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## AGENDA

<b>Committee</b>	PLANNING COMMITTEE
<b>Date and Time of Meeting</b>	WEDNESDAY, 2 FEBRUARY 2022, 1.30 PM
<b>Venue</b>	REMOTE MEETING VIA MS TEAMS
<b>Membership</b>	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 approve as a correct record the minutes of the meeting held on 19 January 2022

### 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:

1. 19/02648/MJR, LAND NORTH OF TY-DRAW ROAD, PONTPRENNAU
2. 21/01720/MJR, FORMER BRANDON HIRE PLC, 151-153 BUTE STREET

### 5 **Development Control Applications**

- a 19/02648/MJR, LAND NORTH OF TY-DRAW ROAD, PONTPRENNAU
- b 21/01720/MJR, FORMER BRANDON HIRE PLC, 151-153 BUTE STREET, BUTETOWN

- c 21/02671/MNR, LLANDAFF PRIMARY CARETAKERS HOUSE, 28 HENDRE CLOSE, LLANDAFF
- d 21/02702/DCH, 10 YARROW CLOSE, ST FAGANS
- 6 Applications decided by Delegated Powers - January 2022**  
*(applications to follow)*
- 7 Urgent Items (if any)**
- 8 Date of Next Meeting - 2 March 2022**

**Davina Fiore**

**Director Governance & Legal Services**

Date: Thursday, 27 January 2022

Contact: Kate Rees, 029 2087 2427, [krees@cardiff.gov.uk](mailto:krees@cardiff.gov.uk)

## **WEBCASTING**

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PLANNING COMMITTEE

19 JANUARY 2022

Present: Councillor K Jones(Chairperson)  
Councillors Stubbs, Ahmed, Asghar Ali, Driscoll, Gordon, Hudson, Jacobsen, Jones-Pritchard, Keith Parry, Sattar and Wong

96 : APOLOGIES FOR ABSENCE

No apologies for absence were received. Councillor Abdul Sattar had advised that he would be late in attending the meeting.

97 : DECLARATIONS OF INTEREST

The following declarations of interest were received in accordance with the Members Code of Conduct:

<b>Councillor</b>	<b>Item</b>	<b>Nature of Interest</b>
Cllr Ali Ahmed	21/02156/MNR	Personal & Prejudicial – knows the applicant
Cllr Iona Gordon	21/00049/MJR	Personal & Prejudicial – previously expressed an opinion
Cllr Keith Parry	21/00049/MJR	Personal & Prejudicial – previously expressed an opinion

98 : MINUTES

The minutes of the meeting on the 15 December were approved as a correct record of the meeting and signed by the Chairperson.

99 : PETITIONS

The following petition was received:

21/01545/MNR, 12 KENT STREET, GRANGETOWN

The petitioner spoke and the agent responded.

100 : DEVELOPMENT CONTROL APPLICATIONS

The Committee considered the schedule of development control applications submitted in accordance with the Town and Country Planning Act 1990:

**RESOLVED:** Pursuant to this Committee’s delegated powers the following development control applications be determined in accordance with the recommendation set out in the reports of the Director of Planning, Transport and Environment, subject to any further amendments as detailed below and notification be given of the decisions in accordance with Section 70 of the Town and Country

Planning Act 1980 or Section 74 of the Planning (Listed Building & Conservation) Act 1980:

**APPLICATIONS GRANTED:**

21/02156/MNR – TROWBRIDGE

Former Police Station, Crickhowell Road, St Mellons, Cardiff, CF3 0EF

*Councillors Ali Ahmed declared a personal and prejudicial interest in respect of this application and took no part in the discussion/decision relating to this item.*

Demolition of former police station (sui generis use class) and construction of community centre (D1 non-residential institution)

21/00049/MJR – WHITCHURCH/TONGWYNLAIS

Asda Coryton, Longwood Drive, Whitchurch, Cardiff

*Councillors Iona Gordon and Keith Parry declared a personal and prejudicial interest in respect of this application and took no part in the discussion/decision relating to this item.*

Discharge of conditions 3 (Arboricultural Method Statement and Tree Protection Plan) and 4 (soft landscaping) of 20/01108/MJR

**APPLICATIONS REFUSED:**

19/02864/MNR – RADYR & MORGANSTOWN

Rear of 17 Ael-Y-Bryn, Radyr, Cardiff, CF15 8AZ

Erection of dwelling (Amendments to design of dwelling granted permission under ref 12/02142/DCO) and garage

**APPLICATIONS DEFERRED:**

21/01545/MNR – GRANGETOWN

Change of use from C3 dwelling house to C4 house of multiple occupation

Reason - To allow for loft room details to be considered. Delegated authority for Head of Planning in consultation with the Chairman to release the decision to Approve as per recommendation, should the left details meet the Planning Service requirements.

101 : APPLICATIONS DECIDED BY DELEGATED POWERS - DECEMBER 2021

RESOLVED: To note the applications decided by Delegated Powers for December 2021.

102 : URGENT ITEMS (IF ANY)

No urgent items were received.

The meeting terminated at 3.10 pm

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## LOCAL MEMBER OBJECTIONS & PETITIONS

COMMITTEE DATE: 02/02/2022

APPLICATION No. **19/02648/MJR** APPLICATION DATE: 04/10/2019

ED: **PONTPRENAU / OLD ST MELLONS**

APP: TYPE: Full Planning Permission

APPLICANT: United Welsh in association with Edenstone Homes  
LOCATION: LAND NORTH OF TY-DRAW ROAD, PONTPRENAU,

CARDIFF, CF14 0PF

PROPOSAL: DEVELOPMENT OF 45 AFFORDABLE HOUSING UNITS WITH ASSOCIATED HIGHWAYS AND DRAINAGE INFRASTRUCTURE. DEVELOPMENT ALSO INCLUDES THE DEMOLITION OF NO. 43 CLOS NANT GLASWG TO ALLOW FOR THE CONSTRUCTION OF A PEDESTRIAN FOOTPATH/CYCLEWAY.

**RECOMMENDATION 1** : That **SUBJECT** to a requirement that no decision notice may be issued unless a written authorisation is received from the Welsh Ministers pursuant to its Direction dated 31 March 2021 made under Article 18 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012:

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

1. STATUTORY TIME LIMIT

The development permitted shall be begun before the expiration of five years from the date of this planning permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. APPROVED PLANS AND DOCUMENTS

The development shall be carried out in accordance with the approved plans:

- 1686 101 Revision F – Site Location Plan;
- 1686 30 Revision C - Existing Constraints Plan;
- 1686 100 Revision AK – Planning Layout;

- 1686 102 Revision Q – External Works Layout;
- 1686 103 Revision K – Materials Layout;
- 1686 106 Revision L – Parking Layout
- 1686 107 Revision D – Street Scene
- 1686 107-1 Revision D – Street Scene along Ty Draw Road
- 1686 108 Revision B – Ecology Corridor
- 1686 109 Revision A – Demolition Plan
- 1686 150 Revision E – Mythe – Floor Plan
- 1686 150-1 Mythe – Floor Plan – Type 2
- 1686 151 Revision D Mythe – Elevations
- 1686 151-1 Revision E Mythe – Elevations – Brick
- 1686 151-2 Revision A Mythe – Elevations – Brick Type 2
- 1686 152 Revision D Monnow – Floor Plan
- 1686 152-1 Monnow – Floor Plan Type 2
- 1686 152-2 Monnow – Floor Plan Type 3
- 1686 153 Revision D Monnow – Elevations
- 1686 153-1 Revision D Monnow – Elevations – Brick
- 1686 153-2 Monnow – Elevations – Brick Type 2
- 1686 153-3 Monnow – Elevations – Brick Type 3
- 1686 154 Revision A Ogmore – Floor Plan
- 1686 155 Revision B Ogmore – Elevations
- 1686 155-1 Revision A Ogmore – Elevations – Brick
- 1686 156 Revision A Wye – Floor Plan
- 1686 157 Revision A Wye – Elevations
- 1686 157-1 Revision A Wye – Elevations – Brick
- 1686 162 Usk – Floor Plan
- 1686 163 Usk – Elevations
- 1686 163-1 Usk - Elevations – Brick
- 1686 161 Revision C Bin & Cycle Store Plans and Elevations
- 1873-100-1 Revision D – Drainage Schematic Sheet 1
- 1873-100-2 Revision R - Drainage Schematic Sheet 2
- 184100\_A02 Revision K Proposed GA and 11.2m Refuse SPA
- 184100\_A03 Revision H Proposed Access General Arrangement/Speed Gateway Signage
- 184100\_A10 Revision C Proposed Zebra Crossing and Pedestrian Link
- 184100\_A11 Revision A Proposed Traffic Calming Ty Draw Road
- 440 01 Revision N Landscape Strategy
- 8218 Topographical Survey.

The development shall be carried out in accordance with the following approved documents:

- Dormouse Method Statement and Management Plan, Soltys Brewster, Revision 7, October 2021;
- Transport Statement, Vectos, September 2021, Version 14
- Interim Travel Plan, Vectos, September 2021, Version 10

- Drainage Statement, PHG Consulting Engineers, October 2021
- Arboricultural Impact Assessment, Treescene, September 2021

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. DEMOLITION METHOD STATEMENT

Prior to the demolition of 43 Clos Nant Glaswg, a Demolition Method Statement (DMS) shall be submitted to and approved in writing by the Local Planning Authority. The submitted DMS shall have particular regard to measures to suppress dust and noise during demolition works. The demolition shall be carried out in accordance with the approved DMS.

Reason: To avoid doubt and confusion as to the method of demolition of this dwelling and to protect the amenities of neighbouring occupiers in accordance with Local Development Plan Policy EN13 (Air, Noise, Light Pollution and Land Contamination).

### 4. CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

Prior to the commencement of any site clearance, construction works or development a Construction Environmental and Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority in order to manage the impacts of construction. The CEMP shall include:

1. an implementation programme for the construction of the roads, footpaths and other publicly accessible areas;
2. 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 will 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;
3. details of the storage of plant and materials, construction compounds, any temporary facilities for construction;
4. details of site hoardings (including the erection, maintenance, security and any decorative displays);
5. details of restrictions to be applied during construction including timing, duration and frequency of works and measures to control light spill and monitor and suppress the emission of dust, dirt, vibration and noise during construction;
6. details of site waste management for the recycling and/or disposal of all waste resulting from construction works;

7. 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 adjacent highways during the construction period;
8. details of fuel and chemical storage and containment including buffer zones; details of waste generation and its management; details of water consumption, wastewater and energy use;
9. demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan with particular attention paid to silt mitigation measures.
10. invasive species management, species and habitats protection, avoidance and mitigation measures (including a detailed lighting plan showing type and siting of lighting and light spill reduction measures, use of 2 metre high acoustic fencing, warning signs and site toolbox talks to ensure all key habitat retention and sensitive areas are protected and remain unaffected by construction works);
11. details of topsoil strip, storage and amelioration for re-use.
12. Landscape and Ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.
13. List of on-site contacts and their responsibilities.
14. The development shall be carried out in accordance with the approved plan.

Reason: In the interests of highway safety, and protection of the environment and public amenity in accordance with Local Development Plan Policies T5 (Managing Transport Impacts), T6 (Impact on Transport Networks and Services), EN7 (Priority Habitats and Species), EN10 (Water Sensitive Design), and EN13 (Air, Noise, Light Pollution and Land Contamination).

#### 5. TY DRAW ROAD/CLOS NANT GLASWG TRANSPORT WORKS

Prior to the commencement of development details of the proposed access junction, Ty Draw Road traffic calming/speed limit measures and the pedestrian/cycleway link to Clos Nant Glaswg shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include details of carriageway resurfacing, the parallel crossing facility, the footway/cycleway link (including barriers/bollards), lighting, drainage, raised tables, signage and parking restrictions. The approved details shall be implemented prior to beneficial occupation of any dwelling.

Reason: To ensure that the use of the proposed development does not interfere with the safety of traffic or pedestrian/cyclist accessibility in accordance with Local Development Plan Policies T5 (Managing Transport Impacts) and T6 (Impact on Transport Networks and Services).



## 6. RESIDENTIAL DEVELOPMENT TRANSPORT WORKS

Prior to the commencement of development details of the carriageway and footway within the residential development shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include details of proposed surfacing materials, footway/upstand, parking restrictions and street lighting (including build-outs for protection).

Reason: To ensure that the use of the proposed development does not interfere with the safety of traffic or pedestrian/cyclist accessibility in accordance with Local Development Plan Policies T5 (Managing Transport Impacts) and T6 (Impact on Transport Networks and Services) and to ensure a satisfactory finished appearance of the development in accordance with Local Development Plan Policy KP5 (Good Quality and Sustainable Design).

## 7. DETAILS OF ADOPTED HIGHWAY

Prior to the commencement of development an adopted highway plan shall be submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of areas of land to be put forward for adoption, including the relevant on-site roads/footways, pedestrian/cycle link, land at the northern boundary of the site, and land in the southern corner to the west of the access junction.

Reason: To ensure an appropriate area of public highway is dedicated following development in accordance with Local Development Plan Policy T5 (Managing Transport Impacts).

## 8. CYCLE PARKING

Prior to the commencement of development details showing the provision of cycle parking spaces, with 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 sheltered and secure parking of cycles in accordance with Local Development Plan Policies KP8 (Sustainable Transport), T1 (Walking and Cycling) and T5 (Managing Transport Impacts).

## 9. CAR PARKING

The car parking spaces hereby approved, including 5 no. electric vehicle charging points, shall be provided prior to the development being brought into beneficial use and thereafter shall be maintained and shall not be used for any purpose other than the parking of

vehicles.

Reason: To ensure that the use of the proposed development does not interfere with the safety and free flow of traffic passing along the highway in accordance with Local Development Plan Policy T5 (Managing Transport Impacts) and to accord with the requirements of Future Wales Policy 12 (Regional Connectivity).

#### 10. TRAVEL PLAN

Prior to the commencement of development a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of modal split targets, the Travel Plan co-ordinator, sustainable transport measures and monitoring. The Travel Plan shall be implemented in accordance with the approved document.

Reason: To ensure that the proposed development maximises the potential for non-car trips in accordance with Local Development Plan Policies KP8 (Sustainable Transport).

#### 11. MEANS OF ENCLOSURE

Notwithstanding the details shown on the 'Proposed External Works Layout' (Drawing No. 1686 102 Revision Q) hereby approved, details of all boundary enclosures 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 a satisfactory finished appearance of the development in accordance with Local Development Plan Policy KP5 (Good Quality and Sustainable Design).

#### 12. SAMPLES OF EXTERNAL FINISHING MATERIALS

Samples of external finishing materials to the walls and roofs for all the dwellings shall be submitted to and approved in writing by the Local Planning Authority prior to their construction on site. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory finished appearance of the development in accordance with Local Development Plan Policy KP5 (Good Quality and Sustainable Design).

#### 13. METER BOXES

Prior to the construction of any dwelling, details of the location and colour finish of each meter box 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 a satisfactory finished appearance of the development in accordance with Local Development Plan Policy KP5 (Good Quality and Sustainable Design).

14. FINISHED FLOOR LEVELS

Prior to the commencement of development the finished floor levels of any dwelling in relation to the finished ground level and the finished levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed and completed in accordance with the approved details.

Reason: To ensure an orderly form of development in accordance with Local Development Plan Policy KP5 (Good Quality and Sustainable Design).

15. BIN STORAGE DETAILS

The communal refuse storage facilities serving Plots 1-4, 26-29 and 38 and 39 hereby approved shall be constructed before the development is brought into beneficial use and shall be thereafter retained.

Reason: To secure an orderly form of development and to protect the amenities of the area in accordance with Local Development Plan Policy W2 (Provision for Waste Management Facilities in Development).

16. TREE PROTECTION

No development shall take place until the following have been submitted to and approved in writing by the Local Planning Authority (LPA) in accordance with the current British Standard 5837:

1. 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 submitted to the Local Planning Authority to demonstrate how the approved tree protection measures have been complied with.
2. A Tree Protection Plan (TPP) in the form of a scale drawing showing the finalised layout and the tree and landscaping protection methods detailed in the AMS that can be shown graphically.

The development shall be carried out in full conformity with the approved AMS and TPP.

Reason: To enable the Local Planning Authority to assess the effects of the proposals on existing trees, the measures for their protection, to monitor compliance and to make good losses, in accordance with Local

Development Plan Policy EN8 (Trees, Woodlands, and Hedgerows).

17. TREE WORK TO BRITISH STANDARD

Any pruning necessary to implement the planning permission shall be undertaken in accordance with British Standard 3998: 2010 'Tree Work' or any Standard that replaces it.

Reason: The trees are of value in the local environment and should be protected and maintained in good condition in accordance with Local Development Plan Policy EN8 (Trees, Woodlands, and Hedgerows).

18. LANDSCAPING DESIGN AND IMPLEMENTATION

No development shall take place until full details of soft landscaping have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

1. A soft landscaping implementation programme.
2. Scaled planting plans prepared by a qualified landscape architect.
3. Evidence to demonstrate that existing and proposed services, lighting, CCTV, drainage and visibility splays will not conflict with proposed planting.
4. Schedules of plant species, sizes, numbers and densities prepared by a qualified landscape architect including a strategy for the removal and replacement of retained ash that may succumb to ash die-back disease.
5. Scaled tree pit sectional and plan drawings prepared by a qualified landscape architect that show the Root Available Soil Volume (RASV) for each tree.
6. Topsoil and subsoil specification for all planting types, including full details of soil assessment in accordance with the Cardiff Council Soils and Development Technical Guidance Note, soil protection, soil stripping, soil storage, soil handling, soil amelioration, soil remediation and soil placement to ensure it is fit for purpose. Where imported planting soils are proposed, full specification details shall be provided including the parameters for all imported planting soils, a soil scientists interpretive report demonstrating that the planting soil not only meets British Standards, but is suitable for the specific landscape type(s) proposed. The specification shall be supported by a methodology for storage, handling, amelioration and placement.
7. 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 landscaping shall be carried out in accordance with the approved design and implementation programme.

Reason: To maintain and improve the amenity and environmental

value of the area and to monitor compliance in accordance with Local Development Plan Policy KP16 (Green Infrastructure).

19. LANDSCAPING IMPLEMENTATION

Any newly planted 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 during the first available planting season, to the same specification approved in discharge of condition 18.

Reason: To maintain and improve the amenity and environmental value of the area, in accordance with Local Development Plan Policy KP16 (Green Infrastructure).

20. LANDSCAPE ECOLOGICAL MANAGEMENT PLAN

No development shall take place until a Landscape Ecological Management Plan (LEMP) for the provision, management and maintenance of the site's landscape and ecological features has been submitted to and approved by the Local Planning Authority. The LEMP shall include details of:

1. Existing habitats to be retained;
2. The extent, distribution and type of new habitat creation on the site, including species mix, density of new planting and minimum size of specimens;
3. The desired conditions of existing and approved habitats;
4. Scheduling and timings of activities;
5. Short and long-term management, monitoring and maintenance of new and existing habitats at the site to deliver and maintain the desired condition;
6. Monitoring of landscape and ecological features;
7. Remedial measures should any landscape or ecological features fail to establish, be removed or become seriously damaged or diseased within 5 years of completion of development;
8. Management and maintenance responsibilities, including details of how the plan will be financed and secured in the long term;
9. Timescales, length of plan, the method to review and update plans (informed by monitoring) at specific intervals.
10. The LEMP shall be carried out in accordance with the approved details.

Reason: To ensure the satisfactory long-term management of the site's landscape and ecological features in accordance with Local Development Plan Policies EN6 (Ecological Networks and Features of Importance for Biodiversity) and EN7 (Priority Habitats and Species).

21. NESTING BIRDS

No clearance of hedgerows, trees, bushes or shrubs shall take place between 1st March and 15th August unless otherwise approved in writing by the Local Planning Authority. This approval shall be given if it can be demonstrated that there are no birds nesting in this vegetation immediately (48 hrs) before works commence.

Reason: To avoid disturbance to nesting birds which are protected under the Wildlife and Countryside Act 1981: Part 1 1(1)(b), it is an offence to intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built, in accordance with Local Development Plan Policies EN6 (Ecological Networks and Features of Importance for Biodiversity) and EN7 (Priority Habitats and Species)

## 22. DORMICE METHOD STATEMENT AND MANAGEMENT PLAN

The development shall be carried out in accordance with the Dormouse Method Statement and Management Plan by Soltys Brewster, Issue 6 Revision 7, dated 2 October 2021.

Reason: To ensure effective mitigation and management for dormice in accordance with Local Development Plan Policy EN7 (Priority Habitats and Species).

## 23. BAT SURVEY

If site clearance in respect of the demolition of 43 Clos Nant Glaswg hereby approved does not commence within 18 months from the date of the most recent survey for bat roosts the approved ecological measures secured through Condition 26 shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to i) establish if there have been any changes in the presence and/or abundance of bats and ii) identify any likely new ecological impacts that might arise from any changes. Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the LPA prior to the commencement of development. Works shall then be carried out in accordance with the proposed new approved ecological measures and timetable.

Reason: To ensure that the assessment of the impact upon bats is appropriate at the time that demolition takes place in accordance with Local Development Plan Policy EN7 (Priority Habitats and Species).

## 24. EXTERNAL LIGHTING

Prior to the installation of any external lighting for the operation of the development, full details shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

1. Type and design;

2. Siting;
3. Modelling including light spill to demonstrate that suitable dark corridors will be maintained for protected species including bats and dormice, particularly along the north and west site boundaries.

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

Reason: To reduce the impacts of lighting in the interest of protected species, habitats and commuting corridors in accordance with Local Development Plan Policy EN7 (Priority Habitats and Species) and to protect the amenities of neighbouring occupiers in accordance with Local Development Plan Policy EN13 (Air, Noise, Light Pollution and Land Contamination).

## 25. BIODIVERSITY ENHANCEMENTS

Prior to their installation details of the following enhancement features shall be submitted to and approved in writing by the Local Planning Authority:

1. 4 x bat boxes for crevice-dwelling bats;
2. 4 x Swift nest boxes;
3. 2 x double House Martin cup; and
4. 2 x House Sparrow terrace.

The submitted details shall include the make, model and positioning of these features across the site and shall accord with the advice given in 'Designing for Biodiversity: A Technical Guide for New and Existing Buildings, Second Edition. RIBA Publishing, London. Gunnell, K. et al., 2013,' or most recent subsequent edition thereof. The development shall be carried out in accordance with the approved details.

Reason: To provide enhanced nesting and roosting opportunities in accordance with Local Development Plan Policy EN7 (Priority Habitats and Species).

## 26. POTABLE WATER SUPPLY

No development shall take place until a potable water scheme to serve the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that the existing water supply network can satisfactorily accommodate the development hereby approved. If necessary a scheme to upgrade the existing public water supply network in order to accommodate the development shall be delivered prior to the occupation of any dwelling. Thereafter, the agreed scheme shall be constructed in full and remain in perpetuity.

Reason: To ensure the site is served by a suitable potable water supply in accordance with Local Development Plan Policy EN10 (Water Sensitive Design).

27. FOUL DRAINAGE SCHEME

The foul drainage system shall be constructed in accordance with the approved details prior to the occupation of any dwelling. No further surface water and/or 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 in accordance with Local Development Plan Policy EN11 (Protection of Water Resources).

28. 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 shall be undertaken and where remediation is necessary a remediation scheme and verification plan shall be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the Local Planning Authority within 2 weeks of the discovery of any unsuspected contamination.

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

29. 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 Local Planning



Authority.

Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with Local Development Plan Policy EN13 (Air, Noise, Light Pollution and Land Contamination).

### 30. 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 Local Planning Authority.

Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with Local Development Plan Policy EN13 (Air, Noise, Light Pollution and Land Contamination).

### 31. 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 Local Development Plan Policy EN13 (Air, Noise, Light Pollution and Land Contamination).

**RECOMMENDATION 2** : To protect the amenities of occupiers of other premises in the vicinity attention is drawn to the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities. Further to this the applicant is advised that no noise audible outside the site boundary adjacent to the curtilage of residential property shall be created by construction activities in respect of the implementation of this consent outside the hours of 0800-1800 hours Mondays to Fridays and 0800 - 1300 hours on Saturdays or at any time on Sunday or public holidays. The applicant is also advised to seek approval for any proposed piling operations.

**RECOMMENDATION 3** : The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded

that the responsibility for

- (i) determining the extent and effects of such constraints and;
- (ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates / soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under section 33 of the environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site:
  - Unprocessed / unsorted demolition wastes.
  - Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
  - Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and
- (iii) the safe development and secure occupancy of the site rests with the developer.

Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land.

The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land can be considered free from contamination.

**RECOMMENDATION 4:** That the Applicant / Developer be advised of Dwr Cymru Welsh Water's advice regarding public sewer connections and unrecorded sewer and drain apparatus set out in their letter of xxx, forwarded to the Agent acting on behalf of the Applicant.

**RECOMMENDATION 5:** That the Applicant/Developer be advised that sensitive habitat clearance methodology as outlined in section 4.1 of the Reptile Survey Report dated October 2019 shall be employed to avoid harm to any reptiles present.

**RECOMMENDATION 6:** 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](mailto:BilingualCardiff@cardiff.gov.uk)) can provide advice on unique and locally appropriate Welsh names for developments, bilingual marketing / branding and bilingual signage.

**RECOMMENDATION 7:** Prior to the commencement of development, the developer shall notify the Local Planning Authority of the commencement of development, and shall display a site notice and plan on, or near the site, in accordance with the requirements of Article 12 of the Town & Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016.

**RECOMMENDATION 8:** The the developer be advised to contact the Local Highway Authority with regards to proposed works to the public highway as these works will be subject to a Highways Agreement between the developer and Local Highway Authority.

## 1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 Planning permission is sought for the development of 45 no. affordable homes with associated highways and drainage infrastructure on land north of Ty Draw Road, Pontprennau, including the demolition of 43 Clos Nant Glaswg, Pontprennau to allow for the construction of a pedestrian footpath/cycleway linking the site with Pontprennau.
- 1.2 The proposed development forms approximately 0.9 hectares of land allocated under Local Development Plan (LDP) Policy KP2 (F) North East Cardiff (West of Pontprennau) for a mixed-use comprehensive development of a minimum of 4,500 homes, employment and other associated community uses.
- 1.3 Key features of the proposals (as amended) are as follows:
  - (i) Construction of 45 two-storey no. dwellings comprising 22 no. flats (18 no. 1 bed and 4 no. 2 bed), 8 no. 2 bed houses and 15 no. 3 bed houses;
  - (ii) New vehicle access/egress onto Ty Draw Road;
  - (iii) Demolition of 43 Clos Nant Glaswg to allow for the creation of a 3m wide shared footpath/cycleway including a raised parallel crossing on Ty Draw Road, with associated traffic calming/speed reducing features
  - (iv) Provision of ecology corridor to northwest boundary and enhancement area in northeast corner of site;
  - (v) Retention of existing hedgerow to site frontage onto Ty Draw Road, layered to 1.2m high;
  - (vi) 22 no. individual trees/tree groups are proposed for removal including 3 no. 'B' Category oak trees and the partial removal of 2 no. 'B' Category

tree/hedgerows at the vehicle access/egress on Ty Draw Road and the shared footway/cycleway. The remaining 17 no. trees/tree groups are either 'C' or 'U' Category;

- (vii) Ransom-free future vehicle/pedestrian/cycleway connection to wider Strategic Site F;
- (viii) Attenuation pond to southwest corner fronting Ty Draw Road;
- (ix) 62 no. off-street car parking spaces including 1 no. visitor space and 4 no. (designated) disabled spaces;
- (x) 5 no. electric vehicle charging points.

1.4 The following documents have been submitted in support of the application:

- (i) Application Form and Ownership Certificates;
- (ii) Application Plans;
- (iii) Design and Access Statement;
- (iv) Planning Statement;
- (v) Transport Statement;
- (vi) Interim Travel Plan;
- (vii) Ecological Baseline Assessment;
- (viii) Hedgerow Management Letter and Guidance;
- (ix) Drainage Statement;
- (x) Tree Survey;
- (xi) Arboricultural Impact Assessment and Tree Protection Plan;
- (xii) Soil Resources Survey;
- (xiii) Pre-Application Consultation Report.

1.5 The following amended submissions have been received during the processing of this application:

- (i) December 2019:
  - Updated Ownership Certificates/Application form;
  - Dormouse Mitigation Strategy;
  - Transport Statement Addendum;
  - Arboricultural Impact Assessment and Draft Tree Protection Plan;
  - Drainage Strategy and Surface Water Calculations;
  - Soil Resources Report;
- (ii) February/March 2021
  - Updated Ownership Certificates and Application Form;
  - Extension of red line to include 43 Clos Nant Glaswg (proposed for demolition) to accommodate new shared pedestrian/cycleway;
  - Reduction in no. of proposed dwellings from 47 no. to 45 no.;
  - Amended Transport Statement;
  - Interim Travel Plan;
  - Dormouse Method Statement and Management Plan;
  - Arboricultural Impact Assessment and Draft Tree Protection Plan;
  - Drainage Statement;
  - Soil Resources Report;

- (iii) June 2021
  - Updated Application Form;
  - Updated Transport Statement;
  - Updated Interim Travel Plan;
  - Updated Dormouse Method Statement and Management Plan;
  - Updated Arboricultural Impact Assessment and Draft Tree Protection Plan;
  - Updated Drainage Statement; and
  - DAS Addendum in respect of Clos Nant Glaswg link.
  
- (iv) August 2021
  - Updated Transport Statement;
  - Updated Interim Travel Plan;
  - Updated Drainage Statement; and
  - Updated Design and Access Statement.
  
- (v) October 2021
  - Updated Transport Statement;
  - Updated Interim Travel Plan;
  - Updated Dormouse Method Statement and Management Plan;
  - Updated Arboricultural Impact Assessment and Draft Tree Protection Plan;
  - Updated Drainage Statement; and
  - Updated Dormouse Method Statement.

## 2. **DESCRIPTION OF SITE**

- 2.1 The original site boundary comprised approximately 0.9 hectares of greenfield (former grazing) land with hedgerow and tree planting around the site perimeter. The site's entire southeast boundary faces directly onto Ty Draw Road.
- 2.2 There are no Tree Preservation Orders or nature conservation designations within the application site. The site comprises a mixture of marshy grassland, semi-improved grassland and scrub.
- 2.3 Residential development adjoins the site on Ty Draw Road at its northern and southern edges, with the Pontprennau estate immediately opposite. Ty Draw Road contains a cluster of large detached residential properties at its northern end near the junction with St. Mellons Road. The Pontprennau estate does not front onto Ty Draw Road therefore this edge is defined by timber fencing and rear gardens facing Ty Draw Road.
- 2.4 The site is located within Flood Zone A on the Development Advice Maps (DAMs) produced by Natural Resources Wales.
- 2.5 Ty Draw Road is a lane of varying width with narrowings and sharp bends. It is a well-used lane and defines the boundary of Strategic Site F with the Pontprennau estate.

2.6 The amended site boundary was altered in February 2021 to include the demolition of 43 Clos Nant Glaswg, a detached dwelling within a residential cul-de-sac accommodating approximately 50 no. detached dwellings.

### **3. SITE HISTORY**

3.1 No relevant applications

### **4. POLICY FRAMEWORK**

4.1 Future Wales – The National Plan 2040

4.2 Planning Policy Wales, Edition 11 (February 2021)

4.3 Technical Advice Notes (TANs):

2	Planning and Affordable Housing
5	Nature Conservation and Planning
12	Design
16	Sport, Recreation and Open Space
18	Transport

4.4 Local Development Plan (January 2016):

KP1	Level of Growth
KP2	Strategic Sites
KP2(F)	North East Cardiff (West of Pontprennau)
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
KP18	Natural Resources
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
EN11	Protection of Water Resources
EN12	Renewable Energy and Low Carbon Technologies
EN13	Air, Noise, Light Pollution and Land Contamination
T1	Walking and Cycling
T5	Managing Transport Impacts
T6	Impact on Transport Networks and Services

C3	Community Safety/Creating Safe Environments
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

#### 4.5 Supplementary Planning Guidance:

- (i) Managing Transportation Impacts (Incorporating Parking Standards (July 2018))
- (ii) Green Infrastructure (November 2017) including:
  - Ecology and Biodiversity Technical Guidance Note (TGN)
  - Trees and Development TGN
  - Protection and Provision of Open Space in New Developments TGN
  - Soils and Development TGN
- (iii) Waste Collection and Storage Facilities (October 2016)
- (iv) Planning Obligations (January 2017)
- (v) Planning for Health and Wellbeing (November 2017)
- (vi) Residential Design Guide (January 2017)

## 5. INTERNAL CONSULTEES RESPONSES

- 5.1 The **Operational Manager, Transportation**, makes the following comments having considered the amended proposals:

### Accessibility

- 5.2 The proposed connection into Clos Nant Glaswg does enable a direct footpath/cycleway link between the site and local facilities, without the need to use an unlit section of road (Ty Draw Road). The new route does mean a detour for people wanting to head south-west from the site (in comparison with Ty Draw Road), as they firstly need to walk south-east on Heol Pontprennau/Heol Glandulais and then Pentwyn Road in order to have a lit route. In daylight hours the route is shorter and can involve travel via Butterfield Drive and Park. The proposed link would work well for people heading southeast/east from the site towards Waitrose/Lidl and Pontprennau Primary School. This route would also provide access to bus stops on Heol Glandulais. Table 2.1 of the Transport Statement (TS) indicates a range of facilities would now be within a reasonable walking distance of the site, and whilst it may be these figures represent the distance via Butterfield Drive for some of the attractors, it is clear that a number of services could be safely accessed by foot. The presence of the proposed link means that in accessibility terms the site would be effectively an extension of the Pontprennau urban area.
- 5.3 In the longer term this site is likely to benefit from connections to the north and west, relating to other parts of the North East Cardiff allocation, meaning there will be additional local facilities within a reasonable walking distance.

However, those sites do not yet have planning permission and it is necessary for this site to have guaranteed access to local facilities (by sustainable transport) from its opening date.

- 5.4 Cyclists have the option of using Ty Draw Road to access facilities, although in the absence of lighting and the characteristics of Ty Draw Road, less confident cyclists will benefit from the proposed Nant Glaswg connection. Some pedestrians may wish to use Ty Draw Road to access facilities to the south-west more directly, although based on its current status this cannot be regarded as a quality route, but provides an option for some people, perhaps more likely for just leisure use.

#### Detail of Pedestrian/Cycling link to Clos Nant Glaswg

- 5.5 As stated above, the principle of a 3m pedestrian/cycling link between the new site and Clos Nant Glaswg (across Ty Draw Road) is acceptable, and would be complemented by traffic calming/speed limit changes on Ty Draw Road.
- 5.6 The plans showing a parallel crossing are welcomed, . It is recognised though that there are constraints and the principle is adequately shown, and further details can be agreed via condition/s278 process. The amended drawing does not fully set out the bollard/barrier issues as requested in their previous comments. Bollards at each end of the link to prevent motor vehicle (not motorcycle) use, with the potential for further barriers have been introduced to provide a barrier to motorcycles. However, the drawing illustrates the basic proposal, and it is considered that further details could be dealt with via the condition and s278. Consideration of the barrier design would need to bear in mind the need for safe access by vulnerable groups. As such though, he would not want drawing A10C to be marked as an approved drawing.
- 5.7 With regards the additional red-line area south-east of Ty Draw Road, it is assumed the footway/cycleway would be adopted highway, though he queries applicant's intention for the remainder of the purchased land.

#### Status of Ty Draw Road and potential improvements

- 5.8 The original application proposed to stop-up Ty Draw Road (immediately south-west of the site) in order to try and make Ty Draw Road an acceptable route for pedestrians and cyclists. Following concerns expressed through their earlier comments, and the proposed footway/cycleway to Clos Nant Glaswg, the application now proposes to lower the speed limit on Ty Draw Road and introduce traffic calming. A Traffic Regulation Order (TRO) would be required for such changes.
- 5.9 His previous requests in relation to the introduction of 20 mph speed limits and traffic calming are generally addressed by the amended drawings. The plans show removal of existing signage, new signage at the St. Mellons Road end with repeater signs/roundels at various points along Ty Draw Road. Traffic calming by way of raised tables at the vehicle access/egress and the



parallel crossing are now shown in line with his previous comments. Further details including lighting would be secured via condition.

#### Ty Draw Road Access Junction and Ty Draw Road frontage

- 5.10 The revised layout shows a safeguarded area between the access junction and the southern corner of the site, which could potentially be used in future for a footway link (depending on timescales of other sites coming forward). It is noted though this is compromised by the presence of benches. If it were subsequently deemed necessary to proceed with a footway on the safeguarded section these would need to be re-sited. He also notes that the Tree Officer has expressed concerns regarding further tree loss. Notwithstanding the above, the plans do show the principle and so there is no further action required from them on this matter. It may be that parking restrictions are also needed at the access junction. This is discussed below, and would be addressed via condition.

#### On-site Layout and Refuse Vehicle Access

- 5.11 With regards the Traffic Regulation Order plan, this shows the principle of the parking restrictions required on-site, although these would probably need to extend to cover the north-east parking area (adjacent to the cycle link), other turning areas in the site, and the access junction/Ty Draw Road. This would be dealt with via conditions and s278/38. However, as a result, drawing A12 should not be listed as an approved drawing with any permission. Further details on carriageway/footway demarcation and materials, and street lighting, could be covered by the below on-site condition.

#### Cycle Parking

- 5.12 It does not appear that amendments have been made to the communal cycle stores, so that they are still shown as opening on the long side, which results in accessibility concerns. It is considered though this could be dealt with via the below condition, as there seems to be car parking/amenity space that could also be used in order that appropriate cycle parking can be achieved.

#### Construction Traffic

- 5.13 Whilst understanding construction traffic details at this stage would be beneficial given the site/location constraints, it is assumed the details of this could be adequately sorted at post-planning stage, and thus a CEMP condition can be attached to any permission.

#### Conditions

- 5.14 Conditions are recommended to be attached to any planning permission granted to secure transport works, dedication of the adopted highway, cycle parking provision, travel plan and a construction environmental management plan.

5.15 **Shared Regulatory Services (Environment – Contaminated Land)** have reviewed available records and the application. The site has been identified as former agricultural pasture. Contamination is not known at this site, however the potential for this cannot be ruled out. 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. They would therefore request the inclusion of standard conditions relating to unforeseen contamination, the importation of materials and the re-use of site-won materials and an informative statement in accordance with CIEH best practice to ensure that the safety of future occupiers is not prejudiced in accordance with Cardiff Local Development Plan Policy EN13.

5.16 The Council's **Tree Officer** makes the following comments on the amended application:

- (i) He considers that the proposals do not provide robust and continuous green corridors, create space for large long-lived trees, address the implications of ash die-back disease in the designs or provide robust ecotones to retained trees. He considers that nuisance problems are likely to arise once properties are occupied. However, if the application proceeds he recommends conditions relating to tree protection, tree work to British Standard, landscaping and landscaping maintenance.
- (ii) Whilst the more generous ecological corridor to the northern boundary is welcomed, his reservations remain concerning the potential for nuisance and over-dominance problems in relation to large species trees and dwellings/gardens. Trees T22 (oak), T26 (oak), T27 (ash) and T28 (ash) are proposed for crown raising on the south side to 3.5m above ground level and the lower lateral branches extending to the south and south east are to be shortened by 2m to give clearance over rear gardens. The ash are likely to succumb to ash die-back disease in due course (as are other retained ash such as any in G9, G16 and T10) and become unsafe, so they cannot reasonably be considered integral components of green corridors and a strategy for removal and replacement will be required.
- (iii) Regarding the land safeguarded for future highways requirements immediately south of the vehicle access/egress, he would oppose the further loss of two trees that would be necessary as it represents a further erosion of green corridors bounding the site. One of the trees (T2) is a 'B' category oak and the other, (T1), is a 'C' category sycamore. Trees of 'B' categorisation should be retained and protected as part of development. Oaks are especially important in the context of ash die-back disease and this site lost oaks on the northern boundary prior to the submission of the application and for reasons unknown (see the 'Landscape Strategy' plan annotated 'proposed large native tree

species such as lime replace felled oaks). Whilst 'C' category trees should not unduly constrain development, considering the losses resulting from this development and the absence of significant planting space to mitigate losses, the loss of this tree is not supported. Furthermore, with the imposition of highway infrastructure, space to mitigate losses is further constrained. Through a combination of highway infrastructure and squeezing by the residential layout, the green corridor bounding Ty Draw Road will be reduced to a thin sliver of land. In general terms the green corridor bounding the site is fragmentary, insubstantial and lacking adequate ecotones.

- (iv) He welcomes the increased clearance between trees and dwellings/gardens to the northern boundary (amendments dated December 2019) but seeks clarification concerning the treatment of the corridor that results. He presumes this will be managed as an ecotone, with existing vegetation retained and enhanced with new planting where appropriate.
- (v) The submitted Soil Resource Report shows that there is a re-usable soil resource at the site. The report should be used to inform a detailed landscape design and specification.

- 5.17 The **Operational Manager, Waste Management**, advises that each property will require one 140 litre bin for general waste, one 240 litre bin for garden waste and one 25 litre kerbside caddy for food waste plus green bags for mixed recycling (equivalent to 140 litres),
- 5.18 Provision of bin storage must be sensitively integrated into the design. Preferably these should be stored within the rear gardens, with direct external access to the kerbside. Alternatively, waste can be stored at the front of the property, if effectively screened from the highway.

#### Apartment blocks

- 5.19 They have noticed that the applicants preferred is for 660 litre communal bins as demonstrated by the submitted bin and cycle store plan. They request that confirmation is provided that the proposed refuse storage areas are large enough to accommodate the following recommended provisions for 4 apartments: two 660 litre bins for dry recyclables and general waste and one 240 litre bin for food waste.
- 5.20 Communal bin stores should have double doors that open outward with retainers. Surfaces should be smooth and impervious to permit cleaning and the floor must be laid to create suitable drainage. Adequate lighting must be provided natural or artificial, and good natural ventilation if completely enclosed.
- 5.21 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.

- 5.22 Bulk containers must be provided by the developer/other appropriate agent, to the Councils' specification (steel containers are required where capacity exceeds 240 litres) as determined by S46 of the Environment Protection Act 1990.
- 5.23 A financial contribution of £3,100, secured via Section 106 Agreement, will be required to ensure provision of the appropriate bin storage facilities.

#### Access

- 5.24 She is satisfied with the tracking details provided in the amended Transport Statement (October 2021) and confirms that these details are acceptable as they demonstrate that refuse vehicles can enter and leave the site in a forward gear. It is noted that Traffic Regulation Orders are recommended by Transportation colleagues to ensure inappropriate vehicle parking within the site does not restrict access.
- 5.25 All road surfacing must have suitable foundations to withstand the weight of a refuse collection vehicle (27 tonnes). Block paving is not appropriate as it can break/sink over time, particularly where vehicles are manoeuvring.
- 5.26 Waste is not collected from private drives.
- 5.27 Refuse collectors are not expected to walk further than 25 metres from the vehicle to collect the waste. If the proposed distance from the property to the vehicle is further than this collection points will need to be set up. Please confirm the distance from the bin store (26-29) is within the specified distance.
- 5.28 The Council's **Ecologist** has considered this application including the Ecology Baseline report and he has the following comments which are made without prejudice to any further comments that he may make in the light of any new information or of alterations to the plans as submitted.

#### Bats

- 5.29 The preliminary inspection report for 43 Clos Nant Glaswg doesn't present any conclusions to the internal / external inspection, but from the notes provided it can be concluded that no bats or signs of bats were found. To take account of the possibility that demolition of this building may not take place immediately after consent is granted, he has the following advice: As a general principle, survey work which is more than 18 months old will be regarded with caution, as certain species may colonise or leave an area in the interim period. This is particularly the case with mobile species such as bats, and bat surveys greater than 18 months old will have to be repeated. Any permission granted should attach a planning condition requiring survey work to be repeated if demolition hasn't taken place within 18 months of the date of the most recent survey.

## Dormice

- 5.30 He notes that the Dormouse Method Statement has been amended. NRW should be consulted on this revision and seek confirmation that they would be likely to grant an EPS licence for dormice on the basis of the assessment of impact and mitigation proposed therein.

## Reptiles

- 5.31 The reptile survey is deficient in a number of aspects, and he has little confidence in the conclusion in section 3.44 that '*...common reptiles are presumed absent from the application site*'. His concerns are as follows.
- (i) It appears that only refugium surveys took place, and no mention is made of visual encounter surveys. Combination surveys involving both direct observation and use of artificial refugia are the most effective at detecting the presence of reptiles (e.g. DMRB, NARRS).
  - (ii) All bar one of the surveys visits took place in October. Whilst it is true that some individual reptiles may be seen at any time of year, the accepted peak months for reptile surveys are March, April, May and September (DMRB, KRAG 2003, FAS10). Whilst ambient temperatures outside of these months may be within the recommended ranges, endogenous circannual rhythms may lead to reduced activity, and therefore reduced detectability, outside these periods. This is particularly the case for non-heliothermic species such as Slow-worms, and this species typically emerges later and enters brumation earlier than other widespread species.
- 5.32 Considering the habitats recorded on site and the surrounding environment, in my view the site would support at the very least a population of Grass Snakes, which are relatively mobile and wide-ranging compared to other species. If the grassland habitat is dry enough then there may also be Slow-worms present. I think Common Lizards and Adders are least likely.
- 5.33 Therefore he recommends that the presence of a low population of Grass Snakes and Slow-worms should be assumed and a recommendation should be attached to any consent granted, to the effect that a sensitive habitat clearance methodology should be employed to avoid harm to any reptiles present.
- 5.34 He proposes a recommendation rather than a condition in this instance because, although it is a borderline case, taking into account the small size of the site, the relatively minor deficiencies in the reptile survey methodology and the relatively low protection afforded to widespread reptile species compared to European protected species, he is happy that a sensitive reptile clearance strategy along the lines of that proposed in section 4.1 of the Reptile Survey Report October 2019 be recommended rather than required by condition.

### Nesting Birds

- 5.35 As there is some vegetation management and tree removal proposed, a condition should be attached to protect nesting birds.

### Enhancements

- 5.36 In accordance with Section 6 of the Environment (Wales) Act 2016, Cardiff Council has a duty to seek to maintain and enhance biodiversity and in doing so to promote the resilience of ecosystems. This is reflected in National and local policies which point to the need to seek biodiversity enhancements. Therefore any development subsequently proposed should incorporate enhancement measures to allow the LPA to comply with this legislation and these policies, as set out in the Ecology and Biodiversity section of the approved Green Infrastructure SPG.

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

- (i) 4 x bat boxes for crevice-dwelling bats;
- (ii) 4 x Swift nest boxes;
- (iii) 2 x double House Martin cup; and
- (iv) 2 x House Sparrow terrace.

- 5.38 The applicant's ecologist can advise on the make and model and suitable positioning of these features. Bat / bird boxes such as these are readily available commercially, are inexpensive, and can be tailored to the style and colour of the finish of the buildings. Features which are integrated into the buildings rather than attached to the outside are preferable as they are more secure in the long-term and less prone to interference by the public. These measures should be secured via a planning condition.

### Green Infrastructure

- 5.39 Provided all measures of ecological mitigation are implemented as set out in the Dormouse Method Statement, the Ecology Corridor diagram 108A and the Proposed Planning Layout 100AC, then compliance with LDP Policy KP16 (Green Infrastructure) should be in place.
- 5.40 The **Shared Regulatory Services, Environment (Air Quality) Officer** requires a dust assessment to be covered and included in a CEMP (rather than a standalone assessment). He is supportive of covering the dust issues at the condition stage. The assessment should follow guidance from IAQM

“Guidance on the assessment of dust from demolition and construction”. The scheme shall include details of dust suppression measures and the methods to monitor emissions of dust arising from the development. The construction phase shall be implemented in accordance with the approved scheme, with the approved dust suppression measures being maintained in a fully functional condition for the duration of the construction phase.

5.41 The **Operational Manager, Regeneration**, advises that the Planning Obligations SPG 2017 (Section 8 – Community Facilities) states:

5.42 *“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:*

*(i) The provision of new facilities*

*(ii) The extension to, or upgrading of existing facilities.”*

5.43 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:

<b>No. of bedrooms</b>	<b>Number of Dwellings</b>	<b>Contribution per dwelling</b>	<b>Totals</b>
1	18	£720.51	£12,969.22
2	12	£997.63	£11,971.58
3	15	£1,385.60	£20,784.00
4		£1,718.14	£0.00
5+		£2,106.11	£0.00
<b>TOTAL:</b>			<b>£45,724.80</b>

5.44 A contribution of £45,724.80 is sought from the developer based on the amended plans.

5.45 CIL Regulation 122(2) provides:

*A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:*

*(i) necessary to make the development acceptable in planning terms;*

*(ii) directly related to the development; and*

*(iii) fairly and reasonably related in scale and kind to the development.*

Necessary to make the development acceptable in planning terms:

5.46 The Cardiff Planning Obligations SPG was formally adopted by Council on 26<sup>th</sup> 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.

- 5.47 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.\_

*Directly related to the development*

- 5.48 Several community facilities are located within proximity to the site and are likely to experience an added pressure as a result of the new population. It is envisaged that a forthcoming community facilities contribution would be directed towards these facilities. They identify community provision within the Pontprennau Primary School & Community Hall building for the community facility to be provided in the District Centre on the main Site F. The building will be constructed by Taylor Wimpey as part of the development, but this funding could be used for furniture and facilities to enable its use.

*Fairly and reasonably related in scale and kind to the proposed development*

- 5.49 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.
- 5.50 The **Chief Schools Officer** makes the following comments regarding the current capacity in local schools:
- (i) English-medium Primary: Pontprennau Primary School is the English-medium primary catchment school for this development. It has only been in operation since 2015 and therefore has some capacity in Y4 and Y5; all other years are full. The school is oversubscribed at Reception and is forecast to remain so. A request for a contribution would therefore be sought;
  - (ii) Welsh-medium Primary – The catchment school is Ysgol Pen y Groes and has sufficient capacity. The additional housing from this development would not impact on this capacity and so no claim would be made for Welsh-medium nursery or primary education provision;
  - (iii) English-medium Secondary: The catchment projections for Llanishen High School shows that there is insufficient capacity in this locality and so a contribution for EMS would be sought; and
  - (iv) Welsh-medium Secondary: Whilst there is space in Bro Ederm (upper school not yet filled) the pressure on secondary school Welsh-medium provision across the city has been realised in the last few years based on admissions data. Gymraeg 2050 strategy will ensure that this



pressure for spaces will only ever continue. The expectation is that more WMS schools will be created in the future to manage this pressure. A request for £125,124 is therefore sought.

Number of dwellings:	45
English-medium nursery	£7,313
English-medium primary	£44,664
English-medium secondary	£44,244
English-medium sixth form	£7,059
Welsh-medium nursery	£0
Welsh-medium primary	£0
Welsh-medium secondary	£11,061
Welsh-medium sixth form	£2,091
Statemented SEN	£8,692
Totals	<b>£125,124</b>

- 5.51 The **Operational Manager, Drainage Division**, advises that he is satisfied with the updated Drainage Statement accompanying the application. He notes that this statement is a high level summary advising how the development meets the 6 standards and 12 principles of sustainable drainage. This statement demonstrates compliance with Local Development Plan Policy EN14 (Flood Risk) and satisfies Welsh Government Local Authority Guidance on the implementation of Schedule 3 that *“Developers should demonstrate compliance with the statutory standards and local policy when submitting planning applications”*.
- 5.52 The **Operational Manager, Parks and Sport**, provides the following comments:
- Design Comments
- 5.53 His previous comments queried how the proposals would relate to the Churchlands development and would fit into the overall masterplan for North East Cardiff Strategic Site F. The site is some distance from Churchlands but it still remains unclear how it will relate to the overall strategic area.
- 5.54 The inclusion in the revised plans of a pedestrian and cycle link crossing Ty Draw Road and into Clos Nant Glaswg, instead of the previously proposed footpath at the north east end of the site leading onto the narrow Ty Draw Road with no dedicated pedestrian route, would provide a far safer link to Pontprennau and enhance its connectivity and accessibility.
- 5.55 There has been a small reduction in the number of houses allowing the development to sit more comfortably within the site (increased garden sizes) and increase the width of the ecology corridor on the north-west boundary.

- 5.56 He would defer to and support Ed Baker regarding tree matters. It is noted that various changes have been made following his comments e.g. retention of two hazels on either side of the pedestrian link.
- 5.57 Clarification was previously requested on who would have responsibility for maintenance of the SuDS, the ecology corridor and zone, trees within the site and hedgerows.

#### Open Space Provision

- 5.58 These comments relate to the LDP (Policy C5 Provision for Open Space, Outdoor Recreation, Children's Play and Sport; KP16 Green Infrastructure) and the supporting 2017 Planning Obligations Supplementary Planning Guidance (SPG) and Green Infrastructure SPG specifically the Protection and Provision of Open Space in New Developments (TGN).
- 5.59 The 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.
- 5.60 Based on the information provided on the number and type of units, he has calculated the additional population generated by the development to be 82.5. This generates an open space requirement of 0.20 ha of on-site open space based on the criteria set for Housing accommodation, or an off-site contribution of £85,598.
- 5.61 If no public open space is provided on-site, 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, given that demand for usage of the existing open spaces would increase in the locality as a result of the development.
- 5.62 There are 2 landscape areas provided on site. The SuDS pond area primarily serves a SuDS purpose rather than providing usable public open space, although does provide increased biodiversity benefits. The ecology corridor along the northern edge and the open area at the north eastern tip also enhances biodiversity and provides some amenity for residents however he does not see either as publicly accessible/functional open space.
- 5.63 The properties should have good visibility onto these areas to reduce any risk of anti-social behaviour. There appears good visibility onto the SuDS area and the open area to the northern area but not so much the corridor along the northern edge at the rear of back garden fences. The POS contribution figures above don't include for any on site POS provision.
- 5.64 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 Affordable Housing Schemes

- 5.65 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.
- 5.66 In the event that the Council is minded to approve the application, he assumes it will be necessary for the applicant and the Council to enter into a Section 106 Agreement to secure payment of the contribution.
- 5.67 Consultation will take place with Ward Members to agree use of the contribution, and this will be confirmed at S106 stage. The closest existing areas of recreational open space are Peppermint Park, Butterfield Park, Pontprennau Playing Fields and Almond Drive Open Space.
- 5.68 The **Housing Development (Enabling) Team** is aware that United Welsh Housing Association are intending to develop this site for 100% affordable housing via Edenstone Homes. They have no objection to this proposal in principle but they do not support the delivery of shared ownership units here, and advise that the scheme is delivered as a 100% social rented scheme, secured via Section 106.

## **6. EXTERNAL CONSULTEES RESPONSES**

- 6.1 **Dwr Cymru Welsh Water** provides the following comments in respect to the proposed development:

### Water Supply

- 6.2 The proposed development is in an area where there are water supply problems for which there are no improvements planned within their current Capital Investment Programme AMP7 (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. Therefore, they request a condition be included within any permission to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

### Sewerage

- 6.3 They 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

- 6.4 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 recommended that the developer engages in consultation with the Local Authority, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. 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. They request that if the LPA is minded to grant planning permission for the development that relevant Conditions relating to potable water and foul drainage and Advisory Notes relating to public sewer connections and are attached to the decision to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

## Sewerage Treatment

- 6.5 No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.
- 6.6 **Glamorgan Gwent Archaeological Trust** advises that information in the regional Historic Environment Record, curated by this Trust, shows that there are no recorded archaeological sites located within the proposed application area. A review of the Historic Ordnance Survey mapping shows the area as open land on the First to Third Edition maps (dated 1882 to 1919), until the Fourth Edition, dated 1940, which shows several structures located immediately adjacent to and within the northwest boundary of the proposed development. They note from the submitted photographs that the modern structure located within the development area is of a poor condition and does not contain any significant historical or archaeological features. As a result, there is unlikely to be an archaeological restraint to this proposed development and consequently, as the archaeological advisors to the Council, they have no objections to the positive determination of this application.
- 6.7 Following dialogue and the submission of additional information and amended plans, **Natural Resources Wales** continues to have concerns with the amended application. However, they are satisfied these concerns can be overcome if the documents identified below are included in the approved plans and documents condition on the decision notice and by attaching other conditions to any planning permission granted.
- 6.8 They advise that the following documents should be included within the condition identifying approved plans and documents:
- (i) 'Dormouse Method Statement and Management Plan. Land North of Ty Draw Road' by Soltys Brewster, Issue 6 Revision 6, dated 26 May 2021;

- (ii) Drawing number 444.01 'Landscape Strategy' Revision M dated July 2021;
- (iii) Drawing number 100 'Proposed Planning Layout' Revision AH dated 16 August 2021;
- (iv) Drawing number 108 'Ecology Corridor' Revision B dated 25 May 2021.

6.9 They seek conditions that require the submission and approval of a Lighting Plan and the submission and approval of a Landscape Ecological Habitat Management Plan. Without the inclusion of these conditions they would object to this planning application.

#### European Protected Species

6.10 They understand the alterations to the Landscape Strategy and the amended Planning Layout do not appear to impact the ecology corridor. Therefore, the amendments do not raise concerns for us in relation to EPS and the previously agreed mitigation scheme.

6.11 They advise the latest revised versions of the plans and documents listed in their previous response (dated 07/07/2021) are included in the approved plans and documents condition on the decision notice.

6.12 They maintain their advice in their letter dated 09/03/2021 for conditions for a Lighting Plan and a Landscape Ecological Habitat Management Plan to be attached to any permission granted.

#### Further Advice

6.13 Based on the submitted information, they advise the applicant seek a European Protected Species licence from NRW under Regulation 55(2)e of The Conservation of Habitats and Species Regulations 2017 before any works on site commence that may impact upon protected species. Please note that the granting of planning permission will not negate the need to obtain a licence. Any changes to plans or the site between planning consent and the licence application may affect the outcome of a licence application.

6.14 The developer is advised that any development works within 8 metres of a designated main river may need a Flood Risk Activity Permit. They refer to their website for further advice.

6.15 The **South Wales Police Crime Prevention Design Advisor**, having reviewed the amended drawings in respect of the above planning application, makes the following comments:

#### Site layout

6.16 He is generally pleased with the site layout. All the vehicle parking bays are within curtilage and/or overlooked. His only concern is the connection that runs to Clos Nant Glaswg between plots 26-29 and plot 30.

- 6.17 Pedestrian/cycle routes must be designed to ensure that they are visually open, direct, overlooked, lit and well used. They must not undermine the defensible space of neighbourhoods. Routes must not ideally be segregated from one another or provide access to rear gardens as such paths have been proven to generate crime. Paths ideally should be 3 metres wide.
- 6.18 In respect of this connection, whilst it is overlooked by the properties at plots 26-29 and 30 on the proposed new development, it is not overlooked by existing properties on Clos Nant Glaswg, and provides access to the side and rear of these properties. This does cause him concern.
- 6.19 To mitigate against any risks, he would ask that his comments below under 'Landscaping and Planting' be incorporated into the design.
- 6.20 Entry onto the estate must be restricted to the designated routes.

#### Lighting

- 6.21 Lighting on the estate must meet the British Standard 5489:2013.

#### Boundary Identification

- 6.22 Defensible space using symbolic barriers e.g. pillars, rumble strip, or a change of road surface, i.e. colour or texture, must be built into the design to encourage a feeling of territoriality amongst users especially at the entrance to the development.
- 6.23 There must be a change of surface, i.e. colour or texture, to identify public areas from private or semi-private areas e.g. the footpaths from the driveways/front gardens.
- 6.24 Preferably front boundaries would be identified by low walls and gates.

#### Landscaping and Planting

- 6.25 Poor landscape design proposals can compromise the safety and security of people and properties. Hiding places can be created and visibility significantly reduced if trees and shrubs are poorly positioned, and species inappropriately chosen and maintained. This may increase the opportunity for crime and increase a person's sense of vulnerability, which ultimately will affect the level of use.
- 6.26 Overgrown shrubs and other thick barriers that are in close proximity to public areas must be avoided and clear sightlines must be maintained over long distances. 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.

- 6.27 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 properties.
- 6.28 There must be clear lines of sight across the development and clear unobstructed views of the parking bays from the properties.

#### Vehicle Parking

- 6.29 Vehicle parking bays must be overlooked preferably by rooms in the properties preferably that are usually occupied e.g. living rooms, kitchens.
- 6.30 During the hours of darkness, the bays must be well illuminated, and they must enjoy good natural surveillance from the properties with unobstructed views.

#### Side and Rear Boundaries

- 6.31 The walls/fencing and gates preventing access to the rear and sides of the properties should be robust, at least 1.8 metres high (2 metres high if the side or rear gardens are adjacent to open land or a footpath). To prevent it being climbed the perimeter security must be of a suitable design.
- 6.32 Gates must be lockable both sides with a key, the same height as the adjacent wall/fencing and sited at, or as near to, the front building line of the properties as possible.
- 6.33 In respect of the connection to Clos Nant Glaswg, he would ask for existing properties adjacent to this path to be protected by walls/fencing at least 2 metres high (preferably 2.4 metres), with the walls/fencing/ protected by defensible planting e.g. thorny bushes. The path must also be lit.
- 6.34 Rear and side gardens must be secure areas and protected.

#### Storage Facilities

- 6.35 Garden sheds should be sited away from the rear fencing or walls to prevent assisting people in climbing over them.
- 6.36 Bins must be kept in secure areas.
- 6.37 Bike stores must be secure. (please visit [www.securedbydesign.com](http://www.securedbydesign.com) for more information).

#### Security

- 6.38 Security lighting must be installed controlled preferably by photo electric cells or time switches, or alternatively PIR detectors. The lighting should protect the rears and sides of the homes and callers at the external doors of the properties must be lit during the hours of darkness by appropriate lighting.

- 6.39 If the drainpipes of the properties are not within the fabric of the properties, they must be designed so that they do not offer an assist to climbing.
- 6.40 Windowless elevations or blank walls adjacent to space to which the public have access, should be avoided and provide at least one window to a habitable room wherever possible. Where blank flanking walls are unavoidable, a 1 metre 'buffer zone' must be created.
- 6.41 If smart meters are not installed, meter boxes must be fixed to, or as near to, the front building lines of the properties as possible.
- 6.42 All external doors in the properties must meet the standard PAS 24 2016 or equivalent and must be third party tested and certificated.
- 6.43 Glass in door panels or adjacent to door panels must be laminated, and doors in recesses of more than 600mm must be avoided.
- 6.44 All vulnerable windows fitted, e.g. ground floor windows, windows above flat roofs, must meet the standard PAS 24 2016 or equivalent, and be third party tested and certificated. They should also have key operated window locks fitted.
- 6.45 A 13 amp fused spur should be installed in each individual property. Ideally all properties would have an intruder alarm fitted up to the relevant British Standard.
- 6.46 Property numbers and street names must be clearly displayed.

## 7. **REPRESENTATIONS**

7.1 **Councillors J Williams and D Rees**, have submitted the following objections during the course of the application:

7.2 In July 2021 they submitted the following objections:

- (i) They agree wholeheartedly with the objections submitted by Powys Jones (paragraph 7.15);
- (ii) This is a piecemeal application and does not form part of the strategic development or meet the requirements of LDP Policies KP4 and KP5;
- (iii) The applicant has consistently failed to satisfy access needs to the site despite extensive delays and amendments to the original application;
- (iv) The proposal does not respond appropriately to local character and the overwhelming and legitimate concerns of the community. The proposed demolition of a private family home in Clos Nant Glaswg to create a footpath/cycle path fails abysmally to satisfy access requirements and further highlights the failure of the application to satisfy requirements of strategic planning;
- (v) In their opinion this application should not have been allowed to progress to the current date with continual, spurious amendments, but



should have been rejected by Planning Committee at the earliest opportunity. The fact is, the applicant has failed to demonstrate that the site meets fundamental access requirements.

7.3 In June 2021 **Councillor J Williams** submitted the following objections:

- (i) Traffic Survey – It appears the survey was taken 3yrs ago and during the month of June. As you know substantial development has taken place since that time and therefore this traffic survey is not an accurate account of the present situation. Similarly, the survey undertaken in June, a quieter month, would be more accurate if undertaken at intervals over a period of time. He questions whether an updated Traffic Survey will be requested;
- (ii) Enforceability of Covenants – It's his understanding the Council entered into a S106 Agreement in the 1990s which prescribe a requirement to ensure Clos Nant Glaswg is not opened up to access via Ty Draw Road. If this is correct, he questions what steps the Authority is taking to enforce those covenants
- (iii) Amended Plans – Early amendments included the proposals to demolish 43 Clos Nant Glaswg. Surely it was perverse and unlawful for the Authority to accept this amendment on the basis that, should it be permitted, it would breach the restricted covenants;
- (iv) Determination of Application – Seeks confirmation of when the application will be determined. A longer response period should be given to local residents. The applicant was given 12 weeks to submit amended plans therefore the community should be given longer than 14 days to respond.

7.4 In March 2021 both **Councillors J Williams and D Rees** submitted their strong objections to the amended application, which proposes to demolish a modern detached dwelling in the neighbouring housing development to create a footpath/cycle path access, crossing a single lane road which divides the proposed development site from the adjacent housing which has been established for many years. They object for the following reasons:

- (i) The proposal to develop 45 housing association flats would have serious access issues as it would be a development in relative isolation in the urban fringe. The walking/cycling distances/times to facilities, in the Transport Plan only serves to highlight the site's remoteness from services and facilities and access to public transport.
- (ii) The proposal to create a walk/cycle way from the development site would necessitate demolishing number 43, Clos Nant Glaswg, breaching native hedgerow and a safe and secure environment at Clos Nant Glaswg.
- (iii) The amendment with its proposal to unnecessarily demolish a modern detached home is a poor attempt to overcome the serious access issues at the site.
- (iv) Other possible alternatives, such as a pedestrian/cycle way being created on land adjacent to Ty Draw Road towards the junction with Pentwyn Road, the Aldi supermarket and bus services have not been

- explored.
- (v) The proposal to create an access onto Ty Draw Road by demolishing 43, Clos Nant Glaswg to create a crossing on a single lane country road at its narrowest point should be rejected as dangerous, unsatisfactory and unnecessary.
  - (vi) Car ownership at the housing association site is clearly anticipated because of the number of car parking spaces which are proposed. Future residents are most likely to be reliant on the car because of the isolation of the site. This is at odds with the policy of the Authority.
  - (vii) The Council should ensure that applications do not increase the risk of crime. By creating an opening, by demolishing number 43, Clos Nant Glaswg, a quiet cul de sac, there is a risk of crime and anti-social behaviour.
  - (viii) Ty Draw Road has low density detached dwellings. The application does not take account of the local character of the built landscape nor of the landscape setting as most of the land on the site's boundary is in green fields.
  - (ix) The high density housing proposed also does not take account of any future development on adjacent land which is likely to be low density as in the Redrow and Taylor Wimpey sites.
  - (x) The site is part of the Local Development Plan Strategic Sites, yet there is inadequate master planning.
  - (xi) Access to the site has been an issue from submission, with the application first submitted in October 2019. Originally the plan was to close Ty Draw Road to vehicular traffic however amended plans propose to keep the road open. Given the volumes of traffic generated by commuters and parents dropping children off to Corpus Christi and other schools in the area, it is against council policy to permit this application.
  - (xii) There is overwhelming opposition to this application from residents in Ty Draw Road, Clos Nant Glaswg, Clos Nant Coslech and surrounding streets in Pontprennau.
  - (xiii) Should the planning officer propose this application be granted, we request the Planning Committee undertake a site visit in person. We are of the view the Committee could only truly appreciate the merits of our objections by undertaking an in-person site visit.

7.5 In December 2019 **Councillor J Williams** submitted the following objections:

- (i) The lack of appropriate access arrangements;
- (ii) Ty Draw Road is a country lane with the national speed limit and therefore not suitable for this scale and volume of development.
- (iii) Lack of connectivity and infrastructure.
- (iv) Poor public transport. The proposals are not in keeping with the locality, on Ty Draw Road dwellings are predominately detached dwellings.
- (v) If the recommendation is to approve the application he requests the matter be determined by the Planning Committee with a site visit undertaken.

7.6 **Anna McMorris MP** submitted the following concerns regarding the proposed demolition of 43 Clos Nant Glaswg, Pontprennau, to create an alley to link Clos Nant Glaswg with Ty Draw Road:

- (i) She draws the attention of the Planning Committee to the legitimate concerns that have been expressed about this application;
- (ii) Residents have lodged their concern about the limited communication received about this application both before and after it was formally registered with Cardiff Council for approval.
- (iii) She understands that preparations may have been made by the developer some time ago to purchase 43 Clos Nant Glaswg to facilitate planned demolition, and at least one recent purchaser of a property on Clos Nant Glaswg has advised her they would have not completed the purchase if this information had been in the public domain.
- (iv) Residents have been led to believe that new access routes into Clos Nant Glaswg would not be created.
- (v) A number have purchased properties on Clos Nant Glaswg because of its quiet character and the lack of through traffic of any sort, and are of the view that creating an access route to Ty Draw Road which will link to a new development will inevitably generate pedestrian, cycle and potential motorcycle traffic through their estate.
- (vi) Particular concerns relate to the possibility of increased crime given the additional access created to an estate with very limited points of entry and exit at the moment;
- (vii) Parking by non-residents particularly given the limited number of parking spaces being provided on the new estate on Ty Draw Road. She requests that the Planning Committee give full consideration to these and other concerns raised by local residents.

7.7 **Andrew RT Davies MS** objects to the development for the following reasons:

- (i) Residents feel that the consultation process surrounding the application has been flawed. Many constituents who may be affected by the development have not been afforded the opportunity to respond to the consultation;
- (ii) Several covenants apply to the site, which do not permit a development of this type. Clearly, it is essential the conditions imposed by the covenants are complied with, and that a breach is not allowed to take place.
- (iii) Potential impacts on residential amenity, as well as the loss of existing housing in the area.
- (iv) The proposed development is not in keeping with the character of the area, and it is unneighbourly.

7.8 **David Melding MS** comments as follows:

- (i) There needs to be a full exploration of the access arrangements for the new housing on the opposite side of Ty Draw Road, both for the benefit of the new residents but also to ensure that existing residents in Clos Nant Glaswg do not experience loss of amenity associated with a new

- pedestrian access;
- (ii) Whilst this proposal relates to pedestrian/cycle access, he does not believe this is the most appropriate route locally as it involves the demolition of a residential property, a family home in good condition;
  - (iii) There has been a petition of over 50 signatures relating solely to the access arrangements/demolition of the house and he would respectfully request that the lead petitioner is given the opportunity to address the committee should they wish to do so.

**7.9 Joel James MS** objects to the application for the following reasons:

- (i) The proposed the alleyway on the site of 43 Clos Nant Glaswg, by its very nature, is likely to encourage anti-social behaviour and could also provide a site where drug use and other criminality could take place.
- (ii) The amended Design and Access Statement is inaccurate. Under the section titled Security and Crime prevention, the proposed alleyway is afforded natural surveillance, but the illustrative view, looking southeast from the proposed location, shows windows that do not exist. Moreover, the existing fencing at 41 and 45 Clos Nant Glaswg blocks all view from the rear and side ground floor windows – with the proposed 2.4m brick wall further blocking any ground floor view. Therefore, there would not be sufficient natural surveillance to prevent the alleyway from becoming a possible site of anti-social behaviour.
- (iii) Planning Policy Wales February 2021 (section 2.28) requires building developments to consider who will suffer from the impact of proposals, and that in section 3.3, the design of any proposal must include social aspects of the development. In section 3.4, it is stated that “design is an inclusive process, which can raise public aspirations, reinforce civic pride and create a sense of place and help shape its future”. He believes that this alleyway will neither raise public aspiration nor reinforce civic pride but will become a distressing aspect for residents. Likewise, under section 3.11, it states that “local authorities are under a legal obligation to consider the need to prevent and reduce crime and disorder in all decisions that they take. Crime prevention and fear of crime are social considerations to which regard should be given in the preparation of development plans and taking planning decisions. The aim should be to produce safe environments that do not compromise on design quality in accordance with the cohesive communities well-being goal”. He believes the proposal fails to meet the standards on the Planning Policy Wales on all of these counts, and this application is not compatible with Cardiff’s Planning Policies and consequently should be refused.
- (iv) Having visited the site, he is concerned by its isolated nature and how this application meets with planning policy that is designed to integrate affordable housing within the wider community. In the Council’s Affordable Housing SPG document, it states that: *“Affordable housing should be located throughout a site and not concentrated in one part of a development. For larger developments in particular, affordable housing is best located in clusters that are properly integrated into the development and situated near local amenities, facilities and transport*

*hubs.*” He is concerned that this development will not become fully integrated with the wider community, and that it fails to meet planning policy set out in the Council’s own guidance.

- (v) The application merits refusal.
- (vi) He recommends that the Council’s Planning Committee visit the site for themselves to see how isolated a proposal it is.

7.10 The original application was advertised by **press and site notices** on 17 October 2019. Following the receipt of amended plans for the demolition of 43 Clos Nant Glaswg and the inclusion of a proposed pedestrian/cycleway link into Clos Nant Glaswg, the amended proposals were also advertised by press and site notices on 25 February 2021.

7.11 7 no. petitions have been received objecting to the proposals as follows:

(i) October 2019: 75 no. signatures received objecting to the proposed development on the grounds that (i) it is contrary to the provisions of the development plan (ii) it represents piecemeal development unrelated to meaningful services and infrastructure (iii) it has adverse consequences for highway and pedestrian safety;

(ii) 12 February 2021: 103 no. signatures received from residents of Clos Nant Glaswg, Clos Nant Coslech and Clos Nant Mwlan, Pontprennau objecting to the application for the following reasons:

- Lack of Due Consultation and Process – the consultation letter dated 8 February 2021 was not received by all residents of Clos Nat Glaswg;
- Resident Safety – reduction in safety. Concern regarding crime rates and loss of property value. Change in character of Clos Nant Glaswg. Increased danger as children could access Ty Draw Road;
- Resident Amenity – privacy would be reduced through overlooking. Loss of sunlight into properties;
- Parking – insufficient parking to serve 45 dwellings leading to overspill parking in the vicinity;
- Other Applications – Taylor Wimpey’s proposal will provide access to facilities and amenities. The link into Pontprennau would be redundant;
- Demolition – a deal appears to have been made prior to the decision on the application. Noise and environmental pollution will bring disruption;
- Claverton Way plans – a previous scheme to provide a link to this neighbouring street was opposed by its residents.

(iii) 8 March 2021: 51 no. signatures received from residents of Clos Nant Mwlan, Mase Y Wennol, Maes Y Hedydd, Butterfield Drive, Evenwood Close, Claverton Way and Leachcroft Place objecting to the proposals for the following reasons:

- Resident Safety – potential increase in crime rates. Proposed footpath link creates an escape route;
  - Parking – insufficient parking to serve 45 dwellings leading to overspill parking in the vicinity;
  - Other Applications – Taylor Wimpey’s proposal will provide access to facilities and amenities. The link into Pontprennau would be redundant;
  - Claverton Way plans – a previous scheme to provide a link to this neighbouring street was opposed by its residents.
- (iv) 9 March 2021: 79 no. signatures received from residents of Clos Nant Mwlán, Mase Y Wennol and Maes Y Hedydd objecting to the proposals for the following reasons:
- Lack of Due Consultation and Process – no-one in any of their streets has received notice of the application whereas notices have been placed in other streets.
  - Resident Safety – concerned at loss of amenities i.e. safety, security, increased anti-social behaviour, excessive parking. Footpath creates an escape route for burglaries. Creation of alleyways is contrary to Local and National Planning Guidelines;
  - Parking – insufficient parking to serve 45 dwellings leading to overspill parking in the vicinity;
  - Demolition – a deal appears to have been made prior to the decision on the application. Noise and environmental pollution will bring disruption;
  - Claverton Way plans – a previous scheme to provide a link to this neighbouring street was opposed by its residents.
- (v) 28 March 2021: 53 no. signatures received from residents of Heol Ty Ffynnon, Clos Dol Heulog, Allt Y Wennol, Gelli Frongoch and Maes Brith Y Garn.
- (vi) 20 September 2021: 61 no. signatures received from residents of Clos Nant Glaswg and Clos Nant Coslech objecting to the proposals for the following reasons:
- Children Safety – children currently play on the street in the cul-de-sac at Clos Nant Glaswg. The proposed alleyway puts them at risk and provides access to Ty Draw Road.
  - Children’s Views – they have expressed concerns that they would no longer be able to play safely;
  - Well-Being of Future Generations Act – by preventing their children from playing in the street their social and mental wellbeing and development would be hindered;
  - UN Convention on Children’s Rights – Every children has a right to rest, play and take part in creative and cultural activities. Children have the right to give their opinions freely on issues that affect them.

(vii) September 2021: 24 no. signatures from children of Clos Nant Glaswg who do not want the house (No. 43) to be knocked down as this will stop them from playing with their friends outdoors. They asked for their letters to be considered with their parents' letters.

7.12 **Turley Associates Limited** have written on behalf of their client who owns land adjoining the application site's northern boundary (which forms part of the wider North East Cardiff (West of Pontprennau) strategic allocation in the adopted Local Development Plan (LDP). Their client therefore has a direct interest in the development proposed by the applicants (United Welsh and Edenstone Land).

7.13 Having reviewed the amended application their client does not object to the principle of development as currently proposed. Our client does, however, request that the Council take a number of specific comments into account in determining the application. These comments are made in the interests of ensuring the comprehensive and joined up planning of the wider strategic allocation.

7.14 Their client's comments relate largely to ensuring the delivery of appropriate connectivity and linkages (pedestrian, cycle and vehicular) between the application site and the wider strategic allocation (including our clients land). This letter is supported by a separate technical note prepared by Apex Transport Planning (Ref: C20030/TN03), which addresses the key points in detail.

### Policy Context

Policy KP2 (F) of the adopted LDP allocates land at North East Cardiff (including the application site and the land owned by their client) for a 'mixed-use comprehensive development of a minimum of 4,500 homes, employment and other associated community uses, together with essential, enabling and necessary supporting infrastructure'. The policy notes that the allocation will be delivered on a phased basis and requires development to be undertaken in a comprehensive manner.

Policy KP4 of the adopted LDP sets out a wider 'masterplanning approach' that should be followed for major development. This includes a requirement for development to be planned in a 'comprehensive and integrated manner reflecting partnership working'. It continues by noting that masterplans will need to encompass the whole of a development area – regardless of landownership.

National policy guidance places a strong emphasis on ensuring accessible environments as part of a holistic placemaking approach. Paragraph 3.13 of Planning Policy Wales 11 (PPW) notes that where new transport infrastructure is required it should be integrated within the development layout and beyond the boundary, as appropriate. PPW also stresses the importance of securing opportunities for active travel through the planning system. This

includes creating the right environments and infrastructure to make it easier for people to walk and cycle, including new and improved routes.

Whilst a planning application is yet to be prepared in relation to their client's land, in the interests of ensuring the comprehensive development of the wider allocation, their client wishes to raise three main points:

- (i) Ensuring that an appropriate connection (as adopted highway land) to the wider strategic allocation is safeguarded and secured through the current planning application.
- (ii) Supporting the removal of the greenway / no-through road proposals at the western end of Ty Draw Road (and confirming that these are no longer proposed as part of the current application).
- (iii) Support for the provision of a pedestrian / cycle connection to Clos Nant Glaswg as proposed through the amended application.

### Safeguarding Appropriate Connections

The submitted Planning Statement states that 'future vehicle, pedestrian and cycle access to the wider North East Cardiff Strategic Site to the north will be safeguarded' (Para. 3.9). This is reconfirmed at Paragraph 6.5 of the Planning Statement, which states that 'the development proposals have also been designed to ensure that they are consistent with and will not prejudice the future development of the immediately adjacent (northern) areas of the wider North East Cardiff site'. It continues by noting that the application proposal has been designed to allow the site to be developed in isolation, but also allows for future links, either vehicular, pedestrian or cycle, to the north (i.e. their client's land).

The submitted Transport Statement also notes that the proposal includes for a future vehicular, pedestrian and cycle link to the north. Whilst noting that the application proposal is not reliant on this future link, it is accepted that it should be reserved within the layout 'in the interests of joined up masterplanning in relation to the land to the north' (Para. 4.2). The Transport Statement continues by stating that the potential link allows the Council, should it consider it beneficial, to ensure that a pedestrian / vehicular link into the proposed development is retained / promoted from the land to the north.

Their client welcomes the applicant's commitment to providing this connection to ensure a joined up approach across the wider allocation. There are clear active travel benefits in delivering this link in the interests of facilitating appropriate permeability and connectivity across all sites. The provision of the proposed pedestrian / cycle link will also ensure that existing residential areas within Clos Nant Glaswg and surrounding streets are well connected with the wider strategic allocation (and the facilities and services to be provided within it).

If a vehicular access into their client's site from the application site does come forward it would assist with removing vehicular traffic from Ty-Draw Road (as and when this is delivered). This would provide a future benefit for those



utilising Ty-Draw Road for walking and cycling. If this access does come forward as a vehicular connection through the wider allocation, it is important that the vehicular access onto Ty-Draw Road (as proposed by the current application) is no longer used by vehicles. Its closure should be secured by way of an appropriately worded condition.

Whilst there is a commitment in the Planning Statement and Transport Statement to providing a link from the application site to the adjoining land, the 'Proposed Planning Layout' (Dwg. No. 100 Rec AC) does not show a clear connection to the adjoining land parcel. Whilst referencing a 'future site access' to our client's land, the masterplan fails to show a connection to the boundary – instead there is a gap between the edge of the hardstanding and the redline boundary, with the hedgerow / trees clearly retained along the boundary.

This plan is not consistent with other submitted plans, which show a future access from the application site to the wider strategic allocation. It is, however, noted that whilst the 'Materials Layout' (Dwg. No. 103 Rev F) shows a link between the sites, it does not denote it as tarmac, as per other internal roads within the site.

It is important that all land up to the site boundary is safeguarded as adopted highway.

Sufficient width should be provided to allow a vehicular access route from the application, should this be required. This should be shown clearly on a plan that can be approved as part of any future permission granted on the site. An appropriately worded planning condition and / or legal agreement should also be agreed, which requires the applicant to safeguard and deliver a connection up to the site boundary to an adoptable standard. Such a condition or legal obligation should require the specification of the connection to be approved by the highway authority and ensure that the link is capable of forming a continuous vehicular and pedestrian / cycle highway to our client's site boundary.

### Pedestrian Connectivity

It is noted that the planning application was amended in February 2021 to provide an additional pedestrian / cycle connection to Clos Nant Glaswg. The provision of this link is welcomed and supported by their client. This link will improve connectivity and integration between the existing residential area and the wider strategic allocation. This is in accordance with the aspirations of Policy KP2 (F) of the adopted LDP.

### Greenway

The covering letter submitted to the Council on 2 February 2021 and the revised Transport Statement (January 2021) confirm that as a result of the formal amendments to the application the proposed stopping up of Ty-Draw Road no longer forms part of the application. Our client supports the removal

of the Greenway and closure of Ty Draw Road for through movements from the current scheme. This amendment assists in ensuring that a suitable access can be delivered to our client's site, thereby enabling a joined-up approach between the application proposals and the wider allocation.

As noted above, should a vehicular access be provided from the application site to any future development on their client's site, it would be possible to close the proposed vehicular access to Ty-Draw Road (as proposed by the current application). This would reduce traffic movements on Ty-Draw Road, thereby improving the pedestrian / cycle environment without the need for a formal Greenway or closure to through traffic. Whilst the supporting documents make it clear that this no longer forms part of the proposals, the 'Proposed Amendments General Arrangement' (Dwg. No. 184100\_A03 Rev F) continues to show the Greenway and a no through road at the western end of Ty-Draw Road (Inset B). The plan should be amended to ensure that it is consistent with the amended submission.

### Conclusion

Their client raises no objection to the principle of development at the application site. Having reviewed the amended application, their client is supportive of (1) the removal of the Greenway and proposed stopping up of Ty-Draw Road and (2) provision of an additional pedestrian / cycle connection to Clos Nant Glaswg.

The Council should ensure that all plans and application documents are clear and consistent. This includes the 'Proposed Amendments General Arrangement' drawing, which continues to show a Greenway and stopping up of Ty-Draw Road – despite these measures no longer forming part of the proposals.

It is also fundamental that any planning permission safeguards and secures an appropriate pedestrian, cycle and vehicular link to the northern boundary of the application site (i.e. to their client's site). Sufficient land should be safeguarded to allow a continuous connection (as adopted highway) to the site boundary. This should be clearly shown on the approved application plans and also secured via an appropriately worded condition and / or legal obligation. Securing this link is necessary to ensure the comprehensive planning of the wider strategic allocation, as required by the adopted LDP.

7.15 **G Powys Jones**, on behalf of the residents of Ty Draw Road, submitted the following objections to the amended proposals in July 2021:

- (i) This objection encompasses the previous objections submitted, with additional comments made in respect of the submissions made by Turley Associates on behalf of the adjoining landowner; the latest landscaping proposals, which appear to promote the wanton destruction of long-established hedgerows, and apparent discrepancies in the submitted plans.

## Strategic Planning Issues

- (ii) The site forms part of the larger LDP designation for a strategic development site for a comprehensive development of approximately 4,500 homes, employment and other associated community uses in North-East Cardiff (Policy K2(F). The explanatory text to LDP policy K2 provides that: The masterplanning and good quality & sustainable design principles set out in KP4 and KP5 will be used to provide a framework to consider planning applications relating to all Strategic Sites along with other development as defined in the policies. In addition, the site-specific masterplanning requirements for each Strategic Site are identified within KP2(A) to KP2(H) and depicted, where appropriate, on the indicative Schematic Frameworks. Although only for illustrative purposes, the Schematic Frameworks should be read in conjunction with relevant policies to provide an over-arching context for the future development of the Strategic Sites.
- (iii) The application departs from the policy requirements of the LDP, and is therefore at odds with its provisions. The site is promoted in isolation without reference to any masterplan. The site, together with a significant adjacent tract, falls outside the boundaries of the draft masterplan recently promoted by Taylor Wimpey (TW), and that promoted by Redrow further south. Moreover the applicant's claim in the accompanying Planning Statement that the site is allocated in the LDP for residential development is misleading. This claim is promulgated on the basis that the site is shown on the Schematic Framework within the body of policy K2(F) as residential development. However, the explanatory text to the policy clarifies that the Schematic Framework Diagrams are 'only for illustrative purposes'.
- (iv) The Council is therefore required to decide whether in the light of the objectives and requirements of its strategic policy K2 and the requirements of policy K4 whether it is appropriate that this site, promoted in isolation as what can best be described as piecemeal development, should be released for residential development at this stage, in the absence of adequate masterplanning.
- (v) The objectors consider that the proposal represents the antithesis of good and proper planning or sustainable placemaking, the objectives of which are set out clearly in the relevant policies of the LDP and in the most recent version of Planning Policy Wales (Ed 11).
- (vi) In the absence of a masterplan for this site and adjacent land, the application is clearly premature having regard to the provisions of the LDP. Any masterplan prepared for the development of this and adjacent land should also have proper regard to the provisions of the other masterplans affecting the wider area, if and when approved.
- (vii) This general policy point, and the need for masterplanning, is highlighted in the comments presented by Turleys, on behalf of the adjoining owner. The current application is considered premature pending the publication of proposals for the adjoining land. The Council should be seen as encouraging the concept of masterplanning, in accord with LDP policy. Rather, they appear to be encouraging piecemeal development, by constantly engaging with the promoters of

this scheme.

- (viii) Thus the proposal is in clear conflict with those objectives of LDP policies KP2, KP4 & KP5 and those of PPW with regard to the attainment of good quality and sustainable design principles within a masterplan context.

#### Good Quality and Sustainable Design and Placemaking

- (ix) The introductory wording to LDP policy K5 provides that: '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 ...'
- (x) This policy, although preceding the publication of PPW editions 10 & 11, nevertheless reflects the thrust of national policy guidance on sustainable placemaking, which is required to be at the heart of the planning process in Wales.
- (xi) The policy sets out a series of specific criteria, in order that new development complies with the general requirements and objectives of the policy.
- (xii) Save for introducing a link to an a nearby housing development by demolishing a modern dwelling, the revised layout has been subject to some cosmetic tinkering, none of which is conducive to achieving an outcome reflecting the most recent expression of national policy issued in February 2021.
- (xiii) The proposal's design fails the requirements of LDP policy K5 criterion (i) in that it does not respond appropriately to local character and the context of the built and landscape setting in terms of layout and density. In this regard most of the land on the site's boundary is undeveloped and comprised of green fields. In the absence of a masterplan no information is available as to the form of development, if any, likely to take place on this large tract bordering the site.
- (xiv) The development to the north along Ty-Draw Road is comprised of low density housing, of detached dwellings. The high-density housing proposed, and its mundane layout, takes no account of the form and layout of extant local development or of the form or the proposed layout of any future development on adjacent land.
- (xv) The development, given its relatively isolated location would not lead to the creation or contribute to the achievement of a balanced community. Moreover, in the absence of a masterplan the proposal could not create or lead to the creation of interconnected streets, squares and spaces as required by LDP policy K5.
- (xvi) In reality this would be a development 'plonked' unceremoniously in relative isolation in the urban fringe, with no real regard to spatial inter-connectivity as required under the terms of criteria (ii), (iii) & 4(iv) of the policy.
- (xvii) Whilst the layout purports to show a future possible highway link, in reality this is meaningless since clearly it is a link to nowhere or nothing. It merely serves to indicate that local landowners/developers in this part of the larger designation do not appear to be working

- together for masterplanning purposes.
- (xviii) The site's relative isolation will not assist in meeting the objective of criterion (v). The walking/cycling distances/times to facilities provided in the applicant's accompanying revised Transport Plan only serve to underline the site's relative remoteness from services, facilities and access to public transport.
  - (xix) The applicant's suggestion that walking will be encouraged is a false proposition, given the nature of the unlit, unattractive and dangerous links on the existing road network to even the closest existing and proposed services. The alternative proposed in the revised application does not render the site closer to any community facilities or services.
  - (xx) The newly proposed link, and the unnecessary demolition of a modern dwelling, is a crude device seemingly encouraged by the Council's highway engineers, to reduce cycle and pedestrian traffic on Ty Draw Road. Other means are available to reduce conflict on this road, but have not been appropriately examined by the Council.
  - (xxi) The isolated location of the site will thus itself serve as a discouragement to any future residents to engage in walking, and access to facilities/services. This should be of particular concern given that a proportion of future residents may well not have access to a car.
  - (xxii) On the other hand, the extent and provision of car parking spaces in the revised layout indicates an anticipation on the part of the applicants and Council officers that car ownership will be common. That is not surprising, since because of the site's isolated location, future residents are likely to be almost wholly reliant on the car as a means of accessing community facilities and services. This, again, swims against the tide of national policy.
  - (xxiii) The proposal, accordingly, conflicts with many of the determining criteria of LDP policy K5 and the principles/objectives of place-making set out in the latest edition of PPW.

### Access

- (xxiv) He has touched on access in the previous sections, but the applicants originally intended to promote a road closure along Ty-Draw Road. My clients were not necessarily opposed to this, in principle, or to the introduction of other regulatory means of regulating traffic, if the Council were intent to approve the housing scheme.
- (xxv) However it is apparent from the submitted documentation that the Council Highway officers are opposed to any such concept. Indeed they are seemingly intent on allowing a substantial increase in the amount of traffic using this length of Ty Draw Road, which, as the following photographs illustrate, is no more than a narrow country lane.
- (xxvi) The increase in traffic would arise not only from the current proposal, but also from the larger development proposal promoted by TW, which is currently awaiting determination (application no. 19/02330/MJR).
- (xxvii) TW, as part of their outline proposals, intend to 'improve' the lower part of Ty-Draw Road and to introduce a new access point into their development area. A junction improvement is also planned at a point where Ty-Draw Road and St Mellons Road meet. There is no clear

indication in the TW proposals envisaging the closure of Ty-Draw Road, indeed the evidence points the other way.

- (xxviii) Information provided at tables 5-4, 5-5 & 5-13 of TW's revised Transport Statement provides that the current (2017) Annual Average Daily Traffic (AADT) on Ty Draw Road is 2111. When the TW development is complete this would have increased to 4497 AADT – a percentage increase of 113%, or more than a doubling of traffic on a narrow rural lane incapable of safely accommodating the traffic already using it, particularly cyclists and pedestrians.
- (xxix) My clients have asked previously for modelling work to be undertaken to discover the effects on the wider highway network of introducing an access-only regime or a partial closure on this length of Ty Draw Road. In such a scenario, only current frontages would access the road by car, but significant benefits would arise for the wider community in that the rural lane could be increasingly and more safely be used by pedestrians and cyclists alike.
- (xxx) Application Ref 19/02330/MJR – my clients' objection to this has already been submitted.
- (xxxi) The Council's highway engineers seem oblivious to such a request, and for this reason planners and councillors are requested to insist on such modelling taking place. In the meantime, the amended application has drawn opposition in increasing numbers, for understandable reasons.
- (xxxii) The access arrangements, coupled with the implications of the highway effects of the TW proposals on Ty Draw Road, are dangerous and unsatisfactory. In this regard, the authors of the applicant's revised Transport Statement appear oblivious to the impact of the TW proposals on Ty Draw Road, and have not taken it into account in their assessment.

### Landscape and hedges

- (xxxiii) The latest Landscape Strategy is presented on Drwg Ref 444.01 rev L. The amendments show the wholesale destruction of the mature hazel hedge fronting Ty Draw Road on its western frontage for a distance of almost 200m. The hedge 'needs' to be removed partly to allow lateral visibilities for the proposed accesses, vehicular and pedestrian, but also according to the annotation on the drawings, substantially reduced in height 'to allow views in and out of site', which is regarded as a wholly trite reason.
- (xxxiv) This wanton destruction of a long-established mature hedge would significantly and harmfully alter the character and appearance of Ty Draw Road. It would be transformed from a pleasant lane of a rural appearance, to one with distinct suburban characteristics. If masterplanning principles had been adopted, the likelihood is that Ty Draw Road would not be used to provide access, and the hedgerow along its length would be protected so as to provide effective screening to development. Instead, the whole of the proposed development will become open to public view. More hedgerow is to be removed at the bottom of Ty Draw Road, so as to allow a proposed surface water

sewer to be connected into the stream via a proposed headwall.

(xxxv) Some of the hedge is to be removed on the other, eastern side of the road, so as to create a pedestrian access. There is a conflict between the submitted location plan, the landscape strategy plan and the coloured planning layout (Ref 1686 100 Rev AE). The latter two show visibility splays being provided to serve the pedestrian crossing, and the coloured planning layout shows the application boundary incorporating part of the hedge on either side of the pedestrian access. The hedgerows either side of the plot being acquired to allow pedestrian access are not in the applicant's control or ownership.

(xxxvi) Thus, even if the visibility splays could physically be provided without affecting land outside the application site and in the applicant's control, which is extremely doubtful, the splays could not be maintained in future. Some clarity is therefore required on this point.

7.16 In November 2021 **G Powys Jones** responded to the latest amended submission stating: *“These are largely cosmetic in nature, and do nothing to address my clients' fundamental objections. Indeed they serve to highlight the basis of the original objections, in that the scheme, through the introduction of street lighting and destruction of hedges, would serve only to wholly urbanise what is at present a pleasant rural lane. If a true masterplan approach had been adopted, as envisaged in LDP policy, this kind of piecemeal approach could have been avoided, and this part of Ty Draw Road preserved in its existing pleasant condition. Should this development be approved, the character and appearance of the rural lane will be destroyed.”*

7.17 **Four letters of concern** regarding the application have been received from occupiers on Ty Draw Road, Claverton Way and Clos Nant Glaswg, raising the following concerns:

- (i) No reports regarding the protection of wildlife have been seen. Access to all reports is requested;
- (ii) Questions how so many amendments can be made to an application without having to withdraw and resubmit;
- (iii) Proposed zebra crossing is farcical and dangerous;
- (iv) Sale of 43 Clos Nant Glaswg breaches legal covenants;
- (v) Seeks confirmation that a boundary will be put in place between the development and the neighbouring land at Energlyn (north of the site).

7.18 The following **objections** were raised from 5 no. neighbouring occupiers during the **first public consultation period in October 2019**:

- Cause too much traffic in area
- Excessive parking on Ty Draw Lane (due to lack of parking included on-site) in an area already with parking issues
- Density of units too high for small plot
- Hedgerow protected along – cannot develop area.
- Local amenities not yet in place for increase no. of homes
- Privacy concerns regarding overlooking into gardens over lane.

7.19 The following objections were received from 94 no. neighbouring occupiers during the re-consultation period in February 2021:

- Cycle Lane + demolition:
  - Will encourage and create more crime & anti-social behaviour (ASB) with a new escape route for criminals
  - Too many users when strategic site is delivered
  - Character of quiet cul-de-sac degraded
  - Deeds do not allow the demolition / creation of this cycle lane
- 2019 consultation process poor and subsequent apology and notification letters not distributed well
- Ty draw road paving + upgrade required
- Children won't be able to play in Cul-De-Sac + around development site due to new through route and increased traffic
- EIA requested
- Impact on property values due to increase in ASB from cycle lane and removal of Cul-de-sac allure
- No amenities provided yet for development – out of phase with strategic site. Should be built at same time.
- Local school is oversubscribed
- Loss of hedgerow and Noise + air pollution from influx of traffic
- Privacy issues – overlooking
- Contrary to the Wellbeing of Future Generations Act

7.20 Following re-consultation in June 2021, a further 23 neighbour objections were received giving the following reasons:

- Crime and Natural Surveillance figure (from 19\_02468\_MJR-DAS\_NANT\_GLASWG\_LINK-2491549.pdf) provided by developer is misleading regarding window to no. 41 and expectation of natural surveillance to police area does not justify lane
- ASB and Crime in alleyway,
- Contravention of Policies KP2, KP4 and KP5
- Covenant / deeds do not allow this development
- Increased noise pollution along Ty Draw Road
- Already Over stretched amenities in Pontprennau
- Development would breach legal covenants
- Premature in regard to phasing of LDP and North Cardiff site
- Isolated location overall (transport)
- Purchased home due to location within a cul-de-sac
- Timescale of 14 days to respond to amended plans is too small due to volume of information
- Seeks confirmation of case law permitting red line boundary changes
- Ty Draw Road cannot manage increased traffic.

7.21 Following the submission of further amended plans in August 2021 another 25



no. objections were received from third parties raising the following matters:

- Alleyway seen as unnecessary –
- Hedgerow removal in violation of covenants: Covenants - relating to not selling the property to a housing authority, it can't be used as an access route and that hedgerow/trees can't be removed
- Planning diagrams provided are inaccurate - specifically the one about natural surveillance
- Zebra Crossing unsafe; not meeting visibility distance
- K Gates not sufficient to stop Scramblers
- Car dependent area will not use cycle link
- Appropriate lighting solutions not provided and will cause light pollution and disturbance if provided along link alleyway
- Crime and ASB in alleyway
- Public transport inadequate for residents to reach city centre efficiently

7.22 A final consultation period took place in October 2021 and 10 no. Further objections were received from local residents who gave the following reasons for their objections:

- £300 Cardiff Bus Voucher wrong use of tax payer money due to low usage (Existing bus routes from site are not effective / useful for current residents)
- Infrastructure should not overload existing neighbourhood (Too many pedestrians through Cul-De-Sac)
- Existing services / amenities are oversubscribed
- Footpath approach to Heol Pontprennau - Clos Nant Glaswg steep 10% grad over 65 metres - tough for elderly or disabled. I.e. Inappropriate location for sustainable transport.
- Alleyway / cycle link remains unlit on amended plans - unsafe / crime
- Bollards at Zebra crossing not good enough in stopping scrambler bikes from passing or children running into road
- Out of phase with LDP - link may have not be needed if north of site had come forward first.
- Demolition of 43 does not consider impact of embodied carbon
- Impact on character of Clos Nant Glaswg / cul-de-sac
- Need an updated natural surveillance analysis due to false info of last set (August Consultation)
- Link to north needs to come forward first prior to using link through demolished building
- concerned for fence line along land adjacent to Energlyn
- Consider precedent of another alleyway rejection by CC at Maes Y Wennol to Clos Nant Mwlan site
- Site is isolated and not fully integrated into wider community, especially for affordable housing (Re: SPG)
- Open space guidelines from "Fields of Trust" not met; Butterfield park is 950 metres and to Peppermint park is 750 over guideline distances.

## 8. **ANALYSIS**

### Welsh Government Holding Direction

- 8.1 The Welsh Ministers have been asked to call in the application for their own determination. Article 18 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (“DMPWO”) enables the Welsh Ministers to give Directions restricting the grant of permission by a Local Planning Authority (“LPA”). This authority was exercised on behalf of the Welsh Ministers on 31 March 2021 and Cardiff Council as LPA is directed not to grant planning permission without the prior authorisation of the Welsh Ministers in respect of this planning application or 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.
- 8.2 This Direction has been issued to enable Welsh Government to give further consideration whether or not the application needs to be referred to be Welsh Ministers for their determination. The LPA is prevented from granting planning permission, it is not prevented from continuing to process or consult on the application nor is it prevented from refusing permission.

### Context Within Strategic Site F

- 8.3 The application comprises a major development as defined by the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended) and its position within and relationship to the remainder of Strategic Site F (SSF) and its relevant Local Development Plan (LDP) Policies requires careful consideration.
- 8.4 LDP Policy KP2(F) allocates greenfield land at North East Cardiff (West of Pontprennau) for a mixed-use comprehensive development of a minimum of 4,500 homes, employment and other associated community uses together with essential, enabling and necessary supporting infrastructure which will be delivered in a phased manner. KP2(F) states that development will be undertaken in a comprehensive manner and accord with 12 key masterplanning requirements. Of these, the following are considered relevant to this application:
- (i) Medium densities (35-45+ dwellings per hectare) around the edge of Pontprennau;
  - (ii) Provide safe, convenient and legible links to Pontprennau;
  - (iii) Provide good land use and transport integration with Pontprennau;
  - (iv) Effectively respond to landscape and biodiversity assets;
  - (v) Link retained habitats through providing ecological connectivity, sustainable access and sustainable drainage.
- 8.5 The policy is accompanied by a ‘Schematic Framework’ which, whilst conceptual and diagrammatic in form, does serve to illustrate the intended distribution of the range of land uses, highway infrastructure, points of connection to existing neighbouring communities and green infrastructure.

8.6 Although a comprehensive masterplan with other land in SSF has not been included in the application, the application is nevertheless considered to be consistent with KP2(F)'s masterplanning requirements as follows:

- (i) The medium density target is satisfied (approximately 45 dwellings per hectare);
- (ii) The amendment to include a shared footway/cycleway into Pontprennau will improve links with this neighbouring estate and is assessed in more detail below; and
- (iii) The proposals have been amended in consultation with Natural Resources Wales and the Council's Ecologist to respond to existing assets on site and protect, maintain and enhance biodiversity interests and connectivity.

8.7 It is also noted that the Schematic Framework identifies this part of SSF as providing residential accommodation. No key junctions, alternative land uses or other strategic pieces of infrastructure are shown to be required in this peripheral part of SSF. The application represents 1% of the minimum number of dwellings required under KP2(F). It is therefore considered that the amended application is consistent with the LDP allocation and will not prejudice the future development of neighbouring SSF land immediately northwest in line with adopted policies.

8.8 LDP Policy KP4 (Masterplanning Approach) contains 10 masterplanning general principles that major development is expected to accord with. Whilst not all are relevant for this application, the following observations are made:

- (i) The application is consistent with and does not prejudice the future development of the wider SSF; It does not conflict with the proposals intended for this part of SSF as shown on the Schematic Framework;
- (ii) The density is also consistent with those set out in KP2(F);
- (iii) The provision of a shared footway/cycleway connecting to Clos Nant Glaswg will encourage active forms of travel not only to and from the application site but also, to the wider SSF as well;
- (iv) The application includes surface water attenuation for which separate approval will be sought via SAB;
- (v) The application includes measures to protect, manage and enhance retained habitats.

8.9 For these reasons, the application is considered to be consistent with, and not contrary to, the general masterplanning principles set out in KP4.

### Transport

8.10 The introduction of the proposed footway/cycleway from the site into Clos Nant Glaswg in February 2021 represents a significant amendment by the applicant to demonstrate the site's accessibility by non-car modes of travel. Prior to this amendment the application proposed to accommodate pedestrian movements by closing Ty Draw Road to through traffic and using white lining

to create a safe zone for pedestrians (the road's narrow width prevented the construction of a pavement). Following concerns raised by officers that neither approach was suitable and that the gradients along this unlit road would also likely discourage pedestrian usage, the applicant submitted amended plans introducing the Clos Nant Glaswg link.

- 8.11 The link has been welcomed by Transport Officers and has been subject to various iterations to refine the detailed design. The link would be 3 metres wide with 3 metres either side for landscaping (9 metres wide in total). A raised table accommodating the parallel crossing (segregated crossings for pedestrian and cyclists) would act as a traffic calming feature on Ty Draw Road. The amended application is more likely to assist in meeting the LDP's aim to achieve a 50:50 modal split in trips by car and non-car modes of transport (Policy KP8).
- 8.12 Officers are satisfied that the link and necessary visibility plays requiring hedgerow removal can be delivered within the application site's red line. There are no contradictions between the site location plan, amended landscape strategy or amended planning layout, contrary to third party comments.
- 8.13 The proposed link will improve safe and convenient access to existing local services and facilities such as shops, schools and public transport within Pontprennau. It is therefore considered that the amended proposal now complies with the requirements to encourage active travel as set out in LDP Policy T1 (Walking and Cycling).
- 8.14 The proposed link is also likely to become even more strategically important in the context of the wider SSF as further land immediately northwest of the application site comes forward for development. Not only would this link be strategically important for future residents of the wider SSF, but also for existing residents of Pontprennau, who may wish to utilise the link to access amenities and facilities that emerge as the rest of SSF is developed.
- 8.15 The amended application no longer proposes to close Ty Draw Road to through traffic. Instead, a series of measures to slow traffic speeds has been submitted including reducing the speed limit from the junction with St Mellons Road to the new junction proposed by Taylor Wimpey near the Nant Glandulais stream (almost the entire length of Ty Draw Road). Two raised tables are proposed at the Ty Draw Road site entrance and the parallel crossing. Together with associated signage these measures are supported by Transportation Officers subject to conditions. Measures will also be secured under separate highways legislation where necessary.
- 8.16 Whilst Ty Draw Road itself would remain accessible for walking and cycling, the above improvements would improve the situation for existing and any new users, while it is nevertheless considered unlikely to offer an attractive alternative to the majority of non-car users given its width, gradients, lack of lighting and meandering alignment.

- 8.17 References have been made by third parties regarding Taylor Wimpey's proposals for North East Cardiff and the potential impacts on Ty Draw Road. This is a separate outline application that will be determined on its own planning merits. It is not for this application to include an assessment of the potential impacts of Taylor Wimpey's traffic data.
- 8.18 Within the site, the amended layout shows a shared space design with a carriageway width of 4.8 metres with a 2 metre wide shared surface footpath alongside. A build out is included in the centre of the site with a street tree to act as a traffic calming feature. Tracking details have been provided to demonstrate that cars and refuse vehicles can access and egress the site in a forward gear.
- 8.19 In respect of car parking, the provision of 62 no. spaces for 45 no. dwellings is in line with current parking standards. Some concerns remain regarding the design of communal cycle stores creating accessibility issues although it is accepted that the final details can be secured via condition.
- 8.20 The latest revision of the proposed planning layout (Revision AK) provides for *"Ransom-free land from highway to legal boundary to be retained for future connection to the adjoining land"* which also lies within the SSF allocation. This commitment is welcomed and a relevant planning obligation will secure this connection.
- 8.21 The amended proposals are considered to comply with the requirements of LDP Policies T1 (Walking and Cycling), T5 (Managing Transport Impacts) and T6 (Impact on Transport Networks and Services).

#### Nature Conservation

- 8.22 LDP Policy KP16 (Green Infrastructure) makes a commitment to the protection, enhancement and management of the City's distinctive natural heritage which forms a network of green infrastructure across the city. It recognises that protecting and conserving Cardiff's natural heritage needs to be reconciled with the benefits of development. New development proposals are required to consider and integrate green infrastructure into their plans.
- 8.23 Although the site does not benefit from any nature conversation designations, the existing tree and hedgerows along the site boundaries and the grassland/scrub provide habitat.
- 8.24 Following consultation with Natural Resources Wales and the Council's Ecologist, amendments and further information has been received to ensure the proposals comply with policy requirements. The creation, and subsequent widening of an ecological corridor on the entire length of the site's northwest boundary serves to ensure future connectivity with adjoining land is safeguarded. The widened corridor ranges between approximately 6 – 9 metres in width along the majority of its length. The neighbouring land, has the potential to widen this corridor further.

- 8.25 An 'Ecological Enhancement Area' is proposed at the site's northern end, tapering to the site boundary to provide further habitat, principally for dormice.
- 8.26 Along the entire southwest boundary a new (and translocated) hedgerow is proposed to improve habitat connectivity. The hedgerow fronting Ty Draw Road has been retained (except for partial removal to accommodate visibility splays at the parallel crossing) and would be laid to 1.2 metres to ensure retention of habitat with particular reference to Dormouse, a European Protected Species.
- 8.27 Following the amendments in February 2021 to include the demolition of 43 Clos Nant Glaswg to create a pedestrian/cycle link into this estate, a preliminary survey was carried out of this detached dwelling at the request of the Council's Ecologist and Natural Resources Wales (NRW). No bats or any evidence of any bats were found.
- 8.28 Regarding dormice, the surveys carried out to support the application did not find any presence of dormice on the site however the application has mitigated for dormice on at least an occasional basis given their known presence in the vicinity and the suitability of habitat on the site. NRW have confirmed in their consultation response that they accept the amended Dormice Method Statement and Management Plan, subject to it being listed in the approved documents on any decision notice.
- 8.29 The Council's Ecologist has expressed some concerns regarding the reptile survey accompanying the application and he takes the contrary view that grass snakes and slow-worms may well be present on site and this should be assumed. In line with his advice, a recommendation (as opposed to a condition), is included to advise the developer of the need to employ sensitive clearance of habitat to avoid harm to any reptiles.
- 8.30 In accordance with Section 6 of the Environment (Wales) Act 2016, Cardiff Council has a duty to seek to maintain and enhance biodiversity and in doing so to promote the resilience of ecosystems. A condition is recommended, as advised by the Council's Ecologist, to secure the provision of bat and bird boxes to provide nesting and roosting opportunities across the whole of the development.
- 8.31 Provided relevant conditions and recommendations requested by NRW and the Council's Ecologist are attached to any permission granted, it is concluded that the amended application satisfies the requirements of LDP Policies KP 16, EN6 (Ecological Networks and Features of Importance for Biodiversity) and EN7 (Priority Habitats and Species).

#### Trees and Landscaping

- 8.32 LDP Policy EN8 (Trees, Woodlands and Hedgerows) states that development causing unacceptable harm to trees, woodlands and hedgerows of significant public amenity, natural or cultural heritage value or that contribute significantly to mitigating the effects of climate change will not be permitted.

- 8.33 The site contains a number of trees and hedgerows around its perimeter of varying quality, including 2 no. 'A' category trees, 8 no. 'B' Category trees and 5 no. Category 'B' tree groups. A total of 5 no. trees are proposed for removal (3 no. 'B' Category oak and 2 no. 'C' Category). Two 'B' Category hedgerows would also be partially removed.
- 8.34 The Tree Officer has raised some concerns regarding the amended proposals including the lack of robust and continuous green corridors, ash die-back disease, and provision of robust ecotones. He also expresses concerns that once occupied, nuisance problems are likely to arise (despite proposed crown lifting to some retained trees).
- 8.35 He also expresses concerns at the possible further loss of two trees including an additional Category 'B' oak tree in the southwest corner of the site in the event that land safeguarded for a pavement, requested by Transportation Officers, is required.
- 8.36 The retained trees to the northwest boundary fall within the proposed ecological corridor that will provide connectivity for species including Dormice. As discussed in the preceding section, NRW are supportive of the amended proposals and there is potential to widen this corridor further if the neighbouring land is developed. The rear boundaries of the properties backing onto the corridor have been set back to reduce as far as possible any likely nuisance and ensure a meaningful ecological corridor is established. Conditions are proposed to secure the long-term management and maintenance of this corridor as required by NRW. The applicant has confirmed that all landscaping on site will be managed out by the RSL's management company.
- 8.37 Whilst the proposed trees losses are noted, in the context of the wider development and mindful of proposals to plant at least 14 no. new trees throughout the development, on balance the amended proposals are accepted.
- 8.38 It is noted that, despite having concerns, the Tree Officer has also recommended conditions regarding tree protection, tree works and landscaping management and maintenance.

#### Placemaking and Design

- 8.39 The proposed link to Clos Nant Glaswg is welcomed in placemaking terms, providing an important connection with the existing Pontpennau estate which currently forms an impermeable edge to Ty Draw Road. The new link, at 9 metres wide (3 metre landscaping strip + 3 metre shared footway/carriageway + 3 metre landscaping strip), would provide safe and convenient access to nearby amenities and services that would encourage sustainable form of travel.

- 8.40 The arrangement of dwellings and range of house types is considered to be a good layout making efficient use of the site and provides good façade/frontage to Ty Draw Road and the new footpath link. Conditions are recommended to secure suitable enclosures using appropriate materials.
- 8.41 The proposed house types and their arrangement throughout the site is considered to be acceptable.
- 8.42 The amended layout shows a shared space design and provides for alternative surface treatments (block paving) to straight sections of carriageway with street trees. This approach is considered to be acceptable. Precise surface finishes will be secured by condition.
- 8.43 The amended proposals have increased the sizes of private gardens. All 3 bed properties have private gardens at least 50m<sup>2</sup> and all two bed properties have at least 45m<sup>2</sup> private amenity spaces. All single bed flats also benefit from access to outside space. Whilst the provision for 2 bed flats falls below the recommended 50m<sup>2</sup> set out in the Residential Design Guide Supplementary Planning Guidance (SPG), on balance, the increased provision for amenity space is considered to be acceptable.
- 8.44 Amended plans show provision for bin storage facilities and cycle storage for each dwelling. Again, relevant conditions are recommended.
- 8.45 It is considered that the amended proposals have satisfactorily demonstrated that the development will satisfy LDP Policy KP5 (Good Quality and Sustainable Design).

#### Residential Amenity

- 8.46 LDP Policy KP5 (Good Quality and Sustainable Design) Part X requires new development to avoid any undue effect on the amenity of neighbouring occupiers. LDP Policy EN13 (Air, Noise, Light Pollution and Land Contamination) will not permit development that causes or results in unacceptable harm to health or local amenity.
- 8.47 It is recognised that the amendment to introduce a proposed shared footway/cycleway connecting with Pontprennau by demolishing the existing detached dwelling at 43 Clos Nant Glaswg has generated high levels of objections from third parties. A large proportion of these raise amenity impacts, amongst other matters, as reasons to object and these are addressed below:
- (i) Privacy – A combination of landscaping either side of the proposed path (secured by condition) and provision of a 2.4 metre high brick screen wall to the rear gardens of the neighbouring dwellings at 41 and 45 Clos Nant Glaswg would ensure that the privacy of these neighbouring dwellings would be satisfactorily safeguarded.
  - (ii) Although it is acknowledged that introducing the new link would be likely to introduce additional pedestrian/cycle movements within the



existing estate, it is not considered that any other aspect of the amended proposals would result in an unacceptable loss of privacy for neighbouring occupiers contrary to policies and privacy standards employed by the LPA, while in any event the benefits in terms of sustainability and the need to encourage active travel would outweigh any impacts arising from such additional movements.

- (iii) Lighting – a condition is recommended to secure details of all external operational lighting (construction lighting will be covered by the Construction and Environmental Management Plan);
- (iv) Demolition – noise and air pollution issues are common sources of complaint during demolition activities. It is considered that these concerns can be satisfactorily overcome through relevant conditions;
- (v) Children’s Play Space – it is for parents to determine whether the public highway is a safe and appropriate place for children to play, with or without the link;
- (vi) It has been suggested that part of the northwest site boundary that shares a boundary with the neighbouring property ‘Energlyn’ should receive a new fence as part of the proposed development in the interests of the privacy and security of this neighbouring occupier. No such fencing is proposed in the current amended application. The part of the application site in question forms part of the ecological corridor and ecological enhancement area and therefore will not be publicly accessible. Requiring a new boundary enclosure along the shared boundary with ‘Energlyn’ is therefore not considered to be necessary or reasonable.

### Community Safety

8.48 LDP Policy C3 (Community Safety/Creating Safe Environments) requires all development to promote a safe and secure environment and minimise opportunities for crime, with particular reference to maximising natural surveillance; creating well-defined routes that provide convenient movement without compromising security; making a clear distinction between public and private space; having good lighting whilst minimising energy use and light pollution and consideration future management and maintenance.

8.49 A significant proportion of the objections received raise concerns regarding the potential increase in crime and anti-social behaviour were this footway/cycleway link to be constructed. Taking each of the components of Policy C3 in turn, it is concluded that the design will minimise opportunities for crime in accordance with the policy, as follows:

- (i) Natural Surveillance – the amended Design and Access Statement suggests that the route would be well-served by natural surveillance from existing and proposed properties. At the northwest end of the route new dwellings face towards the path and provide good natural surveillance with ground and first floor habitable windows giving good coverage. Within Clos Nant Glaswg opportunities for good surveillance are limited, being restricted to secondary windows on neighbouring

- dwellings. The oblique long range views from other dwellings in the cul-de-sac are not considered to provide any meaningful surveillance;
- (ii) Well-defined routes – the path is designed with direct line of sight along its entire length with no blind corners. The 3 metre wide path sits within a 9 metre wide plot with 3 metre wide landscape strips either side. New dwellings within the site are orientated to face towards the path;
  - (iii) Public/Private Space – the amended plans show the intention to provide a range of enclosures and defensible planting to clearly define public and private land;
  - (iv) Lighting – to be conditioned;
  - (v) Maintenance and Management – the path will be offered to the Council for adoption with landscaping to be maintained by the developer.

8.50 In commenting on the amended proposals, the South Wales Police Crime Prevention Design Advisor (paragraph 6.15) did express some concern regarding the lack of overlooking from properties within Clos Nant Glaswg and potential for easier access to the rear gardens of Nos. 41 and 45. To mitigate these risks he recommends that landscaping of the path is carefully designed and well-maintained. This would be secured via condition together with details of lighting.

8.51 It is recognised that natural surveillance of the proposed path from within Clos Nant Glaswg is limited. However, it is important to note that the path would be only c.30 metres in length where it replaces the existing dwelling and there is direct line of sight along its entire length.

8.52 It is considered that proposed footpath link satisfies the criteria set out in LDP Policy C3.

#### Drainage

8.53 Given that the site is greenfield it does not currently benefit from foul drainage infrastructure. Conditions are recommended in line with Dwr Cymru Welsh Water's advice to secure appropriate provision and also to ensure an adequate water supply is provided to serve the development, including any necessary improvements.

8.54 The Council's Drainage Team have confirmed their satisfaction with the submitted drainage statement. A separate approval will be required by the SuDs Approval Body (SAB) for the surface water strategy for this development. The SAB have confirmed that they will adopt the attenuation feature and any commuted sums necessary for future maintenance would be secured via the SAB process.

#### Other Matters

8.55 In response to other issues raised during the consultation process that have not already been addressed in this analysis:

- (i) The proposed link to Clos Nant Glaswg is for pedestrians and cyclists only, it will not become a through-route for vehicles. Clos Nant Glaswg will remain a cul-de-sac;
- (ii) It is not considered that any parking restrictions are necessary to Clos Nant Glaswg;
- (iii) The carbon impacts of the demolition of 43 Clos Nant Glaswg are considered to be more than offset by the provision of much needed affordable housing in a sustainable location;
- (iv) The amended proposals improve accessibility to existing amenities and services including public transport, shops, open space, schools and health facilities.
- (v) Property values are not a material planning consideration;
- (vi) It is recognised that the application has been under consideration by the LPA for some considerable time and this has led to anxiety and concern amongst local residents. The LPA must act reasonably when processing planning applications and where amendments are received, ensure appropriate consultation and publicity takes place.
- (vii) It is accepted that some administrative errors occurred during the public consultation in February/March 2021. This was rectified at the time and no further errors occurred during the subsequent public consultations in June, August and October 2021. The LPA has satisfied its publicity requirements as set out in The Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended);
- (viii) The proposed development is not Schedule 1 development as defined in The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations (2017). In respect of Schedule 2 development, the proposals fall within the definition of 'Infrastructure Projects' (10(b) 'Urban Development Project'). As the proposals do not meet any of the three thresholds, in that the development does not exceed 150 dwellinghouses, the overall development area does not exceed 5 hectares nor does the development include more than 1 hectare of development which is not dwellinghouse development, it is concluded that the proposals are not Schedule 2 development. It is also noted that there are no 'Sensitive Areas' within the application site. Mindful of the scale of the proposed development, it is not considered that EIA is required in this instance. It is not considered that the cumulative impact of this development together with other developments in the vicinity warrants EIA. The surveys and documents supporting the application are sufficient to allow for a thorough assessment of the impacts of the proposals together with suitable mitigation;
- (ix) Legal covenants are enforceable only between the parties that originally made them or their successors in title to land concerned. The Council is not a party to the covenants being referred to and is not bound to them, nor are they material planning considerations when determining a planning application. Any covenants can't therefore prevent planning permission being granted for a development that is not compatible with covenants, however any planning consent would not over-ride land covenants and they still continue to bind the land.

Where required, any party obtaining planning permission will still need to separately obtain a release or relaxation of the covenants in order to proceed with the development. That would be a private matter between the developer and the person(s) with the benefit of the covenant;

- (x) Planning case law (British Telecommunications PLC v Gloucester City Council 2002 and Wheatcroft (Bernard) Ltd v Secretary of State for the Environment 1982) confirms that an application site's red line can be increased in size in certain circumstances. It is a matter of fact and degree. There are two main considerations when considering red line amendments: (i) Substantive issues (ii) Procedural issues. In the case of (i), the extension of the red line to include the demolition of 43 Clos Nant Glaswg and the construction of the shared footway/cycleway is not considered to be so substantial as to require a new application to be submitted. The scale and characteristics of the development remain as originally submitted. Regarding (ii), the red line amendment was accompanied by updated application forms, plans and certificates and was subject to a repeated and extended public consultation period of 21 days in February/March 2021 which included new press and site notices and a wider neighbour notification process. All potentially interested parties have been notified in accordance with the publicity requirements as set out in The Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended). No third parties have been prejudiced by the amendments.

8.56 *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.

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

8.58 *Well-Being of Future Generations Act 2015* – Section 3 of this Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

## 9. SECTION 106 AGREEMENT

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

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

9.2 LDP Policy KP7 (Planning Obligations) confirms that obligations will be sought to mitigate any impacts directly related to the development and will be assessed on a case by case basis. Accordingly, the following financial contributions have been agreed with the applicant to mitigate the impacts of the proposed development:

<b>Service Area</b>	<b>Request</b>
Waste Management (bin storage provision)	£3,100 (plus VAT)
Education (school places)	£125,124
Community Facilities (towards existing and future community centres)	£45,724.80
Public Open Space (management/maintenance of local open spaces)	£85,958
<b>TOTAL</b>	<b>£259,906.80</b>

9.3 An obligation to secure the provision of all 45 no. dwellings as affordable homes will also be included in the Section 106 Agreement (as social-rented accommodation).

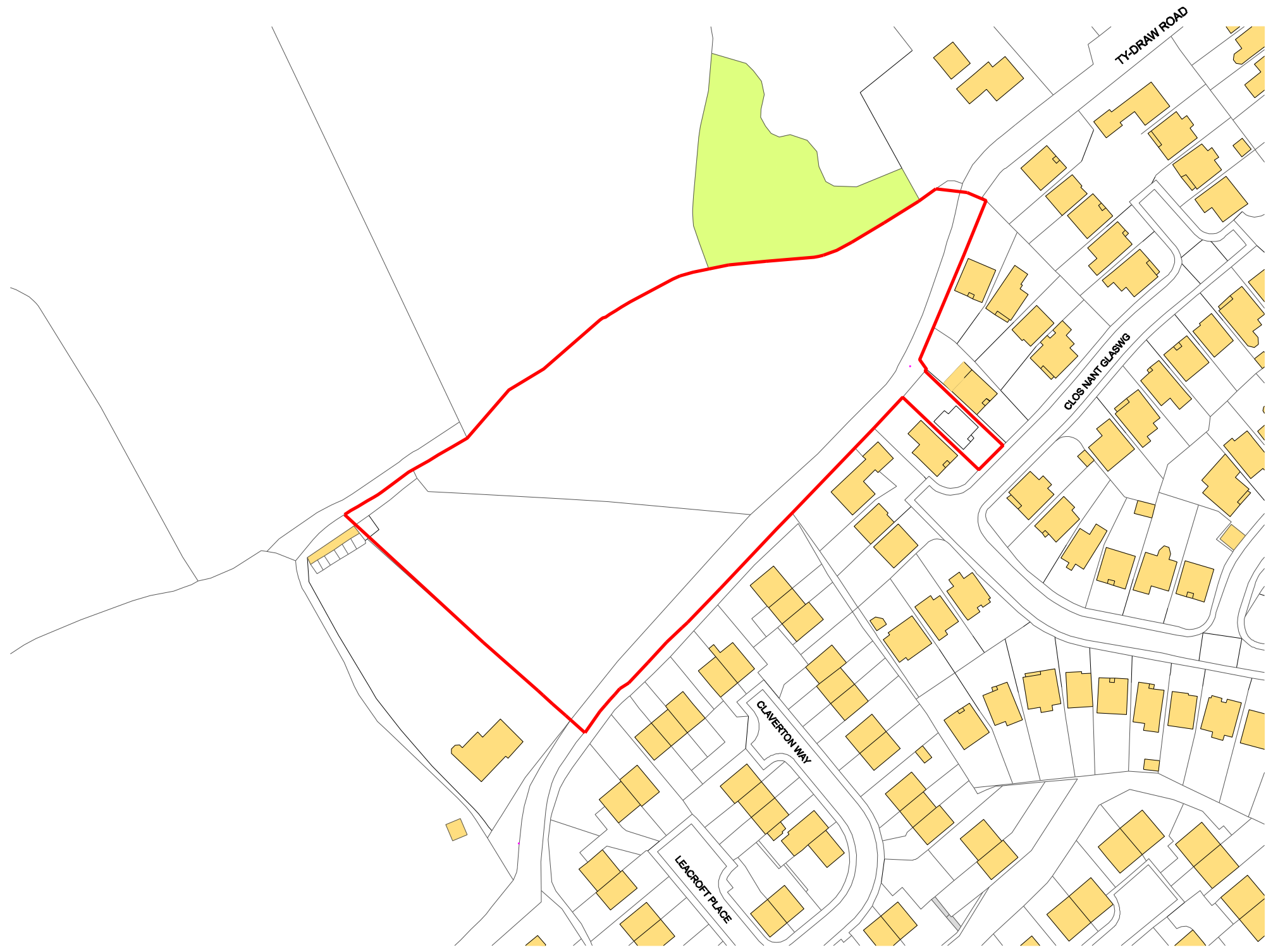
9.4 The developer will also be obligated to guarantee reserving the ransom-free land shown on the 'Proposed Planning Layout' (drawing no. 1686 100 Revision AK) up to the site boundary with the adjoining land for the provision of future highway and, if necessary, utility infrastructure connections. The applicant accepts such access is required to make the development acceptable. The obligation will ensure no legal or other obstacles to any future developer constructing such a link.

## 10. CONCLUSIONS

10.1 Having considered the merits of the amended application, it is considered that the planning balance falls in favour of permission being granted. The proposals are consistent with LDP Policy KP2(F) and do not prejudice the future development of Strategic Site F, the site can be easily and safely accessed by sustainable modes of transport, effective protection, management and enhancement of ecological interests has been secured and the layout demonstrates good design and placemaking. Whilst the concerns of third parties have been carefully considered, it is considered that these can be satisfactorily safeguarded through relevant conditions.

10.2 It is therefore recommended that, having regard to the Welsh Government's Holding Direction, planning permission be granted for the proposals, subject to relevant conditions and the completion of a Section 106 Agreement to secure the contributions identified in Section 9 of this report.

GENERAL NOTES



F	26.05.21	DA	Redline boundary to link updated (OS)
E	19.01.21	DA	Red line adjusted & blue line removed
D	03.04.20	DA	Blue Line Added - Link Path
C	16.12.19	IB	Updated to align with 1686.100 rev Q
B	17.10.19	IB	Updated to align with 1686.100 rev M
A	23.08.19	DA	OS file updated

Rev	Date	By	Comment
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Project Title  
**Ty Draw Road  
 Lisvane**

Drawing Title  
**Location Plan**

Drawing Status

Drawn By	Checked By	Scales 1:1250	A3	Date May 2019
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Project No. <b>1686</b>	Drawing No. <b>101</b>	Rev. <b>F</b>
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**LEGEND**

- Site Boundary
- Existing Electrical Easment
- Existing Overhead Cables (Telephone) Along North Edge Ty Draw Rd
- Existing + Translocated Hedge Laid to 1.2m
- Additional New Planting
- Diagram 886, Shared Space Road Sign - Refer To Vectos Dwgs
- Tactile Paving to Shared Surface
- Ecology Corridor & Enhancement Area
- Bioretention Areas
- Raised Table Traffic Calming - Refer To Vectos Dwgs
- Zebra Crossing - Refer To Vectos Dwgs
- Existing Hedge Removed Due To Visibility envelope between 0.6m - 2m.
- Ransom Free Land From Highway To Legal Boundary To Be Retained For Future Connection
- 2.4 Brick Screen Wall to Link
- \* Door Access Form Ground Floor Apartment
- Dedicated Cycle Store 1 per Apartment (accommodates up to 2 Bikes)
- 0.45 Timber Knee Rail
- Double Bollard To Ends Of 3m (4.3m at crossing) Shared Cycle Track
- # Indicative Locations Of Potential Further Barriers To Discourage Motorcycle Use
- Electric Car Charging
- 25mm Upstand to shared surface to provide 2m footway
- 2.5m wide safeguard area to allow for future 2m footpath at South West of site entrance road

*Future Site Connection*  
 - Vehicular, Pedestrian & Cycle  
 - Layout & Width TBC As Part Of Future Phase

*Parallel Crossing*  
 - Refer to Vectos Drawings For Details

*Seating Area*

*3m Shared Cycle Track*

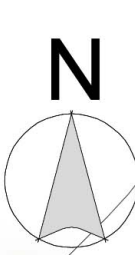
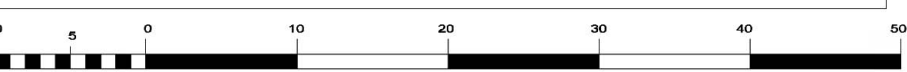
*Lighting design for the link to be agreed with Cardiff Council highways and designed to avoid conflict with wildlife or existing residents but in accordance with BS 5489:2013*

*Plot 43 To Be Demolished*

Ty Draw House  
 Attenuation Pond  
 Seating / Picnic Area

**HOUSE TYPE ACCOMMODATION SCHEDULE**

House Name	Ref.	Beds	Number
MYTHE - Wheelchair (Grd)	My	01	04no
MYTHE - (First Floor)		02	04no
MONNOW - (Ground Floor)	Mo	01	07no
MONNOW - (First Floor)		01	07no
OGMORE	Og	02	08no
WYE	Wy	03	12no
USK	Uk	03	03no
<b>Total</b>			<b>45no</b>



**GENERAL NOTES**

- AK 05.10.21 DA 2.5m safeguarded Area to SW access extended to west site boundary
- AJ 29.09.21 DA Layout revised to highways comments including Parallel crossing & Bollard Note
- AH 16.08.21 DA Layout revised to highways comments including zebra crossing amended Sheds replaced with bike store to apartments with rear gardens, possible future footpath to SW of entrance road & elec charging to private drives
- AG 07.07.21 DA Seating Areas provided adjacent to Pond & Plot 28 / 29. Block paving added to main area of shared surface
- AF 28.06.21 DA Additional rear door access to ground apartments without private gardens. Juliet balcony's added to Plots: 1-4, 28-29 & 38-39. Refer to House Type Data Sheets for details
- AE 13.05.21 DA \* = rear door access to ground floor apartment. Bin & Bike storage areas updated. Zebra crossing & associated works added to Ty Draw Rd. Extra detail added to link Walls & Barriers
- AD 19.03.21 DA 2m Footpath (dashed line) shown to proposed shared surface street.
- AC 20.01.21 DA 2.4m brick wall to side boundaries of existing 42 & 45 Clos Nant Glaswg
- AB 02.09.20 DA Plot 30 Wys replaced with Usk 3m Link relocated. Red line external works & Landscaping updated
- AA 06.08.20 DA Planning Red line updated. Bioretention areas shown. T1 added
- Z 12.07.20 DA 2m Link through North East ecology area removed, inc no break in Hedge
- W 05.06.20 DA 2m Link To Claverton Way updated. Monkonk (Mk) replaced with Usk (Uk)
- V 05.05.20 DA Parking locations 27-30 updated. 2m footpath link reinstated adj P26-29
- U 28.01.20 IB Replan to 45 units + T1 removed
- T 21.01.20 IB Shared surface, rumble strips and signage indicated
- S 10.01.20 IB Rear garden fence line moved to plots 13-20. Plots 1-9 moved to South East
- R 18.12.19 IB Topo survey updated along with the final position of the FPS
- Q 16.12.19 IB Block paving & Landscaping updated to Consultants Details
- P 02.12.19 IB FPS updated to Engineering Design
- N 08.11.19 IB Layout updated to include Gardens sizes and highway access
- M 17.10.19 IB T8 Removed and T22, T26, T27 and T28 to be trimmed back in accordance with Arboricultural Method Statement
- L 20.08.19 DA Red Line updated and amended to include the site frontage
- K 08.08.19 DA Updated following comments from Design Review meeting
- J 16.07.19 IB Layout adjusted to aid overlooking onto Ty Draw Road, to LPA comments
- H 11.07.19 IB Trimming back to existing trees and access road adjusted to comments
- G 09.07.19 IB Planting spaces fronting plots 3-20 amended to Landscapers comments
- F 05.07.19 IB Tree report updated & road shortened fronting plot 21-22
- E 26.06.19 IB Plots 10-20 Amended and Rear steps added to Engineers comments
- D 05.04.19 IB FPS moved and road junction adjusted following engineers comments
- C 28.03.19 IB FPS moved and Attenuation Pond following internal review
- B 31.01.19 IB Layout revised to indicate FPS and revised apartment designs.
- A 29.01.19 IB Drawing renumber to 100 and units increased to 47
- Rev (Date) By Comment



Project Title  
**Ty Draw Road  
 Livvane**

Drawing Title  
**Proposed Planning  
 Layout**

Drawing Status		
Drawn By	Checked By	Scale
		1:500
Project No.	Drawing No.	Rev.
1686	100	AK



**PETITION**

COMMITTEE DATE: 02/02/2022

APPLICATION No. **21/01720/MJR** APPLICATION DATE: 15/07/2021ED: **BUTETOWN**

APP: TYPE: Full Planning Permission

APPLICANT: Cardiff Council Housing Development Team  
 LOCATION: FORMER BRANDON HIRE PLC, 151-153 BUTE STREET,  
 BUTETOWN, CARDIFF

PROPOSAL: PROPOSED DEVELOPMENT OF 45-APARTMENT OLDER  
 PERSONS' COMMUNITY LIVING SCHEME, COMMUNITY  
 SPORTS FACILITY AND ASSOCIATED WORKS

**RECOMMENDATION 1** : That, subject to relevant parties entering into a binding planning obligation in agreement with the Council under **SECTION 106** of the Town and Country Planning Act 1990, within 6 months of the date of this resolution unless otherwise agreed by the Council in writing, in respect of matters detailed in paragraph 10.1 of this report, planning permission be **GRANTED** subject to the following conditions:

1. C01 Statutory Time Limit
2. This approval is in respect of the following plans and documents:

Plans

20017-B-A-(00)_001 P10	Location Plan
20017-B-A-(00)_003 P15	Proposed Site Plan
20017-B-A-(00)_010 P14	Proposed Ground Floor Plan
20017-B-A-(00)_011 P14	Proposed First Floor Plan
20017-B-A-(00)_012 P13	Proposed Second Floor Plan
20017-B-A-(00)_013 P13	Proposed Third Floor Plan
20017-B-A-(00)_014 P13	Proposed Fourth Floor Plan
20017-B-A-(00)_015 P13	Proposed Fifth Floor Plan
20017-B-A-(00)_016 P13	Proposed Roof Plan
20017-B-A-(00)_210 P10	Proposed East Elevation
20017-B-A-(00)_211 P11	Proposed North Elevation
20017-B-A-(00)_212 P10	Proposed West Elevation
20017-B-A-(00)_213 P10	Proposed South Elevation

Documents

Grays, Flood Consequences Assessment – Riverside Community Living & Community Building, Bute Street, Cardiff, Ref: GRYS-9850-REP01-R2-FCA, dated October 2021 incorporating

Appendix A and B (FCA)

Terra Firma Geotechnical and Geo-environmental Report – Proposed Residential Development at 151 Bute Street, Cardiff. Ref: 12770, August 2014.

Lime Transport, Transport Statement version D2g dated 07 Jan 2022

Wardell-Armstrong, Noise and Vibration Assessment Report, no. 0001 rev. V1.0 dated July 2021

AAHM, Community Living – Bute Street, Design & Access Statement. Rev. P02 dated January 2022

AHMM, Daylight Analysis Report. Ref: 20017, rev. A dated February 2021

LRM Planning, Planning Statement. Ref: 21.126 dated July 2021

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

3. Prior to the commencement of any development works and following completion of the approved monitoring scheme and ground gas assessment, the proposed details of appropriate gas protection measures to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site shall be submitted to and approved in writing to the LPA. If no protection measures are required than no further actions will be required.

All required gas protection measures shall be installed and appropriately verified before occupation of any part of the development which has been permitted and the approved protection measures shall be retained and maintained until such time as the Local Planning Authority agrees in writing that the measures are no longer required.

- ‘Gases’ include landfill gases, vapours from contaminated land sites, and naturally occurring methane and carbon dioxide, but does not include radon gas. Gas Monitoring programmes should be designed in line with current best practice as detailed in CIRIA 665 and [BS 8485:2015+A1:2019](#) Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings.

Reason: To ensure that the safety of future occupiers is not prejudiced, and to accord with Policy EN13 of the Cardiff Local Development Plan..

4. 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.

5. The remediation scheme approved by condition 4 above 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 workers, neighbours and other offsite receptors in accordance with policy EN13 of the Cardiff Local Development Plan.

6. 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 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.

7. 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.

8. 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.

9. 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.

10. The refuse storage facilities hereby approved shall be provided prior to the beneficial use of the development and shall thereafter be retained and maintained. The facilities shall provide for the following capacities (as a minimum):

Dry Recyclables: 6 x 1100 litre bulk bins  
Food waste: 3 x 240 litre bins  
General waste: 6 x 1100 litre bulk bins

Reason. To ensure an orderly form of development. (Policy W2 of the Cardiff Local Development Plan)

11. 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 resurfaced footways around the perimeter of the site, removal of redundant crossovers/reinstate footway, revised crossing arrangement at Henry Street, Alice St car park/public realm amendments. 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. (Policy T5 of the Cardiff Local Development Plan)

12. Notwithstanding the approved plans, 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. (Policy T1 of the Cardiff Local Development Plan).

13. Prior to occupation 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 eligibility, control and enforcement of the 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. (Policy T5 of the Cardiff Local Development Plan).

14. Prior to development commencing details of the Henry Street pedestrian access route and management plan shall be submitted to

and approved by the Local Planning Authority, to include details of materials and surfacing, and a management/improvement strategy for the route. The approved details shall be implemented prior to beneficial occupation and shall be maintained thereafter as the agreed details, with the route to remain as a through-link for all users.

Reason: To ensure that pedestrian accessibility is maximised. (Policy T1 of the Cardiff Local Development Plan).

15. Prior to occupation an adopted highway plan shall be submitted to the Welsh Government (along the lines of the submitted Cardiff Council 'Proposed Order Plan – Bute Street-Adopted Highways, dated 17/01/2022), showing the highway to be stopped up or diverted'), illustrating areas of adopted highway to be stopped up and areas of land to be additionally dedicated as public highway, as part of the stopping up order process.

Reason: To ensure an appropriate area of public highway is attained following development. (policy T5 of the Cardiff Local Development Plan).

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 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. Prior to their use in the development hereby permitted, samples of the external finishing materials of the building, including bricks, mortar, tiles, windows and balustrading, shall 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: To ensure that the finished appearance of the development is of a high quality and mitigates impact on surrounding residential units (LDP Policy KP5).
- 18. The development shall be carried out in accordance with the mitigation methods indicated within the Wardell-Armstrong, Noise and Vibration Assessment Report, no. 0001 rev. V1.0 dated July 2021.  
Reason To reduce the level of noise within the properties in the interests of the amenities of future occupants (LDP Policy EN13).
- 19. Prior to the first beneficial use of the development hereby permitted, a soundproofing scheme to the party ceiling/floor structure between the sports facility, flexible activity space, and residents lounge areas and the residential accommodation above shall be implemented in full accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be retained as approved.  
Reason. In the interests of residential amenity (LDP Policy EN13).
- 20. In respect of the Community Sports Hall, no activities shall be carried out which create noise audible at the boundary of any residential accommodation outside the hours of 09:00 and 21:00 on any day.  
Reason. In the interests of residential amenity (LDP Policy EN13).
- 21. Prior to the commencement of development details of any ground floor means of enclosure 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 use.  
Reason: In the interests of the appearance of the area (LDP Policy KP5).
- 22. No development shall take place until the following have been submitted to and approved in writing by the Local Planning Authority (LPA) in accordance with the current British Standard 5837:

- An **Arboricultural Impact Assessment (AIA)** based on the finalised approved layout and taking full account of proposed landscaping and contamination remediation measures, including any soil removal, soil placement, capping and cultivation.
- 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.

- A **Tree Protection Plan (TPP)** in the form of a scale drawing showing the finalised layout and the tree and landscaping protection methods detailed in the AMS that can be shown graphically.

The development shall be carried out in full conformity with the approved 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.

23. Any pruning necessary to implement the planning permission shall be undertaken in accordance with British Standard 3998: 2010 'Tree Work' or any Standard that replaces it.

Reason: The trees are of value in the local environment and should be protected and maintained in good condition. (Policy KP5 of the Cardiff Local Development Plan.

24. No development shall take place until full details of soft landscaping have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- A soft landscaping implementation programme.
- Finalised, 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, 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.

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. (Policy KP5 of the Cardiff Local Development Plan).

25. 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 21 above unless the Local Planning Authority gives written consent to any variation.

Reason: To maintain and improve the amenity and environmental value of the area. (Policy KP5 of the Cardiff Local Development Plan).

26. 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.

27. No building shall be occupied until a point of connection on the potable water system has been identified by a hydraulic modelling assessment, which shall be first submitted to and approved by the local planning authority. Thereafter the connection shall be made in accordance with the recommended connection option following the implementation of any necessary improvements to the water system, as may be identified by the hydraulic modelling assessment.

Reason: To ensure the site is served by a suitable potable water supply.

**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](mailto:SAB@cardiff.gov.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](http://www.dwrcymru.com)

**RECOMMENDATION 7** : The Local Highway Authority are to be contacted with regards to proposed works to the public highway, 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 A full application for the redevelopment of the vacant and cleared site of a former tool hire premises, for a mixed 45 unit residential development for older persons, with ground floor community sports facilities and ancillary rooms associated with those uses.
- 1.2 The proposed building, which has a tiered, flat roof design, can be split into three elements. The main element is a six storey structure, forming the corner of the plot adjacent to the Bute St and Hannah St junction, the second element adjoins this to the west and is a four storey structure that fronts Hannah St, with the third element adjoining the first to the south, fronting Bute St. Access to the building is via a main entrance with reception area off Bute St, with alternative entrances at the rear via Hannah St and Henry St.
- 1.3 The proposed structure is to be finished predominantly in facing brick of three different shades – Grey-Beige-Anthracite; Brown-Grey-Beige and Grey-Beige-Light Grey, with reconstituted stone string courses separating the floor levels.
- 1.4 The Proposed residential accommodation comprises 35 no. 1 bed units and 10 no. 2 bed. The accommodation is primarily on the upper floors, with several stair cores, and centrally located lifts available for access.
- 1<sup>st</sup>& 2<sup>nd</sup> floor – 13 units per floor
  - 3<sup>rd</sup> floor – 9 units
  - 4<sup>th</sup> & 5<sup>th</sup> floor – 5 units per floor

There is also a single 'guest suite' sited on the ground floor.

- 1.5 The ground floor plans show provision for refuse storage (including bulk waste), other store and plant rooms, ancillary offices and a medical room, a laundry, residents lounge, a community use sports hall (approx. 300sqm) with accessible changing and shower facilities and a store for cycles and mobility scooters with direct access onto Hanna St.

Externally there is a small ground floor amenity area at the rear (facing a parking area off Alice St), with hard and soft landscaping, planters and furniture. Either side of Henry St (a cul-de-sac), there are further cycle parking facilities, and 5no. accessible car parking spaces (accessed off Hannah St).

- 1.6 The flat roof area to the third element (fronting Bute St) benefits from a small roof terrace area, laid out with hard and soft landscaping, and a small area of 'biodiversity roof'. The remaining flat roof areas are also described as 'biodiversity roof' areas. All of the flat roof areas provide large rooflights,

offering natural light into the communal and circulation areas on the floors below, including the ground floor.

- 1.7 Minor amendments have been submitted from the original proposals, in light of technical consultee responses. These amendments relate primarily to the external site layout & arrangements.

## 2. **DESCRIPTION OF SITE**

- 2.1 The site comprises a cleared area of land approx. 0.29Ha in size, located on and bounded by Bute St to the east, Hannah St to the north, Henry St and a parking area off Alice St to the west and the dwelling & gardens of no. 45 Bute St to the south.
- 2.2 The city centre is approx. 1.2km north of the site, with Cardiff Bay approx. 500m to the south
- 2.3 There are 'local' shops and facilities located approx. 200m north of the site, fronting Bute St.
- 2.4 The site is set in an existing residential area, with a mix of 2 storey traditional dwellinghouses and multi storey flats. Directly opposite (to the north) and to the rear of the site there are three storey blocks, some with pitched roof design that increases this height.

## 3. **PLANNING HISTORY**

- 3.1 13/00522/DCI – Prior approval application for the demolition of a 2 storey and single storey warehouse – Prior approval granted
- 3.2 16/00194/MJR – Demolish existing warehouse and workshops and construction of 25 residential units with single retail unit - Granted
- 3.3 17/00825/MJR – Demolition of existing buildings without compliance with pre-commencement conditions attached to 16/0094/MJR - Granted

## 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

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  
T5 Managing Transport Impacts  
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:

- 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);
- Residential Design Guide (January 2017); and
- Managing Transportation Impacts (Incorporating Parking Standards) (July 2018).

4.3 PPW Wales (edition 11)

4.4 'Future Wales': The National Plan (Feb 2021)

## 5. **INTERNAL CONSULTEES**

5.1 The Operational Manager, Transportation has reviewed the submitted plans and Transport Assessment, making the following comments:

*The revised plan is for Henry St to be retained as a non-adopted road in CC ownership, with 5 private perpendicular parking bays (for the development's residents) on the western side of the road. This arrangement was put forward primarily to satisfy CC Parking concerns that keeping this as adopted but with private bays would be confusing. Whilst the revised arrangement means there will not be an adopted through-link on Henry St, we seek this to be designed/maintained by CC Housing in such a way that it will be available to all users as a quality route (see below condition).*

*I wouldn't quite agree with the TS that 'the existing carriageway arrangement will be maintained' on Henry St, as a number of changes will still occur on this road, and likely to include a dropped footway crossing at the junction with Hannah St to maximise pedestrian accessibility. It is also the case that a small section of existing adopted highway at the southern end of Henry St will be stopped up. It is not considered that this represents a practical loss of public utility, although this would need to be facilitated via a s247 application to Welsh Government (see below condition).*

*It is noted there is reference to signage being placed in order to deter illegal usage of the private bays. Should illegal parking occur this will need to be suitably managed by CC Housing. A condition will seek further details on this*

*matter.*

*The revised layout plan still shows that the visitor cycle parking adjacent to the entrance will be uncovered, which is not something we would support, although the applicant has indicated this is due to concerns about anti-social behaviour. This matter will be conditioned, and further discussion on the format/type/quantity of cycle parking can subsequently occur, although it seems there is room for adequate provision.*

In light of the above, conditions 11-15 above are recommended.

- 5.2 The Shared Regulatory Services (Contaminated Land) Manager has no objection to the proposals, subject to the imposition of conditions and advice relating to the mitigation of any ground contamination issues.

Conditions 3 to 9 above are therefore recommended, along with advice contained in Recommendation 3.

- 5.3 The Waste Manager advises that the refuse storage facilities shown on the submitted plans are acceptable. A condition in respect of the required capacities, and provision of the facilities is recommended. Further advice in respect of waste collection contracts has been sent to the agent.
- 5.4 The Neighbourhood Regeneration Manager advises that as the proposals include a community facility, there are no adverse comments and there is no requirement for any contributions under a legal agreement.
- 5.5 The Shared Regulatory Services (Noise & Air) Manager has been consulted and no comments have been received.
- 5.6 The Parks Manager advises that whilst there is some amenity provision on-site, and there are park facilities nearby (Canal Park), in line with the Council's Supplementary Planning Guidance, a financial contribution of **£34,705** is requested, to be used to provide or maintain public open space in the vicinity of the site, with the precise use to be determined as part of the S106 process.

The applicant has agreed to make this contribution.

- 5.7 The Tree Protection/Landscaping Officer makes the following comments:

*I cannot find the Tree Survey (TS) amongst the submissions, just the Arboricultural Impact Assessment (AIA), Method Statement (AMS) and Tree Protection Plan (TPP). Without prejudice to the receipt of a TS I have no adverse observations except to say that the AMS needs to make provision for arboricultural site monitoring reports to be issued to the LPA; a site specific 'no-dig' construction detail should be provided that accords with the generic principles of the AMS and submitted section and further explanation is required concerning soft landscaping treatments within the RPAs of retained trees. I note that the geotechnical report advises that the site be capped with*

600mm inert soil. Such capping will result in the death of existing, retained trees. The AMS advises that within the Root Protection Area of the retained T3 and T4 that 'Following the removal of hard surfacing the area in question will require topsoiling and preparation for the establishment of amenity grass'. It is this that requires clarification – capping as above will likely kill the trees but a thin skim of topsoil to replace existing sub-base material may not suffice for capping.

With regard to proposed landscaping my observations are as follows: -

I would wish to understand how the x3 new trees will have access to adequate Root Available Soil Volume (RASV) to support their healthy long-term growth? Site specific tree pit details are required for the planting types accordingly and it must be clear what the RASV is and how it can be achieved. The *Alnus x spaethii* trees is depicted in a relatively small planting bed – as a stand-alone tree in an isolated bed it requires access to a minimum 30 cubic metres RASV. Previously, x7 new trees were proposed, so the reduction to x3 is significant.

The landscape specification refers to a Soil Resource Survey and Plan, but to my knowledge such has not been undertaken and would not be relevant to the site considering the absence of a recoverable soil resource and the requirement for capping? Consequently I make the assumption that all planting soils will be imported, so the landscape specification and tree pit details should be amended accordingly and an imported topsoil and subsoil specification drawn up.

If this application is to progress without seeking additional information as above, conditions should be attached.

In light of this advice, and having regard for time constraints, the requested conditions have been recommended above (Conditions 22 to 25).

5.8 The Housing Strategy Manager has no specific comments, advising:

*This is one of Cardiff Council's own new build schemes, and will provide 100% affordable housing for older persons in a community living scheme setting.*

## 6. **EXTERNAL CONSULTEES**

6.1 Welsh Water have no objection to the proposals in principle, but request that any consent is conditioned to require the submission and approval of drainage and potable water details. Further advice is provided regarding future surveys relating to the diversion of an existing sewer. This advice has been passed to the applicant.

6.2 South Wales Police have no adverse comment in respect of the proposal. They offer standard Secured by Design advice and this has been passed on to the applicant.



- 6.3 The Fire Service advise 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 passed to the applicant.
- 6.4 Natural Resources Wales have no objection to the proposals, having due regard to the submitted Flood Consequences Assessment. Further advice relating to flood risk is offered and this has been passed to the applicant.

## 7. **REPRESENTATIONS**

- 7.1 The Local Member has been consulted and any comments received will be reported to Committee.
- 7.2 Neighbouring occupiers have been notified and the application has been publicised by site notice and in the press.
- 7.3 A representation has been received from a resident of Carlotta Way, Butetown. They comment that they welcome the development of the older persons residential scheme, with the inclusion of the sports facility. However, they also comment that they are unclear from the submission how the sport facility will function and it is unclear whether this facility will meet community needs.
- 7.4 A petition with 64 signatures has been received stating:

*“We wish to object to the proposed design for a Community Living Facility and associated Community Facilities on Bute Street (Application 21/01720/MJR).*

*We wish to propose that instead of a Multi-Activity Space on the ground floor there should be a Café as of greater value to the local Butetown community.”*

## 8. **ANALYSIS**

- 8.1 The application proposes the redevelopment of the vacant and cleared site of a former tool hire premises, for a mixed 45 unit residential development for older persons, with ground floor community sports facilities and ancillary rooms associated with those uses.
- 8.2 The application site lies within the settlement boundary as defined by the Adopted LDP proposals map and has no specific land use allocation or designation. The proposed development comprises a multi-functional community sport halls to the ground floor with residential apartments (community living scheme) on the upper floors. The surrounding area is predominantly residential in nature.

The proposal is assessed against Policy H6: Change of Use or Redevelopment to Residential Use. Policy H6 provides a framework for the assessment of applications for the redevelopment of previously developed

land for residential purposes within settlement boundaries 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.

- 8.3 The application site is on vacant land, and the surrounding area is predominantly residential in nature. The principle of residential development at this location has already been established through planning permission 16/00194/MJR.

The site is considered to be in a highly sustainable location in close proximity to Loudoun Square Local centre and Bute Street/James St District Centre. There are sustainable modes of transport within close proximity to the site being located close to frequent bus routes and Cardiff Bay Railway Station.

Given the residential context and setting of the surrounding area, in a highly sustainable location the residential element of the scheme does not raise any land use policy concerns subject to detailed design considerations.

- 8.4 The flexible community activity space and ground floor multi-functional community sports hall is considered against Policy C1: Community Facilities.

This policy encourages proposals for new and improved community facilities, where the facility would be readily accessible to the local community it is intended to serve by public transport, walking and cycling; the facility would not unduly prejudice the amenities of neighbouring and nearby residential occupiers; the facility would not detract from the character and appearance of a property or the locality; the facility would not lead to unacceptable parking or traffic problems and; the facility is designed with the greatest possible flexibility and adaptability to accommodate additional community uses without comprising its primary intended use.

The flexible activity space is considered to be ancillary to the main development and will be used by residents of the development. It is considered to accord with Policy C1. The ground floor multi-functional community sports hall falls within use class D2. This use does not raise any land use policy concerns subject to an assessment of residential amenity.

- 8.5 The proposed scheme is essentially one building in three parts of differing heights. The design is contemporary in comparison to the nearest existing dwellinghouses, but there are more modern apartment blocks directly behind the site. The use of facing brick in varying shades will add interest to what is a large structure, with the recessed balconies adding some articulation to the facades.
- 8.6 Overall the mass is uncharacteristic of the general scale of development in the immediate vicinity, which typically is 2-3 storeys. However, this is a relatively attractive scheme which makes good use of a vacant former industrial site to provide social housing, and its combination of community and social uses will create interest and enhance a neglected vacant corner plot. The scheme is carefully considered in detail with interesting facades, a high degree of fenestration, and interesting brick detailing. In this particular case, it is considered that this combination of features helps to moderate the overall mass. It is considered that the scheme will make a positive contribution to the built environment in this part of Bute Street.
- 8.7 The scheme includes balconies to all apartments, a small rooftop terrace for residential use and a small area of soft landscaped amenity space at the rear. It is of note that this provision is an improvement on other redeveloped sites in the vicinity, where residential amenity space is minimal. Residents will also benefit from increased natural light penetration through the use of skylights and open atriums and passageways.
- 8.8 It is of note that the corner element, at 6 storeys is higher than any surrounding buildings. However, there are three storey blocks that have high pitched roofs offering the perception of taller structures that would assist in the integration of this larger structure. Its position on a relatively open corner provides an opportunity to make a statement and encourage future developments in the area.
- 8.9 Also of note is the relationship with the existing three storey flats to the north, on the opposite side of Hannah Street. The scale of the proposals will undoubtedly have an impact on the ambient light of the ground floor flats and, whilst light is a material consideration, there is no 'right to light' in planning legislation. At approx. 18m the window to window relationship is less than the SPG recommended minimum of 21m. However, this is a close urban environment and many of the existing street relationships are less than 21m, including Steffan Court/Andrew Court at approx. 14.2m and Alice St/Belmont Walk at approx. 19m. On balance, in this case it is considered that the benefits of the proposed development, such as community uses, social housing and encouraging future developments outweigh any concerns in respect of amenity impact.
- 8.10 Overall, it is considered that the proposed development is a striking design, with an interesting combination of uses and a form of development that significantly enhances its context.

- 8.11 In noting that the SRS (Noise & Air) Manager has not offered any comment, it is noted that the submitted Noise Assessment includes mitigation measures relating to noise and residential amenity. In this case, condition 18 is recommended to seek to ensure that the development is undertaken in accordance with those recommendations
- 8.12 With regard to the submitted representations, it is of note that the grounds for objection indicated in the petition are specific insofar as:

*“We wish to propose that instead of a Multi-Activity Space on the ground floor there should be a Café as of greater value to the local Butetown community.”*

In this regard, the desire for a different use of part of the development than that applied for is not a material consideration and could not justify, or sustain refusal of consent.

With regard to the third party representation, it is noted that the development proposed is welcomed. With regard to the potential for the proposed sports hall not to meet community requirements, this is not an issue that the Local Planning Authority can control as it would need to be tested once the facility is available.

## 9. **OTHER MATTERS**

### Crime and Disorder

- 9.1 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.

### Equalities Act

- 9.2 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. The Housing Manager has assessed the housing need and type of accommodation required.

### Wellbeing

- 9.3 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, and introducing a new Community Sport Facility provision at the heart of the local community all positively contribute to wellbeing objectives.

## 10. **SECTION 106 MATTERS**

- 10.1 The Parks Manager has advised that having regard for the on site amenity space, and the proximity of existing public open spaces, the development generates a requirement for a financial contribution towards the provision and/or maintenance of public open space in the vicinity, in accordance with the Council's SPG Planning Obligations, and the Community Infrastructure Levy.

The scale of development generates a request for a contribution of **£34,705**.

The applicant has advised that this contribution is agreeable.

## 11. **CONCLUSION**

- 11.1 Having due regard for adopted and approved planning policy and guidance, and on balance, it is recommended that planning permission be granted, subject to conditions and a legal agreement.



- KEY
- Application Site
  - ① Former Brandon Tool Hire Site
  - ② South Wales Islamic Centre
  - ③ Canal Park
  - ④ Cardiff Bay Train Station

# PLANNING ISSUE

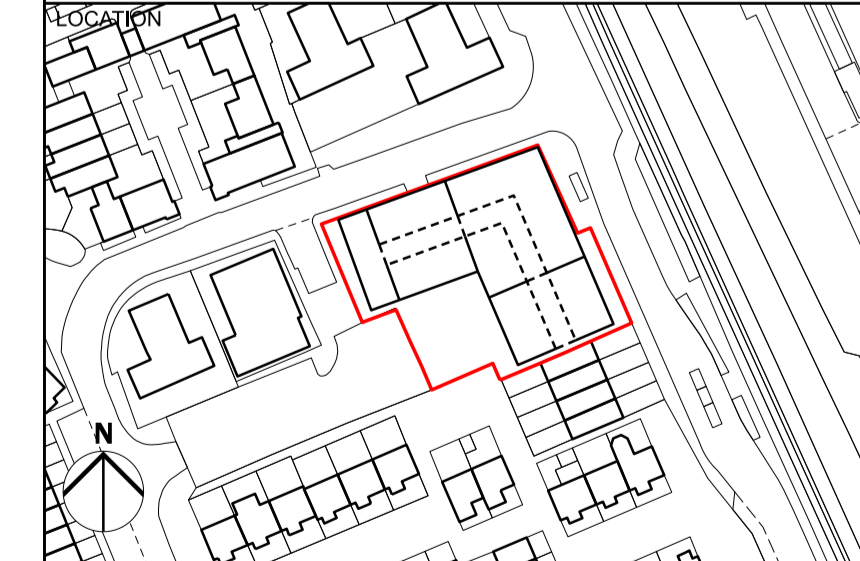
Revision: P10 | 02.07.21 | PLANNING ISSUE

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drawing title / location  
 PROPOSED LOCATION PLAN

drawn by	checked	scale	status		
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project	zone	source	classification	drawing no.	revision
20017	B	A	(00)_001	P10	







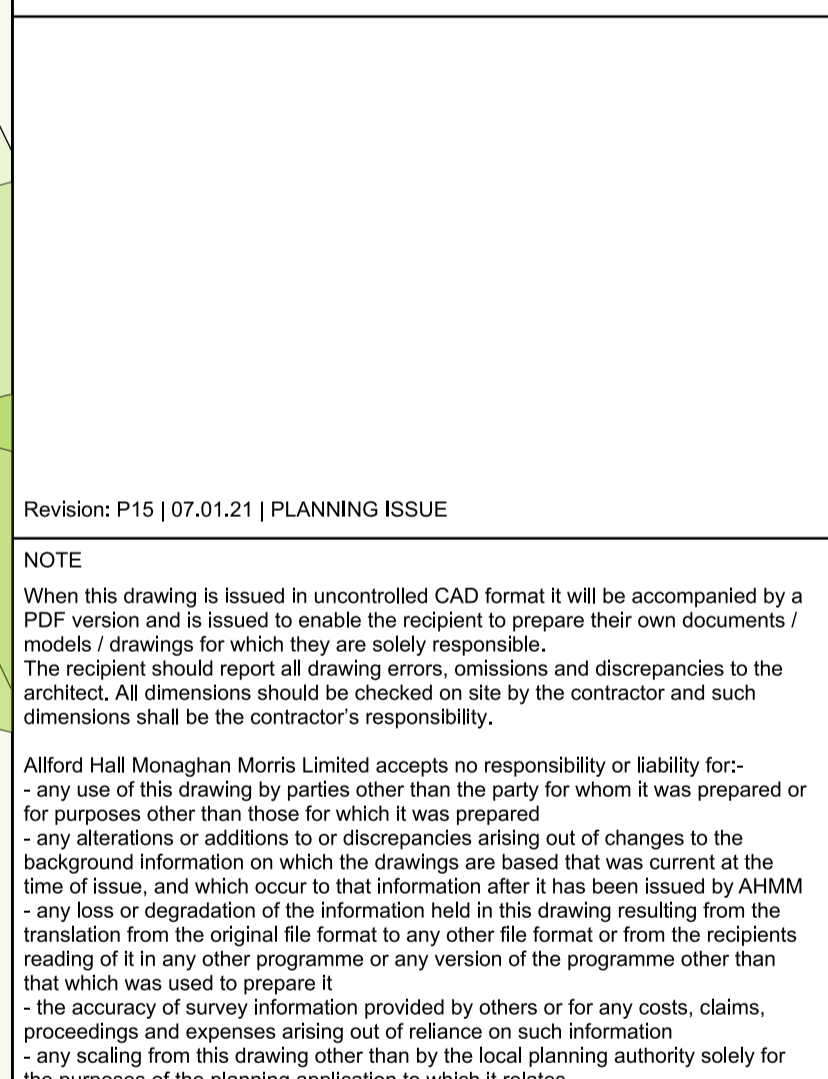
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# PLANNING ISSUE

Revision: P15 | 07.01.21 | PLANNING ISSUE

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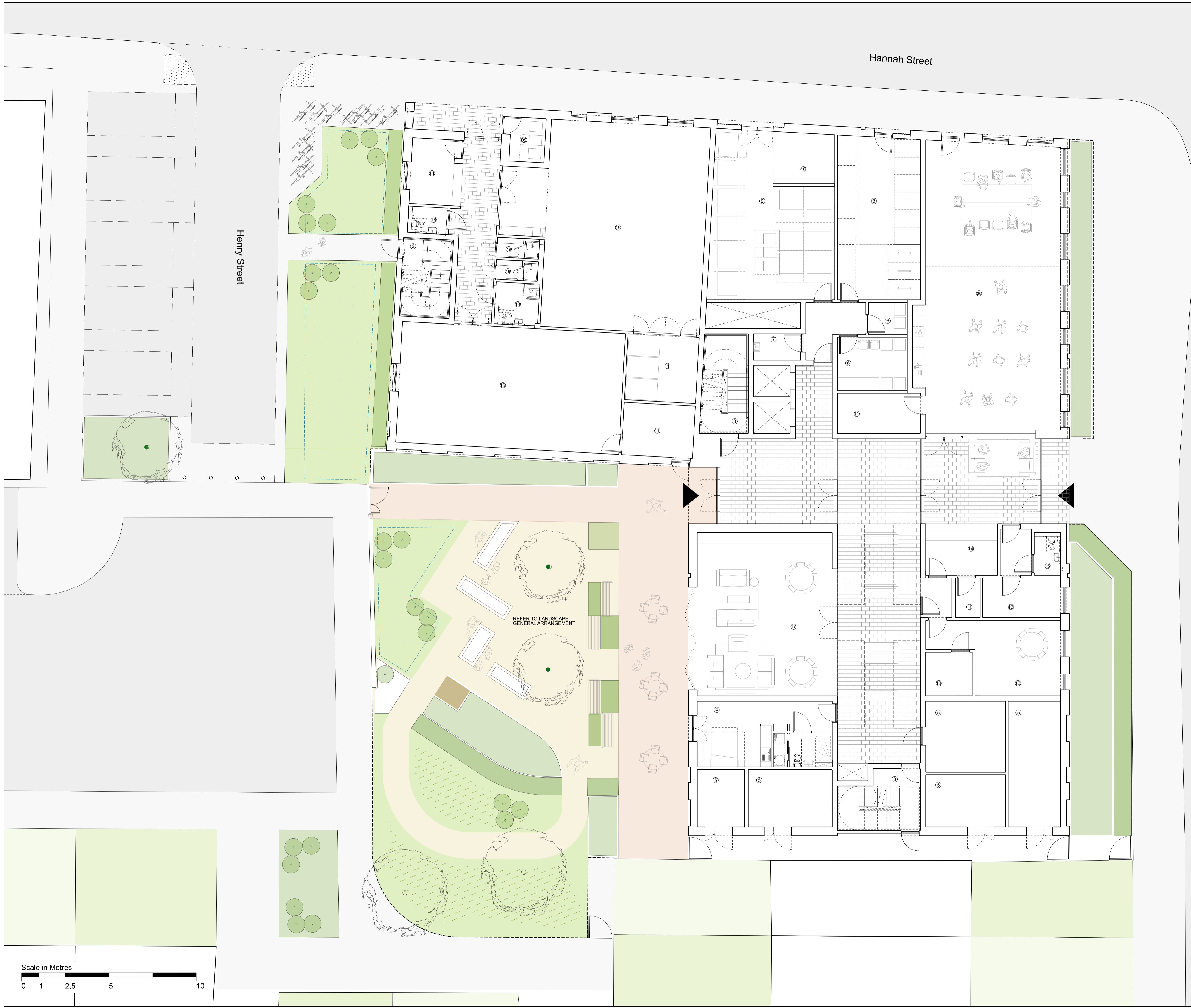
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project	zone	source	classification
20017	B	A	(00)_003
		drawing no.	revision
			P15





- KEY**
- ① 1B UNIT
  - ② 2B UNIT
  - ③ RESIDENTIAL CORE
  - ④ GUEST SUITE
  - ⑤ BACK OF HOUSE/PLANT
  - ⑥ LAUNDRY
  - ⑦ CLEANER
  - ⑧ CYCLE/BUGGY STORE
  - ⑨ REFUSE & RECYCLING
  - ⑩ BULK WASTE STORE
  - ⑪ STORE
  - ⑫ MEDICAL SUITE
  - ⑬ STAFF ROOM
  - ⑭ RECEPTION OFFICE
  - ⑮ COMMUNITY SPORTS HALL
  - ⑯ ACCESSIBLE WC
  - ⑰ RESIDENT'S LOUNGE
  - ⑱ ACCESSIBLE CHANGE
  - ⑲ SHOWER ROOM
  - ⑳ FLEXIBLE ACTIVITY SPACE

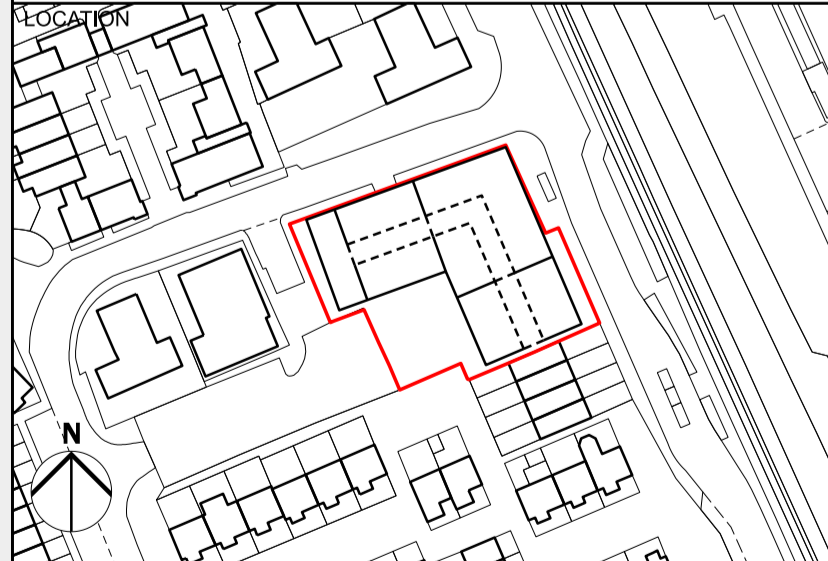
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**Note:**  
Please refer to drawings 20017 B A (00) 002 and 003 for details about the external areas

Revision: P14 | 07.01.22 | PLANNING ISSUE

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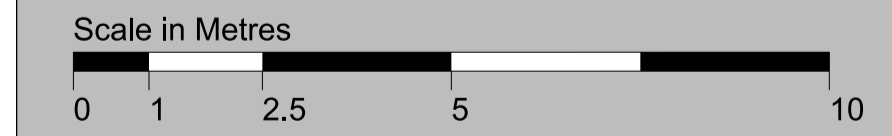
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PROPOSED GROUND FLOOR PLAN

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project	zone	source	classification	drawing no.	revision
20017	B	A	(00)_110	P14	





- KEY**
- ① STRETCHER BOND BRICKWORK WITH FLUSH, COLOUR MATCHED MORTAR (3 VARIETIES OF BRICK - A/B/C)
  - ② VERTICAL STACK BOND BRICK WITH FLUSH, COLOUR MATCHED MORTAR (3 VARIETIES OF BRICK - A/B/C)
  - ③ PRE-CAST RECONSTITUTED STONE HORIZONTAL STRINGER/COPING - MID-TONE COLOUR AS BRICK TYPE C
  - ④ VERTICAL METAL FIN CLADDING WITH VENTS BEHIND (PPC WARM GREY BESPOKE RAL COLOUR TBC)
  - ⑤ DARK VERTICAL TEXTURED METAL DOORS (PPC WARM GREY BESPOKE RAL COLOUR TBC)
  - ⑥ DARK VERTICAL TEXTURED METAL PANELS (PPC WARM GREY BESPOKE RAL COLOUR TBC)
  - ⑦ 60MM FLAT BAR METAL BALUSTRADE; PPC BESPOKE RAL COLOUR TBC, 100MM MAX. VERTICAL CENTRES
  - ⑧ HIGH LEVEL VENTS (GLAZING/ LOUVRES)
  - ⑨ COMPOSITE WINDOW/DOOR SYSTEM, OUTER FRAME COLOUR WARM MID-GREY, BESPOKE RAL COLOUR TBC
  - ⑩ COLOURED GLAZED BRICK TO MAIN ENTRANCES, COLOUR, BOND AND MORTAR COLOUR TBC
  - ⑪ METAL RAINWATER GOODS, SQUARE SECTION; PPC FINISH; BESPOKE RAL COLOUR TBC
  - ⑫ BRICK RECESS, VERTICAL STACK BOND WITH COLOUR MATCHED MORTAR
  - ⑬ GLAZED CURTAIN WALLING ASSEMBLY, INCLUDING POWERED GLAZED ENTRANCE DOOR, OUTER FRAME COLOUR WARM MID-GREY, BESPOKE RAL COLOUR TBC
  - ⑭ 60MM FLAT BAR METAL ROOF PROTECTION RAIL (SETBACK 1m) ; PPC FINISH; BESPOKE RAL COLOUR TBC.
- ▲ BRICK TYPE A - grey-beige-anthracte, textured brick; variation in colour, colour matched mortar  
 ● BRICK TYPE B - brown-grey-beige, textured brick; variation in colour, colour matched mortar  
 ○ BRICK TYPE C - grey-beige-light grey, textured brick; variation in colour, colour matched mortar

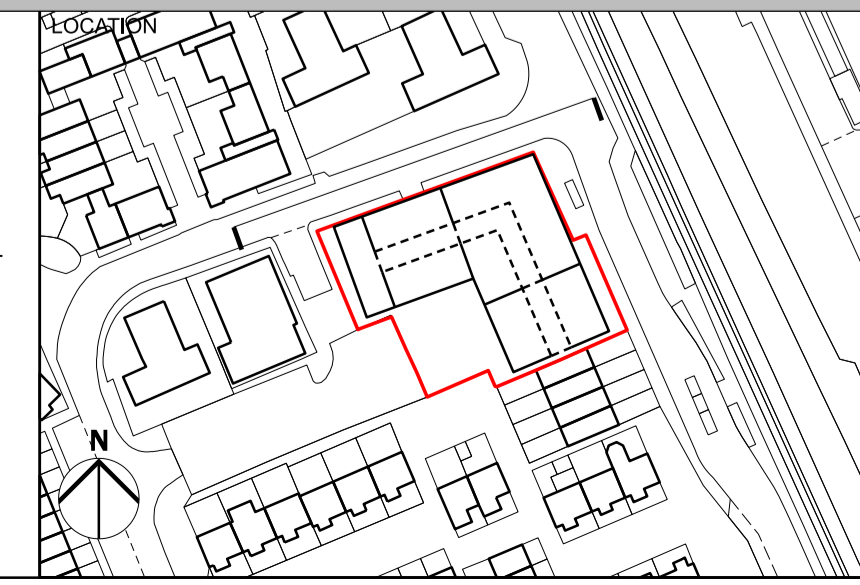
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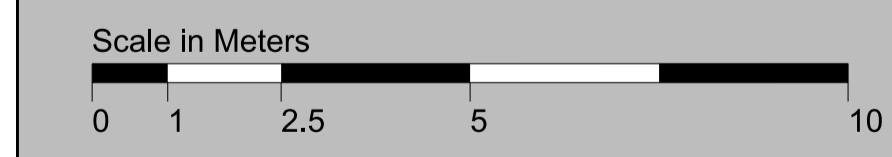
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drawing title / location PROPOSED NORTH ELEVATION					
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project 20017	zone B	source A	classification (00)_211	drawing no. P11	revision



142-145 BUTE STREET      FORMER BRANDON TOOL HIRE SITE      HANNAH STREET      152-160 BUTE STREET



**KEY**

- ① STRETCHER BOND BRICKWORK WITH FLUSH, COLOUR MATCHED MORTAR (3 VARIETIES OF BRICK - A/B/C)
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- ⑨ COMPOSITE WINDOW/DOOR SYSTEM, OUTER FRAME COLOUR WARM MID-GREY, BESPOKE RAL COLOUR TBC
- ⑩ COLOURED GLAZED BRICK TO MAIN ENTRANCES, COLOUR, BOND AND MORTAR COLOUR TBC
- ⑪ METAL RAINWATER GOODS, SQUARE SECTION; PPC FINISH; BESPOKE RAL COLOUR TBC
- ⑫ RECESSED BRICK PANEL, VERTICAL STACK BOND WITH COLOUR MATCHED MORTAR
- ⑬ GLAZED CURTAIN WALLING ASSEMBLY, INCLUDING POWERED GLAZED ENTRANCE DOOR, OUTER FRAME COLOUR WARM MID-GREY, BESPOKE RAL COLOUR TBC
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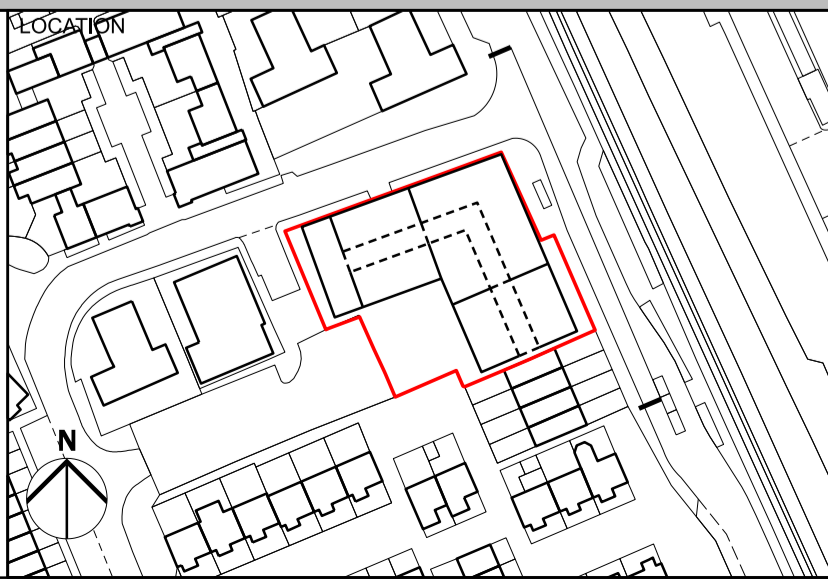
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job title  
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drawing title / location  
 PROPOSED EAST ELEVATION

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project	zone	source classification	drawing no. revision
20017	B	A (00)_210	P10

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COMMITTEE DATE: 02/02/2022

APPLICATION No. **21/02671/MNR** APPLICATION DATE: 15/11/2021

ED: **LLANDAFF**

APP: TYPE: Variation of conditions

APPLICANT: Llandaff City Busy Bees

LOCATION: LLANDAFF PRIMARY CARETAKERS HOUSE, 28  
HENDRE CLOSE, LLANDAFF, CARDIFF, CF5 2HT

PROPOSAL: VARIATION OF CONDITIONS 2 AND 4 TO AMEND  
WORDING AND OPENING HOURS AND REMOVAL OF  
CONDITION 8 RELATING TO THE PEDESTRIAN AND  
CYCLE ACCESS OF 21/00497/MNR

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**RECOMMENDATION 1:** That planning permission be **GRANTED** for carrying out of the development in accordance with planning permission reference 21/00497/MNR without complying with conditions 2, 4 and 8, but subject to the following conditions:

1. C01 Statutory Time Limit
2. The premises shall be used only for the purposes of pre-school nursery and for the care of children aged 4-11 during the after-school clubs in accordance with the applicant's day care provider licence, and for no other purpose (including any other purpose within Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that class in any statutory instrument amending, revoking or re-enacting that order).  
Reason: Permission is granted only because of the characteristics peculiar to this proposal. Other uses within Class D1 could prejudice the amenities of the area and/or generate unacceptable levels of traffic in surrounding streets, contrary to policies KP5, EN13, T5 and T6 of the Cardiff Local Development Plan.
3. No more than 19 children shall be present on the site at any one time for the purposes of attending the nursery as pupils.  
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected and to ensure that the proposed development does not interfere with the safety, convenience and free flow of traffic in the streets around the site, in accordance with policies KP5, EN13, T5 and T6 of the Cardiff Local Development Plan.
4. The use of the premises as a pre-school nursery, and for the care of children aged 4-11 during the after-school clubs, shall not be carried out otherwise than between the hours of 08.00 and 17.30 Monday to Friday and shall not be carried out at any time on weekends and bank holidays. Reason: To ensure that the amenities of occupiers of other



premises in the vicinity are protected and to ensure that the proposed development does not interfere with the safety, convenience and free flow of traffic in the streets around the site, in accordance with policies KP5, EN13, T5 and T6 of the Cardiff Local Development Plan.

5. Before the development hereby approved is brought into beneficial use, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority, setting out proposals and targets, together with a timetable to limit or reduce the number of single occupancy car journeys to the site, and to promote travel by sustainable modes. The Travel Plan shall be implemented in accordance with the timetable set out in the plan, unless otherwise agreed in writing with the Local Planning Authority. Reports demonstrating progress in promoting the sustainable transport measures detailed in the Travel Plan shall be submitted annually to the Local Planning Authority, commencing from the first anniversary of beneficial occupation of the development for a minimum period of 5 years thereafter.

Reason: In the interests of sustainability and the management of transportation impacts, in accordance with policies KP5, KP13, KP15 and T5 of the Cardiff Local Development Plan.

6. The change of use hereby approved shall not be implemented until facilities for the secure and sheltered storage of cycles, scooters and buggies have been provided in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved facilities shall be maintained and shall not be used for any other purpose.

Reason: In order to encourage non-car modes of transport in accordance with policies KP5, KP13 and T5 of the Cardiff Local Development Plan.

7. A maximum of one car parking space shall be maintained within the site at all times.

Reason: 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).

**RECOMMENDATION 2:** The applicant is advised that a commercial contract is required for the collection and disposal of all commercial waste. By law (Environmental Protection Act, 1990, section 34) all commercial premises have a duty of care to ensure that their waste is transferred to and disposed of by a registered waste carrier. Owners or developers of commercial developments/properties who require Cardiff County Council to collect and dispose of their waste can contact the Commercial Services Department on 029 20717500.

## 1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 The application seeks permission for the variation of conditions 2 and 4 and removal of condition 8 of planning permission 21/00497/MNR, which was granted on 24/05/2021 and which gives consent for change of use from dwellinghouse (Use Class C3) to non-residential institution (Use Class D1) to enable the former caretaker's house adjacent to Llandaff Church in Wales Primary School to be used as a pre-school nursery for up to 19 children.
- 1.2 Condition 2 reads:  
*"The premises shall be used only for the purposes specified in the planning application (pre-school nursery) and for no other purpose (including any other purpose within Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that class in any statutory instrument amending, revoking or re-enacting that Order). Reason: Permission is granted only because of the characteristics peculiar to this proposal. Other uses within Class D1 could prejudice the amenities of the area and/or generate unacceptable levels of traffic in surrounding streets, contrary to policies KP5, EN13, T5 and T6 of the Cardiff Local Development Plan."*
- 1.3 The proposed amended wording of condition 2 is:  
*"The premises shall be used only for the purposes of pre-school nursery and for the care of children aged 4-11 during the after-school clubs, in accordance with the applicant's day care provider licence, and for no other purpose (including any other purpose within Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that class in any statutory instrument amending, revoking or re-enacting that order) Reason: Permission is granted only because of the characteristics peculiar to this proposal. Other uses within Class D1 could prejudice the amenities of the area and/or generate unacceptable levels of traffic in surrounding streets, contrary to policies KP5, EN13, T5 and T6 of the Cardiff Local Development Plan'*
- 1.4 The reason for the variation of condition 2 is to allow the applicant to continue operating their other child-care facilities (i.e. the established after-school club use for ages 4-11) which, due to a misunderstanding, was not included in the description of the proposed development when the application was submitted.
- 1.5 Condition 4 reads:  
*"The use of the premises as a pre-school nursery shall not be carried out otherwise than between the hours of 08.00 and 17.00 Monday to Friday and shall not be carried out at any time on weekends and bank holidays. Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected and to ensure that the proposed development does not interfere with the safety, convenience and free flow of traffic in the streets around the site, in accordance with policies KP5, EN13, T5 and T6 of the Cardiff Local Development Plan."*
- 1.6 The proposed amended wording of condition 4 is:

*“The use of the premises as a pre-school nursery, and for the care of children aged 4-11 during the after-school clubs, shall not be carried out otherwise than between the hours of 08.00 and 17.30 Monday to Friday and shall not be carried out at any time on weekends and bank holidays. Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected and to ensure that the proposed development does not interfere with the safety, convenience and free flow of traffic in the streets around the site, in accordance with policies KP5, EN13, T5 and T6 of the Cardiff Local Development Plan.”*

- 1.7 The applicant is seeking this variation to allow the premises' opening hours to be in line with those of the school and allow co-ordinated after-school care, which had been the intention of the original planning application.
- 1.8 Condition 8 reads:  
*“The operator of the nursery hereby approved shall ensure that pedestrian and cycle access for children attending the nursery and their parents and/or carers, and for staff employed at the nursery, is available via the Llandaff Church in Wales Primary School entrances on both Hendre Close and Cardiff Road at all times during the operating hours of the nursery. Reason: To ensure that appropriate accessibility is maintained, in the interests of pedestrian safety and the management of traffic and car parking in the surrounding area, in accordance with policies T5 and T6 of the Cardiff Local Development Plan.”*
- 1.9 As this area of the application site is outside the applicant's control, this application seeks to remove the condition in its entirety.

## 2. **DESCRIPTION OF SITE**

- 2.1 The site is a two storey detached house dating from the second half of the 20<sup>th</sup> century, which has an attached flat roofed single garage and an enclosed rear garden bordered by mature trees. It is located at the entrance to the primary school at the end of Hendre Close, a residential cul-de-sac of semi-detached houses, and fronts onto the gated staff car park and part of the hard surfaced school playground. The sole vehicular access is shared with the school car park. The house has been vacant for 2 years.
- 2.2 The adjoining school site contains a variety of single and two storey buildings, surrounded by soft and hard play areas. It can be accessed via Hendre Close and also from Cardiff Road in Llandaff via a narrow lane which also serves the scout hall. Staff parking is provided at the north-eastern end of the site near to the Cardiff Road entrance, and at the Hendre Close entrance.

## 3. **SITE HISTORY**

- 3.1 21/00497/MNR - Change of use from residential (C3) to non-residential institution (D1) for use as pre-school nursery with conversion of existing garage to play area. Granted.

- 3.2 20/00036/MNR - Change of use from residential (C3) to non-residential institution (D1) for use as pre-school nursery with conversion of existing garage to play area. Refused 18/06/2020: *'The use of the proposed nursery would be likely to result in an increase in the number of children being dropped off and picked up by car on Hendre Close and in the streets nearby, which would be detrimental to pedestrian and highway safety as it would exacerbate existing parking and traffic congestion problems in Hendre Close and the surrounding streets and cause further inconvenience to residents.'*

#### 4. **POLICY FRAMEWORK**

- 4.1 *Cardiff Local Development Plan 2006-2021:*  
KP5 (Good Quality and Sustainable Design);  
KP13 (Responding to Evidenced Social Needs);  
H4 (Change of Use of Residential Land or Properties);  
T5 (Managing Transport Impacts);  
C1 (Community Facilities);  
C3 (Community Safety/Creating Safe Environments).
- 4.2 *Supplementary Planning Guidance:*  
Childcare Facilities (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.  
3.6 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.  
3.11 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.  
4.1.9 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.

4.1.11 Development proposals must seek to maximise accessibility by walking, cycling and public transport, by prioritising the provision of appropriate on-site infrastructure and, where necessary, mitigating transport impacts through the provision of off-site measures, such as the development of active travel routes, bus priority infrastructure and financial support for public transport services.

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.

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.

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

4.55 *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'

4.6 *Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management (October 2014).*

## 5. **INTERNAL CONSULTEE RESPONSES**

5.1 *Transportation:* No opinion on condition 2 and content for condition 4 to extend by 30 minutes to 5.30. Condition 8 was an explicit agreement with the applicant following questions regarding the availability of the access during the periods the nursery would operate. They confirm access during drop-off and pick up times.

## 6. **EXTERNAL CONSULTEES RESPONSES**

6.1 *Police Crime Prevention Design Advisor:* No comments received.

## 7. **REPRESENTATIONS**

7.1 The application has been advertised by site notices and neighbour notification. One individual representation opposing the application has been received. The grounds for objection are summarised as follows:

1. The nursery is already operating an after school club for 4-11 year olds (presumably beyond the specified hours) without planning permission. The proposed change of the use to officially accommodate an after



school club should be refused and enforcement action taken.

2. The current use of both the nursery and the school site causes considerable disruption in the surrounding area, with parents and teachers regularly parking protracted periods of time on local streets. Further extension of any operation associated with the school or the nursery will merely exacerbate the current situation and should be resisted.

7.2 4 individuals have written in support of the application, stating that:

1. Busy Bees is a small, local, community led childcare provider which provides outstanding early years provision in Llandaff and should be supported.
2. The move will bring a new lease of life to a dilapidated building, provide a better, purpose built provision for young children and help the nursery extend its curriculum.
3. The planning application is simply requesting permission to move from one side of the school to the other. It is currently possible to access Busy Bees via Hendre Close and via the Llandaff Road entrance during school opening times even though Busy Bees is not affiliated to the school and this will not change.
4. Concerns expressed at the planning committee meeting regarding the need for families to walk through the school car park to access the new premises are unfounded - currently 420 pupils access the school via this same route through the small staff car park. As such, many pupils of Busy Bees already walk this current route as they follow the footpath through the school to the current Busy Bees site on Llandaff Road.
5. As residents of Hendre Close, we are not at all inconvenienced by the school opening till 5.30 for out of school care.
6. The delay in allowing the move to the new premises is not helping parents trying to adjust to new working patterns following the stress of home working with school children at home. Busy Bees has been open throughout the pandemic, helping parents work, and keeping things "normal " for the children.

7.3 A letter has also been received from the Insole Estate Residents' Association, which reads as follows:

"With regards to the amendments in relation to conditions 2 and 4, we have no objections. In relation to the removal of condition 8, it is our understanding that access to the nursery is already permitted through the Llandaff Church in Wales Primary School at the times needed for drop-off or collection of those attending the nursery or at any time during its opening hours, such as an emergency requiring collection during the day. If this is not the case then we strongly urge the Council to support Busy Bees nursery in securing access for those attending the nursery at the appropriate times. We also call on the Council to monitor closely the levels of traffic which continue to affect residents during school drop-off and collection times. In particular, Hendre Close, Hendre Gardens, Heol Harlech, Vaughan Avenue, Western Avenue slip road."

## 8. **ANALYSIS**

8.1 The principle of allowing the change of use of this building to a nursery has been established by the granting of planning permission. This application seeks to amend conditions relating to the specific use of the building and the opening hours, and to remove a condition which was imposed by Planning Committee when the application was determined which has proven impossible for the applicant to comply with.

### 8.2 Condition 2.

The purpose of condition 2 is to prevent a future change of use of the building without the need for planning permission to another use within Class D1, which includes uses such as the provision of medical or health services, exhibition hall and use for public worship, which would have different characteristics to a childcare facility in terms of parking requirements, traffic movements, times of use etc., which could have negative impacts on the amenities of local residents and the safety of children attending the school. The condition currently specifies 'pre-school nursery' as the approved use as that is what was given as the description of the proposed use on the application form. Busy Bees already provides an after-school childcare facility and, as this is very similar in nature to nursery use and will continue to operate within the proposed opening hours of the premises, there are no objections to '*the care of children aged 4-11 during the after-school clubs in accordance with the applicant's day care provider licence*' being added to this condition. The amendment to the wording of condition 2 is only seeking to reflect an established use and is not seeking to change the principle of the approved use of the site. In fact, the amendment sought is stated to be in the interest of safeguarding as it would enable the applicant to group the children in the caretakers' house, during the last hours or so of the after-school care services provided by Busy Bees Nursery, to avoid the older children being separated from their siblings in the rooms which the main school leases to the applicant.

### 8.3 Condition 4.

The planning application form for change of use mistakenly gave incorrect proposed hours of operation. The requirement for a closing time of 17:30 rather than 17:00 was not made explicit until after the application had been approved. This difference of 30 minutes is not considered to be significant, the closing time of the premises will not clash with the "school run" and there will be no detrimental impact on the amenities of nearby residents. The additional 30 minutes will enable Busy Bees to provide childcare after school hours in accordance with the applicant's day care provider licence and in line with the needs of parents.

8.4 As the majority of children in the nursery have brothers or sisters in the main school, which has been recognised during the determination of Planning Application 21/00497/MNR, it is evident that the extension of the closing time by half an hour will have no prejudicial impact and will not result in a material impact to traffic flows. It is considered that the amendment will be a betterment to the existing operations as by relaxing the closing time to 17:30,

in line with the main school, parents will be able to collect children from the nursery and school in one trip, in turn reducing the total number of journeys. As the applicant is only seeking a 30 minute extension to the premises' closing time, it is not considered that additional transport information is required to support this amendment as the proposals do not seek changes which would cause any material impact to the transport and highway network.

8.5 Condition 8.

Condition 8 was not recommended by officers but was imposed by the Planning Committee following consideration of the objections that had been received from residents of the surrounding streets with regard to traffic and car parking pressures. It was felt that any additional impact on the streets within the Insole Estate caused by parents accessing the nursery via Hendre Close would be alleviated if they were able to also access the site from Cardiff Road, through the school grounds, and that this access would need to be available at all times given that nursery pupils might have to be picked up during school hours.

8.6 Although this involves gaining access over land not in the applicant's ownership, evidence was provided to demonstrate that the school has already granted the applicant certain rights of access in order to enable the operation of the after school facility on school premises, e.g. the applicant has the right *"to use such parts of the Common Parts for the purpose of access to and egress from the Property as shall from time to time be designated by the Licensor for such purpose;"* with 'Common Parts' defined as *"such roads, paths, entrance halls, corridors, lifts, staircases, landing and other means of access in or upon the Building the use of which is necessary for obtaining access to and egress from the Property as designated from time to time by the Licensor"*. The applicant originally agreed with the wording of the condition, believing it to be reasonable in the circumstances, but subsequently it became clear that the Governors and Diocese of Llandaff Primary, having received legal counsel, could not support the inclusion of the condition for various reasons, including the safeguarding of pupils and an on-going dispute with neighbours over access through the site. This means that the applicant effectively cannot implement the consent if this condition remains, as they do not have control over the school premises and therefore cannot ensure that access is available via the Llandaff Church in Wales Primary School entrances on both Hendre Close and Cardiff Road at all times. The applicant therefore requires the removal of this condition in its entirety in order to be able to operate their childcare facility.

8.7 The condition was considered by Members at the time to be necessary to alleviate concerns that following the relocation of Busy Bees from the Cardiff Road side of the school to the Hendre Close side, all nursery pupils and staff might now have to access the premises via Hendre Close, through the Insole Estate.

8.8 A previous planning application for the same proposal (reference 20/00036/MNR) had been refused by the Planning Committee on 18/06/2020 as it was felt that the likely increase in the number of children being dropped

off and picked up by car on Hendre Close and in the streets nearby was unacceptable for reasons of pedestrian and highway safety. The information provided by the applicant at the time was short of essential details and Highways/Transportation officers advised that, given the lack of detail, they were not able to support the application as it stood. There had also been previous refusals of planning permission for nursery extensions at the school on the grounds that there would be a significant increase in school traffic and demand for short stay parking in Hendre Close and the surrounding roads, which were already congested, to the detriment of pedestrian and highway safety and the amenity of residents.

- 8.9 There is clearly a history of traffic and parking issues in this area caused by the picking up and dropping off of children attending the school. However, Hendre Close was designated a 'School Street' in January 2020 and access restrictions were put in place. During term time motor vehicles are not permitted to drive in the streets around the school on weekdays between 8.30am to 9.15am and 2.45pm to 3.45pm. Signs inform drivers of the restrictions at the entrance to the street and any unauthorised vehicles entering during restricted times can be issued with a Penalty Charge Notice. The designation of School Streets is intended to reduce traffic around school entrances in order to improve safety, reduce pollution and make sustainable methods of travel more appealing.
- 8.10 The proposed nursery would operate from 8am to 5.30pm Monday to Friday, which is partly outside the hours of the existing Traffic Regulation Order, and therefore parents and staff would be able to access the site by car via Hendre Close before 8.30am and after 3.45pm. However, there would be fewer children attending the nursery than previously proposed (19 rather than 24) and the applicant has provided information on how staff and pupils travel to and from the current nursery site, which is close by, which demonstrates that the majority of them walk. Those travelling by car tend to park in the public car park on Llandaff High Street, around 230m away, and access the nursery on foot. The proposed nursery location is only 75m from the existing site, making it possible for existing travel arrangements to be maintained.
- 8.11 Furthermore, the applicant has confirmed that both access points (Hendre Close and Cardiff Road) can already be used at pick up/drop off times and that this will remain the case. It is a fact that the school gates at both access points will be open at the beginning and end of the school day and that parents delivering and picking up children attending the nursery, many of whom will also be dropping off/picking up school pupils at the same time, will be able to use either entrance.
- 8.12 The Council's highways officers had no objections to the granting of planning permission without a condition requiring access via both sides of the school to be maintained at all times – they considered the information relating to travel and attendance patterns, the reduced number of pupils and the applicant's proposal to produce a Travel Plan acceptable and were able to support a recommendation of approval on that basis. In considering the proposals to amend conditions 2 and 4 and remove condition 8, highways officers have

raised no objections, noting that the applicant has confirmed that access is available via both entrances at drop off and pick up times. The conditions which they previously requested, to secure the provision of a Travel Plan (to be monitored for 5 years) and SPG compliant cycle parking facilities, and to limit the number of car parking spaces to the SPG maximum, will remain in place.

- 8.13 The applicant's agent contends that condition 8 does not satisfy the requirements of Welsh Government Circular 016/2014 – The Use of Planning Conditions for Development Management, which states that conditions should be: i. Necessary; ii. Relevant to planning; iii. Relevant to the development to be permitted; iv. Enforceable; v. Precise; and vi. Reasonable in all other aspects, and that “conditions should only be imposed where they satisfy all of the tests”. As such, if it is justified that a planning condition fails any of the six tests, “it should not be imposed”.
- 8.14 In considering whether a particular condition is necessary, local planning authorities should ask themselves whether planning permission would have to be refused if a condition were not imposed, or if it would be expedient to enforce against a breach of the condition. If it would not, then the local planning authority needs to carefully justify the reason for the condition. A condition should not be imposed unless it is considered necessary. The same principles must be applied in dealing with applications for the removal of a condition under section 73 or section 73A. A condition should not be retained unless there are sound and clear reasons for doing so.
- 8.15 Circular 016/2014 also considers questions of whether compliance with a condition is possible and states that ‘a condition should only be imposed if a developer can reasonably be expected to fulfil its requirements. If not, then the condition may be unlawful and enforcement action cannot be taken. One type of case where this might happen is where a condition is imposed requiring the carrying out of works (e.g. construction of a means of access) on land within the application site, but not under the control of the applicant at the time of the grant of planning permission.’ In this way, it notes how ‘conditions may be imposed on land that falls outside the planning application site provided the land is under the control of the applicant. Conditions should not be imposed on land that is not under the control of the applicant’.
- 8.14 The Circular also advises that a condition can be ‘ultra vires on grounds of unreasonableness, even if it is precisely worded and otherwise within the powers available.’ For instance, a condition may impose a continuing restriction on the use of land (provided that there are good planning reasons for that restriction), but that restriction ‘should not nullify the benefit of the permission’. It also notes how ‘an unreasonable condition does not become reasonable just because an applicant suggests it, or agrees to its terms’ and goes on to state that it would be ‘unreasonable to expect an applicant to comply with a condition which relates to an area of land or element not in their control at the time when planning permission is granted.’
- 8.15 Condition 8 relies on the applicant having control over access through the

school grounds for parents and pupils. Whilst it is recognised that the school leases some rooms to the nursery operator and that nursery staff have internal fobs for their own access and egress into their workplace, this does not constitute evidence of the applicant's ability to secure and control pedestrian and cycle access for others at all times. Access for nursery pupils and parents is available via the school gates on Hendre Close and Cardiff Road but these gates are closed outside of drop-off and pick-up times.

8.16 When the planning application was being considered by the Planning Committee, the issue of the need for parents to be able to access the nursery at all times should a child feel unwell and require early collection was also raised by Members; however, this does not justify condition 8 - should a child require early pick up for whatever reason, the nursery manager on site would be able to facilitate individual access, given the applicant's working relationship with the school (which would not deny access in the event of a medical emergency). In this way, although the school runs completely separately to Busy Bees, it is evident that there are enough safeguarding measures to ensure children can safely leave the premises at all times. Condition 8 is considered unreasonable as it states that pedestrian and cycle access must be available at 'all times', not just during ad-hoc situations when a member of staff may allow a parent into the school to pick up a child during an emergency.

8.17 Representations.

It is noted that only one objection to this application has been received. In response to the objector's points:

1. The existing after school club for 4-11 year olds is operated by the Nursery but is within the existing school buildings therefore does not require planning permission. The incorporation of this existing use into the description of the proposed use of the former caretaker's premises is discussed above.

2. The principle of permitting the nursery to operate from the former caretaker's house has been established by the granting of planning permission. The after school care facility already exists, on the school premises, and the extension of the hours of opening of the childcare facility by 30 minutes, in line with current school opening hours, will have no material impact on the current parking situation.

8.18 With regard to the comments received from the Insole Estate Residents' Association in relation to the removal of condition 8, it is noted that they understand that access to the nursery is already permitted through the Primary School at the times needed for drop-off or collection of those attending the nursery and at any time for emergencies requiring collection during the day. This issue of access is discussed above. Their call for the Council to monitor closely the levels of traffic which continue to affect residents during school drop-off and collection times is noted but is a traffic management issue relating to school traffic, for consideration by the local highway authority, and is not relevant to the determination of this application. Highways/Transportation officers have not raised any concerns that the current control measures are inadequate in respect of the nursery proposals.

#### 8.19 Conclusion.

In conclusion, there would be no reasonable grounds for refusal of this application: the variations sought to conditions 2 and 4 and the removal of condition 8 are considered to be in line with national and local planning policy and the proposed amendments to this planning permission will not result in any detrimental impact in respect of residential amenity, parking/traffic congestion or highway safety but will enable the applicant to implement their planning permission and continue to provide much-needed local childcare facilities within an improved environment. It is therefore recommended that permission is granted subject to the conditions of the original permission, with conditions 2 and 4 amended to reflect the reasonable needs of the applicant and condition 8 removed as unnecessary, unreasonable and unenforceable.

### 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.

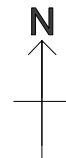
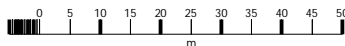
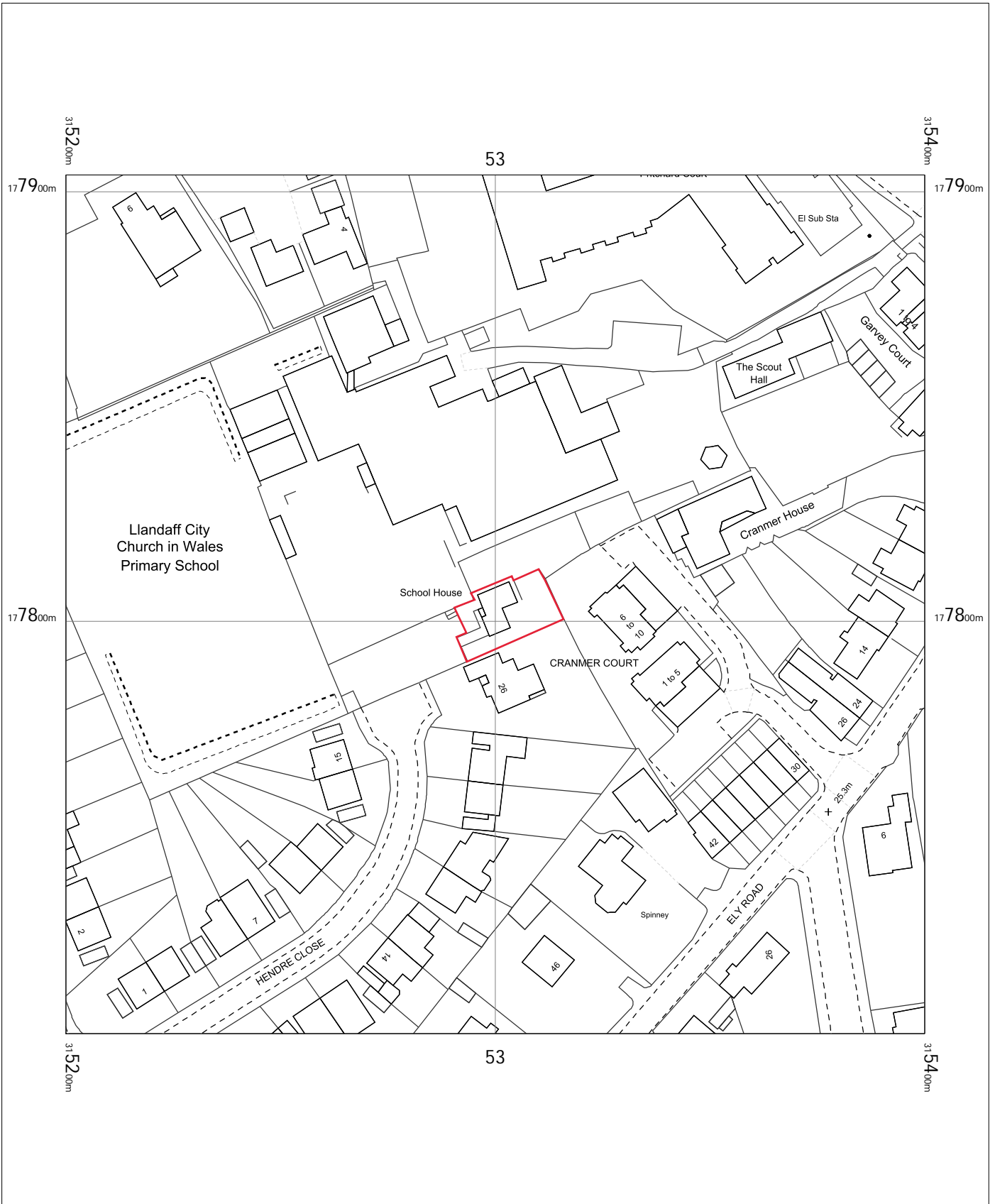
#### 9.4 *Well-being of Future Generations (Wales) Act 2015*

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.



# 28 Hendre Close



OS MasterMap 1250/2500/10000 scale  
Thursday, January 9, 2020, ID: BW1-00851614  
maps.blackwell.co.uk

1:1250 scale print at A4, Centre: 315300 E, 177804 N

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## LOCAL MEMBER APPLICATION

COMMITTEE DATE: 02/02/2022

APPLICATION No. **21/02702/DCH** APPLICATION DATE: 17/11/2021

ED: **Creigiau/St Fagans**

APP: TYPE: Householder Planning Permission

APPLICANT: Mr & Mrs Bradbury

LOCATION: 10 YARROW CLOSE, ST FAGANS, CARDIFF, CF5 4QS

PROPOSAL: SINGLE STOREY REAR EXTENSION AND REAR  
DORMER ROOF EXTENSION

**RECOMMENDATION:** 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:
  - Proposed Site Plan: Dwg no: PL-300 (NOV.21)
  - Proposed Floor Plans: Dwg no: PL-301 (NOV.21)
  - Proposed Elevations: Dwg. no: PL-302 (NOV.21)

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 materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used on the existing building.  
Reason: To ensure the external materials harmonise with the existing building in the interests of the visual amenity of the area in accordance with Policy KP5 of the Cardiff Local Development Plan 2006-2026.

### 1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 The development proposed is a single storey rear extension to create extended open plan living\kitchen family space and loft conversion, incorporation rear flat roof dormer to include two additional bedrooms. Exterior materials will match the host property.

### 2. **DESCRIPTION OF SITE**

- 2.1 The application site relates to a detached property orientated in a north south axis with front and rear gardens, located on a private drive accessed off a small

cul-de-sac. Neighbouring properties are detached units to either side with semi-detached units beyond the rear garden boundary.

### 3. **SITE HISTORY**

3.1 No relevant planning history.

### 4. **POLICY FRAMEWORK**

#### ***National Planning Policy***

- Future Wales: The National Plan 2040 (2021)
- Planning Policy Wales (11<sup>th</sup> Ed, 2021)
- Technical Advice Note 12: Design

#### ***Cardiff Local Development Plan 2006-2026 (2016)***

- Policy KP5: Good Quality and Sustainable Design

#### ***Supplementary Planning Guidance***

- Residential Extensions and Alterations (2017)

### 5. **INTERNAL CONSULTEE RESPONSES**

None.

### 6. **EXTERNAL CONSULTEE RESPONSES**

None

### 7. **REPRESENTATIONS**

7.1 Neighbours have been notified. No representations have been received.

### 8. **ANALYSIS**

8.1 The key issues are the effect of the proposal upon the character and appearance of the area and on the living conditions of neighbours.

8.2 Policy KP5 seeks to ensure that new development responds *“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”* The proposal relates to a single storey flat roof extension positioned to the rear elevation of the property. The structure will extend the full width of the rear elevation measuring approx. 6.7m and will project into the rear garden by approx. 3.8m. In addition a flat roof dormer will be incorporated into the rear roof plane. The roof alteration will be set in from each side of the roof, up from the eaves and sit below the ridge line. The proposed works are considered acceptable in regards to scale and design and will provide a subservient addition to the dwelling which would not prejudice the general character of the area or the existing dwellinghouse.

8.3 Policy KP5 seeks to ensure that ‘no undue effect on the amenity of neighbouring occupiers’ results from development. The scale of the proposed works and the relationship with neighbouring properties is considered acceptable. It is considered that the development will not be overbearing or generally un-neighbourly which would justify concern. It is considered that the proposal would not prejudice the privacy of neighbours.

## 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.

### 9.4 *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.

## 10. **RECOMMENDATION**

10.1 Having regard to the policy context above, the proposal is considered acceptable and planning permission is recommended subject to conditions.

# Planning Application Yarrow Close, Cardiff

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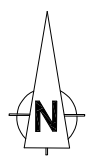
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Site Location Plan (1:1250)



Site Location Plan (1:500)



Project:  
Proposed single storey extension to rear and new loft dormer room.

Drawing Title:  
Site Location Plan

Stage:  
PLANNING APPLICATION

Job: 2056 Dwg No. **PL-100**

Date: Nov. 21 Rev: -

## SITE LOCATION PLAN

**NOTE:**

Prior to commencement of the works:-

- Contractor to search and find existing drainage runs. All works then to be carried out in accordance with Building Control & Welsh Water requirements/recommendations.
- Specialist drainage design details to be provided and agreed by Drainage Engineer
- Drawings to be used for Planning Purposes Only.
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# Planning Application Yarrow Close, Cardiff

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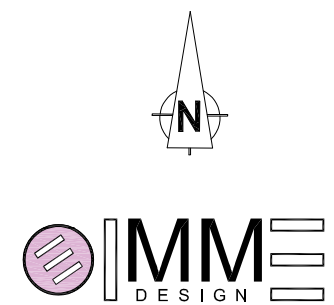
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## EXISTING SITE PLAN



Project:  
Proposed single storey extension  
to rear and new loft dormer room.

Drawing Title:  
Existing Site Plan

Stage:  
PLANNING APPLICATION

Job: 2056 Dwg No. **PL-200**

Date: Nov. 21 Rev: -

**NOTE:**

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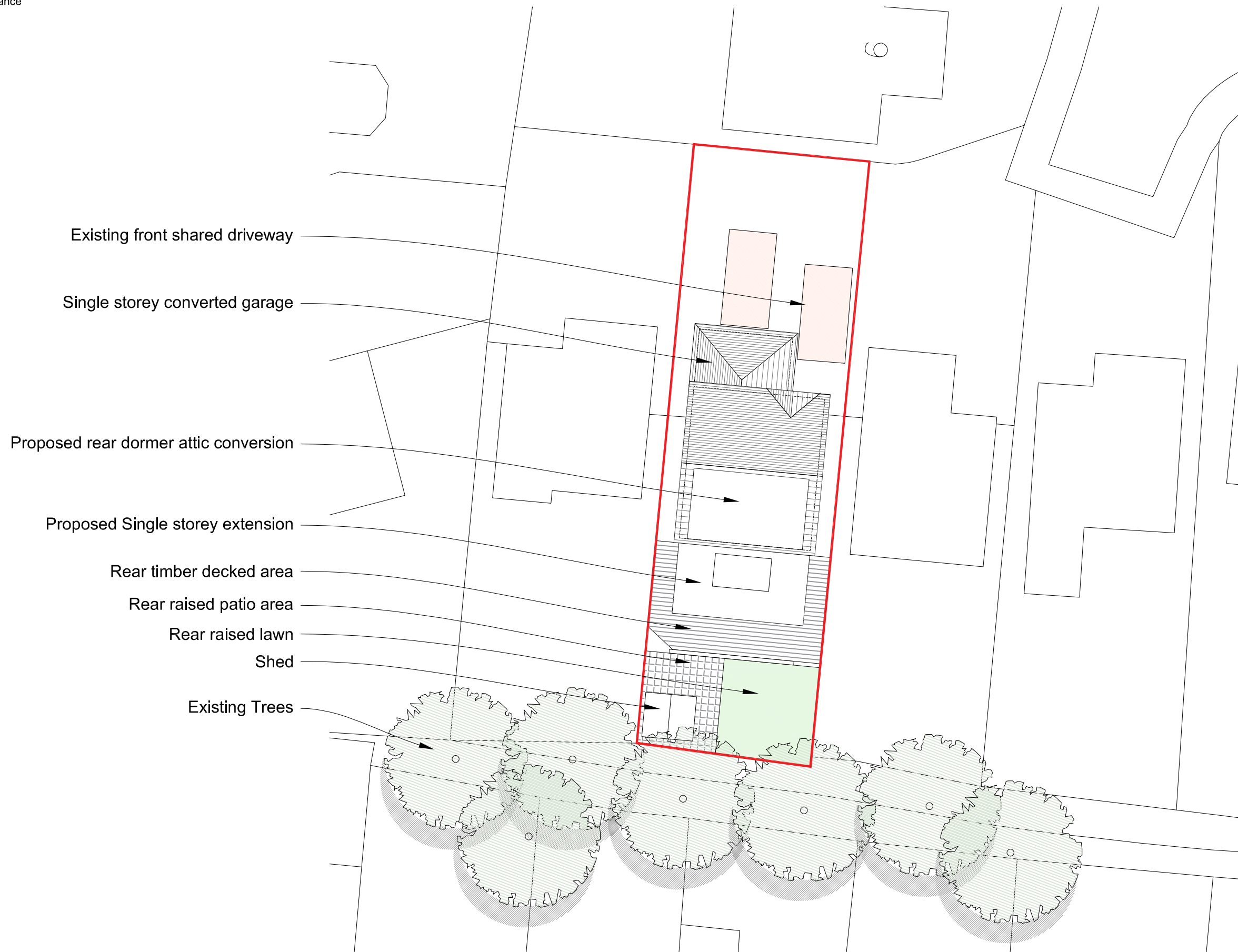
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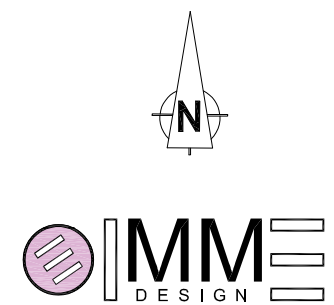
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No	By	Date	Description



## PROPOSED SITE PLAN



Project:  
Proposed single storey extension  
to rear and new loft dormer room.

Drawing Title:  
Proposed Site Plan

Stage:  
PLANNING APPLICATION

Job: 2056 Dwg No. **PL-300**  
Date: Nov. 21 Rev: -



**NOTE:**

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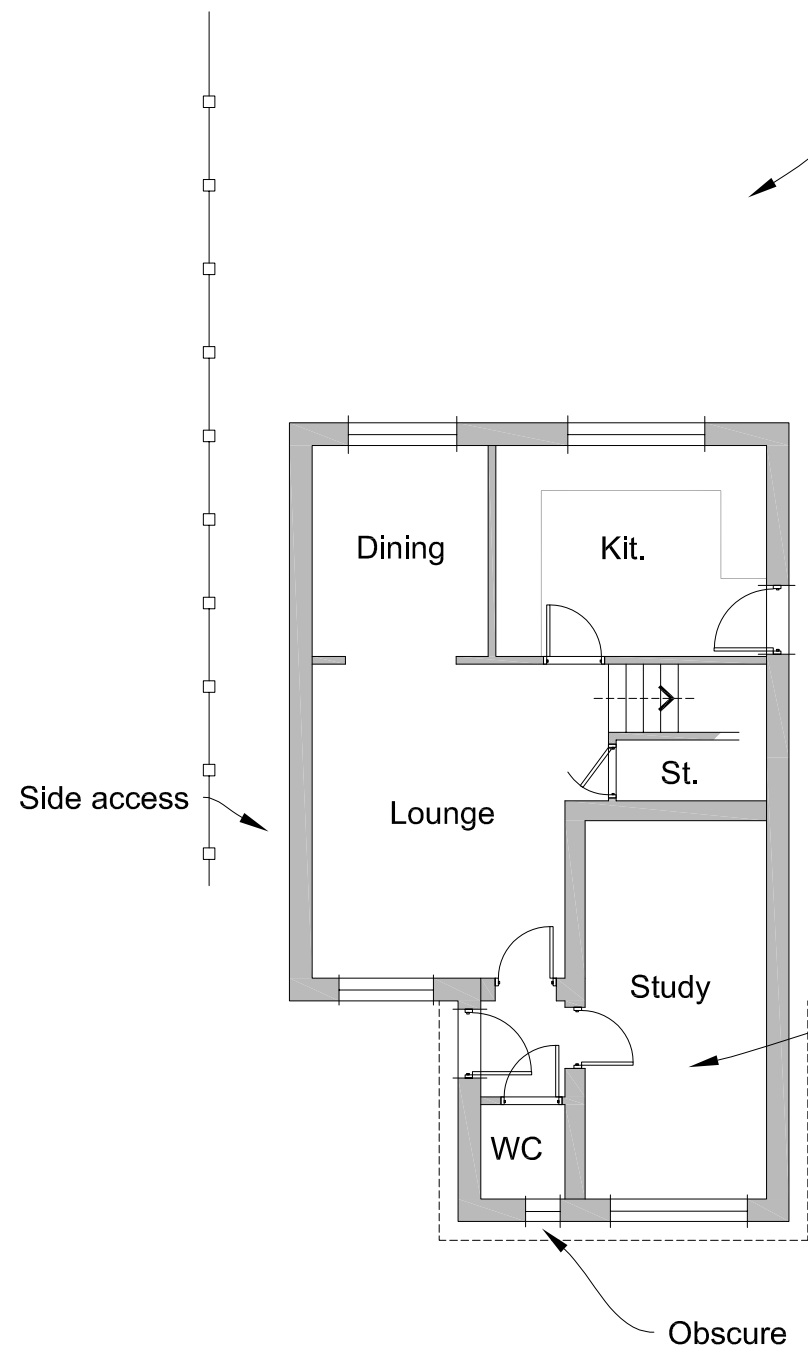
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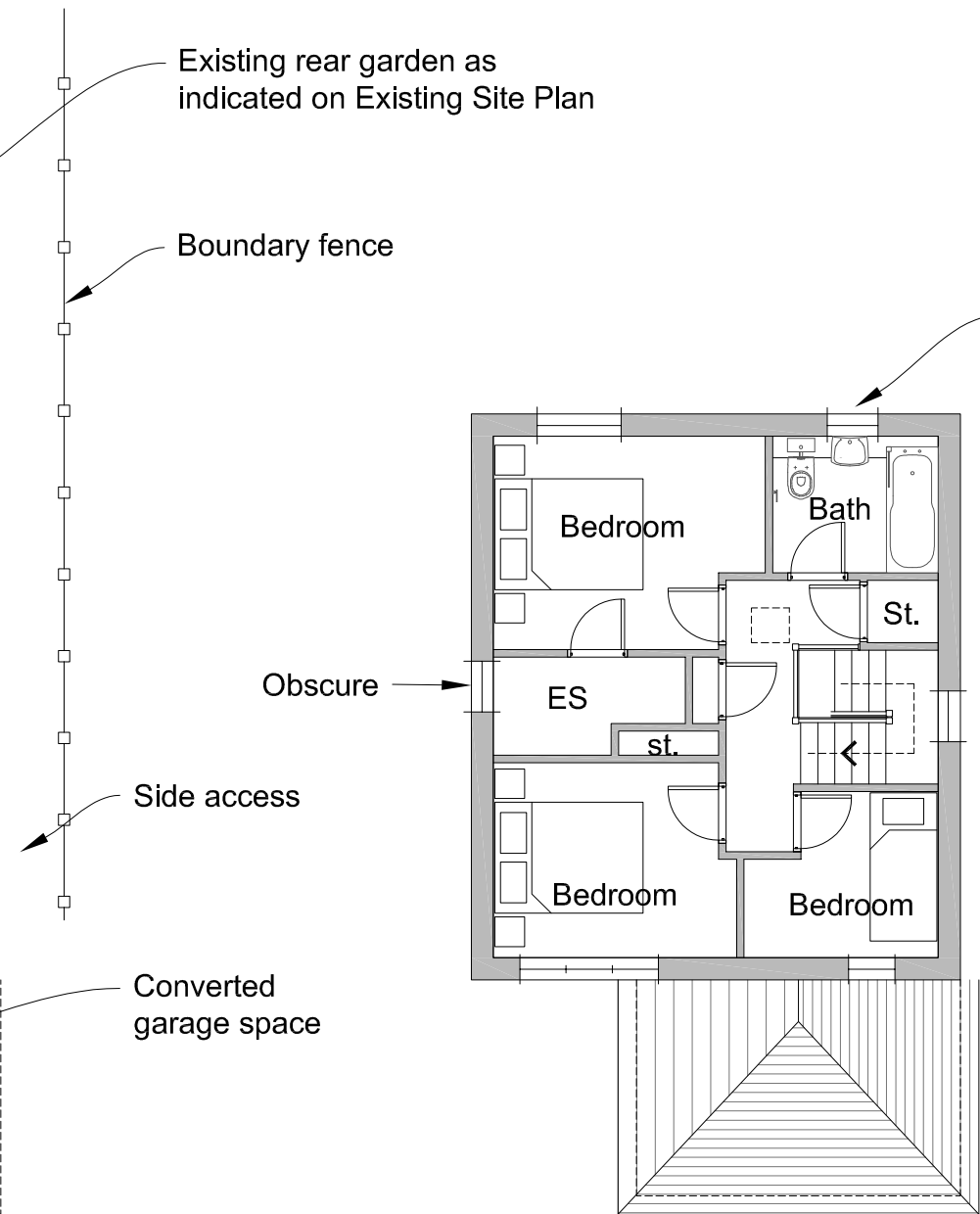
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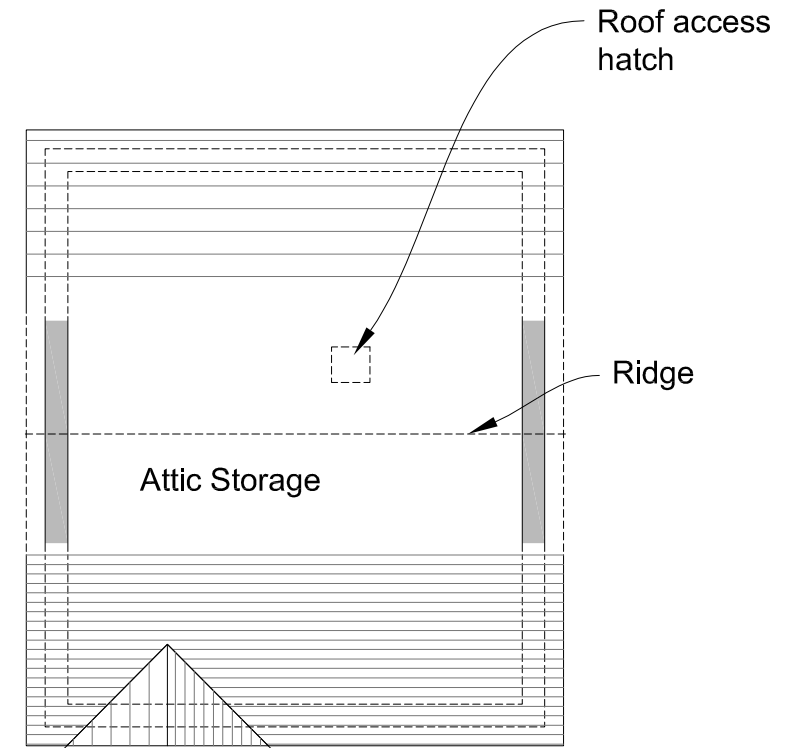
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**GROUND FLOOR**



**FIRST FLOOR**



**ATTIC SPACE**

## EXISTING FLOOR PLANS



Project:  
Proposed single storey extension to rear and new loft dormer room.

Drawing Title:  
Existing Floor Plans

Stage:  
PLANNING APPLICATION

Job: 2056 Dwg No. **PL-201**

Date: Nov. 21 Rev: -

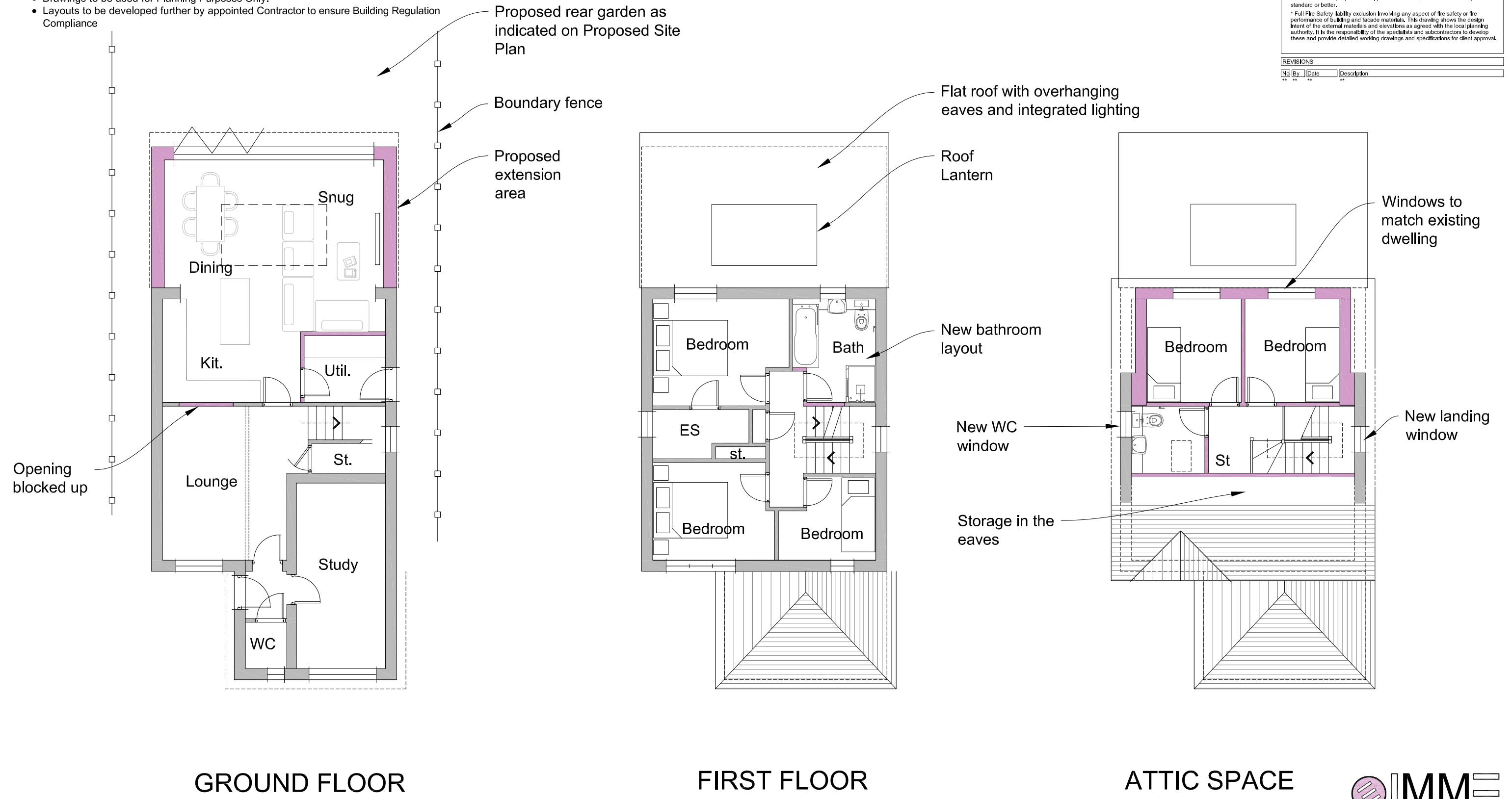
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GROUND FLOOR

FIRST FLOOR

ATTIC SPACE

## PROPOSED FLOOR PLANS



Project:  
Proposed single storey extension to rear and new loft dormer room.

Drawing Title:  
Proposed Floor Plans

Stage:  
PLANNING APPLICATION

Job: 2056 Dwg No. **PL-301**  
Date: Nov. 21 Rev: -

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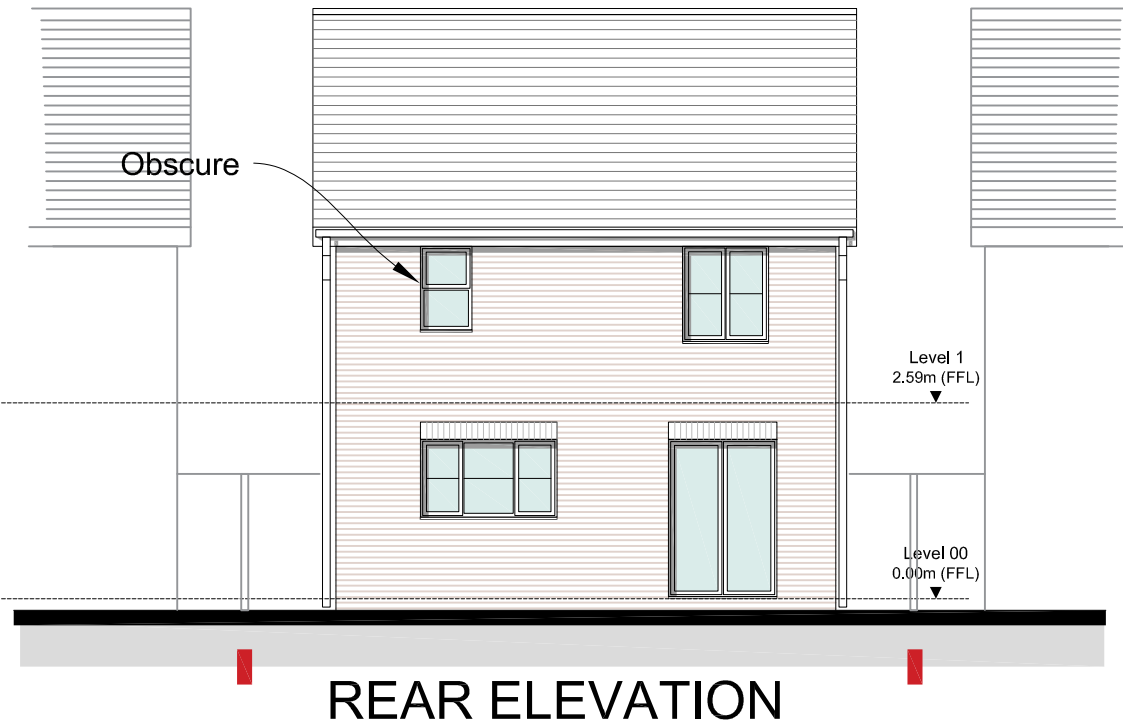
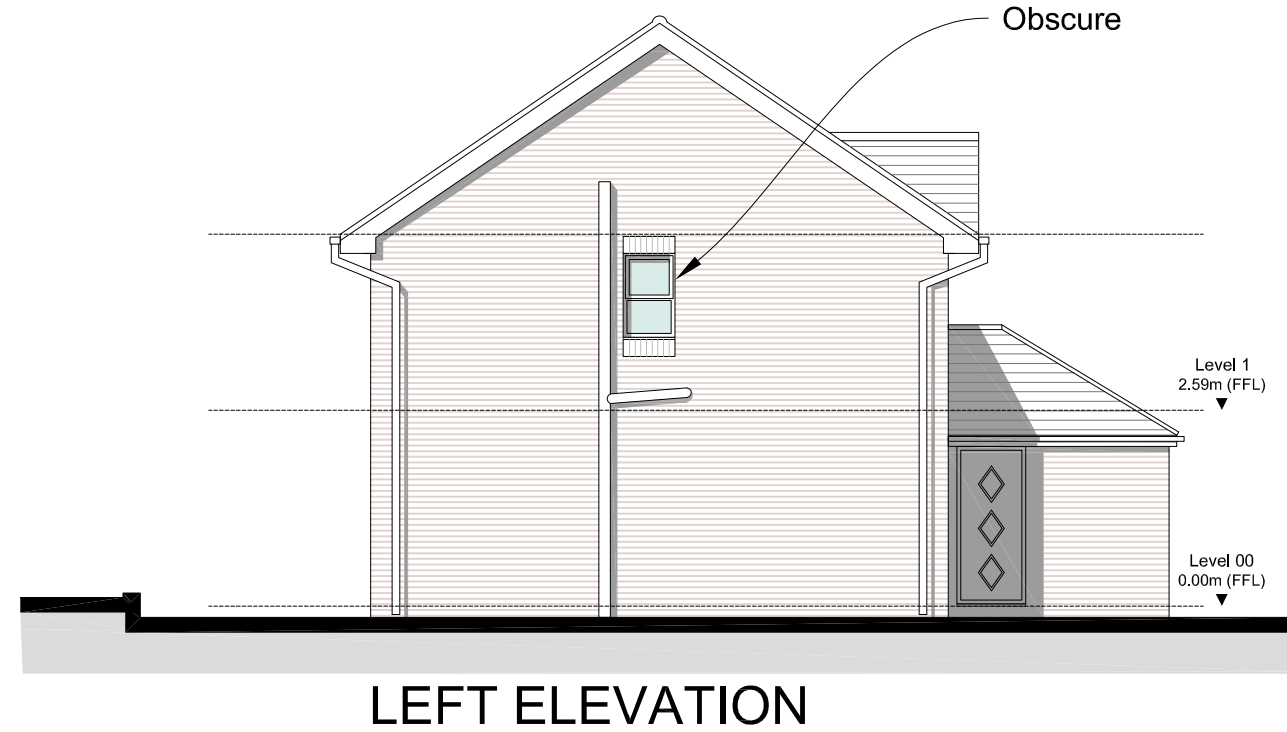
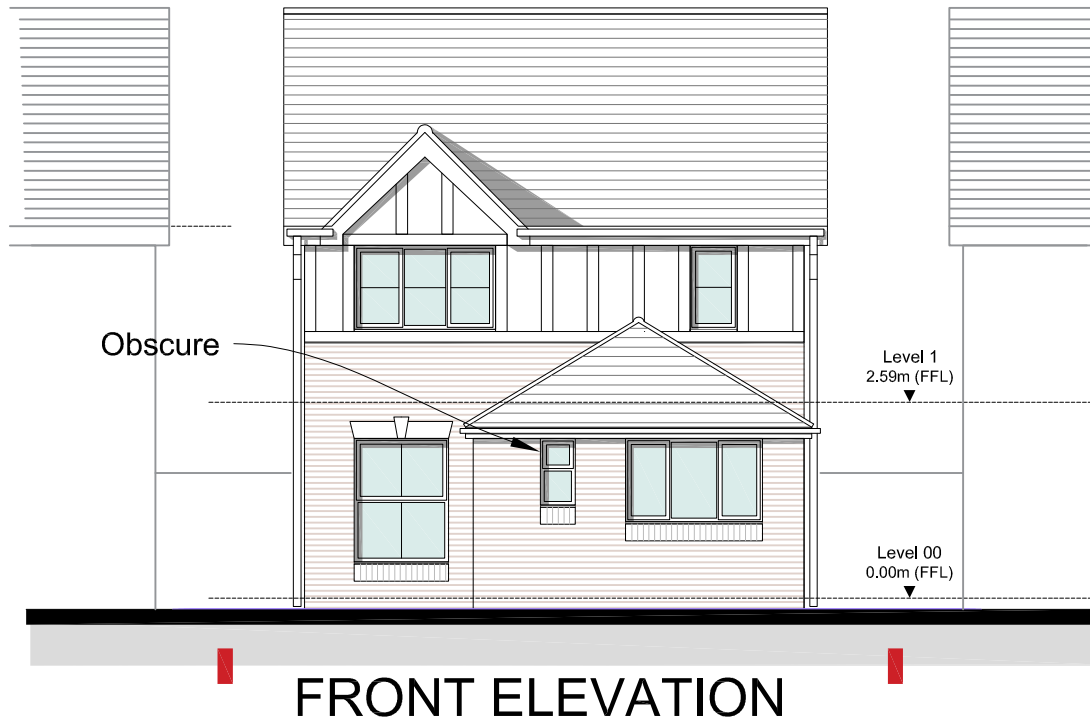
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## EXISTING ELEVATIONS



Project:  
Proposed single storey extension to rear and new loft dormer room.

Drawing Title:  
Existing Elevations

Stage:  
PLANNING APPLICATION

Job: 2056 Dwg No. **PL-202**

Date: Nov. 21 Rev: -

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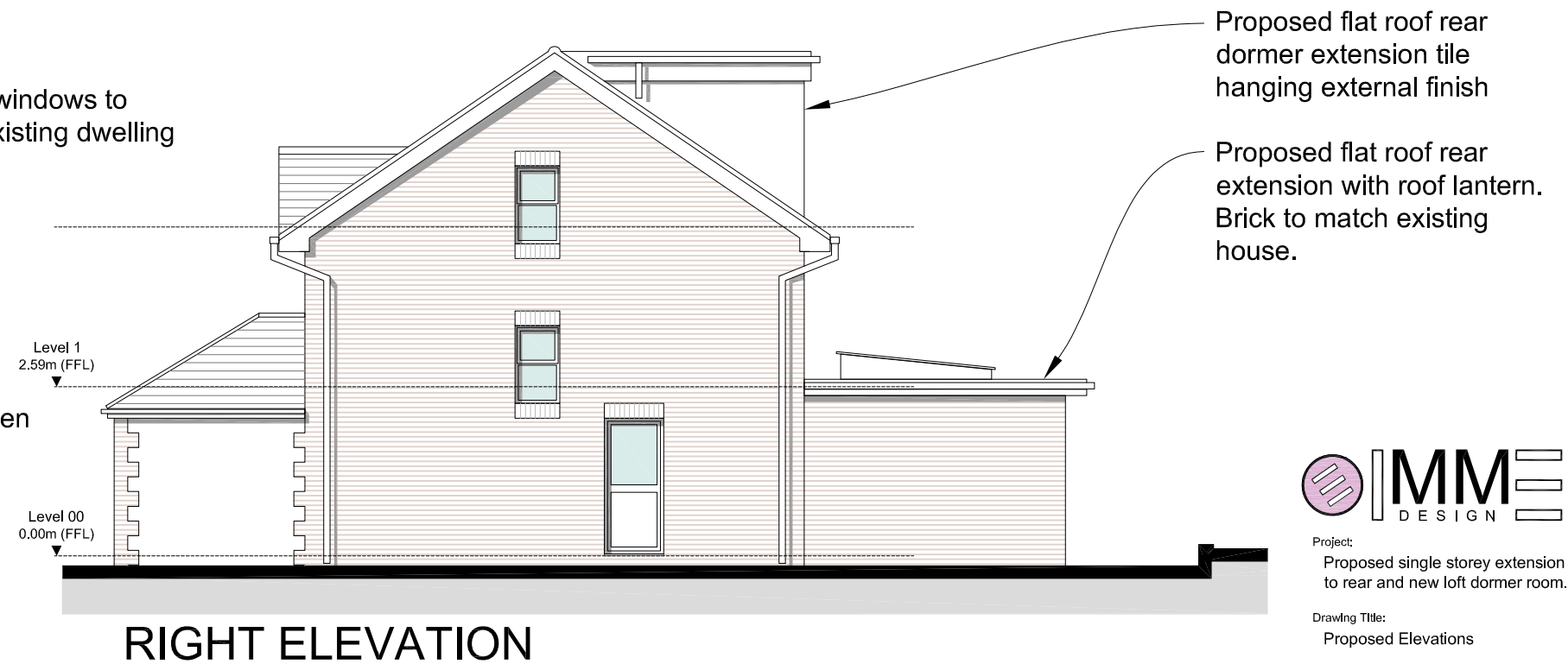
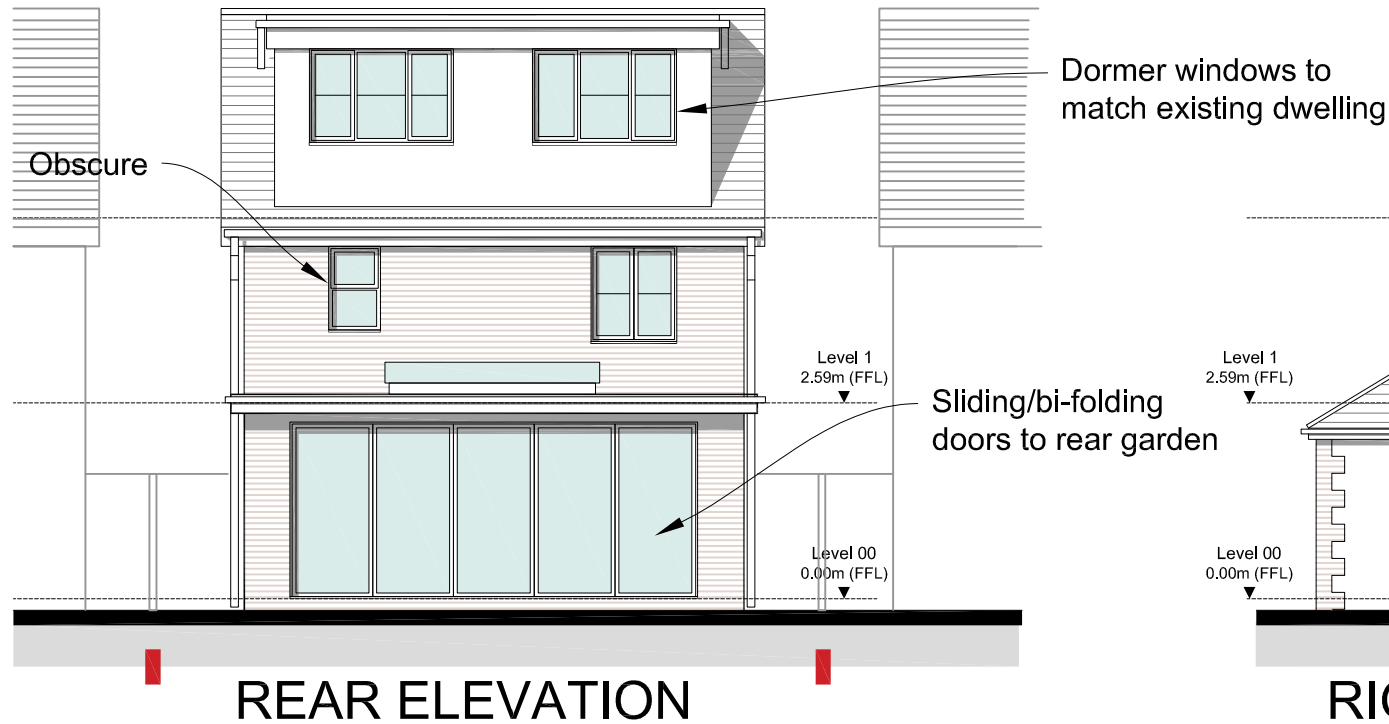
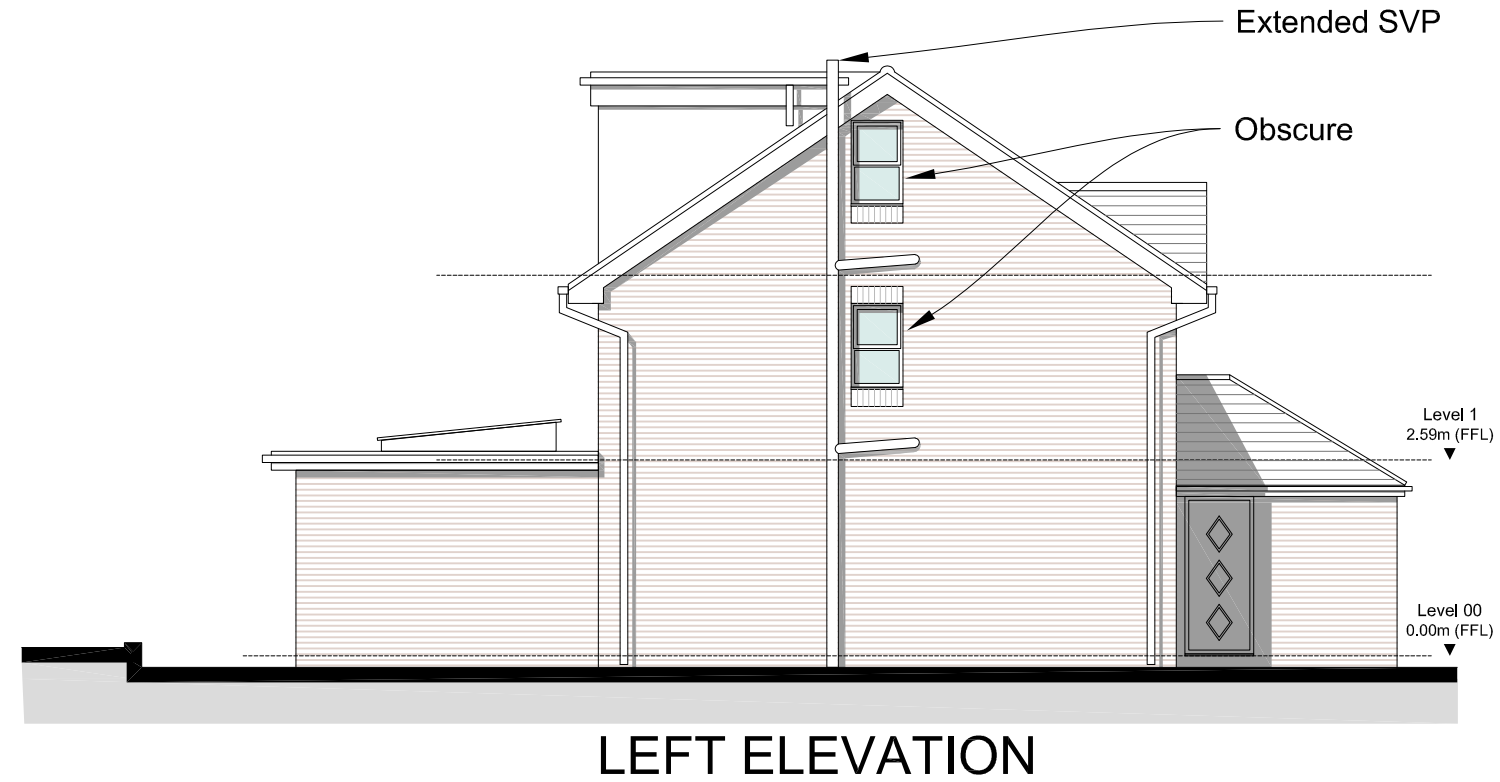
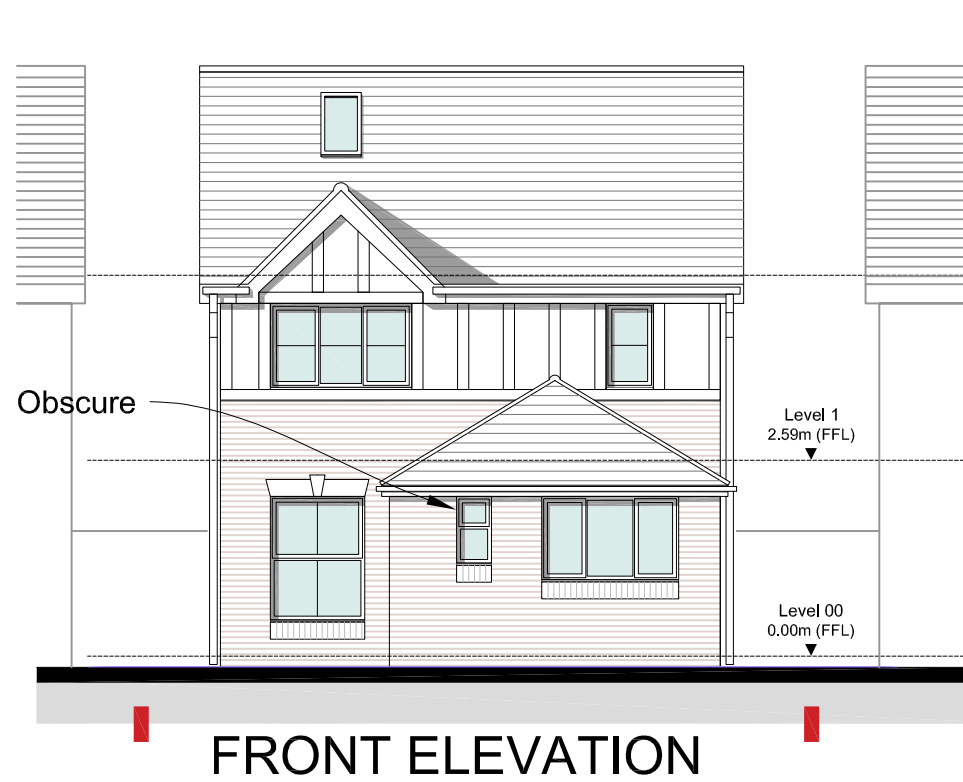
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REVISIONS		
No	By	Date



## PROPOSED ELEVATIONS



Project:  
Proposed single storey extension to rear and new loft dormer room.

Drawing Title:  
Proposed Elevations

Stage:  
PLANNING APPLICATION

Job: 2056 Dwg No. **PL-302**

Date: Nov. 21 Rev: -