

COMMITTEE DATE: 15/06/2022

APPLICATION No. 21/02884/MJR **APPLICATION DATE:** 13/12/2021

ED: **BUTETOWN**

APP TYPE: Full Planning Permission

APPLICANT: Rightacres Property Company Ltd

LOCATION: PHASE 2, PLOT 2, CENTRAL QUAY AT FORMER BREWERY SITE, CRAWSHAY STREET, BUTETOWN, CARDIFF

PROPOSAL: Full planning application for a mixed-use building providing commercial uses at ground floor/mezzanine level (use classes A1/A2/A3/B1/D1/D2) and residential development above (use class C3), landscaping including a new public square (Central Quay Square) and associated car and cycle parking, access, drainage and other infrastructure works required for the delivery of Central Quay (phase 2, plot 2)

RECOMMENDATION 1: That, subject to relevant parties entering into a binding legal agreement with the Council under the provisions of a SECTION 106 of the Town and Country Planning Act 1990, within 6 months of the date of this Resolution unless otherwise agreed by the Council in writing, in respect of matters detailed in Section 11 of this report, planning permission be GRANTED subject to the conditions listed in Section 15.

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

1. BACKGROUND INFORMATION

1.1 Two full planning applications are reported concurrently to the 15th June Committee relating to Phase 2 of the proposed 'Central Quay' development, on land to the south of the railway station/line, comprising the site of the former Brains Brewery, Network Rail car park and the demolished Sytner BMW car showrooms.

1.2 The 'Central Quay' development has been the subject of a previous Masterplan, but to date there has been no single outline planning application and instead individual parts of the site have come forward as separate proposals (identified in section 5 below).

- 1.3 While the two schemes have been submitted separately, and separate reports and decisions are therefore required, Figures 1 and 2 below show how the two schemes are inextricably linked as together they make up a significant proportion (one-third) of the wider 6.3Ha site, and connect the essential highways, sustainable connections and green infrastructure within the site. Therefore, the schemes will be presented at Committee 'as one'.

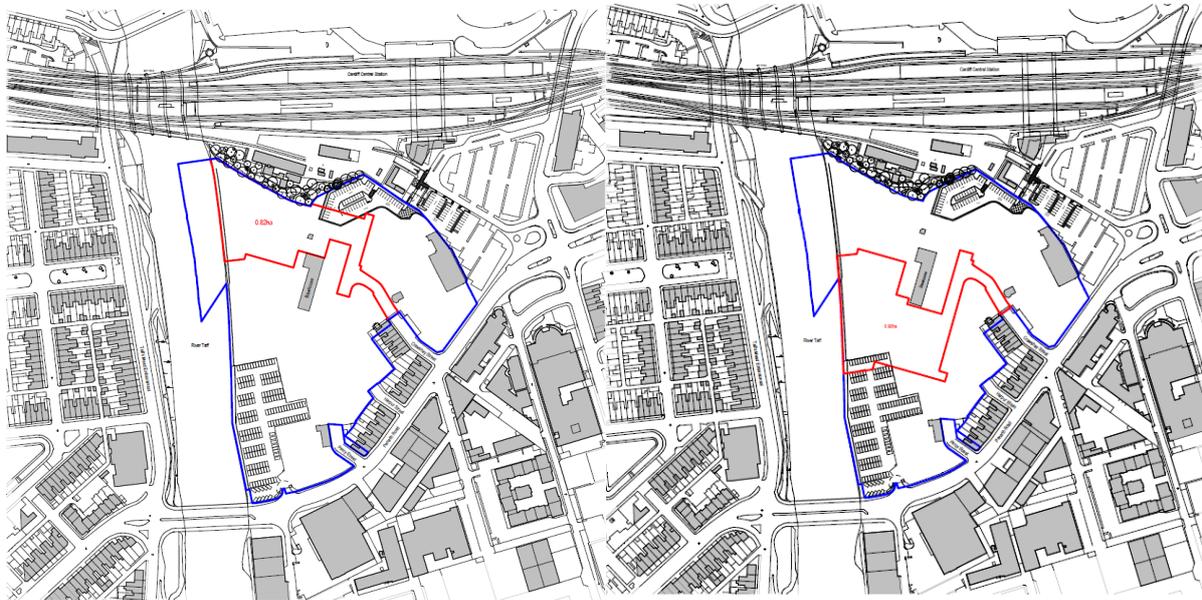


Figure 1: Plot 1 site boundary

Figure 2: Plot 2 Site Boundary

2. DESCRIPTION OF SITE

- 2.1 The application site comprises Plot 2 of Phase 2 of the wider illustrative 'Central Quay' masterplan site. The site which has been cleared of previous development (with the exception of the brewery building and chimney) and is now vacant pending redevelopment to commence.
- 2.2 The application site (Plot 2) is vacant brownfield land that measures 0.95 hectares and lies centrally within the wider site which measures 6.3 hectares in total. Figure 2 above shows the extent of the red line for Plot 2 with the blue line illustrating the wider 'Central Quay' site ownership.
- 2.3 Directly to the north of the application site is the part four / part five storey former Brains brewhouse building, with its associated 43 metre high chimney lying centrally within the application site. The brewhouse was built in 1889 and was formerly occupied by Hancocks, Welsh Brewers and then Brains, who vacated the site in 2019. Work has since commenced on clearing the vacant site and demolishing various ancillary and unoriginal elements of the building (demolition application refs: 17/03049/MJR and 18/03033/MJR consented in 2017 and 2018 respectively). The brewhouse and the associated chimney has since been granted planning permission for its refurbishment, including the construction of a six-storey rear extension to the east and a single storey front extension to the west (20/00102/MJR).

- 2.4 The brewhouse and its associated chimney are neither designated nor non-designated heritage assets, and the site is not located within a designated conservation area. The St Mary Street Conservation Area, which contains numerous listed and locally listed buildings, lies approximately 270 metres to the north of the site. The Grade II listed Central Station lies approximately 80 metres immediately to the north of the site. The Grade II listed Jacobs Antique lies approximately 350 metres to the east fronting West Canal Wharf.
- 2.5 In addition to the above, the site is bounded to the east (within the Central Quay site) by a site which has been granted planning permission (as amended) for an 8-storey mixed use office building, a multi-storey car park (MSCP) and associated public realm and access works.
- 2.6 'Plot 1' of Phase 2 (subject of the separate application ref. 21/02883/MJR reported concurrently to this Committee) lies directly to the north of the site.
- 2.7 Further north is the Cardiff Central Railway Station with its associated car park to the north-east. Beyond this again is Central Square which features the BBC Cymru Building and the emerging bus station. The surrounding uses are predominantly transport, office or employment-related uses, and some two-storey terraced housing on Crawshay Street and Penarth Road to the south-east.
- 2.8 Beyond Penarth Road to the south is the Curran Embankment development site (21/00783/MJR), which proposes 2,500 new homes (Use Class C3), business space (B1), complementary food, drink, hospitality, retail and wellbeing uses (A1, A2, A3, D1 and D2), areas of open space and new cycle and pedestrian facilities including a shared cycle and pedestrian footbridge over the River Taff. Finally, the Central Shopping Area is also situated to the north of the railway station, which benefits from a range of shops, services and facilities.
- 2.9 Straddling the boundary to the west lies the River Taff, with the Taff Mead Embankment in Riverside beyond, which predominantly comprises two-storey terraced houses. The existing riverbank is delineated by a 1.2 metre high masonry flood defence wall which is owned and operated by National Resources Wales (NRW). Lining the riverbank is a steeply sloping concrete revetment situated on top of a sheet pile wall that drops to the riverbed. Parts of the concrete revetment have become overgrown over time but the vast majority remains a concrete face.
- 2.10 Pedestrian access to the site is currently limited to the station car park and the rear entrance to Cardiff Central Railway Station. There is no access through the site or along the River Taff embankment. Access into the site is through the wider Central Quay site, which has an existing access from Penarth Road, via Crawshay Street. Penarth Road to the south is a high frequency bus corridor with around 16 buses per hour during the peak period (in both directions). The Taff Trail, which forms part of Route 8 of the National Cycle Network, runs alongside the river Taff and Taffs Mead Embankment providing a north/south

cycle corridor between Cardiff Bay, the city centre and beyond. Nextbike bicycle hire and commercial car hire are also located close to the site.

- 2.11 The site is within the allocated strategic site KP2(A) Cardiff Central Enterprise Zone and Regional Transport Hub within the adopted LDP. It is also within the Central Business Area (CBA). The site is located outside, but on the edge of the Central Shopping Area (CSA) as defined by Policy R2 of the LDP.
- 2.12 The majority of the site comprises hardstanding, with small areas of scattered scrub and ephemeral vegetation. The site is not subject to any statutory environmental designations, however the River Taff is a designated Site of Importance for Nature Conservation (SINC). There are also a number of designations within the site's potential zone of influence. These comprise the Severn Estuary Ramsar/Special Area of Conservation (SAC)/Special Protection Area (SPA)/Site of Special Scientific Interest (SSSI); Cardiff Beech Woods SAC; Cwm Cydfin SSSI; and Gwent Levels – Rumney and Peterstone SSSI. The Blackweir and Dock Feeder SINC) is located within 1km of the application site. Finally, the site is located within a C1 Flood Zone (served by flood defences) as defined on Welsh Government's TAN15 Development Advice Map.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1 The application seeks full planning permission for the construction of a mixed-use development comprising 316 residential apartments (Use Class C3), 1,319sqm of commercial floorspace at ground and mezzanine level (A1/A2/A3/B1/D1/D2), hard and soft landscaping including a new public square ('Central Quay Square') associated car and cycle parking, access, drainage and other infrastructure works including part of a new 'boulevard' access road, new square and riverside route.
- 3.2 The breakdown of the 316 apartments comprises 60 studios, 182 no. 1-bedroom units, 68 no. 2-bedroom units and 6 no. 3-bedroom units. 59 balconies are proposed in total on the lower floors. The development proposes two external communal amenity terraces; one on the first floor to the west facing the river frontage measuring 190sqm and the other fronting the main square to the north on the second floor measuring 400sqm. 176sqm of internal communal amenity space is proposed at first floor, which will connect to the western roof terrace. A 104sqm entrance/internal amenity area is also proposed at ground floor.
- 3.3 The scheme comprises four blocks of varying heights. The main central block is the tallest element at 24 storeys with a total height of 76 metres, with an eastern block projecting to the east and facing a proposed 'boulevard' at 10 storeys (32 metres). To the west of the central block lies another outward projecting block towards the river at 14 storeys (44 metres). Finally, separated by an external communal amenity terrace is a stand-alone block facing the square at 8 storeys high (26 metres), all as shown on figure 3 below.

- 3.4 Each of the proposed blocks will be finished in a mixture of colours, which will be confirmed at planning condition stage. The detail of the cladding on the tallest block will result in a staggered appearance with four storey blocked staggers, reducing to three and two storeys from the top to bottom. The lower blocks will be defined by a mixture of vertical and horizontal banding, generally between alternate floors and will have prominent roof parapet levels. The eight-storey block to the north-west which faces the Central Quay Square will have a different composition to the other lower elements. The plinth will be differentiated from the upper levels through the use of contrasting grey facing materials, with the commercial frontages characterised by double height glazing.



Figure 3: North-west elevation showing the different blocks.

- 3.5 Three areas of double height commercial floorspace totalling 1,319sqm are provided at ground level fronting 'Central Quay Square', the River Taff and the boulevard. These may be sub-divided into a series of units as required by future occupiers. The main entrance to the residential units is situated centrally on the northern elevation. The ground floor plan proposes a central core with three lifts and a staircase. Plant rooms, cycle and refuse storage are located to the rear (south).

Public Realm:

- 3.6 Plot 2 proposes the majority of the public realm proposals for the wider Phase 2 site and is linked to the public realm proposals for Plot 1 of Phase 2 (ref 21/02883/MJR). The Plot 2 red line plan includes the majority of the new public square to the north of the building block named 'Central Quay Square', a

riverside shared route to the east along the River Taff and the boulevard which runs vertically through the wider Central Quay site.

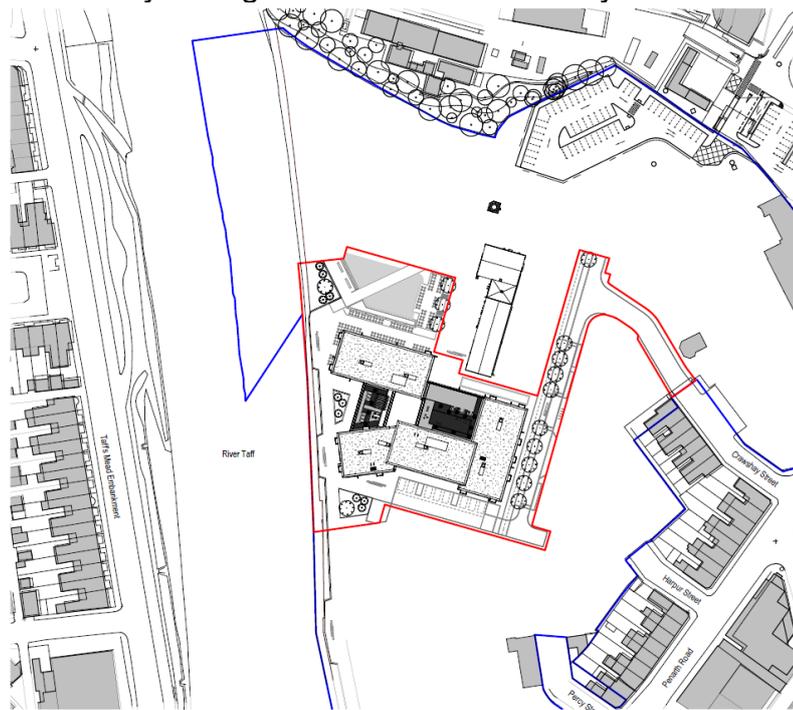


Figure 4: Internal site layout including 'Central Quay Square' and 'boulevard'

'Central Quay Square'

- 3.7 'Central Quay Square' is framed to the north by the Plot 1 boundary and to the south by the Plot 2 building, with the river to the west and the existing brewhouse building to the east. The square will lead to the base of a potential footbridge leading to the Taff Mead Embankment across the river (not forming part of this application), providing stepped and graded access.
- 3.8 The square will measure 1,500sqm and will feature a centrally located water body feature with a zig-zagged shared cycle and footpath through the middle, providing access to the potential footbridge. The footbridge is part of a vision which would connect the Taff Mead Embankment over the river to reach the shared footpath in 'Central Square', which would then lead to the 'Chimney Square' as part of Plot 1. There will also be pedestrian connectivity to the boulevard between the Plot 2 building and the brewhouse. A decked terrace is proposed adjacent to the water body with 'Central Square' to the west. Tree planting and hedges surrounds the water feature with tables and chairs beyond used for spill out areas to the commercial units. The 'Central Quay Square' has been designed to allow flexible space for temporary events such as markets, fayres and festivals.

Riverside Shared Route

- 3.9 The application proposes a straight 5m wide pedestrian walkway along the River Taff that will connect to Plot 1, the 'Central Quay Square' and to the base of the potential footbridge. This will then run southwards parallel along the river to the future phases of the 'Central Quay' site. The supporting documentation

states that the riverside route does not form part of the main connection into the city centre and train station through 'Central Quay Square' but does form an important link to the potential footbridge crossing over the River Taff.

3.10 The walkway will have the following features:

- A 5m wide straight pedestrian walkway;
- Three SUDs pocket garden areas. These will be located adjacent to the future bridge landing and to the west and south-east of the Plot 2 commercial frontages;
- Spill out terraced areas adjacent to the ground floor commercial units. The most narrowest part adjacent to the SUDs pocket garden will measure 3.6m;
- A 2m wide SUDs strip located along the river edge to attenuate run-off from the paved walkway. The dwarf wall along the edge of the planted area will define the route and will be used for seating;
- A 1.1m high balustrade wall with natural stone coping will be placed along the existing wall to make the river edge safe

3.11 Figure 5 below shows a typical section of the riverside walkway with the SUDs pocket garden to the west of the commercial frontages. This demonstrates that the walkway will have a 5m width, followed by a 3.5m wide SUDs pocket garden, followed by a 3.6m wide commercial spill out area.

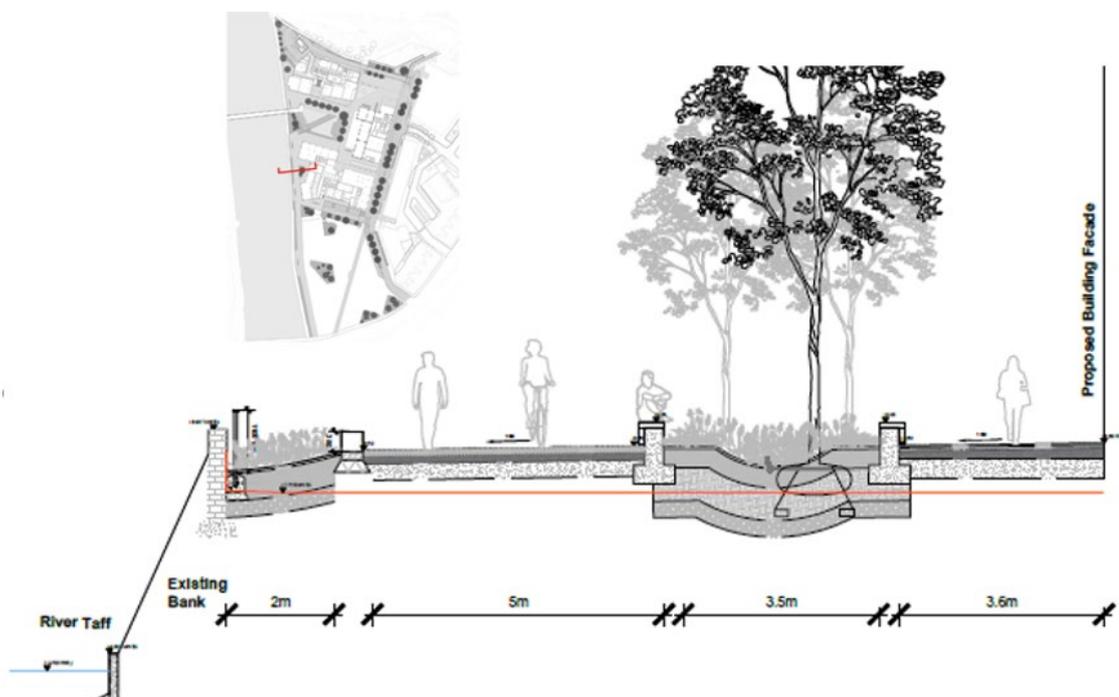


Figure 5: proposed section of the riverside walkway

3.12 A number of landscaping features proposed have a dual purpose to form part of the sustainable drainage strategy to treat water at source and to improve biodiversity. This includes rain gardens (bioretention areas), tree pits and attenuation basins along the north-western river edge and adjacent to the retain

chimney. In addition, green roofs are proposed on each development block. Further soft landscaping proposals are positioned parallel to the commercial frontage for public amenity and provide wind mitigation and also along the 'boulevard'.

- 3.13 Improvement works are also proposed to the existing riverbank to create a soft, green edge to the river. This is less engineered in appearance and provides multiple benefits to the river environment and future visitors/passers-by to the development.

Accessibility, Parking and Refuse

- 3.14 The 16.75m wide 'boulevard' is designed to provide a high-quality footway/cycleway, along with access to the development and consists of the following elements from west to east:

- 2.2m wide pavement to the west
- 3m wide two-way cycle lane with stone kerbs
- 2.5m wide tree lined, rain gardens strip
- 3.7m wide two-way highway
- 4.5m wide pavement to the east, incorporating 1.5-metre-wide SUDS features and 2m wide delivery/drop off/pick up bays

- 3.15 8 car parking spaces are proposed, all of which will be allocated as disabled. The car park is situated directly to the south of the building and will be accessed using a rear service lane. This will then lead to the one-way vehicle route of the boulevard, connecting to the existing Crawshay Street access.

- 3.16 192 cycle parking spaces are proposed for residents in the form of double stacked racks and Sheffield stands, providing flexibility to accommodate a variety of bicycle types. Cycle storage for the ground floor commercial units will be provided as open-air Sheffield stands in the areas surrounding the buildings, which will be confirmed at planning condition stage. The refuse store is also located to the rear. Access to the car park, cycle parking and servicing (bin store, plant etc.) will be secured via lockable vehicle and pedestrian gates accessed from the main boulevard.

Sustainability

- 3.17 The development is being designed to achieve BREEAM Excellent for the shell of the commercial units and Home Quality Mark Level 3 as a minimum (3 or above means that a home meets high standards of the HQM performance indicators). Upper roof levels will also feature solar panels in addition to the green roofs.

- 3.18 Standalone Air Source Heat Pump (ASHP) are proposed as part of the energy strategy to provide hot water. The ASHPs will be located internally within each apartment and a louvre is incorporated into the façade of the units. Where

apartments are unable to achieve the required louvre, heat and hot water will be generated by electricity.

3.19 The application has been supported by the following documents:

- Application drawings
- Design & Access Statement
- Daylight and Sunlight Report
- Sun Path Analysis
- Drainage Strategy
- Site wide Drainage Strategy Note
- Ecology Appraisal
- Economic Assessment
- Energy and Sustainability Strategy
- Flood Consequences Assessment
- Ground Conditions Desk Study Report
- Site Investigation Report
- Landscape Design & Access Statement
- Noise and Vibration Assessment
- Pre-Application Consultation Report
- Site wide SuDS and Drainage Temporary Works
- Temporary Access Note
- Transport Statement
- Wind Microclimate Report
- Balcony Positioning Report

3.20 All documentation relating to the application, including plans, can be viewed on the Council's website using the following link: [21/02883/MJR](#).

4. NEGOTIATIONS

4.1 The applications for plots 1 and 2 have been the subject of extensive negotiations between the developer and Council officers, with input from Placemaking and Transportation Officers throughout.

4.2 The scheme has been amended in a number of ways to respond to officer's concerns relating to the straightening and increased width of the riverside route, the mass and bulk of the central tower block, the materiality and the need to address daylight/sunlight concerns. However, the developer has not been able to positively respond to all identified concerns, and thus this report assesses the scheme as amended. There remain areas of concern, although some negatives are outweighed by the overall benefits of the development.

5. RELEVANT SITE HISTORY

5.1 The site (and wider Central Quay development site) has the following relevant planning history: -

- 17/03049/MJR - Prior approval granted in Feb 2018 for the demolition of the existing buildings on this Phase 1 application site.
- 17/03116/MJR - Planning permission granted in Feb 2018 for a temporary car park on part of the application site. The proposed temporary car park is to serve as a replacement for Network Rail's existing car parking spaces that will be lost during the construction of the current application proposals.
- 18/00735/MJR – Planning permission granted in July 2018 for an office building (One Central Quay formerly known as the Ledger Building) providing business (Use Class B1) floorspace, with ancillary gym (D2), marketplace / retail (A1) and food and drink (A3) uses; a multi storey car park (Sui Generis) with ancillary retail (A1), and public realm, access, drainage and other infrastructure works required for the delivery of Central Quay (phase 1).
- 18/03033/MJR – Planning permission granted in February 2019 for the demolition of various ancillary buildings in preparation for redevelopment proposals.
- 19/03171/MJR – Permission granted in March 2020 for the variation of condition 2 of 18/00735/MJR (One Central Quay) to vary the approved drawings to reduce the scale of the approved office building and other alteration.
- 21/00102/MJR – Planning permission granted in May 2020 for the change of use, refurbishment and extensions to the existing Brewhouse building and the retention of the associated chimney.
- 21/02884/MJR – Phase 2, Plot 2 – Full planning application is proposed for the construction of a mixed-use development comprising 402 residential apartments (Use Class C3), 810sqm of commercial floorspace (Uses A1/A2/A3/B1/D1/D2), hard and soft landscaping, associated vehicular and cycle parking, access, drainage and other infrastructure works. Outcome: Pending.

Screening Opinion

- 5.2 This application and the concurrent Phase 2, Plot 1 (21/02883/MJR) were subject to a joint screening opinion under the Environmental Impact Assessment Regulations 2017 in December 2021 (ref: SC/21/00009/MJR). It was the Council's opinion that an Environmental Statement was not required to enable the Local Planning Authority to understand and consider the likely environmental effect of the proposal. This was subject to the subsequent planning applications being supported by a number of supporting documents to allow for the robust assessment of this major development and the subsequent implementation of avoidance, mitigation and enhancement measures, as appropriate.

6. **POLICY FRAMEWORK**

National Policy

- 6.1 The **Well-being of Future Generations (Wales) Act 2015** (WFG) imposes a duty on public bodies to carry out ‘sustainable development’ in accordance with the ‘sustainable development principle’.
- 6.2 ‘Sustainable development’ means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the well-being goals.
- 6.3 ‘Sustainable development principle’ means that Local Authorities must act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.
- 6.4 Well-being goals identified in the Act are:
- A Prosperous Wales
 - A Resilient Wales
 - A Healthier Wales
 - A More Equal Wales
 - A Wales of Cohesive Communities
 - A Wales of Vibrant Culture and thriving Welsh Language
 - A Globally Responsible Wales
- 6.5 The **Environment (Wales) Act 2016** has been designed to complement the WFG Act. It imposes a duty to require all public authorities, when carrying out their functions in Wales, to seek to “maintain and enhance biodiversity” where it is within the proper exercise of their functions. In doing so, public authorities must also seek to “promote the resilience of ecosystems”.

National Planning Policy

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

as one of the main tools to create sustainable places, and that placemaking principles are a tool to achieving this through both plan making and the decision-making process.

Technical Advice Notes

6.9 PPW is supported by a series of more detailed [Technical Advice Notes](#) (TANs), of which the following are of relevance: -

- TAN 4: Retail and Commercial Development (2016)
 - TAN 5: Nature Conservation and Planning (2009);
- Noting also the Chief Planning Officer letter dated 23/10/19: securing bio-diversity enhancement;
- TAN 10: Tree Preservation Orders (1997)
 - TAN 11: Noise (1997)
 - TAN 12: Design (2016)
 - TAN 13: Noise (1997)
 - TAN 15: Development and Flood Risk (2004)
 - TAN 16: Sport, Recreation and Open Space (2009)
 - TAN 18: Transport (March 2007)
 - TAN 20: Planning and the Welsh Language (2017)
 - TAN 21: Waste (February 2017)
 - TAN 23: Economic development (2014)
 - TAN 24: The Historic Environment (May 2017)

6.10 On 16th July 2020 the Welsh Government published *Building Better Places: The Planning System Delivering Resilient and Brighter Futures* which provides planning policy guidance for local planning authorities and the development industry on priorities for the planning system to deliver post Covid-19. The guidance is to be read in conjunction with PPW, which contains the principles and policies needed for Wales to recover from Covid-19 in a positive manner, putting placemaking at the heart of future development.

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

The Development Plan:

6.12 Section 38 (6) of the Planning and Compulsory Purchase Act 2004, requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be

made in accordance with the plan unless material considerations indicate otherwise.

- 6.13 [Future Wales - the National Plan 2040](#) now forms part of the Development Plan for all parts of Wales, comprising a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. All Development Management decisions, strategic and local development plans, planning appeals and all other work directed by the development plan need to accord with Future Wales.
- 6.14 Policies 1 and 33 emphasise the support for sustainable growth in all parts of Wales, identifying Cardiff, Newport and the Valleys as one of three National Growth Areas where there will be growth in employment and housing opportunities and investment in infrastructure.
- 6.15 Policy 33 emphasises that Cardiff will remain the primary settlement in the region, its future strategic growth shaped by its strong housing and employment markets and it will retain its capital city role, accommodating higher level functions and attractions.
- 6.16 Policy 2 states that the growth and regeneration of towns and cities should positively contribute towards building sustainable places that support active and healthy lives, with urban neighbourhoods that are compact and walkable, organised around mixed-use centres and public transport, and integrated with green infrastructure. Urban growth and regeneration should be based on the following strategic placemaking principles:
- creating a rich mix of uses;
 - providing a variety of housing types and tenures;
 - building places at a walkable scale, with homes, local facilities and public transport within walking distance of each other.
 - increasing population density, with development built at urban densities that can support public transport and local facilities;
 - establishing a permeable network of streets, with a hierarchy that informs the nature of development;
 - promoting a plot-based approach to development, which provides opportunities for the development of small plots, including for custom and self-builders; and
 - integrating green infrastructure, informed by the planning authority's Green Infrastructure Assessment.
- 6.17 Policy 6 states that significant new commercial, retail, education, health, leisure and public service facilities must be located within town and city centres. They should have good access by public transport to and from the whole town or city and, where appropriate, the wider region. A sequential approach must be used to inform the identification of the best location for these developments and they should be identified in Strategic and Local Development Plans.

- 6.18 Policy 16 states that within Priority Areas for District Heat Networks planning authorities should identify opportunities for District Heat Networks and plan positively for their implementation. Large scale mixed-use development should, where feasible, have a heat network with a renewable / low carbon or waste heat energy source. Planning applications for such development should prepare an Energy Masterplan to establish whether a heat network is the most effective energy supply option and, for feasible projects, a plan for its implementation.
- 6.19 The Local Development Plan is the **Cardiff Local Development Plan 2006-2026** which was adopted in January 2016, and within which the following policies are of relevance:

Key Policies:

- KP1 Level of Growth
- KP2 Strategic Sites
- KP2(A) Cardiff Central Enterprise Zone and Regional Transport Hub
- KP3(B) Settlement Boundaries
- KP4 Masterplanning Approach
- KP5 Good Quality and Sustainable Design
- KP6 New Infrastructure
- KP7 Planning Obligations
- KP8 Sustainable Transport
- KP9 Responding to Evidenced Economic Needs
- KP10 Central & Bay Business Areas
- KP12 Waste
- KP13 Responding to Evidenced Social Needs
- KP14 Healthy Living
- KP15 Climate Change
- KP16 Green Infrastructure
- KP17 Built Heritage
- KP18 Natural Resources

Detailed Policies:

Housing:

- H3 Affordable housing
- H6 Change of use or redevelopment to residential use

Economy:

- EC1 Existing Employment Land
- EC3 Alternative Use of Employment Land and Premises

Environment:

- EN4 River Corridors
- EN6 Ecological Networks and Features of Importance for Biodiversity

- EN7 Priority Habitats and Species
- EN8 Trees, Woodlands and Hedgerows
- EN9 Conservation of the Historic Environment
- EN10 Water Sensitive Design
- EN11 Protection of Water Resources
- EN13 Air, Noise, Light Pollution & Land Contamination
- EN14 Flood Risk

Retail:

- R1 Retail Hierarchy
- R6 Retail Development (Out of Centre)
- R7 Retail Provision within Strategic Sites
- R8 Food and Drink Uses

Transport:

- T1 Walking & Cycling
- T4 Regional Transport Hub
- T5 Managing Transport Impacts
- T6 Impact on Transport Networks and Services
- T9 Cardiff City Region 'Metro' Network

Community:

- 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

Waste:

- W2 Provision for Waste Management Facilities in Development

Supplementary Planning Guidance:

6.20 The following [Supplementary Planning Guidance \(SPG\)](#) is of relevance to this application:

- Archaeology and Archaeology Sensitive Areas (July 2018)
- Food, Drink and Leisure Uses (November 2017)
- Green Infrastructure (including Technical Guidance Notes relating to: Ecology and Biodiversity; Trees and Development; Public Rights of Way and Development; River Corridors; Protection and Provision of Open Space in New Developments; Soils and Development) (November 2017)
- Managing Transportation Impacts (Incorporating Parking Standards) (July 2018)
- Planning for Health and Wellbeing (November 2017)

- Planning Obligations (January 2017)
- Public Art (June 2006)
- Residential Design Guide (January 2017)
- Tall Buildings Design Guide (January 2017)
- Waste Collection & Storage Facilities (October 2016)

7. **INTERNAL CONSULTEE RESPONSES**

- 7.1 **Transportation:** The application proposes 8 accessible car parking spaces for the proposed 316 apartments and commercial units. A condition has been imposed to ensure that all 8 spaces will be marked as disabled. The supporting Transport Assessment (TA) identifies that all the parking spaces will be allocated to the residential use, which is consistent with policy. Access to the car parking, cycle parking and servicing (refuse store, plant etc.) is provided by a stub road accessed from the main north/south boulevard. The principle of minimal car parking for the proposed development type is considered to be policy compliant and therefore acceptable; noting in this respect that car parking standards are expressed as a maximum, with no minimum requirement, supporting a move away from reliance on the ownership and use of private cars.
- 7.2 In terms of resident transport and movement, the site is located in the city centre within a very short level walk (circa 200m) of Cardiff Central Railway Station and the emerging bus station, located north of the rail line. Nextbike bicycle hire and commercial car hire facilities are also located close to the site, with the opportunity to add more Nextbike stands as the wider site evolves. The site is therefore considered to be extremely sustainably located in transport terms and a location where public transport and active travel offer viable daily alternatives to the ownership and use of private cars.
- 7.3 Vehicular (along with non-vehicular) access to the site will be taken from the previously approved Phase One junction and internal network and includes a new Boulevard that connects to/from Penarth Road. The proposed layout and cross section of the boulevard as shown in the supporting documents is considered to be acceptable, with the final design and delivery being secured via requested condition.
- 7.4 It is proposed that cycle parking will be provided internally at ground floor level, accessed via a secured outside space. This will be in the form of double stacked racks and Sheffield stands, providing flexibility to accommodate a variety of bicycle types. Cycle storage for the ground floor commercial units will be provided as open-air Sheffield stands in the areas surrounding the buildings. The site is in close proximity to the city centre, Cardiff Central Railway Station, the emerging bus Interchange building and the availability of Nextbike cycle hire. Therefore, it has been agreed that the demand for on-site residential cycle parking is likely to be lower than for similar developments located elsewhere, with a much higher proportion of trips being undertaken by walking and public transport. As such, it has been agreed that the total number of cycle parking spaces can be reduced to a minimum of 50% of the SPG requirement of 1 space per bedroom. This approach is consistent with similar city centre residential developments and Transport Officers are advised that further cycle

parking for the residential uses could be added in external areas in the future if the provided cycle parking becomes overused.

- 7.5 The site has excellent access to the public transport network, including bus stops and Cardiff Central Railway Station located within 150 metre. The wider public realm incorporates further pedestrian and cycle routes, including a minimum 5 metre wide shared cycle footway along the River Taff connection to Penarth Road and segregated cycle provision within the boulevard. The proposed development also includes for the provision of a new bridge landing point on the eastern embankment of the river adjacent to the square and a financial contribution towards the delivery by the Council of a new bridge across the River Taff has been agreed. The proposals seek to restrict the amount of car parking on site to a minimum, which will give rise to negligible impacts.
- 7.6 In light of the above, Transportation Officers consider that the proposed development will make appropriate and welcome provision for active travel as part of the overall deliverables of the scheme and raise no objection, subject to the following conditions; cycle parking details, a Construction Environmental Management Plan (CEMP), highway public realm works and a travel plan. In addition, a condition has been applied to ensure that the riverside shared route will be implemented prior to the occupation of the development.
- 7.7 **Trees:** Plot 2 proposes 25 new trees (50 in total over Plots 1 and 2), located along the 'boulevard', within 'Central Quay Square' and along the riverside route in pocket SUDs raingardens. The supporting documents include plans depicting Root Available Soil Volumes factoring in subsoil. The Tree Officer is satisfied that enough information has been provided up front to raise no objection, subject to conditions. These relate to full landscaping details, landscaping maintenance and roof terrace landscaping details for the western first floor roof terrace.
- 7.8 **Parks:** These comments relate to the current LDP Policy C5 (Provision for Open Space, Outdoor Recreation, Children's Play and Sport; KP16 Green Infrastructure), and the Planning Obligations SPG which set out the Council's approach to open space provision.
- 7.9 The Council's LDP requires provision of a satisfactory level and standard of open space on all new housing/student developments, or an off-site contribution towards existing open space for smaller scale developments where new on-site provision is not applicable.

Overview:

- 7.10 The Central Quay development forms part of Strategic Site A. Policy KP2A of the LDP sets out specific infrastructure requirements for the Strategic Site including 7ha of open space. The 'Central Quay' development constitutes 5.3% (4.23ha) of the Strategic Site (78.8ha). Plot 2 measures 0.95ha and should incorporate 0.08ha of public open space as its proportionate contribution.

- 7.11 The development includes a reasonable amount of amenity space particularly the 'Central Quay Square' fronting the river and on the terraces which in the illustrations appear as if they would provide a pleasant setting for relaxation and social interactions. However, there is no public open space proposed. The riverside route is also not considered public open space.
- 7.12 While it is not expected that a high-density city centre development such as this provides on-site public open space in line with the LDPs adopted standard, the Parks Officer states that it should at least provide space as required by Policy KP2(A). This is considered especially important as efforts are ongoing to secure a proportionate contribution at the adjacent Curran Embankment application (21/00783/MJR) and a consistent approach needs to be taken. This would require providing 0.08ha of on-site public open space as its proportional contribution. Policy KP2(A) also requires the provision of a teen facility, which has not been incorporated into the development.
- 7.13 The riverside route has been revised to incorporate a 5m wide straightened path along the river edge. Concerns were previously raised regarding the zigzag line of the path offering no clear sightline and therefore being likely to discourage walkers and joggers, so the change is welcomed. The proposed bridge though part of a separate application is welcomed as it will provide residents with a quicker route to Bute Park rather than going around Cardiff Central Station.
- 7.14 In terms of providing the required 0.08ha of on-site public open space, it was suggested that the riverside walk route could meet this provision. The route would be laid out as a green corridor with features and equipment that encourage play and physical activity. It would also provide continuation to the wider, more natural River Park being proposed as part of the Curran Embankment development to the south. The Parks Officer is not satisfied with the proposed design, with 'green area' mainly consisting of SUDs pocket gardens and no play or exercise features.
- 7.15 Based on the information provided on the number and type of units, officers have calculated the additional population generated by the development to be 434. This generates an open space requirement of 0.07ha of on-site open space based on the criteria set for housing accommodation, or an off-site contribution of £450,296.
- 7.16 As no public open space is being provided on-site, Parks Officers have requested that the developer makes a financial contribution towards the provision of new open space, or the design, improvement and/or maintenance of existing open space in the locality, given that demand for usage of the existing open spaces would increase in the locality as a result of the development. 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, informal recreation 1000m, and formal recreation 1500m, measured from the edge of the site.

- 7.17 **Regeneration:** Officers note that the Cardiff Planning Obligations SPG 2017 (Section 8 – Community Facilities) states that ‘Growth in population arising from new development generates demand for and increases pressure on community facilities. To meet the needs of future residents, it may be necessary to meet this additional demand through:
- The provision of new facilities,
 - The extension to, or upgrading of existing facilities’.
- 7.18 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.
- 7.19 The formula in the SPG is based on the number of bedrooms and associated occupancy figures per dwelling. In summary, a contribution of £250,516.48 is sought from the developer.
- 7.20 Several community facilities are located within proximity to the site and are likely to experience an added pressure as a result of the new population. It is envisaged that a forthcoming community facilities contribution would be directed towards one of these facilities.
- 7.21 **Ecology:** The Council’s Ecology Consultant has reviewed the supporting documents, including the Ecological Appraisal, dated December 2021. This identifies the Severn Estuary Ramsar, SAC, SPA, SSSI and the Cardiff Beech Woods SAC and SSSI within the sphere of influence of the development. It also identifies several SSSIs, with the Cwm Cydfin SSSI being the closest.
- 7.22 The Council undertook a Habitat Regulations Assessment (HRA) covering the site for the Cardiff Central Enterprise Zone and Regional Transport Hub area Policy KP2(A) of the LDP. Whilst the findings of this HRA have been noted, the Ecology Officer undertook an additional HRA covering the Severn Estuary Ramsar, SAC, SPA, SSSI in light of concerns regarding cumulative impacts from the wider Central Quay site and for best practice versus mitigation. Based on the location, it was considered that the SSSIs outside of the Severn Estuary and as part of the Cardiff Beech Woods would not be subject to adverse impacts from the development.

Non-statutory Sites

- 7.23 The River Taff Site of Importance for Nature Conservation (SINC) is directly adjacent to the western site boundary and there is a further SINC within a 1km radius of the site.
- 7.24 The Ecology consultant welcomes the proposed re-profiling of the bank of the River Taff to improve flood defence and incorporate sustainable drainage features, and states that although the very edge of the River Taff SINC will be altered, this should result in positive outcomes for the SINC. Conditions have

been recommended to address concerns with regards to otter and bats, which are associated with the River Taff SINC.

Habitats

- 7.25 A number of habitats have been identified at or adjacent to the site. These include broadleaved woodland, felled coniferous tree line, scrub, ephemeral/short perennial vegetation, watercourse, hardstanding and buildings. The woodland will be fenced to prevent construction intrusion in line with BS5837: 2012. Whilst the woodland/scrub area will potentially be more shaded following construction, this has been determined to only be of site value. It will receive sunlight from the east and west, and shading is unlikely to lead to its deterioration. The protection of the River Taff is described above for the Severn Estuary Ramsar, SAC, SPA, SSSI which it feeds, and the River Taff SINC.

Protected Species/Species of Principal Importance

Bats:

- 7.26 Appropriate surveys have been conducted and the site now has negligible potential for roosting bats following previous surveys and demolitions in 2019 onwards. Surveys conclude that there were 6 species/groups present using the River Taff Corridor, but none of these species/groups would be unexpected and are of no greater than county level importance.
- 7.27 With regards to mitigation, lighting has been highlighted as a key consideration both during and following construction. In addition, the use of vegetation to create an ecological corridor and screening is also welcomed. T

Otters and water vole:

- 7.28 Water vole is considered absent. Whilst no evidence of otter was recorded during the Phase 1 survey, otter is known to occur on the River Taff and "*the River Taff adjacent to the Application Site is of value as a foraging resource for this species and likely to be occasionally by otter dispersing across the wider landscape.*" It is correctly recommended that "*As such, prior to the commencement of works, it is recommended that the watercourse be subject to an update assessment for evidence of otters by a suitably qualified ecologist.*" Equally reasonable avoidance measures are noted as per the Severn Estuary Ramsar SAC / SPA and River Taff SINC, that will protect otter from works within 10m of the river and also from water pollution. A Lighting Strategy and Sensitive Drainage Strategy are noted.

Invasive non-native species:

- 7.29 The Ecological Appraisal states that "*Japanese knotweed, an invasive species listed on Schedule 9 of the Wildlife and Countryside Act(1981), is present within vegetation adjacent to the northern boundary of the Application Site*". The report states "*Appropriate measures are therefore required to minimise the risk of its*

spread, with advice from a specialist contractor sought to ensure its treatment and eradication whilst preventing any spread as the scheme progresses.” This is considered appropriate and will be conditioned.

Other:

- 7.30 The Ecology Officer agrees with the supporting documents that no mitigation measures are required for badgers, dormice, the European hedgehog, reptiles, amphibians, invertebrates and plants.
- 7.31 With regard to birds, the assemblage of birds is considered of site level importance only. The mitigation includes avoidance of the bird breeding season or suitable clearance in the present of a suitably qualified ecologist, between March to August, if habitats suitable for birds require clearance. Finally, it is considered that the conditions contained within the Habitat Regulations Assessment shall protect fish.
- 7.32 In light of the above, the Ecology consultant raises no objections, subject to conditions. These relate to ensuring that the Ecological Assessments are contained within the approved documents condition, site clearance and for a Green Infrastructure Management Strategy to be provided.
- 7.33 **Affordable Housing:** The Councils priority is to deliver on-site affordable housing, in the form of affordable (social) rented accommodation, built to Welsh Government Development Quality Requirements (WDQR) (2021) for purchase by a nominated Registered Social Landlord (RSL) partner or the Council at a specified price. Given the proposed design/configuration of the scheme, we would need to understand how any on-site affordable units can meet WDQR standards and how any demarcation between the market and the affordable would work. The scheme must be able to be managed and easily maintained by the Registered Social Landlord or the Council.
- 7.34 As an alternative, in line with the Local Development Plan (LDP), an affordable housing contribution of 20% of the 316 units (63 units) is sought on this brownfield site or a financial contribution of £5,320,746. This has been calculated in accordance with the formula in the Planning Obligations– Supplementary Planning Guidance (SPG) (2017).
- 7.35 **Pollution Control (Contamination):** Contamination Officers have reviewed the supporting Ground Investigation Desk Study Report (ref: 12865/LP/21/DS Rev A, dated September 2021), prepared by Integral Geotechnique. This includes a detailed assessment of potential contamination and ground gas and the associated risks to human health and the environment.
- 7.36 The investigations identify contaminants of concern and remediation works are required in relation to this, including a clean cover system of 600mm clean soil over high visibility separation geotextile membrane in all areas of soft landscaping. A remediation strategy and verification plan, that provides details of the proposed works to remediate the site and procedures for verifying the

works undertaken, including the provision of a remediation verification report, will be required. Conditions are requested below to address this.

- 7.37 In addition, the investigations include the monitoring and assessment of the ground gas regime which classifies the development as a 'CS2' site requiring ground gas protection measures. A gas protection strategy and verification plan, that provides details of the proposed measures and procedures for verifying the works undertaken including the provision of a gas protection verification report, will be required. Conditions are therefore requested to address this.
- 7.38 The proposals include significant earthworks, including regrading and soft landscaping. Should there be any importation of soils to develop the landscaped areas of the development, or any site won recycled material, or materials imported 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.
- 7.39 Conditions and advisory notes in accordance with CIEH best practice have therefore been recommended to ensure that the safety of future users is not prejudiced in accordance with Policy EN13 of the LDP. The following amended standard conditions have been recommended; ground gas protection, contamination land measures (remediation and verification plan, remediation and verification, unforeseen contamination), imported soil, imported aggregates and use of site won materials. A contamination and unstable land advisory note has also been included.
- 7.40 **Pollution Control (Air Quality)**: The site is located close to the Cardiff City Centre AQMA, which encompasses the areas surrounding Westgate Street and St Mary's Street and passes to the north of the boundary of the proposed development site. The Cardiff City Centre AQMA (formerly called St Mary's Street AQMA) was initially declared in 2002 and was extended in 2013 in response to monitored exceedances of the NO₂ air quality objectives in Westgate Street.
- 7.41 The Air Quality Officer is satisfied with para. 5.64 of the supporting Planning Statement which discusses the need for a Construction Environmental Management Plan (CEMP) due to the close proximity of residential premises to the development. As such, no objection is raised subject to a CEMP being applied as a condition.
- 7.42 **Pollution Control (Noise)**: The Noise Officer has reviewed the Noise and Vibration Assessment (ref: REP/218559/3-01, dated 21/10/2021), prepared by Arup. In order to achieve the desired ambient noise levels for the proposed residential units, the report has considered minimum glazing performance for all of the facades, in line with the British Standard (and detailed in Table 1 of the Assessment). This standard however is only achieved with windows closed, meaning Mechanical Ventilation is required to achieve this standard. Whilst it is

noted that the residential units will not be located directly above the commercial units (separated by communal areas), there are 8 units that will be located directly above plant equipment rooms. To ensure that the noise mitigation measures and results outlined in the supporting Noise and Vibration Assessment are implemented and complied with, a pre-occupation validation noise survey has been requested as a condition. Further, a fixed plant condition and a food extraction condition have been recommended.

- 7.43 Given that different use classes at ground floor level pose different noise related risks, a separate condition relating to any D2 Use Class has been recommended ensuring that a separate Noise Impact Assessment is provided. Finally, conditions restricting the commercial operation and delivery hours have been applied.
- 7.44 No objection is raised from the vibration of the railway line and the report has recommended solid construction to ensure doses are not exceeded.
- 7.45 **Waste**: In a mixed development, a strict separation of waste is required to ensure that non-domestic waste does not enter the domestic waste stream. The residential and commercial waste will be stored within individual units until it is ready for collection. The level of space required will depend upon the nature of the future occupiers however this can be fully accommodated within the development as part of the fit-out of the spaces. The supporting documents confirm that the waste will be collected privately twice a week. Tracking has been provided for refuse collection vehicles and is considered acceptable. Given that the waste will be collected privately, no objection is raised.
- 7.46 Notwithstanding the above, an informative has been included reminding the applicant that any future requests to use the domestic council collection service would not be possible. This is due to the size of the bin store and number of bins proposed does not meet the Council's recommendations. Further, the informative reminds the applicant that a commercial contract is required for the collection and disposal of all non-domestic waste. By law (Environmental Protection Act, 1990, section 34) all non-domestic premises have a duty of care to ensure that their waste is transferred to and disposed of by a registered waste carrier.
- 7.47 **Education**: A financial contribution of £121,035 has been requested towards the expansion of school provision in accordance with the Planning Obligation SPG formula using net pupil yield.
- 7.48 **Health**: The Health Board have made the following recommendations:
- That public spaces are accessible and maintained to ensure that all members of the community included those with disabilities can enjoy the spaces
 - Cycle routes should be separated to ensure no conflict with pedestrians. Cycle and walking routes should also be well lit, attractive and link with the existing infrastructure

- Land should be provided for food growing. Selling of fruit and vegetables is supported fast food /hot food takeaways should be restricted
- Consideration to be given to the provision of space which could be utilised as informal play spaces for children, with the inclusion of natural play facilities and features
- Recommended that a Health Impact Assessment is undertaken

7.49 Officer comments: Refer to para's 10.98-10.100 for further details.

8. **EXTERNAL CONSULTEE RESPONSES**

8.1 **Natural Resources Wales (NRW)** raise no objection subject to conditions. Their comments have been summarised as follows:

- NRW note that the Ecological Appraisal identifies the need for a CEMP, that there are three existing outfalls from the Drainage Strategy, and these are potential pathways of pollution to the Severn Estuary during the construction phase. NRW welcome the approach of the Ecological Appraisal and advise that the CEMP condition is applied to protect the environment during construction.
- Regarding land contamination and controlled waters, NRW confirm that they are broadly in agreement with the conclusion of the Site Investigation Report (SIR) for a piling risk assessment and monitoring. Two conditions have been recommended; one for contamination and the other for piling/foundation details.
- Flood risk: The site lies entirely within Zone C1 of the Development Advice Map (DAM) contained in TAN15 and the FMfP identifies the application site to be at risk of flooding and falls into Flood Zone 3 Rivers and Sea. A new flood defence wall will be built which will provide the same level of protection as the existing defence wall. NRW thus consider the risk of tidal flooding to the proposed development is negligible, as the site benefits from the presence of the Cardiff Bay Barrage. This operates in a flood risk capacity, providing significant protection to Cardiff from tidal flood risk. Finally, the FCA has considered the flood risk elsewhere and advises that the access/evacuation routes will be flood free during all events due to the protection afforded by the flood defence wall. As such, NRW raise no objections on flood risk.

8.2 To conclude, subject to conditions, NRW raise no objection.

8.3 **Police Architectural Liaison:** The Police have raised no objection but have provided a number of security-related recommendations. An informative has been included.

8.4 **Cadw** have reviewed the Heritage Impact Assessment (dated December 2021). They confirm that the report has considered the impact of the proposed development on designated historic assets that are located inside 3km and concluded that whilst there may be slight visual changes from these designated

historic assets, this will not have any impact on the way that they are experienced, understood and appreciated and therefore have no impact on their settings. As such, there is no objection to the proposed development in regard to the scheduled monuments or registered historic parks and gardens.

- 8.5 **Glamorgan-Gwent Archaeological Trust (GGAT)** raise no objection subject to a condition for a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource.
- 8.6 **Dwr Cymru Welsh Water (DCWW)** raise no objection, subject to conditions. They note that the intention is to drain foul water to the mains sewer and that there will also be a site wide SUDs drainage connectivity strategy with the intention to direct all surface water through sustainable drainage. Notwithstanding this, DCWW have requested a surface water and/or land drainage condition to prevent hydraulic overloading of the public sewerage system. This will protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.
- 8.7 DCWW also request a conditions to ensure that a grease trap fitted, to prevent grease entering the public sewerage system, and a hydraulic modelling assessment be undertaken to confirm capacity within the potable water system.
- 8.8 **Network Rail** raise no objection but have provided a number of comments to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway system. An informative has been included.

9. REPRESENTATIONS

- 9.1 The application was subject to a 21-day consultation period, being advertised by press and site notices and neighbours and local members were notified. Following amended plans being received, a re-consultation was undertaken on 17/05/2022.
- 9.2 To date, no representations have been received.

10. ANALYSIS

- 10.1 Having regard to the above policy framework, the main issues to be assessed are:
- a. Principle of development
 - b. Design
 - c. Impact on neighbouring amenity
 - d. Transport, servicing and waste
 - e. Provision of public open space
 - f. Ecology
 - g. Drainage and flooding
 - h. Sustainability
 - i. Economic impact
 - j. Health and wellbeing

a. Principle of Development

10.2 The policy framework for these comments is as follows:

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

10.3 The application site is located within the boundary of Strategic Site KP2(A) (Central Enterprise Zone and Regional Transport Hub), as identified by the Local Development Plan (LDP). The Strategic site as a whole is (at 78.8Ha) the largest brownfield site within the DLP and occupies a particularly accessible location in the centre of Cardiff. The site is allocated for major employment led initiatives, focussing on financial and business services, together with other mixed uses including residential development.

10.4 As well as forming part of the wider Strategic Site KP2(A), the application site boundary (for both plots 1 and 2) forms part of the 'Central Quay' development, which forms a critical part of the site and the wider LDP strategy, and seeks to create a 'southern gateway' with development to the south of the railway line/station, enhancing north to south connectivity (and east to west), and creating a 'destination space'. Plots 1 and 2 together will create such a destination through the provision of significant areas of public realm surrounded by a mix of uses. This will respond to other nearby approved schemes such 'One Central Quay' (formerly known as the 'Ledger Building') and the multi-storey car park, the redeveloped brewhouse building, and the proposed 'Moxy Hotel', thus ensuring a true mixed-use development.

Residential Use:

10.5 The principle of residential development is well established within the surrounding area and the central location of this site is suited to residential use as it is well served by transport links and is close to local amenities. In this respect Policy KP2(A) emphasises that densities will be maximised to make efficient use of city centre land in a highly accessible location, noting that high rise, high density developments at appropriate locations within the site are encouraged and residential densities in excess of 100 dwellings per hectare are not considered unreasonable in principle.

10.6 Accordingly the residential use of the site, and at the high density proposed, is positively encouraged, subject (as discussed below) to it forming part of a mixed-use development.

Ground floor commercial uses:

10.7 The use of Class A3 uses, such as restaurants, cafes and snack bars (and where the primary use is for the sale and consumption of food on the premises) will add significantly to the 'destination', creating active uses and frontages around the new public square, while also contributing towards the range and

choice of facilities available in the Central Business Area. Class A3 uses are therefore positively encouraged, subject to amenity considerations.

- 10.8 The site is located outside, but on the edge of the Central Shopping Area (CSA) as defined by Policy R2 of the LDP. Taking into consideration the location of the site within the Central Business Area, it is considered that an element of Class A1 retail floorspace will provide a complementary and ancillary role to the wider 'Central Quay' development and could provide an element of convenience goods retailing to serve the newly established population. However, a condition has been recommended restricting the net retail sales area of any unit within Class A1 (shops) to be no more than 500 sqm. This will ensure that large floorplate national retailers will not be attracted to the site, as this may prejudice the retail strategy of the development plan. To ensure 'Central Quay Square' and the river route become vibrant and active spaces, a condition has also been recommended which seeks to ensure A3 restaurants/cafes/bars on these frontages are maximised, albeit still allowing for some A1 uses to be permitted.
- 10.9 With regard to LDP Policy KP10 (Central and Bay Business Areas), Class A2 (Financial and Professional Services), B1 (Business), D1 (Non-residential Institution) and D2 (Assembly and Leisure) uses would be considered acceptable at this location, subject to amenity considerations.
- 10.10 Subject to the aforementioned conditions, the principle of development is considered acceptable from a land use policy perspective.

b. Design

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

Scale and Massing:

- 10.12 The proposed development (on plots 1 and 2) incorporates high density development with tower blocks on Plot 2 ranging from 76 metres to 26 metres in height. Accordingly, the Tall Buildings Supplementary Planning Guidance (SPG) (January 2017) is a material consideration in determining this application.
- 10.13 Para. 1.5 states that "*well-designed tall buildings in appropriate locations have the potential to add significant value to Cardiff. They can enhance skylines and provide recognisable landmarks that can serve to promote the city on a national and international stage*". Para. 1.7 states that "*Cardiff seeks to be the most liveable capital city in Europe and to create an inclusive, vibrant, thriving, sustainable and attractive city in which to live and work. Proposals for tall*

buildings need to demonstrate an exceptional standard of design together with appropriate land uses and public realm through careful planning and design so that they knit well into the existing fabric of the city”.

- 10.14 Further, para 2.1 of the Tall Buildings SPG states that “*attractive tall buildings in clusters can help to signify the core areas of the city, particularly areas within the city centre*”, and states that “*the areas that tend to lend themselves to tall buildings are often along railway corridors, urban corner sites in the core of the city centre, sites that form part of existing clusters of tall buildings and waterfronts*”.
- 10.15 Tall buildings are therefore assessed having regard to locational criteria, specifically that they will only be acceptable where (para. 2.2):
- There would be no negative impacts on important views or vistas
 - The character or setting of heritage assets is not harmed
 - The proposal will be a positive feature in skyline and streetscape, either by complementing a cluster of tall buildings or forming a strategic landmark
 - No material harm is caused by overshadowing or overlooking
 - There will be walking and cycling accessibility to sustainable transport and local facilities
- 10.16 The above criteria are considered in detail later in the analysis.
- 10.17 The site is considered to be one which can accommodate sensitively designed buildings of significant height, which accords with the wording of para. 2.1. This is due to the site being located in the city centre, in very close proximity to Cardiff Central Railway Station, along the rail corridor and also adjacent to the river frontage. The site is located outside the ‘area of very high sensitivity’ within the Tall Building SPG and there are also a number of tall buildings in close proximity. This includes the ‘Interchange’ bus station which is currently being constructed at a height of 83 metres. The Crawshay Street tower to the south-east was permitted in December 2021 (19/01930/MJR) and proposes a 78 metre high tower.
- 10.18 As noted above, the site is considered a suitable location for tall building(s). Nevertheless, the scheme has been subject to revision post-submission, following initial concerns, notably regarding the bulk of the central tower. The amended plans have increased the height of the central tower, but also reduced the width, and as amended it is considered that the slimmer profile of the 24 storey tower now provides a sufficient visual separation with the lower blocks and makes the central tower appear more slender.
- 10.19 In terms of the massing, the design contains a combination of different linked blocks. Each block helps break-up the bulk of the building and the juxtaposition of the blocks means that the building will be viewed differently from a variety of angles. On balance, the scale and massing is therefore considered to be acceptable.

Skyline and Key Views:

10.20 In addition to the Tall Buildings SPG, further national policy guidance is provided in TAN12, which also highlights the importance of identifying distinctive views, key skylines and vistas.

10.21 The visual impact has been tested by means of a series of key views from agreed locations, which are assessed below. These comprise:

1. Facing east from the Merches Gardens junction with Taffs Mead Embankment across the River Taff
2. Facing north-east from Penarth Road Bridge
3. Facing south-west from the southern entrance from Cardiff Central Railway Station
4. Facing south-west from the southern entrance from Central Square
5. Facing north-west from Penarth Road Road

View 1: Facing east from the Merches Gardens junction with Taffs Mead Embankment across the River Taff



10.22 When facing east from the Taffs Mead Embankment, it is acknowledged that there will be a substantial change of view with the introduction of a significant scale of new development viewed across the River Taff. The site is, however, part of a much larger cleared site, and the proposed development (on plots 1 and 2) will provide a landmark view within the skyline from the west. The stepped nature and distinctive architectural treatment of the different blocks will provide visual interest to the townscape.

10.23 Importantly, the view of the existing brewhouse will remain intact and will provide a focus to the centre of the view, with the chimney being visible when situated further south on Taffs Mead Embankment, and creating a waymarker towards and through the site. It is also notable that a pedestrian footbridge (not forming part of the application) is proposed to connect around this point

into the 'Central Quay Square'. This view will also incorporate Plot 1 of Phase 2, the brewhouse extension and the 'One Central Quay' office building, whereby the accumulative visual impact is considered acceptable in this city centre context.

- 10.24 In addition, the proposals include reprofiling and proposed planting enhancements to the riverside embankment adjacent to the development, as part of the enhanced pedestrian link along the edge of the River Taff. These works and the proposed tree planting and soft landscaping in 'Central Quay Square', will complement the view providing a more visually attractive boundary with the river, enhancing the view from the west.

View 2: Facing north-east from Penarth Road Bridge:



- 10.25 The north-east facing view from Penarth Road Bridge features the River Taff in the foreground with a steeply sloped riverbank rising along the western boundary. The existing view comprises the existing accumulation of tall buildings in the city centre including the Principality Stadium, Stadium Plaza and Stadium Tower together with the bus Interchange rising behind the chimney. Numerous developments on Penarth Road and Callaghan Square can be seen from the vantage points, as can existing and current high-rise development within the City Centre. Views of the rooftops of the residential terraces along Penarth Road and Crawshay Street are also visible.
- 10.26 Whilst the tower will provide a substantial difference to the view point, as noted in para. 10.18, the slimmer profile of the 24 storey tower now provides a sufficient visual separation with the lower blocks and makes the central tower appear more slender. Whilst not visible on the image above, the lower blocks will have a contrasting elevational treatment to the central tower, reducing the overall bulk.
- 10.27 It is also notable that the land to the south, identified in the picture above (on the right) also forms part of Central Quay / Strategic Site KP2(A), and it is anticipated that further high density mixed-use development will be proposed on the remainder of the site.

View 3: Facing south-west from the southern entrance from Cardiff Central Railway Station:



- 10.28 The above image demonstrates the south-western facing view from the 'Regional Transport Hub' of the wider LDP KP2(A) strategic site. This view is likely to be subject to considerable change as part of the wider development to the south of the station, with a range of new buildings and significant public realm improvements (including those proposed under the two applications for plots 1 and 2). In this regard, the supporting Townscape and Visual Assessment provides cumulative outlined images of the 'One Central Quay and brewhouse extension, showing how the proposed site and the Plot 1 site (21/02883/MJR) forms part of the bigger picture of the wider 'Central Quay' site.
- 10.29 Within this proposed context, the existing brewhouse chimney will provide a focal point between the buildings, and a wayfinding route towards the new 'boulevard' leading towards Penarth Road and the Central Quay Square. This accords with LDP KP2(A) which states that the site should provide a *"high quality way-finding and clearly defined pedestrian routes to key destinations"*.

View 4: Facing south-west from the southern entrance from Central Square



- 10.30 The view facing south-west from the southern entrance from Central Square provides a backdrop of the Grade II listed Cardiff Central Railway Station. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, when assessing development which affects a listed building or its setting, special regard shall be paid to the desirability of preserving the building or its setting or any special architectural or historic interest it possesses. This approach is supported by Policy EN9 of the LDP, which makes clear that development relating to a listed building or its curtilage structures will only be permitted where it can be demonstrated that it preserves or enhances that asset's architectural quality, historic and cultural significance, character, integrity and/or setting.
- 10.31 Only the top of the Plot 2 tower will be visible from this view, however the northern side of the Plot 1 development will rise above the western end of the station building and platforms. Whilst Plot 2 is less visible, when combined with Plot 1, this view will provide a new focus from Central Square when viewed from the northern edge and provides a positive visual link from Central Square towards Central Quay, drawing the development to the south of the railway line further into the strategic site. It is therefore considered that the development will enhance the wider contextual setting of Central Square.
- 10.32 Whilst Plot 2's materiality will contrast with the light coloured stonework of the station, Conservation Officers consider that the special interest and setting of the listed building will be preserved. Again, the scale is considered acceptable in this city centre context.

View 5: Facing north-west from Penarth Road:



- 10.33 The existing westwards facing view from Crawshay Street features the brewhouse and its chimney. The proposed view of Plot 2 appears as a slender building complementing the brewhouse. The materiality of the proposal will be sympathetic in terms of colour and tonality with both the brewhouse and buildings on Crawshay Street (subject to a conditions).

Building Appearance and Ground Floor Interface

- 10.34 Placemaking Officers initially raised concerns with the proposed elevational treatment and requested that more variety be provided between the different blocks to reduce the bulk and massing. Significant discussions have been ongoing and led to amended plans being received with a materiality that differs from the Plot 1 design and maintains a robust and restrained palette, which take reference from the stone and brick tones of the brewhouse, as well as the sites industrial heritage bringing in metallic tones and textures.
- 10.35 Officers are satisfied that an increased differentiation between the between the central tower and the lower elements of the building can be achieved at planning condition stage, to ensure that the proposed materials and architectural details are agreed by the Local Planning Authority to maintain the highest specification and design of the proposed building. Placemaking Officers have also requested that the 8-storey block fronting the square should incorporate brickwork on the front elevation to draw reference from the colours and hues within the brewhouse façade. This will be dealt also with by condition. It is considered that the lighter colour plinth contrasts sufficiently with the upper floors.
- 10.36 Concerns were also raised with the central widened cladding panel on the north-western elevation and it was requested that more fenestration or glazing should be provided to maintain the rhythm of the elevation. The cladding was then further broken up by the introduction of differently sized and coloured panels, although the applicant confirmed that it was not possible to introduce

further glass within the façade due to viability issues. Whilst this is unfortunate, it is considered that the elevations as a whole provide a distinctive architectural treatment and the contrasting blocks will provide visual interest to the townscape that will complement the existing brewhouse building. This is taken as a whole with Plot 1 and other nearby developments.

- 10.37 The form and extent of the ground floor active uses are considered to be very positive, which includes double height ground floor to ceiling heights. The active frontages face the proposed 'Central Quay Square', the riverside route and the boulevard which will help create vibrancy and activity at street level.

The 'Boulevard'

- 10.38 The proposed 'boulevard' forms the main spine road through the wider 'Central Quay' development site, forming critical part of the scheme in both placemaking and movement terms. The road will run north to south along the boundaries of Plots 1 and 2, with the brewhouse in the centre and will provide the link to the approved scheme at 'One Central Quay' and the multi-storey car park, which will then link to Crawshay Street. The road will then connect to the later stages of the wider site until it reaches the junction of Percy Street and Penarth Road. On balance, it is considered that 16.75 metre width is acceptable in order to incorporate the two-way cycle lane, one-way vehicular highway, a rain garden/tree lined strip and pavements either side. A single planning application has been sought from the developer to cover the whole boulevard highway works, which will connect all of the approved and proposed schemes on the wider 'Central Quay' site onto a single plan.

Green Infrastructure and Public Realm:

- 10.39 The application is a large-scale proposal, where the introduction of 316 apartments will place increased pressure on the surrounding pedestrian environment. Planning Policy Wales, paragraph 4.1.19 states that *'Well-designed, people orientated streets are fundamental to creating sustainable places and increasing walking, cycling and use of public transport. New development should improve the quality of place and create safe, social, attractive streets where people want to walk, cycle and enjoy'*.
- 10.40 Cardiff Local Development Plan Policy KP6 seeks that new development make appropriate provision for, or contribute towards, necessary infrastructure required as a consequence of proposed development, including public realm improvements and public art.
- 10.41 Further, LDP Policy KP5 states that new development should *"providing a healthy and convenient environment for all users that supports the principles of community safety, encourages walking and cycling, enables employment, essential services and community facilities to be accessible by sustainable transport and maximises the contribution of networks of multi-functional and connected open spaces to encourage healthier lifestyles"*.

- 10.42 The proposed public realm within the 'Central Quay Square' and the riverside route will create attractive spaces through appropriate soft landscaping and high quality hard landscaping. The efforts that have been made to incorporate formal green infrastructure provision into the built development have been welcomed. This includes the addition of 25 new trees (50 in total over Plots 1 and 2) and the improvement works to the existing riverbank to create a soft, green edge to the river that is less engineered in appearance and provides multiple benefits to the river environment and for the public. This will enhance the buildings presence at street level and significantly enhance the pedestrian experience. The commercial units will include a mix of uses that will encourage movement and activity at varying times throughout the day, both within the buildings themselves and through the surrounding routes.
- 10.43 A 'Landscape Design Statement (December 2021)' has been provided which outlines the public realm treatment within the site and the provision of public art. This outlines the design principles for the public realm around the building, including the new public square and an indicative palette of materials for both hard and soft landscaping. A public art condition has been recommended and more details will need to be provided regarding the final public realm treatment for the site as part of a condition. Details shall include proposed finished levels, earthworks, hard surfacing materials including the demarcation of the cycle route and location/design of cycle stands for the commercial units, street furniture including the provision of street lighting, proposed planting plans, details and sections associated with the proposed water features, proposed and existing services above and below ground level, planting plans (including schedules of plant species, sizes, numbers or densities, and in the case of trees, planting, staking, mulching, protection, soil protection and after care methods) and an implementation programme.
- 10.44 Whilst not part of the application site, as detailed late in the report, a financial contribution has been secured towards the delivery of a new shared cycle and pedestrian bridge across the River Taff. In this respect, the scheme provides for such a critical active travel route to be achieved, linking the Taff Mead Embankment on the opposite side of the river to the 'Central Quay Square' (as part of Plot 2), 'Chimney Square' (as part of Plot 1) and through to Cardiff Central Railway Station. Such a link will form a critical part of the effective management of crowds using the area on event days, and serve as a segregated walking and cycling route to access the development and wider city centre from the west.

Layout and Amenity of Future Occupiers:

- 10.45 Para. 3.3 of Planning Policy Wales states that *"design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places. To achieve sustainable development, design must go beyond aesthetics and include the social, economic, environmental, cultural aspects of the development, including how space is used, how buildings and the public realm support this use, as well as its construction, operation, management, and its relationship with the surrounding area"*.

- 10.46 The proposed residential units are considered a reasonable size and will receive sufficient levels of outlook and ventilation. The application proposes 61 balconies for the 316 units which equates to 19% of the overall units. These have been allocated to 4 studios, 38 to 1-bedroom units, 19 to 2-bedroom units and none to the 3-bedroom units. Officers sought to negotiate wherever practicable that further balconies are provided, however the applicant has advised that this was not possible due to wind constraints. The lack of additional balconies is considered a missed opportunity for enhancing the liveability of the scheme, however this has been considered as part of the wider planning balance. The balconies on the plans measure 3 sqm, which fail to comply with the Residential Design Guide SPG requirement of 5 sqm balconies to maximise the usability of the spaces. The balconies are also not accurately shown on the elevations. As such, the architectural details condition will require balcony specifications to ensure that they are larger (deeper) to maximise their useability, which is especially important on such a high-density city centre development.
- 10.47 With regard to outdoor communal amenity space, the Residential Design Guide SPG requires 75 sqm of external amenity space for up to 5 units and an additional 10 sqm of space for each additional unit. Plot 2 proposes 316 units and if 59 units are discounted where they provide balconies this equates to a requirement for 2,595 sqm of external communal amenity space. The proposal, however, falls short of such standards, providing only 590 sqm of external communal spaces, comprising two low level roof terraces to the west and north and 176 sqm of internal communal amenity space.
- 10.48 Whilst the significant short fall of amenity space is noted and regrettable, the particular context of this site is acknowledged, as is the fact that the sites combined will create both a new 'Central Quay Square', 'Chimney Square' and a riverside route, which will provide a high quality environment for future occupiers and the public to use.
- 10.49 As noted earlier, LDP Policy KP2(a) also recognises that the strategic site allocation is suitable for residential development and requires that densities are maximised to make efficient use of city centre land in a highly accessible location. Given the size of the site and its highly sustainable location adjacent to Cardiff Central Railway Station, the bus interchange and the Central Shopping and Business Areas, the shortfall of amenity space is considered, on balance, to be acceptable in this instance.

Daylight and Sunlight to Proposed Units:

- 10.50 The Residential Design Guide SPG requires development to provide adequate light for residential units in accordance with BRE guidance. The applicant has therefore provided a Daylight, Sunlight and Overshadowing Assessment (DSR), prepared by McCann and Partners (dated: 08/04/2022). This has assessed the impact on the existing adjacent residential properties based on the Building Research Establishment (BRE) guide 'Site Layout Planning for Daylight and Sunlight: a guide to good practice' by P J Littlefair 2011. Two of

the testing methods include a Vertical Sky Component (VSC) and an Average Daylight Factor (ADF) assessment. If a unit fails a VSC assessment it must then provide mitigation to enable it to pass an ADF assessment. The ADF assessment requires living rooms to facilitate 1.5% of light, while a bedroom requires 1%. Kitchens require 2% but these rooms were not assessed as part of this daylight sunlight report.

10.51 There is a recognition that the high density, high-rise nature of the development, and its relationship with approved (and proposed) development, may make it difficult for all units to fully achieve the require standard of daylight/sunlight. Nevertheless, there have been considerable discussions with the developer to maximise the ambient light levels for the future residents of flats, including redesign of the scheme and units therein.

10.52 The final report identifies that 8% of the total number of rooms fail to meet the ADF assessment. This is based on calculating all rooms which include both living rooms and bedrooms. In total 62 living rooms (including studios) would fail to meet the ADF requirement (19.6%). As illustrated in red on figure 6 below, the units that fail are predominantly those located on the lower floors facing north towards the brewhouse, east towards the boulevard and the units facing the terraces. There are also a number of units failing on the 8-storey block facing the 'Central Quay Square'. In addition, applying a 2% ADF kitchen target to studio apartments would increase the number of failures. Where units fail the ADF assessment and where no alternative measures are possible, it was suggested during discussions that the inclusion of balconies could provide an amenity enhancement. Unfortunately, due to viability and other constraints, this has not been explored by the applicant and some apartments remain light deprived and absent from balconies.

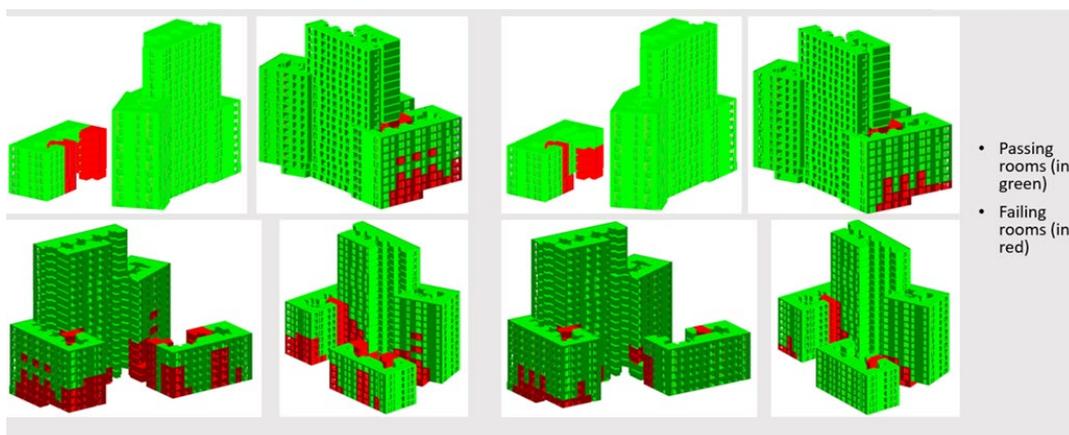


Figure 6: Red shading shows the units that fail the ADF test (all rooms)

10.53 The BRE guidance requires that 50% of a garden achieves 2 hours of sunshine on the 21st of March. Much of the communal space is shaded by the building and as a result the quality of the external space is poor. As such, officers requested that an additional communal roof terrace be provided at the roof top of the 10-storey block facing the boulevard, especially given that there is an existing internal access from the corridor (and that further space was provided

from the amended plans submission). Such an option was discounted by the applicant due to the overall viability of the scheme.

- 10.54 Significant efforts have been made by officers to amend the scheme to improve the ambient light levels within the proposed units and to improve the amenity spaces to address such failures. Whilst this had led to improvements, there are still a number of units that fail the DSR tests. Ultimately, the scheme has been improved to the maximum extent possible within the constraints of the site/development and having regard to viability considerations. In this regard and given the acknowledgement of the specific context of the site, the failure of parts of the development to achieve a satisfactory level of light to some apartments and amenity space, while regrettable, is not considered, on balance, to outweigh the positive benefits of the scheme in terms of bringing forward residential-led, city centre regeneration south of the railway line.

Other matters impacting upon amenity:

- 10.55 The Noise Officer has reviewed the Noise and Vibration Assessment (ref: REP/218559/3-01, dated 21/10/2021), prepared by Arup. In order to achieve the desired ambient noise levels for the proposed residential units, the report has considered minimum glazing performance for all of the facades, in line with the British Standard (and detailed in Table 1 of the Assessment). This standard however is only achieved with windows closed, meaning Mechanical Ventilation is required to achieve this standard. Whilst most of the residential units will not be located directly above the commercial units (separated by communal areas), there are 10 residential units that will be located directly above plant equipment rooms. To ensure that the noise mitigation measures and results outlined in the supporting Noise and Vibration Assessment are implemented and complied with, a pre-occupation validation noise survey has been requested as a condition.
- 10.56 Further, given that different use classes at ground floor level pose different noise related risks, a separate condition relating to any D2 Use Class has been recommended ensuring that a separate Noise Impact Assessment is provided. Finally, a fixed plant noise condition and a condition ensuring that the preparation and cooking of hot food and the extraction of all fumes from the food preparation areas in the ground floor units shall be mechanically extracted.
- 10.57 The Noise Officer has assessed the supporting Train Induced Vibration and Assessment Report and has raised no objection with regard to potential vibration impacts from the railway line.
- 10.58 Conditions have been applied ensuring that there will no delivery vehicles arriving, departing, loading or unloading outside the hours of 7am and 8pm. The commercial units will also have operation hours restricted to 8am to 12am on any day. These hours are not considered to be unreasonable in a city centre location and will not result in an unacceptable level of noise disturbance.

- 10.59 In light of the above, subject to the aforementioned conditions, it is considered that the amenity of the future occupiers and any neighbouring occupiers within the vicinity, will be sufficiently protected.

Microclimate:

- 10.60 A Wind Microclimate Report, prepared by Arup (dated 01/04/2022) has been provided. This identifies that windiness increases in almost all areas, with Cardiff experiencing the most winds from the south-west. Therefore, wind mitigation measures have been proposed around the site and have been designed to allow for emergency access as well as the following best practice for wind mitigation. This includes large trees and screens being positioned on the roof terraces and additional soft landscaping and movable porous screens around the site. Due to the wind conditions, certain commercial entrances have been repositioned. Given that the hard/soft landscaping details on the terraces will be decided by the tenant, the final details will be required as a condition and will require updated wind mitigation information. With the above mitigation and landscaping in place and subject to final landscaping and terrace landscaping conditions, no concerns are raised with regard to any potential microclimatic effects.

c. Impact on neighbouring amenity

- 10.61 LDP Policy KP5 contains criteria for assessment of new development proposals to ensure that no undue effect on the amenity of neighbouring occupiers occurs. The scheme has been carefully assessed against the Council's SPG guidance on sunlight/daylight, overlooking and privacy.
- 10.62 The application is supported by a Sun Path Analysis, which shows that the shadow will only extend to the far bank of the River Taff (with its associated residential properties) at 9am during the December Solstice and March and September Equinoxes. From before midday and during the afternoon the development will not cast any shadow on existing residential properties. There will be no impact of overshadowing on the existing dwellings along Penarth Road or Crawshay Street. As such, it is considered that the occupier's amenity of the neighbouring dwellings will not be detrimentally affected.

d. Transport, servicing and waste

Resident and Transport Movement:

- 10.63 This site is located in the city centre within a very short level walk (circa 150m) of Cardiff Central Railway Station and the emerging bus station, located north of the rail line. Nextbike bicycle hire and commercial car hire are also located close to the site, with the opportunity to add more Nextbike stands as the wider site evolves. The site is therefore considered to be extremely sustainably located in transport terms and a location where public transport and active travel offer viable daily alternatives to the ownership and use of private cars.

- 10.64 To the west of the development site lies the River Taff and beyond that is Taffs Mead Embankment and Merches Gardens. The Taff Trail, which forms part of Route 8 of the National Cycle Network, runs alongside the river Taff and Taffs Mead Embankment providing a north/south cycle corridor between Cardiff Bay, the city centre and beyond. The development is currently connected to the Taff Trail by on-road cycle lanes on Penarth Road which, while currently substandard, will be upgraded as part of the Phase One Central Quay development, which will improve cycle infrastructure on Penarth Road. Further improvements to and connections with the Taff Trail and other cycle and pedestrian infrastructure will also be brought forward as development of the wider site progresses.
- 10.65 The local and wider area in the vicinity of the site will also benefit from improvements captured in Cardiff Council's Integrated Network Map, which sets out the Council's 15-year vision to improve cycling and walking routes across the city, in order to meet the requirements of the Active Travel (Wales) Act 2013 to plan for the provision of routes and improvements for active travel.
- 10.66 Vehicular (along with non-vehicular) access to the site will be taken from the previously approved Phase One junction and internal network and includes a new boulevard that connects to and from Penarth Road. The proposed boulevard will provide a high-quality footway and cycleway, along with access to the development and will accommodate SUDS and soft landscaping, as well as cycle parking stands and benches. The proposed layout and cross section of the boulevard as shown in the supporting documents is considered to be acceptable, with the final design and delivery being secured via requested condition.
- 10.67 The wider public realm incorporates further pedestrian and cycle routes, including a minimum 5 metre wide shared cycle footway along the River Taff connection to Penarth Road. The proposed development also includes the provision of a new bridge landing point on the eastern embankment of the river adjacent to the square. The provision of such a bridge will be a key piece of active travel infrastructure linking the wider City and Central Quay development across the River Taff to the west, and the applicant has agreed to provide a financial contribution towards the delivery by the Council of the new bridge. As with the boulevard, the delivery of the riverside walkway is subject to a requested condition.

Car Parking:

- 10.68 The application proposes 8 'accessible' car parking spaces allocated for the proposed 316 apartments, which complies with the Managing Transportation Impacts SPG. Policy T5 of the adopted LDP requires development to accord with the council parking standards, as outlined in the approved SPG. Paragraph 6.1 of the approved 'Managing Transportation Impacts' SPG states that *'the availability of parking spaces and their location can influence travel choices. Excessive provision can serve to stimulate demand for car travel and perpetuate reliance on the car. The application of parking standards to new*

developments is therefore an important tool in managing demand for travel by car and encouraging a shift to sustainable transport modes’.

- 10.69 The aforementioned SPG uses maximum parking standards (as required by Planning Policy Wales), and there is no minimum amount of car parking that has to be provided. Transportation Officers raise no objection on the grounds of potential increased traffic congestion.

Cycle Parking:

- 10.70 The application proposes 192 residential cycle spaces for the proposed 396 bedrooms in the form of double stacked racks and Sheffield stands, providing flexibility to accommodate a variety of bike types at ground floor level, accessed via a secured outside space. Cycle storage for the ground floor commercial units will be provided as open-air Sheffield stands and sheltered and secured spaces for staff in the areas surrounding the buildings and further details will be required by condition.
- 10.71 Whilst it is acknowledged that the number of cycle parking spaces does not comply with the Council’s adopted SPG guidance of providing a one space per bedroom, Transportation Officers have considered the site’s close proximity to the city centre, central bus and rail stations, and the availability of Nextbike cycle hire. As a result of these factors, it is considered that the demand for on-site residential cycle parking is likely to be lower than similar developments located elsewhere, with a much higher proportion of trips being undertaken by walking and public transport. It has therefore been agreed that the total number of cycle parking spaces can be reduced to a minimum of 50% of the SPG requirement of 1 space per bedroom. This approach is consistent with similar city centre residential developments and officers are advised that further cycle parking for the residential uses could be added in external areas in the future if the provided cycle parking becomes overused. Following amended plans being received, the number of bedrooms increased, meaning that an additional 2 residential cycle parking spaces are required to meet the 50% of the SPG requirement. This will be sought through the cycle parking condition.

e. Provision of public open space

- 10.72 LDP Policy C5 requires the 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. Further, LDP Policy KP2(A) sets out specific infrastructure requirements for the Strategic Site including 7ha of open space. Plot 2 measures 0.95ha and should incorporate 0.08ha of public open space as its proportionate contribution.
- 10.73 Whilst it is noted that the site does not provide any public open space, the application incorporates significant public realm provision which provides a high quality environment for future occupiers and the public to use. Further, LDP Policy KP2(A) recognises that the strategic site allocation requires densities to be maximised to make efficient use of city centre land in a highly accessible

location. The site has maximised its density and has provided the 'Central Quay Square' and the riverside route. Whilst these spaces do not constitute public open spaces the site is in close proximity to existing public open spaces such as Bute Park and Canal Park. Parks have requested a contribution towards off-site POS provision of £450,296 (£1,022,713 when combined with Plot 1), which is considered in section 11 having regard to wider viability issues. Whilst the lack of on-site public open space is regrettable, it is not considered sufficient to outweigh the clear benefits of the scheme in terms of bringing forward city centre regeneration south of the railway line. Therefore, on balance, the lack of public of open space is considered acceptable in this instance.

f. Ecology

- 10.74 The conservation of native wildlife habitats and the safeguarding of protected species is discussed in Planning Policy Wales (Edition 11). New development opportunities have an important part to play in creating new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable. Improving habitat connectivity through promoting wildlife corridors, whilst ensuring development minimises species and habitat impact, are also important considerations.
- 10.75 The application is supported by an Ecology Appraisal and the Council has undertaken its own Habitat Regulation Assessment (HRA). The Ecology Officer considers the re-profiling of the bank of the river will result in positive outcomes for the River Taff SINC. Further, there will be no loss of existing trees with 25 new additional trees (50 for Plots 1 and 2 combined) and the proposed SUDs pocket gardens site will also help enhance the ecology, biodiversity, resilience of ecosystems, green infrastructure, sustainable drainage and visual amenity of a site that is, currently predominantly hardstanding. This is considered to be in line with national and local planning policy, including Future Wales Policy 9 (Resilient Ecological Networks and Green Infrastructure).
- 10.76 Further, the HRA has considered protection species/species of principal importance (refer to para's 7.21 to 7.32 for further details). Conditions have been requested ensuring that the Ecological Assessments are contained within the approved documents condition, site clearance and for a Green Infrastructure Management Strategy to be provided. Subject to these conditions, it is considered that the development reflects the statutory duty imposed by the Environment (Wales) Act 2016 for public bodies to both maintain and enhance biodiversity, and to further promote the resilience of ecosystems.

g. Flooding and drainage

- 10.77 LDP Policies EN10 and EN14 require water sensitive design solutions that do not increase the risk of flooding elsewhere to be incorporated within new development.
- 10.78 The site is located within a C1 Flood Zone of the Development Advice Map (DAM) as contained in TAN15. This means that the area is served by significant

infrastructure, including flood defences. Natural Resources Wales (NRW) consider the risk of tidal flooding to the proposed development as negligible, as the site benefits from the presence of the Cardiff Bay Barrage. This operates in a flood risk capacity, providing significant protection to Cardiff from tidal flood risk.

10.79 A new flood defence wall will also be built which will provide the same level of protection as the existing defence wall. The application is supported by a Drainage Strategy which identifies that SuDS features have been integrated into the development that treat water as close to source as possible whilst also minimising runoff. This will ensure that the development does not increase the risk of flooding within the site or elsewhere. The Flood Consequence Assessment (FCA) has considered the flood risk elsewhere and advises that the access/evacuation routes will be flood free during all events due to the protection afforded by the flood defence wall. Noting the conclusions of the submitted FCA, the advice received by NRW and Dwr Cymru Welsh Water, and the recommended conditions for surface water drainage, grease traps and a hydraulic modelling assessment to be undertaken, it is considered that drainage and the risks and consequences of flooding can be acceptably managed.

h. Sustainability

10.80 Future Wales Policy 16 emphasises that within Priority Areas for District Heat Networks planning authorities should identify opportunities for District Heat Networks and plan positively for their implementation. Large scale mixed-use development should, where feasible, have a heat network with a renewable / low carbon or waste heat energy source. Planning applications for such development should prepare an Energy Masterplan to establish whether a heat network is the most effective energy supply option and, for feasible projects, a plan for its implementation. Policy 17 outlines support for developing renewable and low carbon energy at all scales.

10.81 Para 5.8.1 of Planning Policy Wales states that the planning system should support new development that achieves high energy performance, supports decarbonisation, tackles the causes of the climate emergency and adapts to the current and future effects of climate change through the incorporation of effective mitigation and adaptation measures.

10.82 LDP Policy EN12 requires major development to maximise the potential for renewable energy. The council will encourage developers to incorporate schemes which generate energy from renewable and low carbon technologies.

10.83 The development is being designed to achieve BREEAM Excellent for the shell of the commercial units and Home Quality Mark Level 3 as a minimum (3 or above means that a home meets high standards of the HQM performance indicators). Upper roof levels will also feature solar panels in addition to the green roofs. Standalone Air Source Heat Pump (ASHP) are proposed as part of the energy strategy to provide hot water. The ASHPs will be located internally within each apartment and a louvre is incorporated into the façade of the units. Where apartments are unable to achieve the required louvre, heat and hot

water will be electric. Finally, the development design takes a fabric-first approach and the building has been designed to have a low U value.

- 10.84 The applicant has submitted a response to officer's requests for the feasibility of the scheme connecting to the proposed Cardiff District Heat Network. This states that a connection to the heat network could not be achieved for plots 1 and 2 within the timescale of the proposed development, such that the feasibility arguments put forward are accepted. The developer has nevertheless agreed that future phases, including the adjoining 'Moxy Hotel' site (itself the subject of a separate planning application (22/00378/MJR)) will connect, with a connection from Penarth Road up Crawshay Street and servicing the remainder of the site having been identified.
- 10.85 This above approach is considered to, on balance, meet the policy objectives of Future Wales, Planning Policy Wales (Edition 11) and LDP Policies KP15 and EN12.

i. Economic Impact

- 10.86 Planning Policy Wales (PPW) (Edition 11) places a duty on the LPA the need to improve the social economic of Wales' disadvantaged areas. Chapter 5 'Productive and Enterprising Places' covers the economic components of placemaking and states that *"a more Equal Wales can be achieved through promoting sufficient employment and enterprise opportunities for people to realise their potential and by recognising and building on the existing economic strengths of places to assist in delivering prosperity for all."*
- 10.87 Chapter 4 of PPW also recognises the need to *"realise the potential of new sustainable transportation infrastructure to create new or renewed hubs of activity to support sustainable communities which capitalise on their location and the opportunities these present."* TAN 23 (Economic Development) also states economic generation is a material consideration.
- 10.88 Further, para 4.8 of the LDP clarifies the importance of the Cardiff economy and the importance of the Central Enterprise Zone to the Cardiff economy, stating that *"The key economic role performed by Cardiff must be maintained and enhanced for benefits to Cardiff, the city-region and Wales. The Cardiff Central Enterprise Zone will be a key element of the approach but there is also a need to maintain the roles of the City Centre, Cardiff Bay, existing employment sites together with providing a range and choice of sites to cater for demand across sectors."*
- 10.89 The application is supported by an Economics Benefit Assessment (dated 06/12/2021). This concludes that the development represents a significant new capital investment in the area, which will help to enhance the profile of Cardiff city centre and will raise the overall economic activity in the area. For Plot 2 the following benefits have been identified:

During the construction phase:

- The proposed development could be expected to support 355 gross direct full-time equivalent ('FTE') jobs
- 438 spin-off FTE jobs would be supported annually by supporting suppliers and businesses (shops/bars/restaurants) in the local and wider area that would support the construction phase
- Over £53 million would be contributed to local economic output, as measured by Gross Value Added

During the operational phase:

- 'First occupation expenditure' is expected to generate over £1.7 million from furnishing and decorating properties, which will generate a range of economic benefits for the local economy by supporting jobs within local businesses
- Ongoing household expenditure will generate over £9.2 million (gross) every year, with c.£3.38 million relating to retail expenditure and £2.33 million relating to leisure expenditure. Whilst not all of this will be 'new' to the local area, as some will be moved from elsewhere in Cardiff, it is expected that new people will move into the new homes, or the homes vacated by people moving locally into the proposed development
- Approximately £546,000 of council tax revenue will be generated, which would be used to fund the services provided by the Council for residents of the new buildings
- The assessment considers four scenarios for the type of uses that could occupy the commercial units within the development. For the Plot 2 development between 62 and 72 FTE jobs are expected to be created within the development itself. Between 24 and 33 FTE indirect jobs may be supported in the region and between 13 and 21 FTE indirect jobs are expected to be created in the local area
- The economic output generated by the creation of the commercial units within Plot 2 are expected to range from between c.£2.2 million and c.£3.7 million, depending upon the occupation scenario
- The commercial units would generate between c.£113,300 and £131,400 of business rates per annum, depending upon the occupation scenario

10.90 The proposed development meets the number of placemaking-related objectives outlined in PPW. Of relevance to the economic assessment is the alignment of employment and residential development with transport infrastructure, and the regeneration of disadvantaged communities. The economic potential of the proposed development will contribute to the goals outlined in the Well-being of Future Generations Act 2015 by boosting improving the cohesion of communities and boosting the prosperity and resilience of Wales.

10.91 The Economic Benefits Assessment concludes that the provision of residential accommodation and public amenity space alongside the employment

opportunities will support the LDP's ambition in reducing the need to travel and making the city centre an attractive place to live, thereby improving the wellbeing of Cardiff's residents. In this respect, and having particular regard to the advice in PPW and TAN23, along with the recent guidance on post Covid-19 recovery in Wales; 'Building Better Places: The Planning System Delivering Resilient and Brighter Futures', the proposals are considered to have significant direct and indirect economic benefits.

j. Health and well-being

- 10.92 The Well-being of Future Generations (Wales) Act 2015 puts in place seven well-being goals to work towards the vision of a Sustainable Wales. With regards to the planning context, PPW dedicates Section 2 to the achievement of well-being through placemaking.
- 10.93 LDP Policies KP14 states that development proposals should seek to reduce health inequalities through encouraging healthy lifestyles, addressing the social determinants of health and providing accessible health care facilities. Further the Planning for Health SPG (2017), which provides supporting information for addressing the effect of the built and natural environment on health as part of a strategic approach to tackle the city's health inequalities and promoting healthy lifestyle options. The SPG highlights that health and the environment are inextricably linked and that the location of new development and facilities should enable people to have a choice of high quality, attractive places to live and allow them to reach the services they need.
- 10.94 The application proposes significant public realm provision in the form of the 'Central Quay Square', the riverside route within a highly sustainable city centre location. Limited car parking spaces are proposed and the development will enhance connections through the incorporation of traffic-free pedestrian and cycle routes through the site, as well as a financial contribution towards the delivery of a new bridge over the River Taff between the site and Taff's Mead Embankment. It is therefore considered that proposals meets the well-being goals in the Well-being of Future Generations (Wales) Act 2015 and will encourage healthy lifestyles.

11. PLANNING OBLIGATIONS

- 11.1 Policy KP7 (Planning Obligations) states that "planning obligations will be sought to mitigate any impacts directly related to the development and will be assessed on a case by case basis in line with Planning Policy Guidance".
- 11.2 The supporting text emphasises that new development often generates additional demands upon existing services, facilities, infrastructure and the environment, with planning obligations being a means of seeking contributions from developers towards these demands, as well as negotiating benefits that improve the standard of development proposals by providing necessary infrastructure and community benefits.
- 11.3 The Planning Obligations SPG sets out the Council's approach to planning

obligations when considering applications for development in Cardiff, providing further guidance on how the policies set out in the LDP are to be implemented.

- 11.4 The Community Infrastructure Levy Regulations 2010 came into force on 6th April 2010 in England and Wales. They introduced limitations on the use of planning obligations (Reg. 122 refers), and state that a planning obligation may only legally constitute a reason for granting planning permission if it is: (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development.
- 11.5 In view of the type and form of development proposed, having regard to local circumstances and needs arising from the development, the need for planning obligations which are considered necessary to make the development acceptable in planning terms and to meet the policy and legislative tests for planning obligations were identified as follows (in line with the Planning obligations SPG). **These are the maximum levels of contributions which could be sought, and are subject to viability considerations:**

CONTRIBUTION	(£) Plot 2	(£) Combined for Plots 1 & 2
Affordable Housing	£5,320,746	12,255,168
Community Facilities	£250,516	574,913
Education	£121,035	240,972
Public Open Space	£450,296	1,022,713
Public Realm/Bridge	£3,750,000	7,500,000
TOTAL	£9,892,593	21,593,766

- 11.6 To assist the consideration of planning obligations, the applicant provided a Viability Assessment prepared by Savills (dated February 2022). This concludes the Benchmark Land Value to be £2,635,000. In order to be considered viable, the scheme must produce a sufficient developer's profit margin which in this instance is 15% on cost. Based on the Viability Assessment, the scheme produces a profit on cost of 1.83% before the deduction of any S106 obligations or provision of affordable housing and is therefore considered unviable. When assessed against a fixed profit margin of 15% on cost the residual land value is -£2,157,932 and therefore there is a deficit of £4,792,932 before the scheme generates any surplus for S106 contributions.
- 11.7 In accordance with the established practice of obtaining an independent assessment of viability appraisals presented in support of planning

applications, the Council has sought the advice of an independent assessor (Avison Young), who has reviewed the viability submissions for both Plots 1 and 2. Avison Young have not agreed with the Savills report in full, notably stating that “Savills approach to both the Existing Use Value (EUV) and Benchmark Land Value (BLV) are overly conservative” but have nevertheless concluded that: -

Based on our viability assessment and incorporating a review of the Savills February 2022 report. Whilst we have applied a different rationale, we are in agreement that the likely developer profit on completion of the funding structured sale does not generate sufficient profit (a market accepted 15% Profit on Cost) to allow for S106 obligations to be incorporated”

(Note: The same conclusion has been reached for Plot 1 also)

11.8 While both schemes have been identified as unviable, nevertheless negotiations have been entered into with the developer to secure an appropriate financial contribution which would secure contributions towards identified community and transport infrastructure. These discussions have reviewed the entirety of the scheme (plots 1 and 2 combined) and have secured an overall financial contribution of £2.2 million.

11.9 It is recommended that the financial contribution will be apportioned as follows, with the greatest level of contribution proposed to be put towards the provision of the new bridge which will form part of the critical active travel infrastructure (or in the unlikely event such a bridge cannot be delivered, to be reallocated to provision of affordable housing).

CONTRIBUTION	(£) Combined for Plots 1 & 2	(£) Secured Contribution for Plots 1 & 2
Affordable Housing	12,255,168	600,000
Community Facilities	574,913	0
Education	240,972	25,000
Public Open Space	1,022,713	75,000
Public Realm/Bridge	7,500,000	1,500,000
TOTAL	21,593,766	2,200,000

12. **OVERALL ASSESSMENT – ‘THE PLANNING BALANCE’:**

12.1 Planning Policy Wales (PPW) (Edition 11) refers to the need to assess the Sustainable Benefits of Development and (at 2.27) emphasises that Planning authorities should ensure that social, economic, environmental and cultural benefits are considered in the decision-making process and assessed in

accordance with the five ways of working to ensure a balanced assessment is carried out to implement the Well-being of Future Generations Act and the Sustainable Development Principle.

- 12.2 Paragraph 3.38 of PPW states that the countryside is a dynamic and multi-purpose resource. In line with sustainable development and the national planning principles and in contributing towards placemaking outcomes, it must be conserved and, where possible, enhanced for the sake of its ecological, geological, physiographic, historical, archaeological, cultural and agricultural value and for its landscape and natural resources. The need to conserve these attributes should be balanced against the economic, social and recreational needs of the local communities and visitors.
- 12.3 There may be occasions when one benefit of a development proposal outweighs others, and in such cases robust evidence should be presented to support these decisions, whilst seeking to maximise contributions against all the well-being goals.
- 12.4 Key factors in the assessment process include:
- *Social Considerations*, including: - who are the interested and affected people and communities; who will benefit and suffer any impacts from the proposal;
 - what are the short and long-term consequences of the proposal on a community;
 - *Economic Considerations* including: - the numbers and types of long term jobs expected to be created or retained; whether, and how far, the development will help redress economic disadvantage or support regeneration priorities, for example by enhancing local employment opportunities;
 - *Cultural Considerations* including: - how far the proposal supports the conditions that allow for the use of the Welsh language; whether or not the development protects areas and assets of cultural and historic significance; have cultural considerations and their relationships with the tourism industry been appropriately maximised; and
 - *Environmental Considerations* including: - will important features of the natural and built environment be protected and enhanced; are the environmental impacts of development on health and amenity limited to acceptable levels and the resilience of ecosystems improved.
- 12.5 At 2.29 it further refers to the need to have an integrated approach to balancing priorities against policy on an individual basis, which enables the full range of costs and benefits over the lifetime of development to be taken into account.
- 12.6 Section 5 of PPW provides further emphasis on the need to develop 'Productive and Enterprising Places' which promote our economic, social, environmental and cultural well-being by providing well-connected employment and sustainable economic development.
- 12.7 The role of the Local Planning Authority is therefore to balance the weight to be

attributed to each of the positive and negative impacts of the development and come to a balanced conclusion as to whether the development is acceptable or not.

- 12.8 The application has been subject to extensive negotiations between the developer and Council Officers, with input from Placemaking and Transportation Officers throughout. This has led to amended plans being received, responding to officer's concerns relating to the straightening and increased width of the riverside route, design improvements and changes in the materials proposed, and actions to address daylight/sunlight concerns.

13. LEGAL CONSIDERATIONS

- 13.1 *Crime and Disorder Act 1998*: Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.
- 13.2 *The Equality Act 2010* identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council's duty under the above Act has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic.
- 13.3 *Wellbeing of Future Generations (Wales) Act 2016*: Section 3 of this Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.
- 13.4 *Statutory pre-application public consultation*: The statutory pre-application public consultation was carried out in accordance with legislation and is considered acceptable.
- 13.5 *Section 6 of Environment (Wales) Act 2016* subsection (1) imposes a duty that a public authority must seek to maintain and enhance biodiversity in the exercise of its functions, and in so doing promote the resilience of ecosystems, so far as is consistent with the proper exercise of those functions. In complying with subsection (1), a public authority must take account of the resilience of ecosystems, in particular the following aspects:
- (a) Diversity between and within ecosystems;

- (b) The connections between and within ecosystems;
- (c) The scale of ecosystems;
- (d) The condition of ecosystems (including their structure and functioning);
- (e) The adaptability of ecosystems.

13.6 It is considered that the Local Planning Authority has considered its duty under this Act and has met its objectives for the reasons outlined above.

14. CONCLUSION

14.1 The proposal will play a key role in delivering the LDP strategy, providing 316 new residential units as part of a high quality, mixed-use scheme on a vacant site in a highly sustainable, brownfield location within LDP strategic site KP2(A); Cardiff Central Enterprise Zone.

14.2 Plots 1 and 2 will bring vacant land into beneficial use with associated regeneration benefits, which promotes the efficient use of land and makes a positive contribution to housing supply. The proposals will create a vibrant, hard and soft landscaped 'place' and will provide a positive visual link from Central Square towards Central Quay, drawing the development to the south of the railway line further into the strategic site. The development will not harm the setting of any listed buildings.

14.3 The development will significantly enhance biodiversity befitting the site's riverside location, in direct contrast to the existing vacant and mainly sealed site. The scheme will combat climate change by delivering landscape and SuDS proposals, including 25 new trees, and incorporating sustainable building design measures, including PV panels, Standalone Air Source Heat Pumps. The building will also achieve BREEAM Excellent for the shell of the commercial units and Home Quality Mark Level 3 as a minimum.

14.4 The site is also highly sustainable in transport terms with excellent access to the public transport network. The wider public realm incorporates further pedestrian and cycle routes, including a shared route along the River Taff connection to Penarth Road and segregated cycle provision within the 'boulevard'. The proposed development also includes a financial contribution towards the delivery by the Council of a new bridge across the River Taff.

14.5 The proposals have been assessed against local and national policies and guidance. Whilst not all the identified concerns could be resolved, the clear benefits of the scheme in terms of bringing forward city centre regeneration south of the railway line and providing a new active travel bridge connection across the River Taff are considered to outweigh the concerns. Therefore, there is no demonstrable or compelling reasons which indicate sufficient harm to warrant refusal of the application. It is therefore recommended that planning permission be granted, subject to the recommended conditions and relevant parties entering into a Section 106 Agreement. Accordingly, the proposed development is considered, on balance, to be in accordance with Policies.

15. RECOMMENDATION

RECOMMENDATION 1: That, subject to relevant parties entering into a binding legal agreement with the Council under the provisions of a SECTION 106 of the Town and Country Planning Act 1990, within 6 months of the date of this Resolution unless otherwise agreed by the Council in writing, in respect of matters detailed in Section 11 of this report, planning permission be GRANTED subject to the conditions listed below.

1. The development shall begin not later than five years from the date of this decision.

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

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

Site Location Plan	CQ2-RIO-02-XX-DR-A-90000 Rev 02
Topographical Site Plan	CQ2-RIO-02-XX-DR-A-90001
Existing Site Plan	CQ2-RIO-02-XX-DR-A-90002
Proposed Site Plan	CQ2-RIO-02-XX-DR-A-90003 Rev 03
Ground Floor GA Plan	CQ2-RIO-02-00-DR-A-01100 Rev 02
First Floor GA Plan	CQ2-RIO-02-01-DR-A-01101 Rev 02
Second Floor GA Plan	CQ2-RIO-02-02-DR-A-01102 Rev 02
Typical Floors 03-07 GA Plan	CQ2-RIO-02-ZZ-DR-A-01103 Rev 02
Typical Floors 08-09 GA Plan	CQ2-RIO-02-ZZ-DR-A-01108 Rev 02
Typical Floors 10-13 GA Plan	CQ2-RIO-02-ZZ-DR-A-01110 Rev 02
Typical Floors 14-23 GA Plan	CQ2-RIO-02-ZZ-DR-A-01114 Rev 02
Roof GA Plan	CQ2-RIO-02-RF-DR-A-01116 Rev 02
South East Elevation	CQ2-RIO-02-ZZ-DR-A-02000 Rev 03
North East Elevation	CQ2-RIO-02-ZZ-DR-A-02001 Rev 03
North West Elevation	CQ2-RIO-02-ZZ-DR-A-02002 Rev 03
South West Elevation	CQ2-RIO-02-ZZ-DR-A-02003 Rev 03
West Block Elevations	CQ2-RIO-02-ZZ-DR-A-02004 Rev 03
South East Elevation Mono	CQ2-RIO-02-ZZ-DR-A-02200 Rev 01
North East Elevation Mono	CQ2-RIO-02-ZZ-DR-A-02201 Rev 01
North West Elevation Mono	CQ2-RIO-02-ZZ-DR-A-02202 Rev 01
South West Elevation Mono	CQ2-RIO-02-ZZ-DR-A-02203 Rev 01
West Block Elevations Mono	CQ2-RIO-02-ZZ-DR-A-02204 Rev 01
GA Section 1	CQ2-RIO-02-XX-DR-A-03001 Rev 02
GA Section 2	CQ2-RIO-02-XX-DR-A-03002 Rev 02
GA Section 3	CQ2-RIO-02-XX-DR-A-03003 Rev 02
GA Sections 4 and 5	CQ2-RIO-02-XX-DR-A-03004 Rev 02
Plot 2 Context Section 01	CQ2-RIO-02-ZZ-DR-A-03121 Rev 02
Plot 2 Context Section 02	CQ2-RIO-02-ZZ-DR-A-03122 Rev 02
Plot 2 Context Section 03	CQ2-RIO-02-ZZ-DR-A-03123 Rev 02
Plot 2 Context Section 04	CQ2-RIO-02-ZZ-DR-A-03124 Rev 02
Plot 2 Context Section 05	CQ2-RIO-02-ZZ-DR-A-03125 Rev 02
Drainage and Levels Plan 1 of 2	CQ2-CTF-02-00-DR-L-10001 Rev P04
Drainage and Levels Plan 2 of 2	CQ2-CTF-02-00-DR-L-10002 Rev P04

Drainage and Levels Plan	CQ2-CTF-ZZ-00-DR-L-10011 Rev P01
Hardworks Plan	CQ2-CTF-ZZ-00-DR-L-40002 Rev P06
Softworks Plan	CQ2-CTF-ZZ-00-DR-L-50002 Rev P06
Topsoiling Plan 3	CQC-CTF-XX-XX-DR-L-60003 Rev P01
Topsoiling Plan 4	CQC-CTF-XX-XX-DR-L-60004 Rev P01
Topsoiling Plan 5	CQC-CTF-XX-XX-DR-L-60005 Rev P01
Topsoiling Plan 6	CQC-CTF-XX-XX-DR-L-60006 Rev P01
Hard and Softworks Landscape Specification - Q28	CQ1-CTF-XX-XX-SP-0001 Rev P01
Separated Soil Volume	CQC-CTF-XX-XX-SH-L-50003 Rev P01
Site Section Central Quay Square 01	CQ2-CTF-02-ZZ-DR-L-20001 Rev P05
Site Section Central Quay Square 02	CQ2-CTF-02-ZZ-DR-L-20002 Rev P03
Site Section Central Quay Square 03	CQ2-CTF-02-ZZ-DR-L-20003 Rev P03
Site Section North of Plot 2	CQ2-CTF-02-ZZ-DR-L-20005 Rev P03
Detail Section Riverside 02	CQ2-CTF-02-ZZ-DR-L-21002 Rev P05
Detail Section Riverside 03	CQ2-CTF-02-ZZ-DR-L-21003 Rev P05
Detailed Section Boulevard 02	CQ2-CTF-02-ZZ-DR-L-22002 Rev P03
Detailed Section Boulevard 03	CQ2-CTF-02-ZZ-DR-L-22003 Rev P03
Detailed Section Boulevard 04	CQ2-CTF-02-ZZ-DR-L-22004 Rev P03
Detail Section Plot 2 Building	CQ2-CTF-02-ZZ-DR-L-24001 Rev P03
Detail Section Plot 2 Building	CQ2-CTF-02-ZZ-DR-L-24002 Rev P03
Tree Pit Details 2 of 3	CQS-CTF-XX-XX-DR-L-30032 Rev P02
Tree Pit Details 3 of 3	CQS-CTF-XX-XX_DR-L-30033 Rev P02
Landscape Site Plan	CQS-CTF-ZZ-00-DR-L-10000 Rev P06
Site-Wide Foul Water Drainage Strategy	CQC-HYD-XX-XX-DR-C-0101 Rev P04
Site-Wide SuDS & Drainage Connectivity Strategy	CQC-HYD-XX-XX-DR-C-2203 Rev P09
Site Access and Haul Road – Stage 1	CQC-HYD-XX-XX-DR-C-0502 Rev P03
Site Access and Haul Road – Stage 2	CQC-HYD-XX-XX-DR-C-0503 Rev P01

Central Quay Cardiff (Phase 2) Ecological Appraisal. The Environmental Dimension Partnership Ltd, December 2021 ref edp4237_r010c
Landscape Design Statement, One Central Quay CQ1, Churchman Thornhill Finch, December 2021.

Technical Design Note, Central Quay, Site Wide Drainage Strategy Overview, ref CQCHYD-XX-XX-TN-C-0002, Hydrock December 2021

Reason: For the avoidance of doubt.

Pre-Commencement Conditions

3. *Construction Environmental Management Plan*: No development or phase of development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include:
 - Construction methods: details of materials, how waste generated will be managed

- General site management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain
- Biodiversity management: details of tree protection
- Resource management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use
- Traffic management: details of site hoardings, site access and wheel washing facilities, a strategy for the delivery of plant and materials, construction staff parking, traffic management proposals and details of dust/dirt suppression measures
- Soil management: details of topsoil strip, storage and amelioration for re-use
- Pollution prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details

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

Reason: In the interests of highway safety, and protection of the environment and public amenity, in accordance with Policies KP5, T6, EN6, EN7 and EN13 of the adopted City of Cardiff Local Development Plan (2006-2026).

4. *Public Realm Works - Phasing*: No development shall commence (other than site preparation and below ground works) until such time as an overarching public realm implementation / phasing programme has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall establish a timetable for phased completion of all areas of highways and public realm within the site (along with the nature and duration of temporary works to facilitate movement within and through the site), including the delivery of the boulevard (including associated active travel route), Central Quay Square, Riverside Route (as shown on drawing numbers CQ2-CTF-ZZ-00-DR-L-40002 Rev P06 and CQ2-CTF-ZZ-00-DR-L-50002 Rev P06), connections to the existing highway at Crawshay Street and access to the development as outlined in the submitted application supporting documents.

Thereafter, no part of the development shall be occupied until such time as details of all highways and public realm works, to include surfacing, kerbs, edging, drainage, SUDS, lighting, lining, signing, traffic orders, trees, soft and hard landscaping, and street furniture as required as a consequence of the scheme, have been submitted to and approved in writing by the Local Planning Authority.

All areas of public realm shall be completed on site to the satisfaction of the Local Planning Authority in accordance with the agreed phasing scheme.

Reason: To ensure all necessary highway and public realm works are approved and implemented in a phased manner, in the interest of future occupiers, users of the site and the character of the site as a whole, and also to ensure safe commodious access to and from the proposed development, in accordance with Policies T5 and T6 of the adopted City of Cardiff Local Development Plan (2006-2026).

5. *Green Infrastructure Phasing Plan / Management Strategy*: No development shall take place including riverbank reprofiling, ground works and vegetation clearance, until such time as a Green Infrastructure Phasing Plan (to include the timetable for submission of details and implementation of approved schemes) has been submitted to and approved in writing by the Local Planning Authority.

Thereafter a Green Infrastructure Management Strategy (GIMS) for the delivery, establishment and ongoing management, maintenance and monitoring of green infrastructure (including enhancements) for the whole site, for both the establishment phase and long term, shall be submitted to the LPA for its approval in writing in accordance with the agreed phasing plan. The GIMS shall consider those elements discussed in the following documents: “Ecological Appraisal. The Environmental Dimension Partnership Ltd, December 2021 ref edp4237_r010c” and “Landscape Design Statement, One Central Quay CQ1, Churchman Thornhill Finch, December 2021, and shall as a minimum include the following details:

- a) Proposals for the protection, creation, enhancement and management and maintenance prescriptions of each landscaping type shown on CQ1-CTF-01-00-DR-L-50001 Plot 1 – Central Quay Softworks Plan -1 of 1, Churchman Thornhill Finch, the green roofs (within the Landscape Design Statement), retained woodland and scrub (northern boundary), bird boxes and bat boxes (further discussed under point 5 below). These proposals should include details of all species to be utilised. This should include aims and objectives of management, an introduction to each feature, the prescription as noted, work schedule and cover a minimum of 25 years, with reviews at 5 year intervals. The details of the body or organisation responsible for implementation of the plan should also be provided plus any legal or funding mechanisms. Should also include any failures in planting being rectified with the first year after planting and for 5 years following, or new landscaping agreed with the Local Planning Authority.
- b) Detail the “Sensitive Drainage Strategy” as noted per the Ecological Appraisal and the Technical Design Note, Central Quay, Site Wide Drainage Strategy Overview, ref CQC-HYD-XX-XX-TN-C-0002, Hydrock December 2021, to show how discharge of surface water run-off into the River Taff Site of Importance for Nature Conservation (SINC) is of acceptable quality such that significant adverse impacts upon the biodiversity of that site is avoided.
- c) Where required the continued treatment/eradication of any invasive

species found at the site, as referred to in the Ecological Appraisal section 5.35.

- d) A “Lighting Design Strategy for Biodiversity” (considering bats and otter) in accordance with the Institute of Lighting Professional Guidance Note 08/18. The strategy shall:
- Identify those areas/features on site that are particularly sensitive for bats and otter that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging;
 - Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that the light spill on the River Taff will not exceed 0.5 lux (stated in section 6.48 of the Ecological Appraisal) and will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places. Particular areas to consider are light spill from the south-western aspect of the building, any units that might require considerable external lighting such as bars, restaurants, gyms and the lighting alongside the River Taff. Landscaping along the River Taff may wish to include further screening trees to reduce light spill. Light reflectance should also be considered; and
 - For all species to some degree this should consider; lighting direction, hooding, using minimum height and passive infrared on timers. Where possible, all lighting should be below 2700K and therefore a wavelength above 550nm. All aspects under Section 5.24 of the Ecological Appraisal should also be followed.

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

- e) A Biodiversity Enhancements Plan, a drawing clearly showing the location and short specification of the following elements considered at least in some degree to be enhancements at the site:
- All planting area as shown on CQ1-CTF-01-00-DR-L-50001 Plot 1 – Central Quay Softworks Plan -1 of 1, Churchman Thornhill Finch;
 - The podium terraces;
 - Riparian corridor;
 - Standard trees;
 - The green roofs (particular interest will be paid to the floral diversity and substrate);
 - Six bat boxes attached on the west, south-west or east building facade (numerous aesthetically pleasing boxes are now available);

- A rocket bat box attached to a pole within the riparian corridor, in the north-west corner of Plot 1. All boxes should be a minimum 3m from the ground.
- 15 bird boxes erected on poles or the building itself, concentrating on species such as house sparrow, starling and swift (a conglomeration of 8 of the boxes). The south-west, north and east, will provide the most appropriate areas.

The above expands upon enhancements already mentioned in the Ecological Appraisal and that of the Landscape Design Statement.

The approved GIMS and any subsequent amendments, shall be agreed in writing by the Local Planning Authority and shall be implemented in accordance with the approved details and programme for implementation. Should monitoring indicate a failure in any aspect of the GIMS, remedial measures shall be agreed in writing with the Local Planning Authority and shall be implemented as agreed.

Reason: Principally to comply with the provisions relating to the Section 6 Duty of the Environment (Wales) Act 2016, PPW 11 and Policies KP16, EN6 and EN7 of the City of Cardiff Local Development Plan (2006-2026).

6. *Written Scheme of Historic Environment Mitigation:* No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation, which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work must be fully carried out in accordance with the requirements and standards of the written scheme, with a detailed report on the archaeological work submitted to the Local Planning Authority within six months of the completion of the archaeological fieldwork.

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works of the archaeological resource, in accordance with Policy EN9 of the adopted City of Cardiff Local Development Plan (2006-2026).

7. *Ground Gas Protection:* Prior to the commencement of any development the proposed details of appropriate gas protection measures to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site shall be submitted to and approved in writing to the Local Planning Authority. All required gas protection measures shall be installed and appropriately verified before occupation of any part of the development which has been permitted and the approved protection measures shall be retained and maintained until such time as the Local Planning Authority agrees in writing that the measures are no longer required.

'Gases' include landfill gases, vapours from contaminated land sites, and naturally occurring methane and carbon dioxide, but does not include radon gas. Gas Monitoring programmes should be designed in line with current best

practice as detailed in CIRIA 665 and BS 8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings.

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

8. ***Contaminated Land Measures (Remediation & Verification Plan)***: Prior to the commencement of the development a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with the Environment Agency's 'Land contamination: risk management (LCRM)' (October 2020) and the WLGA / WG / NRW guidance document 'Land Contamination: A guide for Developers' (2017) unless the Local Planning Authority agrees to any variation.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy EN13 of the adopted City of Cardiff Local Development Plan (2006-2026).

Action Conditions

9. ***Material Samples***: Notwithstanding the submitted details (condition 2), prior to their use on site samples of all external finishing materials shall be submitted to and approved by the Local Planning Authority. This shall include an element of brickwork for the 8-storey block fronting Central Quay Square. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory finished appearance to the development, in accordance with Policy KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).

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

in full accordance with the agreed architectural details.

Reason: To ensure a satisfactory finished appearance to the development, in accordance with Policy KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).

11. *Hard and Soft Landscaping:* Within 12 months of commencement of development full details of both hard and soft landscape works shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- A soft landscaping implementation programme
- A Soil Resource Survey and Plan prepared by a soil scientist, where it is intended to re-use site won soils for soft landscaping
- Imported topsoil and subsoil specification for all planting types prepared by a soil scientist, including full details of soil protection, soil storage, soil handling, soil amelioration, soil remediation and soil placement to ensure it is fit for purpose. The parameters for all imported planting soils shall be clearly stated
- Planting methodology and post-planting aftercare methodology prepared by a qualified landscape architect, including full details of how the landscape architect will oversee landscaping implementation and report to the Local Planning Authority to confirm compliance with the approved plans and specifications
- Proposed finished levels, hard surfacing materials including the demarcation of the cycle route and location/design of cycle stands for the commercial units, street furniture including the provision of street lighting, sections associated with the proposed water features, proposed and existing services above and below ground level.

Reason: To enable the Local Planning Authority to determine that the proposals will maintain and improve the amenity of the area, and to monitor compliance, in accordance with Policies EN8 and KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).

12. *Roof Terrace Landscaping:* No works to the rooftop amenity terraces shall take place until full details of both hard and soft landscape works and wind mitigation measures have been submitted to and approved in writing by the Local Planning Authority.

Reason: To maintain and improve the appearance of the area and provide appropriate amenity for future residents, in accordance with Policy KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).

13. *Public Art:* Within 12 months of commencement of development a scheme, maintenance schedule and timetable for the provision of public art shall be submitted to and approved in writing by the Local Planning Authority. The public artwork(s) shall be implemented and maintained in accordance with the approved details.

Reason: In the interests of creating a quality and legible built environment, in accordance with Policy KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).

14. *Cycle Parking*: Prior to commencement of above ground works, details showing the provision of 198 residential cycle parking spaces (comprising a minimum of 10% accessible ground-based stands and 50% of any two tier racks having tray centres of 500mm, with the remaining to be a minimum of 375mm centres), and appropriate access to them, shall have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the development being put into beneficial use and thereafter the cycle parking spaces shall be maintained and shall not be used for any other purpose.

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

15. *Travel Plan*: No part of the development hereby permitted shall be occupied until a residential travel plan, to include but not limited to, the promotion of walking, cycling, public transport and other alternatives to the ownership and use of private cars, together with a monitoring regime to identify whether the scheme meets the agreed targets set in the travel plan, has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of sustainability and to limit the impact of the development on use of the adjacent highway, in accordance with Policies T1 and T5 of the adopted City of Cardiff Local Development Plan (2006-2026).

16. *Servicing Management Plan*: Prior to the beneficial use of the building, a servicing management plan shall have been submitted to and approved in writing by the local planning authority. The plan shall identify all servicing protocols, procedures, and related facilities and equipment, for all types of delivery and collection services for the building, and the building shall thereafter be serviced in accordance with the approved plan.

Reason: To ensure that the servicing protocols, procedures and facilities will allow for the minimal potential for pedestrian and vehicular conflict, and to ensure for the safe free flow of traffic on the highway, in accordance with Policies W1 and T5 of the adopted City of Cardiff Local Development Plan (2006-2026).

17. *Ecological Site Clearance*: If site clearance in respect of the development hereby approved does not commence within 18 months from the date of the most recent Extended Phase 1 habitat survey (and that which it encompassed, bats (trees and activity) and incidentally invasive plants), the approved ecological measures secured through (other planning conditions) shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to i) establish if there have been any changes in the presence and/or abundance of botanical aspects

(including invasives and bats in trees or activity) and ii) identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed any new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

Reason: To comply with the provisions of the Conservation of Habitats and Species Regulations 2017 (as amended), The Wildlife and Countryside Act 1981 (as amended), the Section 6 Duty of the Environment (Wales) Act 2016, PPW 11 and Policy EN7 of the Cardiff Local Development Plan 2006 – 2026.

18. *Piling*: No piling or excavation works on building foundations shall commence until details of piling or any other foundation designs using penetrative methods sufficient to demonstrate that there is no unacceptable risk to groundwater have been submitted to and approved in writing by the Local Planning Authority. The piling/foundation designs shall be implemented in accordance with the approved details.

Reason: Piling/foundation details should be submitted to ensure there is no unacceptable risk to groundwater during construction and methods/design are agreed prior to the commencement of development or phase of development, in accordance with Policy EN13 of the adopted City of Cardiff Local Development Plan (2006-2026).

19. *Unidentified Contamination*: If during development, contamination not previously identified is found to be present at the site then no further development (unless explicitly agreed in writing by the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.

Reason: To ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks, in accordance with Policy EN13 of the adopted City of Cardiff Local Development Plan (2006-2026).

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

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

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

21. *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 Local Planning Authority.

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

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

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

23. *Grease Trap:* Prior to the first beneficial occupation of any part of the development, grease trap(s) shall have been provided on site in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be maintained to prevent grease entering the public sewerage system.

Reason: To protect the integrity of the public sewage system and ensure the free flow of sewage, in accordance with Policies EN10 and EN11 of the adopted City of Cardiff Local Development Plan (2006-2026).

24. *Hydraulic Modelling Assessment:* No building shall be occupied until a point of

connection on the potable water system has been identified by a hydraulic modelling assessment, which shall be first have been submitted to and approved in writing by the local planning authority. Thereafter the connection shall be made in accordance with the recommended connection option following the implementation of any necessary improvements to the potable water system, as may be identified by the hydraulic modelling assessment.

Reason: To ensure an orderly form of development and to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment, in accordance with Policies EN10 and EN11 of the adopted City of Cardiff Local Development Plan (2006-2026).

25. *Plant Noise*: Prior to the operational use of the plant machinery and equipment approved on drawing no. CQ2-RIO-02-00-DR-A-01100 Rev 02, a noise assessment shall be carried out and submitted to the Local Planning Authority to ensure the noise emitted from the plant machinery and equipment on the site achieves 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 Policies KP5 and EN13 of the adopted City of Cardiff Local Development Plan (2006-2026).

26. *Pre-Occupation Validation Noise Survey*: Prior to the occupation of the residential units, a pre-occupation validation noise survey shall be conducted in order to demonstrate that the noise mitigation measures detailed in Noise and Vibration Assessment REP/218559/3-01 dated 21 October 2021 are effectual in reducing external noise to agreed acceptable levels. A certificate of compliance by an approved acoustic assessor shall be submitted to and approved by the Local Planning Authority to demonstrate this has been achieved. Specifically:

- BS8233:2014
- 35dB LAeq, 16hour;
- 30dB LAeq,8hour;
- 45dB LAFmax
- 55dB LAeq, 16hour in external amenity space
- Details of the Mechanical Ventilation with Heat Recovery system

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

27. *D2 Use Class Noise Impact Assessment*: Prior to any unit being used for a purpose falling within Use Class D2, a Noise Impact Assessment shall be conducted to demonstrate how such proposed use would not negatively impact residential amenity, and such assessment approved in writing by the Local Planning Authority. Any recommended remedial action, restrictions on operating hours or practices, or improvements highlighted in such assessment

shall be completed prior to beneficial use being granted, and thereafter retained and the use operated in accordance with the agreed details.

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

28. *Fume Extraction*: If at any time the use of the premises is to involve the preparation and cooking of hot food the extraction of all fumes from the food preparation areas shall be mechanically extracted to a point to be agreed with the Local Planning Authority, and the extraction system shall be provided with a de-odorising filter. Details of the above equipment shall have been submitted to and approved in writing by the Local Planning Authority, and the equipment installed in accordance with the agreed scheme, prior to the commencement of use for the cooking of food. The equipment shall thereafter be maintained in accordance with the manufacturers' guidelines, such guidelines having previously been agreed by the Local Planning Authority.

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

Regulatory Conditions

29. *Operation Hours for Commercial Units*: No member of the public shall be admitted to or allowed to remain on the premises outside the hours of 08:00 and 12:00 (midnight) on Sunday to Thursdays and 08:00 – 01:00 on Friday and Saturdays.

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

30. *Delivery Hours for Commercial Units*: There shall be no arrival, departure, loading or unloading of delivery vehicles outside the hours of 07:00 – 20:00.

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

31. The ground floor/mezzanine level commercial units fronting onto the Central Quay Square, the Riverside Route and Boulevard shall be permitted to be used for uses falling within either Class A1, A2, A3, B1, D1 or D2, however no less than 50% of the overall net floorspace of the ground floor commercial uses shall be used for restaurants/cafes/bars falling within Use Class A3, with the net retail sales area of any single unit within Class A1 (shops) hereby permitted also not exceeding 500 sqm (with no merging of units thereafter permitted).

Reason: To ensure the creation of active frontages and vibrant places, while

also preventing changes to the type and scale of Class A1 retail floorspace which may prejudice the retail strategy of the development plan and/or government planning guidance, in accordance with Policy R6 of the Cardiff Local Development Plan (2006-2026).

32. *Landscaping Maintenance*: Any newly planted trees, plants or hedgerows, which within a period of 5 years from the completion of the development die, are removed, become seriously damaged or diseased, or in the opinion of the Local Planning Authority otherwise defective, shall be replaced. Replacement planting shall take place during the first available planting season, to the same specification approved in discharge of condition 9, unless the Local Planning Authority gives written consent to any variation.

Reason: To maintain and improve the amenity and environmental value of the area, in accordance with Policies EN8 and KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).

33. *Contaminated Land Measures (Remediation & Verification)*: The remediation scheme approved by condition 8 must be fully undertaken in accordance with its terms prior to the occupation of any part of the development. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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

All work and submissions carried out for the purposes of this condition must be conducted in accordance with the Environment Agency's 'Land contamination: risk management (LCRM)' (October 2020) and the WLGA / WG / NRW guidance document 'Land Contamination: A guide for Developers' (2017) unless the Local Planning Authority agrees to any variation.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy EN13 of the adopted City of Cardiff Local Development Plan (2006-2026).

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

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

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy EN13 of the adopted City of Cardiff Local Development Plan (2006-2026).

35. *Surface Water Drainage:* No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

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 EN10 and EN11 of the adopted City of Cardiff Local Development Plan (2006-2026).

36. *Disabled Parking Provision:* Prior to the occupation of the proposed residential units, the 8 vehicular parking spaces as shown on drawing no. CQ2-RIO-02-00-DR-A-01100 Rev 02 shall be marked out as 'disabled' and retained as disabled spaces for the lifetime of the development.

Reason: In the interests for people with disabilities and mobility impairments, in accordance with Policy T5 of the adopted City of Cardiff Local Development Plan (2006-2026).

37. *Roof Plant Equipment:* No additional roof plant or equipment shall be installed on the roofs of the development, unless details have been submitted to and approved in writing by the Local Planning Authority.

Reason: To maintain and improve the appearance of the area in the interests of visual amenity, in accordance with Policy KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).

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

Informative 1: The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for

- (i) determining the extent and effects of such constraints;

(ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site;

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

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

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

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

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

Informative 2: The Local Planning Authority advise an informative is included on any decision notice informing the applicant to obtain the approval of the SuDS Approving Body (SAB) for their management of surface water.

We advise that infiltration of surface water drainage into the ground should only be permitted for areas of the site where it has been demonstrated there is no resultant unacceptable risk to controlled waters. This should be informed by the applicant's existing ground investigations and/or remediation strategy. If this is not properly controlled, the development may create a pathway for pollution to controlled waters.

Informative 3: If the development will give rise to a new discharge (or alter an existing discharge) of trade effluent, directly or indirectly to the public sewerage system, then a Discharge Consent under Section 118 of the Water Industry Act 1991 is required from Welsh Water. Please note that the process for applying for a Discharge Consent is independent of the planning process and an application for consent may be refused even though planning permission may have already been granted.

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.

Informative 4: The applicant is advised to liaise with South Wales Police and contact Julie Odgers, Julie.odgers2@south-wales.police.uk.

Informative 5: The applicant is advised that section 3.25 of Planning Policy Wales states that the land use planning system should take account of the conditions which are essential to the Welsh language and in so doing contribute to its use and the Thriving Welsh Language well-being goal. In this context and with regard to the Welsh Language (Wales) Measure 2011, it is recommended that: (1) developments adopt a Welsh name that is consistent with the local heritage and history of the area, (2) during the construction phase, on site marketing information (i.e. text on construction hoardings / flags / banners – as consented) be provided bilingually and (3) for commercial developments, shopfront / premises signage be provided in Welsh or bilingually. Where bilingual signage is provided, Welsh text must not be treated less favourably in terms of size, colour, font, prominence, position or location (it is recognised that Welsh translation does not extend to company / business names). Cardiff Council's Bilingual Cardiff team (BilingualCardiff@cardiff.gov.uk) can provide advice on unique and locally appropriate Welsh names for developments, bilingual marketing / branding and bilingual signage.

Informative 6: The applicant is advised that the size of the residential refuse store and number of bins proposed do not meet the Council's recommendations, any future changes to use the domestic council collection would not be possible. The applicant is also reminded that a commercial contract is required for the collection and disposal of all non-domestic waste. By law (Environmental Protection Act, 1990, section 34) all non-domestic premises have a duty of care to ensure that their waste is transferred to and disposed of by a registered waste carrier.

Informative 7: The applicant is advised to liaise with Network Rail and contact Grace Lewis (grace.lewis@networkrail.co.uk)