

COMMITTEE DATE: 21/04/2021

APPLICATION No. **20/01543/MJR** APPLICATION DATE: 10/08/2020

ED: **BUTETOWN**

APP: TYPE: Full Planning Permission

APPLICANT: Angelo Gordon / Ridgeback Group

LOCATION: ANCHOR INDUSTRIAL ESTATE, DUMBALLS ROAD,
BUTETOWN, CARDIFF, CF10 5FF

PROPOSAL: DEMOLITION OF EXISTING INDUSTRIAL UNITS AND
ERECTION OF MIXED USE DEVELOPMENT
COMPRISING RESIDENTIAL APARTMENTS ARRANGED
OVER TWO BUILDINGS INCLUDING INDOOR AND
OUTDOOR SHARED AMENITY SPACES FOR
RESIDENTIAL USE, A PUBLIC SQUARE, ON-SITE
PARKING, GROUND FLOOR COMMERCIAL UNITS
POTENTIALLY COMPRISING USE CLASSES A1/A2/A3
AND ASSOCIATED LANDSCAPING AND ENGINEERING _
WORKS

RECOMMENDATION 1 : That, subject to relevant parties entering into a binding legal agreement with the Council under the provisions of a **SECTION 106** of the Town and Country Planning Act 1990, within 6 months of the date of this Resolution unless otherwise agreed by the Council in writing, in respect of matters detailed in paragraphs 9.6 and 9.7 of this report, planning permission be **GRANTED** subject to the following conditions:

PART 1 - TIME LIMIT AND PLANS

1. CO1 Statutory Time Limit

PLAN AND DETAILS SPECIFICATION

2. The development shall be carried out in accordance with the following approved plans and details unless otherwise expressly required by the ensuing conditions:

Plans

- a) Site Location Plan - SP556 P100 RevA
- b) Demolitions Plan - SP556 P101 RevA
- c) Existing Site Plan - SP556 P01 RevA
- d) Proposed Site Plan - SP556 P02 RevB
- e) Proposed Ground Floor Plan - SP556 P03 RevA
- f) Proposed 1st Floor Plan - SP556 P04 RevA
- g) Proposed 2nd – 6th Floor Plan - SP556 P05 RevC
- h) Proposed 7th Floor Plan - SP556 P06 RevA
- i) Proposed 8th Floor Plan - SP556 P07 RevA
- j) Proposed 9th – 15th Floor Plans - SP556 P08 RevA
- k) Proposed Roof Plan - SP556 P09 RevA
- l) Proposed Elevation to Dumballs Rd - SP556 P10 RevA

- m) Proposed Elevation to Private Gardens (South Facing) - SP556 P11 RevB
- n) Proposed Elevation / Section to Canal Industrial Estate - SP556 P12 RevB
- o) Proposed Elevations_1 (Block 2) - SP556 P13 RevB
- p) Proposed Elevations_2 (Block 2) - SP556 P14 RevA
- q) Proposed Elevations_3 (Block 2) - SP556 P15 RevB
- r) Proposed Elevation to Canal Park - SP556 P16 RevA
- s) Proposed Elevation to City Centre - SP556 P17 RevB
- t) Proposed Tower Elevations - SP556 P18 RevB
- u) Proposed Building Heights Plan - SP556 P19
- v) Proposed Refuse Strategy Plan - SP556 P20
- w) Proposed Boundary Treatments - SP556 P21
- x) Proposed Cycle Parking / Storage - SP556 P22
- y) Architectural Detailing: Proposed Bay Studies - SP556 P23
- z) Amenity and Privacy Sections - SP556 P24
- aa) Proposed Land Use Strategy Plan - SP556 P25
- bb) Proposed Landscape Strategy Plan - SP556 P26

Reports and other documents

- cc) Flood Consequence Assessment, report by Jubb, dated June 2020, report ref 20182-FCA-01
- dd) 'Preliminary Ecological Appraisal and Bat Surveys', report by Acer Ecology, dated July 2020, Revision 1.0.
- ee) Reptile Survey, report by Acer Ecology, dated June 2020, Revision 1.0
- ff) Green Infrastructure Statement (Broad Principles) Issue 1
- gg) Green Infrastructure Masterplan Issue 1
- hh) Preliminary Environmental Noise Assessment, report dated 16/11/20 by Hunter Acoustics, ref 5967/PRELIM_ENS1
- ii) Sustainability & Energy Statement, report dated 15.12.20, by Vitec, Issue 2.
- jj) Arboricultural Report, by ArbTS, report date 21.06.2020
- kk) Wind Microclimate Assessment – Anchor Works, Dumballs Rd, Cardiff, by BRE, dated 01.12.2020, report ref P118691-1000 Issue:2
- ll) Applicant Statement on Future Wales Policy 13 requirements in respect of gigabit capable broadband infrastructure (email from Christopher Allen dated 02/03/21 timed 12:54)

PART 2: CONDITIONS TO BE DISCHARGED

CEMP

3. Prior to the commencement of development, including any works of demolition, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of:
 - (i) site hoarding and enclosure including facilities for public viewing
 - (ii) site access
 - (iii) the parking of vehicles of site operatives and visitors
 - (iv) loading and unloading of plant and materials

- (v) storage of plant and materials (which shall avoid any areas proposed for attenuation and SuDS features, and avoid harm to trees)
- (vi) diesel and oil tank storage areas and bunds
- (vii) wheel washing facilities
- (viii) measures to control the emission of dust, smoke, other air borne pollutants and dirt during demolition and construction,
- (ix) measures to protect the DCWW 250mm DICL 1995 watermain during construction and
- (x) a scheme for the re-use/recycling/disposal of waste resulting from demolition and construction works
- (xi) lighting, including the use of security lighting on site outside of normal construction hours
- (xii) odour management and mitigation
- (xiii) a system for the management of complaints from local residents which shall include a reporting system.

Additionally, the precautionary method statement contained in section 5.2.2 of the 'Preliminary Ecological Appraisal and Bat Surveys', report by Acer Ecology, dated July 2020, Revision 1.0, shall be implemented in full during the demolition phase. The approved CEMP shall be adhered to in full throughout the demolition and construction period. Reason: To manage the impact of construction in the interests of highway safety, protection of the environment and public amenity and to secure the protection of bats, in accordance with policies KP5, T6, EN6, EN7 and EN13 of the adopted City of Cardiff Local Development Plan (2006-2026) of the adopted City of Cardiff Local Development Plan (2006-2026) and Regulation 9 of the Conservation of Habitats and Species Regulations 2017.

TREE PROTECTION

4. Notwithstanding the provisions of condition 2, no development, including demolition, shall take place until the following have been submitted to and approved in writing by the Local Planning Authority (LPA) in accordance with the current British Standard 5837:
 - A finalised **Arboricultural Method Statement (AMS)** detailing the methods to be used to prevent loss of or damage to retained trees within and bounding the site, and existing structural planting or areas designated for new structural planting. The AMS shall include details of site monitoring of tree protection and tree condition by a qualified arboriculturist, undertaken throughout the development and after its completion, to monitor tree condition. This shall include the preparation of a chronological programme for site monitoring and production of site reports, which shall be sent to the LPA during the different phases of development and demonstrating how the approved tree protection measures have been complied with.
 - A finalised **Tree Protection Plan (TPP)** in the form of a scale drawing showing the finalised layout and the tree and landscaping protection methods detailed in the AMS that can be shown graphically. The finalised layout shall take into account

and be consistent with the details of ground level landscaping required by condition 5 (GROUND LEVEL LANDSCAPING).

The development shall be carried out in full conformity with the approved AMS and TPP through the demolition and construction phase. Reason: To enable the Local Planning Authority to assess the effects of the proposals on existing trees and landscape; the measures for their protection; to monitor compliance and to make good losses in accordance with policy EN8 of the adopted Cardiff Local Development Plan (2006-2026).

GROUND LEVEL LANDSCAPING

5. Notwithstanding the provisions of condition 2, no development shall commence, except for demolition, until full details of hard and soft landscape works at ground level have been submitted to and approved in writing by the local planning authority. The submitted details shall omit the proposed 2m footway to Canal Park proposed between Blocks 1 and 2 and shown on Proposed Site Plan - SP556 P02 RevB and shall in its place show an expanded residents' garden. The submitted details shall take into account and be consistent with the layout details required by condition 4 (TREE PROTECTION) and 7 (ACCESS JUNCTIONS AND DUMBALLS ROAD WORKS), and shall include the following details:

- proposed finished ground and floor levels
- hard surfacing materials
- ducting for gigabit capable broadband infrastructure
- the 3.5m easement required by DCWW either side of centreline of water main 250mm DICL 1995
- evidence to demonstrate that existing and proposed services/ducting and any respective easements, lighting, CCTV, drainage and visibility splays will not conflict with proposed hard and soft landscaping
- litter bins, which shall be located in the public plaza and in the vicinity of the Block 1 and 2 commercial units
- seating, including seating within the residents' garden at ground level which shall include any required mitigation measures to alleviate windy conditions with reference to the findings of the BRE Wind Microclimate Assessment referenced in condition 2
- scaled planting plans (noting schedules of plants, species, plant sizes and proposed numbers/densities)
- in the case of trees, tree pit section and plan views for each tree pit type, and details of access to root available soil 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. 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, 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
- details of management and maintenance
- an implementation programme.

The landscaping shall be completed in full accordance with the approved details and implementation programme and shall be managed and maintained thereafter in accordance with the approved details. Reason: To maintain and improve the amenity and environmental value of the area, and to monitor compliance, in accordance with policies KP5 and EN8 of the adopted Cardiff Local Development Plan (2006-2026).

ROOF TERRACE LANDSCAPING

6. No works to the eighth floor residents roof terraces on block 1 and block 2 shall take place until details of roof terrace hard and soft landscaping have been submitted to and approved in writing by the Local Planning Authority. The landscape details shall include the following details: hard surfacing materials, scaled planting plans (noting schedules of plants, species, plant sizes and proposed numbers/densities), and in the case of trees, tree pit section and plan views for each tree pit type, top soil and sub soil specifications, details of access to root available soil, planting and aftercare methodology and an implementation programme. The roof terrace landscaping shall be completed in full accordance with the approved details prior to the beneficial occupation of any of the dwellings hereby approved and shall be managed and maintained thereafter in accordance with the approved details. Reason: To maintain and improve the amenity and environmental value of the area, and to monitor compliance, in accordance with policies KP5 and EN8 of the adopted Cardiff Local Development Plan (2006-2026).

ACCESS JUNCTIONS AND DUMBALLS ROAD WORKS

7. Notwithstanding the provisions of condition 2, no development shall commence, except for demolition, until details of the proposed access junctions and Dumballs Road improvement works have been submitted to and approved in writing by the Local Planning Authority, and which shall include details of: surfacing, edging, dropped kerbs, pedestrian footway improvements, modified/removed vehicle crossovers, zebra crossings, bus stop facilities/shelters, street furniture, soft landscaping, public realm works, and parking restrictions / TROs required as a consequence of the scheme. The details shall also show the proposed and existing functional services above and below ground including DCWW water main 250mm DICL 1995 (and its 3.5m easement required either side of centreline) and foul sewer. The details shall take

into account and be consistent with the layout details required in respect of conditions 4 (TREE PROTECTION) and 5 (GROUND LEVEL LANDSCAPING). The approved details shall be implemented in full prior to beneficial occupation of the site. Reason: To ensure that the use of the proposed development does not interfere with the safety of traffic or pedestrian accessibility, in accordance with policies T1, T5 and T6 of the adopted Cardiff Local Development Plan (2006-2026).

CYCLE PARKING

8. Notwithstanding the provisions of condition 2, no development shall commence, except for demolition, until details of cycle parking have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full 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, in accordance with policies T1 and T5 of the adopted Cardiff Local Development Plan (2006-2026).

REFUSE/SERVICING/PARKING STRATEGY

9. Notwithstanding the provisions of condition 2, no development shall commence, except for demolition, until a scheme showing details of the refuse/servicing/parking strategy for the site has been submitted to and approved in writing by the Local Planning Authority, to include information on allocation of car parking spaces, and the proposed operation/control of refuse collection and deliveries. The approved details shall be implemented prior to the beneficial use of the development and shall be thereafter retained / remain in force whilst the site is in beneficial occupation. Reason: To ensure that deliveries, refuse access and parking are suitably controlled and managed, in accordance with policies T6 and KP12 of the adopted Cardiff Local Development Plan (2006-2026).

RESIDENTIAL TRAVEL PLAN

10. No part of the development hereby permitted shall be occupied until a Residential Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Residential Travel Plan shall set out proposals and targets to limit or reduce the number of single occupancy car journeys to and from the site, and to promote travel by sustainable modes. The Residential Travel Plan shall also set out proposals to implement and manage the Travel Plan for a minimum period of 5 years from first residential occupation, through a designated Travel Plan Coordinator and shall also include details of a surveying, annual monitoring and reporting strategy. The Residential Travel Plan shall be implemented in accordance with the approved details from first beneficial occupation of any dwelling hereby permitted for a minimum period of five years. Reason: To encourage sustainable transport and effect modal shift to non-car modes, in accordance with policies T1, T5 and T6 and KP5 of the adopted Cardiff Local Development Plan (2006-2026).

BAT AND SWIFT BOXES

11. Notwithstanding the provisions of condition 2 and the recommendations set out in section 5.3.1 (Nesting Bird Enhancement) and 5.3.2 (Roosting Bat Enhancement) of the 'Preliminary Ecological Appraisal and Bat Surveys' report by Acer Ecology, dated July 2020 and subject to the provisions of condition 12 (BAT AND REPTILE SURVEY DATA SHELF LIFE) below, no development shall commence, except for demolition, until a scheme showing the design, location and maintenance proposals for the following features has been submitted to and approved by the Local Planning Authority in writing:

- 10 x bat boxes for crevice-dwelling bats
- 10 x Swift nest boxes (two groups of 5)
- 5 x double House Martin cup, and
- 5 x House Sparrow terrace

The scheme shall be implemented in accordance with the approved details prior to first beneficial occupation of the development and the facilities shall be retained and maintained thereafter in accordance with the approved details. Reason: To maintain and enhance biodiversity, 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 to promote the resilience of ecosystems in accordance with policy EN7 of the adopted Cardiff Local Development Plan (January 2016).

BAT AND REPTILE SURVEY DATA SHELF LIFE

12. If site clearance in respect of the development hereby approved does not commence within 24 months from the date of the most recent survey for bats and reptiles, the approved ecological measures recommended in 'Preliminary Ecological Appraisal and Bat Surveys', report by Acer Ecology, dated July 2020, Revision 1.0 and the above condition (BAT AND SWIFT BOXES) shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to i) establish if there have been any changes in the presence and/or abundance of bats and reptiles and ii) identify any likely new ecological impacts that might arise from any changes. Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original ecological recommendations and measures shall be revised and new or amended measures, and a timetable for their implementation, shall be submitted to and approved in writing by the local planning authority prior to the commencement of development, including demolition. The development and works shall be carried out in full compliance with the approved details and implementation timetable. Reason. To ensure that measures incorporated to mitigate the impact of the proposed development upon habitats and species are appropriate at the time that site clearance takes place, in accordance with Regulation 9 of the Conservation of Habitats and Species Regulations 2017 and to

promote the resilience of ecosystems in accordance with policy EN7 of the adopted Cardiff Local Development Plan (January 2016).

MATERIALS

13. Notwithstanding the provisions of condition 2, no above-ground development shall take place, except for demolition, until samples of the external finishing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to beneficial occupation of the development. 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).

ARCHITECTURAL DETAILING

14. Notwithstanding the provisions of condition 2, no above-ground development shall take place, except for demolition, until a scheme showing the architectural detailing of the buildings has been submitted to and approved in writing by the Local Planning Authority and the development shall not be brought into beneficial use until the approved scheme is implemented. Reason: To ensure a satisfactory finished appearance to the development, in accordance with Policy KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).

PRIVACY MEASURES

15. Notwithstanding the provisions of condition 2, details of privacy fins - designed to prevent unacceptable loss of privacy from in-looking between facing flats in Block 1 and 2 where the elevations turn through 90 degrees – shall be submitted to and approved in writing by the Local Planning Authority. The details shall include plans and elevation drawings of the fins at 1:50 and plan(s) showing which windows the fins will be fixed to. In addition, details of balcony privacy screens – designed to prevent unacceptable loss of privacy from in-looking into facing/adjacent flats / balconies – shall be submitted to and approved in writing by the Local Planning Authority. The approved privacy measures shall be implemented in full prior to beneficial occupation of the affected dwellings and shall be retained thereafter. Reason: To protect the amenities of future residents, in accordance with policy KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).

GROUND GAS PROTECTION

16. Prior to the commencement of any development works, except demolition, a scheme to investigate and monitor the site for the presence of gases* being generated at the site or land adjoining thereto, including a plan of the area to be monitored, shall be submitted to and approved in writing by the Local Planning Authority. Following completion of the approved monitoring scheme, the proposed details of appropriate gas protection measures to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site shall be

submitted to and approved in writing by the Local Planning Authority. If no protection measures are required then no further actions will be required. All required gas protection measures shall be installed and appropriately verified before beneficial occupation of any part of the development which has been permitted and the approved protection measures shall be retained and maintained until such time as the Local Planning Authority agrees in writing that the measures are no longer required. * 'Gases' include landfill gases, vapours from contaminated land sites, and naturally occurring methane and carbon dioxide, but does not include radon gas. Gas Monitoring programmes should be designed in line with current best practice as detailed in CIRIA 665 and or BS8485 year 2007 Code of Practice for the Characterization and Remediation from Ground Gas in Affected Developments. Reason: To ensure that the safety of future occupiers is not prejudiced, in accordance with policy EN13 of the adopted Cardiff Local Development Plan (2006-2026).

CONTAMINATED LAND MEASURES – ASSESSMENT

17. No development shall take place, except for demolition, until an assessment of the nature and extent of contamination and a report of its findings has been submitted to and approved in writing by the Local Planning Authority. This assessment shall be carried out by or under the direction of a suitably qualified competent person * in accordance with BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and shall assess any contamination on the site, whether or not it originates on the site. The report of the findings shall include:

- (i) an intrusive investigation to assess the extent, scale and nature of contamination which may be present
- (ii) an assessment of the potential risks to: human health, groundwaters and surface waters, adjoining land, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, ecological systems, archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and justification for the preferred remedial option(s).

All work and submissions carried out for the purposes of this condition shall be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document 'Land Contamination: A guide for Developers' (2012), unless the Local Planning Authority agrees to any variation. * A 'suitably qualified competent person' would normally be expected to be a chartered member of an appropriate professional body (such as the Institution of Civil Engineers, Geological Society of London, Royal Institution of Chartered Surveyors, Institution of Environmental Management) and also have relevant experience of investigating contaminated sites.

Reason: To ensure that information provided for the assessment of the risks from land contamination to the future users of the land,

neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment in accordance with policy EN13 of the adopted Cardiff Local Development Plan (2006-2026).

CONTAMINATED LAND MEASURES– REMEDIATION & VERIFICATION PLAN

18. No development shall commence, except for demolition, until a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. All work and submissions carried out for the purposes of this condition shall be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document 'Land Contamination: A guide for Developers' (July 2012), unless the Local Planning Authority agrees to any variation. Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy EN13 of the adopted Cardiff Local Development Plan (2006-2026).

CONTAMINATED LAND MEASURES – REMEDIATION AND VERIFICATION

19. The remediation scheme approved by the above condition shall be fully undertaken in accordance with its terms prior to the beneficial occupation of any part of the development hereby permitted. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works. Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority. All work and submissions carried out for the purposes of this condition shall be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document 'Land Contamination: A guide for Developers' (July 2012), unless the Local Planning Authority agrees to any variation. Reason : To ensure that any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out

safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy EN13 of the adopted Cardiff Local Development Plan (2006-2026).

CONTAMINATED LAND MEASURES – UNFORSEEN CONTAMINATION

20. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it shall be reported in writing within 2 days to the Local Planning Authority, all associated works shall stop, and no further development shall take place unless otherwise agreed in writing until a scheme to deal with the contamination found has been submitted to and approved in writing by the Local Planning Authority. An investigation and risk assessment shall be undertaken and, where remediation is necessary, a remediation scheme and verification plan shall be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report shall be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be submitted to the LPA for approval within 2 weeks of the discovery of any unsuspected contamination. Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy EN13 of the adopted Cardiff Local Development Plan (2006-2026).

IMPORTED SOIL

21. Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes. Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale which shall be first submitted to and approved in writing by the Local Planning Authority. Reason: To ensure that the safety of future occupiers is not prejudiced.

IMPORTED AGGREGATES

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

measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes. Subject to approval of the above, sampling of the material received at the development site to verify that the imported material is free from contamination shall be undertaken in accordance with a scheme and timescale which shall be first submitted to and agreed in writing by the Local Planning Authority. Reason: To ensure that the safety of future occupiers is not prejudiced, in accordance with policy EN13 of the Cardiff Local Development Plan.

USE OF SITE WON MATERIALS

23. 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.

PILING

24. No development shall commence, except for demolition, until details of any proposed piling or any other foundation designs using penetrative methods sufficient to demonstrate that there is no unacceptable risk to groundwater have been submitted to and approved in writing by the Local Planning Authority, in consultation with Natural Resources Wales. The piling/ foundation designs shall be implemented in accordance with the approved details. Reason: To ensure that there is no unacceptable risk to groundwater during construction, in accordance with policies EN10 and EN13 of the Cardiff Local Development Plan.

NOISE ASSESSMENT AND REPORT

25. Notwithstanding the provisions of condition 2, no above ground development shall commence, except for demolition, until a noise report has been submitted to and approved in writing by the Local Planning Authority, which shall include an assessment of noise levels and a scheme of sound insulation and ventilation measures for the residential development hereby approved. The assessment and scheme shall consider noise at each residential storey of the development hereby proposed from road traffic, existing and proposed nearby clubs/public houses (including any associated plant and equipment), the 3G pitch approved in Canal Park, and noise emitted from proposed fixed plant and equipment on site (including air handling units proposed for the residential units and commercial units). The submitted scheme shall provide that all habitable rooms shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 35 dB $L_{Aeq,16hr}$ during the day [07.00 to 23.00 hours] and 30 dB $L_{Aeq,8hr}$ at night [23.00 to 07.00 hours]. The submitted scheme shall ensure that habitable rooms subject to sound

insulation measures shall be provided with acoustically treated active ventilation units. Each ventilation unit (with air filter in position), by itself or with an integral air supply duct and cowl (or grille), shall be capable of giving variable ventilation rates ranging from –

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

The development shall be implemented in accordance with the approved details prior to beneficial occupation, and no habitable room shall be occupied until the approved scheme of sound insulation and ventilation measures have been installed. The noise emitted from fixed plant and equipment on the site shall achieve a rating noise level of background – (minus) 10 dB(A) at the nearest noise sensitive premises when measured and corrected in accordance with BS 4142: 2014+A1:2019 (or any British Standard amending or superseding that standard). Reason: To ensure that the amenities of future occupiers are protected, in accordance with policy EN13 of the Cardiff Local Development Plan.

NOISE VALIDATION SURVEY

26. Prior to the occupation of the residential units, a pre-occupation noise validation survey shall be undertaken to demonstrate that the internal noise levels meet the requirements of condition 25 above, the survey methodology for which shall first be submitted to the Local Planning Authority for approval in writing in partial discharge of this condition. A report of the findings of the survey, together with a validated certificate of compliance by an approved acoustic assessor shall be submitted to the Local Planning Authority for approval in writing prior to first beneficial occupation of any of the residential units hereby approved. Reason: To ensure that the amenities of future occupiers are protected, in accordance with policy EN13 of the Cardiff Local Development Plan.

SOUND INSULATION

27. No above ground development shall commence, except for demolition, until a scheme of sound insulation works to the floor/ceiling structure between the proposed ground floor commercial units/ residents' gym/ home-working space and the first floor residential accommodation has been submitted to and agreed by the Local Planning Authority in writing. The scheme shall be implemented in full accordance with the approved details prior to beneficial occupation of the commercial units and first floor accommodation. Reason: To ensure that the amenities of future occupiers are protected, in accordance with policy EN13 of the Cardiff Local Development Plan.

FUTURE KITCHEN EXTRACTION

28. If at any time the use of any of the proposed commercial premises is to involve the preparation and cooking of hot food, the extraction of all fumes from the food preparation areas shall be mechanically extracted to a point to be agreed with the Local Planning Authority, and the extraction system shall be provided with a de-odorising filter. Details of the above equipment shall be submitted to the Local Planning Authority for approval in writing and the approved details shall be installed prior to the commencement of use of the premises for the cooking of hot food. The equipment shall thereafter be maintained in accordance with the manufacturers' guidelines, such guidelines having previously been agreed by the Local Planning Authority in writing. Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected, in accordance with Policies KP5 and EN13 of the adopted City of Cardiff Local Development Plan (2006-2026).

DRAINAGE

29. Notwithstanding the provisions of condition 2, no development, except for demolition, shall commence until details of a scheme for the disposal of foul, surface and land water has been submitted to and agreed in writing by the Local Planning Authority, in consultation with DCWW and NRW. The scheme shall:

- demonstrate how the site will be effectively drained
- indicate how foul flows will communicate to the public sewerage system
- indicate the means of disposal of surface water and include a surface water removal strategy to deliver compensation for the foul flows from the proposed development site
- demonstrate that there is no resultant unacceptable risk to controlled waters arising from any infiltration of surface water into the ground
- be consistent with the details of ground level landscaping required by condition 5 (GROUND LEVEL LANDSCAPING).

The scheme shall be implemented in accordance with the approved details prior to the beneficial occupation of any building on the site and shall be maintained and retained in perpetuity and no further surface water, foul or land drainage shall be allowed to connect directly or indirectly with the public sewerage system. Reason: To prevent flooding, hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment/controlled waters, in accordance with policies EN10, EN11 and EN14 of the adopted Cardiff Local Development Plan (2006-2026).

PART 3: COMPLIANCE CONDITIONS

NESTING BIRDS

30. No removal of hedgerows, trees, scrub or shrubs shall take place between 1st March and 15th August inclusive unless otherwise approved in writing by the Local Planning Authority. Reason: To avoid disturbance to nesting birds which are protected under the Wildlife and

Countryside Act 1981: Part 1 1(1)(b), it is an offence to intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built, in accordance with policy EN7 of the adopted Cardiff Local Development Plan (2006-2026).

BAT MITIGATION DURING DEMOLITION

31. The precautionary method statement contained in section 5.2.2 of the 'Preliminary Ecological Appraisal and Bat Surveys', report by Acer Ecology, dated July 2020, Revision 1.0, shall be implemented in full during the demolition phase. 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 (2006-2026).

FINISHED FLOOR LEVELS

32. The Finished Floor Level of each of the ground floor residential units shall be set at a minimum level of 8.91mAOD prior to occupation and that finished floor level shall be maintained at that minimum level thereafter. Reason: In line with the recommendations of the approved Flood Consequences Assessment to safeguard against flood risk.

FLOOD ACCEPTABILITY MEASURES

33. Prior to beneficial occupation of any dwelling, new residents shall be advised of the flood risks and consequences, flood emergency plans and procedures, and the NRW early flood warning alert system. Flood emergency plans and procedures shall be put in place for future occupiers prior to occupation of the first residential unit and shall be made available to new occupiers thereafter. Reason: To ensure that new residents are aware of the potential for the property to be affected in the scenario of an extreme flooding event, in accordance with policy EN14 of the adopted Cardiff Local Development Plan (2006-2026).

WATERMAIN AND SEWER EASEMENT

34. Notwithstanding the provisions of condition 2, no structure shall be sited within a minimum distance of 3.5m either side of the centreline of the watermain 250mm DICL 1995 or within a minimum distance of 3m either side of the public sewer that crosses the site, unless otherwise agreed in writing by the Local Planning Authority in consultation with DCWW in discharge of this condition. Reason: To protect Dwr Cymru Welsh Water's public sewer and watermain assets and to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment/controlled waters, in accordance with policies EN10, EN11 and EN14 of the adopted Cardiff Local Development Plan (2006-2026).

FLEXIBLE USES

35. The commercial premises shall only be used for the following uses:
Unit 1 Class A1/A2/A3 (194m²)
Unit 2 Class A1/A2/A3 (178m²)

Unit 3 Class A1/A3 (140m2)

Notwithstanding the submitted plans, flexibility in the size of units is permitted providing that the Class A1, A2 and A3 uses hereby permitted shall not exceed a combined total floorspace of 512 sq m (gross) and shall be accommodated in up to 6 no commercial units.

Reason: In accordance with the submitted details and in accordance with policy R6 of the Cardiff Local Development Plan (2006-2026).

FOOD AND DRINK FLOORSPACE

36. Notwithstanding the provisions of the Town and Country Planning General Development Order 1995 (or any Order amending, revoking or re-enacting that Order with or without modification), any Class A3 (Food & Drink) floorspace shall be used as a restaurant, café or coffee shop and for no other purpose within Use Class A3 (Food & Drink). Reason: To prevent the use of the premises as a drinking establishment where the primary purpose is the sale and consumption of alcoholic drink on the premises and protect the amenities of adjacent occupiers, in accordance with policy KP5 of the Cardiff Local Development Plan (2006-2026).

SHOP FLOORSPACE

37. Class A1 (Shop) floorspace proposed in any of the ground floor commercial units shall not be used for purposes other than the sale of convenience goods, including those set out in Class A1 of the Schedule for the Town and Country Planning (Use Classes) Order 1987 (or any Order amending, revoking or re-enacting that Order with or without modification). For the avoidance of doubt "convenience goods" shall be taken to mean: food, drink, tobacco, non-durable household goods, newspapers and magazines. Reason: To prevent changes to the type and scale of retail floorspace which may prejudice the retail strategy of the development plan and/or government planning guidance, in accordance with policy R6 of the Cardiff Local Development Plan (2006-2026).

GROUND FLOOR WINDOWS

38. Notwithstanding the provisions of the Town and Country Planning General Development Order 1995 (or any Order amending, revoking or re-enacting that Order with or without modification), the ground floor windows of the commercial units shall allow an open and unrestricted view of a window display or the trading area or floorspace within the premises and the windows shall not be painted, covered over or otherwise obscured without the prior written consent of the Local Planning Authority. Reason: In the interests of visual amenity, in accordance with Policy KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).

NO HOT FOOD TAKEAWAY

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

premises shall take place from any of the commercial premises. Reason: To ensure that the amenities of future occupiers are protected, in accordance with Policy KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).

OPENING HOURS

40. No member of the public shall be admitted to or allowed to remain on any ground floor commercial premises between the hours of 23:00 hrs and 08:00 hrs on any day. Reason: To ensure that the amenities of occupiers of other premises in the vicinity of the site are protected, in accordance with Policy KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).

DELIVERY TIMES

41. There shall be no arrival, departure, loading or unloading of delivery vehicles to any of the ground floor commercial units between the hours of 19:00 hrs and 08:00hrs on any day. Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected, in accordance with Policy KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).

WASTE COLLECTION TIMES

42. There shall be no collection of commercial trade waste between the hours of 19:00 hrs and 08:00hrs on any day. Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected, in accordance with Policy KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).

SUSTAINABILITY AND ENERGY MEASURES

43. The sustainability and energy measures proposed in the Sustainability & Energy Statement, report dated 15.12.20, by Vitec, Issue 2, hereby approved, and comprising the use of all electric for central hot water, electric panel heaters, MVHR for ventilation and photovoltaics shall be delivered in full prior to beneficial occupation of the development. The number of PV panels shall accord with the number of panels proposed on the approved plans. Reason: To create a sustainable development and promote energy efficiency, in line with policies KP5, KP15 and EN12 of the adopted Cardiff Local Development Plan (2006-2026).

ELECTRIC VEHICLE CHARGING

44. At least 20 parking bays shall be provided with dedicated electric vehicle weatherproof charging points prior to first beneficial occupation of the development hereby permitted. Reason: To promote the use of electric vehicles in accordance with policy KP5 and KP15 of the adopted Cardiff Local Development Plan (2006-2026) and in accordance with the submitted Proposed Site Plan.

LANDSCAPING IMPLEMENTATION

45. Any trees, plants, or hedgerows which within a period of five years from the completion of the development die, are removed, become seriously

damaged or diseased, or become (in the opinion of the Local Planning Authority) otherwise defective, shall be replaced in the current planting season or the first two months of the next planting season, whichever is the sooner, unless the Local Planning Authority gives written consent to any variation. Proposals for replacement planting including an implementation timetable shall be submitted to and agreed in writing by the Local Planning Authority and shall be implemented in full in accordance with the approved details. Reason: To maintain and improve the amenity of the area, in accordance with LDP Policies KP5 and EN8 of the adopted City of Cardiff Local Development Plan (2006-2026).

TREE WORK TO BRITISH STANDARD

46. Any pruning necessary to implement the planning permission shall be undertaken in accordance with British Standard 3998: 2010 'Tree Work' or any Standard that replaces it. Reason: The trees are of value in the local environment and should be protected and maintained in good condition, in accordance with LDP policies KP5 and EN8 of the adopted City of Cardiff Local Development Plan (2006-2026).

PART 4: ADVISORY NOTES / INFORMATIVES

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

RECOMMENDATION 3: To protect the amenities of occupiers of other premises in the vicinity attention is drawn to the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities. Further to this the applicant is advised that no noise audible outside the site boundary adjacent to the curtilage of residential property shall be created by construction activities in respect of the implementation of this consent outside the hours of 0800-1800 hours Mondays to Fridays and 0800 - 1300 hours on Saturdays or at any time on Sunday or public holidays. Should there be a requirement to undertake foundation or other piling or drilling on site Shared Regulatory Services (SRS) must be notified **in advance** and these operations should be restricted to: Monday – Friday 8:00 until 17:00 and at no time on Saturdays, Sundays or Bank Holidays.

RECOMMENDATION 4: R4 CONTAMINATION AND UNSTABLE LAND
ADVISORY NOTICE

RECOMMENDATION 5: That the developer be advised of the advice from South Wales Police, dated 25/08/20, a copy of which was sent to the Agent.

RECOMMENDATION 6: That the developer be advised of the following advice from NRW in their consultation response dated 24/08/2020, a copy of which was sent to the Agent:

- 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 characterized 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 7: That the developer be advised of the following advice from DCWW in their consultation response dated 28/08/2020, a copy of which was sent to the Agent:

- The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com
- The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water 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.
- The developer may be required to contribute, under Sections 40 - 41 of the Water Industry Act 1991, towards the provision of new off-site and/or on-site watermains and associated infrastructure. The level of contribution can be calculated upon receipt of detailed site layout plans which should be sent to the address above.

RECOMMENDATION 8: That the developer be advised of the following advice from South Wales Fire and Rescue Service, dated 13/01/2020. Please refer to the letter for full details, a copy of which was sent to the Agent.

RECOMMENDATION 9: 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. It is recommended that the developer engages in consultation with the Cardiff Council SAB team, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. To arrange discussion regarding this please contact SAB@cardiff.gov.uk if you require further information

RECOMMENDATION 10: Please remind the agent/applicant that a commercial contract is required for the collection and disposal of all commercial waste. By law (Environmental Protection Act, 1990, section 34) all commercial premises have a duty of care to ensure that their waste is transferred to and disposed of by a registered waste carrier. Owners or developers of commercial developments/properties who require Cardiff County Council to collect and dispose of their waste can contact the commercial services department on c.services@cardiff.gov.uk

RECOMMENDATION 11: Prior to the commencement of development, the developers shall notify the Local Planning Authority of the commencement of development, and shall display a site notice and plan on, or near the site, in accordance with the requirements of Article 12 of the Town & Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016

RECOMMENDATION 12: 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 13: 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.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 This application, as amended, seeks full planning permission for the demolition of existing industrial units and the redevelopment of the site to provide a residential-led, mixed use development, comprising 432 residential apartments and ground floor commercial units, arranged over two buildings and including indoor and outdoor amenity spaces for future residents, a public square, on-site parking in two separate car parks, landscaping and engineering works. The apartments would comprise 252 x one-bed flats and 180 x two-bed flats.
- 1.2 The two buildings would be arranged around a central public square and residents' garden. Block 1, to the north, would have elements rising to 7, 8 and 9 storeys, with a 16 storey tower proposed at the northern end of the site, adjacent to Dumballs Rd (approx 49.5m high and 53m high to top of lift shaft). Block 2, to the south, rises to 9 storeys within the site, but is mainly 7 and 8 storeys. With the exception of the tower, both blocks address Dumballs Rd with 7 storeys (approx 22m high), with a setback 8th storey (approx 25m high). Both blocks address Canal Park with 7 storeys (approx 22m high). The buildings would be strongly articulated, modern in appearance, mainly finished in facing brick (dark and buff), with large format glazing, balconies and Juliette balconies.
- 1.3 Block 1 to the North would contain 241 flats, with a Class A1/A2/A3 retail unit (194m²), a residents-only gym (196m²) and home-working space (140m²), cycle and refuse storage at ground floor, and a residents-only roof garden (427m²) and lounge on the 8th floor. Block 2 would contain 191 flats, with a Class A1/A2/A3 retail unit (178m²) and A1/A3 coffee shop (140m²), cycle and refuse storage at ground floor, and a residents-only roof garden (350m²) and lounge on the 8th floor.
- 1.4 Each building would have a car park positioned to its rear, away from public view. Sixty five car parking spaces would be provided overall, which would be allocated to residents and include 20 spaces with EV charging and 2 disabled spaces. The existing substation along the northern boundary of the site would be retained within the Block 1 car park. The development would provide 602

secure and sheltered residential cycle parking spaces. Visitor cycle parking is proposed within the central plaza, close to the retail/ commercial units (28 no spaces).

- 1.5 Vehicle access to the site would be provided from Dumballs Rd, with two vehicular crossovers providing access to the two car parks. Servicing /refuse collection would take place from the front of the development at Dumballs Rd. A 3m wide pedestrian/ cycle link from Dumballs Rd through to Canal Park is proposed to the south of Block 2, providing a route through to Loudon Square local centre. A second 1.8m wide pedestrian-only link into Canal Park is proposed between the two blocks and adjacent to the private central garden.
- 1.6 Further pedestrian facilities are proposed in the form of two zebra crossings on Dumballs Rd; one to the north of the northern access and the second to the south of the southern access. The Applicant has also agreed to provide bus stop facilities / shelters on Dumballs Rd, the detail of which would be agreed and secured by a condition encompassing a package of public realm and highway improvements.
- 1.7 Key landscape features include the central public plaza, the central residents' garden (aprox 450m²), the two roof terraces (427m² and 350m²) and the two links through to Canal Park, referred to above. Fifty three new trees are proposed at ground level and a further 10 on the residents' roof terraces. These are proposed, in part, as mitigation for the removal of a group of 3no B category (moderate quality) Silver Birch trees, located within the site adjacent to Dumballs Rd, and the removal of two diseased Ash trees, within the park that are showing signs of ash dieback disease (assessed as U category /poor quality and C category/ low quality). The public plaza would be hard landscaped, with raised planted beds, rain gardens, benches and 4 new trees. The southern link through to Canal Park would also be enhanced with new 7 trees and the central pedestrian link, with 6. The residents' garden is illustrated with an undulating lawn, a swale and 3 new trees. A soft landscaped edge to Canal Park is proposed with 4 no new trees and rain gardens, with the boundary formed by a 2.1m high green weldmesh fencing. SuDS proposals including raingardens and 12 new trees are also proposed within the car parks, to break up the hard surfacing, as well as providing sustainable drainage opportunities. In addition, a widened pedestrian environment is proposed along Dumballs Rd, created by the buildings' 5 – 7m set back from Dumballs Rd. This would be enhanced by public realm improvements, including repaving and a line of 17 new street trees, forming a further key landscape feature of the site that would continue the avenue of trees secured through other developments further north along Dumballs Rd.
- 1.8 With regards residents' access to amenity space, 157 upper floor flats would have a balcony or terrace, and all flats, a Juliette balcony unless they have access to a balcony or terrace. The 18 ground floor flats would each have a private terrace, raised to 1m above general ground level and protected by a box hedge and front railings for security and privacy. The two roof terraces, lounges and the central private garden would be available for communal use,

whilst the scheme would also deliver a public plaza and direct access to Canal Park to the rear, to the further benefit of future residents.

- 1.9 The Sustainability and Energy Statement requested as part of the application confirms the scheme is proposing to use all electric for central hot water, electric panel heaters, MVHR for ventilation (mechanical ventilation with heat recovery) and Photovoltaics (PVs). The plans propose 438 PV panels overall, albeit that the Statement indicates 426no, subject to 'final design stage calculations'.
- 1.10 The demolition of the existing industrial buildings would result in the loss of 3,850m² of existing employment floorspace. A total of 512 m² of commercial floorspace is proposed. Whilst three ground floor commercial units are shown on the plans and noted above, flexibility is sought both in terms of their use, being available for Class A1, A2 or A3 use, and how the floorspace might be subdivided. This flexibility would be controlled by condition.
- 1.11 The application is supported by:
 - Design and Access Statement, August 2020
 - PAC report, July 2020
 - Flood Consequence Assessment, Jubb, June 2020
 - Transport Statement, Vectos, June 2020
 - Interim Travel Plan, Vectos, June 2020
 - Transport Technical Note addressing feedback from CCC (205359-TN-V1) and annexed tracking diagrams for standard design vehicle, large car and 7.5t Box Van
 - Preliminary Ecological Appraisal and Bat Surveys, Acer Ecology, July 2020
 - Reptile Survey, Acer Ecology, June 2020
 - Arboricultural Report, including Tree Survey, Tree Constraints Plan, Arboricultural Assessment, Tree Protection Plan and Arboricultural Method Statement, ArbTS, 21st June 2020
 - Schedule of Accommodation
 - Sun Path Analysis
 - Green Infrastructure Statement and Masterplan
 - Daylight / Sunlight Analysis, Melin, dated 27/10/2020
 - Wind Microclimate Assessment, BRE, dated 1/12/20
 - Preliminary Environmental Noise Assessment, report dated 16/11/20 by Hunter Acoustics
 - Assessment of 3G Pitch Noise, report dated 12/02/21 by Hunter Acoustics
 - Anchor Industrial Estate Lighting Pollution Assessment from 3G Sports Pitch, dated 05/03/2021
 - Sustainability & Energy Statement, Vitec, dated 15/12/20
 - Geotechnical & Geo-environmental Site Investigation Report, Terra Firma, June 2020
 - Viability Report, October 2020 and updated in January 2021.

- 1.12 Amended plans and additional information were submitted in September 2020, December 2020, January 2021 and February 2021, summarised as follows:

September 2020

- New Building Heights plan colour coded to clearly show building heights
- Amended elevation drawings – drawn area extended to include existing buildings and street sections to provide further context
- Sun path analysis

December 2020

- Transport Technical Note addressing feedback from CCC (205359-TN-V1) and annexed tracking diagrams for standard design vehicle, large car and 7.5t Box Van
 - Green Infrastructure Statement and Masterplan, Issue 1, December 2020
 - Wind Microclimate Assessment, BRE, dated 1/12/20
 - Daylight / Sunlight Analysis, Melin, dated 27/10/2020
 - Sustainability & Energy Statement, Vitec, dated 15/12/20
 - Preliminary Environmental Noise Assessment, report dated 16/11/20 by Hunter Acoustics
- Amended plans and additional information, including:
- Block 1 refuse store enlarged to accommodate more bins, and waste storage for food bins and bulky waste storage added
 - Number of residential cycle storage spaces increased from 310 to 602 spaces, resulting in the loss of 6 parking spaces
 - Southern car park redesigned to allow large cars and delivery vehicles to enter, park and leave the site in a forward gear, with tracking diagrams produced
 - Raised planters and hedges proposed to the front of railings to private ground floor terraces to mitigate privacy issues
 - Vertical fins added to windows where potential overlooking may occur between flat windows when the building turns 90 degrees.
 - Dumballs Rd trees repositioned onto the existing back of pavement edge (within the Applicant's ownership)
 - Ramp-access added to block 2 as an alternative to a stepped entrance for the ground floor apartments on the southern wing
 - Boundary treatments specified
 - Plans and elevations checked for discrepancies and amended accordingly
 - 30m separation line from the nearest flat to the existing play area in Canal Park added to show proposals are SPG compliant
 - EV charging points proposed (20 in total)
 - Access junction to the northern car park redesigned and two zebra crossings added to Dumballs Rd
 - Entrance to Block 2 redesigned in response to recommendations of the wind tunnel study
 - Red line boundary amended to incorporate the zebra crossings.

January 2021

- Amended Schedule of accommodation and Proposed 2nd – 6th Floor Plan to overcome inconsistencies. No changes resulted to the number of flats or amount of residential floorspace proposed overall.

February 2021

- Submission of 3G Pitch Noise Assessment by Hunter Acoustics.

2. DESCRIPTION OF SITE

- 2.1 The application site is a broadly triangular-shaped parcel of brownfield land (approx 0.95ha). It contains the Anchor Industrial Estate and the Old Test House industrial warehouses buildings, associated hardstanding and car parking, together with a vacant, cleared plot to the north of the site, on which Eveleigh Yard was located prior to its demolition (14/01912/MJR). An electricity substation is located within the vacant plot, along the northern boundary, and a further substation, within Anchor Industrial Estate. All of the units in Anchor Industrial Estate and the Old Test House were vacant on or before 4th February 2021. The site is relatively flat, with levels across the site varying from a high point of 8.48mAOD within the SW corner of the site to a low of 7.67mAOD to the NW.
- 2.2 The application site is bordered by Canal Park Industrial Estate to the north (occupied by the Cardiff and Vale College Automotive Training Centre), Canal Park to the east, the vacant Atlantic House office building to the south, and Dumballs Road, a car park and further industrial units to the west. A telecommunications mast is positioned adjacent to the NE corner of the site. The site boundary to the north is formed by the neighbouring industrial buildings themselves and a timber fence. The boundary to Atlantic House to the south is formed by the site's southernmost 2 storey building and a stone wall. Existing access to the site is via Dumballs Rd. The site currently has one main access into the Anchor Industrial Estate, although there are a number of other crossovers/hard-standing areas off Dumballs Rd.
- 2.3 The site is located within a highly sustainable location, approx 900m south of the city centre, approx 700m from Cardiff Central rail station and Cardiff Bay rail station, and within walking distance of bus stops, car clubs and local facilities, including two Enterprise Car Clubs (on Mount Stuart Sq and Taffs Mead Embankment), Canal Park, Butetown Community Centre and Loudon Square local centre.
- 2.4 The site lies over 400m from Mount Stuart Square Conservation Area and 350m away from the nearest listed building, the Grade II listed Parish Church of St Mary the Virgin and St Stephen the Martyr, Bute St. The site is located approx 1.4km from Cardiff Castle and Roman Forum.
- 2.5 The site falls predominantly within flood zone C1 as defined in TAN15 (areas of floodplain served by significant infrastructure, including flood defences), with the rest in Zone B (known to have been flooded in the past). Under TAN 15 the development is classified as a 'highly vulnerable' and is therefore

required to undergo a justification test, which includes an acceptability of consequences assessment. The site does not fall within an archaeologically sensitive area.

- 2.6 The application site falls within the Cardiff Central Business Area (CBA) and Cardiff Central Enterprise Zone and Regional Transport Hub strategic site as defined by the Cardiff Local Development Plan Proposals Map. The strategic site is one of eight Strategic Sites allocated in the LDP to collectively play a crucial role in delivering the Plan Strategy.
- 2.7 Planning permission was resolved to be granted (subject to s106) on the northern part of the site for a 23 storey residential tower block as part of a residential-led mixed use development, comprising 109 apartments for the private rented sector (17/00159/MJR). Immediately to the west of the site, permission was granted for a high-density, residential-led development (c695 dwellings) including a 16 storey courtyard residential scheme fronting Dumballs Road, albeit that this permission has lapsed (14/00430/DCI). Attention is also drawn to the recently approved development for a 3G pitch with flood lighting and spectator seating and changing facilities within Canal Park (20/00262/MNR). The iconic 3 – 6 storey Cardiff and Vale College lies to the north of the Canal Park Industrial Estate.

3. **RECENT PLANNING HISTORY OF RELEVANCE**

Site History

- 3.1 17/00159/MJR – Land at Dumballs Rd – Mixed use development comprising 109 1 and 2 bed apartments (Class C3), ground floor flexible commercial unit (A1/A2/A3/B1/D1) with access, drainage works, car parking, cycle storage, refuse storage, electricity substation and associated works – resolved to grant subject to s.106 21/06/2017. *Proposals included 23 storey residential tower block.*
- 3.2 18/00564/MNR – Depot Cardiff Ltd - Continuation of temporary change of use for a further three years as a restaurant and also as a drinking establishment – refused 26/06/2019
- 3.3 15/01076/MNR – The Depot, Dumballs Rd – Change of use for the existing industrial warehouse (Class B2) to a temporary use for three years as a restaurant (Class A3) – approved 02/07/2015
- 3.4 14/01912/DCI – Eveleigh Yard, Dumballs Rd – Demolition of vacant single and two storey industrial / storage unit – prior approval granted 16/10/2014 (Eveleigh Yard was an industrial yard located between Canal Park industrial estate to the north and Anchor Industrial Estate to the south – and significantly is the part of the current application site that is now cleared.)
- 3.5 13/00303/DCI – Unit 3, Anchor Industrial Estate – Retention of use of building as a temporary mosque for 3 months – approved 09/05/2013

- 3.6 10/01945/DCI – 7 Anchor Estate – Change of use to vehicle servicing, repair and MOT station, along with vehicle dismantling for recovery of parts and metal recycling
- 3.7 A screening opinion was issued 27/05/20, confirming that an environmental statement is not required (SC/20/00004/MJR).

Site History on adjacent and nearby plots

- 3.8 *Immediately to the west of the site –*
14/00430/DCI – Land at Dumballs Rd, Butetown – Hybrid application
FULL DETAIL in respect of the demolition of existing industrial buildings and erection of up to 695 no. dwellings and 357 sq.m of A1/A2/A3/D1 floorspace, associated car parking and secure cycle storage, access, servicing and landscaping and OUTLINE WITH ALL MATTERS RESERVED in respect of A1 retail, A2 financial and professional services, A3 food and drink, B1 office, C1 Hotel, C3 residential, D1 non-residential institution, D2 assembly and leisure uses, access, parking, servicing and landscaping – approved 15/08/2014. This permission lapsed on 15/08/19.
Proposals included a 16 storey courtyard residential scheme fronting Dumballs Road

Further north along Dumballs Rd

16/000504/MJR – Old Imperial Buildings, Trade St – Demolition of Williams court except no. 1 & 3 which shall be retained and converted from B1 use (offices) to A1/A2/A3 use. New build residential development consisting of no. 102 1 & 2-bed flats with ground floor retail units fronting Trade Street and undercroft car parking for 45 vehicles – approved 14/11/16
The scheme comprises a ground floor commercial unit(Class A1/A2/A3/B1) in a six/seven/ eight/ nine storey block

17/01292/MJR – Land at Suffolk House – Outline planning permission for the demolition of existing buildings and re-development of the site for new student residential accommodation- approved 25/05/2018
The indicative proposals showed 315 bed student accommodation and ground floor commercial units arranged over 3 blocks varying from 2 – 8 storeys.

17/02404/MJR – Former Browning Jones and Morris, Dumballs Rd – demolition of existing warehouse and erection of 206 residential flats over two buildings with associated public square, 4 no. Commercial units potentially comprising A1/A2/A3/B1 uses, parking, residents roof terrace and public realm works – approved 29/06/18.
Two buildings were proposed, with a central plaza and a pedestrian walkway between Dumballs Road and Curran Road. Both buildings would be 8 storeys high adjacent to Dumballs Road, with the southern most building rising to 9 storeys and the northern building to 12 storeys (approx 38.5m), adjacent to Curran Road.

18/02383/MJR – Former Browning Jones and Morris, Dumballs Rd – Application under section 73 to vary conditions 2, 5, 6, 9, 10, 11, 12, 13, 14,

15, 16, 18, 19, 20, 29, 37 and 38 of planning permission 17/02404/MJR granted 29th June 2018 to amend the timing of demolition, building design and proposed quantum of commercial uses – approved 27/02/2019

17/01672/MJR – ITEC Training Solutions Ltd, Crawshay Court - Demolition of existing buildings and construction of 25 storey apartment building (140 no. Units) with ancillary areas, parking, A1/A3 unit(s) and resident's roof terrace – approved 07/08/2019

19/01930/MJR – Crawshay Court, 6 Curran Rd - 188 unit apartment building with ancillary areas, parking, public open space, a1/a3 unit(s) and a residents roof terrace – resolved to grant subject to s.106 22/07/20.

The building comprises 27 storeys (approx 84m) with a 13 storey 'shoulder'.

- 3.9 Within Canal Park immediately to the east of the site
20/00262/MNR - Construction of 3G pitch with floodlighting and spectator seating plus changing facilities with external pathways all within fenced enclosure – approved 19/11/20.

21/00277/MJR – Discharge of conditions 3 (operational management plan) and 6 (floodlighting) of 20/00262/MNR.

4. **POLICY FRAMEWORK**

Local Policy

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

KP2: STRATEGIC SITES

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

KP4: MASTERPLANNING APPROACH

KP5: GOOD QUALITY AND SUSTAINABLE DESIGN

KP6: NEW INFRASTRUCTURE

KP7: PLANNING OBLIGATIONS

KP8: SUSTAINABLE TRANSPORT

KP9: RESPONDING TO EVIDENCED ECONOMIC NEEDS

KP10: CENTRAL AND BAY BUSINESS AREAS

KP12: WASTE

KP13: RESPONDING TO EVIDENCED SOCIAL NEEDS

KP14: HEALTHY LIVING

KP15: CLIMATE CHANGE

KP16: GREEN INFRASTRUCTURE

KP17: BUILT HERITAGE

KP18: NATURAL RESOURCES

Detailed Policies:

H3: AFFORDABLE HOUSING

H6: CHANGE OF USE OR REDEVELOPMENT TO RESIDENTIAL USE

EC3: ALTERNATIVE USE OF EMPLOYMENT LAND AND PREMISES

EN7: PRIORITY HABITATS AND SPECIES
 EN8: TREES, WOODLANDS AND HEDGEROWS
 EN9: CONSERVATION OF THE HISTORIC ENVIRONMENT
 EN10: WATER SENSITIVE DESIGN
 EN11: PROTECTION OF WATER RESOURCES
 EN12: RENEWABLE ENERGY AND LOW CARBON TECHNOLOGIES
 EN13: AIR, NOISE, LIGHT POLLUTION AND LAND CONTAMINATION
 EN14: FLOOD RISK
 T1: WALKING AND CYCLING
 T2: STRATEGIC RAPID TRANSIT AND BUS CORRIDORS
 T5: MANAGING TRANSPORT IMPACTS
 T6: IMPACT ON TRANSPORT NETWORKS AND SERVICES
 R6: RETAIL DEVELOPMENT (OUT OF CENTRE)
 R7: RETAIL PROVISION WITHIN STRATEGIC SITES
 R8: FOOD AND DRINK USES
 C3: COMMUNITY SAFETY/ CREATING SAFE ENVIRONMENTS
 C5: PROVISION FOR OPEN SPACE, OUTDOOR RECREATION, CHILDREN'S PLAY AND SPORT
 C6: HEALTH
 C7: PLANNING FOR SCHOOLS
 W2: PROVISION FOR WASTE MANAGEMENT FACILITIES IN DEVELOPMENT

Supplementary Planning Guidance (SPG) and other local guidance

- 4.2 Relevant SPG approved following the adoption of the Cardiff Local Development Plan:
- Food, Drink and Leisure Uses (approved November 2017)
 - Green Infrastructure (approved November 2017)
 - Managing Transport Impacts (Incorporating Parking Standards) (April 2018)
 - Planning for Health and Well-being (November 2017)
 - Planning Obligations (approved January 2017)
 - Residential Design Guide (approved January 2017)
 - Safeguarding Business and Industrial Land and Premises (November 2017)
 - Tall Buildings (approved January 2017)
 - Waste Collection and Storage Facilities (approved October 2016)
 - Provision of Electric Vehicle Charging Points in New Developments: Guidance for Developers (November 2018)

National Planning Policy

- 4.3 Planning Policy Wales (**Edition 11, 24 February 2021**) and the new national development framework 'Future Wales: The National Plan 2040' (published 24 February 2021) set out the land use policies of the Welsh Government. Future Wales is now part of the development plan for all parts of Wales and development management decisions will need to accord with it. National planning policy is supplemented by a series of Technical Advice Notes and Circulars.
- 4.4 Future Wales policies with immediate relevant Development Management Implications include:

- Policy 2 (Shaping Urban Growth and Regeneration – Strategic Placemaking) – sets out strategic placemaking principles of creating a mix of uses, providing a variety of housing types and tenures, building places at a walkable scale, increasing population density at densities that can support public transport and local facilities, establishing a permeable network of streets, promoting a plot-based approach to development and integrating green infrastructure. Supporting text notes that new developments in urban areas should aim to have a **density of at least 50 dwellings per hectare**, with higher densities in more central and accessible locations.
- Policy 6 (**Town Centre First**) states that significant new commercial, retail, education, health and leisure and public services must be located within town and city centres. The supporting text notes that the policy applies to facilities of a significant scale.
- Policy 9 (Resilient Ecological Networks and Green Infrastructure) - States that in all cases, action towards securing the maintenance and enhancement of **biodiversity** (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals
- Policy 12 (Regional Connectivity) - For non-residential developments LPAs should seek a minimum of 10% of car parking spaces to have **electric charging points**
- Policy 13 (Supporting Digital Communications) - In relation to **digital infrastructure** new developments should include the provision of Gigabit capable broadband infrastructure from the outset
- Policy 16 (Heat Networks) - Large scale mixed-use development (100 or more dwellings or 10.000 sqm) should, where feasible, have a heat network with a renewable / low carbon or waste heat energy source. Planning applications for such development should prepare an **Energy Masterplan** to establish whether a heat network is the most effective energy supply option and, for feasible projects, a plan for its implementation.

Technical Advice Notes (TANs) and other legislation

4.5 Key TANs include:

- TAN 2: Planning and Affordable Housing (2006)
- TAN 4: Retail and Commercial Development (2016)
- TAN5: Nature Conservation and Planning (2009)
- TAN 8: Renewable Energy (2005)
- TAN 11: Noise (1997)
- TAN 12: Design (2016)
- TAN 15: Development and Flood Risk (2004)
- Summary of what TAN 15 requires for highly vulnerable development (houses) to be considered acceptable
- TAN 18: Transport (2007)
- TAN 21: Waste (2014)
- TAN 23: Economic Development (2014)
- TAN 24: The Historic Environment (2017)

5. **INTERNAL CONSULTEE RESPONSES**

RESPONSE TO INITIAL CONSULTATION

- 5.1 **Housing Development** (03/09/20) a 20% affordable housing provision is sought on-site. Where not possible, a financial contribution of **£6,569,892** should be sought, calculated in line with the Affordable Housing SPG (2017).
- 5.2 **Neighbourhood Regeneration** (13/08/20) request a financial contribution towards off-site community facilities to meet the needs of the new population, amounting to **£358,371.58**, assessed on the basis of 262 one bed flats and 170 two bed flats. With regards the CIL tests, the team advise that the scheme is
- *necessary*, noting that a development proposing a significant increase in population such as this would create pressures on existing local facilities that need to be offset via a financial contribution and that 'it would be unacceptable to grant planning consent in the absence of such provision' [their emphasis]
 - *directly related to the development*, noting that several community facilities are located within proximity to the site and are likely to experience added pressure as a result of the new population and that it is envisaged that a forthcoming community facility contribution would be directed towards one of these facilities
 - *Fairly and reasonably related in scale and kind to the proposed development*, noting that the contributions are derived using a formula-based calculation set out in SPG, which takes into account, amongst other things, the size of the residential development and the projected increase in population.
- 5.3 The **School Organisation Programme Planning Manager** requests a financial contribution of **£163,900** towards school provision, noting:
- The catchment school for English medium at secondary level is Fitzalan High School. This school is currently oversubscribed and is projected to remain so. A financial contribution is therefore sought in accordance with the published SPG.
 - Welsh-medium secondary school places are also projected to be oversubscribed throughout the city. The catchment school for this area is Ysgol Gyfun Gymraeg Glantaf which is currently at capacity, a financial contribution would therefore be sought.
 - Specialist provision is also fully utilised and as this is projected to continue the Council therefore seeks a financial contribution.

The contribution requested, calculated in accordance with the SPG, is broken down as follows:

Number of dwellings:	432
English-medium nursery	£0
English-medium primary	£0
English-medium secondary	£91,519

English-medium sixth form	£22,065
Welsh-medium nursery	£0
Welsh-medium primary	£0
Welsh-medium secondary	£22,880
Welsh-medium sixth form	£5,516
Statemented SEN	£21,920
Totals	£163,900

5.4 **Economic Development** note that the proposal involves the demolition of industrial units on Anchor Court and that, whilst the development is positive for the area, they are concerned by the loss of employment space and seek a s106 contribution towards employment related schemes in the ward.

5.5 The **Operational Manager, Transportation** provides the following summarised comments:

Highway access

- Visibility splay – queries how the western visibility splay which crosses 3rd party land will be guaranteed if it is outside the site/ highways control
- the western access is shown to accommodate 2-way traffic for around 20m before reducing to one-lane and forming a bend before leading to the car park area. Notes this seems a tight access into the car park, but should not result in any queue or blocking onto the adopted highway. Notes that the swept path for this route has only been undertaken using a Standard Design Vehicle and it would be more appropriate to use at least a Large Car. Queries what other vehicles might realistically access this car park and what is the refuse strategy.
- The eastern access appears to be less constrained in terms of visibility and width, and there are no specific concerns, though the above swept path points would apply here.
- Both access points (along with various other transport works) would need to be the subject of a s278 legal agreement and planning condition.
- Parking restrictions would be required on the eastern side of Dumballs Road, which would be determined via the s278 and would require a TRO. There is a 'gap' in the proposed provision of Dumballs Road trees adjacent to the main square, with care required to prevent parking
- Car parking – the total amount of car parking is well within the maximum standards set out in the SPG and is appropriate given the very sustainable location of the site. Query as to how the car parking spaces be would be allocated and whether any of the car parking spaces would be for the retail elements.
- Cycle parking – note this must be provided at the minimum amount set out in the SPG, namely one space per bedroom, with only 320 residential spaces are offered, as well as 28 outdoor 'other' spaces and a commitment to a 20-cycle Nextbike facility. Whilst the principle of 2-tier cycle parking (to cater for resident parking) is deemed acceptable, it needs to have appropriate horizontal spacing and aisle widths and a reasonable proportion of non-2 tier cycle parking (i.e. Sheffield stands), with all cycle parking (including any short-stay, retail provision) being

covered. The commitment to provide/fund a 20-capacity Nextbike facility is welcomed and could count towards 40 spaces of the cycle parking requirement if appropriately located. Advises they are seeking a step-change in the amount of cycling occurring in Cardiff and that the current levels of cycling does not reflect this. Notes that the level of cycle use recorded on a given day does not mean that additional cycle parking is not required to deal with people who want to use it occasionally.

- Pedestrian / cycling facilities – A wide ‘footway’ is proposed along the street frontage with Dumballs Road, although this includes a series of trees (in grilles) that would reduce the practical footway width for pedestrians. It would be useful to have more details of how this would work and what available width will be left for pedestrians. Query as to whether the proposed trees would be high enough that people will be able to walk right up to the edge of the tree grille or whether there would be branches limiting the practical footway width. It is assumed there will need to be appropriate footway surfacing materials along the Dumballs Road frontage to be consistent with other provision, and noting the northern application site had a Planning Condition relating to paving/public realm that they would seek to impose. The proposal for a 3.5m pedestrian/cycle path in the southern part of the site (linking Dumballs Road with the park) appears to be of benefit, although it would be useful to see in context where this link would connect in the east. Question as to whether it is intended this link would be adoptable (it would be useful as a general point to confirm the overall proposed adopted highway approach for the site). Notes there is also a 2m path into the park from the centre of the site which then links west into the ‘western square’ and to Dumballs Road, and it is assumed this is not intended to be an adopted route.
- Off-site mitigation – Given the quantum of development being proposed, it is important that sustainable transport measures are introduced to maximise travel by non-car modes. It is proposed that the following should be introduced (these may be a combination of works/contributions) - *Raised table zebra crossing on Dumballs Road south of the site (at the location of the existing refuge island); Raised table zebra crossing on Dumballs Road in the western part of the site (probably south-east of the proposed western access, detailed position to be established); Provision of bus stop facilities/shelters on Dumballs Road adjacent to the site (noting the existing stops have no facilities on the ground) and Off-site cycleways.*
- Traffic impact – The TS indicates that the maximum impact on the nearest main junction (James Street) could be a little over 5%, but this is not assessing a reduction for existing site trips, and overall it does not appear that traffic generation from the site is likely to be an issue. Notwithstanding the above points about limiting the amount of on-street parking, it may be that the remaining Dumballs Road parking is effectively available for residents and that it is not strictly the case that the traffic demand for the site can only be the 71 ‘spaces’. However, advises that a junction assessment is not required.
- Transport Statement queries incl.– 2.2 – the 2017 application received a resolution to grant (subject to s106) and it is not the case that it has ‘full planning permission’; 4.12 – it is apparent that the amount

of cycle parking proposed is less than 1 per unit; 5.12 – I'm not clear what 'more robust' is referring to. Adding background traffic growth will not provide a more robust assessment when undertaking percentage impact analysis. It is assumed that the TS will be updated in due course

- Travel Plan - The Travel Plan would be conditioned

5.6 The **County Ecologist** raised no objection and advises that:

- Bats - No bats or evidence of bat use were detected during surveys and NRW have accepted this, such that no mitigation for bats is necessary, but surveys may need to be repeated and opportunities to enhance the habitat for bats should also be taken
- Reptiles - No reptiles were detected and, although the timing of the reptile survey was sub-optimal, they are satisfied they are likely to be absent, especially considering the relative absence of suitable habitat
- Nesting Birds - Some nesting bird activity was noted during surveys, such that the nesting bird condition should be attached
- Green Infrastructure - The Applicant should consider how green infrastructure will be treated as part of this development to comply with policy KP16, requiring a Green Infrastructure Statement, which shows how all elements of the proposed green infrastructure (retained and new) and any associated uses and movement have a clear role and purpose in the new development, with conclusions drawn from analysis of this resource expressed in an illustrative way, in the form of a Green Infrastructure Masterplan or Landscape Masterplan or similar. The resulting approach should explain how this is achieving good design. Confirmed that because there isn't the constraint of having to be sure that protected species are taken care of, they are happy for a GI Statement or GIMS to be provided by condition, with the broad principles provided prior to determination.
- Shelf-life – advises that, as a general principle, survey work which is more than 18 months old will be regarded with caution, such that a condition should be attached stating that survey work should be repeated if site clearance hasn't taken place within 18 months of the most recent survey
- Enhancements – Advise that a statutory duty, set out in section 6 of the Environment (Wales) Act 2016, has been introduced which requires public bodies such as Cardiff Council to seek to maintain and enhance biodiversity, and in doing so to promote the resilience of ecosystems, in the exercise of their functions, also reflected in PPW (section 5.2.8), advising that any application should demonstrate how this will be the case. Accordingly, they advise that in terms of specific enhancement features, nesting or roosting opportunities for birds and bats should be incorporated comprising 10 x bat boxes for crevice-dwelling bats, 10 x Swift nest boxes (two groups of 5), 5 x double House Martin cup, and 5 x House Sparrow terrace, with the Applicant's ecologist to advise on the make, model and suitable positioning of these features.

5.7 The **Council's Tree Officer** advises that:

- The loss of the B category birch group is offset by new tree planting
- The proposed building line is too close to B category ash tree T4 within Canal Park, necessitating heavy lateral pruning to give clearance

- There is a significant risk that landscaping works will harm the roots of off-site trees if they have extended within the site as suggested by the nominal RPAs shown and clarification is required
- New planting proposed is indicative only and it is advised that it is essential that Root Available Soil Volumes (RASV) per tree are identified as parameters, based on existing and proposed service and drainage proposals. Comfort is required that soil cells can be accommodated to provide appropriate RASV.
- Detailed species and planting advice is provided.

5.8 Following the Applicant's concern that ash tree T4 is off site, that their proposals fall outside the RPA of T4, that they propose to cut back the canopy via pruning as is their right under common law, that their arboriculturalist advises that there is 80% chance the tree will get ash die back because the adjacent trees already have it and the Applicant's offer to provide replacement trees by condition should that tree die or become defective within a 5 year or other time-period from completion of the development, the **Council's Tree Officer** advised:

- The applicant is correct that they would have common law rights to cut back the tree to the legal boundary so long as this does not destroy or destabilise it. It is also true that the tree is at risk of dying from ash die-back disease, though trees without symptoms currently might be those that form the future breeding population, if they are resistant. I also agree that the development offers potentially significant benefits to the urban tree population by securing significant new planting. I would however maintain my view that the design of development should be amended to take account of the current and likely future growing space for the tree or any replacement for it. This is a basic requirement of developments designed in accordance with BS 5837:2012 and our Trees TGN. However, I agree that this issue alone does not result in a development that will result in *unacceptable* harm to trees of amenity value, subject to landscaping details being agreed and development proceeding in accordance with the tree protection requirements detailed.

5.9 **Parks Services** provide the following summarised comments:

Design Comments

- welcomes the line of trees along Dumballs Rd and buffer zone to the park.
- Notes that an application has been submitted by the college for a 3G pitch which should be taken into consideration. Also notes the site is adjacent to an existing play area, for which a buffer zone of a min 30m is required between the nearest part of the building and the play area to prevent adverse impacts on residents.
- Notes the resident's garden looks acceptable, with views from properties onto it and noting that consideration should be given to the sun shade pattern and need for seating, and welcomes the boulevard to the park.
- Notes the roof gardens should provide good private amenity space and that they need to be imaginatively designed to given meaningful and useable spaces, noting that there is currently insufficient information and

advising that a landscape architect should be involved in the design of all external spaces.

Open Space Provision

- Requests a financial contribution towards public open space of **£598,785**, noting that consultation will take place with Ward Members to agree use of the contribution to be confirmed at s106 stage. The closest areas of recreational space are Canal Park and Overstone Court open space.

5.10 Waste Management advise

- Block 1 - the bin storage area does not show the recommended bins, such that there may be a need to increase the frequency of collections in the future if the full recommended amount of bins are not provided and that the food bin storage area must be shown to be large enough to fit 14 food waste bins (240l).
- Block 2 - the amount of bins shown is acceptable.
- Bin storage area should allow a degree of flexibility to allow the Council to adapt to potential collection changes
- A designated area for bulky waste of at least 10m² must be shown
- Detailed design advice is provided.
- Litter bins – litter bins are required in the external amenity space in areas of high footfall and in front of the Class A3 unit, with a request that the proposed adopted areas are shown to allow waste management to advise on the amount, types of bins and service that can be offered for maintenance
- Commercial units – the refuse storage area for the commercial units (Class A1/A2/A3) is noted, with a request that it be clarified whether direct access is available for the A3 unit. Advice is provided on the need for commercial contracts for all commercial waste.

5.11 Drainage Services advise that they are unable to provide consultation to planning and recommend that the developer is informed of the potential requirement for SAB and to engage through those formal channels, but noting that surface water management remains a material planning consideration such that senior management may wish to consider how planning manage this element going forward. They note that the Applicant is unable to connect to the sewer unless they have a SAB in place as the automatic right to connect was removed by Schedule 3.

5.12 Shared Regulatory Services (Contaminated Land) advise that the submitted assessment of ground gas and contamination across the site identifies risks to human health from contamination within the soil and the need for further site investigation works. Based on the above, they recommend the following conditions: Ground Gas Protection, Contaminated Land Measures – Assessment, Contaminated Land Measures - Remediation and Verification Plan, Contaminated Land Measures – Remediation and Verification, Contaminated Land Measures – Unforeseen Contamination, Imported Soil, Imported Aggregates, Use of Site Won Materials, and a standard contamination and unstable land advisory notice.

5.13 **Shared Regulatory Services (Noise & Air)** provides the following comments in respect of noise assessment:

- As there is a new lockdown, traffic levels will be lower and may not return to 'normal' for some time, such that the applicant should not at this moment undertake any acoustic surveys as they risk not being representative
- the Applicant should make some attempts at identifying any noise that could cause any issue, and should undertake a desktop study of the site and physically visit it to identify any other noise sources in the vicinity which may cause concern, noting that business may be quieter
- the findings of the desktop survey and site visit should be reported back to SRS before determination and once completed, SRS would look to agree an acoustic survey post determination and prior to construction.
- The applicant will need to consider if they are going to carry out piling works as well and what affect that will have on the surrounding users.
- The applicant will need to look at the placement of residential and commercial units from a noise perspective on the site and look at adjacent commercial premises and design accordingly to minimise noise impact.
- The acoustic engineer will need to look at the following guide as a part of survey and design - Acoustic ventilation and overheating residential design guide – January 2020 v1.1.

No comments were received in respect of air quality.

5.14 Following receipt of draft proposals from the Applicant re noise requirements, SRS- Noise confirm that whilst their proposals are sufficient at this moment in time they insist that a site visit is undertaken in addition to a desktop survey given the size of the development and uncertainties with noise levels from surrounding properties. They also advise the Applicant to ensure the acoustic consultant considers the impact of power floating if this is undertaken, in addition to piling, to identify how those methods can be suitably controlled, appreciating that the information will be in the CEMP.

5.15 **Building Control** – no response received.

RESPONSE TO DECEMBER 2020 CONSULTATION

5.16 **Neighbourhood Regeneration** Based on 252 x 1 bed flats and 180 x 2 bed flats as per the Schedule of Accommodation (Rev A), Neighbourhood Regeneration requested a s106 contribution of **£361,142.78** (from £358,371.58 previously requested).

5.17 **Housing Development** confirmed that their s106 would remain as previously stated.

5.18 The **School Organisation Programme Planning Manager** confirmed that the s106 request would remain at **£163,900**.

5.19 The **Council's Tree Officer**:

- Requests clarification as to why trees in open beds are shown with constrained RASV, as it is assumed that they will have free access to soil beyond the confines of the defined tree pit – detailed advice is provided

- no concerns otherwise subject to satisfactory landscaping and tree protection details to be secured by condition.

5.20 Further to clarification from the Applicant in respect of trees and their RASVs (namely, that the trees in the lawn and open areas would, in fact, have free access to soils rather than be constrained to RASVs and that the information was provided in response to the Tree Officer's previous request for target RASVs for every tree), the **Tree Officer** confirmed that they have no further comment.

5.21 **Parks Services** provide the following summarised comments:

- Existing Trees – notes that the significant amount of tree planting proposed would compensate for the loss of 2 x ash trees (Cat U/Cat C) from the eastern boundary and a small group of birch trees (Cat B) from the western boundary. Notes a detailed Arboricultural Method Statement should be provided where the proposals result in incursions on the RPA's of existing trees (particularly T8 and T9 on the eastern site boundary).
- Proposed Trees and Planting – notes that there are clear benefits to the principles of tree planting and proposed Maples which would match existing trees on Dumballs Rd, but that a broader range of tree species would have benefits for tree health and biodiversity. Recommends that a comprehensive planting plan is secured.
- SuDS – notes the Proposed Landscape Strategy Plan sets out the location of SuDS features, with a concern that 1m wide rain gardens proposed in parking areas are unlikely to be able to accommodate sufficient drainage and growing media to support plant growth and should be reviewed. Other SuDS areas need careful consideration to balance visual quality with use, biodiversity value and drainage function, ensuring that planting must be capable of withstanding periods of inundation.
- Communal garden – notes that this provides important visual amenity, has the potential to contribute to biodiversity and green infrastructure objectives, but that its use will be limited by overlooking. Notes that the design of the space should be progressed by a suitably qualified professional.
- Roofs and roof gardens – Note that the roof gardens for both blocks are predominantly hard surfaced with containerised planting, and have potential to contribute to the SuDS strategy and green infrastructure.
- Boundary treatments – the detailing of the 2.1m weld mesh fencing proposed on the northern and eastern site boundary must respond to the locations of existing trees and be co-ordinated with the detailed Arboricultural Method Statement. Notes that a degree of visual permeability between the park and the development would aid surveillance. Consideration must be given to the approved proposals for a 3G pitch planned in Canal Park, adjacent to the site.
- Public art/ gateway location – The Dumballs Road Planning Area brief identifies the site as a 'gateway' and this has evidently been considered through the pre-application process. It is recommended that consideration is given to the inclusion of public art.
- Conditions – a comprehensive landscape scheme and Arboricultural Method Statement are required.

- Open Space Provision – re-states the previous request for **£598,785** towards off-site open space.

5.22 **Waste Management** confirm that that plans detailing waste storage and the refuse strategy are acceptable and that the facilities must be retained for future use. Further to discussion with Transportation, they confirm that they agree to their suggested waste condition.

5.23 **Policy Team, Strategic Policy, Planning** provide the following comments in respect of energy matters:

- The Sustainability and Energy Statement submitted for the Anchor Works development anticipates a fabric first, Part L compliant development which improves, albeit marginally, on the regulatory minimum.
- In terms of feasibility of LZC technologies, 426 PV panels could be accommodated on blocks 1 and 2, subject to design stage calculation. Incorporation of PV appears to have been considered in the overall cost plan provided by EPS and therefore this should be deemed viable.
- In regard to heat pumps, no basic ground survey has been undertaken, however the report states that the ground is not suitable for vertical piping, with a reference to the possibility of underground obstacles. Suggest this requires further clarification.
- The report states a District Heating Network is not feasible, the OM Energy & Sustainability will be better positioned to comment on this aspect. Clearly, there is a possibility that the development will be sited near Cardiff's DHN in the future. Queries whether provision of a point for future connections could be explored.
- Recommends a condition to secure PV panels.

5.24 **Energy & Sustainability Team** – Notes the energy assessment dismisses the opportunity to link with the District Heat Network on grounds of lack of information but notes that this is not the case, and that it is hoped that they will be in contract to deliver the heat network before the end of March.

5.25 The **Operational Manager, Transportation** provides the following summarised comments:

- Highway Accesses - The revised red line/splay at the northern/western access means the visibility splay/control concerns are overcome. It seems the access road has been widened a little, although the swept paths do not show two cars passing, and it is not clear they could do so. There is a constraint as the northern access road bends around into the car park which may cause some operational issues. They confirm they do not have a concern with impact on the public highway and that there are no particular concerns with the southern/eastern junction.
- Dumballs Rd improvements - To the north of the junction with the northern/western access there is an existing crossover that may need to be modified, and an apparently disused crossover that should be removed. There will also be issues regarding the zebra tie in on the western side of the road. These works would be covered by a s278 and appropriate condition (see below). The revised drawing indicates new zebra crossings north and south of the site (the southern one to replace

an existing refuge island crossing). These would be of raised zebra type, and would be integral to the proposed highway accesses, and be covered by the s278. The Dumballs Road improvements/works would also need to include bus stops/shelters.

- Parking restrictions - It is considered that some parking restrictions would be required on the eastern/northern side of Dumballs Road, and this would be dealt with via the s278. At the western end of the site these would probably run a little further east of the western access, and probably need to include the area between the retail units. In the eastern part of the site they would probably run from the eastern access east to join the existing lines. However the exact requirements would be determined at s278 stage and would require a TRO.
- Refuse Strategy – It is understood that the proposals are for refuse/servicing to be undertaken from Dumballs Road, and for the bins to be wheeled around from their rear stores, emptied, and then wheeled back. For the residential elements this would be done by CC Refuse workers. There is a potential issue regarding the amount of time this might take considering the significant number of bins, and we would want to ensure that there was no possibility that bins would just be left in the footway/public realm areas and result in blocking of pedestrians. They understand that Waste Management are considering the refuse position further and recommend a refuse/service/car parking condition.
- Car Parking – a formal allocation strategy for the parking spaces is required (by condition) to discourage people without a dedicated space from owning a car.
- Cycle Parking - Since the original submission the amount of cycle parking proposed has considerably increased and whilst - at 602 spaces provision is marginally lower the 612 spaces required by the SPG, confirm no objection to the number of residential cycle parking spaces. All of the residential cycle parking is proposed to be of the 2-tier type, (although the exact spec is not set out) and preference is for some non 2-tier provision (i.e. Sheffield stands). Note that the proposed aisle widths seem adequate, but that the spacings between cycles are less than 0.5m, which is the Active Travel Wales minimum standard. In addition, 28 visitor spaces are proposed in the central square area, which are presumably for the staff/visitor requirements of the retail units/coffee shop. Notes the staff provision would need to be secure. Advises that the remaining cycle parking issues can be dealt with via condition, and that they may end up with a slight reduction in cycle parking numbers to ensure that appropriate-quality provision is realised.
- Pedestrian / cycling facilities - A footway is proposed along the street frontage with Dumballs Road, including a series of trees (in grilles) that may reduce the practical footway width for pedestrians. However, there is still a wide footway available, and it is assumed that the trees proposed will be conditioned to be of a type to not cause pedestrian access issues. The proposal for a 3.5m pedestrian/cycle path in the southern part of the site (linking Dumballs Road with the park) is of benefit, although noting this is not to be adopted.
- Section 106 - a contribution of £75,000 for pedestrian/cycling infrastructure on Dumballs Road/links to the east of the site is required.

- Conditions – are requested to require further details of and to control Access Junctions and Dumballs Rd works, Cycle Parking and a Refuse/ Servicing/ Parking Strategy.

5.26 Shared Regulatory Services (Noise & Air) provides the following summarised comments:

- Confirms they broadly agree with the proposals outlined in the preliminary environmental noise report dated 16/11/20 undertaken by Hunter Acoustics, but note that the following elements need consideration
- The noise assessment and report needs to account for the impact of noise and flood lighting from the 3G pitch recently approved adjacent to the site (20/00262/MNR), and propose appropriate mitigation
- The standard SRS traffic noise condition has been updated to require lower internal noise levels during both the day and night and the mitigation works will need to reflect this, particularly at the southern boundary of the site which is located within category C of TAN11
- The Applicant will need to include further details of the traffic flow data report undertaken by Vectos
- A ventilation strategy will need to be submitted alongside any noise mitigation works
- The need for adequate sound insulation between commercial / noise causing elements eg the gym
- The full noise report will need to consider the impact from plant, including from the commercial units opposite the proposed site
- The applicant will need to use low noise power floating and piling equipment. Power floating and piling shall only be used during during 08:00-18:00 Monday to Friday, 08:00-13:00 Saturday and at no time on Sundays or bank holidays. Should these types of works need to be undertaken outside of the above hours written permission will be needed from Shared Regulatory Services before commencing.

5.27 SRS (Noise & Air) subsequently commented as follows:

- Further to their comments of 29th January 2021 and after reviewing the situation with a senior officer, advise that questions remain over what impact the new 3G pitch next to the development (20/00262/MNR) will have on the development. Advise that the 3G pitch was not considered in the Preliminary Environmental Noise Assessment nor has the impact of light from this new development been looked at. The impact on residents living within the proposed development from a 3G sports pitch has the potential to be quite substantial given the extent of the development.
- The applicant will need to have their acoustic consultants look at the noise aspect from the 3G pitch and have an expert look at the possible impact of light from the pitch. If the applicant does not look to have specialists look at the above we may potentially be looking to object to the application.

5.28 SRS (Noise & Air) - Following receipt of the assessment of noise and light impact from the approved 3G sports pitch, SRS confirmed no objection and recommended conditions (requiring a noise report, a sound insulation and

ventilation strategy, scheme of sound insulation, CEMP, future kitchen extraction, no takeaways, opening hours, delivery times, waste collection times and a noise validation survey).

5.29 **Drainage Services** – no further comments received.

6. **EXTERNAL CONSULTEE RESPONSES**

RESPONSE TO INITIAL CONSULTATION

6.1 **Natural Resources Wales** (24/08020) recommend permission only be granted if the ecological appraisal and bat survey report (July 2020) is attached as an approved document and subject to conditions re land contamination and controlled waters.

- **European Protected Species:** note the report identified no evidence of roosting bats within the buildings on site, but that a potential record of historic bat use of the site exists, such that they welcome the report recommendations and request it is included in the approved plans and documents condition. NRW advise on the following EPS legislation and policy:
 - *All species of British bats are European Protected Species, legally protected under The Conservation of Habitats and Species Regulations 2017 (as amended). Legal protection relates to the animals themselves and the places they use to rest and breed.*
 - *Where a European Protected Species is present and development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation. One of these requires that the development authorised will 'not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status (FCS) in their natural range'.*
 - *These requirements are translated into planning policy through Planning Policy Wales (PPW) December 2018, section 6.4.22 and 6.4.23, and Technical Advice Note (TAN) 5 , Nature Conservation and Planning (September 2009). The planning authority should take them into account when considering development proposals where a European Protected Species is present.*
- **Land Contamination and Controlled Waters** - advise that their comments remain unchanged from the PAC stage, namely, that they have reviewed the 'Geotechnical and Geo-environmental Site Investigation Report: Proposed Residential Development, Land at Dumballs Road' Prepared by Terra Firma. June 2020. Job No.15575, noting that the conclusions and recommendations in terms of risks to controlled waters/aquatic environment are broadly accepted. They request conditions in respect of the control of unidentified contamination, to prevent surface water infiltration other than with the express written consent of the LPA where it has been demonstrated that there is no resultant unacceptable risk to controlled waters and to control piling to ensure that there is no unacceptable risk to groundwater. They additionally provide advice for the Applicant in terms of the treatment and disposal of contaminated soils and groundwater.

- Flood Risk – NRW note that highly vulnerable development (residential) is proposed and that their Flood Risk Map confirms the site to be partially within Zone C1 of the Development Advice Map (DAM) contained in TAN15 and the 0.5% (1 in 200 year) and 0.1% (1 in 1000 year) annual probability tidal flood outlines. They consider the risk of tidal flooding to the proposed development to be negligible, as the site benefits from the presence of the Cardiff Bay Barrage, which operates in a flood risk capacity, providing significant protection to Cardiff from tidal flood risk. They confirm they have no further comment regarding flood risk.
- Foul Water – NRW note that foul water is to be disposed of via a mains sewer and have no comments to make.

6.2 **DCWW** (28/08/2) provide the following advice:

- Asset Protection – DCWW advise that the site is crossed by both public sewers and watermains and that no operational development shall be carried out within **3m** either side of the centreline of the public sewer or watermain. They provide further advice, which amongst other things, confirms the need for precautions to protect the watermain during the construction phase. A plan showing the public sewers and 2 watermains (4IN uPVC 1960 and 250mm DICL 1995) that cross the site is provided.
- Sewerage – DCWW request a condition to require the submission and approval of a surface water removal strategy and foul water, surface water and land drainage scheme.
- Sewerage Treatment – confirm that no problems are envisaged re Waste Water Treatment Works for the site
- Water Supply – confirm a water supply can be made available but that the developer may be required to contribute towards the provision of new off-site and/or on-site water mains and associated infrastructure.

6.3 **South Wales Police** have no objection and welcome the commitment to providing surveillance, secure car parking, secure communal areas and CCTV, but note there is scant detail on secure cycle storage, access control, lighting, standards on entrance doors and windows etc and reiterate their standard design advice.

6.4 **South Wales Fire and Rescue Service** advise that the site plan has been examined and that the developer should consider the need for the provision of adequate water supplies on the site for firefighting purposes and access for emergency firefighting appliances.

6.5 **Wales and West Utilities** – no comments provided.

6.6 **Cadw** – confirm no objection to the impact on the scheduled monument GM171 Cardiff Castle and Roman Fort, noting that: *'The proposed application area is located some 1.4km south of scheduled monument GM171 Cardiff Castle and Roman Fort. The proposed development, standing in part some 53 metre high will be visible from the keep of the castle in one of the original significant views, looking south towards the mouth of the river Taff. However, the existing BT Stadium House (17storeys high) will be in this view as will be the Transport Interchange Building and other tall buildings on Dumballs Road.'*

Thus modern high rise buildings are already a significant part of this view and whilst the proposed building will be visible it will, in our opinion, not constitute a significant change to the current setting of the scheduled monument'.

RESPONSE TO DECEMBER 2020 AMENDED PLANS CONSULTATION

- 6.7 **NRW** note the extended site boundary and confirm that this does not alter their previous advice.
- 6.8 **DCWW** confirm they have no further comments to their original response. Their attached 'Conditions for Development near Water Mains' contains amended advice, in that it requires a 3.5m easement either side of the centre line of the 250mm DICL water main and a 3m easement to the 4" water main.
- 6.9 Following to the Agents confirmation that any existing drainage on site would be replaced, DCWW confirmed that that the 4" watermain (4IN uPVC 1960) would serve just the development site and that the developer can formally apply to them to either divert or abandon the asset, but if they didn't want to apply formally they would be required to take the easement of this asset into account within their site layout. They confirm that the other watermain that crosses the site on Dumballs Rd - 250mm DICL 1995 - is required to serve a wider area beyond the site, such that it is essential that both the pipe and its easement are protected.
- 6.10 **South Wales Fire and Rescue Service** repeat their previous advice.

7. REPRESENTATIONS

- 7.1 The application was advertised by means of both press and site notices (x11), and neighbour consultation letters.
- 7.2 The December 2020 amendments were subject to consultation, extended to a full 21 days given the amendment to the red line boundary. The September 2020, January 2021 and February 2021 submissions were not subject to consultation, as these did not materially amend the proposals and noting there is no requirement to consult on amended plans.
- 7.3 Two representations were received in response to the initial consultation, both from the owner/occupier of 25 Carlotta Way, Butetown. One was raised as a general query, asking whether the proposed route through to Canal Park takes into account application 20/00262/MNR to construct a 3G pitch on the park, adjacent to the development. The second was an objection on grounds of a failure to provide affordable housing, noting:
- There is no indication that any of the proposed 432 units would meet the affordability definition, despite LDP policy H3 stating that the Council will seek 20% affordable housing
 - the Council ignores its own policy on affordable housing, that this has become normal in the Butetown ward where contributions are reduced to token payments after the developer appeals on grounds of financial viability

- examples are provided of 17/00159/MJR where they note the District Valuer agreed the initial assessment of £1,885,180 (£1,599,930 towards affordable housing) would make the proposal unviable, and Council accepted £100,000 in the s106 agreement (NB none was allocated for affordable housing)
- And 17/02404/MJR (204 flats) where an initial calculation of £2,849,250 for affordable housing was reduced on reassessment to £123,025 for affordable housing by s106 agreement
- Concern raised that the same will happen here, that by allowing developers to get away with the reductions, the Council is bringing into disrepute its own LDP, a core element of which is the provision of housing for the city's growing population, recognising this must include a substantial proportion of affordable homes
- The viability case has become self-validating, with the expectation that a viability assessment will reject the s106 calculation by Council officers has become built into the valuation of development land. This higher land price then justifies the developer case that affordable units would make an application unviable
- The Council must act to break this vicious cycle, which benefits landowners at the expense of Cardiff residents who need affordable homes. This would be a large development and the Council should this time act in the interests of those it claims to represent.

7.4 No further representations / objections were received.

8. **ANALYSIS**

8.1 The key issues for consideration are:

(i) **Whether the principle of the loss of the existing warehouse uses and proposed residential uses is acceptable in this location**

8.2 The proposal would involve the loss of 3,850m² of employment floorspace. Whilst part-occupied at the time of submission, all of the units in Anchor Industrial Estate and the Old Test House buildings are now vacant. The scheme proposes 512 m² of flexible commercial floorspace, comprising 2 no Class A1/A2/A3 retail units (178m² and 194m² respectively) and an A1/A3 coffee shop (140m²), to provide active ground floor uses, with their flexibility to be controlled by condition. A residents-only gym (196m²) is also proposed, which, whilst technically classed as an ancillary residential use, would also have employment generating potential.

8.3 The application site falls within the Cardiff Central Business Area (CBA) and Cardiff Central Enterprise Zone (CEZ) as defined by the Cardiff Local Development Plan Proposals Map. Policy KP10: Central and Bay Business Areas supports new offices, residential and commercial leisure uses within this location. Policy KP2(A): Cardiff Central Enterprise Zone and Regional Transport Hub, designates this site as part of the Cardiff Central Enterprise Zone and Regional Transport Hub to provide for a major employment led initiative and is one of eight Strategic Sites allocated in the LDP to collectively play a crucial role in delivering the Plan Strategy. The policy's Schematic

Framework plan supports residential use in this location, to be developed in line with the Masterplanning approach outlined in Policy KP4. Policy KP2(A) supports high rise, high density office and residential developments to make efficient use of city centre land in this highly accessible location. Policy H6 of the LDP (change of use or redevelopment to residential use) identifies criteria against which the change of use of previously developed land will be considered, including whether there is an overriding need to retain the existing use of the land and whether necessary community and transportation facilities are accessible or can be readily provided.

- 8.4 The principle of residential development is well established within the Central Business Area and wider Dumballs Road area, and the site is well served by transport links and is close to local amenities and community facilities. Dumballs Road contains a number of low-density, land-hungry warehouse / industrial uses, with much of the area being largely under-utilised having regard to its strategic and highly accessible city centre location, and the proposal is considered an appropriate and efficient use of this highly sustainable site. It is noted that part of the site has already been cleared and that the remaining units are now all vacant. The proposed commercial uses, which are all defined as 'employment uses' in TAN 23 (Economic Development), will help mitigate the loss of the existing employment floorspace. Given the above, the loss of the existing employment use and proposed residential use is considered acceptable in land-use policy terms.
- 8.5 Whilst Economic Development requested a financial contribution in view of the loss of employment floorspace, further to para 13.2 of the Planning Obligations SPG, a contribution towards Local Employment and Training has not been sought, given the development does not technically involve the loss of B1 floorspace within the Central and Bay Business Area and that the site doesn't lie within an area of 'Existing, Permitted and Allocated Employment Land as designated on the LDP Proposals Map'. As such, the request for a financial contributions for the loss of employment on this site goes beyond the scope of the Planning Obligations SPG.

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

- 8.6 Class A1 (Shop) use: The site is located outside the Central Shopping Area (CSA) of the City Centre and also falls outside of any designated District and / or Local Centres as identified by Policy R4: District Centres and R5: Local Centres of the Local Development Plan. Policy R6: Retail Development (Out of Centre) only permits retail development outside of these centres where there is a need for the proposed floorspace; that need cannot satisfactorily be accommodated within or adjacent to the Central Shopping Area, within a District or Local Centre; the proposal would not cause unacceptable harm to the vitality, attractiveness or viability of the Central Shopping Area, a District or Local centre; the site is accessible by a choice of means of transport and; the proposal is not on land allocated for other uses.
- 8.7 In this regard, the relatively small scale of the retail units (approx.400 sqm) proposed, in addition to a coffee shop (A3) is well below the TAN4 2500sqm

threshold where a retail impact statement would be required. Given the retail floorspace is modest in scale, it will provide a complementary and ancillary role to the wider residential development of the site and provide an element of convenience goods retailing to serve the newly established population. A condition is proposed to restrict any A1 retail floorspace permitted as part of this application to the sale of convenience goods to preclude the sale of comparison goods, in order to minimise the potential for direct competition with retail provision in the CSA and district / local centres.

- 8.8 Class A2 (Financial and Professional Services): The site is located within the Central Business Area and as such, the proposed A2 use is acceptable in land use policy terms.
- 8.9 Class A3 (Food and Drink) uses: Policy R8 (Food and Drink Uses) of the LDP identifies the Central Business Area as an appropriate location for food and drink uses, and conditions are recommended to control their potential impact on the amenities of adjacent occupiers and the wider public.
- 8.10 The proposed Class A uses are welcomed overall, as they would provide active frontages during the day time and help mitigate against the loss of employment within the site. The proposed facilities are not considered to conflict with Future Wales policy 6 (Town Centre First), noting that the policy applies to facilities of a 'significant scale'. Taking into consideration the above, the proposal is acceptable in land use policy terms.

(iii) Impact on the character and appearance of the area

- 8.11 Policy KP5 requires that all new development should respond *'to the local character and context of the built and landscape setting so that layout, scale, form, massing, height, density, colour, materials, detailing and impact on the built and natural heritage are all addressed within development proposals'*, and also requires the *'efficient use of land, developing at highest practicable densities'*. Policy KP2(A) sets out the site-specific masterplanning and infrastructure requirements for this strategic site and its accompanying illustrative Schematic Framework plan identifies this particular part of the strategic site as a residential area. Relevant masterplanning policy KP2A requirements include: *'densities will be maximised to make efficient use of city centre land in a highly accessible location'* with *'high rise, high density development at appropriate locations'*; *'create destination spaces with active uses which complement the business offer'*; *'provision of high quality and way-finding and clearly defined pedestrian routes to key destinations'*; *'ensure a consistent approach to the use of high quality street furniture and paving materials'*; *'improve routes and connections ... with links to community facilities and services including Loudon Square'*; *'integrat[e] new development sensitively...and take opportunities for commercial activity along Dumballs Rd'*; *'upgrade ... the public realm'*; *'effectively respond to landscape and biodiversity assets'*.
- 8.12 Ranging in height from 7 – 16 storeys, the application falls to be assessed against the Tall Buildings SPG, section 6 of which provides an appropriate assessment framework for considering placemaking and design matters:

A mix of land uses:

- 8.13 This criteria is satisfied through the provision of a public square and a mix of residential and commercial land uses, which will provide active ground floor frontages, spaces with seating for relaxing and chatting, and enliven the streets and public spaces throughout the day and night. A condition is recommended to ensure that the ground floor windows of the commercial units are not obscured, to ensure active frontages. The generous building set-back from Dumballs Rd also allows for increased activity, as well as allowing an avenue of trees to be planted behind the adopted footway.

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

- 8.14 The principle of high density residential uses is established within this strategic site, with the policy KP2(A) key masterplanning requirements encouraging 'high rise, high density developments at appropriate locations within the site', with 'residential densities in excess of 100 dwellings per hectare not considered unreasonable in principle'. Future Wales policy 2 also supports higher density development in such locations. The site's location falls outside of the 'area of very high sensitivity', identified in the Tall Buildings SPG and sections 2 and 3 of this report sets out the height of existing and proposed nearby buildings, lending further weight to the acceptability in principle of tall buildings in this area. The proposed scale and massing is appropriate and well proportioned, with its articulated, modular/grid form and varied heights providing rhythm and interest. The lowest heights, at 7 storeys, are presented to Dumballs Rd and Canal Park, with increased heights away from the public edges and the taller, 16 storey tower element appropriated scaled and positioned to take advantage of the sites 'gateway location', on a bend in an otherwise straight Dumballs Rd, providing legibility and a positive feature in the skyline. Supporting studies have demonstrated that the building's scale and massing would not have an unacceptable impact on wind microclimate, daylight or sunlight.
- 8.15 The proposed buildings will not harm any key views or vistas, taking into consideration the scale, height, form, massing and surrounding context. In terms of heritage assets, the site lies approx 400m from Mount Stuart Square Conservation Area, and approx 350m from the nearest listed buildings (the Grade II listed Parish Church of St Mary the Virgin and St Stephen the Martyr, Bute St). Given the distances involved and the scale of the intervening built form, it is considered that the setting of those listed buildings, and the character and appearance of the Conservation Areas would be preserved. With respect to the impact on the scheduled monument 'Cardiff Castle and Roman Form', the proposed development at up to 16 storeys high would be visible from the keep of the castle in one of the original key views, looking south. However, given that modern high rise buildings are already a significant part of this view, it is considered that the proposed development will not harm the scheduled monument or its setting. Cadw were consulted given that the application falls within their consultation zone and they have no objection.

Quality and appearance

- 8.16 The buildings are modern and would mainly be finished in brickwork, with the submitted drawings demonstrating a welcome richness in the detailing of the bays and a solid depth of reveal. Conditions are attached to require a materials specification, materials samples and a scheme of architectural details to be approved, to ensure the architectural quality demonstrated in the submission is delivered.

Impact and Interface at Street Level

- 8.17 The formation of the public plaza, the widened and tree-lined pedestrian environment along Dumballs Rd and the 3m landscaped pedestrian / cycle route between Dumballs Road and Canal Park are key benefits of the scheme, helping the buildings connect successfully to the street and creating a landscaped 'place' with enhanced biodiversity. The link to Canal Park would help strengthen the links between Dumballs Rd, Canal Park and Loudon Square local centre beyond. The public realm improvements would be secured by condition alongside the highway improvements noted in section 1 (two zebra crossings and bus stop facilities /shelters on Dumballs Rd). In addition, the developer has agreed to provide a financial contribution of **£75,000** towards pedestrian /cycling infrastructure focused on Dumballs Rd/links to the east.

Sustainable building design

- 8.18 The development is in a truly sustainable location, within close proximity/ walking distance of sustainable transport modes and local services and facilities, including Central Station. The re-use of this brownfield site and compact, high-density building form is also sustainable, making efficient use of the scarce land resource.
- 8.19 In line with LDP policy EN12 (Renewable Energy and Low Carbon Technologies), the developer was asked to submit an independent energy assessment to investigate the feasibility of incorporating renewable energy and low carbon technologies. The submitted Sustainability and Energy Statement is welcomed and proposes a 'fabric first approach' (to improve the energy efficiency of the building beyond current building regulation requirements through choice of materials), the use of all electric for heating and hot water, heat recovery ventilation and photovoltaics (438 panels are shown on the submitted plans). These measures would have a number of benefits, including no reliance on future gas reserves, lower carbon emissions, reduced energy losses through overstored and distributed central hot water system, reduced overheating risks, and no impact on local air quality with zero NOx emissions and particulates. A condition is recommended to ensure that these technologies are delivered. The sustainability credentials of the building also include 20 EV charging points (31% of the 65 residential car parking spaces proposed), which is welcomed and far exceeds the Council's current guidance for developers leaflet (November 2018) that at least 10% of parking bays for flats should be provided with EV charging points. The EV proposals are also compliant with the new Future Wales policy 12 (Regional Connectivity), noting that no commercial parking is proposed.

- 8.20 As part of the energy assessment required under LDP policy EN12, the Applicant was asked to consider the feasibility of connecting to the Cardiff's proposed District Heat Network (DHN), given there is the possibility that the development would be sited near Cardiff's DHN in the future. (Heat Networks are a method of delivering low carbon heating and hot water to buildings from a central heat source.) Whilst the energy assessment was requested in advance of the publication of Future Wales, with its policy 16 (Heat Networks) requirement for an Energy Masterplan to be submitted as part of planning applications for large scale mixed-use developments, the submitted assessment is considered to satisfy that policy. The report concludes a connection to the DHN is not currently feasible, noting that there is no current DHN available for connection, that subject to approval the project would only become operational 2-3 years following commencement mid-2021, and that there is insufficient design criteria and no published design guidance for developers currently available (in terms of connection details, tariffs, metering and contracts, design criteria such as flow and return temperatures and pressure requirements, plant space requirements, service network routing and wayleave allowance requirements, legal requirement for service routing into the building etc). It is also noted that DHN would also require the development to have central heating and hot water plant distributed throughout, contrary to the decentralised all-electric solution that the building has been designed for, and that a connection to DHN would have space, cost, insulation and cooling measure, management and maintenance implications, as would any interim system required until the DHN became available. This position is accepted, noting the current status of the project against the timing of this application, the absence of SPG or related guidance for planning officers and developers in respect of the design and infrastructure requirements of accommodating the network, and the wider sustainability credentials of the scheme, which exceed other recently approved developments in the area.

Broadband infrastructure

- 8.21 Future Wales policy 13 (Supporting Digital Communications), amongst other things, requires that *'new developments should include the provision of Gigabit capable broadband infrastructure from the outset'*. This policy is reflected in PPW 11 para 5.2.17 which notes amongst other things that, *'Development proposals for new broadband infrastructure or improvements to existing networks or apparatus should be supported by planning authorities. New development proposals should include the provision of 'gigabit capable' broadband infrastructure from the outset, typically in the form of underground ducting on site, to enable broadband operators to connect easily to residents or businesses. 'Gigabit capable' will normally mean infrastructure suitable for fibre connectivity, but could also include fixed wireless infrastructure'*. The developer has confirmed their commitment to provide 'gigabit capable' broadband infrastructure through underground ducting on site and fibre cabling in both buildings and their statement to this effect is captured in the approved plans condition. This, together with the requirement to identify ducting for gigabit capable broadband infrastructure as part of the recommended landscape condition, will secure this provision of this important infrastructure sufficient to address Future Wales policy 13.

8.22 It is considered that the proposal would deliver a high quality and well-designed scheme that has due regard to the context of the area, and would accord with the national policy, Cardiff LDP design policies and related SPG, and deliver the key policy KP2(A) masterplanning requirements noted in paragraph 8.11 above. It is also considered that the proposal would accord with Future Wales policy 2 (Shaping Urban Growth and Regeneration – Strategic Placemaking) by creating a mix of uses, at a walkable scale, increasing population density, adding to the permeable network of streets and integrating green infrastructure.

(iv) Impact on the amenity of neighbouring occupiers and future occupiers

8.23 Policy KP5 seeks to ensure that ‘no undue effect on the amenity of neighbouring occupiers’ results from development. There are no immediately adjoining existing residential uses. The closest dwellings would be those to the East, on the opposite side of Canal Park, which are at a separation distance of approx 56m from the site boundary, such that there would not be any unacceptable harm arising to their living conditions with respect to loss of privacy, daylight or sunlight, or overbearing impact taking into consideration the separation distance involved, the orientation of the development and submitted sun path analyses.

8.24 Given the wider sites allocation as a LDP strategic site, it is also necessary to consider the impact on any future development sites. With regards impact on the potential redevelopment of the site to the south, it is noted that the proposed habitable room windows on the southern elevation of block 2, would be set back from the site boundary by approx 10 – 14m, which would allow the separation distances for privacy set out in the Residential Design Guide SPG to be secured. The set back to the north is also acceptable, given that the nearest directly facing habitable room windows would be set back from the northern boundary by approx 22m, where obliquely facing windows would be set back from the boundary by a min of 8.5m and blank elevations, by a separation distance of 2m. The sun path analysis diagrams indicate that there would not be sufficient harm to the potential redevelopment of either site as a result of overshadowing to warrant refusal of the application.

8.25 In terms of impact on the amenity of future occupiers, the internal floor area of all flats range from a min 36m² for a 1 bed flat to 52.5m² for a 2 bed flat, thus satisfying the min space standards set out in the Flat Conversions SPG (March 2019). The outlook from all living areas is also considered acceptable, noting the proposed landscaping throughout the site, including the proposed soft landscaping to the car parks. Officers had initial concerns that some of the flats overlooking the central garden would not receive adequate daylight and requested a daylight analysis, in addition to the submitted sun path analysis. The Daylight / Sunlight Analysis report by Melin demonstrates that all of the windows bar a single bedroom window in the Ground Floor Flat 1 in Block 2 would achieve the necessary skylight indicator identified in the Residential Design Guide (27% VSC – vertical sky component) and that the VSC achieved there is only marginally below the desired threshold, at 26.07, which is considered acceptable overall.

- 8.26 Access to outdoor amenity space is acceptable, noting the proposed provision of the residents' central garden (approx 450m²), the two residents' roof terraces (427m² and 350m²), that 157 upper floor flats have a balcony or terrace, that the 18 ground floor flats would all have a private terrace, and that all living rooms /bedrooms would have a Juliette balcony, unless they have access to a balcony or terrace. The Daylight /Sunlight Analysis report indicates that the central plaza and resident's garden would be overshadowed in the morning by block 2, but that at least 50% of the area received 2 hours or more of sunshine when modelled on March 21st which is acceptable. Indoor communal amenity space would also be available for future residents, in the form of the residents' lounges adjacent to the roof terraces, the residents-only gym (196m²) and home-working space (140m²). The scheme would also deliver a public plaza and direct access to Canal Park, to the further benefit of future residents. The provision of outdoor shared amenity space would be increased through the recommended landscape condition, which seeks to extinguish the proposed 2m footway to Canal Park proposed between Blocks 1 and 2 and instead provide for an expanded residents' garden, given that the delivery of this link has been compromised by the recently approved 3G pitch in Canal Park, adjacent.
- 8.27 The impact on future residents from the recently approved 3G pitch (20/00262/MNR) was the subject of a submitted noise and light impact assessment and is considered to be acceptable, given the lack of objection from SRS, the existing use of the field as a playing field, the closer proximity of the proposed 3G pitch to existing dwellings to the east of Canal park, the conditions attached to that approval which are specifically designed to control the impact on neighbouring amenity and the recommended conditions set out in this report.
- 8.28 Access to waste and cycle storage for future residents is also acceptable, subject to the recommended conditions, and it is noted that the landscaping condition requires litter bins to be delivered within the public plaza and in the vicinity of the Block 1 and 2 commercial units, to protect local amenities.
- 8.29 Taking the above into consideration, proposal would not have an undue impact on the amenity of neighbouring or future occupiers or the potential redevelopment of adjoining sites.

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

- 8.30 Policy KP5 seeks to achieve a 50:50 modal split between journeys by car and other more sustainable means, to reduce reliance on the private car as a means of transport in favour of more sustainable methods. Policy KP6 states that '*development will not be permitted which could cause unacceptable harm to the safe and efficient operation of the highway, public transport and other movement networks*'. Policy T5 supports this key policy by seeking to ensure '*that all new developments properly address the demand for travel and its impacts, contributes to reducing reliance on the private car and avoids*

unacceptable harm to safe and efficient operation of the road, public transport and other movement networks and routes’.

- 8.31 The site is located within a highly sustainable location, approx 900m south of the city centre, approx 700m from Cardiff Central rail station and Cardiff Bay rail station, and within walking distance of bus stops, car clubs and local facilities, as noted in section 2.
- 8.32 The total amount of car parking, at 65 car parking spaces (including 2 disabled car parking spaces) for 432 flats, is well within the maximum standards set out in the SPG and reflects the site’s highly sustainable location. The Applicant has increased cycle parking provision from 320 residential spaces to 602, which is just 10 spaces short of the full SPG requirement of 1 cycle space per bedroom for the 612 bedroom scheme (98.7% provision). Transportation have raised no objection to the number of cycle spaces proposed and recommend a condition to review the type and quality of provision, in order to secure some non 2-tier provision, improved spacings for ease of access and to ensure the cycle parking for the commercial units is covered and secure. They raise some concern over the amount of time refuse collection might take and a condition is, therefore, recommended to ensure that the controls are in place to ensure that this is managed and that the bins would not block pedestrian access. Transportation have reviewed the Transport Statement and are satisfied with the amended transport evidence submitted, confirm that traffic generation from the site is not likely to be an issue and have no objection overall, subject to conditions and s106 obligations. The widened ‘footway’ along Dumballs Rd and shared pedestrian/cycle link through to Canal Park are welcomed, as are the Dumballs Road highway improvements in the form of the two zebra crossings and bus stops/facilities, which - along with the level of car and cycle parking, travel plan and requested s106 contribution for further pedestrian /cycling infrastructure – will help ensure that non-car modes are maximised. The conditions requested by Transportation are all recommended, including a travel plan condition, cycle /car parking/refuse conditions, a CEMP condition and, importantly, conditions to secure the access junctions and Dumballs Rd improvements, which will significantly improve the area and follow the approach to public realm secured further north through other developments. Given the above, it is considered that the proposal would have no adverse transport impact and would accord with policies KP6, KP8, T1, T5 and T6.

(vi) Green infrastructure and climate change

- 8.33 Policies KP15, KP16, EN6, EN7 and EN8 seek to ensure that green infrastructure is protected and that the effects of climate change associated with such loss are mitigated. The benefits to climate change from sustainable building design have been considered above.
- 8.34 The application is supported by a Green Infrastructure Statement and Masterplan, and ecological appraisal and bat survey report. The tree and landscaping proposals detailed in section 1 are welcomed and would help enhance the ecology, biodiversity, resilience of ecosystems, green infrastructure, sustainable drainage and visual amenity of a site that is,

currently, predominantly sealed by buildings and hardstanding, in line with national and local planning policy, including Future Wales Policy 9 (Resilient Ecological Networks and Green Infrastructure). Parks Services and the Council's Tree Officer raise no objection, and advise that the loss of the 3 no B category Silver Birch trees along the Dumballs Rd frontage are offset by the landscaping proposals, which include 53 no new trees at ground level and a further 10 on the residents' roof terraces, and would help deliver a consistent tree lined avenue along Dumballs Rd. The removal of two Ash trees outside the site, which are showing signs of ash dieback disease, is acceptable, whilst concerns over any potential harm to off-site tree T4 can be addressed by tree protection details to be secured by condition, along with those to secure appropriate landscaping details.

- 8.35 With regards ecology, no evidence of bats and reptiles were detected during surveys, with some nesting bird activity noted. NRW and the County Ecologist have not raised any objection, subject to conditions, which are all duly recommended (nesting birds, bat mitigation during demolition, bat and boxes, survey data shelf life/repeat surveys). It is noted that the provision for bird and bat boxes, set out in the submitted report and recommended by NRW, is required to be increased further by the County Ecologist, by condition, to reflect the statutory duty imposed by the Environment (Wales) act 2016 for public bodies to both maintain and enhance biodiversity, and so further promote the resilience of ecosystems.

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

- 8.36 The development would not cause or result in unacceptable harm as a result of air quality, noise and contaminated land, taking into consideration the recommended conditions and the lack of objection from, Shared Regulatory Services. In coming to this position, careful consideration has been given to the impact of the proposed 3G pitch on the amenities of future residents, noting the numerous conditions attached to that permission to control its use, and light and noise impact and the additional information submitted by the Applicant in this regard. Conditions are recommended to control sound insulation, plant noise, road traffic noise and other noise, future kitchen extraction, ground gases, land contamination, imported soils and aggregates, opening hours and delivery times, commercial waste collection times, and hot food takeaways and to require a Construction Environmental Management Plan and final noise assessment and report, and subsequent noise validation survey. SRS representations in respect of construction noise, working hours and piling are captured in an advisory notice.

(viii) Flood Risk and Drainage

- 8.37 Policies EN10 and EN14 require water sensitive design solutions that do not increase the risk of flooding elsewhere to be incorporated within new development.
- 8.38 The site is mostly within Zone C1 (areas of floodplain served by significant infrastructure, including flood defences), with the remainder Zone B (known to have been flooded in the past). All residential premises are classed as 'highly vulnerable development' in the TAN 15 precautionary framework and zone C

is defined as a 'high risk area', such that TAN 15 states that development should only be permitted within Zone C1 if determined by the planning authority to be justified in that location.

- 8.39 The scheme satisfies the TAN 15 justification tests for highly vulnerable development, in that the area is developed and served by significant infrastructure, including sea flood defences; that the site is located within a LDP strategic site allocated to help meet the need for new dwellings and jobs such that it will assist a local authority regeneration strategy and contribute to key employment objectives; the site is located on a brownfield site/ previously development land and that a Flood Consequences Assessment has been produced to demonstrate that the potential consequences of a flood event up to the extreme flood event (1 in 1000 chance of occurring) have been considered, which has been subject to consultation and to which NRW has not raised any adverse comments. To ensure that the consequences of flooding are acceptable, the FCA recommends that the finished floor level for the residential development be provided at or above 8.91mAOD, which is equivalent to the 1 in 200 tidal event level for the proposed life of the building (ie. 100years), whilst the 'low vulnerability' ground commercial uses will be positioned close to existing external levels, but with 'safe havens' for commercial workers provided in the communal lounges on the 8th floors. Other flood mitigation measures proposed in the FCA include signing up residents/businesses to the NRW Floodline Warnings Direct scheme and that all occupants of the site are made aware of the risk from flooding and planned egress route.
- 8.40 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, which they note operates in a flood risk capacity, providing significant protection to Cardiff from tidal flood risk. They confirm they have no further comment regarding tidal flood risk on this basis. Conditions are duly recommended to deliver the specified finished floor level and other flood mitigation measures recommended in the FCA.
- 8.41 The proposal is supported by a drainage strategy that proposes new foul and surface water infrastructure, incorporating sustainable drainage techniques which, through the SAB process and the recommended drainage condition, will help prevent surface water flooding. DCWW have no objection, subject to the recommended conditions and guidance, which are duly recommended, including a condition to protect a DCWW watermain and easement, and to require a detailed drainage scheme, which amongst other things is required to demonstrate that the surface water removal strategy will deliver sufficient compensation for the foul flows from the development site, in line with DCWW advice.
- 8.42 Noting the conclusions of the submitted FCA, the advice received by NRW and DCWW, and the recommended conditions, it is considered that drainage and the risks and consequences of flooding can be acceptably managed.

(ix) Response to third party and other objections

- 8.43 The 2 representations raised by the occupier of 25 Carlotta Way have been carefully considered. The query about the impact of the 3G pitch on the proposed route to Canal Park has been addressed by condition, in that the link proposed between block 1 and 2 would have conflicted with the proposed 3G pitch, such that a condition is now recommended to require this route to be extinguished and be incorporated into an expanded residents' garden.
- 8.44 The objections raised by the third party in respect of land values and affordable housing are noted, and the issue of land values has been considered by the DVS in their consideration of the application. A financial contribution towards the delivery of affordable housing off-site has not been secured, for reasons noted in Section 9 of this report.

(x) Other Legal Considerations

- 8.45 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. SWP have no objection and welcome the commitment to providing surveillance, secure car parking, secure communal areas and CCTV. Their standards advice is attached as an advisory, noting that not all matters raised are planning matters. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.
- 8.46 Equality Act 2010 - The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council's duty under the above Act has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic. As a result of amended plans an alternative ramped access to the stepped access to ground floor flats in block 2 is now proposed, and all other entrances have either a ramped or level access, which is welcomed.
- 8.47 Well-Being of Future Generations Act 2016 - Section 3 of this Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that there would be no unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.
- 8.48 The Environment (Wales) Act 2016 - The Environment (Wales) Act 2016 enshrines in law principles and policies for managing natural resources in a sustainable way. Amongst other things, it introduces a biodiversity duty on

public authorities to seek to maintain and enhance biodiversity when exercising their functions, and in so doing to promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions. This duty and the resilience of ecosystems have been considered and discharged in the evaluation of this application, noting the key landscape and biodiversity proposals, including a condition to secure bird and bat boxes to enhance biodiversity.

- 8.49 Flood and Water Management Act 2010 – Section 12 (3) of the Flood and Water Management Act 2010 places a duty on risk management authorities (e.g. a county council for the area) to have regard to the national and local strategies and guidance when exercising any other function in a manner which may affect a flood risk or coastal erosion risk. The relevant strategies and guidance have been taken into consideration in the determination of this application.
- 8.50 Environmental Impact Assessment – The proposed development has been screened (SC/20/00004/MJR) and is not considered to be a Schedule 2 development for the purposes of assessment under the EIA regulations or to have any significant environmental effects warranting the submission of an Environmental Statement.

9. **S106 Requirements and Viability**

- 9.1 National Policy and CIL regulations outline the legal requirements for a valid Planning Obligation. Policy KP7 is also relevant and the Council's position reflects careful consideration of the national and local planning policy framework, together with relevant guidance contained within the Council's Supplementary Planning Guidance (SPG).
- 9.2 The total planning obligations requested amount to **£7,768,719.78**, broken down as follows and calculated in accordance with Council policy and guidance:
- **£361,142.78** towards off-site community facilities
 - **£598,785** towards off-site Public Open Space
 - **£163,900** towards school places
 - **£75,000** towards pedestrian /cycling infrastructure focused on Dumballs Rd/links to the east
 - **£6,569,892** towards off-site affordable housing

In addition, the Applicant has been asked to undertake a scheme of public realm / highway improvement works, which would be secured by condition/s278.

- 9.3 The Applicant provided a viability appraisal prepared by Savills, dated October 2020 and updated in January 2021, which both concluded that the scheme would not be viable with Section 106 contributions.
- 9.4 In accordance with the established practice of obtaining an independent assessment of viability appraisals presented in support of planning

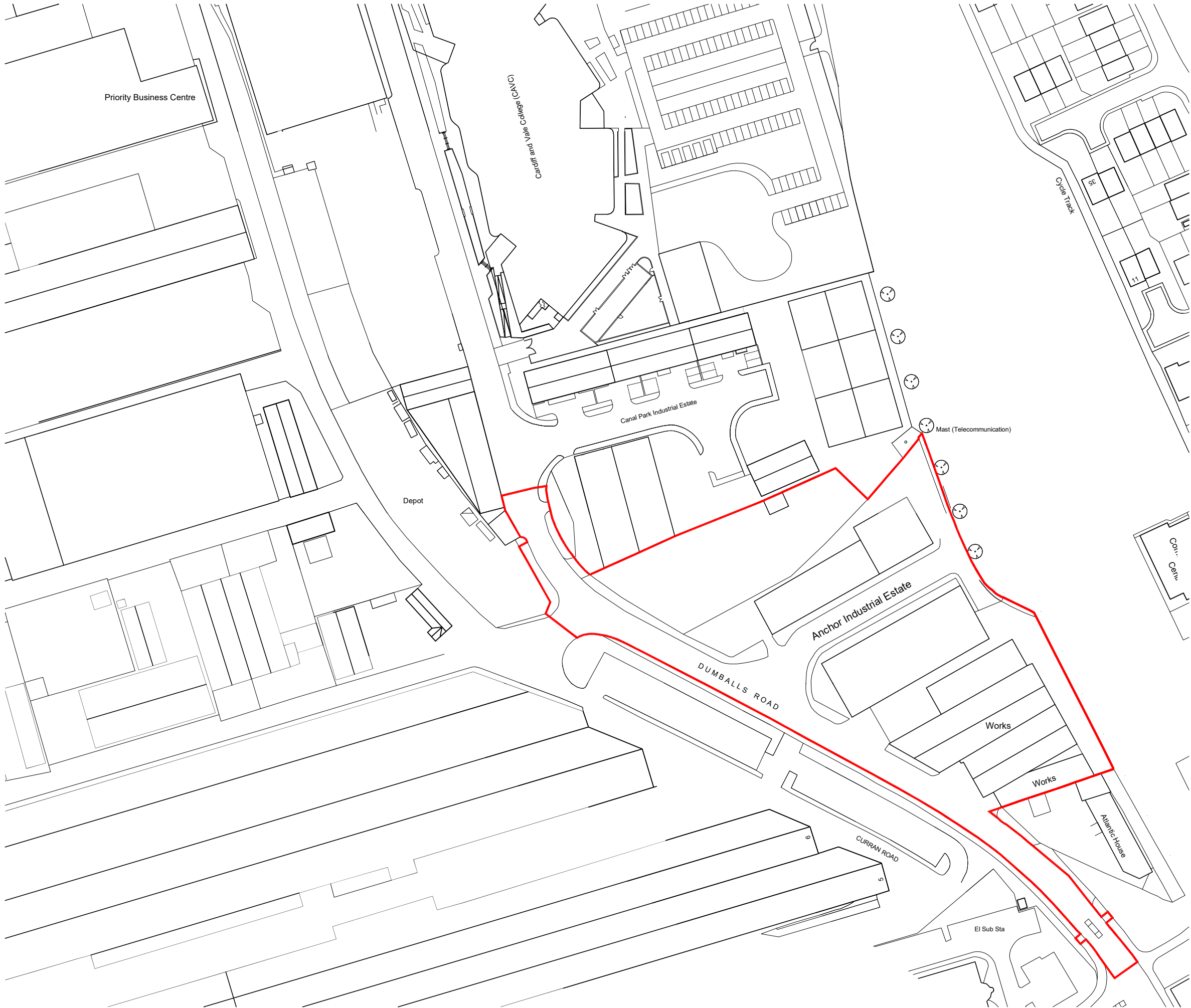
applications, the Council commissioned the District Valuer (DVS) to prepare an assessment of the viability appraisal. The DV's report 'Updated Stage One Viability Report for Anchor Industrial Estate' (dated 31 March 2021) concludes that the scheme is not viable and cannot provide any s106 requirements. Noting that the viability is sensitive to market movements, a review clause is recommended should the application be recommended for approval.

- 9.5 Section 106 obligations are required to meet planning policy and guidance, and national planning obligations tests, and are also subject to viability. Notwithstanding the viability exercise carried out by the Applicant and verified by the DV, the view of the LPA is that a significant residential scheme on this site, that does not offset negative consequences of development or help meet local needs directly arising as a result of the proposed development, would not be supported in policy terms.
- 9.6 Notwithstanding the viability information provided by the Applicant and independently verified, the developer has:
- Agreed to **£718,864** for s106 contributions
 - agreed to undertake the required highway/public realm works to Dumballs Road, to be secured by condition
 - agreed to a further viability assessment, in the event that construction of the ground floor of the development has not substantially commenced within 24 months of the issue of the planning permission, to allow the financial contributions to be reassessed and to protect the Council's position.
- 9.7 It is proposed that the **£718,864** for s106 contributions should be split as follows:
- **£180,571** towards the improvement of off-site community facilities in the vicinity
 - **£299,393** towards off-site Public Open Space in the vicinity
 - **£163,900** towards school places
 - **£75,000** towards pedestrian /cycling infrastructure focused on Dumballs Rd/links to the east
 - **£0** towards off-site affordable housing
- 9.8 The above split recognises that walking and cycling infrastructure are classified as 'essential/ enabling infrastructure' in policy KP2A, that education, open space and off-site community facility provision are 'necessary infrastructure', that there are open space and community facilities adjacent to the site in Canal Park, and that the supporting text to LDP policy H3 recognises that a proposal's affordable housing contribution will depend on the scheme's capacity for provision in order to ensure that the affordable housing contribution will not make the scheme unviable.
- 9.9 The Agent has confirmed their agreement to the Section 106 contributions, the further viability assessment and review, and to undertake the requested highway/public realm works to Dumballs Road. It is considered that the above section 106 Heads of Terms fully satisfy the requirements of Circular 13/97 Planning Obligations and the statutory tests set out in Regulation 122 of

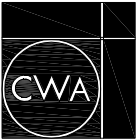
the Community Infrastructure Levy Regulations. Given the above and noting wider positives of the scheme, this offer is recommended to members of Planning Committee.

10. **CONCLUSION**

- 10.1 The proposal would play a key role in delivering the LDP strategy, providing 432 new dwellings as part of a high quality, mixed-use scheme on a vacant site in a highly sustainable, brownfield location within LDP strategic site A, Cardiff Central Enterprise Zone. The scheme would bring a vacant/underused into beneficial use with associated regeneration benefits, would promote the efficient use of land, make a positive contribution to housing supply, and deliver a resource efficient and climate responsive design. The scheme would help combat climate change by delivering landscape and SuDS proposals, including 63 new trees, and incorporating EV charging and sustainable building design measures, including over 400 PV panels. The provision of active uses along Dumballs Rd, a new landscaped public square, a landscaped pedestrian/cycle through route to Canal Park are all warmly welcomed, as is the provision of landscape, public realm and highway improvements along Dumballs Road. These will help ensure the buildings connect successfully with the street and create a vibrant, landscaped 'place' with significantly enhanced biodiversity befitting the site's gateway location, in direct contrast to the existing vacant and mainly sealed site.
- 10.2 The proposals have been assessed against local and national policies and guidance and is considered to be policy compliant, with no demonstrable or compelling reasons which indicate sufficient harm to warrant refusal of the application, with all material factors, policy implications and issues raised through consultation having been satisfactorily addressed. It is recommended that planning permission be granted, subject to the recommended conditions and relevant parties entering into a Section 106 Agreement.

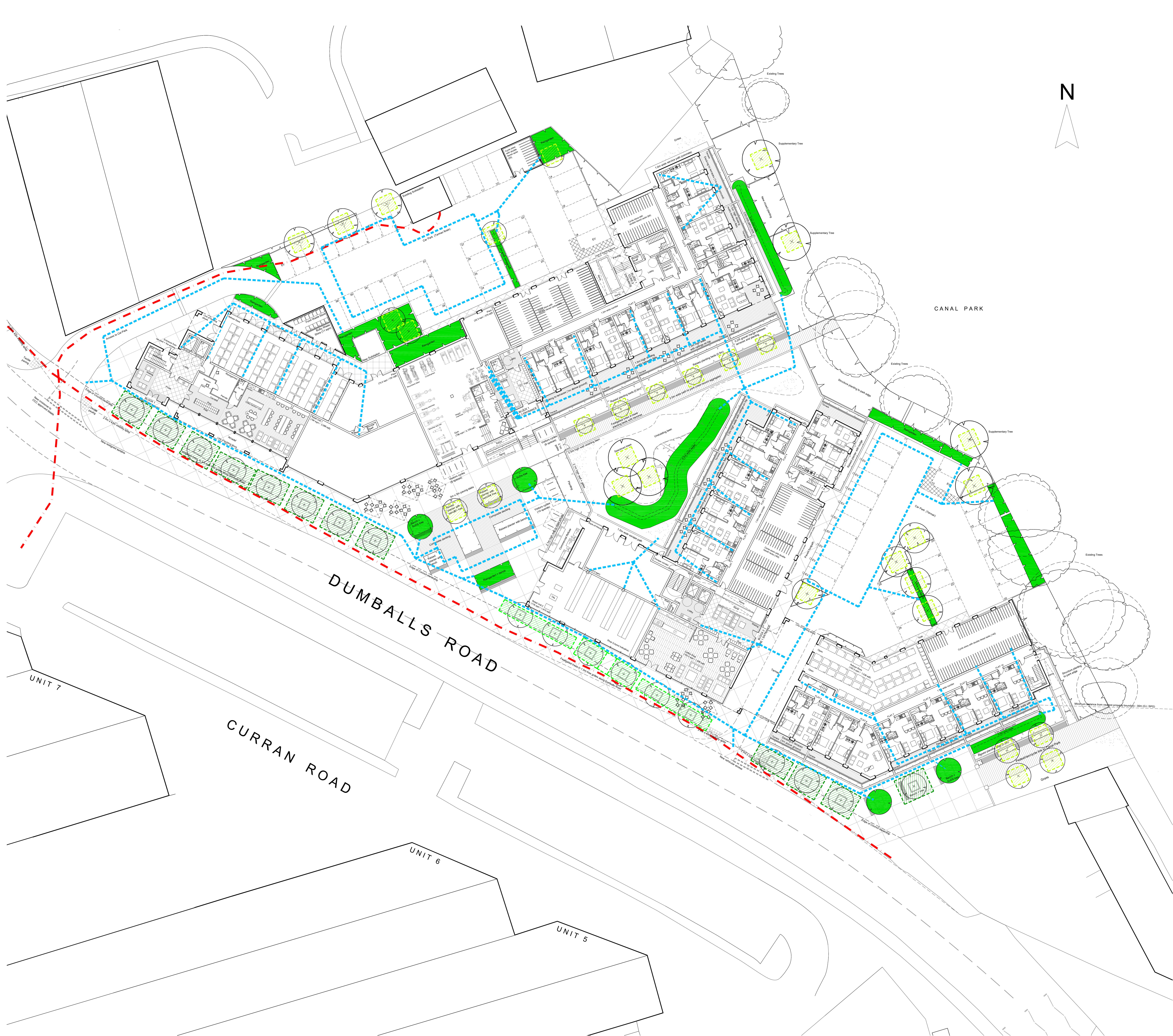


Rev A 14.12.20 - Red line boundary amended



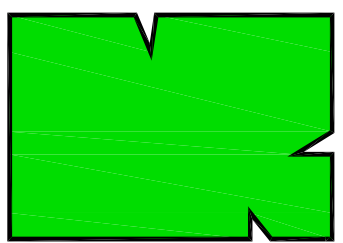
C. W. ARCHITECTS Ltd
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Project Name : Anchorworks, Dumballs Road, Cardiff	
Project Ref : SP556	
Drawing Title : Site Location Plan	Scale : 1:1250 @ A3
Drawing Number : P100	
Revision: A	Drawn by: rb
Date: Aug 2020	



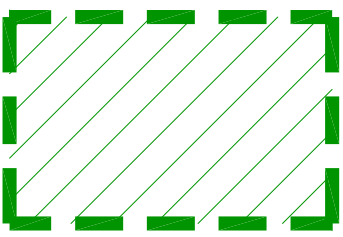
Landscape Strategy

SuDS Features

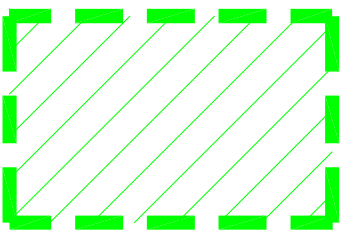


Bioretention SuDS features inc. raingardens, tree pits, swale or similar approved

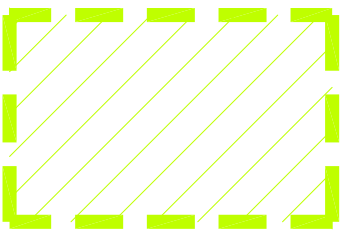
Target Minimum Root Available Soil Volumes



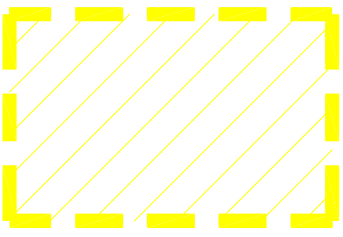
30m³ for individually planted large-medium trees



20m³ per large-medium tree when planted as a group of two or more with shared RASV



10m³ for individually planted small trees of approximately 6m height and 3m diameter branch spread after 25 years



5m³ per small tree when planted as a group of two or more with shared RASV

Note: - All RASVs assumed depth to be 1.5m

Services

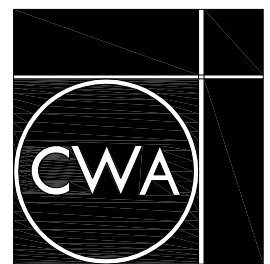


Existing Underground Electrical Services

Drainage



Proposed Surface Water Drainage (SAB in association with Green Blue tree pits)

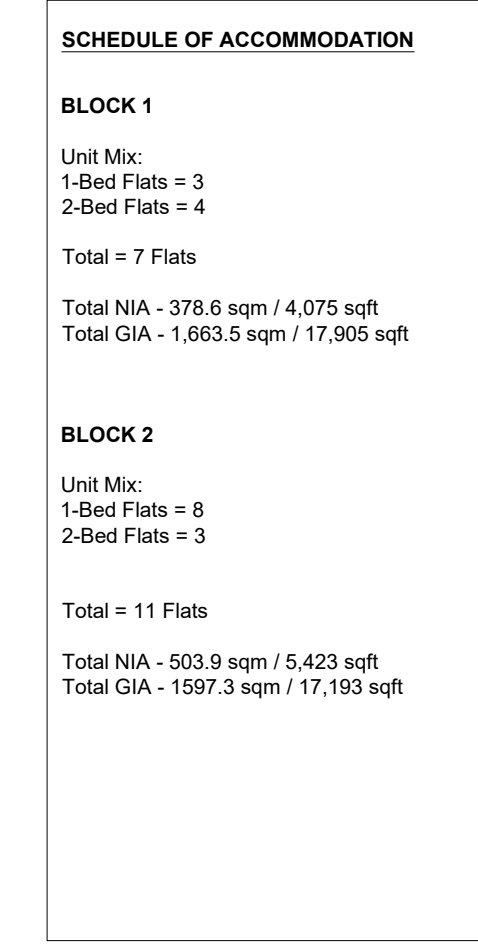


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Project Name : Anchorworks, Dumballs Road, Cardiff
Project Ref : SP556

Drawing Title : Proposed Landscape Strategy Plan
Drawing Number : P26
Scale : 1:200 @ A0

Revision: PLANNING Drawn by: rb Date: Dec 2020





SCHEDULE OF ACCOMMODATION

BLOCK 1

Unit Mix:
1-Bed Flats = 10
2-Bed Flats = 4

Total = 14 Flats

Total NIA - 656 sqm / 7,061 sqft
Total GIA - 921.3 sqm / 9,916 sqft

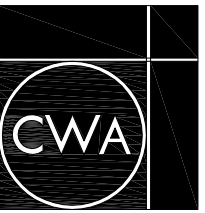
BLOCK 2

Unit Mix:
1-Bed Flats = 0
2-Bed Flats = 4

Total = 4 Flats

Total NIA - 257.2 sqm / 2,768 sqft
Total GIA - 378.9 sqm / 4,078 sqft

Rev A 25/11/20 - General amendments to reflect LPA comments

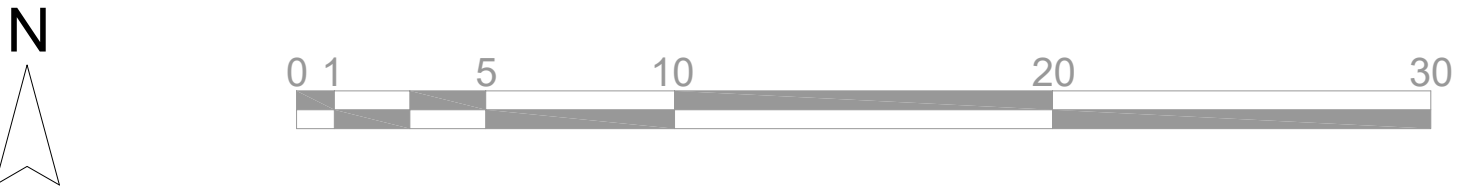


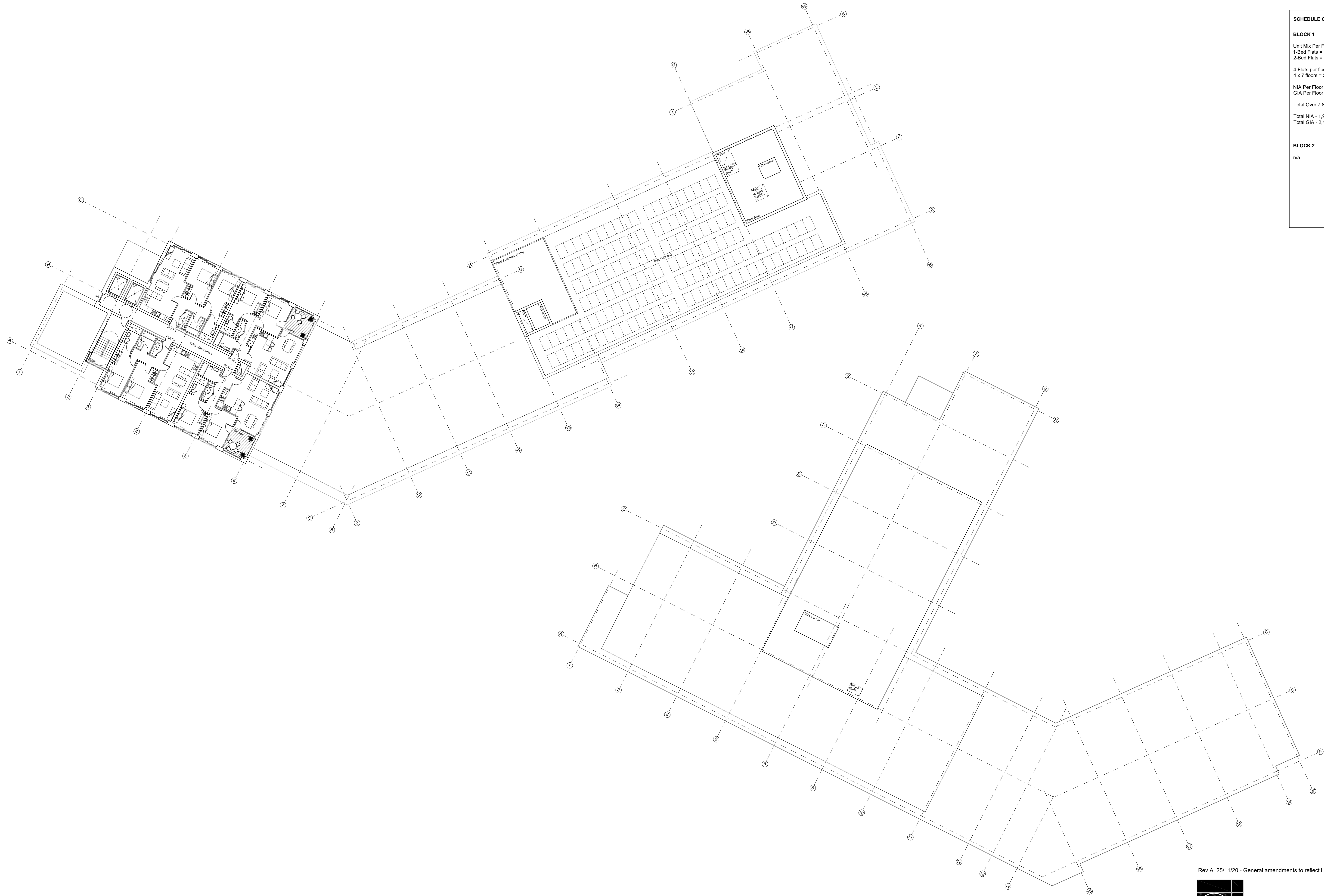
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Project Name : Anchorworks, Dumballs Road, Cardiff
Project Ref : SP556

Drawing Title : Proposed 8th Floor Plan
Drawing Number : P07
Scale : 1:200 @ A1

Revision: A
Drawn by: rb
Date: Aug 2020





SCHEDULE OF ACCOMMODATION

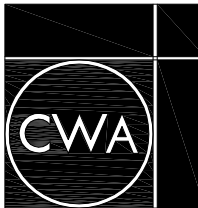
BLOCK 1

Unit Mix Per Floor:
1-Bed Flats = 0
2-Bed Flats = 4
4 Flats per floor
4 x 7 floors = 28 Flats
NIA Per Floor - 283 sqm / 3,046 sqft
GIA Per Floor - 350.1 sqm / 3,768 sqft
Total Over 7 Storeys : -
Total NIA - 1,981 sqm / 21,322 sqft
Total GIA - 2,450.7 sqm / 26,376 sqft

BLOCK 2

n/a

Rev A 25/11/20 - General amendments to reflect LPA comments

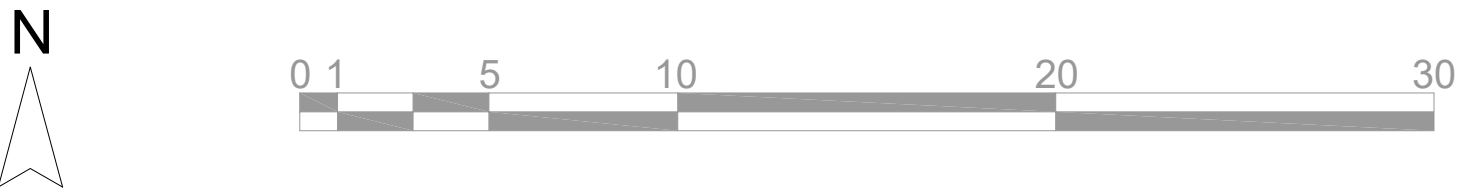


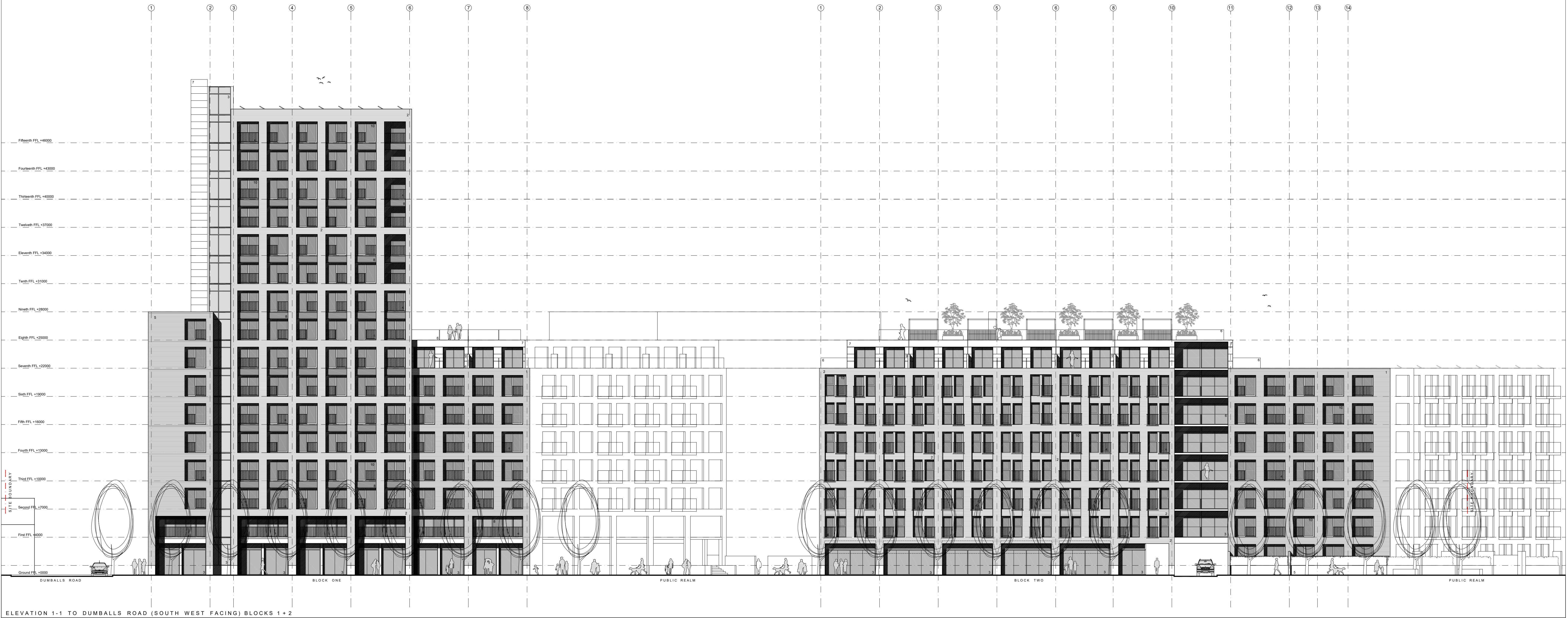
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Project Name : Anchorworks, Dumballs Road, Cardiff
Project Ref : SP556

Drawing Title : Proposed 9th-15th Floor Plan
Drawing Number : P08
Scale : 1:200 @ A1

Revision: A
Drawn by: rb
Date: Aug 2020





MATERIALS KEY

1. Red brickwork
2. Buff brickwork
3. Dark aluminium curtain walling with clear glass
4. Metal balustrades
5. Black brickwork
6. Glass balustrade
7. Grey cladding
8. Grey spandrel panel
9. Grey metal (zinc) privacy screen
10. Dark colour coated doors/windows with clear double glazing

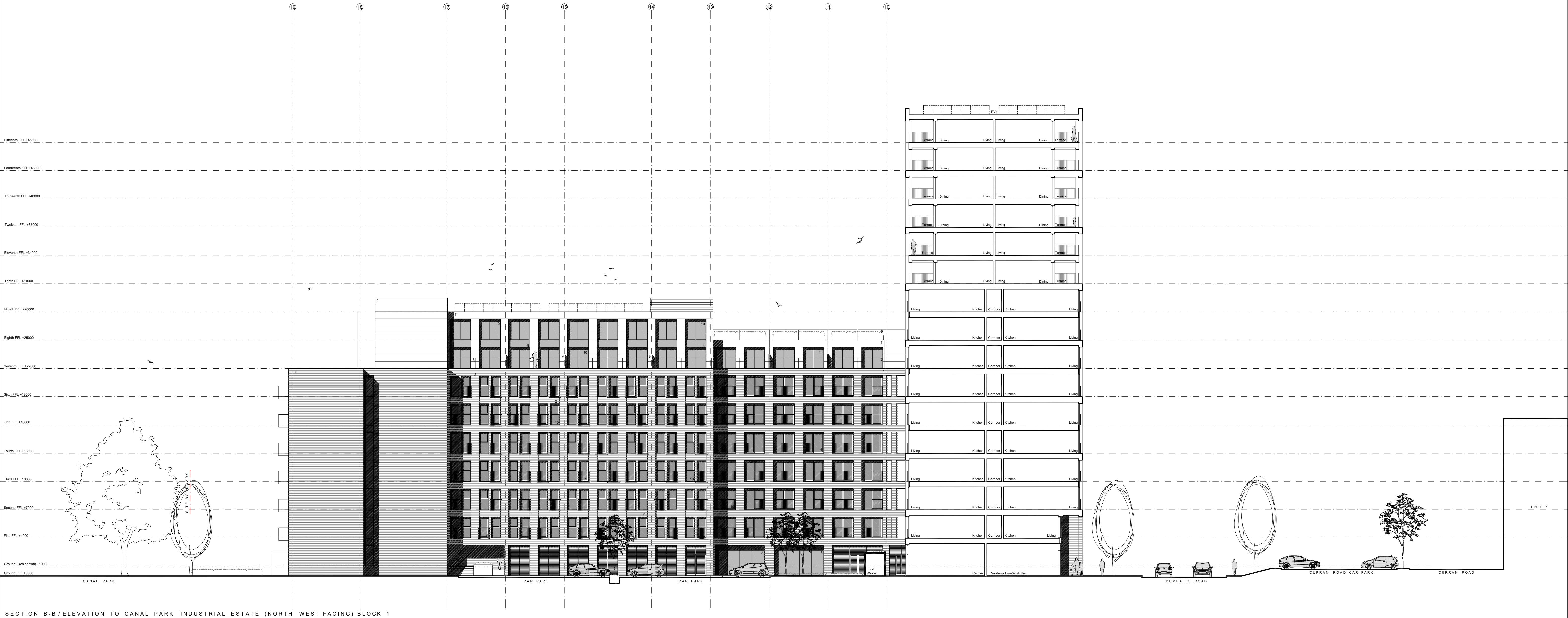
Rev A 25/11/20 - General amendments to reflect LPA comments

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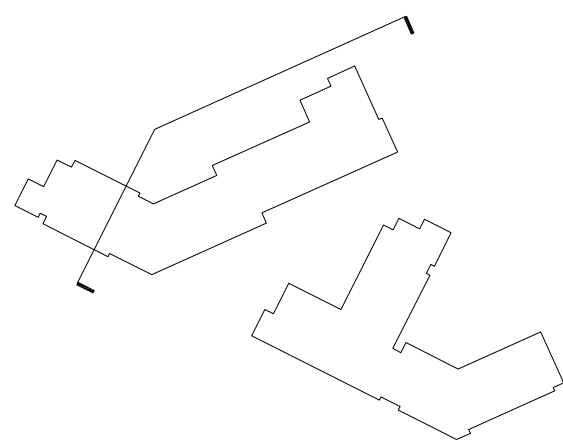
Project Name : Anchorworks, Dumballs Road, Cardiff
Project Ref : SP556

Drawing Title : Proposed Elevation to Dumballs Road
Drawing Number : P10
Scale : 1:200 @ A1

Revision: A
Drawn by: rb
Date: Aug 2020



SECTION B-B / ELEVATION TO CANAL PARK INDUSTRIAL ESTATE (NORTH WEST FACING) BLOCK 1



MATERIALS KEY

1. Red brickwork
2. Buff brickwork
3. Dark aluminium curtain walling with clear glass
4. Metal balustrades
5. Black brickwork
6. Glass balustrade
7. Grey cladding
8. Grey spandrel panel
9. Grey metal (zinc) privacy screen
10. Dark colour coated doors/windows with clear double glazing

Rev B 25/11/20 - General amendments to reflect LPA comments
Rev A 08.09.20 - Elevation extended to include Curran Road and Unit 7

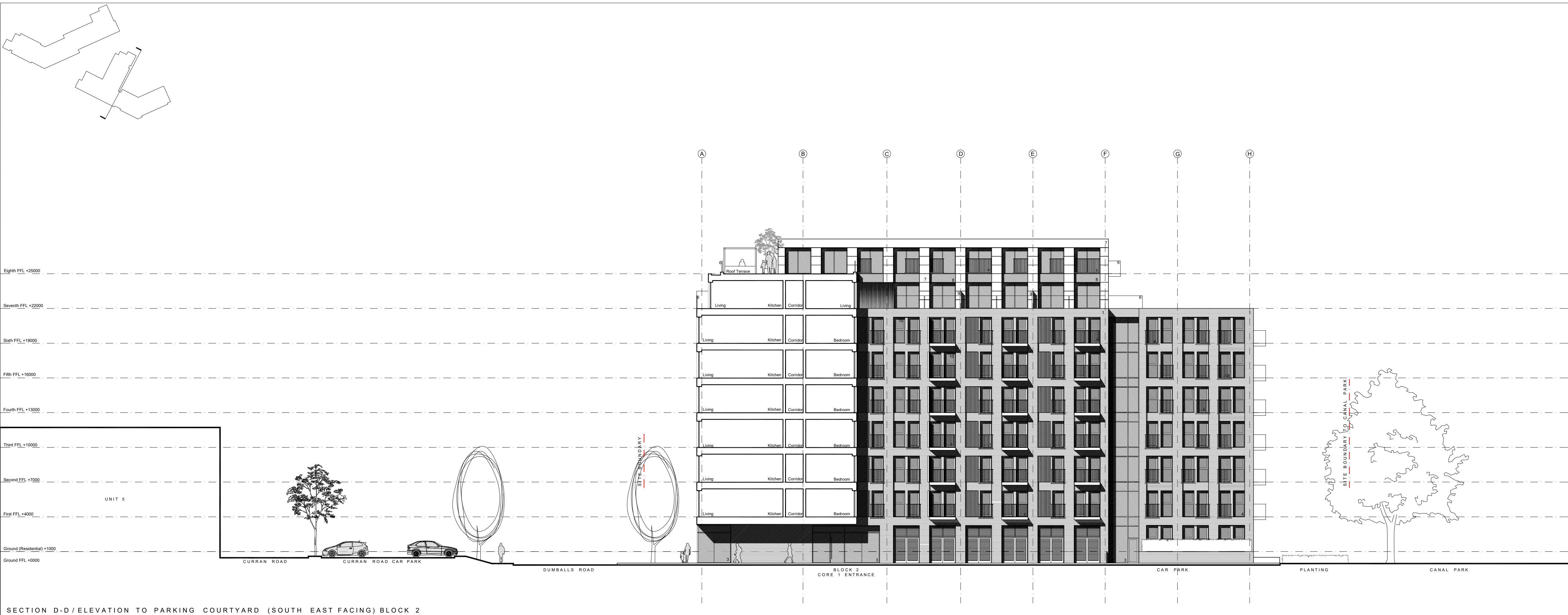
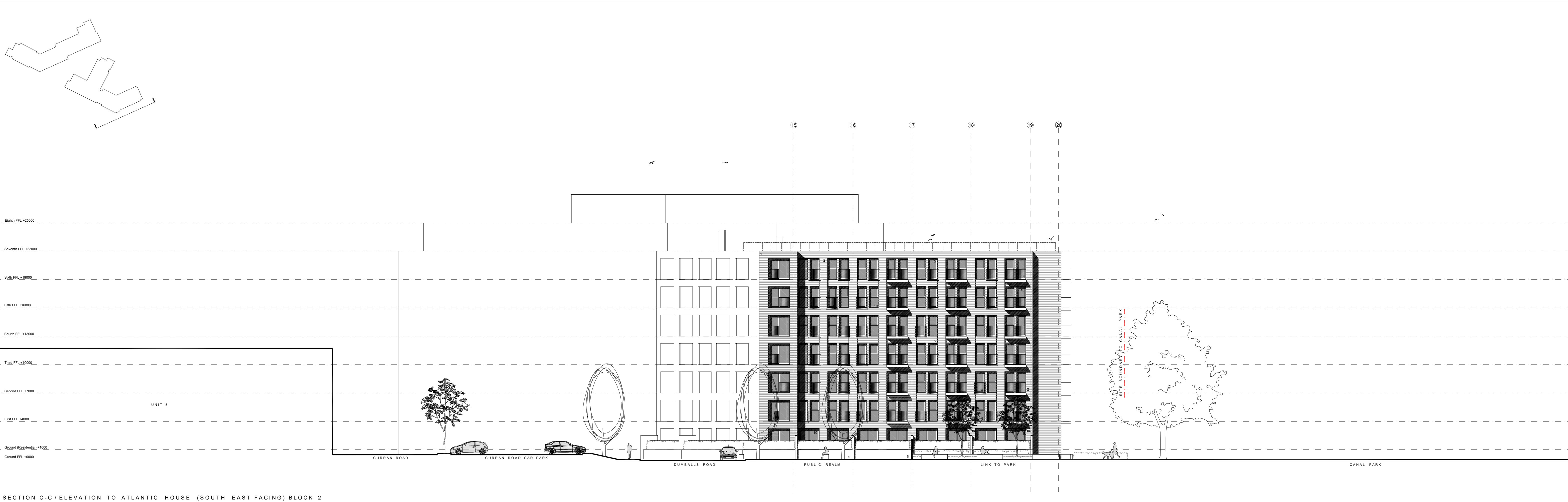


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Project Name :	Anchorworks, Dumballs Road, Cardiff
Project Ref :	SP556

Drawing Title :	Proposed Elevation/Section to Canal Industrial Estate	Scale :
Drawing Number :	P12	1:200 @ A1

Revision:	B	Drawn by: rb	Date: Aug 2020
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- MATERIALS KEY**
1. Red brickwork
 2. Buff brickwork
 3. Dark aluminium curtain walling with clear glass
 4. Metal balustrades
 5. Black brickwork
 6. Glass balustrade
 7. Grey cladding
 8. Grey spandrel panel
 9. Grey metal (zinc) privacy screen
 10. Dark colour coated doors/windows with clear double glazing

Rev B 25/11/20 - General amendments to reflect LPA comments
Rev A 08.09.20 - Elevations extended to include Curran Road and Unit 5

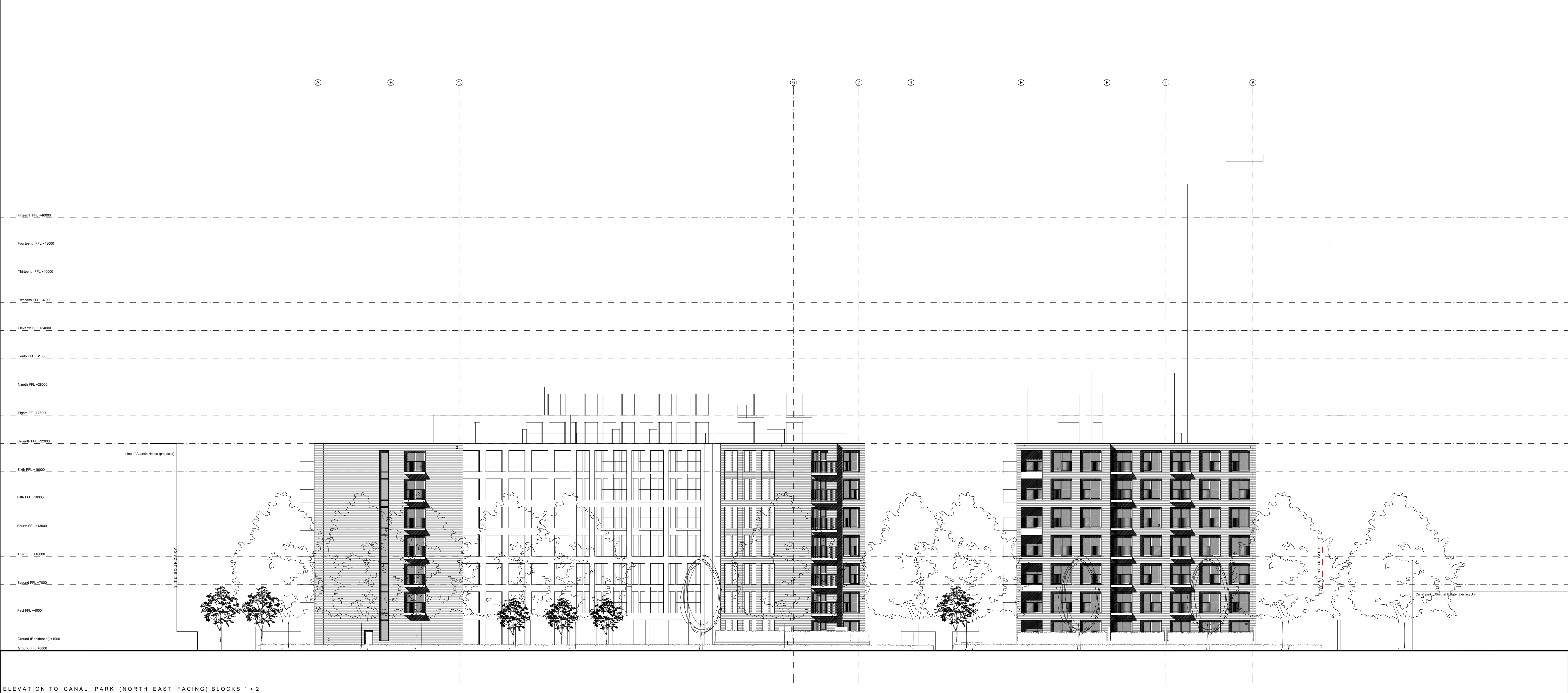


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Project Name :	Anchorworks, Dumballs Road, Cardiff
Project Ref :	SP556

Drawing Title :	Proposed Elevations_1 (Block 2)	Scale :
Drawing Number :	P13	1:200 @ A1

Revision:	B	Drawn by: rb	Date: Aug 2020
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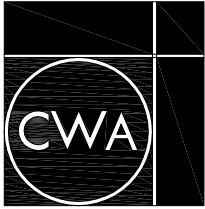


ELEVATION TO CANAL PARK (NORTH EAST FACING) BLOCKS 1 + 2

MATERIALS KEY

1. Red brickwork
2. Buff brickwork
3. Dark aluminium curtain walling with clear glass
4. Metal balustrades
5. Black brickwork
6. Glass balustrade
7. Grey cladding
8. Grey spandrel panel
9. Grey metal (zinc) privacy screen
10. Dark colour coated doors/windows with clear double glazing

Rev A 25/11/20 - General amendments to reflect LPA comments



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Project Name : Anchorworks, Dumballs Road, Cardiff
Project Ref : SP556

Drawing Title : Proposed Elevation to Canal Park
Drawing Number : P16
Scale : 1:200 @ A1

Revision: A
Drawn by: rb
Date: Aug 2020