

COMMITTEE DATE: 11/10/2017

APPLICATION No. **17/01824/MJR** APPLICATION DATE: 31/07/2017

ED: **SPLOTT**

APP: TYPE: Full Planning Permission

APPLICANT: Dogs Trust

LOCATION: LAND AT NETTLEFOLD ROAD, SPLOTT

PROPOSAL: REDEVELOPMENT TO PROVIDE A DOGS TRUST RE-HOMING CENTRE INCLUDING VARIOUS BUILDINGS, ASSOCIATED CAR PARKING, INTERNAL ROADS AND PATHS, EXERCISE RUNS, FENCES, SEWAGE TREATMENT PLANT, BOUNDARY TREATMENTS AND LANDSCAPING

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**RECOMMENDATION 1** : That planning permission be **GRANTED** subject to the following conditions :

1. C01 Statutory Time Limit
2. The development approved is that indicated on the following drawing references/technical submissions:

- DT\_(05)500\_A Boundary Treatments
- GA\_(05)101\_A Title Plan
- GA\_(05)102\_A Location Plan
- GA\_(05)105\_A Existing Constraints Plan
- GA\_(05)106\_A Existing Site Sections
- GA\_(05)501\_A Proposed Site Sections
- GA\_(05)900\_H Proposed Site Plan
- GA\_(05)100\_C Intake - Booked Kennel GA Plans
- GA\_(05)101\_B Intake - Kennel- Elevations
- GA\_(05)100\_F Main Building Ground Floor Plan
- GA\_(05)101\_F Main Building First Floor Plan
- GA\_(05)200\_D Main Building Elevation
- GA\_(05)100\_D Maintenance Shed GA Plans & Elevations
- GA\_(05)100\_D Plant - Bin Store GA Plans & Elevations
- GA\_(05)100\_C Stray Reclaim Ground & First Floor Plans
- GA\_(05)200\_A Stray Reclaim Elevations
- SK003 \_C SUDS Concept Layout
- 1566302/P/GA/002 Strategic Soft Landscaping Plan
- 1566302/P/GA/001 \_A Strategic Hard Landscaping Plan

Reason: For the avoidance of doubt

3. The entire site shall be secured by means of fencing and gates, the design of which having first been submitted to and approved in writing by the Local Planning Authority, and the enclosure shall be provided prior to beneficial use of the development and thereafter be maintained.

Reason : In the interests of site and public security.

4. Prior to the commencement of any development the proposed details of appropriate gas protection measures for residential and commercial purposes, to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site shall be submitted to and approved in writing to the LPA. If no protection measures are required than no further actions will be required.

All required gas protection measures shall be installed and appropriately verified before occupation of any part of the development which has been permitted and the approved protection measures shall be retained and maintained until such time as the Local Planning Authority agrees in writing that the measures are no longer required.

\* 'Gases' include landfill gases, vapours from contaminated land sites, and naturally occurring methane and carbon dioxide, but does not include radon gas. Gas Monitoring programmes should be designed in line with current best practice as detailed in CIRIA 665 and or BS8485 year 2007 Code of Practice for the Characterization and Remediation from Ground Gas in Affected Developments.

Reason: To ensure that the safety of future occupiers is not prejudiced.

5. Prior to the commencement of the development an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority.

This assessment must be carried out by or under the direction of a suitably qualified competent person \* in accordance with BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and shall assess any contamination on the site, whether or not it originates on the site.

The report of the findings shall include:

- (i) not required
- (ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;
- (iii) an assessment of the potential risks to:
  - human health,
  - groundwaters and surface waters
  - adjoining land,

- property (existing or proposed) including buildings, crops, livestock,
- pets, woodland and service lines and pipes,
- ecological systems,
- archaeological sites and ancient monuments; and
- any other receptors identified at (i)

(iv) an appraisal of remedial options, and justification for the preferred remedial option(s).

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document 'Land Contamination: A guide for Developers' (2012), unless the Local Planning Authority agrees to any variation.

\* A 'suitably qualified competent person' would normally be expected to be a chartered member of an appropriate professional body (such as the Institution of Civil Engineers, Geological Society of London, Royal Institution of Chartered Surveyors, Institution of Environmental Management) and also have relevant experience of investigating contaminated sites.

Reason: To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment.

6. Prior to the commencement of the development a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document 'Land Contamination: A guide for Developers' (July 2012), unless the Local Planning Authority agrees to any variation.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the

development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

7. The remediation scheme approved by condition 6 must be fully undertaken in accordance with its terms prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document ' Land Contamination: A guide for Developers' (July 2012), unless the Local Planning Authority agrees to any variation.

Reason : To ensure that any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

8. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place unless otherwise agreed in writing until a scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the LPA within 2 weeks of the discovery of any unsuspected contamination.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

9. Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved

in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes. Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason: To ensure that the safety of future occupiers is not prejudiced.

10. Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes. Subject to approval of the above, sampling of the material received at the development site to verify that the imported material is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason: To ensure that the safety of future occupiers is not prejudiced.

11. Any site won material including soils, aggregates, recycled materials shall be assessed for chemical or other potential contaminants in accordance with a sampling scheme which shall be submitted to and approved in writing by the Local Planning Authority in advance of the reuse of site won materials. Only material which meets site specific target values approved by the Local Planning Authority shall be reused.

Reason: To ensure that the safety of future occupiers is not prejudiced.

12. Prior to the commencement of the development approved by this planning permission (or such other date or stage in the development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:

- all previous uses;
- potential contaminants associated with those uses;
- a conceptual model of the site indicating sources, pathways and receptors;
- potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be

affected, including those off site.

3. The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.  
Reason : The site has been subject to previous industrial use including as a steel works, foundry, railway yards, etc. resulting in land contamination. Therefore there is the risk of pollution of controlled waters that occur beneath the site in the Secondary A/b aquifers. Solvent contamination in soils and groundwater has been detected in initial site investigations.

13. Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority.

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

Reason : To demonstrate that the remediation criteria relating to controlled waters have been met, and (if necessary) to secure longer-term monitoring of groundwater quality. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

14. Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the local planning authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the local planning authority.

Reason : As further site investigation and risk assessment is to take

place it is possible that long term site monitoring may be required depending on the outcomes from this further work.

15. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.  
Reason : Site investigations are never able to fully characterise contamination at a site. Therefore unsuspected contamination may be discovered during development works.
16. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.  
Reason : Infiltration through contaminated soils may lead to the production of a contaminated leachate that may pollute groundwater at depth.
17. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.  
Reason : Inappropriate piling solutions can cause contamination of groundwater beneath a site.
18. All imported or site won soils used for soft landscaping purposes must be verified as fit for purpose by an accredited landscape architect for the specific planting proposals approved.  
Reason: To ensure for the greatest likelihood of new planting becoming established and maturing over the lifespan of the development.
19. Notwithstanding the submitted landscaping proposals;
  - All trees indicated for retention must be protected in accordance with an Arboricultural Method Statement and Tree Protection Plan which shall have been submitted to and approved by the local planning authority prior to any ground works commencing on site.
  - The development will be landscaped in accordance with a detailed landscaping specification including a finalised planting plan, plant schedule, tree pit section and plan views for different situations demonstrating how access will be provided for

adequate and appropriate root available soils for the species in question, topsoil and subsoil specification, planting methodology and aftercare methodology.

- All planting, seeding, and turf-laying shown on the approved landscape plans shall be carried out in the first planting and seeding season following the first beneficial use of the building or the completion of the development, whichever is the sooner.
- Any retained or planted trees or plants which die, are removed, become seriously damaged or diseased, or (in the opinion of the Local Planning Authority) otherwise defective within the lifespan of the development, shall be replaced in the planting season following their death with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: The landscaping proposals are fundamental to the acceptability of the development in terms of necessary visual screening, acoustic buffering and hydrology of the site; and to ensure for landscaping proposals which will have the best chance of establishment and maturity in an otherwise hostile environment.

20. Prior to the commencement of development a written scheme of sound insulation for the walls and ceilings of; sleeping kennels, kennel run areas and all other internal dog areas, shall be submitted and approved by the authority in writing; and the walls and ceilings of; sleeping kennels, kennel run areas and all other internal dog areas, shall thereafter be constructed in accordance with the approved scheme and thereafter be so maintained.

Reason: To mitigate against the potential for noise nuisance to neighbouring properties.

21. The doors and windows to all the kennels / dog areas shall only be open between the hours of 08:00hrs – 18.00hrs Monday to Saturday and 09:00hrs to 16:00hrs on Sundays.

*Alternative mechanical ventilation should be sought if required to maintain suitable internal temperatures.*

Reason: To mitigate against the potential for noise nuisance to neighbouring properties.

22. Dogs shall only be allowed in the external areas between the hours of 08.00hrs – 19.30hrs Monday to Saturday and 09:00 – 16:00hrs on Sundays with exception to those arriving or leaving the facility via the car park or brought to the centre as strays or found animals.

Reason: To mitigate against the potential for noise nuisance to neighbouring properties.

23. No fixed plant or equipment on the site, including but not limited to compressors, air conditioning, heating or fume extraction plant shall



realise a noise level exceeding background noise level -10dB at the nearest noise sensitive premises [including for the avoidance of doubt adjacent office and laboratory uses] when measured and corrected in accordance with BS 4142: 2014 (or any British Standard amending or superseding that standard).

Reason: To ensure that the working environment of persons in nearby premises or occupiers of any residential accommodation are protected against unreasonable plant noise.

24. If at any time the use of the premises is to involve the preparation and cooking of hot food the extraction of all fumes from the food preparation areas shall be mechanically extracted to a point to be agreed with the Local Planning Authority, and the extraction system shall be provided with a de-odorising filter. Details of the above equipment shall be submitted to, and approved by, the Local Planning Authority in writing and the equipment installed prior to the commencement of use for the cooking of food. The equipment shall thereafter be maintained in accordance with the manufacturers' guidelines, such guidelines having previously been agreed by the Local Planning Authority in writing.

Reason: To ensure that the working environment of persons in nearby premises or occupiers of any residential accommodation are protected against olfactory nuisance.

25. No clearance of trees or woody vegetation shall take place between 1st February and 31<sup>st</sup> August unless otherwise specifically approved in writing by the Local Planning Authority. This approval will be given if it can be demonstrated that there are no birds nesting in the trees/woody vegetation immediately (48 hrs) before works commence.

Reason: To avoid disturbance to nesting birds which are protected under the Wildlife and Countryside Act 1981: Part 1, 1(1)(b), it is an offence to intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built.

26. Prior to first beneficial use (or in such other timeframe as may be agreed with the Local Planning Authority) The development shall be provided with a scheme of artificial lighting; the design of which shall balance needs of public safety and security; wayfinding; and accommodation/management of protected in accordance with a scheme of detail which shall first have been submitted to and approved by the Local Planning Authority in writing.

Reason: To ensure that the scheme will be designed to accommodate the needs of staff and visitor safety as well as having appropriate regard to nature conservation interests.

27. Prior to works commencing to the SE corner of the site, a translocation strategy for the movement of reptiles from the marginal scrub/ruderal habitats on the site to alternative suitable habitat, and for their future exclusion from the site during the course of construction shall be submitted to and approved by the local planning authority in writing. The strategy shall include for a timeframe of implementation and shall

thereafter be implemented in accordance with the approved details.  
Reason: To mitigate against the potential for harm to reptiles during the course of construction.

28. Should any variation to the schedule of submitted finishing materials be required the development shall be finished in accordance with a palette of materials, the detail and samples of which having first been submitted to, or made available for inspection by the Local Planning Authority and approved by them in writing.  
Reason: To ensure for a satisfactory finished appearance to the development.
29. Notwithstanding the approved layout and hard landscaping plans, Prior to first beneficial use of the rehoming centre hereby approved, the development shall be provided with 13 secure and covered cycle stands capable of accommodating a minimum of 26 cycles, to be of a design and located throughout the site in accordance with a scheme of detail which shall first have been submitted to and approved in writing by the Local Planning Authority, and thereafter be provided and be so maintained for such purposes for the lifetime of the development.  
Reason: To ensure that adequate provision is made for staff and visitors wishing to travel by sustainable transport modes.
30. Notwithstanding the approved layout and hard landscaping plans, Prior to first beneficial use of the rehoming centre hereby approved, the development shall be provided with a 150 car parking spaces to include for a minimum of 7 disabled spaces for use by the mobility impaired in accordance with a scheme of detail which shall first have been submitted to and approved in writing by the Local Planning Authority and thereafter be provided and be so maintained for car parking purposes for the lifetime of the development.  
Reason: To ensure for an appropriate and reasonable balance of on site parking provision sufficient to meet operational needs whilst fostering sustainable transport planning for the City.
31. The facility shall be provided with a scheme of CCTV capable of evidential quality recording.  
Reason: To deter any persons who may contemplate anti-social or criminal behaviour and to assist the Applicant and Police in being able to identify such offenders.
32. Domestic foul flows only shall connect to the public sewer network. Any non domestic waste produced on site shall be disposed appropriately  
Reason: To protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.
33. No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of

surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

**RECOMMENDATION 2** : If the development will give rise to a new discharge (or alter an existing discharge) of trade effluent, directly or indirectly to the public sewerage system, then a Discharge Consent under Section 118 of the Water Industry Act 1991 is required from Dwr Cymru / Welsh Water. Please note that the issuing of a Discharge Consent is independent of the planning process.

**RECOMMENDATION 3** : To protect the amenities of occupiers of other premises in the vicinity attention is drawn to the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities. Further to this the applicant is advised that no noise audible outside the site boundary adjacent to the curtilage of residential property shall be created by construction activities in respect of the implementation of this consent outside the hours of 0800-1800 hours Mondays to Fridays and 0800 - 1300 hours on Saturdays or at any time on Sunday or public holidays. The applicant is also advised to seek approval for any proposed piling operations.

**RECOMMENDATION 4** : The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for

- (i) determining the extent and effects of such constraints and;
- (ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates / soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under section 33 of the environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site:
  - Unprocessed / unsorted demolition wastes.
  - Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
  - Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and

- (iii) the safe development and secure occupancy of the site rests with the developer.

Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land.

The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land can be considered free from contamination.

**RECOMMENDATION 5** : In respect of condition 30, The applicant is invited to periodically record and review uptake of the car parking spaces within the first year of operations; and if at the end of this time, the applicant can evidence, to the satisfaction of the Local Planning Authority, that there is a deficiency in available on site car parking to the detriment of the operation of the facility / surrounding highway network, then the Local Planning Authority will consider the review of this condition by means of an application under S73 of the Town and Country Planning Act 1990 or such subsequent provision.

## 1. **DESCRIPTION OF DEVELOPMENT**

- 1.1 Full planning permission is sought for development of 3.24 hectares of land which is currently partly vacant / partly used for open steel storage to the south of Nettleford Road, on Ocean Park in Splott to provide a 'Dogs Trust' rehoming centre.
- 1.2 The development would comprise four principal buildings comprising a main building of two storey design [78m x 26m x 8.7m high], a 'Stray/Reclaim' building of partly two storey design [68m x 16m x 7.1m high] and two other single storey buildings 7m x 14m x 4.7. high] proposed within a landscape setting.
- 1.3 The buildings would be of flat roofed design, in combinations of brickwork, various coloured (predominantly white and grey but including elements of corporate yellow) rain screen panel, vertical timber boarding, and with dark grey aluminium fenestration and doors.
- 1.4 The development also includes for associated car parking, internal roads and paths, exercise runs, walling and various fence enclosures, a sewage treatment plant, and various boundary treatments and landscaping to provide a park like environment with secure training and exercise facilities.
- 1.5 The kennel accommodation would be strategically positioned and orientated on the site, generally set centrally off perimeter boundaries and with different buildings being located with respect to the need for public access, welfare of dogs being kennelled, and relationship with surrounding developments.
- 1.6 Discussions with the Local Authority are ongoing in respect of the potential for the Council to fulfil its statutory responsibilities in respect of stray and lost dog

reclaim from one of the buildings.

1.7 Overall the site would provide for up to

30x Stray/Reclaim Kennels with a likely occupancy of up to 45 dogs  
22x Intake Kennels with a likely occupancy of up to 33 dogs  
20x Rehoming Kennels with a likely occupancy of up to 30 dogs  
22x Booked Dogs Kennels with a likely occupancy of up to 33 dogs  
4x Puppy/whelping Kennels with a likely occupancy of up to 16 puppies

A Total of 98 Kennels with a likely occupancy of 141 dogs and 16 puppies

1.8 The facility would provide jobs for around 50 equivalent full time posts (In practice a greater number of mixed full time and part time employees)

1.9 The application is supported by the following Reports/ Documents/Technical appraisals:

- Drawing Package
- Operator Statement
- Planning Statement
- Design and Access Statement
- Pre application consultation 'PAC' Report
- Landscaping Scheme
- Ecology Statement
- Drainage and Flooding
- Access, Parking and Highways
- Noise Assessment
- Noise Assessment Addendum
- Site Investigation

## 2. **DESCRIPTION OF THE SITE**

2.1 The site is a predominantly rectangular shaped piece of land measuring approximately 400m x 85m with longer edge on a NW/SE axis. The site is accessed from the north via Nettleford Road, part of the Ocean Park estate road network providing access to and from Ocean Way. The site is however otherwise landlocked.

2.2 The site covers some 3.24 hectares. The land is made up ground (principally compressed hardcore) and is reasonably level other than having embanked edges and some unmanaged tree planting to north and east perimeter boundaries.

2.3 The site is bounded by Nettleford Road to the north with nearest neighbours (other than open storage areas) being the relatively newly constructed Regents Court Office complex and similarly recently constructed Peoples Dispensary for Sick Animals (PDSA) facility. To the west are offices occupied by Celsa, and a 'conference centre' providing office accommodation within older two storey red

brick buildings. These are accessed from East Moors Road to the west. The Celsa railway line and the new Eastern Bay Link Road (EBL) are located to the south. A site access road divides the site from various freight and building materials distributors, and a bio research laboratory to the east and the Viridor incinerator plant.

Further to the west, the central link road dual carriageway divides the Castle Works from Bute East Dock. To the north and east are further industrial and commercial uses. To the south, Roath Dock.

- 2.4 The immediate surroundings are therefore characteristically mixed heavy and light industry, science and technology /office accommodation and storage and distribution uses.
- 2.5 The nearest residential accommodation (Adventurers Quay) is sited some 325 metres to the south west beyond the EBL dual carriageway and gyratory roundabouts, dockside aggregate storage land and temporary lorry park.

### 3. **SITE HISTORY**

- 3.1 The Design and Access statement submitted with the application suggests that former steel works buildings on the land were demolished in the 1980s. The site comprises filled, contaminated land, parts of which having been used for open steel storage on a lease hold basis for a number of years.
- 3.2 This application follows the withdrawal of planning application 15/03023 for a larger rehoming centre on a greater area of land which was not progressed. This application essentially omits an area of land from the previous application site to enable its continued use for open steel storage by Celsa.

### 4. **POLICY FRAMEWORK**

Planning Policy Wales Edition 9, November 2016

Chapter 4 - Planning for Sustainability

Chapter 7 - Economic Development

Chapter 8 - Transport

Chapter 12 - Infrastructure and Services

Chapter 13 - Minimising and Managing Environmental Risks and Pollution

WG Technical Advice Notes

TAN 11: Noise (1997)

TAN 12: Design (2016)

TAN 15: Development and Flood Risk (2015)

TAN 18: Transport (2007)

TAN 21: Waste (2014)

TAN 23 Economic Development (2014)

Welsh Office Circular

11/99: Environmental Impact Assessment 30/06/99  
16/94: Planning Out Crime 25/02/94

Cardiff Local Development Plan 2006-2026 (Adopted January 2016)

KP5: GOOD QUALITY AND SUSTAINABLE DESIGN  
KP8: SUSTAINABLE TRANSPORT  
EC1: EXISTING EMPLOYMENT LAND  
EC3: ALTERNATIVE USE OF EMPLOYMENT LAND AND PREMISES  
EN13: AIR, NOISE, LIGHT POLLUTION AND LAND CONTAMINATION  
EN14: FLOOD RISK  
T1: WALKING AND CYCLING  
T6: IMPACT ON TRANSPORT NETWORKS AND SERVICES  
W2: PROVISION FOR WASTE MANAGEMENT FACILITIES IN DEVELOPMENT

Other Material Considerations

Section 149 Equality Act 2010

Adopted Supplementary Planning Guidance  
Waste Collection & Storage Facilities Oct 2016

Supplementary Planning Guidance [Supplementary to previous development plans but remaining a material consideration]

Access, Circulation and Parking Standards Jan 2010  
Safeguarding Land for Business and Industry Jun 2006

**5. INTERNAL CONSULTEE RESPONSES**

**5.1 Pollution Control (Noise and Air)**

A written scheme of sound insulation for the walls and ceilings of; sleeping kennels, kennel run areas and all other internal dog areas, shall be submitted and approved by the authority prior to the commencement of the development.

Doors and windows to all the kennels / dog areas shall only be open between the hours of 08:00hrs – 18:00hrs Monday to Saturday and 09:00hrs to 16:00hrs Sunday. Alternative mechanical ventilation should be sought if required to maintain suitable internal temperatures.

Dogs shall only be allowed in the external areas between the hours of 08.00hrs – 18:00hrs Monday to Saturday and 09:00 – 16:00hrs Sunday with exception to those arriving or leaving the facility via the car park.

**PC5 OPENING HOURS**

No member of the public shall be admitted to or allowed to remain on the premises between the hours of 21:00hrs and 07:00hrs on any day.

Reason: To ensure the amenity of occupiers of other premises in the vicinity are protected.

#### PC6 DELIVERY TIMES

There shall be no arrival, departure, loading or unloading of delivery vehicles between the hours of 21:00hrs and 07:00hrs on any day.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.

#### PLANT NOISE (2015)

Prior to implementation a noise assessment shall be carried out and submitted to the Local Planning Authority to ensure the noise emitted from fixed plant and equipment on the site achieves a rating noise level of background -10dB at the nearest noise sensitive premises when measured and corrected in accordance with BS 4142: 2014 (or any British Standard amending or superseding that standard).

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.

#### PC9b FUTURE KITCHEN EXTRACTION

If at any time the use of the premises is to involve the preparation and cooking of hot food the extraction of all fumes from the food preparation areas shall be mechanically extracted to a point to be agreed with the Local Planning Authority, and the extraction system shall be provided with a de-odorising filter. Details of the above equipment shall be submitted to, and approved by, the Local Planning Authority in writing and the equipment installed prior to the commencement of use for the cooking of food. The equipment shall thereafter be maintained in accordance with the manufacturers' guidelines, such guidelines having previously been agreed by the Local Planning Authority in writing.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.

#### R1 CONSTRUCTION SITE NOISE

To protect the amenities of occupiers of other premises in the vicinity attention is drawn to the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities. Further to this the applicant is advised that no noise audible outside the site boundary adjacent to the curtilage of residential property shall be created by construction activities in respect of the implementation of this consent outside the hours of 0800-1800 hours Mondays to Fridays and 0800 - 1300 hours on Saturdays or at any time on Sunday or public holidays. The applicant is also advised to seek approval for any proposed piling operations

## 5.2 **Pollution Control (Contaminated Land)**

The following information has been submitted as part of the application and has been considered when determining the recommendations for planning conditions:-



*Capita, June 2017; Phase 1 Geo-Environmental Desk Study*  
*Capita, July 2017; Phase 2 Ground Investigation & Assessment*

The above identifies the need for further investigation in relation to creosote contamination and proposals for an appropriate remediation strategy. The contamination and remediation conditions are therefore required in relation to this supplementary assessment.

The ground gas assessment included in the above report identifies a 'Characteristic Situation 3' for the development and outlines general proposals for commercial purposes. However the application includes 'around the clock' human occupation in part of the development. The ground gas protection measures must therefore include appropriate provision for residential accommodation to reflect this.

The above information also identifies the need to import clean topsoil/subsoil to support plant growth in new soft landscaped areas, as a consequence of phytotoxic made ground. Conditions are required in relation to this.

Shared Regulatory Services therefore requests the inclusion of the following conditions and informative statements in accordance with CIEH best practice and to ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff Local Development Plan:

GROUND GAS PROTECTION (amended)  
CONTAMINATED LAND MEASURES – ASSESSMENT (amended)  
CONTAMINATED LAND MEASURES – REMEDIATION & VERIFICATION  
PLAN  
CONTAMINATED LAND MEASURES - REMEDIATION & VERIFICATION  
CONTAMINATED LAND MEASURES – UNFORESEEN CONTAMINATION  
IMPORTED SOIL  
IMPORTED AGGREGATES  
USE OF SITE WON MATERIALS

Together with

R4 CONTAMINATION AND UNSTABLE LAND ADVISORY NOTICE

### 5.3 **Transportation**

The proposals have been reviewed and found acceptable in principle subject to the following unique conditions.

- Secure Cycle Parking 26 No. spaces

*Notwithstanding the approved layout and hard landscaping plans, Prior to first beneficial use of the rehoming centre hereby approved, the development shall be provided with 13 secure and covered cycle stands capable of accommodating a minimum of 26 cycles, to be of a design and located throughout the site in accordance with a scheme of detail which shall first*

*have been submitted to and approved in writing by the Local Planning Authority, and thereafter be provided and be so maintained for such purposes for the lifetime of the development.*

*Reason: To ensure that adequate provision is made for staff and visitors wishing to travel by sustainable transport modes.*

- Maximum provision of 150 car parking spaces at first beneficial use to be reviewed after 12 months of operations if necessary.

*Notwithstanding the approved layout and hard landscaping plans, Prior to first beneficial use of the rehoming centre hereby approved, the development shall be provided with a 150 car parking spaces to include for a minimum of 7 disabled spaces for use by the mobility impaired in accordance with a scheme of detail which shall first have been submitted to and approved in writing by the Local Planning Authority and thereafter be provided and be so maintained for car parking purposes for the lifetime of the development.*

*Reason: To ensure for an appropriate and reasonable balance of on site parking provision sufficient to meet operational needs whilst fostering sustainable transport planning for the City.*

Together with the following additional recommendation/advisory notification

- *In respect of condition X, The applicant is invited to periodically record and review uptake of the car parking spaces within the first year of operations; and if at the end of this time, the applicant can evidence, to the satisfaction of the Local Planning Authority, that there is a deficiency in available on site car parking to the detriment of the operation of the facility / surrounding highway network, then the Local Planning Authority will consider the review of this condition by means of an application under S73 of the Town and Country Planning Act 1990 or such subsequent provision.*

Notes:

The application form confirms proposals for 184 car parking spaces; 7 Disabled spaces and 22 motorcycle spaces. Reference to the Councils Access and Parking Guidelines would indicate that the amount of car parking provision is excessive if based on a ratio of one space per 50m<sup>2</sup>, and that cycle and Disabled allocations are slightly below approved ratios.

The submitted Transport statement suggests that the number of car parking spaces is based on experience from other Dogs Trust sites, however there would still appear an excess of car parking provision based on projected staff and visitor numbers provided in the TS (2000 per month and 50 equivalent FT staff). On this basis I would suggest a maximum capacity of 150 car parking spaces is trialled for an initial period of 1 year, to be reviewed at a future date if necessary when actual demand can be assessed.

Generally I observe that the site is easily accessible by a variety of modes, that the use will not generate concentrations of flows at peak hours to an extent that

would compromise the efficiency of the local highway network and that a modest departure from the adopted parking guidelines is acceptable in this instance given the likely regional pull and destination characteristics of the use and given the practicalities of transporting newly rehomed dogs.

On this basis I conclude that the access and parking provisions are acceptable and also welcomed in terms of the accommodation of sustainable travel options; and subject to the conditions indicated above. I raise no objection to the proposals.

#### **5.4 Waste Management**

Current site plans indicating the bin storage area is acceptable.

A commercial contract is required for the collection and disposal of all commercial waste. By law (Environmental Protection Act, 1990, section 34) all commercial premises have a duty of care to ensure that their waste is transferred to and disposed of by a registered waste carrier. Owners or developers of commercial developments/properties who require Cardiff County Council to collect and dispose of their waste can contact the commercial services department on 02920717500.

Please refer the agent/architect to the Waste Collection and Storage Facilities Supplementary Planning Guidance for further relevant information.

#### **5.6 Council's Ecologist**

The submitted preliminary ecological appraisal confirms the land of low ecological value. A small area of scrubland to the SE corner of the site may provide a habitat for slow worms and common reptiles. This area is shown to be retained in the proposed plans. The marginal scrub and trees on the site may provide suitable habitat for nesting birds and any proposed clearance of woody species should be undertaken out of bird nesting season if possible, and only with the specific agreement of the local authority if not, allowing for individual nesting bird assessment if necessary. This can be secured by condition. Any lighting scheme should be developed to minimise impact on the flight patterns of bats.

#### **5.7 Trees and Landscaping**

The Tree Officer notes the detail of the submitted landscape scheme and will liaise with the applicant regarding an appropriate planting schedule. He comments that the most important aspect of landscaping will be to ensure that necessarily imported soils for landscaping, including tree pit specifications and soils will be fit for purpose and specific to the schedule of planting proposed to maximise the potential for new landscaping to establish and mature.

He confirms that retained trees will need to be protected in accordance with an approved Arboricultural Method Statement and Tree Protection Plan.

Landscaping details are 'strategic' currently, and whilst I have no 'in principle' objections, there are points of detail requiring consideration as follows: -

- Tree planting will need to be designed in conjunction with services, including drainage. It is noted that possible conflicts may arise between tree planting and permeable paving construction in the car-park, and an 'infiltration blanket'.
- The non-native *Alnus incana* is included within the native boundary woodland scrub mix, and should be substituted by the native *A. glutinosa*.
- *Betula pubescens* should be introduced into native mixes in addition to *B. pendula*, or instead of *B. pendula*, where soil textures are likely to be heavy.
- *Fagus sylvatica* should not be used in the woodland walk as it requires a very large air-space and prefers climax woodland, largely composed of it alone, rather than early successional woodland. It is also vulnerable to drought stress in the context of climate change. *Quercus petraea* would be a better option, being more upswept and drought tolerant.
- The 'feature trees' are described as having '3 stems'. Multi-stemmed trees can be effective when used sparingly, but to excess they can be problematic due to structural weaknesses, excessive spread and mutual suppression. Using multi-stemmed forms of nominally fastigiated trees such as *Acer campestre* 'Streetwise' and *Carpinus betulus* 'Frans Fontaine' defeats the purpose of the cultivar.

The tree officer would therefore seek clarification on the use of multi-stemmed trees but would specify that they be used sparingly and where they have space to grow to their full potential.

- Amongst the feature trees, *Liquidambar styraciflua* is listed. This should only be used where there is access to 30m<sup>3</sup>+ root available moist, acidic, loamy soil in soft landscape, and with unconstrained air-space. It is ultimately a very spreading tree with disruptive roots and potential nuisance fruits. The forms 'Slender Silhouette' and 'Lane Roberts' are better for confined spaces.
- Tree planting should be appropriately spaced in recognition of the likely ultimate spread of trees.
- In the car-park where permeable paving is proposed, there appears to be an opportunity to use trees as part of the SUDS design. An appropriate tree in this context would be *Gleditsia triacanthos* 'Draves Street Keeper', having a relatively light, upswept crown and excellent tolerance of both wet and dry soils.

It is not clear currently how trees here will access adequate root available soil. A detailed landscaping specification will be required at the earliest opportunity, comprising finalised planting plan, plant schedule, tree pit section and plan views for different situations demonstrating how access will be provided for adequate root available soil for the species in question, topsoil and subsoil specification, planting methodology and aftercare methodology.

## 5.8 Operational Manager responsible for Cardiff Dogs Home

Would like to provide the following comments in response to the proposed Dogs Trust Development on land at Nettlefold Road, Splott, Cardiff. These comments reference to some of the points raised in the Operator Statement provided by the Dogs Trust and are provided from Cardiff Dogs Home. Cardiff Dogs Home is operated and run by Cardiff Council and ensures that the Council's statutory obligations with regards to stray dog provision is met. It is a

very well respected and widely utilised facility.

*Cardiff Dogs Home Does Not Incorporate Friends of the Dogs Wales*

In the submitted statement the Dogs Trust refer at point 13 to Cardiff Dogs Home (incorporating Friends of the Dogs Wales) Penarth Road Cardiff, acting as the stray contract 'Pound' for Cardiff Council.

This statement is incorrect. Cardiff Dogs Home does not 'incorporate' Friends of the Dogs Wales. Although they provide invaluable support to the Dogs Home they are a charity with a wider remit than working with just Cardiff Dogs Home. Cardiff Dogs Home is owned and run by the City of Cardiff Council and is not the provider of a 'stray contract'. Cardiff Dogs Home is an internal public service that discharges the statutory obligations of the Council in relation to stray dogs.

*Dealing with Stray Dogs and Unknown Entity for Dogs Trust*

Cardiff Council have worked with the Dogs Trust for many years promoting responsible dog ownership as well as benefitting from the Dogs Trust neutering scheme for the dogs that are re-homed and dogs at risk. We fully acknowledge the great work that they do around dog re-homing, behaviour and training and responsible dog ownership. However it is known that that discharging the statutory duties of a Local Authority in dealing with stray dogs would be new territory for the Dogs Trust and is as yet untested by them as an organisation.

*No Agreement is in place for Dogs Trust to Deliver this Service on behalf of the Authority*

Although the Operator Statement refers to active dialogue with Councillor Officers and the Cabinet Member for Environment no agreement has been reached about how a possible partnership arrangement can be achieved. There are a number of concerns around how the current services as well as future plans the Council has for the Stray Dog service could be achieved from the proposed stray/reclaim section of the Dogs Trust facility. Any formal agreement would require Council approval and be subject to potentially lengthy negotiations/processes to ensure legal and procurement rules can be met and no contract could be simply handed to the Dogs Trust or indeed any other organisation. The current position is that a letter has been sent to the Dogs Trust stating that Cardiff Council does not wish to enter into a partnership arrangement with the Dogs Trust in respect of it discharging its statutory duties connected with dealing with the City's stray and abandoned dogs.

*Lack of Evidence based Data around need for Provision of an additional Dogs Home*

Concerning the operator statement, we would question some of the reasoning around the justification presented for the need for this development. It explicitly refers to the limited number of welfare/re-homing organisations operating in Cardiff. Based on the service provided by Cardiff Dogs Home and the data held it can be evidenced that the existing number are sufficient as well as there being additional organisations who work with Cardiff Dogs Home that we are aware of that have not been listed.

As an example, Cardiff Council Dogs Home successfully handled 891 dogs in 2016/17. Of these 103 were returned to owner without being kennelled, of the 788 kennelled 356 (45%) were reclaimed by the owner and 401 (51%) were

re-homed to new owners.

*Incorrect Data provided about Dogs PTS (Put to Sleep) in Cardiff*

It also refers to the number of unnecessary destructions in the region where we would vehemently argue that this is not the case and point that no evidence has been provided to support this case. Cardiff Dogs Home operates a clear policy that no health dog will be destroyed and will be cared for until a new home can be found. In dealing with 891 strays during 2016/17 only 27 were PTS (Put to Sleep) equating to 3%. This is exceptionally low and these were due to dogs being 'typed' so not legally being able to be re-homed, on veterinary advice due to extreme injury/ill health or very rarely due to aggression amounting to a significant risk to public or staff. The dogs trust may argue that they will never PTS any dog, which may be true however they do have the luxury of choosing which dogs they take to rehome, dealing with stray and abandoned dogs as part of a statutory service does not provide the same options.

*Cardiff Dogs Home Not Operating at Capacity*

Cardiff Dogs Home is not currently operating to capacity, and again it questions the need for an additional rehoming facility, which is made in the planning application by the Dogs Trust. Due to having additional capacity, the Dogs Home is able to take in 'signovers' (in the same way that the Dogs Trust receive dogs) as well as dealing with statutory strays. This helps members of the public that due to a change in personal circumstances mean that they are no longer able to look after their dogs and can place them with Cardiff Dogs Home where new owners can be found. We also work closely with other rescue organisations that may be having difficulties re-homing certain dogs and will again take in dogs, particularly those that have been with the rescue organisation for a long period in order to offer a better chance of it being rehomed.

*Generalisations made round Issues from the UK not specific to Cardiff*

The statements made at point 18 of the statement, from animal wardens across the UK are not indicative of issues in Cardiff and are a generalisation rather than being specific to the Cardiff area. They refer to things such as Pit – Bull type puppies being seized as well as issues around puppy breeding and sales. Although these are LA/Police functions, they are not necessarily those for the Dog Warden Service and kennels however there is also no indication or any evidence that this is a problem in the Cardiff area.

With regard to dog on dog attacks, there are very few incidents within Cardiff. All incidents are investigated and generally end up in Court cases where appropriate action is taken. There are no issues around the boarding of these dogs until the case take place. As for Councils being unable to pay for long term treatment until dogs are re-homed this is partially true but we have excellent working relations with a 'Friends' group as well as other rescues and charities to ensure that all dogs receive the required treatment.

*Duplication of Services already provided by Cardiff Council*

With regards to some of the points in section 21 where it references what the Dogs Trust can do to contribute to the Council it should be noted that these initiatives are already successfully being done by Cardiff Dogs Home and the

Local Authority.

Providing facilities and support resources for stray and abandoned dogs, responsible re-homing and neutering and micro-chipping campaigns are all undertaken routinely as part of our statutory service. We also go above and beyond what is required of a local authority stray dog facility by further promoting responsible dog ownership. These efforts have also been recognised since the introduction of the RSPCA Stray Dog Footprint Awards in 2008 with an award being gained every year with Gold standard the last 3 years. We have also received two innovator awards, one in 2008 and one in 2013.

#### *Capacity and Proposed Occupancy*

We also question the proposal of only 30 stray/reclaim kennels detailed in the planning submission and would point out that the likely occupancy could be 45. We feel that 30 is not a sufficient number given our data and what has clearly not been considered is the estimated population growth in future years in the Cardiff area. In addition to this the likely occupancy of 45 would not be permitted at this stage of intake. Stray dogs could not be 'doubled' up in kennels due to issues around biosecurity and behaviour and the strays would not become the property of the Dogs Trust until 7 days have passed.

#### *Operational and Opening Hours*

There is some confusion around the staffing and operational hours for the site which has been submitted. If the Dogs Trust were to deal with strays from this site then there would need to be 24-7 access to public, Police and Dog Wardens to drop off stray dogs at any time. The opening hours allowing for owners to collect their stray/lost dog could be subject to agreement but would need to be daily and not close for day's staff training as possibly suggested.

#### *Conclusion*

At this stage aside from the modern facilities, it would be difficult to see what benefits there would be to the Dogs Trust providing kennelling for the strays beyond what can be offered by Cardiff Council. Cardiff Dogs Home service are committed to continue to provide their service in house whilst looking at improving facilities and services offered.

*Martin Birch,*

## **6. EXTERNAL CONSULTEE RESPONSES**

### **6.1 Natural Resources Wales**

We received a statutory pre application consultation notice for this proposal under Article 2D of the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2012. We provided a substantive response to that consultation on 12<sup>th</sup> July 2017. A copy of this response is contained in Appendix 8 of the pre-application consultation (PAC).

Having regard to the PAC report and updated Phase 2 Ground Investigation & Assessment Report July 2017 Ref: CS081394-GIA Rev. 6 by Capita. We

advise as follows.

We recommend that you should only grant planning permission if you attach the following conditions. These conditions would address significant concerns that we have identified and we would not object provided you attach them to the planning permission.

#### Conditions 1-6: Land Contamination

### 6.2 Land Contamination

We are satisfied that there are generic remedial options available to deal with the risks to controlled waters posed by contamination at this site. However, further details will be required in order to ensure that risks are appropriately addressed prior to development commencing. In line with the advice given in Planning Policy for Wales we understand that the Local Planning Authority must decide whether to obtain such information prior to determining the application or as a condition of the permission. Should the LPA decide to obtain the necessary information under condition we would request the following conditions. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application

#### 6.2i Condition 1

Prior to the commencement of the development approved by this planning permission (or such other date or stage in the development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:
  - all previous uses;
  - potential contaminants associated with those uses;
  - a conceptual model of the site indicating sources, pathways and receptors;
  - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in



(3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason : The site has been subject to previous industrial use including as a steel works, foundry, railway yards, etc. resulting in land contamination. Therefore there is the risk of pollution of controlled waters that occur beneath the site in the Secondary A/b aquifers. Solvent contamination in soils and groundwater has been detected in initial site investigations.

As regards controlled waters issues we have no objection to Point 1 of this Condition being discharged based on the reports that have been submitted.

#### 6.2ii Condition 2

Prior to [commencement of development]/ [occupation of any part of the permitted development] (delete as appropriate), a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority.

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

Reason : To demonstrate that the remediation criteria relating to controlled waters have been met, and (if necessary) to secure longer-term monitoring of groundwater quality. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

#### 6.2iii Condition 3

Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the local planning authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the local planning authority.

Reason : As further site investigation and risk assessment is to take place it is possible that long term site monitoring may be required depending on the outcomes from this further work.

#### 6.2iv Condition 4

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason : Site investigations are never able to fully characterise contamination at a site. Therefore unsuspected contamination may be discovered during development works.

6.2v Condition 5

No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason : Infiltration through contaminated soils may lead to the production of a contaminated leachate that may pollute groundwater at depth.

6.2vi Condition 6

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason : Inappropriate piling solutions can cause contamination of groundwater beneath a site.

6.3 For your information we recommend that developers should:

i. Follow the risk management framework provided in CLR11, Model procedures for the management of land contamination, when dealing with land affected by contamination.

ii. Refer to the Natural Resources Wales guiding principles for land contamination for the type of information required in order to assess risks to controlled waters from the site. The local authority can advise on risk to other receptors, e.g. human health.

iii. Refer to our website at [www.cyfoethnaturiolcymru.gov.uk](http://www.cyfoethnaturiolcymru.gov.uk) for more information.

For your information we made detailed comments on the site investigation reports submitted at statutory pre-application stage. The applicant should take these into account when new reports are submitted to discharge the above conditions.

#### 6.4 Foul Water

We note the proposed development is in a publicly sewered area. We understand that the proposed waste water will go the public sewer via a package treatment plant.

We advise you liaise with Dwr Cymru Welsh Water regarding this.

Please note we have requested an additional condition with regard to land contamination which was not included in our statutory pre-application response. However, we no longer require a condition relating to foul and surface water.

#### 6.5 Other Comments

Our comments above only relate specifically to matters that are included on our checklist Natural Resources Wales and Planning Consultations (March 2015) which is published on our website at this link (<https://naturalresources.wales/planning-and-development/planningand-development/?lang=en>). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

#### 6.6 **Welsh Water Dwr Cymru**

Raise no objections to the proposals subject to appropriate Conditions and Advisory Notes to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

Welsh Water have also reaffirmed, at the Planning Officer's request, that they have no objection to the principle of managing site wastes via an on site package treatment facility before discharge to the sewerage network.

### SEWERAGE

#### Conditions

- Domestic foul flows only shall connect to the public sewer network. Any non domestic waste produced on site shall be disposed appropriately

Reason: To protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

- No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme

shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

#### Advisory Notes

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

#### 6.7 **Wales and West Utilities (Gas Mains)**

Have provided an extract from their mains records together with a comprehensive list of General Conditions. These have been forwarded to the applicant.

Wales & West Utilities have no objections to the proposals, however they would wish it acknowledged that their apparatus / developer personnel may be at risk during construction works and should the planning application be approved then they would require the developer to contact them directly to discuss their detailed requirements.

## 6.8 South Wales Police

South Wales Police have no objection to the development but have requested that the developer consider accreditation under the 'Secured by Design' standard.

Specifically SWP would wish to ensure that the site has a secure perimeter of a minimum of 2.1m weld mesh fencing and gating; that buildings are monitored via a police policy compliant alarm system capable of detecting intrusion; implementation of lighting to cover parking and footpaths; the implementation of a CCTV system; that buildings are designed to prevent climbing onto roofs and avoid any footholds or step up points in design; and that that all ground floor windows and entrance doors should comply with PAS24 :2016 standards

## 6.9 Welsh Government [Highways]

Raise no objection to the proposals

## 7. REPRESENTATIONS

7.1 The proposals have been advertised in the Local Press

7.2 Owner/Occupiers within a distance of 250m of the site perimeter have been notified of the planning application proposals directly by letter.

7.3 The proposals have also been advertised by site notice at and around the site at a distance of around 300m from the site perimeter.

**Mr Matthew Haines** of Kennson Ltd objects to the Planning Application and has made representation directly and via Planning Consultants RPS.

Mr Haines confirms that Kennson Ltd is an adjoining land & building owner with property located approximately 9 metres from the proposed development site perimeter.

Mr Haines raises issue with the comprehensiveness and manner in which the statutory 'Pre Application Consultation' were undertaken...

"At no time were we made aware by either The Dogs Trust or Asbri Planning of the Pre-application Consultation, and have since discovered that we were not included in the Adjoining Land Owners/Occupiers list as shown in the Pre-Application Pack produced by Asbri Planning. This is despite objections to the previous Planning Application 15/03023/MJR, an application which was withdrawn December 2016, and despite meeting on site with Richard Cole of Cardiff Council's Planning Department during the previous application to view how close our building sits to the proposed development site.

Furthermore, we take reservation that the Site Notices advising of the Pre-Application Consultation were only attached to Lampposts in 4 locations along Nettlefold Road (a no through road), and as our building is only accessed

via East Moors Road, as such the notices have not have been observed. If these notices had been located on the major road of Ocean Way there may have been a chance that they could have been spotted".

Although the new proposals have been revised, Kennson still remains particularly concerned in respect of the potential impact of the proposals on the continuing operation of their Tenanted offices which are located in the building to the west of the proposed Main Building, and confirms that this building houses some 70 staff, and these offices are occupied Monday Saturday 7:00 19:00.

Kennson did not consider that the Acoustic Assessment submitted with the planning application had sufficiently addressed the impact of the revised proposal on their property, and asked the LPA to secure additional information to satisfy Kennson's concerns

An addendum to the Acoustic Report has been submitted as detailed further in this report.

These views were further augmented in a later letter from Kennson's planning consultants who also suggested that their client had been disadvantaged by the PAC exercise and that it was inappropriate for planning committee to determine the application at a previous meeting. This is also addressed within the report

Any further representations from Kennson will be reported at Planning Committee.

#### 7.4 **Local Members** have been consulted.

Councillor Caro Wild has suggested that it would be beneficial if the applicant could accommodate a cycle path link within the development to connect east west between Ocean Park and the bay.

Cllr Stubbs has verbally welcomed the development.

## 8. **ANALYSIS**

### 8.1 **Environmental Impact Assessment**

The works do not exceed the threshold to be considered a Schedule 2 development for the purposes of assessment under the Environmental Impact Assessment Regulations either in terms of the area of the site [ 3.24 h] or quantum of development [6600m<sup>2</sup>]. The proposals have been considered also in terms of environmental context, uptake of resources and nature and quantum of outputs and were not considered to have more than local impact and not considered likely to produce such significant environmental effects as to warrant the submission of an Environmental Statement to allow the Local Planning Authority to determine the application.

A screening assessment to this effect was issued earlier this year, subject to

the submission of various technical reports to support the proposals at the time of any planning application. This has been undertaken

## 8.2 Land Use

The site is located within an area of existing business and industrial uses where the Local Development Plan Proposals Map identifies the site as being designated for B Class employment uses under policy EC1.1 'Ocean Park'.

8.3 The Dogs Trust rehoming centre is considered a '*Sui-Generis Use*' in land use terms, being a use considered to be outside of any specific use class in terms of its character of operation. However the use is accepted as one where the likely scale, impact and outputs from the operations and activities involved, and the employment opportunities generated by the use, would appear to share many characteristics with B Class (Office, Industrial and Distribution type uses), as albeit that the commodity being processed and distributed is somewhat unusual in being animals, the characteristic of staffing, transport, work activity, user interaction and business processing proposed would be very similar to other uses existing on the estate and not at odds with the business and distribution planning land use allocation of the site.

8.4 If considered an alternative use of the land, the proposal is subject to Policy EC3 of the LDP 'alternative use of employment land and premises' which states that Development of business, industrial and warehousing land and premises for other uses will only be permitted if:

*i. The land is no longer well located for business, industrial and warehousing use;*

Evidently this is not the case; however the use is characteristically very similar to a business and distribution employment type uses as indicated above.

*ii. There is no realistic prospect of employment use on the site.*

The use is considered an employment use. The proposal would generate the equivalent of 50 full time employee posts, though in practice many jobs would be part time, offering a greater number of employment opportunities to local people, and would also provide employment opportunities at a higher ratio than many warehouse operations in the locality. It is therefore considered that there is no policy conflict in this regard.

*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.*

The site is not currently developed and has not been used for business, industrial or warehousing use for some time. It has been used, in part, for open storage dependant on the outputs of the Celsa plant. The proposed use is therefore not considered to deplete the amount of existing business or industrial and warehousing land; and is considered an acceptable employment use of the site.

*and;*

- iv. *There will be no unacceptable impact on the operating conditions of existing businesses.*

Issues of the impact of potential noise and activity from the proposed operation are considered in detail elsewhere in this report, although in summary it is considered that appropriate mitigation of noise from the facility can be achieved.

In terms of the existing use of parts of the site for open steel storage, the extent of the application site has been subject of detailed negotiation between the land owner, Dogs Trust and Celsa who are believed to have come to an agreement. This proposal will not adversely affect the availability of sufficient land for steel storage which will be allocated to land to the west of the application site and will continue to be accessed from East Moors Road.

- 8.5 Given the above there are no land use planning objections to the proposals.

## 8.6 **Access/ Transportation**

### 8.7 Access

A Transport statement has been submitted with the application. It confirms that the site is located on a well established business/industrial park with comprehensive links to the wider highway network.

The estate is designed to accommodate business, industrial and distribution type uses accessed from a purpose designed highway network. There are therefore no objections to the proposals from an access perspective.

### 8.8 Modes/Modal Hierarchy

### 8.9 Pedestrian Access

Pedestrian Ocean way and Nettleford road offer good pedestrian access from well lit, kerbed adopted footways.

### 8.10 Cycle Access

Ocean Way and Nettleford Road offer good opportunities for cycle access to work places on the estate. Vehicle speeds on Ocean Way are observed to often be higher than the statutory 30MPH limit, however the carriageway network is relatively open and visibility of slower moving vehicles such as bicycles and mopeds is good and surfaces reasonably level/adequate for those modes.

The comments of Cllr Wild in respect of the potential to achieve a cycle route through the site are noted; however the site is landlocked by heavy industrial uses and a railway track to the south, without any viable access to the surrounding highway network without achieving access over third party land.

Options for various potential connections have been considered by the planning officer, but ultimately considered both practically too difficult to



achieve and an unreasonable and unnecessary obligation to place on the applicant in respect of the development proposed.

The planning officer reminds members of committee that both legal obligations and planning conditions have to meet statutory tests of reasonableness and necessity to enable a proposal to be acceptable in planning terms and also have to be within the power of an applicant to provide, otherwise they will be deemed *ultra vires* and beyond planning powers to require.

26 cycle / motorcycle stands in line with the ratios contained within the adopted SPG can be required by planning condition.

#### 8.11 Public Transport

Cardiff Bus operates services along Ocean Way to serve the estate from the City Centre. There are bus stops to the north within 375m and to the east within 700m walking distance.

Train access via Queen Street station is some 2km away by foot, Cardiff Central Train station would offer access on foot or by bus connection at a distance of 2.3km

#### 8.12 Private Car

The transport statement predicts approximately 2000 non staff related visitor movements per month. Which would equate to an average of around 75 visitors per day, (but likely biased to weekends).

The site falls outside of the central area boundary as defined within the authority's Access, Circulation and Parking Standards SPG. The proposed development falls under *Sui Generis* use where the parking requirement for non-central locations is 1 car parking space per 50m<sup>2</sup> of floor space, with 5% of the resulting total car parking provision to be dedicated as disabled spaces.

#### 8.13 The development floorspace totals some 6600m<sup>2</sup> and predicts 50 equivalent FT employees. This would equate to a requirement of 132 car parking spaces if calculated at a 1:50m<sup>2</sup> ratio.

The application form confirms the applicant's proposals for 184 car parking spaces; 7 Disabled spaces and 22 motorcycle spaces. However this number of car parking spaces is viewed by the planning officer as excessive, and an over provision of at least 50 spaces if considered against the Council's SPG and to do little to support sustainable travel planning.

The planning officer is accepting however that there is a 'destination' factor exhibited by other Dogs Trust facilities and also a 'regional pull' created by those living outside of the City limits who would wish to visit the facility/adopt a dog or puppy, the practical transportation needs of which are most easily met by private car .

#### 8.14 By way of balance, it has been agreed with the applicant that it would be sensible to initially provide a capacity of 150 off street car parking spaces to

serve the facility, and to hard landscape an area but which could relatively easily be converted to additional car parking space if found operationally necessary. This arrangement is supported by the Transportation Officer and can be accommodated by condition, which if necessary can be applied to be varied in the future.

It is also noted that 2 No. spaces will be available for charging of electric vehicles (nominally 1x staff and 1x visitor space); and that a minimum of 7 No car parking spaces will be designated disabled spaces [plans suggest 7 at main building 1 at the new admissions block and 1 at the stray and reclaim building] 2 other spaces are shown as wide spaces on the submitted layout plan but not formally designated as mobility spaces.

8.15 The Transportation Officer concludes that the site is easily accessible by a variety of modes, does not generate concentrations of flows at peak hours to an extent that would compromise the efficiency of the local highway network and that a modest increase of car parking from the adopted parking guidelines is acceptable in this instance given the aforementioned regional pull and destination characteristics of the use and given the practicalities of transporting dogs for rehoming.

8.16 The Planning Officer concurs with this view and subject to the application of conditions, confirms the access and parking provisions are acceptable. The proposals are considered acceptable in respect of LDP Policies T1 and T6.

#### 8.17 **Design**

The application is accompanied by a thorough design and access statement which details the evolution of the site layout and building forms as well as strategic landscaping.

#### 8.18 **Layout**

The site access from Nettleford road leads immediately to the car parking facility for the site. This serves staffing and operational needs as well as visitor parking, Car parking is shown in 5 linear bays extending for approximately the first 100m of the site. The car park is bounded by structural landscaping incorporating managed V ditch swales planted with wetland meadow mix and supplementary woodland tree planting with existing viable trees retained to provide a visual and acoustic buffer between surrounding operators (some of which are noise generators and some of which are noise sensitive) and the rehoming centre.

The car park and landscape perimeter provides for a buffer between the most immediate office facilities adjacent to the site and the main buildings (Celsa [at a distance of 37m between buildings] and Regents Court [140m between buildings] and the Conference Centre [27m between buildings]) The layout also allows for passive security within the site and passive visitor orientation in terms of single site access and the directional pathway network.

Immediately south of the car park is the Main building and visitor reception, this building is in a position roughly opposite the adjacent conference centre (accessed from East Moors Road) but is positioned with some 27m between the buildings and has been orientated with external kennel elevations facing the opposite side of the site away from the conference centre. Further woodland planting and a detached maintenance building also offers further screening between the conference centre and the operational areas of the site.

Further to the south of the site are the 'booked' 'new admissions' and 'stray/reclaim' buildings together with secure exercise compounds which have no immediate noise sensitive neighbours being adjacent to the land reserved for open steel storage to the west, and adjacent site access roads and warehousing and industrial premises to the east.

#### 8.19 In terms of uses and activities:

The Main Rehoming Building includes a reception space for the visiting public a Visitor café; Private interviewing and dog-to-family introduction area; administration/office space for kennel management personnel; and 20 Rehoming Kennels which are glass-fronted pens occupied by dogs ready to go to new homes. These also have screens located to the outside elevation of the kennel 'runs' which act as an acoustic barrier to neighbouring land.

The main building also has External exercise areas (primarily to the eastern side of the building) providing for play areas and socialisation areas for dogs, either individually or in small managed groups. These exercise areas are used through the day principally between the hours of 8.00am to 5.30pm.

The main building also includes for laundry facilities and storage; food preparation/food storage areas; grooming & dog washing facilities; a staff rest room; veterinary examination room and operating suite including a veterinary suite. This facility will cater for initial health checks of dogs arriving at the Centre. The suite will also be used to perform routine surgery on dogs, principally neutering operations - all Dogs Trust dogs are neutered and micro-chipped prior to rehoming.

The main building also provides for puppy and whelping accommodation; a bespoke facility for the whelping and post-delivery care of bitches and early-age litters. An internal training hall /play barn space linked to the public viewing area is also provided within the building; and a state of the art hydrotherapy and Physiotherapy suite.

#### 8.20 New Admissions Kennels

This building houses 22 kennels to receive homeless / unwanted / abandoned dogs from various sources. This building is more discreetly sited further to the south of the site in order that dogs can undergo initial health/behavioural checks. This facility is entirely self-contained to minimise risk of cross-infection and has a dedicated exercise area and support services including food preparation, laundry, and grooming facilities independent of the main building.

#### 8.21 'Booked' Building

These kennels are occupied by dogs booked to go to new homes which are held for a short period while final health checks and neutering take place. This building also accommodates a number of post surgery 'recovery kennels' Each kennel has a sleep and run side which dogs can use day and night. The open run side is also provided with an outer wall of movable screens which can be opened and closed for acoustic purposes at night.

#### 8.22 Stray / Reclaim Building

The Dog's Trust Operational Statement suggests that the organisation are in ongoing discussions with Cardiff Council regarding the provision of Stray / Reclaim services. However the comments of the Operational Manager with responsibility for the Cardiff Dogs Home has indicated that no agreement or contract is in place for Dog's Trust to take on the statutory role of the Local Authority.

In design terms however, the proposed building could provide space to provide a holding facility for lost dogs to be reunited with their owners. The building is shown to include a reception area, administration space, kennelling and dog care support services. It could equally however allow for other rehoming services provided by Dog's Trust if Stray/Reclaim services were not progressed by the organisation.

Planning Committee Members are advised that any arrangement between the Council and Dogs Trust in respect of such services will be matters agreed outside of the Planning system, and are not material to the determination of this application, or the environmental or amenity considerations of the proposals on which any decision should be made.

#### 8.23 Staff Facilities/Competent Care responsibilities

The facilities also contain staff accommodation to ensure for a 24 hr presence of competent staff members on site at all times

#### 8.24 External facilities

The centre has both public access and secure exercise compounds with a range of surface finishes (grass, concrete, sand etc) within amenity landscaped areas with a variety of interesting and stimulating profiled planting areas including grassland and woodland planting for on-lead exercise/training.

#### 8.25 Equalities

Section 149 Equality Act 2010 requires that due regard be given to any actual or potential differential impact of the development on the needs of those with protected characteristics.

The scheme includes for disabled parking close to the principal buildings and as new build premises open to the public, the buildings will be compliant with Part M of the Building Regulations.

On this basis it is concluded that the proposal results in no apparent abnormal differential impact.

#### 8.26 Sustainability

The proposals adopt a “fabric first” approach, and aim to exceed Building Regulations Part L criteria in terms of standards of insulation and airtightness.

The design and access statement confirms that key spaces will be naturally lit, minimising reliance on electric lighting; and the buildings are generally designed to be naturally ventilated to minimise the need for comfort cooling. Building services design will incorporate natural ventilation; extensive heat recovery mechanical ventilation in winter, a centralised energy centre providing a biomass boiler and high efficiency condensing gas boilers as backup/top-up; use of LED luminaires and occupancy /daylight controlled lighting installations. The buildings will also accommodate including roof mounted photovoltaic panels and Rainwater harvesting.

#### 8.27 Community Safety and Security

The comments of South Wales Police are noted.

It is confirmed that the site is/will be secured and gated. It currently has a tri topped palisade fence, and this will either be extended or supplemented/replaced to ensure for a secure enclosure.

Dogs Trust have been passed the SWP observations in respect of the specification of an intruder alert alarm system, but also confirm that the site/buildings are manned on a 24hr basis.

The scheme will be provided with an appropriate lighting scheme, the detail of which will be considered in respect of providing a balance of personal security and safety; assisting mobility and way finding; and management/accommodation of bats

The provision of CCTV at the site is considered reasonable and can be required by planning condition.

SWP commentary in respect of achieving an anti climb finish are noted, however the building finishes are predominantly facing brick and rain screen panel and should therefore not lend themselves to foot or handhold opportunities.

The kennels themselves are noted to be doubly secure in that there is an outer layer of sliding doors which also provide an acoustic screen, and then an inner corridor of secure pens, with doors at either end of the kennel corridors.

SWP observations have been passed to Dogs Trust to encourage application for Secured By Design accreditation.

#### 8.28 Conclusion

The buildings are of a pleasing modern aesthetic, and of a high specification in terms of sustainability and quality of kennelling provision. The distribution and orientation of the buildings, layout of public areas and secure areas on the site are considered well conceived and to balance the practical operational needs of the various building uses with acknowledgement and sensitivity toward the preservation of neighbouring amenity needs well. The landscape design is again considered well conceived and also designed with practical drainage visual screening and acoustic buffering in mind.

The scheme is considered to represent a high quality design and to satisfy the requirements of LDP Policy KP5 and TAN 12.

#### 8.29 Economy

The development will directly provide for the equivalent of 50 full time jobs; will establish Cardiff as a sub regional destination for those looking to acquire a dog from a recognised and accredited socially responsible supplier; will stimulate growth of related trades and local businesses both directly in respect of supply chains for foodstuffs, ancillaries and veterinary services; and indirectly through secondary business supply chains.

Statistics submitted with the application indicate that 23% of all households own at least one dog, and that 32% of those dogs will be 'rescue' dogs.

Cardiff has a current resident population of around 345,000 in approximately 143,000 households. The PDSA confirm that the cost of owning a dog, and thereby the contribution dog owners make to the local economy per pet per year is between £1600 and £3100 – depending on breed.

Conservatively, Dogs Trust suggest that the Cardiff Facility would rehome a minimum of 840 dogs per year. This would equate to a minimum spend by owners of between £ 1.3m and £ 2.6m directly into the Local Economy every year.

#### 8.30 The credentials of the Dogs Trust charity, its national profile, and reputation of other Dogs Trust homing shelters as high quality institutions are considered positively in terms of the potential impact on the local economy and beneficial for the city in terms of establishing a regional facility.

The proposals are therefore considered an appropriate and acceptable use of employment land and beneficial to the City in respect of the aspirations of Policies EC1 and EC3 of the Local Development Plan and aims of TAN 23.

#### 8.31 Pollution Control Noise Nuisance

Technical Advice Note (TAN) 11, sets out the National Assembly for Wales' policies on noise related planning issues and outlines the considerations to be taken into account when determining planning applications for both noise-sensitive developments and for those activities which will generate noise.

Consideration of potential noise nuisance, both to adjacent users and to noise sensitive receptors (residential or dormitory uses) further afield, has been undertaken and an acoustic survey submitted with the application.

- 8.32 TAN 11 provides that local planning authorities must ensure that noise generating development does not cause an unacceptable degree of disturbance...and that consideration should be given to the use of appropriate conditions where this might offer appropriate mitigation.

The allocation of the site for B1/B2/B8 business and employment use including industrial and warehousing/distribution type activities infers an understanding that sites within the estate will be appropriate for uses generating more noise and activity than would ordinarily be considered acceptable within a residential context. B1, B2 and B8 uses would ordinarily be expected to include industrial processing and fabrication uses, storage and distribution uses, and office accommodation, in a context whereby Commercial and HGV movements, industrial operations and employee movements would be anticipated. This said it is also accepted that the operation of any particular use should not unreasonably frustrate the use of any other existing use on the estate.

- 8.33 Given the above the applicant has commissioned acoustic background/ambient noise assessments from the nearest 'sensitive receptors' around the site. Unsurprisingly the source of background noise was primarily derived from road traffic movements.

Using data from the existing dogs trust site in Manchester where kennel accommodation is of very similar design to that proposed at Cardiff the worst case scenario of noise from dog barking was recorded and compared to background noise data from the Cardiff receptors.

The results suggest that in the worst case the level of dog barking noise was lower than the existing background noise in the majority of instances and that the resultant impact at the nearest residential and office receptors remained lower than recommended guidelines. The report therefore concluded that there would be no unacceptable noise impact associated with the proposed development at neighbouring residential and office locations during the day.

At night, there will be no significant noise from dog barking at the site (as dogs would be contained in insulated kennel facilities).

- 8.34 Given the concerns expressed by the Freeholder of the Conference Centre adjacent to the site regarding the absence of any direct reference to the impact of the development on the adjacent offices, The case Officer has clarified that the acoustic monitoring exercise undertaken included for noise receptors

positioned directly outside of the premises and that the assessment included for a prediction of the impact of the operations of the Dog's Trust facility on the offices with both windows closed, and when partially opened (as might be expected in summertime)

- 8.35 Notwithstanding the above, the Planning Officer is satisfied, on the basis of the revised plans which clearly indicate that the nearest kennel run exteriors to be a minimum of 50m away from the rear offices in the Conference Centre; orientated away from it, and shielded from it by buildings and landscaping, that there would be no significant impact on the working environment of occupiers of the Conference Centre if considered against any reasonable expectation of noise as might be generated from uses located in an area allocated for B1, B2 and B8 office, industrial and storage and distribution uses within the Development Plan, and also as considered in the context of the current use of the land for loading and unloading of steel products.
- 8.36 The planning officer is fully understanding of the freeholder's desire to protect their asset, however, in the context of the siting of their building in an industrial area, considers it is only reasonable to expect that any applicant for development of adjoining land show appropriate regard to, and address as far as they are able within their proposals, respect for the working environment of neighbouring users.

The Planning Officer therefore concludes that this has been satisfactorily demonstrated by the applicant in this instance in terms of the proposed layout, orientation and building designs proposed.

The Planning Officer notes that the Pollution Control Officer is accepting of these findings, both as originally submitted, and as supplemented by the acoustic report addendum.

- 8.37 The observations of the Pollution Control officer suggest that conditions should be applied which would require openable doors and windows running along the length of the kennel runs only to be open between the hours of 08:00hrs – 18:00hrs Monday to Saturday and 09:00hrs to 16:00hrs Sunday. With alternative mechanical ventilation sought if required to maintain suitable temperatures; that dogs should only be allowed in the external areas between the hours of 08.00hrs – 18:00hrs Monday to Saturday and 09:00 – 16:00hrs Sunday; and that plant noise should achieve a rating noise level of background -10dB at the nearest noise sensitive premises.
- 8.38 The planning officer considers the plant noise limitation reasonable to protect the working conditions in adjacent office premises, (a -10dBA increase in noise against background noise equating to a perceived increase in noise levels of circa 2dB in practical terms) and that such a restriction is unlikely to be onerous for the applicant to achieve.
- 8.39 The condition relating to the closure of kennel doors and windows to mitigate noise transference to neighbours outside of core hours is also considered reasonable, and is recommended at this point in time. Dogs Trust would have



the opportunity to revisit this once the use were operational and actual impacts able to be confirmed should they wish to extend these hours in the future.

- 8.40 The applicant has asked if they could be allowed an extension in respect of the use of the outside exercise areas, in that it would be beneficial to accommodate a small number of evening matching/training sessions with dogs and prospective adopters until 19.30. The planning officer has considered what practical difference these revisions would make in the given context, and considers that the direct impact on surrounding office and business operations would be negligible. The impact on residential occupiers at a distance of more than 300m is also not considered to be likely to cause any undue loss of amenity, other than potentially on Sundays when background noise might conceivably be lower. The planning officer therefore recommends that external areas be available to dogs until 19.30 during the week and 16.00 on Sundays. Again Dogs Trust would have the opportunity to revisit this in the future when actual impacts can be measured.
- 8.41 The planning officer considers the limitation of delivery times in an established industrial estate/business park environment unreasonable and unnecessary and does not recommend the imposition of this condition. Similarly the curtailment of visitor times to the site would seem unnecessary in the given context which has no immediate residential receptors, and where any potential noise nuisances can be adequately controlled by limitation of the use of external areas by dogs and closure of kennel doors and windows between appropriate hours as required by other conditions. This condition is therefore not supported as it is considered unnecessary and hours of public access considered best left to the operators of the site to manage.

#### 8.42 **Flood Risk**

The submitted flood consequences assessment confirms that the main source of potential flood risk to the site is coastal flooding from the Cardiff Flats to the east. NRW confirm the site to be located in flood zone 'B'; a precautionary designation. As this is the Case, proposed site levels have been assessed against projected flood scenarios and risk. In summary the conclusions are that the development would not be liable to flooding for the next 25 years; and that only a very small area to the NW corner of the site, not occupied by buildings, would have a very small risk of flooding up until 2090.

The Planning Officer is satisfied that the risk of flooding is negligible for the design lifetime of the development (25 years).

#### 8.43 **Pollution/Contamination**

Historic record shows that the site included a lime works, forge, and timber yard and various rail lines prior to and whilst being used as part of the Castle Works Steel Works. The last recorded demolitions on the land were in the late 1980s/early 1990s and preliminary investigations show that the land is now made ground between 2 and 10m deep.

The ground investigations conclude a moderate gas risk; moderate chemical and creosote contamination requiring further investigation and mitigation.

The submitted reports also identify the need to import clean topsoil / subsoil to support plant growth in new soft landscaped areas, as a consequence of phytotoxic made ground.

8.44 Pollution control officers have commented that it is appropriate to proceed on the basis of a modified suite of contamination conditions to ensure for appropriate measures to safeguard end users. These are indicated within the recommendation.

8.45 It is noted that Natural Resources Wales have requested a very similar suite of contamination conditions as requested by the Council's Pollution Control Officer, but in respect of ensuring for no migration of contamination to controlled waters as opposed to ensuring for human health. These are also contained within the report recommendation, and will need to be addressed by the applicant in respect of the nature of construction. However the conditions will essentially require the same details in discharge to be provided and are considered reasonable and necessary in addressing policy EN13 of the LDP and aims of PPG Wales in managing Environmental Risks and Pollution.

#### 8.46 **Trees and Landscaping**

Initial comments from the Council's Tree officer recommend that standard tests relating to the quality and verification of any necessarily imported soils also extend to the assessment of their fitness for purpose for specific landscaping and planting purposes. This is also reflected in the conditions attached to the report recommendation, as the successful landscaping of the site is fundamental to the acceptability of the use in terms of screening, acoustic buffering and drainage of the site.

The planning officer considers the illustrative landscaping proposals very well designed and to provide an almost park like quality to the space as well as retaining and supplementing existing viable trees and scrub.

It is concluded that the landscaping response is appropriate and welcomed, and effectively responds to LDP Policy KP5

The Tree Officer's suggestions for variations to the planting schedule are noted and the conditions will allow for further liaison with the Applicant's landscape consultants to achieve the best scheme possible.

#### 8.47 **Drainage**

#### 8.48 **Surface Water**

The Drainage Strategy confirms that the development will increase the non permeable area of the site but will include Sustainable Urban Drainage Systems (SUDS) to mitigate this. These will comprise a mixture of V cut

channels, permeable paving, and conventional soakaway devices. This is considered appropriate in principle and acceptable given that the site is currently free draining.

The Drainage statement also confirms that the development will incorporate water harvesting features for use in suitable installations on site. This is welcomed and will in itself reduce both the quantity of plumbed water used at the premises and the quantity of surface water to be disposed of.

All unharvested surface water and land run off will be accommodated by SUDS and will not enter the public sewerage system. This is considered appropriate and compliant with the aims of LDP policies EN10, EN11 and TAN 15.

#### 8.49 Domestic Foul Waste

Domestic foul waste (including all washing machine water) is proposed to discharge to the public sewer system under the category of normal domestic foul waste, i.e. this is not regulated under trade effluent control.

A public sewer connection chamber is located immediately to the north of the site within Nettlefold Road and it is intended that a direct connection can be made to that.

#### 8.50 Canine Foul Waste (Trade Effluent)

Dwr Cymru Welsh Water (DCWW) have confirmed that dog waste and kennel wash-down (including harvested rain water) can be discharged to the public sewer under a separate authorisation subject to on site pre-treatment.

Dogs Trust will therefore install a dedicated sewage treatment plant on the site to enable treated trade effluent to be disposed of via the public foul sewer in line with any conditions DCWW may require under any discharge consent.

Given that no capacity issues have been raised by DCWW, and that the pre-treatment will eradicate any potentially harmful bacteria, this is considered acceptable in planning terms. Ultimately DCWW will have control via means of a separate discharge consent.

#### 8.51 Ecology

The low ecological profile of the site as described in the submitted habitat survey is concurred with and the mitigation/protection measures requested by the Council's Ecologist in line with that submission can be accommodated by means of planning condition. The proposals are therefore considered to have paid appropriate regard to ecological issues and positively responded to the aims of LDP policies EN6 and EN7.

## 8.52 **Waste Management**

The applicant has specified Veolia Environmental Services Ltd for the collection of non hazardous commercial and household waste. This is an ongoing contractual arrangement at a number of other Dogs Trust sites and appears an acceptable arrangement. There are no objections to the use of a commercial waste contractor in this instance.

8.53 Healthcare Wastes/Clinical Wastes will be disposed of under contract with SRCL Ltd who offer appropriate services for sharps, offensive or hazardous wastes. Again there are no objections to the use of specialist waste services.

8.54 The Planning Officer concludes the arrangements acceptable and compliant with Waste Policy W2 and the Council's SPG relating to Waste Collection and Storage.

## 8.55 **Other Matters**

### 8.56 Relationship with Cardiff Dog Pound

The comments of the Operational Manager responsible for Cardiff Dogs Home are noted.

The service operated and run by Cardiff Council from Penarth Road is indeed very well respected, and wholly applauded as successfully meeting the Council's statutory obligations with regards to stray dog provision given the pressures placed on the Local Authority in terms of available resource.

The clarification of the relationship between the Cardiff Dog Pound and Friends of the Dogs Wales is acknowledged; as is clarification of the fact that there is currently No Agreement is in place for Dogs Trust to Deliver Stray Reclaim Services on behalf of the Council.

Planning Committee are advised however that as indicated in the Planning Officer's report above, that any contractual or partnering arrangement as may or may not be progressed between Dogs Trust and the Council (and which would be entirely at the Council's discretion) is not material to the determination of this application, the acceptability of which should be judged purely on its land use, environmental, and amenity implications.

The need for the facility, or duplication of any services provided by others, including the Council, are also not planning matters; nor the business model employed by the applicant, or their choice, or otherwise, to invest in a new multi million pound facility within the City.

### 8.57 Comprehensiveness of Pre Application (PAC) Consultation

The Planning Officer is firmly of a view that although it is now a statutory requirement for applicants to undertake a pre-application public consultation exercise ahead of the submission of any planning application; and to report on the outcome of that exercise and any modifications made to a proposal in response as part of the planning application registration process; that the principal role of the Local Planning Authority is to weigh the merits of the

scheme placed before it for determination, and not to assess the merits or otherwise of the PAC exercise provided that the minimum statutory requirements are met.

- 8.58 The requirements of the PAC exercise and reporting requirements to enable a planning application to be registered are as set out in the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016.

Interpretation of the requirements of the order are therefore relatively new, and to the Planning Officer's knowledge, as yet untested. However the fundamental purpose of process, to allow local communalities early opportunity to be advised of development proposals and to highlight any concerns which might be able to be addressed by applicants ahead of a formal planning application submission are clear.

- 8.59 In this particular case it is clear to the Planning Officer that the Applicant's agent wrote to occupiers of the Conference Centre owned by Kennson as part of the PAC exercise, and that although it might have been a courtesy to write to the freeholder of the property directly, that there is no requirement to do this, and that copies of the letters sent out, confirm beyond any doubt as to who, when and where the letters were sent, and that the requirement to write to "*any owner or occupier of any land adjoining the land to which the proposed application relates*", as required by the Order, were complied with, and the parties most likely to be affected by the proposals, appropriately advised..
- 8.60 Similarly although it is accepted that PAC site notices could have been better placed to be seen by users of East Moors Road,; that the requirement of the Order to display a notice 'in at least one place', (Four were displayed) was sufficient to meet the statutory requirement.

On this basis, but also taking into account that this is the second time that the proposals have been placed before the Local Planning Authority, and that the submitted design has been adapted from original proposals to mitigate any potential adverse affect with the neighboring offices, the Planning Officer is satisfied that the PAC exercise undertaken was sufficient to meet statutory requirements and that the neighbour has not been disadvantaged by any perceived inadequacies in the exercise undertaken.

- 8.61 For the avoidance of doubt, the freeholder of the conference centre was consulted directly In respect of consultation on the Planning Application itself; Has made their position of objection clear; and this has been addressed within the above report.
- 8.62 The Planning Officer therefore concludes that no further information or assessment is required to allow a recommendation to be made to Planning Committee; or to allow Planning Committee to determine the application.

9. **CONCLUSION / RECOMMENDATION**

- 9.1 The planning officer is satisfied that the use of the land is acceptable from a planning policy perspective; and that the likely environmental impacts of the development can be appropriately managed.
- 9.2 Recommended to grant subject to conditions.



