

## PETITION

COMMITTEE DATE: 02/02/2022

APPLICATION No. **21/01720/MJR** APPLICATION DATE: 15/07/2021

ED: **BUTETOWN**

APP: TYPE: Full Planning Permission

APPLICANT: Cardiff Council Housing Development Team

LOCATION: FORMER BRANDON HIRE PLC, 151-153 BUTE STREET,  
BUTETOWN, CARDIFF

PROPOSAL: PROPOSED DEVELOPMENT OF 45-APARTMENT OLDER  
PERSONS' COMMUNITY LIVING SCHEME, COMMUNITY  
SPORTS FACILITY AND ASSOCIATED WORKS

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**RECOMMENDATION 1** : That, subject to relevant parties entering into a binding planning obligation in agreement with the Council under **SECTION 106** of the Town and Country Planning Act 1990, within 6 months of the date of this resolution unless otherwise agreed by the Council in writing, in respect of matters detailed in paragraph 10.1 of this report, planning permission be **GRANTED** subject to the following conditions:

1. C01 Statutory Time Limit
2. This approval is in respect of the following plans and documents:

### Plans

|                        |                            |
|------------------------|----------------------------|
| 20017-B-A-(00)_001 P10 | Location Plan              |
| 20017-B-A-(00)_003 P15 | Proposed Site Plan         |
| 20017-B-A-(00)_010 P14 | Proposed Ground Floor Plan |
| 20017-B-A-(00)_011 P14 | Proposed First Floor Plan  |
| 20017-B-A-(00)_012 P13 | Proposed Second Floor Plan |
| 20017-B-A-(00)_013 P13 | Proposed Third Floor Plan  |
| 20017-B-A-(00)_014 P13 | Proposed Fourth Floor Plan |
| 20017-B-A-(00)_015 P13 | Proposed Fifth Floor Plan  |
| 20017-B-A-(00)_016 P13 | Proposed Roof Plan         |
| 20017-B-A-(00)_210 P10 | Proposed East Elevation    |
| 20017-B-A-(00)_211 P11 | Proposed North Elevation   |
| 20017-B-A-(00)_212 P10 | Proposed West Elevation    |
| 20017-B-A-(00)_213 P10 | Proposed South Elevation   |

### Documents

Grays, Flood Consequences Assessment – Riverside Community Living & Community Building, Bute Street, Cardiff, Ref: GRYS-9850-REP01-R2-FCA, dated October 2021 incorporating

Appendix A and B (FCA)

Terra Firma Geotechnical and Geo-environmental Report – Proposed Residential Development at 151 Bute Street, Cardiff. Ref: 12770, August 2014.

Lime Transport, Transport Statement version D2g dated 07 Jan 2022

Wardell-Armstrong, Noise and Vibration Assessment Report, no. 0001 rev. V1.0 dated July 2021

AAHM, Community Living – Bute Street, Design & Access Statement. Rev. P02 dated January 2022

AHMM, Daylight Analysis Report. Ref: 20017, rev. A dated February 2021

LRM Planning, Planning Statement. Ref: 21.126 dated July 2021

Reason: To avoid doubt and confusion as to the approved plans.

3. Prior to the commencement of any development works and following completion of the approved monitoring scheme and ground gas assessment, the proposed details of appropriate gas protection measures to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site shall be submitted to and approved in writing to the LPA. If no protection measures are required than no further actions will be required.

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

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

Reason: To ensure that the safety of future occupiers is not prejudiced, and to accord with Policy EN13 of the Cardiff Local Development Plan..

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

Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

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

5. The remediation scheme approved by condition 4 above must be fully undertaken in accordance with its terms prior to the occupation of any part of the development. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

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

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

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

writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the Local Planning Authority within 2 weeks of the discovery of any unsuspected contamination.

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

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

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

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

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

9. 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.

10. The refuse storage facilities hereby approved shall be provided prior to the beneficial use of the development and shall thereafter be retained and maintained. The facilities shall provide for the following capacities (as a minimum):

Dry Recyclables: 6 x 1100 litre bulk bins  
Food waste: 3 x 240 litre bins  
General waste: 6 x 1100 litre bulk bins

Reason. To ensure an orderly form of development. (Policy W2 of the Cardiff Local Development Plan)

11. Prior to development commencing details of the proposed transport works and measures shall be submitted to and approved in writing by the Local Planning Authority, to include details of resurfaced footways around the perimeter of the site, removal of redundant crossovers/reinstated footway, revised crossing arrangement at Henry Street, Alice St car park/public realm amendments. Those details shall be implemented prior to beneficial occupation.

Reason: To ensure that the use of the proposed development does not interfere with the safety of traffic or pedestrian/cyclist accessibility. (Policy T5 of the Cardiff Local Development Plan)

12. Notwithstanding the approved plans, prior to development commencing details showing the provision of cycle parking spaces, and appropriate access to them, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the development being put into beneficial use. Thereafter the cycle parking spaces shall be maintained and shall not be used for any other purpose.

Reason: To ensure that adequate provision is made for the secure parking of cycles. (Policy T1 of the Cardiff Local Development Plan).

13. Prior to occupation details of the car parking strategy for the site shall be submitted to and approved in writing by the Local Planning Authority, to include information on eligibility, control and enforcement of the parking spaces. Those agreed details shall remain in operation whilst the site is in beneficial occupation.

Reason: To ensure that vehicle parking is suitably controlled and managed. (Policy T5 of the Cardiff Local Development Plan).

14. Prior to development commencing details of the Henry Street pedestrian access route and management plan shall be submitted to

and approved by the Local Planning Authority, to include details of materials and surfacing, and a management/improvement strategy for the route. The approved details shall be implemented prior to beneficial occupation and shall be maintained thereafter as the agreed details, with the route to remain as a through-link for all users.

Reason: To ensure that pedestrian accessibility is maximised. (Policy T1 of the Cardiff Local Development Plan).

15. Prior to occupation an adopted highway plan shall be submitted to the Welsh Government (along the lines of the submitted Cardiff Council 'Proposed Order Plan – Bute Street-Adopted Highways, dated 17/01/2022), showing the highway to be stopped up or diverted'), illustrating areas of adopted highway to be stopped up and areas of land to be additionally dedicated as public highway, as part of the stopping up order process.

Reason: To ensure an appropriate area of public highway is attained following development. (policy T5 of the Cardiff Local Development Plan).

16. Prior to the commencement of the development a detailed Construction Environment Management Plan for the construction phase of the development and a Construction Code of Practice shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environment Management Plan shall provide details of measures proposed for the storage of all plant, machinery and materials to be used in connection with the construction of the development and for controlling any escape of noise and/or fumes during the works. The development shall be carried out in accordance with the Construction Environment Management Plan.

The scheme shall in particular include:-

- 1) locations for the storage of all plant and machinery to be used in connection with the construction of the development;
- 2) details of all fences and other physical protective measures to be placed on the site in connection with such storage including the time periods for placing and retaining such fences and measures (as the case may be);
- 3) provision for the on-going maintenance of any such fences and other measures;
- 4) the control and removal of spoil and wastes;
- 5) wheel washing;

and

The Code of Practice shall indicate:-

- a. the proposed hours of operation of construction activities and deliveries;
- b. the frequency, duration and means of operation involving excavations, drilling, piling, and any concrete production;

- c. sound attenuation measures incorporated to reduce noise at source;
- d. details of measures to be taken to reduce the generation of dust;
- e. the routes of construction traffic to and from the site including any off site routes for the disposal of excavated material.

The Code of Practice shall be strictly adhered to during all stages of the construction of the proposed development.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity and future occupiers are protected. (LDP policy EN13)

- 17. Prior to their use in the development hereby permitted, samples of the external finishing materials of the building, including bricks, mortar, tiles, windows and balustrading, shall 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.  
Reason: To ensure that the finished appearance of the development is of a high quality and mitigates impact on surrounding residential units (LDP Policy KP5).
- 18. The development shall be carried out in accordance with the mitigation methods indicated within the Wardell-Armstrong, Noise and Vibration Assessment Report, no. 0001 rev. V1.0 dated July 2021.  
Reason To reduce the level of noise within the properties in the interests of the amenities of future occupants (LDP Policy EN13).
- 19. Prior to the first beneficial use of the development hereby permitted, a soundproofing scheme to the party ceiling/floor structure between the sports facility, flexible activity space, and residents lounge areas and the residential accommodation above shall be implemented in full accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be retained as approved.  
Reason. In the interests of residential amenity (LDP Policy EN13).
- 20. In respect of the Community Sports Hall, no activities shall be carried out which create noise audible at the boundary of any residential accommodation outside the hours of 09:00 and 21:00 on any day.  
Reason. In the interests of residential amenity (LDP Policy EN13).
- 21. Prior to the commencement of development details of any ground floor means of enclosure shall be submitted to and approved by the local planning authority and shall be implemented as approved prior to any part of the development being brought into beneficial use.  
Reason: In the interests of the appearance of the area (LDP Policy KP5).
- 22. No development 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:

- An **Arboricultural Impact Assessment (AIA)** based on the finalised approved layout and taking full account of proposed landscaping and contamination remediation measures, including any soil removal, soil placement, capping and cultivation.
- An **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, to be sent to the LPA during the different phases of development and demonstrating how the approved tree protection measures have been complied with.

- A **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 development shall be carried out in full conformity with the approved AMS and TPP.

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.

23. 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. (Policy KP5 of the Cardiff Local Development Plan.

24. No development shall take place until full details of soft landscaping have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- A soft landscaping implementation programme.
- Finalised, scaled planting plans prepared by a qualified landscape architect.
- Evidence to demonstrate that existing and proposed services, lighting, CCTV, drainage and visibility splays will not conflict with proposed planting.
- Schedules of plant species, sizes, numbers and densities prepared by a qualified landscape architect.



- Scaled tree pit sectional and plan drawings prepared by a qualified landscape architect that show the Root Available Soil Volume (RASV) for each tree.
- Topsoil and subsoil specification for all planting types, including full details of soil assessment in accordance with the Cardiff Council Soils and Development Technical Guidance Note, soil protection, soil stripping, soil storage, soil handling, soil amelioration, soil remediation and soil placement to ensure it is fit for purpose. Where imported planting soils are proposed, full specification details shall be provided including the parameters for all imported planting soils, a soil scientists interpretive report demonstrating that the planting soil not only meets British Standards, but is suitable for the specific landscape type(s) proposed. The specification shall be supported by a methodology for storage, handling, amelioration and placement.
- Planting methodology and post-planting aftercare methodology prepared by a qualified landscape architect, including full details of how the landscape architect will oversee landscaping implementation and report to the LPA to confirm compliance with the approved plans and specifications.

The submitted details shall be consistent with other plans submitted in support of the application and the landscaping shall be carried out in accordance with the approved design and implementation programme.

Reason: To enable the Local Planning Authority to determine that the proposals will maintain and improve the amenity and environmental value of the area, and to monitor compliance. (Policy KP5 of the Cardiff Local Development Plan).

25. Any newly planted trees, plants or hedgerows, which within a period of 5 years from the completion of the development die, are removed, become seriously damaged or diseased, or in the opinion of the Local Planning Authority (LPA) otherwise defective, shall be replaced.

Replacement planting shall take place during the first available planting season, to the same specification approved in discharge of condition 21 above unless the Local Planning Authority gives written consent to any variation.

Reason: To maintain and improve the amenity and environmental value of the area. (Policy KP5 of the Cardiff Local Development Plan).

26. No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water,

surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

27. No building shall be occupied until a point of connection on the potable water system has been identified by a hydraulic modelling assessment, which shall be first submitted to and approved by the local planning authority. Thereafter the connection shall be made in accordance with the recommended connection option following the implementation of any necessary improvements to the water system, as may be identified by the hydraulic modelling assessment.

Reason: To ensure the site is served by a suitable potable water supply.

**RECOMMENDATION 2:** To protect the amenities of occupiers of other premises in the vicinity attention is drawn to the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities. Further to this the applicant is advised that no noise audible outside the site boundary adjacent to the curtilage of residential property shall be created by construction activities in respect of the implementation of this consent outside the hours of 0800-1800 hours Mondays to Fridays and 0800 - 1300 hours on Saturdays or at any time on Sunday or public holidays. The applicant is also advised to seek approval for any proposed piling operations.

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

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

Proposals for areas of possible land instability should take due account of the

physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land.

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

**RECOMMENDATION 4:** 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 5 :** Since January 7th 2019, all new developments of more than 1 house, or where the construction area is 100 square metres or more, require sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by the Welsh Ministers. These systems must be approved by the local authority acting in its SuDS Approving Body (SAB) role before construction work begins. The SAB will have a duty to adopt compliant systems so long as they are built and function in accordance with the approved proposals, including any SAB conditions of approval. It is recommended that the developer engage 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](mailto:SAB@cardiff.gov.uk).

**RECOMMENDATION 6:** The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)

**RECOMMENDATION 7** : The Local Highway Authority are to be contacted with regards to proposed works to the public highway, and the works will be subject to a Technical Approval process between the applicant and Local Highway Authority.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 A full application for the redevelopment of the vacant and cleared site of a former tool hire premises, for a mixed 45 unit residential development for older persons, with ground floor community sports facilities and ancillary rooms associated with those uses.
- 1.2 The proposed building, which has a tiered, flat roof design, can be split into three elements. The main element is a six storey structure, forming the corner of the plot adjacent to the Bute St and Hannah St junction, the second element adjoins this to the west and is a four storey structure that fronts Hannah St, with the third element adjoining the first to the south, fronting Bute St. Access to the building is via a main entrance with reception area off Bute St, with alternative entrances at the rear via Hannah St and Henry St.
- 1.3 The proposed structure is to be finished predominantly in facing brick of three different shades – Grey-Beige-Anthracite; Brown-Grey-Beige and Grey-Beige-Light Grey, with reconstituted stone string courses separating the floor levels.
- 1.4 The Proposed residential accommodation comprises 35 no. 1 bed units and 10 no. 2 bed. The accommodation is primarily on the upper floors, with several stair cores, and centrally located lifts available for access.
- 1<sup>st</sup>& 2<sup>nd</sup> floor – 13 units per floor
  - 3<sup>rd</sup> floor – 9 units
  - 4<sup>th</sup> & 5<sup>th</sup> floor – 5 units per floor

There is also a single 'guest suite' sited on the ground floor.

- 1.5 The ground floor plans show provision for refuse storage (including bulk waste), other store and plant rooms, ancillary offices and a medical room, a laundry, residents lounge, a community use sports hall (approx. 300sqm) with accessible changing and shower facilities and a store for cycles and mobility scooters with direct access onto Hanna St.

Externally there is a small ground floor amenity area at the rear (facing a parking area off Alice St), with hard and soft landscaping, planters and furniture. Either side of Henry St (a cul-de-sac), there are further cycle parking facilities, and 5no. accessible car parking spaces (accessed off Hannah St).

- 1.6 The flat roof area to the third element (fronting Bute St) benefits from a small roof terrace area, laid out with hard and soft landscaping, and a small area of 'biodiversity roof'. The remaining flat roof areas are also described as 'biodiversity roof' areas. All of the flat roof areas provide large rooflights,

offering natural light into the communal and circulation areas on the floors below, including the ground floor.

- 1.7 Minor amendments have been submitted from the original proposals, in light of technical consultee responses. These amendments relate primarily to the external site layout & arrangements.

## 2. **DESCRIPTION OF SITE**

- 2.1 The site comprises a cleared area of land approx. 0.29Ha in size, located on and bounded by Bute St to the east, Hannah St to the north, Henry St and a parking area off Alice St to the west and the dwelling & gardens of no. 45 Bute St to the south.
- 2.2 The city centre is approx. 1.2km north of the site, with Cardiff Bay approx. 500m to the south
- 2.3 There are 'local' shops and facilities located approx. 200m north of the site, fronting Bute St.
- 2.4 The site is set in an existing residential area, with a mix of 2 storey traditional dwellinghouses and multi storey flats. Directly opposite (to the north) and to the rear of the site there are three storey blocks, some with pitched roof design that increases this height.

## 3. **PLANNING HISTORY**

- 3.1 13/00522/DCI – Prior approval application for the demolition of a 2 storey and single storey warehouse – Prior approval granted
- 3.2 16/00194/MJR – Demolish existing warehouse and workshops and construction of 25 residential units with single retail unit - Granted
- 3.3 17/00825/MJR – Demolition of existing buildings without compliance with pre-commencement conditions attached to 16/0094/MJR - Granted

## 4. **POLICY FRAMEWORK**

- 4.1 The following LDP policies are considered relevant

KP1 Level of Growth

KP5 Good Quality and Sustainable Design

KP6 New Infrastructure

KP8 Sustainable Transport

KP13 Responding to Evidenced Social Needs

KP14 Healthy Living

KP15 Climate Change

KP16 Green Infrastructure

H3 Affordable Housing

H6 Change of Use or Redevelopment to Residential Use

EN12 Renewable Energy and Low Carbon Technologies

EN13 Air, Noise, Light Pollution and Contaminated Land  
EN14 Flood Risk  
T1 Walking and Cycling  
T5 Managing Transport Impacts  
C1 Community Facilities  
C3 Community Safety / Creating Safe Environments  
W2 Provision for Waste Management Facilities in Development

4.2 In addition to the above policies, the following SPGs are considered to be relevant:

- Green Infrastructure (November 2017), comprising of: • Ecology and Biodiversity Technical Guidance Note • Trees and Development • Protection and Provision of Open Space in New Development • Soils and Development
- Waste Collection & Storage Facilities (October 2016);
- Residential Design Guide (January 2017); and
- Managing Transportation Impacts (Incorporating Parking Standards) (July 2018).

4.3 PPW Wales (edition 11)

4.4 'Future Wales': The National Plan (Feb 2021)

## 5. **INTERNAL CONSULTTEES**

5.1 The Operational Manager, Transportation has reviewed the submitted plans and Transport Assessment, making the following comments:

*The revised plan is for Henry St to be retained as a non-adopted road in CC ownership, with 5 private perpendicular parking bays (for the development's residents) on the western side of the road. This arrangement was put forward primarily to satisfy CC Parking concerns that keeping this as adopted but with private bays would be confusing. Whilst the revised arrangement means there will not be an adopted through-link on Henry St, we seek this to be designed/maintained by CC Housing in such a way that it will be available to all users as a quality route (see below condition).*

*I wouldn't quite agree with the TS that 'the existing carriageway arrangement will be maintained' on Henry St, as a number of changes will still occur on this road, and likely to include a dropped footway crossing at the junction with Hannah St to maximise pedestrian accessibility. It is also the case that a small section of existing adopted highway at the southern end of Henry St will be stopped up. It is not considered that this represents a practical loss of public utility, although this would need to be facilitated via a s247 application to Welsh Government (see below condition).*

*It is noted there is reference to signage being placed in order to deter illegal usage of the private bays. Should illegal parking occur this will need to be suitably managed by CC Housing. A condition will seek further details on this*

*matter.*

*The revised layout plan still shows that the visitor cycle parking adjacent to the entrance will be uncovered, which is not something we would support, although the applicant has indicated this is due to concerns about anti-social behaviour. This matter will be conditioned, and further discussion on the format/type/quantity of cycle parking can subsequently occur, although it seems there is room for adequate provision.*

In light of the above, conditions 11-15 above are recommended.

- 5.2 The Shared Regulatory Services (Contaminated Land) Manager has no objection to the proposals, subject to the imposition of conditions and advice relating to the mitigation of any ground contamination issues.

Conditions 3 to 9 above are therefore recommended, along with advice contained in Recommendation 3.

- 5.3 The Waste Manager advises that the refuse storage facilities shown on the submitted plans are acceptable. A condition in respect of the required capacities, and provision of the facilities is recommended. Further advice in respect of waste collection contracts has been sent to the agent.
- 5.4 The Neighbourhood Regeneration Manager advises that as the proposals include a community facility, there are no adverse comments and there is no requirement for any contributions under a legal agreement.
- 5.5 The Shared Regulatory Services (Noise & Air) Manager has been consulted and no comments have been received.
- 5.6 The Parks Manager advises that whilst there is some amenity provision on-site, and there are park facilities nearby (Canal Park), in line with the Council's Supplementary Planning Guidance, a financial contribution of **£34,705** is requested, to be used to provide or maintain public open space in the vicinity of the site, with the precise use to be determined as part of the S106 process.

The applicant has agreed to make this contribution.

- 5.7 The Tree Protection/Landscaping Officer makes the following comments:

*I cannot find the Tree Survey (TS) amongst the submissions, just the Arboricultural Impact Assessment (AIA), Method Statement (AMS) and Tree Protection Plan (TPP). Without prejudice to the receipt of a TS I have no adverse observations except to say that the AMS needs to make provision for arboricultural site monitoring reports to be issued to the LPA; a site specific 'no-dig' construction detail should be provided that accords with the generic principles of the AMS and submitted section and further explanation is required concerning soft landscaping treatments within the RPAs of retained trees. I note that the geotechnical report advises that the site be capped with*

600mm inert soil. Such capping will result in the death of existing, retained trees. The AMS advises that within the Root Protection Area of the retained T3 and T4 that 'Following the removal of hard surfacing the area in question will require topsoiling and preparation for the establishment of amenity grass'. It is this that requires clarification – capping as above will likely kill the trees but a thin skim of topsoil to replace existing sub-base material may not suffice for capping.

With regard to proposed landscaping my observations are as follows: -

I would wish to understand how the x3 new trees will have access to adequate Root Available Soil Volume (RASV) to support their healthy long-term growth? Site specific tree pit details are required for the planting types accordingly and it must be clear what the RASV is and how it can be achieved. The *Alnus x spaethii* trees is depicted in a relatively small planting bed – as a stand-alone tree in an isolated bed it requires access to a minimum 30 cubic metres RASV. Previously, x7 new trees were proposed, so the reduction to x3 is significant.

The landscape specification refers to a Soil Resource Survey and Plan, but to my knowledge such has not been undertaken and would not be relevant to the site considering the absence of a recoverable soil resource and the requirement for capping? Consequently I make the assumption that all planting soils will be imported, so the landscape specification and tree pit details should be amended accordingly and an imported topsoil and subsoil specification drawn up.

If this application is to progress without seeking additional information as above, conditions should be attached.

In light of this advice, and having regard for time constraints, the requested conditions have been recommended above (Conditions 22 to 25).

5.8 The Housing Strategy Manager has no specific comments, advising:

*This is one of Cardiff Council's own new build schemes, and will provide 100% affordable housing for older persons in a community living scheme setting.*

## 6. **EXTERNAL CONSULTEES**

6.1 Welsh Water have no objection to the proposals in principle, but request that any consent is conditioned to require the submission and approval of drainage and potable water details. Further advice is provided regarding future surveys relating to the diversion of an existing sewer. This advice has been passed to the applicant.

6.2 South Wales Police have no adverse comment in respect of the proposal. They offer standard Secured by Design advice and this has been passed on to the applicant.



- 6.3 The Fire Service advise that the developer should consider the need for adequate water supplies on site for firefighting purposes and access for emergency firefighting appliances. The Fire Service comments have been passed to the applicant.
- 6.4 Natural Resources Wales have no objection to the proposals, having due regard to the submitted Flood Consequences Assessment. Further advice relating to flood risk is offered and this has been passed to the applicant.

## 7. **REPRESENTATIONS**

- 7.1 The Local Member has been consulted and any comments received will be reported to Committee.
- 7.2 Neighbouring occupiers have been notified and the application has been publicised by site notice and in the press.
- 7.3 A representation has been received from a resident of Carlotta Way, Butetown. They comment that they welcome the development of the older persons residential scheme, with the inclusion of the sports facility. However, they also comment that they are unclear from the submission how the sport facility will function and it is unclear whether this facility will meet community needs.
- 7.4 A petition with 64 signatures has been received stating:

*“We wish to object to the proposed design for a Community Living Facility and associated Community Facilities on Bute Street (Application 21/01720/MJR).*

*We wish to propose that instead of a Multi-Activity Space on the ground floor there should be a Café as of greater value to the local Butetown community.”*

## 8. **ANALYSIS**

- 8.1 The application proposes the redevelopment of the vacant and cleared site of a former tool hire premises, for a mixed 45 unit residential development for older persons, with ground floor community sports facilities and ancillary rooms associated with those uses.
- 8.2 The application site lies within the settlement boundary as defined by the Adopted LDP proposals map and has no specific land use allocation or designation. The proposed development comprises a multi-functional community sport halls to the ground floor with residential apartments (community living scheme) on the upper floors. The surrounding area is predominantly residential in nature.

The proposal is assessed against Policy H6: Change of Use or Redevelopment to Residential Use. Policy H6 provides a framework for the assessment of applications for the redevelopment of previously developed

land for residential purposes within settlement boundaries where:

- i. There is no overriding need to retain the existing use of the land or premises and no overriding alternative local land use requirement;
- ii. The resulting residential accommodation and amenity will be satisfactory;
- iii. There will be no unacceptable impact on the operating conditions of existing businesses;
- iv. Necessary community and transportation facilities are accessible or can be readily provided or improved; and
- v. It can be demonstrated that the change of use to a more sensitive end use has been assessed in terms of land contamination risk and that there are no unacceptable risks to the end users.

- 8.3 The application site is on vacant land, and the surrounding area is predominantly residential in nature. The principle of residential development at this location has already been established through planning permission 16/00194/MJR.

The site is considered to be in a highly sustainable location in close proximity to Loudoun Square Local centre and Bute Street/James St District Centre. There are sustainable modes of transport within close proximity to the site being located close to frequent bus routes and Cardiff Bay Railway Station.

Given the residential context and setting of the surrounding area, in a highly sustainable location the residential element of the scheme does not raise any land use policy concerns subject to detailed design considerations.

- 8.4 The flexible community activity space and ground floor multi-functional community sports hall is considered against Policy C1: Community Facilities.

This policy encourages proposals for new and improved community facilities, where the facility would be readily accessible to the local community it is intended to serve by public transport, walking and cycling; the facility would not unduly prejudice the amenities of neighbouring and nearby residential occupiers; the facility would not detract from the character and appearance of a property or the locality; the facility would not lead to unacceptable parking or traffic problems and; the facility is designed with the greatest possible flexibility and adaptability to accommodate additional community uses without comprising its primary intended use.

The flexible activity space is considered to be ancillary to the main development and will be used by residents of the development. It is considered to accord with Policy C1. The ground floor multi-functional community sports hall falls within use class D2. This use does not raise any land use policy concerns subject to an assessment of residential amenity.

- 8.5 The proposed scheme is essentially one building in three parts of differing heights. The design is contemporary in comparison to the nearest existing dwellinghouses, but there are more modern apartment blocks directly behind the site. The use of facing brick in varying shades will add interest to what is a large structure, with the recessed balconies adding some articulation to the facades.
- 8.6 Overall the mass is uncharacteristic of the general scale of development in the immediate vicinity, which typically is 2-3 storeys. However, this is a relatively attractive scheme which makes good use of a vacant former industrial site to provide social housing, and its combination of community and social uses will create interest and enhance a neglected vacant corner plot. The scheme is carefully considered in detail with interesting facades, a high degree of fenestration, and interesting brick detailing. In this particular case, it is considered that this combination of features helps to moderate the overall mass. It is considered that the scheme will make a positive contribution to the built environment in this part of Bute Street.
- 8.7 The scheme includes balconies to all apartments, a small rooftop terrace for residential use and a small area of soft landscaped amenity space at the rear. It is of note that this provision is an improvement on other redeveloped sites in the vicinity, where residential amenity space is minimal. Residents will also benefit from increased natural light penetration through the use of skylights and open atriums and passageways.
- 8.8 It is of note that the corner element, at 6 storeys is higher than any surrounding buildings. However, there are three storey blocks that have high pitched roofs offering the perception of taller structures that would assist in the integration of this larger structure. Its position on a relatively open corner provides an opportunity to make a statement and encourage future developments in the area.
- 8.9 Also of note is the relationship with the existing three storey flats to the north, on the opposite side of Hannah Street. The scale of the proposals will undoubtedly have an impact on the ambient light of the ground floor flats and, whilst light is a material consideration, there is no 'right to light' in planning legislation. At approx. 18m the window to window relationship is less than the SPG recommended minimum of 21m. However, this is a close urban environment and many of the existing street relationships are less than 21m, including Steffan Court/Andrew Court at approx. 14.2m and Alice St/Belmont Walk at approx. 19m. On balance, in this case it is considered that the benefits of the proposed development, such as community uses, social housing and encouraging future developments outweigh any concerns in respect of amenity impact.
- 8.10 Overall, it is considered that the proposed development is a striking design, with an interesting combination of uses and a form of development that significantly enhances its context.

- 8.11 In noting that the SRS (Noise & Air) Manager has not offered any comment, it is noted that the submitted Noise Assessment includes mitigation measures relating to noise and residential amenity. In this case, condition 18 is recommended to seek to ensure that the development is undertaken in accordance with those recommendations
- 8.12 With regard to the submitted representations, it is of note that the grounds for objection indicated in the petition are specific insofar as:

*“We wish to propose that instead of a Multi-Activity Space on the ground floor there should be a Café as of greater value to the local Butetown community.”*

In this regard, the desire for a different use of part of the development than that applied for is not a material consideration and could not justify, or sustain refusal of consent.

With regard to the third party representation, it is noted that the development proposed is welcomed. With regard to the potential for the proposed sports hall not to meet community requirements, this is not an issue that the Local Planning Authority can control as it would need to be tested once the facility is available.

## 9. **OTHER MATTERS**

### Crime and Disorder

- 9.1 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. South Wales Police were consulted and have no objections.

### Equalities Act

- 9.2 The Equality Act 2010 identifies a number of ‘protected characteristics’, namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council’s duty under the above Act has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic. The Housing Manager has assessed the housing need and type of accommodation required.

### Wellbeing

- 9.3 Section 3 of the Well-Being of Future Generations Act 2016 imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of

future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision. Providing more affordable quality dwellings, and introducing a new Community Sport Facility provision at the heart of the local community all positively contribute to wellbeing objectives.

## 10. **SECTION 106 MATTERS**

- 10.1 The Parks Manager has advised that having regard for the on site amenity space, and the proximity of existing public open spaces, the development generates a requirement for a financial contribution towards the provision and/or maintenance of public open space in the vicinity, in accordance with the Council's SPG Planning Obligations, and the Community Infrastructure Levy.

The scale of development generates a request for a contribution of **£34,705**.

The applicant has advised that this contribution is agreeable.

## 11. **CONCLUSION**

- 11.1 Having due regard for adopted and approved planning policy and guidance, and on balance, it is recommended that planning permission be granted, subject to conditions and a legal agreement.



- KEY
- Application Site
  - ① Former Brandon Tool Hire Site
  - ② South Wales Islamic Centre
  - ③ Canal Park
  - ④ Cardiff Bay Train Station

# PLANNING ISSUE

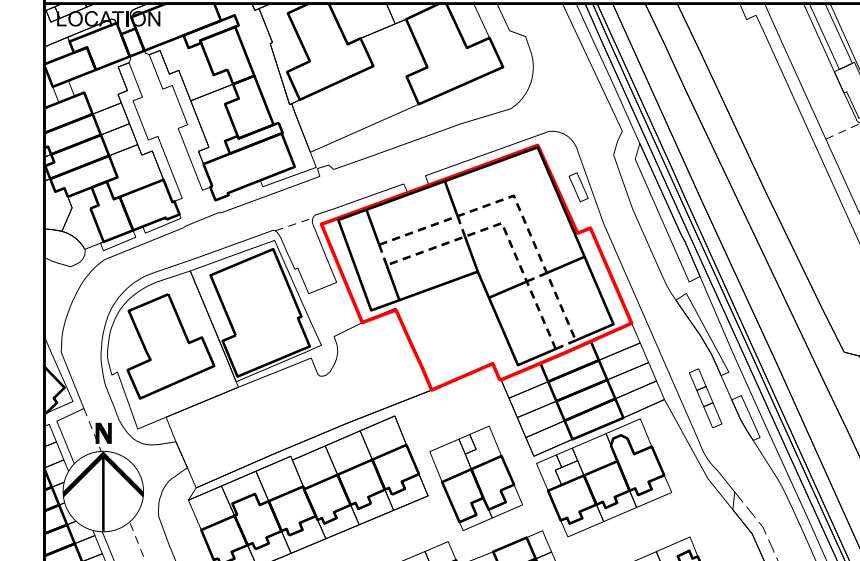
Revision: P10 | 02.07.21 | PLANNING ISSUE

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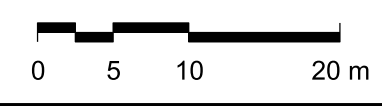


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job title  
 COMMUNITY LIVING SCHEME, BUTE STREET

drawing title / location  
 PROPOSED LOCATION PLAN

| drawn by | checked | scale               | status         |             |          |
|----------|---------|---------------------|----------------|-------------|----------|
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| 20017    | B       | A                   | (00)_001       | P10         |          |







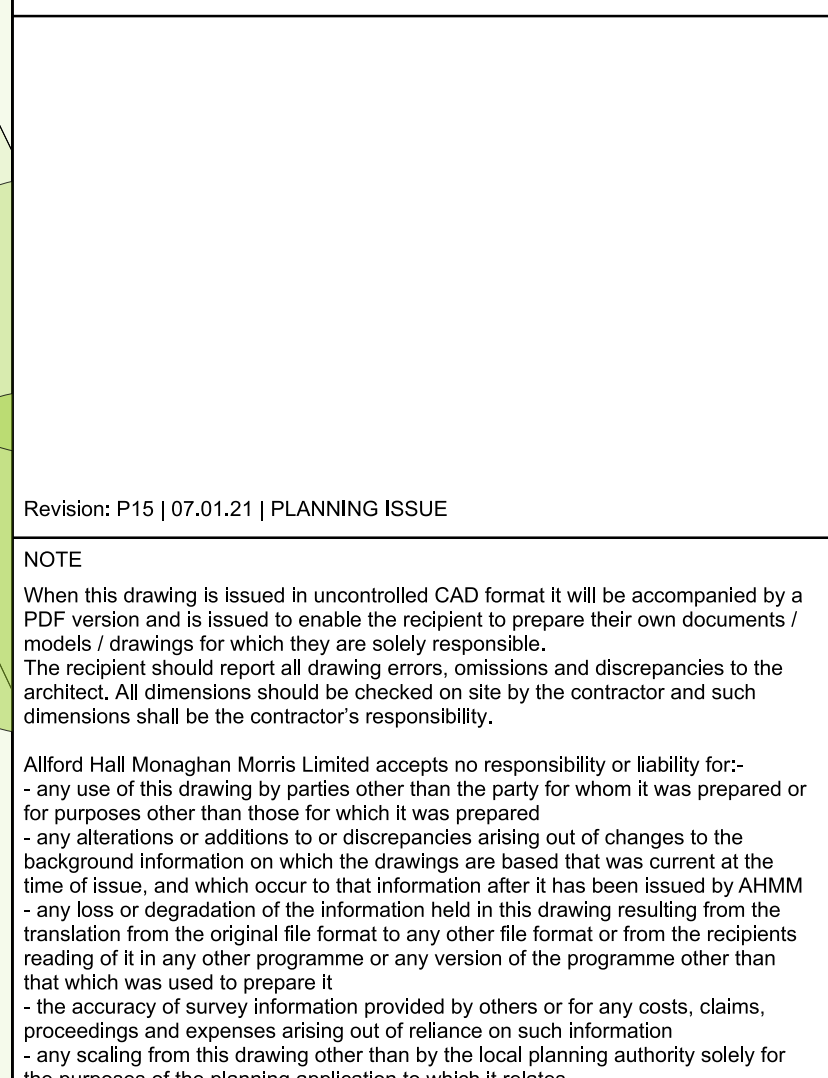
KEY

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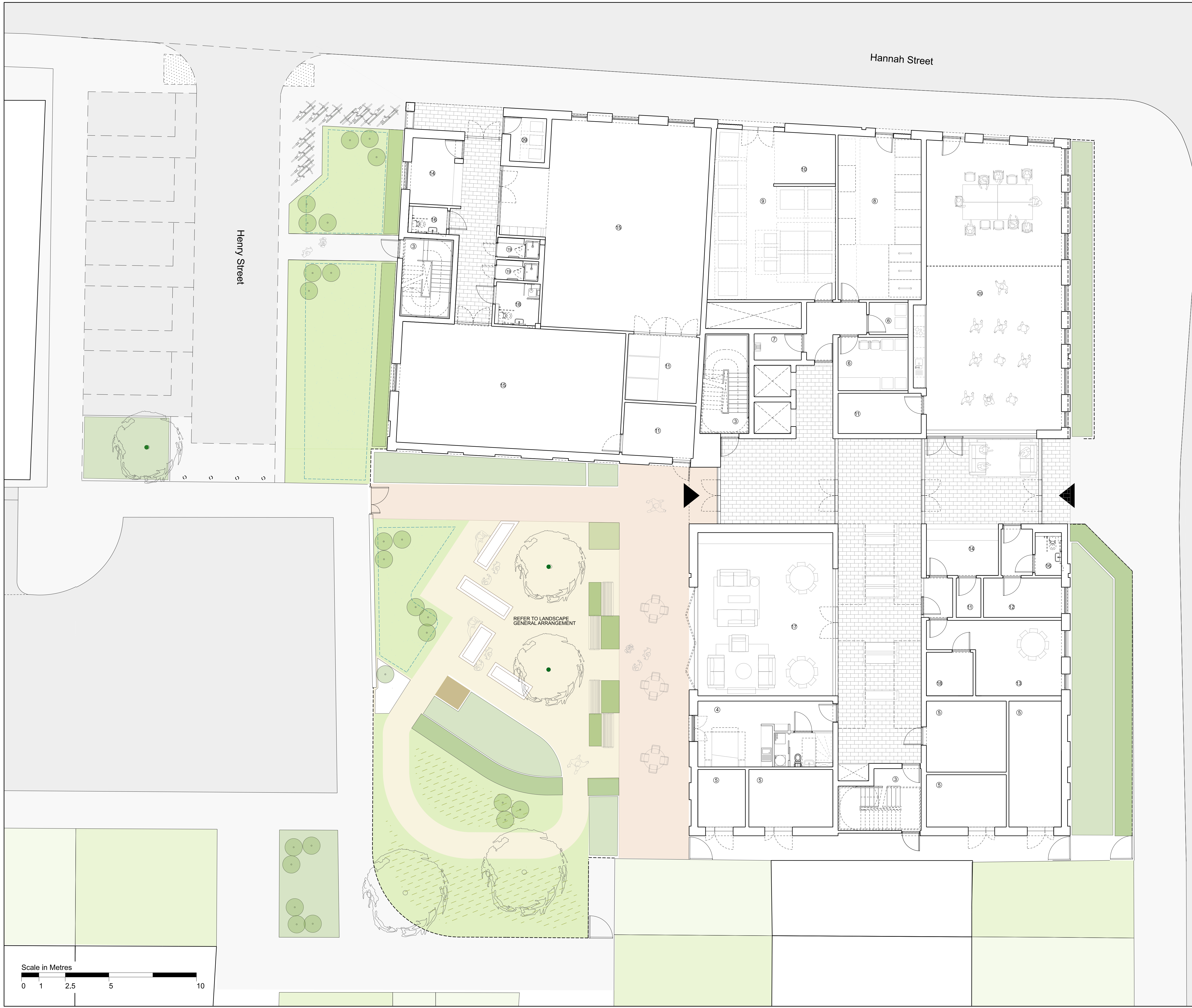
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drawing title / location  
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| project  | zone    | source            | classification |
| 20017    | B       | A                 | (00)_003       |
|          |         |                   | P15            |





- KEY**
- ① 1B UNIT
  - ② 2B UNIT
  - ③ RESIDENTIAL CORE
  - ④ GUEST SUITE
  - ⑤ BACK OF HOUSE/PLANT
  - ⑥ LAUNDRY
  - ⑦ CLEANER
  - ⑧ CYCLE/BUGGY STORE
  - ⑨ REFUSE & RECYCLING
  - ⑩ BULK WASTE STORE
  - ⑪ STORE
  - ⑫ MEDICAL SUITE
  - ⑬ STAFF ROOM
  - ⑭ RECEPTION OFFICE
  - ⑮ COMMUNITY SPORTS HALL
  - ⑯ ACCESSIBLE WC
  - ⑰ RESIDENT'S LOUNGE
  - ⑱ ACCESSIBLE CHANGE
  - ⑲ SHOWER ROOM
  - ⑳ FLEXIBLE ACTIVITY SPACE

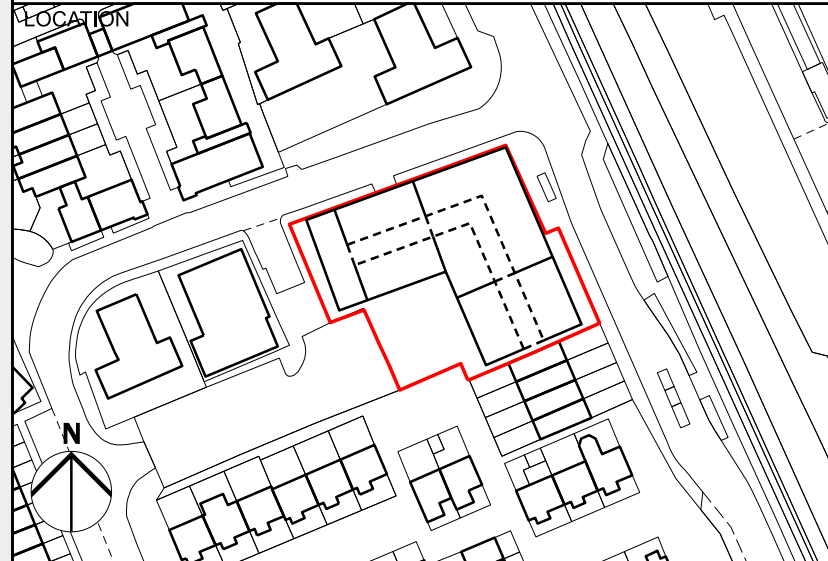
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**Note:**  
Please refer to drawings 20017 B A (00) 002 and 003 for details about the external areas

Revision: P14 | 07.01.22 | PLANNING ISSUE

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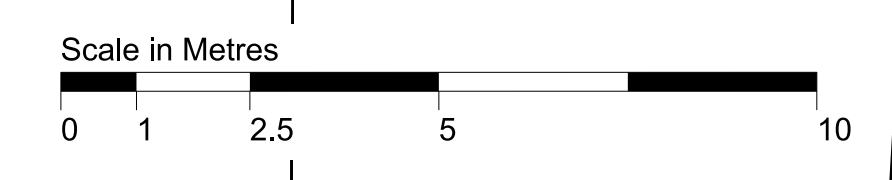


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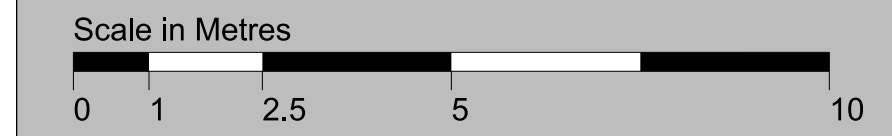
job title  
COMMUNITY LIVING SCHEME, BUTE STREET

drawing title / location  
PROPOSED GROUND FLOOR PLAN

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| project  | zone    | source             | classification | drawing no. | revision |
| 20017    | B       | A                  | (00)_110       | P14         |          |







- KEY**
- ① STRETCHER BOND BRICKWORK WITH FLUSH, COLOUR MATCHED MORTAR (3 VARIETIES OF BRICK - A/B/C)
  - ② VERTICAL STACK BOND BRICK WITH FLUSH, COLOUR MATCHED MORTAR (3 VARIETIES OF BRICK - A/B/C)
  - ③ PRE-CAST RECONSTITUTED STONE HORIZONTAL STRINGER/COPING - MID-TONE COLOUR AS BRICK TYPE C
  - ④ VERTICAL METAL FIN CLADDING WITH VENTS BEHIND (PPC WARM GREY BESPOKE RAL COLOUR TBC)
  - ⑤ DARK VERTICAL TEXTURED METAL DOORS (PPC WARM GREY BESPOKE RAL COLOUR TBC)
  - ⑥ DARK VERTICAL TEXTURED METAL PANELS (PPC WARM GREY BESPOKE RAL COLOUR TBC)
  - ⑦ 60MM FLAT BAR METAL BALUSTRADE; PPC BESPOKE RAL COLOUR TBC, 100MM MAX. VERTICAL CENTRES
  - ⑧ HIGH LEVEL VENTS (GLAZING/ LOUVRES)
  - ⑨ COMPOSITE WINDOW/DOOR SYSTEM, OUTER FRAME COLOUR WARM MID-GREY, BESPOKE RAL COLOUR TBC
  - ⑩ COLOURED GLAZED BRICK TO MAIN ENTRANCES, COLOUR, BOND AND MORTAR COLOUR TBC
  - ⑪ METAL RAINWATER GOODS, SQUARE SECTION; PPC FINISH; BESPOKE RAL COLOUR TBC
  - ⑫ BRICK RECESS, VERTICAL STACK BOND WITH COLOUR MATCHED MORTAR
  - ⑬ GLAZED CURTAIN WALLING ASSEMBLY, INCLUDING POWERED GLAZED ENTRANCE DOOR, OUTER FRAME COLOUR WARM MID-GREY, BESPOKE RAL COLOUR TBC
  - ⑭ 60MM FLAT BAR METAL ROOF PROTECTION RAIL (SETBACK 1m) ; PPC FINISH; BESPOKE RAL COLOUR TBC.
- ▲ BRICK TYPE A - grey-beige-anthracte, textured brick; variation in colour, colour matched mortar  
 ● BRICK TYPE B - brown-grey-beige, textured brick; variation in colour, colour matched mortar  
 ○ BRICK TYPE C - grey-beige-light grey, textured brick; variation in colour, colour matched mortar

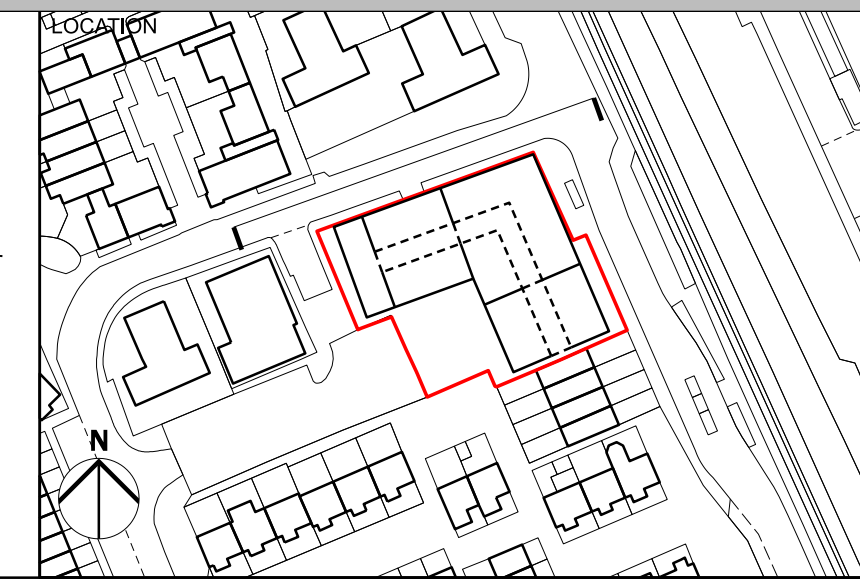
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Revision: P11|07.01.22 | PLANNING ISSUE

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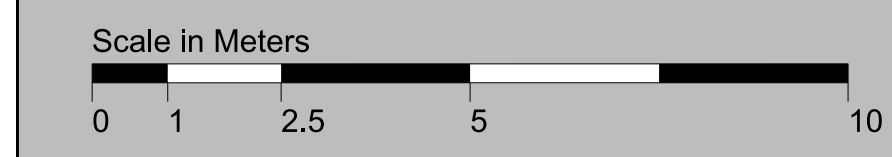
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| job title<br>COMMUNITY LIVING SCHEME, BUTE STREET  |                  |                             |                            |                    |          |
| drawing title / location<br>PROPOSED NORTH ELEVATION   |                  |                             |                            |                    |          |
| drawn by<br>RB   | checked by<br>IW | scale<br>1:100@A1; 1:200@A3 | status<br>FOR PLANNING     |                    |          |
| project<br>20017   | zone<br>B        | source<br>A                 | classification<br>(00)_211 | drawing no.<br>P11 | revision |



142-145 BUTE STREET      FORMER BRANDON TOOL HIRE SITE      HANNAH STREET      152-160 BUTE STREET



**KEY**

- ① STRETCHER BOND BRICKWORK WITH FLUSH, COLOUR MATCHED MORTAR (3 VARIETIES OF BRICK - A/B/C)
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- ⑨ COMPOSITE WINDOW/DOOR SYSTEM, OUTER FRAME COLOUR WARM MID-GREY, BESPOKE RAL COLOUR TBC
- ⑩ COLOURED GLAZED BRICK TO MAIN ENTRANCES, COLOUR, BOND AND MORTAR COLOUR TBC
- ⑪ METAL RAINWATER GOODS, SQUARE SECTION; PPC FINISH; BESPOKE RAL COLOUR TBC
- ⑫ RECESSED BRICK PANEL, VERTICAL STACK BOND WITH COLOUR MATCHED MORTAR
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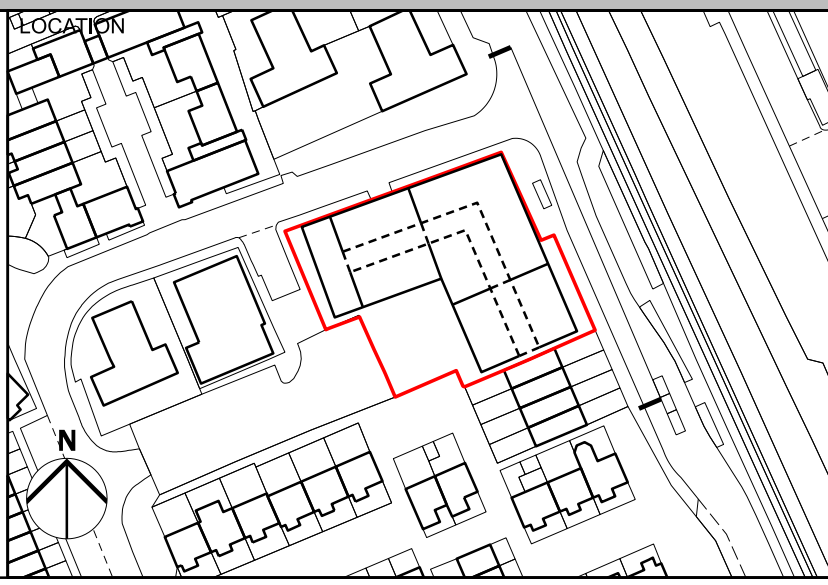
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Revision: P10 | 02.07.21 | PLANNING ISSUE

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job title: COMMUNITY LIVING SCHEME, BUTE STREET  
 drawing title / location: PROPOSED EAST ELEVATION

| drawn by | checked | scale                 | status               |
|----------|---------|-----------------------|----------------------|
| RB       | IW      | 1:100@A1; 1:200@A3    | FOR PLANNING         |
| project  | zone    | source classification | drawing no. revision |
| 20017    | B       | A (00)_210            | P10                  |

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