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AGENDA

Committee	PLANNING COMMITTEE
Date and Time of Meeting	WEDNESDAY, 15 DECEMBER 2021, 10.00 AM (MORNING SESSION & 1.30 PM (AFTERNOON SESSION)
Venue	REMOTE MEETING VIA MS TEAMS
Membership	Councillor K Jones (Chair) Councillors Stubbs, Ahmed, Asghar Ali, Driscoll, Gordon, Hudson, Jacobsen, Jones-Pritchard, Keith Parry, Sattar and Wong

1 **Apologies for Absence**

2 **Minutes** *(to follow)*

To approve as a correct record the minutes of the meeting held on 3 November 2021.

3 **Declarations of Interest**

To be made at the commencement of the agenda item in question, in accordance with the Members Code of Conduct.

4 **Petitions**

Petitions have been received in relation to the following applications in accordance with Committee Meeting Procedural Rule 14.2. The petitioners have been advised of their right to speak and the applicants/agents of their right to reply:

21/01359/MJR - LAND AT FORMER WASTE TRANSFER CENTRE, WAUN GRON PARK ,LLANDAFF, CARDIFF

21/01806/MJR - CANTON COMMUNITY HALL, LECKWITH ROAD, RIVERSIDE, CARDIFF, CF11 8HG

21/01954/MJR - LAND TO THE NORTH-WEST OF WHITCHURCH HOSPITAL PLAYING FIELDS

5 Development Control Applications

Morning Session

- a 21/01806/MJR - CANTON COMMUNITY HALL, LECKWITH ROAD, RIVERSIDE, CARDIFF, CF11 8HG
- b 20/01882/MJR - WINDRUSH, 58 PWLLMELIN ROAD, LLANDAFF, CARDIFF, CF5 2NL
- c 21/01746/MNR - CHARWIN, HEOL Y GORS, WHITCHURCH, CARDIFF, CF14 1HE

Afternoon Session

- d 21/01954/MJR - LAND TO THE NORTH-WEST OF WHITCHURCH HOSPITAL PLAYING FIELDS
- e 21/01666/MJR - LAND AT CHANNEL VIEW ROAD, GRANGETOWN, CARDIFF
- f 21/01359/MJR - LAND AT FORMER WASTE TRANSFER CENTRE, WAUN GRON PARK ,LLANDAFF, CARDIFF
- g 19/02864/MNR - REAR OF 17 AEL-Y-BRYN, RADYR, CARDIFF, CF15 8AZ

6 Section 257 Stopping Up and Diversion Application at Creigiau Quarry

7 Applications decided by Delegated Powers

8 Urgent Items (if any)

9 Date of next meeting - 19 January 2022

Davina Fiore

Director Governance & Legal Services

Date: Thursday, 9 December 2021

Contact: Kate Rees, 029 2087 2427, krees@cardiff.gov.uk

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LOCAL MEMBER OBJECTION & PETITION

COMMITTEE DATE: 15/12/2021

APPLICATION No. **21/01806/MJR** APPLICATION DATE: 28/07/2021ED: **RIVERSIDE**

APP: TYPE: Full Planning Permission

APPLICANT: Cardiff Council Housing Development Team
 LOCATION: CANTON COMMUNITY HALL, LECKWITH ROAD, RIVERSIDE, CARDIFF, CF11 8HG
 PROPOSAL: DEMOLITION OF EXISTING CANTON COMMUNITY CENTRE, CAR PARK AND MUGA; PROPOSED DEVELOPMENT OF COMMUNITY LIVING SCHEME COMPRISING OF 41 FLATS, COMMUNITY HALL, MULTI-USE GAMES AREAS, LANDSCAPING, SUSTAINABLE DRAINAGE, CYCLE AND CAR PARKING, IMPROVED SUSTAINABLE TRAVEL INFRASTRUCTURE AND ASSOCIATED WORKS

RECOMMENDATION 1 : That planning permission be GRANTED subject to the applicant entering a Unilateral Undertaking to (i) contribute **£29,676** to open space in the locality and (ii) prior to development commencing submit for approval details of off-site car park improvements, to include information on lining, signing and road marking improvements, to the Local Planning Authority and for the approved details to be implemented prior to beneficial occupation and the following conditions:

1. C01 Statutory Time Limit
2. This approval is in respect of the following plans and documents:
 - Existing Location Plan 20017-C-A-(00)_001-P10
 - Proposed Block Plan 20017-C-A-(00)_002-P14
 - Proposed Ground Floor Plan 20017-C-A-(00)_110-P13
 - Proposed First Floor Plan 20017-C-A-(00)_111-P13
 - Proposed Second Floor Plan 20017-C-A-(00)_112-P13
 - Proposed Third Floor Plan 20017-C-A-(00)_113-P13
 - Proposed Fourth Floor Plan 20017-C-A-(00)_114-P13
 - Proposed Roof Plan 20017-C-A-(00)_115-P13
 - Proposed Street Sections 20017-C-A-(00)_201-P11
 - Proposed Elevation 1 20017-C-A-(00)_210-P11
 - Proposed Elevation 2 20017-C-A-(00)_211-P11
 - Proposed Elevation 3 20017-C-A-(00)_212-P11
 - Proposed Elevation 4 20017-C-A-(00)_213-P11
 - Existing Site Sections 20017-C-A-(00)_301-P10
 - Proposed Section 1 20017-C-A-(00)_312-P10

- Proposed Section 2 20017-C-A-(00)_313-P10
- External Wall Bay Detail 20017-C-A-(00)_401-P10
- Planning Statement LRM Planning July 2021
- Design and Access Statement Version PO4 dated October 2021
- Landscape General Arrangement Tetra Tech A112688-1_CanLL. GA400v15
- Community Garden Indicative Design Tetra Tech A112688-1_CanLL. CG401v15
- Landscape Strategy Tetra Tech A112688-1_CanLL. LS402v15
- Landscape Strategy with Soil Volumes Tetra Tech A112688-1_CanLL. LS402v15
- Landscape Planting Proposals Tetra Tech A112688-1_CanLL. LS403v15
- Landscape Specification Tetra Tech A112688-1_CanLL. LS404v1
- Landscape design report Tetra Tech –
- Diagram 1 No Dig Construction Method received 19/10/2021
- Tree Protection Plans 1-4 received 19/10/2021
- Tree Retention/Removal Plan received 19/10/2021
- Arboricultural Impact Assessment and Arboricultural Method Statement dated 19/10/2021
- Arboricultural Impact Assessment 1-4 received 19/10/2021
- Noise Assessment Report Wardell Armstrong CA12078 – July 2021
- Drainage Drawing Strategy Grays Consulting 9850-GRY-01-00-DR-C001-P3
- Riverside Community Living Flood Consequences Assessment JBA Consulting July 2021
- Ecological Assessment Pure Ecology Sept 2020
- Tree Survey Treescene July 2020
- Tree Constraints Plan Treescene –
- Utility Survey Utilimap PAS128 – Nov 2020
- Topographical Survey Utilimap R2 – Nov 2020
- Geo-technical and geo-environmental report TerraFirma 16430
- Air Quality Screening letter dated 14/10/2021

Reason: To avoid doubt and confusion as to the approved plans.

3. The first and second floor windows in the southern elevation of the approved building shall be fitted with obscure glazing prior to the apartments being brought into beneficial use and which shall then be retained in perpetuity.

Reason: In the interests of privacy.

4. The first and second floor side balconies in the southern elevation of the approved building shall be fitted with an obscure screen a minimum of 1.8m high prior to the apartments being brought into beneficial use and which shall then be retained in perpetuity.

Reason: In the interests of privacy.

5. Prior to the commencement of the development, except demolition, an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority. This assessment must 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) not required
 - (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,
 - groundwaters 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 / WG / NRW guidance document ' Land Contamination: A guide for Developers' (2017), 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.

6. Prior to the commencement of the development, except demolition, a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as

contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WG / NRW guidance document ' Land Contamination: A guide for Developers' (2017), unless the Local Planning Authority agrees to any variation.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN13 of the Cardiff Local Development Plan.

7. The remediation scheme approved by condition 6 above must be fully undertaken in accordance with its terms prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WG / NRW guidance document ' Land Contamination: A guide for Developers' (2017), unless the Local Planning Authority agrees to any variation.

Reason : To ensure that any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with 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 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 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. One litter bin shall be provided in the vicinity of the MUGA prior to the new MUGA being brought into beneficial use.
Reason: To provide a receptacle for waste (LDP Policy W2)
13. No member of the public shall be admitted to or allowed to remain on the multi- use Games Area between the hours of 20:00 and 09:00 on any day.
Reason: To ensure that the amenities of occupiers of other premises in the vicinity of the site are protected (LDP Policy EN13).
14. Prior to the commencement of development, except for demolition, details of surveillance cameras to monitor the external perimeter of the apartments, Community Hall, all car parking bays, cycle stands, community garden and the Multi Use Games Area shall be submitted to and approved by the local planning authority. The cameras shall be installed in accordance with the approved details prior to beneficial use of the apartments, Community Hall, parking areas, cycle stands and the Multi Use Games Area accordingly and thereafter retained.
Reason: To prevent crime (LDP Policy C3).
15. No development shall take place, except for demolition, until samples of the external finishing materials of the building, including bricks, mortar, tiles, windows and balustrading, have been submitted to and approved 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 of a high quality and mitigates impact on surrounding residential units (LDP Policy KP5).
16. Prior to the commencement of the development a detailed Construction Environment Management Plan for the construction phase of the development and a Construction Code of Practice shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environment Management Plan shall provide details of measures proposed for the storage of all plant, machinery and materials to be used in connection with the construction of the development and for controlling any escape of noise and/or fumes during the works. The development shall be carried out in accordance with the Construction Environment Management Plan.
The scheme shall in particular include:-
 - 1) locations for the storage of all plant and machinery to be used in connection with the construction of the development;

- 2) details of all fences and other physical protective measures to be placed on the site in connection with such storage including the time periods for placing and retaining such fences and measures (as the case may be);
- 3) provision for the on-going maintenance of any such fences and other measures;
- 4) the control and removal of spoil and wastes;
- 5) wheel washing;

and

The Code of Practice shall indicate:-

- a. the proposed hours of operation of construction activities and deliveries;
- b. the frequency, duration and means of operation involving demolitions, excavations, drilling, piling, and any concrete production;
- c. sound attenuation measures incorporated to reduce noise at source;
- d. details of measures to be taken to reduce the generation of dust;
- e. the routes of construction traffic to and from the site including any off site routes for the disposal of excavated material.

The Code of Practice shall be strictly adhered to during all stages of the construction of the proposed development.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity and future occupiers are protected. (LDP policy EN13)

17. The development shall be carried out in accordance with the mitigation methods in Section 5 (paragraphs 5.1.1 to 5.3.5) of the Wardell Armstrong Noise Assessment report.
Reason To reduce the level of noise within the properties in the interests of the amenities of future occupants (LDP Policy EN13).
18. Prior to the commencement of development, except for demolition, details of a lighting schemes for the development shall be submitted to and approved by the local planning authority. The approved lighting scheme shall be implemented as approved prior to any part of the development being brought into beneficial.
Reason: In the interests of crime reduction (LDP Policy C3).
19. Prior to the commencement of any development the developer shall adopt the principles stipulated in IAQM "Guidance on the assessment of dust from demolition and construction" and submit a dust assessment for approval to the local planning authority and then implement the contents of the dust assessment as approved.
Reason: To ensure that the amenities of occupiers of other premises in the vicinity and future occupiers are protected. (LDP policy EN13).
20. Prior to the commencement of any development the developer shall

submit an Air Quality Assessment, if calculated AADT flows increase from the baseline traffic levels by more than the set figures outlined in Table 6.2 of the EPUK and IAQM guidance "Land- Use Planning and Development Control: Planning for Air Quality, January 2017", identifying any mitigation measures which shall be submitted for approval to the local planning authority and then implemented as approved prior to the beneficial occupation of the apartments.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity and future occupiers are protected. (LDP policy EN13).

21. Prior to the commencement of development, except for demolition, details of the means of enclosure to the front boundary of the ground floor apartments shall be submitted to and approved by the local planning authority and shall be implemented as approved prior to any part of the development being brought into beneficial.
Reason: In the interests of the appearance of the area (LDP Policy KP5).
22. The hedge to be planted to the south of the approved MUGA shall be maintained at a height not exceeding 1m above ground level.
Reason: In the interests of crime reduction (LDP Policy C3).
23. Prior to the commencement of development, except for demolition, details of the means of enclosure of the residents' communal garden area shall be submitted to and approved by the local planning authority and shall be implemented as approved prior to any part of the development being brought into beneficial.
Reason: In the interests of the appearance of the area and security (LDP Policies KP5 and C3).
24. Elevational details of the external community centre bin/cycle store shall be submitted for approval to the local planning authority and then implemented as approved prior to the beneficial occupation of any part of the development.
Reason: In the interests of visual amenities (LDP Policy KP5).
25. The development shall be carried out in accordance with the revised Arboricultural Method Statement (AMS) received on 19/10/2021.
Reason: To maintain and improve the appearance of the area in the interests of visual amenity (LDP Policy KP5).
26. The development shall be carried out in accordance with the revised Tree Protection Plan (TPP) and no dig construction section received on 19/10/2021.
Reason: To maintain and improve the appearance of the area in the interests of visual amenity (LDP Policy KP5).
27. Notwithstanding the submitted landscaping details revised details of the Root Available Soil Volumes and site specific tree pit details for all the different tree planting scenarios and the landscape scheme shall be submitted for the approval of the local planning authority prior to any

work commencing on site, other than for demolition. The development shall then be carried out in accordance with the approved details
Reason: To maintain and improve the appearance of the area in the interests of visual amenity (LDP Policy KP5).

28. All planting, seeding, turfing or paved areas comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, or are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To maintain and improve the appearance of the area in the interests of visual amenity (LDP Policy KP5).

29. All trees within the site shown for retention on the plan submitted with the application shall be preserved and maintained and in the event of any tree dying, being removed or becoming seriously damaged or diseased within a period of 5 years from the completion of the development a replacement tree of a similar species shall be planted and maintained.

Reason: The trees are of value in the local environment and should be protected and maintained in the interests of visual amenity. (LDP Policy KP5).

30. Prior to the commencement of development, except for demolition, details of the benches for the community garden shall be submitted for approval to the local planning authority and then implemented as approved prior to the beneficial occupation of any part of the development.

Reason: In the interests of visual amenities and to promote the use of the community gardens (LDP Policies KP5 and C5).

31. Prior to development commencing details of the proposed transport works and measures shall be submitted to and approved in writing by the Local Planning Authority, to include details of footway/cycleways, carriageway resurfacing, parking spaces/signage/restrictions/electric vehicle charging, traffic orders, bollards/street furniture, materials/demarcations. The approved details shall be implemented prior to beneficial occupation.

Reason: To ensure that the use of the proposed development does not interfere with the safety of traffic or pedestrian/cyclist accessibility (LDP Policy T5).

32. Prior to development commencing details showing the provision of cycle parking spaces, and appropriate access to them, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the development being put into

beneficial use. Thereafter the cycle 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 (LDP Policy T1).

33. Prior to development commencing details of the car parking strategy for the site shall be submitted to and approved in writing by the Local Planning Authority, to include information on designation, management and enforcement of proposed vehicle parking spaces. The approved details shall remain in operation whilst the site is in beneficial occupation.
Reason: To ensure that vehicle parking is suitably controlled and managed (LDP Policy T5).
34. Prior to occupation an adopted highway plan shall be submitted to and approved in writing by the Local Planning Authority, illustrating areas of adopted highway to be stopped up and areas of land to be additionally dedicated as public highway, and proposed amendments to the Cycle Track. Following Local Authority approval a stopping up order shall be made to Welsh Government.
Reason: To ensure an appropriate area of public highway is attained following development (LDP Policy T5).
35. Prior to development commencing details of an improvement scheme for the existing lay-by on Leckwith Road shall be submitted to and approved by the Local Planning Authority. The approved details shall be implemented prior to beneficial occupation.
Reason: To ensure that pedestrian accessibility is maximised (LDP Policy T5).
36. Prior to any work commencing on site a detailed demolition management plan shall be submitted to and approved by the Local Planning Authority. The approved demolition management plan shall be implemented for the period of the demolition process.
Reason: In the interests of safety and the amenities of nearby residents (LDP Policy EN13).
37. Prior to any work commencing on site a detailed demolition waste management plan shall be submitted to and approved by the Local Planning Authority. The approved demolition waste management plan shall be implemented for the period of the demolition process.
Reason: In the interests of waste management and minimising carbon emissions (LDP Policies EN12 and W2).

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;
- (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 applicant is advised that section 3.25 of Planning Policy Wales states that the land use planning system should take account of the conditions which are essential to the Welsh language and in so doing contribute to its use and the Thriving Welsh Language well-being goal. In this context and with regard to the Welsh Language (Wales) Measure 2011, it is recommended that: (1) developments adopt a Welsh name that is consistent with the local heritage and history of the area, (2) during the construction phase, on site marketing information (i.e. text on construction hoardings / flags / banners – as consented) be provided bilingually and (3) for commercial developments, shopfront / premises signage be provided in Welsh or bilingually. Where bilingual signage is provided, Welsh text must not be treated less favourably in terms of size, colour, font, prominence, position or location (it is recognised that Welsh translation does not extend to company / business names). Cardiff Council's Bilingual Cardiff team (BilingualCardiff@cardiff.gov.uk) can provide advice on unique and locally appropriate Welsh names for developments, bilingual marketing / branding and

bilingual signage.

RECOMMENDATION 5 : Since January 7th 2019, all new developments of more than 1 house, or where the construction area is 100 square metres or more, require sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by the Welsh Ministers. These systems must be approved by the local authority acting in its SuDS Approving Body (SAB) role before construction work begins. The SAB will have a duty to adopt compliant systems so long as they are built and function in accordance with the approved proposals, including any SAB conditions of approval. It is recommended that the developer engage in consultation with the Cardiff Council SAB team as the determining SuDS Approval Body (SAB) in relation to their proposals for SuDS features. To arrange discussion regarding this please contact SAB@cardiff.gov.uk.

RECOMMENDATION 6 : The Local Highway Authority are to be contacted with regards to proposed works to the public highway and the proposed Cycle Track amendments, and the works will be subject to a Technical Approval process between the applicant and Local Highway Authority.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 The proposal involves the demolition of the existing community centre and construction of a three/four/five storey building accommodating 41 apartments, a new community centre, a community garden and the repositioning of an existing MUGA. 39 of the apartments would be one bedroom and 2 would be two bedroom.
- 1.2 The apartments face primarily either west or east. The stair and lift core opposite the main entrance of the apartments accesses the central atrium at upper floors. A second escape stair is located at the northern end of the atrium. Apartment front doors open into the atrium with light-wells allowing light and air-circulation through the interior space. Small seats are located outside each property to allow social interaction between residents. A ground floor lounge with toilet and kitchen is shown for residents with internal access and external doors opening onto the residents' garden. In addition a small lounge area for residents is included on the first floor.
- 1.3 Ground floor apartments face west, with separate front doors and private gardens.
- 1.4 Coloured, glazed bricks are used as detail around entrances and the community centre at ground floor. These highlight the communal doorways and also make reference to the glazed tiles used in many of the local porches. Balconies are recessed with simple vertical steel flat bar balustrades. Vertical recesses in the brickwork run from ground to roof marking the extent of each dwelling on the façade. Walls to be mainly of Grey/beige/light-grey, textured brick with variation in colour. Stretcher bond with colour matched mortar. Artificial slate/tile roof. The roof would comprise 6 gables on the front elevation. Three of the gables would be above five floors, two gables would be above four

floors and one of the gables would be above three floors.

- 1.5 Plant room facilities and laundry have been located in the centre of the ground floor plan with access to the north. Cycle, mobility scooter and refuse/recycling stores are placed on the eastern facade adjacent to the rear communal entrance door that links the building to the east through a semi-private fenced courtyard. Refuse collections will be made from Picton Place. A reception /office and a guest bedroom adjoin the entrance.
- 1.6 The roofs of the gables above the apartments will include photo voltaic panels on their southern sides. Heating will be via ground source heat pumps. There will be a mechanical heat recovery system. A fabric first approach is to be adopted with a target improvement on 2014 Part L of 90%.
- 1.7 The community centre will be in a single storey structure on the eastern side of the apartments, with the main entrance addressing the MUGA which would be repositioned to the eastern side of the community centre. Three multi-purpose spaces are arranged on the north, south and east façades providing active frontage on three sides. The roof of the community centre will be planted in the interests of biodiversity and to enhance the outlook from residents on the eastern side of the apartments.
- 1.8 It is proposed to provide 18 parking spaces in total. The Transport Statement describes the spaces as follows:
 - Seven parking spaces in the northeast corner of the site will be provided for residents of the development. The carriageway leading to the parking spaces will be public highway, but the parking spaces will be private. Four of these spaces will be designed as Blue Badge spaces and three spaces will be designed as general bays. Different surface materials will be used for these parking spaces and private parking signage will be provided to deter non-residents of the development from parking there. This area will be monitored to ensure that parking is not abused by non-residents of the development, and if issues arise, alternatives will be considered.
 - Five spaces along the northern edge of the site will be designed as short stay pay and display spaces and form part of the public highway. These spaces can be used by the users of the community centre, visitors of residents and visitors of Canton during the day. These spaces will be subject to the same restrictions as the current car park (Monday to Saturday 8am-6pm, with up to two hours free). During the night, the spaces will be unrestricted and, therefore, the residents of the development and surrounding area will also be able to park in these spaces.
 - The parking on northern side of Picton Place (south of the site) will be replaced with four parallel spaces, which will become part of the public highway and form part of the residential parking zone.
 - The three parking spaces on the western side of Albert Walk will be replaced with two parking spaces and will be for use by residents of the development or community centre visitors only. The existing three Blue Badge spaces are currently dedicated for the community centre. As part of the proposals, one space will be designed as a blue badge space and the other space will be

designed as a standard bay. There is a potential to provide a pool car for use by residents of the development only, which will be provided with electric vehicle charging facilities. It is considered that provision of a pool car will further reduce the demand for residents to own a vehicle.

1.9 One category B tree (sited behind the existing community centre, 9 category C and 2 category U trees are to be removed. 11 trees are to be retained and 19 new trees are proposed to be planted.

1.10 The applicant says that the new residential building is intended to respond to the Cardiff Older Persons Housing Strategy for additional older persons housing that:

- Helps residents maintain their independence for longer
- Is flexible to meet the needs of more vulnerable users
- Helps tackle social isolation by supporting a sense of belonging and connection with the wider community and;
- Delivers a low-carbon development to minimise environmental impact and reduce ongoing running costs for tenants. A Community Living development is planned that takes an integrated approach to deliver an older persons scheme providing one and two bedroom flats that addresses the site comprehensively to include a replacement ground floor community space, relocated MUGA, and green infrastructure to benefit the wider community. In particular:
 - All flats are to be 'more accessible' meeting the Cardiff design guide for older persons' accommodation and improving accessibility for residents with mobility issues, reducing the need for future adaptations.
 - Combine a range of communal facilities to support independent living.
 - Integrate the principles of the Housing our Ageing Population Panel for Innovation (HAPPI) report
 - Provide a community facility, comprising hall, activity rooms, kitchenette, storage and welfare facilities.
 - A building that achieves WG 2025 Energy Standards.
 - A multi-functional landscape with MUGA and community garden.
 - Public realm improvements that help better knit the scheme with the neighbourhood.

1.11 The applicant states that:

A simple and contextual approach has been explored for the building form, with the community centre expressed as a single storey element projecting to the east at ground floor. Pitched gable roofs Front-to-back pitched roofs and dormers option Street elevation Short elevation Six street facing gables are expressed, giving the building identity while reflecting the character of the three storey housing found at nearby St John's Crescent. A 20m facing distance between the housing on Philip Street and the proposal avoids overlooking, maintains daylighting and ensures a suitable offset distance from the root protection zones of existing mature trees on the southern boundary. Applying the 25° rule and stepping down towards Philip Street is a sensitive approach to the 2-3 storey existing residential context.

1.12 The Housing Development Team wanted to highlight some of the key messages and main benefits expressed in the planning application for the redevelopment of Canton Community Centre as a new mixed use community living scheme, as we recognise that these can sometimes get lost in all the various reports and plans that make up a complex application.

1. History of the site – it's important to remember that the current location of the pay'n display car park was not long ago (circa 2012) an area of green public open space. The loss of the car park by way of this application is in some ways reverting the site back to its former use albeit with significant improvements that will create multifunctional uses for the community such as a MUGA and community garden overlooked by new and existing residential homes.
2. Investing in the local community – we must stress that the long-term future of the existing Canton Community Centre was in question for some time and had previously been considered for closure as part of Council cost saving measures. This could have led to the site being advertised for sale on the open market for its redevelopment potential. As long term stewards, the Council wanted to avoid this scenario and retain control of the site for the community. Housing Development were asked to explore options for keeping the site in Council ownership ensuring many of the existing uses could continue in a meaningful and sustainable fashion. This has meant a comprehensive approach working across Service Areas within the Council to ensure the benefits from a residential scheme can help sustain the longer term presence of good quality community facilities in the local area.
3. Testing options to deliver a sustainable outcome – a number of development options were considered and discussed with local Councillors. These included the relocation of the MUGA elsewhere within the Ward and the loss of the existing small community garden. Feedback from these different consultations made it clear to us that any new residential scheme on this site 1 must also include a new community facility, a MUGA and a community garden. We are also sensitive to the Council's wider aspirations for Cardiff to become a more sustainable city which is reflected through a policy framework and delivery programme setting out its commitments to the residents of the city. Reflecting on all of this we have considered a number of different options and it was clear that to deliver on all of the aspirations for the site the car park would need to be redeveloped. This was communicated to the community and other key stakeholders through a number of early consultation opportunities and was supported by the Ward Councillors. Since then and through thoughtful design development a preferred scheme has been brought forward that strikes a careful balance between all these (sometimes competing) interests. The resulting scheme benefits from being in a central location in walking distance to public transport, shops and

services. The layout has been carefully considered to prioritise the pedestrian and to encourage cyclists. It also ensures that a new community facility and MUGA can remain on site alongside an enhanced and much larger community garden. Not to be forgotten is the electric charging pool car for our residents.

4. A sustainable building – this development is for low carbon, low energy homes that are resilient to a changing climate and reduce energy demand and energy bills for our residents. Each home will be expected to achieve Welsh Government’s 2025 energy performance standards achieving a SAP rating of A by using a high standard of fabric efficiency and low carbon heating. This means:
 - Optimising solar gain – from scheme inception consideration must be made by our design teams to maximise the opportunities for solar gain, the integration of solar PV panels and the use on on-site renewable technologies.
 - Adopting a Fabric first approach to ensure a highly energy conserving building.
 - Design in renewable technologies including:
 - Integrated Photovoltaic panels
 - Communal batteries
 - Ground Source Heat pumps
5. Meeting local housing needs – our information on housing needs has identified a chronic lack of affordable housing for older persons in this part of Cardiff. This 2 scheme will go some ways in helping to meet these significant challenges by not simply building more units but also through thoughtful design creating the conditions to help residents gain a sense of belonging and fostering a sense of community and place – opportunities are therefore made for resident lounges, flexible spaces and communal gardens to help encourage social interaction. This new Community Living building will also provide a HUB of services for older people living locally to help tackle social isolation and promote and sustain independent living. This approach to older person community living is complimented by the community centre on site with the intention that many integrational services will be run from the building. Put simply this is not a ‘typical housing scheme’ but one that cultivates a feeling of wellbeing, homeliness and allowing residents to effortlessly gain a sense of belonging and promote the connections with the wider community.
6. Community uses – the new community facilities will allow the majority of the activities that occur now to continue into the future. In particular the community facility comprises a main hall, which will allow for example, children’s softplay and birthday parties to continue whilst the two flexible activity rooms can also be booked out and used by the local community as they do now for an eclectic mix of activities, events and classes. The council’s Leisure team will continue to manage this part of the building and staff will be retained and be based in this building. Some sporting activities that were held in the centre such as badminton are to be moved to Fitzalan High School as part of the Council’s wider schools investment programme. As a result of these initiatives there will not be a net loss in community uses for this part of Cardiff. The new MUGA (better

overlooked by residents and the users of the community facility) will be available as a resource for the community to enjoy whilst a larger and much enhanced community garden will be provided for a local community group to cultivate and maintain.

7. Responding to climate change – Sustainable Urban Drainage Systems (SuDS) has been made an integral part of the design from day one making sure the scheme reduces flood risk by working with the opportunities of the site. Our preference is for multi-functionality in 3 SuDS design and meet the requirements of the SuDs Approving Body (SAB) through a combination of rain gardens and green roof.
8. Improvements beyond the boundary – we understand the anxiety and concern that the loss of the existing car park brings. Our surveys have demonstrated enough capacity locally for pay'n display parking that can mitigate its loss and 18 parking spaces are to be retained. However, we have committed to improving the condition of other car parks locally namely Grays Street and Seven Road car parks and the Council will be introducing new resident parking areas for neighbouring streets such as Picton Place.

2. **DESCRIPTION OF SITE**

- 2.1 The site comprises the existing Canton Community Centre, the adjoining MUGA community garden and a public car park to the east of Leckwith Road and to the south of Cowbridge Road.
- 2.2 The city centre is approximately 1km east of the site.
- 2.3 Multiple local services, shops and facilities are located nearby on Cowbridge Road high street. There is a small park some 30m south of the application site at the junction of Wellington Street/Leckwith Road.
- 2.4 The site is surrounded by residential development and by a supermarket to the north. The housing in the area ranges between 2-3 storeys high.
- 2.5 St John's Church (Grade 2 Listed Building) is 100m to the west of the site.
- 2.6 There are 25 trees on site, none of which are covered by a TPO. There is an existing community garden on the corner of Leckwith Road and the existing public car park. The garden is overgrown, appears not to be maintained, contains no benches and is overlooked by only two dwellings which are separated by Leckwith Road.
- 2.7 There is a telecommunication mast in front of the site on Leckwith Road.
- 2.8 There is a playground/park south of Phillip Street. The site is 650m walking distance of Jubilee Recreation Ground, 950m from Thompson's Park 1.1km from Llandaff Fields and 1.2km from Bute Park.

2.9 The site is relatively level.

3. **PLANNING HISTORY**

- 3.1 06/00718W ALTERATION AND EXTENSION OF THE EXISTING CANTON COMMUNITY HALL; RENEWAL OF PUBLIC REALM TO INCLUDE A MULTI-USE GAMES AREA, REPLACEMENT CAR PARK AND LINEAR PUBLIC SPACE; ALTERATION OF REAR SERVICE ARRANGEMENTS TO RETAIL/COMMERCIAL UNITS OF COWBRIDGE ROAD EAST; AND ALTERATION OF VEHICULAR ACCESS ARRANGEMENTS - Approved 09/08/2006
- 3.2 06/02771/W Construction of a new porous hard playing surface multi use games area with associated fencing and 2no. floodlighting columns. Approved 22/01/2007
- 3.3 14/02778/MNR Prior Approval to swap 11.7m high telecommunications monopole with a same size pole and antennas approved 13/01/2015
- 3.4 The OS Plans for 1880 and 1900 shows the site containing 2 terraced residential streets.

4. **POLICY FRAMEWORK**

4.1 The following LDP policies are considered relevant

KP1 Level of Growth
KP5 Good Quality and Sustainable Design
KP6 New Infrastructure
KP8 Sustainable Transport
KP12 Waste
KP13 Responding to Evidenced Social Needs
KP14 Healthy Living
KP15 Climate Change
KP16 Green Infrastructure
H3 Affordable Housing
H6 Change of Use or Redevelopment to Residential Use
EN8 Trees, Woodlands and Hedgerows
EN12 Renewable Energy and Low Carbon Technologies
EN13 Air, Noise, Light Pollution and Contaminated Land
EN14 Flood Risk
T1 Walking and Cycling
T5 Managing Transport Impacts
T6 Impact on Transport Networks and Services
C1 Community Facilities
C2 Protection of Community Facilities
C3 Community Safety / Creating Safe Environments
C4 Protection of Open Space
W2 Provision for Waste Management Facilities in Development

4.2 In addition to the above policies, the following SPGs are considered to be relevant:

- Green Infrastructure (November 2017), comprising of: • Ecology and Biodiversity Technical Guidance Note • Trees and Development • Protection and Provision of Open Space in New Development • Soils and Development
- Waste Collection & Storage Facilities (October 2016);
- Tall Buildings Design Guide (January 2017);
- Residential Design Guide (January 2017); and
- Managing Transportation Impacts (Incorporating Parking Standards) (July 2018).

4.3 PPW Wales (edition 11)

4.4 National Development Plan (Feb 2021)

5. **INTERNAL CONSULTTEES**

5.1 (a) The Tree Officer originally stated:

I have no 'in principle' objections to the amended landscaping details, though I would note that the proposed block plan and landscape plans should align (the block plan is showing some trees retained that have been agreed for removal as per the landscape plans).

Whilst I support the retention of Norway maple T5 I note the close proximity of this tree to the proposed structure. Norway maple is a massive and spreading tree that can attract large numbers of aphids and consequently honeydew problems. I foresee conflict between the future growth of this tree and the proposed structure that will necessitate regular pruning and deny the tree the opportunity to optimise lateral growth.

Trees T14 and T15 are reported to be surrounded by hard surfacing and tree guards/grilles. The submitted Arboricultural Method Statement (AMS) does not address the treatment of the surfacing and creation of new landscaping close to these trees. What is the methodology for the removal of surfacing and installation of soft landscaping for example? In general terms the AMS needs to address the issue of new soft landscaping within RPAs. I note also that the geotechnical report refers to the capping of the site with imported soil. Does this include the existing soft landscape areas? If so it will result in the loss of all the existing trees. There has been some feedback from Deborah Margetson on the geotechnical/geo-environmental strategy that suggests it will be possible to retain in-situ soils within the RPAs of retained trees, but this requires confirmation.

The AMS needs to make provision for arboricultural site monitoring reports to be issued to the LPA. The Tree Protection Plan (TPP) needs to annotate the areas where 'no-dig' construction is proposed. Whilst I have no objections to the generic section showing no-dig construction, a site specific detail is required. Furthermore, the AMS refers to the use of crushed stone to make up

levels. It is important that only soft spots and hollows are infilled by granular materials, any build up should be via Cellweb only. Any granular materials to be used to fill hollows should be clearly specified to avoid the use of unsuitable materials such as high fines crushed stone.

Root Available Soil Volumes should be shown in plan-view for new trees. The landscape scheme needs to take account of capping requirements if these will impact existing soft landscape areas as above. Clarification on the soil specification is required in the light of this and in the light of a Soil Resource Survey and Plan. However, if contamination means that in-situ soils cannot be used for landscaping, then all planting soils will need to be imported and specifications amended accordingly. Site specific tree pit details are required for all the different tree planting scenarios and the landscape scheme needs to clarify the treatment where trees surrounded by existing hard landscape and guards/grilles are incorporated into soft landscaping (as informed by the AMS above).

(b) Following the submission of amended landscaping details the Tree Officer stated:

I have no objections to the amended landscaping details.

The landscape scheme needs to take account of capping requirements if these will impact existing soft landscape areas as above. Clarification on the soil specification is required in the light of this and in the light of a Soil Resource Survey and Plan. However, if contamination means that in-situ soils cannot be used for landscaping, then all planting soils will need to be imported and specifications amended accordingly. Site specific tree pit details are required for all the different tree planting scenarios.

(The Tree Officer's comments have been shared with the applicant).

(c) The applicant submitted further details and the Tree Officer stated:

I have no adverse observations with regard to tree protection details – please condition compliance with the submitted AMS, TPP and 'no-dig' construction section.

Some landscape details are outstanding but could be conditioned – in particular a topsoil and subsoil specification is required that is based on a Soil Resource Survey and Plan if the intention is to re-use site won soil. If the intention is to import all planting soil (except for in-situ soil within retained tree Root Protection Areas) then this needs to be confirmed and an imported topsoil and subsoil specification prepared. Site specific tree pit details are required based on the need to import/re-use/use in situ planting soils.

5.2 Shared Regulatory Services (SRS) Environment Team provides comments below in relation to land quality. The following information was submitted with the application –

Terra Firma (Wales) Ltd, February 2021; Geotechnical and Geoenvironmental Report

Ref: 24022021-16430-1

The above report includes a detailed assessment of potential contamination and associated risks to human health and the environment, based on desk studies and an investigation limited to accessible parts of the occupied site. The consultant has recommended supplementary investigations in the proposed recreational open space area (proposed games area and community garden). This will provide a more robust assessment and amended conditions are recommended in relation to this.

Investigations undertaken to date have identified contaminants of concern (lead, arsenic and hydrocarbons) at levels in excess of those acceptable for a residential development such as this. The assessment will need to be reviewed following the proposed supplementary works.

A remediation strategy and verification including appropriate proposals to remediate the site and procedures for validating the works undertaken will be required on completion of the contamination assessment. Any remediation will need to be confirmed by the submission for approval of remediation validation report

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.

Shared Regulatory Services requests the inclusion of the following conditions and informative statement 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:

CONDITIONS

PC14A. CONTAMINATED LAND MEASURES – ASSESSMENT (amended)
Prior to the commencement of the development, except demolition, an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority. This assessment must 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) not required
- (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,
 - groundwaters 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 / WG / NRW guidance document ' Land Contamination: A guide for Developers' (2017), 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.

PC14B. CONTAMINATED LAND MEASURES – REMEDIATION & VERIFICATION PLAN (amended)

Prior to the commencement of the development, except demolition, a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WG / NRW guidance document ' Land Contamination: A guide for Developers' (2017), unless the Local Planning Authority agrees to any variation.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be

carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN13 of the Cardiff Local Development Plan.

PC14C. CONTAMINATED LAND MEASURES - REMEDIATION & VERIFICATION

The remediation scheme approved by condition x (PC14B above) must be fully undertaken in accordance with its terms prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WG / NRW guidance document ' Land Contamination: A guide for Developers' (2017), unless the Local Planning Authority agrees to any variation.

Reason : To ensure that any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN13 of the Cardiff Local Development Plan.

PC14D. CONTAMINATED LAND MEASURES – UNFORESEEN CONTAMINATION

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.

PC15A IMPORTED SOIL

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.

PC15B IMPORTED AGGREGATES

Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported material is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff Local Development Plan.

PC15C USE OF SITE WON MATERIALS

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.

ADVISORY/INFORMATIVE

R4 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

- (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 licence. 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.

5.3 (a) The Waste Officer originally stated:

The bin storage area including the bulky waste area indicated within current site plans has been noted and these are acceptable, however in a mixed development, a strict separation of waste is required to ensure that commercial waste does not enter the domestic waste stream. Two refuse storage areas must be identified on site plans detailing this separation.

Residential

The recommended bins for the residential element (41 apartments) for this development is as follows:-

Dry Recyclables:	5 x 1100 litre bins for mixed recycling
Food waste:	2 x 240 litre bin
General waste:	5 x 1100 litre bins for general waste

Refuse storage, once implemented, must be retained for future use.

Please be 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. Communal 660litre/1100 litre wheeled bins should be ordered via our bin order form located at www.cardiff.gov.uk/wasteplanning.

Community Centre

Current site plans make no reference to the storage of waste and recycling for the community centre. A separate bin store will need to be identified.

Please remind the agent/applicant that a commercial contract is required for the collection and disposal of all non-domestic waste. By law (Environmental Protection Act, 1990, section 34) all non-domestic premises have a duty of care to ensure that their waste is transferred to and disposed of by a registered waste carrier.

Non-domestic premises can have waste collected by Cardiff Council's Trade Waste Team. To discuss prices and the services offered please contact them at tradewaste@cardiff.gov.uk.

Please be aware that Welsh Government are currently [reviewing](#) Part IV of the Environment (Wales) Act 2016, and are expected to enforce new regulations by October 2021. The proposed regulations will make it a legal requirement for all businesses and non-domestic waste producers to separate the following waste streams for collection;-

Food waste (from premises producing more than 5kg per week)

Paper/card

Glass

Metal/Plastic

Small Electricals

Textiles

Wood

As a result of this proposed change, recycling and waste storage areas will need to be designed accordingly.

Litter Bins

It is recommended that at least one litter bin is provided in the vicinity of the MUGA. This litter bin will need to be supplied, maintained and emptied by the management company. This will help to maintain the environmental quality of the area at a high standard.

Demolition

As mentioned in section 3.11 of the Waste Collection and Storage Facilities Supplementary Planning Guidance it is considered best practise to have a Site Waste Management Plan for demolition projects. Materials should be reused and recycled as much as possible.

Please refer the agent/architect to the Waste Collection and Storage Facilities Supplementary Planning Guidance for further relevant information. www.cardiff.gov.uk/wasteplanning

(b) Following the submission of an amended layout plan incorporating a bin storage area for the community centre the Waste Officer stated:

The amended plan submitted showing the proposed storage area for the Community Centre has been noted and is acceptable.

Please remind the agent/applicant that a commercial contract is required for the collection and disposal of all non-domestic waste. By law (Environmental Protection Act, 1990, section 34) all non-domestic premises have a duty of care to ensure that their waste is transferred to and disposed of by a registered waste carrier.

Non-domestic premises can have waste collected by Cardiff Council's Trade Waste Team. To discuss prices and the services offered please contact them at tradewaste@cardiff.gov.uk.

Please be aware that Welsh Government are currently [reviewing](#) Part IV of the Environment (Wales) Act 2016, and are expected to enforce new regulations by October 2021. The proposed regulations will make it a legal requirement for all businesses and non-domestic waste producers to separate the following waste streams for collection;-

Food waste (from premises producing more than 5kg per week)
Paper/card
Glass
Metal/Plastic
Small Electricals
Textiles
Wood

As a result of this proposed change, recycling and waste storage areas will need to be designed accordingly.

Waste Management has no further observations or objections with respect to the above numbered application.

(The Waste Officer's comments have been forwarded to the applicant)

5.4 The Regeneration Officer states:

The current facility is in much need of investment and modernisation and as a discretionary service, is at risk of not achieving any investment due to other statutory priorities in the Council, which puts the future of the current facility remaining safe to open uncertain. We recognise that the building has been well-used and is a much loved community asset but there has been little in the way of capital investment and the facilities are in great need of updating and modernisation to secure it's long term sustainability for community use. As such the council's redevelopment proposal will achieve two things – firstly, it secures the long-term future of a community Hall, community garden and

MUGA serving the Riverside and Canton Wards. Secondly, the proposal will provide much needed homes for older people and a wide range of communal facilities providing a hub of services for older people both living in the new development and within the wider community. This will not only provide additional facilities for the community but will also help tackle social isolation that some older people may be experiencing.

The proposed scheme will deliver a modern, fit for purpose well-designed and sustainable community building incorporating flexible ground floor community spaces which can be utilised by a wide range of groups and activities within the community. It will have a range of spaces for hire and use including a main hall, 2 flexible multi-use spaces, kitchenettes, toilets and baby change facilities and storage. The council has tried hard to ensure the redesigned community building can remain suitable for the common uses it has had over the years.

The proposal also retains a MUGA and also provides a new community garden which will include spaces for the community growing spaces and helps promote well-being. All of the facilities will be managed and maintained by the council with the existing Hall management team being retained to manage the new building. Community engagement will ensure that local people have the opportunity to decide how the community garden is designed and used.

The Council's proposal shows collaboration between housing and leisure to provide a sustainable multi-use building which will ensure community facilities are improved and retained for the long-term and that increased services can be provided for local communities.

5.5 Education state:

This development is below the threshold for a S106 contribution

5.6 The Transport Officer states:

(a) I can provide the income data for this car park which is relatively low approx £12k per year and we have accepted this loss of income.

However, although the income figures are low due to the first 2 hours parking being free of charge, people tended to use this car park for approx 1hr to do their shopping in Tesco. The spaces in this car park were well used and there was a high turnover of vehicles and high usage.

However, to counter this loss of parking spaces Canton is well served with other car parks compared to other district shopping centres on the city.

And

(b) There is support for the scheme As part of the process we wanted to have input to the highway infrastructure improvement to ensure the asset is good and maintenance is limited in terms of adopted highway – this can be done following planning. We also asked that the other car parks were

upgraded with white lining and deep cleansing to show we have considered the loss of car parking.

The car park access is not suitable for large volumes of cars at peak times due to the queuing of traffic back from the traffic lights. Therefore, a reduction in movements will ease vehicle movements in the area helping the network and making some minor improvements to air pollution.

(c) The applicant submitted revisions to the original Transport Statement and the Transport Officer has provided the following detailed comments:

Transport Statement:

- Whilst some text has been added in Section 2 referring to the existing cycle track (2.2.11), the final sentence is incomplete.
- Table 3.1 now shows the change arising from the various car parking areas (net loss of 65 spaces).
- 3.4.1 – as per previous comments, we are seeking the loading bay to be removed as it is not required for the development (amount of deliveries will not be significant), and there is an opportunity for an improvement to the pedestrian desire line. This can be addressed via the below condition.
- 3.5.1 – the parking proposals have changed following the original submission, and have been discussed with Transport. The parallel bays to the north of the site (adjacent to Leckwith Road) will be public pay and display spaces. There will be 7 private spaces for residents to the north-east of the site, which will have appropriate signing/management. The Picton Place spaces will turn into public adopted spaces (although a Residential Parking Zone for this area is proposed by Cardiff Council, and thus their eventual status will link with that). The southern spaces will remain private and one of these will accommodate a pool car with electric charging facilities. It is considered that in principle this is an acceptable parking strategy, although would seek the below condition to deal with parking matters in further detail.
- Table 3.2 – no reduction to the amount of cycle parking for the MUGA has been made (it seems Table 3.2 is wrongly indicating a small increase), but noting the comment in 3.6.8 about the stands being available for general Canton users. Further cycle park matters can be managed by condition.
- 4.2.27 – it is not the case that there is a ‘requirement’ for residential parking in our SPG. There is a maximum amount allowable.
- 4.5 – it is welcomed that daytime parking surveys have now been undertaken, to help fully capture the implications of the existing car park being removed. Table 4.2 provides a summary of the results, although it would have been helpful if a comparison table had been produced showing the changes arising from the proposed scheme. Nevertheless, analysis of the table indicates that in the weekday (daytime – which showed the highest of the time periods surveyed) there were 34 cars parked in the Leckwith Rd car park and another 14 in ‘Leckwith Road access road’ (the perpendicular parking spaces), and these cars would

theoretically need to park elsewhere in future. There will be 5 re-provided spaces with the new development and thus 43 current Leckwith car park users would in theory need to be accommodated elsewhere. Table 4.2 shows there would be 77 parking spaces available in the other local car parks, and thus it would seem there is sufficient supply available without the car parks getting very close to their maximum percentage figures. Whilst the analysis provided indicates there should be sufficient remaining capacity, it is to be noted that in transport policy terms there is no requirement for a specific (minimum) level of car parking associated with a development.

- 4.6 – is more focused on summarising the night-time situation, but 4.6.5 (which seems to refer to the daytime situation) calculates the amount of parking demand will increase to 87%, still indicating there is some spare capacity. If, as a result of the proposals, some users of the car parks do find it more difficult to access remaining car parks at peak times it may be they seek to alter their shopping times or travel modes.
- 4.7.7 – it is not made explicit here that the ‘new residents parking zone’ is something that is being considered by Cardiff Council (Parking), and completely separate from this development.

Site Layout

- The cycle parking should be covered. I still have some concerns that the parking for the community hall is a little distant from entrances. It could be that some fixing bars could be placed on the eastern side of the path (next to the MUGA) to assist with this? One secure cycle stand is being proposed within the communal area. There does still appear to be two cycle spaces on the Leckwith Road side which are not referenced in the documents? Given the alignment of them independent access to the inner space may be awkward. Notwithstanding the above comments, an appropriate number of spaces is being shown overall, and it is considered that further cycle parking details can be covered by condition.
- It is welcomed that the trees on the north-south pedestrian route have been moved closer to the MUGA thus allowing a clearer route for pedestrians.
- Whilst the Cycle Track or adopted highway are not shown on the plans these items can be conditioned.
- It may be some additional bollards are needed to prevent vehicles driving through between the west and east parts of the site (northern end). The north-eastern landscaped area could be slightly cut back to improve the layout for cyclists.

Objector comments

- Whilst Table 4.2 is technically showing that the parking demand to be displaced could be accommodated at Gray St, this would result in it being at-capacity, and effective capacity would be reached before then. However, the Table indicates there are other nearby car parks that can accommodate demand. Whilst there may be demand peaks greater than that surveyed (e.g. when Cardiff City FC are home), there is no transport

reason that additional car parking should be provided to cover those peaks, as we are seeking to reduce car demand.

- Table 4.1 of the TS is showing low numbers of vehicles parked overnight in the car park/access road (7 vehicles combined).

Notwithstanding the various points raised above, and noting that the application is due to be presented to Planning Committee shortly, it is not considered that there are any transport grounds to object to the application. However, we would be looking for the below conditions to be placed.

CONDITIONS

Transport works

Prior to development commencing details of the proposed transport works and measures shall be submitted to and approved in writing by the Local Planning Authority, to include details of footway/cycleways, carriageway resurfacing, parking spaces/signage/restrictions/electric vehicle charging, traffic orders, bollards/street furniture, materials/demarcations. Those details shall be implemented prior to beneficial occupation.

Reason: To ensure that the use of the proposed development does not interfere with the safety of traffic or pedestrian/cyclist accessibility.

Cycle Parking

Prior to development commencing details showing the provision of cycle parking spaces, and appropriate access to them, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the development being put into beneficial use. Thereafter the cycle 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.

Car Parking Strategy

Prior to development commencing details of the car parking strategy for the site shall be submitted to and approved in writing by the Local Planning Authority, to include information on designation, management and enforcement of proposed vehicle parking spaces. Those agreed details shall remain in operation whilst the site is in beneficial occupation.

Reason: To ensure that vehicle parking is suitably controlled and managed.

Off-site Car Parking Improvements

Prior to development commencing details of off-site car park improvements shall be submitted to and approved in writing by the Local Planning Authority, to include information on lining, signing and road marking improvements. Those agreed details shall be implemented prior to beneficial occupation.

Reason: To ensure that the parking layouts in adjacent car parks are appropriately improved in respect of the additional parking demand.

Adopted Highway – Stopping Up and Dedication

Prior to occupation an adopted highway plan shall be submitted to and approved in writing by the Local Planning Authority, illustrating areas of adopted highway to be stopped up and areas of land to be additionally dedicated as public highway, and proposed amendments to the Cycle Track. Following Local Authority approval a stopping up order shall be made to Welsh Government.

Reason: To ensure an appropriate area of public highway is attained following development.

Leckwith Road lay-by

Prior to development commencing details of an improvement scheme for the existing lay-by on Leckwith Road shall be submitted to and approved by the Local Planning Authority. The approved details shall be implemented prior to beneficial occupation.

Reason: To ensure that pedestrian accessibility is maximised.

CEMP

Highway Agreement Recommendation

The Local Highway Authority are to be contacted with regards to proposed works to the public highway and the proposed Cycle Track amendments, and the works will be subject to a Technical Approval process between the applicant and Local Highway Authority.

(d) The Transport Officer further states:

The Transport Officer has submitted the following further comments:

I have reviewed the revised TS in line with the points I made below. Further observations:

- 3.4.1 – the paragraph is unchanged, but the change I seek is covered by the lay-by planning condition (proposed condition 35).
- Table 3.2 (and 3.6.6) – it seems that the reference to two spaces for community centre staff arguably means the public hall figure in Table 3.2 should be two higher, and the sports and leisure two lower, as the 360m² for sports & leisure is relating to the MUGA? However, this is not a material issue.

Whilst I do not seek a revised version of the TS, given the above I would not want any Decision Notice to refer to the TS as an 'approved document'.

The cycle layout has not changed, and thus the covered provision I was seeking is not shown. However, the cycle details condition can deal with this. I also note that the previous version of the TS did in fact refer to the 2 stands (4 spaces) at the Leckwith Rd side, although the constraints 4 potentially arising from their layout would still have to be considered at the details stage.

With regards your earlier question about the location of the off-site car parks that require works, I would anticipate this would be the Grey St and Severn Rd car parks.

The Transport Officer also states: Further to previous comments, it would be appropriate for the off-site car park reference to also include Wellington St and Harvey St (in addition to Severn Rd and Gray St that I previously referred to, or for ease can it just refer to off-site car parks without specifying?), and for the works to potentially include off-site signing to each of those as well. The Transport Officer considers that this will require a contribution of £10,000.

Para 8.34 - The TS indicates there will be 42 cycle parking spaces in total for the community hall/MUGA.

Para 8.35 – Table 3.1 of TS shows there are 83 existing car park spaces.

5.7 The Noise Officer states:

Construction hours

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.

Noise mitigation

Having looked at the noise assessment it is recommended that the applicant follows the mitigation methods in the report to reduce the level of noise within the properties, 5 through to 5.3.5. as noted in the mitigation methods

5.8 (a) The Technical Officer – Environment (Enterprise and Specialist Services) states:

Unfortunately we don't carry out Nitrogen Dioxide (NO₂) monitoring in this particular location. The closest NO₂ monitoring point is located at Llandaff Road... Although it is within air quality objective limits for NO₂ (annual average 40µg/m³), there are slightly elevated concentrations at this location. I think we would see similar levels at the existing area of proposed redevelopment. As such, I believe an air quality assessment should be carried out by the applicant.

The comments below should be forwarded to the applicant.

Comments in accordance with the subject title planning application (21/01806/MJR).

Due to the nature of the development, in terms of its purpose and its location,

via the submission of an appropriate air quality assessment (AQA) the applicant must give consideration to the potential impacts on ambient air quality and the magnitude/ risk of these potential air quality impacts on nearby local sensitive receptors and future occupants of the development. Consideration of air quality impacts should be examined through the development stage and when the development is complete, focusing on dust emissions during the construction phase of the development and potential exposure of existing nearby sensitive receptors/ future occupants to traffic derived Nitrogen Dioxide (NO₂) & Particulate Matter (PM₁₀ & PM_{2.5}) following completion of the development.

Construction Phase

Due to the close proximity of residential dwellings to the proposed development it is considered best practise to adopt the principles stipulated in IAQM "Guidance on the assessment of dust from demolition and construction." The guidance provides a risk based approach based on the potential dust emission magnitude of the site (small, medium or large) and the sensitivity of the area to dust effects. The importance of professional judgment is noted throughout the guidance. The guidance recommends that once the risk class of the site has identified, the appropriate level of mitigation measures are implemented to ensure that the construction activities have no significant impacts. In accordance with the guidance, Chapter 6, Step 1, Box 1 highlights certain screening criteria which needs to be considered and if a development qualifies for an assessment. The document states "An assessment will normally be required where there is: a 'human receptor' within: - 350 m of the boundary of the site; or- 50 m of the route(s) used by construction vehicles on the public highway, up to 500 m from the site entrance(s)." It is apparent that there are residential dwellings located in close proximity to the proposed site, therefore satisfying the 'human receptor' criteria stipulated in the cited guidance and the need for a detailed air quality appraisal in the form of a dust assessment to be produced.

Operational

In addition to examining potential impacts derived by construction phase activities the applicant needs to quantify whether the Air Quality Assessment should also encapsulate potential impacts to air quality derived by vehicle emissions generated by the proposal; nitrogen dioxide (NO₂) & particulate matter (PM_{2.5} & PM₁₀). Following these investigations appropriate actions should be applied such as complete Air Quality Assessment submission and mitigation schemes designed.

The applicant must look to examine current AADT (Annual Average Daily Traffic) flows and projected AADT following the completion of the development. Referring to Table 6.2 of the EPUK and IAQM guidance "Land- Use Planning and Development Control: Planning for Air Quality, January 2017" if calculated AADT flows increase from the baseline traffic levels by more than the set figures outlined in Table 6.2, the applicant is required to submit an Air Quality Assessment (AQA) which would examine the potential air quality impacts associated with traffic derived emissions (nitrogen dioxide & particulate matter)

at locations of relevant exposure.

If the operational phase is considered to be significant and therefore to be included as part of the AQA, the applicant is required to use detailed dispersion modelling to examine projected air quality levels for traffic derived nitrogen dioxide (NO₂) and particulate matter (PM_{2.5} & PM₁₀) at the necessary locations. To note it is not a mandatory requirement to monitor PM_{2.5} as part of Wales' local air quality management regime, however it is beneficial to scope this parameter into any assessment considered for robustness. The assessment shall consider a baseline year understanding, as well as the potential exposure of current and future residents for the proposed year of opening. Should the assessment indicate that current nearby and future residents will be made vulnerable to poor air quality then appropriate mitigation measures must be proposed and approved by the Local Planning Authority. The applicant will be expected to provide evidence that any implemented mitigation measures would alleviate any poor air quality levels expected. These mitigation measures shall be implemented to the satisfaction of the Local Planning Authority prior to beneficial occupation.

As outlined in Local Air Quality Management (LAQM) Technical Guidance TG16, April 2021, examples of where the air quality objectives should apply are detailed in Box 1.1. Based on the detailed criteria, projected levels of traffic derived emissions (NO₂ & PM₁₀) must be quantified, considering both the short term and long term air quality objectives. The Air Quality Assessment should look to focus on the national annual mean (40µg/m³) & 1- hour mean objective for NO₂ (200µg/m³ not to be exceeded more than 18 times a year) and annual mean (40µg/m³) & 24- hour mean objective for PM₁₀ (50µg/m³ not to be exceeded more than 35 times a year).

(b) Following discussion with the applicant the Air Quality Officer says that as the key points have been addressed, I have agreed that preparing a qualitative air quality technical note will be acceptable rather than a full AQA. This will hopefully alleviate any concerns from local residents.

(c) Following the submission of an air quality screening document the Technical Officer states:

I have reviewed the air quality screening document and I am happy with the information Wardell Armstrong have provided.

5.9 The Parks Officer states:

Design Comments on relocated MUGA

The proposed redevelopment involves the retention and relocation (slightly eastward) of the existing MUGA.

While acknowledging the constraints of the site and being pleased to see that the MUGA is retained and replaced with new, the concern is that the new position along with the proposed new residential block will mean that it is

surrounded on all sides by residential properties (existing properties on the northern, eastern and southern sides and the new residential block on the western side) and all about 20 metres away which is less than the recommended minimum of 30 metres.

It is recognised that the existing MUGA is less than the recommended distance to properties on Leckwith Road and those on Albert Street but the new layout will mean it has much greater contact with residential properties which could result in complaints and therefore concerns about its long term use. As indicated in the Design and Access Statement, trees and planting can be used as a screen and buffer but this needs to be balanced against the need for good sightlines into and around the space to avoid anti-social behaviour.

Otherwise the MUGA remains in a good location easily accessible to the surrounding community and with careful planting will benefit from good natural surveillance.

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.

Based on the information provided on the number and type of units, I have calculated the additional population generated by the development to be 54.3. This generates an open space requirement of 0.07 ha of on-site open space based on the criteria set for Sheltered Housing/Residential Homes, which vary from standard housing, or an off-site contribution of £29,676. I enclose a copy of the calculation.

Although the scheme includes for some amenity space for residents on site, no public open space is being provided, and therefore the developers will be required to make a financial contribution towards the provision of new open space, or the design, improvement and/or maintenance of existing open space in the locality. The new MUGA replaces the existing on site therefore would not be included. The Community Garden adjacent to the MUGA indicates that it could be used for informal/imaginative play. Parks would consider a deduction in the POS contribution for this area if it can be shown that it is truly suitable for play without conflict with other users of the Garden.

The use of S106 contribution from this development will need to satisfy CIL and the current distance requirements set out in the 2017 Planning Obligations SPG – play areas 600m (not applicable to student and sheltered accommodation), informal recreation 1000m, and formal recreation 1500mm, measured from edge of the site.

Notes relating to provision of sheltered housing/residential homes

The calculation for sheltered housing / residential homes applies a lower rate

compared to the full amount required for general purpose housing. This takes into account omission of the play provision element which is not applicable, the reduced use of formal sporting facilities.

Although sheltered housing/residential homes usually provide some garden space available to residents, it is reasonable to assume that nearby parks such as Thompson's Park, Victoria Park and Bute Park will be used by residents, so improvements to these will be of benefit. Parks actively try to provide facilities for the older population to encourage use of parks, with the enjoyment and health benefits they can provide.

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.

Consultation will take place with Ward Members to agree use of the contribution, and this will be confirmed at S106 stage. The closest areas of recreational open space are Kitchener Gardens, Spencer Gardens and Clare Gardens.

6. **EXTERNAL CONSULTEES**

6.1 Welsh Water states:

SEWERAGE

We can confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site.

Surface Water Drainage

The proposed development may be subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore may require approval of Sustainable Drainage Systems (SuDS) features, in accordance with national standards, and is strongly recommended that the developer engage in pre-application consultation with the Local Authority, as the relevant SuDS Approval Body (SAB).

We would request that if you are minded to grant Planning Consent for the above development that the Advisory Notes provided below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

Advisory Notes

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement

to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

SEWAGE TREATMENT

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

WATER SUPPLY

The proposed development is in an area where there are water supply problems for which there are no improvements planned within our current Capital Investment Programme AMP period (years 2020 to 2025). In order to establish what would be required to serve the site with an adequate water supply, it will be necessary for the developer to fund the undertaking of a hydraulic modelling assessment on the water supply network. For you to obtain a quotation for the hydraulic modelling assessment, we will require a deposit of £250. This fee is non refundable, however, if the developer wishes to proceed with the assessment the £250 will be deducted from the final modelling costs.

The proposed development is crossed by a trunk/distribution watermain, the approximate position being shown on the attached plan. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times. I enclose our Conditions for Development near Watermain(s). It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

(Welsh Water's comments have been forwarded to the applicant)

6.2 South Wales Police state:

Having reviewed the drawings, I would have the following observations to make in respect of the above development, with a view to the development achieving the Secured by Design (SBD) Gold Award:-

(i) Perimeter security.

The rear and sides of the apartment block and communal areas must be protected by walls/fencing/railings at least 1.8 metres high. They must be robust and designed so they are difficult to climb over. Gates giving access to the side and rear of the apartment blocks must be sited on or as near to the front building line of the building as possible, be lockable both sides with a key, should have access control fitted, e.g. digilocks, and be the same height as the adjacent walls/fencing.

(ii) Lighting.

The site, especially the vehicle parking bays, cycle stores and bin stores must be lit, during the hours of darkness. The corridors and entrances into the building must also be lit during the hours of darkness, when in use.

Lighting must be controlled by photo electric cells or time switches.

(iii) Landscaping.

Trees and other landscaping features must not be positioned where they could obscure lighting or provide a potential climbing aid into residential block.

All planting must ideally be of the low-level type. Shrubs should have a mature growth height of 1 metre and trees should be bare stemmed to a height of 2 metres from the ground.

Trees must not be positioned to act as climbing aids and trees and planting must not obscure doors and windows.

(iv) Vehicle parking areas.

All the vehicle parking bays must be overlooked by the rooms in the residential block.

The bays must be illuminated at night and they must enjoy good natural surveillance with unobstructed views from the apartment block.

(v) Bicycle stores.

The bicycle store, with individual stands for securing bicycles, must be secure. The store must be lit during the hours of darkness (please visit website www.securedbydesign.com for more information).

(vi) Bin storage.

The bin stores must be secure and ideally located away from the apartment block.

(vii) Drainpipes.

Drainpipes must be located within the fabric of the building or be flush fitting and of a design that is difficult to scale.

(viii) Utilities.

If smart meters are not installed the utility meters must be located to the outside and front of the apartment block.

(ix) Door security.

The entrance doors into the apartment blocks must meet SBD standards i.e. PAS 24 2016, or equivalent and must be third party tested and certificated. The individual apartment external doors must also meet the same standards as must the doors of the community centre..

Doors that are described as fire doors, or where fire performance is declared or implied, are required to have third-party certification for both security and fire performance. Fire doors must have no external furniture fitted.

Glass fitted in or adjacent to door panels must be laminated and doors in recesses of more than 600 mm deep must be avoided.

(x) Window security.

All vulnerable windows must meet the SBD standard PAS24 2016 or equivalent and be third party tested and certificated. Vulnerable windows must have window locks fitted, preferably ones that are key operated.

(xi) Security shutters.

If there is valuable property stored in the community centre consideration must be given for the doors and windows to be protected by shutters that meet SBD standards and specifications.

(xii) Access control.

Access into the residential block must be controlled by access control with audio and visual verification fitted. Access into rooms where valuable property is stored must also be controlled.

(xiii) Intruder Alarm.

Consideration must be given to alarming the community centre. The alarm

ideally should be linked to a central monitoring station with any alarm wires protected.

(xiv) Dwelling identification.

The apartment blocks must be clearly identifiable and the individual apartments must be clearly numbered.

Further more detailed information can be found on the Secured by Design website www.securedbydesign.com .

(South Wales Police's comments have been forwarded to the applicant)

- 6.3 The Fire Service say that the developer should consider the need for adequate water supplies on site for firefighting purposes and access for emergency firefighting appliances.

(The Fire Service comments have been forwarded to the applicant)

- 6.4 NRW states:

The submitted Pre-Applicant Consultation (PAC) Report prepared by LRM Planning Limited, dated July 2021, identifies that we were consulted on the proposal during statutory pre-application consultation. We provided comments in our letter reference CAS-146560-D7P7, dated 11/05/2021. The PAC Report acknowledge our comments. We note amended information has been submitted for this application.

We continue to have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome if the document identified below is included in the approved plans and documents condition on the decision notice:

- Section 2.4 Development Proposal and Section 7 Conclusions of the document entitled, 'Riverside Community Living Flood Consequences Assessment', prepared by JBA Consulting, dated July 2021.

Please note, without the inclusion of this document we would object to this planning application. Further details are provided below.

Flood Risk The planning application proposes highly vulnerable development (residential). Our Flood Risk Map confirms the application site to be entirely within Zone C1 of the Development Advice Map (DAM) as contained in TAN15. Our records also show that this site has previously flooded during the December 1960 and December 1979 flood events.

Section 6 of TAN15 requires the Local Planning Authority (LPA) to determine whether the development at this location is justified. Therefore, we refer you to the tests set out in Section 6.2 of TAN15. If the LPA consider the proposal meets the tests set out in criteria (i) to (iii), then the final test (iv) is for the

Applicant to demonstrate, through the submission of an FCA, that the potential consequences of flooding can be managed to an acceptable level.

The FCA prepared by JBA Consulting, dated July 2021, shows that the risks and consequences of flooding could be managed to an acceptable level, provided the proposed measures are implemented and the following document is included in the condition identifying approved plans and documents on the decision notice:

- Section 2.4 Development Proposal and Section 7 Conclusions of the document entitled, 'Riverside Community Living Flood Consequences Assessment', prepared by JBA Consulting, dated July 2021.

The FCA identifies the proposed finished floor level (FFL) is 7.29m AOD. Based on this FFL, the FCA shows:

- The proposed development site is predicted to be flood free during the 1% (1 in 100 year) plus climate change annual probability fluvial flood event. This meets the requirements of A1.14 of TAN15;
- The proposed building is predicted to flood to a maximum depth of 590mm, at a maximum velocity of 0.15m/s, during a 0.1% (1 in 1000 year) annual probability fluvial flood event. This is within the tolerable limits of A1.15 of TAN15;
- The proposed residential car parking spaces, located towards the north of the development boundary, are predicted to flood to depths of less than 600mm, at a maximum velocity of 0.15m/s, during a 0.1% (1 in 1000 year) annual probability fluvial flood event. This is within the tolerable limits of A1.15 of TAN15.
- The proposed games area is predicted to flood to depths of less than 300mm, at a maximum velocity of 0.15m/s, during a 0.1% (1 in 1000 year) annual probability fluvial flood event. This is within the tolerable limits of A1.15 of TAN15;
- The proposed finished floor levels are similar to those of the existing building, the building footprint not significantly larger than the existing building, and the proposed ground levels surrounding the building will be kept as close to existing as possible. As such, the potential to increase the flood risk elsewhere as a result of the proposed development has been minimised in the design. This meets the requirements of A1.12 of TAN15.

The FCA has proposed the management of any residual flood risk by recommending: the owners and occupiers sign up to receive Flood Warnings; the production of a flood emergency/action plan; flood resistance and resilience measures be incorporated into the design of the development; and, flood refuge areas.

We consider the risk of tidal flooding to the proposed development is negligible, as the site benefits from the presence of the Cardiff Bay Barrage. This operates in a flood risk capacity, providing significant protection to Cardiff from tidal flood risk. Therefore, we have no further comment regarding tidal flood risk in this instance.

Further Advice It is for your Authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN15. We cannot advise you on matters such as emergency plans, procedures and measures to address structural damage that may result from flooding. Please note, we do not normally comment on or grant the adequacy of flood emergency response plans and procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement during a flood emergency would be limited to delivering flood warnings to occupants/users.

European Protected Species The Ecological Assessment prepared by Pure Ecology, dated September 2020, has identified that bats were not using the application site. We would therefore have no adverse comments to make in relation to EPS on the application as submitted.

Other Matters Our comments above only relate specifically to matters included on our checklist, Development Planning Advisory Service: Consultation Topics (September 2018), which is published on our website. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.

7. **REPRESENTATIONS**

- 7.1 The application has been advertised on site, in the press and neighbours have been notified.
- 7.2 Councillor Iona Gordon Councillor Kanaya Singh state:

(a) We object to the application because there are not enough parking spaces. We think the plans need to be adjusted to create at least ten more spaces. If no extra parking is provided the community facilities proposed are unlikely to be used

Overall we support the proposals, which will provide much needed social housing for older people in Riverside. We also commend the spaces for community use on the ground floor. The main issue that we, and many residents are concerned about is the lack of parking for visitors accessing the new building. The existing car park will be lost. In pre-application discussions with the Council we were persuaded that the other car parks nearby at Gray Street and Severn Road are under used and would provide enough parking for people shopping on Cowbridge Road.

However there is no parking provision in the plan for staff or users of the community facilities. This will deter people using the community spaces as there is nowhere to unload goods, sports equipment, event goods, resources for classes to be unloaded.

The loss of the car park will also put too much pressure on the surrounding streets especially Picton Place etc. The car parking spaces in these streets should all be made resident only as it is already very difficult for residents to park here. They often have to park in the public car park that will be lost under this plan.

And

b) When this is comes to the Planning Committee for debate, Cllrs Singh, Elsmore, Patel, Cunnah and myself would like to request a site visit as the computer generated images of the proposed development do not give a reasonable picture of the site context with the two storey houses on Leckwith Road and Earle Place.

7.3 Councillor Cunnah states

We write as councillors of the Canton ward in relation to the proposal to redevelop Canton Community Centre, ref. 21/01806/MJR. Although the site lies in the Riverside ward, the impact of the proposed development would be felt by residents in our ward. We have been contacted by many residents and have also attended a public meeting where many concerns were raised.

In particular, we believe concerns raised with us about the scale of the proposed development need to be thoroughly considered. We think this will be best understood by viewing the site in person, and we support the call by the Riverside councillors Gordon and Singh for planning committee members to hold a site visit.

We believe that due to its length, height, width and scale in close proximity to terraced residential housing in our ward, especially on Leckwith Road and Earle Place, the proposed development could have an overbearing and unneighbourly impact upon neighbours, contrary to Policy KP5 (x) of the Cardiff Local Development Plan. Its height would be unprecedented in this part of the city, which could also be contrary to Policy KP5 (xii) which indicates new tall buildings are required to be located within existing clusters of tall buildings.

Please can you register this comment from the three Canton Councillors and ensure these issues are considered in the planning process.

7.4 Councillor Susan Elsmore states:

In view of the significant community interest in this proposal, can I add my voice to that of my ward colleagues Cllrs Ramesh Patel & Stephen Cunnah in seeking a site visit.

7.5 A petition with 90 signatures has been received stating:

We the undersigned do not object in principle to the redevelopment of the Canton Community Centre site but we do object to the scale of the

redevelopment. We want:

The building to be no higher than 3 storeys

Sufficient on-site car parking for the residents/carers and community centre users

The MUGA to be left where it currently is

7.5 Letters of objections have been received from 1 resident of Leckwith Road, 4 of St John's Crescent, 5 from Earle Place, 6 from Denton Road and 4 where the address was not specified. The objections received are precised as follows:

- i) 5 storey development is out of scale and out of character contrary to LDP Policy KP5
- ii) Overshadows nearby dwellings and take away light
- iii) Adversely affect privacy
- iv) Demolition of existing building is not sustainable
- v) Loss of car park will be to detriment of residents (who use overnight), community centre users, shoppers and shops, future occupants and visitors.
- vi) Reduced size of community centre is detrimental to the community
- vii) Immediate environment is magnet for anti-social activity.
- viii) Building on the garden area contrary to environmental policies
- ix) Construction, Traffic, dust, noise and fumes during building works
- x) Additional traffic on Leckwith Road
- xi) PPW 11 Place Making Charter says places should have a mix of uses providing an opportunity for community development
- xii) Adverse impact on air quality
- xiii) Repositioning of MUGA closer to housing will be a noise nuisance
- xiv) Lack of green space for residents and on busy road
- xv) Proposal does not create cohesive community
- xvi) Poor consultation – rushed through
- xvii) Lack of Equality Impact Assessment – no indication that future residents want to live here.
- xviii) Drawings misleading
- xix) DCfW had concerns re materials and quality of build
- xx) Because double yellow lines extended in local area local members secured right for residents cars to be parked overnight in the car park.
- xxi) Proposal contrary to LDP Policies KP5, KP6, C1 and C2 and H6 are referred to
- xxii) Flooding on corner Leckwith Rd/Earle Place development will make it worse
- xxiii) Loss of view
- (xxiii) More people, more congestion, more pollution, more accidents.

8. **ANALYSIS**

8.1 This application was deferred by Planning Committee at its meeting on 3rd November 2021 in order to undertake a Site Visit. The Site Visit took place on

Monday 6th December 2021 and the application is now reported back for determination.

Policy

- 8.2 The site is located in the settlement boundary as defined by the LDP proposals map and has no specific allocation or designation.
- 8.3 The context of the surrounding area is characterised by the commercial/retail uses of Cowbridge Road East District Centre to the north and residential uses to the south and east.
- 8.4 Policy H6: Change of Use of Redevelopment to Residential Use; Policy C2: Protection of Existing Community Facilities and Policy C4: Protection of Open Space provide the relevant policy framework.
- 8.5 Policy H6 permits the change of use of redundant premises for residential use where:
- There is no overriding need to retain the existing use of the land or premises and no overriding alternative local land use requirement;
 - The resulting residential accommodation and amenity will be satisfactory;
 - There will be no unacceptable impact on the operating conditions of existing businesses;
 - Necessary community and transportation facilities are accessible or can be readily provided or improved; and
 - It can be demonstrated that the change of use to a more sensitive end use has been assessed in terms of land contamination risk and that there are no unacceptable risks to the end users.
- 8.6 Policy C2 only permits proposals involving the loss or change of use of buildings currently or last use for community facilities if:
- i. An alternative facility of at least equal quality and scale to meet community needs is available or will be provided within the vicinity or;
 - ii. It can be demonstrated that the existing provision is surplus to the needs of the community.
- 8.7 Policy C4 does not permit development on areas of open space unless:
- i. It would not cause or exacerbate a deficiency of open space in accordance with the most recent open space study; and
 - ii. The open space has no significant functional or amenity value; and
 - iii. The open space is of no significant quality; or
 - iv. The developers make satisfactory compensatory provision; and, in all cases;
 - v. The open space has no significant nature or historic conservation importance.
- 8.8 Assessed against Policies C2 and C4, the proposal would re-provide an improved community facility that meets the needs of the community and provide

a relocated MUGA and improved green infrastructure and therefore not cause and or exacerbate a deficiency of open space.

- 8.9 Assessed against Policy H6, the site is located in the settlement boundary, in a highly sustainable location, within a 5 minute walk to Cowbridge Road East District Centre that provides the necessary retail, community facilities and services to serve the new residents and easily accessible to the city centre by sustainable forms of transport, being close to a number of public transport links within a 5 minute walk and is considered a compatible use with the character and context of the surrounding area.
- 8.10 The application raises no land use policy concerns.

Heritage

- 8.11 It is considered that this five-storey development is sufficiently distant from the St John's church that any minor setting impact will be restricted to long views to and from the Grade II Listed asset. The development is some 130m from the grade II listed buildings at 271-275 Cowbridge Road and has no impact on the setting of those buildings.

Urban Design

- 8.12 This is an ambitious project. It sits on the site of the existing community centre, MUGA and car park which in combination currently create a poor impression.
- 8.13 The scheme is essentially one building in two parts: a new community hall, accessed from the east, and the residential accommodation for elderly people accessed from the west and east. Whilst most of the residential units are accessed from the internal atrium, 4 fronting Leckwith Rd are accessed directly from the front garden. The pattern of access to the building is fine, creating active frontage on each side. The entrance from Leckwith Rd is elegantly aligned to the church vista from Earle Place and the doorway is double height to create some interest in the view, which is a nice feature, without distracting from the church.
- 8.14 Overall the mass is out of character with the general scale of development in Canton which typically is 2-3 storeys. However, this is an attractive scheme which sits within a good, set back garden setting, and that its combination of community and social uses will create interest and really enhance a slightly neglected corner of the area. The scheme is very carefully considered in detail with elegant facades, great fenestration, a rich and interesting roofline, and great brick detailing. This combination of rich features helps to moderate the overall mass and allows a domestic scale to prevail. The scheme will make a positive contribution to the standard of build in this part of Canton.
- 8.15 The scheme includes some good ideas for garden areas, managing to maintain the key frontage trees. The boundaries shown in plan are all fine and sensible for their context. A condition 21 regarding the walls/railings, to the front boundaries is proposed in view of their prominence.

- 8.16 The scheme includes a good plan for a communal garden and then the relocation of the MUGA. This is done whilst retaining the two north south pedestrian routes which are a feature of the Radburn layout of the wider area. It is beneficial for both these routes to be maintained open for local area permeability, whilst the building boundaries are clear and secure.
- 8.17 The position of the benches and the suggested form of the community garden is good. The community garden is contained by railings for security but inter-visibility, which is sensible. To enable surveillance of the community garden from surrounding homes where hedges are proposed condition 22 is recommended, which is also relevant for the surveillance of the MUGA.
- 8.18 The atrium is well articulated in the form and elevation. Whilst it is not an urban design issue, it is a feature of the design of a Council building that may be of interest to Committee.
- 8.19 Overall, it is considered that the proposed development is a striking design, a great combination of uses and a form of development that significantly enhances its context.

Trees

- 8.20 Following the submission of revised landscaping and tree protection details the Tree Officer has no objections in principle
- 8.21 The Tree Officer's comments are considered covered by proposed conditions 25 – 29 and identifying relevant plans and documents in condition 2
- 8.22 The Shared Regulatory Officer says she has been contacted by the geoenvironmental consultants. They have undertaken a contamination assessment (submitted with the application) which identifies contaminants and will require remediation. She requested the relevant contamination remediation conditions (referred to at section 5.2 of this report). However, the consultant has advised her that the 'usual' remediation strategy – a 600mm soils cover system for soft landscaped areas - will not be practical in some parts of the development site, because of the potential damage to retained trees.
- 8.23 For the St Pauls Church, Llanmaes Street development (planning ref: 16/03065/MJR) there was a similar conflict between the remediation requirements for soils and the root protection areas of retained trees. It was resolved by the remediation strategy being modified to exclude these root protection areas, on the proviso that an appropriate health and safety record is maintained at the development by the property management/owner recording the ground conditions in the root areas of the retained trees, associated risks and appropriate mitigation for workers (PPE etc).
- 8.24 The Tree Officer says that an approach as per the St Pauls Church Development would be expedient, if it is deemed acceptable from a human health perspective. This would avoid losing all the trees at the site as a

consequence of capping. In this case the applicant has submitted details of a No Dig Construction Method that the Tree Officer finds acceptable.

Comments on Petition and Representations

(i) Height out of character

8.25 Paragraph 1.14 of the Council's Tall Buildings SPG states:

In areas outside the city centre, buildings tend to be far lower. Buildings which are double or more than double height of surrounding properties or significantly taller in terms of actual height and number of floors, would be considered tall in this context. Tall buildings outside the city centre are unlikely to be supported unless they can be demonstrated as meeting all of the criteria outlined in this SPG.

8.26 In this case the two storey houses to the south are 9.5m high and the nearest part of the proposed building is 12.2m high and three storeys. The end house in Phillip Street is 2.5 storeys high and the remainder of the terrace are 2 storey units. The nearest dwellings to the north-east are 11m high and 3 storeys high. The Tesco store to the north is a big building with a maximum height of 13m. To the top of the fifth floor of the proposed apartments is 16.3m high and the top of the highest roof would be 19.7m high.

8.27 In terms of the SPG the proposed building is not defined as tall as it is neither double the actual height and number of floors of surrounding buildings. The end dwellings in Earle Place are two storeys and some 10m high but separated from the proposed building by some 26m, Leckwith Road and some mature trees. St Johns Church by comparison is 34m high to the tip of the spire.

8.28 The proposed building is taller than the nearest dwellings and needs to justify its location whether it is considered a Tall Building within the terms of the SPG or not. Paragraph 2.2 of the SPG states that:

All tall building proposals must demonstrate that:

There would be no negative impacts on important views or vistas.

The character or setting of heritage assets is not harmed.

The proposal will be a positive feature in skyline & streetscape, either by complementing a cluster of tall buildings or forming a strategic landmark.

No material harm is caused by overshadowing or overlooking.

There will be walking and cycling accessibility to sustainable transport and local facilities.

Detailed proposals will:

Exhibit exceptional architectural standards: elegance in form, silhouette and quality of materials.

Maximise activity through ground floors uses and fenestration.

Provide the highest standards of building performance, safety, inclusivity and adaptability.

Include exemplary cycle storage, low car parking levels and integrated

servicing, recycling and waste storage.

Prove that the development will not create adverse microclimatic effects.

Deliver significant enhancements to the public realm

- 8.29 Should Committee regard this development as a tall building, as defined by the SPG, it is considered that this proposal meets the aforementioned criteria.

(ii) Overshadows/Takes away light

- 8.30 The three storey element north of Philip Street is set some 17-19.5m away from those dwellings and neither overshadows nor takes away light from them.

- 8.31 The four storey element does not infringe the 25 degree guideline contained in the Residential Design Guide.

- 8.32 The five storey element will marginally infringes the 25 degree guideline (28 degrees) part way up the upper floor at a distance of some 26m in respect of only the side windows in the ground floor of 19 Earle Place. In view of the separation distance the impact isn't immediate and enough light will get past the proposed building at that distance, as the taller element is reasonably narrow.

- 8.33 It also helps that the plans indicate a reasonably characterful but light brick which will also reflect a little more light around. Proposed condition 15 is recommended to ensure that a reasonably light brick is chosen to allow adequate light to reflect off what is a reasonably large building in its context, in order to reduce its perceived mass and enhance reflected light.

(iii) Privacy

- 8.34 The development does not contravene the Council's privacy standards contained in the Residential Design Guide SPG other than for the southern elevation of the three storey element of the development facing the rear of the properties in Phillip Street. This can be addressed by proposed conditions 3 and 4 in respect of secondary side facing windows, that can be fitted with obscure glazing, and the side section of the balconies, which can be fitted with privacy screens that must be retained in perpetuity. The applicant has advised that the landing windows on southern elevation should remain clear as they provide important aspects out and orientation for residents of the building by providing views out of the building. However, this could still result in overlooking of windows to ground floor habitable rooms in Phillip Street and condition 3 should be retained as proposed.

(iv) Parking

- 8.35 Paragraph 4.1.9 of Planning Policy Wales states:

The Welsh Government is committed to reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport. Delivering this objective will make an important contribution to decarbonisation, improving

air quality, increasing physical activity, improving the health of the nation and realising the goals of the Well-being of Future Generations Act.

- 8.36 The scheme includes stands for 42 cycle parking spaces for users of the community building MUGA. These spaces are well located at the edges of the public space and close to the communal building entrance and stands for 12 cycle parking spaces within the building.
- 8.37 The scheme involves the loss of parking spaces. 83 parking spaces, replaced by 18 (5 of which are disabled spaces).
- 8.38 The site lies within the Central Area for the application of car parking standards contained in Managing Transportation Impacts (incorporating Parking Standards) SPG. For elderly person residential development in central areas the Council's Parking Standards state that no minimum number of car parking spaces are required. The Council's Parking Standards for non-residential institutions states that there is no minimum number of car parking spaces that are required. The proposal provides more car parking than the minimum required by the Council's standards.
- 8.39 Committee will no doubt recall a decision earlier this year at Pentwyn when 20 two bedroom and 8 one bedroom apartments was granted with 4 car parking spaces (ref 21/00321/MJR). The current application is in a more sustainable location than that approved this year in Pentwyn.
- 8.40 The plan for parking is very clear and nicely resolved, with parallel and perpendicular parking bays and a scheme for landscape and tree planting. The parking spaces for the development are block paved.
- 8.42 The proposed access and parking arrangements accord with LDP policy KP8 and the Managing Transportation Impacts SPG, which seek to reduce travel demand on the car; enable and maximise use of sustainable methods of travel; and provide people with access/mobility requirements. Further, dependence on the private car will be reduced due to the proximity of the site to the District Centre of Cowbridge Road East and various local bus stops.
- 8.42 The applicant has sought to clarify the parking arrangements and states:

As you will be aware the design development stages have involved regular meetings with our Transport and Highways colleagues to help us better understand any transport matters and to develop a joined-up proposal reflective of the Council's One Planet Cardiff Strategy for greater sustainable development, the site's locational characteristics and the Council's aspiration for a comprehensive scheme that addresses a number of local needs through a high quality mixed use development.

With this in mind we have agreed with Transport and Highways colleagues the following approach to parking management:

- 5 short term pay'n stay parking spaces located north-west and accessed from Leckwith Road. These will be managed and enforced by the Highways Network Operations Team.
- 7 private residential parking bays (including 4 disabled bays) located in a separate court to the north-east of the site. To help discourage non-resident users, only resident parking permit holders will be permitted to park here. These will be allocated by our Housing team and managed/enforced by the Highways Network Operations Team. To help further reinforce the difference between parking bays in this location we have decided to move the residents bays to the east (as a separate court) and will ensure signage is used to explain that they are for private residents only. Changes to the hard landscaping in this court will also be used to further reinforce this distinction.
- 1 private resident parking bay south-west that will be dedicated for an eclectic charging pool car and managed by Housing and enforced by the Highways Network Operations Team.
- 1 disabled bay south-west enforced by the Highways Network Operations Team.
- 4 adopted parking bays on Picton Place that will become part of the emerging and proposed Resident Parking Area for Picton Place.

8.43 The Transport Officer has no objection to the revised parking arrangements subject to proposed conditions (31-35) and the second part of a recommended Unilateral Agreement. The Unilateral Undertaking is designed to provide improvements to nearby public car parks which would in part mitigate the loss of the car park on this site.

(iv) Demolition of Existing Building is not sustainable

8.44 The Regeneration Officer has stated that the building is "in great need of updating and modernisation to secure it's long term sustainability for community use". It is considered that the redevelopment of this site will enable a more efficient use of land where future residents will be conveniently sited to access a range of facilities on this brownfield site, reducing the need to use private motor vehicles.

8.45 Furthermore, the new building would incorporate photovoltaics on the southern roof slopes, shared ground source bore-hole array linked to individual heat pumps for each flat and other energy efficient measures.

(v) Community Centre Size reduced

8.46 The Regeneration Officer at paragraph 5.4 of this report has clearly detailed her position and supports this proposal.

8.47 The Community Centre would have one squarish room that could accommodate a 100 or more persons for a meeting and a similar sized rectangular shaped room that could be subdivided to provide flexible space. There would also be toilets, kitchen, storage and buggy storage area (for 4 mobility scooters for users of the centre).

(vi) Reducing garden area.

- 8.48 The community garden is to the north-west of the existing building. A redesigned garden to the south and south west of the re-sited MUGA is proposed for residents of the development along with a community garden area to the east (for a larger and more useable community garden). Tree planting to the front of the proposed building would be retained with small private gardens to the ground floor apartments. The re-provided community garden would be over 70m from Leckwith Road as compared to the existing community garden that adjoins Leckwith Road.

(vii) Existing Anti-Social Behaviour

- 8.49 The Police have raised no objection to this proposal and proposed condition 15, which requires cctv coverage of the site. Passive surveillance by residents from the new apartments and repositioning the MUGA and community garden will be overlooked by more existing dwellings which will further increase surveillance and should help improve the current situation.

(ix) Disturbance during Demolition and from construction

- 8.50 Any noise or disturbance from demolition and/or rebuilding will be for a temporary period only. There will be a requirement for a CEMP and other mitigating conditions (proposed conditions 16, 19, 20 and 37), to address dust and deliveries, and the developer has to comply with Pollution Control legislation. Future vehicle movements and associated emissions will be reduced to a certain degree as the car parking area is redeveloped and then replaced by the proposed development.

(x) Additional traffic on Leckwith Road

- 8.51 The reduction in public car parking spaces will reduce the overall number of vehicles attracted to this part of Leckwith Road.

(xi) Lacks opportunity for community development

- 8.52 The co-location of residential accommodation, a community centre, community garden and MUGA provides a great opportunity for community development. The accommodation is not in an isolated location but in the heart of an existing community.

(xii) Air Quality

- 8.53 An Air Quality expert for Wardell Armstrong states:

We have been advised through the comments forwarded to the applicant that Shared Regulatory Services require an air quality assessment for the proposed development and I am looking to clarify the required scope of works. At this stage we consider that a detailed (i.e. modelled) air quality assessment would

not be required in this instance for the following reasons:

- The development is not located within, or near to, an existing Air Quality Management Area (AQMA) and is therefore not considered to be in an area of poor air quality.
- Recent local air quality monitoring and current mapped background concentrations for the site illustrate that annual mean pollutant concentrations within the vicinity of the site are below the respective annual mean objectives and considerably below the level at which breaches of the short-term objectives for NO₂ and PM₁₀ would become likely.
- The proposed development site is relatively small. It is therefore considered that the impact associated with dust from the construction phase, in accordance with the IAQM 'Guidance on the Assessment of Dust from Demolition and Construction (February 2014)', will not be significant with appropriate site mitigation in place. It is anticipated that mitigation measures will be detailed in a Construction and Environmental Management Plan or Dust Management Plan.
- From a review of the trip generation data presented in the Transport Statement for the site, it is clear that development-generated traffic numbers will be well below 500 AADT, which is the IAQM threshold for a detailed assessment.

Taking these points into consideration we propose preparing a qualitative air quality technical note, summarising the above points. It would be most helpful if you could confirm whether this approach is acceptable.

8.54 The Technical Officer – Environment (Enterprise and Specialist Services) states

As the key points have been addressed, I have agreed that preparing a qualitative air quality technical note will be acceptable rather than a full AQA. This will hopefully alleviate any concerns from local residents. (The Technical Officer was provided with a technical report by Wardell Armstrong that concluded that any effects should not be significant).

8.55 Proposed conditions 19 and 20 and part 16 and 37 are recommended to address air quality issues in line with the advice of the Council's Technical Officer – Environment (Enterprise and Specialist Services) and one of the Transport Officer's recommended condition.

(xiii) Repositioned MUGA will cause nuisance

8.56 The MUGA is currently located approximately 25m from the nearest existing dwellings which are on the western side of Leckwith Road. The 2006 and 2007 consent for a MUGA included floodlights. The MUGA will be relocated to the east of its current position and will be 20m from existing dwellings. No floodlighting is proposed and proposed condition 13 is designed to prevent late night noise. There will be good surveillance from surrounding properties, assisted by proposed condition 22. No objection has been received from the Noise Officer.

(xiv) Lack of green space for future residents and on busy road

8.57 This has in part been addressed by the response to (vi) above. Future residents will be able to use their garden and the community garden which are located further away from and part screened from Leckwith Road by the proposed building. The community garden will be overlooked by surrounding dwellings providing improved passive surveillance. There will be an internal atrium and balconies for future occupants. The development will meet the SPG Residential Design Guide requirement for amenity space.

8.58 The issue of air quality and noise that can be associated with road traffic is addressed elsewhere in this report and by proposed conditions 16, 17, 19, 20 and 37.

(xv) Proposal does not create cohesive community

8.59 The co-location of residential accommodation, a community centre, community garden and MUGA provides an opportunity for community development. The accommodation is not located in an isolated location but in the heart of an existing community.

8.60 It is not considered that this type of elderly person accommodation prevents residents being active in their local community. Local facilities are in walking distance and storage will be provided on site for the garaging of mobility scooters for those residents who need to use them.

(xvi) Poor consultation – Rushed Through

8.61 The criticism received appears to primarily relate to the PAC consultation process but that had to be undertaken in accordance with revised arrangements approved by the Welsh Government because of Covid. The PAC process was conducted prior to the submission of this application.

8.62 In response to the criticism of the PAC the applicant says that there is no requirement to consult in other languages. The description of the proposal was in broad terms and the supporting documents made it clear what the proposal involved. It is not the fault of the PAC undertaken that anyone was held back from commenting. Parking provision is covered by the Transport Statement. The Housing Team also conducted an informal consultation prior to the PAC.

8.63 In conclusion the agent states:

My overall statement on all of the above is that PAC is a process that seeks to engage interested parties and not a fait accompli process, in that documents and drawings are presented in draft form, and changes often can and will be made between PAC and application submission. The key consideration, as I've discussed with officers in various Authorities since the introduction of PAC, is whether the applicant and its team have prejudiced any interested parties in the process of carrying out PAC, to which I would answer that we categorically

haven't.

- 8.64 It is considered that the description of the planning application is reasonably comprehensive. The planning application has been publicised by site notices, press notice, neighbour notification letters and on the Council website. The objections received provide a reasonable indication of the success of this publicity exercise.
- 8.65 The application was received on 21/07/202, registered on 27/7/2021 and reported to the Planning Committee on 3/11/2021. Applications should normally be determined within an 8 week period. This application has taken over 3 months before presentation to Committee and as such is not considered to be rushed nor is the decision of the Local Planning Authority pre-determined.

(xvii) Lack of EIA

- 8.66 The Housing Department will have carried out their own assessment of housing need to determine the type of housing and the design requirements for future residents. Officers in the Housing Department working in conjunction with the architects will have used their expert knowledge in formulating a scheme and identifying a location that would provide good quality living accommodation for future residents.
- 8.67 Five disabled parking spaces are proposed and the garden area is at level.

(xviii) Drawings misleading

- 8.68 Some objectors found a drawing within the 78 page DAS misleading. It is considered that the drawings attached to this report and available on-line give an accurate representation of what is proposed.
- 8.69 The agent states:

The images in question are sketched perspective/aerial/isometric images used for indicative purposes and are therefore not scalable. The elevations and floor plans are the only drawings that should be used for scale. Notwithstanding this, I would contest that closer inspection would demonstrate quite clearly that floor-to-ceiling vertical measurements of our building are clearly greater than Tesco. Perhaps the objector is confused by the single storey green-roofed element? Again, not a contestable point.

(xix) DCfW

- 8.70 The Design Commission for Wales highlighted a number of issues:

Community Engagement The proposals have been based on initial engagement with the local community and therefore should reflect what is needed in the area. Reshaping this space, re-provision of community facilities and the introduction of new residents to the area are all welcomed but will

require an ongoing commitment for community involvement to ensure that the process is positive and meaningful for new and existing residents. As well as the proposed next phase of consultation, consideration should be given to creative ways in which the community can be involved in the design and delivery of the facilities. This could include engaging an artist to work with the local community (within the COVID restrictions of the time) and potentially contribute something physically to the development which would help to embed identity, meaning and sense of ownership within the scheme.

Public/Private Spaces. Further clarity is needed on the distribution and management of public and private spaces to aid legibility and to avoid ambiguity in use. The potential to explore a cruciform arrangement to the residential accommodation which would include an east-west route through the building and make a connection into the public space should be further explored. This could help to make better sense and use of the space to the southeast of the building which currently lacks a clear purpose.

Building Form. The evolution of the proposals has generally been positive, however there are still some issues to resolve. Building back in the clarity that was evident in earlier iterations, including the cruciform arrangement would benefit the proposals. The step down from four to three storeys with the atrium and gable arrangement is not currently working and requires a further look at the overall distribution of mass and storey heights. The termination of the vista along Earle Place should be considered as part of this development of this element of the scheme

MUGA and Public Realm. Lighting will have a big impact on the quality of the proposed space. While floodlighting of the MUGA is not proposed, lower-level lighting which provides a sense of security will be important to the area surrounding the MUGA. Similarly, the fencing around the MUGA and boundary treatment to the green space will be critical to the sense of openness verses security within the space. A management plan for the MUGA and other public realm areas will be essential for the long-term success of this development. The north-south route to the east of the site is an important connection into the wider community and should be reflected in the proposals. We welcome the retention of existing trees.

Delivery. Retention of design quality throughout the development process will be critical to ensure that those aspects that contribute to the quality of life for residents and placemaking for the neighbourhood are not lost. Part of this will be ensuring sufficient design expertise is retained/appointed throughout delivery but also ensuring the available budget is realistic and focused on the most important aspects of the team.

Next Steps We would welcome a further review of the proposals when further design development has taken place but well in advance of a planning application.

- 8.71 The developer has undertaken a pre-application consultation process and engaged with local members. There is no direct link between the community

centre and the apartments for security purposes. The current iteration is considered to improve on an earlier version viewed by DCfW and the entrance door and brick detailing as well as retained trees improves the vista along Earle Place. The Council will manage the MUGA and public realm areas. The quality of the scheme is self-evident. The applicant's position is to have regard to DCfW in preparation of their final scheme and not to repeat the process.

(xx) Residents right to park in public car park at night.

- 8.72 Any agreement to use parking spaces otherwise used by the Community centre or visitors to the apartments by local residents is a matter for the Council, Housing Department and residents. The Housing Officer has confirmed that 5 of the parking bays will be available for residents' over-night use. The introduction of an electrical charging point will be to the future benefit of residents.

(xxi) Contrary to Policies

- 8.73 (a) Policy KP5 GOOD QUALITY AND SUSTAINABLE DESIGN states:

To help support the development of Cardiff as a world-class European Capital City, 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 heritage are all addressed within development proposals;
- ii. Providing legible development which is easy to get around and which ensures a sense of continuity and enclosure;
- iii. Providing a diversity of land uses to create balanced communities and add vibrancy throughout the day;
- iv. Creating interconnected streets, squares and spaces as distinctive places, which are safe, accessible, vibrant and secure and incorporate public art where appropriate;
- v. Providing a healthy and convenient environment for all users that supports the principles of community safety, encourages walking and cycling, enables employment, essential services and community facilities to be accessible by sustainable transport and maximises the contribution of networks of multi-functional and connected open spaces to encourage healthier lifestyles;
- vi. Maximising renewable energy solutions;
- vii. Achieve a resource efficient and climate responsive design that provides sustainable water and waste management solutions and minimise emissions from transport, homes and industry;
- viii. Achieving an adaptable design that can respond to future social, economic, technological and environmental requirements;
- ix. Promoting the efficient use of land, developing at highest practicable densities and where appropriate achieving the remediation of land

- contamination;
- x. Ensuring no undue effect on the amenity of neighbouring occupiers and connecting positively to surrounding communities;
- xi. Fostering inclusive design, ensuring buildings, streets and spaces are accessible to all users and is adaptable to future changes in lifestyle; and
- xii. Locating Tall buildings in locations which are highly accessible through walking and public transport and within an existing or proposed cluster of tall buildings.

8.74 The proposal is generally in line with the elements defined in Policy KP5 other than part of criteria (xii) as it is not within a cluster of tall buildings and part of criteria (x) as it has an impact on the ground floor windows of one dwelling but otherwise makes a positive contribution to the appearance of the area.

8.75 (b) Policy KP6 NEW INFRASTRUCTURE states:

New development will make appropriate provision for, or contribute towards, all essential, enabling and necessary infrastructure required as a consequence of the development in accordance with Planning Policy Guidance. Such infrastructure will be delivered in a timely manner to meet the needs of existing and planned communities and includes the following aspects which may be required having regard to the nature, scale and location of the proposed development:

Essential / Enabling Infrastructure:

Transportation and highways including access, circulation, parking, public transport provision, walking and cycling;

Utility services;

Flood mitigation / defences; Necessary Infrastructure:

Affordable Housing;

Schools and education;

Health and social care;

Community buildings and facilities including District and Local Centre improvements;

Local employment and training including replacement employment opportunities where relevant;

Community safety initiatives;

Open space, recreational facilities, playgrounds, allotments;

Protection, management, enhancement and mitigation measures relating to the natural and built environment;

Public realm improvements and public art;

Waste management facilities including recycling and services;

District heating and sustainable energy infrastructure.

8.76 It is considered that the provision of safe affordable housing for older purposes and new replacement community centre, community gardens and MUGA is in accordance with this policy.

8.77 (c) Policy C1 COMMUNITY FACILITIES states:

Proposals for new and improved community facilities, health and religious facilities will be encouraged, subject to the following criteria being satisfied:

- i. The facility would be readily accessible to the local community it is intended to serve by public transport, walking and cycling;
- ii. The facility would not unduly prejudice the amenities of neighbouring and nearby residential occupiers;
- iii. The facility would not detract from the character and appearance of a property or the locality;
- iv. The facility will not lead to unacceptable parking or traffic problems;
- v. The facility is designed with the greatest possible flexibility and adaptability to accommodate additional community uses without compromising its primary intended use.

8.78 The community facility would comply with criteria i, ii and iii. The Transportation Officer has raised no objection subject to conditions in respect of iv and an element of the proposed Unilateral Undertaking will further assist. The Regeneration Officer has raised no objections in respect of v and specifically refers in her comments that the community centre incorporates flexible ground floor community spaces.

8.79 LDP Policies C2 and H6 are addressed earlier in this Section of this report.

(xxii) Flooding

8.80 The Flooding Map indicates that on Leckwith Road at its junction with Earle street that it is most susceptible to surface flooding. Some residents have made reference to flood events at the junction of Leckwith Road/Earle Street. The proposed building falls outside that area.

8.81 Much of Canton and Riverside including the application site lie within Flooding Area Zone C1. NRW had no objection on grounds of flooding providing Flood Consequences Assessment JBA Consulting July 2021 was included as an approved document, which it has been in proposed condition 2.

8.82 Tan 15 at point 6.2 identifies justification tests for sites in Zone C:

- i. Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; or,
- ii. Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region; and,
- iii. It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1);

8.83 The proposal is a regeneration initiative, the proposal will provide facilities that sustain a community, maintain employment on this site, and it would be on previously developed land. It is considered that this proposal meets the justification tests.

8.84 The Flood Consequences assessment concludes that:

This FCA has demonstrated that all aspects of the Justification Tests set out in TAN-15 have been satisfied. Consequently, we conclude that on the grounds of flood risk, the proposed development meets the requirement set out in TAN-15 and the aims of Planning Policy Wales.

8.85 A new Tan 15 comes into effect on 1/12/2021 which would be applied to non-determined and new applications.

(xxiii) Loss of view

8.86 There is no private right to a view in planning law. In this case views from public positions are not considered to be materially affected

(xxiii) More people, more congestion, more pollution, more accidents.

8.87 Reducing the size of the existing pay and display car park will reduce the volume of vehicular traffic attracted to this particular location which would have the opposite effect to that feared by a local resident.

Crime and Disorder

8.88 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. South Wales Police were consulted and have no objections. Improved passive surveillance and proposed conditions 14, 22 and 25 will all assist.

Equalities Act

8.89 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. The Housing Department has assessed the housing need and type of accommodation required.

Wellbeing

8.90 Section 3 of the Well-Being of Future Generations Act 2016 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. Providing more affordable quality dwellings, retaining a community centre provision, community garden and MUGA at the heart of the local community all positively contribute to wellbeing objectives.

9. **CONCLUSION**

- 9.1 The proposal is considered to be high quality design that accords with local and national policies, generally complying with the Residential Design Guide SPG, on a brownfield site to provide much-needed affordable homes in a sustainable location. The development will assist in promoting sustainable residential development to enable people to live independently and safely in their own homes for longer through the provision of apartments that meet the Welsh Government Design Quality Requirements (DQR).
- 9.2 The community centre and Multi-Use Games Area will be re-provided to enable the existing type of activities to be retained and continue to the benefit of the wider community.
- 9.3 The design of the development has been carefully considered and enhances the surrounding area through the provision of a contemporary development. High-quality design and materials are used to reflect the development's prominence within the streetscene. The retention of key trees and proposed landscaping contribute towards providing a high-quality scheme befitting the site's location. Given the constrained nature of the site, the provision of amenity space along the boundaries of the site are a positive impact in terms of amenity provision for future residents.
- 9.4 There are no objections from technical consultees.
- 9.5 A Unilateral Undertaking is required to secure a financial contribution towards open space in the locality and improve local car parks. The applicant has confirmed agreement to enter such an Undertaking at Severn Road, Gray Street, Wellington Street and Harvey Street.

APPENDIX A

Report into use of Canton Community centre car park to enable redevelopment

Background:

Following discussions in the Asset Management Board about the future of the Canton/Riverside community centre it was agreed that Housing consider the site for redevelopment.

The long-term future of the existing community hall had been in question for some time and had previously been considered for closure as part of council cost saving measures. In this scenario the site would have been advertised for sale on the open market.

The Housing Development team proposed a redevelopment of the site to include a replacement ground floor community space with residential (Older Person) flats above. If this proved to be a viable option it would deliver two objectives – 1. Provide much needed older person accommodation in Canton/Riverside and 2. Secure a sustainable and long-term future for a much valued community resource.

In discussing the site constraints meetings were held with Highways & Transport to consider a wider redevelopment of the site including the existing car park. Highways had identified this as an option as although the car-park was well used there was surplus parking available in the other car parks in the local area. This was backed up by reports presented by Highways and both Housing & Highways agreed to consult on this option.

Issues:

Options were developed and a preferred option identified. The preferred option proposed the loss of the carpark with a small number of public parking space retained. It also proposed the relocation of the existing MUGA into the current car parking area and the creation of a large community garden.

Meetings were held with both Canton and Riverside Ward councillors to consult on the proposal to lose most of the car park, relocate the MUGA and create a community garden. This was supported (emails and reports from Rebecca Hooper previously circulated, and resident consultation on this option was undertaken).

Public engagement was positive regarding this option and therefore the scheme progressed to PAC.

In supporting this option the Councillors asked that improvements be made to the retained carparks in the local area as a mitigation measure to losing the community centre car park. This includes better signage and space marking. It was recognised that there is capacity in the remaining carparks to mitigate the loss of the community centre car park.

Planning issues:

1. *Loss of parking generally within the local centre*

Parking surveys have been carried out during a Saturday and weekday (at four times each day) on the local pay and display car parks at Harvey Street (east and west); Gray Street; Severn Road; Leckwith Road; and, Wellington Street. These surveys show that there is significant spare capacity overall at even the busiest time, as follows:

- Saturday (busiest time 2pm) – 245 cars parked
- Weekday (busiest time 2pm) – 300 cars parked

There is currently capacity for 420 cars in the main car parks in the local centre and even with the reduction in spaces associated with the development to 350 spaces, this still provides significant spare capacity even at the busiest times.

2. *Parking for users/staff of the community centre*

It is anticipated that staff will travel to work by sustainable modes given how well connected the site is to public transport. Alternatively staff can use one of the car parks within the local centre that are up to a three to eight minute walk away and, as the surveys show, have spare capacity.

It is anticipated that a large proportion of visitors to the community centre will visit from the surrounding residential area. Five short-stay spaces are provided to the north of the community centre for users or the other town centre car parks a short walk away. For unloading/loading for classes, the loading bay off Leckwith Road at the front of the site can be used by class instructors before moving their car to another space.

3. *Surrounding residential streets*

It is proposed that the parking in the residential area south of the site will be subject to a new residents parking zone, including the four parallel spaces on Picton Place which are currently within Cardiff Council land but not highway land. These spaces will be adopted and become part of the residents zone. It should be noted that parking stress is highest in Picton Place overnight, and it is likely that this is associated with the residents. The surveys carried on overnight on two weekday nights showed that a small number of vehicles were parked in the car park overnight. Given it is proposed that five spaces will be able for public use, these can be used as overspill parking for residents of Picton Place. This level of parking stress in Picton Place and surrounding streets will be unchanged with the proposals.

4. *Number of new parking bays*

Following comments by residents and at Cllr Gordon's request, the design team have re-examined the masterplan to understand whether any additional parking spaces could be accommodated as part of our scheme. The findings of this work confirmed that the current layout reflects the maximum number of new bays that could be delivered ensuring the scheme also delivers other key elements of the

development such as SuDs (a legal requirement), the MUGA and community garden. Parking to the north is at its most efficient and could not accommodate additional bays without losing some of these elements. The team also examined whether more parking could be accommodated on Picton Place but the necessary turning spaces required were not achievable. The loading bay was also examined but it is needed for deliveries and access by an emergency vehicle. Therefore unfortunately we are unable to introduce more parking provision without the loss of some of the MUGA & community garden.

5. *Parking management*

We recognise the local parking pressures and the concerns of local residents and through our scheme proposals we have agreed with Transport and Highways colleagues the following approach to parking management:

- 5 short term pay and stay parking spaces located north-west and accessed from Leckwith Road. These will be managed and enforced by the Highways Network Operations Team.
- 7 private residential parking bays (including 4 disabled bays) located in a separate court to the north-east of the site. These will be for the residents of the new older person scheme. To help discourage non-resident users, only resident parking permit holders will be permitted to park here. These will be allocated by our Housing team and managed/enforced by the Highways Network Operations Team. To help further reinforce the difference between parking bays in this location we have decided to move the residents bays to the east (as a separate court) and will ensure signage is used to explain that they are for private residents only. Changes to the hard landscaping in this court will also be used to further reinforce this distinction.
- 1 private resident parking bay south-west that will be dedicated for an eclectic charging pool car and managed by Housing and enforced by the Highways Network Operations Team.
- 1 disabled bay south-west enforced by the Highways Network Operations Team.
- 4 adopted parking bays on Picton Place that will become part of the emerging and proposed Resident Parking Area for Picton Place.

6. *Additional benefit*

We also currently working closely with the Transport, Highways & Planning teams to identify our development schemes that could deliver a number of publicly assessable fast Electric Vehicle charging points to increase the number of public vehicle charging points across the city. The proposal scheme for redevelopment of the Canton/Riverside community centre has been identified as a suitable project and as such we will work with the Highways team to introduce a public EV point to the development.

Decision:

Approval to proceed with the preferred option and therefore the loss of the car park was received from Andrew Greogory, Dircetor and Matt Wakelham, Assistant Director.



KEY

- Application Site
- ① Church of St John
- ② Kitchener Gardens
- ③ Tesco Supermarket

PLANNING ISSUE

P10 15/07/21 Issued for planning

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RIVERSIDE COMMUNITY LIVING & COMMUNITY BUILDING ON THE FORMER CANTON/ RIVERSIDE COMMUNITY HALL
 drawing title / location
 EXISTING LOCATION PLAN

drawn by	checked	scale	status		
LC	IW	1:1250@A4	FOR PLANNING		
project	zone	source	classification	drawing no.	revision
20017	C	A	(00)_001	P10	

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KEY

EXISTING TREE

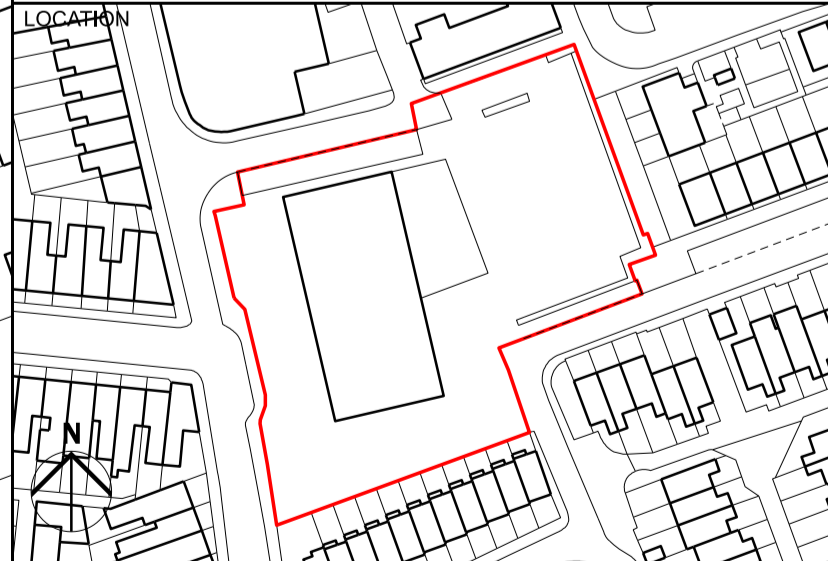
PROPOSED TREE

PLANNING ISSUE

Revision: P13 | 06.10.21 | PLANNING ISSUE
 Revision: P12 | 15.07.21 | PLANNING ISSUE
 Revision: P11 | 12.07.21 | PLANNING ISSUE
 Revision: P10 | 08.07.21 | PLANNING ISSUE

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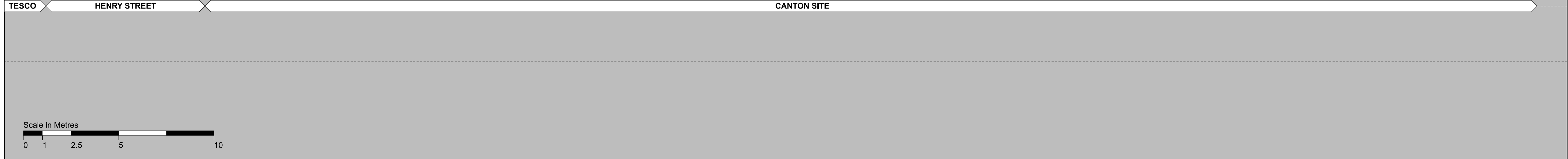
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job title
 RIVERSIDE COMMUNITY LIVING & COMMUNITY BUILDING
 ON THE FORMER CANTON/ RIVERSIDE COMMUNITY HALL
 drawing title / location
 PROPOSED BLOCK PLAN

drawn by	checked	scale	status
LC	IW	1:250@A1; 1:500@A3	FOR PLANNING
project	zone	source	classification
20017	C	A	(00)_002 P13



KEY

- ① STRETCHER BOND BRICKWORK WITH FLUSH, COLOUR MATCHED MORTAR (2 VARIETIES OF BRICK - A/B)
- ② VERTICAL STACK BOND BRICK WITH FLUSH, COLOUR MATCHED MORTAR (2 VARIETIES OF BRICK - A/B)
- ③ PRE-CAST RECONSTITUTED STONE HORIZONTAL STRINGER/COPING - MID-TONE COLOUR AS BRICK TYPE B
- ④ DARK VERTICAL TEXTURED METAL PANELS (PPC WARM GREY BESPOKE RAL COLOUR TBC)
- ⑤ 60MM FLAT BAR METAL BALUSTRADE: PPC BESPOKE RAL COLOUR TBC, 100MM MAX. VERTICAL CENTRES
- ⑥ HIGH LEVEL VENTS (GLAZING/LOUVRES)
- ⑦ COMPOSITE WINDOW/DOOR SYSTEM, OUTER FRAME COLOUR WARM MID-GREY, BESPOKE RAL COLOUR TBC
- ⑧ COLOURED GLAZED BRICK TO MAIN ENTRANCES, COLOUR, BOND AND MORTAR COLOUR TBC
- ⑨ METAL RAINWATER GOODS, SQUARE SECTION; PPC FINISH; BESPOKE RAL COLOUR TBC
- ⑩ BRICK RECESS, VERTICAL STACK BOND WITH COLOUR MATCHED MORTAR
- ⑪ GLAZED CURTAIN WALLING ASSEMBLY, INCLUDING POWERED GLAZED ENTRANCE DOOR, OUTER FRAME COLOUR WARM MID-GREY, BESPOKE RAL COLOUR TBC
- ⑫ 60MM FLAT BAR METAL ROOF PROTECTION RAIL (SETBACK 1m); PPC FINISH; BESPOKE RAL COLOUR TBC.

① BRICK TYPE A - grey-beige-anthrax, textured brick; variation in colour colour matched mortar
 ② BRICK TYPE B - brown-grey-beige, textured brick; variation in colour, colour matched mortar

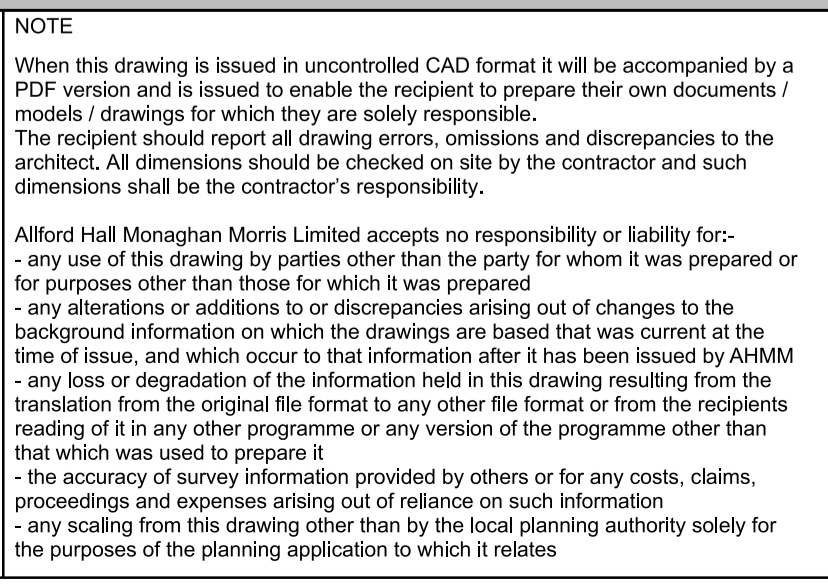
PLANNING ISSUE

Revision: P11 | 06.10.21 | PLANNING ISSUE
 Revision: P10 | 09.07.21 | PLANNING ISSUE

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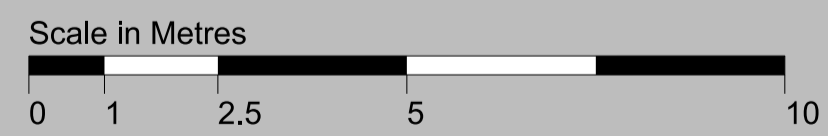
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job title
**CARDIFF COMMUNITY LIVING
 CANTON COMMUNITY CENTRE**
 drawing title / location
PROPOSED ELEVATION 1

drawn by	checked	scale	status
LC	IW	1:100@A1; 1:200@A3	FOR PLANNING
project	zone	source classification	drawing no. revision
20017	C	A (00)_210	P11



- KEY**
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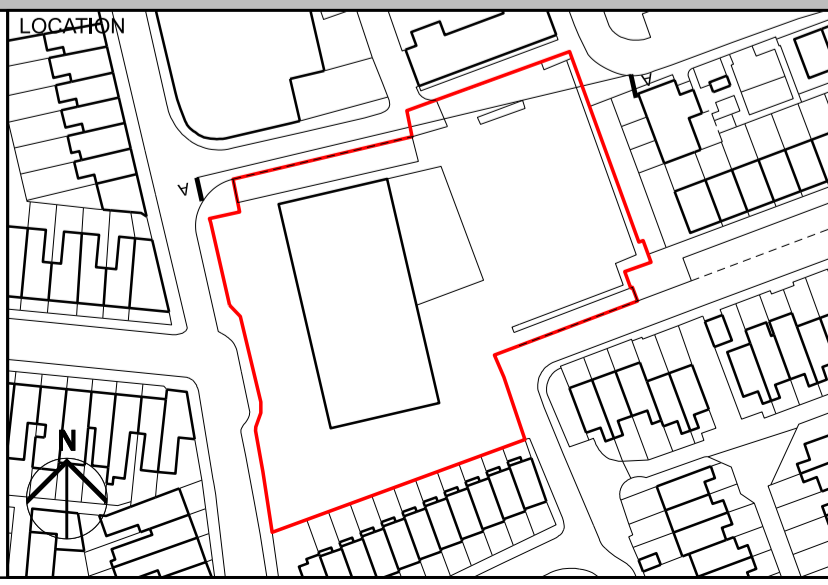
PLANNING ISSUE

Revision: P11 | 06.10.21 | PLANNING ISSUE
 Revision: P10 | 09.07.21 | PLANNING ISSUE

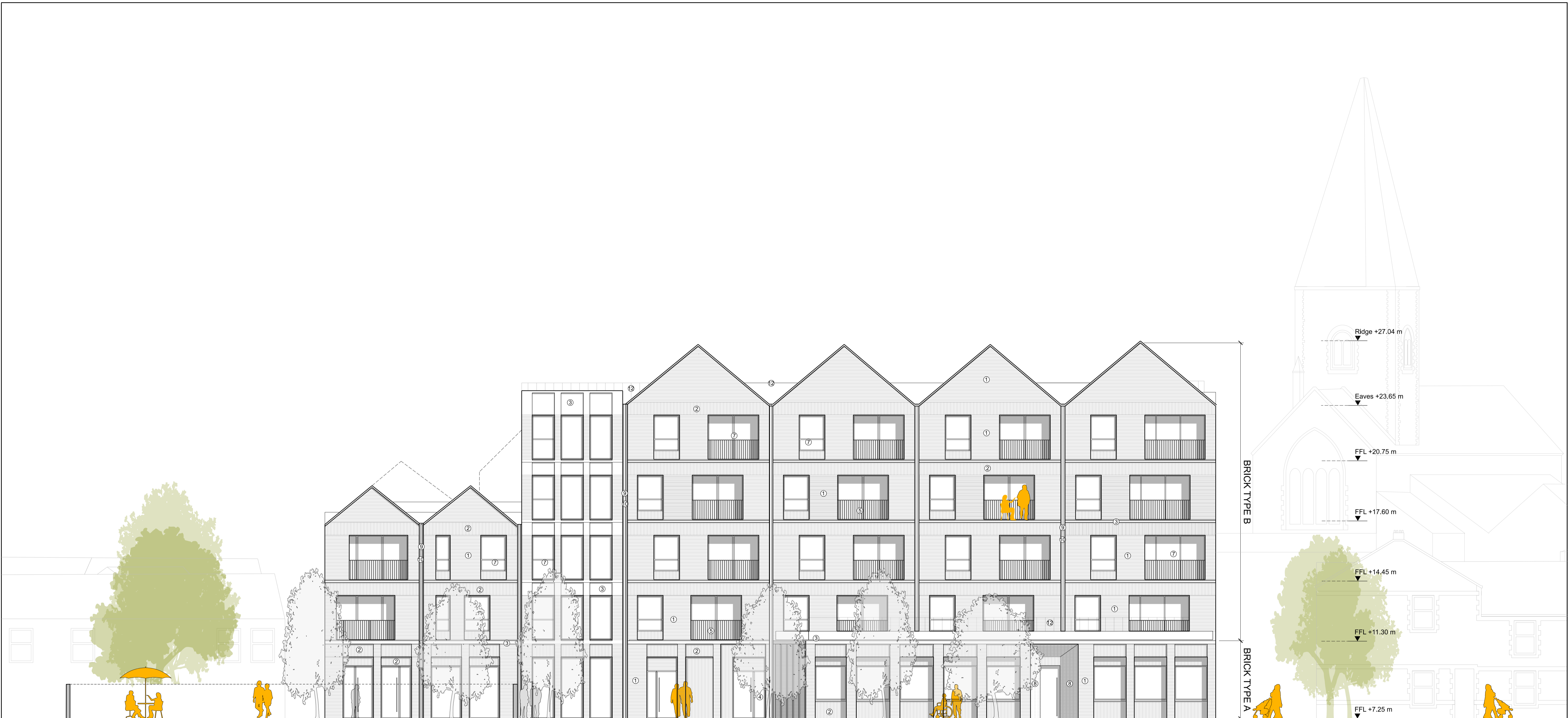
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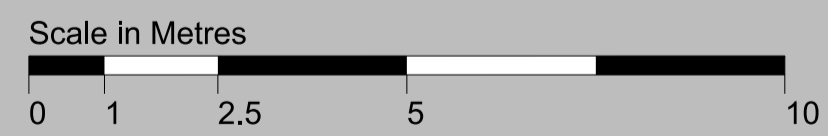
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job title CARDIFF COMMUNITY LIVING CANTON COMMUNITY CENTRE			
drawing title / location PROPOSED ELEVATION 2			
drawn by LL	checked IW	scale 1:100@A1; 1:200@A3	status FOR PLANNING
project 20017	zone C	source classification A	drawing no. revision (00)_211 P11



1-11 PHILIP ST

CANTON SITE

HENRY STREET



- KEY**
- ① STRETCHER BOND BRICKWORK WITH FLUSH, COLOUR MATCHED MORTAR (2 VARIETIES OF BRICK - A/B)
 - ② VERTICAL STACK BOND BRICK WITH FLUSH, COLOUR MATCHED MORTAR (2 VARIETIES OF BRICK - A/B)
 - ③ PRE-CAST RECONSTITUTED STONE HORIZONTAL STRINGER/COPING - MID-TONE COLOUR AS BRICK TYPE B
 - ④ DARK VERTICAL TEXTURED METAL PANELS (PPC WARM GREY BESPOKE RAL COLOUR TBC)
 - ⑤ 60MM FLAT BAR METAL BALUSTRADE; PPC BESPOKE RAL COLOUR TBC. 100MM MAX. VERTICAL CENTRES
 - ⑥ HIGH LEVEL VENTS (GLAZING/LOUVRES)
 - ⑦ COMPOSITE WINDOW/DOOR SYSTEM. OUTER FRAME COLOUR WARM MID-GREY. BESPOKE RAL COLOUR TBC
 - ⑧ COLOURED GLAZED BRICK TO MAIN ENTRANCES. COLOUR, BOND AND MORTAR COLOUR TBC
 - ⑨ METAL RAINWATER GOODS. SQUARE SECTION; PPC FINISH; BESPOKE RAL COLOUR TBC
 - ⑩ BRICK RECESS. VERTICAL STACK BOND WITH COLOUR MATCHED MORTAR
 - ⑪ GLAZED CURTAIN WALLING ASSEMBLY. INCLUDING POWERED GLAZED ENTRANCE DOOR. OUTER FRAME COLOUR WARM MID-GREY. BESPOKE RAL COLOUR TBC
 - ⑫ 60MM FLAT BAR METAL ROOF PROTECTION RAIL (SETBACK 1m); PPC FINISH; BESPOKE RAL COLOUR TBC.

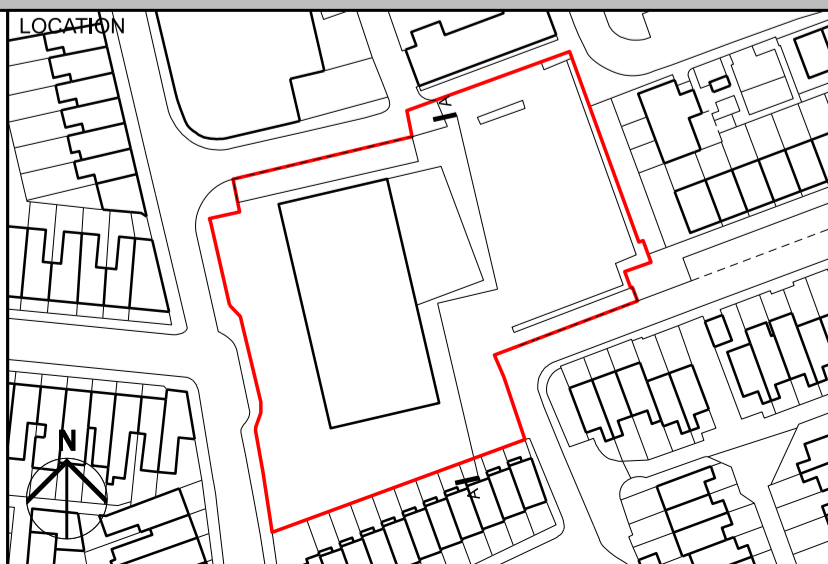
PLANNING ISSUE

Revision: P11 | 06.10.21 | PLANNING ISSUE
 Revision: P10 | 09.07.21 | PLANNING ISSUE

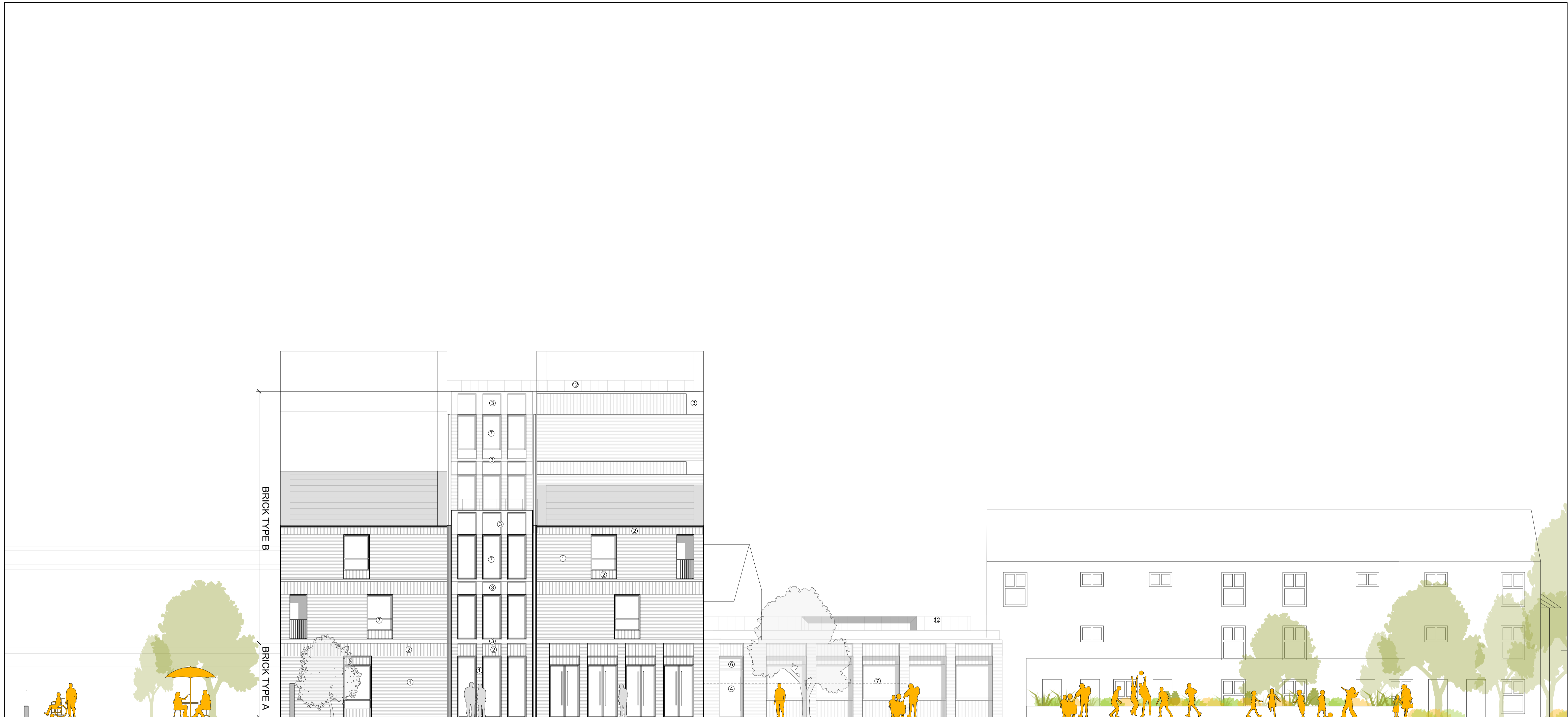
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job title CARDIFF COMMUNITY LIVING CANTON COMMUNITY CENTRE			
drawing title / location PROPOSED ELEVATION 3			
drawn by LL	checked IW	scale 1:100@A1; 1:200@A3	status FOR PLANNING
project 20017	zone C	source classification A	drawing no. revision (00)_212 P11



BRICK TYPE B
BRICK TYPE A

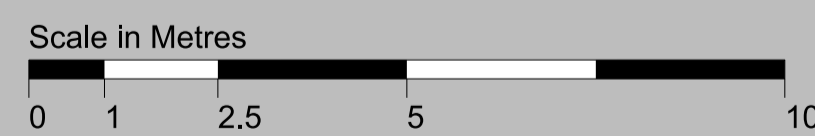
PROPOSED LANDSCAPING

RESIDENTIAL BUILDING

COMMUNITY CENTRE

MULTI USE GAMES AREA AND PROPOSED LANDSCAPING

CANTON SITE



- KEY**
- ① STRETCHER BOND BRICKWORK WITH FLUSH, COLOUR MATCHED MORTAR (2 VARIETIES OF BRICK - A/B)
 - ② VERTICAL STACK BOND BRICK WITH FLUSH, COLOUR MATCHED MORTAR (2 VARIETIES OF BRICK - A/B)
 - ③ PRE-CAST RECONSTITUTED STONE HORIZONTAL STRINGER/COPING - MID-TONE COLOUR AS BRICK TYPE B
 - ④ DARK VERTICAL TEXTURED METAL PANELS (PPC WARM GREY BESPOKE RAL COLOUR TBC)
 - ⑤ 60MM FLAT BAR METAL BALUSTRADE; PPC BESPOKE RAL COLOUR TBC. 100MM MAX. VERTICAL CENTRES
 - ⑥ HIGH LEVEL VENTS (GLAZING/LOUVRES)
 - ⑦ COMPOSITE WINDOW/DOOR SYSTEM. OUTER FRAME COLOUR WARM MID-GREY. BESPOKE RAL COLOUR TBC
 - ⑧ COLOURED GLAZED BRICK TO MAIN ENTRANCES. COLOUR, BOND AND MORTAR COLOUR TBC
 - ⑨ METAL RAINWATER GOODS. SQUARE SECTION; PPC FINISH; BESPOKE RAL COLOUR TBC
 - ⑩ BRICK RECESS. VERTICAL STACK BOND WITH COLOUR MATCHED MORTAR
 - ⑪ GLAZED CURTAIN WALLING ASSEMBLY. INCLUDING POWERED GLAZED ENTRANCE DOOR. OUTER FRAME COLOUR WARM MID-GREY. BESPOKE RAL COLOUR TBC
 - ⑫ 60MM FLAT BAR METAL ROOF PROTECTION RAIL (SETBACK 1m); PPC FINISH; BESPOKE RAL COLOUR TBC.

- Ⓐ BRICK TYPE A - grey-beige-anthrax, textured brick; variation in colour colour matched mortar
- Ⓑ BRICK TYPE B - brown-grey-beige, textured brick; variation in colour, colour matched mortar

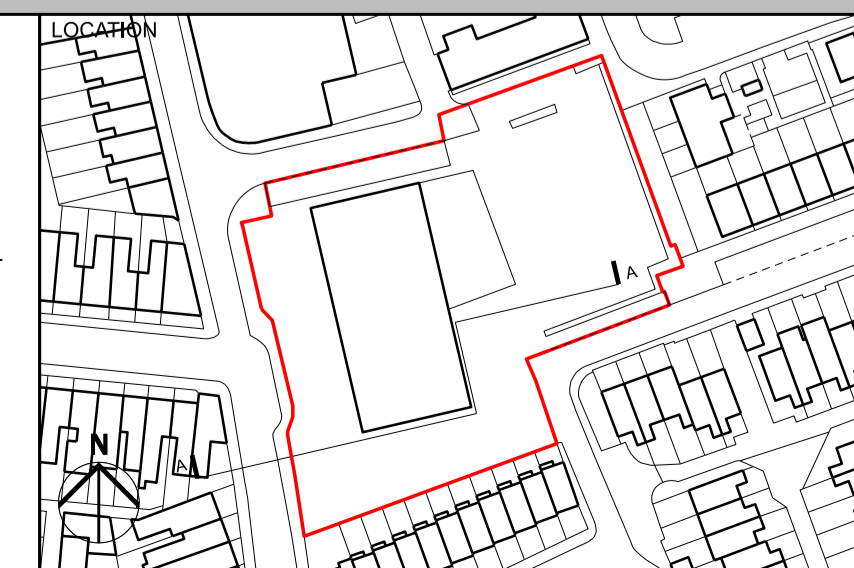
PLANNING ISSUE

Revision: P11 | 06.10.21 | PLANNING ISSUE
Revision: P10 | 09.07.21 | PLANNING ISSUE

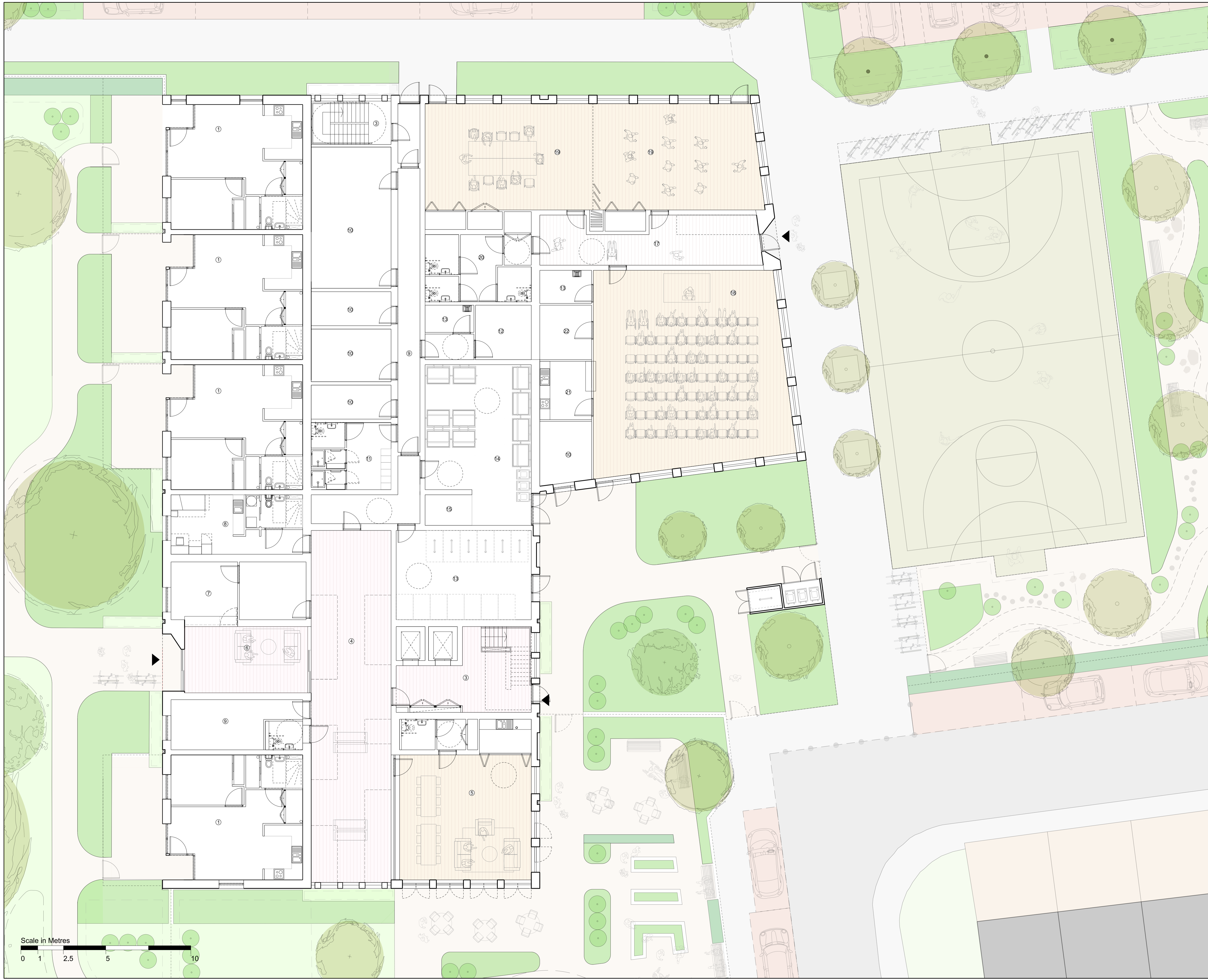
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job title CARDIFF COMMUNITY LIVING CANTON COMMUNITY CENTRE					
drawing title / location PROPOSED ELEVATION 4					
drawn by LL	checked IW	scale 1:100@A1; 1:200@A3	status FOR PLANNING		
project 20017	zone C	source A	classification (00)_213	drawing no. P11	revision



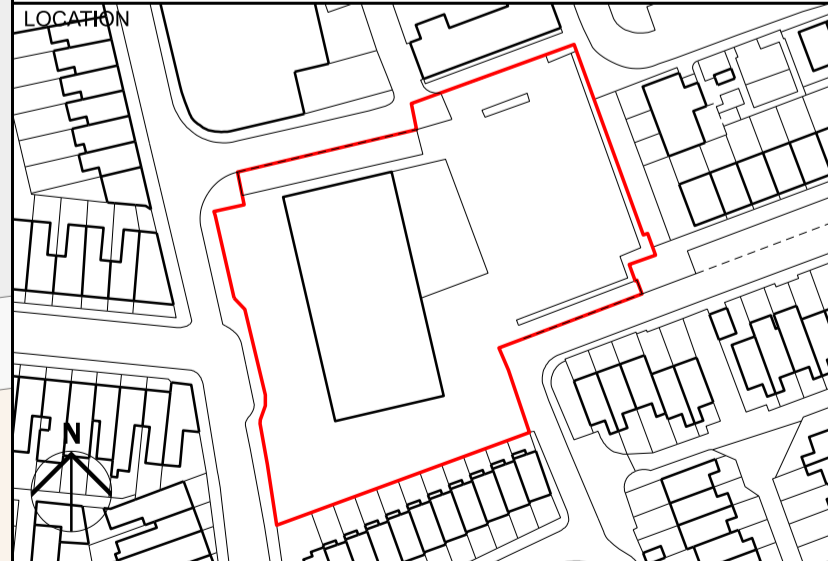
- KEY**
- ① 1B UNIT
 - ② 2B UNIT
 - ③ RESIDENTIAL STAIR/LIFT CORE
 - ④ ATRIUM
 - ⑤ RESIDENT'S LOUNGE
 - ⑥ DOUBLE HEIGHT ENTRANCE LOBBY
 - ⑦ RECEPTION & OFFICE
 - ⑧ GUEST SUITE
 - ⑨ MEDICAL SUITE
 - ⑩ BACK OF HOUSE/PLANT
 - ⑪ STAFF CHANGING
 - ⑫ LAUNDRY
 - ⑬ CLEANER
 - ⑭ CYCLE STORE
 - ⑮ REFUSE & RECYCLING
 - ⑯ BULK WASTE STORE
 - ⑰ COMMUNITY CENTRE LOBBY & BUGGY STORE AREA
 - ⑱ MAIN HALL
 - ⑲ MULTI-PURPOSE SPACE
 - ⑳ ACCESSIBLE WCS
 - ㉑ KITCHEN
 - ㉒ STORE

PLANNING ISSUE

Revision: P13 | 06.10.21 | PLANNING ISSUE
 Revision: P12 | 15.07.21 | PLANNING ISSUE
 Revision: P11 | 14.07.21 | PLANNING ISSUE
 Revision: P10 | 09.07.21 | PLANNING ISSUE

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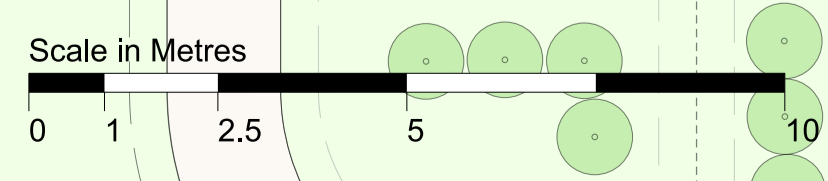
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job title
RIVERSIDE COMMUNITY LIVING & COMMUNITY BUILDING
 ON THE FORMER CANTON/ RIVERSIDE COMMUNITY HALL
 drawing title / location
PROPOSED GROUND FLOOR PLAN

drawn by	checked	scale	status		
LL	IW	1:100@A1; 1:200@A3	FOR PLANNING		
project	zone	source	classification	drawing no.	revision
20017	C	A	(00)_110	P13	





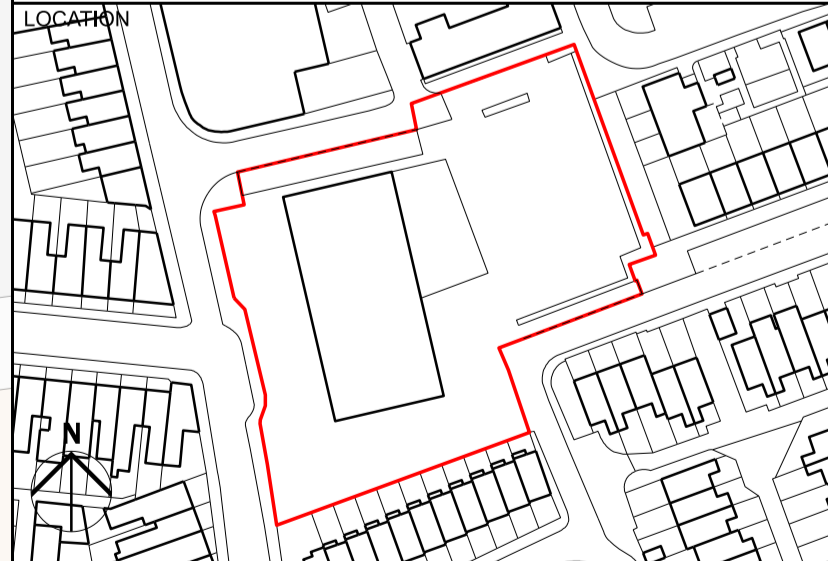
- KEY**
- ① 1B UNIT
 - ② 2B UNIT
 - ③ RESIDENTIAL STAIR / LIFT CORE
 - ④ ATRIUM
 - ⑤ RESIDENT'S MEZZANINE LOUNGE
 - ⑥ BIODIVERSITY ROOF & ROOFLIGHT LANTERN

PLANNING ISSUE

Revision: P13 | 06.10.21 | PLANNING ISSUE
 Revision: P12 | 15.07.21 | PLANNING ISSUE
 Revision: P11 | 14.07.21 | PLANNING ISSUE
 Revision: P10 | 09.07.21 | PLANNING ISSUE

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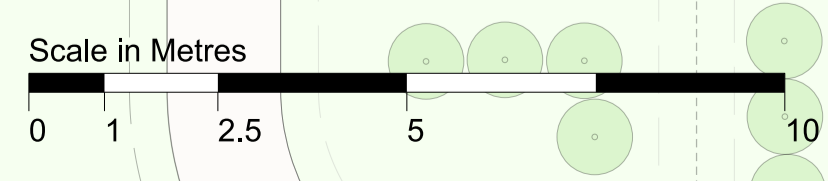
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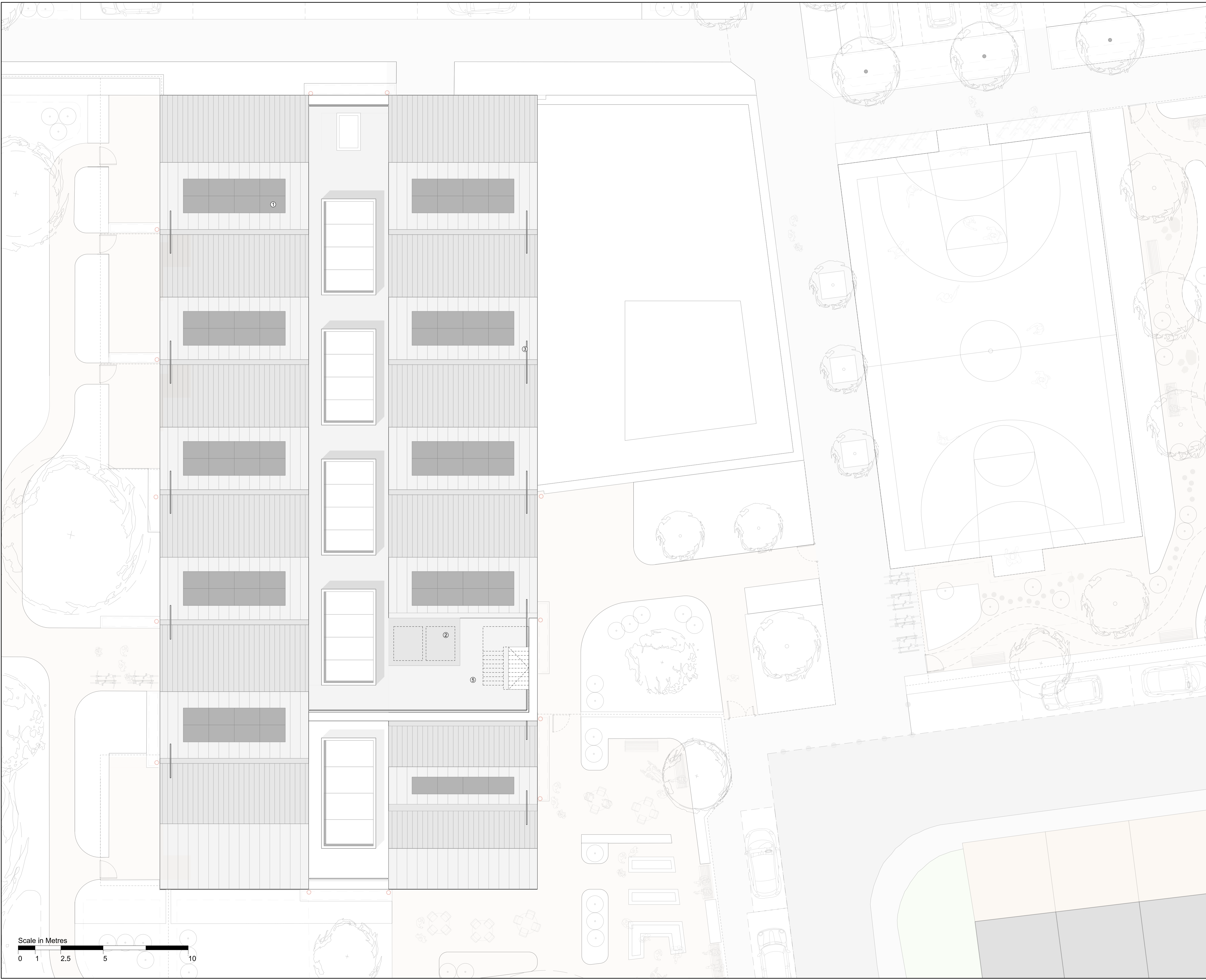


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job title
RIVERSIDE COMMUNITY LIVING & COMMUNITY BUILDING
 ON THE FORMER CANTON/ RIVERSIDE COMMUNITY HALL
 drawing title / location
PROPOSED THIRD FLOOR

drawn by	checked	scale	status		
LL	IW	1:100@A1; 1:200@A3	FOR PLANNING		
project	zone	source	classification	drawing no.	revision
20017	C	A	(00)_113	P13	





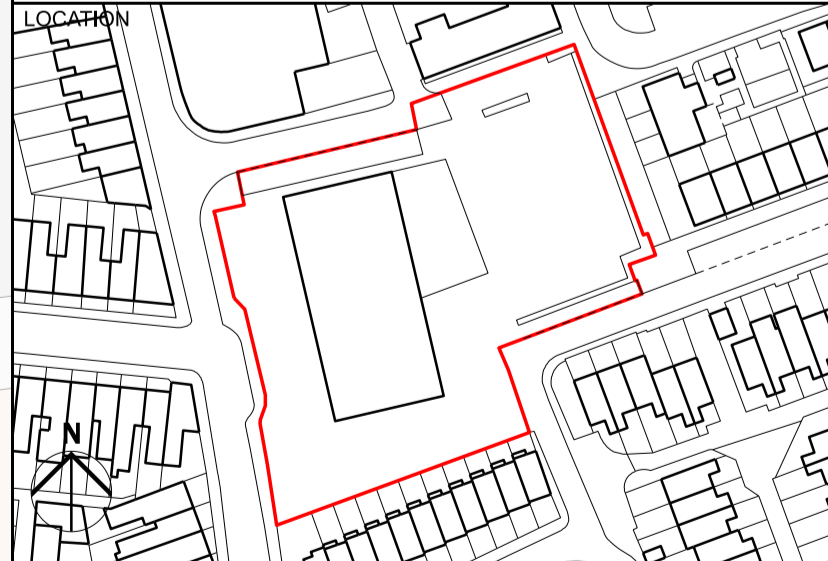
- KEY**
- ① PHOTOVOLTAIC PANELS
 - ② LIFT OVERRUN
 - ③ BALUSTRADE
 - ④ ATRIUM
 - ⑤ STAIR CORE

PLANNING ISSUE

Revision: P13 | 06.10.21 | PLANNING ISSUE
 Revision: P12 | 15.07.21 | PLANNING ISSUE
 Revision: P11 | 14.07.21 | PLANNING ISSUE
 Revision: P10 | 09.07.21 | PLANNING ISSUE

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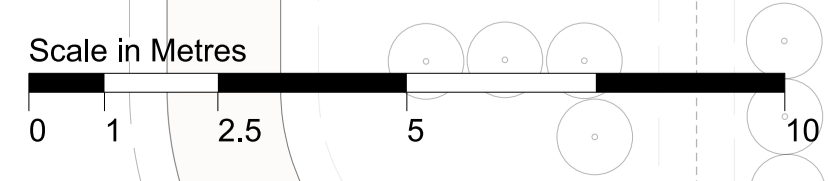
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job title
**RIVERSIDE COMMUNITY LIVING & COMMUNITY BUILDING
 ON THE FORMER CANTON/ RIVERSIDE COMMUNITY HALL**
 drawing title / location
PROPOSED ROOF PLAN

drawn by	checked	scale	status		
LL	IW	1:100@A1; 1:200@A3	FOR PLANNING		
project	zone	source	classification	drawing no.	revision
20017	C	A	(00)_115	P13	



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LOCAL MEMBER OBJECTION

COMMITTEE DATE: 15/12/2021

APPLICATION No. **20/01882/MJR** APPLICATION DATE: 23/09/2020ED: **LLANDAFF**

APP: TYPE: Full Planning Permission

APPLICANT: Windrush (Llandaff) Ltd
 LOCATION: WINDRUSH, 58 PWLLMELIN ROAD, LLANDAFF, CARDIFF,
 CF5 2NL

PROPOSAL: DEMOLITION OF EXISTING DWELLING HOUSE AND
 REPLACEMENT WITH 23 SELF CONTAINED RESIDENTIAL
 APARTMENTS, CONTAINED WITHIN FOUR SEPARATE
 BLOCKS, WITH LANDSCAPING, ACCESS, PARKING AND
 ASSOCIATE INFRASTRUCTURE

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 5.6, 5.10 and 5.14 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:
 - A002 Rev B – Proposed site plan.
 - A003 Rev A – Proposed site elevations.
 - A004 Rev B – Proposed floor plans: Block A.
 - A005 Rev A – Proposed elevations: Block A.
 - A006 Rev B – Proposed floor plans: Block B.
 - A007 Rev A – Proposed elevations: Block B.
 - A008 Rev B – Proposed floor plans: Block C.
 - A009 Rev A – Proposed elevations: Block C.
 - A010 Rev B – Proposed floor plans: Block D.
 - A011 Rev A – Proposed elevations: Block D.
 - A012 Rev C – Proposed landscape plan.
 - 013 – Demolition plan.

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. No development shall commence, including any works of demolition, until a scheme of demolition and construction management has been submitted to, and approved in writing by, the local planning authority. The approved scheme shall be adhered to throughout the demolition and construction periods. The scheme shall provide for:
- i) the mitigation of demolition and construction noise and vibration;
 - ii) a noise management plan;
 - iii) measures to control the emission of dust and dirt during demolition and construction;
 - iv) wheel washing facilities;
 - v) the parking of vehicles of site operatives and visitors;
 - vi) loading and unloading of plant and materials;
 - vii) storage of plant and materials used in constructing the development; and
 - viii) a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In the interests of highway safety and public amenity, in accordance with policies T5, T6 and EN13 of the Cardiff Local Development Plan.

4. 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.

5. 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.

6. Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported material is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason: To ensure that the safety of future occupiers is not prejudiced, in accordance with policy EN13 of the Cardiff Local Development Plan.

7. 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.

8. All habitable rooms must achieve an internal noise level, in relation to road traffic noise, of 35 dBA 16 hour during the day [07.00 to 23.00 hours], and 30 dBA Leq 8 hour at night [23.00 to 07.00 hours]. In addition, 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].

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 appropriate sound insulation and ventilation measures have been installed in that room.

Reason: To ensure that the amenities of future occupiers are protected, in accordance with policy EN13 of the Cardiff Local Development Plan.

9. All habitable rooms exposed to external railway noise in excess of 66 dBA Leq 16 hour (free field) during the day (07.00 to 23.00 hours) or 59 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. 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 appropriate sound insulation and ventilation measures have been installed in that room.

Reason: To ensure that the amenities of future occupiers are protected, in accordance with policy EN13 of the Cardiff Local Development Plan.

10. The buildings shall be designed and constructed so as to ensure that vibration dose values do not exceed 0.4m/s^{1.75} between 07.00 and 23.00 hours, and 0.26m/s^{1.75} between 23.00 and 07.00 hours, as calculated in accordance with BS 6472:1992, entitled "Guide to Evaluation of Human Exposure to Vibration in Buildings", [1Hz to 80Hz].
Reason: To ensure that the amenities of future occupiers are protected, in accordance with policy EN13 of the Cardiff Local Development Plan.

11. The noise emitted from fixed plant and equipment on the site shall achieve a rating noise level of background – (minus) 10 dB 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 future occupiers are protected, in accordance with policy EN13 of the Cardiff Local Development Plan.

12. Prior to the commencement of development, a landscaping scheme comprising:

- A soft landscaping implementation programme.
- Scaled planting plans prepared by a qualified landscape architect.
- Evidence to demonstrate that existing and proposed services, lighting, CCTV, drainage and visibility splays will not conflict with proposed planting.
- Schedules of plant species, sizes, numbers and densities prepared by a qualified landscape architect.
- Scaled tree pit sectional and plan drawings prepared by a qualified landscape architect that show the Root Available Soil Volume (RASV) for each tree.
- Topsoil and subsoil specification for all planting types, including full details of soil assessment in accordance with the Cardiff Council Soils and Development Technical Guidance Note (i.e. Soil Resource Survey and Plan), soil protection, soil stripping, soil storage, soil handling, soil amelioration, soil remediation and soil placement to ensure it is fit for purpose. Where imported planting soils are proposed, full specification details shall be provided including the parameters for all imported planting soils, a soil scientists interpretive report demonstrating that the planting soil not only meets British Standards, but is suitable for the specific landscape type(s) proposed. The specification shall be supported by a methodology for storage, handling, amelioration and placement.
- Planting methodology and post-planting aftercare methodology prepared by a qualified landscape architect, including full details of how the landscape architect will oversee landscaping implementation and report to the LPA to confirm compliance with the approved plans and specifications.

shall be submitted to and approved in writing by the Local Planning Authority and upon approval shall be carried out in accordance with the approved implementation programme.

Reason: To maintain and improve the appearance of the area in the interests of visual amenity and to mitigate against/adapt to the effects of climate change, in accordance with policies KP5 and KP15 of the Cardiff Local Development Plan.

13. Any trees, plants, or hedgerows included in the landscaping scheme required by condition 12 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 appearance of the area in the

interests of visual amenity, in accordance with policies KP5 and EN8 of the Cardiff Local Development Plan.

14. Notwithstanding the details of cycle parking shown on the approved plans, the development shall not be occupied until facilities for the secure storage of cycles at a rate of at least one cycle space per bedroom have been provided in accordance with details to be submitted to and approved in writing by the local planning authority and the approved 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.
15. The proposed car parking and manoeuvring areas shall be laid out in accordance with the approved details before the development is brought into beneficial use and shall be thereafter maintained and retained at all times for those purposes in association with the development, and the car parking and manoeuvring areas shown on the approved plans shall not be increased in size at any time.
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, and to ensure that excessive car parking provision is not provided at the site, in accordance with policy T5 of the Cardiff Local Development Plan and the requirements of Cardiff Supplementary Planning Guidance "Managing Transportation Impacts (Incorporating Parking Standards)" (April 2018).
16. Development shall not commence until details of suitable street lighting and carriageway surfacing for the adopted highway and details of the design of the junction, including an uncontrolled pedestrian crossing facility, have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the beneficial occupation of the development..
Reason: In the interests of highway safety, in accordance with policy T5 of the Cardiff Local Development Plan.
17. No removal of trees, shrubs, bushes or hedgerows shall take place between 1st February and 15th August unless it has been demonstrated to the Local Planning Authority that there are no birds nesting in this vegetation immediately (48 hrs) before works commence.
Reason: To avoid disturbance to nesting birds, in accordance with policy EN7 of the Cardiff Local Development Plan.
18. Before the development hereby approved is brought into beneficial use, details of provisions to be made for the installation / incorporation of bat roosting and bird nesting boxes in suitable locations on the buildings and in any suitable trees within the site, in accordance with the recommendations in section 6 of the David Clements Ecology Ltd 'Windrush, Llandaff: Ecological Assessment: v.2 : August 2020' shall be

submitted to and approved in writing by the Local Planning Authority and the approved items shall be installed within a timescale agreed by the Local Planning Authority and thereafter retained.

Reason: In the interests of biodiversity enhancement, in accordance with paragraph 6.4.5 of Planning Policy Wales (Edition 11 – February 2021).

19. Prior to the commencement of development a survey shall be carried out to assess the potential impact of the development on reptiles. The survey shall be carried out in accordance with a methodology which shall have been submitted to and approved in writing by the Local Planning Authority. If the results of the survey show that reptiles are present on the site, prior to the commencement of development a Method Statement setting out an exclusion, trapping and translocation exercise to ensure that reptiles on site are not harmed during site clearance shall be submitted to and approved in writing by the Local Planning Authority. This shall be undertaken by suitably qualified consultant ecologists, using recognised best-practice techniques, at an appropriate time of year, such that reasonable effort to avoid harm to these species can be demonstrated. The Method Statement shall specify monitoring and habitat management measures on the receptor site for a minimum of three years after translocation, together with intervention measures if the monitoring reveals that the translocation has not been successful.

Reason: In the interests of biodiversity and the protection of a UK Protected Species, in accordance with policy EN7 of the Cardiff Local Development Plan.

20. Prior to the commencement of demolition of any existing buildings on the site, flight surveys for bats to determine if mitigation is necessary for these species shall be carried out in accordance with a methodology which shall have been submitted to and approved in writing by the Local Planning Authority. If the results of the survey show that bats are present on the site, a strategy for the mitigation of the impact of the development on bats shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place other than in accordance with the approved mitigation strategy.

Reason: To ensure the protection of European Protected Species, in accordance with policies KP16 and EN7 of the Cardiff Local Development Plan.

21. Any retained trees and wildlife habitats shall be protected during demolition and construction works in accordance with the recommendations set out in section 6 of the David Clements Ecology Ltd 'Windrush, Llandaff: Ecological Assessment: v.2 : August 2020'.

Reason: In the interests of biodiversity, in accordance with policy EN7 of the Cardiff Local Development Plan.

22. Before the installation of any lighting associated with the development, including that associated with the construction phase, a scheme of lighting shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed in liaison with an

ecologist and shall follow best practice guidance set out by BCT (2018) to ensure that no additional lighting of the adjacent woodland habitat will occur and that bat mitigation and flight lines are protected from light spill. The approved scheme shall be implemented before the development is occupied and maintained thereafter.

Reason: To avoid disturbance to nocturnal species such as bats, in the interests of biodiversity and the protection of European Protected Species, in accordance with policies KP16, EN6 and EN7 of the Cardiff Local Development Plan.

23. Prior to beneficial occupation of the development hereby approved, a plan indicating the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the local planning authority. Any new fencing installed within the new development shall have 13cm by 13cm squares cut out of the base or a continuous 13cm tall gap running along the bottom of the fence to allow the passage of hedgehogs and other small mammals. The boundary treatment shall be completed as approved before the buildings are occupied and retained thereafter,

Reason: In the interests of visual and residential amenity and biodiversity, in accordance with policies KP5 and EN6 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 applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com The applicant is also advised that some public sewers and lateral drains may not be recorded on 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. The presence of such assets may affect the proposal. In order to assist in dealing with the proposal the applicant may contact Dwr

Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

RECOMMENDATION 4: Since January 7th 2019, all new developments of more than 1 house, or where the construction area is 100 square metres or more, require sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by the Welsh Ministers.

These systems must be approved by the local authority acting in its SuDS Approving Body (SAB) role before construction work begins. The SAB will have a duty to adopt compliant systems so long as they are built and function in accordance with the approved proposals, including any SAB conditions of approval.

It is recommended that the developer engage in consultation with the Cardiff Council SAB team as the determining SuDS Approval Body (SAB) in relation to their proposals for SuDS features. To arrange discussion regarding this please contact SAB@cardiff.gov.uk

Further information is available on the Council's website:

<https://www.cardiff.gov.uk/ENG/resident/planning-and-suds/suds-approval-body/>

The legislation set by Welsh Government can be reviewed at:

<https://gweddi.gov.wales/topics/environmentcountryside/epq/flooding/drainage/>

RECOMMENDATION 5: The applicant is advised that the owners/developers of all new residential units are required to purchase the bin provision required for each unit. Each block will require the following for recycling and waste collections:

- 1 x 660 litre bin for general waste
- 1 x 660 litre bin for mixed recycling (equivalent to 140 litres)
- 1 x 240 litre bin for food waste
- 1 x 240 litre bin for garden waste (if needed).

The bins have to meet the Council's specifications. Individual 140 litre/240 litre wheeled bins can be purchased via waste Connect to Cardiff at (029) 2087 2087. Bulk supply of individual bins, or 660litre/1100 litre wheeled bins should be ordered via the bin order form located at www.cardiff.gov.uk/wasteplanning.

As bulk containers are specified for this development, access paths to the kerbside for collection should be at least 1.5 metres wide, clear of obstruction, of a smooth surface with no steps. Dropped kerbs should also be provided to ensure safe handling of bulk bins to the collection vehicle. Further information regarding waste/recycling and the types of bins required is available in the Supplementary Planning Guidance "Waste Collection and Storage Facilities", which can be found on the Council's website.

RECOMMENDATION 6: The developer is advised that, as mentioned in section 3.11 of the Waste Collection and Storage Facilities Supplementary Planning Guidance, it is considered best practice to have a Site Waste Management Plan for demolition projects. Materials should be reused and recycled as much as possible.

RECOMMENDATION 7: In the interests of security it is recommended that:

- a) The entrance doors into the apartment blocks and all vulnerable windows should meet the SBD standard PAS24 2016 or equivalent and preferably be third party tested and certificated. Vulnerable windows should have window locks fitted, preferably ones that are key operated. The individual apartment external doors should also meet the same standards. Glass fitted in or adjacent to door panels should be laminated. Doors in recesses of more than 600 mm deep should be avoided.
- b) Access into apartment blocks should be controlled by access control with audio and visual verification fitted if there are 4 or more apartments using a communal entrance.
- c) Utility meters should be located to the outside and front of the apartment blocks.
- d) The site, especially the vehicle parking bays, cycle stores and bin stores, should be lit during the hours of darkness. Lighting should be controlled by photo electric cells or time switches.
- e) The side and rear of the apartment blocks and communal areas should be protected by walls/fencing at least 1.8 metres high which should be robust and designed to be difficult to climb over.

Please visit the website www.securedbydesign.com for more information.

RECOMMENDATION 8: No work should be carried out on the development site that may endanger the safe operation of the railway or stability of the railway structures and adjoining land. In view of the close proximity of these proposed works to the railway boundary, prior to any works beginning on site the applicant will need to engage with AIW Asset Protection so that AIW are able to determine the interface with any assets, buried or otherwise and by entering into a Basis Asset Protection Agreement. The applicant should make contact a minimum of 3 months prior to works starting. Initially the outside party should contact CVLAssetProtection@tfwrail.wales .

RECOMMENDATION 9: To encourage the use of Ultra Low Emission Vehicles (ULEVs), the developer is advised to include ULEV charging points as part of the development.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 The application is for full planning permission for the demolition of a bungalow and associated outbuildings and the construction of 4 no. blocks of apartments containing a total of 23 one and two bedroom units. Block A will be 2 storeys in height, block B 3 storeys and blocks C and D 4 storeys. All the blocks have a broadly rectangular footprint.
- 1.2 Block A, located at the southern end of the site, around 25m from the access

onto Pwllmelin Road, will contain 2 no. one bedroom and 2 no. two bedroom flats. The building will have a flat, 'green' roof to a height of around 6.5m and will be finished in grey brick with darker brick feature panels, with louvres covering the first floor windows in the east elevation (which serve non-habitable rooms). The area between Pwllmelin Road and Block A will accommodate 4 car parking spaces, a bin store and an a small area of soft landscape.

- 1.3 Block B, further to the north and separated from Block A by a 5-space car park and a bin store, with soft landscaping to the margins, would contain 5 no. two bedroom flats, with the second floor taken up by a single apartment. The third storey will be stepped in from the outer edges of the building, providing the second floor apartment with a roof terrace, and will be finished in contrasting material (zinc cladding), with the lower two storeys finished in grey brick to match Block A. Block B will also have a flat, 'green' roof and, as with Block A, all windows in the east elevation above ground floor level will have external louvres.
- 1.4 Blocks C and D are of the same general design as B but are 4 storeys in height. Both would contain 7 no. two bedroom flats.
- 1.5 Each flat will have access to private outdoor amenity space in the form of a balcony and/or optional conservatory, the latter comprising a fully glazed 'external room'.
- 1.6 The development would be accessed via a spine road running south to north from Pwllmelin Road along the eastern boundary of the site and a total of 24 car parking spaces would be provided in separate areas to the south of each block and alongside the spine road. Cycle storage would be in the form of covered bike racks located adjacent to the car parking areas.

2. **DESCRIPTION OF SITE**

- 2.1 The site comprises the overgrown curtilage of a disused dwelling and has a frontage onto Pwllmelin Road of approximately 15m, a maximum width of around 26m and is almost 190m long with a north/south alignment. The land slopes down from south to north, with the northernmost part of the site being around 3m lower than the south. A railway line runs through a cutting along the western boundary and there is a railway station (Fairwater) on the opposite side of Pwllmelin Road. The rear gardens of houses on The Chantry border the site to the east and the north eastern part of the site adjoins the playing fields of the Bishop of Llandaff School. Windrush (a large dormer style bungalow) and its associated outbuildings, are situated at the southern end of the site. The surrounding area is characterised by large detached houses of varying designs.

3. **SITE HISTORY**

- 3.1 18/00642/MNR - Proposed demolition of existing dormer bungalow and construction of 5 new detached houses (outline permission granted subject to S106 obligation - £143,318 for affordable housing).

- 3.2 99/00102/W – Demolition of existing dwelling and erection of four dwellings - renewal of planning permission no. 96/182W
- 3.3 96/00182/W - Demolition of existing dwelling and erection of four dwellings.
- 3.4 93/00684/W - Demolition of existing dwelling and erection of four dwellings.
- 3.5 89/02385/W - Demolition of existing dwelling and erection of four dwellings.
- 3.6 89/01439/W – Ten dwellings. Refused (inadequate visibility at junction; loss of trees; over intensive development – poor amenity standards; loss of privacy to adjacent occupiers).

4. **POLICY FRAMEWORK**

- 4.1 *Cardiff Local Development Plan 2006-2021:*
 KP5 (Good Quality and Sustainable Design);
 KP6 (New Infrastructure);
 KP7 (Planning Obligations);
 KP13 (Responding to Evidenced Social Needs);
 KP15 (Climate Change);
 KP16 (Green Infrastructure);
 H3 (Affordable Housing);
 EN6 (Ecological Networks and Features of Importance for Biodiversity);
 EN7 (Priority Habitats and Species);
 EN8 (Trees, Woodlands and Hedgerows);
 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:*
 Waste Collection and Storage Facilities (October 2016).
 Cardiff Residential Design Guide (January 2017).
 Planning Obligations (January 2017).
 Cardiff Infill Sites (November 2017).
 Green Infrastructure (November 2017).
 Managing Transportation Impacts (Incorporating Parking Standards) (2018).
- 4.3 *Planning Policy Wales (Edition 11 – February 2021):*
 2.2 All development decisions, either through development plans policy choices or individual development management decisions should seek to contribute towards the making of sustainable places and improved well-being
 3.4 Meeting the objectives of good design should be the aim of all those involved in the development process and applied to all development proposals, at all scales.
 3.6 Development proposals must address the issues of inclusivity and accessibility for all.
 3.7 Developments should seek to maximise energy efficiency and the efficient

use of other resources (including land), maximise sustainable movement, minimise the use of non-renewable resources, encourage decarbonisation and prevent the generation of waste and pollution.

3.8 Good design can help to ensure high environmental quality. Landscape and green infrastructure considerations are an integral part of the design process.

3.9 The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations.

3.11 Local authorities are under a legal obligation to consider the need to prevent and reduce crime and disorder in all decisions that they take.

3.12 Good design is about avoiding the creation of car-based developments. It contributes to minimising the need to travel and reliance on the car, whilst maximising opportunities for people to make sustainable and healthy travel choices for their daily journeys.

3.16 Planning authorities should through a process of negotiation seek to improve poor or average developments which are not well designed, do not take account of their context and consider their place, or do not meet the objectives of good design. Where this cannot be achieved proposals should be rejected. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions. If a decision maker considers that a planning application should not be approved because of design concerns they should ensure that these reasons are clearly articulated in their decision and justified with sufficient evidence.

3.21 The planning system must consider the impacts of new development on existing communities and maximise health protection and well-being and safeguard amenity.

3.23 Green infrastructure can be an effective means of enhancing health and well-being, through linking dwellings, workplaces and community facilities and providing high quality, accessible green spaces.

4.1.9 The Welsh Government is committed to reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport.

4.1.10 The planning system has a key role to play in reducing the need to travel and supporting sustainable transport, by facilitating developments which:

- are sited in the right locations, where they can be easily accessed by sustainable modes of travel and without the need for a car;
- are designed in a way which integrates them with existing land uses and neighbourhoods; and
- make it possible for all short journeys within and beyond the development to be easily made by walking and cycling.

4.1.32 Planning authorities must ensure new housing, jobs, shopping, leisure and services are highly accessible by walking and cycling.

4.1.35 New development must provide appropriate levels of secure, integrated, convenient and accessible cycle parking and changing facilities. As well as providing cycle parking near destinations, consideration must also be given to where people will leave their bike at home.

4.1.37 Planning authorities must direct development to locations most accessible by public transport. They should ensure that development sites which are well served by public transport are used for travel intensive uses, such as housing, jobs, shopping, leisure and services, reallocating their use if necessary.

4.1.40 To encourage the use of Ultra Low Emission Vehicles (ULEVs), the planning system should encourage and support the provision of ULEV charging points as part of new development.

4.1.50 A design-led approach to the provision of car parking should be taken, which ensures an appropriate level of car parking is integrated in a way which does not dominate the development. Parking provision should be informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport.

4.1.52 Parking standards should be applied flexibly and allow for the provision of lower levels of parking and the creation of high quality places.

4.2.22 Planning authorities will need to ensure that in development plans and through the development management process they make the most efficient use of land and buildings in their areas. Higher densities must be encouraged on sites in town centres and other sites which have good walking, cycling and public transport links.

4.2.23 Infill and windfall sites can make a useful contribution to the delivery of housing. Proposals for housing on infill and windfall sites within settlements should be supported where they accord with the national sustainable placemaking outcomes.

4.2.25 A community's need for affordable housing is a material planning consideration which must be taken into account in formulating development plan policies and determining relevant planning applications.

4.2.29 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.

4.2.31 Site specific targets are indicative affordable housing targets which should be established for each residential site and for each mixed-use site which includes a residential component. For sites which fall below the site threshold planning authorities may secure commuted sums using a Section 106 agreement. When setting the affordable housing thresholds and/or site-specific targets planning authorities must consider their impact on site viability to ensure residential sites remain deliverable.

5.12.9 Adequate facilities and space for the collection, composting and recycling of waste materials should be incorporated into the design and, where appropriate, layout of any development as well as waste prevention measures at the design, construction and demolition stage.

6.1.7 It is important that the planning system looks to protect, conserve and enhance the significance of historic assets. This will include consideration of the setting of an historic asset which might extend beyond its curtilage. Any change that impacts on an historic asset or its setting should be managed in a sensitive and sustainable way.

6.4.5 Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity.

6.7.24 The potential impacts of noise pollution arising from existing development, be this commercial, industrial, transport-related or cultural venues, must be fully considered to ensure the effects on new development can be adequately controlled to safeguard amenity and any necessary measures and controls

should be incorporated as part of the proposed new development

- 4.4 *Technical Advice Note 2 – Planning and Affordable Housing (2006).*
- 4.5 *Technical Advice Note 11 – Noise (1997).*
- 4.6 *Technical Advice Note 12 - Design (March 2016).*
- 4.7 *Technical Advice Note 18 – Transport (2007).*
- 4.8 *Building Better Places: The Planning System Delivering Resilient and Brighter Futures - Placemaking and the Covid-19 recovery (July 2020).*
- 4.9 *Future Wales- the National Plan 2040.*
It is considered that the proposed decision is in accordance with the 11 key outcomes to be achieved by the planning system as set out in 'Future Wales – The National Plan 2040'

5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 *Transportation:* Clarity in the location of the long-stay / resident cycle parking is required. It is assumed that the cycle facilities illustrated on the landscape plan (012), which do not appear to be covered, offer the visitor cycle parking option.
- 5.2 The site appears to offer access to a variety of vehicles - refuse, fire and private cars are illustrated. The extent of the carriageway access for refuse vehicles needs to be confirmed. Confirmation that the access road, or at least part, is to be adopted under S38, and the extent of the proposed adoption, is required. Within the adopted area the applicant should provide a minimum quality of access as outlined in the Technical Standards (covered by the Managing Transportation Impact SPG). The technical details state the minimum acceptable carriageway width and footway width. The proposed footway width of 1.8m is below the 2m minimum set out in the adopted technical details.
- 5.3 The materials would also need to be amended to remove paving from proposed turning points/heads along the road. The carriageway must be constructed to an adoptable standard.
- 5.4 A pedestrian crossing facility is offered in the TS and required to enable access to the south of Pwllmelin Road. S278 junction design will include the access to the site and the required pedestrian crossing. The junction and adopted area will include 2m pedestrian facilities.
- 5.5 Conditions are requested requiring the approval of the location and design of cycle parking facilities, maximum numbers of car parking spaces not to be exceeded, a construction management plan, details of suitable street lighting and carriageway surfacing for the adopted highway (for S38 highways approval) and details of the design of the junction, including an uncontrolled pedestrian crossing facility (for S278 highways approval).

- 5.6 A S106 financial contribution of up to **£5,000** will also be required, to pay for a Traffic Regulation Order to protect sight lines at the access junction and the pedestrian crossing facility.
- 5.7 *Pollution Control (Noise & Air)*: I am of the opinion that an acoustic report is required in order to establish the potential impacts of existing noise sources upon the development site. All habitable rooms must achieve an internal noise level of 35 dBA 16 hour during the day [07.00 to 23.00 hours], and 30 dBA Leq 8 hour at night [23.00 to 07.00 hours]. With regards to the railway vibration, due consideration must be given to the design and construction of the dwellings so as to ensure that vibration dose values do not exceed 0.4m/s^{1.75} between 07.00 and 23.00 hours, and 0.26m/s^{1.75} between 23.00 and 07.00 hours, as calculated in accordance with BS 6472:1992. In addition, the developer must submit a Demolition and Construction Management Plan.
- 5.8 *Pollution Control (Contaminated Land)*: In reviewing available records, the site has been identified as formerly residential. Contamination is not known at this site, however the potential for this cannot be ruled out. I would therefore advise the use of the 'unforeseen contamination' condition. 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. Standard conditions and recommendations are requested relating to unforeseen contamination, imported and site-won materials and contaminated/unstable land.
- 5.9 *Parks Development*: 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. On-site provision would not be expected for this development particularly with Fairwater Park and Pwllmelin Recreation Ground nearby therefore an off-site contribution is sought.
- 5.10 Based on the information provided on the number and type of units, I have calculated the additional population generated by the development to be 40.4. This generates an open space requirement of 0.098 ha of on-site open space based on the criteria set for Housing accommodation, or an off-site contribution of **£41,917**.
- 5.11 The use of S106 contribution from this development will need to satisfy CIL and the current distance requirements set out in the 2017 Planning Obligations SPG – play areas 600m (not applicable to student and sheltered accommodation), informal recreation 1000m, and formal recreation 1500m, measured from edge of the site. 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. Consultation will take place with Ward Members to agree use of the contribution, and this will be confirmed at S106 stage. The closest areas of recreational open space within 1km are:
- Llandaff Ward - Insole Court, Cathedral Green, Bridge Road River Walk,

Mathew Walk Open Space

- Fairwater Ward – Fairwater Park, Pwllmelin Recreation Ground and Fairwater Recreation Ground.

- 5.12 *Waste Strategy & Minimisation Officer:* The tracking details for the refuse vehicle have been noted and this is acceptable. Each block will require the following for recycling and waste collections: 1 x 660 litre bin for general waste; 1 x 660 litre bin for mixed recycling (equivalent to 140 litres); 1 x 240 litre bin for food waste; 1 x 240 litre bin for garden waste (if needed). Refuse storage, once implemented, must be retained for future use. The developer is advised, as bulk containers are specified for this development, access paths to the kerbside for collection should be at least 1.5 metres wide, clear of obstruction, of a smooth surface with no steps. Dropped kerbs should also be provided to ensure safe handling of bulk bins to the collection vehicle. Please be 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. As mentioned in section 3.11 of the Waste Collection and Storage Facilities Supplementary Planning Guidance it is considered best practice to have a Site Waste Management Plan for demolition projects. Materials should be reused and recycled as much as possible.
- 5.13 *Housing Strategy:* In line with the adopted LDP (Policy H3), an affordable housing contribution of 20% of the 23 units (5 units) is sought on this brown-field site. Our priority is to deliver on-site affordable housing, in the form of affordable rented accommodation, and this site is suitable for affordable rented accommodation, built to Welsh Government Development Quality Requirements (DQR) for purchase by a nominated Registered Social Landlord (RSL) partner or the Council. For information, any affordable housing scheme should be appraised on a NIL Social Housing Grant (SHG) basis, and all of the units must meet Welsh Government DQR standards. Given the proposed design/configuration of the scheme, we would need to understand how any on-site affordable units can meet DQR standards and how any demarcation between the market and the affordable would work in reality. The scheme has to be able to be managed and easily maintained by the Registered Social Landlord or the Council.
- 5.14 In exceptional cases, if it is not possible to deliver the units on site, then, as an alternative to on-site provision, we would be willing to enter into discussions with the applicant with regard to providing the affordable housing contribution as a financial contribution in lieu. On that basis we would seek a financial contribution of **£413,714** (in lieu of 1 x 1 bf & 4 x 2bf) which is calculated in accordance with the formula in the Affordable Housing – Supplementary Planning Guidance (SPG) (2017). Discussion with the applicant is required.
- 5.15 *Drainage:* No comments received.

6. EXTERNAL CONSULTEES RESPONSES

- 6.1 *Welsh Water:* Confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development

site. As of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with the Local Authority, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.

- 6.2 The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.
- 6.3 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 *Transport For Wales:* Due to the proposal being next to AIW managed infrastructure, prior to any works beginning on site the applicant will need to engage with AIW Asset Protection so that AIW are able to determine the interface with any assets, buried or otherwise and by entering into a Basis Asset Protection Agreement. The applicant should make contact a minimum of 3 months prior to works starting.
- 6.5 *South Wales Police:* Observations are provided on perimeter security, lighting, parking bays, bicycle stores, landscaping, bin storage, drainpipes, utilities, door and window security, access control and dwelling identification.

7. **REPRESENTATIONS**

- 7.1 The application and the subsequent amended plans have been advertised by press notice (initial application only), site notice and neighbour notification. Representations from 11 individual households were received in objection to the initial proposals along with objections from the Llandaff society and Councillor Philippa Hill-John. Following the notification of the amended plans, 9 individual households plus the Llandaff Society and Councillor Philippa Hill-John have re-iterated their objections.
- 7.2 The individual objections are summarised as follows:
1. The design, scale and construction materials are not in keeping with the character of the existing area and properties and would ruin a well-established and attractive residential area.
 2. The proposal represents overdevelopment of the site in terms of density of development.
 3. Conditions previously placed on the development of the site, limiting any construction to two storeys, have been ignored. The height of the buildings

- proposed is not in keeping with current properties in the area.
4. The internal access road and the junction with Pwllmelin Road are unsafe. The site entrance, directly off a busy road, has impaired visibility. The minor changes made to the splay at the junction with Pwllmelin Road in the amended plan fails to alleviate the safety issues for pedestrians and vehicles in the area. The revised plans also fail to address the poor and dangerous vehicle and pedestrian access to the properties themselves and arise from the cramped dimensions and geometry of the roadway.
 5. The internal road is unlikely to be adopted therefore refuse vehicles will not be able to enter the site and a large amount of waste will have to be presented on Pwllmelin Road, creating safety hazards.
 6. The traffic survey doesn't take into account the large number of dwellings being built at Plasdwr.
 7. The parking arrangements are inadequate. Vehicles which are unable to park on-site will seek parking on neighbouring streets. This situation is made worse by vehicles left all day by "Park and Riders" using Fairwater station, visitors to flats in The Retreat and parking in relation to drop-offs and pick-ups at the Bishop of Llandaff High School. The low number of dedicated parking slots in the proposed development will add further pressures on vehicle movement particularly affecting access for refuse collection and emergency vehicles.
 8. Land stability has not been considered. There is no protection against any adverse affects which might be caused to the land on the Chantry side or that of the Bishop of Llandaff School.
 9. Bishop of Llandaff High School playing fields will be overlooked, giving rise to Safeguarding concerns. This is especially pertinent given that the Bishop of Llandaff High School incorporates The Marion Centre, a Specialist Resource Base for students 11 to 19 years with an Autism Disorder (ASD) diagnosis.
 10. The developer has not complied with previous planning requirements – vegetation has been cleared in May, disturbing nesting birds, and trees have been felled without the prior consent of the Local Planning Authority.
 11. The applicants Planning Statement ignores the full history of the site, i.e. a previous refusal and conditions placed on outline planning consents. Previous conditions should still apply, e.g. no building to be more than two storeys in height.
 12. Loss of privacy to properties in The Chantry, Chatsworth Close and Kirton Close.
 13. Windrush (Llandaff) Limited is in Receivership. The application to demolish the bungalow and construct 24 self-contained apartments in 4 blocks was submitted after the appointment of the receivers. This reinforces concerns and objections - this planning application is being led by receivers whose role is to sell the property and repay any debts owed to lenders.
 14. The number of proposed apartments will increase traffic movement in the area. The lockdown restrictions and changes in people's life-style resulting from Covid 19 has generated considerable extra traffic in the area. Also the number of daily vehicle movements into and out of The Chantry resulting from the recent completion of The Retreat has greatly exceeded forecasts and triggered access and parking problems for residents in the

area.

15. There are already too many empty flats in Cardiff. Overprovision of flats in Cardiff has been an issue for 30 years and is a consequence of overdevelopment driven by greed.
16. There is not enough outdoor amenity space for residents.
17. Landscaping proposals are inadequate.
18. The proposed boundary with the rear gardens of the houses of The Chantry is unacceptable. A low-level retaining wall would be highly inadequate because there is in excess of a 3metre drop between the garden levels of The Chantry and the existing site levels at Windrush. Minimal consideration has been given to appropriate boundary landscaping/screening, particularly as the site has recently been cleared of all mature trees.
19. Loss of light to Chatsworth Close. Overshadowing of houses on Chatsworth Close, and loss of light as the skyline will change - the land at Windrush is already one storey higher than the land beyond the railway line.
20. Delivery vehicles, refuse and recycling lorries and emergency vehicles are likely to find loading/unloading/turning very difficult on this narrow strip of land.
21. Loss of trees will be damaging to wildlife, the environment and to the Council's ambitions to increase tree cover both on council and private land. Allowing more buildings to be erected on this land would be contrary to the Council's own strategy. Cardiff Council should play its part in tackling climate change by refusing planning applications which are a threat to our environment.
22. Construction work will compromise the safety of pupils at the nearby school due to the presence of heavy machinery and dust could affect children's health.
23. Insufficient information has been provided - until TfW have decided whether they will make representations, and, if so the nature of those representations, the Council will not have sufficient comprehensive information about the application to enable them to make a decision.
24. The pumping station proposed does not conform with the design parameters as set out in the current drainage standards of Welsh Water. A compound and tanker provision will be required within the scheme. The current planning layout does not therefore accurately depict how the scheme could be built and is not deliverable in its current format.
25. The proposal to locate Swales and soakaways on the legal boundary with the Transport for Wales railway line will not be allowable. Permeation of soils at this location will undermine the structural integrity of the graded embankment and cause detriment to the stability of the ground serving the railway line. Furthermore the current design does not conform with building control regulations with regard to the proximity of soakaways and swales to the proposed buildings.
26. The brick wall will create a climbing aid to scale the neighbour's fence and compromise the security of their site.
27. Flat roofs attract nesting seagulls to the area, which is a blight on developments making it difficult to maintain and sell properties.
28. The developers state that the fact that the site slopes away from

Pwllmelin Road towards the north west of the site by approximately 3 metres enables the introduction of an additional floor. However, the site elevation shows that the site's slope only becomes relevant in respect of Block D.

29. Two substantial developments will have taken place in The Chantry in recent years adding a further 42 dwellings with all the consequent pressures this places on the community.
30. The front of 64 Kirton Close faces the railway line and is in direct view of the proposed development but the residents weren't notified of the application. Properties 54 to 72 Kirton Close are in close proximity to the development and should have been notified by letter and given the opportunity to raise objections. Also, it has not been possible to view the plans online.
31. Views of greenery will be lost.

7.2 The Llandaff Society has submitted a number of objections, which are summarised below:

- (i) Overdevelopment.
The current single dwelling would be replaced with twenty four units, plus an access road and parking areas. The Council has approved 5 homes on this site (18/00642/MNR), but this is a significantly more intensive development. It would be surrounded by swathes of tarmac and would grossly overdevelop this previously leafy suburban site.
- (ii) Lack of consideration of land stability.
Earth-moving and engineering works would break down soil cohesion and disrupt drainage in and around the railway embankment. The scale of development proposed would put extra strain on this embankment. This could lead to structural instability and a risk to safety for trains using the rail line below. The Council should consult Transport for Wales on this issue now, before any decision is made on the application.
- (iii) Inappropriate design.
The proposed flats would appear as four, utilitarian, 4 and 5 storey slab blocks interspersed with car parking areas, with little planting, contrasting with the majority of development in the area which is individual, 2 storey, high quality detached houses in large plots with mature landscaping.
- (iv) Inadequate landscaping for a development of this size.
The current site used to contain plentiful trees and shrubs before they were cleared in 2020. Views into the proposed development from the main road and neighbouring properties would be dominated by hard surfaces. The majority of the current garden would be covered by impermeable surfaces (buildings and roadways) leaving a minute amount of landscaping.
- (v) Loss of biodiversity,
The wildlife corridor running along the railway line would be disrupted and much of it would disappear under concrete and tarmac. Tree felling and garden clearance has already reduced wildlife habitats on the site (in breach of a condition on the current planning permission for the site). The "Ecological Assessment" was undertaken after the site clearance and does not represent a true picture of the losses actually incurred. All planning applications in Wales must include proposals for a net benefit in biodiversity. It is impossible for this proposal to deliver any increase on

what existed prior to the destruction of habitats on this site.

(vi) Dangerous junction with Pwllmelin Road.

The proposed junction to be provided with Pwllmelin Road would be unsafe. It would be on a narrow pinch point on a radial route into Cardiff that is a rat run for residents from the 12,000 new dwellings being built in North West Cardiff. The adjoining listed rail overbridge only has a footway on its south side. Little consideration has been given to the safety of schoolchildren particularly when pupils are walking to and from school and crossing Pwllmelin Road in the vicinity of the development. Also, the submitted traffic data are out of date.

(vii) Inadequate internal access road and parking provision.

The proposed dimensions of the turning head make it unlikely that it would be adopted. If this is the case, it would create difficulties for Fire and Emergency vehicles, as well as delivery vehicles. Large vehicles and refuse lorries would have to back up onto Pwllmelin Road, or park on the main road causing congestion and a traffic hazard. Also, 24 parking spaces for 24 residential units is totally inadequate as it would provide no spaces for visitors or multiple car-owning households

(viii) Breach of Condition 4 re approval 18/00642/MNR.

This condition specifically excludes “demolition or vegetation clearance” between 1 March and 15 August. We understand from residents of the adjacent houses that tree felling and site clearance was indeed undertaken at the height of the nesting season this summer.

7.3 With regard to the amended plans, the Llandaff Society confirm that they maintain their objections and comment that:

1. The amendments give a derisory reduction of only 1 in the total number of flats and some minor changes to access and landscaping . These would do nothing to change the major adverse impacts of this proposal.
2. Their major concern is the negative impact on road safety, in particular for school children as the site is close to an entrance to the Bishop of Llandaff School. Pwllmelin Road is an increasingly busy road.
3. It would be a travesty if this proposal was given permission, particularly if it was in order to gain S106 monies which would be at the expense of children’s safety and wellbeing.
4. Revisions to landscaping are minor and cosmetic and would not add significantly to biodiversity compared with its previous uses, or give any significant screening effect for the nearest neighbours.
5. Additional run-off from the roofs, road and parking areas during increasingly frequent periods of heavy rainfall would add to the likelihood of flooding.

7.4 The Llandaff Society considers that allowing this development would be in conflict with the Council’s duties under the Wellbeing of Future Generations Act and its obligations under PPW to improve road safety, enhance biodiversity and mitigate climate change.

7.5 Councillor Philippa Hill-John objects as follows:

“There is considerable interest in this application locally and I would ask that the following points are taken into account in line with the respective planning

guidelines.

- 7.6 Having visited the site I would also like to request a video walk through 'site visit' of the site in order to fully appreciate the proximity to the railway line and the access into the site off a very busy road, a radial route into Cardiff, Pwllmelin Road, the steep banking adjoining the railway line, the proximity to the Bishop of Llandaff school, the proximity to existing properties and the height of the proposed properties in relation to the properties along The Chantry. I would also ask committee members who are not familiar with the area to visit it please as only by doing this will you get a full appreciation of the characteristic of the neighbouring street scene and the scale and impact of the proposed application.
- 7.7 The Council has granted outline planning permission, submitted by previous owners of "Windrush" for the construction of 5 detached houses and the demolition of the existing bungalow. The outline permission was granted on the 8th October, ref 18/00642/MNR. The current application is now for 24 flats across 4 separate blocks up to 5 storeys high. A very different proposal.
- 7.8 I would ask whether this proposal has fully taken into account the aims of the SPG that are infill development: under these respective headings –
- *Makes a positive contribution to the creation of distinctive communities, places and spaces.*
 - *Responds to the context and character of the area.*
- 7.9 I would also ask that the committee take into consideration and have taken the text from the document relating to Residential Design guide as it is clear there are a number of areas that contravene this.

Character and context

3.7 As an overarching guide for all residential development, the Residential Design Guide SPG sets out the following list of design characteristics that should inform a character analysis:

- *Locally distinct patterns of streets and spaces.*
- *Urban grain/built form relationships.*
- *Local or strategic views.*
- *Building envelope: scale, mass, form, height, roof form.*
- *Detailing and visual richness : window profiles, timberwork, building entrances, materials.*
- *Layout: plot widths, set backs.*
- *Topographical, microclimatic and ecological features.*
- *Local patterns of landscape: front garden treatments, street trees.*

3.8 Infill development needs to be sensitive to its context. It is important that in residential areas where there is a clear existing pattern and form of development, that new buildings, landscaping and boundary treatments (e.g.gates, railings, walls and hedges) complement the character of the surroundings. A thorough understanding of detailing in the street scene which contributes to the form and character of the area needs to be gained and responded to..

3.11 Proposals must respect the urban grain and consider locally distinct patterns of streets and spaces including:

- *Elements of the form of the street (organic or regular).*
- *Predominant housing layouts (terraced, semi-detached or detached).*
- *Garden sizes.*

3.12 Materials (colour, texture and extent) used for roofing, walls, doors and window frames should respond to the dominant construction or facing material in the area; materials should either match exactly or be complimentary.

3.13 The fenestration of new developments should complement the size, proportions, design and rhythm of detailing of neighbouring properties. The roofline should include appropriate design and pitch of roofs, ridge height, eaves level, and notice taken of any other relevant details in the street scene.

There is clearly a disconnect between the character and context of this proposal and the surrounding area.

7.10 **Height, scale and massing**

3.18 Infill development should take account of and respond to existing building heights (number of storeys and floor to ceiling heights), scale and massing of buildings in the street.

There are no three storey properties adjacent to this site let alone 4 & 5 storey as proposed. The proposed heights of these buildings alone should be sufficient grounds for refusal.

7.11 **Privacy, overlooking and overshadowing**

New developments should allow for adequate privacy for the occupiers of the proposed buildings as well as for neighbouring properties. Normally, a minimum of 21m should be maintained between principal windows to habitable rooms.

This again had been taken from the Residential design guide and has been challenged in objections submitted. I would like to support the statement submitted by Mr and Mrs Bolton where it details that the distance between the existing properties and the proposal is considerably less than the recommended 21 m. Despite the proposal to have opaque glazing, this becomes redundant where a balcony overlooks the neighbouring property.

7.12 **Biodiversity and landscaping**

I would like to draw the committee's attention to the assessment submitted below. This suggests that there is further work to be done. It was also noted by the local residents that trees have already been removed and during the nesting season which contravenes the specification set out below. I question why it is that this is permitted and what recourse the council will take against the contractor?

David Clements Ecology Assessment recommendations

Further surveys

6.1.1 The following further survey work is required:

- *Flight surveys for bats of the on-site buildings*
- *Reptile refugia surveys of the on-site habitats*

6.1.2 Further recommendations for mitigation will be set out for these species (if required) following the completion of the further surveys.

6.2 Nesting Birds

6.2.1 Works affecting either the buildings or the trees and scrub of the site must have regard to the possible presence of nesting birds. The bird nesting season runs approximately between March and August inclusive, and therefore it is recommended that any building work, felling or tree works are undertaken outside of this period. Undertaking works outside the bird nesting season minimises the risk of causing avoidable harm or disturbance to nesting birds, which is a statutory obligation. If this timing is not possible, however, then the works must be preceded by a survey by an appropriately qualified person to ascertain that no nesting birds are present.

6.2.2 In the event that nesting birds are found to be present during works, all works in the immediate vicinity must cease immediately and appropriate expert advice sought as a matter of urgency. The 'immediate vicinity' would comprise any nesting bird-occupied void in its entirety, plus an area of at least 5m radius around the find site. Nesting birds must not be harmed or disturbed, and should be left undisturbed until the young have fledged. This is a statutory requirement.

7.13 Adoption and Access road

The details surrounding this are already outlined in the objection submitted by Mr Bolton. To note there is no turning facility along the private driveway.

7.14 Amenities

No bin collection points or storage have been identified to my knowledge and only 22 parking spaces for 24 apartments. I cannot see cycle storage on the plans, which is not in line with the vision of 50:50 modal split and sustainable transport.

7.15 Please also take into account that Network Rail hold no objection, according to Litchfields statement however this was in relation to the previous application for 5 properties. I would ask that confirmation is given that TFW has been consulted and the response shared.

7.16 In summary there are numerous elements to this proposal that contravene planning guidelines and I would ask that the committee refuse this application on these grounds.”

7.17 Following the submission of the amended plans, Councillor Hill-John has made the following additional observations and objections:

“I would like to re instate my objection to the above proposed development and to request a site visit. Revised objections have been received and I would like to support these and in particular focus on –

1. The proposed development represents an overdevelopment of the site.
2. Conditions previously placed on the development of the site, limiting any construction to two storeys, have been blatantly ignored.
3. The Traffic Survey carefully neglects to consider the impact of the approximately 7,000 dwellings currently being created in the St Fagans, Radyr, Morganstown and Fairwater wards (Plasdwr).
4. The design is inappropriate.- my observations from my previous objection still stand.

5. Road Safety -The junction with Pwllmelin Road is unsafe. Pwllmelin Road is an increasingly busy road, with traffic added to by that generated by new developments at Plasdwr - not only cars but delivery vehicles of varying sizes as well as the 2-way bus service. We support the objection from the School which cites road safety as a key concern.
6. The internal access Road is unsafe.
7. The anticipation that the access road will be adopted is unlikely to be met. This would necessitate the presentation of an unacceptable amount of waste at the kerbside on Pwllmelin Road, presenting a danger to road users and pedestrians alike.
8. Revisions to landscaping are minor and cosmetic and would not add significantly to biodiversity compared with its previous uses - despite the requirement for this in the current edition of Welsh Government's Planning Policy Wales (PPW Edition 11). Nor would they give any significant screening effect for the nearest neighbours.
9. Run-off from the roofs, road and parking areas during increasingly frequent periods of heavy rainfall would add to the likelihood of flooding both in the locality and in lower lying areas of the City.

7.18 In view of the above Llandaff Society considers that allowing this development would be in conflict with the Council's duties under the Wellbeing of Future Generations Act and its obligations under recently updated national planning policy in PPW to improve road safety, enhance biodiversity and mitigate climate change.

7.19 The amended plans published on 4 October 2021 include the following changes:

- 1 The total number of units has been reduced from 24 to 23.
- 2 Block A has been reduced from 4 floors to 2.
- 3 Block B has been reduced from 4 floors to 3.
- 4 Block C has been reduced from 5 floors to 4.
- 5 Block D has been reduced from 5 floors to 4.

In Reference Note A, the developers state that the fact that the site slopes away from Pwllmelin Road towards the north west of the site by approximately 3 metres enables the introduction of an additional floor. However, the site elevation shows that the site's slope only becomes relevant in respect of Block D. There is no significant change in level between Blocks A and B and little change between Blocks B and C (the slope only being of any significance in the northern portion of this building). The argument for introducing an extra floor can, therefore, only apply to Block D. Given the site topography, Block B should also be reduced to 2 floors and Blocks C and D to 3, thereby reducing the total number of units to 20. It should also be noted that conditions previously placed on the development of the site have limited construction to 2 storeys."

8. **ANALYSIS**

8.1 This application was deferred by Planning Committee at its meeting on 3rd November 2021 in order to undertake a Site Visit. The Site Visit took place on Monday 6th December 2021 and the application is now reported back for determination.

- 8.2 The site is within the existing settlement boundary as defined in the Cardiff Local Development Plan, within an existing residential area, and outline planning permission has twice been granted for residential development on this site, therefore there are no objections to the principle of the proposal.
- 8.3 The site is adjacent to the Grade II Listed railway bridge carrying Pwllmelin Road; however it is considered that the development would not adversely affect the setting of the bridge. The main considerations with regard to this application are therefore: biodiversity and nature conservation interests; the character and appearance of the street scene; the amenities of neighbouring occupiers, the living environment of prospective occupiers and access and parking arrangements.
- 8.4 With regard to biodiversity and nature conservation interests, the application is supported by an Ecological Assessment, which concludes that the buildings on the site have potential to support roosting bats and other habitats within the site have potential to support reptiles, and that although the proposed development would likely result in the loss of the majority of existing habitats, the impact would be of no more than local significance. Also, any negative impacts could be mitigated and/or compensated for through the implementation of appropriate mitigation measures to avoid harm to protected species, such as nesting birds, and habitats during construction and operation.
- 8.5 The Ecological Assessment makes the following recommendations –
1. Further survey work should be carried out (flight surveys for bats and reptile refugia surveys) to determine if mitigation is necessary for these species.
 2. Works affecting either the buildings or the trees and scrub of the site must have regard to the possible presence of nesting birds.
 3. Consideration should be given to the incorporation of bird-boxes on the developed site, either on the new buildings or on any suitable trees in the vicinity.
 4. Any retained habitats should be securely fenced off with appropriate temporary fencing at the start of construction work to prevent access and incidental damage.
 5. All retained trees should be treated in accordance with British Standard BS5837 (2012) Guidance for the Treatment of Trees in Relation to Construction.
 6. Building compounds and storage areas should not be sited on areas of habitat which are to be retained or in the off-site habitats and should be suitably fenced and bunded where they stand adjacent to semi-natural habitats. Similarly, no equipment, machinery or materials should be brought into the retained areas, or stored under retained tree canopies, or ground levels altered within these clearly demarcated zones of protection.
 7. Any trees which must be removed as part of the development should be replaced on a like-by-like basis as a minimum with native species which are indigenous to the region.
 8. To provide ecological enhancement following the development, consideration should be given to the erection of bat roosting and bird nesting boxes in suitable trees around the site.

9. The services of an appropriately qualified and licensed ecologist should be available on an 'on-call' basis throughout the development.
 10. Any new fencing installed within the new development should allow the passage of hedgehogs and other small mammals.
 11. Any excavations should be suitably fenced off at night to prevent any wildlife falling and becoming trapped.
 12. Any new lighting scheme within the newly developed site must be designed in liaison with an ecologist and following the advice set out by BCT (2018). No lighting of the adjacent woodland habitats should occur.
- 8.6 The above recommendations can be incorporated into planning conditions to ensure that there is no unacceptable impact on wildlife and that any loss of habitat is compensated for in the new development.
- 8.7 Consideration must also be given to the visual impact of the development and its effect on the street scene. Although the proposed buildings are larger in scale than the houses in the surrounding area, the scheme is visually contained, with a relatively narrow frontage to Pwllmelin Road, and block A, which is only two storeys in height, will be set back more than 30m from the highway and orientated with its narrow side facing the road. The development will not be viewed in context with existing houses, being separated from the dwellings to the west by a deep railway cutting and with those to the east facing away from the site, but as a separate and distinctive new area of development.
- 8.8 The scale and massing of the buildings are considered acceptable – the blocks are prevented from appearing 'slab-like' by the use of 'stepped' building footprints, contrasting materials (grey brick with darker brick feature panels, timber louvres and zinc cladding) and relatively large areas of glazing with vertical emphasis.
- 8.9 The visual impact of the development will also be minimised by the site's topography, as the ground level slopes away from Pwllmelin Road towards the rear of the plot. Overall, it is considered that there will be no unacceptable impact on the street scene – the buildings have been designed to minimise their visual impact by using a combination of flat, 'green' roofs and a layout that works with the topography and levels of the site, and although the contemporary design contrasts with the 20th century detached housing in the immediate vicinity, the site is not within a conservation area (where the development might be expected to replicate, or at least reference, the existing style of housing) and, provided the scheme is acceptable within its context, there can be no objection to the proposals on design grounds. Paragraph 4.9 of Technical Advice Note 12 (Design) advises that '*a contextual approach should not necessarily prohibit contemporary design*' and, as stated in paragraph 3.16 of PPW, local planning authorities '*should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions. If a decision maker considers that a planning application should not be approved because of design concerns they should ensure that these reasons are clearly articulated in their decision and justified with sufficient evidence.*'

- 8.10 Regarding the amenities of neighbouring residents, concerns have been expressed that, due to the narrowness of the site, it would not be possible to achieve the normally accepted minimum privacy distance of at least 10.5m between the new apartments and the rear gardens of dwellings on The Chantry. However, the site layout plans show that Block D is located beyond the end of The Chantry, facing towards playing fields to the north and east and at a distance of more than 23m from any garden boundaries on Chatsworth Close to the west; Block C is mostly beyond the end of The Chantry at a distance of more than 11m from the rear garden boundary of the nearest property and more than 24m from any garden boundaries on Chatsworth Close; Block B is also more than 11m from the rear garden boundaries of The Chantry and more than 30m from those in Chatsworth Close, and only Block A does not achieve the 10.5m minimum distance as it is sited at between around 8.7m and 10.5m from the rear garden boundaries of 9 – 11 The Chantry.
- 8.11 Concern regarding obtrusiveness or loss of privacy caused by the closeness of Block A to the rear garden boundaries has, however, been overcome by reducing the height of this block to 2 storeys, having no habitable room windows in the east-facing elevation, only windows serving bathrooms, internal balconies and the lobby area, and by the use of louvres to screen these windows. Block A also has no external roof terraces.
- 8.12 The distances between habitable room windows in the new development and the windows of the nearest existing dwellings will be adequate to protect privacy. The normally accepted minimum distance of 21m between facing habitable room windows will be achieved in all the blocks: Block A will be more than 40m from facing dwellings on Chatsworth Close; Block B will have no habitable room windows in the east facing elevation (other than secondary bedroom windows) and any windows in this elevation above ground floor level will be screened by louvres, and it will be more than 21m from the rear elevation of the nearest house on The Chantry and 40m from dwellings on Chatsworth Close; Block C will be more than 22m from the nearest house on The Chantry and 26m from those on Chatsworth Close; Block D will be around 50m from houses on The Chantry and more than 23m from the nearest house on Chatsworth Close.
- 8.13 With regard to the amenities of prospective occupiers of the development, the internal living space of each apartment will be generous and all will have acceptable daylight and outlook. There will be lift access to the upper floors in blocks B, C and D, each flat will have private amenity space in the form of at least one balcony, and the top floor apartments in blocks B, C and D will have large roof terraces. Car parking and cycle parking spaces will be provided in accordance with the Council's adopted standards. The development will be subject to railway noise and vibration but this can be mitigated by design features which can be the subject of planning conditions. It is not considered that there are any grounds for refusal of the application based on the standard of accommodation that will be provided.
- 8.14 Highways and Transportation officers have raised no concerns regarding the vehicular access onto Pwllmelin Road and confirm that the site appears to offer

access to refuse and emergency vehicles as well as private cars. The Waste officer confirms that the tracking details for a refuse vehicle are acceptable. A contribution will be obtained from the developer for a Traffic Regulation Order relating to sight lines at the access and a pedestrian crossing linking the application site to the south side of Pwllmelin Road.

8.15 In response to the objections set out in section 7.2 of this report:

1. Design and visual amenity considerations are discussed earlier in this report. It is considered that the scheme is well designed and that there will be no unacceptable impact on the character of the area.
2. The density of development on this site is greater than in the surrounding residential streets but this accords with local and national planning policies which encourage higher densities on sites within settlement boundaries which are in sustainable locations. Paragraph 4.2.22 of PPW, for example, states that 'Planning authorities will need to ensure that in development plans and through the development management process they make the most efficient use of land and buildings in their areas. Higher densities must be encouraged on sites in town centres and other sites which have good walking, cycling and public transport links.' Given that this site is very close to Fairwater railway station and has very good public transport links, it is considered appropriate that it should be developed at the highest density acceptable.
3. The condition restricting development to two storeys appeared in an outline consent dating from 2002. The last outline permission (2018) did not have such a condition and in any case this is a stand-alone application for full planning permission which is not restricted by any conditions which may have been imposed on any previous outline consents. The height of the buildings does not match the height of existing properties in the area but this does not make it automatically unacceptable – it is the impact of the buildings' heights that must be considered.
4. Highways officers have raised no concerns regarding the safety of the access road or the junction, and the dimensions of the internal roadway and parking areas are in accordance with the Council's standards.
5. Only minor changes would be needed to bring the road up to adoptable standard (see the comments of the Transportation officer earlier in this report) and the Waste Management officer has confirmed that refuse vehicles will be able to access the site.
6. Highways officers have not raised this as an issue of concern. Not all traffic generated by the Plasdwr development will travel past this site.
7. The parking arrangements accord with the standards set out in the adopted SPG 'Managing Transportation Impacts (Incorporating Parking Standards)' and are considered adequate. Any vehicles parked illegally in surrounding streets or obstructing the highway would be subject to enforcement action under Highways legislation.
8. Land stability is ultimately the responsibility of the developer and is controlled under other legislation.
9. The playing fields are already overlooked by dwellings. The Marion Centre is more than 100m from the application site, beyond The Chantry and will not be overlooked by the new development. Also, there is a belt of trees within the school grounds which will screen the new development. It would

be unreasonable to cite Safeguarding as a reason for the refusal of planning permission in this instance.

10. Previous planning requirements relating to vegetation clearance related to previous planning permissions. There was no Tree Preservation Order protecting the trees on this site therefore the consent of the Local authority was not required to remove them. If nesting birds were disturbed, an offence may have been committed under the Wildlife and Countryside Act but this is not a planning issue and cannot form grounds for the refusal of this application.
11. Planning officers are aware of the full planning history of the site. Previous refusals and conditions placed on outline planning consents in the past do not apply to this proposal. Each application has to be determined on its own merits.
12. Privacy concerns are discussed earlier in this report. It is not considered that there will be any unacceptable loss of privacy as a result of this development.
13. The motives for submitting the application are irrelevant to the consideration of its planning merits and cannot be taken into consideration.
14. Any increase in traffic movements in the area will be minimal. Highways and Transportation officers have raised no concerns regarding traffic generation.
15. The current demand for flats and the need for the proposed development is not a material planning consideration in this instance.
16. The issue of amenity space is discussed above. Each flat will have at least one private balcony and Parks officers have confirmed that on-site provision of open space is not to be expected for this development, particularly with Fairwater Park and Pwllmelin Recreation Ground nearby. The developer will however be expected to provide a financial contribution towards the improvement of existing open space in the area which would be likely to be used by residents of the flats.
17. The current landscaping proposals are considered to be inadequate in that the planting details and specifications need to be informed by a Soil Resource Survey and Plan (given the existing function as largely vegetated soil, it is assumed there is a valuable, potentially re-usable soil resource) and proposed planting/seeding is largely restricted to a narrow strip of land bounding the railway. Otherwise there are some peripheral verges proposed for shrub planting and sedum roof treatments to dwellings. The absence of designed space for new trees and the monoculture planting with a short-lived species that demands a very free draining soil, and that is not well adapted to the predicted impacts of climate change, runs contrary to the advice on planting in the adopted 'Trees Technical Guidance Note.' Tree planting should focus on high diversity, suitability to context, biodiversity and suitability to climate change. There is also a lack of detail relating to the proposed 'wildflower' areas. However, it is noted that options for tree planting may be restricted by the requirements of Transport for Wales regarding the species of trees which they accept as suitable to be planted close to a railway line. Also, the applicant has advised that the current landscaping proposals are not finalised and they will be drawing up detailed landscaping proposals once

there is certainty of the finalised scheme and planning permission (to avoid unnecessary abortive expenditure at the design stage of the development). Appropriate landscaping details can therefore be required to be submitted as a condition of planning permission should this application be approved.

18. The amended plans indicate that a taller boundary structure would be erected. However, details of all boundary treatments can be controlled via a planning condition to ensure that any new walls or fences provide an appropriate level of privacy without appearing oppressively tall.
19. There will be no unacceptable loss of light to properties on Chatsworth Close – they are to the west of the application site and at a sufficient distance to avoid overshadowing. The new buildings may be visible above the existing trees on the railway embankment but they will not have such a detrimental impact on the skyline as to warrant the refusal of planning permission.
20. Highways officers have raised no concerns regarding the vehicle turning facilities proposed within the development site.
21. Most of the trees have already been removed from the site (see previous comments) and the majority of the tree coverage is now not on the application site but on the railway embankment. These trees should not be affected by the proposed development as they are mostly set far down the side of the embankment. The Council is committed to increasing tree cover and tackling climate change but must balance this with the need to enable new housing to be built, particularly in highly accessible and sustainable locations such as this, where increases in the density of development are to be encouraged so as to avoid the need for development in less sustainable locations. It would not be reasonable to refuse planning permission for new development within the settlement boundary on the grounds that the site previously contained trees. The local planning authority does not have powers to prevent the removal of trees from private land unless those trees are legally protected.
22. A construction management plan can be required to be submitted as a condition of planning permission to ensure that health and safety issues are adequately addressed.
23. Transport for Wales have responded to consultation and have confirmed that they have no objections. The developer will have to enter into an agreement with TFW with regard to asset protection. This is separate to planning permission.
24. Welsh Water have confirmed that they have no objections to the proposals.
25. Surface water drainage is controlled by the SUDS Approval Body, who will determine whether the proposed swales and soakaways are acceptable, and the design will also have to conform to the relevant Building Regulations as well as the asset protection requirements of Transport for Wales. This is separate to planning permission.
26. Details of boundary treatments will be controlled via a planning condition. Security issues will be considered at that stage.
27. It would be unreasonable to refuse planning permission for a development on the grounds that gulls may nest on the roof.
28. Block C will be slightly taller than the other blocks but this is considered

acceptable given that it will be at a distance from the highway, behind blocks A and B when viewed from Pwllmelin Road, is not directly opposite the rear of any houses on The Chantry and is separated from houses on Chatsworth Close by the railway cutting and embankment vegetation.

29. As stated previously, increases in the density of development in sustainable locations such as this are encouraged by planning policies. There is no evidence of severe pressure on the existing community caused by new development.
30. 64 Kirton Close does not directly face the proposed buildings and is more than 45m from the site boundary on the opposite side of a cul-de-sac. It would not be usual to send a consultation letter to a property in such a situation. Letters were sent to 56, 58, 60 and 72 Kirton Close as these properties do either face towards the proposed buildings or, in the case of no. 72, are directly on the far side of the railway cutting. The plans have been made available on the website and it is not known why the objector was not able to view them.
31. There are no rights to a view across someone else's land and the planning system cannot be used to protect such views.

8.16 The majority of the objections raised by Councillor Philippa Hill-John and the Llandaff Society are considered above. In addition, the concerns regarding additional run-off from the roofs, road and parking areas adding to the likelihood of flooding will be addressed by the use of sustainable drainage (which is mandatory).

8.17 In conclusion, the proposals are considered to represent an acceptable scheme for the development of this site. The applicant has indicated that they accept the requirements for Section 106 contributions and it is therefore recommended that the application be approved, subject to the signing of the S106 agreement and subject to the attached conditions.

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.

9.3 *Environment (Wales) Act 2016*

The Environment (Wales) Act 2016 imposes a duty on the Local Authority to seek to maintain and enhance biodiversity in the proper exercise of its functions. and in doing so to promote the resilience of ecosystems. It is considered that the proposed development does not have any significant implications for, or effect on, biodiversity.

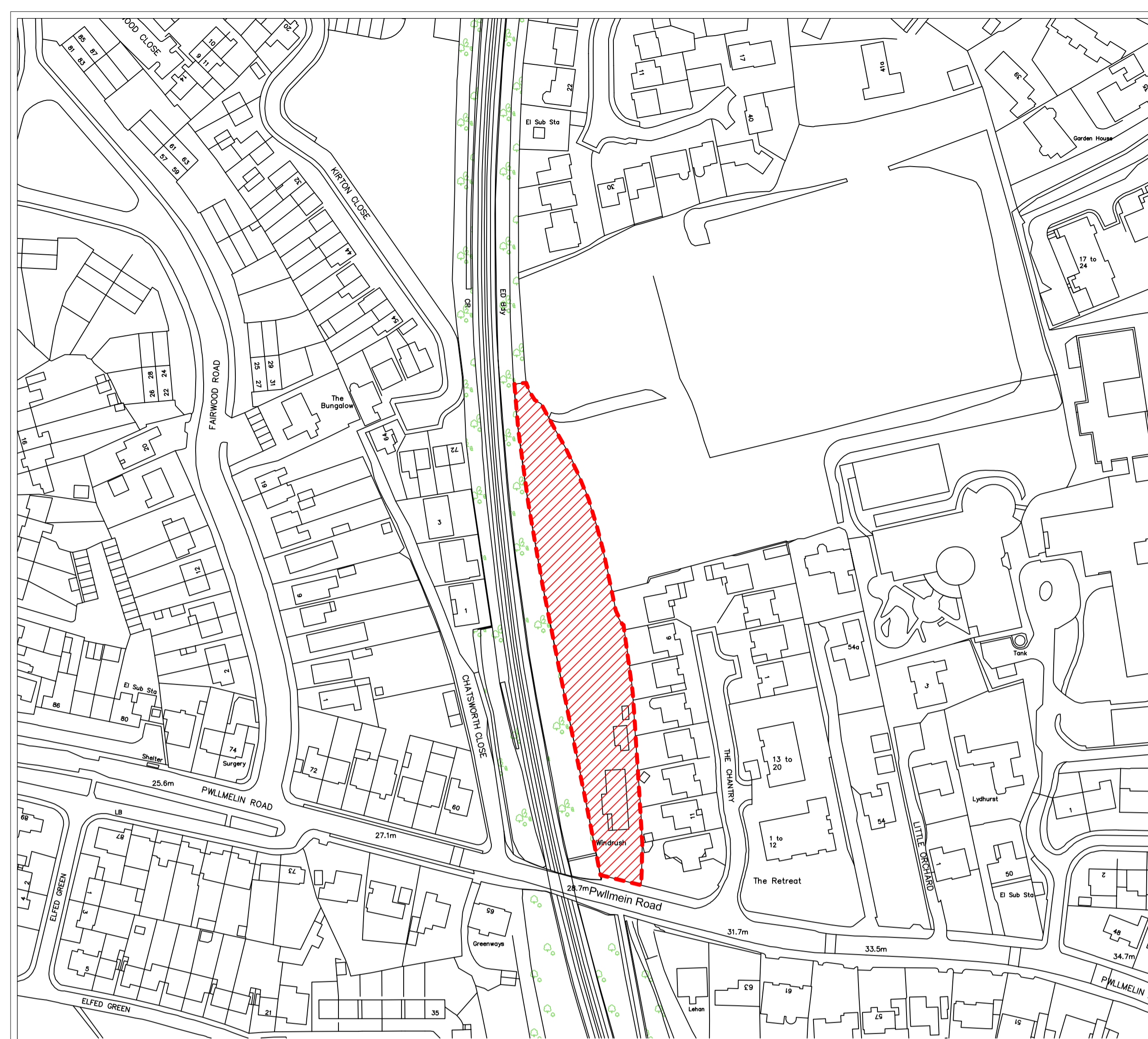
9.4 *Well-being of Future Generations (Wales) Act 2015*

The Well-being of Future Generations (Wales) Act 2015 places a duty on the Welsh Ministers (and other public bodies) to produce well-being objectives and take reasonable steps to meet those objectives in the context of the principle of sustainable development. The duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act), has been considered and account has been taken of the ways of working set out at section 5 of the WBFG Act in the determination of this application, and it is considered that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the well-being objectives referred to in section 9 of the WBFG Act.

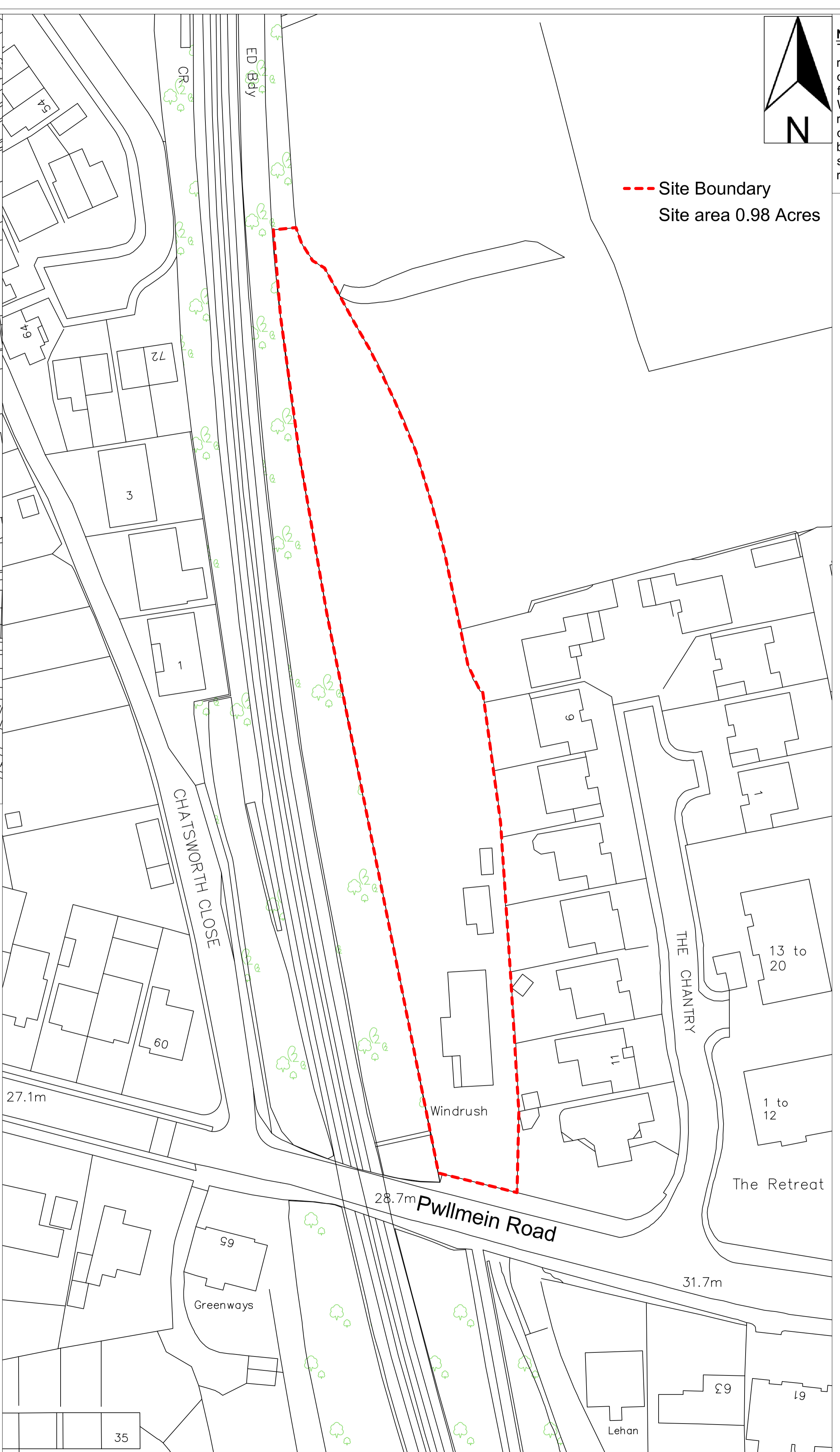


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--- Site Boundary
 Site area 0.98 Acres



Site Location Plan
 Scale 1:1250



Existing Site Plan
 Scale 1:500

Project		
Windrush		
Title		
Site Location Plan		
Drawn by	Checked by	Date
IG	PD	July 20
Scale	Project no.	
Varies @A1	00_02	
Drawing No.	Rev	
001		



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REFERENCE NOTES

- The design of block C and D takes advantage of the site topography and surroundings in 2 ways:
- A. the natural slope of the site away from Pwllmelin Road by approximately 3m towards the north west of the site, enables the introduction of an additional floor.
 - B. with consideration of the existing context, block C is set out approximately in line from the northwest garden boundary fence of no. 5 the Chantry – the Chantry Boundary with the School - thereby minimising any impact on the existing dwelling
1. The design of Block A and B responds to the existing Chantry dwellings, where there is a direct design relationship between the 2 storey eaves and roof height of the existing dwellings, and the proposed 2 storey and set back top floor apartment with landscaped terrace.
 2. The setting out for the development at block A, has been purposefully set further back from the original dormer dwelling by an additional 11m, for a total of 31m, in order to address any potential adverse visual impact from the listed bridge.
 3. Careful design consideration has been given to the combination and effect between the existing mature landscaped railway foreground and onsite landscape proposals between buildings to achieve a complimentary and balanced visual setting.
 4. The scheme has been designed to ensure occupant privacy and prevent overlooking of existing neighbouring properties to the Chantry.
 5. One of the main design parameters has been to ensure that the is minimum distance of 21m between existing and proposed buildings/habitable rooms.
 6. Private bedrooms and bathroom accommodation are provided to the to north east elevations facing the Chantry.

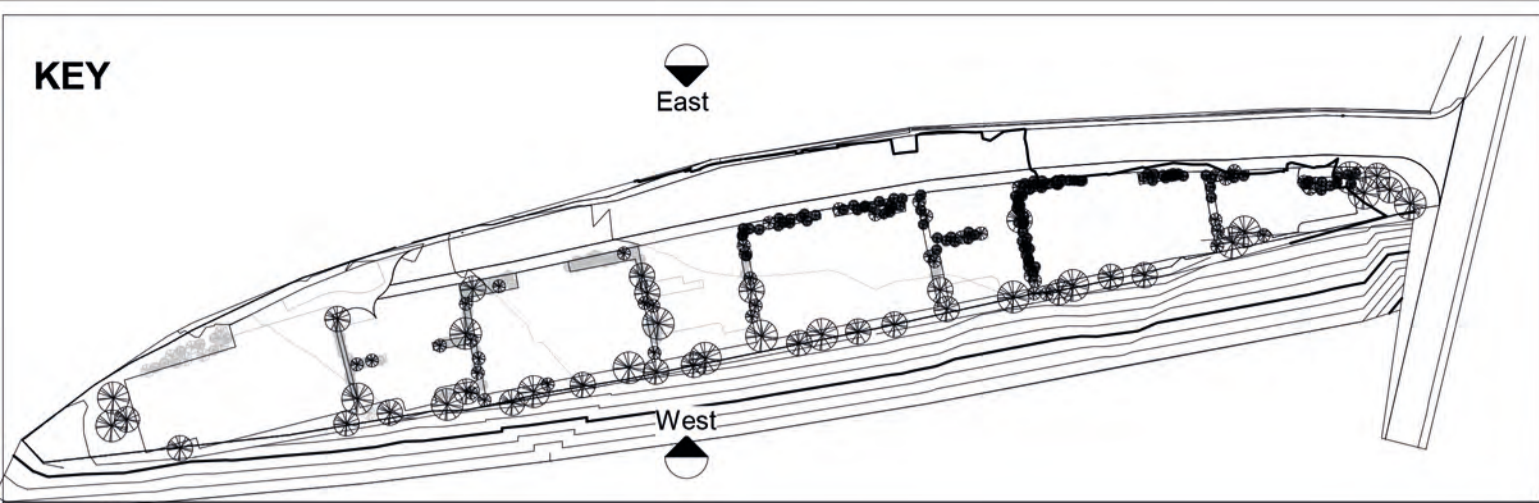


7. All glazing to all habitable and non-habitable rooms above ground and first floor levels to Blocks A and B, to north east facing elevations (to the Chantry) will be designed to avoid direct overlooking to achieve a translucent glazed finish.
8. All glazing to all habitable and non-habitable rooms from second floor level to Blocks C and D, to north east facing elevations to school playing fields, will be designed to avoid direct overlooking or achieve a translucent glazing finish.
9. A variety of boundary treatments, in a variety of sizes have been identified for the site to include, timber, reused natural stone and semi mature and general planting.
10. Boundary materials have been chosen for both their aesthetic and security qualities and heights will vary according to location across the development site.
11. New eastern garden boundary walls to the Chantry residences will be carried through the construction of a low level retaining wall, where required, to support proposed landscaping features and a proposed 1.8m high solid masonry boundary walls/copings – all by agreement with adjoining properties.

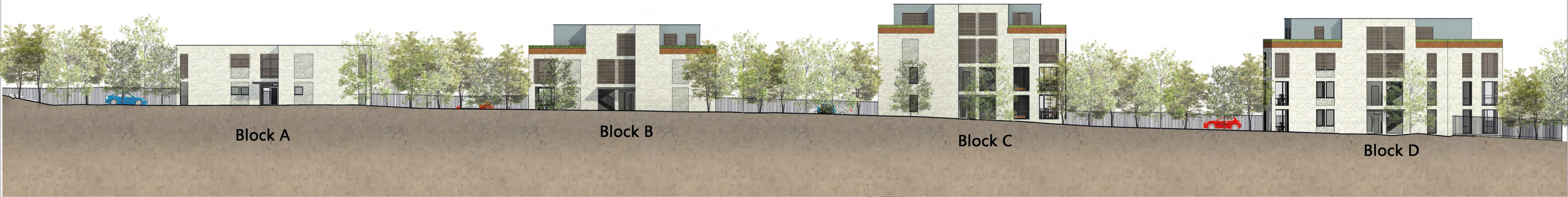
Rev A Jan. 2021 IG
 Proposed site notes added
 Rev B Sept. 2021 IG
 All blocks amended to reduce overall height. All roof plans to have green roof

Project		
Windrush		
Title		
Proposed Site Plan		
Drawn by	Checked by	Date
IG	PD	July 20
Scale	Project no.	
Not to scale	00_02	
Drawing No.	Rev	
A002	B	





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Block A

Block B

Block C

Block D

East Elevation
 1 : 200



Block D

Block C

Block B

Block A

West Elevation
 1 : 200

KEY

	Facing Bricks- Grey
	Zinc cladding panels
	Corten Steel Balustrade
	Louvres
	Glass balustrade

Rev A Sept. 2021 IG
 Penthouse second floor omitted
 Block A penthouse omitted
 External communal balconies omitted in all blocks
 Elevations amended for privacy
 Canopy added at the main entrance to all blocks

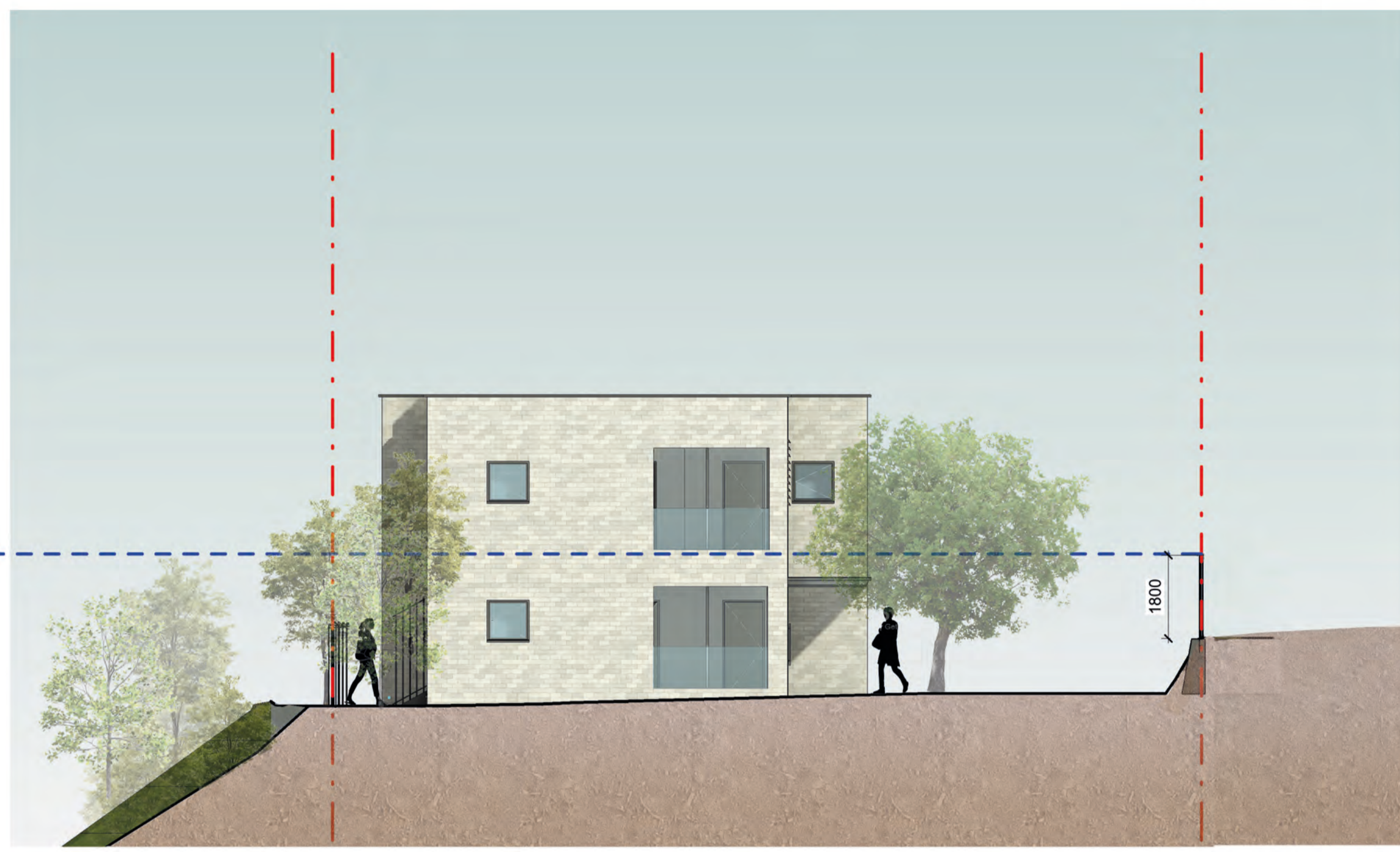
Project Windrush		
Title Proposed Site Elevations		
Drawn by IG	Checked by PD	Date July 20
Scale 1:200	Project no. 00_02	
Drawing No. A003	Rev A	



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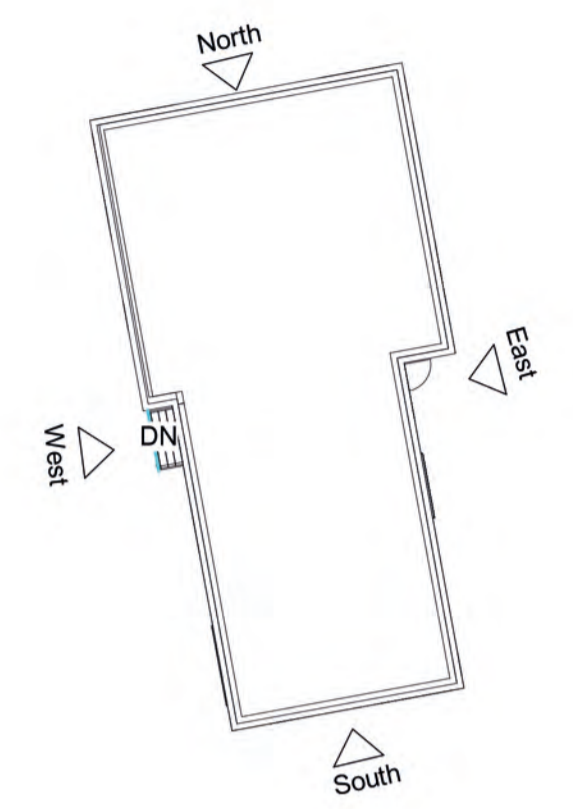


Block A West Elevation
 1 : 100



Block A South Elevation
 1 : 100

KEY



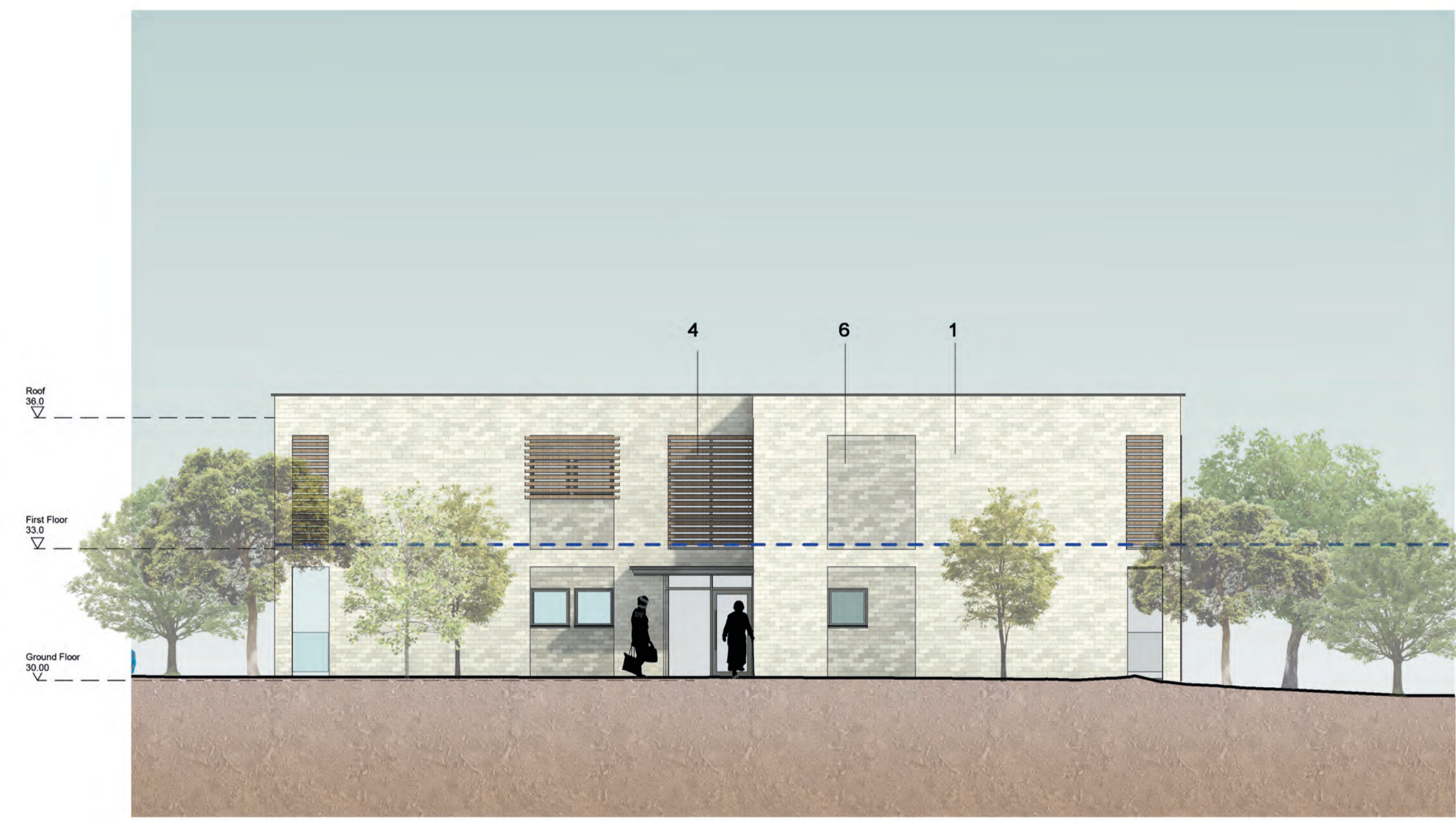
NOTE
 For additional information in regards to Block A and the existing houses in The Chantry, refer to A014- Proposed Site Sections 1 of 2

--- Blue dotted line denotes boundary wall height to "The Chantry" gardens

- - - Red dotted line denotes site boundary

KEY

1. Facing Bricks- Grey
2. Zinc cladding panels
3. Corten Steel Balustrade
4. Louvres
5. Glass balustrade
6. Brick feature panel



Block A East Elevation
 1 : 100



Block A North Elevation
 1 : 100

Rev A Sept. 2021 IG
 Penthouse and external communal balconies removed.
 Elevations amended for privacy
 Canopy added at the main entrance

Project Windrush		
Title Block A Elevations		
Drawn by IG	Checked by PD	Date July 20
Scale 1:100	Project no. 00_02	
Drawing No. A005	Rev A	

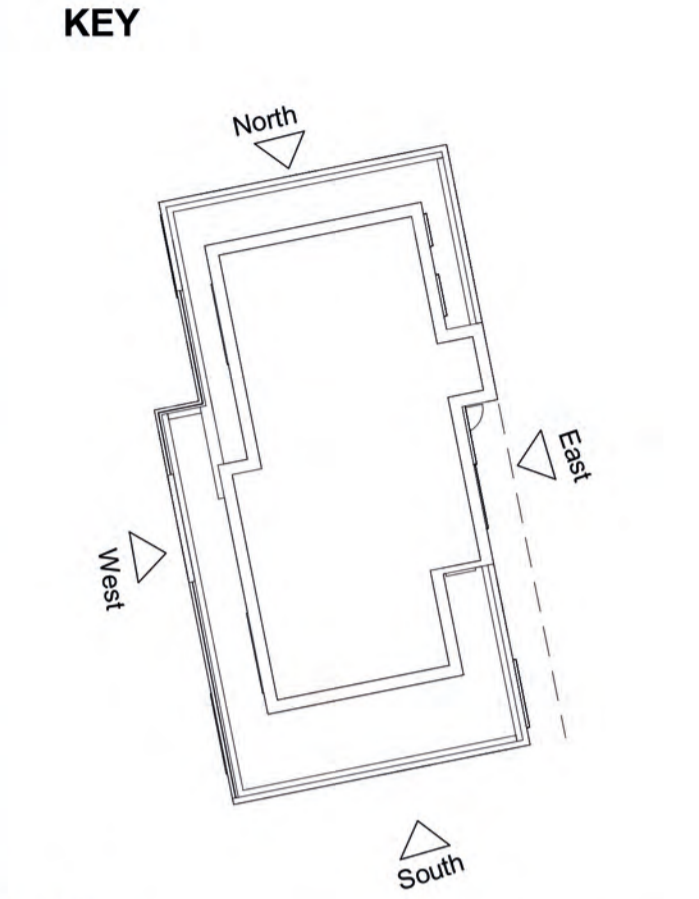
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Block B East Elevation
 1 : 100



Block B South Elevation
 1 : 100



NOTE
 For additional information in regards to Block B and the existing houses in The Chantry, refer to A014- Proposed Site Sections 1 of 2

Blue dotted line denotes boundary wall height to "The Chantry" gardens
 Red dotted line denotes site boundary

- KEY**
1. Facing Bricks- Grey
 2. Zinc cladding panels
 3. Corten Steel Balustrade
 4. Louvres
 5. Glass balustrade
 6. Brick feature panel



Block B West Elevation
 1 : 100

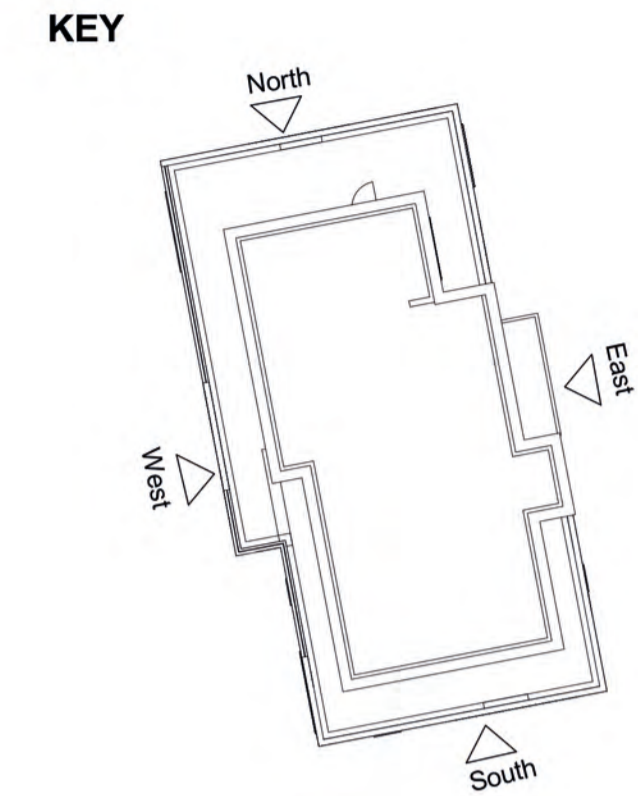


Block B North Elevation
 1 : 100

Rev A Sept. 2021 IG
 Third floor and external communal balconies removed.
 Elevations amended for privacy
 Canopy added at the main entrance

Project		
Windrush		
Title		
Block B Elevations		
Drawn by	Checked by	Date
IG	PD	July 20
Scale	Project no.	
1:100	00_02	
Drawing No.	Rev	
A007	A	

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NOTE
 For additional information in regards to Block C and the existing houses in The Chantry, refer to A015-Proposed Site Sections 2 of 2

Red dotted line denotes site boundary

- KEY**
1. Facing Bricks- Grey
 2. Zinc cladding panels
 3. Corten Steel Balustrade
 4. Louvres
 5. Glass balustrade
 6. Brick feature panel

Rev A Sept. 2021 IG
 Fourth floor and external communal balconies removed.
 Elevations amended for privacy
 Canopy added at the main entrance

Project		
Windrush		
Title		
Block C Elevations		
Drawn by	Checked by	Date
IG	PD	July 20
Scale	Project no.	
1:100	00_02	
Drawing No.	Rev	
A009	A	



Block C East Elevation
 1 : 100



Block C South Elevation
 1 : 100



Block C West Elevation
 1 : 100



Block C North Elevation
 1 : 100

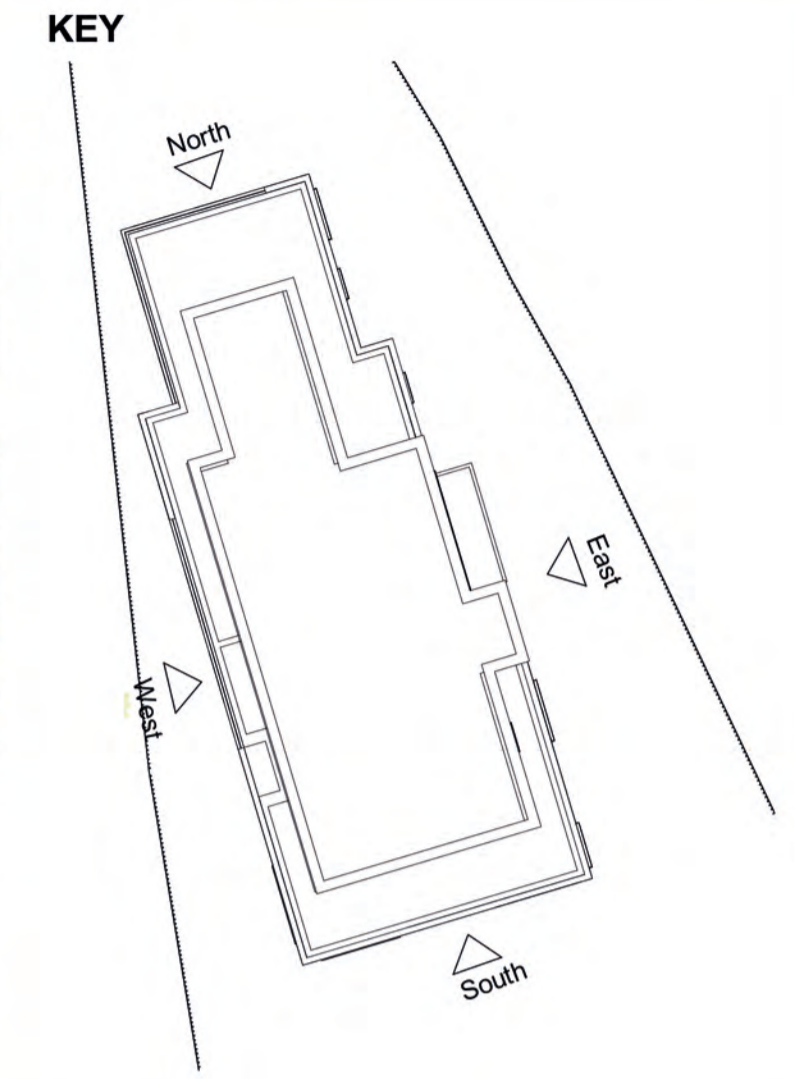
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Block D East Elevation
 1 : 100



Block D South Elevation
 1 : 100



NOTE
 For additional information in regards to Block D and the existing houses in The Chantry, refer to A015- Proposed Site Sections 2 of 2

Red dotted line denotes site boundary



Block D West Elevation
 1 : 100



Block D North Elevation
 1 : 100

- KEY**
1. Facing Bricks- Grey
 2. Zinc cladding panels
 3. Corten Steel Balustrade
 4. Louvres
 5. Glass balustrade
 6. Brick feature panel

Rev A Sept. 2021 IG
 Fourth floor and external communal balconies removed.
 Elevations amended for privacy
 Canopy added at the main entrance

Project		
Windrush		
Title		
Block D Elevations		
Drawn by	Checked by	Date
IG	PD	July 20
Scale	Project no.	
1:100	00_02	
Drawing No.	Rev	
A011	A	

COMMITTEE DATE: 15/12/2021

APPLICATION No. **21/01746/MNR** APPLICATION DATE: 16/07/2021

ED: **WHITCHURCH/TONGWYNLAIS**

APP: TYPE: Full Planning Permission

APPLICANT: Mrs Sandra A Smith

LOCATION: CHARWIN, HEOL Y GORS, WHITCHURCH, CARDIFF, CF14 1HE

PROPOSAL: PROPOSED CONSTRUCTION OF A DETACHED ONE BEDROOM DORMER BUNGALOW

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:
 - S.A.S:HYG:2A:03:2021:01 (SLP) – Site Location Plan.
 - S.A.S:HYG:2A:03:2021:03 (FP) – Floor and Roof Plans as Proposed.
 - S.A.S:HYG:2A:03:2021:04 (FP) – Elevations and Section as Proposed.
 - S.A.S:HYG:2A:03:2021:05 (FP) – Detailed Site Layout as Proposed.

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 cycle parking facilities shown on the approved site layout plan 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 / storage of cycles in accordance with policies KP5 and T5 of the Cardiff Local Development Plan.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking or re-enacting that Order), no structure or extension shall be placed within the curtilage of the dwelling hereby approved or any alteration made to the roof, nor shall any windows or other openings be made in the external walls of the dwelling, other than those shown on the approved plans.

Reason: To ensure that adequate amenity space is retained for the development and in the interests of residential amenity and privacy, in accordance with policy KP5 of the Cardiff Local Development Plan.

5. The rooflight on the north elevation shall be glazed with obscure glass and shall be permanently retained in that condition thereafter.

Reason : To ensure that the privacy of adjoining occupiers is protected in accordance with policy KP5 of the Cardiff Local Development Plan.

6. Prior to the construction of the building above foundation level, samples and/or manufacturer's specifications 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 of the Cardiff Local Development Plan.

7. No development shall commence until plans showing details of existing ground levels at the application site and adjacent properties and proposed finished ground and floor levels of the development in relation to adjacent properties have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: These details are not included with the application and are required to ensure an orderly form of development in accordance with policy KP5 of the Cardiff Local Development Plan.

8. Prior to the commencement of development, a landscaping scheme comprising:

- Scaled planting plan.
- Plant schedule.
- Topsoil and subsoil specification.
- Planting methodology.
- Aftercare methodology
- Implementation programme.

shall be submitted to and approved in writing by the Local Planning Authority and upon approval shall be carried out in accordance with the approved implementation programme.

Reason: To maintain and improve the appearance of the area in the interests of visual amenity and to mitigate against/adapt to the effects of climate change, in accordance with policies KP5 and KP15 of the Cardiff Local Development Plan.

9. Any trees, plants, or hedgerows included in the landscaping scheme required by condition 8 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 appearance of the area in the interests of visual amenity, in accordance with policies KP5 and EN8 of the Cardiff Local Development Plan.

10. Prior to the commencement of construction of the building above foundation level, details of provisions to be made for the incorporation into the building, in a suitable location, of at least one bird nesting box, shall be submitted to and approved in writing by the Local Planning Authority and the approved item(s) shall be installed within a timescale agreed by the Local Planning Authority and thereafter retained.

Reason: In the interests of biodiversity enhancement, in accordance with paragraph 6.4.5 of Planning Policy Wales (Edition 11 – February 2021).

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 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. Individual 140 litre/240 litre wheeled bins can be purchased via waste Connect to Cardiff at (029) 2087 2087. Further relevant information can be found in the Waste Collection and Storage Facilities Supplementary Planning Guidance (2016) - www.cardiff.gov.uk/wasteplanning

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 The application is for full planning permission for the construction of a detached, one bedroom dormer bungalow measuring approximately 6.5m x 8.5m and finished in red brick, with buff coloured window surrounds. The roof would be hipped and covered with fibre cement slate with terracotta ridge tiles and there would be a pitched-roofed dormer on the front elevation with full height/full width glazing and a rooflight on the side elevation facing north. The part of the front wall containing the entrance door would be set back around 0.8m from the main front elevation, which would contain a kitchen window, and the roof would overhang the entrance area.
- 1.2 A cycle store and a bin store would be provided within the external amenity

area to the rear of the property and there would be a lawn measuring approximately 15 square metres to the southern side of the building. The building would be set back around 2m from the highway, 3.4m from the boundary with "Charwin" and 1.5 to 1.7m from the rear boundary. A 1.8m high concrete post and timber panel fence would be erected along the side and rear boundaries.

2. **DESCRIPTION OF SITE**

- 2.1 The site comprises part of the rear garden of a semi-detached bungalow which is located at the corner of Heol Y Gors and Violet Place. The application site is bounded to the north side by a 3m wide lane leading to a small park at the rear of the terraced houses on Violet Place. Ground level rises towards the north.
- 2.2 Heol-y-Gors is characterised by a mixture of house types, including two-storey detached and semi-detached properties and semi-detached bungalows. Violet Place has traditional two storey Victorian terraced housing.

3. **SITE HISTORY**

- 3.1 20/00984/MNR - Construction of a detached dormer bungalow. REFUSED - overbearing when viewed from the rear garden of "St Jude"; out of character with area; inadequate outdoor amenity space. APPEAL DISMISSED.
- 3.2 19/01981/MNR – Proposed construction of a detached one bedroom dormer bungalow; together with the provision and incorporation of the associated on-site amenity, waste bin and cycle storage spaces and facilities. REFUSED.
- 3.3 13/01690/DCO – Proposed erection of a new dwelling. REFUSED - substandard private garden area left for 2A, overbearing when viewed from the rear gardens of 2A and "St Jude". APPEAL DISMISSED.
- 3.4 12/01778/DCO – Erection of a new dwelling. REFUSED - out of keeping with architectural styles, character and scale of development in surrounding area, substandard private garden area left for 2A, loss of privacy to 2A, overbearing impact on 2A and "St Jude", inaccurate plans.
- 3.5 12/01396/DCO –Single-storey extension to rear.

4. **POLICY FRAMEWORK**

- 4.1 *Cardiff Local Development Plan 2006-2021:*
KP5 (Good Quality and Sustainable Design);
KP13 (Responding to Evidenced Social Needs);
KP15 (Climate Change);
KP16 (Green Infrastructure);
EN10 (Water Sensitive Design);
T5 (Managing Transport Impacts);
C3 (Community Safety/Creating Safe Environments);

W2 (Provision for Waste Management Facilities in Development).

4.2 *Supplementary Planning Guidance:*

Waste Collection and Storage Facilities (October 2016); Cardiff Infill Sites (November 2017); Green Infrastructure (November 2017); Managing Transportation Impacts (Incorporating Parking Standards) (2018).

4.3 *Planning Policy Wales (Edition 11 – February 2021):*

2.2 All development decisions, either through development plans policy choices or individual development management decisions should seek to contribute towards the making of sustainable places and improved well-being.

2.8 Planning policies, proposals and decisions must seek to promote sustainable development and support the well-being of people and communities across Wales.

3.4 Meeting the objectives of good design should be the aim of all those involved in the development process and applied to all development proposals, at all scales.

3.6 Development proposals must address the issues of inclusivity and accessibility for all.

3.7 Developments should seek to maximise energy efficiency and the efficient use of other resources (including land), maximise sustainable movement, minimise the use of non-renewable resources, encourage decarbonisation and prevent the generation of waste and pollution.

3.9 The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations.

3.11 Local authorities are under a legal obligation to consider the need to prevent and reduce crime and disorder in all decisions that they take.

3.12 Good design is about avoiding the creation of car-based developments. It contributes to minimising the need to travel and reliance on the car, whilst maximising opportunities for people to make sustainable and healthy travel choices for their daily journeys.

3.21 The planning system must consider the impacts of new development on existing communities and maximise health protection and well-being and safeguard amenity.

4.1.32 Planning authorities must ensure new housing, jobs, shopping, leisure and services are highly accessible by walking and cycling.

4.1.35 New development must provide appropriate levels of secure, integrated, convenient and accessible cycle parking and changing facilities. As well as providing cycle parking near destinations, consideration must also be given to where people will leave their bike at home.

4.1.37 Planning authorities must direct development to locations most accessible by public transport. They should ensure that development sites which are well served by public transport are used for travel intensive uses, such as housing, jobs, shopping, leisure and services, reallocating their use if necessary.

4.1.52 Parking standards should be applied flexibly and allow for the provision of lower levels of parking and the creation of high quality places.

5.12.9 Adequate facilities and space for the collection, composting and recycling of waste materials should be incorporated into the design and, where appropriate, layout of any development as well as waste prevention

measures at the design, construction and demolition stage.

6.4.5 Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity.

6.4.24. The particular role, siting and design requirements of urban trees in providing health and well-being benefits to communities, now and in the future should be promoted as part of plan making and decision taking.

4.4 *Technical Advice Note 12 - Design (March 2016).*

4.5 *Building Better Places: The Planning System Delivering Resilient and Brighter Futures - Placemaking and the Covid-19 recovery (July 2020).*

4.6 *Future Wales- the National Plan 2040.*

It is considered that the proposed decision is in accordance with the 11 key outcomes to be achieved by the planning system as set out in 'Future Wales – The National Plan 2040'

5. **INTERNAL CONSULTEE RESPONSES**

5.1 *Transportation:* The property would be accessed directly off Violet Place. The proposal does not include any off-street parking. The existing property (Charwin) will retain the existing off-street parking, accessed via Violet Place. This approach is acceptable to transportation and accords with the Managing Transport Impacts SPG. There are no parking controls on-street adjacent to the property. The applicant is proposing to provide one secure and sheltered cycle parking space. This accords with the minimum cycle parking provision required in the SPG. It must be stressed that the cycle parking provision must offer both secure and sheltered parking and be accessible to the user. The proposed layout appears to offer no restrictions to access. Required Conditions: Cycle parking in perpetuity condition.

5.2 *Waste Strategy & Minimisation Officer:* The proposed areas for the storage of waste and recycling has been noted and is acceptable.

6. **EXTERNAL CONSULTEES RESPONSES**

None.

7. **REPRESENTATIONS**

7.1 The application has been advertised by neighbour notification. 7 objections have been received. The grounds for objection are:

1. The property will not be in keeping with the street.
2. Overdevelopment of a small area of land.
3. There will be an increase in parked cars on Violet Place. There is already a problem with excessive parking in the area.

4. There is no need to build in a back garden, as there are plenty of other houses being built in Cardiff. A garden should be for plants and flowers not a bungalow for financial gain.
5. There is no difference between the current application and the refused applications. Mr Davies states the appeal was only refused on the grounds of the rear dormer being intrusive. We refer you to points 7 and 11 of the Appeal Decisions letter and argue that nothing has changed "In my view, the reduction in the quality and extent of outlook from St. Jude's rear patio caused by the appeal scheme would be of a magnitude that would harm the living conditions of occupants" and "which would be caused by the proposal's overbearing effects on the adjacent rear garden/patio.
6. Cramped and congested living for residents of the proposed dwelling and Charwin.
7. The fact that the garden is supposedly unmanageable by the current owner of Charwin is not a reason to develop the plot.
8. Disruption to neighbours during excavation and building works due to blocking of access, construction traffic, noise and dust.
9. The open aspect at the end of Violet Place will be lost.
10. Inadequate amenity space for residents of the property. This will be further reduced by the need for retaining walls on all sides.
11. The new dwelling would be overbearing and obtrusive when seen from neighbouring properties. The Inspector dealing with the last appeal pointed out that the gap between the dwelling's rear elevation and the boundary of St. Jude. would be 'considerably limited'. This is still the case.
12. The proposal does not respect the building line to the existing bungalow (Charwin).
13. Due to differences in ground levels, residents of the bungalow opposite will be able to see directly into the bedroom of the proposed dwelling .
14. Overlooking of neighbouring dwellings and gardens. The only private part of the adjoining garden will be overlooked by two large patio doors to the south and east side.
15. Loss of views.
16. Overshadowing of the property to the north.
17. Although the rear dormer has been removed from the plans it will be added at a later date as 'permitted development'.
18. Loss of green space and wildlife habitat.
19. The drainage system is already inadequate and will not be able to cope with an additional property.
20. The proposed concrete post and timber panel fence to be constructed inside of the 110mm existing brickwork wall would be impossible to maintain and would further reduce the amount of amenity space available for the property.
21. Charwin would be left with a substandard amount of private garden area, out of keeping with the size of other gardens in the area. The conifer hedge along the front edge of Charwin's garden has been removed – this area will no longer be suitable to use as a private garden.

22. Inaccurate drawings. The layout drawing states that the new build will be 9508mm from the existing property of Charwin. In fact, it is approximately 6300mm to Charwin's nearest point. The drawings also state the size of the two sets of patio doors at St. Jude as being 1500mm, where in fact both doors are larger. It also states the set of patio doors closest to the new build as 'spare bedroom' whereas it is a bedroom on a regular basis and a sitting room daily.

7.2 The applicant's agent has responded to these objections by stating (in summary):

- a) The objectors are incorrect in stating that the proposed retaining walls are not correctly depicted on the submitted plans and will reduce the size of the open area to the north side and rear of the proposed bungalow. The retaining walls are shown as parallel lines on the site layout drawing. A 110mm wide close boarded fence will be constructed immediately inside the rear boundary: the width of the space between the rear wall of the dwelling and the retaining walls on the rear boundary will only be reduced by this amount, leaving a space 1690 mm wide. The gap on the north side of the dwelling will be 1.8m, not 1000mm. This space is sufficient to allow access and movement and allow its use for facilities such as bin storage.
- b) The construction of a solid 1.8 m high fence on the boundary will prevent overlooking from the patio doors/windows of the bungalow. The first floor bedroom will look out over Violet Place towards the rear garden of 2 Heol Y Gors but the distance to the nearest point of that garden is greater than the 10.5m minimum normally used to assess unacceptable loss of privacy.
- c) The building will not be out of character. The Planning Inspector considered this issue in the recent appeal decision and concluded that:- "the design of the proposed dwelling would appropriately reflect the transition between the two contrasting areas of built form and would complement, and not harm, the character and appearance of both Violet Place and Heol-y-Gors".
- d) Adequate amenity space will be provided. The Planning Inspector' also looked at this issue, in particular in relation to the adequacy of the size of the garden to be provided for future occupiers of the development and concluded that:- "the proposal would secure acceptable private amenity space for future or existing residents, in accordance with the objective of criterion (xi) of policy KPS of the Cardiff Local Development Plan (LOP) to ensure that spaces are accessible to all users and adaptable to future changes in lifestyle, and the general aims of the Council's 'Infill Sites' SPG in this regard."
- e) There will be no overshadowing or loss of outlook for neighbouring properties. The Planning Inspector considered this matter as well in the recent appeal determination and concluded that no adjoining occupiers (apart from St Jude) were unacceptably harmed in this regard stating:- "the proposed dwelling's scale and form would also avoid unacceptably overshadowing neighbouring properties or harmfully reducing the outlook available from No. 23, including from south-facing windows".

- f) The Council's highways service has not raised an objection to the development of a one bedroom dwelling with no off street parking in this location and this issue did not form a refusal reason in the determination of the previous application (20/00984/MNR).
- g) The Inspector dismissed the previous appeal for one reason - the harm to the outlook from St Jude which primarily resulted from the visual impact of the rear dormer. This feature has been removed from the current proposal and it has been shown above that the concerns raised by several neighbours to application 21/01746/MNR do not withstand scrutiny.

7.3 In view of the local opposition to the proposals and the number of previous applications for development of this site which have been refused, Councillor Linda Morgan has requested that the application be reported to the Planning Committee for determination.

8. **ANALYSIS**

8.1 This application has been submitted following the refusal of planning permission for two similar proposals, one in 2019 (reference 19/01981/MNR) and one in 2020 (20/00984/MNR), which was also refused on appeal (reference APP/Z6815/A/20/3264746).

8.2 The 2020 application was refused for the following reasons:

- 1) *The proposed development, by virtue of its siting close to the boundary with "St Jude", would be obtrusive and unneighbourly when viewed from the rear garden of that property and would result in an unacceptable loss of amenity for residents, contrary to Policy KP5(x) of the Cardiff Local Development Plan.*
- 2) *The proposed building would be detrimental to visual amenity and the character of the area in that it would appear as an incongruous form of development out of keeping with the character, scale and pattern of development in the surrounding area, contrary to Policy KP5(i) of the Cardiff Local Development Plan.*
- 3) *The amount of outdoor amenity space provided within the site would not reflect that which is characteristic of the surrounding area and would be insufficient to cater for the needs of residents of this type of development, to the detriment of the amenities of occupiers of the development and contrary to policy KP5(j and xi) of the Cardiff Local Development Plan.*

8.3 At appeal, the Inspector considered the above reasons for refusal and concluded:

"I have found that the proposal would not harm the character and appearance of the area and would provide a quantity of private amenity space which would not harm the living conditions of future or nearby residents. I

acknowledge that the appellant has sought to engage constructively with the Council to secure an acceptable design during the application process. The Council does not allege conflict with certain criteria listed under LDP policy KP5, including criterion (ix) which seeks to promote the efficient use of land and develop at highest practicable densities, and I have no reason to find otherwise. Similarly, there is no suggestion that the proposal would conflict with other parts of the 'Infill Sites' SPG not referred to by the Council.

Nonetheless, such matters do not outweigh the identified harm to the living conditions of occupants of St Jude which would result from the overbearing visual impact of the appeal dwelling on the adjacent rear garden / patio. Having regard to all matters raised, I therefore conclude that the appeal should be dismissed."

8.4 The main issues for consideration with regard to this revised application are the design and appearance of the dwelling, its impact on the amenities of adjoining residents, the amenities of future residents of the property and whether the amendments have overcome the previous reasons for refusal, taking into account the conclusions of the Planning Inspector with regard to the previous proposal.

8.5 The policy context remains the same as per the previous application. Policy KP5 of the Cardiff Local Development Plan requires all new development 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) responding to the local character and context of the built and landscape setting, and the Supplementary Planning Guidance "Infill Sites" (November 2017) states that:

"All development must be of good design and make a positive contribution to the adjacent townscape/landscape." (para. 2.3)

"It is important to strike a balance between maintaining the established positive character of a residential street and introducing additional housing. To avoid a 'town cramming' effect, any proposals must:

- Maintain a useable amenity space or garden for new as well as any existing dwellings/ occupiers.*
- Maintain an established spacing between buildings that respects the pattern of layout in the vicinity of the site.*
- Maintain appropriate scale and massing which respects buildings in the vicinity of the site.*
- Respect the building line and be of a design which complements the existing street scene." (para. 2.13)*

"Materials (colour, texture and extent) used for roofing, walls, doors and window frames should respond to the dominant construction or facing material in the area; materials should either match exactly or be complimentary." (para. 3.12)

"The fenestration of new developments should complement the size,

proportions, design and rhythm of detailing of neighbouring properties. The roofline should include appropriate design and pitch of roofs, ridge height, eaves level, and notice taken of any other relevant details in the street scene.” (para. 3.13)

“Infill development should take account of and respond to existing building heights (number of storeys and floor to ceiling heights), scale and massing of buildings in the street.” (para. 3.18).

- 8.6 The proposed development is almost identical to that which formed the subject of the previous application, the differences being that the previously proposed rear dormer has been omitted, the front facing living room window has been reduced in size and now serves a kitchen, and a patio door has been added to the side elevation facing towards ‘Charwin’. With regard to the previous proposal, the Planning Inspector considered the appearance of the dwelling and its impact on the character of the area to be acceptable, stating:

“..the scale and hipped roof form of the proposed dormer bungalow would moderate its apparent bulk from public viewpoints and retain views of No. 23’s gable; as would its siting, set away from the footway by a modest front yard and with clear gaps separating it from adjacent dwellings. The proposal’s front elevation, which would step out from Charwin and towards that of No. 23, would appropriately mark the transition between the different building lines on Violet Place and its siting would thus not appear incongruous. The dwelling’s design would appropriately reflect that of Charwin, with materials and detailing acknowledging those of the adjacent terrace. Whilst the front dormer would be a notable and pronounced feature, it would suitably mark the transition between the single storey form of Charwin and the two-storey terrace to the north.

Although the ground floor of the dwelling would be moderately set into the ground, I do not consider that the consequent reduction in the dwelling’s height would have a harmful visual impact. Consequently, despite the erosion to the appeal site’s openness, I find that the design of the proposed dwelling would appropriately reflect the transition between the two contrasting areas of built form and would complement, and not harm, the character and appearance of both Violet Place and Heol-y-Gors. I therefore conclude that the proposal would accord with the objective of LDP policy KP5 for development to respond to the local character and context of the built and landscape setting, and with the general aims of the Council’s ‘Infill Sites’ SPG in this regard.”

- 8.7 Since the appearance of the proposed dwelling when viewed from the public realm will be almost identical to the proposal considered by the Inspector to be acceptable, it would be unreasonable to refuse this application based on the impact of the development on the character of the area.
- 8.8 With regard to the amenities of adjoining residents, Policy KP5 of the Cardiff Local Development Plan requires all new development 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) ensuring no undue effect on the amenity of neighbouring occupiers, and the Infill Sites SPG states:

“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.” (para. 4.11)

- 8.9 Although the proposed building would be sited less than 2m from the boundary with St Jude, it would be less than 3m tall to eaves level and its roof would slope away from the boundary. The rear dormer, which would have made the previous proposal appear oppressive and unneighbourly when viewed from the adjoining garden, has been omitted from the scheme, overcoming the Planning Inspector’s only objection to the previous proposal, which was the impact of the rear elevation of the proposed dwelling on the amenities of neighbouring residents. The Inspector considered that:

“..although the rear dormer would be set back from the eaves with a ridge lower than that of the main roof, it would occupy a substantial area of the rear roof slope and, despite the dwelling’s moderately recessed slab level, would project towards the property boundary at a level significantly higher than the adjacent garden. Although its gabled form would moderate its bulk, the limited glazing would afford it a stark appearance and from the neighbouring patio it would be seen alongside the substantial span of the south-facing roof plane. Consequently, when viewed from the rear of St. Jude the rear dormer would appear as a pronounced and prominent form of development.

The submitted site plan indicates that the dwelling’s rear elevation would be located 1.8m from the boundary with St. Jude, but in my assessment, it would be closer than that. The resulting gap between the eastern elevation of the rear dormer and the shared boundary would be considerably limited. Due to the dwelling’s above-described design features and its siting relative to the boundary, the rear dormer would appear intrusively dominant and overbearing from the western part of the adjacent garden.

I recognise that St. Jude’s rear garden is of notable size and that alternative, largely open outlooks would remain available to the east. Nonetheless, the proposal’s detrimental impact on outlook would be experienced principally within the part of the garden most sensitive to visual impact. In my view, the reduction in the quality and extent of outlook from St. Jude’s rear patio caused by the appeal scheme would be of a magnitude that would harm the living conditions of occupants.”

- 8.10 Since the ‘intrusively dominant’ dormer is no longer a feature of the proposed development, the current proposal will have much less of an impact on the outlook from ‘St Jude’s’ rear patio area, and it is now considered acceptable in this respect. There were previously no concerns regarding the impact on the amenities of any other neighbours. The ground floor windows of the development would be screened from neighbouring properties by 1.8m tall fences, the first floor dormer window would face towards the highway and the

single rooflight in the side elevation serves only the staircase and could be obscurely glazed, therefore there would be no unacceptable loss of privacy to adjoining properties. The Planning Inspector concurred, stating that: *“Whilst the front dormer would be extensively glazed, it would mainly overlook the public realm. The erection of boundary fences at ground level and the minimal first floor glazing to the property’s rear and side would avoid harming the privacy of occupants of St. Jude or No. 23 Violet Place.”*

- 8.11 Also, as acknowledged by the Planning Inspector, *“The proposed dwelling’s scale and form would avoid unacceptably overshadowing neighbouring properties or harmfully reducing the outlook available from No. 23, including from south-facing windows”* and *“any noise and disturbance arising from the use of the outdoor space would likely be of a domestic nature and therefore appropriate to the residential context.”*
- 8.12 The reduction in the amount of outdoor amenity space available to residents of ‘Charwin’ was also considered acceptable by the Planning Inspector, although at the time there was a conifer hedge screening Charwin’s side garden from the highway making that area more suitable for use as outdoor amenity space. Nevertheless, Charwin will maintain a small amount of garden space to the rear, which is not adjacent to the highway and is considered adequate to serve as a private ‘sitting out’ area.
- 8.13 Regarding the amenities of future residents of the property, the internal living space will be adequate in size for a one bedroom dwelling and there will be sufficient daylight and an acceptable outlook from the living room, kitchen and bedroom windows. The amount of outdoor amenity space falls short of that required by the ‘Infill Sites’ SPG but given that this is a one bedroom dwelling, unlikely to accommodate a family with children, and that the Planning Inspector accepted that the outdoor amenity space was satisfactory, stating that *“Having regard to the modest scale of accommodation proposed, I concur that the garden would be sufficient for the day-to-day needs of future occupants, irrespective of their number”* a lack of outdoor amenity space is not considered to form justifiable grounds for refusing this application. Furthermore, there is a small public park close by which could be used by residents.
- 8.14 Previous concerns that the dwelling could be easily converted to a two bedroom property, and would therefore lack adequate amenity space, were dismissed by the Inspector, who considered the space adequate for any number of occupants. Also, the internal arrangement of the proposed dwelling has been amended to accommodate the removal of the dormer and conversion of any of the space to a bedroom would be far less likely.
- 8.15 The application proposes a small amount of soft landscaping (the lawn to the side of the building and planting, including a small tree, on the site frontage) but provides no details. Whilst details of the landscaping scheme are lacking, these could be obtained via a planning condition should the application be approved.

8.16 With regard to the objections received:

1. The issue of the appearance of the building and its impact on the character of the street is discussed above.
2. The proposal is not considered to be 'overdevelopment'. The modest size of the building and the spacing between properties will prevent unacceptable impacts on the amenities of neighbours and the development itself will have appropriate internal space as well as sufficient outdoor amenity space to meet the needs of residents.
3. The proposals do not include off-street parking provision therefore if residents owned a car they would have to park it on the highway. However, this is a public highway where on-street parking is not currently restricted to existing residents only, and no-one has exclusive rights to park at the front of this site. Current LDP policies, national planning policy and Supplementary Planning Guidance do not require a development such as this to provide off-street parking. There will be adequate space within the site for the storage of cycles, and the site is within a sustainable location in terms of public transport provision. Any ongoing parking management problems are for the Highway Authority to deal with.
4. The applicant does not have to prove a need for the development, and would be unlikely to submit the proposal unless there was adequate demand for new housing. It is not unacceptable to build in a back garden, provided the proposals comply with the relevant planning policies and guidance.
5. There are several material differences between the current proposal and the previous application, notably the omission of the rear dormer, which was the only aspect of the development that the Planning Inspector found unacceptable due to its scale and its position, which would have caused the development to appear overbearing and to have a detrimental impact on the quality and extent of outlook from St. Jude's rear patio and garden. The current application must be determined on its own merits.
6. The issues of the living conditions of future occupiers and the amenities of residents of Charwin are discussed above. They are not considered to be 'cramped and congested'.
7. The current condition of the garden is not relevant to the determination of this application.
8. It is inevitable that building works cause a certain amount of noise and disturbance but this is largely controlled under Environmental Protection legislation and it would be unreasonable to refuse planning permission on the grounds that neighbours will be temporarily affected by development works. Blocking of the highway by construction vehicles is not permitted under Highways legislation and would be a matter for the police.
9. The loss of the open aspect and its effect on the character of the area was considered acceptable by the Planning Inspector and is discussed above.
10. The issue of amenity space is discussed above. The retaining walls will not reduce the amount of available space to an unacceptable extent.
11. The previous proposal would have been overbearing and obtrusive

when seen from St. Jude but this was due to the bulk and position of the proposed rear dormer, which is now omitted from the scheme. The gap between the dwelling's rear elevation and the boundary of St. Jude remains 'considerably limited' but, in the absence of the dormer, this is now acceptable.

12. The proposal does not respect the building line to Charwin but as it represents a transition between the bungalows to the south and houses to the north, this will have no detrimental impact on the street scene and is considered acceptable.
13. The front elevation windows would face the street and be no less private than the windows of the existing terraced houses on Violet Place. It would be for future residents to decide whether this level of privacy was acceptable.
14. The ground floor windows of the development would be screened from neighbouring properties by 1.8m tall fences, the first floor window would face towards the highway and the single rooflight in the side elevation serves only the staircase and could be obscurely glazed, therefore there would be no unacceptable loss of privacy to adjoining properties.
15. There are no rights to a private view across someone else's land and the planning system cannot be used to protect such views.
16. The proposed dwelling would be separated from No. 23 by a 3m wide access lane, providing a buffer that would reduce the impact on the neighbouring occupier. The dwelling would be no more than 6.5m tall and would be set down within a partly excavated site, and the neighbouring dwelling has no windows in its main (closest) side elevation therefore it is not considered that unacceptable overshadowing would occur.
17. Permitted development' rights can be removed to prevent a dormer being added later.
18. The area is a small garden which does not comprise protected wildlife habitat and there is very little likelihood that protected species would be found on the site. The loss of "green space" would be partly mitigated by the proposed soft landscaping, and the developer will be required to provide features to enhance the biodiversity value of the development, such as bat and bird boxes.
19. Welsh Water have raised no concerns with regard to any impact on the drainage system.
20. Possible difficulties relating to future maintenance of the fence would be a matter for the developer to consider. The potential reduction in space available at the rear of the property once the fence had been erected would not make the development unacceptable in terms of the amount of outdoor amenity space provided.
21. Charwin would lose a large part of its rear garden. However, it is set well back from Violet Place and would retain garden space to the side of the property. The loss of garden space was cited as a reason for refusal of a previous application for development on this site but at appeal the Planning Inspector noted the amount of outdoor space that would remain and determined that this did not constitute adequate grounds for the refusal of planning permission. The loss of the conifer

hedge is discussed above.

22. The drawings are not inaccurate. The measurement of 9508mm shown on the layout drawing clearly indicates that it relates to the distance between the proposed dwelling and the main rear elevation of Charwin and not Charwin's nearest point (the conservatory) which, taking a measurement from the same plan, would be approximately 6m away. The size of the patio doors at St Jude and the current use of the closest room are not relevant to the determination of this application.

8.17 In conclusion, there would be no reasonable grounds for refusal of this application and it is recommended that permission is granted subject to conditions 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.

9.3 *Environment (Wales) Act 2016*

The Environment (Wales) Act 2016 imposes a duty on the Local Authority to seek to maintain and enhance biodiversity in the proper exercise of its functions. and in doing so to promote the resilience of ecosystems. It is considered that the proposed development does not have any significant implications for, or effect on, biodiversity.

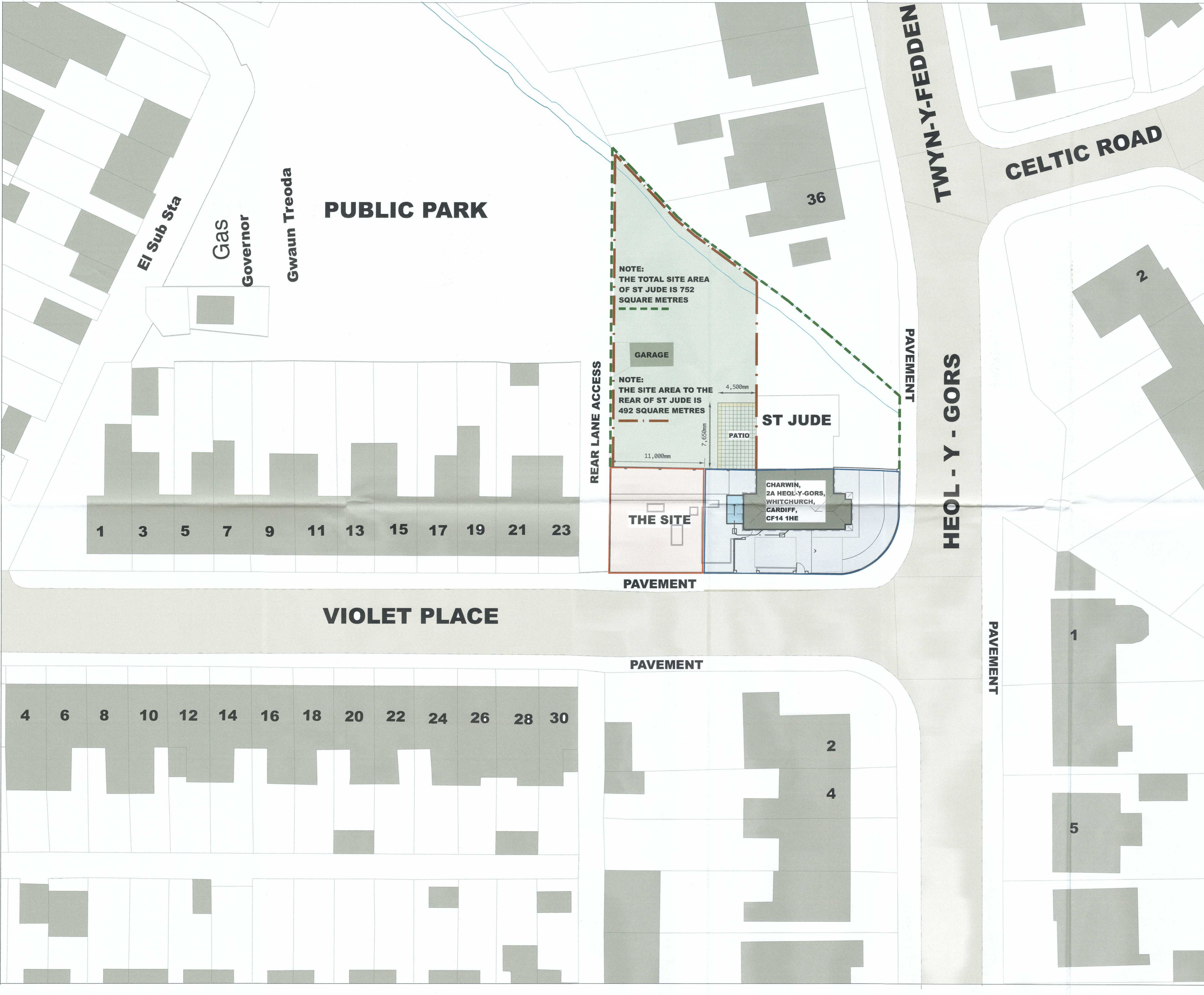
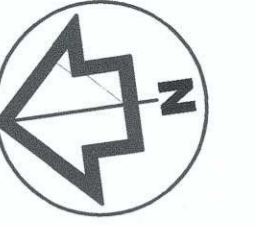
9.4 *Well-being of Future Generations (Wales) Act 2015*

The Well-being of Future Generations (Wales) Act 2015 places a duty on the Welsh Ministers (and other public bodies) to produce well-being objectives and take reasonable steps to meet those objectives in the context of the principle of sustainable development. The duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WCFG Act), has been considered and account has been taken of the ways of working set out at section 5 of

the WBFG Act in the determination of this application, and it is considered that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the well-being objectives referred to in section 9 of the WBFG Act.







NOTE:
THE TOTAL SITE AREA
OF ST JUDE IS 752
SQUARE METRES

NOTE:
THE SITE AREA TO THE
REAR OF ST JUDE IS
492 SQUARE METRES

GARAGE

PATIO

ST JUDE

CHARWIN,
2A HEOL-Y-GORS,
WHITCHURCH,
CARDIFF,
CF14 1HE

THE SITE

REAR LANE ACCESS

PAVEMENT

HEOL - Y - GORS

TWYN-Y-FEDDEN

CELTIC ROAD

PUBLIC PARK

Gwaun Treoda

Gas
Governor

El Sub Sta

VIOLET PLACE

PAVEMENT

PAVEMENT

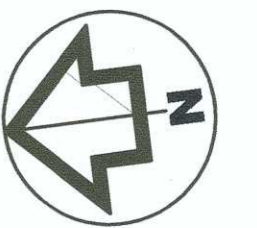
SCHEME
SITE TO THE REAR AND SIDE OF-
CHARWIN,
2A HEOL-Y-GORS,
WHITCHURCH,
CARDIFF,
CF14 1HE
FOR
MRS SANDRA ANNE SMITH
PROPOSED CONSTRUCTION OF A
DETACHED ONE BEDROOM DORMER
BUNGALOW.

DRAWING :
SITE LOCATION PLAN:
AS: EXISTING

STAGE :
FULL PLANNING APPLICATION

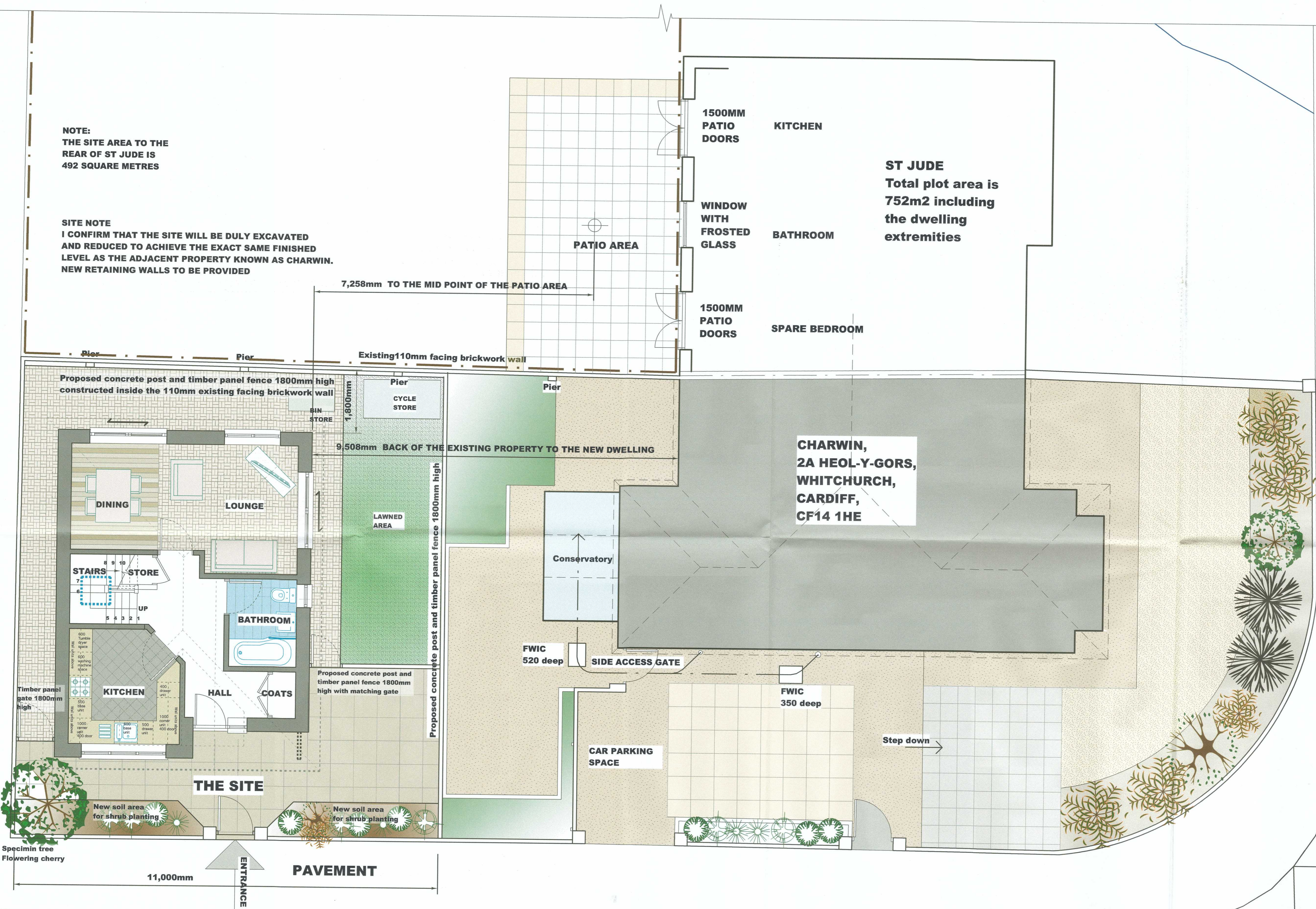
SCALE : 1 : 200
DRAWING NO : S.A.S:HYG:2A:03:2021:01 (SLP)
DATE : JUNE 2021
DRAWN BY : D L C DAVIES

AMENDMENTS	DATE



NOTE:
THE SITE AREA TO THE REAR OF ST JUDE IS 492 SQUARE METRES

SITE NOTE
I CONFIRM THAT THE SITE WILL BE DULY EXCAVATED AND REDUCED TO ACHIEVE THE EXACT SAME FINISHED LEVEL AS THE ADJACENT PROPERTY KNOWN AS CHARWIN. NEW RETAINING WALLS TO BE PROVIDED



ST JUDE
Total plot area is 752m² including the dwelling extremities

CHARWIN,
2A HEOL-Y-GORS,
WHITCHURCH,
CARDIFF,
CF14 1HE

SCHEME
SITE TO THE REAR AND SIDE OF- CHARWIN, 2A HEOL-Y-GORS, WHITCHURCH, CARDIFF, CF14 1HE
FOR
MRS SANDRA ANNE SMITH
PROPOSED CONSTRUCTION OF A DETACHED ONE BEDROOM DORMER BUNGALOW.

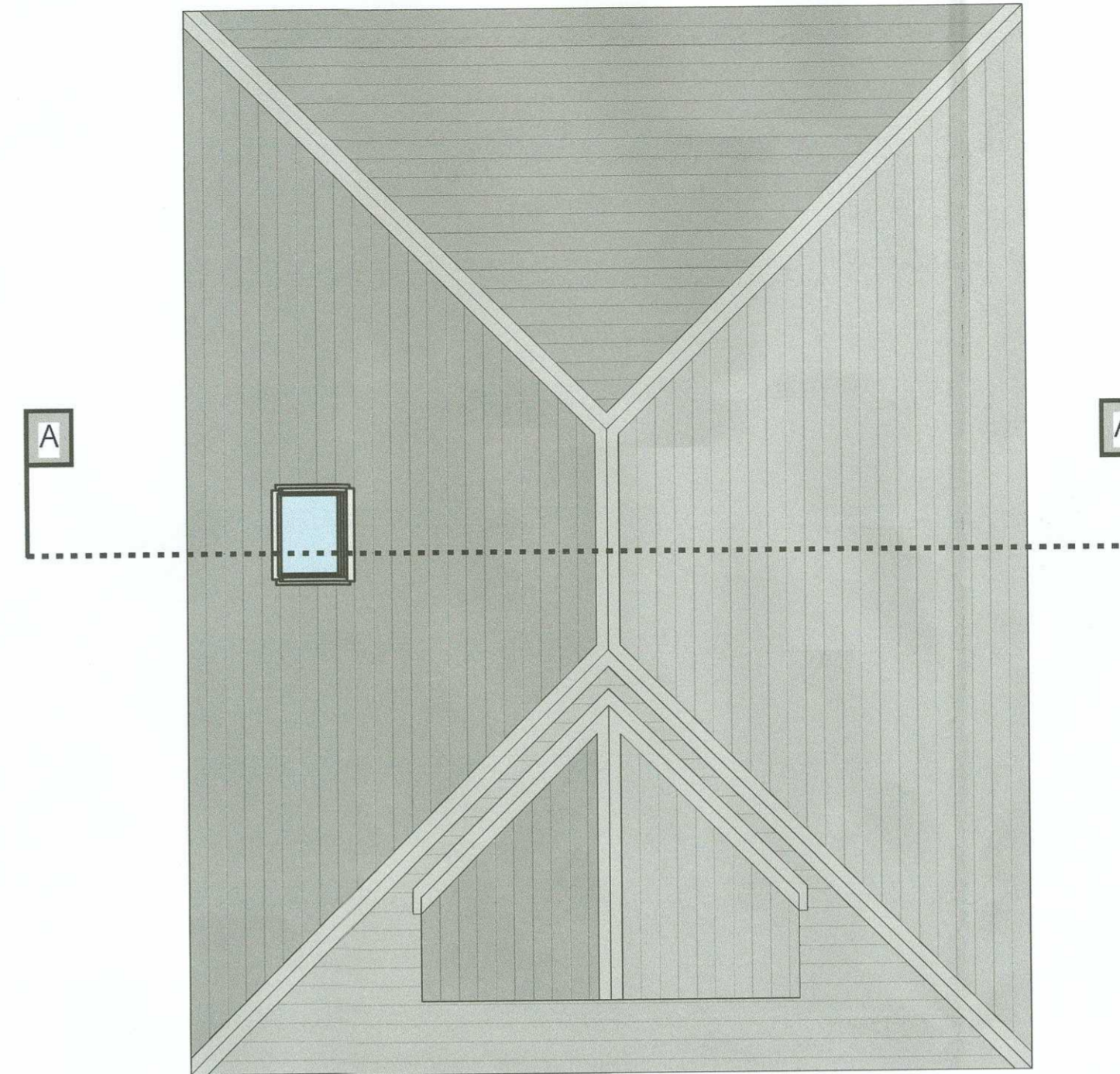
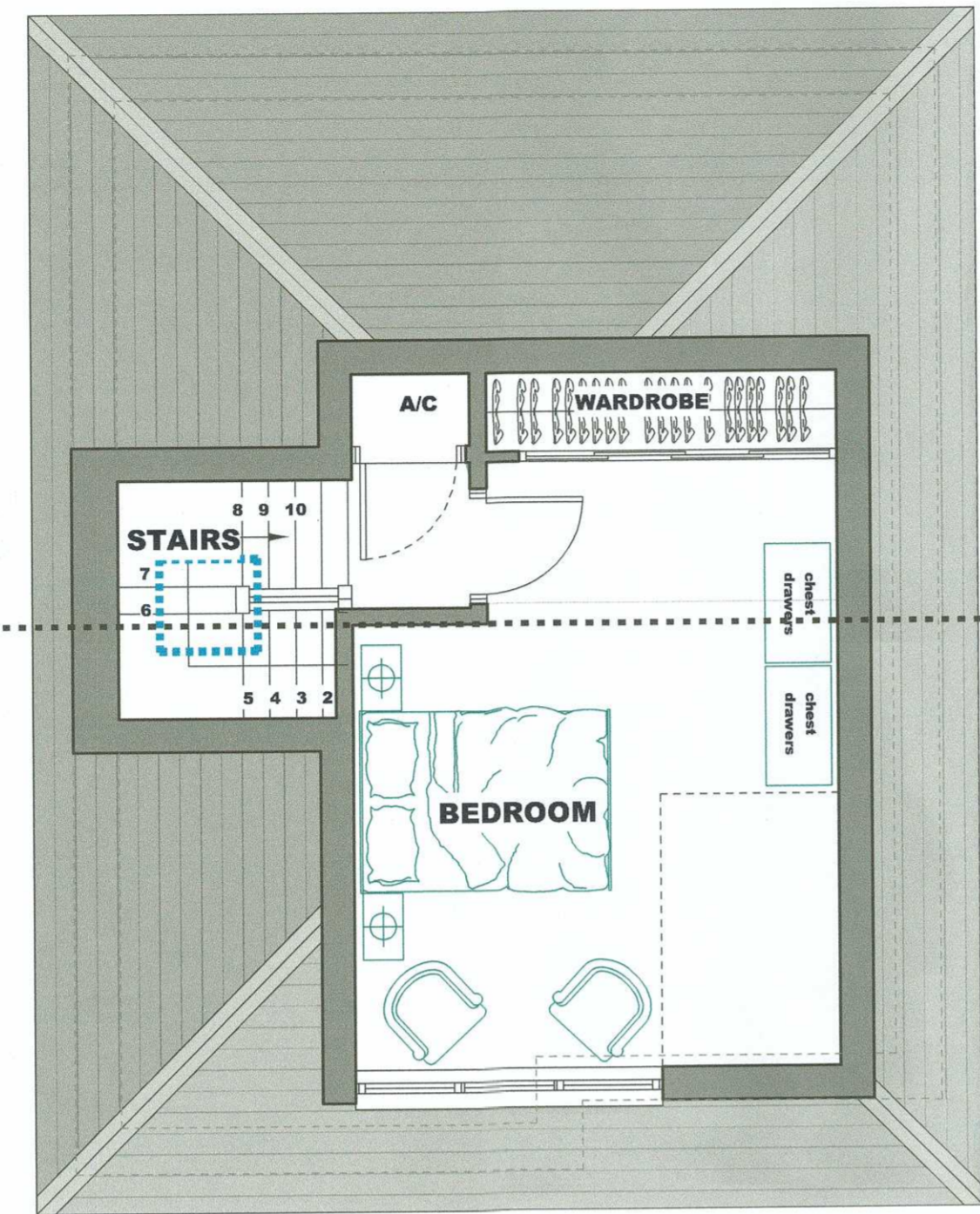
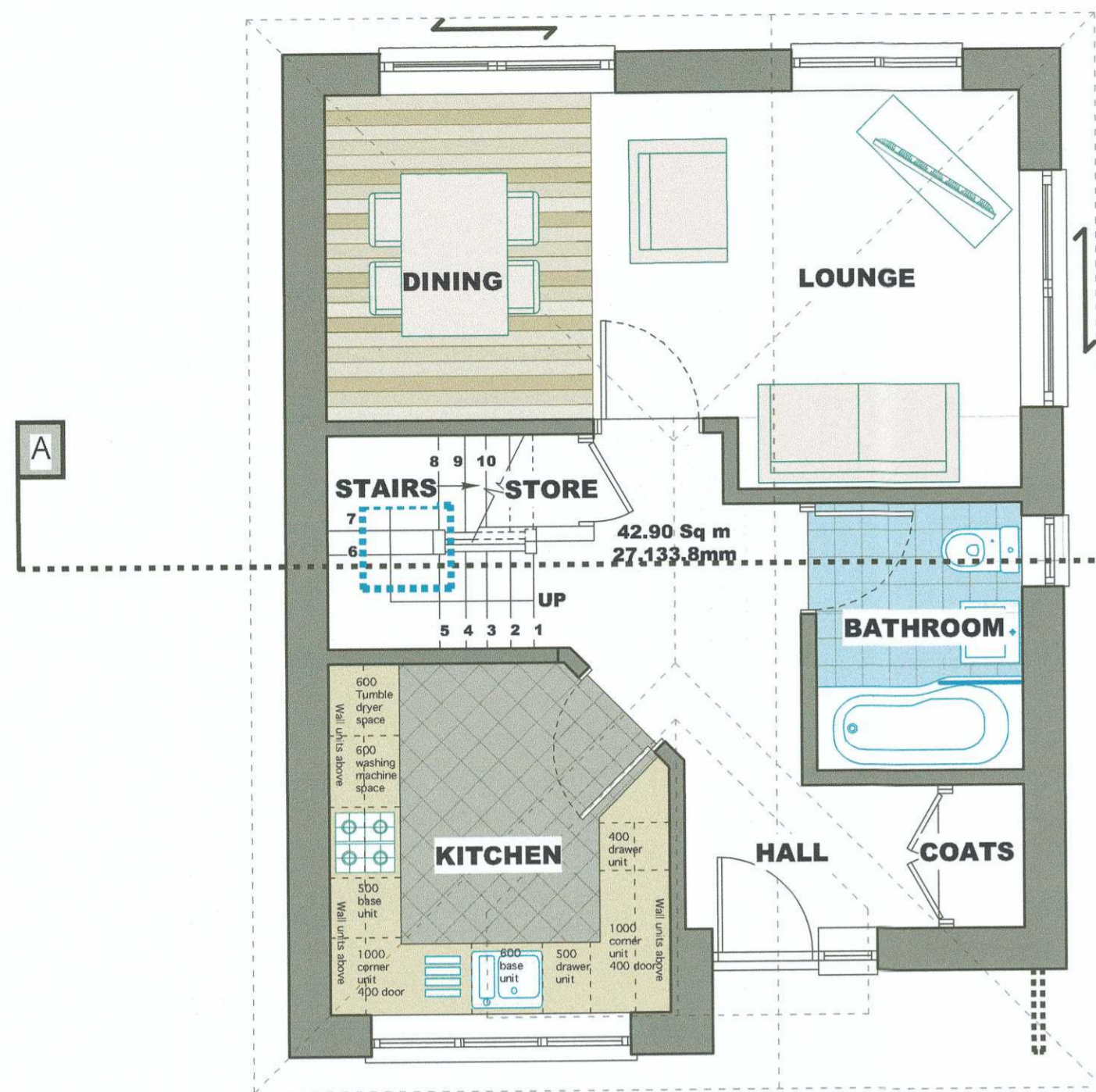
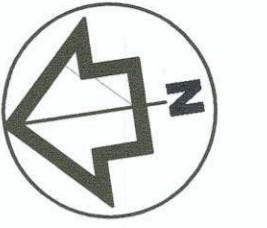
DRAWING :
DETAILED SITE LAYOUT:
AS: PROPOSED

STAGE
FULL PLANNING APPLICATION

SCALE : 1 : 50
DRAWING NO : S.A.S:HYG:2A:03:2021:05 (FP)
DATE : JUNE 2021
DRAWN BY : D L C DAVIES

AMENDMENTS	DATE

VIOLET PLACE



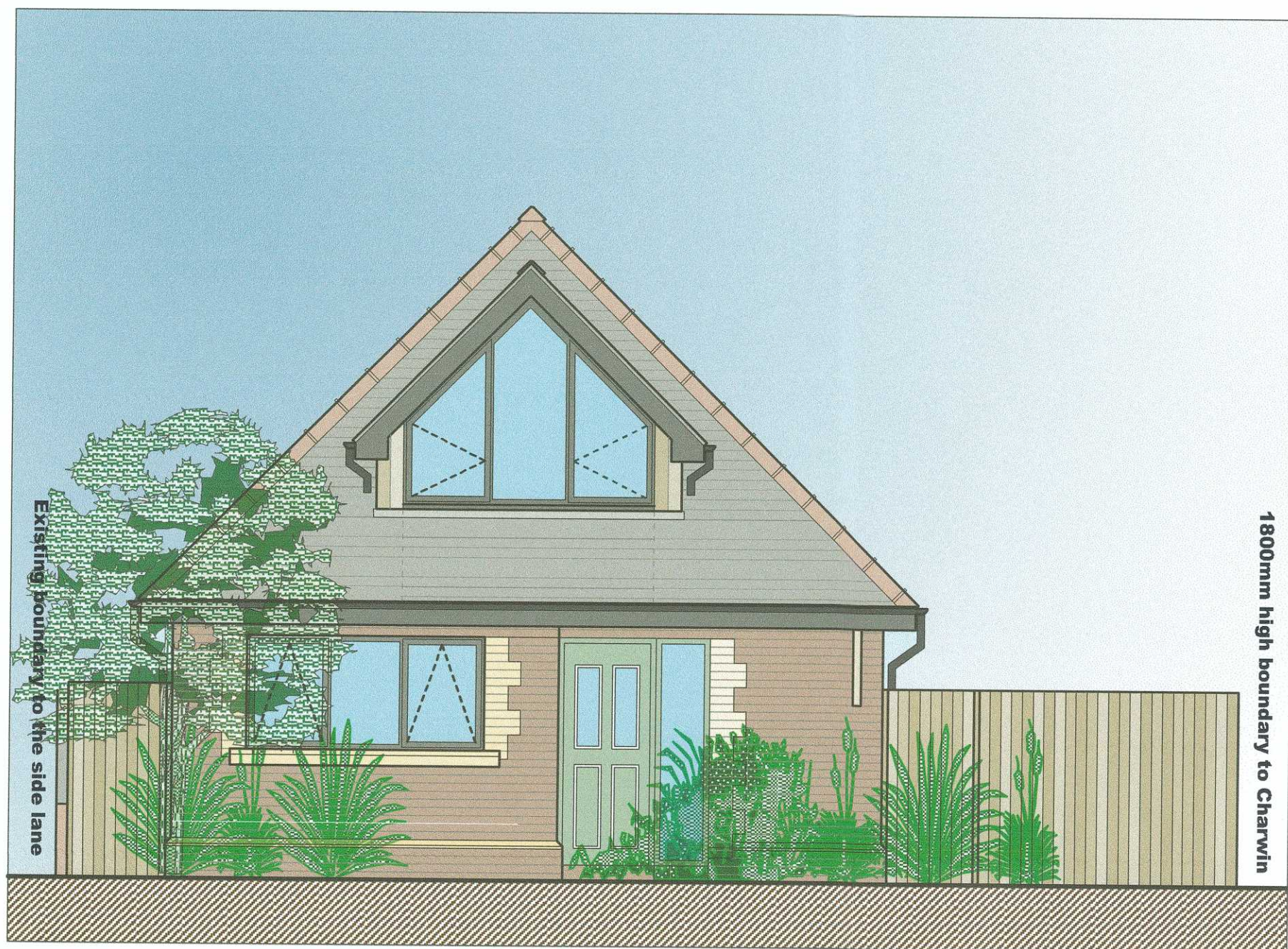
SCHEME
SITE TO THE REAR AND SIDE OF:-
CHARWIN,
2A HEOL-Y-GORS,
WHITCHURCH,
CARDIFF,
CF14 1HE
FOR
MRS SANDRA ANNE SMITH
PROPOSED CONSTRUCTION OF A
DETACHED ONE BEDROOM DORMER
BUNGALOW.

DRAWING :
FLOOR AND ROOF PLANS :
AS: **PROPOSED**

STAGE :
FULL PLANNING APPLICATION

SCALE : 1 : 50
DRAWING NO : S.A.S:HYG:2A:03:2021:03 (FP)
DATE : JUNE 2021
DRAWN BY : D L C DAVIES

AMENDMENTS	DATE



FRONT ELEVATION
WEST ELEVATION:
SCALE 1 : 50

FACING THE MAIN ROAD - VIOLET PLACE



SIDE ELEVATION
NORTH ELEVATION:
SCALE 1 : 50

FACING NUMBER 23 VIOLET PLACE ACROSS LANE

FINISHES SCHEDULE

WALLS	-	RED FACING BRICKWORK WITH CONTRAST BUFF BATH STONE PLINTH COURSE WITH CONTRASTING CASTELLATED QUIONS TO OPENINGS
WINDOWS	-	GREY UPVC
DOORS	-	GREY POWDER COATED ALUMINIUM
ROOF	-	FIBRE CEMENT SLATE WITH TERRACOTTA RIDGE TILES
DORMER	-	TIMBER EFFECT CLADDING
CHEEKS	-	

SCHEME

SITE TO THE REAR AND SIDE OF- CHARWIN, 2A HEOL-Y-GORS, WHITCHURCH, CARDIFF, CF14 1HE

FOR

MRS SANDRA ANNE SMITH

PROPOSED CONSTRUCTION OF A DETACHED ONE BEDROOM DORMER BUNGALOW.

DRAWING :

ELEVATIONS AND SECTION:

AS: PROPOSED

STAGE :

FULL PLANNING APPLICATION

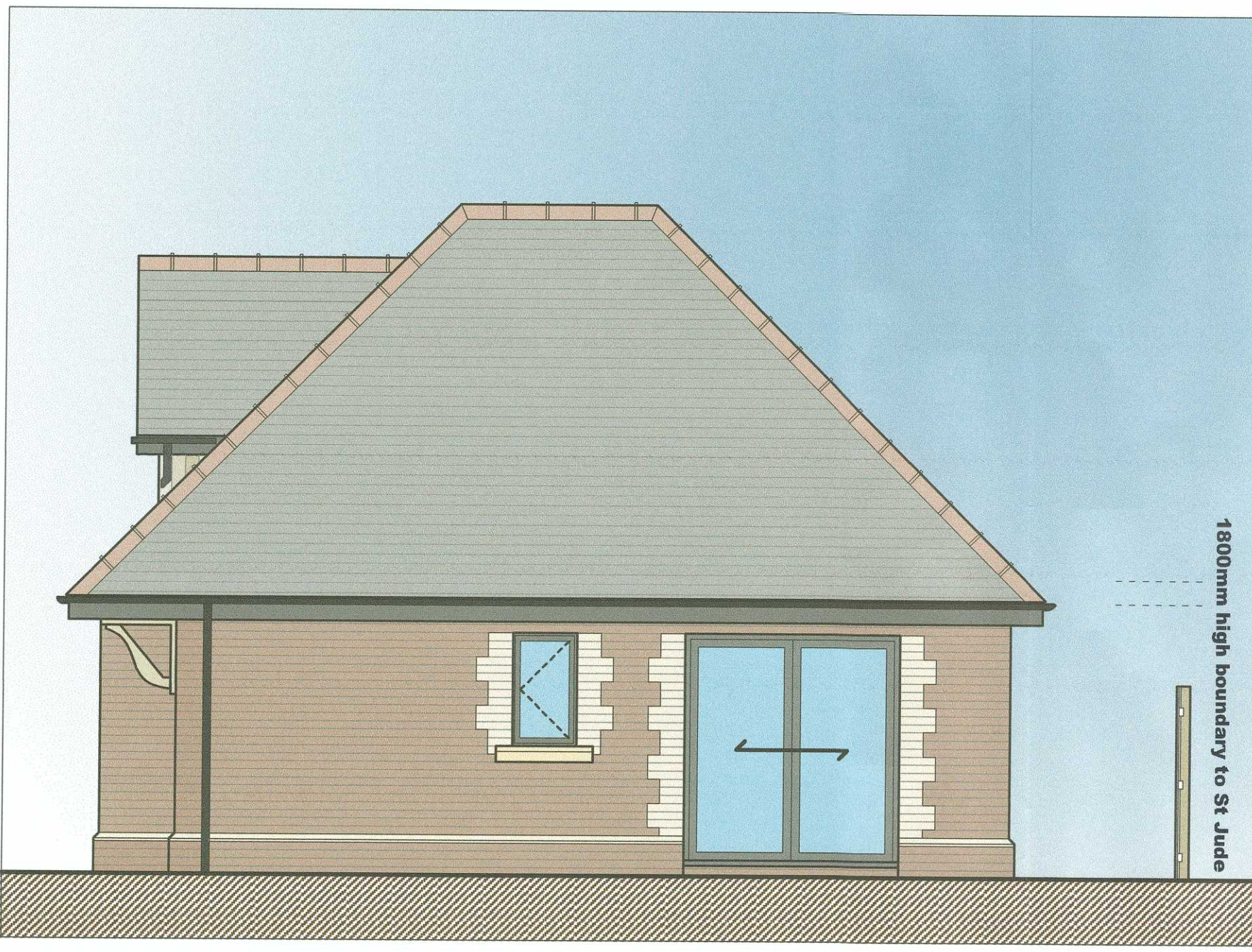
SCALE : 1 : 50

DRAWING NO : S.A.S:HYG:2A:03:2021:04 (FP)

DATE : JUNE 2021

DRAWN BY : D L C DAVIES

AMENDMENTS	DATE



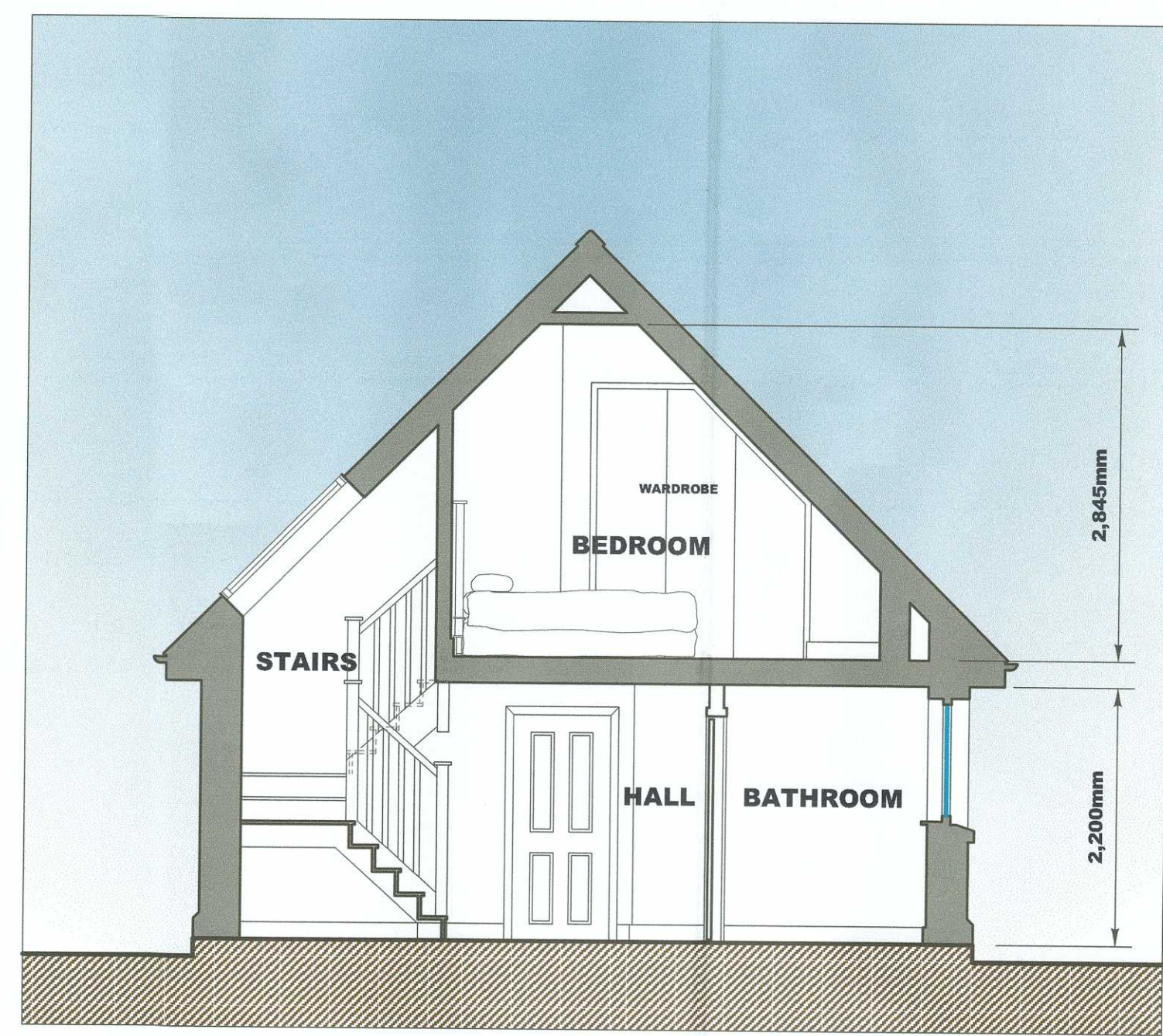
SIDE ELEVATION
SOUTH ELEVATION:
SCALE 1 : 50

FACING TOWARDS HEOL - Y - GORS



REAR ELEVATION
EAST ELEVATION:
SCALE 1 : 50

FACING THE GARDEN OF THE ADJOINING DWELLING



SECTION AA
SCALE 1 : 50



SCHEME
SITE TO THE REAR AND SIDE OF:-
CHARWIN,
2A HEOL-Y-GORS,
WHITCHURCH,
CARDIFF,
CF14 1HE
FOR
MRS SANDRA ANNE SMITH
PROPOSED CONSTRUCTION OF A
DETACHED ONE BEDROOM DORMER
BUNGALOW;

DRAWING :
Perspective Street View
AS: PROPOSED

STAGE :
FULL PLANNING APPLICATION

SCALE : N/A
DRAWING NO : S.A.S:HYG:2A:03:2021:06 (FP)
DATE : JUNE 2021
DRAWN BY : D L C DAVIES

AMENDMENTS	DATE

MS COMMENTS & PETITION

COMMITTEE DATE: 15/12/2021

APPLICATION No. **21/01954/MJR** APPLICATION DATE: 06/08/2021

ED: **WHITCHURCH/TONGWYNLAIS**

APP: TYPE: Discharge of Condition(s)

APPLICANT: Velindre NHS University Trust

LOCATION: LAND TO THE NORTH-WEST OF WHITCHURCH

HOSPITAL PLAYING FIELDS

PROPOSAL: DISCHARGE OF CONDITION 17 (CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN) OF 17/01735/MJR

RECOMMENDATION 1 : That condition 17 (construction environment management plan), of 17/01735/MJR shall be partially discharged and shall be undertaken in accordance with the updated document “New Velindre cancer centre highway access/enabling works Advanced Site Clearance; Construction Environmental Management Plan Rev D reference 70066877/GW/ASC CEMP/D by WSP.

RECOMMENDATION 2 : The applicant is reminded that during the works an arboriculturist and ecologist are on site before, during and after the whole works and provide a report to the Local Planning Authority to demonstrate compliance with the approved details.

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.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 Technical approval is sought from the Local Planning Authority (LPA) for the partial discharge of condition 17 of planning permission reference 17/01735/MJR, reading as follows:

Condition 17 Construction Environmental Management Plan (CEMP) reads as follows:

Prior to the commencement of any site clearance, construction works or

development (except for demolition), a Construction Environmental and Management Plan (CEMP) for the whole site shall be first submitted to and approved in writing by the Local Planning Authority. The CEMP shall accord with the Landscape Masterplan and mitigation measures set out in the Environmental Statement and its addendum, and in the Environmental Mitigation Plan. The CEMP shall include:

- a. An implementation programme;
- b. A Construction Traffic Management Plan, to include but not limited, to the management of site access, parking (to be within the main body of the site) and wheel washing facilities;
- c. Details of site hoardings (including the erection, maintenance, security and any decorative displays) and means of enclosure to prevent unauthorized access during construction;
- d. Details of the storage of plant and materials (including any oils, fuels and chemicals), construction compounds, any temporary facilities for construction staff;
- e. Dust Management Plan and measures to control the emission of dust and dirt from construction and minimise sediment loading
- f. A Noise Management Plan and measures to control and monitor noise, the details to be submitted shall include the suggested information (including phasing) outlined in Chapter 9: Noise and vibration Environmental Statement dated October 2017;
- g. Measures to control cementitious materials;
- h. A Site Waste Management Plan for the recycling and/ or disposal of all waste resulting from construction works;
- i. A Construction Drainage Scheme indicating how surface water and land drainage run off will be dealt with to prevent contamination, nuisance, subsidence or flooding;
- j. a Green Infrastructure Construction Protection Strategy (GICPS) detailing measures for the protection of the ecological (habitats & protected species), arboricultural, landscape, soil, open space and SuDs resource during clearance and construction, 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 Arboricultural Impact Assessment, Arboricultural 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:
 - an assessment of the impacts

- *a plan showing green infrastructure to be lost, retained, enhanced, translocated and newly created and its phasing*
 - *a plan showing protection zones for the ecological (habitats & protected species), arboricultural, landscape, soil, open space and SUDS resource for the construction phase, which shall include but not be limited to a 15m wide buffer zone alongside the Glamorgan Canal / Long Wood SSSI precautionary measures to avoid harm to previously undetected dormice and badgers;*
 - *pre-construction checks Mott MacDonald | new Velindre Cancer Centre Construction Environment Management Plan 347168-MML-028-XX-RPT-CIV-2000-001 | 14 October 2020 2*
 - *details of site clearance and construction methods and measures to be taken to minimize the impact of any works*
 - *phasing / timing of works*
 - *a lighting scheme, including measures to reduce light spillage from construction onto key habitats and corridors.*
- k. *List of on-site contacts and their responsibilities and arrangements for ecological site inductions for contractors working on site; 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.*
- l. *Details of the remediation and timescale of the triangular piece of land to the east of the Hollybush Estate.*
- m. *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 in the interests of highway safety, and protection of the environment and public amenity in accordance with Policy KP16 of the adopted Cardiff Local Development Plan (2006-2026

It must also be noted that given the complexity of the development, Condition 17 will be required to be re-discharged as the scheme progresses for each phase of development.

The details currently before committee relate to Phase 1, being the site clearance works that would see the removal of trees within an approximately 32 metre wide strip for the proposed Asda bridge, and approximately 30 metres wide around the around the Hollybush Bridge. These trees would be felled down to 300mm above the ground,

The trees cannot be totally removed during the felling in January- March due to the potential presence of dormouse. The tree stumps would be removed outside the dormouse hibernation period but would be within the bird nesting season (April-May).

The proposed vegetation clearance to create a construction route through the application site would be c.7 metres wide with the 'dogleg' being approximately 6 metres wide through the site and around Lady Cory field. The proposed compound within the site would measure approximately 4470m² in area.

The total number of trees to be removed would be approximately 120 (this is below the maximum figure of 184 outlined at the planning approval of cancer centre reference 17/01735/MJR)

- 1.2 To facilitate these works, construction access will be via Lady Cory field and the railway cutting public right of way (PROW). Both of these routes would be closed to the public for health and safety reasons the suggested closure period and diversion raise no objections from technical consultee and are therefore acceptable, in planning terms. There is a separate legal process for the closure of these areas that the applicant has undertaken. The railway cutting diversion would be along the adopted highway that runs along the boundary with Whitchurch Hospital and along the PROW route that runs along the SSSI (see last map attached to this report)

2. DESCRIPTION OF THE SITE AND AREA

- 2.1 The planning application site, corresponds to the red line boundary indicated on the site location plan. The site is 14.5 hectares in area and is undeveloped land that is characterised by rough grassland and scrub, enclosed by dense, broadleaved woodland and shrubs. The boundary of the application site includes the main site for development of the hospital facility, and those areas required to facilitate access to them from the Coryton Gyrotory and the emergency access route from the Hollybush Estate. The land is gently undulating former pastoral farmland (The highest point of the main site area is the north-west boundary which ranges between 51m AOD (Above Ordnance Datum) and 57m AOD with the site sloping down to the south-east boundary where the ground level is between 41m AOD and 43m AOD). The site is subdivided into a network of fields of varying size with some overgrown field hedgerows remaining in private ownership. The site is no longer grazed by horses, but is crossed by informal and formal footpaths. The site has a non-statutory designation as a Site of Importance for Nature Conservation (SINC) for its neutral grassland. (see aerial photo at appended to this report)

- 2.2 However, this submission is concentrated upon the railway cutting (which is now a designated public right of way (PROW) and in particular the locations of bridges and the triangular piece of land know as Lady Cory field.

3. PLANNING HISTORY

- 3.1 Within the last 5 years:

17/01735/MJR: Proposed Velindre Cancer Centre including specialist cancer treatment centre, centre for learning, research and

development, primary means of access (from Coryton Interchange), emergency access (via Hollybush estate), temporary construction accesses, parking, energy centre, landscape works, pedestrian paths, and Maggie's Centre. Granted 27/03/2018.

20/00357/MJR: Variation of condition 1 of planning permission 16/02351/mnr (retention of existing car park for a temporary period expiring on 31st December 2019) substituting 31st December 2024 for 31st December 2019 – undetermined;

20/01110/MJR: Temporary construction access route for the construction of the approved Velindre cancer centre, for a period of no more than 48 months following the completion of the related highway improvement works, or until 30/11/24, whichever is first- Granted 2/02/2021;

20/01481/MJR: Partial discharge of condition 16 (green infrastructure management strategy) of 17/01735/MJR Granted 16/12/20;

20/01515/MJR: Partial discharge of conditions 17 (construction environment management plan), discharge of conditions 10 (highway and pedestrian works details), 13 (bridge finishes), and 14 (soil resource survey (access and enabling works)) of 17/01735/MJR – Granted 16/12/20;

20/02632/MJR: Variation of part c of condition 1 to extend the time limit for the submission of reserved matters by 18 months to 27/09/22 and variation of part d of condition 1 to be: the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission - previously approved under 17/01735/MJR granted 27/01/2021;

21/02620/MJR: variation to the design of the northern access bridge - previously approved under 17/01735/MJR- undetermined.

4. POLICY FRAMEWORK

4.1 National Planning Policy:

- Future Wales: National Plan 2040
- Planning Policy Wales (11th Ed, 2018)

Planning Policy Wales Technical Advice Notes:

- Technical advice note (TAN) 5: Nature conservation and planning (September 2009);
- Technical advice note (TAN) 10: Tree preservation orders (October 1997);
- Technical advice note (TAN) 11: Noise (October 1997);

- Technical advice note (TAN) 12: Design (March 2016);
- Technical advice note (TAN) 18: Transport (March 2007);
- Technical advice note (TAN) 21: Waste (February 2017);
- Technical advice note (TAN) 24: The historic environment (May 2017);

Chief Planning Officer letter dated 23/10/19: securing bio-diversity enhancement;

Building Better Places: The Planning System Delivering Resilient and Brighter Futures: Placemaking and Covid 19 recovery (July 2020).

4.2 Cardiff Local Development Plan 2006-2026:

KEY POLICIES

KP5 (Good Quality and Sustainable Design);

KP6 (New Infrastructure);

KP15 (Climate Change);

KP16 (Green Infrastructure);

KP17 (Built Heritage).

DETAILED POLICIES

ENVIRONMENT

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);

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

TRANSPORT

T1 (Walking and Cycling);

T5 (Managing Transport Impacts);

T6 (Impact on Transport Networks and Services).

COMMUNITY

C3 (Community Safety/Creating Safe Environments);

C6 (Health).

- Supplementary Planning Guidance:

Green Infrastructure (including Technical Guidance Notes relating to: Ecology and Biodiversity; Trees and Development; Public Rights of Way and Development; River Corridors; Protection and Provision of Open Space in New Developments; Soils and Development) (November 2017);

Managing Transportation Impacts (Incorporating Parking Standards) (July 2018).

Planning for Health and Wellbeing (November 2017).

5. INTERNAL CONSULTEE RESPONSES

5.1 The Operational Manager (Traffic and Transportation) states:

Partial discharge conditions 17 (construction environment management plan).

The submitted CEMP, chapter 2, looks at construction traffic management. I have noted the construction access points include the use of the Lady Cory field, the limited nature of these works (to felling of the trees within the railway cutting and limited vegetation clearance within the site), and I raise no objections as there is an appropriate diversion of the public rights of way along the adopted highway and street licence in progress. I also note that this submission accords with the overarching CEMP condition that the committee discharged under reference 20/01515/MJR in December 2020.

5.2 Public Rights of Way (PROW): No objections

5.3 The Strategic Planning Trees and Landscaping Officer states:

This updated CEMP discharge of condition seeks to allow vegetation clearance and tree felling in line with the principles set under planning application 17/01735/MJR. The proposal accords with the tree loss approved through planning application reference 17/01735/MJR and this CEMP accords with the general principles agreed by committee under reference 20/01515/MJR for the site wide CEMP. On this basis and subject to receiving arboricultural reports from the designated arboriculturist I raise no objections

5.4 Shared regulatory services (Noise): note the proposed CEMP and raise no objection to the partial discharge of condition 17.

6. EXTERNAL CONSULTEE RESPONSES

6.1 Natural Resources Wales:

No objection to condition 17 (Construction Environment Management Plan) being partially discharged.

7. REPRESENTATIONS

7.1 The application is a subsequent application under the EIA regulations, which requires the application to be publicised by site and press notice in addition to neighbour letters. Given concerns raised, in terms of viewing the documents, a revised submission has been received and an additional 21 days have been given to residents to make any additional comments. 163 letters of representation have been received of which 150 object to this application. These objections are summarised below:

1. The proposal results in the loss of valuable amenity space for the community;
2. Why can't the empty Whitchurch hospital be used instead of selling the site for profit or other brownfield sites;
3. Concern over the proposed speed, which should be 5mph given that the site crosses public paths;
4. No details have been provided when the public rights away will be closed;
5. The plans are not easy for the public to read or understand and are incorrect;
6. The proposal would result in a significant amount of surface water run off;
7. The proposal would undermine wildlife which we should be protecting;
8. The proposal does not cover the whole site
9. Condition 17 is not met as there no noise or vibration limits outlined. This is completely disrespectful to the residents.
10. Any drainage channel in this area would cause health and safety issues to users or make the area impassable. Both are an unacceptable impact on the SSSI, visitors to the nature reserve as well as local residents which use this route to access amenities such as Asda. Again, this misinformation, lack of local knowledge and utter disregard of the community is evident and harmful.
11. No decision should be made until the judicial review has been undertaken;

7.2 13 letters of support have been submitted and the summary of those supporting are:

1. Pleased to see that this much needed hospital is making progress;
2. There is a need for this type of facility for the region;

7.2 An on-line petition of 374 signatures has been submitted and objects to this application on the following grounds:

- The submission is confusing;
- The submission should be rejected and resubmitted in a format the community can understand;
- The requirements of condition 17 are not met as it needs to take a whole site approach;
- Proper details of how the proposal would affect Lady Cory Field should be submitted;
- Access to Lady Cory field not covered;
- No account has been taken of the residents of the Hollybush Estate that use the PROW to gain access to ASDA;
- Drainage: The CEMP statement on drainage is untrue The removal of 25,000m² of vegetation (as stated in the application) including a significant area with complete canopy cover (the railway cutting & proposed cut through from Whitchurch hospital grounds) a significant area of scrub and 40+ year Oaks with complex ground cover (the majority of the rest of the area) and even the grassier meadow areas themselves with huge volumes of vegetation will have a significant impact on 'run-off rates'

- No details have been submitted for dust, noise or plant and materials storage;
 - No evidence of sufficient environmental assessment work to identify sensitive ecological habitats
- 7.3 Local Ward Members have been consulted any comments will be reported to committee
- 7.4 Anna McMorrin, Member of Parliament for Cardiff North has been consulted: No comments have been received:
- 7.5 Julie Morgan (Member of the Senedd for Cardiff North) has been consulted, no comments have been received
- 7.6 Andrew RT Davies (Member of the Senedd for South Wales Central) objects to this proposal on the following grounds:
1. Accessibility – The plans themselves have been submitted in a format which are inaccessible to some constituents and queries have been raised over a lack of clarity of what has been revised in the new documents.
 2. Flooding – Concerns have been expressed to Andrew that development on the site could exacerbate the flood risk at nearby dwellings which sit along the west of the site. Additionally concerns highlight that the surface water drainage proposal are temporary options, not covering the whole site as required by Condition 17 and the Construction Environmental Management Plan, or the requirements of SUDS.

8. ANALYSIS

8.1 This application is submitted to discharge technical matters associated with the approved planning permission. It is not an opportunity to consider the merits of the planning permission or to question matters the committee has already agreed, such as the location of the bridges or the use of the railway cutting. A number of matters have been raised by objectors and those matters that are material to the consideration of the discharge of this condition and have been considered below:

8.2 Condition 17 (CEMP)

The condition imposed upon the cancer hospital required various matters (12 points) to be discharged. The condition was constructed in order to allow a phased and progressive discharge of details at key stages of the construction programme to ensure that various relevant points can be considered at the appropriate stage of development and also allow consideration of the wider site context at the same time.

It was therefore not anticipated that all points of the condition would be discharged simultaneously. As a result and as noted by the objectors not all

points have been addressed in the CEMP report; but the report sets the scope of the submission and also demonstrates how it meets the framework that was approved by the planning committee under application reference 20/01515/MJR

The key matters which are presented to Committee are therefore:

Water discharge

Concern raised over surface water are noted but the CEMP suggests that any surface water would be localised to the railway cutting and would improve once the agreed replanting is in situ once the bridges are built.

Traffic

The proposed access is for the first 9 months via the Lady Cory Field and via the Whitchurch hospital site. This has been agreed through the principal Planning Permission. Chapter 2 of the CEMP accords with this permission.

The proposed mitigation of the Lady Cory field includes for the use of protective matting to protect the grass.

Proposed car parking is confirmed as being within the main application site with access via the temporary access route through Whitchurch Hospital. The Transportation Officer has considered the arrangement and raises no objection to the proposal.

As the principal access for these works would be the railway cutting means that construction vehicles would need to reverse down the cutting and turn within the Lady Cory field to exit the site. These vehicles will be marshalled by banksmen to ensure highway safety is maintained.

Ecology

This submission seeks the method of the removal of the trees to be felled as part of the bridges works approved under application 17/01735/MJR. This CEMP submission follows the agreed principles of the site wide CEMP approved by Committee in the previous submission reference 20/01515/MJR and therefore this submission is acceptable. It is important for committee to note that during these works that appropriate specialists will be on site to: a) ensure the felling of the trees accord with the submitted details and b) ensure that any unexpected matters that are found on site can be assessed by environmental experts. The proposed mitigation (not the subject of this application) and timeline would follow the details committee approved at its meeting in December 2020

NRW have considered these matters and consider the submission acceptable. It is important to note that NRW have issued a European protected species (EPS) licence for these works which requires an ecologist to be on site during the works and this requirement has also been acknowledged within this updated CEMP submission (see appendix C).

Noise and Vibration

Chapter 6.1.4 of the CEMP report sets out how the need to reduce noise to City Hospice and nearest residential properties. The report does set out that works would be undertaken during daylight hours; includes a strategy for complaint handling and communication with residents prior to undertaking 'noisy' work.

Paragraph 6.1.2 – that there will be a stakeholder communication strategy, which will include timely notice to affected parties (Recommendation 2 of this report).

Committee will also note that Shared Regulatory Service (Noise) raise no objection to this proposal.

This principle is acceptable and it is considered appropriate that further information will be submitted once a contractor has been appointed.

Air quality (including dust)

Chapter 5 of the CEMP has assessed these points including wheel washing facilities to reduce dust and speed reduced to 10mph on the site. Further detail is provided in paragraph 5.3.6 (Air Quality) which states:

- loaded vehicles that are carrying dust generating materials will be covered, for example with sheets, when leaving site;
- there will be no burning of materials on site;
- all plant and vehicles will be maintained in good order so that they do not emit dark smoke, grit or dust. Prior to start-up and on start-up, plant will be inspected daily to identify excessive smoke, leaks and other defects that may result in air quality issues. If such defects are observed, they shall be recorded, and the affected item of plant quarantined until it is repaired or removed from site and replaced;
- the use of diesel generators will be minimised, and battery powered generators or mains connection will be used where available;
- engines will be turned off when plant is are not in use to avoid 'idling';
- the site speed limit will be signposted and will not exceed 10mph; and
- given the proposal there is not a requirement for real time air quality monitoring but there will be daily inspections by the site manager.
- The details of the project manager, including a mobile number have been provided

These principles are considered acceptable as a basis for an appointed contractor to augment

8.2 Tree loss

The planning permission (reference 17/01735/MJR) anticipated a total tree loss of 184 trees, a number of which would be category 'A' trees. The updated Arboricultural Assessment (see appendix D) reduces the trees loss to 120 healthy trees (it must noted that young samplings or dead (category U) trees are not counted in the above). Committee will note that there is a requirement for a suitability qualified Arboriculturist to be on site during the works and provide the LPA with a report to demonstrate compliance with this

submission.

8.3 Closure of the public right of way

There is currently a legal order that allows Velindre to close the railway cutting and an appropriate diversion has been agreed with the PROW team and highways.

Summary

Such details as have been submitted are considered acceptable in principle and sufficient to allow a partial discharge of condition 17 (CEMP).

8.4 Other matters not considered above

- Concern over the accuracy and legibility of the initial submission raised by objectors was considered valid and an updated document has been submitted with residents given an additional 21 days to make any additional comments;
- Since this submission was made the judicial review and the subsequent appeal have been dismissed;
- Concern over flooding from the loss of the trees and soil is noted but is considered to affect the railway cutting and would be limited in time and area;
- Access to the site accords with the principles set within the planning approval. The submission accords with the overarching CEMP that committee approved in December 2020;
- As discussed, and agreed by committee in December 2020, condition 17 is an overarching condition and that for various phases of development not all points are applicable. In terms of the felling of the trees and vegetation clearance, as outlined in plan 70066877-WSP-XX-XX-DR-ASC-P0-CEMP 1 and paragraph 2.1 of the CEMP submission sufficient information has been submitted to allow that phase of development to be undertaken;
- The submission is complex in nature due to the complexity of the site and proposal. However, the majority of the submission is information that was already approved under reference 20/01515/MJR and has been submitted to demonstrate how this submission accords with the principles approved by the Planning Committee;
- Concern has been raised that the planning process does not provide meaningful dialogue with the community affected by this proposal and that the LPA are only undertaking consultation as a tick box exercise. The requirements for community engagement are a legal requirement under the EIA regulations and there is a legal duty to consider representations made. This report is considered to represent the concerns raised and provides an assessment to allow the committee to make an informed planning judgement based upon the matter for consideration;

- As discussed above and reiterated here, this application does not allow the reopening of the principles set by the planning permission or the overarching CEMP discharge approved by the committee in 2020;
- The discharge of this condition accords with the principles set under planning permission 17/01735/MJR which was the subject of the EIA regulations and as such the environmental impact has been considered and the submitted Environmental Statement remains fit for purpose. It is also recommended that an ecologist and arboriculturist are on site to supervise the works being undertaken to ensure the environmental considerations are met on site.

Other matters relevant to the consideration of this application

- 8.5 Crime and Disorder Act 1998. Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.
- 8.6 Equality Act 2010. 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. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.
- 8.7 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. It is also noted that section 2(5) of the Planning (Wales) Act 2015 affords protection to decisions taken under Part 3 of the 1990 Act, in that the Well-being of Future Generations (Wales) Act 2015 does not alter whether regard is to be had to any particular consideration under section 70(2) of the 1990 Act or the weight to be given to any consideration to which regard is had under that subsection. This means the provisions of the development plan, so far as material to the application, and any other relevant other material considerations remain the primary considerations when determining planning applications.
- 8.8 Section 6 of Environment (Wales) Act 2016 subsection (1) imposes a duty that

a public authority must seek to maintain and enhance biodiversity in the exercise of its 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 subsection (1), a public authority must take account of the resilience of ecosystems, in particular the following aspects:

- (a) Diversity between and within ecosystems;
- (b) The connections between and within ecosystems;
- (c) The scale of ecosystems;
- (d) The condition of ecosystems (including their structure and functioning);
- (e) The adaptability of ecosystems.

It is considered that the LPA has considered its duty under this Act and has met its objectives for the reasons outlined above.

EIA development

The application constitutes a 'subsequent application' for the purposes of Part 3, Regulation 9(1)(a) & (b) of the Town & Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017. The application has been prepared in substantial accordance with the parameter plans, drawing and documents that were approved as part of the planning permission for the new Velindre Cancer Centre (LPA reference 17/01735/MJR, granted 27/03/2018). This current application, in relation to a condition of that permission, does not give rise to any significant effect on the environment, beyond those which were considered as part of the Environmental Statement, that was approved under the above planning permission. The environmental information already before the local planning authority is considered adequate to assess the significant effects of the development on the environment, and has been taken into consideration as part of this application in accordance with the aforementioned Regulations. It is considered, therefore, that a further addendum to the Environmental Statement is not required to accompany this submission.

9. CONCLUSION

- 9.1 It is recommended that condition 17 is partially discharged in the manner outlined above at this time and that given the complexity of the development and of the site, that the phased discharge of this condition at key points within the programme is acceptable and appropriate to control key elements of the project as it progresses. Concerns raised are noted, but are not material to this stage of discharging the condition i.e. Condition 17- flooding. However, it is recognised that further work is required for Conditions 17
- 9.2 Such details which have been submitted will require further updating and definition to achieve full discharge in due course.
- 9.3 There are no technical objections to the discharging of the conditions and the submission is in line with the plans considered by the committee in December 2017.

9.4 For the above reasons, the proposal is considered acceptable and it is recommended that the condition 17 can be partially discharged as outlined in recommendation 1 of this report.

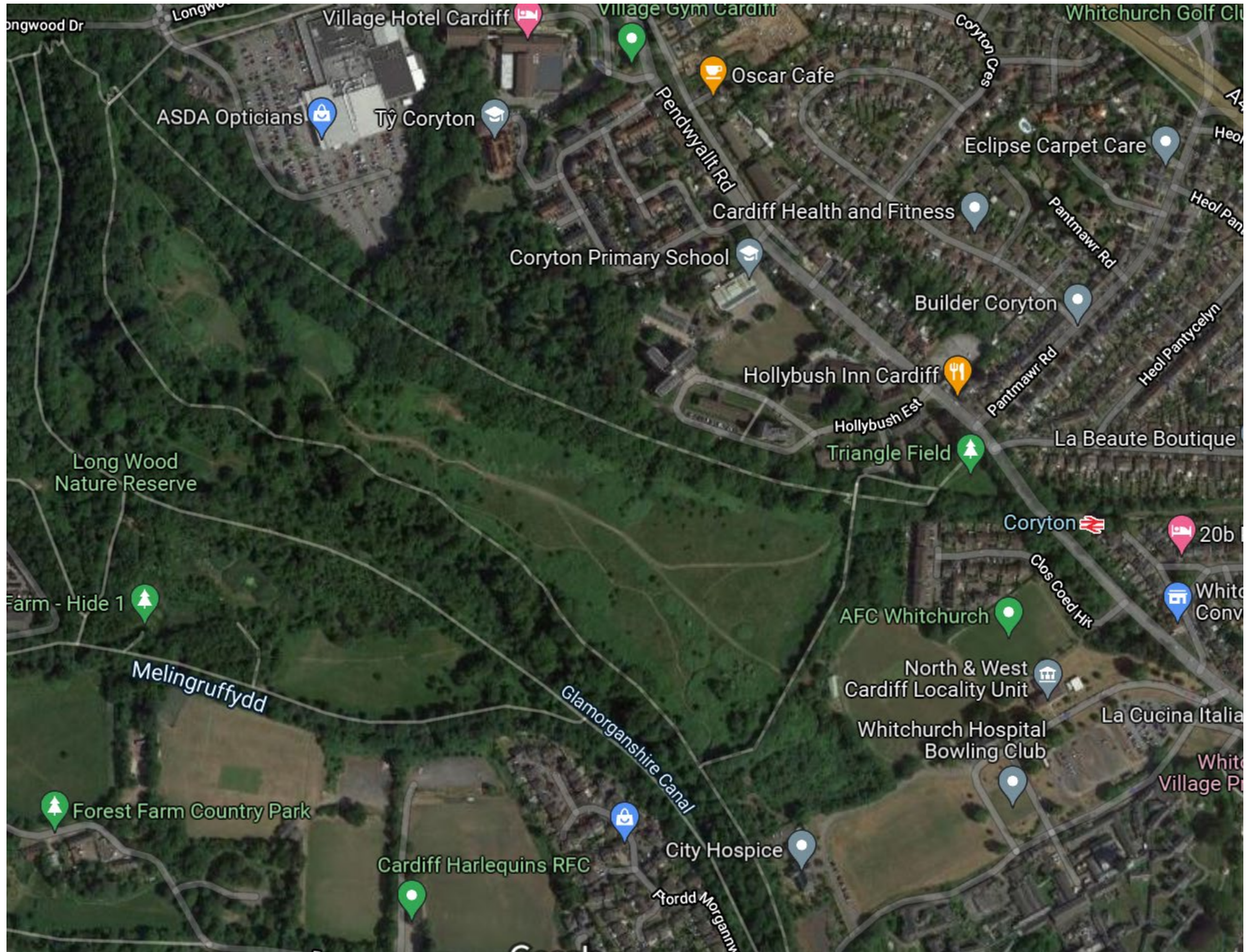
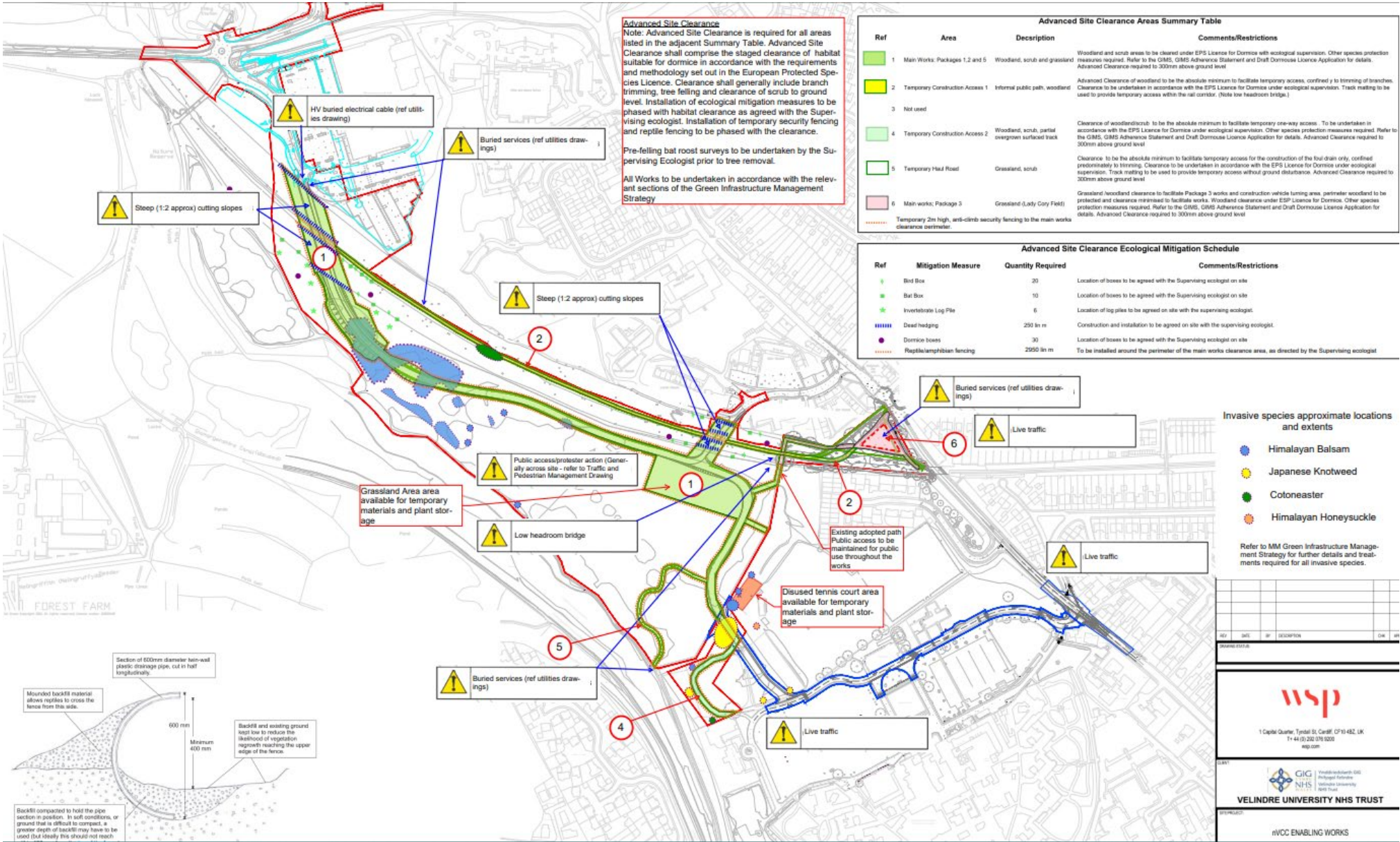




Figure 1.1 – Area of Proposed Site Clearance



Advanced Site Clearance
 Note: Advanced Site Clearance is required for all areas listed in the adjacent Summary Table. Advanced Site Clearance shall comprise the staged clearance of habitat suitable for dormice in accordance with the requirements and methodology set out in the European Protected Species Licence. Clearance shall generally include branch trimming, tree felling and clearance of scrub to ground level. Installation of ecological mitigation measures to be phased with habitat clearance as agreed with the Supervising ecologist. Installation of temporary security fencing and reptile fencing to be phased with the clearance.
 Pre-felling bat roost surveys to be undertaken by the Supervising Ecologist prior to tree removal.
 All Works to be undertaken in accordance with the relevant sections of the Green Infrastructure Management Strategy

Ref	Area	Description	Comments/Restrictions
1	Main Works: Packages 1, 2 and 5	Woodland, scrub and grassland	Woodland and scrub areas to be cleared under EPS Licence for Dormice with ecological supervision. Other species protection measures required. Refer to the GMS, GMS Adherence Statement and Draft Dormouse Licence Application for details. Advanced Clearance required to 300mm above ground level
2	Temporary Construction Access 1	Infernal public path, woodland	Advanced Clearance of woodland to be the absolute minimum to facilitate temporary access, confined to trimming of branches. Clearance to be undertaken in accordance with the EPS Licence for Dormice under ecological supervision. Track matting to be used to provide temporary access within the rail corridor. (Note low headroom bridge.)
3	Not used		
4	Temporary Construction Access 2	Woodland, scrub, partial overgrown surfaced track	Clearance of woodland/scrub to be the absolute minimum to facilitate temporary one-way access. To be undertaken in accordance with the EPS Licence for Dormice under ecological supervision. Other species protection measures required. Refer to the GMS, GMS Adherence Statement and Draft Dormouse Licence Application for details. Advanced Clearance required to 300mm above ground level
5	Temporary Head Road	Grassland, scrub	Clearance to be the absolute minimum to facilitate temporary access for the construction of the four drain only, confined predominantly to trimming. Clearance to be undertaken in accordance with the EPS Licence for Dormice under ecological supervision. Track matting to be used to provide temporary access without ground disturbance. Advanced Clearance required to 300mm above ground level
6	Main works: Package 3	Grassland (Lady Cory Field)	Grassland/woodland clearance to facilitate Package 3 works and construction vehicle turning area, perimeter woodland to be protected and clearance minimised to facilitate works. Woodland clearance under EPS Licence for Dormice. Other species protection measures required. Refer to the GMS, GMS Adherence Statement and Draft Dormouse Licence Application for details. Advanced Clearance required to 300mm above ground level

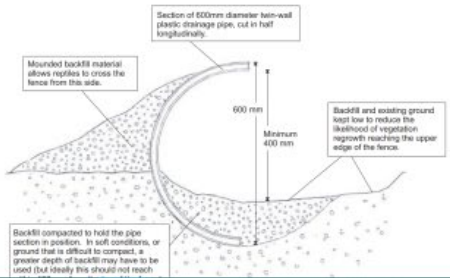
Temporary 2m high, self-climb security fencing to the main works clearance perimeter.

Ref	Mitigation Measure	Quantity Required	Comments/Restrictions
1	Bird Box	20	Location of boxes to be agreed with the Supervising ecologist on site
2	Bat Box	10	Location of boxes to be agreed with the Supervising ecologist on site
3	Invertebrate Log Pile	6	Location of log piles to be agreed on site with the supervising ecologist
4	Dead hedging	250 in m	Construction and installation to be agreed on site with the supervising ecologist
5	Dormice boxes	30	Location of boxes to be agreed with the Supervising ecologist on site
6	Reptile/amphibian fencing	2550 in m	To be installed around the perimeter of the main works clearance area, as directed by the Supervising ecologist

Invasive species approximate locations and extents

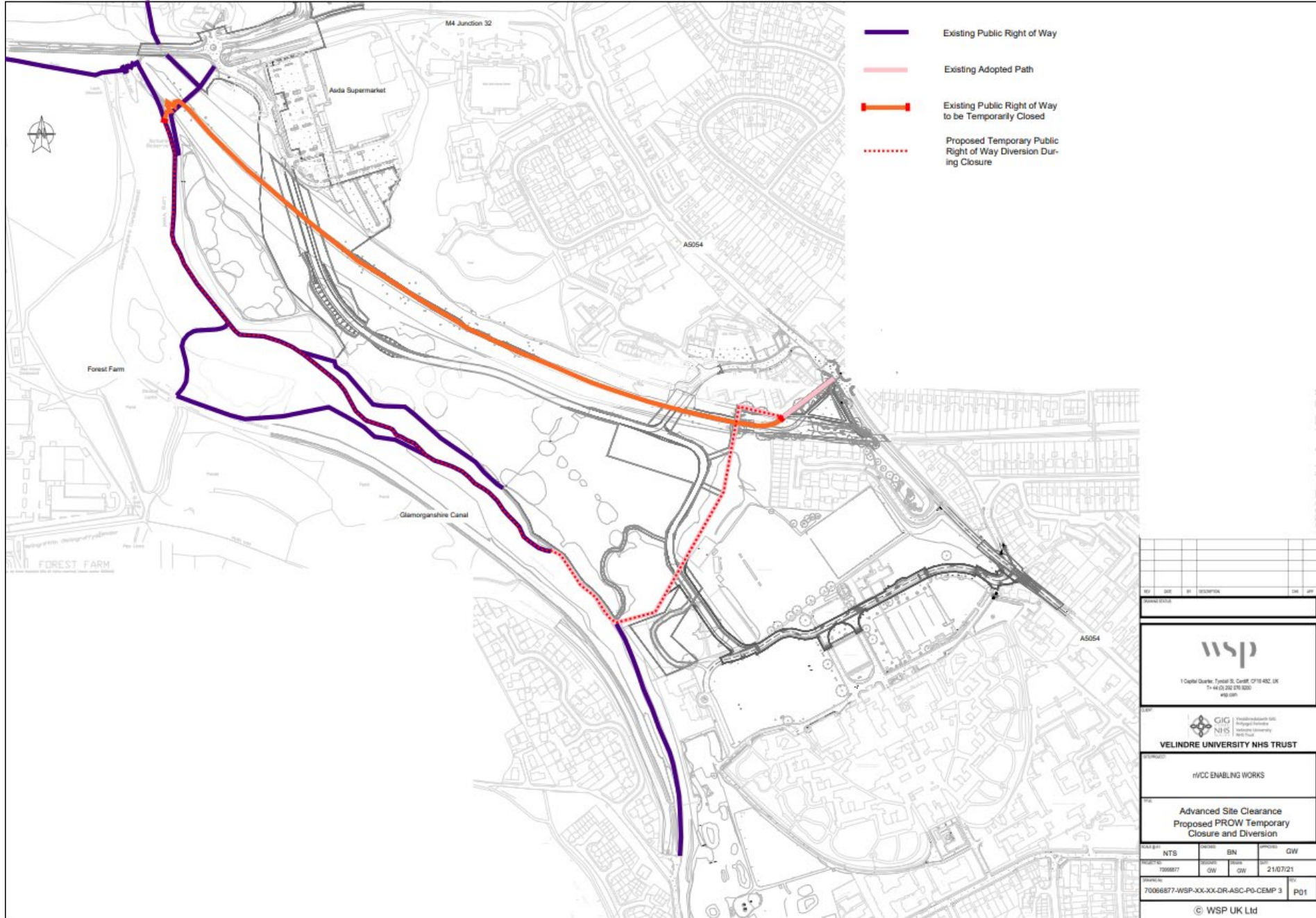
- Himalayan Balsam
- Japanese Knotweed
- Cotoneaster
- Himalayan Honeysuckle

Refer to MM Green Infrastructure Management Strategy for further details and treatments required for all invasive species.



REV	DATE	BY	DESCRIPTION	CHK	APP
1 Capital Quarter, Tyndal St, Cardiff, CF10 4BE, UK T: +44 (0) 202 076 5000 wsp.com					
PROJECT: mVCC ENABLING WORKS					





- Existing Public Right of Way
- Existing Adopted Path
- Existing Public Right of Way to be Temporarily Closed
- Proposed Temporary Public Right of Way Diversion During Closure

1 Capital Quarter, Tynall St, Cardiff, CF10 4BZ, UK T: +44 (0) 300 570 000 wsp.co.uk			
VELINDRE UNIVERSITY NHS TRUST			
#CC ENABLING WORKS			
Advanced Site Clearance Proposed PROW Temporary Closure and Diversion			
SCALE	NTS	DESIGN	BN
PROJECT NO	7006877	ISSUE	GW
DATE	21.07/21	REV	P01
7006877-WSP-XX-XX-DR-ASC-P0-CEMP 3			
© WSP UK Ltd			

COMMITTEE DATE: 15/12/2021

APPLICATION No. **21/01666/MJR** APPLICATION DATE: 21/07/2021

ED: **GRANGETOWN**

APP: TYPE: Hybrid Application

APPLICANT: Cardiff Council (Housing Development & Neighbourhood Regeneration)

LOCATION: LAND AT CHANNEL VIEW ROAD, GRANGETOWN, CARDIFF

PROPOSAL: HYBRID APPLICATION FOR MIXED-USE DEVELOPMENT. OUTLINE PERMISSION FOR: THE REDEVELOPMENT AND EXTENSION OF PART OF THE CHANNEL VIEW ESTATE FOR UP TO 319 RESIDENTIAL APARTMENTS AND HOUSES, UP TO 285 SQ.M OF RETAIL FLOORSPACE (USE CLASS A1), COMMUNAL GARDENS INCORPORATING ALLOTMENTS AND PICNIC AREAS, FORMAL AND INFORMAL CHILDREN'S PLAY SPACE, LANDSCAPING, CYCLEPATHS/FOOTPATHS, DRAINAGE INFRASTRUCTURE, ROADS AND PARKING; THE REGENERATION OF THE MARL PUBLIC OPEN SPACE TO INCLUDE NEW/IMPROVED SPORTS PITCHES, CHILDREN'S PLAY SPACE, A NEW 'BEACH', WATER FEATURES, LANDSCAPING, AND CYCLEPATHS/FOOTPATHS; THE PROVISION OF A NEW BUS/CYCLE/PEDESTRIAN LINK BETWEEN CHANNEL VIEW ROAD AND SOUTH CLIVE STREET AND A NEW CYCLE/PEDESTRIAN LINK BETWEEN SOUTH CLIVE STREET AND FERRY ROAD; THE PROVISION OF A NEW PARKING AREA; TOGETHER WITH ASSOCIATED WORKS (ALL MATTERS RESERVED FOR FUTURE CONSIDERATION). FULL PERMISSION IS SOUGHT FOR A FIRST PHASE OF DEVELOPMENT COMPRISING OF NEW TOWER BLOCKS (8-13 STOREYS) PROVIDING 81 OLDER-PERSONS (OVER 55S), COMMUNITY-LIVING ACCOMMODATION UNITS, A 115SQ.M COMMUNITY CAFE, COMMUNAL GARDENS INCORPORATING ALLOTMENTS AND PICNIC AREAS, LANDSCAPING, DRAINAGE INFRASTRUCTURE, FOOTPATHS, ROADS, PARKING AND ASSOCIATED WORKS

RECOMMENDATION 1 : That subject to the applicant entering a **SECTION 106** Unilateral Undertaking 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 into consideration, planning permission be **GRANTED** subject to the following conditions:

1. Phasing of the development shall be implemented in accordance with the Phasing Plan (drawing no. 20004(05) Rev B) or with any modification to that Phasing Plan as may be agreed with the prior written approval of the Local Planning Authority.

Reason: To ensure that there is a clear and phased framework for both the development and the submission of Reserved Matters so that the development is carried out in a comprehensive, sustainable and coherent manner.

2. A. Prior to the commencement of a particular phase (or part thereof) of the approved development, excluding information relating to the proposed access (where not permitted by this permission), and landscaping (hereinafter called "the reserved matters") for that phase (or part thereof) of the development shall be submitted to and approved in writing by the local planning authority. B. Plans and particulars of the reserved matters referred to in condition 2A above, relating to the layout, scale and appearance of any buildings to be erected, the means of access to the site (where not permitted by this permission) 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 first reserved matters 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 shall be made to the Local Planning Authority before the expiration of 10 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 (Development Management Procedure) (Wales) Order 2012. (B, C and D) In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended).

3. Approved Drawings: The development hereby permitted shall be carried out in accordance with the following approved plans and documents (other than where those details are altered pursuant to the requirements of the conditions of this planning permission);

- Site Location Plan - 20004 (05) 090 Rev C
- Site Development Layout (Masterplan) - 20004 (05) 100 Rev J
- Phasing Plan - 20004 (05) 101 Rev B
- Demolition Plan - 20004 (05) 102 B
- Existing Site Plan - 20004 (05) 103 B
- Existing Site Sections - 1 of 2 20004 (05) 104 B
- Existing Site Sections - 2 of 2 20004 (05) 105 B
- Marl Works Existing Plan - 20004 (05) 106 B
- Marl Works Proposed - 20004 (05) 107 A

- Phase 1 Site Plan - 20004 (05) 1100 G
- Phase 1 Proposed Street Elevations - 20004 (05) 1002 A
- Phase 1 Proposed Street Elevations - 20004 (05) 1003 A
- Phase 1 Proposed Street Elevations - 20004 (05) 1004 A
- Phase 1 Block A Plans - 20004 (05) 1100 E
- Phase 1 Block A Elevations 1 of 4 - 20004 (05) 1110 C
- Phase 1 Block A Elevations 2 of 4 - 20004 (05) 1111 C
- Phase 1 Block A Elevations 3 of 4 - 20004 (05) 1112 D
- Phase 1 Block A Elevations 4 of 4 - 20004 (05) 1113 C
- Phase 1 Block A Sections 1 of 3 - 20004 (05) 1114 A
- Phase 1 Block A Sections 2 of 3 - 20004 (05) 1115 C
- Phase 1 Block A Sections 3 of 3 - 20004 (05) 1116 A
- Phase 1 Block B Plans - 20004 (05) 1200 D
- Phase 1 Block B Elevations 1 of 3 - 20004 (05) 1210 C
- Phase 1 Block B Elevations 2 of 3 - 20004 (05) 1211 B
- Phase 1 Block B Elevations 3 of 3 - 20004 (05) 1212
- Phase 1 General Arrangement Plan - GA C 90 0040 P01
- Phase 1 Kerbing and External Surfaces - GA C 90 0041 P03
- Phase 1 Proposed Levels - GA C 90 0042 P02
- Phase 1 External Lighting Strategy (McCann and Partners)
- Phase 1 Cycle Store Details - 1300
- Vehicle Tracking: Main Bus Route Key - SK C 90 0004 P04
- Vehicle Tracking: Main Bus Rote 1 of 2 - SK C 90 0005 P04
- Vehicle Tracking: Main Bus Rote 2 of 2 - SK C 90 0006 P05
- Vehicle Tracking: Refuse Vehicles Key - C 90 0007 P04
- Vehicle Tracking: Refuse Vehicles 1 of 4 - SK C 90 0008 P04
- Vehicle Tracking: Refuse Vehicles 2 of 4 - SK C 90 0009 P04
- Vehicle Tracking: Refuse Vehicles 3 of 4 - SK C 90 0010 P06
- Vehicle Tracking: Refuse Vehicles 4 of 4 - SK C 90 0011 P04
- Phase 1 Vehicle Tracking: Fire Tender Egress - SK C 90 0018 P01
- Phase 1 Vehicle Tracking: Fire Tender Access - SK C 90 0019 P01
- Phase 1 Vehicle Tracking: Refuse Vehicle Access - SK C 90 0021 P01
- Phase 1 Vehicle Tracking: Refuse Vehicle Egress - SK C 90 0022 P01
- Indicative Adoption Plan – 20004(05) 115
- Indicative Waiting Restrictions (Overall) CC2083 CAM ZZ 00 SK C 90 0027 P01
- South Clive Street Bus Egress - SK C 90 0025 P01
- Phase 1 Proposed Drainage Strategy - DR C 52 0112 P01
- Landscape: Keyplan - A115866-1 200
- Landscape: Masterplan - A115866-1 201
- Landscape: The Marl - A115866-1 202
- Landscape: Living Streets - A115866-1 203
- Landscape: Communal Gardens - A115866-1 204
- Landscape: Phase 1 - A115866-1 300 C

- Landscape: Phase 1 North - A115866-1 301 C
- Landscape: Phase 1 South- A115866-1 302 C
- Landscape: Phase 1 North 5th Floor Gardens - A115866-1 303
- Landscape: Phase 1 South 5th Floor Gardens - A115866-1 304
- Landscape: Phase 1 Tree Pits Details - A115866-1 305
- Landscape: Phase 1 Details - A115866-1 306
- Topographical Survey 1 of 9 - E1024-1-1 D
- Topographical Survey 2 of 9 - E1024-1-2 D
- Topographical Survey 3 of 9 - E1024-1-3.D
- Topographical Survey 4 of 9 - E1024-1-4 D
- Topographical Survey 5 of 9 - E1024-1-5 D
- Topographical Survey 6 of 9 - E1024-1-6 D
- Topographical Survey 7 of 9 - E1024-1-7 D
- Topographical Survey 8 of 9 - E1024-1-8 D
- Topographical Survey 9 of 9 - E1024-1-9 RD
- Archaeological Desk Based Assessment - A115866-1 V2
- Design and Access Statement - 02/07/2021 A
- Transport Assessment (Cambria, CC2093)
- Environmental Statement Volume 1: Non-Technical Summary Amity Planning et al June 2021
- Environmental Statement Volume 2: Written Statement Amity Planning et al June 2021
- Environmental Statement Volume 3: Appendices Amity Planning et al June 2021

Reason: For the avoidance of doubt.

4. *Parameter Plans:* The development hereby permitted shall be carried out in broad accordance with the following 'Parameter Plans' and pursuant to the hybrid application details hereby approved shall be strictly adhered to unless otherwise agreed in writing by the Local Planning Authority;

- Land Use Plan - 20004 (05) 110 B
- Movement Plan - 20004 (05) 111 B
- Green Infrastructure Plan - 20004 (05) 112 B
- Scale and Massing Plan - 20004 (05) 113 B
- Character Areas Plan - 20004 (05) 114 B

Reason: To ensure that the scheme is delivered in accordance with the key development principles.

5. *Design Code:* All reserved matters application(s) submitted for each part and/or phase of development shall ensure that it should be broadly in accordance with the combined written narrative and illustrations of the Design and Access Statement (June 2021) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To retain control of the development and to ensure that the development is carried out in an integrated manner as envisaged by

the outline application.

6. *Material Samples*: Notwithstanding the details shown on the approved and illustrative drawings and prior to the commencement of above ground construction works of each part and/or relevant phase of development hereby permitted, samples of the external finishing materials shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to occupation.
Reason: To ensure a satisfactory finished appearance to the development, in accordance with Policy KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).
7. *Architectural Detailing*: Notwithstanding the details shown on the approved and illustrative drawings and prior to the commencement of above ground construction works of each part and/or relevant phase of development hereby permitted, architectural detailing of the depths of the reveals, façade richness and green walls shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be brought into beneficial use until the approved drawings are implemented.
Reason: To ensure a satisfactory finished appearance to the development, in accordance with Policy KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).
8. *Public Art*: No development shall take place until a site wide public art strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include details of procurement, a timetable for implementation and a maintenance schedule. The approved public art shall be provided prior to the completion of the relevant phase, or part thereof, and maintained in accordance with the approved details.
Reason: In the interests of visual amenity and the creation of a quality and legible built environment, in accordance with Policy KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).
9. *Landscaping Plan*: Prior to commencement of above ground works of each phase of development, a soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority.

These details shall include:

- A soft landscaping implementation programme.
- A Soil Resource Survey and Plan prepared by a soil scientist, where it is intended to re-use site won soils for soft landscaping.
- Imported topsoil and subsoil specification for all planting types prepared by a soil scientist, including full details of soil protection, soil storage, soil handling, soil amelioration, soil remediation and soil placement to ensure it is fit for purpose. The parameters for all imported planting soils shall be clearly

stated.

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

The submitted 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 and environmental value of the area, and to monitor compliance, in accordance with Policies EN8 and KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).

10. *Landscaping Maintenance:* Any newly planted trees, plants or hedgerows, which within a period of 5 years from the completion of the development die, are removed, become seriously damaged or diseased, or in the opinion of the Local Planning Authority (LPA) otherwise defective, shall be replaced.

Replacement planting shall take place during the first available planting season, to the same specification approved in discharge of condition 9, unless the Local Planning Authority gives written consent to any variation.

Reason: To maintain and improve the amenity and environmental value of the area, in accordance with Policies EN8 and KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).

11. *Tree Protection:* Prior to commencement of above ground works of each phase of development, the following arboricultural documents shall be submitted to and approved in writing by the Local Planning Authority, in accordance with the current British Standard 5837:

- i. An Arboricultural Impact Assessment (AIA) based on the finalised design.
- ii. An Arboricultural Method Statement (AMS) detailing the methods to be used to prevent loss of or damage to retained trees within and bounding the site, and existing structural planting or areas designated for new structural planting.

The AMS shall include details of site monitoring of tree protection and tree condition by a qualified arboriculturist, undertaken throughout the development and after its completion, to monitor tree condition. This shall include the preparation of a chronological programme for site monitoring and production of site reports, to be sent to the LPA during the different phases of development and demonstrating how the approved tree protection measures have

been complied with.

- iii. 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.

Unless written consent is obtained from the LPA, the development shall be carried out in full conformity with the approved AMS and TPP.

Reason: To enable the Local Planning Authority to assess the effects of the proposals on existing trees and landscape; the measures for their protection; to monitor compliance and to make good losses, in accordance with Policies EN8 and KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).

12. *Construction Environmental Management Plan:* Prior to the commencement of any site clearance, construction works or development on any phase (or part thereof), a Construction Environmental Management Plan (CEMP) for that phase (or part thereof) shall be submitted to and approved in writing by the Local Planning Authority in order to manage the impacts of construction on that phase. The CEMP shall include:

- (i) an implementation programme for the construction of the roads, footpaths and other publicly accessible areas;
- (ii) details of Construction Traffic Management, which shall include: identification of the routes that construction vehicles would take and measures to regulate the routing of construction traffic; times within which traffic can enter and leave the site; times of deliveries, site access, loading and unloading of plant and materials; access within the site including 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 details of parking for contractors vehicles, site operatives and visitors;
- (iii) details of the storage of plant and materials, construction compounds, any temporary facilities for construction / sales staff;
- (iv) details of site hoardings (including the erection, maintenance, security and any decorative displays);
- (v) measures to control the emission of dust and dirt during construction;
- (vi) details of site waste management for the recycling and/or disposal of all waste resulting from demolition and construction works;
- (vii) a Construction Drainage Scheme indicating how surface water and land drainage flows will be controlled to prevent contamination, nuisance, subsidence or flooding to land, buildings, watercourses or highways within that phase (or part thereof) or adjacent land, buildings, watercourses and highways during the construction period;

- (ix) list of on-site contacts and their responsibilities;
- (x) temporary highway measures to ensure the bus service keeps operating during the construction phases

The details so approved and any subsequent amendments as shall be agreed in writing by the Local Planning Authority shall be complied with in full throughout the construction period for that phase (or part thereof).

Reason: In the interests of highway safety, and protection of the environment and public amenity, in accordance with Policies KP5, T6, EN6, EN7 and EN13 of the adopted City of Cardiff Local Development Plan (2006-2026).

13. Prior to first occupation of the development phase hereby approved, any dwelling and / or a commercial unit opens for business, whichever happen first, the surface water drainage works, footpaths, footways, cycle paths, cycleways serving them must be laid out, constructed and completed at least binder course level, drained and lit and vehicle turning areas and electric charging points available for use, in accordance with the approved plans.

Reason: In the interest of highway safety and to ensure the encouragement and promotion of more sustainable travel by the provision of complementary infrastructure, in accordance with Policy KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).

14. *Vehicle Tracking:* Prior to commencement of works of each phase of development, details of vehicle tracking within the curtilage of the site (and at access junctions) to enable vehicles to progress through the site/phase, shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into beneficial use until the details have been implemented and thereafter the space shall not be used for any purpose other than a thoroughfare for 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 within, through and abutting the site, in accordance with Policies T5 and T6 of the adopted City of Cardiff Local Development Plan (2006-2026).

15. *Turning Space Within Site:* Prior to commencement of works of each phase of development, details of turning space within the curtilage of the site to enable vehicles to enter and leave the site in a forward gear, shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into beneficial use until the details have been implemented and thereafter the space shall not be used for any purpose other than the turning 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 abutting the site, in accordance with Policies T5 and T6 of the

adopted City of Cardiff Local Development Plan (2006-2026).

16. *Details of Access Road Junction:* No development shall take place until details of all junctions between the proposed access roads and the highway have been submitted to and approved in writing by the Local Planning Authority. Those details shall be implemented prior to the development being put into beneficial use.

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, in accordance with Policies T5 and T6 of the adopted City of Cardiff Local Development Plan (2006-2026).

17. *Cycle Parking:* Prior to commencement of above ground works of each phase of development, details showing the provision of cycle parking spaces shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the development phase being put into beneficial use. Thereafter the cycle 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, in accordance with Policy T5 of the adopted City of Cardiff Local Development Plan (2006-2026).

18. Prior to commencement of works of each phase of development, details of the following elements shall be submitted to and agreed in writing with the Local Planning Authority:

Cycle and pedestrian footways and carriageway layout including turning heads;

- Bus stop details;
- Loading and unloading facilities

The agreed scheme shall be implemented prior to beneficial occupation of the development and thereafter retained and maintained for use by the public.

Reason: In the interest of highway safety and to ensure the encouragement and promotion of more sustainable travel by the provision of complementary infrastructure, in accordance with Policies T1, T5 and T8 of the adopted City of Cardiff Local Development Plan (2006-2026).

19. *Highway Survey:* No development shall take place until a survey of the condition of the adopted highway (Channel View Road, South Clive Street, Beecher Avenue) on ('the Survey') has been submitted to and approved in writing by the Local Planning Authority. The Survey shall consist of:

- A suitably scaled plan showing the location of all defects identified;
- A written and photographic record of all defects with

corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time and weather conditions at the time of the survey.

No part of the site/phase shall be occupied until any damage to the adopted highway caused by construction activities has been made good by reference to the approved Survey.

Reason: To ensure that any damage to the adopted highway sustained throughout the construction process can be identified and subsequently remedied at the expense of the developer, in accordance with Policy T6 of the adopted City of Cardiff Local Development Plan (2006-2026).

20. *Car Parking:* Prior to commencement of works of each phase of development, details showing the maximum car parking provision for residents, employees, customers, guardians and children, disabled persons, motor bikes within the development phase hereby permitted shall be submitted to and approved by the Local Planning Authority. The development shall not be brought into use until the car parking spaces are laid out in accordance with the approved details and thereafter the spaces shall not be used for any purpose other than the parking of vehicles.

Reason: To make provision for the parking of vehicles off street to enable expeditious movement of traffic especially cycles and buses on the public highway and not to prejudice highway safety, in accordance with Policies T5 and T6 of the adopted City of Cardiff Local Development Plan (2006-2026).

21. *Electric Vehicle Charging Points:* Prior to commencement of works of each phase of development, details of the electric vehicles (EV) charging points shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the number, type, location and means of operation, a programme for the installation and maintenance and points of passive provision for the integration of future charging points. A minimum of 10% of vehicular parking for each phase and for the overall development must include EV charging points for each phase of development. The EV charging points as approved shall be installed prior to phase occupation and retained in that form thereafter for the lifetime of the development.

Reason: In the interests of sustainable modes of transport in accordance with Policy T1 of the adopted City of Cardiff Local Development Plan (2006-2026).

22. *Travel Plan:* No part of the development hereby permitted shall be occupied until an appropriate Travel Plan has been submitted to and approved in writing by the Local Planning Authority (LPA). 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/from the site, and to promote travel by sustainable modes that are acceptable to the LPA. The Travel Plan shall be implemented in accordance with the timetable set out in the plan unless otherwise agreed in writing by the

LPA. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually on each anniversary of the date of the planning consent to the Chief Transportation Officer. It is considered that the travel plan should be supported by (not exclusively);

- Bus Usage; To provide one free annual bus pass per household from first occupation.

Note: Conditions relating to the provision of parking and loading (car and service, etc.) are to accord with the adopted Managing Transportation Impacts (inc Parking Standards) SPG.

Reason: To encourage sustainable transport and effect modal shift to non-car modes, in accordance with Policies T1 and T5 of the adopted City of Cardiff Local Development Plan (2006-2026).

23. *Block Paving*: Prior to commencement of works of each phase of development, the design and layout of the block paving shall be submitted to and approved in writing by the Local Planning Authority. The block paving shall be constructed prior to occupation and retained in that form thereafter for the lifetime of the development.

Reason: In the interests of highway maintenance works, in accordance with Policies T5 and T6 of the adopted City of Cardiff Local Development Plan (2006-2026).

24. *Noise Survey*: Prior to the occupation of the residential units of each phase of development, a pre-occupation noise validation survey shall be conducted in order to demonstrate that the noise mitigation measures are effectual in reducing external noise to acceptable levels. The Survey, with a validated certificate of compliance by an approved acoustic assessor shall be submitted to and approved in writing by the Local Planning Authority to demonstrate this has been achieved. Specifically: BS8233:2014:

- 35dB LAeq, 16hour;
- 30dB LAeq, 8hour;
- 45dB LAFmax
- 55dB LAeq, 16hour in external amenity space

Details of any Ventilation Scheme shall also be submitted. The development shall not be beneficially occupied until such time as the formal written approval of the validation has been issued by the Local Planning Authority.

Reason: To ensure that the amenities of future occupants of the development are protected from environmental noise, in accordance with Policies KP5 and EN13 of the adopted City of Cardiff Local Development Plan (2006-2026).

25. *Noise (Sports Pitches)*: Prior to beneficial use of the sports pitch, a Noise Impact Assessment with a validated certificate of compliance by

an approved acoustic assessor shall be submitted to and approved in writing by the Local Planning Authority, to demonstrate that noise will be managed as to not cause unreasonable impact residential amenity. Reason: To ensure that the amenities of future occupants of the development are protected from environmental noise, in accordance with Policies KP5 and EN13 of the adopted City of Cardiff Local Development Plan (2006-2026).

26. *Operation Hours:* No member of the public shall be admitted to or allowed to remain on the community hub/café premises as shown on approved plan drawing number 20004(05)1100 G, outside the hours of 08:00 - 20:00 on Mondays to Saturdays and 08:00 – 18:00 on Sundays and/or Bank Holiday Mondays. Reason: To ensure that the amenities of existing and future occupiers are protected, in accordance with Policies EN13 and KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).
27. *Delivery Hours:* There shall be no arrival, departure, loading or unloading of delivery vehicles outside the hours of 07:00 – 20:00. Reason: To ensure that the amenities of existing and future occupiers are protected, in accordance with Policies EN13 and KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).
28. *A1 Use:* The Class A1 (Shop) floorspace proposed in the ground floor commercial unit shall not be used for purposes other than the sale of convenience goods, including those set out in Class A1 of the Schedule for the Town and Country Planning (Use Classes) Order 1987 (or any Order amending, revoking or re-enacting that Order with or without modification). For the avoidance of doubt "convenience goods" shall be taken to mean: food, drink, tobacco, non-durable household goods, newspapers and magazines. Reason: To prevent changes to the type and scale of retail floorspace which may prejudice the retail strategy of the development plan and/or government planning guidance, in accordance with Policy R6 of the Cardiff Local Development Plan (2006-2026).
29. *Foul Water Drainage:* No development shall commence until a foul water drainage scheme for the entire site (outline and full planning permission) has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul water flows and thereafter implemented in accordance with the approved details prior to the occupation of the development. Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment, in accordance with Policies EN10 and EN11 of the adopted City of Cardiff Local Development Plan (2006-2026).
30. *Bat Surveys:* Prior to commencement of above ground works of each phase of development, updated bat surveys for buildings and trees (as

appropriate) at a suitable time of year, in accordance with published guidelines, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To promote biodiversity, in accordance with Policy EN7 of the adopted City of Cardiff Local Development Plan (2006-2026).

31. *Bat Conservation Plan*: Prior to commencement of above ground works of each phase of development, a Bat Conservation Plan, which is based on the results of the additional surveys referred to in Condition 30, shall be submitted to and approved by the Local Planning Authority and shall include:
- Details of impacts (direct and indirect) upon any bat roosts identified.
 - Details of measures to mitigate the impacts upon bats, including details of the design and location of compensatory roosts appropriate to the species and nature of the roosts identified.
 - Details of timing, phasing and duration of construction activities and conservation measures.
 - Properties and/or land where compensatory bat roosts and other mitigation for bats are proposed must be under the control of the applicant

The Bat Conservation Plan shall be carried out in accordance with the approved details.

Reason: To ensure that an approved Bat Conservation Plan is implemented, which protects bats affected by the development, in accordance with Policy EN7 of the adopted City of Cardiff Local Development Plan (2006-2026).

32. *Lighting*: Prior to commencement of above ground works of each phase of development, a Lighting Plan shall be submitted and approved in writing by the Local Planning Authority. The Lighting Plan should include the following:
- Details of the siting and type of external lighting to be used.
 - Drawings setting out light spillage in key sensitive areas that demonstrate that the River Taff and the bankside vegetation, shall be unlit by external lighting and maintained as dark corridors.
 - Details of lighting to be used both during construction and operation.

The lighting shall be installed and retained as approved during construction and operation

Reason: To reduce the impacts of lighting in the interest of protected species, in accordance with Policy EN7 of the adopted City of Cardiff Local Development Plan (2006-2026).

33. *Bat and Bird Boxes*: Prior to beneficial use of the development, a site wide strategy for bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. This should include

details of the position of 20x bat boxes for crevice-dwelling bats, and/or other features allowing bat access to roosting opportunities such as bat tiles and 20x Swift nest boxes to be installed and a programme for their installation, and then be installed as agreed.

Reason: To enhance the green infrastructure on site and ensure the protection of bats and birds, in accordance with Policy KP16 of the adopted City of Cardiff Local Development Plan (2006-2026).

34. *Historic Environmental Mitigation*: No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works of the archaeological resource, in accordance with Policy EN9 of the adopted City of Cardiff Local Development Plan (2006-2026).

35. *Heritage Interpretation Scheme*: Prior to the first beneficial use of the development a Heritage Interpretation Scheme, to include details of the design, location and details to be displayed on heritage interpretation boards, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented on site in accordance with the agreed details prior to the first beneficial use of the development and retained as such thereafter.

Reason: To ensure the Historic mitigation measures are implemented which will ensure the impact upon the setting of the scheduled monument GM553 Wreck of the Louisa will be reduced, in accordance with Policy EN9 of the adopted City of Cardiff Local Development Plan (2006-2026).

36. *Energy Strategy*: Prior to commencement of above ground works of each phase of development, an Energy Strategy shall be submitted to and approved 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 approved details.

Reason: To promote sustainable development, in accordance with Policy EN12 of the adopted City of Cardiff Local Development Plan (2006-2026).

37. *Waste Management Strategy*: Prior to commencement of above ground works of each phase of development, a Waste Management Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall include:

- Litter bins;

- The size and location of waste and recycling stores, and how the waste will be delivered to these facilities
- Details demonstrating how the site will be kept clear from litter and waste during the construction phases; cleansing is to be completed by the developer until site adoption

The facilities shall be installed prior to occupation and retained in that form thereafter for the lifetime of the development.

Reason: To secure an orderly form of development and protect the amenities of the area, in accordance with Policy W2 of the adopted City of Cardiff Local Development Plan (2006-2026).

38. *Public Open Space:* Before the beneficial occupation of 100 units details including, but not limited to, proposed equipment, area, location, finish, litter bins, proposed finished level and maintenance of the future public open space have been submitted to and approved in writing with the LPA. The approved details shall be finished before the occupation of the 300th unit on the development.

Reason: To ensure an acceptable level of open space provision is provided within the area, in accordance with Policies KP5 and C5 of the adopted Cardiff Local Development Plan (2006-2026).

ADVISORY NOTES:

RECOMMENDATION 2: The applicant is advised that section 3.25 of Planning Policy Wales states that the land use planning system should take account of the conditions which are essential to the Welsh language and in so doing contribute to its use and the Thriving Welsh Language well-being goal. In this context and with regard to the Welsh Language (Wales) Measure 2011, it is recommended that: (1) developments adopt a Welsh name that is consistent with the local heritage and history of the area, (2) during the construction phase, on site marketing information (i.e. text on construction hoardings / flags / banners – as consented) be provided bilingually and (3) for commercial developments, shopfront / premises signage be provided in Welsh or bilingually. Where bilingual signage is provided, Welsh text must not be treated less favourably in terms of size, colour, font, prominence, position or location (it is recognised that Welsh translation does not extend to company / business names). Cardiff Council's Bilingual Cardiff team (BilingualCardiff@cardiff.gov.uk) can provide advice on unique and locally appropriate Welsh names for developments, bilingual marketing / branding and bilingual signage.

RECOMMENDATION 3: Since January 7th 2019, all new developments of more than 1 house, or where the construction area is 100 square metres or more, require sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by the Welsh Ministers.

These systems must be approved by the local authority acting in its SuDS

Approving Body (SAB) role before construction work begins. The SAB will have a duty to adopt compliant systems so long as they are built and function in accordance with the approved proposals, including any SAB conditions of approval.

RECOMMENDATION 4: The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for

- (i) determining the extent and effects of such constraints;
- (ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site;
 - Unprocessed / unsorted demolition wastes
 - Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
 - Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and
- (iii) the safe development and secure occupancy of the site rests with the developer.

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: The applicant is advised to liaise with South Wales Police and contact Jon Brown; 01656 655555 ext: 29238, Jon.Brown@south-wales.pnn.police.uk).

RECOMMENDATION 6: The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement

(Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com.

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

RECOMMENDATION 7: Any planning permission does not provide consent to undertake works that require an EPS licence. It is an offence to deliberately capture, kill or disturb EPS or to damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.

Development should not be commenced until the Applicant has been granted a licence by Natural Resources Wales pursuant to Regulation 55 of the Conservation of Habitats and Species Regulations (2017) authorising the specified activity/development to go ahead. To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000, or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>.

We may wish to discuss aspects of the proposed bat mitigation with the you in more detail at the EPS licence application stage. Please note that any changes to plans between planning consent and the EPS licence application may affect the outcome of the licence application.

RECOMMENDATION 8: Please note the movement, treatment and reuse of material or waste at the site may require an Environmental Permit and we advise contacting NRW Permitting Teams for more details on permit requirements.

RECOMMENDATION 9: The highway works and any other 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.

Impact on the highway network during construction. The development hereby approved and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required). You are advised to contact the Highway Authorities Network Management Team before undertaking any work, to discuss any

temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.

Stopping Up/Diversion of Adopted Highway You are advised that to facilitate the development an order must be obtained to stop up or divert the adopted highway under sections 247 and 248 of the Town and Country Planning Act 1990

Stopping or Diverting a Public Right Of Way You are advised that to facilitate the development an order must be obtained to stop up or divert the Public Right of Way, as shown on the definitive map and statement, under Section 257 of the Town and Country Planning Act 1990. To discuss and/or apply for an order contact the Local Planning Authority

1. DESCRIPTION OF PROPOSED DEVELOPMENT

- 1.1 The application seeks full planning permission and outline permission to redevelop the existing Channel View Estate. The planning application is a 'hybrid application' in which both full and outline detailed elements are to be considered. This approach has been proposed by the applicant in order to support a phased redevelopment of the site, which will comprise seven phases in total.
- 1.2 Phase 1 will provide 81 units for elderly persons (+55 age) and will be considered as full planning permission proposing full design details. The remaining six phases will be considered as outline permission, providing up to 319 residential units with the potential to support a wide mix of unit types and tenures. Given that it is outline permission, all detailed matters such as access, layout, scale, appearance and landscaping are reserved for future consideration and approval by the Council. The submission has included indicative parameter plans.
- 1.3 A total of 214 dwellings will be demolished, comprising 56 houses and 158 flats. It is intended that all existing residents in properties proposed for demolition will be offered the opportunity to stay on the estate. Affordable housing units within the existing estate will be replaced on a like-for-like basis, and owner-occupiers within the estate will also be offered the opportunity to purchase an equivalent-sized property on the new estate. A minimum of 20% of any net gain in overall housing units will be provided as affordable housing.

Full Planning Permission – Phase 1

- 1.4 Phase 1 will be situated in the south-eastern corner of the site along the river frontage and the southern Marl boundary and will replace a number of two-storey terraced houses. This phase will provide 81 units of specialist accommodation for persons over the age of 55 years old (Use Class C3). The phase will be split into two residential blocks (A and B) with a 115sqm

community hub / café (A3) facing the river and The Marl.

- 1.5 This site has been chosen as the first phase, as it is considered the most suitable location for phasing and for the demolition of the existing estate, to allow existing residents to move into the new development.
- 1.6 **Block A** which lies to the north of phase is the larger block and comprises an 8 storey (26.5m high) tower to the north and a 13 storey (42m) tower to the south, connected by a central 5 storey (17.5m) block in the middle. The five storey element then protrudes outwards towards the river in the shape of an anchor. The block will have a central private communal garden adjacent to the river frontage and three further communal spaces in the form of roof terraces at fifth floor level. These will all feature substantial landscaping in the form of soft landscaping and hard landscaped features such as benches. Block A will contain the majority of the shared community facilities of this phase, comprising the lower and upper floor community lounges, a health suite, laundrette, guest suite, managers office and a staff room. A community hub and café is proposed at ground floor level on the north-eastern corner of the block.
- 1.7 In total Block A will provide 57 units (47x 1-bedroom units and 10x 2-bedroom units). It will have a total of 141sqm of internal communal spaces and 1,142sqm of external communal spaces.
- 1.8 **Block B** lies to the south and is separated by a landscaped area of tree planting, which will link the Taff Trail to the development and will also be used as a shared meeting point for residents of both blocks. This comprises an 8 storey (26.5m high) and a 5 storey block (17.5m) and will be used for more independent living. This will provide 24 units (21x 1-bedroom units and 3x 2-bedroom units) and will have access its own private landscaped communal amenity spaces at ground floor level and a landscaped roof terrace at fifth floor level (579sqm).
- 1.9 In total phase 1 will provide 68x 1-bedroom units and 13x 2-bedroom units. The 1-bedroom units sizes will vary from 55sqm to 59sqm and the 2-bedroom units will vary from 66sqm – 70sqm.
- 1.10 Brick has been used as the primary building material, with contrasting brick tones used to differentiate the tower elements. The towers have a lighter brick, while the lower elements and plinth employ a brick. Green living walls have also been proposed. Finally, cladding panels are proposed adjacent to the windows and the balconies will have aluminium railings. Within the communal gardens and the wider phase 1 site there will be 18 new trees planted, along with hedges, specimen planting and rain gardens
- 1.11 The main access from the two both blocks will be from The Marl frontage, adjacent to Block A. This will also link with the Taff Trail and the future main square and so will be accessed by residents, staff and for servicing. A temporary access will be provided adjacent to Block B to the south from the existing Channel View Road. It is the intention that this is temporary, and that

access will be accommodated from the north, once the future phases have been developed. A temporary service vehicle turning arrangement will also be proposed at the location of the future main access.

- 1.12 20 car parking spaces are along the street to the west. 10 secure and sheltered Sheffield stands (ground based) for residents and 4 Sheffield stands spaces for visitor and staff for the A3 unit are proposed. Refuse and buggy storage are located at ground floor on both blocks.

Outline Permission – Phases 2 to 7

- 1.13 The outline elements of the hybrid planning application submission propose up to 319 residential apartments and houses (Use Class C3), up to 285sqm of retail floorspace (A1), communal gardens incorporating allotments and picnic areas, formal and informal children's play space and the regeneration of The Marl public open space with new and improved sports pitches and further improvements.
- 1.14 The outline application elements are the subject of parameter plans which provide information relating to land uses, movement, green infrastructure, scale and massing and character areas. In addition to the parameter plans, a Design Code (from the Design and Access Statement) has been prepared and will guide the key design requirements for the future elements of the scheme. The indicative parameter plans have shown broad design principles, which will require further review at reserved matters stage.

Scale:

- 1.15 The scale and massing parameter plan illustrates that the majority of dwellings will be 2 and 2.5 storeys high, with 3 and 4 storey apartments being located on exposed corner sites. The main square to the south will have added height at 4-6 storeys.

Movement / Access:

- 1.16 The indicative parameter plans have been designed around a number of key accessibility routes. This includes the main spine road which provides the continuation and widening of Channel View Road as a tree-lined 'avenue'. To the south, where the existing Channel View Road meets the existing tower block and forms a bus route U-Turn, the spine road will then head westwards, forming a new connection to South Clive Street. This will involve the demolition of three existing houses (No's 119-123 South Clive Street) and will provide a new vehicular, cycle and pedestrian connection to South Clive Street to the south-west. The new pedestrian and cycle route will continue east to west through the site, running past a new main square and connecting to the lower Marl, the community hub / café and the Taff Trail.
- 1.17 The new connection to the south-west of the site will also include a new access for the bus route, to ensure that it can avoid its existing U-turn and propose a more efficient circulation of the buses. The phasing plan identifies

that the new bus link will be delivered early on in the development. However given the construction works, temporary re-orientation of the existing route may be required.

- 1.18 Another new connection to the wider area is proposed to the north-west of the site. This will also involve the demolition of three existing houses (No's 56-60 South Clive Street) to provide a new east to west pedestrian/cycle link, connecting the Ely Trail through Grangemoor Park and the retail park through the site running horizontally east to west through The Marl and then connecting to the Taff Trail. The indicative drawings also show a number of internal pedestrian routes including shared living streets to enhance green infrastructure.

Design and Landscaping:

- 1.19 Broad design principles are shown on the parameter plans. This includes areas of character, such as the spine road, the park edge, the main square and the river frontage. Images are shown that illustrate that there will be a variety in architectural styles, with contrasting materials and detailing. Further, the majority roads indicate that they will be shared surface spaces with block paving and opportunities for informal play areas.
- 1.20 The application includes an indicative site wide landscape strategy which identifies a number of landscape typologies for living streets, green streets, with associated tree planting, planters and rain gardens and landscaped public spaces and communal private gardens. This includes landscaping works to The Marl as the last phase of development. The illustrative plans show how trees would be positioned in avenues; with further planting of specimen shrubs for amenity and biodiversity value. The rugby pitch on the lower part of the Marl will be re-orientated and upgraded to allow sufficient offsets for the development. Finally an illustrative 'urban beach' is located adjacent to the café/community hub in Phase 1 with informal seating and a play area.
- 1.21 The landscape parameter plan identifies mitigation in the form of 112 replacement trees, compared to 23 being lost.
- 1.22 The application is accompanied by an Environmental Statement. The following topics have been subject to Environmental Impact Assessment:
- Townscape and visual impact
 - Traffic and transportation
 - Air quality
 - Ecology
 - Landscape and arboriculture
 - Contamination
 - Flooding and drainage
 - Utilities and energy
 - Socio-economic considerations

2. DESCRIPTION OF THE SITE

- 2.1 The application site comprises part of the Channel View Estate and the southern part of The Marl Park which lies to the south-west of the city centre of Cardiff, in the suburb of Grangetown. The site is approximately 5ha in size and has a generally flat topography, with a fall of approximately 2 metres across the site from west to east towards the river.
- 2.2 Channel View Road forms the main spinal route through the site. Running parallel to the west lies South Clive Street. The Channel View Estate was developed in the 1970's and is occupied by two storey red-brick terraced houses to the south and east of Channel View Road. They are surrounded by the The Marl public open space which lies to the east. Larger two storey, semi-detached and terraced dwellings lie to the west across the road and along South Clive Street. To the south-west of the site is a 14 storey block of flats occupied by elderly persons, which is in a poor state of repair.
- 2.3 The access to the site is currently at the intersection between Channel View Road and Beecher Avenue. The main vehicular access is taken from Channel View Road, which is served by a local bus service. Access can also be taken via Beecher Avenue onto South Clive Street, providing an alternative route to Ferry Road. There are no other vehicular connections into or out of the site, resulting in a large cul-de-sac arrangement serving Channel View Estate itself.
- 2.4 The southern part of The Marl features a rugby pitch. The northern part of The Marl contains four more sports pitches, including a 3G artificial pitch directly to the north of the site, abutting Channel View Road. The rugby pitches are used by Cardiff Internationals Athletic Club RFC. Further north is Ferry Road, one of the main highway arteries in Grangetown, connecting the city centre to the east. To the north-east, bordering the site boundary are 5 to 7 storey apartment buildings fronting the river. Channel View Leisure Centre with the associated pontoon lies further to the north.
- 2.5 To the east lies The Marl and banks of the River Taff, and 'Penarth Flats' which is a shingle beach. The Taff Trail path also runs between the river and the site edge. On the opposite bank of the river is Hamadryad Park, which is another large open recreational green space and includes Local Nature Reserves. To the south are the relatively new developments of Windsor Quay, and Prospect Place. Further to the south-east is the Cardiff Bay Link Road, linking the Bay to Penarth. Finally, to the west are more recent housing developments, a retail park and then Grangemoor Park.
- 2.6 The site is not located within a Conservation Area, nor are there any listed buildings in close proximity. On the banks of the river, to the south-east of the site (phase 1) lies the shipwreck of the Louisa, a timber and iron ship which operated during the latter half of the 19th century transporting Canadian timber to Britain until she sank in the early 1900s at the mouth of the Taff where it runs into the bay. It was permanently submerged by the impoundment of the Cardiff Bay Barrage in 2001 and was declared a

Scheduled Ancient Monument (Cadw reference GM553).

- 2.7 The site is located within Flood Zone C1 of the Development Advice Map (DAM) as contained in TAN15. This means that the area is served by significant infrastructure, including flood defences. Further, part of the site is as a River Corridor identified on the Cardiff Local Development Plan (LDP) Proposals Map.

3. RELEVANT SITE HISTORY

- 16/01594/MNR – Elevational refurbished for 116-120 of the Channel View flats and other associated works. Permitted 30/08/2020.
- SC/19/00015/MJR – Screening/scoping request. Response sent: 06/01/2020. Outcome: Confirmation that the proposal constituted EIA Development.
- SC/20/00001/MJR - Screening request for a bridge over the River Taff linking Butetown and Grangetown. Response sent: 28/02/2020. Outcome: The proposals are unclear, however until such time a detailed design is available, it concluded that the development of the bridge should be considered EIA Development and that an Environmental Statement would be required to allow the determination of any planning application submitted.

4. POLICY FRAMEWORK

- 4.1 The following national planning policy and guidance is considered to be of particular relevance:

4.2 National Development Framework: Future Wales 2040 (February 2021)

4.3 Planning Policy Wales (PPW) (Edition 11, February 2021)

4.4 Building Better Places (July 2020)

4.3 The following Technical Advice Notes (TANs) are relevant:

- TAN 11: Noise (October 1997)
- TAN 12: Design (March 2016)
- TAN 15: Development and Flood Risk (July 2004)
- TAN 18: Transport (March 2007)
- TAN 21: Waste (February 2017)

4.4 The following local planning policy and guidance is considered to be of particular relevance:

4.5 Cardiff Local Development Plan 2006-2026:

- KP1 Level of Growth
- KP3 (B) Settlement Boundaries
- 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
- H3 Affordable Housing
- EN3 Landscape Protection
- EN4 River Corridors
- EN6 Ecological Networks and Features of Importance for Biodiversity
- EN7 Priority Habitats and Species
- EN8 Trees, Woodlands and Hedgerows
- EN10 Water Sensitive Design
- EN11 Protection of Water Resources
- EN12 Renewable Energy and Low Carbon Technologies
- EN13 Air, Noise, Light Pollution & Land Contamination
- EN14 Flood Risk
- T1 Walking & Cycling
- T5 Managing Transport Impacts
- T6 Impact on Transport Networks and Services
- R6 Retail Development (Out of Centre)
- 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

4.6 Supplementary Planning Guidance:

The following Supplementary Planning Guidance (SPG) is of relevance:

- Access, Circulation and Parking Requirements (2010)
- Residential Design Guide (January 2017)
- Managing Transportation Impacts (Incorporating Parking Standards) (July 2018)
- Food, Drink and Leisure Uses (November 2017)
- Waste Collection and Storage Facilities (2016)
- Green Infrastructure SPG;
 - Ecology & Biodiversity Technical Guidance Note
 - Trees and Development Technical Guidance Note
 - Public Rights of Way and Development Technical Guidance Note
 - River Corridors Technical Guidance Note
 - Protection and Provision of Open Space in New Developments Technical Guidance Note
 - Soils and Development Technical Guidance Note

- Archaeology and Archaeological Sensitive Areas (July 2018)
- Safeguarding Business and Industrial Land and Premises (November 2017)
- Tall Buildings Design Guide (January 2017)
- Public Art (June 2006)
- Planning Obligations (January 2017)

5. INTERNAL CONSULTEE RESPONSES

- 5.1 **Transportation:** Phase 1 proposes 20 dedicated car parking, 10 secure and sheltered Sheffield cycle spaces (ground based) for residents and 4 spaces for visitors and staff for the A3 unit. The car and cycle parking provision for Phase 1 therefore complies with the Managing Transportation Impacts SPG.
- 5.2 The wider site demonstrates an indicative movement and accessibility plan, which Transportation Officers have supported, subject to further consideration at reserved matters stage. Transportation Officers raise no objection to the wider proposals, subject to the following conditions; Construction Management Plan, further vehicle tracking, details of access road junctions and turning heads, cycle parking, car parking and a Travel Plan to promote active travel. A condition has also been imposed ensuring that footpath, footways, cycle paths, cycleways and EV charging points must be laid out, constructed and completed prior to occupation of each phase. Finally, a condition has been recommended to ensure that a minimum of 10% of vehicular parking for each phase and for the overall development must include EV charging points.
- 5.3 **Waste:** No objection has been raised regarding the residential and commercial waste arrangements for phase 1. Amended plans have been received ensuring that there is a direct route to the refuse store from the refuse collection vehicles. The landscaping has also been altered so that there is not a problem for the collection of bins in the autumn at the time of leaf fall. Finally, the amended tracking diagrams for the refuse vehicles have been accepted.
- 5.4 A Waste Management Strategy (WMS) has been recommended for all the phases, which will include details of refuse stores and the litter bins, including how the site will be maintained during construction. As such, no objection has been raised, subject to more vehicle tracking diagrams for the later phases and the WMS.
- 5.5 **Parks:** The proposal involves a loss of open space and new housing generating an additional population, so these comments relate to the LDP Policy C4 (Protection of Open Space) and Policy C5 (Provision of Open Space, Outdoor Recreation, Children's Play and Sport). This is supported by the Green Infrastructure SPG (2017) and accompanying Open Space Technical Guidance Note and the Planning Obligations Supplementary Planning Guidance (SPG) (2017).

- 5.6 The proposed development encroaches onto the southern part of The Marl, which results in a loss of 0.89 hectares which amounts to approximately 9% of total park area. There is a deficiency of recreational open space in the ward against the adopted standard (14.6ha against a recommended 53.22ha). However the only part of the area being lost is mainly the runoff area surrounding the western end of the rugby pitch, which does not counts towards the standard. As such, the development would only result in a small decrease in the ward's scoring (approximately 0.3 hectares).
- 5.7 Despite the loss, the pitch on the Lower Marl can be retained and re-orientated to a more desirable north-south direction meaning there will be no loss of facility. The remaining area being lost at the southern end of the park are mainly grass with some trees and shrubs with poor sightlines and not considered to have significant value. The proposal will provide considerable improvements to the park in terms of new equipment, accessibility and landscaping.
- 5.8 In line with LDP Policy C5 (Provision for Open Space, Outdoor Recreation, Children's Play and Sport), with the site lying immediately adjacent to The Marl, it is not considered necessary for the development to include public open space. However in line with Chapter 5 of Planning Obligations SPG (Provision of Functional Open Space), an in-kind contribution delivered as a condition towards the improvement of existing open space to support the additional demand generated by the development is sought instead of on-site provision. Using the formula in the Planning Obligations SPG, this has been calculated to be in the value of 918,776. Consultation will take place with Ward Members when deciding how this in-kind contribution shall be delivered. This is discussed further in para's 8.44 to 8.56.
- 5.9 **Trees:** Following comprehensive discussions with the applicant and after reviewing amended landscape plans, the Tree Officer is satisfied with the proposed landscaping for Phase 1, in terms of the scale and specification of the planting.
- 5.10 The Tree Officer notes that whilst it is unfortunate that there are a number of category 'B' trees to be removed as part of the wider outline permission, a successfully implemented and maintained scheme should be able to mitigate the loss. The landscape parameter plan identifies mitigation in the form of 112 replacement trees, more than three times the number being lost. Although this can only be in the medium to long-term given the scale of 'B' category tree loss, the Tree Officer appreciates that the intention is to mitigate this loss and enhance the tree population generally. They are satisfied that if each phase is progressed as per the proposed phase 1 in terms of the scale and specification of planting and this is implemented promptly and in full accordance with approved plans and specifications (including post planting maintenance), then in the medium to long-term the tree population should be enhanced.
- 5.11 To ensure that the amenity and environmental value of the area is enhanced and maintained, each phase of development will require a landscaping plan

and landscaping maintenance conditions, as well as an Arboricultural Impact Assessment (AIA), Arboricultural Method Statement (AMS) and a Tree Protection Plan (TPA). These have been chosen, not only on the basis of visual amenity and biodiversity considerations, but also with reference to their likely tolerance to the predicted impacts of climate change. The Tree Officer raises no objection to phase 1 and the wider outline permission, subject to the aforementioned conditions.

5.12 **Regeneration:** Officers note that the Cardiff Planning Obligations SPG (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.

5.13 In this instance, the proposed development will increase the number of dwellings in the area. However, Regeneration Officers are satisfied that the proposed onsite community hub and café will meet the needs of additional residents. They are therefore supportive of this proposed on site community facility and will not require a financial contribution for offsite community facility provision in this instance.’

5.14 **Affordable Housing:** This is a Cardiff Council scheme and has been submitted as a hybrid application. The application includes full details of the first phase of development (which includes affordable homes in the form of 81 x older-persons apartments, at council rents).

5.15 The application states that at this stage the tenure and accommodation splits are not yet determined. This is to ensure that there is sufficient flexibility within the scheme to respond to the desire for existing residents to be rehomed within the scheme and respond to future changes in demand. A minimum level of affordable housing delivery will be imposed upon the scheme through the Unilateral Undertaking, with controls in place to ensure that any affordable housing is retained as such in perpetuity. In line with the Local Development Plan (LDP) Policy H3, a minimum affordable housing contribution of 20% would need to be secured on this brown-field site.

5.16 **Ecology:** The Ecology Officer has requested that amended Bat Surveys are undertaken to conform to normal bat survey standards. They also note that a European Protected Species (EPS) licence is required. The applicant has since provided amended Bat Surveys, but these have not been consulted on. As such, the amended Bat Surveys will be assessed as part of a condition.

5.17 On balance, the Ecology Officer states that the risk of harm to bat/roosts due to the Phase 1 demolition is low and can be counteracted by the proposed mitigation and compensation measures, together with the enhancement measures referred to below.

Enhancements:

- 5.18 Conditions have also been applied to ensure that nesting or roosting opportunities for birds and bats should be incorporated into the development. This will require 20 x bat boxes for crevice-dwelling bats, or other features allowing bat access to roosting opportunities such as bat tiles. Then a further 20 x Swift nest boxes will be required due to the prevalence of this species in this area and the ongoing decline in this species in the UK. These will be in addition to, not instead of, any mitigation or compensation measures provided in relation to the loss bat roosts which were detected during the bat surveys, or which may become known as a result of future surveys.

Other Habitats and Species

- 5.19 Further, the Environmental Statement Volume 3 Appendix 7.1, sets out an assessment of the impact of the proposed scheme upon the ecology of the existing site, and puts forward measures to mitigate this impact. An assessment of the impact upon ecosystem resilience is also made, which officers welcome. In general, the Ecology Officer supports the methodology and conclusions of this section, and supports the recommendations which are made, as summarised in the 'Recommendations' section of the Executive Summary. Notwithstanding the comments as above on bats, the implementation of these recommendations will be applied conditions, with the reasons being to secure the protection of wildlife in accordance with LDP Policy EN7.

Green Infrastructure:

- 5.20 The efforts that have been made to incorporate formal green infrastructure provision into the built development have been welcomed. Whilst concerns were raised regarding the loss of the semi/mature trees on The Marl, in this respect, the Ecology Officer will be informed by the Tree Officers advice in relation to the tree loss and planting.
- 5.21 **Pollution Control (Noise):** The Noise Officer has recommended that a Noise Report is provided for each phase to ensure that there are noise mitigation measures to reduce external noise to acceptable levels. They also note that the use of The Marl will be intensified and so an addition condition has been recommended demonstrating that noise from the sports pitches is managed as to ensure there is no unreasonable impact on residential amenity. Operation and servicing hours have also been applied to the café/community hub. As such, subject to conditions, no objection is raised.
- 5.22 **Pollution Control (Air Quality):** The Air Quality Officer has reviewed the Air Quality Assessment included in appendix 6 of the supporting Environmental Statement. They are satisfied with the mitigation measures in place to reduce or eliminate dust emissions during the construction phase.
- 5.23 For the operational phase of the assessment, detailed modelling has been carried out to assess the impact of air quality on existing and proposed human

and ecological receptors within the area of the development. The Officer agrees with the conclusion that in terms of NO₂, PM₁₀ and PM_{2.5} exposure, the effects of changes in traffic flow as a result of the proposed development is determined to be negligible at all existing receptors, and no mitigation measures are required. The Environment Statement has been included in the approved drawings condition and a CEMP has also been applied. As such, no objection has been raised.

5.24 **Pollution Control (Contaminated Land):** Contamination Officers have assessed the supporting Environmental Statements;

- Environmental Statement Chapter 9: Cambria Consulting Limited
- Environmental Statement Appendix 9.1, Terra Firma (Wales) Limited, July 2020;
- Geotechnical and Geo-environmental Report: Proposed Residential development at Channel View, Cardiff. Final Ref 16017

5.25 The above report by Terra Firma includes a preliminary contamination assessment based on a site walkover, a review of existing data, and environmental testing from a limited number of sample locations as the development site is currently partly occupied by housing and infrastructure. These limitations have resulted in little or no data for some phases of the development (including the proposed first phase).

5.26 The investigations to date have indicated contaminants of concern requiring remediation works however further assessment post demolition is required to robustly assess each phase of the works. The consultant advises that ground gas risk assessment and proposals for gas protection measures are to be completed. Conditions are therefore recommended in relation to these.

5.27 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.

5.28 Notwithstanding the above, conditions and advisory notes in accordance with CIEH best practice, conditions have been recommended to ensure that the safety of future users is not prejudiced in accordance with Policy EN13 of the LDP. The following amended standard conditions have been applied; ground gas protection, contamination land measures (assessment, remediation and verification plan, remediation and verification, unforeseen contamination), imported soil, imported aggregates and use of site won materials. A contamination and unstable land advisory note has also been included.

5.29 **Education:** A financial contribution has been requested to ensure there are available school places for future occupiers. The outline permission proposes up to 319 residential units, however the final figure is unknown. The

contribution will therefore be calculation in accordance with the Planning Obligation SPG formula. The final details of the financial contribution will be sought and will be agreed as the phases progress and will be based upon the maximum number of units and the maximum density. It is estimated that this will calculate to a figure of up to £260,000.

6. EXTERNAL CONSULTEE RESPONSES

- 6.1 **Police Architectural Liaison:** The Police have raised no objection but have provided a number of security-related recommendations. An advisory note has been included.
- 6.2 **Cadw** note the designated historic assets located within 3km of the proposed development and confirm that they will not be affected by the development. The scheduled monument GM553 The Wreck of the Louisa is an exception. The planning application is accompanied by an Archaeological and Heritage Desk-Based Assessment prepared by Tetra Tech. This assessment has considered the impact of the proposed development on the setting of scheduled monument GM553 and concluded that it will have a moderate adverse effect. Cadw recommend that this adverse effect could be offset through effective heritage interpretation, such as an information board facing towards the Wreck of Louisa, which provide further public benefit from the development by enhancing understanding of the Wreck and, as a result, its significance.
- 6.3 Cadw agree with the conclusions of the report and subject to the aforementioned condition being recommended above, no objection has been raised.
- 6.4 **Glamorgan-Gwent Archaeological Trust (GGAT):** Likewise with Cadw above (para. 6.2-6.3), GGAT notes that there is the potential for encountering remains dating to the 'medieval, post-medieval and Industrial periods'. In particular the wreck of the 'Louisa', a Scheduled Monument. Having reviewed the supporting Archaeological and Heritage Desk-based Assessment by Tetra Tech (Report no. A115866-1, dated March 2021), GGAT recommended two pre-commencement conditions. The first requires a written Scheme of Investigation which will detail an archaeological watching brief on all groundworks, effectively extending the proposed watching brief on the hardstanding to the parkland areas of the site. The second condition is a Heritage Interpretation Scheme for the wreck of 'Louisa', which was also requested by Cadw. Given that the two conditions have been applied, GGAT raise no objection.
- 6.5 **Natural Resources Wales (NRW):** No objection has been raised, subject to the implementation of a number of conditions. This comprises additional information on the impacts upon bat roosts within trees on site and additional surveys of buildings. This will seek to demonstrate that the proposal will not be detrimental to the maintenance of the favourable conservation status of bats (European Protected Species).
- 6.6 NRW have reviewed Chapter 7 of the supporting Environmental Statement which identifies that impacts from lighting could affect bats and otters. It is

noted that there is a corridor of scrub and trees along the bank of the river and that this is outside the development boundary of the site. The report states that a lighting scheme will be designed in consultation with an ecologist, and that dark corridors shall be retained for bats within the site. It also states that light spill on The Marl and the River Taff should be limited to a maximum of 1 lux. These outline proposals are welcomed. A lighting scheme condition has therefore been recommended for the phases of development adjacent to the River Taff or The Marl, to demonstrate how lighting during construction and operation of the development will be managed. This will ensure that lighting details are agreed prior to installation and to reduce the impacts of lighting in the interest of protected species, including bats and otters, and on the River Taff.

- 6.7 NRW have confirmed that a European Protected Species (EPS) licence is required for this development. This has been included as an advisory note.

Contamination:

- 6.8 Having reviewed the supporting Contamination Reports, NRW have requested the following contamination conditions; land affected by contamination, a contamination verification report, a long term monitoring plan, unsuspected contamination and a piling risk assessment.

Flood Risk:

- 6.9 NRW note that the site lies within Zone C1 of the Development Advice Map (DAM) as contained in TAN15. The supporting Flood Consequence Assessment shows that the risks and consequences of flooding can be managed to an acceptable level.
- 6.10 NRW do note that the public open space and new/improved sports pitches may be at risk of flooding. The FCA confirms that the development is outside the flood plain extents (i.e. DAM Zone C1) and therefore will not be displacing any flood plain storage. There are no proposals to lower levels across the site. On the basis that ground levels are not changed (raised or lowered) within the areas at risk, NRW are satisfied in principle that the risks and consequences of flooding could be managed acceptably. However, they do not rule out the need for site specific FCA's for future phases, depending on final proposals, changes to flood risk mapping and national planning policy at that time.
- 6.11 **Dwr Cymru Welsh Water:** No objection has been raised subject to a condition being applied on foul water drainage. An advisory note has also been recommended. Surface water will be controlled through the SAB regulatory framework.

7. REPRESENTATIONS

- 7.1 The application is subject to an Environmental Impact Assessment and has therefore been advertised for a period of 30 days in accordance with statutory requirements. The application has been advertised by press and site notices

were and neighbours and local members were notified.

7.2 The Cardiff Civic Society objected on ecological grounds, summarised as follows:

- The Ecology Report has a lack of detail on meadow grassland, birds, bird nesting, bats
- The application fails to demonstrate how biodiversity will be enhanced
- The following conditions have been suggested; bat/bird boxes, areas for dense scrub and grass meadow to develop, that species of trees are nature friendly and native species, no trees to be cut down to enhance residents views and a large number of trees should be planted, that the beach is not proposed due to pollution concerns

7.3 1 objection and 1 neutral comment received, summarised as follows:

- Excessive car parking
- Concerns with the loss of trees and public open green space
- Concerns with increase in litter and maintenance of the site
- The beach is not needed and a wildflower meadow would be better

7.4 A Petition with less than 50 signatures has been submitted. The reasons for objecting are not stated.

8. **ANALYSIS**

8.1 The main issues to be assessed are:

- a. Proposed Land Uses
- b. Design
- c. Transport/Highways and Waste
- d. The Provision of Open Space
- e. Landscaping
- f. Ecology
- g. Archaeology
- h. Flooding
- i. Sustainability

a. Proposed Land Uses

Location:

8.2 The site falls within the settlement boundary as defined by the Cardiff Local Development Plan (LDP) (2006-2026) Proposals Map. Given that most of the site comprises previously developed residential land, the residential redevelopment of this land does not raise any land use policy concerns.

Retail Policy:

8.3 In relation to the proposed A1 retail unit, the application site is not located within a designated centre as defined by LDP Policies R2, R4 and R5, and is

out of centre in terms of retail policy. Any proposed A1 retail unit should therefore be assessed against Policy R6: Retail Development (Out of Centre). Policy R6 only allows for retail development outside the Central Shopping Area, District and Local Centres identified on the Proposals Map if the proposal would meet the following criteria:

- 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.

8.4 In this regard, the relatively small scale of the retail unit (285 sqm) as indicated on the parameter plans for the outline permission is well below the TAN4 2500sqm threshold where a retail impact statement would be required. Given the retail floorspace is modest in scale, it will provide a complementary and ancillary role to the wider residential development of the site and provide an element of convenience goods retailing to serve the newly established population.

8.5 Paragraph 5.282 of the LDP states that in addition to local centres identified on the proposals Map, there are numerous smaller groups of shops and individual corner shops across the county that provide valuable shopping facilities to surrounding communities. It is acknowledged that expenditure will be localised and that given the scale, and format proposed would not likely cause unacceptable harm to the City Centre, or vitality or viability of established District or Local Centres.

8.6 It is suggested that any A1 retail floorspace permitted as part of the future phases will be restricted to the sale of convenience goods.

Food and Drink Use:

8.7 The community cafe A3 unit has been assessed against LDP Policy R8 (Food and Drink Uses) and the Food, Drink and Leisure Uses Supplementary Planning Guidance (November 2017).

8.8 Policy R8 identifies that food and drink uses are most appropriately located in the City Centre, the Bay and District and Local Centres subject to amenity considerations, highway matters and crime and fear of crime considerations and where they do not cause unacceptable harm to the shopping role and character of designated centres. Food and drink uses are unlikely to be

acceptable within or adjacent to residential areas, where they would cause nuisance and loss of amenity.

- 8.9 Paragraph 1.4 of the SPG also acknowledges that there are instances where the provision of appropriately sized retail (including A3) units may be actively encouraged or required as part of redevelopment plans. However, the Council would seek to restrict any future A3 use to a café only in this instance in the interest of residential amenity.

b. Design

- 8.10 Cardiff LDP Policy KP5 (Good Quality and Sustainable Design) contains criteria for assessment of new development proposals to ensure that high quality, sustainable designs occur which positively contribute to the creation of distinctive communities, places and spaces. The Placemaking Team has been involved in the development of the proposal at various stages, from the initial idea to regenerate the estate, through to commenting on various iterations of an emerging masterplan.
- 8.11 Planning Policy Wales (Edition 11, 2021) states that good design is fundamental to creating sustainable places where people want to live, work and socialise. Design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places.
- 8.12 The proposals have been developed during comprehensive pre-application discussions with input from Placemaking Officers throughout. The indicative plans relate to the layout, movement/accessibility, green infrastructure, density, scale, massing and appearance of the proposed wider masterplan. The proposals have been assessed against the Residential Design Guide Supplementary Planning Guidance (SPG) (2017).

Scale and Massing

- 8.13 Both blocks in Phase 1 constitute 'tall buildings' within the Tall Buildings SPG (2017). The SPG is a material consideration in determining this application. Para. 1.5 states that *"well-designed tall buildings in appropriate locations have the potential to add significant value to Cardiff. They can enhance skylines and provide recognisable landmarks that can serve to promote the city on a national and international stage"*. Further, para. 1.7 states that *"Cardiff seeks to be the most liveable capital city in Europe and to create an inclusive, vibrant, thriving, sustainable and attractive city in which to live and work. Proposals for tall buildings need to demonstrate an exceptional standard of design together with appropriate land uses and public realm through careful planning and design so that they knit well into the existing fabric of the city"*. Tall buildings are therefore assessed having regard to locational criteria, specifically that they will only be acceptable where (para. 2.2):
- There would be no negative impacts on important views or vistas
 - The character or setting of heritage assets is not harmed

- The proposal will be a positive feature in skyline and streetscape, either by complementing a cluster of tall buildings or forming a strategic landmark
 - No material harm is caused by overshadowing or overlooking
 - There will be walking and cycling accessibility to sustainable transport and local facilities
- 8.14 In addition to the Tall Buildings SPG, further national policy guidance is provided in TAN12, which also highlights the importance of identifying distinctive views, key skylines and vistas.
- 8.15 The visual impact has been tested by means of a series of key views from agreed locations. These comprise views from:
- Cardiff Bay Link Road north-west
 - Cardiff Bay Barrage facing north-west
 - The upper Marl facing south
 - Clarence Road (the bridge over the River Taff) facing south-west
 - Hamadryan Park facing west
 - The top of Grangemoor Park facing east, adjacent to the 'Silent Links' sculpture
- 8.16 The key views demonstrate that the proposed towers in phase 1 and the scale of the parameter plans are acceptable from longer views and will broadly respect the scale of the surrounding context. The two towers in phase 1 have been positioned adjacent to the river to maximise the potential on this part of the site for views out across the Bay and the Marl. The depth of the site, and its position on the river allows the taller buildings to sit well on the river frontage, with no significant amenity impacts on neighbouring homes. 13 storeys is considered acceptable in relation to other buildings along the River Taff and the 8 storey tower will form a suitable edge to the park. The lower blocks are well positioned to step up to the taller elements, so that this shift in scale is well managed visually and in terms of any impacts, tying in nicely with a context which is lower scaled overall. As such, the height of the tall buildings are considered to be appropriate and in keeping with the local context and will provide landmark buildings which will be visible from a range of distant views.
- 8.17 The principles of the later phases have been a constant feature of the masterplan. The development on the Channel View Road will tie in with the facing homes ranging from 2 to 3 storeys, stepping up to taller homes fronting the park and square. Placemaking Officers are satisfied with the indicative scale and massing plans, with a suitable scale to the square and park edge and an elegant shift in scale within the blocks between houses and apartments. This will enable the future phases built form to be managed with areas of character and mix of tenure to create more compact developments and a mix of home types.

Layout and Legibility

- 8.18 The blocks in phase 1 are considered to be well spaced and extrude from the lower elements which continue the street forms which help frame the pattern

of access and legibility. The proposed tower adjacent to the river is considered a significant improvement compared to the poorly positioned existing tower, as it will make the most of the river and park views. Placemaking Officers welcome the location of the community hub and café at the ground floor fronting the park and the river. This will bring vibrancy and animation to this area of the site adjacent to the illustrative 'urban beach' which will form a focal point of the wider development.

- 8.19 In terms of the wider development site, the indicative parameter plans demonstrate that the unfortunate 'Radburn' layout of the existing Channel View Estate will be replaced by a considered layout which includes a series of distinct residential and landscape settings. The combination of built form and landscape is sufficient and there is a clear set of distinct settings and areas in terms of built form, which maintain the master planning themes which have been consistently accommodated. These include the formal spine road to a distinctive main square, which will accommodate the main bus transport hub and shop. The distinct park edge will have a soft landscaped transition onto the Marl and the landscaped residential shared space streets are considered good design. The 'Radburn' layout has resulted in a dead frontage to the park and an edge of no character and the park itself is of poor quality. The loss of park is considered acceptable as it will enhance the park edge by creating a softer edge curve and character to the park edge and will accommodate improvements to the landscape of what is a neglected area.
- 8.20 Placemaking Officers consider that the parameter plans will greatly enhance the areas legibility with a strong axial path, a clear park edge with life brought to it, landmark buildings along the river frontage, and a key focal node at the main square.

Accessibility/Permeability

- 8.21 Phase 1's main access from both blocks will be from the Marl frontage, adjacent to Block A and will also link with the Taff Trail and the main square (with bus stops) with pedestrian and cycle routes. The accessibility for phase 1 is therefore considered excellent.
- 8.22 The existing Channel View Estate is considered isolated from the wider community. Whilst there are a few pedestrian and cycle connections to neighbouring developments, these are considered to be poorly laid out and lit, providing insecure and venerable points, which have been subject to antisocial behaviour. The wider outline permission has therefore created four key solutions to improve the accessibility of the scheme with the surrounding context.
- 8.23 The widening of Channel View Road is welcomed as this will provide improved vehicle and pedestrian connectivity through the site and will accommodate the bus service currently serving the neighbourhood. This will also incorporate tree lined green verges and transitional green spaces, acting as key wayfinding route.

- 8.24 To overcome the isolation of the existing estate, the indicative outline plans also propose two new connections on South Clive Street. To the north-west of the site, the new east to west pedestrian/cycle link is strategically the most important as it will connect the Ely Trail through Grangemoor Park and the retail park to the Marl and the Taff Trail, greatly improving the active travel network. The new southern vehicular access on South Clive Street will then provide a single way access for the bus and well as two-way pedestrian and cycle movement.
- 8.25 The indicative block layout of the access is permeable, with an exemplary block structure clearly distinguishing between public and private in most areas. In light of the above, it is considered that the new connections within the outline permission will overcome the feeling of isolation that the current estate suffers. The cycle and pedestrian connections will open up local permeability and new routes to the park, shop and café for neighbouring residents. Officers welcome the 'on-street' parking, to ensure that cars are positioned away from garden areas and away from the river frontage.

Façade Appearance

- 8.26 The proposed elevations of Phase 1 are considered to be well composed and attractive. The brick treatment is domestic and interesting and will be a highly durable material, which will tie the scheme in with the general character of nearby homes. Contrasting brick tones are also used to define the towers as key elements, with the lower elements and plinth using a darker brick, and the towers having a lighter brick. Brick detailing in the form of projecting header courses have been used to delineate floors and link elements, providing architectural interest. Further information will be required by condition to ensure appropriate depths of reveals and façade richness and to ensure the brick is a sufficient quality. Officers welcome the use of the green living walls, as these have been used to highlight the main access cores of the building whilst also providing visual interest and enhancing green infrastructure.

Residential Amenity

- 8.27 The residential unit sizes in Phase 1 will vary from 55sqm to 59sqm for 1-bedroom units and 66sqm to 70sqm for 2-bedroom units. The units comply with the Design Quality Requirement (DQR) standards and include facilities for wheelchair users which can be adapted to individual user need. The general orientation and layout has been carefully considered, so that each dwelling will have a good standard of outlook making the most of the river and park views and adequate levels of light and ventilation. All of the units will benefit from private external balconies with sufficient space for outdoor furniture and private communal amenity spaces at ground floor and fifth floor roof terraces. The communal spaces will be appropriately landscaped with good access to light, making them highly desirable spaces. Block 1 also features a number of community facilities to cater for elderly persons. As such, the residential accommodation for phase 1 is considered to be very high quality.

- 8.28 Officers have reviewed the supporting Solar Shading Study, which has assessed the impact of overshadowing of Phase 1 in June and March at 08:00, 12:00 and 16:00 hours intervals. This shows that there will be no overshadowing impact on the existing homes to the south. The communal spaces will also not be overshadowed and the lower blocks in phase 1 will benefit from adequate levels of ambient light. Whilst officers acknowledge that there will be some overshadowing of the future phases in the mornings in June and March, it is considered that this can be overcome by virtue of the orientation of the future dwellings. The reserved matters will be assessed against the Building Research Establishment (BRE) guide 'Site Layout Planning for Daylight and Sunlight: a guide to good practice' by P J Littlefair (2011), to ensure the dwelling receive adequate light. Subject to the appropriate orientation of the future phases, it is considered that the proposed phase 1 will not result in any adverse impact on future occupiers living conditions.
- 8.29 Further, there will be no adverse impact on neighbouring and future occupiers in terms of a loss of privacy and or from any undue sense of enclosure. The separation distance for overlooking complies with the Residential Design Guide Supplementary Planning Guidance (SPG).

Other matters impacting upon amenity:

- 8.30 The hours of operation proposed to the community hub/cafe in phase 1 will be 8am to 8pm on Mondays to Saturdays and 8am to 6pm on Sundays or Bank Holiday Mondays. These operation hours are not considered to be unreasonable and will not result in an unacceptable level of noise disturbance in this location. A delivery hours condition from 7am until 8pm has also been applied.
- 8.31 To ensure that the amenities of future occupants of each phase are protected from external noise, a Noise Report will be required by condition demonstrating that the noise mitigation measures meet the required tests. This will include details of any ventilation infrastructure. An additional Noise Report is required to ensure that the noise from the sports pitches is kept to a minimum.
- 8.32 Finally, in the interests of highway safety and to ensure the construction activity does not detrimentally impact the neighbouring properties amenity, a Construction Environmental Management Plan has been applied by condition for each phase.

c. Transport/Highways and Waste

- 8.33 Transportation Officers have reviewed the supporting Transport Assessment, Transport Impact Statement and Travel Plan and note that the development will offer improved permeability for pedestrians, cyclists and public transport compared to the existing development. It is also considered that the Council's aspirational 50:50 modal split between journeys by car and journeys by walking, cycling and public transport is supported by the improvements and

limited car parking provision proposed within the application. An associated Travel Plan has also been applied as a condition to promote active travel. There has been engagement through the pre-application process which has helped to define transportation elements of the wider indicative layout.

- 8.34 Phase 1s main access from both blocks will be from the Marl frontage, adjacent to Block A. This will also link with the Taff Trail and the main square and so will be accessed by residents, staff and for servicing. A temporary access will be provided adjacent to Block B to the south from the existing Channel View Road. It is the intention that this is temporary, and that access can be accommodated from the north, once the future phases have been developed. A temporary service vehicle turning arrangement will also be proposed at the location of the future main access. Transportation Officers have raised no objection to these arrangements and relevant conditions have been applied.
- 8.35 Given that the existing Channel View Estate is a cul-de-sac, the existing bus route must undertake a U-turn at the southern end of Channel View Road. The indicative connection to the south linking to South Clive Street will result in more efficient circulation of the buses. The phasing plan identifies that the new bus link will be delivered early on in the development, however given the construction works, temporary re-orientation of the existing route may be required. A statement within the CEMP has therefore been applied to ensure that the bus service continues to operate during the construction stages. Details relating to bus stop and bus gates will be dealt with at reserved matters stage.
- 8.36 The majority of roads within the development will be adopted highway and Transportation Officers are satisfied that the roads within Phase 1 have been designed to an adoptable standard. Whilst there are maintenance concerns regarding the block paving on the corners of the wider site, the design and location of the block paving will be assessed further as a condition.
- 8.37 Transportation Officers have raised no objection to the supporting tracking diagrams for refuse lorries, buses and for fire engines for phase 1 and the wider parameter plans. To ensure that the roads will still be accessible during construction of the later phases, a tracking condition has been applied for each reserved matters application.

Vehicular Parking:

- 8.38 Policy T5 of the adopted LDP requires development to accord with the council parking standards, as outlined in the approved SPG. Paragraph 6.1 of the approved Managing Transportation Impacts SPG states that *'the availability of parking spaces and their location can influence travel choices. Excessive provision can serve to stimulate demand for car travel and perpetuate reliance on the car. The application of parking standards to new developments is therefore an important tool in managing demand for travel by car and encouraging a shift to sustainable transport modes'*. The aforementioned SPG uses maximum parking standards of 1 car parking space per residential unit

and for per elderly person units (as required by Planning Policy Wales), and there is no minimum amount of car parking that has to be provided.

- 8.39 Phase 1 proposes 20 dedicated car parking spaces for the 81 elderly person residential units, which complies with the Managing Transportation Impacts SPG. The proposed parking pays will not be located on the adopted highway, so no objection is raised. Parking for the wider site is essentially 'on street', which is supported.
- 8.40 In the interests of sustainable modes of transport, an electrical vehicle (EV) charging points condition has been recommended. This will ensure that a minimum of 10% of vehicular parking for each phase and the overall development will include EV charging points.

Cycle Parking:

- 8.41 The Managing Transport Impacts (Incorporating Parking Standards) SPG requires the provision for cycle parking at a minimum ratio of 1 secure, sheltered and accessible cycle space per 10 units for elderly person units. Phase 1 proposes 10 secure and sheltered Sheffield stands (ground base) and 4 Sheffield stands spaces for visitors and staff for the A3 unit, complying with the aforementioned SPG. To ensure the access and manoeuvring space for the cycle parking is sufficient, a cycle parking condition requiring further details has been requested for phase 1 and for the later phases. A buggy store has also been proposed for the elderly persons in phase 1.
- 8.42 In light of the above, there has been no objection from Transportation Officers subject to conditions.

Waste:

- 8.43 The residential and commercial waste arrangements for phase 1 are considered acceptable. There will be a direct access from the refuse store to the refuse collection vehicles and the tracking diagrams are considered acceptable. The landscaping has also been altered so that there is not a problem for the collection of bins in the autumn at the time of leaf fall. A Waste Management Strategy has been recommended for all the phases, which will include details of refuse stores and the litter bins, including how the site will be maintained during construction. This addresses the objection raised regarding litter and maintenance. In light of the above, the Waste Officer has raised no objection.

d. The Provision of Open Space

- 8.44 Part of the site is identified as open space in the latest open space survey. LDP Policy C5, requires the 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.

- 8.45 With the proposed development lying immediately adjacent to The Marl, it is not considered necessary for the development to include public open space. Whilst the development does include some pockets of open space, they will only be available for the use of the residents and so are not included in the Public Open Space Contribution. Therefore, in line with Chapter 5 of Cardiff Planning Obligations SPG, an in-kind contribution by virtue of a planning condition has been recommended by Parks Officers towards improvement of the existing open space to support the additional demand generated by the development. The contribution towards public open space works under Condition 5 above will be in the value of £918,776. Whilst the parameter plans show indicative ideas for the works to The Marl, these are not finalised and will be subject to consultation.
- 8.46 Policy C4 seeks to protect open space that has significant functional utility, including land that can accommodate formal/or informal recreational uses and has conservation, environmental or amenity value. This is 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.
- 8.47 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).
- 8.48 The proposed development encroaches onto the southern part of The Marl, which results in a loss of 0.89 hectares, which amounts to approximately 9% of the total park area. There is a deficiency of recreational open space in the ward against the adopted standard (14.6ha against a recommended 53.22ha). However only part of the area being lost, mainly the runoff area surrounding the western end of the rugby pitch, counts towards the standard. As such, the development would only result in a small decrease in the ward's scoring (decrease of approximately 0.3 hectares).
- 8.49 Despite the loss, the indicative plans intend for the sports pitch on the Lower Marl to be retained and re-orientated to a more desirable north-south direction, meaning there will be no loss of facility. Parks Officers will ensure that the new pitch can be at least of the same dimensions with adequate runoff. The park can then continue to host existing activities as it is currently a full sized rugby pitch used by Cardiff Internationals Athletic Club RFC.
- 8.50 The remaining area being lost at the southern end of the park is mainly grass with some trees and shrubs, with poor sightlines, and not considered to have significant value. Opportunities for informal play and recreation will be continued. The development will include its own small pockets of open space

including community growing spaces that link directly to The Marl but they will be for private use of the residents.

- 8.51 Compared to the existing estate where properties back onto the park, the illustrative shared surface road will provide a more attractive frontage to the park. The shared surface road will have priority for pedestrians on the park edge. The position of the road will improve natural surveillance, discouraging anti-social behaviour, dog fouling etc. It is thought that despite the loss of open space, the improved connection between the estate and The Marl and the link with the other parks nearby will result in a better quality open space. A condition has been applied to ensure that the improvement works to the park will be finished prior to the beneficial occupation of the 300th house in the development.

e. Landscaping

- 8.52 Phase 1 is supported by comprehensive landscaping proposals, offering 18 new trees, hedges, specimen planting and rain gardens. The Tree Officer is satisfied with the proposed landscaping for Phase 1, in terms of the scale and specification of the planting.
- 8.53 The wider site provides an indicative landscaping strategy which demonstrates that there will be a loss of 23 category 'B' trees as part of the outline permission, but mitigation works indicate that 112 replacement trees will be planted. Following discussions with the applicants landscaping consultants, the Tree Officer broadly accepts the justification for the loss of the trees, as a direct result of a number of factors for the comprehensive redevelopment of the estate. This includes the safe demolition of the existing buildings, improvements to the access and the likely reorientation of the rugby pitch and the aspiration for an active frontage to The Marl. Finally, a minimum width of development between The Marl and Channel View Road, which exceeds the depth of the existing estate at Phase 6 was required. As such, the inevitable extension of the parameter plan into The Marl results in the removal of the existing trees along the rear garden boundary of existing properties.
- 8.54 While it is unfortunate that there are a number of category 'B' trees to be removed in this part of the development, the Tree Officer accepts that a successfully implemented and maintained scheme should be able to mitigate the loss, especially given that the indicative scheme proposes 112 newly planted trees. The Tree Officer is satisfied that if each phase is progressed as per the proposed phase 1 in terms of the scale and specification of planting, then in the medium to long term the tree population will be enhanced.
- 8.55 As each phase of development comes forward, conditions will be required. These will include a landscaping plan and landscaping maintenance conditions and an Arboricultural Impact Assessment (AIA), Arboricultural Method Statement (AMS) and a Tree Protection Plan (TPA). In light of the above, no objection has been raised regarding the loss of the category 'B' trees.

f. Ecology

- 8.56 The conservation of native wildlife habitats and the safeguarding of protected species is discussed in Planning Policy Wales (Ed 11, 2021). New development opportunities have an important part to play in creating new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable. Improving habitat connectivity through promoting wildlife corridors, whilst ensuring development minimises species and habitat impact, are also important considerations.
- 8.57 Officers note the objections raised regarding the failure to demonstrate how biodiversity will be enhanced and concerns with the loss of trees. The Council's Ecology Officer has reviewed the Environmental Statement Volume 3 Appendix 7.1, which sets out an assessment of the impact of the proposed scheme upon the ecology of the existing site, and puts forward measures to mitigate this impact. In light of this, the Ecology Officer supports the efforts that have been made to incorporate formal green infrastructure provision into the built development. Further, an assessment of the impact upon ecosystem resilience is also made and in general, the officers support the methodology, recommendations and conclusions of the report. Notwithstanding this, conditions have been applied ensuring that there are sufficient nesting and roosting opportunities for bats and birds by incorporating bat and bird boxes.
- 8.58 Natural Resources Wales (NRW) were also consulted and raised no objection subject to conditions. As such, it is considered that the conditions recommended by NRW and the Council's Ecology Officer address the objections raised to ensure biodiversity is enhanced and for the safeguard of protected species.

River Corridor:

- 8.59 In addition, part of the site is identified as a River Corridor on the LDP Proposals Map and Policy EN4 River Corridors is relevant. This states that the natural heritage, character and other key features of Cardiff's River corridors will be protected, promoted and enhanced, together with facilitating sustainable access and recreation. In this respect it is noted the proposed development seeks to enhance the river corridor by directly improving the built environment along the corridor and also by enhancing the connectivity to this asset through the provision of new footpaths / cycleways through The Marl by improving pedestrian and cycle links. The footpaths will also provide significantly improved access to the Cardiff Bay Trail, which enables the enjoyment of the river corridor and wider Bay area for recreational purposes. It is also noted that the proposals include the enhancement of the public open space within the river corridor to encourage greater use of the area for recreational and leisure purposes.

g. Archaeology

- 8.60 Officers note that the wreck of the 'Louisa', a Scheduled Monument (Cadw

ref. GM553) is located adjacent to the application site. Cadw and the Glamorgan-Gwent Archaeological Trust were consulted and reviewed the supporting Archaeological and Heritage Desk-Based Assessment prepared by Tetra Tech. It was concluded that any adverse affect from the development can be offset through effective heritage interpretation, such as an information board facing towards the Wreck of Louisa. This will provide further public benefit from the development by enhancing understanding of the Wreck its significance. Another condition has been applied for a Scheme of Investigation which will detail an archaeological watching brief on all groundworks. Subject to these conditions, officers are satisfied that the Scheduled Monument will not be adversely affected.

h. Flooding

- 8.61 The site lies within Zone C1 of the Development Advice Map (DAM) as contained in TAN15. This means that the area is served by significant infrastructure, including flood defences. The supporting Flood Consequence Assessment shows that there is no change to ground levels and the risks and consequences of flooding can be managed to an acceptable level. This therefore accords with LDP Policy EN14 and TAN15.

i. Sustainability

- 8.62 LDP Policy EN12 places a requirement on new developments to maximise the potential for renewable energy, with developers encouraged to incorporate schemes which generate energy from renewable and low carbon technologies. LDP Policy KP5 confirms that such features contribute towards good quality and sustainable design.
- 8.63 The design of the development considered renewable energy and efficiency. The buildings will be highly insulated to keep energy use to a minimum. Solar panels will be provided where possible to generate electricity. Ground, gas and water source heat pumps will be provided for clean, cheap energy for heating homes and there will be possible connections to the district-wide heating network. A condition has been applied for an Energy Strategy to support each phase of development.

9. UNILATERAL UNDERTAKING REQUIREMENT

- 9.1 The following planning obligations have been requested to mitigate any significant adverse impacts of the proposed development and to provide essential, enabling and necessary infrastructure as defined within LDP policies KP6 (New Infrastructure) and KP7 (Planning Obligations):
- i. **Affordable housing:** An obligation to ensure a minimum of 20% affordable housing is required to be delivered within the site, in accordance with Policy H3 of the adopted City of Cardiff Local Development Plan (2006-2026).
 - ii. **Education:** A financial contribution will be sought and will be agreed as

the phases progress. This will be calculated against the formula in accordance with the Council's adopted Planning Obligation SPG (2017).

- iii. **Transport:** £5,000 for the implementation of Traffic Orders are required as a consequence of the development.

9.2 Further, an in-kind contribution towards **public open space improvements** under Condition 34 will be a value of approximately £920,000. The applicant has confirmed their acceptance of the obligations.

10. **LEGAL CONSIDERATIONS**

10.1 *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.

10.2 *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.

10.3 *Wellbeing of Future Generations (Wales) 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.

10.4 *Statutory pre-application public consultation:* The statutory pre-application public consultation was carried out in accordance with legislation and is considered acceptable.

10.5 *Environmental Impact Assessment (Wales) Regulations 2016:* As required by Regulation 3 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 this report and the recommendation has taken the environmental information and its amendments into consideration.

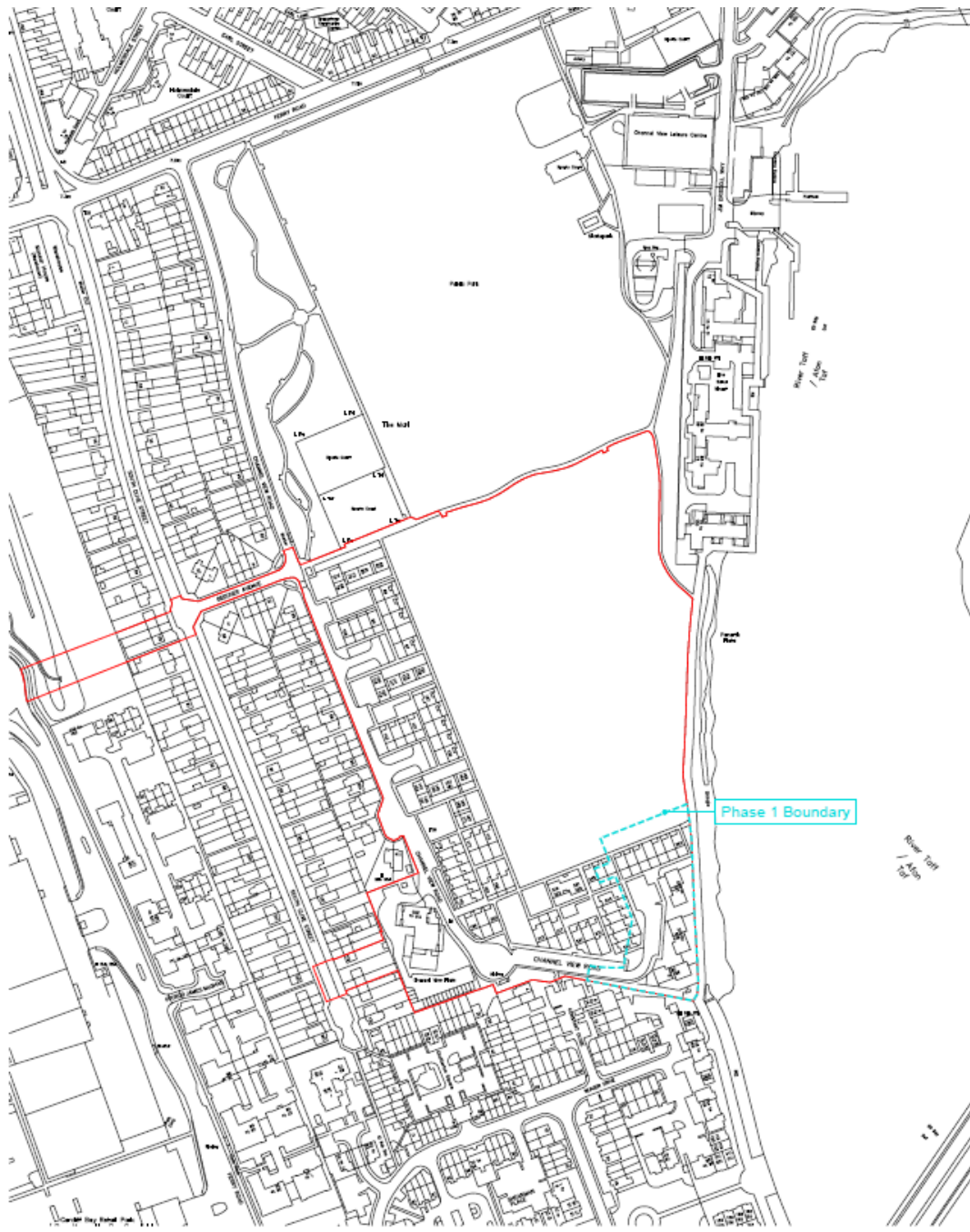
10.6 *Flood and Water Management Act 2010:* Section 12 (3) of the Flood and Water Management Act 2010 places a duty on Risk Management Authorities

(e.g. a county council for the area) to have regard to the national and local strategies and guidance when exercising any other function in a manner which may affect a flood risk or coastal erosion risk. The relevant strategies and guidance have been taken into consideration in the assessment of this application.

11. CONCLUSION

- 11.1 The proposed comprehensive redevelopment of the Channel View Estate will deliver an increased number of affordable housing units. It is considered that this is an exemplar development with high standards of design which will fully embrace sustainability principles and integrate with the existing community. There has been no technical consultee objection.
- 11.2 The Environmental Impact Assessment (EIA) 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 EIA are considered sound.
- 11.3 It is therefore recommended that planning permission be approved subject to the completion of a legal agreement to secure the measures identified in Section 9, and relevant conditions.

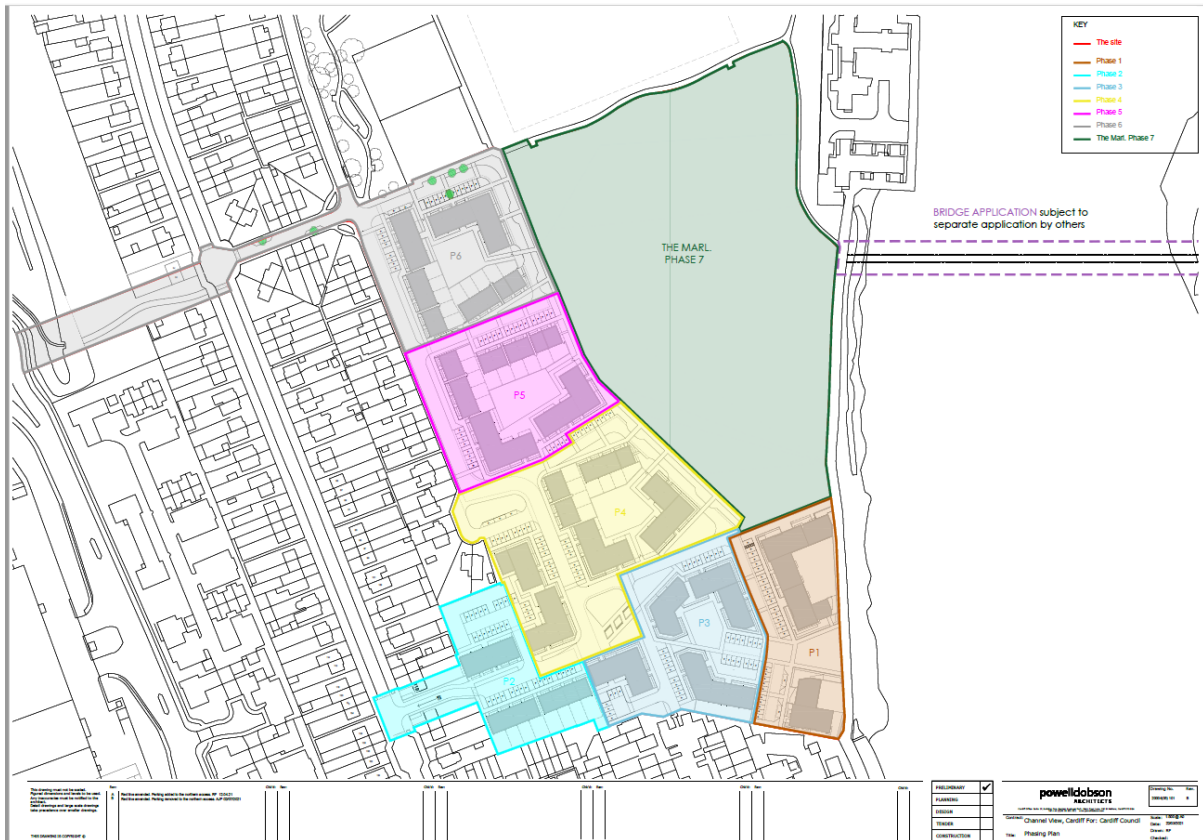
Site Location Plan:



<p>This drawing must not be scaled. Figure dimensions and levels to be used. Any discrepancies must be notified to the architect. Detail drawings and large scale drawings shall precede over smaller drawings.</p>				<p>Rev</p> <table border="1"> <tr> <td>A</td> <td>Redline Amended.</td> <td>AF 31.03.21</td> <td>-</td> <td>-</td> </tr> <tr> <td>B</td> <td>Redline Amended.</td> <td>RF 16.04.21</td> <td>-</td> <td>-</td> </tr> <tr> <td>C</td> <td>Redline Amended.</td> <td>AP 24.06.21</td> <td>-</td> <td>-</td> </tr> </table>	A	Redline Amended.	AF 31.03.21	-	-	B	Redline Amended.	RF 16.04.21	-	-	C	Redline Amended.	AP 24.06.21	-	-	<p>Rev</p> <table border="1"> <tr> <td>Rev</td> <td>Rev</td> </tr> <tr> <td> </td> <td> </td> </tr> </table>	Rev	Rev			<p>PHASE 1 <input checked="" type="checkbox"/></p> <p>PLANNING <input type="checkbox"/></p> <p>DESIGN <input type="checkbox"/></p> <p>TENDER <input type="checkbox"/></p> <p>CONSTRUCTION <input type="checkbox"/></p>	<p>powelldobson ARCHITECTS</p> <p>Unit 10, The Arcade, 10, The Arcade, Cardiff, Wales, CF10 1AA</p> <p>Channel View, Cardiff</p> <p>For: Cardiff Council</p> <p>Site Location Plan</p>	<table border="1"> <tr> <td>Drawing No:</td> <td>Rev:</td> </tr> <tr> <td>2024/001/00</td> <td>C</td> </tr> </table> <p>Scale: 1:1000 @ A3</p> <p>Date: April 2022</p> <p>Drawn: AP</p> <p>Checked: -</p>	Drawing No:	Rev:	2024/001/00	C
A	Redline Amended.	AF 31.03.21	-	-																											
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Registered Office: Powelldobson, Suite 10, Building One, Eastern Business Park, Main Road, St. David's, Cardiff, CF10 1AA. Powelldobson is a trading name of Powelldobson Ltd a company registered in England and Wales No 1875822.

Phasing Plan:



PHASE 1



Site Plan:



Proposed Elevations:



Section 3-3

NO.	DESCRIPTION	DATE	BY	CHKD.	APP.
1	Issue for Review	2022-03-10			
2	Issue for Review	2022-03-10			
3	Issue for Review	2022-03-10			
4	Issue for Review	2022-03-10			
5	Issue for Review	2022-03-10			
6	Issue for Review	2022-03-10			
7	Issue for Review	2022-03-10			
8	Issue for Review	2022-03-10			
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47	Issue for Review	2022-03-10			
48	Issue for Review	2022-03-10			
49	Issue for Review	2022-03-10			
50	Issue for Review	2022-03-10			

Landscape Plan:



- Trees to be retained**
- Trees to be removed**
- Tree planting**
- Other trees**
- Tree planting**
- Specimen within site**
- Specimen plants**
- Planting**

TETRA TECH

Channel View
Landscape:
Phase 1

300

Key

- AFA - Acer dasycarpus 'Aronia'
- AS - Arisaema
- AZK - Acer x zosterifolium 'Aronia'
- GLPT - Gloriosa x glabra 'Aronia'
- HA - Hebe x exoniensis 'Aronia'
- MA - Malus domestica 'Aronia'
- QK - Quercus x laevis 'Aronia'
- TE - Tilia x americana 'Aronia'

Scale 1:250 @ A1

A11086-1_2022 Detailed Landscape - 21 April 2021

Phase 1.dwg

Tetra Tech CAD

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OUTLINE PARAMETER PLANS

Land Use Plan:



Movement Plan:



Green Infrastructure Plan:



Scale & Massing Plan:



Character Areas Plan:



Indicative Wider Landscape Strategy:



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LOCAL MEMBER, AS/MS OBJECTION & PETITION

COMMITTEE DATE: 15/12/2021

APPLICATION No. **21/01359/MJR** APPLICATION DATE: 07/06/2021ED: **LLANDAFF**

APP: TYPE: Full Planning Permission

APPLICANT: Cardiff Council Housing Development

LOCATION: LAND AT FORMER WASTE TRANSFER CENTRE, WAUN GRON PARK ,LLANDAFF, CARDIFF

PROPOSAL: MIXED USE HOUSING DEVELOPMENT COMPRISING 44NO. 1 AND 2 BEDROOM APARTMENTS, OFFICE AND COMMERCIAL SPACES, ALONG WITH THE PROVISION OF A NEW HIGHWAY TO ACCOMMODATE A BUS INTERCHANGE, IMPROVED CYCLE AND PEDESTRIAN ACCESS AND ASSOCIATED WORKS

RECOMMENDATION 1 : That subject to whether the Welsh Government decides to call in this application the Planning Committee are minded that planning permission be **GRANTED** subject to the applicant entering a **SECTION 106** Unilateral Undertaking as described in Section 10 of this report and the following conditions:

1. C01 Statutory Time Limit
2. This approval is in respect of the following drawings and documents:
 - Design and Access Statement (prepared by Powell Dobson);
 - Ecology (prepared by Pure Ecology);
 - Tree Survey and Constraints Plan (prepared by Treescene);
 - Supplementary Controlled Waters Risk Assessment (prepared by Earth Science Partnership document ref. 6272b.04.3151);
 - Plans and Drawing for the Bus Interchange (prepared by Lime Transport);
 - Proposed Interchange (drawing ref. 20051.OS.109.01);
 - Swept Path Analysis (drawing ref. 20051.OS.109.02);
 - Swept Path Analysis (drawing ref. 20051.OS.109.03);
 - Swept Path Analysis (drawing ref. 20051.OS.109.04); o Swept Path Analysis (drawing ref. 20051.OS.109.05);
 - Swept Path Analysis (drawing ref. 20051.OS.109.06);
 - Swept Path Analysis (drawing ref. 20051.OS.109.07);
 - Transport Assessment (prepared by Lime Transport);
 - Parking Beat Survey 06.05.2021 (prepared by Lime Transport);Land at The Former Waste Transfer Centre at Waun Gron Park May 2021 Page 2 of 3 Cover Letter

- Drainage Assessment, Plans and Drawings (prepared by Curtains);
- Proposed Drainage Layout (drawing ref. DR C 92001 P03)
- Drainage Statement (ref. 075716-CUR-00-XX-RP-D-00001-V01_Drainage Statement)
- Noise and Vibrations Impact Assessment (prepared by Wardell Armstrong);
- Air Quality Impact Assessment (prepared by Wardell Armstrong);
- 1889-Urb-Xx-Xx-Dr-La-Ga-006 Rev F Landscape - General Arrangement
- 1889-Urb-Xx-Xx-Dr-La-Ga-016 Rev D Landscape General Arrangement -Terrace
- 1889-Urb-Xx-Xx-Dr-La-Ga-017 Rev P02 Tree Pit in Soft Landscape and Integrated with Suds dated 18/11/21
- 1889-Urb-Xx-Xx-Dr-La-Ga-020 Typical Green Screen Detail
- 1889-Urb-Xx-Xx-Dr-La-Ga-021 Rev P02 Typical Tree Pit Detail in Raised Planter
- 1889-Urb-Xx-Xx-Dr-La-Ga-201 Rev E Landscape - Soft Works
- Arboricultural Impact Assessment and Arboricultural Method Statement dated 11/11/21
- Landscape DAS Input dated May 2021Rev B
- Outline Specification dated 18/05/2021 Rev P02
- Site Location Plan (ref. 19127(05)100);
- Site Layout Plan (ref. 19127(05)101C);
- Proposed Ground Floor Plan (ref. 19127(05)102C);
- Proposed First Floor Plan (ref. 19127(05)103B);
- Proposed Second Floor Plan (ref. 19127(05)104B);
- Proposed Third Floor Plan (ref. 19127(05)105B);
- Proposed Fourth Floor Plan (ref. 19127(05)106B);
- Proposed Fifth Floor Plan (ref. 19127(05)107B);
- Proposed Sixth Floor Plan (ref. 19127(05)108B);
- Proposed Roof Plan (ref. 19127(05) 114;
- Proposed Elevations (ref. 19127(05)109B);
- Bike Store Plans and Elevations (ref. 19127(05)111);
- Proposed Street Elevations – Coloured (ref. 19127(05)112A);
- Proposed Site Sections (ref. 19127(05)113A); and
- PDA 19127 Waungron Road Schedule – Revision E.

Reason: To avoid doubt and confusion as to the approved drawings.

3. No development other than demolition 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 (LDP Policy EN10).

4. No development shall take place, including any works of demolition, until a Demolition Management Plan (DMP) has been submitted to, and approved by the Local Planning Authority. The plan 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 hoarding
 - (e) wheel washing facilities
 - (f) measures to control the emission of dust and dirt during construction
 - (g) a scheme for recycling/disposing of waste resulting from demolition and construction works.
 - (h) details of the persons and bodies responsible for activities associated with the DMP and emergency contact details.
 - (i) dust/dirt suppression methods

The demolition shall thereafter be implemented in accordance with the approved DMP.

Reason: In the interests of highway safety and public amenity (LDP Policies T5 and EN13).

5. No development other than demolition shall commence until a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved by the Local Planning Authority. The CEMP shall include:
 - (a) Details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
 - (b) Details of fuel and chemical storage and containment and wastewater.
 - (c) Demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
 - (d) Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.
 - (e) Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.
 - (f) Wheel washing facilities
 - (g) Construction staff parking area, welfare cabins, storage areas and site hoardings.

- (h) Delivery routes and times for delivery vehicles to enter and leave the site.
- (i) Dust/Dirt suppression methods
- (j) Details of site hoardings,
- (k) Details of site access,
- (l) A strategy for the delivery of plant and materials,
- (m) Traffic management proposals

The construction shall thereafter be implemented in accordance with the approved CEMP.

Reason: In the interest of highway safety, to limit the impact of the construction on use of the adjacent highway, in the interests of public amenity and biodiversity (LDP Policies T5, EN6 and EN11)

6. Prior to the occupation of the residential units, a pre-occupation validation noise survey shall be conducted and submitted to the local planning authority to demonstrate that the noise mitigation measures detailed in Noise and Vibration Assessment Report (Ref CA11784-0001) are achieved.

Reason: To ensure the amenities of future occupants are protected (LDP Policy EN13).

7. In accordance with the Noise and Vibration Assessment Report (Ref CA11784-0001) the noise rating level from the commercial activities at the site shall not exceed 41dB (day) and 26dB (night) at any residential property when measured and corrected in accordance with BS 4142: 2014 +A1 2019 (or any British Standard amending or superseding that standard).

8. No above ground works on the bus interchange shall take place until details showing the provision of cycle parking spaces have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the bus interchange being put into beneficial use. Thereafter the cycle parking spaces shall be maintained and shall not be used for any other purpose.

Reason: To ensure that adequate provision is made for the sheltered and secure parking of cycles at the bus interchange (LDP Policy T3).

9. Details of the design and siting of litter bins shall be submitted for the approval of the local planning authority. The approved bins shall be provided prior to the beneficial use of the bus interchange and shall thereafter be maintained.

Reason. To ensure an orderly form of development (LDP Policy T3).

10. Notwithstanding the submitted plans prior to above ground works commencing a tree pit section and finalised plant schedule for the rooftop terrace planting shall be submitted for the approval of the local planning authority and then implemented as approved prior to the apartments being brought into beneficial use.

Reason: In the interests of the amenities of future occupants (LDP Policy KP5).

11. Prior to above ground works commencing a full topsoil and subsoil specification shall be submitted for the approval of the local planning authority for all planting types, as drawn up by a soil scientist who is familiar with the proposed landscaping, full parameters for all soils, imported or site won and shall then be implemented as approved prior during the first planting season following the apartments and bus interchange being brought into beneficial use. Site won/in-situ soils must only be used if a Soil Resource Survey and Plan is undertaken and demonstrates fitness for purpose.
Reason: In the interests of enhancing the appearance of the development (LDP Policy KP5).
12. Prior to above ground works commencing a detailed planting and aftercare methodology shall be submitted for the approval of the local planning authority and shall then be implemented as approved prior during the first planting season following the apartments and bus interchange being brought into beneficial use.
Reason: In the interests of enhancing the appearance of the development (LDP Policy KP5).
13. No equipment, plant or materials shall be brought onto the site for the purpose of development until retained trees on have been safeguarded in accordance with the Arboricultural Method Statement and Tree Protection Plan dated 11 November 2021.
Reason: To protect trees of amenity value that might be damaged by building works or related operations (LDP Policy EN8).
14. Any trees, plants, or hedgerows 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.
Reason: To maintain and improve the amenity of the area (LDP Policy KP5).
15. No development other than demolition shall take place until samples of the external finishing materials have been submitted for the approval of the Local Planning Authority. The development shall be carried out in accordance with the approved materials.
Reason: To ensure that the finished appearance of the development is appropriate for the area (LDP Policy KP5).
16. Should there be any proposed floodlighting associated with the scheme, then prior to commencement of development a scheme shall be submitted for the approval of the Local Planning Authority to provide that :

- Light into neighbouring residential windows generated from the floodlights shall not exceed 10 Ev (lux) (vertical illuminance in lux).
- Each floodlight must be aligned to ensure that the upper limit of the main beam does not exceed 70 degrees from its downward vertical.
- The floodlighting shall be designed and operated to have full horizontal cut-off and such that the Upward Waste Light Ratio does not exceed 5%.

The submitted scheme shall include an isolux diagram showing the predicted illuminance in the vertical plane (in lux) at critical locations on the boundary of the site and at adjacent properties. The approved scheme shall be implemented prior to beneficial use and be permanently maintained.

Reason: To ensure that the amenities of are protected (LDP Policy EN13).

17. No member of the public shall be admitted to or allowed to remain on the premises of the A3 retail unit between the hours of 23.00 and 07.30 on any day.

Reason: To ensure that the amenities of are protected (LDP Policy EN13).

18. The extraction of all fumes from the approved A3 unit shall be mechanically extracted to a point to be approved by the Local Planning Authority, and the extraction system shall be provided with a de-odorising filter. Details of the above equipment shall be submitted to, and approved by, the Local Planning Authority and the equipment as approved shall be installed prior to the commencement of use for the cooking of food. The equipment shall thereafter be maintained in accordance with the manufacturers' guidelines, such guidelines having previously been approved by the Local Planning Authority.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity of the A3 use are protected (LDP Policy EN13).

19. No above ground development shall take place until details of exterior CCTV cameras and their arcs of coverage have been submitted for the approval of the Local Planning Authority and the development shall not be brought into beneficial use until the CCTV cameras have been installed as approved.

Reason: In the interests of safety (LDP policies KP5 and H6).

20. The mitigation measures identified in Section 5 of the Ecological Assessment by Pure Ecology shall be fully implemented prior to any part of the development being brought into beneficial use.

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

21. Prior to the commencement of any development on site including demolition details of existing and proposed finished ground levels and the slab level of the apartment building shall be submitted for the approval of the Local Planning Authority and then implemented as approved.

Reason: To avoid any doubt as to the finished level of this site and to

ensure ease of movement (LDP Policies KP5 and T5).

22. The cycle parking detailed in the application and shown on the approved plans shall be provided prior to beneficial occupation of the development and thereafter maintained for the use of parking cycles.
Reason: To ensure sufficient cycle parking for future occupants is provided (LDP Policy T1 and T5).
23. Prior to the commencement of development, other than demolition, a scheme of highway and public realm works to the footways, carriageways and junctions that form and adjoin the site on Western Avenue and Waun Groan Road as illustrated in the submission, shall be submitted to the Local Planning Authority for approval. The scheme to include but not limited to the provision of the interchange road, junctions and repaving, including surfacing, kerbs, edging, drainage, lighting, lining, signing, telematics/signals, Traffic Orders, trees, soft and hard landscaping, bus stops/shelters and street furniture as required as a consequence of the scheme. The approved scheme shall be implemented prior to the beneficial use of any part of the development.
Reason: To ensure the provision of the interchange highway and junctions and provide an improved public realm environment in accordance with the permission to facilitate safe commodious access to and use of the proposed development (LDP Policies KP5, T1, T3 and T5).
24. No part of the development hereby permitted shall be occupied until a Travel Plan, to include but not limited to, the promotion of walking, cycling, public transport and other alternatives to the ownership and use of private cars has been submitted to and approved by the Local Planning Authority.
Reason: In the interest of sustainability and to limit the impact of the development on use of the adjacent highway LDP Policies T1 and T5).
25. Prior to any above ground works details of the public art to be displayed on the exterior of the apartments shall be submitted to and approved by the local planning authority and implemented as approved prior to the building being brought into beneficial use.
Reason: In the interests of enhancing the appearance of the building (LDP Policy KP5).
26. Prior to the commencement of the development a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WG / NRW guidance document 'Land Contamination: A guide for Developers' (2017), unless the Local Planning Authority agrees to any variation.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to neighbours and other offsite receptors in accordance with policy EN13 of the Cardiff Local Development Plan.

27. The remediation scheme approved by condition 28 must be fully undertaken in accordance with its terms prior to the occupation of any part of the development. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WG / NRW guidance document 'Land Contamination: A guide for Developers' (2017), unless the Local Planning Authority agrees to any variation.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to neighbours and other offsite receptors in accordance with policy EN13 of the Cardiff Local Development Plan.

28. 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 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 neighbours and other offsite receptors in accordance with policy EN13 of the Cardiff Local Development Plan.

29. 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 approved 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.
30. 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 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.
31. 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 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.

RECOMMENDATION 2 : The applicant is advised that section 3.25 of Planning Policy Wales states that the land use planning system should take account of the

conditions which are essential to the Welsh language and in so doing contribute to its use and the Thriving Welsh Language well-being goal. In this context and with regard to the Welsh Language (Wales) Measure 2011, it is recommended that: (1) developments adopt a Welsh name that is consistent with the local heritage and history of the area, (2) during the construction phase, on site marketing information (i.e. text on construction hoardings / flags / banners – as consented) be provided bilingually and (3) for commercial developments, shopfront / premises signage be provided in Welsh or bilingually. Where bilingual signage is provided, Welsh text must not be treated less favourably in terms of size, colour, font, prominence, position or location (it is recognised that Welsh translation does not extend to company / business names). Cardiff Council's Bilingual Cardiff team (BilingualCardiff@cardiff.gov.uk) can provide advice on unique and locally appropriate Welsh names for developments, bilingual marketing / branding and bilingual signage.

RECOMMENDATION 3 : Since January 7th 2019, all new developments of more than 1 house, or where the construction area is 100 square metres or more, require sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by the Welsh Ministers.

These systems must be approved by the local authority acting in its SuDS Approving Body (SAB) role before construction work begins. The SAB will have a duty to adopt compliant systems so long as they are built and function in accordance with the approved proposals, including any SAB conditions of approval.

It is recommended that the developer engage in consultation with the Cardiff Council SAB team as the determining SuDS Approval Body (SAB) in relation to their proposals for SuDS features. To arrange discussion regarding this please contact SAB@cardiff.gov.uk.

RECOMMENDATION 4 : The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for

- (i) determining the extent and effects of such constraints;
- (ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site;
 - Unprocessed / unsorted demolition wastes.
 - Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
 - Japanese Knotweed stems, leaves and rhizome infested soils. In

- addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and
- (iii) the safe development and secure occupancy of the site rests with the developer.

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.

1. **DESCRIPTION OF DEVELOPMENT**

- 1.1 The proposal comprises the redevelopment of an existing brownfield site, formerly used as a civic amenity site. The proposal is for full planning application for a mixed-use housing development comprising 44 no. apartments, an ancillary office and 2 retail units, along with the provision of new highway works to accommodate a Bus Interchange, improved cycle and pedestrian access and associated works.
- 1.2 The following are proposed as part of the development:
- The provision of 44 residential units within a building that varies from 4, 5 and 7 storeys in height.
 - The provision of an ancillary B1 (165.1sqm) use at ground floor within the north-eastern corner of the building
 - The provision of an A3 (117.6sqm) unit at ground floor within the north-western corner side of the building
 - The provision of an A1 (101sqm) use floorspace at ground floor along the western side of the building
 - The provision of ancillary storage and facilities centrally sited for future residents of the building
 - Bus Interchange
 - Public realm improvements and
 - Associated landscaping
- 1.3 The residential accommodation will comprise of 40 x one-bedroom apartments, with 4 x two bedroom apartments. The scheme is aimed principally at single occupancy residents. 21 of the units (all one-bedroom units) will provide short term accommodation, supported by the housing staff who will be located within the ground floor office 24 hours a day. The other 23 will be used for permanent accommodation.
- 1.4 The Housing Officer has confirmed that “the scheme will not be for families so no children will be housed here. That will be part of the local lettings initiative for the scheme. The small number of 2 beds will be for couples who need separate bedrooms (due to support or care) or people wishing to share – we have a small demand for these types of 2 beds on our waiting list”.

- 1.5 The proposed new-build development will be stepped and staggered in height. The building will start at 4 storeys in height towards the northern end of the site, and eventually increasing to 7 storeys towards the southern edge of the building.
- 1.6 The development will include:
- Two secure internal secure cycle storage facilities, 48 stands for residents 4 stands for office staff;
 - External bike store and racks for users/employees of the commercial units and users of the bus interchange;
 - Separate bin storage for both temporary and permanent accommodation;
 - Separate bin storage for the office; and
 - Bin storage for commercial units contained within the units
 - Internal general service area;
 - Generator room; and
 - Sub Station room
 - Private winter gardens in each of the permanent apartments, with the exception of 3 ground floor units which have an open front porch area, (the shorter term accommodation will not have balconies);
 - Large shared roof terrace for use by all residents some 350 sq m in area at first floor level.
- 1.7 When the application was submitted there was an extant planning permission (ref. 16/01565/MNR) for the clearance of the Waste Transfer Centre and change of use to a Transport Hub Bus Interchange. The permission permitted the following development:
- The opening of a new access point off Western Avenue to the north of the railway bridge with a new Toucan crossing;
 - The reconfiguration/refurbishment of the existing site access point on Waungron Road with a new Toucan crossing;
 - The linking of the two access points with a new road surface, with a central two-lane carriageway and bus stop lanes either side;
 - New footpaths either side of the new road with 5no. new bus shelters;
 - A new point of access to the proposed new development site;
 - Pedestrian footpath and crossing improvements around the site.
- 1.8 The applicant states that “The energy use strategy seeks to adopt heating and power solutions that will drastically reduce CO2 emissions, maximise the use of renewable technology (no gas boilers) and reduce the demand our homes will have on the grid. This will be achieved by designing in from the start Photo Voltaic panels linked to battery storage, heating via Ground Source Heat pumps (GSHP) and mechanical heat recovery systems. This result in high a performing building, achieving significant improvement against Part L of the Current (2014) Building Regulations. It will also drastically reduce energy bills for tenants.”
- 1.9 The intention is that Waun Gron will become a transport hub; there is the existing City Line rail provision, and the new bus interchange will contribute towards achieving the Council’s target of a 50/50 modal split of car travel and public transport. The applicant says that the provision of a new bus interchange in this location will help increase the number of destinations that can be accessed from the west of the city.

- 1.10 It is proposed to provide signalised junctions at the northern end at the interchange (onto Waun Gron Road) and southern end of the road (onto Western Avenue). The pedestrian crossings would be provided on a raised table providing priority and an easy access for pedestrians and cyclists. It is considered that these crossings will also slow down vehicles travelling along the main interchange road. The interchange road will only be accessible for buses and refuse vehicles, and no access will be provided for other vehicles. It is proposed to extend yellow box road markings on the A48/Western Avenue to ensure that no traffic blocks the entrance and exit to the new interchange road for buses.
- 1.11 The applicant says that the design of the bus interchange has been revised from that originally approved as part of this scheme to enable the integration of the housing and transport elements, provide more space for public realm improvements and better accessibility for pedestrians and cyclists. Four rather than five bus shelters are now shown.
- 1.12 The design for the transfer hub has facilities provided for the pulling in and over-stay for buses and the inclusion of bus shelters with digital real-time information displays. Pedestrians and cyclists are accommodated with the provision of a wide shared footway / cycleway which joins Waungron Road with Western Avenue, controlled crossing areas with easy access to bus and train services with the adjoining Waungron Road station.
- 1.13 The design has considered the surface water drainage and a new system designed, with an element of the existing system being diverted to allow for the proposed new retaining wall which is essential to safe guard the existing Network Rail embankment which runs parallel to the site.
- 1.14 Seventeen trees are to be planted.
- 1.15 A 30m section of green wall is to be created along the boundary with Waungron station. The remainder of this boundary (south of the proposed green wall) will be retained as per application 21/02064/MNR.

2. **DESCRIPTION OF SITE**

- 2.1 Waungron Road (B4488) runs along the northern boundary of the site comprising a double carriage way providing direct links to the city centre heading east via Cathedral Road (east) and St Fagans heading west via St Fagans Road.
- 2.2 Western Avenue (A48) borders the eastern boundary of the site. This A road provides links to wider areas of North Cardiff. Additionally, the A48 provides easy access to wider areas south of the site.
- 2.3 As the area is predominately built up residential, both roads adjoining the site (B4488 and A48) have a speed limit of 30mph.
- 2.4 A rail line adjoins the western boundary of the site with Waungron Park railway station sited along the north-western corner of the site. The railway station is elevated above the level of the site.

- 2.5 The site is some 4270 sqm in area and is triangular in shape.
- 2.6 Beyond the roads and railway lines are residential properties comprising an array of dwellings including, detached, semidetached and terraced. Most of the housing is two storeys in height, although there are examples of three storey residential development within the surrounding area both east and west along Waungron Road and north along Western Avenue. Travelling south toward Ely Bridge, a short distance away from the site, the primarily residential area becomes more fragmented and gives way to a mix of light industrial and warehousing along major roads into the city centre.
- 2.7 There is a bus shelter adjoining the site on the southern side of Waungron Road and a bus shelter on the northern side of the road on the western side of the railway bridge. The 61 and 64 bus service passes along Waun Gron Road and the 15 bus service passes along Western Avenue adjoining this site. There is a bus shelter on the eastern side of Western Avenue directly opposite the site and a bus shelter on the western side of Western Avenue 150m north of the site.
- 2.8 There is a newsagent and takeaway within immediate proximity of the site. The nearest parade of shops is 250m east of the site along Waun Gron Road, with the nearest church being 250 metres west of the site.
- 2.9 The site is not affected by an ancient monument, Article 4 direction, Conservation Area, Listed Building, Local Listed Building, Historic Park and Gardens, Historic Landscape, Ramsar Site, SINC, SSSI, Archaeological Sensitive Area or TPO. The site is not in a flooding zone.
- 2.10 There is a Next Bike facility located just a few yards west of the site.

3. **SITE HISTORY**

- 3.1 16/01565/MNR Cardiff West interchange – bus transport hub, change of use from waste transfer depot to new highway incorporating bus transport hub approved 1 November 2016. Previous use Household Waste Recycling Centre.
- 3.2 21/02064/MNR Installation of a retaining wall with the railway embankment at the site of former waste transfer – currently undetermined.
- 3.3 21/02434/MNR VARIATION OF CONDITION 1 OF 16/01565/MNR TO ALLOW A FURTHER 5 YEARS TO COMMENCE WORKS – *(received on 12/10/21 prior to expiry of original consent)* – undetermined

4. **POLICY FRAMEWORK**

- 4.1 The following LDP policies are considered relevant:
KP1 Level of Growth
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
H3 Affordable Housing
H6 Change of Use or Redevelopment to Residential Use
EN12 Renewable Energy and Low Carbon Technologies
EN13 Air, Noise, Light Pollution and Contaminated Land
EN14 Flood Risk
T1 Walking and Cycling
T3 Transport Interchanges
T5 Managing Transport Impacts
T6 Impact on Transport Networks and Services
C1 Community Facilities
C3 Community Safety / Creating Safe Environments
W2 Provision for Waste Management Facilities in Development

- 4.2 In addition to the above policies, the following SPGs are considered to be relevant:

Tall Buildings Design Guide
Green Infrastructure (November 2017), comprising of:
Ecology and Biodiversity Technical Guidance Note
Trees and Development
Protection and Provision of Open Space in New Development
Soils and Development
Waste Collection & Storage Facilities (October 2016);
Planning Obligations (January 2017);
Residential Design Guide (January 2017);
Managing Transportation Impacts (Incorporating Parking Standards) (July 2018).

- 4.3 PPW Wales (edition 11)
- 4.4 National Development Plan (Feb 2021)
5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 Regeneration states:

Request for Community Facilities

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 SPG is based on the number of bedrooms and associated occupancy figures per dwelling, and is calculated as follows:

No. of bedrooms	Number of Dwellings	Contribution per dwelling	Totals
1 bed x 40	£720.51	£28,820.48	
2 bed x 4	£997.63	£3,990.53	
TOTALS:		£32,811.01	

In summary, the following contribution is sought from the developer:

£32,811.01

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.

- (b) Directly related to the development

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 one of these facilities.

(c) Fairly and reasonably related in scale and kind to the proposed development
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.

5.2 Waste Officer states:

Plans detailing waste storage and collection are acceptable. These facilities must be retained for future use for waste storage.

Waste management have no further observations or objections to the proposed development.

5.3 The Education Officer has no comments as the development is below their threshold for a claim.

5.4 The Tree Officer initially requested some amendments and further details. He would prefer landscaping details upfront but considers these conditions to be relevant:

Prior to above ground works commencing a tree pit section and finalised plant schedule for the rooftop terrace planting shall be submitted for the approval of the local planning authority and then implemented as approved prior to the apartments being brought into beneficial use. Reason: In the interests of the amenities of future occupants (LDP Policy KP5)

Prior to above ground works commencing a full topsoil and subsoil specification shall be submitted for the approval of the local planning authority for all planting types, as drawn up by a soil scientist who is familiar with the proposed landscaping, full parameters for all soils, imported or site won and shall then be implemented as approved prior during the first planting season following the apartments and bus interchange being brought into beneficial use. Site won/in-situ soils must only be used if a Soil Resource Survey and Plan is undertaken and demonstrates fitness for purpose. Reason: In the interests of enhancing the appearance of the development (LDP Policy KP5)

Prior to above ground works commencing a detailed planting and aftercare methodology shall be submitted for the approval of the local planning authority and shall then be implemented as approved prior during the first planting season following the apartments and bus interchange being brought into beneficial use. Reason: In the interests of enhancing the appearance of the development (LDP Policy KP5)

No equipment, plant or materials shall be brought onto the site for the purpose of development until retained trees on have been safeguarded in accordance with the Arboricultural Method Statement and Tree Protection Plan dated 11 November 2021. Reason: To protect trees of amenity value that might be damaged by building works or related operations (LDP Policy EN8).

Any trees, plants, or hedgerows 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. Reason: To maintain and improve the amenity of the area (LDP Policy KP5)

5.4 Air Quality Officer states:

Thank you for sending the AQ information. I am satisfied with the document and have no more comments in relation to air quality.

5.5 The Neighbourhood Services Officer states:

I understand from reading the Pre-Application Report that the applicant has agreed to the following conditions:

- Prior to the occupation of the residential units, a pre-occupation validation noise survey shall be conducted in order to demonstrate that the noise mitigation measures detailed in Noise and Vibration Assessment Report (Ref CA11784-0001)

Reason: To ensure the amenities of future occupants are protected

- In accordance with the Noise and Vibration Assessment Report (Ref CA11784-0001) the noise rating level from the commercial activities at the site shall not exceed 41dB (day) and 26dB (night) at any residential property when measured and corrected in accordance with BS 4142: 2014 +A1 2019 (or any British Standard amending or superseding that standard).

Reason: To ensure the amenities of future occupants are protected

If my understanding of the report is correct, that I would recommend approval subject to these conditions.

5.6 Pollution Control state:

Shared Regulatory Services (SRS) Environment Team provides the comments below in relation to land quality. The following information has been provided in relation to the above application:

ESP, February 2019; Supplementary Controlled Waters Risk Assessment
ESP, May 2018; Supplementary Geo-Environmental Assessment
Document Reference – 6272b.03.2986 Draft (including appended ESP Report 6272b.2573 and ESP Report 6272b.02.2678)

The above Geoenvironmental Assessment Report includes a detailed assessment of contamination and associated risks to human health and the environment. Investigations identify contaminants of concern (asbestos) and provides general guidance in relation to remediation and mitigation works. A detailed remediation strategy and verification plan (including appropriate proposals to remediate the site and procedures for validating the works undertaken and provision of a remediation validation report) will need to be submitted for approval.

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.

Shared Regulatory Services requests the inclusion of the following conditions and informative statement 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:

CONDITIONS

PC14B. CONTAMINATED LAND MEASURES – REMEDIATION & VERIFICATION PLAN

Prior to the commencement of the development a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WG / NRW guidance document ' Land Contamination: A guide for Developers' (2017), unless the Local Planning Authority agrees to any variation.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN13 of the Cardiff Local Development Plan.

PC14C. CONTAMINATED LAND MEASURES - REMEDIATION & VERIFICATION

The remediation scheme approved by condition x (PC14B above) must be fully undertaken in accordance with its terms prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Within 6 months of the completion of the measures identified in the approved

remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WG / NRW guidance document ' Land Contamination: A guide for Developers' (2017), unless the Local Planning Authority agrees to any variation.

Reason : To ensure that any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN13 of the Cardiff Local Development Plan.

PC14D. CONTAMINATED LAND MEASURES – UNFORESEEN CONTAMINATION

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.

PC15A IMPORTED SOIL

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.

PC15B IMPORTED AGGREGATES

Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported material is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff Local Development Plan.

PC15C USE OF SITE WON MATERIALS

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.

ADVISORY/INFORMATIVE

R4 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

- (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.

5.7 The Parks Officer states:

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 supporting Green Infrastructure SPG specifically the Protection and Provision of Open Space in New Developments (TGN) and Planning Obligations Supplementary Planning Guidance (SPG).

The Council's LDP requires provision of a satisfactory level and standard of functional open space on all new housing/student developments, or an off-site contribution towards existing functional open space for smaller scale developments where new on-site provision is not applicable.

Based on the information provided on the number and type of units, I have calculated the additional population generated by the development to be 59.2. This generates an open space requirement of 0.14ha of on-site open space based on the criteria set for Housing accommodation, or an off-site contribution of £61,423. Please note that the occupancy rates to provide these figures are 1.3 person for 1 bedroom apartment and 1.8 for 2 bedroom but if the scheme will largely be aimed at single occupancy perhaps these figures could be revised. I enclose a copy of the calculation.

The development includes private amenity spaces in the form of winter gardens/balconies, the spaces between the front doors and public footway on Western Avenue and the shared terrace on the first floor but these cannot be regarded as functional open space and therefore an off-site contribution is required. The contribution will go towards the provision of new open space, or the design, improvement and/or maintenance of existing open space in the locality.

The request for an offsite contribution is applied consistently across both private and affordable house developments. In providing for the additional residents the development will result in increased use of local public open spaces, with a corresponding need for increased maintenance, more rapid upgrading and potential expansion of existing facilities. This is regardless of the financial model

for the development.

The use of S106 contribution from this development will need to satisfy CIL and the current distance requirements set out in the 2017 Planning Obligations SPG – play areas 600m, informal recreation 1000m, and formal recreation 1500m, measured from edge of the site.

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.

Consultation will take place with Ward Members to agree use of the contribution, and this will be confirmed at S106 stage. The closest areas of functional open space are:

- Llandaff – Llandaff Green
- Fairwater – Waun Gron Park, Fairwater Park, Fairwater Green, Fairwater Recreation Ground
- Canton – Victoria Park, Thompsons Park
- Ely – Mill Road Sports Ground
- Caerau – Trelai Park

Other Comments

No Parks or Highways Trees are affected. Otherwise I would defer to Ed Baker's comments on the impact on any other existing trees and proposed new trees and landscaping within the plans.

I note the external areas including public realm, trees and landscaping offered for adoption. Which department within the Council would be expected to look at these? From looking at such areas around the city on iShare responsibility appears to be mixed between the different departments.

5.8 The Transport Officer states:

Background

The application is for a mixed-use residential flat development comprising 44 apartments, 40 x 1 bed and 4 x 2 bed, together with the provision of a bus interchange, associated office use (165.1sqm) and commercial retail floorspace including A1 (101sqm) and A3 (117.6sqm).

The site comprises a vacant brownfield site that previously accommodated a household waste recycling centre which ceased operation in 2014 as part of a wider rationalisation of the Council's waste services. The current application is based on the extant planning permission 16/01565/MNR and builds on the principle of establishing a bus transport hub on the site.

The residential element of the development will consist entirely of council owned flats aimed at single occupancy residents, of which 21/circa 50% will provide

temporary supported accommodation, with housing staff based on site 24 hours a day. The scheme will not be for families and residents of the supported housing (in particular) are unlikely to own to cars.

The bus interchange is made up of through road with northbound and southbound stops/shelters which will help maximise the ability to switch between public transport modes and reduce car dependency; helping to enable a car-free lifestyle for both existing residents and tenants, and encourage travel by sustainable modes.

Two secure internal cycle stores, consisting of 48 stands for residents and 4 stands for office staff, along with an external cycle store and racks for users/employees of the commercial units and bus interchange will be provided. The ground floor will also house bin storage for the accommodation and the office, with bin storage for commercial units contained within the individual units. No car parking is provided for any of the proposed uses.

The site is bounded by Western Avenue to the east, in a sustainable location on a major route in/out of Cardiff city centre with frequent bus services in all directions. Waun Gron Park railway station is located on the western boundary of the site, providing a direct rail link to the city centre and beyond.

Comments:

The bus interchange is provided in the form of a new road running south-east/north-west through the site, alongside and parallel to the Waun Gron Park station on the City Line. The interchange road will only be accessible to buses and refuse vehicles, no access will be provided to the development for other vehicles. While following the principles established by the 2016 permission, the design of the bus interchange has been revised to enable better integration of the housing and transport elements, provide more space for public realm improvements and better accessibility for pedestrians and cyclists.

To provide access to the bus interchange signalised junctions will be constructed at the northern end of the new road at Waun Gron Road and southern end at Western Avenue. The junctions will incorporate tabled pedestrian and cycle crossings. The junctions will also provide for new and improved crossings on Western Avenue, Fairwater Grove West and Waun Gron Road. The proposed junction layouts are based on the previously agreed scheme (minus the access to the now residential element) and yellow box road markings will be provided to ensure traffic does not block the entrance and exit for buses. The interchange includes bus shelters with digital real-time information displays and wide shared footways between Waun Gron Road and Western Avenue, to provide easy access to bus and trains services.

The development is proposed to be car free and as such does not include any on-site resident or employee car parking. The car free/zero parking nature of the proposed development is considered to be policy compliant and therefore acceptable in principle; in this respect car parking standards contained in the adopted Managing Transport Impacts SPG are expressed as a maximum, with no minimum requirement, supporting a move away from reliance on the

ownership and use of private cars. The provision of zero parking development is supported by Planning Policy Wales and the Council's LDP, notably LDP Policy KP8 which seeks to ensure new development in Cardiff will positively enable sustainable transport and reduce a reliance upon journeys by private car, along with Policy T3 which supports the provision and improvement of transport hubs, to facilitate transfer between transport modes and minimise travel demand and reduce car dependency.

In considering the transport implications of the proposed development, not only does the application directly provide improved bus public transport and cycle parking facilities, but by virtue of its location adjacent to Waun Gron Park rail station provides convenient access to and connection with rail services. The site is therefore considered to be extremely sustainably located in transport terms and as such a site where the use of public transport and active travel offer real viable daily alternatives to the ownership and use of private cars.

Although not forming part of this application, the interchange is also well placed to provide a link between the park and ride facilities being established at junction 33 M4 and the improved rail network associated with the Metro program. Buses serving the new park and ride could either terminate at the interchange, to connect with rail services and local bus network, or the interchange would form a key stop on wider routes that connected with the city centre and UHW for example.

Initially a number of the existing bus services will be diverted through the interchange, up to 8/10 per hour, with further services added as the bus network expands, Metro proposals are realised and demand increases. Existing bus routes/services provide access to connections within Cardiff including Leckwith, Birchgrove, the city centre, Ely, St. Fagans, Pentreban, University Hospital Wales and surrounding areas including Talbot Green, Llandough and Barry. The interchange capacity was tested as part of the 2016 planning application and it was shown that the network could safely accommodate 40 buses per hour with minimal impact.

As discussed elsewhere in my comments, Waun Gron Park railway station abuts the western boundary of the site and is located on the City Line, which runs between Radyr and Cardiff Queen Street via Fairwater. The station currently provides a service of two trains per hour, one in each direction with a journey time of 8 minutes to Cardiff Central station. Once at Cardiff Central station passengers can connect to extensive main line intercity and local serve networks.

The Metro aspiration is to increase services at this station from the current two per hour to four services per hour. There are also aspirations to connect the Radyr and Coryton stations with a new/extended rail line, along with provision of stations at the new Velindre Cancer Centre and Longwood Drive, to form a bidirectional City Circle Line and further improve connectivity.

The site is also well located in terms of providing an opportunity for the provision of an additional car club space. There are currently a number of car club spaces

located across Cardiff, however most tend to be grouped around the city centre, with the nearest being some 1.5 miles east of the site. Car clubs have been shown to help relieve parking pressure by reducing the reliance on private ownership of cars, by providing residents with a convenient alternative to owning a car. Car clubs have been shown to be cost effective for residents and act as a catalyst to the use of sustainable modes of travel. The applicant has indicated a keenness to explore options to provide a car club bay or electric vehicle charging facility in the vicinity of the development.

In considering the potential impact of overspill parking it is noted that 'beat surveys', including day and night, were undertaken in March this year (2021). The results of the surveys were analysed and submitted in a technical note to supplement the Transport Statement. The analysis identifies that on-street space is available and that on average there is 63% parking stress on surrounding roads, which is below the 85% practical capacity. The technical note concludes that the surrounding roads can accommodate any additional parking associated with the proposed development, including staff associated with commercial space and commuters.

While the analysis in the technical note provides comfort that the adjacent highway can accommodate any potential overspill parking pressure from the proposed development, it is noted a number of the submitted objections raise this as a concern for existing residents.

As such I have sought a financial contribution towards the investigation and provision of Traffic Regulation Orders to help address any identified impact of overspill parking that may arise. Such Orders could include Resident Only parking or a Controlled Parking Zone, junction/bus stop protection and/or other Orders as may be identified as required. I have also sought a commitment to the investigation and implementation of a Car Club space or EV charging station in the vicinity of the site, which would also be available to existing residents and again help to mitigate the potential impact of the site on the adjoining highway.

Notwithstanding any concern about the potential for overspill parking to be generated, which given the location and target resident group is very small, I must reiterate that the proposed development is considered to be policy compliant as submitted with zero on-site parking.

I can therefore confirm that the submission has been assessed and is considered to be acceptable in principle subject to the comments and requested conditions and UU detailed below.

Conditions:

Cycle parking condition – The cycle parking detailed in the application and shown on the approved plans is to be provided prior to beneficial occupation of the development and thereafter maintained for the use of parking cycles.

Construction management plan condition – Prior to the commencement of development a Construction Management Plan, to minimise the impact on the

highway arising from on-site and off-site construction activities during the construction period, shall be submitted in writing for approval by the Local Planning Authority. The scheme shall include (but not be limited to) details of site hoardings, site access and wheel washing facilities, a strategy for the delivery of plant and materials, construction staff parking, traffic management proposals and details of dust/dirt suppression measures. The construction shall thereafter be implemented in accordance with the approved scheme. Reason: In the interest of highway safety and to limit the impact of the construction on use of the adjacent highway.

Highway and Public Realm Works condition – Prior to the commencement of development a scheme of highway and public realm works to the footways, carriageways and junctions that form and adjoin the site on Western Avenue and Waun Groan Road as illustrated in the submission, shall have been submitted to the LPA for approval in writing. The scheme to include but not limited to the provision of the interchange road, junctions and repaving, including surfacing, kerbs, edging, drainage, lighting, lining, signing, telematics/signals, traffic Orders, trees, soft and hard landscaping, bus stops/shelters and street furniture as required as a consequence of the scheme. The agreed scheme to be implemented to the satisfaction of the LPA prior to beneficial occupation of the development. Reason: To ensure the provision of the interchange highway and junctions and provide an improved public realm environment in accordance with the permission to facilitate safe commodious access to and use of the proposed development.

Travel Plan condition – No part of the development hereby permitted shall be occupied until a travel plan, to include but not limited to, the promotion of walking, cycling, public transport and other alternatives to the ownership and use of private cars has been submitted to and approved by the Local Planning Authority. Reason: In the interest of sustainability and to limit the impact of the development on use of the adjacent highway.

Unilateral Undertaking:

A contribution of £8,000 is sought for the investigation and implementation of revised and new and Traffic Regulation Orders (TROs) as required as a consequence of the scheme. Such TROs could include Resident Only parking or a Controlled Parking Zone, junction/bus stop protection and/or other Orders as identified. For the avoidance of doubt, this contribution is required in addition to and falls outside the areas of the network covered by the highway works condition.

The investigation and provision of an Electric Vehicle (EV) charging point or Car Club space. The developer is asked to commit to working with Transportation to identify a suitable location in the vicinity of the site for the provision of either an EV charging point or Car Club space, and thereafter to implement the provision, include as required infrastructure, TROs and any associated requirements.

Conclusion:

Given the sustainable location of the site and otherwise acceptable, policy

compliant form of development, I must conclude that any objection on Transportation grounds would be unsustainable and any reason for refusal on this basis would not withstand challenge. I therefore have no objection to the application subject to the above comments, conditions and UU matters.

6. **EXTERNAL CONSULTEE RESPONSES**

6.1 NRW states:

Based on the information provided, we have significant concerns with the proposed development. To overcome these concerns, we would recommend to the planning authority that they should only grant permission if the condition listed below is attached to the permission.

Condition: submission and approval of a site wide Construction Environmental Management Plan

Pollution Prevention of the Water Environment Both the east and west boundaries of the site are surrounded by DCWW surface water lines, which discharge directly into the River Ely, approximately 460m South of the development. Therefore, this increases the risk of pollution events to the River Ely associated with this site during development. As such, at planning application stage, we would request a Construction Environmental Management Plan (CEMP) to be in place during the construction stages of the site.

Condition

No development shall commence until a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include:

1. General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
2. Resource Management: details of fuel and chemical storage and containment and wastewater.
3. Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
4. Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.
5. Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

European Protected Species

We have considered the Ecological Assessment by Pure Ecology dated September 2020 revised 25 January 2021. We have no comments to make.

Land Contamination and Controlled Waters

We note the former use of the site as a waste transfer station for household waste recycling. The permit associated with a previous site use has been surrendered. We consider the site not to be of the highest environmental setting and therefore would request that the following informatives be imposed on any planning permission granted for the site.

Informative/ advice to LPA

Natural Resources Wales considers that the controlled waters at this site to be not of the highest environmental sensitivity, therefore we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site.

It is recommended that the requirements of Planning Policy Wales and the Environment Agency Guiding Principles for Land Contamination (GPLC 1, 2, and 3), March 2010, should be followed. GPLC can be downloaded from the Environment Agency website.

These comments are 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 the Natural Resources Wales.

Informative/ advice to applicant:

The treatment and disposal of contaminated soils and groundwater is regulated by waste legislation and requires an environmental permit.

Excavated materials that are recovered via a treatment operation can be re-used on-site under the CL:AIRE Definition of Waste: Development Industry Code of Practice. This voluntary Code of Practice provides a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, Natural Resources Wales should be contacted for advice at an early stage to avoid any delays.

Foul Water

We note that foul water will be disposed of to the existing local mains sewer network and therefore have no comments to make.

Advice for the Developer

Further Advice on Waste Disposal

Waste produced during the construction phase of your development must be

dealt with appropriately, and be in line with all relevant waste legislation including Duty of Care Regulations and Hazardous Waste Regulations. As part of your waste duty of care you must classify the waste produced:

- before it is collected, disposed of or recovered
- to identify the controls that apply to the movement of the waste
- to complete waste documents and records
- to identify suitably authorised waste management options
- to prevent harm to people and the environment.

Any waste removed from site will be subject to waste management controls. The links below provided information on how to classify waste and register as a waste carrier or hazardous waste producer:

<http://naturalresources.wales/permits-and-permissions/waste/?lang=en>
<http://naturalresources.wales/permits-and-permissions/waste/waste-permits/?lang=en>

Further guidance can be found on the GOV website here: <https://www.gov.uk/managing-your-waste-an-overview/duty-of-care>

Other Matters

Please note, if further information is prepared to support an application, it may be necessary for us to change our advice in line with the new information.

Our comments above only relate specifically to matters included on our checklist, Development Planning Advisory Service: Consultation Topics (September 2018), which is published on our website. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

In addition to planning permission, you are advised to ensure all other permits/consents/licences relevant to the development are secured. Please refer to our website for further details

Further advice on the above matters could be provided prior to your planning application being submitted, however there would be a charge for this service. Additional details are available on our website.

(NRW's comments have been shared with the applicant)

6.2 Welsh Water states:

SEWERAGE We can confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site. **Surface Water Drainage** As of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with the Local Authority, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.

ASSET PROTECTION The proposed development site is crossed by both public sewers and watermains with the approximate position being marked on the attached Statutory Public Sewer Record & Water Plan. In accordance with the Water Industry Act 1991, Dwr Cymru Welsh Water requires access to its apparatus at all times in order to carry out maintenance and repairs. However, having regard to the proposed block plan it appears the proposed development would be situated within the protection zone of these public assets measured 3 metres either side of the centreline of the sewers and water mains. It may be possible to divert these assets if the developer applies under Section 185 of the Water Industry Act and we request that they contact us to discuss and consider possible solutions. Alternatively, we recommend the proposed development is repositioned to accommodate for the required protection zone. In the first instance, it is recommended that the developer carry out a survey to ascertain the location of the public sewers and watermains and establish their relationship to the proposed development of which can be arranged by contacting our Developer Services Team on 0800 917 2652. Based on the above, we request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes listed below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

Conditions 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.

Advisory Notes The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800

085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

SEWAGE TREATMENT

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

WATER SUPPLY

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. The level of contribution can be calculated upon receipt of detailed site layout plans which should be sent to the address above.

The proposed development is crossed by a trunk/distribution watermain, the approximate position being shown on the attached plan. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times. I enclose our Conditions for Development near Watermain(s). It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

(These comments have been shared with the applicant)

6.3 South Wales Police state:

Having reviewed the drawings in respect of the above proposed development, I would have the following observations to make with a view to this development achieving the Secured by Design (SBD) Gold Award:

(i) CCTV.

Consideration should be given to installing a CCTV system to protect the fronts of the commercial units, cycle stores, bin stores, the terrace and the entrance into the accommodation block.

The General Data Protection Regulations (GDPR) must be complied with.

(ii) Lighting.

Lighting must be effective and complement and enhance CCTV if it is installed.

The whole of the site especially public circulation areas, the commercial units, bike stores and bin stores must be lit.

The corridors in the apartment block must be lit when frequented by residents or visitors.

(iii) Perimeter security.

There should be separation of private and public space. Perimeter security should be designed to deter people sitting on it.

Robust fencing/walls/railings and gates at least 1.8 metres high must protect rear and sides of the site. The gates must have access control fitted and railings, if installed, should meet the standard LPS 1175 SR 1 or equivalent. Gates must be the same height as the adjacent railings/walls/fencing. Gates, fencing and walls must be designed to be difficult to climb over.

The rear of the commercial unit and the apartments must be totally secure areas.

(iv) Landscaping and planting.

Overgrown shrubs and other thick barriers that are in close proximity to public areas must be avoided and clear sightlines must be maintained. Windows and doors must not be obscured by landscaping features and trees in public areas must not have any foliage below 2 metres from the ground.

Trees and other landscaping features must not be positioned where they could create hiding/entrapment spaces, obscure signage and lighting or provide a potential climbing aid into the commercial units or apartments or over the perimeter security.

There must be clear lines of sight across the development and clear unobstructed views of the parking bays from the properties.

(v) First floor external terrace.

There should be separation on the external first floor terrace. Each block should have its own dedicated space.

(vi) Bike stores.

Bike stores must be secure (visit the SBD website www.securedbydesign.com for further information).

(vii) Bin stores.

Bin stores must be secure and preferably located away from the buildings. Access into the bin stores must be controlled by access control e.g. digilocks, fob or swipe card. Bin stores must be lit.

(viii) Utilities.

Utilities must be located to the front of the apartments if smart meters are not installed.

(ix) Drainpipes.

Drain pipes must be concealed within the fabric of the buildings or designed to be difficult to climb e.g. flush fitting.

(x) Property identification.

The individual apartments must easily identified to assist the emergency services, postal staff, visitors etc.

(xi) Building shell.

The commercial unit must be constructed of materials that are resistant to attack. The first two metres of the external walls must be brickwork or materials of a similar strength.

The design of the building must take into account the need to prevent features that aid scaling or climbing and hidden areas must be designed out.

(xii) Access control.

Access into the apartment blocks must be controlled via audio/visual verification that meets SBD standards. Access to each floor must also be controlled.

Access in the commercial units from public areas into private areas e.g. offices, store rooms should also be controlled by access control e.g. fob or swipe card.

(xiii) Door security.

The main external doors into the apartment block must meet the standards specified by SBD (SBD) i.e. PAS 24 2016 or equivalent and be third party tested and certificated. Individual apartment doors must also meet the same SBD standards.

Fire doors must have no external furniture fitted. Doors that are described as fire doors, or where fire performance is declared or implied, are required to have third-party certification for both security and fire performance.

Glass in external door panels or adjacent to these panels must be laminated and doors in recesses of more than 600mm must be avoided.

The external doors in the commercial unit and doors protecting areas where valuable property or items are stored should also meet SBD standards i.e. PAS 24 2016 or equivalent and be third party certificated. External doors must have laminated glass fitted.

Consideration must be given to protecting the external doors of the commercial unit with security shutters or grilles that meet the security standard LPS 1175SR2 or equivalent.

The commercial units must also be protected against ram raiding.

(xiv) Window security.

All vulnerable windows in the apartments i.e. ground floor windows must meet the SBD standard PAS 24 2016 or equivalent and be third party tested and certificated.

The windows in the commercial units must also meet SBD standards i.e. PAS 24 2016 or equivalent, have laminated glass fitted and also be third party tested and certificated.

Consideration must be given to protecting the vulnerable external windows in the commercial unit with security shutters or grilles that meet the security standard LPS 1175 SR2 or equivalent.

(xv) Intruder alarm.

The commercial units must be protected by an alarm system. Ideally the system would be monitored with any alarm wires protected. Consideration must be given to having personal attack buttons linked to the alarm system installed in the apartment block and commercial units at appropriate locations.

Further more detailed information can be found at the Secured by Design website www.securedbydesign.com .

For the Secured by Design Award to be made, PAS 24 2016 doors and windows must be visibly and preferably permanently marked PAS 24 2016 and be third party tested and certificated.

(The Police's comments have been shared with the applicant)

6.4 GGAT state

Information in the Historic Environment Record (HER), curated by this Trust, shows that there are no recorded or designated archaeological sites situated within the proposed application area, or within close proximity. A review of the historic Ordnance Survey mapping also indicates that there are no archaeologically significant features or structures. Furthermore, it is noted that the previous development of the site as a Waste Transfer centre is likely to have had an adverse effect on any potential remains that may have been present.

As a result, there is unlikely to be an archaeological restraint to this proposed development and as the archaeological advisors to your Members, we therefore have no archaeological objection to the positive determination of this application. The record is not definitive however, and should any archaeological remains or

historic features and fabric be encountered, please contact this division of the Trust.

6.5 The joint Transport for Wales (TfW) and Amey Infrastructure Wales (AIW) state:

AIW and TfW have no objection in principle to the above proposal but due to the proposal being next to AIW managed, TfW owned land and Infrastructure and to ensure that no part of the development adversely impacts safety, operation and integrity of the operational railway we have included asset protection comments which the applicant is strongly recommended to action should the proposal be granted planning permission.

Prior to any works beginning on site the applicant will need to engage with AIW Asset Protection so that AIW are able to determine the interface with any assets, buried or otherwise and by entering into a Basis Asset Protection Agreement. The applicant should make contact a minimum of 3 months prior to works starting. Initially the outside party should contact CVLAssetProtection@tfwrail.wales .

ACCESS POINTS

Where AIW have defined access points, these must be maintained to AIWs satisfaction. We require that any public realm works do not encroach on the access routes and that AIW have the ability to manoeuvre equipment. This includes the planned boundary fence, which must allow for a gap sufficient for inspection of the railway's boundary fence.

BUS ROUTES

- TFW note that there will be a number of new buses coming through this route, with none likely to terminate at this location, and query as to if there will be a time penalty for this new interchange?
- The junction from the Interchange into Waungron Road to turn right towards the traffic lights on Western Avenue involves crossing a number of lanes of traffic, including opposing filter lanes. Is this junction being signalised, so buses exiting and turning right are able to do so without incurring any delays?
- The junction at the other end of the Interchange – i.e. turning right from the Interchange onto Western Avenue. Again this involves a right turn across a very busy road, so is this junction going to be signalised with priority for buses?
- Will the current bus stop at Waun Gron remain in place or will it be replaced by the two new stops outside this location?

BUS RAPID TRANSIT

- The WelTAG Stage 1 Report (Strategic Business Case) for the North West Corridor (February 2021) identifies a BRT (Bus Rapid Transit) route option which passes through Waungron Interchange (BRT 4) and as such should not be prejudiced by the development proposals. This option will be appraised further through the associated WelTAG Stage 2 Study (Outline Business Case).

RAMPS AND ACCESSIBILITY

- Is there opportunity to widen the ramp access into the development area to improve what is currently a narrow access? If not now then the opportunity will be lost for TfW to widen in future and secure better integration with the bus interchange.
- Is there scope for TfW to extend the ramped access to the eastern platform southwards for more direct connectivity to the interchange and the bus shelters, subject to funding?
- The site boundary includes access to the ramps leading to the platforms and the transition from the ramps to the highway should be improved to increase openness and visibility for anyone exiting the ramps onto the footway. Consideration longer-term of significantly enhanced access to the platforms from the bus interchange.

CYCLE LANES

- Cycle route access from Western Avenue to the train station should be accommodated along the access road with separation of cyclists from motor vehicles as this will be the cut through that people will use rather than going to the signal controlled junction with Waungron Road. We'd suggest that some separate provision for cycling is included along the access road to facilitate direct access to the station and the wider cycle network. See blue line on plan below (solid green lines indicate existing cycle route and dotted green are future cycle route proposals from Cardiff CC):



- To fall in line with the movement towards active travel, we would like to suggest that priority access across entry/exit points should be given to active travel.
- The cycle storage locker location is on the periphery of the development and it's not clear who it's intending to serve, it's remote location is likely to deter potential users. Depending on whether it's for the development or

the bus interchange it should be as close to the final destination as possible.

- Would recommend the cycle storage facility within the building includes some form of upright support for the bike frames to rest against and be locked to.
- Depending on current thinking for location of cycle storage at the station and availability of space on the platforms, there may be an opportunity to provide an amalgamated facility for both the station and the bus interchange, either by relocating the lockers that are proposed or by expanding the cycle parking included outside the café area backing on to Waungron Road.

(This response has been shared with the applicant)

6.6 Cardiff Bus has no objections.

6.7 The Fire Officer states:

The proposed site plan in relation to the above has been examined and the Fire and Rescue Authority wish the following comments to be brought to the attention of the committee/applicant. It is important that these matters are dealt with in the early stages of any proposed development. The developer should consider the need for the provision of:-

- a. adequate water supplies on the site for firefighting purposes; and
- b. access for emergency firefighting appliances.

Should the applicant require further information in relation to these matters they should contact the above named fire safety officer.

(The comments of the Fire Service Officer have been shared with the applicant who states:

.....we can confirm that in terms of access for fire fighting appliances - all 3 sides of the proposal can be accessed by roads of widths greater than 3.7m and the building has a fire fighting lift).

7. **REPRESENTATIONS**

7.1 Local Members have been consulted and Councillors Driscoll and Hill-John on behalf of residents state:

What people find hard to understand who live just across the road, who have had applications for 2 storey extensions refused because they would be too big overlooking and out of scale.

We feel if this was a private developer bringing this application and not the council housing department, planning officers would be recommending this application for refusal.

Consultation

Overwhelmingly residents would like to have kept the recycling depot. They are shocked at the scale of housing proposed on top of the interchange that was

given permission in 2016.

There has been a total failure in the Pre- Application Consultation, limited coverage in the community of the distribution of the schedule 1D Notice.to engage with all stakeholders.

Such a major bus interchange with this high rise housing, requires full community engagement including our future generations. Because of lockdown community groups were unable to meet and discuss. Despite the councils UNCRC Capital Ambitions local Schools and young people have not had their views considered which is against Welsh Government future generations planning policy.

Local surgeries and the Health Board, NAT Bus, Stagecoach. Local businesses, School transport private operators. Sustrans. Cycling groups Cardiff Bus Users. Community Councils.Have not been consulted.

The bus interchange will be used by residents not only of Llandaff and Fairwater, but the whole of Cardiff West and across the city. Its felt that a wider consultation with the whole community should have taken place before this scheme is approved.

This lack of wider consultation in our view has discriminated against many in the community, especially the elderly and people that do not have access to technology.

Every resident that has contacted us have said although the scheme has been revised part the development is four-seven stories and still unacceptable.

There are 3 Online Petitions that we will send separately

1 - With 1500 signatures

2 - With 216 emailed signatures

3 - With 80 signatures

4 - Hard copy local residents signatures

“We the undersigned local Residents are against development at the former Recycling Facility on Waungron Road. The proposals are incongruous over development of the site which will impact on an already busy road network causing additional congestion. It will add to existing parking pressures in local streets. It will add to the already poor Air Quality of the Ely Bridge (AQMA) Air Quality Management Area. The proposals do not fully comply with Planning Policy Wales guidelines as set out by Welsh Government. Holding the preconsultation during lockdown was discriminatory”.

“We the undersigned are calling on Cardiff Council not to proceed with the current proposals until residents of Fairwater, Llandaff, and the wider community. Have been given a choice on a range of optional schemes. As the proposed scheme is unacceptable in its current format. We are opposed to this development at this location

Impact on business.

A proposed shop at this location will impact on Mr Patel and his family newsagents business "The Cabin" that has traded for decades

Scale of the building

Having seen the plans for a seven storey building for 50 flats, the bus hub and a shop. Residents close by rightly feel this will be overbearing. It will also have an impact on the already heavily congested road network. I've asked for a full transport impact assessment report to be undertaken before going to planning. The scale and massing of the building will impact not only on the residents nearby but not ideal for the people meant to live on the site.

Pedestrian Cyclists safety

Residents question whether combining the bus interchange with flats above and a shop on the ground floor on this Island between two major roads will work. With the existence of the central reservation on Waungron Road, at the moment pedestrians seek protection of the island to chance crossing the two busy carriageways. With so many bus movements in and out of the Interchange, this could prove more hazardous. With the addition of extra controlled signalling this will lead to longer waiting times for green light for pedestrian crossing. This will lead to more chance crossings.

Impact on the road network-Congestion

Western Avenue, Cowbridge Road East and West, St Fagans Road are to be designated Rapid Bus Corridors as part of the Transport Plan for Cardiff.

This will mean a reduction of Western Avenue, Waungron Rd to a single lane of traffic forcing current levels of congestion into single lanes. Traffic will back up further on Ely Bridge AQMA and making the morning and evening traffic queues longer.

This location is already a heavily congested area, Fairwater Grove East and West already suffer from this, also heavy traffic on Western Ave. Plus heavy traffic from St Fagans Road Fairwater and beyond during peak hours.

In the future we will see buses in Cardiff West re-routing through the interchange, including Cardiff Bus, NAT Bus, Stagecoach and private bus school transport operators.

Cantonian School is expanding, Woodlands and Riverbank schools will also be re-located to the site. Pupils of the schools for children with special educational needs are being transported from all over the city by private school transport which will all add pressure on traffic to this location. There is no doubt that there will also be a squeeze on parking in the nearby streets where there's already high demand.

A suggestion of an alternative location for the Bus Hub should be at Ely Bridge roundabout, in the disused lay-by be considered. Council own the land and this would be halfway between the new Metro station planned for Ty Pwll Coch/Ely Paper Mill and Waungron Park Station.

This would allow for more housing but low rise on the site. Which I'm sure will be more acceptable to the residents.

Air Quality,

With the future proposed introduction of Rapid Bus Corridors and bus lanes. The AQ assessment has not taken this into account, cars will be reduced to single lanes of traffic. There's a lack of detail on this aspect in the air quality assessment in respect of road traffic omissions. Traffic congestion and Air Quality is an issue in this area and the proposed plans will add to the already unsafe levels of pollution. With buses leaving the rear of the site onto Western Avenue traffic which will inevitably back up to the AQMA on Ely Bridge, that in the past has breached the levels as set down by Welsh Government

Although the bus fleet is being upgraded to Euro6 standards, buses will be idling at bus stops for long periods on the interchange. Pollutants nitrogen oxide also and especially pm.10 and pm 2.5 pollutants which are extremely dangerous for the young, the elderly and women carrying unborn babies.

It will also impact on the residents nearby, commuter's shoppers, school children, and the proposed tenants of the development, also pedestrians and cyclists.

Overlooking

There is real concern from the aspect of overlooking into the neighbourhood and nearby properties from this high rise building with balconies.

Light and noise pollution.

There are real concerns for increased noise and light pollution from the interchange on neighbouring properties.

Access

The bus interchange element is meant to seamlessly integrate with rail. No provision for improvement of wheelchair users and disabled access to the station platform and the failure to design in this element is discriminatory against disabled groups.

Residents feel this should be considered and built into and form part of these plans not something to add or find space for some time in the future. Because at the moment it has a steep ramp that people find difficult to negotiate

Flooding:

Another concern is that the road is often flooded outside the gates under the bridge. In heavy rain homes in Fairwater Grove East still experience raw sewage pumping up from manholes and their toilets into their homes.

C6 Access to Healthcare

Local surgeries are overburdened, advice need to be sought that they are able to accommodate additional patients that may need access to specialised services.

Tall Buildings

This seven storey building with its scale and massing is contrary to policy for tall buildings.

Housing Mix

We know that 50% of the accommodation will be “move on accommodation”, this will be for homeless people who are looking to transition into permanent accommodation. In the briefing we had from Housing officers, it was said that the office would be manned 247, 365, to offer support to these residents. We welcome this support, but hope this is the case and that support for them continues into the future.

But residents are concerned at the provision of this one type of housing and feel if planners are minded to approve we should seek a better mix of private, shared ownership, social and move on accommodation, which would also be better suited to the future occupants.

Residents know these groups proposed for the “move on apartments” sadly have complicated lives. We have already raised the point with housing officers who are putting the scheme together, that careful consideration has to be given to residents of the homeless move on apartment’s element.

These are some of our most vulnerable people in society, sometimes with complex needs, chaotic lives, often with mental health and addiction issues too. Who certainly need our help and support to move back into society. However we need to be mindful that unfortunately people involved in criminality, prey on these vulnerable people who are trying to get their lives on track.

Residents are concerned how it’s proposed design features and security can be built into the scheme so that this criminality are kept away from vulnerable residents who will occupy the building. But also that this criminality do not come into contact with the young the old and schoolchildren, who will also be using the ‘Island’ Interchange to commute around the city.

Residents have also questioned if high rise buildings with balconies are suitable for these vulnerable people.

The poor design does not do this

Parking

Residents dispute the report on available parking space in neighbouring streets. The report underestimates the car usage and ownership of occupants of the proposed accommodation, workers at the shops and office, visiting support staff, security staff, also commuters who will park and ride. There is already a squeeze on parking in this location. There are no provisions on site for emergency vehicles, or ambulances on site.

The councils transport press release documents say commuters will change modes of transport from car to bus train and cycle at bus interchanges, so where will these car commuters park and ride?

*T3 Transport Interchanges, contrary to policy there are:
No facilities for coach parking and passenger drop off.
No toilet and shower facilities.
Does not facilitate park and ride
No provision for bus layover or driver facilities
No disabled scooter charging points and secure parking facility
Road Safety*

Residents feel that the transport report has not recorded all accident data. Houses opposite have had their boundary walls re-built following collisions. They know many more accidents have occurred on Waungron Road traffic lights than are recorded.

With the increased numbers of buses crossing the 'UNUSUAL' set up on Waungron Lights junction will lead to more accidents.

In addition to all the above and having viewed the report, proposals and plans Residents would respectfully point out errors and omissions from the Lime transport report.

In the traffic reports there are many anomalies

- Examples of similar scenarios of traffic impact are outdated*
- Examples of distance calculations are incorrect*
- Graphics Fig 2.2 and fig 2.5 are inaccurate with local data recorded incorrectly.*
- Reference to cycle lanes on Cowbridge Road West are incorrect.*
- Major retail Coop store on Waungron Road is not shown.*
- Most recent Highways speed report from Western Avenue is absent.*
- Outdated transport impact assessment report.*
- No data on proposed Rapid Bus Corridor bus only lanes.*
- Limited data on individual routes in and out and onward from Bus Interchange.*

The building is overbearing incongruous overdevelopment, by virtue of its scale and massing. The development will have a detrimental negative impact on the amenity of local residents. The development will impact on the road network and effect the amenity of residents nearby, the design is unsuitable for the future occupants of the development.

We feel there are many reasons the scheme should be recommended for refusal, contrary to following Planning Policy Wales : Including:

KP5 Good quality sustainable design.

EN13 Air Noise and Light Pollution

T5 Managing transport impacts

C3 Community safety/ creating safe environments

T6 Impact on transport network and services

T3 Transport interchanges. Failure to provide satisfactory disabled access when changing mode of transport.

Residents also have deep concerns of the impact on the local schools and health centres.

7.2 Councillor Ford who is a Member for the adjoining ward states:

I wish to object on the above planning application on the grounds of size and scale of the development the proposed 7 storey development is overbearing and of scale and out of character with all existing properties residents at the back of Davies Place privacy will be taken away completely.

Furthermore the traffic and pollution in the area will get worse and there have been accidents on the junctions with cars trying to cross over lanes.

The development is totally out of character for the area.

The traffic issues are a major concern in this area.

7.3 Mark Drakeford MS and Kevin Brennan MP state:

We are writing concerning the above referenced planning application in the Cardiff West constituency. We welcome that a proposal has now been brought forwards for this site, which has remained empty for some time following the closure of the waste centre several years ago.

The bus interchange aspect of the proposal will hopefully form a key element of the local authority's ambitious plans to improve public transport in Cardiff. We have always argued that transport infrastructure in the west of the city – particularly for public transport – must keep pace with the building of new housing, and a bus interchange will hopefully be a step towards achieving this.

The residential aspect of the proposal has been the main subject of concerns raised with us by nearby residents. These concerns include the number of residences proposed, the height of the proposed building, the lack of parking for private vehicles and the local disruption that may be associated with temporary accommodation. We know that residents have raised these concerns as part of their own representations relating to this planning application, and those representations must be given due consideration.

Residents have also raised concerns that this planning application was not publicised sufficiently, and many residents have only become aware of it by word of mouth. They therefore feel that there has not been enough opportunity to share their views. It may be helpful if the Planning Committee could write to us to set out the steps which have been taken to consult with residents thus far and any further opportunities there will be for residents to participate in the planning process. We can then share this information with any residents who contact our office with these concerns, and ascertain whether their experiences match the Council's response.

(Mark Drakeford and Mark Brennan have been advised of the publicity undertaken with this application and the PAC)

7.4 Andrew RT Davies AS states:

I have been contacted regarding the proposals for the former Waun Gron Road tip and would like to add my voice to those objecting to this application for the following reasons:

- 1) *Overbearing - the development will be overbearing for the site and introduce a high building on a site where nearby buildings are substantially lower. It is an overdevelopment of the site both due to the height and number of units in the application. Issues of overlooking of neighbouring properties has also been raised which could potentially intrude on existing and new residents' privacy.*
- 2) *Parking - the lack of parking on the site will cause issues. There is a lack of parking for residents on site. It does not cater for visitors or carer/other clinicians who may need to provide essential services to the residents. I am advised that nearby roads already suffer from parking issues and this development will only exacerbate that.*
- 3) *Air Quality and Noise Pollution - This site is adjacent to Western Avenue whilst Waun Gron Road is the main route into Fairwater shops. There is already a high level of vehicles passing by the site and the proposal to introduce a bus hub will add to the noise and air pollution which residents experience.*

I believe that the issues above mean that this application is not compatible with Cardiff's Planning Policies and therefore should be refused.

7.5 Joel James MS states:

Please accept this letter as my objection to the proposals outlined in the consultation 21/01359/MJR.

I have been contacted by several residents in the Llandaff area who have expressed their concern regarding the proposals and I would also like to add my voice to the objection on the grounds of:

There has been unsatisfactory consultation within the communities of Llandaff and Fairwater due to people being unable to meet in person during the pandemic. Many residents do not have internet access and elderly and vulnerable people have had insufficient opportunity to express their concerns. I believe that the council has discriminated against them by not providing suitable forums for them to air their views.

The overbearing size of the structure compared with those buildings around it. The proposed developments height, due to the number of units is not in keeping with buildings nearby. This is unarguably an issue effecting the health and wellbeing of residents.

Air quality. This is a major issue for Cardiff, building upon the proposed site of

Waun Gron Road will increase the amount of pollution as well as noise in an area already subject to high levels of traffic from the adjacent Western Avenue.

I believe that the issues above mean that this application is not compatible with Cardiff's Planning Policies and therefore should be refused.

7.6 The proposal has been advertised in the press and by site notices as a major application. 42 neighbours were notified.

7.7 A paper petition with the names and addresses of 88 people has been submitted stating:

We the undersigned object to Planning Application 21/01359/MJR sited at Waungron Road, Llandaff, Cardiff. We object to this application due to the overdevelopment of a restricted site. This results in knock on problems relating to traffic, parking and impact of the development by virtue of its height and design on the surrounding residential area, which is almost wholly two storey properties.

7.8 An electronic petition with the names and addresses of 216 people has been submitted stating

We the undersigned are calling on Cardiff Council not to proceed with the current proposals until residents of Fairwater, Llandaff, and the wider community, have been given a choice on a range of optional schemes. As the proposed scheme is unacceptable in its current format. We are opposed to this development at this location.

7.9 An electronic petition with just names of 1505 people has been submitted stating:

We the undersigned are calling on Cardiff Council not to proceed with the current proposals until residents of Fairwater, Llandaff, and the wider community. Have been given a choice on a range of optional schemes. As the proposed scheme is unacceptable in its current format. We are opposed to this development at this location.

7.10 An electronic petition with just names of 71 people has been submitted stating

We the undersigned local Residents are against development at the former Recycling Facility on Waungron Road. The proposals are incongruous over development of the site which will impact on an already busy road network causing additional congestion. It will add to existing parking pressures in local streets. It will add to the already poor Air Quality of the Ely Bridge (AQMA) Air Quality Management Area. The proposals do not fully comply with Planning Policy Wales guidelines as set out by Welsh Government. Holding the pre-consultation during lockdown was discriminatory.

7.11 Objections have been received from 250 residents most of whom have specified their address and raised similar issues to those identified above.

7.12 One of the letters of objection from a local resident has been reproduced in full

as it covers the essence of the various objections received.

Comment: I strongly object to this proposal on the following grounds:

1. *The proposed 7-storey building is a modern block of flats is obtrusive and out of context of the historical village that is Llandaff city.*
2. *The proposed 7-storey building is obtrusive and out of context of other buildings within the suburban area surrounding the proposed area of development with majority of two storey family houses rising to a number of 3 storey flats on st Fagans road. there are no buildings that reach this high across the sky line of Llandaff, fairwater, canton, Victoria Park, Pontcanna. within several miles of the site. the nearest buildings being in this manner are a number of hotels and student accommodation within the city centre.*
3. *The survey on the available parking infrastructure is flawed. the nearby streets of the Groves comprise the majority of terrace houses, with a mixture of houses which do not have off the road parking and a significant number of open drives which already limit the space available for visitors and residents. the nearby street of old st Fagans road is the same. the main st Fagans road is a busy main road which should it be used as parking will lead to dangerous situations. alternatively people will then park on the pavement forcing children and elderly (the majority of the population in this area onto the road).*
4. *The road infrastructure is not sufficient to support the proposed bus interchange and additional traffic that will be generated from this development. frequent backlogs of traffic go up the length of the East and West Grove (which are too narrow for two cars to pass each other) and along the length of st Fagans road.*
5. *The proposed bus interchange and increase in traffic will lead to an increase in pollution, traffic and noise congestion which contravenes Welsh Government policy in relation to Well being of future generations Act 2015 and the recent commitment made today (15 June 2021) to improve commitment to delivering their 'green' agenda. whilst the proposed build would make provision for such things such as green spaces and rooftop terraces, this is at the expense of the wider population. This will have significant impact on children and the elderly population (there are several residential homes nearby) who may also be less well.*
6. *The proposed use of the part of the site for transient population is out of context for the area. the surrounding community does not provide access to the required support services. in addition within a couple of miles of the site there is a minimum of 6 schools ranging from primary through to secondary. The proposal of a transient population may create fear and lead to acknowledge challenges well publicised over COVID when the same population was moved to hotel accommodation in Cardiff City.*
7. *The proposed traffic resulting from the completed site, when considered alongside the increased traffic resulting from the proposed redevelopment of cantonian high school will be detrimental on the health and well being of local residents, increase pollution and congestion.*
8. *Not only will the traffic increase have significant impact on the immediate streets, cars will bypassing this by driving at speed down prospect drive and insole grove, roads frequently used by school children, which lacks*

- the infrastructure to support any increase in traffic.*
9. *The traffic and congestion caused by the build alongside the current roadworks at Danescourt roundabout, which are long term and relate to Plas Dwr build will have a significant detrimental affect on the health and well-being of the local population, in effect enclosing them in and forcing them to remain at home wherever possible.*
 10. *The proposal for this to be a bus interchange for individuals coming from junction 33 is not condusive to a site with no parking and again will have significant impact on and road infrastructure not able to support this from St Fagans, through to Fairwater and Llandaff.*
 11. *There is significant empty office spaces across the city, therefore the case to include additional office space does not add up.*
 12. *The introduction of proposed commercial units for shops will be detrimental to the local businesses across fairwater, Llandaff and canton, where there already exist a number of empty units. effort should be put into regenerating the existing high streets not creating additional shops, which in such a facility normally include metro shops such as Tesco or Sainsbury, which again will increase transport on the roads and increase parking in nearby residential areas.*
 13. *The proposal to develop accommodation for individual under the age of 25 is out of context of the areas, which is mainly young families and elderly population. there are no facilities for this age group in the vicinity. It would be far more in line with the areas to develop family starter homes, which allow individuals born in the area to afford to return to be near family and support elderly residents, reducing the impact on residential and nursing facilities and reducing the demand for childcare*

7.13 Mike Hogan on behalf of Cardiff Civic Society states:

I wish to raise my concerns over the current proposals for the development of 44 temporary and permanent flats, along with offices/retail units, bus interchange and associated highways work on the site of the former Waste Transfer Station. One of the key concerns is the exclusion of any parking provision within the proposed site. The Planning Statement, reference Clause 7.47, states that: - Residents with cars will have a variety of street parking available within 200m of the site, in local street with no parking restrictions. Residents are currently encountering problems in accessing Western Avenue during busy periods, and the failure to provide any parking will result in indiscriminate parking on neighbouring roads and further exacerbate the situation. In regard to site traffic Clause 7.52 concludes that there will be no vehicular access to the site and that it is also anticipated that all servicing and deliveries will be undertaken from a layby along the northern boundary of the site on Waun Gron Road. This is clearly an unsafe and impractical proposal and, based on the parking issues alone, the proposals should be rejected. There are also concerns over the decision to create a bus interchange at this particular location. The proposals for an interchange were originally granted approval in 2017, however, in the absence of a clear overall Transport Strategy for the city, it is not possible to comment on its location strategically, although it will raise levels of air pollution in a residential area. With the continued use of diesel buses, the interchange will generate toxic diesel exhaust fumes, adjacent to existing properties as well as the proposed

development, threatening the health of the occupants. The project will involve significant engineering and associated costs, including piling and the construction of a large retaining wall. In terms of noise pollution, it states in Clause 7.72 of the Planning Statement that noise mitigation would be required for all noise sensitive rooms within the site. The mitigation would largely comprise double glazing, together with an alternative means of ventilation. Alternative ventilation is proposed to allow windows to remain closed whilst maintaining adequate ventilation. There is evidently an issue with noise levels and the need to keep windows closed, which is unacceptable to residents and their general wellbeing. The Welsh Government is prioritising a policy of rapid rehousing, to provide permanent housing as soon as possible, and minimise the time spend in temporary accommodation. It would, therefore, be logical to build a higher percentage of permanent homes, rather than temporary accommodation. It is accepted that accommodation of this nature is needed, however, the area is inappropriate for a development of this type and structure. The tallest block is 7 storeys high, which is totally out of context with the neighbouring 2 storey residences and the surrounding area. In response to the proposals the Design Commission for Wales recommended community consultation, and further consultation with the public is needed. I object to the current proposals which will not provide a contemporary landmark but one that is inappropriate, potentially costly, visually intrusive, have an adverse effect on traffic congestion, polluting and is not in the interests of public health and wellbeing.

7.14 The Llandaff Society states:

1. *Llandaff Society Committee has considered the plans for the above and concluded that the marginal changes proposed since the Pre-Application Consultation (PAC) are insufficient to make the proposals acceptable, and so we confirm the Society's OBJECTION to this application.*
2. *Our objections at PAC stage are appended. Only one of our suggestions - for a green wall rather than an art work along the railway embankment - appears to have been taken on board. None of the Society's other concerns about the pre-application proposal have been addressed. In our view this development would create unacceptable conditions for residents of the proposed flats, people living nearby, and bus passengers.*
3. *As the Council is both the land-owner and decision-maker it is vital that the Planning Committee takes its decision on this application in line with current planning policy, taking account of the genuine concerns of the local community and interest groups.*
4. *Llandaff Society's objection to this application is based on the following:*
 - 4.1 *This site was identified as the "Cardiff West Transport Interchange" in a Cabinet Report of 15 December 2016, a concept deriving from Cardiff's Infrastructure Plan to provide interchange facilities for several modes of transport linking with the adjacent suburban rail station and Park and Ride. The site has outline planning permission for that purpose. This site is not allocated for housing in the adopted Local Development Plan, so its use for that purpose would not be in accordance with LDP or the Place-making aspirations of Planning Policy Wales Edition 11 - it is manifestly unsuitable for housing development.*

- 4.2 *The site is on the apex of one quadrant framing a key junction of a tree-lined radial and a tree-lined cross-city road. On the other 3 quadrants green 'aprons' front 2 storey family housing. The site is in suburban Cardiff, not the centre of the city; it sits at the gateway to the low density communities of Fairwater and Llandaff. This block of 50 flats, office and retail accommodation would sit on a triangular "island" surrounded by heavily trafficked roads, a bus interchange and railway embankment. The project is wholly insensitive to the needs of potential residents - housing them in a "keep", marooned between busy roads and a transport interchange, close to an Air Quality Management Area with insufficient amenity space on site. It would represent massive over-development of this site.*
- 4.3 *The 7 storey block is of excessive height, and a built form which would be totally alien in this setting. It would be out of character with the low density suburban housing that surrounds it, and would tower over the adjacent rail bridge. The bus interchange element of the scheme would be hidden between the rear of the residential block and the adjacent rail embankment. Both the block and embankment would cast shade over the interchange and lead to a 'wind tunnel' effect, which would create a drafty, cold and uninviting place to wait for a connection.*
- 4.4 *The design of the housing block is ugly and discordant. If granted permission it would stand out like a sore thumb, identifying it as social rented housing when any such development should integrate and should be 'tenure neutral', Reading between the lines of their report, we consider that the Panel from the Design Commission for Wales thinks similarly. Allowing this unfortunate mix of uses would do nothing to encourage integration of residents in the proposed housing with the surrounding community.*
- 4.5 *The proposal lacks sufficient soft landscaping. It would not create a "...natural and lush aesthetic" (D&AS). In order to soften and frame any development on this site there should be substantial landscaping along all the road frontages.*
- 4.6 *This proposal would create unsafe conditions for new and existing residents and bus users - particularly if the bus interchange is not manned at night. The Society does not agree with statement that proximity to this facility "...reduces the opportunity for antisocial behaviour" (page 61 DAS). In our view the fact that the bus interchange would be located in a 'canyon' between the service side of the flats and the railway embankment would increase the potential for such behaviour. In relation to this concern, we suggest that - if approved - the shop unit(s) be restricted so they can't sell alcohol, nor be betting shops, to reduce the likelihood of people loitering in the area.*
- 4.7 *The Society consider that the noise and pollution levels for residents would be unacceptable. There is no report on pollution levels even though the site is only a short distance from the Ely Bridge Air Quality Management Area. There is an inadequate Noise report. This proposal needs major re-design following an*

- assessment of pollution levels including particulates and detailed consideration of whether noise levels can be mitigated.*
- 4.8 *We are not convinced that this proposal takes sufficient account of the ongoing Climate Emergency. The potential effects of increased water run-off from the railway embankment due to climate change should be investigated and re-design should take account of the need to reduce the amount of tarmac and concrete covering the site and increase the amount of sustainable urban drainage.*
5. *IN CONCLUSION: For all the above reasons this application should be REFUSED, and the proposal replaced with one based on the original concept for this site of an integrated transport interchange with no housing included.*

ANNEX: LLANDAFF SOCIETY COMMENTS ON PRE-APPLICATION CONSULTATION ON FORMER WASTE TRANSFER CENTRE WAUNGRON ROAD: 26 FEBRUARY 2021

While welcoming the prospect of re-use of this brownfield site and provision of much-needed social rented accommodation, we urge you to reconsider your advice to the Council and amend the application in the light of our serious concerns as the local Civic Society about:

- i. overdevelopment - too much being crammed onto what you have corrected observed (para 2.1 of the Design and Access Statement - D&AS) as an "island" site surrounded by roads and a bus station which would "... form a barrier..;*
- ii. excessive height - (up to 7 storeys - which would not "sit comfortably on the wide avenue....." as claimed on page 33 of the Design and Access Statement (DAS)". There are no other tall buildings in the vicinity, so this development would be an alien feature which would stick out like a sore thumb. The Society considers that the maximum height should be 4 storeys;*
- iii. unacceptable design - a basic office block with cheap-looking mottled effect brickwork would not be compatible with the character of surrounding residential area with its distinctive 2 storey 'Arts and Crafts' style red brick and render semi-detached houses. It would be unfortunate if its design identified this development as 'different' from the private housing around it. If it does go ahead - in we hope a modified form - its design should integrate the new building in terms of both height and materials;*
- iv. lack of sufficient soft landscaping - which would not create a "...natural and lush aesthetic" (D&AS) apart from (potentially) on the 1st floor terrace for residents use. We suggest that the amount of soft landscaping should be increased to improve visual amenity and reduce pollution. In particular (a) gardens should be provided on the Waungron Road frontage along what used to be the edge of the former*

Insole Estate, and (b) a “green wall” created - instead of the proposed art work - along the side of the railway embankment;

- v. community safety for new and existing residents and bus users - particularly if the bus interchange is not manned at night. The Society does not agree with statement that proximity to this facility “...reduces the opportunity for antisocial behaviour” (page 61 DAS). In our view the fact that this is located in a hidden ‘canyon’ between the service side of the flats and the railway embankment would increase the potential for such behaviour. In relation to this concern, we suggest that the shop unit(s) be restricted so they can’t sell alcohol, nor be betting shops, to reduce the likelihood of people loitering in the area;*
- vi. noise and pollution levels for new residents, and wind tunnel effects - the consultation documents include only a Noise report. This proposal needs re-design following an assessment of pollution levels including particulates, and wind tunnel tests; and*
- vii. drainage - we consider that the potential effects of increased water run-off from the railway embankment due to climate change should be investigated.*

7.15 Other representations have identified other objections concerns

- a) Danger of fire from internal bin storage area*
- b) Discriminates against older and disabled persons*
- c) Small ponds for SUDs will attract mosquitoes in the future*
- d) Views will be obstructed*
- e) Adverse impact on setting of listed buildings such as Fairwater Conservative Club*

8. **ANALYSIS**

Policy

- 8.1 The application is for a mixed-use housing development comprising 44 apartments, together with the provision of a bus interchange, associated office use (165.1sqm Use Class B1) and commercial retail floorspace including A1 (101sqm) and A3 (117.6sqm).
- 8.2 The site falls within Cardiff’s settlement boundary as defined by the LDP Proposals Map and has no specific land use policy designation or allocation.
- 8.3 The site comprises a vacant brownfield site that previously accommodated a household waste recycling centre which ceased operating in April 2014 as part of a wider rationalisation of the Council’s waste services.
- 8.4 The context of the surrounding area is primarily residential with transport routes immediately adjoining the site on all sides.

- 8.5 Policies H6: Change of Use or Redevelopment to Residential Use, T3: Transport Interchanges, R6: Retail Development Out- of- Centre and EC7: Employment Proposals on Land Not Identified for Employment Use are relevant to an assessment of the proposal.
- 8.6 Policy H6: Change of use or Redevelopment to Residential Use permits the change of use of redundant land for residential use where:
- (i) There is no overriding need to retain the existing use of the land or premises and no overriding alternative local land use requirement;
 - (ii) The resulting residential accommodation and amenity will be satisfactory;
 - (iii) There will be no unacceptable impact on the operating conditions of existing businesses;
 - (iv) Necessary community and transportation facilities are accessible or can be readily provided or improved; and
 - (v) It can be demonstrated that the change of use to a more sensitive end use has been assessed in terms of land contamination risk and that there are no unacceptable risks to the end users.
- 8.7 Considering the proposal against this Policy H6, the site comprises a vacant brownfield site.
- 8.8 With Western Avenue to the eastern boundary, the site is located in a highly sustainable location, well related to the primary highway on a major route in/out of Cardiff city centre with a frequent bus route in both directions. In addition, Waun Gron railway station is located in close proximity, providing direct links to Cardiff city centre.
- 8.9 Given the site is set with a residential context, the residential development of the site is considered compatible with the surrounding land uses.
- 8.10 Policy T3: Transport Interchanges supports the provision and improvement of transport hubs to facilitate the transfer between transport modes and minimise travel demand and reduce car dependency and (iii) covers support for an interchange between local bus services.
- (iii) Measures to support interchange between local bus services
- 8.11 The site falls outside of any centres designated for retail, the proposals should also be considered against Policy R6: Retail Development (Out of Centre).
- 8.12 Local Development Plan Policy R6 only allows for retail development outside the Central Shopping Area, District and Local Centres identified on the Proposals Map if the proposal would meet the following criteria:-
- (i) There is a need for the proposed floorspace (with precedence accorded to establishing quantitative need);
 - (ii) The need cannot satisfactorily be accommodated within or adjacent to the Central Shopping Areas, 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.

- 8.13 In this instance the retail floorspace proposed is modest in scale A1 (101sq m) and A3 (165.1sq m) and provides an ancillary function to the operation of the transport hub and will provide local shopping facilities to serve the new resident population.
- 8.14 Policy EC7 provides criteria against which proposals for B Use Class employment on unallocated sites should be assessed and permits office use where the proposal cannot reasonably be accommodated in the Central Enterprise Zone and the Central and Bay Business Areas; the site falls within the settlement boundary and has no specific policy designation; the use is compatible with the surrounding area and; the proposal is well related to the primary highway network and to sustainable modes of transport.
- 8.15 The proposed office space is modest in scale (165.1sqm) and will accommodate staff offering support services to residents accessing the temporary accommodation. Given its location in the settlement boundary together with being well related to sustainable modes of transport and the primary highway network, the proposed office use raises no land use policy concerns when assessed against Policy EC7.
- 8.16 Assessed against the above policy framework, the application raises no land use policy concerns.

Design

- 8.17 This scheme has been long in gestation and there have been extensive discussions with planning officers. The big issue has been scale and massing. Housing accepted the view that the originally proposed scale was too bulky. The site has some landmark qualities in an area of uniform semi-detached hipped roofed homes, with a standard set back and front gardens. Creating a landmark in the area in a highway dominated environment will not cause detriment. The isolated nature of the site sets it comfortably away from any amenity impacts (described later in this report), but at a scale that was only really a step up from what is local. The distance allows for 4 storeys to be acceptable fronting Waun Gron, with a tower of 7 storeys away to the south. The building will appear quite striking as you approach from the south and up the rise from under the railway bridge. There is good variety to the roofline.
- 8.18 The design includes a very carefully composed set of facades. This went through a few iterations, with some emphasised stair wells. The solution is well composed from all directions. The framing creates a great structure and interesting shadow lines which give the building some solidity. This can be seen

in the precedents on the DAS which do help visualise the outcome. The use of a glazed brick in the panels is interesting and striking. The materials should be conditioned so that samples can be seen and materials can be seen together (proposed condition 15).

- 8.19 The scheme essentially ties two blocks together, reflecting a slightly different type of homes/accommodation. This is invisible externally now that the cores are visually united in terms of materiality. The two cores are divided by the ground floor units. The scheme does everything that it can to create active ground floor uses. Most of the units offer a very good street frontage, with well-designed facades. The unit next to the bus station is much less public facing but would be clearly visible to bus travellers changing buses and accessible to future occupants.
- 8.20 The block and unit orientation offers mixed orientation, with some homes facing the street, and some facing the roof terrace. The balcony landscape plan offers some defensible space for adjacent units.
- 8.21 The pattern of building access animates the street along the principal frontages. Care has been taken in the domestic interface fronting Western Avenue (this has been illustrated in the DAS). The homes have their own front doors and a front garden, a boundary wall, incidental seat, lockable external storage, and verge planting including trees. This is a really positive interface and an exemplar treatment.
- 8.22 The Tall Building SPG says that the impact of the building at street level warrants focussed design to ensure successful design for the pedestrian experience. The interface between the building and the street or public realm is critical to the success of the overall building. The building at street level needs to integrate well into the remainder of the built environment. Active ground floor uses (in addition to residential access) including a sufficient number of entrance points are essential in urban locations at intervals along the façade at strategic places to enliven the street throughout the day and night. The quality of material, detailing, glazing and window design needs to articulate the street interface as a distinct section of the building to reinforce an animated facade. The development is in accordance with this guidance.
- 8.23 As well as balconies the scheme also includes exemplar winter gardens as an equivalent to an open balcony. This is done adjacent to the highway so that people have a little more control over whether the traffic has an impact. If it's too noisy you can shut the doors/windows, but still have an outside feeling. When it is quiet you can open it up. Again, this resident control is exemplary and is welcome.
- 8.24 In principle the scheme is well landscaped with a maximum number of trees that can be accommodated on this site. The scheme includes planting verges, and results in quite a green bus station which is commendable, including another suds scheme which adds significantly to the qualities of the place. The public realm is also attractively paved.

- 8.25 The existing public pattern of access for pedestrians and cyclists isn't affected. Straightforward pedestrian routes through the bus station are provided. Overall, the development results in a significant enhancement to the public realm (further controlled by proposed condition 23) with an attractive development fronting the streets, with a lot of richness and surveillance.

Representations

- 8.26 Various issues have been identified in the Representation section of the report and are addressed as follows:-

Too high/Obtrusive/Materials inappropriate and out of character with area

- 8.27 The Tall Buildings SPG says a tall building outside the city centre is normally considered to be:

Buildings which are double or more than double the height of surrounding properties or significantly taller in terms of actual height and number of floors.

- 8.28 That part of this building nearest dwellings in Waun Gron Road is 4 storeys, 14.8 m high compared with existing 2 storey dwellings which are 8.2 m high. The building then rises (in stages) to 7 storeys 24m high at the southern end of the site next to the railway line and bridge which separates the proposal from existing residential development.

- 8.29 Residential development in the area is primarily 2, 2.5 and some 3-storey residential development. However, the site is bounded by a railway bridge, railway embankment, elevated railway station and dual carriageways on the other two sides. The proposed building is 34m distant from the nearest house in Lloyd Avenue, 48m from the nearest house in Davies Place and 32m from the nearest house in Waun Gron Road. The proposed building sits within a relatively self-contained island rather than the middle of a continuous residential frontage and where the former use was a civic amenity site.

- 8.30 There is a 4 storey BT building topped with aerials on Western Avenue that adjoins a residential curtilage and is 7m away from the side wall of 371 Western Avenue. This building is 400m north east of the application site.

- 8.31 The Crescent, at the junction of Western Avenue and Cardiff Road, is mainly 6 storeys tall and is a much larger building than currently proposed. The Crescent is similarly on a triangular island site, surrounded by roads. The Crescent lies within the Llandaff Conservation Area.

- 8.32 The site is 0.8 kilometres from the edge of Llandaff Conservation Area and 380m from the southern edge of the Insole Court Conservation Area and separated by residential development. In view of the separation distance and intervening urban development it is not considered that this proposal has a significant impact on either Conservation area such as to warrant the refusal of this application.

- 8.33 Details of the materials to be used is to be covered by proposed condition 17.

The applicant says in the DAS that a light buff brick with red tones and a light mortar have been specified. Glazed brick panels of cream brick panel inserts are also proposed.

- 8.34 The Tall Buildings SPG says that tall buildings outside the city centre are unlikely to be supported unless they can be demonstrated as meeting all the criteria outlined in this SPG. The guide also says that well-designed tall buildings in appropriate locations have the potential to add significant value to Cardiff. They can enhance skylines and provide recognisable landmarks. Tall buildings can draw attention to locations of visual importance such as major public transport interchanges.
- 8.35 The Guide says that all tall building proposals must demonstrate that:
- (a) *There would be no negative impacts on important views or vistas.*
It is not considered that any important views or vistas are adversely affected
 - (b) *The character or setting of heritage assets is not harmed.*
The nearest ancient monuments are a kilometre or more from the application site. The nearest conservation area is 380 m distant and separated by existing urban development. The nearest listed building is some 220m distant and separated by existing urban development. It is not considered that a heritage asset or its setting would be adversely impacted.
 - (c) *The proposal will be a positive feature in skyline & streetscape, either by complementing a cluster of tall buildings or forming a strategic landmark.*
The building would be a strategic landmark at a bus interchange/railway station and junction on Western Avenue.
 - (d) *No material harm is caused by overshadowing or overlooking.*
No material harm would be caused by overshadowing or overlooking. The nearest dwellings are well over 21m from windows in the proposed development and the development does not infringe the 25 degree guide to any surrounding dwelling.
 - (e) *There will be walking and cycling accessibility to sustainable transport and local facilities.*
Sustainable transport would be immediately accessible, and provision will be made for safe and secure cycle parking.
 - (f) *Exhibit exceptional architectural standards: elegance in form, silhouette and quality of materials.*
The building is considered to be of a high architectural standard using quality materials.
 - (g) *Maximise activity through ground floors uses and fenestration.*
The proposal provides for ground floor uses and entrance doors to individual ground floor apartments and conforms to this requirement.
 - (h) *Provide the highest standards of building performance, safety, inclusivity and adaptability.*

As a very high density form of development, tall buildings have great potential to promote and deliver excellence in sustainability and help to conserve land resources. This guidance aims to ensure that innovative design solutions are employed to ensure that buildings achieve low carbon targets. For this

development the energy use strategy seeks to adopt heating and power solutions that will drastically reduce CO2 emissions, maximise the use of renewable technology (no gas boilers) and reduce the demand homes will have on the grid. This will be achieved by designing in from the start Photo Voltaic panels linked to battery storage, heating via Ground Source Heat pumps (GSHP) and Mechanical heat recovery systems. This will result in high a performing building, achieving significant improvement against Part L of the Current (2014) Building Regulations.

The site would be secured by CCTV (see proposed condition 19) for reasons of safety. Access to the temporary accommodation is connected to the ground floor office, ensuring that these potentially vulnerable residents have access to relevant support if required. The first-floor terrace is for residents' use only and is overlooked by both habitable rooms and shared circulation spaces. The residential development will be designed to comply with Secured by Design. Level access and lift(s) would be provided for inclusivity and the building could be adapted for other or modified residential purposes if ever required.

The nature of the commercial spaces, and the proximity of the building to the bus interchange and wider transport hub means that the site will be well used, reducing the opportunity for antisocial behaviour.

(i) Include exemplary cycle storage, low car parking levels and integrated servicing, recycling and waste storage.

The building provides for secure cycle/bin storage and has no private car parking provision.

(j) Prove that the development will not create adverse microclimatic effects.

It is not considered that the building is so large as to create adverse microclimatic effects.

(k) Deliver significant enhancements to the public realm.

The proposal will include tree and raised planting beds along the eastern boundary fronting Western Avenue. A 30m length of block paving fronting the entrances to the ground floor apartments and cycle store on the eastern elevation and a 23m length of block paving between the retained bus bay and northern elevation will be created. These measures along with block paving throughout the interchange will enhance the public realm and will be further controlled by condition 23.

Inadequate Parking

8.36 No off-street car parking is proposed to serve this development. There is no minimum car parking requirement for this form of development in the Council's car parking standards. The site is well served by public transport by bus and rail. 48 cycle stands are proposed for residents and 4 for cycle stands for office staff to meet the Council's parking standards. The Transport Officer has no objection to this element of the proposal and the suggested Unilateral Undertaking in respect of Traffic Road Orders for residents parking or controlled parking zones, car club space and Travel Plan condition (proposed condition 24) will be positive

mitigation measures.

8.37 Parking surveys were carried out by Lime Transport over two nights (Wednesday 10th and Thursday 11th of March, 2021) and discovered that the existing on street parking demand is at 63% within 200m of the application site and there were 48 space spaces available, before practical capacity is reached at 85. Lime Transport say that above a level of 85% capacity, finding a space may become difficult and vehicles may need to circulate in an area. Daytime parking surveys were carried out on Thursday 11th March and Saturday 13th March, 2021. Parking demand was at 63% and there were 48 spare space spaces available, before practical capacity is reached at 85%. There were 81 unoccupied spaces in the survey area both night and day.

8.38 The Council's policy KP8 SUSTAINABLE TRANSPORT requires:

Development in Cardiff will be integrated with transport infrastructure and services in order to:

- i. Achieve the target of a 50:50 modal split between journeys by car and journeys by walking, cycling and public transport.
- ii. Reduce travel demand and dependence on the car;
- iii. Enable and maximise use of sustainable and active modes of transport;
- iv. Integrate travel modes;
- v. Provide for people with particular access and mobility requirements;
- vi. Improve safety for all travellers;
- vii. Maintain and improve the efficiency and reliability of the transport network;
- viii. Support the movement of freight by rail or water; and
- ix. Manage freight movements by road and minimise their impacts.

8.39 Paras 5.225 and 5.226 of the LDP states:

5.225 Providing for interchange between transport modes is essential to the efficient functioning of the transport network and making sustainable travel options more practical and attractive. This is particularly important in relation to the public transport network. This Policy provides support for all forms of transport interchange that help meet these requirements and deliver the modal shift objectives of the LDP. It is important that these interchanges are accessible to disabled travellers and people with prams/young children.

5.226 Implementation of this Policy will help to reduce pollution arising from road traffic. This will counteract increases in atmospheric pollution as a result of the Plan, thereby avoiding significant effects upon internationally designated sites.

8.40 The Tall Buildings Design Guide states amongst other things:
Tall buildings will only be acceptable in locations that are highly accessible by walking and cycling to a range of sustainable transport options, particularly bus stops on core routes and railway stations ...

and

The LDP targets for sustainable transport and aspirations for low carbon design mean that it will be unsuitable for private cars to be the predominant means of access to tall buildings. Important considerations in determining applications include capacity of the existing transport network, the quality of pedestrian and cycle links between the proposed site and public transport infrastructure and the feasibility of making improvements to the transport system. For proposals in sustainable locations, reduced or zero parking provision will be sought which will ensure that the development is not dominated by its parking provision. The design of parking measures needs to be considered along with the design principles for the public realm. Travel plans will be required to support sustainable transport proposals.

8.41 Whilst visitors may wish to visit friends or family members within the proposed building they may walk, use public transport or private vehicle. If visitors choose to use a car they would be like any other visitor to this area and would have to find a lawful place to park.

8.42 The bus station is a key strategic asset, part of the city's aim to encourage a network of connected hubs around the ring road. It is well designed in principle with a degree of daytime surveillance from the new commercial unit, and a degree of filtered surveillance from the flats and balcony at other times. This should make the area feel overlooked and safe, especially with the installation of CCTV cameras.

8.43 The Housing Officer states:

The council intends this to be a car free development, it is in a highly sustainable location due to the proposed transport Hub and is close to local facilities and schools. As such, a local lettings policy will be implemented that will prioritise the allocation of properties to those tenants without cars in the first instance. The council will also endeavour to re-let properties that become void to tenants without cars.

Local area cannot accommodate transient population under 25/their problems manifest in the area adversely affecting quality of life of existing residents/create ghetto/Inadequate Infrastructure/Schools Overcapacity/Begging

8.44 There is a critical need to accommodate people in need of accommodation. Help will be available 24 hours a day to support residents from on-site staff. The staff office will be located next to the entrance to the supported living units.

8.45 The location next to public transport links and the inclusion of a cycle store will help assist with travel to work for future residents. There is an A3 use directly opposite the site and a small retail outlet on the western side of the railway bridge. There is a Co-op store and 2 cafes 250m east of the site. There is a church 250 m west of the site. The proposed development will also contain two shops

8.46 Trelai Park, and Fairwater Park are both within 1 kilometre of the application site, Llandaff Fields is just over 1 kilometre. Victoria Park is approximately 0.5

kilometre distant, and Waun Gron Park is on the other side of the railway bridge adjoining the application site. The proposed development will also include a first-floor roof terrace.

- 8.47 No evidence has been submitted that providing a vulnerable person with accommodation and an address would lead to a local increase in begging. The South Wales Police have no objections. The Education Officer has no objections.

Disturbance/Danger/Potential Property Damage during construction period.

- 8.48 It is normal practice to enclose development sites with hoardings, for a banksman to safely control vehicles into and out of the site and for a wheel wash facility to be provided. Such matters are covered by proposed conditions 4 and 5. There will inevitably be some disturbance, but this will only be for a temporary period, whatever development would take place and will be mitigated by proposed conditions and the Pollution Control Act.
- 8.49 If during any development damage was caused to a third party then this would be a matter for the developer to address. There is no scheme under planning legislation for developers to compensate people for disturbance during the construction period.

Sufficient Office/Retail Space in Cardiff.

- 8.50 These issues were addressed in paragraphs 8.11-8.15 of this report. In addition the Tall Buildings Design Guide states:

Tall buildings should ideally contain a range of land uses to support a vibrant area. At the least, ground floor uses should support frequent coming and going and overlooking.

- 8.51 The office use proposed is ancillary to the use of the apartments and is not intended as a general office use that could be accommodated elsewhere. The retail units proposed will serve both the local community and bus travellers. The proposal is in line with the guidance.
- 8.52 The planning system is not designed to prevent competition between different retailers.

Adverse Effect on Privacy

- 8.53 The Tall Buildings SPG states:

Tall buildings will not be permitted in locations where they would overshadow or overlook adjacent properties to the significant detriment of the amenity of neighbouring occupiers

- 8.54 The nearest dwelling to the east of the proposed building is No 11 Lloyd which is 34m distant and 21m distant from its rear boundary. Western Avenue separates the development from no 11 Lloyd Avenue.

- 8.55 The nearest dwelling to the north in Waun Gron Road is 32 m from the nearest part of the proposed building. Waun Gron Road in this location has 3 eastbound carriageways, a grass verge and two westbound carriageways separating it from the application site.
- 8.56 The nearest dwelling to the west in Davies Place is 48 m from the nearest part of the proposed building and separated by a railway line and associated platforms at Waun Gron Park station. In addition there are a row of trees to the east of Davies Place.
- 8.57 The platform at Waun Gron Station would be over 40m from habitable windows in the proposed development and some 25m from the roof terrace.
- 8.58 There is no infringement of the Council's privacy standards of 21m between habitable rooms of different dwellings directly facing each other in this case, to the nearest dwellings or from Waun Gron station platform to the proposed development and as such it is not contrary to guidance in the Tall Buildings SPG or Residential Design Guide.

Site should be used for other purpose/Why not house people in need somewhere else

- 8.59 Objectors have suggested that the site should be used for other purposes such as restoring the site to a Civic Amenity Site, creating a car park, building family homes etc. This application has to be considered on its own merits as to whether the proposed development is or is not acceptable.

Add to Noise/Pollution in the area and impact on future residents

- 8.60 The Noise Officer and Pollution Control Officer have no objection subject to conditions, which are included in the recommendation. Proposed conditions 6 and 7 are to address noise, proposed condition 18 is to address fumes from the A3 use and conditions 26-31 are to address contamination.

Proposed building will add to light pollution.

- 8.61 Most urban areas including cities such as Cardiff are adversely affected by light pollution from numerous sources which reduces clear views of the stars. There is no evidence that this building or the bus interchange will significantly affect that situation. Proposed condition 16 is designed to mitigate any adverse impact from light pollution on the surrounding area.

Adverse Impact on future residents next to Bus Station/Railway Station and Roads.

- 8.62 The Noise Officer has no objection subject to conditions (6 and 7). The Air Quality Officer has no objections.
- 8.63 Existing housing in the locality already exists close to the railway line and/or main

roads. The proposed building is designed to take account of its proximity to Western Avenue, the bus interchange and railway station.

Overshadowing.

- 8.64 The proposed building is designed so that its height reduces from south to north. The nearest dwelling to the south would be some 60m+ distant. The nearest dwelling in Davies Place to the tallest part of the building would be 50m distant and to the west. The nearest dwelling in Lloyd Avenue would be 34m to the southeast, at an angle and at a higher level than the future slab level of the apartments. The nearest dwelling in Waun Gron would be 32m distant from the 4-storey element of the proposed building. The Council's 25-degree guidance is not infringed in relation to any of the nearest dwellings. Therefore, it is considered that there is no material adverse effect on daylighting or overshadowing to the nearest dwellings.

Devalue Properties

- 8.65 No evidence has been submitted to substantiate this claim. In any event this is not considered to be a material planning objection.

Destroy Wildlife Habitat

- 8.66 NRW has raised no adverse comments.
- 8.67 An Ecological Assessment was submitted with this application that recommended the following mitigation measures:

Assuming that the railway corridor supports a population of reptiles, there is a small chance that individual animals might occasionally stray onto the vegetated areas of the Site from the adjacent railway line. As a precaution, to avoid any breaches in the legislation occurring from incidental killing and injury to reptiles, it is recommended that the vegetation on Site is carefully cleared prior to ground works for the development commencing. This would involve cutting the scrub down to ground level with brush cutter/chainsaws and removing the arisings from Site. The grassy areas should be cut to at least 5cm short to remove any opportunities for concealment by reptiles. The vegetation should be maintained in this short state until groundworks commence. Ideally, scrub clearance (and any tree removal that is required) should be done outside the bird breeding season which runs from about mid-March to the end of August. However, if timing does not allow this, a check of the vegetation should be carried out by an ecologist prior to removal to ensure no active nests are present.

Given the urban nature of the development, and its setting within a transport intersection, opportunities for biodiversity enhancement are limited. However, bird and bat boxes could be placed on the new dwellings if appropriate locations can be identified. Where landscaping is provided within the development, consideration should be given to making it as wildlife-friendly as possible within the urban constraints of the Site.

Landscaping the grounds of the new development provides an opportunity to

create wildlife friendly gardens, where space allows. Berry and nectar-rich shrubs such as buddleja, berberis and privet could be planted, along with a good range of nectarrich herbaceous species. Ground cover species could include aubretia; bellflower *Campanula carpatica*; wood anemone *Anemone nemorosa* and bugle *Adjuga reptans*. Taller species good for invertebrates include fleabane *Erigeron* sp.; golden marguerite *Anthemis tinctoria* and red valerian *Cetranthus ruber*. The new planting should aim to create structure diversity that will provide cover for birds and ground species. The following link to the Royal Horticultural Society website provides an extensive list of plants that are good pollinators at different times of the year. <https://www.rhs.org.uk/science/conservation-biodiversity/wildlife/perfect-forpollinators>

Bat Boxes There are many different makes and models available but, as an example, the Beaumaris Woodstone Bat Box would be suitable. The bat box should be erected at the top of the wall, just under the eaves and away from any external lighting.

Bird Nest Boxes It is recommended that a bird boxes are provided for house sparrows *Passer domesticus*. These communal-nesting birds are under threat nationally, and the development provides the opportunity to provide some bespoke nesting habitat for the species. A 'sparrow terrace' could be erected on selected walls of the new dwellings. A suitable example is the Schwegler 1SP sparrow terrace. The box should be installed at least 2m above the ground.

- 8.68 The mitigation measures identified in the Ecological Assessment are covered by proposed condition 20.

Flooding, Drainage System cannot cope and SUDs scheme will create problems

- 8.69 The application site is not within a river or sea flood zone and is not identified as liable to flooding. Waun Gron Road, bordering the northern edge of the site, and under the railway bridge are susceptible to surface water flooding.
- 8.70 Drainage from the site will principally be controlled by the SAB Authority who will determine a separate application for the drainage arrangements. SUDs features have not been identified as a breeding ground for mosquitos in Wales but when landscaped, as proposed in this case, make a positive contribution to biodiversity.
- 8.71 The Tall Buildings SPG states that: Opportunities to manage water run-off through sustainable drainage systems through hard and soft landscape are encouraged and should be investigated. This proposal is in line with the guidance.
- 8.72 There is no objection from NRW to this proposal. Welsh Water has no objections subject to proposed condition 3.

Not allocated for this use in LDP

- 8.73 The Policy position has been addressed in paragraphs 8.1-8.16 of this report.

Discriminates

- 8.74 The Housing Officer identifies the future occupants on this particular site. The Housing Department has for other sites identified whether the accommodation is required for family or older persons to address the city-wide housing requirements for those in need of accommodation. The provision of lifts within both blocks allows for ease of access to the various floors. Condition 21 is in part designed to ensure ease of movement throughout the site by disabled and people pushing prams. The previously approved was developed up to the adjoining access leading to the railway station in the same way as is currently proposed and does not have a detrimental impact on existing access arrangements.

PAC was inadequate

- 8.75 The DCfW advised the applicant to conduct community consultation. A Pre-Application Consultation (PAC) exercise was undertaken in accordance with the government's arrangements during Covid.
- 8.76 Prior to the submission of the planning application the applicant undertook a Pre-Application Consultation (PAC) process in accordance with the procedures identified and undertook the required consultation exercise. The results of the PAC have been submitted as part of the planning application and can be viewed on the planning page of the Council website.
- 8.77 Reproduced below is part of sections on the amended procedures because of Covid and on representations contained within the PAC report.
- 2.3 As a result of the Covid-19 pandemic, regulations relating to PAC in Wales were changed in order to comply with the government restrictions. Article 2C(1)(B) of the DMPWO requires information about the proposed application to be available for inspection at a location in the vicinity of the proposed development for no less than 28 days. However, premises that would usually be used to hold hard copies of information or provide public computer facilities had to close as part of the measures introduced by the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020. The requirement in article 2C(1) to make information available for inspection in the vicinity of the proposal is temporarily replaced. Developers are now required to make all the information available on a website and send hard copies of the documents to any person who requests it.
- 4.1 In line with article 2F(2)(d) of the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016, Appendix A contains a copy of the Schedule 1D notice given to community consultees, whilst Appendix B contains a copy of the notice 1C given to specialist consultees. Community / Adjoining Owner/ Occupier Notices

4.2 Bilingual Schedule 1D notices were sent to surrounding occupiers / owners of land adjoining the development on 29th January 2021 and the local ward Councillors – Cllr Parry, Cllr Driscoll, Cllr Ford, Cllr McEvoy and Cllr Hill-John.

4.3 The letters informed them of the applicant's intention to submit an application. The notices also identified where the associated plans and reports could be viewed and how to provide feedback concerning these. They also outlined where and how hard copy plans could be obtained, if required.

4.4 Additionally, given the restricted circumstance, further procedural measures have been adopted to ensure a widespread of local residents have been notified as part of the PAC process. This included a letter package to over 200 neighbouring properties surrounding the site. The letter package included a Schedule 1D site notice, leaflet (Appendix H) and covering letter – all of these documents provided detail of the proposed development and contact details for those who wished to respond with written representations. As aforementioned, given that not all residents will have access to internet during the local lockdown period, and in the knowledge that local libraries are not available throughout lockdown, a 'print and post service' was also provided, in which hard copies of the document were printed and posted to those residents who have requested sight of plans and documents

4.5 There was a total of 335 responses received from; local residents, Councillors and Senedd Members. In addition, an iPetition was commissioned by a Ward Councillor which enclosed signatures from over 1400 members of the community.

- 8.78 The position of 4 site notices immediately adjoining the site are identified in the PAC report
- 8.79 Following the subsequent submission of the planning application it was publicised by 4 site notices in the vicinity of the application site, by a press notice, on the Council's website and adjoining occupiers/owners were notified by letter, as were local members. The publicity undertaken exceeds that required by the Regulations. The publicity undertaken appears to be successful in view of the number of representations received.
- 8.80 The DCfW response of 20 May 2020 is supportive of the scheme but ends with –“We would welcome the opportunity to review the scheme again when it has been developed but well in advance of a planning application.”
- 8.81 The applicant did not go back for a second review with the DCfW. The applicant has advised that they do not do that with their schemes and there is no requirement to do so either.

Refuse Storage/ Danger of Bin Store Fires

- 8.82 Internal bin stores have to meet the Building and Fire Regulations and is not controlled under Planning legislation. The Fire Services Officer has raised no objections to this proposal.

- 8.83 The applicant says that all refuse storage has been designed to satisfy Building Regulations (where residents need to be within 30m of their bin store). Each is accessed by residents via their main circulation core on the ground floor. Refuse collection will be via Waungron Road (service lay-by provided) for the northern most core, and the new highway which forms the bus interchange for the store to the south. The refuse stores have been designed to support the council's strategy for recycling, food waste and general waste, with cardboard and glass bins also accommodated for the A3 unit. The Waste Officer has no objections.
- 8.84 It is normal practice for bin stores to be incorporated within apartment buildings of this size.
- 8.85 In terms of fire prevention of the residential units, the current structural proposals for the residential development are to incorporate a Reinforced Concrete (RC) framing system, utilizing flat slabs at principle floor levels supported by RC columns and shear walls throughout to support variable actions in accordance with Eurocode 1 and 2. Flat slabs are easy and fast to construct, and the architectural finish can be applied directly to the underside of the slab. The absence of beams allows lower storey heights and flexibility of both partition location and horizontal service distribution. It is easy to seal partitions for airtightness, fire protection and acoustic isolation.

Roads cannot sustain bus interchange/not appropriate in residential area.

- 8.86 Planning permission has previously been granted for a bus interchange on part of this site and is in line with the intentions of the LDP.
- 8.87 The Transport Officer supports the proposed bus interchange which has previously been approved on this site.
- 8.88 Paragraphs 5.220 and 5.221 in support of Policy T2 STRATEGIC RAPID TRANSIT AND BUS CORRIDORS states:

Improvements to the Wider City Bus Network

5.220 Ensuring the bus is a more attractive and practical travel option is crucial to reducing car dependency, improving accessibility and effecting modal shift. Cardiff has an extensive local bus network serving most parts of the city. However, the bus is not an attractive travel option for many journeys in Cardiff. For example, most routes on the network are radial and converge on the city centre. This means that people have to travel into the city centre in order to access bus services to another part of the city. Consequently, the car is the preferred mode of travel for many relatively short journeys. To address this problem this Policy supports the expansion and improvement of Cardiff's local bus network, in conjunction with the development of Rapid Transit Corridors and Bus Corridor Enhancements. Technical work carried out by the Council indicates that re-configuring the network and introducing new orbital routes and points of interchange between routes and services would enable a much wider range of journeys within Cardiff to be undertaken by bus, thus reducing reliance upon the car.

5.221 Routes forming part of rapid transit corridors, strategic bus corridors and the wider city bus network will be connected in many locations across the public transport network. This offers the opportunity for interchange between services. Facilitating interchange with high quality passenger facilities and travel information will form an important element of enhancements to the city bus network.

Traffic Hazards

8.89 The Transport Officer has raised no objections.

Traffic Congestion

8.90 The Transport Officer has raised no objection and identifies that the interchange has a capacity for accommodating 40 buses an hour with minimal impact and will initially take 8/10 per hour

Control Sale of goods from A1 shop

8.91 The sale of alcohol and lottery tickets is a licensing matter and is not controlled under planning legislation.

Cold and miserable for bus passengers

8.92 The proposed building will cast a shadow over part of the bus interchange in the morning, however, bus passengers will be able to wait within modern bus shelters. The Transport Officer has raised no objection in respect of this matter.

Landscaping

8.93 Whilst landscaping has not been raised as an objection the Tree Officer identified a number of issues to be addressed. The applicant has submitted amended landscaping plans and responded saying that:

1. The tree pit section and finalised plant schedule are to be provided in the next stage for the rooftop terrace planting.
2. To enable a higher volume of soil if possible, we tried to incorporate one long raised planter to contain trees instead of smaller, separated planters. Therefore, we have made the proposal for trees boxed in yellow in dwg 201 where there is no need to include crossing points between the trees. The construction of timber sleepers is the same around the perimeter. Therefore, the section for the raised planting bed and the raised planter are the same. Hence, we have not provided an additional tree pit section for the raised planting bed. For clarity, we have renamed 021 as typical for raised planters and planting beds.
3. The Tree Officer's suggestion for tree species has been put into the amended plan.
4. The applicant has responded to the Tree Officer's query about GreenBlue Urban RootSpace product to be used by confirming that the design

intends to use GreenBlue Urban RootSpace. Tree pit detail has been updated to include the products. Detailed specifications to be provided in the next stage. The mixed layer is a transitional layer to key in the topsoil and the subsoil.

5. Full topsoil and subsoil specification to be submitted in the next stage. They shall extend to include interpretive reports by a soil scientist for amelioration and actions required to bring soils up to the required specification.

- 8.94 It is considered that any further landscaping matters can be addressed by planning conditions (10-14) as identified by the Tree Officer.

Crime and Disorder

- 8.95 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.

- 8.96 In response to the Police comments the agent says that CCTV, Lighting, Utilities, Property Identification, Window Security, Intruder Alarm, and Door Security - to follow through in spec; Perimeter Security – low wall/planting to front boundary of gf apartments; Landscaping and Planting, Bike and Bin Stores –will comply; Drainpipes- will be internal; Building Shell – will ensure steel and glazing meet secured by design requirements; Access to temporary accommodation and each floor- will be controlled by audio/visual verification; Separation on ff terrace between blocks – not agreed as use of terrace to be integrated.

- 8.97 The police have raised no objections that future occupants will cause the problems some residents fear. The Police state amongst other things that:

Consideration should be given to installing a CCTV system to protect the fronts of the commercial units, cycle stores, bin stores, the terrace and the entrance into the accommodation block.

- 8.98 I believe it would be necessary to require this as a condition and for CCTV coverage to extend to the bus interchange and would be addressed by proposed condition 19. The available use of the terrace garden at first floor level is in the interests of the wellbeing of all residents in the building and to barrier it off would reduce its useability.

Equalities Act

- 8.99 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.

8.100 The applicant states that:

With regard to concerns surrounding equality, both the temporary accommodation and general needs accommodation will be made available to all age groups. All general needs flats are accessible by wheelchair users with the ground floor units fully equipped for disabled users. Please note, the development benefits from 2 lifts to ensure access for residents at all levels.

8.101 In respect of the access issue raised by TfW the applicant states:

On the issues raised in relation to station improvements (ramp access etc), ...we have been trying really hard to engage TfW to get their commitment to a joint approach. Obviously we cannot fund station improvements ourselves and they have been unable to commit any funding from their end or provide a timescale for station improvements planned as part of the Metro. It was considered unfeasible by TfW to be able to do any major works that would improve ramp access, but there are public realm improvements we can make with them, should they so wish to. We will endeavour to keep working with them should the scheme receive consent.

8.102 The Transport Officer also states that:

The ramps are part of the station owned by TfW and as such not under the control of the Council (as applicant or Highway Authority).

And

it looks like TfW and the Council are willing to work together to provide improvements should Station Improvement funds become available. However as confirmed by Housing the Council cannot independently fund the improvements.

8.103 The local planning authority cannot require the ramps to be made compliant with current standards (assuming they are not currently)

Wellbeing

8.104 Section 3 of the Well-Being of Future Generations Act 2016 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. The proposed affordable housing will help promote wellbeing by the provision of good quality accommodation for future occupants in need of such accommodation. Some local residents have expressed wellbeing concerns for the future residents and themselves. The Housing Department will be responsible for the future wellbeing of residents with

onsite 24 hour support in the building and other concerns have been addressed by this section of the report and various proposed planning conditions.

9. **CONCLUSION**

9.1 A Direction has been received from the Welsh Government stating:

Article 18(1) of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (“the Order”) enables the Welsh Ministers to give Directions restricting the grant of permission by a Local Planning Authority (“LPA”). I am authorised by the Minister for Climate Change to issue such Directions and, in exercise of this authority, I hereby direct your LPA, with effect from the date of this letter, not to grant planning permission in respect of: (a) application no. 21/01359/MJR referred to in the heading to this letter; or (b) any development of the same kind which is the subject of the application on any site which forms part of, or includes the land to which the application relates, without the prior authorisation of the Welsh Ministers. 3. I issue this Direction to enable further consideration to be given to whether or not the application should be referred to the Welsh Ministers for their determination. 4. The Direction prevents the LPA only from granting planning permission; it does not prevent the LPA from continuing to process or consult on the application. Neither does it prevent the LPA from refusing planning permission

9.2 Notwithstanding the above Direction the proposals are considered to accord with planning policies at both the national and local level. In particular, it is considered that there are a number of material considerations in support of the application, which include the following:

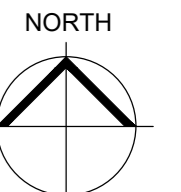
- The site is suitable and available for development, the proposed development would utilise a vacant and derelict Brownfield site, bringing it back into beneficial use
- The site is located within the defined settlement of Cardiff, within proximity to the city centre location therefore, the principle of developing the site as a mixed-use development would be acceptable in principle in terms of the LDP
- The proposals would provide 44 no. apartments providing much needed Council accommodation in a sustainable location and conforming with LDP policy
- The site is located within proximity to a wide range of services and facilities accessible on foot
- The proposals support the use of public transport through the bus interchange and support accessibility to sustainable methods of travel
- The proposed scale of the built form is considered to be appropriate with the character of the immediate surrounds
- The proposed material palette would enhance the area’s visual outlook, and be of sustainable build principles
- The proposed siting and scale of the proposal has been designed to account for any residential amenity impacts to future users and of residents neighbouring the site
- The proposed design, scale and massing would not have a material impact upon the adjacent buildings or area

- The site is not subject to any unresolvable technical, ecological, archaeological/heritage, flood risk and drainage, or other environmental constraints; and
 - The proposal comprises a new strategic bus interchange for the city with facilities for pedestrians and cyclists – a hub for sustainable and active travel.
- 9.3 There are no objections from technical consultees to this development subject to conditions and a Unilateral Undertaking.

10. **SECTION 106**

- 10.1 The developer will be required to enter a Unilateral Undertaking that provides for:
- (i) £32,811.01 contribution to create or improve community facilities in the local area.
 - (ii) £61,423 contribution towards POS in the local area.
 - (iii) £8,000 contribution for the investigation and implementation of revised and new Traffic Regulation Orders (TROs) as required as a consequence of the scheme. (Such TROs could include Resident Only parking or a Controlled Parking Zone, junction/bus stop protection and/or other Orders as identified. For the avoidance of doubt, this contribution is required in addition to and falls outside the areas of the network covered by the highway works condition (proposed condition 25)).
 - (iv) The developer is to commit to working with Transportation to identify a suitable location in the vicinity of the site for the provision of either an EV charging point or Car Club space, and thereafter to implement the provision, and to include as required infrastructure TROs and any associated requirements.
- 10.2 The Housing Officer has confirmed willingness to enter the required Unilateral Undertaking.





This drawing must not be scaled. Figured dimensions and levels to be used. Any inaccuracies must be notified to the architect. Detail drawings and large scale drawings take precedence over smaller drawings.

Rev:		
A	Site Boundary added and site clarified.	MB 18.12.20
B	Trees added to outside of site area.	MB 27.01.21
C	Ground floor and landscape updated.	ML 14.05.21
D	Landscape updated. Water fountain and bike pump erased.	ML 24.05.21

Rev:		

PRELIMINARY	
PLANNING	✓
DESIGN	
TENDER	
CONSTRUCTION	

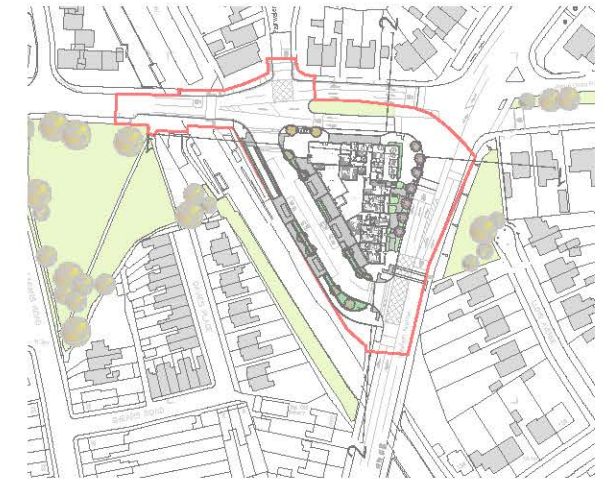
powelldobson
ARCHITECTS

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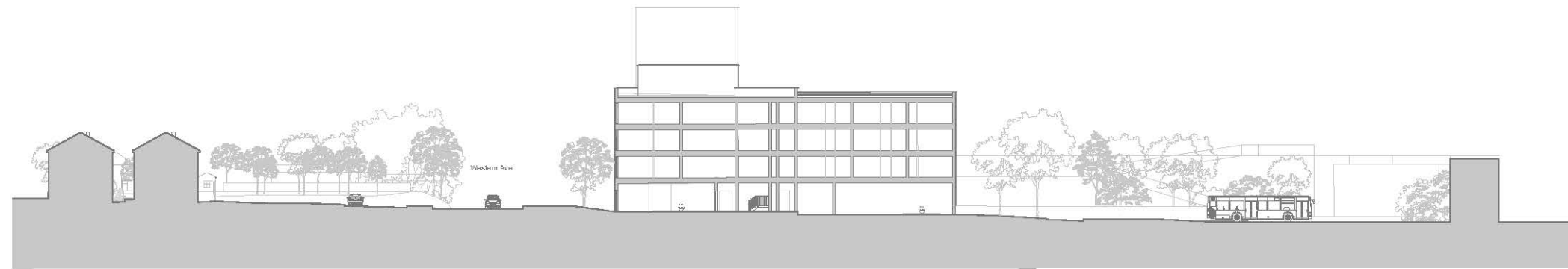
Contract: Cardiff Council
Waungron Road
Title: Proposed Site Layout

Drawing No.	Rev.
19127(05) 101	D

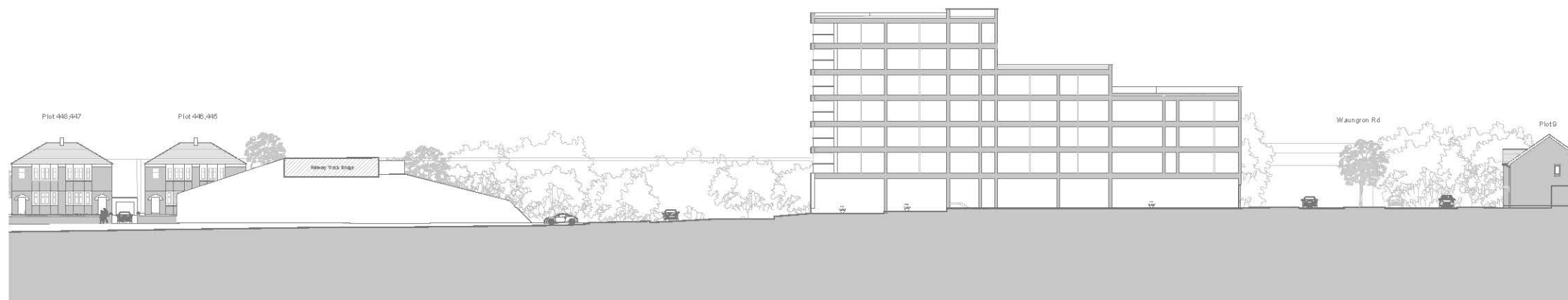
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Date: Dec 2020
Drawn: LM / MB
Checked: SJ



Proposed Site Sections



Site Section 1



Site Section 2

Massing Models



Sketch view from Western Avenue



Western Avenue Elevation (East)



New interchange Elevation (West)



Western Avenue Elevation (East)



Waungron Road Elevation (North)



South Elevation



New interchange Elevation (West)



Indicative CGI of proposal from Western Avenue

Ground Floor Plan

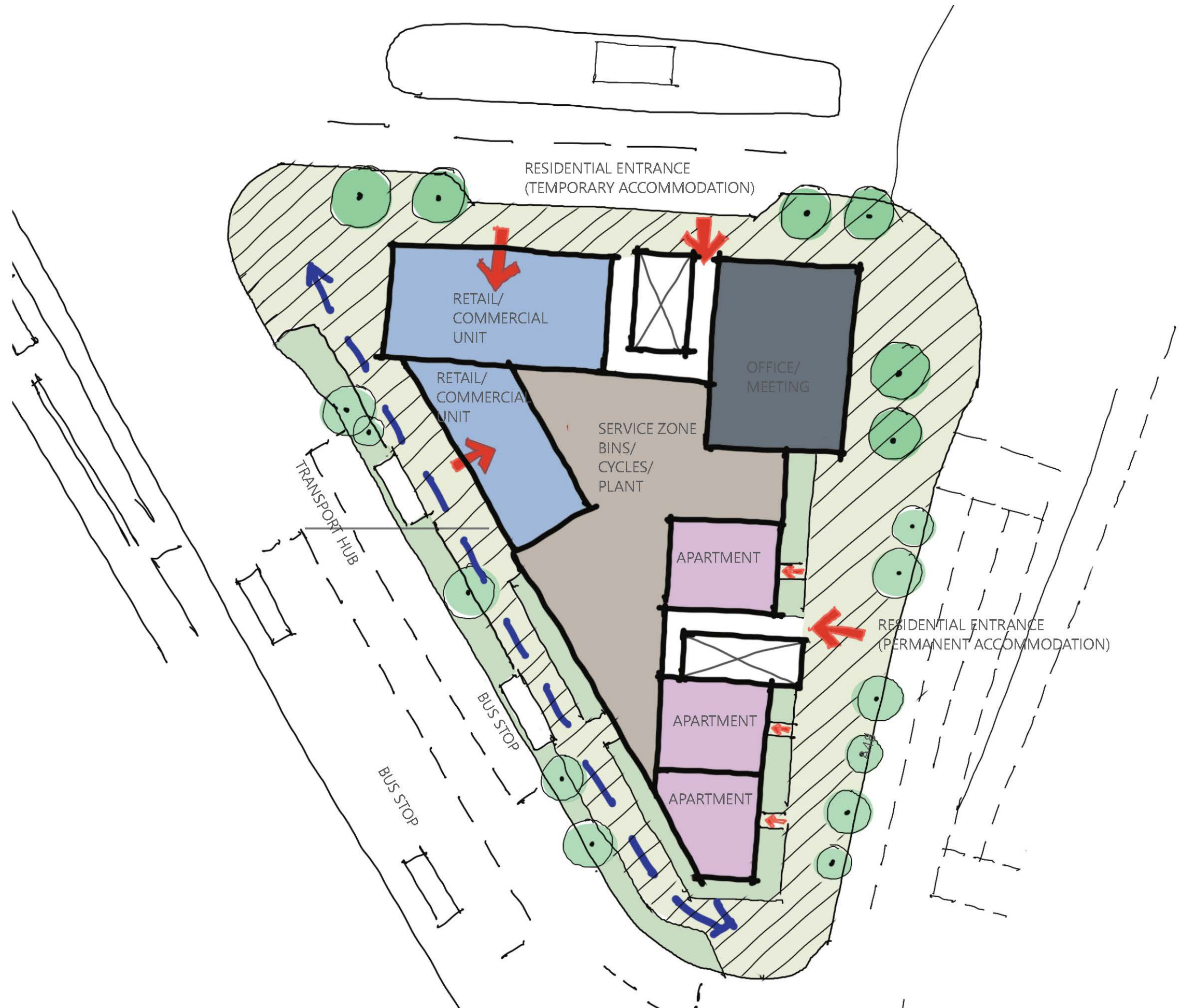
The design considers the two distinct areas of housing need, providing a coherent development, but keeping the two types of housing provision 'self-contained' with their own entrances, lifts and stairs. Shared elements included the roof terrace and bike stores.

Space standards for the temporary accommodation do not need to be DQR compliant so more units can be provided. The permanent accommodation all meet and indeed exceed DQR standards currently in place.

The design was developed in some detail and forms the basis of the current proposal.

Key features:

- Provides active commercial frontage to Waungron Road
- Provides high quality public space fronting the Waungron Park Station access.
- Bins, bike storage and plant space take up the ground floor immediately bordering the bus interchange
- Independent access for the temporary accommodation units from Waungron Road, connected with the supporting office facility.
- Access to the permanent accommodation from Western Avenue, set back allows for potential greening of this edge and independent front doors





This drawing must not be scaled.
 Figured dimensions and levels to be used.
 Detail drawings and large scale drawings take precedence over smaller drawings.

Rev:	Issued for PAC	CHKD:
A	The number of units decreased by 6 due a size reduction of the building for a better integration with the north buildings. Fenestration of the core. Refining the ground floor windows. Wall cavity increased by 50mm. Bin Store added for the units.	2021.01.28 2021.05.05
B	Updated Bin Stores. Added Generator room. The west wing strengthened 300mm.	2021.05.07 2021.05.13
C		

STATUS

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Contract: **Waungron Road Regeneration Scheme,**
 for Cardiff Council

Title: **Proposed Ground Floor Plan**

PDA Job No:	SITE	ORG	LEVEL	DRG NO	REV
G19187	Waungron Road	PDA	00	(05)102	C

Scale: 1 : 100
 Date: 28/01/2021
 Drawn: ML
 Checked: SJ



This drawing must not be scaled.
 Figured dimensions and levels to be used.
 Detail drawings and large scale drawings take precedence over smaller drawings.

Rev:	Issued for PAC	CHK'd:
A	The number of units decreased by 6 due a size reduction of the building for a better integration with the north buildings. Fenestration of the core. Refining the ground floor windows. Wall cavity increased by 50mm.	2021.01.28 2021.05.05
B	Updated B10 Stairs: Added Generator room. The west wing changed to 300mm.	2021.05.13

STATUS

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PDA Job No: G19127	ORIG	LEVEL	DRG NO.	REV
SITE Waungron Road	PDA	01	(05)103	B

A1

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Contract: Waungron Road Regeneration Scheme,
 for Cardiff Council

Title: Proposed First Floor Plan

Scale: 1 : 100
 Date: 28/01/2021
 Drawn: ML
 Checked: SJ

5.5 SOFT LANDSCAPE

Planting around the development seeks to create a natural and lush aesthetic that maintains year-round interest, complements the architecture, and provides a new ecological resource for local wildlife.

A mixture of shrubs, ornamental grasses and perennials will be the basis for planting within the public realm, with species being selected to thrive in their particular conditions on site, be that within rain gardens, shade, or full sun. The use of grasses in particular creates an extra level of dynamism and sensory experience to the landscape; swaying and rustling in the breeze. An emphasis has been placed on perennial species that benefit the local ecosystem.

Street trees play an integral role in setting the building within the landscape with vertical green height and also feature within rain gardens. Their role in combating climate change is also important, absorbing carbon dioxide and reducing the urban heat island effect.

Constrained by existing utilities underground, tree-planting is extremely challenging along the north and east boundary of the site. Hence, the design proposes trees and large shrubs in raised planters with soil volume sufficient to support growth.

A green screen on the lower western facade of the building creates an attractive feature for the development that increases vertical greening and potential biodiversity gains.

See next page for an indicative list of plant species and raised planters.

- 1-3 - Examples for swales adjacent to roads
- 4 - Example for green screen



LOCAL MEMBER CONCERNS

COMMITTEE DATE: 15/12/2021

APPLICATION No. **19/02864/MNR** APPLICATION DATE: 07/11/2019ED: **RADYR**

APP: TYPE: Full Planning Permission

APPLICANT: Mr May

LOCATION: REAR OF 17 AEL-Y-BRYN, RADYR, CARDIFF, CF15 8AZ

PROPOSAL: ERECTION OF DWELLING (AMENDMENTS TO DESIGN OF DWELLING GRANTED PERMISSION UNDER REF 12/02142/DCO) AND GARAGE

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

1. The development shall be carried out in accordance with the following approved plans and documents:
 - 05 – Location plan
 - DOC.G.001A – Proposed garage floor plan, garage elevations and garage location plan (except in respect of the details given on drawing DOC.R.G.001 Rev C).
 - DOC.R.002B – Proposed floor plans.
 - DOC.R.003B – Proposed elevations.
 - DOC.R.G.001 Rev C – Partial Site Plan, Patio/Garden.
 - DOC.R.001 Rev B – Proposed Site Plan (except in respect of the details given on drawing DOC.R.G.001 Rev C).

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.

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking or re-enacting that Order) no structure or extension shall be placed within the curtilage of the dwelling hereby approved, no windows or other openings shall be made in the external walls of the building, and no extensions shall be added to the roof of the building, other than those shown on the approved plans.

Reason: To ensure that the privacy and amenity of adjoining occupiers is protected, in accordance with policy KP5 of the Cardiff Local Development Plan.

3. Details of the appearance of the additional screening to be added to the existing boundary structures and the planters to be added to the patio,

as noted on drawing DOC.R.G.001 Rev C, along with a timetable for installation of the screening and planters, shall be submitted to and approved in writing by the local planning authority within one month of the date of this notice, and the screening material and planters shall be installed in accordance with the approved details and timetable and shall thereafter be retained in perpetuity.

Reason: To ensure that the privacy of adjoining occupiers is protected, and in the interests of visual amenity, in accordance with policy KP5 of the Cardiff Local Development Plan.

4. No part of the patio that is within 10.5 metres of the boundary with the garden at the rear of no. 17 Ael Y Bryn (when measured in a horizontal plane) shall be used as a balcony or as a sitting out area or for any recreational purpose whatsoever at any time.

To ensure that the privacy of adjoining occupiers is protected, in accordance with policy KP5 of the Cardiff Local Development Plan.

5. Details of an opaque screening material which shall replace, or be added to, the railings of the balcony on the rear of the dwellinghouse, along with a timetable for installation of the material, shall be submitted to and approved in writing by the local planning authority within one month of the date of this notice, and the screening material shall be installed in accordance with the approved details and timetable and shall thereafter be retained in perpetuity.

Reason: To ensure that the privacy and amenity of adjoining occupiers is protected, in accordance with policy KP5 of the Cardiff Local Development Plan.

6. Facilities for the secure storage of cycles at a rate of at least one cycle space per bedroom shall be provided in accordance with details and a timetable for compliance which shall have been submitted to and approved in writing by the local planning authority within one month of the date of this notice, and the approved facilities shall be thereafter retained in perpetuity.

Reason: To ensure that adequate provision is made for the parking / storage of cycles in accordance with policies KP5 and T5 of the Cardiff Local Development Plan.

7. The existing vehicular access and hardstand at the front of the dwellinghouse, as depicted on drawings DOC.G.001A and DOC.R.001 Rev B, shall be permanently removed and replaced with a boundary structure and soft landscaping in accordance with details and a timetable for compliance which shall have been submitted to and approved in writing by the local planning authority within one month of the date of this notice.

Reason: Use of this area for the parking of vehicles is not possible without illegally crossing the footway and the parking space and access should therefore be replaced with an appropriate boundary structure and soft landscaping, in the interests of visual amenity and biodiversity enhancement, to mitigate against the effects of climate change and

adapt to its impacts, to enhance biodiversity, and 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, in accordance with policies KP5, KP15, KP16 and T5 of the Cardiff Local Development Plan.

8. Within one month of the date of this notice, a landscaping scheme comprising:
- Scaled planting plan.
 - Plant schedule.
 - Topsoil and subsoil specification.
 - Planting methodology.
 - Aftercare methodology
 - Implementation programme.

shall be submitted to and approved in writing by the Local Planning Authority and upon approval shall be carried out in accordance with the approved implementation programme.

Reason: To maintain and improve the appearance of the area in the interests of visual amenity and to mitigate against/adapt to the effects of climate change, in accordance with policies KP5 and KP15 of the Cardiff Local Development Plan.

9. Any trees, plants, or hedgerows included in the landscaping scheme required by condition 8 which, within a period of five years from the completion of the approved landscaping works, 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 appearance of the area in the interests of visual amenity, in accordance with policies KP5 and EN8 of the Cardiff Local Development Plan.

RECOMMENDATION 2: The applicant is advised that since January 7th 2019, all new developments of more than 1 house, or where the construction area is 100 square metres or more, require sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by the Welsh Ministers. These systems must be approved by the local authority acting in its SuDS Approving Body (SAB) role.

This development requires SAB approval. It is therefore recommended that the applicant engage with the SAB in discussions with regard to this matter. To arrange discussion regarding this please contact SAB@cardiff.gov.uk

Further information is available on the Council's website:

<https://www.cardiff.gov.uk/ENG/resident/planning-and-suds/suds-approval-body/>

The legislation set by Welsh Government can be reviewed at:

<https://gweddill.gov.wales/topics/environmentcountryside/epq/flooding/drainage/>

RECOMMENDATION 3: The applicant is advised that no more than one vehicular crossover per property is permitted by the Local Highway Authority and that the existing crossover approved at this site cannot be widened, as 4.8m is the maximum vehicular crossover width permitted by the council.

RECOMMENDATION 4: The applicant is advised that no work should take place on or over the neighbours' land without the neighbours' express consent and this planning approval gives no such rights to undertake works on land outside the applicant's ownership.

RECOMMENDATION 5: The applicant is advised that light emitted from the building must not cause nuisance to the occupiers of other premises in the vicinity, and that, where nuisance occurs, the Council has powers to take action to improve the situation, including serving an abatement notice on the person responsible.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 Retrospective planning permission is sought for the retention of a dwellinghouse and detached garage as built. The house is a split-level, 4 bedroom house of a contemporary design. It is single storey to the front (on Cae'r Graig) and two storey at the rear, where the building is split into two "wings" with monopitch roofs extending from the main body of the house on either side of a central courtyard garden and rear balcony. The building is finished in white coloured render with black brickwork and dark grey profile sheet roofing. Windows and doors are grey powder coated aluminium. The windows, other than those which face inwards towards the courtyard, have very narrow profiles and those on the rear elevation at first floor level are orientated horizontally.
- 1.2 Planning permission was granted for a split level 3 bedroom detached dwelling on this site in January 2013 (12/02142/DCO). However, the development was not carried out in accordance with the approved plans and this application seeks permission to retain it as built. The differences between the approved and built development are –
 - a detached garage measuring 2.2m x 5.45m with a pitched roof to a height of 3m has been built on land adjacent to the house that was not included in the original planning permission. The garage has been constructed on top of a retaining wall and a level patio area has been formed between the garage and the side of the house, which is approximately 7.5m away. A 1.7m to 2m high wall/fence has been erected on the boundary with the highway in front of this patio;

- the internal layout of the house has been reconfigured to provide an additional (fourth) bedroom and, by additional excavation, space has been added to the lower ground floor at the front of the property, providing a utility room and ensuite bathroom;
- the footprint of the house has been altered: the approved house would have been 10.3m wide x 9.2m deep on the west side and 11.6m deep on the east side, with a 2.5m wide central recess in the rear elevation containing a 1.3m deep balcony at upper floor level. The house that has been built is 9.2m wide x 9.4m deep on the west side and 11m deep on the east side. The central recess is 1.9m wide and the balcony is 1.6m deep. The eastern 'wing' has been reduced in depth so that it projects only 1.8m from the central rear elevation of the house at ground floor / basement level (3.5m at upper floor level as the building is stepped back to accommodate the balcony) whereas the approved plans show this wing to project 2.9m and 4.2m respectively.
- the house has been set further back from the highway than approved and, although around 1m narrower than the approved dwelling, with the eastern 'wing' stepped back, it is positioned, at its closest point, around 2m closer to the rear boundary than approved (i.e. the house is around 11m from the rear boundary).
- a patio door has been added to the north west elevation leading from the kitchen/dining room onto the raised patio adjacent to the garage;
- Steps have been added leading down from the side patio to the rear of the house where a patio has been built which extends the full width of the plot and approximately 5m from the rear elevation of the house. The approved plans did not show steps here – access to the rear garden would have been via the house – and there was no raised patio, rather there would be a landscaped rear garden sloping down for around 6.5m with a 1.5m drop to a level garden area below, which would be approximately 8m long and would be bordered by tall shrubs. The raised patio that has been built has steps leading to a lower level that is around 5.5m long and has been landscaped with turf.
- Following the receipt of amended plans, the layout now shows that the majority of the rear patio would be covered with planters and would not be used as outdoor amenity space, and screening panels would be added to the steps leading down from the upper patio area.

2. **DESCRIPTION OF SITE**

- 2.1 The site was formerly part of the rear garden of a house which lies to the north east (17 Ael Y Bryn) and is located between that property and a highway, Cae'r Graig. The land slopes steeply up from the rear of the existing houses on Ael Y Bryn towards the highway to the south west. Two dwellings have recently been built on the land to the south east which also fronts onto Cae'r Graig. The rear gardens and rear elevations of houses on Graig Lwyd face towards the front of the site. These are at a higher level than the application site and are set above

a retaining wall. There are houses at a lower level on Ael Y Bryn to the north and east with rear habitable room windows facing towards the application site.

3. **SITE HISTORY**

- 3.1 07/00235M/- New dwelling (outline). Granted 06/02/08.
- 3.2 12/00137/DCO- Split-level 3 bedroom detached dwelling. Refused (un-neighbourly and overbearing effect upon the property at 19 Ael-y- Bryn, loss of privacy due to balcony and windows overlooking gardens of properties to the north, and alien and incongruous form of development).
- 3.3 12/01630/DCO - Variation of condition 1 of planning permission 07/00235M/ to extend the time period for submission of reserved matters application.
- 3.4 12/02142/DCO – Proposed split level 3 bedroom detached dwelling on a vacant plot. Granted 16/01/13.
- 3.5 19/01627/MNR - Minor amendment to re-configure the internal layout of the property - previously approved under 12/02142/DCO. Refused 09/07/2019.

4. **POLICY FRAMEWORK**

- 4.1 *Cardiff Local Development Plan 2006-2021:*
KP5 (Good Quality and Sustainable Design);
KP15 (Climate Change);
KP16 (Green Infrastructure);
EN10 (Water Sensitive Design);
T5 (Managing Transport Impacts);
C3 (Community Safety/Creating Safe Environments);
W2 (Provision for Waste Management Facilities in Development).
- 4.2 Supplementary Planning Guidance:
Waste Collection and Storage Facilities (October 2016); Cardiff Infill Sites (November 2017); Cardiff Residential Extensions and Alterations (November 2017); Green Infrastructure (November 2017); Managing Transportation Impacts (Incorporating Parking Standards) (2018).
- 4.3 *Planning Policy Wales (Edition 11 – February 2021):*
 - 2.2 All development decisions, either through development plans policy choices or individual development management decisions should seek to contribute towards the making of sustainable places and improved well-being.
 - 3.4 Meeting the objectives of good design should be the aim of all those involved in the development process and applied to all development proposals, at all scales.
 - 3.6 Development proposals must address the issues of inclusivity and accessibility for all.
 - 3.7 Developments should seek to maximise energy efficiency and the efficient use of other resources (including land), maximise sustainable movement, minimise the use of non-renewable resources, encourage decarbonisation and

prevent the generation of waste and pollution.

3.9 The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations.

3.11 Local authorities are under a legal obligation to consider the need to prevent and reduce crime and disorder in all decisions that they take.

3.21 The planning system must consider the impacts of new development on existing communities and maximise health protection and well-being and safeguard amenity.

4.1.34 In determining planning applications, planning authorities must ensure development proposals, through their design and supporting infrastructure, prioritise provision for access and movement by walking and cycling and, in doing so, maximise their contribution to the objectives of the Active Travel Act.

4.1.35 New development must provide appropriate levels of secure, integrated, convenient and accessible cycle parking and changing facilities. As well as providing cycle parking near destinations, consideration must also be given to where people will leave their bike at home.

4.1.52 Parking standards should be applied flexibly and allow for the provision of lower levels of parking and the creation of high quality places.

5.12.9 Adequate facilities and space for the collection, composting and recycling of waste materials should be incorporated into the design and, where appropriate, layout of any development as well as waste prevention measures at the design, construction and demolition stage.

6.4.5 Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity.

6.4.24. The particular role, siting and design requirements of urban trees in providing health and well-being benefits to communities, now and in the future should be promoted as part of plan making and decision taking.

6.7.14 Proposed development should be designed wherever possible to prevent adverse effects to amenity, health and the environment but as a minimum to limit or constrain any effects that do occur.

4.4 *Building Better Places: The Planning System Delivering Resilient and Brighter Futures - Placemaking and the Covid-19 recovery (July 2020).*

4.5 *Future Wales- the National Plan 2040.*

4.6 *Technical Advice Note 12 - Design (March 2016).*

4.7 *Development Management Manual (May 2017).*

5. **INTERNAL CONSULTEE RESPONSES**

5.1 *Transportation:*

There is planning approval for a single parking space. However, there is an approved crossover at the garage location (approved in 2019) which has been installed. The applicant has installed the garage without permission. We are

therefore obliged to accept the location of the installed vehicle crossover, the issue being whether they can build a garage. Highways do not have a comment on the planning merits of the garage structure.

- 5.2 It appears the site has also introduced a significant driveway (without a crossover) near/at the location of the single approved off-street car parking location. Also, the plan indicates a 4.8m width crossover leading to a garage set back from the footway, which might allow access (should the resident's boundary wall be amended) to another parking space adjacent to the garage.
- 5.3 I must assume that the applicant is now effectively applying for a second vehicle crossover to access for the same property. Crossover No 1 (the only access in the 2012 application) has effectively been overtaken by crossover No 2, which has approval to be installed. It should be noted that the Council clearly states within the stated terms & conditions (which can be viewed on the Council website) that a second vehicle crossover to serve the same residence would not be permitted.
- 5.4 In this instance I would recommend that the applicant remove crossover No 1 from the application, as the crossover assessment team would refuse permission. It should also be noted that 4.8m is the maximum permissible width of a residential crossover, therefore, should any additional off-street car parking be required, the applicant should review the proposed plans/actuality at crossover No 2.
- 5.5 We confirm we are happy with the garage and approved crossover, but need the other access to be removed to prevent access, which appears to be illegally achieved at the moment across the footway without an approved vehicle crossover. A crossover in this location has been refused due to insufficient depth.
- 5.6 I also confirm that if the applicant wants to locate a parking place adjacent to the garage then the existing vehicle crossover cannot be widened. 4.8m is the maximum vehicular crossover permitted by the council. I would again refer the applicant to the council's T&Cs on crossovers.

5.7 *Waste Strategy & Minimisation Officer:*

The plans do not show the intended storage site for waste and recycling, however providing the bins are stored within the curtilage of the property this will be acceptable.

- 5.8 *Drainage:* I can confirm the development requires SAB approval. There is insufficient information within the application to determine whether SAB approval will be granted or whether the application satisfies policy EN14 of the LDP.

6. **EXTERNAL CONSULTEES RESPONSES**

- 6.1 *Welsh Water:* No objection.

6.2 *Radyr and Morganstown Community Council*: No comments received.

7. **REPRESENTATIONS**

7.1 The application, including the amended plan received in August 2021, has been advertised by neighbour notification. 4 written representations and a video from 3 properties, plus a letter from a planning consultant representing the same objectors (the occupiers of Nos 15, 17 and 19 Ael-y-Bryn) were received following notification of the initial application. The following is a summary of the initial grounds for objection:

- 1) **Overbearing impact.**
The house, additional raised balcony/patio area, rear wall, stepped platform at the front and the garage have an overbearing impact on 13-19 Ael y Bryn.
- 2) **Loss of daylight/sunlight.**
The height of the garage and rear wall (more than 6.5m) has led to loss of daylight/sunlight to the adjacent property.
- 3) **Loss of privacy.**
The developer has, in breach of previous Conditions, removed the trees/shrubs and failed to re-plant them. People have unobstructed views from the patio into the adjoining gardens, living rooms and upstairs bedrooms (less than 15m away). The boundary fence built between the neighbour's property and the development is not tall enough to offer any privacy from the new development. There should have been opaque glass around the small balcony outside the rear window but this has been changed to metal railings and there is now a view into the bedroom of the house below. The balcony and steps could be used for socialising, subjecting the neighbours to intrusive overlooking.
- 4) **Previous refusals.**
A balcony in this position was previously found unacceptable (application 12/00137/DCO) on the grounds of loss of privacy. The application for a non-material amendment was refused therefore this indicates that it has already been agreed by CCC that the current development is overbearing and has resulted in an unacceptable loss of privacy.
- 5) **Light pollution.**
The large rear window will cause light pollution, affecting the properties below. Also the garden steps will need to be lit.
- 6) **Security.**
The steps and rear balcony/patio will provide an easy climbing aid to gain access to the neighbouring property.
- 7) **Inaccurate drawings.**
The garage is not positioned correctly on any of the plans. The presence of a bus stop and street lamp have not been considered. The North West 'Wing' has been built even larger than specified on the drawings, the roofline has been raised, and it is nearer to the adjacent property. The Proposed Rear Elevation is misleading as it does not show the new set of steps against the neighbours' fence. Drawing no. AL(9)04 does not show the large balcony. The drawings do not accurately depict the

difference in levels between the application site and the neighbours' gardens.

- 8) The development may have encroached onto land owned by the neighbour at 15 Ael Y Bryn.
- 9) Noise pollution.
People can clearly be heard talking when on the raised area. If the occupiers of the house include children, then this area will be very noisy.
- 10) Overdevelopment of the plot.
The original drawings show a sloping area of natural garden. The developer has increased the original footprint by building on almost every part of the natural landscape within the plot. The raised balcony area surrounded by metal railings appears integral to the house and clearly extends the footprint of the building.
- 11) Inadequate car parking facilities.
A car cannot be parked on the front as this area is too small and restricted by a wall, steps etc. and the garage is not up to standard as no turning area is provided so that cars can enter and leave in a forward gear. The garage should be repositioned for manoeuvrability for vehicles, and away from the boundary line that makes the wall over 6m high, or replaced with a more modest cycle store.
- 12) Inadequate drainage.
The neighbouring garden has turned into a quagmire, with damp patches on the retaining wall. The original plan shows a lawn area at the front of the property which would allow surface water to be directed into this area, however this too has been replaced with pavers. The lack of vegetation is increasing natural drainage problems for the land around the properties below.
- 13) Precedent.
Allowing this development will send out a message to all developers that planning permission is only a formality that can be ignored, and that they can build what they choose.
- 14) Negative impact on visual amenity.
The developer has removed more than 200 perfectly functioning and reusable paving slabs and replaced them with tarmac, conveniently incorporating a dropped kerb to the unpermitted garage. The pavement should be restored to its original specification.
- 15) A site visit should be made to the neighbours' property.
The planning department has not safeguarded the interests of the neighbours. Decisions around this retrospective planning permission should not be made at officer level, or between the head of planning and the chair of the planning committee alone, but be heard in full session of the planning committee.

7.2 The following is a summary of the objections relating to the amended plan submitted in August 2021.

1. A window in the dwelling overlooks the rear garden of 32 Min-y-Coed from an elevated position, affecting residential amenity.
2. Nothing in the new proposal alters the overbearing nature of the property.
3. The current application has again used drawings which suggest that

boundary tree lines have been retained.

4. The new plan is misleading as it makes it appear that the property to the rear of 17 Ael-y-Bryn is responsible for the 'screen of trees' when in fact any trees acting as a 'screen' are planted on the neighbour's property.
5. The inclusion of a 450mm screening panel will not change the dimensions of the property nor will it prevent an elevated line of sight from the property directly into 15, 17 and 19 Ael Y Bryn.
6. Raising the height of the already elevated fence would increase the overbearing nature of the property.
7. The terrace should be lowered and a proper screen of trees should be planted on the property, in addition to the raising of the fence height.
8. People sitting on the balcony will still be able to see directly into the neighbours' bedrooms.
9. There are very bright lights in the balcony area of the new house which are occasionally on until 2.00 am.

7.3 Councillor Rod McKerlich has submitted the following observations:

'I believe that this application should be refused on the following grounds:

- The height of the ridge is significantly higher than that of the 2 other new builds which are adjacent. The 2 other new builds were obliged to reduce ridge height to obtain planning approval ; therefore this ridge height is above the approved level.
- The balcony , patio and rear window with clear glass all overlook existing properties in Ael y Bryn; the gardens, bedrooms and sitting areas are overlooked and privacy is breached to an alarming extent. This was not as in the approved plans
- The retaining wall is made of wood and water is oozing through it into the gardens of Ael y Bryn. The wall does not appear to be robust enough to properly retain the land and buildings above.
- The garage was built without permission as was the drop kerb giving access to it.

I submit that a site visit is required and this should not be determined under delegated powers.'

8. **ANALYSIS**

- 8.1 This application was deferred by Planning Committee at its meeting on 3rd November 2021 in order to undertake a Site Visit. The Site Visit took place on Monday 6th December 2021 and the application is now reported back for determination.
- 8.2 The main consideration with regard to this proposal is the effect of the changes to the approved development on the amenities of neighbouring occupiers. This can be assessed by considering the objections that have been submitted (which are summarised in section 7 of this report):
- 8.3 1) Overbearing impact on 13-19 Ael y Bryn.
The house itself, as built, has more or less the same dimensions as the

approved building. However, it has been constructed closer to the rear boundary and the additional raised patio area and steps at the rear of the house have also brought development closer to the properties at the rear. The raised patio and steps do not in themselves add to the 'bulk' of the development when viewed from the neighbouring land and can be screened by appropriate boundary treatment, and it is not considered, on balance, that the reduction in the distance between the house and the rear boundary has led to the development becoming unacceptably overbearing. The garage and retaining wall are around 13.5m from the neighbouring dwelling to the rear and, although they have an impact on the rear garden of that property, they are relatively well screened by vegetation and are not considered to be unduly overbearing.

8.4 2) Loss of daylight/sunlight.

There has been a reduction in the amount of sunlight reaching the adjacent property over and above what would have occurred had the originally approved scheme been implemented due to the small difference in the positioning of the house and the construction of the garage and retaining wall, but this additional impact is limited and is not considered severe enough to warrant the refusal of planning permission. Adequate sunlight and daylight will still reach the adjoining properties.

8.5 3) Loss of privacy.

There was no condition on the previous approval which prevented the removal of trees and shrubs. There was a landscaping condition, which was discharged, but since the current application relates to a different development, this condition is not relevant. The raised patio that has been constructed does enable overlooking of adjoining properties, being only around 7.5m from the rear boundary. As it is in an elevated position, the guidance relating to overlooking of adjoining properties from upper floor windows of new dwellings can be used to assess whether this is acceptable. The Supplementary Planning Guidance 'Infill Sites' (2017) states at paragraph 4.9 that '*The minimum overlooking distance from a habitable room window to a garden area of a separate dwelling should be 10.5m.*' Therefore, provided the distance between the gardens of the properties on Ael Y Bryn and the useable area of the patio can be increased to at least 10.5m, there can be no reasonable grounds for refusing the application for reasons of loss of privacy. The amended plan submitted by the applicant in August 2021 demonstrates that planters will be added to the end of the patio and the railings moved back, and states that this will be to a distance of 10.5m from the boundary with the gardens on Ael Y Bryn. The amended plan shows that the rear boundary fence will also be increased in height to 2.35m and screening panels added to the top of the fence alongside the steps leading down to the patio which, along with the setting back of the useable area of the patio, will prevent unacceptably close overlooking from the steps and patio area.

8.6 The Infill Sites SPG (paragraph 4.9) also requires a minimum of 21m to be maintained between principal windows to habitable rooms and advises that it may also be possible to achieve privacy with a combination of separation distance, appropriate position and aspect of habitable rooms, screening, building orientation, window positioning, size and style of window and

placement of gardens.

- 8.7 Although the patio will be within 21m of the windows in the rear of 17 Ael Y Bryn, it is not a 'habitable room'. The only habitable room window that will face towards the houses to the rear is that of the lounge in the eastern 'wing' and this will be more than 24m from the facing bedroom window in the rear of no. 17. This distance, including the raising of the height of the rear boundary fence, will ensure that adequate privacy is maintained in respect of facing habitable room windows.
- 8.8 The small balcony outside the central rear window also featured in the approved plans and would have been 18.5m from the rear boundary, 24m from the conservatory of 17 Ael Y Bryn and 29m from no. 17's rear window. As built, this balcony extends further from the house but is still 15m from the rear boundary, 21.5m from the conservatory and 27m from the rear window, which is considered to be adequate to maintain an acceptable level of privacy in accordance with the adopted SPG. However, despite the SPG standards being met and although in the approved scheme there is no mention of opaque glass being used around the rear balcony rather than the railings, which have been used in the current scheme, it is recommended that a planning condition be imposed on any approval of this application requiring the railings to be changed to an opaque material in order to reduce neighbours' perception of being overlooked from above.
- 8.9 4) Previous refusals.
The balcony proposed in application 12/00137/DCO was not in this position but was a much larger balcony, open on two sides and overlooking the gardens to the north. The application for a non-material amendment was refused not because it had already been determined that 'the current development is overbearing and has resulted in an unacceptable loss of privacy' but because the differences between the approved building's footprint and what has been built were considered to be 'material' in that the changes have affected local amenity (evinced by the objections that were received) but the amended plan did not show the building in relation to the site boundaries, therefore it did not demonstrate that the changes to the footprint comply with the Council's adopted policies and planning guidance relating to impact on the amenities of neighbours. The amended plan also failed to indicate any cycle parking facilities, whereas these were included in the approved scheme. A garage and raised patio had also been constructed as part of the development but these were not shown on the plans even though they required planning permission.
- 8.10 5) Light pollution.
There is a large rear window in the approved scheme which could also have emitted light. Interior domestic lights are unlikely to be so bright as to cause nuisance to neighbours. Any lights on the steps will be screened from neighbouring windows by the boundary fence and existing vegetation and are also unlikely to be excessively bright. The applicant can be advised that action can be taken by the Council if light pollution is causing a Statutory Nuisance.

- 8.11 6) Security.
The steps and rear balcony/patio will be bordered by fences and it will be no easier to gain access to neighbouring properties than from any other rear garden.
- 8.12 7) Inaccurate drawings.
The drawings appear to be accurate enough to enable proper assessment of the proposals. The bus stop and street lamp are not shown on the plans but officers are aware of their location and no concerns regarding these items have been raised by Highways officers.
- 8.13 The drawing of the proposed rear elevation of the house does not have to show the new set of steps against the neighbours' fence as these are depicted on other plans, and drawing no. AL(9)04 does not have to show the large balcony, for the same reason. The difference in levels between the application site and the house to the rear is depicted on the submitted sectional drawing. The levels of the various gardens surrounding the plot has been noted following site visits by officers and taken into consideration when assessing this application.
- 8.14 8) The development may have encroached onto land owned by the neighbour at 15 Ael Y Bryn.
This is a legal matter and not a material planning consideration, and no evidence of this has been provided. The granting of planning permission does not, in any case, confer the right to encroach onto neighbouring property without the owner's consent.
- 8.15 9) Noise pollution.
The sound of people talking or children playing in a neighbouring garden is to be expected within a residential area and does not constitute noise pollution. Excessive noise causing a statutory nuisance could be controlled under Environmental Health legislation.
- 8.16 10) Overdevelopment of the plot.
The area of hard surfacing has been increased but since this is used as outdoor amenity space and is partly landscaped using planters, this does not constitute 'overdevelopment'. The raised patio does not constitute part of the house.
- 8.17 11) Inadequate car parking facilities.
The adopted Supplementary Planning Guidance 'Managing Transportation Impacts (Incorporating Parking Standards)' does not require any car parking facilities to be provided for a development of this nature, therefore it is acceptable if the area to the front of the house is too small to park a car. This area is in fact unsuitable for parking as the Highways Authority has refused to allow a crossover to be constructed in this location. The garage that has been built is of acceptable dimensions to accommodate one vehicle, which accords with the maximum standard set out in the SPG, and its position is acceptable to the Highways Authority in terms of the manoeuvring of vehicles onto and off of the highway. The crossover providing access to the garage has been approved by Highways officers.

8.18 12) Inadequate drainage.

Surface water drainage is now dealt with separately to planning permission. The applicant will have to provide evidence to the local authority acting in its SuDS Approving Body role that the surface water drainage system for this development complies with the mandatory standards for sustainable drainage published by the Welsh Ministers.

8.19 13) Precedent.

Any development that is not built in accordance with the approved plans will be open to enforcement action by the Council whether or not this application is approved. Each application must be determined on its own merits, even if it is retrospective. In this case, consideration must be given as to whether what has been built, including the proposed mitigation measures shown on the amended plan, could reasonably be refused planning permission.

8.20 14) Negative impact on visual amenity (loss of paving slabs).

This is not a material planning consideration as works to the public highway are controlled by the Council in its role as Local Highway Authority. The objector has since stated that they have been informed by a Highways representative that the removal of slabs was accepted, based on the claim that the existing paving had a lot of cracked slabs (although they do not agree with this and their objection still stands).

8.21 15) A site visit should be made to the neighbours' property.

Officers have visited neighbouring properties as well as the application site itself. Concern for the interests of neighbours is the reason that this application was required, rather than treating the changes as 'non-material'. The decision to report the application to the Planning Committee was taken by the Head of Planning, in consultation with the Chair of Planning Committee, and a site visit was made by Members of the Planning Committee on 6th December 2021.

8.22 Regarding the objections relating to the amended plan:

1. At its closest point, the garden of 32 Min-y-Coed is more than 50m from the window in question. This is more than twice the minimum distance required for the protection of a reasonable standard of privacy.
2. The development is not considered to be unacceptably overbearing for the reasons set out earlier in this report.
3. and 4. The drawings clearly show that the boundary trees are outside the application site and it is therefore clear that they are not under the applicant's control and may or may not be retained.
5. The 450mm screening panel will prevent a line of sight from the raised patio into the property below. There will be no close overlooking from the house itself, as discussed earlier in this report.
6. The increase in the height of the fence will improve privacy standards and, on balance, it is considered acceptable despite its having other negative consequences.
7. The proposed mitigation measures are considered to achieve the same privacy outcome as lowering the terrace and planting a screen of trees.
8. As discussed above, the balcony is at an acceptable distance from the properties to the rear to prevent undue loss of privacy, in accordance

with the adopted 'Infill Sites' SPG. However, given the neighbours' concerns, it is considered appropriate to require screening to be provided so that people seated on this balcony will not be visible from the properties below, thus reducing the neighbours' perception of being overlooked.

9. Domestic lights, either interior or exterior, do not require planning permission. However, if the lights are illuminating another property so as to cause nuisance or be prejudicial to health, then they may be classed as a statutory nuisance, in which case action could be taken under Environmental Protection legislation.

8.23 In response to the objections submitted by Councillor Rod McKerlich:

- According to the submitted drawings, the ridge height of the building at the rear is around 0.8m higher than approved but at the same level towards the front. It is not significantly higher than the adjacent houses.
- The issue of privacy is discussed earlier in this report.
- Since this comment was submitted, the neighbour has advised that the problem has been alleviated to a certain extent by the digging of a drainage trench within the application site.
- The construction details of the retaining wall relating to its ability to properly retain the land are not a material planning consideration but are controlled under other legislation. The wall is not made of wood but is only faced in timber.
- The garage was built without permission but the crossover giving access to it has been approved by the Highway Authority.

8.24 The applicant's agent disputes the Councillor's comments and has submitted the following response:

- "the level of the roof ridge has been measured again and is the same from ground level as that approved in the original plans;
- the detailing of the rear elevation, including balcony, is virtually identical to the rear elevation in the approved plans;
- the retaining wall is built of reinforced concrete, albeit that it is clad in timber to make it more aesthetically pleasing than would otherwise be the case. Water oozes out of weep-holes during periods of high rainfall. Weep-holes are a normal part of the design of a retaining wall as any competent structural engineer would testify. The water is taken to a land drain built along the base of the wall, which is laid to a design agreed with the vendor.
- It is true that the garage was erected without permission, on the mistaken basis that it was permitted development. However, the dropped kerb has been consented by the Council under the Highway Acts."

8.25 In conclusion, although the development as built is not in accordance with what was originally approved for this site and has had an impact on the amenities of neighbouring occupiers, consideration has to be given as to whether it is possible to remedy the effects of the development without requiring demolition of the unauthorised structures. In this case, the amendments proposed to the development, in the form of additional screening and the reduction in the useable area of the raised patio, are considered to adequately address the

objections that have been raised with regard to loss of privacy, and conditions can be used to control other aspects of concern such as lighting, drainage and landscaping. On balance, the proposal is considered acceptable, and it is recommended that the application be approved 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*

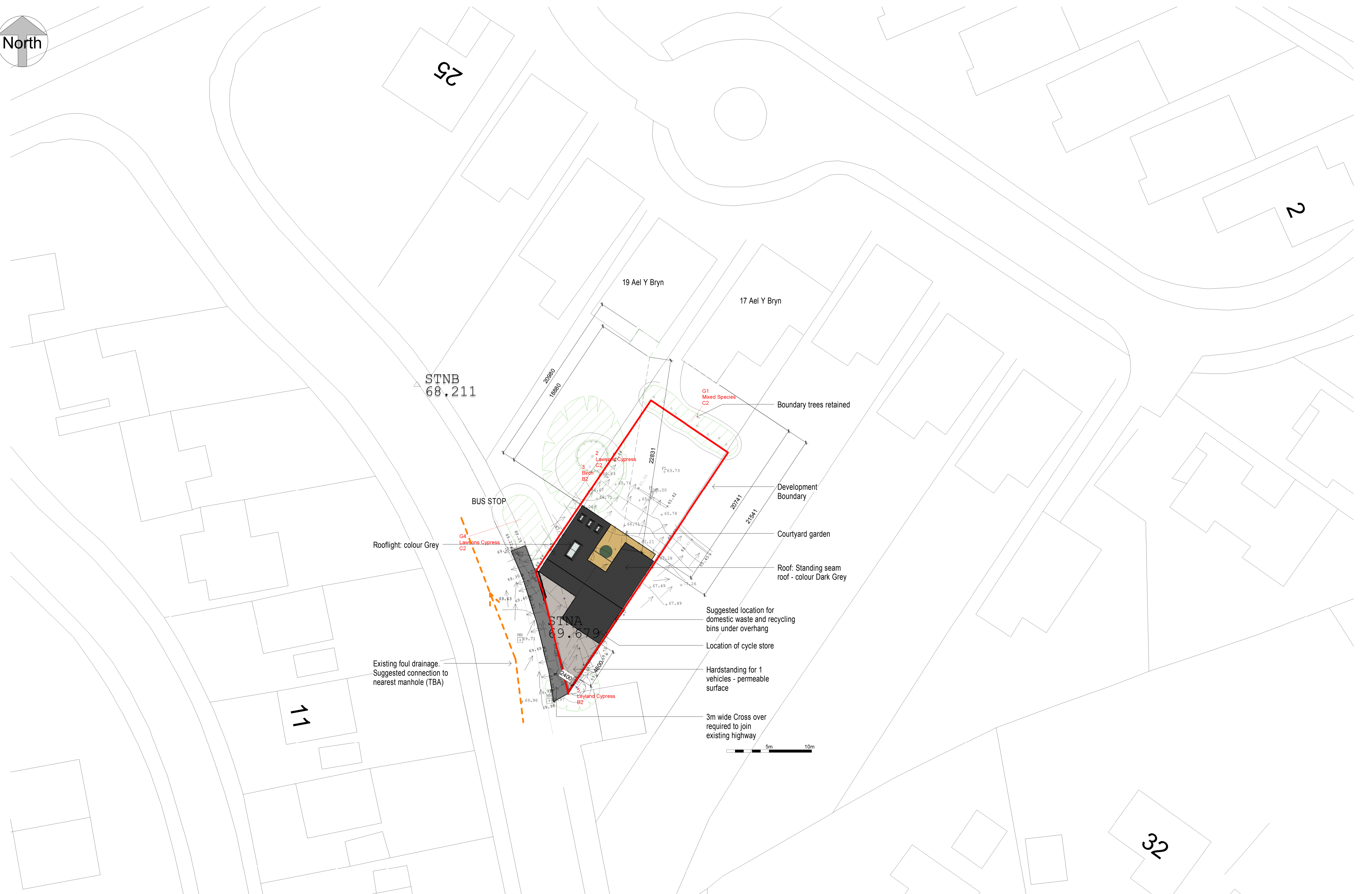
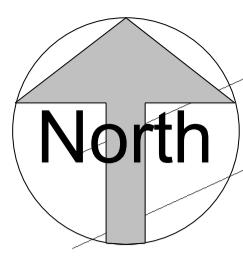
The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council's duty under the above Act has been given due consideration in 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.

9.3 *Well-being of Future Generations (Wales) Act 2015*

The Well-being of Future Generations (Wales) Act 2015 places a duty on the Welsh Ministers (and other public bodies) to produce well-being objectives and take reasonable steps to meet those objectives in the context of the principle of sustainable development. The duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act), has been considered and account has been taken of the ways of working set out at section 5 of the WBFG Act in the determination of this application, and it is considered that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the well-being objectives referred to in section 9 of the WBFG Act.

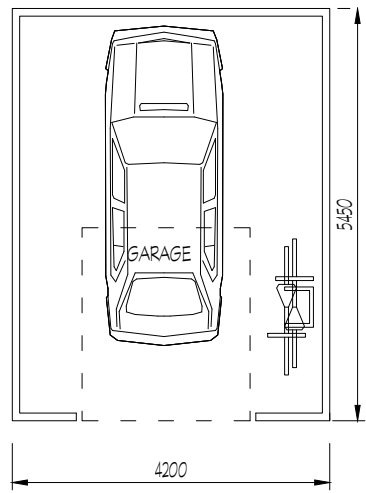




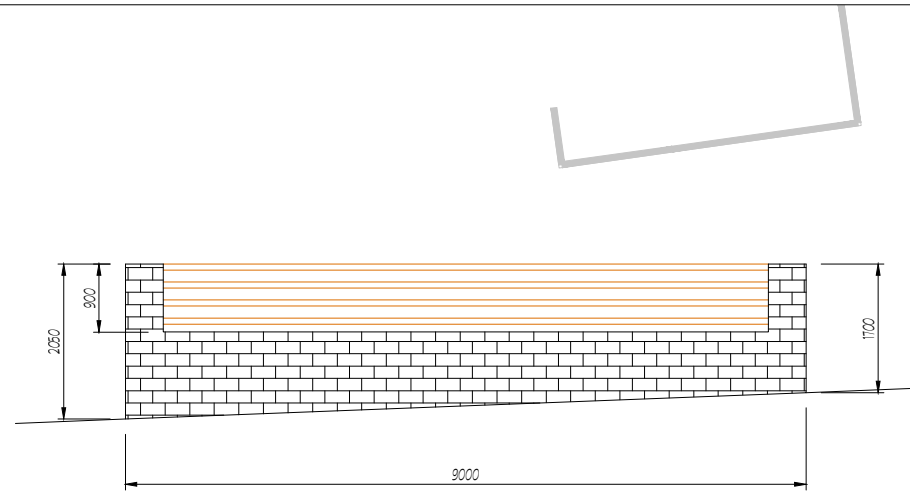


Proposed Site Plan
1 : 200

E J Davies & G M Traylor		Proposed Site Plan	
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Date	NOV2012		
Drawn by	GMT		
Checked by	GMT	Scale @A1	1 : 200



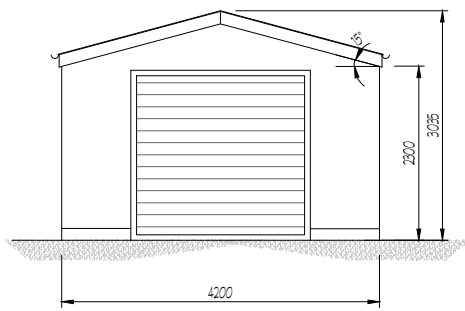
Proposed Garage Plan



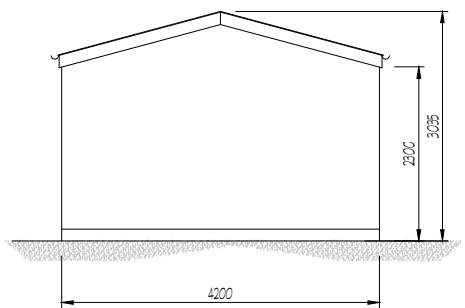
Proposed Wall/Fence Elevation



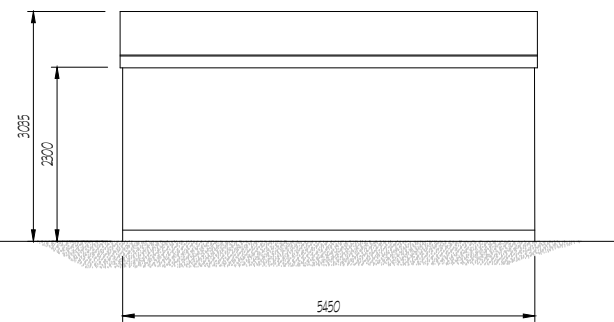
Proposed Garage Location Plan
sc: 1/125



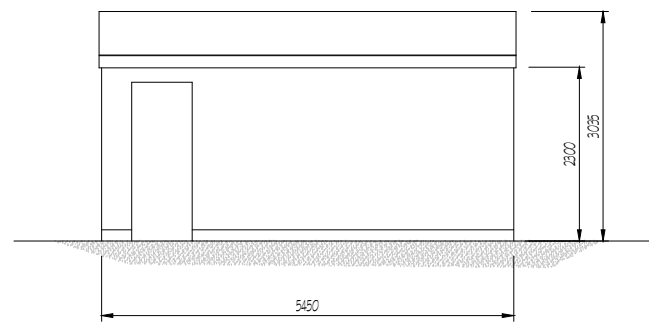
Proposed Garage Front Elevation



Proposed Garage Rear Elevation



Proposed Garage Side Elevation



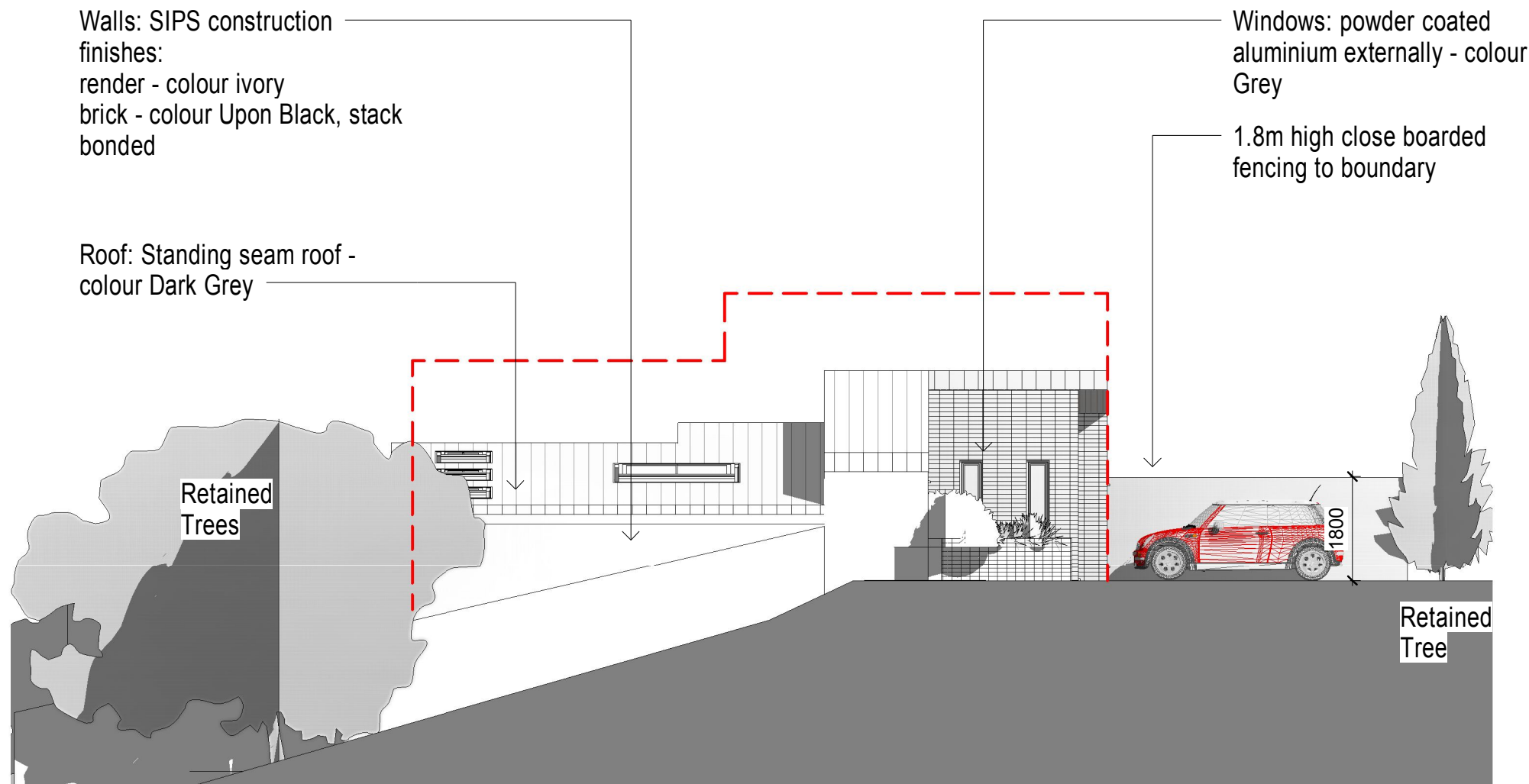
Proposed Garage Side Elevation

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PLANNING				
Project: Proposed New Detached House Land to the rear of 17 Ael Y Bryn				
Drawing Title: Proposed Garage Floor Plan, Elevations, Site Plan				
Drawn By: TS	Date: 06-17-19	Scale: 1:100 (or as noted) @ A3		
Checked by:	Date: 06-06-2018	Do not scale this drawing		

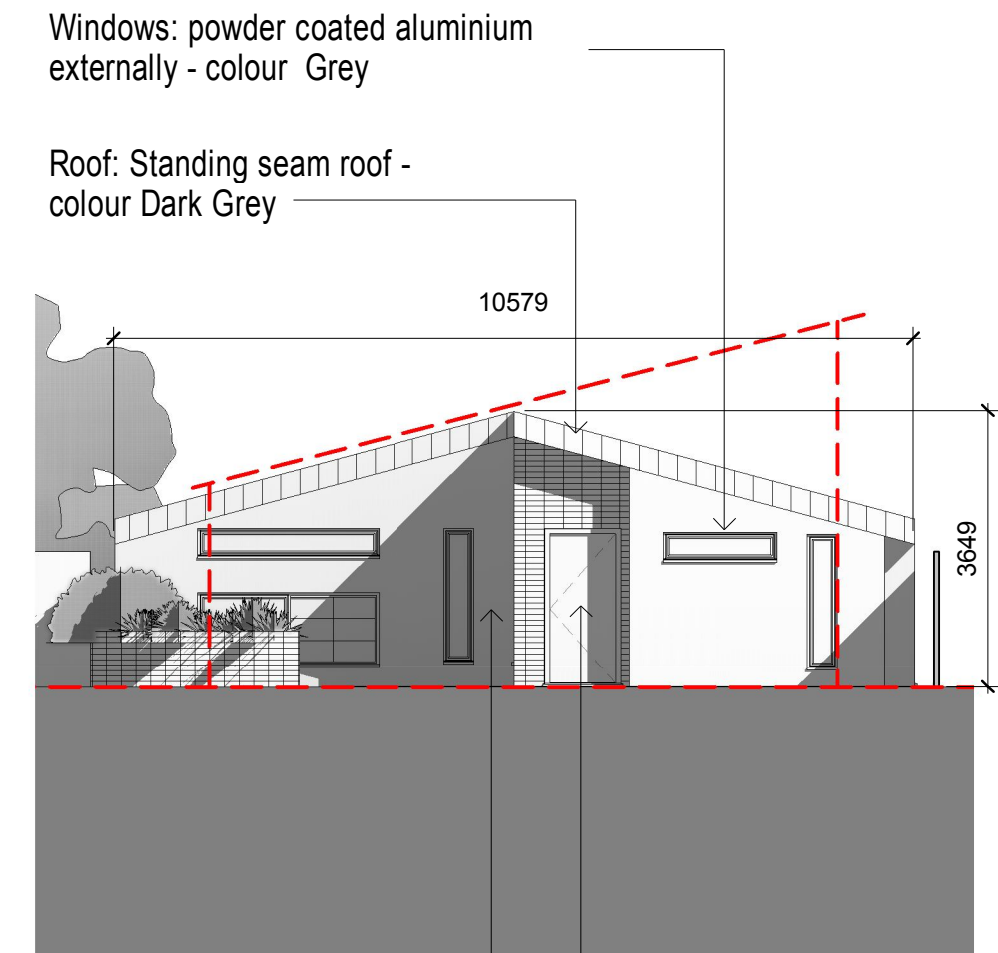
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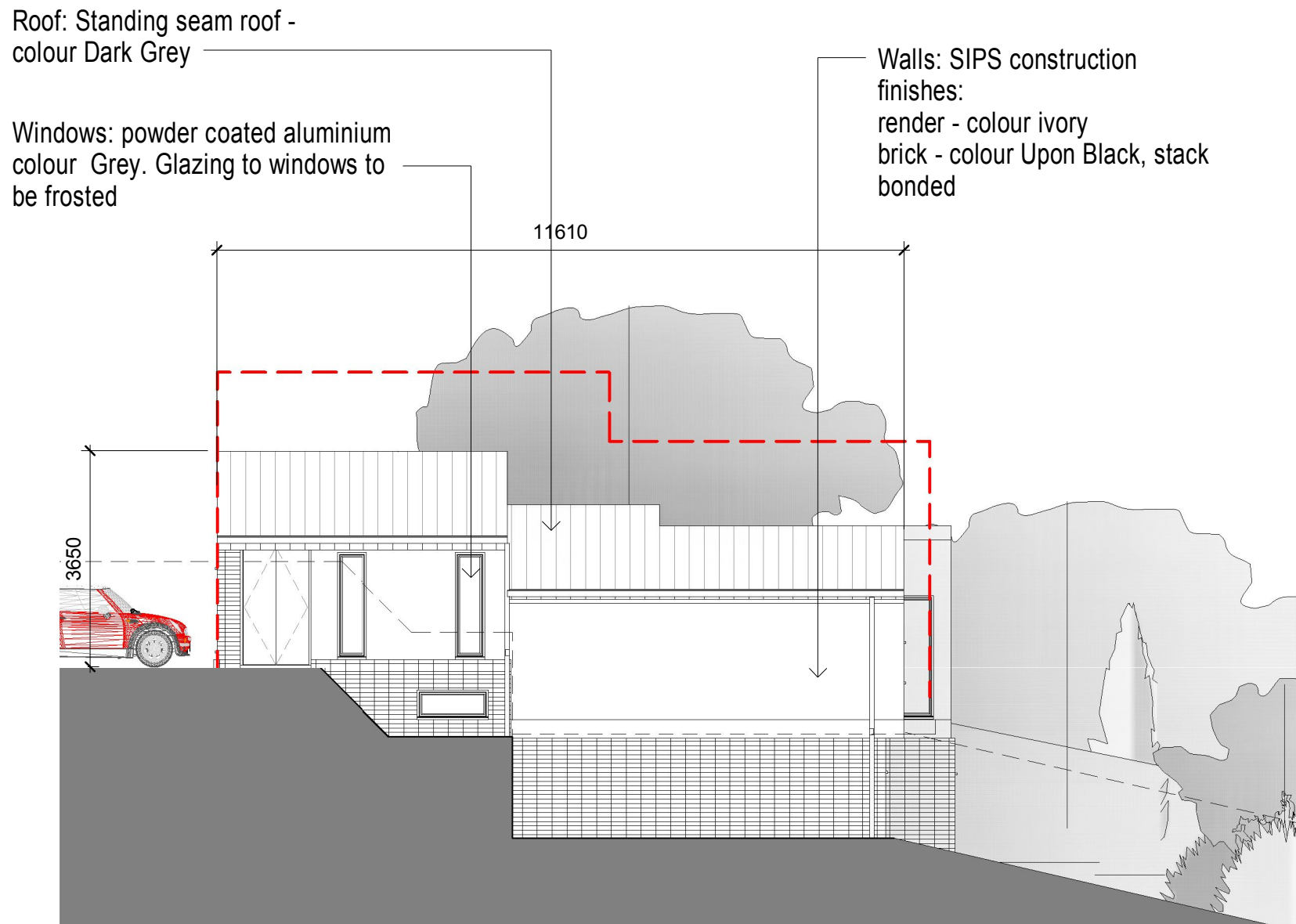
North West Facing Elevations
1 : 100



South West Facing Elevation
1 : 100

E J Davies & G M Traylor	Elevations Sheet 1 of 2		
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Proposed Split Level Detached House, Land to the rear of 17 Ael Y Bryn	Date	NOV2012	
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	Checked by	GMT	

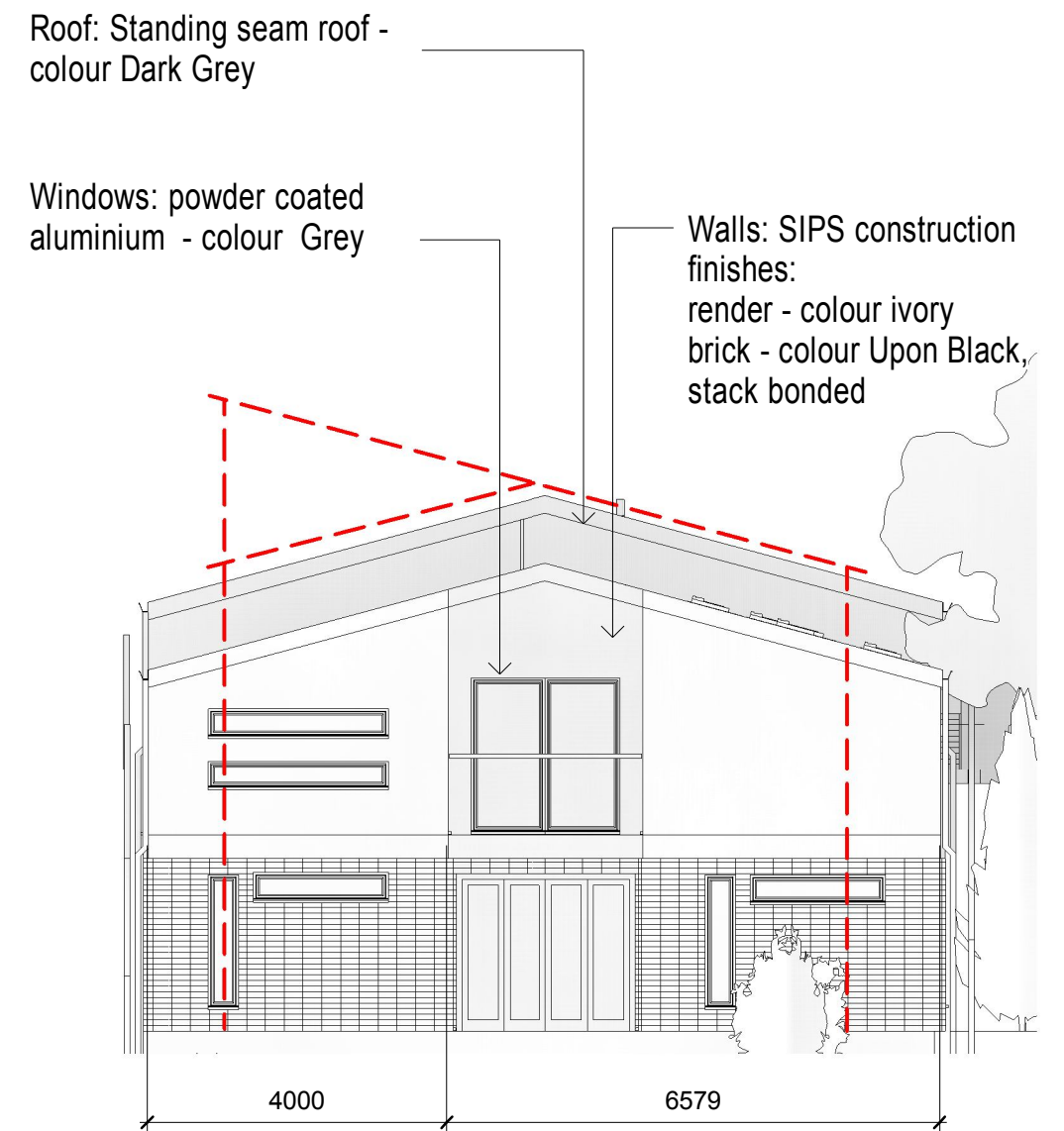
NOTE: Red line indicates the extent of application Ref: **12/00137/DCO**



Retained
Trees

South East Facing Elevation

1 : 100



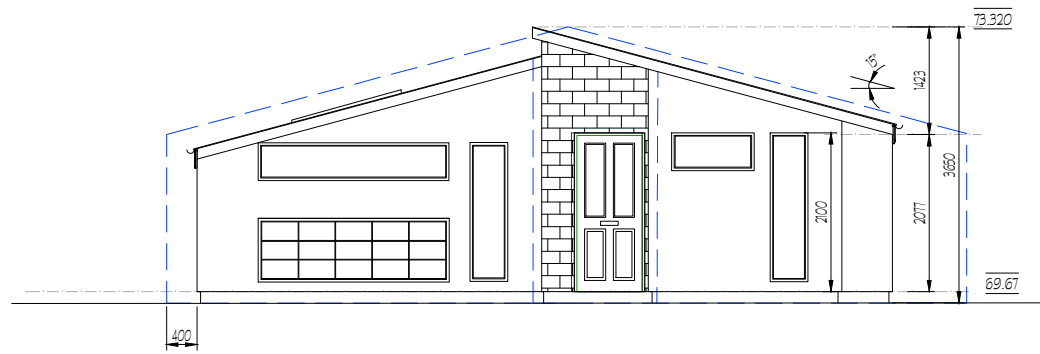
North East Facing Elevation

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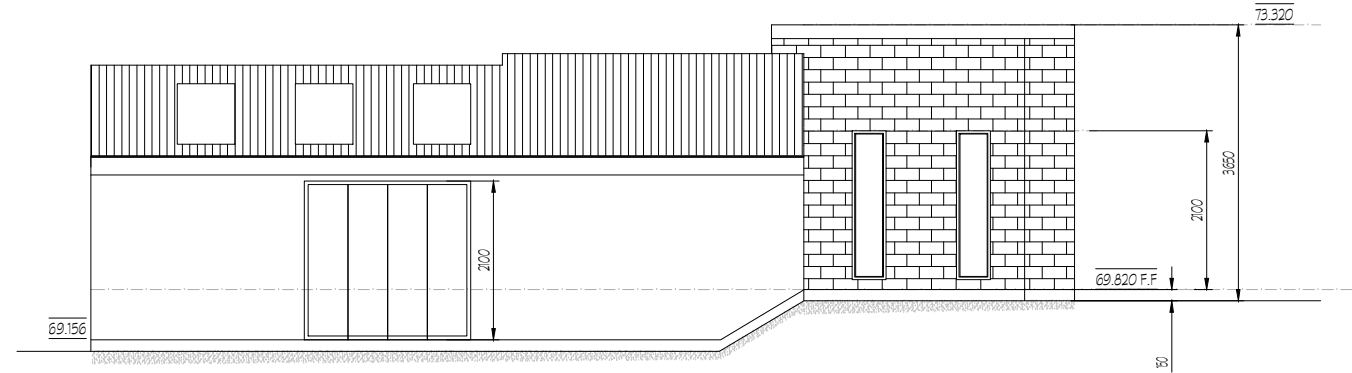
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E J Davies & G M Traylor	Elevations Sheet 2 of 2	
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	Checked by	GMT
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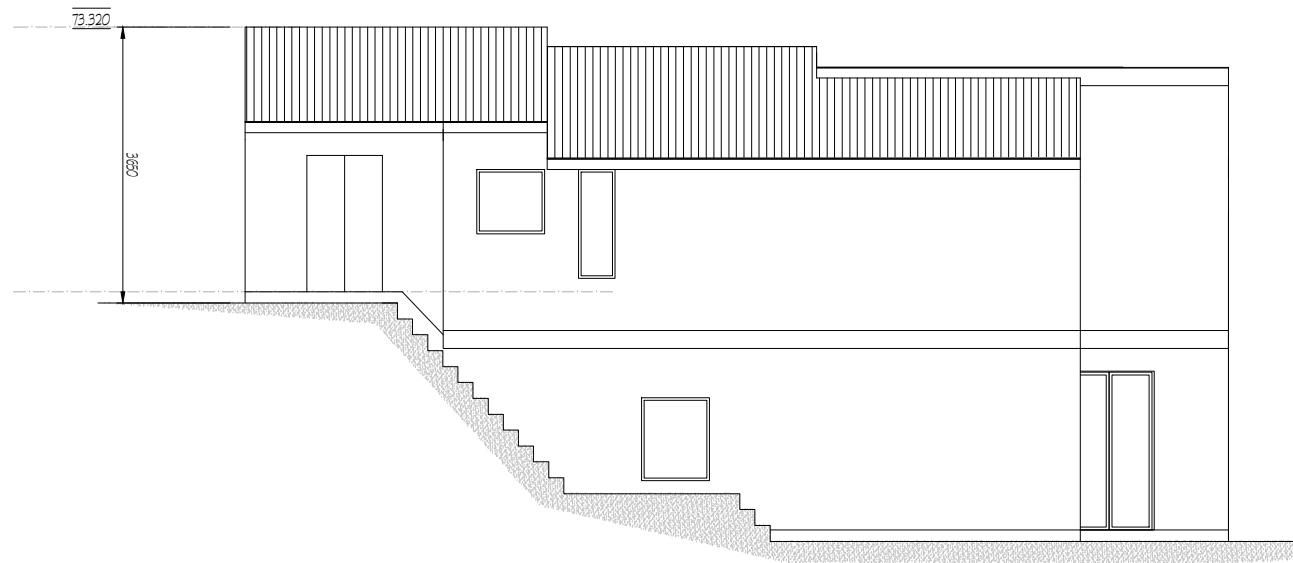
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Planing - 12/02142/DCO



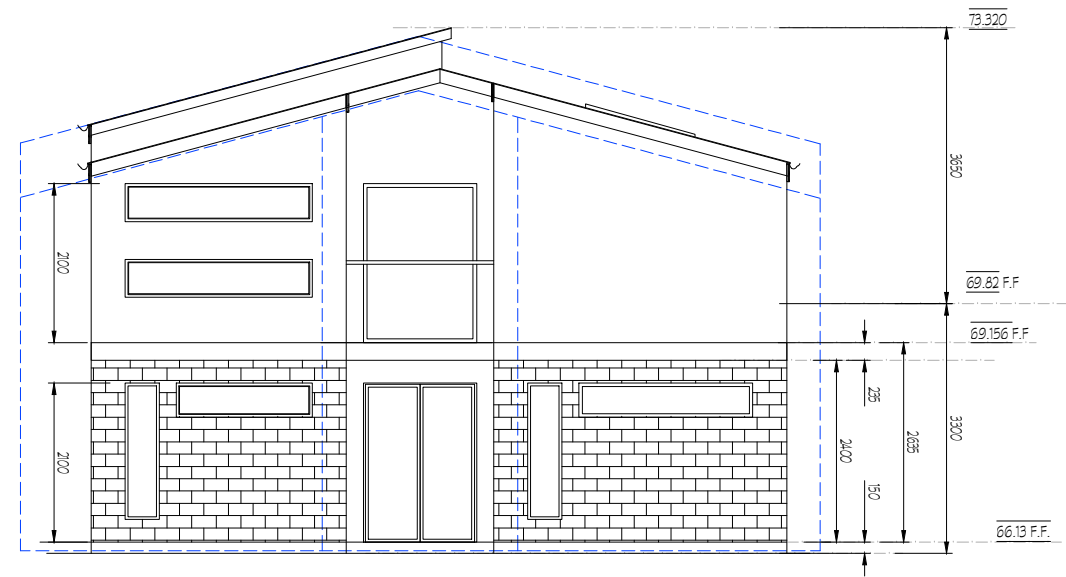
Proposed Front Elevation



Proposed Side Elevation



Proposed Side Elevation



Proposed Rear Elevation

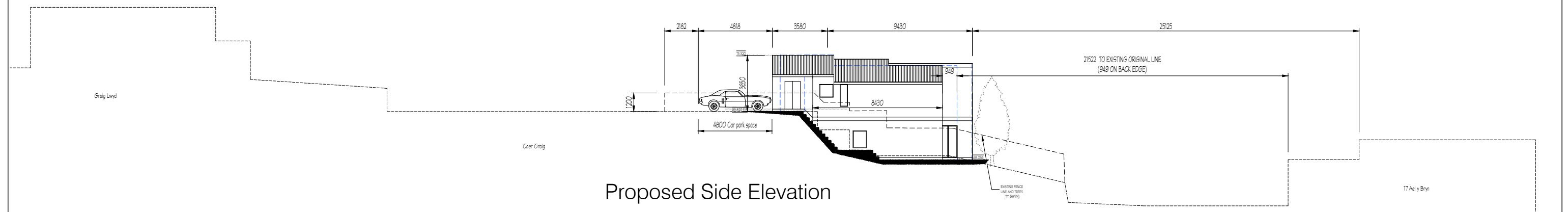
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Proposed New Detached House Land to the rear of 17 Ael Y Bryn				
Drawing Title				
Proposed Elevations				
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Blue Square

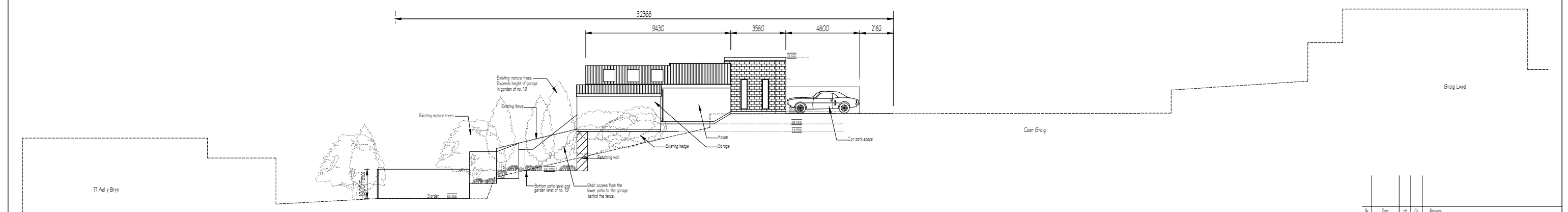
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Job No	Drawing No	Rev
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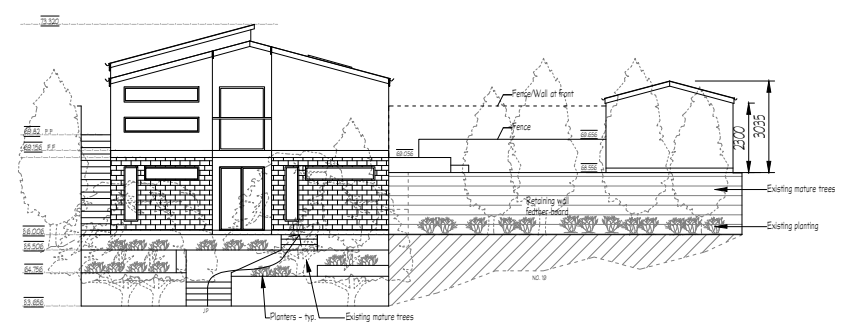
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Planing - 12/02142/DCO



Proposed Side Elevation



Proposed Side Elevation



Proposed Rear Elevation

No.	Date	By	Chk.	Revisions
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Project				
Proposed New Detached House Land to the rear of 17 Ael Y Bryn				
Drawing Title				
Proposed Site Elevations				
Drawn By	Date	Scale		
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PLANNING COMMITTEE:**15 December 2021**

**REPORT OF THE DIRECTOR OF PLANNING,
TRANSPORT & ENVIRONMENT**

Section 257 Stopping Up and Diversion Application at Creigiau Quarry**Reason for the Report**

1. Creigiau Quarry will begin quarrying works again following their planning consent in December 2018 (Application Ref: 15/01953/MJR). There are historic anomalies requiring sections of footpaths to be stopped up which physically no longer exist due to quarrying works. The bridleway partly forms the access road into the quarry which will not be suitable for users on safety grounds.
2. The following proposals are:
 - a) Bridleway 88 – Stop up 445m of the bridleway; This path will be unsafe for path users while quarry traffic uses the route on a regular basis
 - b) Footpath 58 – Stop up entire path of 200m; This is an historic ‘floating’ path which no longer exists on the ground due to quarrying many years ago. The path does not link to any other highway or rights of way.
 - c) Footpath 78 – Stop up 38m of the footpath within the quarry site which is a dead end. Divert the footpath 144m south along the quarry site boundary to link to Public Footpath Pentyrch 29.
 - d) Footpath 57 - Stop up 54m of the footpath within the quarry site which is a dead end. Divert the footpath 316m north along the quarry site boundary to link to Public Footpath Pentyrch 29.
 - e) The proposed diversions of Footpaths 57 & 78 will provide circular route options around the eastern side of the quarry which currently do not exist.

Background

3. Creigiau Quarry has not been an active quarry for many years. There are a few rights of way within the quarry boundary which have been longstanding issues as they are not accessible to the public to use due to the historic quarrying activities.
4. Tarmac Company were given planning consent (Ref: 15/01953/MJR) in December 2018 to reopen the quarry once again. They are now required to apply under Section 257 TCPA to stop up or create new rights of way within their planning permission boundary site. This Public Path Order application process is required and must be confirmed to modify the Cardiff Definitive Map and Statement.
5. Currently there is a Temporary Traffic Regulation Order to prevent public access on the affected footpaths as they are not considered safe to use.

Issues

6. Bridleway 88 – The route has been obstructed for many years by fencing around the quarry and a substation. Officers have considered options to create an alternative bridleway route through the woodland adjacent to the quarry, but this is not possible due to steep gradients through the woodland. The land where the alternative bridleway route would be aligned is outside of the Creigiau Quarry boundary.

Tarmac have a Temporary Traffic Regulation Order in place to prevent public access. For Public Rights of Way the maximum length of a TTRO is six months. Every additional 6 months requires an application to be consented by Welsh Government. The quarry will be open for several years therefore Welsh Government is unlikely to grant extensions for the future of the quarry workings. TTROs is not a reasonable option to retain the bridleway therefore it requires stopping up.

7. Footpath 58 – This footpath is floating in the air as it no longer exists on the ground due to historic quarry works. The path does not connect or potentially provide a connection with other rights of way or highway within the area. The path should be stopped up to bring the Definitive Map up to date to reflect what is accessible on the ground.
8. Footpaths 57 and 78 have short sections which lead into the quarry site as dead ends. They are historic anomalies and require stopping up as part of the

quarry reopening. To create an improved joined up rights of way network, these two footpath spurs will be diverted to link to Footpath 29. This will provide circular route options on the eastern side of the quarry.

Consultation Requirements

9. Consultees included:

- Pentyrch Community Council
- Cllr Gavin Hill-John
- Adjacent landowners
- Utility Companies
- Statutory User Group Consultees: Auto Cycle Union, British Driving Society, Ramblers, Cycling UK, British Horse Society, Byways & Bridleways Trust, Open Spaces Society, Welsh Trail Riders Association

10. There are no outstanding objections to this application.

11. The adjacent residents of Creigiau Farm raised questions regarding footpaths which cross their property and why they were not also considered as part of the application to stop up. The footpaths and bridleway they queried are outside of the Creigiau Quarry Planning Application Boundary and outside of the quarry landownership therefore cannot be included in this application.

Public Rights of Way Officers will meet with the residents of Creigiau Farm separately to this application to discuss any issues of the paths crossing their property.

12. Cooke & Arkwright Solicitor, Mr Russell Davies, has withdrawn his initial objection to the application. Mr Davies represents the Wingfield Estate, the adjacent farmland to Creigiau Quarry. His concern was the proposed diversions of Footpaths 57 and 78 appearing to be aligned on the Wingfield Estate land rather than within Creigiau Quarry landownership. Creigiau Quarry landowner's have reassured and confirmed this is not the case and the proposed diversion of Footpaths 57 and 78 are entirely within the planning application boundary. Mr Davies has provided written acknowledgement that he withdraws his initial objection.

13. Pentyrch Community Council (PCC) have no comments at this time. Their July 2021 Planning Committee stated:

Pentyrch Community Council met in July 2021 and confirmed the footpath changes are inevitable because of the works planned at Creigiau Quarry. PCC would like to see that when a footpath or bridleway closes there is a replacement. It was RESOLVED to make no comment at this time.

Legal Implications

14. Section 257 Town and Country Planning Act (TCPA) 1990

The power to make a stopping up or diversion order under s.257 of the TCPA is a discretionary power. Section 257 permits the making of an order for the stopping up or diversion of a footpath or bridleway which is necessary to enable development to be carried out either:

- In accordance with a valid planning permission or
- By a government department.

A conflict between the planning permission and a footpath or bridleway is essential for the grant of a stopping up or diversion order under section 257. The footpath or bridleway does not need to be obstructed by the intended physical development, a change of use of the land can be sufficient, provided the change of use requires the footpath or bridleway to be closed or diverted.

The order may provide for the:

- Creation of an alternative highway or improvement of an existing highway for use as a replacement for the one authorised to be stopped up (section 257(2)(a), TCPA 1990).
- Protection of any rights statutory undertakers have in respect of their apparatus that immediately before the date of the order is under, in, on, over, along or across the footpath or bridleway (section 257(2)(c), TCPA 1990).
- Payment of costs for carrying out the works (section 257(2)(d), TCPA 1990).

An application for a stopping up or diversion order under section 257 of the TCPA 1990 cannot be made or confirmed once the relevant development is “substantially complete”. A stopping up order does not affect any private rights of way that exist over the land

The grant of planning permission for the development of land over which there is a public right of way does not in itself constitute authority for interference with the right of way or for its closure or diversion. It cannot be assumed that because planning permission is granted, a stopping up or diversion order will automatically be made. Conditions can be imposed on a stopping up or diversion order tying it to the relevant planning permission in terms of timescale and the need to serve notice on the local highway authority before implementing the order.

The procedure for making an order under section 257 of the TCPA 1990 is governed by Schedule 14 to the TCPA 1990 (Procedure for footpaths and bridleways orders) and involves the Council giving various notices in the

prescribed form stating the general effect of the order. Notices must be served on every owner and occupier of land affected. If no representations or objections are duly made, or if any so made are withdrawn, the Council may confirm the order (but without any modification). Where any representation or objection which has been duly made is not withdrawn the matter is referred to the Planning Inspectorate who are an executive agency that reports to the Welsh Government. Before confirming the order the Planning Inspectorate may cause a local public inquiry to be held; or they may give any person by whom any representation or objection has been made an opportunity of being heard by a person appointed by them. After considering the report of the person appointed to hold the inquiry or hearing, the Planning Inspectorate on behalf of the Welsh Government may confirm the order, with or without modifications. An order made under section 257 of the TCPA 1990 is not effective until it is confirmed (section 259, TCPA 1990).

No compensation is payable in respect of those adversely affected by the order.

15. Equality Act

In considering this matter the decision maker must have regard to the Council's duties under the Equality Act 2010. Pursuant to these legal duties Councils must, in making decisions, have due regard for the need to:

- (1) eliminate unlawful discrimination
- (2) advance equality of opportunity
- (3) foster good relations on the basis of protected characteristics

Protected characteristics are: (a) Age (b) Gender reassignment (c) Sex (d) Race – including ethnic or national origin, colour or nationality (e) Disability (f) Pregnancy and maternity (g) Marriage and civil partnership (h) Sexual orientation (i) Religion or belief – including lack of belief.

16. Other Considerations

Section 17 of the Crime and Disorder Act 1998 also imposes a general duty on the Council, when exercising its functions, to take account of community safety dimension, with a view to reduce local crime and disorder in its area.

Before exercising its functions under the 1984 Act, the Council must have regard to its duties under The Active Travel (Wales) Act 2013, the Welsh Language (Wales) Measure 2011.

17. Well Being of Future Generations (Wales) Act 2015

The Act places a 'well-being duty' on public bodies aimed at achieving 7 national well-being goals for Wales - a Wales that is prosperous, resilient, healthier, more equal, has cohesive communities, a vibrant culture and thriving Welsh language, and is globally responsible. The well being duty also requires the Council to act in accordance with a 'sustainable development principle'. This means that Council decision makers must take account of the impact of their decisions on people living their lives in Wales in the future.

Financial Implications

The Legal Order will be processed utilising staff resources provided by Highways Officers and Legal Services Officers.

Recommendations

To approve the S257 Application for Creigiau Quarry and Legal Services to be instructed to process the Legal Order.

Andrew Gregory
Director of Planning, Transport & Environment
9 October 2021

Appendices:

Appendix 1 Map of Creigiau Quarry

Appendix 2 Map of Creigiau

Background Papers:

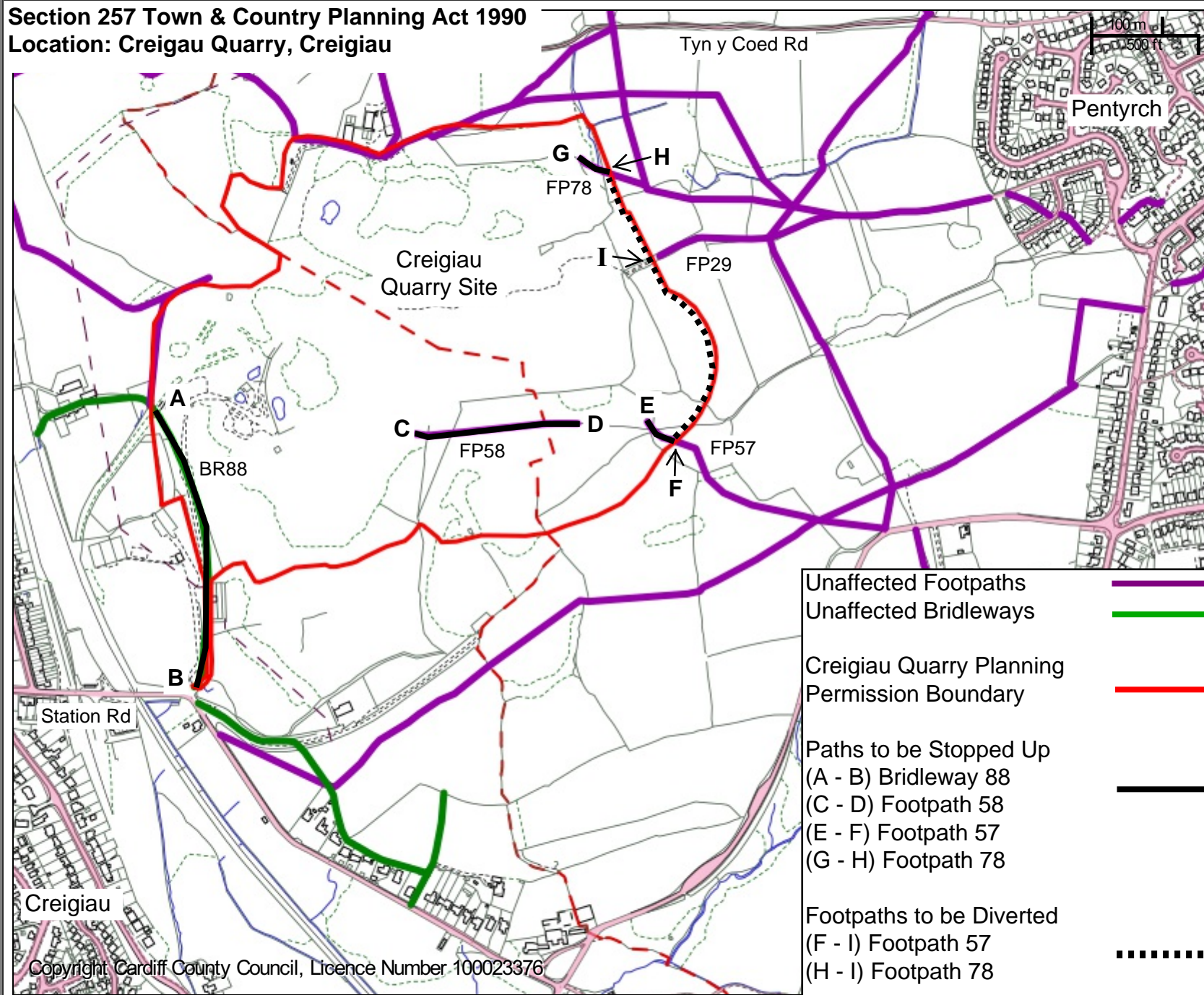
Officer Decision Report

Officer Decision Report Authorised by Andrew Gregory

Section 257 Applications

Temporary Traffic Regulation Order

Section 257 Town & Country Planning Act 1990
Location: Creigiau Quarry, Creigiau



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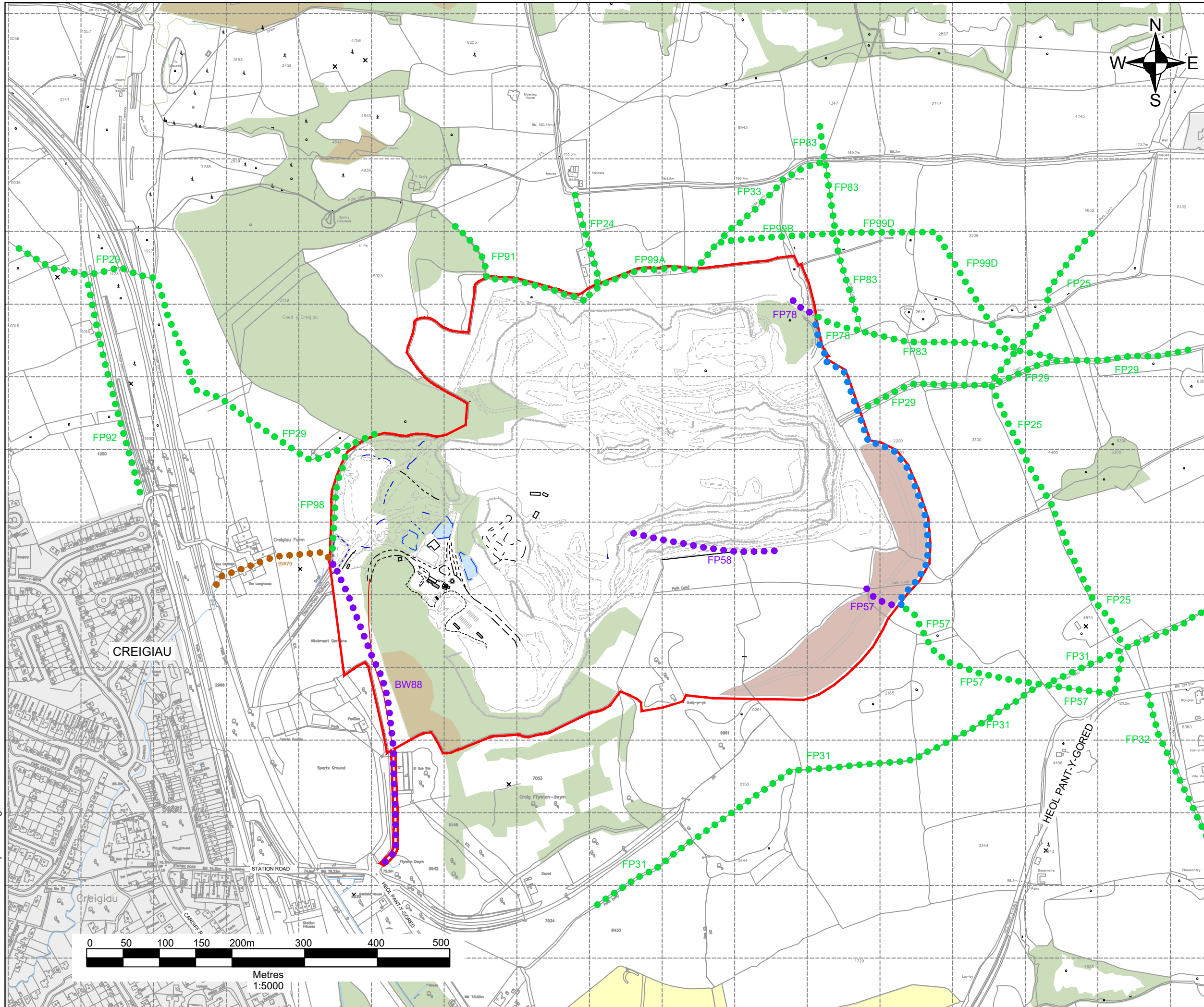
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Creigiau Quarry
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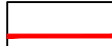




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NOTES
 Boundaries taken from final development plan
 ref C059-00070

LEGEND

-  CREIGIAU QUARRY PLANNING PERMISSION BOUNDARY
-  EXISTING BRIDLEWAYS
-  EXISTING FOOTPATHS
-  BRIDLEWAY AND FOOTPATHS TO BE STOPPED UP
-  NEW FOOTPATH



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CREIGIAU QUARRY
 RIGHTS OF WAY
 COMPOSITE PLAN

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