

COMMITTEE DATE: 03/08/2023

APPLICATION No. 22/02901/FUL

APPLICATION DATE: 09/12/2022

ED: Riverside

APP TYPE: Full Planning Permission

APPLICANT: Wales and West Housing

LOCATION: 51-65 Cowbridge Road East And 2-8 Lower Cathedral Road,
Riverside, Cardiff

PROPOSAL: Demolition of existing structures and the replacement with a mixed-use development comprising three commercial units at ground floor level (Use Classes A1/A2/A3), residential apartments above (Use Class C3), and associated works, including sustainable drainage, landscaping, amenity space and other 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 Section 10 of this report, planning permission be GRANTED subject to the conditions listed in Section 14.

RECOMMENDATION 2: That delegated authority is given to the Head of Planning &/or Operational Manager: Strategic Development & Placemaking, to make changes to the conditions and/or Heads of Terms of the required legal agreement, subject to consultation with the Chair of Planning, up to the point where the legal agreement is signed and planning permission issued.

1. DESCRIPTION OF SITE

1.1 The application site comprises a roughly square shaped piece of land featuring eight buildings facing Cowbridge Road East (no. 51 to 65) and four dwellings facing Lower Cathedral Road (no. 2 to 8). The site lies on the junction of Cowbridge Road East and Lower Cathedral Road, with Rawden Place bounding the site to the west. The site measures 0.26 hectares and is relatively flat with a level difference of approximately 600mm from the north-eastern corner to the western boundary of the site.

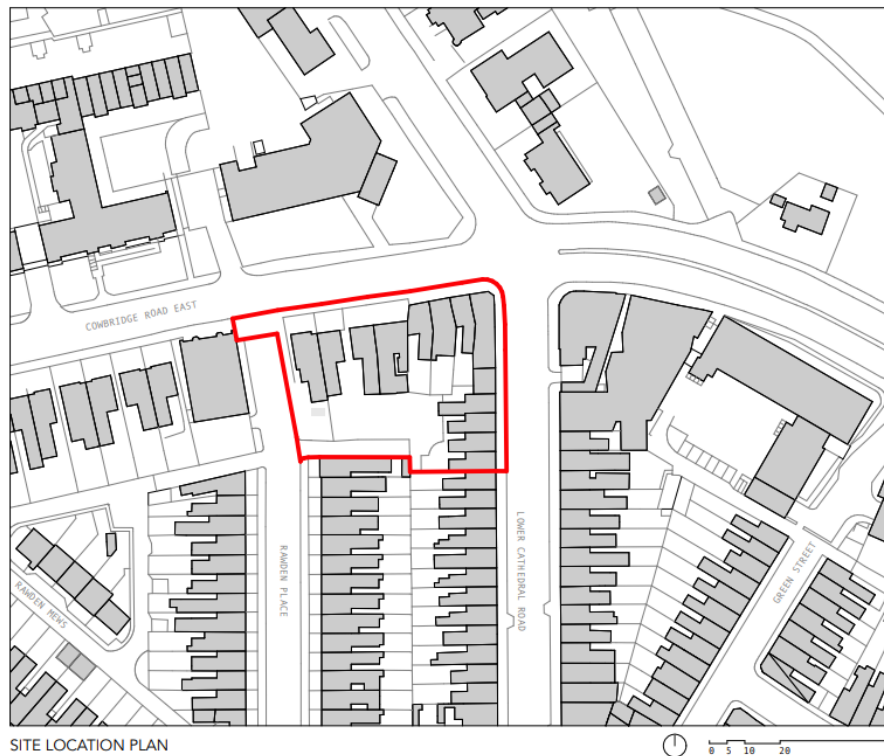


Figure 1: Site location plan.

- 1.2 Lower Cathedral Road, Cowbridge Road East and Rawden Place bound the east, north and western boundary respectively. Within the site along Lower Cathedral Road (No. 2 to 8) are 4 no. 2-storey terraced dwellings. Along Cowbridge Road East is a short terrace of 8 no. buildings. From east to west they comprise 2.5 storey terraced buildings with 4 no. commercial units at ground floor level. This then connects to two sets of semi-detached 3 storey Victorian villas with various architectural detailing comprising original sandstone bay windows and front gables which are set-back from the pavement edge. No. 65 has been refurbished having lost the original elevational treatment features.
- 1.3 With regard to the uses within the buildings, No. 2 to 8 Lower Cathedral Road are dwellings split up into two flats, except No. 6 which is a 2-bedroom house. 51 Cowbridge Road East comprises a 46sqm retail unit with ancillary offices and two 1-bed apartments above. No. 53 has a 31sqm retail unit with 3 no. 1-bed flats above. No. 55 has a 68sqm retail unit at ground floor level with 56sqm of office floorspace at first floor level and a 1-bed apartment on the second floor. No. 57 has a 40sqm retail unit at ground floor level with 63sqm of office floor space at ground, first and second floor levels. No. 59 to 61 are fully occupied by office floorspace at first, second and third floor levels. No. 61 to 63 are occupied by the Capital School of English. In total there is 906sqm of floorspace within the buildings along Cowbridge Road East.
- 1.4 The opposite corner to the north lies a modern 5-storey office block set-back from the pavement occupied by Unite. On the western edge of the office building lies a five-storey residential housing development (West Lee). To the north-east is a 3-storey Victorian villa occupied by the Green Giraffe Day

Nursery. The southern boundary is met by the flank elevations of two-storey Victorian terraced houses at 10 Lower Cathedral Road on the eastern half and 1 Rawden Place on the western half. Directly to the west of the site across the road from Rawden Place is the Cardiff Seventh-Day Adventist Church (not listed). Further to the west are blocks of 3-storey terraced and semi-detached traditional bay fronted Victorian townhouses that wrap around to form the mature tree lined avenue Neville Street. Directly to the east of the site is the 2-storey former Westgate public house which is Grade II listed. Further beyond to the east is the 3-storey City Church, with a 5-storey residential and office building further to the east and Bute Park lying immediately opposite.

- 1.5 Whilst the site is not located within a Conservation Area, the Cathedral Road Conservation Area lies immediately to the north of the site (see Figure 2 below), which includes a number of listed buildings as well as numerous locally listed buildings all along Cathedral Road. Sophia Gardens Grade II Historic Park and Garden and Bute Park Grade I Historic Park and Garden are 50m and 250m east of the site respectively. The Dominican Friary, Cardiff Castle and Roman Fort scheduled monuments lie within Bute Park to the north-west of the site within Bute Park.

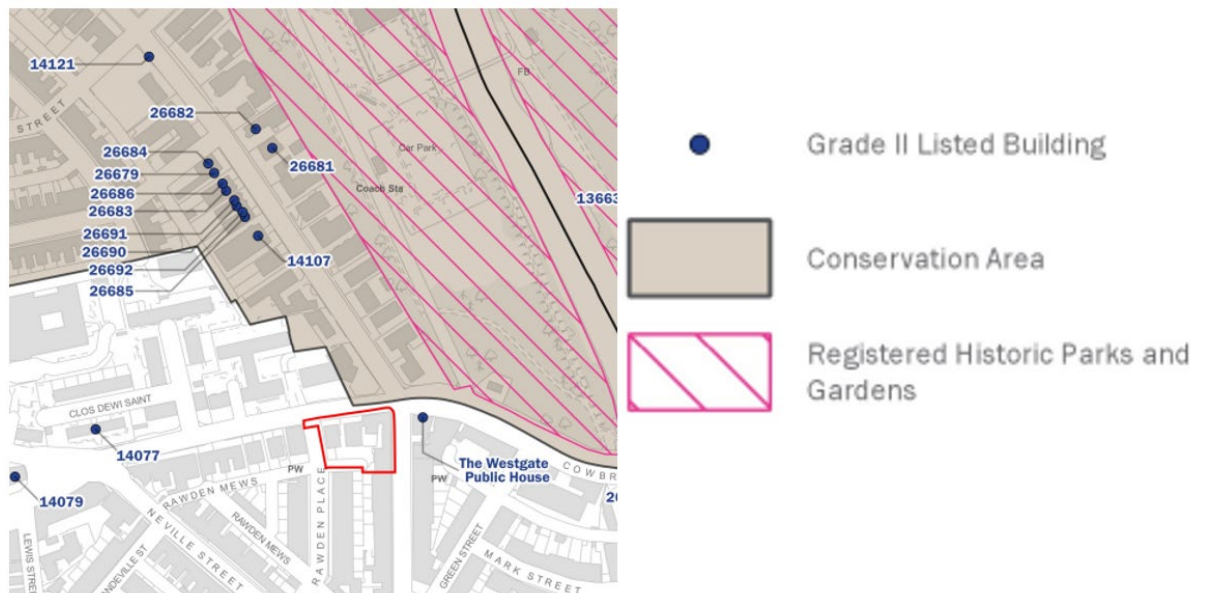


Figure 2: The proximity of the site to the Cathedral Road Conservation Area, the Registered Historic Park and Garden and Grade II listed buildings.

- 1.6 Cardiff Central Shopping Area lies 500m east of the site with the majority of the city centre within 1km walking distance of the site. The Cowbridge Road East District Centre is located 500m to the west of the site. This comprises convenience stores, specialist stores, supermarkets, restaurants, cafes, takeaways and healthcare provision. The site is within walking distance of Bute Park, which lies 350m northeast of the site. Bute Park comprises 53 hectares of landscaped gardens and parkland that once formed the grounds of Cardiff Castle and lies at the heart of the city.
- 1.7 The site is currently accessed via a gated access lane (adopted by the

Highways Authority) leading to a rear courtyard mainly used for parking and servicing from Rawden Place to the south-west of the site. There are footways adjacent to the site on three sides; along Cowbridge Road East, Lower Cathedral Road and Rawden Place.

- 1.8 The Cowbridge Road East / Cathedral Road crossroads adjacent to the site have signal controlled pedestrian crossing across its northern, eastern and southern arms providing safe crossing opportunities for pedestrian trips to and from the development. Next Bike stands are located approximately 100m to the south of the site on Lower Cathedral Road. This site is also located at the intersection of two cycleways.
- 1.9 The existing commercial units are currently serviced from the rear courtyard accessed from Rawden Place. Rawden Place and Lower Cathedral currently have parking restrictions on the majority of the road. On Rawden Place this comprises resident permit holders only restrictions from 8am-10pm for the straight middle section of the road, with no waiting/no loading bays to the north and south.
- 1.10 East and west-bound bus stops are within close proximity of the site to the north, some 50m west on Cowbridge Road East, with the services numbered 13, 15, 17/18, 32, 61, 64, 66, 96/96A, and C1 all running along the main road providing access to local destinations including Ely, Caerau, Heath Hospital, northwest Cardiff, Barry, Pentrebbane, Culverhouse Cross and Drope. These services all provide access to the city centre, from where access to a range of connecting services to locations within and beyond Cardiff are accessible. Services to north Cardiff and the Rhondda valley are available from Cathedral Road 150m north. Cardiff Central railway station is located 1.1km to the south-east of the site.
- 1.11 The Welsh Government Development Advice Maps show the site to be within Flood Zone C1, which demarks areas served by significant infrastructure, including flood defences.
- 1.12 There is no vegetation on site. Three street trees lie to the north-west at the top of Rawden Place.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1 The application seeks full planning permission for the redevelopment of the site involving the demolition of the existing buildings and the construction of a residential-led mixed-use development. The development will have a varying height ranging from 2 to 7 storeys and will comprise 81 no. residential apartments (Use Class C3). 446sqm of commercial floorspace is proposed at ground floor level within 3 no. commercial units (Use Classes A1/A2/A3). The application also includes sustainable drainage proposals, landscape planting, cycle parking, waste storage facilities and associated infrastructure.



Figure 3: Proposed site plan.

- 2.2 The proposed dwellings will be 100% affordable housing and will comprise 75 no. 1-bedroom units and 6 no. 2-bedroom units. Each unit will benefit from a private balcony and will have access to a 226sqm communal external amenity space at first floor level. 3 no. commercial units are proposed at ground floor level, with the unit facing Cowbridge Road East measuring 350sqm, and two smaller units facing Lower Cathedral Road (50sqm and 46sqm). The rear servicing lane will feature block paving and 6 new trees.



Figure 4: Proposed first floor plan with communal external amenity space lying centrally.

- 2.3 The proposed development follows a U-shaped plan with frontages onto Rawden Place, Cowbridge Road East and Lower Cathedral Road. The total height is 7-storeys (24.7m) where the building faces Cowbridge Road East. This then steps down to five storeys towards the corner of Lower Cathedral Road, before stepping down gradually to 2-storeys where it adjoins No. 10 Lower Cathedral Road to the south-east. The building also steps down to 6-storeys adjacent to the Cardiff Seventh-Day Adventist Church, before stepping down to 4-storeys along Rawden Place to the south-west. The top floor facing Cowbridge Road East has a saw-tooth design which is set-back from the lower blocks.



Figure 5: Artist impression facing west from Cowbridge Road East.

- 2.4 The proposed elevational treatments will consist of a palette of masonry with Corten steel on the saw-tooth designed top floor, with brick being the primary facing material on the lower blocks. The brick tones proposed vary where the building steps back, with red brick being the primary elevation with lighter white-buff brick proposed at recesses within the elevation.

Access, Cycle Parking, Waste and Servicing:

- 2.5 Two entrances are located for pedestrians with one along Cowbridge Road East and the other along Lower Cathedral Road. Gated pedestrian access to the rear courtyard is proposed to the south of the site along Lower Cathedral Road and also from Rawden Place. The dwellings to the east will have direct private access from Rawden Place. Vehicular access for servicing is proposed via gated access to the south-west of the site adjoining the frontage of No. 1 Rawden Place, with no vehicular access from Lower Cathedral Road.
- 2.6 The application proposes no car parking spaces. 88 no. cycle parking spaces are proposed within the building for residents. 14 no. staff cycle parking spaces

are proposed with 6 no. in a store room at the south-eastern corner of the site and 8 no. in a store room off the commercial staff entrance from Lower Cathedral Road. Finally, 8 no. short-term cycle spaces are proposed for customers and visitors located near the corner of Lower Cathedral Road and Cowbridge Road East.

- 2.7 The current loading restrictions that apply on the approaches to the Cowbridge Road East / Lower Cathedral Road junction will remain in place. The servicing for the three commercial units will be from the rear courtyard area and will continue to be accessed from Rawden Place. Two domestic refuse stores are provided for the residential use with a separate store for the commercial element.

Landscaping:

- 2.8 The application proposes 15 new trees, with 4 no. along the Cowbridge Road East frontage, 6 no. to the rear lane and 5 no. within the communal amenity space at first floor level. Ornamental planting, hedging, raised planters and rain gardens are also proposed. Biosolar roofs are proposed on the flat roofed areas of the building. The three existing trees on Cowbridge Road East adjacent to the bus stop will be retained, meaning no trees will be removed.



Figure 6: Proposed landscape masterplan.

Sustainability:

- 2.9 In respect of renewable energy, no fossil fuels are being used for heating or water. Each flat will have their own metered supplies. Photovoltaics panels will be installed on the roofs, with power diverters to optimise solar energy use for heating and hot water.

2.10 The application has been supported by the following documents:

- Design and Access Statement
- Planning Statement
- Pre-Application Consultation Report
- CGI Key Views
- Transport Statement
- Drainage Strategy
- Bat Survey
- Air Quality Assessment
- Noise Assessment
- Heritage Assessment
- Flood Consequence Assessment
- Tree Constraints Plan
- Tree Survey
- Arboricultural Impact Assessment
- Fire Safety Overview
- Sun Path Analysis

2.11 All documentation relating to the application, including plans, can be viewed on the Council's website using the following link: [22/02901/FUL](#).

3. NEGOTIATIONS

3.1 The application has been the subject of negotiations between the developer and Council officers, with input from Placemaking and Transportation Officers throughout.

3.2 The application was amended with a new set of plans being submitted on 26/04/2023. The amendments made are summarised as follows:

- The number of units were reduced from 84 to 81. The previous unit mix of 76 no. 1-bed units and 8 no. 2-bed units has been amended to 75 no. 1-bed units and 6 no. 2-bed units;
- Two additional commercial units have been proposed to the ground floor level fronting Lower Cathedral Road (3 no. in total). The added commercial unit replace 2 no. 1-bedroom apartments;
- The commercial units were previously proposed as A1 Use Class but this was amended to be A1/A2/A3;
- Controlled vehicular access removed from Lower Cathedral Road, meaning the only vehicular access is from Rawden Place;
- Removal of two second floor apartments on the southern elevation fronting Lower Cathedral Road;
- Additional 1-bedroom apartment on the third floor, to account for the loss of four apartments elsewhere within the building, stepped back, and fronting onto Lower Cathedral Road;
- The southernmost apartment on the first floor on the western side of the Lower Cathedral Road block amended from a 2-bedroom apartment to a 1-

bedroom apartment to taper the building away from the boundary of no.10 Lower Cathedral Road. Obscure glazing proposed for the southernmost window of the apartment;

- Stair core relocated;
- Refuse store arrangements reconfigured at ground floor level;
- Obscure glazing on the first-floor corridor window facing no.10 Lower Cathedral Road to prevent overlooking;
- Landscaping along Cowbridge Road East amended to ensure no landscape features are proposed within adopted highways;
- Tree species amended;
- Alley gate off Rawden Place aligned with the frontage of No. 1 Rawden Place.
- The small strip of soft landscaping on the adopted highway has been removed
- Amended plans demonstrating that all existing trees will be retained (error on previous plans);
- An amended Transport Statement was provided which included the following revisions:
 - Amended details regarding servicing arrangements, by highlighting that there is no change from the existing situation where loading restrictions apply along the front of the site and servicing for the existing commercial properties is from the rear yard;
 - Para. 5.12 - 5.13 addresses the method adopted in extracting data from the TRICS database;
 - Para. 5.19 – 5.23 and the updated Table 12 provides more detail on the likely make-up of existing / new trips and new parking demand associated with the commercial use;
 - Table 13 provides an overall final parking accumulation table factoring in the net residential/commercial demands;
 - 5.27/28 deals with construction traffic / parking, saying that this will be controlled by way of a Construction Traffic Management Plan.

3.3 However, the developer has not been able to positively respond to all identified concerns, and thus this report assesses the scheme as amended. There remain some areas of concern, which are considered at section 11 as part of the consideration of the overall 'planning balance'.

Screening:

3.4 Consideration has been given as to whether the proposed development constitutes Environmental Impact Assessment ('EIA') development. Having regard to the size of the site and number of dwellings proposed, it was concluded that an Environmental Statement was not required to enable the Local Planning Authority to understand and consider the likely environmental effects of the proposal, due to the development not exceeding the thresholds within Schedule 2 (Part 10(b)iii) of the EIA (Wales) Regulations 2017.

4 RELEVANT SITE HISTORY

4.1 The site has the following relevant planning history: -

- 51 Cowbridge Road East – 14/02361/MNR: Change of use of front offices to coffee shop retaining estate agency offices at the rear. Permitted 01/12/2018.
- 51 Cowbridge Road East – 16/02233/MNR: Single storey rear extension. Permitted: 28/10/2016.
- 59 Cowbridge Road East – 01/00523/W: Retention of small rear extension to house a "Terry Steplift" with roller shutter doors. Permitted 16/07/2001.
- First/Second Floors 63 Cowbridge Road East – 04/00010/W: Change of use to an adult language training centre. Permitted: 25/02/2004.
- 65 Cowbridge Road East – 14/02697/MNR: Change of use & conversion from offices to 4no residential units (3 maisonettes & 1 flat). Permitted 21/05/2015.

5 POLICY FRAMEWORK

National Policy

- 5.1 The **Well-being of Future Generations (Wales) Act 2015** (WFG) imposes a duty on public bodies to carry out 'sustainable development' in accordance with the 'sustainable development principle'.
- 5.2 'Sustainable development' means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the well-being goals.
- 5.3 'Sustainable development principle' means that Local Authorities must 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.
- 5.4 Well-being goals identified in the Act are:
- A Prosperous Wales
 - A Resilient Wales
 - A Healthier Wales
 - A More Equal Wales
 - A Wales of Cohesive Communities
 - A Wales of Vibrant Culture and thriving Welsh Language
 - A Globally Responsible Wales
- 5.5 The **Environment (Wales) Act 2016** has been designed to complement the WFG Act. It imposes a duty to require all public authorities, when carrying out their functions in Wales, to seek to "maintain and enhance biodiversity" where

it is within the proper exercise of their functions. In doing so, public authorities must also seek to “promote the resilience of ecosystems”.

National Planning Policy

- 5.6 [Planning Policy Wales](#) (Edition 11) was revised and restructured in February 2021 to coincide with the publication of, and take into account the policies, themes and approaches set out in, [Future Wales - the National Plan 2040](#) (see below) and to deliver the vision for Wales that is set out therein.
- 5.7 The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015 and the Well-being of Future Generations (Wales) Act 2015.
- 5.8 PPW11 takes the seven *Well-being Goals* and the five *Ways of Working* as overarching themes and embodies a placemaking approach throughout, with the aim of delivering *Active and Social Places*, *Productive and Enterprising Places* and *Distinctive and Natural Places*. It also identifies the planning system as one of the main tools to create sustainable places, and that placemaking principles are a tool to achieving this through both plan making and the decision-making process.

Technical Advice Notes

- 5.9 PPW is supported by a series of more detailed [Technical Advice Notes](#) (TANs), of which the following are of relevance: -
- TAN 2: Planning and Affordable Housing (2006)
 - TAN 4: Retail and Commercial Development (2016)
 - TAN 5: Nature Conservation and Planning (2009);
Noting also the Chief Planning Officer letter dated 23/10/19: securing bio-diversity enhancement;
 - TAN 11: Noise (1997)
 - TAN 12: Design (2016)
 - TAN 16: Sport, Recreation and Open Space (2009)
 - TAN 18: Transport (March 2007)
 - TAN 21: Waste (February 2017)
 - TAN 24: Historic Environment (2017)
- 5.10 On 16th July 2020 the Welsh Government published [Building Better Places: The Planning System Delivering Resilient and Brighter Futures](#) which provides planning policy guidance for local planning authorities and the development industry on priorities for the planning system to deliver post Covid-19. The guidance is to be read in conjunction with PPW, which contains the principles and policies needed for Wales to recover from Covid-19 in a positive manner, putting placemaking at the heart of future development.

- 5.11 It also emphasises that development management decisions should focus on creating healthy, thriving active places with a focus on a positive, sustainable future for our communities. The planning system has an important role in supporting healthier lifestyles and reducing inequalities. This includes both direct and indirect opportunities such as the allocation of land for health facilities, ensuring good design and barrier free development, jobs and skills, improving air quality, soundscapes and protecting and improving access to recreation and natural green spaces. These can provide both physical and mental health benefits, improve well-being and help to reduce inequality.

The Development Plan:

- 5.12 Section 38 (6) of the Planning and Compulsory Purchase Act 2004, requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 5.13 [Future Wales - the National Plan 2040](#) now forms part of the Development Plan for all parts of Wales, comprising a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. All Development Management decisions, strategic and local development plans, planning appeals and all other work directed by the development plan need to accord with Future Wales.
- 5.14 The Local Development Plan is the [Cardiff Local Development Plan 2006-2026](#) which was adopted in January 2016, and within which the following policies are of relevance:
- KP1 Level of Growth
 - KP3(B) Settlement Boundaries
 - KP5 Good Quality and Sustainable Design
 - KP6 New Infrastructure
 - KP7 Planning Obligations
 - KP8 Sustainable Transport
 - KP12 Waste
 - KP13 Responding to Evidenced Social Needs
 - KP14 Healthy Living
 - KP15 Climate Change
 - KP16 Green Infrastructure
 - H3 Affordable Housing
 - H6 Change of Use or Redevelopment to Residential Use
 - EN6 Ecological Networks and Features of Importance for Biodiversity
 - EN8 Trees, Woodlands and Hedgerows
 - EN10 Water Sensitive Design
 - EN11 Protection of Water Resources
 - EN13 Air, Noise, Light Pollution & Land Contamination
 - EN14 Flood Risk

- T1 Walking & Cycling
- T5 Managing Transport Impacts
- R1 Retail Hierarchy
- R7 Retail Development (Out of Centre)
- R8 Food and Drink Use
- C1 Community Facilities
- C3 Community Safety/ Creating Safe Environments
- C5 Provision for Open Space, Outdoor Recreation, Children's Play and Sport
- W2 Provision for Waste Management Facilities in Development

5.15 The following Supplementary Planning Guidance (SPG) is of relevance to this application: -

- Green Infrastructure (2017)
- Managing Transportation Impacts (Incorporating Parking Standards) (July 2018)
- Planning Obligations (2017)
- Waste Collection and Storage Facilities (2016)
- Infill Sites (November 2017)
- Shop Fronts and Signage (October 2011)
- Archaeology and Archaeologically Sensitive Areas (July 2018)

6. INTERNAL CONSULTEE RESPONSES

6.1 **Transportation:** The proposed development is car free, which is considered to be policy compliant and therefore acceptable. This is noting that car parking standards are expressed as a maximum, with no minimum requirement, supporting a move away from reliance on the ownership and use of private cars in compliance with the Managing Transportation Impacts SPG. It is also welcomed that the site is located within a highly sustainable location. The proposed cycle parking provision is also policy compliant.

6.2 The Transportation Officer has reviewed the Transport Statement and has raised no objection to the servicing arrangements and associated vehicular trip generation. This is subject to a £10,000 financial contribution through a Section 106 towards traffic regulation orders and conditions for a highway/pedestrian works and a servicing management plan to be provided. In the interests of neighbouring amenity during the construction stage, a CEMP condition has also been sought to ensure details relating to general site management and access / traffic management are provided prior to development commencing.

6.3 Officers have also sought a £90,000 contribution towards an active travel transport scheme on Cowbridge Road East. In light of the above, the Transportation Officer has raised no objection, subject to the following conditions. Refer to para's 9.48-9.57 for further details.

6.4 **Ecology:** The application is supported by a Bat Survey (prepared by Ecological Surveys Ltd, dated September 2022) along with a Planting Plan. The County Ecologist notes that there are also records of swift, starling and house sparrow

within the immediate area and the proposal could potentially affect roosting bats and nesting birds. Notwithstanding this, the bat surveys are considered sufficient with appropriate conclusions of moderate potential, based on the lack of internal access and external features. No birds were noted to be nesting and the County Ecologist welcomes the proposed biosolar green roofs.

- 6.5 No objection has therefore been raised subject to a number of conditions to enhance and protect biodiversity.
- 6.6 **Trees:** The application is supported by an Arboricultural Impact Assessment and Arboricultural Method Statement (prepared by Treescene Arboricultural Consultants, dated 23/02/2023) and a Tree Protection Plan. 15 new trees are proposed with no trees being removed. Extensive negotiations have taken place with the Tree Officer with regard to the tree species, tree available soil volumes and soil specifications. Following amended plans being received, no objection has been raised subject to conditions for full landscape details and for a landscaping maintenance condition.
- 6.7 **Parks:** The LDP requires provision of a satisfactory level and standard of open space on all new housing/student developments over 8 units, or an off-site contribution towards existing open space for smaller scale developments where new on-site provision is not applicable.
- 6.8 Based on the understanding that the existing eight properties on Cowbridge Road are commercial units/offices and only the four properties on Lower Cathedral Road are used as dwellings (with average occupancy of 2.33 persons) compared against the proposed accommodation, the Parks Officer has calculated the additional population generated by the development to be 99. This generates an open space requirement of 0.252ha of on-site open space based on the criteria set for Housing accommodation or an off-site contribution of £102,697.
- 6.9 The proposal provides some amenity space but there is no functional open space so the developers will be required to make a financial contribution towards the provision of new open space, or the design, improvement and/or maintenance of existing open space in the locality, given that demand for usage of the existing open spaces would increase as a result of the development.
- 6.10 The request for an offsite contribution is applied consistently across both private and affordable housing developments. In providing for the additional residents the development will result in increased use of local public open spaces, with a corresponding need for increased maintenance, more rapid upgrading and potential expansion of existing facilities. This is regardless of the financial model for the development.
- 6.11 In the event that the Council is minded to approve the application it will be necessary for the applicant and the Council to enter into a Section 106 Agreement to secure payment of the contribution. The use of the S106 contribution from this development will need to satisfy CIL and the current distance requirements set out in the 2017 Planning Obligations SPG – play

areas 600m (not applicable to student and sheltered accommodation), informal recreation 1000m, and formal recreation 1500mm, measured from edge of the site. Consultation will take place with Ward Members to agree use of the contribution, and this will be confirmed at S106 stage. The following parks and open spaces are within the distance thresholds:

- Children's Play Areas: Wyndham Street, Despenser Gardens
- Teen Equipment: Despenser Gardens (Muga)
- Informal Open Space: Despenser Gardens, Clare Gardens, Sophia Gardens, Plasturton Gardens
- Formal Open Space: Pontcanna Fields

6.12 **Affordable Housing:** The application has been submitted for one of the Councils partner Registered Social Landlords (RSL) (Wales and West Housing Association). Whilst the Housing Development team raise no in-principle objection to the scheme, further detailed discussions are required with the applicant to enable strategic support. The proposal is a 100% affordable housing scheme, which will be secured through a Section 106 agreement.

6.13 **Waste:** Two domestic refuse stores are provided for the residential use with a separate store for the commercial element. Following amended plans being received, the Waste Officer has raised no objection to the refuse arrangements. A Servicing Management Plan is required by condition.

6.14 **Regeneration:** Officers note that the Cardiff Planning Obligations SPG 2017 (Section 8 – Community Facilities) states that 'Growth in population arising from new development generates demand for and increases pressure on community facilities. To meet the needs of future residents, it may be necessary to meet this additional demand through:

- The provision of new facilities
- The extension to or upgrading of existing facilities'

6.15 If no onsite provision is proposed, a financial contribution is sought on residential developments containing 25 or more new dwellings where it has been identified that investment in community facilities will be required to meet the needs of the new population.

6.16 The formula in the SPG is based on the number of bedrooms and associated occupancy figures per dwelling. In summary, a contribution of £60,024.19 is sought from the developer.

6.17 Several community facilities are located within proximity to the site and are likely to experience an added pressure as a result of the new population. It is envisaged that a forthcoming community facilities contribution would be directed towards one of these facilities.

6.18 **Pollution Control (Air Quality)** have reviewed the supporting Air Quality Assessment (prepared by Air Quality Consultants, dated September 2022). This has considered the impacts of the proposed development on local air

quality in terms of dust and particulate matter emissions during construction, and identified the air quality conditions that future residents will experience. The assessment has been based on measurements made during 2019, and pre-pandemic activity and emissions forecasts, to ensure a worst-case assessment that does not take into account temporary reductions in pollutant concentrations as a result of reduced activity levels during the Covid-19 pandemic.

- 6.19 The assessment concludes that the construction works have the potential to create dust. During construction it will therefore be necessary to apply a package of mitigation measures to minimise dust emissions. Appropriate measures have been recommended and, with these measures in place, it is expected that any residual effects will be 'not significant'.
- 6.20 Air quality conditions for future residents of the proposed development have been shown to be acceptable, with concentrations well below the air quality objectives at worst-case locations within the site. Taking into account these conclusions, it is judged that the proposed development is consistent with Planning Policy Wales, as there will be no unacceptable risks to future residents from air pollution. The Air Quality Officer considers the proposed development to be consistent with Policies KP18 and EN13 of Cardiff Council's LDP, as air quality impacts of the proposed development have been minimised and it will not result in unacceptable harm to health.
- 6.21 In order to ensure construction dust mitigation measures are considered, the Construction Environmental Management Plan (CEMP) has included reference to the mitigation measures stated within the Air Quality Assessment. This has also been applied within the approved plans/documents condition. As such, no objection is raised, subject to the aforementioned conditions.
- 6.22 **Pollution Control (Contamination)** note that contamination is not known at this site, however the potential for this cannot be ruled out and therefore an unforeseen contamination condition has been requested. Further, should there be any site won or imported materials used as part of the construction of the development, then it must be demonstrated that they are suitable for the end use. This is to prevent the introduction or recycling of materials containing chemical or other potential contaminants which may give rise to potential risks to human health and the environment for the proposed end use. The Contamination Officer has raised no objection subject to conditions.
- 6.23 **Pollution Control (Noise)** has reviewed the Noise Assessment for Planning (prepared by In Acoustic, dated 20/01/2023). They have confirmed that they are satisfied with the report in reference to achieving internal noise standard criteria and detailed minimum specifications have been detailed for glazing and façade/wall insulation for each of the apartments. Notwithstanding this, the Noise Officer has requested that a post-build Acoustics Report is required by condition. This will ensure that the noise mitigation measures and results outlined in the supporting Assessment are implemented and complied with, prior to the dwellings being put into beneficial use.

- 6.24 The Noise Officer has also considered the three commercial units within Use Classes A1/A2/A3 and has requested a number of conditions to protect the amenity of nearby occupiers. These relate to the hours of operation, servicing/delivery hours, construction noise, plant noise and sound insulation. Finally, a condition has been requested to ensure that any A3 use shall only be used as a restaurant, café or coffee shop and shall not include hot food takeaways due to the potential noise this would cause from patrons loitering around the site (as well as related highway impacts). Subject to these conditions, no objection has been raised. An informative has been applied with regard to construction hours.
- 6.25 **Economic Development:** note that the site is located outside the Central Business Area and not within a protected employment area. Economic Development note that they are keen to see the retention of commercial and employment space at street level of the scheme supporting job creation locally and providing an active frontage at ground level. They welcome the net gain of commercial floorspace. As such, no objection is raised.

7. EXTERNAL CONSULTEE RESPONSES

- 7.1 **Natural Resources Wales (NRW):** NRW have reviewed the supporting Flood Consequence Assessment (prepared by JBA Consulting, dated 18th January 2023) and note that the potential consequences of flooding can be managed to an acceptable level. In addition, NRW note the Bat Survey (prepared by Ecological Services Ltd., dated September 2022) which has identified that bats were not using the application site. No objections are therefore raised.
- 7.2 **Dŵr Cymru Welsh Water (DCWW)** confirm that capacity exists within the public sewerage network in order to receive the domestic foul flows from the proposed development site. An informative has been included with regard to the connection to the public sewer. No objection has been raised.
- 7.3 **South Wales Police (SWP):** SWP have raised no objection but have provided a number of security-related recommendations. An informative has been included.
- 7.4 **Gwent-Glamorgan Archaeological Trust (GGAT)** note that whilst there are no known archaeological sites within the proposed development area, it is located adjacent to the line of the Cardiff to Neath Roman Road (RR60c-01). A review of historic Ordnance Survey mapping depicts the development of the site, with a broadly similar footprint to the current structures. Modern aerial photography suggests that whilst the structures have modern alterations, elements of historic fabric and features survive.
- 7.5 The proposed development is in an area which has been already developed for some time, therefore the impact upon any archaeological resource is considered to be low. However, whilst the existing buildings are not listed, nor within a conservation area, the proposed works will result in the demolition, and loss without record of buildings contemporary with the development of the local community, and it is GGATs opinion that they are of importance by virtue of

their historical significance within the area. Therefore, GGAT have requested that an appropriate programme of historic building recording and analysis with a written scheme of investigation is secured by condition. Subject to this condition, no objection is raised.

7.6 **Cadw:** No objection raised.

7.7 **Fire Service:** No objection has been raised. An informative has been included.

8. REPRESENTATIONS

8.1 The application was subject to a 21-day consultation period on 31/01/2023, being advertised by press and site notices and neighbours and local members were notified. Following amended plans being received, a re-consultation was undertaken on 26/04/2023. Another re-consultation was undertaken on 12/06/2023 due to an amended Transport Statement being provided, and an amended description proposing the commercial units to be Use Classes A1/A2/A3. A final re-consultation was undertaken on 13/07/2023 due to a sun path analysis being provided and amended CGIs showing the correct existing highway layout and the retention of all existing trees.

8.2 To date, 38 neighbour objections have been received. For the benefit of members, these have been summarised as follows (for all consultations):

- No consultation with local community prior to pre-application consultation (PAC) stage has resulted in a poor engagement with local community and resident concerns not addressed at PAC stage;
- Concerns that the supporting documents state that the Council already support the scheme prior to consultations;
- The amended plans do not address the local objections;
- The scale is out of character without a set-back and overly dominant within the locality and is not considered a landmark building;
- Overdevelopment;
- Overshadowing concerns and right to light;
- The elevational treatment is out of character and insensitive to the adjacent listed building;
- The proposed plot ratio and population density is too high;
- Overbearing impact on setting of the listed former Westgate public house, Seventh-Day Adventist Church and to the amenity of residents;
- Loss of light and overlooking concerns to neighbouring residents;
- Overshadowing impact to former Westgate public house listed building. Photographs have been provided showing the existing overshadowing impact;
- Poor design with apartments primarily backing onto the communal outdoor space;
- The additional commercial units proposed detrimentally changes the character of the existing streetscape;
- Excessive number of 1-bed units and lack of 2-bed units and family sized accommodation;

- Proposing 1-bed apartments is contrary to the 'Flying Start' program which is designed to support families with young children;
- Social housing should not be concentrated in one area of the city. It is the wrong location;
- Not the correct location for affordable housing;
- Concerns with antisocial behaviour related to affordable housing and the negative impact this will have on the local community;
- Existing traffic and parking problems will be exacerbated. No Traffic Management Plan has been provided;
- Disruption to bus routes;
- Road safety concerns on the junction will be worsened;
- The amended proposal to remove the vehicular exit to Lower Cathedral Road will have a significantly detrimental impact on traffic flow on Rawden Place, which is a residential cul-de-sac;
- Lack of information on wider community benefits e.g. cycle parking, green spaces, play areas;
- No disabled parking bays;
- Construction disruption on local traffic and parking (especially on Rawden Place) and noise concerns;
- Loss of pedestrian access to the rear (especially on Sundays to the foodbank);
- Lack of cycle parking spaces for commercial units;
- The commercial servicing and refuse arrangement proposals are inadequate;
- Construction and demolition activity will result in excessive air pollution, dust, ground vibration and traffic. The Construction Management Plan should be provided up-front and not as a condition;
- Air pollution concerns; the increase in traffic congestion will not accord with the 'Clean Air Cardiff' document
- Excessive commercial opening hours 6am – 11pm 7 days a week which will detrimentally impact neighbouring amenity, especially during sporting event days;
- Noise concerns from large communal amenity space and private balconies;
- No consideration on social or cultural impact of such a large population change;
- Loss of jobs and businesses from removal of commercial units;
- Safety, health and social sustainability of the local area that is already under huge pressure on many fronts and will be worsened;
- Details on management of bollards and key holders not given;
- There is no asbestos reference, only a small reference to dust and very limited information on safeguards in place to counter that;
- Disruptive impact to local nursery at 2 Cathedral Road and safety concerns;
- Lack of provision for those with disabilities or impaired mobility. No provision for the parking of mobility scooters or for vehicles for disabled drivers;

- Impact on water supply not quantified as requested. The report from Dŵr Cymru raises concerns about the water supply on existing residents with the size of the development which has not been addressed;
- The proposal will lead to a net loss of local employment of 14 full-time-equivalent jobs. The community will also lose valuable local service functions;
- Some residents failed to receive letters from the second consultation;
- Riverside needs a scheme that increases the resources of the area, provides a space for individuals and families and gives the community the support it desperately needs. What it does not need is months of demolition, construction, fitting and an increase in one bedroom properties that do not build a community but place it under strain;
- Loss of financial and career impact to independent commercial unit business owners which also have a positive effect on the community;
- The community will lose valuable local service functions as the current retail units are to be replaced, as well as the sense of community these local independent businesses bring to our area;
- The local area does not need another supermarket;
- Potential damage to existing Victorian homes with shallow foundations from construction vibration;
- The Heritage Assessment considers the former Westgate public house with scaffolding and debris nets making it appear taller and more imposing on the street. This fails sufficiently assess the proposed impact on the setting of the listed building. Concerns with the content of the Heritage Assessment;
- The amendment reduces the proposed tree planting on Cowbridge Road East which reduces the contribution to environmental sustainability;
- Poor quality planting within communal amenity space;
- Request for a pre-emptive Committee site visit;
- The Council should consider imposing community safety conditions or seek developer contributions via legal agreements for crime prevention through environmental design (CPTED), community safety initiatives, improved street lighting, alley gating, provision of CCTV, landscaping improvements or other necessary security measure;
- Providing additional commercial units has only been undertaken to serve the profits of the companies involved. This only exacerbates the likely population volume problem;
- Rawden Place is not appropriate for two-way vehicular traffic and will lead to safety concerns
- Concerns with the content of the supporting Transport Statement. This fails to sufficiently address the following matters;
 - The assumption that no residents will have access to a car seems unrealistic and the presumption that there will be no trips to the proposed A1 retail use is equally optimistic;
 - Impact of deliveries, servicing and visitor implications and how this will impact Rawden Place;
 - Parking;
 - Construction activity implications;

- Potential errors in the findings of Trip Rate Computer System (TRICS) database process;
- Omissions in the discussions on parking guidance and standards;
- Failure to justify impact on existing car parking spaces available;
- No traffic management proposals provided;
- The transport survey is unfit for purpose relying on generic modelling which does not understand the traffic on the nearby streets;
- Current number of daily servicing deliveries is over reported;
- Concerns with swept analysis with little room for error and safety issues for children;
- Parking space survey not accurate as it was only taken during one day in November;
- The issue of road closures has not been considered during events, matches and concert days;
- Lack of available permit spaces for parking in locality. This will be exacerbated by more vehicles needing to park;
- Increased commercial activity will lead to illegal temporary parking which will cause traffic congestion;
- Road safety not considered;
- False assumptions made in Transport Statement. This has also not considered the potential impact of a supermarket;
- Transport Statement overlook the loss of existing parking spaces;

8.3 A Petition with 76 signatures has also been received, on the following grounds;

“The development will not improve but will potentially harm the quality of life for the community – including in relation to air pollution, air quality, noise pollution, light and antisocial behaviour. It will not preserve the quality and character of the area”.

8.4 The Cardiff Civic Society made the following comments on 24/02/2023:

“We are aware of the huge need for social housing within the city and are supportive of increasing the provision of social housing. In relation to this scheme, we wish to make comments on two areas.

We are aware and supportive of the approach of the council to parking provision within new developments. However, we also acknowledge that some residents of the new development are likely to have cars and that there will be an impact on residents living around the new development. We are aware that in relation to other schemes, an extension of residents only parking in the streets surrounding the new development has been made to take account of the pressures caused by increased population and would suggest that this is done in relation to this scheme.

The second issue we want to comment on is around communication and engagement with the community. Given the scale and location of the development, regular communication with the community will be required, during both the demolition and construction phases. In addition, communication between the housing association and community in relation to how it manages

its homes and what neighbours can expect from the association if there are any issues would be a positive step”.

MP / MS / Member representations relating to the first consultation on 31/01/2023:

8.5 An objection letter was received on behalf of Andrew RT Davies on 20/02/2023. The full representation is available to view online at; [22/02901/FUL](#). For the benefit of members, this has been broadly summarised as follows:

- Parking, road safety and congestion – including concerns that it would exacerbate existing parking issues;
- Concern over disruption and reduced amenity to both existing and new local residents due to the proposed retail unit and its late opening time;
- Design, scale, massing – including concerns that the new building is overbearing with the local scale and massing and appears to be an overdevelopment of the plot. It is not in keeping with the area, including height on adjacent buildings;
- Loss of employment - concerns with the loss of 14 jobs on the current site.

8.6 An objection letter was received on behalf of Rhys ab Owen AS/MS on 21/02/2023. The full representation is available to view online at; [22/02901/FUL](#). For the benefit of members, this has been broadly summarised as follows:

- While the opportunity to provide much needed housing in Cardiff is welcomed, a more restrained development along the lines of the existing buildings should be considered instead;
- Limited provision of 2-bed units;
- Overbearing scale and out of character with surrounding area;
- Not suitable location for a landmark building;
- Details on management of billiards and key holders not given;
- The very high plot ratio suggest it is overdevelopment;
- Inadequate PAC process;
- No confirmation of how anti-social behaviour will be addressed;
- No comment or offer to provide any wider community benefits e.g. cycle parking, green spaces, play areas;
- Lack of provision for those with disabilities and impaired mobility;
- Concerns with proposed commercial unit opening hours having a detrimental impact on amenity;
- Lack of cycle parking;
- The scale of the development will restrict and limit community development and cohesion;
- Lack of disabled parking provision;
- Concerns that there is no traffic management plan;
- Concerns with impact on parking. Request for parking permits due to lack of parking on neighbouring streets;
- It is not clear whether Rawden Place would be opened up permanently by this development to through traffic;
- Provision for commercial servicing is inadequate;

- Concerns with increased traffic congestion;
- Construction impact concerns and lack of information on how the local community will be safeguarded. Concerns with impact on the foundations to the Victorian buildings in the immediate vicinity;
- No reference to asbestos and dust;
- Concerns with impact on water supply;
- Concerns with refuse deliveries;
- Noise concerns from proposed communal amenity terrace;
- Concerns with loss of employment;

8.7 An objection letter was received on behalf of Mark Drakeford MS and Kevin Brennan MP on 21/02/2023. The full representation is available to view online at [22/02901/FUL](#). For the benefit of members, this has been broadly summarised as follows:

- Concerns over the proposed scale and how this will impact the character of the surrounding area;
- Regardless of any heritage designation many residents would prefer for the buildings to be retained;
- The inclusion of more 2-bed units is welcomed;
- Concerns over construction phase; construction vehicle traffic and parking disruption, road safety, noise, dust and use of cranes;
- The potential impact on local public services should be assessed, due to the area having high levels of social deprivation, and to determine whether any contributions to those services are warranted;
- There should be further commitment to providing additional retail units;
- More detail should be provided provide for the appropriate notice for the current tenants of the various buildings to vacate in advance of the works. More detail regarding this commitment should be sought so as not to adversely and unreasonably affect those tenants in securing alternative accommodation.

8.8 An objection letter was received on behalf of Councillors Leonora Thomson, Kanaya Singh and Caro Wild on 21/02/2023. The full representation is available to view online at; [22/02901/FUL](#). For the benefit of members, this has been broadly summarised as follows:

- The applicant has failed to undertake a suitable community engagement under PAC;
- The housing top priority in Riverside is not 1-bed units, but 3-bed units and above. Whilst it is welcomed that some 2-bed units have been provided, it is still very few with very much a 1-bed priority;
- Concerns with the proposed scale, as it is larger than any other buildings in the locality;
- Overbearing;
- Lack of facilities for disabled people;
- Concerns with lack of parking within the locality;
- Concerns that the large commercial unit will be used by one tenant. Request that this is subdivided for independent traders rather than being used as a supermarket;

- Request for pre-emptive Committee site visit.

MP / MS / Member representations relating to the second consultation on 26/04/2023:

- 8.9 A second objection letter was received on behalf of Mark Drakeford MS and Kevin Brennan MP on 26/05/2023 providing identical comments as the objection on 21/02/2023 (refer to para. 8.7 above for the summarised comments). The full representation is available to view online at; [22/02901/FULhttps://www.cardiffidoxcloud.wales/publicaccess/applicationDetails.do?activeTab=documents&keyVal=RMEX8DECJUG00](https://www.cardiffidoxcloud.wales/publicaccess/applicationDetails.do?activeTab=documents&keyVal=RMEX8DECJUG00).

MS / Member representations relating to the third consultation on 12/06/2023:

- 8.10 A second objection letter was received on behalf of Councillors Leonora Thomson, Kanaya Singh and Caro Wild on 30/06/2023. The full representation is available to view online at; [22/02901/FUL](https://www.cardiffidoxcloud.wales/publicaccess/applicationDetails.do?activeTab=documents&keyVal=RMEX8DECJUG00). For the benefit of members, this has been broadly summarised as follows:

- Concerns regarding the relocation of the main vehicular access from Lower Cathedral Road to Rawden Place. With Rawden Place being a short residential cul-de-sac, the regular access of commercial delivery vehicles, resident delivery vehicles, resident mobility vehicles, waste vehicles, and the construction phase transport, is inappropriate for this road. Suggestion that the vehicular access comes from Lower Cathedral Road;
- Too many 1-bed apartments, which exclude children and families which would create a much better mix. The application should provide more 2 and 3-bed apartments for family accommodation;
- Concerns over community safety and integration. There are existing issues with anti-social behaviour, litter and waste, and issues caused by street-based lifestyles. Concerns that the local community has some of the highest levels of child-poverty in Wales and the 1-bed units could lead to more issues. Suggestion that an onsite 24-hour management service is provided;
- Need assurances that the building will not be used as emergency accommodation or as a temporary hostel;
- Concerns that the large commercial unit will be used by one tenant. Request that this is subdivided for independent traders rather than being used as a supermarket. Request that a full equalities impact assessment is undertaken to measure the likely impact on the local BAME community;
- The overall scale is too high and out of proportion to the buildings nearby;
- Poor level of community engagement. The community benefits and Section 106 process would also be a good opportunity to re-engage with local residents. Suggestion that the following are included in the permission; investment in the local park (Dispenser and Clare Gardens), community secure cycle parking facility, community facilities.

Officer Comments:

- 8.11 The majority of the objections raised will be addressed in the analysis section of the report (Section 10). It should be noted that Officers are satisfied that the Pre-Application Consultation (PAC) was undertaken in accordance with statutory requirements, noting that the scheme has been subject to further iterations and consultation as part of the determination of the application.
- 8.12 The applicant has confirmed that the development will not be used as emergency accommodation or as a temporary hostel.

9. ANALYSIS

9.1 The main issues to be assessed are:

- a. Principle of Development
- b. Impact on Historic Environment
- c. Design
- d. Impact on Neighbouring Amenity
- e. Transportation and Waste
- f. Flooding
- g. Biodiversity
- h. Sustainability / Energy

a. Principle of Development

9.2 The policy framework for these comments is as follows:

- Planning Policy Wales (Edition 11, February 2021)
- Future Wales - the National Plan 2040
- Cardiff Local Development Plan 2006-2026 (January 2016)
- Food, Drink and Leisure Uses SPG (November 2017)

Residential Use:

9.3 The site is located in the settlement boundary as defined by the Cardiff Local Development Plan (LDP) proposals map. The context and character of the surrounding area is a mix of commercial and residential. The site has no specific land use policy designation or allocation, as such the existing office premises are afforded no protection in relation to land use policy. LDP Policy H6 (Change of Use or Redevelopment to Residential Use) permits the change of use or redevelopment of redundant premises for residential use where:

- There is no overriding need to retain the existing use of the land or premises and no overriding alternative local land use requirement;
- The resulting residential accommodation and amenity will be satisfactory;
- There will be no unacceptable impact on the operating conditions of existing businesses;
- Necessary community and transportation facilities are accessible or can be readily provided or improved; and

- 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.
- 9.4 Assessed against the above policy framework, the existing offices are not identified in Policy EC1 as existing employment land to be protected for B Use Class employment generating uses and are afforded no specific land use policy protection. The site is located within the settlement boundary, in a highly sustainable location in close proximity to Cowbridge Road East District Centre where the necessary community and transportation facilities are available and readily accessible by a range of sustainable modes of transport. Given this context, the residential use of the site is considered compatible with the surrounding land uses and the redevelopment of the office and commercial space to residential use raises no land use policy concerns.
- 9.5 The representation has been noted regarding the retention of the existing buildings. Glamorgan Gwent Archaeological Trust (GGAT) have also advised that the buildings are of importance by virtue of their historical significance within the area. Nevertheless, they recognise that the buildings are not heritage assets and not within a conservation area. In this regard, it is emphasised that the Council does not have control over their demolition, as this amounts to 'permitted development' unless restricted by an Article 4 Direction (which does not apply here). Refusal on grounds relating to the loss of these buildings could therefore not be justified, especially having regard to the conclusions reached within this report on the acceptability of the development.
- 9.6 As the proposed works will result in the demolition of the existing buildings, GGAT have requested that an appropriate programme of historic building recording and analysis is secured by condition.

Ground Floor Commercial Units:

- 9.7 In relation to the commercial element of the proposal, the site does not fall within a designated District or Local Centre as defined by Policies R4 or R5 of the LDP. However, it contains an existing retail frontage which provides an important local shopping function. Paragraph 5.282 of the LDP states that "*in addition to local centres identified on the proposals map, there are numerous smaller groups of shops and individual 'corner shops' across the county that provide valuable shopping facilities to surrounding communities*". The existing commercial units on Cowbridge Road East fall under this definition. Planning Policy Wales recognises the important economic and social role of such local shopping facilities to communities.
- 9.8 It is noted that local concerns centre on the value of the local retail units which are to be replaced, as well as the sense of community these local independent businesses bring to the area. Concerns have also been expressed that the large commercial unit will be used by one tenant, and a request has been made that this unit is further subdivided for independent traders rather than being used as a supermarket.

- 9.9 These concerns have been noted and, taking the above policy context into consideration, negotiations have already secured changes which introduced additional smaller units on Lower Cathedral Road, with the scheme now proposing 3 no. ground floor commercial units, of 350sqm, 50sqm and 46sqm respectively, creating a net gain in commercial floorspace of 261sqm. Nevertheless, it is clear that the existing retail units on site add significantly to the local community, and the provision of the larger 350sqm Class A1 retail unit would materially change such local character.
- 9.10 Noting the request to subdivide the larger unit, and recognising that smaller units could potentially give the development more of a 'local' feel and aid community cohesion, it is considered that the larger unit will be disproportionate in size within the local context. This will also require additional servicing (e.g. number and size of lorries) which could have additional impacts on adjoining properties. In this respect, a condition is recommended that requires the larger A1 unit fronting Cowbridge Road East to be sub-divided into no less than two units (with a maximum floorspace of 250sqm) in accordance with a scheme (amended plan) that shall require approval.
- 9.11 Subject to the above condition, the number and size of these units is considered to be appropriate to the local context, having regard to the size of units being replaced and the need to ensure the units continue to focus primarily on local operators and on serving the local community.
- 9.12 With regard to the objections relating to the loss of employment, the application form states that there are 25 existing full time employers on the site. Whilst it is not known at this stage what the proposed number of staff will be (as no tenants have been confirmed), given the net increase in floorspace, it is considered that there will not be a significant loss of employment.
- 9.13 Paragraph 5.297 of the LDP states that Local Centres and smaller neighbourhood centres are generally more residential in nature, and do not have the scale or variety of retail and non-retail uses of larger centres. Therefore, A3 proposals may be more difficult to accommodate, and are less likely to be acceptable on amenity grounds (e.g. potential noise and disturbance, anti-social behaviour and litter associated with this type of development proposal). As a consequence, more emphasis will be placed on protecting residential amenity within these centres through restricting the type of A3 premises. Given the immediate context and number of residential units proposed, a condition has been applied to restrict any Class A3 element to a restaurant, café or coffee shop only, preventing hot food takeaway sales and limiting opening hours until 20:00 hours on any given day. In addition, a condition has been applied to ensure that any A1 Use Class is restricted to the sale of convenience goods.
- 9.14 For the above reasons, the proposal is considered acceptable from a land use policy perspective.

Residential Unit Mix

- 9.15 The objections relating to the significant number of 1-bed units have been noted, and the applicant has responded positively by seeking to amend the mix such that it now includes 6 no. 2-bed units. Nevertheless, it is acknowledged that the majority of units will be 1-beds (75 no.), and that the density of units/occupancy of the site is high.
- 9.16 While recognising concerns relating to the potential impact on social and community cohesion, the principle of the residential use is considered to be wholly acceptable, while the mix is not considered to be of such concern that it would justify refusal of the otherwise acceptable development on such grounds. Nevertheless, recognising that the scheme is for 100% affordable housing, this gives the opportunity for the Council to include a condition which requires the Registered Social Landlord to submit a scheme dealing with the management of the property as a whole, including details of how they will accept and react to any complaints relating to the use of the property by its occupants. Such a condition will therefore ensure that any potential impacts arising from the nature of occupancy and mix of units, can be controlled.

b. Impact on Historic Environment

- 9.17 LDP Policy EN9 (Conservation of the Historic Environment) requires any development relating to historic assets (including their settings) to demonstrate that it preserves or enhances that asset's architectural quality, historic and cultural significance, character, integrity and/or setting.
- 9.18 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, when assessing development which affects a listed building or its setting, special regard shall be paid to the desirability of preserving the building or its setting or any special architectural or historic interest it possesses. This approach is supported by Policy EN9 of the LDP, which makes clear that development relating to a listed building or its curtilage structures will only be permitted where it can be demonstrated that it preserves or enhances that asset's architectural quality, historic and cultural significance, character, integrity and/or setting.
- 9.19 Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires the Local Planning Authority to have special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. The conservation area has been assessed in the council approved Cathedral Road Conservation Area Appraisal (2007). This informs the development of an appropriate heritage-led scheme for the site, in line with Planning Policy Wales and 'Technical Advice Note 24'.
- 9.20 Whilst the site is not located within a conservation area and does not include any listed buildings, the Cathedral Road Conservation Area lies immediately to the north (within 8m of the site) and the Grade II listed Westgate former public house lies opposite the road to the east. The application is therefore

accompanied by a Heritage Assessment (prepared by EDP, dated January 2023).

- 9.21 The Grade II listed Westgate is designated as 'a rare and complete example of a large city centre public house of fine design dating from the 1930s.' The Conservation Officer notes that the position of the building within the streetscape (where it occupies and defines the south-east side of an important junction between two primary roads) makes a positive contribution to the significance of the asset, where the swept corner is designed to return the prominent corner. Its aesthetic value is strongly characterised by a finely-balanced and sweeping neo-Georgian façade topped by a steep sloping roof with overhanging eaves and tall brick chimney stacks. The building is therefore distinct and legible from a number of key viewpoints; within the area within easterly and westerly views along Cowbridge Road East, the view south from Cathedral Road and the view north up Lower Cathedral Road.
- 9.22 It is considered, however, that the Grade II listed building is generally experienced close-at-hand around the junction of Cowbridge Road East and Cathedral Road. The near views from both the east and west and long views from the east (beyond the southern entrance to Sophia Gardens) are predominantly closed off by the curve of the road and the scale of the adjacent buildings and, to a lesser extent, long views from the west are obscured by the existing development opposite, by virtue of a change in direction of the road. The longest and most significant view is available from the north, where the asset closes-off the end of Cathedral Road, as the most prominent feature of the road junction.
- 9.23 The application proposes the redevelopment of 51-65 Cowbridge Road East and 2-8 Lower Cathedral Road, which are a Victorian terrace of buildings to the south-western corner of the junction. Whilst these buildings are no great architectural or historic interest, the existing buildings form part of the setting of the Westgate, which in turn contributes positively to its significance. As suggested by the supporting Heritage Assessment, in occupying the opposing west side of the junction, they make a generally positive contribution to the local historic streetscape on this western side of the city centre. They also represent part of the community which would have supported the economic and social vitality of the former Westgate public house. The existing buildings also form a constituent part of the views of the asset, a contextual relationship perhaps most readily appreciated within long views of their principal elevations upon the junction from the north, and within close views from the east, where it forms a somewhat plain and diminutive backdrop of traditional form and character.
- 9.24 Alongside the loss of historic character to the area and the severing of that contextual relationship with the asset, perhaps the greatest visual impact upon the setting of the Westgate is within those near views from the east. Here, the proposed development will eliminate the existing backdrop to the asset and introduce a new, taller and more bulky building of distinctly modern character. This may interrupt the silhouette of an asset which is strongly characterised by its steep sloping roof with overhanging eaves and tall brick chimney stacks. Views from the north also place the proposed development in direct competition

with an asset which is currently the most visually prominent upon the junction. These visual impacts have, however, been partially mitigated within the design, which limits development to the immediate corner to five storeys. The Conservation Officer therefore concludes that there will be a moderate (less than substantial harm) loss of significance to the Grade II listed Westgate building. Finally, officers welcome that the proposed Sun Path Analysis concludes that there will be no overshadowing of the Westgate.

- 9.25 The Conservation Officer also considers that the proposed development will have a minor negative impact upon the setting of the locally listed assets of No's 2, 4 and 6 Cathedral Road. As well as being of architectural and historic interest in their own right, these assets derive significance from their position upon the junction and their part within the Cathedral Road Conservation Area.
- 9.26 When considering redevelopment proposals, it is inevitable that there will be impacts, and it is necessary to consider the acceptability of such impacts. In this respect, it is also necessary to consider the wider benefits of the development and, in this respect it is noted that the building is considered to be of a high quality, also incorporating improvements to the public realm. In this respect, the minor impacts to the setting of the nearby listed buildings are considered to be acceptable (such matters also addressed as part of the overall planning balance at section 11).
- 9.27 Finally, officers note the objection which states that the supporting Heritage Assessment considers the former Westgate public house with scaffolding and debris, which makes it appear taller and more imposing on the street. The Conservation Officer concludes that there is not substantial scaffolding on the building, nor does it climb higher than the ridge line. The supporting illustrative CGIs from agreed views also demonstrate the relative scale, form and context of the buildings. As such, it is not considered that the scaffolding affects the overall assessment.

Cathedral Road Conservation Area Impact:

- 9.28 The application site falls outside of the Cathedral Road Conservation area, but views are available from within. Therefore, its setting has potential to be impacted by the proposals. Though the presence of later-developed tall buildings to this southern end of the conservation area undermine its character at the junction, both the Westgate and 51-53 Cowbridge Road East are buildings of relatively diminutive scale which terminate the long views down Cathedral Road with traditional built forms; the Westgate being the most prominent and visually interesting. Though the proposal has allowed for a reduced portion to the corner and a saw-tooth roof form which breaks up the flat-roof silhouette of the development, this proposal will still be a large and modern building within these views, which will diminish the prominence of the asset upon the corner and eliminate the traditional built forms of the existing development. The Conservation Officer concludes there will be a small loss of significance from the conservation area, however it is considered the wider benefits of the development will outweigh the special attention which shall be

paid to the desirability of preserving or enhancing the character or appearance of the area and that as a result it will result in an acceptable change.

c. Design

- 9.29 LDP Policy KP5 (Good Quality and Sustainable Design) contains criteria for assessment of new development proposals to ensure that high quality, sustainable designs occur which positively contribute to the creation of distinctive communities, places and spaces. A criterion includes, for example, the influence of the proposal on the local character and context. Other criteria include creating legible development, providing a diversity of land uses, creating distinctive places and providing a healthy environment.

Density of Development:

- 9.30 Local concerns have been raised about the number of units and general density of development on the site. It is noted, however, that Planning Policy Wales emphasises the need to maximise the efficient use of land in highly sustainable locations (such as this), subject to ensuring that there would be no unacceptable impacts arising from such a scale of development. In this regard, it is noted that earlier iterations of the design (as evidenced in the submitted Design and Access Statement) were significantly taller, with a greater number of units. However, Officers have sought to ensure that the scheme has been reduced to an extent which now strikes the appropriate balance between achieving a high density of development.

Scale and Massing:

- 9.31 The proposed building has a total height of 7 storeys, adjacent to two storey dwellings to the south and east. The Tall Buildings Supplementary Planning Guidance (SPG) (January 2017) defines tall building outside of the city centre to be “*buildings which are double or more than double height of surrounding properties or significantly taller in terms of actual height and number of floors*”. Whilst para. 1.6 of the SPG states that “*the guidance is focussed on the development of tall buildings within the city centre and broadly Cardiff Bay*”, the building will be more than double the height of the building to the south and east and so the Tall Building SPG is a material consideration in determining this application.
- 9.32 Tall buildings are therefore assessed having regard to locational criteria, specifically that they will only be acceptable where (para. 2.2):
- There would be no negative impacts on important views or vistas;
 - The character or setting of heritage assets is not harmed;
 - The proposal will be a positive feature in skyline and streetscape, either by complementing a cluster of tall buildings or forming a strategic landmark;
 - No material harm is caused by overshadowing or overlooking;
 - There will be walking and cycling accessibility to sustainable transport and local facilities.

- 9.33 The above criteria are considered in detail later in the analysis.
- 9.34 Officers note the objections raised regarding the excessive scale of the 7-storey (24.7m high) building. Whilst it is noted that the area is generally characterised by predominantly 2 and 3-storey buildings comprising a mixture of housing and flats to the south and east, there are also examples of larger taller buildings within the immediate vicinity. These include the Unite offices to the north which have a total height of 20.2m and the NHS office / residential building facing Bute Park within 60m to the east, which has a total height of 21.1m. The West Lee Court housing to the north-west has a similar height to the Unite offices.
- 9.35 Whilst the proposed building will be taller than these buildings, officers welcome the design of the building which comprises a number of different blocks at varying heights and brick colours to break up the bulk and massing. At the most prominent corner, the building has a lower scale of 5 storeys. It is considered that the tallest element of the building sits comfortably within the context along Cowbridge Road East facing the Unite offices of a similar scale, especially as the scale of the top floor with the saw-tooth design is reduced, due to the set-back from the front elevation and the alternative material proposed.
- 9.36 The development steps down to the south towards Rawden Place and Lower Cathedral Road, with the 2-storey height to the south-east replicating the 2-storeys to the existing dwellings on Lower Cathedral Road. Whilst the proposed flat roof fails to match the pitched roof on No. 10, officers consider this to be an acceptable transition between the contrasting contemporary design of the new building and the existing dwellings. The reduced scale of 3 storeys adjacent to 1 Rawden Place is considered suitable given the 7.1m separation distance. Whilst Placemaking Officers have raised concerns with regard to the 20.5m high scale adjacent to the 16.2m high Cardiff Seventh-Day Adventist Church on the opposite side of Rawden Place, this building is not a heritage asset and has a separation distance of 14.5m. As such, this relationship has been considered as part of the planning balance, whereby it is not considered that this will outweigh the positive benefits of the scheme in terms of providing 81 units of affordable housing, the net gain in commercial floorspace and biodiversity and the financial provision secured towards community facilities, public open space and active travel improvements.
- 9.37 As such, whilst officers acknowledge that the building will be taller, the proposal is considered to be sensitively designed to accommodate the height. Further, the proposed location is considered to be suitable for a tall building, which will create a local focus within the community and will enhance the legibility of the area in a way officers find, on balance, to be acceptable.

Key Views:

- 9.38 In addition to the Tall Buildings SPG, further national policy guidance is provided in TAN12, which also highlights the importance of identifying distinctive views, key skylines and vistas. The visual impact has been tested by

means of a series of key views from agreed locations, which are assessed below. The key views comprise:

- View 1: Facing west along Cowbridge Road East
- View 2: Facing east along Cowbridge Road East
- View 3: Facing north along Lower Cathedral Road
- View 4: Facing south along Cathedral Road

View 1: Facing west along Cowbridge Road East:



9.39 The above view is facing west along Cowbridge Road East. This shows the five storeys located at the most prominent corner, with the Grade II listed former Westgate public house forming the foreground to the left (east). To the right (north) is the boundary of the Cathedral Road Conservation Area. The proposed development has sought to minimise the impact on the Grade II listed Westgate building by reducing the height and massing of the building at the corner. This has resulted in the Conservation Officer concluding that there will be a moderate (less than substantial harm) loss of significance to the listed building (refer to para 9.24 above). The appropriate reduction of scale towards the existing 2-storey dwellings and the tallest element fronting Cowbridge Road East is evident from this view.

9.40 The contemporary design is considered suitable in the context, which has a number of other contemporary examples in close proximity (e.g. Unite offices, West Lee Court amongst others). The elevations are primarily composed of brickwork, with a palette of red brick and white buff brick. The use of brick is welcomed as it a robust material, with the brick textures working well as a composition which complements the surrounding context. The introduction of the lighter brick colour helps break up the massing with further white buff brick comprising the recessed elements for aesthetic interest. Variation and depth is delivered through projecting and recessed elements, as well as balconies. Further details on the materiality and depths of reveals are required by condition, to ensure the highest specification and design of the proposed building.

9.41 The ground floor commercial uses are welcomed in this location to create vibrancy and activity at street. Finally, the proposed four street trees are evident from this view.

View 2: Facing east along Cowbridge Road East:



9.42 The above view is facing east along Cowbridge Road East, with the Unite building and Cardiff Seventh-Day Adventist Church visible from the left (north) and right (west) respectively. The proposed building will measure 24.7m high, which is 4.6m higher than the Unite building. Whilst this additional height is acknowledged, as well as the Unite being set-back from the street scene, officers consider the total height to be acceptable. The tallest element of the building faces Cowbridge Road East which does not have an established building height and the top floor is set-back from the lower elevations (which are marginally taller than the Unite building), reducing the prominence of the building from the street scene. Further, the top floor is defined separately by the use of Corten steel and a saw-tooth roof form which is considered an interesting design feature. As previously noted at para. 9.36, a reduced scale adjacent to the Cardiff Seventh-Day Adventist Church would have been welcomed, but this has been considered as part of the wider planning balance.

View 3: Facing north along Lower Cathedral Road:



- 9.43 The above view is facing north along Lower Cathedral Road. This demonstrates the reduced scale ranging from 5 storeys at the corner, to 4, 3 and 2 storeys as the development reaches the existing 2-storey terraced dwelling along Lower Cathedral Road. This reduction in scale is considered appropriate within the locality. Whilst it is acknowledged that the flat roof form of the 2-storey element fails to match the pitched roof of the existing building, this is considered to be an acceptable transition between the contrasting contemporary building and the more traditional existing dwelling.

View 4: Facing south along Cathedral Road:



9.44 The above view is facing south along Cathedral Road, within the Cathedral Road Conservation Area. As previously noted, officers consider the massing to be appropriate within the local context and the quality of the materials and articulation results in a high quality design. As noted at para. 9.22, the Conservation Officer considers this view to be the longest and most significant view, where the Westgate heritage asset closes-off the end of Cathedral Road, as the most prominent feature of the road junction. The Conservation Officer concludes that there will be a moderate (less than substantial harm) loss of significance to the Grade II listed Westgate building and a small loss of significance from the conservation area, which has been considered as part of the wider planning balance.

Amenity of Future Occupiers:

9.45 The proposed unit sizes all comply with Welsh Government's Design Quality Requirements (DQR). The standard of accommodation is considered to be a high quality, with all units benefitting from private balconies and access to the first floor landscaped communal amenity terrace (226sqm). Further, all the units will have a sufficient level of outlook, light and ventilation.

9.46 The proposed units which face each other between the communal amenity terrace will have a separation distance of 19.7m (at the closest section). Given the proposed angle between the elevations, this overlooking distance is considered to be acceptable. Privacy screens have been applied to balconies, to ensure there is no direct overlooking from adjacent units. Further, appropriate defensible space will be required through the landscaping condition for the proposed units at first floor level facing the roof terrace.

d. Impact on Neighbouring Amenity

9.47 The scheme has been carefully assessed against the Council's Infill Sites SPG on overshadowing, overbearing and privacy levels to the neighbouring residents.

Overshadowing:

9.48 The applicant has provided a Sun Path Analysis which demonstrates the overshadowing impact on the neighbouring buildings at 9am, 12pm and 3am on June 21st (summer solstice) and December 21st (winter solstice). The results conclude that there will be no overshadowing impact to any of the neighbouring buildings. Site photographs have been provided demonstrating existing overshadowing of the former Westgate public house. Whilst officers note that there may be a degree of impact, this impact is considered acceptable, especially considering the results of the proposed Sun Path Analysis.

Overlooking and Privacy:

9.49 Paragraph 4.9 of the Infill Sites SPG states that a minimum overlooking distance to a garden area of a separate dwelling should be 10.5m. The

proposed first floor amenity terrace will have a 11.8m separation distance to the garden of 1 Rawden Place which accords with the SPG. Whilst it is noted that Unit 11 on the first floor plan has a window facing the rear garden of 1 Rawden Place, this is obscurely glazed to prevent overlooking. The other windows within Unit 11 are situated at an angle from No. 1 and with a separation distance of 10.1m. Given the angle, the overlooking impact is considered acceptable in this instance. Further, the southern elevation facing 1 Rawden Place only has corridor windows facing south which are obscurely glazed. As such, there will be no overlooking of 1 Rawden Place. Amended plans were received ensuring that the southern facing corridor window at first floor level is obscurely glazed to ensure no overlooking of No. 10 Lower Cathedral Road. Therefore, it is not considered that there will be any overlooking of any neighbouring occupiers to the south.

- 9.50 With regard to overlooking to the east, the Infill Sites SPG provides guidance that a minimum of 21m should be maintained between facing habitable rooms to ensure that there is no adverse overlooking impact. The proposed separation distance between the eastern elevation of the proposed building and the dwellings on the opposite side of the road on Lower Cathedral Road is 19.4m. Whilst it is noted that this is less than the distance stated within the aforementioned SPG, the 21m specified is just guidance. In this instance, officers have considered the existing living conditions of occupiers, whereby there are already habitable windows facing each other. Further, this is a normal street arrangement within an established residential area, so the relationship with facing windows is unavoidable. Whilst there will be an addition storey of windows facing the former Westgate public house (which comprises living accommodation at first floor level), this element of the building is set-back from the existing elevation. Again, due to the established street arrangement, the 19.8m separation distance is considered acceptable in this instance. Finally, a condition has been imposed to ensure that the flat roof parts of the development shall not be used as roof terraces. In light of the above, it is not considered that the proposed development will lead to an undue loss of privacy to neighbouring occupiers.

Overbearing:

- 9.51 The proposed development will have 3 storeys at the south-western end facing the 2-storey 1 Rawden Place building, with a 7.1m separation distance increasing at an angle. The proposed height will be 14.5m and will be 5.8m taller than No. 1. Whilst No. 1 is occupied by 4 self-contained apartments (ref 16/02850/MNR) and has north facing windows, the closest windows are occupied by a secondary kitchen window and staircase windows. It is noted that there are living room windows and a kitchen window at ground floor and bedroom windows at first floor level facing north at 1 Rawden Place, however the 9.1m separation gap from the proposed development is considered sufficient to ensure that there will be no undue sense of enclosure caused to living conditions of these apartments.
- 9.52 With regard to the proposed scale to the south-east facing, the 8 Lower Cathedral Road (to be demolished) has a 2-storey rear return abutting the side

boundary with No. 10, whereas the proposed development proposes a 2.7m set-back from the boundary at first floor level. Whilst the ground floor depth is now marginally deeper than the existing rear return to be demolished, given the set-back at first floor, it is considered that the overbearing relationship to No. 10 has been improved. As such, it is not considered that the proposed development will be overbearing to neighbouring occupiers living conditions.

Other matters impacting upon amenity:

- 9.53 The application proposes three commercial units comprising Use Classes A1, A2 or A3. The Noise Officer has requested operational hour conditions for the proposed commercial units to be between 08:00-20:00 on any given day. These operational hours are not considered to be unreasonable and will not result in an unacceptable level of noise disturbance in this location. Servicing hours have been restricted to 08:00am to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturdays with no deliveries on Sundays or Bank Holidays to ensure that the amenity of future occupiers are protected. Further, as noted at para. 9.13, a condition has been imposed to ensure that any food and drink use (A3) within the commercial units will be restricted to a restaurant, café or coffee shop and will prevent hot food takeaway sales to protect residential amenity.
- 9.54 Officers note the objections raised with regard to the impact that the construction side of the development will have on the amenity of local occupiers. To ensure the impact of construction is minimised on the surrounding area, a Construction Environmental Management Plan (CEMP) has been requested by condition. This will address aspects such as general site management, access and traffic management, the control of nuisance (noise and vibration etc), dust, dirt and air quality management measures, resource management, pollution prevention, soil management, biodiversity management and details of persons dealing with complaints. An informative has also been applied to remind the applicant of the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities.
- 9.55 The objections have been noted with regard to concerns over community safety and integration, with existing issues with anti-social behaviour. This planning application has been submitted by a Registered Social Landlord (RSL) (Wales and West Housing Association), and comprises affordable housing units which will be managed as a whole. In this respect, it would be expected that the RSL would respond to any issues of concern. However in light of the density and relationship with nearby residential properties, it is considered appropriate, given the need to ensure a scheme appropriately responds to local concerns, to require the submission of a management scheme which would outline how the development would be managed and appropriate controls put in place to react and respond to any issues that may arise. This could potentially include on-site management during the day and/or night and will also consider the management of the communal amenity terrace.
- 9.56 In light of the above, subject to the aforementioned conditions, it is considered that the amenity of the future occupiers and any neighbouring occupiers within

the vicinity, will be sufficiently protected.

e. Transportation and Waste

Car Parking and Traffic Generation:

- 9.57 Chapter 4 of PPW 'Active and Social Places' addresses transport, stating that people should have access to jobs and services through more efficient and sustainable journeys, by walking, cycling and public transport. It further states that *"new development should prevent problems from occurring or getting worse such as...the reliance on the private car and the generation of carbon emissions."* It further notes that land use and transport planning should be integrated to minimise the need to travel, reduce dependency on the private car and enable sustainable access to employment, local services and community facilities.
- 9.58 By influencing the location, scale, density, mix of uses and design of new development, the planning system can improve choice in transport and secure accessibility in a way which supports sustainable development, increases physical activity, improves health and helps to tackle the causes of climate change and airborne pollution by:
- Enabling More Sustainable Travel Choices – measures to increase walking, cycling and public transport, reduce dependency on the car for daily travel And;
 - Network Management – measures to make best use of the available capacity, supported by targeted new infrastructure.
- 9.59 Policy T5 of the adopted LDP requires development to accord with the council parking standards, as outlined in the approved SPG. Paragraph 6.1 of the approved 'Managing Transportation Impacts' SPG states that *"the availability of parking spaces and their location can influence travel choices. Excessive provision can serve to stimulate demand for car travel and perpetuate reliance on the car. The application of parking standards to new developments is therefore an important tool in managing demand for travel by car and encouraging a shift to sustainable transport modes"*. The aforementioned SPG uses maximum parking standards (as required by Planning Policy Wales), and there is no minimum amount of car parking that has to be provided. As such, whilst resident objections to the lack of car parking are noted, the provision of no vehicular car parking spaces accords with the SPG. The site is also located within a sustainable location with excellent access to public transport.
- 9.60 Local concerns have been expressed through representations relating to the absence of any parking to serve the proposed development, as well as the content of the Transport Statement (TS). The Transportation Officers considers the content of the TS to be acceptable and has noted that since the TS has been amended, there are no additional points arising that require amendments. The TS sets out forecasts of the potential traffic and parking impacts from the development. This indicates a maximum peak hour parking accumulation (residential and retail uses combined) of 14 vehicles (ref Table 13 of the TS).

However, in reality it is considered that the lack of dedicated car parking on-site, and limited amount in a vicinity of the site, will suppress car parking demand.

- 9.61 The TS does not set out the predicted number of delivery movements for the development, as this information is not available for the site selected. However, other information in TRICS relating to vehicle breakdown is indicating that no more than about 15% of the residential traffic generated will likely be non-cars, although this figure would be higher for retail use. The number of new vehicles generated at Rawden Place will be small (on average no more than 2-3 per hours associated with retail use). The swept path assessment indicates that service vehicles will be able to access the proposed servicing area off Rawden Place with sufficient space, which will not result in road safety issues.
- 9.62 It is not considered that there would be undue traffic implications for the construction stage that cannot be mitigated, but a construction traffic (CEMP) condition has been imposed and this will need to set out full details of how the applicant will deal with the transport impacts during construction.

Cycle Parking:

- 9.63 The application proposes 88 no. cycle parking spaces within the building for residents at a ratio of one space per bedroom, which accords with the Managing Transportation Impacts SPG. 14 no. staff cycle parking spaces are proposed internally for staff, with 8 no. short-term cycle spaces proposed externally for customers and visitors at the corner of Lower Cathedral Road and Cowbridge Road East. The number of these spaces also accords with the aforementioned SPG. The Transportation Officer welcomes the provision of Sheffield stands with sufficient manoeuvring space, to ensure the spaces are appropriately accessible. The proposed cycle parking provision is therefore considered to be appropriate and is therefore acceptable in regard to policy. Notwithstanding this, full cycle parking details are required as a condition.

Servicing and Waste:

- 9.64 The current loading and parking restrictions that apply on the road surrounding the site will be reviewed as part of the Section 106 Traffic Regulation Order (TRO), but the times of the loading prohibition period may extend to ensure the development does not have undue impacts on the local roads. The servicing for the three commercial units will be from the rear courtyard area and will continue to be accessed from Rawden Place. The TS states that each commercial unit will generate their own delivery movements and the reduction in the number of commercial units will lead to rationalisation/reduction in the number of delivery movements. However, the Transportation Officer has noted the sub-division condition for the larger unit and argues whether the new retail will generate less delivery trips. They state that ultimately it is unknown in the absence of delivery information for end users of the proposed development and there could be additional deliveries associated with the residents. Notwithstanding this, the Transportation Officer has raised no objection to the associated trip generation for the commercial units and the access from

Rawden Place, subject to a £10,000 (TRO) which shall be paid through a Section 106 Legal Agreement. Full details of delivery/servicing will be captured via the proposed planning condition.

- 9.65 The Waste Officer raises no objection to the refuse arrangements, which proposes two domestic refuse stores for the residential use with a separate store for the commercial element. Further details will be required through a waste management strategy. This will provide details on who is to take on the responsibility of moving the bins to and from the collection point from the refuse store on collection day.

Other:

- 9.66 The objections are noted with regard to the lack of provision for those with disabilities and impaired mobility. Whilst this is noted, there is no policy requirement for this provision. Finally, officers have sought a £90,000 contribution towards an active travel transport scheme on Cowbridge Road East, and £10,000 for traffic regulation orders for parking restrictions on the roads surrounding the site, to be delivered through a Section 106 Legal Agreement.

e. Flooding

- 9.67 LDP Policies EN10 and EN14 require water sensitive design solutions that do not increase the risk of flooding elsewhere to be incorporated within new development.

- 9.68 The site is within Flood Zone C1 as identified on the Welsh Government Development Advice Map (DAM), wherein the current TAN15 states that development will only be justified if it can be demonstrated that:-

- i. Its location in Zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement
or
- ii. Its location in Zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region;
and
- iii. It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1);
and
- iv. The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and appendix 1 found to be acceptable.

- 9.69 The Natural Resources Wales (NRW) Flood Map for Planning identifies the site within Flood Zone 3 Sea (defended zone).

- 9.70 Given the site location inside the settlement boundary and its contribution

towards new housing, plus its previously-developed status, the proposal is considered to comply with tests (i) to (iii). In terms of test (iv). The application is supported by a Flood Consequence Assessment (prepared by JBA Consulting, dated 18th January 2023) which concludes that the potential consequences of flooding can be managed to an acceptable level. No objection has been raised on flooding by NRW. As such, there are no objections relating to flooding.

f. Biodiversity

- 9.71 Future Wales Policy 9 Resilient Ecological Networks and Green Infrastructure requires developers to ensure the enhancement of biodiversity, the resilience of ecosystems and provision of green infrastructure. In all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net-benefit), the resilience of ecosystems and green infrastructure should be demonstrated as part of development proposals.
- 9.72 The conservation of native wildlife habitats and the safeguarding of protected species is discussed in Planning Policy Wales (PPW) (Edition 11). New development opportunities have an important part to play in creating new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable. Improving habitat connectivity through promoting wildlife corridors, whilst ensuring development minimises species and habitat impact, are also important considerations.
- 9.73 Paragraph 6.4.5 of PPW (2021) states that “*Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity*”.
- 9.74 The site is predominantly composed of built land (buildings and hard-standing) of limited ecological value and no significant ecological receptors have been identified. Notwithstanding this, noting the Planning Policy Wales extract above, the proposals have sought to provide a net benefit for biodiversity by providing green roofs, 15 new trees and associated landscaping which will support biodiversity.
- 9.75 Further, the application is supported by a Bat Survey (prepared by Ecological Surveys Ltd, dated September 2022). The Ecology Officer notes that there are also records of swift, starling and house sparrow within the immediate area and the proposal could potentially affect roosting bats and nesting birds. Notwithstanding this, the bat surveys are considered sufficient with appropriate conclusions of moderate potential, based on lack of internal access and external features. A number of conditions have been applied to enhance and protect biodiversity.

g. Sustainability / Energy

- 9.76 Future Wales Policy 16 emphasises that large scale mixed-use development should, where feasible, have a heat network with a renewable / low carbon or waste heat energy source. Policy 17 (Renewable and Low Carbon Energy and

Associated Infrastructure) outlines support for developing renewable and low carbon energy at all scales.

- 9.77 PPW (para 5.8.1) states that *“the planning system should support new development that achieves high energy performance, supports decarbonisation, tackles the causes of the climate emergency and adapts to the current and future effects of climate change through the incorporation of effective mitigation and adaptation measures”*.
- 9.78 LDP Policy EN12 (Renewable Energy and Low Carbon Technologies) requires major development to maximise the potential for renewable energy. The council will encourage developers to incorporate schemes which generate energy from renewable and low Carbon technologies.
- 9.79 In respect of renewable energy, no fossil fuels are being used for heating or water. Each flat will have their own metered supplies. Photovoltaics panels will be installed on the roofs, with power diverters to optimise solar energy use for heating and hot water. An Energy Strategy condition has been imposed to further enhance energy efficient and sustainable development.

10 PLANNING OBLIGATIONS

- 10.1 Policy KP7 (Planning Obligations) states that “planning obligations will be sought to mitigate any impacts directly related to the development and will be assessed on a case by case basis in line with Planning Policy Guidance”.
- 10.2 The supporting text emphasises that new development often generates additional demands upon existing services, facilities, infrastructure and the environment, with planning obligations being a means of seeking contributions from developers towards these demands, as well as negotiating benefits that improve the standard of development proposals by providing necessary infrastructure and community benefits.
- 10.3 The Planning Obligations SPG sets out the Council’s approach to planning obligations when considering applications for development in Cardiff, providing further guidance on how the policies set out in the LDP are to be implemented.
- 10.4 The Community Infrastructure Levy Regulations 2010 came into force on 6th April 2010 in England and Wales. They introduced limitations on the use of planning obligations (Reg. 122 refers), and state that a planning obligation may only legally constitute a reason for granting planning permission if it is: (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development.
- 10.5 In view of the type and form of development proposed, having regard to local circumstances and needs arising from the development, the need for planning obligations which are considered necessary to make the development acceptable in planning terms and to meet the policy and legislative tests for

planning obligations are considered below.

10.6 The following planning obligations has been requested to mitigate any significant adverse impacts of the proposed development and to provide essential, enabling and necessary infrastructure as defined within LDP policies KP6 (New Infrastructure) and KP7 (Planning Obligations):

- (i) £60,024.19 towards community facilities
- (ii) £102,697 towards public open space
- (iii) £100,000 towards an active travel transport scheme (£90,000) and traffic regulation orders (£10,000)
- (iv) An obligation to ensure the site is developed as 100% affordable housing. In the event that the site or units are not purchased by the affordable housing provider for affordable housing, then an affordable housing contribution would be sought in line with the current planning policy as outlined in the Planning Obligations SPG (2017).

10.7 The applicant has confirmed their acceptance of the obligations.

10.8 Having regard to the legal and policy test outlined above, it is clear that the requested monies are necessary and reasonable to mitigate the impacts of the proposed development and thus ensure that the proposal accords with planning policy.

11 OVERALL ASSESSMENT – ‘THE PLANNING BALANCE’

11.1 PPW11 refers to the need to assess the Sustainable Benefits of Development and (at 2.27) emphasises that Planning authorities should ensure that social, economic, environmental and cultural benefits are considered in the decision-making process and assessed in accordance with the five ways of working to ensure a balanced assessment is carried out to implement the Well-being of Future Generations Act and the Sustainable Development Principle.

11.2 There may be occasions when one benefit of a development proposal outweighs others, and in such cases robust evidence should be presented to support these decisions, whilst seeking to maximise contributions against all the well-being goals.

11.3 Key factors in the assessment process include:

- *Social Considerations*, including: - who are the interested and affected people and communities; who will benefit and suffer any impacts from the proposal;
- what are the short and long-term consequences of the proposal on a community;
- *Economic Considerations* including: - the numbers and types of long term jobs expected to be created or retained; whether, and how far, the development will help redress economic disadvantage or support regeneration priorities, for example by enhancing local employment opportunities;

- *Cultural Considerations* including: - how far the proposal supports the conditions that allow for the use of the Welsh language; whether or not the development protects areas and assets of cultural and historic significance; have cultural considerations and their relationships with the tourism industry been appropriately maximised; and
 - *Environmental Considerations* including: - will important features of the natural and built environment be protected and enhanced; are the environmental impacts of development on health and amenity limited to acceptable levels and the resilience of ecosystems improved.
- 11.4 At 2.29 it further refers to the need to have an integrated approach to balancing priorities against policy on an individual basis, which enables the full range of costs and benefits over the lifetime of development to be taken into account.
- 11.5 Section 5 of PPW11 provides further emphasis on the need to develop 'Productive and Enterprising Places' which promote our economic, social, environmental and cultural well-being by providing well-connected employment and sustainable economic development.
- 11.6 The role of the Local Planning Authority is therefore to balance the weight to be attributed to each of the positive and negative impacts of the development and come to a balanced conclusion as to whether the development is acceptable or not.
- 11.7 The following matters have been considered as part of the planning balance:
- The scale adjacent to the Seventh-Day Adventist Church;
 - The Conservation Officer considers that the proposed building will have a moderate (less than substantial harm) loss of significance to the Grade II listed Westgate former public house building, a small loss of significance from Cathedral Road Conservation Area and a minor negative impact upon the setting of the locally listed assets of No's 2, 4 and 6 Cathedral Road.
- 11.8 These matters have been considered as part of the planning balance, whereby it is not considered that they will outweigh the positive benefits of the scheme in terms of providing 81 units of affordable housing, the delivery of a net gain in commercial floorspace and biodiversity and the financial provision secured towards community facilities, public open space and active travel improvements.

12 CONCLUSION

- 12.1 The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises Future Wales: The National Plan 2040 and the Cardiff Local Development Plan (2011–2026)

adopted January 2016.

- 12.2 The application promotes the efficient use of land and makes a positive contribution to affordable housing supply. The proposed use, density, layout and appearance is considered to be of a high quality. The proposed scale adjacent to the Cardiff Seventh-Day Adventist Church is considered on balance to be acceptable. Finally, the building will have a moderate (less than substantial harm) loss of significance to the Grade II listed Westgate former public house building and will have a small loss of significance from Cathedral Road Conservation Area. These matters have been considered as part of the planning balance, whereby it is not considered that they will outweigh the positive benefits of the scheme in terms of providing 81 units of affordable housing, the delivery of a net gain in commercial floorspace and biodiversity and the financial provision secured towards community facilities, public open space and active travel improvements.
- 12.3 The development will significantly enhance biodiversity and will combat climate change by delivering landscape and SuDS proposals, including 15 new trees and incorporating biosolar green roofs, with power diverters to optimise solar energy use for heating and hot water. The zero car parking provision is policy compliant, and the site is also highly sustainable in transport terms with excellent access to the public transport network.
- 12.4 The proposals have been assessed against local and national policies and guidance. Therefore, there is no demonstrable or compelling reasons which indicate sufficient harm to warrant refusal of the application. It is therefore recommended that planning permission be granted, subject to the recommended conditions and relevant parties entering into a Section 106 Agreement. Accordingly, the proposed development is considered, on balance, to be in accordance with Policies.

13 LEGAL CONSIDERATIONS

- 13.1 *Crime and Disorder Act 1998*: Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.
- 13.2 *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.
- 13.3 *Wellbeing of Future Generations (Wales) Act 2016*: Section 3 of this Act

imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

- 13.4 *Statutory pre-application public consultation:* The statutory pre-application public consultation was carried out in accordance with legislation and is considered acceptable.

14. RECOMMENDATION

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 Section 10 of this report, planning permission be **GRANTED** subject to the conditions listed below.

RECOMMENDATION 2: That delegated authority is given to the Head of Planning &/or Operational Manager: Strategic Development & Placemaking, to make changes to the conditions and/or Heads of Terms of the required legal agreement, subject to consultation with the Chair of Planning, up to the point where the legal agreement is signed and planning permission issued.

CONDITIONS

1. The development shall begin no later than five years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

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

Schedule of Accommodation	2201-P-1000-F
Proposed Site Plan	2201-P-1002-H
Proposed Ground Floor Plan	2201-P-1003-L
Proposed First Floor Plan	2201-P-1004-I
Proposed Second Floor Plan	2201-P-1005-I
Proposed Third Floor Plan	2201-P-1006-I
Proposed Fourth Floor Plan	2201-P-1007-I

Proposed Fifth Floor Plan	2201-P-1008-I
Proposed Sixth Floor Plan	2201-P-1009-I
Proposed Roof Plan	2201-P-1010-I
Proposed Elevation – Cowbridge Road East	2201-P-2001-G
Proposed Elevation – Lower Cathedral Road	2201-P-2002-G
Proposed Elevation – Rawden Place	2201-P-2003-G
Proposed Elevation – Access Lane	2201-P-2004-G
Proposed Street Elevations 01	2201-P-2005-G
Proposed Street Elevations 02	2201-P-2006-G
Proposed Sections	2201-P-3001-G
Planting Plan	1999-URB-XX-DR-LA-XX-XX-001-F
Planting Schedule	1999-URB-XX-DR-LA-XX-XX-002-C
Landscape Masterplan	1999-URB-XX-DR-LA-XX-XX-003-G
Arboricultural Impact Assessment and Arboricultural Method Statement	23 rd February 2023
Arboricultural Impact Assessment	23 rd February 2023
Tree Protection Plan	23 rd February 2023
Engineering Layout	2270-100-G
Drainage Strategy	2270-5 th issue
Air Quality Assessment	J10/13514A/10
Noise Assessment for Planning	22-179 – January 2023
Tree Constraints Plan	May 2022
Tree Survey	May 2022
Bat Survey	September 2022

Reason: To ensure satisfactory completion of the development and for the avoidance of doubt in line with the aims of Planning Policy Wales to promote an efficient planning system.

Pre-Commencement Conditions:

3. *Construction Environmental Management Plan:* No development shall take place until such time as a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include as a minimum the following details (see

informative 9 for more details regarding ecological requirements):

- General Site Management: hours of work on site; hours for deliveries, loading and unloading; construction compounds, temporary facilities for construction / sales staff; site hoardings and means of enclosure to prevent unauthorised access;
- Access and Traffic Management: site access and manoeuvring; vehicle and cycle parking for site operatives and visitors, site deliveries, loading and unloading of plant and materials, wheel wash facilities, measures to ensure that pedestrian access past the site on public footpaths is safe and not obstructed during construction works or details of any safe temporary pedestrian routes; advisory access routes to the site;
- A construction Site Management and Access plan detailing construction compounds and storage, site hoardings and means of enclosure, site access, parking and materials storage;
- Control of Nuisances: identification of construction and demolition noise and vibration sources; details of restrictions to be applied during construction and demolition to minimise noise and vibration emissions, for example timing, duration and frequency of works; details of measures to minimise noise and vibration from piling activities, for example acoustic barriers;
- Details of dust, dirt and air quality management measures (including dust suppression measures and methods to monitor emissions of dust). This shall include the dust mitigation measures specified within the supporting Air Quality Assessment (prepared by Air Quality Consultants, dated September 2022);
- A specific Piling Methodology Statement highlighting the chosen methodology and mitigation and to limit such operations to agreed hours;
- Resource Management: details of materials (including oil, fuel, cementitious materials and chemicals) storage, containment, bunding and/or appropriate buffer zones; details of waste generation and its management/recycling/disposal;
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan;
- Construction Drainage Scheme, indicating how surface water and land drainage flows will be controlled to prevent contamination reaching Cardiff Bay, during the construction period, this will include preventing surface water/contamination entering drains, any filtering/trapping and de-watering devices;
- Methods of dealing with complaints;
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details;
- The location of a large notice board on the site that clearly identifies the name and contact details of the site manager;
- Soil management: Details of topsoil strip and storage. Amelioration for re-use;
- Environmental management: A CEMP biodiversity chapter to include; detail of biodiversity protection zones, relevant protection and mitigation for each ecological asset; including the River Taff SINC at the construction stage, the key Green/Blue Infrastructure locations and the areas subject to removal to

facilitate the development. The times, roles and responsibilities of an Ecological Clerk of Works who will log their activities daily;

- Relevant Toolbox talks;
- Control of nuisances.

The CEMP shall be implemented as approved during the site preparation, demolition and construction phases of the development.

Reason: To ensure necessary management measures are agreed prior to commencement of the development and implemented for the protection of the environment, biodiversity and amenity of the area and adjoining neighbours during construction, in accordance with Policies T1, T5, EN5, EN6, EN7, EN8 and EN13 of the adopted Cardiff Local Development Plan (2006-2026).

4. *Historic Building Recording and Written Scheme of Investigation*: No development shall take place until such time as a Written Scheme of Investigation for an appropriate programme of historic building recording and analysis has been submitted to and approved in writing by the Local Planning Authority. Once approved in writing, the recording, analysis and then deposition of the archive will be completed in accordance with the Written Scheme of Investigation.

Reason: To ensure that the impact of the cultural significance of the specified records are sufficiently mitigated, in accordance with Policy EN9 of the adopted Cardiff Local Development Plan (2006-2026).

5. *Energy Strategy*: No development shall commence until such time as an Energy Strategy has been submitted to and approved in writing by the Local Planning Authority. The Energy Strategy shall outline how the development will incorporate renewable and low carbon technology and reduce electric and heat consumption.

Thereafter, the development shall accord with the approved details or any modifications as may be approved through subsequent discharge of condition applications.

Reason: To promote energy efficient and sustainable development, in accordance with Future Wales, Planning Policy Wales and Policy EN12 of the adopted Cardiff Local Development Plan (2006-2026).

Action Conditions:

6. *Material Samples*: Notwithstanding the submitted details (condition 2), prior to their use on site samples of all external finishing materials (to include, where requested, construction of a sample panel on site) shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory finished appearance to the development, in accordance with Policy KP5 of the adopted City of Cardiff Local Development

Plan (2006-2026).

7. *Architectural Detailing*: Notwithstanding the submitted details (condition 2), prior to commencement of work on the external elevations, drawings showing the architectural detailing of the elevations and the depths of the reveals shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the agreed architectural details.

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).

8. *Cycle Parking*: Prior to commencement of any elevation construction work, details showing the provision of cycle parking spaces, and appropriate access to them, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the development being put into beneficial use. Thereafter the cycle parking spaces shall be maintained and shall not be used for any other purpose.

Reason: To ensure that adequate provision is made for the sheltered and secure parking of cycles, in accordance with Policy T5 of the adopted Cardiff Local Development Plan (2006-2026).

9. *Servicing Management Plan*: Prior to commencement of any elevation construction work, details of the delivery/servicing strategy as part of a Servicing Management Plan site shall be submitted to and approved in writing by the Local Planning Authority. This shall include information on frequency of deliveries and how delivery areas will be suitably controlled and not be used by residents, and the control and operation of the vehicle and pedestrian gates into the delivery area. Those agreed details shall remain in operation whilst the site is in beneficial occupation.

Reason: To ensure that deliveries are suitably controlled and managed, in accordance with Policies W1 and T5 of the adopted Cardiff Local Development Plan (2006-2026).

10. *Highway and Pedestrian Works*: Prior to commencement of any elevation construction work, details of the proposed highway and pedestrian works around the site's frontage shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of footway resurfacing, parking restrictions, adopted highway limits/demarcation (including any dedication to adopted highway), lighting, drainage, pedestrian and vehicle gates into the rear lane. Following approval of these details the highway authority shall be contacted in relation to the required highway agreement process. The approved details shall be implemented prior to beneficial occupation.

Reason: To ensure that the proposed development does not interfere with the safety of traffic or pedestrian accessibility in accordance with Policies T1 and T5 of the adopted Cardiff Local Development Plan (2006-2026).

11. *Data Shelf Life*: If site clearance in respect of the development hereby approved does not commence (or, having commenced, is suspended for more than 12 months) within 18 months from the date of the most recent survey, the approved ecological measures and those secured through other planning conditions and ecological reports, shall be reviewed and, where necessary, amended and updated, with careful consideration of new ecological receptors. 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 habitats and species, ii) identify any likely new ecological impacts that might arise from any changes and iii) and identify any changes to legislation, policy or best practice that may alter the conclusions of the assessment.

Where the survey results/desk study indicate that changes have occurred that will result in ecological impacts, having not been previously addressed in the approved scheme, the original approved ecological measures will be revised. 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. Works shall then be carried out in accordance with the new approved ecological measures and timetable.

Reason: To ensure that the assessment of the impacts of the development upon the species concerned, and any measures to mitigate those impacts, are informed by up-to-date information, in accordance with Policies KP16, EN4 and EN8 of the Cardiff Local Development Plan (2006-2026).

12. *Biodiversity Lighting Design Strategy*: Prior to occupation of the development, a Lighting Design Strategy for biodiversity considering bats and other nocturnal species, in accordance with the Institute of Lighting Professionals Guidance Note 08/18 shall be submitted to and approved in writing by the Local Planning Authority (see informative no. 10).

All external lighting shall be installed in accordance with the specifications and locations set out via the above, and these shall be maintained thereafter. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: To manage the impact of the development upon the potential for protected species, in accordance with Policies KP16, EN6 and EN7 of the adopted Cardiff Local Development Plan (2006-2026).

13. *Hard and Soft Landscaping*: Prior to commencement of any elevation construction work, full details of soft landscaping shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- A soft landscaping implementation programme;
- Methods for the creation of:
 - Biosolar green roofs
 - SUDs/rain gardens

- Tree planting
- Hedgerow/shrubs
- Scaled tree pit section drawings including for planters;
- Topsoil and subsoil specification for all planting types. Full details shall be provided including the parameters for all imported planting soils to demonstrate they are suitable for the specific landscape type(s) proposed. Parameters shall include profile depths, textural range, nutrient status, pH on placement, drainage performance and other factors relevant to their functionality in supporting the landscape type. 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 Local Planning Authority to confirm compliance with the approved plans and specifications;
- Proposed finished levels, hard surfacing materials including and any hard landscaping features;

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 maintain and improve the amenity and environmental value of the area, and to monitor compliance, in accordance with Policies EN8 and KP5 of the adopted Cardiff Local Development Plan (2006-2026).

14. *Net Benefits to Biodiversity*: Prior to occupation of the development, the following ecological enhancements covering green infrastructure to individual ecological receptors, shall be installed at the development:

- Site ecological enhancements (see informative 11) including the enhancements specified in Section 10.0 of Bat Survey: 51-65 Cowbridge Road East and 2-8 Lower Cathedral Road, Riverside, Cardiff, CF11 9AE, Ecological Services Ltd, dated September 2022, Version 2.0”, with 2 x as many swift boxes;
- Two solitary bee boxes.

A drawing indicating their location and photographic evidence they have been installed, both close up and at a distance (to indicate their location generally on the site), shall be submitted to and agreed in writing by the Local Planning Authority no later than one month after the buildings first beneficial use.

Reason: To comply with the Environment (Wales) Act 2016, to “maintain and enhancement biodiversity” and “promote the resilience of ecosystems”, the Section 6 duty. Future Wales – The National Plan 2040 - Policy 9, Planning Policy Wales Section 6.2 and 6.4 and policies KP16, and EN4 to EN8 of the Cardiff Local Development Plan 2006-2026 and those elements discussed in “Cardiff Green Infrastructure SPG Ecology and Biodiversity Technical Guidance Note, 2017.

15. *Contaminated Land Measures – Unforeseen Contamination*: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place unless otherwise agreed in writing until a scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the 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 adopted Cardiff Local Development Plan (2006-2026).

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

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

Reason: To ensure that the safety of future occupiers is not prejudiced, in accordance with Policy EN13 of the adopted Cardiff Local Development Plan (2006-2026).

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

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

(2006-2026).

18. *Pre-occupation Validation Noise Survey*: Prior to the occupation of the residential units, a pre-occupation validation noise survey shall be conducted in order to demonstrate that the noise mitigation measures detailed in the Noise Assessment for Planning (prepared by In Acoustic, dated 20/01/2023) are effectual in reducing external noise to agreed acceptable levels. The Survey, with a validated certificate of compliance by an approved acoustic assessor shall be submitted to the Local Planning Authority to demonstrate this has been achieved. Specifically: BS8233:2014:

- 35dB LAeq, 16hour;
- 30dB LAeq, 8hour;
- 45dB LAFmax not to be exceeded more than 10-15 times per night
- Details of the Mechanical Ventilation with Heat Recovery system.

The development shall not be beneficially occupied until such time as the formal written approval of the validation has been issued by the Local Planning Authority.

Reason: To ensure that the amenities of future occupants of the development are protected from environmental noise, in accordance with Policy EN13 of the adopted Cardiff Local Development Plan (2006-2026).

19. *Plant Noise*: Prior to occupation of the development of any commercial unit, a noise assessment shall be carried out and submitted to the Local Planning Authority to ensure that any noise emitted from any fixed plant and equipment on the site achieves a rating noise level of background -5dB at the nearest noise sensitive premises when measured and corrected in accordance with BS 4142: 2014 (or any British Standard amending or superseding that standard). Within two weeks of receipt of a written request from the LPA in response to a valid noise complaint, the operator/management company shall submit a report by a suitability qualified acoustician investigating the complaint to ensure compliance with this condition, and thereafter implement any necessary recommendations to ensure accordance with the approval.

Reason: To protect the amenity of future occupiers, in accordance with Policies EN13 and KP5 of the adopted Cardiff Local Development Plan (2006-2026).

20. *Fume Extraction*: If at any time the use of the ground floor commercial units 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 have been submitted to and approved in writing by the Local Planning Authority, and the equipment installed in accordance with the agreed scheme, prior to the commencement of use for the cooking of food. The equipment shall thereafter be maintained in accordance with the manufacturers' guidelines, such guidelines having previously been agreed by the Local Planning Authority.

Reason: To ensure that the amenities of existing and future occupiers are protected, in accordance with Policies EN13 and KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).

21. *Sound Insulation:* A scheme of sound insulation works to the floor/ceiling structure between the ground floor commercial units and the accommodation above, to include supporting evidence/comments from an acoustic consultant, or suitably qualified engineer to state that the proposed insulation will be sufficient for the attended use of the property, with reference made to appropriate standards e.g. BS8233 or Approved Document E. This shall be submitted to and agreed by the Local Planning Authority in writing and implemented prior to occupation.

Reason: To ensure that noise generated from the use of the ground floor commercial businesses does not cause a nuisance to the above domestic dwellings via sound transfer, in accordance with Policies EN13 and KP5 of the adopted Cardiff Local Development Plan (2006-2026).

22. *Residential Management Scheme:* Prior to occupation of the residential units, a Residential Management Scheme shall be submitted to, and approved in writing by the Local Planning Authority. This will include all aspects associated with the management of the occupiers, a method of dealing with complaints, and appropriate controls put in place to react and respond to any issues that may arise. This shall also include the management of the communal amenity terrace.

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 Cardiff Local Development Plan (2006-2026).

Regulatory Conditions:

23. *Landscape and Biodiversity Retention:* Any trees, plants, hedgerows, or green roofs 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 12 unless the Local Planning Authority gives written consent to any variation in re-discharge of that condition.

Reason: In the interests of the visual amenity of the area, enhancing biodiversity and mitigating the effects of climate change in accordance with Policy KP5, KP15 and KP16 of the adopted Cardiff Local Development Plan (2006-2026).

24. *Servicing Hours for Commercial Units:* There shall be no arrival, departure, loading or unloading of Heavy and Light Good Vehicles outside of the hours of

08:00 and 18:00 from Monday to Friday and 08:00 and 13:00 on Saturdays and no deliveries on Sundays or public holidays.

Reason: To protect the amenity of future occupiers, in accordance with Policies EN13 and KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).

25. *Operation Hours for Commercial Units*: No member of the public shall be admitted to or allowed to remain on the premises outside the hours of 08:00 and 20:00 from Monday to Sunday.

Reason: To ensure that the amenities of existing and future occupiers are protected, in accordance with Policies EN13 and KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).

26. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 or the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any orders revoking and re-enacting those orders with or without modification), any premises which seeks an A1 use (shop) 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 ensure that the amenities of existing and future occupiers are protected and 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 Policies KP5 and R6 of the Cardiff Local Development Plan (2006-2026).

27. The largest commercial unit fronting Cowbridge Road East as shown on approved drawing no. 2201-P-1003-J shall be sub-divided into no less than two units, with a maximum floorspace of 250sqm. A proposed plan demonstrating the sub-division shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation and thereafter the units shall be retained in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the amenities of existing and future occupiers are protected and ensure that the proposed development does not interfere with the safety of traffic or pedestrian accessibility, in accordance with Policies KP5, T1 and T5 of the adopted Cardiff Local Development Plan (2006-2026).

28. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 or the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any orders revoking and re-enacting those orders with or without modification), any premises which

seeks an A3 use shall only be used as a restaurant, café or coffee shop only, with no hot food takeaway sales and for no other purpose.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected and ensure that the proposed development does not interfere with the safety of traffic or pedestrian accessibility, in accordance with Policies KP5, T1 and T5 of the adopted Cardiff Local Development Plan (2006-2026).

29. The roofs of the proposed development (excluding the communal amenity terrace) shall not be used as an external amenity space or for any other purposes other than for maintaining the building and the biosolar green roofs.

Reason: To ensure that the amenities of existing and future occupiers are protected, in accordance with Policies EN13 and KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).

Informative 1: In accordance with Planning Policy Wales (Edition 11) and Technical Advice Note 12 (Design), the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption. We would recommend that the applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency requirements.

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.

Informative 2: The applicant is advised to liaise with South Wales Police and contact Mike Harvey (Michael.Harvey2@south-wales.pnn.police.uk).

Informative 3: The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA),

ClfA regulations, standards and guidance | Chartered Institute for Archaeologists and it is recommended that it is carried out either by a ClfA Registered Organisation or a MClfA level accredited Member Looking for an archaeologist? | Chartered Institute for Archaeologist.

Informative 4: The developer should also consider the need for the provision of: -

- a. adequate water supplies on the site for firefighting purposes; and
- b. access for emergency firefighting appliances.

Informative 5: The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for (i) determining the extent and effects of such constraints; (ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site;

- Unprocessed / unsorted demolition wastes.
- Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.

Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and

(iii) the safe development and secure occupancy of the site rests with the developer.

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

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

Informative 6: 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 demolition / 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.

No noisy work which has the potential to disturb local residents is permitted outside the above mentioned hours, unless there is a health and safety risk, or

an necessity to carry out such works on this day. If at a later stage the applicant requires works to be undertaken outside of the permitted hours they must submit an section 61 and this must be approved by the Pollution Control Department.

It is advised that the applicant familiarise themselves with the Pollution Control construction site handbook which can be found via the following link; <https://www.srs.wales/Documents/Pollution/SRS-PollutionControlHandbook-ConstructionA4-E.pdf>

Informative 7: Any works to the existing adopted public highway are to be subject to agreement under S278 of the Highways Act 1980 between the developer and Council. All works to be completed in accordance with the approved plans and to the satisfaction of the Council.

Informative 8: 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.

Informative 9: Construction Environmental Management Plan - In the view of Cardiff Council, the Construction Environmental Management Plan should be structured to contain the following:

- i. The detailed construction programme;
- ii. Construction management: The detailed construction programme. Working hours.
- iii. Roles and responsibilities: Responsible persons including a blank table for relevant details i.e. contact numbers, lines of communication and emergency contact details. The monitoring/review procedure and ultimate responsibility for the CEMP in light of any changes to construction or incidental finds - biological or non-biological. Review timeframes.
- iv. Emergency procedures: Emergency procedures in light of an incident or accident at the site. Emergency spill procedures and incident response plan that will be followed in light of any spill at the site. This will include having the relevant materials to stop/contain a spill.

- v. General Site Management: Hoarding to make the site secure. Details on the expected plant to be used. A scheme for the recycling and disposal of waste generated. Storage of plant and materials (including chemicals and fuels).
- vi. Site contamination: How known contamination at the site will be managed. How unsuspected contamination should that occur will be managed.
- vii. Pollution prevention. Demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, covering, GPP1, GPP5, GPP8, and GPP21. Also considering the aspects within PPG6 (currently withdrawn). This will be through the consideration of:
 - a. Details of harmful materials that will be used/stored at the site ~approximate quantities.
 - b. Storage of plant and materials (including chemicals and fuels) – including unloading, containment, bunding and/or appropriate buffer zones, including from any drain.
 - c. How drainage will be controlled via filtering/trapping and de-watering devices to prevent release of soil from the site, wastewater and contaminants, including wheel washing facilities, during construction to the storm water system. Control at source is required.
 - d. Measures to monitor mobilisation of contaminants (water)
 - e. How known or unsuspected contamination will be managed to prevent pollution of the environment.
- viii. Control of nuisances.
- ix. Soil management: Details of topsoil strip and storage. Amelioration for re-use.
- x. Traffic management. Agreed access/egress. Wheel washing facilities.
- xi. Environmental management: A CEMP Biodiversity chapter will be included, this will detail:
 - a. Identification of “biodiversity protection zones” and the means to prevent impacts i.e. protection, modification etc;
 - b. Reference to supporting documentation i.e. the SAB Design, Lighting Design Strategy (for biodiversity), tree protection details in relation to BS5837:2012, that indicate mitigation/works during construction activities, that run in parallel with construction and are covered separately.
 - c. Relevant protection and mitigation that has determined to be required to be implemented to protect The River Taff SINC site, it may be appropriate to refer back to other section of the CEMP.
 - d. Measures for the protection/initial management of Green Infrastructure/biodiversity assets during construction:
 - i. Trees.
 - ii. Bats.
 - iii. Birds.

This will include an introduction to each feature and the proposed protection/initial management prescription at construction.

- e. The procedure for incidental finds. Bearing it in mind that works would require a licence if a European Protected Species be identified.
 - f. The times during construction when ecologists and/or Ecological Clerk of Works may need to be present on site to oversee works.
 - g. The role and responsibilities of an on-site Ecological Clerk of Works or similarly specialist ecologists. It is expected (if required) that the Ecological Clerk of Works will log their daily activities at the site, suggested in an excel format. This will cover all key ecological activities undertaken i.e. briefings, post construction surveys, habitat watching briefs and specific species/species group watching briefs and the general outcome. This will be provided to the Local Planning Authority no later than one month after the first beneficial use of the building; and
- xii. Relevant Toolbox talks on all matters arising.
 - xiii. CEMP Masterplan detailing in broad terms: Green/Blue Infrastructure to retained and or modified (and in what way).

Informative 10: Lighting Design Strategy - In the view of Cardiff Council the lighting design strategy should:

- Show how and where external lighting will be installed across the site, demonstrating that the lighting/ light spill is unlikely to disturb or prevent bats or other nocturnal species using the site or impact upon their normal behaviours, highlighting any mitigation required to achieve this. There should be no light spill on green/blue corridors in particular and areas of known sensitivity. Appropriate lighting contour plans (0.5, 1, 3 and 5lux lines) and technical specifications will be supplied in accordance with the British Standard, where local authority adoption is required.
- All lighting should consider amongst other aspects; being at or below 2700K and therefore a wavelength above 550nm, lighting direction, hooding, using minimum height and passive infrared on timers/or radar, determining the times that lighting will be on/off etc.

Liaison between your chosen ecological consultant and the lighting engineer is advised.

Informative 11: The ecological enhancements will include an introduction to each feature, the planting and/or implementation methodology, year 1 post-planting aftercare as prepared by a qualified landscape architect with ecological input as required. This will include how the landscape architect (or other relevant professional) will oversee landscaping implementation and report to the LPA to confirm compliance with the approved plans and specifications and the initial implementation during construction.

- a. Introduction to the site and the development to be implemented;
- b. Baseline- description and evaluation of features to be managed (initially implemented by the CEMP), this shall also include all more formal landscape elements, to maximise their value to wildlife. This shall include as a minimum:
 - Biosolar roofs
 - SUDs/rain gardens.
 - Trees.
 - Hedgerow/shrubs.
 - Site enhancements.
- c. Ecological constraints on site that might influence management or require separate management, as a minimum including;
 - Bats.
 - Birds.
- d. Overall aim/s and objectives of management for points B and C above and what condition shall be achieved for B.
- e. Appropriate management prescriptions for achieving aim/s and objectives as per point D. This should be broken in to the first 5 years (short term) and up to 10 years (long term) management.
- f. Preparation of a work schedule with timings (including an annual work plan capable of being rolled forward over a five-year period, but looking up to 10 years).
- g. Details of the body or organization responsible for implementing the plan, including any updates required.
- h. The legal or funding mechanisms for implementation and long-term management.
- i. The monitoring requirements to determine the implementation of the landscaping, years 1, 3 and 5 and every 5 years thereafter will be appropriate, this will follow the aims and objectives to determine if they have been achieved. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the GILEMP are not being met) how contingencies and/or remedial action will be identified, agreed with the Local Planning Authority and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.
- j. Appropriate drawing indicating habitats, areas of the site for specific species and the enhancements to be managed
- k. The two solitary bee boxes can be delivered by drilling large blocks of timber (such a tree rounds) with a range of holes from 2-8mm in diameter at least 150mm deep and then mounted to the structure near the biosolar roof.

Any new planting which within a period of 5 years from the completion of the development dies, is removed, becomes 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 9, unless the Local Planning Authority gives written consent to any variation.

The information contained should be interpretable by a management company/team employed to manage the site post development and landscaping implementation. This must cover up to 10 years post development.

Informative 12: Bats - Should bats be identified in a building, a European protected species (EPS) licence would be required for this development. This development approval does not provide consent to undertake works that require an EPS licence. It is an offence to deliberately capture, kill or disturb EPS or to damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine. To undertake the works within the law, you would first need to obtain an EPS licence from Natural Resources Wales (NRW), and no work can be undertaken until this is received. You can obtain further information on the need for a licence and how to apply from NRW on 0300 065 3000 or at <https://naturalresources.wales/permits-andpermissions/species-licensing/when-you-need-to-apply-for-a-protected-species-licence/?lang=en>. You will need the services from an NRW bat licenced ecologist to produce the licence and subsequently supervise the works. The licence holder is usually the developer, who will hold legal responsibility for undertaking the works as agreed in documents with NRW.

Informative 13: Birds - Should birds be found nesting on the roof of this building or in the internal structure where works are required that could cause direct harm or disturbance, all work must cease until the nesting attempt is complete. All birds are protected under Section 1, Paragraph 1 of the Wildlife and Countryside Act 1981 (as amended). This makes it an offence amongst other things to intentionally kill a wild bird, destroy a nest (including when being built) or the eggs of a wild bird. Therefore, if works to the roof/building are required during March to September inclusive, you must be sure that works will not impact upon nesting birds, otherwise a survey/or watching brief should be undertaken by a suitably experienced ecologist prior to the works.