



County Hall
Cardiff
CF10 4UW
Tel: (029) 2087 2000

Neuadd y Sir
Caerdydd
CF10 4UW
Ffôn: (029) 2087 2000

ATTENDANCE SHEET/LATE REPRESENTATIONS

Committee PLANNING COMMITTEE

**Date and Time
of Meeting** THURSDAY, 7 DECEMBER 2023, 10.30 AM

Please see attached Attendance Sheet / Late Representation Schedule received in respect of applications to be determined at this Planning Committee

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PLANNING COMMITTEE

7th December 2023

AMENDMENT SHEET / LATE REPRESENTATIONS

Agenda Item 5a (Page 7)

APPLICATION NO.	20/00187/MJR
LOCATION:	LAND AT DE BRAOSE CLOSE, DANESCOURT, CARDIFF
PROPOSAL:	Residential development comprising 36 dwellings together with associated infrastructure, public open space and woodland management

Additional Submissions from Applicant: Lighting

Since undertaking the Committee Site Visit on Monday 4th December 2023, the following has been proposed to address the concerns raised by local residents:

“Further to the committee meeting today, I confirm that my client has budgeted for improved off street lighting in Radyr Court Road, west of the site as it approached the school and local centre.

The budget is £30,000. Radyr Court Road is adopted highway, and it would be the applicant’s position that a commuted sum of £30,000 towards lighting improvements along this pedestrian route forms part of the S106 agreement – the works themselves being commissioned by your highways department.”

The applicant has proposed a £30,000 contribution, to be secured through Section 106 Agreement, towards the provision of lighting improvements along Radyr Court Road, to address concerns of local residents.

Officer Response: The above proposed contribution is welcomed, and shall be incorporated into the agreed Heads of Terms for the section 106 legal agreement. However, Members should note that further consideration of the design and form of any additional lighting proposals would be needed to ensure that provision of lighting is achievable, having regard also to potential ecological constraints.

Additional Assessment – Impact on Residential Amenity

Section 9.73 – 9.74 of the report assesses the impact of the development on the existing levels of privacy and amenity afforded to neighbouring properties to the west of the application site, along Blethin Close. Following the committee site visit, it is noted

that the report has not directly referred to the assessment of the impact of the development on the privacy and amenity of occupiers of properties to the south east and south of the application site, known as Ty Isaf, Silverton, Mount Pleasant and Hillside respectively, and as shown below:



Properties to the south east and south of the application site

The property known as Ty Isaf lies to the south east of the application site, and is the closest property to the site, set around 4.2 metres away from the shared boundary. The property is bordered by a large hedge, and has no windows in the side elevation at first floor level, as shown below:



View of Ty Isaf

Given the proposed layout of the application site and orientation of the proposed dwellings, it is not considered that the development would directly overlook the existing property known as Ty Isaf, to an extent that would warrant a refusal of planning

permission on such grounds. As such, the proposed development is considered to be acceptable in this regard.

The properties located to the south of the site are located on the southern side of Radyr Court Road, and are also bordered by mature vegetation. Given the almost 6 metre distance provided between the rear elevations of the proposed dwellings and the southern boundary of the application site, the separation distance provided by the highway network (Radyr Court Road), and the mature vegetation surrounding the existing dwellings, it is not considered that the proposed dwellings will overlook the nearby properties to the south.

It is considered that the scheme has been designed to minimise any form of overlooking to the greatest extent possible, with appropriate distances provided between the nearest residential properties and the proposed dwellings. It would be remiss to argue that the levels of overlooking would be harmful for the occupiers of the neighbouring properties, and therefore the development is considered to be acceptable in this regard.

Additional Objections (Third Party)

Since the Officer report was published (30.11.2023), a further four objections have been received from third parties. The matters raised within the further representations reiterate the previous objections raised, including the following:

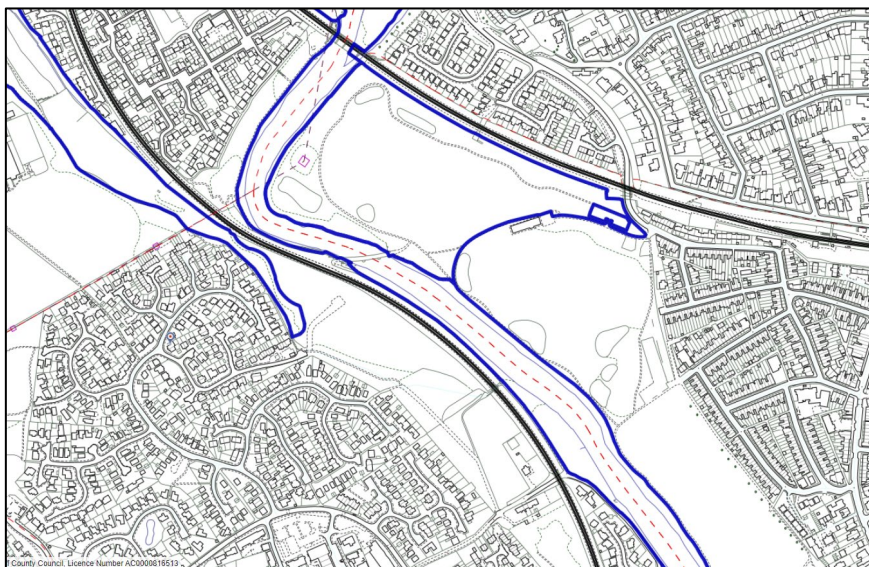
- The impact of the development on vehicular traffic and the local highway network;
- The location of the site within a River Corridor;
- The development proposal is contrary to the adopted Policies of the Local Development Plan.

One responses emphasises the importance of the woodland for its users, stating that the number of objections received “illustrates the strength of feeling about the prospective loss of this place”. It also notes that there is political cross-party agreement, which has been unwavering throughout, that the site is not suitable for development, and the application should therefore be refused.

Another response stresses the importance of the land as being highly valued by local residents and visitors, noting that it provides mental and physical health and well-being benefits, which should not be set aside lightly in the consideration of the application.

Location of SINC

Clarification is also sought about the extent of the nearby Sites of Importance for Nature Conservation (SINCs), with it being suggested on the site visit that the site was located within a SINC. To confirm, the extent of nearby SINCs is shown outlined in blue below:



Extent of SINCs surrounding the application site

The above map confirms that the application site itself is not located within a SINC. The following SINCs are within close proximity to the application site:

- The River Taff SINC – located to the east of the railway line;
- Hailey Park SINC – located to the east of the River Taff SINC;
- Radyr Community Woodlands SINC (some refer to as Hermit Woods) – located to the north of the application site, norther of the proposed access road.

Some residents have argued that the DEFRA information shows the application site as being located within a SINC. This is incorrect.

The 'Magic Map Application' ([Magic Map](#)) which is referenced within some objector responses is an English-based system with partnership organisations Natural England, DEFRA, Environment Agency, Historic England, Forestry Commission and Marine Management Organisation. It does not have up-to-date information on the Wales land designations, which can be found on the Constraints Map [here \(cardiffldp.co.uk\)](#).

Additional Representations

FROM: Llandaff Society

SUMMARY:

Llandaff Society is dismayed that the Officer recommendation is to approve this application. Whilst we recognise the need for more social housing we do not support its development on this site, as we made clear in our earlier representations. We urge Planning Committee members to REFUSE the application because this site is simply not suitable for housing. This area should be retained - as it has been for decades, and always was intended from the outset of the development of the community of Danescourt - as undeveloped green space and nurtured as a wildlife habitat.

The Officer Report reveals new information - the astounding fact that this proposal would require diversion of both a foul sewer and a large surface water sewer which - according to para 7.3 of the Officer Report - would require "repositioning of the

proposed development". Dŵr Cymru has stated that - if they receive planning permission - the developers must submit an application to show "whether the diversion of a strategic asset of this size will be achievable". This alone should set alarm bells ringing given the other issues that have arisen in North West Cardiff due to inadequate forward planning of the major infrastructure on which all the citizens of Cardiff depend.

In addition, we wish to draw your attention to the following:

(i) the site is already subject to ponding of surface water contributed to by water running off the roads and housing on the slopes above, which collects along the side of the raised railway embankment - which will increase if this development is allowed due to increasing climate change despite the SUDS proposed;

(ii) the proposed access road starts with a sharp turn, so that the road surface angles to the north. We are concerned that surface water run-off, with a risk of ice in winter, could lead to accidents in this location;

(iii) there is an outstanding objection by the Tree Officer (para 6.3 of the Officer Report). As he says, allowing this application would contradict the Council's green policies in its Adopted LDP, and the recently released Welsh Government updated Chapter 6 of PPW 11 - the latter is quoted in paragraph 5.9 of the Report but seemingly ignored in reaching its conclusion.

(iv) the application is recommended for approval despite a succession of previous refusals for housing on this site, albeit with different access. The Report quotes from the Inspectors' reports, which were written some years ago in a policy context that has changed. Current national and local policy gives much greater emphasis to protecting our precious and fast-disappearing natural environment and biodiversity, but this has seemingly been given little weight.

and finally:

(v) the release of yet another housing site - on a greenfield site as illustrated by Figure 7 - can't be justified when the Council has allocated land for over 6,000 homes for nearby Plasdŵr in its Adopted LDP (on land originally in the same ownership). More social housing needs to be provided for on Plasdŵr, where it can be developed in a tenure neutral context.

FOR ALL THE ABOVE REASONS WE URGE MEMBERS TO VOTE TO REFUSE THIS APPLICATION.

RESPONSE: The additional comments received from Llandaff Society are noted, together with the previous responses which are detailed at Section 8.19 of the Officer report.

FROM: Mark Drakeford MS Cardiff West
Kevin Brennan MP Cardiff West

SUMMARY:

We write on behalf of our constituents in Danescourt, to object to the above referenced planning application in the Cardiff West constituency, following our objections to previous iterations of this application.

We have written to represent their objections on numerous occasions, and their basis for object remain unwavering.

Firstly, they have expressed concerns with the impact development could have on the environment. To develop on the site would require the demolition of the woodlands, which constituents feel would be to a significant detriment to their local environment. You will be more than aware of the increasing climate consciousness developing across the world, including here in Danescourt. It is critical that we retain our urban green spaces wherever possible. The woodlands at this site are significant to our constituents as they provide them access to nature and an active travel route to the Taff Trail.

Secondly, constituents have raised concerns regarding the lack of access to the site, which would only be possible via De Braose Close and Radyr Court Road, both of which are quiet residential roads. These small residential roads lack the capacity to support the additional traffic the development on the site would bring. Constituents are weary of the significant impact the increased traffic would have on their community and road safety.

These will be objections you are familiar with, as there have been multiple applications to develop this site in recent years, and our shared office has raised objections from our constituents consistently.

As such, we hope that these factors will be given due consideration in the Planning Committee's decision on this application.

RESPONSE:

The further objection received seeks to reiterate the previous objections, as detailed in Section 8.14 of the Officer report.

The comments relating to the loss of woodland and its subsequent impact on climate change are noted. Regard is also given to the resident's accessibility to urban greenspace, which provides physical benefits as well as contribute towards the well-being of individuals.

In addition, comments are raised about the access to the site, and impact of the development on the local highway network. These matters are addressed within the Officer report.

FROM: Cllr Sean Driscoll

SUMMARY: See attached Appendix A

RESPONSE: The response provided below refers to the matters raised which are material planning considerations only, and does not address matters which cannot be considered in the determination of this application.

Localised Flooding:-

- Photographs have been provided which show flooding with the woodland area. As noted in Sections 2.10 and 9.205 of the Officer report, the application site lies partially within Zone A and Zone B of the Development Advice Maps (DAM) contained within Technical Advice Note (TAN) 15: Development and Flood Risk (2004). The Flood Map for Planning shows no change to such designation, identifying the site as falling outside of Zones 2 and 3.
- A Flood Consequence Assessment has been submitted in support of the application, and NRW have raised no concerns in respect of the impact of the development on flood risk.
- In addition, a small area of the eastern site boundary, adjacent to the railway line, is also identified as being at low risk of surface water flooding.
- In respect of surface water flooding, the Land Drainage Team have confirmed that they are confident that SAB can be achieved on site, and no objection is raised in this respect. Any surface water drainage systems must be designed and built in accordance with the mandatory standards for sustainable drainage published by Welsh Government.
- Implementing Sustainable Urban Drainage Systems (SUDS) on a site with a low risk of surface water flooding can be advantageous, in that it can help to manage existing surface water flooding more effectively, without exacerbating flooding concerns.
- Notwithstanding this, it is important to note that the SAB process is a distinct regulatory process separate from planning, which manages the technical aspects of sustainable urban drainage systems (SUDs).

Public Open Space

- The assessment of the development in respect of its impact on Open Space, as designated by Policy C4 of the adopted Local Development Plan (2016), is within Sections 9.4 – 9.44 of the Officer report.
- The late representation received reiterates the importance of the space for local residents, and highlights that the open space has been designated since 1978, as per the historical records of the site.

Land Contamination

- In noting the concerns raised about land contamination, given the site's location within an area associated with localised quarrying and historical landfilling/unauthorised waste disposal, views from colleagues in Shared Regulatory Services: Environment Team and Parks Services have been sought.
- SRS (Land Contamination Officer) has advised as follows: -

- SRS were consulted on the above planning application and provided comments as part of the initial consultation.
- The applicant submitted a report with the application (*Intégral Géotechnique (Wales) Ltd, June 2018; Site investigation report Ref: 11213/CS/13*) based on desk studies and a limited site investigation undertaken at the development site c2013. This investigation was unable to access the area closest to the tip at the time. Hence SRS' request for additional works to be undertaken, via conditions, following some site clearance.
- The report by IG identifies the potential contamination and ground gas risk (to the development) and includes the following data relating to the historical landfill (publicly available from Natural Resources Wales)

Historical Landfill Sites	
Licence Holder:	Rural District Council
Location:	Radyr, Cardiff
Name:	Radyr Quarry
Operator Location:	Not Supplied
Boundary Accuracy:	As Supplied
Provider Reference:	EAHLD15230
First Input Date:	31st December 1960
Last Input Date:	31st December 1972
Specified Waste Type:	Deposited Waste included Inert, Industrial, Commercial, Household and Special Waste
EA Waste Ref:	Not Supplied
Regis Ref:	Not Supplied
WRC Ref:	6815/0089
BGS Ref:	Not Supplied
Other Ref:	Not Supplied

- Records from Cardiff Council Pollution Control archives include correspondence from a (former) CC Pollution Control officer in 1995 to an enquirer, regarding the Radyr Quarry Landfill. The correspondence advised that the landfill was operated by Cardiff Corporation as a municipal waste disposal site and is thought to have closed by 1972. The officer also advised that ground gas monitoring of the landfill had been undertaken by CC Pollution Control around that time (c1990) and recorded elevated concentrations of methane and carbon dioxide.
 - No information is held by SRS regarding any contaminants within the fill material or leachate and no sampling data is available.
 - Contamination assessments to identify any risks to human health or the environment associated with the proposed use of the woodland would require site based investigations including sampling.
- Given the response received, and the intention for the community woodland to be given to the Council, further discussions have been held with colleagues in Parks Services. The discussions indicate that additional investigations would be required on the 'woodland' area, ahead of any agreement to transfer such land, to ensure the Council would not be taking on any additional liabilities relating to contamination.

River Corridor

- This matter is assessed in Sections 9.45 – 9.51 of the Officer report.

Overlooking

- It is acknowledged that this matter was not directly addressed within the Officer report published on 30 November 2023, and so this assessment has been added to the amendment sheet (see above).

Construction Traffic

- A condition is recommended to be imposed which requires the submission of a Construction Environmental Management Plan (CEMP), prior to the commencement of development, including site clearance.
- There is no reference within the documentation submitted in support of the application that Radyr Court Road will be used to access the development site during construction, and the Transport Statement states that “construction traffic will use the residential roads from Danescourt Way, Timothy Rees Close and De Braose Close to access the site”.

Light Pollution

- Given the topography of the application site and the position of properties along Blethin Close set above the proposed access road, it is not considered that light will spill from vehicles entering/exiting the application site into the properties.

Appendix A

Late Representation from Cllr Sean Driscoll

(received 06 December 2023)

LOCALISED FLOODING EN10 EN14

I have attached below photographs highlighting the localised flooding in Danescourt Woodland of the area proposed for the Community Woodland Strategy.

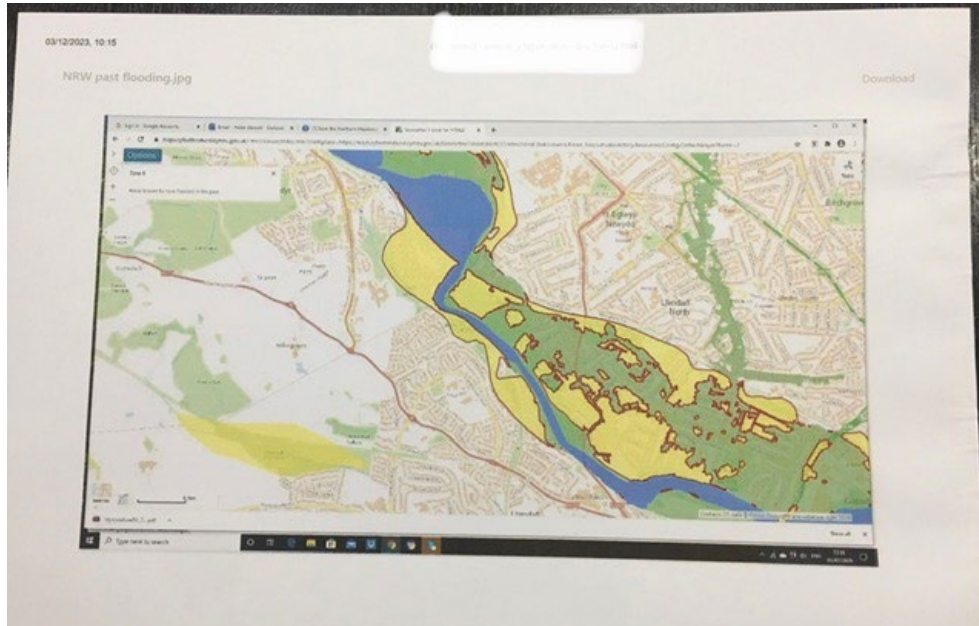
Also, It is felt that the proposed single depression (attenuation) alongside the development has no additional measures to take any excess rainwater overflow which has the potential for localised flooding to the proposed development and a **major impact on the adjacent Ty Isaf property.**

NRW flood risk mapping shows the development site is at risk from surface water flooding. The application makes no reference to the possibility of surface water flood risk at the site. There are no mitigation plans to deal with flood risk from surface water which is contrary to **TAN15 and LDP Planning Policies EN10 EN14.**

I recognise the proposals for a mechanical pumping station for foul drainage.

With the risk of surface water flooding this could potentially add conflict with the proposed sewerage system. Some drilling investigations were carried out but not across a wide enough area where the development is proposed

It is questioned whether the scheme would achieve SAB Suds approval.



NRW Localised Flood Mapping



Area of Proposed Community Woodland Strategy - Pic 1



Area of Proposed Community Woodland Strategy - Pic 2



Area of Proposed Community Woodland Strategy - Pic 3



Area of Proposed Community Woodland Strategy - Pic 4

PUBLIC OPEN SPACE Policy C5

As the report highlights, I spent some time researching the original Danescourt Master Plan from the 1970's. On searching historic microfiche there's a letter from the then Labour Secretary of State for Wales John Morris MP who wrote to planners to request additional POS.

Also copies of a memo and the original permission for the development where at section j it states a provision of Public Open Space as designated on the Master Plan should be provided. (sent previously to officers)

Enclosed below: copies of a section of the original Masterplan that clearly identifies the area proposed for development and the DESIGNATED PUBLIC OPEN SPACE (POS).



Danescourt 1978 Public Open Space POS



Danescourt Master Plan 1978

Danescourt & Llandaff Ward as documented in recent planning records, today, still has a deficit of public open space. Any POS designated in 1978 should be protected and enhanced as per PPW 11.

C4: PROTECTION OF OPEN SPACE

Development will not be permitted on areas of open space unless:

- i. It would not cause or exacerbate a deficiency of open space in accordance with the most recent open space study; and
- ii. The open space has no significant functional or amenity value; and
- iii. The open space is of no significant quality; or
- iv. The developers make satisfactory compensatory provision; and, in all cases;
- v. The open space has no significant nature or historic conservation importance.

5.318 The aim of this Policy is to protect open space that has significant functional, conservation, environmental or amenity value. It applies to all areas of open space within the County.

5.319 The Policy will help protect the current network of open spaces in Cardiff and work toward delivering Policy KP13 and LDP objectives related to maintaining and enhancing a network of green space and corridors.

195 Cardiff Local Development Plan 2006 - 2026 Adopted Plan

LDP C4 & PPW 11 section 6 clearly states POS should be enhanced and protected.

The proposed site is designated, not incidental, PUBLIC OPEN SPACE that should be protected for the quiet peaceful enjoyment of residents.

LAND CONTAMINATION Policy EN13

On Page 72 of the report there is he planning pack there is:

An Acknowledgment that this application is on a historic landfill site

On page 73 point 9.222 of the report recommends:

9.222 *It is recommended that pre-commencement and pre-construction conditions are imposed upon any consent granted, 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.*”

This is in direct contravention of Planning Policy Wales 11th Edition, page 164, which states that:

“Where land contamination issues arise, the planning authority will require evidence of a detailed investigation and risk assessment prior to the determination of the application to enable beneficial use of land, unless it can already be established that remedial measures can be employed¹⁵⁴. Where it is known that acceptable remedial measures can overcome contamination, planning permission may be granted subject to conditions specifying the necessary measures and the need for their implementation, including provision for remediating any unexpected contamination which may arise during construction. If contamination cannot be overcome satisfactorily, the authority may refuse planning permission”

As land contamination issues have arisen, there has not been a detailed investigation (as stated in the report). There is no evidence that remedial measures can be applied.

The recommendation in this report is contrary Planning Policy Wales (PPW 11) EN13

Therefore, we respectfully request that planning committee consider refusing this application on the grounds of EN13 Land Contamination.

RIVER CORRIDOR EN4

LDP Policy EN4 River Corridor, states that the Natural Heritage key features and character will be protected enhanced and promoted, facilitating sustainable access and recreation.

The proposals for housing at this location is contrary to the aims of **Policy KP16**. As set out in the Cardiff Adopted Local Development Plan 2006-2026 **the site provides a stepping stone connectivity for wildlife and biodiversity** between already designated sites of Radyr Community woods and Hermit Wood which are protected as a **Local Nature Reserve (LNR) and Site of Importance for Nature Conservation. (SINC) under LDP Policy EN5 Designated Sites.**

The stripping out and thinning that is proposed at this site will lead to a detrimental impact on the ability for wildlife to spread along the river corridor. The proposed additional planting cannot compensate for the loss of natural woodland and scrubland.

OVERLOOKING

This has not been addressed as part of the report, there will be an element of overlooking and loss of privacy of TY ISAF and the COTTAGES opposite on RADYR Court Road.

CONSTRUCTION TRAFFIC

We'd like to see a condition that excludes construction traffic accessing Radyr Ct Road, including contractors parking, site deliveries. To protect the low bridge and highway Safety.

LIGHT POLLUTION EN13

This has not been addressed in the report but raised at the site visit. Residents of **BLETHIN CLOSE** are concerned that considering the positioning of the side roads and the steep incline that serve the proposed properties. Inevitably, light pollution from vehicles driving into and out of the roads and also driving/reversing into their driveways, will be directly pointed at the rear of their properties causing light pollution disturbance.

Whilst we absolutely recognise the need for affordable housing. The loss of trees, biodiversity, impact on wildlife, nature, loss of public open space, visual amenity and the creation of Community Woodland Strategy. On a known risk of contaminated Landfill. We feel there will be greater harm created than benefit to the local and wider community.

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