

LOCAL MEMBER OBJECTION

COMMITTEE DATE: 19/08/2020

APPLICATION No. **18/02999/MJR** APPLICATION DATE: 20/12/2018

ED: **BUTETOWN**

APP: TYPE: Full Planning Permission

APPLICANT: Cadwyn Housing Association
LOCATION: WALTERS BUILDING, CLARENCE ROAD, BUTETOWN,
CARDIFF, CF10 5FA

PROPOSAL: DEMOLITION OF THE EXISTING BUILDING AND
ERECTION OF A 4/6-STOREYS RESIDENTIAL
APARTMENT BLOCK COMPRISING 35 AFFORDABLE
HOMES, BIN STORE, CYCLE PARKING AND
ASSOCIATED WORKS

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 paragraph 8.8.2 of this report, planning permission be **GRANTED** subject to the following conditions:

1. C01 Statutory Time Limit
2. The development shall be carried out in accordance with the following approved plans
 - L783 - A025 - PROPOSED SITE LAYOUT – REV B;
 - L783 - A026 - PROPOSED FLOOR PLAN SHEET 1 – Rev B;
 - L783 - A027 - PROPOSED FLOOR PLAN SHEET 2-Rev B;
 - L783 - A028 - PROPOSED FLOOR PLAN SHEET 3 – Rev B;
 - L783 - A030 - PROPOSED ELEVATIONS SHEET 2 – Rev B;
 - L783 - A031 - CONTEXT ELEVATION – SHEET 1 – Rev B;
 - L783 - A032 - CONTEXT ELEVATION – SHEET 2 Rev- B
 - L783 - A033 - PERSPECTIVE VIEW 1 - REV A;
 - L783 - A034 - PERSPECTIVE VIEW 2 - REV B;
 - L783 - A035 - PERSPECTIVE VIEW 3 - REV A ;
 - L783 - A036 - PERSPECTIVE VIEW 4 - REV A;
 - L783 - A037 - PERSPECTIVE VIEW 5 - REV A;
 - L783 - A038 - GROUND FLOOR%2FSITE PLAN Rev B;

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

3. No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.
Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment in accordance with Policies KP5 and EN10 of the adopted Cardiff Local Development Plan (2006-2026).
4. Prior to beneficial occupation a revised cycle layout shall be submitted to and approved in writing with the Local Planning Authority. The submitted scheme shall ensure that the cycle provision is designed in accordance with the council's approved Managing Transport Impacts SPG(2018). The approved details shall be implemented on site prior to beneficial occupation of the flats hereby approved.
Reason: To ensure a useable cycle provision in accordance with policy T1 of the adopted Cardiff Local Development Plan (2006-2026).
5. Prior to commencement of development a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide that all habitable rooms exposed to external road traffic 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 40 dBA Leq 16 hour during the day and 35 dBA Leq 8 hour at night. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with acoustically treated active ventilation units. Each ventilation unit (with air filter in position), by itself or with an integral air supply duct and cowl (or grille), shall be capable of giving variable ventilation rates ranging from :
 - 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 habitable room shall be occupied until the approved sound insulation and ventilation measures have been installed in that room. Any private open space (excepting terraces or balconies to any apartment) 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 55 dBA Leq 16 hour [free field].

Reason: To ensure that the amenities of future occupiers are protected in accordance Policy EN13 of the adopted Cardiff Local Development Plan (2006-2026).

6. No development shall take place until a scheme showing the architectural detailing of the building(s) has been submitted to and approved in writing by the Local Planning Authority and the development shall not be brought into use until the approved scheme is implemented.
Reason: To ensure a satisfactory finished appearance to the development.
7. No development shall be undertaken until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include details of paved areas, verges and other open spaces, indications of all existing trees and hedgerows on the land, and details of any to be retained and planted.
Reason: To maintain and improve the appearance of the area and in the interests of visual amenity To accord with policy KP5 of the adopted Cardiff Local Development Plan (2006-2026).
8. The external walls and roofs of any building shall be constructed and finished in accordance with a schedule of materials and finishes which shall be submitted to and approved by the Local Planning Authority prior to the commencement of development.
Reason : To ensure that the finished appearance of the development is in keeping with existing buildings in the area.
9. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to, and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The plan shall provide details of:
 - construction traffic access junction with the public highway
 - loading, unloading and storage areas for plant and materials
 - vehicle parking for site workers and visitors
 - the erection and maintenance of security hoarding
 - wheel washing facilities
 - Contact details of the site manager to include telephone number and email address
 - Details of how the contractor will notify adjoining neighbours in advance of undertaking the demolition and redevelopment
 - During demolition, site operatives should be given a 'tool-box talk' by the applicants consulting ecologist such that they are aware that bats may be present, and that they know what to do if bats are found during works.
 - Features such as roof tiles, soffits, barge-boards, fascias etc, and

any other features which bats may use to roost or to access a roost should be subject to soft-stripping under the supervision of the consulting ecologist, so as to avoid any potential harm to bats which may be using such features for shelter.

- An ecologist should be retained 'on call' during demolition in case bats are found. If bats are found during these works, they should stop immediately and Natural Resources Wales contacted for advice.

Reason: To ensure that the construction of the proposed development does not result in safety issues and to ensure avoidance of harm to protected species which may be present, in accordance with policies KP5, EN7 and EN13 of the adopted Cardiff Local Development Plan (2006-2026).

10. No development shall be undertaken that does not accord with the recommendations outlined in the bat report V3 dated July 2020 and the mitigation measures recommended in that report shall be incorporated into the development and maintained thereafter.

Reason. To ensure avoidance of harm to protected species which may be present, and to provide enhanced habitat for these species, in accordance with LDP Policy EN7, Section 6 of the Environment (Wales) Act 2016, and Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017.

11. If the demolition works have not been completed by 27th July 2022, then the bat survey submitted with this application shall be repeated and the results shall be submitted to the Local Planning Authority, after which demolition shall be carried out only in accordance with any mitigation measures that have been identified by the Local Planning Authority as necessary to avoid harm to Protected Species.

Reason: In the interests of the protection of bats, a European Protected Species, in accordance with policies KP16 and EN7 of the Cardiff Local Development Plan, paragraph 6.4.5 of Planning Policy Wales (edition 10), Section 6 of the Environment (Wales) Act 2016, and Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017.

12. Prior to aboveground works commencing, details of enhancement measures for nesting birds shall be submitted to, and approved in writing by, the Local Planning Authority. These details shall include, but not be limited to, the following:

- Two Swift nest boxes
- One double House Martin nest cup
- One Sparrow terrace

Reason. To ensure avoidance of harm to protected species which may be present, and to provide enhanced habitat for these species, in accordance with LDP Policy EN7, Section 6 of the Environment (Wales) Act 2016, and Regulation 9(3) of the Conservation of Habitats and

Species Regulations 2017.

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

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

Part or all of this development site is at a height where mains water cannot be guaranteed at all times. Under the Water Industry Act 1991, Welsh Water are not obliged to provide mains water to a height greater than that it will flow by gravity from the service reservoir or tank the supply is taken.

RECOMMENDATION 4 : 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.

1. DESCRIPTION OF PROPOSED DEVELOPMENT

- 1.1 Planning permission is sought for the demolition of an existing two storey red brick commercial building, and the construction of a 4 to 6 storey block containing 35 affordable flats. Access to the flats will be via a main stairwell and a lift that will be accessed directly off Clarence Road or a second access point via the proposed courtyard. No off street parking is proposed but 35 cycle spaces (1 per flat) will be located on the ground floor.

- 1.2 The configuration of the flats is as follows:
- | | |
|--------------|-------------------------------|
| Ground floor | 4 X 1 bed and 2 x 2 bed flats |
| First floor | 5 X 1 bed and 2 X 2 bed |
| Second floor | 5 X 1 bed and 2 X 2 bed |
| Third floor | 5 X 1 bed and 2 X 2 bed |
| Fourth floor | 4 X 1 bed |
| Fifth floor | 4 X 1 bed |

- 1.3 Scale
The four storey element would have a flat roof and would be sited along the Clarence Road frontage with a depth of 18 metres into the site. The six storey element would be sited approximately 5 metres from Clarence Road and would project along the Dumballs Road elevation and again would benefit from a flat roof. Linked to the additional two storeys would be a staircase that projects out towards Clarence Road.

- 1.4 Finish
The walls would be finished in brick with the stairwell glazed from ground floor

upwards. The balconies would be finished in safety glass

- 1.5 The plans have been amended from the original proposal that sought 49 flats within a nine storey block finished in render.
- 1.6 The application is supported by an updated bat roost assessment, a sunlight/day light assessment by McCann and Partners, and PAC assessment report.

2. DESCRIPTION OF THE SITE AND AREA

- 2.1 The application site measures 0.07 Ha (700m²) in area and is sited at the corner of Clarence Road and Dumballs Road. It contains a two storey building finished in red brick with decorative brick detailing and a hipped roof of blue/grey tiles, which has a modern first floor extension above an undercroft at the entrance into the building. The entrance is accessed via a small gated courtyard.
- 2.2 Immediately to the east of the site is an electricity substation and beyond this are a number of trees that have been planted along Dumballs Road. To the west is parking with access onto Clarence Road, and beyond this is a 5 storey block of flats (Century Wharf), of which a number have balconies and windows facing the application site. To the north is a blank four storey wall and car park that serves the Century Wharf development. Along the southern boundary is the busy Clarence Road, on the opposite side of which is a four storey block of flats with a number of windows overlooking the application site.
- 2.3 Overhanging the northern and eastern boundary of the site are trees that will be required to be trimmed.
- 2.4 The site is not a listed building and is not located within a conservation area, flood risk zone or the Central and Bay business area. The building is currently vacant.

3. PLANNING HISTORY

- 3.1 98/00727/R - Change of use from office to public house/restaurant-approved.

4. POLICY FRAMEWORK

- 4.1 National Planning Policy
 - Planning Policy Wales (10th Ed, 2018)
 - Building Better Places: The Planning System Delivering Resilient and Brighter Futures: Placemaking and the Covid 19 recovery (July 2020)
 - 4.2 Technical Advice Notes
 - 5 (Nature Conservation and Planning);
 - 12: (Design);
-

- 18: (Transportation)

4.3 Cardiff Local Development Plan 2006-2026

KEY POLICIES

KP1: LEVEL OF GROWTH
KP5: GOOD QUALITY AND SUSTAINABLE DESIGN
KP6: NEW INFRASTRUCTURE
KP7: PLANNING OBLIGATIONS
KP8: SUSTAINABLE TRANSPORT
KP12: WASTE
KP14: HEALTHY LIVING
KP15: CLIMATE CHANGE

DETAILED POLICIES

HOUSING

H3: AFFORDABLE HOUSING

ECONOMY

EC3: ALTERNATIVE USE OF EMPLOYMENT LAND AND PREMISES

ENVIRONMENT

EN7: PRIORITY HABITATS AND SPECIES
EN8: TREES, WOODLANDS AND HEDGEROWS
EN10: WATER SENSITIVE DESIGN
EN12: RENEWABLE ENERGY AND LOW CARBON TECHNOLOGIES
EN13: AIR, NOISE, LIGHT POLLUTION AND LAND CONTAMINATION

TRANSPORT

T1: WALKING AND CYCLING
T5: MANAGING TRANSPORT IMPACTS
T6: IMPACT ON TRANSPORT NETWORKS AND SERVICES

COMMUNITY

C1: COMMUNITY FACILITIES
C3: COMMUNITY SAFETY/CREATING SAFE ENVIRONMENTS
C5: PROVISION FOR OPEN SPACE, OUTDOOR RECREATION,
CHILDREN'S PLAY AND SPORT
C6: HEALTH

WASTE

W2: PROVISION FOR WASTE MANAGEMENT FACILITIES IN
DEVELOPMENT

4.4 Supplementary Planning Guidance

- Green Infrastructure (November 2017)
- Infill Sites (November 2017)
- Locating Waste Management Facilities (Jan 2017)

- Managing Transportation Impacts (Incorporating Parking Standards)(July 2018)
- Planning for Health and Wellbeing (November 2017)
- Planning obligations (January 2017)
- Cardiff Residential Design Guide (January 2017)
- Waste Collection & Storage Facilities (October 2016)

5. INTERNAL CONSULTEE RESPONSES

- 5.1 *The Operational Manager (Traffic and Transportation)*: No objection to the lack of off street parking as it meets with policy. The updated cycle provision (1 space per flat) is welcomed but the design does not provide an easily useable space and a reduction in numbers or redesign is required to ensure this is achieved. This can be secured by condition.
- 5.2 *The Operational Manager (Waste Management)*: No objection subject to the refuse area being implemented on site.
- 5.3 *Neighbourhood Regeneration*: The Cardiff Planning Obligations SPG 2017 (Section 8 – Community Facilities) states that ‘Growth in population arising from new development generates demand for and increases pressure on community facilities. To meet the needs of future residents, it may be necessary to meet this additional demand through:
- The provision of new facilities,
 - The extension to, or upgrading of existing facilities’.

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.

Using the formula in the SPG, which is based on the number of bedrooms and associated occupancy figures per dwelling, it is calculated that a contribution of **£27,434.88** is required from the developer.

- 5.4 *The Operational Manager (Shared Regulatory Services – Pollution Control - Noise)*: Requests standard conditions relating to road traffic noise and a demolition and construction management plan, and provides a standard recommendation on construction site noise.
- 5.5 *The Operational Manager (Parks and Sport)*: Concerned with regard to the lack of outdoor amenity space on site. Request a financial contribution towards public open space. Based on the number and type of units (which is an estimate as outlined in paragraph 1.2 of this report) the additional population generated by the development is calculated to be 67.7. This generates an open space requirement of 0.165 ha of on-site open space based on the criteria set for Housing accommodation, or an off-site contribution of **£51,358**
- 5.6 *The Operational Manager (Housing Development)*: This planning application has been submitted by one of our partner Registered Social Landlords (RSL)

(Cadwyn Housing Association). The Housing Development team will work with Cadwyn Housing Association to ensure the successful delivery of the scheme. The development will comprise 35 units of new affordable housing. To ensure the development remains affordable housing, a provision should be included within the S106 for these units to remain affordable and not to be sold as open market units. The Housing Officer also states that there are currently 804 households on the waiting list for a 1 bedroom property and 489 on the waiting list for a 2 bedroom property within this ward.

- 5.7 *The Operational Manager (Shared Regulatory Services – Contamination)*
In reviewing available records and the application for the proposed development, the site has been identified as formerly commercial with uses including former offices and railway station. 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. Such sites are associated with the generation of landfill gases, within subsurface materials, which have the potential to migrate to other sites. This may give rise to potential risks to human health and the environment for the proposed end use. Standard conditions and advisory notes are requested relating to ground gas protection, contaminated land assessment, remediation and verification, unforeseen contamination, imported materials, use of site won materials and contaminated/unstable land.
- 5.8 *The Council's Trees and Landscaping officer.* The submitted details provide for little detail or opportunity for landscaping but this can be conditioned to ensure an acceptable environment
- 5.9 The Operational Manager (Flood & Coastal Risk Management) has been consulted; no representations have been received.
- 5.10 *The Council's Ecologist:* No objection subject to enhancement conditions. Given the low nature of impact, there is no requirement to re-consult NRW. A planning condition should be attached stating that surveys should be repeated if works which may affect the species concerned haven't taken place within two years of the date of the most recent survey.

6. EXTERNAL CONSULTEE RESPONSES

- 6.1 *Welsh Water:* No objection subject to a condition requiring approval of a drainage scheme prior to commencement of development. Could not support any new connections direct to the strategic brick work sewers in Hurman street or Clarence Road, No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site, and a water supply can be made available to serve this proposed development. To ensure an adequate mains water supply, 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. A storage tank will also need to be installed.

- 6.2 *Natural Resources Wales*: Expressed significant concerns regarding the impact of the proposed development on European Protected Species (bats) and stated that planning permission should only be granted if further information on bats was obtained (which has been the case - see paragraph 5.10). Further bat surveys were required in line with nationally agreed guidelines to update the information on the current bat use of the site. Furthermore, where necessary, NRW recommend mitigation proposals are prepared based on the results of the further surveys, and submitted to the LPA for approval prior to any development affecting bats commencing on site.
- 6.3 *South Wales Police*: No objection but as this is a WG funded scheme it will need to meet Gold standard "Secure by Design."

7 REPRESENTATIONS

- 7.1 The application was advertised by way of neighbour notification letters, site notices and advertisement in the local press. 30 letters of representation have been received, objecting on the following grounds:
- i. The lack of parking will exacerbate an already unacceptable on street parking problem;
 - ii. The suggestion that no off street parking could work is fanciful, where are residents, visitors or deliveries going to park/drop off?
 - iii. The proposal would adversely affect the price of adjoining properties and will residents be compensated?
 - iv. The proposal would, due to its siting and design, result in loss of light (as assessed through the 45/25 degree rule) and loss of privacy to surrounding properties, contrary to Police KP5;
 - v. The proposal would harm the wellbeing of adjoining residents contrary to the Wellbeing of Future Generations Act;
 - vi. Given COVID-19 restrictions many people are working from home and require the ability to concentrate the demolition and construction would undermine the ability for people to work from home;
 - vii. The proposal would result in the loss of access the is currently enjoyed from the car park to Clarence Road;
 - viii. Given its siting in close proximity to existing buildings/adjoining land there are concerns over maintenance of existing and proposed buildings;
 - ix. The proposal results in the loss of viable commercial premises contrary to policy EC3 of the LDP.
 - x. The proposal is sited in the wrong place for a tall building and should be located on Dumballs Road and would be contrary to the council's 'Tall Buildings' SPG.
 - xi. There are bats that fly around the area that would be affected by this proposal.
- 7.2 In addition to the above, the 550 apartments of Century Wharf are represented by Evans Jones Ltd Surveyors, who object on the following grounds:
- i. The time to respond is unreasonable and should be extended;
 - ii. The proposal removes a viable commercial premises that should be retained, contrary to policies EC3 & H6(i) of the LDP;
 - iii. The proposal results in unacceptable harm to the amenity of the

adjoining residents, contrary to policy KP5 (X)
They also point out that if the application is approved the residents would have to use legal means to ensure the development did not go ahead.

7.3 Local members have been consulted and support the objections outlined above.

8 ANALYSIS

8.1 The principal material matters for consideration are:

- the effect of the proposal upon the character of the area;
- the impact upon the amenity of neighbouring occupiers and the area;
- the amenities of future occupiers of the flats;
- the proposal's transport impact;
- planning obligations and viability.

8.2 Impact Upon the Character of the Area

Policy KP5 requires that all new development should respond *'to the local character and context of the built and landscape setting so that layout, scale, form, massing, height, density, colour, materials, detailing and impact on the built and natural heritage are all addressed within development proposals'*.

8.2.1 The amended plans ensure that the scale and massing of the building respect the context of its setting. The four storey element is consistent with surrounding buildings; the flat roof, whilst differing to surrounding development, is considered appropriate to the building. The additional two storey element is considered acceptable in responding to the corner location by adding presence on this important corner. The additional height would be seen in context with the police station sited on the opposite corner and, given their similar height, ensures that both buildings address this corner location appropriately.

8.2.2 The detailing around the windows and doors is in principle acceptable, but to ensure that the appearance of the building would be enhanced, a condition should be imposed requiring finer architectural detailing on the elevation that presents itself to the Century Wharf flats and bridge.

8.2.3 The use of brick rather than render is supported as this is the dominant material within the area. Vertical emphasis and the size of the glazing break up the mass to ensure that the development does not appear bulky.

8.2.4 Concern has been raised that the proposal is contrary to the Council's approved 'Tall Buildings' SPG. However, the SPG defines a "tall" building as:

- Within the city centre and Cardiff bay: *8 storeys+ or circa 25m+*
- Outside the city centre: *Buildings which are double or more than double height of surrounding properties or significantly taller in terms of actual height and number of floors.*

The requirements of the SPG therefore do not apply to this building, which is 4 to 6 storeys in height and is not significantly taller than any surrounding buildings.

8.2.5 It is considered that the proposal has due regard to the context of the area and would complement its character, and, therefore, accords with the principles of Policy KP5 of the Cardiff Local Development plan which requires developments to “*respond to the local character and context of the built and landscape setting so that layout, scale, form, massing, height, density, colour, materials, detailing and impact on the built and natural heritage are all addressed within development proposals*”.

8.3 Impact Upon the Amenity of Neighbouring Occupiers and the Area

8.3.1 Policy KP5 seeks to ensure that ‘*no undue effect on the amenity of neighbouring occupiers*’ results from development.

8.3.2 Loss of sun/daylight

The existing five storey block sited to the west of the application site (73-87 Judkin Court) is of a similar height/scale to the proposal, is sited approximately 13 metres away and has side windows facing the application site. These side windows are all bedroom windows save for living room windows at either end which also have a principal / additional window on both the north and south elevations. The flats also benefit from balconies on their southern elevation. The applicant has undertaken a sunlight study that concludes, in terms of sunlight, there is no significant impact.

8.3.3 Regarding the block to the north (57-72 Judkin Court) which is sited 2.99 metres from the application site, there are no windows that directly face the site (other than a balcony on the 4th floor). The block does contain a number of windows in the west elevation and, given the siting of the development to the south, these have been considered in the light assessment. This assessment concludes that the new development is not situated in such a position that there will be a significant reduction in light to these windows.

8.3.4 To the south of the application site is a four storey block of flats which is approximately 16 metres away from the proposed development. The applicant has considered the impact upon the habitable room windows of this block through both the “25 degree” rule and sunlight assessment. In terms of sunlight, as the proposed building is located to the north it is concluded that there is no requirement for this to be assessed. In terms of daylight, there will also be no significant reduction.

8.3.5 Impact on privacy

The block to the west (73-87 Judkin Court) benefits from side windows that serve bedrooms, and south facing balconies. Within the proposed development are a number of bedrooms on all four floors that would overlook the balconies and side windows of Judkin Court at a distance of 13 metres. However, given the angle, it is considered there would be no direct overlooking, and in line with the council’s approved SPG the required separation distance can be reduced below the suggested minimum 21 metres. In this context, the proposal is

considered to accord with Policy KP5 of the adopted LDP and national design guidance set out in PPW.

- 8.3.6 To the south, and sited approximately 16 metres away, is the building known as Avondale Court. This building is a four storey block of flats that on all floors has habitable windows overlooking the application site. The proposal would, if approved, have habitable rooms and balconies that would overlook these rooms at a distance below the 21m standard set within the Council's approved SPG, and a number of objections have been received from these flats on this ground. Whilst recognising this relationship, the proposal must be considered within the urban context of a tighter relationship between buildings, where habitable room windows often face each other across streets at distances of less than 21m. The proposal is therefore, on balance, considered acceptable in terms of its impact on privacy to these flats.
- 8.3.7 There will be a loss of views from some of the existing flats towards the Millennium Centre; however, it must be recognised that the planning system cannot be used to protect private interests.
- 8.3.8 Accordingly it is considered that the proposal would not, on balance, have any undue impact upon the general amenity of neighbouring occupiers or the area, and, therefore, accords with the principles of Policy KP5.

8.4 Impact upon future occupiers

- 8.4.1 Given the limited size of the plot, there is no opportunity to provide a significant amount of outdoor amenity space for residents. However, this is not an unusual situation in an urban location. The 2 bedroom units have been located along the southern and eastern elevations to ensure that those units would be provided with balconies that would allow for limited outdoor space. Such provision is not unusual within the bay or city centre location and would accord with policy and with the residential design guide SPG which states that *'Balconies will need to be provided for apartments with no direct, safe or convenient access to a communal garden or other suitable public green spaces within their vicinity. They should be a minimum of 5m². They should be located in positions where they receive direct sunlight for some part of the day, and preferably with a southern aspect.'*
- 8.4.2 The 1 bedroom units do not benefit from any outdoor space but, again, such an arrangement is not unusual within an inner city location. However, within 100 metres, to the east, is the linear park known as Canal Park, and 240 metres to the south is Hamadryad Park. Given that both parks are within easy walkable distance for the future occupiers it is considered that this overcomes any concerns in relation to accessible outdoor amenity space.
- 8.4.3 On the ground floor it is proposed for three flats to be located facing the northern boundary. The northern boundary faces the car park that serves the adjoining gated community of Century Wharf. Given that the land to the north is a car park it is considered that, on balance, the proposed outlook and privacy of these flats is acceptable.

8.4.4 The adjoining roads are busy and there is an operational Police Station in close proximity, therefore, to ensure that internal noise levels are acceptable, a condition should be imposed to ensure an appropriate level is achieved.

8.5 Transport Impact

8.5.1 Policy KP8 seeks to achieve a 50:50 modal split between journeys by car and other more sustainable means and, therefore, seeks to reduce reliance on the private car as a means of transport in favour of more sustainable methods. Policy T5, supports this key policy, by seeking to ensure *'that all new development properly addresses the demand for travel and its impacts, contributes to reducing reliance on the private car and avoids unacceptable harm to safe and efficient operation of the road, public transport and other movement network and routes'*.

8.5.2 A number of objections have been raised in relation to the development providing no off street parking space and the effect this will have upon the area. In terms of the lack of off street parking, the Council's approved parking standards allow for no off street parking spaces within the bay and city centre locations because of their sustainability in that they can offer modes of transportation other than the car. This site is located within the bay area and therefore the lack of off street parking is supported in policy terms.

8.5.3 It is noted that, given its corner location onto busy roads, there are already existing double yellow lines around the site which will ensure that parking within the immediate vicinity is prohibited. However, a construction management plan is required to ensure the demolition and rebuilding does not harm the flow of traffic on these busy roads.

8.5.4 To accord with the council's active travel principles, the development is required to provide on-site cycle provision. The plans have been amended to provide 1 cycle storage space per flat, on the ground floor in close proximity to the main entrance. However, the Transportation Officer has requested a reduction in the number of spaces to ensure that the proposed space is properly useable. The reduction below the SPG requirement is considered acceptable as, located on the opposite corner, is a 'next' bike station which can be used by residents. Also, the site is in a sustainable location within walkable distance of the city centre and Cardiff Bay, as well as having good public transport links, therefore it would not be absolutely necessary for all the residents to have a cycle parking space within the development.

8.5.5 It is considered that, subject to conditions, the proposal would have no adverse transport impact, with only a minimal impact upon the road network, and accords with the principles of Policies KP8 and T5.

8.6 Demolition

8.6.1 Permission is sought to demolish the existing building, which is also a material consideration. An updated bat report has been submitted, which concludes that

a bat has been seen exiting the building and as such mitigation is required to ensure compliance with habitat regulations and with the Local Planning Authority's duty to enhance biodiversity. The proposed mitigation as suggested within the bat report has been considered by the County Ecologist and NRW (who would have to issue a licence to disturb any protected species) and is considered acceptable. To ensure that the mitigation measures are provided, a condition can be imposed on this permission.

8.6.2 The existing building is finished in red brick and has a number of design features which add to its character, but it is not listed and is not within a conservation area. Given its lack of statutory protection, there are no grounds to object to the building being demolished.

8.6.3 A condition should be imposed to ensure the demolition is undertaken in a manner that does not harm amenity. To ensure there is no duplication of the regulatory framework, the suggested condition is limited to traffic management and hoardings and does not include noise and dust suppression, which are controlled through environmental legislation.

8.7 Planning obligations

8.8.1 National Policy and CIL regulations outline the legal requirements for a valid Planning obligation. Policy KP7 is also relevant and the Council's approved Planning Obligations SPG provides further guidance.

8.8.2 With reference to the legal tests and approved SPG, contributions of **£51,358** towards public open space and **£27,434** for community facilities are sought. The applicant has agreed to the payment of these contributions via a S106 obligation.

8.8 Other Matters

8.8.1 Policies EN10 and EN14 require water sensitive design solutions that do not increase risk of flooding elsewhere to be incorporated within new developments. In this regard, insufficient information is provided on how surface or foul water will be disposed of, and therefore a condition requiring further details is recommended.

8.8.2 Policies KP15, KP16 and EN8 seek to ensure that green infrastructure is protected and the effects of climate change associated with such loss are mitigated. The principle of the proposed development in this regard is considered acceptable; however, further detail is required to ensure that appropriate landscaping is provided and that no harm results, acknowledging the limitation presented by the size of the site. A condition is recommended in this regard.

8.8.3 Policies KP16, EN6 and EN7 are principally relevant in respect of ecological concerns. The Council's Ecologist has been consulted in respect of the application and has not raised any concerns.

- 8.8.4 The construction of the proposal, including demolition, would likely result in some disturbance and inconvenience to the area in the short term but this is to be expected when such works are being undertaken. Given the size of the site a Construction Management Plan will need to be submitted. Other controls exist in respect of matters that could cause harm, including operational working hours and dust, therefore it is considered that planning controls in this regard, given the context of the site and proposal, are not warranted.
- 8.8.5 Concern has been raised over the loss of views and potential loss of value of adjoining properties. The planning system does not seek to protect these private interests and therefore they are not material to the determination of this application.
- 8.8.6 Concern raised over the loss of an existing business unit is noted; however, the site has no specific designation or allocation and is not identified in Policy EC1 as existing employment land to be protected for B use Class employment generating uses. As such the existing office premises are afforded no protection in relation to land use. Also, the surrounding area is largely mixed use in nature, with commercial and residential uses.
- 8.8.7 Policy H6 - Change of Use or Redevelopment to Residential Use - permits the change of use of redundant premises for residential use where:
- There is no overriding need to retain the existing use of the land or premises and no overriding alternative local land use requirement;
 - The resulting residential accommodation and amenity will be satisfactory;
 - There will be no unacceptable impact on the operating conditions of existing businesses;
 - Necessary community and transportation facilities are accessible or can be readily provided or improved; and
 - It can be demonstrated that the change of use to a more sensitive end use has been assessed in terms of land contamination risk and that there are no unacceptable risks to the end users.
- 8.8.8 In relation to policy EC3 - Alternative use of employment land and premises - the former office has formed a longstanding vacancy in the Bay and no longer forms the preferred office accommodation for potential occupiers.
- 8.8.9 Assessed against this policy framework the existing offices are vacant and are afforded no policy protection. The site is located within close proximity to Bute Street/James Street District Centre and is easily accessible by sustainable forms of transport to the city centre. Given this context, the redevelopment of the long term vacant office accommodation to residential raises no land use policy concerns.
- 8.8.10 EIA
The development has been screened in respect of the T&CP Environmental Impact Assessment Regulations (Wales) 2019 and found not to constitute EIA Development / be likely to have such significant environmental effect as to require the submission of an Environmental Statement to allow the Local Planning Authority to determine this application.

8.8.11 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.

8.8.12 Equality Act 2010

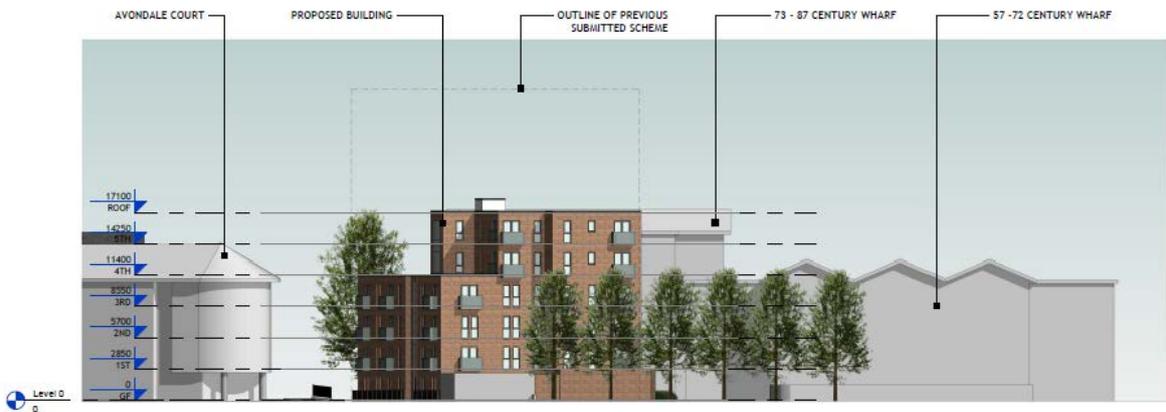
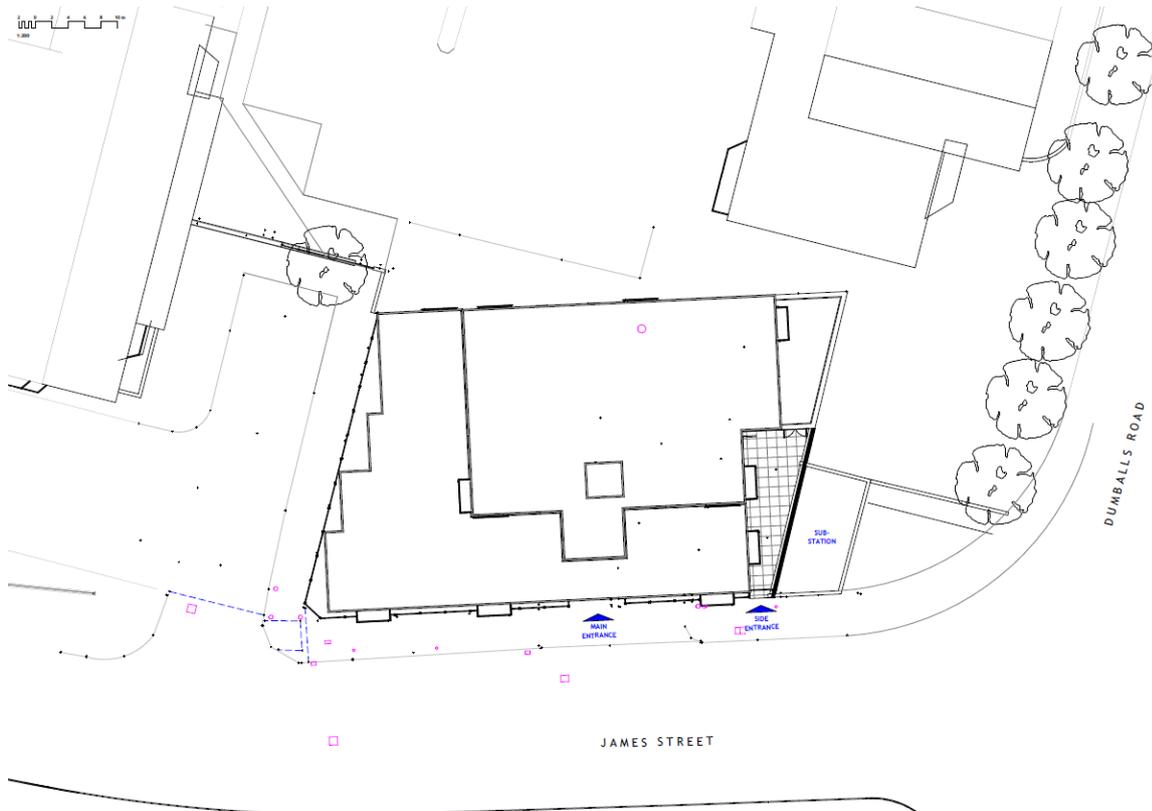
The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council's duty under the above Act has been given due consideration in 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, over and above any other person.

8.8.13 Well-Being of Future Generations Act 2016

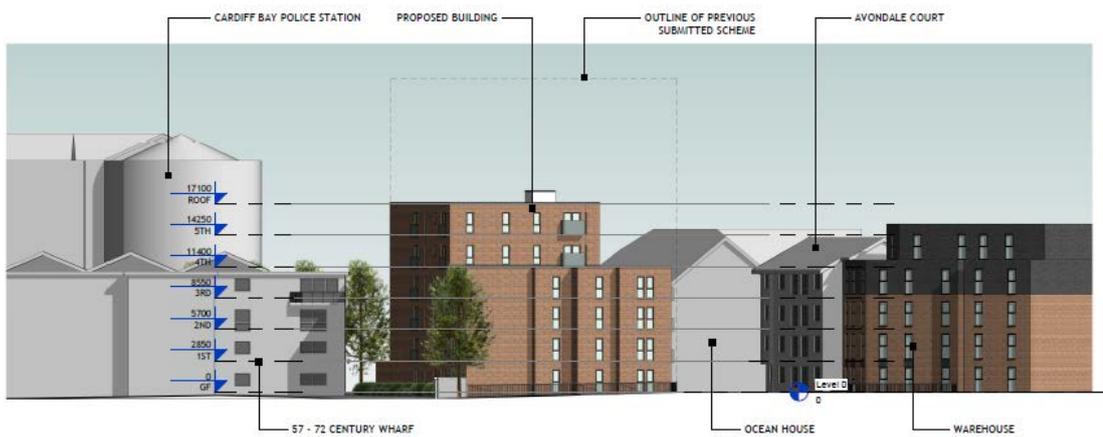
Section 3 of this Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (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. **CONCLUSION**

- 9.1 Having regard to the policy context above, the proposal makes efficient use of brownfield land, will have no detrimental impact on the amenities of neighbouring residents and will provide an acceptable standard of accommodation for future residents of the development. The proposal is considered acceptable and it is recommended that planning permission be granted subject to conditions and any necessary legal undertakings.



01 DUMBALLS ROAD - CONTEXT ELEVATION
1 : 200



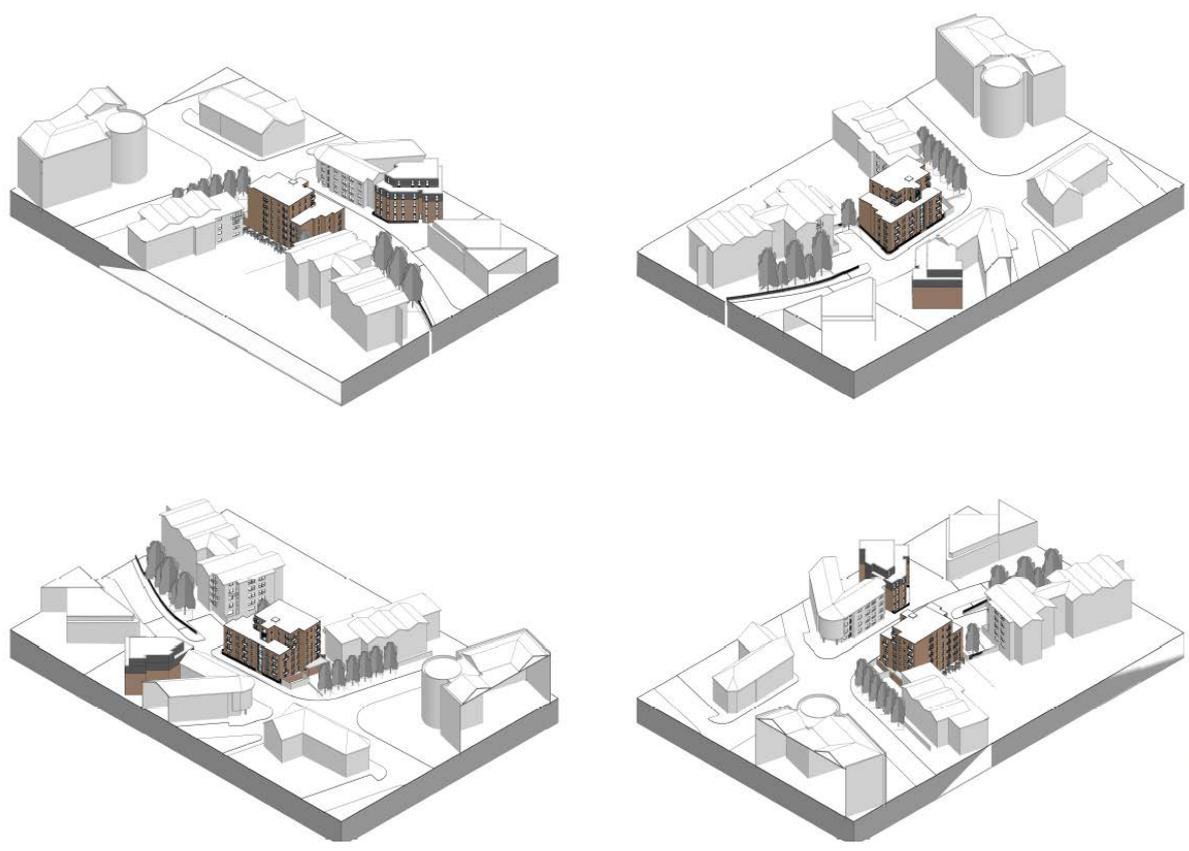
02 SIDE CONTEXT ELEVATION
1 : 200

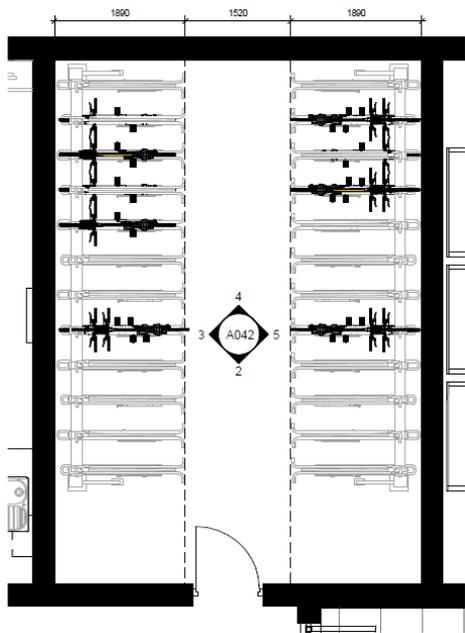


01 JAMES STREET - CONTEXT ELEVATION
1 : 200

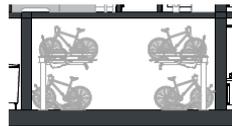


02 REAR CONTEXT ELEVATION
1 : 200

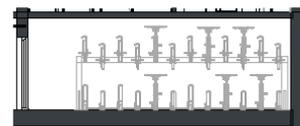




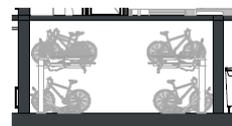
01 CYCLE STORE PLAN (48 CYCLE SPACES)
1:50



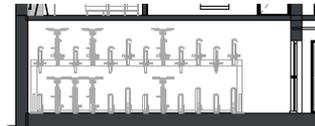
02 CYCLE STORE - ELEVATION A
1:100



03 CYCLE STORE - ELEVATION B
1:100



04 CYCLE STORE - ELEVATION C
1:100



05 CYCLE STORE - ELEVATION D
1:100