

APPENDIX 16.1 LEGISLATION, POLICY AND GUIDANCE

1.1 Legislative Framework

1.1.1 There is no applicable legislation of relevance to this assessment.

1.2 Planning Policy

1.2.1 Planning policy at the national and local level and its relevance to environmental design and assessment is discussed in the Planning Statement submitted as part of this planning application.

1.2.2 Policies relevant to Landscape and Visual Impacts are discussed below.

Planning Policy Wales

1.2.3 Planning Policy Wales (PPW) (Edition 11, February 2021) is the Welsh Government's principal planning policy and establishes the key principles for the planning system. PPW is supported by supplementary documents including a series of Technical Advice Notes (TANs) which together with the PPW provide the national planning policy for Wales and aim to promote sustainable development.

1.2.4 Paragraph 1.18 of PPW states *"Legislation secures a presumption in favour of sustainable development in accordance with the development plan unless material considerations indicate otherwise to ensure that social, economic, cultural and environmental issues are balanced and integrated"*.

1.2.5 Chapter 2 – 'People and Places: Achieving Well-being Through Placemaking' of PPW encourages the embracing of the concept of placemaking in both plan making and development management decisions to achieves the creation of sustainable places and improve the well-being of communities. It also highlights the intrinsic value of a place to people or communities; both urban and rural; for aesthetic, cultural, spiritual or historical reasons.

1.2.6 The PPW recognises that good design can help to ensure high environmental quality, and that landscape and green infrastructure considerations are an integral part of the design process (paragraph 3.8).

1.2.7 With regard to the particular characteristics of an area it states that these *"should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations."* (para 3.9)

1.2.8 It goes on to note that:

“areas recognised for their particular landscape, townscape, cultural or historic character and value it can be appropriate to seek to promote or reinforce local distinctiveness. In those areas, the impact of development on the existing character, the scale and siting of new development, and the use of appropriate building materials (including where possible sustainably produced materials from local sources), will be particularly important.” (para.3.10)

1.2.9 In circumstances where the landscape has been previously developed, factors such as how the site relates to the surrounding area and any requirements for on-site open space, buffer strips and landscaped areas should be considered (page 37).

1.2.10 Chapter 6 – ‘Distinctive and Natural Places’ of PPW covers the environmental and cultural components of placemaking, including the valuing of the quality of Wales’ landscapes and historic environment. This refers to considerations of Conservation Areas and historic Parks and Gardens, as well as common land, the characteristics of local landscapes (including those defined by LANDMAP) and Special Landscape Areas.

Technical Advice Notes

1.2.11 TAN 24; ‘the historic environment’ (published in 2017); provides guidance on how the planning system considers the historic environment during decision making on planning applications. This includes specific guidance on aspects such as World Heritage Sites, historic parks and gardens, and historic landscapes.

1.2.12 With regard to historic landscapes, this notes that such designations; recorded within the Register of Historic landscapes; should be taken into account when determining planning applications, and that *“change is accommodated without sacrificing the essential integrity and coherence of historic landscape areas.”*

Future Wales: The National Plan 2040

1.2.13 Future Wales applies the key principles of Planning Policy Wales and establishes where in Wales development should take place and how these places should grow and change. Future Wales should be read alongside Planning Policy Wales and where relevant the Technical Advice Notes.

1.2.14 While the defined policies do not specifically refer to impacts upon visual amenity and character within the townscape environment, the identified ‘Outcomes’ to achieve the ambitions set in Future Wales include the preservation of the balance between

development and preserving the character of rural Wales, delivery of high quality homes and accessible green and open spaces, city centre development and growth founded on sustainability and urban design principles, and appropriate management of natural resources including the landscape.

Local Planning Policy

- 1.2.15 The applicable planning policies include those within the Cardiff Local Development Plan 2006 – 2026 (CLDP) adopted in January 2016.
- 1.2.16 The key Policies of relevance to landscape and townscape and visual matters within the CLDP comprise KP5 (Good Quality and Sustainable Design), KP17 (Built Heritage) and EN3 (Landscape Protection).
- 1.2.17 Other policies which make reference to visual resources, character of an area or a site's setting include KP4 (Masterplanning Approach), EN9 (Conservation of the Historic Environment) and EN13 (Air, Noise, Light Pollution and Land Contamination).

KP4: MASTERPLANNING APPROACH

- 1.2.18 This policy seeks to provide greater certainty to developers by setting out a series of principles to guide the development of integrated scheme designs, including all strategic sites and other major development. Considerations include the Site's local context, the sympathetic integration of existing landscape features and the creation of new neighbourhoods with distinctive character.

“Major development should accord with:

i. The following Masterplanning General Principles:

- 1. Development schemes that are planned in a comprehensive and integrated manner reflecting partnership working and setting out the phasing of development along with a timely provision of supporting infrastructure. Masterplans will need to encompass the whole of a development area regardless of land ownership patterns, and this will require partnership working, involving all relevant parties;*
- 2. High density residential and mixed-use development is focused along public transport corridors and in neighbourhood centres with lower densities provided elsewhere to deliver an overall range and choice to meet different needs;*

3. *Dedicated sustainable transport corridors including provision for public transport, cycling and walking which will form key elements of the overall master plan and effectively link into the wider network;*
 4. *Walking, cycling and public transport will be attractive, practical and convenient travel choices for all;*
 5. *Provision of a full range of social and community facilities will be concentrated within mixed use neighbourhood centres located along public transport corridors and easily accessed by walking and cycling;*
 6. *The masterplanning process effectively responds to the local context and the context of climate change, to create new well designed neighbourhoods with a distinctive character which residents will be proud of;*
 7. *New development responds to local deficiencies and provides good connectivity to adjoining areas and is informed by feedback from existing communities;*
 8. *Multi-functional and connected green open spaces form strategically important links to the surrounding area to provide routes for people and wildlife and open spaces for sports, recreation and play;*
 9. *Sympathetically integrate existing landscape, biodiversity and historic features of the site into the development taking opportunities to protect, enhance and manage important features along with mitigation and enhancement measures to provide satisfactory compensatory measures;*
 10. *Innovative and creative energy, management of surface water and waste management solutions are adopted to make new developments more environmentally sustainable ; and*
- ii. *Guidance set out in Site-Specific Masterplanning Frameworks, where prepared.”*

KP5: GOOD QUALITY AND SUSTAINABLE DESIGN:

1.2.19 As defined within Policy KP5 (Good Quality and Sustainable Design) all new development is required to be of a high quality, sustainable design and should make a positive contribution to the creation of distinctive communities, places and spaces.

“To help support the development of Cardiff as a world-class European Capital City, all new development will be required to be of a high quality, sustainable design and make a positive contribution to the creation of distinctive communities, places and spaces by

- iii. Responding to the local character and context of the built and landscape setting so that layout, scale, form, massing, height, density, colour, materials, detailing and impact on the built and natural heritage are all addressed within development proposals;*
- iv. ii. Providing legible development which is easy to get around and which ensures a sense of continuity and enclosure;*
- v. Providing a diversity of land uses to create balanced communities and add vibrancy throughout the day;*
- vi. Creating interconnected streets, squares and spaces as distinctive places, which are safe, accessible, vibrant and secure and incorporate public art where appropriate;*
- vii. Providing a healthy and convenient environment for all users that supports the principles of community safety, encourages walking and cycling, enables employment, essential services and community facilities to be accessible by sustainable transport and maximises the contribution of networks of multi-functional and connected open spaces to encourage healthier lifestyles;*
- viii. Maximising renewable energy solutions;*
- ix. Achieve a resource efficient and climate responsive design that provides sustainable water and waste management solutions and minimise emissions from transport, homes and industry;*
- x. Achieving an adaptable design that can respond to future social, economic, technological and environmental requirements;*
- xi. Promoting the efficient use of land, developing at highest practicable densities and where appropriate achieving the remediation of land contamination;*
- xii. Ensuring no undue effect on the amenity of neighbouring occupiers and connecting positively to surrounding communities;*
- xiii. Fostering inclusive design, ensuring buildings, streets and spaces are accessible to all users and is adaptable to future changes in lifestyle; and xii. Locating Tall buildings in locations which are highly accessible through walking and public transport and within an existing or proposed cluster of tall buildings.”*

KP17: BUILT HERITAGE

1.2.20 Policy KP17 outlines at a strategic level the cultural heritage designations and assets of local interest that contribute to the distinctiveness of the city and that are to be protected, managed and enhanced.

“Cardiff’s distinctive heritage assets will be protected, managed and enhanced, in particular the character and setting of its Scheduled Ancient Monuments; Listed Buildings; Registered Historic Landscapes, Parks and Gardens; Conservation Areas; Locally Listed Buildings and other features of local interest that positively contribute to the distinctiveness of the city.”

EN3: LANDSCAPE PROTECTION

1.2.21 Policy EN3 focuses on the preservation of the character and quality of the landscape and setting of the city. Particular priority is to be given to the Special Landscape Areas including Garth Hill to the northwest, Caerphilly Ridge to the north, the Wentloog levels to the east and Flat Holm to the south.

“Development will not be permitted that would cause unacceptable harm to the character and quality of the landscape and setting of the city.

Particular priority will be given to protecting, managing and enhancing the character and quality of the following Special Landscape Areas:

- i. St Fagans Lowlands and the Ely Valley;*
- ii. Garth Hill and Pentyrch Ridges;*
- iii. Fforest Fawr and Caerphilly Ridge;*
- iv. Wentloog Levels; and*
- v. Flat Holm.*

A landscape assessment and landscaping scheme will be required for significant development proposals.”

EN9: CONSERVATION OF THE HISTORIC ENVIRONMENT

1.2.22 This policy sets the criteria against which proposals with the potential to affect the heritage assets also identified in Policy KP17 would be assessed. While this policy primarily related to cultural heritage matters, some of the designations and assets would also be considered as part of the TVIA.

“Development relating to any of the heritage assets listed below (or their settings) will only be permitted where it can be demonstrated that it preserves or enhances that asset’s architectural quality, historic and cultural significance, character, integrity and/or setting.

- i. Scheduled Ancient Monuments;*
- ii. Listed Buildings and their curtilage structures;*
- iii. Conservation Areas;*
- iv. Archaeologically Sensitive Areas;*
- v. Registered Historic Landscapes, Parks and Gardens; or*
- vi. Locally Listed Buildings of Merit and other historic features of interest that positively contribute to the distinctiveness of the city.”*

EN13: AIR, NOISE, LIGHT POLLUTION AND LAND CONTAMINATION

1.2.23 The focus of EN13 is primarily upon air, noise and light pollution or the presence of land contamination arising as a consequence of development, resulting in unacceptable harm on factors such as character of the countryside and landscape heritage.

“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.”

1.3 Guidance and Other Publications

Tall Buildings SPG

1.3.1 City of Cardiff Council’s ‘Tall Buildings Supplementary Planning Guidance’ published in January 2017 supplements policies in the CDLP relating to good quality and sustainable design; more specifically KP5 which requires tall buildings to be situated in highly accessible locations within an existing or proposed cluster of tall buildings.

1.3.2 The SPG recognises that well-designed and carefully planned tall buildings in appropriate locations that knit well into the City’s existing fabric have the potential to add value, enhance skylines and provide recognisable landmarks within Cardiff.

1.3.3 The SPG defines a ‘tall building’ within the city centre and Cardiff bay as being or 8 or more storeys, or in excess of circa 25m in height.

1.3.4 In section 2, it states that proposals should show that detailed contextual analysis has been carried out at a variety of scales as part of the justification of an appropriate location, and demonstrate that:

- *There would be no negative impacts on important views or vistas.*
- *The character or setting of heritage assets is not harmed.*
- *The proposal will be a positive feature in skyline & streetscape, either by complementing a cluster of tall buildings or forming a strategic landmark.*
- *No material harm is caused by overshadowing or overlooking.*
- *There will be walking and cycling accessibility to sustainable transport and local facilities.*

1.3.5 Furthermore, detailed proposals for buildings will:

- Exhibit exceptional architectural standards: elegance in form, silhouette and quality of materials.
- Maximise activity through ground floors uses and fenestration.
- Provide high standards of performance, safety, inclusivity and adaptability.
- Include exemplary cycle storage, parking and integrated servicing, recycling and waste storage.
- Prove that the development will not create adverse microclimatic effects.
- Deliver significant enhancements to the public realm.

1.3.6 Section 4 specifically address Cardiff’s skyline, strategic views and vistas. It notes that:

“The skyline of Cardiff is typically made up of a number of tall buildings, in addition to other notable architectural features in the roofscape. It is considered important to retain key views to strategic architectural features and buildings in the skyline from both long range and intermediate range views because they create an image for the city of Cardiff as well as aiding legibility when walking through the city. Examples of notable features in the city centre and bay include: the Millennium Stadium masts, the Millennium Centre bronze-coloured domed roof, the Pierhead building, church steeples, Cardiff Castle clock tower, City Hall clocktower and the Norwegian Church.

Buildings of character should be given sufficient breathing space to preserve their setting. Consideration should be given to how a tall building may impact on smaller buildings of character within a view corridor. The proposal should show how the building complements those character buildings, possibly framing them, but not distract from them.” (paragraph 4.2 and 4.3)

- 1.3.7 With regard to strategic views, the SPG states tall buildings should contribute to the ‘opening up’ or framing of key views, or enclose a vista to improve city and wider townscape legibility.

“Important strategic views, of an intermediate scale, towards the bay and city centre can be gained from: the Barrage, the 10k circuit around Cardiff Bay, Penarth and Lloyd George Avenue. Intermittent views can also be glimpsed from vehicular arterial routes, such as the Central Link road and A4232. Important local / close range views to notable features and key buildings can be gained from the Hayes, Queen Street, Cathays Park, Castle Street and bridges along the River Taff.”

- 1.3.8 Long range views towards the bay area may also need to be considered from locations such as Penarth Head, Radyr and Rumney, views from within parks, river corridors and views from within relevant conservation areas, historic parks and gardens.

- 1.3.9 Paragraphs 4.8 to 4.12 (Clusters) note that in order to achieve visual cohesion proposed tall buildings should generally be located within existing clusters or form part of a new cluster which in either instance incorporate visual gaps so as not to merge into a single large slab. However, exceptions may exist where such a free-standing building provides a landmark within the street scene or skyline or sits at the termination of a vista. Replacement tall buildings are not a given and should meet the criteria set out within the guidance.

- 1.3.10 Predicted effects as a result of the Proposed Development upon the City’s historic environment are addressed within Chapter 13. There is however some ‘cross-over’ between the receptors considered within both the Townscape and Visual and cultural heritage assessments. As such, the ‘Cultural Heritage’ chapter of the ES examines an asset’s architectural quality, historic and cultural significance, character, integrity and setting (as described in more detail in Section 5 of the SPG: Historic Environment Setting), while the TVIA presents a more focussed degree of consideration of such assets in terms of receptor views from an asset or – where appropriate – its setting.

1.3.11 Matters such as the design details of and rationale behind building silhouette, appearance and materials, street level interfaces and open space treatments as discussed within Section 6 of the SPG are addressed within the Design and Access Statement and other plans and material submitted in support of the application. However, the TVIA will consider proposed built forms and their relationship within their surrounding built context with regard to the potential townscape and visual impacts.