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LATE REPRESENTATIONS

Committee PLANNING COMMITTEE

Date and Time of Meeting WEDNESDAY, 6 APRIL 2022, 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 – 6TH APRIL 2022

AGENDA ITEM 5a	PAGE NO. 1
APPLICATION NO:	21/00076/MJR
LOCATION:	Land South of St Mellons Business Park and Bounded By Fortran Road/Cobol Road To The North, Cypress Drive To The West, St Mellons, Cardiff
PROPOSAL:	Construction of a business park (up to 90,000m ² - use classes B1, B2 and B8), ancillary uses and infrastructure associated with; biodiversity; landscape; drainage; walking, cycling and other transport modes. Together with the construction of a new transport hub facility, comprising railway station buildings (up to 2,500m ² - use class sui generis) including ancillary uses; 4 no. Platforms; surface car park (up to 650 no. Spaces) and associated infrastructure works

REPORT ADDITIONS / CORRECTIONS

Paragraph 8.32 p67 (final paragraph before point 2) currently reads *“It is also emphasised that if only option (d) were applied, then NRW does not consider such provision to be ‘compensation’ for the loss of the dry ditches on site, and in this respect for any other option than (a) or (b) the ‘planning balance’ in favour of the development bites (see paragraph 10.7).”*

This paragraph requires correction to the following:

8.32 *It is also emphasised that if option (d) were applied, then NRW does not consider such provision to be ‘compensation’ for the loss of the dry ditches on site, and in this respect the ‘planning balance’ in favour of the development bites (see paragraph 10.7).*

Climate Change (paras 8.96 – 8.98): -

Members attention is drawn to the ES assessment which identifies that: -

- The construction phase of the development will result in 73.5 ktCO₂e (kilo tonnes of CO₂ equivalent) of GHG emissions – which equates to approximately 1% of emissions a year of the Cardiff region.
and
- The operational phase of the development will result in 324.1 ktCO₂e of GHG emissions over the 60-year appraisal period - equating to approximately 0.3% of emissions a year of the Cardiff region.

The ES considers ‘any’ increase in greenhouse gases to be ‘significant’, such that mitigation actions should be implemented to reduce GHG emissions from the development. The ES recommends potential mitigation of effects from construction and operation, and it is considered that an additional condition should be added (No. 47) as follows: -

47. Prior to development commencing, a Climate Change Action Plan shall be submitted to identify measures to mitigate effects on Climate Change, following the general principles outlined in paras. 14.11.4 (Construction) and 14.11.5 (operation) of the Environmental Statement Addendum dated January 2022. The climate change action plan shall thereafter be implemented in accordance with the approved details.

Reason: To ensure the development introduces appropriate mitigation at construction and operational phases to mitigate the identified significant impacts on climate change.

In addition, Members should consider these identified 'significant' impacts as part of the overall planning balance.

CONSULTEE RESPONSE

FROM: Operational Manager, Parks Services

SUMMARY:

Makes the following comments:

- (i) Concerned that the existing Hendre Lakes Car Park and access will be mis-used by visitors accessing the train station;
- (ii) Welcomes new public open space, green corridors and pathways within the development including connections to Hendre Lakes. Note that a management company will maintain these via the Section 106 Agreement and requests this agreement includes the bridge and paths;
- (iii) Increased usage of Hendre Lakes will occur which is welcomed, though they request a contribution to take account of the increased wear and tear that will occur.

RESPONSE:

- (i) Condition 28 secures car parking management which will monitor parking management by phase. The Section 106 Agreement will secure £10,000 towards Traffic Regulation Orders which could be used if deemed necessary;
- (ii) Noted;
- (iii) Whilst acknowledging that the proposals include on-site provision of open space and its management and maintenance, it is reasonable to conclude that future occupiers of the business park will also benefit from accessing the existing Hendre Lakes Park and therefore a contribution to its maintenance is considered to meet the legal tests for contributions.

The applicant has noted that costs have been identified to get the park to Green Flag Status, and while not agreeing all identified works are necessary to mitigate the impacts of the development, does not dispute the principle of a contribution, details to be agreed through the s106.

The report is therefore to be corrected to add the following additional bullet point at 9.5:

- Public Open Space – a contribution towards the maintenance of Hendre Lakes Park

FROM: Natural Resources Wales

SUMMARY: Based on the Council's Habitats Regulations Assessment Report and the planning conditions it has been demonstrated that the proposed measures are sufficient to prevent adverse effects to the designated features of the Severn Estuary SAC, SPA and Ramsar (European Marine Site) Severn Estuary. They are satisfied the authority can conclude no adverse effects on site integrity for the Severn Estuary.

RESPONSE: Noted

LATE REPRESENTATIONS

Late representations have been received in respect of the application which are detailed below: -

FROM: 2 local residents (Broad Street Common, Peterstone and Clos Padrig, St. Mellons)

SUMMARY:

Raise a number of objections including the following:

- (i) Destruction of SSSI causing extensive harm to wildlife;
- (ii) Flood Protection;
- (iii) Contrary to Future Generations Act (well being and climate considerations);
- (iv) Train station scale should be reasonable to suit local needs e.g. Rhiwbina/Birchgrove (with some parking);
- (v) Little demand for high rise offices given vacancy rates;
- (vi) Proposed heights are excessive
- (vii) Destroys community access to residential area.
- (viii) Projected to create car-dominated development
- (ix) On-street parking pressures on Cypress Drive and Hendre Lakes car park.

RESPONSE: The report is considered to have largely addressed the identified issues. In addition:

- (i) Concerns regarding demand and vacancy rates are noted. The proposed floorspace reflects the allocation in the Local Development Plan. Vacancy rates fluctuate and are determined by market forces.
 - (ii) Condition 28 secures a car park management plan to monitor car parking impacts in St. Mellons to determine whether any interventions are required for each phase of development.
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FROM: Ms K O'Shea (Lead Petitioner)

SUMMARY: 29 no. additional signatures submitted.

RESPONSE: Noted.

AGENDA ITEM 5b	PAGE NO. 357
APPLICATION NO:	21/02608/MNR
LOCATION:	Land either side of River Taff comprising land south of existing access road within Hailey Park and land at eastern turning head of De Braose Close, Danescourt, Cardiff
PROPOSAL:	The construction of sewerage pumping station and associated compound within Hailey Park connecting to the existing gated hard standing access road including internal kiosk units with security fencing and landscape planting to the eastern, western and southern boundaries to prevent landscape impacts on Hailey Park. The De Braose Close development would include a 1.2m tall actuation valve kiosk upon overgrown scrubland adjacent to the eastern pedestrian footway

LATE REPRESENTATIONS

Late representations have been received in respect of the application which are detailed below: -

FROM: Local residents

SUMMARY: Several enquiries have been received regarding the receipt of amended plans, on the 30th March 2022, expressing concerns that these have not been subject to further publicity.

RESPONSE:

The recent amendments to the scheme sought to reduce the extent of the 'red line boundary' and represent an approximately 600sq.m reduction in the application site area. They also reduce the size of the compound area and associated development from 26m x 21m (546 sq.m.) to 23.75m x 21.2m (503.5 sq.m.).

Although the responses express concern that these changes have not been publicised, there is no statutory requirement for the Local Planning Authority to publicise if an application is amended or additional information is submitted. It is at the discretion of the Local Planning Authority as to whether any further publicity exercise is undertaken having regard to the nature of the changes. Furthermore, any time period for the submission of comments in such circumstance is also at the discretion of the Local Planning Authority.

It is noted that the objections received to the development relate primarily to the principle of the development, and accordingly given the nature of the amendments which seek to reduce its impact, it was considered that further publicity was not necessary.

FROM: Llandaff North Residents' Association

SUMMARY: Raises a number of issues which are summarised as follows: -

- Change of use: lack of consultation by land owner, Cardiff Council: The public have not been informed or consulted by the land owner, Cardiff Council, regarding the land's change of use. As such, residents have not given permission for this change to their amenity.
- Urges the Council as owners of the land to refuse permission for the development, and for the applicant (Welsh Water) and Plasdwr developers to explore an alternative scheme without destroying our valuable green spaces and historic and community amenity.
- this industrial scheme is not in keeping with the park and its use and will change the nature of the park. It does not make sense to install this development onto well a well-loved and much used park land, and it is our opinion that other schemes have not been adequately explored.
- Object to the derogatory term "low quality scrubland" – these are naturally rewilded areas acknowledged by ecologists as a rich habitat for flora and fauna
- The report does not sufficiently address the visual impact of the proposed development on Hailey Park. The "screening" mentioned does not screen the development on all sides and the site's structures will be clearly visible to people walking or cycling along the existing access road at all times.
- Request that:
 1. The planning committee refuse this application and ask that the land owner (Cardiff council) properly carries out its obligation to engage with and consult residents and park users about the change of land use on their park.
 2. That any planning committee decision is made *after*
 - a. A full and fair consultation by the landowner, Cardiff council
 - b. We are able to attend a site visit to a similar facility, currently being arranged by Welsh Water. This will enable residents to assess the likely impact of the proposed development.
 - c. Welsh Water make their feasibility studies available to us so we can better understand the decision making and have the opportunity for meaningful input into it. (They have previously agreed to share this.)
 - d. The community has more time to understand the recent amendments to the application on 28th March and 4th April.
 3. The planning committee makes a site visit to Hailey Park, so that they can better understand the context of the proposed development

RESPONSE:

- Matters relating to the role of Cardiff Council as land owner (and any consents that may be issued separate to this application) are not material to the planning application process, which can only consider the planning merits of the proposal.
- While Welsh Water have engaged with the residents to provide further information relating to similar facilities, and have agreed to share feasibility work, again these are not matters that are determinative to the planning process. The Committee must

consider the application that has been presented to the Council for a decision. It would not be appropriate to defer consideration of the application (unless expressly requested by the applicant)

- Concern has been raised with regard to the use of the term 'low quality scrubland' within the Committee Report (para. 6.1.2). These concerns are acknowledged, however it is emphasised that the phrasing was considered appropriate with regard to the assessment of the functional and amenity value provided by the existing space comparative to the amenity value to be provided by the proposed enhancement works that would result as a consequence of the proposed development.
- The proposed landscaping, together with existing vegetation, is considered acceptable in providing appropriate screening and biodiversity enhancement, however there would be opportunity for additional landscaping between the fence line and the access track (albeit on land outside of the redline boundary but in Council ownership). In this regard, a condition is recommended requiring full details of soft landscaping (no. 12) within the site, however the Council as land owner would have control over the land between the site and the developer can be requested through condition to explore such opportunities with the council as landowner.

FROM: Rhys ab Owen AS/MS

SUMMARY:

Raises concerns with regards to the proposal in support of local residents. It is detailed that it seems unfair that Llandaff North will be impacted by the Plasdwr development and Cardiff Council do not plan to use any of the projects considerable Section 106 monies in the area.

Welsh Water have not provided access to the feasibility study which led to selection of the site despite previously promising residents such access and a visit to a similar installation.

It is detailed that the visual impact of the proposed development is not sufficiently addressed. The 'screening' mentioned does not screen the development on all sides and the sites structures will be clearly visible to users along the access road.

A Site Visit is requested.

RESPONSE:

Section 106 contributions relating to the wider Plasdwr development can only be used for the purposes specified in the legal agreement relating to that application, and only to address the identified impacts of that development. While the local views are noted, it would not be possible for this application to consider any such contribution, nor would it be an appropriate reason to refuse such a proposal. Any such requests should instead be directed to the Plasdwr developers direct.

UPDATED CONDITIONS

Additional information depicting the proposed landscaping relative to the reduced scale scheme was received on the 4th April 2022. The response above also indicates that the landscaping conditions can be amended to address local concerns regarding absence of screening to the northern boundary closest to the path.

Conditions 2 and 12 are proposed to be modified as follows for clarity:

Condition 2

2. The development, except where explicitly required by the ensuing conditions, shall be carried out in accordance with the following approved plans and details:
 - B13194-102503-XX-XX-DR-TA-PN9062 REV. P2 - Site Layout Proposed – Planning
 - B13194-102503-XX-XX-DR-TA-PN9064 REV. P2 - Proposed Compound Elevations
 - B13194-102503-XX-XX-DR-TA-PN9065 REV. P1 - Valve Control Kiosk
 - UG1969-URB-XX-ZZ-DR-L-90-SK0001 REV. P02 – Landscape Layout Plan
 - Arboricultural Impact Assessment, dated 7th October 2021, by Treescene
 - Ecological Impact Assessment (EclA), Issue 3rd November 2021, by Arup
 - Planning Statement, Issue 3rd November 2021, by Arup

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.

12. No development shall take place until full details of soft landscaping, consistent with dwg. no. UG1969-URB-XX-ZZ-DR-L-90-SK0001 Rev. P02 (but also exploring provision of additional planting between the fenceline and the existing access track/path), have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
 - A soft landscaping implementation programme.
 - Scaled planting plans prepared by a qualified landscape architect (as appropriate).
 - Evidence to demonstrate that existing and proposed services, lighting, CCTV, drainage and visibility splays will not conflict with proposed planting (as appropriate).
 - Schedules of plant species, sizes, numbers and densities prepared by a qualified landscape architect (as appropriate).
 - Scaled tree pit sectional and plan drawings prepared by a qualified landscape architect that show the Root Available Soil Volume (RASV) for each tree (as appropriate).
 - Topsoil and subsoil specification for all planting types, including full details of soil assessment in accordance with the Cardiff Council Soils and Development Technical Guidance Note, soil protection, soil stripping, soil storage, soil handling, soil amelioration, soil remediation and soil placement to ensure it is fit for purpose. Where imported planting soils are proposed, full specification details shall be provided including the parameters for all imported planting soils, a soil scientists interpretive report demonstrating that the planting soil not only meets British Standards, but is suitable for the specific landscape

type(s) proposed. The specification shall be supported by a methodology for storage, handling, amelioration and placement.

- Planting methodology and post-planting aftercare methodology prepared by a qualified landscape architect, including full details of how the landscape architect will oversee landscaping implementation and report to the LPA to confirm compliance with the approved plans and specifications.

Reason in the interests of green infrastructure and biodiversity to mitigate the effects of development and enhance the area in accordance with Policies KP5, KP15, KP16, EN6, EN7 and EN8 of the Cardiff Local Development Plan 2006-2026.
