

COMMITTEE DATE: 9 November 2023

APPLICATION No. **21/00783/MJR**

APPLICATION DATE: 06.04.2021

ED: BUTETOWN

APP: TYPE: Outline Planning Permission

APPLICANT: Vastint UK Services Limited

LOCATION: Land at Curran Embankment, Butetown, Cardiff

PROPOSAL: Demolition of existing buildings/ structures and the comprehensive mixed-use redevelopment to provide up to 2,500 new homes (class C3), business space (class B1) and a mix of complementary leisure, food and drink, hospitality, retail and health and wellbeing uses (class A1, A2, A3, C1, D1 and D2); creation of new open space (including a new riverside park and water taxi stop); new pedestrian, cycle and vehicular access points; pedestrian footbridge; vehicular and cycle parking facilities; landscaping; public realm and other associated ancillary and highways works. All matters reserved other than vehicular access.

1. DESCRIPTION OF THE SITE AND AREA

Site Location

- 1.1 The application site comprises approximately 19.1 ha of existing and former industrial land, located to the east of the River Taff, west of Dumballs Rd and between the city centre and Cardiff Bay.
- 1.2 The site is irregular in shape. Whilst the western boundary of the site is largely formed by the River Taff, part of the site extends westward beyond the river to include Blaenchlydach Street, Taff Embankment and an intervening area of open space. The northern boundary projects out in two places to include two sections of the A4160 (Heol Penarth). The site is bound to the north by an area undergoing redevelopment for commercial and residential uses. The Cardiff and Vale College (CAVC) Construction Training Centre and residential developments at Overstone Court and Century Wharf lie to the south of the site. The eastern boundary is formed by Dumballs Rd, with the CAVC Campus, the Anchorworks development (currently under construction) and commercial and industrial buildings fronting the site boundary.



Figure 1: Site Location Plan

Existing Land Uses, Key Features and Site Conditions

- 1.3 The site formed part of the Curran Engineering Works which opened on the site in 1942 and produced munitions, armaments and aircraft components during the Second World War. Today, most of the site comprises underutilised, previously developed 'brownfield' land, taken up by buildings, unvegetated hard standing, roads and other access infrastructure, a substation and land that has been cleared of buildings and is overgrown.
- 1.4 The buildings on the site reflect its industrial past and current commercial, industrial and engineering activities, and include heavy and light industrial units, workshops, garages, commercial leisure uses, surface level parking and an electricity substation. The characteristic linear sheds were constructed as brick structures during the Second World War, with most having been over-clad and adapted for post-war manufacturing and storage. Many of the buildings within the site are vacant, derelict and in poor condition. Others are in the process of being demolished by the Applicant (see site history section). An electronic communications base station is located within the NW corner of the site.
- 1.5 Whilst built development dominates the site, other habitat includes tall ruderal vegetation, unmanaged grass verges, semi-natural broadleaved woodland (along most of the eastern bank of the Taff), a narrow strip of plantation woodland (on the southern most section of the Taff embankment), scattered scrub (e.g. along fence lines and the river edge), shrubs and trees and, of course, the River Taff itself. Japanese knotweed is also present.
- 1.6 NRW advise that they maintain a flood defence embankment on the west bank of the River Taff at Taff Embankment Park, part of which falls within the site.

- 1.7 The site supports roosting and foraging bats, and various protected and notable species have been recorded within 2km of the site - breeding birds, otter, slow worms, common lizard and grass snake, hedgehogs, badger and fish.
- 1.8 The land is generally flat, falling gently in a north-westerly direction, with ground levels ranging between approx. 8.2m AOD to 8.9m AOD.

Allocations and Designations

- 1.9 With the exception of the land to the west of the River Taff, the application site falls within Strategic Site A 'Cardiff Central Enterprise Zone and Regional Transport Hub', one of eight strategic sites allocated in the Cardiff Local Development Plan 2006 – 2026. The site also falls within the Central Bay Business Area, as defined in the LDP Proposals Map.
- 1.10 There are no Listed Buildings, Registered Parks and Gardens or Conservation Area within the site. The nearest listed building is the Parish Church of St Mary and St Stephen the Martyr (Grade II listed) located approximately 370m northeast of the Site. The Grade I listed Church of St John the Baptist is located c. 1km north of the site, the Grade I Pierhead Building c.1km of the site and the Grade I listed Cardiff Castle c. 1.5km north of the site. The Grade II* listed Cardiff Bay Station lies c. 600m SE of the site and the Grade II* listed Empire house, c. 600m SE of the site. The ES notes that there are 207 Grade II listed buildings within 1km of the site. These include a number of Grade II listed buildings clustered around Cardiff Central train station approximately 400m north of the Site, the Parish Church of St Paul located c 550m SW and the Greek Orthodox Church of St Nicholas located c. 500m NE of the site, as well as a 7 no Grade II listed dock warehouse buildings and bridges.
- 1.11 There are 5 Conservation Areas within 1km of the site:
 - St Mary Street Conservation Area (c.500m north of the Site)
 - Charles Street Conservation Area (c.770m north-east of the Site)
 - Churchill Way Conservation Area (c.820m north-east of the Site)
 - Mount Stuart Square Conservation Area (c.430m south-east of the Site)
 - Pierhead Conservation Area (c.730m south of the Site).
- 1.12 The Cardiff Castle and Roman Fort Scheduled Monument lies c. 900m of the Site. The Grade II Registered Historic Park and Garden of Grange Gardens lies c.200m to the SW of the site and the Grade I listed Registered Historic Park & Garden of Cardiff Castle and Bute Park c.900m to the north.
- 1.13 In terms of nature conservation, the River Taff is a Site of Importance for Nature Conservation (SINC) and is located within the site and immediately adjacent to the Site's western boundary. It is designated as a major wildlife corridor and provides habitat for migratory fish, otters, wildfowl and bankside vegetation.

- 1.14 The following statutory sites lie within 2km of the site:
- 3 European / international statutory sites – Severn Estuary Ramsar Site, Severn Estuary Special Area of Conservation (SAC) and the Severn Estuary Special Protection Area (SPA) (2km South East)
 - 2 nationally designated sites – Severn Estuary Site of Special Scientific Interest (SSSI) (2km SE) and Cwn Cydfin Leckwith SSSI (1.9km SW)
 - 1 local statutory designated site – Cardiff Bay Wetlands & Hamadryad Park Local Nature Reserve (LNR) (635m South).
- 1.15 There are 2 non-statutory designated sites within 1km of the Site; the River Taff SINC (noted above) and Cardiff Bay Wetland Reserve SINC (834m S).
- 1.16 The Natural Resource Wales (NRW) Development Advice Map (DAM) indicates that the majority of the Site is located within Flood Zone B (areas known to have flooded in the past). A small proportion of the Site, located towards the north-west and eastern fringes of the Site, lies within Flood Zone C1 (areas at risk of flooding). Whilst having no official status until the Welsh Government implements the revised TAN15, the Flood Map for Planning indicates that the majority of the site falls within Flood Zone 3, within a TAN 15 Defended Zone for Rivers and Sea. The remainder is a mix of Flood Zone 3 in a TAN 15 Defended Zone for the Sea and small parts in Flood Zone 2 in a TAN 15 Defended Zone against the Sea. NRW advise the site is protected tidally due to the presence of the Cardiff Bay Barrage.

Access and Accessibility

- 1.17 The site benefits from an accessible, central location on the southern edge of the city centre. It is well connected to train stations and services, with Cardiff Central Station located approx. 400m to the north, Cardiff Bay Station approx. 600m to the SE and Grangetown Station approx. 900m to the SW.
- 1.18 There are several bus stops on Dumballs Rd, with others on Tressillian Way (approx. 200m), Bute St (approx. 600m), Corporation Rd (approx. 350m) and Lloyd George Avenue (approx. 850m). The new Cardiff Central Bus Station is located 900m from the centre of the site, which will be a significant interchange providing a comprehensive range of bus services. The Cardiff Aquabus 'City - Bay Link' operates along the River Taff through the Site.
- 1.19 There are a number of cycle routes in the area. The Taff Trail is located on the western side of the River Taff, forming part of the National Cycle network Route 8 that runs from the Bay to Brecon. A cycle route runs along Clarence Rd and James St to the Wales Millennium Centre. Segregated cycle facilities are provided around Callaghan Square (to the north of the Site), which provide a key east-west connection along Bute Street and Lloyd George Avenue to east and over the Penarth Road Bridge linking onto the Taff Trail to the west.
- 1.20 The site can be accessed on foot via Currant Embankment from the north and west, Curran Rd and Trade Street from the north, Tressillian Terrace/Dumballs Rd from the north and east, and Dumballs Rd from the south. Despite its

central, accessible location, the site itself is relatively inaccessible. Linear sheds split the site into long strips with whole areas fenced off, restricting north - south movement between the city centre and Bay area. The bank of the River Taff is currently inaccessible to the public and the river restricts east - west movement.

- 1.21 Dumballs Rd provides the primary vehicular access to the site, connecting the site to the city centre and Cardiff Bay. Vehicular access from the north is also provided from Curran Rd (a partially adopted single carriageway road), Trade St (an adopted single carriageway) and Curran Embankment (an un-adopted single carriageway) accessed off the A4161 (Penarth Road). The extract below shows that there are no adopted highways (shown in pink) running through the centre of the site, clearly illustrating how the site currently forms a barrier to movement.



Figure 2: Adopted Highways

2. DESCRIPTION OF DEVELOPMENT

- 2.1 This is an application for outline planning permission, as amended, for:

Demolition of existing buildings/ structures and the comprehensive mixed-use redevelopment to provide up to 2,500 new homes (class C3), business space (class B1) and a mix of complementary leisure, food and drink, hospitality, retail and health and wellbeing uses (class A1, A2, A3, C1, D1 and D2); creation of new open space (including

a new riverside park and water taxi stop); new pedestrian, cycle and vehicular access points; pedestrian footbridge; vehicular and cycle parking facilities; landscaping; public realm and other associated ancillary and highways works. All matters reserved other than vehicular access.

- 2.2 A key part of the Vision for this major, mixed-use development is to revitalise this former industrial area and provide another step in uniting the city centre and Bay area.
- 2.3 The application is made in outline, with detailed permission sought for 4 no. main vehicular access points (access points 1 – 4). All other access details and matters of appearance, landscaping, layout and scale are reserved for future consideration in reserved matters applications.
- 2.4 In addition to the 4 access plans, permission is also sought for the Existing Site Plan, the Location Plan, 7 no. parameter plans and the Design Code. All other plans are illustrative.
- 2.5 The 7 no. parameter plans encompass 'Demolition', 'Build Zones', 'Access', 'Maximum Permitted Heights', 'Uses – Ground & First Floors', 'Uses – Upper Floors' and 'Green Infrastructure'. These plans seek to establish the buildings to be demolished, the area in which development is proposed, the general arrangement of buildings and streets, maximum building heights, proposed uses and green infrastructure. They also define the parameters of the proposal that have been assessed by the Environmental Impact Assessment (EIA). Importantly, they provide a framework that will inform the detailed design of the site at reserved matters stage and help ensure that the development would be implemented within the scope of the development tested by the EIA.
- 2.6 In respect of the Demolition Parameter Plan, it should be noted that a number of buildings identified for demolition on this plan have prior approval for demolition, which is progressing on site. These were approved prior to submission of the outline permission (18/01778/MJR) and during the determination of the application (22/03019/PRAP), as noted in the planning history section of this report. 23/00897/PRNO also confirmed that prior approval is not required for the demolition of buildings 11 and 12 Curran Rd. It is the Applicant's intention to demolish other buildings on site as and when they become vacant and ahead of the submission of reserved matters, either through the submission of further applications for prior approval or under the outline application (subject to discharge of the necessary conditions). (The Prior Approval process for demolition is not permitted on land that is the subject of a planning permission and therefore is not open to the Applicant once the outline application is determined and the permission issued, as it is 'excluded demolition' under Part 31 of Schedule 2 of the General Permitted Development Order 1995 as amended). No further applications for prior approval have been registered at the time of writing this report and any updates will be provided to Planning Committee.

- 2.7 The Design Code provides further narrative to explain the plans and how the scheme will be delivered through detailed design.
- 2.8 The four Access Plans provide detailed designs for the main vehicular access points to/from the site along Dumballs Rd, identified on the Access parameter plan as access points 1-4. Detailed access plans have not been submitted for the access points identified as points 5 and 6 on the Access parameter plan. Each of the access points 1-6 are the subject of conditions requiring detailed design.
- 2.9 All other plans and drawings are illustrative, including the Illustrative Masterplan and other drawings set out in the Design and Access Statement (DAS) to illustrate the potential future comprehensive redevelopment of the application site. An Indicative Phasing Plan is set out in the updated DAS (Part 8, p. 85), with a detailed phasing plan to be secured by condition.



illustrative masterplan aerial view

Figure 3: The Illustrative Masterplan (updated Design Code, p. 4)

- 2.10 The proposal comprises the following components:

Land Uses

- 2.11 A range of Use Classes are proposed in order to create a vibrant, mixed-use development. As the application is made in outline, the application proposes a **maximum** quantum of floorspace and number of residential units, with the final amounts to be agreed at reserved matters stage.

Use Proposed	Maximum Floorspace
Class C3 (mix of dwelling types and tenures, including townhouses and flats)	2,500 units
Class A1, A2, A3, D1 and D2 (mixed commercial uses)	11,500 sq m (GIA)
Class B1 (Office)	54,000 sq m (GIA)
Class C1 (Hotel)	4,800 sq m (GIA)

2.12 Whilst a maximum 2,500 residential units is proposed, the final number, mix and tenure will only be known at reserved matters stage. The following illustrative accommodation schedule is provided within the updated DAS (p.63).

Illustrative Accommodation Schedule*

<i>Residential Unit Type</i>	<i>Mix</i>	<i>Quantity</i>
1 bed	34%	835
2 bed	48%	1169
3 bed	17%	412
Townhouse	1%	28
Total		2444

2.13 The Planning Statement confirms that the application will deliver affordable homes. Whilst noting that the precise proportion of affordable housing will be confirmed through determination of the application and viability testing, it notes that the Applicant has agreed separately with Cardiff Council (in a Unilateral Undertaking dated 23 December 2020) that a minimum of 5% affordable housing will be provided on-site and that an off-site contribution of £9 million (equivalent to 7.5% provision) will be payable to the Council for the provision of affordable housing.

2.14 The updated Design Code (Part 4, p.22) proposes 'active' ground floor uses to provide vibrant frontages and functions to urban spaces and key routes through the masterplan. A drawing of the indicative locations of active frontages from the Code is shown below.



Figure 4: Indicative locations of active frontages

2.15 At the Council's request, a 'Ground Floor Commercial Use Zone' is also proposed and captured on Parameter Plan 5 along the East West cycle route that runs between the proposed new bridge and Dumballs Rd, along with a 'River Park Arrival Space' to provide a key destination where the bridge lands, with details to be provided at Reserved Matters stage.

Scale and Massing

2.16 The 'Maximum Permitted Heights' Parameter Plan 4 sets out the maximum building heights and storeys that can be provided and shows that maximum building heights would range from between 13.75m (+22.40m AOD) 5 storeys and 88.75m (+97.40m AOD) 29 storeys. The final height, form and position of any building would not be determined until reserved matters stage, with each building's scale and massing being subject to further detailed assessment at that stage.

2.17 The Illustrative Masterplan shows how the development could be delivered and illustrates 3 – 25 storeys across the site. A Massing and Building Height Strategy is set out in updated Design Code (p. 25) which provides general design principles, whilst noting that the massing and location of tall buildings is a decision specific to each plot based on the immediate urban context and use of the building. It notes that a base massing of 4 – 8 storeys is promoted throughout the masterplan, which it notes is considered a 'comfortable datum' for this city centre location and that variation should be provided within each plot to create a diverse townscape. The updated Design Code (p. 30) provides a plan setting out 'Urban Objectives for Tall Buildings'. It shows several tall

buildings in the SE corner of the site to terminate views along Dumballs Rd and form a cluster of tall buildings (5 – 7). It also shows that other tall buildings would mark and terminate views north and south along Trade Street (4), act as gateways to the site (1), frame key views (2), with others creating new landmarks along the river edge (3).



Figure 5: Urban Objectives for Tall Buildings

Access, Parking and Transport

2.18 The overarching transport strategy is built upon providing travel choice to a range of sustainable modes, supported by the site's central location and close proximity to public transport links. A key part of the vision is to reduce car dependency and the impact of the car on the streetscape, and to encourage walking and cycling and deliver largely car-free amenity streets and other opportunities for children and residents to meet, relax and play. On-site measures to reduce car use will include a lack of vehicle destinations, constrained car parking and additional supporting measures, including detailed travel planning.

2.19 The masterplan proposes a network of high quality pedestrian and cycle links through the site, delivered – in part – through a hierarchy of four main street types/cross sections, as shown in the updated DAS (Part 8, p. 76) and the Access Parameter Plan:

- East-West Cycling Street
- East-West Street
- North-South Street
- Residential Amenity Street.



Figure 6: Street Hierarchy

2.20 Recommended cross sections are set out in the updated Design Code (Part 3, p. 16).



Figure 7: Street Hierarchy Cross-Sections

- 2.21 The East-West Streets are wide 'green' streets, providing a link between the River Park and Dumballs Rd, and designed with trees/verges, SuDS to provide drainage and enhance the landscape, and footways either side of the carriageway, and on-street cycle provision.
- 2.22 The East-West 'Cycling Street', initially proposed as a public transport corridor, is designed with a min 6.3m wide carriageway to accommodate passing buses, trees/verges and footways either side of the carriageway, and a 3m wide segregated cycle route, running from the new bridge to Dumballs Rd.
- 2.23 The North – South Streets are narrower and intended to be tree lined streets with a local, neighbourhood feel, with trees/verges and footways either side, and on-street cycle provision.
- 2.24 The Amenity Streets, also running N-S, are intended as primarily pedestrianised green links, and designed to provide a variety of amenity spaces, including play areas and pocket parks. They are not intended to be accessible for vehicles except for emergency vehicles.
- 2.25 A key element of the network of pedestrian and cycle links is a new foot/cycle bridge proposed over the River Taff. This is a key component of the masterplan, as it would connect Butetown and Grangetown, reduce walk times to bus stops and provide a direct connection to the Taff Trail cycle route. The bridge is proposed as having no requirement for piers within the river channel or below the waterline to avoid land take within the river channel, and would be lifted in place without the need for construction works within or below the water line. The indicative location of the footbridge is included within the Access Parameter Plan 3. The Applicant has agreed that the bridge would have an 5m useable carriageway, with a 5.5m deck to allow sufficient clearance.
- 2.26 A further key sustainable transport feature of the site is the proposal for a continuous riverside pedestrian and cycle route in the proposed River Park, to connect the site with its wider context. Its indicative location is shown on the Access Parameter Plan 3. This is required to be a min 5m wide, with details to be agreed at reserved matters stage.
- 2.27 It is proposed to fundamentally change and improve Dumballs Rd from the 'current bland arterial road' to a widened, more integrated street with improvements in the form of hard and soft landscaping, a widened carriageway, new traffic calming, pedestrian facilities and crossing points, SuDS and tree planting. The design intent for the western side of Dumballs Rd is set out in the updated Design Code (Part 8, pp. 72-75). The OM Transportation has requested that proposals for Dumballs Road include the delivery of a two-way, segregated cycleway along the application site's Dumballs Rd frontage. This reflects the Welsh Government Active Travel Network Map which identifies Dumballs Rd as a future walking/cycling route. The proposals for Dumballs Road have not yet been finalised and there is no agreed Council scheme in place. However, the Design Code sets out the commitment to align the

proposals for Dumballs Road with the Council's own plans and this is welcomed. Whilst being subject to change as details are finalised, it is currently proposed to deliver the Dumballs Road improvements in a combination of ways. Landscaping/ planting would be delivered by the Applicant as part of their adjoining reserved matters applications. A Grampian condition is recommended to require the Applicant to deliver the remainder of the works via s278 agreement, with the exception that the Council will deliver the segregated cycleway via s106 financial contributions.

2.28 A new jetty/ pontoon from Curran Embankment, adjacent to the new bridge, is proposed to provide a new stop for the Water Bus service midway between Cardiff Bay and the City Centre as an alternative sustainable form of travel to and from the development. However, this has been resisted by the Harbour Authority, such that a condition is proposed to safeguard the land, should future provision be required.

2.29 The public transport strategy has been designed flexibly, with two potential future bus routes – A and B - identified in the updated DAS (Part 8, p. 78). The amended submission clarifies that the original public transport corridor (A) was and will remain the preferred option, but that due to land assembly considerations it is not possible to commit to this route as the sole option for the public transport corridor. Under route A, access from Penarth Bridge would be restricted to bus/service access only and controlled by a bus gate. Route B provides an alternative option, routing buses from Dumballs Rd through the site and looping back to Dumballs Rd. To facilitate this, the Street type cross sections have been amended to provide 'alternative cross sections' to increase street widths to 6.3m to accommodate a potential bus route. The final route is to be agreed at the detailed design stage and controlled by condition.

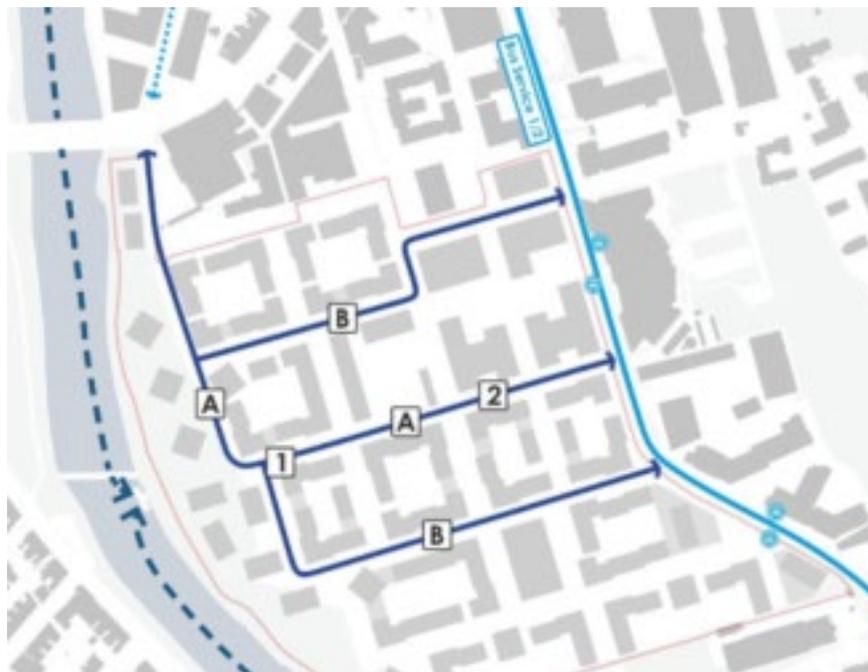


Figure 8: Possible Public Transport Route Options A/B

- 2.30 A further key feature of the proposal are the two 'park houses' (multi-storey car parks) positioned to the north and south of the site with direct and close access from Dumballs Rd. These are designed to meet the parking needs of the site and take cars off the streets early, allowing for a more pleasant 'largely traffic free' environment. It is proposed that the park houses would be re-purposed to other uses, as car-dependence reduces over time, avoiding the need for major alterations to streets and public spaces across the masterplan.
- 2.31 A total of 924 car parking spaces will be provided in the park houses. The Transport Assessment outlines that these would comprise 513 (including 16 disabled spaces) in the northern park house and 411 (including 6 disabled spaces) in the southern park house. Of these, 708 would be for residential parking and 216, office parking. Hotel parking is proposed to be off-site and 17 no. on-street parking spaces are proposed for commercial/retail uses, including 2 disabled spaces. Cycle parking for office use (in the Business Garden) will be provided in the northern park house (625 cycle spaces). For motorcycles, 32 motorcycle spaces would be provided in the northern park house and 24 in the southern park house. The final number and split of spaces across the park houses will be agreed at reserved matters stage, subject to the minima and maxima set out in the Multi-storey Car Parks condition. EV charging is proposed as follows – residential and office uses - 20% active, 80% passive; on-street - 20% active. On street parking would be minimised, but provided for blue badge holders, short stay visitor spaces, car club spaces and areas for drop off and delivery.
- 2.32 Car club spaces are also proposed, with a min of 2 spaces proposed to be located in each of the Park Houses (4 in total). The Transport Assessment notes that it is intended that further spaces will be provided, based on demand and that this will be considered when detailing the Park House layouts.
- 2.33 The northern park house will provide cycle parking for the office use (Business Garden) at ground level. Permanent cycle parking spaces for residents will be provided on the ground floor in secure storage areas within the buildings themselves. Visitor cycle parking will be provided for the commercial and residential units on-street, in convenient locations throughout the development. The proposed cycle parking is set out below, albeit that the final numbers will be determined at reserved matters stage against the SPG standards.

Land Use	Long-Stay Cycle Parking	Short-Stay Cycle Parking	Total
A1 Retail / Pub & Restaurant	230	115	345
B1 Office	721	58	779
C1 Hotel	10	X	10
C3 Residential	4053	X	4053
Site-Wide Total	5013	173	5186

2.34 As noted above, the main vehicular access points are identified on the Access Parameter Plan, with detailed Access Plans submitted for each of the proposed four junctions from Dumballs Rd, identified as access points 1 - 4. The site layout has been designed to take a significant proportion of the traffic (90%) to Site Access Junctions 1 and 3 and into the park houses (described above), with the Dumballs Rd access points 2 and 4 noted to be for service or delivery vehicles only. Conditions are recommended to require final details to be agreed for each of the access points 1 - 4.



Figure 9: Dumballs Rd Access points (and 'park house' locations)

2.35 The Access parameter plan also highlights access point 5 at the junction of the A4160 / Penarth Rd with Trade St and access point 6 at the junction of the A4160 / Penarth Rd with Curran Embankment. A condition is recommended to require final junction details to be agreed for access points 5 and 6. A condition is also recommended to require details of the access point/ interface of Trade Street and Curran Rd and the proposed development, further to confirmation from the Applicant that both Trade Street and Curran Road access points to the adjoining reserved matters site would be for cyclists and pedestrians only and not vehicular entry points.

2.36 The junction between Curran Embankment and Penarth Rd (Access Point 6) would only service the existing properties along Penarth Rd and the most north-western development plot, except for a potential public transport route. There would not be a direct connection between this junction and Dumballs Rd (except for the potential public transport route).

2.37 In addition to the above junction improvements, off-site improvements are proposed, as off-site mitigation, at the Tresillian Way/Tresillian Terrace/Penarth Road Junction and the Dumballs Road/James Street/Hunter Street /Clarence Road junction. Conditions are recommended to require that these details are agreed and delivered by the Applicant (via s278).

Character Areas (Updated Design Code, Part 6, p. 32)

2.38 The updated Design and Access Statement defines a series of 4 Character Areas to create unique and distinctive places, defined by a particular landscape quality, building use or particular urban characteristics:

- River Park
- Business Garden
- Central
- South



Figure 10: The Character Areas

2.39 The River Park character area extends along the full length of the western boundary. Key public spaces include the landscaped River Park and Creative Quarter. The River Park would include a range of external spaces with different characters specific to their location or use. The Creative Quarter is a proposed as a new commercial quarter within the park aimed at start-ups and emerging creative industries within Cardiff. Smaller office blocks are positioned around a vibrant new space. An existing substation falls within the River Park area. The Demolition parameter plan indicates that the substation may or may not be retained within its current position and will be subject to further discussion.

2.40 Following officer concerns over the amount of built development shown in the River Park in the Illustrative Masterplan, the updated Design Code and DAS have been updated to show alternative layout arrangements. This includes the removal of residential buildings and the repositioning of the Creative Quarter Building, with Alternative B freeing up the most Public Open Space (see below, updated Design Code, Part 7, p 43). A condition is recommended to require a minimum provision of 1.5ha of useable public open space within the River Park.

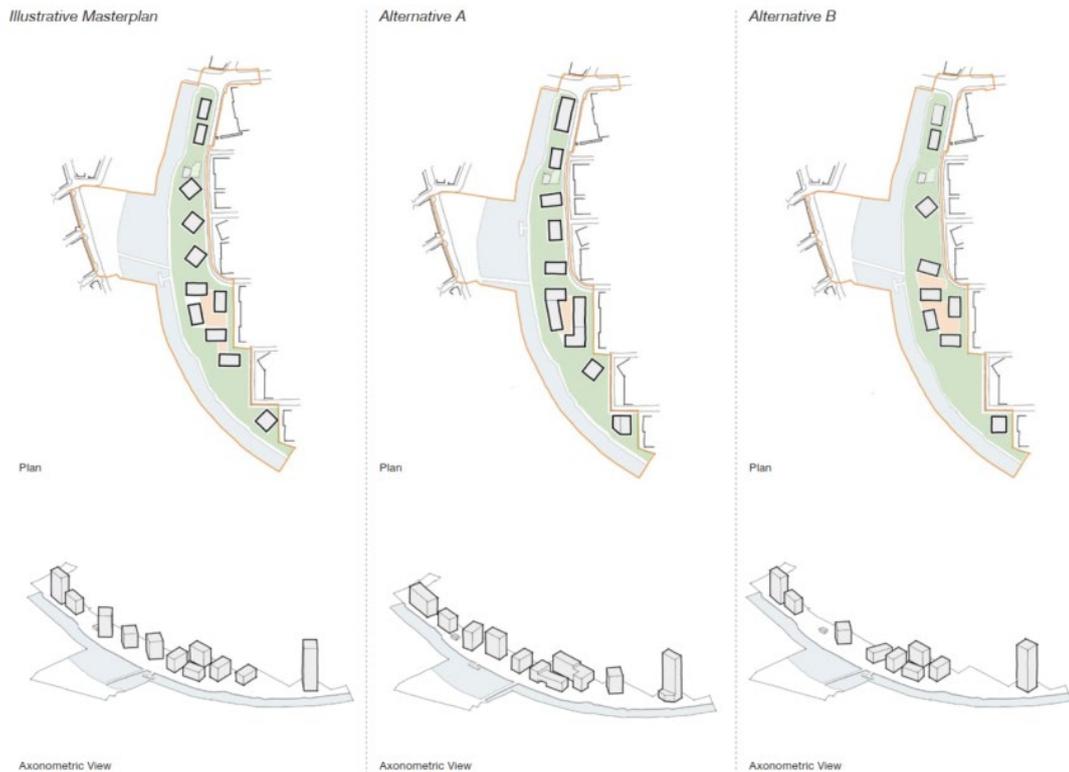


Figure 11: River Park Alternative Interpretations

- 2.41 The Business Garden character area, situated in the NE corner adjacent to Dumballs Rd, is proposed as a predominantly commercial area, set around a landscaped garden area. The character area contains one of the development's two Park Houses. The Business Garden is designed as a natural environment to offer tenants a different working experience, with its green space providing external break out areas, green space and leisure facilities.
- 2.42 The Central character area is the largest, forming part of the northern edge and encompassing most of the site. Key public spaces include a new Urban Square at the heart of the masterplan. The DAS notes the area comprises predominantly low to mid rise residential properties, with town houses fronting onto amenity streets and taller buildings used to signal entry points into the character area from Trade Street and Penarth Bridge.
- 2.43 The South character area forms the southern edge to the site and a gateway to the development. The DAS notes the area is defined by taller buildings, acting as gateways and landmarks within the wider city and responding to existing tall developments, such as Century Wharf to the south and the emerging Anchor Works development to the east. Residential areas are focussed around large, south facing gardens, with N-S amenity streets providing 'pocket parks' between residential blocks.

Green Infrastructure and Public Open Space

- 2.44 The scheme is designed to deliver significant enhancements to landscape, with the Planning Statement noting the scheme provides up to 2.4ha of new public spaces and gardens. Following discussions over the need to provide functional

Public Open Space and not just amenity space, the Applicant has agreed to deliver a min 1.5ha quantum of Public Open Space within the proposed riverside park, which is welcomed. This is required to be delivered as 'functional open space' – i.e. capable of defined recreational use or multiple uses, in line with the Council's Technical Guidance Note for the Protection and Provision of Open Space (November 2017).

2.45 As noted above, three key new public open spaces are proposed:

- The 'River Park'
- The 'Urban Square'
- The 'Business Garden'

2.46 The East-West 'Green Streets' and Residential Amenity Street, and the private Courtyard Gardens also provide a key contribution to the site's Green Infrastructure offer. All of the 'Green Streets' would incorporate SuDS and tree planting, with the amenity streets having generous planting provision and accommodating open spaces. The residential perimeter blocks would offer shared amenity space for residents in Amenity Courtyards. These would provide a mix of hard and soft landscape areas, including areas of lawn, bedded plants, a growing area for residents to use, seating areas and opportunities for play for young children (0 – 8 years old).

2.47 These spaces are captured in the drawing of Key Spaces & Amenity in the updated Design Code (Part 4, p. 17), where 1 is the River Park, 1.1 the Creative Quarter, 2 the Urban Square, 3 the Business Garden, 4 private Amenity Courtyards and 5, Amenity Streets.



Figure 12: Key Spaces and Amenity

2.48 The updated Design Code includes a planting strategy (Part 1, p. 11 – 12) and an outline Landscape and Ecology Management Strategy (Part 10, p. 80). It explains that a LEMS would be submitted with the reserved matter proposals to ensure the strategic vision, including those set out in the Green Infrastructure Statement, are realised at detailed design stage. More specifically, the management plan would seek to:

- Provide a net increase in the nature conservation and landscape value of the site both throughout and at the end of the plan period
- Prescribe all necessary management and maintenance tasks to enable successful establishment and ensure the continued maturing of all landscape elements
- Ensure the continuing health of existing and proposed vegetation
- Maximise the nature conservation value of native and semi native plantings
- Enhance biodiversity and ecological value
- Manage a safe and inclusive landscape for all users
- Ensure that the management and maintenance regime is appropriate to the site.

2.49 A wide range of measures are proposed to protect and enhance existing habitats and species, with many focused on the River Taff as a key area of ecological sensitivity. The new River Park would create a new habitat adjacent to the river and provide a vegetative buffer between the proposed buildings and river. It would be designed as a dark corridor.

2.50 At the request of NRW, the Applicant has clarified their proposals in respect of habitat loss in the River Park (20 July 2022). They confirm the scheme has been designed to avoid land take from within the River Taff channel and to minimise land take on River Taff embankments, to avoid loss of habitat and / or severance / reduction of habitat connectivity associated with the River Taff SINC. Whilst it is the intention to retain as much of this riverbank habitat as possible, there will inevitably be some habitat removal in discrete locations to facilitate elements of the proposed development, for example, to facilitate works to the riverbank and constructing the bridge abutments. Due to the outline nature of the proposals, further details on habitat loss are not available at this time, but would be determined at reserved matters stage. The Applicant has confirmed their commitment to make all reasonable efforts to minimise impacts in this area. As committed within the ES, to mitigate any loss of habitat, any loss of embankment vegetation will be offset through native species planting within the River Park adjacent to areas of retained riparian habitats. Importantly and as shown on the Indicative Masterplan (GI Statement, Section 3.1), there will be a general increase in semi-natural habitat along the River Taff corridor and green infrastructure across the Site more widely. The GI Parameter plan has been updated to reflect the ES inherent mitigation measure that any habitat loss would be off-set by additional planting within the River Park.

Energy Strategy

2.51 The application is supported by an Outline Energy Statement Report, supplemented by a Cardiff District Heat Network Statement which provides a broad assessment of potential opportunities to incorporate renewables/LZC technologies and sets out the challenges associated with any future connection to the Cardiff's District Heat Network (DHN). The Applicant has confirmed they are not able to commit to connect to the DHN at this stage, but have expressed a willingness to assess this at Reserved Matters stage which is welcomed (See analysis section). The recommended Strategic Energy Strategy condition will ensure this.

Phasing

2.52 An indicative phasing plan is set out in the updated Design Code for information purposes, which indicates that the site will come forward in four phases (Part 10, p.79). The exact phasing will be determined by a condition requiring a Site-wide Phasing Plan to be submitted for approval prior to the submission of the first reserved matters application.



Figure 13: Indicative Phasing Plan

Amendments

2.53 Since the original submission in March 2021, the application has been subject to four further submissions; December 2021, May 2022, July 2022 and August 2022.

2.54 The December 2021 submission comprised:

- Amendments to the parameter plans
- Vastint Response to Consultee Comments report
- Updated Planning Statement
- Updated Design and Access Statement
- Updated Design Code
- Transport Technical Note
- Cardiff District Heat Network Statement
- 'Shadow' Habitats Regulations Assessment
- Updated ES Chapter 9 – Biodiversity
- Updated ES Chapter 18 – Cumulative Impacts and Mitigation Schedule.

2.55 Key December 2021 amendments included:

- A proposal to deliver a minimum quantum of 1.6ha of Public Open Space within the proposed Riverside Park
- the removal of the dedicated Public Transport Corridor from Parameter Plan 3 Streets (renamed as Parameter Plan 3 Access) and its substitution with alternative public transport route options made possible through amendments to street cross sections to include a 6.3m wide carriageway
- the relocation of the strategic cycle route (and its renaming as the East – West Cycling Street) to connect the new pedestrian/cycle bridge and Dumballs Rd
- indicative location of a 'River Park arrival space' and 'Ground Floor Commercial Use Zone' included within Parameter Plan 5 (Ground and First Floor Uses)
- Key text added to Parameter Plan 7 Green Infrastructure to note the provision of community growing areas within the private shared residential courtyards and to note that a Vegetative Buffer Zone will be provided adjacent to the water line, achieved through the creation of new habitat or the enhancement of existing habitat
- amendment to the approach to the replacement/ enhancement of any existing habitat loss within the River Taff SINC during the construction and operation phases. The principle that land take would be minimised and habitat loss off set is retained.
- Inclusion within the Design Code of potential alternative arrangements of buildings and external spaces that could be developed within the defined Parameters, including the removal of some residential buildings and the repositioning of the Creative Quarter, to increase public open space provision within the River Park.
- Other changes to the Design Code, including the addition of an indicative phasing diagram (p. 79), changes to the street network and street type cross sections (pp 15-16), the addition of an active frontages strategy (p. 22), tall buildings design guidance (pp 26-28), a planting strategy (p. 11 -12), the provision of growing beds in private residential courtyards (p. 19, 35 and 51) and proposals for a Green Landscaping Design & Management Strategy (p. 80).
- Changes to the DAS – an updated street and access strategy (p.43 & 44),

- an updated active frontage strategy diagram (p.66), an updated Street layout diagram (p.76) and updated public Transport strategy diagram (p.78)
- The submission of a Shadow Habitats Regulations Assessment which sits outside the ES.
- 2.56 It is noted that the December 2021 consultation was publicised in accordance with Regulation 24 of the EIA Regs (further information and evidence in respect of environmental statements) and consultees and neighbours notified (30 day consultation).
- 2.57 The May 2022 amendments were minimal and included:
- The incorporation of the ES Chapter 18 amendment to the approach to the replacement/ enhancement of any existing habitat loss within the River Taff SINC within para 9.87 of Chapter 9 of the ES Biodiversity. (The original ES Chapter 9 had been re-submitted in December 2021 in error and the correct version submitted in May 2022.) This information was reflected in Chapter 18 in any event and so does not amount to further information and evidence in respect of environmental statements.
 - An illustrative scaled plan demonstrating how Public Open Space could be delivered within the proposed Riverside Park (not for approval). This reflects the updated Design Code alternative arrangement drawing B, referred to above, so is not new information, but has been submitted to allow for the quantities of open space to be scaled/measured by officers.

The May 2022 submission also included Transport and Ecology Technical Notes, responding to transport and ecology comments to the December 2021 and a note clarifying the December 2021 amendments.

- 2.58 Given the limited scope of the May 2022 amendments, a targeted consultation only was undertaken with Transport, Wardell Armstrong as Ecology consultants for the Council, NRW and Parks (14 day).
- 2.59 In July 2022 an updated 'shadow' Habitats Regulations Assessment and a slightly amended Chapter 9 of the ES on Biodiversity was submitted and subject to consultation with Wardell Armstrong as the Council's Ecology consultants and NRW only, given the scope of the changes (as explained in the covering email dated 20 July 2022) and noting that the change to the wording does not affect the overall conclusions of effects or require re-assessment.
- 2.60 The August 2022 submission solely comprised a Technical Note response to Transport's comments of 06/06/2022 and providing further clarification. Given this, this note was subject to consultation with Transportation only.

Supporting Information

- 2.61 In addition to the plans noted above, the application, as amended, is supported by:
- Design and Access Statement (updated December 2021)

- Planning Statement (updated December 2021)
- Design Code (updated December 2021)
- Pre-Application Consultation (PAC) Report
- Transport Assessment, Transport Technical Note (December 2021), Transport Technical Note (6 May 2022)
- Residential Travel Plan
- Umbrella Travel Plan
- Tree Survey & Arboricultural Impact Assessment
- Lighting Strategy Report
- Outline Energy Statement Report and Cardiff District Heat Network Statement (December 2021)
- Sustainability Statement
- Waste Strategy
- Historic Environment Desk Based Assessment Report
- Environmental Statement, with updated ES Chapters 9 (July 2022) and 18 (December 2021)
- 'shadow' Habitats Regulation Assessment
- Ecology Technical Note (26 April 2022).
- Viability Report (re-issued 23 November 2022)
- Illustrative 'Proposed Site Plan River Park Area' plan (drawing no 190139-3DR-SI-XX-DR-10025 Rev P04)

2.62 The application has been identified as an EIA application as defined by the [Town and Country Planning \(Environmental Impact Assessment\) \(Wales\) Regulations 2017](#), ('the EIA Regulations') and an Environmental Statement (ES) has been provided. The EIA process aims to ensure that any significant effects arising from a development are systematically identified, assessed and presented to help local planning authorities in determining planning applications. If measures are required to minimise or reduce effects then these are clearly identified.

2.63 The submitted Environmental Statement (comprising non-technical summary, main text and technical appendices) has identified 'the baseline conditions', and assessed the potential effects of the development, in relation to:

- Socio-Economics and Human Health
- Townscape and Visual Impact
- Built Heritage, Biodiversity
- Transport and Access
- Air Quality
- Noise and Vibration
- Ground Conditions and Contamination
- Daylight Sunlight and Overshadowing
- Wind Microclimate
- Climate Change
- Consideration of Alternatives, Cumulative Effects Assessment and Summary of Findings and Mitigation.

2.64 The following documents, submitted in support of the application, are appended to the Environmental Statement:

- Flood Consequences Assessment (including Surface Water Drainage Strategy)
- Water Framework Directive Assessment
- Heritage Statement
- Extended Phase 1 Habitat Survey Report
- Bat Report
- Otter and River Corridor Report
- Green Infrastructure Statement
- Phase 1 Ground Conditions Report
- Risk Assessment for German Air Dropped UXO
- Wind Microclimate DFD Technical Assessment.

2.65 It is important to note the approach taken in the Environmental Statement (ES). As the application is submitted as an outline application, there are elements of the application for which full details are not available. Given this, the ES has provided a worst-case assessment based on information that is available at this outline stage. The submission notes that the ES is based on a set of maximum parameters that could not be built out in full as the maximum quantum of development proposed could not enable this to happen.

2.66 The ES concludes that the development, taken as a whole, will result in a limited number of significant effects during the construction and operation phase, both adverse and beneficial, which are listed in each technical chapter of the ES (Chapters 6 – 16). Proposed mitigation measures are provided where appropriate, and the residual significance once the proposed mitigation has been applied is confirmed, with some significant effects remaining. The assessment of all residual and likely significant effects from both the construction and operation phase is summarised in Chapter 18, Tables 18.1 and 18.2. The residual significant effects are summarised within the analysis section of this report. It is noted that a number of the significant effects would be during the construction phase and as such are temporary. It is noted and agreed that such effects are not unusual for an urban regeneration development of this scale. Further mitigation is to be provided through detailed design at the reserved matters stage to assist in addressing significant effects and will be subject to further assessment.

2.67 The assessment below has had regard to all environmental information submitted within the ES and has taken this and the comments of statutory consultees and third party objections /representations into consideration in the determination of the application.

2.68 All documentation relating to the application can be viewed on the Council's website using the following link: [21/00783/MJR](#)

3. RELEVANT PLANNING HISTORY

Site History

3.1 The site has a long and detailed planning history. The most relevant applications include:

- 07/01637/C – Land West of Dumballs Rd. Outline planning permission granted 16/05/11, subject to s106, for ‘Mixed use regeneration including residential, office, commercial, education, assembly and retail uses, open space and landscaping road, foot, cycle and water access’.
- 14/00430/DCI – Hybrid Application:
FULL DETAIL in respect of the demolition of existing industrial buildings and erection of up to 695 no. dwellings and 357 sq.m of A1/A2/A3/D1 floorspace, associated car parking and secure cycle storage, access, servicing and landscaping and
OUTLINE WITH ALL MATTERS RESERVED in respect of A1 retail, A2 financial and professional services, A3 food and drink, B1 office, C1 Hotel, C3 residential, D1 non-residential institution, D2 assembly and leisure uses, access, parking, servicing and landscaping – approved 15/08/2014. – hybrid planning permission granted subject to s106 15/08/2014.
This permission lapsed on 15/08/19. *The proposals included a 16 storey courtyard residential scheme fronting Dumballs Road.*
- 18/01778/MJR – Prior approval granted for ‘demolition of units used as waste transfer centre’ at 9 Curran Embankment and 11 – 12 Curran Road – approved 20/09/2018
- SC/20/00008/MJR – EIA Scoping Opinion – response issued 23/10/20
- 22/02865/PRNO – Confirmation that Prior Approval is required for ‘Demolition of two existing warehouse structures’ at 11 and 12 Curran Embankment - 19/12/2022
- 22/03019/PRAP – Prior approval granted for ‘Demolition of two existing warehouse structures’ at 11 and 12 Curran Embankment – 17/04/2023
- 23/00387/FUL – Land at Unit B, 7 and 9 Curran Road – Full planning permission for ‘Temporary change of use for a period of 5 years to an events venue’ – granted 05/06/2023
- 23/00897/PRNO - 12A Curran Road – Demolition of Buildings No 11 and 12 – confirmation that prior approval is not required issued 25/08/2023

Recent Site History on adjacent and nearby plots

3.2 Other applications for major, mixed-use residential-led developments in the area include:

Further north along Dumballs Rd

- 16/00504/MJR – Old Imperial Buildings, Trade St – Full planning permission for ‘Demolition of Williams court except no. 1 & 3 which shall be retained and converted from B1 use (offices) to A1/A2/A3 use. New build residential development consisting of no. 102 1 & 2-bed flats with ground floor retail units fronting Trade Street and undercroft car parking for 45 vehicles’ – approved 14/11/16

The scheme comprises a ground floor commercial unit(Class A1/A2/A3/B1) in a six/seven/ eight/ nine storey block

- 17/01292/MJR – Land at Suffolk House – ‘Outline planning permission for the demolition of existing buildings and re-development of the site for new student residential accommodation’ - approved 25/05/2018

The indicative proposals show 315 bed student accommodation and ground floor commercial units arranged over 3 blocks varying from 2 – 8 storeys

- 22/00415/MJR -Suffolk House, Trade Street – Full planning application for ‘Demolition of existing buildings and redevelopment to provide residential apartments (Class C3), together with internal and external amenity spaces, vehicular and cycle parking spaces, ancillary commercial / retail space (class A1/A2/A3), and associated landscaping, highways and ancillary works’ – (resolution to grant planning permission subject to s106 agreement).

NB This proposed development adjoins the application site, extends to 12 storeys

- 17/01672/MJR – ITEC Training Solutions Ltd, Crawshay Court – Full Planning Permission for ‘Demolition of existing buildings and construction of 25 storey apartment building (140 no. Units) with ancillary areas, parking, A1/A3 unit(s) and resident's roof terrace’ – approved 07/08/2019

The building included a tower of between 21-25 storeys with a 9 storey shoulder

- 19/01930/MJR – Crawshay Court, 6 Curran Rd – Full Planning Permission for ‘188 unit apartment building with ancillary areas, parking, public open space, a1/a3 unit(s) and a residents roof terrace’ – approved 29/09/2022.

The building comprises 27 storeys (approx. 84m) with a 13 storey ‘shoulder’

- 17/02404/MJR – Former Browning Jones and Morris, Dumballs Rd – Full Planning Permission for ‘Demolition of existing warehouse and erection

of 206 residential flats over two buildings with associated public square, 4 no. Commercial units potentially comprising A1/A2/A3/B1 uses, parking, residents roof terrace and public realm works' – approved 29/06/18.

Two buildings were approved, with a central plaza and a pedestrian walkway between Dumballs Road and Curran Road. Both buildings to be 8 storeys high adjacent to Dumballs Road, with the southern most building rising to 9 storeys and the northern building to 12 storeys (approx. 38.5m), adjacent to Curran Road.

NB This proposed development adjoins the application site

- 18/02383/MJR – Former Browning Jones and Morris, Dumballs Rd – 'Application under section 73 to vary conditions 2, 5, 6, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 29, 37 and 38 of planning permission 17/02404/MJR granted 29th June 2018 to amend the timing of demolition, building design and proposed quantum of commercial uses' – approved 27/02/2019.

Also known as the Platform development. NB This development adjoins the application site

- 20/01543/MJR – Anchor Industrial Estate, Dumballs Rd
Full Planning Permission for 'Demolition of existing industrial units and erection of mixed use development comprising residential apartments arranged over two buildings including indoor and outdoor shared amenity spaces for residential use, a public square, on-site parking, ground floor commercial units potentially comprising use classes A1/A2/A3 and associated landscaping and engineering works – approved 01/09/2021.

Two buildings were approved – Building 1 to the north at 7 – 9 storeys with a 16 storey tower, and Building 2, 7 – 9 storeys, with a central plaza and residents garden.

NB This proposed development adjoins the application site

- 21/02462/MJR - Anchor Industrial Estate, Dumballs Rd – 'Application under section 73 to vary condition 2 of planning permission 20/01543/MJR to allow the replacement of approved plans' – approved 01/07/2022

Also known as the Anchorworks development

Changes to overall building height – a decrease in the overall height of the Block 1 tower by 1.5m and an increase in the overall height of Block 2 by 1.5m

The wider Central Quay development positioned to the south of the Central Station includes a number of tall buildings:

- 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).

- 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.
- 21/02883/MJR – Phase 2, Plot 1, Central Quay at Former Brewery Site, Crawshay St, Butetown - ‘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 (Chimney Square), associated car and cycle parking, access, drainage and other infrastructure works required for the delivery of Central Quay (phase 2, plot 1)’ approved 04/08/2022.

The scheme comprises four connected blocks of varying heights, a 29 storey tower, a 22 storey tower closest to the river, a 16 storey tower facing the main square and a double height plinth block and including 402 apartments, in addition to the above mixed uses.

- 21/02884/MJR – Phase 2, Plot 2, Central Quay at Former Brewery Site, Crawshay St, Butetown -Full planning application for 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. Approved 04/08/2022.

The scheme comprises four blocks of varying heights. The main central block is 24 storeys, with an eastern block of 10 storeys (32 metres), a western block projecting towards the river of 14 storeys (44 metres) and an 8 storey block.

4. POLICY FRAMEWORK

National Policy

- 4.1 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’.

- 4.2 '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.
- 4.3 '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.
- 4.4 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
- 4.5 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".
- 4.6 The **Planning (Listed Buildings and Conservation Area) Act 1990** imposes the following key duty (emphasis added):
- Section 66(1) In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have **special regard** to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- National Planning Policy*
- 4.7 [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. An updated PPW Chapter 6 (Distinctive and Natural Places) was published 18 October 2023 with immediate effect and will be included in the next iteration of Planning Policy Wales (Edition 12) programmed for later this year.
- 4.8 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.

- 4.9 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

- 4.10 PPW is supported by a series of more detailed [Technical Advice Notes](#) (TANs), of which the following are of relevance:
- TAN 2: Planning and Affordable Housing (June 2006)
 - TAN 4: Retail and Commercial Development (2016)
 - TAN 5: Nature Conservation and Planning (2009);
Noting also the Chief Planning Officer letter dated 23/10/19: securing bio-diversity enhancement;
 - TAN 11: Noise (1997)
 - TAN 12: Design (2016)
 - TAN 13: Noise (1997)
 - TAN 15: Development and Flood Risk (2004)
 - TAN 16: Sport, Recreation and Open Space (2009)
 - TAN 18: Transport (March 2007)
 - TAN 19: Telecommunications (August 2002)
 - 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)
- 4.11 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.
- 4.12 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

- 4.13 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.
- 4.14 [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 wellbeing 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.
- 4.15 Future Wales policies with immediate relevant Development Management Implications include:
- Policy 2 (Shaping Urban Growth and Regeneration – Strategic Placemaking) – sets out strategic placemaking principles of creating a mix of uses, providing a variety of housing types and tenures, building places at a walkable scale, increasing population density at densities that can support public transport and local facilities, establishing a permeable network of streets, promoting a plot-based approach to development and integrating green infrastructure. Supporting text notes that new developments in urban areas should aim to have a **density of at least 50 dwellings per hectare**, with higher densities in more central and accessible locations.
 - Policy 6 (**Town Centre First**) states that significant new commercial, retail, education, health and leisure and public services must be located within town and city centres. The supporting text notes that the policy applies to facilities of a significant scale.
 - Policy 9 (Resilient Ecological Networks and Green Infrastructure) - States that in all cases, action towards securing the maintenance and enhancement of **biodiversity** (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals
 - Policy 12 (Regional Connectivity) - For non-residential developments LPAs should seek a minimum of 10% of car parking spaces to have **electric charging points**
 - Policy 13 (Supporting Digital Communications) – This states that *‘The Welsh Government supports the provision of **digital communications infrastructure** and services across Wales. Planning authorities must engage with digital infrastructure providers to identify the future needs of their area and set out policies in Strategic and Local*

Development Plans to help deliver this. New developments should include the provision of Gigabit capable broadband infrastructure from the outset’.

- Policy 16 (**Heat Networks**) - Large scale mixed-use development (100 or more dwellings or 10.000 sqm) 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.

4.16 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

- KP2 Strategic Sites
- KP2(A) Cardiff Central Enterprise Zone and Regional Transport Hub
- KP4 Master Planning Approach
- KP5 Good Quality and Sustainable Design
- KP6 New Infrastructure
- KP7 Planning Obligations
- KP8 Sustainable Transportation
- KP10 Central and Bay Business Area
- KP13 Responding to Evidenced Social Needs
- KP14 Healthy Living
- KP15 Climate Change
- KP16 Green Infrastructure
- KP17 Built Heritage
- KP 18 Natural Resources

Detailed Policies

- H3 Affordable Housing
- H6 Change of Use or Redevelopment to Residential Use
- EC2 Provision of Complementary Facilities for Employees in Business, Industrial and Warehousing Developments
- EC3 Alternative Use of Employment Land and Premises
- EC4 Protecting Offices in the Central and Bay Business Area
- EC5 Hotel Development
- 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
- EN12 Renewable and Low Carbon Technologies
- EN13 Air, Noise, Light Pollution and Land Contamination
- EN14 Flood Risk
- R1 Retail Hierarchy

- R6 Retail Development (Out of Centre)
- R7 Retail Provision within Strategic Sites
- R8 Food and Drink Uses
- T1 Walking and Cycling
- T2 Strategic Rapid Transit and Bus Corridors
- T5 Managing Transport Impacts
- T6 Impact on Transport Networks and Services
- T9 Cardiff City Region 'Metro' Network
- C1 Community Facilities
- C3 Community Safety/Creating Safe Environments
- C4 Protection of Open Space
- C5 Provision for Open Space, Outdoor Recreation, Children's Play and Sport
- C6 Health
- C7 Planning for Schools
- W2 Provision for Waste Management Facilities in Development

Supplementary Planning Guidance and other local guidance

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

- Dumballs Road Area Planning Brief (June 2006)
- 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)
- Safeguarding Business and Industrial Land and Premises (November 2017)
- Tall Buildings Design Guide (January 2017)
- Waste Collection & Storage Facilities (October 2016)
- Provision of Electric Vehicle Charging Points in New Developments: Guidance for Developers (November 2018)

Other guidance

4.18 Code of Best Practice on Mobile Phone Network Development for Wales 2021.

5. INTERNAL CONSULTEE RESPONSES

RESPONSE TO INITIAL CONSULTATION

5.1 The **Council's Tree Officer** (05/05/21) provided the following summarised advice:

- Notes the impact of this development on trees is uncertain since it is only at reserved matters stage that design will be worked up to a level that allows the impacts to be clarified. Advises that it is a reasonable assumption as per the tree report that x5 'B' category trees, a section of the 'B' category group G6, 'C' category groups G1 and G9 (total of x17 trees) and x12 individual category 'C' trees will be lost. Notes that trees of 'B' categorisation should be retained and protected as part of development unless overriding design justifications are given for their loss and the loss is fully mitigated by new planting, that trees of 'C' categorisation should not unduly constrain development, but trees that meet this categorisation merely because they are too young to merit 'B' categorisation, but are otherwise sound, should be prioritised for retention and protection
- Notes that tree assessment should inform reserved matters design and should comprise an Arboricultural Impact Assessment, an Arboricultural Method Statement and Tree Protection Plan.
- Notes that whilst the landscaping details are currently indicative, they are satisfied that the theoretical tree losses cited can be mitigated by new planting.
- Sets out important design principles in respect of tree planting (captured as an advisory notice)
- Advises that it is critically important that landscaping is not left as a conditional matter at reserved matters stage since it should be entirely coherent with and considered at the same time as all other aspects of design
- Notes that the landscape specification for the detailed access junctions should be provided, if they include soft landscaping, and that if existing uncontaminated soft landscape soils are to be planted into or salvaged as part of development, a Soil Resource Survey and Plan should be undertaken to inform whether this will be feasible and to ensure site soils are utilised sustainably.
- Provides advice on drought tolerant trees for street planting, SuDS planting and planting to improve air quality.

5.2 **The County Ecologist** notes the Council as the Competent Authority must carry out a HRA for the project before granting planning consent. They advise that for larger schemes it is not uncommon for the applicant to produce a draft or 'shadow' HRA, which if the Council agree with, they adopt as their own HRA and, on this basis, advise that the Applicant should be asked to prepare a shadow HRA. They also provide the following detailed comments:

European Protected Species

In relation to European protected species, caselaw for the Habitats Regulations dictates that we should seek the views of NRW as to whether a proposed activity would be likely to cause a breach of those regulations, and if so, whether NRW would be likely to grant an EPS licence to allow those activities to proceed. If a licence were needed but NRW indicate that they would be unlikely to grant it, then we should not grant planning consent. In the case of bats and Otters at this

site, NRW have responded to our consultation in their letter of 28/05/21, and have not indicated that they would not be likely to grant an EPS licence for these proposals. Therefore we should assume that the assessment of impact and mitigation proposed in relation to EPS is satisfactory to NRW, and so subject to our attaching the conditions that they have proposed, these species should not be an impediment to this application.

River Taff and Cardiff Bay Wetlands SINCS

The conditions proposed by NRW in relation to land contamination and to EPS should ensure that there will be no detrimental impact upon these SINCS, if they are attached and implemented.

Severn Estuary EMS

I note section 9.44 of the Environmental Statement Chapter 9 Biodiversity recognises that the Severn Estuary is important at an international level, however the impacts upon it seem to have been screened out without further explanation. For example it is not listed among the 'Sensitive Receptors' in section 9.84, and table 9.8 does not list it as being 'scoped-in' or 'scoped-out'. Either way, a decision to scope in or scope out consideration of the Severn Estuary EMS should make reference to section 1.5.11 of the Ecology and Biodiversity TGN of the GI SPG, which sets out the criteria we use to determine when a HRA – an assessment of the impacts of a plan or project upon the National Site Network – is required.

Green Infrastructure Statement

The Appendix 9.6 Green Infrastructure Statement is acceptable in general, and we should include it among the list of documents in a planning condition that the development should be carried out in accordance with. However at the reserved matters stage I would like to see more consideration given to opportunities to incorporate green roofs and walls, in the context of SuDS and climate change adaptation, into the buildings on site.

CEMP and LEMP

I support the scope of the CEMP as set out in section 9.93 of the Biodiversity Chapter of the ES and also of the LEMP as set out in section 9.97. In both cases we should use a planning condition with an appropriate trigger to ensure that we have the opportunity to comment upon the text of these documents before they are implemented.

Enhancements

The proposed biodiversity enhancement set out in section 9.99 of the Biodiversity Chapter of the ES are welcomed. In terms of specific enhancement features, nesting or roosting opportunities for birds and bats should be incorporated into new build in accordance with the advice given in 'Designing for Biodiversity: A Technical Guide for New and Existing Buildings, Second Edition. RIBA Publishing, London. Gunnell, K. et al., 2013', or most recent subsequent edition thereof. More specific details of appropriate levels of provision of nesting/roosting opportunities are given in the TCPA's 'Biodiversity Positive: Ecotowns Biodiversity Worksheet 2009'.

Consideration of Ecosystems

In his letter to Heads of Planning of 23/10/19 the Chief Planner stated that ‘The attributes of ecosystem resilience (PPW para 6.4.9 refers) should be used to assess the current resilience of a site, and this must be maintained and enhanced post development. If this cannot be achieved, permission for the development should be refused’. The attributes of resilience referred to are diversity, extent, condition and connectivity of these ecosystems. The documents submitted in support of this application do not provide this systematic analysis, however I am satisfied that sufficient consideration has been given to the impacts of the proposed scheme upon the diversity, extent, condition and connectivity of the habitats and ecosystems at this site, such that we can consider this assessment to have been provided.

Landscaping – Detailed comments are also provided on landscaping to provide enhanced habitat for biodiversity, including planting for pollinators, food for birds and other species, to ensure foliage cover, for nectar sources, to provide microhabitats and nectar for invertebrates and opportunities to provide burrowing for invertebrates.

- 5.3 The **Lead Heritage Officer** notes that unusually for such a large site in the city centre there are no heritage assets within the immediate vicinity. They note that ES provides a thorough assessment of the sensitivity of the heritage assets within a 1km buffer and concludes that the effects are not significant and they confirm they have no reason to disagree with this conclusion. They note that at pre-submission stage they tested a 3D representation of the height parameters and consider that, even at the maximum extents and allowing for topography, the scale of the proposed development would not harm the way in which listed buildings or conservation areas within the wider area are experienced.
- 5.4 **Shared Regulatory Services (SRS) Environment Team (Land Quality)** advise that the submitted risk assessment of ground gas and contamination (based on desk studies and several phases of site investigation) have identified several contaminants of concern (metals and hydrocarbons) at levels in excess of those acceptable for a development such as this and that low levels of disseminated asbestos and contaminant ‘hotspots’ have also been identified. They advise that delineation of hotspots, mitigation and remediation works are required to ensure the development is suitable for use, that a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use and suitable ground gas protection measures will need to be submitted for approval.
- 5.5 They raise no objection, subject to conditions to require ground gas protection and contaminated land measures, as well as standard conditions to control unforeseen contamination, imported soil and aggregates and the use of site won materials. An advisory notice is requested in respect of contamination and unstable land.
- 5.6 **SRS (Air Quality)** confirm that the air quality assessment uses best available techniques. In respect of the construction phase, they note that a low – high risk

has been identified with respect to dust, such that a Construction Environmental Management Plan, including a detailed Dust Management plan, is required by condition. For the operational phase, whilst noting that the majority of impacts at the 41 no identified sensitive receptors are classified as 'negligible' and that the impacts are suggested to be within legal limits, they note that two receptors (E6 and E7 at Cardiff and Vale College) have been modelled with a minor adverse impact for NO₂. However, they confirm that the concentrations remain well within the annual air quality objective and confirm agreement with the air quality assessment that the operational effects of the development on air quality are judged as not significant. With regards additional mitigation measures, they confirm that due to predicted pollutant concentrations being well below the objective limit, no further mitigation measures are required in addition to the comprehensive measures listed in the transport strategy.

5.7 **Shared Regulatory Services (Noise and Air)** advise that the outline is acceptable, subject to conditions and further information and provide the following summarised comments:

- Hours of use – construction hours should reflect permitted hours in Cardiff as per SRS Guidance (0800-1800 Monday to Friday, 0800-1300 Saturday and not Sunday or Public Holidays).
- Piling - Piling operations, whilst not yet known, need to be reflected in the CEMP to manage noise and vibration
- Plant and substation –a condition is required to manage noise from fixed plant and the existing substation, noting the onus is on the development to ensure mitigation is undertaken
- Accepts that noise from car park and water taxi stop does not generate an impact that requires mitigation
- Noise from Play Areas- notes the ES (12.178) identifies that the best means of mitigating noise from play areas is to locate the play area 30m away from the nearest residential façade and recommends a condition on this basis.
- Residential development – raises a concern that the impact on the 2500 homes has not been assessed and sets out the standards to applied to both C1 and C2 uses by condition.
- Class A and D2 uses – advises that the noise assessment and mitigation for these uses can be dealt with by condition.

5.8 The **Operational Manager Waste Management** advises that the waste strategy is acceptable and that further comments will be made at reserved matters stage. They also provide advice in respect of the refuse storage requirements for houses and apartments, the provision of litter bins, commercial waste contracts and general advice. A s106 financial contribution is sought towards the cost of bins for the residential development (houses and apartments) and litter bins on public land (see section 9 for further details). It is noted though that litter bins located on private land must be provided, serviced, maintained privately. They note though that the Cleansing Team are able to offer a full litter bin installation and cleansing service for the un-adopted highway and grassed areas, and that a quotation can be obtained by contacting the Cleansing Team.

5.9 The **Operational Manager Housing Development** advises that discussions have taken place with the Applicant given the complex nature of this large scale development and its evolving nature in a key location for the City, and that it has been agreed that the outline application can progress on the following basis:

- A minimum affordable housing contribution of 12.5%
- A minimum of 5% affordable housing will be delivered on-site (125 units)
- All these affordable units will be delivered as Social Rented housing
- The Council will be the approved organisation to acquire these units; if the Council chooses not to acquire the units then they can be acquired by Registered Social Landlord with approved development status in Cardiff as nominated by the Council.
- All the affordable units will need to meet Welsh Government Development Quality Requirements (DQR)
- All the affordable units to be allocated from the common waiting list via a Local Lettings Initiative
- An affordable housing financial contribution (equivalent to 7.5% AH) of £9,000,000 (million) (index linked) has also been agreed to be paid as follows:
 - 25% upon commencement of the development
 - 50% prior to occupation of more than 500 of the dwellings to be constructed on the development
 - 25% prior to occupation of more than 1,000 of the dwellings to be constructed on the development
- the Owners / Developer shall submit details of an affordable housing scheme.

5.10 It is noted that these are the *minimum* affordable housing contributions that will be secured in the s106 agreement, and that an **additional affordable housing contribution** will be subject to a viability analysis.

5.11 **Neighbourhood Regeneration** advise that a financial contribution should be sought for off-site provision of community facilities, noting that LDP states that necessary infrastructure on Site A includes a 'contribution to off-site community facility provision'. They advise this should be based on a set figure of £1,291.38 per dwelling, in line with the SPG requirement. They advise that it would be unacceptable to grant planning consent in the absence of such provision and that the contribution would be directed towards one of the existing community facilities in the area.

5.12 **The Operational Manager, Energy and Sustainability in Planning** notes that:

- the Council's 'One Planet Cardiff Strategy' sets out the policy position against which the energy and carbon credentials should be measured, noting that the Heat Network connection is given significant prominence in this strategy, which must guide the assessment and conditioning of the application to ensure compliance.
- the submitted Energy Statement mentions the Cardiff Heat Network as one of a number of low carbon heat options, noting that much greater emphasis must be given to this as the preferred means of delivering a near zero

carbon development given the advance position of the Heat Network project.

- Indicative layout plans should be clear about where any site-specific heat sub-stations and /or energy centre will be located.
- CCC has already had preliminary discussions with the applicant regarding a Heat Network connection and that the Council's design and build contractors can now provide a much more detailed appraisal of the costs and benefits of connection to this development, such that the need for this should be embedded in any permission to ensure that a robust and evidence-based assessment of viability is produced by the applicant.

5.13 The **Council's Energy Consultant** provides further advice on the required District Heat Network connection:

- An updated Energy statement should be provided prior to the determination of the outline planning application - this should set out the masterplan for the provision of the site wide heat network and connection of the site heat network to the area wide, Cardiff Heat Network. It should clearly set out how the site heat network will evolve to cover the 4 phases of the development as they are built out.
- A clear commitment should be provided within the S106 to a) providing the site wide heat network infrastructure and b) committing to connection to the Cardiff Heat Network unless it can be proven to not be technically and financially viable
- A requirement, as part of reserved matters, to producing an energy statement for each plot which sets out how it will be connected into the site wide heat network.
- In terms of details, the energy statement and s106 should commit to
 - A site wide heat network consisting of pre-insulated, flow and return pipes linking every building on the development site (a plan drawing showing the site heat network route and how the network will evolve through the 4 phases of development should be provided).
 - Within each building, flow and return pipework to each dwelling, with in-dwelling Hydraulic Interface Units (HIU) meeting the space heating and domestic hot water demand.
 - Flow and return pipework supplying heat to the non-domestic spaces to meet space heating and domestic hot water demands
 - A central Heat exchanger allowing a single connection point to the Cardiff Heat Network – the location being clearly identified on the development Parameter Plans. Given the phasing plan of the development, it is envisaged that this would be in the north east corner of the development (this can be discussed further if necessary)
 - A commitment to connecting to the Cardiff Heat Network, unless it is proven that it is not technically and financially viable.
 - A commitment to engaging with Cardiff Heat Network Ltd to progress the commercial connection agreement for the site

5.14 The **Operational Manager, Strategic Policy** provides further comments on the submitted Outline Energy Statement, noting the following in summary:

- The proposed development adopts the energy hierarchy and fabric first approach, driven primarily by the need to meet mandatory requirements set out in Part L of the Building Regulations, and provides a broad assessment of potential opportunities to incorporate renewables/LZC technologies
- there is little detail or commitment as to whether such measures will be provided, noting that successful implementation of such measures requires consideration and incorporation early on in the design stage.
- Concern is raised over unfavourable categorisation of PPV panels, with a request for further clarification
- In regards to the appraisal of solar water heating, heat recovery and air source heat pumps, these technologies are all identified as 'green' category opportunities yet no clear indication is given in relation to their implementation
- It is noted in the report that there are plans to bring the District Heat Network towards the site within three years. Given the scale and nature of the proposal, together with the anticipated build out and the opportunity afforded by the Council's DHN, it is unlikely that some form of heat network(s) at this key site is not feasible. The provision of approach ducting to enable a future connection is strongly supported and it is considered that this be secured by a suitably worded condition.
- The report also notes that the *"The potential for a connection to the ERF [Energy Recovery Facility], should it become viable in the future, will be assessed further with Cardiff Council."* It is recommended that preliminary discussions and assessments are best undertaken at outline stage, if these have not already taken place – prior to the agreement of commitments associated with other infrastructure and policy requirements
- Given the scale of the development and its likely build out, building to current Part L cannot therefore be considered as having maximised opportunities for renewables. Some clarification regarding the implementation of the potential opportunities and suite of measures identified and discussed above would therefore be very useful.

5.15 The **Operational Manager Drainage** provides the following summarised comments:

- Welcomes the overall concept of ensuring surface water from the development is drained by gravity to the river, but notes the importance of quality treatment at the surface and conveyance at self-cleansing velocity from the most eastern area of the site
- Provides detailed design on SuDS, including the fundamental principle that all surface water run-off should be conveyed and treated on the surface, until greater depth is required for self-cleansing conveyance and attenuation
- Raises the concern that the scheme should be designed for a climate change figure of 40%, not 30%.
- Notes that the SuDS standards concentrate on the principle of no exacerbation of flood risk, which allows for more flexibility for this site, noting that it will drain to a waterbody impounded by a barrage.

- Provides detailed comments on sewers in the area and advice in respect of a drainage strategy, including that the developer would be advised to construct a new foul sewer system noting the condition of the original sewers.
- The existing riverbank is not in any way structural for most of its length so consideration must be given to its condition prior to final design stage, and requests a more detailed analysis of the riverbank condition
- Notes the lack of references to consultation with Cardiff Harbour Authority, who they note are responsible for the river up to Blackweir
- Welcome the extensive ground condition surveys, and advise that there are localised area of hydrocarbon contamination in the area
- Advises that many DCWW and Council drains are located within the red line boundary and may not be shown on existing records, such that consultation will be required.

5.16 The **Parks Planning Manager** provides the following initial summarised comments:

- *Open Space Requirement* in ha- Based on the illustrative information provided on the number and type of units the additional population generated by the development is calculated to be **4289.70**. This generates an open space requirement of **10.42 ha** of on-site open space (equivalent to an off-site financial contribution of **£4,450,775** if no on-site POS is provided). It is noted that the accommodation schedule is illustrative, such that the figures may change. As a comparison, using an assumption of 2500 units at population where make up of units is unknown (assumes average population 2.33) the figure for additional population generated is 5825, with an open space requirement 14.15ha.
- *Open Space Provision in Butetown* – Based on an estimated population and calculated using the Fields in Trust recommended standard of 2.43 hectares per 1000 population), the Butetown Ward is deficient in open space provision by 24.07 hectares. Concern is noted that with an increasing population resulting from a large number of new developments, this deficit is likely to increase significantly, such that the provision of sufficient high quality on site open space is essential.
- *Required POS Provision* – On-site and off-site public open space provision (POS) is required, with the focus to be on-site as much as possible given the deficiency in the ward. A possible alternative is noted of using a financial contribution towards off-site POS to secure Overstone Court POS to the south was intended to be adopted as POS but due to the developer going into receivership is currently by Crown Estates.
- *Minimum POS requirements* – the development will be expected as a minimum to provide the following or a contribution towards improving these off-site: 1 NEAP play area providing facilities for children from 4-14 years, minimum 1000m² in size located within River Park or elsewhere with easy access. Other opportunities for younger children 4-8 years would also be expected; 1 MUGA/teen facility; Formal sports facilities; Allotment provision, noting policy KP2A requires a 40 plot allotment site and the site itself generates a requirement for 54 plots based on 2444 units. It is noted that a

development of this size would normally be expected to provide formal sports provision.

- *S106 contribution towards off-site POS* - the Parks Manager confirms the difficulty in determining which of the green spaces proposed should be included as on-site public open space, such that an off-site financial contribution has not yet been calculated and the Applicant request to provide a breakdown of what they consider forms part of the 2.4ha of public open space quantum noted in the Planning Statement. Caution is expressed that the green spaces can only be counted as POS if they provide recreational benefit. It is noted that there is no Formal Sports Provision, which was raised at pre-application stage and must be addressed.
- Detailed design comments are provided in respect of each of the key public spaces including Green East West Streets, Amenity Streets, Communal Courtyards, River Park, Business Garden, 2 Pocket Parks and Urban Square, noting that they combine to provide green infrastructure networks and that the overall design concept is considered sound. Care must be taken to ensure that the vision is delivered and that understanding the sun/shade and wind pattern is crucial to ensuring the spaces are comfortable to use given the number of relatively tall buildings.
- Concern is expressed that the narrow River Park containing buildings is a major issue and unless building numbers are reduced and the park made a full width, the site will experience lack of a versatile public open space. They share the concern that 'the park is not a park'. Concern is expressed over the close proximity of residential and commercial buildings, and that residential amenity and enjoyment of the park is not harmed, and that a clear definition of public/private space is needed. It must be demonstrated how the constituent areas of the River Park work, with appropriate buffer distances to buildings.
- *SuDS / Green roofs/walls* – detailed advice is provided.
- *Adoption/ Management* – the Riverside Park could be considered for maintenance by Parks subject to detailed discussion including the NEAP, with payment of a commuted sum required. It is noted that all communal courtyards, amenity streets, or green east/west streets, public squares, business squares shall be managed and maintained by the applicant's management company.

5.17 The **Parks Planning Manager** provides further detailed, summarised as follows:

- The developed is expected to provide a proportionate contribution towards the wider open space requirements for Strategic Site A which are 7a of open space including 3.5ha of formal recreational space, a playground, a teen facility and 1x 40 plot allotment site. Consideration is also given to the LDP's adopted standard of a minimum of 2.43 hectares of functional open space per 1000 population.
- Whilst the Planning Statement notes that 2.4ha of new public spaces and gardens is provided, only part can be accepted as public/functional open space in line with the Council's SPG.
- Notes that the following – whilst providing amenity space - would not be accepted as functional POS - unusable spaces surrounding and between

buildings and the river's edge in the River Park, hard surfaced squares, anything less than 0.08ha, the Pocket Parks, Green East West Streets, Amenity Streets, residential courtyards.

Requests provision of:

- Multifunctional Open Space – min 60m x 40m with a min 30m noise buffer
- Play Provision – 1 Neighbourhood Equipped Area for Play (NEAP) and other opportunities for younger children 4-8 in the form of Locally Equipped Areas of Play (LEAPs). The NEAP would require a 1000m² activity zone and a 30m buffer to the nearest dwelling.
- MUGA / Teen Facility – A Multi-Use Games Area (MUGA) is required with the minimum size for effective use being 34 x 18m to host at least two of the following sports – tennis, netball, basketball and five-a-side football. A minimum 30m buffer is required to the nearest dwelling. The potential to use roof tops was noted.
- Allotments – community growing opportunities were noted to be the best solution, but would be seen as separate to the functional POS provision.
- Care needs to be taken in the design of the danger posed by the river.
- A contribution towards existing off-site formal sports provision. Formal consideration was given to formal sports provision, specifically a sports pitch but the creation of a single pitch site which would require changing rooms was not considered appropriate or efficient in terms of its management and maintenance.

5.18 The **Schools Organisational Programme Planning Manager** provides the following summarised comments based on the housing mix for 2442 dwellings as set out in the DAS (835 x 1bed flats, 1169 x 2bed flats, 412 x 3bed flats, 28 townhouses):

- Total pupil yield from nursery through to sixth form amounts to 380 pupils. In accordance with our 2017 SPG, net yield should be assessed.
- The projected secondary school yield, and the yield of children requiring specialist provision cannot be met within existing schools – obligations would be sought for these.
- The development area is served by Fitzalan High School and this school is fully subscribed at entry. Projections indicate that this will continue.
- The development area is also served by Ysgol Gyfun Gymraeg Glantaf and this school is also fully subscribed at entry. Projections indicate that this will continue.
- The area is directly served by Grangetown Primary School and St Mary The Virgin Primary School, but is in close proximity to the catchment area of Mount Stuart Primary School and to St Cuthbert's Catholic Primary School. Whilst the number of projected number of children taking up places in the areas served by Grangetown Primary School and St Mary The Virgin Primary School significantly exceeds the capacity of the schools, there is a margin of surplus capacity projected at Mount Stuart Primary School and at St Cuthbert's Catholic Primary School in coming years. However, the projected take up of places still exceeds the combined capacity even when all four local English-medium schools are accounted for.
- Financial contributions are therefore sought towards the expansion of:
 - English-medium secondary school places

- Welsh-medium secondary school places
- English-medium primary school places
- Specialist school/ resource base places
- Welsh-medium primary and nursery places can be accommodated in existing schools and obligations would not be sought for these.
- The below table sets out the net pupil place developer contributions requested, in total and for each type of provision for the illustrative accommodation schedule.

Developer Contributions Requested			
Year group	English-medium	Welsh-medium	Total
Nursery	£358,353	£0	£358,353
Primary	£1,627,612	£0	£1,627,612
Secondary	£1,269,692	£317,423	£1,587,115
6th Form	£197,343	£58,472	£255,815
SEN	£272,911		
		Total	£4,101,807

5.19 The **Operational Manager Economic Development** advise that they are pleased with the amount of Class B1 office space proposed and have no objections.

5.20 **Cardiff Harbour Authority** provide the following summarised comments:

- *Cycle/Footbridge Bridge* - The height of the proposed bridge must not conflict with navigation on the River Taff and must not be below 8.5m AOD and no bridge support or structures should be placed in the river. CHA confirm their preference for the bridge to run perpendicular to the river rather than at an angle, with Alternative B in the Design Code (part 5) being the best solution as it is not on the river bend and allows for safer navigation by allowing a clearer line of site for vessels.
- *Water Taxi Stop* - The water taxi stop should be removed from the proposal, as it is not necessary as stops exist just upstream at Taffs Mead Embankment and downstream at Channel View, would not allow for safe navigation, would trap debris and would need on-going management to prevent the structure being damaged and potentially breaking away from the bank under high river flows.
- *Materials storage in River Taff* - Any proposal to install a pontoon in the River Taff to store materials (as noted in the Sustainability report) would require a permit from CHA's Harbour Master and they would need to see plans at the earliest opportunity, noting storage of materials in the river would need careful consideration from both a pollution prevention and navigational safety perspective.
- *Surface Water Drainage* – Surface water drainage is to be into the river, which would require some form of hard engineering within the river bank. The culverts installed for the Greener Grangetown project are conspicuous concrete structures, there is visible evidence of erosion at the

riverbank interface and undercutting. CHA would appreciate the opportunity to comment on the final SuDS scheme proposal.

- *Impact of drainage on Severn Estuary EMS* - Any pollution entering the river may detrimentally impact on migratory fish, a designated feature of the SAC. All impacts associated with construction, including piling vibration need to be considered and if necessary mitigated for to ensure protection of the EMS. CHA approve of the intention to submit a CEMP to reduce the likelihood of pollution incidents and would wish to be consulted.
- *Water Framework Directive Compliance Assessment Report* - Many potential impacts identified within the WFD assessment have not been managed until the CEMP has been produced and accepted, and as such the conclusion that the attainment of the WFD target will not be affected by this project is not valid.
- *River bank stability* – the development will remove/cutback/landscape the existing vegetation and river bank, potentially compromising the stability in this area. The construction of a bridge and water taxi stop adjacent to the development is likely to have an impact on the stability of the river bank, hard engineering tends to accentuate erosion up and downstream rather than in the area of the works.
- *Waste Management* – Details of site waste management during both the construction phase and in the future need to be identified. If this is not managed correctly, then vermin may be attracted to the area along with the associated public health risk. Additionally, poor waste management on site will lead to an increase in debris in the river which in turn will lead to increased pressure on CHA's management of the waterbody.
- *Embankment Wind Microclimate* - The applicants present wind rose diagrams of the 30 year dataset obtained from Cardiff Airport using 6 wind speed bands from 2m/s to +10m/s. However they provide a table for LDDC Lawson Criteria which uses 6 bands from 4m/s to >15m/s, the >15m/s band has a Threshold of Once Per Year and an Activity of Safety Criteria Exceeded. As a result, the report/analysis does not provide details of how often the Lawson Criteria highest band has been reached.

5.21 The **Operational Manager Transportation** provides the following summarised comments:

- In summary, the following issues require clarification/ additional review – Traffic generation analysis (including junctions), Derivation of the modal split (particularly office), Parking on / off site, Public transport provision, Internal road structure/allocation (especially segregated cycle provision) and Proposed Mitigation
- The TA was informed by an agreed Scoping Report and takes appropriate policy advice (national and local) into account.
- It is welcomed that the TA includes both a draft living umbrella Travel Plan and a residential Travel Plan, and draft Construction Management Plan.
- *Dumballs Rd* – Public realm improvements to Dumballs Rd will be required to reflect those secured on other nearby developments. A condition is sought for the reconstruction of the disused crossovers/entrances and resurfacing of the remaining pavement on Dumballs Road to provide a continuous width footway along the site frontage.

- *Cycle & Pedestrians* - The improved cycle and pedestrian links/routes, including additional lengths of riverside route that link with existing facilities to the south and the proposed bridge are welcomed. The cycle routes (indicated by street type) need clarity and need to be appropriately lit. Only 1 'cycle route' is shown on Fig 6.2 of the TA.
- *Bridge* - Noting that there are a few alternative layouts for the bridge and pontoon, it would be beneficial to fix the location for the proposed bridge to ensure it will align with wider linkages. The bridge should include a 5m useable carriageway on the bridge and 5.5m wide deck to allow sufficient clearance between the cycle track and parapet.
- *Public Transport* – The development will need to provide support for bus route extensions / diversions within a 10km radius of the development, eg Leckwith sports village, UHW etc

Access / Internal Routes

- *Street types*– Whilst noting it is an outline, greater clarity is required to demonstrate that the movements indicated by the parameter plan can be achieved. The routes for vehicles, pedestrians and cyclists, and designation, usage and management/control of the different street types is not sufficiently clear, with inconsistencies in drawings also noted. It should be clearer as to which streets are car free/active travel streets and which are vehicle/ service streets. The vision for a predominantly car free site seems to be subverted by consistent references to vehicle access on all street types. Clarity is also requested on how deliveries would be serviced and whether the East West routes operate as dead ends and if so an adequate turning space would be essential. Clear/ dimensioned cross sections of each street type are requested.
- *Public Transport Route (purple)*– there is lack of clarity on this route and the ability of delivery and service vehicles to use this route. Para 6.7.4 of the TA suggests the PT route would be available to other service users, but there is no deal on what constitutes an acceptable other service user nor methods of management. Given the site is proposed as predominantly 'car free' clarity is required to ensure the bus route does not offer a through route for most traffic.
- *North-western development plot* – The TA notes (para 6.7.4) that “*the existing junction between Curran Embankment from and Penarth Road will remain but will only service the existing properties along Penarth Road and the most north western development plot.*” It is noted that this appears to suggest that the NW portion would be separated from the remainder of the site in vehicle terms – further clarity is required on the anticipated use and size of this area. The TA appears not to have considered vehicular demand at the existing Penarth Road /service road junction. No assessment of any traffic generated (public transport and those serving the north-western portion of the site) appears to have been considered.
- *Vehicular access strategy* – It is noted that 90% of vehicles will access via junction 1 and 3, with junctions 2 and 4 providing access for limited on-street parking demand and servicing and deliveries. It is queried how this would be controlled/managed.
- *Servicing deliveries* – The proposal to include delivery / distribution centres within the site is welcomed, but further clarity is requested give the importance of home delivery options and the designation of street types.

- *Car Parking* – Confirms that the proposed development would be compliant with residential parking policy, with on-site car parking to be secured by condition.
- *EV parking* – it is expected 100% of resident parking bays should be EV ready (with cables and ducting, if not connected or with socket).
- *Cycle parking* – The site-wide total number of cycle parking spaces proposed at 5186 falls below the SPG standards for all proposed uses except for retail, and it is noted that the development should comply with the SPG minimum. There is no mention of Nextbike proposals.
- *Traffic Generation* – It is noted that the new site access junctions are shown to operate comfortably within capacity. Various detailed queries / concerns / inconsistencies are raised. Included in these are that Table 7.1 proposes 17 car parking spaces for commercial /retail, which is contradicted in Section 9, which states that there are no parking spaces for these land uses. Penarth Rd/ Trade St nor Penarth Rd/ Curran Rd Embankment junctions have not been assessed. The Penarth Rd/ Tressillian Terrace/ Tressillian Way junction is already operating over capacity in the base year and would be significantly impacted by the development traffic, even with the proposed mitigation in the form of an additional lane from Tresillian Terrace. The Dumballs Rd/ Clarence Rd/ James St junction is over capacity within the inclusion of development traffic, even with the proposed mitigation to signalise the junction. It is considered that the applicant should review the proposed mitigation to include reducing the overall traffic on Dumballs Road.
- *Conditions* – a range of conditions are recommended in respect of Loading unloading and parking; Turning spaces, Details of access road junctions; Cycle parking; Access gradient; Details of roads, Public realm improvements to Dumballs Rd; River edge/footway; Bridge; Passive provision for water taxi/stop; Demolition Management Plan; Construction Management Plan; Junction Mitigation; Cycle and pedestrian improvements to Penarth Rd/ Curran Embankment; Travel Plans.
- *S 106 contributions* - the following contributions are sought –
 - Bus Public Transport Services contribution – £5 million to be provided to support public transport links within a 10 km radius of the site.
 - S106 Traffic Orders contribution – £20,000 for the investigation and implementation of Traffic Orders required as a consequence of the development;
 - S106 Street Lighting contribution – £150,000 for the replacement of the existing mixed steel and concrete columns on Dumballs Road with council approved units.

RESPONSE TO DECEMBER 2021 CONSULTATION

- 5.22 The **Lead Heritage Officer** confirms they have no additional observations relating to the historic environment, but advise that it would be beneficial for the riverside landscaping to include public art installations to allow interpretation of the history of the area, in particular the former function as a timber pond and subsequent reclamation and associated significance for WWII munitions manufacture and ask whether this can be included within a public art strategy condition.

- 5.23 The **Shared Regulatory Services (SRS) Environment Team (Land Quality)** note the Applicant's agreement to SRS' suggested conditions and confirm their own willingness to agree appropriate wording.
- 5.24 The **Council's Tree Officer** raises no objection and support the proposal for detailed landscaping to be submitted with the RM applications. They note their previous advice on planning design and species selection remains relevant and that this should be taken on board at RM stage.
- 5.25 The **Operational Manager (Housing Development)** advises that their response remains the same, that updated Welsh Government Design Standards were published July 2021 and that the location of affordable housing will need to be agreed at reserved matters stage.
- 5.26 The **Schools Organisational Programme Planning Manager** confirm they have no further comments.
- 5.27 The **Operational Manager, Energy and Sustainability in Planning** raise concerns:
- the additional information (District Heat Network Statement) does not provide an adequate response and a revised and more detailed Statement is required, noting it is not factually correct in many areas and doesn't contain a detailed enough level of analysis that is possible at this stage.
 - the additional information is based on a theoretical scenario where the heat network may not be delivered, which is disappointing given recent discussions where it was confirmed that the project is fully funded by Welsh and National Government, with a delivery contract in place and first works scheduled to start in the next few weeks
 - offer again to meet regularly to progress the detailed exchange of information the developer will need to provide a more rounded response
 - note the developer response should provide a full and justified assessment of the decarbonisation potential of a connection to the heat network compared to other heating technologies and a viability appraisal that fully addresses the current Welsh planning Policy context for heat networks and low carbon development in Cardiff.
 - Note that they are very concerned at the suggestion that a condition is used to secure a detailed Sustainable Energy Strategy in support of each RM application. They advise that they need a straightforward master planned approach relating to a single energy strategy (albeit with options outlined) where a single point of connection and onward distribution routes are agreed in principle up front. Without this then each subsequent reserved matters application, if it followed a phase that didn't connect, would become incrementally less viable and harder to justify.
- 5.28 The **Operational Manager, Strategic Policy** provides further comments on wider energy measures and the Applicant's suggestion of a condition to secure a detailed Sustainable Energy Strategy in support of each RM application. They reiterate their concern that the ability to introduce and absorb additional costs

generally diminishes as development progresses / other obligations are secured etc.

5.29 The **Operational Manager Waste Management** advises they have no further comments, subject to a refuse management condition.

5.30 The **Operational Manager (Traffic and Transportation)** provide a detailed response to the Stantec Transport Technical Note:

- Public Transport Corridor - Concern over the removal of the previous public transport corridor to 2 possible bus route options. The vehicular carriageway must accommodate two-way bus working at a min width of 6.3m with additional width at corners/bends.
- Bridge / footway sections - The Access Parameter Plan should specify a 5m useable carriage way on the bridge, requiring a 5.5m deck, and a 5m segregated foot/ cycle way through the park.
- Cycleway - The Council does not support the replacement of the public transport corridor with the cycle link – the cycle way should be included alongside the bus route, with the same cross section running along the norther section linking to Penarth Rd via a bus gate
- Bus gate- Notes that there is an inconsistency in the bus gate location (identified as both NW and NE corners)
- Phasing – the public transport corridor should be implemented during phase 1 not 3
- Amenity Streets - Note an inconsistency in amenity streets outlined in the Technical Note and Parameter Plans. Also request clarity on the actual access (delivery servicing, disabled) required and how they would provide a safe environment for the mobility impaired.
- Whilst Stantec state the cross sections are agreed in principle with the Council, there are some important features which differ between the two
- The Applicant hasn't taken account of the min 6.3m wide carriageway (wider at corners) plus cycleway required for the public transport route on the north/south street to Penarth Rd (it has for the east-west route)
- The remaining east/west and north/south streets appear to be acceptable (although there appears an option to provide a 6.3m carriageway, but the provision of the cycleway is unclear)
- The amenity streets do not include a pedestrian safe area. It is unclear whether the streets would offer access to residential blocks for servicing, deliveries, disabled users. The description and proposed usage requires clarification;
- No cross section is provided for Dumballs Road.
- An understanding of the operational routing of the street network is needed to demonstrate how the different routes /destinations would work and to demonstrate that turning heads are not required, as stated by the Applicant
- All access junctions need to be designed to a satisfactory standard, taking into account the re-design of the internal network, accessing the re-aligned Dumballs Rd and incorporating the agreed cycle facilities and public realm improvements. Planning layout drawings are required for all junctions (Dumballs Rd x 1, Penarth Rd x1, Trade St x 1, Curran Rd x 1), with tracking

details. The Dumballs Rd junctions would be subject to further amendment by condition.

- All refuse vehicle routes need to be tracked.
- Bus stops should be provided at a max walking distance of 400m and be designed to include bus shelter and RTI.
- Taxi-movement in and out of the site will need to be taken into account in terms of drop off provision and traffic action
- It is noted that Stantec has stated that the retail offer won't be of sufficient scale or size to attract large shopper numbers, which Transport note is at odds with the proposed min1000m² stores suggested for inclusion in the retail condition. The applicant is asked to confirm if the retail provision would be served by internalised traffic not generating additional traffic or parking demand. Recommend that on-street visitor bays are regulated to offer limited stay to accommodate short visits to the shop prior to accessing their park house or leaving the site.
- It is welcomed that the 100% of car parking spaces would effectively have EV charging
- It is surprising that the Applicant is seeking to provide less than SPG compliant cycle parking provision and there is no reason why full compliance can't be provided.
- It is welcomed that Stantec confirm that double yellow lines are an option to restrict and control parking, with details to be set out in a parking management strategy, along with road signing and marking drawings
- Detailed comments are provided on the Umbrella Travel Plan.
- 26 conditions are recommended to address the above points.

S106 contributions are sought for the following:

- Bus Public Transport Services contribution – £5 million to be provided to support public transport links within a 10 km radius of the site.
- Traffic Orders contribution – £10,000 for the investigation and implementation of Traffic Orders required as a consequence of the development; This would include Contribution to any required TROs to the west of the pedestrian / cycle bridge identified by the Car Parking Management Plan outlined in para 12.5.2 of the Scoping Note, included as Appendix B of the TA.
- Street Lighting contribution – £150,000 for the replacement of the existing mixed steel and concrete columns on Dumballs Road with council approved units.
- Contributions to future works at Tressilian Terrace / Penath Road and James St / Dumballs Road / Clarence Road junctions.

5.31 The **Operational Manager Drainage** note the application requires SAB which the Applicant is aware of. They note they wish to discharge directly to the main river, which they would support, but advise they would need to obtain a Flood Risk Activity Permit from NRW before they could do this. In respect of the climate change uplift for drainage calculations, this will be required to be 40% for SAB.

5.32 **Neighbourhood Regeneration** confirm that their request for a financial contribution for offsite community facilities at a set figure of £1,291.38 per dwelling in line with the SPG still applies.

5.33 The **Parks Planning Manager** provides further summarised comments:

- There is good provision of open space throughout which is welcomed, but this is mostly amenity space and functional open space (capable of defined recreational use or multiple uses) must be incorporated as well
- the Applicant now proposes to deliver a min of 1.6ha of Public OpenSpace within the River Park which would ensure the application provides its fair share towards the open space requirements of policy KP2(A)
- They note the DAS notes the River Park should incorporate a mix of play areas for all ages, outdoor exercise, flexible and creative sports places, but whilst welcoming this, note they would like to see as a minimum a Multifunctional Open Space (min 60m x 40m with 30m buffer) and a Neighbourhood Equipped Area for Play (NEAP) for children up to 14 comprising 1000m² activity zone and a 30m buffer.
- They note the above are a priority, but note a MUGA would be desirable also, but not necessarily located within the River Park (34 x 18m and min 30m buffer).
- It is noted that the illustrative masterplan and GI parameter plan would not deliver the proposed 1.6ha of POS, but note Alternative B in the Design Code (part 7, p.60) sets out an alternative interpretation of the parameter plan. It is noted though that the MFOS and NEAP could just about fit in Alternative B and that it would be preferable if the spaces were larger so the facilities can sit more comfortably.
- If the River Park provides good provision of spaces (including the MFOS), facilities (including the NEAP) and infrastructure to support play and physical activity, providing opportunities to sit and relax, making the most of the riverside setting, they would be more relaxed about the functional capacity of the remainder of the Park and satisfied.
- Phasing – it is welcomed that the Riverside path would be established as part of Phase 1. Confirm they would wish to see the MFOS and NEAP delivered earlier than phase 3 – and by the end of Phase 2.
- Off-site contribution – of the open space requirement of 10.42ha generated by the illustrative schedule of accommodation on p. 63 of the DAS only the 1.6ha POS proposed for the River Park is taken into account, resulting in a requirement of 8.82ha or an off-site contribution of £3,767,615.
- It is noted that the open space at Overstone Court could potentially accommodate off-site POS if ownership matters are resolved.
- Allotments/ Community Growing - As previously advised, maximising opportunities for community growing on site would appear the best solution through imaginative design, use of roof top growing, community growing within courtyards, planters, linking community growing and suds schemes. The community growing areas may be integrated with public open space but in terms of calculating provision in planning terms, public open space and allotment/community growing provision would be seen as separate.

- 5.34 **Cardiff Harbour Authority** confirm they are content with the Applicant's responses in the 'Vastint Response to Consultation Comments' document (December 2021).
- 5.35 **Shared Regulatory Services (Noise and Air)** reiterate previous advice in respect of the correct construction hours and the need to control dust, and noise and vibration from piling, noise from play areas, the acoustic assessment of the 2500 dwellings, and raise the following new points:
- Demolition – recommends that existing buildings are used as a 'buffer' with demolition beginning in the centre and moving outwards, noting the need to keep residents informed
 - Acoustic Ventilation and Overheating – consideration should be given to reducing the requirement for occupants to open their windows by regulating temperature in the room
 - In respect of the review of the operational noise impacts of the development (ES, sections 12.111 and 12.130), SRS note there has not been a detailed study to calculate the likely sound level at each level of the building or a calculation to show what mitigation is required at each level, such that they advise that as the scheme develops the consultant needs to analyse the data again and make more detailed predictions and mitigation recommendations, giving supporting calcs and modelling to show that the internal and external noise levels will be met at each building, at each level and what mitigation is required.
 - Note that the communal gardens are likely to be shielded from the main noise sources and that noise levels are expected to fall within guidance provided in BS8233:2014. It is recommended that these levels are checked through noise survey once the units are built.
 - They disagree with the suggested condition for C1 and C3 uses, requiring reference to their stated noise levels and requiring a pre-occupation survey and heating survey, in association with the ventilation survey and external amenity level, noting that a pre-occupation condition is not unreasonable.
 - With regards the recommended condition for Class A and D2 uses, recommends a similar condition should be attached, to include all noise sources including any plant from any unit and that any plant shall not exceed 10dB below background noise level at the nearest noise sensitive premises.
 - Provides advice in respect of noise management mitigation and building design.

RESPONSE TO MAY 2022 CONSULTATION

- 5.36 The **Council's Ecology consultants Wardell Armstrong** (31/05/22) request the following before the Council adopt the shadow Habitats Regulation Assessment: confirmation that NRW are satisfied with the level of detail provided; that the sHRA is updated to include reference to HRA guidance in the methodology section, the further information on ground water and SuDS as set out in the Technical Note 26/04/22, the additional text provided in the mitigation for migratory fish and the updated in-combination assessment set out in the Technical Note of 26/04/22. They also request further clarification on the woodland and scrub retention along the River Taff. Note that the Appendix 9.6

Green Infrastructure Statement should be included in the list of conditions that the development should be carried out in accordance with.

5.37 The **Operational Manager (Traffic and Transportation)** (06/06/22) respond as follows to the Transport Technical Note of 6 May 2022 and note that a number of issues still require clarification and confirmation prior to determination:

- Public transport route - concern that land assembly considerations are limiting their ability to confirm the public transport route, noting it is integral and imperative to the scheme's acceptability and success
- Dumballs Rd - Welcome the Applicant's commitment to improving Dumballs Rd, which would be secured by condition.
- Bridge - Confirmation is still required that a 5.5m wide bridge deck would be provided.
- Bus gate - Note the location of the bus gate remains to be confirmed.
- Segregated cycle route - Re-state the requirement for a segregated cycle route to be provided as part of the public transport route going north towards Penarth Rd, notwithstanding that a parallel route through the park, noting that this would provide street lighting to facilitate commuting.
- Phasing - Re-state the requirement for the public transport route to be delivered early on in the development.
- Amenity Streets – note that Vastint confirm that the amenity streets are for pedestrian use only without vehicle access, with the exception of emergency vehicles if required.
- Junction design – re-state that the Council will need general arrangement drawings of the proposed access junctions. Welcome the fact that the Applicant confirms that Trade St and Curran Rd will not be vehicle entry points and will be accessible for pedestrians and cyclists only, but note that design drawings still need to be provided as part of the application.
- Bus stops – it is welcomed that the Applicant confirms the inclusion of bus stops, shelters, RTI and associated ducting and cabling. It is noted that the Applicant has not commented on the requirement for bus stops to be a max walking distance of 400m apart.
- Bus route - Welcome that Stantec confirm that any route within the site expected to facilitate bus use will be a minimum of 6.3m in width (with widening at corners as indicated by vehicle tracking). It is recommended that all proposed corners can accommodate bus movements and refuse vehicle movements prior to detailed design to ensure that there are no suggestions that vehicle carriageway could be amended at the expense of landscaping or other active travel uses.
- Car parking – it is queried how 'indicative' the locations of the park houses are
- Hotel Drop Off – the Applicant confirms that this would be secured at detailed design stage
- Retail – the Applicant confirms that the retail offer would be directed towards residents
- Parking – the Applicant confirms that on-street parking will be regulated and subject to a min stay
- Cycle Parking – the Council expects SPG standards to be adhered to.

5.38 The **Parks Planning Manager** (09/06/22) provides further summarised comments on the scaled illustrative plan demonstrating how POS could be delivered:

- Agrees that a reduction in the requirement for on-site open space to 1.5ha is fair based on parts of the site being outside the strategic site
- Raise concerns that some areas proposed as POS are not useable
- Note that the multifunctional open space proposed might not be the requested 60m x 40m, but hope that something near than can be achieved even if it's a more triangular shape, provided its suitable for informal kickabout and games
- Note the multi-functional space and NEA are priorities and that they are more relaxed on the MUGA, noting there's a MUGA nearby in Canal Park and that if the bridge is built the MUGA at Grange Gardens will only be approx. 500m away.

RESPONSE TO JULY 2022 CONSULTATION IN RESPECT OF AN UPDATED SHADOW HRA

5.39 The **Council's Ecology consultants Wardell Armstrong** (16/08/23) confirm no objection, subject to conditions advise:

- They are satisfied that the Applicant has addressed their comments on the shadow HRA (Revised 07/02/33) and providing NRW confirm the sHRA is acceptable, they recommend that Cardiff Council adopt the shadow HRA.
- In terms of riverbank habitat losses, they note that Applicant cannot provide habitat loss figures at this stage due to the outline nature of the scheme, but note the commitment to retain as much of the riverbank habitat as possible with unavoidable losses being mitigated by planting within Riverbank Park.
- Detailed design at RM stage would need to demonstrate how an effective wildlife corridor along the River Taff SINC will be maintained both during and after the development. This should clearly identify areas of loss and areas of mitigation planting and timings / phasing of new planting and vegetation clearance. This should also demonstrate how any gaps in canopy cover will be minimised and detail a sensitive lighting scheme to avoid impacts on foraging/commuting bats and otters. Recommends the Green Infrastructure Statement (ES appendix 9.6) is attached as a approved document and conditions requiring a CEMP and Strategic Green Infrastructure Management Strategy.

RESPONSE TO AUGUST 2022 CONSULTATION IN RESPECT OF TRANSPORT TECHNICAL NOTE

5.40 The **Operational Manager (Traffic and Transportation)** (20/12/22) respond as follows to the Transport Technical Note of 2 August 2022 which responded to their own previous comments and provide final comments as follows:

- Traffic generation - It is considered that the traffic flows and trip assessment rates by mode could vary from what has been reported. Concerns are raised that, whilst the trip rate for B1 offices is accepted, the mode split is

based on a survey of Central Quay conducted during 2017 which may not be representative being considerably closer to the city centre and station. The other mode split and trip rates are acceptable.

- Table 9.16 demonstrates the importance of public transport and active travel, with 33% of trips on public transport and 40% using active travel during peak periods, but little evidence is provided that sufficient capacity is available on bus and rail services, such that the Council requires additional mitigation to support the aspirations of the Applicant to provide a city centre development offering reduced car parking. The availability and support of suitable and adequate bus services will be very important to the success of the development.
- Personal Injury Collision Data- the personal injury collision data are accepted, noting that there are no significant numbers in the area
- Junction Capacity Assessment - the Penarth Rd/ Trade St and Penarth Rd/ Curran Embankment junctions have not been assessed as no general traffic access to the site could be achieved via these junctions
- the proposed 4 no access junctions off Dumballs Rd are shown to operate comfortably within capacity
- The Penarth Rd/Tressillian Terrace/ Tresillian Way and Dumballs Rd/ Clarence Rd/ James St junctions are already operating at capacity and would remain over capacity (a condition is recommended to require mitigation). For Penarth Rd/Tressillian Terrace/ Tresillian Way, the Applicant proposes as mitigation to design and implement an additional lane from Tressillian Terrace providing the facility to turn right. For The Dumballs Road/Clarence Street/James Street, the applicant proposes to design and implement mitigation measures at this junction (which may involve signalisation of the junction).
- Dumballs Rd - Improvements to Dumballs Rd (via s278) are required to incorporate footways, cycleways, landscaping, on-street car parking, bus facilities and an appropriate width carriageway. It is noted that the Applicant has indicated that a design will be secured via condition.
- The minimum facilities will incorporate public realm improvements on Dumballs Road adjacent to the site. In keeping with recent developments on Dumballs Road, in the interests of pedestrian amenity and visual continuity, a condition is sought for the reconstruction of the disused crossovers/entrances and resurfacing of the remaining pavement on Dumballs Road to provide a continuous 2m width footway, segregated 3m cycleway and 2.5m verge/parking space along the site frontage.
- The Council has provided the applicant with an outline cross section of the minimum expected improvements for the western side and carriageway of Dumballs Road (in line with the application red line area). Although not, as yet, incorporated by the applicant, it is welcomed that the applicant has indicated a design will be secured and implemented via a suitable condition. The applicant has indicated that a 5m corridor adjacent to Dumballs Road has been allocated to accommodate the required active travel and landscape facilities. The applicant confirmed within the Design Code (section 5.1) that "Landscaping and public realm improvements will be made to Dumballs Road which will tie-in with the development proposals", "to enhance the public realm for site and non-site users". The proposals would include "a distinct public realm aesthetic along the western edge"

with generous footpaths, planting, seating, cycle facilities, street lighting, improved and accessible crossing points, SUDS and tree planting. It is understood from the Design Code that Vastint would “affect the western edge and that design options for Dumballs Road need close cooperation with Cardiff Council.”

- Cycle and Pedestrian movement – The improved cycle and pedestrian links/routes to be provided by the development, including the provision of additional lengths of riverside route that link with existing facilities to the south, along with the proposed bridge are welcomed and will prove beneficial to both existing and incoming residents and visitors alike.
- Cyclists would have a choice of quieter routes through the site, across the park to the bridge, and along the river (north and south). The outline proposals indicate that cycle routes within the site which are to be developed during the RMA stage of the development, including but not exclusively the path to the southern site boundary.
- Within the site segregated cycle facilities (minimum of 3m in width) would follow a direct route between the proposed new bridge and Dumballs Road. Otherwise cyclists would share the residential and quiet routes with other vehicular traffic. The proposed bridge would align with existing linkages to/from/within Grangetown and the proposed site / Bute town. Any future pontoon provision and active areas must be near the bridge, lit and easy to locate.
- Outside of the east -west route from Dumballs Road to the park and bridge there would be no further segregated cycleways, as with the anticipated low traffic flows on-road cycling would be considered appropriate (safe).
- The proposal includes a 5m usable carriageway on the bridge, which incorporates a 5.5m deck allowing sufficient clearance between the cycle track and the parapet; and a 5m segregated foot and cycle link through the “green space”.
- All pedestrian and cycle routes through both the site and the open spaces/parks would need to be lit to an adequate/adoptable standard.
- Public Transport - The TA relies on existing railway and bus services operating in the vicinity of the site and it is accepted that access to the railway station is within an acceptable walking distance for commuters, less so for the southern portion of the site.
- The proposed public transport route – linking Penarth Rd to Dumballs Rd – would be welcome if possible to provide, but it is accepted that this may not be possible due to third party negotiations. It should be noted that Cardiff would not support an alternative bus route which would include a circular loop within the site. The applicant has confirmed that the aspiration is to deliver the link route Penarth Road to Dumballs Road.
- Any bus corridor must provide a minimum vehicular carriageway width of 6.3m (wider at corners and supported by adequate vehicle tracking to ensure that the road can facilitate passing buses) to accommodate two-way bus working.
- There is limited evidence provided within the TA or subsequent notes that the applicant is proposing to support additional bus services which are understood to be integral to a reduced car-based development. Notes the applicant indicates that bus service support would be agreed as part of any

S106 agreement.

- Should a through bus route prove achievable the site would need to provide bus stops to make access convenient for users. The phasing of the public transport corridor and bus route is of considerable importance. The documentation appears to indicate that, if achievable, the public transport corridor would not be initiated until phase 3 (Indicative Phasing Plan Design Code p. 79). Transportation would expect any public transport corridor and public transport support be implemented at an earlier phase to better facilitate the easy access to public transport by residents and commuters alike before habits are formed. Transportation is of the opinion that the early provision of a practical bus route would be integral in supporting the aspiration of a reduced car development.
- Whilst both the Council and the applicant accept that a commitment to provide a public transport corridor is important to the viability of the proposed site, it is also accepted that this may not be achievable. In such circumstance it is agreed that it would be better not to provide a sub-standard internal route or internal loop. In these unfortunate circumstances transportation would prefer that no internal public corridor route be provided. The applicant must demonstrate the provision of improvements to the provision of local bus stops and bus routes either abutting, or in the immediate vicinity, of pedestrian site access points. This would be in addition to the wider bus route support outlined in the S106 requirement to provide support for route extensions / diversions of bus services to link to a number of attractor destinations within a 10km radius of the development.
- Access / Internal Routes - It is accepted that internal access layout would be designed as part of RM applications, that the amended parameter plan provides some clarity and confidence that internal movements can be achieved, and that the applicant has provided dimensions cross sections for each category.
- The applicant has confirmed that all streets which could potentially form part of a future bus route have been tested to confirm that an increase in width from the standard 6.0m to a bus route compatible width of 6.3m minimum would be feasible. As indicated the 6.3m vehicular carriageway is a minimum requirement and all corners would need to accommodate a minimum of two way bus flow, supported by swept path analysis (as set out in Council technical standards).
- The corridor option including a vehicle carriageway with a width of 6.3m would only be implemented if the street were to form part of a bus route (see also page 11 of the Design Code).
- The amenity streets would effectively be shared streets with priority for pedestrians, they will not be used by vehicles except for emergencies.
- All vehicular carriageways must provide a minimum carriageway width to accommodate refuse and emergency vehicle access (which are likely to require greater width at corners (include turning facilities where required) and be supported by adequate vehicle tracking to ensure that the road can facilitate all required vehicle movements).
- Should a through public transport route be provided the applicant must confirm how the route would be used. Para 6.7.4 - appears to state that the PT route would be available to other service users. There appears no detail on what constitutes an acceptable "other" service user, nor methods

of management anticipated. This query extends to the most north western plot, taken from para. 6.7.4 in the TA "It is noted that the existing junction between Curran Embankment from and Penarth Road will remain but will only service the existing properties along Penarth Road and the most north western development plot." It is taken to mean that the north western portion of the site would be separated from the remainder of the site in vehicular terms. The anticipated usage and size of the north western portion needs to be clarified as does the vehicular demand to this section of the site. The TA appears not to have considered vehicular demand at the existing Penarth Road /service road junction. No assessment of any traffic generated (public transport and those serving the north western portion of the site) appears to have been considered as it would not offer access to the site.

- Site Access Junctions - It is considered that all access junctions would need to be designed to a satisfactory standard accessing the re-aligned Dumballs Road incorporating the agreed cycle facilities and public realm improvements. Planning layouts demonstrating the concept and operability of all junctions/access points to the site (via Dumballs Road (x4), Penarth Road (x1), Trade Street (x1) and Curran Road (x1) are required. The applicant has confirmed that the access via Trade Street and Curran Road will be active travel only. Vehicle tracking would be required for all the vehicular access points. The development of approved general arrangements of the proposed access junctions between the site and the external highway would be conditioned. The approved general arrangements would continue to be developed and detailed for LPA approval during the S278 process. The proposed junction layouts provided in the TA do not take account of the re-design of the internal network nor the layout of Dumballs Road. The junction layouts outlined in the TA require updating to accommodate all agreed road cross sections and users. The applicant has confirmed that the site access junctions would need to be reviewed or redesigned to tie in with Dumballs Road. It should be noted that the current proposals including right turn lanes are not required by the council, unless compelling evidence be provided by the applicant. Comprehensive tracking, including refuse vehicles, would be provided at the RMA stage, when more detailed plans and lay outs would be designed. The access junction design layouts would be conditioned.
- Amenity Streets – offer pedestrian and cycle routes through the site (parts of TA) whilst at the same time offering safe pedestrian / play area amenity, and "some vehicular routes where necessary". Stantec "confirm that the amenity streets are for pedestrian use only without vehicle access. The only exception could be the provision of access for emergency vehicles" if required.
- Whilst it is stated that the development would be predominantly car free in nature, the ethos of a car free development may be subverted by references to vehicle and servicing access. It is suggested that the site may incorporate delivery/distribution centres within the site, should the development incorporate a hub in each block then safe vehicle access (for delivery vehicles) would be required. It is understood that the detail would be part of future RMAs. The provision of a local supermarket on site is unlikely to remove residents desire to undertake trips (car borne) to larger

supermarkets or receive weekly home deliveries.

- Car Parking - It is noted that limited on-street parking would be provided with little detail provided on how on-street parking would be controlled within the site, with some inconsistency in the provision for parking for commercial / retail element.
- The site relies heavily on existing car parking in the City Centre for its commercial offer (hotel and offices) and potential usage not quantified in the TA, with the St David's car park frequently experiencing congestion.
- The site will offer car parking within the 2 multi-storey Park Houses, with their locations described as being indicative albeit controlled by the parameter plans. Car park access will be achieved via junctions 1 and 3 from Dumballs Rd, which include right turn lanes into the site. Further information is needed on how 90% of vehicles would be accommodated at these locations and how the system would deter users from making use of junctions 2 and 4 to access the car parks.
- Being mindful of the central, sustainable location of the site and that of the apartment based residential and ancillary/local catchment uses I am satisfied that the proposed development would be compliant with adopted residential parking policy, with on-site car and cycle parking provision to be secured by condition.
- The applicant has confirmed that the site will effectively provide 100% of car parking with EV charging points.
- Cycle Parking - Residents cycle parking would be provided within the residential buildings, but the current proposal is lower than that required by the SPG and it is confirmed that the Council requires the cycle parking provision to equate to the minimum requirements in the SPG. Given the car free nature of the application and stress on the sustainable nature of the proposed development it is somewhat surprising that the applicant is seeking to provide less than SPG compliant cycle parking provision. There appears to be no reason why the site could not achieve full compliance with the SPG. Short stay cycle provision within the site should also achieve the SPG minimum requirement for the commercial/office space. The applicant states that "*Vastint reserves the right to be assessed in the same manner as other developments*". It should be noted that the Council is firm on its stated minimum cycle parking requirements.
- Travel Plan - It is noted that the Travel Plan requires updating/amending, but that further, more detailed and focussed Travel Plans will be prepared once uses are confirmed. It is expected that travel plans for residential, office and hotels would be submitted in support of reserved matters.
- Mitigation - The TA made recommendations to mitigate the traffic impacts, in addition to the provision of new vehicular junction arrangements at the access points, active travel access and public realm to the western side of Dumballs Road. Proposals are identified at the following junctions: Penarth Road / Tresillian Terrace and Dumballs Road/Clarence Street/James Street
- The applicant concludes that additional mitigation be secured via planning conditions is to be reviewed as part of subsequent phased reserved matter applications.
- Conclusion – It is confirmed that there is no in principle objection, with the principles generally found to be acceptable, subject to planning conditions

and mitigation and s106 contributions.

- It is noted that financial contributions via s106 are sought for bus public transport services (£5M for public transport links within a 10km radius of the site) and traffic orders (£20k for the investigation and implementation of Traffic Orders required as a consequence of the development).
- Conditions are recommended in respect of the following – loading unloading and parking; vehicle turning; phasing; car park management plan; details to confirm the public transport route; details of street cross sections; details of bus stops and facilities; details of access junctions; cycle parking; access gradients; public realm highway improvements to Dumballs Rd (via s278); delivery and servicing plans; river edge cycle footway; provision of min 5.5m wide pedestrian and cycle bridge over the Taff; passive provision for a water taxi/bus stop near bridge landing; demolition management plan; construction management plan; cycle and pedestrian improvements to Penarth Rd / Curran Embankment; bus gates/ prevention of through route to Penarth Rd and travel plans.
- Conditions relating to the provision of parking and loading (car and service, etc.) are to accord with the adopted Managing Transportation Impacts (inc Parking Standards) SPG.
- The highway works and any other works to existing or proposed adopted public highway are to be subject to agreements under Section 278 and/or Section 38 of the Highways Act 1980 between the developer and Local Highway Authority.

6. EXTERNAL CONSULTEE RESPONSES

RESPONSE TO INITIAL CONSULTATION

- 6.1 **Western Power Distribution (WPD)** note they have a number of network assets that fall within the site and that they expect full consultation on the implications of the scheme to ensure the security of their assets.
- 6.2 The **Canal & River Trust** confirm that there is no requirement for them to be consulted as the application falls outside the notified area.
- 6.3 **Glamorgan-Gwent Archaeological Trust (GGAT)** confirm that the application has an archaeological restraint. They note that the site was of particular importance during World War II for the production of munitions, armaments and aircraft components, following the construction of engineering works, foundries, warehouses and associated infrastructure. They note that the geotechnical works conducted for the current application, comprising boreholes and trial pits, have identified a significant depth of made-ground across the site and note that previous construction activities and the re-development of the site have likely had an adverse effect on any potential archaeological remains that may be present. They note, however, that a building has been identified (Orion 5 in the Orion report) which was part of the Curran Works, producing shell and cartridge casings and that, whilst the structure has clearly undergone subsequent alterations, original features survive. They recommend a condition to require historic building recording prior to commencement.

6.4 **Cadw** have no objection to the proposed development in respect of the scheduled monuments or registered historic parks and gardens. Cadw list the designated historic assets that lie within 3km of the development and note that, apart from the scheduled monument GM171 Cardiff Castle and Roman Fort and the registered Grange Gardens historic park and garden, intervening topography and buildings are likely to block all views between them, concluding that the proposed development will have no impact on these designated historic assets. With regards the impact on the setting of Cardiff Castle and Grange Gardens, they concur with the conclusions of the ES 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, such that the development will have no impact on their settings.

6.5 **Natural Resources Wales**, in their comments of 28/05/21, note that they have significant concerns with the proposed development and that permission should only be granted if the LPA meets their requirement to undertake a Habitats Regulations Assessment of the proposal, as required under the Conservation of Habitats and Species Regulations 2017, and if conditions in respect of the following are attached:

- Condition 1: Pollution Prevention – Construction Environmental Management Plan
- Condition 2 – 6: Land Contamination
- Condition 7: European Protected Species – Secure implementation of submitted plans
- Condition 8: European Protected Species – Lighting scheme
- Condition 9: European Protected Species – Otter ledges

NRW note that they provided a substantive response to the statutory PAC, that they have reviewed the PAC report and note the Applicant's agreement to their conditions in principle. They note the submission of an updated green infrastructure parameter plan and lighting strategy, but that elements of principle relevance to the riparian corridor and otters, in particular, appear to be the same. They note they have considered the additional information submitted in respect of Land Contamination and provide Land Contamination advisory comments to assist the applicant in discharging the land contamination conditions.

They note that their PAC advice of 26/02/21 remains unchanged save for updates to relevant plans / documents listed in condition 7 and a slight wording amendment to condition 8.

6.6 NRW's PAC advice of 26/02/21 in respect of flood risk and European Protected Species Licensing (EPS) is summarised below given NRW restate this:

EPS License

- A European Protected Species (EPS) License is required for this development and development should not commence until this is granted
- Flood Risk Management*
- The development lies partially within zone C1 such that Section 6 of TAN

15 requires the LPA to determine whether the development at this location is justified, with ref to the tests set out in section 6.2 of TAN 15. If you consider the proposal meets the tests in criteria (i) to (iii), then the final test (iv) is for the applicant to demonstrate through a FCA that the potential consequences of flooding can be managed.

- We note that FCA, dated January 2021, states “*The Taff and Ely Velocity Depth Mapping Study indicates that the site lies outside the existing defended 1 in 1000 (0.1%) annual probability fluvial event, as well as the 1 in 100 (1%) annual probability +25% climate change allowance event (apart from small section of site on opposite bank of River Taff)*”. The small section of the site on the opposite bank provides access from the pedestrian/cycle bridge into Grangetown over the River Taff. It lies entirely within zone C1. However, flood risks to that area have not been discussed within the FCA. Provided that no development, other than the setting down of the bridge, is located in this area, we would not require any further assessment of this area to be included in the FCA.
- With regards to the proposed pedestrian/cycle bridge, we note the FCA states that “*The proposed footbridge is to be designed as an open span structure with the soffit set 600mm above the modelled 1 in 100 year plus climate change in-channel flood level and therefore will not impact on the floodplain and floodplain storage compensation is not required. There are no requirements for piers in the river channel and therefore minimal impact on flood water conveyance and flood storage volume during operation.*” However, later in the FCA section 6.4.1 it states “*It is understood that the design of the pedestrian footbridge continues to be considered. The aspiration is that there will be no requirement for piers in the river channel and therefore minimal impact on flood water conveyance during operation.*” Should the design of the bridge change, and piers placed in the river channel, then this should be reflected in a revised FCA. We maintain a flood defence embankment on the right bank of the river at Taff Embankment Park, where the new foot/cycle bridge is proposed. The right bank abutment/ landing platform should not affect the current defence level or our ability to raise the crest level in the future.
- The proposed bridge will require a Flood Risk Activity Permit from us. We request that its design is discussed.

Emergency Access/Egress

- Section 6.5.4 of the FCA states “*it is considered that continuous safe access is available for users of the proposed development in times of flooding*”. However, we note that the plans in Appendix A of the FCA appear to show that access/egress from the site may be subject to flooding in both the 1 in 100 year plus CCA and 1 in 1000 year flood events. TAN15 advises that access routes should be shown to be operational under all conditions. It is for the LPA to determine whether they consider the risk to be acceptable. We do not comment on whether safe access and egress can be achieved to and from a site as this is a matter for emergency services to determine.
- it is for the LPA to determine whether the risks and consequences of flooding can be managed in accordance with TAN15.

6.7 **Welsh Government Network Management Division** raise no objection and confirm that the Welsh Government as highway authority for the A4232 trunk

road does not issue a direction in respect of the application.

- 6.8 **Network Rail** have no objection in principle but provide asset protection comments for the Applicant to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway. They note that the development would be expected to increase pressure on the existing highway network and traffic management, noting that the main station North of Penarth Road can be busy, the crossing of the road and access to the station / city centre need to be reviewed for improvement especially if increased use is expected. They ask that the developer should show there is no adverse effect on traffic movement for the station / city centre, improve pedestrian access arose including to the station and mitigate any impact from increased pressure to the station.
- 6.9 **South Wales Fire and Rescue** raise no objection. They provide standard comments, noting the development should consider the need for adequate water supplies for firefighting purposes, and access for firefighting appliances.
- 6.10 **Dŵr Cymru Welsh Water** raise no objection and comment as summarised below:
- An assessment has been undertaken of the public sewerage system to accommodate the proposal and informs their assessment
 - Asset protection - the site is crossed by public sewers and water mains and provides advice in terms of access requirements and protection zones (no building within 3m either side of the centreline of a public sewer and 4m either side of each watermain)
 - Water supply and HMA– the proposal lies in an area where there are water supply problems for which there are no improvements planned to 2025, such that the developer will be required to fund a hydraulic modelling assessment on the water supply network.
 - Sewerage – require surface water flows from the site (which currently drain to the public combined sewer) to be removed from the public sewerage system and be discharged to the local water course to create capacity to receive the foul only flows from the development site to the public combined sewer. They note this foul water assessment is based on the understanding that 100% of the existing impermeable area drains to the public combined sewer and can be entirely removed and redirected to the river, and that no existing or new surface water generated from the proposed development shall drain to the public sewerage network.
 - Conditions - Request conditions to require a surface water removal strategy, foul water drainage scheme and potable water scheme.
 - Surface Water Drainage – Note that the development requires approval of SuDS features.
 - Advisory notes – advice is provided on connections to the public sewer and records of DCWW assets
 - Sewage Treatment – confirm no problems are envisaged.
- 6.11 **Cardiff and Vale University Health Board (UHB)** provide the following summarised response (dated 27/07/21):
- The development of up to 2,500 homes could result in 5,825 residents in

this area (based on an average of 2.3 persons per household), of which an estimated 2,796 residents would be new to Cardiff. It could also mean an estimated 699 (12%) persons being new to Cardiff outside of this site due to the secondary impact, as people already living in the city could be relocated to the new development, and new residents could come into the city to the homes they vacate. This could place substantial pressure upon health services both within the site itself and other areas of the city.

- Primary care - Whilst requiring a more in-depth review of primary care facilities, current capacity in existing GP practices to absorb new growth is identified as 6,600 with a capacity for a further 1,000 patients when including practices outside the City and South cluster, albeit that this growth may be reduced due to workforce pressures and physical infrastructure constraints.
- Pharmacy provision – pharmacies consulted in the cluster could meet the increase in demand, with one requiring alterations to do so
- Dental provision - NHS dental practices do not have the capacity to accommodate NHS growth in their practices without a recurrent increase to their baseline contract values even if they have the structural capacity to accommodate extra patients
- Opticians - can accept an increase in resident numbers provided they have the internal capacity.
- A s106 financial contribution is required towards the improvement and upgrading of off-site primary care healthcare facilities to support the build and fit out cost associated with providing additional capacity in the area, subject to feasibility of development of the existing estate.
- Taking the figures set out in the SPG, and assuming a population increase of 5,825 a contribution of **£955,114** is sought from developers towards off-site healthcare facilities. An on-site facility for 5,825 patients would require a minimum floorspace of 559sqm. It is noted that a more extensive feasibility study is needed to gain clarity for each practice affected by the proposal in terms of their capacity and physical infrastructure and that these are preliminary calculations.
- Community and intermediate care – the proposed development does not materially alter the planned delivery of the network of integrated locality-based Health and Wellbeing Centres and cluster-based Wellbeing Hubs.
- No comments are made in respect of secondary care.
- Comments are also provided on public health issues, which are positive and include the following recommendations
- Walking and cycling infrastructure should be prioritised
- Indoor community spaces should also be provided.
- opportunities for community food growing should be actively incorporated, including within the courtyards and communal gardens.
- Food retail units in the site should be offering healthy food options.
- Community spaces should be adaptable, flexible, accommodating for all age groups and all walks of life.
- Meaningful age friendly engagement is essential and should include working with local children as part of Cardiff's Child Friendly City approach
- The design should reflect Cardiff's aging population and be dementia friendly

- A Health Impact Assessment is strongly recommended in line with LDP policy W1 (Sites for Waste Management Facilities).

6.12 **Welsh History Gardens Trust** - no comments received.

RESPONSE TO DECEMBER 2021 CONSULTATION

- 6.13 **Glamorgan-Gwen Archaeological Trust (GGAT)** repeat their previous advice and recommend a condition to require a building survey and recording.
- 6.14 **South Wales Fire and Rescue** raise no objection and repeat their standard advice.
- 6.15 **South Wales Police** provide detailed advice for in respect of site layout, lighting, boundaries, landscape design and maintenance, street furniture and public art, vehicle and cycle parking, garden sheds, bins stores, security and street lighting, drainpipes, public utilities, blank walls, play areas/ green spaces, crowded areas, security measures including CCTV, building shell security, siting of computers, secure areas.
- 6.16 **Network Rail** confirm again that they have no objection in principle and repeat their previous advice, including a request that the developer should show that there is no adverse effect on traffic movement for the station / city centre, improved pedestrian access arose including to the station and any impact from increased pressure to the station is to be mitigated.
- 6.17 Further to this, the case officer contacted Network Rail to advise that additional information had been provided in this respect (Appendix 1 to the document entitled 'Vastint Response to Consultation Comments') and to request any further comments. Network Rail confirmed that they would provide comments, but none were received.
- 6.18 **Western Power Distribution** request further information in respect of any Compulsory Purchase Order, so they can determine the next steps with regard the relocation of their equipment, noting they do not intend to object.
- 6.19 **Dŵr Cymru Welsh Water** repeat their previous advice, with the exception that in terms of asset protection, they also advise that a 4.7m easement is required either side of the 10" watermain. They request conditions to require a detailed surface water removal strategy and a foul water drainage scheme. They also attach plans of their infrastructure and advice relating to conditions for development near water mains, including in respect of requiring a 4.7m easement from the centreline of the pipe.
- 6.20 Further to a request for clarification, DCWW confirm that their previously requested potable water scheme condition is still also required and confirm that there are no concerns with the receiving Waste Water Treatment Works being able to treat foul only flows from the development.

- 6.21 **Cadw** advise that the additional and amended information does not alter the advice previously given.
- 6.22 **Natural Resources Wales**, in their comments dated 18/01/22, advise they continue to have concerns as inadequate information has been provided. They note that further information is needed on statutorily protected sites and that, if not provided, they may object to the application. They also note that conditions regarding Land Contamination, European Protected Species and pollution prevention should be attached to any planning permission, and a plans/condition to link documents to any permission.
- 6.23 In terms of Protected Sites and the Habitats Regulation Assessment (HRA), they note there is insufficient information in the shadow HRA to understand and assess the pollution risk to the SAC from contaminants on the site, and that further information assessment about groundwater dynamics and the impact of SuDS, which they state could exacerbate the pollution risk, is required. They note design and planting within the SuDS and Green Infrastructure Strategy could provide mitigation for pollutants, but that this level of detail has not yet been provided or assessed within the shadow HRA. They also note that sHRA should refer to Welsh Government's Statutory Standards and not English guidance when discussing SuDS. They agree that a CEMP is appropriate mitigation to prevent construction related pollution from entering the SAC and note that a CEMP will be needed showing surface water run off mitigation, treatment and proposed discharged for each phase including traffic access points. They note that migratory impact on fish have been recognised and welcome the mitigation proposed under section 4.5.4 of the sHRA. They reiterate that works within the Taff should only take place in January to March (inclusive) and July and August (inclusive) to ensure migration is not impacted and that any and all equipment within the river body should be disinfected to ensure biodiversity.

RESPONSE TO MAY 2022 CONSULTATION

- 6.24 **Natural Resources Wales** (16/06/22) confirm that they are satisfied that their concerns can be overcome by the previously recommended conditions in respect of Pollution Prevention (CEMP), Land Contamination, European Protected Species (plans condition, lighting, otter ledges) which remain unchanged. They note the advice in relation to flood risk and European Protected Species Licensing remains as set out in their PAC advice of 26/02/21.
- 6.25 They provide the following summarised comments on the Ecology Technical Note of 26 April 2022 in respect of Protected Sites and Habitats Regulations Assessment:
- The land at this site is characterised by hardstanding (concrete or asphalt) underlain by several metres of Made Ground which is in turn underlain by Tidal Flat Deposits, Glaciofluvial Sheet Deposits and Mercia Mudstone. It has been inferred by the applicant/developer that baseflow to the River Taff that juxtaposes the site's western boundary, is via the Glaciofluvial Deposits. Photographs of sheet piling appear to show an elevation drop from the development site to the River Taff. How this structure currently

- influences surface runoff and groundwater is unknown.
- The current understanding of groundwater conditions at the site, notably the relationship between groundwater and the Made Ground, will be influenced by the removal of hardstanding (concrete and tarmac) that overlies a good proportion of the site. The groundwater conditions are not based on continual datalogger data but manual groundwater dip data and are also influenced to some degree by tidal behaviour albeit tempered by the barrage. The degree to which rainfall infiltration occurs following the hardstanding removal, notably during prolonged wet periods which may alter both the groundwater conditions and surface water runoff quality (dissolved/entrained contaminant loading) is unknown. This change in dynamic needs to be assessed and managed for the entire site development lifecycle and may require temporary drainage measures/shallow interception trenches/treatment to ensure that contaminated water that may arise as a result of changes in surface runoff/shallow groundwater dynamics, does not cause undue water quality stress on the River Taff (controlled waters). It is unclear given the presence of the sheet piling on the western side of the development site and the elevation drop, how this structure would interact with the potential changes in surface water and groundwater dynamics that will arise as a result of removing the hardstanding
 - Given that a number multi-storey buildings are proposed, it is imperative that a detailed foundation design risk assessment is provided, as excavation works and piling have the potential to disrupt the current hydrodynamics and contamination status of the site. Reference is made to the requested piling condition.
 - It is unclear if dewatering works will be required as part of site preparation, which may influence water management at the site.
 - The CEMP should consider the need to deal with unexpected contamination
 - A CEMP is appropriate mitigation to manage the risks to the Severn Estuary SAC during all phases of construction and should demonstrate that any adverse impacts to the Severn Estuary EMS can be fully mitigated.
 - NRW advise that the proposed bridge will require a Flood Risk Activity Permit. They request that the design is discussed with their Flood Risk Analysis team.

RESPONSE TO JULY 2022 CONSULTATION IN RESPECT OF AN UPDATED SHADOW HRA

- 6.26 **Natural Resources Wales** (25/08/22) confirm they have no objection to the shadow HRA (dated 07/06/22). They reiterate their previous request for a pre-commencement CEMP condition and note that this should be sufficient to control any impacts on the SAC and general water environment, noting the conditions 2-9 set out in their response of 16/06/2022 remain unchanged. They note their advice on flood risk remains as per their advice of 26/02/21 and that in relation to tidal flood risk the site is protected tidally due to the presence of the Cardiff Bay Barrage.

7. REPRESENTATIONS

- 7.1 The application was publicised in March 2021 on the Council Website and by way of over 550 no. neighbour notification letters, site notices (12 no) and advertisement in the local press in accordance with the relevant planning and EIA development legislation as a major and EIA development that may affect the setting of a Listed Building and may affect the character and/or appearance of a Conservation Area.
- 7.2 Following receipt of additional information in December 2021 (summarised in para 3.32), additional publicity was undertaken in accordance with Regulation 24 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (requiring site and press notice providing an additional 30 day's consultation). Neighbour notification letters were also sent out.

RESPONSE TO INITIAL CONSULTATION

- 7.3 In total 20 letters of representation and objection were received from Parc Play at 4 – 5 Curran Embankment, Cardiff Scaffolding Contracts at Unit 1 Curran Embankment, Big Yellow Storage at 65 Penarth Rd, Cellnex (who manage an electronic communications base station within the red line consisting of a 22.5m high mast and equipment cabin), Orchard a trading business operating out of Trade Street and owner/occupiers of dwellings on Carlotta Way Butetown, Overstone Court, Taff Embankment, Corporation Road and 2 of unspecified address on the following summarised grounds:

Process

- The Director of Parc Play Ltd, 4 – 5 Curran Embankment, confirm they are a leaseholder but have not received any formal notice of the application from the Applicant despite their company being listed on the Schedule of Notified Parties
- Planning processes should have been suspended or delayed due to Covid-19 and the Council's planning website is problematic, giving the impression that planning is not the democratic process it should be

Principle

- No objection to the redevelopment of the embankment as a whole, noting that regeneration of the site is required
- Support for aspects of the development, such as more green spaces, the re-use of brownfield land to meet housing demand, opening up of the river edge for a public park and connectivity, the inclusion of business space with a mixture of other uses and new cycle/footbridge, the diversity of residential units from studios to townhouses will help meet demand noting the shortage of houses and larger apartments in Butetown
- Query whether there is a need / demand for the development / 2500 flats / office floorspace (post Covid), noting the changes to working patterns (less office-based) and residential requirements (for more green space, more room, less urban environments)
- Notes that this development is one of many in Grangetown and Butetown
- Query whether the proposals are truly innovative and forward thinking
- The development is driven by corporate interest and not community

Impact on local business and the local economy / community

- Query why existing successful and established businesses on the site are not being integrated rather than being forced to move
- Query how affordable spaces in the Business Garden and Creative Quarter will be for grassroots businesses, noting that a place must be offered to these if the Embankment is to become a truly diverse location
- The urban square has potential to stimulate lively activity, through markets, or cultural exhibitions and performances. Diversity must not be squeezed out
- Query how the Council's pledge to invest in Cardiff's creative infrastructure will be implemented
- Query how, in a post-brexit Britain threatened by flooding due to climate change, an increase in coffee and retail shops based on imports serve the community and Cardiff
- Local resident support expressed for Parc Play and Cardiff Scaffolding, threatened by the development
- Loss of Parc Play, as an affordable, accessible active play and social space, is irresponsible
- Query how the development would help the adjacent communities and what it would give back
- A number of low-cost cultural and creative spaces will be lost when the current industrial buildings are demolished. Any tenants affected should be offered similar space in the new creative quarter at the same rental rates as they previously enjoyed. Likewise, there should be a high percentage of spaces at low rates. This can gradually decrease over a significant number of years. For an interesting precedent, please see the Design District, Greenwich Peninsula, London (At £5 per sq ft for first year for start-up creatives). Bigger, established businesses pay a higher rent, subsidising the fledglings, in a blended rent model
- The Director of Parc Play Ltd objects, noting they had initially understood that their business could continue to operate alongside the development but that over time the site has expanded such that their business now falls within the application site, the proposal would displace their business and demolish their buildings, there have not been any formal discussions with them as to how Parc Play can be incorporated, they expect full consultation to ensure the operational continuity of their business, the proposed large public river park is unnecessary and there may be significant impact on Parc's operation in the short term during Phase 1 development, particularly from construction traffic
- Cardiff Scaffolding Contracts object, noting: they have been trading for 37 years and have developed strong local relationships at all levels, their premises was purchased 25 years ago for its accessible city centre location, they have reinvested significantly in recent years, they and neighbouring Kwik-Fit and Parc Play were initially omitted from the development but the site has expanded such that the current plans displace their business, if forced to relocate it would greatly disadvantage their business workforce and clients, affect their operating costs as the large majority of alternative locations are on a lease basis,

they expect full consultation on the implications of the scheme to ensure their operational continuity, note Big Yellow Storage opposite is to remain so don't understand why they must relocate, housing requirements have been overestimated such that the developers should revert to their previous plan and redevelop without removing independent local businesses

- DWD for Big Yellow Storage object, noting their client is a freehold owner located adjacent to the application site to the north, it is essential that appropriate vehicular access is maintained to Big Yellow Storage at all times, they support the use of Curran Embankment as a Public Transport Corridor and not as a main vehicular access point and route through the proposed development providing the existing junction and access to the business remain unchanged, request clarity as to how access to existing businesses on Curran Embankment would be maintained and that they are informed of any changes
- Orchard, a trading business operating out of Trade Street note that they are not opposed to the development but wish to make all parties aware that they have various access and parking rights which appear to be affected by the development both during construction and in the operational phase. Note building work at the Brickworks had a disruptive effect and seek assurance that their rights would not be affected and that they are involved in any decisions.
- Cellnex (who manage an electronic communications base station within the red line) note the base station which is shared by EE Limited and Hutchinson 3G UK Ltd and provides mobile connectivity services to the Butetown and Grangetown areas of Cardiff. They object as the application does not retain the base station, resulting in the loss of connectivity services to both the local community and future occupants unless replacement provision is made. Note the application does not reference the presence of the base station, the relevant planning policy framework, consider the impact of its loss or any mitigation measures, consider that these are material planning considerations and that the proposal is contrary to national policy. The importance of mobile connectivity to people's lives and service delivery post Covid-19 is emphasised. They confirm they do not wish to prevent the development coming forward and have sought to engage positively, but wish to have it recorded that they have attempted to work with the applicant to consider all options for the retention, relocation, or replacement of the base station within the redevelopment site, but have received the response that an alternative site cannot be provided. They consider this ignores the clear potential that must exist to accommodate replacement communications infrastructure within the site. Consider that a suitably designed and located shared base station on the roof of one of the buildings proposed offers the potential to retain connectivity services and meet national planning policy objectives for the provision of electronic communications infrastructure. Request a condition to secure a replacement installation and for the existing base station not to be removed until the replacement is operational.

Affordable Housing

- Provision for affordable housing is inadequate and falls far short of the policy H3 requirement for 20% on brownfield sites, there are over 2000 people on the Council's waiting list with a preference for Butetown, the Applicant has acknowledged that there are no special contamination issues on the land, allowing developers to evade their obligation has to stop, the viability loophole provides a safety net for developers allowing them to overpay for land to guarantee they win sites safe in the knowledge they will be able to argue down community benefits to make their money back later noting this will continue until the Council find the courage to enforce its own policy. The Council has played an essential role in enabling this development and should insist that the Applicant delivers the expected 20% affordable homes on site.
- Affordable housing should be spread across the site and immersed in the community, not in an inferior quality building in a 'naughty corner' that will perpetuate segregation and increase chances of antisocial behaviour. The aim should be integration to support social mobility.
- There is a need for affordable family housing in Butetown and Grangetown.
- Attention is drawn to the 17 September 2020 Report to Cabinet on 'Disposal of Land at Dumballs Road' which notes that "*The Local Planning Authority will still aim to secure the full 20% affordable housing contribution requirement for brownfield developments through the planning process.*" This is important given the demand for such housing within the Butetown ward and noting that recent developments in the Dumballs Road area have failed to deliver any affordable homes. The same report states that "*Given that the disposal of land to Vastint will be concluded in advance of planning the Council and Vastint have agreed draft terms for a Unilateral Undertaking to guarantee a minimum of 12.5% affordable housing contribution as set out in Confidential Appendix 5. This guarantees at least the same level of affordable housing contribution as the previous lapsed planning permission.*" It is also noted that the Applicant's PAC report states (4.61) that "*The precise proportion of affordable housing will be confirmed through the determination of the application and subject to viability testing. However, Vastint has agreed separately with Cardiff Council that a minimum of 5% affordable housing will be provided on-site. In addition, an off-site contribution of £9m will be payable to the Council for the provision of affordable housing. The timing of the delivery of the affordable housing and payment of the contribution are defined in the Unilateral Undertaking dated 23 December 2020.*" Various queries are raised: why it has been accepted that only 5% of the units should be affordable and on-site, rather than the 12.5% implied by the cabinet report; is the £9m off-site contribution contained in the UU deemed to be equivalent of at least 7.5% affordable housing; whether all the affordable homes on the site would be Council homes or other forms of affordable tenure and whether the affordable homes would include some larger properties given the strong local demand. The agreement should be guaranteed.

Impact on Amenity

- The scale of the buildings, height of the tallest buildings and riverfront location is inappropriate
- The reason given for the tallest buildings sited by the river was so that residents would be able to navigate the site, which would be comical if it was not serious
- Harm to amenity from overbearing impact
- Harm to amenity from loss of daylight and sunlight from tall buildings on dwellings in Overstone Court and Trade Street Taff Embankment
- Harm to amenity from overlooking onto Taff Embankment houses
- Harm to amenity from loss of privacy to due to overlooking to Overstone Court balcony
- Harm to appearance of the area/ visual amenity from tall buildings
- Significant visual impact on the Taff Trail
- Reduction in property values
- Noise and disruption to local residents from leisure facilities
- Exacerbation of noise and distraction whilst covid is happening and people are working from home
- Noise from construction, which would be amplified by the river
- Dust pollution from construction
- Increased light pollution, noting there is a dark quiet sky at night
- Loss of open skyline
- Disturbance from 10 years of construction
- The buildings along the river should be capped at 5 stories
- Impact of bridge on noise and litter levels
- RPS object on behalf of their clients Westrock who are redeveloping the Former Browning Jones & Morris site on Dumballs Rd for mixed use residential/commercial uses (ref 17/02404 and 18/02383/MJR) on grounds of conflict with the development plan and Tall Buildings SPG, harm to the amenities of future adjoining occupiers from harm to daylight and sunlight levels. They objected at PAC stage but no changes have been made, noting this need to be dealt with at outline stage when parameters are set. They enclose a detailed review of the Daylight and Sunlight Amenity Impact Appraisal on the Westrock development (available on the Council's website). Note the Westrock development has been omitted from the baseline and was subject to the wrong daylight and sunlight amenity impact tests; that the Proposed Development will have a significant impact on the "south" part of the Westrock development and no mitigation has been considered. The daylight and sunlight amenity impact on the Westrock development has not been properly appraised as part of the ES.

Transport, Parking, Access and Circulation

- Insufficient parking (700 spaces for 2500 homes), exacerbating existing parking problems in Grangetown, noting that Cardiff/South Wales does not have a decent public transport alternative
- The developers should build another multi storey car park
- Where is the provision for car parking for disabled residents

- Traffic impact, leading to congestion, noting Dumballs Rd only has one exit on either end
- Impact on health from increase in traffic and pollution
- Penarth Rd has become more and more congested over the last 5 yrs or so
- Taff Embankment is not a main access, but residential, narrow, 20mph with heavily used cycle lanes and pedestrians/runners using the Taff Trail
- The pedestrian bridge is too close to the existing Penarth Road bridge and is not needed, noting that existing connectivity between Grangetown, Butetown, Bay and the City Centre is ample
- The bridge egresses into an already busy corner, with impact on vehicle and cycle traffic and safety levels
- Visitors to the site will park on Taff Embankment (due to limited parking on the site) to walk across the bridge to Curran Rd, which will lead to a division
- Support is expressed that preventing private cars from dominating the development will contribute to a safe and pleasant environment, but it is noted that there is an opportunity to go further

Supporting Facilities

- Lack of provision for essential public services such as GPs, pharmacies, dentists or schools, which are all oversubscribed
- Ground level retail space is said to be available for doctors, dentists, pharmacies but queries whether incentives would be available for them
- A new school is essential
- Too much housing and retail

Green Infrastructure and Biodiversity

- The trees along the bank need to be kept as they form a self-sustaining ecosystem and will soften any hard new development
- Any lighting scheme must balance safety of human users with the needs of protected animal and bird populations
- No buildings should be allowed in the River Park - parks are not usually full of tower blocks
- Allotments / community gardens should be provided
- Harmful impact on the River Taff from construction – rubble, soil etc
- Harmful impact on flooding
- Harmful impact on otters and their habitat
- Support expressed, noting that more thought has been given to GI in this proposal than in most of those in the Central/Bay area and this is welcomed, but must be sustained at detailed design stage

Design / Sustainability

- Lack of distinctive character, noting the development erases the industrial heritage of the Taff, there is nothing beyond naming that makes the development unique to Cardiff and that the city is losing its distinctive character to bland development
- Lack of integration with the existing buildings and communities

- Density should be reduced
- tall buildings conflict with the Councils Tall Buildings policy, in terms of location and lack of distinctive architecture, fails to contribute to a capital city skyline that is internationally recognisable
- Lack of distinctive design, with no acknowledgement of the rich history and cultural diversity of the hugely significant docklands neighbourhood. Including Welsh names for buildings and streets will not meet the criteria.
- The submission falls short in responding to Climate Change, noting that it should be carbon neutral in line with the 20 May 2021 Cabinet paper 'One Planet Cardiff. The Applicant is proposing many ways to mitigate GHG emissions, but do not go far enough to achieve carbon neutrality. Higher standards will be in force by the time all phases of the scheme are submitted and this should be anticipated
- Climate change impacts in the ES are based on a fundamental flaw with the conclusion that the effect of the scheme is not significant being built into the methodology of qualitatively assessing the direct impact of the emissions resulting from it in respect of its global impact
- There is little mention of low carbon technology
- More electric car charging facilities are required
- More renewables (eg solar panels) should be integrated into the scheme
- Possible positive environmental impact not really addressed
- Little evidence of commitment to prevent pollution and detrimental impact on the environment and neighbouring properties
- SuDS are welcomed
- Tree planting will never offset the huge carbon footprint of the amount of cement that will be used.

RESPONSE TO DECEMBER 2021 CONSULTATION

7.4 In total 3 letters of objection / representations have been received following the December 2021 submission from the owner/occupiers of Taff Embankment, and on behalf of Cardiff Scaffolding Contracts and Big Yellow Storage, on the following summarised grounds:

Principle

- the development sounds good in many ways
- housing requirements have been overestimated and plans redevelop the area without removing independent local businesses

Impact on local business and the local economy / community

- DWD on behalf of Big Yellow Storage note a change has been made to the Public Transport corridor, whereby 2 possible bus route options have been provided. Noting that the addition of Public Transport Route B would still use Curran Embankment they note their original comments still stand. They would object if their access is impeded in the future by a bus gate. Request they are informed of future changes to the public transport corridor and bus gate, the potential to limit Curran Embankment to buses only or a delivery and servicing only access.
- Cardiff Scaffolding Contracts repeat their objection.

Impact on Amenity

- families should be substantially compensated for construction noise disturbance

Transport, Parking, Access and Circulation

- exacerbation of parking difficulties - the proposed bridge will mean that people will park on Taff Embankment

Supporting Facilities

- additional services are needed to support the new homes - schools and nurseries are already full

Green Infrastructure and Biodiversity

- concern that mature trees along the Taff embankment will be felled as they were at the Brains site – they should not be as they provide a natural barrier to construction noise and pollution

RESPONSES RECEIVED FOLLOWING MAY 2022 CONSULTATION

7.5 In total 2 letters of objection / representations were received following the May 2022 submission, from DWD on behalf of Big Yellow Storage company and Lichfield's on behalf of Landsec (owners of St David's Shopping Centre).

7.6 DWD on behalf of Big Yellow Storage company object on the following summarised grounds:

- North – South Street: Note that Curran Embankment –that provides vehicle access to Big Yellow Storage - is proposed as a North-South Street, and no longer as a Public Transport Corridor. They support the widening of Curran Embankment, providing land-take does not include Big Yellow's operational land. Raise concerns that access to the facility may be impede during construction and request that the detailed design maintains access.
- Bus Gate: Note the updated DAS continues to state that access from Penarth Bridge will be restricted to bus/service access only and would be controlled by a bus gate. DWD previously requested clarity on how access to existing businesses would be maintained with the bus gate, and the latest submission provides no further information. Given this Big Yellow object to the bus gate and request clarification prior to determination.

7.7 Landsec (owners of St David's Shopping Centre) object (27/05/22) to the proposed retail offer and Vastint's suggested retail conditions, noting:

- general support for the re-development of the application site which they note is an important component of the Cardiff Central Enterprise Zone and Transport Hub and that it is employment led which is appropriate and policy compliant;
- the retail offer is contrary to the adopted LDP as the site is located outside the Central Shopping Area;
- concern over the scale and composition of the retail offer could prejudice the vitality and viability of the City Centre;
- concern over the scale of retail floorspace with individual units of up to

- 1000m2 (net) proposed, the max Class A1 floorspace,
- absence of a cap on Use Class A1 and the desire to sell a range of comparison goods which they consider to be contrary to national guidance;
 - concern over the lack of a Retail Impact Assessment, need assessment and sequential analysis;
 - concern that the nature of the scheme's retail offer should be considered in the context of emerging permitted development rights which would allow operators to change their use class more flexibly without planning permission, and
 - the need for recognition of the changing role of retail and the high street and that the proposals would undermine the Council's Covid-19 recovery strategy and the vibrancy, viability and attractiveness of the City Centre.

7.8 All third party representations made on the application are available to view in full on the Council's website at using the following link: [21/00783/MJR](#)

8 ANALYSIS

8.1 Having regard to the above policy framework, the main issues to be assessed are:

- Land Use/ Principle of Development
- Masterplanning / Placemaking Approach
- Transportation / Highway Impacts
- Historic Environment, inc Archaeology
- Impact on Residential Amenity
- Trees and Landscaping
- Green Infrastructure, Ecology and Biodiversity
- Public Open Space
- Sustainability / Energy/ Climate Change
- Drainage and Flooding
- Health and wellbeing
- Other Matters Raised and Not Assessed Above

Land Use / Principle of Development

8.2 The majority of the 19.1 ha site comprises underutilised, previously developed (brownfield) land, characterised by industrial buildings of low quality and fragmented design, unvegetated hard standing, roads and other access infrastructure, a substation, and vacant land that has been cleared of buildings and is overgrown. The buildings on the site reflect its industrial past and current commercial, industrial and engineering activities taking place on the site. A number of vacant buildings that benefit from Prior Approval are being or are proposed to be demolished, as noted in the Planning History section, adding to the bleak, derelict and underused character of parts of the site.

8.3 As noted above, the application proposes a comprehensive, mixed-use redevelopment comprising up to 2,500 residential units, Class A1, A2, A3, D1

and D2 (mixed commercial uses) 11,500 sq m (GIA), Class B1 (Office) 54,000 sq m (GIA) and Class C1 (Hotel) 4,800 sq m (GIA).

- 8.4 The principle of the development of this large, underutilised, brownfield site is firmly established by national and local planning policy.
- 8.5 In terms of national policies, as a brownfield site located in a sustainable location within the settlement boundary, Planning Policy Wales expresses a presumption in favour of its sustainable redevelopment.
- 8.6 Future Wales: The National Plan 2040 forms part of the development plan and the proposed development will help deliver key national plan policies. Policy 33 (National Growth Area – Cardiff, Newport and the Valleys) identifies Cardiff as part of a National Growth Area in South East Wales and the focus for strategic economic and housing growth. Policy 6 sets out a ‘Town Centre First’ approach, stating that significant new commercial retail, education, health, leisure and public service facilities must be located within town and city centres, that they should have good access to public transport and that a sequential approach must be used to inform the identification of the best location for these developments and that they should be identified in Strategic and Local Development Plans. The site’s location within the Central Business Area is not considered to prevent compliance with Policy 6. In coming to this view, it is noted that Policy KP10 is a flexible policy and criterion iii considers that ‘other uses most appropriately located in city centres’ are appropriately located within the Central Business Area, sufficient to assume that the Central Business Area complies with the town centre first policy in Future Wales.
- 8.7 In terms of local policy, the application site is located within the settlement boundary, as defined on the adopted LDP Proposals Map. Importantly, the majority of the site falls within Strategic Site A ‘Cardiff Central Enterprise Zone and Regional Transport Hub’; one of eight strategic sites identified in policy KP2 to deliver the Plan strategy and the required level of growth, new homes and jobs, and to contribute to the wider provision of strategic infrastructure. Strategic Site A is the largest brownfield site within the plan (78.8ha) and occupies a highly accessible location. As such, it is recognised as a significant sustainable regeneration opportunity at the heart of the city.
- 8.8 Policy KP2 (A) allocates the land for major employment-led regeneration together with other mixed uses, including residential, to fulfil Cardiff’s role as economic driver of the city-region and maximise the advantages of its central location. The Schematic Framework to Policy KP2 (A) depicts mainly residential uses in this location. The proposed mix of uses is entirely consistent with Policy KP2A. The development will strengthen Cardiff’s role as a regional focus and deliver major mixed-use development and the more efficient use of land. It will deliver significant levels of residential development (up to 2,500 units), including a range and choice of market (rented) and affordable housing, including 5% affordable housing on site and an affordable housing financial contribution of £9 million (equivalent to 7.5%). The proposed mix of office, commercial and leisure uses, combined with the proposed residential units, will create a diversity of activities that will help sustain and enhance the day and

nighttime economy, and create viable new communities.

- 8.9 The acceptability of the mix of uses – including the residential, office (Class B1), hotel (Class C1) use and Class A2, A3, D1 and D2 uses proposed - is also established through the site's location within the Central Business Area, where Policy KP10: Central and Bay Business Areas supports new offices, residential and commercial leisure uses within this location, and 'other uses most appropriately located in city centres'. In order to protect neighbouring amenity, a condition is recommended to agree delivery hours, opening hours, sales of hot food, plant noise, sound insulation for any uses falling within Use Class A1, A2, A3, D1 and D2.
- 8.10 Class A3 uses would additionally need to be assessed against Policy R8; Food and Drink Uses and the Food, Drink and Leisure Uses SPG at reserved matters stage. Policy R8 identifies that food and drink uses are most appropriately located in the City Centre (Central Business Area), amongst other locations, subject to amenity considerations, highway matters and crime and fear of crime considerations and where they do not cause unacceptable harm to the shopping role and character of designated centres. To protect neighbouring amenities, conditions are recommended to limit Class A3 retail floorspace to restaurant, café bars and coffee shop uses only.
- 8.11 The proposed retail Class A1 uses are subject to further policy control. The Class A1 floorspace falls to be assessed as out of centre retail development, given that that the site is located outside the Central Shopping Area (CSA) and outside of any designated District and / or Local Centres identified by Policy R1 (Retail Hierarchy), Policy R4 (District Centres) and R5 (Local Centres) of the Local Development Plan. Policy R6 (Retail Development Out of Centre) only permits retail A1 development outside of these centres where: there is a need for the proposed floorspace, that need cannot satisfactorily be accommodated within or adjacent to the Central Shopping Area, within a District or Local Centre, the proposal would not cause unacceptable harm to the vitality, attractiveness or viability of the Central Shopping Area, a District or Local centre, the site is accessible by a choice of means of transport and where the proposal is not on land allocated for other uses.
- 8.12 The Planning Statement notes that Vastint does not propose to deliver a proportionately large quantum of floorspace dedicated to any one particular commercial use and that it has no intention to create large floorplate retail (convenience or comparison) units (defined as having greater than 1,000m² (net) retail floorspace), with the intention being to promote a blend of high quality independent businesses to provide an ancillary offer appropriate to this city centre location and to provide activity throughout the day and into the evening.
- 8.13 It is notable that the quantum of Class A1 is not specified; the application simply proposes up to 11,500m² of mixed commercial uses, including Class A1, A2, A3, D1 and D2 uses across the site. In order to ensure that the amount of retail A1 floorspace is policy compliant and limited to providing an ancillary offer to serve the newly established population, conditions are recommended to limit

the Class A1 floorspace to 2,150m² (gross) in units of no more than 500m² (net) with no merging of retail units permitted thereafter and to ensure that the Class A1 floorspace is not used for the sale of men's and women's fashion and clothing footwear (except for ancillary sales). This figure reflects the quantum tested in the Transport Assessment. It also falls below the 2,500 sq. m threshold above which a retail impact assessment would need to be provided (TAN 4, para 8.2). It is considered that this condition is sufficient to overcome the objections received on grounds of retail impact and ensure that the proposed retail floorspace will provide a complementary and ancillary role to the wider residential development of the site, support the newly established population and help create active and vibrant frontages.

8.14 Whilst the principle of the proposed Class B1 office uses is accepted, it is important to recognise that the comprehensive redevelopment of the application site will result in the loss of a quantum of Use Class B floorspace and the displacement of existing businesses and with it jobs, with a number of objections having been received on such grounds. However, it is considered that any objection to the loss of Class B floorspace could not be sustained, noting that:

- The application site does not fall within an area of existing employment land protected for B Use Class employment generating uses under Policy EC1(Existing Employment Land).
- Policy KP2(A) supports the comprehensive redevelopment of the site, in effect, establishing the principle of displacement of the existing occupiers.
- the loss of existing employment will be mitigated through the creation of new jobs during both the construction and operational phases, delivering significant benefits to economic growth in Cardiff.
- The economic benefits are set out in the 'Socio-Economic and Human Health' chapter of the ES. In the summary table 18.1 of residual and significant effects during construction, the creation of employment during construction is assessed as having a minor beneficial residual effect, and the economic productivity generated as being a moderate beneficial significant effect. In the summary table 18.2 of residual and significant effects during operation, the economic productivity generated is assessed as a moderate beneficial significant effect. The creation of employment and expenditure in the economy related to new residents and visitor expenditure is assessed as a minor beneficial effect.
- The ES estimates that the proposal will create a total of 705 fulltime or equivalent (FTE) jobs across Wales (the wider impact area) during the construction phase, of which 300 were estimated to be created in Cardiff (the local impact area).
- During the operational phase employment opportunities will be created within the proposed office, retail, hotel and hospitality uses. It is estimated that this will equate to an estimated on-site creation of 4,066 FTE jobs. Accounting for the displacement of the (estimated) 912 FTE employees of current Site uses, as a worst-case scenario, this would equate to the creation of 3,950 operational FTE jobs across Wales, of which 1,570 would be in Cardiff.
- Over the operational lifetime of the proposed development, the economic productivity of the proposed on site uses is predicted to generate £171.9m

per annum. Accounting for the knock-on creation of jobs elsewhere in the economy, this would equate to the generation of £187.5m per annum across Wales, of which £133.3m would be generated in Cardiff.

- Whilst not a planning requirement, it is noted that the Applicant has been working with existing tenants and occupiers to try to assist in their relocation, for example Biffa, and continues to work with others. It is also noted that the proposed phased development of the site will potentially allow the phased relocation of remaining tenants.

- 8.15 Assessed against the above policy framework, the proposed mixed-use development is considered to comply with both national and local policy framework and raises no land use policy concerns, subject to the recommended conditions.

Masterplanning / Placemaking Approach

- 8.16 The Welsh Government publication [*Building Better Places: The Planning System Delivering Resilient and Brighter Futures*](#) 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.
- 8.17 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, and that WG will thus play its role in supporting the vibrancy of places and helping a people-focussed and placemaking-led recovery.
- 8.18 Planning Policy Wales (Rev 11) also 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.
- 8.19 Future Wales Policy 2 (Shaping Urban Growth and Regeneration – Strategic Placemaking) also puts placemaking at the heart of growth and regeneration, stating that the growth of 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.*” This proposal clearly accords with these principles as set out below.
- 8.20 LDP Policy KP4 (Masterplanning Approach) states that major development should accord with 10 general principles as well as site-specific frameworks created to guide the preparation of parameter plans and masterplans for large-scale development proposals.
- 8.21 LDP Policy KP2 (A) Cardiff Central Enterprise Zone and Regional Transport Hub sets out the site-specific infrastructure and masterplanning requirements for Strategic Site A, guided by the Schematic Framework.

- 8.22 LDP policy KP5 (Good Quality and Sustainable Design) requires that requires that all new development should be of a 'high quality, sustainable design and make a positive contribution to the creation of distinctive communities, places and spaces' through 12 design principles.
- 8.23 The following SPG are also relevant Public Art (June 2006), Residential Design Guide (January 2017), Safeguarding Business and Industrial Land and Premises (November 2017) and the Tall Buildings Design Guide (January 2017).
- 8.24 The design approach is set out in the submitted Design and Access Statement and Design Code, as amended, with further analysis presented in the ES. A full description of the proposed development is set out in Section 2 of this report. This explains that permission is sought for the Existing Site Plan, the Location Plan, the parameter plans, 4 no access plans and the Design Code and that all other plans are illustrative, including the Illustrative Masterplan and other drawings set out in the DAS. Section 2 describes the proposal in detail, in respect of its Land Uses, Scale and Massing, Access Parking and Transport details, Character Areas, Green Infrastructure and Open Space, the Energy Strategy and illustrative Phasing. These details are not repeated here.
- 8.25 The proposed development is considered to accord with the above masterplanning and design policies for the reasons set out below.
- 8.26 Assessed against the Policy KP2A criteria, the proposed development would deliver the following key masterplanning requirements:
- Deliver high rise high density residential and office development
 - Provide a range and choice of opportunities to meet business needs through the delivery of both the Business Gardens and the Creative Quarter, with the latter proposed as a new commercial quarter within the River Park aimed at start-ups and emerging creative industries
 - Create destination spaces with active uses which complement the business offer, including the delivery of four Character Areas (River Park, Business Garden, Central and South Character Areas) and new public open spaces (River Park, the urban Square and Business Garden). Additionally, at the Council's request, a 'Ground Floor Commercial Use Zone' is also proposed and captured on Parameter Plan 5 as a focus for mixed uses along the East West cycle route between the proposed new bridge and Dumballs Rd, along with a 'River Park Arrival Space' to provide a key destination where the bridge lands, with details to be provided at Reserved Matters stage and helping to deliver the policy KP2A requirement for the Taff East Bank
 - Provide high quality way-finding and clearly defined pedestrian routes and the use of high quality street furniture through the delivery of a network of high quality, permeable and well overlooked pedestrian streets through the delivery of the RM in accordance with the hierarchy of four main street types and the Design Code which is submitted for approval
 - Improve routes and connections to the local area to support the Butetown Regeneration, particularly East -West through the delivery of the bridge and

- EW streets, junction improvements and improvements along Dumballs Rd
- Integrate new development sensitively through the Design Code and conditions to ensure that the development at reserved matters stage is acceptable in terms of daylight, sunlight, overshadowing and wind
- Deliver opportunities for commercial activity along Dumballs Rd through the flexibility of parameter plan 5, which allows for the delivery of Class A retail uses, B1 Business uses and D1 Non residential institution and D2 uses Assembly and Leisure along this key frontage
- Upgrade the site gateways, transforming the underused site into a high quality scheme, with tall buildings proposed in the Design Code at key locations to act as gateways to site, terminate views, create recognisable landmarks and frame key views (with the detailed acceptability to be re-assessed at RM stage). Whilst scale and massing would be defined at reserved matters stage, the intent is to establish a varied townscape appropriate for a city centre development, again, subject to amenity considerations and based on the immediate urban context of the site and building
- Effectively respond to landscape and biodiversity assets by maximising the asset of River Taff frontage and creating an urban parkland setting through the delivery of the River Park, but with appropriate controls provided at RM stage through conditions, notably the landscaping, Strategic Green Infrastructure Management Strategy, Bridge and Pontoon, River Park Public Open Space and Riverbank / Wall conditions. The River Taff has been a guiding principle for the masterplan, which aims to enhance the natural wildlife and landscape of the river
- Effectively respond to heritage assets through the assessment of RM applications, the recommended condition requiring building recording of the Orion 5 building and through the Public Art Strategy condition, which requires the public art to allow interpretation of the history of the area - in particular the site's timber ponds and their subsequent reclamation, and significance of the site for WWII munitions manufacture
- Provide opportunities to run surface water to the river through a SuDS network, subject to recommended drainage conditions.

8.27 Assessed against policy KP2A, the proposed development would deliver the following essential and necessary infrastructure:

- Improving existing bus routes through the proposed public transport route providing a direct link through the site between Penarth Road and Dumballs Rd, where feasible via the recommended Public Transport Route and Through Access condition and along Dumballs Rd through bus stops and facilities delivered as part of the recommended Dumballs Rd highway works condition
- Enhancing east and west connections through the area through new streets accessible to the public and through the creation of a pedestrian/ cycle bridge across the River Taff
- Enhancing the strategic cycle network through the delivery of a segregated cycle lane from the bridge linking to Dumballs Road and also down Dumballs Rd, and the provision of secure cycle parking
- Creating a continuous river walk on Taff East bank in the River Park

- The provision of a min of 1.5ha of on-site open space, including a multi-functional open space and a Neighbourhood Equipped Area for Play (NEAP)
- Financial contributions towards education, off-site open space and health and community facilities (see s106 section).

8.28 Assessed against LDP policy KP4 (Masterplanning Approach), the proposed development would:

- Deliver a development that has been planned in a comprehensive and integrated manner, in line with parameter plans, with a Design Code and conditions recommended to guide the future RM applications, all to be delivered in accordance with the proposed phasing condition
- Deliver high density and mixed-use development along key routes and corridors, and providing a range of heights to deliver varied densities and a range and choice of business and residential units, including on and off-site affordable housing
- Deliver sustainable transport corridors in the form of the proposed public transport route providing a direct link through the site between Penarth Road and Dumballs Rd, where feasible (Public Transport Route and Through Access condition) and along Dumballs Rd through bus stops and facilities, with the delivery of high quality streets for pedestrians and cyclists through the proposed street hierarchy providing good connectivity to adjoining areas
- Provide attractive, convenient and practical travel choices for all, through the above, given the site's highly sustainable location and via the recommended Travel Plan conditions
- Deliver a range of uses, with a contribution towards health, community and education facilities to be delivered through s106 financial contributions
- Deliver well designed neighbourhoods that respond to local context and climate change through the delivery of the Design Code at RM stage and discharge of conditions in respect of energy strategy, travel plans, cycle parking and surface water drainage, public open space and the strategic green infrastructure management strategy
- Deliver a range of public open spaces and other green infrastructure – the new River Park, Urban square and Business Garden, complimented by the hierarchy of streets and particularly the East-West 'Green Streets' and 'amenity streets' providing green links and pocket parks, and courtyard gardens for most residential developments.
- Integrate landscape and biodiversity features into the development via the Strategic Green Infrastructure Management and landscaping conditions, and historic features via the Public Art Strategy conditions and the condition requiring historic building recording of the Orion 5 building, one of the linear brick built former industrial sheds.
- Deliver energy, surface water and waste management solutions through the recommended conditions.

8.29 Assessed against LDP policy KP5 (Good Quality and Sustainable Design), the proposed development would:

- Respond to local character and context through assessment at RM stage against the recommended conditions and Design Code, and deliver a development with a series of distinct character areas
- Provide a legible development through the delivery of taller massing at RM stage in appropriate areas, subject to amenity considerations
- Provide a diversity of land uses and adding vibrancy throughout the day
- Deliver a legible, convenient well-connected network of streets, squares and spaces in a development that prioritises pedestrian and cycle movement and which would incorporate public art. A central bus corridor (subject to feasibility as required by condition) and improvements to Dumballs Road would help connect the site with the wider city.
- Maximise renewable energy solutions through the delivery of a Strategic and Detailed Energy Strategy condition and, where feasible, connect to the Cardiff District Heat Network
- Deliver sustainable water and waste management solutions through the recommended conditions, with SuDS proposed across the site
- Help deliver an adaptable design through appropriate floor to ceiling heights at ground floor, with the Design Code proposing minimum floor to floor heights of 4m where ground floor active uses are located (p.20).
- Promote the efficient use of land, through the proposed scale and massing and Max Permitted Height parameter plan (subject to detailed design considerations at RM stage) and remediating contaminated land through the recommended conditions
- Help ensure no undue effect on the amenity of neighbouring occupiers through the consideration of RM applications against the recommended daylight, sunlight and overshadowing assessment condition and wind microclimate conditions
- Consideration of inclusive design matters at RM stage
- Locate tall buildings in appropriate locations, in accordance with the Design Code and subject to detailed design considerations at RM stage.

8.30 Future Wales policy 13 (Supporting Digital Communications), amongst other things, requires that *'new developments should include the provision of Gigabit capable broadband infrastructure from the outset'*. The Applicant has responded positively to this requirement and has confirmed their willingness to provide a Statement of provision of Gigabit capable broadband infrastructure to confirm compliance by condition.

8.31 Overall, the application demonstrates how a high-quality development could be achieved in accordance with national and local design policies, subject to details being agreed at reserved matters stage. In urban design terms, many features of the application and its Design Code are particularly noteworthy:

- Its scale and outline nature, which allows for a comprehensive, masterplanned approach.
- Legibility - it will deliver a very legible place, resulting from the integration of clear paths (straightish streets connecting back to the context), edges (e.g. built form at the riverside, Dumballs Rd), districts (the whole area),

landmarks (tall buildings in key locations) and nodes (the square, arrival space, Dumballs Rd, the Business Gardens etc) – the scheme has all these qualities

- the periphery block form – this form of development results in a permeable and legible form, with key spaces and accommodates a commitment to a mix of uses organised vertically and with key active frontages, all of which are key principles of urban design
- The residential perimeter blocks will provide sunny, secure communal, landscaped garden spaces with a range of amenities, such as play areas and seating, providing a pleasant outlook and connection to nature for the residents of these high-density blocks
- the delivery of the River Park (with a min of 1.5ha of useable public open space to be delivered by condition) and other key green spaces, including the Urban Square, Business Gardens and the E-W ‘green streets’ and Amenity Streets,
- Active frontages - The Design Code works hard to ensure variety of uses and provides an indicative map of ‘active frontages’ positioned to provide vibrant frontages and functions to urban spaces and key routes through the masterplan, and focus on the square, the east west route from the bridge to Dumballs Rd and main frontages to Dumballs Rd.
- Related to active frontages, the identification of a ‘Ground Floor Commercial Use Zone’ along the East West Cycle Route between the proposed new bridge and Dumballs Road on the Ground and First Floors Parameter Plan at officers request is welcomed
- The principle of a minimum 4m floor to floor height where ground floor ‘active’ uses are located is welcomed as this will provide flexibility and adaptability
- the Design Code commitment (on p.24) to minimising the amount of north facing, single aspect apartments is welcomed, in order to provide access to the sun, improve resident quality of life, and enhance the energy performance of homes.
- The applicant’s commitment to delivering Public Art through the recommended condition and requires it to help views to interpret and appreciate the history of the area - in particular the site’s timber ponds and their subsequent reclamation, and significance of the site for WWII munitions manufacture.

8.32 The Environmental Statement has assessed the Townscape and Visual environmental effects and identifies a number of significant beneficial effects, as the site is transformed from its former industrial character (Chapter 7 and 18). Significant (moderate beneficial) residual environmental effects are reported during the operational phase in relation to the changes to the townscape character within the site, the changes to urban grain, the changes to land use, changes to public open space, changes to movement and linkages and changes to site character. Whilst the ES also identifies that there will be significant (moderate adverse) residual effects on ‘the character and amenity of the view’ in relation to 7 of the 16 views assessed during the construction phase (Grangetown railway station, Taff Embankment Park view NE, Taff Embankment Park View South, A4160 bridge over River Taff, Butetown Canal Park, Dumballs Rd view north, Taff Embankment view south) this effect is

unsurprising and not unusual during the construction stage of major development. This position improves markedly during the operation phase, where the only significant (moderate adverse) residual effect on views is on Butetown Canal Park, assessed in this way as a result of the effect on the openness of the Park. If developed to maximum height parameters, the ES notes that the scale of the proposal will contrast sharply with the human scale of the park. The ES notes that the predicted adverse effects can potentially be decreased with a high quality and sensitive approach to the design of the buildings, height and materiality at the detailed design stage. (Effects on Daylight, Sunlight and Overshadowing and Built Heritage as reported in the ES are addressed further below.)

- 8.33 Notwithstanding the many positives of the scheme and as set out in section 7, a number of third parties, including RPS on behalf of their clients Westrock, have objected to the application on grounds of its harm to the residential amenity of neighbouring and future occupiers from loss of daylight and sunlight, loss privacy from overlooking and overbearing impact and concerns that the amenity impact has not been properly or objectively appraised, as well as harm to visual amenity from tall buildings. Officers have some concerns also and the following issues will need to be carefully considered at reserved matters stage to ensure that potential harmful impacts are avoided. There is nothing unusual about this.
- 8.34 Further to the above and the third party objections received, the following matters will require careful consideration at reserved matters stage:
- 8.35 Scale and Massing - Whilst Policy KP2A explicitly encourages high rise, high density development within the strategic site, it requires this to be within 'appropriate locations'. It is welcomed that the submission notes that the massing and location of tall buildings will be addressed on a plot by plot basis at the detailed design stage, based on the immediate urban context and use of the building. However, the Scale parameter plan indicates the scope for a very significant scale of development across a considerable part of the site and in certain locations up to 29 storeys. The Environmental Statement provides a worst-case assessment of scale and massing, based on these maximum building heights and identifies significant adverse residual effects on a number of existing and future adjacent properties/dwellings as a result of reductions in daylight, as reported in Chapters 14 Daylight, Sunlight and Overshadowing and 18 of the ES. As noted in Section 2, it should be noted that this is a worst-case scenario, based on maximum parameters which could not be built out given the limitations of the maximum quantum of development. The ES is quite clear about this and specifically identifies the need for future mitigation to reduce these impacts, noting '*Future mitigation will be delivered through the detailed design phase of the Proposed Scheme, which will include further review, analysis and assessment, and be delivered by way of an appropriately worded condition to be met for each subsequent application.*' The ES clearly notes that once detailed designs are progressed, it is anticipated that effects will be substantially ameliorated. This highlights the importance of careful assessment of daylight, sunlight and overshadowing at reserved matters stage and a condition is recommended to ensure this, which the Applicant has agreed to,

which is welcomed. The conditions require that reserved matters applications are supported by a 'Daylight, Sunlight and Overshadowing Assessment'.

- 8.36 Base massing - There are also some concerns with the guiding principles set out in the Design Code's Building & Massing Height Strategy (updated Design Code Part 5, p. 25 onwards). Included in these is the principle of 'a base massing of 4 – 8 storeys', which the Design Code notes is considered a 'comfortable datum' for this city centre location (p.25). This and the statement that '*the base massing of 4-8 storeys establishes a comfortable scale to streets and provides good daylight/sunlight levels throughout the development*' is not accepted (p. 26) as the upper limits of this range may be unacceptable in some locations; the scale and massing of each building will need to be carefully assessed on its own merits at reserved matters stage.
- 8.37 Tall Building Design - In line with the Tall Buildings SPG, any tall building on the site will be expected to be of exceptional quality and exhibit exceptional architectural design standards in terms of elegance in form, silhouette and quality of materials (para 1.7, 2.2, 6.1). The Design Code acknowledges that analysis to support the detailed proposals must be brought forward in line with the requirements of Cardiff's Tall Building SPG, which is welcomed (p.29).
- 8.38 Tall Building Locations - There is some concern with some of the locations of the tall buildings shown in the Design Code drawing 'Urban Objectives for Tall Buildings'. As acknowledged by the Applicant, the acceptability of any tall building location will need to be fully assessed at reserved matters stage. There is also a concern that some of the buildings illustrated for Dumballs Rd could appear quite 'slabby', with their form and massing requiring careful consideration at reserved matters stage.
- 8.39 Buildings within the River Park – During determination of the application officers raised concern over the number of residential tower blocks shown in the park and the related concern that this would limit the useability of public open space, as well raising concern as to how residential amenity standards would be delivered, for example in terms of defensible space, privacy and private amenity space. The Applicant responded positively and provided alternative arrangements of how the park could be laid out within the updated Design Code (described in Section 2). The Applicant has agreed to the recommended River Park Public Open Space condition, which is welcomed, as this will ensure the provision of a min of 1.5ha of useable POS within the River Park. The impact on the amenities of future residents will be carefully assessed at reserved matters stage.
- 8.40 Frontage set-backs - There is no explicit commitment in the Design Code to frontage set backs in any areas, which help provide defensible space at ground floor and added street widths to secure additional daylight and sunlight, limit overshadowing and avoid overbearing impacts and a canyoning effect. Again, this will need to be considered and designed in at reserved matters stage where required, as it is a useful way of designing out unacceptable amenity impacts.

- 8.41 Wind effects - There is some concern that - as a result of the urban grain, and potential scale and massing - that there will be significant effects as a result of wind. Significant adverse residual effects are noted in respect of wind microclimate, prior to mitigation through detailed design measures (Chapter 15). As with the approach to scale and massing generally, this will need to be considered and mitigated at reserved matters stage and it is welcomed that the Applicant has agreed to a condition to require Wind Microclimate assessment.
- 8.42 Harm to privacy – any harm to residential amenity as a result of overlooking will also need to be carefully considered at RM stage.
- 8.43 Sense of place/variety - Care must be taken too at reserved matters stage to ensure that a strong sense of place and a real distinction between different character areas and genuine architectural variety is delivered. The Placemaking Team note that the Design Code doesn't convey explicitly how different architects might be employed to create genuine character and variety, noting that the code is quite clear about urban structure, but less clear about the character that might prevail, with a concern that the code might allow a limited range of architects to produce quite a 'samey' bit of town across a wide area. This can be addressed at reserved matters stage.
- 8.44 Whilst the above matters are noted, these are all simply issues that require careful consideration at RM stage – which is the appropriate stage - rather than being matters of principle concern at this outline stage. Whilst in outline only, the development represents a welcome and well-designed and masterplanned scheme that would comprehensively develop and, in so doing, completely transform a strategic area of land between the City Centre and Bay that is currently vacant/underused and in places, derelict, and bring it into beneficial use in a high quality scheme that responds positively to and will significantly enhance the character, appearance and amenity of the area. Overall, the scheme is considered to comply with both national and local design policy.

Transportation / Highway Impacts

- 8.45 Chapter 4 of PPW 'Active and Social Places' addresses transport, stating that people should have access to jobs and services through more efficient and sustainable journeys, by walking, cycling and public transport. It further states that "*new development should prevent problems from occurring or getting worse such as...the reliance on the private car and the generation of carbon emissions.*" It further notes that land use and transport planning should be integrated to minimise the need to travel, reduce dependency on the private car and enable sustainable access to employment, local services and community facilities.
- 8.46 By influencing the location, scale, density, mix of uses and design of new development, the planning system can improve choice in transport and secure accessibility in a way which supports sustainable development, increases physical activity, improves health and helps to tackle the causes of climate change and airborne pollution by:

- Enabling More Sustainable Travel Choices – measures to increase walking, cycling and public transport, reduce dependency on the car for daily travel; and
- Network Management – measures to make best use of the available capacity, supported by targeted new infrastructure

- 8.47 LDP Policy KP8 (Sustainable Transport) states that development will be integrated with transport infrastructure and services to achieve the target of a 50:50 modal split between journeys by car and sustainable forms of transport (active travel and public transport), reduce travel demand and dependence on the car, enable and maximise sustainable and active travel modes, integrate travel modes, provide for all access and mobility requirements, improve traveller safety, and maintain and improve the efficiency and reliability of the transport network.
- 8.48 LDP Policy T1 (Walking and Cycling) seeks to enable people to access employment, essential services and community facilities by active travel modes by supporting development that demonstrates, amongst other things, sustainable design, permeable and legible routes, and active travel prioritised over the car.
- 8.49 LDP Policy T3 (Transport Interchanges) states support will be given for developments that facilitate transfer between transport modes, minimise travel demand and reduce car dependency. This can include measures to support interchange between bus services, high quality passenger facilities, or facilities for park and share, coaches, and taxis.
- 8.50 LDP Policy T5 (Managing Transport Impacts) seeks to secure safe and convenient provision for all users of the public highway.
- 8.51 LDP Policy T6 (Impact on Transport Networks and Services) states that development will not be permitted which would cause unacceptable harm to the safe and efficient operation of the highway, public transport, and other movement networks including pedestrian and cycle routes, public rights of way and bridle routes.
- 8.52 The scheme's transport strategy is set out in the submitted Transport Assessment, supported by Technical Notes, Residential Travel Plan, Umbrella Travel Plan, Design and Access Statement and Design Code. As noted above, the application seeks approval of the Access Parameter Plan and four detailed Access Plans.
- 8.53 Section 1 of this report describes the location and characteristics of the site in the Access and Accessibility section. Key features include the site's accessible and sustainable central location on the southern edge of the city centre, and its accessibility to train stations and bus stops. Despite the site's central, accessible location, the site itself is relatively inaccessible and forms a barrier to movement, as noted above.

8.54 The Access, Parking and Transport section in section 1 of this report describes the overarching transport strategy, vision and its key elements, and how it is proposed to open up the site to sustainable movement and deliver a largely car-free scheme. Key elements include:

- The overarching transport strategy of providing travel choice to a range of sustainable travel options
- Masterplan designed to encourage active travel through the delivery of a high quality, low traffic street network, comprising four main street types, creating a permeable environment through the site and linking to the surrounding area, with the Green and Amenity Streets designed to contain little to no vehicle activity
- Four new site access junctions from Dumballs Rd (incorporating pedestrian crossing facilities), with a fifth vehicle access from Penarth Bridge to the north. The Applicant has confirmed that access to the site from Trade Street and Curran Road would not be vehicular entry points and would be for pedestrians and cyclists only.
- improvements to off-site junctions as mitigation (the Tresillian Way/Tresillian Terrace/Penarth Road Junction and the Dumballs Road/James Street/Hunter Street /Clarence Road junction)
- two controlled pedestrian crossings on Dumballs Rd as mitigation (albeit that only 1 is required by condition, given the provision by the Anchorworks scheme)
- on-site measures to reduce car ownership, including constrained car parking and car club spaces - 924 car parking spaces for residents and employees across two multi-storey car parks (known as Park Houses) to direct traffic away from and reduce the number of cars in the inner streets, also including motor cycle parking and 4 no car club spaces
- 5,186 cycle parking spaces across the site
- A potential bus route through the site with bus gate, subject to feasibility, with a commitment to delivering bus stops at max walking distance of 400m on any of the possible new bus routes (TN007)
- improvements to Dumballs Rd
- A new foot/cycle bridge across the River Taff to connect Butetown and Grangetown and provide a direct connection to the Taff Trail cycle route (min useable width of 5m with 5.5m deck)
- a continuous riverside pedestrian and cycle route in the River park (min width 5m)
- a Water Taxi pontoon on the river's eastern bank to facilitate a new Water Bus stop (albeit such a stop has been resisted by the Harbour Authority)
- EV charging - a minimum of 20% of on-street car parking spaces shall have electric charging points available on first use, a minimum of 20% of residential and office car parking spaces shall have electric charging points available on first use and the remainder of residential and office car parking spaces shall include the necessary ducting for future electric charging points
- Umbrella Travel Plan and Residential Travel Plan, setting out the processes and monitoring to support the transport strategy.

- 8.55 The EIA assessed the following effects – severance, driver delay, pedestrian delay, pedestrian amenity, fear and intimidation, and accidents and safety (Chapter 10). The main effect is noted to be an increase in traffic on Dumballs Rd, with suitable mitigation having been identified to reduce the effect. Overall the ES concludes that, with mitigation in place, the residual impact on the assessed effects during both the construction phase and operational phase would not be significant. The mitigation measures relied on to reach this conclusion include a CEMP, Detailed Travel Plans, the delivery of junctions 1 – 4 including pedestrian crossing facilities, mitigation at the Tresillian Way/Tresillian Terrace/Penarth Road Junction and the Dumballs Road/James Street/Hunter Street /Clarence Road junction and the delivery of two controlled pedestrian crossings on Dumballs Rd, a Delivery and Servicing Plan by condition, all of which would be secured via the recommended conditions.
- 8.56 The detailed comments from the Operational Manager Transportation, Network Rail, Welsh Government Network Management Division, and third-party comments and objections are detailed above and have been taken into consideration. Welsh Government Network Management Division raise no objection. Network Rail confirmed they have no objection in principle and did not respond to the additional information submitted by the Applicant to demonstrate impact on access to the Central Station. The third party objections raised in respect of the bus gate and concern that it would impede access to existing occupiers (notably Big Yellow Storage) are noted. The conditions in respect of 'Access within the Site', access point 6 and the 'Public Transport Route and Through Access' are all worded to require that the development would not restrict access to occupiers outside the site (except for restrictions required as part of temporary construction works).
- 8.57 The OM Transportation has confirmed no objection overall. They confirm that the 4 no proposed junctions of Dumballs Rd are shown to operate comfortably within capacity and welcome the mitigation measures recommended by the Applicant to improve the two off-site junctions that are currently operating at capacity and would remain so (final details of all junctions are to be agreed by condition). The improved cycle and pedestrian links / routes to be provided by the development – and particularly the segregated cycleway in the form of the E-W Cycling Street from the bridge to Dumballs Rd, the riverside cycleway / footway route and the pedestrian/cycle footbridge across the River Taff are warmly welcomed and considered necessary to make the scheme acceptable.
- 8.58 As noted in section 2, the OM Transportation has requested the delivery of a segregated cycleway along Dumballs Rd as part of a wider package of highway improvements along the frontage. This reflects the Welsh Government Active Travel Network Map which identifies Dumballs Rd as a future walking and cycling route. Currently, there is no agreed Council scheme for the Dumballs Road as a whole and there have been numerous discussions with the Applicant about the best way to deliver the segregated cycleway. Whilst Transportation initially sought the delivery of a segregated cycleway as part of the s278 highway improvement works to Dumballs Rd, it is now anticipated that the cycleway will be delivered by the Council using s106 financial contributions. The remainder of the works – captured in the recommended Dumballs Road

Highway Works condition - will be delivered by the Applicant via s278 Agreement and will include a minimum 3m wide safeguarded zone for the future delivery by the Council of the segregated cycle way, whether in phases or in full. As noted in Section 2, the arrangements for delivery may change, as plans are finalised.

- 8.59 With regards public transport and the options for the alignment of the bus route through the site set out in Section 2, officers accept that it may not be feasible to deliver the public transport route from Penarth Rd to Dumballs Rd, as per the Applicants preferred option, and a condition is recommended to allow for this. Whilst Transportation require the delivery of the public transport corridor at the earliest phase possible, the phasing of this and other key infrastructure will be agreed by the recommended Phasing condition. Transportation confirm that the recommended street cross sections and amended parameter plan give sufficient confidence that internal movements can be achieved, albeit concern remains that the proposed Amenity Streets/Green Streets may not be as car free as intended (with emergency access only proposed). This will require further consideration at RM stage, as the access, servicing and delivery requirements become clear and the related conditions are discharged. Whilst the application proposes to deliver a water taxi stop near the bridge, it is noted that the Harbour Authority have concerns about this provision in this location, such that a condition is recommended only to safeguard land for potential future provision should their position change.
- 8.60 Whilst the majority of matters have been addressed collaboratively, there remain some areas of disagreement (for instance some of the mode split and trip rates and the need for cycle parking to be SPG compliant), a concern that little evidence is provided that sufficient capacity is available on bus and rail services and that there are matters that require further consideration at RM stage and in discharge of conditions (cycle and car parking provision, how parking and servicing would be managed, how car park access would be limited to junctions 1 and 3). It is noted that the OM Transportation concludes that the proposed outline development is acceptable, subject to the conditioned layout and design features, proposed mitigation measures and the required s106 contributions.
- 8.61 The conditions requested by Transportation are all recommended. However, the s106 requests from Transportation have not been met in full. As noted in section 9, it is agreed that the development should be considered unviable and that, notwithstanding this, the developer has agreed to provide an additional £4 million towards the financial contributions sought in addition to the affordable housing obligations already secured through the UU. Whilst the recommended split of the £4M pot would deliver the full amount sought for Traffic Regulation Orders (£10,000), it is not proposed to secure any money from the pot for bus services. This is considered acceptable, given the site's sustainable location and noting that scheme would deliver other key transportation infrastructure and improvements, including:

- Design and delivery of all site access junctions and other junction works - Dumballs Rd/ Clarence Rd/ James St/ Hunter Street and Tresillian Terrace/ Penarth Rd/ Tresillian Way
- Improvements to permeability through the site for pedestrians and cyclists through the delivery of the street hierarchy
- new foot and cycle bridge over the River Taff
- the Taff East Bank continuous river walk

It is also noted that Transportation have not raised any objection to the recommended split.

- 8.62 Taking the above into consideration, it is considered that the highways and transportation proposals are policy compliant.

Historic Environment, inc Archaeology

- 8.63 LDP Policy EN9 (Conservation of the Historic Environment) requires any development relating to historic assets (including their settings) to demonstrate that it preserves or enhances that asset's architectural quality, historic and cultural significance, character, integrity and/or setting.
- 8.64 In addition to Policy EN9, for Listed Buildings there is also a statutory duty on the decision maker under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have *special* regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Case law has stated this is an important consideration and not a balancing exercise with other planning considerations.
- 8.65 As noted in section 1, there are no Listed Buildings, Registered Parks and Gardens or Conservation Area within the Site itself and the nearest heritage assets are set out in Section 1.
- 8.66 The ES provides an assessment of the sensitivity of the following heritage assets within a 1km buffer that were scoped into the assessment (Pierhead Building, Cardiff Bay Station, Church of St Mary and St Stephen the Martyr, Mount St Square Conservation Area and Pierhead Conservation Area) and concludes that the effects are not significant. This position is accepted by the Council's Lead Heritage Officer, who concludes that - having assessed the proposal using their own modelling capabilities - even at the maximum extents and allowing for topography, the scale of development proposed would not harm the way in which listed buildings or conservation areas within the wider area are experienced. Their request that public art should be required to allow interpretation of the history of the area has been agreed by the Applicant and a condition is recommended to ensure this, which is welcomed. It is also noted that Cadw have confirmed they have no objection to the proposed development in respect of the scheduled monuments or registered historic parks and gardens.
- 8.67 GGAT have considered archaeological matters and raise no objection, noting that previous construction activities have likely had an adverse effect on any

potential archaeological remains that may be present. They note, however, that a building has been identified (Orion 5) which was part of the Curran Works, producing shell and cartridge casings and that, whilst the structure has clearly undergone subsequent alterations, original features survive. On this basis, they recommend a condition to require historic building recording prior to commencement of the development to mitigate the impact on the archaeological resource. This condition is recommended. However, it is noted that it is the Applicant's intention to apply for prior approval to demolish this building in advance of the issue of outline permission (subject to a positive resolution at Committee) and they have specifically confirmed that they will seek to undertake the required historic building recording as part of this process. Should this happen, the continuing need for the condition will be reassessed, in consultation with GGAT at the appropriate time.

- 8.68 Taking into consideration the above, it is considered that the LPA would have discharged its duties under Section 66(1) and that the scheme accords with planning policies relating to heritage assets.

Impact on Residential Amenity

- 8.69 Policy KP5 (Good Quality and Sustainable Design) seeks to ensure that '*no undue effect on the amenity of neighbouring occupiers*' results from development. LDP Policy EN13 'Air, Noise, Light Pollution and Land Contamination' states that development will not be permitted where it would cause or result in unacceptable harm to health, local amenity, the character and quality of the countryside, or interests of nature conservation, landscape or built heritage importance because of air, noise, light pollution or the presence of unacceptable levels of land contamination.
- 8.70 As set out in section 7, third parties including RPS on behalf of their clients Westrock in respect of their development on the Former Browning Jones and Morris site (ref 18/02383/MJR) have objected to the application on grounds of its harm to the residential amenity of neighbouring and future occupiers from loss of daylight and sunlight, loss privacy from overlooking and overbearing impact and concerns that the amenity impact has not been properly or objectively appraised.
- 8.71 Harm to residential amenity from loss of daylight and sunlight, loss privacy from overlooking and overbearing impact has been considered above in the Masterplanning / Placemaking section and this section focuses on harm to amenity from air, noise, light pollution and land contamination.
- Air Quality – Particulate Matter and Dust*
- 8.72 The site falls outside of an Air Quality Management Area. The Applicant has undertaken air quality modelling as part of the EIA, whose findings are set out in Chapters 11 Air Quality and 18. A minor adverse (not significant) residual effect is identified for the construction phase in respect of changes to pollution concentration resulting from traffic during construction. During the operational phase, of 41 receptors examined, 2 no. (E6- E7 comprising part of Cardiff and Vale College) were assessed as having a minor adverse effect for NO² for the operational year, such that the operational air quality effects were judged as not

significant and not requiring further mitigation. The ES notes the concentrations remain well below the NAQO and that the majority of the college is located further away from the road where the impacts will be negligible. Given this, the ES does not recommend any further mitigation.

- 8.73 The Council's Air Quality officer confirms the assessment uses best available techniques. They recommend a CEMP is required by condition to manage dust impacts during the construction phase. Whilst noting that a minor adverse effect from nitrogen dioxide has been predicted at two receptors, they note the concentrations remain well within the annual air quality objective and confirm agreement with the ES assessment that the effects of the development on air quality are Not Significant, such that no further mitigation measures / conditions are required in addition to the comprehensive measures listed in the transport strategy.

Noise and Vibration

- 8.74 Chapter 12 of the ES reports on Noise and Vibration. The effect of noise from construction phases is assessed as having a minor adverse residual effect, vibration from construction as having a negligible residual effect and increase in noise due to construction vehicular movements on the nearby road network as having a negligible residual effect, with all effects noted to be not significant and with no further mitigation recommended. The residual effect of changes during the operational phases are also all assessed as not significant with mitigation in place. The mitigation measures relied on in the ES include: noise management measures at construction stage through a CEMP, the control of noise generation from fixed plant and services, and façade design to include sound insulation, acoustic assessment to establish acoustic performance of various building elements and the control of noise from the substation. The above mitigation is captured in the recommended conditions in respect of Plant Noise, Non-residential premises, Demolition Management Plan, Construction Environmental Management Plan, Noise Assessment and Survey and Construction Site Noise advisory.
- 8.75 Shared Regulatory Services Noise raise no objection subject to conditions. In addition to the above, they request a condition to control noise from commercial uses and from play areas, both of which are recommended. Regarding the latter, SRS specifically require a 30m separation distance. It is noted that the River Park Open Space condition addresses this issue, but simply requires 'an appropriate buffer to the nearest dwellings', with the separation distance to be agreed as part of the discharge of the condition, which is considered acceptable and noting that it will be assessed against the SPG standards. It is also noted that SRS initially requested that the noise assessment and survey condition includes a requirement for a validated certificate of compliance to be submitted in discharge of the condition. This is considered to be unreasonable given the scale of development and the resource required to process this, and instead the condition is worded to require a compliance report and mitigation measures in the event of a noise complaint. This approach is also followed for the plant noise condition. It should also be noted that, whilst SRS initially required that plant noise shall not exceed 10dB below background noise, this advice was

amended by SRS to background noise level (0dB). It is considered that the recommended conditions would meet the conditions tests and that the scheme would be policy compliant and address the third party objections received in respect of noise. SRS Noise have confirmed their agreement with the recommended noise conditions.

Ground Conditions and Land Contamination

- 8.76 Chapter 13 of the ES reports on Ground Conditions and Contamination and none of the reported effects are as significant in terms of their environmental effect, subject to mitigation. During the demolition and construction phase, all residual effects are considered to be negligible, subject to mitigation. During the operational phase, a minor adverse residual effect has been assessed for 'Groundwater pollution from leaching and migration of contamination associated with historical land uses'. The remaining effects are assessed as negligible (Human health from potential exposure to contamination associated with historical land uses, Ground gas migration and accumulation in confined spaces, Unexploded ordnance, Pollution of land and groundwater contamination during construction phase, Damage or loss of development from land instability, Damage or loss navigable river due to riverbank instability).
- 8.77 SRS Environment Team (Land Quality) advise that the submitted risk assessment of ground gas and contamination have identified several contaminants of concern (metals and hydrocarbons) at levels in excess of those acceptable for a development such as this and that low levels of disseminated asbestos and contaminant 'hotspots' have also been identified. They raise no objection and support the use of conditions to safeguard against contamination, and recommend conditions to require ground gas protection and contaminated land measures, as well as standard conditions to control unforeseen contamination, imported soil and aggregates and the use of site won materials, and advisories in respect of contamination and unstable land. The conditions are duly recommended. NRW also recommended a series of conditions to address land contamination, including a requirement for a CEMP, a contamination risk assessment and verification report, a condition to control unsuspected contamination, to prevent infiltration of surface water drainage other than with consent and to require details of piling. These are all recommended. A condition (RIVERBANK / WALL) is also recommended to require details of repair works to the river wall, in line with the mitigation measures recommended in the ES.

Trees and Landscaping

- 8.78 LDP Policy EN9 (Trees, Woodlands and Hedgerows) states development will not be permitted that would cause unacceptable harm to trees, woodlands and hedgerows of significant public amenity, natural or cultural heritage value, or that contribute significantly to mitigating the effects of climate change.
- 8.79 The application is supported by a Tree Survey & Arboricultural Impact Assessment. As the scheme is an outline application, it is not possible to determine with certainty which trees will be retained and lost. The stated intent

to retain as much of the bankside vegetation as possible is noted and welcomed. The assessment indicates that the proposed development would result in the loss of 5 no. category 'B' trees, the loss of a small section of category 'B' bankside trees (G6) to accommodate the proposed bridge crossing, the loss of two groups (G1 & G9) of category 'C' trees (containing 17 no. individual trees), together with 12 no. individual category 'C' trees. The detailed comments of the Tree Officer are noted, who concludes that they are satisfied that the theoretical tree losses indicated can be mitigated by new planting. This is accepted, noting that the proposal will deliver new trees and planting across the site in the proposed new River Park, the Business Garden, the Urban Square, within the communal courtyards of the residential perimeter blocks and as part of the proposed street hierarchy (most notably within the E-W 'Green' Streets and Amenity Streets). Conditions are recommended to require a landscape scheme for each RM including Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Method Statement, to require replacement of any trees/plants which die within a 5 year period and tree protection as part of CEMPs for the construction stage. Given the above, the proposal is considered to accord with LDP Policy EN9.

Green Infrastructure, Ecology and Biodiversity

- 8.80 Future Wales Policy 9 Resilient Ecological Networks and Green Infrastructure requires developers to ensure the enhancement of biodiversity, the resilience of ecosystems and provision of green infrastructure. In all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net-benefit), the resilience of ecosystems and green infrastructure should be demonstrated as part of development proposals.
- 8.81 LDP Policies KP16 (Green Infrastructure), EN4 (River Corridors), EN5 (Designated Sites), EN6 (Ecological Networks and Features of Importance for Biodiversity) and EN7 (Priority Species and Habitats) seek to ensure that Cardiff's natural heritage is protected.
- 8.82 The application is supported by an Environmental Statement, with updated ES Chapters 9 (July 2022) and 18 (December 2021), as well as a Lighting Strategy Report, Bat Report, Otter and River Corridor Report, Green Infrastructure Statement, Ecology Technical Note and a 'shadow' Habitats Regulations Assessment (HRA).
- 8.83 The designated sites for nature conservation that fall within and in proximity to the site are set out in Section 1. Of particular importance is the River Taff, located within and immediately adjacent to the site and designated as a Site of Importance for Nature Conservation (SINC). It is designated as a major wildlife corridor and provides habitat for migratory fish, otters, wildfowl and bankside vegetation. Also of particular importance are the 3 European / international statutory sites – Severn Estuary Ramsar Site, Severn Estuary Special Area of Conservation (SAC) and the Severn Estuary Special Protection Area (SPA) (2km South East), given the potential pollution pathway from the site to these sensitive receptors.

8.84 Whilst built development and hardstanding dominates the site, other habitats on the site include tall ruderal vegetation, unmanaged grass verges, semi-natural broadleaved woodland (along most of the eastern bank of the Taff), a narrow strip of plantation woodland (on the southernmost section of the Taff embankment), scattered scrub (e.g. along fence lines and the river edge), shrubs and trees and, of course, the River Taff itself.

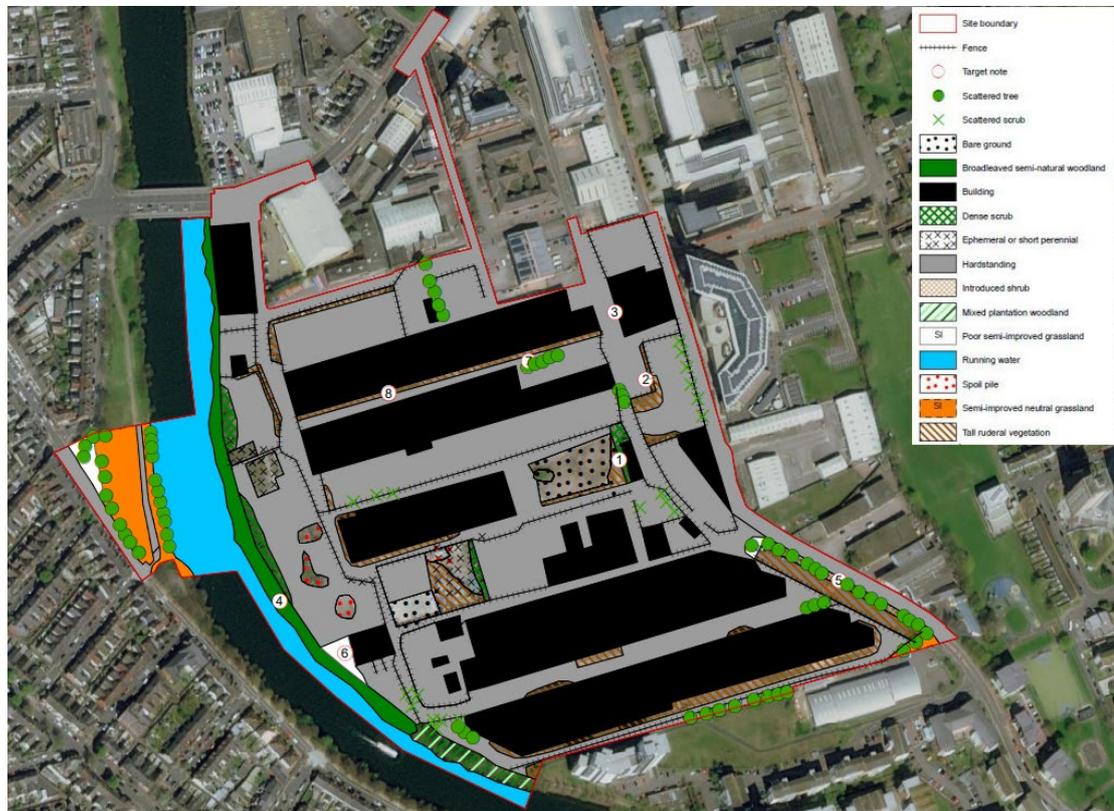


Figure 14: Phase 1 Habitat Plan, Figure 9.2 of the ES

8.85 The site supports roosting and foraging bats, and various protected and notable species have been recorded within 2km of the site - breeding birds, otter, slow worms, common lizard and grass snake, hedgehogs, badger and fish.

8.86 The ES includes an assessment of biodiversity within the updated Chapter 9 and summarised in an updated Chapter 18. This identified the following ecological receptors for assessment – River Taff SINC, the River Taff as a Habitat of Principal Importance (HPI) for the river and lowland deciduous woodland situated on the eastern embankment, foraging and roosting bats, otter and migratory fish. (The Severn Estuary SAC/SPA/Ramsar were scoped of the assessment as receptors under the EIA Scoping Opinion SC/20/00008/MJR, subject to implementation of an appropriate CEMP and a SuDS strategy with inherent pollution control measures, but is considered in the submitted shadow Habitats Regulation Assessment). The EIA assessed the following effects – habitat loss/ degradation/ severance/ fragmentation; loss, severance and fragmentation of riverine habitat used for resting foraging or commuting; disturbance from noise / vibration / lighting; loss of roosting site,

potential holts, lay ups and shelters.

- 8.87 The ES concludes that through the incorporation of mitigation measures, all residual effects were deemed not significant at both the construction and operational phase. All effects were assessed as minor beneficial, with the exception of disturbance to otters and bats from lighting, vibration and noise during construction (considered negligible). The mitigation measures relied on to minimise any potential impacts on biodiversity during the *construction period* included are captured by the recommended CEMP condition, subject to the requirement of condition 2 which lists the updated ES Biodiversity Chapter as an approved document. The CEMP condition includes numerous habitat management controls, as well as requiring a statement to demonstrate how the CEMP will manage risks to the Severn Estuary EMS. Furthermore, the mitigation measures relied on in the EIA to minimise any potential impacts on biodiversity during the *operational period* (avoiding land take, adherence to Green Infrastructure Statement Principles, preparation of a Landscape Environmental Management Plan) are also addressed via adherence to the principles within the Green Infrastructure Statement and the conditions to require a site-wide Strategic Green Infrastructure Management Strategy (SGIMS) and Detailed Green Infrastructure Management Strategy (DGIMS) for each reserved matters site. Separate conditions are also recommended to control works within the River Taff, repairs to the Riverbank/Wall, the design of the new bridge (including need for any otter ledges), the design of River Park Public Open Space, drainage/SuDS design (with their inherent pollution control measures) and to protect Nesting Birds.
- 8.88 The proposed provision for SuDS, landscaping and open space – most notably within the River Park, Business Garden, Urban Square, communal courtyards of the residential perimeter blocks and the E-W ‘Green’ Streets and Amenity Streets - will also help enhance the ecology, biodiversity, resilience of ecosystems and green infrastructure of this brownfield site that is currently predominantly hardstanding and industrial buildings.
- 8.89 The detailed comments of the County Ecologist, Wardell Armstrong (former Ecology consultants to the Council) and NRW are set out in Sections 5 and 6 of this report and it is noted that they have no objection, subject to conditions. The conditions/matters they raise are all addressed in the recommended conditions. It is also considered that the objections raised by third parties and summarised in Section 7 are satisfactorily addressed. The advice from NRW, in respect of EPS licence, the need for a Flood Risk Activity Permit and other matters, is attached as advisory notices. It should also be noted that Wardell Armstrong, as the Council’s (former) ecological advisors confirmed they are content with the approach to riverbank habitat losses, noting that the Applicant cannot provide habitat loss figures at this stage due to the outline nature of the scheme, but that they note the commitment to retain as much of the riverbank habitat as possible, with unavoidable losses being mitigated by planting within Riverbank Park. It should also be noted that the County Ecologist has confirmed that they consider that the ecosystem resilience of the site has been satisfactorily assessed sufficient to discharge the Council’s Section 6 Duty

(Biodiversity and Resilience of Ecosystems Duty).

- 8.90 Given the potential for likely significant effects on the European Site (Severn Estuary SAC/SPA/Ramsar), the Council as the Competent Authority must carry out a Habitats Regulations Assessment (HRA) for the project before granting planning consent. A 'shadow' HRA was, therefore, requested. Following amendments, Wardell Armstrong recommended that Cardiff Council adopt the shadow HRA as their own, subject to NRW confirming it is acceptable. Given NRW have also done so, Cardiff Council have adopted the shadow HRA as their own (Habitat Regulations Assessment, Revision 1 dated 07/06/2022 and uploaded onto the Council's website 22 July 2022).
- 8.91 Subject to the above conditions and noting the matters raised by consultees and third parties, it is considered that the development accords with national and local planning policy, and 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. The commitment shown by the Applicant to green infrastructure matters throughout the determination of the application and in supporting the recommended conditions is welcomed.

Public Open Space

- 8.92 LDP Policy C5 (Provision for Open Space, Outdoor Recreation, Children's Play and Sport) requires provision for open space, outdoor recreation, children's play and sport to be sought in conjunction with all new residential developments, with all new residential developments of over 14 units being required to provide on-site provision of functional open space, based on a minimum of 2.43 hectares of functional open space per 1,000 projected population. Policy KP2A requires a minimum on-site provision of approx. 7ha Open Space including approximately 3.5ha of formal recreation, 1 playground, 1 teen facility, 1x 40 plot allotment site across Strategic Site A.
- 8.93 Accounting for the amount of the application site that falls within the river and on its western bank, it is considered that the site's proportional contribution to the Policy KP2A open space requirements would include a minimum provision of 1.5ha of public open space and 0.75ha of formal recreation space.
- 8.94 The Planning Statement notes the scheme provides up to 2.4ha of new public spaces and gardens. These spaces include the River Park, the Urban Square and Business Garden, the East-West 'Green Streets' and Residential Amenity Streets, the communal Courtyard Gardens and wider public realm. Whilst the provision of open space throughout the site is welcomed, concern was initially raised about the amount of built development shown in the River Park in the Illustrative Masterplan and the actual amount of useable multi-functional open space that would be provided.
- 8.95 The Applicant responded positively to these concerns and, as noted in Section 2, the Design Code was updated to show alternative layout arrangements for the River Park, which included the removal of residential buildings and

repositioning of other buildings to free up public open space. Moreover, the Applicant has agreed to a condition to deliver a minimum provision of 1.5ha of useable Public Open Space including:

- A Multifunctional open space - a grassed and level area with suitable ground conditions and good drainage to host informal games, activities and events of a minimum 60m x 40m (or equivalent) with an appropriate buffer to the nearest dwellings; and
- Neighbourhood Equipped Area for Play (NEAP) catering to the needs of children up to the age of 14 and comprising a 1000m² activity zone and an appropriate buffer to the nearest dwelling.

8.96 The comments of the OM Parks are noted in Section 5 of this report, who raise no objection, subject to the recommended conditions and careful design at RM stage. The provision of 1.5ha of POS is welcomed and is considered to represent the site's fair share of the total 7ha required across the wider strategic site, excluding the parts of the site that falls within the river channel and on its western bank. It is noted that Parks have requested a contribution towards off-site POS provision of **£3,810,313** (based on on-site provision of 1.5ha required by condition), which is considered in section 11 having regard to viability issues, with a contribution towards off-site open space secured.

8.97 Whilst the phasing comments of the OM are noted, the phasing of the River Park and Multifunctional open space and NEAP would be agreed by the recommended phasing condition in consultation with Parks, noting that the submitted Phasing Plan is only indicative. The OM Park's comments in respect of provision for community growing are noted and it is welcomed that the scheme will deliver these facilities within the residential courtyards.

8.98 For the above reasons, the application is considered to satisfy the Council's policies in respect of provision for open space, outdoor recreation, children's play and sport.

Sustainability / Energy / Climate Change

8.99 Future Wales Policy 16 emphasises that within Priority Areas for District Heat Networks (with Cardiff listed as one such area) 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.

8.100 Planning Policy Wales (para 5.8.1) states that the planning system should support new development that achieves high energy performance, supports decarbonisation, tackles the causes of the climate emergency and adapts to the current and future effects of climate change through the incorporation of

effective mitigation and adaptation measures.

- 8.101 LDP Policy EN12 (Renewable Energy and Low Carbon Technologies) requires major development to maximise the potential for renewable energy. The council will encourage developers to incorporate schemes which generate energy from renewable and low Carbon technologies. LDP Policy 15 (Climate Change) requires development proposals to mitigate the effects of climate change and adapt to its impact.
- 8.102 The application is supported by an Outline Energy Statement Report, supplemented by a Cardiff District Heat Network Statement which sets out the challenges associated with a connection to the Cardiff's District Heat Network (DHN). The Applicant has confirmed they are not able to commit to connect to the DHN at this outline stage, but have expressed a willingness to address the matter at Reserved Matters stage by condition.
- 8.103 The Outline Energy Statement confirms that the development will adopt the nationally recognised energy hierarchy of reducing demand, using energy more efficiently and, only then, providing clean, renewable energy if required. Opportunities for incorporating renewable and low carbon energy generation technologies are identified, including Air Source Heat Pumps, Heat Recovery and Solar Water Heating, as well as a number of 'multi-plot' renewable and low carbon technologies, such as battery storage and balancing plant, and centralised heat pumps with community heating. A potential connection to an offsite district heating system is also noted as an option available to the proposed development, with the suitability of the various technologies to be reviewed at the detailed design stage.
- 8.104 In addition to the above Statements, the ES includes a Climate Change Chapter 16 which focusses on the impacts of the Proposed Development in relation to the production of greenhouse gas (GHG) emissions from activities during construction and operation, such as transport and combustion of fuels on site, purchased electricity and embodied carbon. A number of mitigation measures are identified, including the provision of cycle and pedestrian routes, energy efficiency measures, green infrastructure, the use of recycled materials and the delivery of an Energy Strategy. The residual effect of the Proposed Scheme on climate change during construction and operation is concluded to be minor adverse and Not Significant. This assessment is considered acceptable and sufficient to allow the application to be determined, subject to the recommended conditions and notwithstanding the third party objection received on grounds of the assessment approach. The objection raised concern that global climate is treated as a single receptor and that emissions are assessed in terms of their global effect. The approach is defended on the basis that it is difficult to identify local receptors to which sensitivity levels can be assigned and that, notwithstanding this, the sensitivity of the global climate is still rightly considered to be high, recognising the global scale of the effect and the severe consequences of climate change and limited recoverability.
- 8.105 Whilst the Energy Statement contains little detail or commitment to particular measures at this stage and the Cardiff DHN Statement is considered to be

incorrect in some areas and limited in its analysis, it is considered entirely appropriate to proceed via condition, following the approach taken with other major schemes. However, given the scheme's outline nature, a 2 tier approach is required, with two conditions proposed; one requiring a site wide Strategic Energy Strategy, which amongst other things requires an assessment of whether a connection to the Cardiff DHN is feasible and the design requirements of a site-wide scheme, as well as a Detailed Energy Strategy for each phase of the development, informed by the strategic strategy.

- 8.106 Given the clear direction in Future Wales which identifies Cardiff as a District Heat Network Priority Area, and the fact that the Cardiff DHN is already being rolled out and advanced plans are in place that would secure a connection to the site boundary, it is considered essential that a site-wide approach is taken to the assessment of the feasibility of a connection to the Cardiff DHN and, where feasible, its outline design.
- 8.107 Beyond the delivery of an energy strategy to reduce carbon emissions, promote energy efficiency and increase renewable energy, the development will help mitigate against the effects of climate change and adapt to its impact by promoting the efficient use of land by developing this sustainably located brownfield site with high density development; promoting sustainable modes of transport; delivering EV charging; protecting existing carbon sinks by minimising and off-setting habitat loss in the River Park; increasing carbon sinks by significantly increasing green open space, landscaping, trees and planting within the site as a whole; delivering sustainable drainage designed for climate change; minimising flood risk through the proposed drainage conditions and enhancing biodiversity across the site.
- 8.108 This above approach is considered to meet the policy objectives of Future Wales, Planning Policy Wales (Edition 11) and LDP Policies KP15 and EN12.

Drainage and Flooding

- 8.109 Policies EN10 (Water Sensitive Design) and EN14 (Flood Risk) seek to ensure development would not increase the risk of flooding or additional run off through the use of water sensitive design and Sustainable Urban Drainage Systems (SuDS). Policy EN11 (Protection of Water Resources) states that development will not be permitted that would cause unacceptable harm to quality or quantity of underground, surface or coastal waters.
- 8.110 In terms of flood risk, the Natural Resource Wales (NRW) Development Advice Map (DAM) indicates that the majority of the Site is located within Flood Zone B (areas known to have flooded in the past). A small proportion of the Site, located towards the north-west and eastern fringes of the Site, lies within Flood Zone C1 (areas at risk of flooding). Whilst having no official status until the Welsh Government implements the revised TAN15, the Flood Map for Planning indicates that the majority of the site falls within Flood Zone 3, within a TAN 15 Defended Zone for Rivers and Sea. The remainder is a mix of Flood Zone 3 in a TAN 15 Defended Zone for the Sea and small parts in Flood Zone 2 in a TAN 15 Defended Zone against the Sea. NRW advise the site is protected tidally

due to the presence of the Cardiff Bay Barrage.

- 8.111 Given that the development lies partially within Zone C1, Section 6 of TAN 15 requires the LPA to determine whether the development at this location is justified, with reference to the tests set out in section 6.2 of TAN 15. The scheme is considered to satisfy the TAN 15 justification tests for highly vulnerable development, in that the area is developed and served by significant infrastructure, including sea flood defences; that the site is located within a LDP strategic site allocated to help meet the need for new dwellings and jobs, such that it will assist a local authority regeneration strategy and contribute to key employment objectives; the site is located on a brownfield site/ previously development land and that a Flood Consequences Assessment has been produced to demonstrate that the potential consequences of a flood event up to the extreme flood event (1 in 1000 chance of occurring) have been considered. The Flood Consequences Assessment concludes that main source of flood risk is tidal, albeit that this risk is low due to the presence of the Cardiff Bay Barrage, and that the risk of flooding from all other sources is considered to be low or very low.
- 8.112 The Drainage Strategy proposes that all surface water runoff from the site is attenuated through the use of SuDS prior to discharge into the River Taff and surface water runoff thereby removed from the combined sewer network. Pollution control measures are proposed to be included within the SuDS to minimise the risk of contamination or pollution entering the catchment.
- 8.113 Neither NRW, DCWW nor the Council's Team Leader Flood and Coastal Risk Management have raised any objection to the FCA or drainage strategy. NRW note the proposed development is located in a sensitive location adjacent to the River Taff and has the potential to adversely affect the water environment. The recommend conditions to require pollution prevention measures are required, including a CEMP to include details of construction site drainage and a condition to prevent infiltration of surface water into the ground other than with the express consent of the LPA.
- 8.114 DCWW require asset protection and a hydraulic modelling assessment of the water supply network, funded by the developer, as the proposal lies in an area where there are water supply problems. They also request conditions to require a surface water removal strategy (to prevent surface water flows from entering the public sewer and discharge them to the local water course to create capacity to receive foul flows only from the development to the public sewer), a foul water drainage scheme and potable water scheme. The recommend condition - requiring a CEMP, Strategic Potable Water Scheme, Strategic Drainage Strategy (foul and surface water), Detailed Foul Water Drainage Scheme for each RM site, a Detailed Surface Water Drainage Scheme for each RM site and a DCWW Easements condition - capture all of the requirements of NRW and DCWW, and the Council's drainage team and DCWW have raised no objection to them.
- 8.115 Given the above, the development is considered to comply with TAN14 and local planning policy with regards to flood risk and is an appropriate

development at this location.

Health and Wellbeing

- 8.116 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. LDP Policy KP14 (Healthy Living) 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. The Planning for Health SPG (2017) 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.
- 8.117 The application proposes significant amounts of open space, including public open space in the form of the River Park, as well as amenity open space in the form of the Urban Square, Business Garden, and 'Green' and 'Amenity' streets, and the residential courtyards providing shared amenity space for future residents, including opportunities for food growing. Limited car parking spaces are proposed and the development will enhance pedestrian and cycle connections through the street hierarchy, Riverside route and the pedestrian/cycle bridge over the River Taff. The proposed range of use classes proposed would allow health facilities within the development and it is also noted that a financial contribution towards health facilities has been secured (see section 9 below). It is, therefore, considered that the proposal meets the well-being goals of the Well-being of Future Generations (Wales) Act 2015 and will encourage healthy lifestyles in accordance with local planning policy.

Other Matters Raised and Not Assessed Above

- 8.118 As identified earlier in this report, a number of objections were received in response to the publicity exercise. In response to the main issues raised which have not been addressed elsewhere in this report, the following comments are made:
- Parc Play is included within the Schedule of Notified Parties and the Agent confirmed that notice was served on 26 March 2021, with a copy of the letter and Notice under article 10 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2021 provided to the LPA
 - The objection raised by Cellnex is noted, but it is considered that it would not be reasonable to require the Applicant to retain, relocate or replace the electronic communications base station
 - The affordable housing secured as part of the UU dated 23 December 2020 was identified as the minimum that would be delivered, with the agreement specifically noting that the commitments would not fetter the Council's

ability to require additional affordable housing units and/or affordable housing financial contribution in the event that any financial viability analysis demonstrates that the development would still be viable.

- The impact on property values is not a material planning consideration.

9. PLANNING OBLIGATIONS

- 9.1 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”. 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.
- 9.2 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.
- 9.3 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.

Contributions Sought

- 9.4 Taking into consideration the type and form of development proposed, local circumstances and needs arising from the development, the following s106 financial contributions were requested, **totalling approx. £17.2M.** (Full details of the various requests are set out in section 5 and 6.)

CONTRIBUTION	REQUEST	NOTES
Education	£4,101,807	See Section 5
Community Facilities	£3,156,132	£1,291.38 per dwelling x illustrative 2444 units = £3,156,132
Health Facilities	£955,114	Off-site contribution or on-site facility of 559m2
Off-site Public Open Space	£3,810,313	Assumes min 1.5ha on site provision required by condition
Dumballs Road works	N/A	Originally sought via condition/ s278
Traffic Regulation Order	£10,000	
Bus Services	£5,000,000	
Domestic Bins	Approx £196,168	£60 per house and £805 per 10 flats (comprising 1x1100 litre bin for general waste at £390, 1 x 1100 litre bin for mixed recycling at £390 and 1 x 240 litre bin for food waste at £25). Total amount is based on illustrative accommodation schedule of 28 dwellings and 2416 flats
Litter Bins on public land	£500 per bin	Covers cost of installation, servicing and maintenance of each bin on public land. (When located on private land, the litter bins must be provided, serviced and maintained privately.)

9.5 The above requests for s106 financial contributions would be in addition to the delivery of the following infrastructure / works that would be delivered as part of the masterplan, by condition, previous legal agreement (UU) or the s106 Agreement:

- Design and delivery of all **site access junctions and other junction works** - Dumballs Rd/ Clarence Rd/ James St/ Hunter Street and Tresillian Terrace/ Penarth Rd/ Tresillian Way – to be secured by condition/ s278
- Wider Dumballs Road Highway Works, to be delivered by the Applicant via the recommended condition and s278 Agreement, noting that the Council will only deliver the segregated cycleway via s106 financial contributions (£550,000).
- min 1.5ha of **on-site Public Open Space** - a proportionate contribution to the 7ha POS identified as necessary infrastructure for Strategic Site A, as identified by policy KP2A. This would include the River Park, a min 60 x 40m multifunctional open space and NEAP - to be secured by condition
- **Affordable housing** – a minimum 5% on site provision and £9 million index linked affordable housing contribution as secured under the Unilateral Undertaking dated 23 December 2020 and to be confirmed via s106 Agreement.
- **new foot and cycle bridge over the River Taff** – identified by Policy KP2A as ‘essential’ infrastructure for ‘enhanc[ing] E-W connections’) and considered to be part of the critical active travel infrastructure – design details to be secured by condition and delivery via S106 Agreement
- the **Taff East Bank continuous river walk** (explicitly listed as policy KP2A ‘essential’ infrastructure) – to be secured by condition/ RM
- provision, servicing and maintenance of litter bins on private land – requirement to be identified by condition and delivery to be secured via s106.

- **management and maintenance** of green infrastructure, open space and any highways etc that are not going to be adopted – to be secured by s106 with arrangements detailed by condition / s278/ s38

Viability Appraisal

- 9.6 The Applicant provided a viability appraisal prepared by Savills, as amended November 2022. It is noted that the bridge over the River Taff and pontoon, 5% on-site Affordable Housing and a financial contribution of £9,000,000 (before indexation) for provision of off-site Affordable Housing are allowed for within the viability appraisal. It is also noted that the assessment indexed up the £9,000,000 affordable housing contribution by reference to the Consumer Price Index in accordance with the UU to a level of £10,231,404. No further s106 obligations are included in the viability appraisal report as these are considered an output of the viability appraisal process. The report notes that any land value produced by the residual appraisal in excess of the Benchmark Land Value will be available for additional s106 contributions. The report concludes that the scheme is considered unviable and unable to support any additional planning obligations.
- 9.7 In accordance with the established practice of obtaining an independent assessment of viability appraisals presented in support of planning applications, the Council commissioned an independent assessor (Avison Young) to prepare an assessment of the viability appraisal. The report dated 20 January 2023 confirms that Avison Young are in agreement that the development should be considered unviable and does not generate sufficient profit to allow for any additional planning obligations. They note that the residual appraisal indicates a negative residual value that is significantly below the BLV. They advise that the scheme will not become viable without either a significant increase in rental/sales values and/or b) a reduction in the costs required to deliver the scheme. They note that they have undertaken a sensitivity analysis in which they have tested scenarios by varying GDV and costs and building efficiency and none of the scenarios create a residual value in excess of BLV. Noting that the viability is sensitive to market movements, a review clause is recommended should the application be recommended for approval.
- 9.8 Notwithstanding the viability information set out above, the developer has agreed to provide an additional **£4 Million** towards the off-site financial contributions sought in addition to the affordable housing obligations already secured through the UU which is welcomed.
- 9.9 Following internal consultation, it is proposed that the **£4,000,000** pot offered by the Applicant should be split as follows:

CONTRIBUTION	REQUEST	SECURED FROM £4M POT
Education	£4,101,807	£1,225,094
Community Facilities	£3,156,132	£910,947
Health Facilities	£955,114	£175,697
Off-site Public Open Space	£3,810,313	£1,128,262
Dumballs Road works – £550,000 for the delivery of segregated cycleway only by the Council	N/A	£550,000
Traffic Regulation Order	£10,000	£10,000
Bus Services	£5,000,000	0
Domestic Bins	£60 per house and £805 per 10 flats (approx £196,168)	See Note below*
Litter bins on public land	£500 per bin	0

* Domestic Bins – It should be noted that monies for the provision of domestic bins may be required to be secured via s106 Agreement over and above the £4million pot of financial contributions offered by the Applicant, where the Applicant confirms – via the Refuse condition- that they wish to use the domestic collection service offered by the Council. This is not yet known and it is feasible that the Applicant may not wish to do so, noting the residential accommodation would be offered for rent, such that the Applicant may wish to put their own arrangements for refuse collection in place.

- 9.10 Whilst it is disappointing that the requested planning obligations have not been able to be achieved in full, it is accepted that the scheme is not sufficiently viable to deliver the obligations, as evidenced in the assessment of the viability appraisal. Moreover, the contributions that have been secured remain significant and the wider benefits of the scheme are considered to far outweigh the harm arising from the failure to secure full provision. Given this, the financial contributions and above split is recommended to Planning Committee, as part of the broad Heads of Terms below.

Heads of Terms

- 9.11 The proposed broad Heads of Terms for the required section 106 agreement are as follows (in line with the Planning obligations SPG):

- **Affordable Housing**

- (i) The previously signed Unilateral Undertaking dated 23 December 2020 to be replaced by s106 Agreement
- (ii) All relevant provisions on Affordable Housing to be carried forward into s.106 from UU, subject to amendment to reflect the following points and noting that the overall commitment to 5% onsite affordable housing and £9m offsite contribution (index linked from 23 December 2020 to present values) stands as before
- (iii) Affordable Housing Scheme to be submitted to the Council for approval on a phase by phase basis, as per para 2, Part 1, Schedule 1 of the UU

- (iv) Within a Phase (where AH is planned), not more than 90% of Open Market Housing units to be occupied until 100% of the proposed Affordable Housing Units have been completed/transferred as required by Schedule 2
 - (v) Across the entire Development, not more than 1,200 Open Market Housing units to be occupied until 50% of the proposed Affordable Housing Units have been completed/transferred as required by Schedule 2
 - (vi) Across the entire Development, not more than 1,900 Open Market Housing units to be occupied until 100% of the proposed Affordable Housing Units have been completed/transferred as required by Schedule 2
 - (vii) The Affordable Housing Contribution to be paid as follows: 25% on Commencement; 50% prior to occupation of more than **1,000** Dwellings; 25% prior to occupation of more than **1,500** Dwellings
 - (viii) Fixed Capital Payments (Schedule 5) to be updated to latest amounts (if any)
- **Education** – £1,225,094 towards school places
 - **Community Facilities** - £910,947 towards new/improved off-site community facilities in the vicinity, including a potential new shared community / health facility
 - **Health** - £175,697 towards new/improved off-site health facilities in the vicinity, including a potential new shared community / health facility
 - **Public Open Space and Green Infrastructure**
 - (i) £1,128,262 towards new/ improved off-site Public Open Space in the vicinity
 - (ii) A minimum provision of 1.5ha of useable Public Open Space including
 - (iii) A Multifunctional open space - a grassed and level area with suitable ground conditions and good drainage to host informal games, activities and events of a minimum 60m x 40m (or equivalent) with an appropriate buffer to the nearest dwellings
 - (iv) Neighbourhood Equipped Area for Play (NEAP) catering to the needs of children up to the age of 14 and comprising a 1000m² activity zone and an appropriate buffer to the nearest dwelling
 - (v) On-site provision of open space and green infrastructure to be managed by private management company.
 - **New foot and cycle bridge over the River Taff** — design details to be secured by condition and delivery via S106 Agreement in accordance with the phasing identified by the Site Wide Phasing Plan condition
 - **Dumballs Road Highway Works**
 - (i) £550,000 of s106 financial contributions to be used by the Council to deliver a segregated cycleway, either in phases or in one tranche.

- (ii) In the event that the specified £550k is not required in full, as the design is finalised, any remaining monies from the £550k will be re-distributed amongst the other financial obligations secured at the Council's own discretion
 - (iii) Remainder of Dumballs Rd works to be delivered by the Applicant by Grampian condition (Dumballs Road Highway Works condition) and Vastint to deliver the 'verge/ landscaping' along Dumballs as part of their adjoining Reserved Matters applications.
- **Traffic Regulation Order - £10,000** for the investigation and implementation of Traffic Orders required as a consequence of the development
 - **SuDS**
 - (i) Facilities to be maintained and adopted by Cardiff Council; Commuted sums payable by the developer for each feature, to be secured via future SAB applications
 - (ii) SuDS /surface water drainage to be laid out in accordance with the agreed drainage scheme for that reserved matter site, via the Detailed Surface Water Drainage condition
 - **Waste** – the cost of provision of domestic bins will be calculated prior to occupation where it is first confirmed via the Refuse condition that the Applicant wishes to use the domestic collection service offered by the Council, with the sums to be determined in line with requirement for bin provision identified at reserved matters stage via the Refuse condition and the following amounts
 - Per House: 1 x 140 litre bin for general waste at £25 per bin, 1 x 240 litre bin for garden waste at £35 per bin, 1 x 25 litre caddy for food waste at £0 (nil).
 - Per 10 flats/apartment: 1 x 1100 litre bin for general waste at £390 per bin, 1 x 1100litre bin for mixed use recycling at £390 per bin and 1 x 240 litre bi for food waste at £25 per bin
 - Per 5 flats: 1 x 660 litre bin for general waste at £300 per bin, 1 x 660 litre bin for mixed recycling at £300 per bin and 1 x 240 litre bin for food waste at £25
 - **Litter bins on private land** – provision, servicing and maintenance of litter bins on un-adopted highway and open space, unless a litter bin installation and cleansing service is secured through the Council's cleansing team as an alternative. Litter bin location and design to be identified via the Refuse condition.
 - **Viability Review** – further viability assessments to review the scheme's viability as it evolves over time.

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

planning policy.

10 CONCLUSION

- 10.1 The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Cardiff Local Development Plan (2011–2026) adopted January 2016. In addition, the Council, in accordance with Section 3(3) of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017, has taken all the environmental information into consideration.
- 10.2 Whilst in outline only, the development represents a welcome, well-designed and masterplanned scheme that would comprehensively redevelop and transform a strategic area of land between the City Centre and Bay that is currently vacant/underused and in places, derelict, and bring it into beneficial use.
- 10.3 The proposal would play a key role in delivering the LDP strategy, providing up to 2500 new dwellings as part of a high quality, mixed-use scheme in a highly sustainable, brownfield location within LDP strategic site A 'Cardiff Central Enterprise Zone'. The scheme would bring a vacant/underused into beneficial use with associated regeneration benefits, would promote the efficient use of land, make a positive contribution to housing supply including affordable housing, and deliver a resource efficient and climate responsive design that responds positively to and will significantly enhance the character, appearance, amenity and green infrastructure of the area.
- 10.4 The proposals have been assessed against local and national policies and guidance and are considered to be policy compliant, with no demonstrable or compelling reasons which indicate sufficient harm to warrant refusal of the application, with all material factors, policy implications and issues raised through consultation having been satisfactorily addressed. It is recommended that planning permission be granted, subject to the recommended conditions and relevant parties entering into a Section 106 Agreement.

11 OTHER MATTERS RELEVANT TO THE CONSIDERATION OF THIS APPLICATION

- 11.1 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. The comments of SWP are welcomed, but it is noted most are matters of detail which are more relevant to the reserved matters stage and detailed design. Most of the other comments

are not planning matters, for example the specification of doors and windows, position of property numbers and street names, the siting of power trunking and computers, and advice regarding the storage of value items in secure areas. SWP will be consulted at reserved matters stage to help prevent, crime and disorder.

- 11.2 Equality Act 2010. The Act identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council's duty under the above Act has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.
- 11.3 Well-Being of Future Generations Act 2016. Section 3 of this Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision. It is also noted that section 2(5) of the Planning (Wales) Act 2015 affords protection to decisions taken under Part 3 of the 1990 Act, in that the Well-being of Future Generations (Wales) Act 2015 does not alter whether regard is to be had to any particular consideration under section 70(2) of the 1990 Act or the weight to be given to any consideration to which regard is had under that subsection. This means the provisions of the development plan, so far as material to the application, and any other relevant other material considerations remain the primary considerations when determining planning applications.
- 11.4 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.

It is considered that the LPA has considered its duty under this Act and has met its objectives for the reasons outlined above.

12 RECOMMENDATION

12.1 RECOMMENDATION 1:

That planning permission be **GRANTED** subject to the relevant parties (entering into a binding legal agreement under the provisions of **SECTION 106** of the Town and Country Planning Act 1990 within 6 months of the date of this Resolution, unless otherwise agreed by the Council in writing, in respect of matters detailed in section 9 of this report, and the conditions listed below.

12.2 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.

12.3 CONDITIONS

Time Limit Conditions

1 RESERVED MATTERS AND TIME LIMIT

A. Prior to the commencement of development on any Reserved Matters site, details of the layout, scale, appearance, access (except for details of the Site Access Junctions 1-4 that are the subject of conditions 11 - 14) and landscaping (hereinafter called "the reserved matters") for that Reserved Matters site shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out as approved.

B. Application for approval of the first Reserved Matters application shall be made to the Local Planning Authority before the expiration of four years from the date of this permission. Application for approval of all other reserved matters sites shall be made to the Local Planning Authority before the expiration of ten years from the date of this permission.

C. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of the first of the reserved matters to be approved, whichever is the later. The development of each subsequent reserved matter site shall commence no later than two years from the approval of the reserved matters for that site.

Reasons: A. In accordance with the provisions of Article (3)1 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012. B and C. In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended).

List of Approved Plans

2 LIST OF APPROVED PLANS AND DOCUMENTS

The development shall be carried out in accordance with the following approved plans and documents unless otherwise expressly required by the ensuing conditions and unless otherwise approved through subsequent discharge of condition and reserved matters applications:

- a) Existing Location Plan (190139-3DR-SI-XX-DR-10010 Rev P03)
- b) Existing Site Plan (190139-3DR-SI-XX-DR-10005 Rev P03)
- c) Parameter Plan 1: Demolition (190139-3DR-SI-XX-DR-PP001 Rev P04)
- d) Parameter Plan 2: Build Zones (190139-3DR-SI-XX-DR-PP002 Rev P04)
- e) Parameter Plan 3: Access (190139-3DR-SI-XX-DR-PP003 Rev P04)
- f) Parameter Plan 4: Maximum Permitted Heights (190139-3DR-SI-XX-DR-PP004 Rev P04)
- g) Parameter Plan 5: Uses- Ground & First Floors (190139-3DR-SI-XX-DR-PP005 Rev P04)
- h) Parameter Plan 6: Uses - Upper Floors (190139-3DR-SI-XX-DR-PP006 Rev P04)
- i) Parameter Plan 7: Green Infrastructure (190139-3DR-SI-XX-DR-PP007 Rev P04)
- j) Site Access 1 General Arrangement Plan (42655/5501/SK015)
- k) Site Access 2 General Arrangement Plan (42655/5501/SK018)
- l) Site Access 3 General Arrangement Plan (42655/5501/SK021)
- m) Site Access 4 General Arrangement Plan (42655/5501/SK024)
- n) Design Code (December 2021, ref 190139-3DR-XX-XX-RP-A-08702 Rev P04)
- o) The Embankment, Cardiff, Lighting Strategy (March 2021, Rev 3.0s)
- p) Environmental Statement Chapter 9 'Biodiversity' Revised June 2022
- q) Environmental Statement Appendix 9.3 The Embankment Bat Report 2020
- r) Environmental Statement Appendix 9.4 The Embankment Otter and River Corridor Report 2020
- s) Environmental Statement Appendix 9.6 Green Infrastructure Statement

Reason: To retain control of the development and ensure the development is undertaken in accordance with the approved drawings and documents and the assessed Environmental Statement and Addendum.

Pre-commencement Conditions

3 SITE WIDE PHASING PLAN

Notwithstanding the provisions of condition 2, no reserved matter applications shall be submitted and no development except for demolition, remediation and river wall works shall commence until such time as a phasing schedule and plan for the whole outline site has been submitted to and approved in writing by the Local Planning Authority. The phasing schedule and plan shall accord with the conditions attached to this decision notice and Section 106 Agreement and triggers therein and shall include:

- a) A plan sub-dividing the outline site into development phases and, where available, their constituent reserved matter parcels

- b) The indicative number of dwellings to be delivered in each phase
- c) Phasing details of the following:
 - Demolition across the site
 - The development phases and reserved matter parcels
 - Dumballs Road Highway Works (condition 10)
 - Works relating to each of the site access points 1 - 6 shown on Parameter Plan 3: Access (190139-3DR-SI-XX-DR-PP003 Rev P04) (conditions 11 - 16)
 - Curran Rd and Trade St Access works (conditions 17 - 18)
 - Dumballs Rd/ Clarence Rd/ James St/ Hunter Street Junction Works (condition 19)
 - Tresillian Terrace/ Penarth Rd/ Tresillian Way Junction Works (condition 20)
 - Public Transport Route or means of preventing through access (condition 4)
 - East-West segregated cycle route from Dumballs Rd to the pedestrian/cycle bridge (shown on Parameter Plan 3: Access (190139-3DR-SI-XX-DR-PP003 Rev P04)
 - The Park House(s) (condition 55)
 - River Park (condition 30)
 - River Park pedestrian and cycle route (condition 30)
 - Pedestrian/ cycle bridge spanning the River Taff (condition 52)

The development shall be carried out in accordance with the approved phasing plan and schedule or in accordance with any modification as may be agreed through any further re-discharge of this condition.

Reason: To ensure that the development is carried out in accordance with policies KP4 and KP5 of the adopted Cardiff Local Development Plan (2006 - 2026) and to ensure the development is undertaken in accordance with the assessed Environmental Statement and Addendum.

4 PUBLIC TRANSPORT ROUTE AND THROUGH ACCESS

Notwithstanding the provisions of condition 2, no reserved matter applications shall be submitted and no development shall commence, except for demolition, remediation and river wall works, until the following details have been submitted to the Local Planning Authority for approval in writing:

A details of a public transport route, providing a direct link through the site between A4161 Penarth Road and Dumballs Road, unless it has been demonstrated to the Local Planning Authority's satisfaction that the delivery of the scheme is not feasible. Where feasible, the submitted details shall include:

- a vehicular carriageway with a minimum width of 6.3m (the carriageway shall be wider at corners and be confirmed by way of vehicle tracking movements, incorporating kerb to vehicle and vehicle to vehicle gaps specified in the Council's Technical Standards)
- a segregated cycle track (min 3m wide) and pedestrian footways (min 2m wide) as part of the overall cross section for the E-W part of the route
- details of bus stop locations
- details of a bus gate including signing, cameras, cabling and ducting, OR

B details of a means of preventing general vehicular access through the site to and from Penarth Rd where it has been demonstrated to the Local Planning

Authority's satisfaction that the delivery of the public transport route is not feasible.

The submitted details shall demonstrate that the development would not unacceptably impact on access to existing businesses and occupiers outside the red line (except for restrictions required as part of temporary construction works). The reserved matters applications and development shall accord with the approved details.

Reason: To ensure that the development is masterplanned and carried out in accordance with policies KP4 and KP5 of the adopted Cardiff Local Development Plan (2006 - 2026) and to ensure the development is undertaken in accordance with the assessed Environmental Statement and Addendum.

5 STRATEGIC ENERGY STRATEGY

Notwithstanding the provisions of condition 2, no reserved matter applications shall be submitted and no development except for demolition, remediation and river wall works shall commence until such time as a site wide Strategic Energy Strategy (SES) has been submitted to and approved in writing by the Local Planning Authority. The SES shall outline how the development will incorporate renewable and low carbon technology and reduce electric and heat consumption, and shall also include the following as part of a study to assess the feasibility of a connection to the Cardiff District Heat Network:

- a) an evidence-based assessment of the feasibility of providing a phased site wide heat network compared to other potential centralised hot water energy supply options for all space heating and domestic hot water requirements from low carbon heat generation equipment located on the development site - serving the same site-wide heat network
- b) A comparison of the carbon content of each solution, clearly identifying the lowest carbon option
- c) a masterplan for a phased site wide heat network including suitable point(s) of connection of the outline site heat network to the wider Cardiff Heat Network and details of how the site heat network will evolve to cover the phases of development and reserved matters sites as they are built
- d) any improvement works or reinforcement works required to the district heat network in order to serve the development
- e) an implementation plan and programme
- f) layout plans that shall identify the location of a central Heat Exchanger to allow a single connection point to the Cardiff Heat Network, any site-specific heat network infrastructure (eg site-specific heat sub-stations and/or energy centre) and any land required to be safeguarded for the phased delivery of the heat network

Thereafter, any subsequent Reserved Matter application shall accord with the approved details or any modifications as may be approved through any further re-discharge of this condition.

Reason: to promote energy efficient and sustainable development in accordance with Future Wales, Planning Policy Wales and Policy EN12 of the adopted Cardiff Local Development Plan (2006-2026) and to ensure the development is undertaken in accordance with the assessed Environmental Statement and Addendum.

6 STRATEGIC GREEN INFRASTRUCTURE MANAGEMENT STRATEGY

No reserved matters applications shall be submitted and no vegetation or site clearance or development except for demolition shall take place until a Strategic Green Infrastructure Management Strategy (SGIMS) for the whole outline site for the delivery and long-term management, maintenance and monitoring of green and blue infrastructure comprising the ecological, arboricultural, landscape, open space and water resource has been submitted to and approved in writing by the Local Planning Authority. The SGIMS shall include the following details as a minimum:

- a) aims and objectives, including objectives for each ecological asset
- b) site appraisal as informed by any necessary species and habitat survey updates
- c) outline protection and management proposals for each asset as informed by up-to-date ecological surveys, including:
 - River Taff SINC
 - River Taff
 - Lowland Mixed Deciduous Woodland
 - Otter including provision of otter ledges
 - Bats (roosting and foraging/commuting)
 - Birds
 - Hedgehog

This should include an introduction to each asset, the protection/management prescription, proposed outline work schedule and cover a minimum of 30 years, with review at 5 year intervals

- d) Outline methods of the creation and management of
 - The River Park
 - SuDS
 - Communal gardens, urban square and business garden
 - Tree planting
 - General landscaping

This should include an introduction to each feature, the management prescription, proposed outline work schedule and cover a min of 30 years, with review at 5 year intervals. Details for the River Park shall include details of the approach to managing the safety of the river embankment for the general public.

- e) An outline strategy for any invasive non-native species identified
- f) Procedure for incidental habitat and species finds
- g) a plan setting out habitats to be lost, enhanced, created and retained;
- h) overarching proposals for green networks and corridors and connections to local greenspace;
- i) overarching lighting strategy across the site
- j) a biodiversity enhancement scheme setting out the approach to the design and implementation of enhancement measures including
 - enhancement of the SINC
 - enhancement at habit types retained/created
 - enhancements for specific species/ species groups;
- k) management roles and responsibilities,
- l) general maintenance operations,
- m) monitoring and review mechanisms and mechanisms to address any mitigation failures, including any updates of the SGIMS
- n) methodologies and principles for scheduling of pre-commencement

ecological checks and where necessary updates to ecological surveys
The SGIMS shall accord with The Embankment, Cardiff, Lighting Strategy (March 2021, Rev 3.0s), Environmental Statement (January 2021) incorporating Appendix 9.3 'The Embankment Bat Report 2020' by Stantec dated 15/01/21 and Appendix 9.4 'The Embankment Otter and River Corridor Report 2020 ' by Stantec dated 15/01/21, updated ES Chapter 9 (June 2022), updated ES Chapter 18 - Cumulative Impacts and Mitigation Schedule (December 2021) and Appendix 9.6 Green Infrastructure Statement and details approved in discharge of condition 30 (River Park Public Open Space). The reserved matters applications shall accord with the approved SGIMS and the SGIMS shall be implemented in accordance with the approved details and programme for implementation.

Reason: To project and enhance the Green Infrastructure resource of the site in accordance with policy KP16 of the Cardiff Local Development Plan (2006 - 2026) and to ensure the development is undertaken in accordance with the assessed Environmental Statement and Addendum.

7 STRATEGIC DRAINAGE STRATEGY

Notwithstanding the provisions of condition 2, no reserved matter application shall be submitted to the Local Planning Authority and no development except for demolition, remediation and river wall works shall commence until a site-wide foul and surface water drainage strategy has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall:

- a) Ensure the public combined sewerage network has sufficient capacity to accommodate the foul flows from the entire development and include (where applicable) a strategy to manage the removal of surface water to offset the introduction of new foul water through use of sustainable drainage (where it has been demonstrated that there is no resultant unacceptable risk to controlled waters) or other measures
- b) Ensure that foul water only shall be communicated to the public sewer network and shall connect at manhole reference ST18752002 unless otherwise agreed in writing in discharge of this condition.
- c) Identify the surface water strategy design parameters upon which detailed designs for reserved matters and SAB approval will be required to be based
- d) identify how the surface water drainage catchments, development phases, flood flow paths and proposed surface water drainage outfall(s) relate to each other

The development shall thereafter be undertaken in accordance with the approved strategic drainage strategy and any subsequent Reserved Matter application shall accord with the approved details or any modification as may be approved through subsequent re-discharge of this condition.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of residents and ensure no pollution of the water environment in accordance with Policies EN10 and EN11 of the adopted City of Cardiff Local Development Plan (2006-2026) and to ensure the development is undertaken in accordance with the assessed Environmental Statement and Addendum.

8 PUBLIC ART STRATEGY

No reserved matters application shall be approved and no development except for demolition, remediation and river wall works shall take place until a Public Art Strategy for the outline site has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall include (but shall not necessarily be limited to) a vision and key themes for public art, and shall identify the broad/general locations for public art. The strategy shall allow interpretation of the history of the area - in particular the site's timber ponds and their subsequent reclamation, and significance of the site for WWII munitions manufacture. The public art scheme required to be submitted in discharge of condition 35 (Detailed Public Art Scheme) in respect of relevant reserved matters sites shall accord with the approved Strategic Public Art Strategy.

Reason: To integrate public art and heritage interpretation as part of proposals in accordance with policy KP2A of the adopted Cardiff Local Development Plan (2006 - 2026).

9 STRATEGIC POTABLE WATER SCHEME

No development except for demolition, remediation and river wall works shall take place until a potable water scheme to serve the whole outline site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be informed by a hydraulic modelling assessment (unless DCWW confirm to the Local Planning Authority in writing that this is no longer necessary) and shall demonstrate that the water supply network can suitably accommodate the proposed development site. Thereafter, the reserved matters applications shall accord with the agreed scheme and no building shall be occupied until a point of connection to the potable water system has been made in accordance with the approved details and following the implementation of any necessary reinforcement works to the potable water system as may be identified in the approved scheme to accommodate that connection.

Reason: To ensure the site is served by a suitable potable water supply, and to protect the health and safety of existing residents in accordance with Policy EN10 of the adopted Cardiff Local Development Plan (2006 - 2026) and to ensure the development is undertaken in accordance with the assessed Environmental Statement and Addendum.

10 DUMBALLS ROAD HIGHWAY WORKS

Notwithstanding the provisions of condition 2, no reserved matter shall be approved and no development shall commence except for demolition, remediation and river wall works on a Phase that fronts onto Dumballs Road until details of highway works along that part of the Dumballs Road site frontage have been submitted to and approved in writing by the Local Planning Authority. The details shall include 1 no tabled parallel pedestrian/cycle crossing (where appropriate to that length of Dumballs Rd), the reconstruction/ resurfacing/ widening of the footways (2m min width including kerbing/ delineations), a safeguarded strip for the delivery by the Council of a segregated cycle way of a 3m min width (including kerbing / delineations) unless pinch points indicate that a reduced width is necessary in a particular location(s), tie-in to the existing carriageway (retaining a min 6.3 width of carriageway excepting on bends when

the width shall be determined by swept path analysis), bus stops including shelters and bins, access junction layouts (with any signalisation required), kerbs, edging, highway drainage, lining and signing, the provision/renewal/improvement of street lighting, street furniture and a timetable for implementation. The scheme shall tie into the details required under conditions 11- 14 (SITE ACCESS JUNCTIONS 1 - 4), where applicable, and shall be implemented to the satisfaction of the Local Planning Authority in accordance with the approved details.

Reason: to maintain and enhance the adjacent public highway and to facilitate access to the proposed development in accordance with policies T1, T5 and T6 of the adopted Cardiff Local Development Plan (2006-2026 and to ensure the development is undertaken in accordance with the assessed Environmental Statement and Addendum.

11 SITE ACCESS JUNCTION 1

Notwithstanding the provisions of condition 2, no junction improvement works to junction 1 on Parameter Plan 3: Access (190139-3DR-SI-XX-DR-PP003 Rev P04) and no development except for demolition, remediation or river wall works or approval of reserved matters on the land served by the relevant junction shall take place until details of that junction have been submitted to and approved in writing by the Local Planning Authority. The details shall include (where applicable):

- a) General arrangement plans including full carriageway, cycle and pedestrian configurations which shall be designed to tie into and align with the internal street network street types (Design Code, December 2021, p.16) and the cross section for the western side of Dumballs Rd (required in discharge of condition 10 Dumballs Rd Highway Works)
- b) CCTV camera infrastructure
- c) Appropriate and accessible locations for cabinets
- d) Provision of fibre infrastructure
- e) Detection loops
- f) Incorporation of UTC, SCOOT MOVA following agreements with Cardiff Council
- g) Street lighting linked to a Central Management System
- h) Clear and uncongested access to any crossings and push buttons for all users
- i) Bus stops and associated facilities
- j) Stage 1 Road Safety Audit
- k) Landscape details and an implementation plan
- l) Details to demonstrate that the proposals would not impact on access to existing businesses and occupiers outside the red line during the operational phase.

The approved access shall be provided before the reserved matters site(s) it serves is bought into beneficial use.

Reason: To ensure the safe flow of traffic in accordance with policies T5 and T6 of the Cardiff Local Development Plan (2006 - 2026) and to ensure the development is undertaken in accordance with the assessed Environmental Statement and Addendum.

12 SITE ACCESS JUNCTION 2

Notwithstanding the provisions of condition 2, no junction improvement works to junction 2 on Parameter Plan 3: Access (190139-3DR-SI-XX-DR-PP003 Rev P04) and no development except for demolition, remediation or river wall works or approval of reserved matters on the land served by the relevant junction shall take place until details of that junction have been submitted to and approved in writing by the Local Planning Authority. The details shall include (where applicable):

- a) General arrangement plans including full carriageway, cycle and pedestrian configurations which shall be designed to tie into and align with the internal street network street types (Design Code, December 2021, p.16) and the cross section for the western side of Dumballs Rd (required in discharge of condition 10 Dumballs Rd Highway Works)
- b) CCTV camera infrastructure
- c) Appropriate and accessible locations for cabinets
- d) Provision of fibre infrastructure
- e) Detection loops
- f) Incorporation of UTC, SCOOT MOVA following agreements with Cardiff Council
- g) Street lighting linked to a Central Management System
- h) Clear and uncongested access to any crossings and push buttons for all users
- i) Bus stops and associated facilities
- j) Stage 1 Road Safety Audit
- k) Landscape details and an implementation plan
- l) Details to demonstrate that the proposals would not impact on access to existing businesses and occupiers outside the red line during the operational phase.

The approved access shall be provided before the reserved matters site(s) it serves is bought into beneficial use.

Reason: To ensure the safe flow of traffic in accordance with policies T5 and T6 of the Cardiff Local Development Plan (2006 - 2026) and to ensure the development is undertaken in accordance with the assessed Environmental Statement and Addendum.

13 SITE ACCESS JUNCTION 3

Notwithstanding the provisions of condition 2, no junction improvement works to junction 3 on Parameter Plan 3: Access (190139-3DR-SI-XX-DR-PP003 Rev P04) and no development except for demolition, remediation or river wall works or approval of reserved matters on the land served by the relevant junction shall take place until details of that junction have been submitted to and approved in writing by the Local Planning Authority. The details shall include (where applicable):

- a) General arrangement plans including full carriageway, cycle and pedestrian configurations which shall be designed to tie into and align with the internal street network street types (Design Code, December 2021, p.16) and the cross section for the western side of Dumballs Rd (required in discharge of condition 10 Dumballs Rd Highway Works)

- b) CCTV camera infrastructure
- c) Appropriate and accessible locations for cabinets
- d) Provision of fibre infrastructure
- e) Detection loops
- f) Incorporation of UTC, SCOOT MOVA following agreements with Cardiff Council
- g) Street lighting linked to a Central Management System
- h) Clear and uncongested access to any crossings and push buttons for all users
- i) Bus stops and associated facilities
- j) Stage 1 Road Safety Audit
- k) Landscape details and an implementation plan
- l) Details to demonstrate that the proposals would not impact on access to existing businesses and occupiers outside the red line during the operational phase.

The approved access shall be provided before the reserved matters site(s) it serves is bought into beneficial use.

Reason: To ensure the safe flow of traffic in accordance with policies T5 and T6 of the Cardiff Local Development Plan (2006 - 2026) and to ensure the development is undertaken in accordance with the assessed Environmental Statement and Addendum.

14 SITE ACCESS JUNCTION 4

Notwithstanding the provisions of condition 2, no junction improvement works to junction 4 on Parameter Plan 4: Access (190139-3DR-SI-XX-DR-PP003 Rev P04) and no development except for demolition, remediation or river wall works or approval of reserved matters on the land served by the relevant junction shall take place until details of that junction have been submitted to and approved in writing by the Local Planning Authority. The details shall include (where applicable):

- a) General arrangement plans including full carriageway, cycle and pedestrian configurations which shall be designed to tie into and align with the internal street network street types (Design Code, December 2021, p.16) and the cross section for the western side of Dumballs Rd (required in discharge of condition 10 Dumballs Rd Highway Works)
- b) CCTV camera infrastructure
- c) Appropriate and accessible locations for cabinets
- d) Provision of fibre infrastructure
- e) Detection loops
- f) Incorporation of UTC, SCOOT MOVA following agreements with Cardiff Council
- g) Street lighting linked to a Central Management System
- h) Clear and uncongested access to any crossings and push buttons for all users
- i) Bus stops and associated facilities
- j) Stage 1 Road Safety Audit
- k) Landscape details and an implementation plan
- l) Details to demonstrate that the proposals would not impact on access to existing businesses and occupiers outside the red line during the

operational phase.

The approved access shall be provided before the reserved matters site(s) it serves is bought into beneficial use.

Reason: To ensure the safe flow of traffic in accordance with policies T5 and T6 of the Cardiff Local Development Plan (2006 - 2026) and to ensure the development is undertaken in accordance with the assessed Environmental Statement and Addendum.

15 SITE ACCESS JUNCTION 5 - TRADE STREET

Notwithstanding the provisions of condition 2, no junction improvement works to junction 5 on Parameter Plan 3: Access (190139-3DR-SI-XX-DR-PP003 Rev P04) and no development except for demolition, remediation or river wall works or approval of reserved matters on the land served by the relevant junction shall take place until details of that junction have been submitted to and approved in writing by the Local Planning Authority, unless transport assessment details have been submitted to and agreed in writing by the Local Planning Authority in full discharge of this condition that indicate to the Council's satisfaction that the works are no longer required. The junction 5 improvement work details shall include (where applicable):

- a) General arrangement plans including full carriageway, cycle and pedestrian configurations which shall be designed to align with the internal street network street types (Design Code, December 2021 p.16)
- b) CCTV camera infrastructure
- c) Appropriate and accessible locations for cabinets
- d) Provision of fibre infrastructure
- e) Detection loops
- f) Incorporation of UTC, SCOOT MOVA following agreements with Cardiff Council
- g) Street lighting linked to a Central Management System
- h) Clear and uncongested access to any crossings and push buttons for all users
- i) Stage 1 Road Safety Audit
- j) Details to demonstrate proposals would not impact on access to existing businesses and occupiers outside the red line Junction 5 shall be designed as part of the proposed 'Main Signposted Route to City Centre' (DAS, December 2021, p. 77). The approved works shall be provided before the reserved matters site(s) they serve is bought into beneficial use.

Reason: To ensure the safe flow of traffic in accordance with policies T5 and T6 of the Cardiff Local Development Plan (2006 - 2026) and to ensure the development is undertaken in accordance with the assessed Environmental Statement and Addendum.

16 SITE ACCESS JUNCTION 6 - CURRAN EMBANKMENT

Notwithstanding the provisions of condition 2, no junction improvement works to junction 6 on Parameter Plan 3: Access (190139-3DR-SI-XX-DR-PP003 Rev P04) and no development except for demolition, remediation or river wall works or approval of reserved matters on the land served by the relevant junction shall take place until details of that junction have been submitted to and approved in

writing by the Local Planning Authority. The details shall include (where applicable):

- a) General arrangement plans including full carriageway, cycle and pedestrian configurations which shall be designed to align with the internal street network street types (Design Code, December 2021 p.16)
- b) CCTV camera infrastructure
- c) Appropriate and accessible locations for cabinets
- d) Provision of fibre infrastructure
- e) Detection loops
- f) Incorporation of UTC, SCOOT MOVA following agreements with Cardiff Council
- g) Street lighting linked to a Central Management System
- h) Clear and uncongested access to any crossings and push buttons for all users
- i) Stage 1 Road Safety Audit
- j) Details to demonstrate proposals would not impact on access to existing businesses and occupiers outside the red line

The approved works shall be provided before the reserved matters site(s) they serve is bought into beneficial use.

Reason: To ensure the safe flow of traffic in accordance with policies T5 and T6 of the Cardiff Local Development Plan (2006 - 2026) and to ensure the development is undertaken in accordance with the assessed Environmental Statement and Addendum.

17 CURRAN ROAD ACCESS WORKS

Notwithstanding the provisions of condition 2, no development except for demolition, remediation or river wall works or approval of reserved matters on the land accessed by Curran Road shall take place until details of the access point where Curran Rd adjoins the reserved matters application site boundary have been submitted to and approved in writing by the Local Planning Authority. The details shall as a minimum include general arrangement plans including cycle and pedestrian configurations which shall be designed to align with the internal street network street types (updated Design Code, p.16). The approved works shall be provided before the reserved matters site(s) they serve is bought into beneficial use.

Reason: To ensure the safe flow of traffic in accordance with policies T5 and T6 of the Cardiff Local Development Plan (2006 - 2026) and to ensure the development is undertaken in accordance with the assessed Environmental Statement and Addendum.

18 TRADE STREET ACCESS WORKS

Notwithstanding the provisions of condition 2, no development except for demolition, remediation or river wall works or approval of reserved matters on the land accessed by Trade Street shall take place until details of the access point where Trade Street adjoins the reserved matters application site boundary have been submitted to and approved in writing by the Local Planning Authority. The details shall as a minimum include general arrangement plans including cycle and pedestrian configurations which shall be designed to align with the

internal street network street types (updated Design Code, p.16). The approved works shall be provided before the reserved matters site(s) they serve is bought into beneficial use.

Reason: To ensure the safe flow of traffic in accordance with policies T5 and T6 of the Cardiff Local Development Plan (2006 - 2026) and to ensure the development is undertaken in accordance with the assessed Environmental Statement and Addendum.

19 DUMBALLS RD/ CLARENCE RD/ JAMES ST/ HUNTER STREET JUNCTION WORKS

Notwithstanding the provisions of condition 2, no development except for demolition, remediation or river wall works shall commence in the Phase identified for the Dumballs Rd/ Clarence Rd/ James St/ Hunter Street Junction Works in discharge of condition 3 (Site Wide Phasing Plan) until full engineering details of mitigation at the junction of Dumballs Rd/ Clarence Rd/ James St/ Hunter Street and a timetable for implementation relating to the delivery of that phase have been submitted to and approved in writing by the Local Planning Authority. An alternative trigger for the submission of the required details may be agreed in partial discharge of this condition where transport assessment details are submitted that indicate to the Council's satisfaction that an alternative trigger would not detrimentally impact on the operation of the junction. The development shall be implemented in accordance with the approved details unless transport assessment details have been submitted to and agreed in writing by the Local Planning Authority in full discharge of this condition that indicate to the Council's satisfaction that the works are no longer required.

Reason: To ensure the safe flow of traffic in accordance with policies T5 and T6 of the Cardiff Local Development Plan (2006 - 2026) and to ensure the development is undertaken in accordance with the assessed Environmental Statement and Addendum.

20 TRESILLIAN TERRACE/ PENARTH RD/ TRESILLIAN WAY JUNCTION WORKS

Notwithstanding the provisions of condition 2, no development except for demolition, remediation or river wall works shall commence in the Phase identified for the Tresillian Terrace/ Penarth Rd/ Tresillian Way Junction Works in discharge of condition 3 (Site Wide Phasing Plan) until full engineering details of mitigation at the junction of Tresillian Terrace/ Penarth Rd/ Tresillian Way and a timetable for implementation relating to the delivery of that phase have been submitted to and approved in writing by the Local Planning Authority. An alternative trigger for the submission of the required details may be agreed in partial discharge of this condition where transport assessment details are submitted that indicate to the Council's satisfaction that that alternative trigger would not detrimentally impact on the operation of the junction(s). The development shall be implemented in accordance with the approved details unless transport assessment details have been submitted to and agreed in writing by the Local Planning Authority in full discharge of this condition that indicate to the Council's satisfaction that the works are no longer required.

Reason: To ensure the safe flow of traffic in accordance with policies T5 and T6 of the Cardiff Local Development Plan (2006 - 2026) and to ensure the development is undertaken in accordance with the assessed Environmental Statement and Addendum.

21 RIVERBANK / WALL

No development within the River Park area identified on p.32 of the approved Design Code shall commence until a Riverbank / Wall Scheme to assess and where necessary reinforce / repair the river wall or bank has been submitted to and approved in writing by the Local Planning Authority. The stability of the existing riverbank/ river wall shall be assessed through standard geotechnical assessment based on further ground investigation information and shall include the effects of the new bridge foundations on the river all and slopes. The scheme shall include:

- a) Details of the proposed method for further investigations, which shall be first submitted to and approved in writing by the Local Planning Authority in partial discharge of this condition and which shall include but not be limited to details to avoid disturbance effects on protected species and sensitive habitat .
- b) The results and findings of further investigations of the riverbank / walls
- c) Details of any required river wall supports or other remediation / repair works and a schedule of these works
- d) A management plan demonstrating the long term management and maintenance of the river wall / bank.

The Riverbank/ Wall Scheme shall accord with the SGIMS approved in discharge of condition 6 (Strategic Green Infrastructure Management Strategy) and shall be fully implemented and subsequently maintained in accordance with the approved details.

Reason: To ensure the structural integrity of the river bank and to ensure the development is undertaken in accordance with the assessed Environmental Statement and Addendum.

22 CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

No development (including demolition, ground works, site or vegetation clearance) shall take place on any reserved matters site or land that is the subject of junction highway works, until such time as a Construction Environmental Management Plan (CEMP) for that site or land has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include as a minimum the following information and the mitigation measures identified in the Environmental Statement (Table 18.3 and related chapters):

- a) Phasing
- b) Construction / demolitions methods: details of construction techniques to be used
- c) General Site Management: details of the construction programme including timetable and construction phasing plan, details of hours of work on site including specified hours for deliveries, loading and unloading; details of site clearance; details of construction compounds, temporary facilities for construction / sales staff, details of site hoardings and means of enclosure to prevent unauthorised access, 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.

- d) Biodiversity Management: risk assessment of potentially damaging construction/demolition activities; details of pre-commencement surveys including methodologies and timing; details of tree and hedgerow protection including root protection areas; invasive species management; species and habitats protection, avoidance and mitigation measures and details of 'Biodiversity Protection Zones' for relevant habitats and species (not forgetting measures to control disturbance on animals and fish from noise and vibration), responsible persons and lines of communication, the times when ecologists need to be on site to oversee works.
- e) A Construction Lighting Scheme: detail of the siting and type of external lighting (including task and security lighting) to be used, drawings setting out light spillage in the River Taff riparian corridor, an Environmental Lighting Impact Assessment against conservation requirements for protected species (including bats and otters), light modelling images to present night time effects of lighting on building elevations and ground surfaces from key view points, measures to control light spill and the conservation of dark skies
- f) Soil Management: details of topsoil strip, storage and amelioration for re-use.
- g) CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.
- h) Control of Nuisances: identification of construction and demolition noise and vibration sources; details of restrictions to be applied during construction and demolition to minimise noise and vibration emissions, for example timing, duration and frequency of works; details of measures to minimise noise and vibration from piling activities, for example acoustic barriers, hours of operation, frequency/ duration of piling; details of dust, dirt and air quality management measures (including dust suppression measures and methods to monitor emissions of dust)
- i) Resource Management: details of materials (including oil, fuel, cementitious materials and chemicals) storage and containment; details of waste generation and its management/recycling/disposal; details of water consumption, wastewater and energy use
- j) Traffic Management: vehicle and cycle parking for site operatives and visitors, details of site deliveries, loading and unloading of plant and materials, plant on site, wheel wash facilities, measures to ensure that pedestrian access past the site on public footpaths is safe and not obstructed during construction works or details of any safe temporary pedestrian routes, details of any safe temporary vehicular routes, advisory access routes to the Site
- k) 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
- l) Details of complaint investigation procedures
- m) Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details

- n) The location of a large notice board on the site that clearly identifies the name and contact details of the site manager
- o) Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.
- p) Water Quality Monitoring Plan - to include: Details of monitoring methods, Frequent assessment of the visual water quality (particularly whilst carrying out bridgework, or working in or near the watercourse), Instructions to notify NRW in the event of a pollution being caused, A requirement to stop work and review further measures in the event that existing pollution mitigation is not effective, Details of triggers for specific action and any necessary contingency actions, for example the need to stop work, introduction of drip trays, make use of spill kits and shut-off valves.
- q) A statement setting out how the submitted CEMP is appropriate to manage the risks to the Severn Estuary SAC during all phases of construction and demonstrating how any adverse impacts to the Severn Estuary EMS can be fully mitigated.

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

Reason: To ensure necessary management measures are agreed prior to commencement of the development and implemented for the protection of the environment during construction in accordance with Policies T1, T5 & EN13 of the adopted Cardiff Local Development Plan (2006-2026) and to ensure the development is undertaken in accordance with the assessed Environmental Statement and Addendum.

23 GROUND GAS PROTECTION

No development shall take place on any Phase of development identified in discharge of condition 3 (Site Wide Phasing Plan) or on any reserved matters site, until such time as 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 that Phase or reserved matters site /land have been submitted to and approved in writing by the Local Planning Authority. All required gas protection measures shall be installed and appropriately verified before occupation of any part of that Phase or reserved matters site / land 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 the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases* into or from land surrounding the application site) and to ensure that the safety of future occupiers is not prejudiced in accordance with Local Development Plan Policy EN13 (Air, Noise, Light Pollution and Land Contamination) and to ensure the development is undertaken

in accordance with the assessed Environmental Statement and Addendum.

24 CONTAMINATED LAND MEASURES A - RISK ASSESSMENT, REMEDIATION & VERIFICATION PLAN

No development shall take place on any Phase of development identified in discharge of condition 3 (Site Wide Phasing Plan) or on any reserved matters site until such time as the following components of a scheme to deal with the risks associated with contamination at that Phase / reserved matters site / land has been submitted to and approved in writing by the Local Planning Authority.

- i. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site which identifies and assesses all identified sources, pathways and receptor linkages
 - potentially unacceptable risks arising from contamination at the site
- ii. A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- iii. A report detailing the results of the site investigation and the detailed risk assessment referred to in (ii) and, based on these, an options appraisal and remediation scheme giving full details of the remediation measures required and how they are to be undertaken 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. 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.
- iv. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

The remediation scheme and its relevant components shall be carried out in full accordance with the approved details prior to the occupation of any part of the that Phase / reserved matters site or land, and the Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

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 Local Development Plan Policy EN13 (Air, Noise, Light Pollution and Land Contamination) and to ensure the development is undertaken in accordance with the assessed Environmental Statement and Addendum.

25 CONTAMINATED LAND MEASURES B - REMEDIATION & VERIFICATION REPORT

Within 6 months of the completion of the measures identified in the approved remediation scheme for a particular Phase / reserved matters site, a verification report that demonstrates the completion of works set out in the approved remediation scheme for that Phase / reserved matters site and the effectiveness of the remediation carried out shall be submitted to and approved in writing the Local Planning Authority.

The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also (if required) include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be carried out in accordance with the approved details.

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 Local Development Plan Policy EN13 (Air, Noise, Light Pollution and Land Contamination) and to ensure the development is undertaken in accordance with the assessed Environmental Statement and Addendum.

26 CONTAMINATED LAND MEASURES C- UNFORSEEN CONTAMINATION

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place, unless otherwise agreed in writing by the Local Planning Authority in consultation with Shared Regulatory Services, 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 Local Development Plan Policy EN13 (Air, Noise, Light Pollution and Land Contamination) and to ensure the development is undertaken in accordance with the assessed Environmental Statement and Addendum.

27 PILING

Where any building or part of the development proposes to use piling or any other foundation designs using penetrative methods, no development shall commence on that building or part of the development until such time as details have been submitted to and approved in writing by the Local Planning Authority demonstrating that there is no unacceptable risk to groundwater. The piling/foundation designs shall be implemented in accordance with the approved details prior to occupation of the development.

Reason: To prevent pollution of the water environment in accordance with Policies EN10 and EN11 of the adopted City of Cardiff Local Development Plan (2006-2026) and to ensure the development is undertaken in accordance with the assessed Environmental Statement and Addendum.

28 HISTORIC BUILDING RECORDING

Prior to the demolition, alteration, repair or development of the building on the site identified as 'Orion 5' in Figure 2 of the submitted Curran Embankment Cardiff Heritage Statement (dated 23 March 2021, ref PN2620/HS/4), a programme of historic building recording and analysis shall be undertaken in accordance with a written scheme of investigation which shall be first submitted to and approved in writing by the Local Planning Authority in partial discharge of this condition. A report of the programme of historic building recording and its findings shall be submitted to and approved in writing by the Local Planning Authority in full discharge of this condition prior to the demolition, alteration, repair or development of the building. A copy of the approved report of the programme of recording and its findings shall thereafter be submitted to the National Monument Record Wales.

Reason: As the building is of architectural and cultural significance, in accordance with policy EN9 of the adopted Cardiff Local Development Plan (2006-2026) and to ensure the development is undertaken in accordance with the assessed Environmental Statement and Addendum.

29 DEMOLITION ENVIRONMENTAL MANAGEMENT PLAN

No building(s) proposed for demolition on Parameter Plan 1: Demolition (drawing

no190139-3DR-SI-XX-DR-PP001 Rev P04) shall be demolished independently from a reserved matters application until a Demolition Environmental Management Plan (DEMP) for that building(s) has been submitted to and approved in writing by the Local Planning Authority. The DEMP shall include, but shall not be limited to, details of the following: demolition techniques to be used; general site management, traffic management; measures to ensure safe pedestrian access; details of pre-commencement ecology surveys including methodologies and timing; tree, species and habitat protection where applicable; dust control measures; noise and vibration management; materials storage and containment; pollution prevention; waste management / recycling /disposal; proposed temporary means of site enclosure; construction site drainage; a construction lighting scheme; future arrangements for the cleared site prior to construction; details of complaint investigation procedures; details of the persons and bodies responsible for activities associated with the DEMP and emergency contact details, the location of a large notice board on the site that clearly identifies the name and contact details of the site manager. The DEMP shall take account of the 'worst case' scenario for demolition activities and the Cardiff Council Pollution Control's "Construction site handbook". The demolition shall proceed in accordance with the approved DEMP.

Reason: In the interests of highway safety, protecting the environment and public amenity during demolition in accordance with Local Development Plan Policies T5 (Managing Transport Impacts), T6 (Impact on Transport Networks and Services), EN6 (Ecological Networks and Features of Importance for Biodiversity), EN7 (Priority Habitats and Species), EN10 (Water Sensitive Design), and EN13 (Air, Noise, Light Pollution and Land Contamination) and to ensure the development is undertaken in accordance with the assessed Environmental Statement and Addendum.

Action Conditions

30 RIVER PARK PUBLIC OPEN SPACE

Notwithstanding the provisions of condition 2 and prior to the approval of any reserved matters application within the River Park Character Area identified on p.32 of the approved Design Code, a River Park Public Open Space and Facilities Plan shall be submitted to and approved by the Local Planning Authority and shall include details of the following:

- a) A minimum provision of 1.5ha of useable Public Open Space including
 - A Multifunctional open space - a grassed and level area with suitable ground conditions and good drainage to host informal games, activities and events of a minimum 60m x 40m (or equivalent) with an appropriate buffer to the nearest dwellings
 - Neighbourhood Equipped Area for Play (NEAP) catering to the needs of children up to the age of 14 and comprising a 1000m² activity zone and an appropriate buffer to the nearest dwelling
- b) River Park arrival space (as indicated on Parameter Plan 5: Uses- Ground & First Floors (190139-3DR-SI-XX-DR-PP005 Rev P04))
- c) Scheme of works for the river edge cycle/footway (min width of 5m comprising 3m cycle carriageway and 2m footway) running between Penarth Road and the southern boundary of the proposed development

which shall include cross section details, an indicative route through the park showing connections to the bridge and remainder of the site, the Vegetative Buffer Zone, the location of the bridge and lighting principles to minimise light impacts on sensitive ecological features.

The River Park Public Open Space and Facilities Plan shall accord with the SGIMS approved in discharge of condition 6 (Strategic Green Infrastructure Management Strategy). The reserved matters applications encompassing whole or part of the River Park shall accord with the approved details and the development shall be implemented in accordance with the approved details.

Reason: To ensure an acceptable provision of on-site open space and to ensure the development is undertaken in accordance with the assessed Environmental Statement and Addendum.

31 GROUND FLOOR COMMERCIAL USE ZONE STRATEGY

Notwithstanding the provisions of condition 2 and subject to the provisions of condition 53 (Quantum of Development and Use), no reserved matter application shall be submitted in respect of any ground floor frontage within the 'Indicative location of the Ground Floor Commercial Use Zone' (identified on Parameter Plan 5: Uses- Ground & First Floors (190139-3DR-SI-XX-DR-PP005 Rev P04) or the frontage opposite until a strategy and principles for the delivery of commercial uses at ground floor has been submitted to and approved in writing by the Local Planning Authority. The reserved matters details for those frontages shall accord with the approved details.

Reason: To ensure a masterplanning approach to design, in accordance with policy KP4 and KP5 of the adopted Cardiff Local Development Plan (2006-2026) and to ensure the creation of active and vibrant commercial frontages along this key route.

32 DETAILED ENERGY STRATEGY

For each phase of development as approved under condition 3 (Site Wide Phasing Plan), the first reserved matters submission for that phase shall be accompanied by a Detailed Energy Strategy (DES) for that phase which shall include, but not be limited to, proposed methods of energy production and generation, including renewable energy, together with passive methods to be implemented to achieve energy reduction, and where the approved Strategic Energy Strategy has demonstrated that a connection to the Cardiff Heat Network is feasible, the DES shall set out how and when each reserved matters site will connect to the site wide heat network and wider Cardiff Heat Network, all to demonstrate compliance with the overarching Strategic Energy Strategy for the site approved by the Local Planning Authority in discharge of condition 5 (Strategic Energy Strategy). The development of each phase shall thereafter be undertaken in accordance with the approved DES and no building shall be occupied on any reserved matters site until the scheme for that reserved matters site has been implemented in accordance with the approved details.

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

undertaken in accordance with the assessed Environmental Statement and Addendum.

33 RESIDENTIAL TRAVEL PLAN

No residential unit shall be occupied on a reserved matters site until a Residential Travel Plan for that reserved matters site or its constituent Phase has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include:

- a) Measures, targets and indicators to limit or reduce car journeys (including single occupancy car journeys) and promote travel by sustainable modes
- b) Proposals to implement and manage the Travel Plan through a designated Travel Plan Coordinator, including arrangements for monitoring and review of the Travel Plan and the submission of reports demonstrating progress with the Travel Plan
- c) Timetable for implementation

The Residential Travel Plan shall be implemented in accordance with the approved timetable or in accordance with any revised timetable which shall be agreed in writing by the Local Planning Authority in a further discharge of this condition.

Reason: To encourage sustainable transport and effect modal shift to non-car modes in accordance with policies KP8, T1 and T5 of the adopted Cardiff Local Development Plan (2006-2026) and to ensure the development is undertaken in accordance with the assessed Environmental Statement and Addendum.

34 COMMERCIAL USES TRAVEL PLAN

No commercial unit shall be occupied on a reserved matters site until a Commercial Uses Travel Plan for that reserved matters site has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include:

- a) Measures, targets and indicators to limit or reduce car journeys (including single occupancy car journeys) and promote travel by sustainable modes
- b) Proposals to implement and manage the Travel Plan through a designated Travel Plan Coordinator, including arrangements for monitoring and review of the Travel Plan and the submission of reports demonstrating progress with the Travel Plan
- c) Timetable for implementation

The Residential Travel Plan shall be implemented in accordance with the approved timetable or in accordance with any revised timetable which shall be agreed in writing by the Local Planning Authority in a further discharge of this condition.

Reason: To encourage sustainable transport and effect modal shift to non-car modes in accordance with policies KP8, T1 and T5 of the adopted Cardiff Local Development Plan (2006-2026) and to ensure the development is undertaken in accordance with the assessed Environmental Statement and Addendum.

35 DETAILED PUBLIC ART SCHEME

No reserved matters site that has been identified as a location for a piece of public art under condition 9 (Public Art Strategy) and condition 41 (Landscape

Scheme) shall be occupied until a public art scheme, implementation plan and maintenance schedule for that reserved matters site has been submitted to and approved in writing by the Local Planning Authority. The public art scheme, implementation plan and maintenance schedule for the reserved matters site shall accord with approved Public Art Strategy. The public art shall be implemented and thereafter maintained in accordance with the approved details for that reserved matters site.

Reason: To integrate public art and heritage interpretation as part of proposals in accordance with policy KP2A of the adopted Cardiff Local Development Plan (2006 - 2026).

36 NON-RESIDENTIAL PREMISES

No unit falling within Class A1, A2, A3, D1 or D2 uses or other non-residential premises shall be occupied until the following details for that premises have been submitted to and approved in writing by the Local Planning Authority, where applicable:

- a) proposed hours for the arrival, departure, loading and unloading of delivery vehicles
- b) proposed hours that any member of the public shall be admitted to or allowed to remain on the premises
- c) proposed hours that any sales of hot food for consumption off the premises shall take place from the premises
- d) a noise assessment for mechanical and commercial operations and a scheme of mitigation measures for that unit
- e) a scheme for sound insulation of any room where amplified music will be played at any time
- f) a scheme of sound insulation works to the floors/ceiling and/or party wall structure between any retail/commercial unit and adjoining residential unit
- g) a scheme for the provision and maintenance of extract ventilation equipment for the mechanical extraction of all fumes from the food preparation areas in any premises which is to involve the preparation and cooking of hot food at any time. The scheme shall include, but shall not be limited to, details of: the point that fumes shall be mechanically extracted to, details of the equipment, de-odorising filter and chimney.

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any Order amending or revoking and re-enacting that Order), the development shall be carried out, operated and maintained in accordance with the approved details and, in respect of kitchen extraction equipment, shall be maintained in accordance with the manufacturer's guidelines.

Reason: To ensure the amenities of occupiers of other premises are protected in accordance with policy KP5 and EN13 of the Cardiff Local Development Plan and to ensure the development is undertaken in accordance with the assessed Environmental Statement and Addendum.

37 PLANT NOISE

The rating level of the noise emitted from fixed plant and equipment (including any new electricity substations) on any part of the outline site shall not exceed the existing background noise level at the nearest noise sensitive premises at

any time when measured and corrected in accordance with BS 4142: 2014 +A1 2019 (or any British Standard amending or superseding that standard). In the event that any noise complaints are received by Cardiff Council in respect of noise emitted from fixed plant and equipment, a validation noise survey shall be undertaken and a report demonstrating whether this noise limit has been achieved and a schedule of any necessary mitigation measures and implementation timetable shall be submitted to the Local Planning Authority within 3 weeks* of such a written request being made by the Local Planning Authority and shall be approved in writing in discharge of this condition. Where the approved report identifies the need for mitigation measures, the agreed mitigation measures shall thereafter be implemented in accordance with the approved details and implementation timetable and shall be retained thereafter.

Reason: To ensure the amenities of adjoining neighbours in accordance with Policy EN13 & KP5 of the adopted Cardiff Local Development Plan (2006-2026) and to ensure the development is undertaken in accordance with the assessed Environmental Statement and Addendum.

*or any alternative timescale as may be agreed in writing by the Local Planning Authority

38 IMPORTED SOILS

Any topsoil [natural or manufactured], or subsoil, to be imported onto a reserved matters site 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 (Air, Noise, Light Pollution and Land Contamination) and to ensure the development is undertaken in accordance with the assessed Environmental Statement and Addendum.

39 IMPORTED AGREGATES

Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported onto a reserved matters site 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 (Air, Noise, Light Pollution and Land Contamination) and to ensure the development is undertaken in accordance with the assessed Environmental Statement and Addendum.

40 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 on a reserved matters site. 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 (Air, Noise, Light Pollution and Land Contamination) and to ensure the development is undertaken in accordance with the assessed Environmental Statement and Addendum.

Regulatory Conditions

41 LANDSCAPE SCHEME

Details in relation to the reserved matter LANDSCAPING submitted to the Local Planning Authority for any reserved matters site in compliance with condition 1 shall include as a minimum (where applicable) the following details:

- a) Hard landscape works: vehicle, cycle and pedestrian access and circulation areas; external car parking layouts; bus stops; means of enclosure; retaining structures and steps; hard surfacing materials, position of external lighting including street lights; litter bins and other minor artefacts and structures (eg seating and other furniture, play equipment, CCTV and sign, lifesaving provision and equipment along the river embankment); visibility splays and evidence demonstrate they will not conflict with proposed planting
- b) Soft landscape works: Scaled planting plans and schedules of plant species, sizes, numbers and densities prepared by a qualified landscape architect; details of existing and proposed functional services above and below ground (eg lighting, drainage, power, communications cables etc) and evidence to demonstrate they will not conflict with proposed planting; any earthworks; details of tree pits (scaled tree pit sectional and plan drawings prepared by a qualified landscape architect that show the Root Available Soil Volume (RASV) for each tree), irrigation systems, underground root cells and RASV; topsoil and subsoil specification for all planting types, 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
- c) DCWW easements as detailed in condition 60 (DCWW Easements)

- d) Proposed finished levels and/or contours
- e) Statement of provision of Gigabit capable broadband infrastructure in compliance with Future Wales Policy 13 - Supporting Digital Communications (subject to availability of wider infrastructure within Cardiff at the relevant time)
- f) Details of open space provision, where relevant to the site, in accordance with the provisions of condition 6 (SGIMS) and condition 39 (River Park Public Open Space)
- g) Details of any reinforcement or repairs to the river wall, where relevant to the site, which shall accord with details approved in discharge of condition 22 (Riverbank / Wall)
- h) detail of the siting of any public art required in the reserved matter site, as identified in discharge of condition 8 (Public Art Strategy)
- i) Details of community growing facilities (as appropriate)
- j) Details of SuDS, the river embankment and any other open water features, including plans and cross sections, hard and soft landscaping details, and safety report (RoSPA or equivalent)
- k) A detailed lighting scheme which shall accord with the lighting principles and mitigation set out in 'The Embankment Cardiff, Lighting Strategy' by Stantec dated March 2021 and shall include: details of the siting and type of external lighting to be used; drawings setting out light spillage in and adjacent to key sensitive areas (eg the River Taff riparian corridor); an Environmental Lighting Impact Assessment against conservation requirements for protected species (bats and otters)
- l) Proposals for the identification and management/ control/ eradication of any invasive species identified on the reserved matters site
- m) an Arboricultural Impact Assessment (AIA)
- n) an Arboricultural Method Statement (AMS) detailing the methods to be used to prevent loss of or damage to retained trees within and bounding the site. The AMS shall include details of on-site monitoring of tree protection and tree condition that shall be carried out and for at least two years after its completion
- o) a Tree Protection Plan (TPP) in the form of a scale drawing showing the finalised layout and the tree and landscaping protection methods detailed in the AMS that can be shown graphically
- p) A Detailed Green Infrastructure Management Strategy (DGIMS) for the delivery and long term management, maintenance and monitoring of the ecological, arboricultural, landscape, open space and water resource for the reserved matters site, to include: aims and objectives, site appraisal including any necessary species and habitat survey updates, site proposals as informed by up to date ecological surveys, a detailed plan setting out habitats to be lost, enhanced, created and retained; details of proposed green infrastructure network and corridors and connections to local greenspace; details of the number, location and specification of bird nesting and bat roosting features across the site; management roles and responsibilities, general maintenance operations, detailed maintenance schedules; implementation timescales, monitoring and review mechanisms and mechanisms to address any mitigation failures. The DGIMS shall accord with the approved SGIMS required to be submitted under condition 6.

q) Implementation programme.

The submitted details shall be consistent with other plans submitted in support of the application and shall be implemented, managed and maintained as approved and in accordance with the implementation programme. No tree removal or other works to trees shall take place unless in accordance with the approved AIA, AMS and TPP.

Reason: To enable the Local Planning Authority to determine that the proposals will maintain and improve the amenity and environmental value of the area, reduce the impact of lighting on otters and bats using the River Taff and to monitor compliance in accordance with Local Development Plan Policy KP 16 (Green Infrastructure) and to ensure the development is undertaken in accordance with the assessed Environmental Statement and Addendum.

42 ACCESS WITHIN THE SITE

Details submitted for any reserved matter site in compliance with condition 1 shall include (where applicable):

- a) Proposed finished levels and/or contours
- b) Details showing the position and form of construction of all junctions, roads, verges, cycle paths, footpaths, shared paths and surfaces and the method of disposal of all surface water drainage therefrom
- c) Road signing and marking details
- d) The position of street lighting linked to a Central Management System
- e) Details of any Public Transport Route, bus gates, bus stops and associated facilities, and means of preventing through vehicular access identified in the discharge of condition 4 (Public Transport Route and Through Access).
- f) Pick-up and drop-off arrangements and facilities
- g) Loading, unloading, servicing and delivery areas and routes through the site to enable vehicles to enter and leave the site in a forward gear
- h) Delivery and Servicing Scheme for that reserved matters site, which shall include details of how third party deliveries shall be managed and measures to enforce the delivery and servicing arrangements
- i) Details of and an implementation programme for any temporary accessor turning head facilities required as a result of phasing to ensure safe and convenient access, supported by vehicle tracking
- j) Tracking drawings for emergency vehicles, delivery vehicles and large cars
- k) Details to demonstrate that the development would not restrict access to occupiers adjoining the site or any existing occupiers remaining on the site (except for restrictions required as part of temporary construction works).

All roads (including the 4 no Street Types on p 16 of the approved Design Code December 2021), paths and shared spaces shall be designed to adoptable standards. The roads shall accord with the approved Street Types (Design Code, p.16) with the exception that a safe pedestrian zone shall be provided for amenity streets/green streets (whilst retaining emergency vehicular access where necessary). The development shall be designed to accommodate the 'Main Signposted Route to City Centre (DAS, December 2021, p. 77). The development shall be implemented in accordance with the approved details prior to first beneficial occupation of that reserved matters site and the development shall be operated and the facilities maintained in accordance with the approved details thereafter.

Reason: In the interests of sustainable travel, vehicular and pedestrian safety, in accordance with policies T1, T5 and T6 of the adopted Cardiff local Development plan (2006-2026) and to ensure the development is undertaken in accordance with the assessed Environmental Statement and Addendum.

43 PARKING AND EV CHARGING

Subject to the provisions of condition 53 (Quantum of development and Use) and 55 (MSCP), details submitted for any reserved matter site in compliance with condition 1 shall include the following where applicable:

- a) Car parking spaces, including disabled car parking spaces
- b) Car club and car share spaces
- c) Cycle parking spaces, including adapted or non-standard cycles to facilitate inclusive access
- d) Motorcycle parking spaces
- e) Cycle hire facilities.
- f) Electric vehicle charging, where a minimum of 20% of on-street car parking spaces shall have electric charging points available on first use, a minimum of 20% of residential and office car parking spaces shall have electric charging points available on first use and the remainder of residential and office car parking spaces shall include the necessary ducting for future electric charging points.
- g) Details to demonstrate that the gradient of any car park access shall not exceed 1 in 20 for the first 5 metres from the highway boundary.
- h) A Car Park Management Plan demonstrating how on-site car parking will be managed, including any on -street and multi-storey car parking

The development shall be implemented in accordance with the approved details prior to first beneficial occupation of that reserved matters site and the development shall be operated and the facilities maintained in accordance with the approved details thereafter. All car parking shall be ancillary to the development approved by this permission.

Reason: In the interests of sustainable travel, air quality, amenity and vehicular and pedestrian safety, in accordance with policies T1, T5 and T6 of the adopted Cardiff local Development plan (2006-2026) and to ensure the development is undertaken in accordance with the assessed Environmental Statement and Addendum.

44 REFUSE

Details in relation to the reserved matters submitted to the Local Planning Authority for any reserved matters site in compliance with condition 1 shall include the following where applicable:

- a) details of facilities for the storage of refuse containers for each house and flat, and collection points for refuse collection vehicles
- b) vehicle routing and tracking plan(s) which shall demonstrate via swept path analysis that the Council's largest refuse collection vehicle is able to reach within 25m of all dwellings, and enter and exit all roads (including shared surfaces) in a forward gear and that the turning heads are of sufficient size.
- c) details of facilities for the storage of refuse containers for any and all non-residential buildings, their access points and vehicle tracking plans(s) and which shall demonstrate via swept path analysis that they can be serviced

- by the Council's largest refuse collection vehicle
- d) details showing the location of litter bins on private and adopted land and - for those litter bins that are proposed on adopted land and/or which are to be emptied and maintained by the Council - details of their design and specifications
- e) details of the proposed methods/arrangements for collection from litter bins, and refuse and bin collection by development type, including confirmation of whether it is proposed to use the domestic collection service offered by the Council

No dwelling or building shall be occupied until suitable bin provision and the approved refuse facilities and arrangements serving it have been provided. The approved litter bins shall be implemented as approved. The approved refuse facilities shall thereafter be retained for future use.

Reason: To secure an orderly form of development and to protect the amenities of the area in accordance with policy W2 of the adopted Cardiff Local Development plan (2006-2026) and to ensure the development is undertaken in accordance with the assessed Environmental Statement and Addendum.

45 ADOPTABLE AREAS PLAN

Details in relation to the reserved matters submitted to the Local Planning Authority for any Reserved Matters site in compliance with condition 1 shall include a plan showing the following where applicable:

- a) adoptable highway
- b) other areas proposed for adoption by the Council
- c) areas to be maintained by a management company
- d) any other categories pertaining to management arrangements.

The development shall be implemented in accordance with the approved details or in accordance with any amendments agreed in discharge of this condition.

Reason: To help clarify and inform the management arrangements for the site in accordance with policies KP4, KP5 and KP16 of the adopted Cardiff local Development plan (2006-2026).

46 AFFORDABLE HOUSING DETAILS

Details in relation to the reserved matters submitted to the Local Planning Authority for any Reserved Matters site where housing is proposed shall include details of the following which shall accord with the S106 Agreement and the Affordable Housing Scheme required to be submitted by it:

- a) The number of affordable housing units which shall be constructed within the Reserved Matters site
- b) The type, tenure, unit size and mix of those affordable housing units
- c) The location of the affordable housing units (identified by plot/unit number)

The development shall be implemented in accordance with the approved details.

Reason: To allow the delivery of market and affordable housing to be monitored in accordance with policy H3 of the adopted Cardiff local Development plan (2006-2026).

47 DAYLIGHT, SUNLIGHT AND OVERSHADOWING ASSESSMENT

Notwithstanding the provisions of condition 2, all reserved matters applications for residential development and development affecting existing and proposed residential development and other sensitive receptors shall include a Daylight, Sunlight and Overshadowing Assessment. The submitted details shall include:

- a) An assessment of the daylight, sunlight and overshadowing impact of the reserved matters application proposal on existing and proposed residential development and other sensitive developments/receptors and any associated external amenity space located adjacent to the reserved matters site
- b) An assessment of the daylight, sunlight and overshadowing impact of the reserved matters application on future residents and occupiers of other sensitive developments/receptors and any associated external amenity space proposed on the reserved matters site itself
- c) a scheme of any necessary mitigation measures, albeit that the expectation is that any adverse conditions should be identified and designed out during the design process.

The development shall be implemented in accordance with the approved details prior to first beneficial occupation.

Reason: In order to ensure the good design and amenity for both existing and future residents and occupiers in accordance with policies KP4 & KP5 of the adopted Cardiff local Development plan (2006-2026) and to ensure the development is undertaken in accordance with the assessed Environmental Statement and Addendum.

48 WIND MICROCLIMATE

Notwithstanding the provisions of condition 2, all reserved matters applications shall provide a Wind Microclimate Assessment of the impact of the reserved matters application. The submitted details shall include an assessment of the wind microclimate impact within the existing, proposed and cumulative surrounds and a scheme of any necessary mitigation measures, albeit that the expectation is that any adverse conditions should be identified and designed out during the design process. The development shall be implemented in accordance with the approved details prior to first beneficial occupation.

Reason: To ensure the good design and amenity for both existing and future residents and occupiers in accordance with policies KP4 & KP5 of the adopted Cardiff local Development plan (2006-2026) and to ensure the development is undertaken in accordance with the assessed Environmental Statement and Addendum.

49 DETAILED FOUL WATER DRAINAGE SCHEME

Details in relation to the reserved matters submitted to the Local Planning Authority in compliance with condition 1 for any reserved matters site shall include a Detailed Foul Drainage Scheme for that reserved matters site. The foul drainage scheme shall provide for the disposal of foul flows and shall accord with the approved strategic drainage strategy submitted and approved under condition 7 (Strategic Drainage Strategy). No building on that reserved matters site shall be occupied until the approved detailed foul drainage scheme has been

completed in accordance with the approved details.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of residents and ensure no pollution of the water environment in accordance with Policies EN10 and EN11 of the adopted City of Cardiff Local Development Plan (2006-2026) and to ensure the development is undertaken in accordance with the assessed Environmental Statement and Addendum.

50 DETAILED SURFACE WATER DRAINAGE SCHEME

Details in relation to the reserved matters submitted to the Local Planning Authority in compliance with condition 1 for any reserved matters site shall include a Detailed Surface Water Drainage Scheme for that reserved matters site. The drainage scheme shall provide for the disposal of surface water and shall accord with the approved strategic drainage strategy submitted and approved under condition 7 (Strategic Drainage Strategy) and shall include the following:

- a) details of the reserved matters site and existing drainage arrangements, including details of existing and proposed permeable areas (in m²)
- b) details of how surface water is to be managed and discharged, including proposed outfalls to the River Taff
- c) details of the design parameters on which the detailed design is based
- d) details of the proposed SuDS elements (including plan and cross sections, landscaping and biodiversity details,
- e) a safety report of the proposed SuDS and any other open water features (RoSPA or equivalent)
- f) details of flood flow paths/exceedance routes
- g) details to demonstrate that appropriate control and mitigation measures are employed to prevent surface water and land drainage run off and flooding to properties/land within and adjoining the site or from land adjoining the site, and any associated nuisance, contamination, pollution, silting, flooding and subsidence issues
- h) details to demonstrate that there will be no unacceptable pollution, contamination, silting or other effects/risk to controlled waters or receiving infrastructure and including the Severn Estuary Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site, collectively known as the Severn Estuary European Marine Site (EMS)
- i) the reserved matters site for the Multifunctional Open Space (condition 30 River Park Open Space) shall include details to demonstrate that the Multifunctional Open Space shall have suitable ground conditions and drainage and, where necessary, shall include details of positive drainage /appropriate mitigation to ensure this
- j) compliance statement, demonstrating how the scheme complies with the Statutory National Standards for Sustainable Drainage Systems 2018 (or any amendment to it)
- k) details of the future maintenance and management regime, which shall include the arrangements for adoption by the Council or any other arrangements to secure the operation of the scheme throughout its lifetime.

No infiltration of surface water into the ground of that reserved matters site shall be permitted unless otherwise approved in discharge of this condition and where

it has been demonstrated that there is no resultant unacceptable risk to controlled waters. No building on that reserved matters site shall be occupied until the detailed surface water drainage scheme has been completed in accordance with the approved details and the development shall be operated and maintained thereafter in accordance with the approved details.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of residents and ensure no pollution of the water environment in accordance with Policies EN10 and EN11 of the adopted City of Cardiff Local Development Plan (2006-2026) and to ensure the development is undertaken in accordance with the assessed Environmental Statement and Addendum.

51 NOISE ASSESSMENT AND SURVEY

Details in relation to the reserved matters submitted to the Local Planning Authority in compliance with condition 1 for any reserved matters site which includes residential and hotel development shall include a detailed noise assessment and report for approval as part of that reserved matters application. The noise report shall include, as a minimum, a scheme of any necessary mitigation measures, including but not necessarily limited to noise insulation and mechanical ventilation equipment, to protect the amenity of residents of the proposed dwellings and hotel from external noise sources (including noise from traffic, fixed plant and equipment, late night entertainment uses (Class A3 and D2) and existing and proposed substations) from existing and proposed development in the area and outline permission site, and from development proposed in the subject reserved matters site. The noise insulation scheme shall be designed to BS8233:2014 (or any British Standard amending or superseding that standard) to provide that all habitable rooms achieve internal noise levels

- 35dB LAeq, 16hour
- 30dB LAeq, 8hour
- 45dB LAFmax (night time)

The approved scheme shall be implemented prior to the occupation of the proposed dwellings on that reserved matters site and shall be thereafter retained. In the event that any noise complaints are received by Cardiff Council in respect of noise emitted from external noise sources, a validation noise survey shall be undertaken and a report demonstrating whether these internal noise levels have been achieved and a schedule of any necessary mitigation measures and implementation timetable shall be submitted to the Local Planning Authority within 3 weeks* of a written request being made by the Local Planning Authority and shall be approved in writing in discharge of this condition. Where the approved report identifies the need for mitigation measures, the agreed mitigation measures shall thereafter be implemented in accordance with the approved details and shall be retained thereafter.

Reason: To ensure that the amenities of future occupiers are protected, in accordance with policy EN13 of the Cardiff Local Development Plan (2006 - 2026) and to ensure the development is undertaken in accordance with the assessed Environmental Statement and Addendum.

*or any alternative timescale as may be agreed in writing by the Local Planning Authority

52 BRIDGE AND PONTOON

The reserved matters for the proposed pedestrian / cycle bridge across the River Taff shall be submitted to the Local Planning Authority as part of the first reserved matters application within the River Park Character Area (as shown on p. 32 of the Design Code, dated December 2021) and shall include the following details:

- a) Details for the design of the new bridge, taking into consideration any necessary reinforcement works / repair to the river wall or bank approved in discharge of condition 21 (Riverbank / wall)
- b) Details to confirm whether otter ledges need to be incorporated into the bridge design and, if so, details of the design of the otter ledges to be incorporated into the bridge design
- c) min 5m wide useable carriageway on the bridge with a 5.5m wide deck overall to allow sufficient clearance between the cycle track and the parapet
- d) details to demonstrate that the lowest point of the bridge shall not fall below 8.5m AOD at any point and no bridge support or structures shall be placed in the river
- e) a Stage 1 Road Safety Audit and ROSPA report or equivalent
- f) Details of an area to be safeguarded for the future provision of a new jetty or pontoon for a water taxi/bus stop adjacent to the site near the bridge landing

The development shall be implemented in accordance with the approved details.

Reason: To ensure that the height of the bridge does not conflict with navigation on the River Taff and to protect the Taff river corridor, environment and water resource in accordance with policies EN4, EN10, EN11, T1 and T5 of the adopted Cardiff Local Development Plan (2006-2026) and to ensure the development is undertaken in accordance with the assessed Environmental Statement and Addendum.

53 QUANTUM OF DEVELOPMENT AND USE

Notwithstanding the provisions of condition 2 and the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to the Class in any statutory instrument amending, revoking or re-enacting that Order) subject to the provisions of condition 54 (Class A Uses), the development hereby approved shall not exceed:

- a) 2,500 residential units (Use Class C3)
- b) 54,000 sq m gross office floorspace (Use Class B1)
- c) 4,800 sq m gross hotel floor space (Use Class C1)
- d) 11,500 sq m gross mixed commercial uses including retail (Use Class A1), financial and professional services (Use Class A2), restaurants and bars (Use Class A3), non-residential institutions (Use Class D1) and assembly and leisure (Use Class D2).

Reason: To ensure the creation of active frontages and vibrant places and to reflect the proposal tested in the Environmental Statement, in accordance with policies KP5 of the adopted Cardiff Local Development Plan (2006 - 2026) and Future Wales Policy 6, and to ensure the developed scheme does not exceed the floor spaces which have been used to assess the impact of the development

and to ensure the development is undertaken in accordance with the assessed Environmental Statement and Addendum.

54 CLASS A USES

Notwithstanding the provisions of condition 2 and the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to the Class in any statutory instrument amending, revoking or re-enacting that Order) and subject to the provisions of condition 53 (Quantum of Development and Use):

- a) the Class A1 floorspace hereby permitted shall not exceed 2,150sq m gross floorspace and shall not be provided in units of more than 500sq m net retail sales area with no merging of retail units thereafter permitted
- b) the Class A1 floorspace hereby permitted shall not be used for the sale of men's and women's fashion clothing and footwear (except for ancillary sales), and
- c) the Class A3 retail floorspace shall be permitted to be used for restaurant, café bars or coffee shop uses only and shall not be used for any other purposes including any other purpose in Class A3 unless otherwise first approved by the Local Planning Authority in discharge of this condition.

Reason: To ensure the creation of active frontages and vibrant places, whilst also preventing changes to the type and scale of Class A1 retail floors that would detract from the amenities of nearby occupiers or prejudice the retail strategy of the development plan and/or government planning guidance, in accordance with policies KP5, R1, R6 and R8 of the adopted Cardiff Local Development Plan (2006 - 2026) and Future Wales Policy, and to ensure the developed scheme does not exceed the floor spaces which have been used to assess the impact of the development and to ensure the development is undertaken in accordance with the assessed Environmental Statement and Addendum.

55 MULTI-STOREY CAR PARK(S)

The reserved matters application(s) which include a multi storey car park(s) (the Park Houses) shall deliver the following total combined requirements:

- a) A maximum of 924 car parking spaces, including:
 - A maximum of 708 residential car parking spaces
 - A maximum of 216 car parking spaces for office use (Use Class B1)
 - Disabled car parking provision (within the above 924 spaces) provided in accordance with the Council's 'Managing Transportation Impacts' SPG (July 2018) or any amendment to it.
- b) a minimum of 4 no car club spaces.
- c) a minimum of 625 cycle parking spaces for office use (Use Class B1)
- d) A minimum of 56 motorcycle parking spaces.
- e) No car parking spaces for hotel use (Use Class C1).

All car parking provided at the multi storey car park(s) shall be ancillary to this development only.

The gradient of any car park access shall not exceed 1 in 20 for the first 5 metres from the highway boundary.

Reason: To ensure the number and type of spaces are appropriate and reflect the Transport Assessment proposals, in the interests of highway safety and

sustainability, and to comply with Policies T5 & T6 of the adopted Cardiff Local Development Plan (2006-2026), Planning Policy Wales and Future Wales and to ensure the development is undertaken in accordance with the assessed Environmental Statement and Addendum.

56 LANDSCAPE IMPLEMENTATION

Any newly planted trees, plants or hedgerows, which within a period of 5 years from the date of first planting die, are removed, become seriously damaged or diseased, or in the opinion of the Local Planning Authority (LPA) otherwise defective, shall be replaced. Replacement planting shall take place during the first available planting season either to the same specification as set out within the approved scheme or to a different specification as set out in amended plan(s) which shall be first approved in writing by the Local Planning Authority).

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).

57 NESTING BIRDS

No works to or removal of trees, shrubs, scrub or built structures with bird-nesting potential shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a detailed check of vegetation or built structure for active birds' nests immediately before (within 48 hours) the works commence and provided written confirmation to the Local planning Authority that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interests on site.

Reason: To avoid disturbance to nesting birds which are protected under the Wildlife and Countryside Act 1981 and given it is an offence to intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built.

58 WORKS WITHIN THE RIVER TAFF

Works within the River Taff shall only take place in January to March (inclusive) and July and August (inclusive) unless otherwise agreed in writing by the Local Planning Authority, in consultation with NRW, through the discharge of this condition. For the avoidance of doubt, the definition of 'works' includes any works that take place within the river or along the banks that might disturb the substrate (that could be suitable spawning grounds for fish) and/or disturb protected fish species due to vibration and noise. Examples of such works include dredging, piling, pipe or cable laying and even the use of scaffolding. Examples of works along banks include revetement and bank stabilisation work and the construction, maintenance, re-pointing or underpinning of a riparian/retaining wall. The use of canoes for river wall and bank surveys shall not constitute in-river works.

Reason: To ensure the migration of fish is not impacted in accordance with policies KP16, EN4, EN6, EN7 and EN13 of the adopted Cardiff Local Development Plan (2006-2026) and to ensure the development is undertaken in accordance with the assessed Environmental Statement and Addendum.

59 PROVISION OF ROAD BEFORE OCCUPATION OF BUILDINGS

No dwelling or building shall be occupied until that part of the road and footpath which provides access to it from the existing highway and all surface water drainage works for the said road have been laid out, constructed and completed up to base course level and lit in accordance with the approved plans. The roads and footpaths shall be constructed to surface level prior to the occupation of the last dwelling or building served by that road, unless otherwise agreed in discharge of this condition.

Reason: To ensure an orderly form of development and to make provision for satisfactory access to the dwelling by the future occupants in accordance with policies T1, T5 and T6 of the adopted Cardiff Local Development Plan (2006-2026).

60 DCWW EASEMENTS

No building or other obstruction shall be located within a minimum distance of

- a) 3m measured either side of the centre line of the public sewers
 - b) 4.7m measured either side of the centreline of the 10" watermain
 - c) 4.55m measured either side of the centreline of the 6" watermain
 - d) 4m measured either side of the centreline of the 3" and 4" water main
- unless otherwise agreed in writing with the Local Planning Authority in discharge of this condition.

Reason: In order to protect the public sewer network and allow sufficient access for maintenance and repair work at all times, in accordance with policy EN10 of the adopted City of Cardiff Local Development Plan (2006-2026).

INFORMATIVES:

- 1 CONSTRUCTION WORKING HOURS: Attention is drawn to the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities. Further to this the applicant is advised that no noise audible outside the site boundary adjacent to the curtilage of residential property shall be created by construction activities in respect of the implementation of this consent outside the hours of 0800-1800 hours Mondays to Fridays and 0800 - 1300 hours on Saturdays or at any time on Sunday or public holidays.
- 2 CONTAMINATION AND UNSTABLE LAND: 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.

- 3 SAB: On the 7th January 2019, Schedule 3 of the Flood and Water Management Act 2010 was enacted. This effects all new developments where the construction area is of 100m² or more. Cardiff Council is aware that your application for planning permission was validated after the recent legislative change in which Schedule 3 of the Flood and Water Management Act was enacted and therefore may be subject to surface water drainage proposals under the SAB application process. It is recommended that the developer engages in consultation with the Cardiff Council SAB team, as the determining SuDS Approving Body (SAB), in relation to their proposals for SuDS features. To arrange discussion regarding this please contact SAB@cardiff.gov.uk

If you require further information please review:

<https://www.cardiff.gov.uk/ENG/resident/planning-and-suds/suds-approval-body/>

Or, alternatively you can review the legislation set by Welsh Government here:

<https://gweddill.gov.wales/topics/environmentcountryside/epq/flooding/drainage/>

- 4 RISK TO CONTROLLED WATERS: That the Applicant/developer be advised 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.
- 5 NRW LAND CONTAMINATION ADVICE: That the Applicant / Developer be advised of the Land Contamination advisory comments from NRW in their comments dated 28/05/2021 (ref CAS-147871-B6S4), a copy of which has been

forwarded to their Agents.

- 6 **EPS LICENCE:** That the Applicant / Developer be advised of the following informative from NRW set out in their advice dated 26/02/2021 (ref CAS-135522-G4Y5):

This planning permission does not provide consent to undertake works that require an EPS licence. It is an offence to deliberately capture, kill or disturb EPS or to damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.

To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/permits-and-permissions/protected-specieslicensing/european-protected-species-licensing/information-on-european-protectedspecies-licensing/?lang=en>

Development should not be commenced until the Applicant has been granted a licence by Natural Resources Wales pursuant to Regulation 55 of the Conservation of Habitats and Species Regulations (2017) authorizing the specified activity/development to go ahead.

The proposed bridge will require a Flood Risk Activity Permit from NRW
- 7 **FLOOD RISK ACTIVITY PERMIT:** That the developer be advised of the advice from NRW that the proposed bridge will require a Flood Risk Activity Permit and that they advise that its design is discussed with Carl Llewellyn in our Flood Risk Analysis team carl.llewellyn@cyfoethnaturiolcymru.gov.uk. Their website provides further details: <https://naturalresources.wales/permits-and-permissions/flood-risk-activities/flood-risk-activity-permits-information/?lang=en>
- 8 **DCWW APPARATUS:** That the Applicant / Developer be advised of DCWW's advisory notes set out in their comments dated 11/01/2022 (ref PLA0062443) and easement letter of 07/01/2022 on connections to the public sewer, records of assets, contacting DCWW to establish the location and status of apparatus, and DCWW's rights of access to its apparatus and conditions for development near watermains, a copy of which has been forwarded to their Agents.
- 9 **COMMENCEMENT OF DEVELOPMENT:** Prior to the commencement of development, the developer shall notify the Local Planning Authority of the commencement of development, and shall display a site notice and plan on, or near the site, in accordance with the requirements of Article 12 of the Town & Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016
- 10 **WELSH LANGUAGE:** 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.

- 11 SECTION 278 AND/OR SECTION 38 OF THE HIGHWAYS ACT 1980: The highway works and any other works to existing or proposed adopted public highway are to be subject to agreements under Section 278 and/or Section 38 of the Highways Act 1980 between the developer and Local Highway Authority.
- 12 PRINCIPLES FOR NEW TREE PLANTING: That the Applicant is reminded of the following principles for new tree planting provided by the Council's Tree Officer should inform the design of reserved matters:
 - a) Planting should optimise diversity of species and form as opposed to monocultures and uniformity of habit.
 - b) 'Layered' planting should be utilised to imitate the canopy layers typical of many woodlands. This will help to maximise diversity, pollutant interception, water management and disruption of wind tunnel effects.
 - c) Trees of different form and character should be planted at strategic locations to maximise beneficial impacts. For example, broad-leaved evergreens are effective buffers to wind and could be used to 'close off' potential wind tunnels.
 - d) A mixture of native and exotic planting is encouraged to give diversity of form and character for different functions.
 - e) Planting should be well adapted to the predicted impacts of climate change and species that are vulnerable to catastrophic pest and disease outbreaks should be avoided. I have attached a list of some tree species that may be suitable for street planting based on their tolerance to drought.
 - f) Large, long-lived, slow growing trees should be prioritised over large numbers of small, fast-growing, short-lived trees. The aim should be long-term sustainability rather than short-term 'high-impact' tree planting.
 - g) Trees should be allocated suitable growing space above and below ground and planting plans should depict trees at their ultimate size, not their 'as planted' or '25 year' size. In transport corridors for example, trees other than the most diminutive forms cannot be expected to offer long-term benefits to green infrastructure if they are planted in narrow corridors (e.g. 2.5m wide verges or swales). Wherever trees are constrained in this way provision must be made for secondary rooting via load bearing soil cells and/or structural soils. Ensure that service corridors, including drainage, lighting and CCTV are designed at the same time as landscaping to ensure there is no conflict between them.
 - h) Tree planting in SuDS environments should be specified on the basis of the prevailing hydrological regime in addition to other factors. I have attached some guidance on species in this regard.
 - i) Early consideration should be given to the potential for buildings to cast

shade and create wind tunnel effects and species selection and positioning should reflect such constraints accordingly.

- j) Early consideration should be given to the role vegetation can play in combatting but also exacerbating air quality problems. I have attached guidance in this regard to help inform design.