

COMMITTEE DATE: 22/07/2020

APPLICATION No. **19/01930/MJR** APPLICATION DATE: 11/07/2019

ED: **BUTETOWN**

APP: TYPE: Full Planning Permission

APPLICANT: Urban Centric (Cardiff) Ltd

LOCATION: CRAWSHAY COURT, 6 CURRAN ROAD, BUTETOWN,  
CARDIFF, CF10 5TG

PROPOSAL: 188 UNIT APARTMENT BUILDING WITH ANCILLARY AREAS,  
PARKING, PUBLIC OPEN SPACE, A1/A3 UNIT(S) AND A  
RESIDENTS ROOF TERRACE

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**RECOMMENDATION 1:** That, subject to relevant parties entering into a binding legal agreement with the Council under the provisions of **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 9 of this report, planning permission be **GRANTED** subject to the following conditions:

1. STATUTORY TIME LIMIT

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

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

2. APPROVED PLANS AND DOCUMENTS

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

- (i) SP495-P00 – Existing Site Plan;
- (ii) SP495-P01 Rev F – Proposed Site Plan;
- (iii) SP495-P02 – Proposed Basement Plan;
- (iv) SP495-P03 Rev D – Proposed Ground and First Floor Plans;
- (v) SP495-P04 Rev B – Proposed 2<sup>nd</sup>-13<sup>th</sup> & 14<sup>th</sup>-19<sup>th</sup> Floor Plans;
- (vi) SP495-P05 Rev B – Proposed 20<sup>th</sup>-25<sup>th</sup> & 26<sup>th</sup>-27<sup>th</sup> Floor Plans;
- (vii) SP495-P06 Rev B – Proposed Roof Plan;
- (viii) SP495-P09 Rev B – Proposed Elevation to Curran Road;
- (ix) SP495-P10 Rev C – Proposed Elevation to City Centre;
- (x) SP495-P11 Rev B – Proposed Elevation to Brickworks;
- (xi) SP495-P12 Rev B – Proposed Elevation to Cardiff Bay;
- (xii) SP495-P13 Rev B – Proposed Elevation to Callaghan Square;
- (xiii) SP495-P14 – External Façade Study – Typical Bay;
- (xiv) SP495-P15 – External Façade Study – Cladding;
- (xv) SP495-P100 – Site Location Plan
- (xvi) SP495-P101 – Demolitions Plan
- (xvii) SP495 – Sun Path Analysis\_1 9am March and June;
- (xviii) SP495 – Sun Path Analysis\_2 9am September and December;
- (xix) SP495 – Sun Path Analysis\_3 12pm March and June;

- (xx) SP495 – Sun Path Analysis\_4 12pm September and December;
  - (xxi) SP495 – Sun Path Analysis\_5 3pm March and June;
  - (xxii) SP495 – Sun Path Analysis\_6 3pm September and December;
  - (xxiii) SP495 – Sun Path Analysis\_7 10:30am April and October.
  - (xxiv) Bat Survey, Celtic Ecology (July 2017);
  - (xxv) Transport Statement, Vectos, (September 2019).
- Reason: For the avoidance of doubt

### 3. CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

No development shall commence, including any works of demolition, until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The approved CMP shall be adhered to throughout the construction period. The CMP shall provide for:

- (i) The parking of vehicles of site operatives and visitors;
- (ii) Loading and unloading of plant and materials;
- (iii) Storage of plant and materials used on constructing the development;
- (iv) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (v) Details of highways/footway closures;
- (vi) Wheel washing facilities;
- (vii) Measures to control the emission of dust and dirt during demolition and construction; and
- (viii) A scheme for the recycling/disposing of waste resulting from demolition and construction works.

Reason: In the interests of highway safety and public amenity.

### 4. MAINTENANCE OF PARKING WITHIN SITE

The proposed car parking and manoeuvring areas shall be laid out in accordance with the details shown on the 'Proposed Site Plan' (drawing no. SP495-P01 Rev F) before the development is brought into beneficial use and shall be thereafter maintained and retained at all times for those purposes in association with the development. Reason: To make satisfactory provision for the parking of vehicles clear of the roads so as not to prejudice the safety, convenience and free flow of traffic.

### 5. CYCLE PARKING

The resident parking for 200 no. cycles hereby approved shall be provided prior to the beneficial occupation of any apartment and shall be retained in perpetuity. Details of the 7 no. "Sheffield" stands for visitor cycle parking shown on the 'Proposed Site Plan' (drawing no. SP495-P01 Rev F) shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The development shall be carried out in accordance with the approved details and no part of the building shall be occupied until the cycle parking serving the relevant part of it has been constructed.

Reason: To ensure that adequate provision is made for the secure parking of cycles.

## 6. HIGHWAY PHOTOGRAPHIC SURVEY

No development shall take place until a photographic survey of the adopted highway adjacent to the site has been submitted to and approved in writing by the Local Planning Authority nor shall any development take place until a scheme of public realm reinstatement works to this highway has also been submitted to and approved in writing by the Local Planning Authority. The scheme shall include but not be limited to the reinstatement/resurfacing as required of the carriageway and footway abutting the site to include surfacing, kerbs, edging, drainage, lighting, lining, signing and street furniture required as a consequence of the scheme. Any reinstatement works deemed necessary by the Local Planning Authority shall be completed prior to the occupation of any part of the development.

Reason: To reinstate the footway/highway and provide an improved pedestrian environment to facilitate safe commodious access to the proposed development in accordance with Policy T6 of the adopted Local Development Plan (2006-2026).

## 7. TRAVEL PLAN

No part of the development hereby permitted shall be occupied until a residential travel plan promoting walking, cycling, public transport and other alternatives to the ownership and use of the private car; to include details of the Travel Planning representative, incentivising the uptake of sustainable transport options and annual monitoring for a period of up to five years of the effectiveness of the plan, has been submitted to and approved by the Local Planning Authority.

Reason: In the interest of highway safety and sustainability, and to manage the transportation impact of the development on the use of the highway.

## 8. FOUL DRAINAGE SCHEME

No development shall commence until a foul drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water shall be allowed to connect directly or indirectly with the public sewerage system.

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

## 9. SURFACE WATER DRAINAGE CONNECTION

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network unless a connection has been otherwise approved by Cardiff Council as a SuDS Approval Body (SAB) under the SAB application process.

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

10. SAMPLES OF EXTERNAL FINISHES

Prior to their installation the external finishing materials, including those shown on the 'External Façade Studies' (drawing nos. SP495-P14 and P15) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and completed in accordance with the approved details.

Reason: To ensure a high quality finished appearance to the development.

11. SLIDING GATE DETAILS

Prior to its installation, details of the sliding gate to the car park shown on the 'Proposed Site Plan' (drawing no. SP495-P01 Rev F) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and completed in accordance with the approved details.

Reason: To ensure a high quality finished appearance to the development.

12. USE CLASSES (COMMERICAL USE)

The commercial premises hereby approved shall be used only for purposes within Class A1 or A3 of the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument amending, revoking or re-enacting that Order) and for no other purpose whatsoever. Any A3 use shall be restricted to coffee shop/café/restaurant type uses where the primary function is the sale and consumption of food within the premises, and for no other A3 Use (including as a bar or other vertical drinking establishment).

Reason: To ensure the amenity of future residents and occupiers of other premises in the vicinity are protected.

13. REFUSE STORAGE FACILTIES

Prior to their construction details of the facilities for the storage of refuse including the bulky refuse storage shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall have regard to the residential refuse storage facilities shown on the 'Proposed Site Plan' (drawing no. SP495-P01 Rev F). The approved facilities shall be provided before the development is brought into beneficial use and shall be thereafter retained for future use.

Reason: To secure an orderly form of development and to protect the amenities of the area.

14. HOURS OF OPERATION

No member of the public shall be admitted to or allowed to remain on the commercial premises hereby approved outside the hours of 08:00 to 23:30 on any day.

Reason: To protect the amenities of future residential occupiers and other occupiers in the vicinity of the site.

15. DELIVERY HOURS

There shall be no loading or unloading of delivery vehicles between the

hours of 22:00 and 07:00 hours.

Reason: To ensure that the amenities of neighbours and future occupiers are protected.

#### 16. NOISE MITIGATION

No development other than demolition and remediation works shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that all habitable rooms exposed to mixed sources (external road traffic, rail traffic and plant noise) in excess of 63 dBA Leq 16 hour (free field) during the day (07.00 to 23.00 hours) or 57 dBA Leq 8 hour (free field) at night (23.00 to 07.00 hours) shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 35 dBA Leq 16 hour during the day and 30 dBA Leq 8 hour at night. The approved scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with acoustically treated active ventilation units. Each ventilation unit (with air filter in position), by itself or with an integral air supply duct and cowl (or grille), shall be capable of giving variable ventilation rates ranging from –

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

No apartment shall be occupied until the approved scheme has been implemented for that apartment.

Reason: To ensure that the amenities of future occupiers are protected.

#### 17. EXTERNAL LIGHTING SCHEME

Prior to commencement of development a scheme shall be submitted to and approved in writing by the Local Planning Authority providing details of external lighting, including the intensity of illumination and predicted lighting contours on the site and boundary. The approved scheme shall be implemented prior to beneficial use and be permanently maintained.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.

#### 18. PLANT NOISE

The noise emitted from fixed plant and equipment on the site shall achieve a rating noise level of background -10dB 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).

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected, in accordance with policy 2.24 of the deposit Unitary Development Plan.

#### 19. SOUND INSULATION WORKS

No above ground superstructure works shall take place until a scheme of sound insulation works to the floor/ceiling and party wall structures between the commercial unit and residential accommodation have been submitted to and approved in writing by the Local Planning Authority. The approved

scheme shall be implemented prior to occupation.

Reason: To ensure that the amenities of future occupiers are protected.

## 20. FUME EXTRACTION FOR COMMERCIAL USE

If at any time the use of the commercial premises are 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 deodorising filter. Details of the above equipment shall be submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed prior to the commencement of use for the cooking of food and shall thereafter be maintained in accordance with the manufacturers' guidelines, such guidelines having previously been agreed by the Local Planning Authority in writing.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected site in accordance with Policy R4 of the adopted Cardiff Local Development Plan (2006-2026).

## 21. NO TAKEAWAY SALES

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any Order amending or revoking and re-enacting that Order) no sale of hot food for consumption off the premises shall take place from the premises.

Reason: To ensure that the use of the premises does not prejudice the amenities of the area.

## 22. DETAILS OF LANDSCAPING SCHEME

No above ground superstructure works shall take place until full details of hard and soft landscaping, including the raised planters, have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall be prepared by a qualified landscape architect and shall include:

- A landscaping implementation programme.
- Scaled planting plans
- Proposed finished levels.
- Earthworks.
- Hard surfacing materials.
- Existing and proposed services and drainage above and below ground level.

Planting plans shall be supplemented by:

- Schedules of plant species, sizes, numbers or densities
- Scaled, site specific, tree pit and planter sectional and plan drawings
- Topsoil and subsoil specification (including structural soil media) for all planting types, including soil type parameters, certification in accordance with British Standards, interpretive reports by a soil scientist demonstrating fitness for purpose and a methodology for handling, amelioration and placement.
- Planting methodology and post-planting aftercare methodology

The landscaping shall be carried out in accordance with the approved design and implementation programme.

Reason: To enable the Local Planning Authority to determine that the

proposals will maintain and improve the amenity and environmental value of the area, and to monitor compliance.

#### 23. LANDSCAPING IMPLEMENTATION

Any trees, plants, or hedgerows which within a period of five years from the completion of the development die, are removed, become seriously damaged or diseased, or become (in the opinion of the Local Planning Authority) otherwise defective, shall be replaced in the current planting season or the first two months of the next planting season, whichever is the sooner, unless the Local Planning Authority gives written consent to any variation.

Reason: To maintain and improve the amenity of the area.

#### 24. FINISHED FLOOR LEVELS

No development other than demolition and remediation works shall take place until details of existing ground levels and proposed finished ground and floor levels have been submitted to and approved in writing by the Local Planning Authority. The finished floor levels of the development shall be a minimum of 7.9 metres AOD. The development shall be carried out in accordance with the approved details.

Reason: These details are not included with the application and are required to ensure an orderly form of development and to satisfactorily safeguard against flood risk.

#### 25. GAS PROTECTION MEASURES

No development shall take place until a scheme to investigate and monitor the site for the presence of gases\* being generated at the site or land adjoining thereto, including a plan of the area to be monitored, has been submitted to the Local Planning Authority for written approval.

Following completion of the approved monitoring scheme, the proposed details of appropriate gas protection measures to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site shall be submitted to and approved in writing by the Local Planning Authority. If no protection measures are required then no further actions will be required. All required gas protection measures shall be installed and appropriately verified before occupation of any part of the development which has been permitted and the approved protection measures shall be retained and maintained until such time as the Local Planning Authority agrees in writing that the measures are no longer required.

\* 'Gases' include landfill gases, vapours from contaminated land sites, and naturally occurring methane and carbon dioxide, but does not include radon gas. Gas Monitoring programmes should be designed in line with current best practice as detailed in CIRIA 665 and or BS8485 year 2007 Code of Practice for the Characterization and Remediation from Ground Gas in Affected Developments.

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

## 26. CONTAMINATED LAND MEASURES – ASSESSMENT

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

- (i) a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages;
- (ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;
- (iii) an assessment of the potential risks to:
  - human health
  - groundwaters and surface waters
  - adjoining land
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - ecological systems
  - archaeological sites and ancient monuments; and
  - any other receptors identified at (i)
- (iv) an appraisal of remedial options, and justification for the preferred remedial option(s).

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document ' Land Contamination: A guide for Developers' (2012), unless the Local Planning Authority agrees to any variation.

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

Reason: To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment in accordance with policy EN13 of the Cardiff Local Development Plan.

## 27. CONTAMINATED LAND MEASURES - REMEDIATION & VERIFICATION PLAN

No development shall take place until a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment has



been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

All work and submissions carried out for the purposes of this condition shall be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document 'Land Contamination: A guide for Developers' (July 2012), unless the Local Planning Authority agrees to any variation writing.

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

28. CONTAMINATED LAND MEASURES REMEDIATION AND VERIFICATION

The remediation scheme approved by Condition 27 shall be fully undertaken in accordance with its terms prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

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

All work and submissions carried out for the purposes of this condition shall be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document 'Land Contamination: A guide for Developers' (July 2012), unless the Local Planning Authority agrees to any variation in writing.

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

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

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

### 30. IMPORTED AGGREGATES

Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes. Subject to approval of the above, sampling of the material received at the development site to verify that the imported material is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

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

### 31. 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.

### 32. WIND TUNNEL ASSESSMENT

No development shall take place until a wind tunnel assessment has been submitted to and approved in writing by the Local Planning Authority. The submitted assessment shall include measures, where necessary, to mitigate the effects of wind. The development shall be carried out and completed in accordance with the recommendations of the approved assessment.

Reason: In the interests of pedestrian safety.

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

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

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

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

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

**RECOMMENDATION 4:** Prior to the commencement of development, the developer shall notify the Local Planning Authority of the commencement of development, and shall display a site notice and plan on, or near the site, in accordance with the requirements of Article 12 of the Town & Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016

**RECOMMENDATION 5:** Bats often roost in houses and other buildings, and work on these buildings may disturb a bat roost. All bats and their roosts are protected against disturbance under UK and European legislation. If works are planned on a building in which bats are roosting, Natural Resources Wales (NRW) must be contacted for advice.

If work has already commenced and bats are found, or if any evidence that bats are using the site as a roost is found, work should cease and NRW should be

contacted immediately.

Where there is a likelihood that bats are present, or where bats are found to be present, a suitably qualified and experienced ecological consultant should be contracted to provide an assessment of the impact of the proposed works, and undertake bat surveys if necessary.

Where bats or their roosts are present, no works of site clearance, demolition or construction should take place unless a licence to disturb these species and/or their roosts has been granted in accordance with the relevant legislation. Otherwise, a prosecution may result in a fine and/or imprisonment.

NRW can be contacted at:-

Natural Resources Wales, Tŷ Cambria, 29 Newport Road, Cardiff CF24 0TP, 0300 065 3000

Bat Conservation Trust can be contacted at:-

5th Floor, Quadrant House, 250 Kennington Lane, London, SE11 5DR, 0845 1300228

**RECOMMENDATION 6:** That the applicant be advised that the condition regarding works to the adopted highway on Curran Road (Condition 6) and any other works to existing or proposed adopted public highway will be subject to agreement(s) under Section 278 and/or Section 38 of the Highways Act 1980 between the developer and Council.

**RECOMMENDATION 7:** That the Applicant / Developer be advised of South Wales Police's recommended design and layout principles for designing out crime, set out in their letter of 22 August 2019, forwarded to the Agents acting on behalf of the Applicant.

**RECOMMENDATION 8:** That the Applicant / Developer be advised of DCWW's advice regarding connections to the public sewer, set out in their letter of 12 August 2019, forwarded to the Agents acting on behalf of the Applicant.

## 1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 Full planning permission is sought for the demolition of the existing two-storey buildings and the construction of a 27 storey apartment building (188 no. units comprising 120 1 bed, 66 no. 2 bed, and 2 no. 3 bed totalling 258 no. bedrooms) with ancillary areas, vehicle and cycle parking, a ground/first floor A1/A3 unit, residents' gym, and two resident's roof gardens at Crawshay Court, Curran Road, Butetown.
- 1.2 The ground floor of the building would accommodate a double-height A1/A3 commercial unit which would be located at the north-eastern corner of the building. The commercial unit would have a floorspace of approximately 122 square metres at both ground and first floors, totalling 244 square metres overall.
- 1.3 The proposed building comprises 27 storeys, with a maximum height of approximately 84 metres. A 13 storey 'shoulder' element attached to the south elevation will accommodate a 14<sup>th</sup> floor roof garden for residents' use which would be approximately 42 metres in height. A second roof garden would be created on the 26<sup>th</sup> floor.

- 1.4 The building would retain privacy distances of approximately 26 metres to St. Patrick's House to the northwest, approximately 19 metres to Brickworks, to the southwest, and approximately 11 metres to St. Williams House to the east.
- 1.5 In respect of finishes, a dark aluminium curtain walling 'framed grid' with aluminium infill panels together with aluminium curtain walling with slim cappings with clear double glazing would be used. Coloured metal cladding cassettes with 'corten' type appearance, horizontal aluminium louvres, opaque glass panels, brickworks, grey curtain walling with clear glass and galvanised steel frame with inset glass panels would be used.
- 1.6 The site is accessed via Curran Road. 8 no. car parking spaces (including 1 no. disabled space) and 100 no. cycle parking spaces are proposed. Refuse storage facilities are proposed which would be accessed from the southeast elevation with a separate storage areas for bulky and commercial waste adjacent to vehicle access.
- 1.7 A pre-application report has been submitted with the application, together with a Bat Survey, a desk-top Wind Assessment, a Sun-Path Analysis, a Transport Statement, a Transport Statement Addendum and a Flood Consequences Assessment.
- 1.8 The proposals were subject to a screening opinion under the Environmental Impact Assessment Regulations 2017 in May 2019 (ref: SC/19/00006/MJR). Although more than 150 dwellings are proposed, it was the Council's opinion that an Environmental Statement was not required as the impacts of the development were not likely to result in significant effects on the environment, nor was the application site located in a 'Sensitive Area' as defined by the Regulations.
- 1.9 This application was presented to Planning Committee in June 2020 where it was deferred to seek an increase in cycle parking provision for residents. The application has since been amended and now proposes 200 no. secure cycle parking spaces for residents, doubling the provision in the original submission. This additional provision has been secured by omitting the plant room from the ground floor. The amendments also include the enclosure of the cycle parking to make it safe and secure, together with the provision of 7 no. 'Sheffield' stands for patrons of the commercial unit and visitors to the apartments.
- 1.10 The amendments also include an increase to the size of the raised tree planter at the southern end of the site.

## 2. **DESCRIPTION OF SITE**

- 2.1 The site comprises approximately 0.13 hectares and currently accommodates two-storey offices in a traditional building with gables and a pitched roof.
- 2.2 The site is generally flat and level.
- 2.3 Immediately east and northwest the site is bordered by 5 storey office development. The 'Brickworks', a residential scheme comprising 102 apartments lies to the southwest.
- 2.4 The site is within 200 metres of Central Station and the Transport Interchange. It is within the Central Business Area and within 350 metres of the Central Shopping

Area.

- 2.5 The site is located within Zone C1 as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15 (July 2004).

### 3. **SITE HISTORY**

- 3.1 17/01672/MJR: Permission granted in August 2019 for demolition of existing buildings and construction of 25 storey apartment building (140 no. units) with ancillary areas, parking, A1/A3 unit(s) and resident's roof terrace.
- 3.2 14/01026/DCI: Permission granted in July 2014 for demolition of existing office buildings and redevelopment of the site to provide 6 storey office building with undercroft car parking, open space, and new access from Curran Road.
- 3.3 02/02112/C: Permission granted in November 2002 for conversion of roof void to additional office accommodation and addition of 5 no. dormers.

### 4. **POLICY FRAMEWORK**

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

- 4.2 Technical Advice Notes (TANs):

11	Noise
12	Design
15	Development and Flood Risk
16	Sport, Recreation and Open Space
18	Transport
21	Waste
23	Economic Development

- 4.3 Local Development Plan (January 2016):

KP2(A)	Cardiff Central Enterprise Zone and Regional Transport Hub
KP4	Masterplanning Approach
KP5	Good Quality and Sustainable Design
KP6	New Infrastructure
KP7	Planning Obligations
KP8	Sustainable Transport
KP10	Central and Bay Business Areas
KP12	Waste
KP13	Responding to Evidenced Social Needs
KP14	Healthy Living
KP15	Climate Change
KP17	Built Heritage
KP18	Natural Resources
H3	Affordable Housing
H6	Changes of Use or Redevelopment to Residential Use
EC3	Alternative Use of Employment Land and Premises
EC4	Protecting Offices in the Central and Bay Business Areas
EN9	Conservation of the Historic Environment
EN10	Water Sensitive Design
EN11	Protection of Water Resources

EN12	Renewable Energy and Low Carbon Technologies
EN13	Air, Noise, Light Pollution and Land Contamination
EN14	Flood Risk
T1	Walking and Cycling
T5	Managing Transport Impacts
T6	Impact on Transport Networks and Services
R6	Retail Development (Out of Centre)
R8	Food and Drink Uses
C1	Community Facilities
C3	Community Safety/Creating Safe Environments
C5	Provision for Open Space, Outdoor Recreation, Children's Play and Sport
C6	Health
C7	Planning for Schools
W2	Provision for Waste Management Facilities in Development

#### 4.4 Supplementary Planning Guidance:

Waste Collection and Storage Facilities (October 2016)

Planning Obligations (January 2017)

Tall Buildings Design Guide (January 2017)

Residential Design Guide (January 2017)

Dumballs Road Area Planning Brief (June 2006)

Food, Drink and Leisure Uses (November 2017)

Green Infrastructure (November 2017)

Managing Transportation Impacts (Incorporating Parking Standards) (July 2018)

Safeguarding Business and Industrial Land and Premises (November 2017)

## 5. **INTERNAL CONSULTEES RESPONSES**

### 5.1 The Operational Manager, **Transportation**, makes the following comments:

- (i) The site benefits from a central location and having good links to public transport (intra-city and external). The site, as indicated in the Transport Statement (TS), is well located and "accessible by all modes of transport". The TS also highlights the opportunity to make use of a car club facility (with enterprise having a car club bay within 10 minutes on foot).
- (ii) He notes the submission of an amended Transport Statement to refer to the latest Supplementary Planning Guidance (SPG) which includes up to date car parking and cycle parking standards. He accepts that the car parking provision will be within the maximum permitted as the quantum of car parking (8 spaces, including 1 no. disabled space) complies with the maximum parking allowance in the SPG.
- (iii) In respect of cycle parking, taking account of the proximity of the existing cycle hire facility and the railway station he does not object to the proposal. He notes that the site has 188 flats, therefore the 200 resident cycle parking spaces proposed would exceed one space per flat, however the current SPG requires that a minimum of one space per bedroom is provided. The proposal would therefore be 58 no. cycle parking spaces short. He would support a condition that secures a minimum provision of 200 no. spaces for residents.

- (iv) The applicant also proposes to provide 14 no. cycle parking spaces which would be available for visitors and users of the retail offer. This satisfies the minimum required within the SPG.
- (v) In addition to the on-site cycle parking the applicant proposes to provide, via the section 106 procedure, funding toward extending Cardiff's cycle hire facility.
- (vi) The applicant is proposing to provide a two tiered cycle rack facility to accommodate the cycles. This approach would provide 100 surface level spaces and 100 raised spaces, accessible via a retractable ramp. The proposed facility is considered acceptable as there are sufficient surface level stands to accommodate heavy or awkward sized bicycles.
- (vii) The amended TS states "Resident permit holders parking is present to the north of Curran Road. This parking may provide an appropriate location for parking associated with the A1/A3 commercial unit but it is noted that the bays are controlled (for permit holders only) between 8am to 10pm every day. This limits the parking opportunities to users of the A1/A3 facility." Consideration will need to be given to providing parking opportunity for casual users of the A1/A3 facility.
- (viii) The proposed access, illustrated in the site plan, to the car park is acceptable, with the proviso that the junction with Curran Road is treated like a driveway/ dropped kerb rather than a bell mouth junction.
- (ix) It is assumed that refuse collection will all take place from Curran Road. He seeks confirmation together with access routes for bins illustrated (residential & commercial). It is possible that refuse colleagues will require a short section of dropped kerb to ease access to the rear of the refuse vehicle.
- (x) The amended TS includes details on how deliveries would be undertaken, addressing his previous concerns regarding deliveries to the commercial operation, which may use Curran Road, and home deliveries (be that grocery or others) to residential units. Grocery vehicles are typically 3.5t vehicles.
- (xi) Beyond the proposed parking requirements the proposal appears to be providing:
- A section of land gifted to the LPA to ensure that a footway will be a minimum of 2 metres in width outside the proposed site;
  - The alignment of the kerb opposite the site (adjacent to Lloyds) will be retained and re-instated as required following construction works;
  - The footway outside the site (minimum 2m as above) will be constructed and all kerbing, drainage features, lighting, etc will be re-instated to the appropriate and approved LPA standards;
  - The carriageway of Curran Road will be re-constructed with the inclusion of new speed tables, either side of the development.
- (xii) In addition to the proposed highway works the following additional works would be sought:



- Install a pedestrian crossing at the location of the north/eastern speed table;
  - Improve the footway to the north of the site adjacent to St Patrick's House on Curran Road to provide a suitable pedestrian link to Penarth Road;
  - Provide a cycle access route at the junction between Curran Road and Penarth Road.
- (xiii) A financial contribution of £114,000 is required to construct a 2m footway adjacent to the proposed development and to the junction with Penarth Road (including dropped kerbs to facilitate cycle access from Curran Road to Penarth Road and vice versa), re-instatement of the access to St Patrick's House and installation of a raised 6m table including an uncontrolled pedestrian crossing facility in Curran Road. This contribution would be secured via a Section 106 Agreement.
- (xiv) He notes that the building management will include the provision of a car club for the residential element of the scheme.

- 5.2 The **Operational Manager, Environment (Contaminated Land)**, in reviewing available records, identifies the site as formerly commercial/industrial. Activities associated with this use may have caused the land to become contaminated and therefore may give rise to potential risks to human health and the environment for the proposed end use. In addition former landfill/raise sites have been identified within 250m of the proposed development. This may give rise to potential risks to human health and the environment for the proposed end use. Consequently the inclusion of conditions requiring contamination and ground assessment and any necessary remediation/mitigation are requested.
- 5.3 The proposals include hard landscaping. Should there be any site won recycled material or importation of materials 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. They request the inclusion of the relevant conditions and informative statements in accordance with CIEH best practice and to ensure that the safety of future occupiers is not prejudiced in accordance with LDP Policy EN13 (Air, Noise, Light Pollution and Land Contamination).
- 5.4 They request the inclusion of relevant conditions and informative statements in accordance with CIEH best practice and to ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff Local Development Plan.
- 5.5 The Council's **Tree Officer** has considered the amended plans showing provision of 6 no. new trees in raised planters. The bigger the planters are the better, so if there is any 'dead space' then the planters should be increased in size. He supports revision F of the proposed site plan showing an increased size to the southern raised planter. The planters will accommodate trees if they remain at their current dimensions, assuming a soil profile depth of minimum 900mm (300mm topsoil, 600mm subsoil) with drainage below. He considers that the smaller bed should support just one large species tree and the larger bed two large species

trees. In this way gross mutual suppression will be avoided and the trees can achieve maximum growth potential and canopy cover. The Root Available Soil Volumes assuming the soil profile above also suit this arrangement. Under-storey shrub planting rather than grass should accompany the trees. He has previously commented on what he considers to be appropriate trees. If there is any intention for the planters to serve a SuDS function then alternative species will need to be considered to some of those he has suggested.

- 5.6 His original comments on the application regarding tree species assumed that the fastigiated hornbeam proposed is *Carpinus betulus* 'Fastigiata', 'Frans Fontaine' or 'Lucas' which would at the density proposed likely result in the medium term in creating a dense, dark 'tree wall.' This would be useful if screening were the aim, but he doesn't see that it is in this case, and one would assume that the most appropriate form of planting here would be with trees that will complement the development in terms of visual amenity and create a pleasant rather than oppressive atmosphere in relation to the adjoining land. Fastigiated hornbeams ultimately form a broad, dense brush shaped crown that admits little light, can support high densities of aphids and other than colouring well in autumn in some cases, offers little return in terms of visual amenity.
- 5.7 He recommended that two large, long-lived, urban tolerant trees with domed but relatively open canopies would be well suited. Suggestions include, *Celtis australis*, *Gleditsia triacanthos* 'Imperial', *Koelreuteria paniculata*, *Pinus sylvestris*, *Quercus phellos* 'Hightower'\*, *Zelkova serrata*\*.
- 5.8 A detailed, upfront landscape scheme should be submitted comprising scaled planting plan, plant schedule, topsoil and subsoil specification, tree pit (planter) section, planting methodology, aftercare methodology and implementation programme.
- 5.9 The **Operational Manager, Waste Management**, advises that 24 no. 1100 litre bulk bins for dry recyclables, 12 no. 240 litre bins for food waste and 24 no. 1100 litre bulk bins for general waste would be required for an amended development of 188 no. units.
- 5.10 Plans need to show the layout of bins within the store. Operatives need to be able to facilitate the emptying of each container without the need to remove other containers. A clear space of 20cm between containers should be provided. The bin provision they have recommended is for the use of the Council's free domestic waste collection service. If fewer bins would be preferred, additional collections can be paid for with the Council's Commercial Collection Team. Another alternative would be to arrange for an external contractor to collect all the waste.
- 5.11 Their requirements are calculated using 140 litres per unit, however she is willing to accept this proposal for fewer bins having seen the layout on the amended plan. She has noted the bulky waste storage area and this is also acceptable. She considers that the commercial waste storage area shown on revision C of the site plan is acceptable too. In a mixed development, a strict separation of waste is required to ensure that commercial waste does not enter the domestic waste stream.
- 5.12 She refers the agent/architect to the Waste Collection and Storage Facilities Supplementary Planning Guidance for further relevant information.

- 5.13 The Council's **Ecologist** notes that the bat survey submitted with the 2017 application has been re-submitted with the 2019 application. Guidance advises that survey information should be no more than 18 months old when decisions based upon that information are made. This is especially the case for mobile species such as bats which can colonise an empty building quickly. However, in this instance he notes that bat activity in the original survey was very low, the buildings are not close to any suitable foraging / commuting habitat, and that NRW have not raised any concerns in their response of 9 August 2019. Therefore he is satisfied that the bat survey need not be repeated provided the Council's bat advisory note is attached to any consent granted.
- 5.14 The proposed development will be subject to the requirement for SuDS approval, and to gain this approval the SuDS must meet six standards, one of which is the biodiversity standard. Therefore any planting associated with SuDS features should demonstrably enhance the biodiversity of the site. If this takes the form of trees and understorey bushes, shrubs etc in rain gardens or similar, then the advice provided by Ed Baker in respect of soil specification and species selection should be implemented. In this context it is also worth noting the Welsh Government's Dear CPO letter dated 23 October 2019 which indicates that all development should seek to secure biodiversity enhancement. The SuDS / landscaping at this site appear to be the most likely opportunities to implement this enhancement.
- 5.15 The **Air Quality Officer** has been consulted on the application. No comments have been received.
- 5.16 The **Noise Pollution Officer** makes the following comments:
- (i) They have concerns about noise affecting this application site. They are currently investigating complaints about plant that is located nearby to the proposed development. They want to support and work with the developer, however, there must be an understanding that there are noise sources from rail, road and plant close-by that could affect future occupants of this proposed scheme.
  - (ii) They consider that no development other than demolition and remediation works should take place until the developer has considered all noise sources that could affect future residents of the proposed development. The developer must submit to and had approved in writing by the Local Planning Authority a noise report that focuses on the potential impacts that rail noise (from Cardiff Central railway station), road noise from Penarth Road and other existing noise sources. For example, local plant (air conditioning noise)) upon the development site.
  - (iii) The report must include any mitigation measures that the acoustic survey and assessment has highlighted as issues.
  - (iv) They recommend that the developer contacts the Local Planning Authority prior to taking any noise measurements to agree monitoring locations with the Local Planning Authority. These must be agreed in writing prior to them being undertaken.
  - (v) The full assessment must include expected noise levels at each level of the proposed building (particularly at higher levels (over 8th floor)) as these

floors will be on the direct line of sight to the railway platforms and lower levels will be closer to the plant noise).

- (vi) The report must give details of mitigation works that are required to provide that all habitable rooms exposed to external road traffic noise in excess of 63 dB LAeq 16 hour (free field) during the day (07.00 to 23.00 hours) or 57 dB LAeq 8 hour (free field) at night (23.00 to 07.00 hours) shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 35 dB LAeq 16 hour during the day and 30 dB LAeq 8 hour and 45 dB L<sub>Amax,F</sub> at night (with windows and doors closed).
- (vii) The report must give details of mitigation works that are required to provide that all habitable rooms exposed to external railway noise in excess of 66 dB LAeq 16 hour (free field) during the day (07.00 to 23.00 hours) or 59 dB LAeq 8 hour (free field) at night (23.00 to 07.00 hours) shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 35 dB LAeq 16 hour during the day and 30 dB LAeq 8 hour at night and 45 dB L<sub>Amax,F</sub> at night (with windows and doors closed).
- (viii) The approved scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with acoustically treated active ventilation units. Each ventilation unit (with air filter in position), by itself or with an integral air supply duct and cowl (or grille), shall be capable of giving variable ventilation rates ranging from –
  1. an upper rate of not less than 37 litres per second against a back pressure of 10 newtons per square metre and not less than 31 litres per second against a back pressure of 30 newtons per square metre, to
  2. a lower rate of between 10 and 17 litres per second against zero back pressure.A central ventilation/extract system or whole house heat recovery system designed to the latest Building Regulations Part F may be installed as an alternative. No habitable room shall be occupied until the approved sound insulation and ventilation measures have been installed in that room.

Reason: To ensure that the amenities of future occupiers are protected.
- (ix) Any private open space shall be designed to provide an area which is at least 50% of the area for sitting out where the maximum day time noise level does not exceed 50-55 dBA Leq 16 hour [free field].
- (x) A post construction (pre- occupation) acoustic survey has to be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details including confirmation that they have achieved internal and external noise levels and ventilation requirements.
- (xi) A light assessment has to be submitted to and approved in writing by the Local Planning Authority. As outlined by my ex-colleague Mr Wayne Best in his email to you dated 15th November 2019:

*Sunlight and daylight are valued elements in a good quality living environment. Effective daylighting can reduce the need for electric lighting, while sunlight can contribute towards meeting some of the heating requirements through passive solar heating. Given the size and relative location of this proposed development in relation to surrounding business*

*and residential premises he has concerns regarding the amount of shadowing this development may cause and a light assessment will be required to ensure that those neighbouring the proposed development will not be adversely affected.*

- (xii) The acoustic report should consider the following:
- An initial external noise site risk assessment.
  - A full assessment, including the following:
    - Demonstrating the application of a ‘Good acoustic design process’,
    - Observing ‘Internal noise level guidelines’,
    - Undertaking an ‘External amenity area noise assessment’ (including terraces and balconies and shared amenity space) and
    - Consideration of ‘Other relevant issues’.

5.17 The Council’s **Access Officer** has been consulted. No comments have been received.

5.18 The **Operational Manager, Regeneration**, advises that the Planning Obligations Supplementary Planning Guidance (SPG) 2017 (Section 8 – Community Facilities) states that *“Growth in population arising from new development generates demand for and increases pressure on community facilities. To meet the needs of future residents, it may be necessary to meet this additional demand through...the provision of new facilities...the extension to, or upgrading of existing facilities.”* If no onsite provision is proposed, a financial contribution is sought on residential developments containing 25 or more new dwellings where it has been identified that investment in community facilities will be required to meet the needs of the new population. The formula in the SPG is based on the number of bedrooms and associated occupancy figures per dwelling, and is calculated as follows:

<b>No. of bedrooms</b>	<b>Number of Dwellings</b>	<b>Contribution per dwelling</b>	<b>Totals</b>
1	124	£720.51	<b>£89,343.49</b>
2	66	£997.63	<b>£65,843.71</b>
3	4	£1,385.60	<b>£5,542.40</b>
4		£1,718.14	<b>£0.00</b>
5+		£2,106.11	<b>£0.00</b>
<b>TOTALS:</b>	194		<b>£160,729.60</b>

5.19 CIL Regulation 122(2) provides: *A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.*

5.20 In respect of necessity, the Cardiff Planning Obligations SPG was adopted to help to ensure that developments contribute toward the provision of necessary infrastructure and measures required to mitigate their impact. Policy KP6 of the Cardiff Local Development Plan (adopted January 2016) supports the provision of community facilities as part of new residential developments. It is also in accord with Planning Policy Wales which supports the negotiation of planning obligations and states “Contributions from developers may be used to offset negative consequences of development, to help meet local needs, or to secure benefits

which will make development more sustainable". A development proposing a significant increase in population, such as this, would create pressures on existing local facilities that need to be offset via a financial contribution. They consider it would be unacceptable to grant planning consent in the absence of such provision.

- 5.21 Concerning direct relationship, 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 these facilities.
- 5.22 Regarding fairness and reasonableness, contributions are derived using a formula-based calculation which takes into account, amongst other things, the size of the residential development and the projected increase in population.
- 5.23 The **Operational Manager, Drainage Division**, has been consulted. No comments have been received.
- 5.24 The **Operational Manager, Parks and Sport**, notes that the DAS states that the developer will create an open space or plaza at ground floor level open to the public, continuous with Curran Road, along with a private roof terrace. Very few details are provided of either. The layout plan shows that a strip of land in front of the building will be gifted to form part of a 2m wide footway along Curran Road. Although this footway will be beneficial, there appears to be only a limited space for the plaza, which would need to be sufficiently open and free of furniture to allow access to the café / retail unit, and on the other side to the car park. The only soft landscape elements are the 2 planters containing trees, for which he agrees with the Tree Officer's comments that there will be insufficient rooting volume for that number of trees, and that these could ultimately shade the public realm area. Therefore he has not included this area in the POS calculation. The roof terrace, although welcome, would need to be substantial to provide amenity for such a large number of residents. He's unclear from the proposals what, if any, discussions have taken place on SuDS drainage. His comments relate to the current LDP (C5 Provision for Open Space, Outdoor Recreation, Children's Play and Sport; KP16 Green Infrastructure), and the 2017 Planning Obligations Supplementary Planning Guidance (SPG), supported by policies set out in the 2008 SPG for Open Space which set the Council's approach to open space provision.
- 5.25 The Council's LDP requires provision of a satisfactory level and standard of open space on all new housing developments, or an off-site contribution towards existing open space for smaller scale developments where new on-site provision is not applicable.
- 5.26 Based on the information provided on the number and type of units, he has calculated the additional population generated by the development to be 290. This generates an open space requirement of 0.705 ha of on-site open space based on the criteria set for Housing accommodation, or an off-site contribution of £300,889. Therefore 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.
- 5.27 The use of 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 1500m, measured from edge

of the site. In the event that the Council is minded to approve the application, he assumes it will be necessary for the applicant and the Council to enter into a Section 106 Agreement to secure payment of the contribution. Consultation will take place with Ward Members to agree use of the contribution, and this will be confirmed at S106 stage. The closest areas of recreational open space are Canal Park, Overstone Court, Callaghan Square and Taffs Mead Embankment.

- 5.28 The **Operational Manager, Economic Development**, advises that the site is well located within the city centre within a five minute walk of Cardiff Central Station and city centre bus routes. The site is also located within the Cardiff Central Enterprise Zone, a zone designated for the attraction of Financial and Professional Services sector companies. The F&PS sector is highlighted as a key sector for Cardiff and Wales employing over 50,000 people within the city. The site is also within the Butetown Ward and therefore within the current assisted area (Tier 2) and therefore attracts discretionary funding as well as further incentives through the Cardiff Central Enterprise Zone schemes. The site is a key regeneration site for the city with proposals progressing to the south through the Dumballs Road residential scheme and also potential redevelopment of the site north of Penarth Road at the back of Central Station.
- 5.29 He is concerned at the continuing change of use requests for office property to residential / student accommodation developments and would oppose a change of use request for the site on Curran Road from office to residential accommodation with the loss of circa 12,500 sq ft of employment space. The Cardiff LDP aims to deliver 40,000 new jobs to 2026 and is one of the fastest growing cities in the UK. To deliver the expected jobs growth in the city it is essential that Cardiff retains its key city centre sites that can deliver the required density and high quality office developments to attract new jobs and investment and retain existing jobs in the city.
- 5.30 If the site were to be progressed as change of use to residential accommodation then he would seek a significant financial contribution. He recognises that mixed use development may be considered appropriate, however if mixed use schemes with a reasonable proportion of business space are not feasible or forthcoming on a particular site within a protected employment area, a planning obligation will be required to compensate for this loss, and mitigate the impact of this change. The Curran Road site office building of circa 12,500 sq ft with the capacity to provide between 100 and 150 jobs and the low rise nature of the site could provide higher densities of employment opportunities, however if the building is lost to a residential use it is unlikely that the site will revert back to an employment site.
- 5.31 A financial contribution is therefore sought to address the concerns relating to the loss of this employment land at a key employment site in the city centre. They request a financial contribution of £23,959. This contribution will form a package of assistance that will help support and develop companies within the Butetown ward and provide further employment opportunities. This figure is equitable to other figures that have been agreed on sites of the same size in other parts of the city. The developer contributions for the loss of employment land will be utilised for Economic Development projects and are calculated from the Council's Planning Obligations SPG.
- 5.32 In line with the LDP, the **Housing Strategy Team**, advises that an affordable housing contribution of 20% of the 188 units (37 units) is sought on this brown-field site.

- 5.33 Their priority is to deliver on-site affordable housing, in the form of affordable (social) rented accommodation, built to Welsh Government Development Quality Requirements (DQR) for purchase by a nominated Registered Social Landlord (RSL) partner at a specified price. Given the proposed design/configuration of the scheme, they would need to understand how any on-site affordable units can meet DQR standards and how any demarcation between the market and the affordable would work in reality. The scheme has to be able to be managed and easily maintained by the Registered Social Landlord.
- 5.34 They would be willing to discuss the delivery of the affordable housing on another site that the applicant may already own or be in the process of purchasing in the vicinity/area of the site. In exceptional cases if it is not possible to deliver the units on site then, as an alternative to on-site provision, they would be willing to enter into discussions with the applicant with regard to providing the affordable housing contribution as a financial contribution in lieu. On that basis they would seek a financial contribution of £2,785,160 (in lieu of 37 units (20%)) which is calculated in accordance with the formula in the Affordable Housing – Supplementary Planning Guidance (SPG) (2017).
- 5.35 The **Chief Schools Officer** advises that current assessments suggest that they would request contributions towards English-medium secondary, Welsh-medium secondary, English-medium primary and special school provision. There would be no request towards Welsh-medium primary at present. Based on the amended plans which reduces the no. of apartments to 188, with a housing mix of 120 no. 1 bed apartments, 66 no. 2 beds and 2 no. 3 beds, they would seek a financial contribution of £150,972.

## 6. **EXTERNAL CONSULTEES RESPONSES**

- 6.1 **Dwr Cymru Welsh Water** has reviewed the information submitted as part of this application, however they note that a drainage strategy has not been included. As part of the mandatory pre application enquiry, which assessed a development of 140 units, they provided confirmation that sufficient capacity exists in the public sewer network to accommodate the foul only flows from the proposed development. The additional number of flats can be accommodated in the public sewer, however this will limit the amount of surface water that can be conveyed. This new application may now trigger the need for SAB consent under Schedule 3 of the Flood and Water Management Act and this is an opportunity to introduce sustainable drainage features.
- 6.2 They previously recommended that an assessment be undertaken to verify whether sustainable drainage techniques can be utilised for the disposal of surface water. We note that the application form indicates that the preference is to discharge surface water to the mains sewer, however they request further investigations are undertaken and that careful consideration is given to how the site is drained.
- 6.3 They have undertaken a brief site visit and can confirm that a portion of the sewer in Curran Road appears redundant. The proposed point of connection to this sewer will therefore be critical to understanding the impact of the receiving sewer and they advise that this sewer is cleansed prior to any new flow being communicated.
- 6.4 Therefore, if planning permission is recommended, they request that conditions



and advisory notes are included within any subsequent consent. To ensure an adequate mains water supply to service this development, a booster pump will need to be installed and associated watermains laid to the development site. Costs and the future maintenance will be the developer's responsibility.

- 6.5 They also advise that they cannot see a scenario where the drainage strategy will generate an objection or that a solution cannot be found. There is a sewer nearby which connects onto a large diameter sewer so capacity is not an issue. They have not been able to lift the covers to verify the pipe size on the immediate sewer due to the presence of needles etc placing a health and safety risk. They assume that the existing building drains both foul and surface water to the public sewer. As this application triggers the need to submit a SAB application then there is an opportunity to introduce some features to control/limit the volume to be conveyed.
- 6.6 The **South Wales Police Designing Out Crime Officer** has no objection to this development and welcomes the re-development of this part of Cardiff. They welcome residential development as this will enhance surveillance levels. It is vital that all new developments meet best practice standards with regard to design levels to achieve the necessary safety and security standards for residents. It is generally accepted that this is standards of Secured by Design (SBD). In the Design and Access Statement the developers have stated the development *will meet the ethos of Secured by Design (SBD)*, this terminology is not recognised; a development either meets Secured by Design standards or it does not. To meet Secured by Design standards developers need to forward an application to South Wales Police and development be subjected to inspection to ensure such standards are delivered. No such application or request has been made to South Wales Police. To give an example developers stated that there will be secured parking, cycle storage and rubbish areas but fail to provide detail on how this will be achieved, little detail is provided on other key issues such as door security, access control, lighting and CCTV. All these measures would be recommended by Police as necessary elements to create a safe housing environment. They make following recommendations:
- (i) Secure car parking, cycle storage and rubbish areas and any undercroft areas to deter crime, illicit activities and rough sleeping. They recommend this be conditioned;
  - (ii) Details of access control features;
  - (iii) Details of external lighting and lighting of communal areas;
  - (iv) Individual apartment doors to meet specified standards;
  - (v) CCTV be installed to ensure effective management of the building including safety and security issues;
  - (vi) Appropriate risk assessments should be conducted to ensure that adequate fire prevention, warning and evacuation measures are in place;
  - (vii) They strongly recommend developers make contact to ensure development is built to SBD standards which should reduce crime risks by up to 75%.
- 6.7 **CADW**, having carefully considered the submitted information, considers there to be no adverse impact on the scheduled monument Cardiff Castle and Roman Fort (GM171). They therefore have no objections to the proposed development.
- 6.8 Their statutory role in the planning process is to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled monuments, registered historic parks and gardens, registered historic landscapes where an Environmental Impact Assessment is required and

development likely to have an impact on the outstanding universal value of a World Heritage Site. They do not provide an assessment of the likely impact of the development on listed buildings or conservation areas, as these are matters for the local authority. It is for the local planning authority to weigh their assessment against all the other material considerations in determining whether to approve planning permission.

- 6.9 Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW), Technical Advice Notes and related guidance. PPW (Chapter 6 – The Historic Environment) explains that it is important that the planning system looks to protect, conserve and enhance the significance of historic assets. This will include consideration of the setting of an historic asset which might extend beyond its curtilage. Any change that impacts on an historic asset or its setting should be managed in a sensitive and sustainable way.
- 6.10 The conservation of archaeological remains and their settings is a material consideration in determining a planning application, whether those remains are a scheduled monument or not. Where nationally important archaeological remains are likely to be affected by proposed development, there should be a presumption in favour of their physical protection in situ. It will only be in exceptional circumstances that planning permission will be granted if development would result in a direct adverse impact on a scheduled monument (or an archaeological site shown to be of national importance).
- 6.11 Technical Advice Note 24: The Historic Environment elaborates by explaining that when considering development proposals that affect scheduled monuments or other nationally important archaeological remains, there should be a presumption in favour of their physical preservation in situ, i.e. a presumption against proposals which would involve significant alteration or cause damage, or would have a significant adverse impact causing harm within the setting of the remains.
- 6.12 The proposed application area is located some 890m south of scheduled monument Cardiff Castle and Roman Fort (GM171). The proposed development, standing some 79 metre high will be visible from the keep of the castle in one of the original key views, looking south towards the mouth of the River Taff. However, the Principality Stadium and the existing BT Stadium House (17storeys high) will be in this view, as will be the proposed Transport Interchange Building. Thus modern high rise buildings are already a significant part of this view and whilst the proposed building will be visible it will, in our opinion, not constitute a significant change to the current setting of the scheduled monument.
- 6.13 **Natural Resources Wales** do not object to the submitted proposal. They note that the Flood Consequences Assessment submitted to support the application appears to be the same as that considered at statutory pre-application consultation stage. As the PAC report does not indicate the development proposal has changed since statutory pre-application consultation stage, their response to the statutory pre-application consultation dated 1st July, in which they confirmed no objection to the proposed development, is still relevant.
- 6.14 They note the submission of a bat survey report by Celtic Ecology dated July 2017 which identified that bats were not using the application site. They have no comments to make.

6.15 **Wales & West Utilities** enclose an extract from their mains records of the area covered by the application together with a comprehensive list of General Conditions for guidance. This plan shows only those pipes owned by Wales & West Utilities in its role as a Licensed Gas Transporter (GT). Gas pipes owned by other GT's and also privately owned pipes may be present in this area. Information with regard to such pipes should be obtained from the owners. The information shown on this plan is given without obligation, or warranty and the accuracy thereof cannot be guaranteed. Service pipes, valves, syphons, stub connections, etc., are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by Wales & West Utilities, its agents or servants for any error or omission. Wales & West Utilities has pipes in the area. Their apparatus may be affected and at risk during construction works. Should the planning application be approved then they require the promoter of these works to contact them directly to discuss their requirements in detail before any works commence on site. Should diversion works be required these will be fully chargeable. There must be no building over any of their plant or apparatus.

## 7. **REPRESENTATIONS**

7.1 The **Local Member** has been consulted. No comments have been received

7.2 The application was publicised as a major development by press and site notices under Article 12 of the Town and Country Planning (Development Management Procedure (Wales) Order 2012 (as amended).

7.3 **Neighbouring occupiers** have been consulted. No responses have been received.

## 8. **ANALYSIS**

8.1 This application was previously presented to Planning Committee in June 2020 where it was deferred for officers to seek an increase in the provision of cycle parking for future residents. Amended plans have been received showing a doubling of provision from 100 to 200 spaces for residents on the ground floor with the plant room omitted to accommodate the additional spaces. A two-tier racking system would be installed to provide the parking spaces. The spaces have also been enclosed to improve security.

8.2 Amendments have also been received showing an increase in the size of the raised tree planter at the southern end of the application site in response to the comments of the Tree Officer (see paragraph 5.5).

8.3 The Tall Buildings Supplementary Planning Guidance (January 2017) supplements policies in the Local Development Plan (LDP) (particularly KP5 (Good Quality and Sustainable Design)) and provides advice on the provision of high quality well-designed tall buildings within Cardiff.

### **Principle of Development**

8.3 The application site is located within the boundary of LDP Policy KP2A (Central Enterprise Zone and Regional Transport Hub - Strategic Site), which is allocated for major employment led initiatives, focussing on financial and business services, together with other mixed uses including residential development.

- 8.4 Policy H6 of the LDP (Change of Use or Redevelopment to Residential Use) identifies criteria against which the change of use of previously developed land will be considered, including whether there is an overriding need to retain the existing use of the land and whether necessary community and transportation facilities are accessible or can be readily provided. The 'Dumballs Road' section of the Central Enterprise Zone contains a number of low-density, land-hungry warehouse / business uses, with much of the area being largely under-utilised having regard to its strategic city centre location. The applicant has identified in their Design and Access Statement that there has been a turnover of occupiers since 2006 and that the premises are largely considered to be of an unsuitable design for modern business demands, having been actively marketed during that period.
- 8.5 The principle of residential development is well established within the wider Dumballs Road area and the site is well served by transport links and is close to local amenities. In addition, the proposal incorporates a two-storey commercial unit at the ground floor of the building, which will assist in creating active uses along the Curran Road frontage and in adding vitality to the streetscape throughout the day.
- 8.6 As the site is located outside the Central Shopping Area (CSA) of the City Centre and also falls outside of any designated District / Local Centres as identified within the Local Development Plan, any proposal for a Class A1 (shop) use at this location would have to satisfy the three tests of out-of-centre retail policy. In this regard and given the relatively small scale of the proposed unit (approximately 122 sqm on each floor), an element of convenience retail could be considered acceptable to serve the newly established population and the wider residential community within the surrounding area.
- 8.7 Policy R8 (Food and Drink Uses) of the LDP identifies the Central Business Area as an appropriate location for food and drink uses, subject to amenity considerations. Taking into consideration the relatively small scale of the proposed floorspace, it is anticipated that the unit would operate as a coffee shop / snack bar type use, which would assist in contributing towards the creation of an active streetscape along Curran Road. In order to minimise any potential noise and disturbance to residents located above the ground floor, a condition could be applied to restrict the opening hours of the commercial unit.

### **Skyline and Key Views**

- 8.8 The site is located at a key junction linking Penarth Road with Dumballs Road and Callaghan Square, south of the railway. The existing Brains Brewery to the north is identified for future re-development and the preliminary 'Central Quay' proposals give an indication of how this site could potentially be re-developed. The site is strategically positioned within an area that is likely to be substantially re-developed in the near future.
- 8.9 The amended application is supported by a CGI views from Callaghan Square and Central Station. These viewpoints give confidence that the amended proposals would sit comfortably near this key junction and would create a landmark presence south of the railway, acting as a focal point for the future development of this part of the Central Enterprise Zone. The future redevelopment of the Brains Brewery site may result in the building being read as part of a cluster of tall buildings south of the railway.

## **Historic Environment**

- 8.10 It is noted that CADW, in their assessment of the application, do not object to the proposals and conclude that, although the development will be visible from the keep of Cardiff Castle, it will be viewed in the context of other existing tall buildings and therefore, in their opinion, it will not constitute a significant change to the current setting of the scheduled monument.
- 8.11 It is not considered that the development would result in harm to the St. Mary Street Conservation Area, which is approximately 350 metres north of the site.

## **Design Proposals**

- 8.12 LDP Policy KP 5 (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. Such criteria includes, for example, a proposal's response to the local character and context, creating legible development, providing a diversity of land uses, creating distinctive places, providing a healthy environment, and adaptable design. The Tall Buildings SPG expands on these criterion and provides a guide for assessing the acceptability of a tall building proposal to ensure their design and appearance is of exceptional quality.

## Mixed Use

- 8.13 The proposed development contains an A1/A3 unit at ground and first floor resulting in a two-storey glazed frontage to the prominent Curran Road elevation. This unit will encourage pedestrian activity around and within the building and help create an active frontage.

## Form and Silhouette

- 8.14 A thorough pre-application dialogue between the applicant and Council officers has helped guide the evolution of the design, which has been further enhanced through the amended plans submission during the processing of the application.
- 8.15 Initially, concerns were expressed by officers regarding the scale and massing of the original submission. The amended proposals have responded to the expressed concerns by increasing the height of the building from 25 to 27 storeys, redistributing the arrangement of apartments to introduce a 'shoulder' element to the building design and reducing the number of apartments from 194 to 188 no. The result is a building that is considered to be more slender in appearance with added interest from each elevation.
- 8.16 The form of the amended building is considered to add interest from both close views and long-range views through the use of high quality external finishing materials, articulation, and interest to the top of the building through the creation of a roof garden. As a consequence the amended proposals are considered to create a striking form which will be appreciated from numerous public vantage points.
- 8.17 The proposal will, in the considered opinion of officers, provide a landmark feature that makes a positive contribution to this part of the city centre and will aid legibility. It is considered that the amended proposal successfully creates an elegant and

slender building.

### Quality and Appearance

- 8.18 The agent has confirmed the use of dark aluminium curtain walling with aluminium infill panels, coloured metal cladding with a 'corten' type appearance, aluminium louvres, glass panelling, black brickwork, grey curtain walling around a galvanised steel frame with glass panels will help create a robust and elegant finished appearance.
- 8.19 The double height glazing at ground and first floor also will help avoid a 'bulky' feel to the development a street level by adding transparency and a sense of activity.

### Street Interface and Impact

- 8.20 The footprint of the proposed building has been moved further south within the site than the previous scheme which was approved in August 2019, though it retains its position creating a frontage onto Curran Road. Vehicle and refuse access would be along the north elevation off Curran Road. The provision of the ground/first floor commercial unit will help provide vibrancy and activity around and within the building, enlivening what is currently a quiet section of Curran Road outside of normal working hours.
- 8.21 The development will create a 'public plaza' outside the building foyer and entrance to the commercial unit. Although no detailed plans have been submitted for this space, conditions are recommended to ensure that an attractive space is created through appropriate soft landscaping and high quality hard landscaping. This will enhance the building's presence at street level. The southern raised planter has been amended to increase potential for additional trees and improve their growing space. The Tree Officer has confirmed he is satisfied with the amended arrangements.
- 8.22 Financial contributions have also been secured following a viability appraisal to carry out public realm improvements adjacent to and north of the application site.
- 8.23 The application is accompanied by desk study wind assessment which recommends that a wind tunnel study is carried out to provide a quantitative assessment of the likely wind loads on the building and the dynamic response of the tower. A relevant condition is attached.

### Sustainable Building Design

- 8.24 The building will be constructed to achieve high insulation levels and low water use technologies will be employed.
- 8.25 In respect of future adaptability, the application confirms that the building will be constructed with a frame which will allow for modification and re-use negating the need for total demolition in the event that adaptation for another use occurs.
- 8.26 The two residents' gardens will act as 'rain gardens' and will play a key role in satisfying the SAB credentials of the scheme using filtering layers below planting to throttle and filter the run off from the site.

## **Amenity Considerations**

- 8.27 The site is bounded to the east and northwest by office development five storeys high. Mindful of the proposed separation distances, the relationship with these neighbouring buildings is considered to be acceptable.
- 8.28 The relationship with the 'Brickworks', (currently under construction to the southwest) is also considered to be satisfactory. The minimum distance between the two buildings would be approximately 20 metres (17.2 metres to balconies on part of the Brickworks). This distance is considered to be satisfactory and the privacy and amenities of existing and future occupiers are not considered to be unduly prejudiced by the development.
- 8.29 The submitted sunpath analysis shows that although some shadowing would occur during certain times of the day and at certain times of the year, the impacts would not result in an unacceptable amount of overshadowing for neighbouring occupiers.
- 8.30 The Noise Pollution Officer has expressed concerns regarding the potential for noise pollution from road traffic noise, railway noise (for upper floors) and nearby plant (chiller units in the car park of St. Patrick's House between the application site and the 'Brickworks' development). A condition is proposed to be attached that specifies acceptable noise thresholds during the daytime and at night.
- 8.31 Subject to relevant conditions, the proposals are considered to be in accordance with LDP Policy KP5(x) (Good Quality and Sustainable Design) in that no undue effect on the amenity of neighbouring occupiers would occur and LDP Policy EN13 (Air, Noise, Light Pollution and Contamination) in that no unacceptable harm to health or local amenity would arise.

## **Transportation**

- 8.32 It is recognised that the site is located in a sustainable location within short walking distance of Cardiff's city centre and is well served by public transport, with Cardiff's Central train station opposite together with the future Transport Interchange.
- 8.33 The car parking provision within the site of 8 no. spaces (including 1 no. disabled space) for 188 no. apartments reflects the site's highly sustainable location. It is noted that a car club will be run as part of the building management for the residential scheme.
- 8.34 Current parking standards set out in Supplementary Planning Guidance advocates cycle parking provision of 1 space per bedroom. Whilst the amended details doubles the original provision from 100 no. spaces to 200 no. spaces, a further 58 no. spaces would be required to meet these standards. However, Transport colleagues, being mindful of the site's sustainable location, the close proximity of Central Station, and the availability of cycle hire facilities nearby, have confirmed that they have no objection to the increased provision which guarantees on-site cycle parking at more than 1 space per flat (see paragraph 5.1). A condition is recommended to secure a minimum of 200 no. spaces for residents. He is also satisfied with the provision of cycle parking for visitors and patrons of the commercial premises. A proportion of the overall Section 106 Contribution will be committed to the City's cycle share scheme to promote and enhance active travel (see section 9).

- 8.35 The Transportation Officer is satisfied with the amended transport evidence submitted with the application. He has no objections to the development, subject to relevant conditions and a financial contribution to secure public highway improvements (see Section 9 below). Cardiff Local Development Plan Policy KP6 (New Infrastructure) seeks that new developments will make appropriate provision for, or contribute towards, necessary infrastructure required as a consequence of proposed development, including public realm improvements. In addition, Policy KP2A (Central Enterprise Zone) identifies that developments shall “ensure a consistent approach to the use of high quality street furniture and paving materials.”

### **Flood Risk**

- 8.36 It is noted that the Flood Consequences Assessment accompanying the application concludes that, with a finished floor level of 7.9 metres AOD, the proposed development is not located within the 1% (1 in 100 year) plus 25% for climate change or the 0.1% (1 in 1000 year) annual probability fluvial flood outlines. Based on a lifetime of development of 100 years, the proposed development is predicted to be affected by tidal flooding during the 0.5% (1 in 200 year) plus climate change and the 0.1% (1 in 1000 year) plus climate change tidal flood scenarios for 2119 (undefended). NRW considered this small risk of tidal flooding to be minimal as the Cardiff Bay barrage affords protection and they do not object to the application.
- 8.37 Whilst located in Zone C1, the development forms part of the mixed use regeneration initiative for the area, and satisfies the justification test outlined in Section 6 of TAN 15.
- 8.38 The applicant has been advised of NRW's representations and has been issued with a copy of their response, which makes recommendations for the incorporation of flood resistant/resilient measures into the design and construction of the building. A relevant recommendation is attached. A condition is also proposed to ensure finished floor levels are at least 7.9 metres AOD as per the findings of the assessment.
- 8.39 Mindful of the conclusions of the submitted FCA and the advice received by NRW, it is considered that the risks and consequences of flooding can be acceptably managed in accordance with the guidance contained in TAN15.

### **Other Considerations**

- 8.40 *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.
- 8.41 *Equality Act 2010* – The Equality Act 2010 identifies a number of ‘protected characteristics’, namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council's duty under the above Act has been given due



consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic

- 8.42 *Well-Being of Future Generations Act 2016* – Section 3 of this Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

## 9. **SECTION 106 AGREEMENT**

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

- (i) £114,000 for Highways and public realm improvements to Curran Road
- (ii) £23,959 for Economic development
- (iii) £300,889 for public open space
- (iv) £150,972 for school places
- (v) £2,785,160 for affordable housing
- (vi) £160,729.60 for community facilities

- 9.2 These requests amount to a total sum of £3,523,709.60.

- 9.3 However, the submission of a viability appraisal during the application process concluded that the development would be unviable were these contributions to be required for the scheme. This appraisal was independently assessed by the District Valuer. It has been agreed with the developer that a sum of £550,000 that could be provided for financial contributions without threatening the scheme's viability. The applicant has agreed to contribute this sum through a Section 106 Agreement which is proposed to be apportioned in the following way:

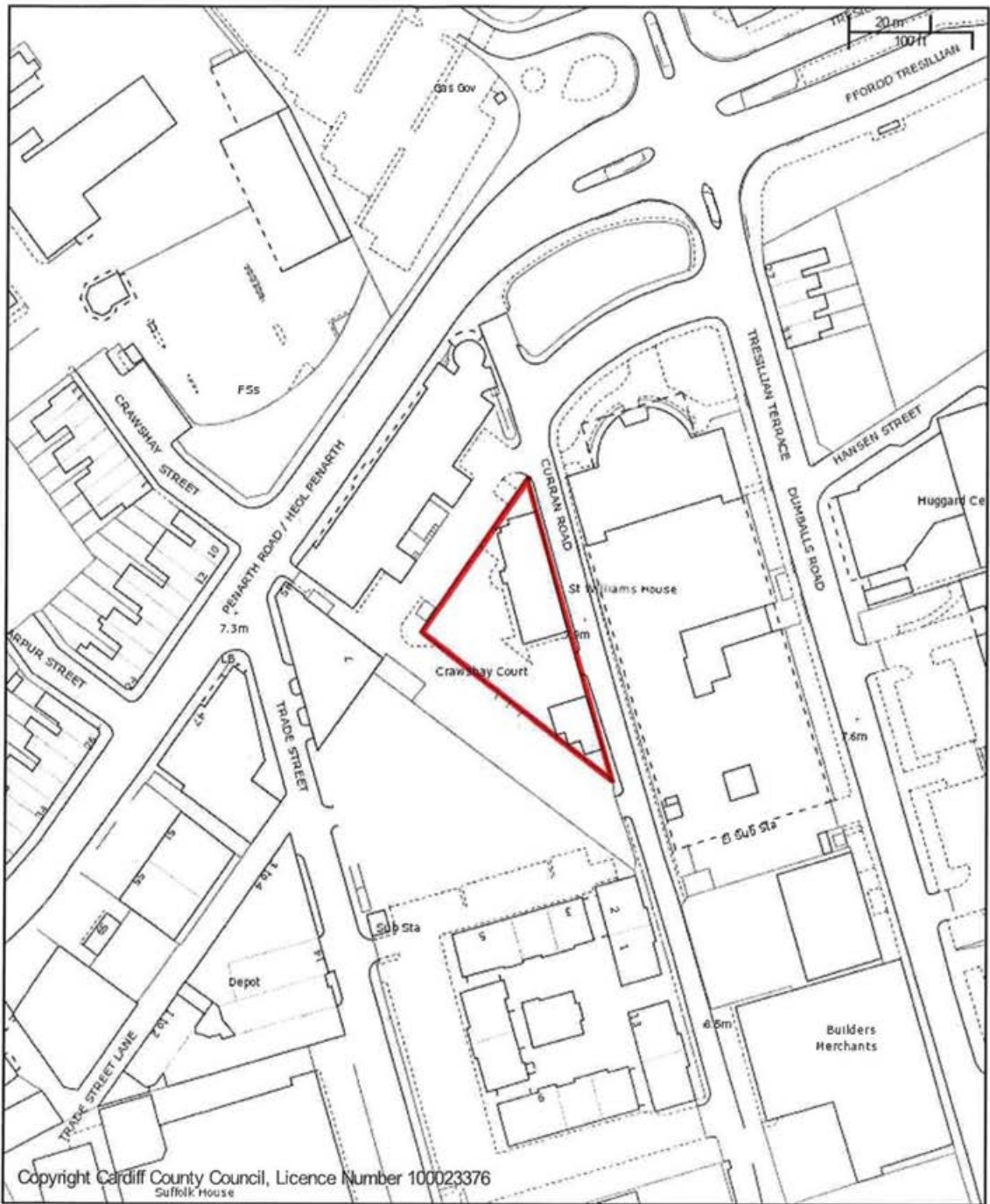
- (i) £114,000 towards public realm enhancements on Curran Road;
- (ii) £18,000 towards an 8 bike stand for the cycle share scheme;
- (iii) £23,959 to help support and develop companies within the Butetown ward and provide further employment opportunities;
- (iv) £150,972 towards new school places;
- (v) £160,729.60 towards improving community facilities;
- (vi) £41,169.70 towards public open space;
- (vii) £41,169.70 towards affordable housing.

- 9.4 To help secure a positive recommendation, the developer has agreed a further viability assessment in the event that construction of the ground floor of the development does not occur within 24 months of the issue of the planning permission to allow the financial contributions to be reassessed and to protect the Council's position.

## 10. **CONCLUSIONS**

- 10.1 The amended proposals are considered to provide a high quality tall building south of Central Station which will act as a landmark feature near the future regeneration of the Brains Brewery site and the wider Dumballs Road area. Being conveniently located close to Central Station and the Transport Interchange, the building maximises opportunities for travel by sustainable modes. The provision of a commercial unit at ground floor and the provision of a 'public plaza' with tree planting and soft landscaping will enhance this part of Curran Road. The proposals have been assessed against relevant LDP Policies, particularly KP5 (Good Quality and Sustainable Design) and the Tall Buildings Design Guide SPG and has been found to be compliant with their aims, subject to the completion of a legal agreement to secure a range of compensatory measures. It is therefore recommended that permission be granted subject to the completion of a legal agreement to secure the measures identified in Section 9, and relevant conditions.

**SITE LOCATION PLAN**



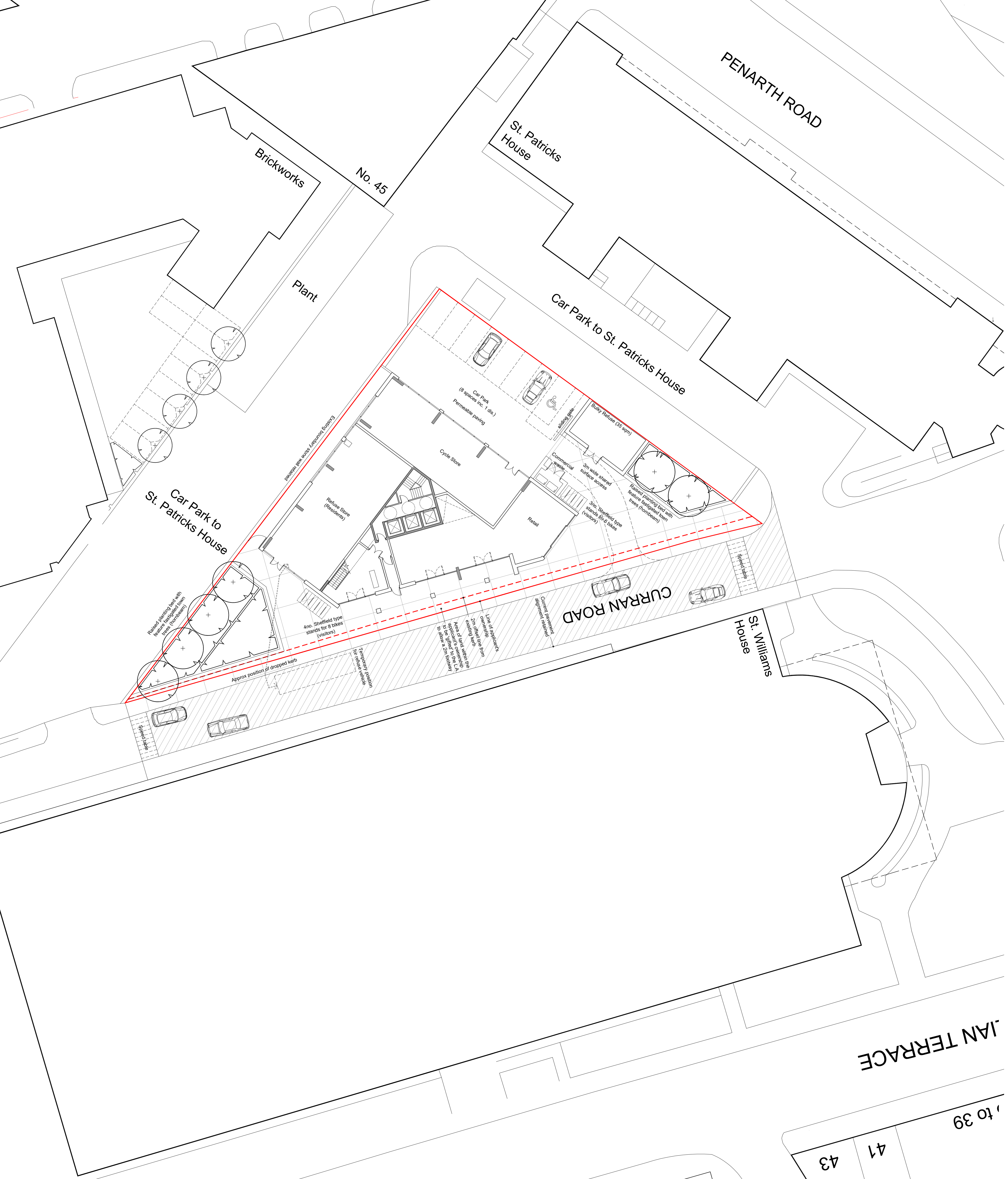
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**City of Cardiff Council**  
**Cyngor Dinas Caerdydd**




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JAN TERRACE

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41

REV F 07.07.20 - Raised planter to the south extended  
 REV E 24.06.20 - Disabled car parking space shown  
 REV D 19.06.20 - Ground floor layout updated (cycle store) + visitor cycle parking indicated  
 REV C 18.02.20 - Commercial refuse indicated  
 REV B 21.01.20 - Building footprint amended to reflect changes to floors above ground level  
 REV A 16.12.19 - Smaller building footprint; Bully store added; Refuse strategy shown

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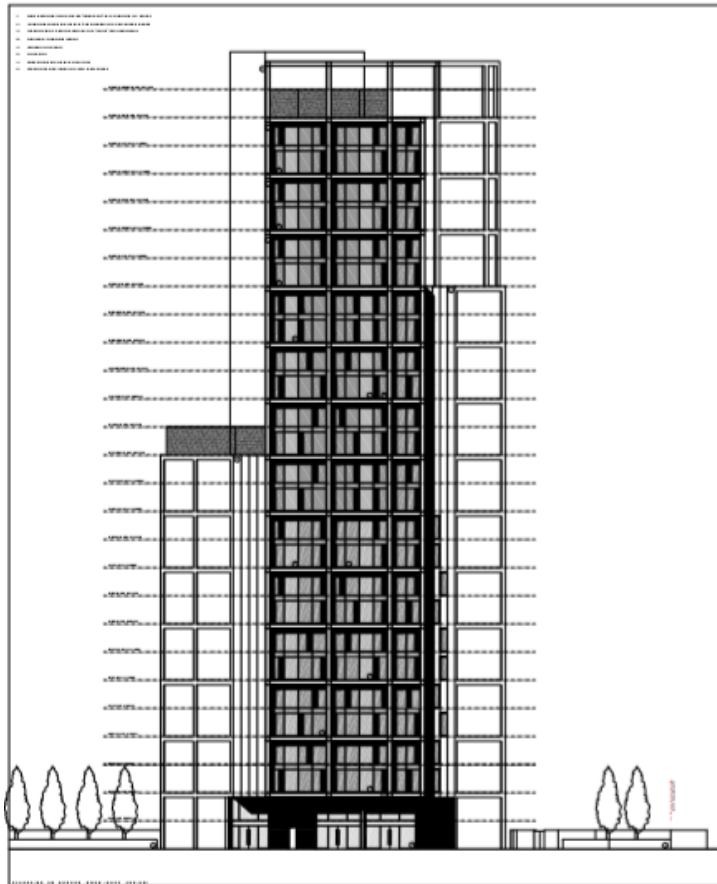
Project Name : Crawshay Court, Curran Road, Cardiff  
 Project Ref : SP495

Drawing Title : Proposed Site Plan  
 Drawing Number : SP495 - P01  
 Scale : 1:200 @ A1

Revisions: F  
 Drawn by: rb  
 Date: July 2019

# Elevations

## EAST



## SOUTH WEST

