



County Hall
Cardiff
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Neuadd y Sir
Caerdydd
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AGENDA

Committee	PLANNING COMMITTEE
Date and Time of Meeting	THURSDAY, 3 NOVEMBER 2022, 1.30 PM
Venue	CR 4, COUNTY HALL - MULTI LOCATION MEETING
Membership	Councillor Stubbs (Chair) Councillors Humphreys, Ahmed, Hunt, Jones, Joyce, Naughton, Reid-Jones, Robson, Sattar and Wong

1 **Apologies for Absence**

2 **Declarations of Interest**

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

3 **Minutes**

To approve as a correct record the minutes of the meeting held on 6 October 2022.

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:

Application no, 22/01411/DCH, 43 PENTWYN, RADYR

Application no, 22/01707/MNR, 88 SPLOTT ROAD, SPLOTT,

5 **Development Control Applications**

a 22/01411/DCH, 43 PENTWYN, RADYR

b 20/01882/MJR, WINDRUSH, 58 PWLLMELIN ROAD, LLANDAFF

c 22/01719/MJR, CANTONIAN HIGH SCHOOL, FAIRWATER ROAD, FAIRWATER

- d 22/01707/MNR, 88 SPLOTT ROAD, SPLOTT
- 6 **Section 257 Whitchurch Footpaths Diversion, 106, 107 and 108**
- 7 **Applications decided by Delegated Powers - September 2022**
- 8 **Urgent Items (if any)**
- 9 **Date of next meeting - 8 December 2022**

Late Reps 3/11/22

To Follow

Davina Fiore

Director Governance & Legal Services

Date: Friday, 28 October 2022

Contact: Kate Rees, 029 20872427, krees@cardiff.gov.uk

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PLANNING COMMITTEE

6 OCTOBER 2022

Present: Councillor Stubbs(Chairperson)
Councillors Humphreys, Hunt, Jones, Joyce, Naughton, Reid-
Jones, Robson, Sattar and Wong

36 : APOLOGIES FOR ABSENCE

No apologies for absence were received

37 : DECLARATIONS OF INTEREST

There were no declarations of interest in accordance with the Members Code of Conduct.

38 : MINUTES - TO FOLLOW

The minutes of the 8 September 2022, were approved and signed as a correct record by the Chairperson.

39 : PETITIONS

Application no: 22/00927/DCH, 97 Romilly Crescent and 106 Llandaff Road, Riverside.

Application no: 22/01411/DCH,43 Pentwyn, Radyr

40 : DEVELOPMENT CONTROL APPLICATIONS

The Committee considered the schedule of development control application 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 1990 or Section 74 of the Planning (Listed Building & Conservation) Act 1990.

APPLICATIONS GRANTED

22/00927/DCH – RIVERSIDE

97 ROMILLY CRESCENT AND 106 LLANDAFF ROAD

Proposed reformation of 97 Romilly Crescent and 106 Llandaff Road to form a single dwelling, single storey side extension, alterations to external amenity areas including landscape planting and associated works

APPLICATIONS DEFERRED

22/01411/DCH – RADYR

43 PENTWYN

Ground Floor and first floor extension with new crossover and carport.

REASON: In order for a site visit to take place.

41 : SECTION 119 HIGHWAYS ACT 1980 DIVERSION OF WHITCHURCH
NO.39 FOOTPATH, WENALLT FARM, RHIWBINA

RESOLVED:

The recommendation is for Planning Committee to approve the application to proceed to Legal Services to make the Legal Order.

42 : SECTION 119A RAILWAY PATH DIVERSION OF RADYR NO.1
FOOTPATH AT GELYNIS FARM, MORGANSTOWN

Transport for Wales have planning consent (Planning Ref 21/00235/MJR) to remove the existing level crossing as part of the Metro Railway Modernisation project which is being undertaken throughout the Core Valley Lines (CVL). A new vehicle and pedestrian access bridge is being constructed which will provide a new route for the Public Footpath to be diverted onto. This is necessary as the existing level crossing will no longer be safe for the public to use due to the increased number of trains.

RESOLVED:

The recommendation is for Planning Committee to approve the application to proceed to Legal Services to make the Legal Order.

43 : SECTION 116 HIGHWAYS ACT 1980 STOPPING UP OF HIGHWAY ON
WOOD STREET, CITY CENTRE

The Central Square Development received planning consent and a slither of land has been incorporated within the new building structure. The slither of land is considered no longer necessary for public use as it has been built upon and therefore requires stopping up.

RESOLVED:

The recommendation is for Planning Committee to approve the application for Legal Services to make the Legal Order and book Magistrate Court appearance.

44 : APPLICATIONS DECIDED BY DELEGATED POWERS

Noted

45 : URGENT ITEMS (IF ANY)

None

46 : DATE OF NEXT MEETING - 3 NOVEMBER 2022

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PETITION & LOCAL MEMBER OBJECTION

COMMITTEE DATE: 03/11/2022

APPLICATION No. 22/01411/DCH

DATE RECEIVED: 01/07/2022

ED: **RADYR**

APP: TYPE: Full Planning Permission

APPLICANT: Jenkins

LOCATION: 43 Pentwyn, Radyr, Cardiff, CF15 8RE

PROPOSAL: GROUND FLOOR AND FIRST FLOOR EXTENSION WITH NEW CROSSOVER AND CARPORT

RECOMMENDATION 1: That planning permission be **GRANTED** subject to the following conditions:

- 1 C01 – Statutory Time Limit
- 2 The development shall be carried out in accordance with the approved drawings numbered:
 - A001A – proposed site layout;
 - A003 – proposed ground floor plan;
 - A004 – proposed first floor plan;
 - A007 – proposed elevations 1;
 - A008 – proposed elevations 2.

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 first floor windows in the east and west side elevations shall be non-opening below a height of 1.7m above internal floor level and glazed with obscure glass, and thereafter be retained.

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

RECOMMENDATION 2: A section 184 permit is required for the replacement vehicular crossover to the adopted highway footway. The applicant is advised to contact Asset Management (029 2078 8166 assetmanagement@cardiff.gov.uk).

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 This planning application was deferred at Planning Committee on 6th October, 2022 for a Members' site meeting which took place on 24th October, 2022 and is reported back for determination.

- 1.2 The application seeks planning permission to erect ground and first floor extensions and a vehicular crossover at a detached bungalow dwelling. The scale, design and position of the development is illustrated in full on the submitted drawings.
- 1.3 A first floor extension is proposed approximately 15.6m wide by 10.7m deep, with a hipped pitched roof 5.4m high at eaves and 8.1m at ridge, finished in render with a slate roof. A single storey extension is proposed, projecting approximately beyond the rear of the first floor extension by 2.6m at a width of 18.7m overlapping the east side by 3m. with a flat roof 3m high. A carport is proposed to the east side, projecting approximately 3.6m from the east side, with a flat roof 3m high.
- 1.4 A new vehicular crossover is proposed at the east end of the frontage, to replace the existing crossover at the west end.
- 1.5 The originally submitted proposed site plan drawing did not correctly show the extent of the rear garden, a revised drawing was submitted following re-measurement of the rear garden.

2. **DESCRIPTION OF SITE**

- 2.1 The site comprises a detached bungalow dwelling on the south side of Pentwyn, adjoined by a detached bungalow to the east and in close proximity to a two storey detached dwelling to the west, separated by a public footpath. The site is adjoined by two storey detached dwelling houses to the rear. There is an area of public open space directly opposite the front of the site, the wider context of the opposite side to the west and east is two storey detached dwellings.

3. **SITE HISTORY**

- 3.1 21/02622/DCH – planning permission refused for ground floor extensions, overall first floor extension, new roof with dormer extensions and crossover.

4. **POLICY FRAMEWORK**

4.1 **Relevant National Planning Guidance:**

Planning Policy Wales (Edition 11, 2021)
Future Wales - the National Plan 2040
Technical Advice Note 12: Design

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

Policy KP5 (Good Quality and Sustainable Design)
Policy T5 (Managing Transport Impacts)

4.3 **Relevant Supplementary Planning Guidance**

Residential Extensions & Alterations (2017).
Managing Transportation Impacts (Incorporating Parking Standards) 2018.

5. **INTERNAL CONSULTEE RESPONSES**

5.1 Transportation – The maximum car parking for a 2+ bedroom dwelling is 2 spaces. There is a car parking space proposed for this development, which is allowable in policy terms, and the space has acceptable dimensions. A new crossover has been proposed which is not considered to be an issue. Should permission be granted a vehicle crossover application will need to be submitted and the existing crossover will need to be removed and full height footway reinstated.

6. **EXTERNAL CONSULTEE RESPONSES**

6.1 None.

7. **REPRESENTATIONS**

7.1 The application was publicised by neighbour letter. A petition of objection was received, signed by 117 residents with addresses in Cardiff, 113 of which could reasonably be affected by the matter when passing the application site. Full details are viewable online.

7.2 Objections have been received from the following addresses:

- nos. 28, 30, 41, 45, 54 Pentwyn.
- no. 2 Clos Brynmelwyn.
Full details are viewable online, their comments are summarised as follows:

- a) *Scale and design out of character;*
- b) *Insufficient garden space retained;*
- c) *Overbearing impact upon adjoining properties;*
- d) *Overlooking of neighbouring gardens;*
- e) *Adverse effect on parking and highway safety.*
- f) *Tunnelling impact of two storey elevation upon adjoining public footpath;*
- g) *Loss of bungalow accommodation which is suitable for disabled and elderly persons;*
- h) *Loss of front hedge;*
- i) *Potential use as a HMO;*
- j) *Impact upon drainage;*
- k) *Previous refusal of permission.*

7.3 Cllr Calum Davies objects to the application as follows:

- *Planning permission had previously been denied on a five bedroom house, yet this application is for six bedrooms. Despite claims that this revised plan better conforms to the criteria set out at the last refusal, it would not be possible to do this by a significant enough degree when taking into account more occupants and bedrooms.*

- *The size of No.43 should plans go ahead could have a detrimental effect on the mental health of residents at homes where natural light is blocked as a result.*
- *The necessary parking space for a home of this size is not accommodated for and, because of which, this can lead to a high degree of pavement parking, obstructing access for disabled residents, including the neighbour at No.41 who have lodged their own objections.*
- *With a petition with well over 100 signatures in objection to the application, it is clear that the project does not enjoy public support or, at least, has garnered a strong degree of opposition.*
- *It is true that this part of Pentwyn consists of a stretch of bungalows, suitable for the disabled and elderly, providing valuable space for those with mobility problems and the desire to downsize, freeing up existing housing stock for larger families. The application would remove this.*
- *The application allegedly consists of false information which should void it.*

7.4 Cllr Helen Lloyd Jones objects to the application as follows:

- *The proposed building is not in keeping with the street scene. This is an area of bungalows and the proposals on this application are for a large house.*
- *The proposed building will overlook other properties.*
- *The application is for six bedrooms, four of them with ensuite facilities and yet only one parking space. This is inadequate parking for such a large house.*
- *The neighbour who lives in 41 Pentwyn has a severe case of rheumatoid arthritis. She is able to live independently because of ramps which enable her to go in and out of her property on a disabled wheelchair. It would only take one car to be parked across her access point to her home to stop her independence.*
- *The building will take light from the neighbour's kitchen.*
- *The disabled lady will find herself overlooked and will lose privacy.*
- *There is a footpath beside 43 Pentwyn which children use to walk to Brynderi primary school. The school is encouraging families to walk their children to school. This is very much in line with the Council's desire for active travel.*
- *This application would alter the natural light on the footpath, making it darker, and the high wall would make the path intimidating to small children.*
- *Changing this route for the children would make the walk longer and many parents would turn to driving their children to school rather than spend extra time walking them on a longer route. This would reduce the amount of active travel in the area.*
- *The public transport in the Pentwyn area of Radyr is very unreliable. It is highly unlikely that the people living in 43 Pentwyn will not have more than one car in the foreseeable future. There is scope for twelve adults to be living in 43 Pentwyn if this application is allowed, with a real possibility of twelve car owners living there. There is not sufficient off-road parking for this dwelling.*

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 Design

The proposed first floor extension would result in the overall building being increased from single to two storey height, primarily at the centre and west side of the building, and single storey height being retained at the east side. Whilst this would result in replacement of a bungalow dwelling with a two storey dwelling, the height would not be out of character with the locality as there is a row of two storey detached dwellings immediately to the west, and two storey dwellings to the rear. Furthermore, the wider context of the opposite side of the street to the west and east is characterised by two storey detached houses of differing roof forms. The proposal would not result in a two storey dwelling being isolated between two bungalow dwellings. In addition, the two storey element of the extended building would also be set back from the east side boundary, presenting a visual step down in built form to single storey height near to the existing bungalow at no. 41 Pentwyn. The car port at the side would not protrude forward of the front elevation. Accordingly the increase in height at this particular location would not appear discordant within the street scene or out of character with the pattern of built form of the locality.

The overall footprint of the building is considered appropriate, and proportional with buildings within this residential estate. Approximately 160 square metres of useable private external amenity space would be retained at the rear, which exceeds the minimum recommended by the Residential Extensions & Alterations SPG and is considered proportional with neighbouring properties. The extensions would be finished in appropriate materials to match the existing building, in accordance with the Residential Extensions & Alterations SPG. It is noted that a mixture of facing brick and render are used on the existing buildings within the locality.

It is noted that a previous application (21/02622/DCH) was refused for reasons including scale and design. However, having regard to the current proposal, it is considered that a refusal of planning permission for the same reason cannot be justified.

8.3 Residential Amenity

It is considered that the proposal would not be overbearing or generally un-neighbourly which would justify concern for the Local Planning Authority, the proposal complies with the advice contained within the Residential Extensions & Alterations SPG. The proposed first floor extension would be set off from the boundary with no. 41 Pentwyn by approximately 4.5m and from no. 45 Pentwyn by 3.5m. It should also be noted that there is an existing single storey structure within close proximity to part of the boundary at no. 41 and an existing single storey garage within close proximity to the boundary at no. 45

of similar depth as the proposed first floor extension. The proposed single storey rear extension would be set off from the boundary with no. 41 Pentwyn by approximately 1.8m. The rear facing first floor windows would be sited approximately 11m from the rear gardens of nos. 1 & 2 Brynmellyn and 2 Windsor Grove, compliant with the minimum 10.5m recommended by the Residential Extensions & Alterations Design Guide. The rear facing first floor windows would also be sited approximately 25m from the nearest windows of no. 2 Brynmellyn at the rear, exceeding the minimum 21m recommended by the Residential Extensions & Alterations Design Guide. It is noted that the first floor side facing windows in the existing side elevations would be sited approximately 5.6m and 3.5m from the side boundaries of nos. 41 & 45 Pentwyn respectively, which is less than the minimum of 10.5m recommended by the Residential Extensions & Alterations Design Guide. Condition 3 is considered necessary to ensure these windows are obscure glazed and non-opening below an internal height of 1.7m.

It is noted that a previous application (21/02622/DCH) was refused for reasons including loss of amenity virtue of overlooking to neighbouring properties. However, having regard to the current proposal, it is considered that a refusal of planning permission for the same reason cannot be justified.

8.4 Transportation

The Managing Transportation Impacts (Incorporating Parking Standards) SPG identifies no minimum car parking requirement and a maximum of two car parking spaces for a residential dwelling. The proposal is therefore considered to be car parking policy compliant. In respect of highway safety, Transportation have confirmed that there are no issues with the proposed new vehicular crossover. An additional recommendation is included that the necessary license is obtained for the replacement crossover.

8.5 Impact upon Public Footpath

It is considered that the proposal would not have any unreasonable affect upon the adjoining public footpath to the west of the site, having regard that the first floor extension would be set off from the west side boundary by approximately 1m. This distance is comparable with other two storey dwellings adjacent to public footpaths within this residential estate, including paths between nos. 16-18, 21-23, 25-27, and 79-81 Pentwyn.

8.6 Representations

The representations received from Cllrs Calum Davies and Helen Lloyd Jones, and local residents are noted. Specific issues are addressed as follows:

- a) Scale and design out of character. The proposed extensions are considered appropriate as detailed within the above design analysis.
- b) Insufficient garden space retained. Approximately 160 square metres of useable private external amenity space would be retained at the rear, which

- exceeds the minimum recommended by the Residential Extensions & Alterations SPG and is considered proportional with neighbouring properties.
- c) Overbearing impact upon adjoining properties. The proposed extensions are considered appropriate as detailed within the above amenity analysis.
 - d) Overlooking of neighbouring gardens. It is considered that the proposal would not result in loss of privacy as detailed in the above amenity analysis. Condition 3 would ensure the first floor east and west side facing windows are obscure glazed and non-opening below an internal height of 1.7m.
 - e) Adverse effect on parking and highway safety. The proposal is compliant with the Managing Transportation Impacts (Incorporating Parking Standards) SPG which identifies no minimum car parking requirement and a maximum of two car parking spaces for a residential dwelling, as detailed in the Transportation analysis.
 - f) Tunnelling impact of two storey elevation upon adjoining public footpath. It is considered that the proposal would not have any unreasonable affect upon the adjoining public footpath as the first floor extension would be set off from the west side boundary by approximately 1m, which is comparable with the distance between dwellings and other public footpaths in the locality as detailed in the above impact upon public footpath analysis.
 - a) Loss of bungalow accommodation which is suitable for disabled and elderly persons. There is no planning policy/guidance specifically requiring bungalows to be retained as single storey dwellings for reason that they are most suitable for disabled and elderly persons.
 - g) Loss of front hedge. The hedge within the site is not subject to a Tree Preservation Order, and therefore afforded no statutory protection. Planning permission would not be required to remove part of the front hedge to facilitate the proposed new vehicular crossover, however in any case it is noted that replacement landscaping is proposed at the front where the current crossover is positioned.
 - h) Potential use as a HMO. The application proposes extensions to an existing residential dwelling house (class C3) and does not propose any change of use to a house in multiple occupation (class C4). Planning permission would be required to change the use to class C4.
 - i) Impact upon drainage. Drainage would be considered by the building regulations procedure. It should be noted that there is no planning control on the number of bathrooms/toilets within a single dwelling house, and the application does not propose any change of use or subdivision to flats.
 - j) Previous refusal. It is noted that a previous application was refused for reasons of scale & design, and loss of amenity to neighbouring properties. However, the current proposal is policy compliant as detailed within the above design and residential amenity analysis.

8.7 Other Legal Considerations

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.

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.

Well-Being of Future Generations Act 2016 – Section 3 of this Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

8.8 Conclusion

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



Extent of building at 1st floor

Flat Roof

Existing blockwork boundary wall

Vehicle access from Pentwyn Rd

Proposed pergola to car port

Proposed flat roof over existing ground floor

Line of existing rear wall of dwelling

Pedestrian Access

10875

2675

8200

Fence

9294

2675

6620

Existing Lane

11289

Fence

Existing Lane

Existing Lane

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All dimensions are indicative only.

Rev A. Boundary wall adjusted to reflect site dimensions 31.08.22

43, Pentwyn Road
Radyr, Cardiff

Proposed Site Layout

Project number 22001

Date June 2022

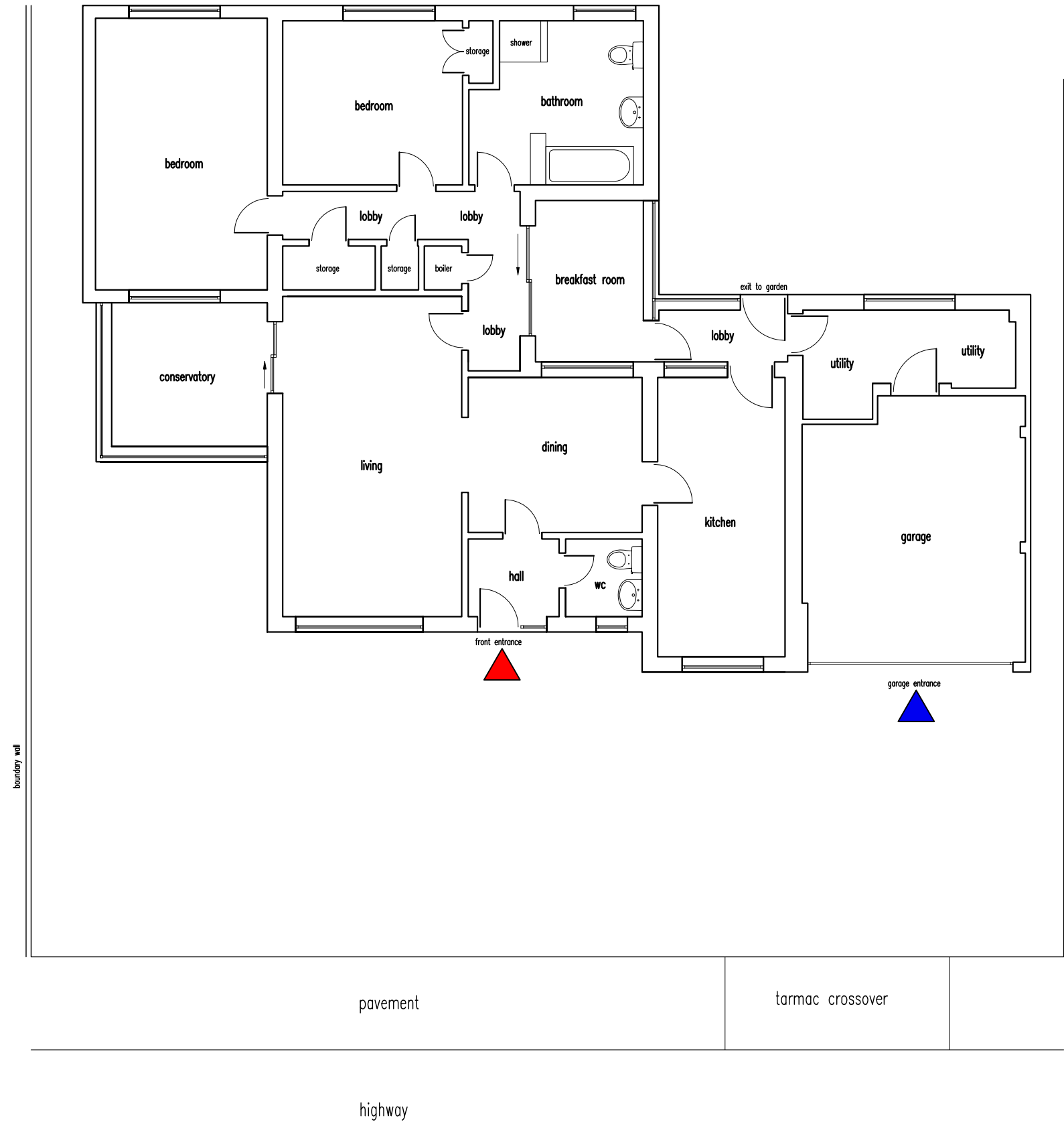
Drawn by PD

A001

Scale 1 : 100 Rev A

Proposed Site Plan

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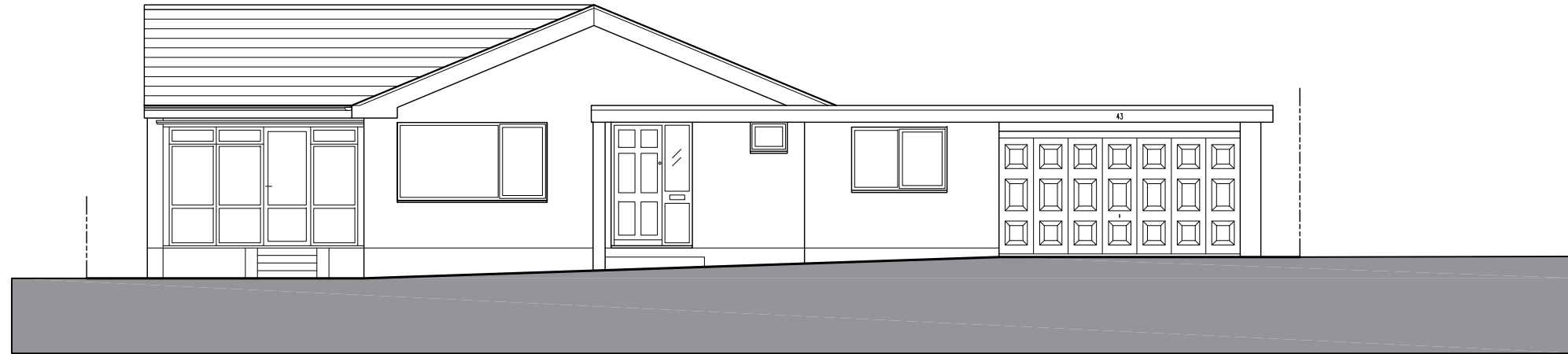


Note
 Existing Survey Information
 Information provided by client agreement.
 Draft for information only

Existing Floor Plan

43, Pentwyn Road Radyr, Cardiff	
Existing Ground Floor Plan	
Project number	22001
Date	June 2022
Drawn by	PD
A002	
Scale	1:100 @A3

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Existing Front Elevation

Note

Existing Survey Information
 Information provided by client agreement.

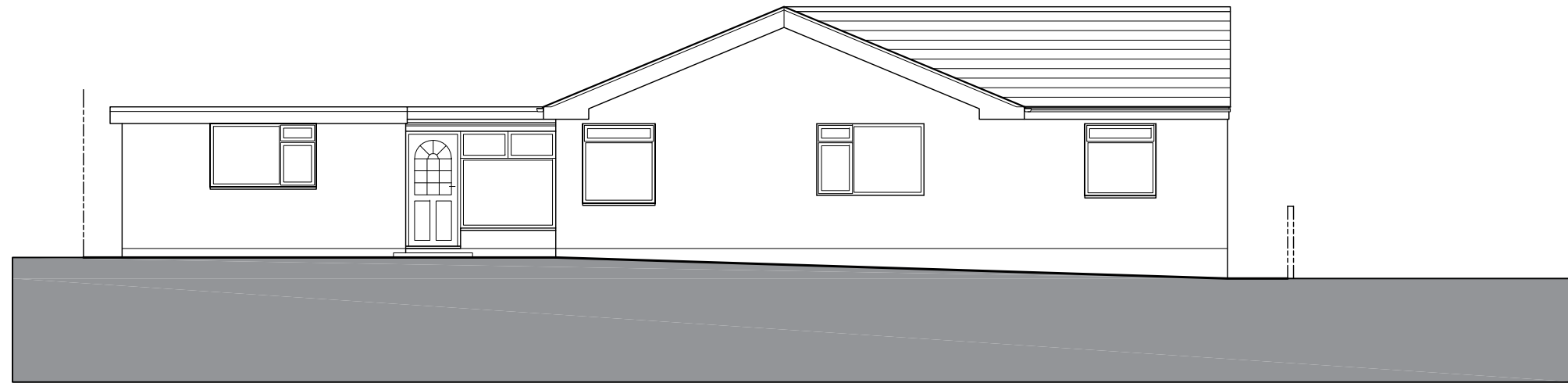
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Existing North Elevation

43, Pentwyn Road Radyr, Cardiff	
Existing Elevations 1	
Project number	22001
Date	June 2022
Drawn by	PD
A005	
Scale	1:100 @A3

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Existing Rear Elevation



Existing South Elevation

Note

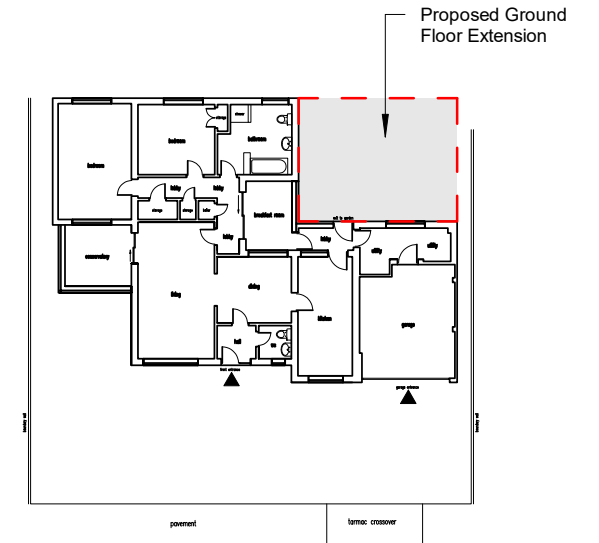
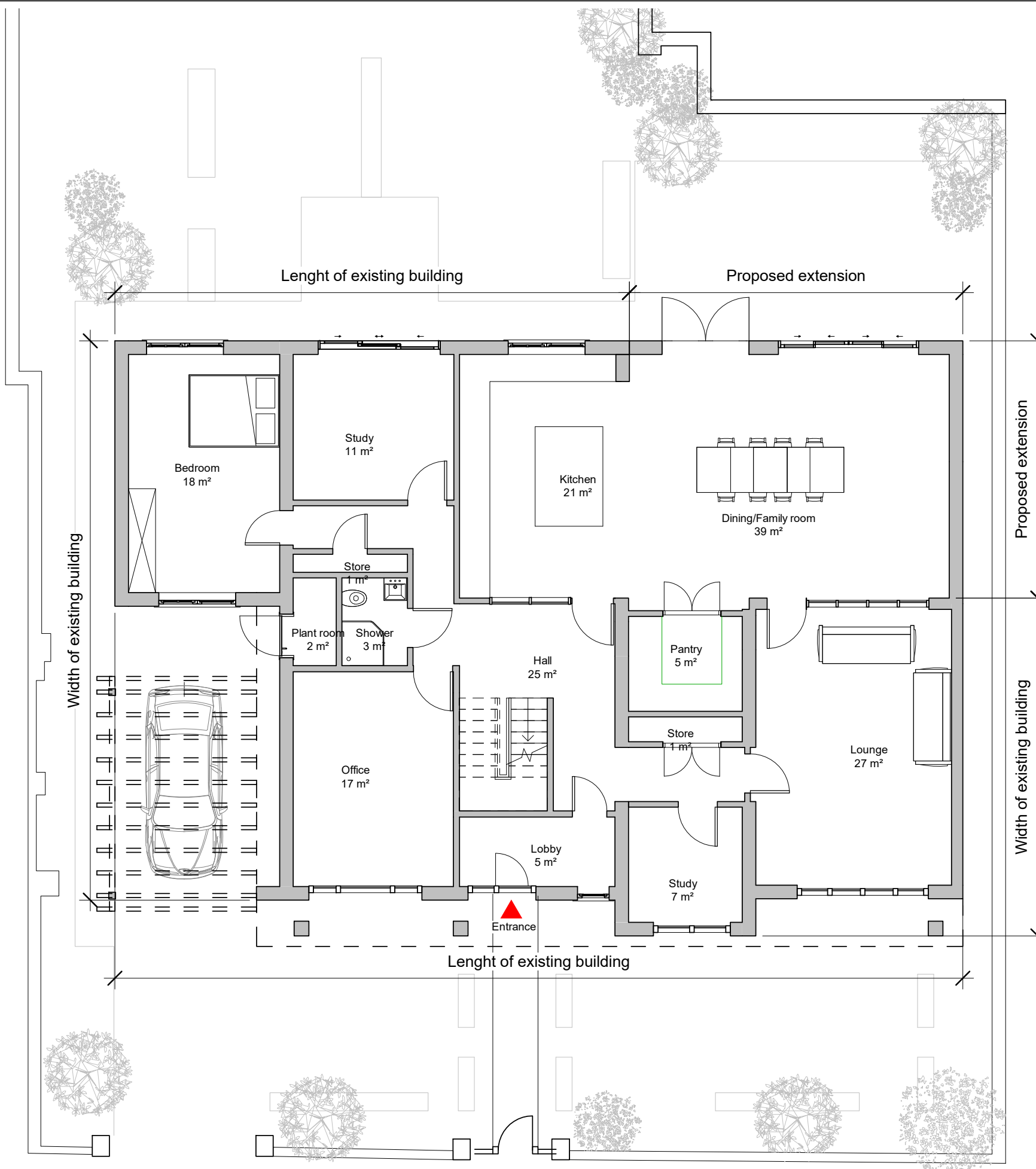
Existing Survey Information
 Information provided by client agreement.

Draft for information only

43, Pentwyn Road Radyr, Cardiff	
Existing Elevations 2	
Project number	22001
Date	June 2022
Drawn by	PD
A006	
Scale	1:100 @A3

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Note:
 Ground floor walls are existings

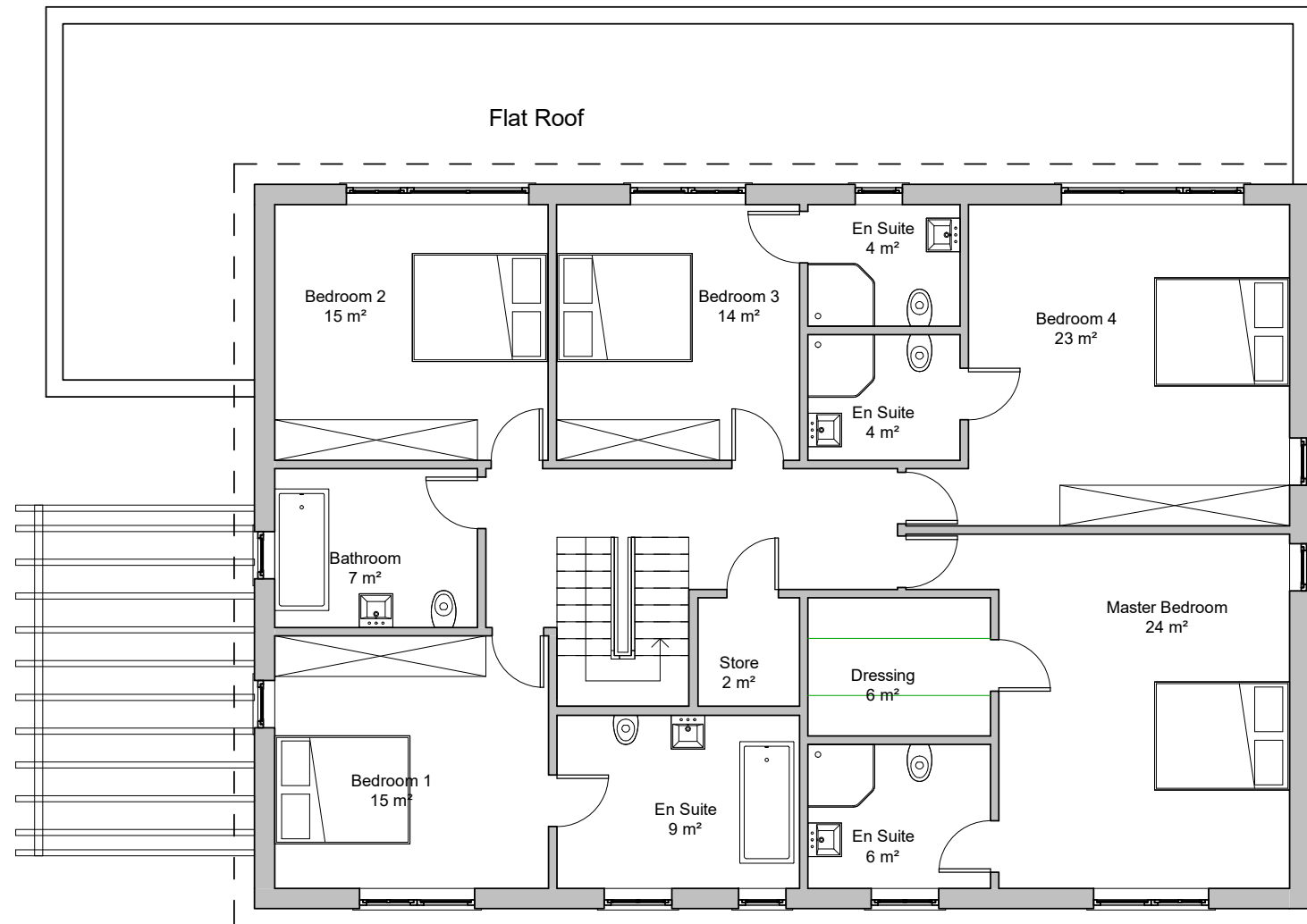


Existing Floor Plan - Do not scale

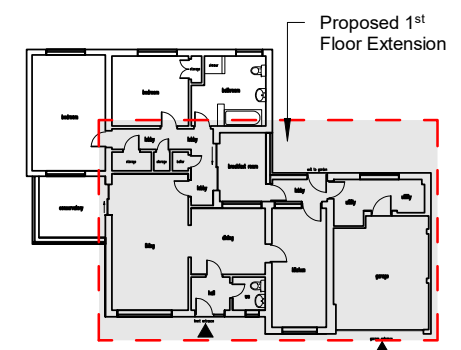
Proposed Ground Floor Plan

43, Pentwyn Road Radyr, Cardiff	
Proposed GF Plan	
Project number	22001
Date	June 2022
Drawn by	PD
A003	
Scale	1:100@A3

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Proposed First Floor Plan

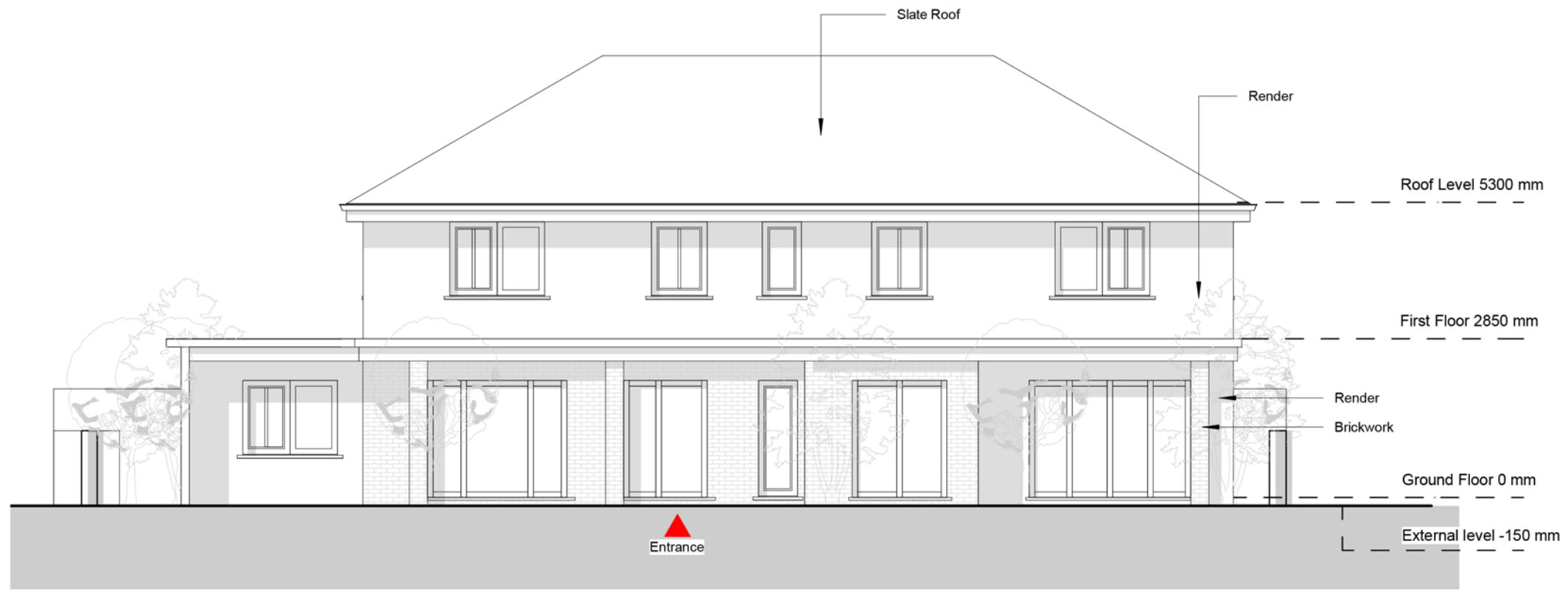


Existing Floor Plan- Do not scale

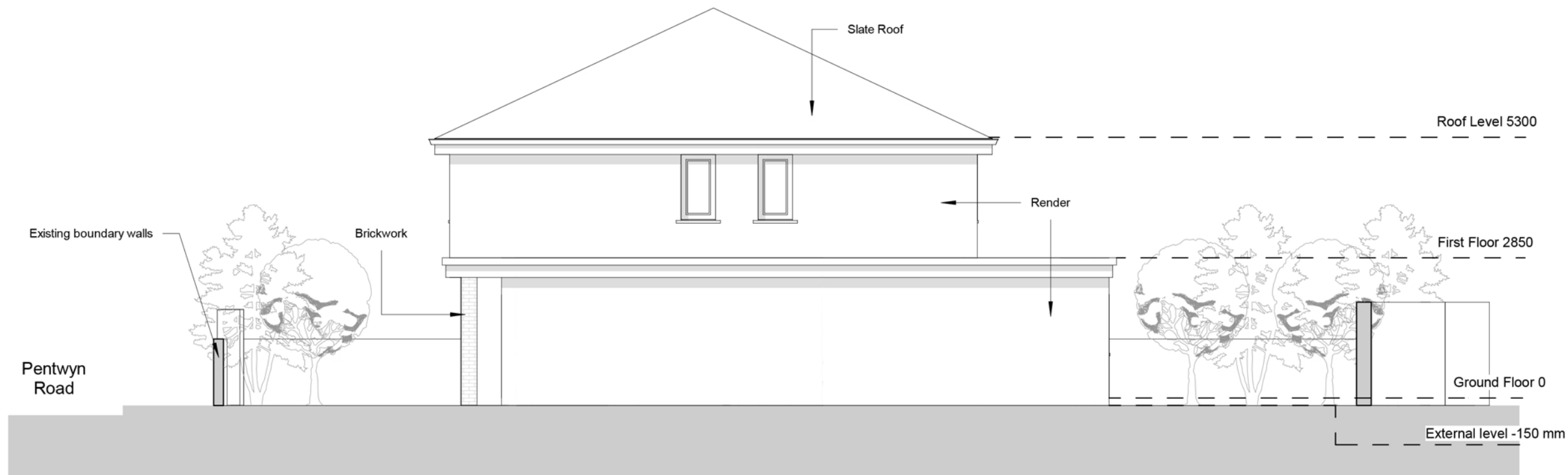
43, Pentwyn Road Radyr, Cardiff	
Proposed FF Plan	
Project number	22001
Date	June 2022
Drawn by	PD
A004	
Scale	1:100 @A3

NOTE
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Note:
 Ground floor walls are existings



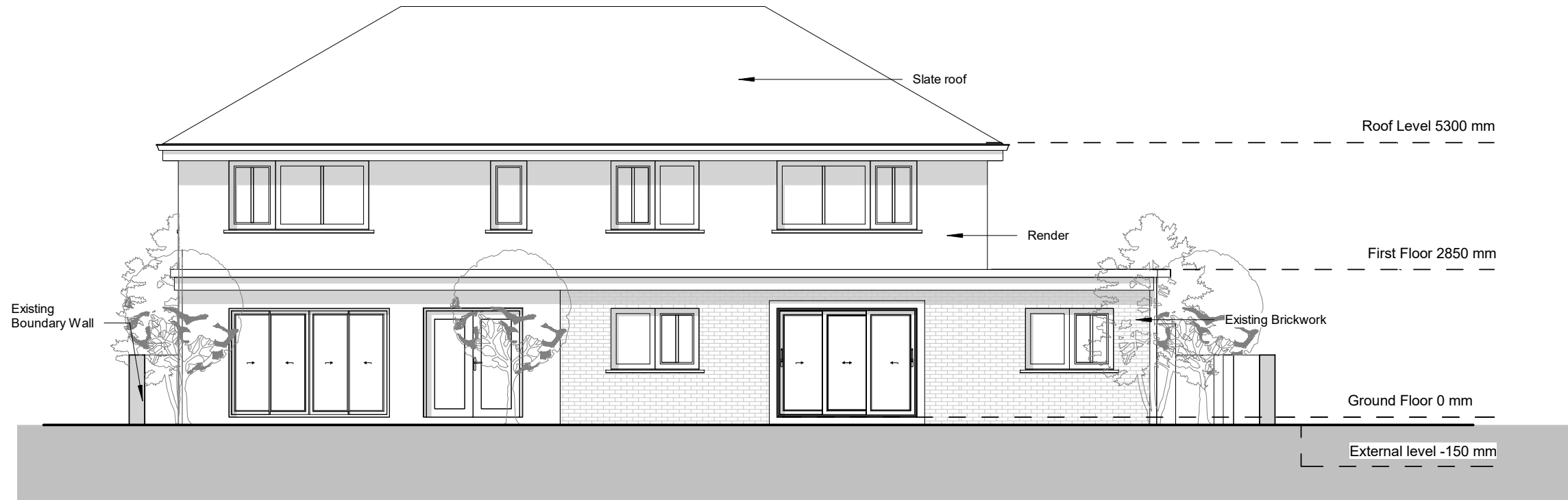
Proposed Front Elevation



Proposed North Elevation

43, Pentwyn Road Radyr, Cardiff	
Proposed Elevations 1	
Project number	22001
Date	June 2022
Drawn by	PD
A007	
Scale	1 : 100

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Note:
 Ground floor walls are existings

Proposed Rear Elevation



Proposed South Elevation

43, Pentwyn Road Radyr, Cardiff	
Proposed Elevations 2	
Project number	22001
Date	June 2022
Drawn by	PD
A008	
Scale	1 : 100 @A3

LOCAL MEMBER OBJECTION

COMMITTEE DATE:

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

APP: TYPE: Full Planning Permission

APPLICANT: Windrush (Llandaff) Ltd

LOCATION: WINDRUSH, 58 PWLLMELIN ROAD, LLANDAFF, CARDIFF,
CF5 2NLPROPOSAL: DEMOLITION OF EXISTING DWELLING HOUSE AND
REPLACEMENT WITH 23 SELF CONTAINED RESIDENTIAL
APARTMENTS, CONTAINED WITHIN FOUR SEPARATE
BLOCKS, WITH LANDSCAPING, ACCESS, PARKING AND
ASSOCIATE INFRASTRUCTURE

RECOMMENDATION 1 : That, subject to relevant parties entering into a binding legal agreement with the Council under the provisions of **SECTION 106** of the Town and Country Planning Act 1990, within 6 months of the date of this Resolution unless otherwise agreed by the Council in writing, in respect of matters detailed in paragraphs 5.6 and 5.10 of this report, planning permission be **GRANTED** subject to the following conditions:

1. The development shall begin not later than **two years** from the date of this decision.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990, and to enable the Local Planning Authority to take into account any changes in economic conditions that affect the viability of the proposed development and its capacity for the provision of financial contributions under the provisions of Section 106 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following approved plans and documents:
 - A002 Rev B – Proposed site plan.
 - A003 Rev A – Proposed site elevations.
 - A004 Rev B – Proposed floor plans: Block A.
 - A005 Rev A – Proposed elevations: Block A.
 - A006 Rev B – Proposed floor plans: Block B.
 - A007 Rev A – Proposed elevations: Block B.
 - A008 Rev B – Proposed floor plans: Block C.
 - A009 Rev A – Proposed elevations: Block C.
 - A010 Rev B – Proposed floor plans: Block D.

- A011 Rev A – Proposed elevations: Block D.
- A012 Rev C – Proposed landscape plan.
- 013 – Demolition plan.

Reason: To ensure satisfactory completion of the development and for the avoidance of doubt in line with the aims of Planning Policy Wales to promote an efficient planning system.

3. No development shall commence, including any works of demolition, until a scheme of demolition and construction management has been submitted to, and approved in writing by, the local planning authority. The approved scheme shall be adhered to throughout the demolition and construction periods. The scheme shall provide for:

- i) the mitigation of demolition and construction noise and vibration;
- ii) a noise management plan;
- iii) measures to control the emission of dust and dirt during demolition and construction;
- iv) wheel washing facilities;
- v) the parking of vehicles of site operatives and visitors;
- vi) loading and unloading of plant and materials;
- vii) storage of plant and materials used in constructing the development; and
- viii) a scheme for recycling/disposing of waste resulting from demolition and construction works.

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

4. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place unless otherwise agreed in writing until a scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the LPA within 2 weeks of the discovery of any unsuspected contamination.

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

5. Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

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

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

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

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

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

7. Any site won material including soils, aggregates, recycled materials shall be assessed for chemical or other potential contaminants in accordance with a sampling scheme which shall be submitted to and approved in writing by the Local Planning Authority in advance of the reuse of site won materials. Only material which meets site specific target values approved by the Local Planning Authority shall be reused.

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

8. All habitable rooms must achieve an internal noise level, in relation to road traffic noise, of 35 dBA 16 hour during the day [07.00 to 23.00 hours], and 30 dBA Leq 8 hour at night [23.00 to 07.00 hours]. In addition, any private open space (excepting terraces or balconies to any apartment) shall be designed to provide an area which is at least 50% of

the area for sitting out where the maximum day time noise level does not exceed 55 dBA Leq 16 hour [free field].

Habitable rooms subject to sound insulation measures shall be provided with acoustically treated active ventilation units. Each ventilation unit (with air filter in position), by itself or with an integral air supply duct and cowl (or grille), shall be capable of giving variable ventilation rates ranging from –

- 1) an upper rate of not less than 37 litres per second against a back pressure of 10 newtons per square metre and not less than 31 litres per second against a back pressure of 30 newtons per square metre, to:
- 2) a lower rate of between 10 and 17 litres per second against zero back pressure.

No habitable room shall be occupied until the appropriate sound insulation and ventilation measures have been installed in that room.

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

9. All habitable rooms exposed to external railway noise in excess of 66 dBA Leq 16 hour (free field) during the day (07.00 to 23.00 hours) or 59 dBA Leq 8 hour (free field) at night (23.00 to 07.00 hours) shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 40 dBA Leq 16 hour during the day and 35 dBA Leq 8 hour at night. Habitable rooms subject to sound insulation measures shall be provided with acoustically treated active ventilation units. Each ventilation unit (with air filter in position), by itself or with an integral air supply duct and cowl (or grille), shall be capable of giving variable ventilation rates ranging from –
- 1) an upper rate of not less than 37 litres per second against a back pressure of 10 newtons per square metre and not less than 31 litres per second against a back pressure of 30 newtons per square metre, to:
 - 2) a lower rate of between 10 and 17 litres per second against zero back pressure.

No habitable room shall be occupied until the appropriate sound insulation and ventilation measures have been installed in that room.

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

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

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

11. The noise emitted from fixed plant and equipment on the site shall achieve a rating noise level of background – (minus) 10 dB at the nearest noise sensitive premises when measured and corrected in accordance with BS 4142: 2014 (or any British Standard amending or superseding that standard).

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

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

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

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

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

13. Any trees, plants, or hedgerows included in the landscaping scheme required by condition 12 which, within a period of five years from the completion of the development, die, are removed, become seriously damaged or diseased, or become (in the opinion of the Local Planning Authority) otherwise defective, shall be replaced in the current planting season or the first two months of the next planting season, whichever is the sooner, unless the Local Planning Authority gives written consent to any variation.

Reason: To maintain and improve the appearance of the area in the interests of visual amenity, in accordance with policies KP5 and EN8 of the Cardiff Local Development Plan.

14. Notwithstanding the details of cycle parking shown on the approved plans, the development shall not be occupied until facilities for the secure storage of cycles at a rate of at least one cycle space per bedroom have been provided in accordance with details to be submitted to and approved in writing by the local planning authority and the approved facilities shall be retained in perpetuity.

Reason: To ensure that adequate provision is made for the secure parking of cycles in accordance with policies KP5 and T5 of the Cardiff Local Development Plan.

15. The proposed car parking and manoeuvring areas shall be laid out in accordance with the approved details before the development is brought into beneficial use and shall be thereafter maintained and retained at all times for those purposes in association with the development, and the car parking and manoeuvring areas shown on the approved plans shall not be increased in size at any time.

Reason: To make provision for the parking of vehicles clear of the roads so as not to prejudice the safety, convenience and free flow of traffic, and to ensure that excessive car parking provision is not provided at the site, in accordance with policy T5 of the Cardiff Local Development Plan and the requirements of Cardiff Supplementary Planning Guidance "Managing Transportation Impacts (Incorporating Parking Standards)" (April 2018).

16. Development shall not commence until details of suitable street lighting and carriageway surfacing for the adopted highway and details of the design of the junction, including an uncontrolled pedestrian crossing facility, have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the beneficial occupation of the development.

Reason: In the interests of highway safety, in accordance with policy T5 of the Cardiff Local Development Plan.

17. No removal of trees, shrubs, bushes or hedgerows shall take place between 1st February and 15th August unless it has been demonstrated to the Local Planning Authority that there are no birds nesting in this vegetation immediately (48 hrs) before works commence.

Reason: To avoid disturbance to nesting birds, in accordance with policy EN7 of the Cardiff Local Development Plan.

18. Before the development hereby approved is brought into beneficial use, details of provisions to be made for the installation / incorporation of bat roosting and bird nesting boxes in suitable locations on the buildings and in any suitable trees within the site, in accordance with the recommendations in section 6 of the David Clements Ecology Ltd 'Windrush, Llandaff: Ecological Assessment: v.2 : August 2020' shall be submitted to and approved in writing by the Local Planning Authority and the approved items shall be installed within a timescale agreed by the Local Planning Authority and thereafter retained.

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

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

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

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

accordance with the approved mitigation strategy.

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

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

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

22. Before the installation of any lighting associated with the development, including that associated with the construction phase, a scheme of lighting shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed in liaison with an ecologist and shall follow best practice guidance set out by BCT (2018) to ensure that no additional lighting of the adjacent woodland habitat will occur and that bat mitigation and flight lines are protected from light spill. The approved scheme shall be implemented before the development is occupied and maintained thereafter.

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

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

Reason: In the interests of visual and residential amenity and biodiversity, in accordance with policies KP5 and EN6 of the Cardiff Local Development Plan.

RECOMMENDATION 2 : To protect the amenities of occupiers of other premises in the vicinity attention is drawn to the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities. Further to this the applicant is advised that no noise audible outside the site boundary adjacent to the curtilage of residential property shall be created by construction activities in respect of the implementation of this consent outside the hours of 0800-1800 hours Mondays

to Fridays and 0800 - 1300 hours on Saturdays or at any time on Sunday or public holidays. The applicant is also advised to seek approval for any proposed piling operations.

RECOMMENDATION 3: The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com The applicant is also advised that some public sewers and lateral drains may not be recorded on maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

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

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

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

Further information is available on the Council's website:

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

The legislation set by Welsh Government can be reviewed at:

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

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

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

The bins have to meet the Council's specifications. Individual 140 litre/240 litre wheeled bins can be purchased via waste Connect to Cardiff at (029) 2087 2087. Bulk supply of individual bins, or 660litre/1100 litre wheeled bins should be ordered via the bin order form located at www.cardiff.gov.uk/wasteplanning. As bulk containers are specified for this development, access paths to the kerbside for collection should be at least 1.5 metres wide, clear of obstruction, of a smooth surface with no steps. Dropped kerbs should also be provided to ensure safe handling of bulk bins to the collection vehicle. Further information regarding waste/recycling and the types of bins required is available in the Supplementary Planning Guidance "Waste Collection and Storage Facilities", which can be found on the Council's website.

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

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

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

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

RECOMMENDATION 8: No work should be carried out on the development site that may endanger the safe operation of the railway or stability of the railway

structures and adjoining land. In view of the close proximity of these proposed works to the railway boundary, prior to any works beginning on site the applicant will need to engage with AIW Asset Protection so that AIW are able to determine the interface with any assets, buried or otherwise and by entering into a Basis Asset Protection Agreement. The applicant should make contact a minimum of 3 months prior to works starting. Initially the outside party should contact CVLAssetProtection@tfwrail.wales .

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

INTRODUCTION

Members of the Committee please note that this application is brought back before you due to a change in the circumstances relating to the proposed legal agreement under Section 106 of the Town and Country Planning Act. The detail of the matter is contained within Paragraphs 8.17 – 8.24 of this amended report. It is important to note that the remaining content of the report in respect of the matters considered, comments received etc are unchanged from that previously brought before Members.

1. DESCRIPTION OF PROPOSED DEVELOPMENT

- 1.1 The application is for full planning permission for the demolition of a bungalow and associated outbuildings and the construction of 4 no. blocks of apartments containing a total of 23 one and two bedroom units. Block A will be 2 storeys in height, block B 3 storeys and blocks C and D 4 storeys. All the blocks have a broadly rectangular footprint.
- 1.2 Block A, located at the southern end of the site, around 25m from the access onto Pwllmelin Road, will contain 2 no. one bedroom and 2 no. two bedroom flats. The building will have a flat, 'green' roof to a height of around 6.5m and will be finished in grey brick with darker brick feature panels, with louvres covering the first floor windows in the east elevation (which serve non-habitable rooms). The area between Pwllmelin Road and Block A will accommodate 4 car parking spaces, a bin store and an a small area of soft landscape.
- 1.3 Block B, further to the north and separated from Block A by a 5-space car park and a bin store, with soft landscaping to the margins, would contain 5 no. two bedroom flats, with the second floor taken up by a single apartment. The third storey will be stepped in from the outer edges of the building, providing the second floor apartment with a roof terrace, and will be finished in contrasting material (zinc cladding), with the lower two storeys finished in grey brick to match Block A. Block B will also have a flat, 'green' roof and, as with Block A, all windows in the east elevation above ground floor level will have external louvres.
- 1.4 Blocks C and D are of the same general design as B but are 4 storeys in height. Both would contain 7 no. two bedroom flats.

- 1.5 Each flat will have access to private outdoor amenity space in the form of a balcony and/or optional conservatory, the latter comprising a fully glazed 'external room'.
- 1.6 The development would be accessed via a spine road running south to north from Pwllmelin Road along the eastern boundary of the site and a total of 24 car parking spaces would be provided in separate areas to the south of each block and alongside the spine road. Cycle storage would be in the form of covered bike racks located adjacent to the car parking areas.

2. **DESCRIPTION OF SITE**

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

3. **SITE HISTORY**

- 3.1 18/00642/MNR - Proposed demolition of existing dormer bungalow and construction of 5 new detached houses (outline permission granted subject to S106 obligation - £143,318 for affordable housing).
- 3.2 99/00102/W – Demolition of existing dwelling and erection of four dwellings - renewal of planning permission no. 96/182W
- 3.3 96/00182/W - Demolition of existing dwelling and erection of four dwellings.
- 3.4 93/00684/W - Demolition of existing dwelling and erection of four dwellings.
- 3.5 89/02385/W - Demolition of existing dwelling and erection of four dwellings.
- 3.6 89/01439/W – Ten dwellings. Refused (inadequate visibility at junction; loss of trees; over intensive development – poor amenity standards; loss of privacy to adjacent occupiers).

4. **POLICY FRAMEWORK**

- 4.1 *Cardiff Local Development Plan 2006-2021:*
KP5 (Good Quality and Sustainable Design);
KP6 (New Infrastructure);
KP7 (Planning Obligations);

KP13 (Responding to Evidenced Social Needs);
KP15 (Climate Change);
KP16 (Green Infrastructure);
H3 (Affordable Housing);
EN6 (Ecological Networks and Features of Importance for Biodiversity);
EN7 (Priority Habitats and Species);
EN8 (Trees, Woodlands and Hedgerows);
EN10 (Water Sensitive Design);
EN13 (Air, Noise, Light Pollution and Land Contamination);
T5 (Managing Transport Impacts);
C3 (Community Safety/Creating Safe Environments);
W2 (Provision for Waste Management Facilities in Development).

- 4.2 *Supplementary Planning Guidance:*
Waste Collection and Storage Facilities (October 2016).
Cardiff Residential Design Guide (January 2017).
Planning Obligations (January 2017).
Cardiff Infill Sites (November 2017).
Green Infrastructure (November 2017).
Managing Transportation Impacts (Incorporating Parking Standards) (2018).

- 4.3 *Planning Policy Wales (Edition 11 – February 2021):*
2.2 All development decisions, either through development plans policy choices or individual development management decisions should seek to contribute towards the making of sustainable places and improved well-being
3.4 Meeting the objectives of good design should be the aim of all those involved in the development process and applied to all development proposals, at all scales.
3.6 Development proposals must address the issues of inclusivity and accessibility for all.
3.7 Developments should seek to maximise energy efficiency and the efficient use of other resources (including land), maximise sustainable movement, minimise the use of non-renewable resources, encourage decarbonisation and prevent the generation of waste and pollution.
3.8 Good design can help to ensure high environmental quality. Landscape and green infrastructure considerations are an integral part of the design process.
3.9 The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations.
3.11 Local authorities are under a legal obligation to consider the need to prevent and reduce crime and disorder in all decisions that they take.
3.12 Good design is about avoiding the creation of car-based developments. It contributes to minimising the need to travel and reliance on the car, whilst maximising opportunities for people to make sustainable and healthy travel choices for their daily journeys.
3.16 Planning authorities should through a process of negotiation seek to improve poor or average developments which are not well designed, do not take account of their context and consider their place, or do not meet the objectives of good design. Where this cannot be achieved proposals should be rejected. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative

design solutions. If a decision maker considers that a planning application should not be approved because of design concerns they should ensure that these reasons are clearly articulated in their decision and justified with sufficient evidence.

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

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

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

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

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

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

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

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

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

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

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

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

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

placemaking outcomes.

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

4.2.29 Where development plan policies make clear that an element of affordable housing or other developer contributions are required on specific sites, this will be a material consideration in determining relevant applications.

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

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

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

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

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

4.4 *Technical Advice Note 2 – Planning and Affordable Housing (2006).*

4.5 *Technical Advice Note 11 – Noise (1997).*

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

4.7 *Technical Advice Note 18 – Transport (2007).*

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

4.9 *Future Wales- the National Plan 2040.*

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

5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 *Transportation:* Clarity in the location of the long-stay / resident cycle parking is required. It is assumed that the cycle facilities illustrated on the landscape plan (012), which do not appear to be covered, offer the visitor cycle parking option.
- 5.2 The site appears to offer access to a variety of vehicles - refuse, fire and private cars are illustrated. The extent of the carriageway access for refuse vehicles needs to be confirmed. Confirmation that the access road, or at least part, is to be adopted under S38, and the extent of the proposed adoption, is required. Within the adopted area the applicant should provide a minimum quality of access as outlined in the Technical Standards (covered by the Managing Transportation Impact SPG). The technical details state the minimum acceptable carriageway width and footway width. The proposed footway width of 1.8m is below the 2m minimum set out in the adopted technical details.
- 5.3 The materials would also need to be amended to remove paving from proposed turning points/heads along the road. The carriageway must be constructed to an adoptable standard.
- 5.4 A pedestrian crossing facility is offered in the TS and required to enable access to the south of Pwllmelin Road. S278 junction design will include the access to the site and the required pedestrian crossing. The junction and adopted area will include 2m pedestrian facilities.
- 5.5 Conditions are requested requiring the approval of the location and design of cycle parking facilities, maximum numbers of car parking spaces not to be exceeded, a construction management plan, details of suitable street lighting and carriageway surfacing for the adopted highway (for S38 highways approval) and details of the design of the junction, including an uncontrolled pedestrian crossing facility (for S278 highways approval).
- 5.6 A S106 financial contribution of up to **£5,000** will also be required, to pay for a Traffic Regulation Order to protect sight lines at the access junction and the pedestrian crossing facility.
- 5.7 *Pollution Control (Noise & Air):* I am of the opinion that an acoustic report is required in order to establish the potential impacts of existing noise sources upon the development site. All habitable rooms must achieve an internal noise level of 35 dBA 16 hour during the day [07.00 to 23.00 hours], and 30 dBA Leq 8 hour at night [23.00 to 07.00 hours]. With regards to the railway vibration, due consideration must be given to the design and construction of the dwellings so as to ensure that vibration dose values do not exceed 0.4m/s^{1.75} between 07.00 and 23.00 hours, and 0.26m/s^{1.75} between 23.00 and 07.00 hours, as calculated in accordance with BS 6472:1992. In addition, the developer must submit a Demolition and Construction Management Plan.
- 5.8 *Pollution Control (Contaminated Land):* In reviewing available records, the site has been identified as formerly residential. Contamination is not known at this site, however the potential for this cannot be ruled out. I would therefore advise the use of the 'unforeseen contamination' condition. Should there be any

importation of soils to develop the garden/landscaped areas of the development, or any site won recycled material, or materials imported as part of the construction of the development, then it must be demonstrated that they are suitable for the end use. Standard conditions and recommendations are requested relating to unforeseen contamination, imported and site-won materials and contaminated/unstable land.

- 5.9 *Parks Development:* The Council's LDP requires provision of a satisfactory level and standard of open space on all new housing/student developments, or an off-site contribution towards existing open space for smaller scale developments where new on-site provision is not applicable. On-site provision would not be expected for this development particularly with Fairwater Park and Pwllmelin Recreation Ground nearby therefore an off-site contribution is sought.
- 5.10 Based on the information provided on the number and type of units, I have calculated the additional population generated by the development to be 40.4. This generates an open space requirement of 0.098 ha of on-site open space based on the criteria set for Housing accommodation, or an off-site contribution of **£41,917**.
- 5.11 The use of S106 contribution from this development will need to satisfy CIL and the current distance requirements set out in the 2017 Planning Obligations SPG – play areas 600m (not applicable to student and sheltered accommodation), informal recreation 1000m, and formal recreation 1500mm, measured from edge of the site. In the event that the Council is minded to approve the application, I assume it will be necessary for the applicant and the Council to enter into a Section 106 Agreement to secure payment of the contribution. Consultation will take place with Ward Members to agree use of the contribution, and this will be confirmed at S106 stage. The closest areas of recreational open space within 1km are:
- Llandaff Ward - Insole Court, Cathedral Green, Bridge Road River Walk, Mathew Walk Open Space
 - Fairwater Ward – Fairwater Park, Pwllmelin Recreation Ground and Fairwater Recreation Ground.
- 5.12 *Waste Strategy & Minimisation Officer:* The tracking details for the refuse vehicle have been noted and this is acceptable. Each block will require the following for recycling and waste collections: 1 x 660 litre bin for general waste; 1 x 660 litre bin for mixed recycling (equivalent to 140 litres); 1 x 240 litre bin for food waste; 1 x 240 litre bin for garden waste (if needed). Refuse storage, once implemented, must be retained for future use. The developer is advised, as bulk containers are specified for this development, access paths to the kerbside for collection should be at least 1.5 metres wide, clear of obstruction, of a smooth surface with no steps. Dropped kerbs should also be provided to ensure safe handling of bulk bins to the collection vehicle. Please be advised that the developers of all new residential units are required to purchase the bin provision required for each unit. The bins have to meet the Council's specifications. As mentioned in section 3.11 of the Waste Collection and Storage Facilities Supplementary Planning Guidance it is considered best practice to have a Site Waste Management Plan for demolition projects. Materials should be reused

and recycled as much as possible.

- 5.13 *Housing Strategy:* In line with the adopted LDP (Policy H3), an affordable housing contribution of 20% of the 23 units (5 units) is sought on this brown-field site. Our priority is to deliver on-site affordable housing, in the form of affordable rented accommodation, and this site is suitable for affordable rented accommodation, built to Welsh Government Development Quality Requirements (DQR) for purchase by a nominated Registered Social Landlord (RSL) partner or the Council. For information, any affordable housing scheme should be appraised on a NIL Social Housing Grant (SHG) basis, and all of the units must meet Welsh Government DQR standards. Given the proposed design/configuration of the scheme, we would need to understand how any on-site affordable units can meet DQR standards and how any demarcation between the market and the affordable would work in reality. The scheme has to be able to be managed and easily maintained by the Registered Social Landlord or the Council.
- 5.14 In exceptional cases, if it is not possible to deliver the units on site, then, as an alternative to on-site provision, we would be willing to enter into discussions with the applicant with regard to providing the affordable housing contribution as a financial contribution in lieu. On that basis we would seek a financial contribution of **£413,714** (in lieu of 1 x 1 bf & 4 x 2bf) which is calculated in accordance with the formula in the Affordable Housing – Supplementary Planning Guidance (SPG) (2017). Discussion with the applicant is required.
- 5.15 *Drainage:* No comments received.

6. **EXTERNAL CONSULTEES RESPONSES**

- 6.1 *Welsh Water:* Confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site. As of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with the Local Authority, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.
- 6.2 The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.
- 6.3 A water supply can be made available to serve this proposed development. The developer may be required to contribute, under Sections 40 - 41 of the Water Industry Act 1991, towards the provision of new off-site and/or on-site

watermains and associated infrastructure.

- 6.4 *Transport For Wales:* Due to the proposal being next to AIW managed infrastructure, prior to any works beginning on site the applicant will need to engage with AIW Asset Protection so that AIW are able to determine the interface with any assets, buried or otherwise and by entering into a Basis Asset Protection Agreement. The applicant should make contact a minimum of 3 months prior to works starting.
- 6.5 *South Wales Police:* Observations are provided on perimeter security, lighting, parking bays, bicycle stores, landscaping, bin storage, drainpipes, utilities, door and window security, access control and dwelling identification.

7. **REPRESENTATIONS**

- 7.1 The application and the subsequent amended plans have been advertised by press notice (initial application only), site notice and neighbour notification. Representations from 11 individual households were received in objection to the initial proposals along with objections from the Llandaff society and Councillor Philippa Hill-John. Following the notification of the amended plans, 9 individual households plus the Llandaff Society and Councillor Philippa Hill-John have re-iterated their objections.
- 7.2 The individual objections are summarised as follows:
1. The design, scale and construction materials are not in keeping with the character of the existing area and properties and would ruin a well-established and attractive residential area.
 2. The proposal represents overdevelopment of the site in terms of density of development.
 3. Conditions previously placed on the development of the site, limiting any construction to two storeys, have been ignored. The height of the buildings proposed is not in keeping with current properties in the area.
 4. The internal access road and the junction with Pwllmelin Road are unsafe. The site entrance, directly off a busy road, has impaired visibility. The minor changes made to the splay at the junction with Pwllmelin Road in the amended plan fails to alleviate the safety issues for pedestrians and vehicles in the area. The revised plans also fail to address the poor and dangerous vehicle and pedestrian access to the properties themselves and arise from the cramped dimensions and geometry of the roadway.
 5. The internal road is unlikely to be adopted therefore refuse vehicles will not be able to enter the site and a large amount of waste will have to be presented on Pwllmelin Road, creating safety hazards.
 6. The traffic survey doesn't take into account the large number of dwellings being built at Plasdwr.
 7. The parking arrangements are inadequate. Vehicles which are unable to park on-site will seek parking on neighbouring streets. This situation is made worse by vehicles left all day by 'Park and Riders' using Fairwater station, visitors to flats in The Retreat and parking in relation to drop-offs and pick-ups at the Bishop of Llandaff High School. The low number of dedicated parking slots in the proposed development will add further

pressures on vehicle movement particularly affecting access for refuse collection and emergency vehicles.

8. Land stability has not been considered. There is no protection against any adverse affects which might be caused to the land on the Chantry side or that of the Bishop of Llandaff School.
9. Bishop of Llandaff High School playing fields will be overlooked, giving rise to Safeguarding concerns. This is especially pertinent given that the Bishop of Llandaff High School incorporates The Marion Centre, a Specialist Resource Base for students 11 to 19 years with an Autism Disorder (ASD) diagnosis.
10. The developer has not complied with previous planning requirements – vegetation has been cleared in May, disturbing nesting birds, and trees have been felled without the prior consent of the Local Planning Authority.
11. The applicants Planning Statement ignores the full history of the site, i.e. a previous refusal and conditions placed on outline planning consents. Previous conditions should still apply, e.g. no building to be more than two storeys in height.
12. Loss of privacy to properties in The Chantry, Chatsworth Close and Kirton Close.
13. Windrush (Llandaff) Limited is in Receivership. The application to demolish the bungalow and construct 24 self-contained apartments in 4 blocks was submitted after the appointment of the receivers. This reinforces concerns and objections - this planning application is being led by receivers whose role is to sell the property and repay any debts owed to lenders.
14. The number of proposed apartments will increase traffic movement in the area. The lockdown restrictions and changes in people's life-style resulting from Covid 19 has generated considerable extra traffic in the area. Also the number of daily vehicle movements into and out of The Chantry resulting from the recent completion of The Retreat has greatly exceeded forecasts and triggered access and parking problems for residents in the area.
15. There are already too many empty flats in Cardiff. Overprovision of flats in Cardiff has been an issue for 30 years and is a consequence of overdevelopment driven by greed.
16. There is not enough outdoor amenity space for residents.
17. Landscaping proposals are inadequate.
18. The proposed boundary with the rear gardens of the houses of The Chantry is unacceptable. A low-level retaining wall would be highly inadequate because there is in excess of a 3metre drop between the garden levels of The Chantry and the existing site levels at Windrush. Minimal consideration has been given to appropriate boundary landscaping/screening, particularly as the site has recently been cleared of all mature trees.
19. Loss of light to Chatsworth Close. Overshadowing of houses on Chatsworth Close, and loss of light as the skyline will change - the land at Windrush is already one storey higher than the land beyond the railway line.
20. Delivery vehicles, refuse and recycling lorries and emergency vehicles are likely to find loading/unloading/turning very difficult on this narrow strip of

land.

21. Loss of trees will be damaging to wildlife, the environment and to the Council's ambitions to increase tree cover both on council and private land. Allowing more buildings to be erected on this land would be contrary to the Council's own strategy. Cardiff Council should play its part in tackling climate change by refusing planning applications which are a threat to our environment.
22. Construction work will compromise the safety of pupils at the nearby school due to the presence of heavy machinery and dust could affect children's health.
23. Insufficient information has been provided - until TfW have decided whether they will make representations, and, if so the nature of those representations, the Council will not have sufficient comprehensive information about the application to enable them to make a decision.
24. The pumping station proposed does not conform with the design parameters as set out in the current drainage standards of Welsh Water. A compound and tanker provision will be required within the scheme. The current planning layout does not therefore accurately depict how the scheme could be built and is not deliverable in its current format.
25. The proposal to locate Swales and soakaways on the legal boundary with the Transport for Wales railway line will not be allowable. Permeation of soils at this location will undermine the structural integrity of the graded embankment and cause detriment to the stability of the ground serving the railway line. Furthermore the current design does not conform with building control regulations with regard to the proximity of soakaways and swales to the proposed buildings.
26. The brick wall will create a climbing aid to scale the neighbour's fence and compromise the security of their site.
27. Flat roofs attract nesting seagulls to the area, which is a blight on developments making it difficult to maintain and sell properties.
28. The developers state that the fact that the site slopes away from Pwllmelin Road towards the north west of the site by approximately 3 metres enables the introduction of an additional floor. However, the site elevation shows that the site's slope only becomes relevant in respect of Block D.
29. Two substantial developments will have taken place in The Chantry in recent years adding a further 42 dwellings with all the consequent pressures this places on the community.
30. The front of 64 Kirton Close faces the railway line and is in direct view of the proposed development but the residents weren't notified of the application. Properties 54 to 72 Kirton Close are in close proximity to the development and should have been notified by letter and given the opportunity to raise objections. Also, it has not been possible to view the plans online.
31. Views of greenery will be lost.

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

(i) Overdevelopment.

The current single dwelling would be replaced with twenty four units, plus

an access road and parking areas. The Council has approved 5 homes on this site (18/00642/MNR), but this is a significantly more intensive development. It would be surrounded by swathes of tarmac and would grossly overdevelop this previously leafy suburban site.

- (ii) Lack of consideration of land stability.
Earth-moving and engineering works would break down soil cohesion and disrupt drainage in and around the railway embankment. The scale of development proposed would put extra strain on this embankment. This could lead to structural instability and a risk to safety for trains using the rail line below. The Council should consult Transport for Wales on this issue now, before any decision is made on the application.
- (iii) Inappropriate design.
The proposed flats would appear as four, utilitarian, 4 and 5 storey slab blocks interspersed with car parking areas, with little planting, contrasting with the majority of development in the area which is individual, 2 storey, high quality detached houses in large plots with mature landscaping.
- (iv) Inadequate landscaping for a development of this size.
The current site used to contain plentiful trees and shrubs before they were cleared in 2020. Views into the proposed development from the main road and neighbouring properties would be dominated by hard surfaces. The majority of the current garden would be covered by impermeable surfaces (buildings and roadways) leaving a minute amount of landscaping.
- (v) Loss of biodiversity,
The wildlife corridor running along the railway line would be disrupted and much of it would disappear under concrete and tarmac. Tree felling and garden clearance has already reduced wildlife habitats on the site (in breach of a condition on the current planning permission for the site). The “Ecological Assessment” was undertaken after the site clearance and does not represent a true picture of the losses actually incurred. All planning applications in Wales must include proposals for a net benefit in biodiversity. It is impossible for this proposal to deliver any increase on what existed prior to the destruction of habitats on this site.
- (vi) Dangerous junction with Pwllmelin Road.
The proposed junction to be provided with Pwllmelin Road would be unsafe. It would be on a narrow pinch point on a radial route into Cardiff that is a rat run for residents from the 12,000 new dwellings being built in North West Cardiff. The adjoining listed rail overbridge only has a footway on its south side. Little consideration has been given to the safety of schoolchildren particularly when pupils are walking to and from school and crossing Pwllmelin Road in the vicinity of the development. Also, the submitted traffic data are out of date.
- (vii) Inadequate internal access road and parking provision.
The proposed dimensions of the turning head make it unlikely that it would be adopted. If this is the case, it would create difficulties for Fire and Emergency vehicles, as well as delivery vehicles. Large vehicles and refuse lorries would have to back up onto Pwllmelin Road, or park on the main road causing congestion and a traffic hazard. Also, 24 parking spaces for 24 residential units is totally inadequate as it would provide no spaces for visitors or multiple car-owning households
- (viii) Breach of Condition 4 re approval 18/00642/MNR.

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

- 7.3 With regard to the amended plans, the Llandaff Society confirm that they maintain their objections and comment that:
1. The amendments give a derisory reduction of only 1 in the total number of flats and some minor changes to access and landscaping . These would do nothing to change the major adverse impacts of this proposal.
 2. Their major concern is the negative impact on road safety, in particular for school children as the site is close to an entrance to the Bishop of Llandaff School. Pwllmelin Road is an increasingly busy road.
 3. It would be a travesty if this proposal was given permission, particularly if it was in order to gain S106 monies which would be at the expense of children’s safety and wellbeing.
 4. Revisions to landscaping are minor and cosmetic and would not add significantly to biodiversity compared with its previous uses, or give any significant screening effect for the nearest neighbours.
 5. Additional run-off from the roofs, road and parking areas during increasingly frequent periods of heavy rainfall would add to the likelihood of flooding.
- 7.4 The Llandaff Society considers that allowing this development would be in conflict with the Council’s duties under the Wellbeing of Future Generations Act and its obligations under PPW to improve road safety, enhance biodiversity and mitigate climate change.
- 7.5 Councillor Philippa Hill-John objects as follows:
“There is considerable interest in this application locally and I would ask that the following points are taken into account in line with the respective planning guidelines.
- 7.6 Having visited the site I would also like to request a video walk through ‘site visit’ of the site in order to fully appreciate the proximity to the railway line and the access into the site off a very busy road, a radial route into Cardiff, Pwllmelin Road, the steep banking adjoining the railway line, the proximity to the Bishop of Llandaff school, the proximity to existing properties and the height of the proposed properties in relation to the properties along The Chantry. I would also ask committee members who are not familiar with the area to visit it please as only by doing this will you get a full appreciation of the characteristic of the neighbouring street scene and the scale and impact of the proposed application.
- 7.7 The Council has granted outline planning permission, submitted by previous owners of “Windrush” for the construction of 5 detached houses and the demolition of the existing bungalow. The outline permission was granted on the 8th October, ref 18/00642/MNR. The current application is now for 24 flats across 4 separate blocks up to 5 storeys high. A very different proposal.

- 7.8 I would ask whether this proposal has fully taken into account the aims of the SPG that are infill development: under these respective headings –
- *Makes a positive contribution to the creation of distinctive communities, places and spaces.*
 - *Responds to the context and character of the area.*

- 7.9 I would also ask that the committee take into consideration and have taken the text from the document relating to Residential Design guide as it is clear there are a number of areas that contravene this.

Character and context

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

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

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

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

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

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

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

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

- 7.10 **Height, scale and massing**

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

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

7.11 **Privacy, overlooking and overshadowing**

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

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

7.12 **Biodiversity and landscaping**

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

David Clements Ecology Assessment recommendations

Further surveys

6.1.1 The following further survey work is required:

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

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

6.2 Nesting Birds

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

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

7.13 Adoption and Access road

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

7.14 Amenities

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

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

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

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

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

1. The proposed development represents an overdevelopment of the site.
2. Conditions previously placed on the development of the site, limiting any construction to two storeys, have been blatantly ignored.
3. The Traffic Survey carefully neglects to consider the impact of the approximately 7,000 dwellings currently being created in the St Fagans, Radyr, Morganstown and Fairwater wards (Plasdwr).
4. The design is inappropriate.- my observations from my previous objection still stand.
5. Road Safety -The junction with Pwllmelin Road is unsafe. Pwllmelin Road is an increasingly busy road, with traffic added to by that generated by new developments at Plasdwr - not only cars but delivery vehicles of varying sizes as well as the 2-way bus service. We support the objection from the School which cites road safety as a key concern.
6. The internal access Road is unsafe.
7. The anticipation that the access road will be adopted is unlikely to be met. This would necessitate the presentation of an unacceptable amount of waste at the kerbside on Pwllmelin Road, presenting a danger to road users and pedestrians alike.
8. Revisions to landscaping are minor and cosmetic and would not add significantly to biodiversity compared with its previous uses - despite the requirement for this in the current edition of Welsh Government's Planning Policy Wales (PPW Edition 11). Nor would they give any significant screening effect for the nearest neighbours.
9. Run-off from the roofs, road and parking areas during increasingly frequent periods of heavy rainfall would add to the likelihood of flooding both in the locality and in lower lying areas of the City.

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

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

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

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

8. **ANALYSIS**

- 8.1 This application was deferred by Planning Committee at its meeting on 3rd November 2021 in order to undertake a Site Visit. The Site Visit took place on Monday 6th December 2021 and the application is now reported back for determination.
- 8.2 The site is within the existing settlement boundary as defined in the Cardiff Local Development Plan, within an existing residential area, and outline planning permission has twice been granted for residential development on this site, therefore there are no objections to the principle of the proposal.
- 8.3 The site is adjacent to the Grade II Listed railway bridge carrying Pwllmelin Road; however it is considered that the development would not adversely affect the setting of the bridge. The main considerations with regard to this application are therefore: biodiversity and nature conservation interests; the character and appearance of the street scene; the amenities of neighbouring occupiers, the living environment of prospective occupiers and access and parking arrangements.
- 8.4 With regard to biodiversity and nature conservation interests, the application is supported by an Ecological Assessment, which concludes that the buildings on the site have potential to support roosting bats and other habitats within the site have potential to support reptiles, and that although the proposed development would likely result in the loss of the majority of existing habitats, the impact would be of no more than local significance. Also, any negative

impacts could be mitigated and/or compensated for through the implementation of appropriate mitigation measures to avoid harm to protected species, such as nesting birds, and habitats during construction and operation.

- 8.5 The Ecological Assessment makes the following recommendations –
1. Further survey work should be carried out (flight surveys for bats and reptile refugia surveys) to determine if mitigation is necessary for these species.
 2. Works affecting either the buildings or the trees and scrub of the site must have regard to the possible presence of nesting birds.
 3. Consideration should be given to the incorporation of bird-boxes on the developed site, either on the new buildings or on any suitable trees in the vicinity.
 4. Any retained habitats should be securely fenced off with appropriate temporary fencing at the start of construction work to prevent access and incidental damage.
 5. All retained trees should be treated in accordance with British Standard BS5837 (2012) Guidance for the Treatment of Trees in Relation to Construction.
 6. Building compounds and storage areas should not be sited on areas of habitat which are to be retained or in the off-site habitats and should be suitably fenced and bunded where they stand adjacent to semi-natural habitats. Similarly, no equipment, machinery or materials should be brought into the retained areas, or stored under retained tree canopies, or ground levels altered within these clearly demarcated zones of protection.
 7. Any trees which must be removed as part of the development should be replaced on a like-by-like basis as a minimum with native species which are indigenous to the region.
 8. To provide ecological enhancement following the development, consideration should be given to the erection of bat roosting and bird nesting boxes in suitable trees around the site.
 9. The services of an appropriately qualified and licensed ecologist should be available on an 'on-call' basis throughout the development.
 10. Any new fencing installed within the new development should allow the passage of hedgehogs and other small mammals.
 11. Any excavations should be suitably fenced off at night to prevent any wildlife falling and becoming trapped.
 12. Any new lighting scheme within the newly developed site must be designed in liaison with an ecologist and following the advice set out by BCT (2018). No lighting of the adjacent woodland habitats should occur.
- 8.6 The above recommendations can be incorporated into planning conditions to ensure that there is no unacceptable impact on wildlife and that any loss of habitat is compensated for in the new development.
- 8.7 Consideration must also be given to the visual impact of the development and its effect on the street scene. Although the proposed buildings are larger in scale than the houses in the surrounding area, the scheme is visually contained, with a relatively narrow frontage to Pwllmelin Road, and block A, which is only two storeys in height, will be set back more than 30m from the highway and

orientated with its narrow side facing the road. The development will not be viewed in context with existing houses, being separated from the dwellings to the west by a deep railway cutting and with those to the east facing away from the site, but as a separate and distinctive new area of development.

- 8.8 The scale and massing of the buildings are considered acceptable – the blocks are prevented from appearing ‘slab-like’ by the use of ‘stepped’ building footprints, contrasting materials (grey brick with darker brick feature panels, timber louvres and zinc cladding) and relatively large areas of glazing with vertical emphasis.
- 8.9 The visual impact of the development will also be minimised by the site’s topography, as the ground level slopes away from Pwllmelin Road towards the rear of the plot. Overall, it is considered that there will be no unacceptable impact on the street scene – the buildings have been designed to minimise their visual impact by using a combination of flat, ‘green’ roofs and a layout that works with the topography and levels of the site, and although the contemporary design contrasts with the 20th century detached housing in the immediate vicinity, the site is not within a conservation area (where the development might be expected to replicate, or at least reference, the existing style of housing) and, provided the scheme is acceptable within its context, there can be no objection to the proposals on design grounds. Paragraph 4.9 of Technical Advice Note 12 (Design) advises that *‘a contextual approach should not necessarily prohibit contemporary design’* and, as stated in paragraph 3.16 of PPW, local planning authorities *‘should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions. If a decision maker considers that a planning application should not be approved because of design concerns they should ensure that these reasons are clearly articulated in their decision and justified with sufficient evidence.’*
- 8.10 Regarding the amenities of neighbouring residents, concerns have been expressed that, due to the narrowness of the site, it would not be possible to achieve the normally accepted minimum privacy distance of at least 10.5m between the new apartments and the rear gardens of dwellings on The Chantry. However, the site layout plans show that Block D is located beyond the end of The Chantry, facing towards playing fields to the north and east and at a distance of more than 23m from any garden boundaries on Chatsworth Close to the west; Block C is mostly beyond the end of The Chantry at a distance of more than 11m from the rear garden boundary of the nearest property and more than 24m from any garden boundaries on Chatsworth Close; Block B is also more than 11m from the rear garden boundaries of The Chantry and more than 30m from those in Chatsworth Close, and only Block A does not achieve the 10.5m minimum distance as it is sited at between around 8.7m and 10.5m from the rear garden boundaries of 9 – 11 The Chantry.
- 8.11 Concern regarding obtrusiveness or loss of privacy caused by the closeness of Block A to the rear garden boundaries has, however, been overcome by reducing the height of this block to 2 storeys, having no habitable room windows in the east-facing elevation, only windows serving bathrooms, internal balconies

and the lobby area, and by the use of louvres to screen these windows. Block A also has no external roof terraces.

- 8.12 The distances between habitable room windows in the new development and the windows of the nearest existing dwellings will be adequate to protect privacy. The normally accepted minimum distance of 21m between facing habitable room windows will be achieved in all the blocks: Block A will be more than 40m from facing dwellings on Chatsworth Close; Block B will have no habitable room windows in the east facing elevation (other than secondary bedroom windows) and any windows in this elevation above ground floor level will be screened by louvres, and it will be more than 21m from the rear elevation of the nearest house on The Chantry and 40m from dwellings on Chatsworth Close; Block C will be more than 22m from the nearest house on The Chantry and 26m from those on Chatsworth Close; Block D will be around 50m from houses on The Chantry and more than 23m from the nearest house on Chatsworth Close.
- 8.13 With regard to the amenities of prospective occupiers of the development, the internal living space of each apartment will be generous and all will have acceptable daylight and outlook. There will be lift access to the upper floors in blocks B, C and D, each flat will have private amenity space in the form of at least one balcony, and the top floor apartments in blocks B, C and D will have large roof terraces. Car parking and cycle parking spaces will be provided in accordance with the Council's adopted standards. The development will be subject to railway noise and vibration but this can be mitigated by design features which can be the subject of planning conditions. It is not considered that there are any grounds for refusal of the application based on the standard of accommodation that will be provided.
- 8.14 Highways and Transportation officers have raised no concerns regarding the vehicular access onto Pwllmelin Road and confirm that the site appears to offer access to refuse and emergency vehicles as well as private cars. The Waste officer confirms that the tracking details for a refuse vehicle are acceptable. A contribution will be obtained from the developer for a Traffic Regulation Order relating to sight lines at the access and a pedestrian crossing linking the application site to the south side of Pwllmelin Road.
- 8.15 In response to the objections set out in section 7.2 of this report:
1. Design and visual amenity considerations are discussed earlier in this report. It is considered that the scheme is well designed and that there will be no unacceptable impact on the character of the area.
 2. The density of development on this site is greater than in the surrounding residential streets but this accords with local and national planning policies which encourage higher densities on sites within settlement boundaries which are in sustainable locations. Paragraph 4.2.22 of PPW, for example, states that 'Planning authorities will need to ensure that in development plans and through the development management process they make the most efficient use of land and buildings in their areas. Higher densities must be encouraged on sites in town centres and other sites which have good walking, cycling and public transport links.' Given that this site is very

close to Fairwater railway station and has very good public transport links, it is considered appropriate that it should be developed at the highest density acceptable.

3. The condition restricting development to two storeys appeared in an outline consent dating from 2002. The last outline permission (2018) did not have such a condition and in any case this is a stand-alone application for full planning permission which is not restricted by any conditions which may have been imposed on any previous outline consents. The height of the buildings does not match the height of existing properties in the area but this does not make it automatically unacceptable – it is the impact of the buildings' heights that must be considered.
4. Highways officers have raised no concerns regarding the safety of the access road or the junction, and the dimensions of the internal roadway and parking areas are in accordance with the Council's standards.
5. Only minor changes would be needed to bring the road up to adoptable standard (see the comments of the Transportation officer earlier in this report) and the Waste Management officer has confirmed that refuse vehicles will be able to access the site.
6. Highways officers have not raised this as an issue of concern. Not all traffic generated by the Plasdwr development will travel past this site.
7. The parking arrangements accord with the standards set out in the adopted SPG 'Managing Transportation Impacts (Incorporating Parking Standards)' and are considered adequate. Any vehicles parked illegally in surrounding streets or obstructing the highway would be subject to enforcement action under Highways legislation.
8. Land stability is ultimately the responsibility of the developer and is controlled under other legislation.
9. The playing fields are already overlooked by dwellings. The Marion Centre is more than 100m from the application site, beyond The Chantry and will not be overlooked by the new development. Also, there is a belt of trees within the school grounds which will screen the new development. It would be unreasonable to cite Safeguarding as a reason for the refusal of planning permission in this instance.
10. Previous planning requirements relating to vegetation clearance related to previous planning permissions. There was no Tree Preservation Order protecting the trees on this site therefore the consent of the Local authority was not required to remove them. If nesting birds were disturbed, an offence may have been committed under the Wildlife and Countryside Act but this is not a planning issue and cannot form grounds for the refusal of this application.
11. Planning officers are aware of the full planning history of the site. Previous refusals and conditions placed on outline planning consents in the past do not apply to this proposal. Each application has to be determined on its own merits.
12. Privacy concerns are discussed earlier in this report. It is not considered that there will be any unacceptable loss of privacy as a result of this development.
13. The motives for submitting the application are irrelevant to the consideration of its planning merits and cannot be taken into consideration.

14. Any increase in traffic movements in the area will be minimal. Highways and Transportation officers have raised no concerns regarding traffic generation.
15. The current demand for flats and the need for the proposed development is not a material planning consideration in this instance.
16. The issue of amenity space is discussed above. Each flat will have at least one private balcony and Parks officers have confirmed that on-site provision of open space is not to be expected for this development, particularly with Fairwater Park and Pwllmelin Recreation Ground nearby. The developer will however be expected to provide a financial contribution towards the improvement of existing open space in the area which would be likely to be used by residents of the flats.
17. The current landscaping proposals are considered to be inadequate in that the planting details and specifications need to be informed by a Soil Resource Survey and Plan (given the existing function as largely vegetated soil, it is assumed there is a valuable, potentially re-usable soil resource) and proposed planting/seeding is largely restricted to a narrow strip of land bounding the railway. Otherwise there are some peripheral verges proposed for shrub planting and sedum roof treatments to dwellings. The absence of designed space for new trees and the monoculture planting with a short-lived species that demands a very free draining soil, and that is not well adapted to the predicted impacts of climate change, runs contrary to the advice on planting in the adopted 'Trees Technical Guidance Note.' Tree planting should focus on high diversity, suitability to context, biodiversity and suitability to climate change. There is also a lack of detail relating to the proposed 'wildflower' areas. However, it is noted that options for tree planting may be restricted by the requirements of Transport for Wales regarding the species of trees which they accept as suitable to be planted close to a railway line. Also, the applicant has advised that the current landscaping proposals are not finalised and they will be drawing up detailed landscaping proposals once there is certainty of the finalised scheme and planning permission (to avoid unnecessary abortive expenditure at the design stage of the development). Appropriate landscaping details can therefore be required to be submitted as a condition of planning permission should this application be approved.
18. The amended plans indicate that a taller boundary structure would be erected. However, details of all boundary treatments can be controlled via a planning condition to ensure that any new walls or fences provide an appropriate level of privacy without appearing oppressively tall.
19. There will be no unacceptable loss of light to properties on Chatsworth Close – they are to the west of the application site and at a sufficient distance to avoid overshadowing. The new buildings may be visible above the existing trees on the railway embankment but they will not have such a detrimental impact on the skyline as to warrant the refusal of planning permission.
20. Highways officers have raised no concerns regarding the vehicle turning facilities proposed within the development site.
21. Most of the trees have already been removed from the site (see previous comments) and the majority of the tree coverage is now not on the

application site but on the railway embankment. These trees should not be affected by the proposed development as they are mostly set far down the side of the embankment. The Council is committed to increasing tree cover and tackling climate change but must balance this with the need to enable new housing to be built, particularly in highly accessible and sustainable locations such as this, where increases in the density of development are to be encouraged so as to avoid the need for development in less sustainable locations. It would not be reasonable to refuse planning permission for new development within the settlement boundary on the grounds that the site previously contained trees. The local planning authority does not have powers to prevent the removal of trees from private land unless those trees are legally protected.

22. A construction management plan can be required to be submitted as a condition of planning permission to ensure that health and safety issues are adequately addressed.
23. Transport for Wales have responded to consultation and have confirmed that they have no objections. The developer will have to enter into an agreement with TfW with regard to asset protection. This is separate to planning permission.
24. Welsh Water have confirmed that they have no objections to the proposals.
25. Surface water drainage is controlled by the SUDS Approval Body, who will determine whether the proposed swales and soakaways are acceptable, and the design will also have to conform to the relevant Building Regulations as well as the asset protection requirements of Transport for Wales. This is separate to planning permission.
26. Details of boundary treatments will be controlled via a planning condition. Security issues will be considered at that stage.
27. It would be unreasonable to refuse planning permission for a development on the grounds that gulls may nest on the roof.
28. Block C will be slightly taller than the other blocks but this is considered acceptable given that it will be at a distance from the highway, behind blocks A and B when viewed from Pwllmelin Road, is not directly opposite the rear of any houses on The Chantry and is separated from houses on Chatsworth Close by the railway cutting and embankment vegetation.
29. As stated previously, increases in the density of development in sustainable locations such as this are encouraged by planning policies. There is no evidence of severe pressure on the existing community caused by new development.
30. 64 Kirton Close does not directly face the proposed buildings and is more than 45m from the site boundary on the opposite side of a cul-de-sac. It would not be usual to send a consultation letter to a property in such a situation. Letters were sent to 56, 58, 60 and 72 Kirton Close as these properties do either face towards the proposed buildings or, in the case of no. 72, are directly on the far side of the railway cutting. The plans have been made available on the website and it is not known why the objector was not able to view them.
31. There are no rights to a view across someone else's land and the planning system cannot be used to protect such views.

- 8.16 The majority of the objections raised by Councillor Philippa Hill-John and the Llandaff Society are considered above. In addition, the concerns regarding additional run-off from the roofs, road and parking areas adding to the likelihood of flooding will be addressed by the use of sustainable drainage (which is mandatory).
- 8.17 The application was reported to the Planning Committee on 03 November 2021 and deferred for a site visit, which took place on 06 December 2021. The application was then reported back to the Planning Committee for determination on 15 December 2021 and was approved subject to conditions and subject to those having an interest in the site entering into a binding planning obligation in agreement with the Council under Section 106 of the Town and Country Planning Act 1990 encompassing the matters referred to in paragraphs 5.6, 5.10 and 5.14 of this report. The applicant had agreed to enter into the required S106 planning obligation.
- 8.18 Since the Planning Committee resolved to approve this application, the applicant has indicated that they are not able to provide the full sum of financial contributions as required by the S106 obligation and as originally agreed, and they have submitted a viability report, which has been independently assessed by the District Valuer. The District Valuer concludes that *“a planning policy compliant scheme is not viable”, “this scheme can support £0 policy requirements”, “the proposed development is unable to support full planning policy requirements”* and *“In order to be delivered there must be either flex in the landowners’ expectation of the developer’s profit or a reduction in development costs or a combination of all”*.
- 8.19 The Housing Strategy Officer has confirmed that, as the application has been subject to independent assessment by the District Valuer, they can raise no objection to the scheme going ahead without an affordable housing contribution; however, a shorter timescale for commencing development should be imposed so as to allow for reconsideration if economic conditions change. This measure is also suggested by the DV, who states that *“The council may consider it appropriate to make it a pre commencement condition that viability is reviewed if construction does not start within a prescribed period of time.”*
- 8.20 Although it would be considered acceptable in this case for the development to go ahead without a contribution towards affordable housing, given that such a contribution is not necessary in order to make the development itself acceptable, there are residential amenity and highway safety reasons for the

requested contributions relating to Public Open Space and the Traffic Regulation Order which are directly related to the proposed scheme. Without these, the development would not provide an appropriate level of amenity for future residents and may result in hazards for pedestrians and road users. The Transportation officer has confirmed that *“the £5k for the traffic orders is integral to the safety of the access and the pedestrian crossing. If the developer is refusing to incorporate the safety facility then transportation would be obliged to object to the proposal on highway safety grounds.”*

- 8.21 Given that the application would be recommended for refusal should the necessary contributions relating to Public Open Space and Traffic Regulation not be forthcoming, the developer has agreed to provide the **£41,917** parks contribution (see paragraphs 5.9 to 5.11 above) and the **£5,000** required to pay for a Traffic Regulation Order to protect sight lines at the access junction and the pedestrian crossing facility (see paragraph 5.6 above).
- 8.22 Therefore the application is reported back for the Planning Committee to make a decision as to whether the proposal is acceptable with the above contributions still payable but without the financial contribution of **£413,714** towards affordable housing.
- 8.23 The ‘Planning Obligations’ SPG states that: *“Developers will be expected to provide, pay for, or contribute towards mitigation measures and infrastructure provision where the need arises as a result of their proposed development. It is recognised however that there may be occasions where development proposals are unable to meet all the relevant policy requirements whilst still remaining viable.”* (para. 18.1);
“Based on independent financial viability findings and other evidence, planning obligations may potentially be deferred / phased, or discounted” (para. 18.4);
and
“Any reduction in contributions would be to the minimum necessary to make the scheme financially viable. The Council would need to determine whether a development would still be acceptable in planning terms with a reduced level of contribution(s).” (para. 18.6).
- 8.24 In this case it is considered that the developer has provided sufficient evidence to demonstrate that the development is unviable if the S106 contributions are paid and has overcome objections to the impact that the failure to provide the Parks and Highways contributions would have on amenity and safety by offering the necessary sums for those purposes. In conclusion, the reduced S106 contribution is considered justified and there would be no reasonable grounds for refusal of this application. It is recommended that planning permission is granted subject to conditions, including a reduced time limit for the commencement of development as advised by the District Valuer, and the signing of a Section 106 Obligation, as set out above.

9. OTHER CONSIDERATIONS

- 9.1 *Crime and Disorder Act 1998*
Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local

Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

9.2 *Equality Act 2010*

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

9.3 *Environment (Wales) Act 2016*

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

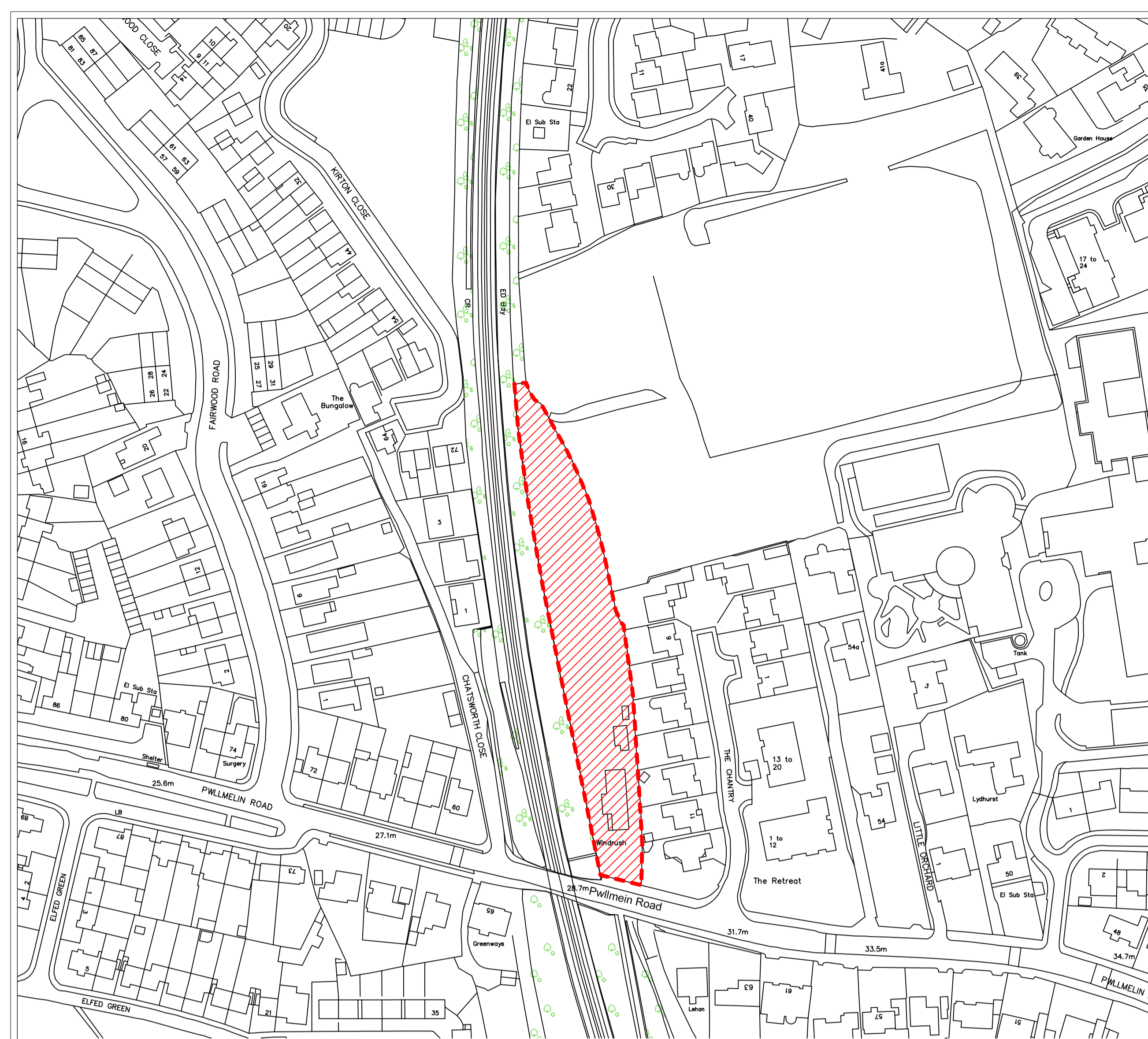
9.4 *Well-being of Future Generations (Wales) Act 2015*

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

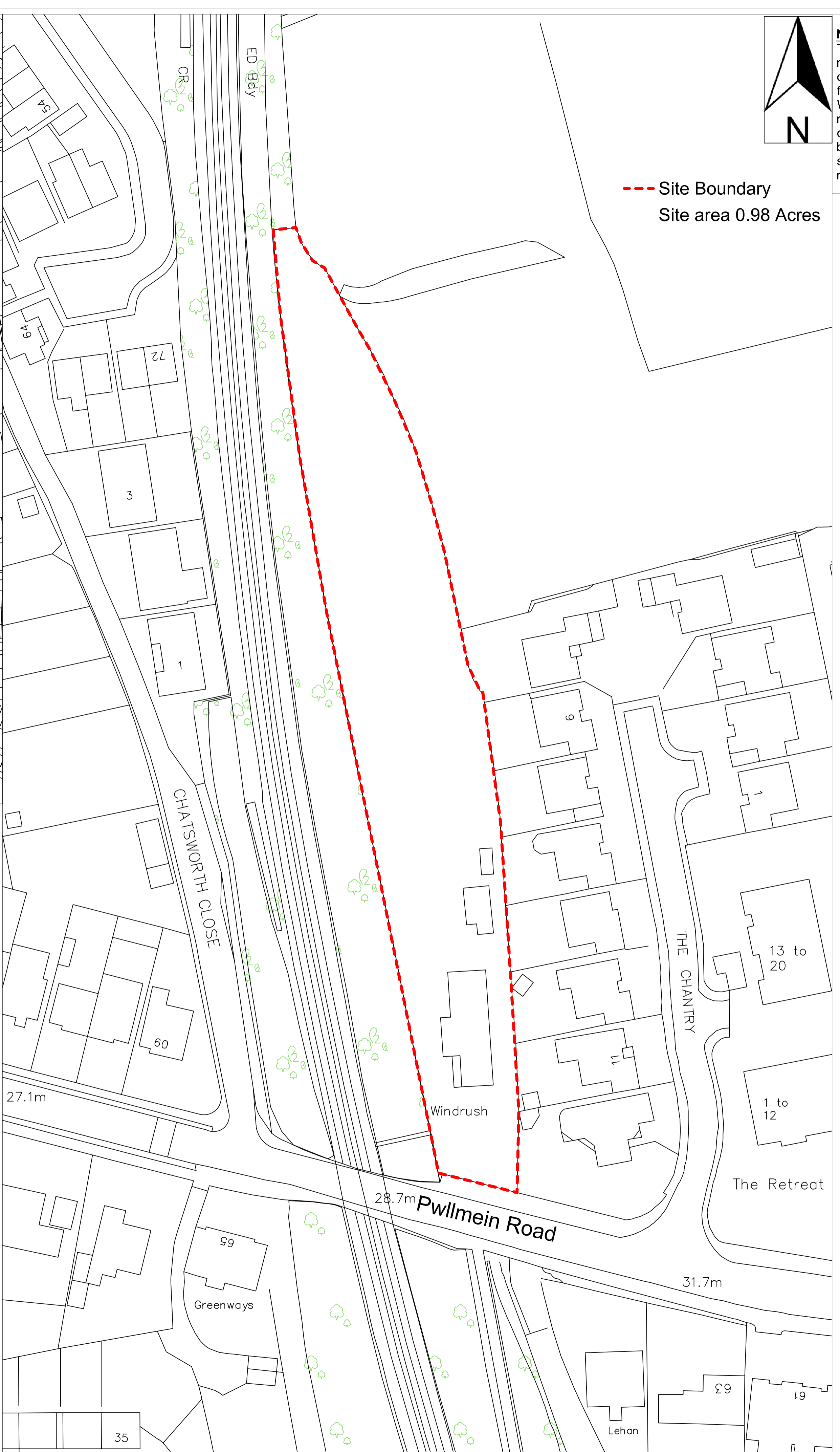


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--- Site Boundary
 Site area 0.98 Acres



Site Location Plan
 Scale 1:1250



Existing Site Plan
 Scale 1:500

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

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

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

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

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



Bishop of Llandaff High School

THE CHANTRY

Railway

CHATSWORTH CLOSE

28.7m PWLLMELIN ROAD

Existing bridge

Block D

Block C

Block B

Block A

Bin Area

Bin Area

Bin Area

Bin Area

5

6

7

8

9

10

11

12

DD
A0152

CC
A0152

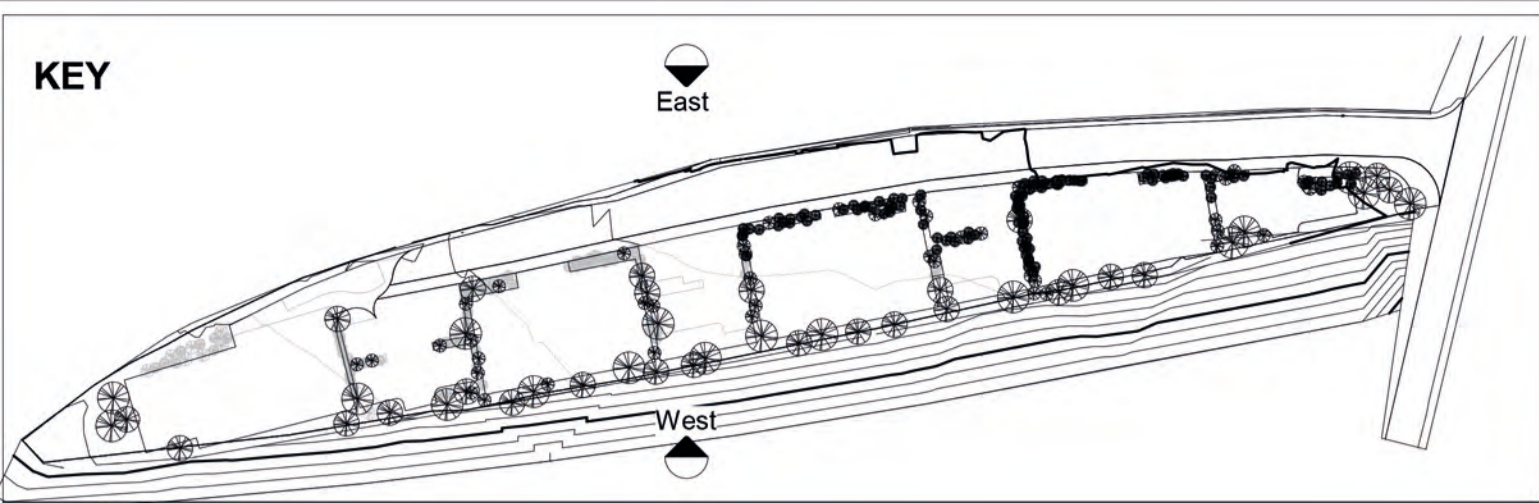
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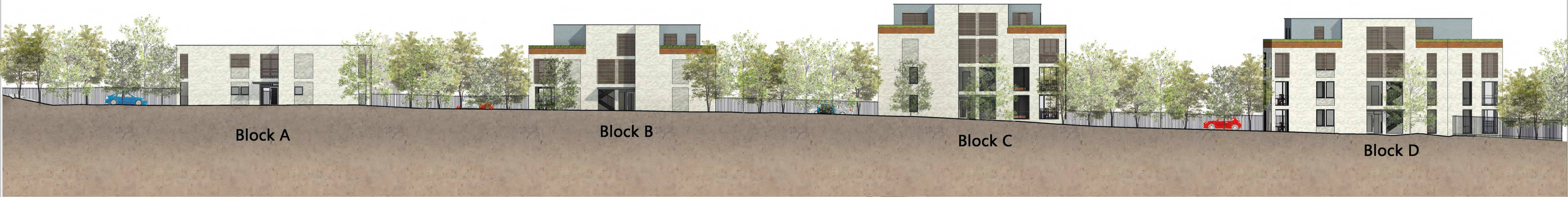
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East Elevation
 1 : 200



West Elevation
 1 : 200

KEY

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

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

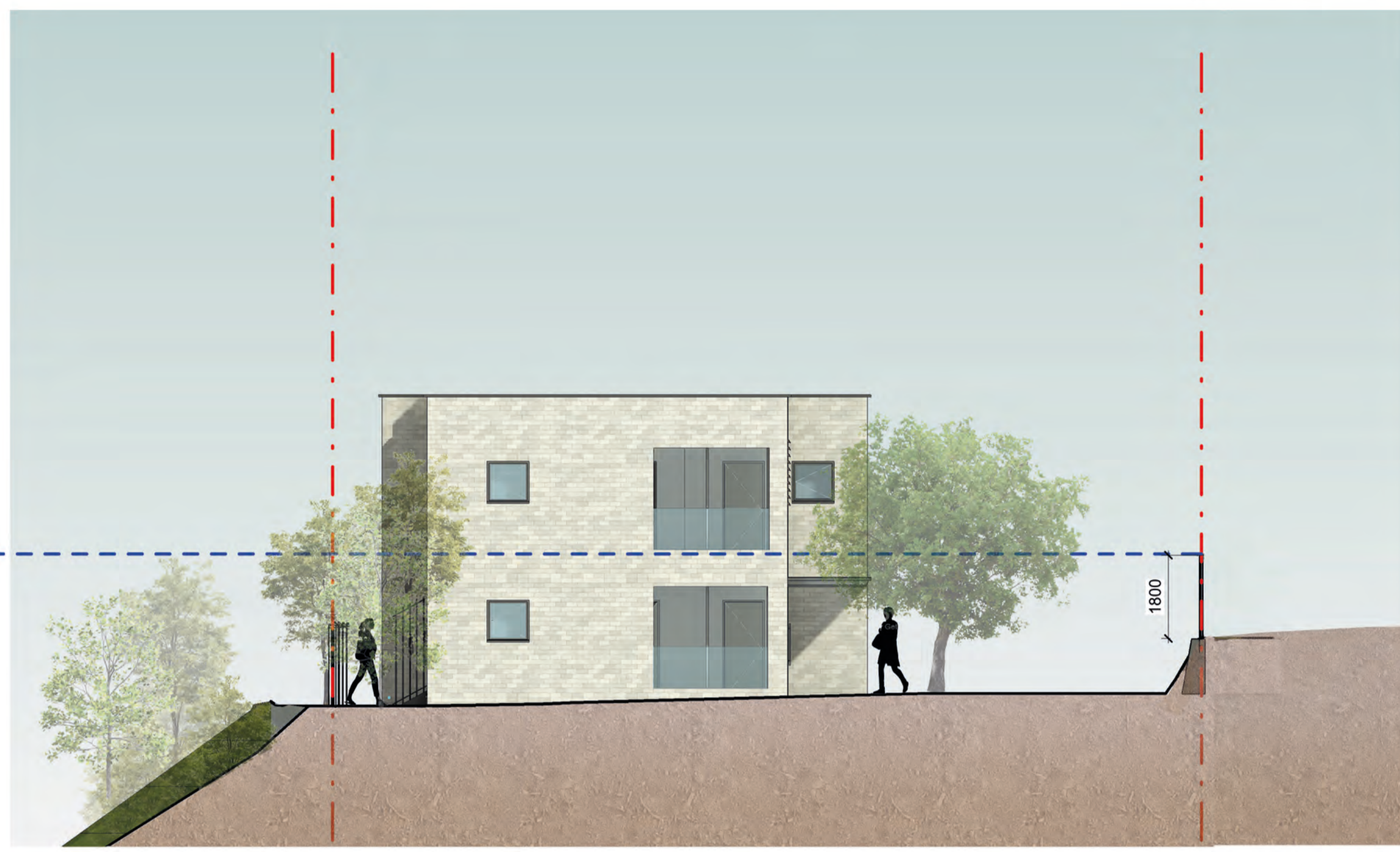
Project Windrush		
Title Proposed Site Elevations		
Drawn by IG	Checked by PD	Date July 20
Scale 1:200	Project no. 00_02	
Drawing No. A003	Rev A	



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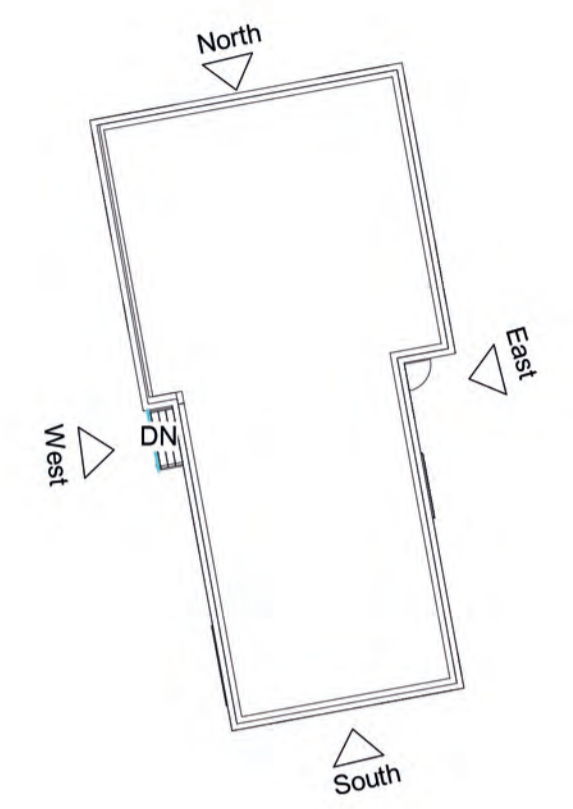


Block A West Elevation
 1 : 100



Block A South Elevation
 1 : 100

KEY



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

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

- - - Red dotted line denotes site boundary

KEY

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



Block A East Elevation
 1 : 100



Block A North Elevation
 1 : 100

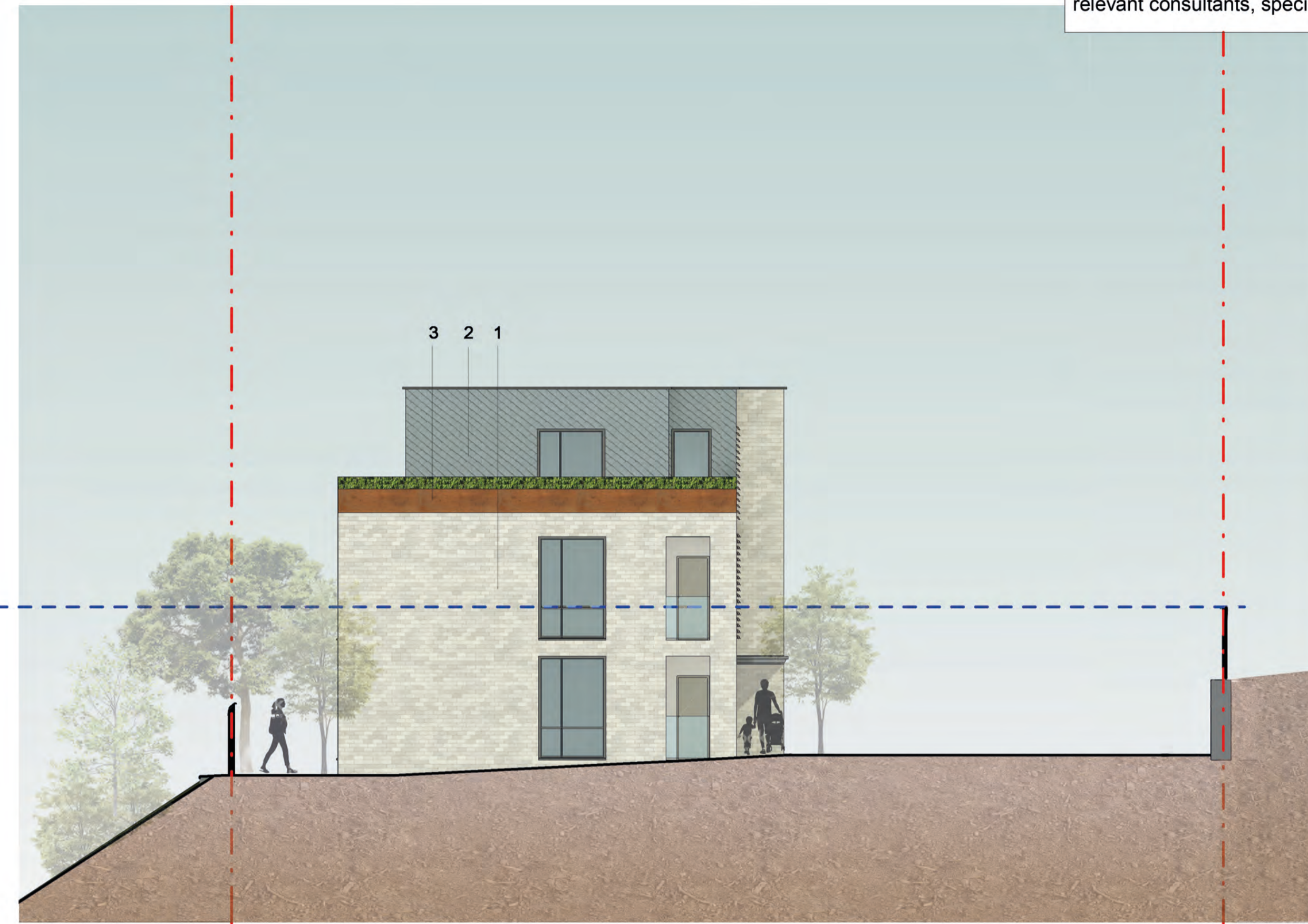
Rev A Sept. 2021 IG
 Penthouse and external communal balconies removed.
 Elevations amended for privacy
 Canopy added at the main entrance

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

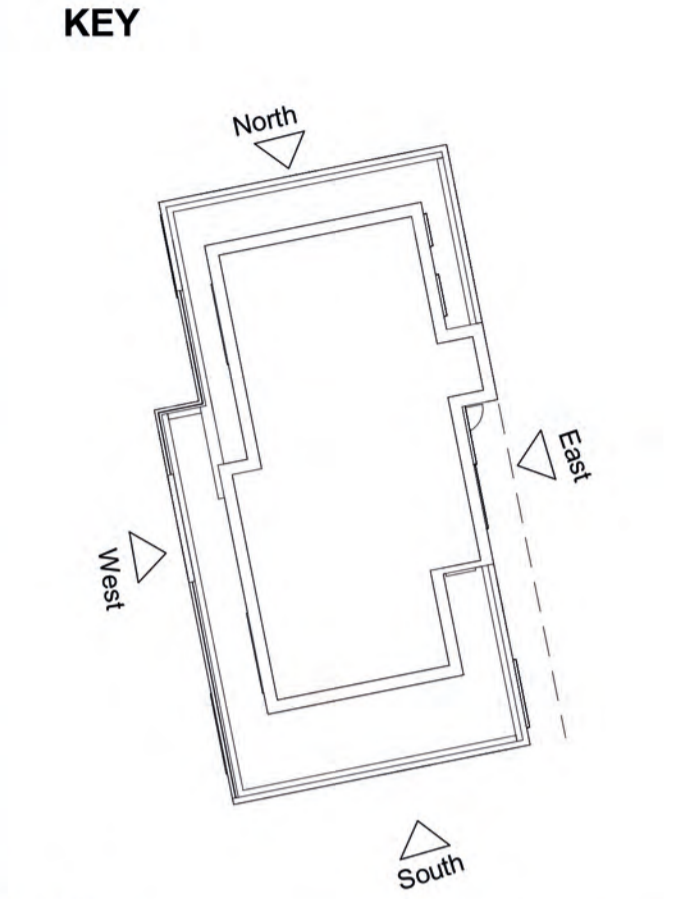
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Block B East Elevation
 1 : 100



Block B South Elevation
 1 : 100



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

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

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



Block B West Elevation
 1 : 100

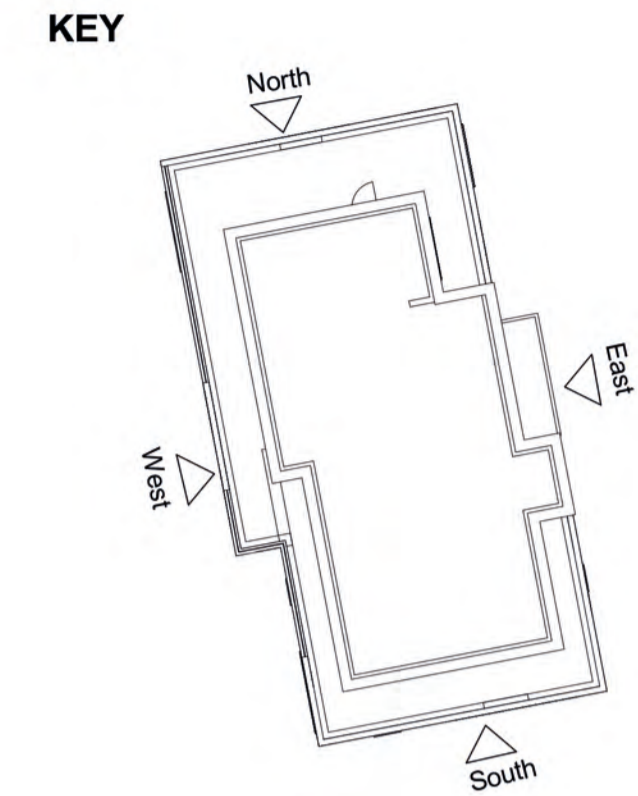


Block B North Elevation
 1 : 100

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

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

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

Red dotted line denotes site boundary

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

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

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



Block C East Elevation
 1 : 100



Block C South Elevation
 1 : 100



Block C West Elevation
 1 : 100



Block C North Elevation
 1 : 100

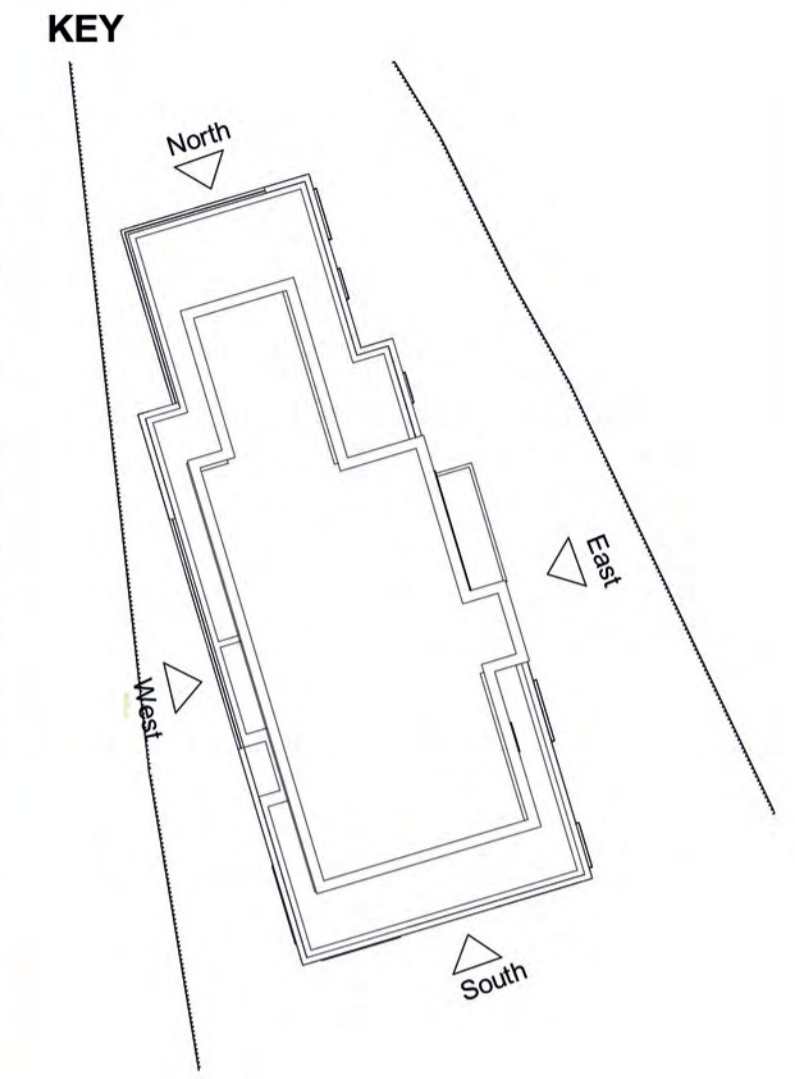
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Block D East Elevation
 1 : 100



Block D South Elevation
 1 : 100



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

Red dotted line denotes site boundary



Block D West Elevation
 1 : 100



Block D North Elevation
 1 : 100

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

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

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

COMMITTEE DATE: 03/11/2022

APPLICATION No. **22/01719/MJR** APPLICATION DATE: 22/08/2022

ED: **FAIRWATER**

APP: TYPE: FULL PLANNING PERMISSION

APPLICANT: Cardiff Council

LOCATION: Cantonian High School, Fairwater Road, Fairwater

PROPOSAL: Erection of Temporary Replacement School Buildings (Between One and Three Storey in Height), Including Administration, Kitchen/Canteen and School Hall Buildings; Temporary School Car Park and Footpath From Fairwater Road to Doyle Avenue (All Temporary Works) Together With Permanent Enabling Works to Facilitate the Redevelopment of Cantonian High School Comprising Boundary Fencing, Spectator Stand, Installation of Sports Pitches, Multi Use Games Areas and Associated Floodlighting and Fencing, Associated Landscaping, Drainage And Engineering Works.

RECOMMENDATION 1:

That planning permission be **GRANTED** subject to the conditions listed below.

1. BACKGROUND INFORMATION

1.1 This application is reported to Committee as it is a 'major' application by the Local Education Authority (Cardiff Council).

2. DESCRIPTION OF THE SITE AND AREA

2.1 The application site comprises the existing Cantonian High School site, which is 4.96Ha in size and incorporates existing High School buildings to the northern part of the site (including demountable units) with sport pitches and open space to the southern part of the site.

2.2 The site is surrounded by residential dwellings to the south and west, whilst a portion of the railway line connecting Fairwater and Waungron Park Stations lies immediately adjacent to the eastern boundary. Fairwater Road runs parallel to the High School's northern boundary, beyond which lies dwellings and Fairwater Park.

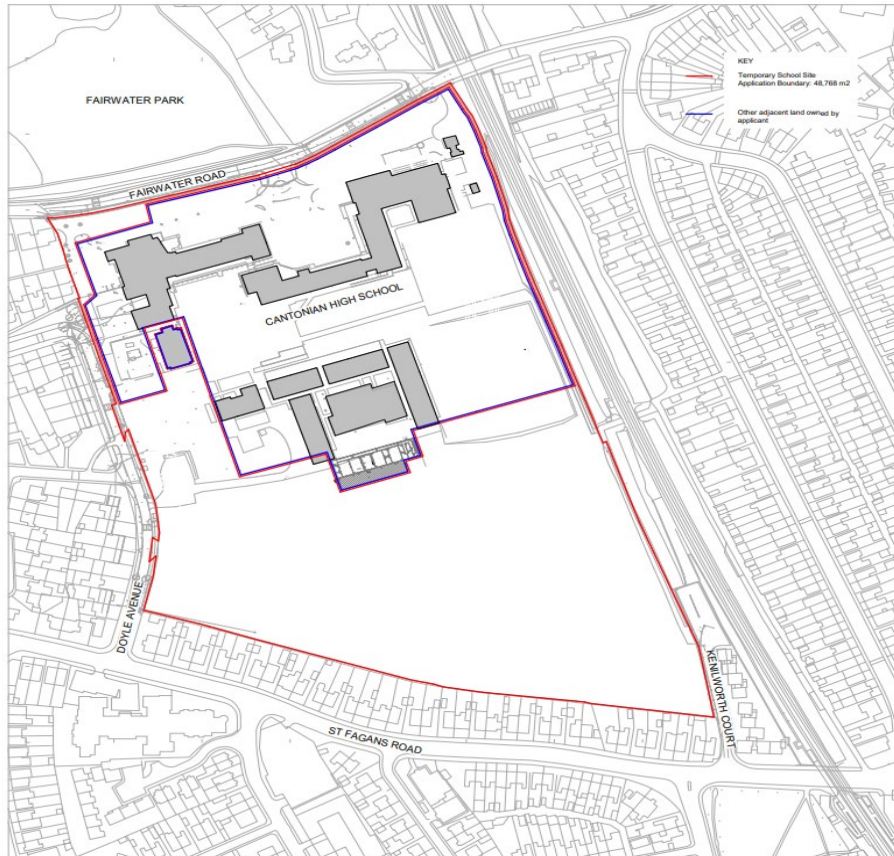


Figure 1: Site Location Plan

2.3 The site is sloping with the northern boundary being the highest element of the site and the southern boundary the lowest.

2.4 The site is within Flood Zone A and there is little or no risk of Fluvial or tidal/coastal flooding.

3. DESCRIPTION OF DEVELOPMENT

3.1 The proposal will facilitate the redevelopment of the wider site to establish Fairwater Campus which seeks to bring together Cantonian High, Woodlands High and Riverbank School under one site. Fairwater Campus will establish an educationally advanced institution, contemporary teaching facilities and high quality outdoor and sports provision. The Campus will include Additional Learning Needs (ALN) facilities and include out of hours use for the wider community.

3.2 The proposed development comprises the construction of temporary school facilities to allow the decanting of Cantonian High into accommodation whilst works to establish Fairwater Campus are underway. It is proposed that the Temporary school would be available to pupils from September 2023 and would be removed.

3.3 The temporary facilities include:

- Three Teaching blocks, A, B and C

- Block A is to be 79.5m long, 25.4m wide, 3.65m high single-storey with a flat roof, temporary building containing Classrooms, offices and storage, toilets and changing rooms
- Block B is to be 80.6 long, 25m. wide, 5.8m high, two-storey flat roof temporary building containing 1 science classroom, 9 science labs, toilets, sixth form room, offices and storerooms
- Block C is to be 64m long, 25,4m wide, 10.5m high part two-storey, part three storey with a flat roof containing classrooms, offices and storage, staffrooms and toilets
- An administration building – Approx 20m long, 12.2m wide and 3.5m high with a flat roof, containing offices, meetings rooms, reception area and toilets.
- Kitchen/Canteen building – Approx 30m wide, 26m deep and 3m high containing cooking/prep facilities and dining area for pupils
- Hall building - Approx 25m long, 15m wide and 7.5m high with a pitched roof

3.4 The proposed permanent works that are included as part of the enabling works:

- 4no. MUGAs with ballstop fencing
- 1no. AWP senior Rugby Union pitch with ballstop fencing
- Spectator stand (capacity for approx 150 people) – The stand is to be approx 19.7m wide, 2.8m deep and 2.9m high with a canopy to shelter spectators
- 14 Floodlights to the rugby pitch and MUGAs (8-12m high)
- Provision of Emergency entrance from Kenilworth Court and path network to the site.
- Provision of a SuDs attenuation pond with decking viewing platform in south east corner (creating an ecological/nature garden whilst providing surface water attenuation to the enabling works).
- 2.4m high weldmesh fence across whole campus to provide security to site
- 2no. Cycle Stores capable of accommodating 64 cycles + 1no. cycle store accommodating 15 cycles for staff
- Refuse Storage
- Boundary planting along southern boundary adjacent to the perimeter fencing.
- Doyle Avenue car park entrance will remain but repurposed as the Woodland and Riverbank main entrance
- 1 no electrical kiosk and 1 no. transformer
- Footway access path from Fairwater Road to Doyle Avenue

3.5 The existing sports hall and ALN buildings are to remain with the existing high school and temporary demountable classrooms being demolished/removed from the site.

3.6 The proposed Temporary School will result in the increase in pupil numbers from 1015 to 1170 (155). Staff numbers would stay the same at 123 members of staff.



Figure 2: Site Plan showing Temporary Buildings and Infrastructure works

4. PLANNING HISTORY

4.1 The site has the following relevant planning history: -

- 16/03046/MJR – Installation of a temporary single storey Portakabin Ltd complex to be used as decant teaching facility. Granted April 2017.
- 19/02826/MJR – Variation of condition 1 of 16/03046/MJR to allow the Portakabin complex and associated roadway to be retained until 31st December 2023. Granted December 2019.
- 19/02842/MNR – Prior Approval for the demolition of double storey, brick built building with tiled pitched roof (Caretakers House). Granted 2019
- 21/00942/MJR – The addition of a temporary facility on the school site (specialist resource base) and the temporary extension of the existing temporary kitchen and dining facility. Granted May 2021.

5. POLICY FRAMEWORK

National Policy

- 5.1 The **Well-being of Future Generations (Wales) Act 2015** (WFG) imposes a duty on public bodies to carry out ‘sustainable development’ in accordance with the ‘sustainable development principle’.
- 5.2 ‘Sustainable development’ means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the well-being goals.
- 5.3 ‘Sustainable development principle’ means that Local Authorities must act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.
- 5.4 Well-being goals identified in the Act are:
- A Prosperous Wales
 - A Resilient Wales
 - A Healthier Wales
 - A More Equal Wales
 - A Wales of Cohesive Communities
 - A Wales of Vibrant Culture and thriving Welsh Language
 - A Globally Responsible Wales
- 5.5 The **Environment (Wales) Act 2016** has been designed to complement the WFG Act. It imposes a duty to require all public authorities, when carrying out their functions in Wales, to seek to “maintain and enhance biodiversity” where it is within the proper exercise of their functions. In doing so, public authorities must also seek to “promote the resilience of ecosystems”.

National Planning Policy

- 5.6 [Planning Policy Wales](#) (Edition 11) was revised and restructured in February 2021 to coincide with the publication of, and take into account the policies, themes and approaches set out in, [Future Wales - the National Plan 2040](#) (see below) and to deliver the vision for Wales that is set out therein.
- 5.7 The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015 and the Well-being of Future Generations (Wales) Act 2015.
- 5.8 PPW11 takes the seven *Well-being Goals* and the five *Ways of Working* as overarching themes and embodies a placemaking approach throughout, with the aim of delivering *Active and Social Places*, *Productive and Enterprising Places* and *Distinctive and Natural Places*. It also identifies the planning system as one of the

main tools to create sustainable places, and that placemaking principles are a tool to achieving this through both plan making and the decision-making process.

Technical Advice Notes

- 5.9 PPW is supported by a series of more detailed [Technical Advice Notes](#) (TANs), of which the following are of relevance: -
- TAN 5: Nature Conservation and Planning (2009);
Noting also the Chief Planning Officer letter dated 23/10/19: securing bio-diversity enhancement;
 - TAN 11: Noise (1997)
 - TAN 12: Design (2016)
 - TAN 13: Noise (1997)
 - TAN 15: Development and Flood Risk (2004)
 - TAN 16: Sport, Recreation and Open Space (2009)
 - TAN 18: Transport (March 2007)
 - TAN 20: Planning and the Welsh Language (2017)
 - TAN 21: Waste (February 2017)
- 5.10 On 16th July 2020 the Welsh Government published [Building Better Places: The Planning System Delivering Resilient and Brighter Futures](#) which provides planning policy guidance for local planning authorities and the development industry on priorities for the planning system to deliver post Covid-19. The guidance is to be read in conjunction with PPW, which contains the principles and policies needed for Wales to recover from Covid-19 in a positive manner, putting placemaking at the heart of future development.
- 5.11 It also emphasises that development management decisions should focus on creating healthy, thriving active places with a focus on a positive, sustainable future for our communities. The planning system has an important role in supporting healthier lifestyles and reducing inequalities. This includes both direct and indirect opportunities such as the allocation of land for health facilities, ensuring good design and barrier free development, jobs and skills, improving air quality, soundscapes and protecting and improving access to recreation and natural green spaces. These can provide both physical and mental health benefits, improve well-being and help to reduce inequality.

The Development Plan

- 5.12 Section 38 (6) of the Planning and Compulsory Purchase Act 2004, requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 5.13 [Future Wales - the National Plan 2040](#) now forms part of the Development Plan for all parts of Wales, comprising a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. All

Development Management decisions, strategic and local development plans, planning appeals and all other work directed by the development plan need to accord with Future Wales.

5.14 Policies 1 and 33 emphasise the support for sustainable growth in all parts of Wales, identifying Cardiff, Newport and the Valleys as one of three National Growth Areas where there will be growth in employment and housing opportunities and investment in infrastructure.

5.15 Policy 33 emphasises that Cardiff will remain the primary settlement in the region, its future strategic growth shaped by its strong housing and employment markets and it will retain its capital city role, accommodating higher level functions and attractions.

5.16 Policy 2 states that the growth and regeneration of towns and cities should positively contribute towards building sustainable places that support active and healthy lives, with urban neighbourhoods that are compact and walkable, organised around mixed-use centres and public transport, and integrated with green infrastructure. Urban growth and regeneration should be based on the following strategic placemaking principles:

- creating a rich mix of uses;
- providing a variety of housing types and tenures;
- building places at a walkable scale, with homes, local facilities and public transport within walking distance of each other.
- increasing population density, with development built at urban densities that can support public transport and local facilities;
- establishing a permeable network of streets, with a hierarchy that informs the nature of development;
- promoting a plot-based approach to development, which provides opportunities for the development of small plots, including for custom and self-builders; and
- integrating green infrastructure, informed by the planning authority's Green Infrastructure Assessment.

5.17 The Local Development Plan is the [Cardiff Local Development Plan 2006-2026](#) which was adopted in January 2016, and within which the following policies are of relevance:

KEY POLICIES

- KP4 Master Planning Approach
- KP5 Good Quality and Sustainable Design
- KP6 New Infrastructure
- KP8 Sustainable Transportation
- KP15 Climate Change
- KP16 Green Infrastructure
- KP17 Built Heritage
- KP 18 Natural Resources

DETAILED POLICIES

Environment

- EN6 Ecological Networks and Features of Importance for Biodiversity
- EN7 Priority Habitats and Species
- EN8 Trees, Woodlands and Hedgerows
- EN9 Conservation of the Historic Environment
- EN10 Water Sensitive Design
- EN11 Protection of Water Resources
- EN13 Air, Noise, Light Pollution and Land Contamination
- EN14 Flood Risk

Transport

- T1 Walking and Cycling
- T5 Managing Transport Impacts
- T6 Impact on Transport Networks and Services

Community

- C1 Community Facilities
- C3 Community Safety/Creating Safe Environments
- C4 Protection of Open Space
- C5 Provision for Open space, outdoor recreation, Children's play and sport
- C6 Health
- C7 Planning for Schools

Waste

- W2 Provision for Waste Management Facilities in Development

Supplementary Planning Guidance:

5.18 The following [Supplementary Planning Guidance](#) (SPG) is of relevance to this application: -

- Archaeology and Archaeology Sensitive Areas (July 2018)
- Green Infrastructure (including Technical Guidance Notes relating to: Ecology and Biodiversity; Trees and Development; Public Rights of Way and Development; River Corridors; Protection and Provision of Open Space in New Developments; Soils and Development) (November 2017)
- Managing Transportation Impacts (Incorporating Parking Standards) (July 2018)
- Planning for Health and Wellbeing (November 2017)
- Waste Collection & Storage Facilities (October 2016).

6. INTERNAL CONSULTEE RESPONSES

6.1 The **Operational Manager (Traffic and Transportation)** advises as follows:

The submission includes an updated Transport Assessment, which indicates that there is a small increase in pupil numbers with the modes of access to the school remaining as current (pupils continuing to access the school via a dedicated pedestrian link from Fairwater Road).

The parking provision shown on the submitted plans is in line with Council's Managing Transport Impacts SPG

Cycle storage is acceptable noting that it is in a temporary location and will likely be relocated with the new school buildings.

Advises the need for a CEMP condition (see below)

6.2 The **Operational Manager (Waste Management)**: No objections, advise that the applicant refers to the Waste Collection and Storage Facilities SPG for guidance on the adequate provision of waste storage for this development.

6.3 The **Operational Manager (Parks)**: No objections, advise that the application includes the permanent provision of a rugby 3G pitch and multi use games areas with associated spectator stand and floodlighting.

The supporting Design and Access Statement states that the sports facilities will be accessible to the wider community during out of hours periods with the floodlighting helping to facilitate that use.

The dimensions and run off area for the rugby pitch are large enough for adult rugby.

6.4 The **Operational Manager (Shared Regulatory Services)**: No objections, advise the need for conditions 12 and 13.

6.5 **The Operational Manager (Schools)** – No objections

6.6 **Trees Officer** - No objections, but advise that the submitted plans only 'C' category trees will be lost to development.

Advises the need for conditions 7,11 and 14-15 Listed below.

6.7 **Ecology Officer** – No objections, notes that that there are no statutory designated sites within the red-line boundary, and advises as follows:

Protected Species/Species of Principal Importance

Great crested newts (GCN)/other amphibians - The desk study identified GCN in Fairwater Park. A small previous pond within the site has now been lost. The report notes the inclusion of SUDS and wet meadows that would be an

enhancement for GCN (but that assumes they are present; the consultant argues they are not likely to be). The main recommendation is the reptile/amphibian method statement, which does appear appropriate to the risk of occurrence, an aspect which will be clarified at condition.

In both ecology reports other amphibians are not discussed which are more likely to occur i.e., common toad. However, the method statement to be provided under condition can be inclusive to these species.

Bats - This application does not propose any building demolitions but further bats surveys are suggested as ongoing as demolitions would be put forward under another planning application.

Whilst lighting plans for the MUGA and sports pitches have been provided, there is concern over the spill to the east and south on green infrastructure. A lighting scheme condition is suggested below to overcome any concerns regarding bats and flight paths.

Birds - A number of birds were observed at the site, including house sparrow and raven. House sparrow were observed breeding in Building B1 (NE corner). Appropriate consideration is given to vegetation clearance. Buildings are not subject to demolition under this application.

Reptiles – Advise that in general, minimal habitats within the site boundary are suitable for reptiles, mainly the boundaries or anything connected. It has been considered that slow worm is most likely reptile species to occur. Given the small amount of suitable habitat likely to be impacted (and hopefully more suitable habitat would ultimately be established), the suggested reptile/amphibian method statement is appropriate.

Small mammals - The Technical Note submitted, notes the probable presence of small mammals, although hedgehog is missed from consideration given its Section 7 status. Consideration to hedgehog must be given

Invasive non-native species - It has been identified that Japanese knotweed is present on the eastern boundary near to the railway. “Japanese knotweed was observed to the east of the site (TN1 and TN3), while variegated yellow archangel was recorded within an area of dense scrub/scattered broad-leaved trees to the north east of the site.”

On-Site enhancements / Off -Site enhancements - The following are suggested in the Ecology Summary Note as:

- Logs piles
- Bird boxes
- Retain perimeter vegetation and strengthen those boundary's
- Habitat management hedges to meadows
- Sowing of meadows
- Inclusion of wetland/ponds.

Detailed designs indicate that the enhancements proposed will be achieved.

Advises the need for conditions 5, 6 and 8 listed below.

7 EXTERNAL CONSULTEE RESPONSES

- 7.1 **Dŵr Cymru Welsh Water:** No objections, state the need for condition 17
- 7.2 **Natural Resources Wales –** No objections, subject to conditions regarding submitted plans and Construction Environment Management Plan (CEMP)
- 7.3 **Fire Service:** No objections
- 7.4 **CADW –** No comments received
- 7.5 **Transport for Wales –** No comments received
- 7.6 **Sports Council for Wales –** No comments received
- 7.7 **South Wales Police –** No objections
- 7.8 **Glamorgan Gwent Archaeological Trust –** No objections, advise that it is unlikely that archaeological artifacts or remains will be found within the site.

8 REPRESENTATIONS

- 8.1 The application was advertised on the Council Website and by way of neighbour notification letters, site notices and advertisement in the local press. On 8th September 2022. No responses have been received.

9 ANALYSIS

- 9.1 The key material considerations in the determination of this application relate to: Land Use / Principle of Development; Impact on the Character of the Area; Transportation / Highway Impacts; Impact on Residential Amenity; Impact on Trees / Landscaping; Impact on Ecology; Sustainability / Energy; and Drainage and Flooding.

Land Use / Principle of Development

- 9.2 In terms of the land use policy implications of the proposals, the application site falls within the settlement boundary as defined by the LPD proposals map and is afforded no specific designation or allocation. The proposal seeks to provide a temporary school and infrastructure works on an existing school site, ahead of a further application for a permanent replacement., as well as permanent provision of sports pitches, drainage etc., all of which are considered to be acceptable in principle on an existing school site.

Impact on the Character of the Area

- 9.3 As noted earlier, the Welsh Government publication [*Building Better Places: The Planning System Delivering Resilient and Brighter Futures*](#) contains the principles

and policies needed for Wales to recover from Covid-19 in a positive manner, putting placemaking at the heart of future development.

- 9.4 It also emphasises that development management decisions should focus on creating healthy, thriving active places with a focus on a positive, sustainable future for our communities, and that WG will thus play its role in supporting the vibrancy of places and helping a people-focussed and placemaking-led recovery.
- 9.5 PPW11 also embodies a placemaking approach throughout, with the aim of delivering *Active and Social Places*, *Productive and Enterprising Places* and *Distinctive and Natural Places*. It also identifies the planning system as one of the main tools to create sustainable places, and that placemaking principles are a tool to achieving this through both plan making and the decision making process.
- 9.6 The proposal would have a positive impact upon the character of the area, with the creation of additional sports pitches (for community use). The Temporary school buildings are of a functional nature and design but they are to be insitu for a short period of time whilst the new school is constructed and then will be removed from the site.
- 9.7 Although not forming part of this application, the proposals will facilitate development of the existing 1960/70s school building currently on site, which will in time result in an enhancement to the character of the area with modern sustainable and functional buildings that are more suited to school pupils in terms of their layout and function.

Transportation / Highway Impacts

- 9.8 Chapter 4 of PPW 'Active and Social Places' addresses transport, stating that people should have access to jobs and services through more efficient and sustainable journeys, by walking, cycling and public transport. It further states that *"new development should prevent problems from occurring or getting worse such as...the reliance on the private car and the generation of carbon emissions."* It further notes that land use and transport planning should be integrated to minimise the need to travel, reduce dependency on the private car and enable sustainable access to employment, local services and community facilities.
- 9.9 By influencing the location, scale, density, mix of uses and design of new development, the planning system can improve choice in transport and secure accessibility in a way which supports sustainable development, increases physical activity, improves health and helps to tackle the causes of climate change and airborne pollution by:
- Enabling More Sustainable Travel Choices – measures to increase walking, cycling and public transport, reduce dependency on the car for daily travel; and
 - Network Management – measures to make best use of the available capacity, supported by targeted new infrastructure;
- 9.10 With regard to the traffic and parking matters, no objections have been raised by

the Operational Manager Transportation (see para. 6.1 above) in respect of highway safety, or parking provision, subject to conditions.

- 9.11 The proposal includes the provision of cycle spaces, with dedicated cycle storage buildings to the rear of the site. The cycle parking details are considered to be acceptable, noting their temporary nature and are likely to be relocated within the new school site.
- 9.12 The submitted details include a refuse storage area within the curtilage of the site. These details are considered to be satisfactory.

Impact on Residential Amenity

- 9.13 The submitted plans show Refectory, Block A and the hall building being sited approximately 10m from the rear boundary of the adjacent properties. These elements are single storey in height and would have limited impact upon the sunlight and amenity of adjoining neighbours.
- 9.14 Blocks B and C (Two and three storey in height) are sited approx. 60m from the southern boundary (St Fagans Road) and approx. 80m from the Western boundary (Doyle Avenue) and it is not considered that these structures would prejudice the privacy and amenities of adjoining neighbours.
- 9.15 It is also noted that these buildings are of a temporary nature and it is proposed to removed them by 2025 once the new School buildings have been completed.
- 9.16 The proposal also includes enhancing the boundary trees and hedgerow to the southern boundary adjacent to St Fagans Road, thereby reducing any potential overlooking from the temporary school buildings

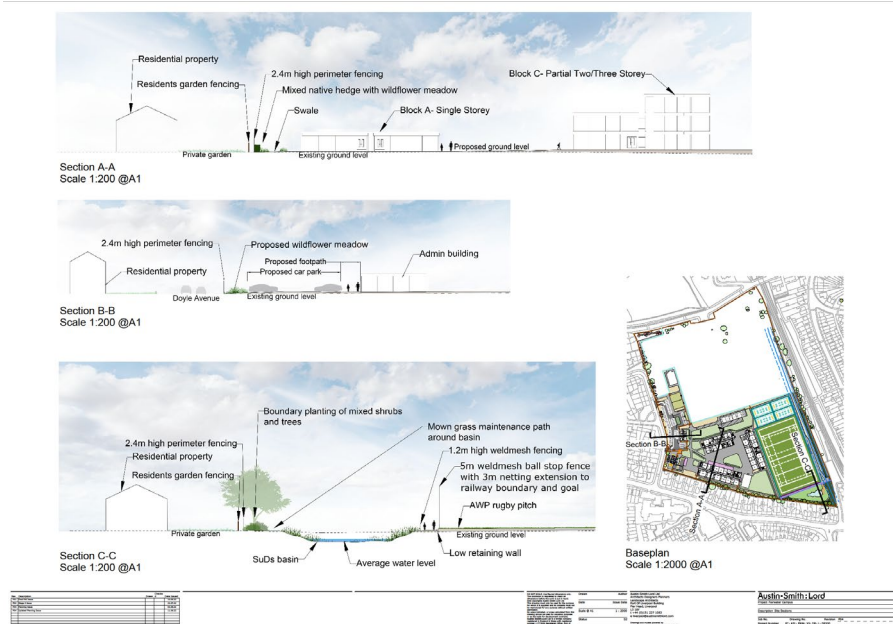


Figure 3: Section Plan through site showing the location of the temporary school in relation to adjoining boundaries

- 9.17 The proposals also incorporate the permanent provision of 1 sports pitch and 4 MUGAs, with the plans showing 14 floodlights are to be installed around the

perimeter of these pitches (15m high adjacent to the sports pitch and 8m high adjacent to the MUGAs). The floodlights are sited close to the boundaries with properties on Kenilworth Court and St Fagans Road, however the submitted information shows that the light impacts would be limited due to the siting and design of the floodlights, with light spill not exceeding 5lux at the closest residential boundary to south, and 5 lux at the train line which is before residential boundary to the east of the development (see Figure 4 below).

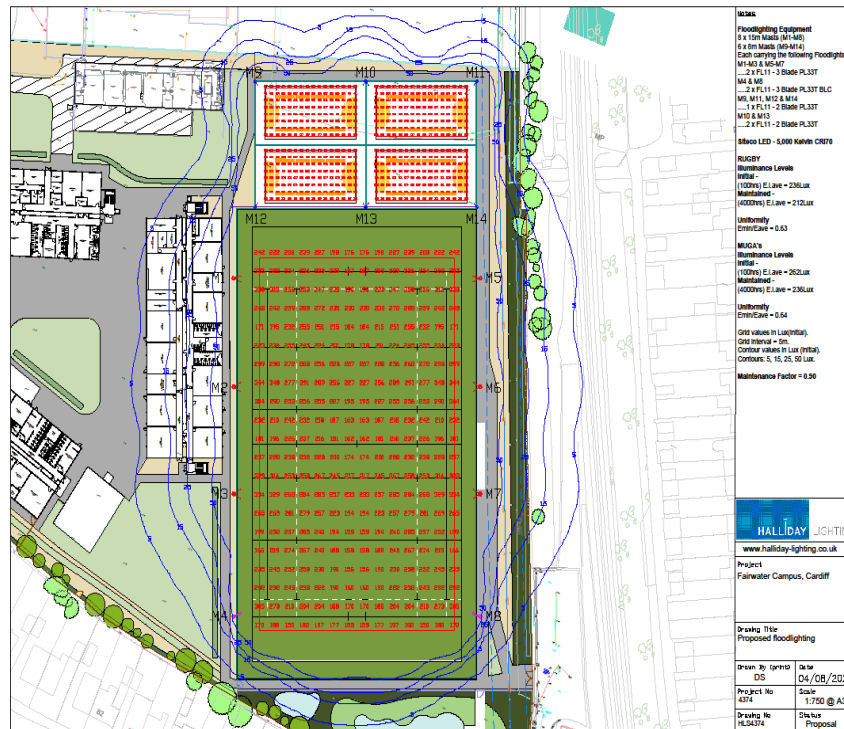


Figure 4: Proposed Floodlighting Plan

- 9.18 The SRS Officer states that this would put this application in Environmental Zone E3 (Suburban) as per the ILP Guidance note 1 for the reduction of obtrusive light, with 5 lux at boundary comfortably within what is recommended.
- 9.19 It would also be necessary to ensure the timings of which the floodlights are operated (and sports pitches could be utilised), to ensure that the disturbance to neighbouring occupiers is reduced. A condition to ensure the floodlighting is not utilised between the hours of 21:00 and 0900 hours and the lux levels are controlled, it is therefore considered that the floodlighting proposed, would not adversely impact upon neighbour amenity.
- 9.20 The proposal would allow for the use of the proposed sport pitches during the hours of darkness at certain times of the year. While there would be the potential for the intensification of use of the school to the southern boundary due to the temporary school, it should be noted that the land has previously been used for sport and recreation purposes. In this regard, it is considered that any noise or impact from light can be appropriately managed, and conditions are recommended in this regard. Subject to the required additional measures and controls, over both the hours of operation, use of floodlighting and sport pitches, which accord with similar developments throughout the city, it is considered that there would be no undue

impact upon neighbouring amenity relative to the existing use of the land as a school and recreational space.

Impact on Trees / Landscaping

- 9.21 LDP Policy EN 8 states development will not be permitted that would cause 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
- 9.22 The Tree & Landscape Officer raises no objections as only 'C' category trees will be lost to development and the proposal proposes enhancements including the increase of tree cover along the southern boundary and detailed landscaping to the site (while also noting that further landscaping will be provided as part of the new school development).

Impact on Ecology

- 9.23 Future Wales Policy 9 Resilient Ecological Networks and Green Infrastructure requires developers to ensure the enhancement of biodiversity, the resilience of ecosystems and provision of green infrastructure. In all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net-benefit), the resilience of ecosystems and green infrastructure should be demonstrated as part of development proposals.
- 9.24 Policy KP16 details that 'Cardiff's distinctive natural heritage which provides a network of green infrastructure', including trees and soil, will be protected, enhanced and managed to ensure the integrity and connectivity of this important resource is maintained.
- 9.25 Furthermore Policy EN6 further supports the principles of the afore mentioned key policies in relation to ecological networks, biodiversity and trees.
- 9.26 An Ecology Summary, technical note and Stage 2 Great Crested newt survey prepared by a qualified ecologist has been submitted.
- 9.27 Both Natural Resources Wales and the Councils Ecologists have assessed the application and raise no objections to the application. They suggest a number of conditions (see below) and note the ecological enhancements proposed by the applicants in regard to this element of the site and note that further applications for redevelopment of the whole school site will be forthcoming, which will include further enhancements.

Biodiversity Net Gain

- 9.28 The proposal includes a number of Biodiversity enhancements to the site including;
- Two log piles (hibernacula) on the edge of the SUD area
 - 10 bird boxes; of which 5 will be suitable for house sparrow and 5 suitable for

- starting on the temporary buildings
 - Landscaping works
 - SUD feature is suitable to retain water for use by a range of Welsh Wildlife
 - Two bat boxes
- 9.29 It is likely that further enhancements will be included as part of the further redevelopment of the school site

Sustainability / Energy

- 9.30 Future Wales Policy 16 emphasises that large scale mixed-use development should, where feasible, have a heat network with a renewable / low carbon or waste heat energy source. Planning applications for such development should prepare an Energy Masterplan to establish whether a heat network is the most effective energy supply option and, for feasible projects, a plan for its implementation.
- 9.31 Policy 17 Renewable and Low Carbon Energy and Associated Infrastructure outlines support for developing renewable and low carbon energy at all scales.
- 9.32 PPW (para 5.8.1) states that 'the planning system should support new development that achieves high energy performance, supports decarbonisation, tackles the causes of the climate emergency and adapts to the current and future effects of climate change through the incorporation of effective mitigation and adaptation measures.
- 9.33 LDP Policy EN12 Renewable Energy and Low Carbon Technologies requires major development to maximise the potential for renewable energy. The council will encourage developers to incorporate schemes which generate energy from renewable and low Carbon technologies.
- 9.34 The proposal is for temporary demountable classrooms which will be re-used after there siting here. The site itself will utilise low carbon, sustainable materials in the construction of the new school within renewable energy and layout/design being utilised to minimise energy consumption.

Drainage and Flooding

- 9.35 The site is within Flood Zone A and is not considered to be at significant risk of Flooding.
- 9.36 Dwr Cymru/Welsh Water raise no objections to the proposal subject to the imposition of conditions (see 17).
- 9.37 The site will also be subject to a SAB application and the applicants have been advised to enter into negotiations with the Councils SuDS drainage team in regard to a SAB submission.

10 CONCLUSION

11 The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Cardiff Local Development Plan (2011–2026) adopted January 2016.

11.1 The proposal will play a key role in helping to deliver the LDP strategy, providing a new temporary high school and associated works as part of a high quality scheme on an existing school site, set in a highly sustainable, brownfield location and by enabling the future provision of a new high quality school campus on the same site.

11.2 Accordingly, the proposed development is in accordance with Policies KP5, KP6, KP13, KP14, KP16, EN6, EN7, EN8, EN10, EN13, EN14, T1, T5, C1, C3, C5 and C7 of the Cardiff Local Development Plan 2006-2026.

12 OTHER MATTERS RELEVANT TO THE CONSIDERATION OF THIS APPLICATION

12.1 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.

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

12.3 Well-Being of Future Generations Act 2016. Section 3 of this Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision. It is also noted that section 2(5) of the Planning (Wales) Act 2015 affords protection to decisions taken under Part 3 of the 1990 Act, in that the Well-being of Future Generations (Wales) Act 2015 does not alter whether regard is to be had to any particular consideration under section 70(2) of the 1990 Act or the weight to be given to any consideration to which regard

is had under that subsection. This means the provisions of the development plan, so far as material to the application, and any other relevant other material considerations remain the primary considerations when determining planning applications.

12.4 Section 6 of Environment (Wales) Act 2016 subsection (1) imposes a duty that a public authority must seek to maintain and enhance biodiversity in the exercise of its functions, and in so doing promote the resilience of ecosystems, so far as is consistent with the proper exercise of those functions. In complying with subsection (1), a public authority must take account of the resilience of ecosystems, in particular the following aspects:

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

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

13 RECOMMENDATION

RECOMMENDATION 1:

That planning permission be **GRANTED** subject to the conditions listed below

CONDITIONS

1. The development permitted shall be commenced 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. The approved modular units shall be removed from the site within 23 months of the development being brought into beneficial use.

Reason: The development is only required for a temporary period

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

- FC-ASL-ENW-XX-DR-L-09100 P03 – Site Location Plan
- FC-ASL-ENW-XX-DR-L-09101 P10 – Enabling Works General Arrangement
- FC-ASL-ENW-XX-DR-L-09102 P03 – Detailed Enabling Works North
- FC-ASL-ENW-XX-DR-L-09103 P07 – Detailed Enabling Works South
- FC-ASL-ENW-XX-DR-L-09105 P03 – Planting Plan
- FC-ASL-ENW-XX-DR-L-09200 P04 – Perimeter Weldmesh Fencing

- FC-ASL-ENW-XX-DR-L-09201 P04 – Binstore Details
- FC-ASL-ENW-XX-DR-L-09202 P04 – Cycle Shelter Details
- FC-ASL-ENW-XX-DR-L-09203 P03 – Ballstop Fencing
- FC-ASL-ENW-XX-DR-L-09204 P02 – Staff Cycle Shelter Details
- FC-ASL-ENW-XX-DR-L-09205 P02 – Landscape Details
- FC-ASL-ENW-XX-DR-L-09300 P04 – Site Sections
- FC-ISG-XXX-XX-DR-W-00001 P01 – Temporary Hall
- HD/12854/04 Rev D – Block C Floor Plans and Elevations
- HD/12854/02 Rev D – Block A Floor Plans and Elevations
- HD/12854/03 Rev D – Block B Floor Plans and Elevations
- HD/12403/03 Rev F – Admin Building
- F16317-1-EL – Kitchen Plans and Elevations
- S150 – Arena Sports Stand
- FC-ARP-TMP-ZZ-DR-C-00100 P01 – Vehicle Swept Path Analysis
- FC-ARP-TMP-ZZ-DR-C-00500 P03 – Proposed Surface Water Drainage
- FC-ARP-TMP-ZZ-DR-C-00501 P03 – Proposed Foul Drainage
- FC-ARP-TMP-ZZ-DR-C-00600 P04 – Proposed Finished Levels
- FC-ARP-TMP-ZZ-DR-C-00601 P04 – Proposed Formation Levels
- FC-ARP-TMP-ZZ-DR-C-00602 P01 – Earthworks Cross Sections
- FC-ARP-TMP-ZZ-DR-C-00603 P01 – Proposed Cut and Fill Depths
- FC-ARP-XXX-XX-DR-D-70500 P01 – Proposed Drainage Details Sheet 1
- FC-ARP-XXX-XX-DR-D-70501 P01 – Proposed Drainage Details Sheet 2
- FC-ARP-XXX-XX-DR-D-70502 P01 – Proposed Drainage Details Sheet 3
- FC-ARP-XXX-XX-DR-D-70503 P01 – Proposed Drainage Details Sheet 4
- FC-CLI-XXX-XX-DR-X-52751A – Topographical Sheet 1
- FC-CLI-XXX-XX-DR-X-52751B – Topographical Sheet 2
- FC-CLI-XXX-XX-DR-X-52751C – Topographical Sheet 3
- FC-CLI-XXX-XX-DR-X-52751D – Topographical Sheet 4
- FC-CLI-XXX-XX-DR-X-52751E – Topographical Sheet 5
- E01 – Flood Light Foundation Plan
- HLS STD P3 Rev A – 15m Flood Light Elevation
- HLS STD DWG – 8M Mast Drawing
- HLS 4374 Rev 5 – Proposed Floodlighting Plan
- 20-046 - Tree Constraints Plan
- Tree Survey, Categorisation and Constraints Report
- Phasing Plan
- Cantonian High School – Stage 2 Great Crested Newt Survey by Soltis Brewster
- CCTV Column Locations
- CCTV Data Sheet
- Flood Light Product Description
- Drainage Strategy
- Construction Phase Plan
- Ecology Technical Note
- Acoustic Design Report
- Environmental Noise Assessment
- Acoustic Feasibility Survey

- Geotechnical and Geo-environmental Report
- Soakaway Investigation Report
- Transport Assessment

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.

4. No development shall commence, including any works of demolition, until a Construction Environmental Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:-
- i) Routing of vehicles on the local highway network.
 - ii) The parking of vehicles of site operatives and visitors;
 - iii) Loading and unloading of plant and materials;
 - iv) Storage of plant and materials used in constructing the development;
 - v) The erection and maintenance of security hoarding;
 - vi) Wheel washing facilities to prevent mud being deposited on the road and measures to prevent debris being deposited on the highway
 - vii) Measures to prevent water from the site draining onto the highway
 - viii) Measures to control the emission of dust and dirt during construction and
 - viii) A scheme for recycling / disposing of waste resulting from construction site works

Reason: In the interests of highway safety and public amenity

5. No development shall commence until a Biodiversity Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority in order to manage the impacts of construction. The biodiversity CEMP shall include:
- I. A risk assessment of potentially environmental harmful activities/operations to that of ecological constraints at the site, along with green /blue infrastructure (noting the potential for a shallow ditch along the eastern boundary that links to Waun-Gron Park).
 - II. An approximate timetable of the phasing of the construction programme;
 - III. Reference to supporting documentation i.e. landscaping drawings, that run in parallel with construction and following completion of construction;
 - IV. Proposed measures of how the location and timing of works will avoid harm to biodiversity features - both physical measures fences to signage, and sensitive working practices, to avoid or reduce impacts during construction;
 - V. The proposed times during construction when specialist ecologists and or Ecological Clerk of Works may need to be present on site to oversee works, in line with approved plans and environmental regulations. It is expected as a minimum that there is likely to be a requirement for supervision for great crested newt, reptiles, birds and hedgehog;
 - VI. The inclusion of a Precautionary Method of Works (PMoW) covering great crested newt (and other amphibians), common reptile species, hedgehog and breeding birds, expanding upon pages 6 and 7 of the "Ecology Summary Note dated May 2022". The PMoW will include:

- a. An introduction to the site, and the proposed works;
 - b. The legislation pertaining to the species/groups mentioned;
 - c. Precautionary working methods that include:
 - i. The areas where each species/species group could occur, along with appropriate “protection zones” that must be in place before and after clearance and how this would be marked out.
 - ii. The measures that will be taken to avoid harm to these species prior to and during the works;
 - iii. The timing of the works;
 - iv. The role and responsibilities of Ecological Clerk of Works and the areas that require supervision whilst site work takes place;
 - d. The measures taken should these species be identified, a stop work procedure would be required, especially the case for great crested newts and immediate discussion with Natural Resources Wales (NRW) and discussion with the Local Planning Authority (LPA) if reptiles are identified. A strategy/and or licencing will then be agreed with NRW/LPA on the way to proceed;
 - e. The provision of a site induction to workers.
- VII. To ensure accountability, any suitably qualified ecologist who attends site must log their actions (suggested Excel document), providing the date(s) of such inspections, actions taken and any remedial measures. Should such supervision be required the log shall be provided to the Local Planning Authority no later than one month after the first temporary block becomes operational.
- VIII. Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, covering, GPP1, GPP5, GPP8, and GPP21. Also considering the aspects within PPG6 (under review). This will be through the consideration of:
- a. Details of harmful materials/liquids that will be used/stored at the site;
 - b. Details on the expected plant to be used;
 - c. The loading and unloading of plant and materials;
 - d. Storage of plant and materials – including containment, bunding and/or appropriate buffer zones, including from any drain;
 - e. The control of dust and impacts upon adjacent vegetation (Fairwater Park SINC).
 - f. Details of topsoil strip and storage;
 - g. Wheel washing facilities;
 - h. Measures to monitor mobilisation of contaminants through water or dusts during material removal and construction;
 - i. A scheme for the recycling/disposing of waste generated at all points during construction works;
 - j. Emergency spill procedures and incident response plan that will be followed in light of any spill at the site. This will include having the relevant materials to stop/contain a spill;
 - k. Relevant Toolbox talks.
- IX. Responsible persons (including a blank table for relevant details i.e. contact numbers), lines of communication and emergency contact details;

- X. A monitoring/review procedure and ultimate responsibility for the CEMP Biodiversity in light of any changes to construction or incidental finds - biological or non-biological;

Reason: For the general protection of biodiversity and pollution prevention and KP16, and EN5-EN8 of the Cardiff Local Development Plan.

6. Prior to the commencement of the development, a method statement for invasive non-native plant species shall be submitted to and approved by the local planning authority. The measures shall be carried out strictly in accordance with the method statement. The method statement shall include:

- Provide an introduction to the site, and the proposed works;
- The legislation pertaining to the known invasive species (and others that could occur);
- Appropriate buffer zones to prevent further spread/containment, which includes where roots may occur;
- The methods of control, removal/disposal (in line with waste transfer etc) should the species be impacted directly; and
- Monitoring.

Reason: For the general protection of biodiversity and prevention of the spread of invasive species on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended).

7. 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)**.
- 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.

Unless written consent is obtained from the LPA, the development shall be carried out in full conformity with the approved AMS and TPP.

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

8. Prior to beneficial use of the temporary school buildings a “Lighting Design Strategy” considering bats (and other nocturnal species), in accordance with the Institute of Lighting Professional Guidance Note 08/18 shall be submitted to and approved by the Local Planning Authority. The plan shall highlight:

- Those areas/features on site that are particularly sensitive for bats (and other nocturnal species), that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging. This should consider the MUGA and sports pitches, general site lighting and any associated public realm works;
- Show where external lighting will be installed across the site and amend the current lighting plans “Proposed Floodlighting. Halliday Lighting, Drawing number: HLS4374, dated 04/08/2022” to significantly reduce light spill east and south (and to a lesser degree north), demonstrating that the light spill is considered unlikely to disturb or prevent bats (or other nocturnal species) using their territory or access to their breeding sites and resting places (and subsequent mitigation).
- The lux levels produced from the MUGA/sports pitches, shall not exceed a level of 1 lux by the time spill reaches the “Proposed boundary planting” and “Proposed SuDs Basin Planting” as noted on “Enabling Works – Planting Plan; Austin Smith Lord Drawing number: FC-ASL-ENW-XX-DR-L-09105, dated 04.08.22”. Appropriate lighting contour plans and technical specifications should be supplied.
- Consideration of the time of day when the MUGA will be lit and the impacts of this upon bats (and other nocturnal species);
- All lighting should consider amongst other aspects; lighting direction, hooding, using minimum height and passive infrared on timers, times of light. Where possible, all lighting should be below 2700K and therefore a wavelength above 550nm. All external lighting shall be installed in accordance with the specifications and locations set out via the above, and these shall be maintained thereafter. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: To manage the impact of the development upon the potential for protected species in accordance with Policy KP16, EN6 and EN7 of the Cardiff Local Development Plan (2006-2026).

9. Prior to beneficial use of the development hereby permitted, the following ecological enhancements shall be installed at the development:

- Two log piles (hibernacula) on the edge of the SUD area.
- 10 bird boxes; of which 5 will be suitable for house sparrow and 5 suitable for starling on the temporary buildings.

- The landscaping as provided on “Enabling Works – Planting Plan. Austin Smith Lord, Drawing number: FC-ASL-ENW-XX-DR-L-09101 Rev P10”.
- Ensuring that the SUD feature will retain near permanent water to provide a medium sized pond for use by a range of Welsh wildlife including successful breeding of amphibians.
- Two bat boxes suitable for maternity roosting positioned back to back on a pole at 3m high within the “Proposed boundary planting” to the far south, but alongside the SUD as noted on “Enabling Works Planting Plan; Austin Smith Lord Drawing number: FC-ASL-ENW-XX-DR-L09105, dated 04.08.22”.

No later than one month after the first temporary buildings become operational, details shall be submitted showing a drawing indicating their location and photographic evidence they have been installed (both close up and at a distance to indicate their location generally on the site).

Reason: To comply with EN7 of the City of Cardiff Council Local Development Plan and the biodiversity duty of the Environment (Wales) Act 2016.

10. Prior to the beneficial use of the temporary school, plans of the temporary school vehicular access arrangements; during the temporary operation of the school to include all one-way workings are to be submitted to and approved in writing by the Local Planning Authority. These markings shall be retained thereafter, whilst the temporary school is in operation.

Reason: In the interests of public highway safety.

11. Prior to beneficial use of the temporary school, 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.
- 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

12. The Multi-Use Games Area (MUGA) and Grass Pitch hereby approved and detailed on the Proposed Site Plan (drawing no FC-ASL-ENW-XX-DR-L-09101 P10 – Enabling Works General Arrangement) shall only be used between the hours of 08:00 and 21:00 on any day. Prior to the first evening use (18:00 - 21:00 hours) of the MUGA and Grass Pitch, a scheme shall have been submitted to and approved in writing by the Local Planning Authority detailing complaint investigation procedures for noise arising from the sports pitches during these hours, and identifying the potential noise mitigation measures (including any amendments to the proposed hours of use specified in this condition) that shall be used to reduce noise impacts and the timescales for implementation of any noise mitigation and/or control measures identified as necessary following such investigation of a complaint, with such measures thereafter retained.

Reason: To protect the amenities of neighbouring occupiers in accordance with Policies KP5 and EN13 of the Cardiff Local Development Plan 2006-2026.

13. The floodlighting shall not be operated between 2100 and 0900 hours on any day.

Reason: In the interests of the amenities of the area and neighbouring occupiers in accordance with Policies KP5 and EN13 of the Cardiff Local Development Plan 2006-2026.

14. If at any time the use of the premises requires the installation of any external extraction equipment associated with the permitted use, the extraction of all fumes from the food preparation areas shall be mechanically extracted to a point to be agreed in writing by the Local Planning Authority, and the extraction system shall be provided with a de-odorising filter. Details of the above equipment including the chimney shall be submitted to, and approved by, the Local Planning Authority in writing and the equipment installed prior to the commencement of use for the cooking of food.

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

15. 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.

16. 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 11, unless the Local Planning Authority gives written consent to any variation.

Reason: To maintain and improve the amenity and environmental value of the area.

17. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect health and safety of existing residents and ensure no pollution or detriment to the environment

INFORMATIVES

1. The applicant/developer is advised that as of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with the Local Authority, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features.
2. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. 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
3. The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

4. That the applicant be advised that no work should take place on or over the neighbour's land without the neighbour's express consent and this planning approval gives no such rights to undertake works on land outside the applicants ownership.

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LOCAL MEMBER OBJECTION & PETITION

COMMITTEE DATE: 03/11/2022

APPLICATION No. 22/01707/MNR

APPLICATION DATE: 12/08/2022

ED: **SPLOTT**

APP: TYPE: Full Planning Permission

APPLICANT: MR PRITCHARD

LOCATION: 88 SPLOTT ROAD, SPLOTT, CARDIFF, CF24 2DB

PROPOSAL: GROUND FLOOR REAR EXTENSION, DORMER LOFT CONVERSION, ALTERATIONS AND CHANGE OF USE TO LARGE SUI GENERIS HOUSE IN MULTIPLE OCCUPATION

RECOMMENDATION 1: That planning permission be **GRANTED** subject to the following conditions:

1. C01 – Statutory Time limit
2. The development shall be carried in accordance with the following approved plans:
 - CXB3/4/a/b/c – Proposed Floor Plan
 - CXB2/5/a – Proposed First and Second Floor Plan
 - CXB3/6/a/b – Proposed Elevations

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. Prior to the beneficial use of the property as an 8 bedroom sui generis HMO 8 undercover and secured cycle parking spaces, as indicated on the submitted plans, shall be provided within the curtilage of the property and shall thereafter be retained and maintained for as long as the use hereby permitted remains in existence.

Reason: To ensure that secure cycle parking facilities are provided to encourage other modes of transport over the private car in accordance with Policy T5 of the Cardiff Local Development Plan 2006-2026.

4. Prior to the beneficial use of the property as an 8 bedroom sui generis HMO a refuse storage area, as indicated on the approved site layout plan, shall be provided within the curtilage of the property. The refuse storage area shall

thereafter be retained and maintained for as long as the use hereby permitted remains in existence.

Reason: To secure an orderly form of development and to protect the amenities of the area in accordance with Policy W2 of the Cardiff Local Development Plan 2006-2026.

- 5 The materials to be used in the construction of the external surfaces of the ground floor rear extension and dormer roof 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.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order amending, revoking or re-enacting that Order) no windows shall be inserted in the side elevation of the extension facing 90 Splott Road.

Reason : To ensure that the privacy of adjoining occupiers is protected in accordance with Policy KP5 of the Cardiff Local Development Plan 2006-2026.

7. No more than 8 occupants shall reside at this property at any one time.

Reason: For the avoidance of doubt as the permission hereby granted relates to the use of the property as a Sui Generis HMO.

RECOMMENDATION 2 The applicant be advised that the property may now be licensable under Part 2 of the Housing Act 2004 and in this respect they should contact Shared Regulatory Services on 0300 123 6696 to confirm if a license is required.

RECOMMENDATION 3: That the applicant be advised that no work should take place on or over the neighbour's land without the neighbour's express consent and this planning approval gives no such rights to undertake works on land outside the applicants ownership.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 This application seeks planning permission to change the use of a C3 residential dwelling into an 8 bedroom sui generis HMO together with the erection of a ground floor rear extension and a rear dormer roof extension. The submitted drawings/details provide information regarding the principal matters for consideration as set out in the relevant Supplementary Planning Guidance.
- 1.2 Internally the property accommodates three en-suite bedrooms and a lounge/kitchen on the ground floor; three en-suite bedrooms on the first floor; and two bedrooms and a shower room on the second floor within the converted roofspace.
- 1.3 Externally a rear amenity area of approximately 35 square metres will be provided excluding the area shown for waste storage and cycle storage.

2. **DESCRIPTION OF SITE**

- 2.1 The site comprises a two storey property located within a terrace of two storey properties within the Splott Ward of Cardiff. The lawful use of the property is as a C3 residential dwelling.

3. **RELAVANT SITE HISTORY**

Application No : 22/00796/MNR
Proposal : GROUND AND FIRST FLOOR REAR EXTENSIONS,
DORMER LOFT CONVERSION AND CHANGE OF USE
TO 8 BEDROOM SUI
GENERIS HMO
Application Type: FUL
Decision : REFUSED
Decision Date : 29/06/2022

4. **POLICY FRAMEWORK**

- 4.1 The site lies within a residential area as defined by the proposals map of the Cardiff Local Development Plan 2016.

Relevant National Planning Guidance:

Planning Policy Wales (2021)
Future Wales: The National Plan 2040 (2021)
Planning Policy Wales TAN 11: Noise
Planning Policy Wales TAN 12: Design
Planning Policy Wales TAN 15: Development and Flood Risk
Planning Policy Wales TAN 21: Waste

Relevant Cardiff Local Development Plan Policies:

Policy KP5 : Good Quality and Sustainable Design
Policy KP8: Sustainable Transport
Policy KP13 : Responding to Evidenced Social Needs
Policy EN 14 (Flood Risk)
Policy H5 : Sub-Division or Conversion of Residential Properties
Policy T1 : Walking and Cycling
Policy T5 : Managing Transport Impacts
Policy W2 : Provision for Waste Management Facilities in Development

Relevant Supplementary Planning Guidance:

Waste Collection and Storage Facilities (2016)
Houses in Multiple Occupation (2016)
Cardiff Residential Extensions and Alterations (2017)
Managing Transportation Impacts (Incorporating Parking Standards) (2018)

5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 Waste Management have been consulted and have advised that the proposed area for the storage of waste and recycling has been noted and is acceptable.

The property will require the following for recycling and waste collections:

- 1 x 240 litre bin for general waste
- 2 x 25 litre kerbside caddy for food waste
- Green bags for mixed recycling (equivalent to 240 litres)
- 1 x 240 litre compost bin if required

The kitchen should be designed to allow the separation of waste into three waste streams; general, recycling and food waste, in order to encourage the correct disposal of waste.

Residents will be required to present all waste themselves to the kerbside for collection.

- 5.2 Traffic and Transportation have been consulted and have no objection to the application.

6. **EXTERNAL CONSULTEE RESPONSES**

- 6.1 South Wales Police have been consulted and have not commented on this planning application.

7. **REPRESENTATIONS**

- 7.1 Neighbours have been consulted and objections have been received from 12 local residents. A summary of the objections is as follows:

Insufficient parking facilities

Boundary wall ownership for the single storey extension

Building standards and infrastructure

Overcrowding

Nearby planning decisions for HMOs

Overshadowing

Resubmission changes

Disruption whilst building work takes place

Waste management issues

Increased noise from occupiers and visitors;

Loss of privacy from the dormer roof extension;

Increased potential for anti social behaviour

Change in the character of the area from family homes in a street close to schools and parks

Sub standard accommodation

- 7.2 An objection has also been received from Local Ward Councillors Ed Stubbs and Huw Thomas who have advised the following:

We write as two of the ward Cllrs for Splott to object to the above-mentioned application. We have been contacted by residents about this application and want to amplify their voice on this matter.

The grounds for our objection are as follows.

Significant overbearing impact on neighbouring property.

The proposed extension to the property will go beyond the current building line and 5m estimate beyond the building line of number 90 Splott Road. This will have an overbearing impact on residents at number 90 both for their garden and the use of the rear rooms of their property. It is also worth noting that the extension will be in permanent use unlike the current lightly used conservatory.

Proposals for dealing with waste.

We believe the proposals contained in the plans do not sufficiently recognise the amount of waste that will be generated by the number of residents who would live in this property. There is no proper dedicated waste area and what is suggested is very small in scale for a property of this size. This could lead to waste being incorrectly presented and will add to problems already being experienced on Splott Road.

Sustainable transport proposals.

The councils transport policy clearly identifies the need for adequate cycle storage in such properties. We do not believe the layout of these plans allows for future residents to realistically store bikes at this property. The cycle storage is poor and infeasible, and we believe it falls well short of the minimum the planning authority would expect.

Saturation of HMO's in the area.

We are concerned by the potential proliferation of unregistered HMO's on this part of Splott Road and believe that it may push us over the 10% figure the council allows for such properties. This, as we know has a cumulative impact on community waste, transport, anti-social behaviour and impact on local services.

Parking.

Last year we carried out a survey of residents on Splott Road about parking and many described a situation at breaking point with parking impossible to come by. We have subsequently asked officers to start the conversation about dedicated residents parking, this application would add to an already very difficult situation. As the Police will confirm the road is a bottleneck and suffers from double parking for most of its length, this plus the over saturation of cars can make the situation dangerous at peak times.

Please accept the above as a formal objection to this application.

- 7.3 A petition of 62 signatories has also been submitted objecting to the proposal. A summary of the petition is as follows:

Potential negative impact on adjacent properties and the local community of their street from disruption of the build;
Burden on local resources;
Parking;

Privacy;
Potential antisocial behaviour and noise;
Changes to the character of the area.

8. **ANALYSIS**

- 8.1 This application seeks planning permission to convert the property presently used as a C3 residential dwelling into a 8 bedroom sui generis HMO together with the erection of a ground floor rear extension and a rear dormer roof extension.
- 8.2 The previous planning application (22/00796/MNR) sought permission for “Ground and first floor rear extensions, dormer loft conversion and change of use to 8 bedroom sui generis HMO” was refused for the following reasons –
1. *The proposed first floor extension by virtue of its height, length and proximity to the neighbouring boundaries would have an overbearing and un-neighbourly impact upon the neighbouring occupiers at No. 86 Splott road contrary to Policy KP5: Good Quality and Sustainable design of the Cardiff Local Development Plan and the advice contained within Supplementary Planning Residential Extensions and Alterations SPG.*
 2. *The proposed first floor extension would be out of keeping with the character of the terrace and would represent an incongruous feature contrary to Paragraph 7.24 of the Residential Extensions and Alterations SPG, Policy KP5 of the City of Cardiff Local Development Plan (2006-2026) and paragraphs 4.3 and 4.5 of TAN 12: Design (2016).*
 3. *Insufficient information has been submitted to demonstrate that there is sufficient room height available contrary to Policy H5: Sub-Division or Conversion of Residential Properties and KP5: Good Quality and Sustainable design of the Cardiff Local Development Plan and the guidance contained within the Houses of Multiple Occupation Supplementary Planning Guidance.*

This application has therefore been submitted in an attempt to overcome the previous reasons for refusal. In this respect the first floor extension has been omitted and details have been submitted indicating headroom for the habitable rooms.

As the proposal seeks tenanted living accommodation occupied by up to eight people, who are not related and who share one or more basic amenities as their only or main residence, the main issue for this application is the impact the change of use will have on the character of the area, the ‘community and the living conditions of future occupiers of the property together with the impact of the extension and the dormer roof extension upon the surrounding neighbouring properties.

- 8.3 **Policy Considerations** - In respect of the conversion of the property to 8 bedroom HMO Policy H5 of the adopted LDP is considered relevant. Further guidance can also be found in the adopted HMO SPG.

8.4 Policy H5 of the LDP is considered to be a prescriptive policy whereby as long as the relevant criteria is met there is unlikely to be any objection to such proposals. It advises that:

“Proposals for any conversion to flats or Houses in Multiple Occupation will be permitted where:

i. The property is of a size whereby the layout, room sizes, range of facilities and external amenity space of the resulting property would ensure an adequate standard of residential amenity for future occupiers.

ii. There would be no material harm to the amenity of existing, nearby residents by virtue of general disturbance, noise or overlooking.

iii. The cumulative impact of such conversions will not adversely affect the amenity and/or the character of the area.

iv. Does not have an adverse effect on local parking provision.”

8.5 The approved Supplementary Planning Guidance on HMO's further expands on this Policy and aims to provide background information on and provide a rationale for how the Council will assess applications for planning permission to create new C4 and Sui Generis HMOs. It aims to identify the threshold at which it is deemed that the concentration of HMOs in an area has reached a level considered to adversely impact upon the community. It is recognised that HMOs can provide an important source of housing and it is recognised that demographic change has driven many of the changes that have seen traditional family homes become HMOs. HMOs are a popular accommodation source for many groups, including students, young professionals, migrant workers and often people on lower incomes.

However, concentrations of HMOs clustered in small geographical areas can detract from the character of the area and actively contribute towards a number of perceived problems, including, but not limited to:

- Increased population density, leading to greater demand for infrastructure, such as waste collections and on-street parking.
- Higher proportion of transient residents, potentially leading to less community cohesion, undermining existing community facilities
- Areas of higher HMO concentrations becoming less popular with local residents, with many properties taken out of the owner-occupier market.
- A proliferation of properties vacant at certain points of the year
- Subsequent impact on crime, local centre viability, as a result of the number of properties temporarily vacant for long periods.

It is considered that this may conflict with policy KP13 of the LDP which aims to improve the quality of life for all.

Having identified some of the issues caused by HMOs the Council considered it was necessary to determine a threshold at which new HMOs may cause harm to a local area. This threshold will resist further HMOs in communities that already have a concentration above this limit, while also controlling the growth of HMOs in communities below this threshold. A two-tier threshold will therefore be applied to determine when an area has

reached the point at which further HMOs would cause harm. In Cathays and Plasnewydd the figure of 20% is to be applied and in all other wards, the figure of 10% is to be applied. This means that within Cathays or Plasnewydd, if more than 20% of the dwellings within a radius of the proposed HMO are already established HMOs (i.e. either C4 or sui generis in planning terms) then this development would be considered unacceptable. In other wards the figure would be 10%.

When calculating the number of HMOs within the 50m radius, it is important to refer to and respect the location of existing HMOs. This will be determined by using data at the Councils disposal such as planning applications, licensed HMO data, Council Tax data or electoral roll information. This will help identify the areas where the concentration is such that the Council will seek to prevent additional HMOs.

Having regard to the “cumulative impact” of such conversions in respect of this application, analysis has been made on the extent of HMO’s (including those defined as such under Sections 254 259 of the Housing Act 2004) against the threshold limits identified above. As the application site is located within the Splott Ward of Cardiff a 10% threshold limit will be relevant. There are 39 properties within a 50m radius of the application site. Of these 1 is registered as a HMO. Planning permission has also been granted to convert 100 Splott Road into a HMO. Taking this into account the cumulative impact equates to 5%. The threshold for Splott is 10% therefore the proposal is below the threshold contained within the SPG on HMO’s.

8.6 **Room Sizes** – The Cardiff HMO Licensing Fire & Safety Standards (updated in 2014) sets standards in terms of amenity, space standards and facilities which must be adhered to in order to obtain a License from the Council. From a planning perspective, paragraph 6.1.1 of the adopted HMO SPG identifies that this would be the minimum that would be expected to be achieved for all applications for both C4 HMO’s and larger sui generis HMO’s. Having had regard to this criteria the submitted plans indicate that these standards would be met.

8.7 **Waste** – Policy W2 of the Cardiff Local Development Plan seeks to ensure that adequate provision is made for waste management facilities within new developments, in order to aid the Council in meeting the challenging waste recycling targets set by European and National targets. Facilities provided should be secure, unobtrusive and easily assessable.

The adopted Waste Collection and Storage Facilities SPG supplements policies adopted in the LDP relating to the provision of waste management facilities in new development. Paragraph 4.12 of the approved SPG on Waste Collection and Storage Facilities advises that for HMO’s the recommended bin allocation for between 6 & 8 residents is as follows :-

- 1 x 240L bin for general waste*
- 1 x 240L bin for garden waste (if required)*
- 2 x 25L bins for food waste*
- Green bags for recycling.*

Details of waste provision have been submitted as part of this application. Waste Management have confirmed that the submitted details are acceptable and condition 4 has been imposed accordingly.

8.8 **Transportation** – Policy KP8 of the LDP seeks to reduce travel demand and dependence on the car. It identifies that to accommodate the planned growth levels predicted for the city, existing and future residents will need to be far less reliant on the private car and seeks to ensure that more everyday journeys are undertaken by sustainable modes of transport. Policy T5 of the LDP also identifies that all new development for which planning permission is required will contribute to reducing reliance on the private car, in line with national planning policies and the strategic transport objectives of the LDP.

The creation of a HMO in this sustainable location is considered to fundamentally accord with the principles of sustainable design, locating places to live within walking distance of local amenities, public transport links and places of work. It would therefore intrinsically accord with the principles of sustainable transport and the promotion of a 50/50 modal split, as promoted by Policy KP8, as occupiers would not be reliant upon the private car as a mode of transport. The creation of bicycle parking spaces for occupiers of dwellings is considered an essential element in promoting sustainability and achieving the modal split. The Managing Transport Impacts (Incorporating Parking Standards) (2018) SPG identifies that a HMO will require a minimum of 1 cycle parking space per bedroom. As the proposal is for an 8 bedroom HMO then 8 cycle parking spaces will be required.

In respect of cycle parking the applicant has submitted details showing the provision of undercover and secure cycle parking spaces within the rear garden. These are considered acceptable and accord with advice contained within the SPG and condition 3 has been imposed accordingly.

In respect of car parking the Managing Transport Impacts (Incorporating Parking Standards) (2018) SPG identifies that an 8 bedroom HMO will require between zero and one off street car parking space to be policy compliant. The application does not propose any off street car parking spaces which is in accordance with the aims and objectives of both the LDP and SPG in seeking to reduce dependence on the private motor vehicle.

8.9 **Amenity Space** – Criterion i) of Policy H5 of the LDP advises that planning permission will be granted where “*The property is of a size whereby the ...external amenity space of the resulting property would ensure an adequate standard of residential amenity for future occupiers.*” This is further reinforced by the HMO SPG which advises that amenity space is important in retaining a quality of life for people living within the dwelling. Paragraph 6.3.2 of the SPG states “*The City of Cardiff Council has typically used the figure of 25m² as the minimum expected external useable amenity space for C3 dwellings, i.e. for those dwellings up to 6 persons. This level should also apply to C4 properties. Each additional person would be expected to have 2.5m². As such, for example, the minimum expected for a 7 bed HMO would be 27.5m² of external amenity space. Each additional person should result in a corresponding increase of 2.5m². Useable amenity space is considered to be at least 1.4m wide, enabling storage and access.*”

In respect of amenity space as the application seeks permission to change the use of the property to an 8 person HMO then 30 square metres will be required. Having undertaken an assessment of the proposal a private rear amenity space of approximately 35 square metres will be available for all occupiers to use in addition to provision for bin and cycle

storage facilities. As the minimum amenity space requirement, as specified in the HMO SPG, will be 30 square metres the proposal is therefore considered acceptable.

9. EXTERNAL ALTERATIONS

- 9.1 **Ground Floor Rear Extension** - In respect of the proposed ground floor rear extension that seeks to replace an existing conservatory, the proposed extension is increasing the height by approximately 0.30m to 2.7m, which is a similar size to the existing conservatory. When taking in to account the existing conservatory the extension is considered acceptable and not considered to be overshadowing or overbearing to the neighbouring dwelling.

Furthermore, the existing conservatory currently has glazed and opening windows close to the boundary with No.90 Splott road, and so this proposal will have a solid wall to prevent any further overlooking to the neighbouring property, furthermore, condition 6 is also attached to prevent any windows being created and would prevent any further privacy issues.

Condition 5 is also attached so that the extension is finished in materials that match the existing dwelling and so it is considered that the proposal would not be out of character or generally un-neighbourly which would justify concern.

- 9.2 **Dormer Roof Extension and Rooflights** - In respect of the dormer roof extension this will be set up the roof slope and is to be finished in materials to match the existing roof covering in accordance with advice contained within the Residential Extensions and Alterations SPG and raises no concerns. The rooflights to the front elevation are considered acceptable. It should also be noted that a dormer roof extension of this size and rooflights could also be undertaken utilising existing Permitted Development rights.

10 OBJECTIONS

- 10.1 In response to the objections received the following should be noted:

Boundary wall ownership for the single storey extension – The plans show that the extensions will be undertaken on the owner’s land and certificate A has been signed by the agent to confirm this. Recommendation 3 has been attached to remind the applicant that this approval gives no such rights to undertake works on land outside of their ownership;

Building standards and infrastructure – The building standards in regards to fire safety and building quality matters would be covered under Building Regulation legislation.

Nearby planning decisions for HMOs - This is covered in paragraph 8.5 of this report;

Overshadowing – This is covered in paragraph 9.1 of this report;

Resubmitted changes – This is covered in paragraph 8.2 of this report.

Insufficient parking facilities – This is covered in paragraph 8.8 of this report;

Disruption whilst building work takes place – This is not a planning matter;

Waste management issues – This is covered in paragraph 5.1 and 8.7 of this report;

Health and Safety concerns due to potential fire, rubbish and or vermin – This is not a planning matter;

Increased noise from occupiers and visitors – If residents/visitors are creating a noise nuisance then this would be a matter for the Pollution Control Section of Shared Regulatory Services to deal with;

Loss of privacy from the dormer roof extension – The dormer roof extension complies with advice contained within the Residential Extensions and Alterations SPG. It could also be built at present utilising existing householder Permitted Development rights and did not therefore have to be included on this planning application;

Increased potential for anti social behaviour – This would be a matter for the police;

Change in the character of the area from family homes in a street close to schools and parks – This is covered in paragraphs 8.3 -8.5 of this report;

Substandard and overcrowded accommodation – This is covered in paragraph 8.6 of this report;

11. OTHER CONSIDERATIONS

11.1 Crime and Disorder Act 1998 – Section 17(1) of the Crime and Disorder Act 1998 imposes 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.

11.2 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.

11.3 Well-Being of Future Generations Act 2016 – Section 3 of this Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

12. RECOMMENDATION

12.1 The Council is mindful with respect to the number of HMO’s within the City and that concerns are often expressed that a proliferation of such uses can undermine the character of an area to the detriment of local residents. While the previous application for the use was refused as detailed in paragraph 8.2, the existing proposal has removed the first floor extension and provided further information on the habitable room heights.

The Council is satisfied that the proposal complies with Policy H5 of the Cardiff Local Development Plan 2026-2026 and advice contained within the HMO Supplementary Planning Guidance as mentioned previously in this report.

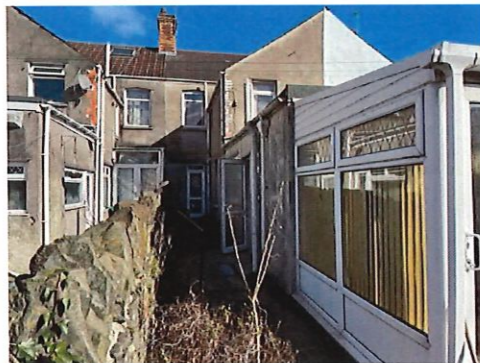
Having taken all of the relevant factors into consideration there are no grounds to justify a refusal of this application and it is therefore recommended that planning permission be granted, subject to conditions.

PHOTOS—EXISTING



SITE LOCATION PLAN 1:1250

THE SITE



DTB DESIGN
 TEMPLE COURT 13a CATHEDRAL ROAD
 CARDIFF CF11 9HA
 TEL 029 2035 0365
 dtbdesignservices@gmail.com



REVISIONS

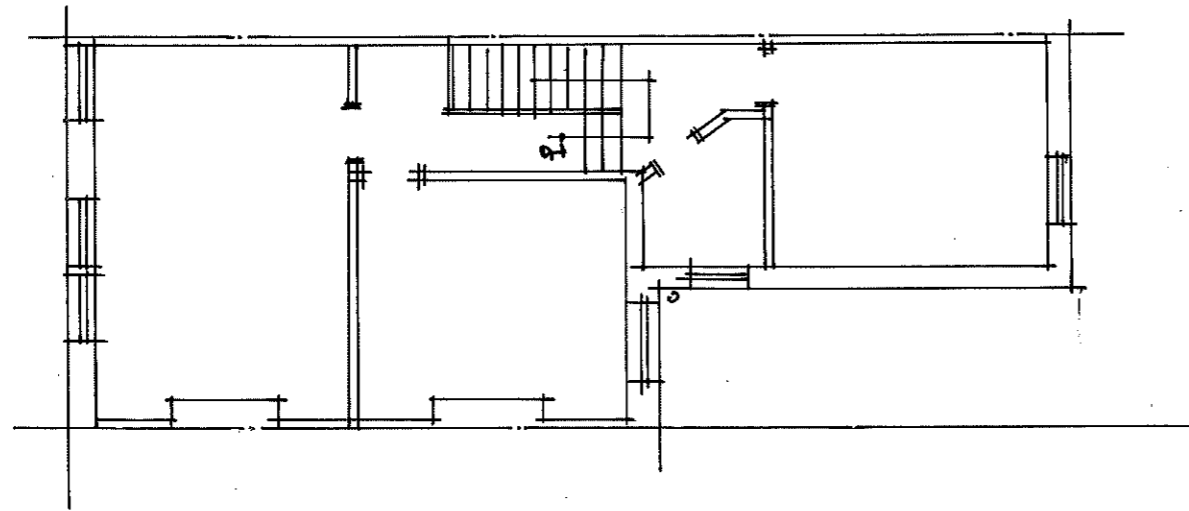
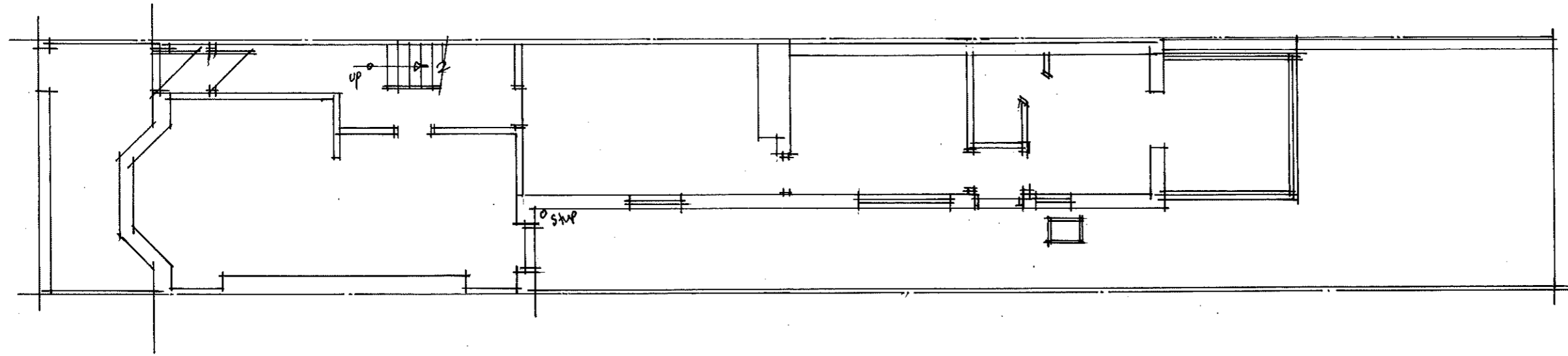
DTB DESIGN Architectural & Property Development Consultants

DESCRIPTION

DEVELOPMENT AT
 88 SLOTT ROAD
 CARDIFF

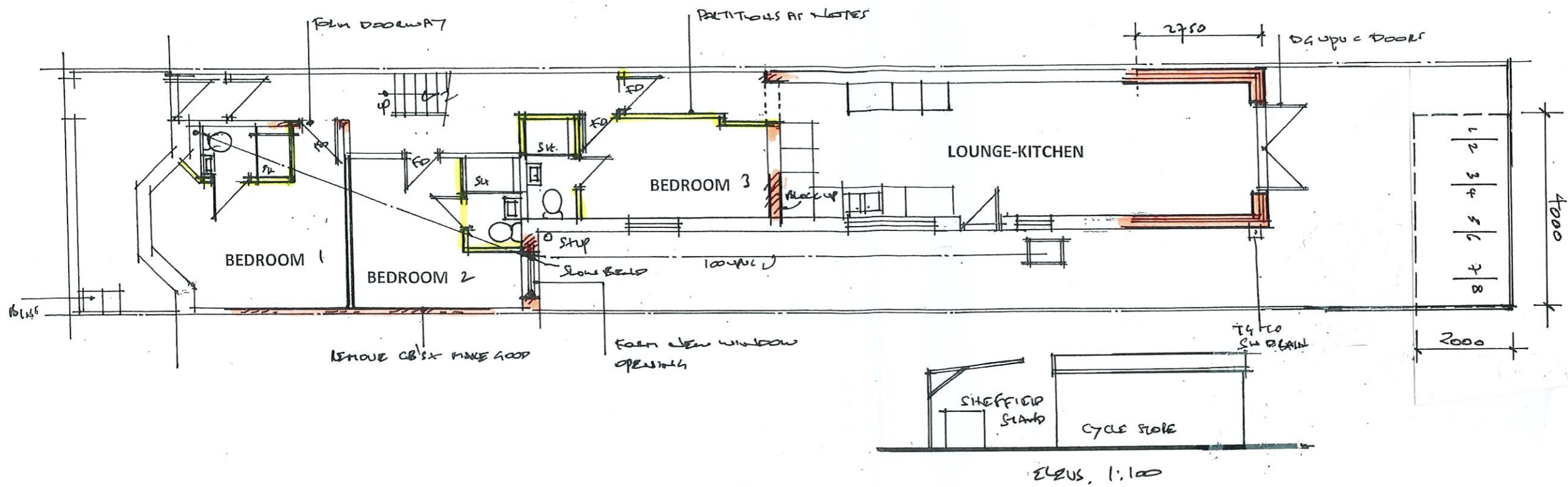
March 2022

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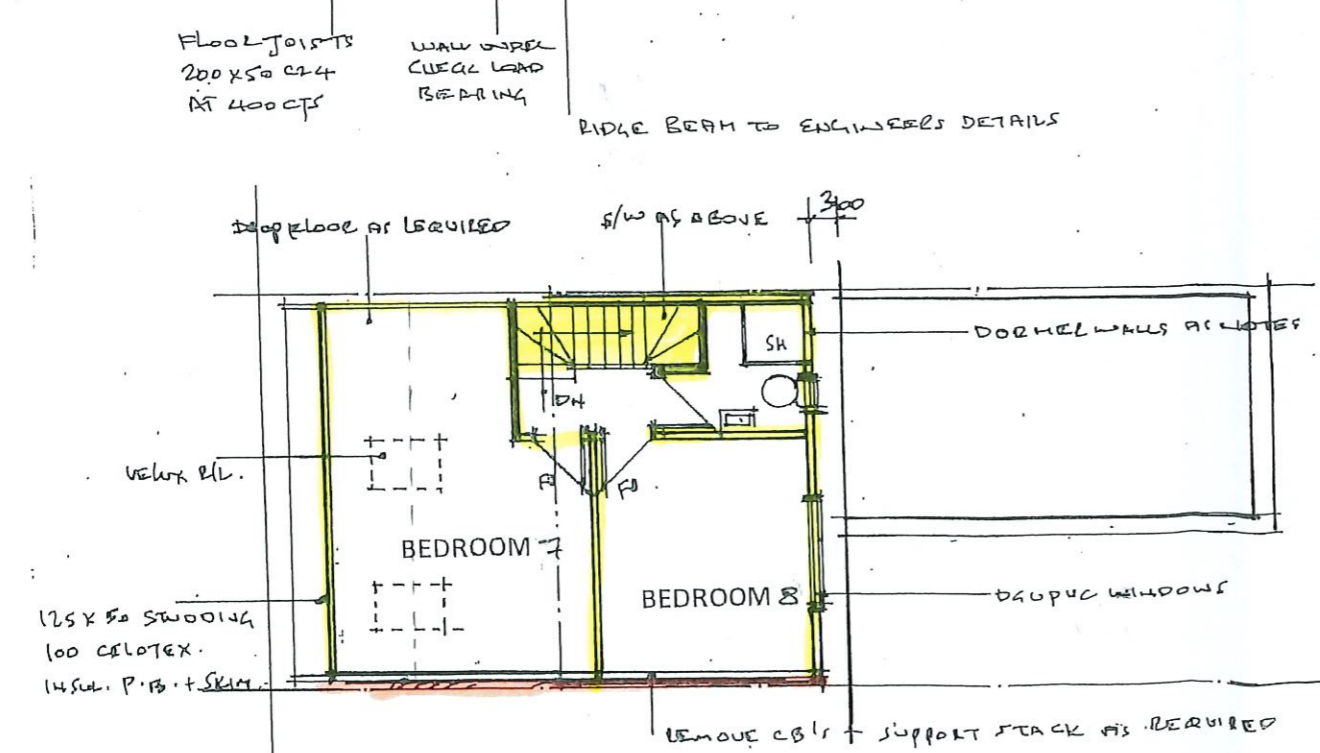
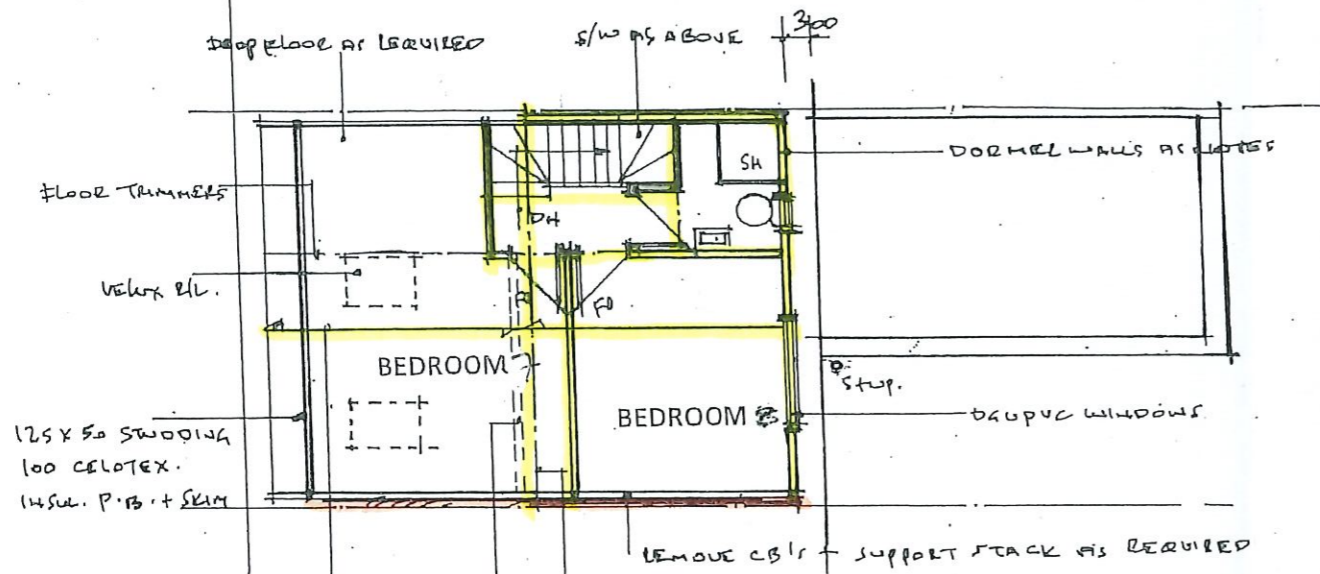
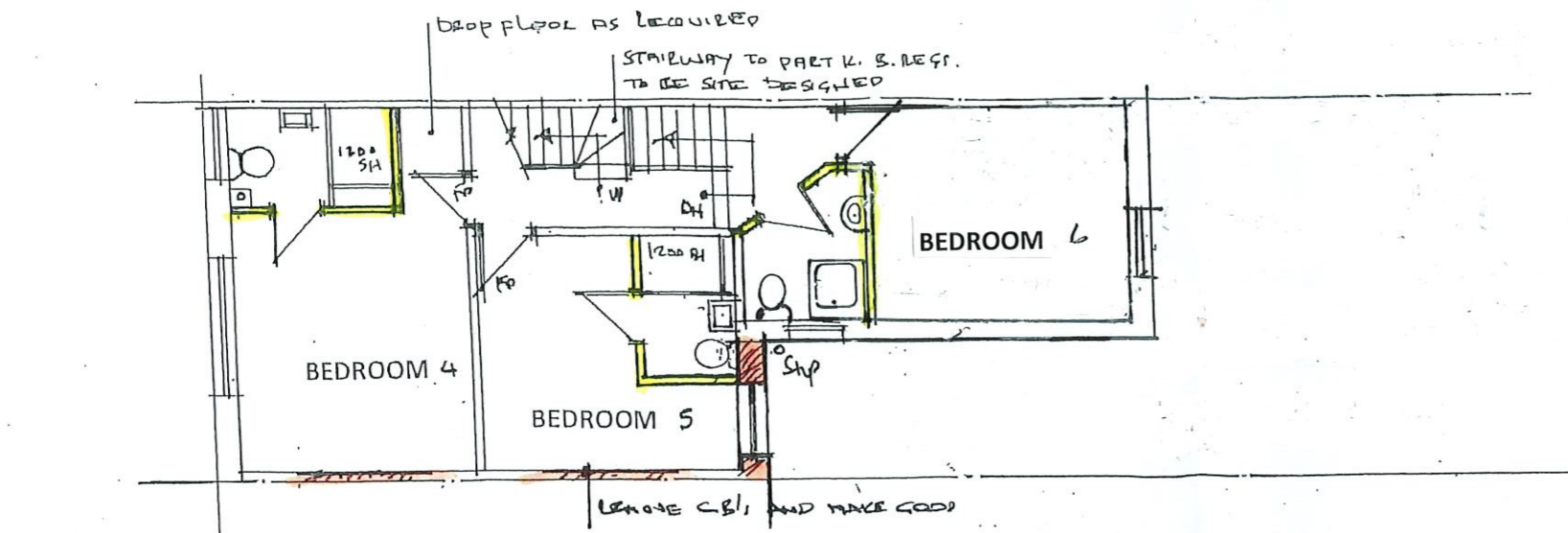
GROUND & FIRST FLOORS EXISTING 1:100 at A3

DTB DESIGN TEMPLE COURT 13a CATHEDRAL ROAD CARDIFF CF11 9HA TEL 029 2035 0365 dtbdesignservices@gmail.com		
REVISIONS		
DTB DESIGN Architectural & Property Development Consultants		
DESCRIPTION		
DEVELOPMENT AT 88 SPLOTT ROAD CARDIFF		
March 2022	PLAN NO. CXB3/2	



GROUND FLOOR PROPOSED 1:100 at A3

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DTB DESIGN Architectural & Property Development Consultants		
DESCRIPTION DEVELOPMENT AT 88 SPLOTT ROAD CARDIFF		
March 2022	PLAN NO. CXB3/4/a/d/c	



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 CARDIFF CF11 9HA
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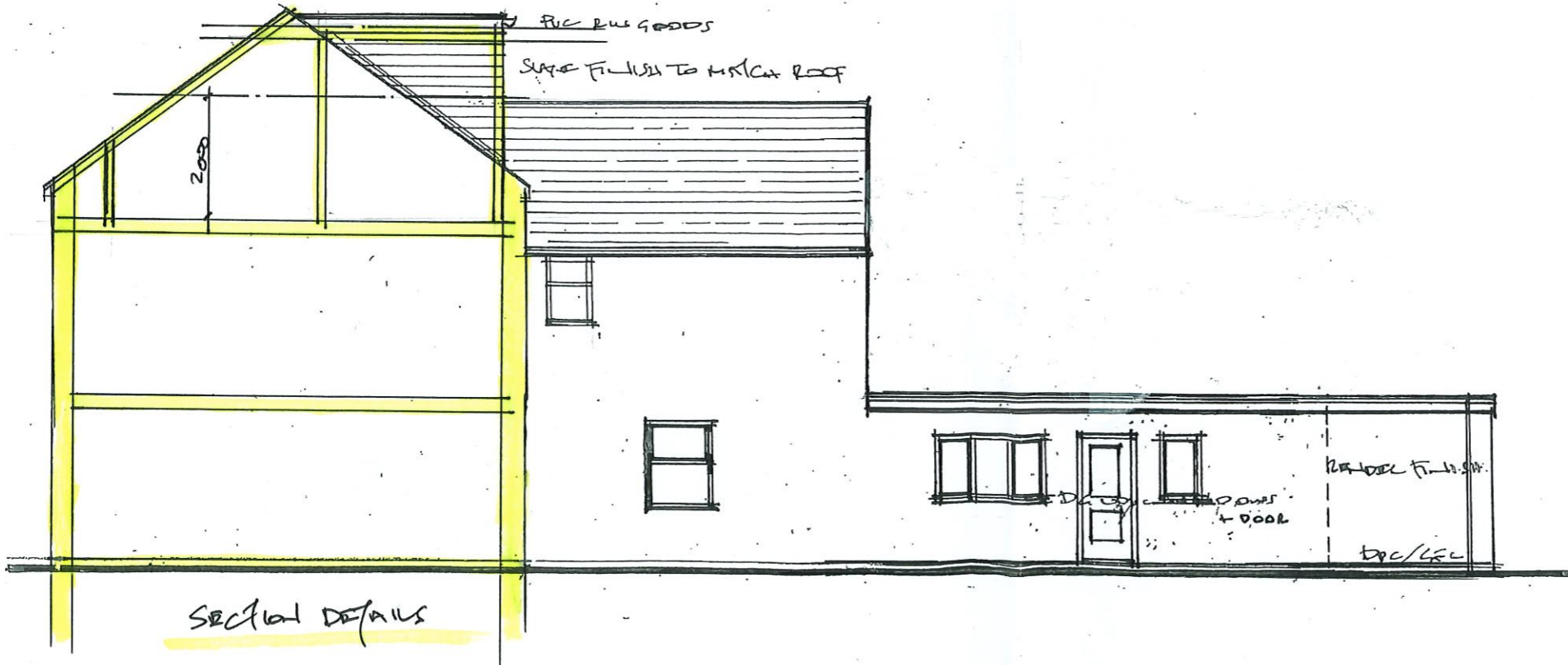
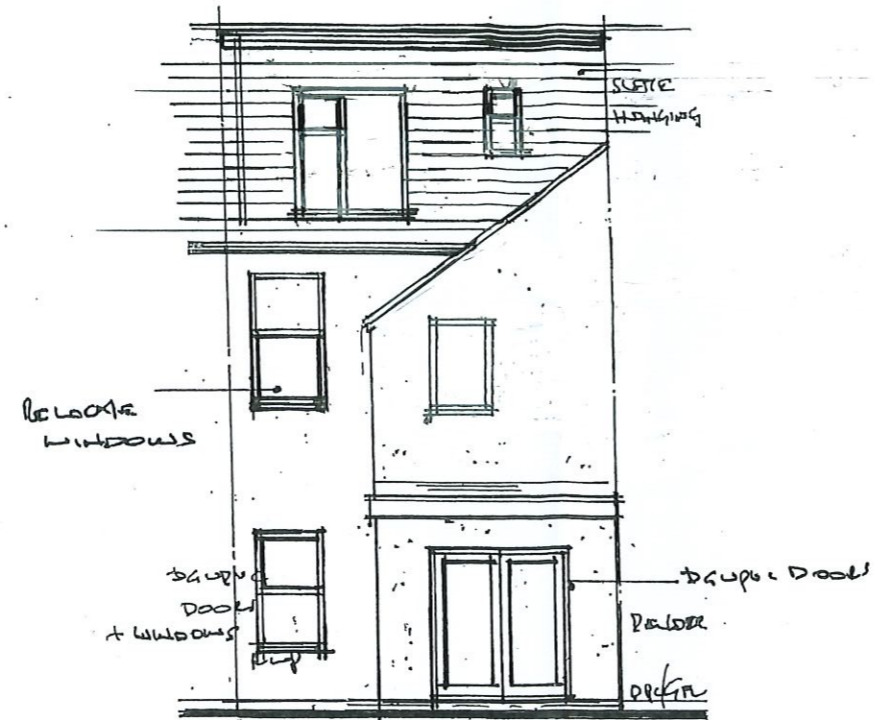
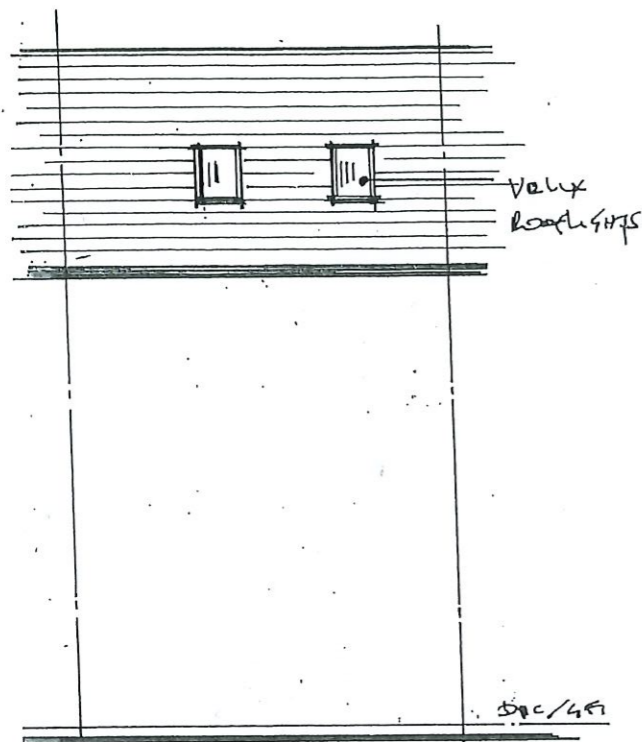
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DESCRIPTION


DEVELOPMENT AT
 88 SLOTT ROAD
 CARDIFF

March 2022 PLAN NO. CXB3/5/a

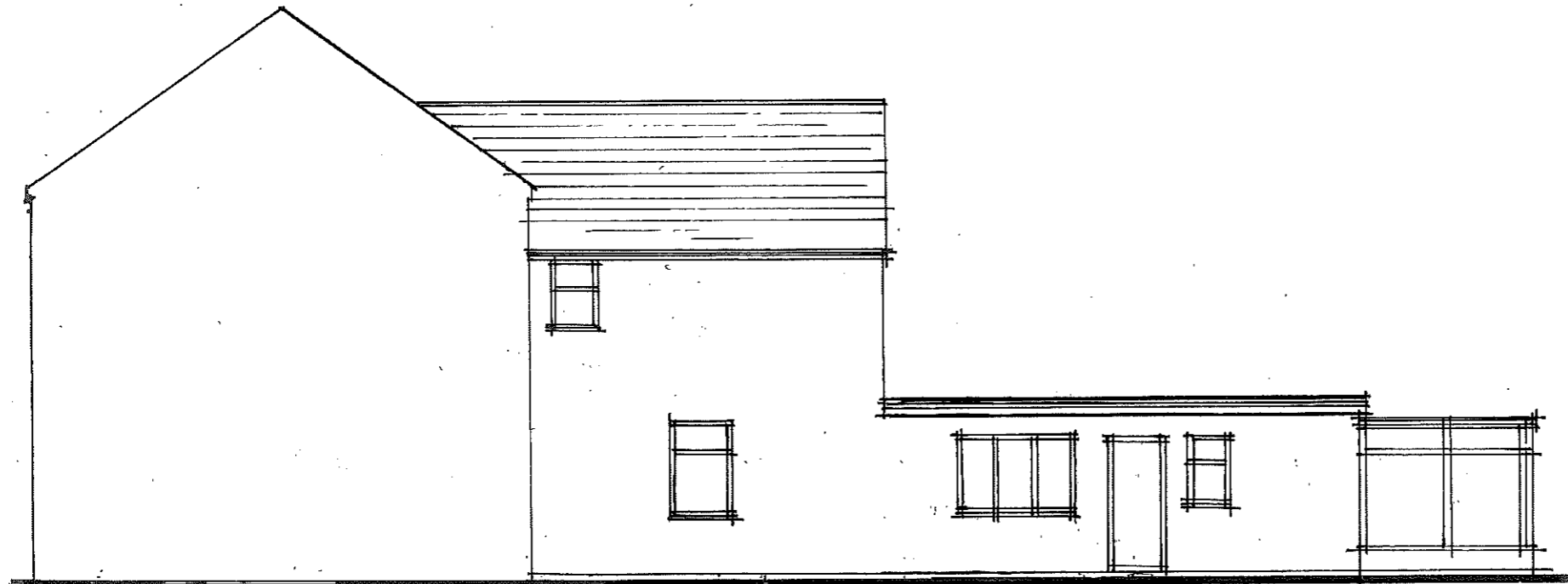
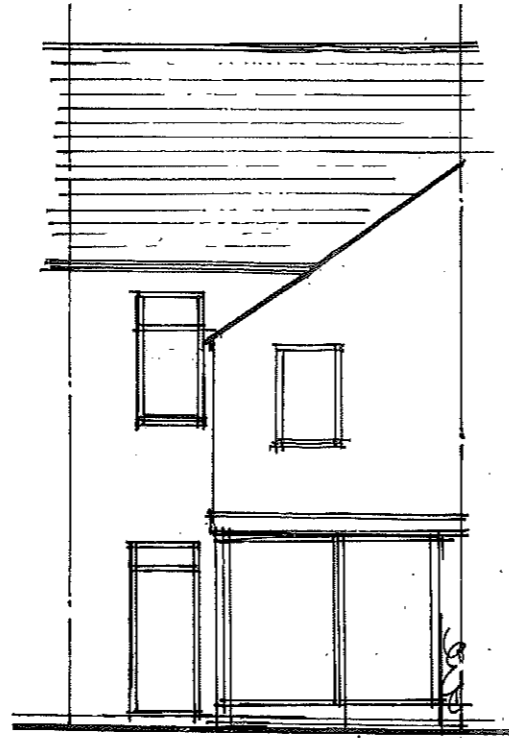
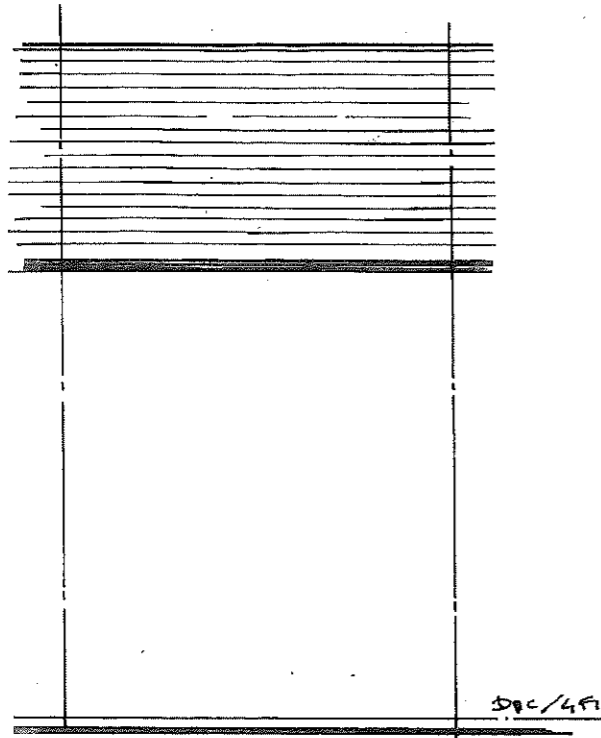
FIRST FLOOR & SECOND FLOOR LAYOUT PLUS SECOND FLOOR STRUCTURAL LAYOUT PROPOSED 1:100 at A3



Section Details

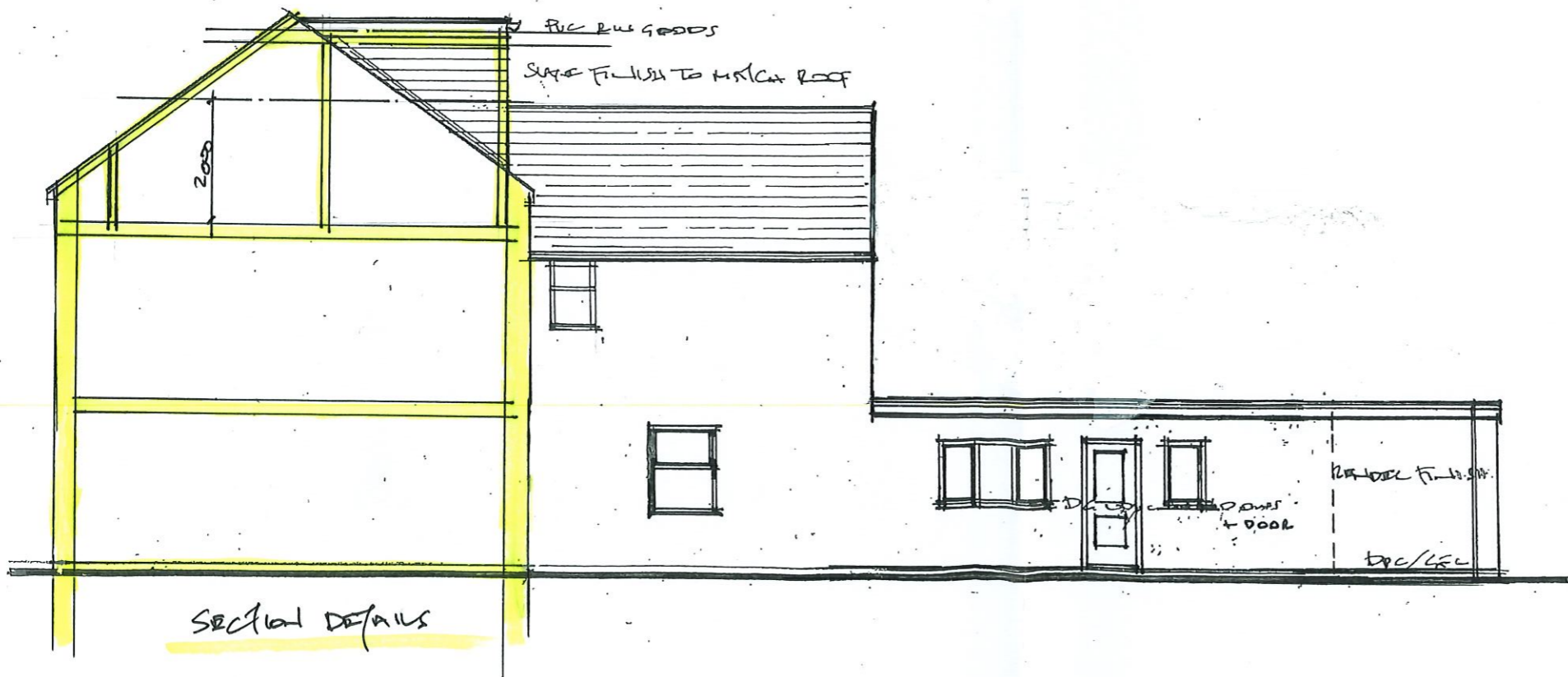
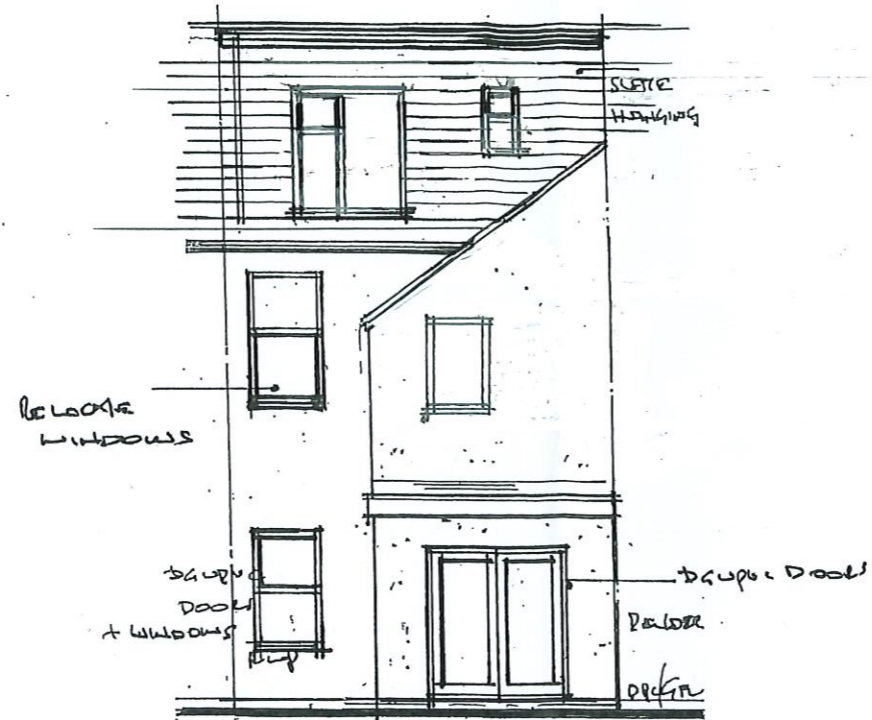
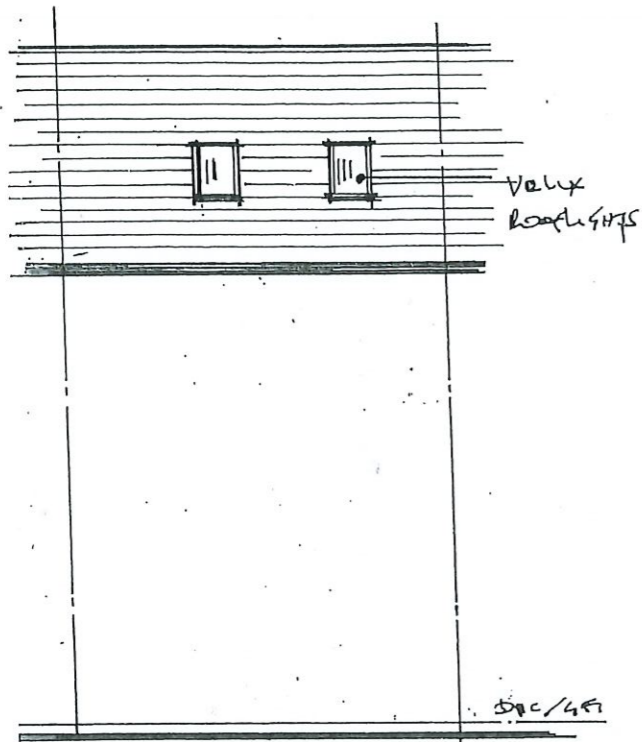
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DTB DESIGN Architectural & Property Development Consultants		
DESCRIPTION DEVELOPMENT AT 88 SPLOTT ROAD CARDIFF		
March 2022	PLAN NO. CXB3/6 /a/6	

FRONT, REAR & SIDE ELEVATIONS PROPOSED 1:100 at A3



FRONT, REAR & SIDE ELEVATIONS EXISTING 1:100 at A3

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REVISIONS		
DTB DESIGN Architectural & Property Development Consultants		
DESCRIPTION		
DEVELOPMENT AT 88 SPLOTT ROAD CARDIFF		
March 2022	PLAN NO. CXB3/3	



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 CARDIFF CF11 9HA
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REVISIONS

cc Leeds @ 01/11/22
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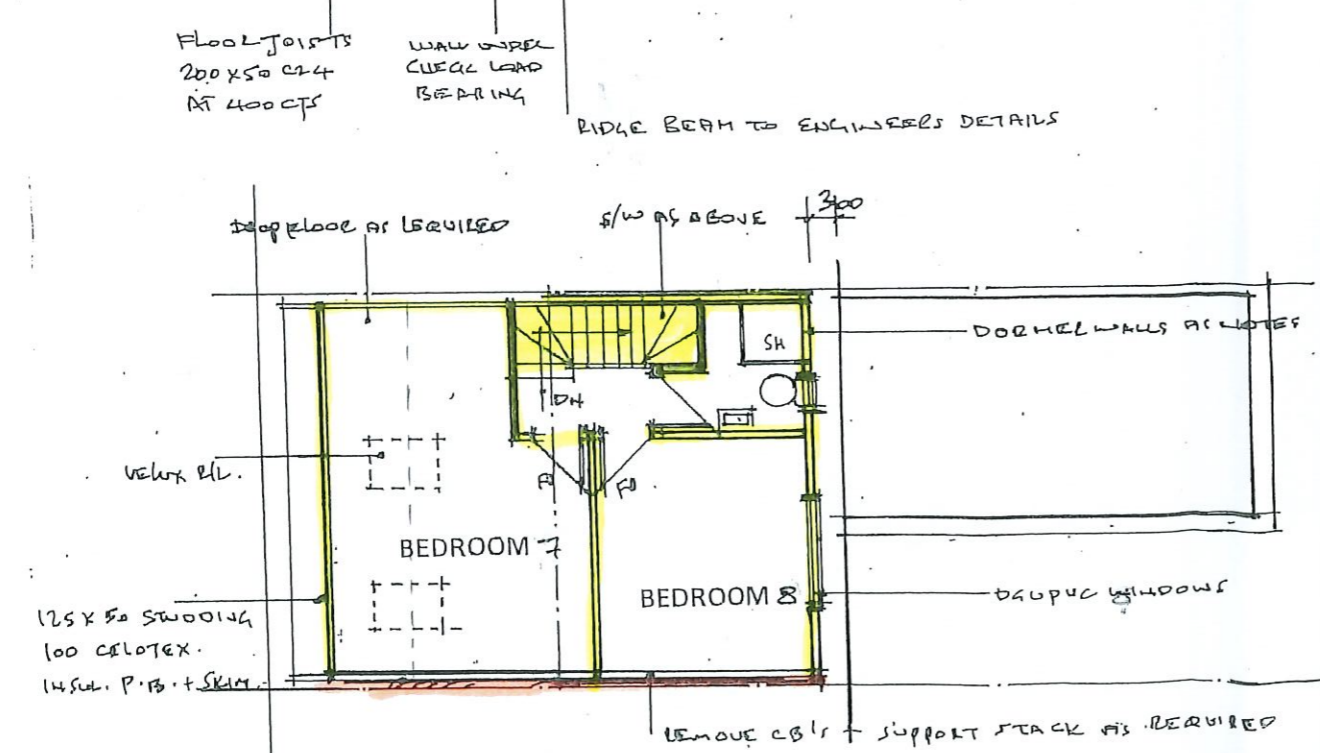
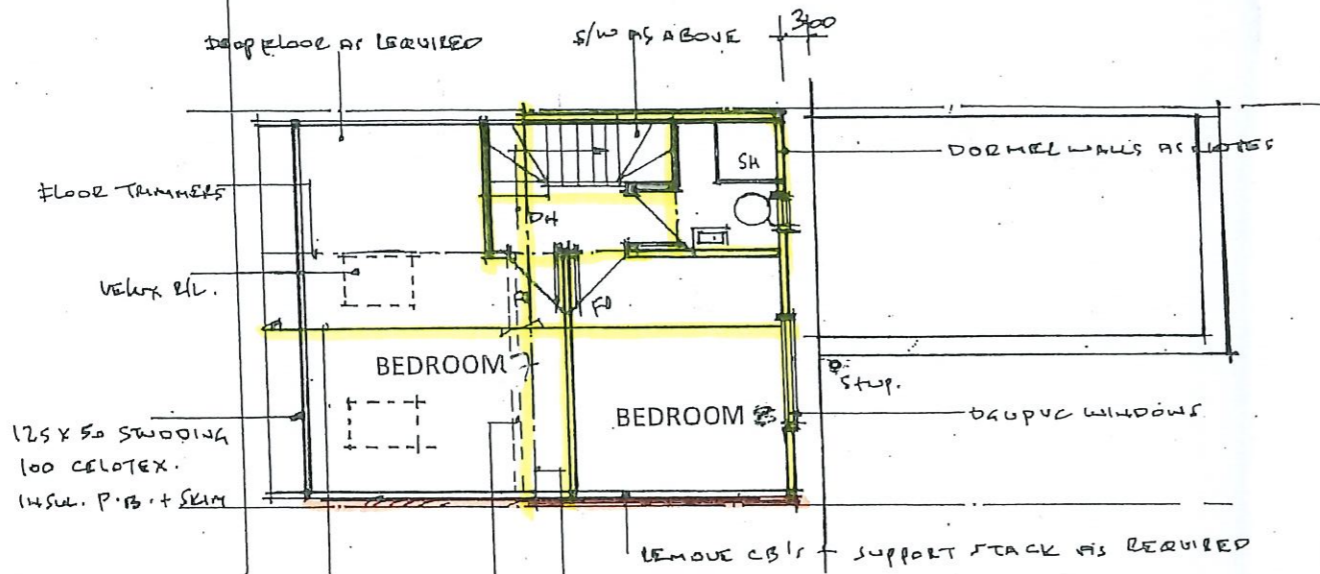
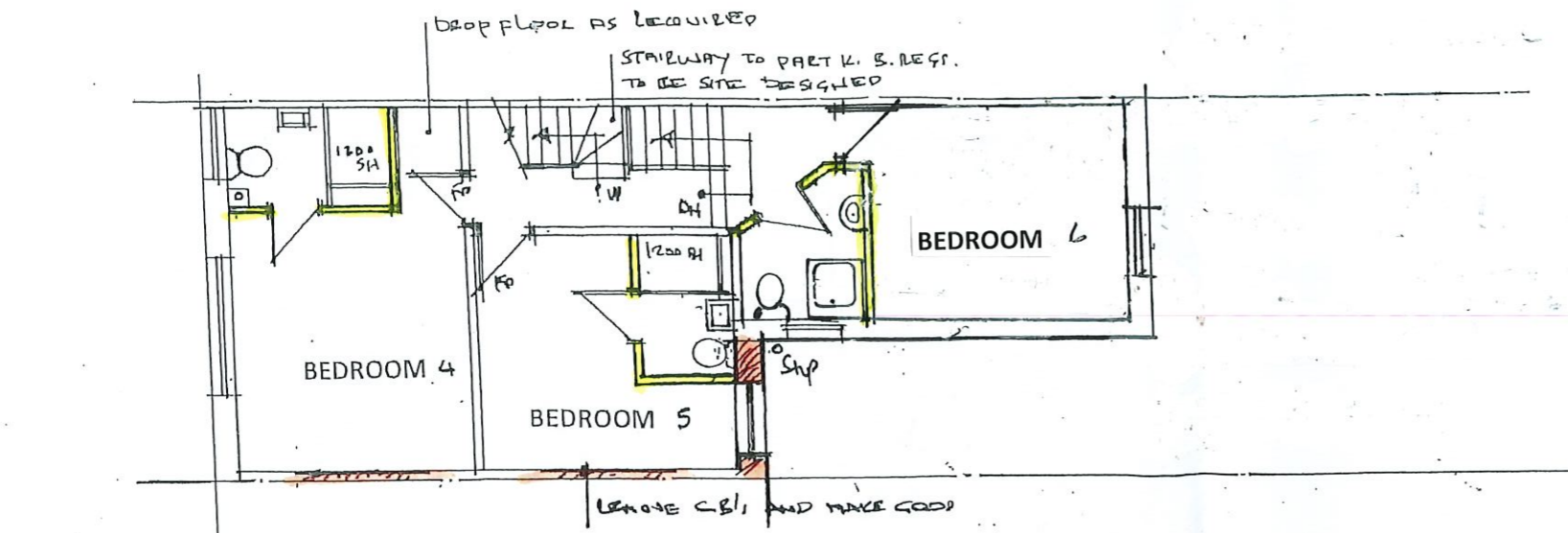
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DESCRIPTION

DEVELOPMENT AT
 88 SPLOTT ROAD
 CARDIFF

March 2022 PLAN NO. CXB3/6/a/6

FRONT, REAR & SIDE ELEVATIONS PROPOSED 1:100 at A3



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 CARDIFF CF11 9HA
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DTB DESIGN Architectural & Property Development Consultants

DESCRIPTION

DEVELOPMENT AT
 88 SPLOTT ROAD
 CARDIFF

March 2022 PLAN NO. CXB3/5/a

FIRST FLOOR & SECOND FLOOR LAYOUT PLUS SECOND FLOOR STRUCTURAL LAYOUT PROPOSED 1:100 at A3

**PLANNING COMMITTEE:****3 NOVEMBER 2022**

**REPORT OF THE DIRECTOR OF PLANNING,
TRANSPORT AND ENVIRONMENT**

SECTION 257 WHITCHURCH FOOTPATHS 106, 107 & 108 DIVERSIONS**1 Reason for the Report**

The development of the new Velindre Hospital in Whitchurch has received outline planning consent (application Reference 17/01735/MJR) on March 27th 2018. There are three historic footpaths crossing the site that were recently recorded on the Definitive Map that will be built upon and now require path diversions. The applicant has applied under Section 257 of the Town & Country Planning Act to permanently divert the paths within the perimeter of the site as leisure routes in green areas.

The application requires Planning approval to proceed to Legal Services to make the Legal Order.

2 Background

- 2.1 Cardiff Council Planning Committee refused an application to record three historic footpaths crossing the proposed Velindre development site based on contrary evidence. The applicant appealed to Planning and Environment Decisions Wales (PEDW) who overturned this decision and directed Cardiff Council to make the Order. The Modification Order was unopposed, and the Order confirmed. The three footpaths are now recorded on the Definitive Map as Whitchurch 106, 107 & 108.
- 2.2 The proposed development and footprint of the main hospital building will obstruct the three footpaths. The landowner has applied to formally divert the three footpaths around the site within green areas to retain the leisure routes for the public to continue to use and enjoy. The routes will continue to link to

existing adopted highway and existing rights of way paths. The paths are being diverted to allow the outline Planning application [17/01735/MJR](#)

3 Issues

- 3.1 The Section 257 Whitchurch Footpath diversion application is necessary if the proposed development is to proceed. The application requires approval by Planning Committee for a Legal Order to be made. The Order is subject to public consultation and if there are objections then the case will be determined by PEDW.
- 3.2 If the Order is confirmed, it is recommended the developer prioritised the creation of the new routes to allow the public to use these routes while the main construction site is being developed. Where it is not safe to do so, a temporary closure would be required, and alternative temporary routes provided.

4 Consultation

4.1 Statutory & Non-Statutory Consultees were notified in writing of the S257 Application on 15th August 2022.

- Cardiff Council Parks & Transportation Teams
- Associations/Organisations: Ramblers; Auto Cycle Union; British Horse Society; Byways and Bridleways Trust; Open Spaces Society; Cycling UK; Welsh Trail Riders Association
- Utilities: Welsh Water; Virgin Media; Wales and West Utilities; Western Power; BT Openreach
- Ward Members: Cllr Kate Carr; Cllr Jamie Green; Cllr Jackie Jones; Cllr Marc Palmer; Tongwynlais Community Council
- Non-Statutory Consultees (Local User Groups): Whitchurch and Tongwynlais PACT; Save the Northern Meadows; Friends of Forest Farm; Mr. Rock (Original S53 Applicant of Recorded Footpaths)

Outcomes from Consultation

- 4.2 Western Power Distribution and BT Openreach confirmed their utilities will not be affected. The only comments received were from Non-Statutory Consultees (See Appendix B for Consultation Results).
- 4.3 Consultees raised concerns the proposed diversion of Whitchurch No.107 would be close to the protected buffer zone along the edge of the site. Response – The diversion is proposed along the boundary of the buffer zone but not within it.

4.4 Concerns this application is premature as further planning permission needs to be applied for and granted to understand where these diversions are necessary.

Response – The diversions are necessary as outline planning consent is granted and the footpaths are within the footprint of the built area. The Reserved Matters and Conditions will be required to provide more details of the layout and design of the site. The diversion of the paths will inform these further permissions/conditions of what is required to ensure the paths are protected within the site.

4.5 The Reserved Matters Application is now live and in the public domain (Planning Reference [22/02231/RES](#)), without prejudice to any decision that may be made on the reserve matters submission. Sufficient details are available to allow consultees and the public to make informed comments during the Legal Order public consultation stage (i.e., Notice of Proposal).

5 Legal Implications

The power to make a stopping up or diversion order under s.257 of the Town & Country Planning Act 1990 (TCPA 1990) is a discretionary power. [Section 257](#) of the TCPA 1990 permits the making of an order for the stopping up or diversion of a footpath or bridleway which is necessary to enable development to be carried out either:

- In accordance with a valid planning permission or
- By a government department.

A conflict between the planning permission and a footpath or bridleway is essential for the grant of a stopping up or diversion order under section 257. The footpath or bridleway does not need to be obstructed by the intended physical development, a change of use of the land can be sufficient, provided the change of use requires the footpath or bridleway to be closed or diverted.

The order may provide for the:

- Creation of an alternative highway or improvement of an existing highway for use as a replacement for the one authorised to be stopped up (section 257(2)(a), TCPA 1990).
- Protection of any rights statutory undertakers have in respect of their apparatus that immediately before the date of the order is under, in, on, over, along or across the footpath or bridleway (section 257(2)(c), TCPA 1990).
- Payment of costs for carrying out the works (section 257(2)(d), TCPA 1990).

An application for a stopping up or diversion order under [section 257](#) of the TCPA 1990 cannot be made or confirmed once the relevant development is

“substantially complete”. A stopping up order does not affect any private rights of way that exist over the land

The grant of planning permission for the development of land over which there is a public right of way does not in itself constitute authority for interference with the right of way or for its closure or diversion. It cannot be assumed that because planning permission is granted, a stopping up or diversion order will automatically be made. Conditions can be imposed on a stopping up or diversion order tying it to the relevant planning permission in terms of timescale and the need to serve notice on the local highway authority before implementing the order.

The procedure for making an order under [section 257](#) of the TCPA 1990 is governed by [Schedule 14](#) to the TCPA 1990 (Procedure for footpaths and bridleways orders) and involves the Council giving various notices in the prescribed form stating the general effect of the order. Notices must be served on every owner and occupier of land affected. If no representations or objections are duly made, or if any so made are withdrawn, the Council may confirm the order (but without any modification). Where any representation or objection which has been duly made is not withdrawn the matter is referred to Planning & Environment Decisions Wales (PEDW) who are an executive agency that reports to the Welsh Government. Before confirming the order PEDW may cause a local public inquiry to be held; or they may give any person by whom any representation or objection has been made an opportunity of being heard by a person appointed by them. After considering the report of the person appointed to hold the inquiry or hearing, PEDW on behalf of the Welsh Government may confirm the order, with or without modifications. An order made under section 257 of the TCPA 1990 is not effective until it is confirmed ([section 259, TCPA 1990](#)).

No compensation is payable in respect of those adversely affected by the order.

Equality Act

In considering this matter the decision maker must have regard to the Council's duties under the Equality Act 2010. Pursuant to these legal duties Councils must, in making decisions, have due regard for the need to:

- (1) eliminate unlawful discrimination
- (2) advance equality of opportunity
- (3) foster good relations on the basis of protected characteristics

Protected characteristics are: (a) Age (b) Gender reassignment (c) Sex (d) Race – including ethnic or national origin, colour or nationality (e) Disability (f) Pregnancy and maternity (g) Marriage and civil partnership (h) Sexual orientation (i) Religion or belief – including lack of belief.

Other Considerations

- Consideration should be given as to whether an equalities impact assessment (EQIA) is required, (including an updated assessment if there has been a time lapse since the assessment was carried out), to ensure that the Council has understood the potential impacts of the proposed decision in terms of its public sector equality duty. The decision maker should consider any EQIA. The proposal must also be subject to any relevant health and safety assessment.
- Section 17 of the Crime and Disorder Act 1998 also imposes a general duty on the Council, when exercising its functions, to take account of community safety dimension, with a view to reduce local crime and disorder in its area.
- Before exercising its functions under the 1984 Act, the Council must have regard to its duties under The Active Travel (Wales) Act 2013, the Welsh Language (Wales) Measure 2011.

Well Being of Future Generations (Wales) Act 2015

The decision maker should also have regard, when making its decision, to the Council's wider obligations under The Well-Being of Future Generations (Wales) Act 2015 ('the Act').

The Act places a 'well-being duty' on public bodies aimed at achieving 7 national well-being goals for Wales - a Wales that is prosperous, resilient, healthier, more equal, has cohesive communities, a vibrant culture and thriving Welsh language, and is globally responsible.

In discharging its duties under the Act, the Council has set and published well being objectives designed to maximise its contribution to achieving the national well being goals. The well being objectives are set out in Cardiff's Corporate Plan 2021-24: <http://cmsprd.cardiff.gov.uk/ENG/Your-Council/Strategies-plans-and-policies/Corporate-Plan/Documents/Corporate%20Plan%202021-24.pdf> When exercising its functions, the Council is required to take all reasonable steps to meet its well being objectives. This means that the decision makers should consider how the proposed decision will contribute towards meeting the well being objectives and must be satisfied that all reasonable steps have been taken to meet those objectives.

The well being duty also requires the Council to act in accordance with a 'sustainable development principle'. This principle requires the Council to act in a way which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. Put simply, this means that Council decision makers must take account of the impact of their decisions on people living their lives in Wales in the future. In doing so, the Council must:

- Look to the long term

- Focus on prevention by understanding the root causes of problems
- Deliver an integrated approach to achieving the 7 national well-being goals
- Work in collaboration with others to find shared sustainable solutions
- Involve people from all sections of the community in the decisions which affect them

The decision maker must be satisfied that the proposed decision accords with the principles above; and due regard must be given to the Statutory Guidance issued by the Welsh Ministers, which is accessible using the link below:

<http://gov.wales/topics/people-and-communities/people/future-generations-act/statutory-guidance/?lang=en>

6 Financial Implications

The landowner, Velindre University NHS Trust, has agreed to pay the application fee which includes Highways and Legal Services resources.

Recommendations

Approve the application to instruct Legal Services to Make the Order.

ANDREW GREGORY

DIRECTOR OF PLANNING TRANSPORT AND ENVIRONMEN

27 October 2022

Appendices:

Appendix A Map of Proposed Diversions

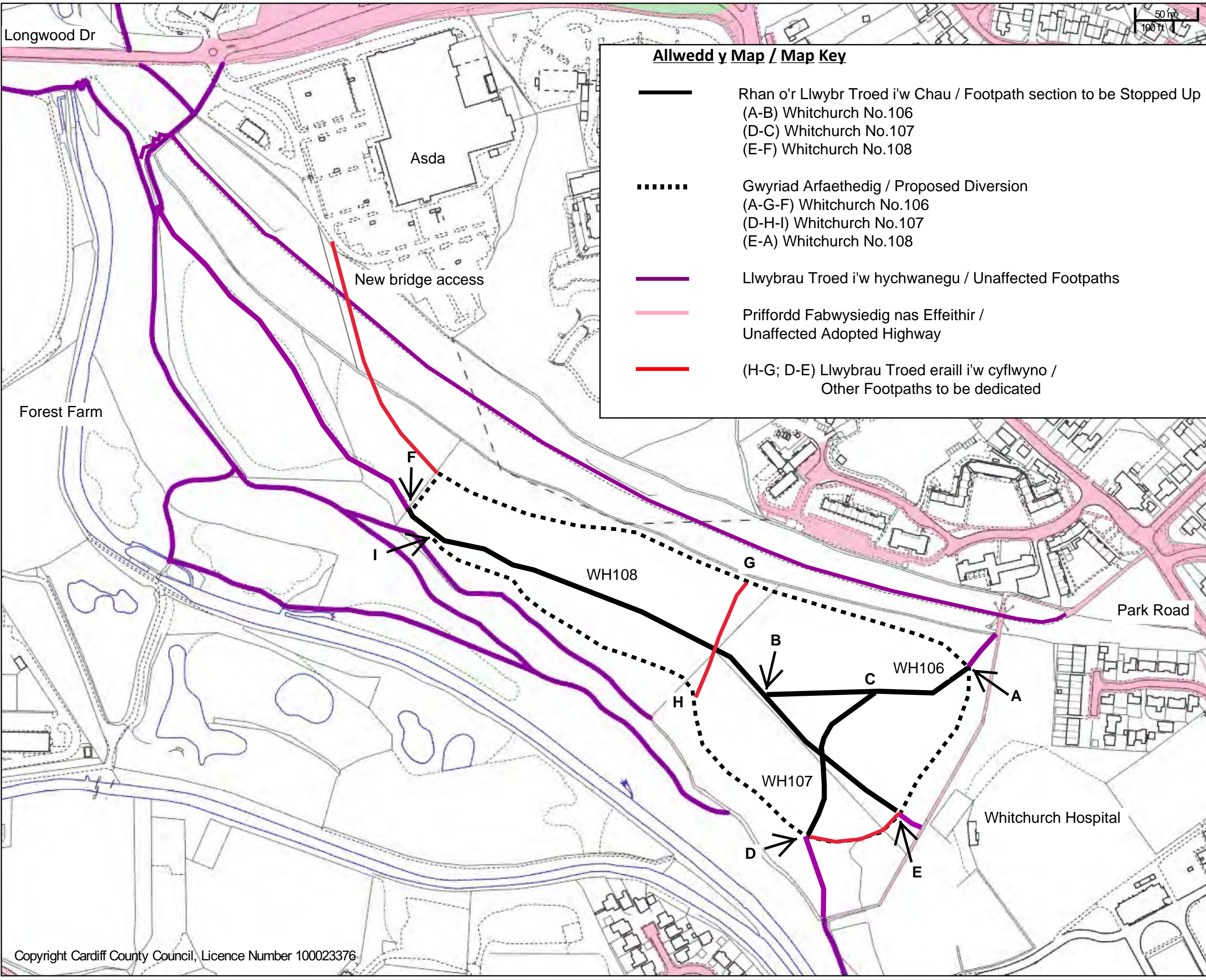
Appendix B Consultation Results

Appendix D Submitted Velindre Statement of Reason

Background Papers:

Appendix C Submitted Application form

Equalities Impact Assessment



Cyngor Caerdydd
Cardiff Council



CHIEF EXECUTIVE
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Whitchurch Meadows
Scale: 1:3000
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APPENDIX B CONSULTATION RESULTS

Friends of Forest Farm

With regard to the proposed new Public Right of Way (going between points K, X & I as shown on the Public Rights of Way – Section 257 Application drawing within the 'Velindre Statement of Reason' document sent by you, and as shown as between points D, H & I on the 'S257 Whitchurch Footpaths Map low res' document sent by you:

It must be ensured that the Public Right of Way is kept at a distance away from the green buffer zone which is supposed to be kept and maintained between the top of Longwood SSSI and the Velindre Cancer Centre site.

We would be grateful if you will take whatever formal steps are necessary to ensure this.

Additional Friends of Forest Farm Comments relating to the wider site

Whilst, we understand this is only initially for a limited amount of time we are concerned of the impact on the SSSI and the PROW through this area as the projects developes.

These pathways are narrow, on a steep bank and conditions are dry at the moment due to the present drought conditions.

Since lock down more people have discovered Forest Farm and use of these footpaths.

However, they will soon become muddy and dangerous with increased footfall as autumn and winter rains arrive.

Added to this diversion urgent engineering work to the bottom of the canal is due to in the near future closing the towpath. This will also add to the footfall through the SSSI.

We have already requested that Velindre provide a temporary footpath alongside the SSSI on their land for the duration of the build.

In the short term a diversion of the PROW will have minimal impact on the SSSI due to the present underfoot conditions

We however, we do not feel that this a medium to long term solution as the project develops.

The SSSI is a fragile environment and increased footfall especially in winter months will damage the area. Also, the footpath would become dangerous due to the risk of falling which would result in it having to be closed.

Therefore, we request that the relevant council department instruct Velindre to provide a temporary footpath alongside the SSSI on their land until the building of the new hospital is complete.

PACT Comments

Below is my reply to the statutory Consultee letters and supporting documents relating to the Section 257 Town & Country Planning Act Application for Whitchurch Footpaths 106, 107 & 108.

*The application for the diversion of the public right of ways is premature because , currently only outline planning has been granted for the area effected and surely legally the planning authority **must** be satisfied that the diversions are necessary to enable the development before granting them.*

Until further planning permission has been applied for and granted , it will not be possible for the planning authority to know whether they are actually necessary because;

1.The buildings shown on the outline application are liable to change.

Mr Rock S53 Applicant Comments (requested to be informed)

The application is premature because, currently only **outline** planning permission has been granted for the area affected. (Full planning permission has been granted for bridges and a site access road but those do not affect the network of PRoWs which are the subject of this application.)

Legally the planning authority must be satisfied that the diversions are **necessary** to enable development before granting them. Until full planning permission has been applied for and granted, it will not be possible for the planning authority to know whether they are indeed necessary because:

1. The buildings shown on the outline application are liable to change. (Indeed one of this buildings shown on the outline application stands on top of the proposed PRoW diversion!)
2. The full planning application has not yet been submitted and may undergo significant change prior to approval. It would be wasteful of public resources to consider diversions now and then do that all over again once full planning permission has been granted.
3. I understand that a design partner has now been chosen and some artist's impressions of the proposed buildings and rough layouts have been made public. The few details they show are inconsistent with the proposal. In particular, they do not show the proposed PRoW diversions K-I-J-G at all.

I note that RoW Circular 1/09 – Section 7 states "Most outline planning applications do not contain sufficient information to enable the effect on any right of way to be assessed" and this is patently true in this case.

To reiterate, there is currently **no way** that the general public, council's the PRoW team or the Planning Committee can tell from the outline planning permission whether the proposed diversions would be necessary so the proposals should not be considered at this time because the applicant cannot demonstrate that they meet the legal test of necessity.

New and diverted Public Rights of Way at Whitchurch, Cardiff

Accompanying Statement



July 2022

Prepared by: The Urbanists Ltd

Address: The Urbanists, The Creative Quarter, 8A Morgan Arcade, Cardiff, CF10 1AF

Email: info@theurbanists.net

Website: www.theurbanists.net

Issue date	12/07/22
Status	Submission
Revision	2
Author	MF
Checked by	LH

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2. Background context	1
3. Legislation and policy context	2
4. Existing and Proposed new paths and diversions	3
5. Analysis and impact	6
6. Conclusion	7

Appendices

- A PROWs Confirmed Order
- B Outline planning permission plans
- C Proposed PROWs plans
- D PROW information table

1. Introduction

This statement sets out the background and details to accompany the application for proposed new public rights of way (PROWs) and the permanent diversion of PROWs, across the proposed development site of the new Velindre Cancer Centre, Whitchurch, Cardiff.

The land that is subject to this application is the proposed development site of the new Velindre Cancer Centre. This is located to the north-west of Whitchurch Hospital playing fields and referred to as the Northern Meadows. It is roughly triangular in shape comprising pastoral fields and of approximate total length 780m. The site has outline planning permission for the cancer centre development.

2. Background context

Cardiff Council refused an application that was made for three PROWs across the development site in April 2021. An appeal was made to Planning and Environment Decisions Wales (PEDW) against that refusal, and the appeal was allowed (reference ROW/3274956).

The Council was then directed to make an Order to record the claimed routes on the Definitive Map and Statement. The required process was subsequently undertaken and the order was then confirmed on 01/06/22. The title of the order is: The County Council Of The City & County Of Cardiff Definitive Map (Whitchurch Meadows Footpaths, Cardiff) Modification Order 2022. The notice of the confirmation of the order runs from 08/06/22 for 42 days.

A copy of the confirmed order and plan are enclosed at Appendix A.

The routes are described on the notice thus:

i) *Whitchurch No.106 Footpath (A-B) which commences at the field boundary from Park Road Footpath (Point A) and heads across the field in a south westerly direction for 203m. The footpath terminates at junction with Whitchurch No.108 Footpath (Point B). A total distance of 203 metres and as shown on the Order Map.*

ii) *Whitchurch No.107 Footpath (D – C) which commences at the junction of Whitchurch No.11 Footpath and Park Road Footpath (Point D) and enters the field heading in a northerly direction. The Footpath crosses Whitchurch 108 and continues until terminating at the junction with Whitchurch 106 (Point C). A total distance of 187 metres and as shown on the Order Map.*

iii) *Whitchurch No.108 Footpath (E – F) which commences from Park Road Footpath (Point E) and crosses the middle of the field in a westerly direction. The Footpath exits the main field through a gap in the farm gate to enter into Forest Farm Nature Reserve. The footpath continues along an access track until terminating at junction with Whitchurch 16 Footpath (Point F) A total distance of 840 metres and as shown on the Order Map.*

Planning permission on the land

Planning permission for the new Velindre Cancer Centre on the land was granted in March 2018 (LPA ref. 17/01735/MJR). The permission is a ‘hybrid’ permission which grants outline planning permission for the main building plus Maggie’s, the energy centre and car park, with full planning permission for the permanent access from the north (Longwood Drive), and the emergency access via the Hollybush Estate. Both the main vehicular access, plus the emergency access, require the construction of bridges across the former railway cutting. The northern access includes a footway and cycleway into the VCC site.

The formal description of the approved permission is: “Proposed Velindre Cancer Centre including specialist cancer treatment centre, centre for learning, research and development, primary means of the access (from Coryton Interchange), emergency access (via Hollybush Estate), temporary construction access, parking, energy centre, landscape works, pedestrian paths, and Maggie’s Centre” at land to the north-west of Whitchurch Hospital Playing Fields.

A copy of the site location plan and development maximum parameters plan is included as Appendix B

The proposed development will provide new paths through the area, but will require the diversion of the aforementioned PROWs. Both the new paths and the diversions are the basis of the application that this statement accompanies.

3. Legislation and policy context

The application is made under s.257 of the Town and Country Planning Act 1990. This legislation gives an authority the power to divert or extinguish footpaths if it is satisfied that it is necessary to do so in order to enable development to be carried out in accordance with the granted planning permission, and that not diverting the path would prevent the planning permission being implemented.

Guidance is also published by the Welsh Government for Local Authorities entitled Guidance for Local Authorities on Public Rights of Way (August 2016). This refers to the above test as the necessity test.

It advises that if a development has planning permission and cannot be implemented without changes to the Definitive Map (i.e. meets the necessity test) then an authority must have good reasons if it then decides that the Order should *not* be made. The guidance advises that, in such a situation, an authority should then apply the discretionary test, taking into account: the interests of the general public; the potential effects of the Order on some members of the public, such as occupiers of property adjoining the highway; [and] any potential financial loss to members of the public. (par. 6.60).

Where the necessity test is met, it is then also established practice for the authority to consider whether the proposed diverted route will not be substantially less convenient to the public than the route to be diverted (par. 6.83), within the parameters of the proposed development and the land available and under the applicant's control for diversion routes. Considerations of convenience include comparisons of distance and the ease / difficulty of walking them (gradients, surface) between the same start and end points.

4. Existing and Proposed new paths and diversions

This section summarises the existing arrangement of PROWs, the proposed new PROWs, and the proposed parts to be diverted. This information is also provided in tabular form in Appendix D, and corresponds with the proposed order plan (70066877-WSP-XX-XX-DR-P0-S257 Rev F).

The PROWs that are affected by the proposed diversions are shown on the confirmed order map (Appendix A) as Whitchurch Nos. 106, 107, and 108:

The registered paths are as follows:

Whitchurch No.106 - from point A to B. This starts at the north-eastern corner of the field boundary (point A) at the adopted footway from Park Road, then follows a south-westerly route (average S70°W) for 203m to its junction with the new path Whitchurch No.108 (point B). It is an unmade surface, with an average gradient of 0.5%.

Whitchurch No.107 - from point D to C. This starts at the junction of Whitchurch No.11 Footpath and Park Road adopted footway (Point D), then follows a northerly direction (average N10°E), crossing new footpath Whitchurch 108, and continues until terminating at the junction with Whitchurch 106 (Point C). A total distance of 187 metres. The path is mostly level on unmade ground.

Whitchurch No.108 from point E to F. This commences at a point midway along the existing adopted footway from Park Road Footpath (Point E) approximately 162m from point A. It then follows a course in a north-westerly direction, leaving the VCC site, then along an existing access track to end at its junction with Whitchurch 16 Footpath (Point F) (average N51°W across its entire length). A total distance of 840 metres. The section of path within the VCC site is around 500m in length, rising at an average gradient of 2% from east to west (N60°W). It is unmade ground.

Three new paths are proposed, as shown on the plan at Appendix C. They are as follows:

New path, from point A to J, via G and H

This will be a new path running along the northern part of the site, for its entire length, from A to its connection with the new northern access bridge at point H (499m), and also at that point turning to south west to then connect with path No.108 at the northern boundary of the site, some 45m distance further. This is a new path which will provide an alternative and an additional walking route to the registered PROWs that already exist around the outside of the site. On registration this path will be initially over unmade ground, but in due course it will be surfaced as part of the VCC development, thereby improving equality of access and use. This is a total length of 544m.

This path provides an alternative route to the registered PROWs from A to B (No. 106) and from B to J at the north western end of the field (No. 108). This is 569m distance in total.

New and diverted path, from point A to L

It is proposed to follow a route from entering the VCC site at point A, then follow a route south-west almost parallel to the existing adopted footway, some 20m within the site, to meet No.108 at point L (193m length in total). On registration this path will be over unmade ground, but in due course it will be surfaced as part of the VCC development. This will improve

equality of access through this area. This will be an alternative route within the field to replace No. 106.

New and diverted path from K to J

The new path will follow a route from point K, on No.107, from the southern corner, point D, to follow an informal route from K to J, then to I, which is mostly parallel to the south western boundary within the site by some 40m-55m and following an average direction N50°W to point I, on No.108, and then continue to follow the registered path to the north-west out of the site.

This is a new path which will provide an alternative and an additional walking route to the registered PROWs that already exist around the outside of the site. On registration this path will be initially over unmade ground, but in due course it will be surfaced as part of the VCC development, thereby improving equality of access and use. This is a total length of new path of 412m, connecting from the retained section of No.107 of 71m (point K), to the retained section of No.108 from point I to J of 38m.

This will be a second alternative route to the registered PROWS: part of No. 107 (70m), and part of No.108 (380m) would be replaced by the above.

It is proposed that, following completion of the development, a further PROW will be provided to connect from point L to point K (87m) to connect these previously set out two PROW sections, but at this stage this section is proposed as a path to be dedicated in the future.

It is also proposed that a further path will be dedicated in future from point G to X. This new path will start from a point midway between points A and H, (218m from point A), and follow a route almost south (S20°W), for 120m to point X which is midway along the new diverted route that follows the south-west boundary of the site (see above route A to I). This will provide a further alternative walking route to cross the site and connect to the proposed PROWs and the wider established network.

Distance and time comparisons of existing and proposed paths are set out in detail on plan 70066877-WSP-XX-XX-DR-P0-PROW 2 Rev. K, which is submitted with this application (and included in Appendix C).

The paths that will be stopped up and diverted then are:

Path No.106 from point A to B of length 203m

Path No.107 from point C to K of length 118m

Path No.108 from point L to I of length 463m

The existing paths and proposed paths, locations and lengths are included in the table at Appendix D.

5. Analysis and impact

This section assesses the impact of proposed closures, diversions, and new paths having regard to the requirements of applications made under s.257 TCPA 1990.

Planning permission has been granted for the development of the new cancer centre on the site. That permission included proposed new footpaths through and around the site as part of the future development, to be covered in detail under the reserved matters application. The potential new routes through the land were shown on the approved illustrative layout plan (see Appendix B).

Three new PROWs have now been designated across the development site, despite the extant planning permission. These routes would prevent the implementation of that permission as they cross centrally through the required location of the new building.

The site therefore has planning permission, and the diversions are necessary in order to enable the development to be carried out in accordance with the permission. Not diverting the paths would prevent the permission being implemented, notwithstanding the need for the reserved matters detailed design. The *necessity* test for the acceptability of the application is met fully.

The proposed diverted route (A to J via G and H) is comparable to the PROWs (to be closed) in terms of route distance and landscape context. It remains within the field site, away from the property boundaries, and it starts and finishes at points along the existing paths. It will allow the same level of enjoyment, and overall is considered to be no less convenient or commodious than the paths to be closed. It will then also meet the requirements of the discretionary test, should it not have been considered to already meet the necessity test.

There are also two additional sections of path that are proposed to be designated now to provide a further connection around the southern and east parts of the site. These will *significantly* increase the choice of routes through and around the site, and opportunities for public enjoyment of the area. They are being proposed now, demonstrating how the new VCC will secure permanent public access to, through, and around the site. They will provide connections through the land to the existing wider path network increasing the choice of walking and running routes for the general public. They will enhance equality of access and allow a continued enjoyment of the land in perpetuity.

Finally there are two further paths that are proposed to be dedicated in the future to add to the new southern paths, and also to cross the site from north to south. These will further enhance public access to the site.

6. Conclusion

This statement accompanies the application for the diversion of PROWs, which are required in order to allow the new Velindre Cancer Centre to be constructed in accord with the already granted planning permission. The requirement to divert the paths accords with the provisions of s.257 TCPA 1990, being that the diversion is necessary to allow the implementation of the planning permission, and that not diverting the paths would prevent the permission being implemented.

It has also been shown that the diverted route will not be substantially less convenient for the general public taking into account the parameters of the proposed development and the land within the applicant's control.

The proposed new and additional paths will significantly increase the accessibility, connections, and the opportunity for quiet enjoyment of the area. This application will ensure that these routes are secured now for future public use in perpetuity.

MODIFICATION ORDER

Wildlife and Countryside Act 1981

THE DEFINITIVE MAP & STATEMENT OF PUBLIC RIGHTS OF WAY FOR THE FORMER COUNTY OF GLAMORGAN

THE COUNTY COUNCIL OF THE CITY & COUNTY OF CARDIFF DEFINITIVE MAP (FOOTPATH WHITCHURCH MEADOWS FOOTPATHS, CARDIFF) MODIFICATION ORDER 2022

This Order is made by the County Council of the City and County of Cardiff (hereinafter called "the surveying authority") under section 53 (2) (b) of the Wildlife and Countryside Act 1981 ("the Act") because it appears to that authority that the Definitive Map and Statement of Public Rights of Way for the former County of Glamorgan require modification in consequence of the occurrence of an event specified in 53 (3)(c)(i) of the Act, namely the discovery of evidence that public footpaths subsist or are reasonably alleged to subsist over land in the area to which the map relates.

The surveying authority have consulted with every local authority whose area includes the land to which the order relates;

1. For the purposes of this order the relevant date shall be 29 March, 2022
2. The Definitive Map & Statement of Public rights of Way for the former County of Glamorgan shall be modified as described in Part I and Part II of the Schedule and shown on the map attached to the Order.
3. This order shall have effect on the date it is confirmed.
4. This order may be cited as the County Council of the City and County of Cardiff Definitive Map (FOOTPATH WHITCHURCH MEADOWS, CARDIFF) Modification Order 2022

THE COMMON SEAL of the
COUNTY COUNCIL OF THE CITY
AND COUNTY OF Cardiff was hereunto
affixed this 30th day of March, 2022
in the presence of



Steve Jones

Authorised Signatory

SCHEDULE

(Part I)

Modification of (Definitive) Map

DESCRIPTION OF PATH OR WAY TO BE DELETED

(1) Section of path or way as indicated on map	(2) Position	Length	Width

DESCRIPTION OF PATH OR WAY TO BE ADDED

(1) Section of path or way as indicated on map	(2) Position	Length	Width
Whitchurch No.106 Footpath (A – B) Grid Reference Point A: ST 14404 80897 Grid Reference Point B: ST 14222 80837	Footpath commences at field boundary from Park Road Footpath (Point A; ST 14404 80897) and heads across the field in a south westerly direction for 203m. The footpath terminates at junction with Whitchurch No. 108 Footpath (Point B; ST 14222 80837).	203m	1-2 metres
Whitchurch No.107 Footpath (D – C) Grid Reference Point D: ST 14261 80663 Grid Reference Point C: ST 14285 80841	Footpath commences at junction of Whitchurch No.11 Footpath and Park Road Footpath (Point D; ST 14261 80663) and enters the field heading in a northerly direction. The Footpath crosses Whitchurch 108 and continues until terminating at junction with Whitchurch 106	167m	1-2 metres
Whitchurch No.108 Footpath(E – F) Grid Reference Point E: ST 14342 80739 Grid Reference Point F: ST 13715 81248	Footpath commences from Park Road Footpath (Point E; ST 14342 80739) and crosses the middle of the field in a westerly direction. The Footpath exits the main field through a gap in the farm gate to enter into Forest Farm Nature Reserve. The footpath continues along an access track until terminating at junction with Whitchurch 16 Footpath (Point F; ST 13715 81248).	540m	1-2 metres

This Order is hereby confirmed as an unopposed Order without modification in the presence of

Shane J...

Authorised Signatory:

Dated 1st June 2022

DESCRIPTION OF PUBLIC RIGHT OF WAY TO BE (UPGRADED) (DOWNGRADED)

(1) Section of path or way as indicated on map	(2) Position	Length	Width

(Part II)
Modification of (Definitive) Statement
VARIATION OF PARTICULARS OF PATH OR WAY

(1) Section of path or way as indicated on map	(2) Position	Length	Width

DATED

22nd June

2022

WILDLIFE AND COUNTRYSIDE ACT, 1981

THE DEFINITIVE MAP & STATEMENT
OF PUBLIC RIGHTS OF WAY FOR THE FORMER
COUNTY OF GLAMORGAN

THE COUNTY COUNCIL OF THE CITY
AND COUNTY OF CARDIFF
DEFINITIVE MAP (WHITCHURCH MEADOWS FOOTPATHS, CARDIFF)
MODIFICATION ORDER 2022

Director of Governance &
Legal Services
Cardiff County Council
County Hall
Atlantic Wharf
CARDIFF
CF10 4UW

KJP/97350



Cynsar Caerdydd
Cardiff Council



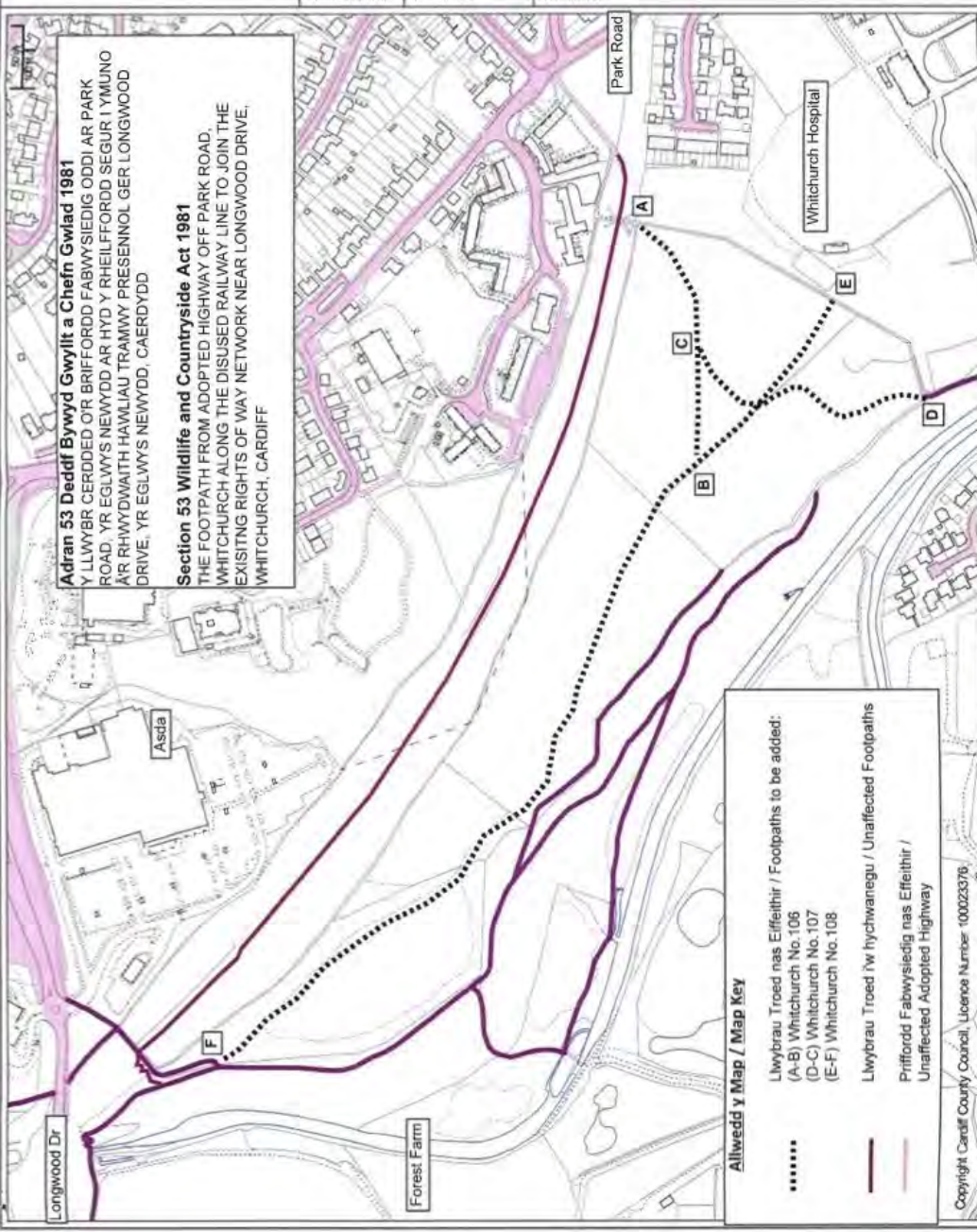
CARDIFF
CAERDYDD

CHIEF EXECUTIVE
 Neuadd y Sif, Gârby'r Iwerdd Caerdydd CF10 4UW
 Tel: 029 20872088
 County Hall, Atlantic Wharf Cardiff CF10 4UW
 Tel: 029 20872087

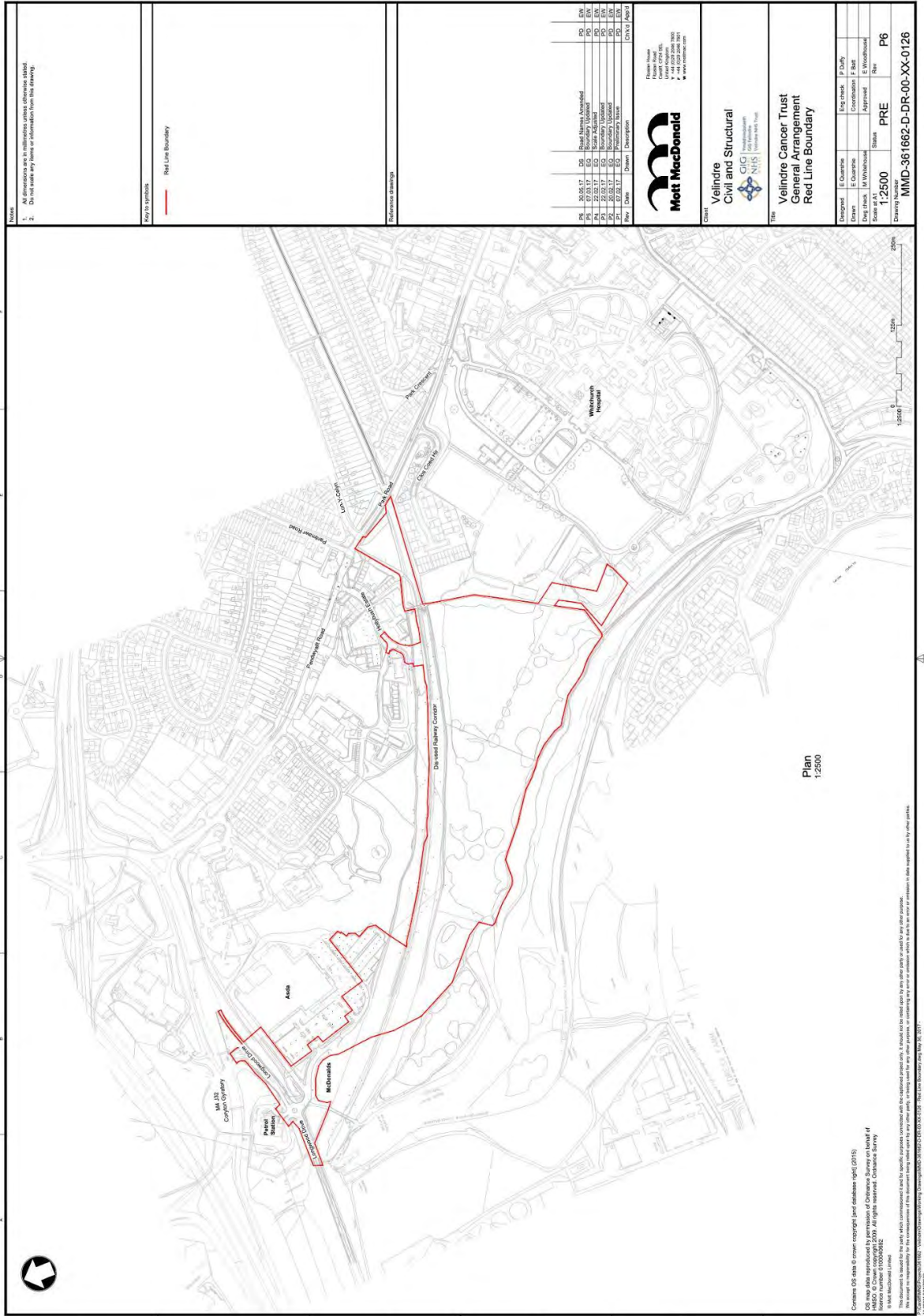
Whitchurch Meadows
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Steve Jones



Appendix B: Outline planning permission site location plan and maximum parameters plan



Notes

- All dimensions are in millimetres unless otherwise stated.
- Do not scale any lines or information from this drawing.

Key to symbols

Red Line Boundary

Construction drawings

No.	Date	Drawn	Description	CDM 1	CDM 2	CDM 3	CDM 4	CDM 5
1	20.09.17	ES	Final Plans Issued					
2	20.09.17	ES	Boundary Updated					
3	20.09.17	ES	Issue Released					
4	20.09.17	ES	Boundary Updated					
5	20.09.17	ES	Issue Released					
6	20.09.17	ES	Boundary Updated					
7	20.09.17	ES	Issue Released					
8	20.09.17	ES	Boundary Updated					
9	20.09.17	ES	Issue Released					
10	20.09.17	ES	Boundary Updated					
11	20.09.17	ES	Issue Released					
12	20.09.17	ES	Boundary Updated					
13	20.09.17	ES	Issue Released					
14	20.09.17	ES	Boundary Updated					
15	20.09.17	ES	Issue Released					
16	20.09.17	ES	Boundary Updated					
17	20.09.17	ES	Issue Released					
18	20.09.17	ES	Boundary Updated					
19	20.09.17	ES	Issue Released					
20	20.09.17	ES	Boundary Updated					

Client

Veinfire
Civil and Structural

Client

Veinfire Cancer Trust
General Arrangement
Red Line Boundary

Scale at A1

1:2500

Site

PRE

CDM 1

CDM 2

CDM 3

CDM 4

CDM 5

CDM 6

CDM 7

CDM 8

CDM 9

CDM 10

CDM 11

CDM 12

CDM 13

CDM 14

CDM 15

CDM 16

CDM 17

CDM 18

CDM 19

CDM 20

Project Name

Veinfire Cancer Trust
General Arrangement
Red Line Boundary

Client

Veinfire Cancer Trust
General Arrangement
Red Line Boundary

Scale at A1

1:2500

Site

PRE

CDM 1

CDM 2

CDM 3

CDM 4

CDM 5

CDM 6

CDM 7

CDM 8

CDM 9

CDM 10

CDM 11

CDM 12

CDM 13

CDM 14

CDM 15

CDM 16

CDM 17

CDM 18

CDM 19

CDM 20



Plan
1:2500

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15/09/2016 14:00:00



REFERENCE MAP

NOTES

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- ALL DIMENSIONS ARE IN MILLIMETRES UNLESS NOTED OTHERWISE.
- ALL DIMENSIONS SHALL BE VERIFIED ON SITE BEFORE PROCEEDING WITH THE WORK. HASSELL SHALL BE NOTIFIED IN WRITING OF ANY DISCREPANCIES.
- THIS DRAWING MUST BE READ IN CONJUNCTION WITH ALL RELEVANT CONTRACTS, SPECIFICATIONS AND DRAWINGS.

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DATE	DESCRIPTION	REV.	STATUS
22/05/17	LANDSCAPE REVISION 05	50.P0.5	50
29/03/17	LANDSCAPE REVISION 04	50.P0.4	50
13/03/17	LANDSCAPE REVISION 03	50.P0.3	50
03/02/17	LANDSCAPE REVISION 02	50.P0.2	50
10/01/17	LANDSCAPE REVISION 01	50.P0.1	50

CONSULTANT
 HASSELL LIMITED CN 7540815
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 3 MUSEUM PLACE
 CARDIFF CF10 3BS UNITED KINGDOM
 CARDIFF@HASSELLSTUDIO.COM
 T +44 29 2072 9071

HASSELL

CLIENT NAME
 VELINDRE NHS TRUST

ORIGINATOR NO
 011282

PROJECT
 VELINDRE CANCER CENTRE
 PARK ROAD, CARDIFF. CF14 7XB

DRAWING TITLE
 Illustrative Masterplan

SUITABILITY STATUS
 Work in Progress

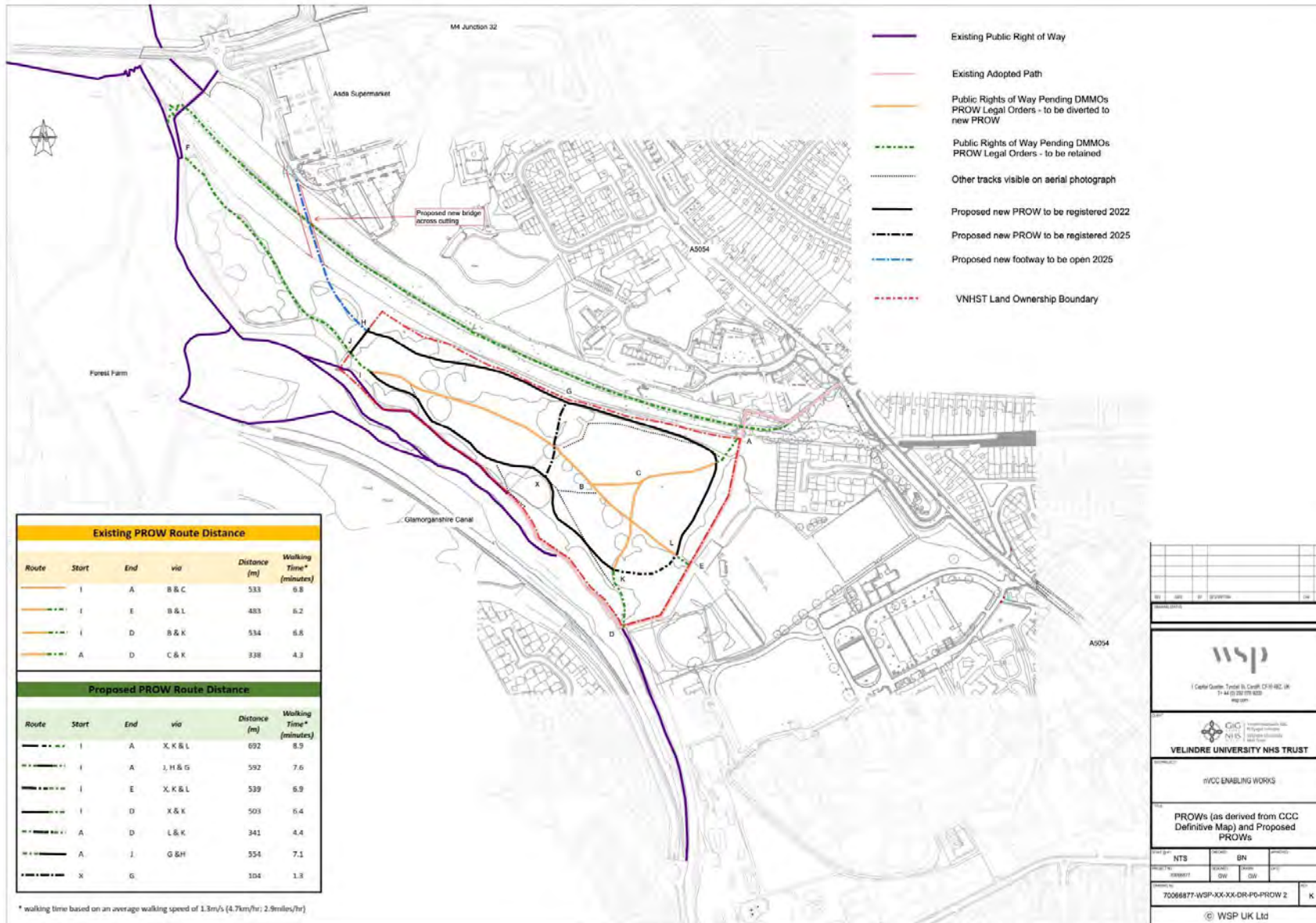
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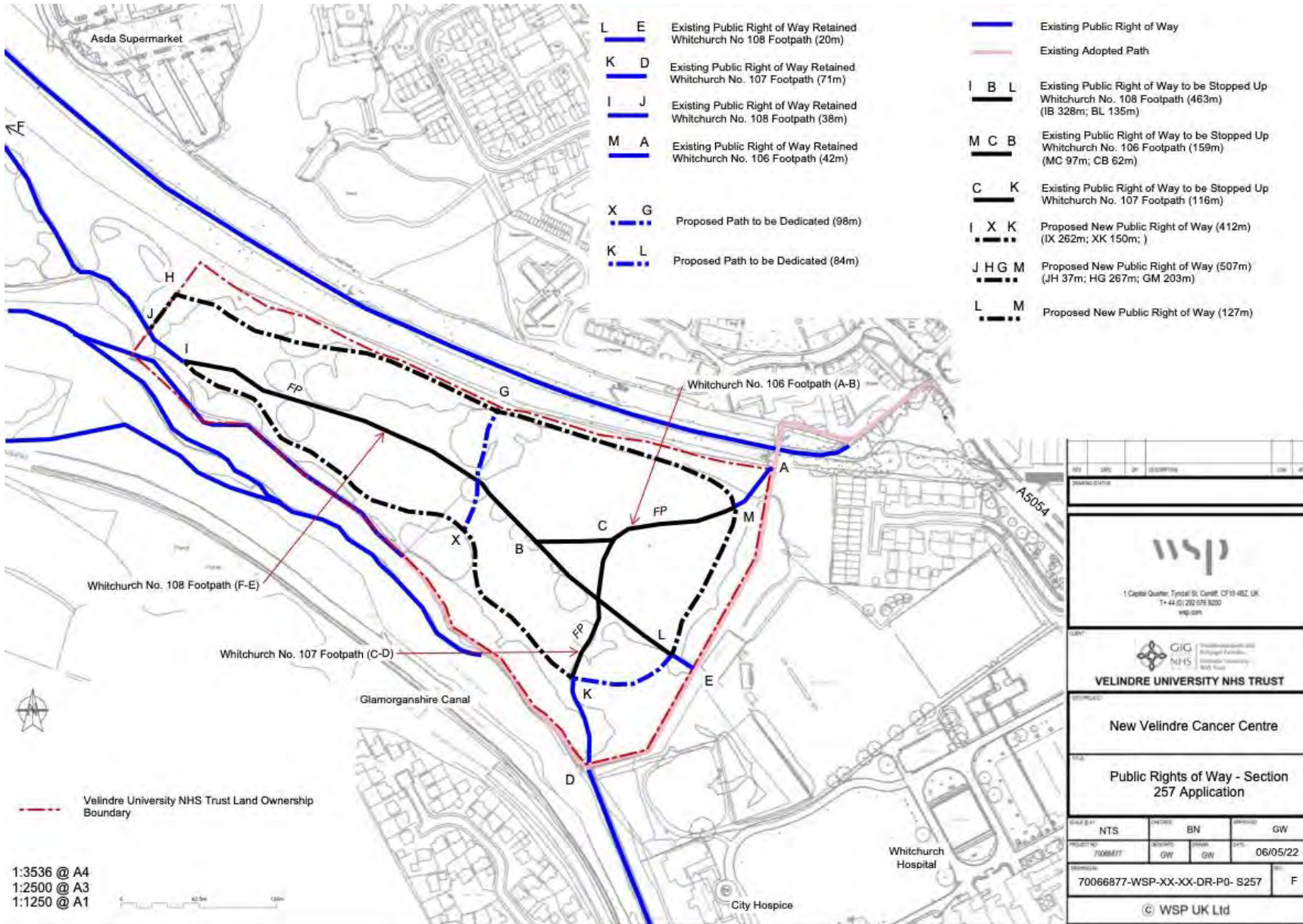
PROJECT# | ORIGINATOR | VOLUME | LEVEL | TYPE | ROLE | NUMBER | STATUS-REV
 011282-HSL-00-ZZ-DR-L-0802-S0.P05

Original Sheet Size A1 - 841 x 594mm

Appendix C



Proposed Paths (plans also submitted separately)





- L E** Existing Public Right of Way Retained
Whitchurch No 108 Footpath (20m)
- K D** Existing Public Right of Way Retained
Whitchurch No. 107 Footpath (71m)
- I J** Existing Public Right of Way Retained
Whitchurch No. 108 Footpath (38m)
- M A** Existing Public Right of Way Retained
Whitchurch No. 106 Footpath (42m)
- X G** Proposed Path to be Dedicated (98m)
- K L** Proposed Path to be Dedicated (84m)

- I B L** Existing Public Right of Way to be Stopped Up
Whitchurch No. 108 Footpath (463m)
(IB 328m; BL 135m)
- M C B** Existing Public Right of Way to be Stopped Up
Whitchurch No. 106 Footpath (159m)
(MC 97m; CB 62m)
- C K** Existing Public Right of Way to be Stopped Up
Whitchurch No. 107 Footpath (116m)
- I X K** Proposed New Public Right of Way (412m)
(IX 262m; XK 150m;)
- J H G M** Proposed New Public Right of Way (507m)
(JH 37m; HG 267m; GM 203m)
- L M** Proposed New Public Right of Way (127m)

DRAWING STATUS			
 1 Capital Quarter, Tynhall St, Cardiff, CF10 4BZ, UK T: +44 (0) 292 078 9200 wsp.com			
 VELINDRE UNIVERSITY NHS TRUST			
New Velindre Cancer Centre			
Public Rights of Way - Section 257 Application			
SCALE BY:	NTS	BN	GW
PROJECT NO:	7006877	DATE:	06/05/22
DATE:	7006877-WSP-XX-XX-DR-P0- S257	SCALE:	F
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 1:1250 @ A1

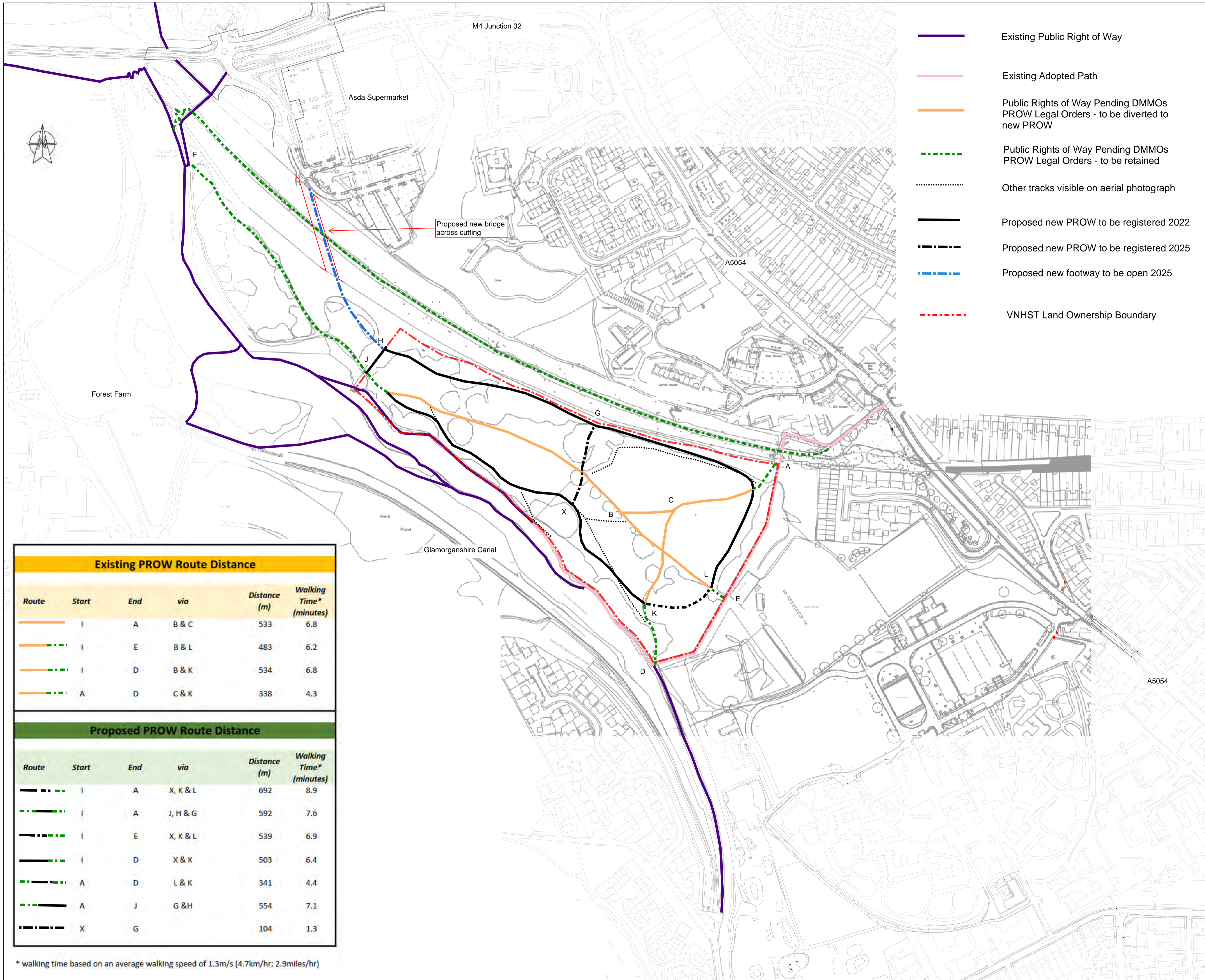


Appendix D

Summary Table

Reference	Order plan points	Distance	Grid references	
Existing PROWs			Start	Finish
106	A to B	203m	A - ST 14404 80897	B - ST 14222 80837
107	C to D	187m	C - ST 14285 80841	D - ST 14261 80663
108	E to F	840m	E - ST 14342 80739	F - ST 13715 81248
Paths to be stopped up				
106	A to B	203m	A - ST 14404 80897	B - ST 14222 80837
107	From C to K	118m	C - ST 14285 80841	K - ST 14247 80735
108	From L to I	463m	L - ST 14324 80754	I - ST 13948 80979
Diversions and new paths				
/	A to J (via G, H)	544m	A - ST 14415 80907	J - ST 13923 81001
	A to L	173m	A - ST 14415 80907	L - ST 14324 80754
/	K to I (via X)	412m	K - ST 14247 80735	I - ST 13948 80979
Paths to be dedicated				
	L to K	87m	L - ST 14324 80754	K - ST 14247 80735

/	G to X	120m	G - ST 14197 80943	X - ST 14147 80826
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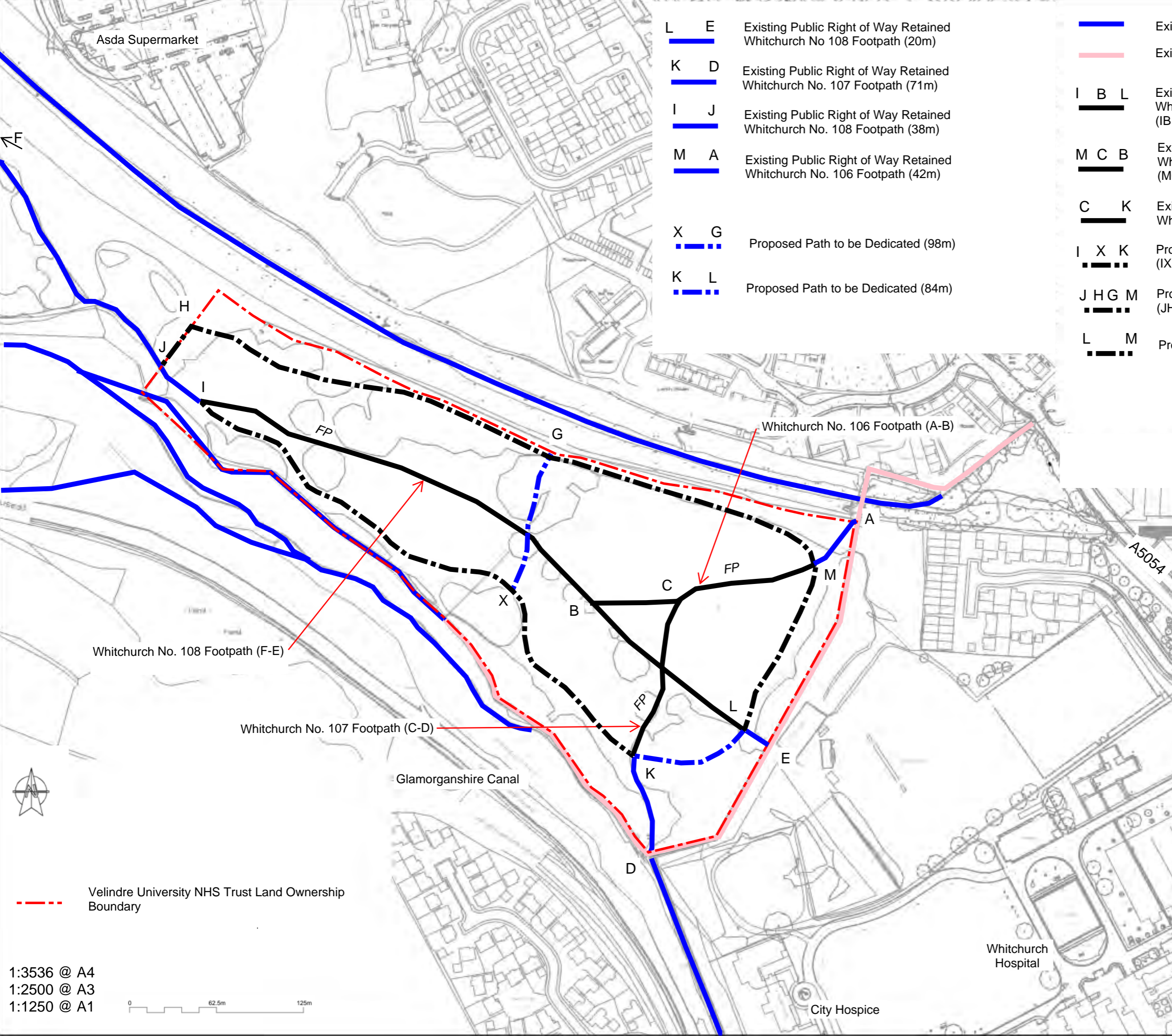
- Existing Public Right of Way
- Existing Adopted Path
- Public Rights of Way Pending DMMOs
PROW Legal Orders - to be diverted to new PROW
- - - Public Rights of Way Pending DMMOs
PROW Legal Orders - to be retained
- - - - - Other tracks visible on aerial photograph
- Proposed new PROW to be registered 2022
- - - - - Proposed new PROW to be registered 2025
- - - - - Proposed new footway to be open 2025
- - - - - VNHST Land Ownership Boundary

Existing PROW Route Distance					
Route	Start	End	via	Distance (m)	Walking Time* (minutes)
—	I	A	B & C	533	6.8
- - -	I	E	B & L	483	6.2
- - -	I	D	B & K	534	6.8
- - -	A	D	C & K	338	4.3

Proposed PROW Route Distance					
Route	Start	End	via	Distance (m)	Walking Time* (minutes)
- - -	I	A	X, K & L	692	8.9
- - -	I	A	J, H & G	592	7.6
- - -	I	E	X, K & L	539	6.9
- - -	I	D	X & K	503	6.4
- - -	A	D	L & K	341	4.4
- - -	A	J	G & H	554	7.1
- - -	X	G		104	1.3



* walking time based on an average walking speed of 1.3m/s (4.7km/hr; 2.9miles/hr)

REV	DATE	BY	DESCRIPTION	CHK	APP
DRAWING STATUS					
 1 Capital Quarter, Tynhall St. Cardiff, CF10 4BZ, UK T+ 44 (0) 292 076 9200 wsp.com					
CLIENT:					
 VELINDRE UNIVERSITY NHS TRUST					
SITE/PROJECT:					
nVCC ENABLING WORKS					
TITLE:					
PROWs (as derived from CCC Definitive Map) and Proposed PROWs					
SCALE @ A1	NTS	CHECKED:	BN	APPROVED:	
PROJECT NO:	70066877	DESIGNED:	GW	DRAWN:	GW
DRAWING No:	70066877-WSP-XX-XX-DR-P0-PROW 2				REV:
					K
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- L E** Existing Public Right of Way Retained
Whitchurch No 108 Footpath (20m)
- K D** Existing Public Right of Way Retained
Whitchurch No. 107 Footpath (71m)
- I J** Existing Public Right of Way Retained
Whitchurch No. 108 Footpath (38m)
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Whitchurch No. 106 Footpath (42m)
- X G** Proposed Path to be Dedicated (98m)
- K L** Proposed Path to be Dedicated (84m)

- Existing Public Right of Way** (Solid Blue Line)
- Existing Adopted Path** (Solid Pink Line)
- I B L** Existing Public Right of Way to be Stopped Up
Whitchurch No. 108 Footpath (463m)
(IB 328m; BL 135m)
- M C B** Existing Public Right of Way to be Stopped Up
Whitchurch No. 106 Footpath (159m)
(MC 97m; CB 62m)
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(JH 37m; HG 267m; GM 203m)
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REV	DATE	BY	DESCRIPTION	CHK	APP
DRAWING STATUS					
 1 Capital Quarter, Tyndall St, Cardiff, CF10 4BZ, UK T+ 44 (0) 292 076 9200 wsp.com					
CLIENT:					
 VELINDRE UNIVERSITY NHS TRUST					
SITE/PROJECT:					
New Velindre Cancer Centre					
TITLE:					
Public Rights of Way - Section 257 Application					
SCALE @ A1	NTS	CHECKED:	BN	APPROVED:	GW
PROJECT NO:	70066877	DESIGNED:	GW	DRAWN:	GW
				DATE:	06/05/22
DRAWING NO:	70066877-WSP-XX-XX-DR-P0- S257				REV:
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