CARDIFF
CAERDYDD

County Hall
Cardiff
CF10 4UW
Tel: (029) 2087 2000

Neuadd y Sir
Caerdydd
CF10 4UW
Ffôn: (029) 2087 2000

AGENDA

Pwyllgor	PWYLLGOR CYNLLUNIO
Dyddiad ac amser y cyfarfod	DYDD MERCHER, 15 MAWRTH 2017, 10.00 AM
Lleoliad	YSTAFELL BWYLLGORA 4 - NEUADD Y SIR
Aelodaeth	Cynghorydd Michael (Cadeirydd) Y Cynghorwyr Lynda Thorne, Manzoor Ahmed, Ali Ahmed, Burfoot, Gordon, Hudson, Hunt, Murphy a/ac Robson

1 Ymddiheuriadau

2 Cofnodion

Cadarnhau bod cofnodion y cyfarfod a gynhaliwyd ar 8 Chwefror 2017 yn gywir - i ddilyn

3 DATGAN BUDDIANNAU

Dylid gwneud hyn ar ddechrau’r eitem agenda berthnasol, yn unol â Chod Ymddygiad yr Aelodau.

GWEITHREDIADAU'R PWYLLGOR CYNLLUNIO

Cynhelir y Pwyllgor Cynllunio mewn dwy ran; sesiwn yn y bore yn dechrau am 10:00AM a sesiwn yn y prynhawn yn dechrau am 2:30PM.

4 DEISEBAU

Derbyniwyd Deisebau mewn perthynas â’r ceisiadau canlynol yn unol â Rheol 14.2 y Weithdrefn Cyfarfodydd Pwyllgor. Mae’r deisebwyr wedi cael gwybod bod ganddynt hawl i siarad ac mae'r ymgeiswyr/asiantau wedi cael gwybod bod ganddynt hawl i ateb:

DEISEBDAU I’W HYSTYRIED O 10:00AM YMLAEN

Cais rhif, 16/02783/MNR, Inroads, 96-98 Neville Street
Cais rhif, 16/02256/MJR, Cyfleuster Adennill Ynni Caerdydd, Parc Trident

Cais rhif, 16/02384/MJR, Cyfleuster Adennill Ynni Caerdydd, Parc Trident
Cais rhif, 16/02196/MJR, Ian Williams Ltd. blaenorol, Sanatorium Road
Cais rhif, 16/02842/MNR, Tir yn gyfagos at 176 St Fagans Road
Cais rhif, 16/01885/MNR, 2A Waun-Y-Groes Avenue

DEISEBDAU I'W HYSTYRIED O 2:30PM YMLAEN

Cais rhif, 14/02733/MJR, Gogledd-orllewin Caerdydd/Plas Dwr
Cais rhif, 16/02726/MNR, 20 Windsor Road
Cais rhif, 16/02057/MNR, Fferm Castell Y Mynach, Heol-Y-Parc

5 CEISIADAU RHEOLI DATBLYGU

Anfonwyd yr atodiad yn cynnwys y ceisiadau rheoli datblygu ar wahân.

SESIWN Y BORE YN DECHRAU AM 10:00AM

5a Inroads, 96-98 Neville Street, Glan-yr-afon *(Tudalennau 1 - 14)*

5b Cyfleuster Adennill Ynni Caerdydd, Parc Trident *(Tudalennau 15 - 44)*

5c Cyfleuster Adennill Ynni Caerdydd, Parc Trident *(Tudalennau 45 - 76)*

5d Ian Williams Ltd. blaenorol, Sanatorium Road, Treganna *(Tudalennau 77 - 106)*

5e Tir yn gyfagos at 176 St Fagans Road, Y Tyllgoed *(Tudalennau 107 - 114)*

5f 2A Waun-Y-Groes Avenue, Rhiwbeina *(Tudalennau 115 - 124)*

SESIWN Y PRYNHAWN YN DECHRAU AM 2:30PM

6 **Gogledd-orllewin Caerdydd** *(Tudalennau 125 - 364)*

6a 20 Windsor Road, Radur *(Tudalennau 365 - 398)*

6b Fferm Castell Y Mynach, Heol-Y-Parc, Pentyrch *(Tudalennau 399 - 408)*

6c Tir yn Malthouse Avenue, Pontprennau *(Tudalennau 409 - 436)*

6d The Granary Bridge Road, Pentref Llaneirwg *(Tudalennau 437 - 460)*

6e Gorsaf MOT System Street, 64 System Street, Adamsdown *(Tudalennau 461 - 490)*

6f Richard Parfitt Associates, 18D Heol Fawr Llandaf *(Tudalennau 491 - 516)*

6g Uplands Mobiles Ltd, 184 North Road *(Tudalennau 517 - 538)*

6h Man Agored Cyhoeddus yn Lewis Road, Sblot *(Tudalennau 539 - 556)*

6i Leo Abse & Cohen *(Tudalennau 557 - 582)*

6j Leo Abse & Cohen, Caniatâd Ardal Gadwraeth *(Tudalennau 583 - 586)*

7 **Dyddiad y cyfarfod nesaf**

Davina Fiore
Cyfarwyddwr Llywodraethu a Gwasanaethau Cyfreithiol
Dyddiad: Dydd Iau, 9 Mawrth 2017
Cyswllt: Kate Rees, 029 2087 2427, k.rees@cardiff.gov.uk

This document is available in English / Mae'r ddogfen hon ar gael yn Saesneg

LOCAL MEMBER OBJECTIONS AND PETITION

COMMITTEE DATE: 15/03/2017

APPLICATION No. **16/02783/MNR** APPLICATION DATE: 30/11/2016

ED: **RIVERSIDE**

APP: TYPE: Variation of conditions

APPLICANT: Inroads
LOCATION: INROADS, 96-98 NEVILLE STREET, RIVERSIDE, CARDIFF, CF11 6LS
PROPOSAL: VARIATION OF CONDITION 2 (OPENING HOURS) OF 12/00327/DCI TO ALLOW PREMISES TO BE OPEN TO THE PUBLIC BETWEEN THE HOURS OF 09:00 AND 20:00 ON ANY DAY AND AS A CRISIS SANCTUARY FUNCTION BY APPOINTMENT ONLY BETWEEN THE HOURS OF 20:00 AND 02:30

RECOMMENDATION: That planning permission be **GRANTED** for use of the premises in accordance with planning permission no. 12/00327/DCI, without compliance with the previously imposed condition 2 but subject to the following conditions:

1. C01 Statutory Time Limit

2. No member of the public shall be admitted to or allowed to remain on the premises between the hours of 20:00 and 09:00, apart from the crisis sanctuary function which shall operate by appointment only between the hours of 20:00 and 02:30.
   Reason: To ensure the amenity of occupiers of other premises in the vicinity are protected.

3. If at any time the use of the premises is to involve the preparation and cooking of hot food, then all fumes from the food preparation area shall be mechanically extracted to a point not less than one metre above the eaves of the main roof and the extraction system shall be provided with a deodorising filter; all fans and pumps shall be so mounted and installed so as not to give rise to any noise nuisance. Details of the above equipment shall be submitted to, and approved by, the Local Planning Authority in writing and the equipment installed prior to the commencement of use for the cooking of food.
   Reason: To ensure that the amenities of adjoining and nearby occupiers are not prejudiced.

1. DESCRIPTION OF PROPOSED DEVELOPMENT

1.1 The application seeks permission to vary Condition 2 of planning permission

12/00327/DCI to allow a Class D1 non-residential recovery centre for people suffering from drug/alcohol abuse to open between the hours of 09:00 and 20:00 7 days a week and between the hours of 20:00 and 02:30 by appointment only, to provide a crisis sanctuary for vulnerable people with mental health and/or learning disabilities being taken into police custody.

1.2 The application has been deferred from a previous planning committee meeting on 11th January, the application originally proposed removal of condition 2 to allow 24 hour opening 7 days a week, however it was revised following discussion between the applicant and local residents.

1.3 The Police & Crime Commissioner for South Wales and Cardiff and Vale University Health Board commissioned a project which identified that Friday, Saturday, Sunday and Monday nights from 6pm until 2:30am were the significant times when individuals were being taken into police custody, emergency unit and/or mental health services. The main reasons identified were bereavements, relationship difficulties, debt, issues related to housing/benefits, anniversaries of incidents and alcohol related issues. One of the report's recommendations included a Crisis Sanctuary, which would be open when other services were not available, with the following aims and objectives:

- To provide one to one support to people in acute mental health crisis, at the point of crisis;
- To provide a non-health / police based facility to reduce stigma, and de-medicalise and de-criminalise mental health crisis;
- To provide sanctuary to people in acute mental health crisis, at the point of crisis, in a welcoming and homely environment;
- It will cater for people who have had a drink or used substances but will not accept people who are extremely intoxicated;
- To provide support during times at which most other mental health services are closed;
- To provide on-going support to people who are often in crisis and are frequent users of this service and other crisis services;
- Transport will be provided by taxi for individuals to attend and to be taken home once they feel calmer;
- The Sanctuary will be staffed by individuals with a lived experience of either mental health or drug and alcohol issues under the supervision of a manager. There will be 4-5 members of staff on duty each night;
- The Sanctuary will not provide a needle exchange.

1.4 Condition 2 was imposed on permission 12/00327/DCI as follows

2) No member of the public shall be admitted to or allowed to remain on the premises between the hours of 20:00 and 09:00 Monday to Saturday. Premises are to remain closed to the public on Sundays and Bank Holidays.
Reason: To ensure the amenity of occupiers of other premises in the vicinity are protected.

2. DESCRIPTION OF SITE

2.1 The premises occupy a three storey terraced building on the corner of Neville Street and Neville Place at the junction of Neville Street, lower Cathedral Road, Clare Street and Neville Place. It is adjoined by a barber's shop at no. 94 Neville Street and a vehicle repair workshop at Neville Place. There are residential dwellings further along Neville Street and Neville Place and a convenience food store/café on the opposite corner of Lower Cathedral Road/Clare Street with residential accommodation above.

3. SITE HISTORY

3.1 12/01746/DCI – planning permission granted and implemented for complete renovation alteration & first floor extensions of existing property including new roof structure to rear.

3.2 12/00327/DCI – planning permission granted and implemented for change of use from backpackers hostel to a non-residential recovery centre for people suffering from drug and alcohol abuse.

3.3 97/00612/W – planning permission granted for the provision of budget tourist accommodation.

4. POLICY FRAMEWORK

4.1 Relevant National Planning Guidance:

Planning Policy Wales (Edition 9, 2016)
Welsh Office Circular 16/94 "Planning Out Crime"

4.2 Relevant Cardiff Local Development Plan (2006-2026) policies:

Policy EN13 (Air, Noise, Light Pollution and Land Contamination)

5. INTERNAL CONSULTEE RESPONSES

5.1 Neighbourhood Services (noise & air) – no objection.

6. EXTERNAL CONSULTEE RESPONSES

6.1 South Wales Police – no objection to this revised planning application. We have taken a number of considerations into account, including the following points:

- The facility would not provide a needle exchange.
- Individuals evidencing excessive levels of intoxication would not be accepted.
- Individuals referred to the facility would be small in number, by referral only.
- Each person referred to the sanctuary would be provided with transport to and from the premises.
- There would be 4-5 experienced and fully trained staff on duty each night.

- The Crisis sanctuary model was first developed in Leeds in 16 years ago, and during this period, only one incident required Police intervention.
- Research carried out on police data bases covering the last 3 months suggests that this establishment is not currently a cause for concern from a Crime and Disorder Perspective.

If this application is successful, South Wales Police would undertake to continue to engage with the management of the premises, and to monitor whether the proposed change of use causes any issues for residents.

7. REPRESENTATIONS

7.1 The application was publicised by letter and site notice. A petition of objection was received to the original proposal, signed by 111 residents with addresses in Cardiff, 87 of which are within the vicinity who could reasonably be affected by the matter.

Full details are viewable online, their comments are summarised as follows:

a) Communication of the proposal has been extremely poor, no communication has been made either in writing or by email to local residents;
b) Increasing visibility of used needles in the area, many needles are disposed of in the children's parks directly opposite the centre. 24 hour use will only compound this issue;
c) South Riverside has become a highly concentrated area for social services for vulnerable people with serious addiction issues including a number of wet houses, addiction centres, probation and criminal community services. Riverside is a family based residential area;
d) The planning application suggests that the local councillors are in favour of the proposal, this is not the case;
e) There is a lack of clarity on how the charity wishes to operate in terms of the exact service the charity proposes to offer 24 hours a day and how will individuals under the influence of drugs or alcohol get to the centre.

7.2 Objections have been received from the following addresses:

- 4, 8 & 9 Clare Gardens
- 11, 14, 27, 28, 29, 49 & 69 Plantagenet St
- 7, 25A, 48, 50, 56, 62, 64 & 70 Beauchamp St
- 3, 14, 21, 25A, 28, 74, 86 & 92 Neville St
- 2, 4, 6 & 16 Neville Place.
- 32, 36, 54, 65 & 66A Lower Cathedral Road
- 8, 11, 31, 33, 37, 39, 40, 41, 43, 49, 51, 57, 60, 61, 67, 69, 72, 73, 75, 77, 79A, & 80 De Burgh Street
- 5, 27B, 41, 75 Despenser St
- 8 & 9 Despenser Gardens
- 37 Clare St,
- 4, 12, 21, 25 & 33 Rawden Place

- 3 Rawden Mews
- 97 Cowbridge Rd East
- 1, 10, 11, 13 Mandeville St
- 17, 33 Smeaton St
- 3, 11, 12, 14, 23, 24A, 29 & 34 Gloucester St
- 6 & 39 Brook St
- 3 Brunel St
- 89 Ninian Park Rd
- 3 Machen Place
- 97 Craddock St
- 9 Picton Walk
- 83 Severn Road
- 77 Mardy St
- 24 Penghend St

Full details are viewable online, their comments are summarised as follows:

a) *It will raise crime rates in the area. Racial abuse has been suffered from a few of their clients. Riverside already houses the probation service, alcoholics, wet houses and this service. A place like this shouldn't be in a residential area;*

b) *Large numbers of used needles, foil etc. found in the parks, rear lanes, streets, telephone boxes around the building, including places where children play. There are a lot of undesirable characters hanging around the area emanating from this building. 24/7 opening will increase used needles being dumped in Riverside and undesirable characters committing undesirable acts;*

c) *The use of the premises do not conform with the Health & Safety Act at Work 1974. Services like these should be where there are community hospitals where specialist facilities are readily available, not near residents and children;*

d) *No-one in the surrounding vicinity of the centre has received written notification of the application;*

e) *The application too vague to be considered.*

7.3 The applicant has clarified the remit of their service provision, summarised as follows:

Two years ago Inroads core contract which included the provision of a needle exchange scheme went out to competitive tender and the contract was won by a national charity CGL a Brighton based provider with a turnover of 98 million. The local area planning board insisted that they provide the service from our new premises which Inroads owns. We have been in the locality for 20 years and feel a strong affinity with the people of Riverside. We have been closely involved with Communities First and supported the Riverside Festival every year. We “patrolled” the parks on a daily basis to ensure that if there were discarded syringes, they would be disposed of swiftly and safely. Unfortunately when the contract went over to CGL they did not continue to do what we had done. The issue with discarded needles has nothing to do with Inroads as this is *not a service that we provide. Anti-social behaviour is an issue for the police and at a recent meeting we questioned why they hadn`t made any complaints about discarded needles as we would have made them aware of the new provider so that they could raise their concerns. We work with people on improving health and wellbeing and provide structured activities to enable people to recover from a wide range of problems including drug and alcohol, mental health, anxiety and depression and bereavement. We offer complementary therapies, counselling, healthy eating courses, art therapy, sewing classes and photography classes. The Sanctuary service would help people at the time of need and also make them aware of the services that can help them take control of their lives.*

7.4 Cllr Iona Gordon objected to the original application, as follows:

- *Residents in the neighbourhood feel there is already a proliferation of services for people with addiction and mental health issues. I wish to support their concern that this application would allow wider access through the night and at weekends to widen the scope of support for vulnerable people in a crisis. In south Riverside I am aware of several projects managed by Cardiff wide social welfare, housing and health charities including; Dyfrig House, a 'dry' house for about 32 homeless people fighting alcohol dependency, the Wallich night shelter for 12 people who would otherwise be sleeping rough, two 'wet' houses accommodating 16 people with alcohol issues, a residential probation hostel in Lewis Street, a project base for the Probation task group - providing training and 'pay back' work for people on probation from across the city. In addition to these part of the Inroads building is used by the NHS for needle exchange and the charity Inroads is based in the main part of 96 / 98 Neville Street. Inroads provides counselling, support and outreach for people leaving destructive lifestyle behaviours. Riverside residents feel there are enough services for people with such problems of addiction and mental health and that this planning application should be rejected because there are already more than enough agencies looking after people who could cause a nuisance by disturbance and present a visible bad influence in the local community*.

7.5 Cllr Caro Wild objected to the original proposal, as follows:

Whilst I am not fundamentally opposed to the project they are looking to start, I oppose the 24-hour element and would like to see further consultation with local residents to look at alleviating concerns they have.

7.6 Comments of support have been received from the following addresses:

- no. 46 Beauchamp St, 2 Edward House Plantagenet, two volunteers and a worker from the local area.

Full details are viewable online, their comments are summarised as follows:

a) Mental illness is a serious condition people who suffer from it will have a *place to go to and get professional help and counselling;*

b) *This extension of opening hours will enable Inroads in partnership with Gofal and Hafal to provide a sanctuary for people who would normally be taken by police on section 136. The provision of a safe space for those who are found to be suffering with mental illness in public places will ensure the service users have a positive experience in a calm, neutral but welcoming environment as opposed to being transported by police to a custody suite where the environment can engender negative emotions and behaviour, especially in someone who is distressed because of mental illness;*

c) *Riverside community is diverse and the area is populated with people from varied demographics. There are several fast food outlets that remain open late into the night, the town centre is close by and the area is often used as a thoroughfare, so the extended opening hours of Inroads won't make a difference to those of us who live in the area, but will make a positive difference to those in need of specialist help;*

d) *Having a service that takes care of people in mental distress will be a constructive addition to the community. A lot of families who worry about their loved ones would be put at peace by the fact that their relatives/friends are at least safe in a supportive non-threatening environment. This service could also take the strain off the emergency services and mental health teams. It could be the difference between a person in mental distress either being supported in a comfortable environment with someone to talk to, or spending the night on suicide watch in a police cell because there is no alternative available until the following morning.*

e) *I have worked in the local area for many years, and worked in the garage next door when Inroads was based in Lower Cathedral Road. Inroads are a reputable service and I am sure they would run the service responsibly and not pose a threat to the community*

7.7 Canton & Riverside Grows Wild Community Group support the application, summarised as follows:

- *The Sanctuary is a much needed alternative to current measures used to deal with people suffering mental distress. Inroads have been hugely supportive of the work we have been delivering. We often engage with and work with people who have suffered mental distress and it is important that we are able to protect and support people who are coping with mental illness.*

7.8 The revised proposal was publicised by letter and site notice. A petition of objection has been received, signed by 307 residents with addresses in Cardiff, 244 of which are within the vicinity who could reasonably be affected by the matter. Full details are viewable online.

7.9 Objections to the revised proposal have been received from the following addresses:

- 4, 8 Clare Gardens

- 11, 19, 27, 28, 29, 30, 50 & 64 Plantagenet St
- 13, 31a, 58, 62, 64 & 68 Beauchamp St
- 15, 16, 17, 19, 21, 22, 22c, 25a, 29, 31, 33, 44, 46, 53, 66, 55, 70, 76, 82a, 86, 88 & 90 Neville St
- 2, 4 & 6 Neville Place.
- 53, 58A, 61 Lower Cathedral Road
- 7, 20, 22, 25 & 60 De Burgh Street
- 17, 37 & 39 Despenser St
- 4, 9 & 10 Despenser Gardens
- 43 Clare Road,
- 4, 7, 12, 33 & 33a Rawden Place
- 97 Cowbridge Rd East
- 1, 5, 6, 11, 12 & 15 Mandeville St
- 1 Mandeville Place
- 17 & 20 Brook St
- 9, 31 & 50 Ninian Park Rd
- 3, 8, 16, 29, 31, 42, 44 & 50 Machen Place
- 64, 104 & 140 Craddock St
- 63 Albert St
- 19 Hamilton St
- 22 Atlas Place
- 20 Kings Rd
- 3A Trevithick St
- 13 Gloucester St
- 54 Edinburgh St
- 80 Pen-y-Peel Rd
- 37 Llanmorlais Rd
- 27 & 28 Canton Court
- 9 undisclosed addresses

Full details are viewable online, their comments are summarised as follows:

a) *The use of the premises do not conform with the Health & Safety Act at Work 1974. Services like these should be where there are community hospitals where specialist facilities are readily available, not near residents and children;*
b) *No-one in the surrounding vicinity of the centre has received written notification of the application or amendments;*
c) *The application too vague to be considered.*

7.10 Cllr Iona Gordon also objects to the revised proposal, as follows:

I am still going to oppose the planning variation in condition as so many residents are still deeply unhappy at the idea of more activity and coming and going late at night in this area which is primarily a residential neighbourhood.

7.11 A letter of support for the revised proposal has been received from 53 Fitzhamon Embankment, summarised as follows:

a) *I have been familiar with the INROADS service for a number of years as a resident of Riverside. The organisation seems to provide a valuable public service with little or no negative impact in terms of noise pollution or anti-social behaviour;*
b) *The Sanctuary Project seems like a natural extension of current activities and fully leverages the physical asset for the benefit of the wider good;*
c) *To the extent that the application specifically states that all users of the service will be transported to and from by taxi, the scope for localised disruption seems extremely minimal;*
d) *We live in a society of increasing disenfranchisement and social exclusion. Coupled with the impact of austerity on the public purse, the risk of the more marginalised members of society being further pushed to the side is very real. I happen to believe this is inhumane, and goes against the grain of what we as a society should be trying to achieve.*

8. ANALYSIS

8.1 Residential Amenity Considerations

The site is located at a main road junction between a vehicle repair garage and a class A1 unit, the junction is busy with traffic day and night. Prior to use as a non-residential recovery centre for people suffering from drug and alcohol abuse the premises was used as a Backpacker's accommodation hostel with no restrictions on opening hours. Condition 2 was imposed on planning permission 12/00327/DCI at the request of the Council's Neighbourhood Services section to restrict the opening hours to 09:00 – 20:00 Monday to Saturday as they were the times specified within the application and considered at that particular time in terms of residential amenity. However, Neighbourhood Services have considered the current proposal and have no objection. Having regard to the above it is not considered that opening to the public from 09:00 and 20:00 on all days and use of the crisis sanctuary function by appointment only between the hours of 20:00 and 02:30 would have any adverse impact upon residential amenity of the locality in terms of noise generated by persons entering or leaving the premises. The proposed additional function as a crisis sanctuary would fall within the existing permitted planning use class (class D1 – non-residential institutions).

It should also be noted that the Inroads service was located within close proximity (55m to the north at 43 Lower Cathedral Road) prior to re-locating to its current premises. Planning permission 97/01927/W was granted for use as a drugs counselling project (non-residential) including a needle exchange service at the previous premises with no restriction on opening hours.

8.2 Crime & Disorder Considerations

Condition 2 was not imposed on planning permission 12/00327/DCI for any crime/disorder reason. South Wales Police have no objection to the application, and the scheme is supported by the Police and Crime Commissioner's Office.

Having regard to the above it is not considered that use of the crisis sanctuary function by appointment only between the hours of 20:00 and 02:30 would have any adverse impact in terms of anti-social behaviour and crime in the area.

8.3 Other Considerations

It is noted that condition 4 was imposed upon permission 12/00327/DCI requiring details of refuse storage to be submitted and agreed prior to beneficial use. However, this condition was not discharged prior to commencement of the use and refuse storage is accommodated within the premises as indicated on the application form of permission 12/01746/DCI, therefore it is considered reasonable for this condition not to be re-imposed.

8.4 Representations

The representations received from the neighbouring residents are noted. While the substance of local views must be considered, the duty is to decide each case on its planning merits. As a general principle, local opposition or support for a proposal is not, on its own, a reasonable ground for refusing or granting planning permission; objections, or support, must be based on valid planning considerations. Specific issues are addressed as follows:

a) Increased crime: It is not considered that the proposed opening hours would have any unreasonable impact upon crime as detailed within the above analysis. South Wales Police have no objection to the proposal and the scheme is supported by the Police and Crime Commissioner's Office;

b) Location within residential area: The use of the premises is not the subject of this application. The use was considered acceptable at this location by planning permission 12/00327/DCI.

c) Increase in discarded needles: It is not considered that the crisis sanctuary use would result in any increase in such behaviour, particularly as the sanctuary use would be used by small numbers of people by appointment referral only with transport provided to/from the premises. The applicant has clarified that the crisis sanctuary use would not include a needle exchange;

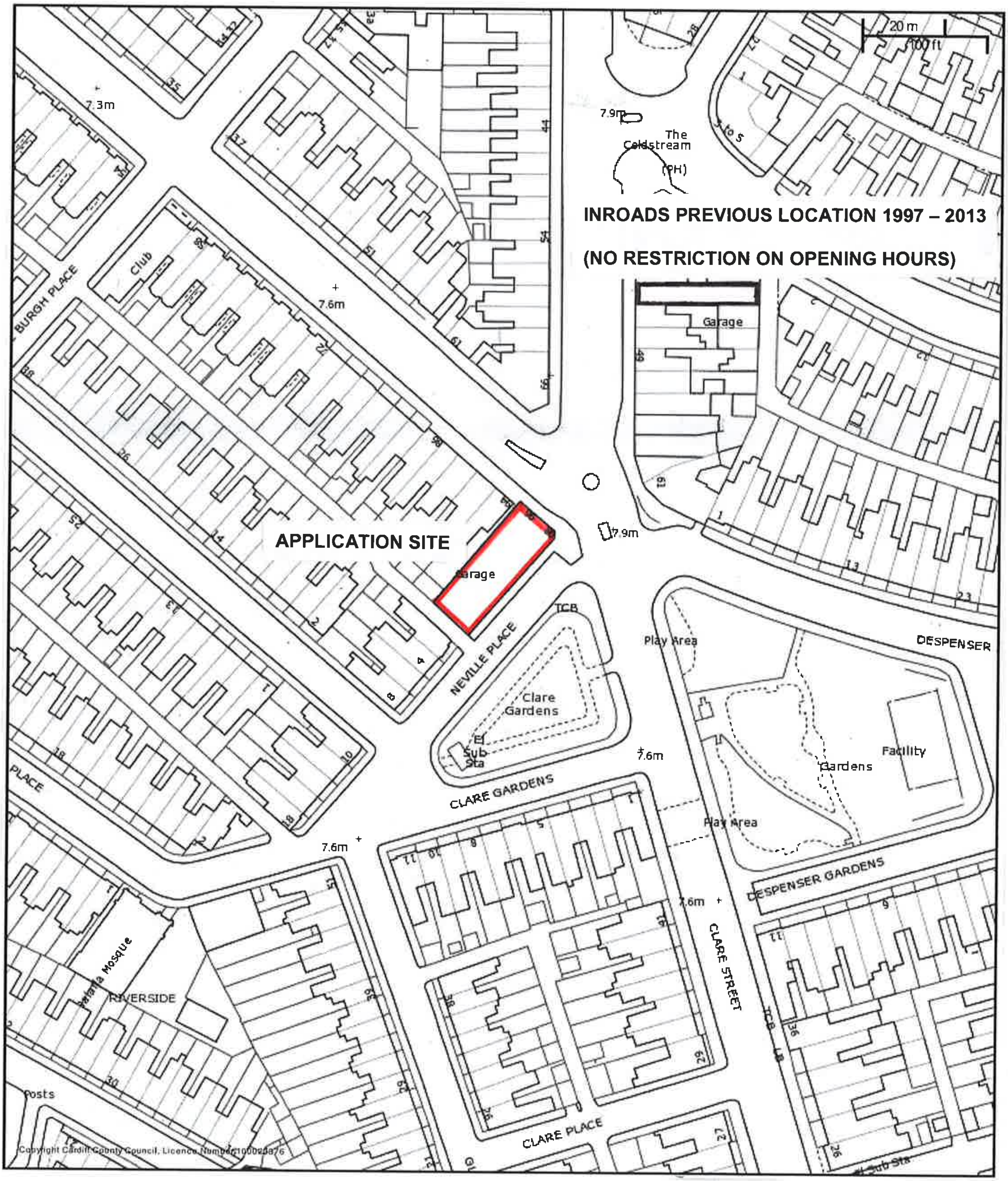
d) Notification procedure: Addresses adjoining the application site in Neville Street and Neville Place were initially notified by letter on 6th December 2016 and a site notice was displayed outside the front of the premises on the same day. Addresses adjoining were notified of the revised proposal by letter on 26th January 2017 and a site notice was displayed outside the front of the premises on the same day. The Council cannot take responsibility for any letters allegedly lost by Royal Mail. Paragraph 12 (5) of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 states that: *the application must be publicised by giving requisite notice— (a) by site display in at least one place on or near the land to which the application relates for not less than 21 days; or (b) by serving the notice on any adjoining owner or occupier.* The Council has therefore complied with the legal obligation to publicise the application by either displaying a site notice or sending the letters.

e) Vague application details: It is considered that application includes sufficient details of the proposal, additional clarification has been provided by the applicant and supplementary details by the Police & Crime Commissioner's mental health project.

The representations in support are noted.

8.5 Conclusion

It is concluded that the application is acceptable in accordance with the planning policies listed, and is recommended that planning permission be granted, subject to conditions.


INROADS PREVIOUS LOCATION 1997 – 2013
(NO RESTRICTION ON OPENING HOURS)
APPLICATION SITE
20 m
100 ft
The Coldstream (PH)
7.9m
7.3m
7.6m
Garage
Club
BURGH PLACE
NEVILLE PLACE
TCB
Clare Gardens
El Sub Sta
CLARE GARDENS
Play Area
DESPENSER
Gardens
Facility
DESPENSER GARDENS
CLARE STREET
TCB LB
CLARE PLACE
PLACE
RIVERSIDE
Jalalia Mosque
Posts
El Sub Sta
5 to 5


CITY TYRE SERVICES
LTD
Nev's
MEDINA
MEDINA FOOD STORE

LOCAL MEMBER OBJECTION & PETITION

COMMITTEE DATE: 15/03/2017

APPLICATION No. **16/02256/MJR** APPLICATION DATE: 23/09/2016

ED: **SPLOTT**

APP: TYPE: Variation of Conditions

APPLICANT: Viridor Waste Management Limited
LOCATION: CARDIFF ENERGY RECOVERY FACILITY,
TRIDENT INDUSTRIAL PARK, GLASS AVENUE, SPLOTT
PROPOSAL: VARIATION OF CONDITION 22 OF 10/00149/E
SO THAT THE ENERGY RECOVERY FACILITY SHALL NOT TREAT IN EXCESS OF 425,000 TONNES OF RESIDUAL WASTE PER ANNUM

RECOMMENDATION 1: That, having taken the environmental information into consideration, and subject to the completion of a deed of variation to the Section 106 Agreement, permission be **GRANTED** for the erection of an energy from waste facility to include combined heat and power plant, pre-treatment/recycling facility, incinerator bottom ash recycling and ancillary offices at Trident Park, Glass Avenue, off Ocean Way, Cardiff without complying with Condition 22 but subject to the following conditions:

1. The energy from waste facility hereby approved shall not treat in excess of 425,000 tonnes of residual waste per annum. Reason: The development has been assessed on this basis.

2. The waste processed within the approved energy from waste facility shall at all times be non-hazardous. Reason: In the interests of safety.

3. Within 3 months of the date of this permission a final report demonstrating that all long- term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority. Reason: To prevent pollution of the water environment and to ensure that the safety of future occupiers is protected.

4. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor. Reason: To prevent pollution of the water environment.

1. DESCRIPTION OF PROPOSED DEVELOPMENT

1.1 Permission is sought to vary Condition 22 of planning permission no. 10/00149/E to allow up to 425,000 tonnes of residual waste per annum to be treated at Cardiff Energy Recovery Facility, Trident Park.

1.2 A separate application (ref: 16/02384/MJR), also presented to this Committee, seeks permission to modify the Section 106 Agreement that accompanies the existing planning permission to remove the catchment area restriction that currently limits inputs into the facility to waste from the South East Wales Region.

1.3 The applicant advises that Trident Park has been operational for two years and is currently the only operational ERF in Wales. The plant is diverting 350,000 tonnes of waste from landfill and generating substantial low carbon/renewable energy which is exported for use in the National Grid. Because of improved plant availability and the waste fuel having a lower energy content than originally assumed the facility has the capability of processing more waste fuel than is currently allowed by the planning permission. Condition 22 of planning permission no. 10/00149/E currently restricts the amount of waste that can be processed by the facility:

> *22. The energy recovery facility hereby approved shall not treat in excess of 350,000 tonnes of residual waste per annum. Reason: The proposed development has been considered on the above basis.*

1.4 The original plant design assumed incoming waste would have a calorific value (CV) of just over 10 MJ/kg and that the Energy Recycling Facility (ERF) would be available for 87% of the year. These assumptions gave rise to the annual throughput of 350,000t per year of waste fuel being required to maintain the energy output of the plant at 30MW. Now that the ERF has been operational the applicant considers that an availability of 95% is deliverable and experience is showing that the CV of the waste is closer to 9 MJ/kg than 10 MJ/kg. The lower the average CV of the waste means that more waste is required to maintain the energy output of the plant. Based on a waste CV of 9 MJ/kg and the currently approved tonnage of 350,000t per year, the ERF can only maintain its design energy output of 30MW for 285 days in the year (78% availability).

1.5 By allowing additional waste to be processed, the ERF plant would have the flexibility to respond to changes in CV and maintain its energy output of 30MW for approximately 347 days of the year (95% availability). Based on the worst case CV of 9 MJ/kg, in order for the plant to maintain the energy output it has been designed for (30MW), it is necessary for it to process an additional 75,000t of waste per year, which equates to a revised total throughput of 425,000t of waste per year.

1.6 The additional 75,000 tonnes per annum of waste would be imported in 20 tonne bulk loads and would result in an additional 13 HGVs (26 movements) a day. Increased outputs of by-products such as air pollution control residues, bottom ash and metals would result in an additional 4 HGVs a day (8 movements). The total additional new movements as a result of the proposed development would therefore be an average of 17 HGVs a day (34 movements). Such additional trip generation would lead to an average of 1 to 2 extra HGVs (3 to 4 movements) per hour.

1.7 The applicant advises that the need for such a variation because of improved plant availability and/or lower than assumed CVs is not unique to Trident Park. They advise that similar schemes have been considered and approved for other operators around the UK. In all cases the circumstances were the same as at Trident Park in that experience of actually operating the ERF has enabled the original assumptions on plant availability and/or waste CV to be reviewed using actual operating data.

1.8 No changes to the existing ERF building or stack height are proposed.

1.9 No change to existing employment levels is required to implement the proposed changes.

1.10 The plant would continue to operate on a continuous basis, 24 hours a day, 7 days a week throughout the year. Twice a year the plant is subject to periods of programmed maintenance delivering an annual availability of 95% (347 days of the year). The majority of vehicles handling waste and other material associated with the ERF would continue to enter and exit the site Monday to Sunday 07:00 – 17:00 although the majority of the waste will be delivered during weekdays.

1.11 A formal scoping exercise has been undertaken. A request for a scoping opinion was submitted to Cardiff Council in June 2016 to focus the EIA. This request was accompanied by an appraisal of the likely significant environmental effects. Cardiff Council issued its formal scoping opinion in July 2016 which confirmed that the proposed changes may have significant environmental effects on the following and which would require assessment:

(i) Traffic;
(ii) Air Quality;
(iii) Noise;
(iv) Ecology; and
(v) Climate Change

1.12 Consequently, the application is accompanied by an Environmental Statement (ES) setting out the results of an Environmental Impact Assessment (EIA) which has been undertaken to consider the environmental effects of the proposed development and measures which are available to minimise the identified effects.

1.13 Effects that were not considered to be significant, because there would be no change to the existing ERF building, are as follows:

(i) Geology and Soils;
(ii) Water;

(iii) Landscape and Visual; and
(iv) Cultural Heritage.

1.14 The conclusions of the Environmental Statement (attached to this report) found that, in respect of traffic, air quality, noise and ecology, no significant adverse effects on the environment were identified and in respect of climate change, significant environmental benefits were identified.

1.15 Further information in the form of an ‘in-combination’ assessment as part of the Habitats Regulations Assessment has been submitted by the applicant, following a request by the Local Planning Authority. No projects or plans identified were considered to present a risk of significant in-combination effects due to emissions to air on the Severn Estuary SPA/SAC.

1.16 The application is also accompanied by a Waste Planning Assessment (WPA) as required under paragraph 4.2 of TAN 21: Waste.

2. DESCRIPTION OF SITE

2.1 The application site comprises approximately 4.5 hectares and is located within an area of high density industrial and commercial uses. In the immediate area the land uses are characterised by:

(i) South – Port of Cardiff, including Roath Dock and various industrial railway lines;
(ii) North – Mixed Use commercial and retail developments associated with Ocean Way and further north by the residential areas of Atlantic Wharf and Splott. Approximately 100 flats in blocks up to 6 storeys are located approximately 600 metres north on Lewis Road;
(iii) East – Industrial uses associated with Portmanmoor Industrial Estate and further to the east by Celsa steelworks and Rover Way;
(iv) West – Immediately to the west is Celsa Steel works, beyond which is the mixed-use area of the Cardiff Bay redevelopment area, including the residential areas of Adventurer’s Quay (6 storey apartments approximately 600 metres southwest), Celestia (apartments adjacent to Adventurer’s Quay apartments up to 15 storeys) and Butetown

4.2 Access to the site is gained from Ocean Way via Glass Avenue.

4.3 The Wentloog/Gwent Levels Special Landscape Area lies some 6 kilometres to the north-east of the site.

4.4 There are no known features of ecological interest within the site.

4.5 There are no statutory designated sites within the application site itself or its immediate vicinity. At its nearest point, the site lies within approximately 600m north of the Severn Estuary, which is of national and international importance due to the presence of extensive areas of intertidal habitats (eg, mudflats, sand banks, rocky platforms and saltmarsh).

4.6 The Flood Risk Maps associated with Technical Advice Note 15: Development and Flood Risk (TAN15) indicate that the proposed application site lies within Flood Policy Zone B. Zone B is defined as being areas that have previously been subject to flooding.

3. SITE HISTORY

3.1 10/00149/E: Permission granted in June 2010 for the erection of an Energy From Waste Facility to include a combine heat and power plant, pre-treatment/recycling facility, incinerator bottom ash recycling and ancillary offices.

3.2 08/2616/E: Permission refused in July 2009 for the erection of an energy from waste facility with combined heat and power plant and ancillary offices for the following reason:

1. *In order to operate at its design capacity, without compromising the recycling targets of the Welsh Assembly Government, the proposal would need to import substantial quantities of residual waste material from outside the administrative boundary of Cardiff Council and to export a substantial quantity of hazardous fly ash waste for disposal at an unspecified authorised disposal site in England. This would result in the unsustainable transportation of waste material contrary to the objectives of Technical Advice Note 21: Waste.*

4. POLICY FRAMEWORK

4.1 Towards Zero Waste (June 2010)

4.2 Planning Policy Wales, Edition 9 (November 2016).

4.2.2 The planning system provides for a presumption in favour of sustainable development to ensure that social, economic and environmental issues are balanced and integrated, at the same time, by the decision-taker when…taking decisions on individual planning applications.

4.2.4 Legislation secures a presumption in favour of development in accordance with the development plan for the area unless material considerations indicate otherwise.

4.3.1 All those involved in the planning system are expected to adhere to (inter alia):

- *putting people, and their quality of life now and in the future, at the centre of decision-making;*
- *taking a long term perspective to safeguard the interests of future generations, whilst at the same time meeting needs of people today;*
- *respect for environmental limits, so that resources are not irrecoverably depleted or the environment irreversibly damaged. This means, for example, mitigating climate change, protecting and enhancing*

biodiversity, minimising harmful emissions, and promoting sustainable use of natural resources;

- *tackling climate change by reducing the greenhouse gas emissions that cause climate change and ensuring that places are resilient to the consequences of climate change; and*
- *taking account of the full range of costs and benefits over the lifetime of a development, including those which cannot be easily valued in money terms when making plans and decisions and taking account of timing, risks and uncertainties. This also includes recognition of the climate a development is likely to experience over its intended lifetime.*
- *applying the precautionary principle. Cost-effective measures to prevent possibly serious environmental damage should not be postponed just because of scientific uncertainty about how serious the risk is;*
- *using scientific knowledge to aid decision-making, and trying to work out in advance what knowledge will be needed so that appropriate research can be undertaken;*
- *while preventing pollution as far as possible, ensuring that the polluter pays for damage resulting from pollution. In general the Welsh Government will seek to ensure that costs are met by those whose actions incur them;*
- *applying the proximity principle, especially in managing waste and pollution. This means solving problems locally rather than passing them on to other places or to future generations;*
- *working in collaboration with others to ensure that information and knowledge is shared to deliver outcomes with wider benefits.*

4.4.1 The following sustainability objectives for the planning system reflect our vision for sustainable development and the outcomes we seek to deliver across Wales. These objectives should be taken into account…in taking decisions on individual planning applications in Wales. These reflect the sustainable development outcomes that we see the planning system facilitating across Wales.

4.4.3 Planning policies, decisions, and proposals should (inter alia):

- *Maximise the use of renewable resources, including sustainable materials (recycled and renewable materials and those with a lower embodied energy). Where it is judged necessary to use non-renewable resources they should be used as efficiently as possible. The use of renewable resources and of sustainably produced materials from local sources should be encouraged and recycling and re-use levels arising from demolition and construction maximised and waste minimised;*
- *Encourage opportunities to reduce waste and all forms of pollution and promote good environmental management and best environmental practice. Waste arising from demolition and construction should be minimised, and opportunities to recycle and re-use this waste promoted;*
- *Promote a low carbon economy;*
- *Contribute to the protection and improvement of the environment, so as to improve the quality of life, and protect local and global ecosystems. In*

particular, planning should seek to ensure that development does not produce irreversible harmful effects on the natural environment and support measures that allow the natural heritage to adapt to the effects of climate change. The conservation and enhancement of statutorily designated areas and of the countryside and undeveloped coast; the conservation of biodiversity, habitats, and landscapes; the conservation of the best and most versatile agricultural land; and enhancement of the urban environment all need to be promoted;

- *Contribute to the protection and, where possible, the improvement of people's health and wellbeing as a core component of achieving the well-being goals and responding to climate change. Consideration of the possible impacts of developments – positive and/or negative – on people's health at an early stage will help to clarify the relevance of health and the extent to which it needs to be taken into account;*
- *Promote quality, lasting, environmentally-sound and flexible employment opportunities;*
- *Support the need to tackle the causes of climate change by moving towards a low carbon economy. This includes facilitating development that reduces emissions of greenhouse gases in a sustainable manner, provides for renewable and low carbon energy sources at all scales and facilitates low and zero carbon developments;*

4.5.7 Planning to minimise the causes of climate change means taking decisive action to move towards a low carbon economy by proactively reducing the demand for energy, facilitating the delivery of new and more sustainable forms of energy provision at all scales and minimising the emissions of greenhouse gases to the atmosphere.

12.1.6 In general, local planning authorities should seek to maximise the use of existing infrastructure

12.5.1 Planning authorities should, in principle, be supportive of facilities which fit with the aspirations of [Towards Zero Waste and associated sector plans] and in doing so reflect the priority order of the waste hierarchy as far as possible.

12.5.3 The land use planning system has an important role to play in facilitating sustainable waste management by providing a framework for decision making which recognises the social, economic and environmental benefits that can be realised from the management of waste as a resource to meet the needs of society and businesses, whilst at the same time:
- *minimising adverse environmental impacts and avoiding risks to human health;*
- *protecting areas of designated landscape and nature conservation from inappropriate development; and*
- *protecting the amenity of residents, of other land uses and users affected by existing or proposed waste management facilities.*

12.5.4 the waste hierarchy provides the key starting point for all types of waste management proposals and consideration of the hierarchy should be set *against the wider social, economic and environmental considerations*

12.7.2 The benefits which can be derived from proposals for waste management facilities as well as the impact of proposals on the amenity of local people and the natural and built environment must be adequately assessed to determine whether a planning application is acceptable, and, if adverse impacts on amenity or the environment cannot be mitigated, planning permission should be refused.

12.7.4 Planning authorities, other relevant local authority departments and Natural Resources Wales are expected to work closely together to ensure that conditions attached to planning consents and those attached to Environmental Permits are complementary and do not duplicate one another. However, local planning authorities will need to be satisfied that proposals are capable of effective regulation and Natural Resources Wales should assist in establishing this position. In certain circumstances, where proposals are complex, it will be good practice to encourage the parallel tracking of planning and environmental permitting applications.

12.8.6 The Welsh Government's aim is to secure an appropriate mix of energy provision for Wales which maximises benefits to our economy and communities, whilst minimising potential environmental and social impacts. This forms part of the Welsh Government's aim to secure the strongest economic development policies to underpin growth and prosperity in Wales recognising the importance of clean energy and the efficient use of natural resources, both as an economic driver and a commitment to sustainable development.

12.8.8 The Welsh Government is committed to using the planning system to
- *optimise renewable energy generation;*
- *optimise low carbon energy generation;*
- *facilitate combined heat and power systems(and combined cooling, heat and power) where feasible;*

12.8.9 Local planning authorities should facilitate the development of all forms of renewable and low carbon energy to move towards a low carbon economy to help to tackle the causes of climate change.

12.8.10 At the same time, local planning authorities should…ensure that international and national statutory obligations to protect designated areas, species and habitats and the historic environment are observed

13.10.1 The planning system should determine whether a development is an acceptable use of land and should control other development in proximity to potential sources of pollution rather than seeking to control the processes or substances used in any particular development.

13.10.2 Planning authorities should operate on the basis that the relevant pollutant control regimes will be properly applied and enforced by other agencies. They should not seek to control through planning measures, matters *that are the proper concern of the pollution control authority. These regimes are set out in the Environment Act 1995, the Environmental Protection Act 1990, the Water Resources Act 1991 and the regulatory regimes introduced by the Pollution Prevention and Control Act 1999. Each of these may have a bearing on the environmental controls imposed on the development in respect of environmental and health concerns and planning authorities will need to ensure that planning conditions do not duplicate or contradict measures more appropriately controlled under these regimes.*

13.12.1 The potential for pollution affecting the use of land will be a material consideration in deciding whether to grant planning permission. Material considerations in determining applications for potentially polluting development are likely to include:

- *location, taking into account such considerations as the reasons for selecting the chosen site itself;*
- *impact on health and amenity;*
- *the risk and impact of potential pollution from the development, insofar as this might have an effect on the use of other land and the surrounding environment (the environmental regulatory regime may well have an interest in these issues, particularly if the development would impact on an Air Quality Management Area or a SAC);*
- *prevention of nuisance;*
- *impact on the road and other transport networks, and in particular on traffic generation; and*
- *the need, where relevant, and feasibility of restoring the land (and water resources) to standards sufficient for an appropriate after use. (Powers under the Pollution Prevention and Control Act 1999 require an operator to return a site to a satisfactory state on surrender of an Integrated Pollution Prevention and Control Permit).*

4.5 Technical Advice Notes (TANs):

5 Nature Conservation and Planning
8 Planning for Renewable Energy
11 Noise
18 Transport
21 Waste

4.6 Local Development Plan (January 2016):

KP1	Level of Growth
KP6	New Infrastructure
KP7	Planning Obligations
KP8	Sustainable Transport
KP12	Waste
KP13	Responding to Evidenced Social Needs
KP14	Healthy Living
KP15	Climate Change
KP18	Natural Resources
EN3	Landscape Protection

EN5	Designated Sites
EN6	Ecological Networks and Features of Importance for Biodiversity
EN7	Priority Habitats and Species
EN9	Conservation of the Historic Environment
EN10	Water Sensitive Design
EN11	Protection of Water Resources
EN12	Renewable Energy and Low Carbon Technologies
EN13	Air, Noise, Light Pollution and Land Contamination
EN14	Flood Risk
T2	Strategic Rapid Transit and Bus Corridor Enhancement
T5	Managing Transport Impacts
T6	Impact on Transport Networks and Services
T7	Strategic Transportation Infrastructure
C3	Community Safety/Creating Safe Environments
C6	Health
W1	Sites for Waste Management Facilities

4.7 The following guidance documents were supplementary to the City of Cardiff Local Plan (1996), now superseded by the Local Development Plan (LDP). They remain a material consideration insofar as they are consistent with LDP policy:

Biodiversity (2011)
Access, Circulation and Parking (2010)

5. INTERNAL CONSULTEES RESPONSES

5.1 The **Operational Manager, Transportation,** notes that the application is supported by a Transport Assessment (TA) that analyses the traffic impact on the adjacent roundabout and concludes that it will continue to operate satisfactorily with the additional 3 to 4 HGVs per hour over the identified daily 10 hour period. He advises that the site is accessed from the strategic/primary highway network (Ocean Way and Rover Way) that connects to the trunk road network, A48 and on to the M4, and does not require the HGVs to pass directly through residential areas. While the network around the site may well be congested at peak times, he considers that it would be unsustainable to argue that the additional 3 to 4 hourly vehicle movements would make the proposals unacceptable. These additional movements will be negligible and are well within standard daily fluctuations. He does not consider that additional modelling is required mindful of low additional traffic forecast.

5.2 The **Operational Manager, Waste Management,** has no objections to the application.

5.3 The **Operational Manager, Environment (Noise),** has no objections to the application, noting that any noise impact would also be covered by the environmental permit conditions on the site.

5.4 The **Operational Manager, Environment (Air),** notes that the Air Quality Assessment (AQA) has been produced following the Scoping Request for

Trident Park Viridor (Extra Tonnage per Annum). He has reviewed the AQA and is satisfied by the principles applied and findings produced. Drawing upon comments made by Public Health Wales (paragraph 7.8) in reference to the application and the need for the applicant to verify the modelling with their own monitoring, he can confirm this has been undertaken and correct procedures applied.

5.5 He notes the following conclusions in the AQA (Chapter 5 of the Environmental Statement):

(i) the predicted impact of increased emissions from both the stacks serving the Trident Park ERF and additional vehicle movements as a result of the increased tonnage and the removal of the catchment restriction is less than 1% of the relevant long-term and short-term EAL for human receptors;
(ii) the effect of this increased impact is considered to be ‘negligible’ and not significant;
(iii) the change in predicted CLe and CLo impacts from both the ERF stacks and additional vehicle movements due to the increased tonnage and removal of waste catchment is considered insignificant and will cause ‘*no likely significant effects (alone and in-combination)*’ for European sites, *‘no likely damage’* for SSSI’s and *‘no significant pollution’* for other sites.
(iv) the effect of the cumulative impacts (due to the entire ERF operating at the increased tonnage and the removal of waste catchment) on air quality at human receptors is considered to be negligible and not significant.
(v) cumulative annual NOx impacts exceed 1% of the CLe for a very limited area of potentially sensitive vegetation within the Severn Estuary site. As stated in Chapter 7 ‘*it is considered unlikely that such impacts would be of significance at above a local level or constitute a likely significant effect.*
(vi) the cumulative impacts of nitrogen and acid deposition are <1% of the CLo at all receptor locations and therefore will cause ‘*no likely significant effects (alone and in-combination)*.

5.6 Overall it is therefore considered that the potential air quality effects resulting from the proposed increase in tonnage at the ERF and the removal of the catchment restriction will not be significant either alone or in combination.

5.7 In response to the third party objections questioning the adequacy of the AQA, he responds as follows:

(i) They have thoroughly scrutinised the Environmental Statement and its associated Air Quality Impact Assessment;
(ii) It must also be noted that report and its findings were further reviewed by Public Health Wales who also concurred with the conclusions made regarding the impacts on air quality.
(iii) In summary the methodologies used within the assessment are deemed best practise in terms of undertaking air quality assessments. The

assessment indicated that the proposed changes will result in less than 1% of the relevant long-term and short-term EAL for human receptors, and will not result in a breach of the air quality objectives at any relevant receptor locations.

(iv) In reference to the 1 hour NO_2 objective and the Councils monitoring being insufficient, the report provides conclusions based on best practise cited in appropriate guidance documents; Local Air Quality Management, Technical Guidance (TG16). The guidance supports the use of NO_2 diffusion tubes(which Cardiff use) as a means of determining the likelihood of exceedance for the short term 1 hour NO_2 objective as clearly stated in TG16;

(v) Relationship between the Annual Mean and 1-hour NO2 Objectives 7.91 Previous research carried out on behalf of Defra and the Devolved Administrations identified that exceedances of the NO2 1-hour mean are unlikely to occur where the annual mean is below 60µg/m3. This assumption is still considered valid; therefore local authorities should refer to it if NO2 1-hour mean monitoring data are not available (typically if monitoring NO2 using passive diffusion tubes).

(vi) Fundamentally the Trident Park ERF is regulated by Natural Resources Wales (NRW) under EP Regulations through a Part A Environmental Permit. The Permit contains conditions relating to emissions to air and monitoring requirements, therefore any potential visible plume and uncertainty surrounding the plumes emissions will be controlled via the permit and enforcement will fall under NRW's control. As stated in the Environmental Statement Air Quality Impact Assessment;

(vii) 2.2.4 Environmental Permitting – In England and Wales, the Environmental Permitting (England and Wales) Regulations 2010 (SI 2010 No.675) transpose the IED in UK legislation. The Trident Park ERF is regulated by NRW under the Environmental Permitting (EP) Regulations and NRW are responsible for regulating emissions to air from the ERF installation.

5.8 The **Council's Ecologist** has considered the impact of increased aerial emissions and increased road traffic emissions upon the sensitive habitats of the Severn Estuary. He is satisfied that the application has no other impacts upon nature conservation interests.

5.9 The potential impact upon the Severn Estuary designations have been assessed by the Habitats Regulations Assessment (HRA) document provided by SLR consulting, and by the further information dated 13th February 2017 entitled '*Further screening of potential significant in-combination effects of increased emissions to air from Trident Park ERF (16/02256/MJR) on the Severn Estuary SAC/SPA'*. He recommends that these two documents be taken as the Council's HRA of this project as required by Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended).

5.10 The conclusion of the HRA was that the proposed projects are not likely to have a significant effect upon the Severn Estuary European Marine Site, either alone or in combination with other plans or projects. He supports this conclusion.

5.11 The Severn Estuary is also a Site of Special Scientific Interest (SSSI), and as a Competent Authority Cardiff Council has statutory duties in relation to SSSI under Section 28 of the Wildlife and Countryside Act 1981, as substituted by Schedule 9 of the Countryside and Rights of Way Act 2000. However, the features of the SSSI are broadly the same as those of the European Marine Site, so the assessment of no likely significant effect also applies to the features of the SSSI.

6. EXTERNAL CONSULTEES RESPONSES

6.1 The **Welsh Ministers** have been notified of the application in accordance with The Town and Country Planning (Environmental Impact Assessment) Regulations 2016 (as amended). Any comments received will be reported to Committee.

6.2 **Dwr Cymru Welsh Water** does not have any comments to make however they advise that the applicant would need to contact their trade effluent office to discuss the proposal as the consent they currently hold to draindown their boilers once or twice a year for maintenance may increase as a result of this proposal.

6.3 **Natural Resources Wales** does not object to the variation of condition 22 of 10/00149/E so that the energy recovery facility shall not treat in excess of 425,000 tonnes of residual waste per annum at Cardiff Energy Recovery Facility, Trident Industrial Park. They have reviewed the information in the Environmental Statement Technical Appendix 5-1 Air Quality Impact Assessment by SLR dated September 2016. They consider the contribution to aerial pollutants assessed due to the proposal to be not significant to the interest features of the designated sites within the relevant screening distance.

7. REPRESENTATIONS

7.1 **Councillor G Marshall** records her strong objection to the expansion outside of South East Wales. There will be an accompanying increase in traffic, noise and air pollution if this application is granted. Once again, Splott will bear the brunt of this.

7.2 The application was publicised by **press and site notices** on 27th October 2016 in accordance with the requirements of Article 12 of The Town and Country Planning (Development Management Procedure) (Wales) Order 2012 and Regulation 22 of The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2016. 10 no. site notices were placed in the vicinity of the application site, consistent with previous applications, at the following locations:

(i) Galleon Way;
(ii) Adventurers Quay;
(iii) Falcon Drive;
(iv) Bute Street;
(v) Schooner Way;

(vi) East Tyndall Street;
(vii) Ocean Way;
(viii) Glass Avenue;
(ix) Splott Road; and
(x) Muirton Road.

7.3 A **petition** signed by 73 no. residents of Adventurers Quay has been received objecting to any increase in the present limit of 350,000 tonnes per annum of waste processed at the Viridor facility and to the removal of the South East Wales catchment area restriction. They call upon Planning Committee to reject the applications.

7.4 The occupiers of **91 Adventurers Quay** object to the application for the following reasons:

(i) The 350,000 tonnes limitation was based on the applicant's design submission to build a facility with a capacity of 400,000 tonnes and an operational annual availability of 87% (sufficient to process 348,000tpa) and was a significant factor in the determination not only of the design of the ERF facility but also its potential impact on the environment, local community, transport levels etc. A change in this limit will therefore impact on all of these issues.

(ii) The reasons given for a proposed increase are that it is now considered that an ERF availability of 95% is deliverable and that experience is showing that the CV of the "black bag waste" is lower than originally assumed (closer to 9 MJ/kg than 10 MJ/kg). It is disconcerting to find that within only 18 months of operation, such variations in significant factors used in scoping the plant design are now being suggested. The Trident Park Plant design was based on an availability of 87%. What is the impact of an 8% increase in plant availability to 95% of the year on aspects such as plant maintenance and safety among other issues?

(iii) Why is the CV of the plant's fuel (residual or 'black bag' waste) now lower than originally assumed? The actual figure for the CV is not given but a worse case value of 9MJ/kg has then been used in the submission to determine that the proposed increase in the limit should be 75,000 tonnes. However, using a best case value of 9.49 MJ/kg would result a reduced potential increase of 50,000 tonnes. What is the actual CV figure? Further details should be provided.

(iv) The references in the application to significant carbon benefits and Welsh Policy objectives are laudable but of no direct benefit to the residents of Cardiff in localities most likely to be affected by such a proposed change. One of the strategic outcomes defined to achieve Cardiff's vision to become a world class European city while being the heart of a thriving city region is that people in Cardiff have a clean, attractive and sustainable environment. This vision will not be achieved by approving such increases as proposed in this application.

(v) The proposed change is a very significant increase (21.4%) in the present allowed tonnage limit which is currently sufficient to cover the needs of South East Wales. Approval of such an increase and any related move to extend the source of fuel waste to outside the current catchment area would be a major change to the original planning permission. As such, this, and the related application, should have received wider public notification including, most definitely, the posting of notices in the localities most likely to be affected. The Planning Committee should be aware of as many views as possible when making their decisions.

7.5 In respect of the public notification of the planning applications, the occupiers of **91 Adventurers Quay** state:

(i) Publicity has been inadequate, especially regarding the posting of site notices in in localities most likely to be affected. No public notices were posted in the vicinity of the Adventurers Quay and Celestia residential developments which house well in excess of 1000 people and are located some 650 metres from the Trident Park incinerator.
(ii) The Local Planning Authority subsequently confirmed that a site notice had in fact been displayed at Adventurers Quay since 27 October 2016. A notice for planning application 16/02256/MJR was then located affixed to a lamp post some 50metres or so from the rear vehicle entrance to Adventurers Quay (see photos below). Residents entering by car would not be aware of a notice at this point and the pavement is used by very few of the residents. The main pedestrian entrances used by residents are accessed via the “fish bridge” adjacent to Celestia. The siting of the notice on the lamp post at this location is totally unacceptable.
(iii) The Local Planning Authority also stated that a site notice had been put up in Falcon Drive – the vehicle access route to Celestia. There is no visible sign of any planning notice in Falcon Drive and the Celestia Gatekeepers Office are not aware of any being present in the four weeks since the end of October. In addition, only one site notice (at the site entrance to the Trident Park plant) was posted to alert the public to the proposal to remove the South East Wales catchment area waste restriction (16/02384/MJR). The reason given was that “the publicity requirements differ for application to vary legal agreements”.
(iv) The original decision to grant planning permission was very controversial, the level of publicity given to the application being one of questions raised. This important change to the planning permission conditions should therefore have been treated as an exceptional case and full publicity given to it.
(v) For the reasons given above, the Council has failed to adequately publicise applications which propose significant changes to the operation of the plant. They therefore request the deferment of any determination of the applications until adequate publicity and public consultation has been undertaken.

7.6 **Seel & Co, on behalf of the 400+ residents of Adventurer’s Quay,** objects to the application for the following reasons:

(i) The increased tonnage will inevitably lead to an increase in heavy goods traffic and the associated vehicle pollution, wear and tear, potential traffic congestion and inconvenience.

(ii) There are inevitable concerns about general pollution levels from the plant and that an increase in throughput could lead to an increase in chemical and particulate air pollution locally;

(iii) The residents are concerned that their quality of life may be affected;

(iv) The consultation processes have not been conducted so as to properly include the residents of Adventurers Quay. There was widespread ignorance of the proposals at the recent owner's AGM and great concern has been raised by owners subsequently that had they been properly consulted many would have raised individual objections and concerns at the proposals. It has been suggested that there has been maladministration in the lack of appropriate and transparent consultation and there should be a judicial review of the conduct of the Local Planning Authority.

7.7 An objection has been received from **Travis Perkins, Trident Industrial Park,** who express serious reservations about an increased workload for the site as there are unacceptable levels of smells coming from the plant and increased volumes can only increase their exposure to the smells.

7.8 **Public Health Wales** has consulted with their colleagues at the Environmental Public Health Service and their assessment is based on actual or potential health risks from environmental exposures to chemicals, noise and extreme environmental events such as flooding.

7.9 They note that the plant has been operational for two years and has consent to treat 350,000 tonnes of waste per annum. Improved plant availability and a lower than estimated energy content of the waste fuel has resulted in the facility having the capability to process more waste and recover more energy than is currently allowed by the planning permission. They note that the stack height will remain unchanged and the diameter will increase from 1.78 metres to 1.9 metres.

7.10 They have no grounds for objection based upon the public health considerations contained in the application.

7.11 The air quality assessment accompanying the application predicts the environmental concentration of emissions. They note that this assessment finds that the highest cumulative (plant and vehicle emissions) annual average NO2 process contribution and highest cumulative annual average PM2.5 process contribution at a receptor are predicted to occur at the same receptor point, the Travellers site on Rover Way.

7.12 The assessment concludes that the impact of increased emissions from the stacks and additional vehicle movements is considered to be 'negligible' and not significant. The proposed changes will result in less than 1% of the relevant long-term and short-term EAL for human receptors. The proposed change will not result in a breach of the air quality objectives at any relevant receptor locations.

7.13 **Cardiff Against the Incinerator (CATI)** make the following objections:

(i) There are no responses from statutory consultees (WG and NRW), nor any evidence that they have been consulted, as required for an EIA application;

(ii) They support the objections from residents of Adventurers Quay;

(iii) They request that this application be considered by Planning Committee;

(iv) They have submitted photographs which clearly show visible smoke plumes from the incinerator which do not disperse away from populated areas, contrary to the applicant's claims. The visible plume is detrimental to the image of Cardiff Bay and significantly worsens the visual impact of the tall chimney;

(v) Council officers have failed to address the issue of odours from the plume being present at ground level;

(vi) Topography of Cardiff Bay is inadequately included in the plume dispersion modelling. The wind directions, strengths and variability differ strongly from those assumed from Rhoose, with its open plain situation. Circulating boundary air around the Cardiff basin is trapped below higher level westerlies. Eddies come off Penarth Head towards the stack. Recent summers have shown many more times of southerly and easterly winds than in the old 10-year records used;

(vii) High levels of NO2 would be associated with plume grounding (and plume impact on high-rise apartments), but this is not considered in the reports. It requires continuous monitors sited at appropriate receptors – the Council's diffusion tube results for NOx are useless for assessing the problem.

(viii) They have submitted plume pictures which show the plume sometimes lacks buoyancy, sometimes blowing straight from the top of the stack. The NRW declined to take their own pictures (best is from 2 or 3 cameras simultaneously from aspects around the stack) e.g. Rumney Hill, Llandough Hill and Penarth pier. The plume visibility does not conform to models, so may be beyond-design operation. This implies the parameters assumed for Air Quality modelling are unreliable – none of the claimed results can be taken as secure. As above, it requires continuous NO2 monitoring at appropriate sites.

(ix) The application must be deferred to address these issues;

(x) The Scoping by the Council is just pedestrian and desk-based, ignoring the actual issues as aired at the Liaison group. Worse, it does not cover the environmental significance of going against the Wales Waste Plan. Flouting waste planning principles have not only indirect effects (waste tourism; lorry trips, passing on our waste problems to others) but could also have the effect of gaining more business for inefficient disposal in the Viridor incinerator. Cardiff Council failed to impose a requirement for energy-efficient CHP on Viridor and they with the Welsh Government have failed since then to make any progress – despite policy for "high efficiency" CHP and a target level of 60% thermal efficiency. Viridor's 22% is dismal in any comparison with CHP.

(xi) The Air Quality Assessment (AQA) is quite inadequate, going through the motions rather than addressing the identified problems;

(xii) The AQA wrongly uses a short-cut relating to traffic NO2, to disregard incinerator NO2 peaks;

(xiii) The AQA admits that topography can be important but nowhere do they admit to the known term “plume grounding”. Smell of the plume is recorded on occasions at the Rumney hillside housing above New Road. This is higher than Rover Way, considered by Viridor’s report as the most affected receptor. Galleon Way is mentioned, but nothing about the upper floor flats, which are above the ground boundary layer and experience the plume directly. This and neighbouring blocks of flat disturb the plume, but the modelling does not include them – Galleon Way being the closest generates turbulence in its wake, Adventurers Quay creates downwash with potential grounding in its wake;

(xiv) The continuous monitor mentioned at Cogan is adjacent to a high traffic road low down in the dip; the plume is mostly unlikely to ground here – it is more likely to ground on St Augustine’s Hill, directly in the sight-line and where the complex headland topology is not modelled to small scales needed for plume grounding here.

(xv) These problems are too complex for modelling – direct monitoring during present operations of the plant can and should be demanded, as observed patterns of the plume show anomalous behaviour compared with models and detected smells show plume grounding and plume impact of the Galleon Way flats, which is supposed not to occur. Any NO2 detected would be an indicator of potentially more toxic trace components of gas and nanoparticles, whose health impacts need to be specifically assessed.

7.14 Following the receipt of further information (see paragraph 1.15), a 21 day re-consultation took place on 16th February 2017 under Regulation 22 of The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016. Three additional objections were received from the occupiers of 36 Madoc Road, Tremorfa, 219 Adventurer’s Quay plus one unaddressed email who oppose the application for the following reasons:

(i) The removal of any restrictions on volumes of waste incinerated and increasing the catchment of the incinerator contradicts current International, Welsh Government and Cardiff Council policies of reducing the amount of waste produced by giving, in effect a ‘green light’ to increase waste production by providing increased capacity at the incinerator.

(ii) The applicant is bound to say that there will be no effect on the environment from air pollution, traffic generated and noise however the amount of airborne particulate has made a marked increase since the incinerator opened and again when the capacity was increased previously.

(iii) Any increase in waste incinerated will lead to an increase in HGV traffic on local and new routes outside the current catchment area, to supply the incinerator and put these additional vehicles onto an already congested roads network around Cardiff, which are all already in a very poor condition of repair. Increased vehicle movements will lead to longer journey times, increased noise pollution and increased particulate pollution from the extra vehicles as well as an increased risk to non-vehicular road users in south central Cardiff area.

(iv) An increase in waste will also lead to increased airborne particulate being released into the atmosphere when it is incinerated.
(v) The incinerator should never have been built where it was in the first place.
(vi) Damage to the health and wellbeing of 10,000s of people for profit.
(vii) Cardiff Council should follow their own – and national / international – policy and reduce waste, not encourage the production of more, by allowing more to be incinerated to the further detriment of the residents and environment of south central Cardiff.
(viii) This application should be refused.
(ix) The development is close to residential and wetland areas.
(x) Pollution from site has led to increased deposits on their property which exceed usual weathering and wear and tear. This is irresponsible and generates health concerns for humans and wildlife.

7.15 **Public Health Wales** notes that further information has been submitted in the form of a revised Habitats Assessment, however this is outside their scope to comment upon.

8. ANALYSIS

8.1 The existing Energy Recovery Facility (ERF) building and site layout would not change as a result of this application being approved. The key issues in the consideration of this application to increase the annual tonnage limit by 75,000 tonnes to a maximum of 425,000 tonnes were identified in the scoping exercise undertaken prior to the submission of the application. This scoping exercise identified 5 topics where such an increase in annual tonnage may have significant environmental effects, as follows:

(i) Traffic;
(ii) Air Quality;
(iii) Noise;
(iv) Ecology; and
(v) Climate Change

8.2 Each of these 5 topics are now considered in turn.

Traffic

8.3 An additional 75,000 tonnes per annum of waste would result, on average, in 17 additional HGVs (34 movements) per day or 1 to 2 additional HGVs (3-4 movements) per hour. It is noted that the Operational Manager, Transportation, accepts the findings of the Transport Assessment (TA) which concluded that the roundabout at Ocean Way/Glass Avenue is currently operating within capacity and can therefore satisfactorily accommodate the increase in waste trips. He was also satisfied that the HGVs do not need to pass through nearby residential areas as the site is well-connected to the trunk road network. Indeed, the original Section 106 Agreement identifies the permitted routes for HGVs for this specific reason.

8.4 The Operational Manager, Transportation, concluded that it would be unsustainable to argue that an additional 3 – 4 hourly vehicle movements would make the proposals unacceptable given that, in his view, the additional movements will be negligible and well within standard daily fluctuations.

Air Quality

8.5 The proposed increase in annual tonnage will result in an increase in the potential emission rate of pollutants to air from the stacks serving the ERF process and additional vehicle emissions associated with the delivery of waste and export of residues. The assessment sought to determine the potential effect of these emissions on the air quality environment.

8.6 It is noted that the Operational Manager, Environment (Air), is satisfied by the principles applied and findings produced in the Air Quality Assessment (AQA). He also acknowledges that the applicant has verified the modelling with Public Health Wales' monitoring.

8.7 The AQA (Chapter 5 of the Environmental Statement) concludes, overall, that the potential air quality effects resulting from the proposed increase in tonnage at the ERF will not be significant.

Noise

8.8 The Noise Impact Assessment (NIA) carried out measurements at 5 receptor locations in the vicinity of the application site, including Adventurers Quay. At each of these locations it was found that the additional HGV movements would not cause an increase in the ambient noise level during quieter periods and the cumulative noise level (baseline plus predicted HGV noise levels) during noisier periods does not cause an exceedance in the daytime external noise limit of 55dBA.

8.9 Members are advised to note that the Operational Manager, Environment (Noise) has no objections to the application, noting that any noise impact would also be covered by the environmental permit conditions on the site which falls under the remit of Natural Resources Wales (NRW).

Ecology

8.10 Given that there is no amendment to the site or the existing building footprint under this application, it was considered that there would be no direct impact from the development on nature conservation interests, although it was recognised that there may be indirect impacts. The Ecology Impact Assessment (EcIA) has therefore considered the potential indirect impacts of increase air and traffic emissions.

8.11 Overall, the EcIA found that no significant effects are predicted in respect of all emission types from the proposed increased tonnage alone. However, it did discover that a localised ecological impact may occur when the proposed increase is assessed in combination with existing permitted emissions. This is in respect of NOx deposition within a restricted interface between the Severn Estuary and Rover Way, where a mix of shingle and gravel, inter-tidal mud and saltmarsh occurs; the latter is considered to represent a sensitive habitat to aerial deposition.

8.12 The EcIA concludes that the area concerned is already subject to deposition levels which exceed the critical loads for NOx and whilst the proposed changes would add to these, when the size of the designated site (656 hectares) and total extent of saltmarsh (4.5 hectares or 0.7%) is taken into account it is considered unlikely that such impacts would be of significance at above a local level or constitute a likely significant effect.

8.13 It is noted that Natural Resources Wales (NRW) agrees with this conclusion, advising that the contribution to aerial pollutants assessed due to the proposals will not be significant to the interest features of the designated sites (see paragraph 6.3).

8.14 The Council's Ecologist is satisfied with the submitted ecological information, including the further information comprising an 'in-combination' assessment of the development with other sites in the locality. He agrees with the conclusions of the Habitats Regulations Assessment that no direct ecological impacts will arise and, overall, no significant effects will occur on the Severn Estuary designations, nor does he consider that the interests of the Site of Special Scientific Interest (SSSI) would be adversely affected.

Climate Change

8.15 The climate change assessment has concluded that the treatment of waste in the Facility is shown to have delivered significant carbon benefit over the disposal of the waste to landfill. In 2015, the impact of processing 350,000 tonnes of waste achieved a carbon benefit of c.116,000tCO2e and a net benefit of c.188,000tCO2e when compared to a baseline of continued landfill disposal.

8.16 In the event of the variation of Condition 22 being approved, the increased annual tonnage is projected to result in significant environmental benefits due to waste being diverted from disposal to landfill to the ERF. A carbon benefit of c102,000tCO2e in 2017 is projected in the event that the facility operates with 425,000 tonnes per annum – a net carbon benefit of c,35,000tCO2e over and above a situation in which permission is refused and the additional 75,000 tonnes continues to be delivered to landfill.

8.17 It is considered that these benefits should be welcomed, being consistent with national planning policy to ensure that Wales plays its fullest possible part in reducing its carbon footprint (PPW9 paragraph 4.5 and Section 12).

Third Party Objections

8.18 In respect of third party objections summarised in Section 7 which have not already been addressed in this report:

(i) The Environmental Statement has demonstrated, to the satisfaction of officers, that residents of Splott and Butetown will not be adversely affected by an increase in the annual tonnage to the ERF;

(ii) It is recognised that an increase in annual tonnage received at the ERF has the potential to cause significant environmental effects which is why the application is accompanied by an Environmental Statement to determine the potential impacts;

(iii) In respect of the impact of an increase of plant availability to 95% upon maintenance and safety, the agent clarifies: *"In addition to the daily planned operational maintenance, the plant is subject to two periods, or one longer period of programmed shut down maintenance a year which is in line with industry standards. Paragraph 3.17 of the Waste Planning Assessment confirms that after allowing for the periods of shut down maintenance the plant could be available for up to 347 days a year which equates to 95% availability. Whilst there are up to two periods of planned shutdown maintenance planned for the year, there may be a requirement to shut down for additional maintenance and where that occurs availability will be reduced. This will have a knock on impact on the tonnage that the plant is able to process. Like any plant and machinery regular maintenance is vital to ensure that it continues to do what it is designed to do – to provide a safe working environment for those that operate it and to continue to provide a reliable service to long term contracts whilst operating within the strict emission controls set by the Environmental Permit. The applicant is fully committed to running a safe, well maintained and environmentally compliant facility."*

(iv) It is not possible for the applicant to provide a specific calorific value (CV) for the residual waste. The agent clarifies*: "…the plant is wholly dependent on the waste it receives which varies on an hour by hour / day to day basis. Operational experience shows that the CV tends to fluctuate between 9 and 10, sometimes dipping below and sometimes above. If the CV was to go up to 10 or above then it would simply mean that the plant would not need as much waste to deliver its thermal design. Hence the application is to process up to 425,000tpa – if the CV of the waste is at the high end of its range and/or availability is at the low end of its range then not all of the tonnage increase applied for would be utilised."*

(v) It is considered that the significant carbon benefits achieved by the development by avoiding deposition of residual waste to landfill will help the delivery of a clean, attractive and sustainable environment;

(vi) The application has been publicised in accordance with the requirements set out in legislation (see paragraph 7.2). The approach taken is consistent with that undertaken for previous applications. It is not considered necessary to defer determination of this application to enable further consultation to be carried out;

(vii) It is not considered that the amenities, quality of life or health of residents from Adventurer's Quay, or any other residential area, will be adversely affected by the proposed increase in tonnage;

(viii) The Welsh Government and Natural Resources Wales (NRW) were notified of the application. The response by NRW is summarised in paragraph 6.3. No response has been received from the Welsh

Government;

(ix) The Council’s scoping opinion, requested by the applicant to aid their preparation of the Environmental Statement, was produced in consultation with key internal and external consultees and is considered to accurately identify the topics requiring assessment;

(x) Separate discussions are continuing between the Council, the applicant and stakeholders regarding the use of power generated at the facility in the local area.

(xi) In respect of the objections by CATI regarding specific aspect of the Air Quality Assessment, the Operational Manager, Environment (Air), has provided a further response re-iterating his satisfaction that the AQA is satisfactory and no further modelling or reporting is required (paragraph 5.7). Public Health Wales have also confirmed they concur with the assessment. He advises that the assessment’s methodologies are deemed best practice and, fundamentally, the ERF is regulated by Natural Resources Wales (NRW) under EP Regulations through a Part A Environmental Permit. The Permit contains conditions relating to emissions to air and monitoring requirements, therefore any potential visible plume and uncertainty surrounding the plumes emissions will be controlled via the permit and enforcement will fall under NRW’s control.

Other Considerations

8.19 *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

8.20 *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.

9. CONCLUSIONS

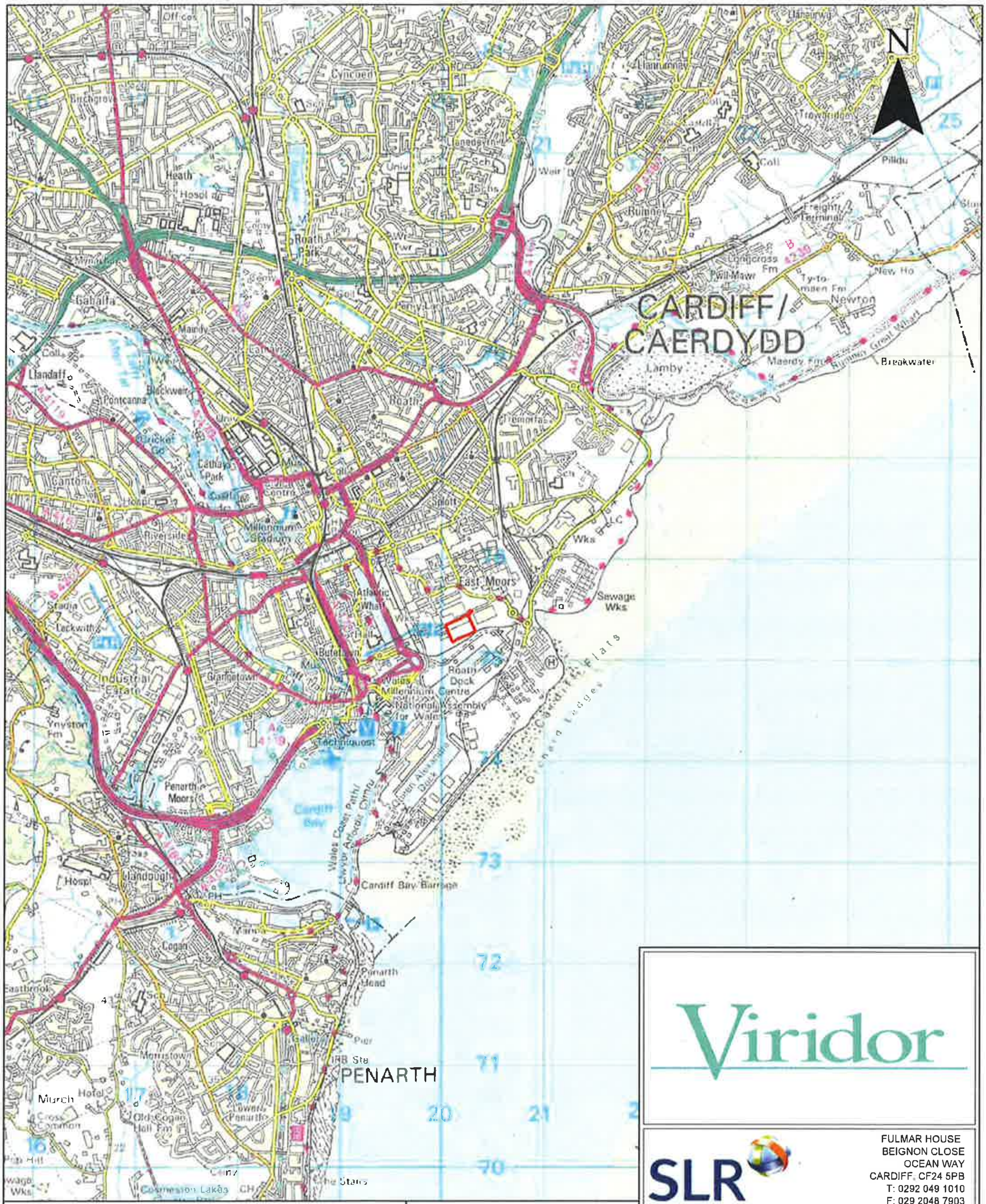
9.1 The application is accompanied by an Environmental Statement which has assessed whether the proposed increase in annual tonnage would result in significant environmental effects in respect of transportation, air quality, noise, ecology and climate change. In each case no significant effects on the environment have been identified and, in respect of climate change, significant environmental benefits have been identified through diverting the additional waste from landfill. This environmental information has been taken into consideration in the determination of this application.

9.2 It is noted that the statutory consultees have accepted the scope and findings of the Environmental Statement and do not dispute the conclusions.

9.3 The alternative development option to ‘do nothing’ and continue to restrict the operation of the Energy Recovery Facility (ERF) to 350,000 tonnes per annum would result in waste that is suitable for energy recovery continuing to be landfilled. This would prevent the existing ERF from generating renewable/low carbon energy to its full operational efficiency. It is also noted that the ERF is currently the only operational facility in Wales.

9.4 PPW9 advises that Local Planning Authorities should aim to maximise the use of existing infrastructure (paragraph 12.1.6). The long-term contracts currently in place to receive municipal waste from landfill across the SE Wales Region would continue unaffected by the removal of the catchment restriction (These contracts include Prosiect Gwyrdd, a 25 year partnership between the Councils of Caerphilly, Cardiff, Monmouthshire, Newport and the Vale of Glamorgan to process approximately 200,000 tonnes per annum and Tomorrow’s Valley, a 25 year partnership between Rhondda Cynon Taf, Merthyr Tydfil, Blaenau Gwent and Torfaen Council for the treatment of up to 100,000 tonnes per annum).

9.5 It is considered that the application accords with national and local planning policies and it is recommended that permission be granted, subject to relevant conditions.



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🟥 APPLICATION BOUNDARY

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Viridor

SLR
global environmental solutions

FULMAR HOUSE
BEIGNON CLOSE
OCEAN WAY
CARDIFF, CF24 5PB
T: 0292 049 1010
F: 029 2048 7903
www.slrconsulting.com

TRIDENT PARK, CARDIFF

TRIDENT PARK VARIATION

SITE LOCATION PLAN

01

Scale	Date
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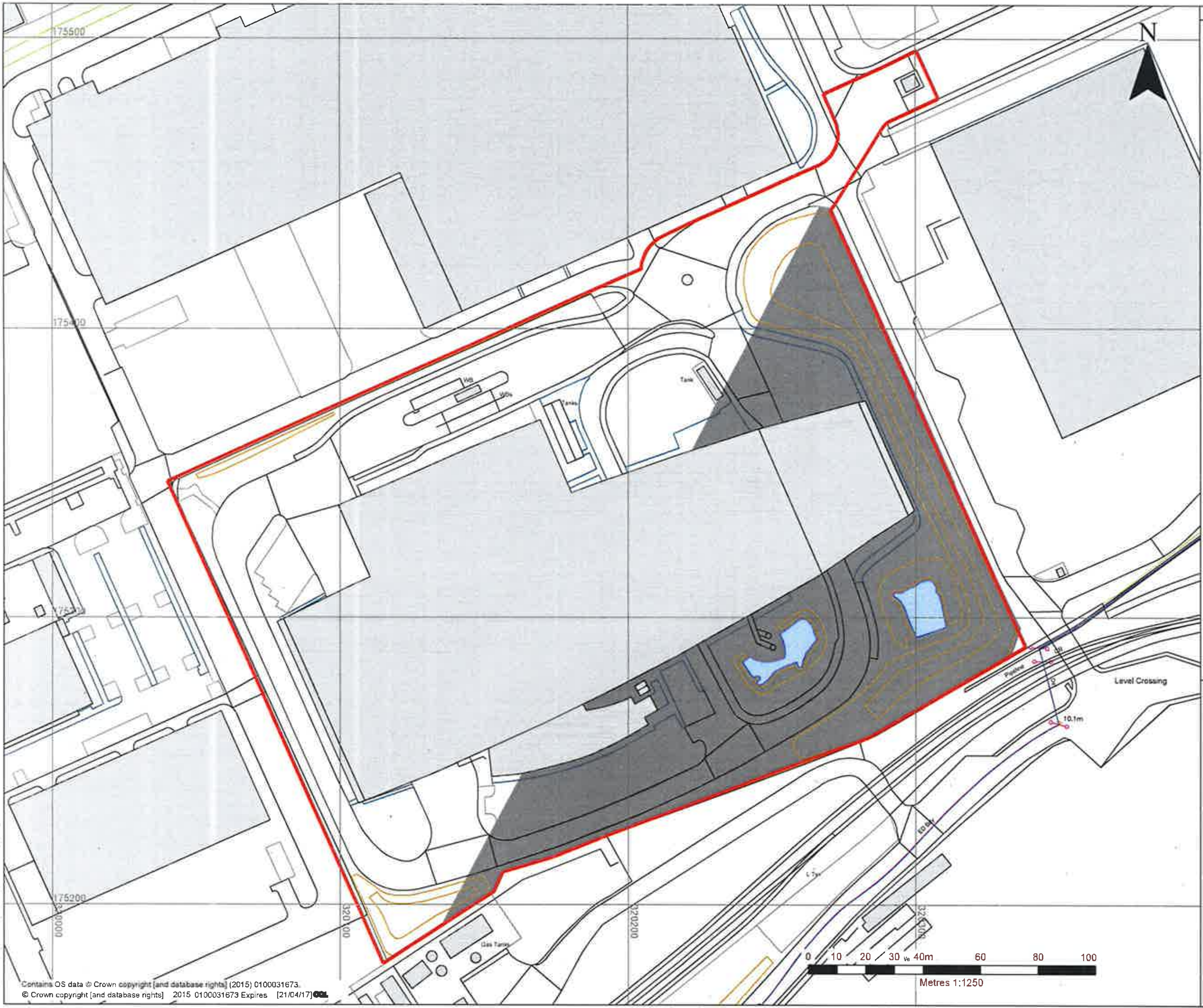

LEGEND

🟥 APPLICATION BOUNDARY

Viridor

SLR

FULMAR HOUSE
BEIGNON CLOSE
OCEAN WAY
CARDIFF, CF24 5PB
T: 0292 049 1010
F: 029 2048 7903
www.slrconsulting.com

TRIDENT PARK, CARDIFF

TRIDENT PARK VARIATION

APPLICATION BOUNDARY PLAN

02

Scale
1:1250 @A3

Date
APRIL 2016

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9.0 CONCLUSIONS

9.1 Introduction

The EIA process has identified the likely significant effects of the proposed development as follows:

- Traffic;
- Air Quality;
- Noise;
- Ecology; and
- Climate Change.

Effects that are not considered to be significant, because there would be no change to the existing ERF building, are as follows:

- Geology and Soils;
- Water;
- Landscape and Visual; and
- Cultural Heritage.

9.2 Traffic

The traffic assessment has concluded that the proposed waste tonnage increase would generate approximately 17 additional HGVs (34 movements) a day and for robustness has assumed a maximum of 3 HGVs (6 movements) an hour on the local highway network during both morning peak and evening peak.

Traffic surveys and capacity assessments have been undertaken at the Glass Avenue roundabout which concluded that the roundabout currently operates satisfactorily and would continue to do so with the proposed additional waste trips.

It is considered that there are no transport related issues that would prevent the proposed changes going ahead.

No significant adverse effects on the environment identified.

9.3 Air Quality

The air quality assessment has concluded that:

- the predicted impact of increased emissions from both the stacks serving the Trident Park ERF and additional vehicle movements as a result of the increased tonnage is less than 1% of the relevant long-term and short-term EAL for human receptors;
- the effect of this increased impact is considered to be 'negligible' and not significant;
- the change in predicted CLe and CLo impacts from both the ERF stacks and additional vehicle movements due to the increased tonnage is considered insignificant and will cause '*no likely significant effects (alone and in-combination)*' for European sites, *'no likely damage'* for SSSI's and *'no significant pollution'* for other sites;
- the effect of the cumulative impacts (due to the entire ERF operating at the increased tonnage) on air quality at human receptors is considered to be negligible and not significant;
- cumulative annual NOx impacts exceed 1% of the CLe for a very limited area of potentially sensitive vegetation within the Severn Estuary site. It is considered unlikely that such impacts would be of significance at above a local level or constitute a likely significant effect; and
- the cumulative impacts of nitrogen and acid deposition are <1% of the CLo at all receptor locations and therefore will

cause *'no likely significant effects (alone and in-combination)'*.

No significant adverse effects on the environment identified.

9.4 Noise

The assessment has concluded:

- The additional HGV movements would not cause an increase in the ambient noise level during quieter periods.
- The cumulative noise level (baseline plus predicted HGV noise levels) during noisier periods does not cause an exceedance in the daytime external noise limit of 55dB(A).

The impact of the HGV noise and the significance of the effect at each receptor location assessed is none

No significant adverse effects on the environment identified.

9.5 Ecology

The potential for direct ecological impacts has been discounted, as the proposed development utilises an existing building and infrastructure and does not require any loss of habitat or alteration of current site conditions.

Potential indirect effects upon off-site ecological features, in particular deposition of emitted products (from the facility and associated traffic) on ecologically designated sites have been subject to detailed consideration.

Overall, no significant effects are predicted in respect of all emission types from the proposed increased tonnage alone. A localised ecological impact may occur when the proposed increase is assessed in combination with existing permitted emissions. This is in respect of NOx deposition within a restricted interface between the Severn Estuary and Rover Way, where a mix of shingle and gravel, inter-tidal mud and saltmarsh occurs; the latter is considered to represent a sensitive habitat to aerial deposition. The area concerned is already subject to deposition levels which exceed the critical loads for NOx and whilst the proposed development would add to these, when the size of the designated site and total extent of saltmarsh is taken into account it is considered unlikely that such impacts would be of significance at above a local level or constitute a likely significant effect.

No significant adverse effects on the environment identified.

9.6 Climate Change

The climate change assessment has concluded that:

- The treatment of waste in the Facility (during hot commissioning and in full operations) is shown to have delivered significant carbon benefit over the disposal of the waste to landfill.
- In 2015, the carbon impact of processing 350ktpa of waste (the current permission) at the Facility achieves a carbon benefit of c.116,000 tCO_2e, and a net carbon benefit of c.188,000 tCO_2e when compared to a baseline of continued landfill disposal.
- Approval of the variation application and therefore the treatment of an additional 75ktpa of waste at the Facility will deliver additional carbon benefits over the current permission.
- Approval of the application to increase the tonnage at the Facility to 425ktpa of waste will result in an additional carbon benefit of c.35,000 tCO_2e in 2017.
- The results show that waste transported from outside the existing permitted catchment area exhibits similar net

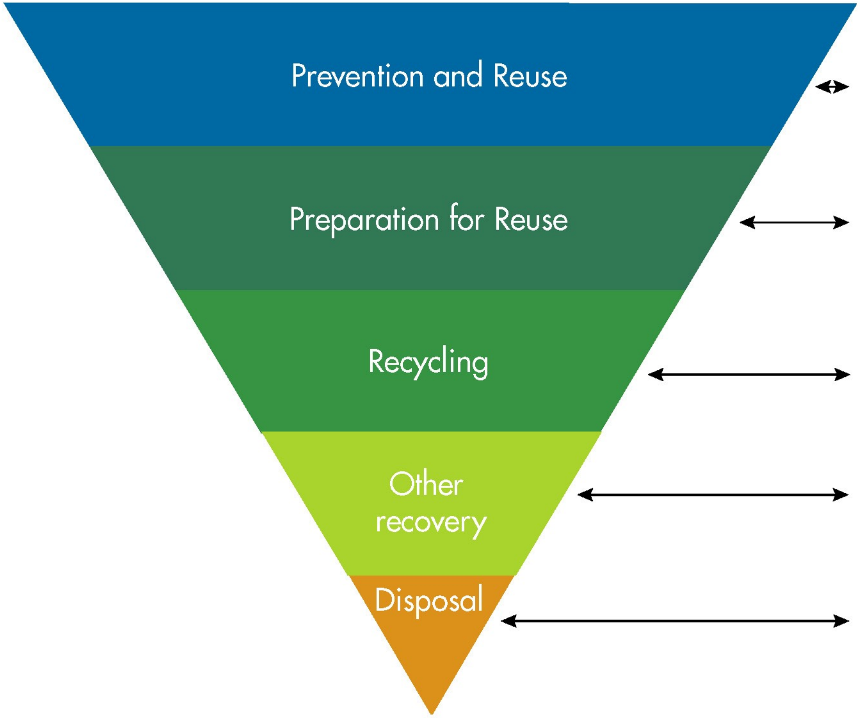
carbon benefits (of c.400 kgCO_2e or greater per tonne of waste) to the net carbon benefits of the treatment only scenario.
- Treatment of an additional 75ktpa of waste at the Facility will assist in minimising waste quantities to landfill and will contribute additional energy to the national grid, thus utilising domestic resources to produce energy for Welsh households and businesses.

On this basis, it is concluded that the proposed increase in capacity at the Facility will deliver significant additional carbon benefits, which can be delivered quickly and for the remainder of the life of the Facility.

Transportation of waste results in a carbon burden, however analysis has shown that the scale of the transport related carbon burden is relatively modest. The carbon burdens of transportation of waste from outside of the current South East Wales catchment area are far outweighed by the carbon benefits of moving waste up the hierarchy and diverting it from landfill disposal to recovery.

Significant benefits to the environment identified.

Diagram 2.7 – The Waste Hierarchy



Using less material in design and manufacture;
keeping products for longer; re-use;
Using less hazardous material.

Checking, cleaning, repairing, refurbishing,
recovery operations of whole items or spare parts.

Turning waste into a new substance or product.
Includes composting if it meets quality protocols.

Including anaerobic digestion, incineration with energy recovery, gasification and pyrolysis which produce energy (fuels, heat and power) and materials from waste; some backfilling operations.

Landfill and incineration without energy recovery

LOCAL MEMBER OBJECTION & PETITION

COMMITTEE DATE: 15/03/2017

APPLICATION No. **16/02384/MJR** APPLICATION DATE: 27/09/2016

ED: **SPLOTT**

APP: TYPE: Variation of conditions

APPLICANT: Viridor Waste Management Limited
LOCATION: CARDIFF ENERGY RECOVERY FACILITY, TRIDENT INDUSTRIAL PARK, GLASS AVENUE, SPLOTT
PROPOSAL: MODIFY THE SECTION 106 AGREEMENT TO REMOVE THE OBLIGATION THAT ONLY WASTE ARISING FROM THE SOUTH EAST WALES REGION WILL BE PROCESSED AT THE DEVELOPMENT (PARAGRAPH 6.1)

RECOMMENDATION : That, having taken the environmental information into consideration, the Section 106 Agreement be modified to remove the obligation that only waste arising from the South East Wales Region can be processed at the development.

1. DESCRIPTION OF PROPOSED DEVELOPMENT

1.1 Permission is sought under The Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992 to modify paragraph 6.1 of Section 106 Agreement to remove the obligation that only waste arising from the South East Wales Region can be processed at the development.

1.2 Paragraph 6.1 states: *"The owner shall ensure that only waste arising from the South East Wales Region will be processed at the Development."*

1.3 The application states that the modification would allow waste from South West and West Wales to travel the relatively short distances to Trident Park ERF for treatment rather than being landfilled or having to travel very long distances to alternative treatment facilities.

1.4 A separate application (ref: 16/02256/MJR), also presented to this Committee, seeks permission to vary Condition 22 of the original planning permission (ref: 10/00149/E) to allow a total of 425,000 tonnes of residual waste to be processed at the Energy Recovery Facility (ERF) per annum (an increase of 75,000 tonnes, or 21%).

1.5 The application is accompanied by an Environmental Statement (ES) setting out the results of an Environmental Impact Assessment (EIA) which has been undertaken to consider the environmental effects of the proposed development and measures which are available to minimise the identified effects. The following five topics were assessed:

(i) Traffic;
(ii) Air Quality;
(iii) Noise;
(iv) Ecology; and
(v) Climate Change

1.6 Effects that were not considered to be significant, because there would be no change to the existing ERF building, are as follows, (agreed by the Local Planning Authority in their scoping opinion) :

(i) Geology and Soils;
(ii) Water;
(iii) Landscape and Visual; and
(iv) Cultural Heritage.

1.7 The conclusions of the Environmental Statement (attached to this report) found that, in respect of traffic, air quality, noise and ecology, no significant adverse effects on the environment were identified and in respect of climate change, significant environmental benefits were identified.

1.8 Further information in the form of an 'in-combination' assessment for the Habitats Regulations Assessment has been submitted by the applicant, following a request by the Local Planning Authority. No projects or plans identified were considered to present a risk of significant in-combination effects due to emissions to air on the Severn Estuary Special Protection Area (SPA) and Special Area of Conservation (SAC).

1.9 In respect of this application, the applicant contends that the two proposed changes would improve the sustainable waste solution currently available at the ERF, and would also support and assist Wales in meeting its desire to become more self-sufficient in terms of its waste management provision and to generate more power from low carbon/renewable sources. Having regard to current UK and Welsh guidance and recent appeal decisions, they consider that the catchment restriction contained in the legal agreement is no longer appropriate.

1.10 The application documents that the issue of catchment restrictions and the proximity principle are specifically addressed in paragraph 150 – 157 from "Energy from Waste – A Guide to the Debate" (DEFRA, February 2014). At paragraph 152 it states: *"The principle is often over-interpreted to mean that all waste has to be managed as close to its source as possible to the exclusion of other considerations and that local authorities individually need the infrastructure required to do so. This is not the case."* Paragraph 153 goes on to set out the implication of recovering waste in one of the nearest appropriate installations by means of the most appropriate methods and technologies. This confirms that one of the nearest does not mean the absolute closest and that it may be justified to use a more distant solution if it provides a more appropriate method or technology and it says nothing about administrative boundaries. The applicant therefore considers, in respect of Trident Park, it would be in accordance with the proximity principle for suitable waste that is currently either being landfilled in South West Wales or being exported to England/Europe for treatment or disposal to be managed at Trident Park as this is the nearest appropriate installation for this waste. They consider that the current catchment restriction is preventing the efficient implementation of the proximity principle.

1.11 At paragraph 154 the guide confirms: *"there is nothing in the legislation or the proximity principle that says accepting waste from another council, city, region or country is a bad thing and indeed in many cases it may be the best economic and environmental solution and/or be the outcome most consistent with the proximity principle."* In respect of the application, the applicant argues that this would apply as the removal of the catchment restriction would enable waste that is currently either being disposed of to landfill within South Wales or being exported to England or Europe for treatment or disposal to be recovered within South Wales.

1.12 Paragraph 156 is also directly relevant to the current applications at Trident Park because it recognises: *"The ability to source waste from a range of locations/organisations helps ensure existing capacity is used effectively and efficiently and importantly helps maintain local flexibility to increase recycling without resulting in local overcapacity for residual waste. For an existing plant, taking waste from a range of locations should be seen as a positive by keeping the plant running at maximum efficiency."* The additional waste is required so that the Trident Park facility can operate at maximum efficiency in terms of generating low carbon/renewable power.

1.13 The applicant highlights Technical Advice Note (TAN) 21: Waste (2014), which adopts the same approach: *"Planning authorities should not attempt to restrict waste management developments within their boundaries to deal with only waste arising within their areas. The proximity of a waste disposal or mixed municipal waste recovery installation will depend upon the quantities and types of arisings at local, regional and national levels."* (paragraph 2.9).

1.14 In submitting the application, the applicant also provides a review of appeal decisions regarding fuel sourcing for energy from waste facilities and draws conclusions regarding the applicability and enforceability of waste catchment restrictions:

(i) Javelin Park Energy from Waste Facility, Gloucestershire (190,000tpa, allowed on appeal 2015) – The Local Planning Authority suggested a condition to place a geographic restriction on the waste which could be processed. This was considered by the Inspector but was rejected as not being in line with current national policy as set out in the Guide to the Debate (see above) and because such a restriction fails to meet the enforceability test, given that waste sourced from and processed within a waste transfer station would not be traceable in terms of origin. Accepted by the Secretary of State;

(ii) Ardley EfW, Oxfordshire (300,000 tpa, allowed on appeal 2010) – The Local Planning Authority sought a planning condition regarding the 'hinterland' from which the site could draw waste for energy recovery in the interest of sustainable development by minimising the number of HGV journeys and ensuring that the facility would be available to treat as much of Oxfordshire's waste as possible. This was not accepted by the Inspector who considered the condition to be unreasonable and not enforceable as the source of waste could not be ascertained with any degree of certainty.

(iii) Lostock EfW facility, Cheshire (allowed on appeal, 2012) When considering the need for a catchment restriction the Inspector found that the proximity principle "*does not require it to go to the NAI* [nearest available installation] *and therefore there is some degree of flexibility for operators. The cost of the transportation of waste is a significant factor in the choice of destination for treatment and this also effectively limits the distance travelled. As already mentioned, as a merchant facility, it would be expected that the transportation costs would be a significant factor in contracts*." The Inspector concluded that "*the proposal would meet national waste policy in terms of national self-sufficiency through the establishment of a network of facilities which move waste up through the hierarchy, as set out in the WR2011. Market forces and the costs of transport would help to ensure that there would not be unsustainable movements of waste and would help to ensure that the proposal would be one of the NAIs for the recovery of waste close to its source.*"

(iv) Rookery Resource Recovery Facility (585,000tpa Approved 2013) – The special parliamentary committee rejected a petition from Central Bedfordshire and Bedford Borough Councils, which sought to restrict the source of waste fuel supplies for the facility to the administrative areas of Cambridgeshire, Northamptonshire, Milton Keynes, Bedford Borough, Central Bedfordshire, Luton Borough, Buckinghamshire, Hertfordshire, and the Royal borough of Windsor and Maidenhead. Although this 'Catchment Area' had been defined by Covanta (the applicant), the parliamentary committee commented in its report that the "*energy from waste facility, to be provided as a national infrastructure project, will bring benefits as regards power generation and that the economic challenge of sourcing waste is a matter for Covanta*".

(v) Ferrybridge Multifuel Power Station, South Yorkshire (500,000tpa, Approved 2011) – received a deemed planning permission by virtue of Section 36 of the Electricity Act. The planning permission does not stipulate any source restrictions for the fuel and subsequently, SSE has contracted with waste management organisations to import fuel, in the form of residual waste, from the north west of England and Wales, as well as from more local sources such as Bradford, Doncaster and Rotherham, as well as Wakefield Councils.

(vi) Avonmouth EfW facility (350,00tpa, Allowed on appeal, 2011) – The Local Planning Authority wished to restrict the source of waste used as fuel to that arising in the former County of Avon and Gloucestershire, Somerset and Wiltshire. The council's reason for the imposition of the condition was to ensure that the capacity of the plant would not result in widespread importation of waste into the sub-region, which could be seen as eroding the ability of surrounding waste markets to be self-sufficient in dealing with their own waste arisings. However, the Inspector found that *"in circumstances where the capacity for the resource recovery remains less than the quantity of the waste needing to be managed, the market is likely to ensure that the majority of the waste closest to the recovery capacity will be managed there*". He declined to recommend the inclusion of the condition and the Secretary of State agreed *“that the market is likely to ensure that the majority of the waste closest to the recovery capacity will be managed there and that no hinterland condition is necessary*.”

(vii) Ince Marsh Resource Recovery Facility (RRF) (approved 2009 under an Electricity Act application). The site’s planning permission does not constrain the sources of waste which could be imported for use as fuel. In determining that such control would be inappropriate, the Inspector found that “*as a merchant facility responding to the market it is clear that it would not be appropriate to seek to control the origins of waste by condition or legal obligation*”.

1.15 The agent has submitted a carbon impact assessment (CIA) with the application. The CIA reveals that there are considerable areas of Wales that fall outside of the catchment area which are as close or closer to the facility than areas within it. Where the transportation of waste results in a carbon burden, the analysis shows that the carbon burdens associated with the transportation of waste from outside of the current South East Wales catchment area are far outweighed by the carbon benefits of moving waste up the hierarchy and diverting it from landfill disposal to recovery. The results of the carbon assessment therefore demonstrate that the transportation of waste to the ERF from outside the existing catchment restriction will deliver significant carbon benefits compared to the continued disposal of waste to landfill. Therefore from a carbon impact perspective there is no justification for such catchment restriction.

1.16 The applicant concludes that UK and Welsh policy has moved on since the catchment restriction at Trident Park was originally imposed in 2010. TAN 21 is clear that such restrictions should no longer be attempted. Having regard to the interpretation of the proximity principle in Guide to the Debate the applicant contends it would clearly be in accordance with the proximity principle for suitable waste that is currently either being landfilled in South West Wales or being exported to England/Europe for treatment or disposal to be managed at Trident Park because this is the nearest appropriate installation for this waste. The current catchment restriction is therefore actually preventing the efficient implementation of the proximity principle.

1.17 The review of the approach taken by the Secretary of State and Inspectors to fuel sourcing at other EfW facilities indicates that there is an appreciation that residual waste should be viewed as a resource, inasmuch as other conventional fuel sources are, and that there is no planning merit, or reason of over-riding public interest, to seek to constrain the sources from which these facilities can attract their fuel. In addition, having regard to the approach taken at Ardley and at Javelin Park, it is considered relevant that the Inspector concluded that a catchment restriction condition would be neither necessary, nor enforceable.

2. DESCRIPTION OF SITE

2.1 The application site comprises approximately 4.5 hectares and is located within an area of high density industrial and commercial uses. In the immediate area the land uses are characterised by:

(i) South – Port of Cardiff, including Roath Dock and various industrial railway lines. The Eastern Bay Link Road is currently under constructin immediately south of the site;
(ii) North - Mixed Use commercial and retail developments associated with Ocean Way and further north by the residential areas of Atlantic Wharf and Splott. Approximately 100 flats in blocks up to 6 storeys are located approximately 600 metres north on Lewis Road;
(iii) East - Industrial uses associated with Portmanmoor Industrial Estate and further to the east by Celsa steelworks and Rover Way;
(iv) West - Immediately to the west is Celsa Steel works, beyond which is the mixed-use area of the Cardiff Bay redevelopment area, including the residential areas of Adventurer's Quay (6 storey apartments approximately 600 metres southwest), Celestia (apartments adjacent to Adventurer's Quay apartments up to 15 storeys) and Butetown.

2.2 Access to the site is gained from Ocean Way via Glass Avenue.

2.3 The Wentloog/Gwent Levels Special Landscape Area lies some 6 kilometres to the north-east of the site.

2.4 There are no known features of ecological interest within the site.

2.5 There are no statutory designated sites within the application site itself or its immediate vicinity. At its nearest point, the site lies within approximately 600m north of the Severn Estuary, which is of national and international importance due to the presence of extensive areas of intertidal habitats (eg, mudflats, sand banks, rocky platforms and saltmarsh).

2.6 The Flood Risk Maps associated with Technical Advice Note 15: Development and Flood Risk (TAN15) indicate that the proposed application site lies within Flood Policy Zone B. Zone B is defined as being areas that have previously been subject to flooding.

3. <u>SITE HISTORY</u>

3.1 10/00149/E: Permission granted in June 2010 for the erection of an Energy From Waste Facility to include a combine heat and power plant, pre-treatment/recycling facility, incinerator bottom ash recycling and ancillary offices.

3.2 08/2616/E: Permission refused in July 2009 for the erection of an energy from waste facility with combined heat and power plant and ancillary offices for the following reason:

1. In order to operate at its design capacity, without compromising the recycling targets of the Welsh Assembly Government, the proposal would need to import substantial quantities of residual waste material from outside the administrative boundary of Cardiff Council and to export a substantial quantity of hazardous fly ash waste for disposal at an unspecified *authorised disposal site in England. This would result in the unsustainable transportation of waste material contrary to the objectives of Technical Advice Note 21: Waste.*

4. **POLICY FRAMEWORK**

4.1 Welsh Office Circular 13/97: Planning Obligations

4.2 Towards Zero Waste (June 2010)

4.3 Planning Policy Wales, Edition 9 (November 2016):

3.5.5 Planning obligations are useful arrangements to overcome obstacles which may otherwise prevent planning permission from being granted. Contributions from developers may be used to offset negative consequences of development, to help meet local needs or to secure benefits which will make development more sustainable. It is essential that arrangements are fair to both the developer and the community, that the process is as transparent as possible and that development plans provide guidance on the types of obligations which authorities may seek from developers. When granting planning permission local planning authorities may seek to enter into a planning obligation with a developer to:
- *restrict development or use of the land;*
- *require operations or activities to be carried out in, on, under or over the land;*
- *require the land to be used in a specified way; or*
- *to require payments to be made to the authority either in a single sum or periodically.*

3.5.7 Planning obligations should only be sought where they are necessary to make a proposal acceptable in land use planning terms. Planning permission may not be bought or sold and negotiations should be conducted in a way that is seen to be fair, open and reasonable. Unacceptable development should never be allowed because of unrelated benefits. Acceptable development should never be refused simply because an applicant is unwilling to offer such benefits. If there is a choice between imposing conditions and entering into a planning obligation, the imposition of a condition is preferable. Conditions are more transparent, offer greater flexibility in the light of changing circumstances and offer a developer the right of appeal to the Welsh Ministers against those conditions considered to be onerous.

4.2.2 The planning system provides for a presumption in favour of sustainable development to ensure that social, economic and environmental issues are balanced and integrated, at the same time, by the decision-taker when…taking decisions on individual planning applications.

4.2.4 Legislation secures a presumption in favour of development in accordance with the development plan for the area unless material considerations indicate otherwise.

4.3.1 All those involved in the planning system are expected to adhere to (inter alia):

- *putting people, and their quality of life now and in the future, at the centre of decision-making;*
- *taking a long term perspective to safeguard the interests of future generations, whilst at the same time meeting needs of people today;*
- *respect for environmental limits, so that resources are not irrecoverably depleted or the environment irreversibly damaged. This means, for example, mitigating climate change, protecting and enhancing biodiversity, minimising harmful emissions, and promoting sustainable use of natural resources;*
- *tackling climate change by reducing the greenhouse gas emissions that cause climate change and ensuring that places are resilient to the consequences of climate change; and*
- *taking account of the full range of costs and benefits over the lifetime of a development, including those which cannot be easily valued in money terms when making plans and decisions and taking account of timing, risks and uncertainties. This also includes recognition of the climate a development is likely to experience over its intended lifetime.*
- *applying the precautionary principle. Cost-effective measures to prevent possibly serious environmental damage should not be postponed just because of scientific uncertainty about how serious the risk is;*
- *using scientific knowledge to aid decision-making, and trying to work out in advance what knowledge will be needed so that appropriate research can be undertaken;*
- *while preventing pollution as far as possible, ensuring that the polluter pays for damage resulting from pollution. In general the Welsh Government will seek to ensure that costs are met by those whose actions incur them;*
- *applying the proximity principle, especially in managing waste and pollution. This means solving problems locally rather than passing them on to other places or to future generations;*
- *working in collaboration with others to ensure that information and knowledge is shared to deliver outcomes with wider benefits.*

4.4.1 The following sustainability objectives for the planning system reflect our vision for sustainable development and the outcomes we seek to deliver across Wales. These objectives should be taken into account…in taking decisions on individual planning applications in Wales. These reflect the sustainable development outcomes that we see the planning system facilitating across Wales.

4.4.3 Planning policies, decisions, and proposals should (inter alia):

- *Maximise the use of renewable resources, including sustainable materials (recycled and renewable materials and those with a lower embodied energy). Where it is judged necessary to use non-renewable resources they should be used as efficiently as possible. The use of renewable resources and of sustainably produced materials from local sources should be encouraged and recycling and re-use levels arising from demolition and construction maximised and waste minimised;*

- *Encourage opportunities to reduce waste and all forms of pollution and promote good environmental management and best environmental practice. Waste arising from demolition and construction should be minimised, and opportunities to recycle and re-use this waste promoted;*
- *Promote a low carbon economy;*
- *Contribute to the protection and improvement of the environment, so as to improve the quality of life, and protect local and global ecosystems. In particular, planning should seek to ensure that development does not produce irreversible harmful effects on the natural environment and support measures that allow the natural heritage to adapt to the effects of climate change. The conservation and enhancement of statutorily designated areas and of the countryside and undeveloped coast; the conservation of biodiversity, habitats, and landscapes; the conservation of the best and most versatile agricultural land; and enhancement of the urban environment all need to be promoted;*
- *Contribute to the protection and, where possible, the improvement of people's health and wellbeing as a core component of achieving the well-being goals and responding to climate change. Consideration of the possible impacts of developments – positive and/or negative – on people's health at an early stage will help to clarify the relevance of health and the extent to which it needs to be taken into account;*
- *Promote quality, lasting, environmentally-sound and flexible employment opportunities;*
- *Support the need to tackle the causes of climate change by moving towards a low carbon economy. This includes facilitating development that reduces emissions of greenhouse gases in a sustainable manner, provides for renewable and low carbon energy sources at all scales and facilitates low and zero carbon developments;*

4.5.7 Planning to minimise the causes of climate change means taking decisive action to move towards a low carbon economy by proactively reducing the demand for energy, facilitating the delivery of new and more sustainable forms of energy provision at all scales and minimising the emissions of greenhouse gases to the atmosphere.

12.1.6 In general, local planning authorities should seek to maximise the use of existing infrastructure

12.5.1 Planning authorities should, in principle, be supportive of facilities which fit with the aspirations of [Towards Zero Waste and associated sector plans] *and in doing so reflect the priority order of the waste hierarchy as far as possible.*

12.5.3 The land use planning system has an important role to play in facilitating sustainable waste management by providing a framework for decision making which recognises the social, economic and environmental benefits that can be realised from the management of waste as a resource to meet the needs of society and businesses, whilst at the same time:

- *minimising adverse environmental impacts and avoiding risks to human health;*
- *protecting areas of designated landscape and nature conservation from inappropriate development; and*

• protecting the amenity of residents, of other land uses and users affected by existing or proposed waste management facilities.

12.5.4 the waste hierarchy provides the key starting point for all types of waste management proposals and consideration of the hierarchy should be set against the wider social, economic and environmental considerations

12.7.2 The benefits which can be derived from proposals for waste management facilities as well as the impact of proposals on the amenity of local people and the natural and built environment must be adequately assessed to determine whether a planning application is acceptable, and, if adverse impacts on amenity or the environment cannot be mitigated, planning permission should be refused.

12.7.4 Planning authorities, other relevant local authority departments and Natural Resources Wales are expected to work closely together to ensure that conditions attached to planning consents and those attached to Environmental Permits are complementary and do not duplicate one another. However, local planning authorities will need to be satisfied that proposals are capable of effective regulation and Natural Resources Wales should assist in establishing this position. In certain circumstances, where proposals are complex, it will be good practice to encourage the parallel tracking of planning and environmental permitting applications.

12.8.6 The Welsh Government's aim is to secure an appropriate mix of energy provision for Wales which maximises benefits to our economy and communities, whilst minimising potential environmental and social impacts. This forms part of the Welsh Government's aim to secure the strongest economic development policies to underpin growth and prosperity in Wales recognising the importance of clean energy and the efficient use of natural resources, both as an economic driver and a commitment to sustainable development.

12.8.8 The Welsh Government is committed to using the planning system to
• optimise renewable energy generation;
• optimise low carbon energy generation;
• facilitate combined heat and power systems(and combined cooling, heat and power) where feasible;

12.8.9 Local planning authorities should facilitate the development of all forms of renewable and low carbon energy to move towards a low carbon economy to help to tackle the causes of climate change.

12.8.10 At the same time, local planning authorities should…ensure that international and national statutory obligations to protect designated areas, species and habitats and the historic environment are observed

13.10.1 The planning system should determine whether a development is an acceptable use of land and should control other development in proximity to potential sources of pollution rather than seeking to control the processes or substances used in any particular development.

13.10.2 Planning authorities should operate on the basis that the relevant pollutant control regimes will be properly applied and enforced by other agencies. They should not seek to control through planning measures, matters that are the proper concern of the pollution control authority. These regimes are set out in the Environment Act 1995, the Environmental Protection Act 1990, the Water Resources Act 1991 and the regulatory regimes introduced by the Pollution Prevention and Control Act 1999. Each of these may have a bearing on the environmental controls imposed on the development in respect of environmental and health concerns and planning authorities will need to ensure that planning conditions do not duplicate or contradict measures more appropriately controlled under these regimes.

13.12.1 The potential for pollution affecting the use of land will be a material consideration in deciding whether to grant planning permission. Material considerations in determining applications for potentially polluting development are likely to include:
- *location, taking into account such considerations as the reasons for selecting the chosen site itself;*
- *impact on health and amenity;*
- *the risk and impact of potential pollution from the development, insofar as this might have an effect on the use of other land and the surrounding environment (the environmental regulatory regime may well have an interest in these issues, particularly if the development would impact on an Air Quality Management Area or a SAC);*
- *prevention of nuisance;*
- *impact on the road and other transport networks, and in particular on traffic generation; and*
- *the need, where relevant, and feasibility of restoring the land (and water resources) to standards sufficient for an appropriate after use. (Powers under the Pollution Prevention and Control Act 1999 require an operator to return a site to a satisfactory state on surrender of an Integrated Pollution Prevention and Control Permit).*

4.4 Technical Advice Notes (TANs):

5 Nature Conservation and Planning
8 Planning for Renewable Energy
11 Noise
18 Transport
21 Waste

2.9 The nearest appropriate installation principle states that waste falling with Article 16, should be disposed of or recovered in one of the nearest appropriate installations whilst ensuring a high level of protection for the environment and human health. This means taking into account environmental, economic and social factors, to ensure the right waste management facilities are located in the right place and at the right time. There are several reasons why it is important to manage such waste close to where it arises. This includes reducing the detrimental environmental impacts associated with the transportation of waste and retaining the intrinsic value of waste as a resource in line with the need to secure *greater resource efficiency. Planning authorities should not attempt to restrict waste management developments within their boundaries to deal only with arising in their areas. The proximity of a waste disposal or mixed municipal waste recovery installation will depend upon the quantities and types of arisings at local, regional and national levels.*

3.3 It is difficult to predict with complete certainty future needs for the disposal of waste and recovery of mixed municipal waste due to the variety of factors that affect future tonnages and actual existing capacity. However, the Waste Framework Directive requires that waste disposal and recovery of mixed municipal waste should be undertaken at one of the nearest appropriate installations to the source of the waste arising. This does not carry with it the expectation that all areas should be self-sufficient in terms of the network. Waste arising in one area may be better treated or disposed of in a neighbouring local authority area or region and the envisaged 'network' of infrastructure is likely to be spread over a wider area than a single local authority administrative boundary. However, in line with sustainability principles, there is an expectation that all areas should be prepared to accommodate infrastructure to support the development of an integrated and adequate network, be it an actual recovery treatment plant, an intermediate treatment facility or any supporting infrastructure such as transfer stations.

4.5 Local Development Plan (January 2016):

KP1	Level of Growth
KP6	New Infrastructure
KP7	Planning Obligations
KP8	Sustainable Transport
KP12	Waste
KP13	Responding to Evidenced Social Needs
KP14	Healthy Living
KP15	Climate Change
KP18	Natural Resources
EN3	Landscape Protection
EN5	Designated Sites
EN6	Ecological Networks and Features of Importance for Biodiversity
EN7	Priority Habitats and Species
EN9	Conservation of the Historic Environment
EN10	Water Sensitive Design
EN11	Protection of Water Resources
EN12	Renewable Energy and Low Carbon Technologies
EN13	Air, Noise, Light Pollution and Land Contamination
EN14	Flood Risk
T2	Strategic Rapid Transit and Bus Corridor Enhancement
T5	Managing Transport Impacts
T6	Impact on Transport Networks and Services
T7	Strategic Transportation Infrastructure
C3	Community Safety/Creating Safe Environments
C6	Health
W1	Sites for Waste Management Facilities

4.6 The following guidance documents were supplementary to the City of Cardiff Local Plan (1996), now superseded by the Local Development Plan (LDP). They remain a material consideration insofar as they are consistent with LDP policy:

Biodiversity (2011)
Access, Circulation and Parking (2010)

5. INTERNAL CONSULTEES RESPONSES

5.1 The **Operational Manager, Transportation,** has no objection to the application.

5.2 The **Operational Manager, Environment (Noise),** has no objection to the application.

5.3 The **Operational Manager, Environment (Air)** notes that the Air Quality Assessment (AQA) has been produced following the Scoping Request for Trident Park Viridor (Extra Tonnage per Annum). He has reviewed the AQA and is satisfied by the principles applied and findings produced. Drawing upon comments made by Public Health Wales in reference to the application and the need for the applicant to verify the modelling with their own monitoring, he can confirm this has been undertaken and correct procedures applied.

5.4 He notes the following conclusions in the AQA (Chapter 5 of the Environmental Statement):

(i) the predicted impact of increased emissions from both the stacks serving the Trident Park ERF and additional vehicle movements as a result of the increased tonnage and the removal of the catchment restriction is less than 1% of the relevant long-term and short-term EAL for human receptors;
(ii) the effect of this increased impact is considered to be ‘negligible’ and not significant;
(iii) the change in predicted CLe and CLo impacts from both the ERF stacks and additional vehicle movements due to the increased tonnage and removal of waste catchment is considered insignificant and will cause ‘*no likely significant effects (alone and in-combination)*’ for European sites, *‘no likely damage’* for SSSI’s and *‘no significant pollution’* for other sites.
(iv) the effect of the cumulative impacts (due to the entire ERF operating at the increased tonnage and the removal of waste catchment) on air quality at human receptors is considered to be negligible and not significant.
(v) cumulative annual NOx impacts exceed 1% of the CLe for a very limited area of potentially sensitive vegetation within the Severn Estuary site. As stated in Chapter 7 ‘*it is considered unlikely that such impacts would be of significance at above a local level or constitute a likely significant effect.*
(vi) the cumulative impacts of nitrogen and acid deposition are <1% of the CLo at all receptor locations and therefore will cause ‘*no likely significant effects (alone and in-combination)*.

5.5 Overall it is therefore considered that the potential air quality effects resulting from the proposed increase in tonnage at the ERF and the removal of the catchment restriction will not be significant either alone or in combination.

5.6 The **Operational Manager, Waste Management,** has no objections to the application.

5.7 The **Council's Ecologist** has considered the impact of increased aerial emissions and increased road traffic emissions upon the sensitive habitats of the Severn Estuary. He is satisfied that the application has no other impacts upon nature conservation interests.

5.8 The potential impact upon the Severn Estuary designations have been assessed by the Habitats Regulations Assessment (HRA) document provided by SLR consulting, and by the further information dated 13th February 2017 entitled '*Further screening of potential significant in-combination effects of increased emissions to air from Trident Park ERF (16/02256/MJR) on the Severn Estuary SAC/SPA'*. He recommends that these two documents be taken as the Council's HRA of this project as required by Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended).

5.9 The conclusion of the HRA was that the proposed projects are not likely to have a significant effect upon the Severn Estuary European Marine Site, either alone or in combination with other plans or projects. He supports this conclusion.

5.10 The Severn Estuary is also a Site of Special Scientific Interest (SSSI), and as a Competent Authority Cardiff Council has statutory duties in relation to SSSI under Section 28 of the Wildlife and Countryside Act 1981, as substituted by Schedule 9 of the Countryside and Rights of Way Act 2000. However, the features of the SSSI are broadly the same as those of the European Marine Site, so the assessment of no likely significant effect also applies to the features of the SSSI.

6. EXTERNAL CONSULTEES RESPONSES

6.1 The **Welsh Ministers** have been notified of the application in accordance with The Town and Country Planning (Environmental Impact Assessment) Regulations 2016 (as amended). Any comments received will be reported to Committee.

6.2 **Natural Resources Wales** has been consulted and any comments received will be reported to Committee.

7. REPRESENTATIONS

7.1 **Councillor G Marshall** records her strong objection to the expansion outside of South East Wales. There will be an accompanying increase in traffic, noise and air pollution if this application is granted. Once again, Splott will bear the brunt of this.

7.2 The application was publicised by **press and 10 no. site notices** on 27th October 2016 in accordance with the requirements of the Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992 and by press and 10 no. site notices on 16th February 2017 in accordance with the requirements of The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016. The site ntoices were displayed at the following locations (consistent with previous application) :

(i) Galleon Way;
(ii) Adventurers Quay;
(iii) Falcon Drive;
(iv) Bute Street;
(v) Schooner Way;
(vi) East Tyndall Street;
(vii) Ocean Way;
(viii) Glass Avenue;
(ix) Splott Road; and
(x) Muirton Road.

7.3 A **petition** signed by 73 no. residents of Adventurers Quay has been received objecting to the removal of the South East Wales catchment area restriction. They call upon Planning Committee to reject the applications.

7.4 An objection has been received from **Travis Perkins, Trident Industrial Park,** who express serious reservations about an increased workload for the site as there are unacceptable levels of smells coming from the plant and increased volumes can only increase their exposure to the smells.

7.5 The occupiers of **91 Adventurers Quay** object to the application for the following reasons:

(i) The applicant proposed in its planning application (10/00149/E) for the Trident Park Incinerator to enter into a unilateral undertaking to limit the source of waste to be from the South East Wales Region. This region included the Project Gwyrdd Partnership area and its physical extent is defined as being those Authorities that are constituent Members of the South East Wales Regional Waste Plan. The planning permission was granted despite considerable public opposition. Without the above undertaking by the applicant the level of opposition would undoubtedly have been even greater. In recognition of this the Planning Committee attached a number of obligations to the planning permission including the South East Wales catchment limitation. The Planning approval for the Trident Park plant was most controversial. No other applications for such facilities in Wales were successful. The proposed removal of this restriction at this stage is therefore a very serious matter.

(ii) The main emphasis for the requested change relate to current UK and Welsh guidance (which now advises that such restrictions should not be attempted) and details of recent appeal decisions. However, the details provided have no relevance to the planning permission granted in 2010. The catchment restriction was volunteered by the applicant in their application for planning permission which was subsequently granted without the need for appeal. The details relating to the recent appeal decisions cited in the supporting documents focus on the views of the Inspector(s) that "…such a restriction fails to meet the enforceability test, given that waste sourced from and processed within a waste transfer station would not be traceable in terms of origin." And yet, the South East Wales catchment restriction does not appear to have given rise to problems at the Trident Park plant in its last 2 years or so of operation. Why should it be such an issue now? The council contracts now in place amount for 76% (267,000tpa) of the waste to be processed with other contracts sourced from local SE Wales businesses. Good monitoring and accounting practices can surely be used to identify if waste from outside the area is being processed.

(iii) It is suggested that the modification would allow waste from South West and West Wales to travel the relatively short distances to Trident Park ERF for treatment rather than being landfilled or having to travel very long distances to alternative treatment facilities. However, the removal of the catchment restriction at this stage would open the door to the future use (and even the possible expansion of the plant) to service waste not only from other areas within Wales but also waste from other sources. There is nothing in the current submission to clearly define any specific catchment area. In fact, the opposite applies and a carte blanche source permission would apply. It is reported in the press that Cardiff is the fastest growing European city which presumably will result in additional waste processing requirements. It is important that in future plant capacity is available to cover the demand that would be associated with such an expansion. It is also suggested that the Trident Park facility is not operating at maximum efficiency in terms of generating low carbon/renewable power because of improved plant availability and because the waste fuel has been found to have a lower energy content than originally assumed. Additional waste is therefore now required. However, they consider that such assessments are premature at this stage. Despite the statements made in the submission documents that Trident Park had been in operational use for 2 years, the actual period of time according to press reports is 18 months (operational from March, 2015). Furthermore, processing of the additional Rhonnda Cynon Taf inputs was only due to commence in April, 2016. In other words, the estimates of new plant availability and processing capacity have been based on a maximum of 5 months of experience in the processing of the “267,000tpa of Wales council sourced mix” that will form the major part (76%) of the Trident Park operation for (at least) the next 25 years. They suggest that a longer study timescale would be more appropriate.

(iv) The new Eastern Bay Link is due to open in April, 2017. It is unfortunate that the estimation of the environmental impact of the proposed S106 changes has been made at a point in time when the construction of the link road was well underway but not completed. It has not been taken into consideration when e.g. conducting the noise assessments at Adventurers Quay in August, 2016, or when assessing the future traffic flows to the plant. No alternative access to the facility is suggested in the applications but when completed the link road will have an obvious impact on traffic movement at the Ocean Bay roundabout. The implications of such proposals should be undertaken when the link road is open and any consideration of the S106 applications deferred until that time.

(v) Given the importance of these proposed 10/00149/E S106 changes the level of publicity has also been very limited mainly relying on the Western Mail press notice. Although they have been told that public notices were posted no date is recorded on the application summaries to support this and a request for details of the siting of the notices has resulted in no reply. No public notices were posted in the vicinity of the Adventurers Quay and Celestia residential developments housing well in excess of 1000 people. They therefore propose that the Council rectifies this situation by undertaking more extensive publicity to alert the public to the proposed changes and defers any further activity on the applications until this is done. Such a delay would also provide the applicant with the opportunity to carry out a public consultation exercise should it so wish and for further data to be gathered relating to the operation of the ERF facility.

(vi) The application summary on the Council's website is indicating that it is expected that the decision on this application is delegated. Whilst they now understand that this is a "default status" recorded until the decision making route is determined, they consider that the proposed catchment change (and the related application for a 21.4% increase in the present allowed tonnage limit) are major departures from the current planning permission and, as such, they should only be determined following consideration in a public meeting of the Planning Committee.

7.6 In respect of the public notification of the planning applications, the occupiers of **91 Adventurers Quay** state:

(i) Publicity has been inadequate, especially regarding the posting of site notices in in localities most likely to be affected. No public notices were posted in the vicinity of the Adventurers Quay and Celestia residential developments which house well in excess of 1000 people and are located some 650 metres from the Trident Park incinerator.

(ii) The Local Planning Authority subsequently confirmed that a site notice had in fact been displayed at Adventurers Quay since 27 October 2016. A notice for planning application 16/02256/MJR was then located affixed to a lamp post some 50metres or so from the rear vehicle entrance to Adventurers Quay (see photos below). Residents entering by car would not be aware of a notice at this point and the pavement is used by very few of the residents. The main pedestrian entrances used by residents are accessed via the "fish bridge" adjacent to Celestia. The siting of the notice on the lamp post at this location is totally unacceptable.

(iii) The Local Planning Authority also stated that a site notice had been put up in Falcon Drive – the vehicle access route to Celestia. There is no visible sign of any planning notice in Falcon Drive and the Celestia Gatekeepers Office are not aware of any being present in the four weeks since the end of October. In addition, only one site notice (at the site entrance to the Trident Park plant) was posted to alert the public to the proposal to remove the South East Wales catchment area waste restriction (16/02384/MJR). The reason given was that "the publicity requirements differ for application to vary legal agreements".

(iv) The original decision to grant planning permission was very controversial, the level of publicity given to the application being one of questions raised. This important change to the planning permission conditions should therefore have been treated as an exceptional case and full publicity given to it.

(v) For the reasons given above, the Council has failed to adequately publicise applications which propose significant changes to the operation of the VIRIDOR Trident Park plant. They therefore request the deferment of any determination of the applications until adequate publicity and public consultation has been undertaken.

7.7 **Seel & Co, on behalf of the 400+ residents of Adventurer's Quay,** objects to the application for the following reasons:

(i) The relaxation of the catchment area will mean that waste may be transported from further afield than the existing SE Wales catchment again resulting in additional pollution not just to the immediate surroundings but along new routes from new sources. It would also seem increasingly inefficient to transport waste from further afield than for the plant to serve just the SE Wales catchment. Surely regional planning policy should concentrate on ensuring the suppliers of the local waste do so more efficiently and effectively.
(ii) The residents are concerned that their quality of life may be affected;
(iii) The consultation processes have not been conducted so as to properly include the residents of Adventurers Quay. There was widespread ignorance of the proposals at the recent owner's AGM and great concern has been raised by owners subsequently that had they been properly consulted many would have raised individual objections and concerns at the proposals. It has been suggested that there has been maladministration in the lack of appropriate and transparent consultation and there should be a judicial review of the conduct of the Local Planning Authority.

7.8 Cardiff Against the Incinerator (CATI) makes the following objections:

(i) There are no responses from statutory consultees (WG and NRW), nor any evidence that they have been consulted, as required for an EIA application;
(ii) They support the objections from residents of Adventurers Quay;
(iii) They request that this application be considered by Planning Committee, being a significant change that would over-ride a decision made by the full Committee to attach the Condition that the waste inputs must be restricted to SE Wales. They remind the Council that the applicant did not want this condition and the Committee voted down the company's first planning application because the Condition was absent.
(iv) They advise that Viridor is trying to abolish area restrictions at its incinerator plants in England on various pretexts - they are trying to nullify the whole Proximity Principle.
(v) The Proximity and Regional Self-Sufficiency principles of the Waste Framework Directive and the Welsh Waste Plan (TAN21 and PPW) justify the present restriction in the Planning permit. The commercial interests of the company cannot be allowed to over-ride this basic policy.
(vi) The company's argument is simplistic and wrong: "*removal of the catchment restriction will enable other areas to benefit from diverting more of their waste from landfill whilst generating additional renewable/low carbon energy*." They explained at the 'exhibition' that they hope to win business from Swansea and west Wales Councils. That waste at present

has greater separation of recyclables and residuals go to the manufacture of RDF, which is shipped to Europe for fuelling CHP incinerators. Viridor expect Swansea would get the 25% Welsh Govt subsidy, which is a bias against the environmentally preferred options of high recycling and high thermal efficiency. Refusal would not as Viridor assert “result in waste that is suitable for energy recovery continuing to be landfilled”, but waste that is suitable for RDF fuel continuing to supply efficient CHP incinerators in Europe. This is a better fit to Welsh Government waste policy, seeing that no efficient CHP incinerators have been built in Wales. More efficient gasification plants and MBT processes are in the offing in SE Wales, eg. Caerphilly SRF/RDF; Cardiff*, so that giving more of the market to Viridor’s old-technology inefficient plant is likely to be negative in environmental terms.

7.9 **Public Health Wales** has consulted with their colleagues at the Environmental Public Health Service and their assessment is based on actual or potential health risks from environmental exposures to chemicals, noise and extreme environmental events such as flooding.

7.10 They note that the plant has been operational for two years and has consent to treat 350,000 tonnes of waste per annum. Improved plant availability and a lower than estimated energy content of the waste fuel has resulted in the facility having the capability to process more waste and recover more energy than is currently allowed by the planning permission. They note that the stack height will remain unchanged and the diameter will increase from 1.78 metres to 1.9 metres.

7.11 They have no grounds for objection based upon the public health considerations contained in the application.

7.12 The air quality assessment accompanying the application predicts the environmental concentration of emissions. They note that this assessment finds that the highest cumulative (plant and vehicle emissions) annual average NO2 process contribution and highest cumulative annual average PM2.5 process contribution at a receptor are predicted to occur at the same receptor point, the Travellers site on Rover Way.

7.13 The assessment concludes that the impact of increased emissions from the stacks and additional vehicle movements is considered to be ‘negligible’ and not significant. The proposed changes will result in less than 1% of the relevant long-term and short-term EAL for human receptors. The proposed change will not result in a breach of the air quality objectives at any relevant receptor locations.

7.14 Following the receipt of further information (see paragraph 1.6), a 21 day re-consultation took place on 16th February 2017 under Regulation 22 of The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016. **3 No. additional objections** have been received from the occupiers of 36 Madoc Road, Tremorfa, 219 Adventurers Quay and one unaddressed email who oppose the application for the following reasons:

(i) The removal of any restrictions on volumes of waste incinerated and increasing the catchment of the incinerator contradicts current International, Welsh Government and Cardiff Council policies of reducing the amount of waste produced by giving, in effect a ‘green light’ to increase waste production by providing increased capacity at the incinerator.

(ii) The applicant is bound to say that there will be no effect on the environment from air pollution, traffic generated and noise however the amount of airborne particulate has made a marked increase since the incinerator opened and again when the capacity was increased previously.

(iii) Any increase in waste incinerated will lead to an increase in HGV traffic on local and new routes outside the current catchment area, to supply the incinerator and put these additional vehicles onto an already congested roads network around Cardiff, which are all already in a very poor condition of repair. Increased vehicle movements will lead to longer journey times, increased noise pollution and increased particulate pollution from the extra vehicles as well as an increased risk to non-vehicular road users in south central Cardiff area.

(iv) An increase in waste will also lead to increased airborne particulate being released into the atmosphere when it is incinerated.

(v) The incinerator should never have been built where it was in the first place.

(vi) Damage to the health and wellbeing of 10,000s of people for profit.

(vii) Cardiff Council should follow their own – and national / international – policy and reduce waste, not encourage the production of more, by allowing more to be incinerated to the further detriment of the residents and environment of south central Cardiff.

(viii) This application should be refused.

(ix) The development is close to residential and wetland areas.

(x) Pollution from site has led to increased deposits on their property which exceed usual weathering and wear and tear. This is irresponsible and generates health concerns for humans and wildlife.

7.15 The Chairman of the **Adventurer’s Quay Management Company**, on behalf of the residents and owners, states that the expansion of processing at the facility is an important issue with increased risk of pollution and threat to public health. Expansion is also likely to add CO2 emissions as waste is transported from beyond a local proximity and is therefore contribute to global warming. He therefore requests, on behalf of residents, that there is a full planning committee consultation so that it can be considered fully.

7.16 **Public Health Wales** notes that further information has been submitted in the form of a revised Habitats Assessment, however this is outside their scope to comment upon.

8. ANALYSIS

8.1 The key issues for the consideration of this application are the legal tests for planning obligations, the acceptability in planning policy terms of removing the waste catchment restriction, the likely environmental effects of doing so and consideration of third party representations.

The Tests for Planning Obligations

8.2 Planning Policy Wales 9 (PPW9) advises that planning obligations should only be sought where they are necessary to make a development acceptable in land use planning terms. They should not be used to support unacceptable development nor should their absence result in a refusal of acceptable development (paragraph 3.5.7).

8.3 The legal tests for when planning obligations can be used are set out in regulation 122 and 123 of the Community Infrastructure Levy Regulations 2010. The tests are:

(i) necessary to make the development acceptable in planning terms;
(ii) directly related to the development;
(iii) fairly and reasonably related in scale and kind to the development.

8.4 Members must consider whether the catchment restriction obligation meets all three tests.

Planning Policy Considerations

8.5 A summary of the key national and local planning policies is provided in Section 4 of this report. The applicant provides references to UK waste policy in Section 1 in support of their application.

8.6 The catchment restriction was offered by the applicant to overcome the Planning Committee’s reason for originally refusing permission in July 2009, who considered that the imports and exports by the Energy Recovery Facility (ERF) at Trident Park would result in the unsustainable transportation of waste material, contrary to the provisions of Technical Advice Note 21: Waste (TAN 21) (see paragraph 3.2).

8.7 A new TAN 21 was published in 2014 which, read in conjunction with Planning Policy Wales 9th Edition (2016) and *‘Towards Zero Waste – One Wales: One Planet’* (June 2010), contains the latest guidance for the waste management in Wales (see Section 4).

8.8 Relevant extracts from TAN 21 include the following:

(i) Waste should be regarded as a valuable resource rather than as an unwanted burden (1.22);
(ii) Not all waste arising in Wales is managed in Wales, some is exported to other UK counties for treatment, recycling, recovery or disposal. Waste is also imported into Wales (1.22);
(iii) It is not necessary for Wales to have within its borders a full suite of facilities necessary to comply with the requirements of the Waste Framework Directive, or to manage all of its own waste (1.22);
(iv) All types of waste should be managed sustainably (1.24) in line with the priority order of the waste hierarchy (2.6) (see attached diagram);
(v) As waste composition changes over time facilities will need to adapt (1.25).

8.9 Paragraph 2.9 of TAN 21 contains guidance on the concept of the ‘nearest appropriate installation’: *The nearest appropriate installation principle states that waste falling with Article 16, should be disposed of or recovered in one of the nearest appropriate installations whilst ensuring a high level of protection for the environment and human health. This means taking into account environmental, economic and social factors, to ensure the right waste management facilities are located in the right place and at the right time. There are several reasons why it is important to manage such waste close to where it arises. This includes reducing the detrimental environmental impacts associated with the transportation of waste and retaining the intrinsic value of waste as a resource in line with the need to secure greater resource efficiency. Planning authorities should not attempt to restrict waste management developments within their boundaries to deal only with arising in their areas. The proximity of a waste disposal or mixed municipal waste recovery installation will depend upon the quantities and types of arisings at local, regional and national levels.*

8.10 Applying this guidance to the application, any waste currently being landfilled in West Wales, or being exported to alternative locations in the UK or Europe for treatment or disposal, could be diverted to the application site, the nearest appropriate installation, if the catchment restriction were removed.

8.11 In respect of regional collaboration, paragraph 3.3 states: *It is difficult to predict with complete certainty future needs for the disposal of waste and recovery of mixed municipal waste due to the variety of factors that affect future tonnages and actual existing capacity. However, the Waste Framework Directive requires that waste disposal and recovery of mixed municipal waste should be undertaken at one of the nearest appropriate installations to the source of the waste arising. This does not carry with it the expectation that all areas should be self-sufficient in terms of the network. Waste arising in one area may be better treated or disposed of in a neighbouring local authority area or region and the envisaged ‘network’ of infrastructure is likely to be spread over a wider area than a single local authority administrative boundary. However, in line with sustainability principles, there is an expectation that all areas should be prepared to accommodate infrastructure to support the development of an integrated and adequate network, be it an actual recovery treatment plant, an intermediate treatment facility or any supporting infrastructure such as transfer stations.*

8.12 Paragraphs 2.9 and 3.3 were published after the Planning Committee’s decision to impose a catchment restriction in 2010, and clearly demonstrate that the sustainable management of waste may include the transportation of waste across regional and national borders.

8.13 In addition to the clear guidance in national policy, the recent appeal decisions provided by the applicant in paragraph 1.14 also demonstrate that catchment restrictions are consistently being rejected in the determination of planning appeals by Inspectors, the Secretary of State and Parliamentary Committees. Reasons for their rejection include enforceability, (in respect of conditions), unnecessary (transportation costs would limit distances), and market forces would be an effective control.

Environmental Impact Considerations

8.14 The Environmental Statement (ES) accompanying the application assessed the impact of removing the waste restriction on traffic, air quality, noise, ecology and climate change. The conclusions of the ES are attached to this report.

8.15 In respect of traffic, the ES concluded that there are no transport related issues that would prevent the removal of the waste restriction. The Operational Manager, Transportation, found no reason to object.

8.16 In respect of air quality, the assessment concluded that there would be no significant environmental effects. The Pollution Control Manager (Air Quality) and Public Health Wales found no reason to oppose the application.

8.17 No significant effects on the environment were found to occur from increased noise and the Pollution Control Manager (Noise) agreed.

8.18 The Council's Ecologist is satisfied with the submitted ecological information, including the further information comprising an 'in-combination' assessment of the development with other sites in the locality. He agrees with the conclusions of the Habitats Regulations Assessment that no direct ecological impacts will arise and, overall, no significant effects will occur on the Severn Estuary designations. Nor does he consider that the interests of the Site of Special Scientific Interest (SSSI) would be adversely affected.

8.19 Regarding climate change the assessment found that, the further waste is transported, the higher the carbon burden. However, the results also found that the carbon burdens of transporting waste from outside the current catchment restriction of South East Wales are relatively small, and that the carbon benefits associated with diverting this waste from landfill and recovering it at the Facility outweighs the burden of transportation. Overall, when transport burdens are included, the assessment concludes that the scheme delivers a significant carbon benefit to the alternative of disposal to landfill.

Third Party Objections

8.20 In respect of objections by third parties which have not already been addressed in this report:

(i) It is correct that allowing the proposed modification would enable waste to be transported from outside Wales. However, the application should be determined in the light of current national guidance. Members are also advised to have regard to the recent appeal decisions. It has been determined that transportation costs play an important role in determining the distances that waste would be transported.

(ii) It is agreed that Cardiff's rate of growth will lead to an increased demand for waste processing capacity which will need to be met in the future.

(iii) The timing of the application submission, 18 months since operations began, is noted. The acceptability of increasing tonnage is addressed in the assessment of application no. 16/02256/MJR which is also presented to this

Committee.

(iv) The Eastern Bay Link Road (EBLR) extension has been included in the environmental assessment. The overall effect of this link road on traffic along Rover Way indicated that it would lead to a decrease in traffic and therefore a corresponding decrease in NOx levels, even when highly optimistic traffic growth was assumed. It is not considered to be necessary to defer determination of this application pending the opening of the Link Road extension.

(v) The public consultation exercise for this application, which included the display of 10 no. site notices in the vicinity of the application site, press notices, and letters of notification, has exceeded the consultation requirements set out in relevant legislation (See paragraph 7.2);

(vi) It is not considered that the amenities, the quality of life or health of local residents will be adversely affected by the removal of the catchment restriction. Local residents would not be directly affected from the receipt of waste from new locations.

(vii) Paragraph 2.9 of TAN 21 advises that the proximity of a waste disposal or recovery installation will depend upon the quantities and types of arisings at local, regional and national levels. It therefore recognises that the nearest appropriate installation for the disposal of waste may, in some instances, cross regional or national boundaries.

(viii) The removal of the catchment restriction would allow Trident Park the opportunity to be regarded as the nearest appropriate installation in line with planning policy. The current restriction prevents this from taking place. The removal of the restriction will also allow market forces to influence the treatment and disposal of waste, which has been recognised in recent appeal decisions. Operators in West Wales would have the option to choose between continuing the transportation of waste to Europe, or processing at Trident Park.

(ix) It is accepted that other facilities in the pipeline may (or may not) come forward to operation in the future. However, this application must be determined on its planning merits.

(vii) The use of the site for an Energy Recovery Facility has been assessed previously and found to be acceptable.

(viii) Increasing the amount of waste processed at the facility is assessed under application no. 16/02256/MJR, also reported to this Committee.

(ix) The views expressed regarding the enforceability of the catchment restriction are noted. However, in this instance the key issue is not one of enforceability, rather the issue is whether the restriction should continue to be applied in the light of current policy.

Other Considerations

8.21 *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

8.22 *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.

9. CONCLUSIONS

9.1 Although the catchment restriction was originally offered by the applicant when seeking the original planning permission, current planning policy clearly advises against placing geographical restrictions on the management of waste. Furthermore, recent appeal decisions offered by the applicant demonstrate that such catchment restrictions have not been supported by Inspectors, the Secretary of State, or Parliamentary Committees.

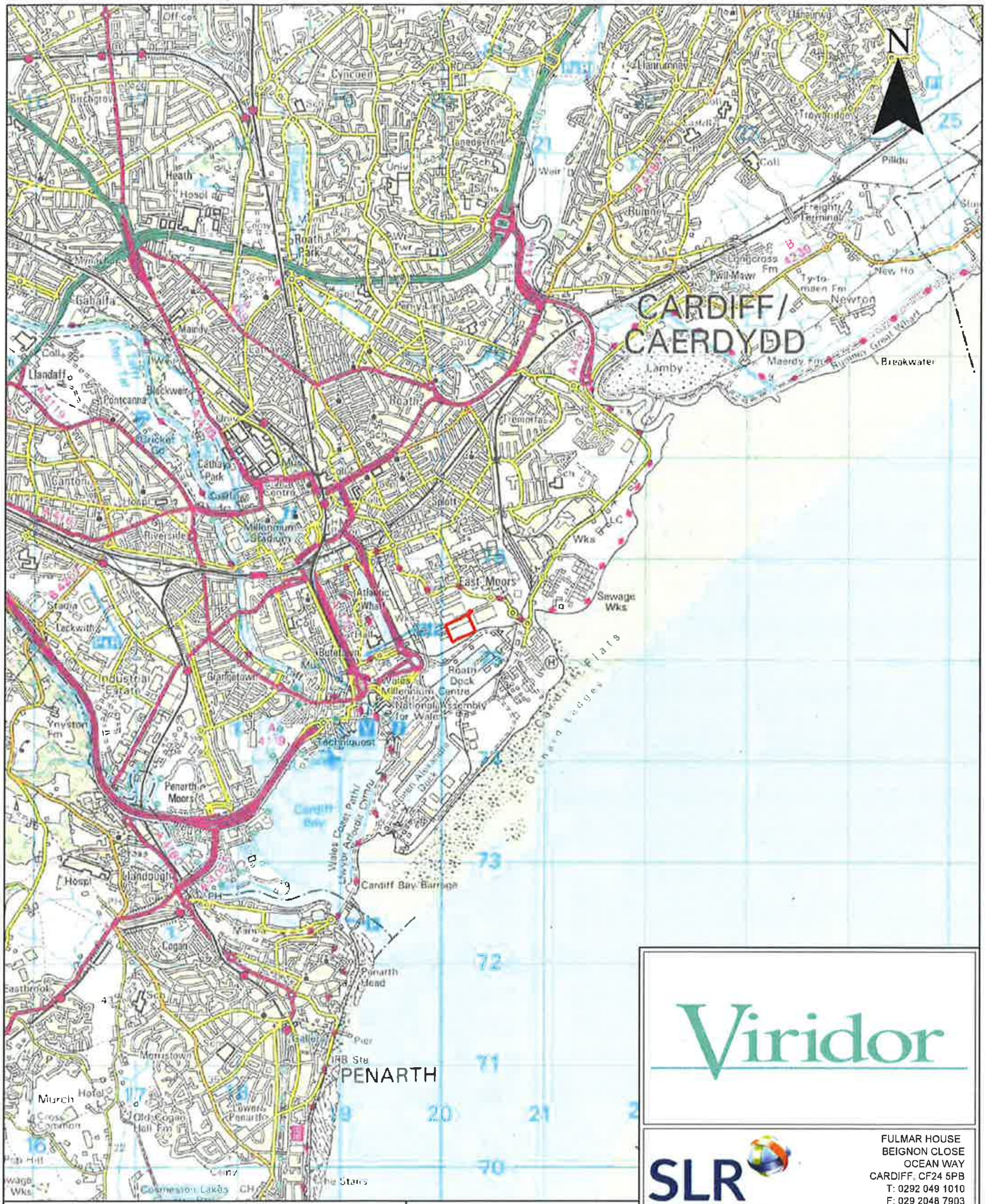
9.2 The application is accompanied by an Environmental Statement which has assessed whether the removal of the catchment restriction would result in significant environmental effects in respect of transportation, air quality, noise, ecology and climate change. In each case no significant effects on the environment have been identified and, in respect of climate change, significant environmental benefits have been identified. This environmental information has been taken into consideration in the determination of this application.

9.3 The statutory consultees have accepted the scope and findings of the Environmental Statement and do not dispute the conclusions.

9.4 PPW9 advises that Local Planning Authorities should aim to maximise the use of existing infrastructure (paragraph 12.1.6). The long-term contracts currently in place to receive municipal waste from landfill across the SE Wales Region would continue unaffected by the removal of the catchment restriction (These contracts include Prosiect Gwyrdd, a 25 year partnership between the Councils of Caerphilly, Cardiff, Monmouthshire, Newport and the Vale of Glamorgan to process approximately 200,000 tonnes per annum and Tomorrow’s Valley, a 25 year partnership between Rhondda Cynon Taf, Merthyr Tydfil, Blaenau Gwent and Torfaen Council for the treatment of up to 100,000 tonnes per annum).

9.5 The removal of the catchment restriction will afford other areas beyond SE Wales the opportunity to divert waste from landfill in accordance with the waste hierarchy.

9.6 In the light of current planning policy, it is considered that the catchment restriction is not necessary to make the development acceptable in planning terms, nor is it reasonably related in scale and kind to the development. It is recommended that the obligation be removed.



LEGEND

APPLICATION BOUNDARY

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FULMAR HOUSE
BEIGNON CLOSE
OCEAN WAY
CARDIFF. CF24 5PB
T: 0292 049 1010
F: 029 2048 7903
www.slrconsulting.com

TRIDENT PARK, CARDIFF

TRIDENT PARK VARIATION

SITE LOCATION PLAN

01

Scale
1:1250 @A3

Date
APRIL 2016

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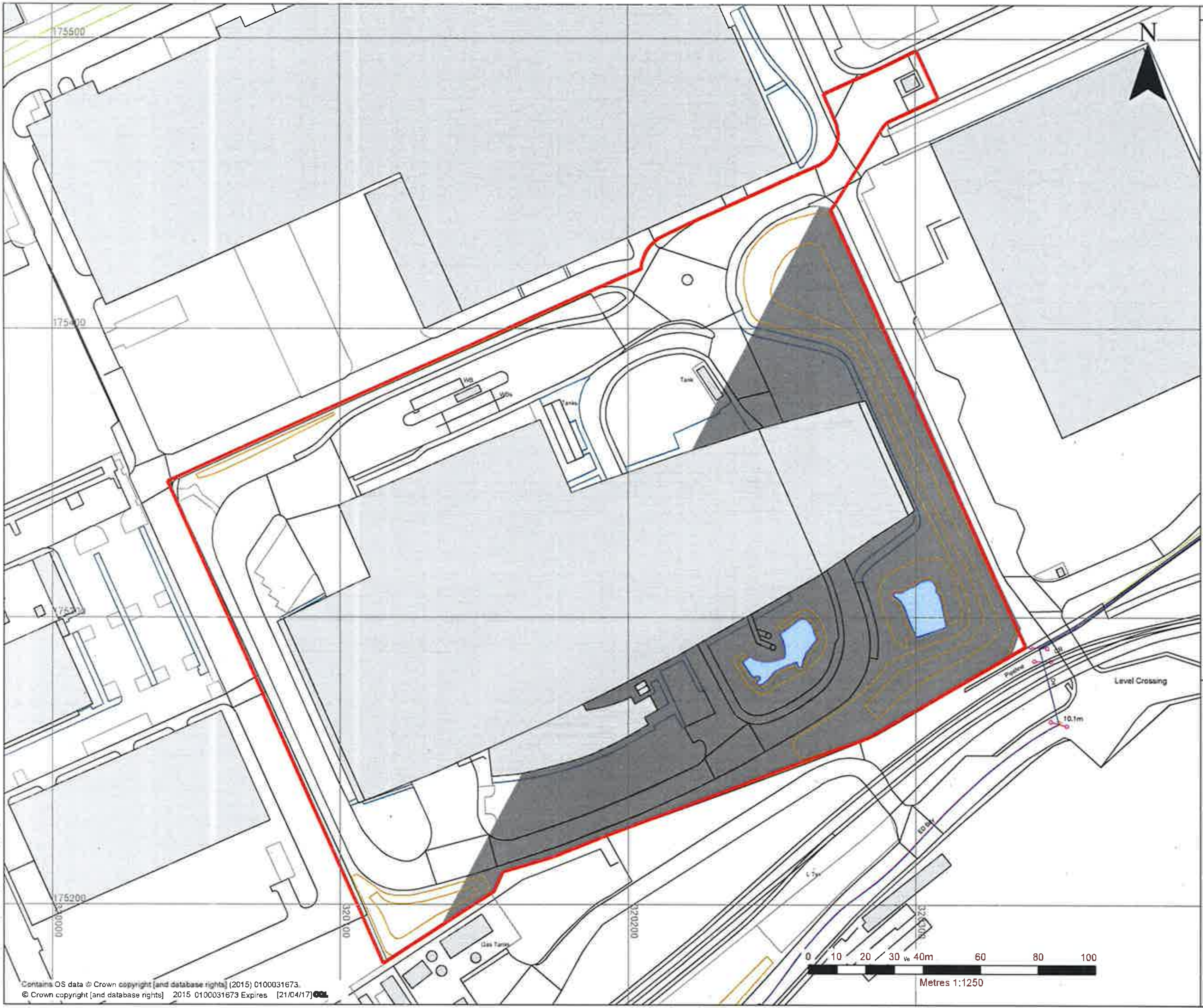

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FULMAR HOUSE
BEIGNON CLOSE
OCEAN WAY
CARDIFF, CF24 5PB
T: 0292 049 1010
F: 029 2048 7903
www.slrconsulting.com

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TRIDENT PARK VARIATION

APPLICATION BOUNDARY PLAN

02

Scale	Date
1:1250 @A3	APRIL 2016

9.0 CONCLUSIONS

9.1 Introduction

The EIA process has identified the likely significant effects of the proposed development as follows:

- Traffic;
- Air Quality;
- Noise;
- Ecology; and
- Climate Change.

Effects that are not considered to be significant, because there would be no change to the existing ERF building, are as follows:

- Geology and Soils;
- Water;
- Landscape and Visual; and
- Cultural Heritage.

9.2 Traffic

The traffic assessment has concluded that the proposed waste tonnage increase would generate approximately 17 additional HGVs (34 movements) a day and for robustness has assumed a maximum of 3 HGVs (6 movements) an hour on the local highway network during both morning peak and evening peak.

Traffic surveys and capacity assessments have been undertaken at the Glass Avenue roundabout which concluded that the roundabout currently operates satisfactorily and would continue to do so with the proposed additional waste trips.

It is considered that there are no transport related issues that would prevent the proposed changes going ahead.

No significant adverse effects on the environment identified.

9.3 Air Quality

The air quality assessment has concluded that:

- the predicted impact of increased emissions from both the stacks serving the Trident Park ERF and additional vehicle movements as a result of the increased tonnage is less than 1% of the relevant long-term and short-term EAL for human receptors;
- the effect of this increased impact is considered to be 'negligible' and not significant;
- the change in predicted CLe and CLo impacts from both the ERF stacks and additional vehicle movements due to the increased tonnage is considered insignificant and will cause '*no likely significant effects (alone and in-combination)*' for European sites, *'no likely damage'* for SSSI's and *'no significant pollution'* for other sites;
- the effect of the cumulative impacts (due to the entire ERF operating at the increased tonnage) on air quality at human receptors is considered to be negligible and not significant;
- cumulative annual NOx impacts exceed 1% of the CLe for a very limited area of potentially sensitive vegetation within the Severn Estuary site. It is considered unlikely that such impacts would be of significance at above a local level or constitute a likely significant effect; and
- the cumulative impacts of nitrogen and acid deposition are <1% of the CLo at all receptor locations and therefore will

cause '*no likely significant effects (alone and in-combination)*'.

No significant adverse effects on the environment identified.

9.4 Noise

The assessment has concluded:

- The additional HGV movements would not cause an increase in the ambient noise level during quieter periods.
- The cumulative noise level (baseline plus predicted HGV noise levels) during noisier periods does not cause an exceedance in the daytime external noise limit of 55dB(A).

The impact of the HGV noise and the significance of the effect at each receptor location assessed is none

No significant adverse effects on the environment identified.

9.5 Ecology

The potential for direct ecological impacts has been discounted, as the proposed development utilises an existing building and infrastructure and does not require any loss of habitat or alteration of current site conditions.

Potential indirect effects upon off-site ecological features, in particular deposition of emitted products (from the facility and associated traffic) on ecologically designated sites have been subject to detailed consideration.

Overall, no significant effects are predicted in respect of all emission types from the proposed increased tonnage alone. A localised ecological impact may occur when the proposed increase is assessed in combination with existing permitted emissions. This is in respect of NOx deposition within a restricted interface between the Severn Estuary and Rover Way, where a mix of shingle and gravel, inter-tidal mud and saltmarsh occurs; the latter is considered to represent a sensitive habitat to aerial deposition. The area concerned is already subject to deposition levels which exceed the critical loads for NOx and whilst the proposed development would add to these, when the size of the designated site and total extent of saltmarsh is taken into account it is considered unlikely that such impacts would be of significance at above a local level or constitute a likely significant effect.

No significant adverse effects on the environment identified.

9.6 Climate Change

The climate change assessment has concluded that:

- The treatment of waste in the Facility (during hot commissioning and in full operations) is shown to have delivered significant carbon benefit over the disposal of the waste to landfill.
- In 2015, the carbon impact of processing 350ktpa of waste (the current permission) at the Facility achieves a carbon benefit of c.116,000 tCO_2e, and a net carbon benefit of c.188,000 tCO_2e when compared to a baseline of continued landfill disposal.
- Approval of the variation application and therefore the treatment of an additional 75ktpa of waste at the Facility will deliver additional carbon benefits over the current permission.
- Approval of the application to increase the tonnage at the Facility to 425ktpa of waste will result in an additional carbon benefit of c.35,000 tCO_2e in 2017.
- The results show that waste transported from outside the existing permitted catchment area exhibits similar net

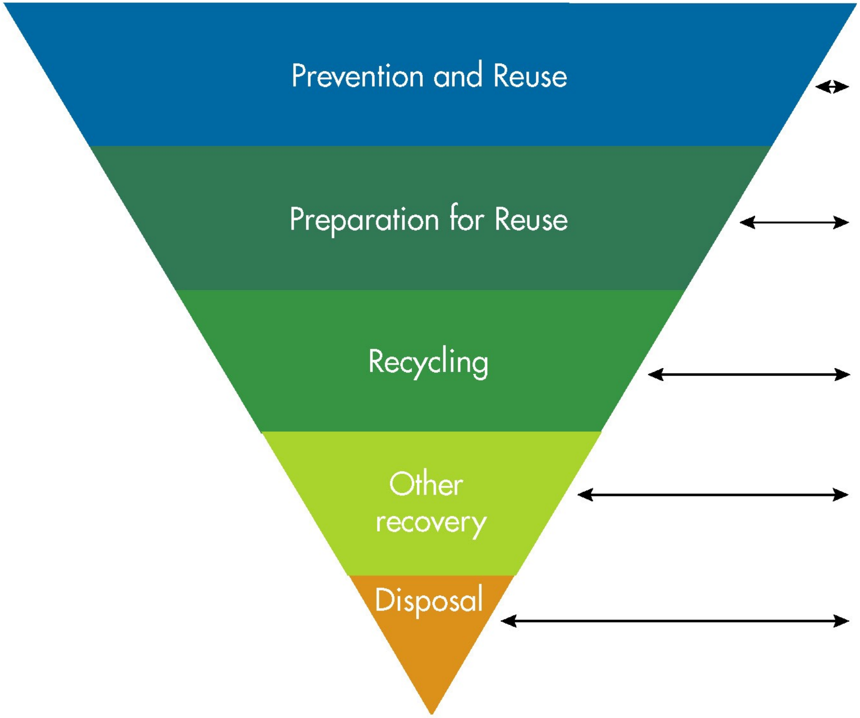
carbon benefits (of c.400 kgCO_2e or greater per tonne of waste) to the net carbon benefits of the treatment only scenario.
- Treatment of an additional 75ktpa of waste at the Facility will assist in minimising waste quantities to landfill and will contribute additional energy to the national grid, thus utilising domestic resources to produce energy for Welsh households and businesses.

On this basis, it is concluded that the proposed increase in capacity at the Facility will deliver significant additional carbon benefits, which can be delivered quickly and for the remainder of the life of the Facility.

Transportation of waste results in a carbon burden, however analysis has shown that the scale of the transport related carbon burden is relatively modest. The carbon burdens of transportation of waste from outside of the current South East Wales catchment area are far outweighed by the carbon benefits of moving waste up the hierarchy and diverting it from landfill disposal to recovery.

Significant benefits to the environment identified.

Diagram 2.7 – The Waste Hierarchy



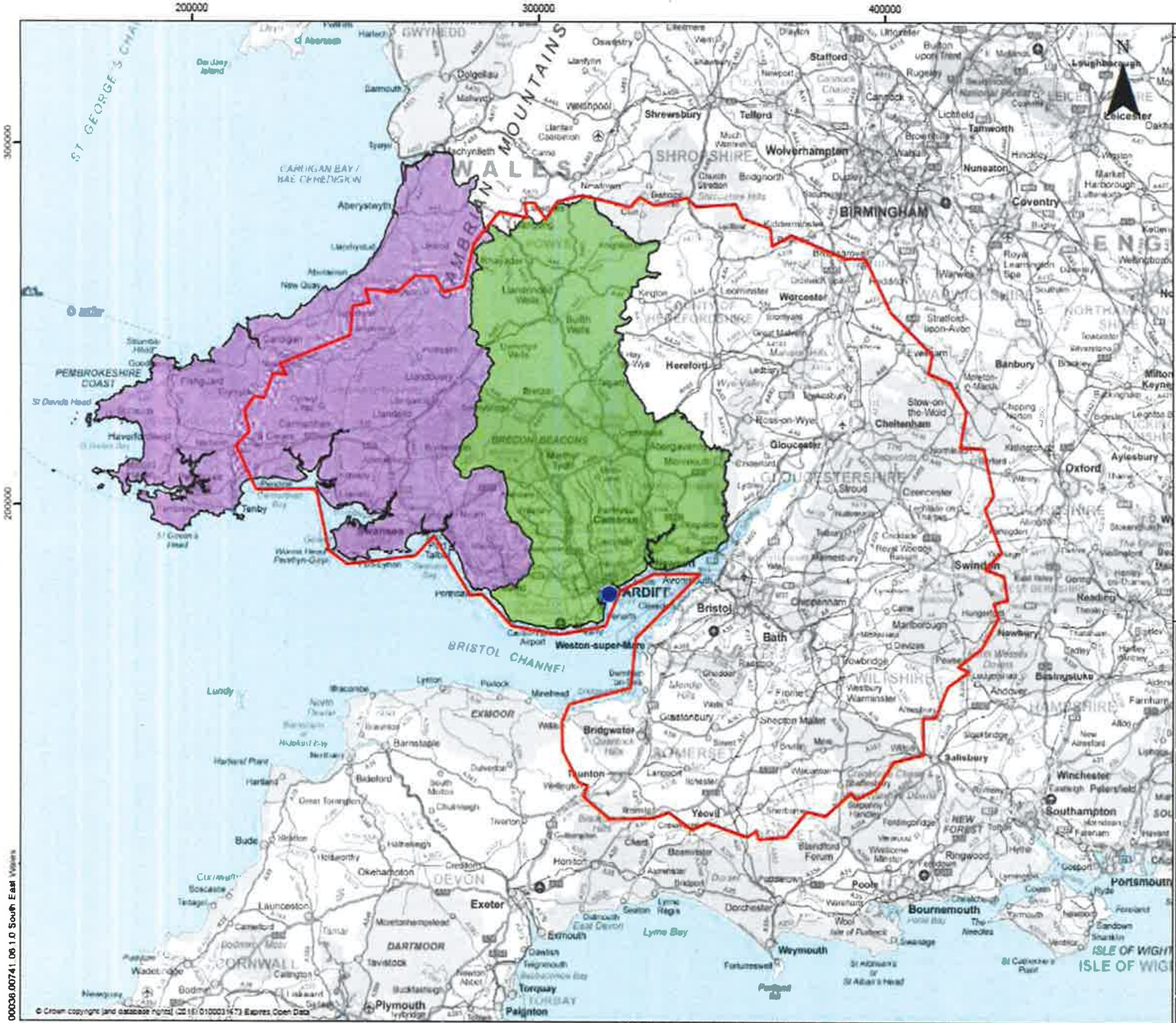
Using less material in design and manufacture; keeping products for longer; re-use; Using less hazardous material.

Checking, cleaning, repairing, refurbishing, recovery operations of whole items or spare parts.

Turning waste into a new substance or product. Includes composting if it meets quality protocols.

Including anaerobic digestion, incineration with energy recovery, gasification and pyrolysis which produce energy (fuels, heat and power) and materials from waste; some backfilling operations.

Landfill and incineration without energy recovery



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LEGEND

●	TRIDENT PARK ERF
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PROPOSED INCREASE IN TONNAGE AND REMOVAL OF CATCHMENT RESTRICTION

SOUTH EAST WALES REGIONAL WASTE GROUP AND DRIVING DISTANCE TO EXTENT OF SOUTH EAST WALES REGIONAL WASTE GROUP

1

Scale	Date
1:1,000,000 @ A3	AUGUST 2016

LOCAL MEMBER OBJECTIONS & PETITION

COMMITTEE DATE: 15/03/2017

APPLICATION No. **16/02196/MJR** APPLICATION DATE: 19/09/2016

ED: **CANTON**

APP: TYPE: Full Planning Permission

APPLICANT: Ahmadiyya Muslim Association
LOCATION: FORMER IAN WILLIAMS LTD, SANATORIUM ROAD, CANTON, CARDIFF, CF11 8SU
PROPOSAL: CHANGE OF USE, ALTERATIONS, AND EXTENSIONS TO FORM CLASS D1 (NON-RESIDENTIAL INSTITUTIONS) PLACE OF WORSHIP, INCLUDING TWO-STOREY MOSQUE WITH MINARET, DOME, ATTACHED TWO-STOREY IMAM'S RESIDENCE AND SINGLE-STOREY DETACHED COMMUNITY FACILITY TOGETHER WITH PARKING AND ASSOCIATED WORKS

RECOMMENDATION : That planning permission be **REFUSED** for the following reason :

1. The application fails to address the vehicular trip generation that is likely to occur from the proposed development and therefore fails to demonstrate that the development will not cause unacceptable harm to safe and efficient operation of the local highway network, contrary to the provisions of Policies T6 and C1 (iv) of the Cardiff Local Development Plan (January 2016).

1. DESCRIPTION OF PROPOSED DEVELOPMENT

1.1 Permission is sought for the change of use, alterations and extensions to form Class D1 (Non-Residential Institutions) place of worship, including two-storey mosque with minaret, dome, attached two-storey Imam’s residence and single-storey detached community hall together with parking and associated works at the former premises of Ian Williams Ltd, Sanatorium Road, Canton.

1.2 In addition to a place of worship, the site will be used for education, training, charity fundraising and other ancillary community use purposes. The planning statement accompanying the application states that the community events will include religious festivals, up to 2 weddings and up to 2 charitable lunches/dinners. The facility would also be available for private hire by external groups.

1.3 The ground floor comprises approximately 190 square metres and will include a women’s prayer room, library/office, nursery, and toilet facilities.

1.4 The proposed extensions and alterations to the main building include:

(i) Approximately 183 square metres additional floorspace at first floor to create men's prayer room, guest sitting area, office, store, lobby and toilet facilities, resulting in an increase in building height from approximately 6 metres to approximately 7.5 metres;
(ii) A minaret to the roof (up to 18 metres above ground level);
(iii) A dome to the roof (up to 13 metres above ground level);
(iv) Amendments to window and door openings to create traditional arched openings;
(v) Through coloured render applied to external walls;
(vi) Reconstituted stone detail course added at eaves level and first floor level.

1.5 The two-storey three bedroom Imam's Residence would be constructed and attached to the rear (north) elevation of the main building and would abut the east site boundary. The new build element would have a footprint of approximately 104 square metres and would be dual access, with its principal entrance onto Sanatorium Road. The dwelling would be approximately 6 metres high to eaves and 7 metres high to roof ridge. The pitched roof would be screened by parapet walling to all sides to a height of approximately 7 metres.

1.6 At ground floor the dwelling would contain a study, lounge, store, w.c., kitchen and dining room. Three bedrooms would be located at first floor (including one ensuite bedroom), with a family bathroom, together with a family bathroom. A private external amenity area of approximately 70 square metres would adjoin the west elevation.

1.7 The proposed detached single-storey Community Hall would be located at the rear of the site adjacent to the north site boundary. The hall would be approximately 7 metres to ridge and comprises a total floor space of approximately 254 square metres, of which approximately 110 square metres comprises an extension to include kitchen, storage and toilet facilities and circulation space. Approximately 144 square metres will comprise a community/dining hall. The building would be finished in through coloured render.

1.8 Excluding the Imam's residence, the proposed new floorspace comprises approximately 321 square metres. The total floor space proposed for Class D1 Place of Worship use comprises approximately 718 square metres (including the Community Hall). The Imam's residence will comprise approximately 200 square metres.

1.9 19 no. car parking spaces would be provided within the site, of which 3 no. would be disabled spaces and 2 would be designated for the Imam's residence. The Design and Access Statement accompanying the application states: *"Many of AMA's members who travel by private car are likely to be families or friends and therefore there will be high levels of car sharing, which will minimise the amount of local traffic along Sanatorium Road and the surrounding area. The site currently has 16 car parking spaces."* (paragraph 2.2.5).

1.10 Five services will occur each day and would vary according to the season: 05:00, 13:30, 17:30, 20:15 and 21:00. A Friday lunchtime service will also take place between 13:00 and 14:00. The timing of each service will alter slightly according to the sunrise and sunset. The duration of each service will last between 15 and 20 minutes.

1.11 The Transport Statement accompanying the application states:

(i) The busiest service will take place during a typical Friday lunchtime (13:00-14:00), where up to 30 members could be in attendance. At all other service times, attendance numbers will be far lower (5.2.5);
(ii) 50% of members live within a one to two mile radius of the site, and are therefore likely to arrive on foot, cycle, or make use of nearby public transport facilities (5.2.6);
(iii) The typical AM peak hour (08:00-09:00) will not be affected as there are no planned services after 05:00; the next planned service being at 13:30 (5.2.7);
(iv) There is however a planned PM peak hour service at 17:30. Members are likely to arrive and depart during this peak hour period (17:00-18:00) given that service duration is not expected to exceed 20 minutes (5.2.8);
(v) It has been assumed for assessment purposes that a maximum of 20 worshipers will attend this particular service. Given the site’s close proximity to a large residential catchment, and that 50% of members live within a one to two mile radius of the site, it is reasonable to assume that 50% of members will arrive via sustainable means i.e. walking, cycling or public transport. The remaining 10 members are therefore assumed to arrive via private car (5.2.9);
(vi) It has also been assumed that two members will arrive in each vehicle, resulting in a maximum of five arrivals and five departures during a typical PM peak hour i.e. 10 two-way vehicular trips (5.2.10);
(vii) There are a total of 144 Ahmadiyya Muslims in the area that could benefit from the [Eid] service (5.2.15). However, it is anticipated that up to 100 of these will attend the proposed Sanatorium Road site during Eid festivals, as it is common for a significant percentage to instead take part in far larger events e.g. those held in London;
(viii) One of the rituals observed by worshippers during Eid festivals is to walk to and from the place of worship and to take a different route to and from the site (5.2.17);
(ix) This effectively removes the likelihood of any additional vehicular traffic attending the site during Eid gatherings to that described under normal service conditions (5.2.18);
(x) In addition, the [Eid] service will typically commence at 10.00am and conclude at 11.30am; i.e. mid-morning peak hour. Worshipers will arrive on time and depart soon after, to enable them to continue celebrations with their family and friends at home (5.2.19).

1.12 A Flood Consequences Assessment has been submitted in support of the application.

1.13 The agent has submitted the following additional information on 20th December 2016 in response to comments received from the Operational Manager, Transportation:

(i) *The site already has consent for the intended use and the proposed increase is negligible. The report seems to be treating this new application as an entirely new use;*

(ii) *The TRICS approach suggested as being more appropriate than the 1st principles method we have used (as was accepted for phase 1) is assuming that membership and trip attraction increase proportionate to the Gross Floor Area (GFA). This cannot be true as religious establishments would relocate to large out of town warehousing-style units up and down the county, with large car parks, to increase attendance numbers. This theory does not correlate with the real world scenario for all religious groups, as attendance numbers are typically very low across all. Also, as mentioned above, the approach suggested results in the application site having far more trips (due to factoring according to GFA) than the donor site, despite clearly having far fewer members, which again doesn't add up.*

(iii) *The report then goes on to question the community use trip forecasts; we've simply used standard parameters. Sites chosen within the attached report seem to have been selected, artificially to an extent, which has inadvertently meant that the numbers have increased. However, having said that, the difference shown in the attached is negligible, and will not have a material impact on the highway network surrounding the site.*

(iv) *The key point to this application is the site location, which is entirely sustainable in transport terms; all sustainable transport choices are available i.e. walking, cycling and public transport. The low level of parking on site will also curtail private car use, as car parking provision is the best way to influence modal choice; the lower the better in locations such as this as limited parking will help to deter private car travel.*

(v) *We genuinely feel that there is no issue from a highway and transportation perspective, especially during the network peak hours, the impact during which will be minimal.*

1.14 Following a further dialogue with the Council's Highways Officers, the agent submitted the following further information in February 2017:

(i) *The majority of members working or in education would not attend the place of worship whilst fulfilling work or education commitments during the course of the day. The exception to this rule would be Friday lunchtime prayers when members may make a special effort to attend on lunch breaks. However, for the majority of other prayer times the trip is likely to originate from home.*

(ii) *The first principals, i.e. information provided by the applicant, approach was accepted previously by the Local Planning Authority (LPA) and HA when granting planning permission reference: 14/01523/DCO for the use of the site for Class D1 purposes. Ahmadi is a minority Islamic faith making up approximately 0.5%-1% of the Islamic population (we have* *adopted 0.75% for the purpose of calculations). The wider Islamic community are not able to attend Ahmadi places of worship and vice versa because of significant doctrinal differences. This is why, therefore, using first principals is considered the best approach, as was accepted previously in granting planning permission at the site. It is unclear why the HA has adopted a different approach in respect of what is a minor planning application (less than 1,000 sq m gross) where the principle of the use of the site by the Ahmadi community for its purposes has already been accepted and permitted. This is a material consideration that must be attached significant weight and cannot simply be ignored.*

(iii) The planning application before the Council differs only from that already approved in terms of external appearance, a relatively small amount additional floorspace to enable qualitative improvements to the facilities for members, i.e. kitchen, toilet, lift, shoe racking and other facilities, with the most significant change being the addition of an Imam's residence. There is no change to membership, the numbers of worshippers anticipated or trip rates for the Class D1 use. The only change in anticipated trips is associated with the inclusion of an on-site Imam's residence which in highway terms is considered more sustainable than the alternative of commuting from an off-site location.

(iv) Due to the fact only Ahmadi Muslims can attend the prayers and there are no other Ahmadi mosques in Cardiff and the total population is fixed at around 150 persons while there are, as set out below, over 160 x more non-Ahmadi Muslims within 5 miles of the application site – a survey of another Cardiff mosque is unlikely to yield a representative result as it is likely to be used by far more members than the application site. Furthermore, the application site will not be competing for membership with other mosques or draw people from the wider Islamic community because of the marked doctrinal differences. In short, the membership and trip rates remain the same as previously consented.

(v) The mosque last use identified by the HA is not considered to be 'similar' to the application proposals. While we have not been provided with the full TRICS data by the HA, the site it has selected above appears to be located in Cranford, near Heathrow, London and is not an Ahmadi mosque.

(vi) Experian data in the form of population and religion 2011 Census data from a 5-mile radius from both the Sanatorium Road and Cranford sites has been obtained. The table below summarises that there is a much larger Muslim population (92,199 non-Ahmadi) of potential attendees within a 5-mile radius of the site selected by the HA. However, in comparison, the total Ahmadi population catchment of the application site is up to 174 persons (144 actual). Therefore, the site selected by the HA has potential to be used far more intensively than the Sanatorium Road site, which is limited to a small potential membership.

Site	***Total Population within 5 miles***	***Total Muslim Population***	***Estimated Ahmadi population (at 0.75%)***
Sanatorium Road	*373,012*	*23,217*	*174*
Cranford	*729,346*	*92,896*	*697*

(vii) *The above illustrates that comparing non-Ahmadi and Ahmadi mosques, even of a similar size in terms of floorspace, is an unfair comparison as the total potential membership of Ahmadi mosques is a fraction of a typical non-Ahmadi mosque and are therefore likely to be used far less intensely.*

(viii) *The above provides further justification for the use of first principles, as previously accepted by the LPA and HA, as a better suited approach.*

(ix) *In terms of additional evidence, AMA has provided the findings of its Transport Statement for what it considers to be its most similar mosque, in terms of local membership numbers, in Hayes, Middlesex. However, it should be duly noted that the comparison site has a higher local membership (circa 300 including infants and elderly compared to 144 in Cardiff):*

"Mon-Fri Services
Weekday Evening Up to 20 People
Friday Afternoon Up to 50 People
Friday Afternoon During School Holidays Between 75-90 People

Mode of Travel Modal Split
Car 62%
Bus 5%
Foot 29%

Mode	***Mode Split***	***Trip Attraction (No. of People)***	***No. of Vehicles***
Car	*50-65%*	*45-59*	*11-15*
Bus	*10-5%*	*9-5*	*9-5*
Foot	*30-25%*	*27-23*	*27-23*
Cycle	*10-5%*	*9-5*	*9-5*

The above compares with the TS figures of:

Services
Friday Afternoon (typically) Up to 30 People

Mode of Travel

Car	*50%*
Sustainable modes	*50%*

(x) *The Hayes Transport Statement findings support the applicant's estimates for the application site, with due consideration of the associated local membership numbers.*

(xi) *Furthermore, the TS submitted in support of the planning application also robustly assesses trips during peak hours when the surrounding highway network is at its busiest. The trip information available in respect of the Cranford site identified by the HA does not demonstrate any conflict with peak traffic hours, raising further questions in respect of its significance and applicability to the proposed Ahmadi place of worship.*

(xii) There is no inconsistency in terms of the approach of the applicant or its appointed transportation consultant in terms of the potential occupancy of the community hall. The use of the community hall for special events of approximately 100 persons has been suggested from the outset and was accepted by the LPA and HA previously (see planning application reference: 14/01523/DCO Committee Report paragraph 1.9) when granting planning permission. Subsequently, a Travel Plan has been submitted to address peak attendance as requested during pre-application consultation with the LPA and HA.

(xiii) For a similar reason to the above, a first principles approach, which was accepted by the HA previously, is considered a more representative methodology for assessing the proposal. There are only 144 Ahmadi members in Cardiff. It is improbable that all members would be available to attend the site at any one time for the various reasons set out in the TS, let alone the 260 persons suggested by the HA. It is unclear how the HA has arrived at this figure when it concedes that the proposed community hall as configured can only be used by approximately 60 persons.

(xiv) In any case, maximum occupancy of the site is likely to be on a handful of occasions in a calendar year. The only 2 regular events would be the twice annual Eid festivals. As set out within the TS and the submitted Travel Plan, Eid festival rituals involve walking to and from the mosque and take place during off peak highway network hours. Similarly, weddings (although many marriages are not held in mosques) and gatherings are also likely to take place at evenings and weekends and will have a negligible impact on peak highway network hours.

(xv) It is unclear, therefore, why this matter is receiving disproportionate (worst case scenario) attention given the minor nature of the application, the limited number of maximum occupancy events, their infrequent and off-peak nature and the amount of information provided by the end user.

(xvi) Furthermore, the data obtained by the HA above also demonstrates that a community hall use would have negligible impact on peak highway network traffic.

(xvii) The level of car parking has been reduced to 12 to serve the place of worship plus an additional 2 to serve the residential dwelling as requested by the LPA and HA during pre-application discussions.

(xviii) In summary, planning permission for the use of the site by the Ahmadi Muslim community in Cardiff has already been granted. The planning application does not seek to change any of the principles previously established. The only significant difference between the proposal and the consented scheme is the addition of an Imam’s residence. The planning application before the LPA does not seek to increase membership in any way. The proposal seeks to, mainly, make qualitative and aesthetic improvements to the place of worship already permitted to improve its appearance and ensure members are served well. Otherwise, the only significant change is the addition of the Imam’s residence.

(xix) With regard to highways matters, the first principles, i.e. end-user or applicant-led, approach was accepted by the LPA and HA previously when granting planning permission at the site for a place of worship

including community hall. The use of the building by the minority Ahmadi community cannot be likened to other uses by much larger faith groups as the potential for more intensive use is considerably less due to the sheer lack of Ahmadi population to do so.

(xx) Taking into account the above and the information provided previously, there is unlikely to be any unacceptable effects on the highway network as the majority of the site activities take place outside peak AM and PM traffic hours. Indeed, the consultation responses provided by the HA do not specifically allege any unacceptable impact on the highway network.

(xxi) Adequate parking and servicing facilities are available at the premises in accordance with the Council's adopted SPG in accordance with LDP Policy T6. Parking has been decreased at the site from that proposed previously at the request of the Local Planning and Highway authorities.

(xxii) Convenient and safe provision for cyclists, including cycle parking facilities, in accordance with adopted SPG can be provided at the site in accordance with Policy C1. This can be secured via condition if necessary.

(xxiii) The site and building are accessible to members that will visit the site, with gentle gradients and avoiding threshold steps and changes in levels, in accordance with LDP Policy C1.

(xxiv) The site is within walking distance of local bus and rail stations in addition to local facilities and amenities and maximises opportunities for travel using sustainable modes of transport. The proposal is also likely to result in minimal single-occupancy private car travel and will result in no AM peak hour and a negligible increase to PM peak hour traffic – minimising conflict with neighbouring uses. Similarly, the use of the community hall for evening classes and other purposes are likely to avoid peak AM and PM hour traffic.

(xxv) With regard to the handful of Eid festivals and other capacity events that are anticipated annually, the Travel Plan submitted with the planning application identifies measures to reduce private and single person vehicular occupancy traffic. The level of parking at the site will encourage car sharing and use of public and other sustainable means of transport.

(xxvi) In conclusion, the proposal complies with the transport policies of the Development Plan and benefits from planning permission for its use a place of worship and community facility by the Ahmadi community in Cardiff already. Essentially, the proposal seeks consent for qualitative and aesthetic improvements to the permitted use and the addition of an Imam's residence only. Consequently, it is considered that there are no legitimate highway reasons that planning permission should not be granted. We would be grateful if the HA would consider the additional evidence and information provided above and provide a considered consultation response.

2. DESCRIPTION OF SITE

2.1 The site extends to approximately 0.15 Ha and includes vacant offices and workshops in one and two-storey buildings. The previous occupier of the site vacated the premises in June 2014.

2.2 A railway embankment of approximately 5 metres height adjoins the rear site boundary with residential properties further north, approximately 43 metres away.

2.3 The surrounding uses include a primary school, doctor’s surgery and pharmacy, children’s nursery, and a printing company. A veterinary practice, residential, and other commercial uses are located in the vicinity. Vehicular access to the site is off Sanatorium Road with courtyard parking.

2.4 Construction of approximately 800 houses has commenced on the former Arjo Wiggins site to the north east of the application site.

2.5 The site is located within Flood Zone C1 on the Development Advice Map.

3. **SITE HISTORY**

3.1 15/02643/MJR: Permission refused in February 2016 for change of use, alterations and extensions to form Class D1 (Non-Residential Institutions) Place Worship including two-storey mosque with minaret, dome, attached two-storey Imam’s residence and single-storey detached community hall together with parking and associated works for the following reasons:

1. *The application fails to address the vehicular trip generation that is likely occur from the proposed development and therefore fails to demonstrate that the development will not cause unacceptable harm to safe and efficient operation of the local highway network, contrary to the provisions of Policies T6 and C1 (iv) of the Cardiff Local Development Plan (January 2016).*

2. *The proposed dwelling, by reason of its siting and orientation, and provision of an inadequate amount of private amenity space, would result in a poor quality living environment for future occupiers, contrary to paragraph 9.1.2 of Planning Policy Wales (8th Edition, 2016), paragraphs 5.11.2 and 5.11.4 of Technical Advice Note 12 and Policy KP5 of the Cardiff Local Development Plan (January 2016).*

3.2 14/01523/DCO: Permission granted in March 2015 for change of use from Class B1 (Business) to Class D1 (Non-Residential Institutions).

3.3 13/01645/DCO: Permission granted in October 2013 for proposed extensions to existing office accommodation.

3.4 97/01987/R: Permission granted in December 1987 for pitched roof.

4. **POLICY FRAMEWORK**

4.1 Planning Policy Wales, Edition 9 (November 2016):

4.2.2 The planning system provides for a presumption in favour of sustainable development to ensure that social, economic and environmental issues are *balanced and integrated, at the same time, by the decision-taker when taking decisions on individual planning applications.*

4.2.4 Legislation secures a presumption in favour of development in accordance with the development plan for the area unless material considerations indicate otherwise.

4.3.1 All those involved in the planning system are expected to adhere to (inter alia):

- *putting people, and their quality of life now and in the future, at the centre of decision-making;*
- *taking a long term perspective to safeguard the interests of future generations, whilst at the same time meeting needs of people today;*
- *respect for environmental limits, so that resources are not irrecoverably depleted or the environment irreversibly damaged. This means, for example, mitigating climate change, protecting and enhancing biodiversity, minimising harmful emissions, and promoting sustainable use of natural resources;*
- *tackling climate change by reducing the greenhouse gas emissions that cause climate change and ensuring that places are resilient to the consequences of climate change; and*
- *taking account of the full range of costs and benefits over the lifetime of a development, including those which cannot be easily valued in money terms when making plans and decisions and taking account of timing, risks and uncertainties. This also includes recognition of the climate a development is likely to experience over its intended lifetime.*

4.4.1 The following sustainability objectives for the planning system reflect our vision for sustainable development and the outcomes we seek to deliver across Wales. These objectives should be taken into account…in taking decisions on individual planning applications in Wales. These reflect the sustainable development outcomes that we see the planning system facilitating across Wales.

4.4.3 Planning policies, decisions, and proposals should (inter alia):

- *Contribute to the protection and improvement of the environment so as to improve the quality of life and protect local and global ecosystems*
- *Promote access to employment, shopping, education, health, community facilities and green space*
- *Foster improvements to transport facilities*
- *Foster social inclusion.*
- *Promote resource-efficient and climate change resilient settlement patterns that minimise land-take and urban sprawl, especially through preference for the re-use of suitable previously developed land and buildings, wherever possible avoiding development on greenfield sites;*
- *Locate developments so as to minimise the demand for travel, especially by private car;*

- *Support the need to tackle the causes of climate change by moving towards a low carbon economy.*
- *Play an appropriate role to facilitate sustainable building standards (including zero carbon) that seek to minimise the sustainability and environmental impacts of buildings.*
- *Contribute to the protection and improvement of the environment, so as to improve the quality of life, and protect local and global ecosystems.*
- *Promote access to employment, shopping, education, health, community, leisure and sports facilities and open and green space, maximising opportunities for community development and social welfare.*
- *Foster improvements to transport facilities and services which maintain or improve accessibility to services and facilities, secure employment, economic and environmental objectives, and improve safety and amenity.*
- *Foster social inclusion by ensuring that full advantage is taken of the opportunities to secure a more accessible environment for everyone that the development of land and buildings provides. This includes helping to ensure that development is accessible by means other than the private car.*

4.2 Technical Advice Notes (TANs):

11	Noise (1997)
12	Design (2014)
15	Development and Flood Risk (2004)
18	Transport (2007)
21	Waste (2014)

4.3 Local Development Plan (January 2016):

KP5	Good Quality and Sustainable Design
KP8	Sustainable Transport
KP12	Waste
KP13	Responding to Evidenced Social Needs
KP15	Climate Change
EC3	Alternative Use of Employment Land and Premises
EN10	Water Sensitive Design
EN13	Air, Noise, Light Pollution and Land Contamination
EN14	Flood Risk
T1	Walking and Cycling
T5	Managing Transport Impacts
T6	Impact on Transport Networks and Services
C1	Community Facilities
C3	Community Safety/Creating Safe Environments
C6	Health
W2	Provision for Waste Management Facilities in Development

4.4 The following guidance documents were supplementary to the City of Cardiff Local Plan (1996), now superseded by the Local Development Plan (LDP). They remain a material consideration insofar as they are consistent with LDP policy:

Access, Circulation and Parking Standards (January 2010)

4.5 Supplementary Planning Guidance:

Waste Collection and Storage Facilities (October 2016)
Planning Obligations (January 2017)
Residential Design Guide (January 2017)

5. INTERNAL CONSULTEES RESPONSES

5.1 The **Operational Manager, Transportation,** notes that the primary use of the site would be for daily worship including community use to provide evening classes/workshops/training and after school kids club and a three bedroom Iman's residence with parking spaces. A Transport Statement (TS) has been submitted in support of the application, which identifies that the vehicle trip generation associated with the use would be 77No (2 way) movements daily, of which there are 9No (2 way) and 7No (2 way) in the AM (08:00 to 09:00) and PM (17:00 to 18:00) peak hours respectively, based on TRICS. This assessment of the trips is accepted for the purposes of considering the application.

5.2 The TS indicates that religious service times would be at 0500h – 1330h – 1730h – 2015h and 2100h. These hours of use would be for five days a week and each service would last approximately 15 to 20 minutes. A longer Friday a service is also held between 1300h and 1400h, which is expected to be the busiest time and where the TS suggests 30 members would be expected to attend. It is reported that half of the members live within a two mile radius of the site and as such it is suggested that a significant number of these people would be likely travel by more sustainable modes, i.e. choosing to either walk or cycle. He would however suggest that limited emphasis can be placed on the location of member's homes in relation to the site, particularly for services that are held during the working day, as it is considered that members will necessarily travel from work to the services, rather than their homes.

5.3 The TS has assumed trip rates for the Place of Worship using first principals, as informed by the end user. The reason for this has been attributed to a lack of directly comparable sites in the TRICs Database, i.e. outside of a Sunday Survey. There are however a number similar sites/land uses in Cardiff that could have very easily been surveyed to gain reliable local trip rates, the use of which would have facilitated a robust assessment of the proposals.

5.4 In responding the applicant's transport consultant rebutted the request, suggesting (paraphrased) that 'first principles' have previously been accepted; that the applicant Ahmadi membership represents a minority of the wider Islamic community and that the two are not interchangeable; and that the application represents a small additional floorspace and external appearance differences over/above that already approved.

5.5 However, notwithstanding the assessment of any previous application, the application is sufficiently different to require a new assessment that should address the actual use class and potential occupancy as identified in the application submission. It is noted that a permission would not be personal to the Ahmadi, or any other specific religious sub-group and as such the actual potential occupancy rates should be assessed, on the basis of the floor areas applied for and range of uses identified. With reference to what has been assessed, a key concern in relation to the Community Hall is that there appears to be inconsistency regarding the potential occupancy. The TS suggests that small weddings or religious festivals could be held and these would see a maximum of 100 attendees, however the frequency and attendance numbers are not proposed to be capped. A review of the building proposals in consultation with Building Control colleagues also confirms that the building could, with minor evacuation procedure modifications, be used to accommodate up to circa 280 people (0.5 square metres per person). It is therefore considered that the Community Hall should be assessed with the maximum calculated occupancy of 280 persons.

5.6 In considering the above the transport consultant reiterates that the hall would only be used a small number of times a year, primarily for the Eid festival, and that the Ahmadi membership is limited to 144 in Cardiff, restricting the number of potential attendees. As discussed above however any permission would not be personal to the applicant, nor limited in terms of the frequency of use or number of attendees.

5.7 The TS sets out that under Place of Worship the parking provision is calculated on attendees as specified by the applicant. However as discussed above this is not considered appropriate and it should be calculated on potential capacity, as well as applying to both the Place of Worship and Community Hall.

5.8 In terms of the adjacent highway, parking restrictions, footway widening, crossing provision and pedestrian/cycle improvements have been implemented at the Lansdown Road junction and along the length of Sanatorium Road.

5.9 A Travel Management Plan (TMP) has been submitted in support of the application which identifies that travel surveys will be undertaken shortly after occupation of the site for a typical weekday PM highway network peak hour and also during the first Eid festival to determine modal split of members/visitors. Following this, appropriate modal share targets would be formulated and measures implemented to reach these targets. Officers are concerned that such targets, together with specific actions and measures are not proposed at this stage and therefore a worst case scenario has not been fully presented.

5.10 In conclusion, he has concerns regarding the methodology for calculating the trip generation and modal split, and therefore the robustness of the TA and TMP. He remains concerned that the presented Transport Statement fails to adequately assess the full potential traffic and parking impacts of the proposed use, by artificially limiting and thereby underestimating the potential occupancy of the development based on the use class applied for, and as a consequence does not fully assess the potential impact of the proposed development. The submission therefore fails to demonstrate that the proposed development will not cause unacceptable harm to the safe and efficient operation of the local highway network.

5.11 The applicant has be asked to reassess the proposals on the basis of the potential maximum capacity identified above on a number of occasion and has thus far failed to respond positively in this regard. On the basis of the above, he can therefore confirm that Transportation object to the as submitted proposal for the following reason for refusal. Reason for refusal – The application fails to address the vehicular trip generation that is likely occur from the proposed development use and therefore fails to demonstrate that the development will not cause unacceptable harm to safe and efficient operation of the local highway network, contrary to the provisions of Policies T6 and C1 (iv) of the Cardiff Local Development Plan (January 2016).

5.2 The **Operational Manager, Environment (Contaminated Land),** notes that the site has been identified as formerly commercial/industrial. Records also indicate the property to be on the site of a former landfill. Activities associated with this use may have caused the land to become contaminated and therefore may give rise to potential risks to human health and the environment for the proposed end use. In addition former landfill/raise sites have been identified within 250m of the proposed development. Such sites are associated with the generation of landfill gases, within subsurface materials, which have the potential to migrate to other sites. This may give rise to potential risks to human health and the environment for the proposed end use. Should there be any importation of soils to develop the garden/landscaped areas of the development, or 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. This is 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. She recommends conditions and informative statements in accordance with CIEH best practice and to ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff Local Development Plan.

5.3 The **Operational Manager, Waste Management,** advises that the dwelling and the Class D1 unit will require provision for refuse storage, which must be sensitively integrated into the design. Provision for 1 x 240 litre bin for general waste, 1 x 240 litre bin for garden waste, and 1 x 25 litre kerbside caddy for food waste will be required. If the unit is proposed solely as a place of worship then a separate collection will not be required and waste from the place of worship can be mixed with the domestic waste from the Imam's residence. This will mean no separate storage area is required. Since 27th July 2015, the developers of all new residential units are required to purchase the bin provision required for each unit. The bins have to meet the Council's specifications. They refer the agent/architect to the Waste Collection and Storage Facilities Supplementary Planning Guidance for further relevant information.

5.4 The **Operational Manager, Environment (Air),** has reviewed the application from an air quality perspective, focusing on the likely traffic impact. The pollutants of concern in this respect would be Nitrogen Dioxide (NO2) and Particulate Matter. The Transport Statement, produced September 2016 by Corun and Highway Engineering details that the size of the developed will encompass a floor space of 838m2 and include 14 car parking spaces, 3 of which are for disabled parking. Chapter 5 of the document "Trip Generation and Traffic Impact" details the type and frequency of events that are anticipated to take place at the proposed development and their associated traffic flows. It is clear that the projected figures and statements outlined in Chapter 5 have been derived from assumptions.

5.5 Section 5.2.1 details that TRICS was unable to be utilised during this proposal, therefore figures were generated based on historical knowledge of similar facilities within the UK. He queries what facilities are being referred to and whether they are comparable to the application. The document details the number of events to take place on a daily and annual basis. It is clear that there are many events involving the use of the new proposed facility. In order to compensate for the large number of events that are scheduled, the applicant outlines in Sections 5.2.6, 5.2.9 & 5.2.10 the likely number of trips by non-car modes as well as car-sharing. He considers that these statements are assumptions and therefore uncertainty surrounds the mode of transport that will be adopted by the proposed development's users. To develop on this point, the applicant fails to mention that an established Air Quality Management Area (AQMA) of Ely Bridge is located within two miles of the proposed site. This AQMA was established due to high levels of traffic derived emissions, this being Nitrogen Dioxide (NO2). It is unclear from these statements where the users reside, therefore due to the uncertainty surrounding modes of transport and potential routes, the AQMA may be affected by increased traffic flows and consequently increased levels of Nitrogen Dioxide. Evidence and detail must be provided to ascertain that the AQMA will not be affected by the new proposed development. The evidence and detail will need to be assessed and a decision made if an Air Quality Assessment is required.

5.6 In terms of the construction phase of the development and potential nuisance associated with dust from construction activities it would be advised that the applicant submit a Construction Environmental Management Plan (CEMP) for review prior to any construction takes place.

5.7 The **Operational Manager, Environment (Noise)** recommends conditions in the event that planning permission is granted to prevent the use of external speakers for amplified sound and speech and to control the opening hours of the community facility.

5.5 The Council's **Access Officer** has been consulted and any comments received will be reported to Committee.

5.6 The Council's **Drainage Officer** has been consulted and any comments received will be reported to Committee.

5.7 The **Operational Manager, Building Control,** has been consulted and any comments will be reported to Committee.

6. EXTERNAL CONSULTEES RESPONSES

6.1 **Dwr Cymru Welsh Water (DCWW)** requests that conditions are added to any permission that is granted to ensure that no surface water drains into the public sewerage system and no operational development takes place within 5 metres either side of the centreline of the public sewer crossing the site. They also recommend that advisory notes be attached reminding the applicant of the need to apply for any connection to the public sewer under Section 106 of the Water Industry Act 1991, and recommend that they contact DCWW to establish whether any other public sewers or lateral drains exist (previously in private ownership) which may be affected by the development.

6.2 The **South Wales Police Design Out Crime Advisor** has been consulted and any comments received will be reported to Committee.

6.3 **Natural Resources Wales** do not object to the development. Section 6 of TAN15 requires the Local Planning Authority to determine whether the development at this location is justified and refer to the justification tests set out in section 6.2. It is their view that the development proposed in the application would result in the intensification of ‘highly vulnerable development’, with the likely introduction of more people into a **flood risk** area. They can confirm that the application site lies entirely within Zone C1 as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Their Flood Map, which is updated on a quarterly basis, confirms the site to be within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Ely, a designated main river.

6.4 The Flood Consequences Assessment (FCA) undertaken by RPS dated October 2015 (ref. JER6641), which includes their response to a data request confirms that:

(i) The proposed development consists of extensions to the existing structure and site levels will not be altered based on existing site levels of 8.42m AOD;
(ii) The site will not flood during a 1 in 100 year plus climate change flood event and will therefore be designed flood free. These results are compliant with the frequency thresholds set out in A1.14 of TAN15.
(iii) For the 1 in 1000 year flood event the site will flood to depths between 420 to 570 mm, which is considered to be within the limits of the tolerable conditions set out in A1.15 of TAN15. The depth of flooding is described to have a hazard to people classification of ‘danger to some’ (includes children, the elderly and the infirm).

6.5 It is for the Local Planning Authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN15. They would recommend consultation with other professional advisors on the acceptability of proposals and on matters they cannot advise on, such as, emergency plans, procedures and measures to address structural damage that may result from flooding. The submitted FCA should aid considerations in terms of evacuation routes, access to and egress from the site. They do not normally comment on or approve the adequacy of flood emergency response and procedures accompanying development proposals, as they do not carry out these roles during a flood. Their involvement during a flood emergency would be limited to delivering flood warnings to occupants/users. The developer can also access advice and information on protection from flooding from the ODPM publication 'Preparing for Floods: Interim Guidance for Improving the Flood Resistance of Domestic and Small Business Properties', which is available from the Planning Portal website.

6.6 Should the Local Planning Authority be minded to grant planning permission then they would suggest an informative note on the decision notice, recommending the applicant to consider the future insurability of this development. Although they have no involvement in this matter they would advise the applicant to review the Association of British Insurers published a paper, ‘Climate Adaptation: Guidance on Insurance Issues for New Developments’, to help ensure any properties are as flood proof as possible and insurable.

6.7 In respect of **potential for land contamination**, they consider that the controlled waters at this site are not of highest environmental sensitivity, therefore they will not be providing detailed site-specific advice or comments with regards to land contamination issues. They recommend that the requirements of Planning Policy Wales and the Guiding Principles for Land Contamination (GPLC) be followed. This is based on our assumption that gross contamination is not present at this location. If, during development, gross contamination is found to be present at the site the Local Planning Authority may wish to re-consult Natural Resources Wales.

6.8 Their records indicate that there is a **historic landfill** within 250m of the proposed development site and their understanding is that the local planning authority holds detailed information to inform planning decisions about risks posed by landfill gas and other factors.

6.4 **Network Rail** has no objection in principle and makes a number of detailed comments regarding requirements for the safe operation of the railway and the protection of their adjoining land. These comments include:

(i) The provision and future maintenance of a suitable trespass proof fence (of at least 1.8m in height) adjacent to their boundary. Vegetation must remain undisturbed;

(ii) Where foundation works penetrate Network Rail’s support zone or ground displacement techniques are used the works will require specific approval and careful monitoring by themselves. There should be no additional loading placed on the cutting and no deep continuous excavations parallel to the boundary without prior approval.

(iii) Additional or increased flows of surface water should not be discharged onto their land or into their culvert or drains. It is recommended that soakaways should not be constructed within 10 metres of their boundary;

(i) No work should be carried out that may endanger the safe operation of the railway or the stability of their structures and adjoining land;

(ii) Construction and future operation of the development must not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land or structures. There must be no encroachment of the proposal onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then they must seek approval from Network Rail Asset Protection Team.

(iii) All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

(iv) all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.

(v) All excavations / earthworks carried out in the vicinity of Network Rail's property/structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details.

(vi) The development must not interfere with signalling.

(vii) Railway noise, vibration and dust should be considered in building design.

(viii) No trees should be planted closer than 1.5 times their mature height to the boundary fence. The developer should adhere to Network Rail's advice guide on acceptable tree/plant species. Any tree felling works where there is a risk of the trees or branches falling across the boundary fence will require railway supervision.

(ix) Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

(x) Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling equipment and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway.

(xi) The close proximity of the proposed site could bring a risk to the railway and Asset Protection involvement may be required. The Developer should contact the Network Rail's Asset Protection Western Team well in advance of mobilising on site or commencing any works.

(xii) It may be necessary to serve the appropriate notices on Network Rail under the Party Wall Act 1996.

7. REPRESENTATIONS

7.1 A joint objection from **Councillors R Cook, S Elsmore and R Patel** has been received. They object on grounds of traffic and parking. Residents are concerned about the impact of the increase in traffic from worshippers at the mosque in what is already a very busy area with schools (rolls of 700 & 1500), GP surgery & pharmacy, veterinary surgery, nursery, gym, and other commercial units which have many visitors and deliveries in motor vehicles. This coupled with the development of the Arjo Wiggins site means that the demand on traffic and congestion will increase. When the paper mill site is fully developed (approximately 800 houses + community infrastructure) the area will become even busier. The development would add further pressure to parking within the locality, in what is already a heavily oversubscribed area.

7.2 A valid **petition** of over 50 signatures (c.240 signatures) has been received objecting to the application.

7.3 Approximately **150 no. objections** have been received from residents of Lansdowne Avenue West, Broad Street, Broadacres, Broadhaven, Flindo Crescent, Heol Terrell, Lansdowne Avenue East, Lansdowne Road, Clos Halket, Clos Gedrych Broadstairs Road, and Park Vets and The Hollies Nursery neighbouring the site. The grounds for objection are summarised as follows:

(i) Traffic volume and congestion will increase, particularly at peak times, exacerbating existing problems.

(ii) Existing neighbouring uses e.g. primary school, health care, business, nursery and football match day parking have contributed to parking problems. This will worsen when the Wiggins Teape development is completed and Sanatorium Road becomes an access to this development. Also development at the old Sacred Heart Church will contribute to pressures;

(iii) Increased problems with illegal on-street parking in the local area;

(iv) Negative impact on access and parking for existing local businesses;

(v) Questions the level of public consultation carried out; it has been inadequate;

(vi) Vacant land between the health centre and school should be developed for car parking;

(vii) Proposed floorspace will double from 428 to 928 square metres. Permitted increases under regulations is questioned;

(viii) It is not clear how 22 no. spaces will be accommodated;

(ix) Questions the capacity of the community hall and mosque;

(x) Design is inconsistent with the business and education buildings in the area;
(xi) Nothing has changed from the previous application;
(xii) Noise impact especially from call to prayer;
(xiii) Safety concerns for pedestrians;
(xiv) Opening hours will place added pressure on residents;
(xv) Reduction in parking from previous application from 22 to 12;
(xvi) An anonymous leaflet distributed in the locality suggests the Council's Cabinet approved the application in October 2016. This lacks transparency and suggests it will be approved through the back door;
(xvii) Local residents should receive a reduction in Council Tax;
(xviii) Requests a site visit;
(xix) Concerns regarding access for emergency services;
(xx) Traffic problems are a health and safety issue;
(xxi) Not in keeping with the surrounding area;
(xxii) Recommends the mosque is bulit in Lisvane, Cyncoed or in the countryside;
(xxiii) Increase air pollution from traffic fumes;
(xxiv) Property values will be affected;
(xxv) Racial tension may arise if development proceeds;
(xxvi) Overdevelopment, large in mass and scale;
(xxvii) Out of character with area;
(xxviii) Loss of views from Lansdowne Avenue West;
(xxix) Inadequate parking provision;
(xxx) There will be in excess of the estimated 30-40 worshippers;
(xxxi) Mosques promote segregation and discrimination which should be avoided in today's society;
(xxxii) Concerns for safety of local residents;
(xxxiii) Application is for a non-residential institution yet includes a 3 bedroom dwelling;
(xxxiv) TAN 1 requires new development to create places with the needs of people in mind and respect the character of the local community.

7.4 14 no. comments in **support** of the application have been received from the Archdeacon of Cardiff and residents of Clydesmuir Road (Tremorfa), Llewelyn Goch (St. Fagans), Craddock Street (Riverside), Bryn-y-Nant (Llandeyrn), Chapelwood (Llanedeyrn), Morris Avenue (Llanishen) and Bryn Celyn (Pentwyn). They consider that:

(i) There won't be a problem with double car parking on the streets as the site has private parking;
(ii) Small membership will mean impact is reduced;
(iii) The applicant is a peace loving community;
(iv) The building has been in use since 2013;
(v) Prayer times do not coincide with peak traffic hours;
(vi) The call for prayer will not be heard as there will be no amplification;
(vii) The applicants have a right to worship;
(viii) The application should be approved in the interests of equality and fairness;

(ix) The congestion caused by roadworks in the vicinity cannot be attributed to the application;

(x) Expresses concern at the anonymous and mis-informed leaflets that have been circulated in the local area.

8. ANALYSIS

8.1 The key issues for the consideration of this application are the principle of the change of use to Class D1 (Non-Residential Institutions), the design and appearance of the proposed extensions and dwelling, transportation considerations, impact upon residential amenity and flood risk.

Principle of Development

8.2 The principle of the changing the use of the site from Class B1 (Business) to Class D1 (Non-Residential Institutions) has been established by the decision of Planning Committee to grant planning permission for a similar proposal by the same applicant in March 2015. Paragraph 3.1 of this report summarises the details of this application.

Design and Appearance

8.3 This application proposes an increase in floor space from approximately 455 square metres to approximately 718 square metres (excluding the Imam’s residence), an increase of approximately 263 square metres (36%).

8.4 The extensions to the first floor of the main building will increase the scale and massing of the building along Sanatorium Road, however it is considered that the marginal increase in building height by 1.5 metres above the existing first floor is unlikely to be overbearing in the street scene. It is acknowledged that the use of appropriate external finishes, fenestration design, and dentil course would improve the aesthetics of the existing building.

8.5 The dome, which has a maximum height of approximately 13 metres, and the minaret, which would be approximately 18 metres in height, are considered to be satisfactory in design terms, being typical features for the intended use. Both features will be prominent features in the street scene and would also be visible from the upper floors of residential properties on Lansdowne Avenue West, north of the site beyond the railway line.

8.6 The proposed Imam’s residence has a frontage onto Sanatorium Road with a private amenity space of 65 square metres. This arrangement is considered to be consistent with policies and guidance for new residential development. The finished appearance of the dwelling is considered to be acceptable.

Transportation Considerations

8.7 The Transport Statement (TS) accompanying the application is predicated on the basis that the maximum number of members attending each service will be not more than 30, except for the annual Eid celebrations when up to 100 people could attend. The TS also assumes that 50% of worshippers will use non-car modes of travel as they live within 2 miles of the site, and two members will arrive in each car. The same figures were relied upon for the original change of use application which Committee approved in March 2015.

8.8 Paragraph 8.3 of this analysis summarises the increased scale of the proposed development in floor space terms, an increase of approximately 36% above the existing premises. The women's prayer room would be approximately 65 square metres (92 square metres if the demountable partition wall to the nursery is removed), the men's prayer room would be 158 square metres, and the community/dining hall would be 144 square metres. It is considered that the scale of development indicates that the number of visitors would likely be more than the figures relied upon in the TS and that there would be an intensification in use of the site over and above that which has previously obtained consent. The Operational Manager, Transportation, considers that the TS fails to demonstrate what the traffic impact of the development would be over and above that which has previously obtained permission.

8.9 Concerning the use of the proposed community hall, it is common for such ancillary facilities to be used for weddings and other religious festivals, as well as being available for hire for private events. Paragraph 5.3.4 of the planning statement accompanying the application states that the total number of community events per annum would comprise two Eid festivals, up to two weddings and up to two charity functions (lunches/dinners) and paragraph 5.3.11 confirms that there would be *"no restriction"* on hiring the hall for private functions by external groups, *"…although take up is expected to be limited."* No reasons are given to demonstrate why this hall would only have occasional use. Mindful of the amount of floor space proposed and the provision of the attached kitchen and toilet facilities, it is reasonable to conclude that this hall be could operate on a regular basis by large groups of people.

8.10 It is noted that the Operational Manager, Transportation considers that the TS contains insufficient evidence to back up the assumption that half of the worshippers would use non-car modes of travel to and from the site, and those that drive will 'car-share.' The applicant has failed to provide sufficient information to alleviate his concerns.

8.11 It is considered that the application fails to demonstrate that the development will not cause unacceptable harm to the safe and efficient operation of the local highway network, contrary to the provisions of LDP Policies T6 and C1 (iv).

8.12 In the considered opinion of officers, it could not be evidenced that the approval of permission would result in increased levels of Nitrogen Oxide (NO2) from traffic emissions within the established Air Quality Management Area (AQMA) of Ely Bridge, which is located two miles west of the proposed site.

Residential Amenity

8.13 LDP Policy C1 encourages proposals for new religious facilities, subject to five criteria, of which number (ii) places a requirement on such developments not unduly prejudicing the amenities of neighbouring and nearby residential occupiers. It is noted that the neighbouring occupiers to the application site include a school, a doctor’s surgery and pharmacy, a child day care facility and a printing company. The nearest residential properties are located immediately north of the application site on Lansdowne Avenue West beyond the railway embankment (approximately 5 metres high) and further away to the east (Broad Street) and southeast (Heol Terrell).

8.14 Although the application does not specify the proposed hours of opening nor does it confirm whether the applicant intends to operate an amplified call to prayer, it is considered that the amenities of the existing residential properties in the vicinity of the application site can be adequately safeguarded through relevant conditions restricting the hours of use and preventing any amplified call to prayer from the minaret.

8.15 In undertaking a site visit, the case officer observed an extraction unit in the side (east) elevation of the adjacent printing company immediately east of the application site. It is considered that the first floor bedroom window facing this flue could be conditioned to ensure a suitable living environment for the future occupier.

8.16 It is not considered that the proposed development would result in an adverse loss of light for neighbouring properties.

Flood Risk

8.17 The Flood Consequences Assessment (FCA) accompanying the application confirms that existing site levels will not be altered and the site will not flood during a 1 in 100 year event. Although there will be flooding to a depth of between 420 to 475mm in a 1 in 1000 year event, this is considered to be within the limits of tolerable conditions set out in TAN 15. It is noted that Natural Resources Wales (NRW) have not submitted an objection to the application.

8.18 It is considered that the risks and consequences of flooding can be managed in accordance with TAN15. It is noted that the premises would have a means of escape to first floor in the unlikely event of a flood emergency.

Third Party Representations

8.19 In respect of the third party representations which have not already been addressed in this report:

(i) The level of publicity undertaken for this application exceeds the requirements of Article 12 of The Town and Country Planning (Development Management Procedure) (Wales) Order 2012. Notification were not only sent to neighbouring occupiers, they were also sent to persons who made representations on the previous application;

(ii) Land beyond the extent of this application site boundary cannot be considered under this application; This application must be determined on its own merits;

(iii) Parking provision will be provided as shown on the proposed site layout drawing;

(iv) The permitted capacity of the Community Hall and Prayer Rooms would be assessed against Part B of the Building Regulations (Fire Safety), which allows 0.5 square metres per person for assembly halls;

(v) The hours of operation would be controlled via condition to safeguard residential amenity;

(vi) The anonymous leaflet distributed in the locality in October 2016 contained errors and, in any event, is not material to this application;

(vii) It is for Committee to determine whether a site visit is required;

(viii) Mindful of the scale of development, it is not considered that a refusal of permission on grounds of air pollution could be sustained;

(ix) Property values, loss of private views and concerns regarding racial tension are not material considerations for this application;

(x) The development is not considered to prejudice the safety of existing residents.

Other Considerations

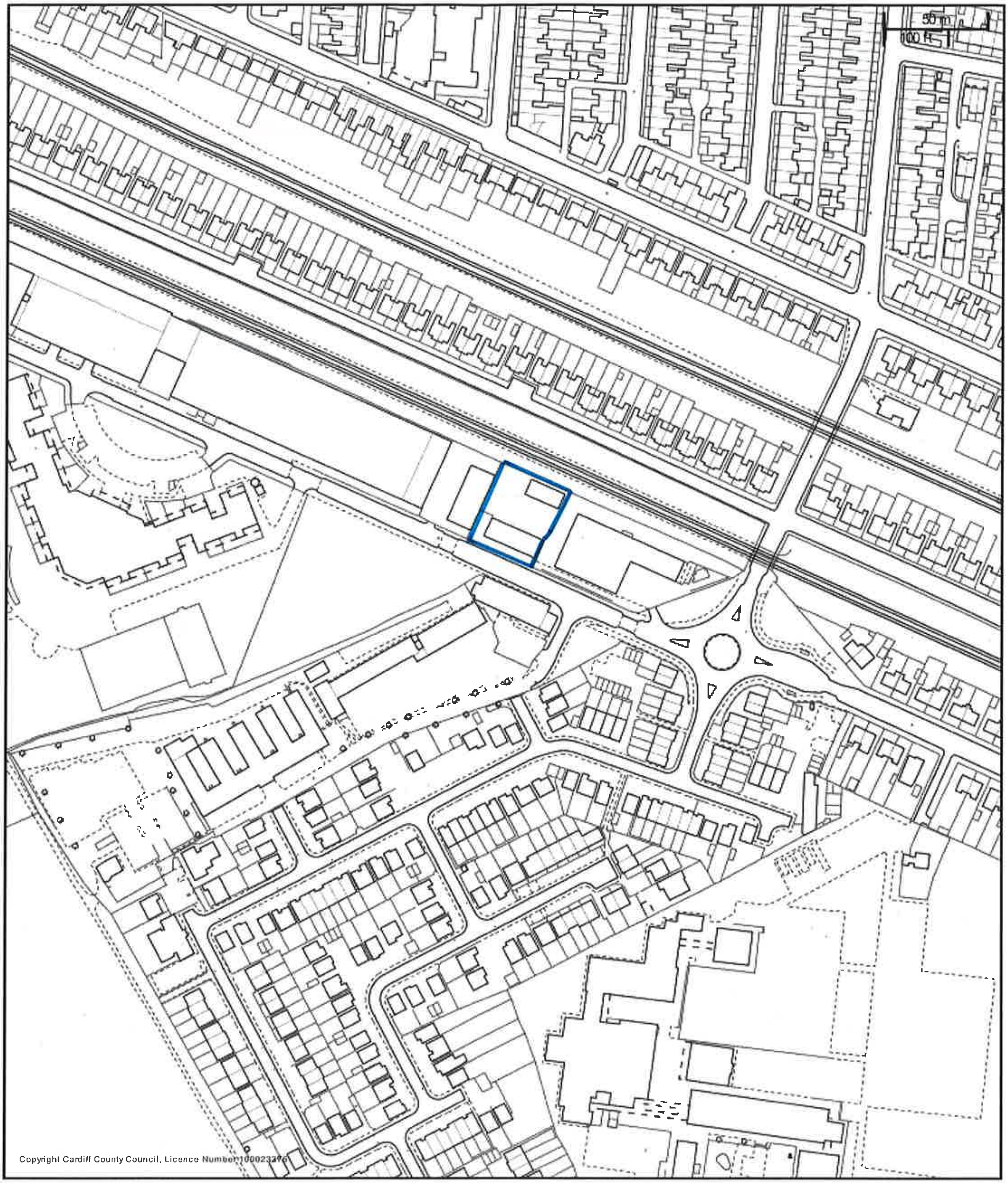
8.20 Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty 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.

8.21 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.

Conclusion

8.22 It is considered that the application fails to address the vehicular trip generation that is likely occur from the proposed development and therefore fails to demonstrate that the development will not cause unacceptable harm to safe and efficient operation of the local highway network.

8.23 It is therefore recommended that the application be refused for this reason.



CHIEF EXECUTIVE
Paul Orders
County Hall
Atlantic Wharf
Cardiff CF10 4UW
Tel: 029 20872000

City of Cardiff Council

Cygnor Dinas Caerdydd

CARDIFF
CAERDYDD

Title

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Date: 6/3/2017 at 15:29 PM

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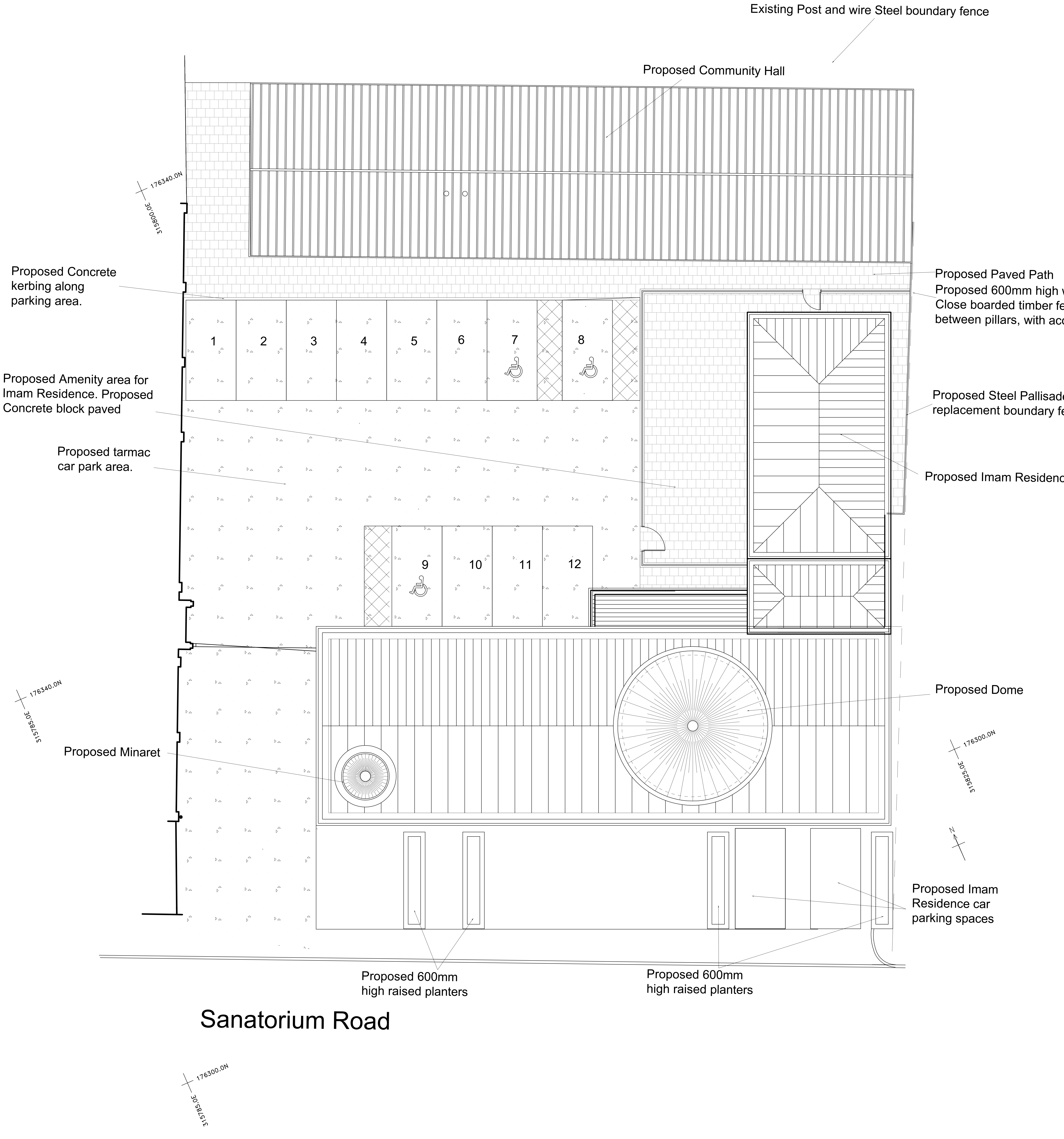

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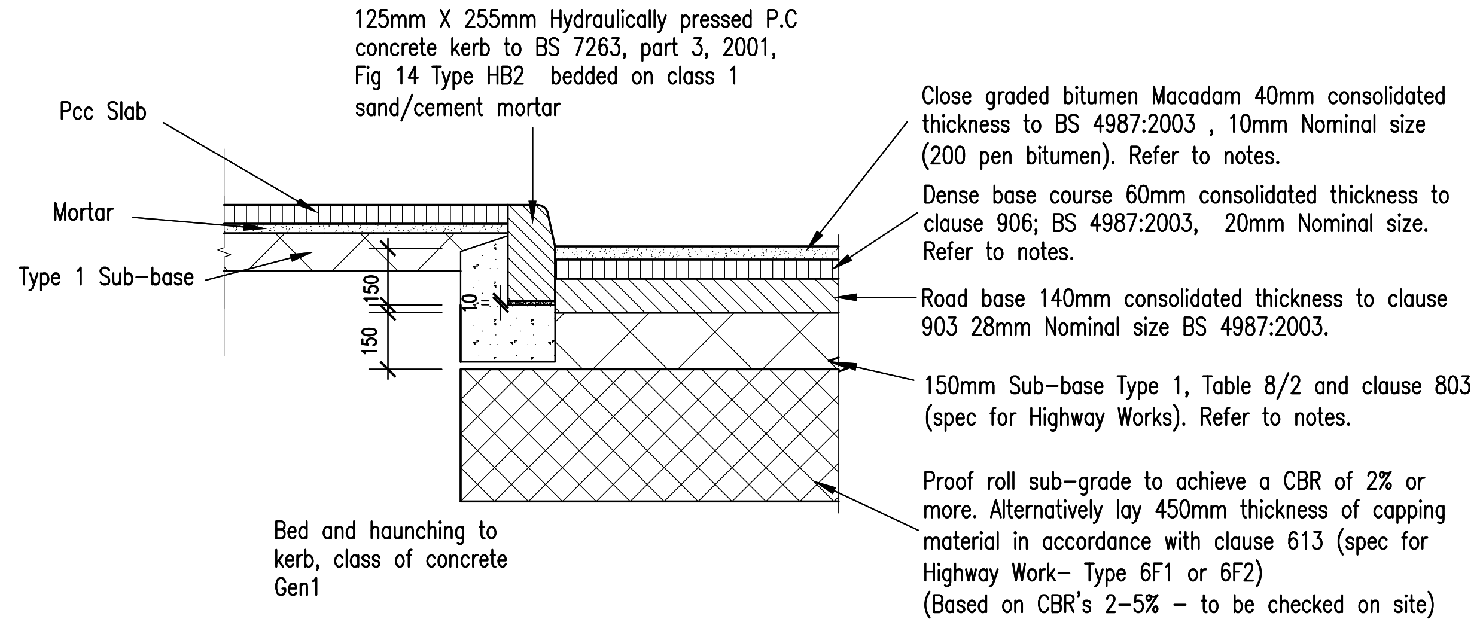

LIGHT VEHICLE AREA / CAR PARKING
MACADAM ROAD CONSTRUCTION

REV.	DESCRIPTION	DATE

GAP ARCHITECTURAL &
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"NYTHFA"
BEDWLWYN ROAD
YSTRAD MYNACH
HENGOED
CAERPHILLY CBC
CF82 7AB
TEL 01443 831844
Mobile: 0792 3265127
Email: info@gap-architectural.co.uk
Web: www.gap-architectural.co.uk

CLIENT
Ahmadiyya Muslim Assoociation UK

PROJECT TITLE
The Cardiff Mosque
at Sanatorium Road, Cardiff.

DRAWING TITLE
Proposed Site Layout & Hard
Landscaped Plan

SCALE
1/20, 1/100 @ A1

DRAWN BY
SBH

PROJECT - DRAWING NO.
15-008-201

DATE
JUNE 2016

FILE
Planning- Option 6

REV.
PL0

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REV.	DESCRIPTION	DATE

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YSTRAD MYNACH
HENGOED
CAERPHILLY CBC
CF82 7AB
TEL 01443 831844
Mobile: 0792 3265127
Email: info@gap-architectural.co.uk
Web: www.gap-architectural.co.uk

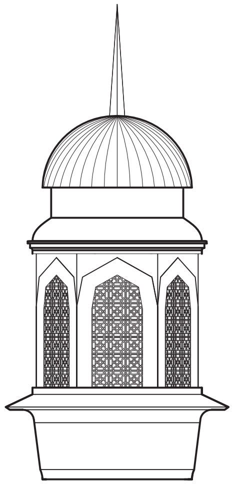
CLIENT
Ahmadiyya Muslim Assoociation UK

PROJECT TITLE
The Cardiff Mosque
at Sanatorium Road, Cardiff.

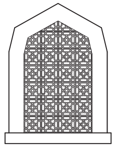
DRAWING TITLE
Proposed Mosque
Ground Floor Plan
Option 6

SCALE
1/50 @ A1

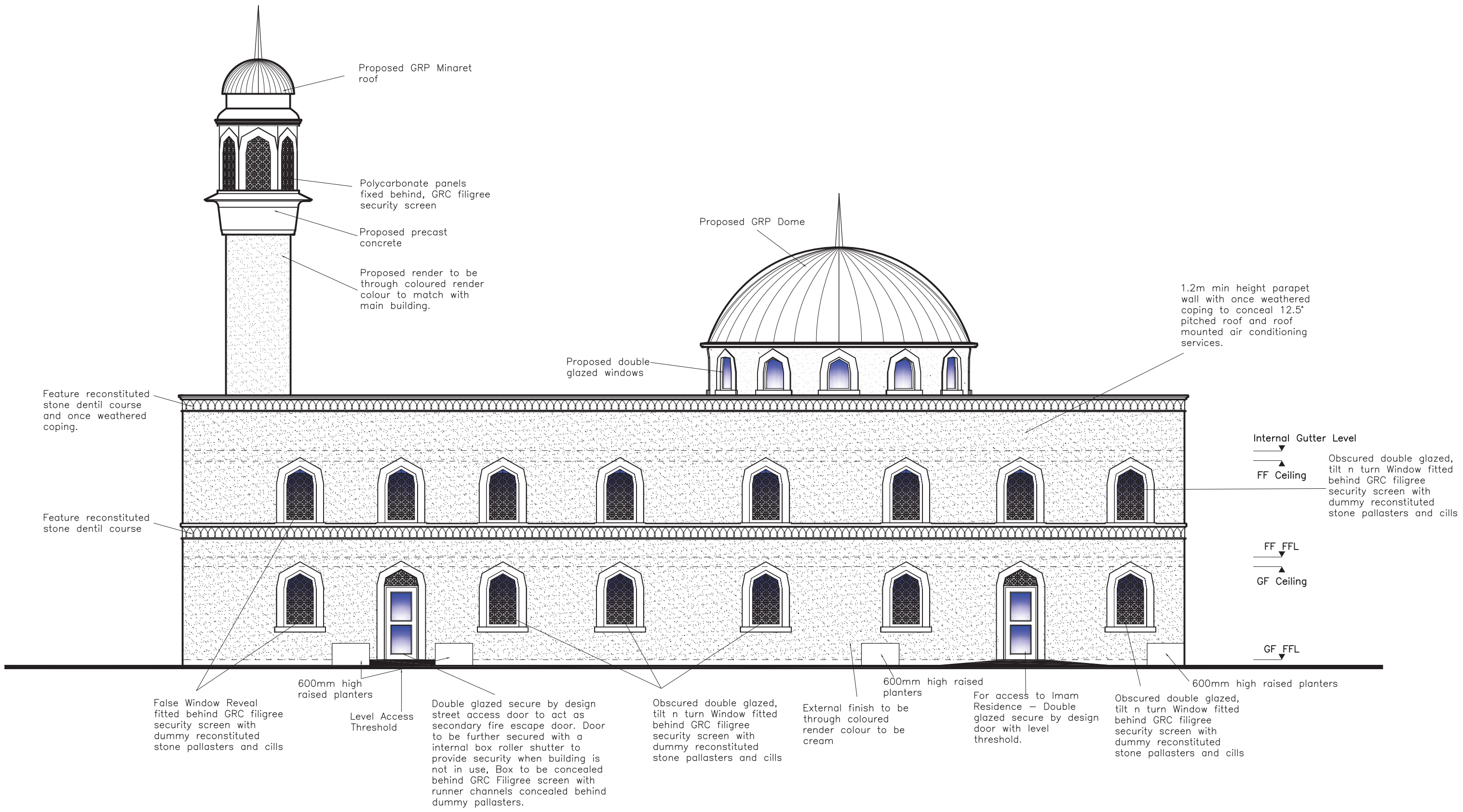
DRAWN BY SBH	PROJECT - DRAWING NO.
DATE JUNE 2016	15-008-203
FILE PLANNING	REV. PL0



Enlarged view of Minaret



Detail of window GRC Filigree



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GAP ARCHITECTURAL & ENGINEERING DESIGN SERVICES

"Nythfa"
Bedwlwyn Road
Ystrad Mynach, Hengoed,
Caerphilly CBC CF82 7AB

Tel: 01443 831844
Mobile: 07923265127
Email: info@gap-architectural.co.uk
WEB: http://www.gap-architectural.co.uk

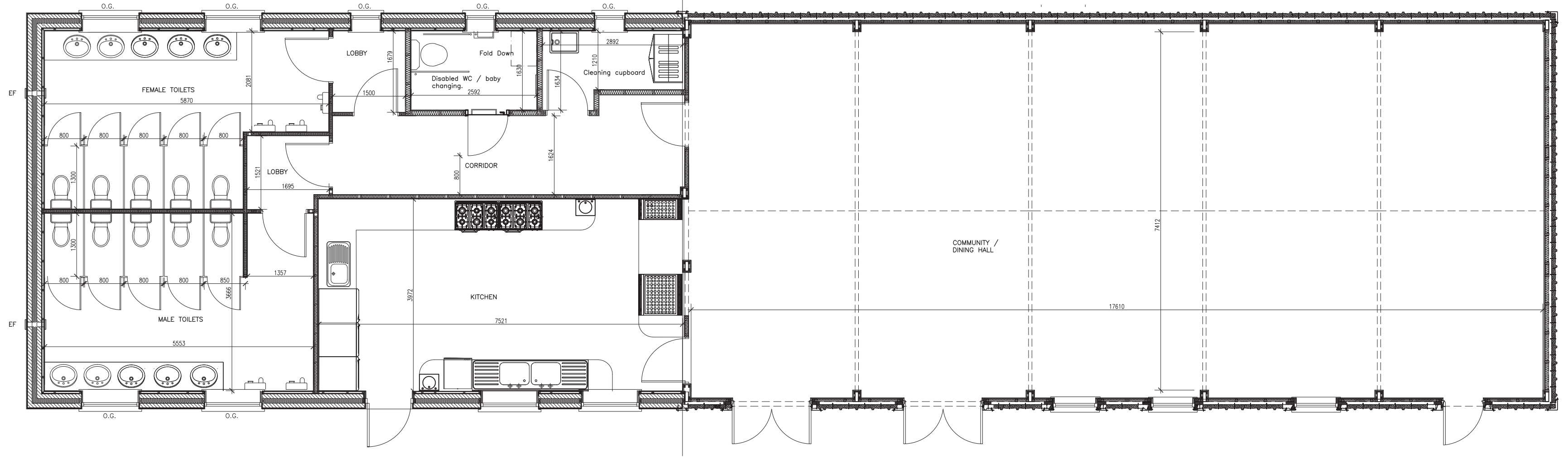
Client
Ahmadiyya Muslim Association UK

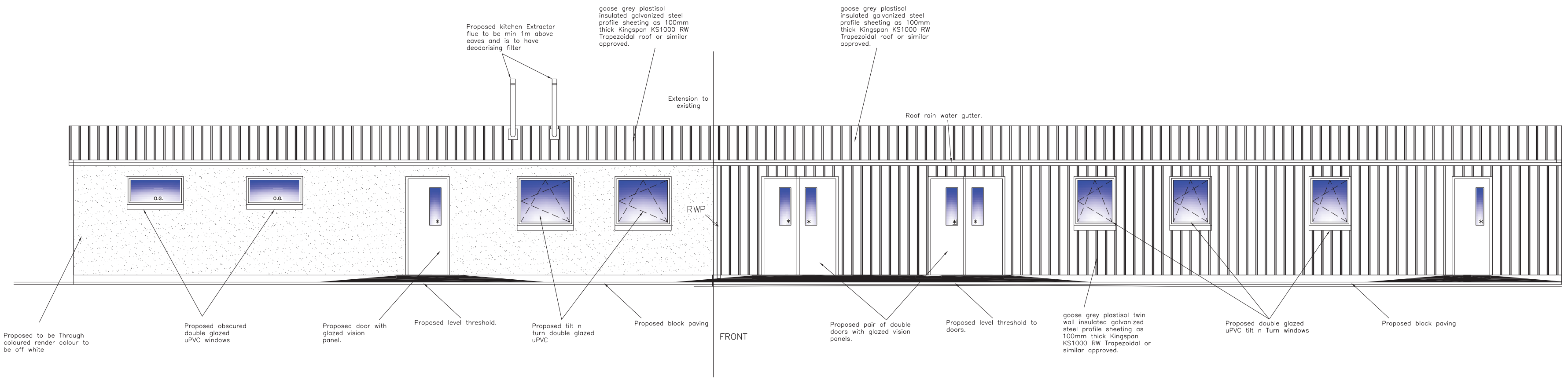
Revision	Date
. .	.

Project Title
The Cardiff Mosque
at Sanatorium Road Cardiff

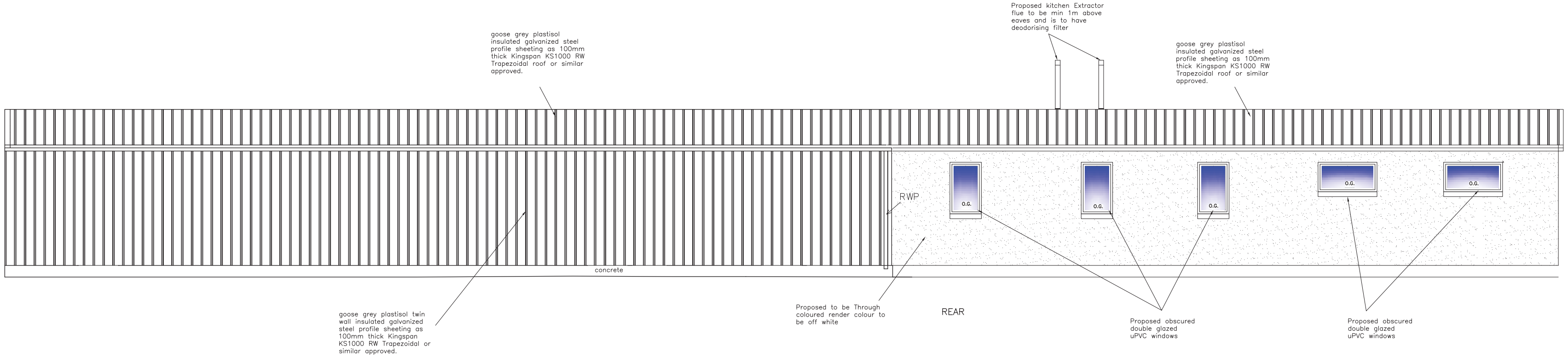
Drawing Title
Proposed Front Elevation
As viewed from Sanatorium Road

Office of Origin: VALLEYS OFFICE
Status: PLANNING
Drawn By: SBH
Date: June 2016
Project No.: 15-008
Scale: 1/50, 1/100 @A2
File: Option 6
Drawing No.: 205
Revision: PL0





FRONT



REAR

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Glazing Key

M	Mirrored Glass
G	Insulated GRP Infill panel – Diagonal Matchboard Pattern
*	Safety Glass
E.W	Escape Window
O.G.	Obscured Glass
F.S.	Fixed Pane

All Windows To Have Trickle Vents

REV.	DESCRIPTION	DATE

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"NYTHFA"
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YSTRAD MYNACH
HENGOED
CAERPHILLY CBC
CF82 7AB
TEL 01443 831844
Mobile: 0792 3265127
Email: info@gap-architectural.co.uk
Web: www.gap-architectural.co.uk

CLIENT
Ahmadiyya Muslim Assoociation UK

PROJECT TITLE
The Cardiff Mosque at Sanatorium Road, Cardiff.

DRAWING TITLE
Proposed Community Hall – Floor Plan, front and rear elevations

SCALE
1/50 @ A1

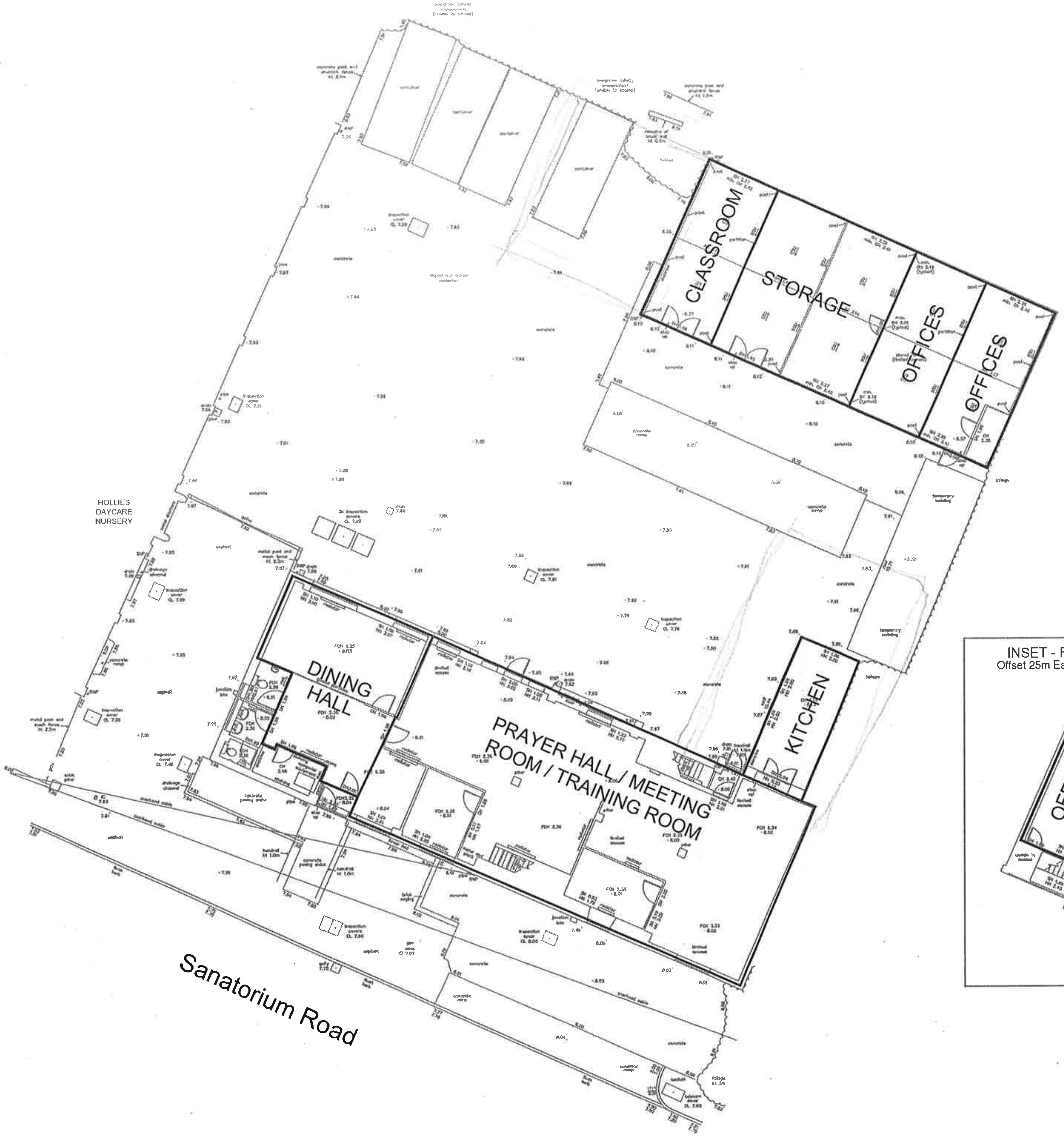
DRAWN BY
SBH

DATE
JUNE 2015

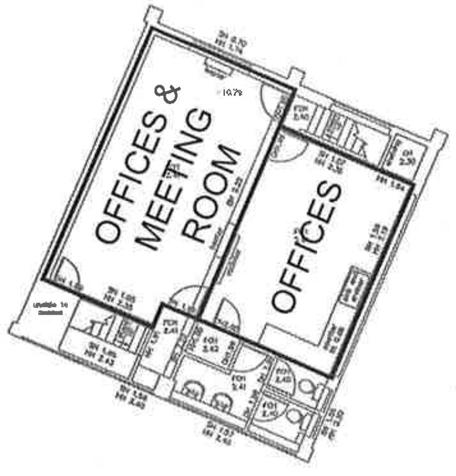
PROJECT – DRAWING NO.
15-008-215

FILE
PLANNING

REV.
PL0



INSET - FIRST FLOOR
Offset 25m East of actual position



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14/0523/DCO

332

NOTE
Baseplan sourced from Atlas Surveys Drawing Ref. ASP1395-1 (Dated July 2014)

Rev	Description	Date	Initial	Checked

RPS

Park House, Greyfriars Road, Cardiff, CF10 3AF
T: +44(0)20290 668662 E: rpsca@rpsgroup.com F: +44(0)2920 668622

Client AHMADIYYA MUSLIM ASSOCIATION UK

Project SANATORIUM ROAD, CARDIFF

Title FLOOR PLAN

Status	Drawn By	PM/Checked by
DRAFT	RJ	DT
Job Ref	Scale @ A3	Date Created
JPW0352	1:200	AUG 14

Drawing Number	Rev
JPW0352-FP-001	-

rpsgroup.com

LOCAL MEMBER OBJECTION & PETITION

COMMITTEE DATE: 15/03/2017

APPLICATION No. **16/02842/MNR** APPLICATION DATE: 29/11/2016

ED: **FAIRWATER**

APP: TYPE: Full Planning Permission

APPLICANT: Mr Patel
LOCATION: LAND ADJACENT TO 176 ST FAGANS ROAD, FAIRWATER, CARDIFF, CF5 3EW
PROPOSAL: CONSTRUCTION OF A DETACHED A1/A2 UNIT MEASURING APPROXIMATELY 54 SQUARE METRES SITED ON LAND AT 176 ST FAGANS ROAD, FAIRWATER CARDIFF

RECOMMENDATION : That planning permission be **REFUSED** for the following reasons:

1. The loss of the land would impact on the spatial character of the area to the detriment of the visual amenity of the area contrary to Policy KP5 (Good Quality and Sustainable Design) of the Cardiff Local Development Plan.

2. The positioning of the proposed building forward of the existing parade of shops would depart from the pattern of development within the locality creating an incongruous feature within the street scene and failing to appropriately respond to the local character and context contrary to Policy KP5 of the Cardiff Local Development Plan.

1. DESCRIPTION OF THE SITE

1.1 The application site is a raised area of ground laid with grass located in the Fairwater Green Local Centre. The land has been recently fenced by the operator of the adjacent coffee shop.

1.2 The Fairwater Green Local Centre is characterised by two central green areas and a third smaller raised area of green space (the application site) adjacent to the Bunker Coffee Station at 176 St Fagans Road giving it an open ‘village green’ feel.

1.3 A three storey block of commercial buildings sited to the west of the main green provides some visual enclosure of the area. A mixed use unit which includes a café on the ground floor is located to west of the site and further commercial units are located opposite the site on the southern side of St Fagans Road.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

2.1 Planning permission is sought for the erection of a single storey detached building to create a floorspace of approximately 54 square metres for A1 (Retail) or A2 (Financial and professional services) use.

2.2 The proposed building will measure 11 metres wide, 6.7 metres deep and will feature a mono-pitched roof design with a maximum height of 3.6 metres. The walls of the building will be finished in grey render and timber board cladding and the roof in zinc.

2.3 The development site will be lowered to curb level to facilitate easy access and an outdoor seating area will be retained to the side of the building. A bin store will be sited at the rear of the building and cycle parking for five bicycles will be provided at the front of the building.

3. PLANNING HISTORY

3.1 Planning permission (13/02323/DCO) for the erection of a three storey mixed use development on the site of the former public convenience next to the application site was granted in January 2014.

4. POLICY FRAMEWORK

4.1 National Planning Policy

- Planning Policy Wales (9th Ed, 2016)
- Technical Advice Note 12: Design (July 2014)

4.2 Cardiff Local Development Plan 2006-2026

- Policy KP5 (Good Quality and Sustainable Design)
- Policy T5 (Managing Transport Impacts)
- Policy W2 (Provision of Waste Management
- Policy R5 (Local Centres)

4.3 Supplementary Planning Guidance

- Access, Circulation and Parking Standards (2010)
- Waste Collection and Storage Facilities (2016)

NB. The SPGs were approved as supplementary guidance to the City of Cardiff Local Plan (1996). Although the City of Cardiff Local Plan (1996) has recently been superseded by the Cardiff Local Development Plan (2016), the advice contained within the SPGs is pertinent to the assessment of the proposal and remains consistent with the aims of both LDP Policies KP5/T5/EN8/EN13/W2 and guidance in Planning Policy Wales and are afforded significant weight

5. INTERNAL CONSULTEE RESPONSES

5.1 The Operational Manager (Waste Management) commented as follows:

‘the proposed waste and recycling storage area has been noted and is

acceptable'

5.2 The Operational Manager (Transportation) – commented as follows:

'the proposed business is located in a business area and parking is provided for these establishments at Fairwater Green and Chestnut Road. Moreover, there is no restricted parking at this area of St Fagans Road, which suggests parking is not an issue and residents are able to go about their daily business unhindered by adverse parking problems. The nature of the proposed business would not likely induce trips specifically to attend these premises instead it would adhere to the pattern of trip chaining.'

6. EXTERNAL CONSULTEE RESPONSES

6.1 Welsh Water raise no objections to the proposal

7. REPRESENTATIONS

7.1 Consultation letters have been sent to eighteen neighbouring occupiers and eight letters of representation have been received in total, five from neighbouring occupiers, two from members of the public who would not be directly affected by the development and one from Ward Councillor Lisa Ford. A petition against the proposed development has also been received. A summary of the grounds for objection is detailed below:

- The development will add to the volume of traffic and impact on already congested roads.
- There have already been a number of traffic accidents or near misses on St Fagans Road.
- There is already a lack of parking provision for members of the public using the Local Centre.
- The proposal will impact on the amenities of the neighbours living in the flats above the shops directly behind the application site.
- The proposal in terms of its scale and design will be inappropriate and out of keeping with the area.
- The proposal will impact on the open character and appearance of the Fairwater Green Centre.
- The proposal will result in the loss of green open space.
- The impact of the proposal on an existing tree sited within the boundary of the application site.
- The disruption caused by the construction works.

8. ANALYSIS

8.1 Introduction

8.1.1 The application site falls within the Fairwater Green Local Centre as defined by the LDP proposals map. The application should therefore be assessed against Policy R5 (Local Centres). Policy R5 aims to promote and protect the shopping role of local centres and supports a range of uses of an appropriate scale, including retail, office leisure and community facilities.

Assessed against this policy framework, the application raises no land use policy concerns.

8.1.2 The principle matters for consideration are

- the effect of the proposal on the character and appearance of the area.
- its impact on the amenities of the neighbouring occupiers.
- the acceptability of the proposal on highway safety/transportation grounds.

8.2 **Impact Upon the Character of the Area**

8.2.1 In assessing the impact of the proposed development, the proposal should be considered against Policy KP5 of the Cardiff Local Development Plan which states that:

‘all new development will be required to be of a high quality, sustainable design and make a positive contribution to the creation of distinctive communities places and spaces by:

i. Responding 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 environment are all addressed.

ii. Ensuring no undue effect on the amenity of the neighbouring occupiers.

8.2.2 The proposed building would be sited on the grassed area currently used as external space for the commercial premises in the ground floor of No. 176 St Fagans Road. Whilst this area is presently enclosed by fencing its positioning and landscaped finish contributes to the open and green setting of the Fairwater Green Local Centre. It is considered that the loss of this space would impact on the open feel of the area to the detriment of the visual amenity of the Local Centre contrary to Policy KP5 (Good Quality and Sustainable Design) of the Cardiff Local Development Plan.

8.2.3 The proposed building would be positioned forward of No. 1 Chestnut Road thereby sitting forward of the building line created by the parade of shops sited to the North West of the application site. It is considered that the positioning of the proposed building forward of the building line would depart from the pattern of development within the locality creating an incongruous feature within the street scene and thereby failing to appropriately respond to the local character and context as required by Policy KP5 of the Cardiff Local Development Plan.

8.3 **Amenity of Neighbouring Occupiers**

8.3.1 The proposal would, due to its design and position is unlikely to present an overbearing impact on the occupiers of the flats above the existing commercial units sited directly behind the application site. Furthermore, the introduction of an A1/A2 use building in this location would be unlikely to exacerbate any noise disturbance that might already be experienced in the area.

8.4 Transport Impact

8.4.1 The Operational Manager (Transportation) raises no objections to the proposed development and as a result the proposal is considered acceptable on highway safety and transportation grounds.

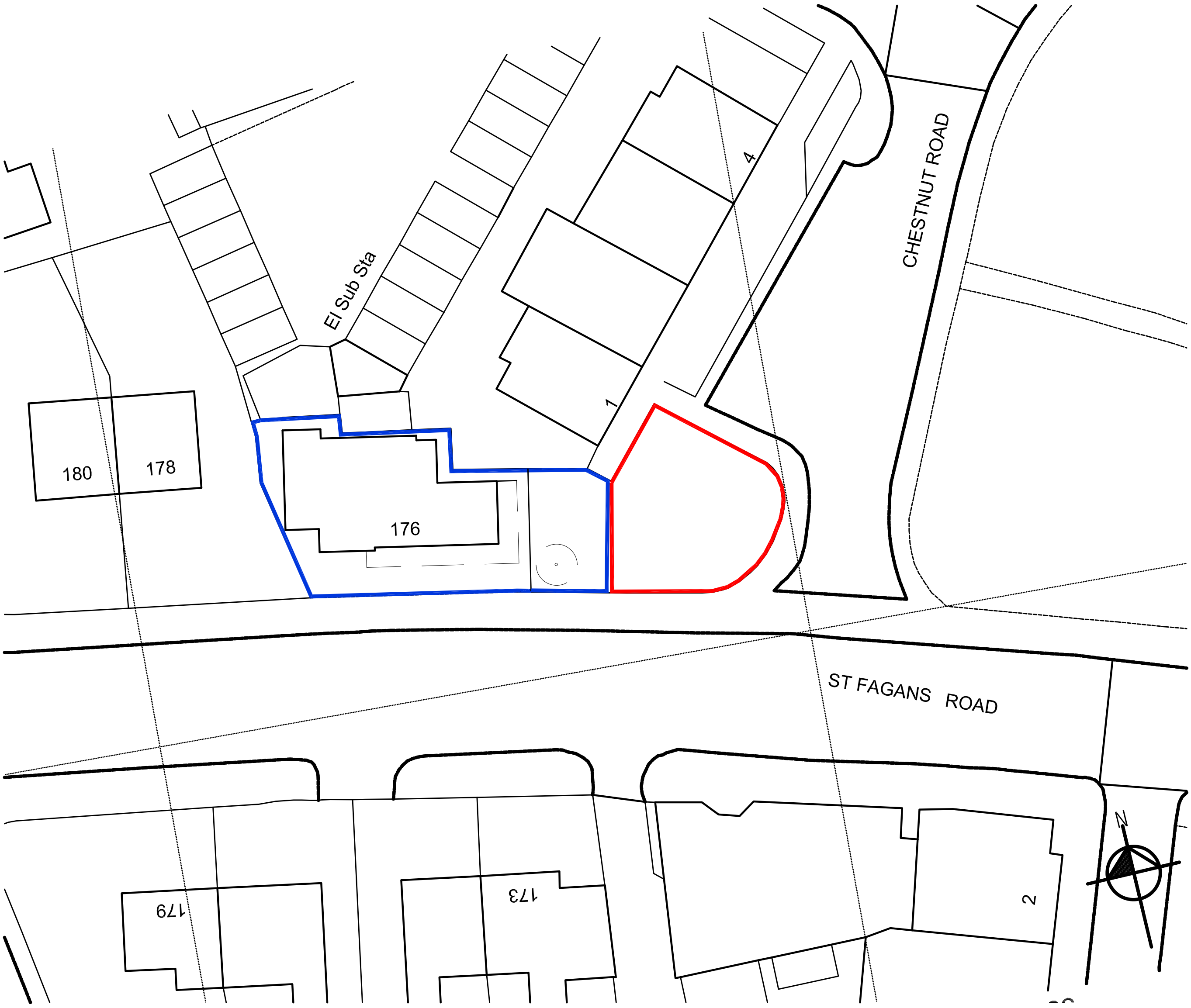
8.5 Additional Matters

8.5.1 In regards to comments made by neighbours which have not been covered previously, the following should be noted:

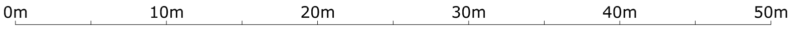
- It is noted that an existing tree sited within the grounds of the application site would need to be removed to accommodate the new building. The tree is not subject to a Preservation Order and can therefore be removed without the consent from the Council.
- Disruption caused during the construction works is not a material planning consideration.

8.6 Conclusion

8.6.1 Having regard to the impact of the proposal on the visual amenities of the area and the policy context above it is recommended that planning permission is refused.



LOCATION PLAN



REF DATE REVISION

online architectural

BRYN CAIN COTTAGE
PENPERGWM
ABERGAVENNY
MONMOUTHSHIRE
NPT9AE
01873 840617 info@onlinearchitectural.co.uk

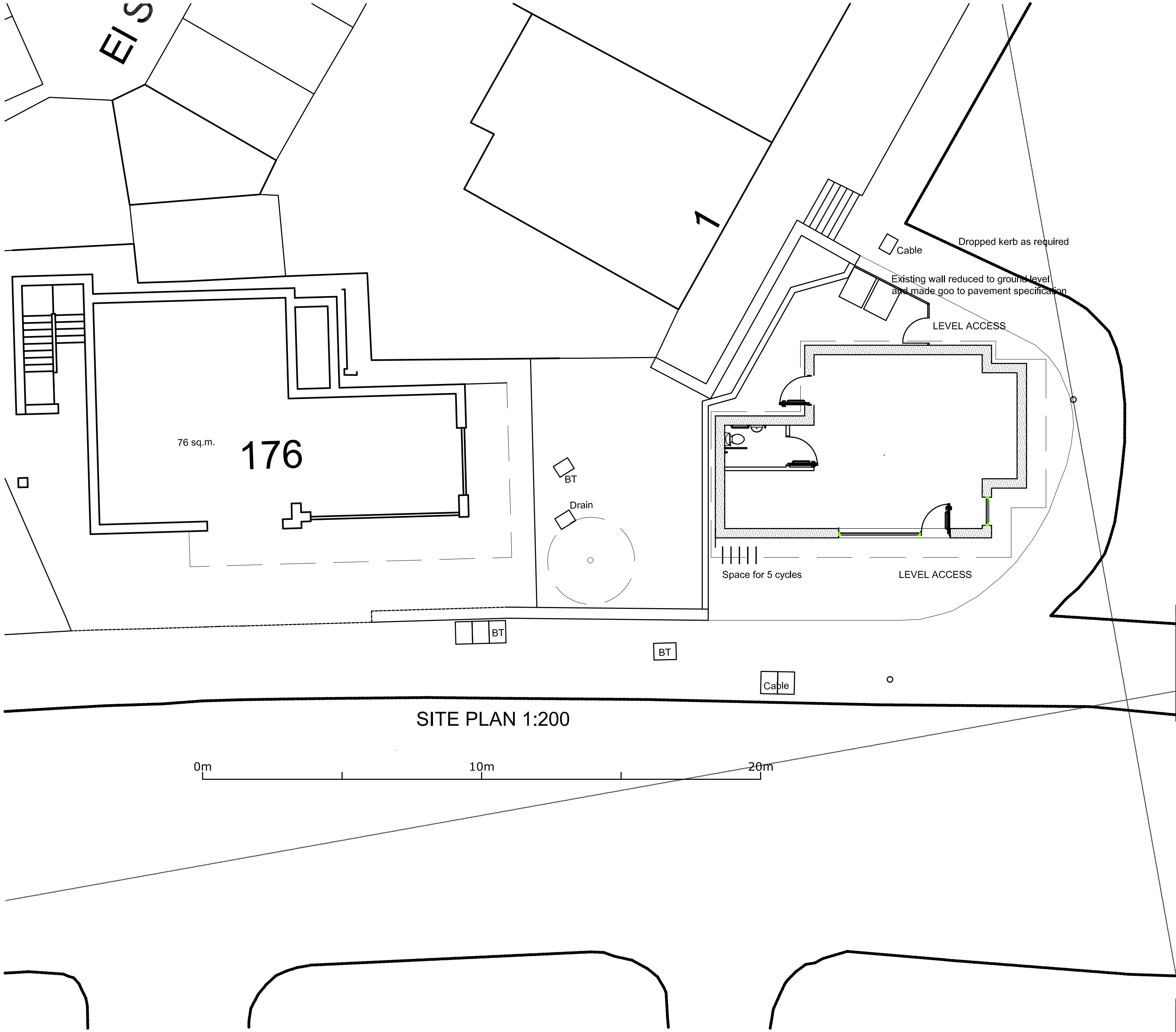
CLIENT:
Mr Patel

PROJECT:
St.Fagans Road
Fairwater
Cardiff CF5 3EW

SHEET TITLE:
LOCATION PLAN

SCALE:	DATE:	DRAWN:
1:500 on A4	Nov. 2015	RAP

DRAWING No REV
13-014-PL-02



SITE PLAN 1:200

REF DATE REVISION

BRYN CAIN COTTAGE
PENPERGWM
ABERGAVENNY
MONMOUTHSHIRE
NPT9AE
01873 840617 info@onlinearchitectural.co.uk

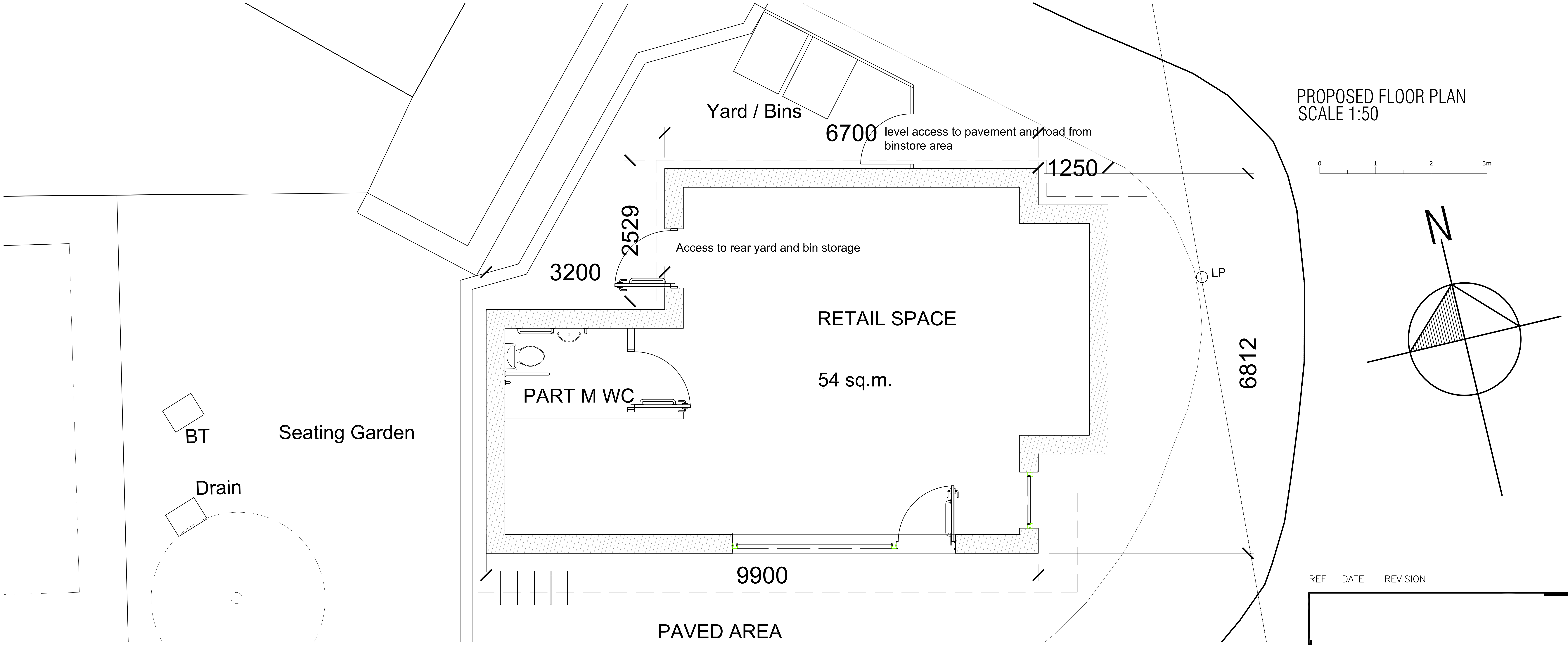
CLIENT:
Mr Patel

PROJECT:
St.Fagans Road
Fairwater
Cardiff CF5 3EW

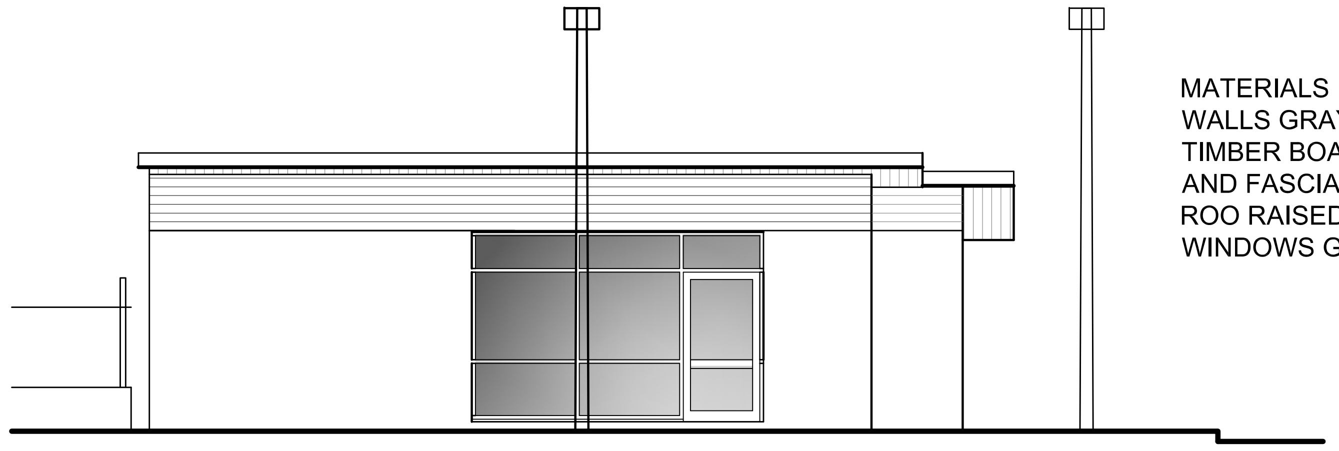
SHEET TITLE:
SITE PLAN (BLOCK)

SCALE:	DATE:	DRAWN:
1:200 on A4	SEPT 2016	JCM

DRAWING No	REV
13-014-PL-023	

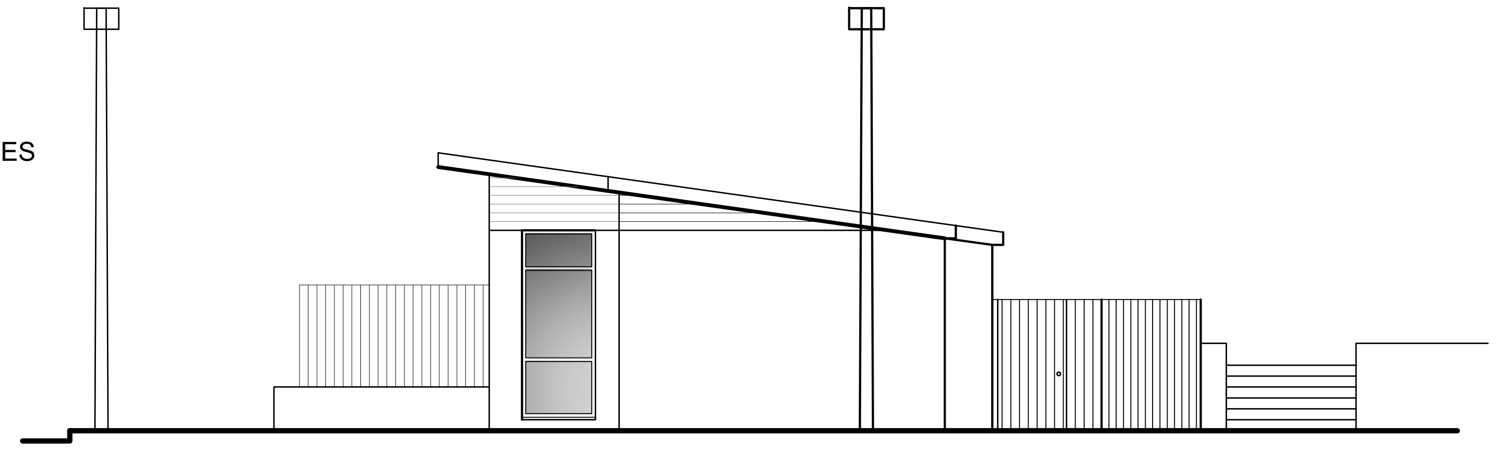


PROPOSED FLOOR PLAN
SCALE 1:50

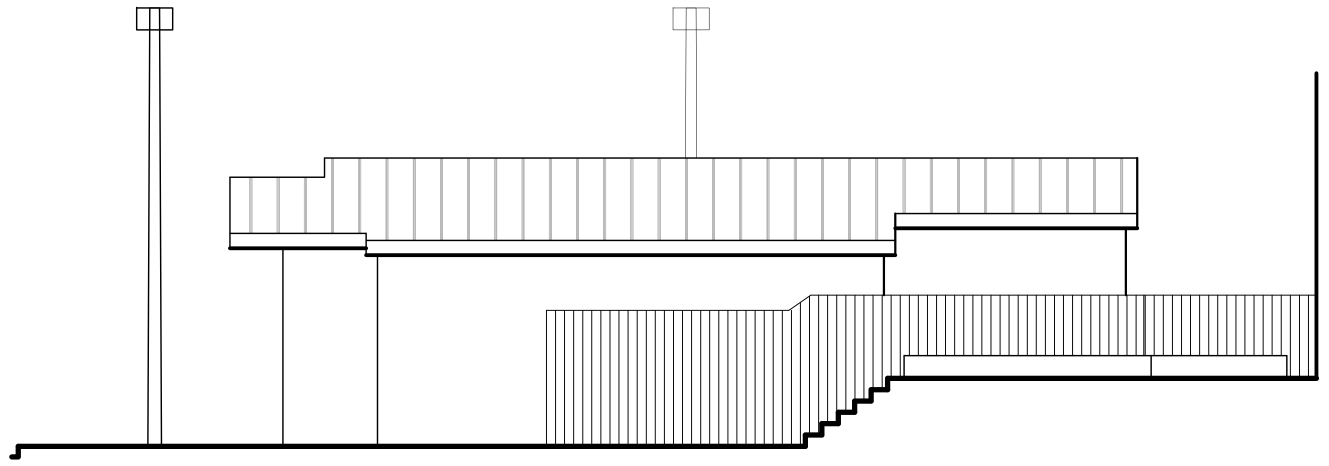


PROPOSED SOUTH ELEVATION

MATERIALS
WALLS GRAY RENDER WITH
TIMBER BOARDING TO GABLES
AND FASCIA
ROO RAISED SEAM ZINK
WINDOWS GRAY ALUMINUM

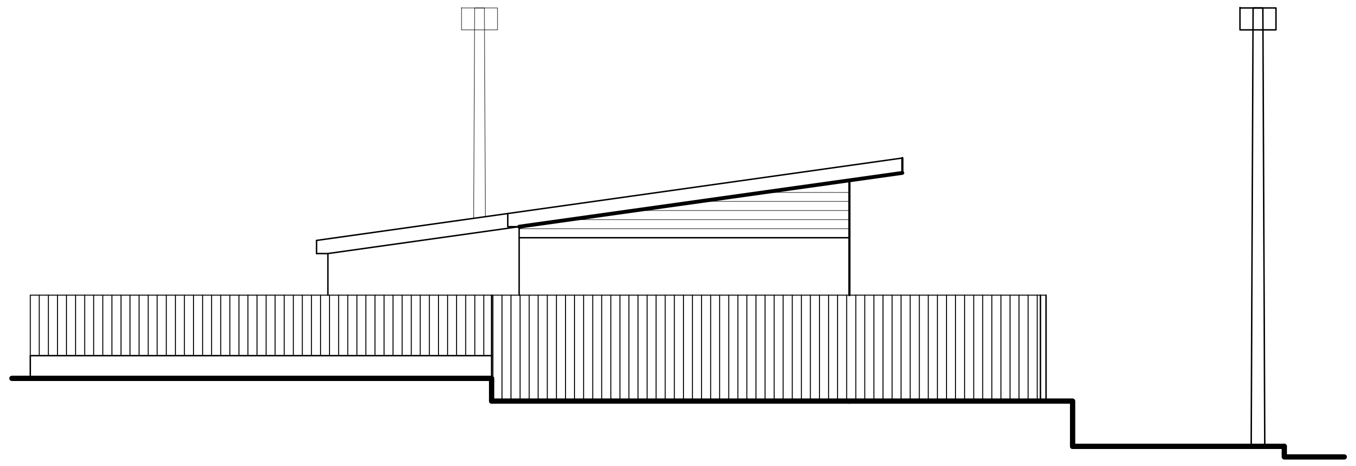


PROPOSED EAST ELEVATION



PROPOSED NORTH ELEVATION

SCALE 1:100



PROPOSED WEST ELEVATION

REF DATE REVISION

BRYN CAIN COTTAGE
PENPERGWM
ABERGAVENNY
MONMOUTHSHIRE
NPT9AE
01873 840617 info@onlinearchitectural.co.uk

CLIENT:
Mr Patel

PROJECT:
St.Fagans Road
Fairwater
Cardiff CF5 3EW

SHEET TITLE:
PROPOSED PLAN & ELEVATIONS

SCALE:	DATE:	DRAWN:
1:100 on A2	Nov. 2015	RAP

DRAWING No REV
13-014-PL-01

LOCAL MEMBER OBJECTION / CONCERN & PETITION

COMMITTEE DATE: 15/03/2017

APPLICATION No. **16/01885/MNR** APPLICATION DATE: 16/08/2016

ED: **RHIWBINA**

APP: TYPE: Full Planning Permission

APPLICANT: Mrs Farleigh-Page
LOCATION: 2A WAUN-Y-GROES AVENUE, RHIWBINA, CARDIFF, CF14 4SY
PROPOSAL: CHANGE OF USE OF 2 (RESIDENTIAL) AND 2A (OFFICES)TO D1 (DAY NURSERY)

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

1. C01 Statutory Time Limit

2. The building hereby permitted shall be used as a day nursery as specified in the application and for no other purpose (including any other purpose in Class D1 of the schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument amending, revoking or re-enacting that Order).
Reason: Permission is granted only because of the characteristics peculiar to this proposal. Other uses within Class D1 could prejudice the amenities of the area. In accordance with Policy H4 of the adopted Cardiff Local Development Plan (2006-2026).

3. The premises shall only be open to the public between 07:30-18:30 Monday to Friday and not at all on Saturday or Sunday.
Reason: To ensure that the use of the premises does not prejudice the amenities of the area. In accordance with Policy EN13 of the adopted Cardiff Local Development Plan (2006-2026).

4. Prior to the development hereby permitted being brought into beneficial use, provision shall be made within the site for the parking of vehicles in accordance with details to be submitted to and approved by the Local Planning Authority, such approval to be obtained prior to the commencement of development. The submitted details shall include but not be limited to the marking of the parking bay .The parking area shown in the approved details shall be provided prior to the development being brought into beneficial use and thereafter shall be maintained and shall not be used for any purpose other than the parking of vehicles.
Reason : To ensure that the use of the proposed development does not interfere with the safety and free flow of traffic passing the site. In accordance with Policy T5 of the adopted Cardiff Local Development Plan

(2006-2026).

5. No more than 40 children and 12 staff shall occupy the premises at any time.
Reason: To ensure the amenities of the adjoining neighbours are protected. In accordance with Policy EN13, KP5 and T5 of the adopted Cardiff Local Development Plan (2006-2026).

1. DESCRIPTION OF PROPOSED DEVELOPMENT

1.1 Full planning permission is sought to change the use of the property from residential and offices to a day nursery which would accommodate a total of 40 children and 12 staff. The ages of the children would vary from 6 weeks old to 8 years old. The applicant states that the 3-8 year old children would be located in the outside annex, whilst the younger children would be within the existing building. As part of the wrap around provision, the nursery will also pick up/drop off children from/to nearby schools by utilising their own vehicle.

1.2 The application has been supplemented by a Transport Statement, dated November 2016.

2. DESCRIPTION OF SITE

2.1 The site is a semi-detached building with a mixed use of residential and offices.
The property benefits from a westerly facing rear garden. Within the rear garden is a detached annexe. To the front of the premises there is available parking.

2.2 The adjoining semi-detached property is also a commercial property that has recently been given permission to be used as a health spa. The surrounding streets are residential in character. The properties along Waun-Y-Groes Avenue are a mixture of terraced and semi-detached houses. The semi-detached houses have off-street parking which is accessed of Waun-Y-Groes Avenue.

2.3 The site is not located within a conservation area or a designated flood zone. No Listed buildings or protected trees are affected by this proposal

3. SITE HISTORY

3.1 Nil

4. POLICY FRAMEWORK

4.1 The application site falls within the settlement boundary as defined by the Local Development Plan Proposals Map, but is not allocated for any specific use.
Planning Policy Wales Ed. 9 (2016);

TAN 12 (Design), TAN 18 (Transportation);

Cardiff Local Development Plan (2006-2026)
Policy KP5 (Good Quality and Sustainable Design)

Policy T5 (Managing Transport Impacts)
Policy EN13 (Air, Noise and Light Pollution)

Supplementary Planning Guidance
Access. Circulation and Parking Standards (2010);
Buildings for Child-Care (September, 1998)

5. INTERNAL CONSULTEE RESPONSES

5.1 Pollution Control: No objections

5.2 Operational Manager (Transportation): "*Having assessed the application, supporting documents and associated correspondence I can confirm that the proposed change of use is considered to be acceptable in transport terms as now defined. In considering the matter I must take into account that the site benefits from established commercial and residential uses that themselves have both a daytime and overnight, moving and parking impact. Therefore while there may well be changes in the pattern of vehicle use associated with the site, the overall quantum of vehicular impact is anticipated to be consistent between the extant and propose uses.*

It is also noted that what is termed a 'wraparound' vehicle, i.e. a shared operational vehicle the advised principle function of which relates to the collect children from school (3.2.2, pg. 7), is to be provided and parked on a dedicated parking space. It is considered that the inclusion of this operational vehicle will reduce the need for independent drop-off/collection trips, thus reducing parking pressure and conflict with adjacent residents/residential traffic. The Transport Statement points out that a parking survey was carried out where it was found there were 52% spaces available during the AM peak and 48% during the PM peak therefore there is on-street spare parking capacity (5.2.5, pg. 13).

Moreover, the Transport Statement has projected that during the AM peak hour (07:00 – 08:00) there will be a maximum average of 1 child drop off every 4 minutes (4.35. pg. 10). I understand the objections concerning parking, however the Transport Statement confirms that vehicles related the crèche will mainly be concerned with dropping off and picking up children, thus parking pressure will be reduced.

It is noted the junction at Waun-Y-Groes is protected by double yellow lines, so the egress and ingress from Caerphilly Road should not be inhibited by parked vehicles. Additionally the road is within a 20mph zone, calming traffic and reducing the speed of vehicles, the Transport Statement noting there is no reported accident history at the junction (3.2.3, pg. 7).

Also as pointed out in the application (4.2-4.2.3 pg. 9), there is no similar facility of this type in Rhiwbina and the establishment of such a business would address those who require child care locally."

5.3 Childcare Strategy Unit: No comments to date.

6. EXTERNAL CONSULTEE RESPONSES

6.1 Nil

7. REPRESENTATIONS

7.1 Adjoining neighbours have been notified. 15 letters of representation from occupiers of nearby properties have been received from 1, 3 (x5), 4 (x3), 10, 12, 14, 15 (x2), 16, 17, 23 (x2), 24, 27, 29, Waun-y-Groes, 9 Coed-y-Llyn (x3) and 431 Caerphilly Road. All object on the following grounds:

- Insufficient parking provision for the number of children proposed;
- Significant increase in traffic to the area resulting in pressure on parking provision, which is already at saturation point given the number of cars parking on-street who use the Birchgrove railway halt;
- Access to the site problematic given the access arrangement off Caerphilly Road;
- Believe the Transport Statement is flawed as the assessment does not take into account the following:
    - Adjoining beauty Spa development;
    - The assumption that parents would only be there for four minutes;
    - Banning staff from using their cars is unreasonable and unenforceable;
    - TS wrongly assumes on-street parking would be available when they would already be taken by those using the 'park and ride' at Birchgrove Halt;.
    - Incorrect assessment of parking provision allocated for the site.

7.2 A petition of 56 signatures has been submitted that objects to the proposal on highway safety grounds. The lead petitioner is the owner of 9 Coed-y-Lyn, who wishes to address the Committee.

7.3 A petition of 60 signatures has been submitted in support of the nursery.

7.4 Councillor Saunders supports the objection from residents on highway safety grounds and lack of parking.

7.5 Councillor Cowan raises concerns on highway safety grounds as expressed by local residents.

8. ANALYSIS

8.1 **Key issues are:**

- land use;
- impact upon neighbours amenity; and
- parking/highway safety.

8.2 **Land Use**

The application has been assessed against Policy H4 'Change of Use of Residential Land or Properties'. This contains criteria whereby the conversion or redevelopment of residential properties to other uses will only be permitted in specific circumstances, one of which is 'the proposal is for a community use necessary within a residential area'. Paragraph 5.16 states that 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.

The existing office use in no.2a falls outside any area designated within the Local Development Plan where offices are protected. The loss of an office within a predominantly residential area does not raise any land use policy concerns.

8.3 **Impact upon the amenity of adjoining neighbours**

Both Policies KP5 and H4 seek, inter alia, to protect residential amenity. In terms of this application it is considered that noise and privacy are the key concerns. Given the existing relationship and current use i.e residential and offices, it is considered that the proposal as a day nursery would not have a detrimental effect upon the privacy of the adjoining residential properties beyond that of the current use. In forming this view Officers have had regards to the existing means of enclosures and the ground levels of the adjoining properties.

In terms of noise, the Council's Pollution Control Section has been consulted and raises no objection to the proposal and does not suggest any conditions. A condition has been imposed to limit the use to Monday-to-Friday and limit the opening hours to 07:30-18:30, to ensure the amenities of neighbours are not unreasonably affected. Having regard to Pollution Control's comments and the current commercial use, it is considered that, on balance, the use would not be likely to undermine the amenity of adjoining residential properties.

8.4 **Parking/highway safety**

Officers note the concerns of residents and Ward Councillors; as a result a Transport Statement has been undertaken by the applicant to assess the impact of the development upon parking and highway safety. In summary, the Transport Statement does not preclude the Day Nursery from occupying this site on highway safety/ parking grounds. The Council's Transportation section has been consulted on the Transport Statement and is fully aware of the objections from residents and Ward Councillors but raises no objections to this proposal (see para 5.2 of this report). Therefore, objections on this ground are considered, on balance, hard to justify without technical supporting evidence of harm.

8.5 **Other material considerations**

Concern has been raised over aspects of the Transport Statement, inter alia, regarding contract of employment i.e. enforceability of requiring staff to access the site other than by car. The planning system cannot control this matter. However, the methodology of the Transport Statement is in line with the Council's own Supplementary Planning Guidance (Chapter 4 Access, Circulation and Parking Standards).

8.6 **Conclusion**

In conclusion, the Local Development Plan identifies childcare facilities as an appropriate use within residential areas. Supplementary Planning Guidance 'Buildings for Childcare' identifies existing commercial buildings within residential areas, and residential properties adjoining existing commercial uses, as suitable premises for childcare facilities. The petition submitted in favour of the development would appear to indicate that there is a demand within the area for such a facility.

Given the existing commercial use of the site, and the lack of an objection from the Council’s Pollution Control Section, it is not considered that there would be such an adverse impact upon the residential amenity of adjoining residential occupiers, that a refusal of planning permission could be justified in this instance. In order to reduce the potential impact upon neighbours, a condition has been imposed which would restrict the opening hours and times.

It is considered that, given the location in close proximity to the train station and a main bus route, the application site is located within a sustainable location. Those neighbouring occupiers most likely to be affected by the proposal have concerns over parking, given the existing parking levels in the area, the proposed use and the number of children and staff to be accommodated. However, the submitted Transport Statement demonstrates how the transport implications can be satisfactorily managed and technical advice sought from Transportation colleagues raised no concerns.

Having regard to the policy context above, and giving consideration to the material matters raised, the proposal is considered acceptable on balance and planning permission is recommended, subject to conditions.

SITE LOCATION PLAN
AREA 2 HA
SCALE: 1:1250 on A4
CENTRE COORDINATES: 316668 , 181059

Supplied by Streetwise Maps Ltd
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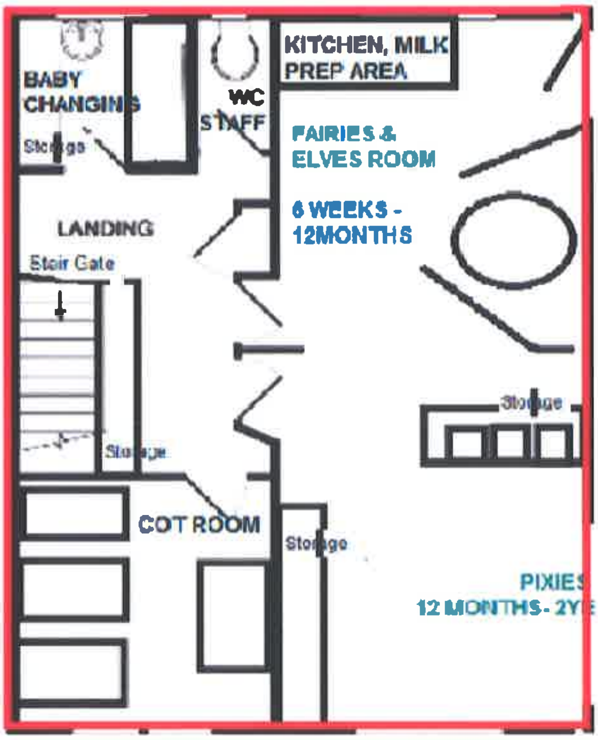
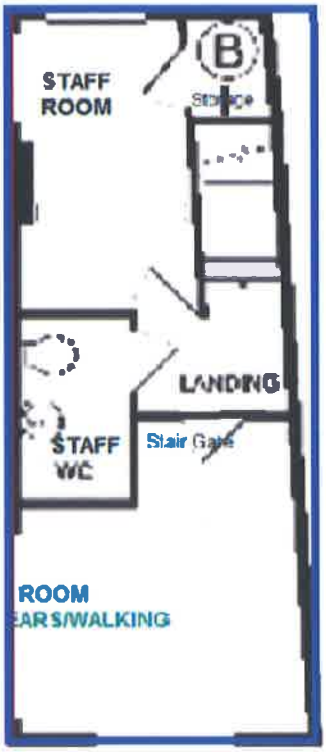
Licence No: 100047474
21:22:31 30/07/2016


View from access rd from Caerphilly rd.

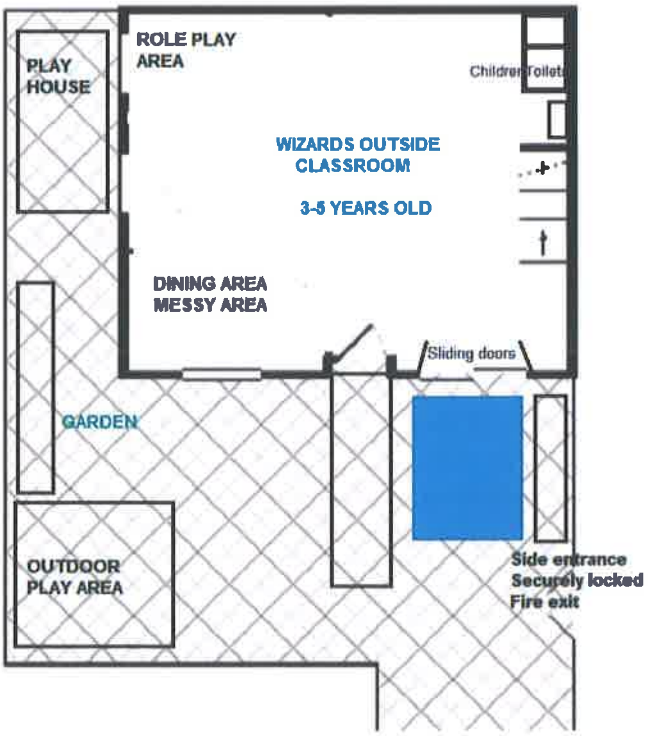
2a First Floor



2a First Floor



Annex- Outside Classroom

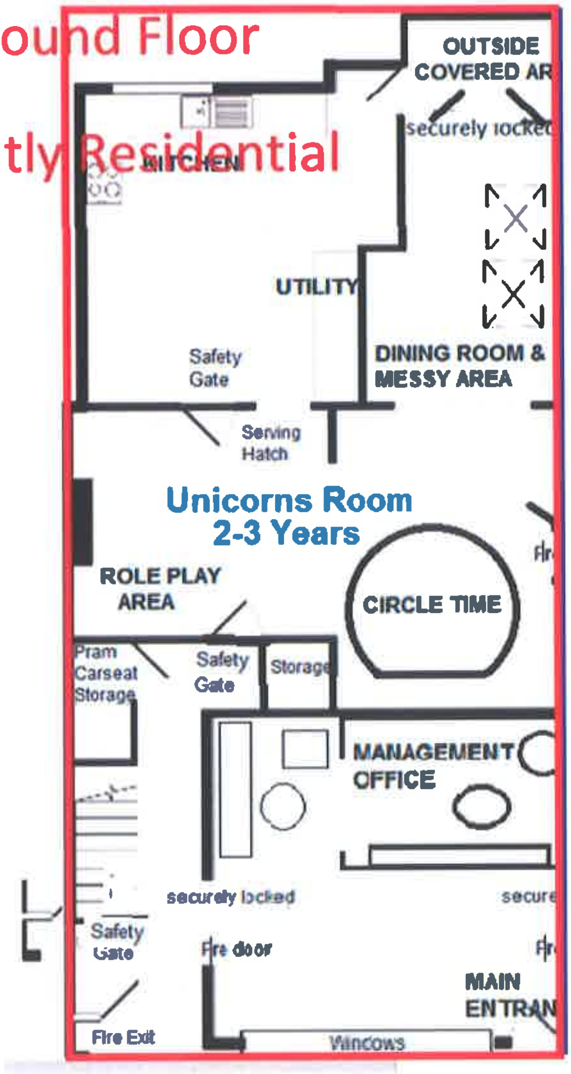


L16/01885/MNR

2 Waun Y Groes Avenue

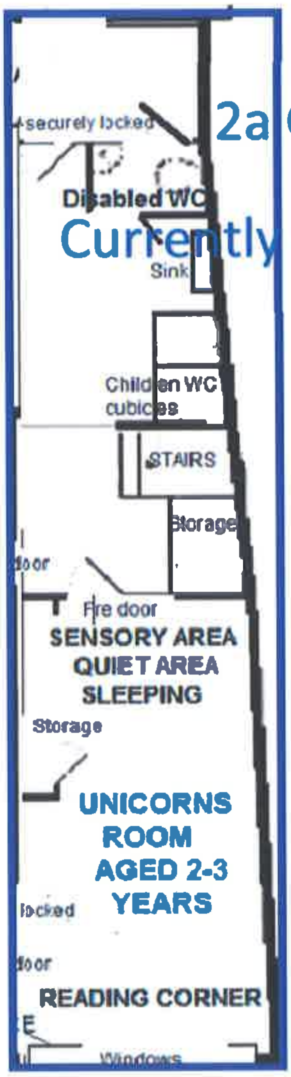
Ground Floor

Currently Residential



2a Ground Floor

Currently office A1 Class



16/01885/MNR

LOCAL MEMBER, AM AND MP OBJECTION AND PETITION OF OBJECTION

COMMITTEE DATE: 15/03/2017

APPLICATION No. **14/02733/MJR** APPLICATION DATE: 09/12/2014

ED: **CREIGAU/ST FAGANS**

APP: TYPE: Outline Planning Permission

APPLICANT: Redrow Homes South Wales
LOCATION: NORTH WEST CARDIFF
PROPOSAL: OUTLINE PLANNING APPLICATION WITH ALL MATTERS RESERVED APART FROM STRATEGIC ACCESS JUNCTIONS FOR RESIDENTIAL-LED MIXED USE DEVELOPMENT, TO BE DEVELOPED IN PHASES, INCLUDING PREPARATORY WORKS AS NECESSARY INCLUDING DEMOLITION AND RE-GRADING OF SITE LEVELS; UP TO 5,970 RESIDENTIAL UNITS (USE CLASS C3, INCLUDING AFFORDABLE HOMES); 3 NO. LOCAL CENTRES PROVIDING RESIDENTIAL UNITS, CONVENIENCE SHOPS AND FACILITIES/SERVICES (INCLUDING UP TO 7,900 SQ M IN USE CLASSES A1-A3) AND 1NO. DISTRICT CENTRE PROVIDING RESIDENTIAL UNITS, UP TO 12,000 SQ M IN USE CLASSES A1-A3 INCLUDING UP TO TWO FOOD STORES (UP TO 5,000 SQ M GROSS) WITH ASSOCIATED PARKING, UP TO 15,500 SQ M OF USE CLASS B1(A), B1(B) AND B1(C); PROVISION OF UP TO 5,100 SQ M OF COMMUNITY AND HEALTHCARE FACILITIES ACROSS THE DISTRICT AND LOCAL CENTRES (USE CLASSES D1 AND D2); PROVISION FOR 3NO. PRIMARY SCHOOLS AND 1NO. SECONDARY SCHOOL; OPEN SPACE INCLUDING ALLOTMENTS; PARKS; NATURAL AND SEMI NATURAL GREEN SPACE; AMENITY GREEN SPACES; FACILITIES FOR CHILDREN AND YOUNG PEOPLE; OUTDOOR SPORTS PROVISION INCLUDING PLAYING PITCHES; ASSOCIATED INFRASTRUCTURE AND ENGINEERING WORKS INCLUDING NEW VEHICULAR ACCESSES, IMPROVEMENT WORKS TO THE EXISTING HIGHWAY NETWORK, NEW ROADS, FOOTPATHS/CYCLEWAYS, A RESERVED STRATEGIC TRANSPORT CORRIDOR; UP TO 1 NO. ELECTRICITY PRIMARY-SUBSTATION AND LANDSCAPING WORKS (INCLUDING SUDS)

RECOMMENDATION 1 : That, subject to relevant parties entering into a binding legal agreement with the Council under the provisions of **SECTION 106** of the Town and Country Planning Act 1990, within 6 months of the date of this Resolution unless otherwise agreed by the Council in writing, in respect of matters detailed in Section 9 of this report, and having taken the Environmental Information in to consideration, planning permission be **GRANTED** subject to the following conditions:

PART 1 RESERVED MATTERS AND PLANS

RESERVED MATTERS AND TIME LIMIT

1. A. Prior to the commencement of development on any Reserved Matters site, details of the layout, scale and appearance of the buildings, access (except for the detailed highway improvement works that are the subject of conditions 26 - 34) and landscaping (hereinafter called "the reserved matters") for that Reserved Matters site shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out as approved.
   B. Application for approval of the first Reserved Matters site shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. Application for approval of all other reserved matters sites shall be made to the Local Planning Authority before the expiration of twenty years from the date of this permission.
   C. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of the last of the reserved matters to be approved, whichever is the later.
   Reasons: A. In accordance with the provisions of Article (3)1 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012. B and C. In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended).

APPLICATION PLANS AND DOCUMENTS

2. This consent relates to the following plans and documents attached to and forming part of this planning application:
   Plans:
   a) Planning Application Boundary (drawing no. R.0319_17j-1)
   b) Land Use Parameter Plan (drawing no. R.0319_17j-2) and supporting text
   c) Access Parameter Plan (drawing no. R.0319_17j-3) and supporting text
   d) Green Infrastructure Parameter Plan (drawing no. R.0319_17j-4) and supporting text
   e) Density Parameter Plan (drawing no. R.0319_17j-5)
   f) Demolition Parameter Plan (drawing no. R.0319_17j-6)
   g) Scale Parameter Plan (drawing no. R.0319_17j-7) and supporting text
   h) Illustrative Masterplan (drawing no. R.0319_8j)
   i) POS Provision Plan (drawing no. R.0319-45A)
   j) Indicative Phasing Plan (drawing no. R.0319_51)
   k) Complete Overview (drawing no. W141304_A01 Rev J)
   l) Llantrisant Road Junction / Crofft Y Genau Junction 1 (drawing no. W141304_A01_J1 Rev J)
   m) Llantrisant Road Signalised Crossroads Junction – Junction 2 (drawing no. W141304_A01_J2 Rev J)

n) Llantrisant Road / Clos Park Radyr Signalised Crossroads Junction 3 (drawing no. W141304_A01_J3 Rev J)
o) Clos Park Radyr Priority Site Access Junction 4, 5, 6 (drawing no. W141304_A01_J4-5-6 Rev J)
p) Llantrisant Road North Priority Site Access Junction 7 (drawing no. W141304_A01_J7 Rev J)
q) Llantrisant Road / Heol Isaf Signalised Crossroads Junction 8 (drawing no. W141304_ A01_J8 Rev J)
r) Llantrisant Road South Mini Roundabout Access Junction 9 (drawing no. W141304_A01_J9 Rev J)
s) Llantrisant Road BBC Bus Lane Junction 10 (drawing no. W141304_A01_J10 Rev J)
t) Pentrebane Road Bi-Directional Cycle Lane Signalised Crossroads Junction 11 (drawing no. W141304_A01_J11 Rev J)
u) Pentrebane Road / Beechley Drive Signalised Crossroads & Pentrebane Site Access Junctions 12 and 13 (drawing no. W141304_A01_J12-13 Rev J)
v) Re-alignment of Crofft y Genau Road into Pentrebane Road Junction 14 (drawing no. W141304_A01_J14 Rev J)
w) Crofft y Genau Road Southern Site Access Junction 15 (drawing no. W141304_A01_J15 Rev J)
x) Crofft y Genau Road Priority Access Flared for Bus Movements Junction 16 (drawing no. W141304_A01_J16 Rev J)
y) Residential Development Slope Analysis (drawing no. SK057 C2)
z) Preliminary Earthworks Depths Mixed Use Development, Schools, Playing Fields and Primary Road Corridors (drawing no. SK058 C2)

Documents

a) Revised application form (including Certificate B and Agricultural Holdings Certificate) dated 31/10/16
b) NLP Covering Letter dated 9 December 2014
c) NLP Covering Letter dated 31 October 2016
d) Flood Risk Statement for Plasdwr (13 October 2014)
e) Retail Statement (November 2014)
f) Planning Statement (November 2014)
g) Planning Statement Addendum (31 Oct 2016)
h) revised Design and Access Statement (R.0319_30D Oct 2016);
i) Environmental Statement (November 2014)
j) Environmental Statement Addendum (Nov 2016);
k) Environmental Statement Non-Technical Summary (November 2016)
l) Revised Green Infrastructure Strategy (Oct 2016);
m) Great Crested Newt Conservation Strategy (C_EDP1027_87a_170117).

Reason : For the avoidance of doubt.

RESERVED MATTERS AND DISCHARGE OF CONDITION PLANS AND DOCUMENTS

3. Subject to the provisions of conditions 5 (ACCESS TO RADYR FARM), 14 (USEABLE SPORTS PITCHES), 17 (PHASING), 18 (DESIGN CODE), 20 (ALLOTMENT STRATEGY), 26 - 34 relating to DETAILED HIGHWAY IMPROVEMENT WORKS, 39 (RADYR GOLF COURSE INTERFACE STRATEGY), 44 (DISTRICT CENTRE DESIGN CODE), 67 (SCHOOL SITE SIZES), 68 (FULL ENGINEERING DETAILS FOR EACH JUNCTION), 69 (KEY PEDETRIAN / CYCLING/ HORSE RIDING ROUTE), 70 (ECOTONE), 71 (ENHANCED GREEN CORRIDOR), 72 (ADDITIONAL HOP OVERS), 73 (PITCH SIZES), 74 (PUBLIC OPENSPACE PROVISION), 76 (RADYR FARM WIND TURBINE), 81 (HSE ADVICE), 82 (WALES AND WEST UTILITIES APPARATUS), the development shall accord with the following approved plans and documents:
   a) Planning Application Boundary (drawing no. R.0319_17j-1)
   b) Land Use Parameter Plan (drawing no. R.0319_17j-2) and supporting text
   c) Access Parameter Plan (drawing no. R.0319_17j-3) and supporting text
   d) Green Infrastructure Parameter Plan (drawing no. R.0319_17j-4) and supporting text
   e) Density Parameter Plan (drawing no. R.0319_17j-5)
   f) Demolition Parameter Plan (drawing no. R.0319_17j-6)
   g) Scale Parameter Plan (drawing no. R.0319_17j-7) and supporting text
   h) Pentrebane Farm: Refined Design Principles (Environmental Statement November 2014, para C3.44)
   i) the Spine and Llantrisant Road street sections shown on pp. 72 - 73 of the Design and Access Statement (October 2016)

   and shall be in substantial accordance with the following approved plans and documents:
   j) Llantrisant Road Junction / Crofft Y Genau Junction 1 (drawing no. W141304_A01_J1 Rev J)
   k) Llantrisant Road Signalised Crossroads Junction – Junction 2 (drawing no. W141304_A01_J2 Rev J)
   l) Llantrisant Road / Clos Park Radyr Signalised Crossroads Junction 3 (drawing no. W141304_A01_J3 Rev J)
   m) Clos Park Radyr Priority Site Access Junction 4, 5, 6 (drawing no. W141304_A01_J4-5-6 Rev J)
   n) Pentrebane Road Bi-Directional Cycle Lane Signalised Crossroads Junction 11 (drawing no. W141304_A01_J11 Rev J)
   o) Pentrebane Road / Beechley Drive Signalised Crossroads & Pentrebane Site Access Junctions 12 and 13 (drawing no. W141304_A01_J12-13 Rev J)
   p) Re-alignment of Crofft y Genau Road into Pentrebane Road Junction 14 (drawing no. W141304_A01_J14 Rev J)
   q) Crofft y Genau Road Southern Site Access Junction 15 (drawing no. W141304_A01_J15 Rev J)
   r) Crofft y Genau Road Priority Access Flared for Bus Movements

Junction 16 (drawing no. W141304_A01_J16 Rev J)
s) POS Provision Plan (drawing no. R.0319-45A)
t) Environmental Statement (November 2014)
u) Environmental Statement Addendum (Nov 2016);
v) Revised Green Infrastructure Strategy (Oct 2016);
w) Great Crested Newt Conservation Strategy (C_EDP1027_87a_170117)

and shall be in broad accordance with the following approved plans and documents:

x) Illustrative Masterplan (drawing no. R.0319_8j)
y) revised Design and Access Statement (R.0319_30D Oct 2016)

unless otherwise approved through subsequent discharge of condition and reserved matters applications.

Reason: To retain control of the development and given the information has been used to assess the development.

PART 2: CONDITIONS REQUIRING DETAILS TO BE SUBMITTED AS PART OF THE DISCHARGE OF CONDITION 1

ACCESS WITHIN THE SITE

4. Details in relation to the reserved matter ACCESS submitted to the Local Planning Authority for any reserved matters site in compliance with condition 1 shall include:

    a) details showing the position and form of construction of all junctions, roads, verges, cycle paths, footpaths, bridleways, shared paths and shared surfaces, including any PROW diversions, and the method of disposal of all surface water drainage therefrom
    b) details of 'safe zones' within any proposed shared spaces to protect vulnerable users
    c) the position of street lighting linked to a Central Management System
    d) bus stops and associated facilities
    e) bus priority measures, including any bus lanes and bus gates
    f) where amphibian activity is envisaged, road and junction design measures to ensure that Great Crested Newts and other protected amphibians are not harmed, including use of inset/ dropped kerbs, offset gully pots, amphibian friendly underpases and/ or amphibian ladders in gully pots
    g) details of and an implementation programme for any temporary access required to ensure safe and convenient pedestrian, cycle and vehicular access through those areas not under construction, where construction is complete and along PROWs including details of any proposed diversions
    h) details of land to be provided and safeguarded for pedestrian / cycle links to existing areas, shown on the Access parameter plan (drawing no R.0319_17k-3) and a strategy for their delivery

    The development shall be carried out in accordance with the approved details, condition 80 (PROVISION OF ROAD BEFORE OCCUPATION OF DWELLINGS) and the phasing details approved under condition 17 (PHASING).

Reason: To make provision for satisfactory access and to allow the phased dimming of street lights to protect light sensitive species on the site.

ACCESS TO RADYR FARM

5. Notwithstanding the provisions of condition 3, details in relation to the reserved matter ACCESS, submitted to the Local Planning Authority in compliance with condition 1, shall include details to demonstrate that the legal right of way to Radyr Farm from Llantrisant Road shall be maintained in perpetuity. The development shall be carried out in accordance with the approved details.

   Reason: To maintain vehicular access to Radyr Farm.

ACCESS TO THE REMAINDER OF SITE C

6. Details in relation to the reserved matter ACCESS, submitted to the Local Planning Authority in compliance with condition 1 for any reserved matters site that adjoins the boundary of the remainder of Strategic Site C shall include details to secure pedestrian, cycle and vehicular access up to the boundary of the outline permission site to serve development beyond the boundary and a strategy for their delivery. The submitted details shall demonstrate how the access will not prejudice the proposed green and movement corridors. The development shall be carried out in accordance with the approved details.

   Reason: To make provision for effective pedestrian, cycle and vehicular links to the wider strategic site and future expansion areas identified in the Cardiff Local Development Plan.

RAPID TRANSIT CORRIDOR / METRO

7. Details in relation to the reserved matter ACCESS submitted to the Local Planning Authority in compliance with condition 1 shall include:

   a) details, including layout and cross sections, of the ‘Express Bus Priority Route’ shown on p. 70 of the Design and Access Statement (October 2016)
   b) details, including layout and cross sections, of the zone to be provided and reserved for Rapid Transit, shown on the Access Parameter Plan (drawing no R.0319_17j-3), including details of the ‘Safeguarded Alternative Tram Train Alignment’ (shown on p.70 of the Design and Access Statement (October 2016) and demonstrating how this will not prejudice proposed green and movement corridors. The zone to be provided for Rapid Transit shown on the Access parameter plan shall be extended to include the ‘safeguarded route for metro within the site’ set out on the LDP Schematic Framework for strategic site C

   The development shall be carried out in accordance with the approved details.

   Reason: To safeguard options for the future delivery of the ‘Metro’ within the site, in accordance with policies KP2(C) and T9 of the Cardiff Local Transport Plan.

CAR PARKING

8. Details in relation to the reserved matter LAYOUT submitted to the Local Planning Authority for any reserved matters site in compliance with condition 1 shall include details for the parking of vehicles. The details shall include, but not be limited to, a strategy and implementation programme for the provision, management, monitoring and control of car parking for any and all non-residential land uses proposed within that reserved matters site. The development shall be implemented in accordance with the approved details and no dwelling or building shall be occupied until the approved parking facilities serving it have been provided. The approved parking shall be retained thereafter and shall not be used for any purpose other than the parking of vehicles.
Reason: To ensure that the use of the proposed development does not interfere with the safety and free flow of traffic circulating within and passing the site.

CYCLE AND MOTORCYCLE PARKING

9. Details in relation to the reserved matter LAYOUT submitted to the Local Planning Authority for any reserved matters site in compliance with condition 1 shall include details for the provision of secure cycle and motorcycle parking spaces. No building shall be occupied until the approved cycle or motorcycle parking serving it has been provided and the cycle and motorcycle parking shall be retained in perpetuity and shall not be used for any other purpose. For the avoidance of doubt, cycle parking will not be required to be provided for any dwellings with garages and motorcycle parking will not be required to be provided for dwellings.
Reason: To ensure that adequate provision is made for the secure parking of cycles.

LOADING AND UNLOADING OF VEHICLES

10. Details in relation to the reserved matter LAYOUT submitted to the Local Planning Authority for any reserved matters site in compliance with condition 1 shall include details of facilities for the loading and unloading of vehicles serving any and all non-residential buildings and a Servicing Management Plan. The development shall be implemented in accordance with the application details and no non-residential building shall be occupied until the approved loading/unloading facilities serving it have been provided. The approved details shall be thereafter maintained and retained.
Reason: To ensure that the use of the proposed development does not interfere with the safety and free flow of traffic passing along the highway abutting the site.

ADOPTABLE AREAS PLAN

11. Details in relation to the reserved matters submitted to the Local Planning Authority for any Reserved Matters site in compliance with condition 1 shall include a plan showing the following:
    a) adoptable highway
    b) open space maintained by management company
    c) any private drives maintained by management company where

public right of access is maintained

d) any other categories pertaining to management arrangements.

The development shall be implemented in accordance with the approved details.

Reason: To help clarify and inform the management arrangements for the site.

REFUSE

12. Details in relation to the reserved matter LAYOUT submitted to the Local Planning Authority for any reserved matters site in compliance with condition 1 shall include the following:

a) details of facilities for the storage of refuse containers for each house and flat, and collection points for refuse collection vehicles

b) vehicle tracking plan(s) which shall demonstrate via swept path analysis that the Council's largest refuse collection vehicle is able to reach within 25m of all dwellings, and enter and exit all roads (including shared surfaces) in a forward gear and that the turning heads are of sufficient size. Where private drives are identified and access for the Council’s refuse collection is not suitable, details of collection arrangements must be submitted to and agreed by the Local Planning Authority in writing

c) details of facilities for the storage of refuse containers for any and all non-residential buildings and vehicle tracking plans(s) and which shall demonstrate via swept path analysis that they can be serviced by the Council's largest refuse collection vehicle

d) details showing the location of litter bins and - for those litter bins that are proposed on adopted land and/or which are to be emptied and maintained by the Council – details of their design and specifications

No dwelling or building shall be occupied until the approved refuse facilities and arrangements serving it have been provided. The approved refuse facilities shall thereafter be retained for future use.

Reason: To secure an orderly form of development, to protect the amenities of the area and because refuse collection vehicles are not permitted to reverse down any roads and must be able to reach within 25m of all dwellings in order for crews to empty bins.

FLOOR AND GROUND LEVELS

13. Details in relation to the reserved matters submitted to the Local Planning Authority for any reserved matters site in compliance with condition 1 shall include:

a) details and a plan(s) showing proposed finished floor levels of each dwelling and building, and existing and proposed ground levels in relation to a fixed datum

b) a plan showing proposed gradients of all streets, cycleways and footpaths and shared surfaces in full compliance with DfT Inclusive Mobility Guide and Manual for Streets 1 & 2, except where it can be demonstrated that there is a suitable, alternative route available.

The development shall be carried out in accordance with the approved

details.
Reason: To enable assessment of the relative heights of existing and proposed ground/floor levels and access requirements.

USEABLE SPORTS PITCHES

14. Notwithstanding the provisions of condition 3, details in relation to the reserved matters submitted to the Local Planning Authority in compliance with condition 1 in respect of any reserved matters site including sports pitches shall include:
    a) details showing the number and size of sports pitches, taking into consideration the provisions of condition 73 (PITCH SIZES)
    b) details showing the location and design of changing facilities for the adult sized pitches or satisfactory alternative provision
    c) a scheme to provide for level and well-drained pitches.

    The development shall be implemented in accordance with the approved details prior to the use of the pitches and the drainage scheme shall be retained and maintained for the lifetime of the development.
    Reason: To ensure the sports pitches are appropriately drained and useable.

LANDSCAPE SCHEME FOR EACH RESERVED MATTERS SITE

15. Details in relation to the reserved matter LANDSCAPING submitted to the Local Planning Authority for any reserved matters site in compliance with condition 1 shall include the following details and an implementation programme:
    a) hard landscape works which shall include: means of enclosure and retaining structures; vehicle, cycle and pedestrian access and circulation areas; hard surfacing materials; position of external lighting including street lights; minor artefacts and structures (e.g. litter bins, seating and other furniture, play equipment and signs); proposed and existing functional services above and below ground (eg. drainage, power, communications cables)
    b) a landscaping scheme which shall include: proposed finished levels and contours, scaled planting plans/ written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/ densities where appropriate; top soil and subsoil specifications, tree pit sections and plan views showing root available soil volume, planting and aftercare methodology, proposals for remediation work in the event that any element of the landscaping fails
    c) details of public open space provision, in accordance with the provisions of condition 74 (PUBLIC OPEN SPACE PROVISION)
    d) details, where applicable, of allotment provision, as proposed under condition 20 (ALLOTMENT STRATEGY)
    e) details, where applicable, of existing and proposed ponds, attenuation basins and water features, which shall include detailed plans and cross sections of proposed features and respective landscaping, planting and lighting details, and which

shall clearly identify those ponds proposed as replacement Great Crested Newt breeding ponds as distinct from other wildlife ponds/attenuation basins

f) detailed designs for any ecological ‘hop-overs’ shown on the Green Infrastructure Parameter Plan (drawing no R.0319_17j-4) and as required by condition 72 (ADDITIONAL HOP OVERS) and which shall include the matters detailed in NRW’s letter of 27/02/2017

g) detailed designs, including planting and layout plans, for the min 10m wide buffer zone proposed around all watercourses, wetlands and ponds and the min 15m ecotone buffer to all retained woodland

h) A Detailed Green Infrastructure Management Strategy (DGIMS) for the delivery, and long-term management, maintenance and monitoring of the ecological, aboricultural, landscape, soil and open space and water resource other than privately owned, domestic gardens. The DGIMS shall accord with the approved SGIMS required to be submitted under condition 19, including any amendments to the SGIMS, and shall substantially accord with the Green Infrastructure Strategy, the Dark Corridors plan (drawing no R.0319_47) and the mitigation measures set out in the Environmental Statement (November 2014) and ES Addendum (November 2016). The DGIMS shall include, where applicable to that RM site: update surveys of potential reptile habitat and related mitigation, update surveys of ponds with potential to support Great Crested Newts and related mitigation, update surveys required under parts i) and j) of this condition and any other pre-commencement surveys for that site required as part of the SGIMS; a detailed plan setting out habitats to be lost, enhanced, created and retained and an implementation programme; details of proposed green corridors (including detailed layout plans showing habitat composition and new and retained planting required to reach the size and scale of corridor proposed, cross sections, and a phasing plan for green corridor planting); details of the treatment of Green Infrastructure where it is severed by road infrastructure; a detailed schedule of habitat and species management and maintenance operations and their implementation/timing, including proposals for the management of buffer zones; proposals for species and habitat monitoring and a mechanism to address mitigation failures, proposals for reviews and updating of the DGIMP; proposals for the delivery and on-going management, maintenance and monitoring of the water resource, landscaped areas and open space; an implementation programme for the phasing and delivery of the detailed green infrastructure and a detailed compliance audit scheme;

(i) the Detailed Green Infrastructure Management Strategy shall include a Detailed Great Crested Newt Strategy, which shall include the matters identified in NRW’s letter of 27/02/2017 which shall also demonstrate that the intended undergrounding of the overhead powerlines has been taken into consideration in the proposed development and mitigation

(j) the Detailed Green Infrastructure Management Strategy shall include Detailed Bat Mitigation Strategy which shall include the matters identified in NRW's letter of 27/02/2017

(k) A detailed lighting scheme and implementation plan to control light spillage to any 'dark corridors' and other 'sensitive receptors' identified in the approved SGIMS (under condition 19), including watercourses, ponds and wetlands. The scheme shall include details of the siting and type of lighting to be used, their technical specifications, contour plans showing light spillage and cross sections of green corridors where they intersect with roads, footpaths and cycle paths and adjacent properties, detailing green infrastructure and lighting proposals, and operational measures to ensure appropriate lighting, including the timing and extent of any dimming. The lighting shall be linked to a Central Management System to allow for phased dimming.

(l) Proposals for the identification and management / control / eradication of any invasive species identified on the reserved matters site.

The development and green infrastructure management shall be carried out in accordance with the approved details

Reason: To protect the Green Infrastructure resource, to maintain and improve the appearance of the area in the interests of visual amenity and to help reduce crime and disorder.

PROMOTION OF BIODIVERSITY THROUGH DESIGN

16. Details in relation to the reserved matters submitted to the Local Planning Authority for any Reserved Matters site in compliance with condition 1 shall include:

(a) Details of fences or other forms of enclosure which shall include opportunities to allow the free passage of hedgehogs and other wildlife. Any walls and or/ fences or other forms of enclosure shall be erected in accordance with the approved details. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), those walls and/or fences or other means of enclosure shall be erected in accordance with the approved details and shall not thereafter be altered or removed without the prior written approval of the Local Planning Authority

(b) Proposals to include new bird and bat roosting opportunities based upon the Town and Country Planning Association's 'Biodiversity Positive: Eco-towns Biodiversity Worksheet 2009' and the Bat Conservation Trust's 'Biodiversity for Low and Zero Carbon Buildings: A Technical Guide for New Build 2010'

(c) Details of planting to allow wildflowers to development on roadside verges, parks and other greenspaces.

The development shall be carried out in accordance with the approved details.

Reason: To promote biodiversity of the site through design.

PART 3: CONDITIONS TO BE DISCHARGED

3A: Conditions to be discharged in respect of whole outline permission site

PHASING

17. Notwithstanding the provisions of condition 3, no reserved matter application shall be approved by the Local Planning Authority and no development shall take place, except for the highway and landscaping works that are the subject of conditions 26 - 34 and 35 (LANDSCAPE SCHEME FOR DETAILED HIGHWAY IMPROVEMENT WORKS), until a phasing schedule and plan for the whole outline permission site has been submitted to and approved in writing by the Local Planning Authority. The phasing schedule and plan shall accord with the conditions and Section 106 Agreement and triggers therein, and shall include details of the phasing of the following:
    - (a) development Phases, including the number of dwellings to be delivered in each phase
    - (b) each of the site accesses (junctions 1, 2, 3, 4, 5,12,13,14,15,16)
    - (c) off-site highway improvements
    - (d) the spine road and all other roads, junctions, footpaths, cycle paths and shared surfaces within the site
    - (e) the transport interchanges shown on the October 2016 Design and Access Statement Street Hierarchy Plan, bus priority measures (including bus gates and lanes) and public transport stops
    - (f) green corridors, landscaping, open space and play areas and other publicly accessible areas
    - (g) schools, district and local centres.

    The green corridor(s) in each Phase shall be commenced prior to the occupation of the first residential reserved matters site in each Phase. The development shall be carried out in accordance with the approved phasing plan or in accordance with any modification to that phasing plan as may be agreed with the prior written approval of the Local Planning Authority.

    Reason: To ensure the development is carried out in a comprehensive, sustainable and coherent manner.

DESIGN CODE

18. Notwithstanding the provisions of condition 3, no reserved matters application shall be submitted to the Local Planning Authority until a 'Neighbourhood Character, Key Spaces and Frontages Design Code' for the whole outline permission site has been submitted to and approved in writing by the Local Planning Authority. The Code shall establish principles and guidelines for the treatment of the built form and landscape at the key spaces and along the primary/important frontages shown on p. 76 of the Design and Access Statement (October 2016) and explain how the architecture, landscaping, street furniture, materials and colours will vary between each of the 5 neighourhoods and 17 character areas presented on p 82 of the Design and Access Statement (October 2016). Details of the scope and form of the Code shall be submitted to

and agreed in writing by the Local Planning Authority prior to the submission of the Code. The reserved matters details submitted to and approved by the Local Planning Authority in compliance with condition 1 shall accord with the approved Code unless otherwise approved at reserved matters stage.
Reason: To ensure good design.

STRATEGIC GREEN INFRASTRUCTURE MANAGEMENT STRATEGY

19. No reserved matters applications shall be approved by the Local Planning Authority and no development shall commence, except for the highway and landscaping works that are the subject of conditions 26 - 34 and 35 (LANDSCAPE SCHEME FOR DETAILED HIGHWAY IMPROVEMENT WORKS), until a Strategic Green Infrastructure Management Strategy (SGIMS) - for the whole outline permission site - for the delivery and on-going management, maintenance and monitoring of green infrastructure comprising the ecological, aboricultural, landscape, soil, open space, SUDS and water resource, other than privately owned domestic gardens, for the whole outline permission site for the construction and operational phases and longer term (up to 30 years and beyond) has been submitted to and approved in writing by the Local Planning Authority. The SGIMS shall include details and an implementation programme for the following:

(a) outline proposals for the delivery of green corridors and dark corridors which shall include plans and outline details of habitat composition and layout, the location of new and retained planting required to reach the size and scale of corridor set out in the Green Infrastructure PP (drawing no R.0319_17j-4) and as required by condition 71 (ENHANCED GREEN CORRIDOR), and the phasing of that provision.

(b) outline proposals for the protection, creation, translocation, enhancement, management and maintenance of habitats, including woodlands; hedgerows and trees; neutral, marshy and semi-improved grassland; lowland fen; ponds; streams; wet ditches; highway trees/verges and road crossings, and other habitat providing foraging, community and breeding opportunities for protected species, including a description of the habitats to be managed and their desired condition, key indicators to show when the desired condition has been achieved, the management operations required to deliver and maintain their desired condition, and suitable protection zones to woodlands, wetlands, watercourses, ponds and other sensitive habitats, and an outline plan showing habitats to be lost, enhanced, created and retained. Specific reference shall be made to the management of the 30.7ha semi-natural/natural greenspace referred to in NRW’s letter dated 24/02/2017

(c) strategies, including mitigation and enhancement measures, to be delivered for European and other protected species affected by the development, including bats, barn owls, other birds, reptiles, amphibians, invertebrates, and precautionary measures to avoid harm to previously undetected dormice and badgers

(d) a Final Overarching Great Crested Newt Conservation Strategy which shall address the matters set out in NRW’s letter dated 24/02/2017 and also demonstrate that the intended undergrounding of the overhead powerlines has been taken into consideration in the proposed development and mitigation

(e) proposals for the delivery and on-going management, maintenance and monitoring of landscaped areas and open space, including semi natural multi-functional green space, recreational woodland, sports provision, play grounds, teenage/ older children facilities, orchards and structural landscaping

(f) appropriate scheduling and timing of management and maintenance operations for habitats, species, landscaped areas and open space

(g) proposals for habitat and species monitoring and for review of management operations, including the frequency and timing of any species and habitat re-surveys, pre-construction surveys, monitoring of the potential colonisation of badgers, and reviews and updating of the SGIMP, and proposals to address problems identified by the monitoring scheme and review of habitat management

(h) an outline site-wide lighting strategy to ensure green corridors, the ‘dark corridors’ shown on the Dark Corridors plan (drawing no R.0319_47) and other habitats for light sensitive species are appropriately illuminated and inform the detailed lighting strategy for each Reserved Matters site. The outline strategy shall set out broad lighting principles, including in respect of the siting and type of lighting linked to a Central Management System, times and extent of proposed light ‘dimming’, operational measures to deliver the appropriate lighting levels, and cross sections showing how 'dark corridors' can be achieved over road crossings

(i) as part of e) provide an assessment of provision for teen facilities within 1500m of the outline site boundary and proposals for a range of new facilities within the outline site to serve the new population.

The approved SGIMS, and any subsequent amendments, shall be implemented in accordance with the approved details and programme for implementation. The development and green infrastructure management shall be carried out in accordance with the approved details.

Reason: To protect and enhance the Green Infrastructure resource of the site, in accordance with policy KP16 of the Cardiff Local Development Plan.

ALLOTMENT STRATEGY

20. Notwithstanding the provisions of condition 3, an allotment strategy for the whole outline permission site shall be submitted to and approved in writing by the Local Planning Authority. The reserved matters submitted in compliance with condition 1 shall accord with the approved strategy and the development shall be implemented in accordance with the approved details.

Reason: To inform the provision of allotments on the outline site.

RESIDENTIAL TRAVEL PLAN

21. No part of the residential development hereby permitted shall be occupied until the submitted Interim Travel Plan (November 2014) has been progressed for the whole outline permission site, submitted to and approved in writing by the Local Planning Authority. The Residential Travel Plan shall set out proposals and targets to limit or reduce the number of single occupancy car journeys to and from the site, and to promote travel by sustainable modes. The Residential Travel Plan shall set out proposals to implement and manage the Travel Plan, through a designated Travel Plan Coordinator. The Residential Travel Plan shall be implemented in accordance with the timetable which shall be set out in the plan or in accordance with a revised timetable which shall be agreed in writing by the Local Planning Authority. Reports demonstrating progress in promoting the sustainable transport measures detailed in the Residential Travel Plan shall be submitted annually for a period 5 years beyond final occupation to the Local Planning Authority for approval in writing, commencing from the first anniversary of beneficial occupation of the first phase of development.

Reason: To encourage sustainable transport and effect modal shift to non-car modes.

TRAFFIC MONITORING AT SITE ACCESSES

22. Prior to beneficial occupation of the development, a traffic monitoring strategy for the whole outline permission site shall be submitted to and agreed in writing by the Local Planning Authority. The submitted details shall include the methodology to record full turning movements by mode at the site access junctions (junctions 1, 2, 3, 4, 5, 12, 13, 14, 15 and 16). The results of the traffic surveys shall be submitted to the Local Planning Authority annually from the date of the first traffic survey and to 5 years beyond final occupation. Reason: To allow full monitoring, reporting and assessment of the impact of the proposed development.

STRATEGIC SUSTAINABLE SURFACE WATER DRAINAGE MASTERPLAN

23. Prior to the submission of any detailed surface water drainage scheme under condition 63, a strategic sustainable surface water drainage masterplan for the whole outline application site shall be submitted to and approved by the Local Planning Authority. The details shall show how the natural drainage catchments, the development Phases, the reserved matters sites and the flood flow paths relate to each other. The details shall take into consideration the interaction between natural drainage catchments and be designed to ensure that the necessary sustainable drainage network for each reserved matters site is in place prior to occupation of any building. Where a Phase of the development is constructed within part of a natural drainage catchment or straddles more than one drainage catchment, the sustainable drainage network for the entire catchment shall be constructed to accommodate this.

Reason: To ensure that drainage from the development does not cause or exacerbate any adverse condition on the development site, adjoining properties, environment and infrastructure with regard to flood risk.

STRATEGIC FOUL DRAINAGE MASTERPLAN

24. No reserved matter application shall be approved by the Local Planning Authority until a strategic foul drainage masterplan for the whole outline permission site, accompanied by a foul drainage catchment plan and informed by a Hydraulic Modelling Assessment (HMA), have been submitted to and approved in writing by the Local Planning Authority. The submitted strategic foul drainage masterplan shall include details of the following:

(a) suitable points of connection for each foul drainage catchment to connect to the existing public sewerage system
(b) how each development phase within each drainage catchment will be effectively drained to the existing public sewerage system and demonstrate how each phase will accommodate and include a provision for foul drainage flows for all subsequent phases
(c) any improvement or reinforcement works required to the public sewerage system in order to accommodate the development
(d) an implementation programme, which shall take into consideration the phasing schedule and plan approved under condition 17 (PHASING).

Thereafter, any subsequent Reserved Matter application shall accord with the approved details or any modification as may be approved through subsequent discharge of condition applications. No building shall be occupied on any reserved matters site until the works, identified by the Hydraulic Modelling Assessments and through part C of this condition, have been completed on the public sewerage system serving that reserved matters site.

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

STRATEGIC POTABLE WATER SUPPLY MASTERPLAN

25. No reserved matter application shall be approved by the Local Planning Authority until a strategic potable water supply masterplan for the whole outline permission site, accompanied by ground levels based on Lidar information and informed by a Hydraulic Modelling Assessment (HMA), have been submitted to and approved in writing by the Local Planning Authority. The submitted strategic potable water supply masterplan shall include details of the following:

(a) suitable points of connection for each phase to the existing public water supply system
(b) how each development phase and reserved matters site can be served by a suitable potable water supply system and demonstrate how each phase will accommodate and include a provision for a water supply for all subsequent phases
(c) any improvement or reinforcement works required to the public water supply system in order to serve the development.
(d) an implementation programme, which shall take into

consideration the phasing schedule and plan approved under condition x (PHASING).

Thereafter, any subsequent Reserved Matter application shall accord with the approved details or any modification as may be approved through subsequent discharge of condition applications. No building shall be occupied on any reserved matters site until the works, identified through the Hydraulic Modelling Assessment and through part C of this condition, have been completed on the public water supply system serving that reserved matters site.

Reason: To ensure an adequate water supply and to protect the integrity of the public water supply system.

PART 3B: Conditions to be discharged in respect of specific works/ buildings/ land uses / areas

DETAILED HIGHWAY IMPROVEMENT WORKS – JUNCTION 1

26. Notwithstanding the provisions of drawing 'Llantrisant Road Junction / Crofft Y Genau Junction 1 (drawing no. W141304_A01_J1 Rev J)' and condition 3, and subject to condition 68 (FULL ENGINEERING DETAILS FOR EACH JUNCTION), no detailed highway improvement works relating to the above junction and no development of the Phase to which it adjoins shall commence until full engineering details of the highway improvement works have been submitted to and approved in writing by the Local Planning Authority. The full engineering details shall include the following:

(a) Tabled zebra crossing to be provided across Rhydlafar Drive, to provide access to the stepped path;
(b) Footway on the east side of Rhydlafar to be widened to 3 metres from the zebra crossing to the easternmost crossing at Junction 1 and converted to a shared use facility;
(c) Toucan crossing facilities to be provided on all arms of the junction;
(d) Safeguarding of a corridor of minimum width of 3.1 metres, to enable the provision of a northbound bus lane on Croft Y Genau Road set back 50 metres from the junction with the A4119 Llantrisant Road for a distance of at least 200 metres;
(e) Provison of the spine street section shown on p. 72 of the Design and Access Statement (Oct 2016) to tie into Llantrisant Road from 'Junction 1' south along Crofft Y Genau Road to 'Junction 16'.

The development shall be implemented in accordance with the approved details and the phasing details required to be submitted under condition x (PHASING).

Reason: To ensure the provision of satisfactory access to and from the site.

DETAILED HIGHWAY IMPROVEMENT WORKS – JUNCTION 2

27. Notwithstanding the provisions of drawing 'Llantrisant Road Signalised Crossroads Junction – Junction 2 (drawing no. W141304_A01_J2 Rev J)' and condition 3, and subject to condition 68 (FULL ENGINEERING DETAILS FOR EACH JUNCTION), no detailed highway improvement

works relating to the above junction and no development of the Phase to which it adjoins shall commence until full engineering details of the highway improvement works have been submitted to and approved in writing by the Local Planning Authority. The full engineering details shall include the following:

(a) All intersecting cycle tracks and crossings at the junction to be directly linked;

(b) Provision of dropped kerbs, in an appropriate location to minimise crossing distance for pedestrians at Ty-Gwyn;

(c) Safeguarding of land for the provision of a northbound bus lane on the site arm (southern) of the junction, set back 50 metres from the junction with the A4119 Llantrisant Road; and

(d) Provision of extended cycle feeder lanes to connect to the advanced stop line.

The development shall be implemented in accordance with the approved details and the phasing details required to be submitted under condition x (PHASING).

Reason: To ensure the provision of satisfactory access to and from the site.

DETAILED HIGHWAY IMPROVEMENT WORKS – JUNCTION 3

28. Notwithstanding the provisions of drawing ‘Llantrisant Road / Clos Park Radyr Signalised Crossroads Junction 3 (drawing no. W141304_A01_J3 Rev J)’ and condition 3, and subject to condition 68 (FULL ENGINEERING DETAILS FOR EACH JUNCTION), no detailed highway improvement works relating to the above junction and no development of the Phase to which it adjoins shall commence until full engineering details of the highway improvement works have been submitted to and approved in writing by the Local Planning Authority. The full engineering details shall include the following:

(a) Provision of a segregated 3m wide two way cycleway on all arms of the junction, including Llantrisant Road, site access arm and western side of Clos Parc Radyr to link to junctions 3 and 4, including informal crossing facilities at junction 4;

(b) All intersecting cycle tracks to be directly linked. This includes provision of signalised facilities located close to the desire lines;

(c) Provision of a northbound bus lane on the site arm (southern) of the junction, set back 50 metres from the junction with the A4119 Llantrisant Road; and

(d) Provision of extended cycle feeder lanes to connect the proposed bus lane with the advanced stop line.

The development shall be implemented in accordance with the approved details and the phasing details required to be submitted under condition x (PHASING).

Reason: To ensure the provision of satisfactory access to and from the site.

DETAILED HIGHWAY IMPROVEMENT WORKS - JUNCTIONS 4, 5, 6

29. Notwithstanding the provisions of drawing ‘Clos Park Radyr Priority Site Access Junction 4, 5, 6 (drawing no. W141304_A01_J4-5-6 Rev J)’ and

condition 3, and subject to condition 68 (FULL ENGINEERING DETAILS FOR EACH JUNCTION), no detailed highway improvement works relating to the above junction and no development of the Phase to which it adjoins shall commence until full engineering details of the highway improvement works have been submitted to and approved in writing by the Local Planning Authority. The full engineering details shall include the following:

(a) The spine street section shown on p.72 of the Design and Access Statement (October 2016) to be provided on the western side Clos Parc Radyr between and to link junctions 3 and 4;
(b) The shared use path on the eastern side of Clos Parc Radyr to be provided with minimum clear width of 3 metres throughout its length;
(c) Crossing facilities for cyclists to be provided at Junction 4 to ensure continuity of connections in all directions between spine road treatments and the shared use path on Clos Parc Radyr;
(d) Crossing facilities to be provided at Junction 5 to ensure cyclists can join shared use path on eastern side of Clos Parc Radyr; and
(e) Due to the close proximity of Junctions 5 and 6, these are to share a raised table junction, in accordance with the details approved for Junction 6.

The development shall be implemented in accordance with the approved details and the phasing details required to be submitted under condition x (PHASING).

Reason: To ensure the provision of satisfactory access to and from the site.

PENTREBANE RD BI-DIRECTIONAL CYCLE LANE SIGNALISED CROSS ROADS JUNCTION 11

30. Notwithstanding the provisions of drawing 'Pentrebane Road Bi-Directional Cycle Lane Signalised Crossroads Junction 11 (drawing no W141304_A01_J11 Rev J) and condition 3, and subject to condition 68 (FULL ENGINEERING DETAILS FOR EACH JUNCTION), no detailed highway works relating to the above junction and bidirectional cycle track shall take place until full engineering details of the highway improvement works have been submitted to and approved in writing by the Local Planning Authority. These works shall include the following:

(a) The provision of a bidirectional cycle track of a minimum 3 metres width on the northern side of Pentrebane Road from its junction with Waterhall Road to development junction 13;
(b) Provision of toucan crossings on all arms of the Pentrebane Road and Waterhall Road junction; and
(c) Provision of a segregated cycling facility between Amethyst Road and the signalisation of the Pentrebane Road and Waterhall Road junction.

The development shall be implemented in accordance with the approved details. No dwellings in phase 2 shall be occupied until the approved details have been constructed.

Reason: To ensure the provision of satisfactory access to and from the site.

DETAILED HIGHWAY IMPROVEMENT WORKS – JUNCTIONS 12 AND 13

31. Notwithstanding the provisions of drawing 'Pentrebane Road / Beechley Drive Signalised Crossroads & Pentrebane Site Access Junctions 12 and 13' (drawing no. W141304_A01_J12-13 Rev J)' and condition 3, and subject to condition 68 (FULL ENGINEERING DETAILS FOR EACH JUNCTION), no detailed highway improvement works relating to the above junction and no development of the Phase to which it adjoins shall commence until full engineering details of the highway improvement works have been submitted to and approved in writing by the Local Planning Authority. The full engineering details shall include the following:

    (a) Provision of a bidirectional cycle track of a minimum 3m width on the northern side of Pentrebane Road from its junction with Ashcroft Crescent to junction 13;
    (b) Provision of Toucan crossings and dropped kerbs at Junction 12 to enable cyclists travelling on road on Beechley Drive to join and leave cycle track north of Pentrebane Road;
    (c) Provision of crossing facilities at Junction 13 to enable cyclists to connect between the cycle track on northern side of Pentrebane Road described in a) above and the stopped up section of Pentrebane Rd west of the junction;
    (d) Safeguarding of land for the provision of a southbound bus lane on the site arm (northern) of Junction 12, set back around 50m from the junction with Pentrebane Road.

    The development shall be implemented in accordance with the approved details and the phasing details required to be submitted under condition x (PHASING).

    Reason: To ensure the provision of satisfactory access to and from the site.

DETAILED HIGHWAY IMPROVEMENT WORKS – JUNCTION 14

32. Notwithstanding the provisions of drawing 'Re-alignment of Crofft y Genau Road into Pentrebane Road Junction 14' (drawing no. W141304_A01_J14 Rev J) and condition 3, and subject to condition 68 (FULL ENGINEERING DETAILS FOR EACH JUNCTION) no detailed highway improvement works relating to the above junction and no development of the Phase to which it adjoins shall commence until full engineering details of the highway improvement works have been submitted to and approved in writing by the Local Planning Authority. The full engineering details shall include the following:

    (a) A continuous cyclist and pedestrian link to Crofft Y Genau Road and across to St Brides Road;
    (b) Cycling access to the junction of Crofft Y Genau Road and St Brides Road;
    (c) Shared use link from stopped up section of Pentrebane Road to spine road to be provided with a minimum clear width of 3 metres; and
    (d) The site access north of Pentrebane Road does not show a continuous cycle route west to Crofft Y Genau Road. Cycling

access needs to be provided to the junction of Crofft Y Genau Road and the site access.

The development shall be implemented in accordance with the approved details and the phasing details required to be submitted under condition x (PHASING).

Reason: To ensure the provision of satisfactory access to and from the site.

DETAILED HIGHWAY IMPROVEMENT WORKS – JUNCTION 15

33. Notwithstanding the provisions of drawing 'Crofft y Genau Road Southern Site Access Junction 15' (drawing no. W141304_A01_J15 Rev J) and condition 3, and subject to condition 68 (FULL ENGINEERING DETAILS FOR EACH JUNCTION), no detailed highway improvement works relating to the above junction and no development of the Phase to which it adjoins shall commence until full engineering details of the highway improvement works have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and the phasing details required to be submitted under condition x (PHASING).

Reason: To ensure the provision of satisfactory access to and from the site.

DETAILED HIGHWAY IMPROVEMENT WORKS – JUNCTION 16

34. Notwithstanding the provisions of drawing 'Crofft y Genau Road Priority Access Flared for Bus Movements Junction 16' (drawing no. W141304_A01_J16 Rev J) and condition 3, and subject to condition 68 (FULL ENGINEERING DETAILS FOR EACH JUNCTION), no detailed highway improvement works relating to the above junction and no development of the Phase to which it adjoins shall commence until full engineering details of the highway improvement works have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and the phasing details required to be submitted under condition x (PHASING).

Reason: To ensure the provision of satisfactory access to and from the site.

LANDSCAPE SCHEME FOR DETAILED HIGHWAY IMPROVEMENT WORKS

35. No development of the access and highway works that are the subject of conditions 26 - 34 shall take place nor any associated removal of trees and hedgerows, until there has been submitted to and approved in writing by the Local Planning Authority a landscaping scheme for those works. The scheme shall:

(a) include a tree assessment for that part of the site in accordance with BS 5837:2012 comprising an Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan

(b) include a Soil Resource Survey (SRS) and Soil Resource Plan (SRP) for that part of the site that shall accord with the

‘Construction Code of Practice for the Sustainable Use of Soils on Construction Sites’ (DEFRA 2009)

(c) include details of proposed finished levels of the site in relation to the existing ground level, earthworks, hard surfacing materials, lighting, proposed and existing services above and below ground level, scaled planting plans (including schedules of plant species, sizes, numbers or densities, and in the case of trees, planting, staking, mulching, protection, soil protection and after care methods), topsoil and sub soil specification, tree pit sectional and plan views, planting and aftercare methodology.

(d) demonstrate how planting shall be accommodated to avoid conflict with services.

The scheme shall be implemented in accordance with the approved details.

Reason: To maintain and improve the appearance of the area in the interests of visual amenity.

SCHOOL TRAVEL PLAN

36. Prior to the first beneficial use of any school, a School Travel Plan for that school shall be submitted to and approved in writing by the Local Planning Authority. The School Travel Plan shall set out proposals and targets, together with a timetable to limit or reduce the number of single occupancy car journeys to and from the site, and to promote travel by sustainable modes. The School Travel Plan shall set out proposals to implement and manage the Travel Plan, through a designated Travel Plan Coordinator. The School Travel Plan shall be implemented in accordance with the timetable which shall be set out in the plan or in accordance with a revised timetable which shall be agreed in writing by the Local Planning Authority. Reports demonstrating progress in promoting the sustainable transport measures detailed in the School Travel Plan shall be submitted annually for a period of 5 years beyond final occupation of that school to the Local Planning Authority for approval in writing, commencing from the first anniversary of beneficial occupation of the school.

Reason: To encourage sustainable transport and effect modal shift to non-car modes.

EMPLOYMENT TRAVEL PLAN

37. No part of the proposed employment development shall be occupied until an Employment Travel Plan has been progressed, submitted to and approved in writing by the Local Planning Authority in relation to that part of the employment development. The Travel Plan shall set out proposals and targets, together with a timetable to limit or reduce the number of single occupancy car journeys to and from that part of the site, and to promote travel by sustainable modes. The Employment Travel Plan shall set out proposals to implement and manage the Travel Plan, through a designated Travel Plan Coordinator. The Employment Travel Plan shall be implemented in accordance with the timetable which shall be set out in the plan or in accordance with a revised timetable which shall be agreed in writing by the Local Planning Authority. Reports

demonstrating progress in promoting the sustainable transport measures detailed in the Travel Plan shall be submitted annually for a period of 5 years beyond final occupation of that part of the employment development to the Local Planning Authority for approval in writing, commencing from the first anniversary of beneficial occupation of the school.
Reason: To encourage sustainable transport and effect modal shift to non-car modes.

RETAIL / COMMUNITY / HEALTHCARE USE EMPLOYEE TRAVEL PLAN

38. No part of the proposed retail, community and healthcare development shall be occupied a until Travel Plan has been submitted to and approved in writing by the Local Planning Authority for the employees of that part of the retail, community and healthcare offer. The Travel Plan shall set out proposals and targets, together with a timetable to limit or reduce the number of single occupancy car journeys to and from that part of the site, and to promote travel by sustainable modes. The Travel Plan shall set out proposals to implement and manage the Travel Plan, through a designated Travel Plan Coordinator. The Travel Plan shall be implemented in accordance with the timetable which shall be set out in the plan or in accordance with a revised timetable which shall be agreed in writing by the Local Planning Authority. Reports demonstrating progress in promoting the sustainable transport measures detailed in the Travel Plan shall be submitted annually for a period of 5 years beyond final occupation to the Local Planning Authority for approval in writing, commencing from the first anniversary of beneficial occupation.
Reason: To encourage sustainable transport and effect modal shift to non-car modes.

RADYR GOLF COURSE INTERFACE STRATEGY

39. Notwithstanding the provisions of condition 3 and within 12 months of the date of this permission, a 'Radyr Golf Course Interface Strategy' to respond to the conflict posed by errant golf balls shall be submitted to the Local Planning Authority for approval and no reserved matters application shall be submitted to the Local Planning Authority for approval in respect of any land falling within a 50m wide offset measured from the shared boundary between the outline permission site and Radyr Golf Course until a 'Radyr Golf Course Interface Strategy' has been approved in writing by the Local Planning Authority, in consultation with Radyr Golf Club. Notwithstanding the provisions of condition 3, the reserved matters details submitted to and approved by the Local Planning Authority in compliance with condition 1 shall accord with the approved strategy and shall be implemented as approved.
Reason: To address the constraint of Radyr Golf Course, as required by Policy KP2(C) of the Cardiff Local Development Plan.

LISTED BUILDINGS PENTREBANE FARM

40. Within 3 months of the date of this outline permission, a full building condition survey of the three Grade II listed buildings at Pentrebane Farm (comprising the north wall of the former walled garden - Cadw ref

13924, a large barn – Cadw ref 13925 and the farmhouse itself –Cadw ref 82247) shall be undertaken in accordance with a written scheme of investigation which shall be first submitted to and approved in writing by the Local Planning Authority. A report of the findings of the assessment, and a full schedule of interim repairs proposed until full refurbishment takes place and an implementation programme shall be submitted to the by the Local Planning Authority for approval within 6 months of the date of this permission. The schedule of repairs considered reasonably necessary to ensure the proper preservation of the building shall be implemented in accordance with the approved details and implementation programme.

Reason: The condition of each of these buildings has been recently re-assessed as 'very bad' within the Cadw Building at Risk (BAR) Survey undertaken in November 2015, leading them to be classified as 'At Risk', linked to a lack of proactive maintenance and repairs over a long period and the vacancy of the farmhouse itself.

HISTORIC FARM BUILDING RECORDING

41. Prior to the commencement of any development works to, or demolition, re-use or conversion of the undesignated historic farm buildings at Halfwrt, Pen Down, Maes-y-Lech and Ty-Gwn, and Pentrebane Cottages, a programme of building recording shall be undertaken in accordance with a written scheme of investigation which shall be first submitted to and approved in writing by the Local Planning Authority. A report of the recording and its findings, together with written evidence that a copy has been accepted into the National Monuments Record Wales, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works to the undesignated historic farm buildings.

Reason: To promote the understanding of the heritage of the area.

HISTORIC FARM BUILDING INTERPRETATION

42. Any ruinous structures relating to the historic farms identified in condition 41 (HISTORIC FARM BUILDING RECORDING) which are to be retained in situ within public open space shall be identified within on-site interpretation boards or other installations, the details of which shall be first submitted to and approved in writing by the Local Planning Authority. The approved interpretation shall be installed on site prior to the beneficial occupation of any residential development on the reserved matters site in which those assets are located.

Reason: To promote the understanding of the heritage of the area.

INTEPRETATION OF UNDESIGNATED ARCHAEOLOGY

43. Details of the proposed preservation in situ of two limekiln sites (02879s, and 01429s), identified in the Environmental Statement (November 2014), including details to promote their access and interpretation by the public, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, an explanation of the history and significance of those assets shall be set out within interpretation installations, which shall be erected in situ prior to the beneficial

occupation of any residential development on the reserved matters site in which those assets are located.
Reason: To promote the understanding of the heritage of the area.

DISTRICT CENTRE DESIGN CODE

44. Notwithstanding the provisions of condition 3, no reserved matters application shall be submitted in respect of any land on which the District Centre is proposed until a design code for the District Centre has been submitted to and approved in writing by the Local Planning Authority. Details of the scope of the design code shall be submitted to and agreed in writing by the Local Planning Authority prior to the submission of the design code. The reserved matters details submitted to and approved by the Local Planning Authority in compliance with condition 1 shall accord with the approved design code.
Reason: To ensure good design.

PART 3C: Conditions to be discharged in respect of each RM site

POWER LINES AND PYLONS AND HIGH PRESSURE GAS PIPES

45. No reserved matters shall be approved by the Local Planning Authority until a statement outlining the proposed treatment of any existing high pressure gas pipes, and power lines and pylons that cross that reserved matter site has been submitted to the Local Planning Authority. The submitted details shall include details of any proposals for any alternative routes or treatment, together with a timetable for the outlined works. The Applicant shall thereafter update the Local Planning Authority of any material changes to the Applicant's intentions prior to and during the construction phase.
Reason: In the interest of visual amenity and to allow the reserved matters details to be appropriately assessed.

ENERGY STRATEGY

46. No reserved matters application shall be approved by the Local Planning Authority until an energy strategy for that reserved matters site has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include an assessment of the financial viability and technical feasibility of incorporating renewable and low carbon technologies, including energy supply systems. The development shall be implemented in accordance with the approve details.
Reason: To promote sustainable development.

PUBLIC ART

47. No reserved matters application shall be approved by the Local Planning Authority until a until a scheme, maintenance schedule and timetable for the provision of public art on that reserved matters site has been submitted to and approved in writing by the Local Planning Authority. The public art strategy for Coed y Gof Recreational Woodland shall include proposals for the sculpture trail proposed in the Design and Access Statement (October 2016). The development shall be implemented in accordance with the approved details and the public art shall be maintained in accordance with the approved details.

Reason: In the interests of creating a quality and legible built environment.

TREES

48. No reserved matters application shall be approved by the Local Planning Authority and no development or site clearance on that Reserved Matters site shall take place until there has been submitted to and approved in writing by the Local Planning Authority a tree assessment in accordance with BS 5837:2012 for that Reserved Matters site. The tree assessment shall include:
   (a) an Arboricultural Impact Assessment (AIA);
   (b) a plan showing the hedgerows and trees to be retained, removed, relocated and planted;
   (c) an Arboricultural Method Statement (AMS) setting out the methodology that shall be used to prevent loss of or damage to retained trees. The AMS shall include details of on-site monitoring of tree protection and tree condition that shall be carried out for at least two years after its completion; and
   (d) a Tree Protection Plan (TPP) in the form of a scale drawing showing the finalised layout and the tree and landscaping protection methods detailed in the AMS that can be shown graphically.

   The development shall be carried out in full conformity with the approved AIA, AMS and TPP unless modifications to the approved AIA, AMS and TPP are agreed in writing by the Local Planning Authority.

   Reason: To maintain and improve the appearance of the area in the interests of visual amenity and to protect the aboricultural and ecological resource.

SOILS

49. No reserved matters application shall be approved by the Local Planning Authority and no development or site clearance on that Reserved Matters site shall take place until there has been submitted to and approved in writing by the Local Planning Authority a Soil Resource Survey (SRS) and Soil Resource Plan (SRP) for that Reserved Matters site that shall accord with the ‘Construction Code of Practice for the Sustainable Use of Soils on Construction Sites’ (DEFRA 2009). The development shall be carried out in full conformity with the approved SRP unless modifications to the SRP are agreed in writing by the Local Planning Authority.

   Reason: To ensure the successful delivery of green infrastructure proposals.

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

50. Prior to the commencement of any site clearance, construction works or development on any Reserved Matters site a Construction Environmental and Management Plan (CEMP) for that Reserved Matters site shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall accord with the approved parameter plans and supporting text, and shall be in substantial

accordance with the Revised Green Infrastructure Strategy and the mitigation measures set out in the Environmental Statement (November 2014) and Environmental Statement Addendum (November 2016). The CEMP shall include:

- an implementation programme
- a Construction Traffic Management Plan, which shall include the following details: identification of the routes that HGV construction vehicles would take and which shall avoid use of St Fagans Level Crossing and comply with Heol Isaf weight restrictions and identification of measures to regulate the routing of HGV construction traffic; times within which traffic can enter and leave the site; times of deliveries, loading and unloading of plant and materials; access to the site for construction traffic; provision and a timetable for delivery of measures to ensure safe and convenient pedestrian, cycle and vehicular access through those areas not under construction or where construction is complete; wheel washing facilities; and parking of vehicles for contractors, site operatives and visitors and loading and unloading of plant and materials
- details of the storage, loading and unloading of plant and materials (including any oils, fuels and chemicals), construction compounds, any temporary facilities for construction / sales staff
- details of site hoardings (including the erection, maintenance, security and any decorative displays) and means of enclosure to prevent unauthorized access during construction
- a Dust Management Plan and measures to control the emission of dust and dirt from construction and minimise sediment loading
- Measures to control cementious materials
- An Action Plan for dealing with unexpected contamination
- a Site Waste Management Plan for the recycling and/ or disposal of all waste resulting from construction works
- a noise control plan
- a Construction Drainage Scheme indicating how surface water and land drainage run off will be dealt with to prevent pollution, contamination, nuisance, subsidence, silt-laden run-off or flooding to land, buildings, watercourses or highways within the Reserved Matters site and adjacent land, buildings, watercourses and highways during the construction period, with particular consideration given to the protection of the Ty-Du Moor SSSI. Details shall include a minimum of one months base-line data demonstrating the pre-construction water quality on any watercourses on site and a Silt Management Plan including emergency / contingency plans in the event of pollution
- foul drainage strategy for the construction phase
- a Green Infrastructure Construction Protection Strategy (GICPS) detailing measures for the protection of the ecological (habitats & protected species), aboricultural, landscape, soil, open space, water and SuDs resource during clearance and construction, and mitigation measures, including those existing elements proposed

for retention and translocation, and those proposed to be created or enhanced as part of the application. The GICPS shall comply with the approved Aboricultural Impact Assessment, Aboricultural Method Statement and Tree Protection Plan and the approved Soil Resource Survey and Soil Resource Plan for that site/ land and shall include but shall not be limited to:

- a plan showing green infrastructure to be lost, retained, enhanced, translocated and newly created and its phasing
- a risk assessment of the potentially damaging activities
- a plan showing protection zones for the ecological (habitats & protected species), aboricultural, landscape, soil, open space, water and SUDS resource (including culverts) for the construction phase, which shall include but not be limited to a min 10m wide protection zone alongside all wetlands, ponds and watercourses within and bordering the site, a min 15m wide protection zones from all retained woodland and retained woodland SINCs, and precautionary measures to avoid harm to previously undetected dormice and badgers
- pre-construction checks
- updated surveys prior to felling/pruning of trees or demolition of any trees and buildings with confirmed, or potential to support, barn owl nesting/roosting and bat roosts, proposed to be removed or at risk during the construction phase and other pre-commencement surveys required as part of the SGIMS approved under condition 19
- updated surveys of ponds with potential to support Great Crested Newts and potential reptile habitats prior to commencement of construction
- details of site clearance and construction methods and measures to be taken to minimize and mitigate the impact of any works
- phasing / timing of works and times when ecological supervision is required
- a lighting scheme, including measures to reduce light spillage from construction onto key habitats and corridors, which shall include the matters set out in NRW's letter of 27/02/17.

(m) List of on-site contacts and their responsibilities and arrangements for liaison between site manager, principle contractor, ecologist, arboriculturist, soil scientist, landscape architect or other related professionals during the course of construction, and ecological site inductions for contractors working on site. Arrangements shall include details of what contracts should do in the event protected species are encountered during the course of development.

The details so approved and any subsequent amendments as shall be agreed in writing by the Local Planning Authority shall be complied within in full throughout the construction period.

Reason: To manage the impacts of construction on that Reserved Matters site in the interests of highway safety, and protection of the environment and public amenity.

GROUND GAS ASSESSMENT AND MITIGATION MEASURES

51. Prior to the commencement of development on each reserved matters site, a scheme to investigate and monitor that reserved matters site for the presence of gases being generated at that reserved matters site or on land adjoining thereto, including a plan of the area to be monitored, shall be submitted to and approved in writing by the Local Planning Authority. Following completion of the approved monitoring scheme, the proposed details of any appropriate gas protection measures which may be required 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 by the Local Planning Authority. All required gas protection measures shall be implemented as approved and appropriately verified before occupation of any part of that reserved matters site 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.
Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff Local Development Plan.

LAND CONTAMINATION A: RISK ASSESSMENT

52. Prior to the commencement of the development on each reserved matters site, an assessment of the nature and extent of contamination on land and controlled waters for that reserved matters site shall be submitted to and approved in writing by the Local Planning Authority. The assessment must be taken as an intrusive investigation to assess the extent, scale and nature of contamination which may be present. A report on the results of the investigation detailing the assessment of the potential risks and an appraisal of remedial options and justification for the preferred remedial option(s) shall be submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment in accordance with policy EN13 of the Cardiff Local Development Plan.

LAND CONTAMINATION B: SUBMISSION OF REMEDIATION SCHEME AND VERIFICATION PLAN

53. Where the approved risk assessment report submitted under condition 37 (LAND CONTAMINATION A: RISK ASSESSMENT) concludes that remediation is necessary, prior to the commencement of development on each Reserved Matters site, a detailed remediation scheme and verification plan to bring that reserved matters 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.

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 policy EN13 of the Cardiff Local Development Plan.

LAND CONTAMINATION C: UNDERTAKING OF REMEDIATION AND ISSUE OF VERIFICATION REPORT

54. Where the approved risk assessment report submitted under condition 37 (LAND CONTAMINATION A: RISK ASSESSMENT) concludes that remediation is necessary, the approved remediation scheme for that reserved matters site shall be implemented and completed in accordance with its terms prior to the occupation of any part of the development on that reserved matters site unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall 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 shall be submitted to and approved in writing by the Local Planning Authority.

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 policy EN13 of the Cardiff Local Development Plan.

LAND CONTAMINATION D: POST REMEDIATION MONITORING REQUIREMENTS

55. Where the approved risk assessment report submitted under condition 37 (LAND CONTAMINATION A: RISK ASSESSMENT) concludes that remediation is necessary, a monitoring scheme to include monitoring the long-term effectiveness of the remediation over a period which shall be agreed in writing by the Local Planning Authority and the provision of reports on the same shall be submitted to and approved in writing by the Local Planning Authority, prior to the occupation of any approved building on that reserved matters site.

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 policy EN13 of the Cardiff Local Development Plan.

IDENTIFICATION OF UNSUSPECTED CONTAMINATION

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

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 policy EN13 of the Cardiff Local Development Plan.

IMPORTED SOIL

57. Any topsoil (natural or manufactured), or subsoil, to be imported onto a Reserved Matters site 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, verification sampling of the material received at the development site shall be undertaken to verify that the imported soil is free from contamination and shall be undertaken in accordance with a scheme which shall be agreed with in writing by the Local Planning Authority.

Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff Local Development Plan.

IMPORTED AGGREGATES

58. Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported onto each Reserved Matters site shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation to 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, verification sampling of the material received at the development site shall be undertaken to verify that the imported aggregate is free from contamination and shall be undertaken in accordance with a scheme which shall be submitted to and agreed in writing by the Local Planning Authority.
Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff Local Development Plan.

ROAD TRAFFIC NOISE

59. No reserved matters application shall be approved by the Local Planning Authority until there has been submitted to and approved in writing by the Local Planning Authority a scheme for that reserved matters site that provides for all habitable rooms exposed to external road traffic noise in excess of 63 dBA Leq 16 hour [free field] during the day [07.00 to 23.00 hours] or 57 dBA Leq 8 hour [free field] at night [23.00 to 07.00 hours] to be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 35 dBA Leq 16 hour during the day and 30 dBA Leq 8 hour at night.

The details of the sound insulation and ventilation scheme, which shall include either active or passive means of ventilation, shall be submitted to and approved in writing by the Local Planning Authority. No habitable room shall be occupied until the approved sound insulation and ventilation measures have been installed in that room. Any private open space (excepting terraces or balconies to any apartment) shall be designed to provide an area which is at least 50% of the area for sitting out where the maximum day time noise level does not exceed 55 dBA Leq 16 hour [free field].
Reason: To ensure that the amenities of future occupiers are protected in accordance with policy EN13 of the Cardiff Local Development Plan.

NON-RESIDENTIAL PREMISES

60. No non-residential premises shall be occupied until the following details for that premises have been submitted to and approved in writing by the Local Planning Authority:
    (a) proposed hours for the arrival, departure, loading and unloading of delivery vehicles
    (b) proposed hours that any member of the public shall be admitted to or allowed to remain on the premises
    (c) proposed hours that any sales of hot food for consumption off the premises shall take place from the premises
    (d) a scheme for sound insulation of any room where amplified music will be played at any time
    (e) a scheme of sound insulation works to the floors/ceiling and/or party wall structure between any retail/commercial unit and adjoining residential unit
    (f) a scheme for the provision and maintenance of extract ventilation equipment for the mechanical extraction of all fumes from the food preparation areas in any premises which is to involve the

preparation and cooking of hot food at any time. The scheme shall include, but shall not be limited to, details of: the point that fumes shall be mechanically extracted to, details of the equipment, de-odorising filter and chimney.

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any Order amending or revoking and re-enacting that Order), the development shall be carried out, operated and maintained in accordance with the approved details and, in respect of kitchen extraction equipment, shall be maintained in accordance with the manufacturer's guidelines.

Reason: To ensure the amenities of occupiers of other premises are protected in accordance with policy EN13 of the Cardiff Local Development Plan.

FLOODLIGHTING SCHEME

61. No floodlighting shall be installed on any reserved matters site until a floodlighting scheme for that reserved matters site has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to beneficial use of the approved floodlighting.

Reason: To protect residential amenity and to avoid disturbance to other sensitive receptors in accordance with policies KP16, KP18 and EN7 of the Cardiff Local Development Plan.

ARCHAEOLOGY

62. No reserved matters application shall be approved by the Local Planning Authority and no development on any Reserved Matters site shall take place prior to the implementation of a programme of archaeological work for that reserved matters site in accordance with a written scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To identify and record any features of archaeological interest discovered during the works in order to mitigate the impact of the works on the archaeological resource in accordance with policy EN9 of the Cardiff Local Development Plan.

DETAILED SURFACE WATER DRAINAGE SCHEME

63. No reserved matters application shall be approved by the Local Planning Authority and no development shall commence on any reserved matters site until a scheme for the disposal of surface water for that reserved matters site has been submitted to and approved in writing by the Local Planning Authority. The sustainable drainage scheme shall:

(a) incorporate sustainable drainage principles and indicate how the development will comply with the requirements of Section 8.3 of TAN 15

(b) provide information about the design storm return, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution to the receiving infrastructure;

(c) assess the performance of the proposed surface water drainage system in relation to the impact of a 1 in 100 year return period storm and climate change allowance of +30%

(d) demonstrate that surface water runoff from any impermeable surfaces within the proposed development shall be attenuated to greenfield rates

(e) demonstrate consideration given to and the assessment of the impact of phasing of the development in relation to the Strategic Sustainable Surface Water Drainage Masterplan submitted in discharge of condition 23, including the interaction between adjoining drainage catchments and demonstrate that the necessary sustainable drainage network for each reserved matters site will be provided to enable the development of that reserved matters site

(f) demonstrate that appropriate control and mitigation measures are employed to prevent surface water and land drainage run off to properties/land within and adjoining the site or from land adjoining the site, and any associated nuisance, contamination, pollution, silting, flooding and subsidence issues

(g) in respect of f) above, particular consideration shall be given to proposals to demonstrate no adverse hydrological effects (including increased/reduced water quantity, reduced quality and/or changes to existing drainage routes) to the Ty Du Moor SSI via the Nant Dowlais, wetland SINCs, marshy grassland, ponds and watercourses

(h) include details of locations, plans, cross sections, proposed ground levels and depths of attenuation facilities (including surface and sub-surface), along with their exceedance flow routes and proposed method of on-site management

(i) include drainage models of all attenuated drainage systems to prove viability and demonstrate that all exceedance flows do not cause surface water flooding to existing or proposed properties or other adverse hydrological effects to sensitive ecological habitats, including wetlands, watercourses and ponds. The mdx files shall be forwarded to the Local Planning Authority for verification and approval

(j) include details of all watercourses as determined by Section 72 of the Land Drainage Act 1991 and an assessment of how they be impacted by the development. Those details shall include any existing culverted sections of watercourses and any proposals for the diversion, culverting or in-filling of watercourses within the reserved matters site and associated flood risk management measures

(k) include a timetable for its implementation

(l) provide a surface water drainage management and maintenance plan of the development which shall include the arrangements for adoption by any public body, statutory undertaker or private management company and any other arrangements to secure the operation of the drainage system throughout its lifetime, details of maintenance responsibility and a detailed maintenance schedule. The submitted details clearly show who is responsible for each element of drainage and shall include the approach to safety of all ponds and SUDs features for the general public.

(m) details submitted as part of l, shall include proposals for the maintenance of a culvert and channel near Fairwater Leisure Centre that are assessed in the application as being the cause of localised flooding within Zone B of the Development Advice Maps.

(n) demonstrate the protection of open and culverted sections of the existing watercourse during and after construction.

The above will take the form of a Hydrological Impact Assessment, including an assessment of the development in a hydrological and hydrogeological context of the development and conform to the hierarchical approach for the principles of storm water drainage strategy for the development. The assessments shall be carried out in accordance with a written scheme of investigation which shall be first submitted to and approved in writing by the Local Planning Authority and the results of the assessments shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the detailed surface water drainage scheme has been implemented in accordance with the approved details, and the scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan. The scheme shall demonstrate that post-development flows from the site replicate pre-development flows.

Reason: To ensure that drainage from the development does not cause or exacerbate any adverse condition on the development site, adjoining properties, environment and infrastructure with regard to flood risk.

DETAILED FOUL DRAINAGE SCHEME

64. No reserved matter application shall be approved by the Local Planning Authority until a detailed foul drainage scheme for that reserved matters site has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall provide for the disposal of foul flows and shall accord with the approved strategic foul drainage masterplan submitted under condition 24. No building on that reserved matters site shall be occupied until the detailed foul drainage scheme has been completed in accordance with the approved details and until the necessary reinforcement works, identified by the Hydraulic Modelling Assessment and through part C of condition 24 (Strategic Foul Drainage Masterplan), have been completed on the public sewerage system serving that reserved matters site. The scheme shall be constructed in full.

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

DETAILED POTABLE WATER SCHEME

65. No reserved matters application shall be approved by the Local Planning Authority until a scheme for the improvement and / or extension of the

potable water supply system to serve that reserved matters site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall accord with the approved Strategic Potable Water Supply Masterplan submitted under condition 25 (Strategic Potable Water Supply Masterplan). No building on that reserved matters site shall be occupied until the scheme has been implemented in accordance with the approved details and until the necessary improvement works, identified by the Hydraulic Modelling Assessment and through part C of condition 25 (Strategic Potable Water Supply Masterplan), have been completed on the water supply system serving that reserved matters site.

Reason: To ensure an adequate water supply and to protect the integrity of the public water supply system.

PART 4 : COMPLIANCE CONDITIONS

RETAIL USES

66. The A1, A2 and A3 retail floorspace hereby permitted shall not exceed 19,900 sq m (gross) and shall be located in the District and Local Centres identified on the Land Use Parameter Plan. No individual Class A1/A2/A3 unit shall exceed 500 sq m (gross) except for the 2 no. foodstores located in the District Centre which shall be up to 5,000sq m gross in total and the foodstore located in Local Centre (4) (North) which shall be up to 1,500 sq m gross.

    Reason: In order to safeguard the retail vitality and viability of existing designated centres and to ensure the proposed units are commensurate to the scale, role and function of the designated centre in the interests of forming a planned centre which reinforces a sense of place.

SCHOOL SITE SIZES

67. Notwithstanding the provisions of condition 3, each of the three primary schools shall have a minimum site size of 19,928sq m and the secondary school shall have a minimum site size of 70,247m2.

    Reason: To reflect the Council's preferred strategy for schools provision and new Planning Obligations SPG.

FULL ENGINEERING DETAILS FOR EACH JUNCTION

68. Notwithstanding the provisions of condition 3, the details to be submitted in relation to junctions 1, 2, 3, 4, 5, 11, 12, 13, 14, 15 and 16 under conditions 26 – 34 shall include the following full engineering details as required:
    (a) Reduction of speed limit to 30 mph on Llantrisant Road and Croffy Y Genau Road with details of appropriate signage scheme;
    (b) CCTV camera infrastructure at junctions and between junctions;
    (c) Accessible and safely located maintenance bays for equipment, including signals;
    (d) Appropriate and accessible locations for cabinets;
    (e) Provision of fibre infrastructure along the length of the site frontage (to Crofft Y Genau);
    (f) Bus lane enforcement ANPR infrastructure for any bus lanes;
    (g) Detection loops;

(h) Incorporation of UTC, SCOOT MOVA, following agreements with Cardiff Council;
(i) Street lighting linked to a Central Management System to allow phased dimming;
(j) Variable Message Sign (VMS) and associated infrastructure on Llantrisant Road;
(k) Clear and uncongested access to any crossings and push buttons for all users;
(l) Bus stops facilities, including details of existing stops, new stops and any proposed relocations. Bus stop locations shall be agreed with Cardiff Council in consultation with bus operators.

Reason: To make provision for satisfactory access and to ensure effective pedestrian, cycle and vehicular links to the wider strategic site and to allow the phased dimming of street lights.

KEY PEDESTRIAN / CYCLING / HORSE RIDING ROUTE

69. Notwithstanding the provisions of condition 3 and unless otherwise approved at reserved matters stage, the key pedestrian / cycling / horse riding route shown on the Access Parameter Plan (drawing ref R.0319_17j-3) shall include a separate path for horses of a min width of 2m and a min 3m shared path for pedestrians/ cyclists.

Reason: To promote sustainable travel and to protect the amenities and safety of users.

ECOTONE

70. Notwithstanding the provisions of condition 3, a minimum 15m wide buffer shall extend along the length of all retained woodland which shall be designed as an ‘ecotone’ and no development within it shall be permitted except for soft landscaping and footpaths and cycle paths, unless otherwise approved at Reserved Matters stage.

Reason: To protect the arboricultural and ecological resource of the site.

ENHANCED GREEN CORRIDOR

71. Notwithstanding the provisions of condition 3, a minimum 60m wide green corridor shall be provided between Halfwrt and Coed y Trenches which shall include, within the 60m, provision of new woodland and a 15m eco-tone buffer to each side of the woodland (as measured from tree trunks). No development within it shall be permitted except for soft landscaping and footpaths and cycle paths, unless otherwise agreed at Reserved Matters stage.

Reason: To retain satisfactory ecological connectivity and avoidance of habitat fragmentation.

ADDITIONAL HOP OVERS

72. Notwithstanding the provisions of condition 3, additional hop overs shall be provided where the eastern access road intersects eastern ‘limb’ of green infrastructure connectivity running North South and between Coed y Gof and the Former Llantrisant Branch Line, as indicated in the drawing attached to the comments of the Council's Ecologist dated 05/01/17.

Reason: To retain satisfactory ecological connectivity and avoidance of habitat fragmentation.

PITCH SIZES

73. Notwithstanding the provisions of condition 3, adult size pitches shall be at least 100m x 64m plus 3m run off (giving an overall size for each pitch of 106m x 70m) and mini pitches shall be at least 55m x 37m plus 3m run off (giving an overall size for each pitch of 61m x 43m with run off), unless otherwise approved through reserved matters applications.
Reason: To ensure an acceptable provision of public open space.

PUBLIC OPEN SPACE PROVISION

74. Notwithstanding the provisions of condition 3, the development shall accord with the POS Provision Plan (drawing no R.0319_45A) subject to:
   (a) the provision of an additional play area which shall be provided in the ‘Phase 3 area’ shown on the Indicative Phasing Plan (drawing no R.0319_51) to the south of the disused railway line
   (b) the ‘formal sports provision’ identified on the POS Provision Plan on land to the south of the application site of pp 14/02188MJR providing a level and well-drained open space of a minimum 70m x 60m (excluding eco-tone provision) to be used as active recreation open space, including as a kick about area.
   (c) the precise location and dimensions of the destination play areas, teen facilities and play areas (LEAPs) being fixed at RM stage
   (d) the implementation of the outcome of the assessment of provision for teen facilities within 1500m of the outline site boundary, required under condition 19 (STRATEGIC GREEN INFRASTRUCTURE MANAGEMENT STRATEGY), and proposals for a range of new facilities within the outline site to serve the new population.

Reason: To ensure an acceptable provision of on-site open space.

PLANT NOISE

75. The rating level of the noise emitted from fixed plant and equipment on the site shall not exceed 10dB below the existing background noise level at any time when measured and corrected in accordance with BS 4142: 1997(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.

RADYR FARM WIND TURBINE

76. Details submitted in discharge of condition 59 (ROAD TRAFFIC NOISE) in respect of any land within the outline application site north of Llantrisant Road shall also take into account the siting of the wind turbine at Radyr Farm and ensure that any future residential properties approved on land within the outline application site north of Llantrisant Road would be suitably sited and attenuated from the noise from the wind turbine such that they would not prejudice the ability of the owners of the turbine from complying with condition 2 of planning permission

07/01380w. Notwithstanding the provisions of condition 3, details submitted in relation to the reserved matters submitted to the Local Planning Authority in compliance with condition 1 in respect of land north of Llantrisant Road shall accord with the approved scheme including any buffer zone restricting development approved as part of the approved noise scheme.
Reason: To ensure the amenities of future occupiers are protected.

LANDSCAPE IMPLEMENTATION

77. In relation to any landscaping scheme approved in discharge of conditions 15 (LANDSCAPE SCHEME FOR EACH RESERVED MATTERS SITE) and 35 (LANDSCAPE SCHEME FOR DETAILED HIGHWAY IMPROVEMENT WORKS), any trees, plants or hedgerows which within a period of five years from the date of first planting die, are removed, become seriously damaged or diseased, or become (in the opinion of the Local Planning Authority) otherwise defective, shall be replaced in the current planting season or the first two months of the next planting season, whichever is the sooner.
Reason: To maintain and improve the appearance of the area in the interests of visual amenity.

NESTING BIRDS

78. No removal of hedgerows, trees, scrub or shrubs shall take place between 1st March and 15th August inclusive unless otherwise approved in writing by the Local Planning Authority.
Reason: To avoid disturbance to nesting birds which are protected under the Wildlife and Countryside Act 1981: Part 1 1(1)(b), it is an offence to intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built.

SITES OF IMPORTANCE FOR NATURE CONSERVATION

79. No materials, waste, arisings or plant shall be stored or operated within any SINC, or be allowed to fall, be washed or blown into them except for those parts of the SINCs that are to be developed as part of this permission.
Reason: To protect the features of interest for nature conservation for which the SINC has been designated.

PROVISION OF ROAD BEFORE OCCUPATION OF DWELLINGS / BUILDINGS

80. No dwelling or building shall be occupied until that part of the road and footpath which provides access to it from the existing highway and all surface water drainage works for the said road have been laid out, constructed and completed up to base course level and lit in accordance with the approved plans. The roads and footpaths shall be constructed to surface level prior to the occupation of the last dwelling or building served by that road, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure an orderly form of development and to make provision for satisfactory access to the dwelling by the future occupants.

HSE ADVICE

81. Notwithstanding the provisions of condition 3, no development shall take place in contravention of Health and Safety Executive (HSE) advice in respect of the three high pressure gas pipelines that cross the site dated 29/04/15 and any subsequent advice provided by the HSE prior to the determination of reserved matters.
Reason: In the interests of health and safety.

WALES AND WEST UTILITIES APPARATUS

82. Notwithstanding the provisions of condition 3, no buildings shall be built within the Wales and West Utilities recommended Building Proximity Distances of the following pipelines shown on the Land Use parameter plan (drawing no R.0319_17j-2):
    (a) 7m either side of the outer edge of the High Pressure Pipeline ref 1561 - Nantgarw/Pentrebane [p2](HS013)
    (b) 15m either side of the outer edge of the High Pressure Pipeline ref 1565 – Pentrebane/St Athan [p1] (HS0330)
    (c) 15m either side of the outer edge of the High Pressure Pipeline ref 2684 – Pentrebane to Dyffryn

    Reason: In the interests of health and safety, and to minimise risk to the pipeline.

132kv OVERHEAD POWERLINE

83. Notwithstanding the stated intention to underground the 132kv overhead cable in the future, no buildings shall be built within 10m of any steel lattice pylon pertaining to the 132kv overhead cable and a minimum statutory clearance of 6.6m shall be maintained at all times between the nearest overhead line conductor and any part of a building.
Reason: In the interests of health and safety, and to minimise risk to the apparatus.

PART 5: INFORMATIVES

RECOMMENDATION 2: CONSTRUCTION SITE NOISE

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

RECOMMENDATION 3: RADON GAS PROTECTION

This development falls within a radon affected area and may require basic radon protective measures, as recommended for the purposes of the Building Regulations 2010.

RECOMMENDATION 4 : CONTAMINATION AND UNSTABLE LAND ADVISORY NOTICE

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 the following rests with the developer:

(i) determining the extent and effects of such constraints;

(ii) ensuring that any imported materials (including, topsoils, subsoils, aggregrates 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.

Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land. The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land can be considered free from contamination.

RECOMMENDATION 5 : That the Developer be advised that records indicate a history of and potential for subsurface voids in the area and that they should be fully aware of this in relation to their responsibilities regarding the safe development and occupancy of the site. For the avoidance of doubt, the responsibility for the safe development and occupancy of the site rests with the developer**.**

RECOMMENDATION 6 : That the developer be advised that the City of Cardiff Council will not permit the stopping up of any watercourses. Any obstruction to the flow, in accordance with Section 23 of the Land Drainage Act 1991, will require ordinary watercourse consent that is determined with a statutory 2 month determination period and would only be considered where appropriate. The City of Cardiff Council has adopted an anti-culverting policy. The Council will not permit the building over of culverts; culverts will only be allowed for access purposes. It is recommended that landowners and developer contact the City of Cardiff Council to discuss proposals in order to determine if such consent is required.

RECOMMENDATION 7 : That the developer be advised of the advice from NRW dated 26/02/15, 07/12/16 and 10/02/17 including:

(g) advice in relation to European Protected Species – Where an EPS is present, and a development proposal is likely to contravene the protection afforded to it, development may only proceed under a licence issued by Natural Resources Wales (NRW). The Applicant must seek an EPS licence from NRW under Regulation 53(2)e of The Conservation of Habitats and Species Regulations 2010 before any works on site commence that may impact upon EPS. Please note, the granting of planning permission does not negate the need to obtain a licence.

(h) Both the Nant Dowlais and River Ely are classed as main river watercourses therefore any works within 7 metres or new outfalls will require the consent of NRW as stated in the Water Resources Act 1991

- the responsibility for the maintenance of all watercourses and structures thereon rests, in the first instance, with the riparian owner. Land Drainage legislation does not seek to remove this responsibility.

(i) Duties of care and guidance in relation to the management of waste and materials, including controlled waste

(j) Request for updates on the programme of works and timetable

(k) Their Planning Advice Note for further advice and guidance, including advice on regulatory requirements outside of the Town and Country Planning process including environmental permits and exemptions; pollution prevention measures; water resources; and waste management matters.

RECOMMENDATION 8 : That the developer be advised of the advice of 16/11/16 from Wales and West Utilities, forwarded to the Agent, advising that their apparatus may be at risk during construction works and that the developer should contact WWU directly to discuss their requirements, noting that should diversion works be required theses will be fully chargeable.

RECOMMENDATION 9 : That the developer be advised of the advice from Parks Services dated 15/02/17 in respect of the design of Destination or Larger Play Areas.

RECOMMENDATION 10 : That the developer be advised that the litter bin specifications for adopted land are as follows:

Free standing litter bins:

(l) Black with Council logo, and the lettering “Litter/Sbwriel” in gold

(m)120 litre capacity

(n) Include ash tray/ stub plate

- Heavy duty polythene plastic with hinge slam shut door (self-locking) and hex/t-bar key
- Drip space and fixing holes for bolting to the floor
- Approximately 100 litre plastic liner with outside handles

Post mounted litter bins:

- Black with Council logo in gold

- 50 litre capacity
- Hooded with cigarette stub plate
- Release drop-out and click back with triangular key mechanism
- Drip holes
- Secured to post with band wire kit.

RECOMMENTATION 11 : The highway works conditions and any other development related works to existing or proposed adopted public highway are to be subject to agreements under Section 278 and/or Section 38 of the Highways Act 1980 between the developer and Local Highway Authority.

RECOMMENDATION 12 : The grant of planning permission does not give a developer any right to interfere with, obstruct or move a public right of way. No works to PROW footpaths that cross the site shall be undertaken a legal order has been applied for by the developer and confirmed by the Local Highway Authority. In the event that the legal orders are not confirmed, the existing path alignments shall be retained.

RECOMMENDATION 13 : Sustainable Drainage is defined as per the definition contained in Schedule 3 of the Flood and Water Management Act 2010:
"Sustainable drainage” means managing rainwater (including snow and other precipitation) with the aim of— (a) reducing damage from flooding, (b) improving water quality, (c) protecting and improving the environment, (d) protecting health and safety, and (e)ensuring the stability and durability of drainage systems."

RECOMMENDATION 14 : That the Developer be advised that prior to the commencement of development, the Developer must notify the local planning authority of the commencement of development , and must display a site notice and plan on, or near the site, in accordance with the requirements of Article 12 of the Town & Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016.

RECOMMENDATION 15 : That the Developer be advised of the advice from the Council’s Tree Officer dated 15/11/16 regarding a provisional planting palette to inform reserved matters details.

RECOMMENDATION 16 : That the Developer be advised of the advice from South Wales Police Design Out Crime Officer, dated 21/11/2016.

RECOMMENTATION 17 :The highway works conditions and any other development related works to existing or proposed adopted public highway are to be subject to agreements under Section 278 and/or Section 38 of the Highways Act 1980 between the developer and Local Highway Authority.

1. SCOPE OF THE PLANNING APPLICATION AND DESCRIPTION OF PROPOSED DEVELOPMENT

1.1 This application, as amended, seeks outline planning permission for a residential-led mixed use development to be developed in phases, including:

(i) up to 5,970 residential units (Use Class C3, including affordable homes)
(ii) 3 no. Local Centres providing residential units, convenience shops and facilities/services (including up to 7,900 sq m in Use Classes A1-A3)
(iii) 1 no. District Centre providing residential units, up to 12,000 sq m in Use Classes A1-A3 including up to two food stores (up to 5,000 sq m gross) with associated parking
(iv) up to 15,500 sq m of use class B1(a), B1(b) and B1(c)
(v) up to 5,100 sq m of community and healthcare facilities across the District and Local Centres (use classes D1 and D2);
(vi) 3 no. primary schools and 1 no. secondary school;
(vii) open space including allotments, parks, natural and semi natural green space, amenity green spaces, facilities for children and young people, outdoor sports provision including playing pitches;
(viii) demolition of the buildings identified on the Demolition parameter plan;
(ix) re-grading of site levels;
(x) associated infrastructure and engineering works including new vehicular accesses, improvement works to the existing highway network, new roads, footpaths / cycleways, a reserved strategic transport corridor; up to 1 no. electricity primary-substation and landscaping works (including SUDS).

1.2 Detailed permission is sought for strategic access junctions only, with all other access details and matters of appearance, landscaping, layout and scale are reserved for future consideration in reserved matters applications.

1.3 The Vectos 'Complete Overview' plan (W141304_A01RevJ) identifies sixteen junctions for which detailed drawings have been submitted. Detailed permission is sought for ten strategic vehicular access points to/from the site identified on the amended Access parameter plan (junctions 1, 2, 3, 4, 5, 12, 13, 14, 15 and 16). Detailed drawings have been submitted for off-site highway improvement works relating to junctions 10 ('Llantrisant Rd BBC Bus Lane') and junction 11 ('Pentrebane Rd Bi-directional Cycle Lane Signalised Cross Roads Junction 11'). The details relating to junction 10 are submitted for illustrative purposes only and will be delivered by the Council, facilitated through the s106 Agreement, as part of a wider package of off-site highway mitigation works. The works relating to Junction 11 will be delivered by the Applicant by way of Grampian condition and s278 Agreement. For the sake of completeness, the ‘Complete Overview’ plan and detailed highway plans also include the four junctions for which planning permission has already been obtained under pp 14/2157/MJR (junctions 6, 7, 8 and 9). To be clear, these are submitted for information only, with no amendments sought to these junctions as part of this application. It should also be noted that the junction off Llantrisant Rd serving the Goitre Fach Farm development (16/00106MJR), approved subject to s106, is not shown on the overview plan.

1.4 Permission is also sought for the site location plan, a set of Parameter Plans (PP) and their supporting text, and a Public Open Space (POS) Provision Plan at this outline stage. The parameter plans encompass Land Use, Access, Green Infrastructure, Density, Demolition, and Scale, and include a series of Refined Design Principles for the sensitive historic area around Pentrebane

Farm. Together, these plans define the parameters of the proposal that have been assessed by the Environmental Impact Assessment (EIA). Importantly, they provide a framework that will inform the detailed design of the site at reserved matters stage and help ensure that the development is implemented within the scope of the development tested by the EIA.

1.5 An Illustrative Masterplan seeks to reflect the proposals and show how the development could be accommodated within those parameters. An Indicative Phasing Plan is also provided to provide a guide to the future phasing of the development. The status to be accorded to the submitted drawings and other documents is set out in condition 3. The indicative phasing plan is not attached as an approved plan by condition, as phasing will be subject to future consideration via a separate phasing condition and s106 negotiation.

1.6 The amended submission comprises a revised application form, Planning Statement (November 2014) and Planning Statement Addendum (31 October 2016), Parameter Plans & Description (Oct 2016), revised Design and Access Statement (October 2016), Flood Risk Statement (13 October 2014), Retail Statement (November 2014), revised Green Infrastructure Strategy (Oct 2016), Great Crested Newt Conservation Strategy, Environmental Statement (November 2014) and Environmental Statement Addendum (November 2016) and a revised Drawings Package. The submitted drawings include the red line plan, the parameter plans identified in paragraph 1.3 (provided separately from the drawings package in the 'Parameter Plans & Description' document), a Public Open Space Provision Plan, a 'Complete Overview' plan of the strategic access junctions together with a set of detailed highway drawings (junctions 1 - 16) and two earthwork plans.

1.7 The Environmental Statement (ES) covers the following topics: Socio-Economics, Transportation, Water Resources, Ecology, Landscape & Visual, Noise & Vibration, Air Quality, Heritage, Agriculture & Soils, Utilities & Services, Waste, Ground Conditions, and includes a separate chapter for Cumulative Effects & Summary of Findings, which takes into consideration the effects that may arise when the scheme is considered alongside the development of other application in Strategic Sites C, and the development of strategic sites D and E. A Transport Assessment, Transport Assessment Addendum and Interim Travel Plan are included in the ES.

1.8 The stated vision for the scheme is as follows:

> *Plasdŵr will challenge existing ways of working and thinking to push the boundaries of residential led design to create highly desirable new districts for North West Cardiff. The aim is to achieve a high quality development with strong identity, activity and 'sense of place'. Plasdŵr wil join the other desirable Cardiff districts as a place people will want to live and as a destination worth visiting.*
>
> *The new places will be designed to be inclusive of all users and encourage environmental sustainable travel choice and a transportation modal shift. The districts will become cycling focused and provide the safest and best options for cycling within the Cardiff urban area. Cars have their place in*

Plasdŵr but the rediscovered importance of walking, cycling and alternative transportation modes will be the priority.

1.9 The amended proposal includes the following components:

Residential Use

1.10 Whilst the final number, position and density of dwellings will not be known until reserved matters applications are approved, the scheme proposes up to 5,970 residential units. Whilst the definitive mix of proposed dwellings will also only be known at reserved matters stage, the residential units would primarily comprise family homes, with an indicative mix proposing 66% of dwellings as 3 and 4 bed dwellings.

Density parameter plan

1.11 The revised Addendum states that the site would achieve an average net density of approximately 40 dph, with the density parameter plan amended to make provision for the majority of the site to be up to 50 dph (net). The density parameter plan proposes a range of densities, with highest densities (45+dph) in the District and Local Centres and lower densities (30 dph+) near landscape sensitive areas.

Scale parameter plan

1.12 Whilst housing/building scale will also be determined at reserved matters, the Scale parameter plan proposes a range of scales, with heights varying from 11m to 24m above proposed ground level. Whilst the predominant scale will be two storeys, higher buildings are proposed along key transportation routes and within the proposed mixed-use areas. An 'exception' area within the District Centre is identified for a single building/tower/structure with a maximum ridge height of 24m above proposed ground level, to break the 16m cap to allow for a local landmark, and create character and visual interest within the centre. The lowest building heights are proposed in areas adjoining existing communities, where a max ridge height of 11m (up to 2.5 storeys) is proposed. It should be noted that all proposed heights are expressed relative to proposed ground levels, with an allowance provided for this to be a max of 2.5m above existing ground level, in order to allow for 'cut and fill' operations to align streets and buildings to consistent levels.

Affordable housing

1.13 The initial submission proposes 30% affordable housing subject to s106 negotiations, including a range of tenures, with an indicative split of 50% social rented and 50% low cost home ownership initially proposed. (Affordable housing will be controlled and delivered through the s106 agreement. See section 9 for the agreed Heads of Terms.)

1.14 Together, the housing numbers, density, scale and affordable housing provision proposals, referred to above, combine to provide a hierarchy of dwellings across the site, ranging in size and tenure, from large detached properties with big plots through to smaller terraced forms and apartments, to accommodate a variety of household types.

Education Use

1.15 Three primary schools and a secondary school are proposed, the locations of which are set out in the Land Use parameter plan. Whilst the amended application proposes a 8.2ha secondary school, a 3 Form Entry (FE) primary school with a land take of 2.9ha, and two 2 FE primary schools with a land take of 1.99ha, a condition is recommended to reduce the school site sizes in line with the Council's preferred strategy (see section 7). This condition requires three 2 FE primary schools of a minimum site size of 1.99ha m and secondary school minimum site size of just over 7ha. The layout, scale and design of the schools would be determined at reserved matters stage.

District and Local Centres

1.16 A District Centre and three Local Centres are proposed. As the application is made in outline, maximum parameters are proposed and an indicative floorspace mix tested. Whilst the position of the centres are identified in the Land Use parameter plan, a 'zone of flexibility' is proposed to allow their boundaries to be adjusted and the land uses within the zones to be interchangeable to respond to changing circumstance. Flexibility over community and heathcare facilities is proposed from the outset, with up to 5,100sq m of community and healthcare facilities proposed across the District and Local Centres. (Members should note that conditions are proposed to provide further control over the retail uses and to control the phasing of the District and Local Centre, and community and healthcare uses. The s106 will include appropriate controls for the delivery of the District and Local Centres, and community and healthcare uses.)

1.17 The District Centre is noted to provide a local facility for the new development, but to also support and provide additional community facilities for the western part of Cardiff that is currently not well served. The District Centre is situated in the eastern part of the site, adjacent to the new primary school that is proposed under permission 14/02157/MJR) and will provide a range of facilities, including a maximum of 12,000sq m in Classes A1 - A3, up to 5000sq m of which could include up to 2 food stores. (A condition is also recommended to control the retail uses.) Up to 15,500 sq m of employment (Use Class B1a, B1b and B1c) uses are also proposed. The District Centre will also include residential units, car parking uses and community and health uses (see below).

1.18 The three Local Centres, located at Pentrebane Farm, in the North West and North, will each have a different type and range of facilities, and varying levels of floorspace, as set out in the Land Use parameter plan. The combined proposal is for up to 7,900sq m of Class A uses. Each of the centres would be co-located with a primary school, with the North West Local Centre also positioned adjacent to the proposed secondary school. The Northern Local Centre is proposed to provide for a food store of up to 1500sq m. (Members are reminded that pp 14/02157/MJR included provision for a 2FE primary school, which will be co-located with the District Centre hereby proposed.)

1.19 The District Centre was initially proposed to come forward in phase 2, Local Centre North in Phase 3, Pentrebane Farm Local Centre in Phase 4 and Local

Centre North West in Phase 6. (A condition is recommended to control the detailed phasing.)

Golf Course Buffer

1.20 The Land Use parameter plan also proposes a 'residential and golf course interface' within the proximity of residential dwellings to the Golf Course boundary will be agreed at reserved matters stage, in order to respond to policy KP2(C), which requires the development to ensure that there is no conflict with 'errant golf balls' from Radyr Golf Club. The Planning Statement addendum notes that the Applicant is in discussions with Radyr Golf Club and has engaged a preeminent golf course architect to address the concerns raised by the club. (It should be noted that a condition is recommended, with the Applicant's agreement, to expand the interface area proposed to a 50m wide zone adjacent to the shared boundary with the golf course to allow future discussions to include each mitigation option put forward by the club.)

Demolition Parameter Plan

1.21 The demolition parameter plan proposes the retention of all listed structures at Pentrebane Farm, in addition to various undesignated buildings at Maes y Lech Farm and Ty Gwyn. It also includes the option of either retaining or demolishing the unlisted Pentrebane Cottages, allowing for a more informed decision to be made at reserved matters stage.

Refined Design Principles Area and Preservation - Pentrebane Farm

1.22 In order to ensure there is sufficient detail to assess potential impacts on the listed and non-designated buildings/assets at Pentrebane Farm, a Refined Design Principles Area and set of related design principles are proposed as part of the Scale parameter plan. These would form the reference of any reserved matters, full planning application, change of use and/or listed building consent applications that would follow in due course. Recognising the degradation of the listed buildings and need for more immediate action, proposals are to be submitted for a full schedule of interim repairs and restorative actions to secure the listed building's preservation prior to the wider development of Pentrebane Farm as a Local Centre. (Whilst originally proposed to come forward prior to determination of the outline, a condition is recommended to ensure such preservation works in the short term.)

Green Infrastructure and Public Open Space

1.23 The Green Infrastructure (GI) proposals are reflected in the amended GI Parameter Plans, the POS Provision Plan, the Illustrative Masterplan, the Revised Green Infrastructure Strategy, the revised DAS, the Great Crested New Conservation Strategy, and the ES and ES Statement Addendum. The green infrastructure is noted to be a key characteristic of the site and central to the creation of a successful development at Plasdwr, driving the creation of new routes and spaces in the masterplan, and defining the public and private spaces. The green infrastructure framework includes a network of green spaces including informal open space and play areas, new parks, playing fields, strategic planting and managed woodlands, retained views (including setting of heritage features) and walking and cycling routes, and has been designed to incorporate sustainable urban drainage systems (SuDS).

Open Space

1.24 The application proposes the following open space provision to cater for the needs of the whole of the strategic site (7000 dwellings) and to function as a new destination:

(i) 21.0ha of formal recreation, comprising 19.2ha of sports pitches (principally located to the SW of the site to form a buffer between the new development and St Fagans, with further provision in the northern half of the site near Llantrisant Road and to the north of Fairwater Leisure Centre). In excess of 1.8ha of the Waterhall Plantation and Coed-y-Gof woodland would provide walking and biking trails, and woodland facilities
(ii) children's equipped play space - 3 playgrounds (in addition to the 4 approved/approved subject to s106 as part of other applications across the strategic site)
(iii) 2 destination play areas
(iv) 2 teen facilities with potential upgrade to Fairwater Leisure Centre
(v) 30.7ha of natural, semi natural and informal open space including attenuation areas
(vi) 56.3ha of existing woodland, with controlled access to promote biodiversity

It is noted that the formal recreational provision does not include the playing fields proposed as part of the secondary school, which could become available to the general public if a dual use approach was adopted.

Allotments

1.25 The POS Provision Plan proposes 1.25ha of allotments, comprising 140 allotment plots of varying sizes over 3 separate areas (2 adjacent to Pentrebane Farm Local Centre and a third adjacent to the sports pitches north of Pentrebane Rd). (A condition is recommended to require an allotment strategy to be submitted, and the delivery of the allotments will also be controlled through the s106.)

Green Corridors

1.26 A network of strategic green corridors will deliver ecological and movement connectivity across the site and between the woodland blocks. The amended GI parameter plan proposes minimum widths for the corridors, ranging from 10m wide to 60m wide. The 60m wide corridor also acts as an appropriate easement for one of the high pressure gas mains. In addition to the above, the GI parameter plan makes provision for a minimum 15m ecotone buffer to the edge of the woodland, to exclude built form, roads and ground re-profiling to protect valued woodland. Existing trees and hedgerows along Crofft-y-Genau Road, including the line of historic horse chestnuts, are proposed for retention, except for access requirements, with a min 2.5m buffer proposed either side of the centre line of hedgerows to act as a further wildlife corridor. The GI plan proposes minimum widths of highway corridors through hedgerows and green infrastructure, as well as a number of ecological 'hop-overs' to maintain ecological connectivity. (A condition is recommended to increase their number.) School pitches are proposed between Halfwrt and Coed-y-Gof woodlands, and the GI parameter plan requires that there will not be any floodlighting here or in the formal sports pitches proposed north and south of Pentrebane Road, to protect light sensitive species.

Wildlife ponds, buffers to watercourses and protection of Lowland Fen

1.27 The GI parameter plan and supporting text proposes new wildlife ponds as compensation for the loss of existing ponds (including great crested newt breeding ponds at Pentrebane Cottages SINC) and to increase the overall availability of aquatic habitat within the site. The parameter plan text specifically proposes that the GCN breeding ponds at Pentrebane Cottages SINC will be replaced on a min 2:1 ratio (subject to grant of EPS license). A 10m wide buffer zone is proposed around these ponds and around all watercourses, wetlands and ponds within the application site. An area of existing marshy grassland located within the centre of the site is proposed for retention, with board walks proposed to allow access. The parameter plan text notes that SuDS within this area must be designed sensitively to minimise any impact, and must consist of permanent and ephemeral water bodies to provide new wildlife habitats. The GI parameter plan shows the approximate location of attenuation ponds, as distinct from wildlife ponds.

Landscape Strategy

1.28 The above proposals are captured in a Landscape Strategy diagram set out in the Revised DAS. Coed y Gof woodland is proposed as the 'Green Heart' and a 'major destination space', with Coed-y-Trenches, Halfwrt, Waterhall Plantation and Coedbychan proposed as 'community woodland'. The area of lowland fen south of Coed y Gof is proposed as a 'Nature Park'. The diagram also depicts the proposed 'destination play spaces with teen facilities', the 3 'local play spaces', 'active recreation space' with formal pitch provision, as well as 'school sports facilities', allotments as 'grow zones' and a network of connected 'green corridors'.

St Fagans Conservation Area

1.29 In order to minimise impact on the St Fagans Conservation Area, which extends into the site south of Pentrebane Road, the GI parameter plan text proposes that no building shall be constructed to the south of Pentrebane Rd in connection with the sports pitches.

Placemaking

1.30 The Revised DAS defines 5 neighbourhood areas and, within these, 17 character areas to create unique and distinctive places. A key character area is Plasdwr Square District Centre, which forms the main focus of the Plasdwr development, and which incorporates the retained Maes-y-Lech farm buildings towards its periphery around a 'green'. A further key character area is the Park Entrance, which forms a linear green gateway at the entrance to the development, part of which is include in land relating to outline permission 14/02157/MJR. The Llantrisant Road character areas are also important, providing a strong building line and height along this key movement corridor into the city. The Urban Square character area in the SW of the site forms an important node between Pentrebane and the Pentrebane Farm Local Centre. The Pentrebane Farm character area forms the focus in the west, and would incorporate the listed Pentrebane farmhouse and outbuildings. The Neighbourhood Square in the NW forms the focus of the west of the development, providing both primary and secondary school uses, with a unique character due to its woodland location.

1.31 The Revised DAS also sets out a 'Key Frontages and Buildings Plan', which sets out the primary and secondary frontages that are particularly prominent and critical, and which will require particular attention at the detailed design stage. Landmark and gateway buildings, a hierarchy of focal spaces (5 key spaces, secondary and tertiary) and key landscape spaces are also identified to create visual focal points and legibility, and inform Reserved Matters. As noted previously, the parameter plans set out parameters in respect of development density and scale, which are central to the placemaking approach and future reserved matters design.

Transport and Access

1.32 The overall transport strategy is to reduce reliance on the private car and to encourage sustainable travel choices. The highway network will be improved so that car movement is managed, primarily through a Traffic Management Strategy, to ensure that queuing is held in the most appropriate places. The submission notes that it would be contrary to Government policy to design the network to accommodate predicted demand.

1.33 Plasdŵr is noted to have been informed by key design principles - promoting sustainable travel choices, sustainable travel corridors, integration with neighbouring areas and a sustainable hierarchy of movement, with the greatest priority given to pedestrians and cyclists, followed by public transport.

Vehicular Access

1.34 The strategic vehicular access junctions for which detailed permission is sought are detailed in paragraph 1.2 and 1.3 above (junctions 1, 2, 3, 4, 5, 10, 11, 12, 13, 14, 15 and 16). It is stated that further non-strategic minor vehicular access points may be provided, with agreement on the exact location and form sought at reserved matters stage.

1.35 As noted above, internal access is a reserved matter. However, careful consideration has been given to internal access in the submission, with the Access parameter plan showing the indicative location of the primary highway corridor through the site. The Revised DAS sets out a proposed street hierarchy plan, designed to provide a permeable system of streets, including: a safeguarded tram train route following the northern side of the dismantled railway, spine streets, residential streets, quiet streets/shared surfaces and private drives. Corresponding cross sections are also set out in the Revised DAS, which also includes a cross section for Llantrisant Rd, Pentrebane Rd and a segregated LRT route street section.

1.36 As internal access is a reserved matter, the junction/route into the Goitre Fach Farm site will come forward at the detailed design stage. For now, the Access parameter plan has been amended to show that a potential access point can be accommodated, allowing the site to be connected to the Plasdŵr internal primary highway corridor.

1.37 The strategic vehicular access junctions and the indicative site layout are noted to have been designed to allow the volume of traffic released from the site to be managed in a controlled way, making the most efficient use of available road space and containing queuing in the most appropriate locations. Tidal traffic management along Crofft-y-Genau Rd, the provision of bus gates and careful route provision (providing direct pedestrian, cyclist and public transport routes and indirect vehicular routes) are proposed as measures to manage the free movement of traffic, and limit the attractiveness and convenience of the car.

1.38 The Access parameter plan has been amended to reflect the proposed traffic management of Crofft-y-Gennau Rd, where it is proposed to introduce peak period traffic management (enforced using automatic number plate recognition cameras) to reduce the number of vehicles rat-running along it. Between 7-9am and 4-6pm on weekdays private cars would only able to travel north between Pentrebane Rd and the new site access in the AM peak period. This would be reversed in the PM peak, with private vehicles only permitted to travel southbound during this period.

1.39 Parking is proposed to accord with the standards in the Council's SPG, 'Access, Circulation and Parking Standards' (January 2010). The proposals are also supported by a Residential Travel Plan to encourage and facilitate sustainable travel, in line with the LDP vision of achieving a 50/50 sustainable travel modal split.

Access for Pedestrian, Cycle and Horseriders

1.40 As noted above, pedestrians and cyclists are positioned at the top of the movement hierarchy, with an internal layout that promotes walking and cycling for short trips. In addition to improved pedestrian and cycle facilities proposed as part of the strategic access junctions, approx 17km of new pedestrian and cycle routes are proposed, connecting the District and Local Centres and schools with the residential neighbourhoods and open space/recreation space.

1.41 The proposals in respect of walking, cycling and horse riding include:

- 'strategic cycling routes' (min 3m wide two way segregated cyclepath), including routes running along the southern side of Llantrisant Road and along the length of both dismantled railways (Access pp proposal). The E-W route along side the disused railway would form a key connection between the proposed secondary school in the west and the District Centre in the east
- segregated cyclepath as part of the 'primary highway corridor' / Spine St (Access pp proposal). The Revised DAS provides a cross section, showing a 3m wide segregated 2 way cyclepath one side of the carriageway and 2m footpaths either side. (Cyclists share the road with vehicles in the 'residential street' cross-section, and completely shared surfaces are proposed in the 'quiet street' cross sections.)

- segregated 2m wide footways along both sides of Llantrisant Rd, the 'primary highway corridor/'/Spine Street, and 'residential streets' (Revised DAS cross sections)
- downgrading of Pentrebane Rd to a bridleway between Crofft-y-Genau Road and junction 13, to form part of a cycling super route running east-west from Croft-y-Genau Rd to the City Centre (Access pp proposal)
- off-site highway works to Pentrebane Road between junction 13 and Waterhall Rd (shown on drawing W141304_A01_J11), including a two-way 2.5m on-carriageway cycle lane along the northern edge of the carriageway, segregated from vehicular traffic by 0.5m hard standing (with access to all existing driveways maintained), carriageway narrowing incorporating raised tables and zebra crossing, and toucan crossing facilities on all four arms of the Pentrebane Rd/Waterhall Rd/ Pwllmelin Rd junction
- a 'key pedestrian/cycling/horse riding route' through the site linking existing bridleway PROW 40 Radyr and bridleway PROW 8 St Fagans (Access pp proposal) via Pentrebane Rd
- a network of 'key pedestrian / cyclepaths' and 'key pedestrian routes' (Access pp proposal)
- a network of recreational routes through public open space, including existing and diverted footpaths and bridleways
- a series of 'potential' pedestrian / cycle links to existing areas (Access pp proposal), including potential links to Ashdene Close, Holy Family RC primary school and the garages off Beechley Drive
- travel plan measures, including school cycling trains, scoot to school strategies, cycle hire and bike vouchers.

Public Transport and the Western Bus Corridor

1.42 A bus strategy for the site is set out in the Transport Assessment and its addendum. This shows 5 key potential routes running adjacent to / through the site. This includes a bus based E-W Rapid Transit Route with stops in the District Centre and NW Local Centre. In addition, two Express Routes would be provided, together taking in each of the centres, supported by two Stopping Routes providing local services. The TA notes that this would result in the order of 12 buses per hour in the peak commuter periods. The 'primary highway corridor', with its 6.3m wide carriageway is designed to accommodate buses through the site. Bus gates are proposed within the District Centre and Pentrebane Local Centre (with more indirect routes provided for private cars) and along Pentrebane Rd, making it 'bus only' between junctions 12 and 13, with access to be provided for local residents. Other on-site bus measures include the provision of high quality bus stops equipped with shelter, seating, Real Time Information and cycle parking.

1.43 The Street Hierarchy Plan identifies the A4119 as the 'Llantrisant Rd corridor', reflecting its LDP policy T2 designation as the Western Bus Corridor. The Revised DAS includes its cross section, which shows a 3m bus lane, 6.3m carriageway, and segregated footway and cycleway provision that reflects the approach to Llantrisant Rd secured through applications 14/02157/MJR and 16/00106/MJR. The detailed designs for junction 2 and 3 located along Llantrisant Rd include the provision of lengths of bus lanes. These bus lanes would add to the provision secured under pp 14/02157/MJR (shown on detailed drawings for junction 7, 8, 9). Other junctions are designed to provide 'hurry calls' as an alternative bus priority measure.

1.44 The application would also deliver proportionate elements of the NW Corridor Programme, including off-site highway works along Llantrisant Rd and financial contributions to secure the delivery of new and extended bus services. (See section 9 for details of measures secured through s106 Heads of Terms.)

Rail

1.45 A Rail Strategy is included in the TA. This notes that the internal access layout has been designed to facilitate connections between the site, and that information provision and personalised travel planning would be provided through theTravel Plan. The application would also deliver off-site rail improvements, in the form of a financial contribution towards pedestrian and cycle facilities at local train stations, in line with the request from Network Rail. (See Section 9 for further details.)

Metro

1.46 In addition to the bus-based Rapid Transit Route running through the site, the Access parameter plan also safeguards a 'zone to be reserved for rapid transit'. Two potential routes are provided. The first option enters the site from the main gateway junction joining the District Centre and heads in a westerly direction along the disused railway line, with the second option entering the site from the east utilising the disused railway line heading into the District Centre, before running west alongside the disused railway line. The parameter plan text notes that provision for stops and associated supporting facilities will be required along this reserved zone, also noting that future design must ensure that the route does not create a barrier to movement across the site. (A condition is recommended to secure the safeguarded routes and to extend them to include the full extent of the route shown on the policy KP2(C) Schematic Framework.)

Proposals in respect of other infrastructure

1.47 The Land Use parameter plan shows the approximate alignment of both overhead power lines and gas mains.

1.48 Whilst the outline planning application does not propose the undergrounding of the overhead power lines, the form of the development proposed through the parameter plans and illustrated in the masterplan is predicated on the assumption that the power lines are undergrounded. The Planning Statement notes that the undergrounding of the power lines cannot form part of the outline application, as it is a matter that would need to be addressed in full, with the detailed design of the alignment and location of termination towers devised in detail with Western Power Distribution. (A condition is recommended to require a strategy for the undergrounding of the power lines to be submitted, to inform the consideration of reserved matters.)

1.49 No changes are proposed to the existing gas mains that cross the site. (A condition is recommended to require the proposal to accord with related advice from the Health and Safety Executive (HSE), which would allow the gas pipes to be enforced or diverted with agreement by the Council, in consultation with the HSE and Wales and West Utilities.)

Amendments

1.50 Two sets of amended plans / further information have been submitted, both of which have been subject to a full 21 day consultation, and advertised by letter to neighbours and other interested parties, press and site notices. The scope of the first set of amendments, in November 2016, is detailed in the paragraphs below. The second set of amendments, in January 2017, solely relate to the Great Crested Newt Conservation Strategy.

1.51 The November 2016 amendments included the following:

- *(i)* an amended description, to reflect an increase in community and healthcare floorspace from up to 2,850sq m to up to 5,100sq m, to respond to consultation comments received from the University Health Board, and to allow provision for up to two food stores in the District Centre, albeit with the overall quantum of floorspace remaining the same
- *(ii)* an amended planning application boundary, to mirror the boundary of the allocated strategic site C, reducing the overall site area from 331.3ha to 299.3ha. The amendments comprise the application boundary being pulled back from the settlement of St Fagans and the removal of a parcel of land west of Crofft y Gennau Road
- *(iii)* amendments to the Density parameter plan to provide the potential to deliver higher densities across more of the site
- *(iv)* amendments to the Scale parameter plan, including provision for a single building/tower/structure, with a max ridge height of 24m above proposed ground level, to create character and visual interest, and an increase in the maximum ridge height of the lowest development from 10m to 11m above proposed ground level (where proposed ground level is up to 2.5m from existing ground level)
- *(v)* amendment to the Demolition parameter plan to give the option for Pentrebane Cottages to be retained or demolished
- *(vi)* addition of the existing alignment of the overhead power lines and gas pipelines to the Land Use parameter plan, also noting the potential for the power lines to be undergrounded
- *(vii)* an increase in the site size of the secondary school from 7.2ha to 8.2ha (albeit that this is subject to a recommended condition to require a min of 7ha, as justified in Section 8)
- *(viii)* expansion of the primary school in the west from a 2 Form Entry (FE) to a 3 FE (albeit that this is subject to a condition to require a 2FE, as justified in Section 8)
- *(ix)* a new north/south link between 'Bridleway Radyr 40' and 'Bridgleway St Fagans 8' via Pentrebane Rd
- *(x)* safeguarding of two potential routes within the development which could accommodate the South Wales Metro
- *(xi)* a new strategic access junction for which detailed permission is applied for (junction 15)

(xii) amendments to other strategic access junctions, including the addition of bus lanes to junction 2 and 3, and 3m wide cycle lanes to junctions along Llantrisant Rd to reflect the Councils preferred cross section

(xiii) Croft-y-Genau Road to remain open to vehicular traffic, but with tidal peak hour traffic management

(xiv) 3 no new and enhanced green infrastructure corridors

(xv) identification of the approximate location of new wildlife ponds and attenuation ponds on the Green Infrastructure parameter plan

(xvi) reduction in the number of children's equipped play areas from 8 to 3, to reflect detailed discussions with the Council and the proposed provision of 4 as part of other applications on the strategic site

(xvii) increased provision of formal recreational open space, at 21ha, with a the total open space provision of 113.57ha

(xviii) increased provision for allotments, from 0.72ha in 2 locations to1.25ha over 3 locations

(xix) the addition of a 'residential and golf course interface' on the Land Use parameter plan

(xx) masterplan revisions, with key changes including the relocation of the District Centre northwards to create a better population catchment and access, the realignment of future metro link, the relocation of the secondary school west to better fit existing catchments and enhanced SuDS provision

(xxi) progression of placemaking principles

(xxii) additional survey work and assessment as part of the EIA.

Site Visit

1.52 A Planning Committee site visit took place 8 March 2017. A site visit hand-out, showing photographs of the site, is available to view on the Council's website.

2. DESCRIPTION OF SITE

Site Location

2.1 The 299.3ha application site lies to the west of Radyr, Fairwater and Pentrebane, to the north of the village of St Fagans and approximately 7km north west of the City Centre.

2.2 The north of the site is bounded by the A4119, Rhydlafr Farm, Goitre Fach Farm, Radyr Farm, Radyr Golf Course and existing development at Radyr. Crofft-y-Genau Road forms the western boundary of the site. The southwest boundary follows a series of field boundaries, with those fields forming a buffer between the development site and St Fagans. The southern and eastern site boundaries also follow a series of established field boundaries, as well as the edge of the existing built development at Radyr, Fairwater and Danescourt. Pentrebane Road runs through the southern part of the site.

2.3 The site comprises the majority of land (87%) within the 346ha Strategic Site C 'North West Cardiff', one of eight strategic sites allocated in the LDP and the largest. The application site immediately adjoins the application site boundaries of other outline planning applications within site C. These are detailed in section 3 and include outline planning permissions 14/02147MJR and 14/02188MJR, and outline application 16/00106/MJR (approved subject to s106). Land to the north of the site, north of Llantrisant Rd, is identified in the LDP as land to provide for 'future flexibility' (See Section 3).

Existing Land Use, Key Features and Site Conditions

2.4 The application site includes two farms, Pentrebane Farm and Maes-y-Llech Farm, as well as a former farm building / residence at Ty Gwyn. The agricultural land that comprises the majority of the site is primarily in pastoral use, with some areas in the north in arable use. Whilst some is estate land farmed in-hand, most is tenanted and farmed by tenants of Maes-y-llech Farm, Pentrebane Farm, Ty Gwyn Farm and Lower Stockland Farm. The land is divided into fields separated by hedgerows, trees and woodland blocks. In terms of quality, the land is predominantly classified as Grade 3a and 3b land, with some Grade 4 and no areas of Grade 1 or 2 land. The key woodland blocks include woodland at Coed-y-Trenches, Halfwrt, Coed-y-Gof, Waterhall Plantation and Coedbychan. A number of ponds, streams and ditches cross the site. Other key features include two overgrown, disused railway lines. These run east-west through the centre of the site and north-south at its north western extent, and have become linear woodland features.

2.5 The topography of the site is also a defining feature. In very broad terms, the topography forms a 'horse shoe' shape, containing high ground to the north and south, bisected by a steep valley in the centre. The dismantled Llantrisant railway follows the bottom of the central valley. The highest part of the site, at 95m AOD, is located to the south of Llantrisant Rd where the boundary meets the south eastern corner of Radyr Golf Course, with other high points at 65m and 64m AOD, respectively, located to the north west of Pentrebane Farm and to the north of Fairwater Leisure Centre. The dismantled railway travels through the centre of the site at approx 33AOD rising to approx 44m AOD to the west. An area of Lowland Fen to the centre of the site sits at the lowest point at approx 30m AOD. The landscape of the site is partly defined by its undulating topography, comprising a series of ridges offering openness and wide views, with valley bottoms and woodland blocks, providing intimacy and enclosure.

Landscape and Heritage

2.6 Land in the far south of the site, south of Pentrebane Road, falls within the St Fagans Lowlands and Ely Valley Special Landscape Area (SLA) and forms part of the St Fagans Conservation Area.

2.7 The site contains 3 listed buildings, all of which are Grade II listed, and comprise: Pentrebane Farmhouse, the North wall of the former walled garden at Pentrebane Farm, and the barn at Pentrebane Farm. The site does not contain any nationally designated Historic Parks and Gardens, although the Grade 1 registered St Fagans Castle lies to south west of the site. Section 8 provides further details of a Scheduled Ancient Monument and other Grade II listed buildings near the site, as well as undesignated heritage assets within the site and its immediate vicinity.

Ecology

2.8 The dominant habitat across the site is a combination of agriculturally improved and semi-improved grassland, with some limited areas of marshy grassland. There are a seven woodland blocks within the site, six of which are designated as Sites of Importance for Nature Conservation (SINCs). The tree lines, scattered mature trees and hedgerows that make up the field boundaries vary greatly in terms of their species richness and structure. Some of the hedgerows are species rich and 'Important' under the Hedgerows Regulations 1997, although the majority are species-poor and defunct. A key feature of the site is an avenue of sweet chestnuts along Croft-y-Genau Road and west of Pentrebane Road, which form a historic link with the St Fagans estate.

2.9 A variety of seasonally and permanently wet ditches/small streams run across the site. There are limited areas of marshy grassland in the north-west of the site and in the valley towards its centre. A number of ponds are present, mostly within the central section of the site.

2.10 Whilst there are no statutory designations within the site, two internationally designated sites lie within a 15km radius, namely, the Cardiff Beech Woods Special Area of Conservation (SAC) and the Severn Estuary SAC / Special Protection Area (SPA)/Ramsar site. There are also 9 Sites of Special Scientific Interest located within 5km of the site, including the Ty Du Moor SSI, and two Local Nature Reserves (LNRs) within 2km of the site. There are 12 SINCs within or immediately adjacent to the site.

2.11 The site supports a number of protected species, including breeding birds (including barn owls), bats, great-crested newts and reptiles. Nesting and roosting sites for barn owl are present at Pentrebane and Maes-y-Lech Farm, and nearby mature trees. The farms also support a number of buildings with non-breeding/hibernating roosting bats. Populations of great crested newts are know to be present at Pentrebane Cottges Ponds SINC and off-site within Goitre-Fawr Pond SINCs, Waterhall Pond SINC, ST Fagans SINC and Rhydlafer Farm. A large slow-worm population is present in rough grassland/ scrub habitats. No evidence of badger setts, water vole, otter or dormice were found during detailed ecological surveys. Invasive species including Japanese knotweed and Himalayan balsam are present on the site.

Access and Accessibility

2.12 Llantrisant Road has footways of varying widths that mostly run on alternative sides of the carriageway. Pentrebane Rd has a footway adjacent on the southern side of the carriageway, between the site and Waterhall Road, but there are no pedestrian facilities to the west to Crofft-y-Gennau Road. There are no pedestrian facilities on Crofft-y-Genau Road. There is a footway adjacent to the southern side of the carriageway on Cardiff Road, with footways on both sides of the carriageway as Cardiff Road becomes St Fagans Road. Heol Isaf has continuous footways on both sides of the carriageway. Clos Parc Radyr has a footway adjacent to the southern/eastern side of the carriageway.

2.13 A limited number of Public Rights of Way cross the site for a site of its size. These run in a general north - south direction to the north of Pentrebane Road and in a north-south, and east-west direction to the south of Pentrebane Road. There is also a bridleway to the south of Pentrebane Road, connecting Pentrebane Road with St Fagans.

2.14 Two rail lines operate services through north-west Cardiff - the City Line through Radyr, Danescourt and Fairwater and the Valley Line through Radyr. Over 10 bus routes serve the area around the site.

2.15 It is noted that Slanwood Boarding Kennels are accessed off Crofft-y-Genau Rd.

3. RELEVANT RECENT PLANNING HISTORY

Site History

3.1 None.

Related History

3.2 The following applications also fall within Strategic Site C and are also accessed, in part, via Llantrisant Rd:

14/02157/MJR – Land North and South of Llantrisant Rd – outline application approved 09/08/2016
The development of up to 630 residential dwellings (use class c3, including affordable homes), primary school (use class d1), visitor centre/community centre (use class d1), community centre (use class d1), open space (including children's play spaces), landscaping, sustainable urban drainage, vehicular accesses, bus lanes, pedestrian and cycle accesses and related infrastructure and engineering works

16/02016/MJR – Reserved matters application for outline planning (14/02157/MJR) approved 23/12/16
Reserved matters application for outline planning (14/02157/MJR) for the development of 126 dwellings forming part of phase 1a of land to the north and south of Llantrisant Road, detailed consent requested for all outstanding matters

Various Discharge of Condition applications relating to 14/02157/MJR.

14/02188/MJR – Land South of Pentrebane Rd – outline application approved 13/12/16
Up to 290 residential dwellings (C3), open space (including childrens play space), landscaping, sustainable urban drainage, vehicular access, pedestrian and cycle accesses and related infrastructure and engineering works

Various Discharge of Condition applications relating to 14/02188/MJR.

16/00106/MJR – Goitre Fach Farm, Llantrisant Rd – approved subject to s106 14/12/16

Outline planning application (all matters reserved apart from strategic vehicular, cycle and pedestrian access into the site) for the demolition of existing buildings and residential development of up to 300 dwellings on site to include open space (including children's play space), landscaping. Sustainable urban drainage, vehicular access, pedestrian and cycle accesses and related infrastructure and engineering works.

3.3 The following application forms part of Strategic Site D, located to the west of Strategic Site C, and is also accessed in part via Llantrisant Rd:

14/00852/MJR – Land to the North of M4 J33 – approved subject to s106 08/02/2017
Comprehensive development of 'land to the north of junction 33 of the m4' to create a new community containing: a range of new homes, including houses, apartments and some sheltered accommodation for the elderly (Use Classes C2 and C3, a Park and Ride facility and transport interchange or hub, community facilities including a new primary school and community centre (Use Class D1), a local centre including shops (Use Class A1), financial and professional (Use Class A2), food and drink (Use Class A3) and a clinic or surgery (Use Class D1), new offices, workshops and research and development facilities (Use Classes B1 with ancillary B2 and B8, a network of open spaces including parkland, footpaths, sports pitches and areas for informal recreation, new roads, parking areas, accesses and paths, other ancillary uses and activities and requiring; site preparation, the installation or improvement of services and infrastructure; the creation of drainage channels; improvements/works to the highway network and other ancillary works and activities.

3.4 No applications have been submitted in respect of Strategic Site E, located to the north of Strategic Site D, which is also accessed in part via Llantrisant Rd.

3.5 Whilst outside of the strategic site, also relevant to the application is the grant of planning permission for a wind turbine at Radyr Farm (07/01380w) which is subject to a condition that requires

> *The rating level of the noise emitted from the fixed point source wind turbine and equipment on the site shall not exceed the existing background noise level at any time by more than 5dB(A) at any residential property when measured and corrected in accordance with BS 4142:1997. Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected, in accordance with policies 2.24 and 2.64 of the deposit Cardiff Unitary Development Plan.*

4. POLICY FRAMEWORK

Local Policy

4.1 **Cardiff Local Development Plan 2006-2026** (Adopted January 2016)
Key Policies:
KP1: LEVEL OF GROWTH
KP2: STRATEGIC SITES
KP2(C): NORTH WEST CARDIFF

KP4: MASTERPLANNING APPROACH
KP5: GOOD QUALITY AND SUSTAINABLE DESIGN
KP6: NEW INFRASTRUCTURE
KP7: PLANNING OBLIGATIONS
KP8: SUSTAINABLE TRANSPORT
KP12: WASTE
KP13: RESPONDING TO EVIDENCED SOCIAL NEEDS
KP14: HEALTHY LIVING
KP15: CLIMATE CHANGE
KP16: GREEN INFRASTRUCTURE
KP17: BUILT HERITAGE
KP18: NATURAL RESOURCES

Detailed Policies:
H3: AFFORDABLE HOUSING
EN1: COUNTRYSIDE PROTECTION
EN3: LANDSCAPE PROTECTION
EN5: DESIGNATED SITES
EN6: ECOLOGICAL NETWORKS AND FEATURES OF IMPORTANCE FOR BIODIVERSITY
EN7: PRIORITY HABITATS AND SPECIES
EN8: TREES, WOODLANDS AND HEDGEROWS
EN9: CONSERVATION OF THE HISTORIC ENVIRONMENT
EN10: WATER SENSITIVE DESIGN
EN11: PROTECTION OF WATER RESOURCES
EN12: RENEWABLE ENERGY AND LOW CARBON TECHNOLOGIES
EN13: AIR, NOISE, LIGHT POLLUTION AND LAND CONTAMINATION
EN14: FLOOD RISK
T1: WALKING AND CYCLING
T2: STRATEGIC RAPID TRANSIT AND BUS CORRIDORS
T3: TRANSPORT INTERCHANGES
T5: MANAGING TRASPORT IMPACTS
T6: IMPACT ON TRANSPORT NETWORKS AND SERVICES
T7: STRATEGIC TRANSPORTATION INFRASTRUCTURE
T9: CARDIFF CITY REGION ‘METRO’ NETWORK
R1: RETAIL HIERARCHY
R6: RETAIL DEVELOPMENT (OUT OF CENTRE)
R7: RETAIL PROVISION WITHIN STRATEGIC SITES
R8: FOOD AND DRINK USES
C1: COMMUNITY FACILITIES
C3: COMMUNITY SAFETY/ CREATING SAFE ENVIRONMENTS
C4: PROTECTION OF OPEN SPACE
C5: PROVISION FOR OPEN SPACE, OUTDOOR RECREATION, CHILDREN’S PLAY AND SPORT
C6: HEALTH
C7: PLANNING FOR SCHOOLS
W2: PROVISION FOR WASTE MANAGEMENT FACILITIES IN DEVELOPMENT

4.2 The application site falls within Cardiff's settlement boundary, as identified on the adopted Cardiff LDP Proposals Map, and forms the substantive part of Strategic Site 'C' – 'North-West Cardiff', allocated under policies KP2 and KP2(C) for '*a mixed-use comprehensive development including a minimum of 5,000 homes and local employment opportunities, together with essential, enabling and necessary supporting infrastructure'*. The LDP notes that the overall capacity of the site is considered to be in the order of 6,500 – 7,000 dwellings, but that work undertaken to date suggests that a figure of 5,000 dwellings is appropriate to be delivered within the plan period (para 4.29). The LDP also notes that land North of the North West Cardiff site – identified on the Proposals Map as 'potential future expansion in plan period (KP1) for flexibility' - has the potential to provide a minimum of an extra 1,250 dwellings if required in the later phases of the plan, with a higher figure being possible (para 4.29). It is noted that masterplanning will ensure that suitable access is secured and that future Plan monitoring will trigger any future detailed discussion of infrastructure and masterplanning requirements should the need for their early release be triggered within the Plan period (para 4.28).

4.3 The LDP Proposals Map identifies the extent of strategic site C, the settlement boundary (policy KP3(B)), the route of a Strategic Bus Corridor Enhancement (policyT2) that runs through the site along Llantrisant Road and the extent of a Special Landscape Area (policy EN3) that extends into the strategic site. Attention is drawn to the fact that the part of the strategic site - to the south west – that falls within the Special Landscape Area falls outside the settlement boundary. This matter is addressed in the analysis (Section 8).

4.4 Strategic Site C forms one of 3 strategic sites allocated in NW Cardiff with access off Llantrisant Road (A4119). Strategic Site D – 'North of J33 on M4' is allocated for a 'mixed use of approximately 2,000 homes, employment, other associated community uses and a strategic park and ride site', with potential for a further 1,250 dwellings as part of a 'flexibility allowance'. Strategic Site E – 'South of Creigiau' – is allocated as a 'housing-based scheme of approximately 650 homes representing a southern extension of the existing village'.

Supplementary Planning Guidance (SPG) and other local guidance

4.5 Relevant SPG approved following the adoption of the Cardiff Local Development Plan:
'Waste Collection and Storage Facilities' (approved October 2016)
'Planning Obligations' (approved January 2017)
'Residential Design Guide' (approved January 2017)
'Tall Buildings' (approved January 2017)

4.6 SPG approved prior to the adoption of the Cardiff Local Development Plan are no longer linked to adopted development plan policies. However, where such SPG is considered consistent with the new LDP policy framework, it will continue to be material to the Development Management process. The following SPG and other local guidance are considered relevant to the determination of this application:
'Access, Circulation and Parking Standards' (approved January 2010)
'Biodiversity Part 1' 'Biodiversity Part 2' (approved June 2011)

‘Cardiff Liveable Design Guide’ (approved May 2015)
‘Open Space’ (approved March 2008)
‘Public Art’ (approved June 2006)
‘Public Rights of Way and Development’ (approved October 2006)
‘Restaurants, Takeaways and Other Food & Drink Uses’ (approved June 1996)
‘Trees and Development’ (March 2007)

National Planning Policy

4.7 Planning Policy Wales and the Wales Spatial Plan set out the land use policies of the Welsh Government. These are supplemented by a series of Technical Advice Notes and Circulars.

Planning Policy Wales (Edition 9, November 2016)

4.8 Section 1.2 explains that the purpose of the planning system is to manage the development and use of land in the public interest, contributing to improving the economic, social, environmental and cultural well-being of Wales, as required by the Well-being of Future Generations (Wales) Act 2015. It notes that the planning system should reconcile the needs of development and conservation, securing economy, efficiency and amenity in the use of land, and protecting natural resources and the historic environment. It recognises that a well functioning planning system is fundamental for sustainable development (para 1.2.1).

4.9 PPW has been updated to include reference to the statutory purpose for the planning system introduced by the Planning (Wales) Act 2015 – that any statutory body carrying out a planning function must exercise those functions in accordance with the principles of sustainable development as set out in the Well-being of Future Generations (Wales) Act 2015. PPW has been updated to take into account the Well-being of Future Generations (Wales) Act 2015 more fully, and includes information on the provisions of the Act. It notes that the Act establishes a ‘sustainable development principle’ which it notes means that a defined public body must 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 and lists a series of key principles that they expect all those involved in the planning system to adhere to:

- putting people, and their quality of life now and in the future, at the centre of decision-making;
- engagement and involvement, ensuring that everyone has the chance to obtain information, see how decisions are made and take part in decision-making;
- taking a long term perspective to safeguard the interests of future generations, whilst at the same time meeting needs of people today;
- respect for environmental limits, so that resources are not irrecoverably depleted or the environment irreversibly damaged. This means, for example, mitigating climate change, protecting and enhancing biodiversity, minimising harmful emissions, and promoting sustainable use of natural resources;
- tackling climate change by reducing the greenhouse gas emissions that cause climate change and ensuring that places are resilient to the consequences of climate change;

- applying the precautionary principle. Cost-effective measures to prevent possibly serious environmental damage should not be postponed just because of scientific uncertainty about how serious the risk is;
- using scientific knowledge to aid decision-making, and trying to work out in advance what knowledge will be needed so that appropriate research can be undertaken;
- while preventing pollution as far as possible, ensuring that the polluter pays for damage resulting from pollution. In general the Welsh Government will seek to ensure that costs are met by those whose actions incur them;
- applying the proximity principle, especially in managing waste and pollution. This means solving problems locally rather than passing them on to other places or to future generations;
- taking account of the full range of costs and benefits over the lifetime of a development, including those which cannot be easily valued in money terms when making plans and decisions and taking account of timing, risks and uncertainties. This also includes recognition of the climate a development is likely to experience over its intended lifetime; and
- working in collaboration with others to ensure that information and knowledge is shared to deliver outcomes with wider benefits.

4.10 In addition, PPW sets out a series of sustainability objectives that reflect the vision for sustainable development and which should be taken into account in taking decisions on individual planning applications in Wales, structured around 7 well-being goals: a prosperous Wales, a resilient Wales, a healthier Wales, a more equal Wales, a Wales of cohesive communities, a Wales of vibrant culture and thriving Welsh Language, and a globally responsible Wales.

Wales Spatial Plan (2008 update)

4.11 The plan sets out the Welsh Governments vision for spatial planning within Wales and sets out a strategic framework to guide future development and policy interventions. The plan sets out key issues and challenges facing Wales under 5 key themes – building sustainable communities, promoting an sustainable economy, valuing our environment, achieving sustainable accessibility and respecting distinctiveness. The plan divides Wales into six strategy areas of which Cardiff falls within the South East Wales – Capital Region. The plan recognises that the success of the region relies on Cardiff developing its capital functions in order for the area to work as a networked city region, to provide an appropriate quality of life for all and to be able to compete with comparable areas in the UK and EU for investment and growth. The vision recognises the key role that Cardiff plays. The plan identifies the area around Llantrisant and North West Cardiff as one of 3 Strategic Opportunity Areas in the South East Wales – Capital Region.

Technical Advice Notes (TANs) and Circulars

4.12 Key TANs and Circulars include:

TAN 1: Joint Housing Land Availability Studies (2015):
TAN 2: Planning and Affordable Housing (2006)
TAN5: Nature Conservation and Planning (2009)
TAN 6: Planning For Sustainable Rural Communities (2010)
TAN 8: Renewable Energy (2005)

TAN 11: Noise (1997)
TAN 12: Design (2016)
TAN 15: Development and Flood Risk (2004)
TAN 16: Sport, Recreation and Open Space (2009)
TAN 18: Transport (2007)
TAN 21: Waste (2014)
Circular 16/94 'Planning Out Crime'
Circular 60/96 'Planning and the Historic Environment: Archaeology'
Circular 61/96 'Planning and the Historic Environment: Historic Buildings'
Circular 20/01 'Planning Controls for Hazardous Substances'
Circular 07/12 'The Town and Country Planning (Notification) (Wales) Direction 2012

5. INTERNAL CONSULTEE RESPONSES

5.1 **Policy Team, Strategic Planning** – The policy team have no objection to the application on retail policy grounds. A summary of their detailed assessment is provided in the analysis section. They also confirm that the proposed office floorspace accords with the quantum identified in policy KP2(C).

5.2 **Housing Development** advise:

- they seek 30% affordable housing on-site across the whole Strategic Site and in each tranche/planning application site submitted, to ensure the creation of mixed and balanced communities
- detailed discussion with the applicant needs to take place in respect of how the affordable housing is delivered and this should include unit types, unit mix, unit numbers and proposed location on the site
- they will require a mix of unit types/sizes across the submitted planning application site, and for these unit types/sizes to be representative of the development as a whole, unless otherwise agreed by the Council
- the preferred position at this time would be a tenure split of 25% to be delivered as on-site affordable (both social and intermediate) rented and 5% to be delivered as on-site affordable (Low Cost Home Ownership) (LOCHO) units to be made available at 60% - 65% OMV
- the price to be paid for each unit by their RSL (Housing Association) partners (not set out here)
- there will be no Social Housing Grant available for the affordable housing units, so all scheme viability should be considered on that basis
- affordable rented units (both social rented and intermediate rented) will need to be built to Welsh Government DQR standards and meet WHQS
- within the social rented percentage they would be seeking some accommodation for Older Persons and/or Specialist Accommodation for clients with either a Physical Disability and/or Learning Disabilities and would seek bungalows/flats for Older People (with assistive technology) and/ or a Core & Cluster development for Physical & Sensory Impairment or Learning Disabilities. The design/specification would need to be discussed in detail, as well as the unit numbers
- For clarification, if there are any roads or public space/realm within the site that will not be adopted (ie private), the RSL may not be able to make additional contributions to them. The prices to be paid relate solely to the

purchase of the completed affordable units, including final finishes to the external garden/communal space within property curtilages.

5.3 **Neighbourhood Regeneration** provide the following response to the initial submission:

- On a development of this scale, on-site community facility provision is considered necessary in providing for the needs of future residents. It is considered that the District Centre would be the best location for the main community facility within the development, as is proposed. This should be a facility of at least 2000m² in size. The developer should provide details of ownership and operation of the facility.
- Additional community facility provision within the south western Local Centre is also supported, to provide for residents across the development. This community facility should be at least 500m² in size, and should either form part of the primary school or be located in the listed building at Pentrebane Farm. If the facility forms part of the primary school, it should be in addition to the floor space requirements of the school. If the facility is located within the listed building at Pentrebane Farm, the developer should provide details of ownership and operation of the facility.
- An offsite contribution is not requested for this site.

5.4 Neighbourhood Regeneration, in response to the amended submission, advise:

- Accept the proposed provision of up to 5,100sq m of community and healthcare facilities to be provided across the District Centre and Local Centres
- 2000sqm of community floorspace would be required in the District Centre (in addition to health provision) and 800m2 in the south western Local Centre
- Confirm that there would be sufficient floorspace for community facilities irrespective of which scenario put forward by UHB is developed (2,233m2 of health floorspace for a standalone health facility in the District Centre and 1,413m2 for health provision as part of a co-located facility within a community centre in the District Centre)
- Their preference would be for community facilities to be co-located with health facilities
- If located within the primary school, it would need to be additional to the required primary school floorspace
- They do not have specific requiremetns for the form the community bulidings should take as these should respond to the needs of future residents at the time the facility is built and they would expect the developer to put proposals to them
- As an indication they could include a multi-use community hall suitable for large social events and indoor recreational activity (min.400-500m2), a series of multi-use rooms suitable for training, community meetings, social activities, day care and partner events (50–120m2 in size), maximum flexibility through zoning arrangements, flexible partitioning etc, space suitable for child-care provision, meeting the requirements of relevant regulatory bodies; space suitable for a range of advice and information services, including touch-down PC’s, self-service library kiosk, and partner

advice points; community café and ancillary kitchen facilities; accessible toilets and storage facilities, off-road parking designed to Park Mark standards, direct access to public transport, and integration into walkway/ cycleway networks.

- No additional s106 contributions would be required, other than the construction, fitting out, running and management of the community buildings.

5.5 The **Director of Education and Lifelong Learning** provides the following amended advice, following approval of the Planning Obligations SPG:

1. Calculated pupil yield from the proposed development

Outlined below are the calculated yields of pupils requiring local primary and secondary school places arising from the development, based on the following assumed housing mix. These yields are calculated using the methodology set out in the SPG adopted in January 2017.

5,970 dwellings:

- *597 two bedroom apartments (assumed 10%)*
- *5373 three bedroom houses (assumed 90%)*

Nursery class places:	*335*
English-medium	*268 (80%)*
Welsh-medium	*67 (20%)*

Primary School places:	*1,275*
SEN	*21*
English-medium	*1003 (80%)*
Welsh-medium	*251 (20%)*

Secondary School places:	*912*
SEN	*23*
English-medium	*712 (80%)*
Welsh-medium	*178 (20%)*

Sixth form places:	*280*
SEN	*7*
English-medium	*219 (80%)*
Welsh-medium	*55 (20%)*

2. Context – existing and planned school provision

There is insufficient accommodation within nearby primary and secondary schools to accommodate additional pupils.

(i) SEN pupils

Special Educational Need (SEN) pupils are those taught in either a special school or in a specialist facility on the site of a mainstream school.

The calculated yields of pupils requiring SEN pupil places equate to:

- *1.620% of the primary population*
- *2.476% of the secondary population*

Financial contributions are requested to provide specialist places in proportion with the net pupil place yield from the development. Additional SEN places *would be provided at new on-site school(s) and/or off-site.*

(ii) Primary schools and nursery classes:

The existing English-medium primary schools serving the area on which the new dwellings are proposed are Pentyrch Primary School, Radyr Primary School, Peter Lea Primary School and Pentrebane Primary School. The Welsh-medium primary school serving the area on which the new dwellings are proposed Ysgol Gymraeg Coed Y Gof.

Taking into account the projected demand for places from existing housing and planned housing developments, the yield of pupils requiring primary school places from proposed 14/02733 development could not be accommodated in existing schools.

On an adjacent site, a new 2 Form Entry (420 place) primary school incorporating 48 FTE nursery places was planned to accommodate a yield of 189 primary age pupils from the proposed development 14/02157, contributing a further 231 places towards meeting the yield from other development sites (14/02188 – Pentrebane Road and 14/02733).

Following a re-assessment under the SPG adopted in January 2017, the planned new 2 Form Entry (420 place) primary school would accommodate 153 pupils from the proposed development 14/02157 (revised down from 189 pupils).

Whilst pupils from the Pentrebane Road (14/02188) site would not reside in close proximity to the new school, the addition of school places will allow for surplus places serving the wider area, releasing places in other schools to serve the Pentrebane Road site. The yield of the Pentrebane Road (14/02188) site as re-assessed under the 2017 SPG amounts to 55 pupils. Applying the 5% ‘float’ set out in the SPG, this leaves 191 surplus places to serve the proposed development 14/02733.

In summary, the residual requirement (assuming that the proposed new school on 14/02157 is built) would be to provide an additional 1,063 primary school places (1,254 minus 191).

Primary School places (net requirement):	*1,063*
English-medium excluding SEN	*850* (80%)*
Welsh-medium excluding SEN	*213* (20%)*

It is reasonable to assume a pro-rata allowance of surplus nursery class places at the proposed new school and the net requirement is therefore as follows:

Nursery class places (net requirement):	*291*
English-medium excluding SEN	*233 (80%)*
Welsh-medium excluding SEN	*58 (20%)*

The above figures are indicative based on the assumed housing mix of 597 two bedroom apartments and 5373 three bedroom houses.

(iii) Secondary schools and sixth forms

The English-medium secondary schools/ sixth form serving the area on which the new dwellings are proposed are Cantonian High School and Radyr

Comprehensive School. The Welsh-medium secondary school serving the area on which the new dwellings are proposed is Ysgol Gyfun Gymraeg Plasmawr. Taking into account the projected demand for places from existing housing and planned housing developments, the yield of pupils requiring secondary schools/ sixth form places from proposed 14/02733 development could not be accommodated in existing schools.

Secondary School places (net requirement):	*912**
SEN	*23**
English-medium	*712* (80%)*
Welsh-medium	*178* (20%)*

Sixth form places (net requirement):	*280**
SEN	*7**
English-medium	*219* (80%)*
Welsh-medium	*55* (20%)*

The above figures are indicative based on the assumed housing mix of 597 two bedroom apartments and 5373 three bedroom houses.
**rounding disparity*

3. Calculated Contributions

A contribution towards education provision is calculated in accordance with the Council's approved Supplementary Planning Guidance (SPG) as follows:

Developer requested contributions			
Year group	*English-medium*	*Welsh-medium*	*Total*
Nursery	*£1,317,836*	*£329,459*	*£1,647,295*
Primary	*£9,200,504*	*£2,840,895*	*£12,041,399*
Secondary	*£12,607,838*	*£3,151,960*	*£15,759,798*
6th Form	*£3,873,977*	*£968,494*	*£4,842,471*
Years 7-13	*£16,481,815*	*£4,120,454*	*£20,602,269*
SEN	*£2,394,915*		
Total by medium	***£27,000,156***	***£7,290,808***	***£36,685,878***
Net pupil place developer contributions			***£36,685,878***

Proportionate contributions will also be required towards the costs of land, calculated in accordance with Building Bulletin 99. These land contributions, or financial contributions towards the costs of land, are sought where it would not be possible, or it is deemed inappropriate by the Council, to accommodate the additional demand for school places on an existing school site.*

- *A total land contribution towards primary school provision of 50,449m^2 is calculated pro rata to a 2FE primary school site, to accommodate the residual yield of 1,063 primary age pupils from the proposed development.*
- *A total land contribution of 76,158m^2 is calculated pro rata to a 1,500 place secondary school site, to accommodate the yield of 1,051 secondary and sixth form age pupils from the proposed development.*
- *The combined value of these parcels of land, which total 126607m^2, is estimated at £18,771,211 (@ £600,000 per acre)*

PROPORTIONATE LAND CONTRIBUTION		
Primary school calculated pro rata to mean 2FE unconfined primary school (1.99ha; 19,928m3)	*Proportionate land requirement*	*Calculated*
English-medium primary land requirement (m2)	*38547*	*£5,715,066*
Welsh-medium primary land requirement (m2)	*11902*	*£1,764,675*
Secondary school calculated pro rata to mean 1,500 place unconfined secondary school/ sixth form (9.825ha; 98,250m3)	*Proportionate land requirement*	*Calculate*
English-medium secondary/ sixth form land requirement (m2)	*60927*	*£9,033,176*
Welsh-medium secondary/ sixth form land requirement (m2)	*15232*	*£2,258,294*
Total land requirement	***£18,771,211***	

Contribution calculated for school sites: £18,771,211

Whilst this represents the calculated contribution in accordance with the SPG, the requested contribution is set out below in the context of discussions with the developer as part of a site master-planning approach.

4. Preferred Strategy

Primary schools and nursery classes

It is understood that, within the boundaries of the development site, sufficient land will be set aside to accommodate three primary schools to serve the needs arising from the development:

The Council's preferred strategy in respect of provision for primary education would therefore be as follows:

Primary school age pupils

The yield of up to 1,275 primary school age pupils to be accommodated as follows:

- *Part of the yield of pupils proposed to be accommodated in the surplus places off-site, i.e. 191 primary age pupils, and proportionate numbers of nursery age pupils, at the proposed school on the 14/02157/MJR site.*
- *The remaining 1,063 primary age places to be accommodated in three 2 Form Entry primary schools, each of the mean 2FE unconfined site size with on-site pitch provision (as set out in Building Bulletin 99) of 19,928m^2.*
- *Each would accommodate a yield of up to 420 primary age pupils and include 48FTE nursery places.*

The combined land requirement of these three 2 Form Entry primary school sites is 59,784m^2.

The Council requests that three school sites are provided in order that the preferred model of three primary schools, each of 2 Forms of Entry, may be operated. This ensures that school places are distributed appropriately throughout the site.

Whilst the calculated net yield of places amounts to c5.1 forms of entry, the masterplanning of the site to ensure a balance in the supply of and demand of places that are well located to serve each community would indicate that the provision of two sites (for a three form entry school and a two form entry school) would be poorly located inappropriate in the context of the wider development.

The Council's preferred option, in order to ensure that each of the three school sites is appropriately sized (19,928m^2) for a two form entry school with 48FTE nursery places (a combined land request of 59,784m^2 compared to the calculated requirement of 50,449m^2), is therefore to accept a secondary school site reduced by an equivalent area (by 9,335m^2).

The Council also requests that financial contributions are apportioned similarly; i.e a reduced secondary school/ sixth form contribution to allow for 3 primary schools with nursery classes to be provided.

Phasing

As the Council is unable to accommodate the yield of pupils from the proposed development, it is requested that primary school sites and infrastructure are secured at early stages of each phase of the development. There is insufficient accommodation within nearby primary schools to accommodate additional pupils.

Consideration would be given to establishing each school on a phased basis; in the case of a 2 Form Entry school to be established in the first instance as a 1 Form Entry school, enlarging to a 2 Form Entry school at the appropriate time. Such matters would require further consideration by the Council prior to, during, and following the statutory consultation process that must be followed when school organisation proposals are brought forward and as such the Council cannot predetermine such a proposal. However, it may be necessary on the basis of design and cost to build a school in a single phase as a two Form Entry *school.*

Secondary
It is understood that, within the boundaries of the development site, a site has been set aside within the development to accommodate a secondary school to serve the needs arising from the development.

The required size of secondary school and sixth form site provided to meet only the needs arising from the 14/02733 development (i.e 1,163 places) calculated pro rata to a 1500 places school would be 76,158m^2.

However, as part of the master-planning approach, the secondary school on the North West Cardiff site is expected to accommodate the yield (re-assessed as 50 secondary/ sixth form pupils) from the adjacent site 14/02188.

The s106 agreement for the Pentrebane Road site includes contributions of £507,695 specifically set aside for the acquisition of 3,424m^2 on this site, to accommodate the yield from the Pentrebane Road site.

The size of secondary school site sufficient for the combined English-medium and Welsh-medium demand from the 14/02733 site and the 14/02188 site (accommodating a combined yield of 1,203 pupils) would be 79,582m^2, calculated pro-rata with the Building Bulletin 98 mean site size for a 1,500 place secondary school.

As outlined above, in order to ensure that each of the three school sites is appropriately sized (19,928m^2) for a two form entry school with 48FTE nursery places, whilst ensuring that developer contributions are justified to meet the needs arising from the development, the Council requests a secondary school site accordingly reduced by 9,335m^2 to 70,247m^2.

Financial contributions would be apportioned similarly; i.e a reduced secondary school/ sixth form contribution.

The Council's preferred strategy, in respect of provision for secondary and sixth form education, is therefore to request a single site contribution as follows:
- *the (English-medium and Welsh-medium) **land** contributions from 14/02733 and 14/02188 are combined, allowing for a single secondary school with sixth form of building a new secondary school on a site of 70,2471m^2.*
- *the **financial** contributions towards secondary education provision of £837,874 from 14/02188 would be combined with the £18,390,663 sought from 14/02733 towards building a new secondary school with sixth form.*
- *that the infrastructure to service the new school site is available at an early phase of the development in order that the school may be built at an early phase and is able to service the yield from the housing.*

For clarity, the combining of English-medium and Welsh medium land and financial contributions for a single site (and thus waiving a contribution towards *a separate school site off-site) would not be for the purpose of establishing dual-stream schools (i.e. both English-medium and Welsh-medium). The purpose of this request would be to acquire a site sufficiently large to accommodate a school of c1,203 places, to meet the yield both from the proposed housing developments and to enable a school to be accommodated that is sufficiently large to be more viable when compared to a small secondary school.*

Phasing

The surplus at entry to the English-medium secondary school sector in Year 7 is projected (based on pupils already in the primary school system) to fall to c5% by September 2018 and to be in deficit the following year; the surplus in each year group above thus being in deficit in the succeeding years as each cohort promotes. Based on there being no changes to secondary school provision beyond 2019 (as there are none formally planned nor approved) then the English-medium secondary sector would be full in each year group five years later (in September 2023) even if there was no yield of pupils from any new developments.

The surplus at entry to the Welsh-medium secondary school sector in Year 7 is projected (based on pupils already in the primary school system) to fall to c10% by September 2018 and to be in deficit the following year; the surplus in each year group above thus being in deficit in the succeeding years as each cohort promotes. Based on there being no changes to secondary school provision beyond 2019 (as there are none formally planned nor approved) then the English-medium secondary sector would be full in each year group five years later (in September 2024) even if there was no yield of pupils from any new developments.

Financial contributions towards the build of secondary school places requested may be combined with contributions that would be sought from other planning applications for other development sites and from Council and/ or other financial resources. Contributions sought would be phased according to house completions to ensure that school places are provided in a timely manner.

Consideration will be given by the Council to providing suitable accommodation to temporarily enlarge secondary schools and to review admission arrangements as appropriate to meet the yield from the proposed development.

Summary of request

The table below sets out the Council's valuation of the contributions calculated compared to the school and site suggested.

	Council request (calculated based on January 2017 SPG, to meet yield from 5970 dwellings)
Primary/ nursery – financial / building contribution	• *3 x 2FE primary schools each with 48FTE Nursery* *Value of £15,900,300*

Secondary / sixth form – financial / building contribution	*£18,390,663*
SEN financial contribution	*£2,394,915*
Primary/ nursery – land	*3 x 19,928m^2* *Total 59,784 m^2*
Secondary / sixth form - land	*1 x 70,247m^2* *(66,823m^2 funded by 14/02733; remaining 3424m^2 funded by contributions from 14/02188*
Valuation	***£55,457,090***
Primary – financial / building contribution	*(£13,688,695 calculated)* *£15,900,300 requested*
Secondary / sixth form – financial / building contribution	*(£20,602,269 calculated)* *£18,390,663 requested*
SEN financial contribution	*£2,394,915*
Places subtotal	***£36,685,878***
Primary – land	*£8,863,767** - 59,784 m^2*
Secondary / sixth form – land	*£9,907,392 – 66,823m^2* *(Excludes contribution from 14/02188 of £507,695)*
Land subtotal	***£18,771,159***
Total calculated value	***£55,457,090***

Note:
The developer contribution costs are calculated as set out in the January 2017 SPG
Primary land contribution calculations based on above site sizes
Secondary land contribution calculations pro rata to 1,500 place secondary school
Assumed land valuation of £600,000 per acre / £1,482,631 per hectare

5.6 **The Council's Ecologist**, in their initial comments, provides the following advice:

Assessment Methodology

- Generally supports the Ecological Impact Assessment Methodology, noting it confirms with IEEM 2006 guidance

Designated Sites - International Sites

- Notes there are no statutorily designated international nature conservation sites within 2 Km of this site, and advises they do not envisage any direct effect upon any international site designations. Notes there may be indirect effects and that he will undertake a Habitats Regulations Assessment in due course

Designated Sites - SSSIs

- Sites of Special Scientific Interest (SSSI) – Advises of the Council’s duty in respect of SSSIs under under Section 28 G of Schedule 9 of the

Countryside and Rights of Way Act 2000, namely, *'… to take reasonable steps, consistent with the proper exercise of the authority's functions, to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which the site is of special scientific interest.'*

- Notes the Ty Du Moor SSSI lies about 400m to the west of the application site and the two are connected hydrologically by the Nant Dowlais. The ES includes a Preliminary Hydroecological Appraisal (PHA) in respect of this connection. NRW will provide a view on whether this and any subsequent assessments are adequate, and notes we can also anticipate that they will comment on the adequacy of any proposed measures to mitigate any impact upon this SSSI arising from this application.
- The PHA invokes SuDS schemes in the north west of the application site in order to attenuate water quality and quantity prior to it entering the Nant Dowlais. There is an indication of a water feature at this point on the Masterplan, but but notes he see no further details, so we should take NRW's view as to whether this provision is likely to be adequate.

Designated Sites – Sites of Importance for Nature Conservation (SINC)

- Notes that where SINC habitat is to be lost, this loss should be compensated for by new planting / habitat management, in line with TAN 5 (para 5.5.3). Advises that the ES correctly identifies and describes the SINCs in and around the site, and the potential effects. Notes direct loss of SINC habitat has been avoided and is satisfied that detailed mitigation measures can be set out at in an Ecological Construction Method Statement (ECMS), in a Green Infrastructure Management Scheme (GIMS), and at the reserved matters stages. Notes that measures to protect the Nant Rhydlafar SINC will be picked up in measures to protect the Ty Du Moor SSSI, as any potential impacts on the SSSI will pass via that SINC. My observations on the Pentrebane Cottages Ponds SINC will be made in relation to Great Crested Newts, below.
- Advises that where access is proposed into the woodland SINCs such as Coed y Gof and Coed y Trenches, then this should be as sensitive as possible and supports the proposed measures in this respect. Provision of access into the woodland SINCs on development sites such as this is invoked in the Habitats Regulations Assessment of the Deposit Local Development Plan as a means of offsetting any potential impact upon the Cardiff Beech Woods SAC caused by increased recreation. Therefore advises that we should support any proposals to increase public access to these woodlands, provided it is sensitive, managed and offset by the measures referred to in Section G6.24.

European Protected Species (EPS)

- Notes that EPS have been recorded on this site so in accordance with Regulation 9(3) of the Conservation of Habitats and Species Regulations 2010 (as amended), Cardiff Council has a duty to have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of its functions, including the three requirements for a derogation license. (See Section 8.)

EPS – Dormice

- Accepts that the Dormouse survey was undertaken correctly, although advises it would have benefitted from the use of nest boxes instead of just tubes. As no evidence of Dormice was found during surveys for the present ES, nor during previous surveys at this site, confirms he is satisfied that the Dormouse population here is low or non-existent. Accepts that no specific mitigation measures are required at this stage of the planning process. The retention of woodlands on site, together with wider measures to maintain connectivity and reduce fragmentation will also benefit any Dormice which might be present, or which may colonise the site in future. As part of the ECMS or the GIMS, advises he will ask for precautionary mitigation measures to avoid harm to any individual Dormice which may be present, such as clearing above-ground vegetation in winter when the animals are in hibernation, and removal of stumps and roots in spring, when the dormice have made their way to remaining woodland/hedgerows.

EPS - Bats

- Accepts the methodology and results of the bat surveys, and subject to his comments below, is satisfied that bat flight surveys, building inspections and tree inspections were carried our appropriately. Raises concern that the impact of the scheme has not been fully assessed, noting the assessment focuses heavily on the immediate elements of legal protection afforded to bats (i.e. their roosts) but not enough on the wider impacts of the proposal upon bats as a whole. Notes, for example, that foraging areas and commuting routes may not enjoy strict legal protection, but their loss may adversely affect the wider Favourable Conservation Status of bats. Therefore the ES should set out in more detail what these losses will be and how that loss will be mitigated, such that as a planning authority we are able to properly assess the overall impact of the scheme.

EPS - Bats - Tree Roosts

- The survey of trees for roosting potential focuses upon mature trees, as these generally are more likely to support features that can be used by bats. Queries what definition of ‘mature trees’ is used, noting that younger trees can also support bat roosts and raising concern that potential roosting opportunities may have been missed if only very old trees were surveyed. Notes that it is likely that potential roosting opportunities were searched for in younger trees during this survey, but the ES should confirm this, as well as confirming the definition of ‘mature trees’ used, and whether all potential roosting features were reported, regardless of a subjective assessment of maturity. Notes that all trees in the high and medium categories of bat roost potential, and which are considered at risk of impacts based on the GI Parameter Plan, should have been subject to aerial climbing inspections, not just those immediately affected by the main access routes. Notes that this would enable the Council to assess the overall impact upon bats at a strategic level, rather than looking in a piecemeal way at those elements of the proposal which are at full or reserved matters application stage. Asks that further surveys are undertaken. Welcomes the undertaking in G5.42 to conduct climbing inspections of trees in the low category of bat roost potential, prior to felling or other arboricultural works.
- Notes that the Illustrative Sketch Principles for Community Woodland in the Revised DAS shows a large central hub in Coed y Gof. Advises that the removal of trees to accommodate such a clearing would need to be preceded by climbing surveys to assess the impact upon bats.

EPS - Bats - Roost in Buildings

- Notes that a number of buildings on and near the site were shown to support bats, and that bat roosts are protected by law. Raises concern that no details are given as to the type of roost present and that there is no assessment of the potential for buildings to be used as hibernation roosts. Whilst recognising that it may be difficult to survey for hibernating bats, notes these hibernation roosts are a crucial element of bats' life cycle and requests an assessment of the buildings to support hibernation roosts. Notes that he can not find a no date for the building inspections, so does not know if they were carried out in winter.
- Notes that one building which was categorised as having low potential for bats at the internal inspection, was found to have bats re-entering at dawn during the subsequent emergence/re-entry surveys. Raises concern that other buildings assessed as low potential may also support bats. Confirms that he does not require a re-survey at this stage, but notes that any eventual mitigation strategy should include a contingency, which reflects the potential, albeit low, that bats may be present in buildings previously assessed as of low priority.
- Notes that there is no real assessment of the impact of the proposed scheme upon bats roosting in buildings, noting that the ES simply refers to a future need to obtain EPS derogation licences and for 'appropriate strategy' to be 'devised and agreed'. The applicant should be reminded that in determining the planning application, Cardiff Council must consider the three tests used to determine EPS licences, as set out above, and must be satisfied that there will be no detriment to the Favourable Conservation Status of any bat species. Confirms that more information is required on the likely impact upon bats roosting in buildings and on any mitigation proposed, with particular attention paid to the apparent Lesser Horseshoe Bat roost(s) at Maes y Llech Farm.

EPS - Bats - Foraging and Commuting

- Notes that there is no overall assessment of the most important foraging and commuting routes with the site and between the site and the surrounding countryside. For example, there are a number of Lesser Horseshoe Bat passes detected by Anabats along the western edge of the site, there is a Lesser Horseshoe Bat roost at St Fagans Museum to the south and Lesser Horseshoe Bat droppings found at Maes y Llech Farm in the north east. Therefore for this and other species the ES should set out what are the important flight lines, what will the impact of the proposals upon them be and how can any effect be mitigated.

EPS - Bats - Mitigation

- The proposed mitigation relies heavily on the inherent mitigation arising from retention of the majority of the woodland blocks and certain areas of grassland on the site. Whilst welcomed, raises concern that the lack of connectivity between woodland blocks may compromise the benefit of this form of mitigation. In particular, the connection between Coed y Trenches and Halfwrt consists of a 30m wide 'hop-over' which itself is bisected by a road. Similarly, Coedbychan is connected to Coed y Gof and Waterhall by a very tenuous network of retained hedges. These connections may be suitable for only the most light-tolerant of species, and do not represent adequate robust functional habitat connectivity for the full range of bats found on the site.

EPS - Great Crested Newts (GCN)

- Accepts the methodology and results of the GCN survey, but advises that the assessment of impact upon this species and mitigation is not adequate. For example, section G5.50 of the ES suggests that one of the Pentrebane Cottages ponds may be lost to undergrounding of the overhead power lines. However, not enough details are provided to allow it to be certain that this will not affect the Favourable Conservation Status (FCS) of this species locally. FCS is taken to comprise four elements including range, habitat availability, population dynamics and future prospects. If a pond is to be lost then it must be replaced by at least one new pond so that habitat availability is not reduced. That or those compensatory ponds must be within dispersal range of the remaining Pentrebane Cottages pond, because pond clusters are crucial to maintaining the metapopulation dynamics and future prospects of this species. However, no details are given of how or here replacement pond(s) will be provided, other than reference to translocation to '*suitable receptor sites'* .
- Advises, therefore, in respect of GCN breeding ponds the Council does not have enough information to be sure that the FCS of this species will be maintained throughout this scheme, and therefore cannot discharge our duty under Regulation 9(3) of the Habitats Regulations as set out above. This information must be forthcoming at the outline planning application stage; it cannot be the subject of a planning condition or left until the reserved matters stage of the planning process.
- Advises that suitable terrestrial habitat is an essential component of this species' habitat. Whilst it is generally not possible to accurately map the terrestrial habitat usage, notes that normally the vast majority of newts are found within 500 metres of their breeding pond, though in exceptional cases they have been known to move more than 1Km between ponds. Looking at the masterplan provided, accepts the assessment that a large area of potentially suitable terrestrial habitat would be lost to the proposed scheme. Sufficient terrestrial habitat must therefore be made available for retained, compensatory and enhancement ponds at this site. Advises that this is not the case and that we cannot conclude that FCS will be maintained in this respect.
- Notes that the ES states that rough, tussocky grassland will be created within open space provision to support GCN dispersal. Advises that he is not confident that it will be practicable to maintain this type of habitat as part of public amenity space, given other demands such as access and recreation. Secondly, advises that the GCN terrestrial habitat will be a component or subset of the open space provision. Given that GCN terrestrial habitat around the Pentrebane Cottages Ponds will already be substantially reduced by development according to the masterplan, we need to know what proportion of the remaining open space areas will be managed as GCN habitat.
- Contrary to the ES, does not accept that there is currently any meaningful connectivity between the populations detected on site (Pentrebane Cottages Ponds) and known off-site populations at St Fagans, Rhydlafar and Goitre-Fawr, all of which are over 1km away. Advises that this

presents an opportunity to enhance connectivity for this species in line with our duty under the NERC Act 2006. Indeed, NRW's comment on the allocation of this site in the LDP was that at least 5 new ponds should be required in order to provide this enhanced connectivity, and to maintain the future prospects of the GCN metapopulations in this area. The proposed creation of '*swales/attenuation features'* will not provide this new pond habitat as these features do not generally hold water long enough to allow successful GCN breeding. Therefore, details of newly-created ponds must be submitted.

- Advises that placing housing development so close to the Pentrebane Cottages ponds, as suggested by the Masterplan, is very likely to lead to harm to GCNs in the form of roadkill, predation, and getting trapped in gulley pots, for example. Therefore, in order to be sure that FCS is maintained for this species, we need to see details of measures to avoid these impacts, where possible. For example, permanent newt-proof fencing or at the very least, offset gulley pots or inset/dropped kerbs.
- Advises that the information required above must be forthcoming at the outline planning application stage; it cannot be the subject of a planning condition or left until the reserved matters stage of the planning process. Advises that, given the likely impacts upon retained GCN ponds as highlighted above, a more pragmatic solution may be to created a pond landscape running along the western edge of the site, connecting St Fagans with Rhydlafar, and translocating the GCN from the Pentrebane Cottage ponds into this area, accepting the loss of the original ponds.

Reptiles

- The reptile species which occur in Cardiff receive partial protection under the Wildlife and Countryside Act 1981 (as amended) and therefore as part of our duties under the NERC Act 2006 and others, we should ensure that mitigation of any impact upon these species is in place. Advises that he has a number of concerns about the methodology used to survey for reptiles (relating the use of refugia as the sole technique, the use of roofing felt as refugia rather than a range of materials, the survey period and no of surveys), and these concerns reduce the confidence that he has in the results of the survey. That being said, advises he is satisfied that the correct areas within the site were surveyed.
- In terms of the results of the survey, advises it is unlikely that Grass Snakes do not occur on this site, and there is potential for Common Lizards as well, though less so for Adders. Furthermore, notes the survey is likely to have underestimated the population of Slow-worms present, though accepts the comment that there will be an assumption that the site supports a 'large' Slow-worm population. Also accepts the statement in reptiles as a group are scoped-in as a valued ecological receptor. Advises that any mitigation measures proposed should anticipate, and be appropriate for, other reptile species as well as Slow-worms. In this respect it should be noted that whilst some habitats may support all four common reptile species, certain habitats may not. This being the case, supports the mitigation measures proposed on the understanding that: Ecological Protection Zones should include areas where reptiles were not found but which may be suitable for e.g. Grass Snakes and Common Lizards, at the reserved matters stage all reptile surveys will have to be repeated using a more appropriate

methodology, and ‘suitable receptor habitat’ includes habitat suitable for all species which may be present.

- Badgers - Welcomes the statement that whilst badgers have been scoped out of the assessment, their potential colonisation of the site should be monitored throughout development. Retention of woodlands on site, together with measures to secure habitat connectivity as set out in my ‘Connectivity’ comments below, should provide adequate mitigation of any future impact.

Birds

- Notes Cardiff Council has a duty in relation to wild birds following the 2012 amendment to the Habitats Regulations, including the requirement to take steps as we consider appropriate to: secure the *preservation, maintenance and re-establishment of a sufficient diversity and area of habitat for wild birds* so far as lies within our powers, to contribute to the achievement of the *preservation, maintenance and re-establishment of a sufficient diversity and area of habitat for wild birds, and to* use all reasonable endeavours to avoid any pollution or deterioration of habitats of wild birds.
- Advises that provided the suggested improvements to habitat connectivity are implemented, then along with retention of woodland habitats, advises that we have complied with the above regulations in relation to this planning application. Advises that, at a detailed design stage, he would also invoke this duty to implement the TCPA’s guidance on integrating bird nesting opportunities into new buildings.
- Recommends a condition to protect to protect nesting birds, noting that this does not mean that no vegetation clearance can take place in this period; if a consultant ecologist can evidence that there are no birds nesting in this vegetation immediately (48 hrs) before clearance, then we would normally advise that it can be cleared.

Species and Habitats of Principal Importance (Section 42 List Species)

- Section 42(1) of the Natural Environment and Rural Communities (NERC) Act 2006 requires that The National Assembly for Wales must, as respects Wales, publish a list of the living organisms and types of habitat which in the Assembly's opinion are of principal importance for the purpose of conserving biodiversity. The species and habitats on this list may be taken to be the focus of Cardiff Council’s duty under Section 40(1) of the same Act. Section 40(1) states that ‘*Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity’*, and Section 40(3) advises that *‘Conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat’*. Notes that this duty applies to the exercise of all of Cardiff Council’s functions, including land-use planning. Advises that it would clearly be unreasonable to require the planning applicant in cases such as this to survey for all species and habitats on the Section 42 list that might be found within the immediate area of that application. Correspondingly, it would be impossible for Cardiff Council accurately to assess the impacts of the proposed scheme upon all of those habitats and species. Advises that, instead, it can be assumed that a large area of semi-natural habitat will be lost to the proposed development, and that Section 42 habitats and species other than those considered in detail in the ES, are likely to be affected.

This is tolerable, provided there remains sufficient habitat connectivity through the proposed development site to allow the normal movement, dispersal, migration, foraging and adaptation to climate change of any Section 42 species which may be present, in relation to which his comments on connectivity are relevant.

Masterplanning Framework

- Advises that the Illustrative Masterplan submitted with this application does not address the Masterplanning Principles as set out in the adopted Cardiff Local Development Plan Masterplanning Framework November 2014, in respect of green infrastructure. Notes that this is the case with regards 'connected strategic green open spaces'. Notes that two ‘Proposed Connected Strategic Green Open Spaces’, one of which follows the line of woodlands from Waterhall to Coed y Trenches, and the second in the St Fagans/Coedbychan area and joins the first at Coed y Gof are not adequately reflected in the Masterplan. Notes the Northwest/Southeast connectivity is broken by development in between Coed y Trenches and Halfwrt, save for a 30 metre-wide, which itself is intersected by a road. Secondly, the connections from the south and south east are represented by a very tenuous network of green infrastructure which in his view is unlikely to be able to deliver the range of functions, including habitat connectivity, set out in the above diagram and the Masterplanning General Principles.
- Advises that any green infrastructure should be substantial enough to support a range of elements, including access, biodiversity, recreation, sustainable drainage, play and climate change mitigation/adaptation, without compromising any of those elements. However, there may be parts of the green infrastructure on the site wherein some elements assume a greater priority.

Connectivity

- Notes there are a range of national and international policy initiatives which promote habitat connectivity and the reduction of habitat fragmentation. Advises that there is a lack of habitat connectivity this proposed development site. This will result in fragmentation of any northwest to southeast, and the southwest to north, green infrastructure which remains following development.
- Advises that the importance of these areas for connectivity is not limited to that which can be demonstrated at the time of the ES surveys, and that he is more concerned about the importance that this connectivity will assume once the site is built out. Advises that it is reasonable to suggest that the existing greenfield habitat is more permeable for a range of species than a built environment will eventually be, and that the remaining or created habitat connectivity is likely to assume greater strategic importance following development, than is presently the case.
- Advises that a better solution than that proposed in the submitted Masterplan would be to retain at least one of the fields separating Coed y Trenches and Halfwrt as semi-natural habitat, perhaps with some additional tree planting, and to create (or retain and enhance) a much more substantial link between Coedbychan and Waterhall.

Pollinators

- Advises that, in accordance with the Pollinator Action Plan for Wales, every effort should be made to allow wildflowers to develop on roadside verges, parks, attenuation basins, and any other greenspaces. The design of these areas should allow wherever possible for access for ‘cut and lift’ machinery, as cutting wildflower areas at an appropriate time of year, and removing the arisings, can be important in maintaining these areas.

Enhancements

- Advises that the proposal entails loss of ‘Greenfield habitat’, which constitutes foraging habitat for birds and bats, among others. Whilst opportunities to compensate directly for this loss of foraging habitat are limited, notes that there are nonetheless opportunities for indirect compensation for the wider impact upon these species. Specifically, nesting/roosting opportunities should be built in to new build, in accordance with the advice given in the TCPA’s ‘*Biodiversity Positive: Eco-towns Biodiversity Worksheet 2009’*, and in the Bat Conservation Trust’s ‘*Biodiversity for Low and Zero Carbon Buildings: A Technical Guide for New Build 2010’.*

Data ‘Shelf-life’

- Notes that, as a general principle, survey work which is more than 2 years old will be regarded with caution, as certain species may colonise or leave an area in the interim period. This is particularly the case with mobile species such as bats, and bat surveys greater than 2 years old will have to be repeated. We should attach a planning condition requiring pre-commencement surveys for certain species, as set out in BS42020 – The Biodiversity British Standard.

5.7 In response to the amended submission, the Council’s Ecologist provides the following summarised comments:

Green Infrastructure Parameter Plan

- Advises that the 30 metre-wide linear connection between Halfwrt and Coed y Trenches is still too narrow, and is not reflective of the Schematic Framework for this part of Strategic Site C, as set out in policy KP2(C) of the adopted LDP. Whilst noting that this is a Schematic Framework and not a scale drawing, it nonetheless depicts a substantial swathe of open space between these two woodlands, which should be reflected in the Parameter Plans. Notes that the strategic importance of this connection is also depicted in the city-wide Masterplanning Framework, reproduced as Figure 5 on page 13 of the October 2016 GI Strategy for this application. Notes that this connection assumes more importance given that the link between Halfwrt and the Former Llantrisant No 1 Branch line is severed by the Local Centre, as is the Former Branch Line itself.
- Notes that he has highlighted the importance of ecological connectivity and the avoidance of habitat fragmentation in their previous response. Notes that, whilst the present application was submitted prior to both the Wellbeing of Future Generations Act 2015, and the Environment (Wales) Act 2016, subsequent reserved matters applications will have to be determined in accordance with those Acts. Specifically, Cardiff Council as a Public Body now has a duty to seek to maintain and enhance biodiversity and in doing so promote the resilience of ecosystems, in the exercise of its functions, including its planning function. This resilience is expressed in

the form of the diversity, extent, connectivity, condition and adaptability of ecosystems. This means that we should be looking for subsequent applications to assess the impact upon ecosystems and to put forward measures to maintain ecosystem resilience.

- Notes that the Green Infrastructure Strategy for the present outline application should not compromise our ability to deliver our biodiversity and resilience of ecosystems duty at the Reserved Matters stage. Notes that it is important that the connectivity element of ecological resilience is adequately reflected in that Strategy.
- Notes that a number of ecological 'hop-overs' are provided elsewhere on the site but that additional hop-overs should be provided where the eastern access road intersects eastern 'limb' of GI connectivity, and between Coed y Gof and the Former Llantrisant Branch Line.

Sites of Special Scientific Interest (SSSI)

- Advises that the conditions proposed by NRW, if attached and implemented, should ensure that the features of Ty Du Moors SSSI are conserved during this development.

European Protected Species (EPS)

- In relation to bats and to Great Crested Newts, NRW have advised that on the basis of the information submitted to date, they would not be likely to issue EPS licences where necessary for the works proposed. Therefore, in accordance with caselaw associated with the Conservation of Habitats and Species Regulations 2010 (as amended), and with section 5.5.12 of Planning Policy Wales, we should not grant consent until NRW can confirm that the required licences would be likely to be issued. To do otherwise would risk granting consent for a development which could not proceed legally because NRW would not grant a licence.
- Notes that it may be the case that GI Parameter Plans have to be further amended in order to accommodate mitigation measures which arise from this further information.

Reptiles

- Advises he welcome the undertaking to provide a Reptile Mitigation Strategy as set out in the ES Addendum. As part of this strategy I will be looking to be assured that sufficient extent and quality of habitat will be available for reptiles such that their populations are maintained or enhanced. The applicant should satisfy themselves that there is sufficient scope within the Green Infrastructure Parameter Plans to accommodate this extent and quality of habitat.
- Notes that NRW have raised concerns regarding the impact upon reptiles (specifically Slow-worms) in an informal communication from Dr Liz Howe, NRW's Species Team Leader and Herpetologist. Whilst hoping he has addressed Liz's concerns, notes that it remains the case that due to the size of this development, the potential for significant impact upon reptiles is high, so all parties should be satisfied that the Reptile Mitigation Strategy is appropriately robust.

Pollinators and Enhancements

- The Ecologist's previous advice is repeated.

5.8 The Council's Ecologist has undertaken a Habitats Regulations Assessment (HRA) for the site. (This is available to view on the Council's website.) HRA is a requirement of the Habitats Regulations as set out in the Conservation of Habitats and Species Regulations 2010 (as amended). A screening assessment was made of the likelihood of significant impact of the proposed development on eight international sites in and around Cardiff, namely Cardiff Beech Woods SAC, Severn Estuary SAC, SPA, Ramsar Site, the River Usk SAC, the River Wye SAC, Blackmill Woodlands SAC and Aberbargoed Grasslands SAC. Those elements of the proposed development which were judged to have the potential to affect some or all of these sites were aerial pollution (from transport, housing and industry), discharge of sewerage effluent to sea, and water demand (from the Rivers Usk and Wye). Following this screening assessment, none of these were considered likely to have a significant effect on any of the international sites either alone or in combination with other plans, projects or programmes.

5.9 The Council's **Tree Officer** provides the following comments in respect of the loss of and harm to trees, woodlands and hedgerows arising from the initial submission:

- *A total of 829 'items' comprising individual trees, groups of trees, woodlands and hedgerows have been assessed by EDP as part of their arboricultural report, of which 243 will be lost, breached or reduced in size as a consequence of development and 586 unaffected, subject to appropriate protection and consideration as part of detailed layout design.*
- *The breakdown in terms of quality is as follows: -*
    - *26 of 126 'A' (high quality and value) items will be lost, breached or reduced in size.*
    - *110 of 391 'B' (moderate quality and value) items will be lost, breached or reduced in size.*
    - *107 of 312 'C' (low quality and value) items will be lost, breached or reduced in size.*
- *A further breakdown can be given as follows:*
    - *178 items are lost, breached or reduced in size to accommodate the proposed land uses and comprise 15 'A', 62 'B' and 84 'C' category items.*
    - *38 items are breached or reduced in size to accommodate the highway corridor route zone, with allowance given for a breach in each item to accommodate one highway corridor of no greater than 20m width. The affected features comprise 6 'A', 21 'B' and 11 'C' category items.*
    - *7 items are breached or reduced in size to accommodate the primary access routes, with allowance given for a break in each item to incorporate one highway corridor of no greater than 20m. The affected features comprise 5 'B' and 2 'C' category items.*
    - *3 items are lost, breached or reduced in size to accommodate school land and comprise 2 'B' and 1 'C' category items.*
    - *39 items are breached or reduced in size to accommodate secondary access routes with allowance given for a break in each item to accommodate one highway corridor of no greater than 12m width. The affected features comprise 1 'A', 22 'B' and 15 'C' category items.*
    - *items are breached or reduced in size to accommodate formal sports provision and comprise 3 'B' and 3 'C' category items.*

  - *10 items are breached or reduced in size to accommodate the Rapid Transit Corridor comprising a loss of 17 hectares (4.2%) of the 'A' category ancient woodland W861 and 9 hectares (3.3%) of the 'A' category ancient woodland W860.*
- *4.3km (22%) of hedgerow cover will be lost, and importantly (though it is not specifically reported in the submitted documents), 4 'A' category items classified as veteran will be lost, comprising: -*
  - *Group G606 (map 15-field maple, ash) to accommodate residential/highway development.*
  - *T266 (map 12-ash) to accommodate commercial development.*
  - *T608 (map 16-ash) to accommodate residential development.*
  - *T660 (map 10-oak) to accommodate residential/highway development.*
- *The loss, breaching or reduction in size of 25 'A' category items, including veteran trees and ancient woodland, is a cause of significant concern and should be designed out of the scheme where possible. Retained veteran trees (8 items according to the submitted EDP Arboricultural Report) will require particular attention in terms of the layout design to ensure that above and below ground conditions around them are not altered in a way that is likely to result in harm to their health or structural integrity.*
- *The creation of highway corridors through woodlands, or a Rapid Transit Corridor bounding woodlands, is likely to result in more substantial losses than are reported, since trees previously sheltered by neighbouring trees will be exposed to winds they are not biomechanically adapted to deal with. Catastrophic wind-throw could result that impacts detrimentally on the overall integrity of the woodlands.*

5.10 The Council's Tree Officer provides the following comments in response to the amended submission (14/02/17):

- *Table EDP 4.2 reports that a total of 66 out of 24 'A' (high quality and value) and 107 'B' (moderate quality and value) arboricultural 'items' (trees, groups, woodlands, hedgerows) will be lost as a result of development, with the remainder 'affected' (breached or reduced in size) as a result of development. Included within this is the loss of 3.3% and 4.2% of the 'A' category ancient woodlands W860 and W861 respectively. Thus the development will have a significant impact on the existing arboricultural resource and I remain concerned that the extent of woodland loss will be greater than estimated, due to the potential for wind-throw and wind-snap where previously sheltered trees are exposed to form new woodland edges. A detailed, local scale assessment of the tree stock, soils, exposure, prevailing winds etc., would be required to come to an understanding regarding the likely impacts in this regard, and any additional felling required as a consequence. The irreplaceable, culturally and ecologically important 'veteran' 'A' category items T266, T608, T660 and G606, still require removal to accommodate development. Notwithstanding the constraint that such items place on development, I must OBJECT to their removal as a point of principle.*
- *'New' woodland edges should be designed as ecotones, to ensure structural integrity, minimise perceived nuisance problems and increase habitat diversity.*

- *Provision for new green infrastructure, linking with existing green infrastructure, looks to have improved in general terms, though there is now just a single, relatively narrow (approx. 30m) corridor of 'woodland' linking Coed Y Trenches with Halfwrt. Considering the need to avoid large species trees over-dominating residential development, a 30m width corridor will essentially comprise a central band of large species trees (e.g. oak), grading to woodland edge trees and herbaceous elements, over a 15m width from the centre point (i.e. two 'ecotones').*
- *My previous comments concerning woodland management (including ride and glade creation), remain pertinent, as do my comments concerning soils and landscaping. I think that a clear statement of intent is required regarding new landscaping, making clear that the following points of principle will be adhered to, in line with our emerging trees and development SPG: -*
    - *Finalised landscape design and specification will be informed by a Soil Resource Survey and Plan prepared in accordance with the 2009 DEFRA Code.*
    - *Wherever possible, new tree planting will be accommodated within generous areas of soft landscape, supported by companion shrub planting rather than amenity grass, and in the public realm, rather than in hard landscape (this does not preclude hard landscape tree planting, but planting in soft landscape should be the default position), or small front gardens.*
    - *The costing and design of tree planting will be focused on the provision of smaller numbers of larger growing, long-lived trees, rather than large numbers of smaller growing, short lived trees.*
    - *New tree planting will provide for minimum, target, root available soil volumes of 30m³ per individual, large-medium species tree, 20m³ per large-medium species tree planted as two or more in shared root available soil, 10m³ per individual, small species tree (approx. 6m height, 3m diameter spread after 25 years) and 5m³ per small species tree planted as two or more in shared root available soil.*
    - *Secondary rooting volume will be provided as necessary using products such as soil crates and Amsterdam tree sands.*
    - *Wherever possible, staggered, mixed species planting rather than gridiron, or linear, monocultural planting will be proposed, to minimise the risks of catastrophic pest and disease outbreaks, maximise visual amenity benefits, avoid wind tunnel effects, and maximise microclimatic benefits.*
    - *Tree planting will have a strong design rationale based on knowledge of soil characteristics, above and below ground space, wildlife value, ornamental qualities, tolerance of climatic extremes and threat of catastrophic pest and disease impact.*
    - *Tree planting will comprise a mixture of native and non-native trees, with native planting in 'semi-natural' areas and areas of ecological importance, and a mix of native and non-native trees elsewhere.*
    - *Tree planting will be designed at the same time as visibility splays and highway infrastructure, lighting, CCTV, drainage, service corridors and easements and residential layouts.*

- *I would not expect a detailed planting palette at this stage, but early consideration is required as it should inform detailed design.* The Tree Officer provides details of a provisional palette based on what grows well currently, the likely implications of climate change and pest and disease threats, soil survey data and the broad design parameters of development, but which is not repeated here. Reference to this advice is provided as an advisory notice.

5.11 In response to the original submission, **Parks Services** provide advice in respect of the amount, type and distribution of Public Open Space and provision for allotments. This advice is not set out here, given that the red line boundary area and SPG have changed, to the extent that the assessment of open space provided is out of date.

5.12 In response to the amended submission and reflecting the new Planning Obligations SPG, **Parks Services** provide the following updated advice:
<u>Projected Amounts</u>

- *Based on the figures given in the Planning Statement Addendum the projected number of units for the outline application is **5970**. Based on an average population of **2.33** (given absence of detailed house designs) this gives a projected population of **13,910** (the maximum projected figure in the Green Infrastructure Strategy p43 is around 18,000 but the **13,910** figure has been used in calculations). In terms of open space this equates to **33.8 ha** functional open space (based on 2.43ha/1000 population), of which **16.7 ha** would be formal recreation based on the standard of 1.2ha/1000 population. For an overall number of **7000** dwellings the open space requirement would be **39.6 ha**, with **19.6 ha** formal sporting provision.*
- *The open space figure above excludes land set aside for allotment provision, which based on 5970 dwellings would be **132 plots** (based on 40 plots per 1800 housing units), or for 7000 units **155 plots**. (*Members should note that the formula of 40 plots per 1800 housing units is contained within emerging the Green Infrastructure SPG that has not yet been subject to consultation and has not been approved.)

<u>Proposed Amounts</u>

- *The Planning Statement addendum provides a figure of 113.57ha of open space (although this contains significant areas of 'amenity' rather than functional open space) of which 21ha is formal recreational space. It is not clear how much functional open space is being provided but I am satisfied that both the overall amount of functional open space and the formal provision <u>meets the requirement.</u>*
- *Allotment plots proposed are 100. Therefore there is a <u>shortfall</u> and there are issues regarding projected plot sizes – see specific comments below. Therefore further discussions will be required as to whether provision should be increased and whether the sites are suitable.*

<u>Overall Comments</u>

- *Overall I welcome many of the revisions made, which have reflected discussions that have taken place. The Green Infrastructure document produced by EDP is particularly good and sets out a detailed approach to achieving good green infrastructure in the overall design. The challenge will* *be to ensure this is brought forward into the detailed design at the reserved matters stage.*

Formal Sporting Provision

- *The formal sports provision amounts to 21 hectares, which meets the required level of provision for 5970 units and 7000 units (the latter being important due to lack of formal provision on the other individual planning sites which form part of north west Cardiff development). Based on p65 of DAS this comprises 19.2ha sports pitches, with the remainder being made up of walking, biking trails and woodland facilities. Although the latter are not usually classified as formal sporting provision, given the areas of pitches and variety of opportunities to be provided this is acceptable.*
- *The extension of the southern area of formal recreation north to the other side of Pentrebane Road is of great benefit and achieves the larger area envisaged prior to the change in red line boundary. The land is also relatively shallow gradient, which will aid construction. Drainage on these areas will be of key importance and a drainage scheme will need to be produced at detailed design stage to achieve usable pitches.*
- *Given the above, the relatively small size of the second area north of Waterhall Park is less crucial and can be seen to accommodate a number of mini pitches, which are currently lacking.*
- *The third set of pitches north of the secondary school is also welcome (along with the connecting footpath along the edge of the woodland). Given the absence of changing facilities, these will probably benefit from being mini pitches, although over time demand can be monitored and provision revised accordingly.*
- *Changing rooms – adult pitches will require changing rooms. Given it is not possible to place these within the conservation area, the applicant needs to consider a location where these can be provided (possibly part of the Pentrebane Farm development, where services etc will be available). On the area north of Waterhall the mini pitches will not require changing rooms, but potential exists to use those already present or the Leisure Centre. There is also a potential issue with phasing, as phasing plan indicates first set of pitches could be phase 3 with changing rooms potentially in phase 5, leaving the area for a significant period without facilities.*
- *Planning condition "Applicant to provide details of location and amount of changing facilities".*
- *3G pitch – given the size of development, as discussed previously a 3G pitch would be expected to be delivered, probably either linked to the secondary school or leisure centre for purposes of infrastructure and monitoring. Given that the required amount of formal provision has been achieved construction of a 3G pitch should not be a requirement from the applicant but discussions with a range of parties should take place to identify the best location and potential methods of funding. Should the applicant seek to fund and construct a publicly accessible 3G pitch, a reduction in existing grass pitches (on a ratio of 2m2 of grass pitch to 1m2 3G) could be negotiated. The size of a 3G pitch required would be subject to discussion but recently developed pitches in Cardiff are 70m x 35m. Regardless of how a 3G pitch would be provided and funded, a couple of suitable sites should be identified at an early stage to ensure a 3G pitch could be developed in future. Use of the southern pitch area is not feasible*

due to lighting restrictions and any location would need to avoid impact on ecological features, such as dark corridors.

Planning condition "Applicant to provide details of potential locations for future provision of a 3G pitch and accompanying facilities".

Local Play Areas

- *The reduction to 3 local play areas is as discussed previously, and generally meets the 400m distance requirement when combined with the two larger play areas, and the ones proposed for North and South Llantrisant Road, Land South of Pentrebane Road, and Goitre Fach Farm.*
- *There are 2 exceptions to this :*
- *The area below the South Pentrebane Road site was originally designed to provide a play area. This would have achieved the 400m distance from all dwellings. However it would have served only a limited population and created too much duplication with the play area on phase 1, so omission is as agreed. It should be replaced by a space large enough to accommodate a well- drained grass kick-about area (minimum size 60 x 40m) along with additional space for informal play (which could potentially include an item of equipment such as swings). This area is indicated on the green infrastructure parameter plan and the size of this should be fixed (area shown is approximately 70 x 50m + ecotone); any potential to increase this size will add flexibility of use to the space. Houses should be orientated onto this open space.*
- *Planning condition "Applicant to provide minimum green space outside ecotone of 70 x 60m"*
- *The area to the far North West does of the site does lack play provision, but a new play area would have served only a limited population, so omission is as agreed. A new play area proposed next to the primary school is supported.*

Destination or Larger Play Areas

- *Having 2 larger play areas, combined with other facilities, including the teen areas, is supported and should provide a strong focal point, particularly for older children. These larger play areas will provide a much wider range of equipment than the small local play areas.*
- *Advice is provided to be attached as an advisory note*

Teen Facilities

- *Based on previous discussions a reduction from 3 teen facilities to 2 in the location shown are as agreed, particularly when combined with other opportunities across the site. Both sites provide a multi-functional space, which will have wider benefits eg connection to Coed y Gof Woodland trails. Use of the woodlands for active recreation, along with an open space north of Coed y Gof large enough to accommodate a kickabout area or other active recreation (p124 of DAS) adds to the teen provision.*

  Further information needed:
- *Type of provision - (eg MUGA, teen shelter, BMX, skateboard, fitness equipment, parkour) needs to be assessed at an early stage, taking into account existing provision at Waterhall Park. A variety of opportunities across the site need to be provided, and the presence of other informal spaces along with the teen areas gives an opportunity to do this, as outlined in the Green Infrastructure Strategy.*

- *Planning condition "provide assessment of existing facilities within 1500m of the site boundary and range of new facilities required to serve new population"*

Allotments

- *Based on 5970 dwellings allotment provision would be **132** plots (based on 40 plots per 1800 housing units), or for 7000 units **155** plots. The DAS p65 indicates that 140 allotment plots would be provided on site or off-site but the Planning Statement Addendum and DAS propose 100 plots across 3 sites, based on 20no. 25sq m plots, 40 no. 125sq m plots and 40 no. 62.5sq m plots, given as a shortfall of 32 plots based on 5970 dwellings, or 55 plots based on 7000 population – see earlier comments on sizes.*
- *Given that no allotments are being provided on North and South Llantrisant Road, South Pentrebane Road or Goitre Fach Farm, and an off-site contribution is being paid in lieu of these, from South Pentrebane Road and Goitre Fach Farm, a larger number of plots on-site or funding of off-site facilities is necessary.*
- *The previous design suggested 2 sites, one around Pentrebane Farm, the second adjacent to Maes y Lech Farm, both of which were supported by Parks, although further details on gradients, drainage and soil quality were required to ensure these were suitable sites.*
- *Dividing the allotments into 3 smaller sites could have design and operational issues – see attached info from draft TGN and other details on allotments*
- *Although previous advice was not available from the Council on plot sizes, these have now been discussed in detail and included in the draft Open Space Technical Guidance Note. Based on these discussions the draft requirements put forward are :*
    - *15 % full sized plots (250m2) for dedicated allotment holders spending significant time growing*
    - *75 % half sized plots (125m2) size preferred by most allotment holders for long term growing*
    - *10 % raised beds, 2 m wide with 1.5m path between – to provide accessible growing space*
- *There is some room for negotiation on these percentages, but these figures are based on many years of experience on successful allotment sites in Cardiff, and demands for plot sizes.*
- *Parks are happy to discuss the location, numbers, layouts, plots and other requirements further to find a solution, along with potential off-site contributions to improve Fairwater allotment site or develop another allotment on land off-site.*
- *A community orchard is also proposed within the open space to the north or south of Pentrebane Farm, which reflects the presence of a previous orchard within this area. This feature is welcomed.*
- *Planning condition "to achieve an agreed solution to allotment provision, an allotment strategy shall be submitted and approved prior to approval of any reserved matters".*

Information to be conditioned

- *Construction Environmental Management Plan (CEMP) containing Green Infrastructure Construction Protection Plan (including principles of not* *using proposed / existing open spaces and green infrastructure for site compounds, storage, parking etc for reasons outlined on North and South Llantrisant Road).*

- *Strategic Green Infrastructure Management Strategy*
- *Detailed Green Infrastructure Management Strategy*
- *More detailed phasing plan, allowing phasing of open space to be ascertained more clearly*

5.13 Further to the submission of their formal comments, Parks Services have advised that there should be a play area (LEAP) in the main phase 3 (south of the E-W disused railway line), that was omitted in error as part of the masterplanning discussions.

5.14 **Pollution Control (Contaminated Land)**, in response to the initial submission, has no objection, subject to recommended conditions -
(Ground Gas Assessment and Mitigation Measures, Land Contamination Risk Assessment, Submission of Remediation Scheme and Verification Plan, Undertaking of Remediation and Issue of Verification Report, Post Remediation Monitoring Requirements, Identification of Unsuspected Contamination, Imported Soil, Imported Aggregates) and advisory notices (Radon Gas Protection, Contamination and Unstable Land, Subsurface Voids).

5.15 In response to the amended submission, Pollution Control (Contaminated Land) advise that they have no further comments to make.

5.16 **Pollution Control (Air Quality)**, in their response to the initial submission, provide the following advice in respect of Air Quality:

(i) *I have considered the Chapters J and P of the 2014 Environmental Statement (Air Quality and “Residual and Cumulative”) submitted as part of the application documentation.*

(ii) *This application cannot just be considered in isolation, but must be considered with regard to its potential for cumulative impacts when combined with the Land at Llantrisant Rd and Land South of Pentrebane Road and sites D and E (South of Creigiau).*

(iii) *In general, I am in agreement with the Air Quality Chapter’s assessment of likely construction impacts and the developer should be encouraged to adopt the mitigation measures detailed to minimise the impact of this upon existing local residents and residents who take possession of the premises on the site before development is complete.*

(iv) *I am satisfied with regard to the methodology adopted for the residual impact of the proposed development upon local air quality. However, I have a number of reservations with regard to the specifics and assumptions that have been made with regard to road traffic emission inputs to the computer modelling:*

- *The “Cumulative and Residual” Chapter of the Environment Statement refers to the use of high density transport modes (cycling, walking, public transport) to reduce the potential cumulative road traffic impact of the development upon Llantrisant Road. Provision of viable facilities will need to precede, or proceed in tandem with, the development.*

- *The "Cumulative and Residual" Chapter of the Environment Statement refers to smoothing the traffic flow through the Llandaff AQMA. It is not stated how this will be achieved given the narrow nature of Cardiff Road through Llandaff and the flow-restriction imposed by the light-controlled junction at Fairwater Road.*
- *The "Cumulative and Residual" Chapter of the Environment Statement restates the Council's assessment that a 50:50 modal split with regard to passenger transport is essential to accommodate the additional peak-hour travel demand generated by the developments. That this will be achieved appears to have been assumed as part of the input to the air quality modelling. It would help inform and provide reassurance with regard to the sensitivity of local air quality if a range of modal splits were included in the modelling.*
- *It has been assumed that that traffic restrictions and demand management will successfully fetter vehicle flows through the Llandaff AQMA to current levels. It is stated that the Council's Network Demand Management Strategy will hold traffic queues outside of the Llandaff AQMA leading to a prospective air quality improvement. There are currently extensive east-bound queues on Llantrisant Road and Bridge Road during the morning peak, particularly in school term-time (39 weeks/year). How will additional restrictions affect this without causing air quality problems in, for example, Llandaff North (a.m. peak queues reach here already) and Danescourt/Fairwater?*
- *The "Cumulative and Residual" Chapter of the Environment Statement refers to traffic restrictions/gaiting at key points on the local road network which have yet to be agreed. There is therefore uncertainty as to the location and capacity of these traffic restrictions and has been no assessment as to the impact on air quality of potentially increased queuing in the immediate vicinity of these gaiting points. This is particularly relevant where there is residential accommodation nearby.*

(v) *The Environment Act 1990 places a statutory duty upon the Council to review and assess Air Quality in its area and to take action to address breaches of National Air Quality Standards where these occur. This development, together with the cumulative impact from the aforementioned two other developments, will place a significant additional burden upon the Council in terms of monitoring the impact of the developments both in the vicinity of the individual developments and wider afield, including within the Llandaff AQMA. This additional burden could be significant when considered over a number of years. I therefore recommend that the developer make a contribution under Section 106 towards the additional costs that the Council will incur and that this should amount to £29,850 in this case.*

5.17 In response to the amended submission, Pollution Control (Air Quality) advise they have reviewed and examined the ESA Vol 2 Technical Assessments and the updated conclusions from the original ES submitted in 2014 and note the revised site boundary and updated information in relation to vehicular traffic flows. They confirm they are satisfied by the approach used by the consultants to remain with the conclusions made from the original ES. They draw attention to the initial comments made and query whether those issues were considered by the consultants and the S106 request for a contribution towards air quality monitoring agreed or not.

5.18 **Pollution Control (Noise)**, in response to the initial submission:

- Advise they are in agreement with the ES assessment of likely construction impacts, noting the developer should be encouraged to adopted the mitigation measures to minimise impact on existing local residents and residents who take possession of the premises on the site before development is complete
- Advise they are largely in agreement with the noise categories the consultants have mapped detailing that the development largely follows Category B in TAN 11, but raise concerns that Position 1 identifies that it falls within Category C for TAN 11 and outside of the Criteria for outdoor living. Given this they advise that when the development reaches the detailed design stage, the specific noise issues will then have to be addressed for this area, and the areas where the proposed school, local amenities and other facilities are to be positioned
- Advise that modelling must be undertaken in respect of each phased development, taking into consideration site layout, orientation of residential accommodation, and suggest mitigation measures to be put in in place to ensure that the noise residents, (current and proposed) are exposed to, will not be adversely affected by road traffic noise or plant/industrial noise
- raise concerns that the development will evolve in stages and that, without the benefit of reserved matters details, they will need to be very strict with conditions. Conditions are recommended to control road traffic, railway noise and vibration, floodlighting, hours of operation, opening hours and delivery times, to prevent takeaway sales, and to require sound insulation and kitchen extraction. Advisory notices are recommended in respect of construction site noise, floodlighting hours of operation, illuminated advertisements, developments intended to be used as smoking areas, mobile phone base stations.

5.19 In response to the amended submission, Pollution Control:

- confirm they would wish to see phased reporting for the development, as previously requested, as the noise climate can change significantly throughout the duration of a project of this size, especially when comparing early phases to the later.
- note that such a phased approach is also justified given part of the site falls within TAN11 noise category C and given that detailed design and layout will play an important part in noise mitigation.
- confirm that the previously recommended conditions would be suitable, with the exception of an amendment to the recommended internal noise levels, namely, that for any daytime 16hr LAEQ, the internal design target shall be 35dBA and with reference to any night time 8hr LAEQ, the design target shall be 30dBA. (Older design targets have been quoted in earlier advice, being 40 and 35 respectively.)
- note that there are concerns over the area of the plan that are adjacent to Radyr farm. They note that application 07/1380w for a wind turbine at Radyr Farm is now built and that this permission is subject to a condition

attached to require the noise doesn’t exceed existing background noise level at any time by more than 5dBA.

- They raise concerns this application may hinder the farm in being able to comply with that condition. They note that façade treatment can be undertaken to the properties affected by the wind turbine, but advise that should windows be open in the summer months and the rear gardens used more frequently, there would be the strong possibility that the condition would be breached and possible nuisance action be required due to the loss of amenity of these areas. Based on the this, they advise that it would be best if this area of the application could have some site specific noise assessment undertaken to allow the incorporation of a buffer zone to be implemented to ensure that compliance with the existing planning consent for the turbine can be achieved and the amenity of the future occupiers be protected. This should be in conjunction with any other façade treatment measures that may be required to ensure internal noise levels are achieved. A condition to this effect is recommended.

5.20 **Waste Management** advise that it is clear from Chapter N of the ES that the developer has an understanding of the requirements of waste and recycling storage requirements as outlined within the SPG and note a financial contribution towards the provision of recycling and waste facilities and litterbins will be required.

5.21 Further to the amended submission, Waste Management provide updated costs of all bins on site (reproduced in Section 9) and confirm that they are happy with the recommended condition.

5.22 **The Council’s Flood Risk Team** provide the following advice in relation to the initial submission and objections received:

- The principles set out in the EIA summary are in accordance with best practice.
- The Applicant will need to undertake a Hydrological Impact Assessment (HIA) of the site and provide a more detailed drainage strategy, requiring the development to mimic existing greenfield conditions, with a detailed scope provided.
- The HIA needs to identify all watercourses as determined by Section 72 of the Land Drainage Act 1991 (which will include all small ditches that may not have a flow or are considered ephemeral during the site investigation) and how they may be impacted by the development. The HIA will need to take into account both watercourses on and off the site and how the development will not exacerbate flood risk; this is particularly important considering the comments made by The Welsh Museum of Life.
- A positive drainage system must be provided for all sports pitches.
- With respect to the objections raised in respect of flood risk, the Team advise the developer will need to satisfy the requirements of TAN 15, notably section 8.3, which details no exacerbation of surface water flood risk to and from the development. Through the use of sustainable drainage, the Council will look to seek betterment, where possible. To satisfy the requirements of TAN 15, the developer will need to follow the hierarchy for the discharge of surface water (infiltration, watercourse, public sewer) and

accommodate for storms up to the 1 in 100 year return period with 30% consideration for climate change. The additional information requested will determine what work needs to be undertaken to achieve the requirements of TAN 15 and planning policy. The implementation of a well-designed drainage scheme will take into account existing flood incidents, reported within the above objections, and would potentially be able to alleviate the observed flooding.

- The Team advise that the reported incidents affecting Herbert March Close are, to their knowledge, created by uncontrolled land drainage off the adjacent fields, which is noted to enter the public highway, overload the highway drains and spill into the fields adjacent to the properties. They advise that if the fields are developed for housing there should be no more such incidents as the land drainage will be managed by engineered drainage systems. They note that they will make the developer aware of the current conditions, not only to ensure that all is resolved when the development is complete, but also to confirm that there is no similar flooding during construction.
- With regard to the impact to ordinary watercourse, the City of Cardiff Council will not permit the stopping up of any watercourses. Any obstruction to the flow, in accordance with Section 23 of the Land Drainage Act 1991, will require ordinary watercourse consent that is determined with a statutory 2 month determination period and would only be considered where appropriate. The City of Cardiff Council has adopted an anti-culverting policy. The Council will not permit the building over of culverts and culverts will only be allowed for access purposes. Natural Resources Wales detail concerns regarding the maintenance of existing culverts; however, I can confirm that any culvert would be under riparian ownership, which would bring its own roles and responsibilities for maintenance. Should a particular culvert be situated off the development site, it would not be for the developer to maintain it. Where a watercourse is not maintained appropriately and where the City of Cardiff Council consider this lack of maintenance to be a flood risk, we have powers under the Land Drainage Act 1991, requiring the land owner to remedy the situation or serve notice for the council to undertake the works and recover the cost.

5.23 The Council’s Flood Risk Team has no objection and advise that the surface water drainage conditions used for 14/00852/DCO can apply. With regards construction drainage, they confirm that the contractor has proposed strict measures in order to manage run-off during construction and will be expected to adhere to these conditions. With regards further objections received in relation to flood risk and existing land drainage from fields, the Team advise that the drainage conditions should ensure that all surface water drainage on completion and during development of the adjoining sites is captured, directed, attenuated and drained in an appropriate manner so as not to detrimentally affect either the new development of the adjoining properties. In effect, by developing the land, the drainage problem will be managed by engineering.

5.24 The **PROW Team** provides detailed design advice in respect to the creation of a strong PROW network across the site. The following comments are provided in respect of the representation from Radyr Golf Course requesting the PROW be diverted: Any change to the Public Rights of Way would require a Diversion Order which could be objected to, and historically the Ramblers association have been very vociferous in any plans to divert footpaths away from golf courses, especially since the new route is rarely as commodious. In establishing a Public Right of Way on a golf course, the golf club owners have a landowners duty of care to protect users of Public Rights of Way. Any proposals to alter the existing line of Rights of Way is likely to bring severe objections.

5.25 In responding to the amended submission, the PROW Team advise that they agree with the parameter plans and provide the following advice:

- In principle, the PROW network of footpaths within the application are being retained and where the alignment of a path is being changed, the developer will be required to apply for diversions as appropriate.
- There are a series of new paths/bridleways which are being created within the application site which will require the developer to dedicate as PROWs.
- Future design of footpaths and bridleways - PROW would require segregation of users where there are horses, cyclists and walkers all expected to use the same path. Cyclists and walkers are able to share the space where appropriate width is provided, however, horses will require a separate path therefore consideration for adequate space will need to be given in certain areas.

5.26 The **Operational Manager Transportation** provides the following advice in respect of the amended submission:

(i) ***Transport Assessment and TA Addendum*** *- Dialogue has been on-going between the Councils Transport officers and the developer / agent for a number of months since the planning application was submitted in November 2014. The exchange included the meetings and discussions on the early Strategic Site C applications, Land North and South of Llantrisant Road and Land South of Pentrebane Road. The dialogue comprised technical discussions together with meetings that conveyed the Cardiff Council Masterplanning requirements for this site. The masterplan input by Cardiff Council ensured that the site provides and safeguards a network of routes that are considered to be required to provide a high level of sustainable transport connections.*

The development seeks to secure outline planning permission for the site with all matters reserved except for strategic access. Therefore, the access arrangements are being applied for as a detailed permission. The Highway Improvement Plans W141304_A01_J1 to J16 form the package of access junctions and site route improvements for proposed sustainable transport enhancements. The Council reviewed the submitted plans and identified amendments that would need to be secured by condition and subject to approval of detailed design under the s278 Agreement. This approach will allow sufficient flexibility to ensure that the junctions can be provided in accordance with masterplan aspirations.

The Council provided audit and commentary on the Transport Assessment submitted as part of Environmental Statement November 2014. The developer subsequently sought to address these issues through the application supporting documentation (Transport Assessment

Addendum October 2016);

Traffic Assessment (TA) – *In its current form, the site is not located close to any day-to-day facilities in terms of walking distance. However, the proposed scale of this strategic site will make provision for the majority of required day-to-day facilities through a District Centre and Local Centres, together with 4 schools.*

The assessments undertaken within the TA are reliant upon the conclusions of the Local Development Plan and the requirement for Cardiff to reduce car use as a mode of travel choice to enable further development to come forward. Cardiff Council requires strategic sites to mitigate the traffic impact of the development and provide improvements to the existing network to promote sustainable travel in order to succeed in its LDP aims.

The technical analysis which informs the forecast traffic impact has been based upon traffic surveys undertaken within July and within term time. Further information was requested from the developer to validate these surveys. The Council also undertook its own investigations.

The developer has submitted a fettered and unfettered traffic impact analysis. The fettered assessment is one that considers a constriction point on the local network that acts as a bottleneck. This point is then considered at its maximum operating level and a view taken that no further traffic will fit. The remaining traffic has been reported as changing mode, change to travel in route or time and ceasing to travel. However the impact of this is not considered on the wider network in detail. The unfettered approach was submitted as a worst-case scenario. However in considering the submitted analysis it is evident that the forecast trips are discounted to 50% car driver mode due to LDP targets. This is not considered to represent the maximum potential worst-case scenario and does not allow the Council to consider the effect of the development without mitigation; in fact the unfettered scenario has been partly fettered.

There has been no phased assessment of the impact of the development, the technical work assumes full build out at the end of the chosen study period.

The assumptions made to inform the traffic analyses include that where 90% of primary and 85% of secondary education trips will be internalised or undertaken with non-car transport. The basis of this is that both primary and secondary schools will be provided on site. There has been a 10% and 15% allowance made for parents transporting children to other schools. It is considered that the vehicular impact will be higher than this forecast. Our basis for suggesting that there will be more vehicular trips to schools than predicted, is that it would be below that achieved by any other schools in Cardiff. Whilst this site will provide sustainable travel measures from the onset, the low forecast vehicle use is over reaching without significant continual interventions.

It was also assumed that the local and district centre facilities will be ‘trip neutral’, thereby, internalised and not attracting external trips. This will be dependent on the range of facilities; it is likely that it will attract external residents given the current proposals. The range of uses, dependant on final schedule, could see pass by trips into the site as well as diverted trips, these could serve to cause impact at the site accesses and internal *junctions.*

Cumulative impact assessments have been carried out which consider the effects of strategic sites C, D and E and Rhondda Cynon Taff.

The access points into the site include the provision of traffic signal junctions designed appropriately to manage, and if required hold, traffic on the network.

The work which was submitted as part of the TA and the Addendum proposes a level of sustainable mitigation. These include public transport, walking and cycling networks and enhancement at junctions for these modes of travel. In terms of bus services the submission notes these amount to "a minimum of 4 separate bus services, providing a minimum of 21 bus services per hour in each direction".

In light of the issues identified above, the Council has undertaken its own supplementary technical assessments to more fully inform the likely wider impact upon the highway network. These assessments have informed a wider and more comprehensive package of required mitigation measures that help support the LDP targets for strategic sites. The mitigation measures include improvements to the existing network for public transport, walking and cycling and enhanced traffic management measures along Llantrisant Road and other known network constriction points.

The development will make an effective contribution towards delivery of the emerging North West Corridor Programme through the highway improvement works along Llantrisant Road, which are subject to condition.

Following successful s106 negotiation, the overall package of off-site highway works amount to circa £14 Million, including:

- *Bridge Road, 270m southbound bus lane and signalised junction with Llantrisant Rd;*
- *Cardiff Road, Upgrade of traffic signals at Fairwater Road;*
- *Cardiff Road, cycling and bus stop improvements Ely Rd and Fairwater Road;*
- *Disused Rail Line, Segregated Off Road Cycleway;*
- *Fairwater Road, 90m Southbound Bus Lane;*
- *Heol Isaf, Pedestrian and Cycle improvements;*
- *Llantrisant Road, Segregated Cycleway on southern side;*
- *St Fagans Road, 300m Eastbound bus lane and shared cycle footway;*
- *St Fagans Road Safety Improvements;*
- *Waun Gron Road, 100m westbound bus lane;*
- *Waun Gron Rd, Junction improvements on A48 Eastern Avenue;*
- *Amethyst Road, Cycle Street between Plasmawr Rd and Keyston Road;*
- *Cardiff Road, Northbound bus lane improvement at jn with Western Ave;*
- *East-West Primary Cycle route;*
- *Llantrisant Road, New Traffic Signals with Danescourt Road East;*
- *Llantrisant Road, New Traffic Signals with Danescourt Road West;*

- *Llantrisant Road, Shared cycleway footway between Danescourt Road junctions;*
- *Llantrisant Road, Shared cycleway footway between Waterhall Road and path to Heol Aradur;*
- *Pwllmelin Road and Fairwater Road, traffic calming and cycling improvements;*
- *Radyr Court Road, Traffic Calming of Cycle Route;*
- *Radyr Court Road, Pedestrian and cycling improvements including zebra crossing;*
- *Radyr Court Road, Upgrade cycle link to Llantrisant Road;*
- *Eastern Avenue to Ely Rdbt, southbound traffic pre-signals;*
- *Eastern Avenue / Ely Rd Junction east, toucan crossing;*
- *A48 to Waun Gron Rd, shared cycle footway on west side;*
- *Cardiff Road, Junction, pedestrian and traffic calming improvements on Palace Road.*

These two layers of mitigation working together are considered sufficient to mitigate concerns to allow this site to come forward for development.

(ii) <u>Proposed Site Accesses</u> – The scale of this development requires a number of access points. These are largely located on Llantrisant Road, although some limited opportunities for access will be provided from the south on Pentrebane Road and the west on Crofft Y Genau Road.

The eastern access point for the site has been agreed at Heol Isaf as part of the Land North and South of Llantrisant Road application. The Land South of Pentrebane Road application also permitted a site access to the early phase of development, which will change at the appropriate phase of the wider site to allow access north of Pentrebane Road across the development sites and closure of Pentrebane Road (to the west of the junction) to vehicular traffic to create a walking and cycling link, whilst creating a bus gate to the east of the junction.

The proposed access points to the remaining wider strategic site are:

- *Llantrisant Road, four arm signalised junction to replace the Close Parc Radyr roundabout;*
- *Llantrisant Road, four arm signalised junction west of Clos Parc;*
- *Signalised junction to replace the Crofft Y Genau Road junction;*
- *Signalised junction into the south of the site from Pentrebane Road;*
- *Modification of the priority junction access to Land South of Pentrebane Road, including a bus gate on the eastern side of the junction and walking and cycling access only to the west; and*
- *Priority junctions on Crofft Y Genau Road (three) into the west of the site.*

The package of highway measures submitted will include traffic management and sustainable travel enhancements. Where signalised junctions have been proposed, on Llantrisant Road, additional infrastructure has been requested to prioritise public transport and facilitate walking and cycling. These signal junction designs will be informed by the network management team and will provide essential traffic control points for general traffic.

Where traffic signals are not intended to manage traffic, other measures have been proposed. On Pentrebane Road the closure of a section of the *western route will prevent traffic accessing Croft Y Genau. Additionally, a bus gate to the immediate east of the development access of Land South of Pentrebane Road will limit the traffic impact of the site on the local route. The remaining length of Pentrebane Road west of the access to Land South of Pentrebane Road will be treated with cycle lane improvements. Crofft Y Genau Road will be subject to driving restrictions to minimise through traffic. Enforced controls will be put in place to manage a peak hours directional control, northbound in the AM and southbound in the PM to ensure minimal impact to St Fagans.*

The following amendments are required to expand the submitted detailed highway layout plans to full engineering details, with the junction-specific conditions including details of further amendment required:

- *Reduction in speed limit to 30mph on Llantrisant Road and on Croft Y Genau Road to be indicated on submitted layout plan, including extent together with appropriate signage;*
- *CCTV camera infrastructure at junctions and between junctions;*
- *Accessible and safely located maintenance bays for equipment, including signals;*
- *Appropriate and accessible locations for cabinets;*
- *Provision of fibre infrastructure along the length of the site frontage (to Crofft Y Genau Road);*
- *Bus lane enforcement ANPR infrastructure;*
- *Detection loops;*
- *Incorporation of UTC, SCOOT MOVA, following discussions and agreements with Cardiff Council;*
- *Street lighting design to be completed in conjunction with the landscaping proposals to avoid abortive work. Street lighting to be provided linked to a Central Management System to allow phased dimming of lighting;*
- *Variable Message Sign (VMS) on Llantrisant Road and associated infrastructure to provide network information to users of the north west corridor;*
- *Clear and uncongested access to crossings and push buttons for all users;*
- *The locations of the two bus stops on Llantrisant Road near Heol Isaf to be located in locations agreed with Cardiff Council. The location of bus stops within the footway should not reduce the effective useable footway width. Sufficient width will be designed in, utilising local widening around bus stop infrastructure; and*
- *Bus stop facilities will need to be provided to Cardiff Council specifications including, but not limited to, bus boarders, shelters, lighting and bus service information.*

(iii) *Llantrisant Road – Llantrisant Road will be subject to the agreed treatment developed by the Council for this corridor. Provision will be made for 2.0 metre wide footways and 3.0 metre wide segregated cycle ways along the frontage of the site on Llantrisant Road, through the submitted information and the an additional condition relating to frontage east and west of Rhydlafar Farm. The carriageway will be provided at a width of 6.3 metres and supplemented in sections along this development corridor with city*

bound bus lanes of 3m width. Toucan crossings will be provided at the signalised site accesses with additional crossings in between junctions, where required.

(iv) <u>*Public Transport*</u> *- Public transport improvements include the provision of new bus stops on Llantrisant Road for travel in each direction. There will also be bus stops provided within the site at appropriate locations that will be determined through the reserved matters process. These services will link with the Local and Districts Centres within the site, in addition to providing both standard stopping and express type services beyond the site.*

There are developer proposed bus service enhancements of a minimum of 4 separate bus services operating at a minimum frequency of 21 services per hour in each direction.

The Council has undertaken its own assessments to inform the number of bus services that will be required. It should be noted there are likely to be a number of new services over and above those to be provided by the developer; which will be secured thorough the S106 and amount to £6.3m, to be provided in 3 phases over the life the development.

(v) <u>*Sustainable Transport Commitments*</u> *- As mentioned previously, the site is not currently located within walking distance of local facilities. However, the development will provide integral local community facilities to internalise trips for daily requirements. These facilities will be provided with a District and 3 Local Centres, strategically located and accessible by sustainable modes of transport.*

The Interim Travel Plan included within the submission relates to the site as a whole and at a high level. Full Travel Plans will be required to be provided for the employment, residential, retail and community (where appropriate) and school land uses, these will all be covered by appropriate conditions. The Interim Travel Plan, November 2014, set out potential measures over that which are proposed as part of the new junction arrangements and the Llantrisant Road corridor improvements. The measures include:

- *Transport Planning Co-ordinator to be provided continuously for a minimum of 10 years at the developer's expenses. Following this period, the skills will be shared and passed onto local community members;*
- *First initial Travel Plan Survey / Baseline Survey to be undertaken within 3 months of 'meaningful' occupation;*
- *Travel surveys to include: Bus patronage; Levels of parking (car and cycle); and Comments received from people relating to the operation and implications of the Travel Plan;*
- *Monitoring strategy including surveys of bus patronage, levels of car and cycle parking and comments on the Travel Plan operation and implications;*
- *Personalised Travel Planning;*
- *Free or discount travel for a trial period on local bus services, this has been set out for the first year of occupation;*
- *Cycle training;*
- *School travel measures, walking cycling and scooting; and*
- *A cycle voucher to be used towards bike purchase.*

In line with commitments from other strategic sites the Council will require the following:

- *Annual household travel surveys. Surveys to be undertaken for 10 years (potentially longer given the prolonged build out of this site, see below) and formal commitment to achieve a 70% response rate on household travel surveys;*
- *Commitment to a travel survey of the local community, within 6 months of first occupation. The details will need to be agreed prior to implementation of the surveys; and*
- *A Travel Plan reserve fund for 'fighting' failures or shortcomings through the monitoring period, this will need an amount secured for the purposes of the S106 to be held for appropriate intervention measures.*

Specifically for this site, the Council also request:

- *Annual household travel surveys and Travel Plan Co-ordinator to be provided for full buildout plus five years after final occupation;*
- *Monitoring of traffic including full turning movements, by all modes, at the site access junctions, with annual reporting. This will also be informed by the modal split and travel choice monitoring data gathered as part of the above measures.*

(vi) <u>Access Junction Monitoring</u> – A condition will require the submission of a traffic monitoring strategy which sets out an acceptable methodology to record data. The developer will record full turning movements by mode of transport at the site accesses at agreed survey times and durations. The survey results will be submitted annually to allow full monitoring of the impact of the proposals.

(vii) <u>Independent Audit</u> – An independent audit has been undertaken of the TA and included within the TA Appendices. The audit did not raise any issues for further analyses.

(viii) <u>Pedestrian and Cycle Improvements within the site</u> - Within the site, although subject to a reserved matters application, the main pedestrian and cycle routes are secured via the Council informed masterplan and parameter plans. These specify the required road hierarchy and will ensure that legible routes are provided within the layout.

The spine routes through the site will be provided in accordance with those principles which have been established for all of the major strategic sites, i.e. minimum of a 6.3 metre carriageway, minimum 3.0 metre segregated cycle route along one side the carriageway and 2.0 metre footways on both sides. There has also been consideration given in the spine routes for potential rapid transit on road running and bus priority infrastructure measures. This arrangement is accepted in principle by officers, although further detailed plans will be required in order to demonstrate how the spine road routes will connect within the strategic site network, including details relating to how the segregated cycle ways will interface with junctions and bus stop facilities along the length of the routes. This will be secured by way of a condition;

(ix) <u>Legal Agreements</u> – Whilst the principle of the arrangement of the highway layout plans is accepted, full details of the layout will be secured by way of appropriately worded conditions. These works will then be

subject to a combined S278 / S38 Agreement and associated Technical Approval Process.

Those roads that lie within the site the detail of which will be agreed at the reserved matters stage will be adopted by the Council by way of a Section 38 Agreement and will be subject to the associated Technical Approval Process;

(x) ***Conclusion*** *- Having reviewed the submitted Transport Assessment, TA Addendum and amended plans, it is considered that the traffic flows and traffic modelling for this site, i.e. the transport impact for this scale of development could vary from what has been reported. Cardiff Council has undertaken its own assessments to try to determine whether the impact has been adequately addressed and that the developer proposed mitigation is adequate. The conclusions were that the impact would be wider than reported and extending beyond the suggested mitigation area. In addition it was considered that the traffic impact could be higher when assessed in using the Council's method, particularly if diverted and pass-by trips were accounted for. The further work identified proposals for improvements to the wider network to mitigate the impact from this strategic site. The package of additional measures have been set out as S106 financial contributions and in conjunction with the highways package proposed by the developer is considered sufficient to enable the proposal to come forward for development.*

(xi) ***Responses to third party objections***

<u>Sustainability of Development</u>

The focus of the Major Strategic Sites and this application is to encourage a modal shift for new residents. This site will provide a network for walking and cycling which will help in reducing traffic on the A4119, together with the provision of a significant number of frequent bus services for public use. These buses will be supported by a package of measures which promote priority through junctions and existing delays and queuing. The proposals will deliver a package of improvement measures to Llantrisant Road including a number of signalised junction arrangements, which will enable Cardiff Council to manage the network and prioritise bus services through these junctions and corridor. The development is making a significant contribution towards walking, cycling and public transport infrastructure, including funding an extension to existing bus services and providing new services. In addition to this, the developer is safeguarding potential future rapid transit routes through the site.

<u>Llantrisant Road</u>

The Council has identified a number of key transport interventions along the North West Corridor which it considers will be necessary to support the implementation of the Local Development Plan and help achieve the LDP city-wide 50:50 modal split target from it's boundary with Rhondda Cynon Taff extending to Cardiff City Centre. Schemes include the proposed bus lanes / bus priority measures, junction improvements together with improvements to the walking and cycling networks. Developer contributions towards these transport infrastructure improvements to mitigate development impacts will be sought through the permissions for strategic development sites along this corridor.

<u>Llantrisant Road (Speed Limit)</u>

Under the proposals, the existing speed limit to the frontage of the site will be reduced to 30mph.The 30 mph speed reduction measures will also extend to Crofft Y Genau Road along the frontage of the site.

<u>Proposed Access</u>

The proposed access junctions on Llantrisant Road are signal controlled arrangements, and, therefore, do not conflict with the strategy for Llantrisant Road in terms of future proofing.

<u>Modal Split / Shift (50:50)</u>

Policy KP8 of the adopted Local Development Plan seeks to integrate new development with transport infrastructure in order to achieve the target of a 50:50 split between car-based and non-car-based travel by 2026. The results of the modelling and assessment work carried out for the LDP show that in order for the development proposed in the LDP to be realised, it will need to be supported by significant new transport infrastructure. This will be required in addition to improvements to existing transport facilities, and measures to manage travel demand and encourage use of sustainable transport both within existing and new communities in Cardiff according with Policies KP4, KP6 and KP8 of the LDP. For new developments to be successfully accommodated and to achieve modal shift, the transport measures secured through planning permissions will need to recognise existing pressures on the highway network and mitigate the impact of the new trips generated. The Council will secure financial contributions (via appropriate conditions a S106 Agreement), for the provision of additional bus services and off-site bus priority measures in conjunction with this development. These improvements will help to ease traffic pressures and improve public transport provision along the A4119 Llantrisant Road Corridor. Furthermore, the improvements will benefit residents of existing communities along this corridor, enabling the use of sustainable travel options, as well as the occupiers of the new developments.

<u>Rapid Transit Corridor</u>

Policy T9 of the LDP commits the Council to facilitating the future development of the Cardiff Capital Region Metro and safeguarding the land and space required to accommodate potential future routes and potential mode options through the development management process. In determining applications on land that may accommodate future 'Metro' routes, it is important that development granted consent is designed in a way which does not prejudice the future development of the 'Metro' route and would enable it to be incorporated within the development at a later date. Policy T9 makes provision for this.

The development of the Cardiff Capital Region Metro project is being led by Welsh Government. Proposals for the network are at an early, conceptual stage and extensive technical work will be required to develop firm proposals and to support critical decisions regarding the precise alignment and mode of operation of individual route corridors. It is important that at this stage no potential alignments are ruled out from consideration or put in jeopardy by decisions on new development.

The development site is crossed by a disused rail line which could potentially accommodate a future segregated rail, tram, or bus-based rapid transit corridor. The future option for a segregated rapid transit *corridor along the entire length of the disused rail line within the site is safeguarded within the site layout. A number of other routes currently under potential consideration for use on the Metro route have been demonstrated that they could be provided as on road routes, with verges of an appropriate width of 2.5 metres each side of the carriageway, effectively safeguarding routes that may be required in the future.*

Metro

The Local Development Plan (LDP) makes clear that the delivery of allocated sites and achieving the 50:50 modal split target is not dependent on the provision of the Metro within the plan period, i.e. 2026. This has been accepted by the LDP Planning Inspector and Welsh Government.

Transport Assessment

As included within my Transport comments above, the traffic flows and modelling submitted have been used by Transport Officers as the basis for further technical work for the purpose of assessing this application. The findings of this work concludes that the proposed mitigation package is not sufficient in isolation. The site proposals require additional mitigation to be implemented in conjunction with the local improvements in order for the impacts to be mitigated. This additional level of mitigation has been identified by Transport Officers and will form part of the S106. The Authority has secured what it considers to be an adequate level of mitigation for the scale of development when considering the proposed measures in conjunction with the Council measures.

Bus Services

In addition to the bus services proposed to be provided by the developer, additional funding for bus services will be secured via the s106 Agreement and the sum requested is considered appropriate and reasonably related in scale.

Radyr Farm

There has been representation made by the owners of Radyr Farm, in respect of access. (This is covered in the analysis section of the report).

Network Rail

A holding objection was initially received from Network Rail stating that there would be significant increase at the St Fagans level crossing sufficient to warrant mitigation. No evidence to support this statement has been submitted to date by Network Rail. The assessments undertaken by the applicant team served to demonstrate that there will a low potential traffic impact at this location. In their comments on the amended submission, Network Rail notes the proposals to traffic manage Crofft Y Genau Road and suggests extension of the peak periods when the measures are in operation. This is noted and could be considered when considering the detail of the implementation.

The developer met with Network Rail and discussions were held over the potential impact of passengers at the local stations. The developer has previously offered cycle parking and potential CCTV improvements at Fairwater, Danescourt and Waun Gron Park stations. The most recent correspondence from Network Rail instead requests financial contributions to the replacement waiting shelters at Waun Gron Park (2no. shelters), Fairwater (2no. shelters), and Danescourt (2no. shelters) stations, together with the provision of a cycle shelter at Danescourt.

RCT Traffic

An assumption has been made within the TA Addendum for traffic travelling from RCT and included within the modelling. This has been accepted previously on other recent strategic site applications. No objection has been raised to date on this specific issue by RCT.

Rhondda Cynon Taff (RCT)

Rhondda Cynon Taff County Borough Council's objection is based upon concerns relating to the impacts of the proposals upon the RCT area and that the application offers no specific measures or financial contributions for improving links to RCT. RCT is concerned that the cumulative impact of additional traffic from the development on the A4119, both east and west bound will be detrimental to existing commuters and public transport services that link Talbot Green with Cardiff.

In response to these concerns, the following should be considered:

The package of mitigation measures which will be delivered through the S278 and S106 Agreements will:

i. *address local impacts of the development along Llantrisant Road through the provision of measures to improve road safety and support active travel in order to contribute towards LDP Policy KP 2 (C)*
ii. *contribute towards the provision of a high number of new buses to serve the site and wider areas, together with a bus subsidy*
iii. *through infrastructure secured through the Section 278 Agreement, enable this site to come forward in a phased manner*
iv. *Provide wider sustainable transport improvements to public transport, walking and cycling through the S106 contributions.*

In light of the above, it is considered that the mitigation measures and S106 Financial Contributions being requested by officers for Cardiff are appropriate and proportionate for this scale of development.

RCT CBC's response refers to the need for specific transport measures in their area which could form part of the mitigation package (estimated to cost £3,536,583). However, RCT CBC has not supplied any compelling evidence to demonstrate the impact of this development upon those lengths of road and junctions being put forward for improvements. In the absence of this evidence it is not considered that the mitigation measures sought by RCT CBC could satisfy the tests of Regulation 122 of the CIL Regulations (2010) in respect of being necessary to make the development acceptable in planning terms, being directly related and fairly and reasonably related in scale and kind to the development.

Notwithstanding the above, the Council will continue to engage with RCT CBC with regard to the issue of cross boundary transport improvements within the North West Corridor.

A plan showing the proposed extent of the works requested within RCT have recently been received from RCT. However, this does not change the conclusions reached above.

(xii) ***Recommendation*** *- On the basis of the above, I can confirm that Transport would have* ***no objection*** *to this proposal, subject to the following Conditions, Recommendation and S106 Matters.* (Conditions are recommended: to control car and cycle parking, to control the phasing of access and transportation facilities, to require full engineering details of the

strategic site accesses, to secure reserved matters access, to safeguard the rapid transit corridor options, to secure provision of roads prior to occupation of dwellings, to secure bus priority measures, to secure the key pedestrian cycling and horse riding route, to secure Travel Plans for the residential, education, employment and community facility land uses including household travel surveys, to require traffic monitoring at the site access point surveying and reporting on traffic turning movements by mode, and a Construction Management Plan.)

(xiii) ***Legal Agreements*** *- That the highway improvement works as conditioned above (and any other works) which relate to the existing or proposed adopted highway are to be subject to an agreement under Section 38 and / or Section 278 of The Highways Act 1980 between the developer and Local Highway Authority.*

S106 Matters:

(xiv) ***Bus Service Provision****– That a subsidy of £6.3million be secured from the developer towards the provision of bus services, in addition to the bus services proposed by the Applicant.*

(xv) ***Traffic Monitoring*** *– Prior to beneficial occupation of development details of a traffic management strategy shall be submitted to and agreed in writing with the Local Planning Authority. The submitted details shall include the methodology to record full turning movements by mode at the site access junctions. The results of the surveys shall be submitted to the Local Planning Authority annually from the date of the first traffic survey and to 5 years beyond final occupation.*

(xvi) ***Travel Plans*** *– No part of the development hereby permitted shall be occupied until a Travel Plan has been submitted, this being applicable for the 1.employment, 2.residential, 3.Retail and 4.school land uses. The Travel Plans will require to be submitted to and approved in writing by the Local Planning Authority.*

The following list of commitments has been included within the submitted Travel Plan and will be secured via the S106 Agreement where they are not secured above through the S278 Agreement:

- *Transport Planning Co-ordinator to be provided continuously for a minimum of 10 years at the developer’s expenses. Following this period, the skills will be shared and passed onto local community members;*
- *First initial Travel Plan Survey / Baseline Survey to be undertaken within 3 months of ‘meaningful’ occupation;*
- *Travel surveys to include: Bus patronage; Levels of parking (car and cycle); and Comments received from people relating to the operation and implications of the Travel Plan;*
- *Monitoring strategy including surveys of bus patronage, levels of car and cycle parking and comments on the Travel Plan operation and implications;*
- *Personalised Travel Planning for the proposed development and the nearby areas of Radyr, Fairwater, Llandaff, St Fagans, Creigau and Pentyrch;*
- *Free or discount travel for a trial period on local bus services, this has been set out for the first year of occupation;*
- *Cycle training;*

- *Site wide Cycle Hire Scheme;*
- *School travel measures, walking cycling and scooting;*
- *A cycle voucher to be used towards bike purchase;*
- *Annual household travel surveys;*
- *Commitment to a travel survey of the local community, within 6 months of first occupation. The details will need to be agreed prior to implementation of the surveys;*
- *A Travel Plan reserve fund for ‘fighting’ failures or shortcomings through the monitoring period, this will need an amount secured for the purposes of the S106 to be held for appropriate intervention measures;*
- *Annual household travel surveys and Travel Plan Co-ordinator to be provided for full build out plus five years after final occupation; and*
- *Monitoring of traffic including full turning movements, by all modes, at the site access junctions, with annual reporting. This will also be informed by the modal split and travel choice monitoring data gathered as part of the above measures.*

6. EXTERNAL CONSULTEE RESPONSES

6.1 The **Planning Division, Welsh Government** confirm that they have not received a call-in request for this application and confirm that they will advise the Council if they do.

6.2 The **Department for Natural Resources, Welsh Government** issued an initial HOLDING OBJECTION in January 2015, pending the receipt of the Applicant's Agricultural Land Classification survey report, on grounds that the applicant has failed to demonstrate that the loss of best and most agricultural land has been considered in the manner required by Planning Policy Wales. They advised that the Department will confirm their formal response once the Applicant’s survey findings can be confirmed, noting that the ALC report needs to be submitted to and validated by the Department and the extent of the MBV loss agreed.

6.3 The Department for Natural Resources, Welsh Government formerly WITHDREW THEIR OBJECTION 29/01/16, following the adoption of the LDP for Cardiff and noting that the Inspector had considered the loss of Best and Most Versatile (BMV) agricultural land against Planning Policy Wales and found the LDP to be sound. A subsequent email of 23/02/16 confirmed that the additional information previously requested was no longer required.

6.4 Further to a query from the case officer highlighting the fact that the application site extended beyond the boundary of Strategic Site C, the Department for Natural Resources again OBJECTED to the application (31/03/16). Whilst noting the uncertainty over the total BMV loss in the area extending beyond the allocated boundary of Strategic Site C, their view that up to 19.7ha was considered to be BMV agricultural land and whilst noting it might not trigger the statutory 20 hectare threshold for consultation prescribed in TAN6 annex B.1, they offered an objection in the context of Annex B.5 :

There may be planning applications with significant agricultural implications

> *which come to the attention of DRA but are not subject to the statutory requirements described in paragraphs B2 and B3 above. DRA may on occasion wish to take the initiative in commenting to the planning authority on applications of this type.*

The Department advised that the loss is not only significant, but wholly unjustified given the recently adopted LDP where sufficient land was allocated to provide the infrastructure necessary to deliver the required growth. They confirmed that the objection relates to the areas of land extending beyond the allocated urban boundary only and that should the boundary of the application site change, then their objection can be withdrawn.

6.5 Further to the submission of the amended application, the Department for Natural Resources, Welsh Government WITHDREW THEIR OBJECTION, noting that the application site boundary has been redrawn to remove the area of concern.

6.6 **The Network Management Division, Transport Directorate, Welsh Government,** response to the initial submission, note that the Transport Assessment has not included an assessment of any of the principle access points onto the trunk road network, all which - they note - could be exacerbated by the development. As Highway Authority for the motorway and trunk roads in Wales, Welsh Government direct that the application remains undetermined and further information is sought from the development in respect of the traffic impact on the key trunk road junctions.

6.7 Further to the submission of the amended application and clarification of the scope of the TA Addendum, the Network Management Division, Welsh Government note the revised TA and technical comments by Vectos and confirm that they have no further comments or observations to make. No comments were received from Welsh Government in respect of the ‘Metro’.

6.8 **Cadw** provide the following summarised advice in response to the initial submission :

- Their role is to provide the LPA with an assessment of the likely impact on scheduled monuments or registered historic parks and gardens
- With respect to the scheduled monument Llwynda-Ddu Camp (GM180), Cadw advise that it is located on an elevated position some 1.2km to the north and that having careful regard to the existing setting of the monument and the natural screening that will remain in situ, the proposed development will have an adverse impact on the setting of the scheduled monument, but this will not be significant.
- With respect to the scheduled monument St-y-Nyll Round Barrow (GM204), Cadw advise that it is located some 1.4km to the west, that views towards the development are blocked by existing vegetation and that the development is unlikely to have an impact on its setting.
- With respect to the Grade 1 registered historic park and garden PGW (GM) 31 St Fagans Castle, Cadw advise that whilst the closest boundary to the development area is only some 400m away, the development area is not in any of the significant views from the registered park and garden or in the essential settings. Views towards the application area are noted to be

locked by the buildings of the village of St Fagans and the existing vegetation, such that Cadw advise that there is unlikely to be a significant adverse impact.

- With regards the Battle of St Fagans, Cadw advise that work commissioned by Cadw has identified the location of the main battle area immediately to the west of the application area, but that the documented location of the battle headquarters prior to the commencement of the battle was the farm at Pentrebane. Whilst noting that the earliest of the surviving buildings is 18th c and not contemporary with the battle, the location of form, being the site of a major command centre for the battle makes it an important component in the battle site. On this basis, Cadw advise that the assessment of the battle has established that it is a site of national importance and that the ES has undervalued the importance of the battle and therefore the potential impact of the proposed development. They advise that the impact of the proposed development shown on the proposed indicative Masterplan is likely to be significant as housing would block the association of Pentrebane Farm with the main battlefield. Further information is requested prior to determination in the form of: a review of the estate plan of AD 1776 in order to identify any field names which might relate to the battle or any other historic feature, an archaeological evaluation of the 17th c Pentrebane Farm to locate the position of the Parliamentary headquarters, metal detector surveys of the areas surrounding the farm and to identify areas associated with the battle, a detailed assessment of the impact of the proposed development on the Battle of St Fagans and a bibliography of the sources of information provided. They advise that the current layout of the proposed development will need to be amended to protect the relationship between Pentrebane Farm and the main battlefield and welcome the opportunity to offer further advice once the reserved matters are considered. Further correspondence ensued to justify Cadw's position, to respond to the LPA queries regarding the potential listing of the battlefield site and scope of the work.

6.9 In response to the amended submission, Cadw provide the following response in respect of the Battle of St Fagans:

- *Additional information including documentary research on the Battle of St.Fagans and a Lidar and metal detector survey has been submitted in support of this application. The documentary survey has found no evidence to support the local tradition that Pentrebane Farm was the site of the Parliamentary headquarters and the metal detector and Lidar surveys have failed to find any evidence of a temporary camp in the fields surrounding the farm.*
- *Therefore sufficient information has now been submitted to your Authority to discount there being any evidence that the development contains any significant features associated with the Battle of St Fagans*

6.10 **Glamorgan Gwent Archaeological Trust,** in their initial comments, advised that an archaeological desk based assessment was undertaken, and that the related chapter in the ES and work to produce it meet current professional standards. They note the assessment has shown the area was used throughout the pre-historic period and on into the medieval and subsequent post-medieval periods. They have no objection and advise that the impact of the development can be mitigated by a standard condition requiring the submission of a written scheme of investigation for the implementation of a programme of archaeological work.

6.11 GGAT provided further advice on Cadw's request for further information in respect of the Battle of St Fagans. In their advice of 25/0215, they recommend that the applicant be asked to prepare and submit an ES addendum to take into account Cadw's advice, noting that the results of an addendum should provide further information relating to the extent of the battle area and any use of previously existing buildings at Pentrebane and could result in an alteration to the masterplan. They advise that on submission of the addendum, they would be in a position to determine whether their earlier advice should be amended or expanded in the light of new information. GGAT advise that Cardiff as the planning authority has the responsibility of determining the application and needs to ensure that all the relevant information has been sought and assessed. In order to ensure that from a heritage and archaeological standpoint every source has been considered then, given the matter provided by Cadw, and on the assumption they will release the supporting data and reports, the provision of an addendum on the battlefield issue would ensure that this has been done, GGAT advise that this course should be pursued.

6.12 In response to the amended submission, GGAT note that an ES addendum was submitted that provides an updated assessment of the impact of the development, including further archaeological work in relation to the purported location of the Battle field in the form of further archival research and site survey. They note that no evidence was found to support the suggestion that the site of Pentrebane Farmhouse was the site of the Parliamentary headquarters during the battle and advise that they do not consider there is any need for further archaeological work in respect of this issue prior to the determination of this application. They re-state the need for their previously recommended condition.

6.13 **The Welsh Historic Gardens Trust** provide the following advice in response to the initial submission:

- *as these applications are for such a large number of dwellings, and their associated infrastructural needs, they would like to respond to the principle of the developments only and not on the specific details;*
- *they understand that these applications make up Strategic Site C in the Deposit LDP, which is currently being examined, and as such have been the subject of intense scrutiny and criticism as to the need for phasing, connectivity to a public rapid transit system and better provision of infrastructure.*
- *There is also the vexatious question of intangible impact on the Special Landscape Area and Conservation Area of St. Fagans which is home to a significant number of nationally important buildings and is a Registered Park.*

- *Deputy Minister Ken Skates noted in December that ‘even seemingly insignificant changes can accumulate to obscure or destroy the historical significance of a monument, building or landscape’.*
- *encroaching on this nationally significant site, the development will certainly damage and adversely affect the character and consequently the visitor experience of one of Wales’s most popular sites, the National History Museum and park land at St. Fagans. There needs to be a significant and large green buffer zone between St. Fagans and any new development that has to happen. Such a green space, designed sensitively and intelligently, could enhance the opportunity for wildlife corridors and preserve the integrity and character of the St Fagans area.*
- *Apart from the impact on this area there is the very worrying impact of such over development on valuable greenfield sites that at present delineate the western settlement boundaries of Cardiff. As noted in the excellent analysis by Roger Tanner for the Cardiff Civic Society, the consequent increase in traffic along western portals into Cardiff will make travel into Cardiff impossible and living conditions for the residents in these established areas intolerable. There are a number of complaints listed that deal with these points and it is my remit to consider the impact on historic landscapes, as described above.*

6.14 The **Health and Safety Executive** provide the following advice in respect of the application as originally submitted in their letter dated 29/04/15:

- *The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of major hazards and major accident hazard pipelines.*
- *The proposed development site lies within the HSE consultation distance of three major accident hazard pipelines. The pipelines, and the current HSE consultation zone distances which apply to them, are:*
  1. ref: 1561 - Nantgarw/Pentrebane [p2](HS013)
    Inner zone = 8 metres
    Middle zone =8 metres
    Outer zone = 105 metres
  2. ref: 1565 -Pentrebane/St Athan [p1] (HS0330)
    Inner zone = 15 metres
    Middle zone = 15 metres
    Outer zone = 43 metres
  3. ref: 2684 -Pentrebane to Dyffryn
    Inner zone = 16 metres
    Middle zone = 34 metres
    Outer zone = 55 metres
- *This consultation has been considered using PADHI+, HSE's planning advice software tool. The proposed development involves several different HSE development types, as defined in 'PADHI - HSE's land use planning methodology', available at www.hse.gov.ukllanduseplanning/padhi.pdf. HSE's advice in respect of each of the development types proposed is presented below; however, in some cases sufficient details are not currently available to allow HSE to provide definitive advice, so for those particular development types I have indicated the circumstances in which HSE would not advise against the granting of planning permission.*

Development type DT2.1 - Housing

- *HSE would not advise against the granting of planning permission for the proposed residential development.*

Development type DT 4.1 - Institutional accommodation and education (Primary and Secondary Schools)

- *HSE would not advise against the granting of planning permission for the proposed secondary and three primary schools.*

Development Type DT 2.4 - Indoor use by the public (Local Centres and Plasdwr District Centre [Use Classes A1-A3, D1 and D2])

- *The proposed Plasdwr District Centre will lie within the consultation distance of pipeline ref, 1561 and pipeline ref. 2684. HSE would not advise against the granting of planning permission if the proposed A1-A3 and D2 developments were sited beyond the middle zone boundary of both pipelines, i.e more than 8 metres from pipeline ref. 1561 and more than 34 metres from pipeline ref. 2684.*
- *However, one possible use within Use Class D1 is as a creche, day nursery or day centre, which would fall into the development type DT 3.1 or DT 4.1 'Institutional accommodation and education' within HSE's land use planning methodology. HSE would not advise against the granting of planning permission for such a facility if:*
  - *i) its total site area is 1.4 hectares or less, and it is sited beyond the middle zone boundary of both pipelines, i.e. more than 8 metres from pipeline ref. 1561 and more than 34 metres from pipeline ref. 2684; or*
  - *ii) its total site area exceeds 1.4 hectares and it is sited outside the consultation distance of both pipelines, i.e more than 105 metres from pipeline ref. 1561 and more than 55 metres from pipeline ref. 2684.*
- *The Pentrebane Farm Local Centre (Zone 2) will lie within the consultation distance of pipeline ref: 2684. HSE would not advise against the granting of planning permission if the proposed Use Classes A1, A2 and A3 developments were sited beyond the inner zone of pipeline ref. 2684 (i.e. more than 16 metres from the pipeline).*
- *The Local Centre North (Zone 3) and Local Centre West (Zone 4) will lie outside the consultation distance of each of the three pipelines. HSE would not advise against the granting of planning permission for these developments.*
- *The Community Woodland area includes a Visitor Centre and Cafe; as these facilities will lie outside the consultation distance of each of the pipelines, HSE would not advise against the granting of planning permission for this development.*

Development Type DT 1.1 - Workplaces (Piasdwr District Centre - Use Classes B1 a - c)

- *Paragraph 4.8 of the 'Design and Access Statement' indicates that Use Classes B1(a)-(c) will also be located at the Plasdwr District Centre, which lies within the consultation distance of pipeline refs. 1561 and 2684.*
- *HSE would not advise against the granting of planning permission if the proposed workplace developments were sited beyond the inner zone of both pipelines, i.e. more than 8 metres from pipeline ref. 1561 and more than 16 metres from pipeline ref. 2684.*

Development Type DT 2.5 - Outdoor use by the public

- *The areas of open space identified in the Design and Access Statement contain various features or facilities which are designed to be used by the general public, at which people may gather in numbers at the same time:*
    - *a) Children's equipped play spaces*
    - *b) Destination play areas*
    - *c) Teen facilities*
    - *d) Allotments*
    - *e) Formal sports/recreation facilities*
    - *f) Local Equipped Area of Play (LEAP) within the Community Woodland area.*
- *Although many of the proposed facilities will lie outside the consultation distance of each of the pipelines, some of them, notably the area of formal recreational space to the south of Pentrebane, will lie within the consultation distance. HSE would not advise against the granting of planning permission for these facilities if they were all sited beyond the middle zone boundary of the three pipelines, i.e. more than 8 metres from pipeline ref. 1561, more than 15 metres from pipeline ref. 1565, and more than 34 metres from pipeline ref. 2684.*

Development Type 2.3 -Transport Links (access roads, Rapid Transit Corridor)

- *This application seeks approval for a 'reserved strategic transport corridor', but the form and alignment of the rapid transit system has not yet been decided. HSE would not advise against the granting of planning permission if all passenger stops associated with the rapid transit system were sited beyond the middle zone boundary of each of the three pipelines, i.e. more than 8 metres from pipeline ref. 1561, more than 15 metres from pipeline ref. 1565 and more than 34 metres from pipeline ref. 2684.*

General Advice

- *Please contact me if more detailed information is submitted about any of the proposed development types and the LPA would like confirmation as to how HSE would advise on those proposals.*
- *As the proposed development lies within the consultation distance of major accident hazard pipelines you should consider contacting the pipeline operator, Wales and West Utilities, before deciding the case. There are two particular reasons for this:*
    1. *The operator may have a legal interest (easement, wayleave, etc.) in the vicinity of the pipelines. This may restrict certain developments within a certain proximity of the pipelines.*
    2. *The standards to which the pipelines are designed and operated may restrict occupied buildings or major traffic routes within acertain proximity of them. Consequently there may be a need for the operator to modify the pipeline(s), or its operation, if the development proceeds.*

- *HSE's advice is based on our assessment of the risks from the pipelines as originally notified to us. It may be that in the vicinity of the proposed development the operator has modified the pipeline(s) to reduce risks by, for example, laying thick- walled pipe. If you wish to contact the operator for this information then HSE is willing to reassess the risks from the pipeline(s), relative to the proposed development, if all the following details are supplied to HSE by you:*
    - *a) pipeline diameter*

b) wall thickness
c) grade of steel
d) depth of cover over pipeline
e) grid references for start and finish points of thick-walled sections

These details should be clearly marked on a pipeline strip map, or other appropriate scale map and submitted to me at this address.

- *Major hazard sites and major accident hazard pipelines are subject to the requirements of the Health and Safety at Work etc. Act 1974, which specifically includes provisions for the protection of the public. However, the possibility remains that a major accident could occur at an installation and that this could have serious consequences for people in the vicinity. Although the likelihood of a major accident occurring is small, it is felt prudent for planning purposes to consider the risks to people in the vicinity of the hazardous installation.*
- *If you decide to refuse planning permission on grounds of safety, HSE will provide the necessary support in the event of an appeal.*
- *If, nevertheless, you are minded to grant permission when HSE has advised against it, your attention is drawn to paragraph A5 of the National Assembly for Wales Circular 20/01, which requires a local planning authority to give HSE advance notice when it is minded to grant planning permission against HSE's advice, and allow 21 days from that notice for HSE to consider whether to request that Welsh Ministers call-in the application for their own determination.*
- *The advance notice should be sent to HSE's Major Accidents Risk Assessment Unit, CEMHD5b, Redgrave Court, 2.2 Merton Road, Bootle, Merseyside L20 7HS or by email to luppadhici5@hse.gsi.gov.uk. The advance notice should include full details of the planning application, to allow HSE to further consider its advice in this specific case.*

6.15 In response to the amended submission, the HSE note that they have no additional comments to make to the advice that was previously provided.

6.16 **Wales and West Utilities** have no objection to the initial or amended submission. They provide records of gas pipes owned by them which may be directly affected and provide advice in relation to the protection of their apparatus and safe working. WWU also provide informal advice and assistance in interpreting PADHI advice from the Health and Safety Executive in relation to the 3 high pressure gas pipelines that cross the site and confirm the building proximity distances for the gas pipelines as follows: Nantgarw to Pentrbane 7 metres either side, Pentrbane to St Athan 15 metres either side, Pentrebane to Dyffryn 15 metres either side. WWU confirm they are happy with the recommended condition.

6.17 **South Wales Fire and Rescue Services** advise that the developer should consider the need for the provision of adequate water supplies on the site for fire fighting purposes and access for emergency fire fighting appliances.

6.18 In response to the initial submission and following direct discussions with the Council, **Dwr Cymru Welsh Water** provided a formal holding response, noting that they have held direct discussions with the developer with a view to establish a drainage strategy which establishes how the entire site will be effectively drained. They advise that the discussions have been positive and are on-going, and that they will aim to issue a formal response with recommended conditions in due course. DCWW were also forwarded a copy of a letter of objection from the owner/occupier of 43 Herbert March Close, and advised that it would appear that the flooding was caused by overland flooding and high intensity rainfall events causing highway gullies to back up and that they didn't think this is something they can consider in terms of the capacity of the public sewerage system.

6.19 Following consideration of the amended submission and further to extensive discussions with the Council and Applicant, DCWW provide the following summarised advice:

Sewerage

- Insufficient information to demonstrate how foul flows from the development will be drained, but DCWW are satisfied that the flows will drain proportionately via the existing public sewerage system to Cardiff Bay Wastewater Treatment Works (WwTW) and Cog Moors WwTW in accordance with the submitted details
- It is unlikely that the public sewerage system could accommodate the entire development without necessary off-site reinforcement works delivered to mitigate risk to the environment and/or their service to customers.
- In order to establish the scope of necessary off-site reinforcement works it is critical that a Hydraulic Modelling Assessment (HMA) of the system is commissioned by the Applicant and any necessary solutions implemented in advance of the communication of foul flows and aligned to the phased approach of the development site where it is appropriate. DCWW have recommended that the Applicant commission the assessment in advance of the determination of the application but to date no instruction has been forthcoming.
- Conditions are recommended to require: the HMA to be undertaken, the submission of a comprehensive Drainage Strategy and Masterplan, the identification of necessary off-site reinforcement works, the reinforcement works to be funded by the Applicant and completed in advance of the communication of foul flows from the site to the sewer. A condition is also required to require that future reserved matters accord with the Drainage Strategy/ Masterplan, with any deviations agreed in writing and with the communication of flows not permitted until the necessary off-site reinforcement works are completed.

Storm /Surface Water Strategy

- It is noted that proposal includes several above ground attenuation ponds and advise that there is currently insufficient detail to provide detailed comments on the proposals and therefore require a condition to adequately control surface water management.
- surface water flows deriving from the development shall not communicate with the public sewerage system.

Potable Water Supply

- it is unlikely that existing infrastructure could serve the entire development without off-site reinforcement works being completed.

- In order to establish the scope of necessary off-site reinforcement works it is critical that a HMA is commissioned by the Applicant and any necessary work implemented in advance of the communication of the system and aligned to the phased approach of the development site where appropriate. DCWW have recommended the Applicant commission the HMA in advance of the determination of the application but to date no instruction has been forthcoming.
- Conditions are recommended to require: the HMA to be undertaken, the submission of a comprehensive potable water strategy/masterplan demonstrating how the site will be served and identify any off-site reinforcement works that are required to be completed. A condition is also required to require that future reserved matters application accord with the agreed strategy/masterplan, with any deviations agreed in writing and with the communication to the water supply system not permitted until any necessary reinforcement works are completed.

6.20 DCWW subsequently confirm that they are happy with the foul, surface and potable water conditions. Further to a query from the case officer regarding the advice that surface water flows shall not communicate with the public sewerage system, DCWW subsequently confirm that connection to the public sewer is a last resort and confirm that the recommended conditions provide DCWW with the necessary control to assess any future surface water communication,

6.21 In response to the initial submission, **Network Rail** provide the following summarised comments:

- highlight adopted and emerging local planning policy, noting that new development proposals must deliver integrated transport infrastructure, promote sustainable modes of transport and mitigate any impact upon transport infrastructure which may result
- advise that this sustainable transport approach is not recognised or delivered, as it fails to propose adequate improvements to rail infrastructure to respond to the scale of development
- Noting the overall scale of the development, its close proximity of Radyr, Llandaff, Danescourt and Waungron rail stations, the lack of financial contributions proposed towards improving rail infrastructure at these stations, the increase in capacity and attractiveness of rail resulting from the Valley Lines electrification and rejecting the justification given for not providing any such financial contributions, Network Rail consider it appropriate that the developer provides a financial contribution wards mitigating the impact that the development will have upon increased usage at nearby rail stations, in particular Radyr, Fairwater, Danescourt and Waungron stations
- note that proposal does not maximise use of and promote sustainable travel including travel by rail nor provide integration between all modes of transport, which they note will result in existing rail stations near the application site being unable to provide the quality of facilities which will encourage travel by rail
- OBJECT to the application due to the detrimental impact that the development will have upon rail infrastructure.

- request a financial contributions from the developer, secured through a Section 106 Agreement, towards the improvement of rail user facilities at Radyr, Danescourt, Fairwater and Waungron Stations to meet the additional demands placed on these stations, which should include provision of additional car parking at Radyr station, together with improvements to Danescourt, Fairwater and Waungron stations to include improved lighting, waiting shelters, and facilities for access for all provision which will deliver a safer, more attractive rail station environment
- Note that application does not examine the impact of traffic movements generated on the useage and safety at three public road level crossings close to the site (St Fagans, Pontsarn and St Georges) and raise a HOLDING OBJECTION in terms of the potential adverse impact of traffic generated on the safety and useage of the 3 level crossings.
- To address this, Network Rail request that the applicant's transport consultants examine the impact of traffic generation upon the 3 crossings and liaise with Network Rail to agree appropriate mitigation measures required to address any adverse effect upon the crossings.
- Advice for the Applicant is provided in respect of asset protection in respect of any surveys or works which would warrant the need to enter onto or near the operational railway.

6.22 In response to the amended submission, Network Rail provide the following summarised comments:

- notes that the applicant proposes to introduce traffic management measures on Crofft-y-Genau Road on weekdays at peak periods to manage vehicle movement.
- supports the principle of managing traffic flows although would prefer to see the duration of this traffic management extended to 09:30 in the morning and brought forward to 15:30 in the afternoon.
- Advises that the duration of any traffic management is reviewed at regular periods as construction of this extensive development progresses and should traffic movement /queuing problems arise at level crossings such as St. Fagans mindful that the applicant's transport consultants identify that this is already a busy level crossing experiencing vehicle queue lengths of over 40 vehicles at peak times and where vehicle demand already exceeds the level crossing's capacity.
- Notes, in respect of the proposed traffic management on Crofft-y-Genau Road, that no information is provided as to when this will be introduced, noting the implementation trigger needs to be identified and included in any Section 106 legal agreement or planning condition conscious that this road will be used by residential occupiers of the proposed development to access the A4232 and M4 thereby increasing traffic movement over the St. Fagans level crossing.
- Notes, with regard to the impact upon local rail stations and their previous correspondence, that residents of and visitors to this major development are likely to use Radyr, Llandaf, Danescourt, Fairwater and Waun Gron Park stations.
- Notes that the demand and attractiveness of travelling by rail in Cardiff has increased and is projected to increase further as electrification of the

mainline railway and signaling renewal improvements are implemented which will reduce journey times by rail, increase capacity on the network in Cardiff and the surrounding area, and increase train movements.

- Notes that the applicant's transport consultants have stated that any movement from this strategic development to Radyr station will be on foot or by cycle and that there will be no travel to the station by car. Network Rail considers this assumption to be misplaced.
- Notes that whilst improvements are proposed in the future at Radyr and Llandaf stations, which includes additional parking provision at both stations, this parking provision responds to existing demand for parking and does not include any spare capacity to accommodate parking demand generated by new development proposals, particularly a development of this scale.
- maintains the view that the applicant should provide a financial contribution towards the provision of additional car parking provision at Radyr station as it is Network Rail's view that this development will generate the need for more parking at the station over and above that already proposed to be delivered.
- Notes that rail improvements proposed by the applicant at other stations, these are limited to the provision of cycle parking at Fairwater, Danescourt and Waun Gron Park stations and potentially CCTV cameras at these stations, and that Network Rail have investigated the feasibility of delivering covered, secure cycle parking shelters at these three stations. They note that due to the elevated siting of Waun Gron Park station and the setting of Fairwater station in a steep cutting, a cycle shelter would only be feasible at Danescourt Station. It is identified that the existing waiting shelters at Waun Gron Park, Fairwater and Danescourt stations are of an old style, life expired and do not provide the quality of waiting environment which rail passengers now expect at their local rail stations.
- Network Rail advises that the applicant should instead provide a financial contribution towards the replacement of the existing waiting shelters at Waun Gron Park (2no. shelters), Fairwater (2no. shelters), and Danescourt (2no. shelters) stations together with the provision of a cycle shelter at Danescourt. The financial contribution to achieve these important station improvements, which will directly benefit occupiers of, and visitors to the proposed North West Cardiff strategic development, would be £230,000 which would be a comparable sum to the applicant's proposal if covered cycle shelters and CCTV were provided at each of these stations.

6.23 **The Coal Authority** has no comments to make, noting that the application does not fall within the defined coalfield.

6.24 **Natural Resources Wales** (NRW), in their response to the application as originally submitted, provide the following advice:
Summary of Natural Resources Wales's position:

- NRW OBJECTS to the proposed development as it has the potential to cause detriment to the maintenance of the favourable conservation status of great crested newts and bats, European Protected Species. NRW note they also have significant concerns regarding the provision of green infrastructure across the site. They advise that the potential impacts on these species are addressed and/or the scheme is changed. They provide further information on the reasons for their objection as well as outlining the further information required. Should these matters be resolved then they ask that the Council to consider their advice on other environmental and planning matters.

ANNEX 1: NRW Grounds for Objection on European Protected Species and Green Infrastructure Matters: European Protected Species (EPS)

- NRW note that surveys undertaken in support of the application, confirmed the presence of great crested newt and several species of bat from within the application boundary. They advise that great crested newt, and all species of British bats are European Protected Species (EPS), protected under The Conservation of Habitats and Species Regulations 2010 (as amended), noting that legal protection relates to the animals themselves and their breeding sites and resting places. They note that where a EPS is present and a development proposal is likely to contravene the legal protection afforded to them, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation. One of these requires that the development authorised will 'not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status (FCS) in their natural range'. They note these requirements are translated into planning policy through Planning Policy Wales (PPW) and Technical Advice Note (TAN) 5 , Nature Conservation and Planning (September 2009). The planning authority should take them into account when considering the principle of development where a European Protected Species is present.

Great crested newt (GCN)

- NRW note that GCN were recorded within two ponds (Ponds 23 and 24) to the west of the centre of the site at Pentrebane Cottages and, within two ponds (P1 and P2) just north of the development site at Rhydlafar Farm. Within the ES the population is assessed as being a medium sized population likely to form part of a meta-population in the Radyr/Pentrebane/St. Fagans area. This is one of the few remaining places in Cardiff where the species can be found. They note from the ES that GCN breeding ponds associated with the scheme are to be retained, which we welcome. However, they note the ES does not identify or assess the potential impacts upon terrestrial habitats used by GCN or how such impacts will be mitigated/compensated for. Nor does it adequately demonstrate how it is intended to prevent the population at Rhydlafar Farm from becoming isolated from the wider meta-population.
- NRW also note there appears to be some doubt as to whether the ponds at Pentrebane Cottages will survive the undergrounding of overhead cables in that area (Paragraph G5.50 of Chapter G: Ecology).
- In view of the above, NRW consider that the proposed development is likely to cause detriment to the maintenance of the favourable conservation status of the population of great crested newts concerned. We advise, therefore, that we will maintain our objection until the scheme is amended to address the potential impacts on great crested newts.

- NRW recommend the Council seeks further information from the applicant in the form of a comprehensive Great Crested Newt Conservation Strategy which includes, but not exclusively, the following:
    - An assessment of the direct and indirect impacts of the proposal on GCN
    - Detailed proposals to mitigate and/ or compensate the impacts identified above
    - Detailed proposals for the protection of GCN and the retention and, creation of their habitats at the pre-, during, and post-construction phases
    - A comprehensive management and monitoring programme for all retained and newly created habitats during all phases of development and in the longer term
    - A programme for post-construction monitoring of great crested newts; and
    - Details of how management and monitoring of the GCN, mitigation and compensation habitats will be secured, financed and delivered in the short, medium and long-term post-construction.
- NRW advise that improvements to connectivity between populations will form an essential aspect of such a strategy

Bats

- NRW note from the ES that a number of bat species were recorded foraging and/or commuting across the application site, and that several farm buildings were identified to support bat roosts. They advise that development of the site is likely to result in a reduction in bat populations as roost sites and significant areas of foraging habitat will be destroyed, and the change in the nature of the application site is likely to favour those species more tolerant of light.
- They note the ES states that many of the roosts are ‘minor’, but advise that it would be expected that each roost is characterised in accordance with published guidance (E.g. night feeding perch, non-breeding roost, maternity roost, hibernation site). They note from the ES that lesser horseshoe droppings were recorded at Maes-y-Llech Farm, during the building inspection. The ES does not include, however, any form of assessment of the use of the building by this species, the type of roost present (maternity/hibernation/day roost/feeding perch), impact of the development on the roost, or any appropriate mitigation proposals for the loss of the roost. NRW advise that the nature of the lesser horseshoe roost at this location is confirmed, the impacts assessed and appropriate mitigation is set out within the ES.
- Whilst noting that although it appears that no significant bat roosts (E.g. maternity roosts) within the application site will be directly affected by the proposals, the ES has not considered the indirect effects on any significant roosts present just outside the application boundary and how the development will affect bats commuting to and from these off-site roosts. The ES also fails to demonstrate how connectivity to the wider environment will be retained and protected, notably for species utilising and roosting in woodland on-site, particularly in a NE-SW direction.
- With regards to assessing the potential of trees on site to support bats, NRW note that a strategy was adopted where only trees within the primary

and secondary access zones and the highway route corridor were assessed. They note the Phase 1 habitat survey suggests that there are broadleaved trees elsewhere on the site which may be affected by the proposed development, but advise that it is not clear how many additional trees may be affected by the proposals out with the highway elements and, of those, how may are likely to support bat roosts. NRW advise that this is addressed in the ES, along with appropriate mitigation and compensation.

NRW Advice in relation to bats

- NRW advise the ES does not adequately set out how the proposed development is not likely to detrimentally affect the maintenance of the favourable conservation status of the populations of bats concerned. They advise that:
    - The opportunity is taken to redesign green infrastructure to ensure that the populations on site remain connected to each other and particularly to the wider countryside
    - The nature of the lesser horseshoe roost at Maes y Llech Farm is confirmed, the impacts assessed and appropriate mitigation set out in the ES
    - Trees not associated with the access zones and highway provision which may be affected by the proposed development are subject to an assessment for bats
- NRW advise that it will be necessary to submit a detailed Bat Mitigation and Compensation Strategy to address, but not exclusively:
    - The impacts of the scheme, direct or otherwise, associated with the development of the site
    - details of proposals to mitigate those impacts, including alternative roosting provision, appropriate to the species concerned for those roosts to be lost to the development
    - measures to protect bats during pre-, during and post-construction, to include a comprehensive timing and phasing of works
    - the principles of a lighting plan to demonstrate how retained and compensation roosts will remain linked to suitable foraging habitats with the provision of dark vegetated flight corridors
    - post-construction monitoring of bat mitigation
    - details of how the management and maintenance of retained and compensatory roosts and habitats will be secured and financed.

Green Infrastructure

- NRW advocates an approach which seeks to include and/or maintain substantial and well connected green infrastructure, which delivers connectivity between a variety of habitats through the landscape. In addition to the general benefits to biodiversity, NRW note such green infrastructure provision will support species moving through the landscape as a result of climate change, development pressure, disturbance and other factors necessitating migration.
- NRW note the green infrastructure set out in the indicative masterplan, but note that the connectivity between the four woodlands may be compromised by the location of mixed use zone 1 and the location of the secondary schools sports pitches. We are concerned that the treatment of these locations, in terms for example of their lighting, will detrimentally impact the green infrastructure.

- NRW also note that there is no or only limited green infrastructure running SW-NE across the site.
- NRW advises, therefore that:
  - Opportunity is taken to extend the green infrastructure on site
  - The applicant is requested to submit the principles of a lighting scheme which details the location of, and retention of, dark vegetated corridors to facilitate movement through the site, to include proposals to monitor the levels of any site lighting on the green corridors and measures to remediate any light spill which occurs on to sensitive habitats.

ANNEX 2: NRW Advice on Environmental and Planning Matters

- NRW advise that, should the above material planning considerations set out in Annexe 1 be resolved, they ask the LPA to consider the following advice in determination of the planning application. The applicant should also consider this advice further.

Ecological Matters

Cardiff Beech Wood Special Area of Conservation (SAC)

- NRW note the ES's evaluation of the potential effects on designated sites discussed within Chapter G6, in particular paragraphs G6.19 and G6.20. Provided on-site formal/informal open space and recreation areas are provided within the site, we agree that the impacts from recreation on Cardiff Beech Woods SAC will be minimal.

Ty Du Moor SSSI

- NRW note the ES's evaluation of the potential effects on designated sites discussed within Chapter G6 (Ecology) and the Preliminary Hydrological Appraisal undertaken by EDP for Ty Dy Moor SSSI within Appendix G2. NRW agree that the development is unlikely to have a significant effect on the SSSI, provided the points discussed in both are carried out. NRW would advise that conditions are included on any planning permission your Authority may be minded to grant, to ensure these go ahead.
- NRW agree with the conclusion that the SSSI is largely groundwater fed and that water from the Nant Dowlais plays a minor role in supporting the SSSI. However NRW note that neither Appendix G2 nor Chapter F (Water Resources) consider the increase in impervious surface and the potential for reduced infiltration to the soil or changes to the existing drainage routes. NRW note that Appendix G2 discusses increases in water quantity and advise that the ES also considers reduced water quantity as a potential effect of the development. NRW would advise that your Authority request this information prior to determination of the application to ensure that the SSSI will not be negatively affected.

Ponds, Culverts and Water Features

- NRW note that article 10 of the Habitats Directive stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity. Such networks may also help wildlife adapt to climate change and will help restore waterbodies to a more natural state as required by the river basin management plan.

Culverts

- The ES makes reference to culverted sections of watercourses within the application site. If possible the applicant should consider opening up these culverts. This would have multiple benefits not least for restoring habitat connectivity both across the site and linking the site to wetland habitats outside of the application boundary.

- NRW note chapter F makes reference to the need for some of the existing watercourses across the site to be diverted, culverted or in-filled, and advise that this is only done where necessary as the ecology of these watercourses is likely to be degraded. They note culverts can be impassable to riverine fauna and can create barriers to the movement of fish. It also results in the loss of natural in-stream and bankside habitats through direct removal and loss of daylight. The culverting of a watercourse can have many different impacts on the water environment including ecology, channel form, flow regime and chemistry. Culverts can also hinder future restoration options. This is particularly significant where urban development results in the burial of once open watercourses beneath housing or commercial centres, or where new development is placed on top of existing culverted watercourses which otherwise might be available for restoration. They advise the applicant should also consider re-naturalising artificially straight stream channels. A more natural morphology would have multiple benefits for in-stream flora and fauna as well as being aesthetically pleasing. When considering the restoration of culverts, we advise that consideration is given to flood risk management matters.

Ponds

- NRW note the intention to create ponds within the application site, these should be suitably designed and located in order to enhance existing wildlife habitat corridors both within and outside the application boundary. NRW recommend a condition to ensure that any new ponds within the site positively contribute towards the nature conservation value of the site.

Buffer Zones

- Development that encroaches on watercourses, wetlands and ponds can impact on their ecological value. For example artificial lighting disrupts the natural diurnal rhythms of a range of wildlife using and inhabiting watercourses, wetlands and ponds and marginal habitat.
- NRW request the inclusion of a condition to protect a 10 metre wide buffer zone around all watercourses, wetlands and ponds within the application site.

Non-native Invasive Species

- NRW advise invasive non-native species can cause problems for native UK species and reduce biodiversity (the variety of living organisms). Japanese knotweed can block footpaths and damage concrete, tarmac and the stability of river banks. The ES does not reference whether non-native invasive species such as Japanese Knotweed or Himalayan balsam are present on site, however given the size of the site it is considered highly likely. NRW recommend a condition to require detailed method statement for removing or the long-term management / control of Japanese knotweed and Himalayan balsam on the site

Light Spill on to Watercourses

- NRW advise that lighting and light spill should also be considered in terms of its impact on watercourses, ponds and wetlands, as artificial lighting disrupts the natural diurnal rhythms of a range of wildlife using and inhabiting these aquatic sites and adjacent land, and request a condition to control this.

Local Biodiversity

- NRW advise they have not considered possible effects on all species and habitats listed in section 42 of the Natural Environment and Rural Communities (NERC) Act 2006, or on the Local Biodiversity Action Plan or other local natural heritage interests and recommend the Council seek further advice from your authority's internal ecological adviser and/or nature conservation organisations

The Water Environment

Flood Consequences Assessment

- NRW advise they agree with the details in the FCA dated 13 October 2014 which confirms that the majority of the site is located in Zone A of the Development Advice Maps (DAM) contained in TAN 15 Development and Flood Risk (July 2004). A small section of the site is located within Zone B of the Development Advice Maps (DAM). The assessment concludes that ‘the majority of the site is not considered to be at risk of fluvial or tidal/coastal whilst the rest is considered to be of low risk. It is therefore suggested that no further assessment is required to be undertaken’.
- TAN15 advises that for development located in Zone A the justification test is not applicable and surface water requirements apply. The acceptability criteria is for no increase in flooding elsewhere to occur as a result of the development. Given the location of development in Zone A, surface water requirements should be assessed and NRW note that this aspect has been included in the ES.
- With regards the small section located within Zone B, the assessment notes that there are records of localised flooding near the inlet of a culvert which receives overland storm flows from the upstream catchment. It is noted that flooding at this location may be caused by maintenance of the channel and culvert. NRW note it is their understanding that an inlet condition assessment has been undertaken and suggests that the risk of flooding within this area is considered negligible if the watercourse immediately upstream of the culvert is maintained. NRW advise that the Council consult with your Authority’s drainage engineers on proposals for maintenance of this culvert and on the drainage proposals for the scheme and advise the Council seek advice from DCWW (Dwr Cymru / Welsh Water).
- Both the Nant Dowlais and River Ely are classed as main river watercourses therefore any works within 7 metres or new outfalls will require the consent of NRW as stated in the Water Resources Act 1991.

Storm Water Drainage Strategy

- NRW note that although it is established in section F4.26 that DCWW have confirmed that they will accept restricted storm water flows, they note the infrastructure required to accommodate for this is not yet confirmed, and advise that evidence is provided to the Council and considered in determination of the application.
- NRW suggest that the storm water scheme is prepared in consideration of Sustainable Urban Drainage Systems and Green/Blue Infrastructure, and support the adoption of Sustainable Urban Drainage Systems (SUDS) and wherever possible improvements. The aim should be for new development

not to create additional run-off when compared with the undeveloped situation and for redevelopment to reduce runoff where possible. Some information has been provided by the applicant’s consultant in regard to Greenfield runoff rates, which will need to be agreed with your Authority, along with details of adoption, management of this system over the lifetime of development and any subsequent amendments.

- NRW note there is an opportunity to design site drainage in such a way to have a variety of benefits. The design and management of SuDS features should take into consideration biodiversity. A well designed SuDS landscape may incorporate rain gardens, green roofs, temporary wetlands and a range of other landscape features that are positive for both wildlife and water management.
- NRW advise the responsibility for the maintenance of all watercourses and structures thereon rests, in the first instance, with the riparian owner. Land Drainage legislation does not seek to remove this responsibility.
- NRW recommend that the views of DCWW are sought and the updated information is supplied before determination of the application. It may be necessary for legal agreements to be implemented to control these aspects of development. NRW recommend a condition for the control of surface water and advise the proposed development will be acceptable if the following measure(s) are implemented and secured by way of a planning condition on any planning permission your Authority is minded to grant. NRW ask to be consulted on any details submitted for approval to to discharge this condition and on any subsequent amendments/ alterations.

Water Supply

- Section M5.24 of Chapter M states that DCWW has confirmed that the existing trunk main to the north of the site has sufficient capacity to supply the proposed development. NRW note that a further hydraulic assessment is required in order to determine the points of adequacy to connect to the existing network and accommodate the development and establish any improvement works required. NRW recommend that the views of DCWW are sought and the updated information is supplied before determination of the application. NRW note they would also support the use of water efficiency measures and sensitive design.

Foul Water Disposal

- NRW note that Section F4.33 states that DCWW have confirmed that the foul water from the proposed development could be proportioned in such a way to be accommodated in existing waste water treatment works. However NRW note that further hydraulic modelling is required to determine the extent of the infrastructure required. NRW would advise that DCWW provide the Council with assurance that suitable wastewater infrastructure can be provided over the lifetime of the development, alongside any phasing requirements; and without having adverse environmental effects. NRW note that no foul drainage plan has been prepared at this stage and recommend a condition to secure the submission, approval and implementation of a scheme to dispose of foul drainage.

Construction Environmental Management Plan (CEMP) including the potential for Contaminated Surface Water Run Off (Construction Phase)

- NRW note that for many water related features (including ponds) there is the potential for breaches to occur as a result of site clearance and construction, although the effects are not considered to be adversely significant. NRW note this runoff has the potential to cause increased sediment loads in receiving water bodies; there are also risks of pollution from accidental spillages of hydrocarbons and cementious materials. NRW advise they expect suitable control and mitigation measures to be effectively implemented in order to ensure that potential run off from the site and discharges into these waters are of an appropriate standard; to ensure that there is no pollution of controlled waters and no adverse impact on ecological interests. NRW recommend a condition to prevent pollution of the water environment and to protect ecological interests.

Ground Conditions and Potential for Contamination

- NRW note that vast majority of the site is Greenfields, but there has been some site investigation (within Chapter O of the ES) targeting areas where potentially contaminative historical land uses have occurred. NRW note the site investigation identified some leachable metals (chromium, copper, nickel and lead) above Environmental Quality Standards (EQS). A limited assessment with respect to controlled waters has been undertaken, but NRW advise that further investigation be undertaken prior to any works commencing within particular phases of the development. NRW note that foul water will be connecting to the existing foul drainage network and note that storm water drainage will be disposed of via infiltration. NRW accept this, but would be mindful of ground conditions and the potential to mobilise contaminant, and advise that a condition is attached to control unforeseen contamination.

Management of Waste and Materials (Site Waste Management Plan)

- NRW note the intention to prepare a Site Waste Management Plan (SWMP) within Chapter C and welcome further consultation on the Site Waste Management Plan. NRW provide detailed advice in respect of duties or care and guidance in relation to the management of waste and materials, including controlled waste (which are referred to in the recommended advisory notice and not set out here).

Timescales for Development

- Noting the proposed phasing of the development to 2030 and request updates on the programme of works and timetable, a list of contacts (on site) and their respective responsibilities. NRW refer the applicant to their Planning Advice Note for further advice and guidance.

ANNEX 3: Policy Review: Approach to Development of a Strategic Site and Sustainable Development

- NRW provide advice to ensure that sustainability is integral to the proposed scheme at this location, including the Ecosystems Approach, and the requirements of the emerging Local Development Plan (LDP) with a focus on master planning and preparation of conservation plans.

6.25 Natural Resources Wales provide the following advice in respect of the amended submission:

- NRW advise that they have significant concerns with the proposed development as submitted and recommend that you should only grant planning permission if the scheme can meet the following requirements and if the Council attach the conditions listed below.

- Requirement: Further information to be provided in respect of great crested newts and bats, in order to demonstrate that the proposals will not be detrimental to the maintenance of the favourable conservation status of these species.
- Requirement: Further information / amended plans to be provided to demonstrate that the proposed green infrastructure will maintain ecological connectivity through the site.

Further explanation of these requirements is given below.
Great crested newts

- NRW note that the proposed changes to the illustrative masterplan have resulted in the loss of the ponds at Pentrebane Farm where great crested newts were recorded in the 2014 surveys (Ponds 23 and 24 on Plan EDP7 in the original ES, and paragraph 1.30 of the ES Addendum). However, they note that no detail about how these will be mitigated for is included in the Addendum or how the scheme will deliver the conservation of great crested newt population post development. NRW note that the illustrative masterplan does not include any information relevant to GCN mitigation / compensation sites. One of the main points of our response dated 26 February 2015 was that a great crested newt (GCN) conservation strategy is required – this remains the case. Whilst we note from paragraph 8.223 that the intention is to produce a GCN Conservation Strategy along with an Ecological Construction Method Statement (ECMS) at the Reserved Matters stage NRW advise they consider this to be inadequate. Whilst some broad conservation principles are outlined in paragraph 8.223, NRW advise it is clear that the details have yet to be considered, including the point in our letter of 26 February 2015 regarding the assessment of impacts on great crested newt terrestrial habitat; and the location and extent of any translocation receptor site and land dedicated for conservation management for this species.
- In view of these matters, and the inherent challenges of conserving great crested newts within an urban environment, NRW advise it is difficult to concur with the statement of potential impact of the proposals on the species as indicated in paragraph 8.203 of the ES Addendum.
- NRW advise that, in the absence of a detailed GCN conservation strategy that comprehensively addresses all of the likely impacts of the scheme, they are unable to advise your Authority that the proposals are unlikely to be detrimental to the maintenance of the favourable conservation status of GCN and therefore, on the basis of the information submitted to date, it is unlikely that an EPS (GCN) licence would be granted for the proposals. NRW advise that a detailed great crested newt conservation strategy (as indicated in our letter of 26 February 2015) is submitted upfront with the outline application in order that your Authority can determine the likely impacts of the proposals on GCN, a European Protected Species. NRW advise they would be pleased to provide further advice and review our position upon consultation of a detailed GCN Conservation Strategy.

Bats

- NRW advise that, whilst they welcome that the ES Addendum has sought to characterise each bat roost identified within the buildings (paragraph 8.7 and Table 8.3) and indicates dark zones to be retained in some of the areas of high bat activity, they note that it hasn't addressed some of the other issues raised in our response of 26 February 2015 including the likely impacts on significant bat roosts beyond the site boundary and an assessment of trees not associated with the access zones or highway provision for the presence of or potential to support roosting bats.
- In the context of the roost characterisation information, NRW advise they are satisfied that the location and distribution, nature and design of mitigation to be provided for the roosts to be lost as a result of the proposals can be resolved at Reserved Matters stage. In this context, particular consideration will need to be given to the location and distribution of mitigation across the site and the various phases of the development, having regard for the location of existing roosts, the dark corridor proposals and bat flight lines across the site.
- NRW note GCN, we note the intention to produce a Bat Mitigation and Compensation Strategy at the Reserved Matters stage; as a result, no details of the bat mitigation have been provided. Although broad principles are set out in paragraph 8.221, in the absence of further information about potential tree roosts, NRW are unable to advise your Authority that the proposals are unlikely to be detrimental to the maintenance of the favourable conservation status of bats. NRW advise they would be pleased to provide further advice and review our position upon receipt of information to address the above points as indicated in our letter of 26 February 2015.

Green infrastructure

- Further to our response dated 26 February 2015, NRW welcome that some changes have been made to the illustrative masterplan to bolster the site's green infrastructure, including a wider green corridor between the two north-westerly blocks of woodland, and a wider green corridor leading from the centre of the site to the western boundary. They also welcome the commitment to provide a 10m wide buffer zone around all watercourses, wetlands and ponds.
- However, NRW note they have concerns about the effectiveness of the green infrastructure in some areas, for example, in the north-west of the site where it will apparently be severed by a Local Centre (marked 3 on the Land Use Parameter Plan and shown in red on the Green Infrastructure Parameter Plan) and in areas where the green corridor is narrow (Eg. around the fringes of the sports pitches on the southern-most green corridor); and at the ecological 'hop-overs'.
- NRW note they referred to the importance of ecological connectivity through the landscape in their response dated 26 February 2015, and with particular reference to great crested newts that were recorded at Rhydlafar Farm and Pentrebane Farm. With the indicated severance of the green corridor in the north-west of the site due to a Local Centre, and in the absence of any great crested newt mitigation strategy, it is difficult to see how, at least for great crested newts, ecological connectivity will be retained. NRW advise that this matter is addressed and warn that it is possible that addressing this matter will have consequent implications for

the layout of existing green infrastructure proposals, for example potentially at the western edge of the development where it is proposed only to have a 2.5m buffer to the boundary hedge. However, in the absence of the GCN strategy they advise it is difficult for them to give more definitive advice on this at this stage.

- With regards to the ecological 'hop-overs' illustrated on the Green Infrastructure Parameter Plan, we advise that more detailed information is required to demonstrate the design of these and how they will function to allow for the movement of wildlife through the site, including, as appropriate, how lighting will be managed at these junctures.

Ecology: 2016 update surveys

- NRW note that further to the 2014 suite of ecological surveys, further surveys and assessment were undertaken in 2016 to include:
    - Ecological desk study to check for new biological records (October 2016)
    - Update Phase 1 Habitat Survey;
    - Update External Building Inspection for Bat Roost Potential (all buildings); and
    - Further bat data analyses.
- Given the age of the previous protected species survey data NRW note they would generally advise that full surveys are undertaken to update them and that, if development does not commence in 2017, they advise the 2017 survey season is employed to undertake full update protected species surveys.

Conditions

- NRW advise that if the above requirements can be satisfactorily addressed, they would then raise no further objection to the proposals, subject to appropriate conditions being imposed on any planning permission your Authority is minded to grant. At this stage, they advise that the conditions detailed below would likely be required, but note this list of conditions only provisional and may need to be revised as a result of the provision of further information in relation to the above requirements. Conditions are recommended to: require the provision and management of a 10m buffer zone alongside all watercourses, wetlands and ponds; to require a Construction Management Plan (the scope of which is defined but not repeated here); and to control unsuspected contamination and to limit post development greenfield run off rates to pre-development flows.

6.26 NRW provide the following initial advice further to the January 2017 consultation on the Great Crested Newt Conservation Strategy:

- NRW advise that they continue to have significant concerns with the proposed development as submitted and recommend that the Council should only grant planning permission if the scheme can meet the following requirement and attaches conditions, as explained below.
- Requirement: Further information to be provided in respect of GCN, in order to demonstrate that the proposals will not be detrimental to the maintenance of the favourable conservation status of this species.

Detailed comments:

- NRW welcome the provision of the 'Great Crested Newt Conservation Strategy' C_EDP1027_87a170117 by EDP, undated.

- They note the strategy proposes the creation of an ‘area’ to be set aside for GCN, as shown on Drawing EDP 3 to the strategy, close to the former branch line railway and the reserved corridor for the rapid transit route. NRW note that the area to be created for GCN will be a minimum of 4.32 ha and will be fenced to discourage ‘over management’ and anticipate that this will be managed specifically for GCN.
- NRW confirm they welcome the broad principles within the document, which forms an outline framework for the conservation of GCN associated with the site, but note there are some matters that require amendment / further clarification; on receipt of satisfactory details regarding these matters, we would be happy to review our position on this application.
- NRW advise the following matters are considered by the applicant and addressed in a revised document.

Great Crested Newt Receptor Site

- NRW note that the receptor area is shown to be a minimum of 4.32 ha. This receptor area needs to be enlarged, particularly given the extent of loss of ‘intermediate distance’ terrestrial habitats to the built environment. NRW note that this area will be adjacent to public open space but advise that multi-functional public open space is not relied upon to deliver the aims of the strategy. NRW confirm they would be happy to discuss what might be appropriate.

Great Crested Newt Receptor Site; Aquatic Habitats

- Section 4.14, point xi. NRW note that the new ponds are to be created a minimum of 6 months in advance of GCN translocation proceeding. This needs to be amended to ensure a commitment to creating ponds a minimum of 12 months in advance, otherwise the ponds will not be sufficiently developed to receive the GCN.
- NRW seek clarification that the new GCN ponds are to be created separate to the attenuation ponds; we will not accept the provision of attenuation ponds as mitigation.

Timing of provision in terms of the phasing of the development

- NRW note the intention to provide aquatic compensation in Phase 4 of the development, but note there appear to be losses of ‘intermediate’ terrestrial habitat from phase 1 of the development onwards. They therefore advise that the GCN mitigation area is established at an earlier phase of the development and preferably at the outset. In terms of the aquatic provision, NRW advise that this aspect is brought forward to be delivered in Phase 3, to allow for development of habitats and bearing in mind the potential for one of the ponds to be affected by undergrounding referred to in Section 3.18.
- NRW also advise that the strategy includes an assurance that the timing of aquatic provision will be brought forward, should any of the other ponds in earlier phases subsequently be confirmed to be used by GCN during pre-construction surveys. The applicant may therefore also wish to consider the creation of aquatic habitats at the outset, in order to prevent potential delays to the delivery of future phases.

Conditions

- NRW advise that if the above requirement can be satisfactorily addressed in a revised GCN strategy, they would then raise no further objection to the proposals, subject to appropriate conditions being imposed on any planning permission your Authority is minded to grant. With regards to GCN, these include but not exclusively:

- *Long term management and monitoring of mitigation areas for GCN, secured and supported by appropriate financial resources.*

  In this regard, NRW advise that you consider how best this might be meaningfully secured and achieved. At present the GCN strategy indicates that 'responsibility for funding post-development site maintenance/management rests with the developer responsible for each respective development phase subject to mitigation'. As many, if not potentially all phases may have to rely on the GCN receptor area, NRW consider that there is a risk that securing appropriate finances for long term management of this area which lies within the Phase 3 boundary may be difficult to achieve, particularly if there are multiple applicants. An appropriate mechanism needs to be established at the outset, to ensure the long term security of all areas designed to mitigate impacts on GCN. This might best be secured via legal agreement as part the outline permission, should you be minded to grant consent.
- *Detailed GCN strategies to be submitted for approval for each phase of the development.*

  NRW note there are a number of matters arising from the outline strategy on which we will wish to see further details in a detailed GCN strategy for each phase of the development. These are, but not exclusively:
  - Clearance strategies
  - Commitment to long term monitoring of GCN.
  - Contingencies for larger than expected captures of GCN.
  - Contingencies should ponds fail to hold water.
  - Clarification about the 10m buffer and the extent of fenced off area. NRW advise they welcome the provision of a 10m wide buffer zone around newly created or retained ponds. However, whether 10m is considered adequate may depend of the primary use and management of the area outside the 10m buffer. In this context, NRW note that Section 4.15i. states that the area immediately surrounding newly created GCN ponds (up to 50m radius) will be the primary focus of terrestrial habitat restoration and creation of rough grassland and that this area will be fenced and managed to achieve rough grassland. To this end, NRW note would be helpful if when revising the current GCN strategy (as outlined above), clarification is provided on whether the fence will surround the whole (currently) 4.32ha mitigation area or a 50m radius from each pond, or whether this is one and the same thing; and how this relates to the stated 10m buffer.
  - Habitat aims and management prescriptions for the GCN area. NRW note they may wish to explore more varied habitat objectives within this area other than the specified rough grassland.
  - NRW advise they welcome that ponds will be created at a ratio of 2 ponds for every 1 lost. They advise that in addition to pond numbers, the total surface area will need to be at least equivalent to the area lost. For clarity, we request that when revising the current GCN strategy (as outlined above), this point is also included.
  - NRW welcome that additional ponds will be created as an enhancement and would be happy to discuss the location and extent of

these. NRW advise that the opportunity is taken to provide additional ponds as stepping stones through the green infrastructure of the site, to maximise the interchange between animals in the wider meta-population.

- In respect of bats and green infrastructure, with which they raised significant concerns in their letter dated 07 December 2016, NRW welcome the clarification provided in the document 14/02733/MJRPLASDWR:EDP response to NRW comments (Ref: CAS-26273-N8S8), which was attached to the letter from EDP dated 17 January 2017. NRW confirm that they are now satisfied our remaining concerns can be dealt with via conditions and further details to be provided at the reserved matters stage, as explained below:

Bats

- NRW note that if outline permission is granted for this scheme, we will seek further assessment of potential bat roosts including trees, as part of the reserved matters applications and prior to felling; and they understand that it is the intention of the applicant to carry them out. We advise that surveys to inform reserved matters applications consider trees likely to be indirectly impacted by the development, as well as those to be directly affected. Therefore, in respect of survey effort for bats, provided that the requirement for future survey work is secured by condition should permission be granted, we have no further comments to make at this time.

Green Infrastructure (GI)

- NRW acknowledge the beneficial iterations regarding the GI which have taken place to date. Their observations about the likely effectiveness of the GI in the North West of the site, where the former railway line is severed by the Local Centre, remain. However, they advise that their remaining concerns can now be addressed through detailed design at the reserved matters stage. As part of any future reserved matters application, NRW confirm they they will be seeking to ensure the most ecologically sensitive treatment of GI where it is severed by the road infrastructure. In this respect, we advise that proposals (including location specific drawings) are submitted in support of reserved matters applications, which set out how each of these areas will be managed to minimise impacts on ecological connectivity. This should include, as appropriate, lighting proposals, ecological hop-overs, underpasses, localized reductions in carriageway, planting etc.

Conditions

- NRW note the advice given in their letter dated 07 December 2016 regarding conditions is still applicable and note the list of conditions given is only provisional. Assuming the above requirement is satisfactorily addressed by the provision of further information, they advise they will then provide a final list of conditions.

6.27 Natural Resources Wales provide the following amended comments on the GCN Conservation Strategy, further to clarification of issues from the Agent dated 13/02/17 and confirmation of their willingness to accept a condition to deal with the outstanding concerns:

- *we recommend you should only grant planning permission if you attach the following conditions (and planning obligation). These conditions would* *address significant concerns we have identified and we would not object provided you attach them to the planning permission.*

Areas to be covered by s106 Agreement

- *Details of the financial measures to secure ongoing habitat management and species monitoring provisions*
- *Details of management and monitoring of ecological areas and green corridors*
- *Implementation of the above*
- *Details and assurances should be provided by the applicant that an appropriately skilled body will be employed to implement the management provisions.*

Areas to be covered by Conditions

Provision of green corridors

- *Some of the corridors shown in the GI parameter plan build upon existing vegetation corridors but will require considerable enhancement in terms of new planting to reach the size and scale set out in the GI plan and considerable lead in time before they may function as green corridors. We therefore advise that they are planted at the outset, and are then protected during the development of the various phases of the scheme.*
- *In addition, it will be important to ensure that habitat management underpinning mitigation is carried out should there be a delay between granting and implementation of any permission.*
- *We advise that additional detail will be required on the composition of and phasing of planting associated with the green corridors.*
- *We therefore advise a condition to: 1) Agree in writing the habitat composition and layout of green corridors in order to ensure provision of suitable habitat for, and maintenance of, connectivity for wildlife. This should include details of the habitats to be retained, habitats to be created and, a planting plan. To be implemented as agreed; 2) Agree a phasing plan for green infrastructure planting.*

Long term Habitat Management and Monitoring

- *we also advise a condition to:1) Agree in writing, before the start of works, a long term Management Plan to ensure the favourable management of habitats on site for great crested newt. The plan should include but not be limited to; a description of habitats to be managed and their desired condition, the nature of management operations required to deliver and maintain the desired condition; appropriate scheduling and timing of activities; proposals for monitoring of habitats, proposals for review of management, and remedial action to be undertaken where problems are identified by the monitoring scheme and review of habitat management. Scheme to be implemented as agreed.*
- *We advise that there is a need to ensure the preparation, agreement and implementation of a monitoring scheme for protected species.*
- *We advise that a monitoring strategy include the protected species themselves and assesses the development of, and ongoing suitability of, the habitats present to support them. Should themonitoring show a decline*

in population numbers or distribution, or habitat suitability, it will be necessary to deliver remedial measures.

- *We therefore advise a condition to: Agree in writing, before the start of works, a monitoring scheme for protected species. Monitoring should include the protected species themselves and the establishment of translocated, newly planted and managed habitats, including road crossings (Eg ecological hop-overs etc), and the use of such habitats. Should the monitoring show a decline in population or distribution, or a decline in quality or inappropriate management of supporting habitat, remedial measures to be agreed in writing and implemented to the satisfaction of NRW and the local authority.*

Underpinning delivery of ecological mitigation; Great crested newt conservation strategy

- *We advise that it should be a requirement of the outline consent to prepare a final Great Crested Newt Conservation Strategy for the written agreement of NRW and Cardiff Council prior to any works commencing on site. The final GCN conservation strategy should bring together in one coherent document, the applicants commitments to GCN mitigation and conservation as indicated in the Environmental Statement for application entitled 'Plas Dwr. Cardiff's Garden City. Environmental Statement' by Redrow Homes South Wales dated November 2014, and amended and clarified by: James Bird (EDP's) letter to Catherine Howe (NRW) (and enclosures) dated 17 January 2017; and Dai Lewis' (EDP's) email to Catherine Howe (NRW) dated 13 February 2017.*
- *With reference to Dai Lewis' email dated 13 February 2017, we welcome that the provision of aquatic mitigation habitats will be brought forward to the Phase 3. We also welcome that the preparation of the receptor site in its entirety will be brought forward to Phase 3, with contingencies in place should ponds in earlier phases be identified to support great crested newts. Both the pond creation and preparation of the receptor site should completed by the beginning of Phase 3 at the latest, and there should be contingencies in place should pre-construction surveys or discoveries during works identify the presence of a GCN population larger than originally identified. Such contingencies should include the further habitat provision. These aspects should be incorporated into the final GCN strategy.*
- *We note that the 4.32ha receptor site will be provided solely to receive translocated great crested newts, with a further 30.7ha of semi-natural/natural greenspace, which will be managed as semi natural/natural greenspace and not as formal recreational space. We advise that this should be managed with biodiversity, including Great Crested Newt conservation, as a priority.*
- *We further advise that a specific Great Crested Newt Conservation Strategy will be required for each Reserved Matters application (see below). In view of the above, we advise that appropriately worded conditions should be attached to any permission that Cardiff Council is minded to grant for the scheme requiring: 1) Management of the 30.7ha semi-natural/natural greenspace with biodiversity, including great crested newt conservation, as a priority; 2) the submission of a final, over-arching GCN conservation strategy for the application site/Plas*

Dwr site, to be agreed, prior to any works commencing on site. The GCN strategy will bring the submitted information together in one coherent document which will address, but not exclusively, the matters above; how GCN will be conserved during the development of the site; full details of the location and design of ponds and refuge/translocation receptor sites to be created; proposed scheduling and phasing of works, the GCN conservation measures relevant to each phase of the development, action to be taken in the event that a great crested newt is found during the course of works; appropriate management of retained and newly created terrestrial and aquatic habitats to ensure their suitability for GCN; contingencies in the event that GCN populations larger than anticipated are identified to be present; post-construction monitoring including formal reporting of GCN population monitoring results; remedial measures should monitoring reveal a decline in populations or a decline in habitat quality.. The GCN Conservation Strategy to be implemented as agreed. 3) the submission of a GCN conservation strategy for each Reserved Matters application, to be agreed, prior to any works commencing on site. The Reserved Matters GCN strategies shall expand on the over-arching GCN Conservation Strategy for the Plas Dwr site and include a method statement of site-specific GCN conservation details including, but not exclusively, a how great crested newts will be conserved during any clearance operations; schedule of works; action to be taken in the event a great crested newt is encountered during works; full details of the location and design of ponds and refuge sites to be created; appropriate management of newly created aquatic and terrestrial habitats to ensure the on-going suitability for GCN; contingencies for larger than anticipated populations being present; post-construction monitoring including formal reporting of GCN population monitoring results, remedial measures should monitoring reveal a decline in populations or a decline in habitat quality, and an explanation of how the strategy fits with the over-arching GCN conservation strategy for the Plas Dwr site. The GCN Conservation Strategy to be implemented as agreed.

- *Please note that there are some aspects of the GCN conservation strategies we may wish to develop further at the time of an EPS licence application including clearance strategies.*

Scheme to independently audit compliance with ecological commitments across all phases of the development

- *We advise that a compliance audit scheme for each reserved matters application will be required. We therefore advise that a suitably worded condition is attached to any permission that Cardiff Council is minded to grant for the scheme requiring each reserved matters application to include the submission of a detailed compliance audit scheme for agreement with NRW prior to any works commencing on site for that phase.*

Additional matters to be covered by condition for each reserved matters application:

Protected species surveys

- *We note and welcome the survey work undertaken on these species to date. We also welcome the intention to re-survey any of the trees and buildings for bats to be removed at the appropriate time.*
- *Undertaking pre-construction surveys are standard good practice for developments such as this which may take years for the various phases to come to fruition. We therefore advise a condition to: Ensure agreement in writing to the satisfaction of the local planning authority the scope and implementation of pre-construction surveys of the site for protected species, to be implemented as agreed. We advise each detailed application is accompanied by a bat survey of trees to be removed to facilitate the development.*

Bat Mitigation Strategy

- *We advise a condition to:Agree in writing, before the start of works, a detailed bat mitigation strategy. The bat mitigation strategy for each phase shall detail the likely impacts of the development on bats and include, but not be limited to, pre-works checks for bats; timing of works; measures to avoid killing & injuring bats during works; details of retained and replacement roosts (including materials to be used); scaled architects drawings for any roosts that will comprise integral features of buildings to show roost location and dimensions and roost access point location and dimensions; details of any other alternative roost provision (E.g. location of bat boxes); vegetation retention and management in the vicinity of roost sites to ensure connectivity with the site's green infrastructure; post-construction roost monitoring. Scheme to be implemented as agreed.*

Lighting

- *NRW are of the view that the presence of lighting has the potential to undermine the effectiveness of the green infrastructure particularly for bat species utilising certain areas.*
- *We understand that there will be a requirement for the submission of lighting strategies via condition attached to any permission granted. We advise that these ensure the sensitive lighting of areas of the built environment which abuts green corridors to minimise light spill and the sensitive treatment of points at which the green infrastructure is severed by the road infrastructure and built environment.*
- *We therefore advise a condition: To agree, before the start of works, a lighting scheme, consistent with the requirements of dormice and bats. This scheme should include details of the siting and type of lighting to be used, drawings setting out light spillage in key areas for wildlife and any operational measures necessary to ensure wildlife corridors are not illuminated. The scheme should address the construction and operational phase; and include remedial action to be undertaken where problems are identified by the monitoring scheme. Scheme to be implemented as agreed.*

Drawings to set out the treatment of any area of the green infrastructure potentially severed by either the road infrastructure or built environment

- *We advise a condition to: Agree in writing, before the start of works a strategy for addressing habitat severance to include the design and location of all crossings for protected species across the road infrastructure. The strategy should include, but not exclusively:*

information on the habitat either side of the road; a justification for the approach taken at each location; details of lighting measures; details of any vegetation planting that is required; detail of ecological hop-overs, localised reduction in carriageway width, wildlife friendly culverts and other measures to minimise severance for wildlife. Each strategy to be implemented as agreed.

Details of drainage of the road network which are compatible with amphibian conservation

- *Site drainage has the potential to impact on GCN and their ability to disperse. Therefore there should be suitable measures within the site drainage scheme to ensure that GCN dispersal will not be hindered. We therefore advise that any drainage scheme should include details of those elements which are compatible with amphibian conservation, and the location of these elements on site. The road drainage details should include, but not exclusively SUDS, offset gully pots, and amphibian friendly underpasses. This detail should be included in any drainage scheme condition.*

CEMP

- *We advise that a condition to:To agree in writing, before the start of works, a Construction Environmental Management Plan (CEMP). The CEMP shall include, but not exclusively: details of the on-site ecological supervision including appropriate contact details; tool box talks; risk assessment of potentially damaging activities; what to do if protected species are encountered during the course of works;; protected species protection and mitigation measures to be implemented as part of the works and their location; the times during construction when ecological supervision is required; use of protective fences, barriers and warning signs; CEMP monitoring and implementation and person(s) responsible for this.*

Legislation and policy

- *Where a European Protected Species is present, and a development proposal is likely to contravene the protection afforded to it, development may only proceed under a licence issued by Natural Resources Wales (NRW) having satisfied three requirements set out in the legislation. One of these requires that the development authorised will 'not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status (FCS) in their natural range.'*
- *These requirements are translated into planning policy through Planning Policy Wales (PPW) July 2014, sections 5.5.11 and 5.5.12, and Technical Advice Note (TAN) 5, Nature Conservation and Planning September 2009. The planning authority should take them into account when considering development proposals where a European protected species is present.*
- *Finally, we also advise that the applicant seeks a European Protected Species licence from NRW under Regulation 53(2)e of The Conservation of Habitats and Species Regulations 2010 before any works on site commence that may impact upon European Protected species. Please note that the granting of planning permission does not negate the need to obtain a licence.*

- *We refer you to our previous response dated 07 December 2016 which also includes recommendations for conditions should be minded to grant this application.*

6.28 The **Cardiff Bat Group** (affiliated to the Bat Conservation Trust) provide the following advice, summarised as follows:

(i) the ecological survey reports are generally thorough and of a high standard. One observation if the relatively low number of high potential trees identified but they have no information to suggest there are more

(ii) welcome the fact the masterplan makes provision for the retention of all of the key woodland blocks, which will protect many known roosts and a significant number of others that could not have reasonably been found but that will certainly exist. This should be revisited if there are any changes to the plans

(iii) the provision of lighting across the whole site is a significant concern and urge that a detailed lighting strategy is formulated at the earliest stage

(iv) Cardiff Bat Group have evidence from a radio tracking study in 2014 that a mature female Daubenton's bat roosting in Coedbychan flew on several nights across the development area and found in a roost a few hundred metres from a larger colony of 37 bats of the same species. It is more than reasonable to expect more animals from this colony to use similar nightly flight paths. Based on the tracking signal, believe the route to be across the site in a NE direction meeting the River Taff across the playing fields and meeting the river by Radyr Woods

(v) Encourage the developer to widen and join up the green infrastructure linkage both from Coed Bychan northwards to Coed y Goff and from Coed y Gof north east to the playing fields and Radyr Woods. In the absence of such a link, they advise the statutory authorities should consider if they have sufficient information to assess the impact and the need for further survey effort

(vi) Suggest the buffer adjacent to the former railway line is widened in order to make it a more robust habitat and wildlife corridor in the short/medium term and reduce the challenge of developing it to a tram route

(vii) this is a substantial development that will have a profound impact on the wildlife of NW Cardiff, brining challenges associated with more people, traffic and pollutants (noise, sound, light and aerosol)

(viii) the design has clearly recognised the value of some of the most important habitat features, noting that care will be required in their ongoing management and that this may enhance some of the neglected woodland areas

6.29 **South Wales Police** advise that the development will have a significant impact on crime and community safety in the area and could have a major impact on policing, and advise that the development include crime prevention measures. They welcome the opportunity to have detailed discussion with the developers and recommend a series of design principles.

6.30 SWP, in response to the amended submission, note that the section on community safety in the Design and Access statement is very limited, with no mention of lighting provision. A lighting condition is recommended and recommendations provided with regards to details of layout of pedestrian routes, entrance doors, ground floor windows, boundary walling, provision of defensible space to frontages, overlooking of car parking, external service meters, design of schools (fencing, external doors, ground floor windows, waste storage areas, exits, alarms, CCTV), retail uses (windows and doors, alarm systems, lighting and CCTV).

6.31 **Cardiff and Vale University Health Board,** in responding to the initial submission, note they are responsible for the health of around 472,400 people living in Cardiff and the Vale of Glamorgan, the provision of local primary care services (GP practices, dentists, optometrists and community pharmacists) and the running of hospitals, health centres and community health teams. Together, they note they provide a full range of public health and health services for local residents and for those from further afield who use the specialist services. It is noted that the application makes reference to the provision of a community building within which a clinic or surgery may be provided, and this is welcomed. Key recommendations are set out below.

Healthcare Service Provision Recommendations

- *Given this development alone will provide for 13,731 residents, our preferred requirement would be for any developer support or contribution to be utilised to provide a new large scale GP/Health Centre to include additional capacity for community services and a NHS dentist practice, within a multi-purpose building.*
- *The option for development of a pharmacy and an opticians within retail premises would be beneficial.*

Public Health Recommendations

- *Prioritise the pedestrian throughout the development, extend the 20mph zones to cover the entire development, use a variety of methods to reduce and control traffic speed, take the opportunity to implement car-free zones and design in informal outdoor active play areas*
- *Adhere to the planning guidance that identifies minimum standards for outdoor playing spaces and distances to local provision of spaces and negotiate to ensure the open spaces are well maintained*
- *Make available land near community buildings for food growing, support the selling of fruit and vegetables in the retail units and restrict the establishment of fast food / hot food takeaways, particularly near the school.*
- *Restrict the selling of alcohol at the new retail units.*
- *the Deposit LPD recommends the undertaking of a health impact assessment of large developments (Policy C7). In advance of the adoption of the LDP, it is recommended that this application is screened using an appropriate HIA tool, engaging with key partners.*

6.32 **Cardiff & Vale University Health Board** provided updated comments, in which they confirm remain valid in response to the amended plans consultation. These take the form of combined comments in respect of health care service delivery across the North West area which is summarised as follows:

(i) Strategic Sites C, D and E have the potential to significantly increase the population in North West of Cardiff - it is anticipated that the potential new homes will equate to an increased population of 22,585 (based on an estimated average of 2.3 residents per home), with the potential for further future expansion of Strategic Sites C and D noted as yet unknown;

(ii) UHB is responsible for ensuring access to NHS primary care services in Cardiff and the Vale of Glamorgan, including GPs, Community Pharmacists, Dentists and Optometrists. The UHB works with a best practice GP to patient ratio of 1:1800 and the current rate of access to NHS dentistry is 55% of the population;

(iii) while there is some limited capacity within existing GP practices in NW Cardiff to accept additional patients associated with the LDP growth, there is a significant shortfall;

(iv) there will be a significant demand pressure placed on a range of existing primary care health services;

Primary Care Service

(v) current general medical services (GP surgery provision) will be insufficient. There is sufficient GMS capacity within the Pentyrch GP practice to accommodate the needs of Site E and there is political commitment to maintain a GP practice in Pentyrch, but the practice operates out of temporary facilities and the UHB is looking to secure a longer term solution for this practice. For Sites C and D, the assessment reveals a shortfall of provision for 11,100 patients, equivalent to 6.2WTE GPS plus associated staff;

(vi) pharmacy provision is generally interlinked with demand for GMS, but the process for expanding provision is applicant driven and difficult to determine;

(vii) it is anticipated that there will be an increase in demand for NHS dental services, but it is acknowledged that NHS dental practices are not geographically bound, meaning that the impact of the proposed developments is difficult to assess;

(viii) it is anticipated that there will be an increased demand for optometric care, but it is acknowledged that service provision is managed by opticians who can accept an increase in numbers provided they have capacity.

Community Based Health Care

(ix) The UHB is also responsible for delivering health care in people's own homes and in community clinics, with services including community midwifery, health visiting, district nursing, podiatry, services for older people, family planning, primary and community mental health services etc. There are no community clinics in the vicinity of the development. Whilst the services need to be delivered against the principle of 'home first', for a number of services it is more appropriate to deliver them from a community resource facility either in multi-functional spaces or clinical consultation / treatment rooms;

Hospital based secondary care

(x) It is anticipated that the strategic sites will impact on hospital facilities at UHW and UH Landough, but it is not possible accurately predict infrastructure requirements at this stage. What is clear is that service delivery will change with the aim of making services more accessible, which could include the provision of a greater range of services in community based facilities;

Future Service Delivery

(xi) In health care planning it is important to take account of critical mass and the need to provide a cohesive and integrated model of care and for this reason it would not be a practical or sustainable solution to deliver a health care facility within each of the 3 sites;

(xii) The preferred solution to address the need is to provide permanent GP practice facilities within Pentyrch (for Site E) and to develop an integrated health and social care hub within the District Centre of Site C - a large scale GP practice integrated within a shared use facility that would cater for health and wellbeing needs and provide opportunities for integration with local authority and third sector services. Options that facilitate the rental of retail units by pharmacy providers and opticians should also be pursued;

(xiii) It is estimated that 2,233m2 floorspace is needed for a standalone health facility (+ car parking) - equivalent to a 0.52 hectare site if built over 2 floors - to deliver GMS services for sites C and D, and community services for C, D and E, and 1,413m2 to deliver such a facility within a shared community centre (if built over 2 floors).

6.33 The **Vale of Glamorgan Council** advise that they do not wish to make any observations in response to the application as originally submitted or amended application.

6.34 **Rhondda Cynon Taf County Borough Council** (RCT CBC) forward a copy of a report presented to their Development Control Committee on 19th May 2016 and provide the following comments in respect of the initial submission:

(i) RCT CBC accepts the need to provide additional housing within Cardiff;

(ii) RCT CBC is concerned that applications 14/02188/MJR, 14/02733/MJR and 16/00106/MJR do not appear to be proposing any specific measures or contributions for improving links to Rhondda Cynon Taff, required to accord with Policy KP2(C) of the adopted LDP;

(iii) In the absence of such proposals, RCT CBC OBJECT to these planning applications in their current form and request that the City of Cardiff Council negotiates the provision of a proportionate financial contribution or physical works within RCT to protect public transport journey time reliability, prior to the determination of these applications in order to remove these objections;

(iv) It is suggested that it would be appropriate for the developments subject of the four applications 14/0852/DCO, 14/02188/MJR, 14/02733/MJR and 16/00106/MJR to provide between them for improvements in the area of the Castell Mynach Junction in order to mitigate the impacts of these developments, and provide measures to improve linkages into RCT in compliance with Policy KP2(C);

(v) The works would include: a new bus-only southbound carriageway between the A4119/School Road Junction and Llantrisant Rd, a new signalised junction at the A4119/School Road Junction, improvements to the Llantrisant Rd and School Road Junctions, including the provision of bus lanes and increasing the size of right hand turn lanes and active travel works, the cost of which are estimated to be £3,536,584 to be secured via s106 Agreement. It is considered a matter for CCC and the Applicants how this provision is divided between the development proposals, but recommend that officers from CCC should contact them to discuss details of the scheme;

(vi) The works are considered to meet section 122 of the Community Levy Regulations 2010 as follows:
  - *They must be necessary to make the development acceptable in planning terms* – it is considered that traffic generated cumulatively by the four proposals would have a significant impact on the A4119 corridor and these proposed improvements would ease congestion caused by them and are considered necessary to make the development acceptable in planning terms
  - *They must be directly related to the development* - it is expected that a considerable amount of traffic generated cumulatively by the four proposal will travel through the Castell Mynach Junction and therefore the works are considered directly related to the development
  - *They must be fairly and reasonably related in scale and kind to the development* – as these four applications propose up to 8060 houses in total and a further 630 houses on Strategic Site C have been resolved to be approved, with no proposals to mitigate the traffic impacts on RCT, these improvements are considered to be fairly and reasonably related in scale and kind to the development.

(vii) Any bus services that will be provided as a result of the development should not be limited to running between the sites and Cardiff City Centre. It is considered that in order to comply with policy KP2(C), investment should be made in extending such services as part of a regional route to Talbot Green Bus Station, which is a key transport interchange for RCT. This would support public transport use to and from the development sites and it is requested that CCC negotiate this provision with the developers.

Any comments received in response to the amended plans/ further information will be reported as a late representation.

6.35 **Caerphilly Borough Council** did not respond. Any comments received will be reported as a late representation.

6.36 **Marshfield Community Council** has no observations to make.

6.37 **Radyr & Morganstown Community Council** OBJECT on the following summarised grounds:

(i) prematurity - if approved, it would pre-judge the outcome of the LDP Examination

(ii) conflict with the current policy framework

(iii) if the Council is minded to approve the application, conditions should require strict phasing in line with provision of strategic infrastructure, including fixed-track public transport linked to the City Centre and Talbot Green, and sewerage systems, with contributions from CIL and s106

(iv) site C should be considered as part of the overall development in NW Cardiff, including sites D and E and proposed development in RCT, which would all use the A4119

(v) the inclusion of land intended for development beyond 2026 should be removed

(vi) plans to hold traffic on the A4119 would lead to rat runs through existing communities, increased local congestion and pollution along the urbanised A4119.

(vii) lack of consultation on the site-specific Masterplan and their expectation to be consulted on future changes

(viii) the lack of a green boundary along the A4119

(ix) the field below the pink thatched cottage forms the southern gateway to Radyr and should be protected

(x) the inclusion within Site C of fields in the far SW corner of the site abutting St Fagans Conservation Area and south of Pentrebane Rd. They have no confidence the fields immediately to the east and separated by a strip of woodland will remain free of development, and call for it to be removed from Site C

(xi) support more people cycling but Cardiff's Local Transport Plan shows minimal investment for cycling and none of the fast dedicated routes needed to increase numbers significantly. Cycling numbers are unlikely to meet Vectos' projections for many reasons, including congested and dangerous local roads, long journey times, reduced attractiveness of cycling on dark winter evenings, topography, weather and cycle thefts

(xii) objection to any construction traffic using B4262 through Radyr and Morganstown, with Ynys Bridge having a eight limit of 80 tonnes

(xiii) if approved, s106 agreements should be negotiated under broad s106 rules and match what would be raised by the future narrower s106 plus CIL, and should include contributions to public transport, including the Metro. The local community should not lose this essential contribution to infrastructure through a premature application that only benefits the developer by avoiding CIL

(xiv) s106 agreements should be agreed after detailed consultation with Community Councils and local groups. S106s should insist on delivery not merely allocation of land, with penalty clauses to protect against non-delivery. The s106 agreement should stipulate that land allocated for community use but not so used within 5 years should revert to Community Council or other community ownership to ensure community use in perpetuity

(xv) the application should be considered in the context of Planning Policy Wales, the Wales Spatial Plan and Cardiff Local Plan. Serious questions about the lack of a sustainable transport strategy to underpin Strategic Site C mean that the application should not be decided before the receipt of the Inspectors report and if it is, it should be refused

(xvi) the North West Cardiff Transport Study (NWCTS) - allegedly developed by Cardiff Council - will be ineffective because of the number of pinch points on all subsequent routes into the City Centre - people will set out earlier, spreading the peaks or seek jobs outside of Cardiff that they can drive to, with the latter imposing a burden of residents of Radyr and Morganstow and Groesfaen. The NWCTS is not objective transport analysis and should not be treated as de facto Cardiff policy. The Community Councils of NW Cardiff commissioned independent transport analysis, which was submitted as part of the

Preferred Strategy and Deposit LDP consultations that clearly demonstrated that the transport network could not accommodate the increases in road traffic from the proposed Strategic Sites in NW Cardiff. They see no evidence this has been taken into consideration and urge the Council to do so, noting the weight of conflict associated with the NWCTS is huge.

(xvii) The Transport Assessment lacks credibility and should discounted. Approx 10% of peak hour trips have no mode assigned. The assumption is made that traffic through Llandaff will remain the same or less. The Applicants are using the Deposit LDPs expectation of a step-change in mode split as justification for minimising the transport infrastructure that they need to provide. The validity of the 50/50 mode split assumption is crucial and will be considered at the LDP Examination. It will be impossible to achieve this split without a robust transport strategy and early delivery of the Metro as well as bus services

(xviii) the documentation is voluminous

(xix) the transportation and cumulative impact chapters of the ES down play the challenges of developing the site which rely on prevailing economic conditions

(xx) the proposal does not deliver the necessary major improvements to public transport within and beyond the site

(xxi) Plasdwr must be built on Garden City principles but the application gives no confidence it will be

(xxii) at the time sites C, D and E were evaluated and selected for inclusion the expectation was that they would be served by rapid transit

(xxiii) minimum reinforcement of existing bus services is proposed, which is unlikely to go any way to achieving a 50/50 mode split for 25,000 residents in NW Cardiff or the City as a whole

(xxiv) the application should not be considered in isolation - the total number of dwellings planned in the NW Cardiff corridor is 13,140. Using Vectos' multipliers this would require a fleet of around 125 buses, one every 29 seconds during the AM peak - filling the road with buses - or 4,386 cars (assuming one driver and passenger). The A4119 is already saturated. Even if the 50/50 mode split is achieved by bus the road network will still be gridlocked. It cannot remain 'car neutral' as predicted

(xxv) retro-fitting the Metro will not work as patterns of car use, once established, are hard to change. It needs to be planned from the outset.

(xxvi) scant information is given about employment, but that planned will attract substantial inward, car based trips and demand for car parking on-site. No parking provision is mentioned, but will be provided.

(xxvii) it is not credible to develop a major housing area with inadequate walking and cycling when the majority of new jobs are to be located 10km + from the site. The developers assume that a large number of residents will live and work wholly within Plasdwr

(xxviii) without a fast, frequent, modern Metro, most commuters in NW Cardiff will continue to travel by car

(xxix) the accessibility of stations and potential for rail travel is disputed

(xxx) the retail provision will draw shoppers in from a wide area, mainly by car, generating additional traffic and the District Centre should therefore be limited to a quarter of the floorspace, with a maximum unit size of 5000sq ft

(xxxi) applications for housing should be judged on their own merits, notwithstanding a lack of a 5 year land supply, as illustrated by a recent appeal decision for 48 houses in Danescourt

(xxxii) the dismissive nature of the ES cumulative impact chapter is alarming and the applicants have not grasped the scale and complexity of the impacts, with statements lacking credible evidence in respect of traffic impacts. R&MCC predict that none of the forecasts will be anywhere near accurate

(xxxiii) the inadequacy of the ES is also shown by the proposed traffic management queue system, bus lanes, bus gates, and removal of on-street parking set out in the NWCTS. Forcing changes in behaviour by squeezing road space can not be appropriate for those with no alternative means of travel and leads to rat running and abandonment of city centres. Traffic increases on the A4119 risks inhibiting investment in RCT

(xxxiv) there is no reasoned justification for the ES statement that there is a disconnect between economic growth and traffic demand - this seems implausible for Cardiff as the powerhouse of the Welsh economy and with car use a cheaper option than buses or trains

(xxxv) the proposed bus improvements would not comprise a step change in the level of bus service provision as claimed and no operator has the resources to operate services that are not commercially viable. Further bus frequency reductions are due to come into force, leading to less use

(xxxvi) expects the initial subsidy to be paid as a s106 requirement

(xxxvii) cumulative provision will require reinforcement and possibly new off-site provision of water supply and sewerage infrastructure. The ES provides scant information on capacity of off-site infrastructure and evidence of unadopted sewers constructed for previous developments. Phasing of development may be the only way to ensure timely provision of the required infrastructure to avoid creating a public health nuisance given that DCWW are prohibited from investing in advance infrastructure provision

(xxxviii) the Landscape and Visual Impact Assessment recognises there will be inevitable significant effects and has ignored the 'key ridgeline influencing inter-visibility' at the NW edge of the masterplan site. The ridge should not be developed and the Masterplan should be amended to incorporate an open/planted buffer to mitigate the effects

(xxxix) the application should not have been registered with an ES and supporting documentation that contains such a flawed and inadequate cumulative impact assessment. Any permission granted on this basis could be challengeable under domestic and European law

(xl) the application is premature and should be refused as it is contrary to policy. If granted, the s106 should include an annual bus subsidy to 2026, either a requirement to undertake significant highway improvements between the site and the City Centre or a requirement to finance the construction and operation of the Metro train or tram line.

6.38 Radyr & Morganstown Community Council OBJECT to the application, as amended, on the following summarised grounds:

- (i) the need for sewage infrastructure to be phased to be in place before any houses are built, noting that it has not yet been established how many units can be accommodated at existing Waste Water Treatment Works and whether existing sewers need to be upgraded
- (ii) it is essential to understand the detailed sewerage infrastructure requirements and the whether the routes of the sewers follow the roads, noting the potential for traffic disruption
- (iii) it is suggested that it may be a more sustainable, cheaper and better long term option to have a WWTW within the development
- (iv) it is essential to make any highway adaptions and alterations to Llantrisant Rd before phase one
- (v) it is unrealistic to expect the same level of cycle use as in Amsterdam
- (vi) it is essential to engage with resulting the vehicular traffic problems, noting it can take an hour to travel from Radyr to Llandaff between 7:45 and 9:15
- (vii) there should be a link road from Llantrisant Rd to the road network near Cardiff West services to allow routes through Llandaff or Fairwater to be avoided
- (viii) objection to the Crofft-y-Genau traffic management scheme as it will increase the strain on Llantrisant Rd
- (ix) welcome the highway improvements to Clos Parc Radyr, but note the requirement for them and all highway infrastructure improvements to be in place prior to commencement
- (x) notes that talks are on-going with Western Power re the undergrounding of cables including the pylons, and noting that the decision on undergrounding needs to be made prior to commencement. Concern over the impact of overhead and underground cables on health, noting that 200m is mentioned as a distance within which the electromagnetic fields from overhead cables may be strong enough to damage health and that it is morally wrong to build any housing within 200m of the pylon line, and advocate a 400m green corridor under the existing powerlines. Query whether the developers or the Council would be responsible to any associated health impacts in light of this concern.
- (xi) query as to whether the logistics of maintaining and mending electricity cables have been considered, with requirement that no house is built either above or below a national grid electricity cable. Proposes that the green corridor be a service corridor with a WWTW co-located on site.
- (xii) the medical centre at Radyr is no longer able to accept new patients, such that the proposed medical centre should be built in phase 1. At least one dentist's surgery should be built during phase 1 also.
- (xiii) the need for hospital beds and extra secondary health facilities to meet the requirements of a growing ageing population need to be addressed
- (xiv) the Great Crested Newt Conservation Strategy has neglected to mitigate for all the populations identified during the Ecology Baseline Survey,

specifically the 2 dead adult and 2 dead juvenile GCNs discovered under a single mat on the Eastern boundary of the land South of Pentrebane Rd.

(xv) the discovery of the 4 dead newts is noted to be of great concern as CCC confirmed in November 2013 that the GCN population in this area was thought to be extinct for a number of years. The Community Council consider the location of the site, relative to the already identified breeding ponds, as key evidence to prove the likely existence of a population independent to that at Pentrebane Farm, and advise that it is imperative that the source habitat is identified and that a further survey of the site must take place during the peak terrestrial phase, as the survey was undertaken in October at the end of the known terrestrial phase in order to ensure that the GCN habitats have been properly considered and proper mitigation applied. It is also considered that the 2013 survey results are actually outdated and request clarification fro NRW as to the acceptable timeframe for conducting a baseline survey to developing a conservation strategy and whether it is likely that there could have been a significant change to population spread and densities. Until these investigations are undertaken, the Community Council refuse the assessment by EDP that CCC would be fulfilling their statutory duties to have regard to the requirements of the European Union's Habitats Directive (1992) and to the purpose of conserving biodiversity in the exercise of their functions.

(xvi) R&MCC request a right to speak on the issue at planning committees and hearings.

6.39 **St Fagans Community Council** OBJECT to the application as originally submitted on the following summarised grounds:

(i) prematurity - if approved, it would pre-judge the outcome of the LDP examination

(ii) the combined impact of all developments close to the site need to be assessed in a co-ordinated manner

(iii) inconsistency with the Statement of Common Ground presented to the LDP Examination and destruction of the unique character of St Fagans given the proposed use of green fields within the Conservation Area for sports pitches and other green infrastructure

(iv) the infrastructure requirements have not been thoroughly assessed and are deliberately understated

(v) the community has not been consulted on the masterplan and parameter plans nor the North West Cardiff Transport Strategy

(vi) lack of a clear transport strategy

(vii) the application raises numerous issues and is characterised by misleading statements and unsubstantiated claims

(viii) transport is a critical issue

(ix) the TA is based on traffic surveys undertaken in July which is not representative and accident data for 5 years to June 2013

(x) local concern about Llantrisant Rd and its junction with Rhydlafar and Crofft Y Genau Road

(xi) uncertainty over the status of the North West Cardiff Transport Strategy presented in the ES – whether it is developed by Vectos or Cardiff Council

(xii) a Transport Infrastructure - Position Statement presented to the LDP Examination from parties bringing forward sites C, D, E, F and G states that the infrastructure exists for movement by foot, cycle, bus, rail and car, contrary to evidence presented by the Council

(xiii) the pedestrian network in NW Cardiff is not well developed, as claimed – main footpaths in Llandaff, Radyr and surrounding areas are adjacent to busy roads, narrow, badly surfaced and poorly maintained and in places only one sided or absent

(xiv) the Position Statement implies a bus based system is required but the Council and Cardiff Bus have stated a bus rapid transit system will not be available in the short to medium term (Cardiff Bus Network Study, Nov 2014)

(xv) it is clear that when the strategic sites were evaluated and selected for inclusion in the LPD, the expectation was that they would be served by the rapid transit facility (LDP Transportation Technical paper 12 Oct 2012 section 4.2), but all that is being offered now is two extra and two extended existing routes and bus priority in key locations – hardly the ‘step change’ in provision claimed, with no mention of recent reductions in service frequency

(xvi) corridors are worthless without rapid transit and this will not exist until the longer term

(xvii) the Applicants are using the expectation of a step-change in mode split as justification for minimising transport infrastructure provision, with neither the LDP nor application providing plans to achieve the change

(xviii) harm to existing community, businesses and attractions from proposals to close all or part of Crofft y Genau Road, also noting inconsistency in statements as to whether all or part of the road would be closed and lack of a practical alternative in its place

(xix) the application is littered with inaccurate statements and exaggerated claims, including the assumption that a large number of residents will live, work and socialise within Plasdwr and that train stations are within walking and cycling distance of the site

(xx) improvements to sewerage capacity and water supply are needed – the ES does not provide adequate information on the improvements needed, costings or timescales – with potential for a public health problem. In their submissions to the LDP Examination DCWW refer to the need for a feasibility study

(xxi) roads adjacent to the site are prone to flooding during heavy rain

(xxii) loss of agricultural land

(xxiii) harm St Fagans as an area of importance for biodiversity –there are no wildlife corridors linking areas of woodland harming wildlife

(xxiv) the application should not have been registered with an ES and supporting documentation that contains such a flawed and inadequate cumulative impact assessment and if granted, could be challengeable under domestic and European law and the application should be refused.

6.40 **St Fagans Community Council** OBJECT the amended submission on the following summarised grounds:

- (ii) The additional information does not adequately deal with the issues raised and demonstrates a lack of respect for the concerns of Cardiff residents
- (iii) There has been no community engagement or true consultation on this application or the development of the North West Cardiff strategic sites.
- (iv) The development will not provide "*a full range of employment opportunities*"; most jobs are not in the NW of Cardiff and the majority of new jobs envisaged in the LDP will be in the centre or other side of the city.
- (v) The DAS does not pretend that the essential "*rapid transport*" will be provided; the off-site transport infrastructure will be neglected.
- (vi) The DAS continues to use misleading and contradictory terminology on transport systems. The Rapid Transit System is described as a long-term objective, but notes that in the short term the transport strategy will be bus based "*providing attractive, convenient and direct routes between key destinations.*" *"Attractive"* can mean many things but there is no mention of inexpensive or rapid, which most people would regard as essential.
- (vii) The DAS advises that *"The sustainable transport corridor will be designed to accommodate cars, pedestrians and cyclists, as well as a bus-based rapid transit route"* (while land for a possible tram-based system will be safeguarded). Members strongly dispute that the transport corridor will support a true bus rapid transit system. The Institute for Transportation and Development Policy states that: **"***Bus Rapid Transit (BRT) is a high-quality bus-based transit system that delivers fast, comfortable, and cost-effective services at metro-level capacities. It does this through the provision of dedicated lanes, with busways and iconic stations typically aligned to the center of the road, off-board fare collection, and fast and frequent operations."* Bus priority measures and bus lanes that run along part of a road before joining other traffic, and the existing congestion, do not constitute a bus rapid transit system.
- (viii) Members expect major public transport improvements that benefit existing and new residents to be in place <u>before</u> new occupation begins. Members do not share the developers'/Vectos'/Cardiff Council's view that "*delay and inconvenience for private car users"* is the way to support sustainable travel. If *"delay"* and *"inconvenience*" were all that were required to stop car journeys many people would have stopped making their regular car journeys long ago. People will change their time of travel to avoid or minimise delay. Traffic at the junction of Crofft y Genau Road and Castle Hill is already regularly at a standstill due to volume of traffic and the railway level crossing closing for a large part of every hour. As traffic increased people did not stop using their cars, they simply changed the time of travel so that the congestion period now lasts longer.
- (ix) A Vectos report claimed that a high proportion of rush hour car journeys were school journeys. The DAS *"the infrastructure will support the use*

of sustainable transport modes in preference to single occupancy car." School journeys will not be single occupancy – at least in one direction.

(x) The DAS states "*Active traffic management of the highway network will make the most efficient use of available road space, allocating queues in appropriate locations and managing the flow of traffic through key areas of the Site, including Air Quality Management Areas (AQMAs).* Members are unsure what this statement is telling them. It mentions the "*key areas of the Site*" but the "*highway network*" goes beyond the Site. "*Available road space*" on the "*highway network*" adjacent to or close to the Site is both limited and congested. It is naïve to suggest traffic can be managed to avoid additional congestion and queuing, which will increase pollution in AQMAs where pollution levels are already high.

(xi) the development is unsustainable without an operational rapid transit system that is operational <u>before</u> occupation.

(xii) The DAS references the Well-being of Future Generations (Wales) Act 2015, which Members believe is inconsistent with high density housing developments. The DAS uses the need to discourage car use as a justification for higher density of housing and claims that lower densities promote use of the car, but higher density will support "walkable facilities". Lower density allows for more open space within the development, which most will see as important for well-being. Low-density developments facilitate walking by providing wide pavements.

(xiii) The development will result in the loss of considerable green open space and farmland. The DAS describes the agricultural land "…*in parts is of a poor quality resulting from a lack of management and regular maintenance".* Responsibility for the lack of management and maintenance rests with the landowners who will benefit from the sale of the land for housing development! Welsh Government values agricultural land and, if approved, Cardiff Council will be supporting landowners in a deliberate act to manage down agricultural land quality in the interest of profit. Not content with this, landowners' profits will be maximised by Cardiff Council's decision to exclude strategic sites from CIL;

(xiv) inadequate attention is given to the potential for flooding. The development area has a high water table and heavy but not exceptional rainfall causes surface water on the surrounding roads (as was evident on Crofft y Genau Road during the rain on 20/21 November 2016). Houses adjacent to the proposed developments already experience problems. There is considerable run-off from the fields that developers plan to build on; building on the fields will only make the problem worse.

(xv) Members urge Cardiff Council to reject this application and demand that the applicant addresses the fundamental issues raised.

6.41 St Fagans Community Council subsequently enquired whether a Planning Committee date had been set for the above, whether the s106 agreement had been drawn up and whether any of the proposals can be made available to the Council.

6.42 **Peterston Super Ely Community Council** raise a number of queries, summarised as follows:

- *(i)* noting the significant effect traffic through the village of Peterston super Ely, the easy access to the M4 and increased impact on the village from a large development, queries whether an assessment of traffic impact through the village has been made
- *(ii)* the part closure of Crofft-y-Genau Road will significantly effect local residents, many of whom use this road
- *(iii)* requests reassurance that construction traffic routes will be controlled to ensure no trucks/lorries are directed through the village.

7. REPRESENTATIONS

7.1 **Cllr Rod McKerlich** OBJECTS to the application, advising that he has worked with Radyr and Morganstown Community Council to produce their response and associates himself with it. Additionally, he advises that there is a weight limit for goods vehicles using Heol Isaf unless the road is being used for access and asks that it should be written into any planning condition that no vehicle servicing the site may do so via Heol Isaf.

7.2 In a subsequent representation, Cllr Mc Kerlich advises that he would like to speak as a ward member when the application comes before Planning Committee.

7.3 Neil Mc Evoy AM OBJECTS to the application on environmental conservation grounds and specifically to the discovery of a family of Great Crested Newts in his ward that has not been mitigated for in the resulting GCN Conservation Strategy, noting that a comprehensive account of this discovery can be seen in the objection raised by Radyr & Morganstown Community Council. Cllr Neil McEvoy also queried whether the Council could justify charging £5 for a CD copy of consultation documents.

7.4 **Jonathan Evans MP** OBJECTS to the application, as originally submitted, and asks that his comments submitted in respect of application 14/01257/MJR are taken into account. These are summarised as follows:

- (i) this application is premature as the Cardiff LDP has not yet been fully ratified. Accordingly, the implications of development in North West Cardiff in terms of infrastructure are unable to be quantified until this process is properly concluded
- (ii) the application cannot be assessed against any relevant policy framework and therefore fails the Planning Policy Wales (2014) requirements in terms of sustainable development.
- (iii) it is inappropriate for this application to be approved without consideration of the wider planning implications in North West Cardiff
- (iv) The applicants have employed experts to assess the value of certain trees on our property but have made no effort whatsoever to contact us or our neighbours to discuss their proposals.
- (v) Accordingly, their statements on consultation are just untrue.

(vi) development should be of such a scale as to respect the landscape of the area; this application proposes a wholly excessive density of development.

(vii) It is troubling that the developers should state that the site has few landscape constraints. On the contrary, any visitor to the site will be able to see landscape views to Castell Coch and much of North Cardiff, and it is therefore certain that the development will be visible over a wide area.

(viii) the scale of development on this site should not exceed the scale of development at Clos Park Radyr in order to ensure that the site is properly integrated with neighbouring properties.

7.5 A 208 signature strong PETITION OF OBJECTION was submitted, objecting to the application on the following grounds:

- *We share the views of the NW Cardiff Group and R&MCC and urge the Council to refuse this application.*
- *The application should not be decided until the outcome of the LDP Examination is known: it is premature.*
- *The infrastructure proposed is inadequate to create a new sustainable community and will put unreasonable strain on existing facilities.*
- *NW Cardiff needs an independent integrated transport strategy incorporating the Metro. This application is based on developers' data with no evidence that a few bus services will meet the needs of some 22,000 extra people in NW Cardiff.*
- *We object to the plan to turn Llantrisant Road into a car holding zone. It will unreasonably block local traffic on Heol Isaf, Ynys Bridge, Llandaff, Parc Radur and St Fagans railway crossing and increase local pollution.*
- *We support more people cycling but Llantrisant Road is unsafe and the Taff Trail is only used by some 2.4% of R&M residents for commuting, mostly in summer.*
- *We will object in the strongest ways possible to any construction traffic using the B4262 through R&M. Ynys Bridge has a weight limit of 80 tonnes maximum.*
- *If consent is given, S106 agreements should be agreed after detailed consultation with R&MCC and local groups in NW Cardiff. Any land allocated for community use but not used for that purpose within five years of grant of planning permission should revert to a Community Council or other community ownership to ensure community use in perpetuity.*
- *This application is premature and should be refused.*

7.6 130 letters of objection were received in response to the **initial public consultation** from residents of Llantrisant Rd, Heol Isaf, Windsor Clive Drive, Summerwood Close, Ashcroft Crescent, Firs Avenue, St Fagans Drive, Beech Road, Llantarnam Drive, Sherwood Court, Bishop Hannon Drive, Pentrebane Rd, Greenwood Lane, Cherry Close, Ashcroft Crescent, Ashdene Close, Bruton Place, Heol Aradur, Windway Ave, Herbert March Close, Bryn Castell, Ashcroft Crescent, Bates Court, Stella Maris Close, Gelynis Terrace, Cuckoofield Close, Prince of Wales Drive, Clos Tylaway, Walnut Tree Close, De Clare Drive, Falconwood Drive, Ravensbrook, Windsor Avenue, Penrhos, Bryn Derwen, Ty Mynydd Close, Bwlch Rd, Drovers Way, Maes-y-Crofft, Cardiff Rd, Kings Rd, Old Mill Drive, Maes Y Gwair, Maple Tree Close, Sycamore Tree Close, Ty Parc Close, Windsor Clive Drive, several of undisclosed address, and Radyr & Morganstown Partnership and Community Trust, Campaign for the Protection of Rural Wales , Cardiff Civic Society, Llandaff Society, Radyr Golf Club, North West Cardiff Group, Radyr & Morganstown Association, National Museum of Wales and The Church in Wales. (The objections from North West Cardiff Group reflect those of the Radyr and Morganstown Community Council above and these are not re-stated here.) The objections are summarised as follows:

Process / Approach / Principle of development

(i) prematurity in light of submission prior to adoption of the LDP and completion of the Council’s North West Cardiff Transport Study
(ii) need for a coherent, plan led approach, not piecemeal, developer-led development
(iii) conflict with Local Plan, the deposit LDP and Planning Policy Wales
(iv) the proposed build rates are challenging - development of the strategic sites will overrun the plan period, leading to uncertainty that needs to be recognised in the housing requirement
(v) the development of the site for 6000 units is unnecessary / excessive - the need should be met evenly across the city, through conversion of empty properties and small scale developments
(vi) the development should be part of the UK Government 'Large Sites Infrastructure Programme' (or Wales Government if devolved) and should not be proposed by a single developer
(vii) cumulative detrimental impact - the application should not be treated separately from applications 14/2157/MJR,14/02188MJR and the BBC site and other applications with access onto Llantrisant Rd
(viii) such a large development must be considered as part of a regional development plan, not an LDP, given the impact on RCT and the Vale
(ix) concern over sheer size and profit driven greed of the proposal that shows complete disregard for the feelings of the existing community by the developer and noting their failure to consult local people
(x) suspicion that the application was submitted just before Christmas to minimise the local response
(xi) accept there is a demand for building land, including in NW Cardiff
(xii) whilst there is much that warrants encouragement, there are serious inadequacies, particularly in respect of infrastructure needs and impact on surrounding areas and infrastructure, which are underestimated
(xiii) the development must be carried out properly, with the scale of development matched by strategic infrastructure improvements (transport, sewer, drainage etc) - infrastructure must be in place before housing is built
(xiv) the proposed infrastructure is inadequate and will put unreasonable strain on existing facilities, with uncertainty as to who will pay for them
(xv) no contingency plan is mentioned
(xvi) the development is unsustainable
(xvii) suspicion that the Council or Assembly Government is funding the proposal

(xviii) query why Cardiff have cut the CIL recommended rate for green field sites from £260 per sq m to £100 per sq m, wasting public money

(xix) concern that once outline permission is granted, developers can build what they like

(xx) query as to why the Council consults residents given they will grant permission regardless of local views

(xxi) the submission is not reader-friendly using language deliberately designed to cloud issues, and burying key information – highlighting of key information is needed

(xxii) rushed, poor quality, badly drafted and flawed submission, lacking in local knowledge

(xxiii) the application is a developer's fantasy based on half-truths and self-deceptions

(xxiv) the Environmental Statement has failed to sufficiently assess indirect and cumulative effects, and notably has failed to take into consideration the transport and socio-economic impacts of the redevelopment of the BBC site and strategic sites C, D and E

(xxv) if allowed, s106 contributions should be agreed after detailed consultation with Radyr & Morganstown Community Council, Llandaff Society and local groups in North West Cardiff.

(xxvi) any land allocated for community use but not used for that purpose within five years of grant of planning permission should revert to a Community Council or other community ownership to ensure community use in perpetuity

(xxvii) Cardiff Civic Society is promoting the concept of a series of garden city and garden village type new communities along the route of and integrated with the proposed rapid transit facility north west of Cardiff. In the long term, the development if integrated with rapid transit could be a significant building block of a successful regional development strategy. Once the rapid transit facility is in place, the core of strategic site C could become such a settlement but not the outer fringes which are too far from public transport stations to be anything other than car dependent communities. Land north of Llantrisant rd is compromised by Radyr Golfcourse and forms a rural gateway to Radyr, while land south of Pentrebane Rd forms part of the rural landscape context of St Fagans Conservation Area. These areas should be omitted from the application site and should become green wedges to preserve the physical integrity and character of the new settlement and adjacent suburbs of Cardiff

(xxviii) supports the points made by the Radyr and Morganstown and St Fagans Community Councils and NW Cardiff Group

Socio-economic matters

(xxix) understands the need for housing / there is no evidence of housing need

(xxx) concern that affordable housing will bring problems / will not be delivered

(xxxi) suspicion that the Council is financing the development to house thousands of migrants and view that the Council should be spending money on local regeneration

(xxxii) quality development is needed, with a concern that Cardiff could become the biggest slum capital in Europe

(xxxiii) Cardiff does not have the jobs or economy to support development on this scale, with the concern that too many houses will be built that can't be let or sold or mortgages afforded, resulting in human misery

(xxxiv) increased pressure on existing services (health, policing, street cleaning, road maintenance, refuse collection, social care etc) at a time when services are being reduced and facilities closed

(xxxv) absence of medical and dental facilities, with the health service under intense pressure, leading to longer waiting times and pressure on staff

(xxxvi) a library and other social facilities are proposed, but note the local library and other facilities are being closed, with a question as to how they will be funded

(xxxvii) no mention of places of employment except for shops - the Council need to attract manufacturing jobs

(xxxviii) need for adequate community facilities and links to existing facilities

(xxxix) need to ensure new facilities do not draw activity away from existing centres

(xl) harm to social structure of existing established communities and loss of community values - the new estate would be too big and unmanageable to have a sense of community

(xli) increase in crime and disorder, with consequent increase in home and car insurance

(xlii) the Church in Wales expressed their desire to provide a new place of worship within the development that needn't be limited to traditional church activities and for one of the schools to be run as a Church in Wales school, possibly in combination with other uses

(xliii) schools are not needed, as local schools have falling numbers (Holy family, Cantonian) / schools in the area are full and expanding them would put teachers and pupils under pressure / query as to who would fund the new schools

(xliv) harm to residential amenity due to loss of privacy from overlooking, including from elevated positions, dust and disruption, noise and pollution

(xlv) request for residential amenity assessment to be undertaken of a property on Llantarnam Drive

(xlvi) decrease in property values, especially for those that will loose their current uninterrupted views of farmland and woodland with prospect of negative equity and query as to whether the Council will provide compensation

(xlvii) query regarding whether there would be any impact on the rear of 46 and 54 Beech Rd

(xlviii) harm to quality of life of existing residents, extreme depression and anger at the unfair change in character of the area and consequent loss of enjoyment of their homes

(xlix) query as to what the Council or Redrow are proposing to do to upgrade and properly maintain the Bishop Hannon Drive area

(l) view that money would be better spent developing the local economy in the valleys (li) Radyr Golf Club (letter 1 dated 05/02/15) object on the grounds that residential development is proposed immediately adjacent to the golf course and the development, therefore, contrary to their representations to the LDP requesting a 'buffer zone' which they consider necessary to safeguard the existing use, viability and integrity of the golf course and protect the health and safety of the new occupants. A plan showing a 45m buffer zone is attached, should be incorporated into the Land Use Parameter Plan and Illustrative Masterplan as a constraint, noting the policy requirement to consider community safety. The Applicant should be required to undertake additional work to acknowledge the constraint. If approved in its current form, mitigation measures will be needed such as the erection of nets and barriers on several holes of the course, the cost of implementation and maintenance of which will prejudice the future viability and sustainability of the club and require planning permission. The Club does not have sufficient land to reconfigure the internal layout of the course. This matter cannot be left to Reserved Matters stage. The LDP Inspector has asked the Council to address this matter as part of the on-going Examination. The Club is willing to discuss the matter further with the Council and Applicant.

(lii) Radyr Golf Course (letter 2) subsequently commissioned and submitted an expert report ‘Golf Course Design & Safety Expert Report – Assessment of the Impact of a new Residential Development proposed by Redrow Homes (South Wales) on the Golf Course’, (as amended) dated 21 June 2016 by Jonathan Gaunt. This concluded that the previously recommended 45m ‘buffer zone’ would provide some guarantee of safety but that the safety margin must be measured in relation to the safety cones and dimensions set out in the report. It is advised that the most robust and sustainable solution is for homes to be set back from the golf course perimeter by the dimensions shown on the plans produced – Plan 3 and Plan 4 Safety Buffer zone – showing the impact of safety zones on adjacent land – Winter and Summer. It concludes that the planning application as submitted would conflict with the errant golf balls contrary to policy KP2C.

(liii) Harm to St Fagans and its facilities, as a major tourist attraction generating jobs and income

(liv) Loss of 2 farms, homes and incomes of farmers and their families.

Design, Heritage, Countryside, Landscape, Agriculture, Ecology, Water

(lv) loss of prime agricultural land, including Best and Most Versatile land, with WG holding objection indicating insufficient time was given to its consideration

(lvi) the Council has been negligent in their duties in not undertaking any survey of agricultural land using the latest agricultural land classification before considering any planning applications for greenfield sites

(lvii) the application ignores green belt policy principles/ encroaches onto the green belt, changing the city's character (lviii) loss of greenfield land and countryside - more accessible brownfield land is available - particularly to the east of the city - and should be used instead. Query as to whether the site of Cantonian High School could be used for development

(lix) reduced access to the countryside

(lx) landscape impact - the loss of the undulating landscape with its mosaic of pastures and woodland, hedgerows and trees should be resisted

(lxi) harm to views currently enjoyed from dwellings

(lxii) the land has historic connections - [Pentrebane] farm being an old Roman counting house and the battle of St Fagans

(lxiii) harm to the character of Radyr, from being a 'semi-rural' village on the outskirts of Cardiff to being in the middle of a huge urban sprawl

(lxiv) harm to the character of St Fagans, due to close proximity of development, resulting in it becoming just another suburb of Cardiff – a buffer zone is needed

(lxv) harm to the St Fagans and Llandaff conservation areas

(lxvi) concern that when 2 fields were taken out of the St Fagans Conservation Area it was stated that they were not intended for development but are now proposed as the first areas of construction for a new town

(lxvii) gaps are needed between urban areas - there is no break in the urban sprawl proposed by the development. Suggestion that a 100m buffer should be provided between new and existing housing

(lxviii) the new properties are not in-keeping with local Edwardian properties

(lxix) Cardiff Civic Society note there is much they approve of in the general layout and design, including the potential to lead to high quality and varied design, the potential to use topography to create a dramatic townscape, the potential for the woodland and greenspaces to be a major component of garden aspect of the garden city, the absence of cul-de-sacs. Raise concerns in respect of character area 10 (conventional low density suburban), the lack of strong links to Fairwater Leisure Centre, and the lack of areas allocated for industry (B1, B2, B8)

(lxx) resulting permanent adverse effect on ecology and wildlife - harm to local environment, flora and fauna from noise, light pollution and loss of habitats, including ancient hedgerows and woodland, given their importance as wildlife corridors and breeding/ feeding habitats for insects, birds and mammals, including protected species, leading to population reduction. Adders, bats, badgers, owls - barn owls, birds of prey - peregrine falcon, buzzards and goshawk, hobby, crossbill, foxes, slow worms, hedgehogs and buzzards are reported on the site, noting that mitigation is unconvincing and that laws designed to protect birds are being largely ignored

(lxxi) the proposed buffer zones will not prevent severe impact

(lxxii) there are no corridors linking the wooded areas, making it impossible for wildlife to move safely

(lxxiii) the ecological survey should include surveys of moths, butterflies, spiders, flies, beetles and other insect life essential to the food chain (lxxiv) local wildlife charities have released recued hedgehogs (whose population is in dramatic decline) in this area. The developer might, as a goodwill gesture, try to make the development reasonably hedgehog friendly

(lxxv) concern that hedge H58 is identified as 'not important', with residents noting its importance a) as a boundary - their deeds clearly show that their boundary is the middle the hedge and they wish it to remain, b) for bat foraging and activity and c) in providing privacy.

(lxxvi) open space must be provided

(lxxvii) conditions should be imposed to control the use of areas used for temporary and construction works, requiring works to be carried out under a ‘considerate contractor’ scheme or other

(lxxviii) poor track record of key parties environmental performance – Plymouth Estates have apparently allowed unhindered growth of Japanese Knotweed across some of their land

(lxxix) Public Rights of Way that cross the site must remain accessible to ensure people's right to a healthy lifestyle (mental and physical health) which includes the right to access natural open spaces - the impact on PROWs is not clear

(lxxx) the application should undertake soakaway tests to confirm that ground conditions are suitable for SuDS

(lxxxi) increase in impermeable surfaces and compaction of soil by heavy machinery will lead to increased storm water run off from fields into adjoining properties, that already experience run off and flooding into their gardens (reported by 29 Llantarnam Drive)

(lxxxii) increased risk of flooding to 25 Llantarnam Drive, noting a pond is proposed to be sited at the foot of the hill to the rear

(lxxxiii) increased risk of flooding to houses and gardens in Herbert March Close - need for measures to minimise run off into the field behind the petrol station and into Herbert March Close during and after construction, with reports of flood events during 1997/98, 2000, 2006, 2007, 2012

(lxxxiv) concern by St Fagans Museum that surface water run-off will increase risk of flooding of a stream that runs from land adjacent to Pen-Hefyd Farm into the Ely River via the ponds within the museum – the stream passes under a 4m high listed stone boundary wall via a race and slice gates. An increase in water could lead to risk of collapse of the wall and is a health and safety hazard. Steps must be taken to avoid water levels in the stream increasing

(lxxxv) plans show houses will be built on a steep slope just below a covered reservoir which is potentially dangerous

(lxxxvi) the sewerage system in NW Cardiff is inadequate and the required improvements have not been fully assessed or costed

(lxxxvii) query as to whether the proposed dwellings would be eco-friendly

(lxxxviii) question as to whether a bat survey has been undertaken

(lxxxix) the application does not consider the sinkhole problems.

Highways, Transportation, Safety, Air Quality, Noise and Vibration

(xc) prematurity given the Council’s North West Cardiff Transport Strategy is still in the drafting / research phase (xci) conflict of interest with Vectos acting as transport consultants to Redrow and advising the Council on their NW Cardiff Transport Strategy - an independent integrated transport strategy is needed

(xcii) the development is not sustainable and will result in car dependency

(xciii) traffic impact is underestimated, is based on an unrepresentative survey, the transport assessment has flawed assumptions, base line information (including bus and train service information) and conclusions particularly in respect of predicted mode share by sustainable modes, use of average daily traffic flow counts, the narrow definition of the morning peak period (which extends to 10am), and does not acknowledge the impact of the economic downturn on traffic flows or take account of the development of the BBC site– an independent assessment is needed

(xciv) traffic flow is already at capacity in certain areas (eg Bridge Road roundabout) and many residents rat run through Pentrebane and Fairwater to avoid Llandaff. The TA has not considered this indirect impact

(xcv) transport plans focus on journeys to and from the city centre not across or around the city or region

(xcvi) the bus proposals do not conform to the LDP for bus rapid transport - the LDP Infrastructure Plan considers 3 bus routes for the north west corridor but does not include the A4119, suggesting by omission that it is not viable. The NW Corridor Study report states the need for 18m buses at rush hour, but services 122 and 124 can't use such vehicles

(xcvii) the submission ignores impact of absence of a right turn into Radyr Comprehensive, causing congestion and queuing – a dedicated right hand turn would make a significant contribution

(xcviii) there is no provision for the additional traffic - permission should not be granted until the applicants agree to fund and construct before 2022 the necessary enhanced public and private transport system

(xcix) roads are inadequate for current needs - there is a clear need for additional road capacity and road improvements; the draft LDP implied it is required prior to any major development of the site

(c) this application and 14/00852DCO do not address the challenge of strategic development, relying entirely on the congested existing road network without any provision for the strategic transportation infrastructure required to deliver sites C, D and E. Complete reliance is placed on the existing road network in a bus-based solution, modal shift and car use constraint created by predicted additional queuing and congestion

(ci) flawed traffic management proposals to turn Llantrisant Rd into a car holding zone, by leaving traffic lights on red for longer than necessary, which would unreasonably block local traffic on Heol Isaf, Ynys Bridge, Llandaff, Parc Radur and St Fagans railway crossing and increase local pollution

(cii) exacerbation of existing congestion and traffic chaos, particularly at peak times, in the surrounding area and which is already a traffic bottleneck - including Llantrisant Rd, Waterhall Rd, Pentrebane Rd, Heol Isaf, Groesfaen, Fairwater, Llandaff, Ely Bridge, Cowbridge Rd, Michaelston Rd, Culverhouse Cross, St Fagans and Llandaff, Radyr and at the junction of Crofft-y-Genau Rd and Cardiff Road, with the latter exacerbated by the closure of the St Fagans level crossing for approx 28 minutes every hour

(ciii) residents on Heol Isaf already experience difficulty accessing/existing their properties due to traffic volume

(civ) a condition should be imposed to restrict traffic to outside of rush hours

(cv) insufficient parking, leading to on street parking and highway safety problems

(cvi) increased queuing, driver frustration and rat running

(cvii) proposals for dealing with rat running through Radyr don't address problem of traffic volume and that this is the main link to the M4 and A470

(cviii) increased highway safety problems and fatalities, particularly child safety

(cix) delays to children's journey to school

(cx) Llantrisant Rd is unsuited to its use within the primary network and to form part of the wider transport solution for the region- it is at capacity and can't support more traffic

(cxi) traffic lights are needed at the Heol Isaf Llantrisant Road roundabout, Michaelstone Rd needs widening, Heol Isaf should not be a through road

(cxii) concern over the proposed traffic signal controlled junction at Heol Isaf/ Llantrisant Rd

(cxiii) commuters from outside Cardiff want affordable, dependable access to the city centre (affordable rail, trams, bus services and better roads)

(cxiv) the development needs to be self-contained to obviate travel

(cxv) future bus use is overstated - a bus-based solution will not work – key investment is needed, buses will get stuck in the same jam and journey times are slow, there is no land for bus lanes, there is no evidence that a few bus services will meet the needs of some 22,000 extra people

(cxvi) future train use is overstated - Radyr station is difficult to access, the approach roads congested and full of overspill parking to the detriment of highway safety, and the trains aging and at capacity

(cxvii) future levels of cycling is overstated - it is unrealistic to expect people to cycle, given the weather, Llantrisant Rd is unsafe and the Taff and Ely Trails are unsuitable as commuter routes, are in need of repair and unlit, are only used by a minority, mostly in the summer, cycling is dangerous and impractical for under 10s, the elderly, the injured and those carrying much

(cxviii) cycle routes should not be provided along Llantrisant Rd – only the Taff Trail is safe/viable commuting route

(cxix) future levels of walking is overstated – may can't or won't want to, noting threats from increased traffic, poor pavements and unlit roads

(cxx) the study area is tightly drawn to only include adjacent residential districts, emphasising the piece meal and flawed approach

(cxxi) the electrification of the valley lines is not considered (cxxii) limited consideration is given to the closure of the St Fagans crossing leading to queues as far as St Fagans Cricket ground - a viaduct is needed

(cxxiii) concern over proposed closure of Pentrebane Rd and Crofft-y-Genau Rd, leading to rat running, increased travel and congestion

(cxxiv) the closure of Crofft y Genau Rd would cut off St Fagans from its hinterland, harming access to local businesses and services and for residents

(cxxv) insufficient detail is provided on bus gate proposals, with a concern that existing bus services may be adversely affected

(cxxvi) concern over time traffic management proposals between St Fagans and Llantrisant Rd, with concern that it will limit access, increase journey distances, increase congestion at Culverhouse Cross, air pollution, and reduce visitor numbers to the museum

(cxxvii) bus service provision should service the wider community and St Fagans museum

(cxxviii) reference is made to the Metro, but this will not be realised for 10 - 15 years, with doubt it will ever be built/funded. A dedicated and integrated bus route is suggested over the Metro

(cxxix) NWC needs an independent integrated transport strategy incorporating the Metro / a fast, attractive and frequent rapid transit facility. No development should take place until the mode and route for the rapid transit is confirmed, after the first 600 dwellings are completed there should be no further residential development until funding and a timetable for provision of rapid transit and confirmed and committed, after 1440 dwellings have been completed no development should take place until the rapid transit facility is in place

(cxxx) the former track bed of the Llantrisant No 1 rail line is protected - to become the route of a tram or fixed track rapid transit facility then provision must be made for i) widening the track bed in places to accommodate a 2 way track, ii) or preserve the existing track as a cycle route and wildlife corridor and provide a separate rapid transit corridor adjacent iii) new stations, iv) park and ride facilities adjacent to each station v) a depot for overnight storage and maintenance for the vehicle fleet

(cxxxi) site gradients would not be suitable for tram-based rapid transit without further study, but could accommodate a bus route to intersect with the rapid transit stations

(cxxxii) all cars from strategic sites C, D and E will have to access the motorway at Junction 34, not J33, travelling through Groesfaen that is unsuited to existing let alone increased traffic levels.

(cxxxiii) the Llantrisant Rd/ Crofft y Genau Rd junction is highly dangerous and badly designed for cyclists and other vulnerable users - the increased use of the junction and adjoining sections will exacerbate the danger

(cxxxiv) the proposed change to the character of Llantrisant Rd from a primary route to a community access road doesn't extend as far west as junction 1 and traffic speeds will remain high and dangerous (cxxxv) query regarding access from garages off Firs Avenue - whether it would be pedestrian or vehicular

(cxxxvi) objection to any construction traffic using Heol Isaf/ B4262 which has a weight limit. Ynys Bridge has a weight limit of 80 tonnes - concern existing illegal use of Heol Isaf and Michaelston Rd/St Fagans by HGVs will increase

(cxxxvii) damage to Heol Isaf from weight and vibration from existing traffic and HGVs, with repairs to watermains causing further congestion and delay

(cxxxviii) increase in pollution from increased traffic, noise and dust

(cxxxix) plans for Ashdene Close are contradictory from a cycle / pedestrian route to a tram / train route

(cxl) proposals in respect of 'Golf Course Lane' are uncertain but this route is critical and used when Llantrisant Rd is congested

(cxli) Radyr Golf Club advise that any new connectivity [through the course] should be limited to formal rights of way to prevent health and safety conflicts with users and that, due to increased patronage resulting from the new development, the existing rights of way which bound the perimeter of the course should be diverted outside the proposed 'buffer zone, and the land Use Parameter Plan and Illustrative Masterplan revised accordingly with diversion works undertaken by the Applicant

(cxlii) Radyr Golf Club also advise that the existing road (Ffordd Las) which bisects the golf course be closed to vehicular traffic, allowing access for the club's green keeping staff and to Ty Gwyn Farm from Llantrisant Rd, noting the existing highway safety concern will be exacerbated

(cxliii) construction health and safety needs to be considered

(cxliv) sustainable travel should be enforced during the construction phase

(cxlv) concern that strategic aims will not be delivered by contractors and sub-contractors and that the developers should be required to propose measures to ensure that the critical environmental and infrastructure aspects are delivered and maintained in parallel with construction work

(cxlvi) harm to air quality from traffic, particularly in Llandaff AQMA, with concern noted that the air quality report is based on challengeable traffic data.

7.7 9 objections / representations were received from/on behalf of the owner/occupiers of Maesllech Farm, Herbert March Close, Ashdene Close, Llantarnam Drive, Radyr Farm, Radyr Golf Club and ArchaeologyUK and one of undisclosed address following consultation on the first **amended submission of November 2016** (a 21 day consultation advertised by means of site and press notice, and letters to neighbours and other interested parties). These reflect objections previously raised, which are not re-stated. The new objections raised are summarised as follows:

Process / Approach / Principle of development

(i) Letter from the occupants of Maesllech Farm in respect a letter received from NLP, the planning consultants representing the landlord, which contains notice of an addendum to planning application 14/02733/MJR and querying why they have not received any notice of the amendment from the Council and noting concerns that the addendum appears to extend planning for 22 acres of their father's farm to all of it, with a request as to how to go about making representations and noting their concerns of the impact on their future and hardship if they lose the farm.

(ii) The owners/occupiers of Radyr Farm, whilst specifically noting their representation is not intended to be an objection, they attach a letter sent to the Applicant and their Agents and raise concerns that they have not been consulted [by the Applicant] in respect of the impact of the development on rights of way and passage that benefit Radyr Farm and on efficient working of their wind turbine, noting that until details are published they are unable to make representations and hope that in writing to the Applicant a dialogue will begin. They note that the letter is provided for information and that that they will contact the council with formal submissions should that become necessary later on. The letter raises concerns over the future of the access way (and the need to ensure that he access way is not diverted, reduced or adversely impaired and must be capable of being accessed by large vehicles) and the impact of the development on their wind turbine. The wind turbine is positioned adjacent to the application site such that there are concern that its efficiency could be harms as a result of impeded/interrupted windflow. Concerns are also raised in respect of the line of their boundary, with a request that the Applicant inform them whether claim is laid to any land that lies under or within their boundary markers.

(iii) Request for an extension to the consultation period to 14th December 2016.

(iv) Pleased that no development is planned west of Croft-y-Genau Rd.

Socio-economic Matters

(v) Residents of Ashdene Close are facing uncertainty over the future of their houses due to the plans for the rapid transit corridor

(vi) the identity of Fairwater, Pentrebane, Radyr and Llandaff and green boundary will be lost

(vii) existing residents seem to be the losers and there will be not benefits to them whatsoever

(viii) Radyr Golf Club (Letter 3 dated 12/01/17) confirm that they did not receive any consultation notification of the amendments but note the Council's willingness to accept their representations. RGC note their previous objection is maintained on grounds that the amendments are not sufficient to address policy KP2C or the expert report submitted by the golf club in support of their objection to the planning application (Gaunt Golf Design, June 2016). They note the amended parameter plan still shows residential development immediately adjacent to the golf course. Whilst noting that the plan suggests that the detailed layout can be confirmed at reserved matters stage, this is not considered to be sufficient on the basis that the outline would establish the principle of built development immediately adjacent to the course within an area which they advise the golf club has demonstrated wold result in conflict with the use of the course. They advise no credible evidence has been submitted in response to the submitted expert report to the extent that the LPA can have confidence that such matters can be suitably addressed at RM stage. The scale of the parameter plan is deemed insufficient to define the area within which no built development will be allowed, nor any response provided to the expert report commissioned by the golf club. They re-state their willingness to meet with the Council and the Applicant to discuss the matter further. It is noted that although the Planning Statement Addendum notes that Mr Ken Moodie has been commissioned by the Applicant to develop alternative design solutions this information has not been passed to the golf club not have any recent discussions been held such that there is any formal agreement in place to date. It is noted that any offsite mitigation works are beyond the control of the Applicant and cannot be relied upon. They refute the suggestion that the amended parameter plans provide sufficient detail to provide comfort to the golf club and urge the Council not to determine the application in its current form. They note they have made representations consistently over a lengthy period, such that they are not new issues, and have commissioned a specialist expert at great expense which has not been duly addressed by the Applicant to date.

Design, Heritage, Countryside, Landscape, Agriculture, Ecology, Water

(ix) plans to build immediately below a covered reservoir are potentially dangerous

(x) confirmation from the occupier of 43 Herbert March that previous comments submitted in respect of rainwater flooding remain, with notice given of a further occurrence of flooding into Herbert March Close on 21 November 2016, with photographs provided. Request that rainwater run-off into the field behind gg the petrol station and into Herbert March Close is addressed during and post construction phases

(xi) re-stated concerns from the occupier of 29 Llantarnam Drive regarding storm water run-off, further to heavy rain of 21 November 2016

(xii) a 9 page objection is submitted on behalf of the tenant of Maesllech Farm, Radyr under the Agricultural Holdings Act 1986 on grounds of the inclusion of Maesllech Farm in the proposed development. It is noted that the objection should be read in conjunction with and is supplemental to the previous objection submitted in relation to application 14/02157MJR. The objection highlights the following impacts on the Rees family and local community of any grant of permission, summarised as follows:

(xiii) Security of Tenure – the tenant aged 83 has security of tenure under the AHA 1986 providing him with a lifetime tenancy and is entitled to two successions – such that his son and grandson are entitled under sections 34-58 AHA 1986 to apply for succession. The prospect of two future, successful applications for succession would ensure the family could potentially remain farming Maesllech Farm for two more generations

(xiv) Compensation – Under the AHA 1986, upon service of a valid Notice to Quit a tenant is entitled to compensation. The compensation payable does not differentiate between a tenant with viable succession rights and one without such that no additional sum would be due to the tenant despite the very strong prospect of two successful succession applications in the future. The compensation due would not be sufficient to buy 5 acres of agricultural land, let along enough to provide adequate pension to the tenant, establish another farming operation or provide the family with three lots of accommodation. The tenant and his family would require re-housing by the Council.

(xv) Hardship – the family, who own no property and have not alternative accommodation, would be deprived of their livelihood and three lots of accommodation

(xvi) Value of Maesllech Farm to the local community – adverse impact due to the loss of casual labour opportunities for young people and the loss of local produce

(xvii) Planning Policy – while personal circumstances would not normally be a material planning consideration, case law and paragraph 3.1.6 of PPW has established that the personal circumstances of an occupier may be taken into account as an exception. The objector considers that consideration must be given to the personal circumstances of the occupier, as an exceptional case, as the loss of the farm would result in the loss of their home and livelihood, as well as adversely impacting the character of the local community

(xviii) Given the above impacts on the tenant and his family, the application should not be dealt with as an amendment to an existing permission but should be the subject of an independent application.

(xix) Article 8 of the European Convention on Human Rights – the loss of Maesllech Farm would be a clear encroachment on the tenant and his family's rights under article 8 which guarantees 'respect for his private and family life, his home and his correspondence'

(xx) Article 1 Protocol 1 of the European Convention on Human Rights – provides that '*every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law'.* Depriving the tenant of this interest in the farm is not in the public interest and represents a breach of his rights under the above article.

Highways, Transportation, Safety, Air Quality, Noise and Vibration

(xxi) impact on Fairwater, Pentrebane, Radyr and Llandaff will be intolerable due to increased traffic

(xxii) the rapid transit corridor is not included in all the plans leading to confusion

(xxiii) no provision is made for rail stations on the proposed Metro route, with suggestion of a new station near the eastern and western ends and associated car parking – it is a major failing that no forward planning for a new rail line is evident

(xxiv) concern that the contractors will access the site from Ashdene Close during construction

(xxv) query as to whether Croft y Gennau Road will be open to through traffic

(xxvi) concern over the closure of Pentrebane Rd, with preference stated for alternative provision parallel to it to accommodate traffic from the Vale, with concerns raised over the ensuing congestion that would result if not provision is made

7.8 5 objections / representations were received from/on behalf of owner/occupiers of Pilgrim Close, Cohousing Cardiff (Fairwater Connections), Radyr Golf Club (x2) and objection of undisclosed following consultation on the second **amended submission of January 2017** (a 21 day consultation advertised by means of site and press notice, and letters to neighbours and other interested parties) which extended to the Great Crested Newt Conservation Strategy. The new objections raised are summarised as follows:

Process / Approach / Principle of development

(i) Cohousing Cardiff advise they are a small community organisation living and operating in Fairwater and Pentrebane and are looking to submit a Heritage Lottery bid to develop engagement locally around local history and ask how they can work together

(ii) Concern over the decision to hold the site visit pre-meeting at Fairwater Leisure Centre car park, on grounds that the will be insufficient space and parking for a large group, resulting in parking on local streets and associated disturbance to neighbours.

Socio-economic Matters

(iii) Radyr Golf Club submitted a further letter of objection (letter 4 dated 03/02/17), in which they re-state previous objections and clarify that whilst they met the applicant on 13th January to discuss options for potentially reconfiguring the internal layout of the golf course there is no formal agreement in place between both parties to secure appropriate mitigation measures which satisfy their concerns and noting that the residential development should be excluded from the parameter plans as evidenced by the report by Jonathan Gaunt (June 2016). It is noted that the mitigation measures involving work beyond the Applicant's control have not been assessed or consented neither have hey been secured by an appropriate agreement between the relevant parties to secure their delivery. It is noted that such works are beyond the application site and should be secured via a legal agreement at the outline planning stage. They advise that until such matters are agreed it is premature to determine the outline application until the mitigation is clearly defined or unless the residential development is removed from the relevant safety buffer zone as evidenced by club's expert opinion. They also note that any suggestion by the Applicant that the club is in agreement with the proposals is misleading. They note the LDP Inspector formally amended policy KP2 in response to the representations from the Club and note that to ignore this policy requirement would represent a departure from the adopted development plan.

(iv) Radyr Golf Club submitted a further letter of objection (letter 5 dated 24/02/17). *We confirm that we maintain our objection to the application until the mitigation measures are clearly defined, assessed and secured by the application to ensure that they can be delivered. We see no reason why the determination of the application should be rushed in* *advance of a rigorous assessment of the impact on the Club as clearly required by LDP Policy KP2 which we consider would be breached if the application is determined in its current form. We are disappointed that although our representations date back to 2013 (including an expert safety report of June 2016 which has not been disputed to date), the applicant has only recently contacted the Club in January 2017 to discuss potential mitigation measures which have not had sufficient time to be explored or agreed between the parties. Indeed, you will be aware that these mitigation options do not address the safety issue in relation to the 2nd hole given that they focus only on the 5th hole and in this regard the mitigation measures tabled to date do not adequately and comprehensively address our submitted safety report insofar as it relates to the whole perimeter of the golf course which adjoins the application site. In addition to the above, the potential mitigation measures involve work on third party land beyond the applicant's control which cannot be secured at present whilst the parameter plans and EIA make no reference to the conflict with the Club. Whilst we understand that you will take advice with colleagues on whether the application can be deferred to allow additional time for this matter to be resolved, we respectfully request that the Council's eagerness to determine the application should not be at the expense of LDP policy or legitimate constraints which have not been duly assessed. We also respectfully suggest that the imposition of a condition is not the appropriate mechanism to deal with this matter, given the third party land involved and the cost / time implications of delivering the mitigation measures which could have a significant detrimental impact upon the ability of the Club to function and also to sustain itself in the future. These are matters which should be considered at the outline stage rather than deferred to reserved matters on the basis that they are fundamental and that they potentially have significant impacts on third parties which have not been given due consideration within the application documentation to date. The LDP is very clear in requiring the application to demonstrate that there would be 'no conflict with errant golf balls' which cannot be satisfied by the imposition of a generally worded condition which can be subsequently varied or deleted by the applicant and which has not been fully assessed within the submitted EIA or parameter plans. Our clear preference, therefore, is that the applicant should formally amend the parameter plans to clearly define what mitigation is proposed with any off-site works to be enshrined within a legal agreement. The intention to report this application to Committee in March clearly gives little time for these matters to be addressed although we reiterate our willingness to meet with yourself and the applicant to resolve matters. In summary, the applicant's failure to robustly address this matter to date should not be used as a lever to pressure the determination of the application without proper rigour and assessment as required by the LDP. In the event that the above request is declined, then without prejudice to any further representations which may include a Judicial Review if outline planning permission is granted immediately adjacent to the boundaries of the 2nd and 5th holes, we respectfully request an amendment to the proposed condition to require the mitigation strategy to be agreed 'before* *submission of reserved matters and within 12 months of the outline consent being granted'. Such an amendment will give more time for the mitigation strategy to be agreed and subsequently implemented given the need for any changes to the course to suitably mature (which can take 2 - 3 seasons) before being fully operational. The wording of the condition as currently proposed (i.e.: before approval of reserved matters) would not give sufficient time for the implementation phase whilst a specific time period is considered appropriate given the applicant's lack of expediency to date. In addition and as discussed, we consider it appropriate for the mitigation strategy 'to be agreed in consultation with the Golf Club' so that we have an explicit role and involvement in the consideration of any reserved matters adjacent to the course. Whilst we have no formal decision making role, the reference to the Club within the condition at least formalises the need to consult with the adjacent land owner although as stated above our clear preference is for the use of a legal agreement rather than a condition which can be subsequently amended and / or deleted.*

Design, Heritage, Countryside, Landscape, Agriculture, Ecology, Water

(v) the owner /occupier of 9 Pilgrim Close reports that on 21/11/16 a large volume of water come into their Redrow property from the field behind their house, noting that an employee from Redrow was at a neighbour's house inspecting similar problems and who gave the objector the impression they would be in touch and noting that they have not received any response to their letters of 3 and 24 January. They raise concerns that Redrow's 'shoddy' attitude does not bode well for future building in the area

Highways, Transportation, Safety, Air Quality, Noise and Vibration

(vi) query as to how additional traffic will be managed and what the impact will be on local traffic through Fairwater

(vii) query as to whether the plan is still to close the road from Pentrebane to St Fagans, and the rationale for this given new routes are needed

8. ANALYSIS

8.1 The key issues for consideration are:

(i) The principle of development of this greenfield site

8.2 At the time the application was submitted, the proposed development of this greenfield site, outside of the settlement boundary of the City of Cardiff Local Plan, would have been contrary to local and national policies designed to protect the countryside. However, this position has changed with the adoption of the Local Development Plan in January 2016 and with it the allocation of Strategic Site C via policies KP2 and KP2 (C).

8.3 The application site has been amended to ensure it is entirely consistent with the adopted allocation boundary for Strategic Site C, as defined on the Proposals Map. Reflecting third party and Council concerns, the application boundary has been pulled back from the settlement of St Fagans and a trianglular parcel of land west of Crofft y Gennau Rd also removed from the application. As such, the principle of the development of all of the land within the application site is firmly established. Objections put forward on grounds of prematurity prior to the adoption of the LDP, the lack of an up to date policy framework and conflicts with the strategic site boundary could not, therefore, be sustained.

8.4 As explored at the LDP Inquiry, there is an anomaly within Strategic Site C, in that the Cardiff LDP settlement boundary does not align with the strategic site boundary to the south of Pentrebane Rd. Rather, the Cardiff LDP settlement boundary reflects the boundary of the St Fagans Conservation Area and Special Landscape Area. As a consequence of this, that part of the application site that falls beyond the Cardiff settlement boundary, whilst clearly forming part of the allocated site, technically constitutes 'countryside', under the LDP definition of countryside as *'land located outside the settlement boundaries as identified on the LDP Proposals Map'* (para 5.68), and is subject to assessment under policy EN1. However, this policy position has been respected by the application, in that the Land Use parameter plan shows this 'anomaly' land as green infrastructure and/or open land. Whilst the key to the parameter plan notes that this could include *'ancillary buildings, road access points, movement corridors, SUDS, play areas, allotments, planting and other community facilities*', the text to the Green Infrastructure parameter plan confirms, in respect of proposed sports pitches, that *'to minimise the impact on the St Fagans Conservation Area, no building shall be constructed to the south of Pentrebane Rd*'. To further ensure policy EN1 compliance, a condition is also recommended to ensure that the provisions of the GI parameter plan overrides the provisions of the Land Use parameter plan key, given the unknown potential impacts of 'ancillary buildings' and 'other community facilities'. With this in place, the application would comply with policy EN1, such that objections received on grounds of the loss of, or inappropriate development in, the countryside could not be sustained.

8.5 The proposed development of this site is welcomed. The LDP strategy relies on the release of greenfield land in addition to brownfield locations - and particularly the greenfield strategic sites - to meet the required level of growth, to deliver a range and choice of housing and jobs, and to contribute to the wider provision of strategic infrastructure - made possible through the economies of scale resulting from the strategic sites - to the benefit of the city and wider city-region as a whole. Given its scale, the development of this site is crucial to the delivery of the required level of housing growth at the required rate. Moreover, Cardiff's 2016 Joint Housing Land Availability Study has identified a housing land supply of 3.8 years in Cardiff at 1st April 2016, which is below the 5 year requirement set out in PPW and TAN1. PPW notes that in instances where the Council lacks a five-year supply of land for housing, the need to increase supply should be given 'considerable weight' when considerable planning applications (TAN 1 para. 6.2).

8.6 As demonstrated further below, subject to the recommended conditions and s106 Heads of Terms, the proposal accords with the LDP masterplanning principles (policy KP4) and the key policy for the strategic site (policy KP2 C), accords with the Schematic Framework for the Strategic Site identified as part of policy KP2 (C) and will not prejudice the delivery of the planned Metro (policy T9). Whilst other strategic site C applications have been determined and approved prior to the determination of this application, the application is wholly consistent with those developments, and demonstrates appropriate linkages to both them and the existing built up area, as required by the LDP masterplanning approach.

(ii) the loss of agricultural land, including BMV land

8.7 The development of this site would lead to the loss of best and most versatile agricultural (BMV) land. National planning policy on the conservation of agricultural land is set out in PPW (July 2014) and the accompanying TAN 6: Planning for Sustainable Rural Communities (2010). Paragraph 4.10.1 states that land of grades 1, 2 and 3a in the Agricultural Land Classification (ALC) system is the best and most versatile agricultural land should be conserved as a finite resource for the future. The paragraph advises that:

> *‘considerable weight should be given to protecting such land from development, because of its special importance. Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations. If land in grades 1, 2 or 3a does need to be developed, and there is a choice between sites of different grades, development should be directed to land of the lowest grade’.*

8.8 At the development plan level, KP18: Natural Resources requires development proposals to take full account of the need to minimise impacts on the city’s natural resources, which extends to the protection of the best and most versatile agricultural land (i).

8.9 Over three quarters (233.4ha) of the 299.3 ha application site comprises agricultural land. About half of this (109ha) falls within the best and most versatile (BMV) agricultural land category. All of this BMV land is subgrade 3a, but as this is the best quality agricultural land in the Cardiff area, the impact on best and most versatile agricultural land is recognised in the ESA as being a significant environmental effect (major adverse).

8.10 Notwithstanding the above and as previously noted, the site now forms part of the land use allocation Strategic Site C (North West Cardiff) and, therefore, the principle of the loss of the agricultural land is firmly established through the statutory LDP process. Indeed, in light of the adoption of the LDP, the Department for Natural Resources, Welsh Government, have now removed their earlier objections. Taking the above into consideration, the objections received on grounds of loss of agricultural land could not be sustained. Notwithstanding this and in line with the approach taken on all strategic sites, a condition is recommended to ensure the effective use of the valuable soil resource by requiring the submission and implementation of a Soil Resource Survey and Plan.

(iii) Impact of Development on the tenanted farms and related impacts

8.11 The EIA also considers the impact on agricultural activity. The land falls within the ownership of St Fagans Nos 1 & 2 Trust and St Fagans No 3 Trust. Whilst some is farmed in-hand, the majority is split between four agricultural tenants. While the Estate will benefit from the sale of the land, there will adverse effects on tenanted farms. Maes-y-llech Farm, Pentrebane farm and the small part-time Ty Gwyn Farm will be affected in the early years and will eventually disappear as agricultural holdings, representing a major adverse impact of the development. The impact on Lower Stockland Farm will be smaller (moderate adverse). It would lose 13.6ha of land east of Crofft-y-Genau Road, representing over 4.5% of the agricultural land holding.

8.12 As noted in Section 7, objections have been received from and on behalf of the tenant of Maes-y-Llech Farm via an agent, as set out in Section 7, on grounds of the loss of the agricultural holding/security of tenure, the impact on the livelihood, housing and human rights of the tenant and his family, and the impact on the character of the local community as consequence of loss of casual labour opportunities and local produce.

8.13 In considering the matter, attention is drawn to the para 3.1.6 of PPW which states:

> *Unless otherwise specified, a planning permission runs with the land and it is seldom desirable to provide for any other arrangement. Exceptionally, even though such considerations will rarely outweigh the more general planning considerations, the personal circumstances of occupiers, personal hardship or the difficulties of businesses which are of value to the local community, may be material to the consideration of a planning application. In such circumstances, permission may be granted subject to a condition that it is personal to the applicant. Authorities should bear in mind that personal permissions will hardly ever be justified for works or uses that will remain long after the personal circumstances of the applicant have changed.*

8.14 Paragraph 3.1.4 is also relevant in stating that *'the planning system does not exist to protect the private interests of one person against the activities of another*'.

8.15 The personal circumstances of the tenant family cannot be ignored and it is acknowledged that the proposals would cause the family serious harm if the tenancy is terminated. This is recognised in the ES as a major adverse impact of development and the objections received are considered to represent a significant objection to the proposals. However, in considering the objections raised, there are considered to be overriding planning considerations that would justify an approval of the application, including the site's allocation in the LDP, the need to deliver the LDP housing requirement of 41,415 dwellings over the plan period and the wider benefits arising from the delivery of up to 5970 dwellings (including affordable housing), employment opportunities, community facilities, schools and public open space. The above, together with the requirement to maintain a 5-year land supply, are considered to be very important material considerations that would outweigh the objections noted above. In coming to this view, the Council’s response to Mr Rees’ objection to the LDP is relevant, where it was concluded that there is no justification to remove the land from the allocated area. The fact that the Inspector subsequently found the LDP to be sound and did not remove Maesllech Farm from the allocated strategic site is a further material consideration of some considerable weight.

8.16 In relation to the other related objections raised on behalf of the tenant and his family, the scale of compensation is not a planning matter. It is also considered that the need to deliver housing overrides the objections made in respect of the adverse impact on the local community. A further and related objection made on behalf of the tenant was that the application should not be dealt with by way of an amendment to an existing permission, but should be subject of an entirely independent planning application. To clarify, this application is not an amendment to an existing planning permission, as claimed, but an amendment to a current application submitted to the Council in November 2014. The tenant has been served notice by the Applicant and has been consulted by the Council each time the planning application has been amended.

8.17 With respect to the objection raised on grounds of impact on Human Rights, Protocol 1 of the European Convention on Human Rights (ECHR) does, indeed, say that a person is entitled to the peaceful enjoyment of his possessions – but it goes on to qualify that rights as being ‘except in the public interest and subject to the conditions provided by law’. In Huang v Secretary of State, the Supreme Court held that there is a ‘need to balance the interest of society with those of individuals and groups’. The right is not absolute and it may be restricted provided the restrictions are lawful, have a legitimate aim and are balanced. Article 8 of the ECHR (right to respect for private and family life) is also of relevance to planning decisions. The established planning decision-making process assessed the impact, which a proposal will have on individuals and weighs that against the wider public interest when determining whether development should be permitted. That is consistent with the requirements of the European Convention on Human Rights. Having had regard to the competing rights and interest in the light of the convention rights referred to above, it is considered that the recommendation is in accordance with the law, proportionate and is in the public interest.

(iv) Impact on wildlife and habitats

8.18 PPW identifies the following Welsh Government objectives for the conservation and improvement of the natural heritage:

- promote the conservation of landscape and biodiversity, in particular the conservation of native wildlife and habitats;
- ensure that action in Wales contributes to meeting international responsibilities and obligations for the natural environment;
- ensure that statutorily designated sites are properly protected and managed;
- safeguard protected species, and to

- promote the functions and benefits of soils, and in particular their function as a carbon store (para 5.1.2).

8.19 PPW recognises the role of the planning system in creating new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable. It also recognises the importance of minimising or reversing the fragmentation of habitats and improving habitat connectivity through the promotion of wildlife corridors, whilst ensuring development minimises species and habitat impact (para 5.2.8).

8.20 In respect of protected species, PPW notes that the presence of a species protected under European or UK legislation is a material consideration when a local planning authority is considering a development proposal which, if carried out, would be likely to result in disturbance or harm to the species or its habitat (para 5.1.11). It goes onto state that

> '*Developments are always subject to the legislation covering European protected species regardless of whether or not they are within a designated site. New developments for which development works would contravene the protection afforded to European protected species require derogations from the provisions of the Habitats Directive. A derogation may only be authorised if there is no satisfactory alternative and if the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. The development works to be authorised must be for the purposes of preserving 'public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment'. Derogations are granted by a licence issued by Natural Resources Wales. Local planning authorities are under a duty to have regard to the requirements of the Habitats Directive in exercising their functions. To avoid developments with planning permission subsequently not being granted derogations in relation to European protected species, planning authorities should take the above three requirements for derogation into account when considering development proposals where a European protected species is present.'*

8.21 In respect of locally designated sites – Sites of Importance for Nature Conservation – para 5.5.3 of TAN 5 notes:

> '*The conservation and enhancement of locally designated sites is an important contribution to the implementation of Biodiversity Action Plans and to the management of features of the landscape of major importance for wild flora and fauna. Developers should avoid harm to those interests where possible. Where harm is unavoidable it should be minimised by mitigation measures and offset as far as possible by compensation measures designed to ensure there is no reduction in the overall nature conservation value of the area or feature.'*

8.22 At the development plan level, policy KP16 provides a framework for the protection, enhancement and management of Cardiff's natural heritage assets, including its biodiversity interests. KP4 requires major development to accord with the ‘Masterplanning General Principles' including the need to ensure that ‘*multi-functional and connected green open spaces form strategically important links to the surrounding area to provide routes for people and wildlife and open spaces for sports, recreation and play’* and to ‘*sympathetically integrate existing landscape, biodiversity and historic features of the site into the development taking opportunities to protect, enhance and manage important features along with mitigation and enhancement measures to provide satisfactory compensatory measures’*. At a detailed policy level, policy EN5 provides protection for designated sites, policy EN6, protection for ecological networks and biodiversity features of importance, whilst policy EN7 provides for the protection of priority habitats and species. Policy EN8 provides for the protection of trees, woodlands and hedgerows for their amenity, natural and cultural heritage value.

8.23 A full site description is presented in Section 2 of this report. The key ecological sensitives informing the green infrastructure strategy for the site are set out below.

Statutory and non-statutory designations

8.24 There are no statutory nature conservation designations within the site. The following statutory sites have been identified as Important Ecological Features (IEFs) in the ES - Cardiff Beech Wood Special Area of Conservation (1950m N), Ty Du Moor Site of Special Scientific Interest (400m W) and Hermit Wood Local Nature Reserve (300m E).

8.25 There are 11 non-statutory SINCs (Sites of Importance for Nature Conservation) within or immediately adjacent to the site that have been identified in the ES as having the potential to be adversely affected by the development and which are recognised as Important Ecological Features. Nine are designated primarily for their woodland interests (Gwern-y-Cegyrn, Coed-y-Goetre, Former Penthros Branch Line, Coed-y-Trenches, Form Llantrisant No 1 Branch Line, Coed-y-Gof, Waterhall Plantation and Pond, Slanney Woods & Garn, Coedbychan). Another is designated for its pond/great crested newt interest (Pentrebane Cottage Ponds) and the eleventh for its watercourse habitat (Nant Rhydlafer). Waterhall Plantation & Pond is also recognised as being important for its wetland interests.

Surveys

8.26 A range of surveys and desk studies informed the initial submission, with further survey work and assessment undertaken in support of the ES Addendum. The surveys included an extended Phase 1 Survey (February 2013), Botanical Woodland Survey (mid April to early May 2014), Botancial Grassland Survey (mid June 2014), Hedgerow Regulations Survey (May - September 2014), building and tree assessment for bats and barn owls (throughout 2013 and 2014), bat activity surveys including manual transects and static detectors (monthly between May 2014 and September 2014), Breeding Bird Surveys (three visits Spring 2014), Dormouse nest tube surveys (May 2014 - October 2014 and nut search in October 2014), badger walkover survey (August 2014), water vole and otter walkover survey and habitat appraisal (September 2014), pond assessment and amphibian surveys (April -

May 2014) and reptile surveys (May - September 2014). The following update ecological work was undertaken in support of the ES Addendum: Update ecological desk study (October 2016), update Phase 1 Walkover Survey (late September - early October 2016), update External Building Inspection for Bat Roost Potential - Maes-y-Lech Farm (early October 2016), further bat data analysis and further hydro-ecological assessment of Ty Du Moor SSSI.

Habitats and Species

8.27 Following on from the desk studies and survey work, the following habitats and species present in the site are recognised as important ecological features in the ES - woodland, lowland fen, mature trees, hedgerows, marshy grassland, watercourses, ponds, woodland bird assemblage, barn owls, breeding bird assemblage, bat assemblage, great crested newts (GCN) and reptiles.

8.28 The updated species surveys in respect of European Protect Species confirmed the presence of bat roosts in buildings in Pentrebane Farm, Maes-y-Llech Farm, Goitre Fach Farm and Rhydlafr Farm. In addition, the assessment notes that the site supports moderately high levels of foraging and commuting bat activity with particular concentrations of activity focused around key foraging areas including marshy grassland, ponds, woodland and woodland edge and mature trees. No recorded evidence of dormice was found in 2014 surveys, or in the desk based studies undertaken in 2013 and updated in October 2016, such that dormice were scoped out of the assessment. In the 2014 surveys/studies, a number of records for great crested newts were identified from within the site and its immediate surroundings, including records at Goitre-Fawr Ponds SINC (approx 500m N), Pentrebane Cottage Ponds SINC (in the centre of the site), Waterhall Pond SINC (approx 150m E) and ponds within St fagans SINC (approx 270m SW). During the 2016 update new records of GCN were returned from the St Fagans Museaum of Welsh Life (500m S) and Goitre-Fawr (650m N). The ES notes that the widely distributed records suggest a meta-population utilising the network of ponds across the site and wider landscape. It is noted that the dispersal of GCN across the landscape is likely to be impaired in places by the road network. No reptile records were returned in the EIA site, although the 2013 desk study revealed the presence of slowworm, grass snake, common lizard and adder within 1km of the site. The 2016 update study indicated the presence of grass snake, slow-worm, and lizard.

8.29 The important ecological features identified in the ES/ESA have shaped the Green Infrastructure (GI) for the site. The proposals have sought to retain and protect the above species and habitats via a series of inherent mitigation measures noted in Section 1. These include:

- Provision of a number of strategic green corridors to connect retained woodland areas and allow wildlife dispersal through site, including:
    - Provision of a 60m wide green corridor supporting a mosaic of woodland, parkland, scattered trees, scrub and rough grassland, connecting Coedbychan SINC woodland with Waterhall Plantation and Pond SINC
    - Provision of a 30m wide green corridor connecting Coed-y-Tranches with Coed-y-Gof SINC woodland via the unnamed block of

  woodland between these two woodland SINCs, and a second 30m wide dark corridor linking the Former Llantrisant No. 1 Branch Line SINC woodland to the River Taff via the green corridor provided through the Land North and South of Llantrisant Road scheme; and
  - Provision of two 15m wide green corridors, and a 10m wide green corridor, providing ecological connectivity and development buffering along the eastern boundary of the EIA site.
- Retention of SINC designated woodlands and provision of minimum 15m (from trunks) eco-tone buffer around the woodland to exclude built form, roads and ground re-profiling, with only informal open space and PRoW allowed in such areas. Prevention of rear gardens from backing onto woodland buffers
- Woodland buffers subject to eco-tone planting and management to provide a gradual transition from woodland edge trees to understorey/ shrubs and herbaceous plants
- Retention of TPO trees, tree groups and trees with bat roost confirmed/potential wherever possible, subject to detailed design
- Retention and provision of 2.5m buffers along the majority of the hedgerow resource and boundary vegetation with the exception of access requirements as highlighted within the Parameter Plans
- Creation of additional aquatic habitats for great crested newts, other amphibian species and aquatic biodiversity through SUDs and new wildlife pond provision
- Provision of a 10m wide buffer zone around all watercourses, wetlands and ponds
- Provision of new structural woodland and hedgerow planting along the EIA site boundaries and between development and the retained habitats
- Provision of informal areas of open space with potential to support semi-natural grassland habitat (meadow and marshy grassland) and attenuation ponds, swales and other Sustainable Drainage systems (SuDs).

8.30 The impact assessment identified that the proposed development could result in significant adverse impacts on these important ecological features without mitigation. It concludes that the inherent avoidance, mitigation and compensation measures to be delivered through the detailed design of the proposals at the Reserved Matters stage, the implementation of a Construction Environmental Management Pland and Green Infrastructure Management Scheme, or equivalent plan, would ameliorate those significant impacts identified to a residual level where no significant adverse effects are likely. It is considered that minor adverse effects of the proposed development will be offset by minor beneficial effects on biodiversity through new woodland, wetland and grassland habitat creation that will provide increased opportunities for bats, birds, reptiles and amphibians, capable of delivering a net gain in biodiversity. This conclusion is accepted.

8.31 In coming to this conclusion is it noted that the Council's Ecologist undertook a Habitats Regulations screening assessment, which concluded that implementation of the development will not have a likely significant effect on the international sites considered as part of the HRA screening, either alone or in combination with other plans, projects or programmes, and will not require full Appropriate Assessment under the Habitats Regulations.

8.32 As noted in Section 5, the Council's Tree Officer has advised that the application would have a significant impact on the existing arboricultural resource and has objected to the removal of four veteran' 'A' category items T266, T608, T660 and G606, as a point of principle. In responding to this, it is noted the submitted green infrastructure parameter plan and Green Infrastructure Strategy contain inherent mitigation measures to protect the arboricultural resource, which include the retention of the SINC designated woodlands and provision of minimum 15m eco-tone buffer around them, the prevention of rear gardens from backing onto woodland buffers, together with the provision of new structural woodland and hedgerow planting along the site boundaries and between development and the retained habitats. The ES/ESA also notes that the proposal seeks to ensure that, at the detailed design stage, any losses would be, at least, offset by new planting. To protect and enhance the arboricultural resource, conditions are recommended: to require detailed landscaping schemes to be submitted at reserved matters stage, to require a Strategic Green Infrastructure Masterplan including proposals for the protection and enhancement of woodlands hedgerows and trees, to require tree assessments to be submitted for both the highway proposals and each reserved matters site, and – importantly - to require the inclusion of new woodland within the enhanced 60m wide green corridor required to be provided between Halfwrt and Coed y Trenches. Whilst noting that some losses to the arboricultural resource are inevitable as a result of the development of a greenfield site, it is considered that having regard to the above material considerations, the impact of the development on the arboricultural resource would not be sufficient to warrant refusal of the application.

8.33 It is noted that the assessment of the impact on Great Crested Newts has been given careful consideration by both NRW and the Applicant, as reflected in NRW's comments on the application which are reported in Section 6 of this report. In concluding their assessments, NRW have advised that they have no objection, subject to detailed conditions and planning obligations being secured under s106. Each of their requirements has been given careful consideration and embedded into the recommended conditions, with the management of GCN to be delivered as part of the wider green infrastructure/public open space management regime to be secured via s106 (See Section 9). With regards the objections received from an AM, Radyr and Morganstown Community Council and third parties in respect of Great Crested Newts the Council's Ecologist has advised that in his view it is very unlikely that the four dead newts found under the single reptile refugium arrived there naturally, or that they form part of an extant population in that area. He advises that the nearest potential breeding pond, Waterhall Pond, has been surveyed regularly but no GCN have been detected there since 1995, so this species is considered extinct at that pond. Other known breeding ponds in this area are all about a kilometre or more away, and whilst GCN have been known to disperse over a kilometre or more, the vast majority of them live within 250 metres of their breeding pond. In all cases, there is sufficient terrestrial habitat in the vicinity of known GCN breeding ponds such that it is unlikely that newts would travel such a distance in search of terrestrial habitat. He confirms that he does not, therefore, see that the finding of these newts would influence the submitted Green Infrastructure parameters or the GCN Conservation Strategy.

8.34 The further objections raised by third parties and community council's are also noted. With respect to the objections received that questioned whether the surveys were out of date, it should be noted that no objections have been received from NRW or the Council's ecologist on such grounds. It is noted however, NRW have advised that if development does not commence in 2017, the 2017 survey season should be employed to undertake full update protected species surveys.

8.35 A range of mitigation measures to avoid or minimise the impacts of the development during construction and operation, and to create and enhance habitats and biodiversity, have been embedded into the scheme and will be secured by condition/s106. These include the proposals captured in the Green Infrastructure parameter plan and the measures set out in Section 1. The addition of a much more substantial link between Coedbychan and Waterhall woodlands in the amended submission is particularly welcomed, as is the Applicants willingness to accept a condition to strengthen the link Coed y Trenches and Halwfrt woodlands. Both are to be a min of 60m wide. Additionally conditions are recommended to: require the submission of a Construction Environmental Management Plan (CEMP), Strategic and Detailed Green Infrastructure Management Strategies, tree assessments (including Aboricultural Impact Assessment, Aboricultural Method Statement and Tree Protection Plans), Soil Resource Surveys and Plans and detailed Landscaping Schemes. Reflecting comments from the Council’s ecologist and NRW, the strategic and detailed green infrastructure management strategies specifically require strategies to be submitted in respect of both bats and Great Crested newts, and precautionary measures in respect of badgers and dormice. The conditions also require proposals in respect of habitat and species monitoring, survey updates and pre-construction surveys, and mechanisms for the updating of the strategies. The surface water drainage condition has also been carefully worded address NRW’s comments and help deliver the necessary mitigation to protect Ty Du Moor SSSI. A condition is also required to deliver a range of biodiversity measures, including fences/means of enclosure to allow the free passage of hedgehogs and other wildlife, to require the incorporation of new bird and bat roosting opportunities, and wildflower planting and to require details to be incorporated into highway details to avoid trapping amphibians. Conditions are also recommended to protect SINCs and nesting, and to ensure the provision of a min 15m ecotone buffer adjacent to all retained woodland.

8.36 Taking into consideration the above, including PPW advice in relation to EPS and the three derogation tests, the lack of objection from the Council’s Ecologist and NRW, the objections received, it is considered that the impact on ecology and biodiversity interests is acceptable, and would conform to the respective legislative protection and comply with both national and local planning policy requirements, subject to the recommended conditions to both mitigate potential adverse impacts and to create and enhance biodiversity opportunities and the s106 Heads of Terms. The conclusions of the ES and ESA are accepted and the amended submission is welcomed, with the scheme demonstrating a welcomed and well-considered multi-functional green infrastructure approach that goes to the heart of the scheme.

(v) whether there would be satisfactory provision for open space

8.37 Recognising the importance of sport and recreation to our quality of life, PPW advises that the Welsh Government's main objectives include: the promotion of a more sustainable pattern of development by creating and maintaining networks of facilities and open spaces in places well served by sustainable means of travel; the promotion of social inclusion, improved health and well-being by ensuring easy access to the natural environment and to good quality, well-designed facilities and open space; and providing innovative, user-friendly, accessible facilities to make our urban areas more attractive places to live, work and visit (paragraph 11.1.3). PPW also places a duty on LPAs to ensure that adequate land and water resources are allocated for formal and informal sport and recreation (paragraph 11.1.10). PPW promotes the multiple-use of open space and facilities to increase their effective use, and calls for those facilities to be sited, designed and maintained as integral parts of new developments (paragraph 11.2.6).

8.38 At the development plan level, policy KP4 requires major development to accord with the 'Masterplanning General Principles', which include the need to ensure that *'multi-functional and connected green open spaces form strategically important links to the surrounding areas to provide routes for people and wildlife, and open spaces for sports, recreation and play'*. Policy KP5 requires all new development to *'maximise[s] the contribution of networks of multi-functional and connected open spaces to encourage healthier lifestyles'* (criterion v). Policy KP16 provides a framework for the protection, enhancement and management of Cardiff's natural heritage assets and requires proposals to demonstrate how green infrastructure - including open space and play areas, growing spaces - has been considered and integrated into the proposals. Policy KP2(C), based on a min of 5,00 homes, requires the provision of a minimum of 30ha open space including 15ha of formal recreation, 6 playgrounds including destination play area, 2 teen facilities plus off-site contribution, and 2 x 50 plot allotment sites (through on-site/off-site provision). At a more detailed policy level, policy C5 sets out the requirements in terms of provision for open space, including provision for children's play.

8.39 Section 1 sets out the Applicant's proposals in respect of open space and allotment provision and these are not repeated here. The Operational Manager Parks Services has assessed the on-site provision, with detailed comments provided in Section 5, which are not repeated here. Overall, he welcomes many of the revisions made, noting they have reflected the discussions that have taken place, and that the Applicant has set out a detailed approach to achieving good green infrastructure in the overall design. Importantly, Parks Services have concluded that the development meets the required level of formal sporting provision for both 5970 units and 7000 units. Whilst generally happy, Parks Services identified some issues to be addressed by condition. Taking these on board, conditions are recommended: to specify pitch sizes and require the provision of changing facilities, to ensure pitches are level and well drained, to require the provision of a kick about area on land to the south of the 'Land to the S of Pentrebane Rd' site, to require an additional play area (LEAP) to address a gap in provision noted following the completion of the joint masterplanning work, to require an allotment strategy and an assessment of the range of new teen facilities required within the Strategic Green Infrastructure Management Strategy, to require the Construction Environmental Management Plan to incorporate a protection plan to protect green infrastructure and public open space, to require a strategic and detailed green infrastructure management strategy and for open space to be incorporated into the phasing plan. A condition is also recommended to

8.40 Whilst noting that a 3G pitch would be expected to be delivered, Parks Services advise that it should not be a requirement from the Applicant, given the required amount of formal POS provision has been achieved. In light of this, any condition to require the applicant to provide details of potential locations for the future provision of a 3G pitch would not be necessary or reasonable, and would not meet the tests for conditions.

8.41 With respect to the management and maintenance of open space, the recommended conditions require the submission of details for the management and maintenance of green infrastructure to be submitted for approval, with the future management and maintenance of open space to be secured by s106 agreement, as set out in Section 9. Taking to consideration the above and the recommended conditions and s106 Heads of Terms, the provision of public open space and allotments is acceptable.

(vi)Landscape and Visual Impact

8.42 The conservation of landscape is a key PPW objective for the conservation and improvement of the natural heritage (paragraph 5.1.2). PPW draws attention to the need to have regard to the relative significance of international, national and local designations in considering the weight to be attached to nature conservation interests and advises that LPAs should take care to avoid placing unnecessary constraints on development (paragraph 5.3.2).

8.43 At the development plan level, policy KP4 requires major development to accord with the 'Masterplanning General Principles', which include the need to *'sympathetically integrate existing landscape, biodiversity and historic features of the site into the development taking opportunities to protect, enhance and manage important features along with mitigation and enhancement measures to provide satisfactory compensatory measures'*. KP5 requires all new development to *'respond to the local character and context of the built and landscape setting*'. At a detailed policy level, policy EN3 provides protection for the landscape and setting of the City, with particular priority given to protecting, managing and enhancing the character and quality of five Special Landscape Areas (SLAs) present within the Cardiff Council area, including the St Fagans Lowlands and the Ely Valley SLA.

8.44 The ES includes an assessment of the impact of the proposed development on landscape and visual amenity within a detailed study area of up to 2km from the application site. The site falls across the boundary of two Landscape Character Areas (LCAs); LCA 3: Western Lowlands and LCA 4: St Fagans Lowland and Ely Valley, which are assessed as being of a medium and high value, respectively. The application site does not lie within or in close proximity to any nationally designated landscapes, although the south-western part of the site falls within the St Fagans Lowlands and Ely Valley SLA. As noted in Section 2, key landscape features of the site include the primarily agricultural land enclosed by a network of hedgerows with occasional trees and tree groups, the topography with its 'horseshoe' formation, the woodlands and disused railway lines. Visibility towards the site is limited to neighbouring properties and occasional views from more distant and elevated locations, particularly from the west where some of the elevated parts of the site (such as the area around Pentrebane Farm and the ridgeline north of the E-W disused railway line) will be visible in panoramic views.

8.45 Whilst significant landscape and visual effects are identified at all stages of the development, these are largely confined to site level, and over time some of these effects would become not significant following maturation of the landscape proposals. Effects on wider landscape character are found to be not significant. Some localised significant effects are predicted on the SLA - which are inevitable given that it forms part of the site area - although the limitation in geographical extent of these effects ensures that the SLA on the whole is not significantly affected. The parameter plans are significant in this regard, which propose all land within the SLA as green infrastructure and/ or open land, with the green infrastructure parameter plan preventing any buildings associated with the sports pitches south of Pentrebane Rd.

8.46 Visual effects are constrained by the by existing development, topography and vegetation, and are limited in extent. The ES predicts that significant effects at year 1 would be experienced at nearby residential dwellings and at a number of viewpoints, with significant effects remaining by year 15 at some nearby dwellings and at those viewpoints nearest the site.

8.47 The assessment concludes that, from a landscape and visual perspective, the application site is suitable for the proposed development, with those effects not unusual for a greenfield site of this size and strategic importance. From the surrounding areas it would be partially screened through a combination of topography and woodland cover, and, where visible would be perceived in the context of the existing suburban areas of Cardiff, which it adjoins.

8.48 Significant basic mitigation has been built into the Masterplan which retains key hedgerows, woodland and trees, and creates a network of green corridors and public open space provision, with appropriate building restrictions in the most sensitive landscape areas to the south. This well-designed and sensitive mitigation will be delivered through the recommended conditions and s106. The conclusions of the assessment are accepted and it is considered that the development would not cause unacceptable harm to the character and quality of the landscape and visual amenity, taking into consideration the above, the recommended conditions and the inevitable effects of the change in land use from agricultural/grazing that would result from the allocation of the strategic site in the LDP.

(vii) Impact on Heritage Assets

8.49 PPW confirms the following as Welsh Government objectives for the protection, management and conservation of the historic environment:

- conserve and enhance the historic environment, which is a finite and non-renewable resource and a vital and integral part of the historical and cultural identity of Wales;
- recognise its contribution to economic vitality and culture, civic pride, local distinctiveness and the quality of Welsh life, and its importance as a resource to be maintained for future generations;
- base decisions on an understanding of the significance of Wales' historic assets;
- contribute to the knowledge and understanding of the past by making an appropriate record when parts of a historic asset are affected by a proposed change, and ensuring that this record or the results of any investigation are securely archived and made publicly available; and specifically to
- protect the Outstanding Universal Value of the World Heritage Sites in Wales;
- conserve archaeological remains, both for their own sake and for their role in education, leisure and the economy;
- safeguard the character of historic buildings and manage change so that their special architectural and historic interest is preserved;
- preserve or enhance the character or appearance of conservation areas, while at the same time helping them remain vibrant and prosperous;
- preserve the special interest of sites on the register of historic parks and gardens in Wales; and
- conserve areas on the register of historic landscapes in Wales (6.2.1).

8.50 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council, in considering whether to grant planning permission for development affecting a Listed Building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. PPW confirms this as the primary material consideration (paragraph 6.5.11). The 1990 Act also places a duty of LPAs to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area. PPW confirms that preservation or enhancement of a Conservation Area can be achieved either by a development which either makes a positive contribution to an area's character or appearance or leaves them unharmed (6.5.21).

8.51 Paragraph 6.5.5 of PPW notes that the conservation of archaeological remains is a material consideration in determining a planning application, whether those remains are a scheduled monument or not. Where nationally important archaeological remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical preservation *in situ*. Paragraph 17 of Circular 60/96, Planning and the Historic Environment: Archaeology, elaborates by explaining that this means a presumption against proposals which would involve significant alternation or cause damage, or which would have a significant impact on the setting of visible remains. In cases involving lesser archaeological remains, local planning authorities will need to weigh the relative importance of archaeology against other factors, including the need for the proposed development.

8.52 PPW also advises that the effect of proposed development on a park or garden contained in the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales, or on the setting of such a park or garden may be a material consideration in the determination of a planning application (paragraph 6.5.26). With respect to Historic Landscapes, PPW notes that information on the register of historic landscapes in Wales should be taken into account by LPAs in considering the impact of EIA development (paragraph 6.5.27).

8.53 At the development plan level, policy KP17 provides a high level framework to protect, manage and enhance Cardiff's heritage assets. Policy EN9 provides a more detailed development management policy to protect the historic environment.

8.54 An assessment of the cultural heritage and archaeology of the site has been undertaken as part of the EIA. With regards designated assets, three Grade II listed buildings (Pentrebane Farmhouse, north wall of the former walled garden remains at Pentrebane Farm, Barn at Pentrebane Farm) and part of the St Fagans Conservation Area fall within the application site. Within the wider study area (0.5km of the site), there is a scheduled monument located c180m to the NE (a 'cooking mound' situated east of Taff Terrace that is believed to date from the Iron Age) and a further 29 Grade II listed buildings, excluding those contained within the St Fagans Conservation Area. Following the amendments to the red line boundary, St Fagans Castle, a Grade I registered Park and Garden, lies within the study area, approx 300m to the west of the application site and beyond the buildings forming the eastern edge of the village. Of the 29 Grade II listed buildings identified outside of the application site, but within the study area, the ES assessment identifies five of these for further assessment - Ty Bronna, the Stables at Ty Bronna, Rhydlafr Farm, the Barn at Radyr Farm and Whitehall.

8.55 In terms of undesignated assets, there are 11 previously unrecorded undesignated assets within the application site itself, and a number within the study area, which span the prehistoric to modern periods. It should be noted that following the red line amendments, the curling ring (04133s), one of the limekilns (04131s) and the St Fagans Battlefield, that are referred to in consultee comments, now fall outside of the application site.

Listed buildings

8.56 The assessment concludes that the overall effect on the three Grade II listed buildings is neutral and this is accepted for reasons noted below. As noted above, three Grade II listed buildings fall within the site boundary. All are at Pentrebane Farm; being the north wall of the former walled garden (Cadw reference 13924), a large barn (13925) and the farmhouse itself (82247). The condition of each of these buildings has been recently re-assessed as ‘very bad’ within the Cadw Building at Risk (BAR) Survey undertaken in November 2015, leading them to be classified as ‘At Risk’. These buildings have been classified as ‘At Risk’ within the last three BAR surveys. Their poor condition is essentially linked to a lack of proactive maintenance and repairs over a long period. Their risk status has increased since surveys undertaken in 2006 and 2011, particularly linked to the vacancy of the farmhouse itself. In view of this and in line with the recommended mitigation measure set out in the ES/ESA a condition is recommended to require a full building condition survey and schedule of repairs to be submitted for approval and implemented to ensure the urgently needed preservation of the buildings. This is particularly necessary given that the indicative phasing plan suggests it could be some years until development reaches this area, by which time more historic fabric would have inevitably been lost without urgent repair work or action to prevent vandalism or theft.

8.57 As noted in Section 1 of this report, a set of Refined Design Principles have been designed to inform the assessment, given that the conversion of these buildings will be subject to applications for full planning permission and Listed Building Consent. The Refined Design Principles would ensure the retention and conversion of the listed buildings, and buildings listed by virtue of being within their curtilage, as well as the demolition of modern and unsightly outbuildings, which will enhance the significance of these assets.

8.58 In terms of the setting of these buildings, it is inevitable that an allocated greenfield development of this scale will result in change to the open landscape setting of previously agricultural buildings. The challenge for the applicant and LPA is to arrive at a development proposal that preserves and enhances the historic fabric and value of this group of buildings as a farmstead (those individually listed and those protected as curtilage structures by virtue of location, association and presence prior to 1948), whilst offering appropriate buffers from new buildings in order to preserve, as far as practicable, the way in which the listed buildings are experienced (their immediate setting). There is certainly scope for enhancement to the immediate setting of what are currently a rather dilapidated collection of buildings, with later additions detracting from the architectural quality of the listed buildings or those identified as historic within the ES.

8.59 The proposed integration of Pentrebane Farm into the new Local Centre is felt to present a logical focus in terms of placemaking to create a key node/character area. This would also provide the opportunity to reuse this significant group of historic structures in ways that are beneficial to their character, minimise significant adaptation and maximise public appreciation, particularly the large barn which would benefit from a ‘single-vessel’ layout derived from uses such as a farm shop or community hall proposed in the DAS. The preservation of key long range views from the farmhouse towards St Fagans will require careful consideration at reserved matters stage. Some concern was expressed that the originally submitted Scale Parameter Plan limited ridge heights to 10m (2 storeys) in the area in and around the

Pentrebane farm Local Centre, which was considered to be unnecessarily restrictive from a placemaking perspective, as it is likely to compromise both the viability of the centre and the architectural response to this key character area. In response to this, the parameter plan has been amended and now allows for 3 storey development (max ridge height 12.5m) above proposed ground level. This is considered acceptable.

8.60 In terms of the development's direct impacts on the 3 listed buildings at Pentrebane Farm, the Council has had special regard to the desirability of preserving the each building or its setting or any features of special architectural or historic interest which it possesses. In terms of future re-use within the context of this strategic development site, PPW 6.5.11 states that: *"The aim should be to find the best way to protect and enhance the special qualities of listed buildings, retaining them in sustainable use. The continuation or reinstatement of the original use should generally be the first option, but not all original uses will now be viable or appropriate. The application of development and listed building controls should recognise the need for flexibility where new uses have to be considered in order to secure a building's survival or provide it with a sound economic future."* The Council accepts that reinstatement of the original use of each building is not appropriate in this instance, but that the indicative plans demonstrate that each building can be appropriately incorporated into the proposed development. This should secure the buildings' survival and sound economic long term future. However, additional safeguards include the recommended condition requiring building condition surveys and repairs to preserve the buildings in the short to medium term, and the fact that full planning permission and listed building consent will be required for the works to the buildings in due course. In terms of setting issues, direct impacts and the enhancements and repair works to be secured through condition, the overall impact of the development upon listed buildings is considered to be neutral.

8.61 The Council expressed some concern that the Pentrebane Cottages to the north – proposed for demolition in the parameter plans - were not included in the initial assessment, despite being visible on the 1766 map and forming part of the plot at that time and in 1842. Further assessment was requested in order to justify their demolition and to discount them from being considered curtilage structures. This assessment was undertaken and the submitted report (contained in the ESA as appendix 12.2) is considered to justify the assessment made within the originally submitted ES. From the archive OS mapping within the report and sourced elsewhere, it is agreed that the buildings are not curtilage-listed. Notwithstanding this and as noted in Section 1, the demolition parameter plan has been amended to defer to the consideration of whether or not to retain or demolish these buildings to the detailed design stage and this is welcomed from a placemaking perspective, albeit that it is not necessary in listed building terms.

Peripheral listed buildings

8.62 In line with the Council's request, the Grade II listed building Rhydlafr Farm and Old Byre were subject to additional analysis, following which it was concluded the building would not be subject to significant effects and this is accepted.

Taking into consideration of the presence of the intervening domestic curtilage and woodland, and the position of the farmstead as part of a collection of buildings, it is considered likely that the application site does not form a part of the way in which the listed building is experienced.

8.63 With regards Ty Bronna and Former Stables at Ty Bronna, it is agreed that the site makes no contribution to the significance of the listed buildings as there are no key visual links and no known historic or functional links. The proposed continued presence of woodland within the site boundary between Ty Bronna and the parcel to the west of Firs Avenue would ensure that their setting is preserved.

8.64 With regards the barn at Radyr Farm, it is clear and inevitable that the character of the wider setting would be altered by the change from agricultural land to suburban housing. However it is agreed that the application site makes a limited contribution to the significance of this listed building. The barn currently enjoys a semi-rural immediate setting that would not be directly affected by this development due to the omission of the field between it and Clos Park Radyr. This field is within the Strategic Site C, and as such it is possible that development may be proposed here within the plan period. Any development proposal here will be required to consider the immediate setting of this building. However this is beyond the scope of this application.

8.65 With regards Whitehall, 43 Drysgol Road, it is agreed that the site makes no contribution to the significance of the listed buildings as there are no key visual links and no known historic or functional links.

St Fagans Conservation Area

8.66 As noted above, the site includes part of the St Fagans Conservation Area. This area is proposed on the amended Land Use parameter plan as green infrastructure/open land and on the POS Provision Plan as sports pitched. In addition, the Green Infrastructure parameter plan text proposes that no buildings associated with the sports pitches shall be constructed to the south of Pentrebane Rd, which combine to limit the direct impact on the Conservation Area. The assessment notes that the wider setting of the St Fagans Conservation Area would be indirectly affected by the change in land use from fields to modern residential development, but this effect is not assessed as significant. The amendments to the parameter plan – which resulted in the application being pulled back from St Fagans village and the restriction on any buildings linked to the sports pitches being contructe to the south of Pentrebane Rd are welcomed and reflect the suggestions from both the Council and third party objectors that the application site should align with the strategic site boundary and recognise the value placed in the countryside as an integral part of the conservation area.

Other designated assets

8.67 The assessment concludes that there are no other designated assets would be affected by the development, and this conclusion is accepted. It is noted that, whilst Cadw have identified scheduled monuments that lie beyond study area

(Llwynda-Dda Camp 1.2km N and St-y-Nyll Round Barrow 1.4km W), they advise these would not be subject to significant effects and raise no objection.

8.68 Following amendments to the red line boundary, St Fagans Castle, a Grade I registered Park and Garden, now lies approx 300m to the west of the application site beyond the buildings forming the eastern edge of the village. This heritage asset was discounted as a sensitive receptor in the original ES, as the site was physically and visually separated from the historic park and its defined setting by the buildings, spaces and vegetation of St Fagans. Cadw do not raise any objection with regards the effect on St Fagans castle, consistent with the ES assessment, noting that the development area is not in any of the significant views from the registered park and garden or in the essential settings. They note views towards the application area are blocked by the buildings of the village of St Fagans and the existing vegetation, such that they advise that there is unlikely to be a significant adverse impact.

Archaeology and St Fagans Battlefield

8.69 In terms of the assessment of effects on the 11 previously recorded undesignated archaeological assets within the site, none have been identified as potentially subject to significant effects and would not prejudice the deliverability of the proposed masterplan, and it is notable that GGAT and Cadw have no objection. In coming to this conclusion, it should be noted that further documentary and field-based research undertaken to inform the ES Addendum has demonstrated to the satisfaction of both GGAT and Cadw that there are no links between the St Fagans battlefield and Pentrebane Farm, and that there is no suggestion that the battle field extends into the site.

8.70 The ES notes that there is a general background potential for unrecorded archaeological remains within the application site, which are assessed as being unlikely to be of greater than medium sensitivity, with the assessment of their removal during the construction process concluding that this would result in a direct, adverse effect of no more than moderate significance. It is noted that GGAT have no objection and have recommended a programme of archaeological investigation, which would serve to mitigate this effect. This condition is recommended.

Historic Landscape Character

8.71 An assessment has also been carried out in respect of the effects on the historic landscape character, with the effect assessed as moderate/minor adverse. To help mitigate this, the masterplan has been developed to retain significant elements, such as areas of mature woodland, the avenues of sweet chestnuts referred to in Section 2 and some of the existing field patterns. In addition to the retention of the listed buildings at Pentrebane Farm, the demolition parameter plan also proposes that some of the unlisted historic farm buildings at Maes-y-llech and Ty-Gwyn - and potentially Pentrebane Cottages - will be incorporated into the development in order to create a sense of place. This is assessed as providing a moderate/minor beneficial impact and a neutral impact, respectively, and is welcomed. The undesignated upstanding remains at Halfwrt and Pen-Down are proposed for retention within their surrounding woodland, which is assessed a neutral impact, and this measure is welcomed. To promote the understanding of the heritage of the area, a condition is also recommended, in line with the ES, to require a programme of building recording to be undertaken of the historic farms prior to the commencement of any works and to lodge a report of its findings with the National Monuments Record Wales. A condition is also recommended to require the interpretation of the ruinous structures remaining at Halfwrt and Pen-Down and two of the undesignated limekilns that are to be retained in situ on the site to aid the public's appreciation of the sites heritage.

8.72 Overall, the Archaeological and Heritage Assessment is welcomed and is considered to represent the required systematic assessment of the location and significance of heritage assets within and in the vicinity of the site, together with the likely effects of development. Measures to be taken to mitigate the possible adverse effects are set out in the Illustrative Masterplan, the Revised DAS and parameter plans. Subject to these and the recommended condition, they establish an adequate strategic framework within which future detail design matters can be considered. It is noted that no objections have been received from GGAT or Cadw, and that the assessment is sufficient to allow the site to come forward for development, subject to the recommended conditions.

(viii) Placemaking

8.73 PPW notes that to create sustainable development, design must go beyond aesthetics. It sets out 5 key objectives for good design, encompassing access, character, community safety, environmental sustainability and movement (section 4.11). Paragraph 9.1.2 sets out key principles LPA's should promote in delivering new housing, of which the following are particularly pertinent to this section:

- attractive landscapes around dwellings, with usable open space and regard for biodiversity, nature conservation and flood risk;
- greater emphasis on quality, good design and the creation of places to live that are safe and attractive;
- the most efficient use of land;
- well designed living environments, where appropriate at increased densities;
- construction of housing with low environmental impact; reducing the carbon emissions generated by maximising energy efficiency and minimising the use of energy from fossil fuel sources, using local renewable and low carbon energy sources where appropriate.

8.74 This is reflected at the development plan level, with policy KP5 establishing the wide-ranging principles against which the design of new developments will be assessed. KP4 is also relevant, setting out wide-ranging Masterplanning General Principles that major development should accord with. This 'placemaking' section of the analysis focuses on design as it relates to density, scale, character/built form, community safety and renewable energy. Access and movement matters are addressed elsewhere.

8.75 The application has been subject to a positive design process with the Council’s masterplanning and green infrastructure teams, which has resulted in a good solution for the site. The application has been planned in a comprehensive and integrated manner, demonstrating effective links to both the existing built up area and to the other approved developments within the strategic site. The application accords with the LDP ‘masterplanning approach’ and, subject to the recommended conditions, will help deliver a high quality, sustainable design at reserved matters stage.

8.76 The Revised DAS sets out some of the plans submitted to the Applicant from the Council setting out the required design changes to the masterplan, the majority of which are included within the final submission, which is welcomed. Conditions are recommended to address the few elements that aren’t, such as the need for a 60m wide green corridor connecting the woodlands Coed–y-Trenches and Halfwrt and the need for careful consideration of the design of the District Centre.

8.77 The Illustrative Masterplan, ‘Key Frontages and Buildings Plan’ and neighbourhood/character area material set out in the Revised DAS provides a very good framework for progressing to reserved matters stage in urban design terms, with the character area work aligning well to the landscape, topography and development area. The amendments to the density parameter plan are also welcomed, as they are now more closely defined. The proposed retention of the unlisted farm buildings identified on the demolition parameter plan are also welcomed, as they will add character and a sense of place to the new development, and serve as a reminder of the area’s heritage.

8.78 Conditions are recommended to progress the positive approach to design through to reserved matters stage. Importantly, condition 3 requires RM to be in substantial accordance with the parameter plans and in broad accordance with the Revised DAS and Illustrative Masterplan. A condition requiring a Design Code to be submitted is also recommended to capture the neighbourhood/character area work and ensure that the reserved matters details demonstrate truly distinctive areas throughout the development, particularly with respect to their architectural treatments. Whilst noting that plans for the District Centre have progressed positively, further work is required to inform the reserved matters design stage. It is particularly important that reserved matters details demonstrate a consistent commercial frontage to the proposed high street and square, with the positioning of the supermarket and the car park requiring particularly careful consideration, as it can conflict with many place-making aspirations. It is essential that the supermarket faces the high street and that an active frontage to the square is secured at reserved matters stage. A condition is, therefore, recommended to require a design code for the District Centre to be submitted to guide reserved matters. A condition requiring the submission of a public art strategy is also recommended to further the creation of a quality and legible built environment, consistent with policies KP5 and KP6.

8.79 With respect to crime and disorder, Section 17 of the Crime and Disorder Act 1998 states *'it is the duty of the authority to exercise its various functions with due regard to the likely effect on crime and disorder in its area and the need to do all that it reasonably can to prevent crime and disorder'*. At the development plan level, policy C3 provides a framework for promoting a safe and secure environment and minimising the opportunity for crime. South Wales Police have provided detailed advice. Whilst most of this relates to matters that are more appropriately considered at reserved matters stage, a lighting condition is recommended in response to their comments and an advisory notice attached to refer the Applicant to their more detailed advice. Further consideration will be given to the effect on crime and disorder at Reserved Matters stage, with South Wales Police again consulted.

8.80 With respect to renewable energy, policy EN12 aims to encourage developers of major and strategic sites to incorporate renewable and low carbon technologies into developments. A condition is recommended to require the submission of an energy strategy, consistent with the approach taken with regard to applications 14/00852/DCO, 14/02157MJR, 14/02188MJR and 16/00106/MJR.

(ix) Socio Economic Impact Assessment and Community Benefit

8.81 Paragraph 4.2.2 of PPW confirms that the planning system provides for a presumption in favour of sustainable development to ensure that social, economic and environmental issues are balanced and integrated. Paragraph 9.1.2 notes that LPA's should promote sustainable residential environments, avoid large housing areas of monotonous character and make appropriate provision for affordable housing and mixed tenure communities.

8.82 At the development plan level, policy KP13 sets out a range of measures to develop sustainable neighbourhoods, tackle deprivation and improve the quality of life for all. These include the provision of a range of dwelling sizes, types and affordability, and the provision of a full range of health, leisure and social facilities and community infrastructure. Policy KP4 requires that major development should accord with the Masterplanning General Principle that requires *'provision of a full range of social and community facilities will be concentrated within mixed use neighbourhood centres located along public transport corridors and easily accessed by walking and cycling'*. Policy KP5 requires all new development to provide *'a diversity of land uses to create balanced communities and add vibrancy throughout the day'*. Policy KP6 requires new development to make appropriate provision for, or contribute towards, all essential, enabling and necessary infrastructure required as a consequence of the development. The provision of affordable housing, schools and education, health and social care and community facilities (amongst other matters) are identified as 'necessary infrastructure'. At a detailed policy level, policy C1 encourages and provides the policy context for new and improved community, health and religious facilities. The policy's supporting text notes that '*new strategic housing developments allocated in policy KP2 will be required to ensure that sufficient new community facilities are provided and integrated within the development to serve the needs of future and existing residents'*. Policy C6 provides a framework for reducing health inequalities and encouraging healthy lifestyles, and policy C7, a framework for planning for schools. Policy H3 requires the Council to seek 30% affordable housing on greenfield sites, and for this to be delivered on-site unless there are exceptional circumstances. Policy KP2(C) sets out the infrastructure requirements for the site in respect of Local Centres, schools, and community and healthcare facilities and this is referred to in the analysis below.

8.83 The ES notes that the proposed development of 5970 residential units would account for 13.1% of the target dwelling requirement for Cardiff set out in the LDP to 2026, accommodating an additional 13,731 people, an increase of 4.0% of the existing population in Cardiff. An assessment of the social and economic impacts was undertaken and forms part of the ES, which considers the following matters:

Employment and Economy

8.84 The development will provide direct and indirect jobs in the construction industry and supply chain. The ES notes that a capital investment of approx £1.12 billion would be generated over a 12 year build period, with 92FTE direct construction jobs plus an additional 140FTE indirect and induced jobs, and up to 11,092 person years of temporary construction work over the 12 year build period, generating tax revenue of £6.2 million per annum. Once operational, the proposed development is predicted to create 2,807 new jobs from employment generating uses. An additional £7.5m of business rates revenue per annum is predicted, with the new jobs expected to generate additional tax revenue of £13.7per annum. The development is assessed as having a major beneficial impact on employment (construction and operational phases) and the economy as it relates to the local labour market, expenditure and fiscal matters, and this is welcomed.

Housing (including the provision of Affordable Housing)

8.85 The ES notes that, of the 5970 residential units proposed, around 1,790 affordable dwellings (30%) would be provided, which is assessed as a major beneficial impact. See Section 9 for the Heads of Terms agreed in respect of affordable housing. Whilst the affordable housing provision to be secured via the s106 would vary from that set out in paragraph 5.2 above, it is accepted that it would represent a major beneficial impact.

District and Local Centres

8.86 In accordance with KP2(C), the development would deliver a District Centre and three Local Centres, and associated benefits to the local community. The Planning Obligations SPG (approved January 2017) requires the ‘in-kind’ provision of the Local Centre on-site, including the provision of the ‘core and shell’ of the centre’s commercial units, together with the provision of associated services, parking and highway access and, for stand-alone retail, the safeguarding of land for future development by commercial operators, including connection to all services and highway access.

Education Community and Education Facilities

8.87 Policy KP2(C) requires the provision of 1 new secondary school and 3-4 primary schools located in or adjacent to the District/Local Centres. In compliance with policy KP2(C), the development would deliver four new schools. This is assessed as a neutral impact, in that they would provide for the needs generated by the development. A condition is also recommended to ensure minimum site sizes for the proposed schools. (See Section 9 for further details.)

Community and Health Facilities

8.88 Policy KP2(C) requires the provision of a primary care facility, a multi-functional community leisure facility including library and financial contributions to upgrading of Fairwater Leisure Centre. Policy C6 establishes that priority in new developments will be given to reducing health inequalities and encouraging healthy lifestyles through i) identifying sites for new health facilities and ii) ensuring they provide a physical and built environment that supports interconnectivity, active travel choices, promotes healthy lifestyles and enhances road safety.

8.89 As noted in section 1, the amended Land Use parameter plan and supporting text provides for up to 5,100sq m of community and healthcare facilities to be provided across the District and Local Centres. This is welcomed, as it would allow the requirements of both the Council and the University Health Board (UHB) to be accommodated, regardless of whether the facilities are delivered as part of a shared facility or separately. As noted in section 7, UHB have advised their preferred strategy to meet health needs is to secure a health facility as part of a shared community facility within the main District Centre of strategic site C, and for this to accommodate the needs of sites C, D and E. They estimate that 2,233m2 floorspace is needed for a standalone health facility and 1,413m2 to deliver such a facility within a shared community centre. Neighbourhood Regeneration have advised they require a 2000m2 facility to be delivered in the District Centre and a 800m2 facility in the Pentrebane Farm Local Centre. A condition is recommended to secure this and section 9 provides further details of the related Heads of Terms.

8.90 With regards wider health benefits, the development supports interconnectivity and active travel choices, provides access to green open space, sports and play facilities, allotments and gardens for food growing, and facilities to enhance road safety. Conditions are also recommended to control land contamination and noise from traffic to ensure no unacceptable harm to human health. Impact on residential amenity is considered further below.

(x) Assessment of Retail Proposals

8.91 As recognised in the adopted LDP, a fundamental part of creating a sustainable urban extension is the integration of Local and District Centres that provide accessible shopping opportunities to meet the day to day shopping needs of the local population.

8.92 The application site is in an out-of-centre location in terms of retail policy. Once developed in the required format, the proposed centres will become designated centres, but at this stage they are assessed as being out of centre. Planning Policy Wales Edition 8 (January 2016) is clear that planning applications for retail developments in out-of-centre locations should be assessed against the following tests:

(i) Compatibility with a Community of up-to-date Development Plan Strategy;
(ii) Consideration of need;
(iii) The sequential approach to site selection; and
(iv) The impact on existing centres.
(v) Rate of take-up of allocation in adopted development plan;
(vi) Accessibility by a variety of modes of travel and;
(vii) Improvements and impact on public transport and travel patterns.

8.93 As noted above, policy KP2 (C) sets out the infrastructure requirements of the site, which includes provision for District/Local Centres to be accessible by walking, cycling and public transport and accommodate a range of services, including convenience goods floorspace plus other retail of a scale and nature which accord with LDP retail policies, with the anchor food store to be located within the District Centre towards the east of the site.

8.94 Policy R7: Retail Provision within Strategic Sites of the adopted LDP states that retail development which forms part of the allocated housing led strategic sites will be assessed against Policy R4 (Out of Centre) and will be supported where:
(i) It is of an appropriate scale which satisfies an identified local need;
(ii) It will not negatively impact on the vitality and viability of designated centres;
(iii) It is located along public transport corridors and easily accessible by walking and cycling; and
(iv) It forms part of a planned centre which reinforces a sense of place.

8.95 Policy R4: Retail Development (Out of Centre) of the adopted LDP states that retail development will only be permitted outside the Central Shopping Area, District and Local Centres identified on the Proposals Map it:
(i) There is a need for the proposed floorspace (with precedence accorded to establishing quantitative need);
(ii) That need cannot satisfactorily be accommodated within or adjacent to the Central Shopping Area, within a District or Local Centre;
(iii) The proposal would not cause unacceptable harm to the vitality, attractiveness or viability of the Central Shopping Area, a District or Local Centre or a proposal or strategy including the Community Strategy, for the protection or enhancement of these centres;
(iv) The site is accessible by a choice of means of transport; and
(v) The proposal is not on land allocated for other uses. This especially applies to land designated for employment and housing, where retail development can be shown to limit the range and quality of sites for such use.

8.96 In order to address the above policy framework, the application is accompanied by a retail statement which analyses the quantitative and qualitative need for the retail element of the application, the impact of proposed retail floorspace upon existing centres with development plan status and the sequential approach to site selection.

8.97 As part of this outline application, up to 19,900sq m of Class A floorspace is proposed in three Local and one District Centre. Of this, 3 Local Centres (Pentrebane Farm Local Centre, Local Centre North West, Local Centre North) would accommodate up to 7,900 sq m Class A uses, and Plasdwr District Centre up to 12,000sq m Use Class A uses, including up to two food stores (5,000 sq m). A more detailed breakdown is provided in the Land Use parameter plan text and reproduced below:

Plasdwr District Centre

8.98 The largest of the proposed centres, Plasdwr is programmed to come forward in phase 2, with a maximum retail floorspace of 12,000sqm broken down as follows:

District Centre Retail Uses	**Indicative Floorspace Volume (sq m) gross**
A1 Convenience goods	1,500
A1 Comparison goods	2,700
Non retail Class A1, A2 and A3	2,800
Foodstore (Convenience and Comparison)	5,000

Local Centre North

8.99 This centre is programmed to come forward in phase 3 in the Indicative Phasing Plan, and will comprise a small foordstore of up to 1,500sq m, akin to an Aldi or Lidl, and would typically operate as a top-up or secondary shopping destination, and complement the main foodstore in Plasdwr District Centre. A maximum of a further 1,000sq m of Class A floorspace is also proposed to be occupied by non retail Class A1, A2 and A3 such as hairdressers, estate agents, cafes and takeaways.

Pentrebane Farm Local Centre

8.100 Pentrebane Farm Local Centre is programmed to come forward in Phase 4 in the Indicative Phasing Plan with a maximum retail floorspace of 1,900sq m (gross) of open A1 retail. A floorspace mix of 4,00sq m A1 convenience and 1,500sq m non-retail Class A1, A2 and A3 is proposed.

Local Centre West

8.101 Local Centre West is programmed to come forward in Phase 6 in the Indicative Phasing Plan. The centre will provide the day-to-day shopping needs of the local residents of Plasdwr, and potential further growth to the west. A maximum of 3,500sq m is proposed to be accommodated as follows: small convenience stores – 600sq m gross, comparison goods stores – 400sq m gross and non-retail Class A1, A2 and A3 – 2,500sq m gross.

8.102 In terms of the assessment of quantitative need contained within the submitted Retail Statement, there is some concern that the study area used, which is based on a 10 minute drive time from the District Centre, is larger than what might be expected for a District Centre and certainly a Local Centre given their role and function is to meet the shopping needs of a localised catchment. It is therefore considered that the capacity forecasts identified in the RS are at the uppermost end of the scale of retail floorspace that could be accommodated. As a consequence, it is considered that quantitative need analysis is not conclusive in relation to the forecast expenditure capacity to support the proposed convenience goods floorspace. The RS provides no justification why the retail proposal at Plasdwr would draw trade from a catchment area that is wider than what would be expected for a District Centre.

8.103 Despite what is considered to be an over estimation of expenditure to support the convenience goods retail floorspace, this has to be balanced with qualitative need considerations relevant to the creation of a sustainable urban extension of this nature. The stores will have a sustainable role to play in reducing leakage to out-of-centre stores further afield. In addition, this area is currently served by more limited accessible, local shops to cater for the day to day needs of its residents, with current access to convenience goods shopping dominated by out of centre stores at Coryton, Gabalfa and Culverhouse Cross and Talbot Green further afield. A more conveniently located choice of retail floorspace for the main and top up shopping needs in Plasdwr will retain more expenditure. If it is to succeed in encouraging the residents of Plasdwr community to use the retail facilities, it would need to offer a comparable range of shopping facilities to those located outside of the Study Area. It is recognised that the food provision offer needs to be appropriate in scale to cater for the residents daily requirements, but equally important is that the retail provision does not undermine the vitality and viability of existing designated centres. It is therefore considered that there is a strong qualitative case for the retail floorspace proposed.

8.104 In relation to impact, the main impact of the proposed convenience goods floorspace will be on out of centre stores not protected in retail policy terms. The main impact of the proposed comparison goods floorspace will be on Cardiff city centre. However, in the context of the city centre, the trade diversion is not significant enough to adversely affect the city centre’s vitality and viability. It is accepted that much of the turnover of the new stores and centres will be generated by the new communities that have yet to be established. As such, there will only be limited levels of trade diversion and the overall levels of impact on existing centres will not adversely affect their vitality and viability.

8.105 It is also noted from the supporting information contained in the RS that the development of the centres are programed to be phased with the largest proposed centre Plasdwr District Centre to come forward first during phase 2 (2021-2023). The retail floorspace will therefore increase as the population of the Plasdwr community increases. This is welcome and will ensure that the impact of new retail floorspace does not adversely affect the vitality and viability of existing designated centres.

8.106 Taking the above into consideration the above, there is no objection to the proposal on retail policy grounds. A condition is recommended to control the level of floorspace proposed and the size of retail unit to ensure the proliferation of large units are controlled in the interests of forming a planned centre which reinforces a sense of place.

(xi) Impact on air quality, noise and vibration, light pollution and contaminated land

8.107 The PPW objective for the management of environmental effects and pollution is to *'maximise environmental protection for people, natural and cultural resources, property and infrastructure, and prevent or manage pollution and promote good environmental practice'* (paragraph 13.1.12). At the local level, policy EN13 seeks to protect unacceptable harm caused by air, noise, light pollution or land contamination.

8.108 With regards air quality, the ES includes an assessment of the likely changes in air quality from the construction and operational phases of the development, with specific consideration given to the Llandaff AQMA located approx 2km east of the application site.

8.109 The assessment concludes that no significant effects are expected to occur as a consquence of construction activities, subject to mitigation in the form of a site specific Construction Environmental Management Plan (CEMP) including measures to prevent and control dust emissions. Following completion, the assessment of traffic data indicated that the additional traffic flows associated with the site - including within the Llandaff AQMA - are not likely to be significant, ranging from small (beneficial) to negligible (adverse) with respect to increases in nitrogen dioxide (NO_2) and particulate matter (PM_{10} and $PM_{2.5}$).

8.110 The Council's Air Quality Manager, in responding to the application as originally submitted, confirmed that he is satisfied with the methodology adopted to assess the residual impact of the development on local air quality. He did, however, raise some concern with regards to the traffic impact into the air quality modelling and the cumulative effects on air quality from the development of the wider strategic sites C, D and E, to which I would respond as follows:

- in response to the amended application, Pollution Control have confirmed they are satisfied by the approach used by the consultations to remain with the conclusions made from the original ES
- the phasing of the cycling, walking and public transport measures will be controlled by the recommended conditions
- whilst the TA makes recommendation in relation to traffic management, these are ultimately the responsibility of the Council
- The Operational Manager Transportation has no objection to the proposal overall, with the wider pack of mitigation measures considered sufficient to enable the proposal to come forward
- the proposal contributes to the delivery of the Council's emerging North West Corridor Improvement Programme, which will help mitigate the cumulative effect on local air quality in line with the conclusions of the assessment through the delivery of on and off-site mitigation measures
- A financial contribution towards air quality monitoring has been requested and will be secured via a s106 Agreement, as set out in Section 9 below.

8.111 The findings of the assessment are accepted, and it is noted that neither the Council’s Air Quality Manager nor the Operational Manager Transportation has any objection. Conditions are recommended to require a Dust Management plan to be submitted as part of a Construction Environmental Management Plan for each reserved matters application, in line with the recommendations of the ES, and a financial contribution towards air quality monitoring would be secured via s106 Agreement, in line with advice from Pollution Control.

8.112 With regards noise pollution, the ES includes a Noise and Vibration assessment to determine the potential noise and vibration effects of the development on the area around the site and the future residents of the development. Whilst identifying that parts of the site adjacent to Llantrisant R, Crofft-yGenau Rd and Cardiff Rd fall into TAN 11 noise category C, the assessment concludes that the effects of the development, following mitigation, will not give rise to any significant adverse effects due to noise.

8.113 Pollution Control has confirmed that they have no objection, subject to conditions. Conditions are duly recommended to control road traffic noise, hours of operation, opening hours and delivery times, flood lighting and to require sound insulation and kitchen extraction. In line with comments from Pollution Control, a site specific noise assessment of the land in proximity to the wind turbine at Radyr Farm is recommended to to ensure that the proposed development does not prevent the owner from complying with a noise condition attached to the permission for the turbine. Advisory notices are recommended in respect of construction site noise.

8.114 With regards land contamination, the ES included a ground condition assessment of the construction and operational phases. This notes the varied geology of the site, with superficial glacial deposits underlain by sandstones, mudstones, limestones and conglomerates. The ES notes an apparent depressional circular feature within the site in the field to the North of Coedbychan woods and Pentrebane Rd and advises that the potential for solution features to be present on the site cannot be ruled out. It is noted that there are a number of old limestone quarries within the limestone rock within the southern part of the site that were later used as landfills and are potential sources of contamination - Pentrebane East Quarry, Pentrebane West Quarry, Coed Buchan Quary, Ty-branna Quarry, Twyn-Pwmro Mawr Quarry and Twyn-Pwmro Quarry. The disused railway lines are also identified as potential sources of land contamination. Based on the assumption that standard construction good practices and other mitigation measures will be followed, including further ground investigations, the effects of potential contamination are assessed as negligible both during the construction and operational phases. This assessment is accepted, noting that Pollution Control (Contaminated Land Team) have raised no objection. In line with their advice, appropriate mitigation measures will be secured by conditions requiring Construction Environmental Management Plans, ground gas assessment and mitigation, land contamination assessment and mitigation, and conditions to control unsuspected contamination, imported soil and aggregates. Advisory notices are recommended in respect of radon gas protection, and contaminated and unstable land.

(xii) Residential amenity and impact on health and safety

8.115 PPW provides that *'insensitive infilling, or the cumulative effects or development or redevelopment, including conversion and adaption, should not be allowed to damage an area's character or amenity. This includes any such impact on neighbouring dwellings, such as serious loss of privacy or overshadowing'* (paragraph 9.3.3). At the development plan level, policy KP5 requires all new development to ensure no undue effect on the amenity of neighbouring occupiers.

8.116 It should be noted that appearance, layout, scale and landscaping are reserved matters, and that the detailed consideration of impact on residential amenity, as a consequence of overlooking and overshadowing, can only be fully assessed at reserved matters stage.

8.117 As noted in section 1, 132kV high voltage overhead power lines suspended on pylons cross the site, which are the subject of third party objections on grounds of their potential health impact, whether undergrounded or remaining above ground. Whilst the scope of the outline application does not include their proposed undergrounding, the form of development and EIA is predicated on the assumption that the power lines would be undergrounded, with the Land Use parameter plan stating that proposals will be confirmed prior to detailed design. The ES includes an assessment of the risk of significant environmental impact from the proposed development on utility receptors, including electricity, and confirms that the risk for both the construction and operational phases would be negligible. In respect of electricity and the overhead power lines, the ES indicates that discussions have taken place with Western Power Distribution, who have provided advice in respect of timescales for design and construction and indicated a preference for laying the high voltage cables within the proposed highway adoption boundaries, noting that where this is not possible a 5m easement will be required. The ES also notes that the minimum statutory clearance to the 132kV overhead line at maximum sag and swing is 6.5m. The assessment concludes that the construction effects of works in the vicinity of the overhead cables and pylons will be negligible where the contractor ensures that any works comply with statutory safety clearances set by WPD. The assessment also concludes there should be negligible risk of significant residual environmental impact during the operational phase.

8.118 With respect to the objection raised in relation to the health impact of living in close proximity to power lines, whether overhead or undergrounded, the Health and Safety Executive have been consulted and have raised no concerns. Whilst no response has been received from Western Power Distribution to date, it is clear that discussions have taken place between the developer and that no health related concerns have been reported. The National Grid has prepared a document 'Development Near Overhead Lines', which recognises there is public concern over electric and magnetic fields (EMFs) and related health concerns. However, it states that the balance of the scientific evidence to date is against there being health effects and that there are no restrictions in the UK at present on building close to overhead lines. It notes the National Grid follows the advice of the Government and the Health Protection Agency and that it cannot support policies or proposals in development plans which rely on EMF and related health concerns as justification to control or direct development. Taking the above into consideration, it is considered that an objection on such grounds could not be sustained.

(xiii) whether the proposal would make satisfactory provision for access, parking and circulation

8.119 PPW notes that the Welsh Government aims to extend choice in transport and secure accessibility in a way which supports sustainable development and helps to tackle the causes of climate change by: encouraging a more effective and efficient transport system, with greater use of the more sustainable and healthy forms of travel, and minimising the need to travel (8.1.1). The Welsh Government supports a transport hierarchy in relation to new development that establishes priorities in such a way that, wherever possible, they are accessible in the first instance by walking and cycling, then by public transport and then finally by private motor vehicles (8.1.4).

8.120 The Wales Spatial Plan (2008 update) includes guidance in respect of the ‘South East Wales- Capital Region’ noting its intention that this region ‘will function as a networked city region, on a scale to realise its international potential, its national role and to reduce inequalities with comparable areas in the UK’ and recognizing that ‘a fully integrated high quality transport system is necessary for this to happen’ (p. 98). In terms of achieving sustainable accessibility, the plan importantly recognises that ‘road building in general is not a sustainable solution to the pattern of traffic growth’ and that ‘the overall priority is to make better use of the Area’s existing transport infrastructure, to deliver more sustainable access to jobs and services’.

8.121 The Council's transport strategy underpinning the LDP is focused on seeking to reduce car use by encouraging people to use more sustainable modes of transport. A central aim of the strategy is to achieve a 50:50 split between journeys by car and walking, cycling and public transport in respect of all trips by the end of the Plan period. Policy KP8 aims to ensure that development is properly integrated with transport infrastructure to achieve a shift away from car-based travel and sets out this 50:50 mode split as a target. The reasoned justification clarifies that achieving the 50:50 target will not be a matter of requiring all new development within the plan period to achieve a 50:50 modal split, but rather that measures will be sought to maximise the possible share of trips by sustainable modes for all sites (para 4.118). Policy T1 favours development which includes design features and facilities for walking and cycling. Policy T2 identifies the A4119 Llantrisant Rd as forming part of the Western Bus Corridor, one of four Rapid Transit Corridors identified as a focus for public transport enhancements that will serve the main LDP strategic sites and feed into the City Centre. Policy T3 provides support for transport interchanges. Policy T5 requires new development to make appropriate provision for safe and convenient access by all modes. Policy T6 aims to protect the transport network and its users from developments which would cause unacceptable harm to the operation and use of key transport networks and routes. Policy T9 seeks to ensure that new development would not prejudice the development of a future regional ‘Metro’ network. KP2 (C) details the transport infrastructure to be provided on strategic site C. Policy

KP4 also seeks to help realise this mode split shift by ensuring major development is are planned to deliver *'dedicated sustainable transport corridors including provision for public transport, cycling and walking which will form key elements of the overall masterplan and effectively link into the wider network*', that *'walking, cycling and public transport will be attractive, practical and convenient travel choices for all'*, that *'provision of a full range of social and community facilities will be concentrated within mixed use neighbourhood centres located along public transport corridors and easily accessed by walking and cycling'* and that '*new development ... provides good connectivity to adjoining areas...'.*

8.122 The application's transport strategy and proposals, relating to the strategic vehicular access junctions, internal access, parking, access for pedestrians cyclists and horse riders, and provision for public transport including the Western Bus Corridor, Rail and the 'Metro', are set out in detail in Section 1, and are captured in the detailed highway drawings, the Access parameter plan, Illustrative Masterplan, the revised Design and Access Statement and the Environmental Statement (ES) and its Addendum (ESA). A Transport Assessment (TA) and TA Addendum was submitted in support of the amended submission and form part of the ES and ESA.

8.123 The ESA considers the potential impacts on various means of transport associated with the proposed development and the predicted associated effects on sensitive receptors in the area during construction and operation. The ESA concludes that the development will have a negligible effect during the construction phase, subject to the implementation of a Construction Environmental Management Plan, which will include control over the movement of construction HGVs and on-site parking.

8.124 To address the impacts during the operational phase, a range of mitigation measures are considered, including new and improved pedestrian and cyclist routes and facilities, bus priority measures, improved bus services and new routes and stops, protection of future public transport routes, traffic management system to manage the flow of traffic on the network and hold queues in appropriate locations outside of AQMAs, junction improvements and travel plan measures. The ESA concludes that, with mitigation, the impact on hazardous loads, parking, accidents and safety would be negligible, with positive impacts (ranging from minor to moderate and major beneficial) predicted in respect of the pedestrian, cycle and public transport environment, pedestrian severance, pedestrian delay, pedestrian amenity and fear and intimidation. The effect on the Llandaff AQMA is assessed as being neutral as a consequence of traffic management measures. The only adverse residual effect would be on junction delay/ driver delay, assessed as a major adverse effect. The ESA responds to this, noting that the objective of policy is to support economic growth without perpetuating a comparable growth in traffic demand, which would occur if the approach to mitigating highway effect were simply to minimise delay through the provision of highway network improvements. It notes the correct policy approach and one that the development follows is to mitigate the effect on the network through the provision of new and improved sustainable transport links and connections, creating a socially inclusive and connected development. Some degree of driver delay is noted to be inevitable, noting that the transport strategy has been developed to manufacture delay at certain junctions to contribute to the overall objective of achieving travel behaviour change to minimise inconvenience and ensure there is no material impact on driver delay within the Llandaff AQMA.

8.125 The application has been subject to careful consideration by the Operational Manager Transportation and his team. As noted in his comments reported in Section 5, Transportation has considered the submitted transport assessments and undertaken its own supplementary technical assessments. The OM Transportation notes that application proposes a level of sustainable mitigation, but that these mostly focus on the site itself and the immediate locality. Based on the further technical assessments, a wider and more comprehensive package of required mitigation measures have been secured through s106 negotiations to help support the LDP targets for strategic sites. The mitigation measures include improvements to the existing network for public transport, walking and cycling and enhanced traffic management measures along Llantrisant Road and other known network constriction points. A contribution towards the delivery of the emerging North West Corridor Programme has also been secured. These two layers of off-site mitigation works, which amount to circa £14 million, together with the contribution of £6.3M for bus subsidies, and the pack of inherent and proposed mitigation measures proposed by the Applicant are considered sufficient to mitigate concerns to allow this site to come forward for development. The Operational Manager Transportation concludes that they would have no objection to this proposal, subject to the delivery of the wider package of mitigation measures via condition and S106 Agreement.

8.126 The traffic impact of the development has been the subject of significant objection, as reported in Sections 6 and 7. Members attention is drawn to the Inspector’s Report on the Examination into the Cardiff LDP, which recognised this as a potential outcome, noting that *'we agree with assertions made at the examination that it would be unrealistic to expect traffic to flow unimpeded at peak times or to attempt to build sufficient road capacity to accommodate and prioritise the convenience of car users'* (para 7.10). This is significant, as this is a key premise of the transport strategy for the development, as described above and in section 1. As noted above, the Operational Manager, Transportation has no objection to the proposal overall, and his detailed comments also respond to objections received from RCT, Network Rail and third parties.

8.127 The comments received from Rhondda Cynon Taff are summarised in Section 6, referenced in the comments from the Operational Manager Transportation in Section 5 and have been carefully considered. However, the complete range of transportation-related measures as set out in the Section 106 Heads of Terms including bus priority enhancements on the Western Bus Corridor evidence the extent of measures and associated costs which provide a comprehensive package collectively making improvements which are considered to improve sustainable transportation linkages into Rhondda Cynon Taf. Whilst physical works are not specifically proposed within Rhondda Cynon Taff, as requested in RCT CBC comments (amounting to £3,536,584), it is considered that the measures as set out in the proposals make essential improvements to the corridor linking Cardiff to Rhondda Cynon Taf. Clearly there are finite financial resources available to fund infrastructure through development proposals. In this respect, the measures secured are considered to represent a comprehensive and acceptable package reflecting a considerable volume of work and analysis to reach this position. Directing monies to other projects may, therefore, have the consequence of undermining the inter-related benefits of the measures as set out in this report which are considered both appropriate and proportionate. Furthermore, it should be noted that sustainable transportation measures have been secured in relation to other proposals for allocated sites in the North West of the County including the provision of a Park and Ride facility at Site D (North of Junction 33) which further address the cross-boundary dimension in relation to allocated sites. Opportunities to further consider cross-boundary works and linkages can be considered as part of collaborative dialogue through the City Deal process, through other future bids for project grants including potential schemes in RCT, and in the consideration of transportation measures in relation to Strategic Site E (South of Creigiau) and the residual element of Strategic Site D (North of Junction 33) which have not yet been progressed to planning application stage.

8.128 The proposal's transport strategy, set out in Section 1, is entirely consistent with the LDP transport strategy. Importantly, the application will secure each element of the essential /enabling transport and highways infrastructure identified in policy KP2 (C):

- Provision of a bus-based Rapid Transit Corridor through the site. Moreover, the primary highway corridor/Spine Street has been designed to facilitate bus journeys, with its 6.3m wide carriageway, providing links between the District /Local Centres, with on-site bus priority secured through bus gates at key locations and the provision of high quality bus stops equipped with shelter, seating and Real Time Information (RTI). Importantly, the bus routes plan in the Revised DAS goes beyond KP2(C) requirement and shows the provision of transport interchanges in each of the proposed centres, and not simply in the District Centre, as required by KP2(C).
- on and off-site infrastructure, including bus priority measures to develop bus-based rapid transit corridors, integrating with the site, the A4119 Western Bus Corridor and other routes within the North West Rapid Transit Corridor, in the form of the provision of bus lanes as part of the detailed designs for junctions 2 and 3, and 10, adding to the existing provision secured under pp 14/2157/MJR.
- other off-site infrastructure, including bus priority enhancements on the Western Bus Corridor and measures to improve linkages to RCT. The wide range of transport-related measures as set out in the s106 Heads of Terms, including bus priority enhancements on the Western Bus Corridor, provide a comprehensive package of measures which are considered to improve sustainable transportation links into Rhondda Cynon Taff. (See section 9 for further details.)
- s106 contributions of £6.3M to extend bus networks and increase the frequency and reliability of services, both within and to and from the site.

- on and off-site walking and cycling measures to provide a network of high quality safe, attractive and convenient routes within the site and off-site, linking to key local facilities, the Taff and Ely Trails and off-site public transport destinations, as described in section 1 and shown on the Access parameter plan and the Cycling and Walking Provision Plan in the Revised DAS. Off-site improvements to walking and cycling facilities will also be secured.

8.129 With regards the key masterplanning requirements of KP2(C) relevant to transport, the proposal:

- Provides for a range of densities
- Ensures that the potential delivery of the metro is not precluded, in line with policy T9, with the Access parameter plan proposal showing a zone within which an area is to be reserved for rapid transit and with the supporting text noting provision will be made for stops and other supporting facilities. It is noted that this zone does not extend along the full length of the disused railway line, as depicted on the schematic framework) and a condition is recommended to secure this extended provision.
- the District and Local Centres will accommodate a mix of uses, including schools, community facilities, retail and employment, will be accessible by walking, cycling and public transport, reducing the need to travel by car, by internalising trips and facilitating walking and cycling for short trips.
- provides links to Pentrebane, Fairwater and Radyr, as noted in the Cycling & Walking Provision Plan and Access parameter plan.
- Providing off-road access routes through the provision of a network of open space corridors, providing links between woodlands, along the valley through the middle of the site and to the countryside to the west and south west.

8.130 To ensure the delivery of the transport strategy for the site, conditions are recommended: to secure the delivery of the strategic access junctions and related improvements, to secure a landscape scheme for those highways works, to require a strategy to secure traffic monitoring at site accesses, to provide and safeguard access to the remainder of site C, to maintain the legal right of way to Radyr Farm from Llantrisant Rd, to secure the bus based rapid transit corridor and safeguard land for the 'Metro', to secure the delivery of each of the transport interchanges and bus stop facilities, to secure the provision of ‘safe zones’ within shared spaces to protect vulnerable users, to control car, motorcycle and cycle parking, to control the unloading of vehicles and delivery times, to secure the provision of lit roads before occupation of dwellings, to control gradients of all streets within the site to promote inclusive access, to secure a Construction Environmental Management Plan and Residential, Retail/Community/Healthcare, Employment and a School Travel Plans, and appropriate phasing of infrastructure. The detailed on and off-site highway works and internal site access would be subject to agreement under Section 38/278 of the Highways Act, and all footpaths in green corridors, to agreement under Section 25 to dedicate them as PROWs. The agreement and implementation of the Travel Plans, the bus subsidy, and contributions toward the North West Corridor Improvement Programme would be secured via a Section 106 Agreement. (See Section 9 for further information).

8.131 Taking the above, the representations received and the detailed comments of the OM Transportation into consideration, together with the recommended conditions and legal agreement Heads of Terms set out in Section 9, it is considered that the development complies with planning policy in respect of highways and transportation matters, that the transport strategy proposed by the development is entirely consistent with the LDP transport strategy, and that the effects on traffic and transport can be adequately mitigated.

(xiv) Water Resources, Drainage and Flood Risk

8.132 PPW advises that flood risk and the 'adequacy of water supply and the sewage infrastructure are material in considering planning applications and appeals' (paras 13.2.1 and 12.4.1). With respect to surface water run-off, PPW advises that '*in determining applications for development, local planning authorities should work closely with Natural Resources Wales, drainage bodies, sewerage undertakers, prospective developers and other relevant authorities to ensure that surface water run-off is to be controlled as near to the source as possible by the use of sustainable urban drainage systems. They should also ensure that development does not: increase the risk of flooding elsewhere by loss of flood storage or flood flow route; or increase the problem of surface water run-off*' (para 13.4.2).

8.133 At the development plan level, policy KP5 requires all new development to be of a high quality sustainable design by, amongst other things, *'achiev[ing] a resource efficient and climate responsive design that provides sustainable water and waste management solutions….'*(criterion vii). Policy KP6 identifies flood mitigation and utility services as 'essential/enabling infrastructure'. KP15 requires development proposals to avoid areas susceptible to flood risk and prevent development that increases flood risk in order to tackle climate change. KP16 identifies strategically important river valleys (iii) and holistic integrated surface water management systems as natural heritage assets requiring protection and conservation. KP18 requires development proposals to protect the quality and quantity of water resources, including underground surface and coastal waters (ii).

8.134 At a detailed level, policy EN14 provides the framework for controlling flood risk, noting amongst other things, that development will not be permitted where it would increase the risk of flooding from fluvial and/or tidal flooding or from additional run-off from the development, and, where appropriate, requires the developer to demonstrate that they have considered the need to incorporate environmentally sympathetic flood risk mitigation measures such as Sustainable Urban Drainage Systems (SUDS). Policy EN10 promotes water sensitive design and integrated water cycle management to manage water locally and to reduce demands on the network, including SUDS, whilst policy EN11 seeks to prevent development that would cause unacceptable harm to the quality or quantity of underground, surface or coastal waters.

8.135 The ES includes an assessment of the likely significant effects of the proposed development on the environment with respect of flood risk, hydrology, hydrogeology and storm and foul water drainage.

8.136 The development is located across two main river catchments - the River Taff and River Ely, with springs, watercourses and drainage ditches present within the site. The only named water course on-site is the Nant Rhydlafar located in the north west corner of the site, which is a tributary to Nant y Dowlais located 400m west of the development which flows through the Ty Du Moor SSI before merging with the River Ely. The storm water run-off drains to the Rivers Taff and Ely via six sub-catchments.

8.137 The TAN15 Development Advice Map shows that the majority of the site is located within Zone A (classed as being at little or no risk of fluvial or tidal/coastal flooding). A small proportion of the site is located within Zone B (classed as an area known to have been flooded in the past) in the east of the site, from which surface water run-off is transmitted to a culvert near Fairwater Leisure Centre. It is noted that it is likely that the culvert is the cause of the flooding in the area and that an inlet condition survey was undertaken which concluded that the culvert had sufficient capacity to receive flows from surface water runoff, suggesting that maintenance of the channel and culvert is the likely cause of flooding and that, subject to improvement in the condition of the existing channel and culvert inlets and outlets the risk of flooding is considered low.

8.138 The main concerns during the construction stage are expected to be temporary and phased over the plan period, and relate to: the potential for flood risk from increased runoff during rainfall and alteration of flood flow paths from earthworks (albeit assessed as negligible for the majority of the site), contamination of watercourses from sedimentation and spillages, affect on watercourses from alteration of storm water flow paths and increased storm water runoff, pollution of groundwater from spillages and disturbance of contamination within existing historical landfills, impact on the storm drainage network from an increase in the quantity of storm water runoff, and the need to accommodate foul drainage during the construction phase. The main concerns during the operation phase relate to the potential for: contamination of watercourses from sedimentation and spillages, disruption to surface watercourse from ground remodelling and diversions culverting or infilling of watercourses with potential to alter drainage catchments and impact on flood risk, increased surface water and flood risk from increases in impermeable surfaces, potential pollution to Ty Du Moor SSI, impact on hydrogeology in the form of changes to groundwater regime and more likely risk of features such as solution cavities from infiltration to ground, and the potential for adverse impacts on the foul drainage network, until such time as a strategic hydraulic modelling exercise of the network is completed.

8.139 The ES concludes that, with appropriate mitigation, the overall impact of the proposal in respect of flood risk, hydrology and hydrogeology, storm drainage and foul drainage would not be significant during the construction or operational phases.

8.140 The necessary mitigation measures will be secured through the recommended conditions, which include the requirement - for the construction phase - for a Construction Environmental Management Plan to be submitted for each reserved matters site, part of which include a Construction Drainage Scheme and measures to prevent pollution of the water resource. Drainage conditions for the operational phase, include the requirement for a Strategic Sustainable Surface Water Drainage Masterplan and a Detailed Surface Water Drainage Scheme for each reserved matters site to be submitted. The former is designed to ensure that the interaction between natural drainage catchments is taken into consideration in the design of detailed drainage schemes, given the site will be built out in phases over a number of years. The Detailed Surface Water Drainage Scheme condition requires a Hydrological Impact Assessment to be undertaken for each reserved matters site. Noting the comments from NRW, this specifically requires the developer to demonstrate no adverse hydrological effects to the Ty Du Moor SSSI. The condition also requires details of the proposed management and maintenance of the scheme to be submitted, and is carefully worded to allow for adoption by any public authority, statutory undertaker, private management company or other body approved by the Council. Those management and maintenance arrangements will be secured via s106 Agreement, as detailed in Section 9.

8.141 With regards the mitigation measures for foul drainage during the construction phase, the recommended CEMP condition requires the developer to make provision for temporary facilities for construction workers. In terms of the operational phase, a condition is recommended in accordance with DCWW advice to require the approval and implementation of a Strategic Foul Drainage Masterplan and corresponding Detailed Foul Drainage Scheme for each reserved matters site, in line with comments from DCWW. The strategic condition requires a Hydraulic Modelling Assessment of the foul drainage network to be undertaken to identify any improvement or reinforcement works required to the public sewerage system to accommodate the development. Conditions are also recommended to ensure appropriate provision of potable water, in line with advice from DCWW.

8.142 The surface water, foul and potable water conditions are specifically worded to require further hydraulic modelling assessments and to ensure that the LPA cannot approve any reserved matters application until the potable, foul and surface water drainage schemes have been approved, with no dwelling to be occupied until the schemes have been completed. The drainage conditions have been agreed by both the Council's Flood Risk team.

8.143 It is noted that objections have been received on grounds of concerns over flooding. The Council's Flood Risk Team have been sent a copy of each and have advised that the recommended drainage conditions should ensure that all surface water drainage on completion and during development of the adjoining sites is captured, directed, attenuated and drained in an appropriate manner so as not to detrimentally affect either the new development of the adjoining properties. Taking the above, the representations and consultation responses received, and noting the lack of objection from DCWW and the Council’s Drainage Officer, together with the recommended conditions and legal agreement Heads of Terms set out in Section 9, it is considered that the development complies with planning policy in respect of drainage and flood risk and that the effects of development can be adequately mitigated.

(xv) Constraints including Radyr Golf Club

8.144 Policy KP2(C) requires the proposed development to *'effectively respond to other constraints including Radyr Golf Club (ensuring no conflict with errant golf balls) and existing easements (overhead pylons and underground infrastructure)'*.

8.145 As noted in the responses to consultation set out in Section 7, Radyr Golf Club (RGC) object to the application. They objected to the application, as originally submitted (05/02/15), on the grounds that residential development is proposed immediately adjacent to the golf course and that the development is contrary to their representations to the LDP requesting a 45m 'buffer zone', which they consider necessary to safeguard the existing use, viability and integrity of the golf course and to protecting the health and safety of the new occupants. The Club argued that the 45m buffer zone should be incorporated into the Land Use Parameter Plan and Illustrative Masterplan as a constraint, and not be left until Reserved Matter stage. Expressing their willingness to work with the Council and the Applicant, the club advised that mitigation measures would be needed eg nets and barriers, the cost of implementation and maintenance of which would prejudice the future viability and sustainability of the club and require planning permission. They also noted the club does not have sufficient land to reconfigure the internal layout of the course. No evidence was submitted to justify the need for the 45m butter.

8.146 The Club subsequently commissioned Jonathan Gaunt, a golf course architect, to prepare a report in support of their objection, which was submitted to the Council in June 2016, and, in turn, shared with the Applicant. This concluded that, whilst the previously recommended 45m buffer zone would provide some guarantee of safety, the buffer needed to be measured in relation to safety cones relating to the golf course holes, and that the planning application as submitted would conflict with the errant golf balls contrary to policy KP2 (C). This finding effectively required the 45m buffer previously requested by the club to be extended to a variable width of up to 50m from the golf course boundary. Officers of the Council attended a site visit to the club in June 2016 to inform their consideration of the report.

8.147 The Planning Statement Addendum November 2016 notes that the Applicant is in discussions with the club and that they have commissioned Ken Moodie, a golf course architect, to address the club's concerns and develop alternative potential design solutions, both within the golf course and along the boundary. The Land Use parameter plan was amended to include a 'residential and golf course interface', with the legend also noting *'discussions between the applicant and golf course with regard to the proximity of residential dwellings to the golf course will be agreed at the detailed design stage'.* As noted in Section 7 and below, the Club maintained their objection to the amended submission in a subsequent letter of objection dated 12/01/16. The Applicant shared potential mitigation solutions arising from Ken Moodie's work with RGC in January 2017, following the objection by the club to the amended submission. The Applicant also provided a copy provided of the mitigation solutions to the Council for information only and not as part of the formal application. Following a meeting with the Applicant on 13th January, the club confirmed that their previous objection remained in a further letter dated 03/02/17 and again, in letter dated 24/02/17, following a meeting with the Council on 23/02/17 where their objection, including the use of a condition and alternative wording were discussed.

8.148 As noted above and in the comments reported in detail in Section 7, in considering the amended submission, RGC maintain their objection, noting the amendments to the application are not sufficient to address policy KP2C or the expert report submitted by them in support of their objection in so far as it relates to the whole perimeter of the golf course (Gaunt Golf Design, June 2016). The Club see no reason why the determination of the application should be rushed in advance of a rigorous assessment of the impact on the club. They note the potential mitigation measures put forward by the Applicant involve work on third party land beyond the Applicant’s control and that the EIA makes no reference to the conflict with the club. The club also note that a condition is not the appropriate mechanism to deal with the matter, given the third party land involved and the cost/time implications of delivering the mitigation measures which could have a significant detrimental impact on the ability of the Club to function and to sustain itself in the future. The Club note these are matters which should be considered at the outline stage, on the basis that they are fundamental and potentially have significant impacts on third parties which they feel have not been given due consideration. They raise concerns that any condition imposed could be subsequently varied or deleted by the applicant and has not been fully assessed within the submitted EIA or parameter plans. Their stated clear preference is for the Applicant to formally amend the parameter plans to clearly define what mitigation is proposed with any off-site works to be enshrined within a legal agreement. The Club note the intention to report this application to Committee in March clearly gives little time for these matters to be addressed and they reiterate their willingness to meet with the Council and the applicant to resolve matters. Whilst RGC have requested that changes be made to the condition discussed with them, they have emphasised that these comments are provided without prejudice to any further representations which may include a Judicial Review.

8.149 In considering their objection, it is accepted that the 'residential and golf course interface' set out in the amended Land Use parameter plan does not extend far enough to encompass the solutions proposed by the club in the Jonathan Gaunt report.

8.150 In view of this and notwithstanding the objection from RGC, a condition is recommended to respond to the constraint of Radyr Golf Club and ensure no conflict with errant golf balls. This condition has been carefully worded to establish a 50m wide off set measured from the perimeter of the golf course boundary and to require no reserved matters to be submitted to the LPA and that no development commences in this area until a ‘Radyr Golf Course Interface Strategy’ has been submitted and approved by the LPA, and requiring future reserved matters to accord with that strategy. The 50m wide off-set has been specifically selected to respond to the report by Jonathan Gaunt submitted by the Club and, importantly, encompasses each one of the safety zone buffers recommended in that report, thus, keeping all potential mitigation solutions proposed by RGC open for further discussion prior to the future submission of reserved matters. As well as not prejudicing any of the safety buffer zones proposed in the Gaunt report, the condition - by requiring a strategy to be submitted, rather than specifying any rigid / permanent restriction on development - would also allow for potential solutions to come forward that do not require any future buffer to be identified on the Applicant's land and which could - potentially - unreasonably restrict the development of the land. Moreover, following discussions with the club, the condition has been amended to fully incorporate their recommendations for re-wording. It is considered that this condition meets the tests for conditions set out in Circular WGC016/2014 and complies with policy KP2C. In coming to this view, it is noted that neither the policy, nor its written justification, specifies what form the policy response to the RGC constraint should take. Whilst the policy specifically requires that 'suitable buffers' are provided in respect of woodlands and other habitats, it is notable that it does not specify any such buffer for Radyr Golf Course, simply requiring that development 'effectively respond[s] to other constraints including Radyr Golf Course'. As such, there is no policy requirement to establish any development buffers or easements in the submitted parameter plan. Whilst also noting that the Indicative Phasing Plan identifies this land as part of Phase 1, the condition, as worded, is considered sufficiently robust to prevent this land coming forward for development until such time as the strategy has been approved. It is considered that the condition is sufficient to allow the Council to proceed to a determination on this basis.

8.151 It is noted that the application parameter plans and conditions recommended also effectively respond to the constraints imposed by the gas pipelines and overhead power lines. It is noted that the Health and Safety Executive have agreed to the wording of the condition in respect of the gas pipelines. Whilst no response has been received to date from WPD, the condition recommended fully accords with the easement advice they provided in respect of application 14/02157MJR, whose application site was crossed by the same overhead power line.

(xvi) Response to the issues raised by the owners of Radyr Farm

8.152 As noted in the responses to consultation set out in Section 7, the owners of Radyr Farm, whilst specifically noting their representation is not intended as an objection, attach a letter sent to the Applicant and their Agents which raise concerns that they have not been consulted by the Applicant. They raise three issues. These include the potential impact on the access to the farm, the potential impact of the proposed development on the existing wind turbine located within the landholding of Radyr Farm and, thirdly, seek clarity as to whether the proposed development would impact on ownership of boundaries adjoining the proposed development site.

Access

8.153 In responding to the issue of access, it should be noted that the existing vehicular access to Radyr Farm, north of Llantrisant Road, forms part of the existing alignment of the bridleway PROW Radyr 40. With regards the proposed development, the application is submitted in outline with the exception of strategic access points, with all other reserved matters (landscaping, appearance, scale, layout and non-strategic access) reserved for determination at a later stage. As the junction off Llantrisant Rd to Radyr Farm is not a strategic junction, no detailed drawings are available at this outline stage, either of the junction or the access lane running north to Radyr Farm. These details will be submitted at reserved matters stage. That said, the 'Complete Overview' drawing (no W141304_A01 Rev J) shows that an access point will be retained from Llantrisant Road. Moreover, the amended Land Use parameter plan shows that the current access land would remain free from development, being proposed as a *'flexible position green corridor zone. Green corridor of with a min width of 10m can vary from position shown on plan by up to 5m.'* It should also be noted that this part of the green corridor that extends from Llantrisant Rd north to Radyr Farm - reflecting its status as an existing bridleway - is also proposed as part of the key pedestrian / cycling / horse-riding route shown on the Access parameter plan. Whilst a condition is recommended to specify the min widths of this route (a min 3m shared path for pedestrians / cyclists and a separate path for horses of a min width of 2m), this would not prevent the incorporation of an access lane for vehicles. The access lane to Radyr Farm could be incorporated within both the key pedestrian / cycling / horse-riding route and green corridor zone referred to above.

8.154 In order to ensure that the existing legal rights and access arrangements are fully recognised, a condition is recommended to require that details in relation to the reserved matter ACCESS, submitted to the Local Planning Authority in compliance with condition 1, include details to demonstrate that the legal right of way to Radyr Farm from Llantrisant Road is maintained.

Impact on the wind turbine at Radyr Farm

8.155 The owners of Radyr Farm have raised concerns that the proposed development may interrupt or impede the flow of wind to the existing wind turbine. In responding to this issue, it is noted that 'layout' and 'scale' are reserved matters and that the precise layout and height of dwellings in close proximity to the wind turbine have yet to be determined and that the topography of the land falls away signficantly from Radyr Farm to Llantrisant Rd. Notwithstanding this and irrespective of the submitted application, it is a material consideration of some weight that the Applicant could plant trees on his land that would have an impact on wind flow, without the need for planning permission. A neighbour does not have any right to the wind or air that flow's over an applicant's land. Taking into consideration the above, the allocation of the site in the Council's LDP, it is considered that the potential obstruction of wind to Radyr Farm's wind turbine does not form a reasonable planning grounds to withhold the grant of the outline planning permission. In order to allow the owners of Radyr Farm to respond to the consultation on the proposed layout and scale of dwellings in due course, the standard condition requiring details of Floor and Ground Levels to be submitted, has been extended to require a cross section and plan to be submitted to show the existing and proposed ground levels, and layout, height and scale of the proposed development in relation to the wind turbine at Radyr Farm.

Boundary Issues

8.156 The owners of Radyr Farm assert that hedgerow H64 (ES, Nov 2014 - Appendix G1 Ecology Baseline) is rooted within the ownership of Radyr Farm. In responding to this issue, it is noted that the hedgerow survey did not assert any position as far as ownership is concerned and that the sole purpose of the hedgerow survey was to ascertain the ecological value of the hedgerow. It is also noted that the amended Green Infrastructure parameter plan does not identify the hedgerow in question as a hedgerow to be removed. In any event, it is noted that ownership matters are not a planning matter, and that it is a fundamental principle of development control that the grant of planning permission does not give an Applicant any rights over land that is not within their control/ownership.

Noise

8.157 Whilst not a matter raised by the owners of Radyr Farm, it is also noted that the permission for the wind turbine (07/01380W) is subject to a noise condition, set out in paragraph 3.5 above. So as not to prejudice the owner's ability to comply with their condition and ensure that an acceptable form of development can come forward at the reserved matters stage, a condition is recommended to require a site-specific noise assessment, in line with comments received from Pollution Control (noise).

(xvii) Equalities Impact Assessment

8.158 The Public Sector Equality Duty (Section 149 of the Act 2010) requires the Council to have due regard to the need to eliminate discrimination, promote equality of opportunity and foster good relations between different communities. The Act 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.

8.159 In terms of the promotion of inclusive access, equality and diversity, there will be no apparent abnormal differential impact on any people protected under the Equality Act 2010 as assessed at this outline stage, noting that detailed layout, appearance, landscaping, scale and access within the site will be considered at reserved matters stage. The Revised DAS sets out principles for inclusive design, which are considered acceptable and will be promoted in the consideration of reserved matters. A condition is recommended to enable the assessment of the ground and building heights at reserved matters stage to help promote inclusive access. Conditions are also recommended to require 'safe zones' within shared spaces to protect vulnerable users, to control the gradients of all streets within the site to promote inclusive access, and to require that refuse collection vehicles can reach within 25m of all dwellings, in order for the Council to offer an Assisted Lift collection service.

(xviii) Wellbeing of Future Generations (Wales) Act 2015

8.160 Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 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. There is significant overlap between the well-being goals the Act puts in place and national and local planning guidance, given the central role of planning in delivering sustainable development. The key issues that have formed material considerations in the determination process are pertinent to the stated well-being goals of the Act.

(xix) The Environment (Wales) Act 2016

8.161 The Environment (Wales) Act 2016 enshrines in law principles and polices for managing natural resources in a sustainable way. Amongst other things, it introduces a new biodiversity duty on public authorities to seek to maintain and enhance biodiversity when exercising their functions, and in so doing to promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions. This duty and the resilience of ecosystems have been considered and discharged in the evaluation of this outline application, and has taken into consideration the following aspects of ecosystems - diversity, connections between and within ecosystems, scale, condition and adaptability. The mitigation measures sought in respect of green infrastructure, habitat connectivity, habitat compensation and protection of species are aimed at delivering the Biodiversity and Resilience of Ecosystems Duty (BRED). Additionally, conditions are recommended that would serve to create and enhance local opportunities for wildlife and enhance biodiversity through new woodland, wetland and grassland habitat creation that will provide increased opportunities for bats, birds, reptiles and amphibians, which the ESA notes are capable of delivering a net gain in biodiversity. This duty would be further considered in the consideration of reserved matters and future discharge of condition applications.

(xx) Response to third party and other objections

8.162 The objections raised by third parties and other objectors have been duly noted. The following comments are provided in respect of matters not addressed above:

- the relationship between applications 14/02157/MJR, 14/02188/MJR and 14/02733/MJR is shown on p.15 of the DAS FOR 14/02733/MJR. Relevant planning history is contained within Section 3 of this report;
- NLP's letter of 31/10/16 to the tenants of Maesllech Farm provided notice of the amended application. The Council sent out notice of receipt of the amended submission 11/11/16 to coincide with the publication of the related press notice on 12/11/16. That letter advised of the various ways that representations can be made;
- With regards the £5 charge for CDs of amended plans/further information, it should be noted that all documents are available to inspect free of charge

either via the Council's website or by visiting County Hall. Moreover, the charge you reference relates to Regulation 20 of the 2016 EIA Regulations which requires an Applicant (not the Council) to ensure that copies of an environmental statement are available for members of the public, with Regulation 21 providing that a reasonable charge to a member of the public may be made for those copies. This charge is made by the Applicant, not the Council, and is considered to satisfactorily respond to the relevant Regulations;

- The only persons who can address the Planning Committee are Local Ward Members and a Petitioner and Agent, should the petitioner wish to speak;
- There are legal requirements for the obligations contained in section 106 agreements, the purpose of which is to provide site specific impact mitigation to make individual developments acceptable in planning terms. A Secion 106 agreement is a material planning consideration under s.70(2) of the Town and Country Planning Act 1990 in determining whether to grant permission, provided that it meets the tests set out in regulation 122 of the Community Infrastructure Regulations 2010. Regulation 122 provides that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development
- With regards to the preparation of a Cardiff Community Infrastructure Levy (CIL), Cardiff has recently completed a public consultation on a Draft Charging Schedule (DCS). The responses to consultation are currently being considered prior to submission for Independent Examination anticipated in Spring/Summer 2017. Any development which is approved prior to the introduction of the CIL will not be liable to pay the levy. In addition, the current DCS advocates a "zero" or "nil" CIL from residential development within Strategic sites and for developments of over 500 dwellings.

9. <u>S106 Requirements and viability</u>

9.1 The Council's position reflects careful consideration of the national and local planning policy framework, together with relevant guidance contained within the Council's Supplementary Planning Guidance (SPG). The obligations set out below are fully compliant with the site-specific infrastructure requirements set LDP policy KP2(C).

9.2 Acknowledging that the development will be delivered in very large phases, the S106 agreement will provide a mechanism to establish the quantity and timing of infrastructure delivery over each phase. Whilst acknowledging that each Phase will deliver different infrastructure requirements in line with the masterplanning approach, it is important to ensure that the development as a whole will deliver the totality of necessary infrastructure. The S106 agreement will include a General Phasing and Delivery Plan which will quantify the obligations and triggers required for each proposed Phase of the development, to be refined and confirmed by the Council within a specific plan for each

Phase. Any departures from the agreed obligations listed below will require viability evidence to be submitted to the Local Planning Authority and be the subject of independent verification, in accordance with approved Supplementary Planning Guidance.

9.3 The S106 Heads of Terms set out below have been agreed by the Applicant and meet the tests prescribed under the CIL Regulation 122 and Welsh Office Circular 13/97. The section 106 Agreement will be required to cover the following matters, subject to the review mechanisms referred to in paragraph 9.2 above.

Affordable Housing

9.4 30% affordable housing is required to be delivered within the site. 80% of the affordable units will be at an intermediate rental level and 20% offered as low cost home ownership (LCHO). The LCHO units will be offered for sale at no more than 70% of the open market value.

Education

9.5 Land for a Secondary School (including sixth form) will be provided within the site (70,247m2). In addition to the land, a financial contribution of c.£18M will be provided towards the delivery of the new school building. The financial contributions will be calculated on a pro-rata basis throughout the development at each Reserved Matters phase in accordance with the approved Supplementary Planning Guidance. The land for the secondary school will be released to the Council upon completion of the 3000th dwelling within the development.

Land and buildings for 3no. 2 form of entry primary schools (including nursery provision) will be provided within the development (each school site to be 19,928m2). The triggers for the delivery of these schools will be specified in the agreement, along with a “fall back” payment (c. £5.3M for each school) should the school not be delivered within a specified (Longstop) date.

Local Centres and District Centres

9.6 The developer will build and service the 1 no. District Centre and 3 no. Local Centres within defined phases of the development, in accordance with the Land Use parameter plan and supporting text, and details approved pursuant to conditions. The S106 Agreement will include a requirement to provide the District and Local Centres in accordance with the scheme(s) to be approved, together with the provision of associated services, parking and highway access. For stand-alone retail, land is to be safeguarded for future development by commercial operators, including connection to all services and highway access as is reasonably required for the proper occupation of the site.

Community Facilities

9.7 A minimum of 2000sqm (gross) of community floorspace will be required to be provided in the district centre (in addition to health provision). Details of the facility will be submitted to and agreed with the Local Planning Authority, which will include, but not be limited to, a multi-purpose hall (min 400sqm), a range of multi-use community spaces with ancillary kitchen and toilet provision. An additional 800sqm community building will to be provided in Pentrebane Farm Local Centre.

Health Facilities

9.8 A healthcare facility up to a maximum floorspace of 2,300m2 will be provided within the planned District Centre, which will be provided in addition to the 2,800m2 of community floorspace noted in para 9.7 above. The S106 will allow for the delivery of either a standalone healthcare facility or a single multi-functional community building to accommodate both health and other community uses within the District Centre.

Highways and Transportation

9.9 To make a financial contribution of c. £14M for off-site highway improvement works considered necessary to mitigate any adverse effects of the development. These contributions will be provided in regular instalments within the early phases of the development. In addition to these works, the developer has committed to undertake works to improve Pentrebane Road and the Pentrebane Road/Waterhall Road Junction (Junction 11).

9.10 A financial contribution of £6.3M will be provided for bus subsidies to deliver the improvements to bus services over and above those proposed by the Applicant above. In addition, the Developer will undertake to subsidise 4 no additional bus services referenced in the Transport Assessment in the event that these services are not delivered by a commercial operator.

9.11 The developer will deliver all the travel planning measures as described in paragraph 5.26(xvi) of the Operational Manager Transportation's comments, including, but not limited to, the provision of a cycle hire scheme, personalised travel planning and a Travel Plan reserve fund for 'fighting' failures or shortcomings through the monitoring period. This will require an amount to be secured and available for appropriate intervention measures.

9.12 In addition, the highway improvement works which relate to the existing or proposed adopted highway (including any proposed shared footway /cycleways in green corridors/ open space and proposals in respect of junctions 1, 2, 3, 4, 5, 11, 12, 13, 14, 15 and 16 that are the subject of recommended conditions) are to be provided subject to an agreement under Section 38 and Section 278 of the Highways Act 1980 between the developer and Local Highway Authority. All footpaths in green corridors are to be subject to an agreement under Section 25 of the Highways Act 1980 to dedicate them as a Public Right of Way, with the Landowner/Developer to cover the costs for advertisement of the notices. The developer shall apply for a legal order for the diversion of Public Right of Way Footpaths prior to any work being undertaken on the existing path alignments. If the legal orders are not confirmed, the existing path alignments must be retained.

Network Rail

9.13 A financial contribution is required towards the replacement of the existing waiting shelters at Waun Gron Park (2no. shelters), Fairwater (2no. shelters), and Danescourt (2no. shelters) stations, together with the provision of a cycle shelter at Danescourt, at a total cost of £230,000. The obligation will require the developer to pay the contribution directly to Network Rail.

Waste Management

9.14 A financial contribution towards the cost of bins is sought. Bins for each house will cost £60 (inc. VAT). Each flat requires storage for the following – 140 litres of general waste, 140 litres of recycling and 20 litres of food waste to be stored separately in a communal bin store. General waste and recycling need to be stored in the fewest 1100 litre steel bins, and food in the fewest 240 litre bins at the costs below:

- 1100 litre bin for general waste - £468 (inc. VAT)
- 1100 litre bin for recycling- £468 (inc. VAT)
- 240 litre bin for food- £30 (inc. VAT)

9.15 In addition, litterbins are required where there are shops, in areas of high footfall, main roads and bus stops, at a cost of £420 for the Council to install and maintain each bin on land to be adopted by the Council. The number of bins will be determined at Reserved Matters stage.

Green Infrastructure/ Open Space

9.16 To secure and provide land for public open space within the development in line with the POS Provisions Plan, subject to the provisions of the recommended conditions relating to: Pitch Sizes, Useable Sports Pitches, Public Open Space Provision, Allotment Strategy and Enhanced Green Corridor and the Strategic Green Infrastructure Management Condition (in respect of the assessment of provision for teen facilities within 1500m of the outline site boundary and proposals for a range of new facilities within the outline site to serve the new population). Details of future management and maintenance for all green infrastructure and open space will be specified within the s106 Agreement.

9.17 To secure the provision of allotments, to be specified as part of the allotment strategy required to be submitted and agreed as part of the Strategic Green Infrastructure Management Strategy.

Drainage

9.18 Details of the future management and maintenance arrangements will be specified within the S106 agreement, to include ‘step in rights’ for Cardiff Council.

Air Quality

9.19 A financial contribution of £29,850 towards air quality monitoring is sought.

9.20 It is considered that the above s106 Heads of Terms meet the requirements of Circular 13/97 Planning Obligations and the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations.

10. **CONCLUSION**

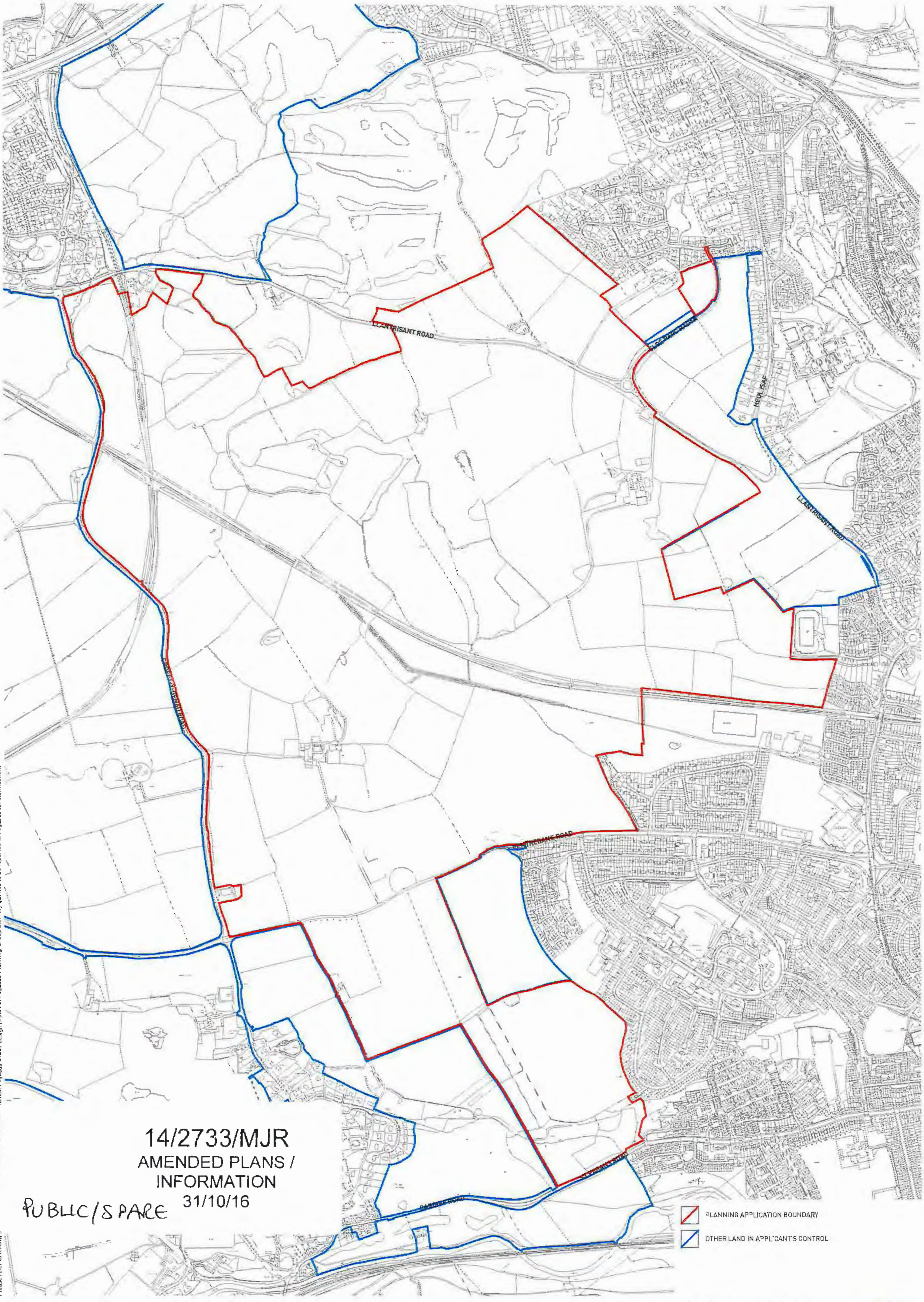
10.1 The application site forms the substantive part of Strategic Site C, allocated in the Cardiff Local Development Plan for a mixed-use comprehensive development, with an overall capacity in the order of 6,500 - 7,000 dwellings. As such, the principle of development has been firmly established.

10.2 In delivering a District Centre, 3 Local Centres, a secondary school, 3 primary schools, employment, community and health facilities, on and off-site public transport, walking and cycling measures, and extensive green infrastructure, the site will help deliver the Council’s vision for the site, as expressed policy KP2(C) and its Schematic Framework, subject to the recommended conditions and s106 Heads of Terms.

10.3 The scale of the application site - forming the majority (87%) of land within Strategic Site C - and the fact that it is within single control has facilitated the masterplanning process. The application has been planned in a comprehensive and integrated manner, with links to both the existing built up area and to the other developments approved within the strategic site, and will deliver a high quality, sustainable and distinctive development. As the majority part of the largest of the eight strategic sites, the application plays a crucial role in the delivery of the LDP strategy and the urgently needed housing, including affordable housing. Its scale allows numerous outlets to be operating at any one time in different parts of the site, assisting in the delivery of housing at the required rate.

10.4 It is considered that the submitted Environmental Statement and Environmental Statement Addendum provides a comprehensive assessment of the potential impacts of the proposed development and this has been taken into consideration in the assessment of the application. The conclusions of the submitted ES/ESA are considered sound.

10.5 There are no demonstrable or compelling reasons which indicate sufficient harm to warrant refusal of the application, with all material factors, policy implications and issues raised through consultation satisfactorily addressed. It is recommended that planning permission be granted, subject to the recommended conditions and relevant parties entering into a s106 agreement.



14/2733/MJR
AMENDED PLANS /
INFORMATION
31/10/16

PUBLIC/SPARE

Pegasus
Urban Design

PLASDŴR, NORTH WEST CARDIFF -

PLANNING APPLICATION BOUNDARY

Date: 26th October 2016 | Scale: 1:10,000 @A3, 1:5000 @A1 | drwg: **R.0319_17j-1** | Client: **Redrow Homes (South Wales)** |

T 01285 641717 | F 01285 642348 | www.pegasuspg.co.uk | Team: EJT/KM/AV |

PLASDŴR
Cardiff's Garden City

1) Llantrisant Road / Crofft Y Genau
2) Llantrisant Road Signalised Crossroads
3) Llantrisant Road / Clos Parc Radyr Signalised Crossroads
4) Clos Parc Radyr Priority Junction Site Access Junction
5) Clos Parc Radyr Priority Junction Site Access Junction
6) Clos Parc Radyr Priority Junction Site Access Junction
7) Llantrisant Road North Priority Junction Access
8) Llantrisant Road Heol Isaf Signalised Junction
9) Llantrisant Road South Mini Roundabout Access
10) Llantrisant Road Potential Bus Lane to Bridge Road
11) Pentrbane Road Cycle Lane
12) Pentrebane Road / Beechley Drive Signalised Junction Access
13) Pentrebane Road / Site Access Junction
14) Croft Y Genau Road into Pentrebane Road
15) Croft Y Genau Southern Priority Access Junction
16) Croft Y Genau Northern Priority Access Junction

Notes:
1. This is not a construction drawing and is intended for illustrative purposes only.
2. White lining is indicative only.

14/2733/MJR
ADDITIONAL INFORMATION
31/10/16

REV.	DETAILS	DRAWN	CHECKED	DATE

CLIENT:
Redrow Homes

PROJECT:
North West Cardiff

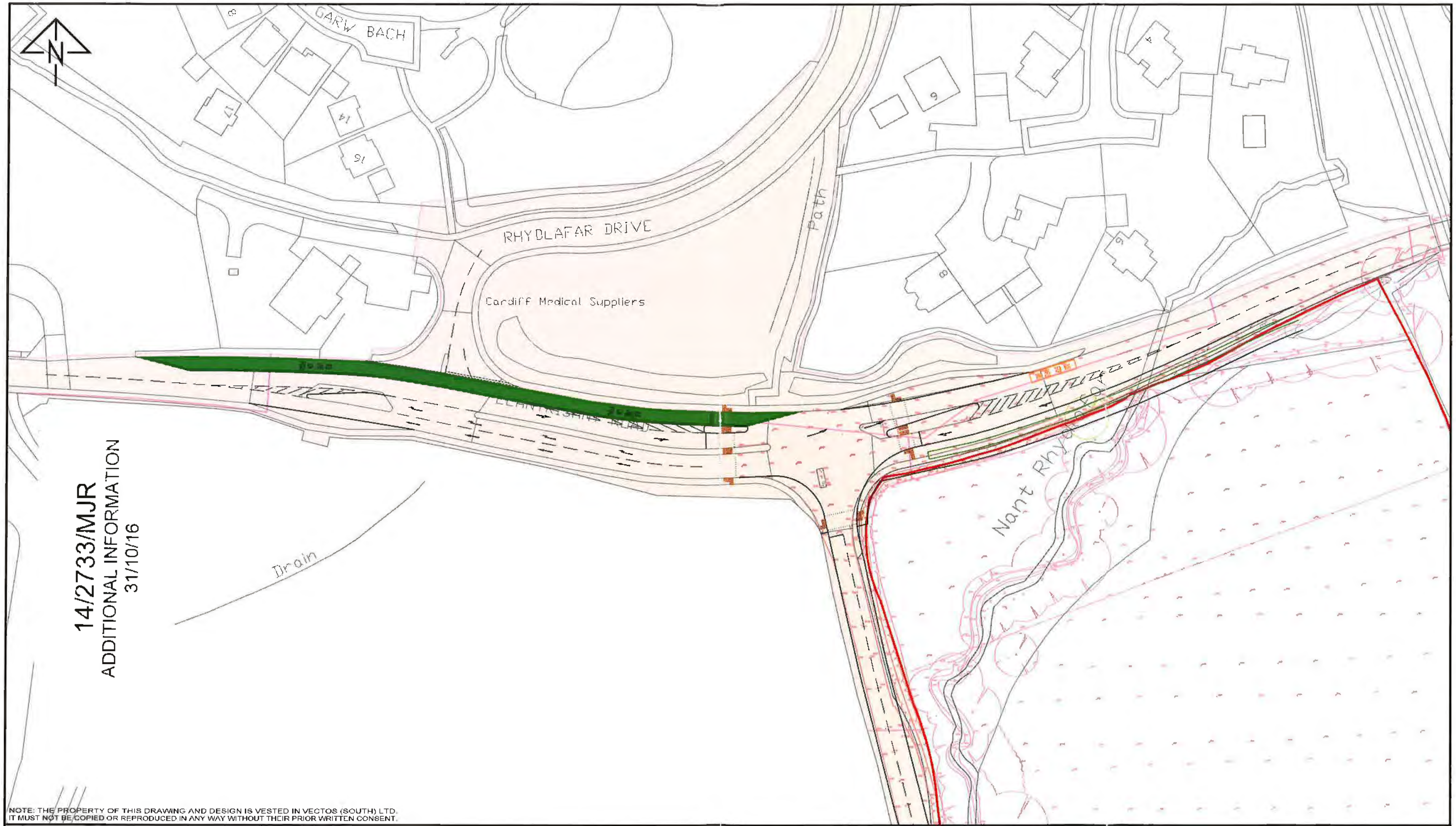
DRAWING TITLE:
Complete Overview

SCALES:
NTS

DRAWN: AP
CHECKED: IJS
DATE: 26.09.16

10th Floor, Helmont House, Churchill Way, Cardiff CF10 2HE
t: 02920 720 860
e: enquiries@vectos.co.uk

DRAWING NUMBER: W141304_A01
REVISION: J



14/2733/MJR
ADDITIONAL INFORMATION
31/10/16

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Notes:

1. This is not a construction drawing and is intended for illustrative purposes only.
2. White lining is indicative only.

Legend:

▨ Extents of Adopted Highway

North West Cardiff

Redrow Homes

Llantrisant Road Junction / Crofft Y Genau
Junction 1

vectos
transport planning specialists

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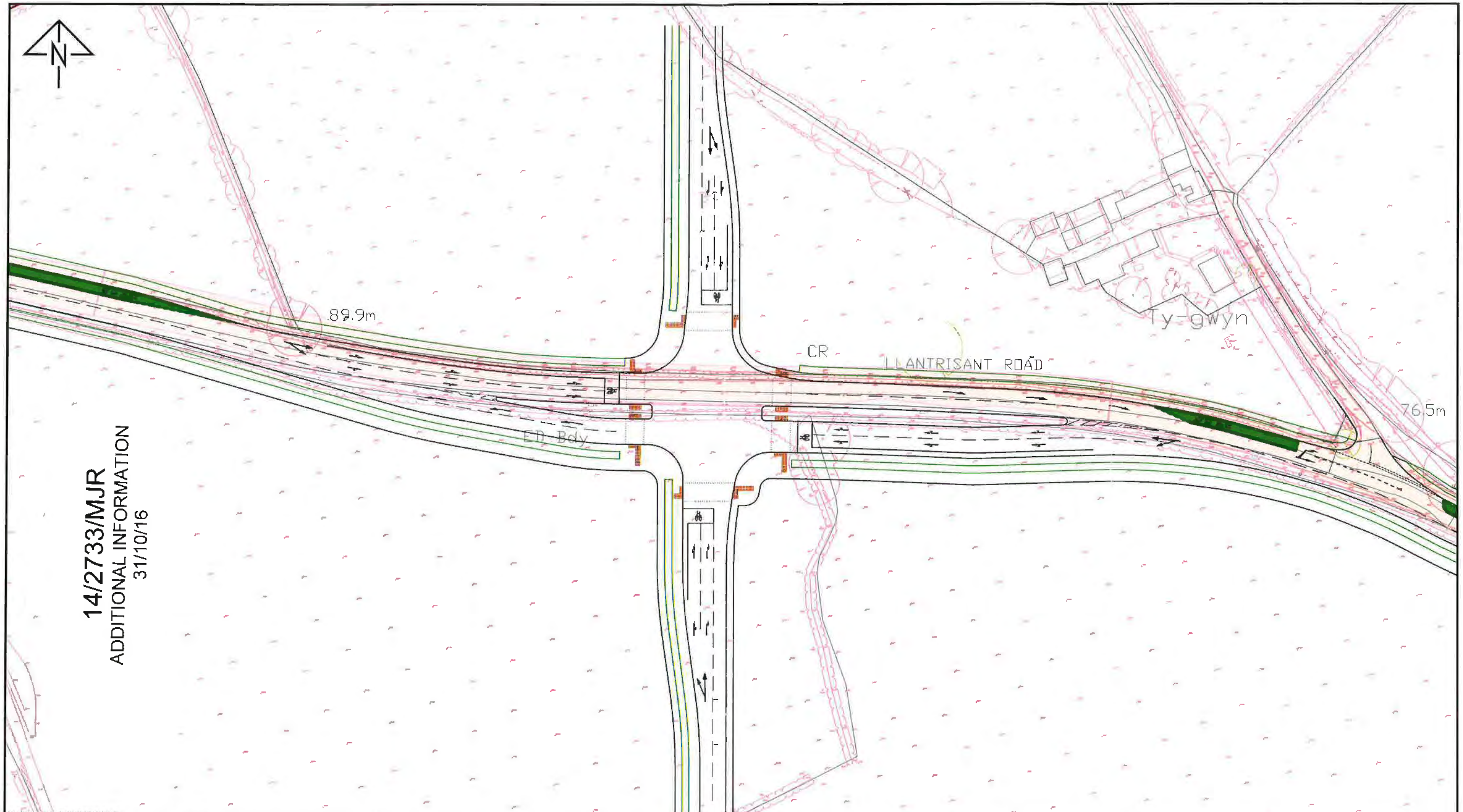

14/2733/MJR
ADDITIONAL INFORMATION
31/10/16

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Legend:

▨ Extents of Adopted Highway

North West Cardiff

Redrow Homes

Llantrisant Road Signalised Crossroads Junction
Junction 2

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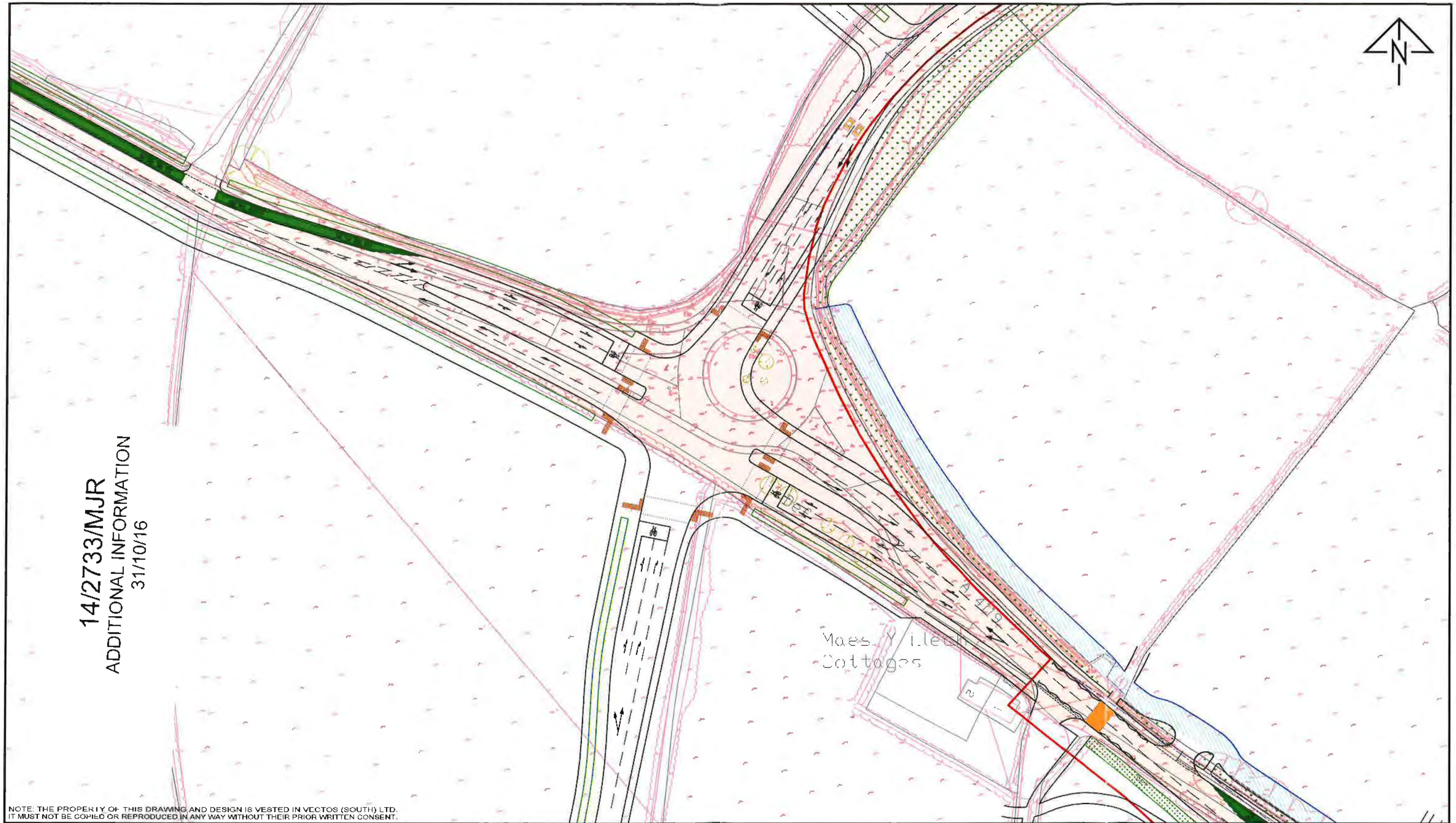

14/2733/MJR
ADDITIONAL INFORMATION
31/10/16

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Legend:

▭ Extents of Adopted Highway

North West Cardiff

Redrow Homes

Llantrisant Road / Clos Parc Radyr
Signalised Crossroads Junction 3

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transport planning specialists
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t: 02920 720 860 e: enquiries@vectos.co.uk

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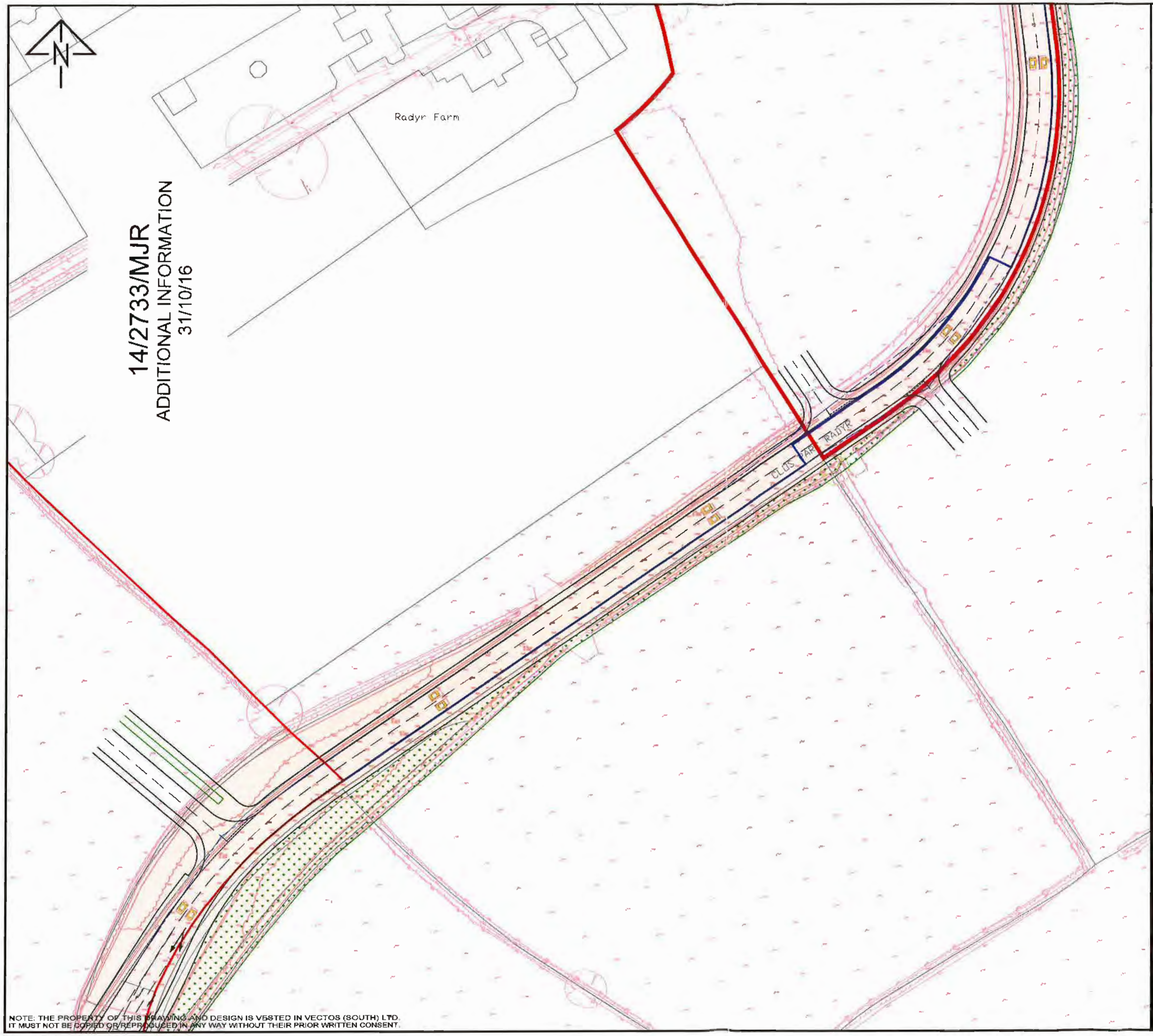
31/10/16



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Notes:

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Legend:

▨	Extents of Adopted Highway
—·—·—	2.4m x 40m Visibility Splay

REV.	DETAILS	DRAWN	CHECKED	DATE

CLIENT:
Redrow Homes

PROJECT:
North West Cardiff

DRAWING TITLE:
Clos Parc Radyr
Priority Site Access
Junctions 4, 5, 6

SCALES:
1:1000 @ A3

DRAWN: AP
CHECKED: IJS
DATE: 26.09.16

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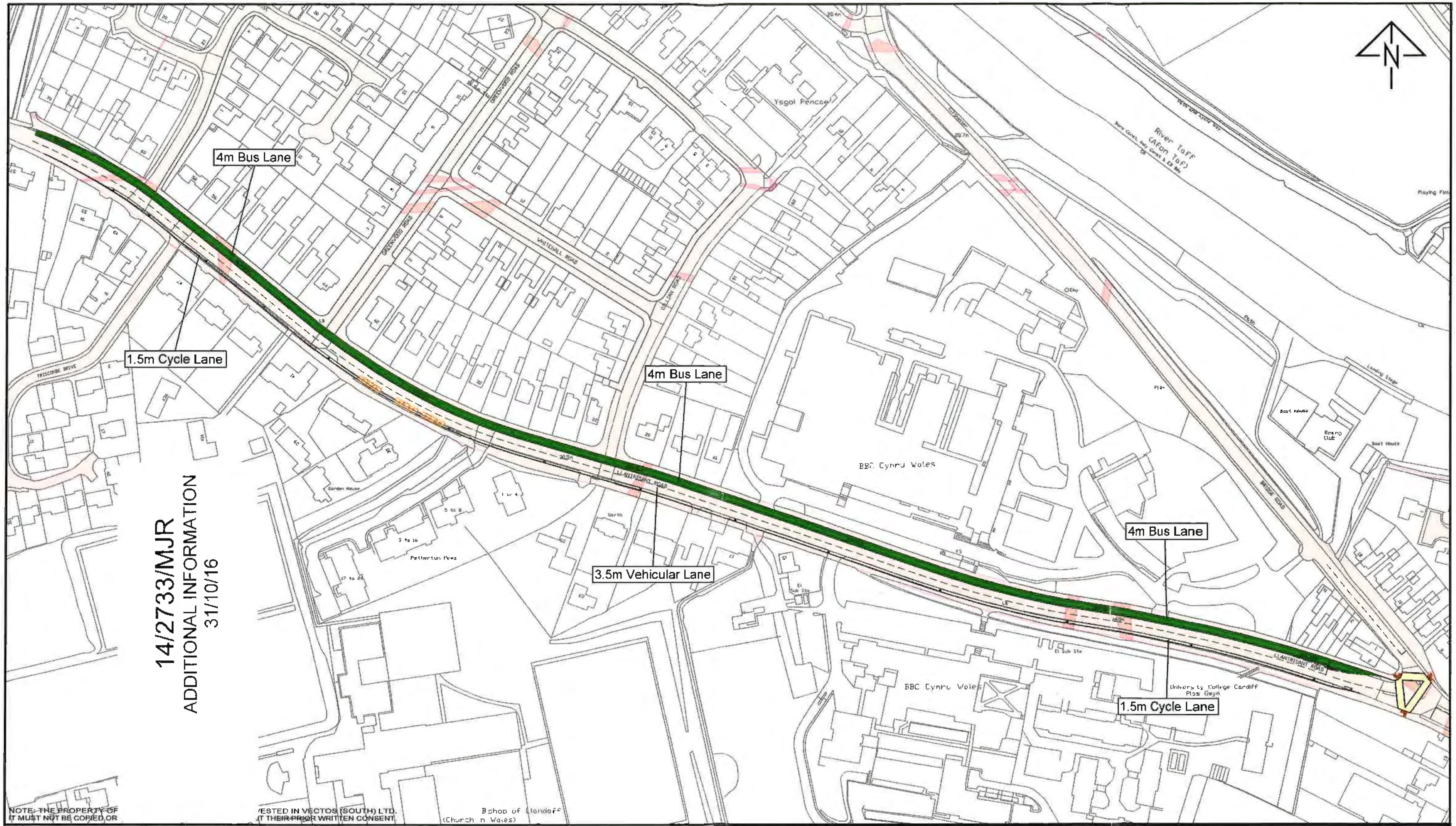
REVISION: J



14/2733/MJR
ADDITIONAL INFORMATION
31/10/16

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Notes:

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Legend:

▭ Extents of Adopted Highway

North West Cardiff

Redrow Homes

Llantrisant Road BBC Bus Lane

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transport planning specialists

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t: 02920 720 860 e: enquiries@vectos.co.uk

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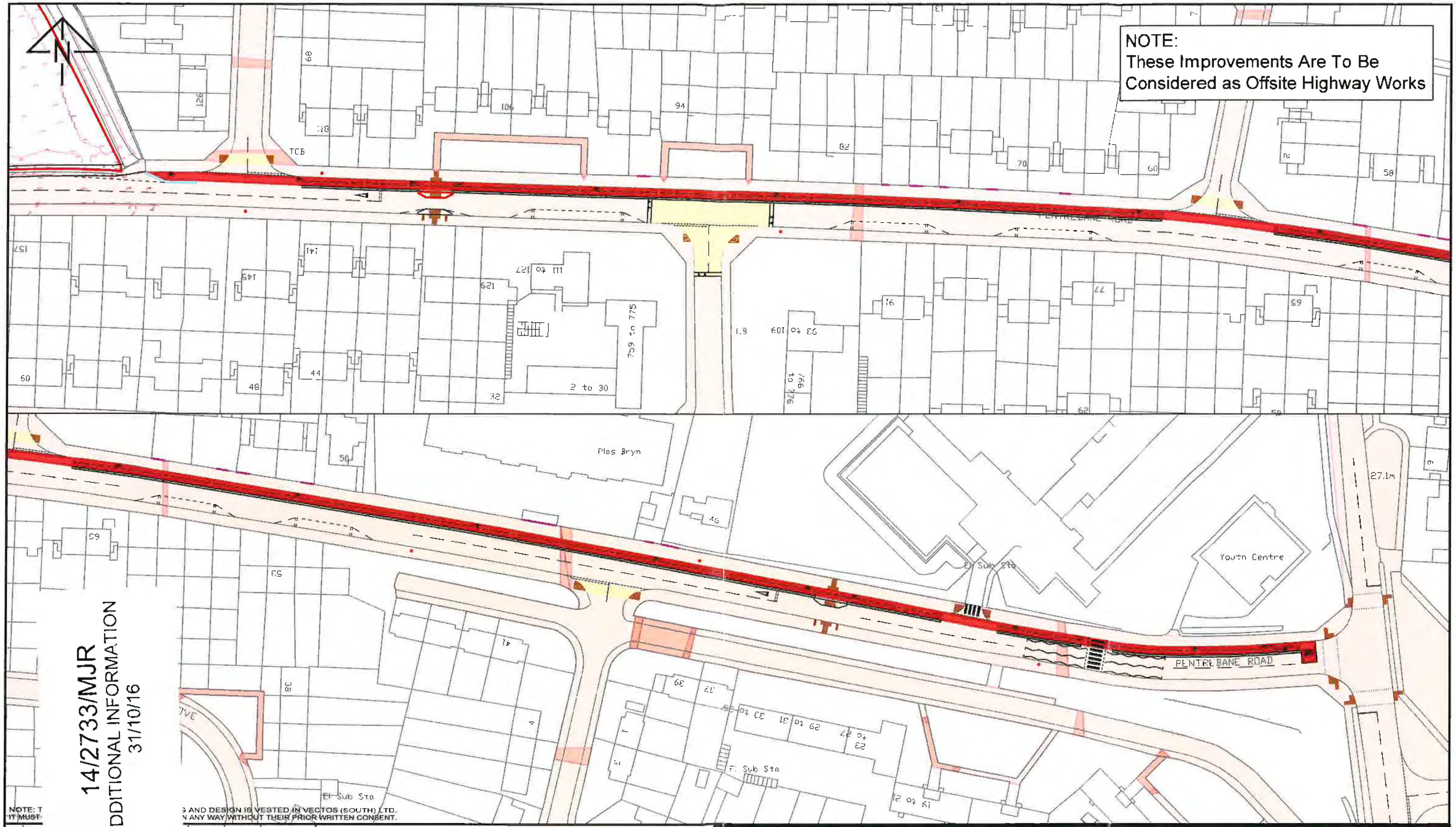

NOTE:
These Improvements Are To Be
Considered as Offsite Highway Works

14/2733/MJR
ADDITIONAL INFORMATION
31/10/16

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Legend:

🟥 Extents of Adopted Highway

North West Cardiff

Redrow Homes

Pentrebane Road Bi-directional Cycle Lane
Signalised Crossroads Junction 11

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14/2733/MJR
ADDITIONAL INFORMATION
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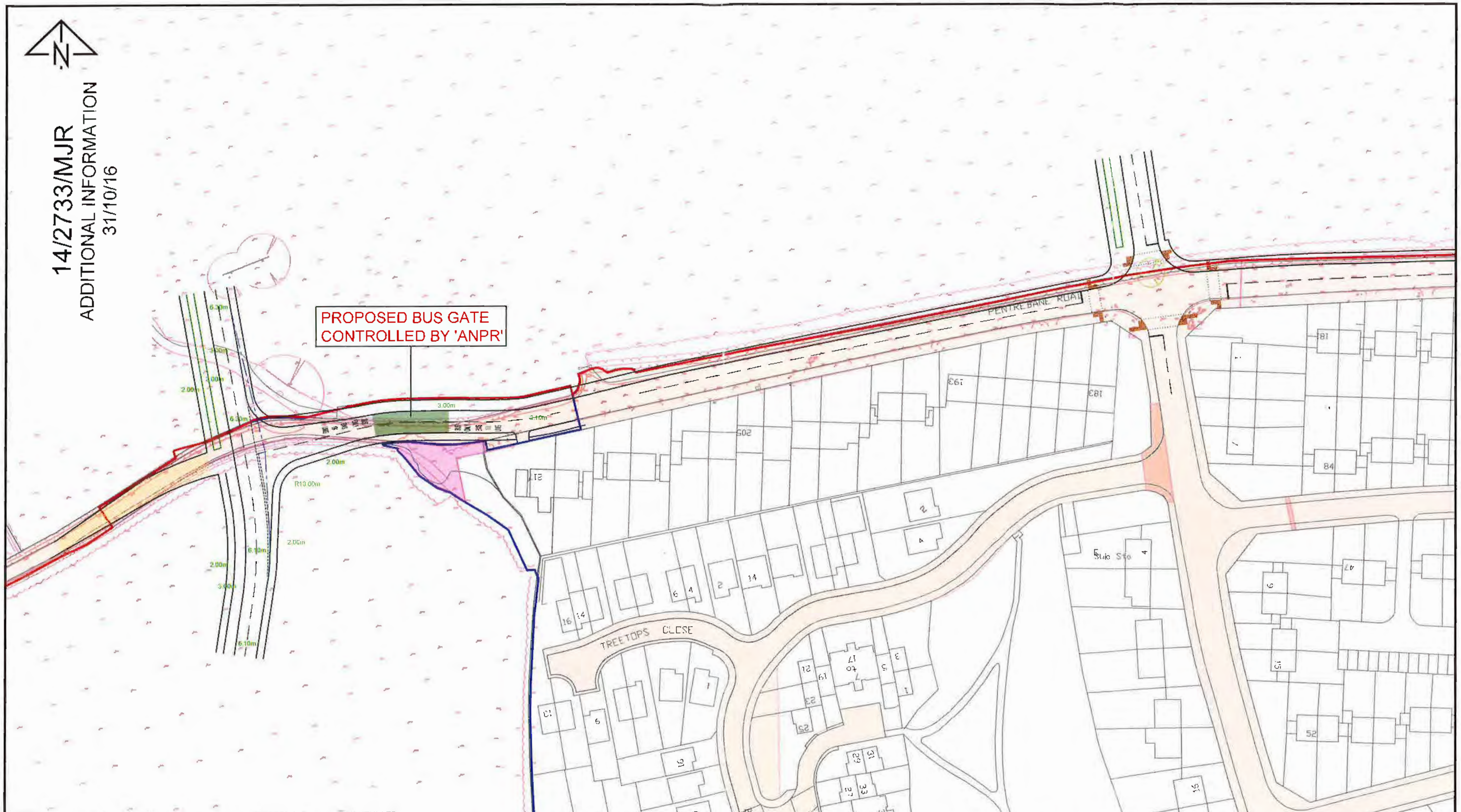

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Legend:

▭	Extents of Adopted Highway
—·—·—	2.4m x 40m Visibility Splay
🟪	3rd Party Land Ownership

North West Cardiff

Redrow Homes

Pentrebane Road / Beechley Drive Signalised Crossroads & Pentrebane Site Access Junctions 12 and 13

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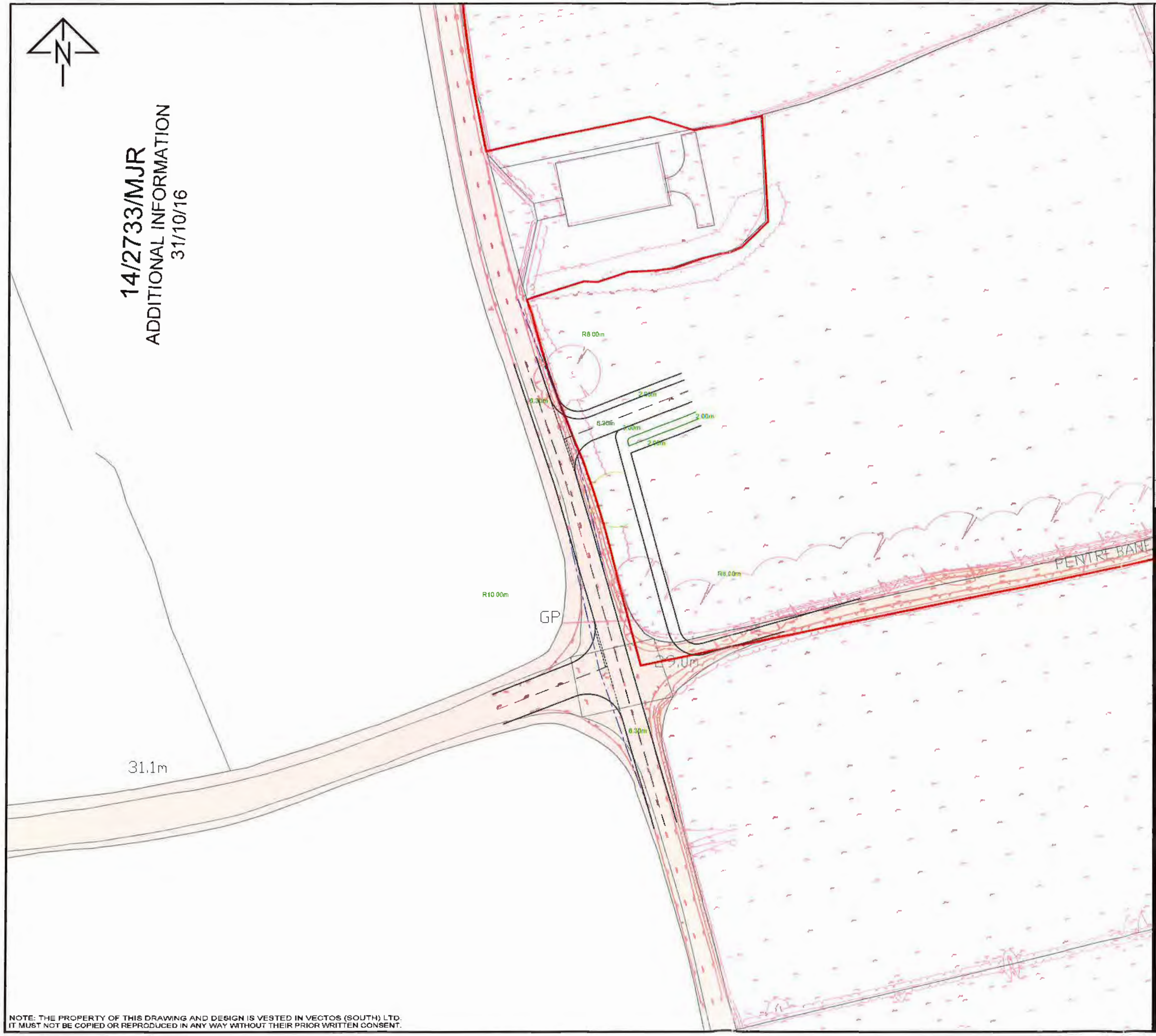
14/2733/MJR
ADDITIONAL INFORMATION
31/10/16



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Legend:

▭	Extents of Adopted Highway
—·—·—	2.4m x 40m Visibility Splay

REV.	DETAILS	DRAWN	CHECKED	DATE

CLIENT:
Redrow Homes

PROJECT:
North West Cardiff

DRAWING TITLE:
Re-Alignment of Crofft Y Genau Road into Pentrebane Road Junction 14

SCALES:
1:1000 @ A3

DRAWN:	CHECKED:	DATE:
AP	IJS	26.09.16

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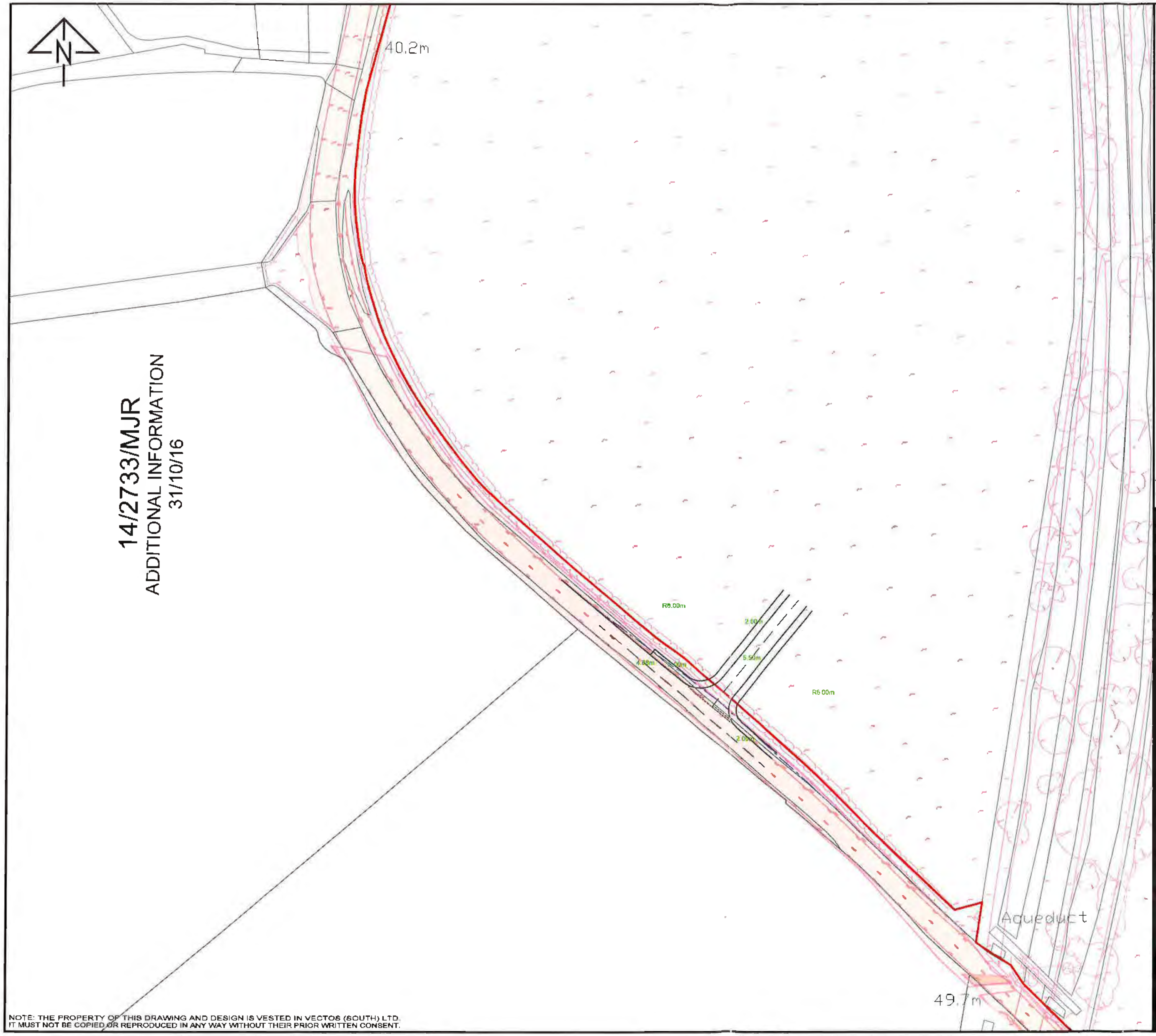
DRAWING NUMBER: W141304_A01_J14
REVISION: J

14/2733/MJR
ADDITIONAL INFORMATION
31/10/16



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—·—·—	2.4m x 40m Visibility Splay

REV.	DETAILS	DRAWN	CHECKED	DATE

CLIENT:
Redrow Homes

PROJECT:
North West Cardiff

DRAWING TITLE:
Croft Y Genau Road
Southern Site Access
Junction 15

SCALES:
1:1000 @ A3

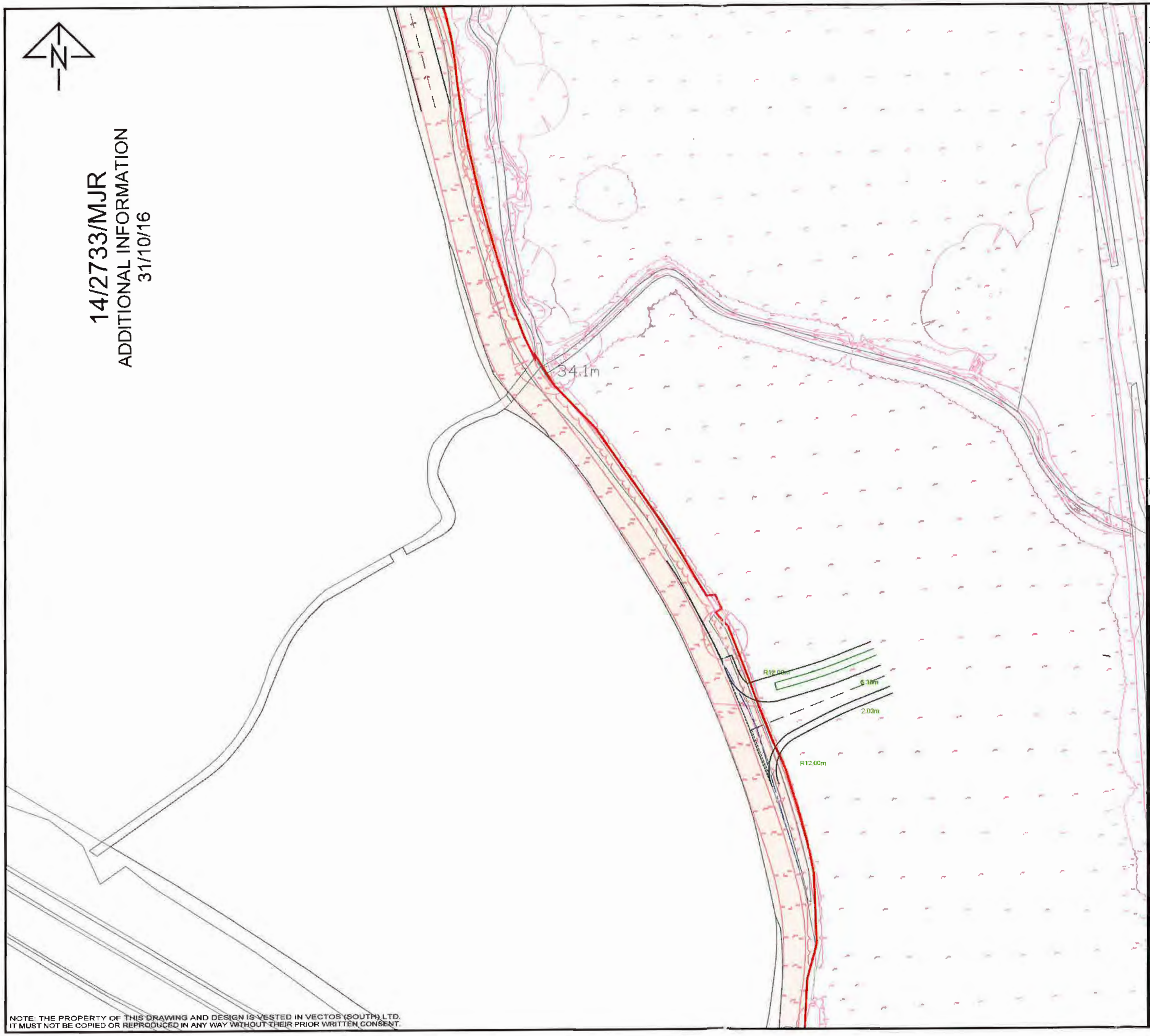
DRAWN: AP
CHECKED: IJS
DATE: 26.09.16

vectos
transport planning specialists

10th Floor, Helmont House, Churchill Way, Cardiff CF10 2HE
t: 02920 720 860
e: enquiries@vectos.co.uk

DRAWING NUMBER: W141304_A01_J15
REVISION: J

14/2733/MJR
ADDITIONAL INFORMATION
31/10/16



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Notes:
1. This is not a construction drawing and is intended for illustrative purposes only.
2. White lining is indicative only.

Legend:

▭	Extents of Adopted Highway
—·—·—	2.4m x 40m Visibility Splay

REV.	DETAILS	DRAWN	CHECKED	DATE

CLIENT:
Redrow Homes

PROJECT:
North West Cardiff

DRAWING TITLE:
Croft Y Genau Road
Priority Access Flared
for Bus Movements
Junction 16

SCALES:
1:1000 @ A3

DRAWN: AP
CHECKED: IJS
DATE: 26.09.16

vectos
transport planning specialists

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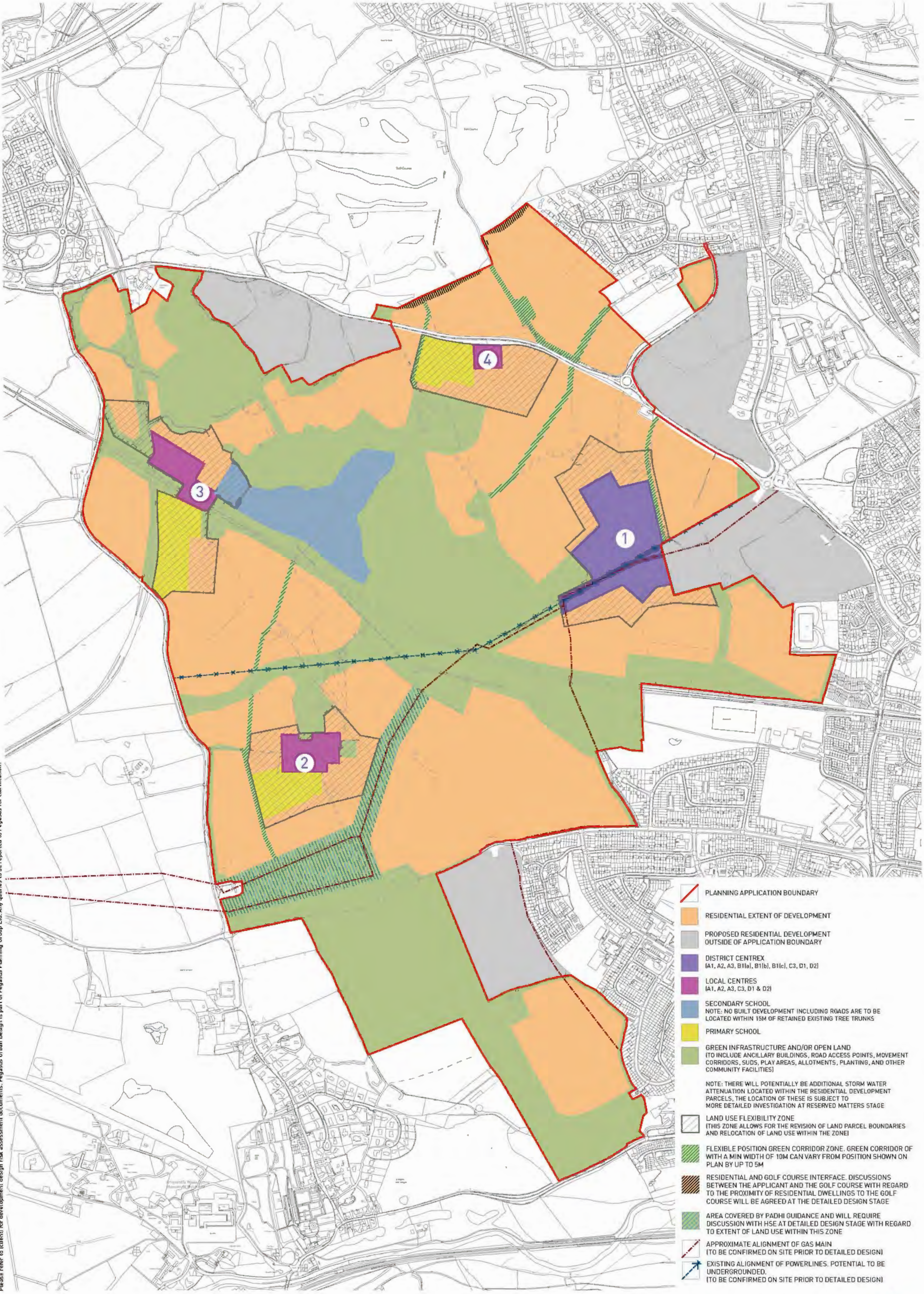
t: 02920 720 860
e: enquiries@vectos.co.uk

DRAWING NUMBER: W141304_A01_J16
REVISION: J



╱ PLANNING APPLICATION BOUNDARY

🟧 RESIDENTIAL EXTENT OF DEVELOPMENT

⬜ PROPOSED RESIDENTIAL DEVELOPMENT OUTSIDE OF APPLICATION BOUNDARY

🟪 DISTRICT CENTREX (A1, A2, A3, B1(a), B1(b), B1(c), C3, D1, D2)

🟪 LOCAL CENTRES (A1, A2, A3, C3, D1 & D2)

🟦 SECONDARY SCHOOL
NOTE: NO BUILT DEVELOPMENT INCLUDING ROADS ARE TO BE LOCATED WITHIN 15M OF RETAINED EXISTING TREE TRUNKS

🟨 PRIMARY SCHOOL

🟩 GREEN INFRASTRUCTURE AND/OR OPEN LAND (TO INCLUDE ANCILLARY BUILDINGS, ROAD ACCESS POINTS, MOVEMENT CORRIDORS, SUDS, PLAY AREAS, ALLOTMENTS, PLANTING, AND OTHER COMMUNITY FACILITIES)

NOTE: THERE WILL POTENTIALLY BE ADDITIONAL STORM WATER ATTENUATION LOCATED WITHIN THE RESIDENTIAL DEVELOPMENT PARCELS, THE LOCATION OF THESE IS SUBJECT TO MORE DETAILED INVESTIGATION AT RESERVED MATTERS STAGE

▨ LAND USE FLEXIBILITY ZONE (THIS ZONE ALLOWS FOR THE REVISION OF LAND PARCEL BOUNDARIES AND RELOCATION OF LAND USE WITHIN THE ZONE)

▨ FLEXIBLE POSITION GREEN CORRIDOR ZONE. GREEN CORRIDOR OF WITH A MIN WIDTH OF 10M CAN VARY FROM POSITION SHOWN ON PLAN BY UP TO 5M

▨ RESIDENTIAL AND GOLF COURSE INTERFACE. DISCUSSIONS BETWEEN THE APPLICANT AND THE GOLF COURSE WITH REGARD TO THE PROXIMITY OF RESIDENTIAL DWELLINGS TO THE GOLF COURSE WILL BE AGREED AT THE DETAILED DESIGN STAGE

▨ AREA COVERED BY PADHI GUIDANCE AND WILL REQUIRE DISCUSSION WITH HSE AT DETAILED DESIGN STAGE WITH REGARD TO EXTENT OF LAND USE WITHIN THIS ZONE

╱ APPROXIMATE ALIGNMENT OF GAS MAIN (TO BE CONFIRMED ON SITE PRIOR TO DETAILED DESIGN)

↗ EXISTING ALIGNMENT OF POWERLINES. POTENTIAL TO BE UNDERGROUNDED. (TO BE CONFIRMED ON SITE PRIOR TO DETAILED DESIGN)

0 50 150 250m

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PLASDŴR, NORTH WEST CARDIFF -

LAND USE PARAMETER PLAN

| Date: 18th October 2016 | Scale: 1:10,000 @A3, 1:5000 @A1 | drwg: **R.0319_17j-2** | Client: **Redrow Homes (South Wales)** |

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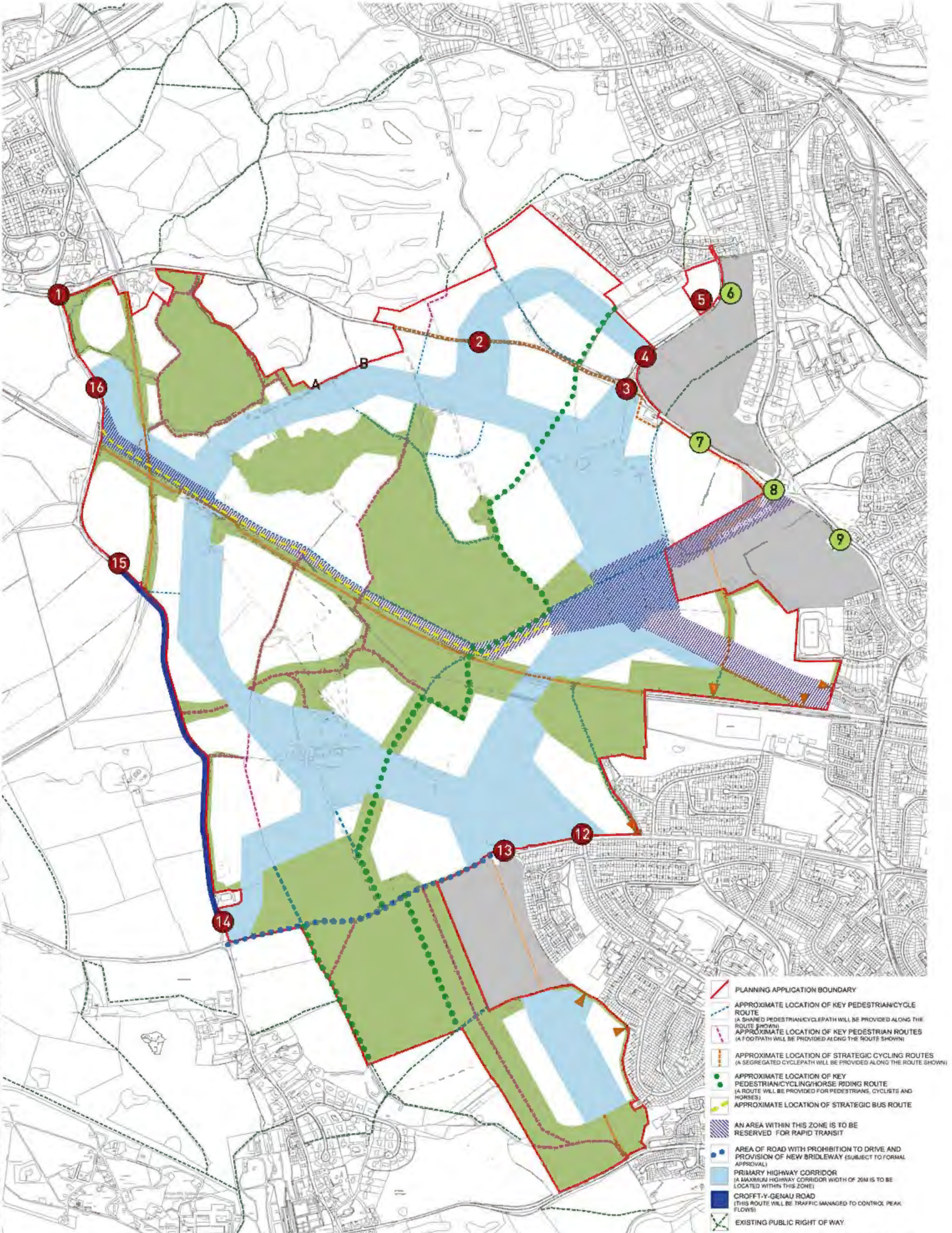
Cardiff's Garden City



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PLASDŴR, NORTH WEST CARDIFF -

ACCESS PARAMETER PLAN

| Date: 18th October 2016 | Scale: 1:10,000 @A3, 1:5000 @A1 | drwg: R.0319_17j-3 | Client: **Redrow Homes (South Wales)** |

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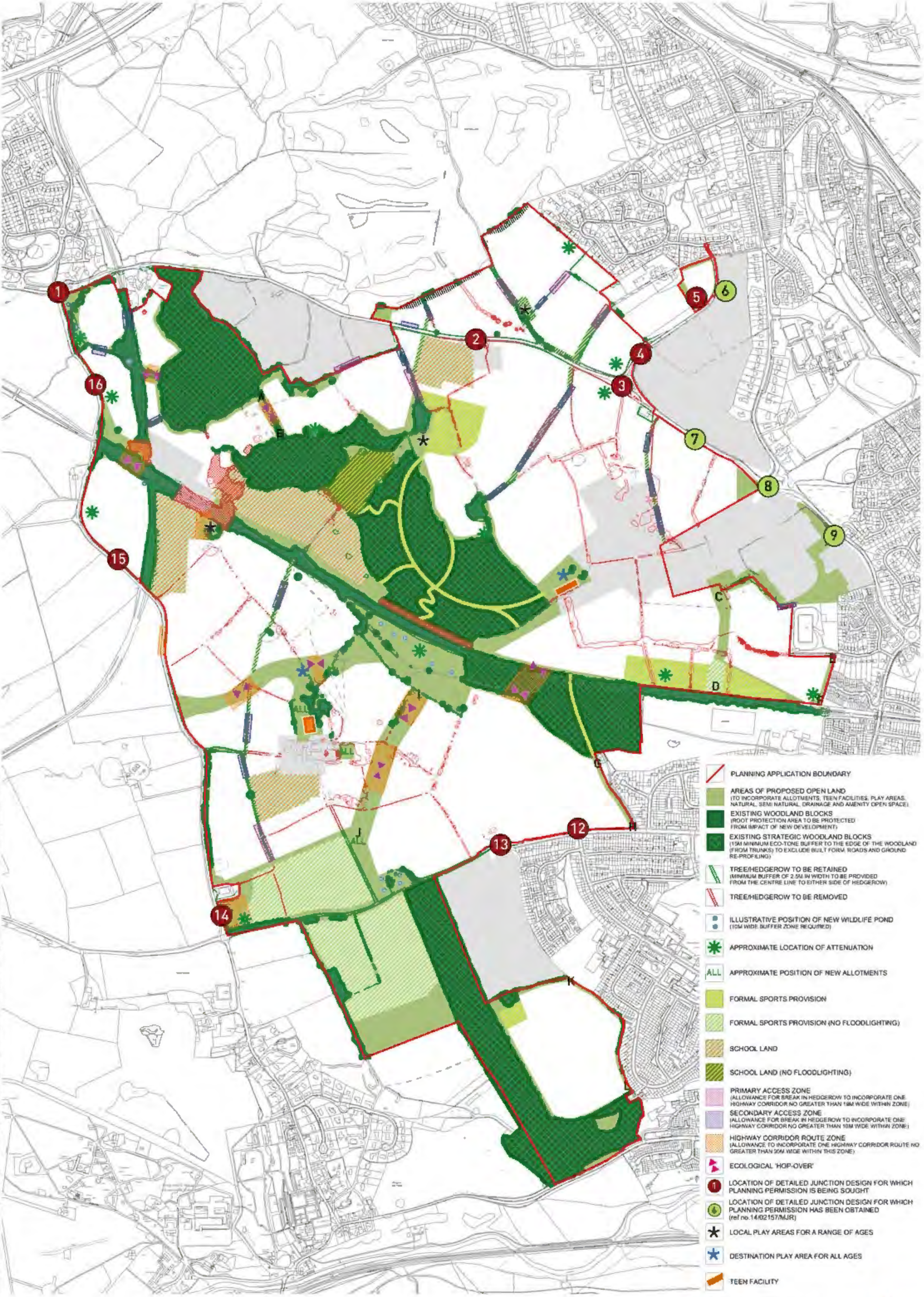

▨	PLANNING APPLICATION BOUNDARY
🟩	AREAS OF PROPOSED OPEN LAND (TO INCORPORATE ALLOTMENTS, TEEN FACILITIES, PLAY AREAS, NATURAL, SEMI NATURAL, DRAINAGE AND AMENITY OPEN SPACE)
🟩	EXISTING WOODLAND BLOCKS (ROOT PROTECTION AREA TO BE PROTECTED FROM IMPACT OF NEW DEVELOPMENT)
▨	EXISTING STRATEGIC WOODLAND BLOCKS (15M MINIMUM ECO-TONE BUFFER TO THE EDGE OF THE WOODLAND (FROM TRUNKS) TO EXCLUDE BUILT FORM, ROADS AND GROUND RE-PROFILING)
▨	TREE/HEDGEROW TO BE RETAINED (MINIMUM BUFFER OF 2.5M IN WIDTH TO BE PROVIDED FROM THE CENTRE LINE TO EITHER SIDE OF HEDGEROW)
▨	TREE/HEDGEROW TO BE REMOVED
●	ILLUSTRATIVE POSITION OF NEW WILDLIFE POND (10M WIDE BUFFER ZONE REQUIRED)
✱	APPROXIMATE LOCATION OF ATTENUATION
ALL	APPROXIMATE POSITION OF NEW ALLOTMENTS
🟩	FORMAL SPORTS PROVISION
▨	FORMAL SPORTS PROVISION (NO FLOODLIGHTING)
▨	SCHOOL LAND
▨	SCHOOL LAND (NO FLOODLIGHTING)
▨	PRIMARY ACCESS ZONE (ALLOWANCE FOR BREAK IN HEDGEROW TO INCORPORATE ONE HIGHWAY CORRIDOR NO GREATER THAN 18M WIDE WITHIN ZONE)
▨	SECONDARY ACCESS ZONE (ALLOWANCE FOR BREAK IN HEDGEROW TO INCORPORATE ONE HIGHWAY CORRIDOR NO GREATER THAN 10M WIDE WITHIN ZONE)
▨	HIGHWAY CORRIDOR ROUTE ZONE (ALLOWANCE TO INCORPORATE ONE HIGHWAY CORRIDOR ROUTE NO GREATER THAN 30M WIDE WITHIN THIS ZONE)
▶	ECOLOGICAL 'HOP-OVER'
①	LOCATION OF DETAILED JUNCTION DESIGN FOR WHICH PLANNING PERMISSION IS BEING SOUGHT
●	LOCATION OF DETAILED JUNCTION DESIGN FOR WHICH PLANNING PERMISSION HAS BEEN OBTAINED (ref no.14/02157/MJR)
★	LOCAL PLAY AREAS FOR A RANGE OF AGES
★	DESTINATION PLAY AREA FOR ALL AGES
▬	TEEN FACILITY

PLASDŴR, NORTH WEST CARDIFF -

GREEN INFRASTRUCTURE PARAMETER PLAN

| Date 18th October 2016 | Scale 1:10,000 @A3, 1:5000 @A1 | drwg **R.0319_17j-4** | Client **Redrow Homes (South Wales)** |

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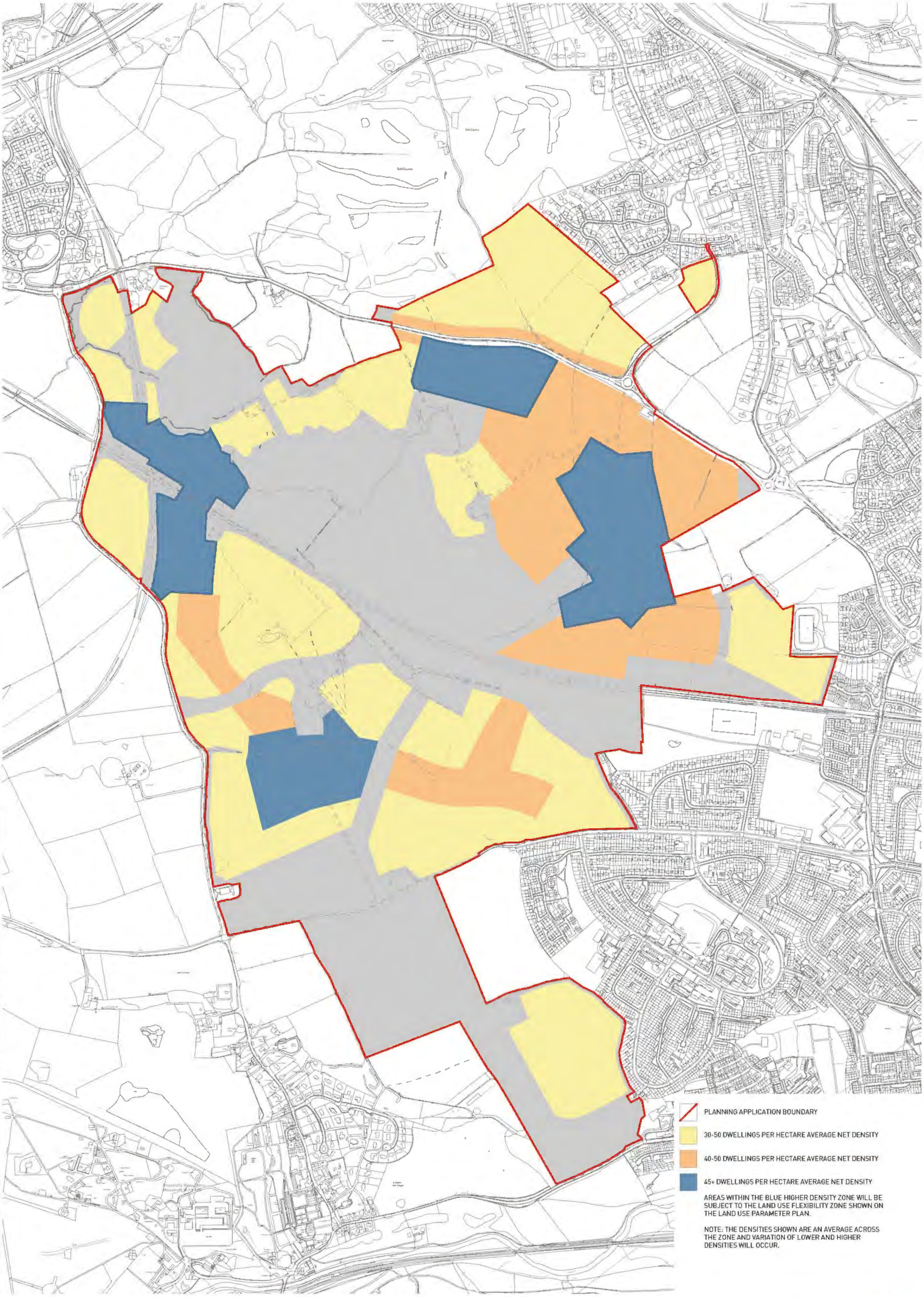
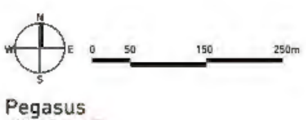
Drawings prepared for planning application purposes and can be scaled (drawings are not to be used for construction or sales documents).
Please refer to (client) for development design risk assessment documents. Pegasus Urban Design is part of Pegasus Planning Group Ltd. Any queries to be reported to Pegasus for clarification.



⟋	PLANNING APPLICATION BOUNDARY
🟨	30-50 DWELLINGS PER HECTARE AVERAGE NET DENSITY
🟧	40-50 DWELLINGS PER HECTARE AVERAGE NET DENSITY
🟦	45+ DWELLINGS PER HECTARE AVERAGE NET DENSITY

AREAS WITHIN THE BLUE HIGHER DENSITY ZONE WILL BE SUBJECT TO THE LAND USE FLEXIBILITY ZONE SHOWN ON THE LAND USE PARAMETER PLAN.

NOTE: THE DENSITIES SHOWN ARE AN AVERAGE ACROSS THE ZONE AND VARIATION OF LOWER AND HIGHER DENSITIES WILL OCCUR.



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PLASDŴR, NORTH WEST CARDIFF -

DENSITY PARAMETER PLAN

| Date: 18th October 2016 | Scale: 1:10,000 @A3, 1:5000 @A1 | drwg: **R.0319_17j-5** | Client: **Redrow Homes (South Wales)** |

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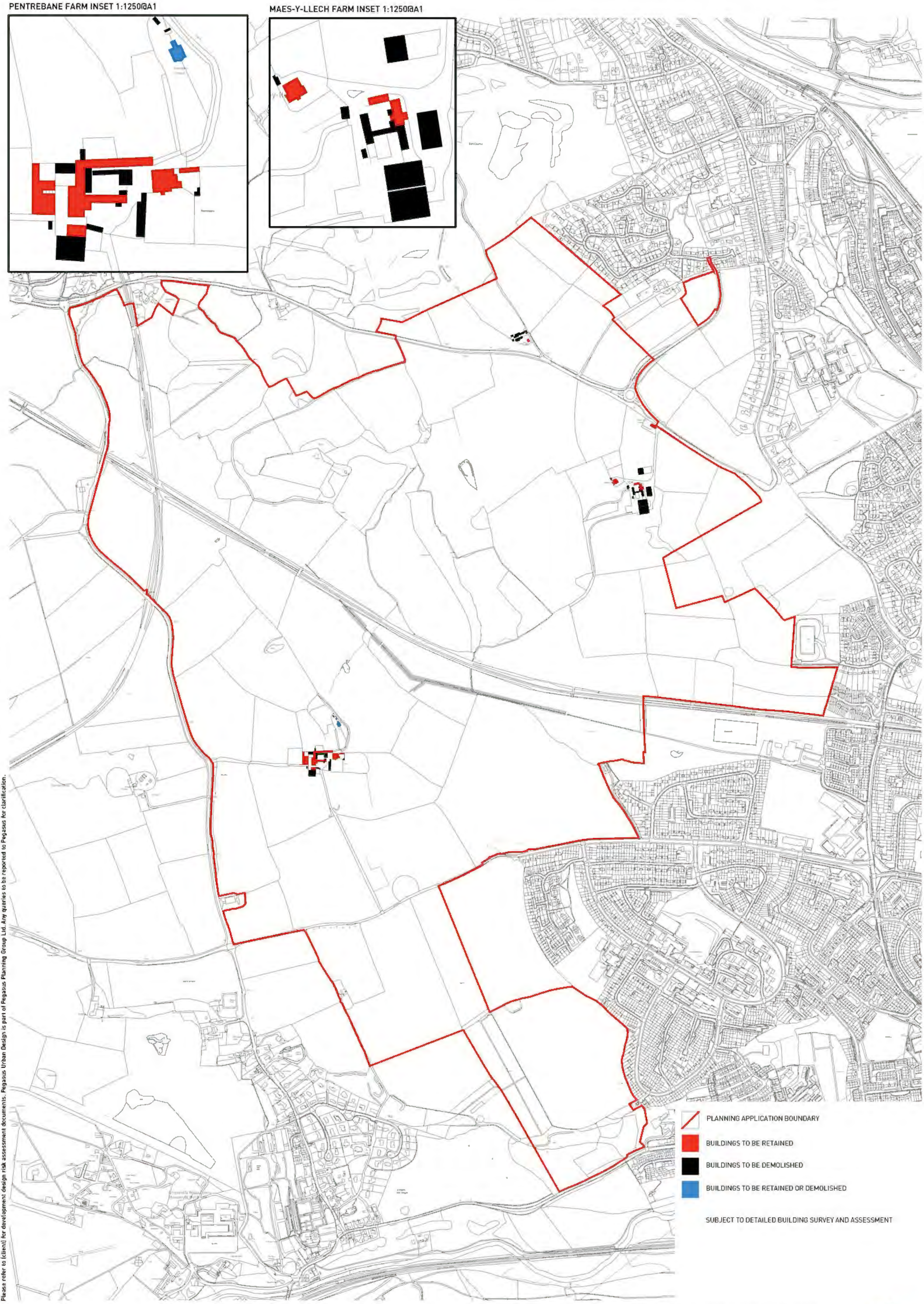

╱	PLANNING APPLICATION BOUNDARY
🟥	BUILDINGS TO BE RETAINED
⬛	BUILDINGS TO BE DEMOLISHED
🟦	BUILDINGS TO BE RETAINED OR DEMOLISHED

SUBJECT TO DETAILED BUILDING SURVEY AND ASSESSMENT

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PLASDŴR, NORTH WEST CARDIFF -

DEMOLITION PARAMETER PLAN

| Date: 18th October 2016 | Scale: 1:10,000 @A3, 1 5000 @A1 | drwg: **R.0319_17j-6** | Client: **Redrow Homes (South Wales)** |

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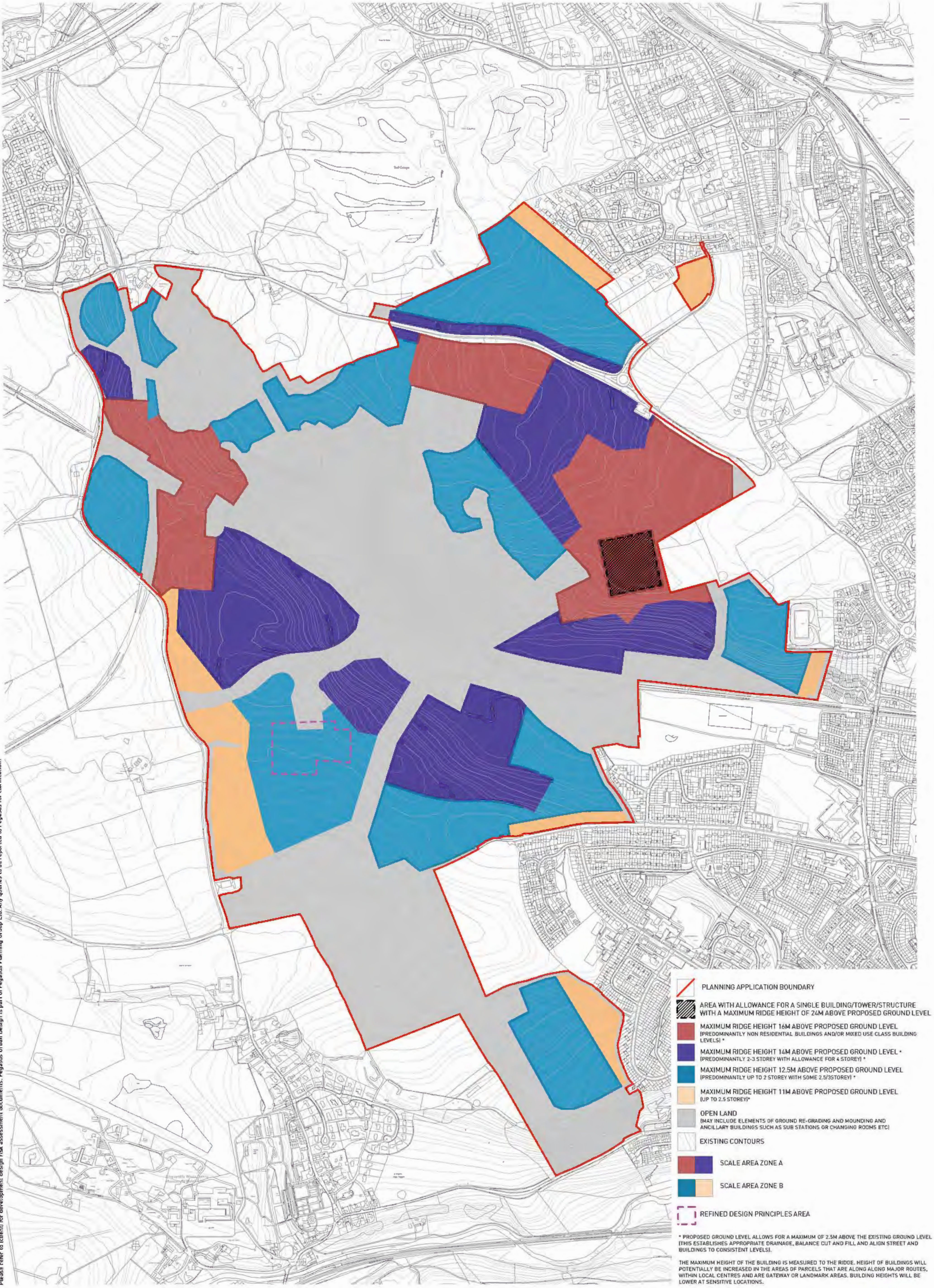

╱ PLANNING APPLICATION BOUNDARY

▨ AREA WITH ALLOWANCE FOR A SINGLE BUILDING/TOWER/STRUCTURE WITH A MAXIMUM RIDGE HEIGHT OF 24M ABOVE PROPOSED GROUND LEVEL

🟥 MAXIMUM RIDGE HEIGHT 16M ABOVE PROPOSED GROUND LEVEL (PREDOMINANTLY NON RESIDENTIAL BUILDINGS AND/OR MIXED USE CLASS BUILDING LEVELS) *

🟪 MAXIMUM RIDGE HEIGHT 14M ABOVE PROPOSED GROUND LEVEL * (PREDOMINANTLY 2-3 STOREY WITH ALLOWANCE FOR 4 STOREY) *

🟦 MAXIMUM RIDGE HEIGHT 12.5M ABOVE PROPOSED GROUND LEVEL (PREDOMINANTLY UP TO 2 STOREY WITH SOME 2.5/3STOREY) *

🟧 MAXIMUM RIDGE HEIGHT 11M ABOVE PROPOSED GROUND LEVEL (UP TO 2.5 STOREY)*

⬜ OPEN LAND (MAY INCLUDE ELEMENTS OF GROUND RE-GRADING AND MOUNDING AND ANCILLARY BUILDINGS SUCH AS SUB STATIONS OR CHANGING ROOMS ETC)

⬜ EXISTING CONTOURS

🟥🟪 SCALE AREA ZONE A

🟦🟧 SCALE AREA ZONE B

⬚ REFINED DESIGN PRINCIPLES AREA

* PROPOSED GROUND LEVEL ALLOWS FOR A MAXIMUM OF 2.5M ABOVE THE EXISTING GROUND LEVEL (THIS ESTABLISHES APPROPRIATE DRAINAGE, BALANCE CUT AND FILL AND ALIGN STREET AND BUILDINGS TO CONSISTENT LEVELS).

THE MAXIMUM HEIGHT OF THE BUILDING IS MEASURED TO THE RIDGE. HEIGHT OF BUILDINGS WILL POTENTIALLY BE INCREASED IN THE AREAS OF PARCELS THAT ARE ALONG ALONG MAJOR ROUTES, WITHIN LOCAL CENTRES AND ARE GATEWAY OR LANDMARK AREAS. BUILDING HEIGHTS WILL BE LOWER AT SENSITIVE LOCATIONS.

PLASDŴR, NORTH WEST CARDIFF -

SCALE PARAMETER PLAN

| Date: 18th October 2016 | Scale: 1:10,000 @A3, 1:5000 @A1 | drwg: **R.0319_17j-7** | Client: **Redrow Homes (South Wales)** |

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14/2733/MJR
AMENDED PLANS /
INFORMATION
31/10/16

PUBLIC/SPARE

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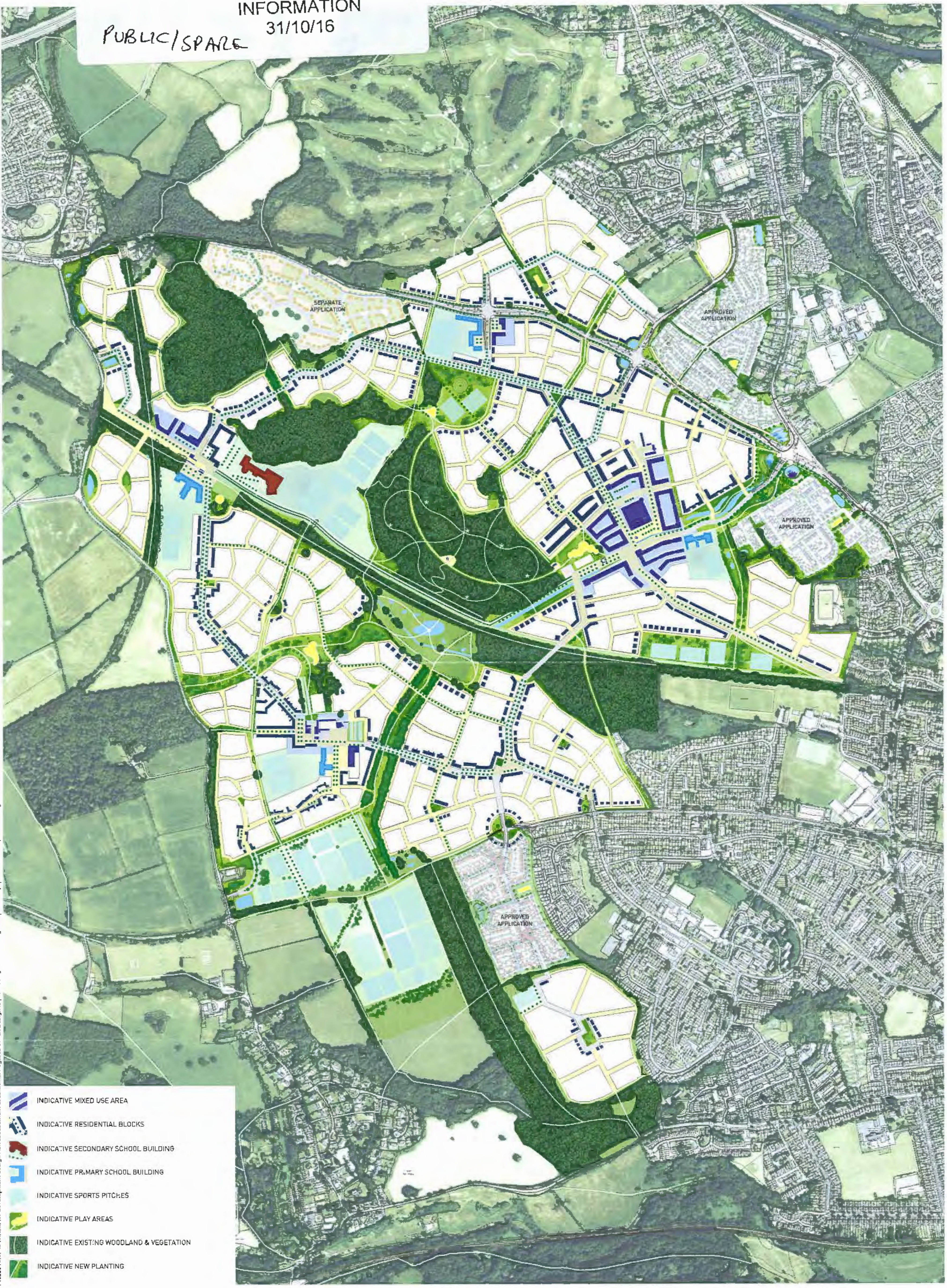

- INDICATIVE MIXED USE AREA
- INDICATIVE RESIDENTIAL BLOCKS
- INDICATIVE SECONDARY SCHOOL BUILDING
- INDICATIVE PRIMARY SCHOOL BUILDING
- INDICATIVE SPORTS PITCHES
- INDICATIVE PLAY AREAS
- INDICATIVE EXISTING WOODLAND & VEGETATION
- INDICATIVE NEW PLANTING

N W E S
0 50 150 250m

PLASDŴR, NORTH WEST CARDIFF -

ILLUSTRATIVE MASTERPLAN

| Date: 17th October 2016 | Scale: 1:10,000 @A3, 1:5000 @A1 | drwg: **R.0319_8j** | Client: **Redrow Homes (South Wales)** |

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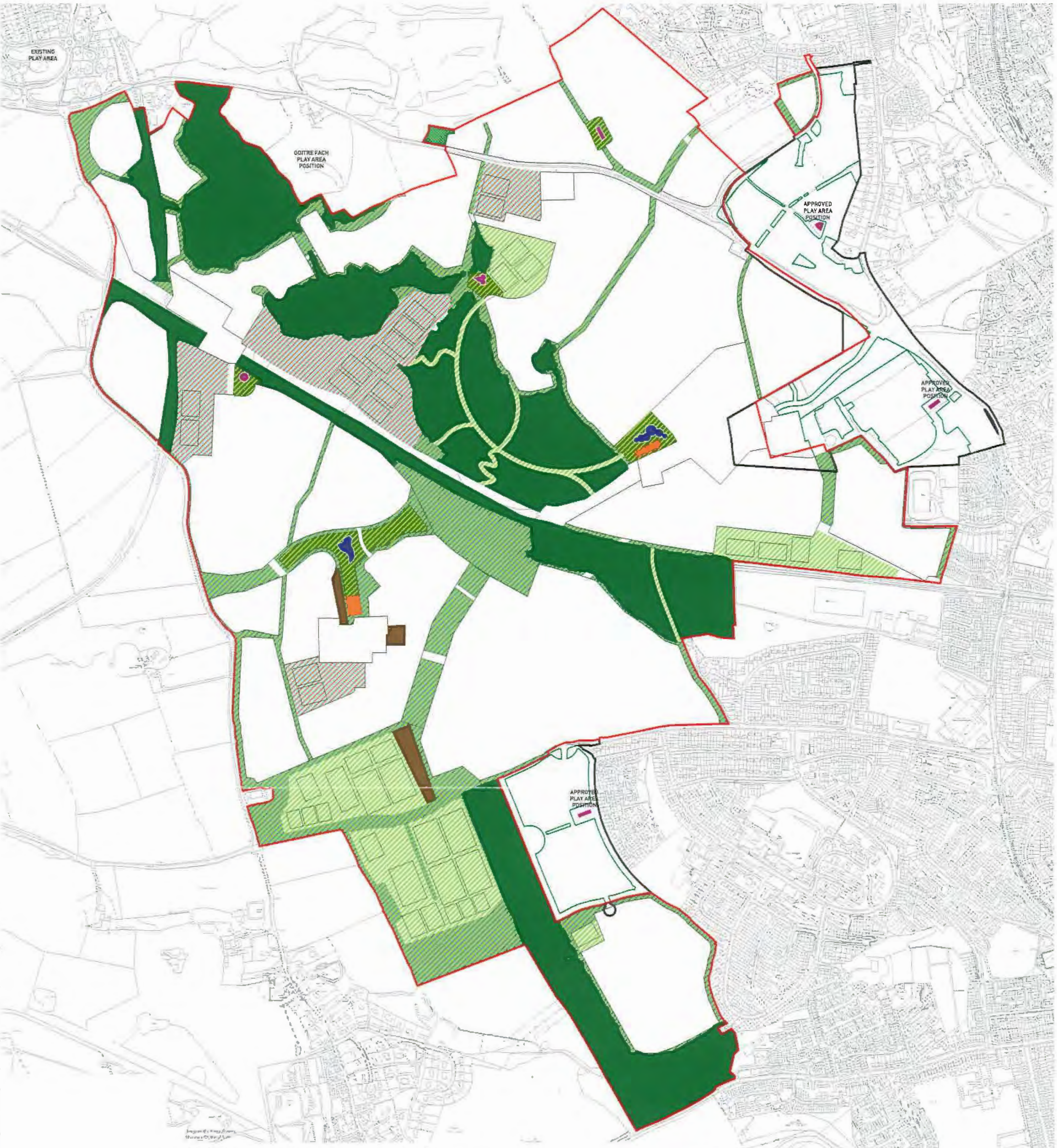

	PROPOSED PROVISION	KP2(C) REQUIREMENT	DIFFERENCE	NOTE
🟩 FORMAL RECREATION	21.0HA	15HA FOR 5,000 DWELLINGS 21.0HA FOR 7,000 DWELLINGS PRO RATA	-	-
▨ FORMAL AMENITY AND PLAY SPACE	4.32HA	-	-	-
■ ALLOTMENTS	1.25HA	100 PLOTS FOR 5,000 DWELLINGS 140 PLOTS FOR 7,000 DWELLINGS	-	20 NO. 250SQM PLOTS, 40 NO. 125SQM PLOTS, 40 62.5 SQM PLOTS
▨ SEMI NATURAL/NATURAL GREENSPACE	30.74HA	-	-	-
■ EXISTING WOODLAND	56.26HA	-	-	-
▨ SCHOOL LAND	-	-	-	-
■ DESTINATION PLAY AREA	2 No.	1 FOR 5,000 DWELLINGS	-	-
🟧 TEEN FACILITY	2 No.	2 FOR 5,000 DWELLINGS	-	-
■ PLAY AREA FOR A RANGE OF AGES	2 No. (3 ALREADY APPROVED, 1 ON GF)	5 No.	+1	+1
TOTAL:	113.57HA	30.0HA	-	-

14/2733/MJR
ADDITIONAL INFORMATION
31/10/16

PLASDWR, NORTH WEST CARDIFF -
POS PROVISION PLAN

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| Date: 17th October 2016 | Scale: 1:10,000 @A3, 1:5000 @A1 | drwg: **R.0319_45A** | Client: **Redrow Homes (South Wales)** |

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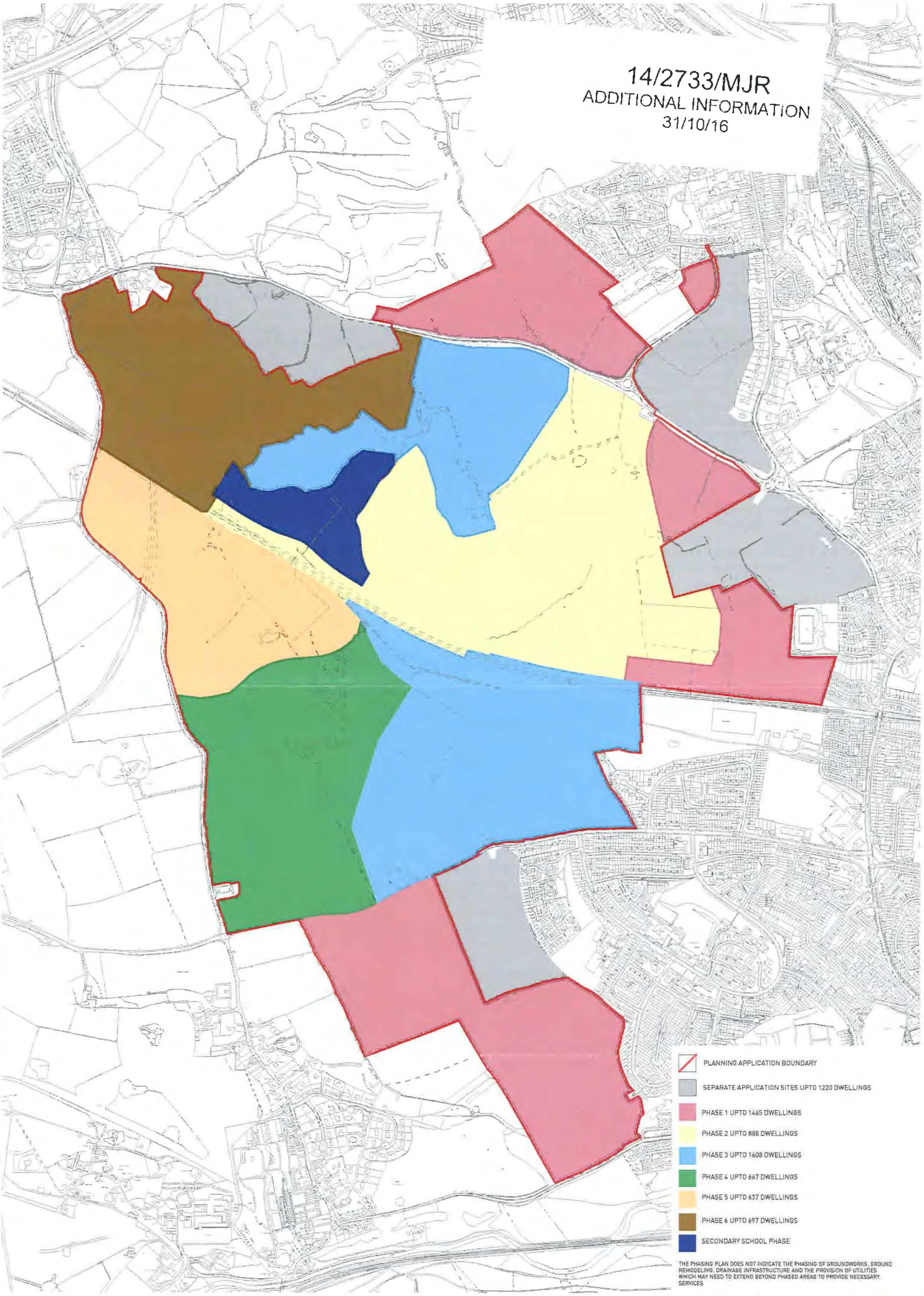
ADDITIONAL INFORMATION
31/10/16



THE PHASING PLAN DOES NOT INDICATE THE PHASING OF GROUNDWORKS, GROUND REMODELING, DRAINAGE INFRASTRUCTURE AND THE PROVISION OF UTILITIES WHICH MAY NEED TO EXTEND BEYOND PHASED AREAS TO PROVIDE NECESSARY SERVICES

0 50 150 250m

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PLASDŴR, NORTH WEST CARDIFF -

INDICATIVE PHASING PLAN

| Date: 25th October 2016 Scale: 1:10,000 @A3, 1:5000 @A1 | drwg: R.0319 51 | Client: **Redrow Homes (South Wales)** |

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Cardiff's Garden City

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LOCAL MEMBER OBJECTIONS AND PETITION

COMMITTEE DATE: 15/03/2017

APPLICATION No. **16/02726/MNR** APPLICATION DATE: 14/11/2016

ED: **RADYR**

APP: TYPE: Full Planning Permission

APPLICANT: Mr THEAKER
LOCATION: 20 WINDSOR ROAD, RADYR, CARDIFF, CF15 8BQ
PROPOSAL: NEW DWELLING IN THE GROUNDS OF 20 WINDSOR ROAD, TO BE NAMED 20A WINDSOR ROAD. INCLUDE FOR NEW SITE ENTRANCE FOR DWELLING

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 and documents:

   - Site Location Plan
   - 1604/S00 – Proposed site plan
   - 1604/S01A – Proposed ground floor
   - 1604/S02A – Proposed first floor
   - 1604/S03A – Proposed second floor
   - 1604/S04A – Proposed roof plan
   - 1604/S101A – Proposed elevation south east from Windsor Road
   - 1604/S102 – Proposed elevation south east
   - 1604/S103 – Proposed elevation north west
   - 1604/S104 – Proposed elevation south west
   - 1604/S105 – Proposed elevation north east
   - 1604/S200 – Proposed section A-a
   - 1604/S201 – Proposed section B-b

   Reason: For the avoidance of doubt as to the extent of the permission.

3. Prior to the commencement of development a site assessment, including ground permeability testing as appropriate, shall be undertaken to ascertain whether sustainable drainage techniques such as soakaway drainage and permeable paving can be utilised for the disposal of surface water run-off and a drainage scheme for the disposal of both surface water and foul sewage shall be submitted to and approved in writing by the local planning authority, which shall include

sustainable drainage techniques if, as a result of the site assessment, these have been found to be feasible. No part of the development shall be occupied until the drainage scheme is carried out and completed as approved.
Reason: In the interests of the proper drainage of the site, in accordance with policy EN10 of the Cardiff Local Development Plan.

4. Prior to the construction of the development above foundation level, a sample panel of the proposed external finishing materials, details of the materials to be used for the balustrades and details of the garage door and lobby feature, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
Reason: To ensure that the finished appearance of the development is in keeping with the area in accordance with policy KP5 of the Cardiff Local Development Plan.

5. Prior to the installation of a gate at the entrance to the site, details of its finished appearance, including materials of construction, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
Reason: To ensure that the finished appearance of the development is in keeping with the area in accordance with policy KP5 of the Cardiff Local Development Plan.

6. No equipment, plant or materials shall be brought onto the site for the purpose of development until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels, earthworks, hard surfacing materials, proposed and existing services above and below ground level, a scaled planting plan, plant schedule (structural elements only), tree pit section, topsoil and subsoil specification, planting methodology and aftercare methodology. The landscaping scheme shall be informed by a basic soil assessment undertaken by a Soil Scientist, Environmental Scientist, Arboriculturist, Horticulturist or Landscape Architect, based on the preparation of trial pits. Soil physical characteristics should be recorded, photographed and submitted as evidence of the suitability of the soil for its intended end use, and a strategy for soil handling, storage and placement prepared, that accords with the principles set out in BS 3882:2015, BS 8601:2013 and the DEFRA Code. The details shall be consistent with other plans submitted in support of the application and the landscaping shall be carried out in accordance with the approved design and implementation programme.
Reason : To enable the Local Planning Authority, to determine that the proposals will maintain and improve the amenity of the area, and to monitor compliance, in accordance with policy KP5 of the Cardiff Local Development Plan.

7. Any trees, plants, or hedgerows included in the approved landscaping scheme which, within a period of five years from the completion of the development, die, are removed, become seriously damaged or diseased or become (in the opinion of the Local Planning Authority) otherwise defective, shall be replaced in the current planting season or the first two months of the next planting season, whichever is the sooner, unless the Local Planning Authority gives written consent to any variation.
   Reason : To maintain and improve the amenity of the area, in accordance with policy KP5 of the Cardiff Local Development Plan.

8. Prior to the commencement of development a plan showing a visibility splay which shall facilitate uninterrupted vision of the carriageway from a distance of 2.4m back from the carriageway edge at the vehicular access to a distance of at least 45 metres to the west, shall be submitted to and approved in writing by the Local Planning Authority and no obstruction to vision exceeding one metre in height, or vegetation that shall in future exceed 1m in height, shall be placed, or allowed to remain, within the approved visibility splay thereafter.
   Reason: To ensure that the use of the proposed access does not interfere with the safety and free flow of traffic passing along the highway abutting the site, in accordance with policies T5 and T6 of the Cardiff Local Development Plan.

9. Prior to the commencement of development, details of the means of site enclosure, including the boundary to the front of the site on Windsor Road, shall be submitted to and approved in writing by the Local Planning Authority. The means of site enclosure shall be constructed in accordance with the approved details prior to the development being put into beneficial use.
   Reason: To ensure that the amenities of the area are protected, in accordance with policy KP5 of the Cardiff Local Development Plan.

RECOMMENDATION 2: Since 27th July 2015, the owners/developers of new residential units are required to purchase the bins required for each unit. The bins have to meet the Council's specifications and can be purchased directly by contacting the Waste Management's commercial team on *029 20717500.*

RECOMMENDATION 3: This development falls within an area which has a geological predisposition to radon and will require basic radon protective measures, as recommended for the purposes of the Building Regulations.

RECOMMENDATION 4: The developer is advised to contact Dwr Cymru Welsh Water's Developer Services on 0800 917 2652 or via email at developer.services@dwrcymru.com if a connection is required to the public sewerage system. 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. Some public sewers and lateral drains may not be recorded on maps of public sewers because they were originally privately owned. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

1. DESCRIPTION OF PROPOSED DEVELOPMENT

1.1 The application seeks full planning permission for the erection of a detached, three storey, 4 bedroom house.

1.2 The house will be of a contemporary design with flat roofs, finished in through-coloured render at ground floor level with zinc cladding, with horizontal divisions matching the pattern of a slate roof, to the upper floors. The flat roofs will be covered with sedum, pebble and paving.

1.3 The building will have an L-shaped footprint. The tallest (three storey) section – rising to 8m above ground floor level - will be closest to Windsor Road and aligned with the building line of the neighbouring house to the east. The third storey will be around 9.2m wide and will be set in from the sides of the second storey element, which will be around 15m wide. The ground floor – also around 15m wide – will be set below the ground level of the house to the northwest, due to the gradient of the land, but will be around 1m above ground level of the house to the east. The ground floor will feature a 5.5m wide entrance lobby projecting 2m to the front of the house and will have an L-shaped footprint, extending around 11.5m back into the site from the main rear elevation. The first floor will overhang the ground floor front elevation by around 1 metre.

1.4 The ground floor will contain a single garage, shower room, storage/plant room, “snug”, living room, dining/kitchen and utility room and will have large glazed doors opening onto a garden.

1.5 The first floor will contain 3 bedrooms and a family bathroom, and there will be a door opening onto a balcony (part of the flat roof of the ground floor element) which will project around 4m from the rear elevation. The bedroom windows in the rear elevation will be angled towards the east.

1.6 The third floor will contain the master bedroom and ensuite bathroom, and there will be a 3.5m x 6m balcony to the western side (the flat roof of the second storey) accessed from the bedroom.

1.7 Vehicular access will be onto Windsor Road, at the south eastern corner of the site. The majority of the existing boundary fence and hedge adjacent to Windsor Road will be removed and replaced with a 1m high wall to facilitate visibility at the access.

1.8 The application was originally reported to the Planning Committee on 8th February 2017 and was deferred for a site visit, which took place on 8th March 2017.

2. DESCRIPTION OF SITE

2.1 The application site covers an area of approximately 465 square metres and comprises part of the garden of 20 Windsor Road - a large, detached, two storey house. The site has been cleared but retains its tall boundary hedges bordering Windsor Road.

2.2 There is a 90 degree bend in the road uphill of the site, to the west. The land slopes quite steeply down from west to east – the ground floor level of 20 Windsor Road is approximately at eaves height of no. 18.

2.3 The surrounding area is characterised by large, two storey detached and semi-detached houses, mostly dating from the early 20th century, with some more contemporary buildings on the upper part of Windsor Road.

3. SITE HISTORY

3.1 15/02857/MNR - Two storey rear extension.

4. POLICY FRAMEWORK

4.1 *Cardiff Local Development Plan 2006-2021:*

KP5 (Good Quality and Sustainable Design);
KP15 (Climate Change);
EN8 (Trees, Woodlands and Hedgerows);
EN10 (Water Sensitive Design);
T5 (Managing Transport Impacts);
T6 (Impact on Transport Networks and Services);
W2 (Provision for Waste Management Facilities in Development).

4.2 *Supplementary Planning Guidance:*
Following the adoption of the Cardiff Local Development Plan, many existing Supplementary Planning Guidance documents are no longer linked to adopted development plan policies. However, where existing SPG is considered consistent with the new LDP policy framework, it will continue to be material to the Development Management process. The following Supplementary Planning Guidance is considered relevant to the determination of this application as it is considered consistent with LDP policies KP5, EN8, T5 and W2 and can be used to help inform the assessment of relevant matters –

Waste Collection and Storage Facilities (October 2016);
Access, Circulation and Parking Standards (January 2010);
Cardiff Residential Design Guide (March 2008);
Trees and Development (March 2007);
Infill Sites (April 2011).

4.3 *Planning Policy Wales (November 2016):*
4.4.3: In contributing to the Well-being of Future Generations Act goals, planning policies, decisions and proposals should (inter alia):

- Promote resource-efficient and climate change resilient settlement patterns that minimise land-take and urban sprawl, especially through preference for the re-use of suitable previously developed land and buildings, wherever possible avoiding development on greenfield sites
- Play an appropriate role to facilitate sustainable building standards (including zero carbon) that seek to minimise the sustainability and environmental impacts of buildings
- Locate developments so as to minimise the demand for travel, especially by private car
- Ensure that all local communities – both urban and rural – have sufficient good quality housing for their needs, including affordable housing for local needs and for special needs where appropriate, in safe neighbourhoods.

4.7.4: Local planning authorities should assess the extent to which developments are consistent with minimising the need to travel and increasing accessibility by modes other than the private car. Higher density development, including residential development, should be encouraged near public transport nodes or near corridors well served by public transport (or with the potential to be so served).

4.11.8 Good design is essential to ensure that areas, particularly those where higher density development takes place, offer high environmental quality, including open and green spaces. Landscape considerations are an integral part of the design process and can make a positive contribution to environmental protection and improvement, for example to biodiversity, climate protection, air quality and the protection of water resources.

4.11.9 The visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations. Local planning authorities should reject poor building and contextual designs. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions.

4.11.11: Local planning authorities and developers should consider the issue of accessibility for all.

4.11.12: Local Authorities are under a legal obligation to consider the need to prevent and reduce crime and disorder in all decisions that they take.

4.12.2: Development proposals should mitigate the causes of climate change by minimising carbon and other greenhouse gas emissions associated with their design, construction, use and eventual demolition.

4.12.3: Development proposals should also include features that provide effective adaptation to and resilience against the current and predicted future effects of climate change, for example by incorporating green space to provide shading, sustainable drainage systems to reduce run-off, and are designed to prevent over-heating and to avoid the need for artificial cooling of buildings.

8.1.5 Land use planning can help to achieve the Welsh Government’s objectives for transport through (inter alia): reducing the need to travel, especially by private car, by locating development where there is good access by public transport, walking and cycling.

8.4.2: Local Authorities should ensure that new developments provide lower levels of parking than have generally been achieved in the past. Minimum parking standards are no longer appropriate.

9.1.1 The Welsh Government will seek to ensure that: previously developed land is used in preference to greenfield sites; new housing and residential environments are well designed, meeting national standards for the sustainability of new homes and making a significant contribution to promoting community regeneration and improving the quality of life; and that the overall result of new housing development in villages, towns or edge of settlement is a mix of affordable and market housing that retains and, where practical, enhances important landscape and wildlife features in the development.

9.1.2 Local planning authorities should promote sustainable residential environments, avoid large housing areas of monotonous character and make appropriate provision for affordable housing. Local planning authorities should promote (inter alia): development that is easily accessible by public transport, cycling and walking; attractive landscapes around dwellings, with usable open space and regard for biodiversity, nature conservation and flood risk; greater emphasis on quality, good design and the creation of places to live that are safe and attractive; the most efficient use of land; well-designed living environments, where appropriate at increased densities; construction of housing with low environmental impact, reducing the carbon emissions generated by maximising energy efficiency and minimising the use of energy from fossil fuel sources, using local renewable and low carbon energy sources where appropriate; and 'barrier free' housing developments, for example built to Lifetime Homes standards.

9.3.3 Insensitive infilling, or the cumulative effects of development or redevelopment, including conversion and adaptation, should not be allowed to damage an area's character or amenity. This includes any such impact on neighbouring dwellings, such as serious loss of privacy or overshadowing.

12.7.3: Adequate facilities and space for the collection, composting and recycling of waste materials should be incorporated into the design of any development.

13.4.2 In determining applications for development, local planning authorities should work closely with Natural Resources Wales, drainage bodies, sewerage undertakers, prospective developers and other relevant authorities to ensure that surface water run-off is to be controlled as near to the source as possible by the use of sustainable urban drainage systems.

4.4 *Technical Advice Note 12 - Design (March 2016):*

4.9 Opportunities for innovative design will depend on the existing context of development and the degree to which the historic, architectural, social or environmental characteristics of an area may demand or inhibit a particular design solution. A contextual approach should not necessarily prohibit contemporary design.

5.4.10 To effectively adapt to the effects of climate change attention should be given to the ways in which the design can both minimise and manage the impacts arising from climate change.

5.11.3 The design of housing layouts and built form should reflect local context and distinctiveness, including topography and building fabric. Response to context should not be confined to architectural finishes. The important contribution that can be made to local character by contemporary design, appropriate to context, should be acknowledged. To help integrate old and new development and reinforce hierarchy between spaces, consideration should be given to retaining existing landmarks, established routes, mature trees and hedgerows within housing areas as well as introducing new planting appropriate to the area. All residential proposals should seek to minimise energy demand.

6.16 The appearance and function of proposed development, its scale and its relationship to its surroundings are material considerations in determining planning applications and appeals. Developments that do not address the objectives of good design should not be accepted.

4.5 *Technical Advice Note 18 - Transport (March 2007).*

5. INTERNAL CONSULTEE RESPONSES

5.1 *Transportation:*

There are concerns regarding the visibility exiting the proposed driveway, which is on a sharp bend and could be dangerous. There would be no objections if the current boundary treatment were removed and a wall erected at a maximum of 1m in height within a 45m vision splay, with no vegetation/ future growth over 1m in height.

5.2 *Drainage:*

No objection subject to a condition requiring a site assessment including ground permeability testing as appropriate to be undertaken to ascertain whether sustainable drainage techniques can be utilised, and approval of a drainage scheme for the disposal of both surface water and foul sewage.

5.3 *Waste Strategy & Minimisation Officer:*

This property will require the following for recycling and waste collections:1 x 140 litre bin for general waste; 1 x 240 litre bin for garden waste; 1 x 25 litre kerbside caddy for food waste; green bags for mixed recycling (equivalent to 140 litres), the storage of which must be sensitively integrated into the design. Storage within the garden is acceptable.

6. EXTERNAL CONSULTEES RESPONSES

6.1 *Welsh Water:*

No surface water and/or land drainage shall be allowed to connect to the public sewerage system. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer.

6.2 *Radyr and Morganstown Community Council:*

Object to the application on the following grounds:

(i) Road safety: the location of the new access for the dwelling is on the apex of the bend. At school time this is one of the routes most used by parents to take their children to and from Radyr Primary School. Already cars travel far in excess of the speed limit as they come around the bend in Windsor Road and the corner is particularly dangerous. Any new exit from a private dwelling on the corner of the bend will add to the dangers

(ii) Parking: the house will generate more roadside parking adding to the traffic dangers on Windsor Road.

(iii) Aesthetic grounds: the designs for this house indicate that it will be higher than its neighbours, dominating what is one of the nicest roads in Radyr.

7. REPRESENTATIONS

7.1 The application has been advertised by neighbour notification. 12 individual letters and a petition of 54 signatures have been received opposing the application on the following grounds:

1. Design:
The proposed house is larger in scale than the existing house at Number 20, and Number 18 Windsor Road (which is incorrectly depicted as larger than it is in the drawings). The layout is inconsistent with the layout of neighbouring houses, with a much deeper projection into the rear garden. The form and massing are also inconsistent with the context, with a third storey that is very prominent. The proposed building sits above Number 18 as a result of being located at a higher point on the hillside. The new dwelling would visually dominate Number 18 and the surrounding skyline. It would also be inappropriate in this location, given the character of the neighbouring houses. Windsor Road is one of the original streets of Radyr and the pitched roofs of red tile or slate and white/cream pebbled dash walls, often with leaded windows, gives it a traditional character. A “modern box” of a house will diminish these qualities. Such a design also creates tension and unpleasantness in the community.

2. Loss of green space:
This garden area provided a green corner of the street scene that was well stocked with trees and other vegetation and this will be lost in the proposed development.

3. Impact on drainage:
Given the contours of the land, water courses and drainage may have an adverse effect on the property to the east once a permeable surface is changed into an impermeable surface. The adjacent garden is already prone to flood in wet weather.

4. Impact on amenity of neighbours:
The height of the proposed dwelling, the size, number and orientation of the windows on the rear elevation, and the roof terrace on the rear section, will result in overlooking and overshadowing of neighbouring gardens, especially Number 18. There will also be a further loss of amenity through the noise reflecting from the hard surfaces of the proposed design when the terrace is in use.

5. Highway safety:
The proposed site entrance for the new house would constitute a danger to traffic on Windsor Road. There is also the increased danger to pedestrians, who have to walk on this side of Windsor Road (there is no pavement on the opposite side), many of whom are schoolchildren on their way to or from school. Windsor Road is very busy and the new drive would be situated at a blind spot

close to the apex of a 90 degree bend with a significant downhill gradient. Cars often travel along this road at speeds in excess of 30mph. The layout of the proposed development would make it impossible for vehicles to be turned around within the site, therefore any vehicle leaving the site would have to be reversed in or out. This would make the resulting situation even more dangerous. There has been a recent incident on this bend – a private car collided with one of the builders' vans which are routinely parked by the owner of 20 Windsor Road directly outside his property on the downhill entrance to the bend. Policy C7 makes clear that the Council's priority in new developments is to, amongst other things, "enhance road safety". The proposed development does not comply with the Manual for Streets in that the sightline requirements for the circumstances at the proposed development are not met. Such deficiencies should be grounds enough to refuse the planning application. Due to the solid boundary provisions at both the existing premises and the proposed development it is difficult to see how the sightline can be improved. Also, there seems to be potential for the vehicles entering the property to remain on the highway whilst the gate was opened. If the gates needed to operated manually there is potential for the vehicle to be stationary across at least part of the carriageway during the opening procedure.

6. Parking:
The plans appear to show parking for 4 vehicles in the existing driveway of Number 20. If it is intended that occupiers of the proposed development would park their vehicles there, why is a new driveway shown? Such an arrangement would also be highly inconvenient for all concerned , would be unenforceable, and could result in loss of parking for Number 20 (the present owner of Number 20 already routinely parks vehicles, including builders' vans, on the roadway on the entrance to the bend during the day and overnight). There are inadequate parking facilities along that section of Windsor Road. On street parking close to the entrance of the new development would restrict the sight lines from the proposed access point, further compromising road safety.

7.2 Councillor Rod McKerlich objects to the application as follows:

(i) Since the applicant purchased 20 Windsor Road, I have been even more aware than I was previously of the dangerous bend at the top of the slope. I have always known that there is no pavement on the south-west side of the bend where a footpath emerges from Parc Radur onto Windsor Road. This footpath is used by a large number of pedestrians and cyclists and pupils making their way on foot to and from Radyr Primary and Radyr Comp. I have asked (without success) Highways to install a pavement and I have asked for this to be done as a S106 agreement on other planning applications. Most recently I asked this to be included as a S106 contribution to the large Acolaid development but Redrow refused on the grounds that it was too remote from their site. Since the applicant moved in and started work there have been a large number of substantial vans (relating to his business) parked outside 20 Windsor Road and this continues even after completion of work on number 20. As a result I am being regularly asked for double yellow lines to be put on the north east side of that bend. The proposed access from the proposed new house will come onto that bend at its apex; this is incredibly dangerous and I ask that Highways monitor that bend at morning and evening rush hours before giving support to this notion. I am not certain that it is possible to build a safe access from the proposed site but I am certain that the suggested access is dangerous to an unacceptable degree,

(ii) This is an infill development which is in breach of the relevant supplementary planning guidance in that the new house is not subservient to the original house on the site, It is far larger than the original house.

(iii) The proposed new house would infringe the privacy of occupants of 18 Windsor Road, several residents in The Green and many occupants of other homes to its north on Windsor Road. This touches many private gardens but also rooms in various houses I am advised that local residents will be submitting a petition giving numerical weight to this and other individual objections. The Radyr and Morganstown Community Council will also be opposing this. I ask that this should be taken to Planning Committee rather than being considered under delegated powers and, in view of the terrain and location of neighbouring homes, I suggest that a site visit would be an appropriate precursor.

7.3 Councillor McKerlich also submitted information from an architect showing the visibility splays at the access and stating that only 29.3m is achieved, which falls short of the required 45m.

8. **ANALYSIS**

8.1 The main issues to be considered in the determination of this application are design, residential amenity and highway safety. With regard to the design of the proposed development, this is considered acceptable for the site: there is evident variety in the dwellings along this part of Windsor Road and the provision of a contemporary property on the application site would be considered acceptable in principle. Whilst the street is widely characterised by predominantly pitched roofs, it is acknowledged that in terms of the Infill Sites Supplementary Planning Guidance, a flat-roofed design solution cannot be ruled out if it is well designed in other respects.

8.2 The proposed dwelling is considered to respect the scale and massing of the adjacent properties. The overall height of the building, at 8.7m, respects the height of numbers 18 and 20 Windsor Road and takes into account the level change between these two buildings, and features such as the narrow vertical windows to the first floor and stepping in of the second floor at the sides provide interest and detail, help to reduce the massing and improve the visual relationship with the neighbouring properties. The overall width of the proposed second floor respects that of the nearest neighbouring house, Number 18.

8.3 Both the existing and proposed properties will maintain a reasonable amount of private outdoor amenity space, in line with the requirements of the Infill sites Supplementary Planning Guidance, which will provide sufficient space for the dwelling to sit at an appropriate position within the plot and not disrupt the character of the area. Existing boundary treatment, including mature hedging, to the rear and side of the plot is to be retained. The hedge and fence to the site frontage will have to be removed to provide adequate visibility at the access but these can be replaced with a low brick wall, perhaps with a strip of low level planting behind, which will be similar to other plots in the area. A detailed landscaping scheme and boundary treatment details can be required via a planning condition.

8.4 The external finishing materials of the building - zinc cladding and a treated weather-proof through-render - are appropriate to the design of the building and its surroundings. The top storey of the proposal would be dark grey metal cladding with horizontal banding that matches the surrounding hipped roofs. Samples of the materials, including details of the garage door and entrance lobby - will be required to be submitted for approval before the house is constructed, to ensure that they will harmonise with surrounding development.

8.5 Regarding the impact on the amenities of neighbouring residents, there will be no windows overlooking adjoining properties at close quarters and the roof terraces will have 1.8m high opaque glass screens to prevent loss of privacy. The section of the building that projects beyond the existing rear building line of No.18 will be set at a low level and will not cause overshadowing of that property or appear overbearing when seen from the adjoining garden. The development has been designed to have no negative impact on the existing property at No.20 Windsor Road. Houses on The Green to the rear of the site will not be adversely affected as they are more than 45m from the proposed dwelling.

8.6 With regard to the objections received:

1) The first floor level of the proposed house is wider than the adjacent houses but it is narrower at second floor level. It is around the same width as the house on the opposite side of the road. There is a wide variety of building sizes and forms in the area and the scale, form and massing of the proposed house would not be out of keeping with its surroundings. There is no requirement for the house to have the same layout as its neighbours and provided the rear projection does not result in an unacceptably small amount of outdoor amenity space or unacceptable loss of amenity to neighbouring residents its length does not constitute grounds for refusal of the application. The third storey will be set in from the edges of the lower storey and will not be dominant – its height takes into consideration the gradient of the sloping ground and is consistent with the height of the buildings on each side. It will be higher than No. 18 but only because No. 18 is lower down the hill. Windsor Road is not a Conservation Area and the houses do not all have a consistent character: there are several modern buildings amongst the more traditional types. A person’s reaction to the design of a buildings is subjective: whilst some may prefer designs dating from the early 20th century there are others who consider contemporary architecture more pleasing.

2) There are no trees in this location that are protected by a Tree Preservation Order and no hedgerows that qualify for preservation under the Hedgerow Regulations. The space is a private garden screened by a tall fence with a privet hedge behind. The owner could remove vegetation from the site at any time without the need to obtain permission.

3) A comprehensive drainage scheme will have to be approved before development commences, to ensure that there will be no adverse impact on surface water drainage.

4) No windows will face directly towards adjacent gardens at a distance of less than 10.5m, which is the normally accepted minimum length of a garden in a new development. There will be no habitable room windows facing towards those of adjacent houses. The roof terrace on the rear section will extend only 4m from the rear of the house and will have a 1.8m high opaque glass privacy screen along the side that faces No.18 Windsor Road. The 11m long rear extension will not result in unacceptable overshadowing of the adjoining garden (No.18) as it will be single storey (around 3m tall, with a flat roof) and set away from the boundary with No.18 by around 4m to 5m. The development will cause no more overshadowing than existing/recently removed trees and hedges. The possibility that noise from the use of the terrace could cause nuisance to neighbours is not a valid reason to refuse the application: the use of the site is not changing – it is already a domestic garden that could be used for "noisy" activities, and noise from residential properties is controlled under Environmental Health legislation.

5) The development will include the provision of visibility splays, involving a reduction in the height of the boundary fence/wall on the corner of Windsor Road. This is acceptable to Highways officers and will result in an improvement in highway safety. If cars are travelling along this section of road at speeds in excess of 30mph they are breaking the law: this is not the responsibility of the applicant. There is enough space within the site to enable vehicles to turn so that they will not have to reverse into/out of the drive. Also, it should be noted that the provision of a vehicular access at this location would be Permitted Development, not requiring planning permission.

6) It is not intended that vehicles associated with the new development would be parked at No.20. Also, there are adequate parking facilities on Windsor Road – every house has its own off-street parking and on-street parking is relatively infrequent . The new development proposes a single garage plus enough external space for at least two more cars, and the existing dwelling (No.20) will not lose any off-street parking facility as a result of the development. This accords with the provisions of the Supplementary Planning Guidance "Access, Circulation and Parking Standards".

8.7 The objections of the Radyr and Morganstown Community Council relate to road safety, parking and design and are addressed above.

8.8 The objections raised by Councillor Rod McKerlich relate to road safety, the scale of the building and the impact on the privacy of neighbouring residents, and are addressed above. The information regarding the visibility splays contradicts information provided by Highways officers, which indicates that 45m visibility can be achieved. Highways officers have agreed that they have no objections provided the current boundary treatment is removed and nothing achieving more than 1m in height is placed within the visibility splay. The applicant's architect considers that the appropriate visibility splay can be achieved. If it cannot, then the development cannot go ahead as proposed because condition 8 will not have been discharged.

8.9 In conclusion, there would be no reasonable grounds for refusal of this application and it is recommended that planning permission be granted subject to the conditions set out above.

9. OTHER CONSIDERATIONS

9.1 *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.

9.2 *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.

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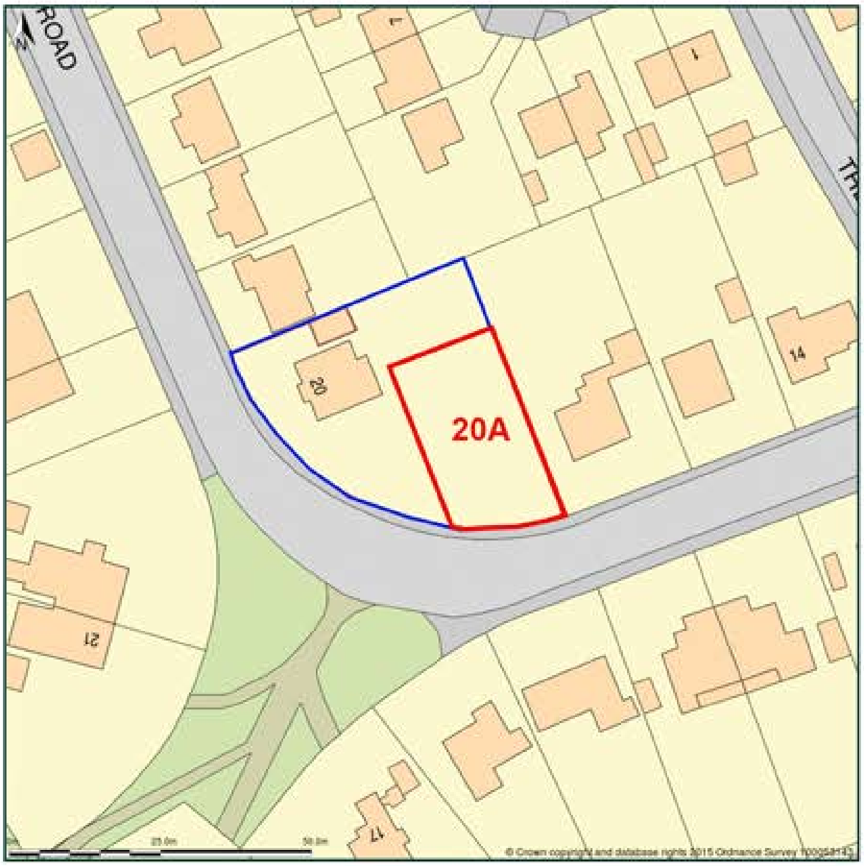

Site Plan shows area bounded by: 312963.98, 180234.72 313105.4, 180376.14 (at a scale of 1:1250) The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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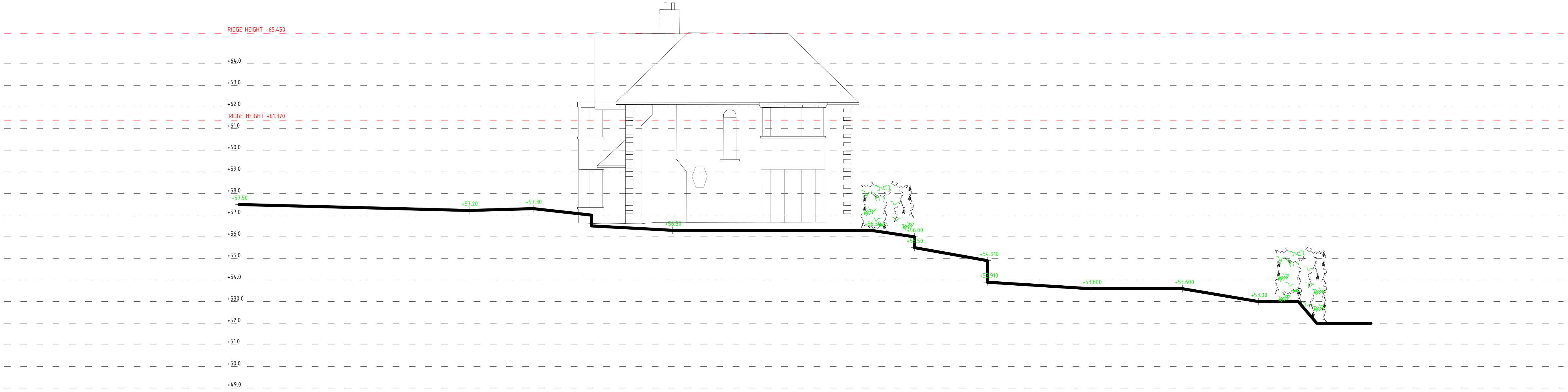
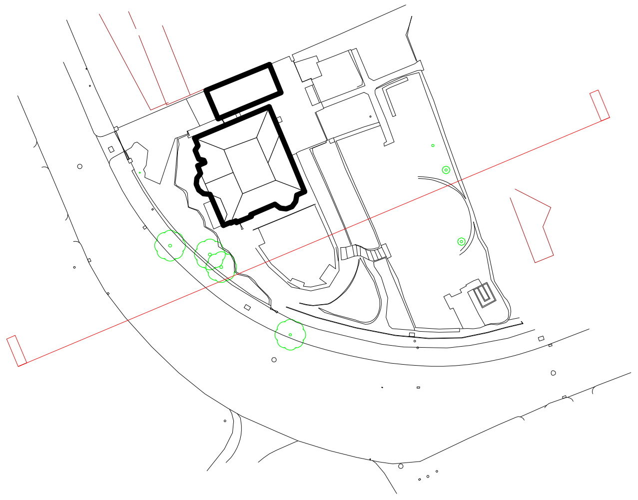




PROJECT
20A WINDSOR ROAD, RADYR

DRAWING
EXISTING:
SECTION Aa

SCALE
1:200 @ A3
DATE
MAY 16
DRAWN
DB
DRAWING NO.
1604 / E02

DRAWING STATUS
PRELIMINARY ☒ INFORMATION ☐ APPROVAL ☐ PLANNING ☐
TENDER ☐ B REGS ☐ CONTRACT ☐ CONSTRUCTION ☐

BENHAM ARCHITECTS
30 LEWIS ROAD, LLANDOUGH, PENARTH CF64 2LW
T: +44 (0)29 20704688 E: benhamarchitect@gmail.com

REVISIONS:
A: REDUCE HEIGHT OF BOUNDARY CONDITION, TO ENSURE REQUIRED VISION SPLAYS ARE ACHIEVED

PROJECT
20A WINDSOR ROAD, RADYR

DRAWING
PROPOSED:
GROUND FLOOR

SCALE
1:200
DATE
NOV 16
DRAWN
VT/DB
DRAWING NO.
1604 / S01A

DRAWING STATUS
PRELIMINARY ☐ INFORMATION ☐ APPROVAL ☐ PLANNING ☒
TENDER ☐ B REGS ☐ CONTRACT ☐ CONSTRUCTION ☐

BENHAM ARCHITECTS
30 LEWIS ROAD, LLANDOUGH, PENARTH CF64 2LW
T: +44 (0)29 20704688 E: benhamarchitect@gmail.com

1 METRE HIGH BOUNDARY WALL
TO ENSURE REQUIRED VISION SPLAYS ARE ACHIEVED

REVISIONS:
A: REDUCE HEIGHT OF BOUNDARY CONDITION, TO ENSURE REQUIRED VISION SPLAYS ARE ACHIEVED

PROJECT
20A WINDSOR ROAD, RADYR

DRAWING
PROPOSED:
FIRST FLOOR

SCALE
1:200
DATE
NOV 16
DRAWN
VT/DB
DRAWING NO.
1604 / S02A

DRAWING STATUS
PRELIMINARY ☐ INFORMATION ☐ APPROVAL ☐ PLANNING ☒
TENDER ☐ B REGS ☐ CONTRACT ☐ CONSTRUCTION ☐

BENHAM ARCHITECTS
30 LEWIS ROAD, LLANDOUGH, PENARTH CF64 2LW
T: +44 (0)29 20704688 E: benhamarchitect@gmail.com

1 METRE HIGH BOUNDARY WALL
TO ENSURE REQUIRED VISION SPLAYS ARE ACHIEVED

REVISIONS:
A: REDUCE HEIGHT OF BOUNDARY CONDITION, TO ENSURE REQUIRED VISION SPLAYS ARE ACHIEVED

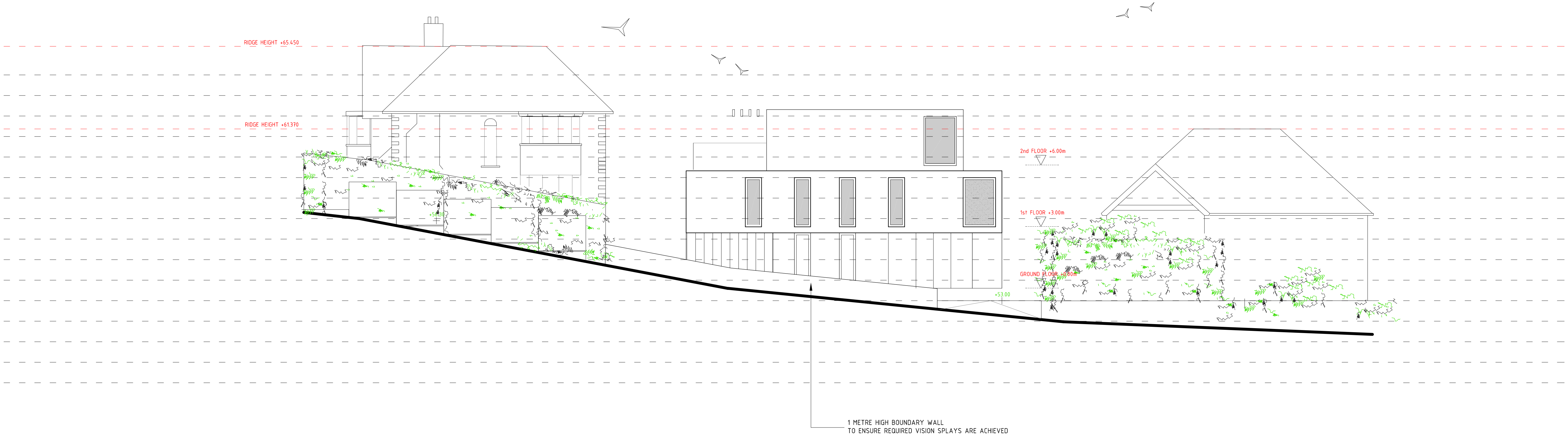
PROJECT
20A WINDSOR ROAD, RADYR

DRAWING
PROPOSED:
SECOND FLOOR

SCALE
1:200
DATE
NOV 16
DRAWN
VT/DB
DRAWING NO.
1604 / S03A

DRAWING STATUS
PRELIMINARY ☐ INFORMATION ☐ APPROVAL ☐ PLANNING ☒
TENDER ☐ B REGS ☐ CONTRACT ☐ CONSTRUCTION ☐

BENHAM ARCHITECTS
30 LEWIS ROAD, LLANDOUGH, PENARTH CF64 2LW
T: +44 (0)29 20704688 E: benhamarchitect@gmail.com



REVISIONS:
A: REDUCE HEIGHT OF BOUNDARY CONDITION, TO ENSURE REQUIRED VISION SPLAYS ARE ACHIEVED

PROJECT
20A WINDSOR ROAD, RADYR

DRAWING
PROPOSED: ELEVATION
SOUTH-EAST FROM WINDSOR ROAD

SCALE
1:200 @ A3
DATE
NOV 16
DRAWN
VT/DB
DRAWING NO.
1604 / S101A

DRAWING STATUS
PRELIMINARY ☐ INFORMATION ☐ APPROVAL ☐ PLANNING ☒
TENDER ☐ B REGS ☐ CONTRACT ☐ CONSTRUCTION ☐

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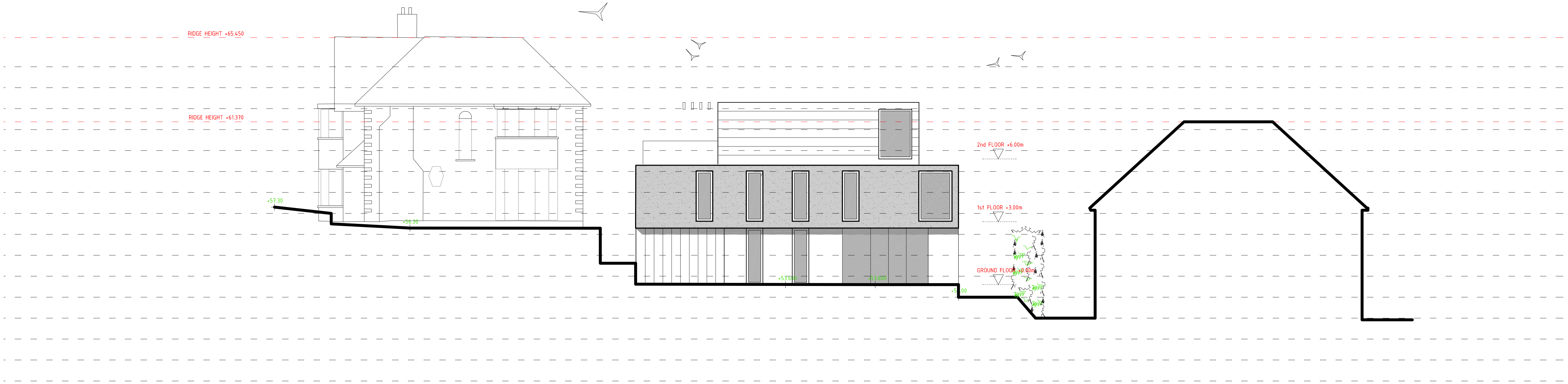
30 LEWIS ROAD, LLANDOUGH, PENARTH CF64 2LW
T: +44 (0)29 20704688 E: benhamarchitect@gmail.com



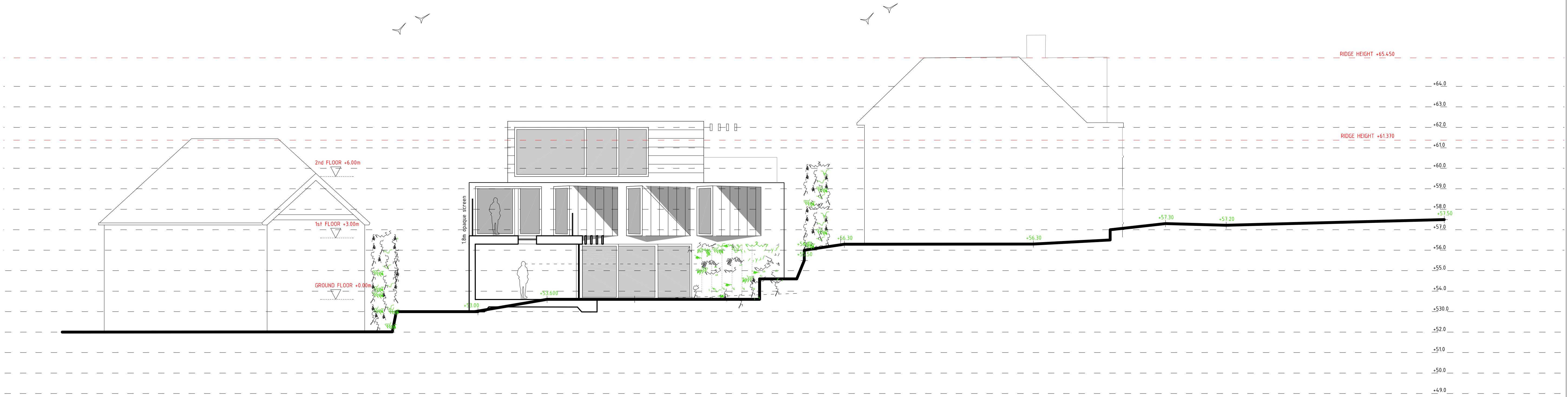
PROJECT
20A WINDSOR ROAD, RADYR

DRAWING
PROPOSED: ELEVATION
SOUTH-EAST

SCALE
1:200 @ A3
DATE
NOV 16
DRAWN
VT/DB
DRAWING NO.
1604 / S102

DRAWING STATUS
PRELIMINARY ☐ INFORMATION ☐ APPROVAL ☐ PLANNING ☒
TENDER ☐ B REGS ☐ CONTRACT ☐ CONSTRUCTION ☐

BENHAM ARCHITECTS
30 LEWIS ROAD, LLANDOUGH, PENARTH CF64 2LW
T: +44 (0)29 20704688 E: benhamarchitect@gmail.com



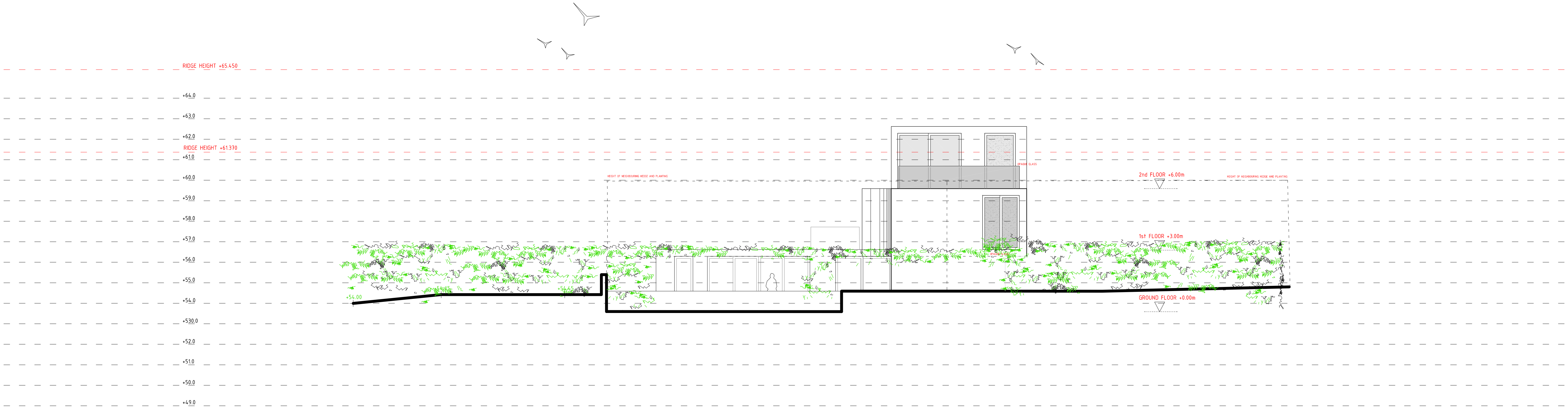
PROJECT
20A WINDSOR ROAD, RADYR

DRAWING
PROPOSED: ELEVATION
NORTH-WEST

SCALE
1:200 @ A3
DRAWING NO.
DATE
NOV 16
DRAWN
VT/DB
1604 / S103

DRAWING STATUS
PRELIMINARY ☐ INFORMATION ☐ APPROVAL ☐ PLANNING ☒
TENDER ☐ B REGS ☐ CONTRACT ☐ CONSTRUCTION ☐

BENHAM ARCHITECTS
30 LEWIS ROAD, LLANDOUGH, PENARTH CF64 2LW
T: +44 (0)29 20704688 E: benhamarchitect@gmail.com



PROJECT
20A WINDSOR ROAD, RADYR

DRAWING
PROPOSED: ELEVATION
SOUTH-WEST

SCALE
1:200 @ A3
DATE
NOV 16
DRAWN
VT/DB
DRAWING NO.
1604 / S104

DRAWING STATUS
PRELIMINARY ☐ INFORMATION ☐ APPROVAL ☐ PLANNING ☒
TENDER ☐ B REGS ☐ CONTRACT ☐ CONSTRUCTION ☐

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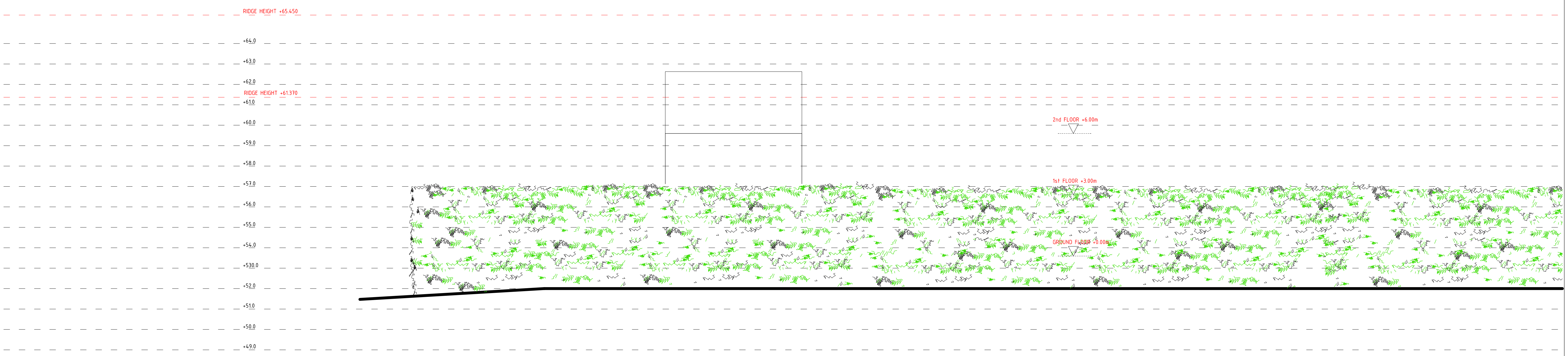

PROJECT
20A WINDSOR ROAD, RADYR

DRAWING
PROPOSED: ELEVATION
NORTH-EAST

SCALE
1:200 @ A3
DATE
NOV 16
DRAWN
VT/DB
DRAWING NO.
1604 / S105

DRAWING STATUS
PRELIMINARY ☐ INFORMATION ☐ APPROVAL ☐ PLANNING ☒
TENDER ☐ B REGS ☐ CONTRACT ☐ CONSTRUCTION ☐

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30 LEWIS ROAD, LLANDOUGH, PENARTH CF64 2LW
T: +44 (0)29 20704688 E: benhamarchitect@gmail.com


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For Sale


22


28

PETITION

COMMITTEE DATE: 15/03/2017

APPLICATION No. **16/02057/MNR** APPLICATION DATE: 08/09/2016

ED: **PENTYRCH**

APP: TYPE: Full Planning Permission

APPLICANT: Ms Crockett
LOCATION: CASTELL Y MYNACH FARM, HEOL-Y-PARC, PENTYRCH
PROPOSAL: REMOVAL OF EXISTING BLOCK OF TWO STABLES, RETENTION OF EXISTING BLOCK OF THREE STABLES AND TACK ROOM TOGETHER WITH EXTERNAL ALTERATIONS TO EXISTING STABLES TO OVERCOME DESIGN CONCERNS AND ERECTION OF AN ADDITIONAL STABLE TO PROVIDE FOUR STABLES IN TOTAL

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

1. C01 Statutory Time Limit

2. The development shall be carried out in accordance with the following approved plans:

   - Drawing no 1606.1_01
   - Drawing no 1606.1_02

   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. The proposed stables hereby approved shall be altered and constructed in accordance with the submitted plans and the works completed within 3 months from the date of this consent.
   Reason: In the interests of the visual amenity of the area.

4. The materials to be used in the external surfaces of the stables hereby approved shall accord with those specified in Drawing No. 16/06.1_02.
   Reason : To ensure that the finished appearance of the development is in-keeping with the character of the area.

RECOMMENDATION 2: Bats often roost in houses and other buildings, and work on these buildings may disturb a bat roost. All bats and their roosts are protected against disturbance under UK and European legislation. If works are planned on a building in which bats are roosting, Natural Resources Wales must be contacted for advice.

If work has already commenced and bats are found, or if any evidence that bats are using the site as a roost is found, work should cease and NRW should be contacted immediately.

Where there is a likelihood that bats are present, or where bats are found to be present, a suitably qualified and experienced ecological consultant should be contracted to provide an assessment of the impact of the proposed works, and undertake surveys if necessary.

Where bats or their roosts are present, no works or site clearance, demolition or construction should take place unless a licence to disturb these species and/or their roosts has been granted in accordance with the relevant legislation. Otherwise, a prosecution may result in a fine and/or imprisonment.

NRW can be contacted at:-

Natural Resources Wales, Tŷ Cambria, 29 Newport Road, Cardiff CF24 0TP, 0300 065 3000

Bat Conservation Trust can be contacted at:-

5th Floor, Quadrant House, 250 Kennington Lane, London, SE11 5DR, 0845 1300228’

1. DESCRIPTION OF PROPOSED DEVELOPMENT

1.1 This full application relates to an agricultural field located adjacent to Heol -Y-Parc Road which includes two unauthorised stable blocks.

1.2 The application site is located outside of the settlement boundary and within the Green Wedge as identified in the LDP. It is noted that the land also lies within the Pentyrch Ridges Special Landscape Area and forms part of the essential setting of Craig-y-Parc listed gardens.

2. DESCRIPTION OF THE SITE

2.1 The proposal seeks permission for the removal of an existing stable block and the retention of an un-authorised block of three stables. As part of the development the stable block that is retained will be refurbished and extended to provide four stables in total.

2.3 The resulting stable will measure 15.5 metres by 3.8 metres with a ridged roof with a maximum height of 3 metres. The walls of stable will be finished in green stained treated horizontal cladding and its roof in a blue/black slate finish.

3. SITE HISTORY

3.1 A full planning application for the relocation of five stables and small barn for hay storage was submitted in November 2009 (ref: 09/01777/W.) Planning permission was refused for the following reasons:

- The proposed buildings, by virtue of their location, would damage the openness of the countryside, and would neither conserve the character, appearance and rural setting of the area, the essential setting of land associated with the Craig-Y-Parc Grade II* estate nor the wider Conservation Area, negatively impacting up on the visual appearance of the rural setting of a protected landscape and Conservation Area, contrary to paragraphs, 2.4.5, 2.5.7, 2.9.7, 2.99, 5.5.1 and 5.5.3 of Planning Wales (2002); Policy S3 of the Mid Glamorgan Structure Plan; Approved Plan Incorporating Proposed Alterations NO.1 and Policies 1F, 2.20, 2.39, 2.40, and 2.44 of the Deposit Unitary Development Plan.

- The proposed buildings by virtue of their location, would damage the openness of the countryside and would neither conserve the character, appearance and rural setting of the area, located in a Conservation Area , negatively impacting up on the visual appearance of the rural setting of a protected landscape and Conservation Area, through vehicles tracking across a prominent field on a regular basis to the overall detriment of the Special Landscape Area and the Craig-Y-Parc Conservation Area contrary to PPW (2002) paragraphs 2.45, 2.57, 2.97, 2.99, 5.51 and 5.53 of Planning Polcy Wales (2002); Policy S3 of the Mid Glamorgan County Structure Plan, Approved Plan Incorporating Proposed Alterations No.1 and, Policies 1F, 2.20, 2.39, 2.40, 2.43, 2.44 AND 2.53 of the Deposit Unitary Development Plan.

- The timber framed buildings fail to enhance or preserve the quality of the Special Landscapes Area, the essential setting of lands associated with the Craig-Y Parc Grade II* estate and the wider Conservation Area due to the use of poor quality materials and limited architectural qualities attributed to the stables, contrary to; Policy 3, 4, 5 and 11 of the Adopted Local Plan; policies 1F, 2.20, 2.39, 2.40, 2.43 and 2.44 of the Deposit Unitary Development Plan; and, Policy S3 of the Mid Glamorgan County Structure Plan, Approved Plan Incorporating Proposed Alterations No. 1.

- The proposed buildings location, located away from any highway and dwelling which provide a means of natural or passive surveillance for the stables, represents an ineffective site layout which fails to address the requirements of; paragraph 11.1.17 of PPW (2002); paragraphs 5.17.5 and 5.17.6 of TAN 12; Section 17 of the Crime and Disorder Act 1998; and guidance contained within W/O circular 16/94 Planning out crime, to ensure adequate security of the stables, animals and any equipment found on site associated with the day to day running of the stables.

3.2 An appeal was made by the applicant against the Councils refusal of the planning permission for the reasons outlined above. Despite dismissing the appeal, the Inspector made it clear that, in his view there were no issues with the siting of the stables and ancillary storage building within the appeal site which were given as reasons for the refusal of the application. However, in summing up his reasons for dismissing the appeal the Inspector expressed concerns over the quality of the materials used in the construction of the stables and the design and appearance of the structure.

4. POLICY FRAMEWORK

4.1 When assessing the application the following policy framework is considered relevant:

National Planning Policy

- Planning Policy Wales (9h Ed, 2016) Chapter 4 – Planning for Sustainability

Cardiff Local Development Plan (LDP) 2006-2026

- Policy KP3(A) (Green Wedge)
- Policy KP5 (Good Quality and Sustainable Design)
- Policy EN1 (Countryside Protection)
- Policy EN3 (Landscape protection)
- Policy EN8 (Trees, Woodlands and Hedgerows)

Mid Glamorgan County Structure Plan

- Policy S3

5. INTERNAL CONSULTEE RESPONSES

5.1 The Councils Tree Officer comments that:

'The proposed development may result in harm to roots and/or branches of trees that grow adjacent the stable block, some of which may lie within the Pentyrch (Craig-y-Parc) Conservation Area. As such, I advise that a BS 5837:2012 tree assessment be carried out and used to inform design as necessary.'

5.2 The Operational Manager (Traffic and Transportation) – no objection.

5.3 The Councils Ecologist – no objection but has requested that the permission includes an advisory note should evidence of bats roosting be found.

6. EXTERNAL CONSULTEE RESPONSES

6.1 No external consultations were carried out.

7. REPRESENTATIONS

7.1 The application was advertised by a press and site notice and a petition containing 55 signatures was received. The reasons for the objection are summarised below:

- A retrospective planning application for the stables has already been refused by the Councils Planning Committee.
- The Conservation Officers comments on the previous application that the

stables did not preserve the rural setting within a Conservation Area and a Special Landscape Area associated with Craig-Y-Parc Grade II* Estate and wider Conservation Area have not been addressed.

- The Local Development Plan refers to the importance of preserving and enhancing Conservation Areas and Special Landscape Areas.
- The appeal relating to the previously refused application was dismissed by the Planning Inspectorate.
- Parking and highway safety.

7.2 A letter of objection was also received from Pentyrch Community Council who object to the proposal because the application does not materially alter the reasons for the refusal of the application in 2009.

8. ANALYSIS

8.1 Introduction

Given that the Inspector considered the siting of the stables at this location acceptable and did not agree with the reasons for the refusal of the previous application relating to its siting, officers consider that the main consideration in this instance is the quality of the materials used in the construction of the stables and the visual impact of the structure on the character and appearance of the green belt and on the Special Landscape Area.

8.2 Impact Upon the Character of the Area

Policy EN1 (Countryside Protection) states; 'Development in the countryside, beyond the settlement boundaries identified on the Proposals Map, will only be permitted where the use is appropriate in the countryside, respects the landscape character and quality and biodiversity of the site and surrounding area and where it is appropriate in scale and design.'

8.2.1 In terms of landscape impact, para 5.85 of the LDP sets out criteria on which unacceptable harm to the landscape value is assessed, these are listed below:

- The impact of the proposed development on key features of the landscape in terms of physical character, vegetation and habitats, land use and settlement patterns, visual character, historical character and cultural associations;
- The need for the proposed development in relation to its impact;
- The availability of alternative locations; and
- The ability to provide appropriate mitigation measures.

8.2.2 Paragraph 5.86 of the LDP states that 'Wherever possible development will be expected to maintain and strengthen the positive attributes of the landscape and seek to mitigate or remove, rather than compound the negative influences. Reference should also be made to KP3A with regard to the consideration of proposals in the Green Wedge area.

8.2.3 Policy EN3 (Landscape Protection) gives particular importance to Special

Landscape Areas which have been designated to protect the overall landscape of the County, due to their visual, sensory, geological, cultural, historical, and habitat landscape.

8.2.4 The special characteristics of each SLA is set out in the Councils ‘A Review of Landscape Character Areas. With regard to the visual landscapes of the Pentyrch Ridges and Valleys SLA the document states that ‘the overall character of the area is established by a network of farms’ and ‘the settlement pattern is characterised by dispersed farmsteads.’

8.2.5 Officers consider that the Inspectors concerns and the reasons for the refusal of the previous planning application relating to the poor materials used and limited architectural qualities of the stables have been addressed. The appearance of the blue/black slate finish roof is considered to be a more robust finish for the roof of the stables than the galvanised corrugated roof sheeting or felt roofing felt finish previously approved and would also represent a more in-keeping finish for the stables within its countryside setting. The timber clad finish will extend across the whole of the stable block and will be painted green to ‘blend in’ with the tree canopy directly behind the proposed stables.

8.2.6 It is considered that the modest scale of the stables and their design would not undermine the open character of the Green Wedge or the agricultural character of the SLA. Given the level of screening which the surrounding trees will provide it is considered that the proposed stables will have a neutral impact upon on the setting of the nearby Conservation Area and on the SLA.

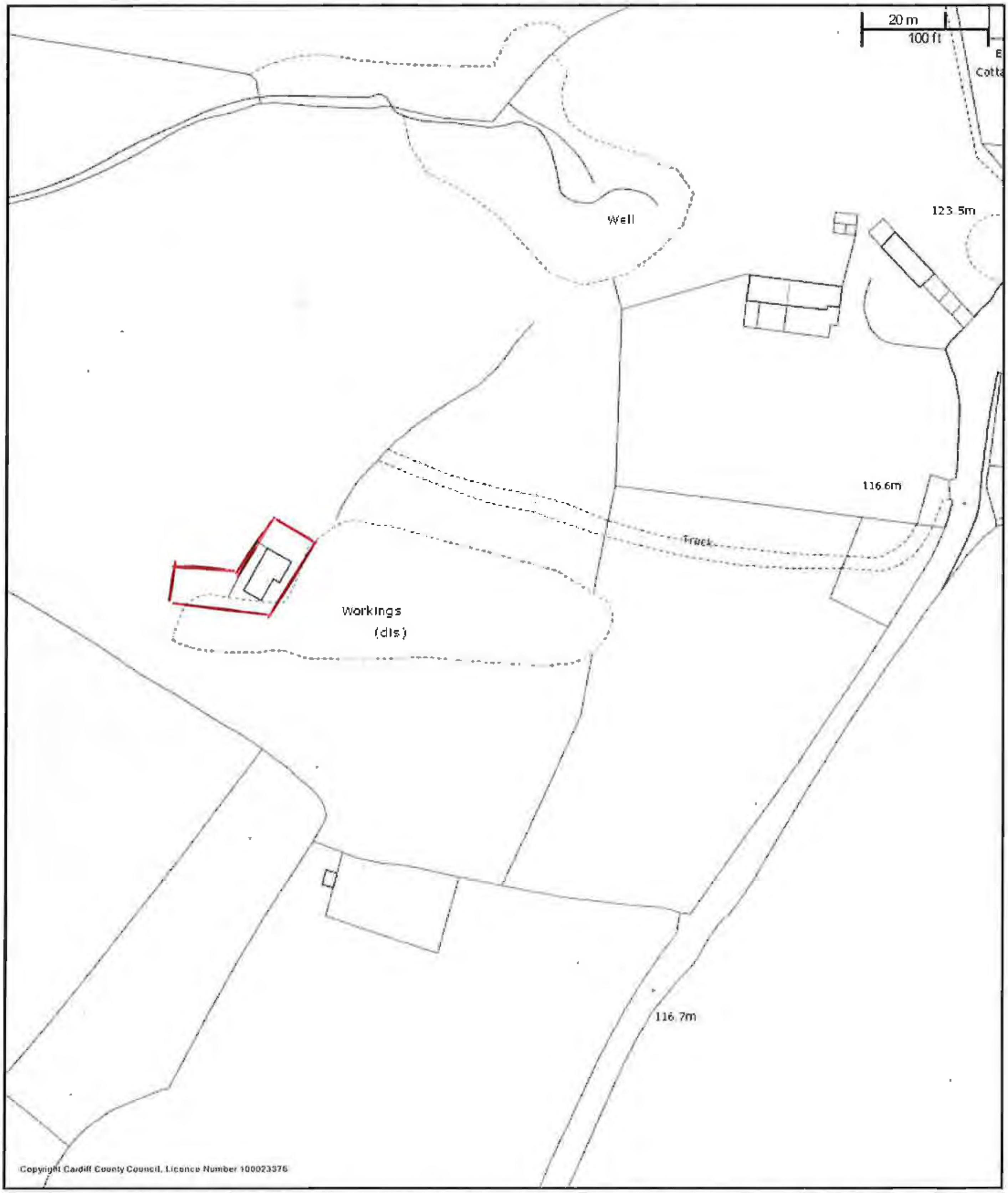
8.3 Additional Matters

8.3.1 The comments received from the Councils Tree Officer are noted. However, the applicant has confirmed that the stables will not have any foundations which might cause damage to the roots of the nearby trees. Consequently, it not considered that the proposed development will cause damage to the trees.

8.3.2 The Operational Manager (Transport) raises no objection to the proposed development and as a result the proposal is considered acceptable on highway safety and transportation grounds.

9. CONCLUSION

Having regard to the policy context above and the revision to the materials used in the construction of the stable the appearance of which will in keeping with the character of the countryside and the character and appearance of the conservation area the proposal is considered, acceptable and it is recommended planning permission be granted subject to conditions.



CHIEF EXECUTIVE
Paul Orders
County Hall
Atlantic Wharf
Cardiff CF10 4UW
Tel: 029 20872000

City of Cardiff Council

Cyngor Dinas Caerdydd

CARDIFF
CAERDYDD

Castell y Mynach Farm, Heol y Parc, Pentyrch, Cardiff

Scale: 1:1250
Date: 8/9/2016
Coordinates:

COMMITTEE DATE: 15/03/2017

APPLICATION No. **16/01582/MJR** APPLICATION DATE: 29/06/2016

ED: **PONTPRENNAU/ST MELLONS**

APP: TYPE: Outline Planning Permission

APPLICANT: Cardiff Gate International Business Park
LOCATION: LAND AT MALTHOUSE AVENUE, PONTPRENNAU
PROPOSAL: PROPOSED DEVELOPMENT OF UP TO 150 HOMES, PROVISION OF NEW VEHICLE ACCESS, PEDESTRIAN/CYCLIST ROUTES, PUBLIC OPEN SPACE, LANDSCAPING DRAINAGE AND ASSOCIATED WORKS.

RECOMMENDATION 1: That planning permission be **REFUSED** for the following reasons :

1. The proposal is contrary to policy EC1 and EC3 of the adopted Cardiff Local Development Plan 2006-2026 and the provisions of Technical Advice Note 23 ‘Economic Development’ (2014), in that the site lies within an area identified for Strategic Employment use and the proposal represents an unacceptable and conflicting alternative use, which fails to meet the criteria for justifying the loss of Strategic Employment land, as set out in the aforementioned policies and guidance.

1. DESCRIPTION OF PROPOSED DEVELOPMENT

1.1 The application seeks outline planning permission for a residential development of up to 150no. dwellings and associated works (including landscaping, access and highway works) on land identified as ‘Plot 12’ of the Cardiff Gate International Business Park. All matters except access are reserved.

1.2 The submitted indicative plans offer the following information:

- A single point of vehicular access, taken off the existing Forester Way/Malthouse Avenue roundabout spur to the northern side of the application site;
- Four points of pedestrian access: two from St Mellons Road to the south of the site and two from adjacent land to the east;
- Approx. 2.7Ha of central core land to be allocate to residential use;
- Approx. 1.1HA of land to the west/south/east fringe to be allocated as public open space, retained and proposed hedge planting and sustainable urban drainage;
- Potential for a children’s play area to the south-east corner;
- Scale and density diagrams indicating a north south development split,

with the northern element having a density of 40-50 units per Ha, to a 2.5-3 storey scale, and the southern element having a density of 30-40 units per Ha, to a 2-2.5 storey scale.

1.3 The application is supplemented by:

- A Design & Access Statement;
- A Planning Statement;
- A Ecological Impact Assessment (amended 07 July 2016);
- A Transport Assessment and Interim Travel Plan (with Addendum 28 September 2016);
- A Drainage and Flood Strategy;
- Supporting Site Marketing Information.

2. DESCRIPTION OF SITE

2.1 The application relates to a development plot within the Cardiff Gate International Business Park, of approx. 3.7Ha. The land is undulating, predominantly sloping down towards the south & east, with a grass, scrub bush covering. Hedgerows and trees bound the site to the south, east & west.

2.2 Existing office buildings and associated areas lie beyond the north, west and parts of the eastern boundaries, with St Mellons Road and the Pontprennau housing estate to the south.

2.3 A public right of way footpath runs along the eastern site boundary, from Malthouse Avenue to St Mellons Road.

3. SITE HISTORY

3.1 88/226 – Outline application for B1 and ancillary uses (wider site) - Granted

3.2 00/632N – Proposed landscaping to existing boundaries (wider site) - Granted

3.3 PA13/175DCO – Pre-application enquiry for 111 houses open space and landscaping (same site) – Advice given that the proposed development would be contrary to planning policy regarding the alternative use of existing business and industry land.

3.4 15/01667/MJR – Outline application for up to 150 dwellings, access, pedestrian/cycle routes, public open space, landscaping, drainage and associated works – Withdrawn prior to determination (recommendation to refuse)

4. POLICY FRAMEWORK

4.1 Cardiff Local Development Plan 2006-2026 (Jan 2016)

KP5 Good Quality and Sustainable Design;
KP6 New Infrastructure;

KP7 Planning Obligations;
EC1 Existing Employment Land;
EC3 Alternative Use of Employment Land and Premises;
T1 Walking and Cycling;
T5 Managing Transport Impacts;
C1 Community Facilities;
C3 Community Safety/Creating Safe Environments;
C5 Provision for Open Space, Outdoor recreation, Children's Play and Sport;
W2 Provision for Waste Management facilities in Development

4.2 The following Guidance was supplementary to the City of Cardiff Local Plan, now superseded by the Local Development Plan. However, it is considered consistent with adopted Local Development Plan policies and provides relevance to the consideration of this proposal to help and inform the assessment of relevant matters:

Access, Circulation and Parking Standards (Jan 2010);
Trees and Development (March 2007);
Open Space (March 2008);
Community Facilities in Residential Development (March 2007).

In addition to the above, the following new Supplementary Planning Guidance is also relevant:

Cardiff Residential Design Guide (Jan 2017);
Locating Waste Management Facilities (Jan 2017);
Planning Obligations (Jan 2017).

4.3 *Technical Advice Note 1 - Joint housing land availability studies - (2015);*
Technical Advice Note 12 - Design (2016);
Technical Advice Note 18 – Transport (2007);
Technical Advice Note 23 – Economic Development (2014).

5. INTERNAL CONSULTEE RESPONSES

5.1 The Transportation Manager has considered the application, having regard for the submitted Transport Assessment, Interim Travel Plan and Transport Assessment Addendum and has no objection to the proposals, subject to conditions and/or a legal agreement to secure the delivery of adoptable standard highway improvement, cycle and walking route improvements (as identified in paragraphs 37, 38 & 39 of the Transport Assessment Addendum).

In addition, whilst the principle of the site access is acceptable, no detailed scheme has been submitted. In this case, further conditions in respect of such details, car parking and cycle parking provisions, details of the internal site roadways and provision of such prior to beneficial occupation are also recommended.

5.2 Highways (Drainage) Manager – No comments received.

5.3 The Pollution Control (Noise & Air) Manager has been consulted and no comments have been received. However, it is noted that under application 15/1667MJR, conditions relating to traffic noise and the submission of an acoustic report were recommended.

5.4 The Pollution Control (Contaminated Land) Manager has no objection, subject to conditions relating to the assessment and treatment of contamination, the importation of materials and the addition of contaminated land advice to any planning permission.

5.5 The Parks Manager, whilst not objecting to the proposals, highlights some areas of concern that would require attention at any subsequent reserved matters stage. The Parks Manager's comments on the original submission are:

These comments largely reflect those submitted by my colleague Jon Green for application 15/01667 in September 2015, along with some additional comments.

For a development of this size (based on the information available – assuming ***2.33*** *average population per house) the open space requirement would be in the region of* ***0.849ha****.*

Based on the parameter and illustrative masterplans, the POS layout is primarily designed to protect the existing vegetation around the perimeter of the site by creating a 20m buffer. This allows retention of existing trees and hedging which is welcome (although this depends on contours – see comments below).

However with the POS generally peripheral along eastern and western sides of development, the nature of the linear space provides little opportunity for informal recreational activities, and as such is at best only marginally acceptable in meeting the open space requirements of the current SPG. Presence of footpaths within this open space is corridor is a positive feature although these would need to be hard surfaced to allow use throughout the year given the nature of drainage on site. Properties are also aligned to overlook this space, which provides good surveillance, as well as providing the properties with a good frontage.

The buffer to the southern boundary hedgerow along St Mellons Road is too narrow to provide any meaningful open space or protection buffer to the hedgerow and as such has been excluded from the open spaces calculations.

The only reasonably sized area of open space in the south east corner is dominated by a SUDS water retention feature, potentially rendering it unusable for active recreational use (e.g. for ball games). Any on site provision of play facilities must be located a reasonable distance from any proposed flood attenuation feature that is designed to retain water for long periods of time. It is *unclear how frequently the attenuation basin would be liable to hold water. The play area is also at the lowest point of the site, so could potentially be in a wet location, and may be within the easement of the sewer which could impact on whether play equipment could be installed. Clarification would be needed on this.*

At detailed design stage careful consideration of how the proposed SUDS feature shown integrates in to the design of the open space to add value to the to the open space rather than as a stand alone drainage feature which detracts from the open space design and sterilises and area preventing its consideration as active recreational open space.

Consideration should be given to creating a more central main area of open space linking off the existing woodland area to the east fronted onto by housing to create a focus for the development and provide opportunity to incorporate some natural play features alongside play equipment to form a LEAP.

<u>Contours</u>
The 20m fall in levels from north to south is significant. In order to assess proposals, a plan showing the proposed levels is critical in order to be able to establish the quality of open space being provided and whether levels will change around the retained hedgerows and trees. Careful consideration of the relationship of the development to the proposed open spaces will need to be given as the detailed design is developed. Significant areas of steeply sloping open space will not be considered acceptable as recreational open space and may be excluded from the assessment of on site provision.
This plan should also show the services and easements, plus identify any restrictions in terms of structures and tree planting in these easements.

<u>Existing recreational provision</u>
The nearest existing play facility is located around 600m south of the development across St Mellons Road and Heol Pontprennau. A MUGA, teen shelter and pitches are located in Pontprennau playing fields, approximately 830m from the centre of the site. So recreational provision is available off-site but it already serves a significant population and this development would add further pressure. Given the distances to existing facilities, at the very least a play area equivalent to a LEAP and a level area of grass for a kickabout area would be required in the new development.

<u>Footpath connections</u>
The design shows a number of pedestrian access points from the site, which are key to preventing the site from being isolated.

- *The central southern access point connects with Local Park 4b, a linear piece of open space which extends south to connect with a larger open space containing a play area. However the access point across the road is currently very hazardous, with a narrow lane, fast moving traffic and obscured views. Therefore to become a safe crossing significant highway improvements would be required. The footpath network within the development does not connect well with this access point.*
- *The south western corner access does not appear to allow any external*

connection.

- *Connections into the woodland would need to be looked at in further detail to assess whether a connection would be practical or desirable in terms of recreational use or ecology. I am unsure of current ownership of the woodland.*

By reconsidering the layout and position of the open space it should be possible to improve the arrangement and routing of the cycleway/footpath through the development linking the employment areas with the main Pontprennau development.

Proposed Tree Planting

I share the view expressed by Ed Baker that the room for proposed trees looks limited when viewed on the illustrative masterplan and DAS street sections. The focus should be on creating areas where a few larger tree species could be planted.

Long Term Management and Maintenance

Given the current financial situation within Local Government there is a significant possibility that the Authority will not wish to consider adoption of the on site open space provided. Therefore the developer may be required to put in place arrangements to maintain the on-site open space in perpetuity by putting in place an appropriate management scheme and service charge regime in relation to the future management and maintenance of the on-site open space which shall include proposals for default in the event of such management scheme failing to become operational or to properly maintain the open space.

Open Space Provision

These comments relate to the current LDP (C5 Provision for Open Space, Outdoor Recreation, Children's Play and Sport; KP16 Green Infrastructure), and the 2017 Planning Obligations Supplementary Planning Guidance (SPG), supported by guidance set out in the 2008 SPG for Open Space which set the Council's approach to open space provision.

The Council's LDP requires provision of a satisfactory level and standard of open space on all new housing/student developments, or an off-site contribution towards existing open space for smaller scale developments where new on-site provision is not applicable.

The proposed development of 150 homes generates requirement for 0.849ha open space based on the limited information provided. As currently assessed the open space provided on site is 0.98ha which exceeds the requirements of the SPG. It should be noted that, as detailed above, the design of the on site open space is not considered ideal and significant redesign should be carried out prior to a final assessment of the on site provision. The amount of open space will be recalculated on provision of more detailed proposals and if there is a shortfall evident at this time, or that the open space fails to provide meaningful recreational opportunities, the developers will be required to make a financial contribution towards the provision of open space off-site, or the *improvement (including design and maintenance) of existing open space in the locality calculated in accordance with the formula set out in the Open Spaces SPG applicable at the time.*

In the event that the Council's minded to approve the application, I assume it will be necessary for the applicant and the Council to enter into a Section 106 Agreement to secure payment of the contribution.

Subsequent to the original submission, an amended Illustrative Masterplan has been submitted in light of comments made. The Parks Manager has the following observations on that plan:

Having compared the rev D and Rev E plans, the inclusion of a LEAP play area in the centre of the site rather than being hidden away in a more secluded and wet area of the site (and potentially over a sewer easement), is a welcome change to the design, providing access for children to local playing space. It is overlooked by houses giving good surveillance and forms a focal point of the scheme, which will help orientate visitors entering the site. Prior to any design for a play area taking place I would strongly recommend the applicant to hold a discussion with Parks Services to obtain technical and design guidance.

The Illustrated LEAP measures approx. 250m2 rather than the usual 400m2 we ask for, and the buffer zone is 16m to houses, whereas minimum 20m to boundary of property (rather than the property itself) is usually required to avoid disturbing residents.

Whilst the revised approach to central open space is supported, it will need to be larger to accommodate play area of required size (although happy to discuss design options on this – could potentially have equipment in central area plus natural play in the other space) and particularly to achieve buffer zones.

The latest version of the plan also appears to omit the attenuation pond from the open space to the south east, creating a much more usable open space, providing room for informal kickabout and other recreational uses. I'd be grateful if you could confirm that I have interpreted this correctly.

The revised layout with the central open space and set-back of some of the properties from the road does provide better options for tree planting, including larger species, which will be key in providing a focal point for the scheme.

My comments relating to contours and services remain as before. It's difficult to assess whether the proposals including the relocated play area are workable in practice without knowing the gradients involved.

Comments on footpath connections and management / maintenance remain as previously.

5.6 The Waste Manager offers advice in respect of the required refuse storage capacities. It is also advised that at reserved matters stage, plans would be required to demonstrate that the Council's largest refuse collection vehicle (Olympus-19N 6xRS) would be able to get within 25m of all dwellings, without reversing.

5.7 The Housing Strategy Manager makes the following comments in respect of affordable housing provision:

In line with the adopted LDP, an affordable housing contribution of 30% of the 150 units (45 units) is sought on this green-field site, to be split as social rented (20%) and intermediate rented (10%).

Our priority is to deliver on-site affordable housing, in the form of affordable rented accommodation both social rented (20%) and intermediate rented (10%) accommodation, built to Welsh Government Development Quality Requirements for purchase by a nominated Registered Social Landlord (RSL) partner.

For information, any affordable housing scheme should be appraised on a NIL Social Housing Grant (SHG) basis, and for the affordable rented housing, the amounts that a Registered Social Landlord (RSL) would pay for the units is specified below:

Social Rented
1 bed apartments (at an RSL purchase price of £45,000)
2 bed apartments (at an RSL purchase price of £52,000)
2 bed houses (at an RSL purchase price of £65,237)
3 bed houses (at an RSL purchase price of £71,854)
4 bed houses (at an RSL purchase price of £96,000)

Intermediate Rented
1 bed apartments (at an RSL purchase price of £60,000)
2 bed apartments (at an RSL purchase price of £77,548)
2 bed houses (at an RSL purchase price of £89,829)
3 bed houses (at an RSL purchase price of £110,000)
4 bed houses (at an RSL purchase price of £143,578)

Please note that the above price relates to the properties only and any additional service charges for un-adopted roads, public open space, green infrastructure, public realm etc. will not be due by any future residents of the affordable housing units. The affordable units will be delivered by a Registered Social Landlord (RSL) and the Council will identify a preferred RSL partner

5.8 Housing and Neighbourhood Renewal (Access Officer) - No comments received.

5.9 The Council's Tree Protection Officer makes the following comments in respect of the originally submitted Illustrative Masterplan:

Whilst I nominally support the intention to retain all existing trees and hedgerows bounding the site, without an assessment of these features in *accordance with BS 5837:2012 it is not possible to comment on the appropriateness of retention from an arboricultural perspective. This is important since trees with a limited safe, useful life expectancy may be better removed and replaced and retained trees may offer a constraint to development due to Root Protection Areas and current/likely future branch spreads.*

Service easements constrain the space available for new tree planting. The constraint is especially severe on the western boundary where a 30m easement applies due to a gas pipe. I note that new tree planting is shown within this and other easements on the illustrative master-plan, but may be unacceptable to the service provider. Please can the applicant clarify the precise nature of the constraints in relation to tree planting and show new planting only where it has been deemed acceptable by the service provider. Where new planting cannot be provided due to easements, adjustments to design should be made to accommodate new planting where easements do not apply. It must be borne in mind that if the arboricultural assessment evidences a need to remove and replace existing trees, space will need to be made available outside of easements to mitigate the loss. Given the lack of an arboricultural assessment and the implications thereof in relation to the green infrastructure strategy I must conclude there is insufficient evidence to demonstrate that development won't result in unacceptable harm to trees of amenity value.

The landscaping scheme and construction environmental management plan for any reserved matters application should be informed by a Soil Resources Survey (SRS) and Plan (SRP) in accordance with the DEFRA Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (2009). It is likely that there are soils at this site that will be capable of supporting the growth of new planting subject to careful handling, storage, amelioration and installation but the correct specification for soils depends on knowledge of the existing resource and any requirements for soils to be imported. Without careful soil protection and specification its functionality is likely to be severely impaired by the development process resulting in poor landscaping establishment and performance.

Whilst I would not expect a detailed landscaping scheme at this stage, a planting palette for different planting types would be helpful. Native species are preferred close to the existing semi-natural vegetation with mixed native and exotic planting in the main residential areas. As a rule of thumb to avoid catastrophic pest and disease outbreaks and provide visual variety, no more than 10% of any tree species, 20% of any tree species within a genus and 30% of any tree species within a family should be planted. All planting should be designed to avoid existing and proposed service constraints including micro-drainage and street lighting.

The illustrative master-plan indicates trees defining access roads. I support this design objective but early consideration needs to be given to the above and below ground space to be allocated to such trees to ensure they can establish and grow healthily in the long-term. Illustrative section and plan views to show *the relationship between street trees and the proposed highway network, service network, street lights and building lines would be helpful in demonstrating the viability of this design objective. It is unclear whether all trees will be within the highway, or whether some trees will be within the highway and some within gardens – the submitted 3D street views suggest the latter, but I require clarification on this point so that trees are shown clearly within public or private space and not floating in ill-defined space between the two, and so that trees are shown at their approximate mature dimensions.*

Following the submission of a Tree Survey, the following further comments were made:

The report demonstrates that unacceptable harm will not result to trees of amenity value so long as the principles set out on the outline plans are applied at reserved matters stage, and informed by an Arboricultural Method Statement and Tree Protection Plan at that stage.

I remain concerned about the capacity to achieve the indicative landscaping, particularly tree planting, given the service easements. I do not consider this an issue of detail that can be agreed later – we need to know that the indicative landscaping as shown is achievable, otherwise a reserved matters scheme may come in that accommodates significantly fewer new trees due to easements. Other aspects of landscaping including the Soil Resources Survey and Plan, can be provided at reserved matters.

In response to these comments, the agent submitted an amended Illustrative Masterplan, and the following further comments are made:

The approach with regard to tree planting within easements is to remove it all, without clear evidence that this is necessary or required by the service providers. The information I have suggests that the service providers are likely to accept some trees within easements, and I attach the guidance they provide concerning gas pipes and sewers for information and consideration by the applicant, pursuant to amending their illustrative layout accordingly.

Should the application be recommended for approval or gain permission on appeal, I advise that any reserved matters application is informed by the information I have provided concerning service easements – i.e. notwithstanding the submitted illustrative masterplan, the landscaping details for any reserved matters application shall be informed by a detailed appraisal of service easements as provided by the service provider. Tree planting within easements shall only be excluded where expressly forbidden by the service provider and the guidance it has published in this regard. Any reserved matters landscaping scheme must be informed by a Soil Resource Survey and Plan prepared in accordance with the 2009 DEFRA Code, and must include scaled planting plan(s), plant schedule(s), tree pit section and plan views for different site situations and planting types, topsoil and subsoil specification, planting methodology and aftercare methodology to be applied for the short, medium and long-terms, all prepared by a qualified Landscape Architect.

In terms of retained trees, any reserved matters application must be informed by the Tree Survey and Constraints Plan provided at outline stage, a finalised Arboricultural Impact Assessment, Method Statement and Tree Protection Plan, prepared in accordance with BS 5837:2012.

5.10 The Council's Ecologist has no objection in principle and makes the following comments:

Here are my comments on this application, which are made without prejudice to any further comments that I may make in the light of any plans or of alterations to plans as submitted.

If planning consent were to be granted, then we should require as a condition of that consent the production of a Green Infrastructure Mitigation Strategy, taking into account the recommendations for mitigation and enhancement as set out in section 6 of the amended EcIA, my comments below, and comments received from Parks Services and the Tree Protection Officer.

Habitats

As set out in my previous response this site supports valuable habitats such as neutral grassland, scrub, open mosaic habitats, and neutral flushes. Therefore I welcome the undertaking in section 6.1 of the amended EcIA to retain at least some of these habitats in the public open space at the site, with the details to be set out in a Green Infrastructure Management Strategy secured by planning condition.

Dormice

A dormouse mitigation strategy should be incorporated into any Green Infrastructure Mitigation Strategy for this site. It should be noted that it is not sufficient to leave the details of dormouse mitigation until the EPS licensing stage; Cardiff Council has a duty under Reg 9(3) to have regard to the EU Habitats Directive, which gives rise the EPS protection, in the exercise of its functions, which means that we should be satisfied that the favourable conservation status of this species should be maintained over the course of this development. I am satisfied that an appropriate dormouse mitigation strategy is possible under the proposed scheme, based upon the measures set out in section 6.2 of the amended EcIA, but the details of such a strategy should be provided to us, as part of a Green Infrastructure Management Strategy secured by planning condition.

Bats

The mitigation measures in respect of bats as set out in section 6.2 of the amended EcIA should be included in the Green Infrastructure Management Strategy, secured by planning condition.

Reptiles

As set out in my previous response dated 30/09/15, I have a number of concerns about the quality of the reptile survey, which lead me to have reduced confidence in the survey result. However, these concerns are not sufficient to lead me to advise that the surveys should be repeated at this stage, and I generally agree with the precautionary mitigation measures proposed in section 6.2 of the EcIA. One detail I would add is that the prospects for any reptiles displaced by vegetation clearance look better to the west of the site than to the east, so any clearance should preferably start at the east and proceed westwards.

Nesting Birds

The site supports nesting birds, so any eventual site clearance should take place outside the bird nesting season (Roughly March to August inclusive) as set out in section 6.2 of the amended EcIA. If development takes place, nest boxes should be used to compensate for loss of nesting habitat.

Pollinators

In accordance with the Pollinator Action Plan for Wales, every effort should be made to allow wildflowers to develop on roadside verges and any other areas of landscaping. Any landscaping should reflect the current mosaic of grassland, open mosaic habitats and scrub.

Other Species

I agree with the mitigation measures put forward for other species such as hedgehog, and these should be built into the Green Infrastructure Mitigation Strategy.

Lighting

A lighting scheme should be produced as part of the Green Infrastructure Mitigation Strategy which sets out measures to avoid light spillage onto trees, hedgerows and ecotones.

Enhancements

I support the enhancement measures set out in section 6.3 of the amended EcIA, and these should form part of the Green Infrastructure Management Strategy.

<u>Biodiversity and Resilience of Ecosystems Duty</u>

These comments contribute to this Authority's discharge of its duties under Section 6 of the Environment (Wales) Act 2016. This duty is that we must seek to maintain and enhance biodiversity in the exercise of our functions, and in so doing promote the resilience of ecosystems, so far as is consistent with the *proper exercise of those functions. In complying with this duty we will have to take account of the resilience of ecosystems, in particular the diversity between and within ecosystems; the connections between and within ecosystems; the scale of ecosystems; the condition of ecosystems and the adaptability of ecosystems.*

5.11 The Economic Development Manager objects to the proposal, making the following comments:

The Cardiff Gate International Business Park is South Wales' premier business park and a popular location for business. Located to the north east of the city the business park provides a convenient location for both business owners wanting proximity to home, and employees while having direct access onto the M4 motorway.

The Business Park has proved to be a successful location for a range of business sectors including Financial Services, ICT, Life science, Energy and Retail. Companies located on the business park include International Baccalaureate, Biotal, Circle IT Solutions, KGB (UK) Ltd, Lloyds Banking Group, Scottish and Southern Energy and Coca-Cola.

On site facilities for employers and employees include a hotel, crèche, pub / restaurant, serviced office accommodation, retail and on site motorway services which provide added value for tenants.

Additional attractants to companies includes a high ratio of parking provision and allocation as a Tier 2 assisted area which benefits from grant aid and financial support when locating within the business park.

Cardiff Gate has a mix of large international companies and SME's and has high levels of occupation within the developments that have been built (often speculatively) on the site.

Economic Development is of the view that plot 12 of Cardiff Business Park should be retained for employment use as there is a requirement to have a range and choice of investment options in the city both city centre and out of town. Cardiff Gate Business Park is a strategic and successful employment site for Cardiff and the region while also being one of the very few options that the city has to progress out of town employment requirements.

5.12 The Neighbourhood Regeneration Manager makes the following comments:

<u>Request for Community Facilities</u>

The Cardiff Planning Obligations SPG 2017 (Section 8 – Community Facilities) states that 'Growth in population arising from new development generates demand for and increases pressure on community facilities. To meet the needs of future residents, it may be necessary to meet this additional demand through:

The provision of new facilities,

The extension to, or upgrading of existing facilities'.

If no onsite provision is proposed, a financial contribution is sought on residential developments containing 25 or more new dwellings where it has been identified that investment in community facilities will be required to meet the needs of the new population.

The formula in the planning obligations SPG is based on the number of bedrooms per dwelling. In this instance the plan for the site does not include exact details of dwelling numbers or the number of bedrooms. It is recommended, therefore, that the development makes provision for payment of a financial contribution for community facilities to be calculated in accordance with the formula in the SPG. An exact request for community facilities contributions will be made once details of dwelling numbers and/or bedrooms have been provided.

If the development contains 150 dwellings, an indicative amount which could be required towards community facilities would be in the region of £193,707 (based on 150 x £ 1291.38 cost per dwelling = £193,707).

Community Infrastructure Levy (CIL)
CIL Regulation 122(2) provides:

A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

(a) necessary to make the development acceptable in planning terms;
(b) directly related to the development; and
(c) fairly and reasonably related in scale and kind to the development.

Comments in respect of the request for contributions towards community facilities are as follows:

(a) Necessary to make the development acceptable in planning terms:

The Cardiff Planning Obligations SPG was formally adopted by Council on 26th January 2017. The SPG was adopted to help to ensure that developments contribute toward the provision of necessary infrastructure and measures required to mitigate their impact. Policy KP6 of the Cardiff Local Development Plan (adopted January 2016) supports the provision of community facilities as part of new residential developments.

It is also in accord with Planning Policy Wales which supports the negotiation of planning obligations and states "Contributions from developers may be used to offset negative consequences of development, to help meet local needs, or to secure benefits which will make development more sustainable". A development proposing a significant increase in population, such as this, would create pressures on existing local facilities that need to be offset via a financial contribution. It would be unacceptable to grant planning consent in the absence of such provision.

<u>(b) Directly related to the development</u>

Several community facilities are located within proximity to the site and are likely to experience an added pressure as a result of the new population. It is envisaged that a forthcoming community facilities contribution would be directed towards these facilities:

<u>(c) Fairly and reasonably related in scale and kind to the proposed development</u>

Contributions towards community facilities are derived using a formula-based calculation which takes into account, amongst other things, the size of the residential development and the projected increase in population.

6. EXTERNAL CONSULTEES RESPONSES

6.1 Welsh Water have no objection in principle, subject to a condition relating to the drainage of foul water only into the public sewerage system, with a specific connection point indicated. Further advice regarding sewerage treatment and water supply are offered. It is further noted that a public sewer crosses the site, for which a 3m building easement is required.

6.2 South Wales Police have no objection in principle, offering further advice in respect of designing out crime and the principles of secured by design.

6.3 Glamorgan Gwent Archaeological Trust have not commented on this application. However in commenting on application 15/01667/MJR, they raised no objection, However on noting that the proposals may include changes of ground levels that may result in the discovery of archaeological resources relating to the layout of a post medieval agricultural settlement, an archaeological watching brief condition was recommended. It is considered appropriate to take these comments into consideration again here.

6.4 Wales & West Utilities have no objection. Advice in respect of their services in the vicinity have been passed to the agent.

6.5 South Wales Fire & rescue have no objection. Access and water supply advice has been forwarded to the agent.

6.6 The Cardiff and Vale University Health Board have provided comments and advice in respect of health care provision. These have been passed to the agent for consideration.

7. REPRESENTATIONS

7.1 Local Members were consulted and any comments will be reported to Committee.

7.2 The application has been advertised by press notice, site notice and neighbour notification. Two objection representations have been received from residential occupiers on Clonakilty Way. Their grounds for objection are:

- The existing traffic congestion (particularly at peak times) would be made worse;
- Local doctors and school are already at capacity;
- Existing overspill parking from the Business Park users would be exacerbated;
- Public transport links are insufficient.

7.3 A letter of objection has been received from the Castleoak Group, who occupy existing offices overlooking the site. Their representation makes comprehensive reference to planning policy and guidance and concludes as follows:

On behalf of the Castleoak Group, an objection is submitted to the current planning application, Ref 16/01582/MJR - Proposed development of up to 150 homes, provision of new vehicle access, pedestrian/cycle routes, public open space, landscaping, drainage and associated works. Land to the south of Forester Way and Malthouse Avenue, Cardiff Gate , Pontprennau, Cardiff. The grounds of objection are summarised as follows:

Contrary to the applicants' Planning Statement, in the context of adjacent development, the site clearly relates to the business park, rather than residential development to the south, and limited connectivity exists both with existing residential areas, but also with local facilities. As such future residents are unlikely to use walking and cycling for trips to achieve the required 50/50 modal split.

Both national and local policy embodied in the recently adopted Cardiff Local Development Plan provide for a strong policy presumption against the redevelopment of business, industrial and warehousing land for alternative uses, particularly where it is regarded as a strategic site in terms of the transportation network

Evidence in the form of successive Employment Land Studies have pointed to the importance of the site in strategic terms and the need to retain B1 employment land at this location. The site lies in one of the few parts of Cardiff with Assisted Area status (up to 2019), and is one of only two with direct motorway access. Furthermore there has been a need to identify further land in the area for B1 uses, which is proposed in the LDP Strategic Site (NE Cardiff – West of Pontprennau).

The applicant has provided none of the supporting information required to present a convincing justification for allowing residential development in the context of Adopted LDP Policy EC3 and TAN 23. There is no over-supply of employment land and a housing development would also prejudice the favourable business environment which currently exists.

The application site lies within a modern and well established business park that provides high quality office accommodation and infrastructure with an *attractive landscaped setting and has excellent connectivity to the strategic highway network. Residential development would result in the loss of an uniquely prestigious employment allocation in Cardiff which remains the only out of town location which benefits from Assisted Area Status, and which provides an alternative to a city centre location for those businesses which do not require centrally based accommodation , and therefore caters for a different offer in terms of range and choice.*

As a consequence the planning application is objected to in the strongest terms

7.4 A letter of has been received from Molson Coors, an occupier of offices adjacent to the site. The following comments are made:

I am writing on behalf of my client Molson Coors, who have offices adjacent to the proposed development applied for under application 16/01582/MJR.

My client supports the principle of development and the positive impact new housing has on the local economy.

They would, however, like the case officer to give careful consideration to the following issues:

***Traffic impact:** With any new residential development there will be an increase in traffic on the local network. The only vehicular access is via the Business Park and there are therefore likely to be increased delays at peak times. It is acknowledged that the Transport Statement accompanying the application concludes that there will only be a 3% increase in trip rates and that the effects of this will be accommodated within existing daily fluctuations in traffic movements. Notwithstanding this, the case officer is respectively asked to give careful consideration to securing appropriate mitigation measures to ensure the operation and business continuity of those businesses within the park are not adversely affected. These measures could include the use of developer contributions towards encouraging sustainable transport methods, improving local sustainable transport infrastructure and improving existing highway infrastructure, the securing of a robust travel plan by condition or legal agreement and securing a construction travel/parking plan. This construction travel/parking plan would ensure construction operatives' vehicles do not hinder the flow of traffic whilst parked or en route, by having specified parking areas and restricting construction vehicles to arrive and depart outside of peak times.*

***Noise impact:** Whilst there are unlikely to be any noise issues between existing offices and residential dwellings due to the nature of both types of development, it is likely that some noise and disturbance will occur to existing adjacent businesses during the construction period. The case officer is therefore asked to consider securing a construction management plan or imposing a condition to restrict construction times, to ensure noisy activities such as piling and drilling are undertaken at appropriate times. This will ensure business continuity is not adversely affected.*

8. ANALYSIS

8.1 The application site falls within Cardiff Gate Business Park and is defined on the LDP proposals map as EC1.6 under Policy EC1: Existing Employment Land.

As the proposal is for an alternative use of existing business and industrial land, the application must be assessed against the following:

Policy EC1: Existing Employment Land and

Policy EC3: Alternative Use of Employment Land an Premises

Policy EC1 seeks to protect the city's existing employment areas as designated on the proposals map for B Use Class employment generating uses in order to ensure that a sufficient range, choice and quality of development opportunities are available for both indigenous business and inward investors.

Policy EC3 provides the following criteria against which proposals for the change of use of business and industrial land and premises will be assessed:-

i. The land or premises are no longer well located for business, industrial and warehousing use; or
ii. There is no realistic prospect of employment use on the site and/or the property is physically unsuitable for employment use, even after adaption/refurbishment or redevelopment; or
iii. There is no need to retain the land or premises for business, industrial or warehousing use, having regard to the demand for such land and premises and the requirement to provide for a range and choice of sites available for such use; and
iv. There will be no unacceptable impact on the operating conditions of existing businesses.

8.2 Paragraph 5.69 refers to the robust evidence for assessing the need to retain land and premises for business, industrial and warehousing use and includes the following criteria:-

- Whether and for how long land or premises have been vacant and actively marketed and the expressions of interest during this period.
- Whether the site offers particular benefits not generally available within the overall land bank;
- Whether the site is within an area of high unemployment and offers realistic prospects of use for appropriate employment purposes;
- Whether the relocation of existing occupiers to other suitable accommodation will be facilitated;
- Whether the proposed development would retain an element of industrial, office or warehousing floorspace;
- Whether the proposed use needs to be accommodated on business, industrial or warehousing land (e.g. transport depot) and;
- Other priorities such as housing need, override more narrowly focussed economic considerations.

The application site is assessed against each of the criteria of Policy EC3 below:

No longer well located –

Situated within a modern and well established business park that provides high quality office accommodation and infrastructure within an attractive landscaped setting, the application site occupies an important strategic position, well located and with excellent connectivity to the strategic highway networks; to the M4 and central Cardiff via the A48(M).

Within the business park itself, the application site benefits from direct access from Malthouse Avenue which is the main route through the business park.

The site is well served by public transport with the nearest bus stop less than 50m away from the entrance of the site. This provides services to the city centre every 30 minutes.

No need to retain the land for business uses

A key role for the LDP is to ensure the provision of a portfolio of an appropriate range, quantity and quality of employment land and premises to meet the current and future needs of the city and the city's workforce and this is essential to fulfil the economic development objectives of the LDP and fulfil the level of growth set out in the plan ((Policy KP9: Responding to Evidenced Economic Needs).

The application site, was submitted as an alternative site for housing development as part of the LDP process. The Inspector conducting the LDP Examination did not consider it appropriate to reallocate the site for housing.

Cardiff Gate Business Park contains Grade A modern office premises in a high quality landscape setting in an out-of-centre location. With a growing population and the release of major strategic greenfield sites for residential development in this part of Cardiff, it is additionally important that local residents can find work close to home.

If Cardiff is to attract inward investment, motorway related employment sites will remain attractive and it is considered vital that Cardiff is able to offer both town centre and motorway related sites.

Cardiff Gate offers the opportunity to provide modern, flexible and high quality office space on an unconstrained site.

Unacceptable impact on the operating conditions of existing businesses

It is accepted that B1 uses are normally compatible with housing development in close proximity. However, TAN 23: Economic Development advises that 'in managing the retention and release of existing employment sties authorities should aim to ensure that the integrity of remaining employment sites is not compromised'. It requires that employment land may be released only where 'the proposed redevelopment does not compromise unduly neighbouring employment sites that are to be retained'. (para. 4.69).

It is considered that the proposals would impact on the operation of existing employment uses within Cardiff Gate Business Park and impede existing companies expanding and new companies locating at the Business Park and undermine its long term viability as a high quality out of town business park.

Residential development of Plot 12 would reduce the attractiveness of the park to existing firms, particularly those considering future expansion and new inward investment which could result in a negative impact on the commercial viability of the park as a whole

Existing occupiers of the business park experience an attractive high quality landscape setting, conducive to their business activities, circulation and parking and the proximity of housing development would detract from this high quality business environment

8.3 In summary the business park is a good example of uniquely prestigious grade A office accommodation, strategically located with excellent links to the M4 and the A48(M) to central Cardiff in a high quality landscaped setting and accommodating large employers. It is one of only 2 motorway related strategic sites that have future build plots available in the short term and additionally benefits from Assisted Area Status. Residential development of this site will adversely impact the range, choice and quality of sites for employment use.

Furthermore, the proposal will remove an opportunity for development for new and existing occupiers looking to locate or expand at the park and dilute the impression of the Park as a prestige location. The use raises concerns for existing occupiers in terms of how their business will operate alongside residential units and some existing occupiers could consider leaving the park.

The lack of marketing success over recent years in the general economic climate which has prevailed does not, in itself, demonstrate that the site is inherently unviable for the purpose proposed.

The proposal would result in the loss of a uniquely prestigious employment allocation which would adversely impact the range, choice and quality of sites in Cardiff. A residential development would introduce a use which would reduce the attractiveness of the park to both existing and future businesses and which would be detrimental to the viability of the park as a whole.

8.7 Taking the above factors into account, it is considered that the site is a strategic employment site and should therefore be protected from alternative uses.

8.8. In terms of urban design and placemaking (in respect of the indicative details submitted and the TA Addendum), on walking the site, route A would be acceptable if the crossing of the lane were to include the same treatment as route B, not least as this is a likely walking route to the primary school for local children.

Route B is a reasonable footpath used by residents. It is not illuminated and has no frontage. As it is the middle of the neighbourhood it gains a reasonable level of use, but during the dark hours it will likely feel insecure. If it is to be used as a key connector to the retail park and other parts of Pontprennau for people on foot it is suggested that the section to Heol Pontprennau be illuminated. At present, the submitted TA Addendum (Appendix A, Figure 3) shows this as being non-illuminated.

The proposal for route C, whilst providing a shorter route to the retail park, is a route with no surveillance along significant sections to the rear of B&Q. In this sense it falls far below expectations in place making terms, as it will be isolated and insecure for some users. Greenwood Close has an inconsistent footpath along it, which would need upgrading towards the site. I assume that the land required for the footpath is in the control of the applicant. Whilst offering an alternative, it would not be supported as a principal route upon which this scheme should be dependent.

Many of the footpaths have motorbike barriers which limit accessibility for people pushing prams and people in wheelchairs. I am not sure if this issue is being addressed, but inclusive accessibility would require such routes to be available for all.

8.9 In addition to the above, the Local Planning Authority does not consider that the layout adequately addresses the site topography. However, given that layout is a reserved matter, it is considered that this concern would not sustain a reason for refusal of outline planning permission.

8.10 In relation to the accessibility and layout matters identified, (and notwithstanding the recommendation above), whilst the submitted details are acceptable in principle, if this proposal were to proceed to approval, it would be expected that any reserved matters application would address these matters.

8.11 With regard to issues raised in representations, the general thrust of those objections is that the application site is unsuitable for residential development. As such, the recommendation above recognises that the applicant has failed to demonstrate that the application site is acceptable for the proposed development. The traffic implications of the proposals have been considered by the Transportation Manager, who has no objection. In this case, refusal of consent on traffic grounds could not be sustained.

8.12 Section 106 Matters – Notwithstanding the recommendation above, the following contribution requests have been made, with reference made to the Community Infrastructure Levy tests and the Council's adopted Supplementary Planning Guidance on Planning Obligations:

Affordable Housing – A contribution of 30% on site is requested (45 units for a 150 unit development), with a split of 20% towards social rented accommodation and 10% towards intermediate rented.

Neighbourhood Renewal – A financial contribution of **£193,707** is requested in respect of improving or providing community facilities in the vicinity of the site.

Parks – It is suggested that, should a favourable recommendation be made, the developer enter into an agreement to ensure that any on site open space provision is managed and maintained by them (not adopted by the Council). It is further highlighted that as an open space re-design is required, there remains a possibility that an off-site financial contribution may be required, in accordance with the Council's adopted SPG. The amount of contribution would be established on the submission of detailed plans.

The agent has confirmed that the applicant is willing to enter into an agreement under Section 106 of the Act to encompass the requested contributions.

9. OTHER CONSIDERATIONS

9.1 *Environmental Impact*

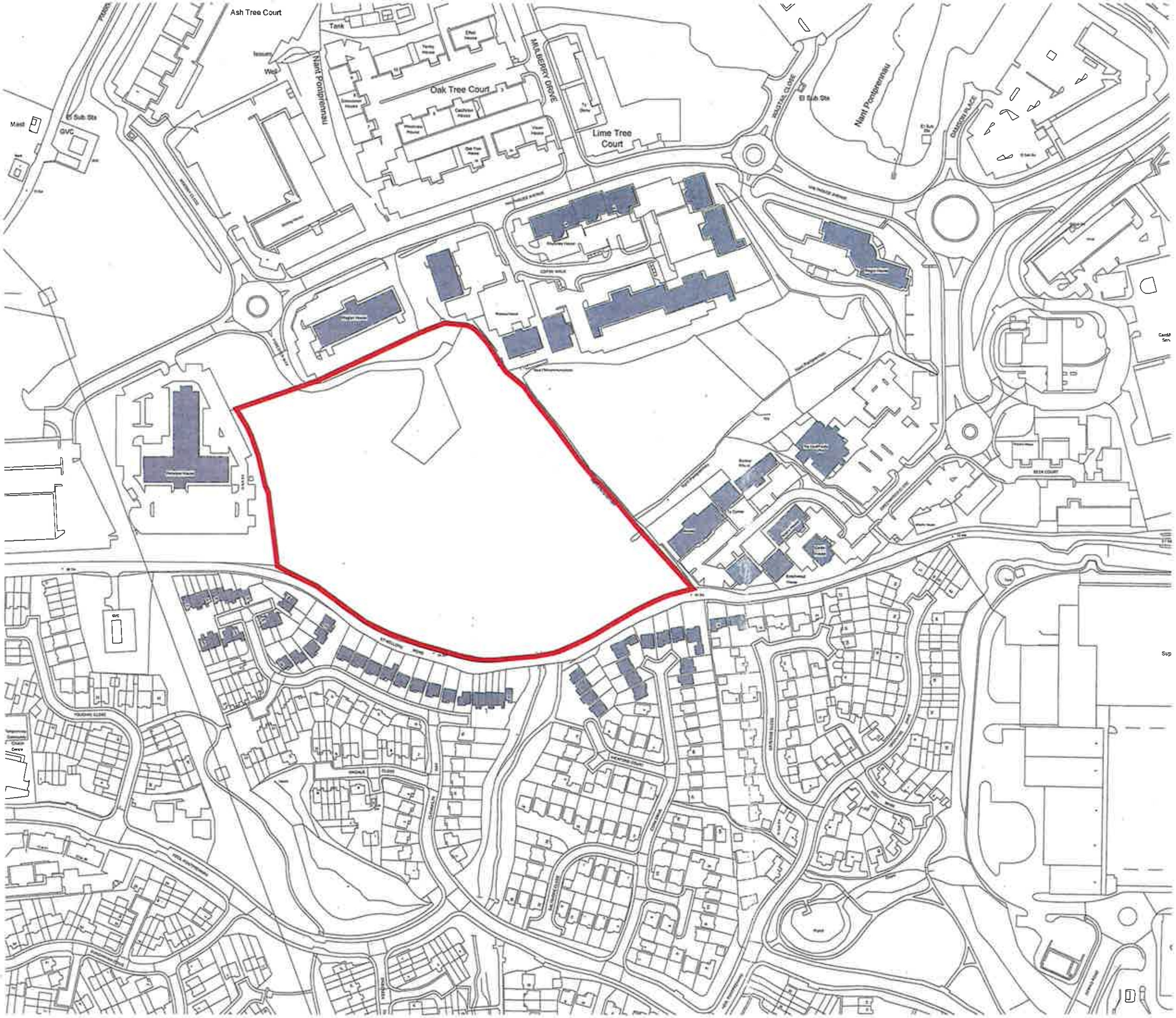
The application is for dwellinghouse development of up to 150 dwellings, on a site that is approx. 3.76Ha in size.

The Town & Country Planning (Environmental Impact Assessment) (Wales) regulations 2016 introduced raised the thresholds for such development to require a Screening Opinion to more than 150 dwellings, or 5 Ha site area.

In light of the new thresholds, and having regard for the negative screening Opinion provided under application 15/01667/MJR, it is considered that this application does not require the provision of a further Screening Opinion.

10. Conclusion

10. Notwithstanding that details of access are considered to be acceptable in principle, the applicant has failed to justify the loss of this Strategic Employment Land, as identified in the adopted Local Development Plan. In this case, it is recommended that outline planning permission be refused.



🟥 Site boundary

16/01582

Project
Cardiff Gate

Drawing Title
Red Line Boundary

Date	Scale	Drawn by	Check by
25.02.15	1:2500	KT	BW
Project No	**Drawing No**		**Revision**
21674	9000		

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- Site Boundary
- Approximate location of residential units
- Private gardens with block subdivision
- Vehicular Access Point
- Pedestrian Access Point
- Primary Vehicular Route
- Access Road
- Private Drive
- Footway
- Pedestrian and Cycle Route
- Watercourse
- Shared Surface
- Public Open Space
- LEAP inc. Activity Zone
- Existing Trees
- Proposed Trees
- Existing Woodland

Project
Cardiff Gate

Drawing Title
Illustrative Masterplan

Date	Scale	Drawn by	Check by
19.06.15	1:1,000 @ A3	CW	BW

Project No	Drawing No		Revision
21674	9400		E

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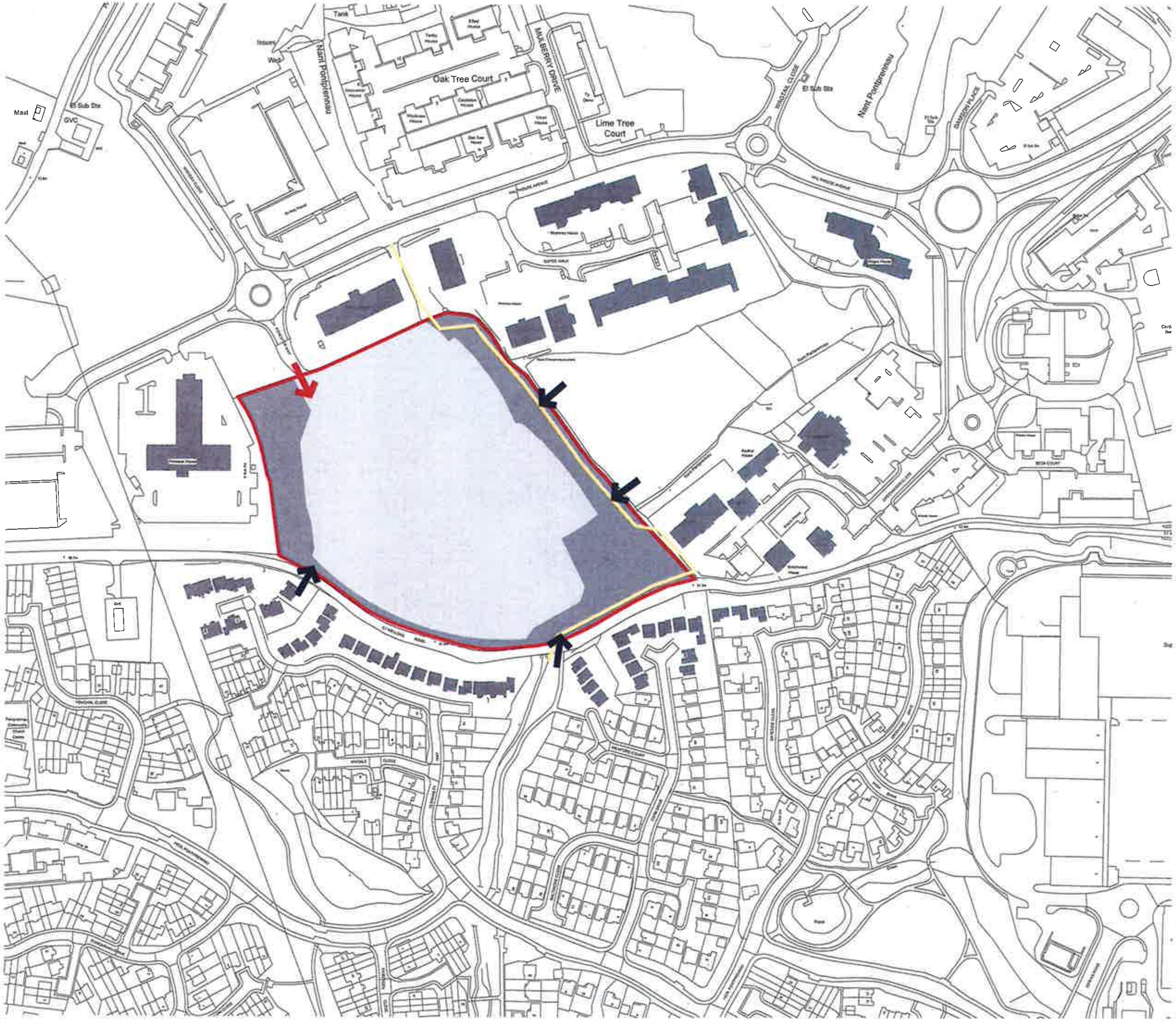

🟥 Site boundary

🟥 Vehicular access points

↗ Pedestrian/cycle access points

▭ Existing Public Right of Way

Project
Cardiff Gate

Drawing Title
Parameter Plan 2
Access

Date	Scale	Drawn by	Check by
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Project No	Drawing No	Revision
21674	9602	A

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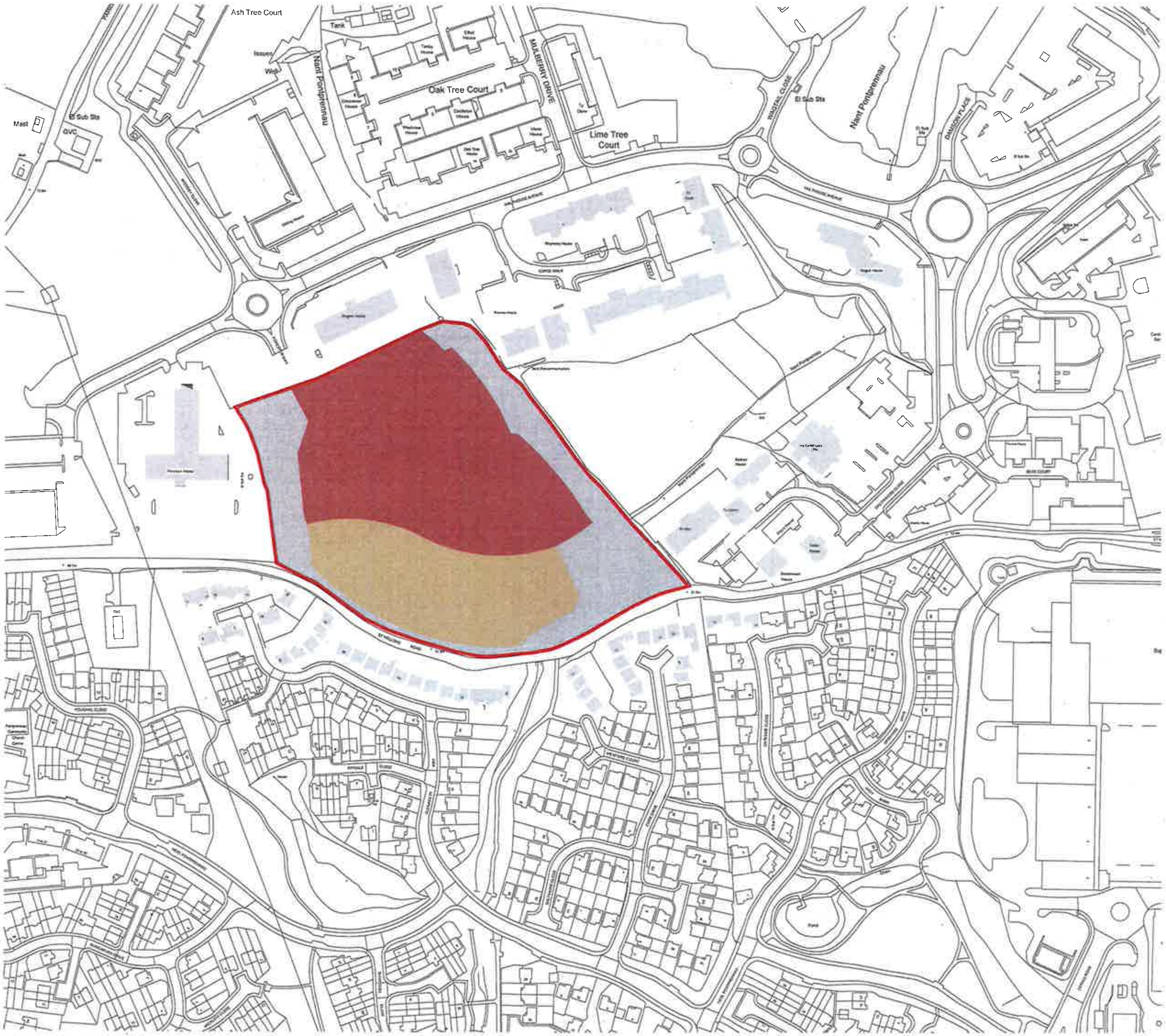
16/01582



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Revision	Date	Drn	Ckd
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▭ Site boundary

🟥 Up to 12.5m high (2.5 -3)

🟫 Up to 11 m high (2 - 2.5)

16/01582

Project
Cardiff Gate

Drawing Title
Parameter Plan 4
Scale

Date	Scale	Drawn by	Check by
27.05.15	1:2500	KT	BW

Project No	Drawing No	Revision
21674	9604	B

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Offices at Reading London Bristol Cambridge Cardiff Ebbsfleet Edinburgh Leeds Manchester Solihull

▭ Site boundary

🟫 Higher density 40-50 units per ha

▨ Lower density 30-40 units per ha

16/01582

Project
Cardiff Gate

Drawing Title
Parameter Plan 5
Density

Date	Scale	Drawn by	Check by
27.05.15	1:2500 @A3	KT	BW

Project No	Drawing No	Revision
21674	9605	A

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LOCAL MEMBER OBJECTION

COMMITTEE DATE:	15/03/2017		
APPLICATION No.	**16/01930/MNR**	APPLICATION DATE:	22/08/2016
ED:	**PONTPRENNAU/ST MELLONS**		
APP: TYPE:	Outline Planning Permission		
APPLICANT:	Mr Evans		
LOCATION:	THE GRANARY, BRIDGE ROAD, OLD ST MELLONS, CARDIFF, CF3 6YJ		
PROPOSAL:	PROPOSED DEVELOPMENT OF 4 NO. DETACHED HOUSES WITH ASSOCIATED ACCESS AND PARKING. WIDENING OF EXISTING LANE TO PROVIDE ACCESS ROAD AND PEDESTRIAN FOOTPATH TO LA APPROVAL		

RECOMMENDATION 1: That, subject to relevant parties entering into a binding planning obligation, in agreement with the Council, under **SECTION 106** of the Town and Country Planning Act 1990, within 6 months of the date of this resolution unless otherwise agreed by the Council in writing, in respect of matters detailed in paragraph 8.9 of this report, outline planning permission be **GRANTED** subject to the following conditions:

1. A. Details of the appearance, landscaping, layout and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved

   B. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

   C. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of the last of the reserved matters to be approved, whichever is the later.

   Reasons:
   A. In accordance with the provisions of Article (3)1 of the Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2008.
   B and C. In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

2. This consent relates to the following approved plans and documents:

Plans

Plans numbered – OS_01A
PL_00; 01; 02; 03a; 04 & 05
2288-PL100 & 101
1:2500 scale Site Plan

Documents

Treecare Consulting BS5837 Tree Report ref: 7.2016
Eastecology Preliminary Ecology Appraisal dated 16 July 2016
Terry Nunns Email dated 11 January 2017 ref: Pipeline Easement Distances

Reason. For the avoidance of doubt.

3. Prior to the commencement of development, ground permeability tests shall be undertaken to ascertain whether sustainable drainage techniques can be utilised and a comprehensive drainage scheme shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the beneficial occupation of the development.
Reason. To establish whether sustainable drainage techniques are appropriate and to ensure an orderly form of development

4. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.
Reason. To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and to ensure no pollution of or detriment to the environment.

5. A scheme of construction management to include (but not be limited to) any; site hoardings, site access, management of all activities impinging on the highway, diversion of the existing footway during the construction period/traffic management measures/ re-instatement of the footway as a consequence of damage to it during construction etc. shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved scheme.
Reason: In the interests of highway safety and public amenity.

6. C5A Construction of Site Enclosure

7. C7S Details of Refuse Storage

8. Unless otherwise agreed in writing by the local planning authority, the development shall accord with the scale and massing principles shown on the indicative plans listed in condition 2 above.

Reason. To ensure that the development accords with the indicated principles.

9. Notwithstanding the submitted plans, prior to the commencement of the development full technical details shall be submitted for approval to the LPA of improvements to the access road linking the proposed new dwellings to the new estate road to be constructed by Persimmon in conjunction with the on-going St Ederyns Village development. Such details shall include; improvement to the existing access to facilitate the 2 way movement of vehicles, the provision of a pedestrian footway, street lighting and satisfactory drainage. The approved access road shall be implemented to adoptable standard prior to beneficial occupation of the development.
Reason. To ensure the comprehensive improvement of the adjacent highway/footway in the interests of highway and pedestrian safety and to facilitate access to the proposed development.

10. The refuse storage facilities shown on the approved plans shall be provided prior to the beneficial occupation of the development and shall thereafter be retained and maintained.
Reason. To ensure an orderly form of development.

11. C7Za CONTAMINATED LAND MEASURES - ASSESSMENT

12. C7Zb CLM - REMEDIATION & VERIFICATION PLAN

13. C7Zc CLM - REMEDIATION & VERIFICATION

14. C7Zd CLM - UNFORESEEN CONTAMINATION

15. Prior to the commencement of any development works a scheme to investigate and monitor the site for the presence of gases being generated at the site or land adjoining thereto, including a plan of the area to be monitored, shall be submitted to the Local Planning Authority for its approval.

    Following completion of the approved monitoring scheme, 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 policy EN13 of the Cardiff Local Development Plan.

16. C7Z Contaminated Land Measures

17. E7Z Imported Aggregates

18. 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 2.63 of the Cardiff Unitary Development Plan.

19. Prior to commencement of development a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide that all habitable rooms exposed to external road traffic noise in excess of 63 dBA Leq 16 hour [free field] during the day [07.00 to 23.00 hours] or 57 dBA Leq 8 hour [free field] at night [23.00 to 07.00 hours] shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 40 dBA Leq 16 hour during the day and 35 dBA Leq 8 hour at night. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with acoustically treated active ventilation units. Each ventilation unit (with air filter in position), by itself or with an integral air supply duct and cowl (or grille), shall be capable of giving variable ventilation rates ranging from :
1) an upper rate of not less than 37 litres per second against a back pressure of 10 newtons per square
metre and not less than 31 litres per second against a back pressure of 30 newtons per square metre, to
2) a lower rate of between 10 and 17 litres per second against zero back pressure.
No habitable room shall be occupied until the approved sound insulation and ventilation measures have
been installed in that room. Any private open space (excepting terraces or balconies to any apartment)
shall be designed to provide an area which is at least 50% of the area for sitting out where the maximum
maximum day time noise level does not exceed 55 dBA Leq 16 hour [free field].
Reason: To ensure that the amenities of future occupiers are protected.

20. Where any species listed under Schedules 2 or 4 of The Conservation of Habitats and Species Regulations 2010 (as amended) is present on the site [or other identified part] in respect of which this permission is hereby granted, no works of site clearance, demolition or construction shall take place in pursuance of this permission unless a licence to disturb any such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been produced to the local planning authority.
Reason. To ensure that Cardiff Council is able to demonstrate that it has had due regard to the EU Habitats Directive in the exercise of its functions, as required by Regulation 9(3) of the above-mentioned Regulations.

21. No removal of hedges, trees, bushes or shrubs to take place between 1st March and 15th August unless otherwise approved in writing by the Local Planning Authority. This approval will be granted if a consultant ecologist can evidence that there are no birds nesting in this these features immediately (48 hrs) before their removal.
Reason: To avoid disturbance to nesting birds which are protected under the Wildlife and Countryside Act 1981: Part 1, 1(1)(b), it is an offence to intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built.

22. Prior to removal or translocation of any hedgerow, bushes, shrubs or trees, a method statement setting out the following measures shall be provided to the local planning authority. Those measures including, but not being limited to:-

- Avoidance of harm to individual dormice
- Avoidance of harm, as far as possible, to dormouse habitat
- Mitigation of impacts upon dormouse habitat where avoidance is not possible
- Compensation for loss of habitat where residual impacts remain after mitigation
- Maintenance of long-term habitat connectivity for dormice

Thereafter the development shall proceed in accordance with that method statement

Reason: To ensure that Cardiff Council complies with Regulation 9(3) of the Conservation of Habitats and Species Regulations 2010 (as amended), which requires that Cardiff Council has regard to the EU Habitats Directive, which protects species such as dormice.

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

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

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

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

RECOMMENDATION 4: This development falls within an area which has a geological predisposition to radon and will require basic radon protective measures, as recommended for the purposes of the Building Regulations 2000. Should you have any queries in this matter I would suggest you consult with my Building Control Division

RECOMMENDATION 5: Prior to the commencement of development, any developer should contact the Council's Traffic Management Team and Public Rights of Way Team (via Highways@cardiff.gov.uk) in respect of any Licence or other Order that may be required in respect of opening up, temporarily closing or temporarily diverting the Public Right of Way that runs adjacent to the site.

1. DESCRIPTION OF PROPOSED DEVELOPMENT

1.1 An outline application for the construction of four detached dwellings on land to the rear of 'The Granary', a large detached dwelling. The only matter under detailed consideration here is access. Although plans showing the layout, appearance, landscaping and scale of the development are submitted, they are to be considered as indicative only.

1.2 The indicative layout plan shows the dwellings lying at each corner of the site, with the central area given over to open plan garden landscaping and the central access road.

1.3 The indicative plans show detached dwellings, of two storey scale, with pitched roofs and attached single storey garages.

1.4 The proposed access improvements begin at the point where a future estate road for the wider St Edeyrn's residential development intersects with the existing single track lane which extends west for approx. 300m before joining Bridge Road.

The improvements see the carriageway from the application site to a point of access to 'St Julian's Manor', a distance of approx. 106m, widened to a 5.0m wide vehicular carriageway with a 1.8m – 1.99m wide pedestrian footpath running along the southern side. The scheme also sees the provision of 3no. Street lamps set onto the new footway.

2. DESCRIPTION OF SITE

2.1 The proposed dwellings would occupy a site of approx. 3795m^2, bounded by hedgerows and trees to the north, south and east boundaries, and the retained garden and dwelling at 'The Granary' to the west. The land is currently used as garden space for the occupiers of 'The Granary' who are also the applicants.

2.2 The dwellings adjacent to the site are larger detached buildings, of traditional pitched roof design, set in substantial plots. The head of the single track access lane serves four dwellings – 'The Granary', White Barn' 'The Stables' and 'St Julian's Manor', with a further two properties served by the lane, at its junction to Bridge Road – 'St Julian's Forge' and 'St Julian's House'

2.3 The area of land subject of this application has been previously raised by varying amounts due to drainage issues, with the benefit of planning permission 90/0777/N dated 5th February 1991.

3. SITE HISTORY

3.1 90/01777/N – Proposed fill to garden to resolve water flooding – Approved

4. POLICY FRAMEWORK

4.1 Relevant policies of the Local Development Plan are as follows:-

KP7	(Planning Obligations)
KP5	(Good Quality and Sustainable Design)
KP6	(New Infrastructure)
H3	(Affordable Housing)
T1	(Walking and Cycling)
T5	(Managing Transport Impacts)
W2	(provision for Waste Management Facilities in Development)

4.2 The following Guidance was supplementary to the development Plan, now superseded by the Local Development Plan. However, it is considered consistent with adopted Local Development Plan policies and provides relevance to the consideration of this proposal to help and inform the assessment of relevant matters:

Access, Circulation and Parking Standards 2010
Infill Sites 2011
Trees and Development 2007

In addition to the above, the following new Supplementary Planning Guidance is also relevant:

Cardiff Residential Design Guide Jan. 2017
Locating Waste Management Facilities Jan. 2017
Planning Obligations Jan. 2017

5. INTERNAL CONSULTEE RESPONSES

5.1 The Transportation Manager has no objection to the proposals, making the following comments:

The site is currently remote from public transport and the nearest shops/services, and is accessed via a lengthy shared private drive, which in the normal course of events would raise concerns with regards to sustainability and highway safety. However, I'm mindful that these shortcomings will be addressed in the near future as a consequence of the on-going St Ederyns Village development. As a consequence, notwithstanding that there may be a short hiatus in this respect – depending on the timescale for the implementation of the current application – I consider that it would be unreasonable to raise an objection to the application on highway grounds.

The retained section (i.e. the section which will link the new dwellings to the future Persimmon road) of the private access should be improved to a standard appropriate to serve the increased number of dwellings. Indicative plans from Terry Nunns Architects have been submitted which attempt to address this – and appear generally acceptable in principle. I'd suggest a condition along the following lines;

Prior to the commencement of the development full details shall be submitted for approval to the LPA of improvements to the access road linking the proposed new dwellings to the new estate road to be constructed by Persimmon in conjunction with the on-going St Ederyns Village development. Such details shall include; improvement to the existing access to facilitate the 2 way movement of vehicles, the provision of a pedestrian footway, street lighting and satisfactory drainage. The approved works shall be implemented prior to beneficial occupation.

5.2 The Highways Drainage Manager has no objection, subject to a condition requiring the undertaking of a sustainable drainage assessment, and the submission of a comprehensive drainage scheme.

5.3 The Waste Manager provides advice on the required capacities for the various refuse streams. In addition, it is advised that the refuse collection vehicle tracking diagrams provided are acceptable.

5.4 The Pollution Control Manager (Contaminated Land) has no objection, subject to conditions in respect of contamination, along with contaminated land advice.

5.5 The Pollution Control Manager (Noise & Air) has no objection subject to the imposition of a condition in respect of road traffic noise, with further advice in respect of construction site noise.

5.6 The Council's Ecologist has no objection to the proposals, making the following comments and recommendations:

I agree with the proposal set out in the Preliminary Ecological Appraisal to assume the presence of dormice in the hedgerows surrounding this property. Furthermore I agree that it is likely that an EPS licence issued by NRW will be required in order to carry out any works of hedgerow removal / translocation.

The ecological consultant proposes to prepare a Method Statement in relation to dormice, and we should require this to be submitted to us as a condition of any consent granted.

The applicant should be aware that NRW may ask that a survey for dormice is undertaken prior to issuing a licence, and they may also require that mitigation measures are in place in order to counteract any impact upon dormice. These measures may relate to, for example, timing of works, replacement planting of habitats lost, and installation of dormouse nest boxes. Furthermore, granting of planning consent is not a guarantee that an EPS licence will be granted.

In July 2004 all LPAs in Wales received a letter from the Welsh Assembly Government reminding them of their duties in respect of European Protected Species (EPS), and asking that they attach the following planning condition to any consent where EPS may be affected.

The condition reads:

"Where any species listed under Schedules 2 or 4 of The Conservation of Habitats and Species Regulations 2010 (as amended) is present on the site [or other identified part] in respect of which this permission is hereby granted, no works of site clearance, demolition or construction shall take place in pursuance of this permission unless a licence to disturb any such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been produced to the local planning authority."

The letter further states that '… it is essential that you attach it as appropriate when granting new planning permissions to ensure that animal and plant species which come within the terms of the Regulations are effectively protected.'

In relation to nesting birds, we should attach the usual nesting bird condition:-

Condition: No removal of hedges, trees, bushes or shrubs to take place between 1st March and 15th August unless otherwise approved in writing by the Local Planning Authority. This approval will be granted if a consultant ecologist can evidence that there are no birds nesting in this these features immediately (48 hrs) before their removal.
Reason: To avoid disturbance to nesting birds which are protected under the Wildlife and Countryside Act 1981: Part 1, 1(1)(b), it is an offence to intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built.

5.7 The Council's Tree Protection Officer has no objection, making the following comments:

The only trees that represent a significant constraint to development comprise the line of 'B' (moderate quality) category ash (G3) and the western red cedar hedge (G2) on the NE boundary. These are shown retained, but if the layout as shown on the proposed site plan is pursued at reserved matters, they may be vulnerable to unsuitable pruning and removal once the houses are occupied, since they (particularly G3) are likely to be perceived as a nuisance and hazard due to their proximity to and overhang of gardens.

The nominal Root Protection Areas (RPA) and branch spreads of the 'C' (low quality and value) elms T5 and T7, are incurred upon by the footprint of the south-western most dwelling and patio. T7 is likely to suffer such extensive damage it would have to be removed, whilst T5 is unlikely to suffer significant harm unless the macadam lane it adjoins is excavated. Both trees are likely to require unsuitable pruning, which given their species, puts them at increased risk of Dutch Elm Disease (DED). DED is likely to affect both trees in time in any event, so neither can reasonably be considered viable in the medium term, and especially in the context of development. T7 should be removed and replaced, whilst the design of reserved matters development should seek to maximise clearance from T5.

Once the design is finalised, an Arboricultural Impact Assessment, Method

Statement and Tree Protection Plan should be prepared, in accordance with BS 5837:2012.

A high pressure gas main crosses the site and its presence will prevent the planting of large species trees within 6-10m. Dependent on the precise location of the pipe, which should be ascertained before reserved matters plans are submitted, this means it is likely that only shrubs or herbaceous planting can be accommodated within the front gardens of the north-eastern most dwellings and the rear gardens of the south-western most dwellings. However, it should be possible to accommodate 4-5 trees in the front gardens of the south-western most dwellings, based on the proposed layout. I suggest a palette of Acer buergerianum, Acer pensylvanicum, Alnus glutinosa, Betula pubescens, Magnolia kobus and Sorbus aucuparia. The design of tree planting must be undertaken at the same time as that of services, in order to avoid conflict.

The existing garden is likely to represent a valuable, re-usable soil resource (probably a deep, well drained, slightly acidic loam, though there may be areas of seasonal water-logging where finer textured soils dominate). Soils that are mishandled or damaged during construction can rapidly lose functionality, and result in failures of landscaping and conflict with policy KP15. Existing garden soils should therefore be subject to a basic soil assessment in accordance with the draft Soils and Development Technical Guidance Note, as follows: -

A basic soil assessment should be carried out by a Soil Scientist, Environmental Scientist, Arboriculturist, Horticulturist or Landscape Architect, based on the preparation of trial pits. Soil physical characteristics should be recorded, photographed and submitted as evidence of the suitability of the soil for its intended end use, and a strategy for soil handling, storage and placement prepared, that accords with the principles set out in BS 3882:2015, BS 8601:2013 and the DEFRA Code.

The Soil Survey Field Handbook and BS EN ISO 25177:2011 give guidance on examining soils in the field and a photographic field guide to preparing soil pits and assessing the physical characteristics of soils is provided by the Environment Agency Think Soils Manual.

The basic soil assessment should inform a detailed landscaping scheme submitted upfront with any reserved matters application, and comprising a scaled planting plan, plant schedule, topsoil and subsoil specification, tree pit section and plan view, planting methodology and aftercare methodology.

5.8 The Housing Strategy Manager has no objection, making the following comments:

In line with the Local Development Plan (LDP), an affordable housing contribution of 30% of the 4 units (1 unit) is sought on this green-field site as the site size exceeds 0.1 hectare.

Our priority is to deliver on-site affordable housing, in the form of affordable rented accommodation, built to Welsh Government Development Quality

Requirements. However, given the proposed design of the scheme, the unknown proposed future tenure of the units, and the likely service charges for this type of residential development, all of which could affect the affordability as well as the practicality of managing and maintaining affordable housing on-site for a Registered Social Landlord, we would be prepared to accept financial contribution in lieu of on-site affordable housing provision

On that basis of the above, we would seek a financial contribution of ***£131,080*** *(in lieu of 1 x 4 bed unit) which is calculated in accordance with the formula in the Affordable Housing – Supplementary Planning Guidance (SPG) (2007).*

5.9 The Council's Public Rights Of Way Officer has no objection, making the following comments:

From the outline application the Public Right of Way, Llanedeyrn No. 18 footpath, does not appear to be obstructed by the development proposal. The Applicant will need to liaise with the PROW Officers to agree appropriate landscape and design of the right of way in the proposed build. The footpath will most likely require a temporary diversion and the path reinstated following completion of the development.

Prior to any works being carried out, the Applicant/Developer is required to apply for an opening up license. If apparatus is being installed at any point on the Public Right of Way footpath, a Section 50 license will be required. The Applicant/Developer must ensure they appoint a Streetworks Accredited Contractor otherwise the works cannot take place.

To agree on the alignment for a suitable temporary diversion, the Applicant/Developer is required to liaise with the PROW Team for their consent and apply to the Traffic Management Team for the temporary closure and diversion. To apply for the opening up license and the Section 50 license, please liaise with the Traffic Management Team. All queries may be sent to Highways@cardiff.gov.uk and queries will be distributed to the various officers. To ensure all applications are processed in time, please apply three weeks in advance of your intended work start date.

Following the guidance provided in the Public Rights of Way Strategic Planning Guidance there are several points to highlight regarding work carried out on a development site as referenced below:

3.12 The granting of planning permission does not give a developer any right to interfere with, obstruct or move a public right of way.

3.17 Temporary Diversions/Stopping up orders can be applied for, to Cardiff Council, to allow works to be undertaken or prevent a danger to the public. This restriction is only temporary and the route must be reopened. These orders cannot be used in lieu of a permanent order and again the developer will be expected to pay the costs of producing and implementing the order.

6. EXTERNAL CONSULTEE RESPONSES

6.1 Dwr Cymru/Welsh Water have no objection subject to conditions in respect of site drainage.

6.2 In noting that the site is crossed by a high pressure gas pipeline, the Health & Safety Executive comment that:

"…..there are sufficient reasons on safety grounds, for advising against the granting of planning permission in this case."

They further comment that should the LPA be minded to grant consent against HSE advice, they should be notified in writing and allowed 21 days from that notification to consider whether Welsh Ministers should call-in the application for their own determination.

6.3 Wales & West Utilities operate the gas pipeline that crosses the site. They have provided advice in respect of the development easements that are required to protect the pipeline and their unfettered access to it.

7. REPRESENTATIONS

7.1 Local Members have been consulted and Councillor D Rees objects to the proposals, making the following comments:

Please note my councillor objection to the Application 16/01930/MNR. I believe the application is premature until such time as the legal position in relation to ownership of the access route is sorted out. I also have concerns as to the presence of the mains gas pipe which supplies the whole of South East Cardiff and which runs underneath the proposed site. You did not address my question about that aspect.

The information given by the applicant about the building up of land is incorrect. He may not have any intention of further building it up but it has already undergone large scale building up so that the site is considerably higher than its neighbouring properties gardens.

I request the matter be heard at planning committee and a site visit be undertaken. It is essential for the committee to see the difficulty of access at present and the difference in height between the proposed site and its neighbours, which would make the proposed dwellings significantly higher and dominating the neighbours properties.

7.2 Adjacent occupiers have been notified, and the application has been advertised on site (affecting a Public Right of Way), and in the press in accordance with adopted procedures.

The occupiers of 'White Barn' object to the proposals, raising the following grounds:

- The increased height of the land within the application site means the dwellings will unduly overlook their property;
- The narrow lane widening proposed is not achievable as the applicant does not own the land;
- It is premature to rely on a connection to the proposed estate road which forms part of the wider St Edeyrn's development as this is 8 – 10 years from construction.

The occupiers of 'The Stables' object to the proposals, raising the following grounds:

- Developing this site will exacerbate the current level of disturbance from the ongoing St Edeyrn's development;
- There are medical reasons which make reversing back along the narrow access lane (if necessary) impossible;
- The proposals would increase the likelihood of heavy goods vehicles and other associated construction traffic blocking the existing narrow access lane.

8. ANALYSIS

8.1 An outline application for the construction of four detached dwellings. Notwithstanding the indicative details within the submitted plans, the only matter under more detailed consideration is access. Appearance, layout, scale and landscaping are reserved.

8.2 The application site is within an area identified as 'Strategic Site G', which allocates the land to residential and associated use development. As such, the proposed use of the application site for further, small scale residential development is acceptable in principle.

Access

8.3 Access to the site would be along a private lane off Bridge Road. The existing lane is approx. 4.2m in width from the junction with Bridge Road, to a point adjacent to the access to St Julian's Manor, where it bends to the left to provide access to the application site, White Barn and The Stables. At this point the carriageway reduces to approx. 3.2m width.

The access proposals see the lane widened at this bend, extending into the application site, to provide a vehicular carriageway of approx. 5.0m width and a pedestrian footway of approx. 1.8m to 1.9m width. The new carriageway is to be constructed to an adoptable standard (though it will not be adopted). In addition to the surface treatments, three new street lamps are to be installed on the footway.

The proposed access arrangements have been considered by the Transportation Manager and are considered acceptable in principle, subject to consideration of further technical aspects by condition.

Indicative Layout, Scale & Design

8.4 The indicative plans show four dwellings, located in each corner of the application site. The plans show detached dwellings, of a traditional pitched roof design, of two storey scale, open plan frontages and enclosed private amenity space. Each dwelling appears to benefit from an attached double garage.

Although the plans are indicative only, it is highly likely that the proposals as shown will form the basis of any reserved matters submission, should outline consent be granted.

Impact on Neighbours

8.5 Notwithstanding that the submitted plans are indicative only, the principle of development on this site has been assessed in terms of the potential for any adverse impact on neighbouring occupiers (including the applicant's retained dwelling – The Granary) from the proposed dwellings.

In respect of The Granary, the nearest plot (and any windows in the relevant elevation) would be separated from the shared boundary by a minimum of approx. 13.4m, and would have a minimum potential window to window distance of approx. 24.8m

The adjacent dwelling, 'White Barn' is set at a lower level than the application site as a result of both natural topography and the previously approved raising of the ground within the application site. The shared boundary is formed by a retaining wall and significant hedgerow/tree planting for the majority of the boundary line.

'White Barn' benefits from a large driveway area, set in front of a large detached double garage. The indicative layout submitted shows a new dwelling being sited directly behind the existing dwelling 'The Granary' at a distance of approximately 26.8m. In transposing this distance onto an O.S. street plan, this would put the end elevation of the annexe to the proposed new dwelling approximately 3.0m behind the front elevation of the detached garage to 'White Barn'. In addition, window to window distances from the nearest proposed dwelling to the rear of 'White Barn' are approximately 31.2m (at an angle of approximately 30 degrees), and approximately 29.8m (at an angle of approximately 40 degrees).

Whilst it is noted that the indicated layout sees two dwellings in close proximity to the shared boundary, it is of note that the existing hedges/trees provide substantial privacy, in addition condition 6 above seeks to enhance the boundary treatment to include new fence or wall details, to be agreed and provided.

In light of the above, it is considered that refusal of consent on grounds of overlooking, loss of privacy or adverse impact on amenity could not be justified or sustained.

8.6 **Constraints**

The comments of the Health & Safety Executive are noted.

The LPA have provided the HSE with notice that it intends to recommend the grant of consent, The following justification for that position was sent to the HSE on the 14th February 2017:

In accordance with adopted procedures, The LPA are hereby providing the HSE with 21 days notice of the recommendation to grant outline planning permission for the construction of four dwellings under the above mentioned planning application. (The application is to be considered by Planning Committee on the 15th March 2017).

The LPA have carried out a consultation exercise with the pipeline operator – Wales & West Utilities – who have provided further advice in respect of the pipeline and the required development easements.

The agent for the planning application has amended the (indicative at this stage) layout of the development proposed to allow for easements in excess of those required by Wales & West Utilities.

In this case, the LPA are of the opinion that the development proposed would not result in inappropriate "risk of harm to people at the proposed development site".

In addition to the above, the LPA are mindful that the HSE have also considered the impact of development on this pipeline under planning application 13/00578/DCO (HSE ref: CCC-1065-2013-00045 & 46 for Housing and Primary School respectively). This application covers all of the land surrounding the current application site and is for the development of 1020 new homes, village centre, school and associated infrastructure. In that case, the HSE did not advise against the grant of consent.

Copies of the current planning application form, indicative site layout (The application is in outline, with only access a detailed matter), HSE's advice, Wales & West Utilities' advice and an email from the planning agent confirming that the indicative layout complies with the recommended easement distances are attached.

In light of the above, and having regard for the advice of the pipeline operator, previously assessed major development surrounding the current application site, and the indicated development layout, I would be grateful to receive confirmation that the LPA are able to proceed with a recommendation to grant planning permission.

8.7 In response to the above notification, the HSE have provided the following response:

"*Having considered the details of planning application 16/01930/NMR, I can advise you that the appropriate HSE response in this case is that HSE does not advise against the granting of planning permission. The proposed site plan drawing shows that all of the dwellings will be sited beyond the inner zone, more than 8 metres from the pipeline. The consultation carried out through the HSE Planning Advice Web App which resulted in the 'advise against' response (ref. HSL-16101012347-357) identified the whole site as 'housing' and did not take into account that only the gardens of the dwellings would be sited within the inner zone. Therefore, there is no need for HSE to consider whether to request that the Secretary of State call-in this application for their own determination."*

8.8 With regard to the comments received that are not addressed above, the following comments are made:

- This is an outline application, with all matters except access reserved. This means that at least one further application will be required should outline consent be granted). The implementation of the larger residential development known as St Edeyrn's, which completely surrounds the area, is under construction and in discussions with the LPA case officer for that development, it has been indicated that developers are very keen to have this development completed within the next 6 to 7 years. As such, it would be reasonable to expect that the estate road concerned would be implemented well within this timeline. As indicated in the comments from the Transportation Manager, any hiatus between the completion of the development under consideration here, and the installation of the estate road serving the wider development is likely to be short term and would not sustain refusal of consent;
- It has been mentioned that the current applicant does not own land, including the existing access road. In respect of the determination of a planning application, it should be noted that the LPA must provide a determination on any application based on its merits. In the case of applications submitted that have an impact on land not owned by the applicant, there are no grounds to withhold determination where the applicant has demonstrated that, to the best of their knowledge, land owners have been notified of the application in writing, and the appropriate section of the application form is completed (Section 27. Certificate B). In this case, the agent has completed Certificate B, advising that Persimmon Homes East Wales have been so notified. Notwithstanding this procedure, it is also important to note that the grant of planning permission does not provide an applicant or developer with any rights to implement an approved development on land they do not own, without the consent of the owner;
- Whilst it is acknowledged that in implementing planning permissions can result in local disturbance, this is an unavoidable consequence of development and cannot be reasonably held as grounds to refuse planning permission;
- The existing access lane is a single track, hard surfaced road. Should outline planning permission be granted, and should such a consent be implemented, the developer is going to have to ensure that any

deliveries or other construction traffic is capable of negotiating the lane. Having regard for the fact that the lane currently serves a number of dwellings that could reasonably be expected to receive deliveries using larger vehicles, it would be unreasonable to refuse consent on these grounds.

- Whilst the LPA note that an existing resident utilising the lane may experience physical difficulties in undertaking reversing manoeuvres, this is a situation that exists at present. Notwithstanding this fact, it is considered that this situation would not justify or sustain refusal of consent.

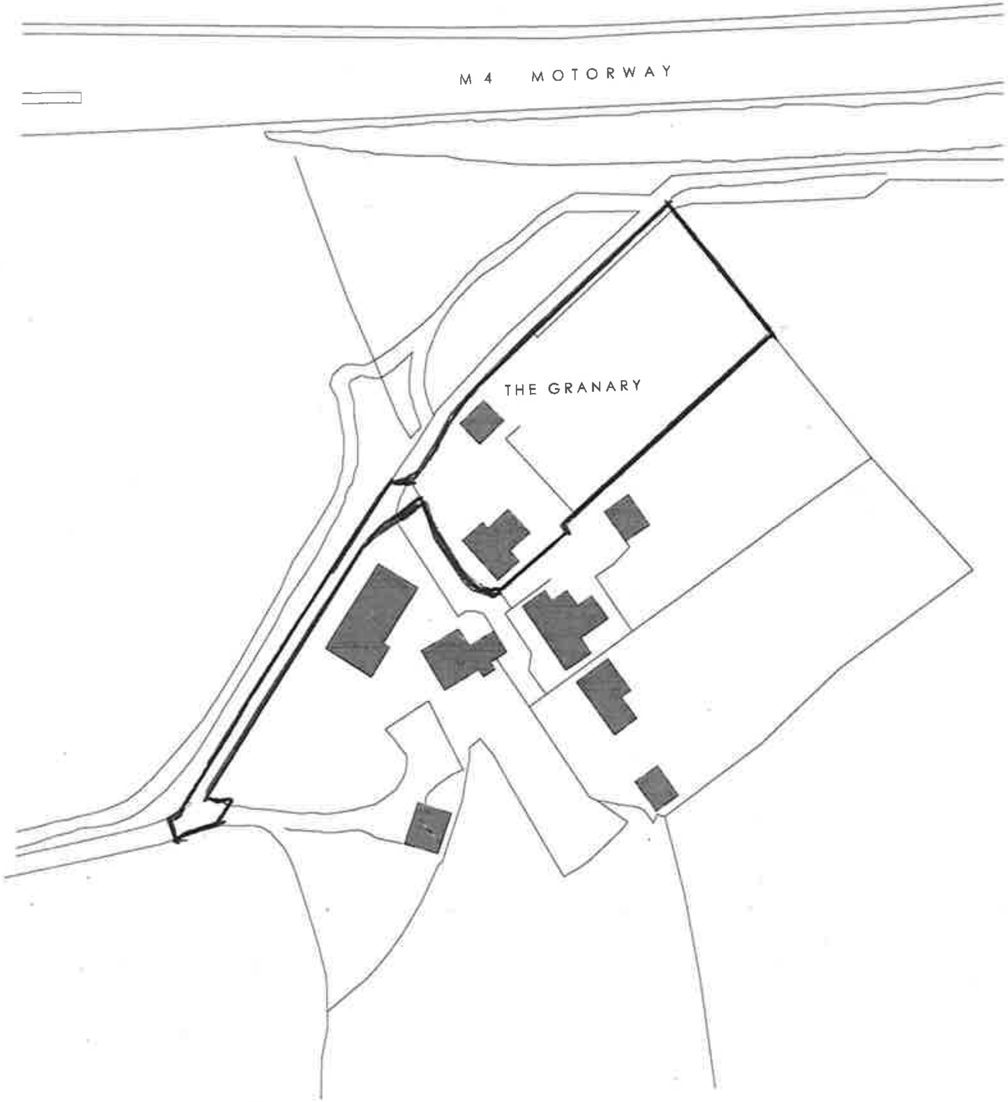
8.9 S106 matters – The following contribution requests have been made, with reference made to the Community Infrastructure Levy tests:

Affordable Housing – £131,080.00 – Towards the provision of affordable housing off-site, in lieu of one unit.

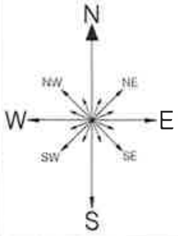
The agent has indicated that the requested Affordable Housing contribution is acceptable.

8.10 In light of the above, and having regard for adopted planning policy guidance it is recommended that outline planning permission be granted.

Notes:



SITE LOCATION PLAN @ 1:1250



Rev:	Date:	Revisions
A	18/01/17	BOUNDARY LINE UPDATED

Terry Nunns Architect Planner

TEL: (029) 20 810 134
MOB: 07581 233 068
EMAIL: terry@terrynunns.co.uk

CLIENT:
MR. D EVANS

JOB TITLE:
RESIDENTIAL DEVELOPMENT
LAND AT THE GRANARY,

DRAWING TITLE:
SITE LOCATION PLAN

SCALE:
1 : 1250 @ A3

DATE:
AUGUST 2016

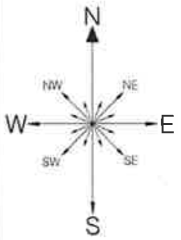
DRAWN BY:
CMB

CHECKED BY:
TN

DRAWING NUMBER:
OS_01

REVISION:
A

Notes:



REV	Date	Revisions
A	DEC 16	ROAD WIDTH UPDATED TO 5M PATH WIDTH UPDATED TO 1.8M LP ADDED EVERY 40M

Terry Nunns
Architect Planner

TEL: (029) 20 810 134
MOB: 07581 233 058
EMAIL: terry@terrynunns.co.uk

CLIENT:
MR. D EVANS

JOB TITLE:
RESIDENTIAL DEVELOPMENT
LAND AT THE GRANARY,

DRAWING TITLE:
PROPOSED SITE PLAN

SCALE:
1 : 200 @ A1

DATE:
AUGUST 2016

DRAWN BY:
CMB

CHECKED BY:
TN

DRAWING NUMBER:
PL_03

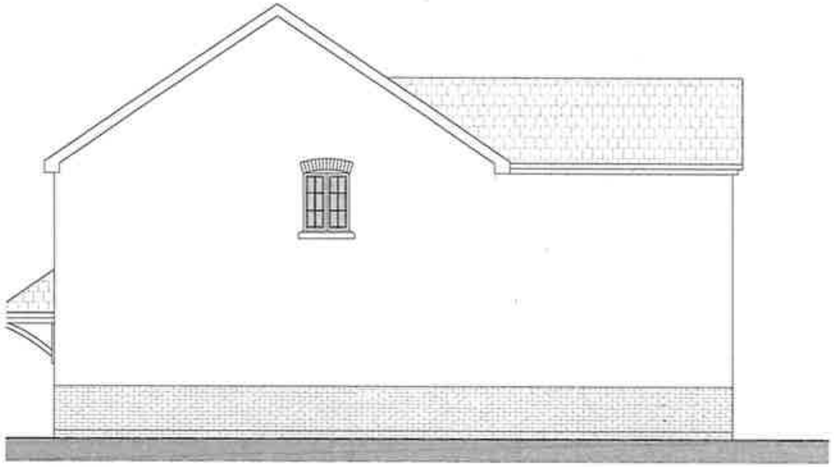
REVISION:
A

Notes:

TYPICAL
PROPOSED FRONT ELEVATION

TYPICAL
PROPOSED SIDE ELEVATION

TYPICAL
PROPOSED REAR ELEVATION



TYPICAL
PROPOSED SIDE ELEVATION

Name	Date	Revisions

Terry Nunns
Architect Planner

TEL: (029) 20 810 134
MOB: 07581 233 058
EMAIL: terry@terrynunns.co.uk

CLIENT:
MR. D EVANS

JOB TITLE:
RESIDENTIAL DEVELOPMENT
LAND AT THE GRANARY,

DRAWING TITLE:
TYPICAL
PROPOSED ELEVATIONS

SCALE:
1 : 100 @ A3

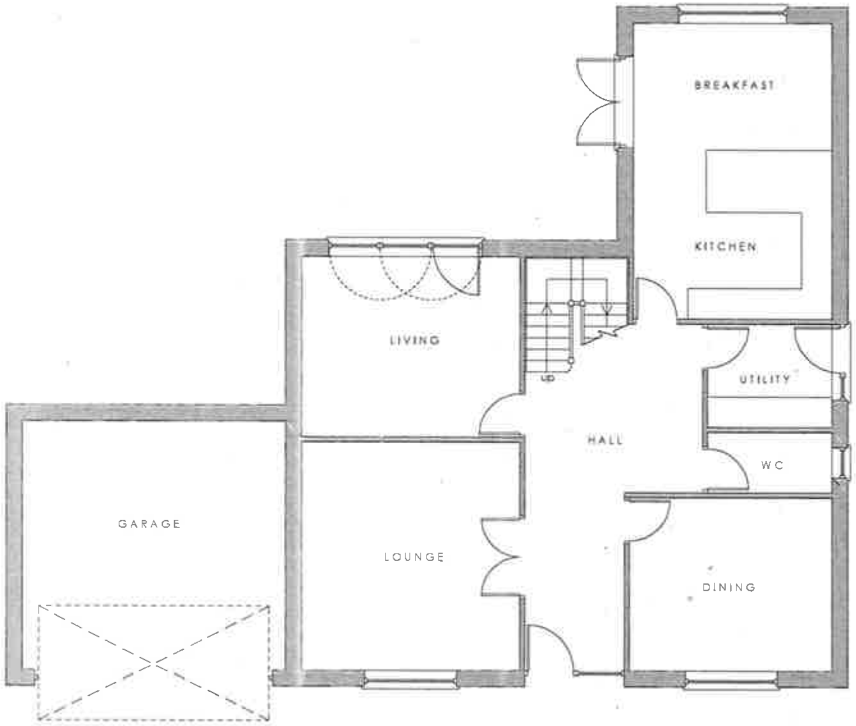
DATE:
AUGUST 2016

DRAWN BY:
CMB

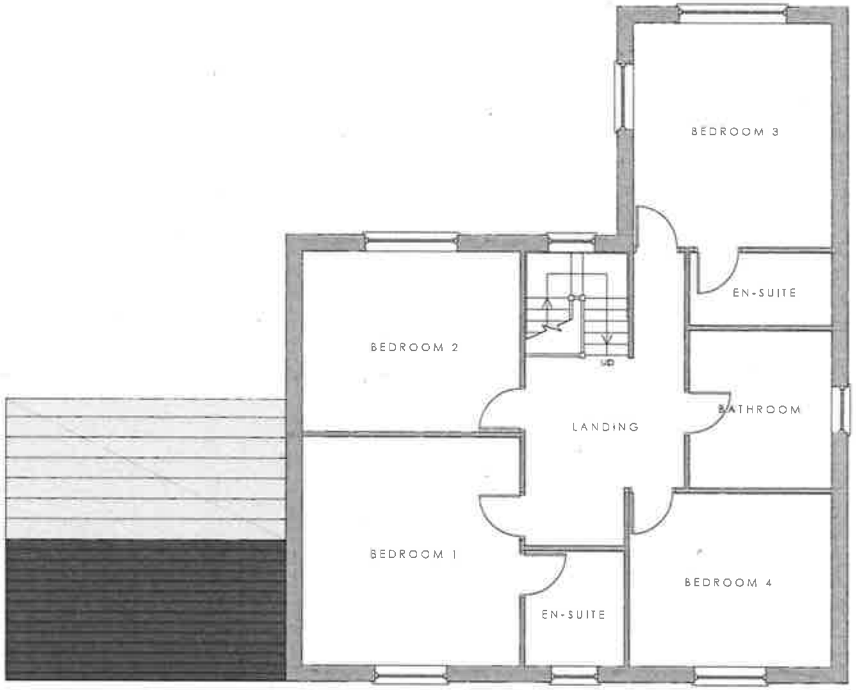
CHECKED BY:
TN

DRAWING NUMBER:
PL_02

REVISION NUMBER:



TYPICAL
PROPOSED GROUND FLOOR PLAN



TYPICAL
PROPOSED FIRST FLOOR PLAN

Notes:

Name	Date	Revisions

Terry Nunns
Architect Planner

TEL: (029) 20 810 134
MOB: 07581 233 058
EMAIL: terry@terrynunns.co.uk

CLIENT:
MR. D EVANS

JOB TITLE:
RESIDENTIAL DEVELOPMENT
LAND AT THE GRANARY,

DRAWING TITLE:
TYPICAL
PROPOSED FLOOR PLANS

SCALE:
1 : 100 @ A3

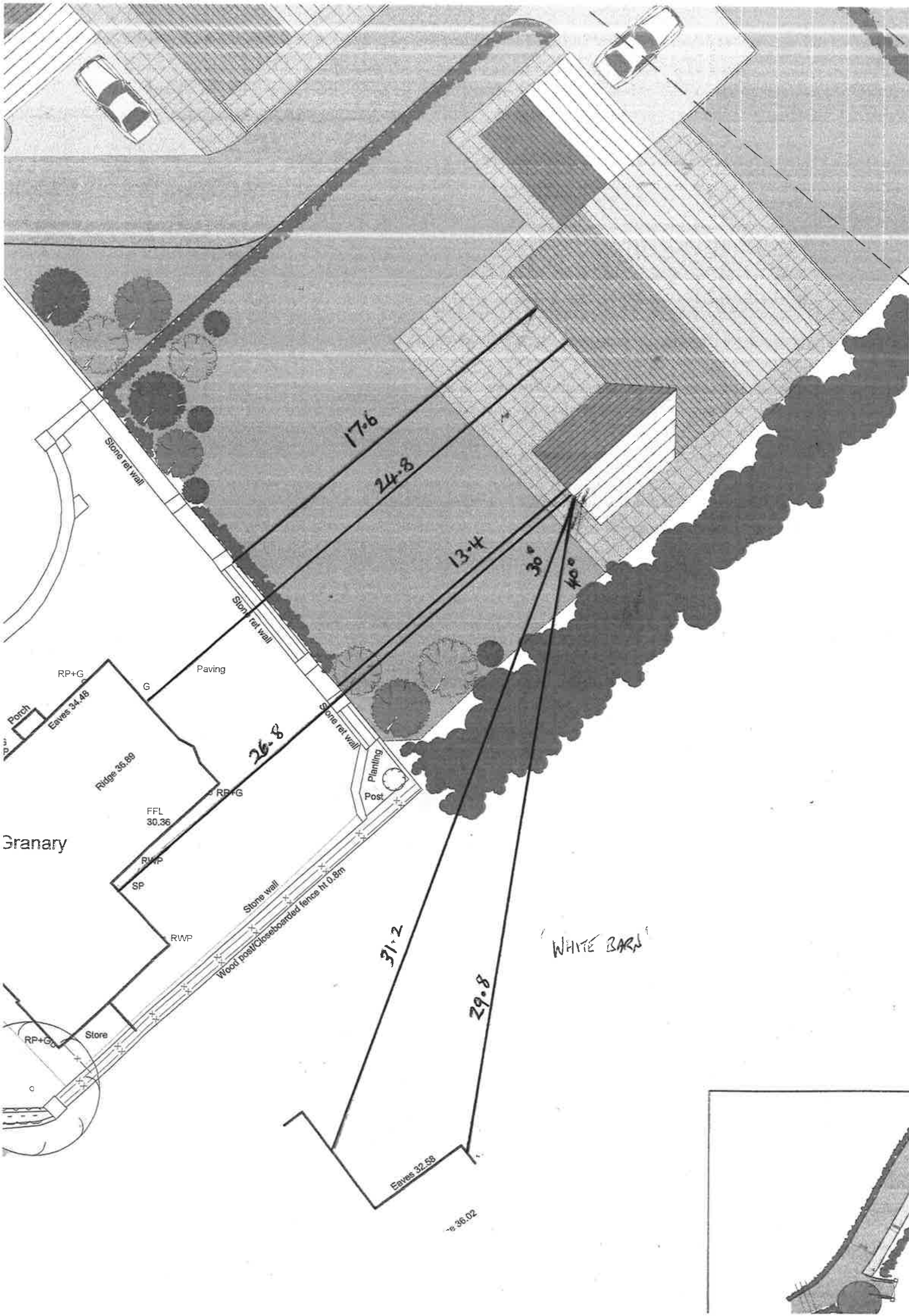
DATE:
AUGUST 2016

DRAWN BY:
CMB

CHECKED BY:
TN

DRAWING NUMBER:
PL_01

REVISION NUMBER:
-


17·6
24·8
13·4
30°
40°
26·8
31·2
29·8
'WHITE BARN'
Stone ret wall
Stone ret wall
Stone ret wall
Paving
G
RP+G
Porch
Eaves 34.48
Ridge 36.89
RP+G
FFL
30.36
Granary
RWP
SP
RWP
Stone wall
Wood post/Closeboarded fence ht 0.8m
Planting
Post
Store
RP+G
Eaves 32.58
e 36.02

COMMITTEE DATE: 15/03/2017

APPLICATION No. **16/01042/MNR** APPLICATION DATE: 05/05/2016

ED: **ADAMSDOWN**

APP: TYPE: Outline Planning Permission

APPLICANT: Mr DRING
LOCATION: SYSTEM ST MOT STATION, 64 SYSTEM STREET, ADAMSDOWN, CARDIFF, CF24 0JH
PROPOSAL: DEMOLITION OF EXISTING MOT STATION & DWELLING & ERECTION OF 5 NO 2 BED DWELLINGS

RECOMMENDATION 1 : That, subject to relevant parties entering into a binding legal agreement with the Council under the provisions of a **SECTION 106** of the Town and Country Planning Act 1990 within 6 months of the date of this resolution unless otherwise agreed by the Council in writing, in respect of matters detailed in paragraph 5.6 and 8.20 of this report, outline planning permission be **GRANTED** subject to the following conditions:

1. A. Approval of the details of the appearance of the buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
   B. Plans and particulars of the reserved matters referred to in condition 1A above, relating to the appearance of the buildings and the landscaping of the site shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
   C. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
   D. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of the last of the reserved matters to be approved, whichever is the later.
   Reasons:
   A. In accordance with the provisions of Article (3)1 of the Town and Country Planning (General Development Procedure) Order 1995.
   B, C and D. In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

   - P493 A_110 Rev D
   - P517 L_201 Rev A
   - P493 B_100
   - P493 A_100 Rev D

- P517 L_001 Rev C
- P493 B_110
- P517 L _002 Rev E
- P517 L_210
- P517 L_200 Rev D

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

3. Details of cycle parking spaces shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The cycle parking spaces shall be provided in accordance with the approved plans prior to the development being brought into beneficial use and thereafter shall be retained at all times.
Reason: To provide for cyclists in accordance with Policy T5: Managing Transport Impacts of the Cardiff Local Development Plan.

4. Prior to the construction of the buildings above foundation level, details of the external finishing materials shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
Reason: To ensure that the finished appearance of the development is in keeping with the area in accordance with Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan.

5. Notwithstanding the submitted information, details of the means of site enclosure shall be submitted to and approved by the Local Planning Authority. The means of site enclosure shall be constructed in accordance with the approved details prior to the development being put into beneficial use.
Reason**:** In the interests of visual and residential amenity, in accordance with Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan.

6. The details submitted in discharge of condition 1 (landscaping of the site) shall include proposed finished levels, hard surfacing materials, planting plans (including schedules of plant species, sizes, numbers or densities, and in the case of trees, planting, staking, mulching, soil protection and after care methods) and an implementation programme. The landscaping shall be carried out in accordance with the approved design and implementation programme.
Reason: To maintain and improve the appearance of the area in the interests of visual amenity, in accordance with Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan.

7. Prior to the commencement of the development an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority. This assessment shall be carried out by or under the direction of a suitably qualified competent

person * in accordance with BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and shall assess any contamination on the site, whether or not it originates on the site.
The report of the findings shall include:

(i) a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages;

(ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;

(iii) an assessment of the potential risks to:
- human health,
- ground waters and surface waters
- adjoining land,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- ecological systems,
- archaeological sites and ancient monuments; and
- any other receptors identified at (i)

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

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

* A 'suitably qualified competent person' would normally be expected to be a chartered member of an appropriate professional body (such as the Institution of Civil Engineers, Geological Society of London, Royal Institution of Chartered Surveyors, Institution of Environmental Management) and also have relevant experience of investigating contaminated sites.
Reason: To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment in accordance with receptors in accordance with Policy EN13: Air, Noise, Light Pollution and Land Contamination of the Cardiff Local Development Plan.

8. 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 shall be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document ' Land Contamination: A guide for Developers' (July 2006), 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 in accordance with Policy EN13: Air, Noise, Light Pollution and Land Contamination of the Cardiff Local Development Plan.

9. The remediation scheme approved by condition 8 shall be 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 shall be submitted to and approved in writing by the Local Planning Authority.

   All work and submissions carried out for the purposes of this condition shall be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document ' Land Contamination: A guide for Developers' (July 2006), 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 Policy EN13: Air, Noise, Light Pollution and Land Contamination of the Cardiff Local Development Plan.

10. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be

reported in writing within 2 days to the Local Planning Authority, all associated works shall 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 shall 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 Local Planning Authority 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 off-site receptors, in accordance with Policy EN13: Air, Noise, Light Pollution and Land Contamination of the Cardiff Local Development Plan**.**

11. Any topsoil [natural or manufactured],or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

    Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the Local Planning Authority.
    Reason: To ensure that the safety of future occupiers is not prejudiced, in accordance with Policy EN13: Air, Noise, Light Pollution and Land Contamination of the Cardiff Local Development Plan.

12. 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 Local Planning Authority.
    Reason: To ensure that the safety of future occupiers is not prejudiced,

in accordance with Policy EN13: Air, Noise, Light Pollution and Land Contamination of the Cardiff Local Development Plan.

13. 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: Air, Noise, Light Pollution and Land Contamination of the Cardiff Local Development Plan.

14. Prior to the erection of the dwellings hereby approved, a scheme for the drainage of the site and any connection to the existing drainage system shall be submitted to and approved in writing to the local planning authority. The scheme shall provide for the disposal of foul, surface and land water. Prior to the submission of the drainage details, ground permeability tests shall be undertaken to ascertain whether sustainable drainage techniques can be utilised and the results of the tests shall be incorporated in the submitted scheme. No part of the development shall be occupied until the scheme is carried out and completed.
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 and in accordance with Policy EN10: Water Sensitive Design of the Cardiff Local Development Plan.

15. No development shall take place until full details of facilities for the storage of refuse containers have been submitted to and approved by the local planning authority. The development shall not be put into beneficial use until the approved facilities are provided and thereafter the facilities shall be retained for the use the occupiers of the development.
Reason**:** In the interests of visual and residential amenity, in accordance with Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan.

16. No part of the development hereby permitted shall be commenced until a scheme of construction management has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for:

(a) the parking of vehicles of site operatives and visitors;
(b) loading and unloading of plant and materials;
(c) storage of plant and materials used in constructing the development;
(d) the erection and maintenance of security hoardings;

Construction of the development shall be managed in accordance with

the scheme so approved.
Reason: In the interests of highway safety and public amenity in accordance with Policy T5: Managing Transport Impacts of the Cardiff Local Development Plan.

17. The details submitted in pursuance of condition 1 (appearance of the buildings) shall have particular regard to the preservation of the amenities and privacy of the occupiers of the adjoining properties.
Reason: To ensure that the living conditions of adjoining occupiers is protected in accordance with Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan**.**

18. The car parking spaces and manoeuvring area shown on the approved plans shall be provided prior to the development being brought into beneficial use and thereafter shall be maintained and shall not be used for any purpose other than the parking of vehicles.
Reason : To ensure that the use of the proposed development does not interfere with the safety and free flow of traffic passing along the highway, in accordance with Policy T5: Managing Transport Impacts of the Cardiff Local Development Plan**.**

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

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

- Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and

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

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

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

RECOMMENDATION 4: The Officer also advises that developers of all new residential units are required to purchase the bin provision for each unit The bins have to meet the Council's specifications and can be purchased directly by contacting the Waste Management's commercial team on 029 20717500.

RECOMMENDATION 5: The applicant is advised that the details submitted in pursuance of condition 1 shall have particular regard to the preservation of the amenities and privacy of the occupiers of the adjoining properties. For the avoidance of doubt, the applicant is advised that the outline planning permission hereby granted does not give approval to the appearance of the development.

1. DESCRIPTION OF PROPOSED DEVELOPMENT

1.1 Planning permission is sought to redevelop System Street MOT Station for residential use. Although the application has been submitted in outline, approval of access, layout and scale is sought at this stage with appearance and landscaping remaining reserved.

1.2 As originally proposed, the development comprised a 'staggered' terrace of 8 no. dwellings. Each dwelling would have had three bedrooms with second floor accommodation contained within the roof space. The units were shown to rise to an eaves height of approximately 5.4 metres and a ridge height of 8.2 metres. The fronts of the units would have faced north westwards towards the rear of nos. 16 to 34 Longcross Street from distances varying between 0.5 metres and 8.5 metres. Each dwelling would have had a small amenity/garden space of approximately 26 sq metres, backing onto the boundary with properties in Planet Street.

1.3 Whilst, in principle, it is accepted that the site could accommodate a small, appropriately designed residential development, the submitted scheme would have resulted in unacceptable impact on the living conditions of neighbouring occupiers and a poor living environment for future residents. Following discussions with the agent, amended plans have been submitted which significantly reduce the scale the development such that it now comprises 5 no.

two bedroom units split into two blocks . Each block would rise to a height of approximately 5.2 metres with a reduced eaves height of approximately 4.3 metres backing onto Planet Street and a lower (3.0 metre) single storey element to part of the block comprising units 4 and 5 near the boundary with nos. 20-24 Longcross Street.

1.4 The site is accessed via an ‘archway’ between nos. 63 and 64 System Street. The application proposes the demolition of no. 64 System Street to provide a wider access into the site. 5 no. off street parking spaces are proposed together with a turning area.

1.5 Details of the proposed layout, scale and illustrative appearance of the dwelling units are shown on the attached plans together details of the original scheme for 8 no. dwellings. The revised development seeks to provide satisfactory living conditions for future occupiers whilst addressing the amenities of neighbouring occupiers on a constrained back-land site.

1.7 The existing workshop buildings, which directly adjoin the boundaries with properties at nos. 12-23 (inclusive) Planet Street,16-24 Longcross Street and no. 61 System Street would be demolished to facilitate the development. 2.4 metre high boundary walls would be retained/provided to enclose the site.

2. **DESCRIPTION OF SITE**

2.1 The application site comprises a wedged shaped parcel of land up to 85 metres long accessed via an archway located between nos. 63 and 64 System Street which is a cul- de-sac at this point.

2.2 The site is enclosed on all sides by the rear or side gardens of terraced houses at Longcross Court, Planet Street and System Street.

2.3 There are industrial buildings used for MOT tests and vehicle repairs along the south and western end of the site. The buildings are shown on the submitted plans to vary in height between 3.6 metres and 4.8 metres above the site’s ground floor level .

2.4 The yard in front of the buildings is used for parking and access.

3. **SITE HISTORY**

3.1 05/01940/C: Demolition /Removal of MOT Station: New build 12 two bedroom flats - 4 blocks of three storey (third floor in roof): Application refused 14th October, 2005 for the following reasons;

1. *The application does not demonstrate that the site could satisfactorily accommodate twelve two bedroom, three storey flats, whilst achieving an appropriate design which respects the site context. The development would not therefore accord with part 9.3 of Planning Policy Wales, March 2002, TAN12-Design, Policy 11 of the City of Cardiff Local Plan or Policy 2.20 of the Deposit Cardiff Unitary Development Plan (October 2003).*

2. *The development of three storey flats on this narrow site is likely to result in the overshadowing, overbearing and overlooking of adjacent dwellings, detracting from the amenity of neighbours, in their homes and their gardens, which would be contrary to paragraphs 9.3.3 and 9.3.4 of Planning Policy Wales - March 2002 and Policy 2.24 of the Deposit Cardiff Unitary Development Plan (October 2003).*

The application was dismissed at appeal on 25th July, 2006. In his decision, the Inspector commented as follows:

The application was made in outline with only the means of access submitted for approval at this stage. Nonetheless it is clear from the indicative drawings submitted that the proposed blocks would have flats on three floors with the uppermost flat in the roof-space. The indicative site layout shows one of the blocks situated very close to the rear boundary of houses in Longcross St, which themselves have rear additions and only short back gardens. In such a position the new building would, in my view, appear over-dominant and overbearing when seen from lower rear windows and from the back garden of the adjacent property or properties. While other layouts could be proposed, the amount of accommodation sought, in combination with the size and shape of the site, makes it likely that any alternative scheme would have a similarly harmful effect on the living conditions of neighbouring occupiers.

Houses in the surrounding streets are two storeys high with simple pitched roofs, creating a pleasing sense of regularity in the built form. In order to provide two bedroom flats on three floors, however, the proposed development would need to employ much more bulky roof forms. The new blocks would be visible to passers-by through the widened access created by the demolition of 64 System St and I consider that the marked contrast between their roof forms and those of the surrounding houses would detract from the character and appearance of the area.

3.2 04/02107/C: Outline planning application for the demolition of the MOT Station and construction of 18 student flats: The application was refused for the following reasons:

1. *The application does not demonstrate how the site could accommodate eighteen student flats, whilst achieving reasonable space standards within the development itself, without resulting in overshadowing and a loss of privacy and amenity to residential neighbours, in their houses, and in their gardens. The development would not accord with Policy 2.24 of the Deposit Cardiff Unitary Development Plan (October 2003) or paragraph 9.3.3 of Planning Policy Wales.*

2. *The use of the narrow site access would be detrimental to highway safety and interfere with the free flow of traffic.*

4. POLICY FRAMEWORK

4.1 The Cardiff Local Development Plan 2006-2026 provides the local planning policy framework. Relevant policies include:

KP5: Good Quality and Sustainable Design
EN13: Air, Noise, Light Pollution and Land Contamination
T5: Managing Transport Impacts
EN11: Water Sensitive Design
H3: Affordable Housing
H6: Change of Use or Redevelopment to Residential Use
EC3: Alternative Use of Employment Land and Premises
C3: Community Safety/Creating Safe Environments

4.2 Supplementary Planning Guidance: Design Guidance for Infill Development (2011)
Supplementary Planning Guidance: Access, Circulation and Parking (January, 2010)
Supplementary Planning Guidance: Waste and Collection and Storage Facilities (2016)
Supplementary Planning Guidance: Cardiff Planning Obligations (2017)

4.3 *Planning Policy Wales Edition 9 (2016):*

1.2.5 Provided that a consideration is material in planning terms it must be taken into account in dealing with a planning application even though other machinery may exist for its regulation. Even where consent is needed under other legislation, the planning system may have an important part to play, for example in deciding whether the development is appropriate for the particular location. The grant of planning permission does not remove the need to obtain any other consent that may be necessary, nor does it imply that such consents will be forthcoming.
4.4.3: In contributing to the Well-being of Future Generations Act goals, planning policies, decisions and proposals should (inter alia):

- Promote resource-efficient and climate change resilient settlement patterns that minimise land-take and urban sprawl, especially through preference for the re-use of suitable previously developed land and buildings, wherever possible avoiding development on greenfield sites
- Minimise the risks posed by, or to, development on or adjacent to unstable or contaminated land and land liable to flooding. This includes managing and seeking to mitigate the consequences of climate change by building resilience into the natural and built environment.
- Locate developments so as to minimise the demand for travel, especially by private car
- Ensure that all local communities – both urban and rural – have sufficient good quality housing for their needs, including affordable housing for local needs and for special needs where appropriate, in safe neighbourhoods

4.7.4: Local planning authorities should assess the extent to which developments are consistent with minimising the need to travel and increasing accessibility by modes other than the private car. Higher density development, including residential development, should be encouraged near public transport nodes or near corridors well served by public transport (or with the potential to be so served).

4.11.9: Visual appearance, scale and relationship to surroundings and context are material planning considerations. Local planning authorities should reject poor building and contextual designs. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions.

4.11.11: Local planning authorities and developers should consider the issue of accessibility for all.

4.11.12: Local Authorities are under a legal obligation to consider the need to prevent and reduce crime and disorder in all decisions that they take.

9.2.13: Sensitive design and good landscaping are particularly important if new buildings are successfully to be fitted into small vacant sites in established residential areas.

. 9.3.3: Insensitive infilling or the cumulative effects of development or redevelopment should not be allowed to damage an area's character and amenity. This includes such impact on neighbouring dwellings such as serious loss of privacy or overshadowing.

12.4.1: The adequacy of water supply and the sewerage infrastructure are material considerations in planning applications and appeals.

12.7.3: Adequate facilities and space for the collection, composting and recycling of waste materials should be incorporated into the design of any development and waste prevention efforts at the design stage, construction and demolition stage should be made by developers.

4.4 TAN *Technical Advice Note 12 (Design):* provides further WAG guidance on design issues. Paragraph 4.9 advises that '*opportunities for innovative design will depend on the existing context of development and the degree to which the historic, architectural, social or environmental characteristics of an area may demand or inhibit a particular design solution. A contextual approach should not necessarily prohibit contemporary design* .

5. INTERNAL CONSULTEE RESPONSES

5.1 The Operational Manager, Transportation raises no objects to the application on highway safety grounds and parking provision which is considered to be policy compliant.

5.2 Pollution Control (Noise & Air): Standard recommendation on construction site noise.

5.3 Pollution Control (Contaminated Land): The Officer advises as follows:

In reviewing available records and the application for the proposed development, the site has been identified as commercial/industrial with uses including MOT service station. Activities associated with this use may have caused the land to become contaminated and therefore may give rise to potential risks to human health and the environment for the proposed end use.

Should there be any importation of soils to develop the garden/landscaped areas of the development, or 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. This is 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.

The inclusion of conditions and informatives is therefore requested to ensure that the safety of future occupiers is not prejudiced, in accordance with Policy EN13: Air, Noise, Light Pollution and Land Contamination of the Cardiff Local Development Plan.

5.4 Operational Manager, Drainage Management: No representations have been received.

5.5 Operational Manager, Waste Management advises that plans detailing refuse storage are acceptable but comments that waste will need to be presented on System Street given that the turning head is not sufficient for its collection vehicles. The officer states that this could be problematic for certain residents.

5.6 The Housing Strategy Officer advises as follows:

In line with the Local Development Plan (LDP), an affordable housing contribution of 20% of the 5 units (1 unit) is sought on this brown-field site as the site size is in excess of 0.1h.

Our priority is to deliver on-site affordable housing, in the form of affordable rented accommodation, built to Welsh Government Development Quality Requirements. However, given the proposed number of units on the scheme, this would not be sustainable.

On that basis of the above, we would seek a financial contribution of £101,790 (in lieu of 1 unit) which is calculated in accordance with the formula in the Affordable Housing – Supplementary Planning Guidance (SPG) (2007).

6. EXTERNAL CONSULTEE RESPONSES

6.1 Welsh Water/Dwr Cymru advises that it has reviewed the information submitted and in particular drawing P517 L_200 which shows the proposed drainage. In order to verify the ground infiltration, the Company recommends the following planning condition;

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

development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.
Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

6.2 South Wales Police Architectural Liaison Officer comments that the proposed development is based in an area where crime risks would be considered to be high. With regard to the scheme as originally submitted for consideration, the Officer stated that the development would not meet Secured by Design standards in terms of parking as the parking area was isolated, not adequately over looked by vehicle owners and would not provide for adequate guardianship.

The officer made the following suggestions for improvement which he advised could be dealt with by way of conditions.

1. *Parking is made more secure by the development being gated or parking areas being protected by provision of lockable drop down posts.*

2. *All site exterior boundaries with other properties should be raised to minimum 2.1m to provide enhanced security to prevent burglary and theft.*

3. *Adequate lighting provided to cover parking and access routes to houses.*

4. *All new dwellings should be fitted with entrance/exit doors which comply with PAS24 2012 standards which are considered to be the minimum acceptable security standards for new build dwellings by police.*

5. *Ground floor windows should be compliant with PAS24 2012 standards as these are considered to be the minimum acceptable security standards to prevent burglary.*

6. *Houses should have secure rear gardens with a minimum of 1.8m secure fencing. Any public space boundary areas with rear gardens should be protected by secure fencing to 2.1m minimum height.*

7. *Houses should be fitted with external service meters to the front of properties to prevent distraction crimes.*

(Note, the Police ALO’s comments have been discussed with the agent and are reflected on the amended layout plan, for example, in terms of increased boundary enclosure heights and a less isolated parking area).

7. <u>REPRESENTATIONS</u>

7.1 The following representations were received from neighbouring and local residents in respect of the application as originally submitted for consideration:

7.2 The occupier of 57 System Street objects to the application on the following grounds:

Privacy : The occupier states that currently there are no properties overlooking her garden from the rear other than no. 58 which has a partial view of the garden. The occupier is concerned that, as proposed, all of the new properties would look out over her entire garden.
Light : The occupier believes that the proposed properties would block the sunlight to the garden in the evenings, significantly reducing the enjoyment of her property.
Parking : The provision of only 8 resident parking spaces and two visitors parking is unlikely to be sufficient. The occupier would be concerned if future residents were eligible to apply for either residents or visitors parking permits as she does not believe the residents parking scheme could accommodate the extra vehicles.
View : The proposed buildings would significantly alter her current view and would reduce its depth. The lack of built-up properties near to her garden was a significant factor in the decision to purchase this property.
Noise : The occupier states that she often works from home and believes that the noise and disruption caused by the construction would negatively impact on her ability to enjoy her property in peace and quiet.
The occupier concludes by adding that she does not object to the site being redeveloped, in principle, as the current use as an MOT station is not ideal in such a residential area. However, the occupier considers that the plans as they stand are objectionable for the reasons outlined.

7.3 An occupier of 17 Planet Street objects to the proposed planning application for the following reasons:

Demolishing a 4.5m high stone boundary wall on Planet Street to replace with a 1.8m high timber boundary fence will severely compromise the privacy and security of the residents of Planet Street and also cause massive disruption during the demolition.

Demolishing a stone wall and its replacement with a timber fence will most likely cause the knotweed to spread to surrounding properties.

The proposed buildings have a ground, first and second floor with windows on both sides of the second floor. This will mean that properties on Planet Street and Longcross Street will be overlooked, compromising the privacy of the residents.

Eight, 3-bedroomed properties will vastly increase the amount of rubbish that is put out for collection in Adamsdown adding to the mess and encouraging vermin.

The proposed parking provision is considered inadequate. The occupier states that it is getting increasingly difficult to park in the area and that the proposed development will only increase parking issues.

7.4 The occupier of 81 Metal Street objects to the application for the following reasons:

Demolishing a 4.5m high stone boundary wall on Planet Street to replace with a 1.8m high timber boundary fence will compromise privacy and the security of the residents.

The proposed buildings have a ground, first and second floor with windows on both sides of the second floor. This will mean that surrounding properties will be overlooked.

Building eight family houses will vastly increase the amount of rubbish. The rubbish in Adamsdown is poorly managed currently so adding more properties will add to the problem and encourage vermin.

The application proposes 10 new parking spaces. This is considered inadequate as most households have more than one vehicle. Any overflow will be into the surrounding streets, subsequently negatively impacting other residents.

7.5 The occupier of 50 Longcross Street objects to the application on the grounds that the buildings will overlook his property. The occupier is also concerned that there would be insufficient parking provision.

7.6 A further occupier of 17 Planet Street raises a number of concerns/issues which in summary are as follows:

Many of the gardens are at varying levels and are at very different levels from the existing garage. A section drawing would be helpful to show the difference between ground level between that of the existing gardens.

A 1.8 meter wooden fence from a ground of the proposed properties would give no privacy or protection to existing properties.

There is not enough parking provided. This could cause traffic issues in the already congested area and extra burden in the surrounding areas, as the access to the properties is through System Street.

There will be problems with privacy as all of the houses will be overlooked by the new development.

Refuse in Adamsdown is already an issue. It is queried whether the planned refuse area is appropriate and whether it will it not add to the dumping and refuse problems common in the area.

The aforementioned issues are considered to arise from the houses being overly crammed into the area.

7.7 The occupier of 22 Longcross Street raises the following objections/concerns (summary):

Security: The perimeter wall of the MOT station acts as a significant boundary to the rear of the property. While there is a mention of a 2.1 metre boundary wall in the application, there is no clarity as to whether the garage boundary wall is to be retained in some way or a new wall built as part of the proposed development. It is suggested that 2.0 metres is also too low to ensure no intrusion. This would also cause similar issues for nos. 24, 20, 18, and 16 Longcross Street.

Noise: While the day to day running of the garage does incur some level of noise pollution during the day, the fact that it is currently a working garage means that evenings and a large part of the weekend ensures as quiet a period as one can expect from a city centre location. Noise levels will be impacted by a further 8 dwellings within an already congested urban environment.

Light: The occupier seeks reassurance that work has been undertaken to limit the impact of light limitations on no 22 Longcross Street.

Traffic and parking: Concern that overspill of parking from residents in the development would impact on surrounding streets.

Overall, the occupier states that the application is a great improvement on previous applications to development the site but requests that the concerns outlined are taken into consideration.

7.8 The occupier of 20 Planet Street states that existing privacy and security in her back garden would be lost if the development was to proceed. She states that the boundary wall is currently 4.2 metres high and notes that it is proposed to replace this with a 1.8 metre high fence. She queries who would be responsible for its upkeep. She also points out that her washing line is currently connected to the wall. She considers that the boundary enclosure would need to be at least 2.4m high to provide her to install additional security measures and be of very sturdy construction. She considers that her insurance premium would increase due to the proposed lowering of the wall.

The occupier queries whether the current foul drainage would cope with the additional dwellings. She queries where any external lighting would be positioned and comments that there are trees in nearly all the gardens from no 12 to 21 Planet Street.

The occupier also refers to previous unsuccessful appeals at the site.

7.9 The occupier of 60 System Street objects to the application for the following reasons:

Too many properties;
The proposed properties will overlook the neighbour’s property and garden reducing privacy;
Construction noise and traffic linked to any building work for many months;

Access to the proposed development will be via System Street and whilst the MOT station currently involves traffic in and out, this starts at 8am and ends at approximately 5pm on weekdays and 12 noon on Saturdays. Traffic from the dwellings will be at all hours, 7 days a week;
Loss of light to property and garden area;
Increase in noise levels from the occupiers of the eight dwellings going about their daily and night time living including when they use their garden area, start their cars and slam car doors etc.:
Parking will impact and increase in System Street and surrounding areas which the local area cannot absorb;
The occupier states that her property is currently very secure, protected by walls with a lack of easy access to the back garden areas. The proposed development will result in the back area being opened up from various sides resulting in reduced safety and protection;
The area in question is currently built up enough without the addition of a further 8eightdwellings.

7.10 The occupier of 5 Planet Street objects for the following reasons:
The privacy of neighbouring residents would be compromised;
Issues of increased waste in area;
Inadequate parking provision.

7.11 The occupier of 72 System Street objects for the following reasons:
Traffic from the dwellings will have to enter and leave via System Street making the small cul de sac busier;
The extra traffic, parking and noise will spoil one of the nicest streets in Adamsdown;
It is not considered that the Street needs an extra eight houses;
Parking will be unbearable and there will be traffic up and down the street all night; Construction noise and traffic will have a huge impact.

7.12 The occupiers of 63 System Street object for the following reasons:

It is felt that the road, being a dead end, makes the level of traffic bearable even when the MOT station is open. Traffic would dramatically increase with the construction of eight new 3 bed dwellings.

Security concerns. At present, when the garage closes, the rear of the occupier's property is effectively secured as the garage closes its shutters. It is considered that opening up the end of System Street would be a real security risk to what is now a very peaceful and pleasant street to live in.

There would also be an impact on privacy and the likelihood of the occupier's rear garden being overlooked.

7.13 Local members and neighbouring occupiers have been consulted on amended plans.

The following additional representations have been received:

7.14 The occupier of 57 System Street, having viewed the amended plans, states that her previous objections remain. She adds that the proposed buildings are not in keeping with the area and that there is insufficient parking. She states that noise from construction and the added occupancy once built will be a nuisance to existing residents. She is concerned that the properties will still overlook the raised area of her garden which is not currently overlooked and will impinge on her privacy.

8. ANALYSIS

8.1 Planning permission is sought to redevelop System Street MOT Station for residential use. Although the application has been submitted in outline, approval of access, layout and scale is sought at this stage with appearance and landscaping reserved for subsequent approval.

8.2 The application site is located within the settlement boundary as defined by the Adopted Cardiff Local Development Plan proposals map. The surrounding land uses are residential. The MOT station is afforded no specific protection in land use policy terms. Taking into account the above factors, the application is considered to raises no land use policy concerns.

8.3 The main planning issues are considered to be:

(i) the effects of the proposed development on the character and appearance of the street scene and the general amenities of neighbouring occupiers;
(ii) whether the proposed development will provide an acceptable living environment for existing and prospective occupiers;
(iii) parking/transportation;
(iv) affordable housing provision.

8.4 Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan states that… *all new development will be required to be of a high quality, sustainable design and make a positive contribution to the creation of distinctive communities, places and spaces by* (inter alia):
(i) responding 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;
(x) ensuring no undue effect on the amenity of neighbouring occupiers and connecting positively to surrounding communities;

8.5 Further guidance on residential infill development is provided in the Council's Supplementary Planning Guidance*: Design Guidance for Infill Development (2011).* The SPG was approved as supplementary guidance to the City of Cardiff Local Plan. Notwithstanding this position, the advice contained within the Infill Sites SPG is consistent with the aims of LDP Policy KP5 and guidance in Planning Policy Wales and therefore remains pertinent to the consideration of the current application, assisting in informing the assessment of relevant matters.

8.6 At paragraph 3.8, the SPG advises that:

> *Infill, backland and site redevelopment must result in the creation of good places to live. This needs to be demonstrated through the quality of internal living space; private amenity space and through the adherence to principles relating to access, security and legibility.*

8.7 At paragraph 3.12, the SPG states that:

> *Infill development needs to be sensitive to its immediate surroundings and respond well to the built context.*

8.8 At paragraph 4.11, the SPG states that:

> *'To safeguard the amenity of existing residents, proposals must not result in unacceptable harm regarding the level of overbearing, overshadowing or overlooking of neighbouring properties.'*

8.9 As originally proposed, the development comprised a 'staggered' terrace of 8 no. dwellings. Each dwelling would have had three bedrooms with second floor accommodation contained within the roof space. The units were shown to rise to an eaves height of approximately 5.4 metres and a ridge height of 8.2 metres. Each dwelling would have had a small amenity/garden space of approximately 26 sq metres, backing onto the boundary with properties in Planet Street.

8.10 Whilst it is considered that the site could accommodate a small, appropriately designed residential development, the scheme as initially would have resulted in unacceptable impact on the living conditions of neighbouring occupiers and a poor living environment for future residents . Following discussions with the agent, amended plans have been submitted which significantly reduce the scale the development such that it now comprises 5 no. two bedroom units split into two blocks. Each block rises to a height of approximately 5.2 metres with a reduced eaves height of approximately 4.3 metres backing onto Planet Street and a lower (3.0 metre) single storey element to part of the block comprising units 4 and 5 near the boundary with nos. 20-24 Longcross Street.

8.11 Although of contemporary appearance, an innovative 'bespoke' design solution is considered appropriate for this constrained back-land site. The development will not be visible within the street scene other than in glimpses from the access off System Street. The revised layout combined with the reduction in the scale and massing of the blocks is now considered appropriate within the context of the surrounding built form.

8.12 The proposed dwellings have been sited and orientated so as to minimise the potential overlooking and overbearing impact on neighbouring properties to the north and south and between each other. On balance, the scale and siting of the blocks, as amended, are considered acceptable in relation to the neighbouring occupiers, having regard to the height and position of the existing buildings to be demolished which are shown on the submitted plans to vary in height between 3.6 metres and 4.8 metres.

8.13 First floor windows facing towards the rear of properties in Longcross Street (which have short rear gardens) have been positioned at an angle greater than 30^o to the boundary wall and generally achieve distances to the boundary of 10.5 metres. First floor balcony areas are provided with 'perforated' privacy screens to further address the potential for mutual overlooking between future occupiers and existing neighbours. There would be no first floor windows directly facing towards the rear gardens of the neighbouring properties in Planet Street.

8.14 Generally, 2.4 metre high boundary walls will be retained / provided to enclose the site thereby providing adequate privacy and security at ground floor level.

8.15 The reduction in the number of dwellings on the site has permitted increased provision of external amenity space. On balance, the amenity areas are considered sufficient for the requirements of the occupiers of the two bedroom units now proposed.

8.16 Five off street parking spaces are proposed. The Operational Manager, Transportation raises no objects to the application on highway safety grounds or parking provision which is considered to be policy compliant. Furthermore, the likely traffic associated with the proposed development should be considered in relation to the existing use of the site as a motor repair business and to the demolition of 64 System Street to facilitate access.

8.17 The Police Architectural Liaison Officer's comments have been discussed with the agent and are reflected on the amended layout plan in terms of increased boundary enclosure heights and a less isolated parking area.

8.18 The Waste Management Officer advises that waste will need to be presented on System Street given that the turning head is not sufficient for its collection vehicles. However, the constraints of the site are such that this represents the only realistic solution to waste collection in this instance.

8.19 The Council has control over construction site noise, working hours and dust through other legislation including The Control of Pollution Act 1974 and the Environmental Protection Act 1990. Accordingly, given the scale of the proposed development, it is not considered that it would be reasonable or necessary to impose a condition in this regard as the powers afforded by other legislation can reasonably ensure that such matters are controlled in the public interest.

8.20 In accordance with Local Development Plan Policy H3, the Housing Strategy Officer advises that an affordable housing contribution should be sought in relation to the development. This amounts to a financial contribution of £101,790, calculated in accordance with the formula set out in the Affordable Housing Supplementary Planning Guidance and has been agreed with the applicant.

8.21 The proposed development would result in the use of previously developed land for residential purposes in a highly sustainable location. The scheme, as amended, is considered acceptable on planning grounds and approval of the outline planning application is recommended subject to conditions and to the conclusion of a Section 106 Agreement to secure the affordable housing contribution referred to in paragraph 8.20.

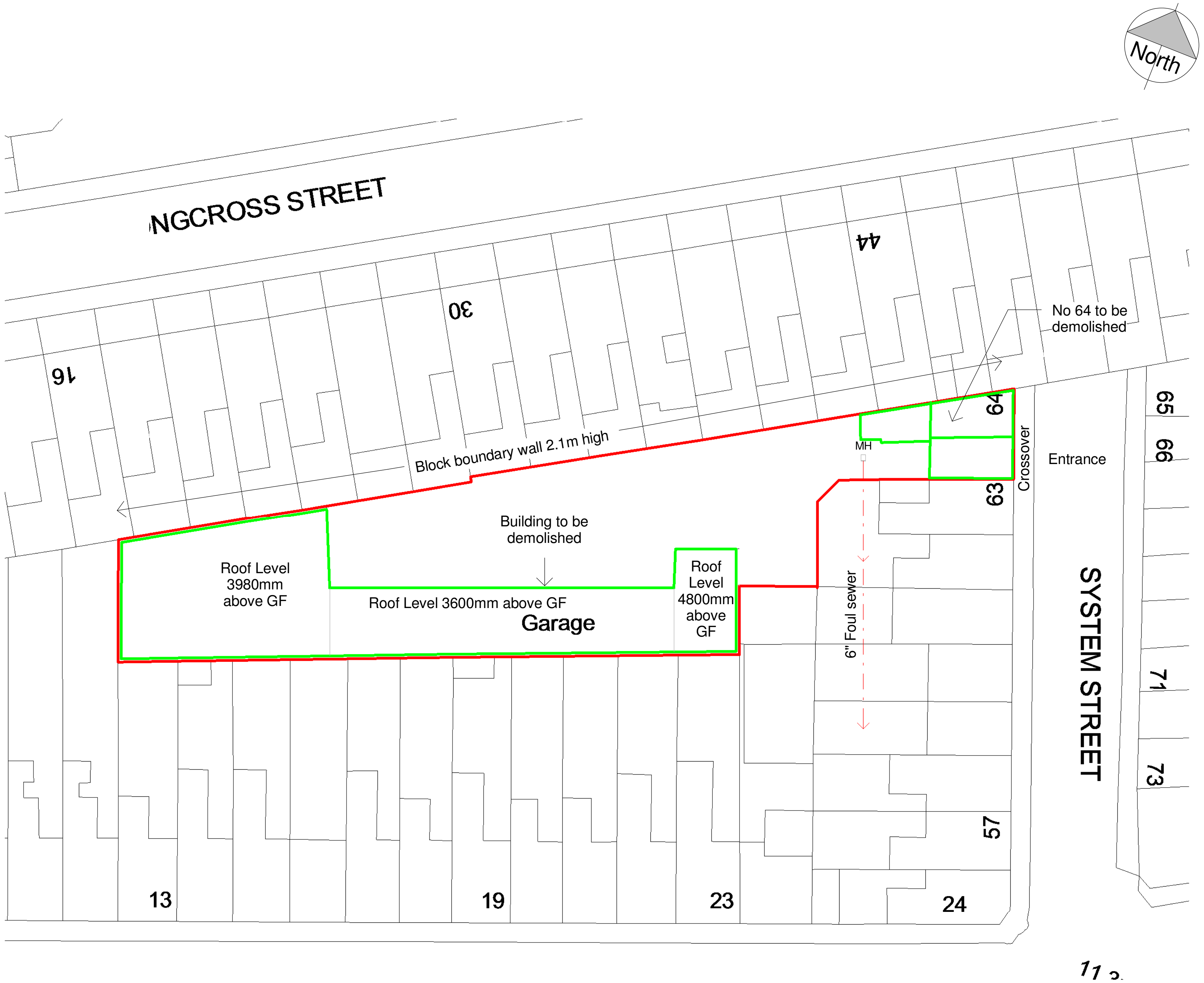
DRAINAGE LEGEND:

🟥 -FOUL DRAINAGE RUN EXISTING
🟫 -FOUL DRAINAGE RUN PROPOSED
🟦 -SURFACE WATER DRAINAGE RUN

0mm 50mm

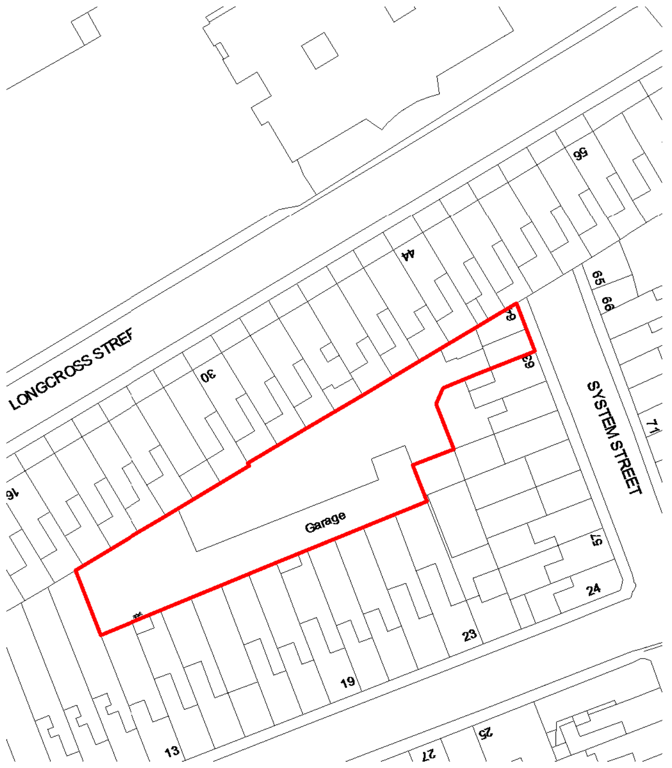
A3 Original Sheet Size

North



Site Plan as Existing

1 : 500



Location Plan

1 : 1250

Planning Issue

date	rev	name	chk	note
29/10/16	C	PL	ID	Scheme re-designed & amended to 5 dwellings
18/08/16	B	PL	ID	Scheme amended to 4 dwellings & site layout amended
31/05/16	A	PL	ID	Boundary amended & heights added

dlp ARCHITECTURE

Architectural Design - Feasibility - Planning - Building Control - Construction Details - Sustainable Design

Systems House 89 Heol Don Cardiff CF14 2AT
T 02920316857 M 07785582007 info@dlparchitecture.co.uk

PROJECT
Demolition of existing MOT station & No 64 & erection of 5 No Dwellings
64 System Street, Cardiff CF24 0JH

DRAWING TITLE
Site Plan as Existing

AREA:
Site Area= 1180m2

SCALE	DATE	DRAWN BY	CHECKED BY
As indicated	29/01/16	PL	Ian

DRAWING NUMBER		REVISION
P517	L_001	C

29/10/2016 15:55:58

West Elevation

South Elevation

South Elevation

South Elevation

South East Elevation

East Elevation

0mm 50mm

A3 Original Sheet Size

Planning Issue

date	rev	name	chk	note

Architectural Design - Feasibility - Planning - Building Control - Construction Details - Sustainable Design

Systems House 89 Heol Don Cardiff CF14 2AT
T 02920316857 M 07785582007 info@dlparchitecture.co.uk

PROJECT
Demolition of existing MOT station & No 64 & erection of 5 No Dwellings
64 System Street, Cardiff CF24 0JH

DRAWING TITLE
Photographs as existing

SCALE	DATE	DRAWN BY	CHECKED BY
	31/05/16	PL	ID

DRAWING NUMBER
P517 L_100

REVISION

29/10/2016 15:57:07

0mm 50mm

A3 Original Sheet Size

FINISHES KEY:

1 : SINGLE PLY FLAT ROOF
2 : GREY UPVC DOUBLE GLAZED WINDOWS & DOORS
3 : BRICKWORK EXTERNAL WALLS
4 : ANTRACITE GREY CLADDING
5 : ANTRACITE GREY PERFORATED METAL SCREENING

AREAS:

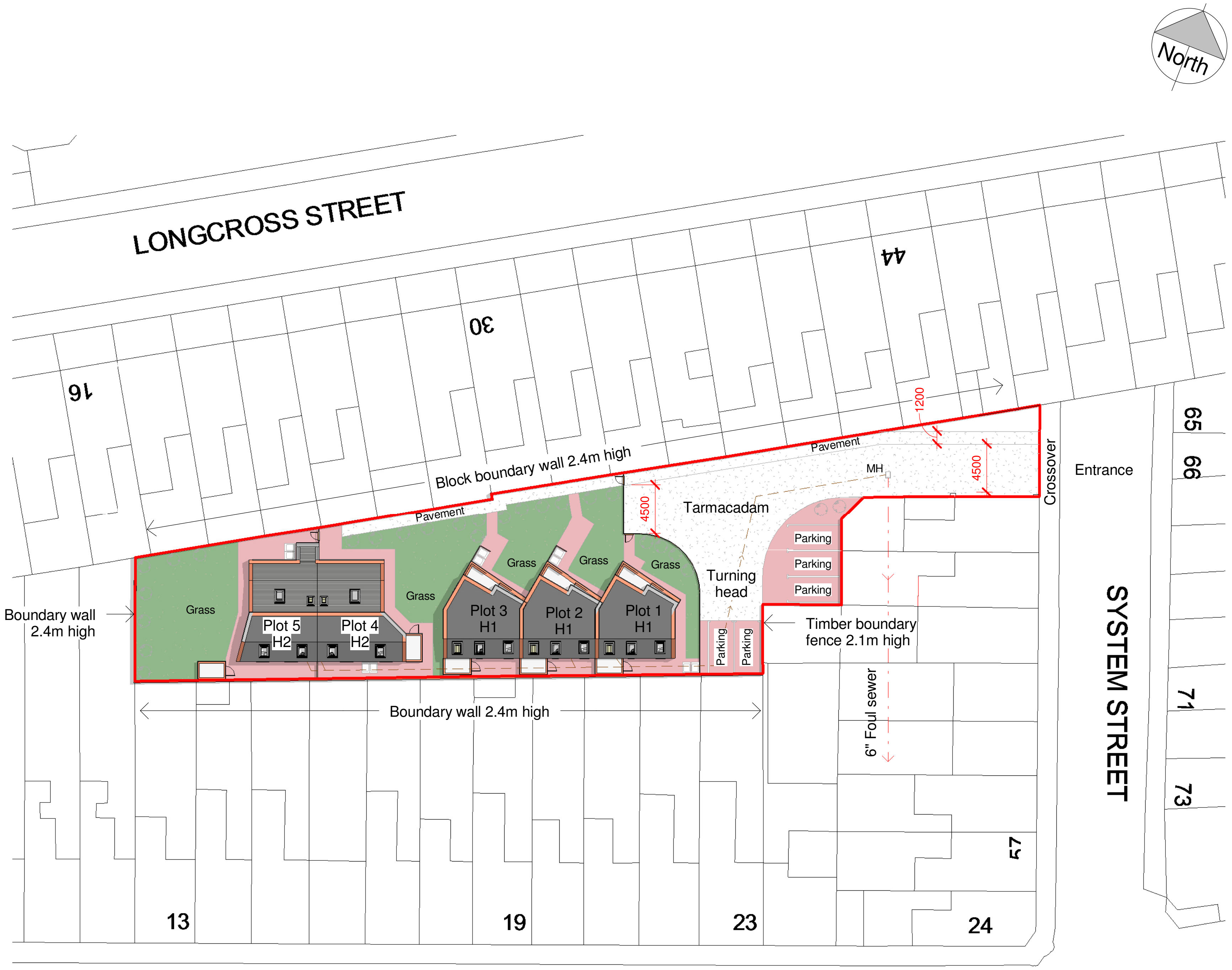
Total site area: 1180m2
House footprints: 45m2

LANDSCAPING FINISHES KEY:

▨ - Tarmacdam hardstanding
▨ - Pourous paviours

DRAINAGE LEGEND:

— · — -FOUL DRAINAGE RUN EXISTING
— — -FOUL DRAINAGE RUN PROPOSED
- - - - -SURFACE WATER DRAINAGE RUN



Site Plan as Proposed

1 : 500

Planning Issue

date	rev	name	chk	note
15/12/16	E	PL	ID	Scheme re-designed & amended to 5 dwellings
21/09/16	D	PL	ID	Scheme amended to 4 dwellings & site layout amended
18/08/16	C	PL	ID	Scheme amended to 4 dwellings & site layout amended
12/07/16	B	PL	ID	Dwellings reduced & redesigned
31/05/16	A	PL	ID	Boundary amended

dlp ARCHITECTURE

Architectural Design - Feasibility - Planning - Building Control - Construction Details - Sustainable Design

Systems House 89 Heol Don Cardiff CF14 2AT
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PROJECT
Demolition of existing MOT station & No 64 & erection of 5 No Dwellings

64 System Street, Cardiff CF24 0JH

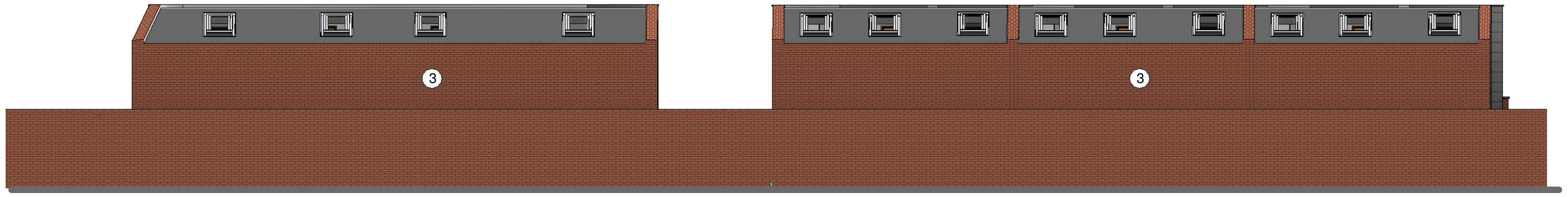
DRAWING TITLE
Site Plan as Proposed

SCALE	DATE	DRAWN BY	CHECKED BY
As indicated	29/01/16	PL	ID

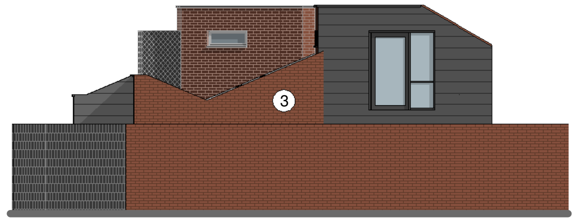
DRAWING NUMBER		REVISION
P517	L_002	E

15/12/2016 18:48:14

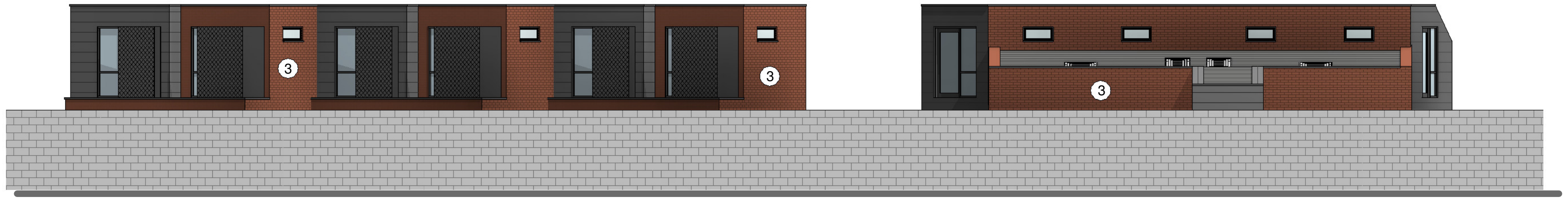
East Elevation
1 : 200



South Elevation
1 : 200



West Elevation
1 : 200



North Elevation
1 : 200

0mm 50mm

A3 Original Sheet Size

FINISHES KEY:

1 : SINGLE PLY FLAT ROOF
2 : GREY UPVC DOUBLE GLAZED WINDOWS & DOORS
3 : BRICKWORK EXTERNAL WALLS
4 : ANTRACITE GREY CLADDING
5 : ANTRACITE GREY PERFORATED METAL SCREENING

Planning Issue

date	rev	name	chk	note

Architectural Design - Feasibility - Planning - Building Control - Construction Details - Sustainable Design

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PROJECT
Demolition of existing MOT station & No 64 & erection of 5 No Dwellings

64 System Street, Cardiff CF24 0JH

DRAWING TITLE
Site Elevations as Proposed

SCALE	DATE	DRAWN BY	CHECKED BY
As indicated	29/10/16	PL	Ian

DRAWING NUMBER		REVISION
P517	L_210	

15/12/2016 18:49:25

0mm 50mm

A3 Original Sheet Size

FINISHES KEY:

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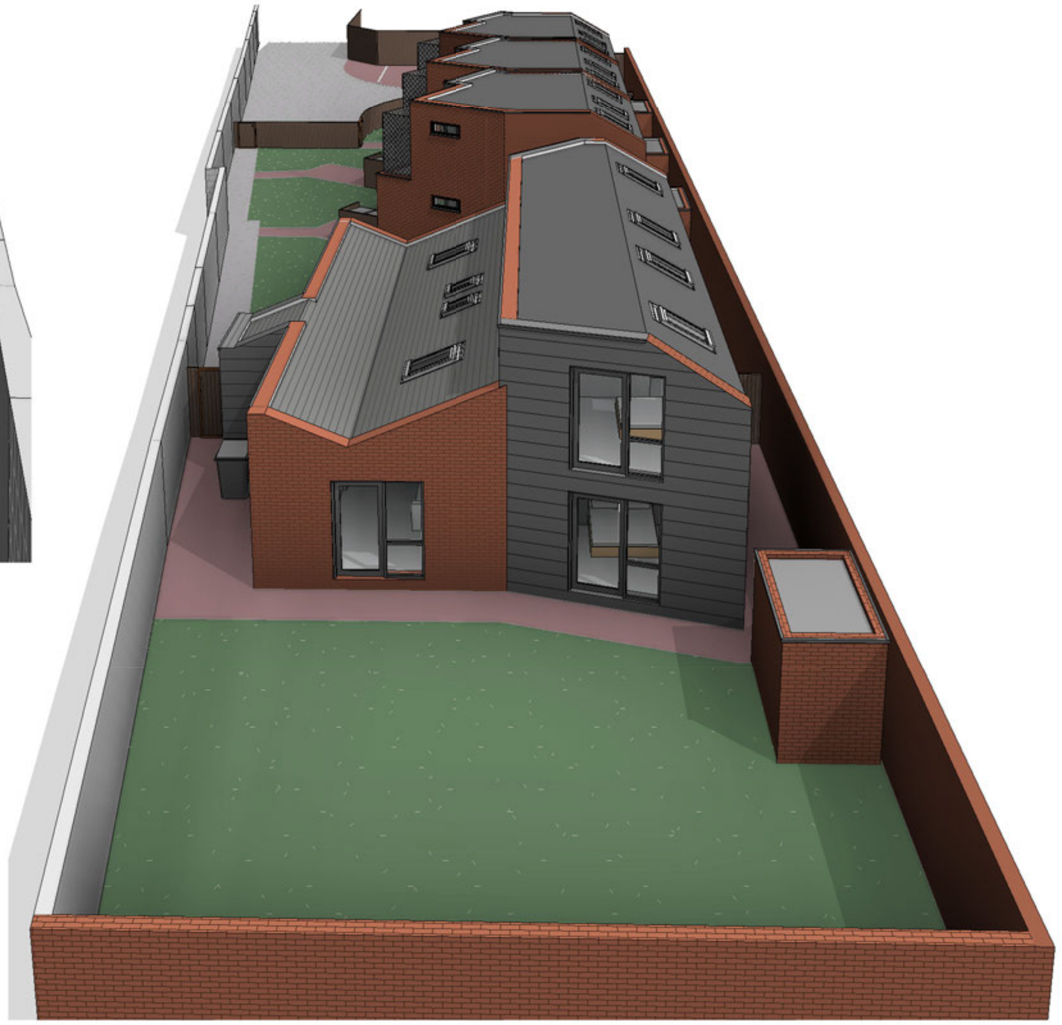
2 : GREY UPVC DOUBLE GLAZED WINDOWS & DOORS
3 : BRICKWORK EXTERNAL WALLS
4 : ANTRACITE GREY CLADDING
5 : ANTRACITE GREY PERFORATED METAL SCREENING

North Perspective View

East Perspective View



West Perspective View

Planning Issue

date	rev	name	chk	note

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Architectural Design - Feasibility - Planning - Building Control - Construction Details - Sustainable Design

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PROJECT
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64 System Street, Cardiff CF24 0JH

DRAWING TITLE
Perspective Views as Proposed

SCALE	DATE	DRAWN BY	CHECKED BY
1 : 100	29/10/16	PL	PB

DRAWING NUMBER		REVISION
P517	L_220	

LANDSCAPING FINISHES KEY:

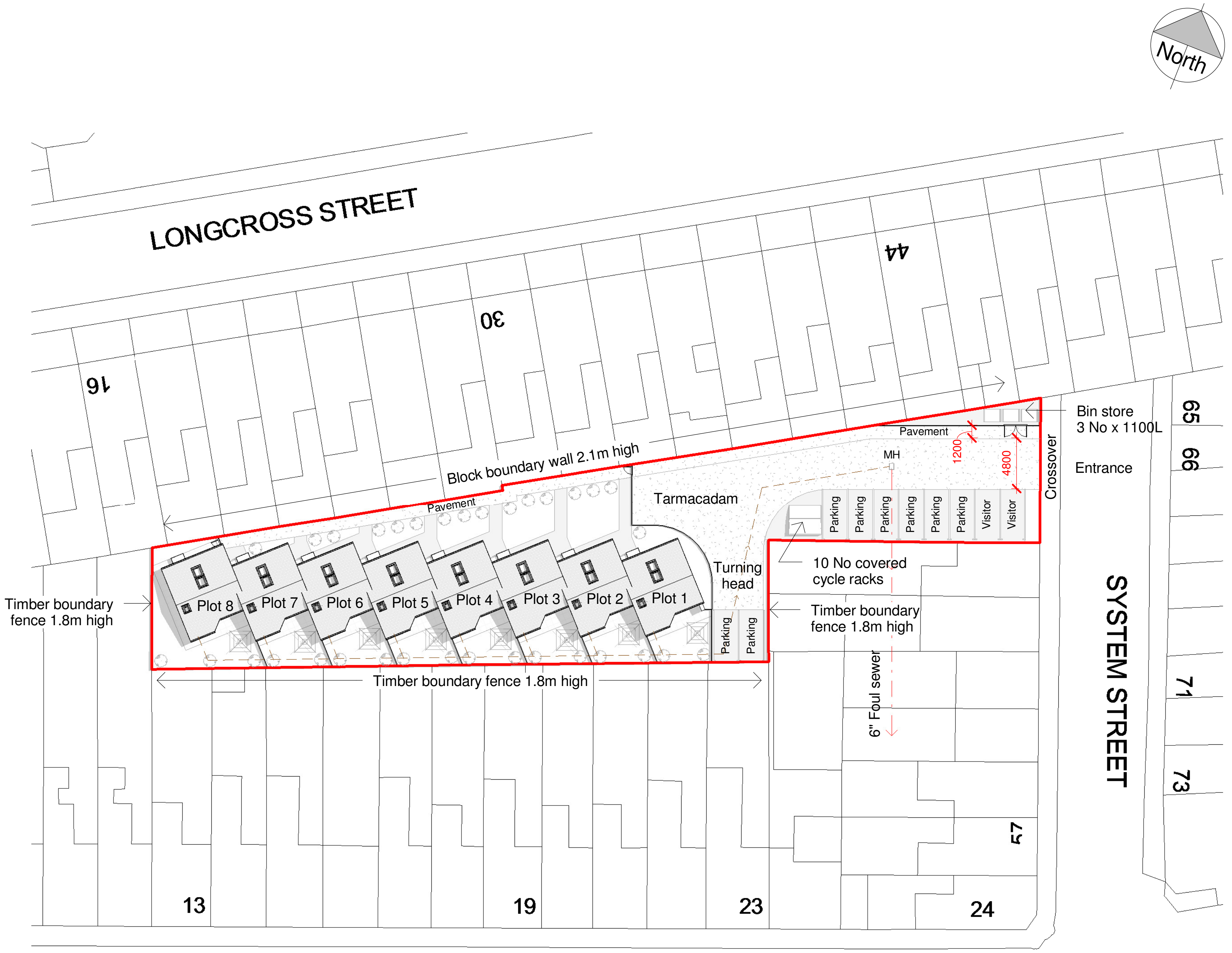
- ░ - Tarmacadam hardstanding
- ▦ - Paving slabs
- ▨ - Pourous paviours

0mm 50mm

A3 Original Sheet Size

FINISHES KEY:

1 : SLATE GREY ROOF & RIDGE TILES
2 : GREY UPVC DOUBLE GLAZED WINDOWS & DOORS
3 : BLACK UPVC RAINWATER GOODS ON BLACK FASCIA
4 : WHITE K RENDERED EXTERNAL WALLS



Site Plan as Proposed

1 : 500

AREAS:

Total site area: 1236m2

House footprint: 39m2

Individual private amenity areas:
Plot 1-7: 26m2
Plot 8: 64m2

Shared amenity area:
Plot 1: 211m2

Car Parking:
8 No Resident spaces
2 No Visitor spaces
10 No Cycle spaces

DRAINAGE LEGEND:

— · — -FOUL DRAINAGE RUN EXISTING
— — -FOUL DRAINAGE RUN PROPOSED
– – – – -SURFACE WATER DRAINAGE RUN

Planning Issue

date	rev	name	chk	note

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Architectural Design - Feasibility - Planning - Building Control - Construction Details - Sustainable Design

Systems House 89 Heol Don Cardiff CF14 2AT
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PROJECT
Demolition of existing MOT station & dwelling & erection of 8 No 3 bed Dwellings
64 System Street, Cardiff CF24 0JH

DRAWING TITLE
Site Plan as Proposed

SCALE	DATE	DRAWN BY	CHECKED BY
As indicated	29/01/16	PL	Ian

DRAWING NUMBER		REVISION
P517	L_002	

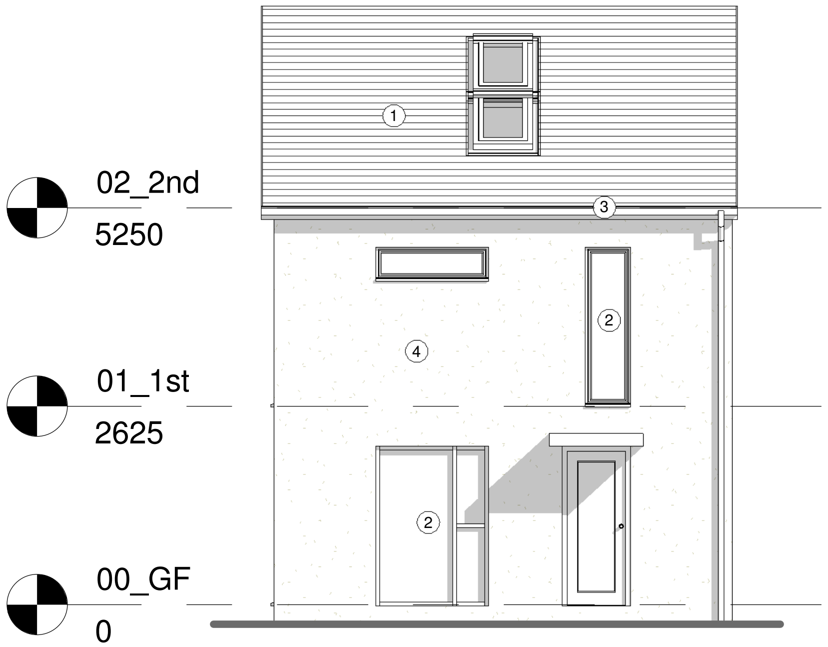
21/04/2016 16:26:36

0mm 50mm

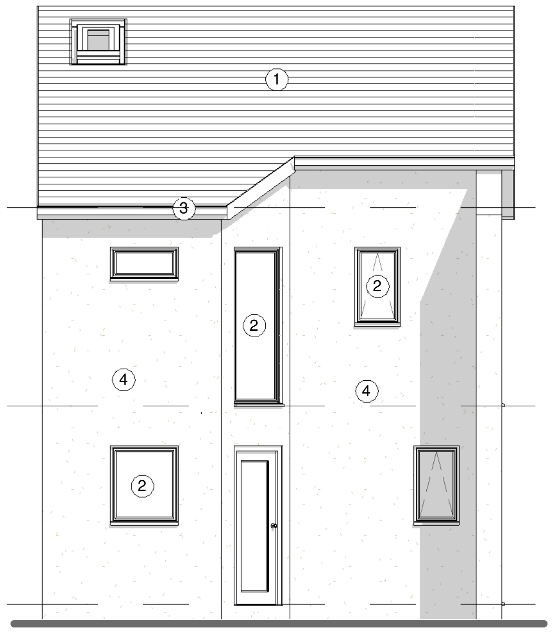
A3 Original Sheet Size

FINISHES KEY:

1 : SLATE GREY ROOF & RIDGE TILES
2 : GREY UPVC DOUBLE GLAZED WINDOWS & DOORS
3 : BLACK UPVC RAINWATER GOODS ON BLACK FASCIA
4 : WHITE K RENDERED EXTERNAL WALLS

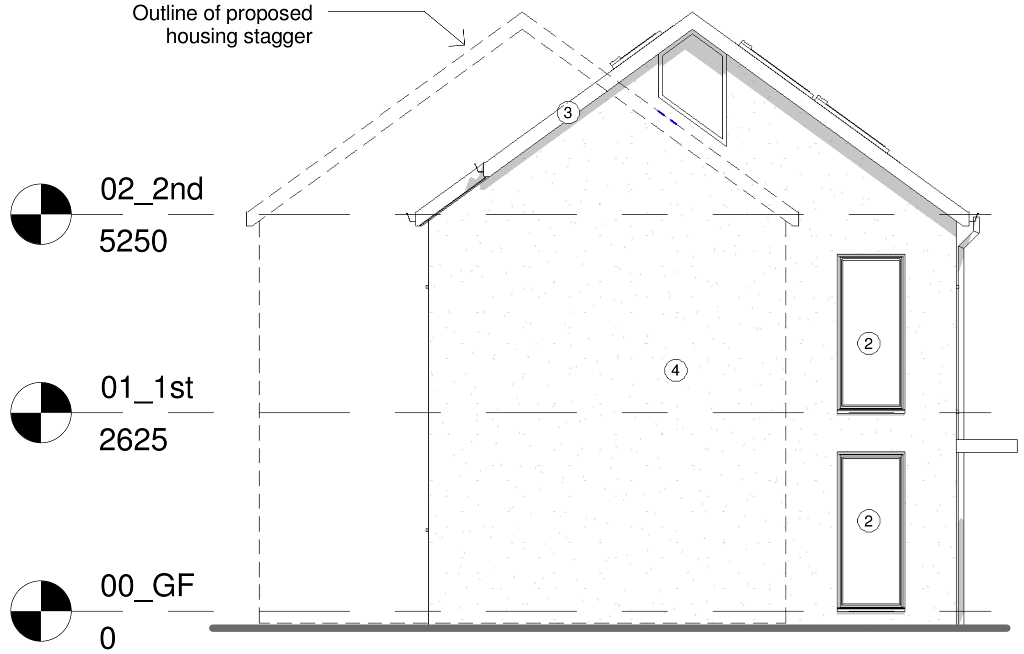


Front Elevation
1 : 100



Rear Elevation
1 : 100

Outline of proposed
housing stagger



Side Elevation
1 : 100

Planning Issue

date	rev	name	chk	note

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Architectural Design - Feasibility - Planning - Building Control - Construction Details - Sustainable Design

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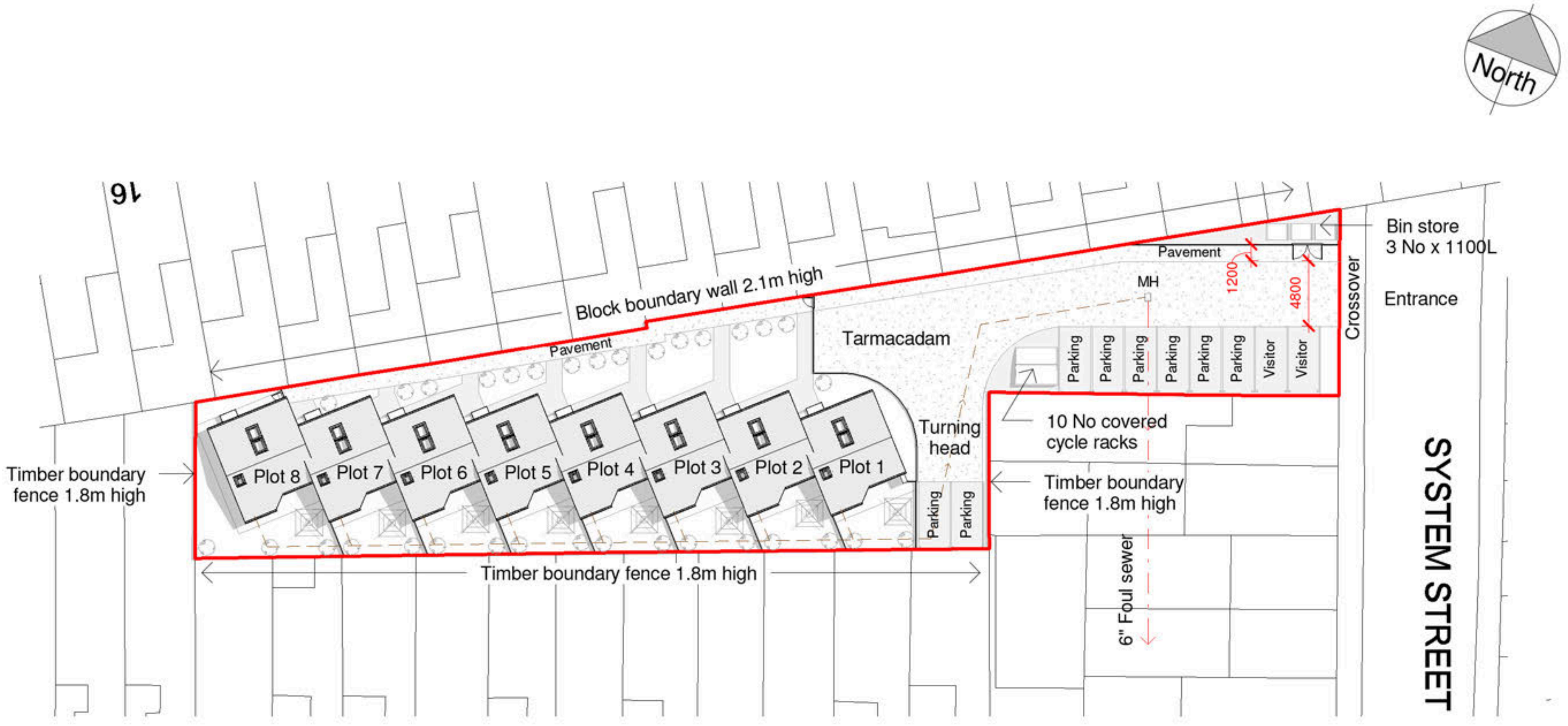
PROJECT
Demolition of existing MOT station & dwelling & erection of 8 No 3 bed Dwellings

64 System Street, Cardiff CF24 0JH

DRAWING TITLE
Typical Elevations 1 of 2 as Proposed

SCALE	DATE	DRAWN BY	CHECKED BY
1 : 100	29/01/16	PL	Ian

DRAWING NUMBER		REVISION
P493	A_110	



Site Plan as Proposed

1 : 500

Site Plan as Proposed

1 : 500

0mm 50mm

A3 Original Sheet Size

FINISHES KEY:

1 : SINGLE PLY FLAT ROOF
2 : GREY UPVC DOUBLE GLAZED WINDOWS & DOORS
3 : BRICKWORK EXTERNAL WALLS
4 : ANTRACITE GREY CLADDING
5 : ANTRACITE GREY PERFORATED METAL SCREENING

AREAS:

Total site area: 1180m2
House footprints: 45m2

LANDSCAPING FINISHES KEY:

░ - Tarmacdam hardstanding
▨ - Pourous paviours

DRAINAGE LEGEND:

— · — -FOUL DRAINAGE RUN EXISTING
— — -FOUL DRAINAGE RUN PROPOSED
- - - - -SURFACE WATER DRAINAGE RUN

Planning Issue

date	rev	name	chk	note
15/12/16	E	PL	ID	Scheme re-designed & amended to 5 dwellings
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Architectural Design - Feasibility - Planning - Building Control - Construction Details - Sustainable Design
Systems House 89 Heol Don Cardiff CF14 2AT
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PROJECT
Demolition of existing MOT station & No 64 & erection of 5 No Dwellings

64 System Street, Cardiff CF24 0JH

DRAWING TITLE
Site Plan as Proposed

SCALE	DATE	DRAWN BY	CHECKED BY
As indicated	29/01/16	PL	ID

DRAWING NUMBER		REVISION
P517	L_002	E

15/12/2016 18:48:14

COMMITTEE DATE: 15/03/2017

APPLICATION No. **16/01074/MNR** APPLICATION DATE: 20/05/2016

ED: **LLANDAFF**

APP: TYPE: Full Planning Permission

APPLICANT: Clearwater Property
LOCATION: RICHARD PARFITT ASSOCIATES, 18D HIGH STREET, LLANDAFF, CARDIFF, CF5 2DZ
PROPOSAL: SMALL PART DEMOLITION AND CONVERSION OF EXISTING OFFICES AT 18D HIGH STREET, LLANDAFF, PROVIDING 9NO. RESIDENTIAL APARTMENTS

RECOMMENDATION 1 : That, subject to relevant parties entering into a binding legal agreement with the Council under the provisions of **SECTION 106** of the Town and Country Planning Act 1990, within 6 months of the date of this Resolution unless otherwise agreed by the Council in writing, in respect of matters detailed in paragraphs 5.4 and 5.7 of this report, 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 and documents:

   - RIO 0239AS.00 - Proposed Site Plan
   - RIO 0239AX.00 - Proposed Sections
   - RIO 0239AX.01 - Proposed Sections
   - RIO 0239AL.00 REV A - Proposed Ground Floor Plan
   - RIO 0239AL.02 - Proposed First Floor Plan
   - RIO 0239AE.00 REV A - Proposed Elevations
   - Refuse Collection drawing (received 19th October 2016)

   Reason: For the avoidance of doubt as to the extent of the permission.

3. The internal layout of the development shall be constructed strictly in accordance with the approved plans and no future alteration shall be made to the internal layout unless otherwise agreed in writing by the Local Planning Authority.
   Reason: To protect the amenities of future occupiers, in accordance with policies KP5 and H6 of the Cardiff Local Development Plan.

4. The car parking spaces (10 no.) and manoeuvring area located at the rear of the site and illustrated on the approved drawing shall be maintained at all times and they shall not be used for any purpose other than the parking and manoeuvring of vehicles.
   Reason : To make provision for the parking of vehicles clear of the roads

so as not to prejudice the safety, convenience and free flow of traffic, in accordance with policy T5 of the Cardiff Local Development Plan.

5. The development shall not be occupied until facilities for the secure storage of at least 9 no. cycles (1 cycle space per flat) have been provided in accordance with details that shall have been submitted to and approved in writing by the local planning authority and the approved cycle storage facilities shall be retained in perpetuity.
Reason: To ensure that adequate provision is made for the secure parking of cycles in accordance with policies KP5 and T5 of the Cardiff Local Development Plan.

6. No development or site clearance shall commence until the local planning authority have been informed in writing of the name of a professionally qualified archaeologist who is to be present during the undertaking of any excavations in the development area so that a watching brief can be conducted. No work shall commence until the local planning authority has confirmed in writing that the proposed archaeologist is suitable. A copy of the watching brief report shall be submitted to the local planning authority within two months of the archaeological fieldwork being completed.
Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource, in accordance with policies KP17 and EN9 of the Cardiff Local Development Plan.

RECOMMENDATION 2: The applicant is advised that the developers of all new residential units are required to purchase the bin provision required for each unit. The bins have to meet the Council's specifications and can be purchased directly by contacting the Waste Management's commercial team on 029 20717500. Residents will be required to present waste and recycling for collection on Heol Fair.

RECOMMENDATION 3: The developer is advised that no surface water from any increase in the roof area of the building and / or impermeable surfaces within its curtilage should be allowed to drain directly or indirectly to the public sewerage system. The developer may be required to contribute, under Sections 40 - 41 of the Water Industry Act 1991, towards the provision of new off-site and/or on-site watermains and associated infrastructure. The level of contribution can be calculated upon the submission of detailed site layout plans to Dwr Cymru Welsh Water, Developer Services, PO Box 3146, Cardiff CF30 0EH.

RECOMMENDATION 4: The archaeological work required by condition 4 must be undertaken to the Chartered Institute for Archaeologists (CIfA), "Standard and Guidance for an Archaeological Watching Brief" (www.archaeologists.net/codes/ifa) and it is recommended that it is carried out either by a CIfA Registered Organisation (www.archaeologists.net/ro) or an accredited Member.

RECOMMENDATION 5: The developer is advised that an existing highway tree on Llandaff High Street is located a short distance from the application site, in front of an adjacent property and tree protection measures should be put in place if this is likely to be affected by the works.

1. DESCRIPTION OF PROPOSED DEVELOPMENT

1.1 This application seeks full planning permission for the conversion of existing first floor office accommodation within a two storey property to 9 flats (5 x 2 bedroom and 4 x 1 bedroom). The floor areas of the flats will range from 30 square metres to 57 square metres. The existing ground floor retail units will remain unchanged and the existing car park to the rear will be maintained, with the addition of cycle storage facilities and a bin store. A planter will be introduced to provide a buffer between the residential parking bays and the service corridor. The site accommodates ten parking spaces, seven of which are to be retained for future residents of the proposed flats. Vehicular access will be retained through the car park to the rear of the Old Llandaff Primary School to the north of the site.

1.2 Alterations to the rear elevation of the building include the formation of balconies with glass balustrades, which will also create a covered walkway at ground floor level at the rear of the shops, the introduction of a new external entrance stairwell and alteration of a number of windows to form doorways leading onto the balconies. Existing air conditioning and other plant units will be relocated. A small section of the existing flat roofed structure will be slightly increased in height in order to achieve adequate falls for drainage and internal headroom.

1.3 Alterations to the front elevation will be minimal: the shopfronts will remain unaltered, existing stone will be cleaned and repointed where necessary, the timber eaves will be replaced with zinc cladding, windows will be replaced using grey aluminium double glazing, the existing slate roof will be repaired where necessary, the entrance door to the first floor will be replaced with a grey aluminium door to match the windows.

2. DESCRIPTION OF SITE

2.1 The site lies on the western side of Llandaff High Street, within the Local Centre and Llandaff Conservation Area as defined in the adopted Cardiff Local Development Plan, and comprises a two storey pitched roofed building with a two storey flat roofed extension to the rear. There is a car park within the application site, to the rear of the building, accessed from Heol Fair, which can accommodate up to 10 cars. The building is currently divided into 4 retail/commercial units at ground floor level (a Spar supermarket, pharmacist, hairdresser’s and estate agent’s) accessed directly from High Street, with office accommodation above, which is largely vacant. The offices are accessed from High Street via a separate entrance with internal stairs and via external stairs from the car park at the rear.

2.2 The building is primarily faced in “random rubble” natural stone. The ground floor units have aluminium/glazed shopfronts and the first floor level is characterised by six projecting aluminium bay windows with timber surrounds and deep eaves treated with white painted shiplap timber.

2.3 The site is directly opposite shops and dwellings and a road leading to a public car park and memorial hall/school premises. Adjoining the site to the north-east is the Butchers Arms, a locally listed building. To the east of the site are St Cross and St. Andrews, two Grade II Statutory Listed buildings. Number 19 High Street to the south of the development site is also a Grade II Listed Building.

3. **SITE HISTORY**

3.1 09/01811/W – Part demolition and refurbishment of existing offices providing 11 no. residential apartments. Planning Committee resolved to grant planning permission (12/05/2010) subject to a Section 106 Agreement (requiring £14, 587 towards Open Space and £6,448 for public transport improvements) which was never signed.

3.2 09/01810/W - Conservation Area Consent for Part demolition and refurbishment of existing offices providing 11 no. residential apartments.

3.3 A/03/00065/W – New fascia and signs – partly illuminated.

4. **POLICY FRAMEWORK**

4.1 *Cardiff Local Development Plan 2006-2021:*
KP5 (Good Quality and Sustainable Design);
KP7 (Planning Obligations);
KP17 (Built Heritage);
H2 (Conversion to Residential Use);
H3 (Affordable Housing);
EC3 (Alternative Use of Employment Land and Premises);
EN9 (Conservation of the Historic Environment);
T5 (Managing Transport Impacts);
R5 (Local Centres);
C5 (Provision for Open Space, Outdoor Recreation, Children’s Play and Sport);
W2 (Provision for Waste Management Facilities in Development).

4.2 *Supplementary Planning Guidance:*
Following the adoption of the Cardiff Local Development Plan, some existing Supplementary Planning Guidance documents are no longer linked to adopted development plan policies. However, where existing SPG is considered consistent with the new LDP policy framework, it will continue to be material to the Development Management process. The following Supplementary Planning Guidance is considered relevant to the determination of this application as it is either adopted or considered consistent with LDP policies KP5, H3, T5, C5 and W2, and can be used to help inform the assessment of relevant matters –

Access, Circulation and Parking Standards (January 2010);
Residential Design Guide (January 2017);
Waste Collection and Storage Facilities (October 2016);
Cardiff Planning Obligations (January 2017);
Open Space (June 2000).

4.3 *Conservation Area Appraisal:* Llandaff (2006).

4.4 *Planning Policy Wales (November 2016):*

4.4.3: In contributing to the Well-being of Future Generations Act goals, planning policies, decisions and proposals should (inter alia):

- Promote resource-efficient and climate change resilient settlement patterns that minimise land-take, especially through preference for the re-use of suitable previously developed land and buildings;
- Locate developments so as to minimise the demand for travel, especially by private car
- Ensure that all local communities – both urban and rural – have sufficient good quality housing for their needs, including affordable housing for local needs and for special needs where appropriate, in safe neighbourhoods
- Foster social inclusion by ensuring that full advantage is taken of the opportunities to secure a more accessible environment for everyone that the development of land and buildings provides. This includes helping to ensure that development is accessible by means other than the private car.
- Help to ensure the conservation of the historic environment and cultural heritage, acknowledging and fostering local diversity.

4.7.4: Local planning authorities should assess the extent to which developments are consistent with minimising the need to travel and increasing accessibility by modes other than the private car. Higher density development, including residential development, should be encouraged near public transport nodes or near corridors well served by public transport (or with the potential to be so served).

4.11.9: Visual appearance, scale and relationship to surroundings and context are material planning considerations. Local planning Authorities should reject poor building and contextual designs. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions.

4.11.10: In areas recognised for their landscape, townscape or historic value, it can be appropriate to seek to promote or reinforce traditional and local distinctiveness.

4.11.11: Local planning authorities and developers should consider the issue of accessibility for all.

4.11.12: Local Authorities are under a legal obligation to consider the need to prevent and reduce crime and disorder in all decisions that they take.

6.2.2 Local planning authorities and other public bodies have an important role in protecting and conserving the historic environment while helping it accommodate and remain responsive to present day needs

6.5.5 The conservation of archaeological remains is a material consideration in determining a planning application, whether those remains are a scheduled monument or not.

6.5.7 Local planning authorities may impose conditions to protect archaeological remains, if they are minded to approve an application. However, where a local planning authority decides that physical preservation of archaeological remains in situ is not justified, and the development resulting in the destruction of the archaeological remains should proceed, it must be satisfied that the developer has secured appropriate and satisfactory provision for:

- the archaeological investigation and the subsequent recording of the remains;
- the analysis, archiving and publication of the results;
- organisation and deposition of the archive into an approved repository.

This will normally be achieved by the applicant's submission of a written scheme of investigation (WSI) for approval by the local planning authority secured, where necessary, by the use of planning conditions or obligations. The WSI will often be written in response to a brief prepared by the local planning authority. A condition may be imposed prohibiting the start of work on the development until such time as the necessary works have been carried out by competent expert archaeologists to the appropriate standards.21 Archaeological investigations should be carried out before development commences, working to a project design agreed and monitored by the planning authority.

6.5.8 Despite the best efforts of the applicant and the local planning authority, unforeseen archaeological remains may still be discovered during the course of a development. Any WSI should consider how to react to such circumstances or it can be covered through an appropriate condition for an archaeological watching brief.

6.5.20 There should be a general presumption in favour of the preservation or enhancement of the character or appearance of a conservation area or its setting.

6.5.21 There will be a strong presumption against the granting of planning permission for developments which damage the character or appearance of a conservation area or its setting to an unacceptable level. In exceptional cases, the presumption may be overridden in favour of development considered desirable on the grounds of some other public interest. Preservation or enhancement of a conservation area can be achieved by a development which either makes a positive contribution to an area's character or appearance or leaves them unharmed. Mitigation measures can also be considered which could result in an overall neutral or positive impact of a proposed development in a conservation area.

7.2.4 Mixed use development should be promoted in and adjoin existing settlements, where appropriate. Policies and supplementary planning guidance should support mixed use developments, including flexible workplace/dwellings and commercial premises, where these are appropriate.

8.1.5 Land use planning can help to achieve the Welsh Government's objectives for transport through (inter alia) reducing the need to travel, especially by private car, by locating development where there is good access by public transport, walking and cycling; locating development near other related uses to encourage multi-purpose trips and reduce the length of journeys.

8.2.3 Cycling should also be encouraged for short trips and as a substitute for shorter car journeys or, as part of a longer journey when combined with public transport.

8.4.2: Local Authorities should ensure that new developments provide lower levels of parking than have generally been achieved in the past. Minimum parking standards are no longer appropriate.

9.1.1 : The Assembly Government will seek to ensure that previously developed land is used in preference to Greenfield sites; new housing and residential environments are well designed, meeting national sustainability standards and making a significant contribution to promoting community regeneration and improving the quality of life; and that the overall result of new housing development in villages, towns or edge of settlement is a mix of affordable and market housing that retains and, where practical, enhances important landscape and wildlife features in the development.

9.1.2 Local planning authorities should promote sustainable residential environments, avoid large housing areas of monotonous character and make appropriate provision for affordable housing. Local planning authorities should promote (inter alia): mixed tenure communities; development that is easily accessible by public transport, cycling and walking; mixed use development so communities have good access to employment, retail and other services; greater emphasis on quality, good design and the creation of places to live that are safe and attractive; the most efficient use of land; well designed living environments, where appropriate at increased densities.

9.2.12 Higher densities should be encouraged on easily accessible sites, where appropriate, but these will need to be carefully designed to ensure a high quality environment. In particular, local planning authorities should adopt a flexible approach to car parking standards.

9.3.3 Insensitive infilling, or the cumulative effects of development or redevelopment, including conversion and adaptation, should not be allowed to damage an area’s character or amenity. This includes any such impact on neighbouring dwellings, such as serious loss of privacy or overshadowing.

9.3.4: Where high densities are proposed, the amenity of the scheme and surrounding property should be carefully considered.

9.3.5 Where development plan policies make clear that an element of affordable housing, or other developer contributions, are required on specific sites, this will be a material consideration in determining relevant applications. Applicants for planning permission should therefore demonstrate and justify how they have arrived at a particular mix of housing, having regard to development plan policies. If, having had regard to all material considerations, the local planning authority considers that the proposal for a site does not contribute sufficiently towards the objective of creating mixed communities, then the authority will need to negotiate a revision of the mix of housing or may refuse the application.

10.2.7 Appropriate land uses and design of development and spaces can contribute to security through natural surveillance, for example mixed use schemes including residential can provide longer periods of activity and usage over the course of a day resulting in the creation of safer places.

10.3.3 Retail opportunities should continue to underpin retail and commercial centres. However, vibrant and viable centres are distinguished by a diversity of activity and use which should contribute towards a centre’s well-being and success, whilst also reducing the need to travel. Mixed use developments,

combining retailing with entertainment, restaurants and, where appropriate, residential should be encouraged so as to promote lively centres during both the day and the evening.
12.7.3: Adequate facilities and space for the collection, composting and recycling of waste materials should be incorporated into the design of any development.

4.5 *Technical Advice Note 12 - Design (March 2016)*

4.6 *Welsh Office Circular 60/96: Planning and the Historic Environment: Archaeology.*

4.7 *Welsh Office Circular 61/96: Planning and the Historic Environment: Historic Buildings and Conservation Areas.*

4.8 *Planning (Listed Buildings and Conservation Areas) Act 1990.*

5. INTERNAL CONSULTEE RESPONSES

5.1 *Transportation:* No objection subject to conditions requiring the retention of parking spaces and provision of cycle parking facilities.

5.2 *Pollution Control (Noise & Air):* No comments to make.

5.3 *Parks Development:* There are no highway trees directly outside the property, although an existing tree on Llandaff High Street is located a short distance away in front of an adjacent property and tree protection measures should be put in place if this is likely to be affected by the works.

5.4 The Council's Supplementary Planning Guidance - Open Space requires provision of a satisfactory level and standard of open space on all new housing/student developments, or an off-site contribution towards existing open space for smaller scale developments where new on-site provision is not applicable. As no public open space is being provided on-site, the developers will be required to make a financial contribution towards the provision of open space off-site, or the improvement (including design and maintenance) of existing open space in the locality. The contribution payable will be **£13,973**. In the event that the Council is minded to approve the application, I assume it will be necessary for the applicant and the Council to enter into a Section 106 Agreement to secure payment of the contribution. Information on the open space projects reasonably related to the development, to which the contribution will be allocated, will be provided for inclusion within the Section 106 Agreement. This would involve local consultation with various parties and be subject to Member approval.

5.5 *Waste Strategy & Minimisation Officer:* Each flat will require the following for recycling and waste collections: 1 x 140 litre bin for general waste; 1 x 25 litre kerbside caddy for food waste; green bags for mixed recycling (equivalent to 140 litres). The proposed storage area is acceptable. Please note that the tenants will be required to place all waste on Heol Fair.

5.6 *Housing Strategy:* In line with the Local Development Plan (LDP), an affordable housing contribution of 20% of the 9 units (2 units) is sought on this brown-field site. Our priority is to deliver on-site affordable housing, in the form of affordable rented accommodation, built to Welsh Government Development Quality Requirements. However, given the proposed design of the scheme, the unknown proposed future tenure of the units, and the likely service charges for this type of residential development, all of which could affect the affordability as well as the practicality of managing and maintaining affordable housing on-site for a Registered Social Landlord, we would be prepared to accept financial contribution in lieu of on-site affordable housing provision.

5.7 A financial contribution of £140,070 (in lieu of 2 units) would be required, calculated in accordance with the formula in the Affordable Housing – Supplementary Planning Guidance (SPG) (2007). However, based on the Valuer's assessment of the viability of the scheme, we would be prepared to accept a figure of **£50,000** for the affordable housing provision.

6. EXTERNAL CONSULTEES RESPONSES

6.1 *Police Crime Prevention Design Advisor:* No comments received.

6.2 *Llandaff Conservation Group:* The Group notes that the application explicitly takes a "minimal aesthetic" approach to the existing property. As a matter of principle, the Group believes that such an approach is not appropriate in a conservation area as it will inevitably fail to preserve or enhance the character of the area. In this specific instance, such an approach leads to problems in practice as well. The existing building is clearly commercial in character and its current appearance would detract from the liveability and the security of a residential development on the site and this should be addressed. Furthermore, the external treatment leads to overdevelopment as the proposed number of units cannot be adequately accommodated in the existing footprint, as evidenced by the proposal for units relying entirely on footlights for access to natural light. Previous applications have accommodated a higher number of units, but have done so on an enlarged footprint. The Group could not see specific reference to the suitability of the proposed access arrangements as fire escapes and would appreciate more detail on this point. The Group notes the amended bin store details submitted by the applicant predicated on wheelie bin collection and would wish for clarification as to whether this will be feasible given the extent to which nearby properties are subject to bag collections. The Group would also like clarification as to waste arrangements for the ground floor commercial properties, noting that there would be a negative impact on the character of the conservation area were collections to be moved to the front of these properties.

6.3 *Welsh Water:* No surface water from any increase in the roof area of the building and / or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system. Dwr Cymru Welsh Water has no objection to the proposed development. A water supply can be made available to serve this proposed development. The developer may be required to contribute, under Sections 40 - 41 of the Water Industry Act 1991, towards the provision of new off-site and/or on-site watermains and associated infrastructure.

6.4 *Glamorgan Gwent Archaeological Trust:* The proposal has an archaeological restraint. The Historic Environment Record indicates that the application area is situated within the area of medieval settlement to the south of Llandaff Cathedral; settlement grew around the Cathedral from the 6th century AD onwards. The High Street was one of the major medieval roads leading to the Cathedral and later maps of the 17th and 18th century show buildings and gardens along the road. Archaeological work in the vicinity has shown that remains dating from the medieval period survive and information about the early sequence of building and land use in Llandaff has been acquired from such work.

6.5 The groundworks for the development, in particular groundwork for sewerage and other services, could reveal unrecorded archaeological features, despite the development being located on already disturbed ground. Therefore in order to mitigate the impact of the development on the archaeological resource we recommend that a condition, requiring an archaeological watching brief to be conducted during the groundworks for the development should be attached to any planning consent granted in respect to the current application. This should include all ground breaking activities.

7. **REPRESENTATIONS**

7.1 The application has been advertised by press notice, site notice and neighbour notification. Objections have been received from the Llandaff Society, on the following grounds:

1) At present the rear aspect of this block is of very poor quality and does nothing to enhance the Conservation Area. Measures to improve the environment of this area are long overdue, but the Llandaff Society considers that the current application has no architectural merit and should not be approved.

2) The proposed conversion of the offices, with only minimal changes to the structure of the building would result in gross over-development and creation of sub-standard residential accommodation. In particular, the sleeping areas in the 2 studios and 3 of the proposed 11 bedrooms have only a roof light and no external ventilation. The living room in “Flat 2b” overlooks the balcony of an adjacent flat and thus would have a single obscure-glazed window. One flat (no: 3) has no window at all, which we believe should be unacceptable. The balconies on 5 of the units directly overlook the car park and refuse store.

3) The corridors linking the entrances to the 9 units are only of sufficient width to be used as internal corridors, and we doubt whether they would meet Building or Fire Regulations.

4) We are very concerned that only 7 car parking spaces are to be provided when the number of spaces required for this number of residential units according to the D&AS and the Council’s own standards is 10. Illegal parking is a particular problem in Llandaff. Frequent high levels of congestion are

experienced already in High Street, and provision of extra residential accommodation will exacerbate this by encouraging more traffic at all times of the day and night. Provision of a cycle rack at the inner edge of car park will not in itself encourage greater cycle use.

5) If the Council is minded to approve this application we urge them to ask the applicant to revise the design to reduce the number of units to an absolute maximum of 7, ensure that there is no principal room lit by obscurely glazed windows, no bedroom lit only via roof lights, and that the development complies with the Council's minimum parking standard. Any roof lights should be pitched rather than horizontal. We also urge them to include funding for further restoration of the Bishop's Palace and garden in the S106 agreement, as this would provide the nearest amenity space for any future unfortunate residents.

8. **ANALYSIS**

8.1 The main issue to consider in the determination of this application is the impact of the development on the character and appearance of the Llandaff conservation area.

8.2 The majority of the external works will be to the rear of the site, not prominently located within the conservation area, and will aid in rationalising the currently untidy rear of the building. The works affecting the front elevation – replacement of a deteriorating eaves fascia, upper floor windows and the entrance door to the flats with materials appropriate to the character of the building - will improve the quality of the detailing of this building, which is not of historic importance but dates from the latter part of the 20th century. Damage to any archaeological features that may exist to the rear of the site can be prevented by requiring an Archaeological Watching Brief. The existing building is not considered to reflect the qualities associated with the adjoining Locally and Statutorily Listed Buildings and the proposed alterations will have no detrimental impact on the setting of these buildings. It is considered that the character and appearance of the conservation area and the setting of the Listed Buildings will be preserved and that the proposals comply with policies KP17 and EN9 of the Cardiff Local Development Plan.

8.3 The proposal is considered to comply with all relevant policies of the Local Development Plan: Policy H2 supports the conversion of suitable vacant space above commercial premises within Local Centres to residential use where adequate servicing and security can be maintained to the existing commercial use; appropriate provision can be made for parking, access, pedestrian access, amenity space, and refuse disposal together with any appropriate external alterations; the residential use does not compromise the ground floor use. In this case, the conversion of the upper floors will have no impact on servicing and security for the existing commercial uses; adequate parking facilities will be provided, access is not affected, amenity space will be provided in the form of balconies, and appropriate provision will be made for refuse disposal, proposed external alterations are acceptable and there will be no adverse impact on the existing commercial premises at ground floor level – there will be separate entrances for the flats, and none of the ground floor premises are in uses that might attract complaints from residents (e.g. hot food takeaway) although there is a public house adjoining the site to the east. Prospective residents of the flats would however be aware of the existing public house and could choose not to live there if they considered that they would be disturbed by its presence. Pollution Control noise officers have raised no concerns. It should also be noted that planning permission was granted in 2010 for the conversion of this property to 11 flats, which also involved the extension of the building to the rear to create a third storey.

8.4 Policy R5 of the LDP specifically mentions the retention of residential accommodation at upper floors as being favoured within Local Centres, and the supporting text acknowledges that “Local Centres are generally more residential in nature than District Centres”.

8.5 Policy EC3 of the LDP states that the development of business premises for other uses will only be permitted if the premises are no longer well located for business, industrial and warehousing use; there is no realistic prospect of employment use on the site; there is no need to retain the land or premises for business, industrial or warehousing use; and there will be no unacceptable impact on the operating conditions of existing businesses. In this case, the loss of business premises is considered acceptable as the amount of floorspace involved is relatively small and the majority of the space has been vacant for more than two years with no interest despite having been marketed widely by a letting agent. Residential accommodation is also a favoured use within Local Centres.

8.6 With regard to parking facilities, the minimum requirement in accordance with the Access, Circulation and Parking Standards SPG would be for 0.5 spaces per flat, i.e. 4.5 spaces. The proposal includes provision for 10 off-street parking spaces, 3 of which are allocated to the shops and will continue as such. There will therefore be 7 spaces available to residents of the flats, which is in excess of the minimum requirement set out in the SPG. Shoppers and visitors to the offices arriving by car generally use the existing on-street parking spaces or the public car park on the opposite side of High Street. Furthermore, the site is easily accessible by public transport and adequate provision can be made for cycle parking within the site, to promote the use of environmentally sustainable means of transport..

8.7 Regarding waste storage, the waste management officer has confirmed that the submitted plan showing refuse storage for the flats within a compound located at the rear of the car park is acceptable. Residents will have to present waste to Heol Fair for collection (around 35m away) but this is no worse than the situation which already exists for residents of existing properties close to this location.

8.8 The development will provide an acceptable living environment for future residents. Although some of the one bedroom flats are quite small (30 square metres), they are within the floorspace limits normally found acceptable and whilst the amount of amenity space is limited to the use of private and shared balconies, given the location of the site within a local centre and its proximity to public transport and public open space, a higher density of development with limited private outdoor amenity space is considered acceptable. However, as the development will result in an increased demand for use of existing public open space in the locality, it is appropriate to require a financial contribution to made by the developer towards the design, improvement and/or maintenance of public open space within the locality of the development site. The closest areas of recreational open space are Bishops Palace, Llandaff Fields, and the footpath along a section of the River Taff.

8.9 The outlook from the flats at the front of the building will be over the High Street and from those at the rear of the site will be across a car park towards trees and the rear garden of a property on Heol Fair, and is acceptable. The windows will be at an adequate distance from other properties to avoid loss of privacy.

8.10 With regard to the objections received:
1) The opinion as to the architectural merit of the development is subjective. Conservation and design officers have assessed the scheme and find it acceptable. This issue is considered at paragraph 8.2 above.
2) The standard of the residential accommodation is considered acceptable in the context of the site. It is common to find bedrooms lit only by rooflights – such arrangements have often been found acceptable by Welsh Government Planning Inspectors – and ventilation is a matter controlled by the Building Regulations. The living room of flat 2b would also be served by a glazed door leading onto its balcony, which would not have to be obscurely glazed. Flat 3 would also have a glazed door giving an outlook from the living room.
3) Planning permission does not override fire regulations or the Building Regulations. If the development does not comply with those regulations, it will have to be re-designed and an amended application submitted.
4) The number of spaces required for this number of residential units according to the Council's standards (the Access, Circulation and Parking Standards SPG) is 4.5. The proposal includes provision for 7 off-street parking spaces to serve the flats. The provision of sheltered and secure cycle parking facilities will allow residents to use cycles if they choose to do so.
5) The provision of 9 units is considered acceptable. No living rooms are lit purely by obscurely glazed windows and it is acceptable to use rooflights for bedrooms. The development complies with the Council's parking standards, providing more than the minimum number of spaces required. The pitch of the roof lights is not considered to be relevant as they are for lighting purposes only. Funding for open space (which, subject to the agreement of local Members, could be used for the Bishop's Palace and garden) is included in the S106 obligation.

8.11 Regarding the comments received from the Llandaff Conservation Group:
the Conservation officers have considered the scheme and are of the opinion that the development would not be prominently located within the conservation area, would aid in rationalising the currently untidy rear of the building, and that, as such, the character and appearance of the area would be preserved. The existing commercial nature of the building does not prevent its being used for residential purposes – permitted development rights exist for the conversion of the upper floors of shops to single flats therefore 4 flats could be created here without the need for planning permission. The commercial character of the

building does not affect its “liveability” – adequate living space can be created on the upper floor, and the security of the development is not compromised as there is no direct link to the ground floor retail units. The use of roof lights is discussed above. The issue of fire escapes is dealt with under the Building Regulations. Waste management officers are satisfied with the bin storage details. Waste collections for the ground floor properties are not affected by the proposals.

8.12 In order to address the requirements of policies relating to open space and affordable housing, the developer will be required to enter into a S106 agreement with the Council to provide a financial contribution in lieu of on-site facilities. On being informed of the sums requested for open space and affordable housing, the applicant submitted a viability assessment claiming that this scheme will not be viable if the S106 contributions are made, which was appraised by the Council’s Valuer, who concluded that the margin of viability for this scheme is sufficient to support the request for a POS contribution of £13,973 as requested and an Affordable Housing contribution of £50,000, rather than the £140,070 requested. The developer challenged this assessment and the District Valuer was asked to review the details and provide an independent conclusion. This conclusion will be reported to the Planning Committee and amendments will be made to the figures in the Section 106 requirements, if necessary, as a late representation. This is in line with policy H3 of the Cardiff Local Development Plan, the supporting text of which states that: “*In negotiating affordable housing, each proposal’s actual contribution will depend on that scheme’s capacity for provision. This will ensure that the affordable housing contribution in itself will not make the scheme unviable. The Council will work with developers to agree a contribution in an open and transparent manner. In cases where agreement cannot be reached, an independent assessment will be commissioned to be paid for by the applicant/ developer.”*

8.13 In conclusion, there would be no reasonable grounds for refusal of this application and it is recommended that permission is granted subject to conditions and the signing of a Section 106 Obligation, as set out above.

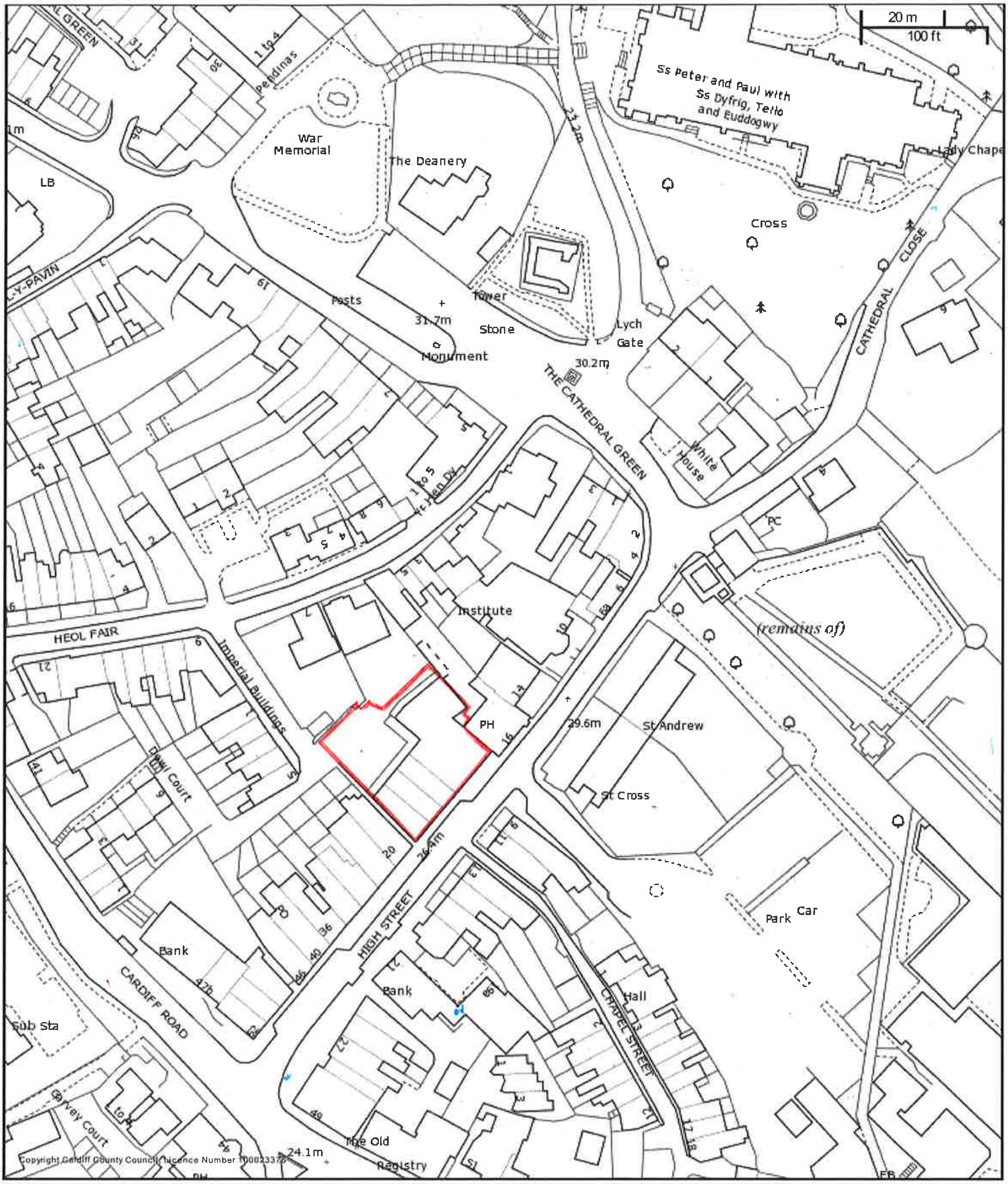
9. OTHER CONSIDERATIONS

9.1 *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.

9.2 *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.



CHIEF EXECUTIVE
Paul Orders
County Hall
Atlantic Wharf
Cardiff CF10 4UW
Tel: 029 20872000

City of Cardiff Council

Cyngor Dinas Caerdydd

CARDIFF
CAERDYDD

Title

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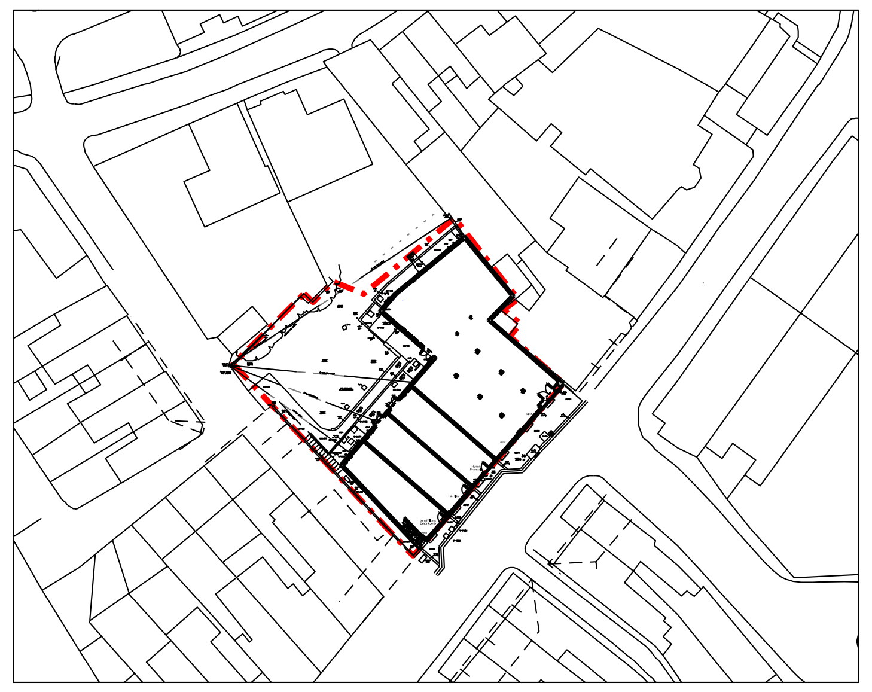

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1/2000 @A3

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A	Amendments for Planning	CSR	SH	05/16

Rio

studio@rioarchitects.com
www.rioarchitects.com
@rioarchitects

Rio Cardiff
21a Allensbank Road
Cardiff CF14 3PN
+44 (0)29 2025 0066

Rio London
19 21 Hatton Garden
London EC1N 8BA
+44 (0)20 2691 7565

Client:
Clearwater Properties

Project:
Llandaff High Street

Drawing status:
PLANNING

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Scale @ A3: 1:200
Drawn: CSR
Checked: SH
Date: 13/08/15
Date: 13/08/15

Drawing:
Existing Site Plan

Job No.: **Rio 0239**
Drawing No.: **AS.10**
Rev.: **A**

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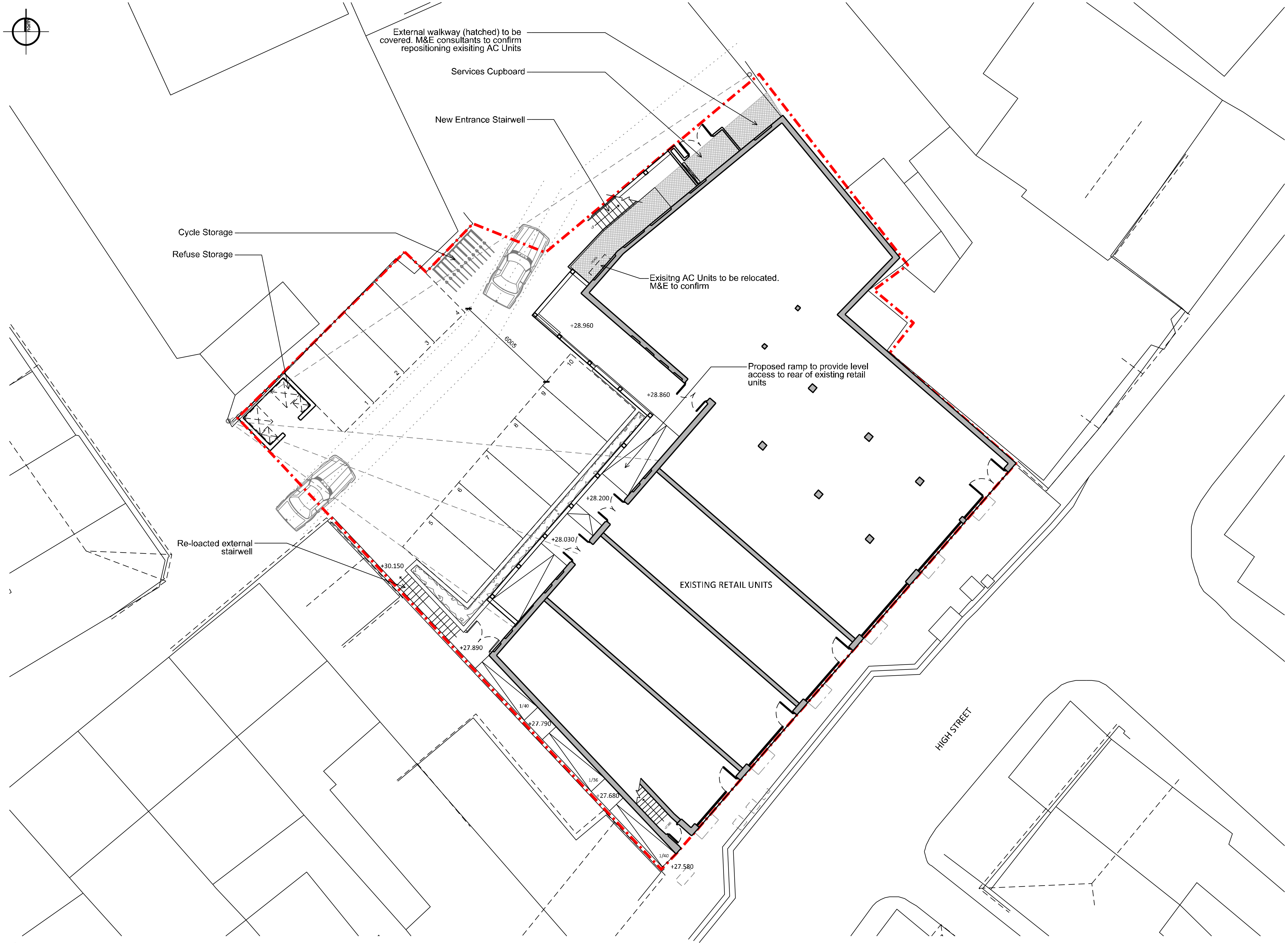

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www.rioarchitects.com
@rioarchitects

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Drawn: CSR
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Date: 13/08/15
Date: 13/08/15

Drawing:
Proposed Site Plan

Job No.: Rio 0239
Drawing No.: AS.00
Rev. .

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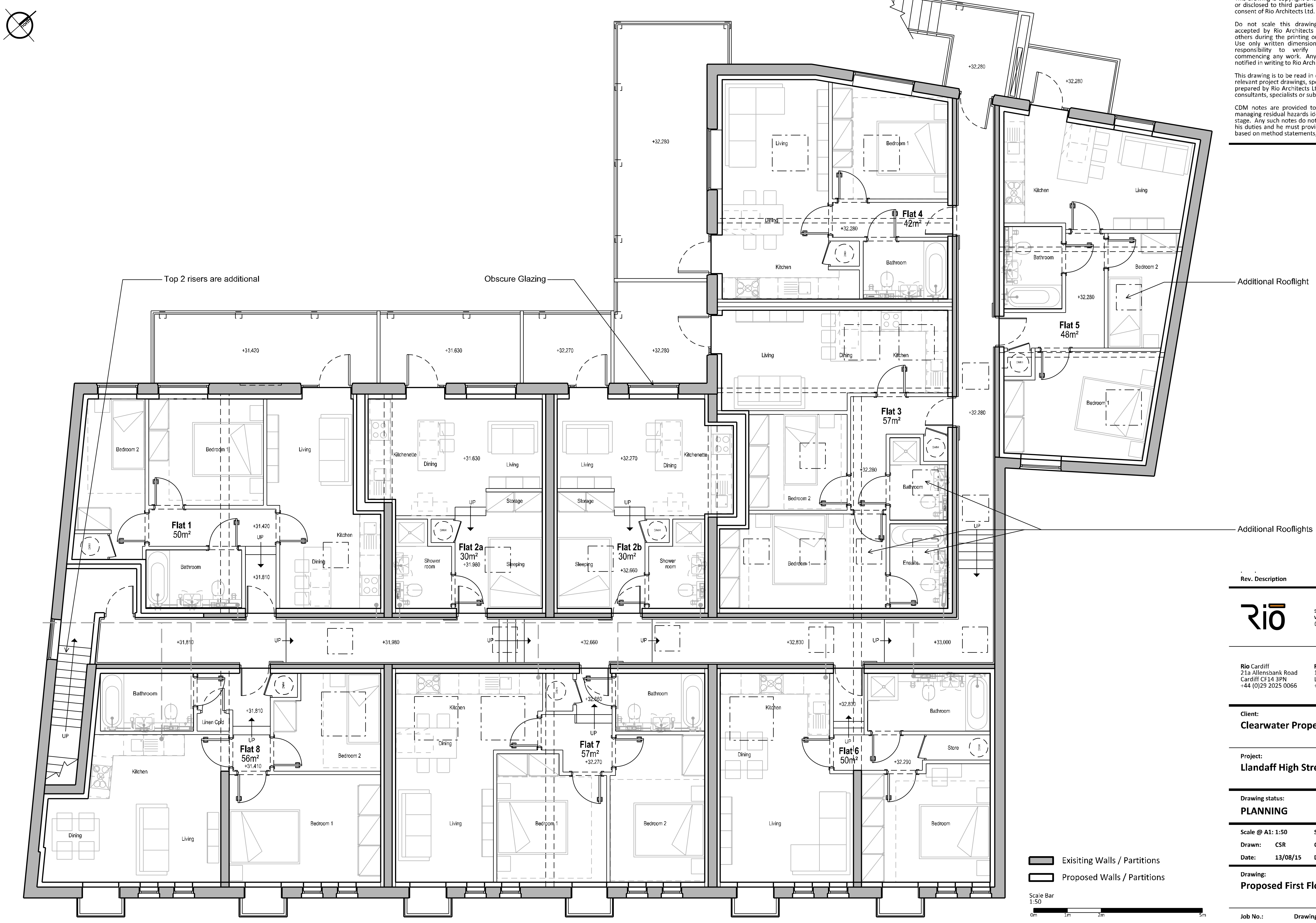

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www.rioarchitects.com
@rioarchitects

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21a Allensbank Road
Cardiff CF14 3PN
+44 (0)29 2025 0066

Rio London
19 21 Hatton Garden
London EC1N 8BA
+44 (0)20 2691 7565

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Project:
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Drawing status:
PLANNING

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Date: 13/08/15 **Date:** 13/08/15

Drawing:
Proposed First Floor Plan

Job No.: Rio 0239
Drawing No.: AL.02
Rev. .

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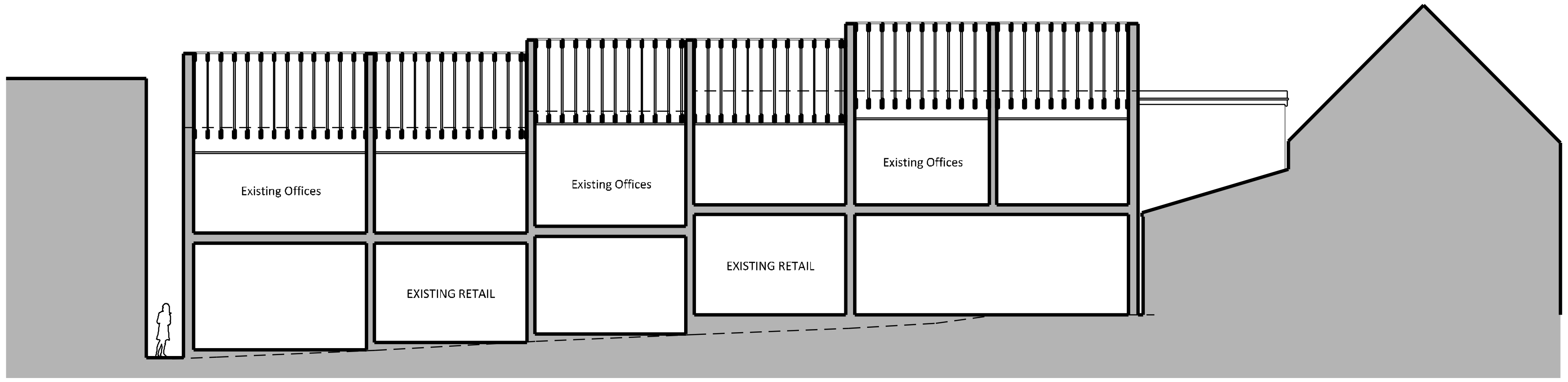

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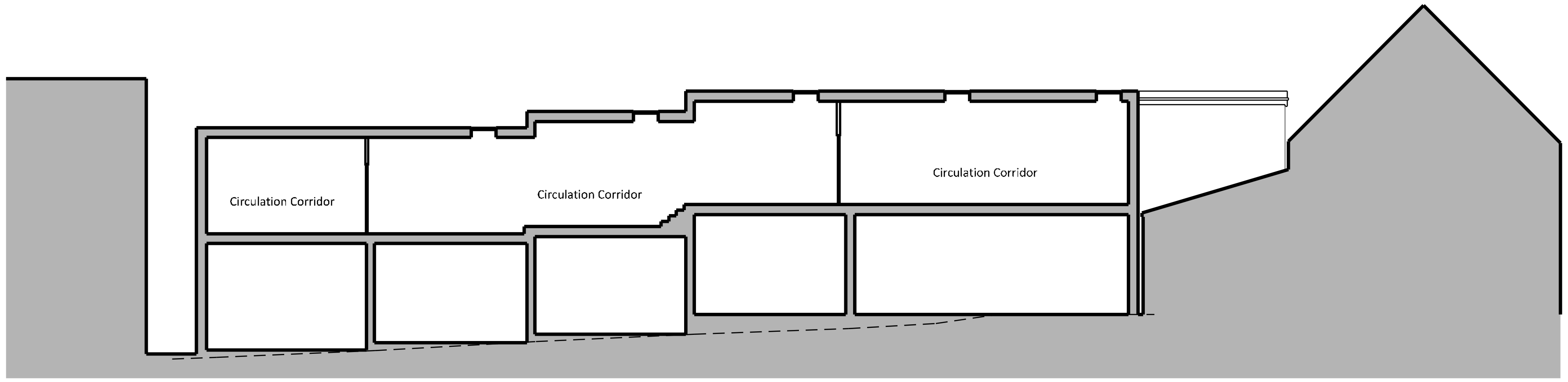

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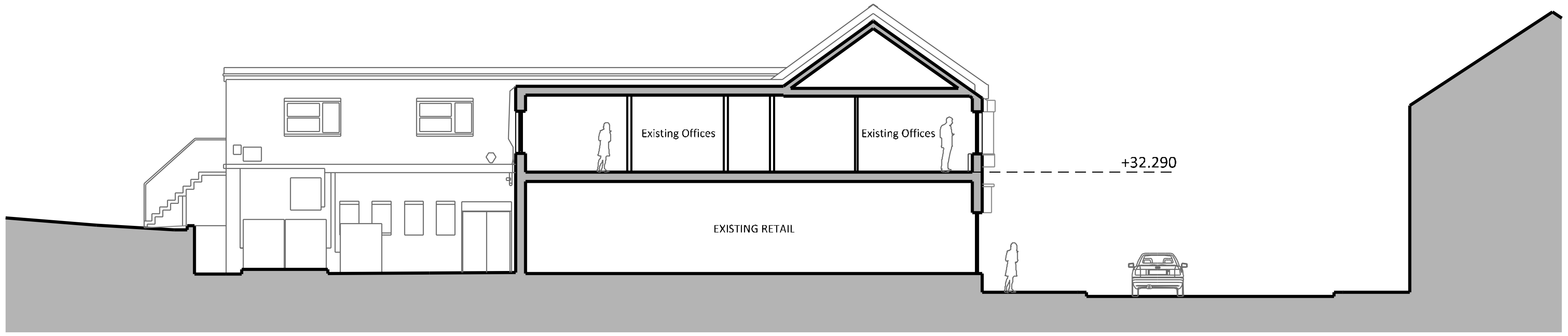

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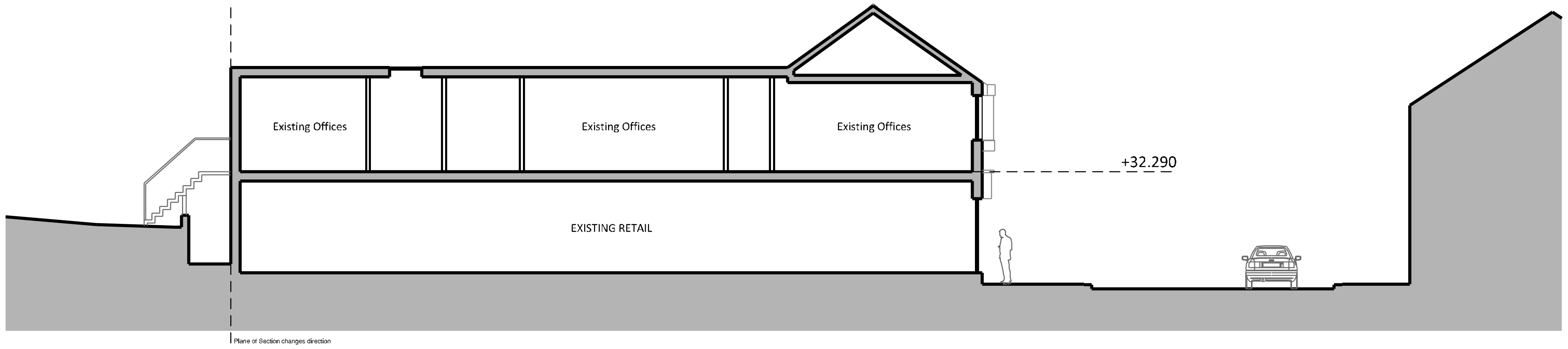

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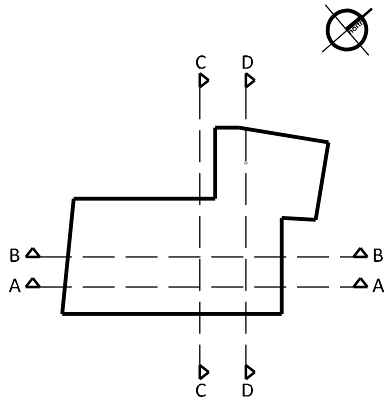

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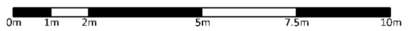

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studio@rioarchitects.com
www.rioarchitects.com
@rioarchitects

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Scale @ A3: 1:200
Drawn: CSR
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Date: 13/08/15

Drawing:
Existing Sections

Job No.:	Drawing No.:	Rev.
Rio 0239	AX.10	.

▮ Architecture ▮ Sustainability ▮ Interiors ▮ Visualisation ▮

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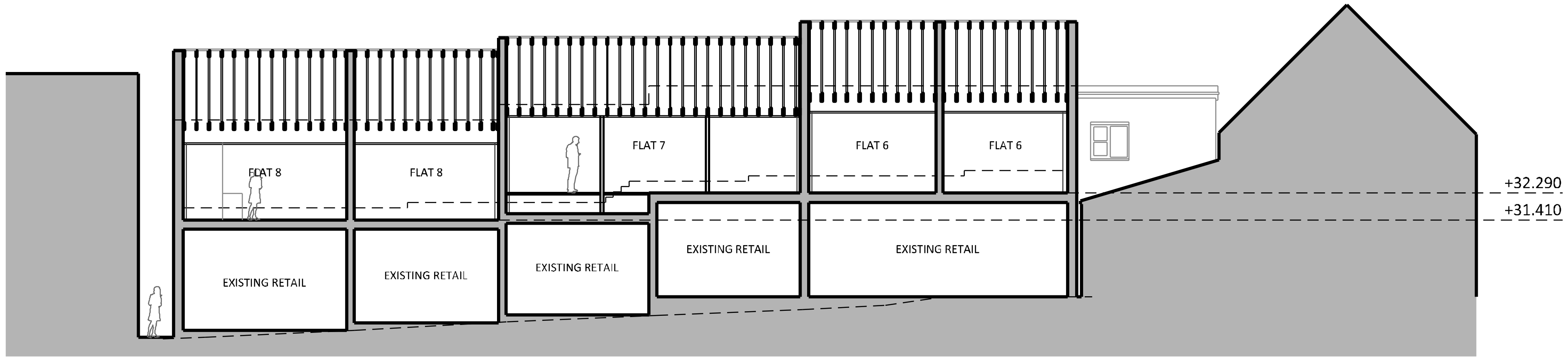

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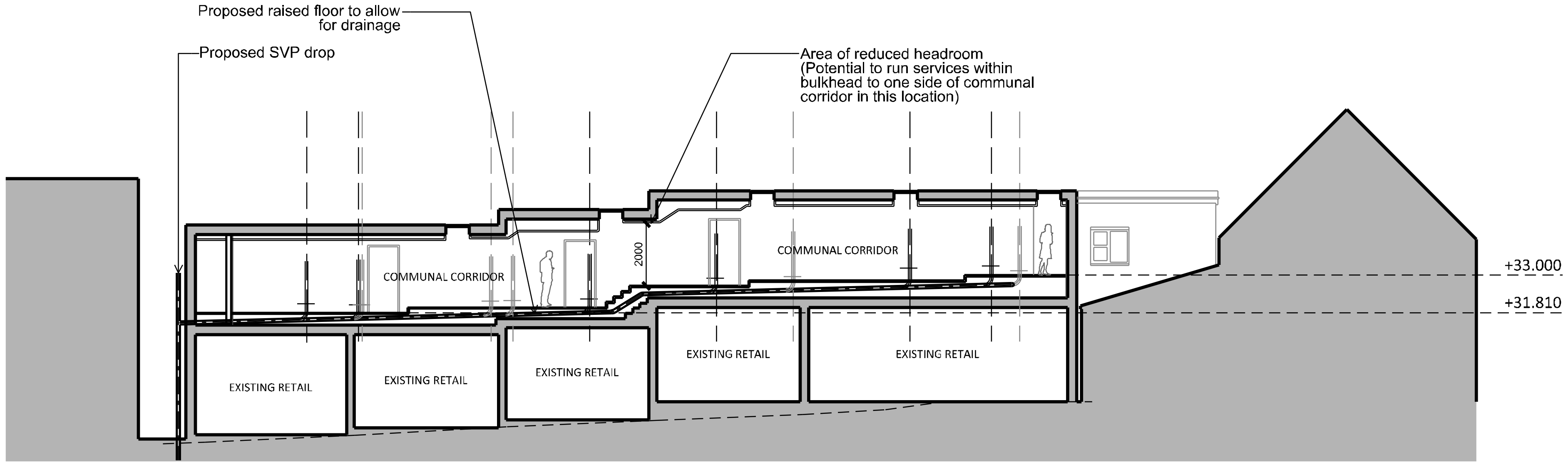
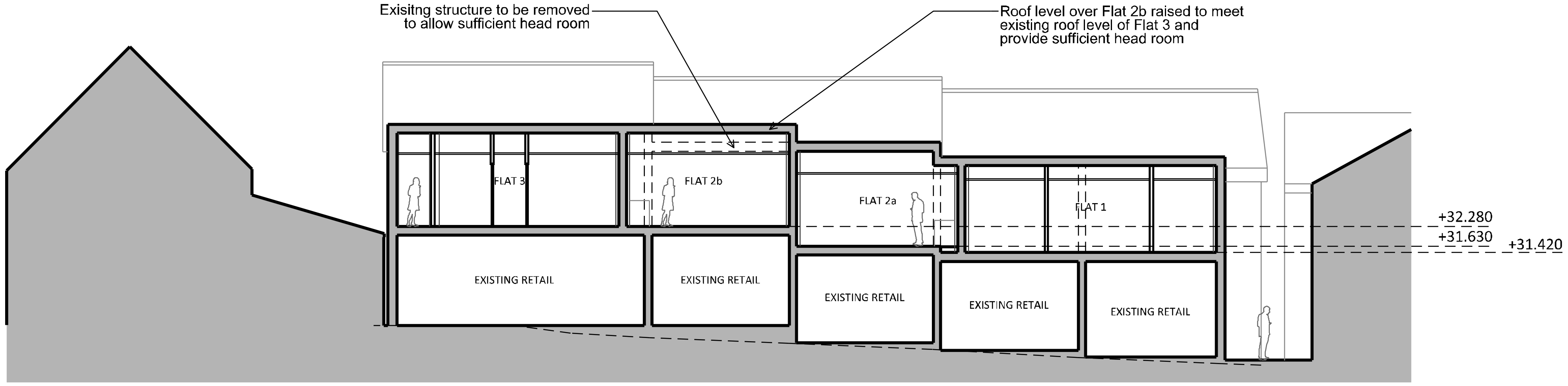

Proposed raised floor to allow for drainage

Proposed SVP drop

Area of reduced headroom (Potential to run services within bulkhead to one side of communal corridor in this location)

Section B - B


Exisitng structure to be removed to allow sufficient head room

Roof level over Flat 2b raised to meet existing roof level of Flat 3 and provide sufficient head room

Section C - C

Architecture Sustainability Interiors Visualisation

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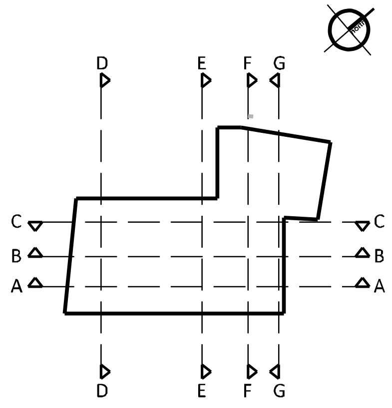

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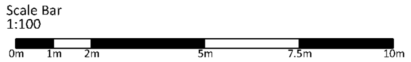

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studio@rioarchitects.com
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21a Allensbank Road
Cardiff CF14 3PN
+44 (0)29 2025 0066

Rio London
19 21 Hatton Garden
London EC1N 8BA
+44 (0)20 2691 7565

Client:
Clearwater Properties

Project:
Llandaff High Street

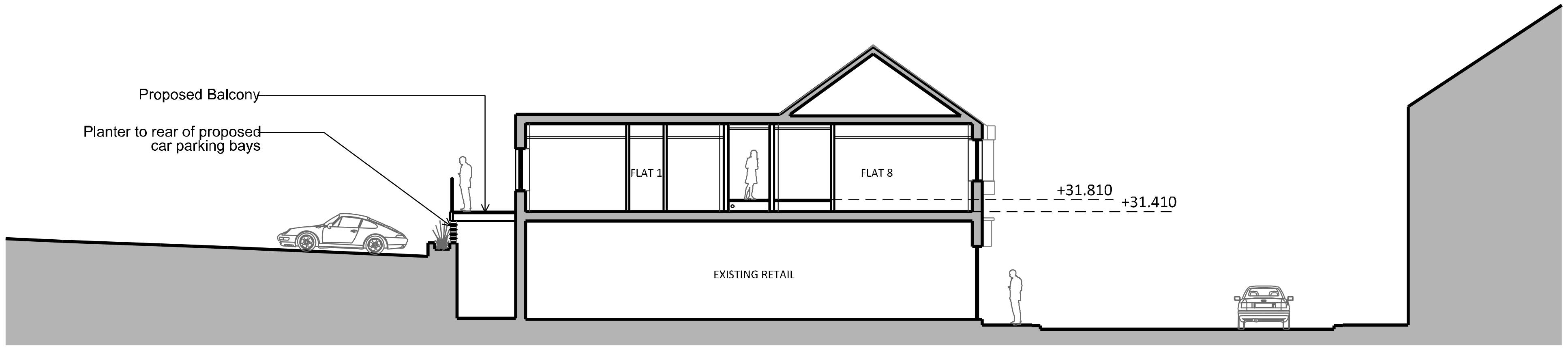
Drawing status:
PLANNING

Scale @ A1: 1:100
Scale @ A3: 1:200
Drawn: CSR
Checked: SH
Date: 20/08/15
Date: 20/08/15

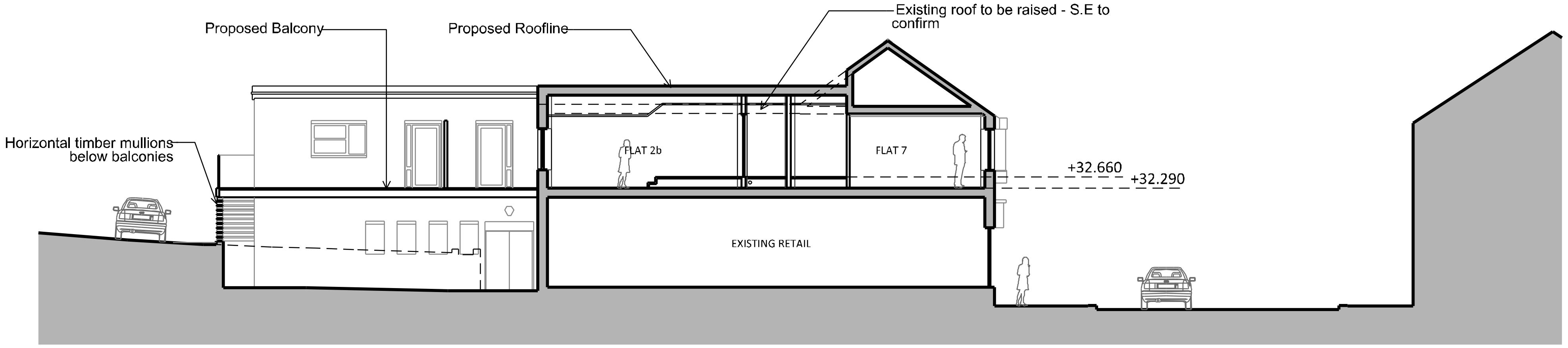
Drawing:
Proposed Sections

Job No.: Rio 0239
Drawing No.: AX.00
Rev.: .

A1



Section D - D



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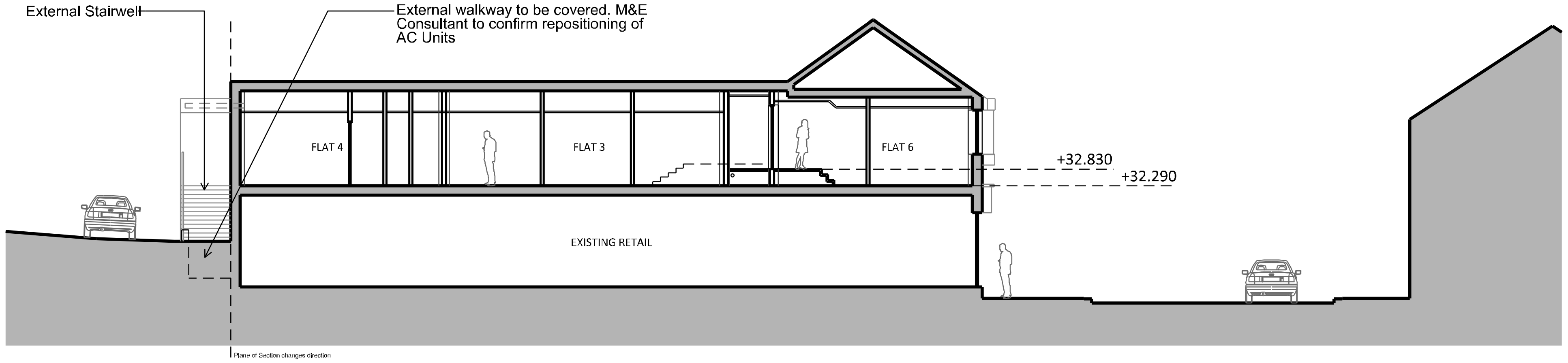

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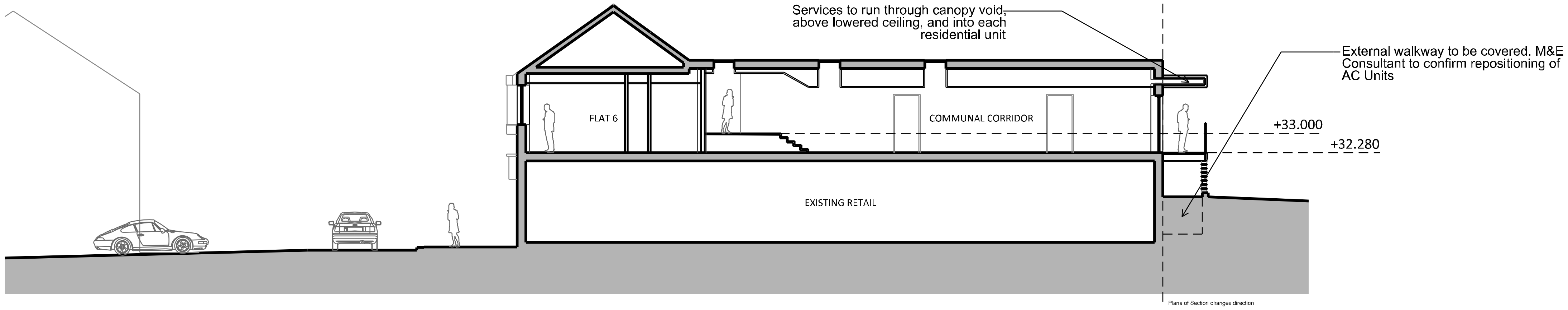

Section G - G

Notes:

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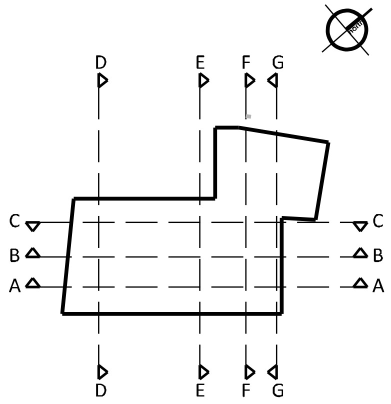

SECTION KEY 1:500 @ A1

Rev. Description **Ini.** **Ch'k** **Date**

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Drawn: **CSR** **Checked:** **SH**
Date: **13/08/15** **Date:** **13/08/15**

Drawing:
Proposed Sections

Job No.: **Rio 0239**
Drawing No.: **AX.01**
Rev. **.**

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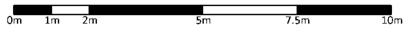
1:100



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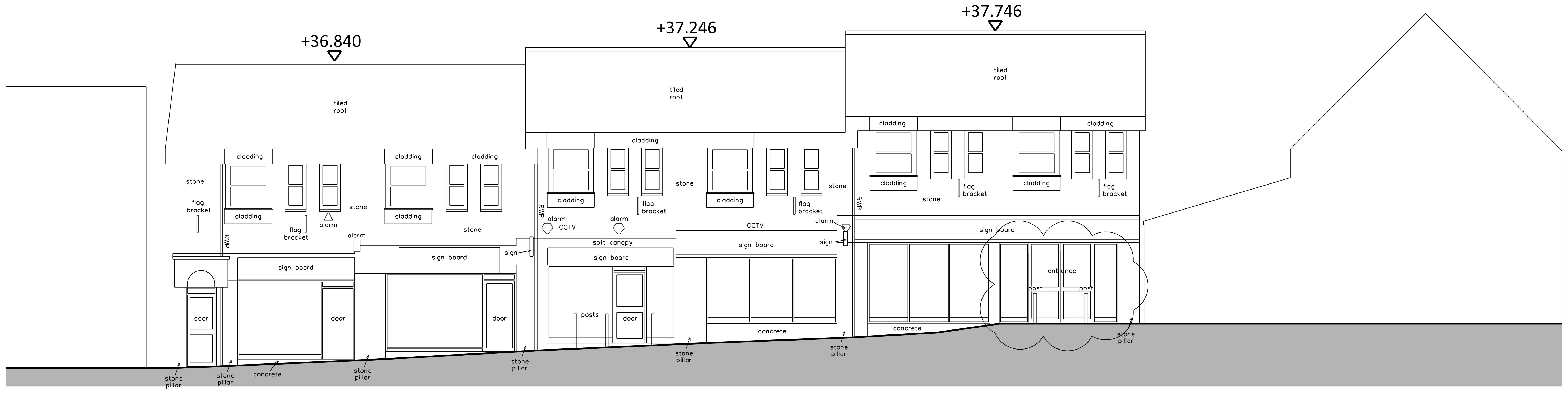
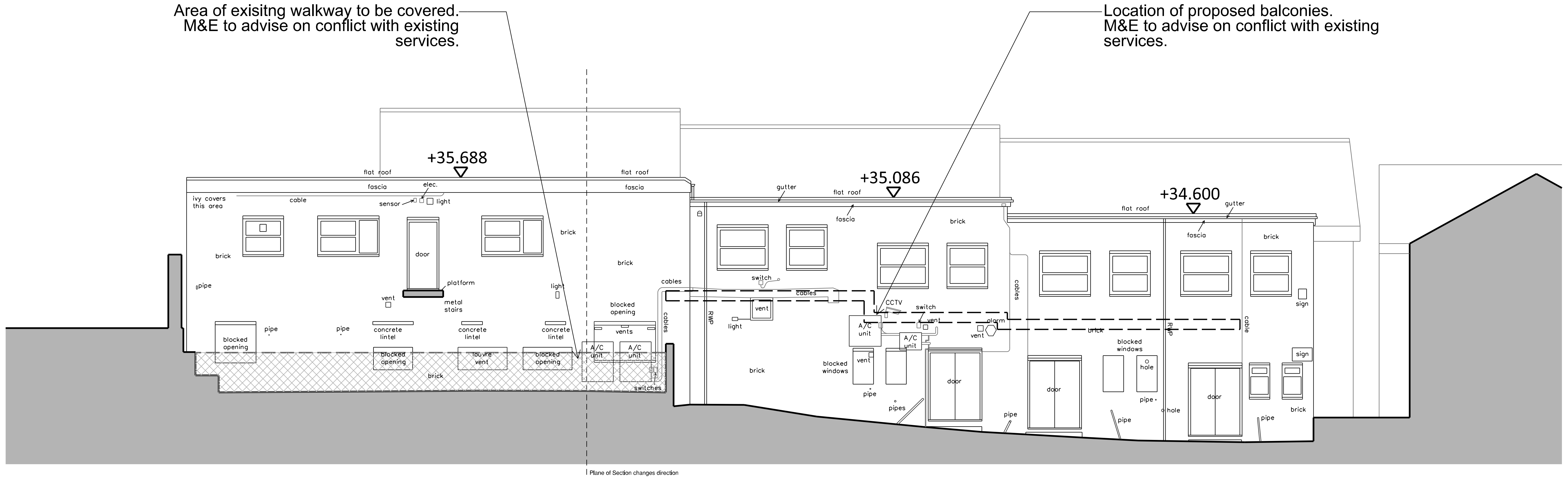


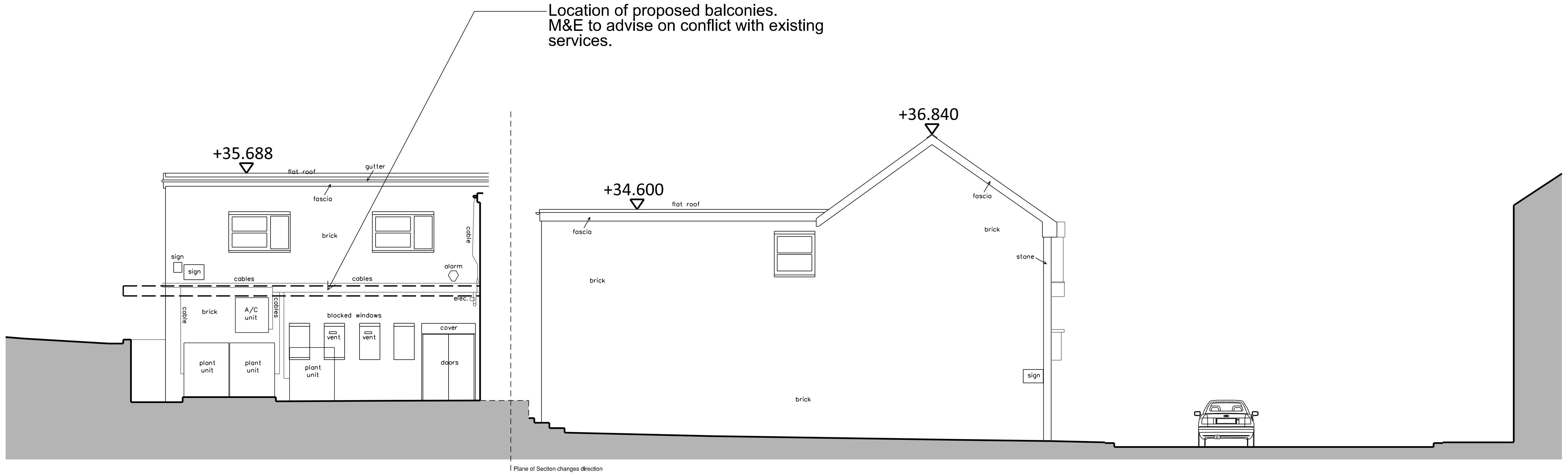
Elevation 01 +25.000



Area of exisitng walkway to be covered.
M&E to advise on conflict with existing services.

Location of proposed balconies.
M&E to advise on conflict with existing services.

Elevation 02 +25.000



Location of proposed balconies.
M&E to advise on conflict with existing services.

Elevation 03 +25.000

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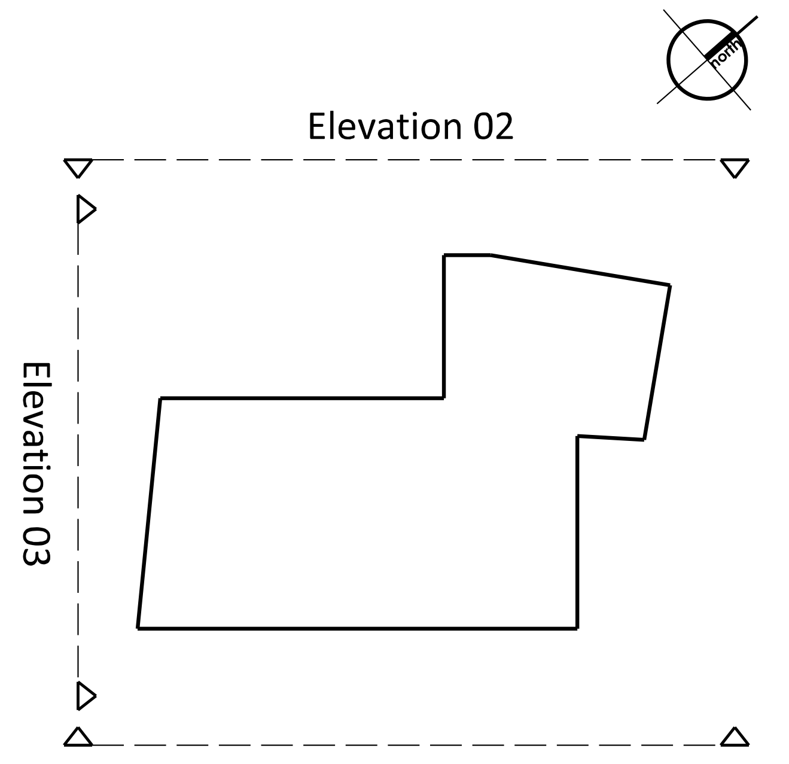

ELEVATION KEY 1:500 @ A1

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Drawing:
Existing Elevations

Job No.: Rio 0239
Drawing No.: AX.10
Rev.: A

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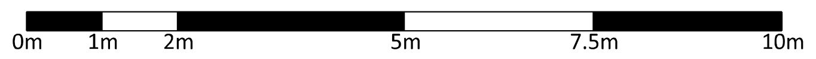

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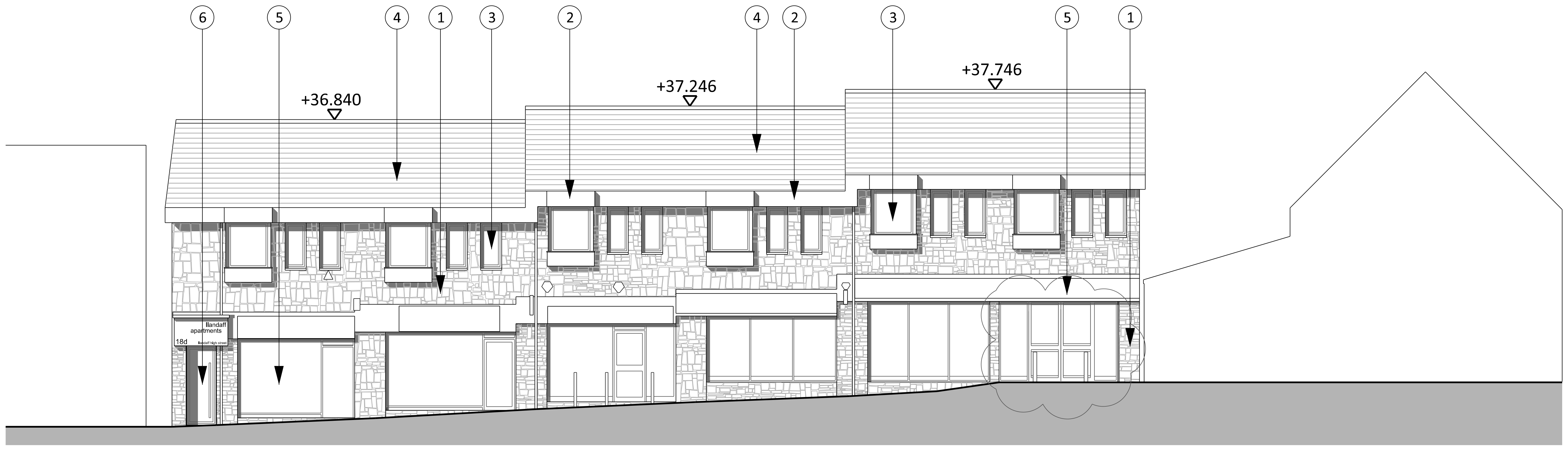
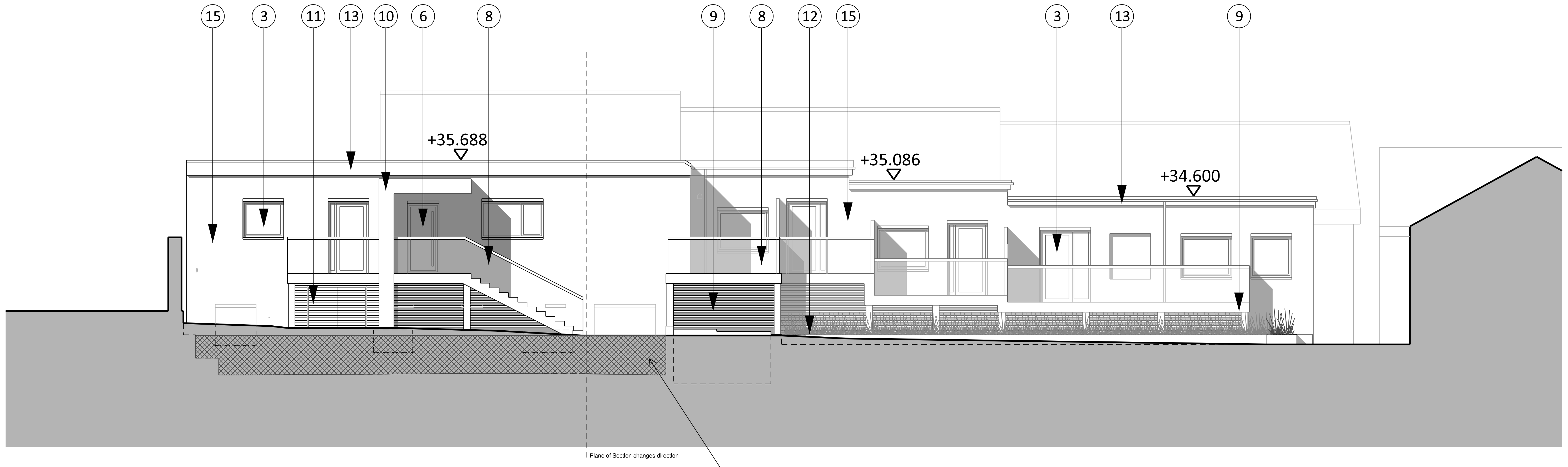


Elevation 01 +25.000



Elevation 02 +25.000

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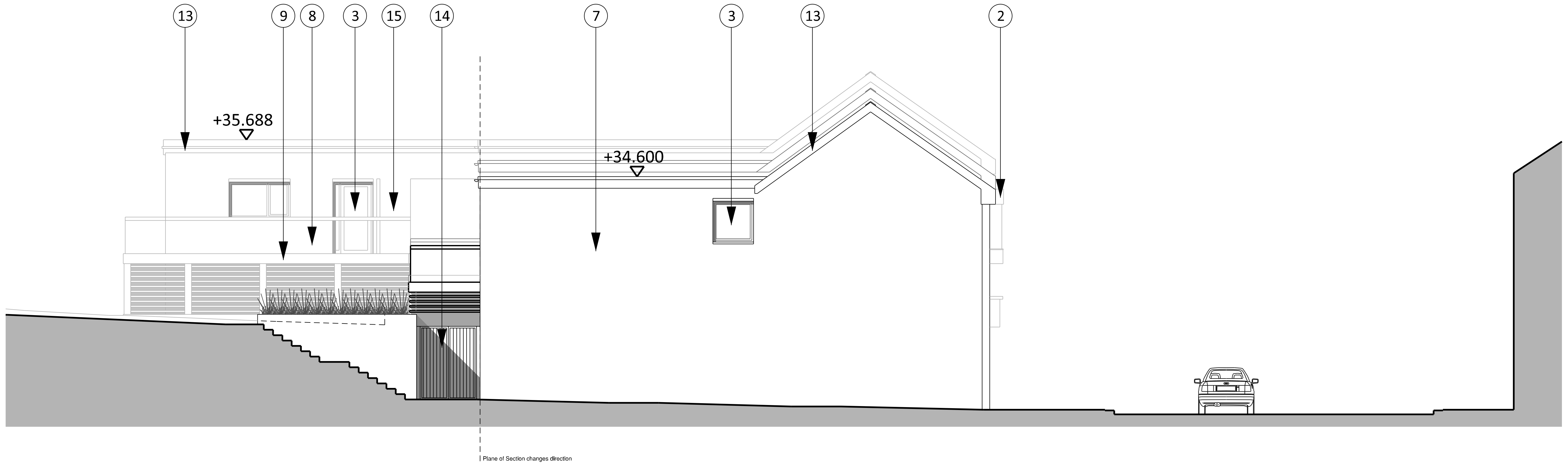

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Materials Key :

1. Stone coursing (Stone to be cleaned and re-pointed where necessary)

2. Zinc standing seam cladding

3. Polyester Powder Coated [PPC] aluminium double glazing in Mid-Grey

4. Existing slate roof to be repaired/ refurbished where necessary

5. Existing retail frontage to remain

6. Polyester Powder Coated [PPC] aluminium door in Mi-Grey to match windows

7. Existing brickwork to remain (to be cleaned and re-pointed where necessary)

8. Glass balustrade with stainless steel handrail

9. Timber construction balconies with horizontal timber boarder to service corridor below

10. Zinc standing seam canopy with enclosed services void

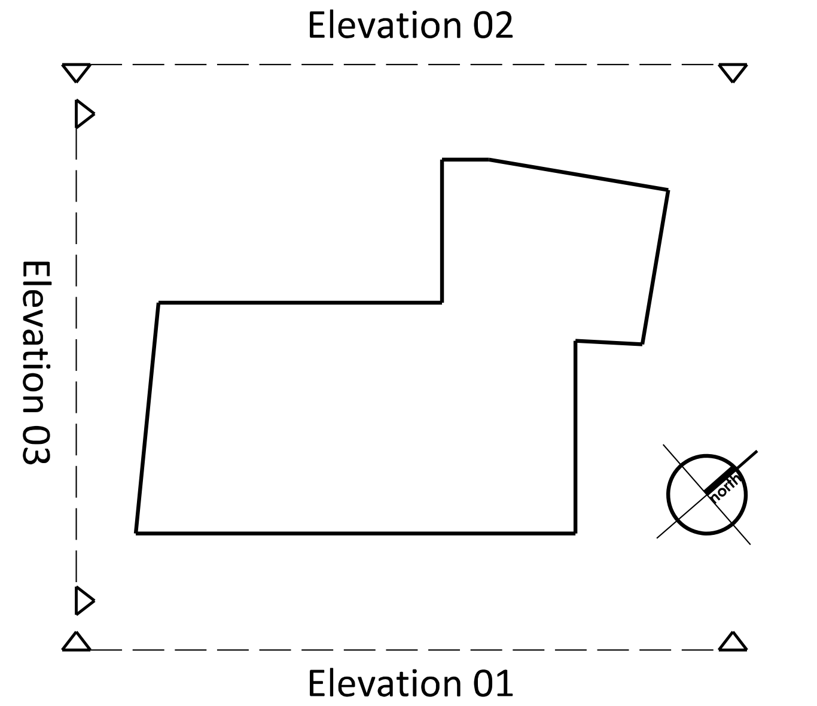
11. Enclosed residential services cupboard

12. Proposed Planter

13. Timber soffit/ fascia to be replaced with new

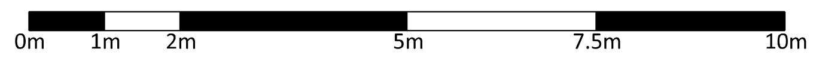
14. Timber gate to service corridor

15. Painted Render Finish



ELEVATION KEY 1:500 @ A1

Scale Bar
1:100



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Drawing:
Proposed Elevations

Job No.:	Drawing No.:	Rev.
Rio 0239	**AE.00**	**A**

LOCAL MEMBER OBJECTION & AM OBJECTION

COMMITTEE DATE:	15/03/2017		
APPLICATION No.	**16/01852/MNR**	APPLICATION DATE:	05/08/2016
ED:	**GABALFA**		
APP: TYPE:	Full Planning Permission		
APPLICANT:	GREENMAPLE PROJECTS		
LOCATION:	UPLANDS MOBILES LIMITED, 184 NORTH ROAD, GABALFA, CARDIFF, CF14 3BJ		
PROPOSAL:	PROPOSED DEMOLITION OF REAR ANNEX, EXTENSION AND CONVERSION OF PROPERTY TO CREATE 4 X 1 BED APARTMENTS AND 2 X 2 BED APARTMENTS WITH ON SITE REFUSE AND CYCLE STORAGE FACILITIES		

RECOMMENDATION 1: That, subject to relevant parties entering into a binding legal agreement with the Council under the provisions of **SECTION 106** of the Town and Country Planning Act 1990, within 6 months of the date of this Resolution unless otherwise agreed by the Council in writing, in respect of matters detailed in paragraphs 5.2 and 8.11 of this report, 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 and documents:

   AL(90)01 A - Location plan
   AL(01)01 A - Proposed ground & first floor plans – received 13/09/2016
   AL(01)02 - Proposed loft & roof plans
   AL(01)03 - Proposed NW & SW elevations
   AL(01)04 - Proposed NE & SE elevations

   Reason: For the avoidance of doubt as to the extent of the permission.

3. The internal layout of the development shall be constructed strictly in accordance with the approved plans and no future alteration shall be made to the internal layout unless otherwise agreed in writing by the Local Planning Authority.
   Reason: To protect the amenities of future occupiers, in accordance with policies KP5 and H6 of the Cardiff Local Development Plan.

4. Prior to commencement of development a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide that

all habitable rooms exposed to external road traffic noise in excess of 63 dBA Leq 16 hour [free field] during the day [07.00 to 23.00 hours] or 57 dBA Leq 8 hour [free field] at night [23.00 to 07.00 hours] shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 40 dBA Leq 16 hour during the day and 35 dBA Leq 8 hour at night, with windows shut and other means of ventilation provided.

No habitable room shall be occupied until the approved sound insulation measures have been installed in that room.

Reason: To ensure that the amenities of future occupiers are protected, in accordance with policies H6 and EN13 of the Cardiff Local Development Plan.

5. The cycle parking spaces shown on drawing number AL(01) 01 Rev A shall be provided before the development hereby approved is brought into beneficial use and shall be maintained thereafter and shall not be used for any other purpose.
Reason: To ensure that adequate provision is made for the parking of cycles in accordance with policies KP5 and T5 of the Cardiff Local Development Plan.

6. No surface water from any increase in the roof area of the building or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.
Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment, in accordance with policy EN10 of the Cardiff Local Development Plan.

RECOMMENDATION 2: The applicant is advised that they 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 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.

RECOMMENDATION 3: The applicant is advised that a water supply can be made available to serve this proposed development. The developer may be required to contribute, under Sections 40 - 41 of the Water Industry Act 1991, towards the provision of new off-site and/or on-site watermains and associated infrastructure. The level of contribution can be calculated upon submission of detailed site layout plans to Dwr Cymru/Welsh Water.

RECOMMENDATION 4: The applicant is requested to ensure that upon completion of the proposed development, future residents are provided with a Welcome Pack detailing available public transport services, to help set sustainable transport behaviour, leaflets and advice in connection with which are available from Cardiff County Council's Transportation Services Department in County Hall, Atlantic Wharf. The applicant is advised to contact Mrs Miriam Highgate on tel no 029 2087 2213 to discuss this recommendation further.

RECOMMENDATION 5: The applicant is advised that the provision of a disabled parking bay will require a Traffic Regulation Order. The applicant should contact Neil Godfrey of the Council's Traffic Regulation Orders Team on tel no 029 2087 3256 in order to discuss this further.

RECOMMENDATION 6: 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 Sundays or public holidays.

1. DESCRIPTION OF PROPOSED DEVELOPMENT

1.1 The application is for full planning permission for the conversion of a former shop to 6 flats (4 x 1 bed and 2 x 2 bed). A single storey rear annex will be demolished and the rear section of the building will be increased in height to 2.5 storeys. Existing shop windows and doors will be replaced with domestic-style windows in the front and side elevations, and new windows plus a balcony will be introduced at first floor level on the front elevation. Existing fascia signs and a shop canopy will be removed. Covered cycle and bin storage facilities will be provided to the rear.

1.2 There will be a communal entrance lobby at ground floor level accessed from Newfoundland Road, leading to two ground floor flats (1 x 1 bed and 1 x 2 bed). An internal stairway will provide access to the first floor (containing 2 x 2 bed flats) and second floor (containing 2 x 1 bed flats).

2. DESCRIPTION OF SITE

2.1 The application relates to an existing end-of terrace shop unit fronting the eastern side of North Road, at the junction of North Road (the A470) and Newfoundland Road. The building has an asymmetrical footprint and is 2.5

storeys in height with a single storey rear extension. It has been in use as a shop at ground floor level with a workshop and store room to the rear, with further store rooms, an office, staff kitchen and w.c. at first floor level and workshops in the loft space.

2.2 There is a church on the opposite side of Newfoundland Road, houses to the rear and opposite and a doctors' surgery (the North Road Medical Practice) immediately adjacent at 184 North Road. Beyond the surgery the terrace consists of residential properties. There is access to the rear of the property via a gated rear lane.

3. **SITE HISTORY**

3.1 90/00485/W – Rebuild workshop. Granted subject to conditions limiting use of the workshop to Class B1 only and not permitting it to be used outside the hours of 08:30 to 18:00 Monday to Saturday.

4. **POLICY FRAMEWORK**

4.1 *Cardiff Local Development Plan 2006-2021:*
KP5 (Good Quality and Sustainable Design);
KP7 (Planning Obligations);
KP13 (Responding to Evidenced Social Needs);
H3 (Affordable Housing);
H6 (Change of Use or Redevelopment to Residential Use);
EN10 (Water Sensitive Design);
EN13 (Air, Noise, Light Pollution and Land Contamination);
T5 (Managing Transport Impacts);
C3 (Community Safety/Creating Safe Environments);
W2 (Provision for Waste Management Facilities in Development).

4.2 *Supplementary Planning Guidance:*
Following the adoption of the Cardiff Local Development Plan, some existing Supplementary Planning Guidance documents are no longer linked to adopted development plan policies. However, where existing SPG is considered consistent with the new LDP policy framework, it will continue to be material to the Development Management process. The following Supplementary Planning Guidance is considered relevant to the determination of this application as it is either adopted or considered consistent with LDP policies KP5, H3, T5 and W2, and can be used to help inform the assessment of relevant matters -

Access, Circulation and Parking Standards (January 2010);
Residential Design Guide (January 2017);
Waste Collection and Storage Facilities (October 2016);
Infill Sites (April 2011);
Cardiff Planning Obligations (January 2017)

4.3 *Planning Policy Wales (January 2016):*
4.4.3: In contributing to the Well-being of Future Generations Act goals,

planning policies, decisions and proposals should (inter alia):

- Promote resource-efficient and climate change resilient settlement patterns that minimise land-take and urban sprawl, especially through preference for the re-use of suitable previously developed land and buildings, wherever possible avoiding development on greenfield sites
- Locate developments so as to minimise the demand for travel, especially by private car
- Ensure that all local communities – both urban and rural – have sufficient good quality housing for their needs, including affordable housing for local needs and for special needs where appropriate, in safe neighbourhoods
- Foster social inclusion by ensuring that full advantage is taken of the opportunities to secure a more accessible environment for everyone that the development of land and buildings provides. This includes helping to ensure that development is accessible by means other than the private car.

4.7.4: Local planning authorities should assess the extent to which developments are consistent with minimising the need to travel and increasing accessibility by modes other than the private car. Higher density development, including residential development, should be encouraged near public transport nodes or near corridors well served by public transport (or with the potential to be so served).

4.11.9: Visual appearance, scale and relationship to surroundings and context are material planning considerations.

4.11.11: Local planning authorities and developers should consider the issue of accessibility for all.

4.11.12: Local Authorities are under a legal obligation to consider the need to prevent and reduce crime and disorder in all decisions that they take.

8.4.2: Local Authorities should ensure that new developments provide lower levels of parking than have generally been achieved in the past. Minimum parking standards are no longer appropriate.

8.7.1 When determining a planning application for development that has transport implications, local planning authorities should take into account (inter alia) - the level and nature of public transport provision; accessibility by a range of different transport modes; the effects on the safety and convenience of other users of the transport network.

9.1.1 : The Assembly Government will seek to ensure that previously developed land is used in preference to Greenfield sites; new housing and residential environments are well designed, meeting national sustainability standards and making a significant contribution to promoting community regeneration and improving the quality of life; and that the overall result of new housing development in villages, towns or edge of settlement is a mix of affordable and market housing that retains and, where practical, enhances important landscape and wildlife features in the development.

9.1.2 Local planning authorities should promote sustainable residential environments, avoid large housing areas of monotonous character and make appropriate provision for affordable housing. Local planning authorities should promote: mixed tenure communities; development that is easily accessible by public transport, cycling and walking; mixed use development so communities have good access to employment, retail and other services; attractive landscapes around dwellings, with usable open space and regard for biodiversity, nature conservation and flood risk; greater emphasis on quality, good design and the creation of places to live that are safe and attractive; the most efficient use of land; well-designed living environments, where appropriate at increased densities; construction of housing with low environmental impact, reducing the carbon emissions generated by maximising energy efficiency and minimising the use of energy from fossil fuel sources, using local renewable and low carbon energy sources where appropriate; and 'barrier free' housing developments, for example built to Lifetime Homes standards.

9.2.14 A community's need for affordable housing is a material planning consideration

9.2.15 Affordable housing also makes an essential contribution to community regeneration and social inclusion. It is desirable in planning terms that new housing development in both rural and urban areas incorporates a reasonable mix and balance of house types and sizes so as to cater for a range of housing needs and contribute to the development of sustainable communities. For affordable housing it is important that authorities have an appreciation of the demand for different dwelling sizes and types of housing (i.e. intermediate and social rented) in relation to supply, so that they are well informed in negotiating the required appropriate mix of dwellings for new developments

9.3.3 Insensitive infilling, or the cumulative effects of development or redevelopment, including conversion and adaptation, should not be allowed to damage an area's character or amenity. This includes any such impact on neighbouring dwellings, such as serious loss of privacy or overshadowing.

9.3.5 Where development plan policies make clear that an element of affordable housing, or other developer contributions, are required on specific sites, this will be a material consideration in determining relevant applications. Applicants for planning permission should therefore demonstrate and justify how they have arrived at a particular mix of housing, having regard to development plan policies. If, having had regard to all material considerations, the local planning authority considers that the proposal for a site does not contribute sufficiently towards the objective of creating mixed communities, then the authority will need to negotiate a revision of the mix of housing or may refuse the application.

10.1.4 Corner shops in urban areas, village shops in rural areas, and public houses and other individual outlets with a retail function which are not part of established centres, can play a vital economic and social role and their loss can be damaging to a local community. Their role needs to be taken into account in preparing development plans and in development management, bearing in mind also the policies for diversification of the local economy.

10.3.9: the economic and social role of local shops, village shops and public houses should be taken into account when considering applications for change of use.

4.4 *Technical Advice Note 11 – Noise (1997)*

5. INTERNAL CONSULTEE RESPONSES

5.1 *Transportation:* In accordance with the Council's Access, Circulation and Parking Standards (SPG), a minimum of 3 parking spaces are required. I note that no curtilage parking is provided but given the previous commercial use of the property and excellent bus, cycle and walking routes, I do not consider that a Highway and Transport objection can be sustained in this case. The occupiers of the new units would not qualify for resident parking permits which would further encourage sustainable alternatives in an accessible location that is in line with Transport policies of encouraging mode shift. No objection to this application subject to a condition requiring one cycle parking space per unit. The applicant should be requested to ensure that upon completion of the proposed development, future residents are provided with a Welcome Pack detailing available public transport services, to help set sustainable transport behaviour.

5.2 Removing the free parking on Newfoundland Road may have an adverse effect on the residents living above the shops on North Road but there would be no objection to the implementation of a single disabled bay being included adjacent to the existing Doctors Parking Bay in order to alleviate the car parking concerns raised by a number of objectors. This would require a Traffic Regulation Order, which along with the installation of the disabled bay on site would be fully funded by the applicant/developer under a S106 Financial Contribution in the sum of **£3,200**

5.3 *Pollution Control (Noise & Air):* Due to the proximity of the development to North Road which is a main thoroughfare into Cardiff city centre it is recommended that the applicant submits a TAN 11 noise assessment prior to the property being occupied. Demolition of the rear annexe should be carried out Monday to Friday 8am to 6pm, Saturday 8am to 1pm with no demolition to be done on a Sunday or Public Holiday. No deliveries to the site should be made before 8am or after 6pm Monday to Friday, 8am to 1pm on a Saturday and no deliveries on Sunday or public holidays. There shall be no burning of any materials on site; all waste materials need to be removed from site by an approved contractor.

5.4 *Waste Strategy & Minimisation Officer:* Each flat will require the following for recycling and waste collections:1 x 140 litre bin for general waste; 1 x 25 litre kerbside caddy for food waste; green bags for mixed recycling (equivalent to 140 litres), the storage of which must be sensitively integrated into the design.

5.5 *Housing Strategy:* In line with the Local Development Plan (LDP), an affordable housing contribution of 20% of the 6 units (1 unit) is sought on this brown-field site. Our priority is to deliver on-site affordable housing, in the form of affordable rented accommodation, built to Welsh Government Development Quality Requirements. However, given the proposed design of the scheme, the unknown proposed future tenure of the units, and the likely service charges for this type of residential development, all of which could affect the affordability as well as the practicality of managing and maintaining affordable housing on-site for a Registered Social Landlord, we would be prepared to accept financial contribution in lieu of on-site affordable housing provision On that basis of the above, we would seek a financial contribution of **£62,640** (in lieu of 1 unit).

6. EXTERNAL CONSULTEES RESPONSES

6.1 *Welsh Water:* No surface water from any increase in the roof area of the building or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer.

6.2 *Wales and West Utilities:* Have provided details of the location of their apparatus, which may be affected and at risk during construction works. Should the planning application be approved then they require the promoter of these works to contact them directly to discuss their requirements in detail before any works commence on site. Should diversion works be required these will be fully chargeable.

7. REPRESENTATIONS

7.1 The application has been advertised by neighbour notification. 8 representations have been received, 3 from neighbouring residents, 3 on behalf of the North Road Medical Practice, 1 from Councillor Ed Bridges and 1 from Julie Morgan, Assembly Member for Cardiff North. Their concerns and grounds for objection are summarised as follows:
1) No parking facilities will be provided for the development, which would potentially generate a requirement for parking for 8 additional cars. Parking is already a problem in this area. Residents often cannot park close to their homes. Currently the only parking available for patients visiting the North Road Medical Practice is on Newfoundland Road (approximately 6 spaces) which are vital for patients with limited mobility. The majority of on-street parking elsewhere is for residents only. There is no provision within the proposed development for parking for residents of the flats. Parking for access to the surgery is already a problem. The proposal discriminates against frail and disabled patients by reducing accessibility to NHS medical provision.
2) Consideration needs to be given to the capacity of the water supply and sewerage system to handle the increase in demand.
3) There may be no space for rubbish bins. There is already a problem with rubbish on North Road.

7.2 Councillor Ed Bridges objects to the application for the following reasons:

"The council's own parking SPG makes clear (p25) that in non-central areas of the city such as Gabalfa ward, provision should be made for a least half a parking space for every one-bedroom or two-bedroom flat. In addition, there should be 0.25 parking spaces per flat for visitors. By those standards, this development should include provision for a total of five parking spaces, but has failed to do so."

7.3 Julie Morgan AM has submitted the following objection:

"I would like to object to the above planning application due to the apparent lack of provision for cars belonging to the residents of the new apartments. I understand that parking is already a problem on Newfoundland Road and having at least 6 more cars needing spaces will cause even more problems. Patients attending North Road Medical Practice currently park on Newfoundland Road – the only accessible place to park within close proximity to the surgery. If those spaces are taken up by the residents of the new flats, patients (especially those with mobility problems) will have great difficulty accessing the surgery.

I welcome the plans to include ample parking for bicycles at the property, but do believe that the lack of parking for cars will cause tremendous problems to other residents and North Road Medical Practice."

8. ANALYSIS

8.1 There are no objections to the principle of converting the commercial premises to residential use. The site is within a residential area and there is no protection in planning policy for the existing use. The unit was not providing a vital economic and social role within the community but was a car radio shop, therefore the use is not protected under national planning policy.

8.2 The main considerations with regard to this proposal are the effect on the amenities of neighbouring occupiers, the impact on visual amenity, the living conditions of future residents of the development and the provision of parking facilities.

8.3 Neighbouring properties will not be adversely affected by the development – there will be no new windows overlooking habitable room windows or private amenity space of other residential properties and the increase in the height of the building at the rear will not cause overshadowing of surrounding houses. Noise and disturbance during development is controlled under the Control of Pollution Act.

8.4 The external alterations to the property will be in keeping with the character and appearance of the existing, traditional early 20th century dwellings in the area and are acceptable.

8.5 With regard to the living conditions of future residents of the development, the size of one ground floor flat is of concern as it is below the 30 square metres normally considered to be the minimum size for a self-contained flat (it is around 27 square metres). However, the Council does not have any adopted policies or guidance setting a minimum size for private flats, and units of this size have been considered by the Planning Inspectorate to be acceptable in similar situations as they would be suitable for a single person.

8.6 The flat at the front of the second floor level would be within the roof space of the original building, where floorspace with sufficient head room would be limited, resulting in a narrow living space. The kitchen/living room of that flat would also be served by only one relatively small window at one end of this narrow space, which could result in a dark environment. However, there would still be a large enough area with adequate headroom and any issues of lack of natural light could be overcome by the use of rooflights if necessary, although none are shown on the submitted plans. The kitchen area and bedroom of the other flat at second floor level would also be far from ideal in that they would have no windows, being lit by rooflights only. However, this would not in itself constitute adequate grounds for refusal of the application.

8.7 There will be adequate space for the storage of waste and recycling containers. Amended plans submitted in response to the Waste Management Officer's observations show that bulk bins will be stored in a designated bin store at the rear of the property adjacent to the access lane.

8.8 Regarding the provision of parking facilities, there is currently no residential use at this site and the proposal therefore generates a requirement, in accordance with the Access, Circulation and Parking Standards Supplementary Planning Guidance, for a minimum of 3 off-street parking spaces. No off-street parking facilities exist or are proposed. However, given that the property was previously in commercial use, which would have generated a need for customer and employee parking, and that the site is located close to the city centre with excellent bus, cycle and walking routes, it would not be reasonable to refuse the application on the grounds of lack of parking facilities. Furthermore, Transportation officers have confirmed that the occupiers of the new units would not qualify for resident parking permits, therefore they will not compete with existing residents for spaces within the residents-only parking areas. There are free (non-permit) parking spaces on Newfoundland Road which could be used by the residents of the new flats. A number of objections have been received which raise concerns that this will make it more difficult for disabled people attending the adjacent doctors' surgery to find a parking space. These concerns can be addressed by creating a disabled parking bay adjacent to the existing Doctors Parking bay on Newfoundland Road, to be funded by the applicant via a Section 106 obligation.

8.9 In response to the objections received:
1) Whilst the proposal does not discriminate against frail and disabled patients of the neighbouring medical practice in that it does not remove any existing parking facilities (patients currently have to find spaces on the public highway) and residents do not have a right to park close to their own homes, there are still concerns regarding lack of parking provision for this development as it could result in increased competition for existing spaces on the public highway which may affect the operation of the adjoining doctors' surgery, which does not have its own parking facilities for patients. These concerns are addressed above.
2) Dwr Cymru / Welsh Water have raised no concerns regarding the capacity of the water supply and sewerage system.
3) A bin store will be provided at the rear of the site and the Waste Strategy & Minimisation Officer is satisfied with the proposals.

8.10 Regarding the objection raised by Councillor Ed Bridges: the Access, Circulation and Parking Standards SPG states that 1 bedroom and 2 bedroom flats require a minimum of 0.5 spaces per unit, and the visitor parking figures in the SPG are maximum, not minimum requirements, i.e. this development would require at least 3 off-street car parking spaces. Concerns regarding parking are addressed above. The objections raised by Julie Morgan AM are also addressed above.

8.11 In order to address the requirements of policy H3 relating to affordable housing, the developer will be required to enter into a S106 agreement with the Council to provide a financial contribution in lieu of providing one affordable housing unit on site. On being informed of the sum requested for this contribution (£62,640), the applicant submitted a viability assessment claiming that this scheme will not be viable if the S106 contribution is made. The District Valuer has reviewed the details and provided an independent appraisal of the scheme. Their conclusion is that the scheme returns a surplus of £52,209, therefore suggesting that the scheme is still viable whilst affording some S106 contribution. It is therefore recommended that the developer be required to make a financial contribution in lieu of on-site affordable housing provision of **£49,009,** along with the **£3,200** required for the introduction of a disabled parking space on Newfoundland Road.

8.12 In conclusion, there would be no reasonable grounds for refusal of this application and it is recommended that permission is granted subject to conditions and the signing of a Section 106 Obligation, as set out above.

9**.** **OTHER CONSIDERATIONS**

9.1 *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.

9.2 *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.

Date	Drawn	Check	Description	Rev.
29/07/2016	***	***	Demolition Line added	A

184 North Road, Cardiff

Job No.
16_050

Dwg No. AL(90)01
Rev. A

Title
Location Plan

Date
04/07/2016

Drawn

Scale
1:500 @ A3

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Date	Drawn	Check	Description	Rev.
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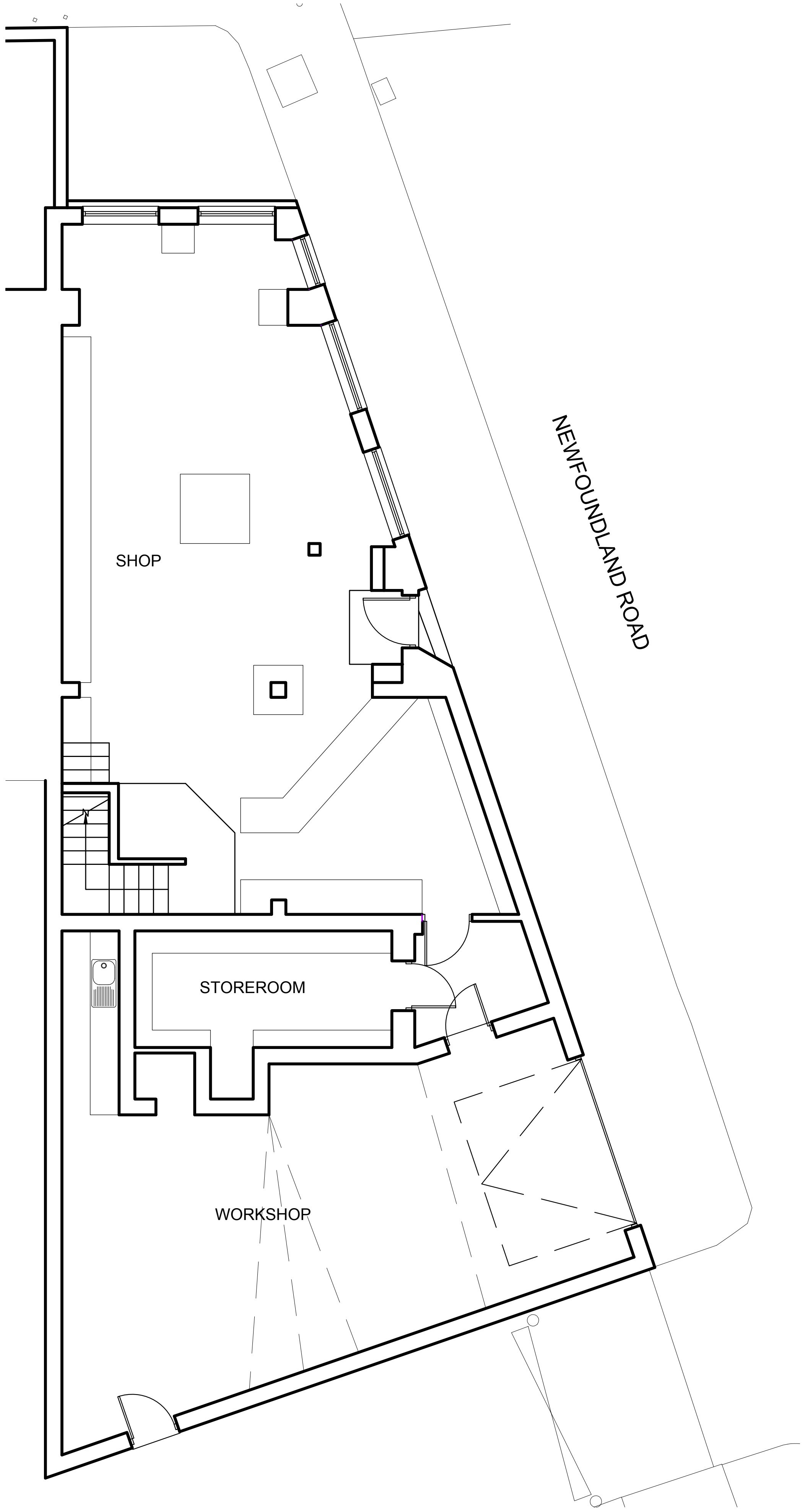
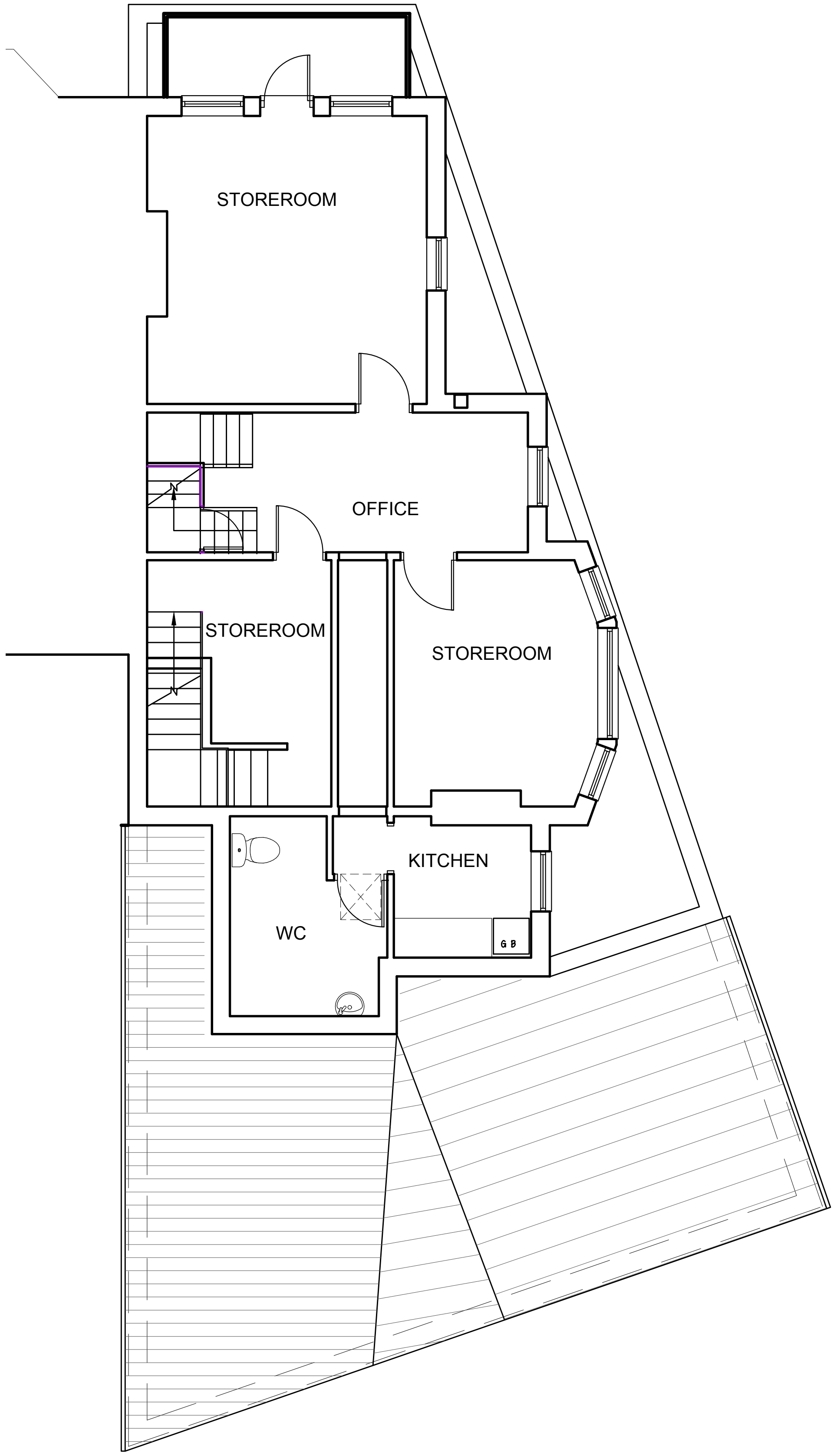


GROUND FLOOR PLAN
1:100



FIRST FLOOR PLAN
1:100

184 North Road, Cardiff
Job No.
16_050
Dwg No.
AL(00)01
Rev.

Title
Existing Ground & First Floor Plans

Date
26/07/16
Drawn
kp
Scale
1:100 @ A3

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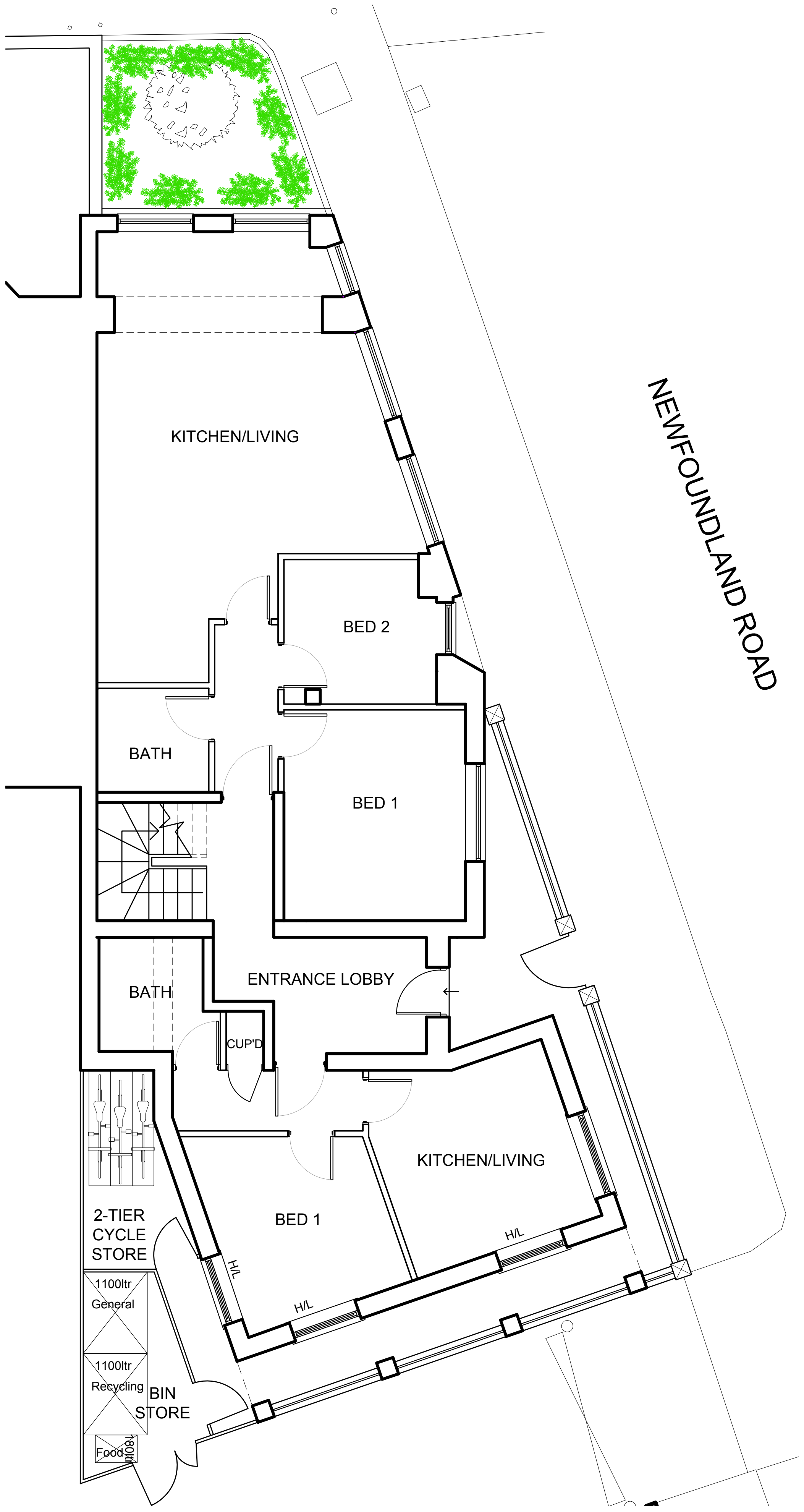
Date	Drawn	Check	Description	Rev.
13/09/16	kp	***	Bin and Cycle stores amended and capacity shown.	A



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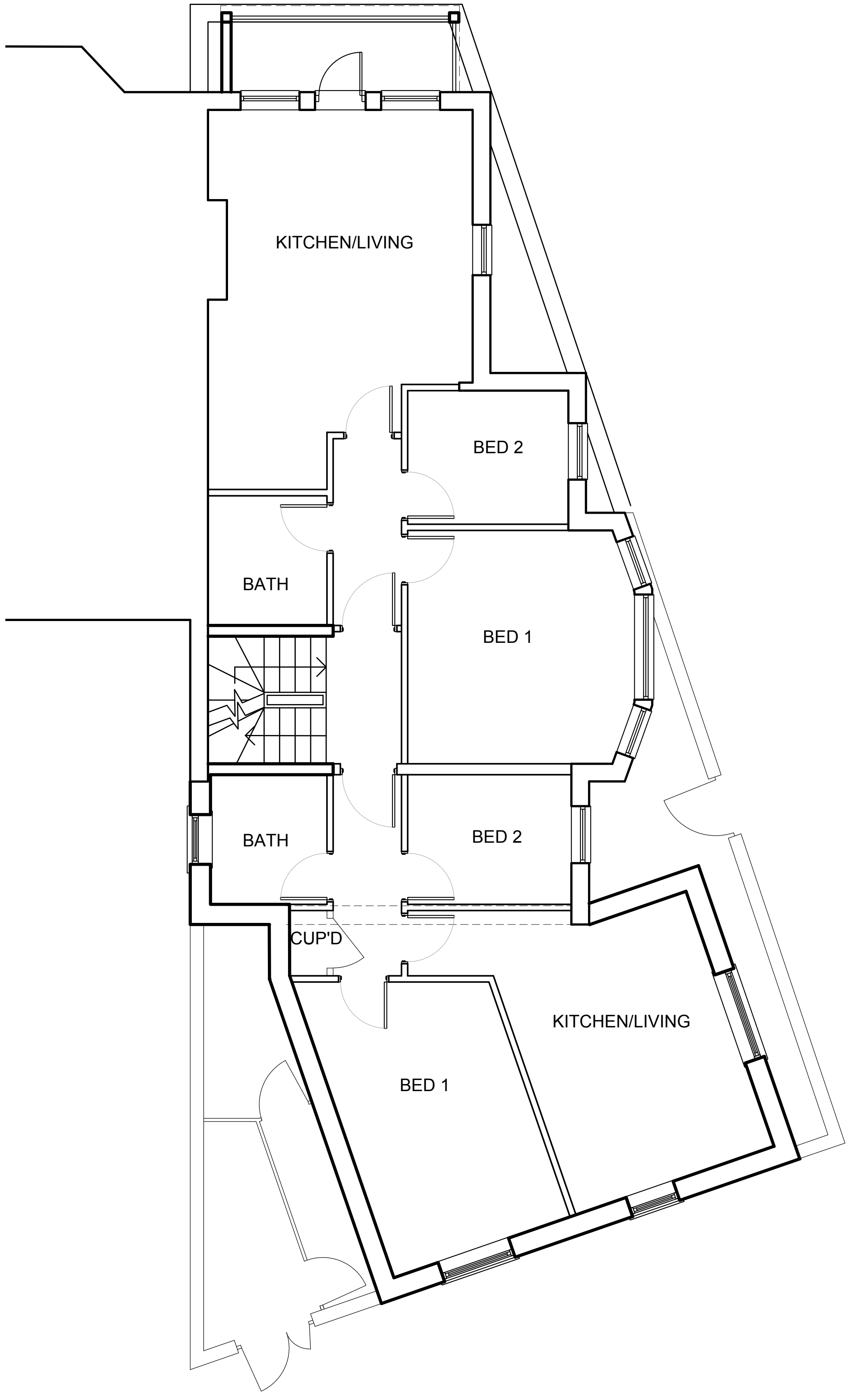

FIRST FLOOR PLAN
1:100

184 North Road, Cardiff

Job No.
16_050

Dwg No. AL(01)01
Rev. A

Title
Proposed Ground & First Floor Plans

Date 26/07/16
Drawn kp
Scale 1:100 @ A3

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Date	Drawn	Check	Description	Rev.
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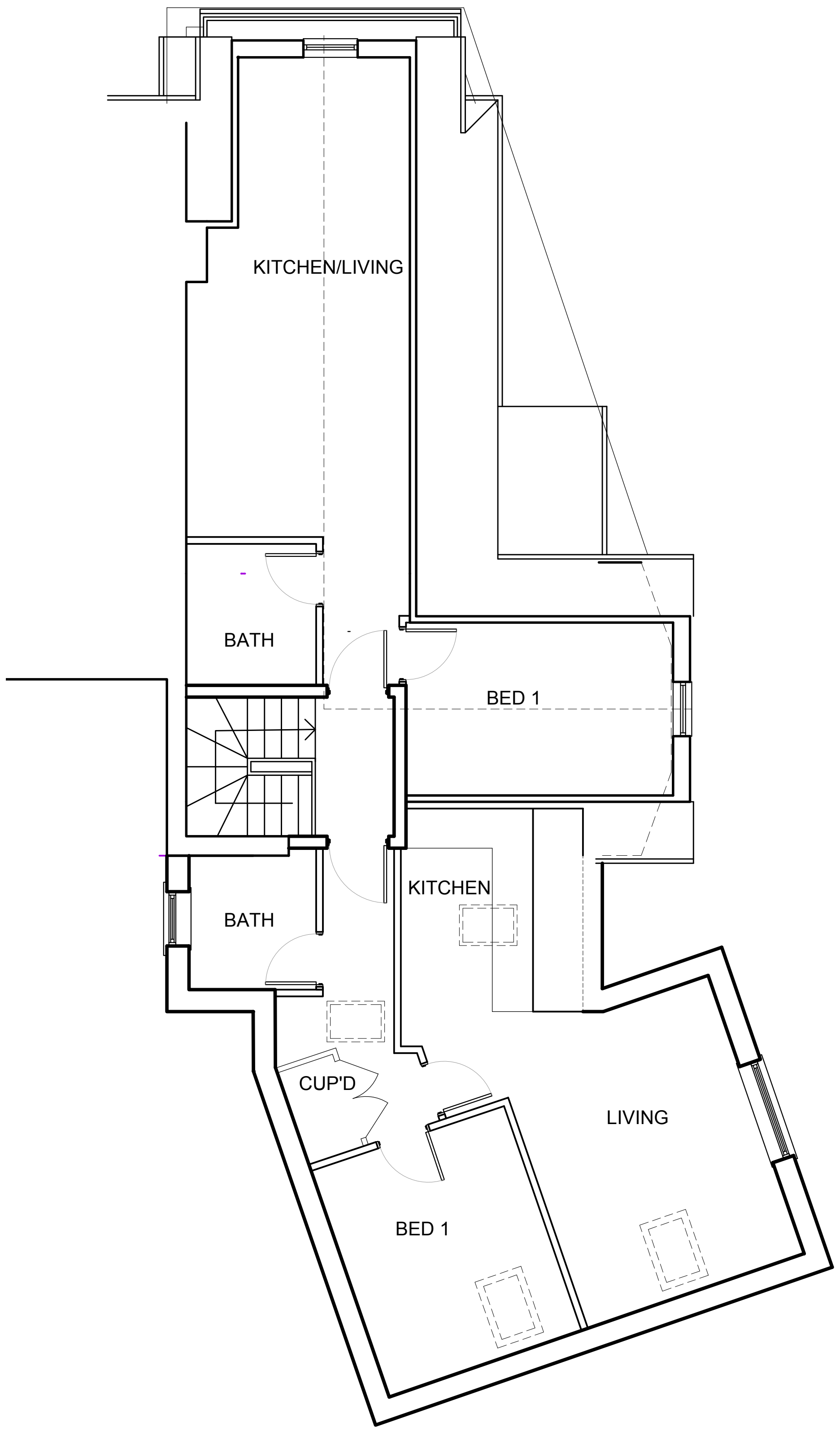

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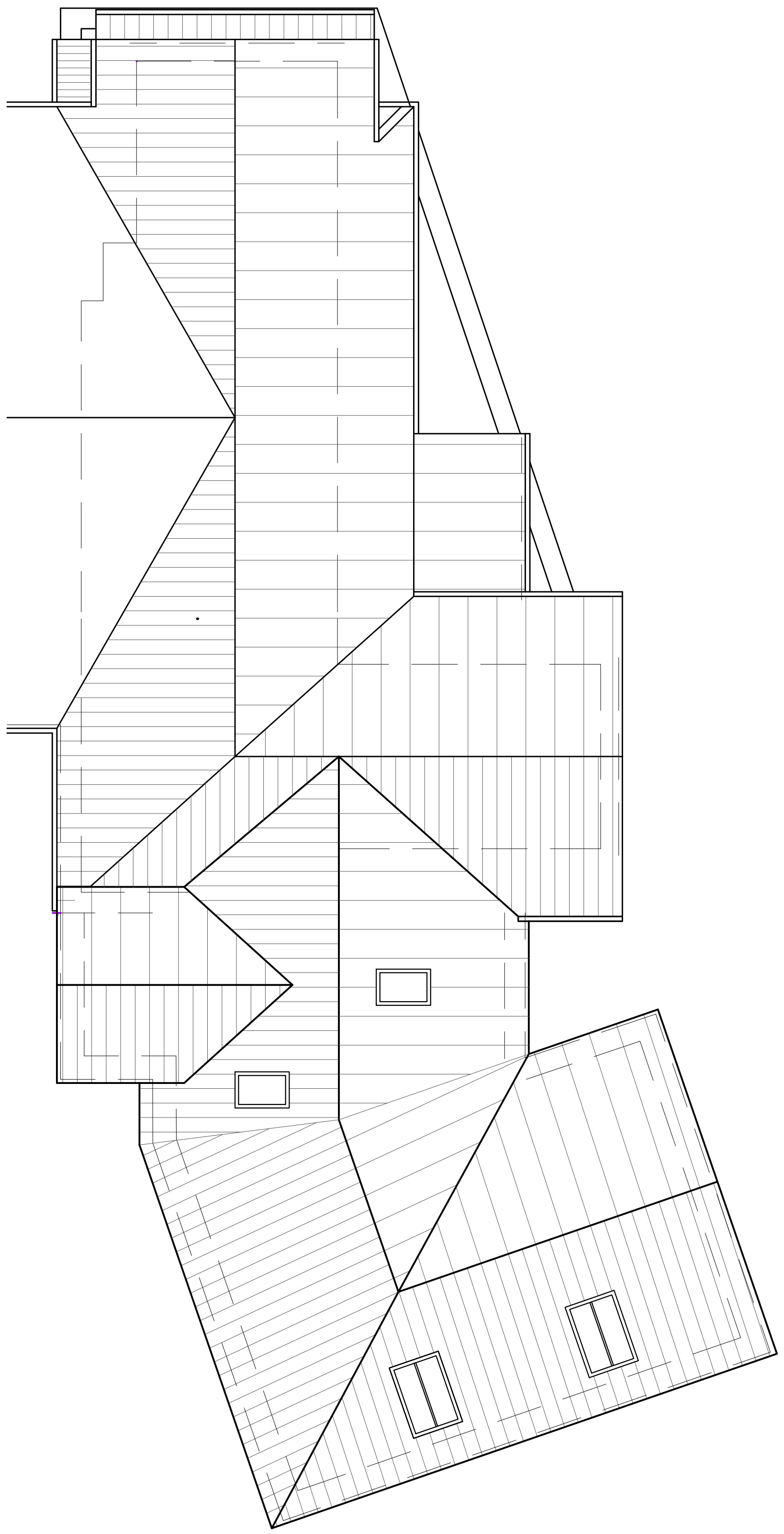

ROOF PLAN
1:100

184 North Road, Cardiff

Job No.
16_050

Dwg No.
AL(01)02

Rev.

Title
Proposed Loft & Roof Plans

Date	Drawn	Scale
26/07/16	kp	1:100 @ A3

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Date	Drawn	Check	Description	Rev.
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NORTHWEST ELEVATION
1:100

SOUTHWEST ELEVATION
1:100

184 North Road, Cardiff
Job No.
16_050
Dwg No.
AL(01)03
Rev.

Title
Proposed Northwest & Southwest Elevations

Date	Drawn	Scale
26/07/16	kp	1:100 @ A3

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Date	Drawn	Check	Description	Rev.
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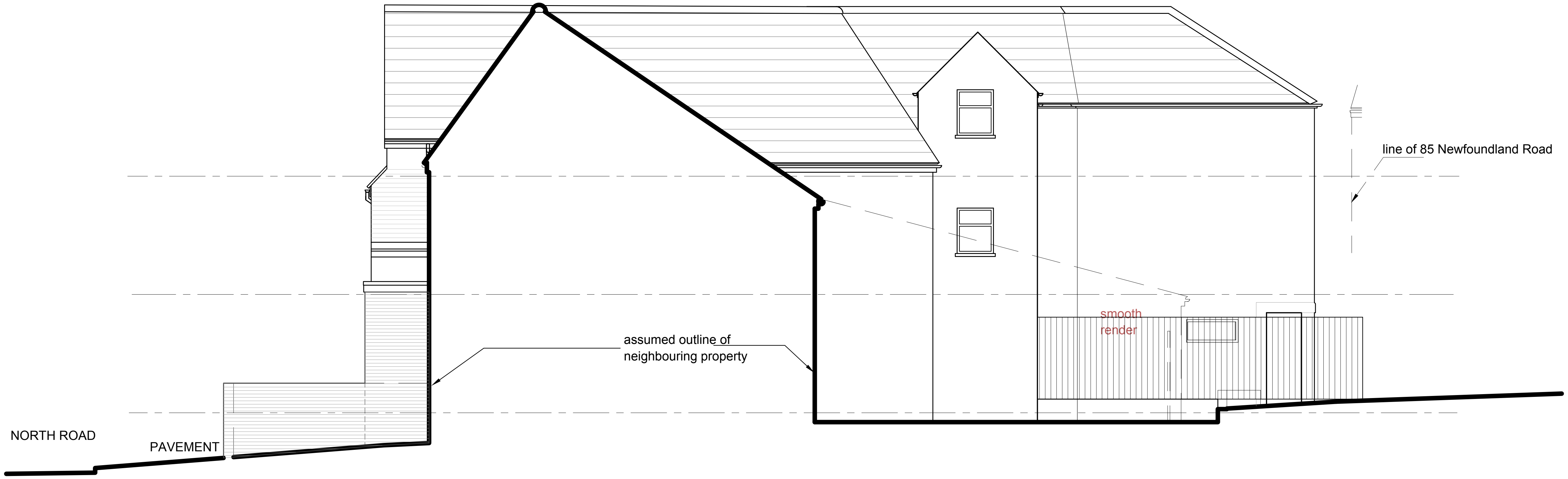
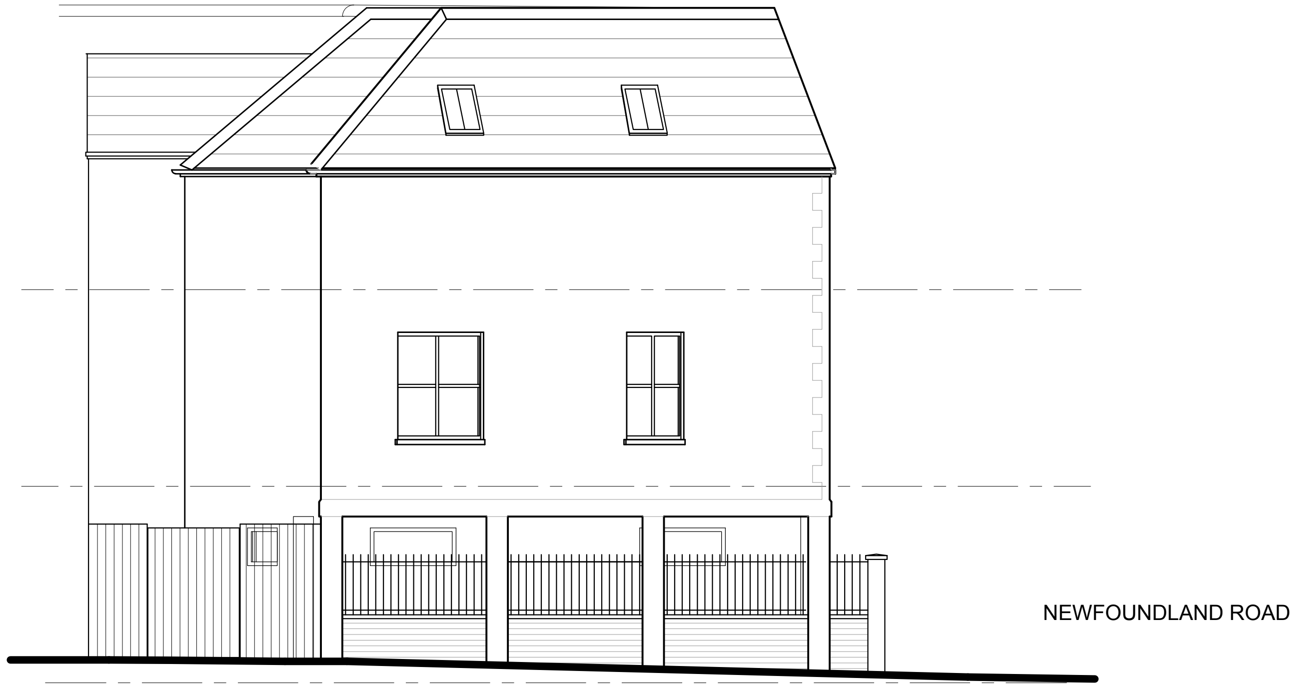


SOUTHEAST ELEVATION

1:100



NORTHEAST ELEVATION

1:100

184 North Road, Cardiff	Job No. 16_050	
	Dwg No. AL(01)04	Rev.

Title
Proposed Northeast & Southeast Elevations

Date	Drawn	Scale
26/07/16	kp	1:100 @ A3

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COMMITTEE DATE: 15/03/2017

APPLICATION No. **16/02911/MJR** APPLICATION DATE: 05/01/2017

ED: **SPLOTT**

APP: TYPE: Full Planning Permission

APPLICANT: Cardiff Council
LOCATION: PUBLIC OPEN SPACE AT LEWIS ROAD, SPLOTT, CARDIFF
PROPOSAL: CONSTRUCTION OF NEW 2 STOREY PRIMARY SCHOOL BUILDING AND NEW VEHICULAR AND PEDESTRIAN ACCESS WITH SUPPORTING SPRINKLER TANK AND PUMP HOUSE, PARKING/SERVICING AREA, LANDSCAPING, RECREATIONAL FACILITIES AND EXTERNAL LIGHTING

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

1. C01 Statutory Time Limit

2. This approval is in respect of the following plans, unless otherwise amended by any other condition attached to this consent:-

    - GL_STL_XX_ZZ_DR_A_XXXX_00001 PL03
    - GL_STL_XX_ZZ_DR_A_XXXX_00002 PL03
    - GL_STL_XX_ZZ_DR_A_XXXX_00003 PL03
    - GL_STL_XX_ZZ_DR_A_XXXX_01001 PL02
    - GL_STL_XX_ZZ_DR_A_XXXX_01002 PL02
    - GL_STL_XX_ZZ_DR_A_XXXX_01003 PL02
    - GL_STL_XX_ZZ_DR_A_XXXX_02001 PL02
    - GL_STL_XX_ZZ_DR_A_XXXX_03001 PL02
    - 60767_GM_GA_001_T
    - 606767C/D/HEDGE

    Reason: To avoid doubt and confusion as to the approved plans.

3. Only foul water from the development site shall be allowed discharge to the public sewerage system and this discharge shall be made at manhole reference number ST19769006 located in Moorhead Close.
    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.

4. The Sustainable Urban Drainage measures identified in the Drainage Strategy Report produced by Bingham Hall dated October 2016 shall be carried out prior to the development being brought into beneficial use.
    Reason: In the interests of sustainability and to protect the health and

safety of existing residents and ensure no pollution of or detriment to the environment.

5. Prior to the school being brought into beneficial use appropriate gas protection measures to ensure 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 by the Local Planning Authority. If no protection measures are required then 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.
Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff Local Development Plan.

6. Prior to the commencement of the development a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme shall 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 shall be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document ' Land Contamination: A guide for Developers' (2012), unless the Local Planning Authority agrees to any variation.
   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 neighbours and other offsite receptors in accordance with policy EN13 of the Cardiff Local Development Plan.

7. The remediation scheme approved by condition 6 shall be fully undertaken in accordance with its terms prior to the occupation of any part of the development. The Local Planning Authority shall 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 shall be submitted to and approved in writing by the Local Planning Authority.

All work and submissions carried out for the purposes of this condition shall be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document ' Land Contamination: A guide for Developers' (2012), unless the Local Planning Authority agrees to any variation.
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 policy EN13 of the Cardiff Local Development Plan.

8. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall 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 shall be undertaken and where remediation is necessary a remediation scheme and verification plan shall 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 shall be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the Local Planning Authority 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 policy EN13 of the Cardiff Local Development Plan.

9. Any topsoil [natural or manufactured],or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the Local Planning Authority.

Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff Local Development Plan.

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 Local Planning Authority.
    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. No development on the exterior of the school building shall take place until samples of the external finishing materials have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved samples.
    Reason: To ensure that the finished appearance of the development is in keeping with the area.

13. Prior to the commencement of development a scheme of construction management shall be submitted to and approved by the Local Planning Authority, to include details of construction traffic routes, site hoardings, site access, contractor parking, materials storage, measures for dust control and wheel washing facilities. Construction of the development shall be managed strictly in accordance with the scheme so approved.
    Reason: In the interests of highway safety and public amenity.

14. Details of the position of security lighting to be erected within the school grounds and the timing control arrangements and the position of CCTV facilities and controls on their arc of coverage shall be submitted to and agreed in writing by the Local Planning Authority prior to their installation.
    Reason: To safeguard the amenities of adjoining occupiers.

15. The rating level for the proposed plant noise shall be 48db $L_{AR,T}$.
    Reason: To safeguard the amenities of adjoining occupiers.

16. The sound insulation level of façade ventilation shall be at least 25dB (D_W).
    Reason: To provide an environment conducive for learning by users of the school.

17. Prior to the school being brought into beneficial use details showing the provision of cycle and scooter parking shelters shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the development being brought into beneficial use. Thereafter the cycle and scooter parking spaces shall be maintained and shall not be used for any other purpose.
    Reason: To ensure that adequate provision is made for the secure parking of cycles.

18. E3D Retain Parking Within Site

19. Prior to the development being brought into beneficial use a Travel Plan shall be submitted to and approved by the Local Planning Authority. The aims of the Travel Plan would be to: Increase travel awareness of pupils, staff and parents; Increase the levels of walking and cycling for the school travel through the promotion and ensure it is maintained; increase usage of public transport by promoting the use of bus for travel to and from the school; Promote safety on the journey to and from school; Contribute to improving the health of pupils by promoting more active modes of travel; and Reduce the number of children travelling by car.

    The Travel Plan would commit to undertaking annual travel surveys of staff and pupil/parents/carers to determine where they live and how they travel to school. The information shall be used to measure progress towards mode share targets and in the action plan to develop further initiatives. The agreed Travel Plan shall be implemented in accordance with the measures and timescales contained within the approved Plan.
    Reason: In the interests of highway safety and sustainability.

20. The school shall not be brought into beneficial use until engineering details of the proposed new road junction on Lewis Road have been submitted to and approved in writing by the Local Planning Authority and constructed as approved.
    Reason: In order to provide a safe and satisfactory entrance to the site.

21. No obstruction exceeding one metre in height shall be placed or allowed to grow within the required visibility splays of 2.4m x 59m at the proposed new junction onto Lewis Road.
    Reason: In the interests of highway safety.

22. The school shall not be brought into beneficial use until a scheme for the improvement of East Tyndall Street has been submitted to and approved by the Local Planning Authority and implemented as approved. The improvements shall be in the form of the realignment of the existing carriageway layout to provide a T-junction with signalisation and controlled pedestrian crossing points on all arms, as identified within the Transport Assessment. The scheme shall also involve the widening of the existing northern footway on East Tyndall Street to provide a shared footway/cycleway surface where practically possible.
Reason: Traffic modelling shows the junction congested and there is a need for facilities to improve safety for pedestrians and cyclists travelling to and from the school.

23. The school shall not be brought into beneficial use until a scheme for the provision of a School Safety Zone on Lewis Road in the vicinity of the school site has been submitted to and approved in writing by the Local Planning Authority and implemented as approved. The scheme, as identified within the Transport Assessment, shall include the installation of traffic calming measures with signage on the approaches to the school, enhanced pedestrian crossing facilities, appropriate parking control measures at the school pedestrian entrance and additionally a footway widening along the western boundary of Lewis road from the school entrance to the junction with east Tyndall Street in order to provide a shared footway/cycleway surface.
Reason: In the interests of highway safety.

24. No development shall take place until a written scheme of historic environment mitigation has been submitted to and approved by the local planning authority and shall then be implemented in accordance with the approved scheme.
Reason: To ensure for the adequate investigation and recording of archaeological remains.

25. The development shall be carried out in accordance with the conclusions and recommendations contained within the Cardiff Three Schools – Bat Report, by Morgan Sindall, dated October 2016.
Reason: In the interests of biodiversity.

26. The MUGA shall only be used during the hours of 08.00 – 20.00
Reason: To ensure that the amenities of occupiers of residential premises in the vicinity are protected.

27. Notwithstanding drawings 60767C/GA/L/001 T and 606767C/D/HEDGE details of the means of enclosure along the northern site boundary shall be submitted to and approved by the Local Planning Authority prior to the development being brought into beneficial use and then be created as approved.
Reason: In the interest of the appearance of the area.

28. Prior to development commencing on site details of top soil and subsoil

specification, finalised tree pit section, planting methodology and aftercare methodology, including a finalised arboricultural method statement and tree protection plan for retained trees shall be submitted to and approved by the Local Planning Authority and then implemented as approved.
Reason: In the interests of visual amenities and biodiversity.

29. No development shall commence until the finished slab level of the school, existing and finished ground levels of the site have been submitted to and approved by the Local Planning Authority.
Reason: To avoid any doubt or confusion as to the finished level of the school.

30. The windows in the northern elevation of the school shall be fitted with obscure glazing which shall be retained in perpetuity.
Reason: In the interests of privacy.

RECOMMENDATION 2 : The applicant is advised to have due regard to the advisory notes provided by consultees.

RECOMMENDATION 3 : 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.

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

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

RECOMMENDATION 4 Prior to the commencement of development, the developer shall notify the local planning authority of the commencement of development , and shall display a site notice and plan on, or near the site, in accordance with the requirements of Article 12 of the Town & Country Planning (Development Management Procedure)(Wales)(Amendment) Order 2016.

RECOMMENDATION 5 : 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.

1. DESCRIPTION OF DEVELOPMENT

1.1 The proposal is for full planning permission for a Welsh medium primary school and nursery in a new two storey building measuring 65m x 22m (2545 sq m).

1.2 The entrance to the nursery will be separate from entrance to the primary school. The school will be orientated along a generally north south axis.

1.3 The school will have a grey standing seam pitched roof (part covered in photovoltaic panels to generate 0.02 MW). Walls would be of buff brick to ground floor and upper floors in white render and grey curtain walling. The halls, kitchen and plant room would be finished in yellow/orange and grey rainscreen cladding panels.

1.4 There will be 2 reception classes, nursery and 2 classes on the ground floor and 8 classes above. In addition there would be various ancillary rooms including two halls on the ground floor.

1.5 To the rear of the school there will be a MUGA, bitmac play area and 5 aside pitch, forest school space, with an existing grassed and woodland area.

1.6 The school would accommodate 420 pupils and the nursery 48. There would be 20 teachers, 16 teaching assistants and 14 ancillary staff. The school would be open 08.55 -15.15.

1.7 There would be a single vehicular access from Lewis Road at the south east corner of the site.

1.8 The proposed school car park would accommodate 26 car parking spaces, including 2 disabled spaces. 20 covered cycle spaces are to be provided in front of the entrance to the primary school. All these elements would be sited in front of the school. An additional 20 covered cycle spaces are to be provided next to the northern entrance to the primary school. A separate servicing area is to be provided to the south of the school.

1.9 The building would be laid out so that the hall, kitchen and some other uses would be closest to the employment building to the south. The nearest classrooms would be 42.5m at their nearest to the employment building to the south with windows orientated to face east and west. The nursery would be located at the northern end of the school nearest the adjoining dwellings.

1.10 The application has been accompanied by a Pre –Application Consultation Report, DAS, FCA, Drainage Strategy Report, Ecological Impact Assessment, Noise Impact Assessment, Arboricultural Impact Assessment, Transport Assessment, Waste Strategy Plan, Soil Resource Survey and Plan, Ground Conditions Report, Lighting Plan and accompanying plans.

2. DESCRIPTION OF SITE

2.1 The site is approximately 1.54 ha in area and level. The site currently comprises overgrown public open space.

2.2 The site is fronted by a retained area of overgrown POS beyond which is Lewis Road. Lewis Road is over 8m wide in front of the site. Lewis Road connects East Tyndall Street with Ocean View.

2.3 To the west of the site are tennis courts. To the north is a 6m wide easement and then residential properties in Moors Lane. To the south are 5 storey apartments in Moorhead Close and the Cardiff Bay Business Centre. To the east of Lewis Road are commercial units.

2.4 There are sculptures on site (which are to be carefully taken down and stored until the Council have made a decision on their future).

2.5 There is a poplar tree on site that has the potential to support bats (but no evidence of the presence of bats was observed during the bat survey by the developer’s ecologist).

3. PLANNING HISTORY

None on this site since 1997
16/00031/MJR Permission to convert an empty warehouse immediately to the south east of the school building to a private members training facility was granted on 17/3/16.

4. POLICY

4.1 The following LDP policies are considered relevant :

KP5 Good Quality and Sustainable Design
KP8 Sustainable Transport
KP12 Waste
KP13 Responding to Evidenced Social Needs

KP14 Healthy Living
KP15 Climate Change
KP16 Green Infrastructure
EN6 Ecological Networks and features of Importance for Biodiversity
EN7 Priority Habitat and Species
EN8 Trees, Woodlands and Hedgerows
EN9 Conservation of the Historic Environment
EN13 Air, Noise, Light Pollution and Land Contamination
C1 Community Facilities
C3 Community Safety/ Creating Safe Environments
C4 Protection of Open Space
C6 Health
C7 Planning for Schools
T1 Walking and Cycling
T5 Managing Traffic Impacts
W2 Provision for Waste Management Facilities in Development

5. **INTERNAL CONSULTATIONS**

5.1 The Tree Officer states: The submitted general arrangement plan suggests that the only significant trees at the site, comprising two ‘B’ category Corsican pines T10 and T11, and a ‘B’ category silver maple, T9, will be retained, along with the young, recently established, ‘C’ category native trees T12-T19 and part of the mixed, early mature, ‘C’ category woodland G5. I support the proposed retention of these features but recommend that T17-19 be removed and replaced with Alnus glutinosa, as they are ash and will be vulnerable to Chalara ash die-back disease. In addition, G5 should be subject to intervention and the development of a long-term management plan to phase out non-native elements, and favour well-formed native trees (sallows and willows particularly). An Arboricultural Method Statement and Tree Protection Plan should be provided to show how retained trees will be protected.

The submitted Soil Resource Survey (SRS) and Plan (SRP) highlights the presence of a re-usable topsoil resource, subject to compliance with the SRP and site remediation requirements. The subsoils represent a less valuable resource for landscaping, other than when ameliorated and subject to robust planting types tolerant of periodic waterlogging (smaller bare-root and root-balled trees could meet this criteria, but for trees above heavy standard and trees that are not tolerant of periodic water-logging, an imported sandy loam subsoil should be used, with drainage layers/piped drainage as necessary). The soils are general of high pH, and with this, and their textural and drainage qualities in mind, I suggest an amenity tree planting palette comprising: -

Acer campestre (including cultivars) – plant only where there is no waterlogging, but thrives in a moisture retentive soil.

Alnus glutinosa – typically establishes well, even on wet soils, if planted at small size, but planted large can struggle in waterlogged soils.

Alnus incana ‘Laciniata’ – plant only where there is no waterlogging, but thrives in a moisture retentive soil.

Crataegus laevigata – thrives in a heavy, calcareous, moisture retentive soil (not waterlogged). Tolerates some shade.

Crataegus x prunifolia ‘Splendens’ – tolerates wet soils but like Alnus glutinosa, planting smaller in such situations will secure better establishment.

Mespilus germanica – thrives in a moisture retentive, calcareous, but not waterlogged soil.

Picea omorika – thrives in poor, calcareous soils, but not waterlogged soils. Very upright, good for screening.

It would be preferable to see full, upfront landscaping details, informed by the SRS and SRP, and comprising scaled planting plan, plant schedule, topsoil and subsoil specification, tree pit section, planting methodology and aftercare methodology.

5.2 Shared Regulatory Services states:
With regards to contamination, the Geotechnical & Geo-Environmental Report provides a detailed assessment for a commercial development end use. The report identifies several contamination risks associated with asbestos, metals and hydrocarbons and the need for remediation across the site. Remediation guidance within the report advises the need for a capping layer of imported clean soils in areas of soft landscaping and a double ‘no-dig’ barrier between the made ground and the capping.

The developer will be required to submit a remediation strategy and import materials in relation to this work and the standard conditions for this are recommended.

The Developer and their consultant should be minded that any accessible areas of soft landscaping where children may be in direct contact with the soil. (intentionally, or otherwise) will need to be remediated to the standard of the more appropriate ‘residential with gardens’ end use. This must be reflected in the strategy and subsequent verification of remediation for the proposed end use.

With regards to ground gas, the consultant’s assessment identifies negligible methane but carbon dioxide levels in excess of 5%, concluding a ‘gas characteristic situation 2’. This necessitates the implementation of ground gas measures and an amended ground gas measures condition is recommended.

5.3 Noise and Air Team state: I have reviewed planning application 16/02911/MJR from an Air Quality perspective. I can confirm that I am satisfied and in agreement with the content of the submitted documentation and therefore have no objections on the grounds of Air Quality to the proposed development.

I am satisfied that the Construction Management Plan would encompass the control of dust emissions during the construction phase of the proposal. I will look to review the CMP once received.

5.4 Shared Regulatory Services say that a scheme of noise mitigation be implemented as described in the report Glan Morfa Primary School- Noise Impact Assessment ref1620001734 section 5.2.2 Plant noise mitigation. That there be a floodlighting condition, and limit the use of the MUGA to 20.00 hours.

5.5 The Drainage Officer has no objection in principle to the consent of this application. The applicant refers to the disposal of surface water by sustainable drainage system. However, no drainage details or scheme have been provided for the disposal of surface water via sustainable drainage techniques.

In light of the above and in order to minimise any risk of flooding and pollution he requests that the following condition be added to any planning permission:-

No development shall take place until ground permeability tests have been undertaken to ascertain whether sustainable drainage techniques can be utilised and a drainage scheme submitted for the disposal of both surface water and foul sewage to the approval of the Planning Authority.

5.6 The Waste Management Officer states: The proposed waste storage location has been noted and is acceptable. All efforts should be made to separate waste at source into the following waste streams (as a minimum): mixed recycling, general waste and food waste.-

5.7 The Transport Officer confirms that the submission has been assessed and is considered to be acceptable in transport terms subject to conditions and comments.

He is content that The Transport Assessment and on-street parking surveys contained therein have sufficiently demonstrated the availability of on street parking provision within 600m of the school that can accommodate school drop off and pick up times.

The proposed highway improvement works are to be subject to an agreement under Section 278 Highways Act 1980 between the developer/contractor and Local Highway Authority.

5.8 The Parks Officer states: Schools Services have agreed the principle of funding improvements to the remainder of the public open space to compensate for the loss of land to the new build school. They have agreed in principle to the Parks Landscape Design team preparing outline proposals for consultation, and we have this week commenced this process.

6. EXTERNAL CONSULTATIONS

6.1 Dwr Cymru Welsh Water has no objection to the proposed development subject to a condition.

6.2 Wales and West Utilities have provided a plan showing their apparatus which is outside the application site.

6.3 NRW has no objection subject to a condition.

6.4 South Wales Police state: No objection to proposed development, have been engaged in pre –application consultation and are satisfied that crime prevention and community safety issues will be addressed as per design and access statement.

6.5 GGAT requires an archaeological watching brief condition.

6.6 Sport Wales originally objected but after further consideration says that the Trust remains concerned about the loss of a significant area of public open space in a heavily built up area but on the basis that the remaining open space is improved to the satisfaction of the Parks Department and that the community will have access to the school's outdoor facilities, the objection is removed.

7. **REPRESENTATIONS**

7.1 This application has been advertised on site and in the press. Adjoining occupiers have been notified. Local Members have also been notified.

7.2 A response has been received from a local resident who objects for the following reasons:-

- There is existing traffic chaos in the morning and at tea times.
- His house is only 3m from the park so he would have no privacy.
- The school would be sited in the middle of an industrial area.
- There are prostitutes operating in the area.

7.3 A second local resident suggests that the pavements in and out of Splott should be made safer for children walking/cycling to school, which would help with traffic concerns.

7.4 The Pre-Application Consultation Report explains that owners/occupiers of adjoining land were notified and a site notice erected. Whilst the applicant's website data was accessed by 46 unique users no comments were received.

8. **ANALYSIS**

8.1 The provision of a new primary school including a nursery to serve the local area is welcome and in line with LDP policies.

8.2 The site is identified as open space in the most recent open space survey and Policy C4 of the adopted Local Development Plan (LDP) and approved Supplementary Planning Guidance (SPG) on Open Space (March 2008) are relevant. Although it is noted that the Open Space SPG was approved in connection with the now superseded City of Cardiff Local Plan, pending approval of new SPG it is considered material to the development management process as it is consistent with the new policy framework set out in the adopted LDP.

8.3 Policy C4 seeks to protect open space that has significant functional (including land that can accommodate formal/or informal recreational uses), conservation, environmental or amenity value through only allowing proposals where:

- They would not cause or exacerbate a deficiency of open space in accordance with the most recent open space study; and
- The open space has no significant functional or amenity value; and
- The open space is of no significant quality; or
- The developers make satisfactory compensatory provision; and in all cases
- The open space has no significant nature or historic conservation importance.

8.4 This policy reflects national planning policy relating to open space set out in Planning Policy Wales and Technical Advice Note 16 relating to Sport, Recreation and Open Space (January 2009).

8.5 The most recent survey of open space classifies the site as a mixture of amenity (1.02 ha) and informal recreational open space (0.52 ha). Therefore, in order to accord fully with Policy C4 the application needs to be assessed against the following issues:

- The level of existing provision of recreational open space assessed against the standard and the acceptability of compensatory facilities.
- The quality of the open space.
- The functional and amenity value of the open space.
- The nature or historic conservation value of the open space.

8.6 In terms of existing provision of recreational open space the Open Space SPG (Page 25) sets out the amount of recreational open space relative to the standard for each ward within the city. This shows that the Splott ward overall has a deficit of 2.57 hectares of recreational open space (based on the 2.43 ha per 1,000 population standard) and therefore this proposal will exacerbate a local and city wide deficiency of recreational open space. In order to address this matter satisfactory compensatory provision will be required and further guidance on this is provided in paragraphs 3.19 to 3.21 of the Open Space SPG (see below).

Compensatory Facilities

3.19 Where a development proposal involving the loss of open space would cause or exacerbate a local or city-wide deficiency of recreational open space, compensatory open space or an alternative provision of equivalent community benefit may be acceptable.

3.20 Compensatory open space/replacement facilities will be assessed having regard to the importance of the resource to be lost and the needs of the locality. The quantity, size and community benefit of the compensatory area should normally be at least equal to the area being lost. Replacement facilities should always be reasonably related to the original site, to serve the catchment population affected by the loss. Offers of compensatory open space/replacement facilities outside the threshold distances identified in figure 1 will not normally be acceptable.

3.21 However, in some circumstances it may be more appropriate not to exactly replace existing provision and provide an alternative form of provision more appropriate to the needs of the local population. For example, the loss of a site which is deemed of poor quality and low value to the local community may be better compensated for by investment in qualitative improvements to other open spaces in the locality or by consolidating an area of open space to provide a better quality facility of more value to the local community.

8.7 In this respect it is noted that the applicant states that the recreational open space is relatively unmanaged and provides little recreation or strategic value. In order to compensate for the loss of this poor quality recreational open space they state that the application will provide new replacement all weather recreational facilities on the new school site, including a Multi-Use Games Area, tarmac sports facility, informal grassed play areas and a community room. Given this it could be argued that these qualitative gains will provide a better quality facility of more value to the local community and outweigh the proposed quantitative loss of recreational open space in accordance with paragraph 3.21 of the Open Space SPG.

8.8 In terms assessing functional and amenity value the SPG states:

> 3.7 Some open spaces have particular value to the amenity of an area. These areas include woodlands, allotments, ornamental gardens, cemeteries, water bodies and golf facilities. The characteristics of this open space will vary considerably and their particular amenity value may be based on different factors. The basis of assessing the amenity value of an area, whether recreational or amenity open space, will relate to:
>
> 3.8 Visual Amenity - For a site to possess visual amenity value, it must be located where the general public can gain significant “visual access”. It must contribute to the visual character and environmental quality of the surrounding area. There will be an objection to proposals which would adversely affect the appearance of open spaces which significantly contribute to the visual appearance of an area.
>
> 3.9 Leisure Amenity - Areas of woodland, allotments, ornamental gardens and public rights of way, by definition are not considered suitable for active sports and recreation. However, such amenity open spaces can provide an important informal open space resource for local people and accommodate passive activities such as walking, dog exercise and nature studies. The importance of such areas is heightened if there are limited alternative areas of recreational and amenity open space in the locality or if the areas make a contribution to the city-wide provision of open space. Proposals which would cause unacceptable harm to areas of leisure amenity value will be opposed.

8.9 In relation to the impact on visual amenity it is noted that much of the existing amenity open space will remain undeveloped and will be incorporated in the landscaping scheme for the site. In addition, the existing woodland on the western part of the site will be retained as an important green link/wildlife corridor and in order to compensate for the loss of trees new tree planting is proposed around the periphery of the site. These measures should ensure there is no unacceptable impact on visual amenity. In terms of impact on Leisure amenity it is noted the site forms part of a larger area of open space and this larger area (comprising approximately 2.4 hectares) will continue to be available as an informal resource for local people for activities such as walking and dog exercise.

8.10 Given this the proposal does not raise any land use planning policy concerns.

8.11 The school building will be of a standardised design proposed for use on three sites across the city. The only real difference between the buildings would be the colour of the finishing materials proposed. While it is disappointing that a bespoke design tailored specifically to the site is not proposed, it is acknowledged that the standardised approach has been agreed.

8.12 The key issues for consideration within this planning application are considered to be the policy position (which has been addressed above), accessibility of the building, the means of enclosure for the development and the finishing materials proposed.

8.13 The location of the site for a school at the southern end of the catchment area is not ideal but the immediate availability of another suitable site within a more central location limits the choice of site. It is also considered that the proposed positioning of the school back into the site would represent a missed opportunity to create a stronger, more active frontage onto Lewis Road.

8.14 However, the land in front of the school is to become improved POS, the details of which when finalised may well help enhance the setting of the school. The applicant says that the land located at the front of the building is the dilapidated remains of two former parks and the area is significantly overgrown. Parks intend to consult with the community to reinstate these areas suitable to their need, which will be an improvement to what is an overgrown area. The school is set back as far as the footprint required would allow so that the remaining space could be maximised in development of compensatory works. Furthermore, there is an area of POS immediately to the north and repositioning the POS from in front of the school would fragment the combined area of POS and make such an area far less attractive to use.

8.15 The applicant says that as per the WG 21st Century school programme aims, the school will be community focused. Once suitable facilities have been provided for this flexibility in community use, the school will take forward the community strategy further to ensure individual community needs are considered. Therefore, at this stage of the development Education can confirm use of a community room and the external MUGA will also be available for community and arrangements to access this will be possible with the school. Education has discussed this issue with Parks in looking at the POS take up for the school. The MUGA along with the works to be agreed outside of the school following consultation will also improve the area, facilities and H&S aspects for the locality. There is no proposal to floodlight the MUGA.

8.16 Pedestrian routes within the site are generally clear which is welcomed. It is particularly important that a direct, pedestrian focused, route is maintained between the school building and Lewis Road. Gates are shown to restrict the access road from being used by parents for parking during drop off/pick up. The highway conditions proposed (20-23) are designed to safeguard safety in front of the school and improvements for walking/cycling leading to the school.

8.17 The break out space / play space associated with each classroom has been factored into the overall design of the building and should therefore meet specific requirements. The remaining external space, as well as being functional, will have appropriate levels of landscaping in order to soften the development as a whole.

8.18 The northern (side) wall of the school would be 21m from the nearest dwelling to the north and as such would not significantly impact on the privacy of neighbours should windows in the northern elevation of the school be fitted with obscure glazing. The existing path leading to the northern pedestrian school entrance would be used much more than is currently the case, especially at the end and start of the school day. The front gardens of the nearest properties are separated by railings from the path. There would be some impact on the level of privacy currently enjoyed by existing residents as older children go to and from school but residents privacy is already affected by people using the existing path.

8.19 A 2.4m high close boarded fence is proposed around the northern and western boundaries of the site close to the edge of the pavement running through the park. While it is understood that a robust means of enclosure is important given the use of the site, it is considered that a less defensive approach could be taken. Alternative fencing material or the addition of a small area of landscaping in front of this fence would be welcomed in order to soften the aesthetic of the scheme. A more transparent means of enclosure might also be considered rather than a timber fence in order to reduce the feeling of enclosure along the footpath. Proposed condition 27 is suggested to address this.

8.20 The slab level of the school will be higher than the existing ground level of the site to allow for a capping layer. Notwithstanding this it is not considered that the proposed building would have an overbearing or overshadowing impact upon neighbouring properties. The proposed building is 10.5m high and 21m south of the nearest dwellings and some 18m from the garden of those dwellings.

8.21 The applicant states “As noted in the Transport Assessment, the majority of houses in the anticipated catchment are within 2km of the proposed school, with most within 1km. IHT guidance states that the acceptable walking distance to a school and for commuting journeys is 1km and the preferred maximum walking distance is 2km. Therefore the school would be within a reasonable walking distance for pupils, parents and staff.

In order to restrict use of the access road by parents for parking, the road will need to be managed by the school. A gate is shown to allow the gates to be closed once staff arrive, while measures such as the use of cones could also be used.”

8.22 The site is adjoined by POS, residential development on two sides and a large building used for employment purposes. The site is therefore not solely within a residential area but on one side does adjoin employment land. Regulatory Services has raised no noise, air quality or pollution control objections.

8.23 In terms of drainage the applicant’s report says SUDs techniques in the form of soakaways, permeable drainage blankets are to be implemented where deemed suitable which will replicate the development surface water run-off require thus maintaining status quo. Terra Firma has carried out site investigations using boreholes. It is considered that proposed condition 4 would address the issue of SUDs.

8.24 Whilst reference has been made to prostitutes operating in the area the Police have raised no objection to this development. There was no evidence of such activities on or near the site during the site inspection. There is no evidence that such activities would take place near this new development when in use and it is reasonable to believe that teacher/parental surveillance would act as a deterrent to such behaviour.

8.25 The brick element of the proposed building should either match that of the neighbouring dwellings to the north or block of flats to the south. The areas of cladding proposed on the building should be high quality, thereby adding richness to the scheme, while being robust and durable.

8.26 No floodlighting is proposed so a floodlighting condition is unnecessary. Proposed condition 14 addresses security lighting.

8.27 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.

8.28 The proposal is considered to be acceptable in planning terms, subject to conditions, and complies with the policies of the LDP. The proposal will provide a modern school and nursery with sufficient external play and sports facilities to serve the pupils, whilst safeguarding habitat for biodiversity and the amenities of neighbours. The Transportation Officer has no highway objections.

COMMITTEE DATE: 15/03/2017

APPLICATION No. **16/01822/MJR** APPLICATION DATE: 28/07/2016

ED: **CATHAYS**

APP: TYPE: Full Planning Permission

APPLICANT: PMG (Cardiff) Ltd
LOCATION: LEO ABSE & COHEN, 34-44 CHURCHILL WAY, CITY CENTRE, CARDIFF, CF10 2SS
PROPOSAL: DEMOLITION OF MODERN REAR EXTENSIONS AND CONSTRUCTION OF REPLACEMENT EXTENSIONS, REFURBISHMENT OF EXISTING VICTORIAN BUILDINGS INCLUDING EXTERNAL ALTERATIONS AND CHANGE OF USE FROM OFFICE (USE CLASS B1) TO RESIDENTIAL (USE CLASS C3)

RECOMMENDATION 1 : That, subject to relevant parties entering into a binding legal agreement with the Council under the provisions of a **SECTION 106** of the Town and Country Planning Act 1990, within 6 months of the date of this Resolution unless otherwise agreed by the Council in writing, in respect of matters detailed in paragraph of this report, planning permission be **GRANTED** subject to the following condition(s):

1. The development permitted shall be begun before the expiration of 18 months from the date of this planning permission.
   Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 and to secure the development in a timely manner relevant to its viability

2. Planning Permission is Granted for the development indicated on Drawing References:

   - PL107A – Proposed Ground Floor and Site Plan.
   - PL108A – Proposed First Floor Plan.
   - PL109 A – Proposed Second Floor Plan.
   - PL110A – Proposed Third Floor Plan.
   - PL111A – Proposed Churchill Way and South Elevations.
   - PL112A – Proposed Wesley Road and North Elevations.

   Reason: For the avoidance of doubt.

3. Prior to the demolition of the modern side extensions to 40 and 44 Chuchill Way, a methodology of demolition, and of making good of the revealed side elevation of the property shall be submitted to and approved by the Local Planning Authority in Writing. Thereafter the demolition and making good shall accord with the approved methodology.

Reason: The oblique views of the sides of the properties are important within the context of the Character and Appearance of the Conservation Area.

4. Prior to the commencement of development, a demolition/construction management plan providing full details of construction traffic routes, contractor parking, delivery protocols, dust suppressions, noise mitigation, wheel washing facilities, site enclosures, site security and other such features as are proposed to minimise interference with, and maintenance of the safe and convenient free flow of traffic along the highway and protection of neighbouring amenity, shall be submitted to and approved by the local planning authority in writing. Thereafter the demolition/construction works shall be managed in accordance with the approved plan.
Reason: To ensure for an orderly form of development with least impact on existing businesses and residences in the area.

5. No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority in writing. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in full in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.
Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

6. Prior to the commencement of any development works a scheme to investigate and monitor the site for the presence of gases* being generated at the site or land adjoining thereto, including a plan of the area to be monitored, shall be submitted to the Local Planning Authority for its approval. Following completion of the approved monitoring scheme, 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 Local Planning Authority. 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 policy EN13 of the Cardiff Local Development Plan.

7. 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 policy EN13 of the Cardiff Local Development Plan.

8. Any topsoil [natural or manufactured],or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff Local Development Plan.

9. 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 Local Planning Authority.
Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff Local Development Plan.

10. 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.

11. The development shall be provided in accordance with a scheme of architectural detailing which shall first have been submitted to and approved by the local planning authority in writing. The scheme shall include for details of the construction methodology, window and door specification, gates, and means of enclosure.
Reason: To ensure for an appropriate finished appearance to the development.

12. The develop shall be finished in accordance with a palette of external finishing materials, samples of which having first been submitted to and approved by the Local Planning Authority in writing.
Reason: To ensure for an appropriate finished appearance to the development.

13. The front and rear site enclosures (walls, railings, bin store access and other gates) shall be provided prior to the beneficial use of any of the apartments hereby approved, in accordance with a scheme of detail, and materials samples which shall first have been submitted to an approved in writing by the local planning authority.
Reason: To ensure for an appropriate detail to the enclosures in respect of design, aesthetic and community safety.

14. No part of any access gates proposed shall open over the adopted highway.
Reason: To ensure that the use of the gates do not interfere with the safety and convenience of pedestrians and vehicles on that adjoining highway.

15. The refuse storage facilities indicated on the approved plans shall be provided prior to the first beneficial occupation of any flat unit hereby permitted and thereafter be maintained and retained for the storage of refuse at all times.
Reason : To secure an orderly form of development and to protect the amenities of the area.

16. No apartment or office unit shall be occupied until such time as a refuse

management plan has been submitted to and approved by the local planning authority in writing. Thereafter refuse shall only be presented for collection in accordance with the approved plan.
Reason : To secure an orderly form of development and to protect the amenities of the area.

17. Notwithstanding the submitted detail shown on site layout drawings, Prior to the beneficial occupation of any apartment unit hereby approved, the development shall be provided with covered and secure bicycle storage facilities in accordance with a scheme of detail which shall first have been submitted to and approved in writing by the Local Planning Authority; and the facility shall thereafter be retained solely for the purpose of the parking of bicycles.
Reason: To provide appropriate facilities for the secure, covered storage of cycles.

18. Should any excavations reveal any archaeological finds, including , any unexpected masonry structures, coins, metalwork, jewellery, ceramics, bones, or other historic items, excavations shall cease until such time as the local planning authority has been allowed to assess the find, and given express consent that excavations may resume.
Reason: To allow appropriate investigation and recording of any unexpected archaeological resource.

19. Access to the apartment units shall be fitted with a system of access control, and a system of video and audio connectivity to each flat.
Reason: to prevent unauthorised access to the development in the interests of crime prevention and discouragement of anti-social behaviour.

20. Prior to commencement of development a scheme shall be submitted to and approved in writing by the Local Planning Authority which will describe how it is intended that the development will meet a requirement that all habitable rooms within the development will be insulated so as not to be subject to the receipt of sound in excess of 40 dBA Leq 16 hour during the day or in excess of 35 dBA Leq 8 hour at night.
Reason To ensure that the design of the development will be likely to achieve an acceptable living environment for occupants of the accommodation approved.

21. Prior to beneficial occupation of the flat units hereby approved, all habitable rooms which require sound insulation measures to be provided to achieve the sound insulation levels required by condition 20 shall be provided with active noise dampening ventilation units. Each ventilation unit (with air filter in position), by itself or with an integral air supply duct and cowl (or grille), shall be capable of giving variable ventilation rates ranging from – (1) an upper rate of not less than 37 litres per second against a back pressure of 10 newtons per square metre and not less than 31 litres per second against a back pressure of 30 newtons per square metre, to (2) a lower rate of between 10 and 17 litres per second against zero back pressure.
Reason To ensure that the accommodation can be ventilated without

exposure to external noise

22. Prior to the beneficial occupation of any flat unit approved, a report shall be submitted to and approved by the local planning authority in writing to evidence that all habitable rooms within the development are not subject to the receipt of sound in excess of 40 dBA Leq 16 hour during the day or in excess of 35 dBA Leq 8 hour at night; and have been provided with operational active acoustic dampening ventilation units to the specification required by condition 21.
Reason To ensure that an acceptable living environment will be provided for occupants of the accommodation approved.

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

24. Prior to the commencement of development, details of a sound insulation scheme to party walls and floors between the proposed Office and Residential uses within the building shall be submitted to and approved in writing by the Local Planning Authority and the sound insulation scheme shall be implemented in accordance with the approved details before the development is brought into beneficial use.
Reason: To ensure for acceptable noise levels within the property in the interests of the amenity of future residents.

25. Prior to first beneficial occupation of any of the apartment units hereby approved, the development shall be provided with an external lighting scheme, to include for lighting of Wesley Lane in accordance with a scheme of detail which shall first have been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure for a secure and safe environment for residential occupiers and users of the Wesley Lane Access.

26. Prior to the commencement of development, a scheme of hard and soft landscaping shall be submitted to and approved by the Local Planning Authority, in writing, and the scheme shall thereafter be implemented in a timescale to be agreed by the Local Planning Authority. The scheme shall include for hard and soft surface treatments, a planting schedule of trees, tree pit details, a tree pit soils specification, and aftercare regime.
Reason : to ensure for an appropriate landscaping detail in the context of the Conservation Area and the best possible chance of soft landscaping establishment and longevity.

RECOMMENDATION 2 : 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.

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

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

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

RECOMMENDATION 4 : The applicant be advised that works to adopted highways would need to be approved by means of section 278/38 agreement as appropriate.

RECOMMENDATION 5 : The applicant be advised to apply to Dwr Cymru / Welsh Water for any connection to the public sewer; or for any requirements regarding the sewer which crosses the site.

RECOMMENDATION 6 : The applicant is encouraged to liaise with South Wales Police and South Wales fire and Rescue Service to discuss the potential for

Secured by Design accreditation and appropriate fire fighting design including adequate water supply arrangements

RECOMMENDATION 7 : Prior to the commencement of development, the developer shall notify the local planning authority of the commencement of development , and shall display a site notice and plan on, or near the site, in accordance with the requirements of Article 12 of the Town & Country Planning (Development Management Procedure)(Wales)(Amendment) Order 2016.

1. DESCRIPTION OF DEVELOPMENT

1.1 The proposal is for the change of use, refurbishment and extension of 6 Victorian properties (3x semi-detached pairs) located at 34-44 Churchill Way, which will also realise a new building frontage to Wesley Lane.

1.2 As amended, the proposals would retain a commercial frontage to ground floor fronting Churchill Way, and a total of 42 residential units in partly converted buildings, and new build extensions to the rear.

1.3 The development would also see the demolition of some former additions to the properties including modern rear annexe additions, and modern side extensions to numbers 40 and 44 Churchill Way.

2 DESCRIPTION OF THE SITE

2.1 The site is bounded on its eastern side by Churchill Way and on its western side by Wesley Lane.

2.2 The buildings are located in the Churchill Way conservation area, and the plots back onto Wesley Lane, which forms the boundary with the Charles Street Conservation area.

2.3 Churchill Way has seen significant public realm enhancement in recent years, however Wesley Lane is in need of upgrading both in respect of servicing existing mixed uses on Charles Street and Churchill Way, but also to serve a new interest in residential/mixed use development..

2.4 Churchill way has a more historic Western side, and a more modern eastern side. The application properties, being located on the western side, form part of a street frontage comprised of a variety of commercial tenancies (estate agents, hair dressers, fitness studios, beauticians, massage parlours, restaurants and bars).

2.5 The application buildings are 6 former Victorian Villas (3x semi-detached pairs) to the Southern end of Churchill Way adjacent to the Old Chapel . The existing properties on the site are typically four storey (with basement) gable fronted Victorian buildings. The properties, as with most properties in Churchill, way have a stepped entrance to elevated ground floor; presenting pennant stone elevations to the highway with Bathstone dressed bays and quoins. The properties have been in single ownership by Leo Abse and Cohen Solicitors for many years, and although distinctly different pairs, have a common decoration.

2.6 All of the properties have been modified/extended to the rear. And No. 40 and 44 also have modern side extensions.

2.7 Wesley lane is an evolving Mews of former service yards and parking areas intermixed with new building extensions and new build residential development. The Southern end of Wesley lane also forms the rear boundary to a recently approved residential student tower, which is currently in the process of construction.

3. SITE HISTORY

Application Number 91/00630/C
Application Type FUL
Proposal REDEVELOPMENT OF EXISTING OFFICE BUILDINGS TO NEW OFFICE ACCOMMODATION
Decision Date 27/11/1991
Status REF

Application Number 92/00825/C
Application Type CAC
Proposal DEMOLITION
Decision Date 14/07/1992
Status REF

Application Number 97/01680/C
Application Type FUL
Proposal MINOR ALTERATIONS TO FRONT [REPLACEMENT RAILINGS, REPLACEMENT FRONT
DOOR, PROVISION OF DISABLED ACCESS RAMP]
Decision Date 30/10/1997
Status PER

Application Number 00/01333/C
Application Type FUL
Proposal ALTERATIONS TO WINDOWS, RAILINGS & STEPS AT FRONT AND RE-RENDER
Decision Date 14/09/2000
Status PER

4. POLICY FRAMEWORK

Planning Policy Wales Edition 9, November 2016

Chapter 6 - Conserving the Historic Environment
Chapter 7 - Economic Development
Chapter 8 - Transport
Chapter 9 - Housing
Chapter 10 - Planning for Retail and Town Centres

Chapter 12 - Infrastructure and Services
Chapter 13 - Minimising and Managing Environmental Risks and Pollution

WG Technical Advice Notes

TAN 1: Joint Housing Land Availability Studies (2006)
TAN 2: Planning and Affordable Housing (2006)
TAN 11: Noise (1997)
TAN 12: Design (2009)
TAN 18: Transport (2007)
TAN 21: Waste (2001)

Welsh Office Circular

11/99: Environmental Impact Assessment 30/06/99
1/98: Planning and the Historic Environment: Directions by the Secretary of State for Wales 02/02/98
61/96: Planning and the Historic Environment: Historic Buildings and Conservation Areas 05/12/96

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

KEY POLICIES

KP5: GOOD QUALITY AND SUSTAINABLE DESIGN
KP6: NEW INFRASTRUCTURE
KP7: PLANNING OBLIGATIONS
KP8: SUSTAINABLE TRANSPORT
KP9: RESPONDING TO EVIDENCED ECONOMIC NEEDS
KP10: CENTRAL AND BAY BUSINESS AREAS
KP12: WASTE
KP14: HEALTHY LIVING
KP17: BUILT HERITAGE
KP18: NATURAL RESOURCES

DETAILED POLICIES

H1: NON-STRATEGIC HOUSING SITES
H2: CONVERSION TO RESIDENTIAL USE
H3: AFFORDABLE HOUSING
H6: CHANGE OF USE OR REDEVELOPMENT TO RESIDENTIAL USE
EC4: PROTECTING OFFICES IN THE CENTRAL AND BAY BUSINESS AREAS
EN9: CONSERVATION OF THE HISTORIC ENVIRONMENT
EN13: AIR, NOISE, LIGHT POLLUTION AND LAND CONTAMIINATION
T1: WALKING AND CYCLING
T5: MANAGING TRANSPORT IMPACTS
T6: IMPACT ON TRANSPORT NETWORKS AND SERVICES
C1: COMMUNITY FACILITIES
C3: COMMUNITY SAFETY/CREATING SAFE ENVIRONMENTS

C5: PROVISION FOR OPEN SPACE, OUTDOOR RECREATION, CHILDREN'S PLAY AND SPORT
C7: PLANNING FOR SCHOOLS
W2: PROVISION FOR WASTE MANAGEMENT FACILITIES IN DEVELOPMENT

Other Material Considerations

Section 149 Equality Act 2010
Charles Street Conservation Area Appraisal
Churchill Way Conservation Area Appraisal

Supplementary Planning Guidance to Adopted LDP

Waste Collection & Storage Facilities Oct 2016
Residential Design Guide Jan 2017
Planning Obligations Jan 2017

Supplementary Planning Guidance to former Local Plan
(material in being the most recently approved guidance compliant with National Guidance and Policies).

Access, Circulation and Parking Standards Jan 2010
Cardiff City Centre Northern Professional Office Area (Planning Brief) Mar 00
City Centre Design Guide Sep 94
Open Space Mar 08 including May 2011 update to Section 106 Baseline Contribution Figure
Safeguarding Land for Business and Industry Jun 06
Shop Fronts & Signage Guide October 2011
Trees and Development Mar 07

5. INTERNAL CONSULTEE RESPONSES

5.1 Housing

Based on 42 units of residential accommodation, the development would be required to provide 20% on-site affordable housing [8.4 units] however given the nature of the accommodation and shared occupancy with a commercial development, and potential issues for transfer and future management by an RSL, it would be appropriate to accept a financial contribution toward off-site affordable housing provision in this instance.

Based on current SPG this is calculated at **£530, 700**

5.2 Parks

The development provides for no on-site public open space. Given the increase in residential population the development would attract, and additional burden placed on existing public open space in the locality, it is therefore appropriate to seek a financial contribution for the provision / maintenance / improvement of existing public open space in the area.

This has been calculated at a value of **£61,516**

5.3 Regeneration (Community Facilities)

Supplementary Planning Guidance (SPG) on Community Facilities and Residential Development states that ‘the Council will seek a financial contribution for improvements to existing community facilities or the provision of additional community facilities on all significant developments because the increased population will result in increased demand for local community facilities’. If no onsite provision is proposed, a financial contribution is sought on residential developments containing 25 or more new dwellings where it has been identified that investment in community facilities will be required to meet the needs of the new population.

The formula in the SPG is based on the number of habitable rooms per dwellings and is calculated as **£ 24,612**

This contribution and the use of S106 obligations to achieve this is considered

(a) necessary to make the development acceptable in planning terms;
(b) directly related to the development; and
(c) fairly and reasonably related in scale and kind to the development.

5.4 Economic Development

Objected to the proposal for wholly residential use; and noting that the site is in the Central Business Area, consider that the premises would be better retained in Office Use.

5.5 Waste

Please ensure the refuse storage area is large enough to accommodate the following recommended provisions for 42 apartments/Commercial Wastes:

Dry Recyclables:	6 x 1100 litre bulk bins
Food waste:	3 x 240 litre bins
General waste:	6 x 1100 litre bulk bins

It is not suitable for the bin store doors to open onto the highway. Surfaces should be smooth and impervious to permit cleaning and the floor must be laid to create suitable drainage. Adequate lighting must be provided and good natural ventilation if completely enclosed.

Waste Management will not carry keys or access codes for bin storage areas; so waste must either be presented at the entrance to the development for collection, or the access gates to the site must be left open.

The path between the bin store and the collection vehicle must be evenly surfaced and free from obstructions, including parked cars. If there is a kerb, a dropped kerb will need to be constructed.

Bulk containers must be provided by the developer/other appropriate agent, to the Councils' specification (steel containers are required where capacity exceeds 240 litres) as determined by S46 of the Environment Protection Act 1990 and can be purchased directly from the Council. Please contact the Waste Management's commercial department for further information on 02920 717504.

Refuse storage, once implemented, must be retained for future use.

Commercial and domestic Wastes should be stored separately.

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

5.6 Transportation

The site is noted to be within easy walking distance of Queen Street Station, has multiple bus services outside its main frontage; will provide for on-site cycle parking facilities (Which should be secure and covered facilities); and will provide for level access for ground floor users. The site is also in easy reach of the various opportunities offered by the City Centre and is considered to be in a highly sustainable location.. For this reason, 0 Car parking provision is acceptable in this location and in accordance with the Parking Guidelines for the City Centre Bay Core.

This is a relatively large part conversion/part new build scheme which has evolved in response to aspirations to regenerate the Wesley Lane service lane into a residential mews quarter.

Wesley Lane is currently of a poor quality and there is a need for it to be upgraded to provide a safer and more efficient pedestrian environment if it is to become a more active thoroughfare. Recent developments in the immediate vicinity of the site have made financial contributions towards the upgrading of the lane and a financial contribution from this scheme should be sought in this instance also.

Churchill Way has seen significant public realm enhancement in recent years, there is no reason to seek any improvements to this highway currently.

I therefore raise no objection to the proposals subject to conditions to ensure/secure:

- Maintenance of Cycle Parking Provision (Secure and Covered).
- Demolition/Construction Management Plan.
- No public access gates or Waste storage enclosure doors should extend over the adopted highway.

- Provision of an appropriate lighting scheme to Wesley Lane.
- Securing of a S106 Public Realm Contribution in accordance with the recommendation of the Placemaking Officer's comments.

Please advise the applicant that any necessary works to the Highway will need to be undertaken in agreement with the Local Highways Authority under S278/S38 of the Highways Act.

5.7 Placemaking

This is a large scale proposal, where the extension and change of use of the premises will place increased pressure on the surrounding pedestrian environment, particularly due to the nature of the proposal as residential accommodation where movements will take place across a longer period of time, including late at night.

Planning Policy Wales, Paragraph 3.4.3 states that 'When a new building is proposed, an existing building is being extended or altered, or a change of use is proposed, developers should consider the need to make it accessible for all those who might use the building. The appropriate design and layout of spaces in, between and around buildings, including parking provision and movement routes, is particularly important in ensuring good accessibility'. As this proposal is for residential accommodation, where movements to and from the building will predominantly take place on foot, the public realm in the immediate vicinity of the site should be considered in this context. Cardiff Local Development Plan Policy KP6 (New Infrastructure) seeks that new developments will make appropriate provision for, or contribute towards, necessary infrastructure required as a consequence of proposed development, including public realm improvements.

The public realm to the rear of the site at Wesley Lane is of a poor quality and there is a need for it to be upgraded to a standard commensurate with recent city centre enhancement schemes in order to provide a safer and more efficient pedestrian environment than that which serves the area at present.

Recent developments in the immediate vicinity of the site have contributed towards the upgrading of Wesley lane as part of a wider public realm enhancement scheme for the area and a financial contribution towards the scheme would be sought in this instance.

A pro rata public realm calculation measured against a recently consented application in the immediate vicinity of the site would equate to a financial contribution of £63,471 in this instance. Public realm improvements would include the resurfacing of the carriageway within Wesley Lane, the replacement of kerbstones / drainage channels and the removal / replacement of street furniture and street lighting.

The proposal, if acceptable in all other respects, would necessarily need to make a public realm contribution of **£63,471** to allow the upgrading of the immediate environment.

5.8 Pollution Control Contamination

The Pollution Control Officer raises no objection to the proposal subject to the following conditions :

Gas Monitoring and Mitigation; Unexpected Contamination; Imported Materials; Imported Aggregate; Site Won Materials; and inclusion of an advisory recommendation in respect of Contamination / Unstable land.

5.9 Pollution Control Air Quality

Raises no objection to the proposal subject to the following condition – Dust Control.

Unless otherwise agreed with LPA, the applicant is required to undertake a detailed dust assessment which shall quantify the magnitude of risk to surrounding/ nearby sensitive receptors, this being the various residential properties located within 350m to the site boundary, during the demolition and construction phase of the development. Prior to the commencement of development a scheme (Construction Environmental Management Plan) to minimise dust emissions arising from construction activities on the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of dust suppression measures and the methods to monitor emissions of dust arising from the development. The construction phase shall be implemented in accordance with the approved scheme, with the approved dust suppression measures being maintained in a fully functional condition for the duration of the construction phase.
Reason: To assess air quality and agree any mitigation measures that may be required to safeguard the amenity of nearby residents in the area.

5.10 Pollution Control Noise

Any observations will be reported to Committee (sound insulation conditions are however included within the recommendation of this report).

6. EXTERNAL CONSULTEE RESPONSES

6.1 Welsh Water Dwr Cymru [WWDC]

Advise that a public sewer crosses the application site, and have provided a copy of the public sewer record indicating the likely location of the sewer.

The sewer has an easement, which the developer will need to address with WWDC

7. REPRESENTATIONS

7.1 The application has been advertised on site and in the local press, and neighbouring businesses have been notified of the proposals.

No representations have been received.

8. ANALYSIS

8.1 Environmental Impact Assessment

The works are not a Schedule 2 development for the purposes of assessment under the Environmental Impact Assessment regulations and are not considered to have any significant environmental effects warranting the submission of an Environmental Statement to allow the Local Planning Authority to determine the environmental impact of the proposals.

8.2 Land Use

8.3 The principal policy framework is that of :

- Planning Policy Wales (Edition 9, November 2016)
- Cardiff Local Development Plan 2006-2026
- Safeguarding Land for Business and Industry (June 2006)

8.4 The proposal is for the change of use and extension of no's 34-44 Churchill Way (1,550sqm - existing) from office (Class A2/B1) to mixed use residential (Class C3/B1) use.

8.5 The site is located within the Central Business Area (CBA) of the Cardiff Local Development Plan (LDP), and as such the main land use planning policy issues relate to whether the loss of land for B1 (Business) use is acceptable: and whether the proposed C3 (Residential) use is acceptable at this location.

8.6 (1). Whether the loss of land for B1 (Business) use is acceptable:

Policy EC4 (Protecting Offices in the Central and Bay Business Areas) of the LDP identifies that to ensure Cardiff continues to attract and retain quality businesses, the city centre must provide a range and choice of office premises for existing and future occupiers, including small and medium size enterprises. It 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.

The policy identifies that when assessing proposals for the alternative use of office accommodation, a series of criteria will be considered, including:

- Whether, and for how long the premises have been vacant and actively marketed for office use;

- Whether the development of the site for appropriate uses will facilitate the relocation of existing office occupier/s to other suitable accommodation within the Central or Bay Business Area;
- Whether the proposed development would retain a significant element of office floor space;

No 34-44 Churchill Way were last occupied as Solicitors Offices (Use Class A2 where providing services to members of the public; but predominantly operated in the character of Use Class B1 (administrative office) use).

The applicant has identified in their supporting information that the existing Solicitors are relocating to alternative premises within the city centre. The proposal therefore does not result in a loss of jobs.

As identified in Policy EC4 of the LDP, to ensure that Cardiff continues to attract and retain quality businesses, the City Centre must provide a range and choice of office premises for existing and future occupiers, including small and medium sized premises.

Therefore, although accepting that the former use was not of entirely B1 character, in offering professional consultancy and advice services; taking into consideration that the premises formerly provided predominantly B1 office accommodation within the CBA, a proposal that involved the loss of all office floor space would be unlikely to be supported.

However a mixed-use redevelopment proposal that seeks to retain a significant element of commercial office floor space would be more favourably considered; and as the proposal has now been modified to keep the ground floor street presentation of each property in Office use, No objection would be raised to the conversion of the remainder of each property in this respect.

8.7 (2). Whether the proposed C3 (Residential) use is acceptable at this location.

National Planning guidance promotes the redevelopment of Brownfield land within urban areas for housing to help meet city-wide housing needs and to promote urban regeneration.

The Central Business Area in the adopted LDP, is considered an acceptable location for residential use subject to caveats regarding the quality of accommodation provided and the there being no negative impact on existing businesses/uses.

The principle of residential development is also well established within the surrounding area of Churchill Way / Charles Street and the central location is considered well suited to residential use as it is both served by transport links and is close to local amenities, facilities and shopping opportunities.

The provision of 42 apartments including 24 new build apartments would also contribute to the supply of city centre living accommodation. The quality of accommodation is considered acceptable in respect of size of unit (32 – 42m2 for one bed units; and 40 - 42m2 for the two bed units), amenity space (external areas); and the development should be able to be acoustically insulated to balance expected heightened noise levels within the City Centre.

There would not appear any conflict with adjacent commercial premises as the development has been designed with principal living room windows to front and rear, and only secondary, and bedroom windows to opposing commercial properties.

Overall, there is no objection to the conversion/extension of the properties for mixed residential/commercial use from a Land Use Policy perspective..

8.3 **Housing**

8.4 The proposals provide for appropriately sized one and two bedroom apartments within a city centre location where there is a demand for such accommodation for both market and affordable tenure. Each unit provides for a kitchen/living room, separate bathroom and either one or two bedrooms. This is considered acceptable in the City Centre Context and the properties are shown to be converted in a manner considered to provide legible and practical usable space given the constraints of the historic building layouts.

8.5 The Housing Manager's request for a financial contribution in the absence of on site affordable housing provision is in accordance with LDP Policy and the formulae applied to calculate the amount of off site contribution required, accepted as being in accordance with LDP SPG advice . However it is acknowledged that the sum of Circa £530,000 is a considerable sum for any developer to have to factor into project viability; and this is considered in Section 9 of this report below.

8.6 **Public Realm**

8.7 The condition of Wesley Lane is very poor, and has been maintained infrequently and only as a service environment. It is therefore considered appropriate that the development make contribution to the refurbishment and enhancement of the highway network in respect of the provision of a package of environmental enhancements to the lane in the immediate vicinity of the site. The Observations of the placemaking team are therefore noted and concurred with and considered appropriately applied against the context of other contributions relating to developments nearby.

8.8 The Developer, accepting that such works are necessary, and of direct benefit to the development applied for, has confirmed that he will meet the amount of contribution requested, even though the overall viability of the scheme would suggest otherwise.

8.9 The Developer has requested however that the sum, which may otherwise be required at the commencement of development, not be required until first beneficial occupation of any of the apartments, as may be approved.

8.10 This is considered reasonable in that it would secure the payment to enable the works to come forward, but would offset the contribution to a period closer to that which would allow the developer to derive an income from the scheme.

8.11 **Economy**

8.12 35-37 Charles Street is in the process of being converted from offices to 8 apartments; Planning permission was allowed on appeal for the erection of 2 apartment blocks oft 5 and 3 storeys height at 41 Charles Street; A mixed use development on land at Bridge Street and Charles Street, providing a 25 storey tower for 463 student beds and flexible A1, A2 and A3 ground floor units, was approved by Planning Committee in April 2016 and site preparation works have commenced on that site. Planning Committee also resolved to grant Planning Permission for a further 8 residential units to the rear of 35-37 Charles Street at last month’s Planning Committee. As such the immediate area is undergoing a number of developments which will add to the economy of the city, and it is hoped that this further proposed development will stimulate further investment, in nearby building stock and in the immediate area, to deliver the upgrading of the somewhat neglected Wesley Lane, to a desirable residential/mixed use environment .

8.13 **Design**

8.14 Traditional Frontages

The existing buildings are 4 storey Victorian Villas, with two and three storey rear annex buildings. The historic elements of the front elevations of the buildings will remain largely unchanged, but will see the removal of modern extensions, which is welcomed.

Timber sash windows will be refurbished or replaced with replica timber units where required.

8.15 New Building

The New build extensions facing onto Wesley Lane will be contemporary in design. They will be four storey in height with flat roofs. The ground floor units will step back from the Wesley Lane boundary in order to maintain privacy and security.

The first and second floor units will have patio doors and glass Juliette balconies overlooking Wesley Lane. The third floor units will also be stepped back to provide external balcony areas, again overlooking Wesley Lane. The external finish of the buildings is proposed as a smooth render with a white painted finish. However there is a preference for a muted coloured finish which can be progressed via condition.

A new 1.8m high boundary wall will be constructed along Wesley Lane with intermittent railing detail allowing an acceptable level of transparency into the site, but appropriate levels of security and privacy. This is welcomed as part of the upgrading of the lane as a more inviting and hospitable area.

8.16 Landscaping

Six semi-mature ‘Street’ trees will be planted between each of the new extensions and neighbouring buildings. This is welcomed in principle but a landscaping / tree planting specification will need to be agreed by condition to secure an appropriate tree type and planting aftercare regime.

8.17 Equalities

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

The stepped building frontage does not lend itself to accessible development without destruction of the character of the conservation area, however the new build accommodation can allow for level access which can also be obtained from the Churchill way footway level.

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

8.18 Privacy

The habitable room window positioning and orientation is considered acceptable within a tight grain city centre environment. There are no overlooking Issues presented from principal habitable room windows. There would be a minimum of 11m separation between side facing bedroom windows within the building extensions, all other side facing windows are from WC or from kitchen interiors. Clear glazed windows in the rear side extension to 32 Churchill way are noted but their position does not conflict with any principal windows in the proposed scheme. This is considered acceptable in the given context.

8.19 **Pollution Noise**

The site is located in an area which has seen residential conversion in nearby properties, given the city centre location, the application of conditions to secure adequately sound proofing of apartments and between the proposed office uses and residential uses within the building is considered prudent. A further condition relating to the limitation of plant noise similarly so.

Any further observations from the Noise Officer will be provided at Committee.

8.20 **The Historic Environment**

8.21 As the new build extensions would not be directly visible from Churchill Way, and would be lower than the ridge heights of the buildings fronting that highway, there is no need to require the proposals to replicate or relate to any historic architectural precedent.

8.22 The scale, mass and aesthetic of the extensions, have taken on board pre-application advice, and are considered respectful of the character of the conservation area and to extend the crisp and contrasting modern architecture now coming forward on Wesley Lane.

8.23 As such the requirement for development within conservation areas to preserve and enhance the character of the area is considered to have been met in respect of the fact that the development will have no impact on the traditional appearance of the historic streetscape, but will also positively contribute to the new evolving aesthetic of Wesley Lane.

8.24 As the building will be located in one of the older areas of the city centre, it is considered appropriate that a condition is attached to any permission as may be granted, to ensure that any unexpected revealed archaeology is reported and recorded appropriately.

8.25 **Contamination / Air Quality**

Conditions are included within the recommendation relating to testing and mitigation of any ground gases, in respect of imported soils and aggregates and in respect of any unforeseen contamination.

The air quality Officer's request for a dust mitigation condition is considered sufficiently addressed by Condition 4.

8.26 **Transport**

8.27 The site is within easy walking distance of Queen Street Station, has multiple bus services outside its main frontage; will provide for level access to GF apartments and will accommodate on-site cycle parking facilities. The site is also in easy reach of the various opportunities offered by the City Centre and is considered a highly sustainable location..

8.28 The comments of the Transportation and Placemaking Officers are noted in terms of the condition of Wesley Lane, and the developer has agreed to the financial contribution requested via S106 agreement to assist in its necessary enhancement.

8.29 There are therefore no adverse comments to the proposal from a transport perspective for the use and quantum of development proposed.

8.30 **Waste Management**

Screened waste storage areas are located to the rear of the site, with intent that these be serviced from Wesley Lane, However there would appear no reason why the bins could not be presented to Churchill Way if that were the Waste

Managers preference. In any event, the site would appear to have more than adequate space for waste storage.

8.31 Community Facilities

The comments of the Regeneration Officer are Noted. The development does not in itself provide for any community facilities, but will increase the residential population of the City Centre and place demand on such facilities as are available. The requirement of the Regeneration Officer for a financial contribution of £24,612 is acknowledged, and considered to be in accordance with Planning Policy and SPG. However as a component of a total of some £ 680,299 of Financial contributions requested, this is further considered at Section 9 of this report.

8.32 Public Open Space

The comments of the Parks Officer are Noted. The development does not in itself provide for any Public Open Space, but will increase the residential population of the City Centre and place demand on such Public Open Space as is available. The requirement of the Parks Officer for a financial contribution in order to maintain that space or make new provision is accepted, and considered to be in accordance with Planning Policy and SPG. However as a component of a total of some £ 680,299 of Financial contributions requested, this is further considered at Section 9 of this report.

9. SECTION 106 MATTERS

The developer has been advised of the financial payments requested for Affordable Housing (£530,700) Public Realm Enhancement (£63,471); Public Open Space (£61,516) and Community Facilities, (£ 24,612), [A Total of **£680,299**] but advised that the scheme was not in capable of generating a sufficient return to meet these obligations..

As this was the case, a formal viability appraisal was requested, and this has been submitted and analysed by the District Valuer, who concludes that the scheme cannot meet the obligations requested without a significant reduction in return.

The applicant has therefore been in negotiation with the Planning Officer to consider a reduced contribution, which would address as a minimum the upgrading of Wesley Lane, and would within available margins, provide an additional sum for use at the Council’s discretion.

The Applicant has agreed to provide a sum of £125,000 for such purposes; and the Planning Officer considers this an acceptable contribution when measured against the viability of the scheme.

Internal dialogue with the various Service Areas concerned, suggest to the Planning Officer that in the City Centre context, that further to the necessary enhancement of Welsley Lane, that the apportionment of any remaining sum would be best allocated for the purpose of securing off-site Affordable Housing as the area offers a range of existing community facilities, and through the securing of public realm enhancement will deliver a modest betterment in terms of quality of open space, and this is the recommendation of this report.

10. RECOMMENDATION

The proposed development makes efficient use of an existing urban site, providing a well designed mixed use apartment/small office development within and maintaining the existing Victorian villas, which contribute to the character and appearance of the Churchill Way Conservation Area.

Whilst the development is not able to meet policy compliance in respect of being able to meet all on site-provisions or S106 requests for contributions in lieu, as demonstrated in the viability report, it will however provide for a full commitment to necessary public realm enhancement, and will thereafter make such contributions as are considered reasonable by the planning officer to support planning objectives within the margins of the scheme.

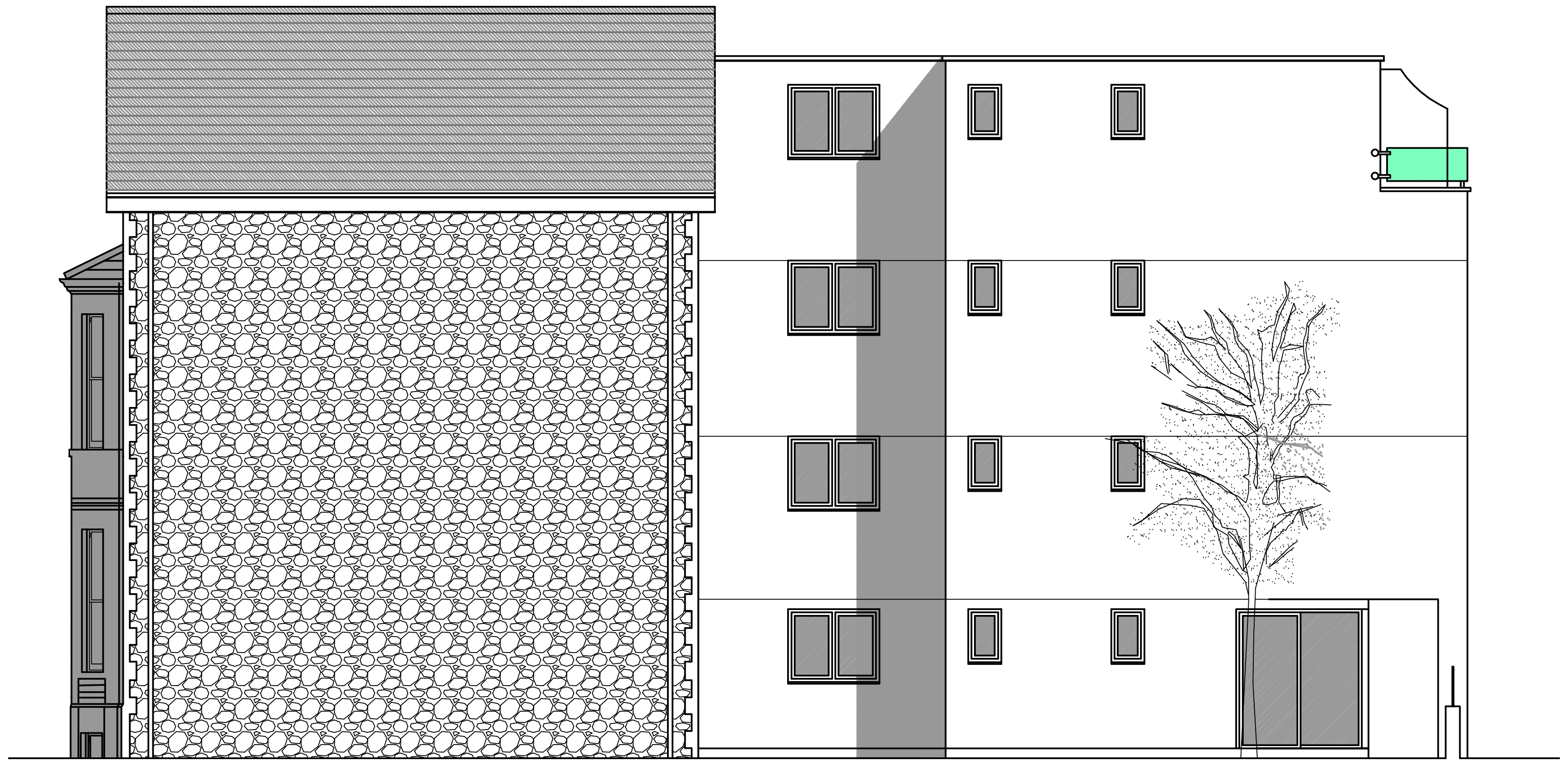
Overall, it is concluded that the benefit of the development as a regeneration opportunity outweighs any potential negative impacts as may result from the schemes inability to deliver in other areas.

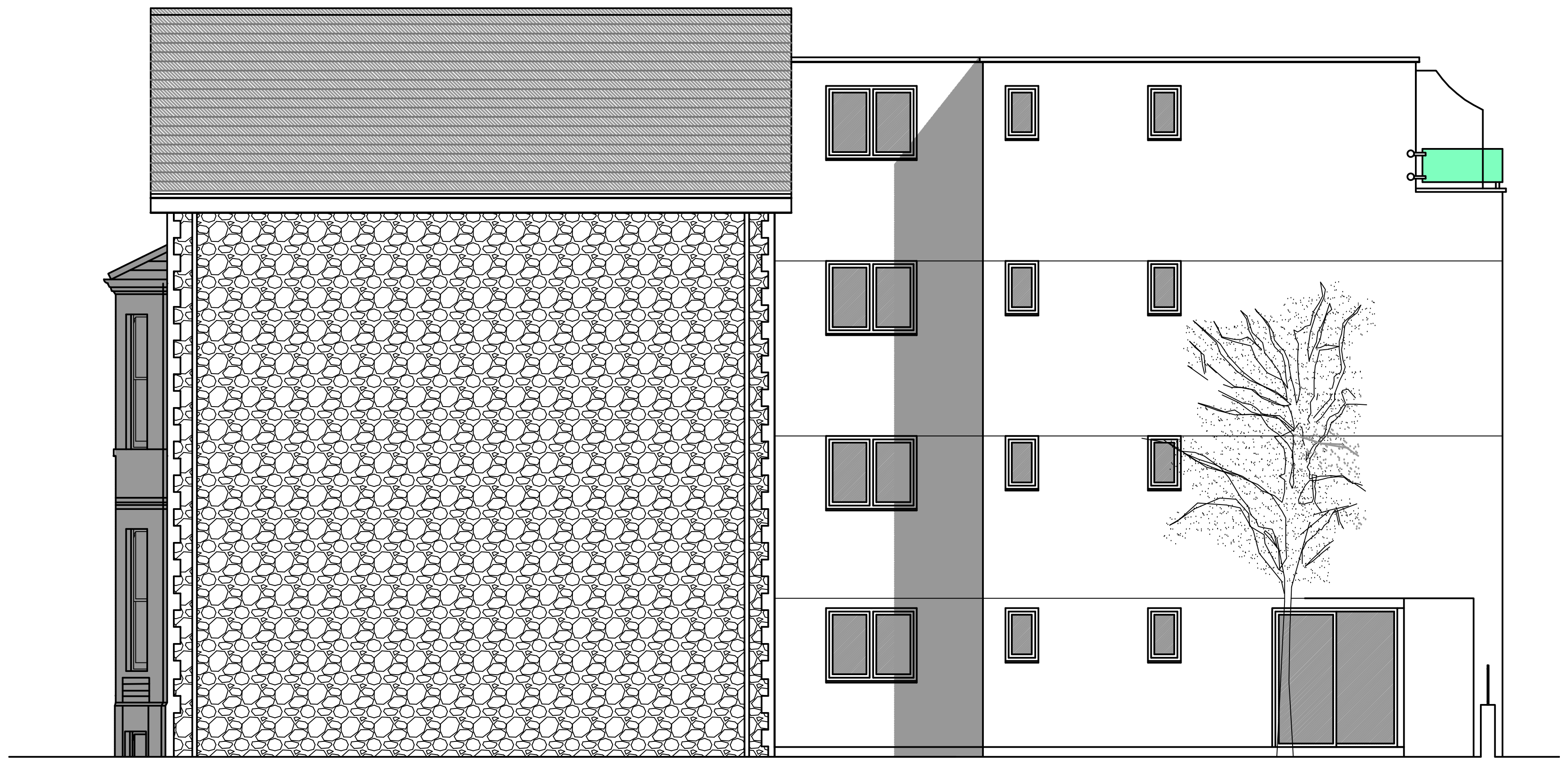
It is therefore recommended to planning Committee that the application be approved subject to S106 agreement to secure an overall financial contribution of **£125,000** to include a minimum contribution of £63,471 toward the enhancement of Wesley Lane with such balance recommended to be allocated for off site Affordable housing provision.

34-44 Churchill Way

Site Location Plan
Scale 1:1250 @ A4


PROPOSED WESLEY ROAD ELEVATION


PROPOSED NORTH ELEVATION TO No. 42

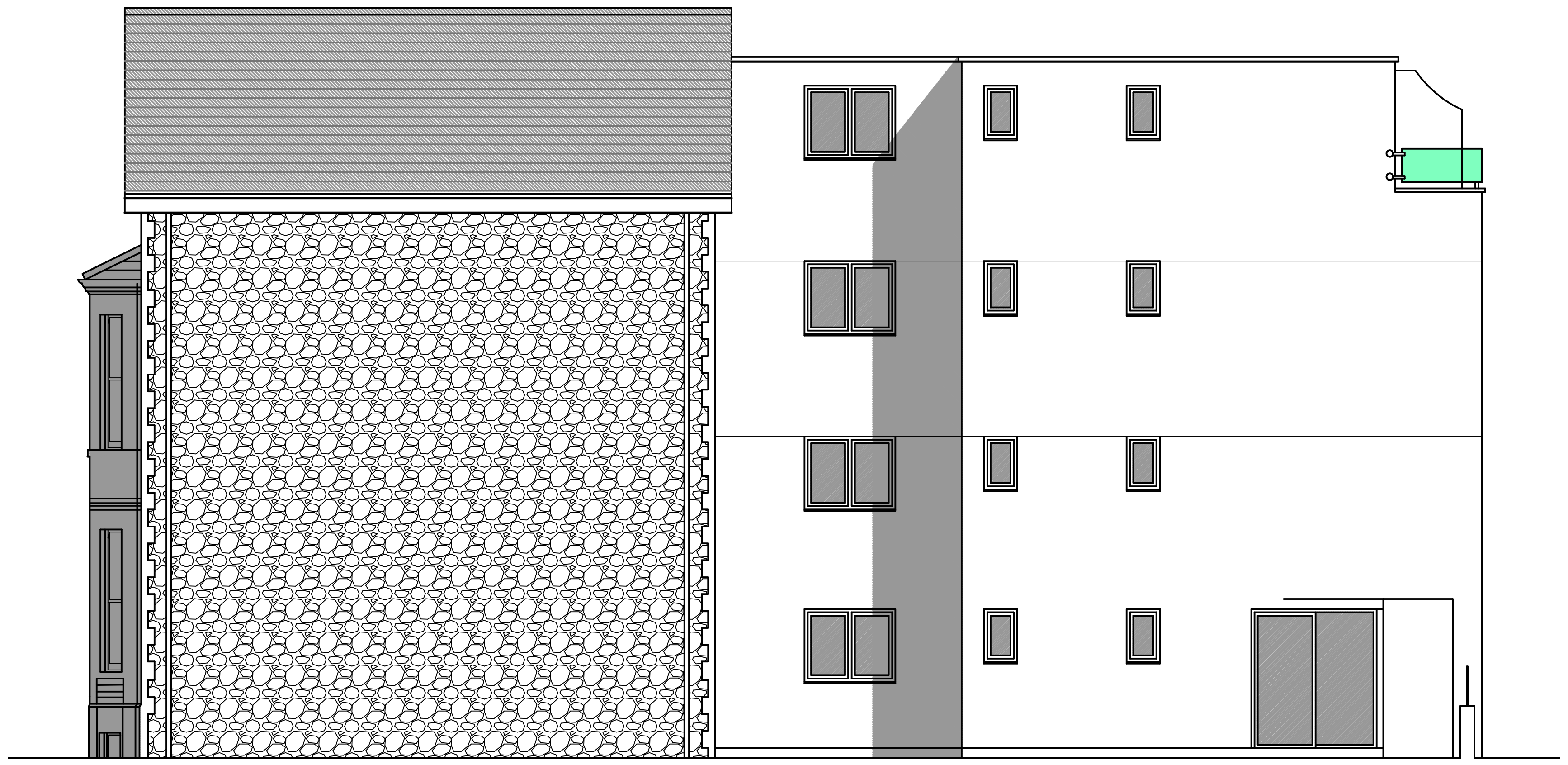

PROPOSED NORTH ELEVATION TO No. 38

MATERIALS

ROOFS
Synthetic Slate to match existing to pitched roofs
Proprietary plastic membrane to flat roofs

WALLS
Cement/Sand Render painted white
Glass Balustrades to Roof Terrace

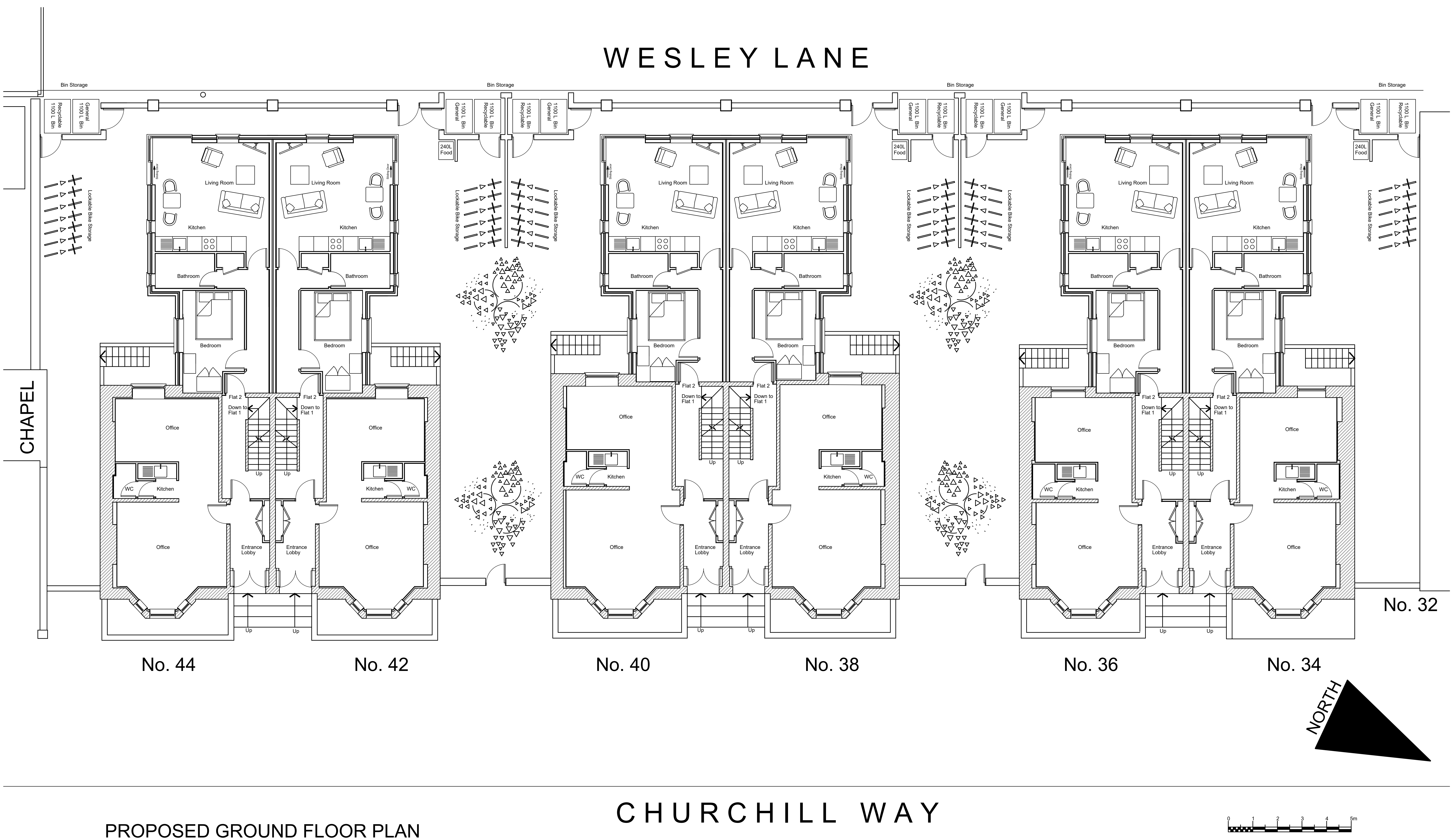
WINDOWS
Hardwood Timber to match existing to Churchill Way Elevation
Aluminium Colour Powder Coat to Wesley Lane Elevation


PROPOSED NORTH ELEVATION TO No. 34

Proposed 42 No. One & Two Bedroom Flats
and 6 No. Self Contained Office units
at 34 to 44 Churchill way, Cardiff

PL112A Proposed Wesley Road
& North Elevations

Scale 1:100 @ A2 Oct 2016



PROPOSED GROUND FLOOR PLAN

Proposed 42 No. One & Two Bedroom Flats
and 6 No. Self Contained Office units
at 34 to 44 Churchill way, Cardiff

PL107A Proposed Ground Floor & Site Plan

Scale 1:100 @ A2 Oct 2016

Agenda Item 6j

COMMITTEE DATE: 15/03/2017

APPLICATION No. **16/01823/MJR** APPLICATION DATE: 28/07/2016

ED: **CATHAYS**

APP: TYPE: Conservation Area Consent

APPLICANT: PMG (Cardiff) Ltd
LOCATION: LEO ABSE & COHEN, 34-44 CHURCHILL WAY, CITY CENTRE, CARDIFF, CF10 2SS
PROPOSAL: DEMOLITION OF MODERN REAR AND SIDE EXTENSIONS

RECOMMENDATION 1: That, Conservation Area Consent be **GRANTED** subject to the following conditions:

1. The works permitted shall be begun before the expiration of 18 Months from the date of this consent.
   Reason : In accordance with the provisions of Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. No demolition shall commence until such time as the Local Planning Authority has been provided with evidence of the signing of a contract for the redevelopment of the site in accordance with a valid Planning Permission.
   Reason: To ensure for the integrity of the buildings and the visual amenity of the area until a time when replacement development can be assured.

3. Conservation Area Consent is Granted for the development indicated on Drawing References:

   - PL101 – (Proposed Demolitions Plan).

   Reason: For the avoidance of doubt.

4. Prior to the demolition of the modern side extensions to 40 and 44 Chuchill Way, a methodology of demolition, and of making good of the revealed side elevation of the properties shall be submitted to and approved by the Local Planning Authority in Writing. Thereafter the demolition and making good shall accord with the approved methodology.
   Reason: The oblique views of the sides of the properties are important within the context of the Character and Appearance of the Conservation Area.

5. Prior to the commencement of demolition, a demolition management plan providing full details of contractor traffic routes, contractor parking, waste removal protocols, dust suppressions, noise mitigation, wheel washing facilities, site enclosures, site security and other such features as are proposed to minimise interference with, and maintenance of the safe and convenient free flow of traffic along the highway and protection of neighbouring amenity, shall be submitted to and approved by the local planning authority in writing. Thereafter the demolition works shall be managed in accordance with the approved plan.
Reason: To ensure for an orderly form of development with least impact on existing businesses and residences in the area.

1. DESCRIPTION OF DEMOLITIONS

1.1 The proposal is for demolition works related to the refurbishment and extension of 6 Victorian properties (3x semi-detached pairs) located at 34-44 Churchill Way.

1.2 The demolitions proposed relate to modern additions to the side (S) elevations of 40 and 44 Churchill way and to the adapted rear annexes (W) of all properties in the group.

1.3 None of the properties are of Listed status.

2 DESCRIPTION OF THE SITE

2.1 The buildings are located in the Churchill Way conservation area, and form part of a street frontage comprising a variety of commercial tenancies (estate agents, hair dressers, fitness studios, beauticians, massage parlours, restaurants and bars).

2.2 The existing properties on the site are typically four storey (with basement) gable fronted Victorian buildings. The properties, as with most properties in Churchill Way have a stepped entrance to elevated ground floor; presenting pennant stone elevations to the highway with Bathstone dressed bays and quoins. The properties have been in single ownership by Leo Abse and Cohen Solicitors for many years, and although distinctly different pairs, have a common decoration.

2.3 All of the properties have been modified/extended to the rear. and No. 40 and 44 also have particularly obvious modern side extensions.

3 SITE HISTORY

Non relevant

4. POLICY FRAMEWORK

Planning Policy Wales Edition 9, November 2016

Chapter 6 - Conserving the Historic Environment

Welsh Office Circular

1/98: Planning and the Historic Environment: Directions by the Secretary of State for Wales 02/02/98
61/96: Planning and the Historic Environment: Historic Buildings and Conservation Areas 05/12/96

Other Material Considerations

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

KP5: GOOD QUALITY AND SUSTAINABLE DESIGN
KP17: BUILT HERITAGE

EN9: CONSERVATION OF THE HISTORIC ENVIRONMENT

Charles Street Conservation Area Appraisal
Churchill Way Conservation Area Appraisal

5. INTERNAL CONSULTEE RESPONSES

5.1 None undertaken

6. EXTERNAL CONSULTEE RESPONSES

6.1 None undertaken

7. REPRESENTATIONS

7.1 The application has been advertised on site and in the local press.

No representations have been received.

8. ANALYSIS

8.1 The side and rear extensions have no architectural merit, and the removal of the side extensions especially, subject to an appropriate methodology of removal and making good are considered an enhancement of the historic street frontage.

8.2 The loss of the modified and extended rear annexe accommodation to the properties is not objected to, subject to an acceptable replacement being secured.

8.3 Plans for a replacement rear extension to the buildings, in a style complementary to the evolving character of the Wesley Lane is also presented to Planning Committee for Consideration. (Application 16/01822/MJR).

9. RECOMMENDATION

Subject to the approval of Planning Application 16/01822/MJR Conservation area Consent for the demolition of the existing building extensions, to allow for that development, is recommended.