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## LATE REPRESENTATIONS

|                                 |                                    |
|---------------------------------|------------------------------------|
| <b>Committee</b>                | PLANNING COMMITTEE                 |
| <b>Date and Time of Meeting</b> | WEDNESDAY, 18 AUGUST 2021, 1.30 PM |

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

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**LATE REPRESENTATIONS SCHEDULE**  
**PLANNING COMMITTEE – 18<sup>th</sup> AUGUST 2021**

|                   |   |
|-------------------|---|
| <b>PAGE NO. 1</b> | <b>APPLICATION NO. 21/01295/MNR</b>   |
| <b>ADDRESS:</b>   | <b>76 COBURN STREET, CATHAYS, CARDIFF</b>   |
| <b>FROM:</b>      | Head of Planning  |
| <b>SUMMARY:</b>   | Members are advised that an Appeal has been lodged with the Planning Inspectorate against the non-determination of this planning application. |
| <b>REMARKS:</b>   | Noted   |

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| <b>PAGE NO. 92</b> | <b>APPLICATION NO. 21/00770/MJR</b>   |
| <b>ADDRESS</b>     | <b>LAND OFF WILLBROOK DRIVE, ST.MELLONS</b>   |
| <b>FROM:</b>       | Ecologist   |
| <b>SUMMARY:</b>    | <p>In my previous response on a pre-application I commented that many of the protected species surveys were out of date, and so needed to be repeated. I welcome that this has taken place. I note that of the four mature oak trees planned to be removed, two had moderate bat roost potential, and the Preliminary Ecological Appraisal (PEA) of December 2020 advised in section 5.3 that a further climbing inspection of these trees to examine closely the potential roosting features should take place. At the same time, I would welcome a repeat survey of those trees identified as having low bat roost potential at the same time. I am happy that this repeat survey be required as a planning condition attached to any consent. However, we should take advice from Ed Baker as to whether removal of these trees is acceptable in the first place.</p> <p>Most of the scrub, bushes and trees on site would be likely to support nesting birds, so we should attach our usual nesting bird condition, to implement the measures recommended in section 5.6 of the PEA.</p> <p>In relation to reptiles, I note that previous surveys returned a negative result, and the PEA reports that due to natural succession the habitats on site are becoming increasingly unsuitable for these species. I accept this view, so withdraw my previous advice that a reptile clearance strategy is required. However, some reptiles may still occur around the fringes of the site, and if the habitats on site change, for example if the scrub is cleared and the site left fallow for a number of years, then they may re-colonise. Therefore we should use a recommendation to remind the applicant that reptiles are protected against intentional killing and injury</p> |

under section 9(1) of the Wildlife and Countryside Act 1981 (as amended).

Normally I would ask for a hedgehog Movement Plan for a scheme such as this, but I note section 5.9 of the PEA invokes measures such as gaps underneath fences to allow continued movement of hedgehogs. We should use a planning condition to secure these measures as proposed.

Enhancements - A statutory duty as set out in section 6 of the Environment (Wales) Act 2016 has been introduced which requires public bodies such as Cardiff Council to seek to maintain and enhance biodiversity, and in doing so to promote the resilience of ecosystems, in the exercise of their functions.

In his letter to Heads of Planning of 23/10/19, the Chief Planner emphasised this point with the following:-

*'Planning Policy Wales (PPW) 10 sets out that "planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity" (para 6.4.5 refers).'* This section is unchanged in PPW 11.

Any application should demonstrate how this will be the case.

In terms of specific enhancement features, nesting or roosting opportunities for birds and bats should be incorporated into new build in accordance with the advice given in 'Designing for Biodiversity: A Technical Guide for New and Existing Buildings, Second Edition. RIBA Publishing, London. Gunnell, K. et al., 2013'. or most recent subsequent edition thereof. More specific details of appropriate levels of provision of nesting/roosting opportunities are given in the TCPA's 'Biodiversity Positive: Eco-towns Biodiversity Worksheet 2009'. With these documents in mind, I would say that a minimum level of enhancement provision across the whole of this development would be:-

- 4 x bat boxes for crevice-dwelling bats, and
- 4 x Swift nest boxes, and
- 2 x double House Martin cup, and
- 2 x House Sparrow terrace

The applicant's ecologist can advise on the make and model and suitable positioning of these features. Bat / bird boxes such as these are readily available commercially, are inexpensive, and can be tailored to the style and colour of

the finish of the buildings. Features which are integrated into the buildings rather than attached to the outside are preferable as they are more secure in the long-term and less prone to interference by the public. In addition, landscape planting and SuDS features should maximise opportunities to enhance biodiversity. We should use a planning condition to secure implementation of these measures. Where I have asked for planning conditions in respect of protected species, then the reason in all cases is to ensure compliance with Policy EN7. Rather than having 5 or 6 separate conditions for different species, if you consider it more practical to have a single 'Mitigation Strategy' secured by one condition, with my comments as above appearing as bullet points within that condition, then I would have no problem with that.

**Green Infrastructure and the Resilience of**

**Ecosystems** - The provision of a Green Infrastructure Statement with this application is welcomed, and to some extent it considers the integration of the various elements of GI at this site. However, it is unfortunate that the GI Statement does not consider the main attributes of ecosystem resilience (Diversity, extent, condition, connectivity and adaptability) as set out in my response to PA/20/00023. For example, this might have led to an analysis of whether the proposed landscaping for this scheme is sufficient to compensate for the loss of extent of semi-natural habitats such as woodland, tall ruderals and scrub. In area terms, I would say it is likely that there has been a net loss, and where semi-natural vegetation is replaced by ornamental shrubs, trees, herbaceous plants etc, then there may be a loss of habitat condition as well.

In his letter to Heads of Planning of 23/10/19, the Chief Planner stated '*The attributes of ecosystem resilience (PPW para 6.4.9 refers) should be used to assess the current resilience of a site, and this must be maintained and enhanced post development. If this cannot be achieved, permission for the development should be refused.*' The attributes of resilience referred to are those which I have set out in parentheses above.

I recognise that the 16/01670 outline permission for this site was granted before this letter was issued, but equally, the present Reserved Matters application was submitted well after this letter was received, and the elements to be considered therein, such as layout and landscaping, will undoubtedly have an impact upon the resilience of the ecosystems at this site.

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|------------------------|--|
|                        | <p>Therefore the Applicant should be invited to explore other options to maintain and enhance green infrastructure and ecosystem resilience through the course of this development. This could include greater habitat retention on site, and more replacement planting on and off site, the latter in consultation with our colleagues in Parks Services.</p> <p>Going forward, any similar developments such as this should be considered within the strict terms of the Chief Planner's letter as above, of the GI policy KP16, and of the overall cumulative impact upon the GI resource of this area.</p>   |
| <p><b>REMARKS:</b></p> | <p>The Ecologist's comments have been shared with the applicant.</p> <p>Bat and bird boxes are identified on the approved layout plan identified in condition 1 and referred to in paragraph 8.15 of this report.</p> <p>The nesting bird condition is attached as condition 11.</p> <p>Conditions 2, 3 and 4 address landscaping including exploration of detailed landscaping in the south east corner of the site and the requirement of a woodland and hedgerow management plan. Paragraphs 1.7 and 1.8 of the report are relevant.</p> <p>The outline 2016 planning permission which identified the general extent of the development and the vegetation to be lost is relevant and the 2021 outline consent showed a very similar layout, the same number of units and sizes with more tree loss than currently proposed. However, it is considered that two additional conditions and a further advisory should be added to any decision. Condition 13 is comprehensive and would cover hedgehogs for instance.</p> <p>Add the following conditions:</p> <p>12 Prior to any site works a repeat climbing inspection as per section 5.3 of the Preliminary Ecological Appraisal (PEA) of December 2020 shall be undertaken of these trees to examine closely the potential bat roosting features shall take place and the results of that inspection submitted to the local planning authority to determine whether any safeguarding action is necessary and shall include the location and model of the following:</p> <ul style="list-style-type: none"> <li>• 4 x bat boxes for crevice-dwelling bats, and</li> <li>• 4 x Swift nest boxes, and</li> <li>• 2 x double House Martin cup, and</li> <li>• 2 x House Sparrow terrace</li> </ul> <p>Reason: To ensure the safeguarding of a protected species (LDP Policy EN7)</p> |

13 Notwithstanding condition 12 the development shall be carried out in accordance with the Preliminary Ecological Appraisal (PEA) of December 2020.

Reason: In the interests of biodiversity (LDP Policy EN6)

Recommendation 4

Reptiles are protected against intentional killing and injury under section 9(1) of the Wildlife and Countryside Act 1981 (as amended).