in a net increase in landscaping compared to the existing site.
- 8.71 The proposed landscaping, subject to a condition agreeing the final details is acceptable in the context and in accordance with Policy EN8 and Policy KP5.

Noise Impact

- 8.72 Policy EN13 prohibits development which would result in an unacceptable harm to as a result of, amongst other things, noise.

- 8.73 The application is supported by a noise impact assessment which concludes that the main noise sources at the application site is due to road traffic noise. A noise survey has been completed on the site in accordance with TAN11. The site falls into noise exposure category B and, therefore, requires basic noise mitigation measures to minimise internal ambient noise levels.
- 8.74 The Shared Regulatory Service has assessed the application and raised no objection subject to conditions to secure the necessary mitigation measures the ensure internal noise levels for future occupiers is acceptable and ensures their amenity is protected.
- 8.75 The proposed development, subject to a condition to secure noise mitigation measures, is acceptable and accords with Policy EN13.

Drainage Considerations

- 8.76 Policy EN10 requires the development to include sensitive urban drainage solutions which successfully managing foul and surface water arising from a development.
- 8.77 The application indicates that the foul water will connect to the mains sewers. DCWW have commented on the application and confirmed there is sufficient capacity in the existing network to accept the foul flows from the proposed development. DCWW have also indicated that due to the proximity of the development to a public sewer and water main that 2no conditions are required to ensure the proposed development does not harm these drainage assets. These conditions are imposed and detailed at the start of this report.
- 8.78 In terms of surface water, the proposed development will require SAB consent since the construction area is over 100m². The SAB consent is a separate process to the planning process and will need to be obtained prior to works commencing. Whilst the drainage officer has not responded to the application, the applicant has confirmed that pre-application discussions have taken place with the SAB Team who have indicated that the drainage proposals, in-principle, are likely to meet the requirements of the SAB process.
- 8.79 The proposed development is considered to accord with Policy EN10 and the surface water disposal will be subject to full consideration via the SAB process.

Waste Management

- 8.80 Policy KP5 and Policy W2 requires development to have appropriate space and facilities for waste management. The scheme provides a bin store which has been assessed by the waste management department and they raise no objection. The scheme is acceptable in this regard.

Ground Conditions

- 8.81 Policy EN13 requires development to have an acceptable impact on human health by ensuring, amongst other things, that there is not an unacceptable level of ground contamination. Policy H6 requires changes of uses of land to

sensitive uses, such as residential development, to ensure there is no adverse impact in terms of ground contamination which may affect the health of future occupiers.

- 8.82 The application is supported by site investigation report including a detailed assessment of risks to human health and the environment from potential ground gas and contamination affecting the site. The site investigation has identified exceedances in relation to harmful substances. There is, therefore, a need for further site based investigation once the building on site has been demolished to determine the extent of contaminants identified to date. Additionally, the site investigation indicates that ground gas monitoring has commenced and is ongoing. The initial results of the ground gas monitoring has, however, identified the need for ground gas protection measures.
- 8.83 Whilst the site investigation has indicated contaminated ground conditions, it has also identified remediation measures which will can be employed to prevent harm to human health. The additional investigative work required, remediation measures and future verification of remediation works can be secured via planning condition.
- 8.84 The Shared Regulatory Service has assessed the application in the context of ground conditions and raised no objection, subject to planning conditions. They advised that the conditions should be amended to allow demolition to ensure the further site investigative works are comprehensive. The recommended conditions have been imposed.
- 8.85 The ground conditions at the site have been assessed and, whilst there are exceedances in harmful substances, remediation measures are possible to ensure no adverse impact on the end user. The proposed development, subject to conditions, accords with Policy EN14 and Policy H6.

Archaeology

- 8.86 PPW10 Chapter 6 requires development to protect, amongst other things, the historic environment including archaeological remains.
- 8.87 In this case, the application is not in an archaeologically sensitive area, however, it lies in an area of a known historic dock where below ground archaeological resource may exist. The application is supported by a Written Scheme of Investigation: Archaeological Watching Brief which recommends an archaeological programme of work, in order to mitigate the impact of the development upon the potential archaeological resource. Glamorgan Gwent Archaeological Trust has been consulted and they have raised no objection to the proposed development subject to a planning condition to secure an archaeological programme of works.
- 8.88 The proposed development, subject to condition, can conserve archaeological remains in accordance with the requirements of Chapter 6 of PPW10.

Response to Third Parties

- 8.89 The concerns raised by third parties have been addressed through the overall

assessment of the proposal, however, for completeness and for avoidance of doubt they are addressed in turn below. Please note, the concerns noted in respect of the submitted petition is similar to the concerns raised in the other representations, as such the petition concerns are considered to be addressed in the discussion below.

- ***Important facility for the local community, especially Somali and Yemeni community***
- ***The café is well located for the local community***
- ***The proposal fails to meet the requirements of Key Policy 13***
- ***Loss of the café is against aims of LDP by losing a food and drink establishment as well as a community hub***

8.90 It is clear from the comments received in relation to the application that the cafe was, when open, an important location for the local community. The café is not, however, a community facility in land use terms, as discussed earlier in this report.

- ***A replacement A3 use should be secured as part of the new development as well as housing at the site.***

8.91 Given the existing A3 use is not afforded any planning policy protection, the planning authority cannot insist on an A3 use being incorporated into the proposed development.

- ***No evidence has been provided to demonstrate why the A3 use cannot be retained***

8.92 There is no requirement in planning policy to evidence why the A3 use is not being retained, since it is not a use protected by policy.

- ***Other similar A3 facilities do not have capacity to replace the Paddlesteamer Café***

8.93 The capacity of other A3 facilities to accommodate the current café is not a relevant consideration in the context of this planning application.

- ***Affordable housing is needed but not at expense of the community facility***

8.94 The A3 use of the site is not, in planning terms, a community facility, as discussed earlier in this report. As such, the provision of the affordable housing is not, in planning terms, resulting in the loss of a community facility.

- ***This proposal will predominantly affect the BAME community***

8.95 The loss of the café has been assessed in accordance with the relevant planning policy and deemed acceptable.

- ***The proposal fails to meet the requirements of Policy H6***

8.96 As discussed at length earlier in this report, the proposals meet the requirements of Policy H6.

- **Development in conflict with Policy R5 of LDP**
 - **The loss of the cafe will result in the loss of employment of the existing staff**
- 8.97 The café is not a protected employment use, as discussed earlier in this report.
- **It is not clear if the public consultation undertaken by Cardiff Council was undertaken in different languages**
- 8.98 The public consultation in relation to the planning application was undertaken in accordance with the legislative requirements.
- **There has been no consultation regarding this development**
- 8.99 As above, the public consultation in relation to the planning application was undertaken in accordance with the legislative requirements. The application was also subject to a pre-application consultation undertaken by the applicant prior to submission of the planning application.
- **The decision makers should be willing to engage**
- 8.100 As above, the public consultation in relation to the planning application was undertaken in accordance with the legislative requirements. This process enables the public and other interested parties to provide their views on the application which are taken into consideration in decision making, as is clear in this report.
- **The community has little say in the redevelopment and so the application is premature**
- 8.101 As above, the public consultation in relation to the planning application was undertaken in accordance with the legislative requirements. The application was also subject to a Pre-application Consultation undertaken by the applicant, also in accordance with the legislative requirements. The determination of the application can only take place once the full consultation has been undertaken, as such, the application nor its determination is premature.
- **Concerns raised during the PAC process and not dealt with**
- 8.102 The comments raised by neighbours during the Pre-Application Consultation process have been addressed in the report submitted by the applicant, in accordance with legislative requirements.
- **It is not clear if an equal opportunities assessment been undertaken in accordance with the Equality Act in relation to the loss of the café;**
- 8.103 The loss of the café is a planning matter to be considered against the relevant, adopted planning policies. As discussed in detail in this report, the loss of the café has been considered robustly against the relevant policy and the loss is deemed to be policy compliant.
- **The proposed housing will cause increased tensions in the community by increased pressure on existing infrastructure**

- ***Additional pressures on community infrastructure***
- 8.104 The impact of the development has been assessed in terms of its likely effect on the local infrastructure has been fully considered during the application process. To assist in this assessment, the relevant service areas have been consulted on the application and provided comments in terms of whether local infrastructure would be negatively affected. As discussed under sub-heading 'Planning Obligations', the assessment concluded the proposal would increase pressure on local open space provision and, therefore, a sum of £39,450 is being sought and the applicant has confirmed their agreement to pay this sum. Additionally, the proposal will deliver 100% affordable housing, and much needed homes in the local area. The proposed development, subject to the proposed Section 106 contributions would have an acceptable impact on the local community infrastructure.
- 8.105 Notwithstanding the above, there is no evidence to suggest the proposed development will result in increased tensions in the community.
- ***The type of housing is unsuitable and family housing should be developed with gardens***
- 8.106 There is an identified need for affordable apartments in Butetown with the current number of people of the waiting list for one and two bed flats at approximately 1283 applicants.
- ***This development will dilute the history of the area, which has already occurred In Cardiff Bay/ The community facility/site has historic importance to community***
- 8.107 The existing building is not a listed building or deemed to be of a nature that would require it to be locally listed. The redevelopment if the site is not, therefore, considered to have an adverse impact in terms of the heritage of the site or its surroundings.
- ***This will result in an oversupply of affordable housing especially given the unfilled student accommodation***
- 8.108 There is an identified need for affordable housing in Butetown with the current number of people of the waiting list for 1 and 2 bed flats at approximately 1283 applicants.
- 8.109 In terms of the unfilled student accommodation, this is not a relevant consideration to the application, but it is noted that Student Accommodation is not within the same use class as housing/dwelling houses.
- ***Adverse impact on traffic and air quality***
- 8.110 The proposed development will be a car free scheme which is supported by the Managing Transportation Impact SPG. As such, the development in terms of traffic generation and associated air quality impact will minimal and not harmful.
- 8.111 There may be some temporary and short term impacts during the construction phase but these impacts can be sufficiently controlled via a Construction Management Plan which will be secured via condition.

- ***Not a suitable location to develop***

8.112 The application is a brownfield site in a highly sustainable location which is fully supported by national and local planning policy as the most suitable location for new development, particularly residential schemes.
- ***The proposed development would result in loss of light from adjacent properties***

8.113 As discussed under the sub-heading 'Residential Amenity' the impact on light has been assessed and the proposals, on balance, deemed to be acceptable.
- ***The development would be over development***

8.114 As discussed above, the proposal represents an efficient use of land and is not considered to be overdevelopment in the context of the local area. Indeed, Policy KP5, criteria (ix) requires new developments to achieve the highest practical densities which is considered to be achieved at this site whilst meeting all relevant planning requirements.
- ***The proposed development does not provide any outdoor space***

8.115 The proposal provides outdoor space in the form of balconies to 16no. Apartments and a small landscaped area to the rear, measuring approximately 121m². As discussed earlier in this report, the level of amenity space is considered to be acceptable particularly given the location of the application site adjacent to Canal Park and the agreed contributions.
- ***Due to no parking provision the development will exacerbate existing lack of parking provision in the area***

8.116 The proposal is located in an area within which car-free development is supported in accordance with the LDP that aims to encourage more sustainable modes of transport. It is envisioned the future occupiers will not rely on the private car and, therefore, the absence of parking provision would not exacerbate on street parking provision whilst meeting LDP policies.
- ***Impact on construction traffic will be dangerous especially given location of site adjacent to Canal Park***

8.117 There may be some temporary and short term impacts during the construction phase but these impacts can be sufficiently controlled via a Construction Management Plan which will be secured via condition.
- ***The proposed development does not accord with the future well beings Act***

8.118 The development has been considered in accordance with the duties under the Future Generations and Well Being Act.
- ***The proposal lacks vision and is uninspiring***

8.119 The proposed design, as discussed earlier in this report and as amended, is considered to be high quality and a significant improvement to the existing building.

- ***Red Sea House (Taff Housing facility) has a contract with the Paddlesteamer Café to provide food to and this facility would be lost which would have a negative impact on the tenants of Red Sea House***
 - ***The café has been a hub for charities and to provide disaster relief***
 - ***The café has reduced crime by allowing the police use of its CCTV footage***
 - ***Affect the socialising of young and elderly persons in the community***
9. The above matters are not material planning considerations.

Planning Obligations

- 8.121 The following planning obligations have been requested to mitigate any significant adverse impacts of the proposed development and to provide essential, enabling and necessary infrastructure as defined within LDP policies KP6 (New Infrastructure) and KP7 (Planning Obligations).
- 100% Affordable Housing as proposed by the applicant (policy level required is 20%); and
 - £39,450 for open space
9. The applicant has confirmed their acceptance of the above obligations

9. CONCLUSION

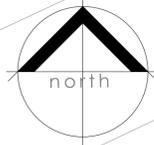
- 9.1 The proposed development represents an efficient re-use of a brownfield site in a high sustainable location which accords with the underpinning principles of sustainable development encouraged by national and local planning policy. The scheme meets the placemaking principles of PPW10 and accords with Policy KP5.
- 9.2 The proposed scheme offers 100% affordable housing which will go towards addressing the significant housing needs in the area. The scheme is also fully policy compliant in terms of Section 106 requirements.
- 9.3 The loss of the café is in compliance with the Local Development Plan and the re-use of the site accords with Policy H6.
- 9.4 The scheme has been robustly assessed in terms of its potential impact on neighbouring properties and the proposed impact is considered to be acceptable.
- 9.5 For the reasons outlined above, planning permission is recommended for approval, subject to conditions and legal agreement.

10. LEGAL CONSIDERATIONS

- 10.1 *Crime and Disorder Act 1998*: Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions

with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

- 10.2 The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council's duty under the above Act has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic.
- 10.3 Wellbeing of Future Generations (Wales) Act 2016: Section 3 of this Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.
- 10.4 Statutory pre-application public consultation: The statutory pre-application public consultation was carried out in accordance with legislation and is considered acceptable.



LOUDOUN SQUARE

HODGES SQUARE

ST18757101
ST18757104

ST18757102

CONC. 525mm DIA.

proposed new tree planting to mitigate against the loss of the existing tree on site



SCHEDULE OF ACCOMODATION	
Ground Floor	- 6 No. 1 bed wheelchair accessible apartments
First Floor	- 5 No. 2 bed / 1 No. 1 bed apartments
Second Floor	- 5 No. 2 bed / 1 No. 1 bed apartments
Third Floor	- 5 No. 2 bed apartments
Fourth Floor	- 5 No. 2 bed apartments
Total	- 28 No. apartments

SITE LAYOUT PLAN

Client	RDP PROPERTIES LTD		
Project	REDEVELOPMENT OF THE PADDESTREAMER PUB, GRANGETOWN, CARDIFF		
Title	SITE LAYOUT PLAN	Scale	1:100 @ A1 (1:200 @ A3)
Status	PLANNING	Drawn	LDG
		Date	March 2020
		Approved	---
		Checked	---
Job No	1396	Dwg No	P07
		Rev	F

Architexture
architects
Room 17 Malpas Court, Oliphant Circle
Newport NP20 6AD. Tel: 01633 858 295

SCHEDULE OF EXTERNAL FINISHES
 Samples and colours of materials shall be submitted to and approved in writing by the planning authority prior to the commencement of the work stage on site.

- 1. ROOF**
Green roof construction
- 2. EXTERNAL BRICKWORK WALLS**
Grey coloured facing brickwork
- 3. WINDOW SURROUNDS**
Stone (Grey) coloured window surrounds
- 4. EXTERNAL WALLS**
Stone (Grey) coloured horizontal band
- 5. EXTERNAL WALLS**
Stone (Grey) coloured horizontal coping band
- 6. EXTERNAL WINDOWS AND DOORS**
Windows to be tilt and turn PPC aluminium framed colour grey window frames with glazed panels with low emissivity coatings to current Building Regulation standards
- 7. JULIETTE BALUSTRADING**
Glazed balustrading
- 8. EXTERNAL HARD LANDSCAPING**
Concrete paving blocks / Tarmac
- 9. EXTERNAL BIN STORE**
Treated ventilated timber enclosure



NORTH ELEVATION (LOUDOUN SQUARE)



WEST ELEVATION (LOUDOUN SQUARE)

Client	RDP PROPERTIES LTD		
Project	REDEVELOPMENT OF THE PADDLESTEAMER PUB, GRANGETOWN, CARDIFF		
Title	PROPOSED ELEVATIONS	Scale	1:100 @ A1 (1:200 @ A3)
Status	PLANNING	Drawn	LDG
		Date	March 2020
Job No	1396	Dwg No	P06
		Rev	F

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NORTH ELEVATION (LOUDOUN SQUARE)



SOUTH ELEVATION



WEST ELEVATION

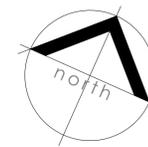


EAST ELEVATION

Scale in Metres (1:50)

Client	RDP PROPERTIES LTD		
Project	REDEVELOPMENT OF THE PADDLESTEAMER PUB, GRANGETOWN, CARDIFF		
Title	PROPOSED ELEVATIONS	Scale	1:50 @ A1 (1:100 @ A3)
Status	PLANNING	Drawn	LDG
		Date	March 2020
Job No	1396	Dwg No	P05
		Rev	H

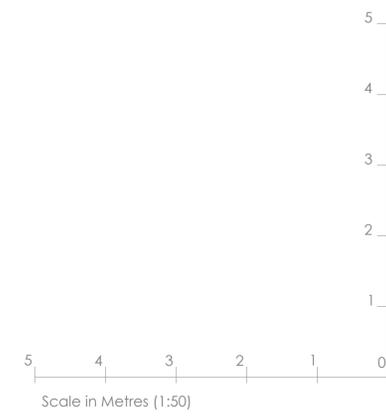
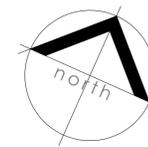
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GROUND FLOOR PLAN

Client	RDP PROPERTIES LTD		
Project	REDEVELOPMENT OF THE PADDLESTEAMER PUB, GRANGETOWN, CARDIFF		
Title	PROPOSED GROUND FLOOR PLAN	Scale	1:50 @ A1 (1:100 @ A3)
Status	PLANNING	Drawn	LDG
		Date	March 2020
Job No	1396	Dwg No	P01
		Rev	E

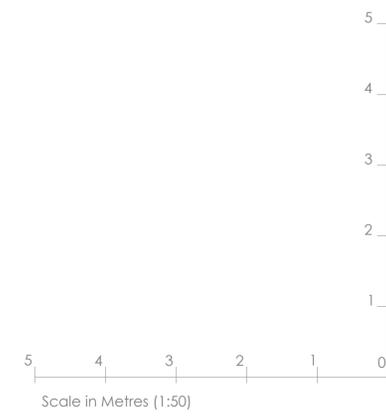
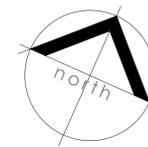
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FIRST / SECOND FLOOR PLANS

Client	RDP PROPERTIES LTD		
Project	REDEVELOPMENT OF THE PADDESTAMER PUB, GRANGETOWN, CARDIFF		
Title	PROPOSED FIRST / SECOND FLOOR PLANS	Scale	1:50 @ A1 (1:100 @ A3)
Status	PLANNING	Drawn	LDG
		Date	March 2020
Job No	1396	Dwg No	P02
		Rev	G

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THIRD / FOURTH PLANS

Client	RDP PROPERTIES LTD		
Project	REDEVELOPMENT OF THE PADDLESTEAMER PUB, GRANGETOWN, CARDIFF		
Title	PROPOSED THIRD / FOURTH FLOOR PLANS	Scale	1:50 @ A1 (1:100 @ A3)
Status	PLANNING	Drawn	LDG
		Date	March 2020
Job No	1396	Dwg No	P03
		Rev	F

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