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## AMENDMENTS / LATE REPRESENTATIONS

**Committee** PLANNING COMMITTEE

**Date and Time of Meeting** THURSDAY, 14 MARCH 2024, 10.30 AM

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

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**PLANNING COMMITTEE**

**14<sup>th</sup> March 2024**

AMENDMENT SHEET / LATE REPRESENTATIONS

**Agenda Item 5a (Page 9)**

<b>APPLICATION NO.</b>	24/00050/NMA
<b>LOCATION:</b>	<b>LAND TO THE NORTH-WEST OF WHITCHURCH HOSPITAL PLAYING FIELDS</b>
<b>PROPOSAL:</b>	Proposed Non-Material Amendment to Planning Permission 22/02231/RES - addition of TCAR2 emergency access route (to the SE of the site), removal of the Hollybush bridge, updates to the position of the intake room, and lowering of the basement level by 300mm

Additional Representations

A number of late representations have been received, 14 from interested persons, with additional representations from Whitchurch & Tongwynlais PACT (Lead petitioner) and Save the Northern Meadows group.

The representations are broadly summarised below (with a response below each subject heading): -

Additional Documentation and Need for Additional Publicity

- A covering letter by the applicant has been added to the planning portal on the 7<sup>th</sup> March, which is in addition to the numerous and complex documents added on the 4<sup>th</sup> and 5<sup>th</sup> March.
- The original posting of the application was given a public consultation period from the 22<sup>nd</sup> Jan – 12<sup>th</sup> Feb. Therefore these additional documents must also be given the same 21 day consultation period.

**OFFICER RESPONSE:** The application in question is for a Non-Material Amendment to the application, and such an application requires no formal publicity. Presentation of such an application to committee is also highly unusual, and is only necessary in this instance due to the petition that has been submitted.

In respect of the new documents online, these have sought to address minor issues with the plans (such as omitting reference to a cycle path and addressing PRow issues) and/or clarifying the nature of the changes (particularly about the volume of excavation for the change in basement levels).

While noting the requests to delay consideration of the application at Planning Committee, given the nature of the application, that no publicity is required, and the need to ensure expeditious decisions on applications, Officers do not consider further delay to determination to be reasonable on such grounds.

## SSSI

- Part of the site has been confirmed (by Planning) to fall within the site and within the ownership of Cardiff & Vale University Health Board (CAVUHB). Local people have been repeatedly told that the SSSI was not part of the development site.
- That any part of the SSSI should be within the development site is unacceptable to local people.
- Acorn must relinquish any claim to this 699 sqm and update their planning maps accordingly. And must do this before the planning committee meeting on 14<sup>th</sup> March 2024.
- Could you please confirm that either CAVUHB or Velindre Trust have notified Natural Resources Wales that the ownership of part of this SSSI has changed, and that it is part of a development site. This is a legal obligation.
- We call on Velindre Trust to relinquish this part of the SSSI and transfer the ownership to Cardiff Council, who we believe to be the owners of the remainder of Glamorgan Canal/Longwood SSSI.

**OFFICER RESPONSE:** Recent submissions by the developer have referred to a 699 sq.m. portion of the site as falling inside the SSSI boundary. The area of land in question is highlighted below, with the red line around longwood being the SSSI boundary, and the line below forming the application and site ownership boundary.



While noting the concerns of the community, this non-material amendment (NMA) application proposes no changes to the development that affects the SSSI, irrespective of its boundaries or ownership, with the principle of the 15m buffer to the SSSI that was set out in the outline application (and approved CEMP) still secured by the reserved matters.

## Hollybush Bridge / Emergency Access

- The omission of the Hollybush Bridge has been administered in an extremely confusing and lightly considered manner.
- The major change to the Emergency Access route should be made as a separate application to allow the Community and Emergency Services to have a proper say in this, particularly as it is now proposed to run through Whitchurch Hospital (which is not in the control of the Developer and subject to separate applications and call-in requests).

**OFFICER RESPONSE:** It has been a matter of public record for some time that the proposed Hollybush Bridge was to be omitted from the scheme. Although the Reserved Matters application (ref. 22/02231/RES) included the bridge – and for this reason the plans as part of this NMA now seek to remove it – the proposal for the retention of the temporary construction North-South route as a revised emergency access for the approved Velindre Cancer Centre was the subject of planning application ref. 22/02280/FUL, which was considered at Planning Committee on 12<sup>th</sup> January 2023 (having been the subject of a petition of more than 50 local signatories).

The report emphasised that the fact this access would remove any requirement to construct the approved bridge access over to the Hollybush Estate was a material consideration of significant weight.

This application (along with an earlier approved NMA removing conditions requiring the bridge) is therefore seeking to 'tidy up' the approved plans to ensure they align with the approval of the southern emergency access and omission of the bridge.

## Lowering of Basement Level

- The lowering of the basement level can hardly be considered a Non Material Amendment, given the additional environmental damage and resultant increase in HGV traffic through Whitchurch (an issue that has never been properly assessed in any instance).

**OFFICER RESPONSE:** Officers sought a note/ clarification in respect of excavations and potential impact on HGV movements. The report has clarified that the impacts will be reduced due to a lesser level of excavations.

## Impact on Rights of Way

- The revised HVAC intake room location has a material effect upon the PROWs that exist within this area of the development.
- The Public Rights of Way, which have been legally diverted within the development site by Cardiff Council, have not been added to the 24/00050/NMA plans. This is despite correspondence from local people highlighting that the applicant has omitted these PROWs from this application.
- The omission of these PROWs from this NMA means that the Planning Committee meeting on 14<sup>th</sup> March 2024 has not been provided with the necessary information to make a decision on whether or not to approve application 24/00050/NMA. The Planning Committee must only consider this application once it has been provided with this information, which is necessary for it to be able to make an informed decision.

- These PROWs are of huge significance to the local community, who campaigned for years for them to be registered. In addition the applicant cannot simply ignore the legal diversion by Cardiff Council of these PROWs within the development site.

**OFFICER RESPONSE:** The changes proposed are non-material and, as confirmed by the PRow Officer, there are no additional impacts or objections arising from the proposed changes.

It is also noted that, while the movement pans are not annotated / labelled up (as adopted or public rights of way) the plans provided do show the new alignments, which have been the subject of legal Order. The developer is also required by separate legislation to ensure Rights of Way are protected / diverted, and the PRow team have been fully engaged on this matter, and continue to react to the public concerns.

### Train Stations / Transport Links

- TFW have confirmed that no plans currently exist for the additional train stations and transport links forming part of this application.

**OFFICER RESPONSE:** The NMA application makes no changes in respect of the potential link to future stations.

### Other Matters

- Concerns expressed over 'careless and reckless behaviour' of the contractors working for the Applicant in this case, and failure to monitor the enabling works. State that they will continue to monitor and report matters until they are confident that the responsible bodies are acting on behalf of the public as well as on behalf of the Applicant.
- Also register concern that the contractors have failed to manage the small, contained area of Japanese Knotweed and the larger, contained area of Himalayan Balsam on the northern meadows site. Again, failure to monitor by the Applicant has resulted in the wide spread of both species on site, into Whitchurch Hospital grounds and also taken off site in a careless, unlawful manner. Residents living in the vicinity of the site have heard about this and are very concerned that the Applicant is failing to acknowledge the concern.
- Request made as to whether the revised basement level falls within the parameters of the original planning consent and the constraints on height / depth.

**OFFICER RESPONSE:** The developers have improved communications in the last year with the community and their local representatives, and have positively responded to Officers whenever issues have been raised that require addressing.

The issue of Invasive Species controls has been raised with and is being investigated by our enforcement team. It is noted that the developer is required to comply with their Invasive Non-Native Species (INNS) Management Plan.

The parameters relate to height above ground level, and the 300mm reduction in basement levels has no impact on the outline approval parameters.

## Agenda Item 5b (page 25)

<b>APPLICATION NO.</b>	<b>22/00820/MJR</b>
<b>LOCATION:</b>	Land at Former Youth Hostel, 2 Wedal Road, Roath, Cardiff
<b>PROPOSAL:</b>	Development of up to 5 Storey Building to Accommodate 23 no. Affordable Apartments Plus Associated Works

### ADDITIONAL REPRESENTATION:

One additional representation has been received from an objector, which makes a number of further comments having read the Committee Report, as follows:

- (i) Encouraged that the Council remains committed to supporting the Metro Enhancement Programme (which includes a potential station at Wedal Road);
- (ii) Encouraged that the application will be determined on its planning merits, and by the objections from Heritage, Trees and Parks Officers;
- (iii) Heritage Officer comments have been omitted from the internal consultee responses.
- (iv) 5 storey block is an anathema to the Conservation Area being out of scale and character with any of the area's features. It therefore fails to protect or enhance the area's character and appearance;
- (v) Trees - Felling of multiple trees at least 10m high including 2 no. oaks which can be widely seen. Losses are unacceptable. Replacement trees are significantly smaller. PPW12 advises against felling and even in exceptional circumstances requires replacement at a ratio of 3:1. Replacement planting fails this requirement (numbers, age, height, species) and may conflict with water main easement;
- (vi) Planning balance weighing in favour of delivering affordable housing is a false balance;
- (vii) Accepts affordable housing is much needed but a revised scheme of fewer storeys & units would be more sensitively designed and retain important trees.
- (viii) The Council owns land part of the site and should use this leverage to address objections instead of being pressured to accept an unsympathetic and unacceptable scheme;
- (ix) Takes issue with the report's conclusions with particular reference to paragraphs 9.2, 9.4, 9.6 and 10.4. Does not feel the objections have been addressed;
- (x) Case law confirms that developers should not be allowed to bypass planning guidelines where they have overpaid for a site (*Parkhurst Road Ltd vs SoS for Communities and Local Govt & Anor (2018)*);
- (xi) Expresses concerns for the future of the conservation area should permission be granted.

## RESPONSE:

The local resident's views are noted and are considered to largely repeat objections previously made during the periods of public consultation. The impacts of the development on the Conservation Area and the tree removal and replacement have been addressed at length in the Committee report and the recommendation to grant planning permission has been reached having regard to all the material planning considerations. The amended application must be determined on its own planning merits and it is not the role of the Local Planning Authority to promote an alternative development proposal.

### Amended Condition / Additional Heads of Terms

At para 8.85, the report refers to the provision of compensatory tree planting, but notes that no details of the species type and tree size have yet been secured. It therefore states that it "cannot be confirmed at this stage whether this compensatory scheme will include pine trees of a similar type and compensatory size".

Given the need to secure appropriate compensatory provision, it is recommended that the wording of condition 6 is amended (in bold below) plus an **additional requirement added in the legal agreement** to cover the eventuality that the number and appropriate species of tree cannot be wholly achieved on site. This will include a mechanism to provide for any necessary agreed off-site compensatory scheme and, as appropriate, financial contribution to secure such additional tree planting off-site.

Amended condition 6:

#### 6. SOFT LANDSCAPING IMPLEMENTATION PLAN

No development shall take place until full details of soft landscaping **including compensatory tree planting** have been submitted to and approved in writing by the Local Planning Authority. The details shall include:

- (i) A soft landscaping implementation programme, with clear deadlines for each planting type/area and how these ties with construction elements.
- (ii) Scaled planting plans covering all planting types prepared by a qualified landscape architect, horticulturist or garden designer (details of tree, shrub, hedge and woody climber planting may be provided by an arboriculturist) with ecological input as required.
- (iii) Evidence to demonstrate that existing and proposed services, lighting, CCTV, drainage and visibility splays will not conflict with proposed planting.
- (iv) Schedules of plant species, sizes, numbers and densities prepared by a qualified landscape architect, horticulturist or garden designer (details of trees, shrubs, hedging and woody climbers may be provided by an arboriculturist).
- (v) Scaled tree pit sectional and plan drawings prepared by a qualified arboriculturist, landscape architect, horticulturist, or garden designer, that show the Root Available Soil Volume (RASV) as per the Cardiff Council Green Infrastructure Supplementary Planning Guidance, for each tree and expressed in cubic metres, where the tree will be growing in a constrained bed such as a car park or narrow verge.
- (vi) Topsoil and subsoil specification for all planting types, including full details of soil assessment in accordance with the Cardiff Council Soils and Development Technical Guidance Note (Soil Resource Survey and Plan), soil protection, soil stripping, soil storage, soil handling, soil amelioration, soil remediation and soil placement to ensure it is fit for purpose. The SRS and SRP shall be prepared by a soil scientist in full accordance with the DEFRA Construction Code of Practice for the Sustainable Use of



Soils on Construction Sites. The SRS and SRP shall incorporate trial pit and laboratory testing to characterise and quantify the soil resource and its suitability for re-use in-situ and site won, to support proposed landscape types. The SRP shall include full details of auditable site monitoring of soil handling operations by a soil scientist, to include reporting to the LPA to demonstrate compliance accordingly. Where imported planting soils are proposed, full specification details shall be provided including the parameters for all imported planting soils to demonstrate they are suitable for the specific landscape type(s) proposed. Parameters shall include profile depths, textural range, nutrient status, pH on placement, drainage performance and other factors relevant to their functionality in supporting the landscape type. The SRS, SRP and topsoil and subsoil specification shall inform planting plans, tree pit sections, planting methodologies and aftercare specifications. (vii) Planting methodology including year 1 (minimum) post-planting aftercare (defect liability period) as prepared by a qualified landscape architect, horticulturist or garden designer (details on tree, shrub, hedge and woody climber planting may be provided by an arboriculturist) including full details of how they will oversee landscaping implementation and report to the Local Planning Authority to confirm compliance with the approved plans and specifications. The submitted details shall be consistent with other plans submitted in support of the application and the landscaping shall be carried out in accordance with the approved design and implementation programme

Reason: To **secure appropriate compensatory tree planting in accordance with PPW 12 and to** maintain and improve the amenity and environmental value of the area in accordance with Local Development Plan Policy KP16 (Green Infrastructure)

**Agenda Item 5c (Pages 83 – 127)**

<b>APPLICATION NO.</b>	23/02475/FUL
<b>LOCATION:</b>	<b>THE NEW PENN, 204A BRYNFEDW, LLANEDEYRN, CARDIFF, CF23 9PW</b>
<b>PROPOSAL:</b>	Demolition of the Former New Penn Public House and the Redevelopment of the Site to Accommodate Affordable Dwellings, Including Highway Infrastructure, Landscaping Works, and Green Infrastructure.

AMENDMENT TO CONDITIONS 2 AND 6

As noted in Sections 8.75 - 8.79 and 8.90 – 8.95 of the report, an objection was raised by the Tree Officer in respect of the proposed drainage outfall into the Ancient Woodland.

To address this objection, the Authority liaised with Dŵr Cymru Welsh Water and the Lead Local Flood Authority to agree in principle, that water can be discharged into the existing drainage infrastructure on site, to prevent any harm to the Ancient Woodland. This was agreed by all parties, and the associated drawings have been updated to omit all reference to a new outfall into the Ancient Woodland.

As such, Conditions 2 and 6 as recommended are amended as follows:

### Condition 2 (Approved Plans)

The development, unless otherwise required by the ensuing conditions, shall be carried out in accordance with the following approved plans and details:

#### Plans:

- Site Location Plan 22007(05)110 Rev A
  - Proposed Site Layout 22007 (05) 101 Rev M
  - Demolition Plan 22007 (05) 110 Rev A
  - Proposed Site Elevations 22007 (05) 112 Rev D
  - House Type - 6P3B V1, Plans and Elevations 22007 (05) 140 Rev C
  - House Type - 6P3B V2, Plans and Elevations 22007 (05) 141 Rev C
  - House Type - 4P2B V1, Plans and Elevations 22007 (05) 142 Rev C
  - House Type - 4P2B V2, Plans and Elevations 22007 (05) 143 Rev C
  - Boundary Treatment Detail – Type A 22007 (05) 170 Rev A
  - Boundary Treatment Detail – Type B 22007 (05) 171 Rev A
  - Boundary Treatment Detail – Type C 22007 (05) 172 Rev D
  - Material Finished & Boundaries Layout Plan 22007 (05) 150 Rev C
  - Hard Finishes Layout 22007 (05) 151 Rev C
  - Strategic Landscape Plan 2284504-SBC-00-XX-DR-L-004-PL05
  - Detailed Soft Landscape Plan 2284504-SBC-00-XX-DR-L-301-PL04
  - Tree Pit Details 2284504-SBC-00-XX-DR-L-201-PL03
  - Refuse Strategy 22007(05)180 Rev B
  - Proposed Drainage Layout CC2421-CAM-XX-XX-DR-C-0500-P05
  - Surface Water Catchment Analysis CC2421-CAM-XX-XX-DR-C-1500-P07
  - Proposed Ground Model Sections CC2421-CAM-XX-XX-DR-C-0610-P03
  - Proposed Site Levels & Contours Plan CC2421-CAM-XX-XX-DR-C-0600-P05
  - General Arrangement 226773\_PD03 Rev J
  - Swept Path Analysis Standard Design Vehicle Parking Assessment 226773\_AT\_A01 Rev G
  - Swept Path Analysis 11.2m Refuse Vehicle Servicing 226773\_AT\_A01 Rev M
- Documents:
- Planning Statement, Amity Planning Consultants (October 2023)
  - Design and Access Statement, Powell Dobson (October 2023)
  - Noise Assessment Report, Wardell Armstrong (January 2024)
  - Phase I Desk Study & Site Investigation Works, Wardell Armstrong (September 2023)
  - Ecological Appraisal, Wardell Armstrong (May 2023)
  - Bat Report – Building 1 – Emergence/Re-entry Surveys, Wardell Armstrong (February 2023)
  - Bat Hibernation Survey Report, Wardell Armstrong (April 2023)
  - Energy Hierarchy/Strategy Report P02, McCann and Partners (August 2023)
  - Soft Landscape Specification PL03 29/02/2024
  - Arboricultural Impact Assessment, Wardell Armstrong (September 2023)
  - Soil Resource Plan, Wardell Armstrong (September 2023)

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

### Condition 6 (Foul and Surface Water)

Notwithstanding the approved drawing entitled 'Proposed Drainage Layout CC2421-CAM-XX-XX-DR-C-0500-P07', no development shall commence until details of a scheme for the disposal of foul and surface water, incorporating sustainable drainage techniques, has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to beneficial use of the development, hereby approved.

Reason: To protect the integrity of the public sewerage system, to ensure effective water cycle management, avert flood risk and protect the environment in accordance with Policy KP5, KP15, EN10 and EN14 of the Cardiff Local Development Plan 2006-2026.

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