

# CHILDCARE FACILITIES

## Supplementary Planning Guidance



November 2017

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**Mae'r ddogfen hon ar gael yn Gymraeg / This document is available in Welsh**

## 1. INTRODUCTION

- 1.1 This Supplementary Planning Guidance Note (SPG) supplements policies in the adopted Cardiff Local Development Plan (LDP) relating to the provision of childcare facilities.
- 1.2 Welsh Government supports the use of supplementary planning guidance to set out detailed guidance on the way in which development plan policies will be applied in particular circumstances or areas. SPG must be consistent with development plan policies and national planning policy guidance. SPG helps to ensure certain policies and proposals are better understood and applied more effectively. They do not have the same status as the adopted development plan, but are a material consideration in the determination of planning applications.
- 1.3 This SPG has been produced to provide further detail on the following policies contained within the LDP:
- KP13 'Responding to Evidenced Social Needs';
  - H4 'Change of Use of Residential Land or Properties';
  - EC2 'Provision of Complementary Facilities for Employees in Business, Industrial and Warehousing Developments';
  - EC4 'Protecting Offices in the Central and Bay Business Areas';
  - C7 'Planning for Schools'.
- 1.4 It is intended to:
- Identify the developments to which the policies apply;
  - Identify locations and properties which are acceptable in principle for childcare facilities; and
  - Provide advice to prospective applicants and the general public on the criteria against which proposals for childcare facilities will be considered.

## 2. POLICY CONTEXT

### NATIONAL POLICY

- 2.1 The **Childcare Act 2006** clarifies the role Local Authorities play in the provision of childcare within their localities. It focuses on ensuring the provision, so far as is reasonably practicable, of sufficient, sustainable and flexible childcare that is responsive to the needs of parents and children. Section 22 places a duty on Local Authorities to secure sufficient childcare provision to meet the needs of parents/carers within their area who require childcare in order to train, work or study. Section 26 places a duty on the Local Authority to assess the adequacy of childcare provision in their area, by carrying out a Childcare Sufficiency Assessment every three years which assesses the supply of, and demand for, childcare in the Local Authority area and identifies any gaps in provision. This will be kept under review through the publication of an annual progress report.
- 2.2 **Building a Brighter Future: Early Years and Childcare Plan (2013)** aims to support and develop the childcare market in partnership with the childcare sector and local authorities to increase capacity and ensure sustainability. The Welsh Government will work with the childcare sector and local authorities to increase both the capacity and quality of the childcare market.
- 2.3 The Welsh Government's **Policy Clarification Letter CL-01-16 'Planning and Childcare in Wales' (2016)** reiterates that access to affordable childcare is a key Welsh Government

priority and that local planning authorities should support the development of childcare services for children and families. When formulating planning policy, considering planning applications and providing pre-application advice, local planning authorities should have regard to all relevant factors in the local area and should take full account of local need for childcare places. It states that Section 7.2 of **Planning Policy Wales (2016)** indicates that development management decisions should take account of local development policies and locally specific evidence. Such evidence should include the Childcare Sufficiency Assessments undertaken by Local Authorities.

#### **LOCAL POLICY**

- 2.4 This SPG provides more detail on LDP policies KP13, H4, EC2, EC4 and C7 and supports the Capital Ambition Report, which outlines the Council's vision for Cardiff.
- 2.5 Policy **KP13 'Responding to Evidenced Social Needs'** states that a key part of the successful progression of the city will be to develop sustainable neighbourhoods, tackle deprivation and improve the quality of life for all. One of the ways this will be achieved is:  
'v. Encouraging the provision of a full range of social, health, leisure and education facilities and community infrastructure for both existing and new communities that are accessible to all by walking and cycling and public transport;'
- 2.6 Policy **H4 'Change of Use of Residential Land or Premises'** states that one of the circumstances where the conversion or redevelopment of residential properties will be permitted is:  
'ii. The proposal is for a community use necessary within a residential area.'  
Paragraph 5.16 states:  
'There is a range of community uses that are appropriate and necessary, in principle, within residential areas. These include doctors' and dentists' surgeries, residential homes and childcare facilities.'
- 2.7 Policy **EC2 'Provision of Complementary Facilities for Employees in Business, Industrial and Warehousing Developments'** states that childcare is one of a range of complementary uses which can be considered appropriate in office, industrial and warehousing developments, provided that the facility is of an appropriate scale and nature intended primarily to meet the needs of workers in the vicinity, therefore not attracting significant levels of visitor traffic into the area, or exacerbating existing traffic conditions. Paragraph 5.44 states that in existing employment areas, change of use of existing premises will be considered for appropriate complementary facilities, including childcare.
- 2.8 Policy **EC4** is concerned with **'Protecting Offices in the Central and Bay Business Areas'**. Paragraph 5.61 states that:  
'Where proposals involve the loss of office accommodation, they will only be permitted where they do not harm, and are complementary to, the primary office role and function of the area and accord with other Plan policies. Such uses could include childcare facilities...'
- 2.9 Paragraph 5.354 of policy **C7 'Planning for Schools'** states that in planning new schools opportunities should be taken to share school buildings and facilities, or co-locate on shared sites with other Council Service areas and selected external services. Opportunities for shared facilities could include integrated childcare facilities.
- 2.10 Childcare facilities provide a valuable service for parents and carers who wish to work, train or study away from their children. The provision of an adequate supply of good quality,

accessible and affordable childcare will help support and deliver the Capital Ambition Report which outlines the Council's vision for Cardiff, by supporting parents and carers of children to achieve their full potential through work, training or study, which will contribute towards Cardiff having a thriving and prosperous economy.

### **3. SCOPE OF GUIDANCE**

3.1 This document provides guidance on the assessment of proposals for:

- New buildings for childcare facilities;
- Change of use of an existing building or premises to a childcare facility;
- Alterations to existing childcare facilities, such as extending premises or intensifying the use;
- Variation of conditions attached to an existing planning permission for a childcare facility, such as those restricting opening hours or the number of children to be cared for.

3.2 The childcare facilities referred to include:

- Day Nurseries – trained staff provide care for children, primarily aged up to five years old, in non-domestic premises;
- Crèches – provide sessional care for children under twelve years old, usually operating for two hours a day or more, in non-domestic premises;
- Playgroups/Cylch Meithrin – provide sessional care for children under five years old, typically for fewer than four hours a day, in non-domestic premises;
- Childminding – person looking after one or more children under the age of twelve in domestic premises, usually the childminder's own home, for reward;
- Breakfast clubs, after school clubs and holiday play schemes – where these would be provided in self-contained premises rather than within existing community buildings such as schools, community centres, sports halls etc.

3.3 Under the Town and Country Planning (Use Classes Order) 1987, community uses within the D1 use class include:

- Health centres;
- Crèches;
- Schools;
- Museums;
- Libraries;
- Halls;
- Places of worship;
- Church halls.

3.4 If the existing lawful use falls within the D1 use class, planning permission is unlikely to be required to use the building, or part of it, for childcare purposes unless the building is the subject of a condition which restricts changes of use within the same use class. If the building does not have planning permission for one of these uses, planning permission would be required for its use in whole, or part, as a childcare facility.

3.5 Planning permission is not normally required where the use of part of a home for childminding purposes does not change the property's use as a dwelling. Childminding may be carried out

within a dwelling or its curtilage without the need for planning permission, provided that the use remains ancillary to the main residential use of the house. Where a use ceases to be ancillary to the main residential use, then the local planning authority will take the view that a 'material change of use' has occurred, and planning permission would be necessary. A material change of use may be considered to have occurred where a childminding business generates visitors, traffic, noise or disturbance over and above what would normally be expected of a home without an ancillary use.

- 3.6 Whether a childminding use is ancillary to the main use as a dwelling, or would constitute a change of use, is a judgement which will be made by the local planning authority. Applicants are advised to contact the Development Management service to establish whether planning permission is required, or to submit a formal request for pre-application advice. Potential providers can also submit an application for a Lawful Development Certificate to receive a formal determination of whether a childminding use requires planning permission. Further information can be obtained by visiting [www.cardiff.gov.uk/dc](http://www.cardiff.gov.uk/dc) or contacting 029 2233 0800.

#### **4. NEED FOR CHILDCARE PLACES**

- 4.1 The Council carries out a Childcare Sufficiency Assessment (CSA) every three years, to assess the supply of and demand for childcare in Cardiff and identify any gaps in provision. This is kept under review through the publication of an annual progress report. The CSA identifies both geographical gaps in provision in specific wards, as well as specific need gaps across the whole city, such as provision for disabled children. Advice will be sought from the Childcare Business Support Team on the need for additional childcare places.

#### **5. APPROPRIATE LOCATIONS FOR CHILDCARE FACILITIES**

- 5.1 The most appropriate locations for new childcare facilities will be those in areas where there is a need for additional childcare places, where the proposed facility is compatible with neighbouring land uses, where the location is widely accessible and the proposal minimises travel demand and reliance on the private car. The location of childcare facilities should be carefully considered, as they can generate impacts such as noise and vehicular traffic.
- 5.2 For these reasons childcare facilities are most appropriately located, in principle, in the following areas:
- Industrial and office areas – Existing Employment Land, Central and Bay Business Areas (both as shown on the Local Development Plan Proposals Map), other smaller existing employment areas and proposed new employment developments;
  - Shopping areas – Central Shopping Area, District and Local Centres (both as shown on the Local Development Plan Proposals Map) and smaller existing commercial parades;
  - Residential areas (subject to type of property and issues of scale, compatibility with neighbouring land uses and impact upon residential amenity).
- 5.3 The general presumption is that childcare facilities are most acceptably located within Existing Employment Land, the Central and Bay Business Areas and District and Local Centres.

#### 5.4 **Industrial and Office Areas**

Within Existing Employment Land, the Central and Bay Business Areas, other smaller existing employment areas and within proposed new employment developments, childcare facilities are considered to be appropriate complementary facilities. Within these areas, proposed childcare facilities would be considered acceptable where they:

- Are appropriate in scale and nature and are intended primarily to meet the needs of workers in the vicinity;
- Would not attract significant levels of visitor traffic;
- Would not negatively impact upon the operating conditions of existing businesses.

#### 5.5 **The Central Shopping Area**

Childcare facilities are considered to be an appropriate land use within the Central Shopping Area, provided that such uses would not harm the area's shopping role and character. Within the Central Shopping Area shown on the Local Development Plan Proposals Map, proposed childcare facilities would be considered acceptable where they:

- Complement the Central Shopping Area's primary shopping role and are not considered to harm the vitality and viability of the area;
- Would operate during normal shopping hours;
- Provide satisfactory signage, shop front and window display;
- Do not contribute to the loss of A1 shop uses, or harm the shopping role and character within the Protected Shopping Frontages;
- Do not occupy ground floor shopping frontages if this would cause harm to the Central Shopping Area's retail vitality, viability and attractiveness;
- Do not impede the use of upper floors, or increase the amount of vacant upper floor space.

#### 5.6 **District and Local Centres**

District and Local Centres provide some of the most accessible locations for walking, cycling and public transport and are convenient for parents working in local businesses and shops. Within District and Local Centres shown on the Local Development Plan Proposals Map, proposed childcare facilities would be considered acceptable where they:

- Complement the Centre's predominant shopping role and character and would not cause unacceptable harm to the vitality, attractiveness and viability of a specific frontage or group of frontages;
- Do not contribute to the loss of A1 shop uses;
- Would operate during normal shopping hours;
- Provide satisfactory signage, shop front and window display;
- Do not impede the effective use of upper floors or increase the amount of vacant floor space.

#### 5.7 **Smaller shopping parades**

Existing commercial premises within smaller shopping parades which are not specifically shown on the Proposals Map may be suitable to accommodate childcare facilities. Within these parades, proposed childcare facilities would be considered acceptable where they:

- Would not lead to the loss of local shops, where these have a significant role in meeting local shopping needs;
- Would not affect the viability of the parade of premises for continued shopping use;
- Would operate during normal shopping hours;
- Provide satisfactory signage, shop front and window display;
- Would not have an unacceptable impact upon residential amenity.

## 5.8 Residential Areas

Applications for childcare facilities often propose the change of use of existing dwellings, particularly larger traditional properties near employment areas, shopping centres and schools. Childcare facilities serve an important community function. They are a community use which is considered appropriate and necessary, in principle, within residential areas, subject to considerations of scale and impact upon residential amenity. Within residential areas, childcare facilities would be considered acceptable where they:

- Would not have an unacceptable adverse impact upon residential amenity;
- Can provide satisfactory arrangements for access and parking provision;
- Provide satisfactory arrangements for signage and window displays.

5.9 In determining whether a proposal in a residential area is likely to have an unacceptable adverse impact upon residential amenity, the following factors will be considered:

- The type of property – most suitable would be existing non-residential properties, detached dwellings, pairs of semi-detached dwellings, or a semi-detached dwelling adjoining an existing commercial property;
- The characteristics of the area – consideration would be given to the residential character of the area and the type and number of other non-residential uses in existence in the street;
- The adequacy of access by means of transport other than private car and the likelihood of generating traffic and demand for parking;
- The likelihood of generating noise, disturbance, smells etc;
- The numbers of children to be cared for and the number of staff;
- The proposed hours of operation;
- The location and proximity of outside play areas in relation to nearby residential accommodation.

5.10 Any proposed extension of a dwelling to accommodate a childcare facility would be assessed on its own merits, which would include considerations of design, character and impact upon residential amenity.

## 6. OTHER CONSIDERATIONS

### 6.1 General Considerations

All proposed childcare facilities would be expected to:

- Encourage the use of walking, cycling or public transport, rather than reliance on the private car;
- Provide adequate facilities for the collection and storage of waste. All commercial premises have a duty of care under the Environmental Protection Act 1990 to ensure that their waste is transferred to, and disposed of by, a registered waste carrier;
- Be adequately soundproofed, where necessary, in order to minimise disturbance to adjacent buildings;
- Be adequately protected against adverse effects from neighbouring land uses, for example by noise, smells or air pollution.

### 6.2 Highway Considerations

Childcare facilities can generate considerable demand for short stay parking, especially during peak periods. Proposals which would encourage short stay parking in inappropriate areas, such as near to junctions, pedestrian crossings, bus stops etc. are unlikely to be acceptable.



Proposals would need to demonstrate adequate provision for both parents dropping off and collecting children and for staff parking.

### 6.3 **Signage and Window Displays**

Within shopping and commercial areas, it is important that signage and any shop fronts or window displays complement the surrounding area. If the facility would be within a shopping frontage, then a suitable shop front and display should be maintained so that the frontage is not disrupted and there is no negative impact upon vitality.

6.4 In residential areas, signage and window displays which draw attention to the presence of the childcare facility need to be carefully considered so that they do not have an adverse impact upon the character of the residential area. Signage and window displays will generally not be favoured within environmentally sensitive areas, such as Conservation Areas.

### 6.5 **Other Legislative Requirements**

Planning permission is only one of a number of permissions which are required before a childcare facility can begin operating. Applicants are advised to contact the Care and Social Services Inspectorate Wales (CSSIW) prior to submitting a planning application to ensure that all physical requirements, e.g. minimum space standards, are likely to be met by a proposal before it is submitted.

## 7. **CONDITIONS**

7.1 If planning permission for a childcare facility is approved, a number of conditions may be imposed:

- Hours of operation may be restricted – particularly used in relation to applications within residential areas in order to safeguard residential amenity;
- Maximum number of children who can be cared for – in order to minimise the impact upon occupiers of neighbouring properties;
- Restrictions on use of outdoor play areas may be necessary in certain circumstances;
- Sound insulation measures;
- Car parking requirements;
- Installation of a cooking fume extraction system, dependent upon the scale and location of the childcare facility proposed;
- Restrictions on further changes of use – it may be necessary to prevent changes of use to other uses within the D1 use class.

## 8. **PLANNING APPLICATION SUBMISSION REQUIREMENTS**

8.1 When applying for planning permission for a childcare facility, the application should contain enough information for the proposal to be fully considered. It should contain adequate information on:

- The number of children to be cared for;
- The number of staff;
- Proposed opening hours;
- Details of any sound proofing, where necessary;
- Details of any cooking fume extraction system, where necessary;
- Floorplans showing the proposed internal arrangements, as well as any outdoor play areas proposed;
- Proposed waste storage arrangements.

## APPENDIX 1: CONSULTATION UNDERTAKEN ON THE DRAFT SPG

Public consultation was undertaken between Thursday 22<sup>nd</sup> June 2017 and the Thursday 3<sup>rd</sup> August 2017. A press notice was placed in a local newspaper on Wednesday 21<sup>st</sup> June 2017. Copies of the draft guidance was placed in all Cardiff libraries and at County Hall Reception. The draft guidance was also published on the Council website. Letters notifying that consultation was being undertaken on the draft guidance were sent to all Councillors, the Welsh Government, Community Councils in Cardiff and any interested persons and the following organisations known to have general interest in planning in Cardiff or a potential interest in this guidance:

|  |   |
|--|---|
| ACE - Action in Caerau and Ely               | Cardiff Community Housing Association   |
| Alder King                                   | Cardiff Cycling Campaign                |
| Alternatives for Transport                   | Cardiff Greenpeace                      |
| AMEC Environment & Infrastructure UK Limited | Cardiff Heliport                        |
| Arts Council of Wales                        | Cardiff International Airport Ltd.      |
| Arup   | Cardiff Local Access Forum              |
| Asbri Planning Ltd                           | Cardiff Metropolitan University         |
| Associated British Ports                     | Cardiff Naturalists                     |
| Association of Inland Navigation Authorities | Cardiff Pedestrian Liberation           |
| Atkins                                       | Cardiff Transition                      |
| Austin-Smith: Lord                           | Cardiff University                      |
| Barratt Homes                                | Cardiff West Communities First          |
| Barton Willmore                              | Carolyn Jones Planning Services         |
| Bellway Homes                                | CDN Planning                            |
| Biffa  | Celsa Manufacturing (UK) LTD            |
| Bilfinger GVA                                | Cemex Uk Operations Ltd                 |
| Black Environment Network                    | CFW Architects                          |
| Blake Morgan LLP                             | CGMS Consulting                         |
| BNP Paribas Real Estate                      | Chartered Institute of Housing in Wales |
| Bovis Homes                                  | Chichester Nunns Partnership            |
| Boyer Planning                               | Chris Morgan Planning Consultant        |
| Bristol City Council                         | Chwarae Teg                             |
| BT Group plc                                 | Civil Aviation Authority                |
| Business in the Community Wales              | Coal Authority                          |
| C2J  | Coleg Glan Hafren                       |
| Cadwyn Housing Association                   | Communities First Adamsdown             |
| Caerphilly County Borough Council            | Community Housing Cymru                 |
| Campaign for the Protection of Rural Wales   | Community Land Advisory Service Cymru   |
| Cardiff & Vale Parents Federation            | Confederation of British Industry       |
| Cardiff & Vale University Health Board       | Confederation of Passenger Transport    |
| Cardiff Access Group                         | Connections Design                      |
| Cardiff Against the Incinerator              | Country Land and Business Association   |
| Cardiff Bus                                  | CSJ Planning Consultants                |
| Cardiff Bus Users                            | Cymdeithas yr iaith gymraeg             |
| Cardiff Civic Society                        | Danescourt Community Association        |
|  | David Lock Associates                   |
|  | Davies Sutton Architects                |

DavisMeade Agricultural  
Derek Prosser Associates  
Design Circle RSAW South  
Design Commission for Wales  
Development Planning Partnership  
Development, Land & Planning Consultants Ltd  
Disability Arts Cymru  
Disability Wales  
DLP Consultants  
DLP Planning Ltd  
DPP Cardiff  
DTB Design  
DTZ  
Dwr Cymru Welsh Water  
Edenstone Homes  
Equality and Human Rights Commission  
Ethnic Business Support Project  
Federation of Small Businesses  
First City Limited  
FirstGroup plc  
Firstplan  
Forestry in Wales/Natural Resources Wales  
Freight Transport Association  
Friends of Nantfawr Community Woodland  
Fulfords Land & Planning  
G L Hearn  
G Powys Jones  
Garden History Society  
Geraint John Planning Ltd  
GL Hearn Planning  
Glamorgan - Gwent Archaeological Trust Ltd  
Glamorgan Gwent Housing Association  
GMA Planning  
Graig Community Council  
Graig Protection Society  
Great Western Trains Company Limited  
Grosvenor Waterside  
GVA  
H O W Commercial Planning Advisors  
Haford Housing Association Limited/ Hafod Care Association Limited  
Halcrow  
Hammonds Yates  
Heath Residents Association  
Herbert R Thomas LLP  
Home Builders Federation  
Hutchinson 3G UK  
Hyland Edgar Driver  
Hywel Davies  
Interfaith Wales  
Jacobs Babbie  
Jeremy Peter Associates  
JLL  
John Hughes  
John Robinson Planning & Design  
John Wotton Architects  
Jones Lang LaSalle  
JP Morgan Asset Management  
Keep Wales Tidy  
Kelly Taylor & Associates  
Kingsmead Assets Limited  
Knight Frank  
Landscape Institute Wales  
Levvel Ltd  
Lichfields  
Linc-Cymru  
Lisvane Community Council  
Llandaff Conservation Group  
Llandaff Society  
Lovell Partnership  
Loyn & Co Architects  
LUC  
Madley Construction  
Mango Planning and Development Limited  
Marshfield Community Council  
Martin Robeson Planning Practice  
McCarthy & Stone (plc)  
Meadgate Homes Ltd  
Mike Pitt  
Mineral Products Association  
Morgan Cole  
Mott MacDonald  
National Federation of Builders  
National Youth Arts  
Natural Resources Wales  
Neame Sutton  
Network Rail  
Newport City Council  
NFU Cymru  
North West Cardiff Group

Novell Tullet  
O2 UK  
Oakgrove Nurseries  
Old St Mellons Community Council  
Orange  
Origin3  
Pantmawr Residents Association  
Peace Mala  
Peacock & Smith  
Pegasus  
Pentyrch Community Council  
Persimmon Homes  
Peterson Williams  
Peterstone Community Council  
Phillippa Cole  
Planning Aid Wales  
Planning Potential  
Police & Crime Commissioner  
Powell Dobson  
Powergen  
Prospero Planning  
Quarry Products Association  
Quinco  
Quod  
Race Equality First  
Radyr & Morganstown Association  
Radyr and Morganstown Community Council  
Radyr and Morganstown Partnership and Community Trust (PACT)  
Radyr Farm  
Radyr Golf Club  
Rapleys  
RCT  
Redrow Homes  
Reeves Retail Planning Consultancy Ltd  
Renplan  
Reservoir Action Group (RAG)  
Rhiwbina Civic Society  
Rhondda Cynon Taf County Borough Council  
RICS Wales  
Rio Architects  
Riverside Communities First Team  
Robert Turely Associates  
Roberts Limbrick  
Robertson Francis Partnership  
Royal Commission on the Ancient & Historical Monuments of Wales  
Royal National Institute for the Blind  
RPS Group Plc  
RSPB Cymru  
Save Creigiau Action Group  
Savills  
Scope Cymru  
Scott Brownrigg  
Sellwood Planning  
Shawn Cullen  
SK Designs  
SLR Consulting  
South Wales Chamber of Commerce Cardiff  
South Wales Police  
South Wales Police Crime Prevention Design Adviser  
South Wales WIN  
Splott and Tremorfa Communities First  
Sport Wales  
SSE Energy Supply Ltd  
St Fagans Community Council  
Stedman Architectural  
Stewart Ross Associates  
Stonewall Cymru  
Stride Treglown Town Planning  
Stuart Coventry Scott Wilson  
Sullivan Land & Planning  
Sustrans Cymru  
Taff Housing Association  
Tanner & Tilley  
Taylor Wimpey  
Terry Nunns Architects  
The 20th Century Society  
The Boarding Centre Ltd  
The Design Group 3  
The Georgian Group  
The Institute of Cemetery and Crematorium Management  
The Land Mark Practice  
The Planning Bureau  
The Royal Town Planning Institute  
The Urbanists  
The Victorian Society  
The Wildlife Trust of South & West Wales

Theatres Trust  
T-Mobile (UK) Ltd  
Tongwynlais Community Council  
Torfaen County Borough Council  
Turley  
United Welsh Housing Association  
Urban City Ltd  
Velindre NHS Trust Corporate  
Headquarters  
Virgin Media  
Vodafone  
Wales & West Housing Association  
Wales Council for Voluntary Action  
Wales Women's Aid

Watts Morgan  
Welsh Ambulance Services NHS Trust -  
South East Region  
Welsh Government  
Welsh Government - Economy Skills and  
Transport Division  
Welsh Language Commissioner  
Welsh Tenants Federation Ltd  
Wentloog Community Council  
White Young Green  
Wimpey Homes  
WS Atkins Planning Consultants  
Wyevale Garden Centre