

LOCAL MEMBER CONCERNS

COMMITTEE DATE: 23/01/2019

APPLICATION No. **18/01639/MJR** APPLICATION DATE: 10/07/2018

ED: **RUMNEY**

APP: TYPE: Full Planning Permission

APPLICANT: BIFFA WASTE

LOCATION: LAND AT LAMBY WAY INDUSTRIAL ESTATE, LAMBY WAY,
WENTLOOG

PROPOSAL: ERECTION OF NEW HAZARDOUS WASTE TRANSFER
FACILITY ALONG WITH ASSOCIATED ACCESS, PARKING
AND, SERVICING

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

1. C01 Statutory Time Limit
2. The development shall be carried out in accordance with the following approved plans unless otherwise expressly required by Conditions 3 - 16:
 - P03 – Proposed Site Plan
 - P04 – Proposed Building Elevations
 - P05 – Proposed Office & Welfare Building
 - P06 – Proposed Site Sections

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

3. Waste processing activities (e.g. crushing/shredding or other similar audible processes) shall only be carried out between 08:00hrs – 18:00 hrs Monday to Fridays and 08.00 - 13.00 hrs on Saturdays and Sundays. All other activities on site, shall be restricted to – 08:00hrs to 20:00hrs.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity of the site are protected in accordance with Policies KP5 and EN13 of the Cardiff Local Development Plan 2006-2026.

4. Noise emitted from fixed plant and equipment on the site shall achieve 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 in accordance with Policies KP5 and EN13 of the Cardiff Local Development Plan 2006-2026.

5. The floodlighting shall only be operated between 07:30 hours and 20:30 hours.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected in accordance with Policies KP5 and EN13 of the Cardiff Local Development Plan 2006-2026.

6. Prior to the commencement of any development works, the proposed details of appropriate gas protection measures 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 in accordance with Policies KP5 and EN13 of the Cardiff Local Development Plan 2006-2026.

7. 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 / WG / NRW guidance document ' Land Contamination: A guide for Developers' (2017), 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 in accordance with Policies KP5, KP18, EN5, EN10, EN11 and EN13 of the Cardiff Local Development Plan 2006-2026.

8. The remediation scheme approved by condition 7 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 / WG / NRW guidance document 'Land Contamination: A guide for Developers' (2017), 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 in accordance with Policies KP5, KP18, EN5, EN10, EN11 and EN13 of the Cardiff Local Development Plan 2006-2026.

9. 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 in accordance with Policies KP5, KP18, EN5, EN10, EN11 and EN13 of the Cardiff Local Development Plan 2006-2026.

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 in accordance with policy EN13 of the Cardiff Local Development Plan.
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 in accordance with policy EN13 of the Cardiff Local Development Plan.
12. The slab level of the development must be finished at 9.710m AOD in accordance with drawing nos. P04, P05 and P06.
Reason: In order to mitigate the risks and consequences of flooding in accordance with TAN15 and Policies KP15 and EN14 of the Cardiff Local Development Plan.
13. No development shall commence until a pollution prevention plan has been submitted to and approved in writing by the Local Planning Authority. The plan should include, but not be limited to, management of surface water run-off, waste, emissions, odour, and fire and the plan should include detail on the management and maintenance of the proposed SuDS system to ensure it functions correctly, in order to protect the water environment. The development shall proceed in strict accordance of the approved plan, to ensure that any polluted surface water does not enter the nearby reën system.
Reason: To protect the water environment from pollution in accordance with Policies KP18, EN5, EN10, EN11 and EN13 of the Cardiff Local Development Plan 2006-2026.
14. 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 demonstrate how the site will be effectively drained; the means of disposal of surface water and indicate how foul flows will communicate to the public sewerage system. Thereafter, the scheme shall be implemented in accordance with the approved details prior to the occupation of the development.

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 in accordance with Policies KP18, EN5, EN10, EN11 and EN13 of the Cardiff Local Development Plan 2006-2026.

15. Prior to beneficial use of the development, hereby permitted, 6 undercover and secure cycle parking spaces shall be provided in accordance with details which shall first be approved by the Local Planning Authority.

Reason: To promote sustainable modes of transport in accordance with Policy KP8 and T5 of the Cardiff Local Development Plan 2006-2026.

16. The materials to be used in the external finish of the office and welfare building and its architectural detailing shall be approved by the Local Planning Authority prior to their application.

Reason: In the interest of the general character of the area in accordance with Policy KP5 of the Cardiff Local Development Plan 2006-2026.

RECOMMENDATION 2: 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 3: That the applicant be advised that no work should take place on or over the neighbour's land without the neighbour's express consent and this planning approval gives no such rights to undertake works on land outside the applicant's ownership.

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;
- 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.

RECOMMENDATION 5: Network Rail request that the developer contact Network Rail's Asset Protection Wales Team well in advance of mobilising on site or commencing any works. The initial point of contact is assetprotectionwales@networkrail.co.uk. The department will provide all necessary Engineering support subject to a Basic Asset Protection Agreement. Guidance notes have been provided by Network Rail with regard to several matters which can be made available to the developer.

RECOMMENDATION 6: Wales & West Utilities advise they have no objections to the proposals, however, their apparatus may be at risk during construction works and they require the promoter of the works to contact them directly to discuss their requirements in detail. Should diversion works be required these will be fully chargeable.

Wales & West Utilities apparatus may be directly affected by these proposals and the Information you have provided has been forwarded to Asset Management for their comments. If Wales & West are affected an Engineer will then contact you direct.

You must not build over any of their plant or enclose our apparatus.

Please note this information is in regard only to those pipes owned by Wales & West Utilities in its role as a licensed Gas Transporter (GT). Gas pipes owned by other GT's and also privately owned may be present in this area and information with regards to such pipes should be obtained from the owners.

RECOMMENDATION 7: Welsh Water advise that:

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

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. 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.

If you have any queries please contact the undersigned on 0800 917 2652 or via email at **developer.services@dwrwymru.com**

1. DESCRIPTION OF THE SITE

- 1.1 The application site comprises a large vacant lot, enclosed by 'Pallisade Fencing' and laid to hardcore, situated within an existing business and industrial area in the Rumney ward to the South East of the City.
- 1.2 The site is accessed from Waterside Business Park a cul-de-sac accessed off Lamby Way and benefits from good transport links via the A4232, A48 and M4.
- 1.3 The site is neighboured to the east, south and west by business and industrial premises forming the Waterside Business Park, beyond which lies a larger business and industrial area. To the North the site is bounded by the South Wales Main Line Railway beyond which lies a residential area with a parade of shops and dwellinghouses on New Road being in closest proximity at a distance exceeding 110 metres.
- 1.4 The application site lies within proximity of the Rumney and Peterstone Site of Special Scientific Interest (SSSI) and Gwent Levels.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1 Planning permission is sought for a Hazardous Waste Transfer Facility with associated access, parking and servicing.
- 2.2 The site will be enclosed, to all sides, by a 2.4m high 'Palisade Fence' akin to that which currently exists. Along the southern boundary three access points, served by 2.4m high gates, will be created onto the main section of road servicing Waterside Business Park. The ingress point to the facility for commercial vehicles would be the most westerly access point and the most easterly access point would be for egress of such vehicles creating a one way system. A centrally located access point would provide ingress and egress to a car park, which projects eastwardly, with spaces for 19 vehicles including 2 disabled spaces.
- 2.3 External surfaces will comprise of predominantly concrete surfacing with the waste storage area enclosed by a low height crash barrier. The site would be levelled at +9.710m AOD resulting in an increase in level across the width of the site, east to west, with the respective road levels at approximately

+8.250AOD and +8.760AOD, therefore, the site would sit up to nearly 1.5m above road level. Furthermore as the site slopes from the front (south) to rear (north) with increased levels of up to nearly 3m. A retaining wall would be provided to coincide with the increased levels.

- 2.4 To the southern boundary west of centre, between the ingress point and car park access, a two storey office and welfare building would be provided. This building would have a footprint of 12.6 x 8.5m and a height of approximately 6.5m finished with a flat roof. No significant detail of the means of finish and detailing of this building are provided.
- 2.5 To the northern extremities of the site a 'Storage Facility' would be provided. The footprint of the facility would measure approximately 83m in length, east to west, and have a depth marginally exceeding 11m. The westernmost part of the facility, for approximately 54m, would be of a single storey in height with maximum height slightly in excess of 5m. The remaining eastern part of the facility would be two storey, having a mezzanine level accessed via an external staircase, with a maximum height of approximately 8.7m. This building would be of a steel portal construction having an open front elevation and be finished with 'Goosewing Grey' Cladding to the remaining elevations with complementary 'Merlin Grey' Flashings.
- 2.6 Located centrally within the site would be a 'Processing Facility' with a footprint of approximately 64m in length, east to west, and have a depth marginally exceeding 11m. The building would be of a single storey in height with maximum height marginally exceeding 5m. This building would be of a steel portal construction having an open front elevation and be finished with 'Goosewing Grey' Cladding to the remaining elevations with complementary 'Merlin Grey' Flashings.
- 2.7 To the south western corner of the site, to the west of the ingress point, a 'Skip/Tip Storage' building would be provided with a footprint of approximately 12.4m x 11.4m and a maximum height of 8.7m. This building would be of a steel portal construction having an open front elevation and be finished with 'Goosewing Grey' Cladding to the remaining elevations with complementary 'Merlin Grey' Flashings.
- 2.8 A 'Fuel tank' and 'LV' substation would be sited to the western side and a 'Gas Container Storage' area to the eastern side of the of the egress point close to the south frontage of the site. Floodlights and CCTV are also comprised within the proposal.
- 2.9 The proposal constitutes a facility which will replace a similar facility off Dumballs Road immediately South of Cardiff Central Railway Station which has been operating for in excess of 25 years.

3. PLANNING HISTORY OF RELEVANCE

- 3.1 16/02282/MNR – LAMBY WAY WORKSHOPS, LAMBY WAY, WENTLOOG, CARDIFF, CF3 2EQ - CONSTRUCTION OF FOUR LIGHT INDUSTRIAL

UNITS – PER – 10/03/2017

- 3.2 14/02823/MJR - LAND AT LAMBY WAY, RUMNEY, CARDIFF - 8 X NEW B1/B2/B8 COMMERCIAL UNITS AND 1 X A1 COMMERCIAL UNIT TOTALLING 2730M2 FLOORSPACE WITH ASSOCIATED DELIVERY ACCESS, LANDSCAPING AND PARKING – PER – 15/05/2015
- 3.3 07/00071/E - HALL FABRICATION, LAMBY WAY, RUMNEY, CARDIFF - TWO STOREY OFFICE, SALES AND STORAGE BUILDING WITH NINE PARKING SPACES – PER – 12/03/2007
- 3.4 06/02653/E - LAMBY WAY INDUSTRIAL PARK, LAMBY WAY, RUMNEY, CARDIFF - LIGHT INDUSTRIAL UNITS (18 NO.) – PER – 30/05/2007
- 3.5 04/00613/R - LAND AT, LAMBY WAY, RUMNEY, CARDIFF - PROPOSED NEW 33,300 SQUARE FEET (GROSS) OFFICE DEVELOPMENT (TWO STOREY) WITH COMMUNAL SHARED FACILITIES – PER – 19/12/2005
- 3.6 00/00844/R - TONY HALL FABRICATION, LAMBY WORKSHOPS, LAMBY WAY, RUMNEY, CARDIFF - INDUSTRIAL STARTER UNITS – PER – 21/072000
- 3.7 97/00048/R - LAMBY WAY INDUSTRIAL PARK, LAMBY WAY, RUMNEY, CARDIFF - 2412 m2 OF INDUSTRIAL UNITS WITH SERVICE AREA AND CAR PARKING – PER – 10/03/1997
- 3.8 93/00818/R - MAERDY ROAD INDUSTRIAL ESTATE, MARDY ROAD, RUMNEY, CARDIFF - 8 INDUSTRIAL UNITS FOR STARTER BUSINESSES – PER – 28/07/1993
- 3.9 92/01519/R - MAERDY ROAD INDUSTRIAL ESTATE, MARDY ROAD, RUMNEY, CARDIFF - 9 TWO-STOREY INDUSTRIAL UNITS FOR BUSINESSES STARTING UP OR EXPANDING AND PROVIDE SERVICE ROAD FROM EXISTING – PER – 10/11/1992

4. POLICY FRAMEWORK

- 4.1 National Planning Policy
 - Planning Policy Wales (10th Ed, 2018)
 - Technical Advice Note 11: Noise (1997)
 - Technical Advice Note 12: Design (2016)
 - Technical Advice Note 15: Development and Flood Risk (2004)
 - Technical Advice Note 18: Transport (2007)
 - Technical Advice Note 21: Waste (2014)
- 4.2 Cardiff Local Development Plan 2006-2026
 - Policy KP1 (Level of Growth)
 - Policy KP3(B) (Settlement Boundaries)
 - Policy KP5 (Good Quality and Sustainable Design)

- Policy KP8 (Sustainable Transport)
- Policy KP9 (Responding to Evidenced Economic Needs)
- Policy KP12(Waste)
- Policy KP15 (Climate Change)
- Policy KP18 (Natural Resources)
- Policy EC1 (Existing Employment Land)
- Policy EN4 (River Corridors)
- Policy EN5 (Designated Sites)
- Policy EN7 (Priority Habitats and Species)
- Policy EN10 (Water Sensitive Design)
- Policy EN11 (Protection of Water Resources)
- Policy T6 (Impact on Transport Networks and Services)
- Policy EN13 (Air, Noise, Light Pollution and Land Contamination)
- Policy EN14 (Flood Risk)
- Policy T5 (Managing Transport Impacts)
- Policy W1 (Sites for Waste Management Facilities)

4.3 Supplementary Planning Guidance

- Ecology & Biodiversity Technical Guidance Note (November 2017)
- Managing Transportation Impacts (July 2018)
- Locating Waste Management Facilities (January 2017)
- Safeeguarding Business & Industrial Land & Premises (November 2017)

5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 The Operational Manager (Flood & Costal Risk Management) has been consulted no representations have been received.
- 5.2 The Operational Manager (Traffic and Transportation) advises that the site, given its location, being utilised for the proposed purpose raises no highway concerns. It is considered that the existing highway network would be able to support the increased number of trips, the swept path analysis sufficiently demonstrates that vehicles will be able to safely traverse the site with visibility displays within recommended guidelines and the proposed facility will benefit from 19 parking spaces which is appropriate given the proposed staff numbers.
- 5.3 The Operational Manager (Waste Management) raises no objections to the proposal and has no observations to provide.
- 5.4 The Operational Manger (Shared Regulatory Services – Pollution Control) raises no objection to the proposal. Conditions, however, are requested regarding the hours of operation of the facility and crushing activities, plant noise, floodlighting and an advisory note in respect of construction noise is also requested.
- 5.5 The Operational Manger (Shared Regulatory Services – Environment Team) advises assessments submitted with the application identify that there is potential for risk to human health from ground gas and contaminants. Ground

gas protection measures and remediation to minimise the risk of contaminants will be required. Also should there be any site won recycled material, or materials imported as part of the construction of the development, then it must be demonstrated that they are suitable for the end use to prevent the introduction or recycling of materials containing chemical or other potential contaminants which may give rise to potential risks to human health and the environment for the proposed end use. No objection is raised to the proposal subject to conditions relating to the matters raised.

- 5.6 The Council's Ecologist has been consulted and raises no objection to the proposal.

6. EXTERNAL CONSULTEE RESPONSES

- 6.1 Welsh Water raise no objections to the proposal subject to a condition requiring further details of drainage.
- 6.2 Network Rail advise that there is no objection in principle to the proposal, however, given the proximity of the proposal.
- 6.3 Wales and West Utilities raise no objections to the proposals, however, advise that their apparatus may be at risk and it is requested the developer make contact to discuss the development prior to commencement.
- 6.4 Natural Resources Wales, advise that the proposed development would raise the site levels to 9.710AOD, therefore, the proposed site is predicted to be flood free during both 1 in 200 and 1 in 1000 year flood events. The proposed development is, therefore, in line with guidance set out in A1.14 and A.1.15 of TAN 15. Due to the location of the site within the tidal flood outlines, no consideration of the potential impacts on flood risk elsewhere as a result of ground raising is required. On this basis no objection from a flood risk perspective is raised providing that the slab level is set at 9.710AOD. It is a matter for the Local Planning Authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN15. It is noted that the installation of flood resilient design and flood proofing measures within the development are proposed and that a flood evacuation plan will be considered.
- 6.5 Natural Resources Wales, in respect of water quality and pollution prevention, advise that due to the nature of the development and its proximity to the Gwent levels, Rumney and Peterstone SSSI a Pollution Prevention Plan should be in place prior to operations commencing on site. This plan should include, but not be limited to, management of surface water run-off, waste, emissions, odour, and fire and the plan should include detail on the management and maintenance of the proposed SuDS system to ensure it functions correctly, in order to protect the water environment.
- 6.6 Natural Resources Wales, in respect of the Caldicott and Wentlooge Levels Internal Drainage District, advise that it is noted that surface water runoff will be channelled into a storage tank via a concrete hardstanding through an

interceptor and then into the mains drainage system. Accordingly there should not be any surface water discharge into the re-en system and there is no objection from a land drainage perspective.

- 6.7 Natural Resources Wales, in respect of land contamination and groundwater, advise that they consider that the controlled waters at this site are not of the highest environmental sensitivity, therefore, provide no site specific advice.

7. REPRESENTATIONS

- 7.1 The application was advertised by way of neighbour consultation letters, site notices and advertisement in the press.
- 7.2 Neighbour consultation letters were sent to 151 addresses within the local vicinity including:
- business premises on Waterside Business Park, JB Business Park, Lakeview Business Park, The Old Ely Transport Yard, Lamby Way Workshops, Lincress Yard, Lamby Way and New Road.
 - residential properties north of the application site including properties within Quarry Dale, Primrose Close, New Road and Downton Rise.
- 7.3 A total of eight Site Notices were displayed. Three notices within the Lamby Way area and a further five within the residential streets New Road, Quarry Dale, Downton Rise and Downton Road.
- 7.4 The application was advertised in the Western Mail on the 16th August 2018.
- 7.5 Letters of representation have been received from 19 parties. The owner/occupiers of 37, 44, 122 168, 180 & 201 New Road, 20 Trelawney Avenue, 21 Northlands, 32 Ty Mawr Avenue, 46 Quarry Dale, 664 Newport Road, AJ Hall Fabrications Lamby Way, Flat 17 Downton Grange, 173 Wentloog Road, Unit 5 Lamby Way Workshops, Unit 18 Waterside Business Park, two parties not providing an address and an anonymous party have objected to the proposal. The objections are summarised below:
- Proximity of proposal to a residential area;
 - Proximity of proposal to a children's nursery;
 - Contamination resulting from hazardous waste;
 - Nuisance from odour;
 - Nuisance from noise;
 - Nuisance from dust;
 - Highway safety and congestion;
 - Health and safety;
 - Concerns with regards to operation, materials to be stored and processes to be undertaken;
 - Risk and consequences of flooding;
 - Watercourse pollution;
 - Overbearing impact upon neighbouring units;
 - Property devaluation;

- Rat infestation;
 - Worthwhile jobs will not be created;
 - Affect upon an area of 'natural beauty';
 - The local area will not benefit;
 - Effect of lighting upon wildlife (e.g. bats);
 - Concerns foreign waste will be brought to the site;
 - Misconceptions that the proposal includes an Incinerator.
- 7.6 Andrew RT Davies AM and David Melding CBE AM have made enquiries on behalf of constituents.
- 7.7 Local Ward Members Cllrs Derbyshire and Parry have expressed concerns in respect of the proposals on behalf of constituents reiterating a number of the pertinent matters raised by local residents, as detailed at para. 7.5.

8. ANALYSIS

8.1 Introduction

8.1.1 The application site lies within the defined settlement boundary and is located on existing employment land as defined by Policy EC1 which is protected for B2 and B8 uses. Policy W1 states '*Waste facilities will generally be encouraged towards existing general industrial areas (use class B2)*'. Accordingly the principle of the proposed development is considered to be acceptable.

8.1.2 The principal matters for consideration are:

- the effect of the proposal upon the character of the area;
- the impact upon the amenity of neighbouring occupiers and the area, human health, the environment and designated sites;
- the risks and consequences of flooding;
- the proposals transport impact;

8.2 Impact Upon the Character of the Area

8.2.1 Policy KP5 requires that all new development should respond '*to the local character and context of the built and landscape setting so that layout, scale, form, massing, height, density, colour, materials, detailing and impact on the built and natural heritage are all addressed within development proposals*'. Policy W1 states that proposals for waste management facilities will be permitted where they would not cause unacceptable harm to built heritage.

8.2.2 The proposal, as detailed at para. 8.1.1 represents an appropriate and complimentary type use within the existing industrial estate. The proposal includes the erection of a number of buildings and associated development, which are detailed on the submitted plans and described at Sec. 2.

8.2.3 The proposed development in terms of its design, scale and siting is considered to be appropriate within the context of the existing industrial area.

The steel portal buildings, concrete hardstanding and associated developments are complimentary to the character of the area and would, therefore, have no adverse impact upon that character.

8.2.4 Accordingly it is considered that the proposed use and associated development would have no adverse impact upon the character of the area and accords with the principles of Policy KP5 of the Cardiff Local Development plan.

8.3 Impact Upon the Amenity of Neighbouring Occupiers and the Area, Human Health, the Environment and Designated Sites

8.3.1 Policy KP5 seeks to ensure that *'no undue effect on the amenity of neighbouring occupiers'* results from development. Directly adjacent neighbouring properties comprise predominately other industrial uses which are unlikely to suffer a detriment to their amenity as a result of the proposed development. Whilst a number of non-industrial uses exist within the nearby area, including a Children's nursery, it is considered that the proposal is not sufficiently close to such uses to have any direct detrimental impact, it should be noted by virtue of Policy EC2 the provision of these non-industrial uses within areas protected for Industrial use are only deemed to be acceptable on the basis that they complement the principal industrial use of the area. The application site is a significant distance from the nearest residential properties beyond a railway line and screened by mature vegetation. The proposed use is of a type which is expressly allocated upon the land the application has been supported by a number of assessments which conclude that the use would not have any detrimental impact upon neighbouring occupiers. Technical consultees have raised no objection to the proposal, however, a number of conditions are recommended to ensure that the operation of the facility is controlled to the benefit of local residents and neighbouring business users. The design, scale and siting of the proposed buildings it is considered would have no overbearing or generally un-neighbourly impact.

8.3.2 Policy W1 details that proposals for waste management facilities should only be permitted where they would cause no harm to human health or the environment, this is further supported by policies KP12, KP18, EN5, EN11 and EN13 all of which detail that developments should only be supported where they do not have a detrimental impact and specifically relate to matters including air, noise and light pollution; contaminated land; designated sites of international or national nature conservation importance and water resources. As previously detailed the application is subject to a number of assessments in this regard which conclude that the proposal would not raise any concern. Specialist technical consultees have been invited to comment upon the application and have raised no objections to the proposal, however, a number of conditions are recommended to ensure that the operation of the facility is controlled to the benefit human health and the environment.

8.3.3 It should be noted that the meaning of 'Hazardous Waste' in Environmental Law is wide ranging and refers to any item which is capable of causing harm to the environment or human health. Everyday household items such as

aerosols, lightbulbs, paints, batteries, televisions, oils and washing-up liquids are categorised as hazardous. The applicant has confirmed that no waste comprising Nuclear, Radioactive or Explosive waste will be stored or processed at the facility, however, the facility would store and process a range of hazardous wastes of both a household and commercial nature including Acids, Chemicals etc in addition to the afore mentioned more traditional waste. It should be noted in addition to the requirement for planning permission controlling the use of the land such a facility will be strictly controlled by separate legislation, administered by Natural Resources Wales, which necessitates all storage and processes to be undertaken in accordance with an environmental permit with regular inspections and monitoring undertaken of activities.

8.3.4 Accordingly it is not considered that the proposal would have any undue impact upon the general amenity of neighbouring occupiers, the amenities of the area, human health or the environment and, therefore, accords with the principles of Policy KP5, KP12, KP18, EN5, EN11, EN13 and W1.

8.4 The Risks and Consequences of Flooding

8.4.1 Policy EN14 details that development will not be permitted *'within tidal or fluvial flood plains unless it can be demonstrated that the site is justified in line with national guidance and an appropriate detailed technical assessment has been undertaken to ensure that the development is designed to alleviate the threat and consequences of flooding'*. TAN 15 constitutes the relevant 'national guidance' in this regard.

8.4.2 The application site is located partially within a flood zone and the proposal constitutes highly vulnerable development (HVD). TAN 15 sets out the criteria against which proposals, within areas of flood risk, must be assessed and in respect of HVD details that such development:

- Should be located only an area of flood risk which is developed and served by significant infrastructure, including flood defences (Zone C1); and
- Should be In a location where it is necessary to assist a local authority regeneration initiative or strategy, or contribute to key employment objectives, necessary to sustain an existing settlement or region; and
- Meets the definition of previously developed land and concurs with the aims of Planning Policy Wales; and
- Is supported by a Flood Consequences Assessment (FCA) which demonstrates that the potential consequences of an extreme flood event have been considered.

8.4.3 The application site is located within Flood Zone C1, would contribute to the key employment objectives set out within Policy KP1 by retaining employment, is a previously developed 'brown-field site' and an FCA has been produced, with the proposal accordingly designed to mitigate against flooding, which meets the designated acceptability criteria.

8.4.4 Accordingly it is considered that the risks and consequences of flooding can be appropriately managed and that the development is justifiable according with the principles of Policies KP15 and EN14 in addition to the national guidance set out within TAN 15.

8.5 Transport Impact

8.5.1 Policy T5 seeks to ensure *that all new developments properly address the demand for travel and its impacts, contributes to reducing reliance on the private car and avoids unacceptable harm to safe and efficient operation of the road, public transport and other movement network and routes.*

8.5.2 The proposal would result in the relocation of an existing facility from Dumballs Road accordingly there is unlikely to be any considerable increase in traffic upon the city's main routes with the M4, A48 and A4232 being continued to be utilised as previously.

8.5.3 The increase in traffic upon more localised routes such as Wentloog Road and Lamby Way is considered to be manageable and would not cause any detriment to the highway network. The proposed facility would be easily accessible via main routes through an existing industrial area which is characteristically utilised by large vehicles and increased volume of movements it is considered would be negligible.

8.5.4 The access to the site is considered acceptable and to be appropriately designed with swept path analysis demonstrating vehicles can safely traverse the site.

8.5.5 It is proposed that the facility would be served by a 19 space car park which accords with current guidance for a use of the proposed size and type.

8.5.6 The proposal does not include any space for the storage of cycles and whilst it is acknowledged that visits to site are predominantly reliant upon motor vehicles and visitor cycle parking spaces would not be beneficial it is considered that there would be potential for staff to cycle to the facility and, therefore, a condition is recommended that secure and undercover cycle parking spaces be provided at the ratio required for the size of office and welfare building being provided at site.

8.5.7 It is considered the proposal would have no adverse transport impact having a minimal impact upon the road network and accords with the principles of Policies KP8, T5 and W1.

8.6 Other Matters

8.6.1 In regards to comments made by objectors, detailed at para. 7.5, which are not covered above, the following should be noted:

- the effect of a proposal upon neighbouring land values is not a material planning consideration;

- the Councils Ecologist and NRW have raised no concerns with regards to any adverse impact upon protected species;
- there is no indication that foreign waste will be brought to the site, however, this would not affect the acceptability of the proposal;
- the proposal is for a Waste Transfer Station and no Incinerator is proposed.

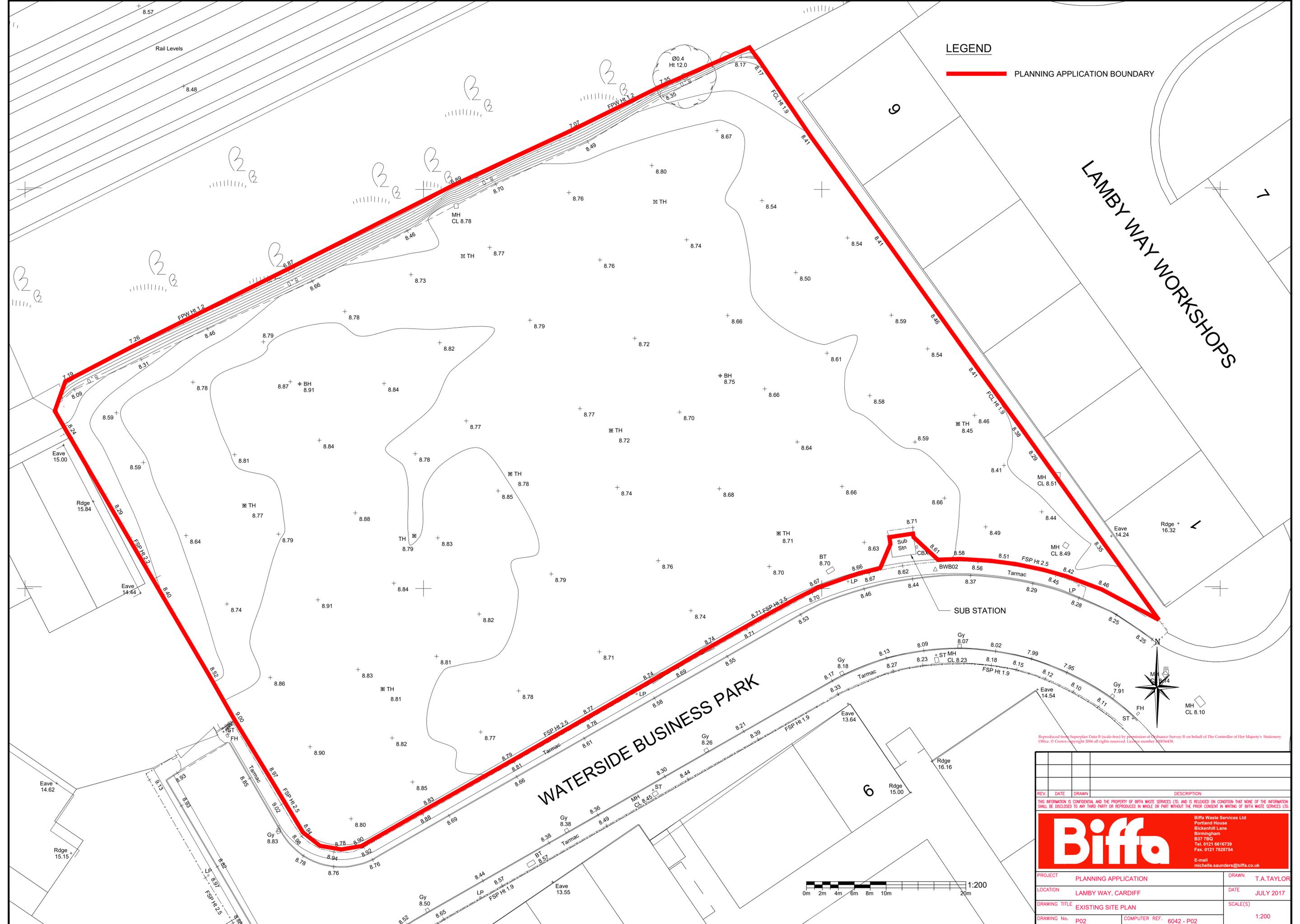
8.6.2 Crime and Disorder Act 1998 - section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

8.6.3 Equality Act 2010 - The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council's duty under the above Act has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

8.6.4 *Well-Being of Future Generations Act 2016* – Section 3 of this Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

8.7 **Conclusion**

8.7.1 Having regard to the policy context above, the proposal is considered acceptable and it is recommended that, subject to conditions, planning permission be granted.



LEGEND

— PLANNING APPLICATION BOUNDARY

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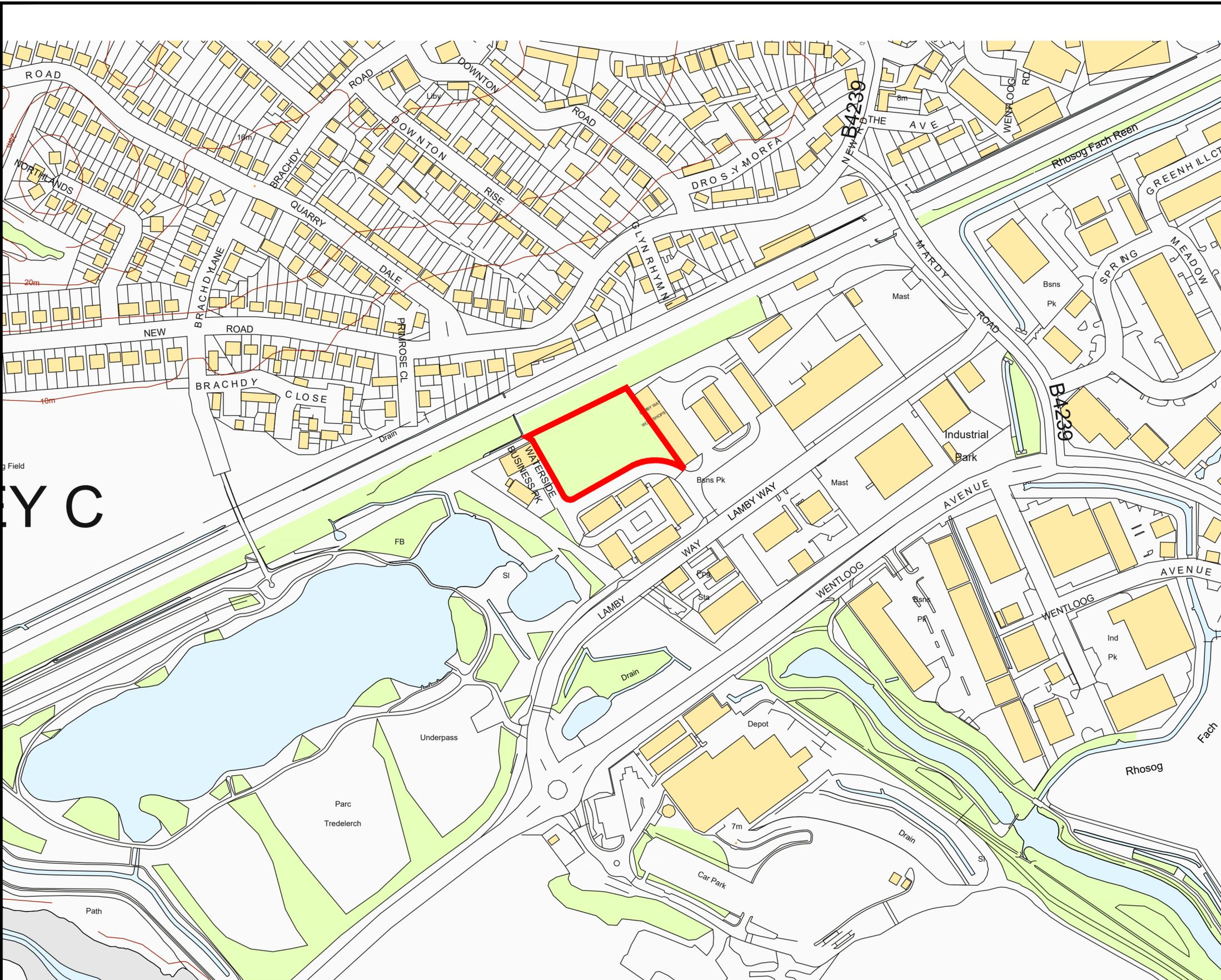
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PROJECT	PLANNING APPLICATION	DRAWN	T.A.TAYLOR
LOCATION	LAMBLY WAY, CARDIFF	DATE	JULY 2017
DRAWING TITLE	EXISTING SITE PLAN	SCALE(S)	1:200
DRAWING No.	P02	COMPUTER REF.	6042 - P02





LEGEND

— PLANNING APPLICATION BOUNDARY



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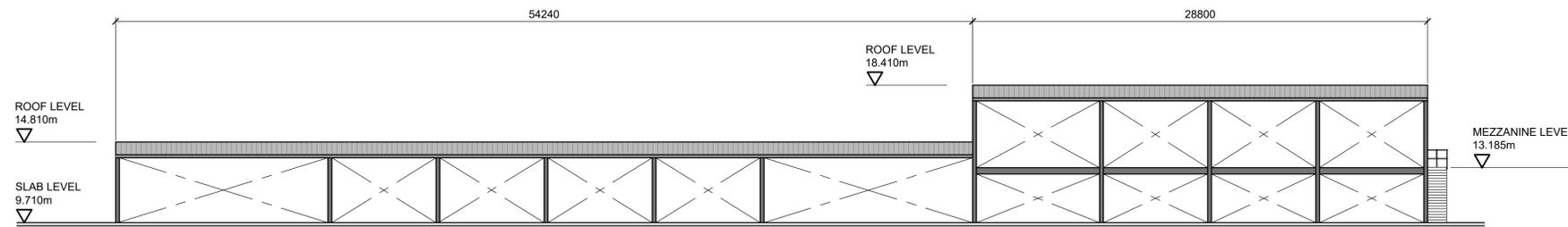


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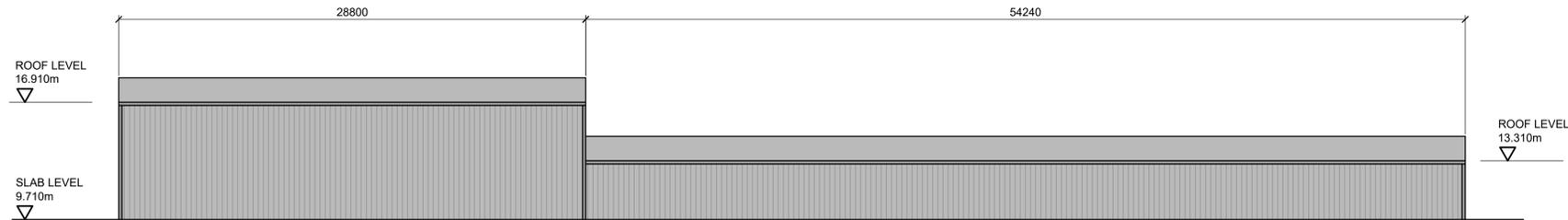
PROJECT PLANNING APPLICATION	DRAWN T.A.TAYLOR
LOCATION LAMBY WAY, CARDIFF	DATE JULY 2017
DRAWING TITLE SITE BOUNDARY PLAN	SCALE(S) 1:2500
DRAWING No. P01	COMPUTER REF. 6042 - P01



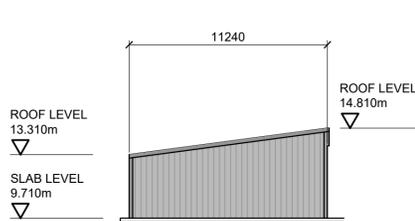
FRONT ELEVATION - STORAGE FACILITY
SCALE 1:200

LEGEND

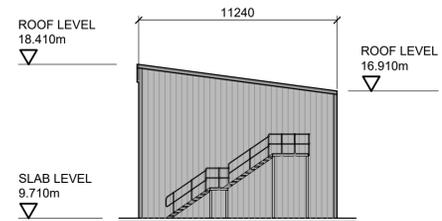
-  CLADDING: GOOSEWING GREY
-  FLASHINGS: MERLIN GREY
-  EXPOSED STEELWORK: GALVANISED FINISH



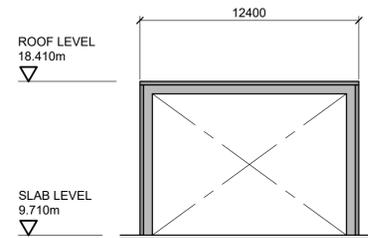
REAR ELEVATION - STORAGE FACILITY
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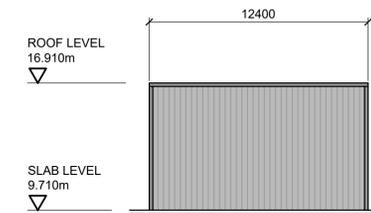
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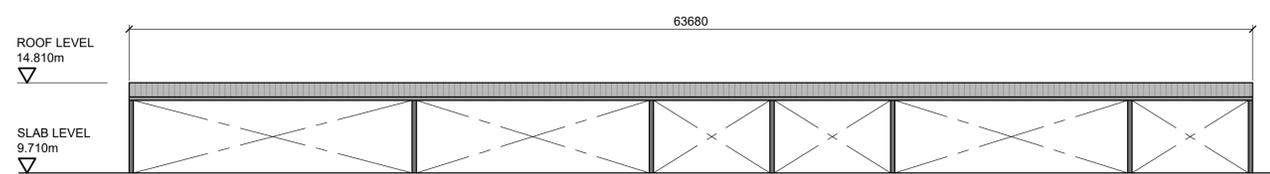
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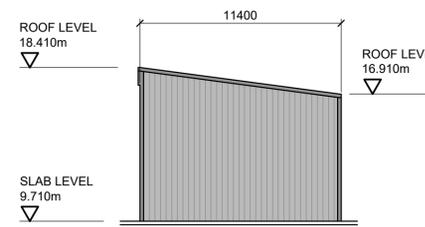
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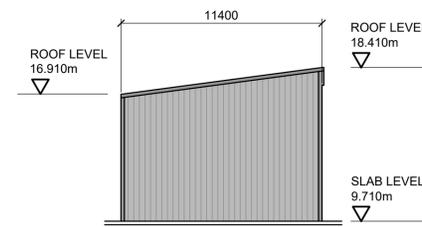
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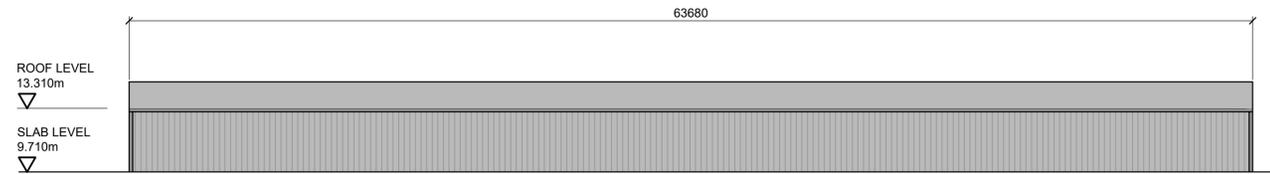
FRONT ELEVATION - PROCESS FACILITY
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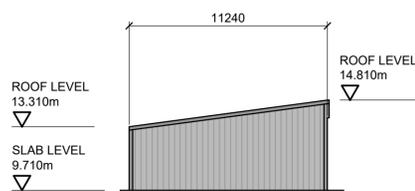
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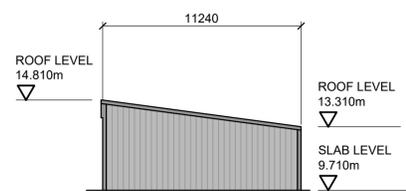
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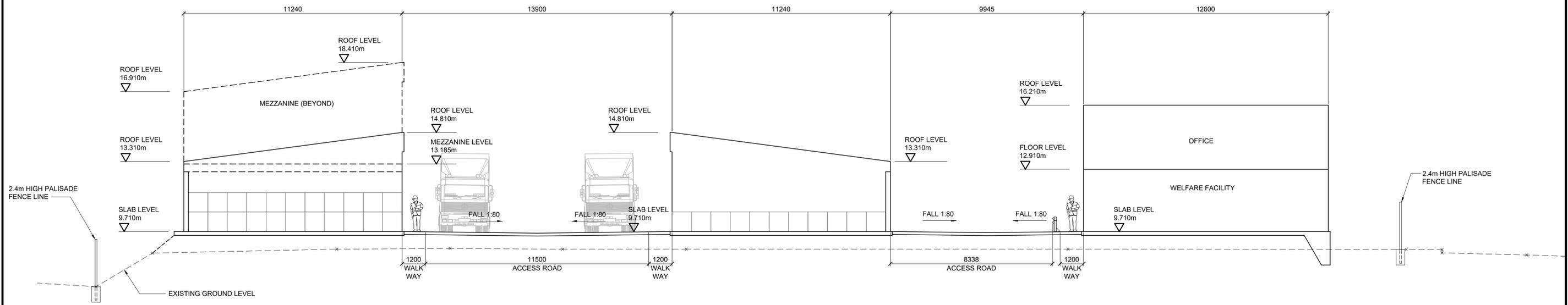


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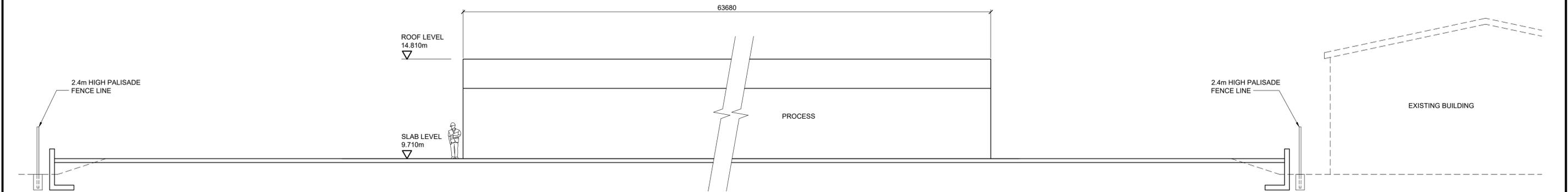


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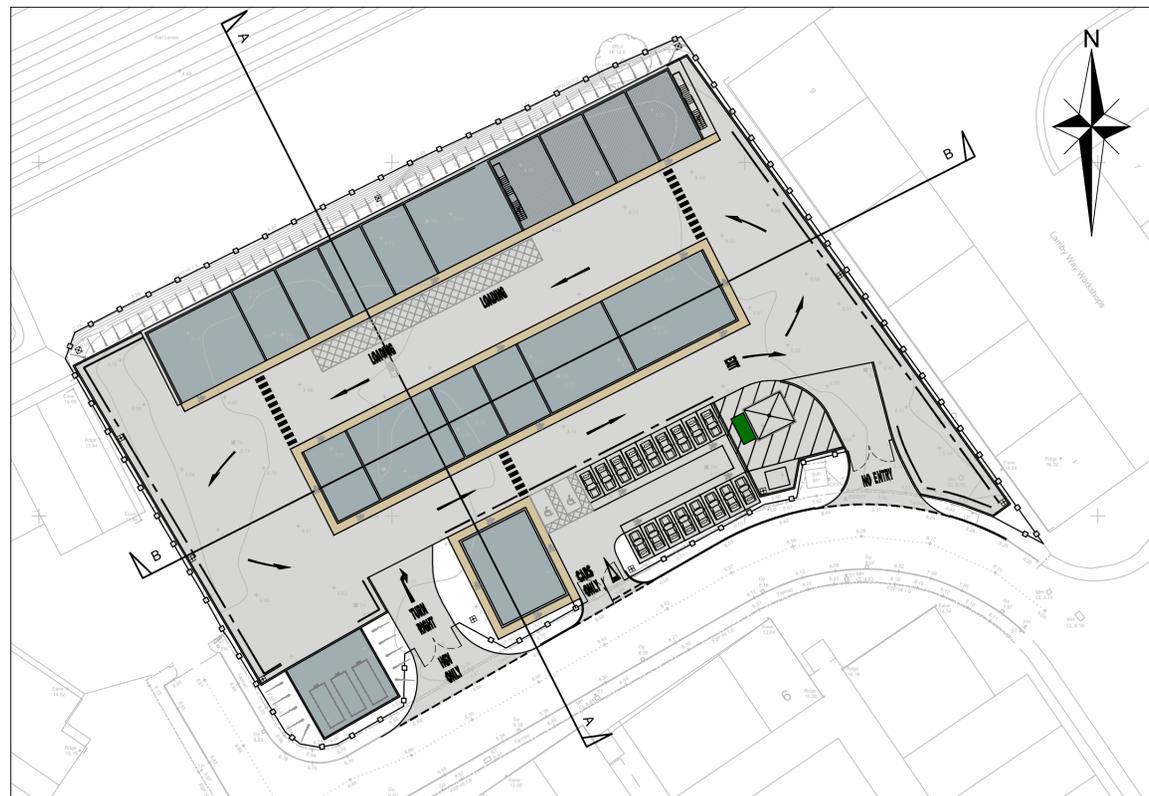
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PROJECT	PLANNING APPLICATION	DRAWN	T.A.TAYLOR
LOCATION	LAMBY WAY, CARDIFF	DATE	JULY 2017
DRAWING TITLE	PROPOSED BUILDING ELEVATIONS	SCALE(S)	1:200
DRAWING No.	P04	COMPUTER REF.	6042 - P04



SECTION A-A THROUGH SITE
SCALE 1:100

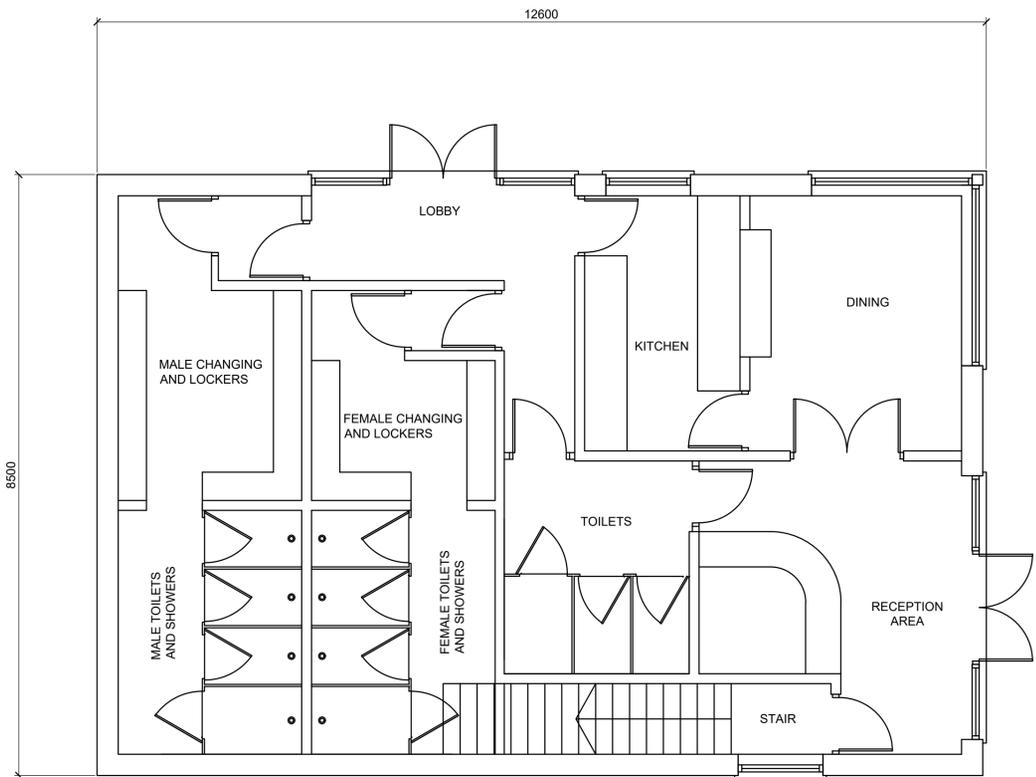


SECTION B-B THROUGH SITE
SCALE 1:100

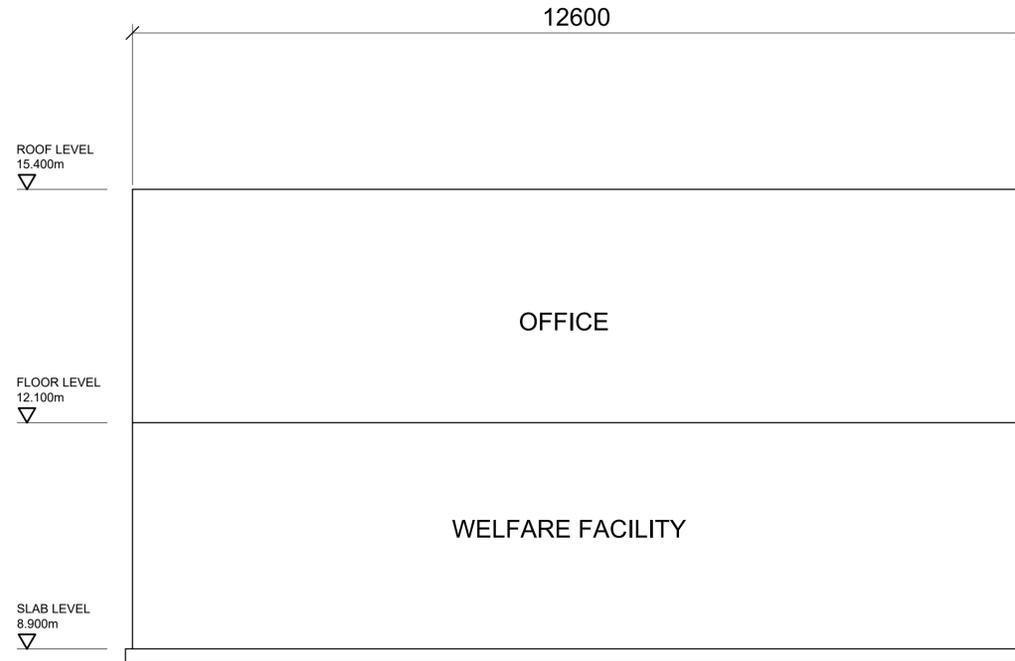


PLAN ON SITE
SCALE 1:500

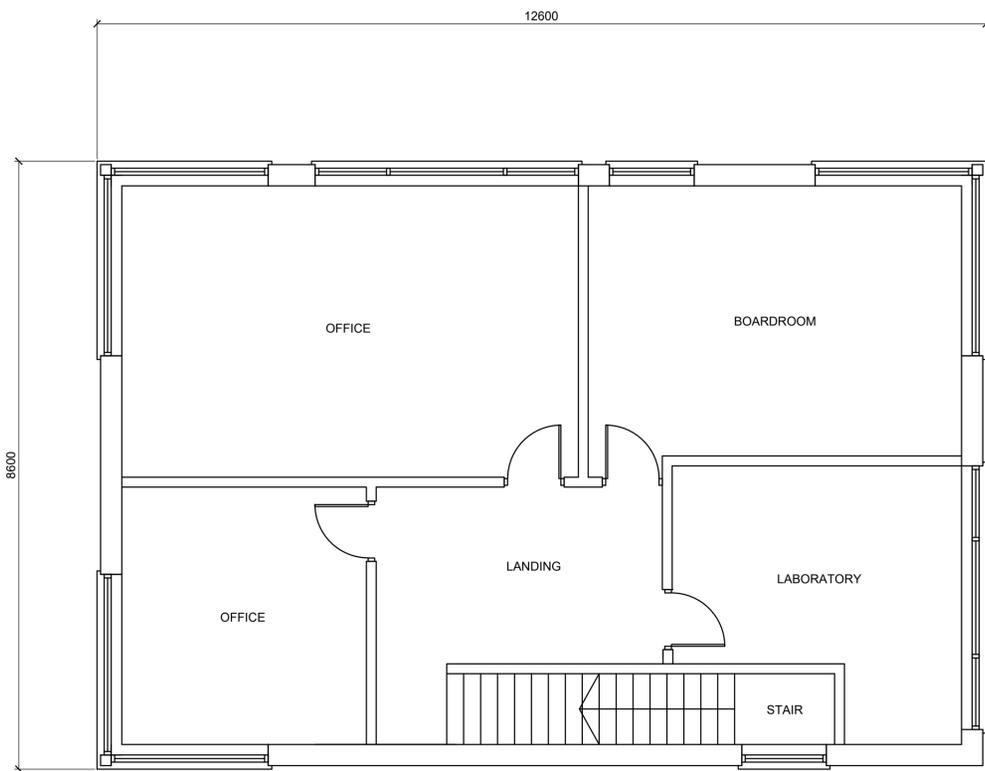
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PROJECT	PLANNING APPLICATION		DRAWN T.A.TAYLOR
LOCATION	LAMBY WAY, CARDIFF		DATE JULY 2017
DRAWING TITLE	PROPOSED SITE SECTIONS		SCALE(S) 1:50, 1:500
DRAWING No.	P06	COMPUTER REF.	6042 - P06



FIRST GROUND PLAN (WELFARE FACILITY)
SCALE 1:50



ELEVATION
SCALE 1:50



FIRST FLOOR PLAN (OFFICE)
SCALE 1:50

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PROJECT	PLANNING APPLICATION		DRAWN T.A.TAYLOR
LOCATION	LAMBY WAY, CARDIFF		DATE JULY 2017
DRAWING TITLE	PROPOSED OFFICE & WELFARE BUILDING		SCALE(S) 1:50
DRAWING No.	P05	COMPUTER REF.	6042 - P05