

COMMITTEE DATE: 15/03/2017

APPLICATION No. **16/01582/MJR** APPLICATION DATE: 29/06/2016

ED: **PONTPRENAU/ST MELLONS**

APP: TYPE: Outline Planning Permission

APPLICANT: Cardiff Gate International Business Park  
LOCATION: LAND AT MALTHOUSE AVENUE, PONTPRENAU  
PROPOSAL: PROPOSED DEVELOPMENT OF UP TO 150 HOMES,  
PROVISION OF NEW VEHICLE ACCESS,  
PEDESTRIAN/CYCLIST ROUTES, PUBLIC OPEN  
SPACE, LANDSCAPING DRAINAGE AND ASSOCIATED  
WORKS.

---

**RECOMMENDATION 1:** That planning permission be **REFUSED** for the following reasons :

1. The proposal is contrary to policy EC1 and EC3 of the adopted Cardiff Local Development Plan 2006-2026 and the provisions of Technical Advice Note 23 'Economic Development' (2014), in that the site lies within an area identified for Strategic Employment use and the proposal represents an unacceptable and conflicting alternative use, which fails to meet the criteria for justifying the loss of Strategic Employment land, as set out in the aforementioned policies and guidance.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

1.1 The application seeks outline planning permission for a residential development of up to 150no. dwellings and associated works (including landscaping, access and highway works) on land identified as 'Plot 12' of the Cardiff Gate International Business Park. All matters except access are reserved.

1.2 The submitted indicative plans offer the following information:

- A single point of vehicular access, taken off the existing Forester Way/Malthouse Avenue roundabout spur to the northern side of the application site;
- Four points of pedestrian access: two from St Mellons Road to the south of the site and two from adjacent land to the east;
- Approx. 2.7Ha of central core land to be allocate to residential use;
- Approx. 1.1HA of land to the west/south/east fringe to be allocated as public open space, retained and proposed hedge planting and sustainable urban drainage;
- Potential for a children's play area to the south-east corner;
- Scale and density diagrams indicating a north south development split,

with the northern element having a density of 40-50 units per Ha, to a 2.5-3 storey scale, and the southern element having a density of 30-40 units per Ha, to a 2-2.5 storey scale.

1.3 The application is supplemented by:

- A Design & Access Statement;
- A Planning Statement;
- A Ecological Impact Assessment (amended 07 July 2016);
- A Transport Assessment and Interim Travel Plan (with Addendum 28 September 2016);
- A Drainage and Flood Strategy;
- Supporting Site Marketing Information.

## 2. **DESCRIPTION OF SITE**

2.1 The application relates to a development plot within the Cardiff Gate International Business Park, of approx. 3.7Ha. The land is undulating, predominantly sloping down towards the south & east, with a grass, scrub bush covering. Hedgerows and trees bound the site to the south, east & west.

2.2 Existing office buildings and associated areas lie beyond the north, west and parts of the eastern boundaries, with St Mellons Road and the Pontprennau housing estate to the south.

2.3 A public right of way footpath runs along the eastern site boundary, from Malthouse Avenue to St Mellons Road.

## 3. **SITE HISTORY**

3.1 88/226 – Outline application for B1 and ancillary uses (wider site) - Granted

3.2 00/632N – Proposed landscaping to existing boundaries (wider site) - Granted

3.3 PA13/175DCO – Pre-application enquiry for 111 houses open space and landscaping (same site) – Advice given that the proposed development would be contrary to planning policy regarding the alternative use of existing business and industry land.

3.4 15/01667/MJR – Outline application for up to 150 dwellings, access, pedestrian/cycle routes, public open space, landscaping, drainage and associated works – Withdrawn prior to determination (recommendation to refuse)

## 4. **POLICY FRAMEWORK**

4.1 Cardiff Local Development Plan 2006-2026 (Jan 2016)

KP5 Good Quality and Sustainable Design;

KP6 New Infrastructure;

- KP7 Planning Obligations;
- EC1 Existing Employment Land;
- EC3 Alternative Use of Employment Land and Premises;
- T1 Walking and Cycling;
- T5 Managing Transport Impacts;
- C1 Community Facilities;
- C3 Community Safety/Creating Safe Environments;
- C5 Provision for Open Space, Outdoor recreation, Children's Play and Sport;
- W2 Provision for Waste Management facilities in Development

- 4.2 The following Guidance was supplementary to the City of Cardiff Local Plan, now superseded by the Local Development Plan. However, it is considered consistent with adopted Local Development Plan policies and provides relevance to the consideration of this proposal to help and inform the assessment of relevant matters:

Access, Circulation and Parking Standards (Jan 2010);  
 Trees and Development (March 2007);  
 Open Space (March 2008);  
 Community Facilities in Residential Development (March 2007).

In addition to the above, the following new Supplementary Planning Guidance is also relevant:

Cardiff Residential Design Guide (Jan 2017);  
 Locating Waste Management Facilities (Jan 2017);  
 Planning Obligations (Jan 2017).

- 4.3 *Technical Advice Note 1 - Joint housing land availability studies - (2015);*  
*Technical Advice Note 12 - Design (2016);*  
*Technical Advice Note 18 – Transport (2007);*  
*Technical Advice Note 23 – Economic Development (2014).*

## 5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 The Transportation Manager has considered the application, having regard for the submitted Transport Assessment, Interim Travel Plan and Transport Assessment Addendum and has no objection to the proposals, subject to conditions and/or a legal agreement to secure the delivery of adoptable standard highway improvement, cycle and walking route improvements (as identified in paragraphs 37, 38 & 39 of the Transport Assessment Addendum).

In addition, whilst the principle of the site access is acceptable, no detailed scheme has been submitted. In this case, further conditions in respect of such details, car parking and cycle parking provisions, details of the internal site roadways and provision of such prior to beneficial occupation are also recommended.

- 5.2 Highways (Drainage) Manager – No comments received.
- 5.3 The Pollution Control (Noise & Air) Manager has been consulted and no comments have been received. However, it is noted that under application 15/1667MJR, conditions relating to traffic noise and the submission of an acoustic report were recommended.
- 5.4 The Pollution Control (Contaminated Land) Manager has no objection, subject to conditions relating to the assessment and treatment of contamination, the importation of materials and the addition of contaminated land advice to any planning permission.
- 5.5 The Parks Manager, whilst not objecting to the proposals, highlights some areas of concern that would require attention at any subsequent reserved matters stage. The Parks Manager's comments on the original submission are:

*These comments largely reflect those submitted by my colleague Jon Green for application 15/01667 in September 2015, along with some additional comments.*

*For a development of this size (based on the information available – assuming **2.33** average population per house) the open space requirement would be in the region of **0.849ha**.*

*Based on the parameter and illustrative masterplans, the POS layout is primarily designed to protect the existing vegetation around the perimeter of the site by creating a 20m buffer. This allows retention of existing trees and hedging which is welcome (although this depends on contours – see comments below).*

*However with the POS generally peripheral along eastern and western sides of development, the nature of the linear space provides little opportunity for informal recreational activities, and as such is at best only marginally acceptable in meeting the open space requirements of the current SPG. Presence of footpaths within this open space is corridor is a positive feature although these would need to be hard surfaced to allow use throughout the year given the nature of drainage on site. Properties are also aligned to overlook this space, which provides good surveillance, as well as providing the properties with a good frontage.*

*The buffer to the southern boundary hedgerow along St Mellons Road is too narrow to provide any meaningful open space or protection buffer to the hedgerow and as such has been excluded from the open spaces calculations.*

*The only reasonably sized area of open space in the south east corner is dominated by a SUDS water retention feature, potentially rendering it unusable for active recreational use (e.g. for ball games). Any on site provision of play facilities must be located a reasonable distance from any proposed flood attenuation feature that is designed to retain water for long periods of time. It is*

*unclear how frequently the attenuation basin would be liable to hold water. The play area is also at the lowest point of the site, so could potentially be in a wet location, and may be within the easement of the sewer which could impact on whether play equipment could be installed. Clarification would be needed on this.*

*At detailed design stage careful consideration of how the proposed SUDS feature shown integrates in to the design of the open space to add value to the to the open space rather than as a stand alone drainage feature which detracts from the open space design and sterilises and area preventing its consideration as active recreational open space.*

*Consideration should be given to creating a more central main area of open space linking off the existing woodland area to the east fronted onto by housing to create a focus for the development and provide opportunity to incorporate some natural play features alongside play equipment to form a LEAP.*

### Contours

*The 20m fall in levels from north to south is significant. In order to assess proposals, a plan showing the proposed levels is critical in order to be able to establish the quality of open space being provided and whether levels will change around the retained hedgerows and trees. Careful consideration of the relationship of the development to the proposed open spaces will need to be given as the detailed design is developed. Significant areas of steeply sloping open space will not be considered acceptable as recreational open space and may be excluded from the assessment of on site provision.*

*This plan should also show the services and easements, plus identify any restrictions in terms of structures and tree planting in these easements.*

### Existing recreational provision

*The nearest existing play facility is located around 600m south of the development across St Mellons Road and Heol Pontprennau. A MUGA, teen shelter and pitches are located in Pontprennau playing fields, approximately 830m from the centre of the site. So recreational provision is available off-site but it already serves a significant population and this development would add further pressure. Given the distances to existing facilities, at the very least a play area equivalent to a LEAP and a level area of grass for a kickabout area would be required in the new development.*

### Footpath connections

*The design shows a number of pedestrian access points from the site, which are key to preventing the site from being isolated.*

- The central southern access point connects with Local Park 4b, a linear piece of open space which extends south to connect with a larger open space containing a play area. However the access point across the road is currently very hazardous, with a narrow lane, fast moving traffic and obscured views. Therefore to become a safe crossing significant highway improvements would be required. The footpath network within the development does not connect well with this access point.*
- The south western corner access does not appear to allow any external*

connection.

- *Connections into the woodland would need to be looked at in further detail to assess whether a connection would be practical or desirable in terms of recreational use or ecology. I am unsure of current ownership of the woodland.*

*By reconsidering the layout and position of the open space it should be possible to improve the arrangement and routing of the cycleway/footpath through the development linking the employment areas with the main Pontprennau development.*

#### *Proposed Tree Planting*

*I share the view expressed by Ed Baker that the room for proposed trees looks limited when viewed on the illustrative masterplan and DAS street sections. The focus should be on creating areas where a few larger tree species could be planted.*

#### *Long Term Management and Maintenance*

*Given the current financial situation within Local Government there is a significant possibility that the Authority will not wish to consider adoption of the on site open space provided. Therefore the developer may be required to put in place arrangements to maintain the on-site open space in perpetuity by putting in place an appropriate management scheme and service charge regime in relation to the future management and maintenance of the on-site open space which shall include proposals for default in the event of such management scheme failing to become operational or to properly maintain the open space.*

#### *Open Space Provision*

*These comments relate to the current LDP (C5 Provision for Open Space, Outdoor Recreation, Children's Play and Sport; KP16 Green Infrastructure), and the 2017 Planning Obligations Supplementary Planning Guidance (SPG), supported by guidance set out in the 2008 SPG for Open Space which set the Council's approach to open space provision.*

*The Council's LDP requires provision of a satisfactory level and standard of open space on all new housing/student developments, or an off-site contribution towards existing open space for smaller scale developments where new on-site provision is not applicable.*

*The proposed development of 150 homes generates requirement for 0.849ha open space based on the limited information provided. As currently assessed the open space provided on site is 0.98ha which exceeds the requirements of the SPG. It should be noted that, as detailed above, the design of the on site open space is not considered ideal and significant redesign should be carried out prior to a final assessment of the on site provision. The amount of open space will be recalculated on provision of more detailed proposals and if there is a shortfall evident at this time, or that the open space fails to provide meaningful recreational opportunities, the developers will be required to make a financial contribution towards the provision of open space off-site, or the*

*improvement (including design and maintenance) of existing open space in the locality calculated in accordance with the formula set out in the Open Spaces SPG applicable at the time.*

*In the event that the Council's minded to approve the application, I assume it will be necessary for the applicant and the Council to enter into a Section 106 Agreement to secure payment of the contribution.*

Subsequent to the original submission, an amended Illustrative Masterplan has been submitted in light of comments made. The Parks Manager has the following observations on that plan:

*Having compared the rev D and Rev E plans, the inclusion of a LEAP play area in the centre of the site rather than being hidden away in a more secluded and wet area of the site (and potentially over a sewer easement), is a welcome change to the design, providing access for children to local playing space. It is overlooked by houses giving good surveillance and forms a focal point of the scheme, which will help orientate visitors entering the site. Prior to any design for a play area taking place I would strongly recommend the applicant to hold a discussion with Parks Services to obtain technical and design guidance.*

*The Illustrated LEAP measures approx. 250m<sup>2</sup> rather than the usual 400m<sup>2</sup> we ask for, and the buffer zone is 16m to houses, whereas minimum 20m to boundary of property (rather than the property itself) is usually required to avoid disturbing residents.*

*Whilst the revised approach to central open space is supported, it will need to be larger to accommodate play area of required size (although happy to discuss design options on this – could potentially have equipment in central area plus natural play in the other space) and particularly to achieve buffer zones.*

*The latest version of the plan also appears to omit the attenuation pond from the open space to the south east, creating a much more usable open space, providing room for informal kickabout and other recreational uses. I'd be grateful if you could confirm that I have interpreted this correctly.*

*The revised layout with the central open space and set-back of some of the properties from the road does provide better options for tree planting, including larger species, which will be key in providing a focal point for the scheme.*

*My comments relating to contours and services remain as before. It's difficult to assess whether the proposals including the relocated play area are workable in practice without knowing the gradients involved.*

*Comments on footpath connections and management / maintenance remain as previously.*

- 5.6 The Waste Manager offers advice in respect of the required refuse storage capacities. It is also advised that at reserved matters stage, plans would be

required to demonstrate that the Council's largest refuse collection vehicle (Olympus-19N 6xRS) would be able to get within 25m of all dwellings, without reversing.

- 5.7 The Housing Strategy Manager makes the following comments in respect of affordable housing provision:

*In line with the adopted LDP, an affordable housing contribution of 30% of the 150 units (45 units) is sought on this green-field site, to be split as social rented (20%) and intermediate rented (10%).*

*Our priority is to deliver on-site affordable housing, in the form of affordable rented accommodation both social rented (20%) and intermediate rented (10%) accommodation, built to Welsh Government Development Quality Requirements for purchase by a nominated Registered Social Landlord (RSL) partner.*

*For information, any affordable housing scheme should be appraised on a NIL Social Housing Grant (SHG) basis, and for the affordable rented housing, the amounts that a Registered Social Landlord (RSL) would pay for the units is specified below:*

**Social Rented**

*1 bed apartments (at an RSL purchase price of £45,000)*

*2 bed apartments (at an RSL purchase price of £52,000)*

*2 bed houses (at an RSL purchase price of £65,237)*

*3 bed houses (at an RSL purchase price of £71,854)*

*4 bed houses (at an RSL purchase price of £96,000)*

**Intermediate Rented**

*1 bed apartments (at an RSL purchase price of £60,000)*

*2 bed apartments (at an RSL purchase price of £77,548)*

*2 bed houses (at an RSL purchase price of £89,829)*

*3 bed houses (at an RSL purchase price of £110,000)*

*4 bed houses (at an RSL purchase price of £143,578)*

*Please note that the above price relates to the properties only and any additional service charges for un-adopted roads, public open space, green infrastructure, public realm etc. will not be due by any future residents of the affordable housing units. The affordable units will be delivered by a Registered Social Landlord (RSL) and the Council will identify a preferred RSL partner*

- 5.8 Housing and Neighbourhood Renewal (Access Officer) - No comments received.

- 5.9 The Council's Tree Protection Officer makes the following comments in respect of the originally submitted Illustrative Masterplan:

*Whilst I nominally support the intention to retain all existing trees and hedgerows bounding the site, without an assessment of these features in*

*accordance with BS 5837:2012 it is not possible to comment on the appropriateness of retention from an arboricultural perspective. This is important since trees with a limited safe, useful life expectancy may be better removed and replaced and retained trees may offer a constraint to development due to Root Protection Areas and current/likely future branch spreads.*

*Service easements constrain the space available for new tree planting. The constraint is especially severe on the western boundary where a 30m easement applies due to a gas pipe. I note that new tree planting is shown within this and other easements on the illustrative master-plan, but may be unacceptable to the service provider. Please can the applicant clarify the precise nature of the constraints in relation to tree planting and show new planting only where it has been deemed acceptable by the service provider. Where new planting cannot be provided due to easements, adjustments to design should be made to accommodate new planting where easements do not apply. It must be borne in mind that if the arboricultural assessment evidences a need to remove and replace existing trees, space will need to be made available outside of easements to mitigate the loss. Given the lack of an arboricultural assessment and the implications thereof in relation to the green infrastructure strategy I must conclude there is insufficient evidence to demonstrate that development won't result in unacceptable harm to trees of amenity value.*

*The landscaping scheme and construction environmental management plan for any reserved matters application should be informed by a Soil Resources Survey (SRS) and Plan (SRP) in accordance with the DEFRA Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (2009). It is likely that there are soils at this site that will be capable of supporting the growth of new planting subject to careful handling, storage, amelioration and installation but the correct specification for soils depends on knowledge of the existing resource and any requirements for soils to be imported. Without careful soil protection and specification its functionality is likely to be severely impaired by the development process resulting in poor landscaping establishment and performance.*

*Whilst I would not expect a detailed landscaping scheme at this stage, a planting palette for different planting types would be helpful. Native species are preferred close to the existing semi-natural vegetation with mixed native and exotic planting in the main residential areas. As a rule of thumb to avoid catastrophic pest and disease outbreaks and provide visual variety, no more than 10% of any tree species, 20% of any tree species within a genus and 30% of any tree species within a family should be planted. All planting should be designed to avoid existing and proposed service constraints including micro-drainage and street lighting.*

*The illustrative master-plan indicates trees defining access roads. I support this design objective but early consideration needs to be given to the above and below ground space to be allocated to such trees to ensure they can establish and grow healthily in the long-term. Illustrative section and plan views to show*

*the relationship between street trees and the proposed highway network, service network, street lights and building lines would be helpful in demonstrating the viability of this design objective. It is unclear whether all trees will be within the highway, or whether some trees will be within the highway and some within gardens – the submitted 3D street views suggest the latter, but I require clarification on this point so that trees are shown clearly within public or private space and not floating in ill-defined space between the two, and so that trees are shown at their approximate mature dimensions.*

Following the submission of a Tree Survey, the following further comments were made:

*The report demonstrates that unacceptable harm will not result to trees of amenity value so long as the principles set out on the outline plans are applied at reserved matters stage, and informed by an Arboricultural Method Statement and Tree Protection Plan at that stage.*

*I remain concerned about the capacity to achieve the indicative landscaping, particularly tree planting, given the service easements. I do not consider this an issue of detail that can be agreed later – we need to know that the indicative landscaping as shown is achievable, otherwise a reserved matters scheme may come in that accommodates significantly fewer new trees due to easements. Other aspects of landscaping including the Soil Resources Survey and Plan, can be provided at reserved matters.*

In response to these comments, the agent submitted an amended Illustrative Masterplan, and the following further comments are made:

*The approach with regard to tree planting within easements is to remove it all, without clear evidence that this is necessary or required by the service providers. The information I have suggests that the service providers are likely to accept some trees within easements, and I attach the guidance they provide concerning gas pipes and sewers for information and consideration by the applicant, pursuant to amending their illustrative layout accordingly.*

*Should the application be recommended for approval or gain permission on appeal, I advise that any reserved matters application is informed by the information I have provided concerning service easements – i.e. notwithstanding the submitted illustrative masterplan, the landscaping details for any reserved matters application shall be informed by a detailed appraisal of service easements as provided by the service provider. Tree planting within easements shall only be excluded where expressly forbidden by the service provider and the guidance it has published in this regard. Any reserved matters landscaping scheme must be informed by a Soil Resource Survey and Plan prepared in accordance with the 2009 DEFRA Code, and must include scaled planting plan(s), plant schedule(s), tree pit section and plan views for different site situations and planting types, topsoil and subsoil specification, planting methodology and aftercare methodology to be applied for the short, medium and long-terms, all prepared by a qualified Landscape Architect.*

*In terms of retained trees, any reserved matters application must be informed by the Tree Survey and Constraints Plan provided at outline stage, a finalised Arboricultural Impact Assessment, Method Statement and Tree Protection Plan, prepared in accordance with BS 5837:2012.*

- 5.10 The Council's Ecologist has no objection in principle and makes the following comments:

*Here are my comments on this application, which are made without prejudice to any further comments that I may make in the light of any plans or of alterations to plans as submitted.*

*If planning consent were to be granted, then we should require as a condition of that consent the production of a Green Infrastructure Mitigation Strategy, taking into account the recommendations for mitigation and enhancement as set out in section 6 of the amended EclA, my comments below, and comments received from Parks Services and the Tree Protection Officer.*

### **Habitats**

*As set out in my previous response this site supports valuable habitats such as neutral grassland, scrub, open mosaic habitats, and neutral flushes. Therefore I welcome the undertaking in section 6.1 of the amended EclA to retain at least some of these habitats in the public open space at the site, with the details to be set out in a Green Infrastructure Management Strategy secured by planning condition.*

### **Dormice**

*A dormouse mitigation strategy should be incorporated into any Green Infrastructure Mitigation Strategy for this site. It should be noted that it is not sufficient to leave the details of dormouse mitigation until the EPS licensing stage; Cardiff Council has a duty under Reg 9(3) to have regard to the EU Habitats Directive, which gives rise the EPS protection, in the exercise of its functions, which means that we should be satisfied that the favourable conservation status of this species should be maintained over the course of this development. I am satisfied that an appropriate dormouse mitigation strategy is possible under the proposed scheme, based upon the measures set out in section 6.2 of the amended EclA, but the details of such a strategy should be provided to us, as part of a Green Infrastructure Management Strategy secured by planning condition.*

### **Bats**

*The mitigation measures in respect of bats as set out in section 6.2 of the amended EclA should be included in the Green Infrastructure Management Strategy, secured by planning condition.*

## **Reptiles**

*As set out in my previous response dated 30/09/15, I have a number of concerns about the quality of the reptile survey, which lead me to have reduced confidence in the survey result. However, these concerns are not sufficient to lead me to advise that the surveys should be repeated at this stage, and I generally agree with the precautionary mitigation measures proposed in section 6.2 of the EclA. One detail I would add is that the prospects for any reptiles displaced by vegetation clearance look better to the west of the site than to the east, so any clearance should preferably start at the east and proceed westwards.*

## **Nesting Birds**

*The site supports nesting birds, so any eventual site clearance should take place outside the bird nesting season (Roughly March to August inclusive) as set out in section 6.2 of the amended EclA. If development takes place, nest boxes should be used to compensate for loss of nesting habitat.*

## **Pollinators**

*In accordance with the Pollinator Action Plan for Wales, every effort should be made to allow wildflowers to develop on roadside verges and any other areas of landscaping. Any landscaping should reflect the current mosaic of grassland, open mosaic habitats and scrub.*

## **Other Species**

*I agree with the mitigation measures put forward for other species such as hedgehog, and these should be built into the Green Infrastructure Mitigation Strategy.*

## **Lighting**

*A lighting scheme should be produced as part of the Green Infrastructure Mitigation Strategy which sets out measures to avoid light spillage onto trees, hedgerows and ecotones.*

## **Enhancements**

*I support the enhancement measures set out in section 6.3 of the amended EclA, and these should form part of the Green Infrastructure Management Strategy.*

## **Biodiversity and Resilience of Ecosystems Duty**

*These comments contribute to this Authority's discharge of its duties under Section 6 of the Environment (Wales) Act 2016. This duty is that we must seek to maintain and enhance biodiversity in the exercise of our 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 this duty we will have to take account of the resilience of ecosystems, in particular the diversity between and within ecosystems; the connections between and within ecosystems; the scale of ecosystems; the condition of ecosystems and the adaptability of ecosystems.*

- 5.11 The Economic Development Manager objects to the proposal, making the following comments:

*The Cardiff Gate International Business Park is South Wales' premier business park and a popular location for business. Located to the north east of the city the business park provides a convenient location for both business owners wanting proximity to home, and employees while having direct access onto the M4 motorway.*

*The Business Park has proved to be a successful location for a range of business sectors including Financial Services, ICT, Life science, Energy and Retail. Companies located on the business park include International Baccalaureate, Biotal, Circle IT Solutions, KGB (UK) Ltd, Lloyds Banking Group, Scottish and Southern Energy and Coca-Cola.*

*On site facilities for employers and employees include a hotel, crèche, pub / restaurant, serviced office accommodation, retail and on site motorway services which provide added value for tenants.*

*Additional attractants to companies includes a high ratio of parking provision and allocation as a Tier 2 assisted area which benefits from grant aid and financial support when locating within the business park.*

*Cardiff Gate has a mix of large international companies and SME's and has high levels of occupation within the developments that have been built (often speculatively) on the site.*

*Economic Development is of the view that plot 12 of Cardiff Business Park should be retained for employment use as there is a requirement to have a range and choice of investment options in the city both city centre and out of town. Cardiff Gate Business Park is a strategic and successful employment site for Cardiff and the region while also being one of the very few options that the city has to progress out of town employment requirements.*

- 5.12 The Neighbourhood Regeneration Manager makes the following comments:

**Request for Community Facilities**

*The Cardiff Planning Obligations SPG 2017 (Section 8 – Community Facilities) states that 'Growth in population arising from new development generates demand for and increases pressure on community facilities. To meet the needs of future residents, it may be necessary to meet this additional demand through:*

*The provision of new facilities,*

*The extension to, or upgrading of existing facilities’.*

*If no onsite provision is proposed, a financial contribution is sought on residential developments containing 25 or more new dwellings where it has been identified that investment in community facilities will be required to meet the needs of the new population.*

*The formula in the planning obligations SPG is based on the number of bedrooms per dwelling. In this instance the plan for the site does not include exact details of dwelling numbers or the number of bedrooms. It is recommended, therefore, that the development makes provision for payment of a financial contribution for community facilities to be calculated in accordance with the formula in the SPG. An exact request for community facilities contributions will be made once details of dwelling numbers and/or bedrooms have been provided.*

*If the development contains 150 dwellings, an indicative amount which could be required towards community facilities would be in the region of £193,707 (based on 150 x £ 1291.38 cost per dwelling = £193,707).*

### **Community Infrastructure Levy (CIL)**

*CIL Regulation 122(2) provides:*

*A planning obligation may only constitute a reason for granting planning permission for the development if the obligation 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.*

*Comments in respect of the request for contributions towards community facilities are as follows:*

#### **(a) Necessary to make the development acceptable in planning terms:**

*The Cardiff Planning Obligations SPG was formally adopted by Council on 26<sup>th</sup> January 2017. The SPG was adopted to help to ensure that developments contribute toward the provision of necessary infrastructure and measures required to mitigate their impact. Policy KP6 of the Cardiff Local Development Plan (adopted January 2016) supports the provision of community facilities as part of new residential developments.*

*It is also in accord with Planning Policy Wales which supports the negotiation of planning obligations and states “Contributions from developers may be used to offset negative consequences of development, to help meet local needs, or to secure benefits which will make development more sustainable”. A development proposing a significant increase in population, such as this, would create pressures on existing local facilities that need to be offset via a financial contribution. It would be unacceptable to grant planning consent in the absence of such provision.*

(b) Directly related to the development

Several community facilities are located within proximity to the site and are likely to experience an added pressure as a result of the new population. It is envisaged that a forthcoming community facilities contribution would be directed towards these facilities:

(c) Fairly and reasonably related in scale and kind to the proposed development

Contributions towards community facilities are derived using a formula-based calculation which takes into account, amongst other things, the size of the residential development and the projected increase in population.

6. **EXTERNAL CONSULTEES RESPONSES**

- 6.1 Welsh Water have no objection in principle, subject to a condition relating to the drainage of foul water only into the public sewerage system, with a specific connection point indicated. Further advice regarding sewerage treatment and water supply are offered. It is further noted that a public sewer crosses the site, for which a 3m building easement is required.
- 6.2 South Wales Police have no objection in principle, offering further advice in respect of designing out crime and the principles of secured by design.
- 6.3 Glamorgan Gwent Archaeological Trust have not commented on this application. However in commenting on application 15/01667/MJR, they raised no objection, However on noting that the proposals may include changes of ground levels that may result in the discovery of archaeological resources relating to the layout of a post medieval agricultural settlement, an archaeological watching brief condition was recommended. It is considered appropriate to take these comments into consideration again here.
- 6.4 Wales & West Utilities have no objection. Advice in respect of their services in the vicinity have been passed to the agent.
- 6.5 South Wales Fire & rescue have no objection. Access and water supply advice has been forwarded to the agent.
- 6.6 The Cardiff and Vale University Health Board have provided comments and advice in respect of health care provision. These have been passed to the agent for consideration.

7. **REPRESENTATIONS**

- 7.1 Local Members were consulted and any comments will be reported to Committee.
- 7.2 The application has been advertised by press notice, site notice and neighbour notification. Two objection representations have been received from residential

occupiers on Clonakilty Way. Their grounds for objection are:

- The existing traffic congestion (particularly at peak times) would be made worse;
- Local doctors and school are already at capacity;
- Existing overspill parking from the Business Park users would be exacerbated;
- Public transport links are insufficient.

7.3 A letter of objection has been received from the Castleoak Group, who occupy existing offices overlooking the site. Their representation makes comprehensive reference to planning policy and guidance and concludes as follows:

*On behalf of the Castleoak Group, an objection is submitted to the current planning application, Ref 16/01582/MJR - Proposed development of up to 150 homes, provision of new vehicle access, pedestrian/cycle routes, public open space, landscaping, drainage and associated works. Land to the south of Forester Way and Malthouse Avenue, Cardiff Gate, Pontprennau, Cardiff. The grounds of objection are summarised as follows:*

*Contrary to the applicants' Planning Statement, in the context of adjacent development, the site clearly relates to the business park, rather than residential development to the south, and limited connectivity exists both with existing residential areas, but also with local facilities. As such future residents are unlikely to use walking and cycling for trips to achieve the required 50/50 modal split.*

*Both national and local policy embodied in the recently adopted Cardiff Local Development Plan provide for a strong policy presumption against the redevelopment of business, industrial and warehousing land for alternative uses, particularly where it is regarded as a strategic site in terms of the transportation network*

*Evidence in the form of successive Employment Land Studies have pointed to the importance of the site in strategic terms and the need to retain B1 employment land at this location. The site lies in one of the few parts of Cardiff with Assisted Area status (up to 2019), and is one of only two with direct motorway access. Furthermore there has been a need to identify further land in the area for B1 uses, which is proposed in the LDP Strategic Site (NE Cardiff – West of Pontprennau).*

*The applicant has provided none of the supporting information required to present a convincing justification for allowing residential development in the context of Adopted LDP Policy EC3 and TAN 23. There is no over-supply of employment land and a housing development would also prejudice the favourable business environment which currently exists.*

*The application site lies within a modern and well established business park that provides high quality office accommodation and infrastructure with an*

*attractive landscaped setting and has excellent connectivity to the strategic highway network. Residential development would result in the loss of an uniquely prestigious employment allocation in Cardiff which remains the only out of town location which benefits from Assisted Area Status, and which provides an alternative to a city centre location for those businesses which do not require centrally based accommodation , and therefore caters for a different offer in terms of range and choice.*

*As a consequence the planning application is objected to in the strongest terms*

- 7.4 A letter of has been received from Molson Coors, an occupier of offices adjacent to the site. The following comments are made:

*I am writing on behalf of my client Molson Coors, who have offices adjacent to the proposed development applied for under application 16/01582/MJR.*

*My client supports the principle of development and the positive impact new housing has on the local economy.*

*They would, however, like the case officer to give careful consideration to the following issues:*

**Traffic impact:** *With any new residential development there will be an increase in traffic on the local network. The only vehicular access is via the Business Park and there are therefore likely to be increased delays at peak times. It is acknowledged that the Transport Statement accompanying the application concludes that there will only be a 3% increase in trip rates and that the effects of this will be accommodated within existing daily fluctuations in traffic movements. Notwithstanding this, the case officer is respectfully asked to give careful consideration to securing appropriate mitigation measures to ensure the operation and business continuity of those businesses within the park are not adversely affected. These measures could include the use of developer contributions towards encouraging sustainable transport methods, improving local sustainable transport infrastructure and improving existing highway infrastructure, the securing of a robust travel plan by condition or legal agreement and securing a construction travel/parking plan. This construction travel/parking plan would ensure construction operatives' vehicles do not hinder the flow of traffic whilst parked or en route, by having specified parking areas and restricting construction vehicles to arrive and depart outside of peak times.*

**Noise impact:** *Whilst there are unlikely to be any noise issues between existing offices and residential dwellings due to the nature of both types of development, it is likely that some noise and disturbance will occur to existing adjacent businesses during the construction period. The case officer is therefore asked to consider securing a construction management plan or imposing a condition to restrict construction times, to ensure noisy activities such as piling and drilling are undertaken at appropriate times. This will ensure business continuity is not adversely affected.*

## 8. **ANALYSIS**

- 8.1 The application site falls within Cardiff Gate Business Park and is defined on the LDP proposals map as EC1.6 under Policy EC1: Existing Employment Land.

As the proposal is for an alternative use of existing business and industrial land, the application must be assessed against the following:

Policy EC1: Existing Employment Land and

Policy EC3: Alternative Use of Employment Land and Premises

Policy EC1 seeks to protect the city's existing employment areas as designated on the proposals map for B Use Class employment generating uses in order to ensure that a sufficient range, choice and quality of development opportunities are available for both indigenous business and inward investors.

Policy EC3 provides the following criteria against which proposals for the change of use of business and industrial land and premises will be assessed:-

- i. The land or premises are no longer well located for business, industrial and warehousing use; or
- ii. There is no realistic prospect of employment use on the site and/or the property is physically unsuitable for employment use, even after adaption/refurbishment or redevelopment; or
- iii. There is no need to retain the land or premises for business, industrial or warehousing use, having regard to the demand for such land and premises and the requirement to provide for a range and choice of sites available for such use; and
- iv. There will be no unacceptable impact on the operating conditions of existing businesses.

- 8.2 Paragraph 5.69 refers to the robust evidence for assessing the need to retain land and premises for business, industrial and warehousing use and includes the following criteria:-

- Whether and for how long land or premises have been vacant and actively marketed and the expressions of interest during this period.
- Whether the site offers particular benefits not generally available within the overall land bank;
- Whether the site is within an area of high unemployment and offers realistic prospects of use for appropriate employment purposes;
- Whether the relocation of existing occupiers to other suitable accommodation will be facilitated;
- Whether the proposed development would retain an element of industrial, office or warehousing floorspace;
- Whether the proposed use needs to be accommodated on business, industrial or warehousing land (e.g. transport depot) and;
- Other priorities such as housing need, override more narrowly focussed economic considerations.

The application site is assessed against each of the criteria of Policy EC3 below:

**No longer well located –**

Situated within a modern and well established business park that provides high quality office accommodation and infrastructure within an attractive landscaped setting, the application site occupies an important strategic position, well located and with excellent connectivity to the strategic highway networks; to the M4 and central Cardiff via the A48(M).

Within the business park itself, the application site benefits from direct access from Malthouse Avenue which is the main route through the business park.

The site is well served by public transport with the nearest bus stop less than 50m away from the entrance of the site. This provides services to the city centre every 30 minutes.

**No need to retain the land for business uses**

A key role for the LDP is to ensure the provision of a portfolio of an appropriate range, quantity and quality of employment land and premises to meet the current and future needs of the city and the city's workforce and this is essential to fulfil the economic development objectives of the LDP and fulfil the level of growth set out in the plan ((Policy KP9: Responding to Evidenced Economic Needs).

The application site, was submitted as an alternative site for housing development as part of the LDP process. The Inspector conducting the LDP Examination did not consider it appropriate to reallocate the site for housing.

Cardiff Gate Business Park contains Grade A modern office premises in a high quality landscape setting in an out-of-centre location. With a growing population and the release of major strategic greenfield sites for residential development in this part of Cardiff, it is additionally important that local residents can find work close to home.

If Cardiff is to attract inward investment, motorway related employment sites will remain attractive and it is considered vital that Cardiff is able to offer both town centre and motorway related sites.

Cardiff Gate offers the opportunity to provide modern, flexible and high quality office space on an unconstrained site.

**Unacceptable impact on the operating conditions of existing businesses**

It is accepted that B1 uses are normally compatible with housing development in close proximity. However, TAN 23: Economic Development advises that 'in managing the retention and release of existing employment sites authorities

should aim to ensure that the integrity of remaining employment sites is not compromised'. It requires that employment land may be released only where 'the proposed redevelopment does not compromise unduly neighbouring employment sites that are to be retained'. (para. 4.69).

It is considered that the proposals would impact on the operation of existing employment uses within Cardiff Gate Business Park and impede existing companies expanding and new companies locating at the Business Park and undermine its long term viability as a high quality out of town business park.

Residential development of Plot 12 would reduce the attractiveness of the park to existing firms, particularly those considering future expansion and new inward investment which could result in a negative impact on the commercial viability of the park as a whole

Existing occupiers of the business park experience an attractive high quality landscape setting, conducive to their business activities, circulation and parking and the proximity of housing development would detract from this high quality business environment

- 8.3 In summary the business park is a good example of uniquely prestigious grade A office accommodation, strategically located with excellent links to the M4 and the A48(M) to central Cardiff in a high quality landscaped setting and accommodating large employers. It is one of only 2 motorway related strategic sites that have future build plots available in the short term and additionally benefits from Assisted Area Status. Residential development of this site will adversely impact the range, choice and quality of sites for employment use.

Furthermore, the proposal will remove an opportunity for development for new and existing occupiers looking to locate or expand at the park and dilute the impression of the Park as a prestige location. The use raises concerns for existing occupiers in terms of how their business will operate alongside residential units and some existing occupiers could consider leaving the park.

The lack of marketing success over recent years in the general economic climate which has prevailed does not, in itself, demonstrate that the site is inherently unviable for the purpose proposed.

The proposal would result in the loss of a uniquely prestigious employment allocation which would adversely impact the range, choice and quality of sites in Cardiff. A residential development would introduce a use which would reduce the attractiveness of the park to both existing and future businesses and which would be detrimental to the viability of the park as a whole.

- 8.7 Taking the above factors into account, it is considered that the site is a strategic employment site and should therefore be protected from alternative uses.
- 8.8. In terms of urban design and placemaking (in respect of the indicative details submitted and the TA Addendum), on walking the site, route A would be acceptable if the crossing of the lane were to include the same treatment as

route B, not least as this is a likely walking route to the primary school for local children.

Route B is a reasonable footpath used by residents. It is not illuminated and has no frontage. As it is the middle of the neighbourhood it gains a reasonable level of use, but during the dark hours it will likely feel insecure. If it is to be used as a key connector to the retail park and other parts of Pontprennau for people on foot it is suggested that the section to Heol Pontprennau be illuminated. At present, the submitted TA Addendum (Appendix A, Figure 3) shows this as being non-illuminated.

The proposal for route C, whilst providing a shorter route to the retail park, is a route with no surveillance along significant sections to the rear of B&Q. In this sense it falls far below expectations in place making terms, as it will be isolated and insecure for some users. Greenwood Close has an inconsistent footpath along it, which would need upgrading towards the site. I assume that the land required for the footpath is in the control of the applicant. Whilst offering an alternative, it would not be supported as a principal route upon which this scheme should be dependent.

Many of the footpaths have motorbike barriers which limit accessibility for people pushing prams and people in wheelchairs. I am not sure if this issue is being addressed, but inclusive accessibility would require such routes to be available for all.

- 8.9 In addition to the above, the Local Planning Authority does not consider that the layout adequately addresses the site topography. However, given that layout is a reserved matter, it is considered that this concern would not sustain a reason for refusal of outline planning permission.
- 8.10 In relation to the accessibility and layout matters identified, (and notwithstanding the recommendation above), whilst the submitted details are acceptable in principle, if this proposal were to proceed to approval, it would be expected that any reserved matters application would address these matters.
- 8.11 With regard to issues raised in representations, the general thrust of those objections is that the application site is unsuitable for residential development. As such, the recommendation above recognises that the applicant has failed to demonstrate that the application site is acceptable for the proposed development. The traffic implications of the proposals have been considered by the Transportation Manager, who has no objection. In this case, refusal of consent on traffic grounds could not be sustained.
- 8.12 Section 106 Matters – Notwithstanding the recommendation above, the following contribution requests have been made, with reference made to the Community Infrastructure Levy tests and the Council's adopted Supplementary Planning Guidance on Planning Obligations:

Affordable Housing – A contribution of 30% on site is requested (45 units for a 150 unit development), with a split of 20% towards social rented accommodation and 10% towards intermediate rented.

Neighbourhood Renewal – A financial contribution of **£193,707** is requested in respect of improving or providing community facilities in the vicinity of the site.

Parks – It is suggested that, should a favourable recommendation be made, the developer enter into an agreement to ensure that any on site open space provision is managed and maintained by them (not adopted by the Council). It is further highlighted that as an open space re-design is required, there remains a possibility that an off-site financial contribution may be required, in accordance with the Council's adopted SPG. The amount of contribution would be established on the submission of detailed plans.

The agent has confirmed that the applicant is willing to enter into an agreement under Section 106 of the Act to encompass the requested contributions.

## 9. **OTHER CONSIDERATIONS**

### 9.1 *Environmental Impact*

The application is for dwellinghouse development of up to 150 dwellings, on a site that is approx. 3.76Ha in size.

The Town & Country Planning (Environmental Impact Assessment) (Wales) regulations 2016 introduced raised the thresholds for such development to require a Screening Opinion to more than 150 dwellings, or 5 Ha site area.

In light of the new thresholds, and having regard for the negative screening Opinion provided under application 15/01667/MJR, it is considered that this application does not require the provision of a further Screening Opinion.

## 10. **Conclusion**

10. Notwithstanding that details of access are considered to be acceptable in principle, the applicant has failed to justify the loss of this Strategic Employment Land, as identified in the adopted Local Development Plan. In this case, it is recommended that outline planning permission be refused.





-  Site Boundary
-  Approximate location of residential units
-  Private gardens with block subdivision
-  Vehicular Access Point
-  Pedestrian Access Point
-  Primary Vehicular Route
-  Access Road
-  Private Drive
-  Footway
-  Pedestrian and Cycle Route
-  Watercourse
-  Shared Surface
-  Public Open Space
-  LEAP inc. Activity Zone
-  Existing Trees
-  Proposed Trees
-  Existing Woodland

Project  
Cardiff Gate

Drawing Title  
Illustrative Masterplan

Date	Scale	Drawn by	Check by
19.06.15	1:1,000 @ A3	CW	BW
Project No	Drawing No	Revision	
21674	9400	E	

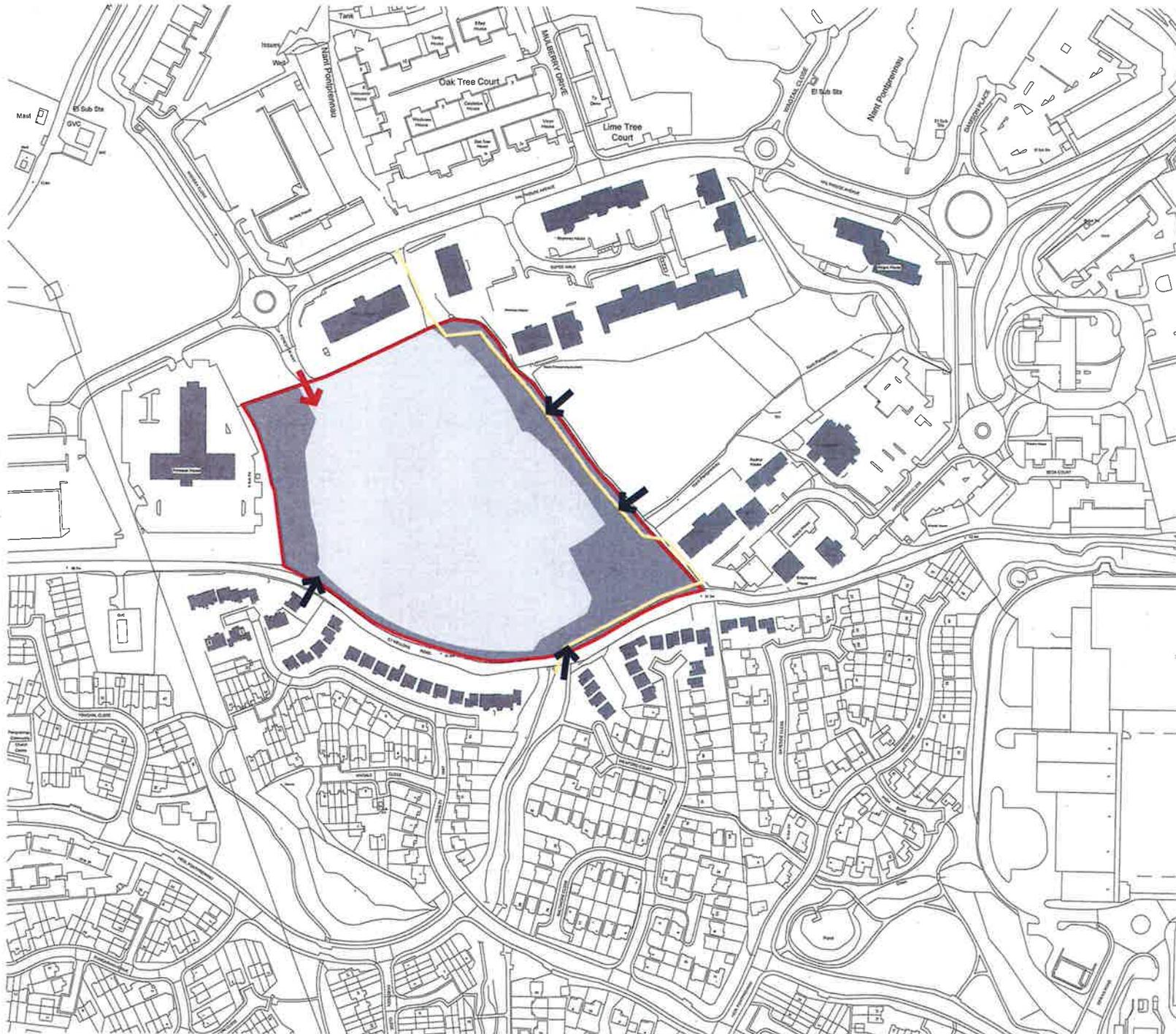
**BARTON  
WILLMORE**

Planning • Master Planning & Urban Design  
Architecture • Landscape Planning & Design • Project Services  
Environmental & Sustainability Assessment • Graphic Design

bartonwillmore.co.uk



21/2/17



-  Site boundary
-  Vehicular access points
-  Pedestrian/cycle access points
-  Existing Public Right of Way

Project  
**Cardiff Gate**

Drawing Title  
**Parameter Plan 2  
 Access**

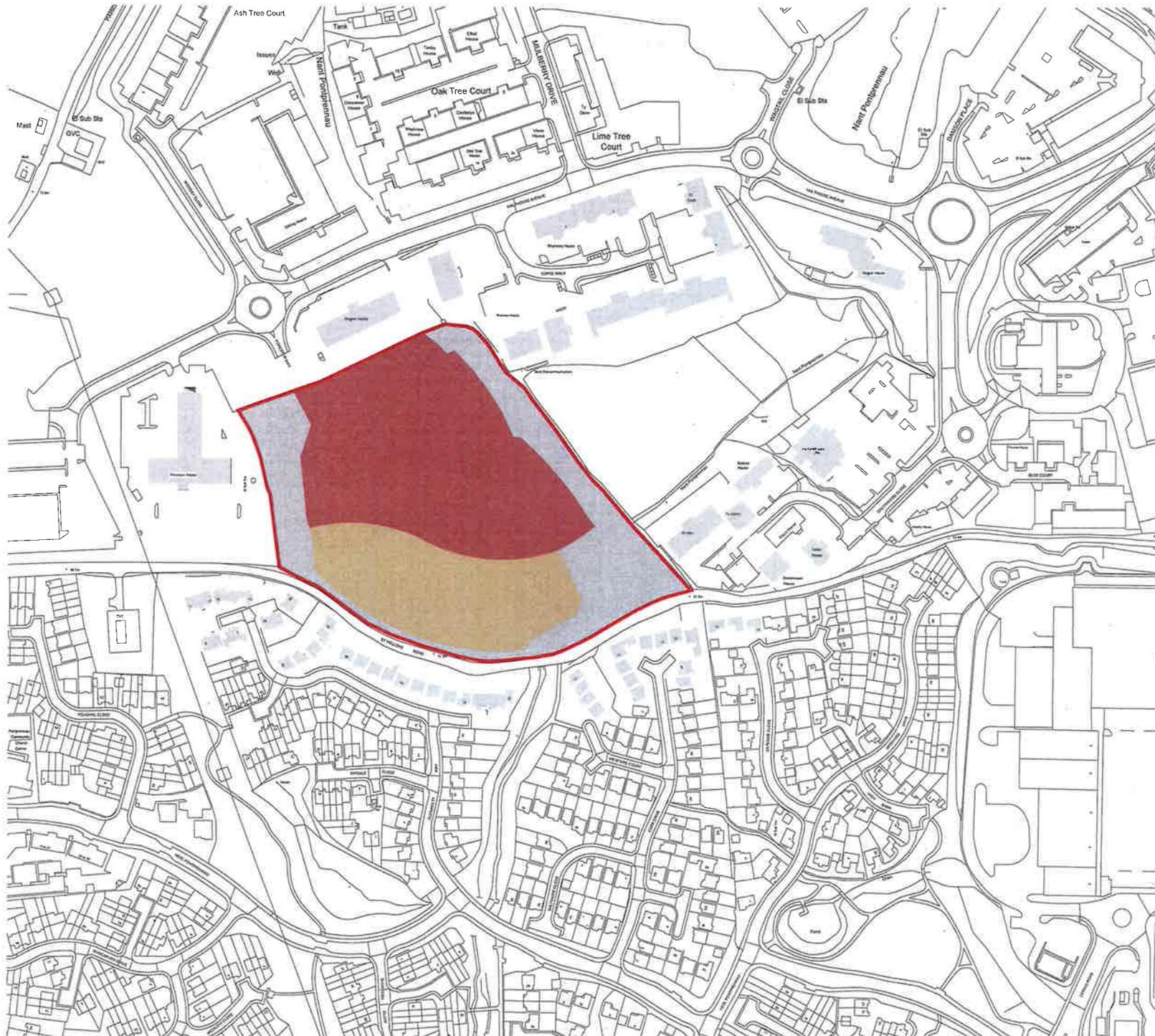
Date	Scale	Drawn by	Check by
27.05.15	1:2500 @A3	KT	BW
Project No	Drawing No	Revision	
21674	9602	A	



Planning • Master Planning & Urban Design  
 Architecture • Landscape Planning & Design • Project Services  
 Environmental & Sustainability Assessment • Graphic Design

bartonwillmore.co.uk 

**16/01582**



The scaling of this drawing cannot be assured

Revision \_\_\_\_\_ Date \_\_\_\_\_ Drn \_\_\_\_\_ Ckd \_\_\_\_\_

-  Site boundary
-  Up to 12.5m high (2.5 - 3)
-  Up to 11 m high (2 - 2.5)

# 16/01582

Project  
**Cardiff Gate**

Drawing Title  
**Parameter Plan 4  
Scale**

Date	Scale	Drawn by	Check by
27.05.15	1:2500	KT	BW
Project No	Drawing No	Revision	
21674	9604	B	



Planning • Master Planning & Urban Design  
Architecture • Landscape Planning & Design • Project Services  
Environmental & Sustainability Assessment • Graphic Design

bartonwillmore.co.uk 



-  Site boundary
-  Higher density 40-50 units per ha
-  Lower density 30-40 units per ha

16/01582

Project  
Cardiff Gate

Drawing Title  
Parameter Plan 5  
Density

Date	Scale	Drawn by	Check by
27.05.15	1:2500 @A3	KT	BW
Project No	Drawing No	Revision	
21674	9605	A	

**BARTON  
WILLMORE**

Planning • Master Planning & Urban Design  
Architecture • Landscape Planning & Design • Project Services  
Environmental & Sustainability Assessment • Graphic Design

bartonwillmore.co.uk

