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## AGENDA

Committee	PLANNING COMMITTEE
Date and Time of Meeting	THURSDAY, 2 MARCH 2023, 10.00 AM
Venue	CR 4, COUNTY HALL - MULTI LOCATION MEETING
Membership	Councillor Stubbs (Chair) Councillors Humphreys, Ahmed, Hunt, Joyce, Michael, 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 2 February 2023.

### 4 Petitions

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

1. Application no 22/02184/OUT, Land to the South West of Park View Health Centre Adjacent to Ely and Caerau Community Hub, Treseder Way.
2. Application no 23/00030/FUL, 60 Mynachdy Road

### 5 Development Control Applications

#### a 22/02184/OUT, Land to the South West of Park View Health Centre Adjacent to

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Ely and Caerau Community Hub, Treseder Way

- b** 23/00030/FUL, 60 Mynachdy Road
- c** 19/02330/MJR, Land South of the M4 to the East of Lisvane West of Prontrennau and North of Cyncoed
- 6** **Applications decided by Delegated Powers**
- 7** **Urgent Items (if any)**
- 8** **Date of next meeting - 6 April 2023**

**Davina Fiore**

**Director Governance & Legal Services**

Date: Friday, 24 February 2023

Contact: Kate Rees, 029 20872427, [krees@cardiff.gov.uk](mailto:krees@cardiff.gov.uk)

## **WEBCASTING**

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PLANNING COMMITTEE

2 FEBRUARY 2023

Present: County Councillor Stubbs(Chairperson)  
County Councillors Humphreys, Ahmed, Hunt, Michael, Robson,  
Sattar and Wong

73 : APOLOGIES FOR ABSENCE

Councillor Joyce

74 : DECLARATIONS OF INTEREST

COUNCILLOR	ITEM	REASON
Naughton	22/02201/FUL	Member of the South Wales Fire Authority
Naughton	22/02204/LBC	Member of the South Wales Fire Authority
Stubbs	22/02308/FUL	Personal Ward Councillor
Stubbs	22/01718/MJR	Personal Ward Councillor

75 : MINUTES

The minutes of the 12 January 2023 were approved as a correct record and signed by the Chairperson.

76 : PETITIONS

1. Application no 22/02867/HSE, 1 Clas Isan, Whitchurch
2. Application no 22/02949/WTPPP, Woodland adjoining Main Road, Gwaelod-Y-Garth

In relation to 2 the petitioner spoke, the applicant did not respond.

77 : DEVELOPMENT CONTROL APPLICATIONS

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

RESOLVED: Pursuant to this Committee's delegated powers the following development control applications be determined in accordance with the

recommendation set out in the reports of the Director of Planning, Transport and Environment, subject to any further amendments as detailed below and notification be given of the decisions in accordance with Section 70 of the Town and Country Planning Act 1990 or Section 74 of the Planning (Listed Building & Conservation) Act 1990.

## **APPLICATIONS GRANTED**

22/02542/VAR – HEATH

32 ANTONY ROAD

Variation of Condition 3 of 20/01075/MNR, to extend trading hours Wednesday to Saturday from 19:00 to 21:00.

Approved as per recommendation in addition to amendment to wording of Condition 3 and additional Condition 7 as below :

- 3) For a temporary period of 12 months from the date of the permission hereby granted, Members of the public shall only be admitted to or allowed to remain on the premises between the hours of 07:00 and 19:00 on Mondays and Tuesdays, 07:00 and 21:00 on Wednesdays to Saturdays, and 08:00 and 17:00 on Sundays, following which members of the public shall only be admitted to or allowed to remain on the premises between the hours of 07:00 and 19:00 on Mondays to Saturdays, and 08:00 and 17:00 on Sundays.
  
- 7) After 19:00 on any day, no external seating / tables shall be sited or allowed to remain within the site curtilage, other than within the area outlined in blue on the external seating plan dated 02/02/2023.

22/02170/REM – GRANGETOWN

TRAMSHED, PENDYRIS STREET

Removal of Condition 1 of 21/01813/MJR to enable permanent permission for late night events.

22/02308/FUL – SPLOTT

LAND OFF LEWIS ROAD

Demolition of buildings, removal of hardstanding areas, reprofiling of site and associated works.

Subject to the following:

Approved as per recommendation, subject to removal of recommended condition 5 (with all subsequent conditions re-numbered).

22/02949/WTTPP – PENTYRCH AND ST FAGANS

WOODLAND ADJOINING MAIN ROAD, GWAELOD-Y-GARTH

Completion of works to woodland path, provision of porous surfacing with no-dig construction where the new permanent path surfacing yet to be constructed would be in excess of 20% of currently unsurfaced ground within a Root Protection Area.

22/02867/HSE – WHITCHURCH AND TONGWYNLAIS

1 CLAS ISAN

Hip to gable and rear dormer roof extensions.

## **APPLICATIONS RESOLVED TO BE GRANTED SUBJECT TO ENTERING INTO A BINDING SECTION 106 AGREEMENT**

22/01718/MJR – SPLOTT

MORRLAND ROAD, DAY CENTRE, MOORLAND ROAD

Demolition of the existing moorland Community Centre and the proposed development of 13 independent living flats for the older persons, community facility and associated works.

22/0220/FUL – BUTETOWN

MERCHANT PLACE AND CORYS BUILDINGS, 3 BUTE PLACE AND 57 BUTE STREET

Partial demolition of existing buildings and the redevelopment of the site to provide an educational facility, including the restoration of the existing buildings, internal and external alterations to the existing buildings, the erection of an 8-storey building, ancillary cycle parking, landscaping, public realm improvements and associated works.

22/02204/LBC – BUTETOWN

MERCHANT PLACE AND CORYS BUILDINGS, 3 BUTE PLACE AND 57 BUTE STREET.

Partial demolition of existing buildings and the redevelopment of the site to provide an educational facility, including the restoration of the existing buildings, internal and external alterations to the existing buildings, the erection of an 8-storey building, ancillary cycle parking, landscaping, public realm improvements and associated works.

Listed Building Consent.

78 : SECTION 257 DIVERSION ORDER, TOWN AND COUNTRY PLANNING ACT 1990-PROW RADYR 42, LLANTRISANT ROAD, ST FAGANS

The report outlined the PROW, Radyr 42 in conjunction with Planning Application 14/02733/MJER to be diverted to retain public rights within the proposed Plasdwr Development by Redrown Developer Company.

RESOLVED: The Committee AGREED to approve the application for Legal Services to make the Legal Order.

79 : SECTION 257 DIVERSION ORDER, TOWN AND COUNTRY PLANNING ACT 1990-PROW LISVANE 28, LISVANE

The report outlined the PROW Lisvane 289 in conjunction with Planning Application 14/02891/MJR to be diverted to retain public rights with the Churchlands Development.

RESOLVED: The Committee AGREED to approve the Section 257 Diversion Application to allow the Public Rights of Way Team to instruct Legal Services to process the Legal Order to divert the Public Footpath, Lisvane 28 as part of the approved Churchlands Development 14/02891/MJR.

80 : APPLICATIONS DECIDED BY DELEGATED POWERS (01.01.23 - 26.01.23)

Noted

81 : URGENT ITEMS (IF ANY)

There were no urgent items.

82 : DATE OF NEXT MEETING

Thursday 2 March 2023 – 10:00AM



**PETITION**

COMMITTEE DATE: 2/3/2023

APPLICATION No. **22/02184/OUT**

APPLICATION DATE: 16.09.2022

ED: CAERAU

APP: TYPE: Outline

APPLICANT: Cardiff and Vale University Health Board

LOCATION: Land to The South West of Park View Health Centre  
Adjacent to Ely and Caerau Community Hub, Treseder Way,  
CaerauPROPOSAL: Proposed Health and Wellbeing Hub and associated infrastructure  
works relating to access, parking, drainage and landscape

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**RECOMMENDATION 1:**

That planning permission be **GRANTED** subject to the relevant parties entering into a binding legal agreement 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 paragraph 9.55 of this report and the conditions listed below in section 12.

**RECOMMENDATION 2:**

That delegated authority is given to the Head of Planning &/or Operational Manager: Strategic Development & Placemaking, to make changes to the conditions and/or Heads of Terms of the required legal agreement, subject to consultation with the Chair of Planning, up to the point where the legal agreement is signed and planning permission issued.

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**1. BACKGROUND INFORMATION**

- 1.1 This application is reported to Committee as a petition over 50 signatures has been submitted "*opposing the loss of our green space for the building of the Health and Wellbeing Hub*", and in line with the councils' scheme of delegation the application has to be considered by the Planning Committee.
- 1.2 Members will recall that the application was presented to the 12<sup>th</sup> January 2023 Planning Committee, at which time Members resolved to undertake a site visit.
- 1.3 Following the 12<sup>th</sup> January Committee, Officers have further reviewed matters raised by the Community relating to legal covenants that seek to retain the open space, which were imposed as a result of a section 106 legal agreement when approving planning application 95/01480 for the original mixed use development of retail, community facilities, health facilities, residential and public open space.

- 1.4 Additional public consultation was undertaken, advising that matters raised as part of the previous consultation exercise regarding the legal covenant have been reviewed and will be considered when the matter is reported back to Committee, as will associated issues relating to the loss of public open space, and requesting any further comments. To date no further representations have been received.
- 1.5 The original report has been updated, including from 9.13 to 9.15 to address such matters, together with the recommendation (requirement for section 106 agreement).

## 2. DESCRIPTION OF THE SITE AND AREA

- 2.1 The application site comprises 2 ha of land comprising existing car parks of the council's Hyb and Park view Health centre and the adjoining Treseder Way Park / open space, including a children's play park, serving the adjoining housing estate and locality.

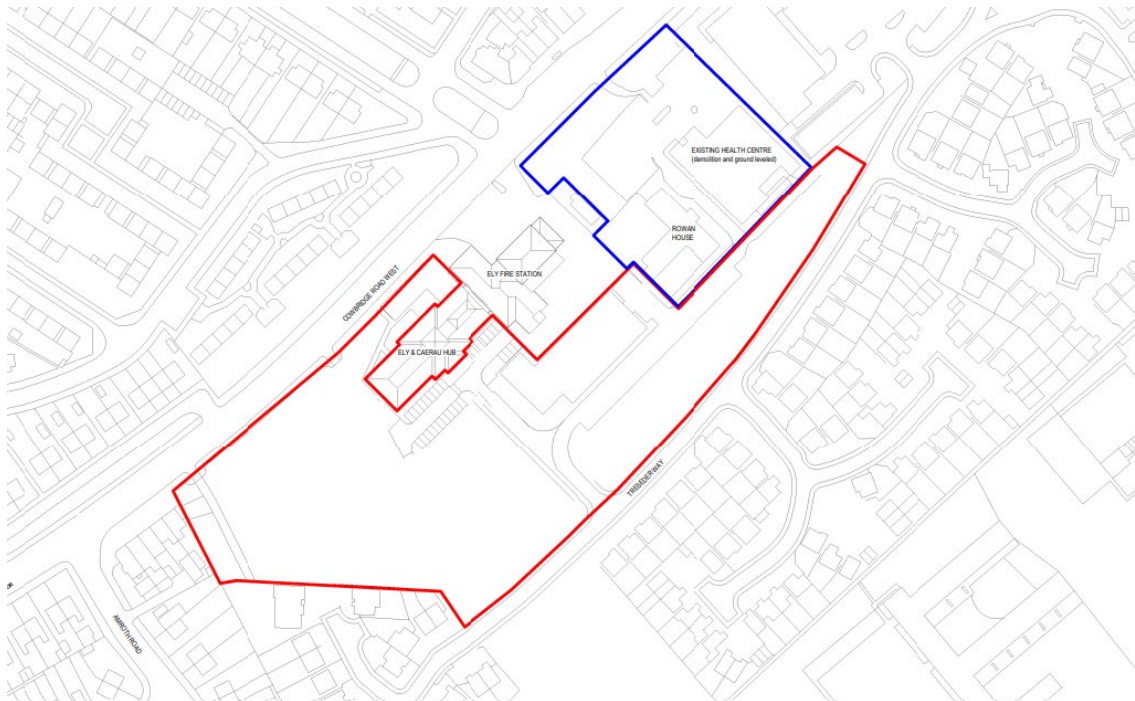


Figure 1: Site Location Plan

- 2.2 Vehicular access to the council's Hyb building and the car parking serving Park View Health Centre is via the adopted road known as Treseder Way.
- 2.3 Within the application site are a number of trees of which 3 that are directly affected by this proposal are protected under City and County of Cardiff (Ely Hospital, Cowbridge Road West) Tree Preservation Order (TPO) 1996 (T229/T02 (Holm Oak), T03 (Horse Chestnut), T08 (Yew)).
- 2.4 The site is not located within a conservation area and no listed buildings are directly affected by this proposal



Figure 2: Aerial Photo of Site

### 3. DESCRIPTION OF DEVELOPMENT

- 3.1 The application seeks outline planning permission for the construction of a Health and Wellbeing Hub of up to 3500sqm with associated public realm, landscaping, access, parking, and public open space.
- 3.2 Approval of the details of the layout, scale and appearance of the buildings, the means of access thereto and the landscaping of the site (known as "the reserved matters") are to be submitted through subsequent application(s). This application, therefore, seeks the LPA to agree to the principle of the development and set parameters to inform the reserved matters application(s).
- 3.3 The proposed development is a partnership project between Cardiff Council and CAVUHB to create an integrated public service health and wellbeing hub that will be available to all residents in Cardiff West.
- 3.4 The hub will replace the existing Park View Health Centre located between Cowbridge Road West (A48) and Treseder Way in Caerau, and will incorporate a number of services from general medical services, a community dentist, several community health services such as nursing and mental health support as well as staff accommodation. The new building will be directly linked to the existing community hub, which will allow for an effective integration with wider community services and will create a focus for health and wellbeing within the community. See [Design and Access Statement](#) for further details.

3.5 The development consists of the following:

- A proposed Health and Wellbeing Centre
- A new shared car parking area and new pedestrian access
- A Sustainable Urban Drainage System (SuDS) provision
- the replacement and relocation of the existing play area (which on site inspection has become dilapidated over time) with a higher-quality modern play area on land adjacent to the existing facility. The play area will be the same size as the current play area and over 30 metres from nearby residential boundaries;
- new improved lighting and footpaths around the play area;
- a new walking trail along the inner section of POS beside Treseder Way;
- additional tree, shrub, and wildflower planting within the POS; and
- additional natural play features.



Figure 3: Indicative Site Layout

3.6 In support of this application the following documents have been submitted:

- Topographical survey;
- Building parameter
- Parameter plan land use;
- Scale parameter
- Open space parameter;
- parameter elevations south & north
- parameter elevations west & east
- external works masterplan- Treseder way

- arboriculture report
- Drainage strategy;
- Framework- Travel Plan
- Transport statement
- Bat activity
- Ground investigation report
- PAC report

3.7 The applicant has served certificate B on the landowner (Cardiff Council). The Council has, separate to the planning process, disposed of part of the land as public open space to allow the development and have undertaken the necessary legal process, which includes public notification

3.8 All documentation relating to the application, including plans, can be viewed on the Council's website using the following link [22/02184/OUT](#)

#### 4. PLANNING HISTORY

4.1 The site has the following relevant planning history: -

- 19/02986/DEM Demolition of Park view Health Centre. Prior approval granted
- 03/00436/R Refurbishment, extension and alteration to existing fire station. construction of new community enterprise centre attached to fire station. Approved 24.3.2003
- 98/01933/R Reserved Matters for Redevelopment of former hospital grounds from 103 residential units and footpaths pursuant to Outline Planning Permission 95/1480/R. Approved 26.4.1999.
- 95/1480/R Outline Planning Permission for Development of former hospital grounds. Section 106 dated 31 July 1998 as varied on 23 July 2001 and 25 March 2002

#### 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 10: Tree Preservation Orders (1997)
- TAN 11: Noise (1997)
- TAN 12: Design (2016)
- 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 16<sup>th</sup> 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 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
- KP7 Planning Obligations
- KP8 Sustainable Transportation
- KP13 Responding to evidence of social need
- KP15 Climate Change

- KP16 Green Infrastructure
- 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
- T9 Cardiff City Region 'Metro' Network

### *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

### *Waste*

- W2 Provision for Waste Management Facilities in Development

### *Supplementary Planning Guidance:*

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

- 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)
- Planning Obligations (January 2017)
- Public Art (June 2006)



- Tall Buildings Design Guide (January 2017)
- Waste Collection & Storage Facilities (October 2016).

## 6. INTERNAL CONSULTEE RESPONSES

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

Has no objections to the use of Treseder Way being the main point of vehicular access and wishes to seek conditions to ensure that is achieved along with car/cycle provision to accord with the council's adopted parking standards along with an updated active travel plan.

6.2 The **Operational Manager (Waste Management)**: No details on waste have been provided

6.3 **Trees Officer**: the tree report should inform the design rather than the design inform the tree report so far as I can see only 'C' category trees are likely to be impacted. Indicative landscape proposals incorporate significant tree planting, so there is likely to be a significant net gain in the tree population locally. Reserved matters details should include landscaping details and should be conditioned.

6.4 **Contaminated land Section**: No objections

6.5 **Parks Department**: Notes the loss of public open space and the reduced area of flat land to play football. Are pleased to see that children's play area will be replaced at the developers expense and are keen for a condition to seek this is achieved along with a maintenance regime before handing the playground to the council.

6.6 **Regeneration** (runs the adjoining hub building) supports the co-location of the centre to provide the community with wider benefits that co-location can provide.

## 7. EXTERNAL CONSULTEE RESPONSES

7.1 **Dŵr Cymru Welsh Water**: Raise no objection to the proposal but highlight that no surface water shall enter the existing drainage system and that the proposed development is in an area where there are water supply problems for which there are no improvements planned within their current Capital Investment Programme. In order to establish what would be required to serve the site with an adequate water supply, it will be necessary for the developer to fund the undertaking of a hydraulic modelling assessment on the water supply network.

## 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.

8.2 In total 1 letter of representations have been received to date, on the following summarised grounds:

- The height of the building being 3 storeys will not integrate into the immediate area as it is too high;

- The proposal would be too close to existing residential properties resulting in an un-neighbourly form of development
- There is a covenant on the land that seeks to retain the open space and was imposed by the council when approving the residential development. If this application is approved the objectors will seek legal recourse;
- The replacement playground will take the only space available for playing football as the rest of the site is not flat;
- Introducing health provision so close to the park would allow undesirables to be in close proximity to children who use the park 'stranger danger';
- The proposal would create parking difficulties for residents within the area
- Why can't the health provision go on the existing health care site

8.3 The application has also been the subject of a 183 signature petition which objects to the "*loss of our green space for the building of the Health and Wellbeing Hub*".

8.4 Ward councillors have been notified of this application and wish the committee to note the following:

We would have rather this be a Full Planning Application and we note this is an outline Planning Application (which means this is only talking about the principle of development) so therefore detailed plans will come at a later stage however we are writing with our comments at this early stage. Whilst being genuinely supportive of the scheme and wanting the Wellbeing Centre to go ahead we are concerned at the site plan. We feel that the plans for 3 story buildings towards Treseder Way should and can be scaled back and/or moved towards the front of Hub or make use of the existing Parkview site. We feel that the Health Board should be looking to take control of Rowan House and look to link to the Hub from the East side of the Hub. This would mean a much reduced loss of Green Space that my constituents value.

On traffic we feel that this would be a good opportunity for a full scale review of the road network in this area. Far too much traffic is diverted up Vincent Road, Treseder Way and nearby Arles Road. We feel that this development should be conditioned upon the redesign of the road network in this area.

We also reiterate our previous comments that a brand new children's park is needed as part of this development for the residents of Treseder Way.

We have always supported the scheme due to the need for more GP space and supporting the integration of health facilities and the Hub, but we do believe that our comments reflect the views of residents adjacent to the Hub. This has the potential to be a very exciting scheme which would benefit all of our residents.

We hope these comments are taken on board at this early stage.

8.5 Ward Councillors for Ely have been notified of the application.

8.6 All public representations made on the application are available to view in full on the Council's website at: - [22/02184/OUT](#)

## 9 ANALYSIS

9.1 The key material considerations in the determination of this application concern:

- The principle of development (including impact on public open space)
- Impact on the Character of the Area
- Transportation / Highway Impacts
- Impact on Residential amenity
- Impact on Trees / landscaping
- Ecology; and
- Sustainability

### Land Use / Principle of Development

9.2 Policy C1: Community Facilities encourages proposals for new and improved community facilities, including health facilities where the facility would be readily accessible to the local community it is intended to serve by public transport, walking and cycling; the facility would not unduly prejudice the amenities of neighbouring and nearby residential occupiers; the facility would not detract from the character and appearance of a property or the locality; the facility would not lead to unacceptable parking or traffic problems and; the facility is designed with the greatest possible flexibility and adaptability to accommodate additional community uses without comprising its primary intended use.

9.3 Assessed against this policy framework, the new Health and Wellbeing Hub will be located adjacent to and directly linked to the existing community hub in the residential community which it serves and it is considered to be a highly accessible and central location which will enable linked trips and access to facilities by walking and cycling, being well connected to surrounding residential areas via a network of pedestrian routes.

9.4 Assessed against Policy C1, the principle of accommodating a new integrated health and wellbeing hub to serve the immediate community is considered to be a wholly appropriate land use.

### *Impact on Public Open Space*

9.5 The primary issue in terms of the principle of development concerns the impact on public open space, and in addressing such matters (and LDP Policy C4), the application has been accompanied by a Public Open Space (POS) Assessment which sets out the approach to providing mitigation and compensation for the proposed loss of Public Open Space (POS)

9.6 The assessment identifies that the Council's Open Space Assessment states that the ward of Caerau has 33.44 ha of recreational open space (formal, informal, and children's play) and a requirement of 29.05 ha, leaving a surplus of 4.38 ha. The ward of Ely, which is located to the immediate north of the site, has 15.96 ha of recreational open space and a requirement of 37.52 ha, leaving a deficit of 21.56. Collectively, therefore, the ward of Caerau and Ely have a deficit of 17.8 ha according to the Cardiff Council calculations.

9.7 As shown on figure 4 below, parts of the site for the proposed building are open space - different parts of the site have differing designation with the majority being informal (light green). This proposal would see an overall loss of approximately 0.21 Ha of informal open space. The existing playground will be relocated within the remaining park.



Figure 4: Open Space

9.8 Given the impact on POS, LDP Policy C4 and approved Green Infrastructure SPG Technical Guidance Note (TGN) relating to Protection and Provision of Open Space in New Developments (November 2017) are relevant.

9.9 Policy C4 seeks to protect open space that has significant functional (including land that can accommodate formal/or informal recreational uses), conservation, environmental or amenity value through only allowing proposals where:

- They would not cause or exacerbate a deficiency of open space in accordance with the most recent open space study; and
- The open space has no significant functional or amenity value; and
- The open space is of no significant quality; or
- The developers make satisfactory compensatory provision; and in all cases
- The open space has no significant nature or historic conservation importance.

9.10 This policy reflects national planning policy relating to open space set out in Planning Policy Wales and Technical Advice Note 16 relating to Sport, Recreation and Open Space (January 2009).

9.11 The site is classified as a mixture of informal recreational open space and a formal children's play area. Having regard to the above criteria the following points have been considered:

- The existing open space, while notably valued by the community, is not considered to have significant functional or amenity value, or be of significant quality such that its loss would be unacceptable in principle (subject to other criteria, notably the requirement for compensatory provision).
- To mitigate the impacts on the POS, new and improved facilities for children and young people are to be provided, as well as enhancements to the remaining open space. This will include the replacement and relocation of the existing play area (which on site inspection has become dilapidated over time) with a higher-quality modern play area on land adjacent to the existing facility. The play area will be the same size as the current play area.
- In addition there will be new improved lighting and footpaths around the play area, a new walking trail along the inner section of POS beside Treseder Way, additional tree, shrubs and wildflower planting within the POS and additional natural play features.
- It is noted that the overall figures for recreational open space set out in the open space survey show that the Caerau ward overall has a surplus of 4.38 hectares of recreational open space (based on the 2.43 ha per 1,000 population standard). Therefore, this proposal would not result in an unacceptable loss of open space within the Caerau ward.
- Although there is a combined deficit of recreational open space across the wards of Caerau and Ely, the proposal will enhance the public space and make it more useable. Given the proximity of Trelai Park (located approximately 402 metres to the SE), the qualitative improvements proposed are considered sufficient to mitigate the loss of public open space across the two wards in this instance.

9.12 While accepting that the development will result in the loss of approx. 0.21Ha of POS, taking the enhanced play area and improvements to the wider landscaping of the public space into consideration, it is concluded that the loss of POS is acceptable in this instance when considered against Policy C4, with the proposal providing a net benefit to the quality of the open space within the ward. A pre-commencement condition has been imposed to ensure a suitable playground has been designed and delivery programmed before works start on site.

9.13 Notwithstanding the above, since the January meeting further consideration has been given by Officers to the issues raised by objectors who have commented that the s106 agreement which relates to outline planning permission 95/1480/R contained an obligation that the transfer of the Open Space to the Council shall contain a restrictive covenant against the use of such land for any purpose other than as a public amenity open space or as a local equipped area for play and ancillary uses except with the prior approval of the Developer.

- 9.14 Legal advice confirms that the s106 obligations have been discharged on the basis that the transfer of the Open Space contained the required covenant. Whilst not a material consideration, we understand that the Applicant has appropriated the Site for planning purposes in accordance with separate statutory procedures for the purpose of facilitating development with the intention of overriding covenants affecting the land.
- 9.15 Nevertheless, it is clear that the original intention of the legal agreement was to protect access to open space to serve the original development. Accordingly, while the development will mitigate for the loss of the open space through the qualitative improvements described earlier, further negotiations with the applicant have focussed on the provision of a financial contribution to compensate for the loss of the open space. The applicant has thus agreed to contribute the amount of £93,935, based on the calculation within the POS/open space SPGs, thus ensuring that having further regard to the legal covenant issue, the proposed development would be wholly compliant with Policy C4 (4).

#### Impact on the Character of the Area

- 9.16 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.
- 9.17 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.
- 9.18 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.
- 9.19 Although submitted in outline form, the indicative layout and parameter plans suggest that the proposal would be prominent within the area, with the indicative proposals relating to a flat roof three storey block which is similar in height to the of the nearby fire station tower. It is not unusual for public/civic buildings to be the dominant feature within the area and this proposal would meet that 'traditional' hierarchy. It must also be noted that the proposal is not considered to be a tall building as defined within the council's approved 'Tall Buildings' SPG and therefore the proposal would, in principle, sit comfortably within the context of this residential area
- 9.20 Whilst it is acknowledged that the surrounding residential area is 2 storey in form, this proposal would be seen within the context of the building fronting Cowbridge Road West and there is a sufficient visual separation to ensure that the two distinct elements are read separately. The detailed design and appearance of the proposal would be considered at reserved matters stage, however subject to suitable materials and detailing it is considered that the site would be able to

accommodate a building of the proposed scale without having an unacceptable impact on the character of the area. In addition it is considered that the siting of the building would help frame the remaining open space to ensure that it is welcoming to future users.

- 9.21 At the January committee meeting there was discussion of placing the 3 storey mass along Cowbridge Road West but to accommodate such a mass would require the potential loss of higher categorise trees that forms an important 'soft frontage.

#### Transportation / Highway Impacts

- 9.22 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.
- 9.23 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;
- 9.24 The submitted Transport assessment notes that the proposal is the relocation of existing services that currently operate from the former Park View Health Centre (located approximately 50 metres to the northeast of the site). That centre has a floorspace of approx. 2.400sqm, and while the proposed centre is larger (up to 3500 sq.m. but expected to be just over 3000 sq.m.) therefore the majority trips to the area would be no different than currently. The assessment notes that the proposal is a slightly bigger centre, and has reviewed the potential, additional trips which is likely to be between 11-18 two way vehicular trips more than the former Park View Health Centre during typical commuter peak hours; which equates to an increase of one vehicular trip every three and half minutes approximately.
- 9.25 Whilst concern has been raised by ward councillors in relation to the level of traffic accessing this area, the transport assessment has considered this and concludes that the existing road network can accommodate the proposal. In addition, the assessment has also considered that site accessibility by walking, cycling and public transport and concludes that the site is highly accessible by these modes of transport and the design of the building, along with the draft travel plan, will ensure that these sustainable modes of transports are promoted.

### *Parking provision*

- 9.26 The proposal indicates 79 parking space, six spaces (8%) would be designated as accessible bays and further six spaces (8%) would be provided with Electric Vehicle Charging Points (EVCP). The proposed level of car parking provision is below the maximum allowed under the council's parking standards (96).

### *Cycling provision*

- 9.27 A covered and secure cycle store is proposed, accessed via Treseder Way, and two additional covered cycle shelters are proposed adjacent to the existing Ely & Caerau Hub. As per Cardiff City Council's parking standards, a minimum of 124 cycle parking spaces would be provided. Out of these, minimum of 39 spaces would be long stay spaces, and further 39 would be short stay spaces – allocated to the proposed consulting rooms. A minimum of 20 spaces would be allocated to the proposed multi-purpose rooms and the remaining 26 would be allocated to the existing community hub.
- 9.28 The council's Highway's Officer has considered the submitted transport assessment and agrees with its conclusions. However, as the application is in outline form a number of conditions in relation to access (off Treseder Way) and to ensure an acceptable level of parking provision and active travel are sought by the Highways Authority.

### Impact on Residential Amenity

- 9.29 Concern has been raised that the proposal would by virtue of its siting, height and design result in an overbearing and unneighbourly form of development that would harm the residential properties sited to the south of the application site. In considering such matters, Policy KP5 of the adopted LDP seeks, amongst other matters, to ensure that any development does not have any undue effect on the amenity of neighbouring occupiers.
- 9.30 The proposal would be sited approximately 33 metres to the north of the existing residential properties with a maximum height of 13.6 metres and a maximum length of 40 metres. Given the separation, orientation and height, the proposal is not considered to be an overbearing and neighbourly form of development that would unreasonably harm the amenities of the existing residential properties.
- 9.31 The indicative plans suggest that there will be windows overlooking the residential properties, and whilst there are no standards in relation to privacy between residential and non-residential uses it is considered reasonable and appropriate to consider the residential design guide standard of 21 metres between windows. While such matters would be fully dealt with at reserved matters stage, the site layout indicates that the separation distances would exceed the minimum privacy distances, and taking into account the three storey element the privacy of the existing residents is considered acceptable.
- 9.32 During construction there will be disruption from construction activity and to reduce these impacts it is considered reasonable and necessary to impose a construction and management plan which will seek, amongst other matters, to



define the construction hours, access to the site, site compounds and noise and dust levels.

#### Impact on Trees / Landscaping

- 9.33 All trees have been assessed within the submitted arboricultural report that concludes that all trees are rated Category C1 which means these trees have a limited life span. LDP Policies KP5 (Good design), KP15 (Climate Change), KP16 (Green infrastructure) and EN 8 seek to retain existing trees. Those trees that should be retained are outlined in the councils Green Infrastructure SPG - these being 'A' (high quality and value) or 'B' (moderate quality and value).
- 9.34 The proposal would see a 5 number of trees removed, 3 of which are protected by a TPO. While the loss of TPO trees is always regrettable, the council's Tree Officer has considered the submitted information and is satisfied that the indicative plans would provide for an acceptable provision of compensatory landscaping to mitigate their loss, and has requested conditions to ensure this level of provision is delivered in the final design.

#### Impact on Ecology

- 9.35 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.
- 9.36 The Minister in her letter dated 20 December 2022 titled '[COP15, biodiversity deep dive, section 6 duty and the planning system](#)' highlights the key considerations the LPA must consider in discharging their duty under Section 6 Environment (Wales) Act 2016. In complying with the duty public authorities must take account of the resilience of ecosystems, in particular the following aspects (known as the DECCA Framework):
- diversity between and within ecosystems;
  - the connections between and within ecosystems;
    - the scale of ecosystems;
    - the condition of ecosystems (including their structure and functioning); and,
    - the adaptability of ecosystems.
- In relation to the duty public authorities must also have regard to:
- the list published under Section 71 ;
  - the State of Natural Resources Report (SoNaRR) published under Section 8;
    - any Area Statement published under Section 11 for an area that includes all or part of an area in relation to which the authority exercises functions;
  - to any guidance given to it by the Welsh Ministers.
- 9.37 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
- 9.38 The submitted phase 1 habitat survey report has considered the ecological value of the site to ensure that the final design is informed by any ecological constraints

the site may possess. The assessment concluded that the site has low ecological value other than the hedgerows (which will be retained). However, Future Wales Policy 9 seeks all development to enhance ecological resilience of a site and the submitted report has considered this point. The report recommends the introduction of bird boxes within the new building and wildflowers to benefit pollinators, including short & long tongued bumble bees these recommendations have been conditioned to ensure that the final proposal can enhance the ecology of the site.

### Sustainability / Energy

- 9.39 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.
- 9.40 Policy 17 Renewable and Low Carbon Energy and Associated Infrastructure outlines support for developing renewable and low carbon energy at all scales.
- 9.41 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.
- 9.42 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.
- 9.43 It is recognised that the site cannot achieve a localised heat network however, no feasibility assessment has been undertaken to see how the final design can reduce heat and power consumption through the use of renewable energy and low carbon technology as required by the above policy. It is considered that linking into the existing hub building could also provide benefits to the running of this existing building, which should also be considered. Therefore a condition has been imposed for the submission of an energy strategy that will consider the building and running of the new build over the lifetime of the building, this will also help to inform the design strategy for the reserved matters submission.

### Economic Impact

- 9.44 PPW 11 places a duty on the LPA the need to improve the social economic of Wales’ disadvantaged areas. Chapter 5 ‘Productive and Enterprising Places’ covers the economic components of placemaking and states that “*a more Equal Wales can be achieved through promoting sufficient employment and enterprise opportunities for people to realise their potential and by recognising and building on the existing economic strengths of places to assist in delivering prosperity for all.*”

9.45 PPW11 also recognises (in chapter 4) the need to “realise the potential of new sustainable transportation infrastructure to create new or renewed hubs of activity to support sustainable communities which capitalise on their location and the opportunities these present.” TAN 23 (Economic Development) also states economic generation is a material consideration.

9.46 The proposal would create/retain the existing employment within the existing health centre and along with co-location with the hub advice centre can provide socio-economic wellbeing through joined up advice due to health condition of patients

#### Drainage and Flooding

9.47 The site is not located within a defined flood zone, as outlined within TAN15. However, the proposal would be subject to surface water discharge which is regulated by the council’s drainage section. It is clear from the indicative design that the surface water runoff and compliance with SAB legislation is being considered as part of the overall design strategy and therefore, at this stage, there is no conflict with TAN15 and for surface water run off to be dealt within the site.

9.48 In terms of foul water discharge, the submitted stage 2 assessment states that the existing foul drains will be used. Welsh water has considered the above information and raise no objection. However, as this assessment has been based upon indicative plans a drainage and water supply condition has been imposed to ensure the final design can be served by both fresh water and foul provision. The need for a water supply is noted and a pre-commencement condition has been imposed to ensure that a sufficient water supply can be provided to the site.

#### Section 106 Matters

9.49 Policy KP7 (Planning Obligations) states that “planning obligations will be sought to mitigate any impacts directly related to the development and will be assessed on a case by case basis in line with Planning Policy Guidance”.

9.50 The supporting text emphasises that new development often generates additional demands upon existing services, facilities, infrastructure and the environment, with planning obligations being a means of seeking contributions from developers towards these demands, as well as negotiating benefits that improve the standard of development proposals by providing necessary infrastructure and community benefits.

9.51 The Planning Obligations SPG sets out the Council’s approach to planning obligations when considering applications for development in Cardiff, providing further guidance on how the policies set out in the LDP are to be implemented.

9.52 The Community Infrastructure Levy Regulations 2010 came into force on 6th April 2010 in England and Wales. They introduced limitations on the use of planning obligations (Reg. 122 refers), and state that a planning obligation may only legally constitute a reason for granting planning permission if it is: (a) necessary to make the development acceptable in planning terms; (b) directly

related to the development; and (c) fairly and reasonably related in scale and kind to the development.

- 9.53 In view of the type and form of development proposed, having regard to local circumstances and needs arising from the development, the need for planning obligations which are considered necessary to make the development acceptable in planning terms and to meet the policy and legislative tests for planning obligations are considered below.
- 9.54 In this context the requirement for a new playground can be achieved through the imposition of a condition rather than through a legal agreement (as the site and all POS is included in the red line boundary). This is line with the advice above which states that where there is a choice between a legal agreement or a condition then the condition should be chosen.
- 9.55 The additional sum of £93,935, secured to further offset the loss of the open space (having regard to the covenant imposed through the 1995 consent) would be used to enhance public open space facilities within the ward such as the skate park within Trelai Park (or other facilities identified in discussion with ward councillors). The amount meets the calculation outlined in the council's Planning Obligations/ open space SPG and meets the policy and legal tests outlined above.

#### Other matters not assessed above

- 9.56 At the January Planning committee meeting concern was raised by the Councillor Kaaba (Ely Ward) that patients have not been consulted as part of this application. The publicity requirements are set by Welsh Government which required site and press notices along with neighbour letters, which has been undertaken. It is the role of the health board to ensure its development meets the needs of its patients, the planning system considers the land use implications.
- 9.57 Concern was expressed by both Ely and Caerau ward councillors regarding accessibility and highways capacity to meet the enlarged facility. As outlined in paragraphs 9.20-9.26 of this report the submitted transport assessment clearly demonstrates that the road network can accommodate the potential increase in traffic and footfall. It was suggested that access from Ely to the centre required alteration to Cowbridge Road West but the existing facility is currently located approximately 50 metres to the east of the proposed site and given this context it would be *Wednesbury* unreasonable to require conditions or financial contribution to improve matters for which there is no objective evidence of harm.
- 9.58 The agent in his submission has highlighted the investment the health board are making into upgrading the council's hyb centre to ensure it meets the needs of its future users.
- 9.59 The concern over children safety is noted but the existing health centre is located approximately 50 metres to the east and the centre will serve the same patients as a result there is no objective evidence to suggest children playing in the park are at any greater risk than currently exists.

9.60 The duty of the LPA is to consider the application before them, in land use terms, it is not the role of the LPA to consider suitable alternative locations or question the future use of the land the serves the current health centre. As outlined above it is considered that the proposal meets policy test and is acceptable subject to conditions.

#### Overall Assessment – ‘The Planning Balance’

9.61 PPW11 refers to the need to assess the Sustainable Benefits of Development and (at 2.27) emphasises that Planning authorities should ensure that social, economic, environmental and cultural benefits are considered in the decision-making process and assessed in accordance with the five ways of working to ensure a balanced assessment is carried out to implement the Well-being of Future Generations Act and the Sustainable Development Principle.

9.62 Paragraph 3.38 of PPW states that the countryside is a dynamic and multi-purpose resource. In line with sustainable development and the national planning principles and in contributing towards placemaking outcomes, it must be conserved and, where possible, enhanced for the sake of its ecological, geological, physiographic, historical, archaeological, cultural and agricultural value and for its landscape and natural resources. The need to conserve these attributes should be balanced against the economic, social and recreational needs of the local communities and visitors.

9.63 There may be occasions when one benefit of a development proposal outweighs others, and in such cases robust evidence should be presented to support these decisions, whilst seeking to maximise contributions against all the well-being goals.

9.64 Key factors in the assessment process include:

- *Social Considerations*, including: - who are the interested and affected people and communities; who will benefit and suffer any impacts from the proposal;
- what are the short and long-term consequences of the proposal on a community;
- *Economic Considerations* including: - the numbers and types of long term jobs expected to be created or retained; whether, and how far, the development will help redress economic disadvantage or support regeneration priorities, for example by enhancing local employment opportunities;
- *Cultural Considerations* including: - how far the proposal supports the conditions that allow for the use of the Welsh language; whether or not the development protects areas and assets of cultural and historic significance; have cultural considerations and their relationships with the tourism industry been appropriately maximised; and
- *Environmental Considerations* including: - will important features of the natural and built environment be protected and enhanced; are the environmental impacts of development on health and amenity limited to acceptable levels and the resilience of ecosystems improved.

9.65 At 2.29 it further refers to the need to have an integrated approach to balancing priorities against policy on an individual basis, which enables the full range of

costs and benefits over the lifetime of development to be taken into account.

- 9.66 Section 5 of PPW11 provides further emphasis on the need to develop 'Productive and Enterprising Places' which promote our economic, social, environmental and cultural well-being by providing well-connected employment and sustainable economic development.
- 9.67 The role of the Local Planning Authority is therefore to balance the weight to be attributed to each of the positive and negative impacts of the development and come to a balanced conclusion as to whether the development is acceptable or not.
- 9.68 The proposal provides a number of significant benefits by providing a modern and enlarged health centre that can serve the community of Caerau and Ely and being linked into the council's hub building can also provide a seamless customer focus to health and related matters within the one building. The site is in close proximity to the former health centre so existing patients would already know where to access the new facility. In addition the submitted transport assessment identifies that the site can be accessed by bus (there is a bus stop 50 metres to the north with a regular bus service) and would promote walking and cycling to the site with appropriate cycle provision.
- 9.69 However, the proposal would result in the loss of open space and would alter the relationship of the amenity that open space provides to the existing residential properties but as outlined within the report this proposal does provide the opportunity for an updated children's playground and enhancements (through paving and lighting) to the existing pathways. In addition, the siting of the building does provide the opportunity for passive surveillance of the park to ensure the safety of the future users.
- 9.70 Taking into account the above it is considered that the loss of some public open space is considered acceptable in meeting a modern health provision and to allow the remaining open space to be enhanced, noting also the financial contribution that is to be made towards improvement of open space in the locality.

## 10 CONCLUSION

- 10.1 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.
- 10.2 The proposal provides community benefits through a modern replacement health centre that is linked to the council's advice centre. This approach allows for a patient centred approach within a deprived ward. However, the proposed building would be built on public open space but this provides opportunity for a modern playground and a secure overlooked area from the new health centre. Matters of transport capacity have been considered and are considered acceptable. The proposal has the ability to increase bio-diversity and increase tree coverage with

an appropriate designed landscape scheme

10.3 Accordingly, the proposed development is in accordance with Policies KP5 (Good Design), KP8 (Sustainable transport), KP15 (Climate Change), KP16 (Green Infrastructure), EN8 (Trees, Woodland and Hedgerow), EN10 (Water sensitive Design), C1 (Community Facility), C4 (Protection of Open Space), C5 (Provision for Open Space Outdoor recreation, Children Play and Sport)

## 11 OTHER MATTERS RELEVANT TO THE CONSIDERATION OF THIS APPLICATION

11.1 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.

11.2 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.

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. 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.

11.4 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.

11.5 Environmental Impact Assessment - The applicant has not submitted a screening or scoping request to accompany this application. However, the duty to consider if a development has a significant impact on the environment rest with the Local Planning Authority. Whilst the application is in outline form, sufficient information has been submitted to allow the LPA to undertake a screening exercise in line with The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017.

11.6 The development does not exceed relevant thresholds for urban development projects (Cat 10(b)) nor is it in a sensitive area, such that it has been concluded that the development is not EIA development,

## 12 RECOMMENDATION

### 12.1 RECOMMENDATION 1:

That planning permission be **GRANTED** subject to the relevant parties entering into a binding legal agreement 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 paragraph 9.55 of this report, and the conditions listed below.

### 12.2 RECOMMENDATION 2:

That delegated authority is given to the Head of Planning & / or Operational Manager: Strategic Development & Placemaking, to make changes to the conditions and/or Heads of Terms of the required legal agreement, subject to consultation with the Chair of Planning, up to the point where the legal agreement is signed and planning permission issued.

### 12.3 CONDITIONS

#### Time Limits

1. A. Approval of the details of the layout, scale and appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.  
B. Plans and particulars of the reserved matters referred to in condition 1A above, relating to the layout, scale and appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.  
C. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this



permission.

D. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of the last of the reserved matters to be approved, whichever is the later.

Reasons:

A. In accordance with the provisions of Article (3)1 of the Town and Country Planning (General Development Procedure) Order 1995.

B, C and D. In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

### Approved Plans

2. The reserved matters shall not exceed the following plans:

- PVWH-IBI-XX-XX-PL-A-100004 REV P05 – Parameter plan scale;
- PVWH-IBI-XX-XX-PL-A-100002 REV P05-Building Parameter Plan;
- PVWH-IBI-XX-ZZ-EL-A-200022 REV P1- Parameter Elevations South & North;
- PVWH-IBI-XX-ZZ-EL-A-200023 REV P1- Parameter Elevations West & East

Reason: In the interests of clarity in defining the approved outline parameter plans.

### Pre-Commencement Conditions

3. No development shall take place until a scheme for the drainage of the site and any connection to the existing drainage system has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the scheme is carried out and completed as approved.

Reason: To ensure an orderly form of development in accordance with Policies KP5 and EN10 of the adopted Cardiff Local Development Plan (2006-2026)

4. No development shall take place until a scheme for water supply to the building has been submitted to and approved in writing with the Local Planning Authority. The approved scheme shall be implemented prior to beneficial occupation

Reason: To ensure an orderly form of development in accordance with Policies KP5 and EN10 of the adopted Cardiff Local Development Plan (2006-2026)

5. Prior to commencement of development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The approved CEMP shall be adhered to throughout the construction period and should include details of:

- i. General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas

(of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain;

ii. Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use with particular attention of Safe Storage of Oil regulations;

iii. Traffic Management: details of site deliveries, highways/footway closures, plant on site, wheel washing facilities and hoardings;

iv. Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details;

iv. Details of how trees on site will be protected with an updated Tree protection plan and arboriculture method statement including how monitoring on site during the works will be undertaken

v. A dust and noise assessment with measures to monitor and control the emission of dust and dirt and noise during demolition and construction;

Reason: In the interests of highway safety and public amenity, in accordance with policies T1, T5, T6 and EN13 of the adopted Cardiff Local Development Plan (2006-2026)

6. Prior to the commencement of any development works the proposed details of appropriate gas protection measures to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site shall be submitted to and approved in writing to the LPA.

All required gas protection measures shall be installed and a verification report that demonstrates the effectiveness of the measures carried out must be submitted to and approved in writing by the Local Planning Authority before occupation of any part of the development. The approved protection measures shall be retained and maintained until such time as the Local Planning Authority agrees in writing that the measures are no longer required.

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

Reason: To ensure that the safety of future occupiers is not prejudiced.

7. Prior to the commencement of the development an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person \* in accordance with BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and shall assess any contamination on the site, whether or not it originates on the site. The report of the findings shall include:

- (i) an intrusive investigation to assess the extent, scale and nature of contamination which may be present;

(ii) an assessment of the potential risks to:

- human health,
- groundwaters and surface waters
- adjoining land,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- ecological systems,
- archaeological sites and ancient monuments.

(iii) an appraisal of remedial options, and justification for the preferred remedial option(s).

All work and submissions carried out for the purposes of this condition must be conducted in accordance with the Environment Agency's 'Land contamination: risk management (LCRM)' (October 2020) and the WLGA / WG / NRW guidance document 'Land Contamination: A guide for Developers' (2017) unless the Local Planning Authority agrees to any variation.

\* A 'suitably qualified competent person' would normally be expected to be a chartered member of an appropriate professional body (such as the Institution of Civil Engineers, Geological Society of London, Royal Institution of Chartered Surveyors, Institution of Environmental Management) and also have relevant experience of investigating contaminated sites.

Reason: To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment.

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

All work and submissions carried out for the purposes of this condition must be conducted in accordance with the Environment Agency's 'Land contamination: risk management (LCRM)' (October 2020) and the WLGA / WG / NRW guidance document 'Land Contamination: A guide for Developers' (2017) unless the Local Planning Authority agrees to any variation.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other

offsite receptors in accordance with policy EN13 of the Cardiff Local Development Plan.

### Action Conditions

9. The existing children's playground shall not be removed until details of the relocated playground have been submitted to and improved in writing with the Local Planning Authority. The details shall include, but not limited to the following: Location of the new playground, full details of the design and layout of the children's playground (including proposed play equipment) and natural play features, timetable for installation of playground and natural play areas, post installation inspections and maintenance by the developer before handover to the council.

Reason: To ensure an acceptable public open space in accordance with Policy C4 of the adopted Cardiff Local Development Plan (2006-2026)

10. No above ground works shall be undertaken until an energy strategy has been submitted to and approved in writing with the Local Planning Authority. The strategy shall undertake a feasibility study to demonstrate how energy and heat will be generated with low carbon and renewable technology, where feasible. The submitted reserved matters submission will provide full details of the siting and design of the low carbon and renewable technology.

Reason: To ensure a sustainable form of development in accordance with Policy EN12 of the adopted Cardiff Local Development Plan (2006-2026)

11. No above ground works shall be undertaken until details of the proposed cycle and car parking provision has been submitted to and approved in writing with the Local Planning Authority. The parking provision shall accord with the councils' Managing Transportation Impacts (Incorporating Parking Standards) adopted in July 2018 (as amended) and the cycle provision shall be designed to accord with chapter 14.8 (cycle parking) of Welsh Government Active travel guidance July 2021. The approved details shall be implemented on site before beneficial use and thereafter be retained.

Reason: To ensure appropriate level of parking provision in accordance with Policy T5 of the adopted Cardiff Local Development Plan (2006-2026)

12. Prior to first beneficial use a full Travel Plan (TP) shall have been submitted to and approved in writing by the Local Planning Authority. The TP shall include setting out vision, objectives, targets, measures, appointment of a Travel Plan Co-ordinator and baseline travel survey (within three months of first opening) and then yearly follow up travel surveys with recommended improvement in active travel measures. The approved details shall be implemented on site and therefore retained.

Reason: To enable and maximise use of sustainable and active modes of transport and encourage and promotes healthy lifestyles associated with the existing staff/students/residents/visitors in accordance with KP8, KP14, T1 and T5 of the adopted Cardiff Local Development Plan (2006-2026)

13. The reserved matter submission for landscaping shall include the following details:

- 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.

Reason: To ensure an acceptable form of development in accordance with Policies KP5, KP16, EN8 of the adopted Cardiff Local Development Plan (2006-2026)

14. The reserved matters in relation to layout, design and landscaping shall have regard to the recommendations outlined in chapter 4 of the submitted bat report dated 26/8/2022 from Sylvan Ecology and chapter 8 of the submitted phase 1 habitat survey report dated 19/7/2021 from Sylvan Ecology.

Reason: To ensure that the proposal has regard to ecological consideration in accordance with Policy 9 of Future Wales and EN8 of the adopted Cardiff Local Development Plan (2006-2026)

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

approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the 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.

16. The remediation scheme approved by condition 8 must be fully undertaken in accordance with its terms. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

On the completion of the measures identified in the approved remediation scheme and prior to the occupation of any part of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with the Environment Agency's 'Land contamination: risk management (LCRM)' (October 2020) and the WLGA / WG / NRW guidance document ' Land Contamination: A guide for Developers' (2017) unless the Local Planning Authority agrees to any variation.

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

#### Regulatory Conditions

17. The use of the building hereby approved shall be D1 (healthcare) as defined in the Use Classes Order 1987 (as amended).

Reason: For the avoidance of doubt

#### ADVISORY NOTE 1

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

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

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

#### ADVISORY NOTE 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.

#### ADVISORY NOTE 3

The highway works required by planning condition(s), and any other works to the existing or proposed adopted public highway to be undertaken by the developer, are to be subject to agreement(s) under Section 38 and/or Section 278 of the Highways Act 1980 between the developer and Council. Any works to the Coryton Interchange will require an agreement under Section 278 of the Highways Act 1980 between the developer and the Welsh Government.

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**LOCAL MEMBER OBJECTION AND PETITION**

COMMITTEE DATE: 02/03/2022

APPLICATION No. **23/00030/FUL**

APPLICATION DATE: 05/01/2023

ED: **GABALFA**

APP: TYPE: Full Planning Permission

APPLICANT: MR PAUL COUSINS

LOCATION: 60 MYNACHDY ROAD, MYNACHDY, CARDIFF, CF14 3EA

PROPOSAL: GROUND AND FIRST FLOOR REAR EXTENSIONS AND REAR DORMER ROOF EXTENSION CONVERTING DWELINGHOUSE INTO HOUSE IN MULTIPLE OCCUPATION

In accordance with the powers delegated to me by the County Council under the above Act, my decision is as follows:

**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:
  - P01 Revision B
  - P08 Revision D
  - P09 Revision B

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 a C4 HMO 6 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 a C4 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 extensions and dormer roof extension hereby permitted shall match those used on the existing roof covering.

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 extensions facing 62 Mynachdy 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.

**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 the property from a C3 residential dwelling into a 6 bedroom C4 HMO together with the erection of a two storey rear extension, a single storey 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 two ensuite bedrooms and a lounge/kitchen/diner on the ground floor; three ensuite bedrooms and a bathroom on the first floor; and one bedroom within the converted roofspace.
- 1.3 Externally a private amenity area of approximately 125 square metres will be provided to the side and rear of the property excluding the area shown for waste storage and cycle storage.

## 2. DESCRIPTION OF SITE

- 2.1 The site comprises a two storey semi detached property within the Gabalfa Ward of Cardiff. The lawful use of the property is as a C3 residential dwelling.

### **3. RELEVANT SITE HISTORY**

- 3.1 21/01747/MNR – A planning application has been submitted seeking planning permission for the erection of a two storey side extension, single storey rear extension and the conversion of the property into a 6 bedroom HMO. This application has not yet been determined due to issues surrounding the extension and potential impact upon the two adjoining street trees.

22/02394/CLD – This application sought to confirm that a two storey rear extension, a single storey rear extension and rear dormer roof extension could be erected as Permitted Development in that planning permission would not be required. On 30<sup>th</sup> November 2022 it was confirmed that planning permission was not required for the proposed works as they constituted development permitted by Class A and Class B of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development)(Amendment)(Wales) Order 2013.

### **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)

## 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. They also advise that the property will require the following for recycling and waste collections and provide general advice for the applicant:

- 1 x 140 litre bin for general waste
- 1 x 25 litre kerbside caddy for food waste
- Green bags for mixed recycling (equivalent to 140 litres)

5.2 Traffic and Transportation have been consulted and have advised the following:

- Currently, excluding the detached garage located in Wyfan Place, there is room on the hardstanding at the front of the building to accommodate two car parking spaces and one car parking space in front of the detached garage in Wyfan Place.
- Cardiff SPG on Transportation adopted in July 2018 sets a maximum number of on site car parking spaces that can be provided based on land use and whether in the Central or Outer Parking Area but does not set a minimum number of car parking spaces that must be provided. The SPG prescribes that for this proposed development a maximum of one on site car parking spaces can be provided. Although it is noted there are three existing on site car parking spaces.
- On street car parking policy is currently under review, once finalised and if agreed with or without changes by citizens elected representatives would be implemented. On street car parking is self-controlled in theory by the narrowness of the carriageway on Mynachdy Road rather than controlled by resident parking permit bays in the on street car parking bays which are located alongside on site car parking spaces on hardstandings. Despite this, cars do park on the footways and on footways across driveways. If Mynachdy Road did have on street car parking controlled by resident parking permits the proposed house in multiple occupation would be treated as one household and currently be eligible for two resident parking permits and one visitor car permit.
- Cycle parking is proposed in the garage alongside waste and recycling facilities. Quantum of cycle parking spaces provided is in accordance with the Cardiff SPG Transportation on minimum cycle parking spaces of one cycle parking space per bedroom should be provided. However, the layout of the cycle parking spaces is not adequate. A 0.6 metre width and 0.7 metres in width spacing between horizontal cycle stands (facing edges of adjoining cycle stands not centre-line to centre line) would only allow one cycle to be parked instead of two cycle parking spaces. A minimum spacing of 1 metres in width (facing edges of adjoining cycle stands not centre-line to centre line) would allow two cycles to be parked next to each other. Adequate space needs to be maintained to access the public highway from the garage when a car is parked on the hardstanding. This is possible if the car parking space is marked out and the

garage doors from Wyfan Place to the hardstanding and the garage door in the building fronting the hardstanding are both up and over doors. It is recommended that the LPA either seek amended plans for the cycle storage and adequate retained access between the garage and the public highway during the remainder of this planning applications consideration stage. Alternatively if the LPA are minded to grant planning consent for this change of use it is recommended a suitably worded planning condition is attached to the planning consent:-

Prior to beneficial use of the development, hereby approved, the cycle parking spaces and footpath connection to the public highway shown on the approved plans shall be implemented in accordance with the approved details and thereafter so retained and maintained for the sole purpose of cycle parking.

Reason: In the interests of promoting and providing facilities for sustainable modes of transport in accordance with Policies KP5, KP8, T1 and T5 of the Cardiff Local Development Plan 2006-2026.

Since these comments were made revised plans have been submitted enlarging the spaces between the Sheffield stands within the garage to ensure their suitability.

## 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 notified of the application. Two objections have been received from the occupier of 58 Mynachdy Road together with an e-mail objection against the proposal. A summary of the objections are as follows:

Loss of family housing;

Issues with parking and highway safety;

Issues around social interaction;

Anti social behaviour from tenants;

A covenant exists which prevents the property from being used for business purposes or any other use other than a single private dwelling house;

Potential impact of the development on the two street trees on Wyfan Place;

Issues surrounding asbestos and chrysotile.

- 7.2 A valid petition of 57 signatories has also been submitted objecting to the proposal although no reasons have been given as to the nature of the objection other than they wish for Cardiff County Council to refuse the application.

- 7.3 An objection has been received from local ward councillors Ashley Wood and Rhys Taylor. They object to the proposal for the following reasons:

*We would like to object to the planning application (Ref: 23/00030/FUL) at 60 Mynachdy Road for "Ground and First Floor Rear Extensions and rear dormer roof extension, converting dwelling house into House in Multiple Occupation".*

*The grounds of concerns/objection are as follows:*

*Section 5.2 of the Flat Conversions SPG states the council favours conversion of such family homes to two-bedroom flats, this proposal is not consistent with the approach. This application is does not appear to be consistent with Policy H5 of the LDP, that that any conversion to HMO or Flats will only be permitted where “The cumulative impact of such conversions will not adversely affect the amenity and/or the character of the area.”*

*We have concerns with developers buying family homes to convert to multiple occupation for profit at the detriment to the community and contributing to the housing crisis. Houses of multiple occupation, such as the application proposes, encourage transient tenants on short term contracts, this can be associated with poor compliance with waste policies, as well as negatively affecting community cohesion. There is concern based on experience of previous conversions in the area that additional houses of multiple occupation increase demands on parking, local amenities, and public services at the detriment of the existing community.*

*The enlargement of the property will be out of proportion to neighbouring properties.*

*We also remain concerned at the possible impact on nearby street trees (on Wyfan Place) and how the development it may potentially impact on the root system.*

*Finally, we believe consideration needs to be given by the planning committee to the covenant in place on the property (as with others in Mynachdy) as to whether they are satisfied that this development and its proposed use as an HMO are consistent with its requirements.*

## 8. **ANALYSIS**

8.1 This application seeks planning permission to change the use of the property from a C3 residential dwelling into a 6 bedroom C4 HMO together with the erection of single storey and two storey rear extension together with a rear dormer roof extension. As the proposal seeks tenanted living accommodation occupied by up to six 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 extensions and dormer roof extension.

8.2 **Policy Considerations** - In respect of the conversion of the property to a C4 HMO Policy H5 of the adopted LDP is considered relevant. Further guidance can also be found in the adopted HMO SPG.

8.3 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."*

8.4 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 50m 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%. This is justified because Cathays and Plasnewydd

are home to a vastly greater number of HMO's than other parts of the city and are designated as Additional Licensing Areas.

When considering the level of concentration, a definition of 50m from the property in question will be used. Within this 50m radius all dwellinghouses that have their main street facing entrance within the radius will be included. It is considered that 50m is deemed an appropriate extent to reflect an area that lies within a sphere of influence of a property, such as being affected in terms of amenity or disruption. It is also an appropriate distance in densely populated inner wards and will ensure that many properties are taken into account.

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 an analysis has been made on the extent of HMO's (including those defined as such under Sections 254 of the Housing Act 2004) against the threshold limits identified above. As the application site is located within the Mynachdy Ward of Cardiff a 10% threshold limit will be relevant. There are 23 properties which have their main street facing entrance within a 50m radius of the application site. Of these 0 are registered as HMO's which equates to 0%. The threshold for Mynachdy is 10% therefore the proposal complies with advice contained within the SPG on HMO's.

- 8.5 **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.
- 8.6 **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 equivalent to 140 litres.*



Details of waste provision have been submitted as part of this application which is considered acceptable. Condition 3 has been imposed accordingly.

- 8.7 **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 C4 HMO will require a minimum of 1 cycle parking space per bedroom. As the proposal is for a 6 bedroom HMO then 6 cycle parking spaces will be required.

In respect of cycle parking the applicant has submitted details showing the provision of 6 under cover and secure cycle parking spaces situated within the rear garage which is considered acceptable and accords with advice contained within the Managing Transport Impacts (Incorporating Parking Standards) (2018) SPG. Condition 3 has been imposed accordingly.

In respect of car parking the Managing Transport Impacts (Incorporating Parking Standards) (2018) SPG identifies that a 6 bedroom HMO will require between zero and one off street car parking space to be policy compliant. Whilst the application shows the provision of two hardstandings at the property these are existing hardstandings and capable of parking three vehicles, two on the hardstanding within the front garden and one on the hardstanding within the rear garden in front of the garage. Whilst it is acknowledged that this exceeds the maximum limit of one car parking space it is considered that it would be unreasonable to require the owner to remove the front hardstanding so that only one car parking space is provided considering car parking has been raised as a major concern with respect to the proposal. Occupiers of the property would also be eligible for parking permits should such a scheme be introduced.

- 8.8 **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 25m<sup>2</sup> 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 2.5m<sup>2</sup>. As such, for example, the minimum expected for a 7 bed HMO would be 27.5m<sup>2</sup> of external amenity space. Each additional person should result in a corresponding increase of 2.5m<sup>2</sup>. 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 for to change the use of the property to a C4 HMO then 25 square metres will be required. Having undertaken an assessment of the property a private rear amenity space of approximately 125 square metres will be available for 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 25 square metres the proposal is therefore considered acceptable when considered against the HMO SPG.

- 8.9 **Ground Floor and First Rear Extension** - The proposed ground floor and first floor extension are considered acceptable in regards to their scale and design and will provide a subservient addition to the dwelling which would not prejudice the general character of the area or the existing dwellinghouse. The scale of the extension and its relationship with neighbouring properties is considered acceptable. It will also be finished in materials to match the existing property.

It is considered that the proposal would not be overbearing or generally un-neighbourly which would justify concern. Furthermore, subject to condition 5, it is considered that the proposal would not prejudice the privacy of neighbours.

It should also be noted that an extension of this size could also be erected utilising existing Permitted Development rights. This has also been confirmed by planning application 22/02394/CLD which confirmed the extension did not require planning permission

- 8.10 **Dormer Roof Extension** – The proposed dormer roof extension is set up from the rear elevation and is to be finished in material to match the existing roof covering in accordance with advice contained within the Residential Extensions and Alterations SPG.

It should also be noted that a dormer roof extension of this size could also be erected utilising existing Permitted Development rights. This has also been confirmed by planning application 22/02394/CLD which confirmed the dormer roof extension did not require planning permission

- 8.11 **Objections** – In respect of the petition and objections in respect of this application the following comments should be noted:

Loss of family housing – This is covered in Paragraph 8.8.2-8.4 of this report;  
Issues with parking and highway safety - This is covered in Paragraph 8.7 of this report;  
Issues around social interaction and community cohesion - This is covered in Paragraph 8.8.2-8.4 of this report;  
Anti-social behaviour from tenants – This would be a matter for the police;  
A covenant exists which prevents the property from being used for business purposes or any other use other than a single private dwelling house – This is not a planning matter;

Potential impact of the development on the two street trees on Wyfan Place – Whilst the concerns are noted the extensions have been confirmed as Permitted Development and do not require planning permission;

Issues surrounding asbestos and chrysotile – This is not a planning matter but would be covered under Building Regulations;

Does not comply with the Flat Conversion SPG – This proposal does not seek planning permission for the conversion of the property into flats and so this SPG is not relevant;

Extension out of proportion – The extensions have already been confirmed as benefiting from Permitted Development.

## **9. OTHER CONSIDERATIONS**

9.1 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.

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.

9.3 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.

## **10. RECOMMENDATION**

10.1 The Council is mindful of the current climate with respect to the amount of HMO’s within the City and that there are concerns that a proliferation of such uses can undermine the character of an area to the detriment of local residents.

In respect of this application the Council is satisfied that the proposal complies with the Cardiff Local Development Plan 2026-2026 and advice contained within the Houses in Multiple Occupation Supplementary Planning Guidance, Waste Collection and Storage Facilities Supplementary Planning Guidance, Cardiff Residential Extensions and Alterations Supplementary Planning Guidance and the Managing Transportation Impacts (Incorporating Parking Standards) (2018) Supplementary Planning Guidance, as mentioned previously in this report.

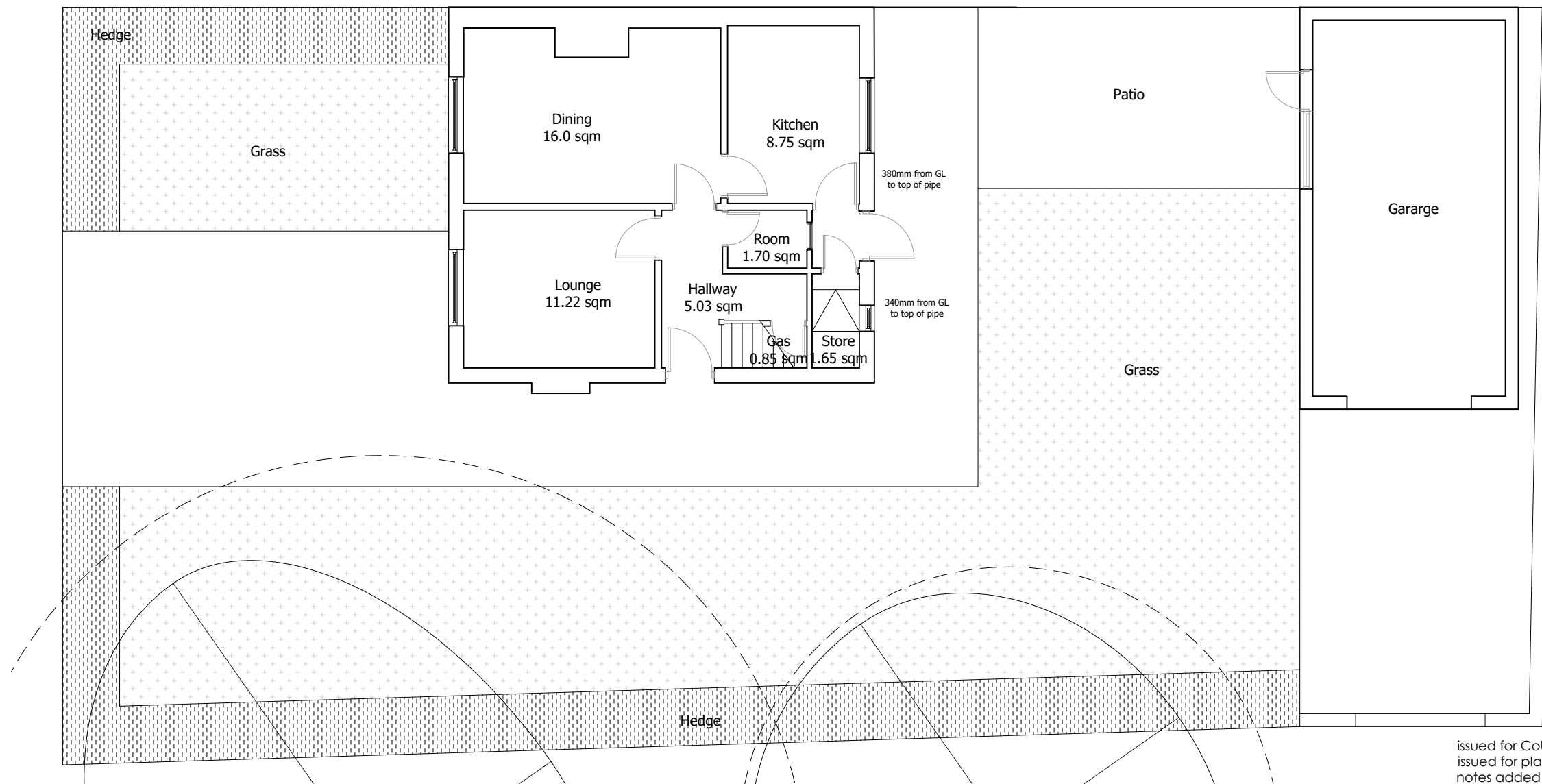
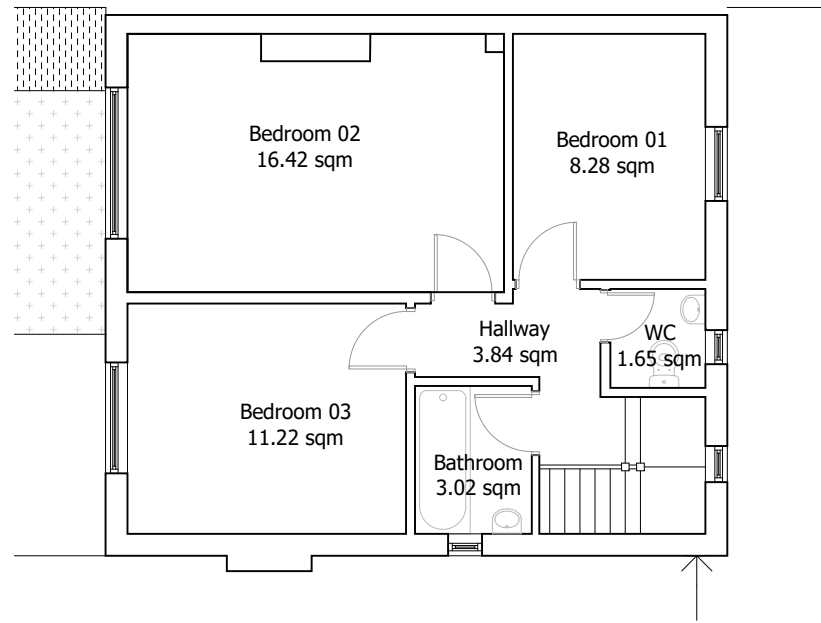
Having taken all of the relevant factors into consideration there are no grounds to justify a

refusal of this application and it is therefore recommended that planning permission be granted, subject to conditions.



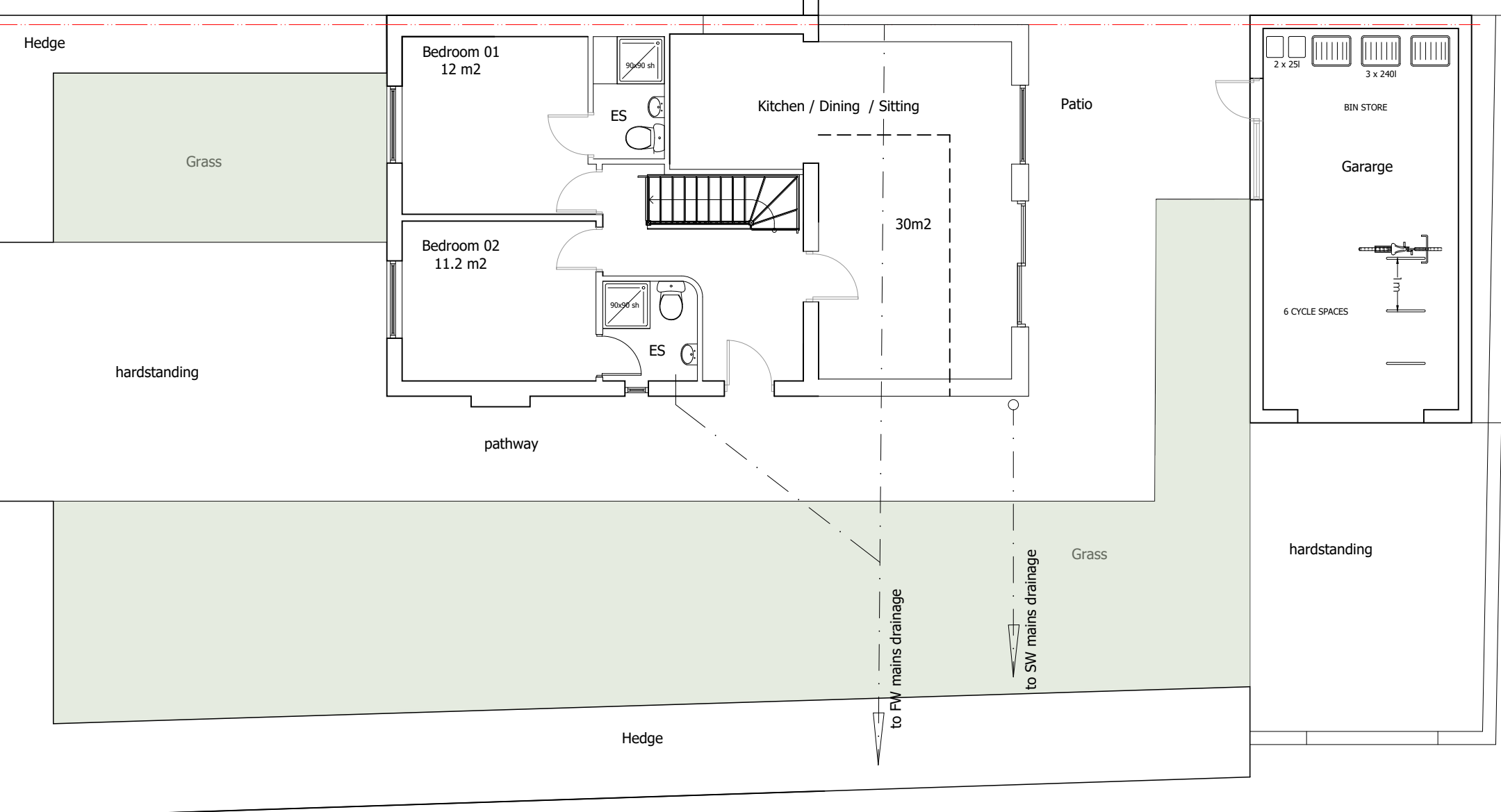
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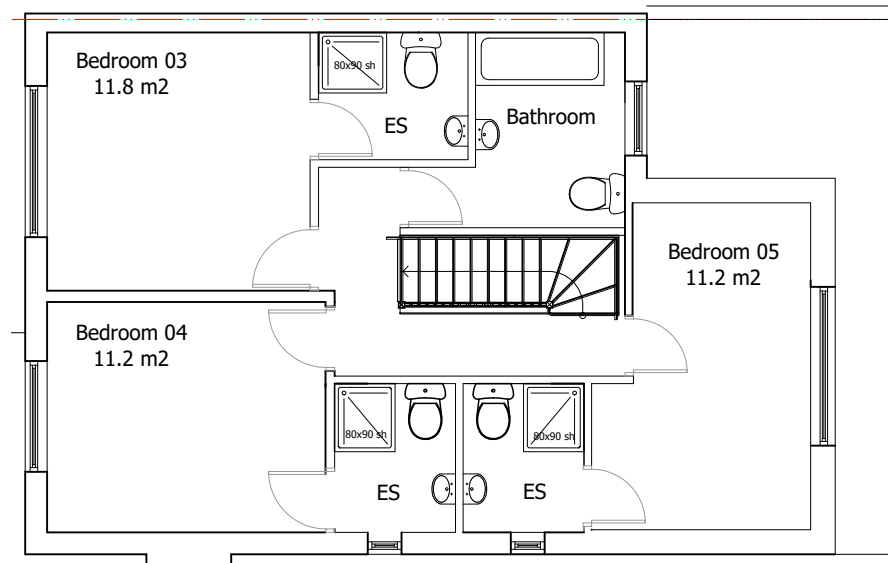


issued for CoU app  
 issued for planning  
 notes added  
 Trees & areas added

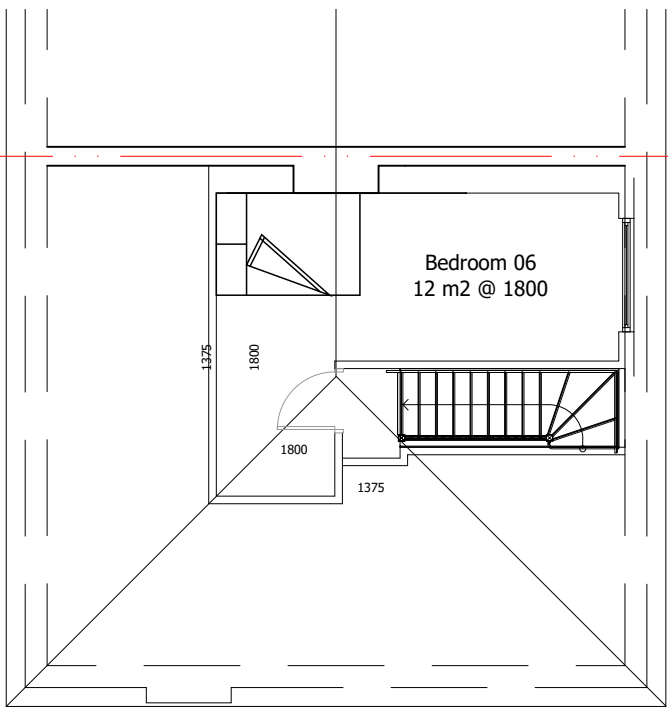
14.12.22 D  
 11.10.22 C  
 10.01.22 B  
 25.11.21 A



**GROUND FLOOR PLAN**

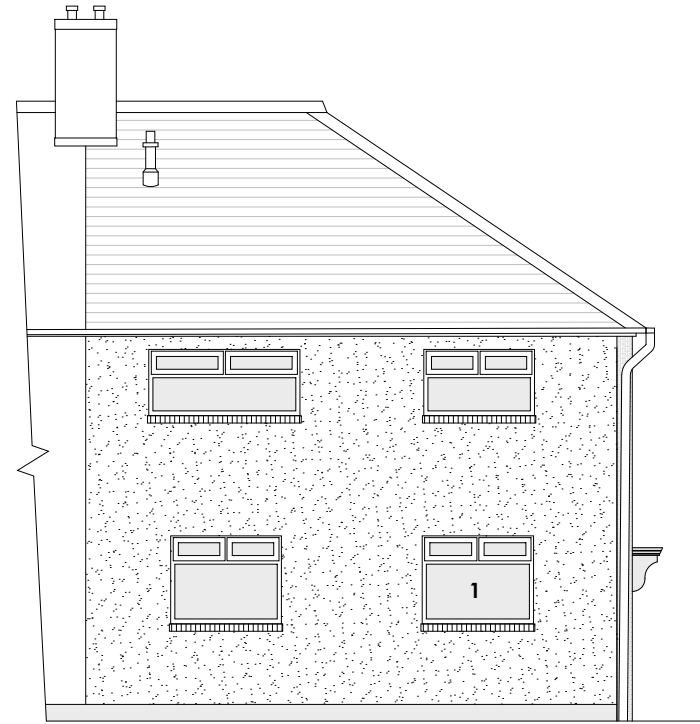


**FIRST FLOOR PLAN**

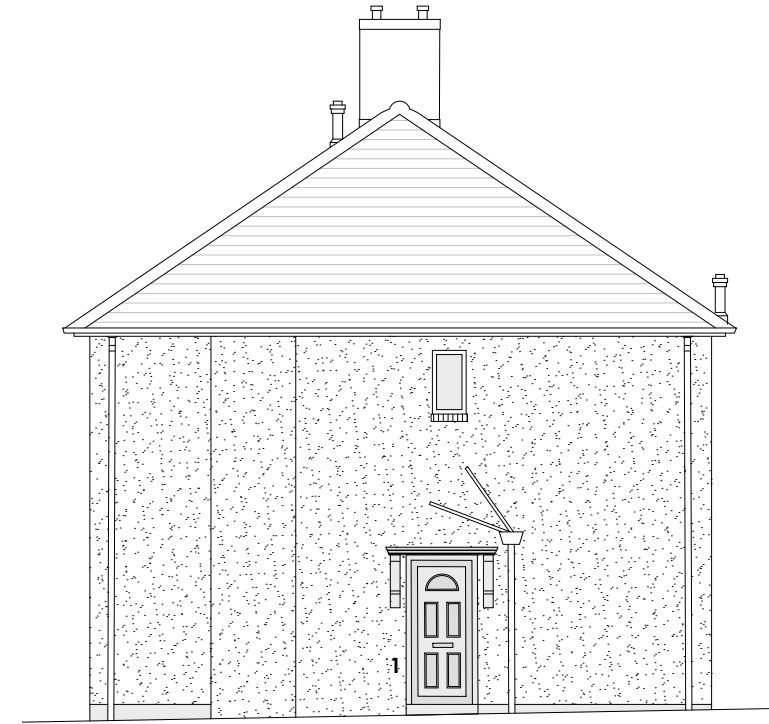


**ATTIC FLOOR PLAN**

cycles amended	09.02.23	D
refuse/cycles added	04.01.23	C
issued for CoU app	14.12.22	B
issued for planning	11.10.22	A
item	date	rev
Scale	Dwg No.	Rev
1:100 @ A3	J21/07	P08
Job No.		



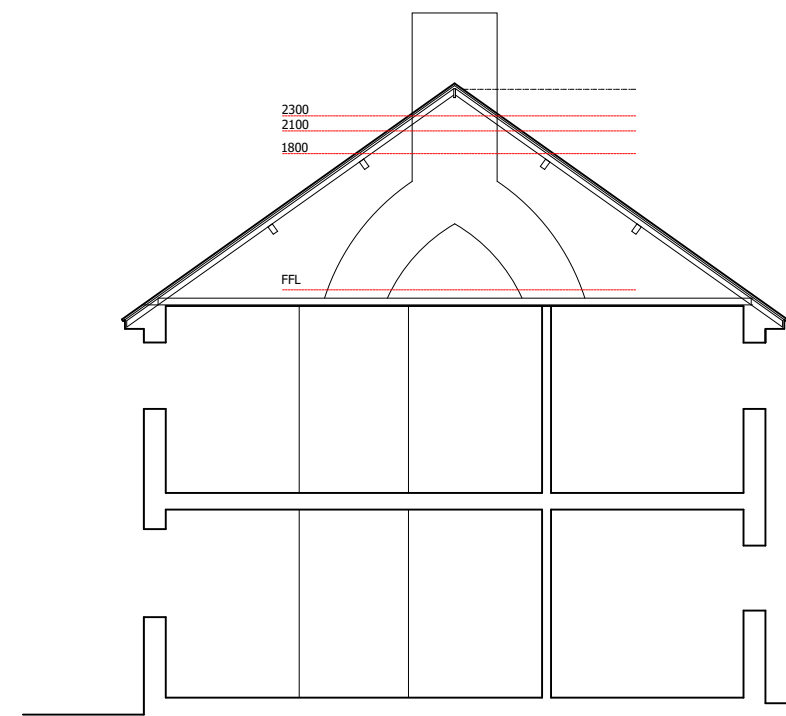
**FRONT ELEVATION**





**SIDE ELEVATION**



**REAR ELEVATION**



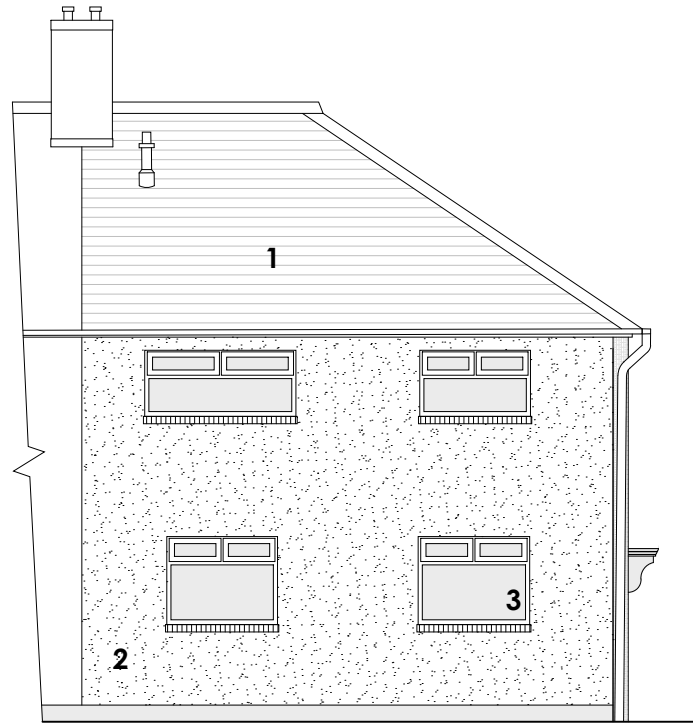
**SECTION**

- Key
-  Render wall
  -  Slate roof
  - 1** UPVC Windows & Doors

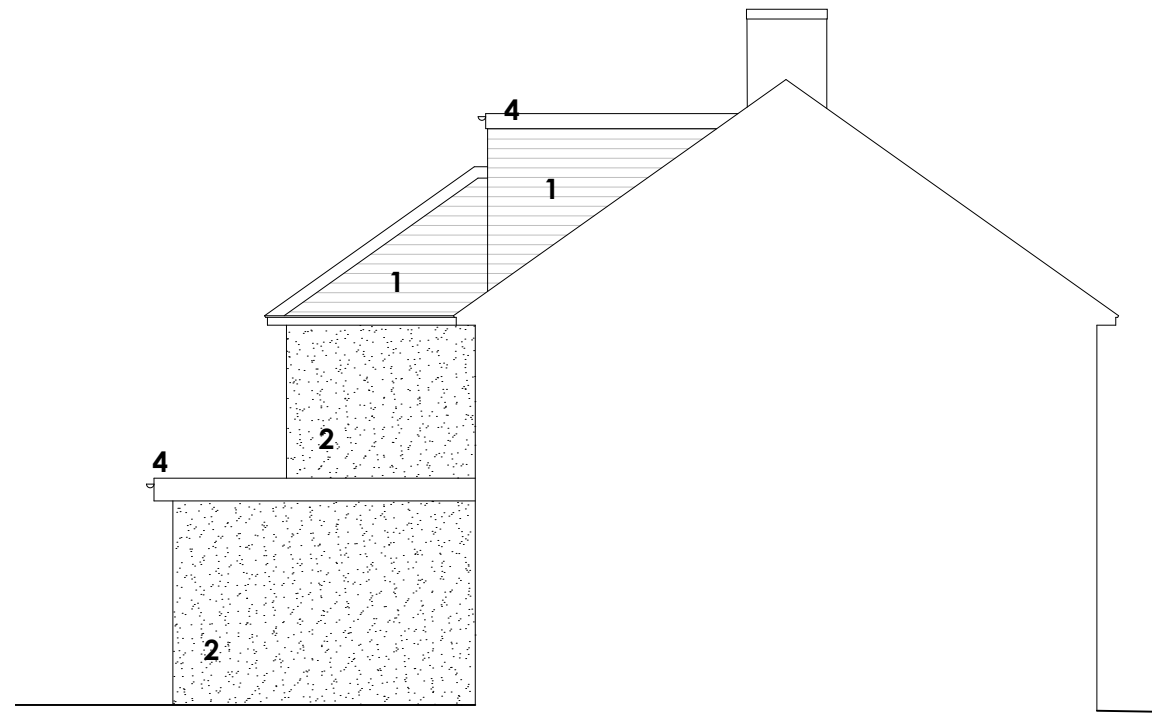


**LEGEND**

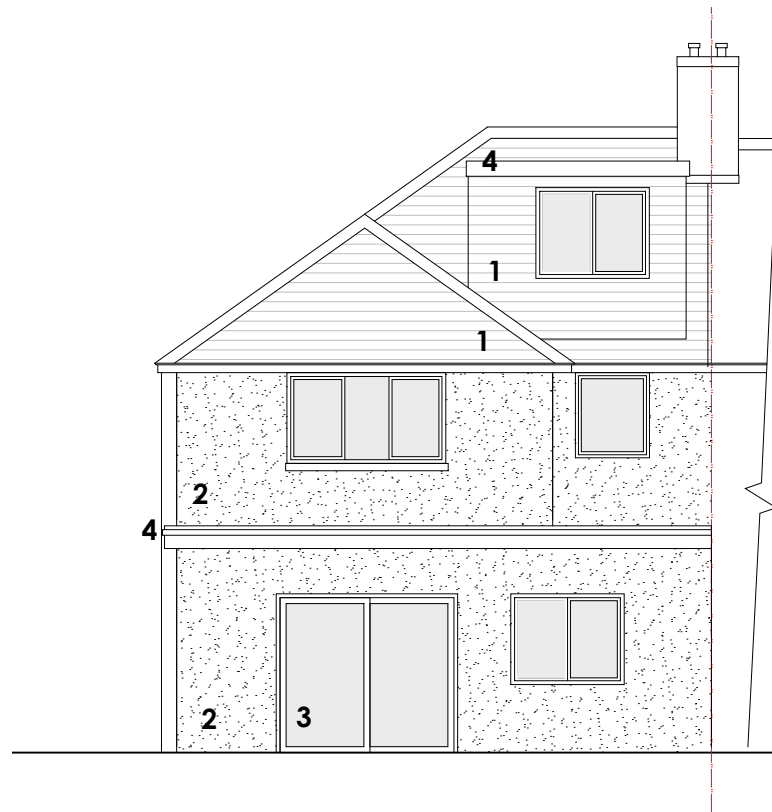
- 1. Slate
- 2. Render
- 3. UPVC windows & doors
- 4. Single ply membrane



**FRONT ELEVATION**



**SIDE ELEVATION**



**REAR ELEVATION**



**SIDE ELEVATION**

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**LOCAL MEMBER OBJECTIONS**

COMMITTEE DATE: 02/03/2023

APPLICATION No. 19/02330/MJR

APPLICATION DATE: 22/08/2019

ED: LISVANE/PONTPRENNAU &amp; OLD ST. MELLONS

APP: TYPE: OUTLINE

APPLICANT: TAYLOR WIMPEY UK LTD & NE CARDIFF LANDOWNERS  
CONSORTIUMLOCATION: Land South of the M4 to the East of Lisvane, West of  
Pontprennau, and North of Cyncoed

PROPOSAL: An Outline Application (Appearance, Landscaping, Layout and Scale Reserved) for a Mixed Use Development of up to 2,500 New Homes, to Include Affordable Housing; Land For Employment Use (B1); District Centre and Mixed Use Areas Accommodating Uses Within Classes A1-A3 (Shops; Financial And Professional Services; and Food And Drink Outlets), B1 (Business), C1 (Residential Institutions, Including Care Accommodation), C3 (Dwellings), D1 (Non-Residential Institutions, Including Medical and Health Services, Creches, Library, Conference Centre, Community Centres and Places Of Worship), D2 (Assembly And Leisure, Including Indoor Sports Facilities); One 2 FE Primary School and Land For a Secondary School (10 FE & 6th Form) Comprising a Total Of 10 Hectares; Green Infrastructure Including Formal And Informal Open Space Comprising Green Corridors, Amenity Green Space, Play Areas, Semi-Natural/ Natural Open Space, Woodland, Allotments/ Community Orchards and Civic Spaces and Surface Water Attenuation Features; Highway, Cycle and Pedestrian Routes Including Partial Diversion/Creation Of Public Rights of Way; Car Parking; Drainage and Utilities Infrastructure, Including Diversion Of The 132kv And 11 Overhead Electricity Transmission Lines Traversing The Site and Removal of Pylon Structures; Engineering Works Including Ground Remodelling; Demolition Site Reclamation and Removal Of Structures; Approval is Also Sought For The Formation Of New Accesses From Lisvane Road, Ty Draw Road, and Heol Glandulais/St. Mellons Road.

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**RECOMMENDATION 1:** That **SUBJECT** to a requirement that no decision notice may be issued unless a written authorisation is received from the Welsh Ministers pursuant to its Direction dated 7<sup>th</sup> January 2021 made under Article 18 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012:

That planning permission be **GRANTED** subject to the relevant parties entering into a binding legal agreement under the provisions of **SECTION 106** of the Town and Country Planning Act 1990 within 6 months of the date of this Resolution, unless otherwise agreed by the Council in writing, in respect of matters detailed in Section 9 of this report, and the conditions listed in Section 12 below.

**RECOMMENDATION 2:** That delegated authority is given to the Head of Planning &/Or Operational Manager: Strategic Development & Placemaking, to make changes to the conditions and/or Heads of Terms of the required legal agreement, subject to consultation with the Chair of Planning, up to the point where the legal agreement is signed and planning permission issued.

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## 1. DESCRIPTION OF THE SITE AND AREA

- 1.1 The application site lies 6km north-east of Cardiff City Centre and is bordered by the M4 motorway to the north, which occupies an elevated position relative to the site. The site is located between Llanishen Reservoir, the communities of Lisvane, Pontprennau, Cyncoed and Pentwyn; Cardiff Gate Business Park (to the east) and the M4 motorway. It is bisected by St Mellons Road.
- 1.2 The M4 defines the northern edge of the site for most of its extent. To the west of the site is the built settlement of Lisvane beyond which is the Valleys railway line providing a main connection running between Valley communities and Cardiff City Centre. There is a railway station in Llanishen approximately 1.5 km from the site on the Welsh Valleys line and another at Lisvane & Thornhill. The A48, which intersects with the M4 at Junction 29, lies within 3km of the site to the south offering access across central Cardiff.
- 1.3 Llanishen and Lisvane Reservoirs (both operated by Dŵr Cymru/Welsh Water) are to the south-west of the site. A Secondary School (Corpus Christi Catholic High School) sits on the southern boundary of the site. Cardiff Golf Club and Cyncoed lie further to the south of the site with largely residential and agricultural properties adjoining the site. Running through the centre of the site is St Mellons Road (B4562), off which are located a number of rural residential and agricultural properties as well as a small industrial estate.
- 1.4 To the south east of the site lies the residential area of Pontprennau. Parkwall Road defines the eastern edge of the site, beyond which is Cardiff Gate Business Park and Junction 30 M4 motorway services.
- 1.5 The application site comprises two distinct land parcels (plus two smaller parcels at Mill Farm) totalling 134.8 hectares. The site is bisected north-south by Redrow's Churchlands' development, which was granted planning permission in both March 2016 (13/02000/DCO) and December 2017

(14/02891/MJR) which comprises part of Strategic Site F and is now under construction.



- 1.6 The application site comprises some 56% of the total site area of Strategic Site F, with Redrow's Churchlands development (48 hectares) constituting a further 20% of the same strategic allocation. There are further land parcels at the south-east and north-western extents of Strategic Site F for which no planning applications have yet been received.
- 1.7 The site is predominantly greenfield and agricultural in use, comprising pockets of fields divided by mature hedgerows and woodland and a small number of individual residential and agricultural buildings. The land is undulating throughout, with river valleys (including the Nant Glandulais with Flood Zones alongside) cutting through the centre of the site and groupings of ancient woodland and veteran trees including some protected by Tree Preservation Orders. There are non-statutory Sites of Importance for Nature Conservation (SINCs) within the site and the Lisvane and Llanishen reservoirs (designated as two Sites of Special Scientific Interest) lie immediately to the south-west of the site.
- 1.8 Three properties are contained within the main site area north of St Mellons Road – Malthouse Farm and Malthouse Bungalows accessed from a lane off St Mellons Road and Sunnybank Farm accessed from a further lane off St Mellons Road.
- 1.9 To the south of St Mellons Road is located the Grade II Listed Panteg Farmhouse and neighbouring buildings, accessed by a track/ Public Right of

Way (PRoW), which cuts through the site from St Mellons Road to Pontprennau. These properties are served by several PRoW which run through the site, including one which crosses from Pontprennau north-westward through Malthouse Farm, across Nant Glandulais to Ty-yn-y Berllan and under the M4. A further PRoW runs along Nant y Draenog to Panteg Farm and westward to Maerdy Farm and Lisvane. Two sets of high voltage overhead lines (132kV and 275kV) cross the site along with gas main and trunk water mains.

## 2. DESCRIPTION OF DEVELOPMENT

2.1 The application is submitted in outline with all matters reserved except for access and includes:

- up to 2,500 dwellings;
- land for employment (Use Class B1)
- one 2FE primary school and land for a secondary school (10FE + 6<sup>th</sup> form) comprising a total of 10 hectares;
- a District Centre, accommodating uses within classes A1-A3 (shops; financial and professional services; and food and drink outlets), B1 (business), C2 (residential institutions, including care accommodation), C3 (dwellings), D1 (non-residential institutions, including medical and health services, creches, library, conference centre, community centres and places of worship), D2 (assembly and leisure, including indoor sports facilities);
- Employment-led mixed-use area, accommodating uses within classes B1a-c (business), A1-A3 (shops; financial and professional services; and food and drink outlets), C3 (dwellings);
- Additional local retail areas accommodating uses within classes A1-A3 (shops; financial and professional services; and food and drink outlets);
- Public open space, including parks and gardens, green corridors, amenity green space, play areas, semi-natural / natural open space, woodland, allotments / community orchards and civic spaces and surface water attenuation;
- vehicular, cycle and pedestrian access via Lisvane Road, Ty Draw Road, Heol Glandulais;
- internal vehicular, cycle and pedestrian routes;
- diversion of PRoW's
- drainage and utilities infrastructure, including diversion of the 132kV and 11 overhead electricity transmission lines traversing the site and removal of pylon structures; and
- ground remodelling and demolition of buildings and structures

2.2 The amended Development Framework Plan below shows the distribution of proposed land uses across the application site. A residential-led scheme, including affordable housing is proposed together with a mixed-used District Centre, comprising retail, health, employment, leisure and community uses; employment-led mixed-use area and additional employment land; education; and open space provision.

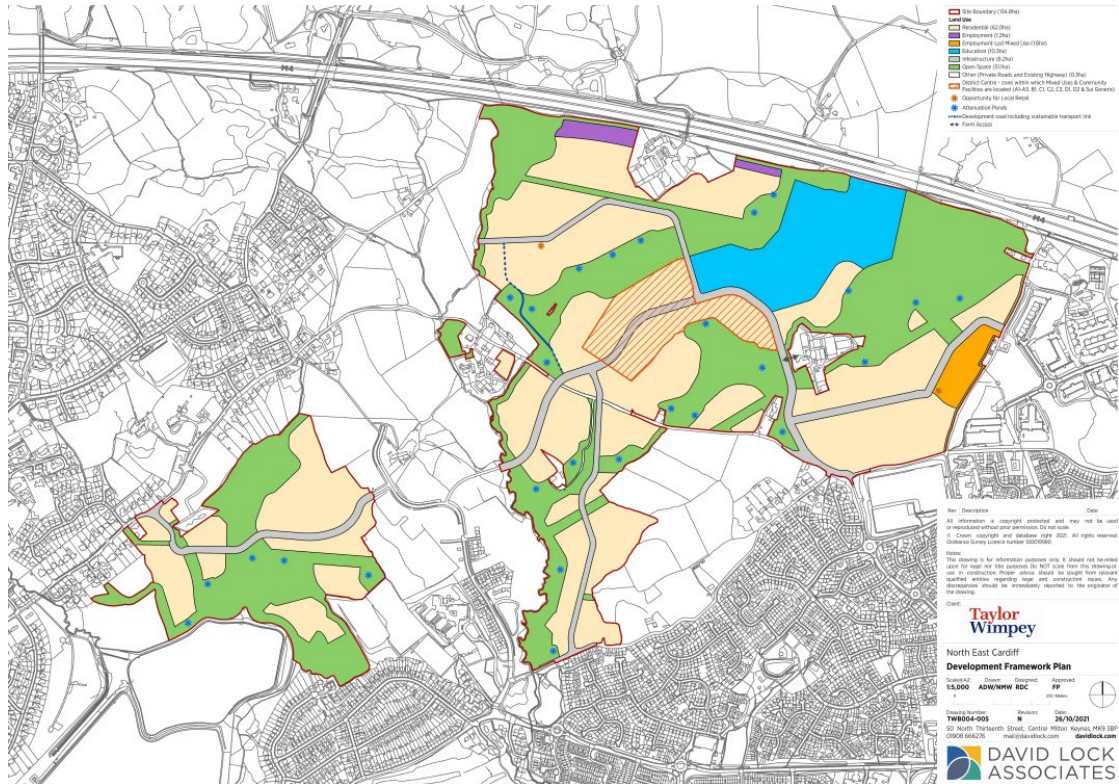


Figure 2: Development Framework Plan

2.3 The schedule of accommodation in Figure 3 below sets out the quantum of development by land use. These parameters reflect a 'worst case scenario' and were adopted in the EIA accompanying the application.

Land Use	Size (sqm)/Units	Site Area (ha)
Residential (C3)	Up to 2,500 dwellings	61.70 ha
Employment B1	Up to 11,500 sqm of B1	1.20 ha
District Centre (could include the following land uses:)		
Business (B1a-c)	Up to 2,000 sqm	
Retail (A1)	Up to 2,500 sqm	
Professional services, food & drink (A2-A3)	Up to 1,000 sqm	
Community including medical and health services (D1)	Up to 2,000 sqm	
Leisure (D2)	Up to 2,000 sqm	

Residential (C3)	To be determined as part of reserved matters – proportion of total quantum of 2,500 homes	
Care Accommodation (C2)	To be determined as part of reserved matters	
Employment - Led Mixed Use Area (B1a-c; A1-A3; C3)	Up to 15,000 sqm B1 Up to 1,500 sqm of A1	1.70 ha
Education	N/A	10.00 ha
Green Infrastructure (including surface water attenuation)	N/A	51.70 ha
Highway Infrastructure	N/A	8.20 ha
Other (Private Roads and Existing Highway)	N/A	0.30 ha
<b>TOTAL</b>		<b>134.80 ha</b>

Figure 3: Schedule of Accommodation

2.4 Parameter plans have also been submitted which, together with the Development Framework Plan, form plans for the outline application, along with the access drawings. The application is also supplemented with additional indicative/illustrative supporting material to assist interpretation of the proposal.

2.5 There are five Parameter Plans as follows:

- **Strategic Formal and Informal Open Space Plan**, which provides information on the structure of the landscape framework within the site to include the use and amount of open space proposed;
- **Proposed Storey Heights Plan**, which provides information on the assumed building heights to fix maximum building height parameters for the development;
- **Proposed Density Plan**, which provides information on the assumed built density to fix the density range;
- **Proposed Buildings to be Demolished Plan**, which shows structures and buildings to be demolished and removed; and
- **Proposed Movement Plan**, which provides a structure for the movement framework, route hierarchy and access proposals.



- 2.6 The storey heights plan below shows the proposed scale of development, with maximum building heights of two-storey in residential areas and up to three storeys along the primary highway routes and at certain focal points and key frontages. Heights increase to a maximum of five storeys within mixed-use, education and employment areas.

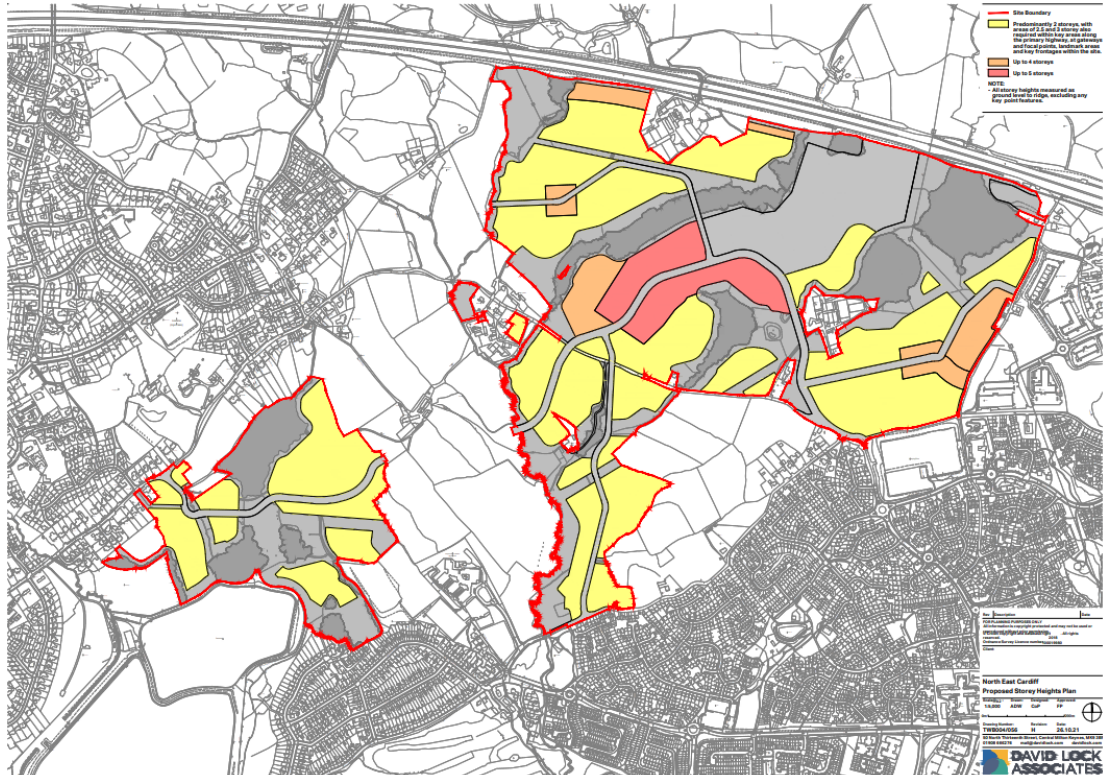


Figure 4: Proposed Storey Heights Plan

- 2.7 The Proposed Density Plan (see Figure 5 below) shows the majority of the site to be some 35-45 dwellings per hectare (dph), with lower densities of some 20-35 dph proposed around the western areas adjacent to Lisvane and the reservoir. Higher densities of 45dph and above are proposed to be delivered within and adjacent to the District Centre.
- 2.8 The Design and Access Statement submitted with the application sets out a vision for the development as a series of distinct new communities comprising high quality and sustainable new homes set within a robust landscape framework that are supported by a range of retail, employment and community uses including education facilities.
- 2.9 The existing landscape provides key structural influences for guiding the proposed layout including the various streams and watercourses (Nant Glandulais, Nant Ty-Draw and Nant Draenog valleys), and ancient woodlands and trees, together with the M4, Cardiff Gate Business Park and existing utility infrastructure. An illustrative masterplan (see Figure 6 below) accompanies the application to indicate how the development might appear, though this is submitted for information only and does not form part of the proposed plans.

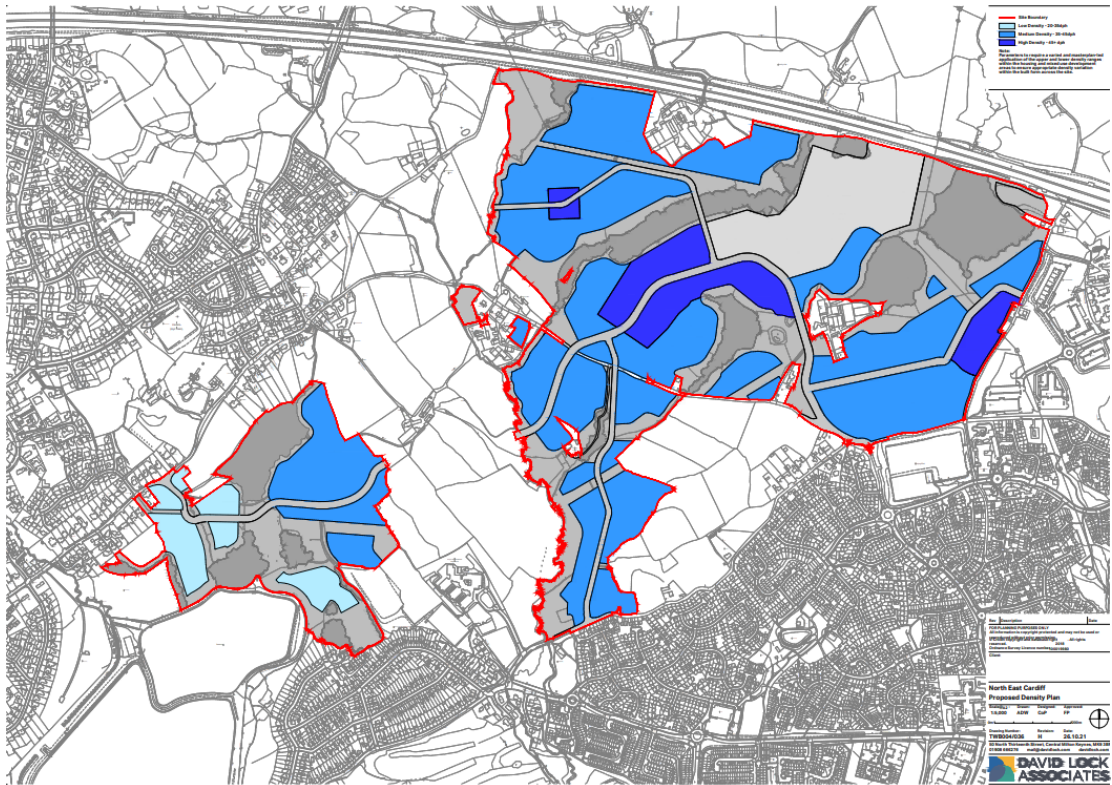


Figure 5: Proposed Density Plan

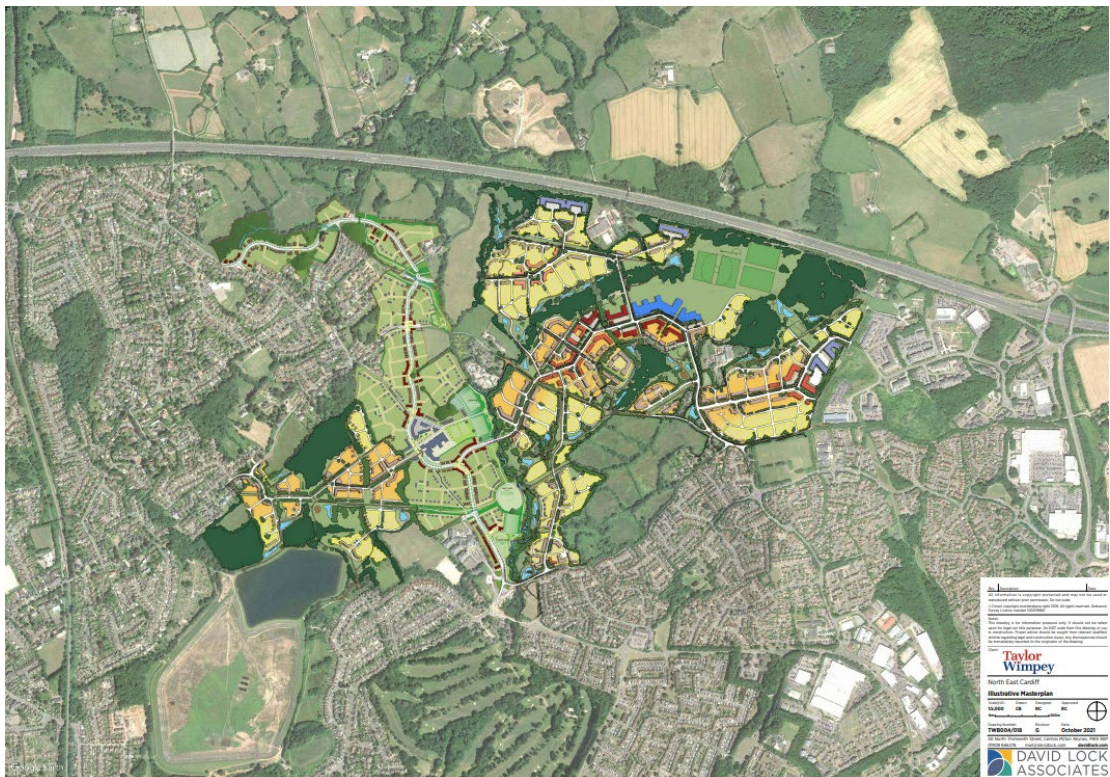


Figure 6: Illustrative Masterplan

- 2.10 The application seeks to reduce reliance on the private car to support Cardiff City Council's aim for a 50/50 modal split between car/non-car, as set out in the adopted LDP, including Policy KP8, and the Cardiff Local Transport Plan 2015-2020. Bus, pedestrian and cyclist transport is prioritised over vehicular movement using the primary highway corridor.
- 2.11 The primary highway/ bus rapid transit corridor through the proposed development will run east-west, connecting Lisvane to Pontprennau, with opportunities for onward connection to Cardiff Gate Business Park (by sustainable transport modes only via a bus gate).
- 2.12 Three principal points of access into the site are proposed. The first access location will be provided from the south, in the form of a new priority junction off Ty Draw Road. An additional access is provided to the east through a re-alignment of the Heol Glandulais (Pontprennau) and St Mellons Road. From the west a priority junction will be provided off Lisvane Road. These accesses are consistent with the arrangements that will help facilitate bus services (see Figures 8-10 below). St. Mellons Road will be retained as an active travel/ car-free route, except for access to existing properties and businesses.
- 2.13 The scheme aims to “futureproof” the development and identifies potential future access points; one with Parkwall Road which aims to link the development further with Cardiff Gate Business Park, and a second to connect to land at the north-western extent of the Strategic Site F allocation, for which no application has yet been received. Access links are also shown to other land within the allocation to the south-east of the site, within the development and from near the proposed Heol Glandulais (Pontprennau) and St Mellons Road access junction. The proposal also incorporates key linkages to Churchlands to ensure that it not only integrates well with the existing communities but is also capable of promoting linkages into the future community of the wider NE Cardiff allocation.
- 2.14 The key components of the movement network are identified on the Proposed Movement Parameter Plan (Figure 7 below), which demonstrates a connected movement network for the site that will support and facilitate sustainable travel through walking, cycling and accessible bus links with the clear aim of reducing reliance on private vehicular use.

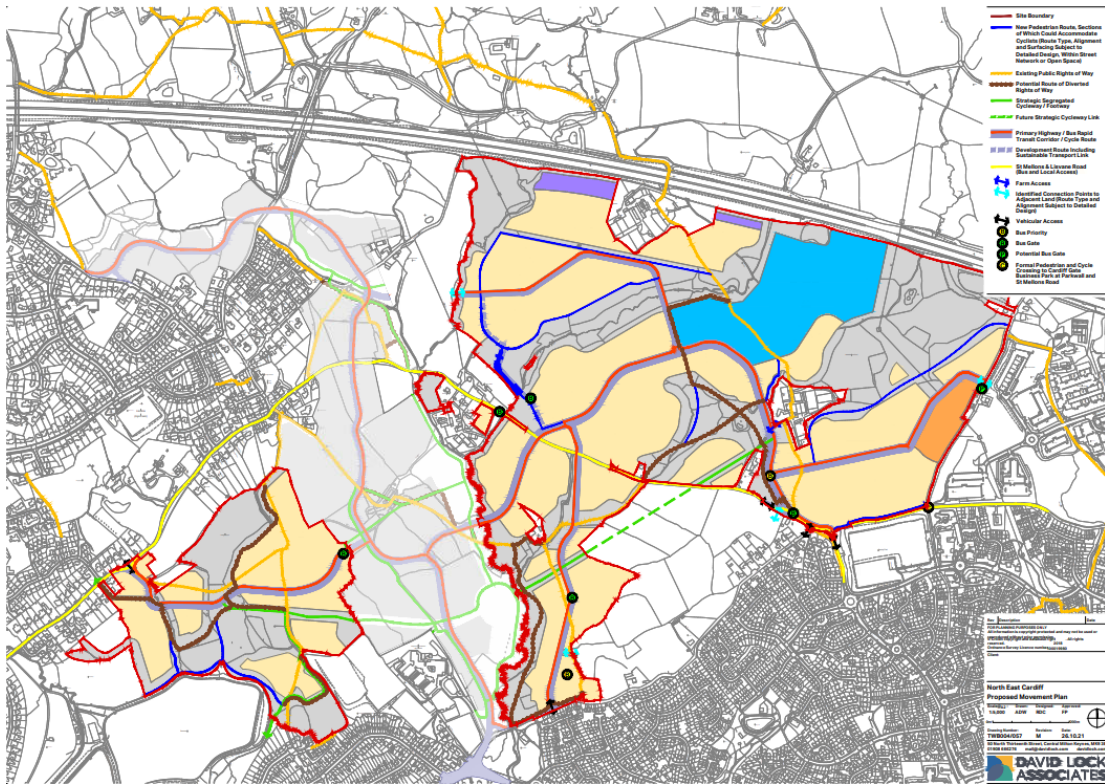


Figure 7: Proposed Movement Plan

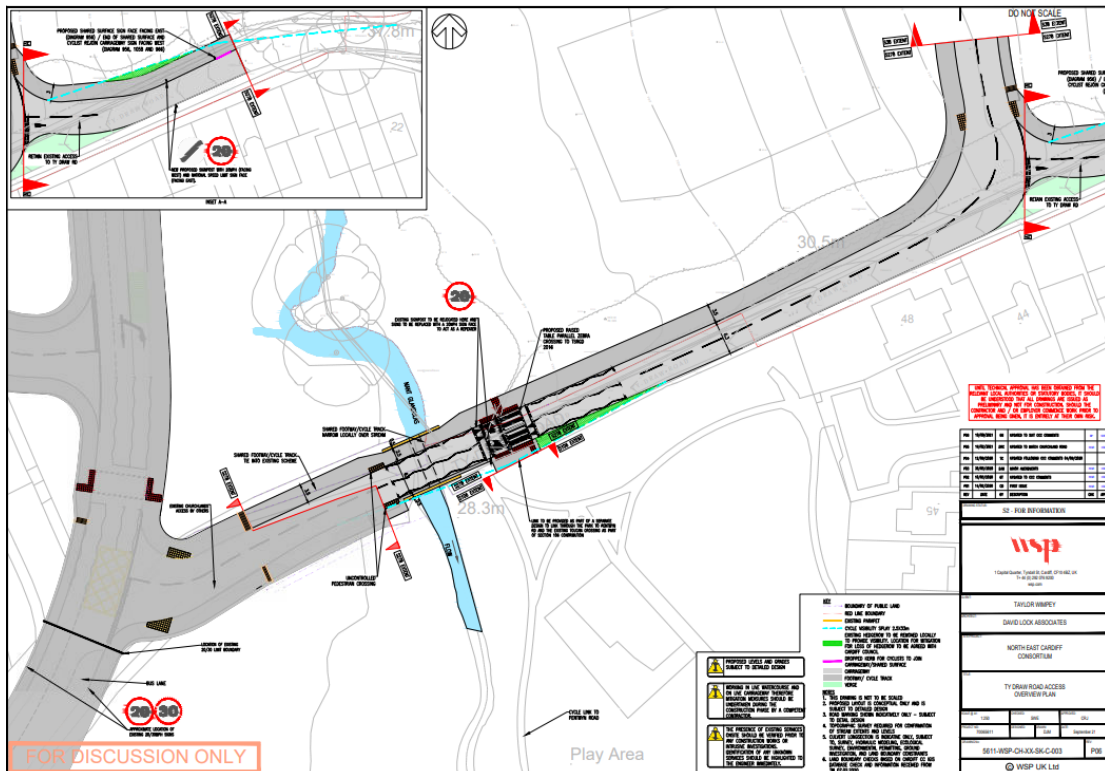
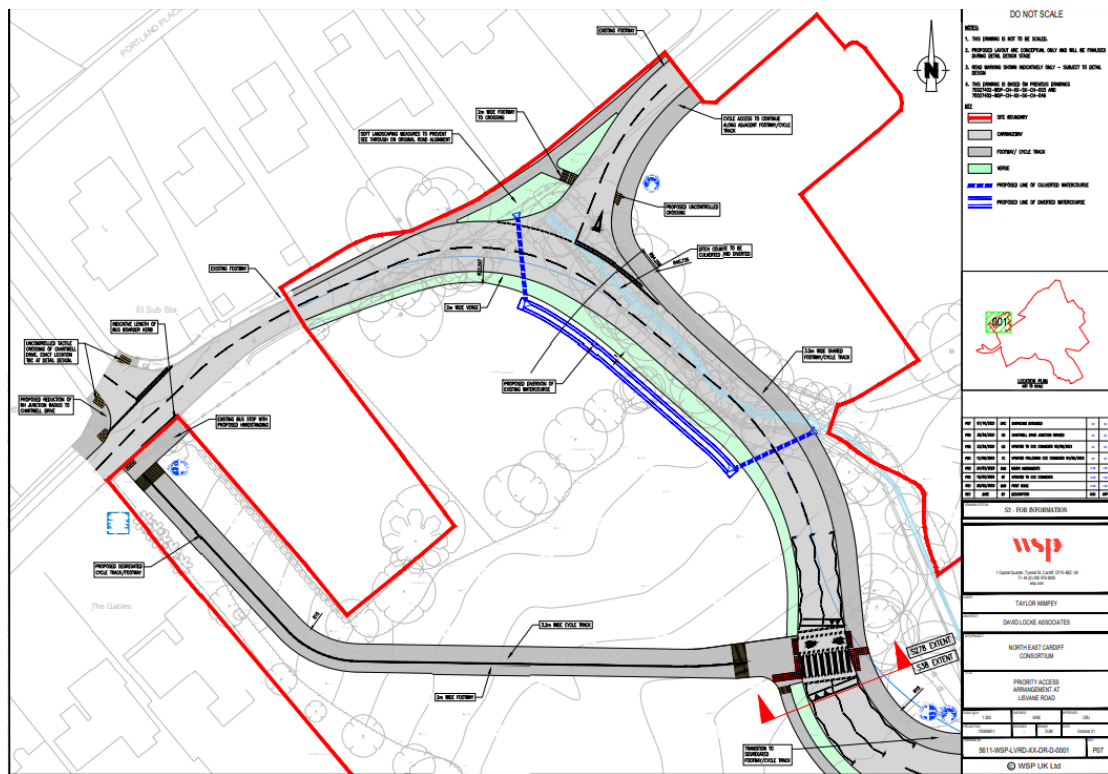
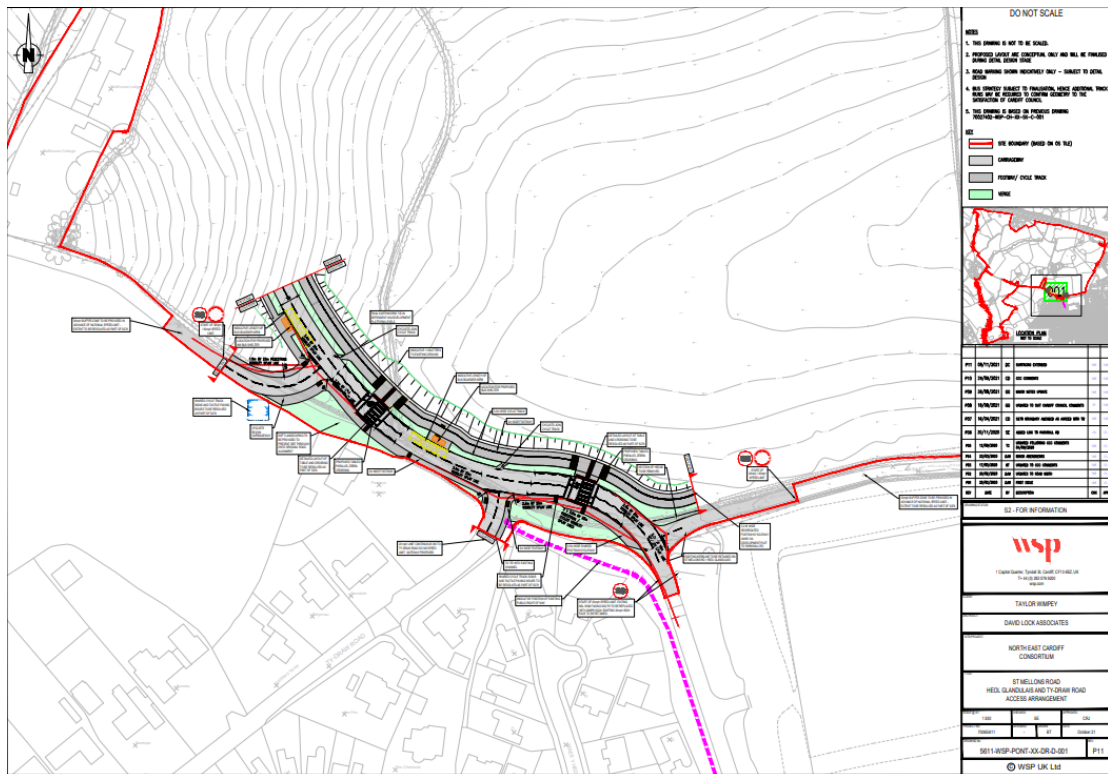


Figure 8: Proposed Ty Draw Road Junction



2.15 An interconnected multi-functional network of green infrastructure and open space is proposed. The structure of the green space has been shaped by the existing environmental assets within the site, including the watercourses and tributaries (Nant Glandulais SINC, Nant Ty-Draw SINC and Nant-y-Draenog SINC), areas of Ancient Woodland (Lisvane Reservoir Wood and Malthouse

Wood), small, mixed broad-leaved woodlands and copses and established native hedgerows.

- 2.16 The green infrastructure (GI) network will integrate with retained habitats through the provision of a series of open space corridors providing ecological connectivity, sustainable access routes and opportunities for sustainable drainage. The GI network utilises the existing stream network, which acts as core structuring element of the GI strategy, links to the countryside and creates buffers to the Llanishen Reservoir SSSI and retained woodlands through the inclusion of variable ecotones.
- 2.17 The Strategic Green Infrastructure and Open Space Plan (Figure 11 below) illustrates the strategic resource to be provided within the site and has been informed by a more detailed landscape and ecological strategy that is illustrated through the Green Infrastructure Masterplan. The overall GI strategy provides approximately 51 hectares of resource and includes four areas for equipped play accessible to the development parcels and provision of land for some 56 allotment plots in two locations, centrally accessed off St Mellons Road and south of Lisvane and north of Cyncoed.
- 2.18 A key part of the form and function of the GI and open space resource is the provision of flood management and surface water attenuation features, which are also indicated on the Development Framework Plan (Figure 2).

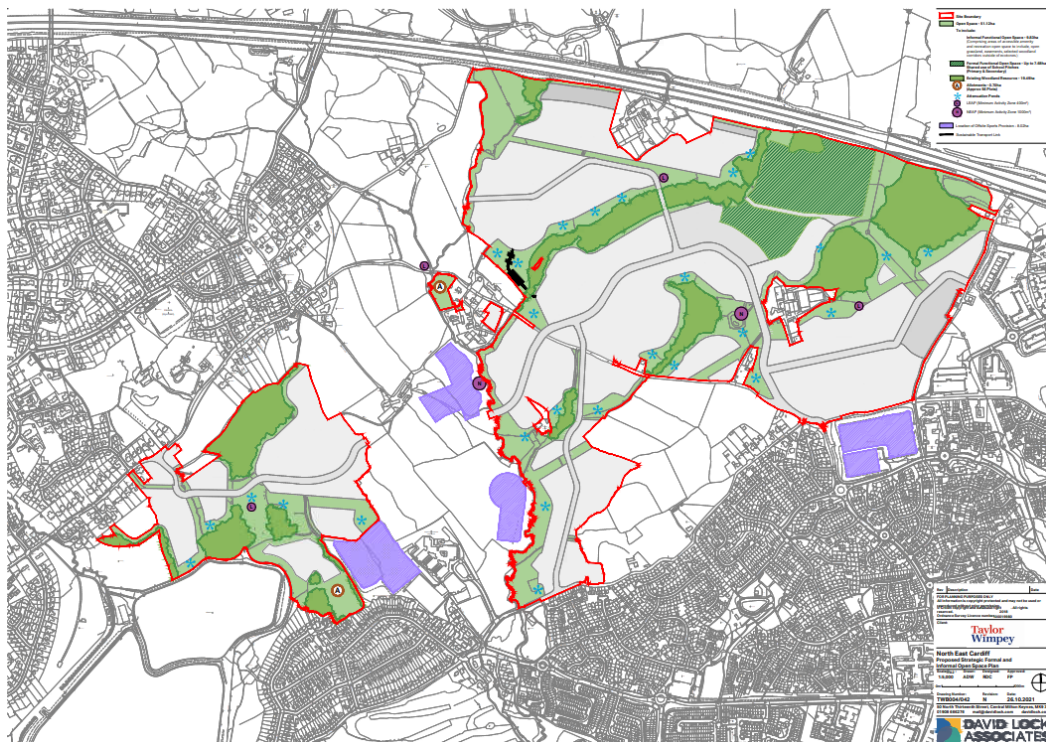


Figure 11: Proposed Strategic and Green Infrastructure Open Space Plan

- 2.19 A phasing plan has been submitted in support of the application to show five strategic phases of development over a period of 15 years. The amended phasing plan is shown below in Figure 12.

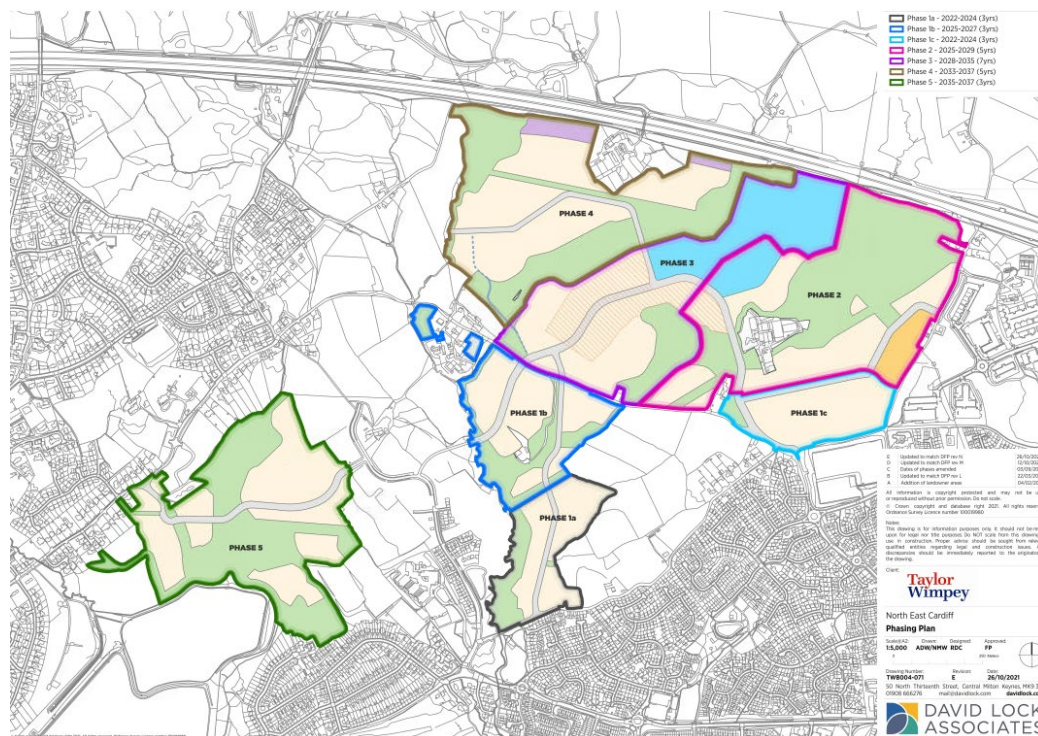


Figure 12: Proposed Phasing Plan

### Supporting Information

- 2.20 The application has been identified as an EIA application as defined by the [Town and Country Planning \(Environmental Impact Assessment\) \(Wales\) Regulations 2017](#), ('the EIA Regulations') and an Environmental Statement (ES) has been provided. The EIA process aims to ensure that any significant effects arising from a development are systematically identified, assessed and presented to help local planning authorities in determining planning applications. If measures are required to minimise or reduce effects then these are clearly identified.
- 2.21 The submitted Environmental Statement (comprising non-technical summary, main text and technical appendices) and addenda have identified 'the baseline conditions', and assessed the potential effects of the development, in relation to:
- Socio-Economic Impacts
  - Transport and Access
  - Air Quality
  - Noise and Vibration
  - Landscape Visual Impact
  - Ecology and Biodiversity
  - Historic Environment (Built Heritage and Archaeology)
  - Agricultural and Soil Resources
  - Hydrology, Flood Risk and Drainage
  - Ground Conditions
  - Utilities
  - Waste

2.22 The assessment below has had regard to all environmental information submitted within the ES along with the comments of statutory consultees on the information supplied, and the comments, observations and representations provided by members of the public have been taken into consideration in the recommendation.

2.23 All documentation relating to the application, including plans, can be viewed on the [Council's Online Register](#).

### 3. PLANNING HISTORY

3.1 The site does not have any relevant planning history.

### 4. POLICY FRAMEWORK

#### *National Policy*

4.1 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'.

4.2 '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.

4.3 '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.

4.4 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

4.5 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*

4.6 [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.

4.7 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.

4.8 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*

4.9 PPW is supported by a series of more detailed [Technical Advice Notes](#) (TANs), of which the following are of relevance: -

- TAN 4: Retail and Commercial Development (2016)
- TAN 5: Nature Conservation and Planning (2009);  
Noting also the Chief Planning Officer letter dated 23/10/19: securing bio-diversity enhancement;
- TAN 10: Tree Preservation Orders (1997)
- TAN 11: Noise (1997)
- TAN 12: Design (2016)
- TAN 15: Development and Flood Risk (2004)
- TAN 16: Sport, Recreation and Open Space (2009)
- TAN 18: Transport (March 2007)
- TAN 20: Planning and the Welsh Language (2017)
- TAN 21: Waste (February 2017)
- TAN 23: Economic development (2014)
- TAN 24: The Historic Environment (May 2017)

4.10 On 16<sup>th</sup> 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.

4.11 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*

- 4.12 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.
- 4.13 [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.
- 4.14 Key policy extracts include the following:
- Cardiff is identified as a 'National Growth Area' where employment, housing opportunities and infrastructure investment will occur (Policy 1);
  - 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 (Policy 2).
  - Urban growth and regeneration should be based on strategic placemaking principles including 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, establishing a permeable network of streets, and integrating green infrastructure (Policy 2);
  - Significant new commercial, retail, education, health, leisure and public service facilities must be located within town and city centres. They should have good access by public transport to and from the whole town or city and, where appropriate, the wider region. A sequential approach must be used to inform the identification of the best location for these developments and they should be identified in Strategic and Local Development Plans (Policy 6).
  - Flood risk management that enables and supports sustainable strategic growth and regeneration in National and Regional Growth Areas will be supported (Policy 8).

- Development proposals must demonstrate action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets (Policy 9);
- Improvements to regional connectivity will be supported through investment. In urban areas, to support sustainable growth and regeneration, improving and integrating active travel and public transport will be prioritised. Active travel must be an essential and integral component of all new developments. Where car parking is provided for new non-residential development, planning authorities should seek a minimum of 10% of car parking spaces to have electric vehicle charging points (Policy 12);
- New developments should include the provision of Gigabit capable broadband infrastructure from the outset (Policy 13);
- Large scale mixed-use development should, where feasible, have a heat network with a renewable / low carbon or waste heat energy source (Policy 16);
- Cardiff, (plus Newport and the Valleys) will be the main focus for growth and investment in the South East region. Strategic and Local Development Plans should recognise the National Growth Area as the focus for strategic economic and housing growth; essential services and facilities; advanced manufacturing; transport and digital infrastructure (Policy 33).

4.15 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

- KP2 Strategic Sites
- KP2(F) North East Cardiff (West of Pontprennau)
- KP4 Master Planning Approach
- KP5 Good Quality and Sustainable Design
- KP6 New Infrastructure
- KP7 Planning Obligations
- KP8 Sustainable Transport
- KP9 Responding to Evidenced Economic Needs
- KP12 Waste
- KP13 Responding to Evidence Social Needs
- KP14 Healthy Living
- KP15 Climate Change
- KP16 Green Infrastructure
- KP17 Built Heritage
- KP 18 Natural Resources

## DETAILED POLICIES

### *Housing*

- H3 Affordable Housing

### *Environment*

- EN4 River Corridors
- EN6 Ecological Networks and Features of Importance for Biodiversity
- EN7 Priority Habitats and Species
- EN8 Trees, Woodlands and Hedgerows
- EN9 Conservation of the Historic Environment
- EN10 Water Sensitive Design
- EN11 Protection of Water Resources
- EN12 Renewable Energy and Low Carbon Technologies
- EN13 Air, Noise, Light Pollution and Land Contamination
- EN14 Flood Risk

### *Transport*

- T1 Walking and Cycling
- T5 Managing Transport Impacts
- T6 Impact on Transport Networks and Services
- T9 Cardiff City Region 'Metro' Network

### *Retail*

- R6 Retail Development (Out of Centre)
- R7 Retail Provision Within Strategic Sites

### *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:*

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

- Archaeology and Archaeology Sensitive Areas (July 2018)
- Food, Drink and Leisure Uses (November 2017)

- 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)
- Planning Obligations (January 2017)
- Public Art (June 2006)
- Residential Design Guide (January 2017)
- Waste Collection & Storage Facilities (October 2016).

## 5. INTERNAL CONSULTEE RESPONSES

5.1 **Shared Regulatory Services (Environment – Enterprise and Specialist Services)**, has considered the submitted geo-environmental and geo-technical information submitted with the application and recommends conditions relating to ground gas protection, contaminated land measures (assessment, remediation, and verification), unforeseen contamination, imported soils, and aggregates and use of site-won materials, plus an informative advisory notice regarding unstable land.

5.2 **Shared Regulatory Services (Neighbourhood Services)** recommends that a report, secured by condition, is approved by the Local Planning Authority prior to the commencement of development to assess road traffic noise, other non-traffic noise (e.g. food and drink uses), plant noise, plus other conditions to safeguard residential amenity including a Construction Environmental Management Plan, kitchen extraction, floodlighting, commercial deliveries and an advisory notice regarding permitted hours for construction activities.

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

- (i) The transportation aspects of the submitted planning application is outline in nature, excepting the strategic site external links with the adjacent communities. There are three access points from the strategic site which connect with the highway network to the surrounding city, which have been included as part of their submission.
- (ii) The review of all the transportation documentation and supporting evidence base provided by the applicant during the progress of the planning application is the product and outcome of considerable collaborative working, and the applicant has helped develop a tableau of acceptable mitigation actions to facilitate the proposed development and phasing strategy. This collaborative work is recognised along with the applicant's positive approach to resolving a number of issues by means of agreed mitigation measures, appropriate planning conditions and a set of Section 106 contributions (of approximately £16 million).
- (iii) It should be noted that the final outcome has a number of points of agreement on the assessments which have been undertaken. The

Council, though, has some misgivings about the methodology employed to forecast and assess traffic by the applicant's transport consultant. These concerns have been expressed to the applicant throughout the application process. In general, the differences in opinion can be related to assessment work which has considered the Council's aspirational 50:50 modal split scenario to be achieved as a given base scenario (from phase 2 onwards), but in addition, there appears to be further discounting of potential vehicular trips to account for internalisation. The continued opinion held by the Highway Authority, applying its experienced role of managing the city network, is that it is not considered logical, or possible, to detach the two and create two streams of vehicular trip discounting when together they work to serve the same purpose, which is the reduction of car use and the need to travel by car. The applicant has provided updates further to the originally submitted documents although it is noted that these updates appear to have no material bearing on the transport assessments, as the flows and modelling presented have not been updated since initial submission. The exception being assessments of Junction 30 of the M4, which were concluded in consultation with Welsh Government.

- (iv) The revised TA submission, received within the consultation period, has in general provided an update on the previous submission and contained further studies that were requested by the Council. The suite of technical assessments and analysis have remained largely unchanged since the original submissions. An update might have been expected to take full account of the integration of the Churchlands development. However, it is acknowledged that the redline boundary has been adjusted and it confirms the inclusion of areas which are required to interconnect and integrate the multi modal travel network for the wider strategic site allocation. Furthermore, the applicant (para 8.9.6 of TA) has "committed they will construct primary streets (including bus and cycle and footpaths) to the boundary of the site and will not ransom a connection to any adjoining sites to the application, therefore not obstruct nor frustrate bringing forward the remainder of the development of the wider strategic site F".
- (v) Having reviewed the submitted transport documentation, it is considered that the traffic flows and traffic modelling for this site could vary from what has been reported. The assessments presented (with the exception of the assessment of the M4 Junction 30 interchange) do not fully satisfy Highway Authority expectations. Cardiff Council has proceeded to undertake its own high level assessments of the network to try to determine whether the impact has been adequately addressed and that the developer proposed mitigation is adequate. The conclusion of the high level assessments was that the impact could be wider than reported and potentially extend beyond the suggested mitigation area. In addition, it was considered that the traffic impact could be more significant when assessed using the Council's methodology (particularly considering diverted and internalised trips). The further work identified proposals for

improvements to the wider network to mitigate the impact from this strategic site.

- (vi) Through the collaborative discussions and progression of the application, a comprehensive set of mitigation measures, appropriate planning conditions and S106 contribution provides the Highway Authority with confidence that the development would be well managed through the phases in terms of sustainable and active travel. The Highway Authority also accepts that the integration of the application site with Churchlands (as part of the overall strategic site) in combination with the mitigation strategy, planning conditions and the S106 contributions would satisfactorily address the transportation concerns raised.
- (vii) Conclusions have been drawn on the findings of the review of this application, and in consideration of the delivery of the wider strategic site. The Highway Authority concludes that the mitigation measures secured (via planning condition and S106) would work to achieve the overall aims of the LDP strategic site.
- (viii) The TA supporting the application considers the proposed development to be implemented over five distinct phases, within each phase there would be a number of stages prior to the completion of a phase.
- (ix) The proposed site would be accessed from three external junctions with the existing road network (there would be additional internal links, including with the existing Churchlands development). The external links would be from St Mellons Road/Heol Glandulais to the east of the site in Pontprennau (accessing phase 1c), Ty Draw Road to the south of the site (accessing phase 1a) and off Lisvane Road to the west of the site (accessing phase 5 of the site). General arrangements for the three junctions have been agreed in principle with the applicant and form part of this application. A further active travel link (indicated in the movement parameter plan) to Park Wall Road would be approved during reserved matters consideration. All access points would offer full spine road characteristics including bus facilities (in terms of bus stops, shelters, bins, RTI etc), active travel facilities (pedestrian footways, cycleways, crossing facilities, etc.) and verges to accommodate planting/drainage features.
- (x) The proposed site would be linked internally via a network of spine roads, as indicated to be delivered in the LDP strategic site plan. All spine roads would provide a minimum carriageway width of 6.3m to facilitate two way public transport movements (the width of the carriageway would be determined at corners and bends using swept path analysis and in accordance with the Council's technical standards). The spine road network would provide public transport and active travel links throughout the site (including a public transport and active travel bridge to link the spine road from phase 3 to phase 4).

- (xi) The spine road corridors would also include 2 x 2m footways (one either side), a 3.2m cycleway and a 2m verge/SuD feature. The other roads within the proposed site would accord with the Council's road types detailed in the Council's technical standards. In addition to provision on the vehicular roads the site would be permeated by a series of off-road pedestrian and cycle links including the downgrading of the existing St Mellons Road to an active travel route (except for limited access).
- (xii) In addition to the on-site active travel facilities (footways, cycleways, footpaths, cycle parking, etc) the applicant will provide contributions to the construction of off-site active travel infrastructure;
- Croescadarn Road/Heol Glandulais corridor;
  - Pentwyn Road corridor bus lane and cycleway improvements;
  - Gwern Rhuddi Road corridor;
  - Cycleway 1 from NEC to Heath Park Avenue;
  - Pentwyn interchange to Rhymney Trail (via P&R site);
  - Peppermint Park shared use link; and
  - Pentwyn to Llanrumney bridge.
- (xiii) The public transport strategy aims to ensure that a "Rapid Bus Transit" service would run along the primary network to deliver high quality and accessible vehicles and a more frequent service. The applicant has indicated that proposals would ultimately result in more trips occurring on the local transport network, however these trips would be accommodated through the achievement of a step-change in transport infrastructure provision, including the implementation of high quality walking/cycling routes, and bus rapid transit corridors. The key is to provide "safe, accessible and managed transport infrastructure that is future proofed to support public transport of today and allow flexibility for that to evolve for future needs and assist with driving the delivery of the Cardiff Councils White Paper modal shift target" (para 8.9.5 of TA). The strategy would include management measures such as bus gates, where appropriate to give buses priority over other traffic. In addition, bus lanes would be provided to enable buses to get a travel time advantage over general traffic.
- (xiv) The applicant would provide measures to ensure timely and quality bus access throughout the site, comprising, but not limited to;
- the provision of bus priority and bus lane measures (outlined within the updated TA) to the east of the site leading to the Pontprennau access point and to the southern access leading to the Ty Draw Road access point. The inclusion of these bus priority measures is needed to ensure that the public transport offer maintains an advantage over the potential use of the private car.
  - The provision of a vehicular link to Park Wall Road (which would facilitate a future bus link via Cardiff Gate Business Park) to be



- constructed as part of Phase 2.
  - The provision of frequent bi-directional bus stops throughout the site (para 8.3.36 of TA) at an “absolute maximum walking distance” of 400m from any dwelling and from each other). All bus stops will provide as a minimum a bus shelter, seating, bin, RTI, and adequate space behind the stop to accommodate unimpeded pedestrian and cycle access.
  - Support extensions and connections with existing bus routes through the site and wider bus network.
- (xv) The applicant will provide contributions (via S106) for bus service extension and expansion, including via the A48, service to the west (via Llanishen), and a new service to St Mellons. In addition to the bus service subsidies the applicant will fund improved bus infrastructure (via S106) in the form of;
- bus lanes and bus priority on Pentwyn Road; and
  - a contribution to the proposed public transport bridge linking Pentwyn to Llanrumney.
- (xvi) The applicant would also provide (at no expense to the Council nor S106 contribution) a shuttlebus service for residents with (para 8.3.47 of the TA) the service “funded until a commercial service is provided”. The applicant has confirmed that the shuttle service could use St Mellons Road during phases when it is available. The applicant’s transport consultant has asserted that width checks, forward visibility and passing places have been fully considered. It was also confirmed that the shuttlebus would commence in Phase 1 as a free Demand Responsive service which would be able to accommodate additional commuter demand. The applicant states (para 8.3.46 of TA) that the service “would operate between the hours of 7am to 7pm, Monday to Friday. It is considered that these operating times would be appropriate, and sufficient to provide for commuting trips. The shuttlebus service “will be free for residents/employees of The Site and open to the wider population to use as a pay and go service” (para 8.3.42 TA). The Mitigation Strategy and Chapter 5 of the EIA (para 5.6.18 of EIA Appendix 7) outline that the service would be maintained during the construction of phases 1 to 4.
- (xvii) This public transport strategy would be supported by the phased implementation of four proposed bus gates within the site. It is anticipated that some of the bus gates may operate only during the peak periods of traffic movement during the week (periods to be determined during detailed design). The four internal bus gates would be located;
- Gate A – St Mellons Road which would initially prevent access through the site, prevent commuter traffic passing through the site from east to west and vice versa;
  - Gate B - On the spine road to the west preventing access through the site, which accompanied by the closure of St Mellons Road through

the site, would prevent commuter traffic passing through the site from east to west and vice versa;

- Gate C – To the south of the proposed public transport/active travel bridge (bus gate would apply 24/7 at this location);
- Gate D – between phase 5 (Lisvane area) and the Churchlands spine Road.

- (xviii) The periods of bus gate operation would be dependent upon future development and would be determined during reserved matters applications.
- (xix) Delivery of additional off-site bus gates (provided by others) would support the overall transportation aims of the on-site bus gates. These would be provided on St Mellons Road between Lisvane village centre and west of the Churchlands spine Road, at the potential access to Cardiff Gate Business Park from Park Wall Road, on the spine road within the potential development site (Church Farm) to the west of NEC phase 4, and within the potential development site to the south of NEC (Bryn Golau Farm).
- (xx) The applicant has confirmed that all car parking and cycle parking provision would be in accordance with the current SPG, and cycle parking will also need to accord with Active Travel Wales. EV charging will be provided for all dwellings with private off-street parking and will be provided in all public car parks.
- (xxi) The applicant has confirmed that travel plans (residential, commercial, employment) will be produced and travel plan co-ordinators will be provided to implement and manage the plans. The applicant documentation has confirmed that the travel plans will provide each household with a minimum of a cycle voucher (£50), an annual bus pass, active travel information, etc.
- (xxii) It has been determined through collaborative discussions, the provision of a comprehensive set of mitigation measures, appropriate and supporting planning conditions and a S106 contributions package, that the Highway Authority has confidence that the development would be well managed and provided for through the phases, in terms of sustainable and active travel.
- (xxiii) There remain some reservations on the final outputs of traffic assessments which have been submitted. The Highway Authority accepts that the integration of the application site with Churchlands (as part of the overall strategic site) in combination with the mitigation strategy, planning conditions and the S106 contributions and the further detail to be determined over the wider site, would adequately address the transportation concerns raised.
- (xxiv) The Highway Authority concludes that the mitigation measures secured (via planning condition and S106) would work to achieve the overall aims of the LDP strategic site.

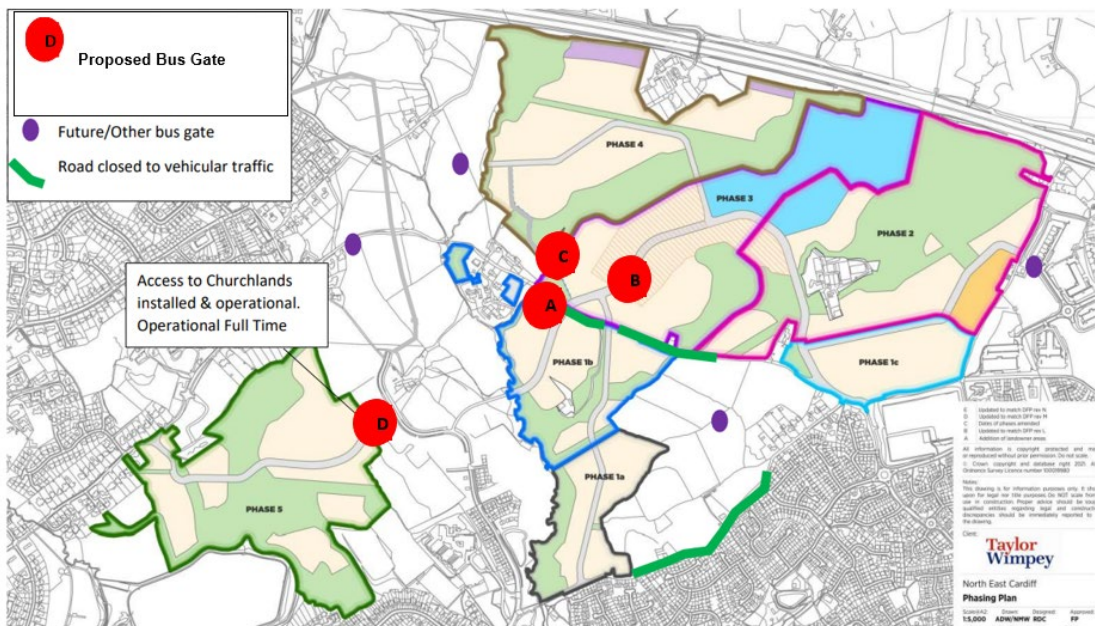


Figure 13: Required Bus Gate Locations

5.4 The **Operational Manager (Waste Management)** provides general advice regarding the provision of refuse storage facilities, management responsibilities and collection arrangements, guidelines for refuse requirements for residential and commercial uses plus provision of litter bins in areas of high footfall. A financial contribution is requested to ensure the provision of appropriate refuse storage facilities in residential areas as follows:

Dwelling type	Cost of bins excluding VAT)
House	140L bin for general waste = £25 240L bin for garden waste = £25 25L food caddy = £0 Green recycling bags = £0
Flats	1100L bin = £390 660L bin = £325 240L bin = £25
Litter Bins	£420 per bin

Figure 14: Refuse Storage Costs

5.5 **Shared Regulatory Services (Air Quality)** considers it essential that a suitable Construction Environmental Management Plan outlining a Dust Management Plan be approved prior to development commencing.

5.6 They have also reviewed the recent concerns expressed on behalf of the local community by all of the local Ward Councillors, and (in summary) advise that:-

- Air quality Annual Progress Reports (APRs) produced by the council can be accessed [online](#)
- As part of the planning application a detailed Air Quality Assessment (AQA) was submitted. Using approved dispersion modelling software, the AQA assessed the potential air quality impacts of new developments

to existing and new receptors in which legal air quality objectives apply. The assessment looked at the current (baseline) air pollutant concentrations within the area and compared these results against air pollutant concentrations with the new development in operation.

- The area of the proposed development does not contain any Air Quality Management Areas (AQMAs). There are no monitoring locations in the North and North East of Cardiff that currently exceed any air quality objectives related to nitrogen dioxide. As part of the AQA, consultants conducted a three month air quality survey using nitrogen dioxide NO<sub>2</sub> diffusion tubes deployed at locations near the Development boundary, covering roadside and background concentrations. These monitoring locations give a more representative pollutant concentration around the development than Shared Regulatory Services/Cardiff Council's monitoring.
- Overall the air quality was good in the study area, with no exceedances of the annual mean objective for NO<sub>2</sub>. The results for the transect demonstrate that concentrations near the M4 (~15m) are well below the relevant objective of **40µg/m<sup>3</sup>**, with concentrations dropping off quickly with increasing distance.
- The results of the AQA modelling found that the impact of the development at current and future receptors is predicted as **negligible** for both NO<sub>2</sub> and Particulate Matter (PM<sub>10</sub>).
- Predicted concentrations of NO<sub>2</sub> and PM<sub>10</sub> are all below the relevant objectives at all proposed receptors located on transects from the proposed spine roads throughout the Proposed Development. Concentrations of NO<sub>2</sub> and PM<sub>10</sub> are also below the relevant objectives at all existing road links.
- With regard to air quality, SRS does not consider the development to conflict with any existing national, regional, or local planning policy.

5.7 The **Housing Strategy Manager** confirms that agreement with the applicant has been reached on the following:

- (i) A policy compliant affordable housing contribution of 30%;
- (ii) 18% affordable housing will be delivered on-site (including Older Persons Accommodation above the joint health and well-being/community facility);
- (iii) The on-site affordable units will be delivered as 15% rented and 3% low-cost home ownership (shared equity at 70% market value).
- (iv) A provisional/indicative unit mix is outlined as follows:

NE CARDIFF (F)	RENTED (15%)	LCHO (3%)
2P1BF	36	0
3P2B F	32	0
4P2B H	110	58
5P3B H	126	25
6/7P4B H	20	0
8P5BH	2	0
	326	83
2P1BF (OLDER PERSONS)	41	0
	367	83

Figure 15: Agreed Housing Mix

- (v) The Council will be the approved organisation to acquire the older person units, with the Council and/or a registered social landlord partner to acquire the general needs rented units;
- (vi) The affordable rented units will be acquired at the relevant Section 106 transfer prices; with the older person unit transfer prices to be agreed at reserved matters stage.
- (vii) All the affordable units will need to meet Welsh Government Development Quality Requirements (WDQR) at the time of construction (and any subsequent or revised documents published by Welsh Government);
- (viii) The older persons units will be required to meet the Welsh Government Development Quality Requirements (WDQR) at the time of construction, and/or the additional specifications required by Cardiff Council.
- (ix) The developer to meet the Council and/or representatives to agree broad requirements for the community & health facility and the older persons scheme specification before the occupation of the first dwelling in Phase 1.
- (x) The developer to submit a draft community and health facility specification and older persons scheme specification to the council for approval by occupation of the 50th dwelling in Phase 2.
- (xi) All the affordable rented units to be allocated from the common waiting list;
- (xii) An affordable housing financial contribution (12%) of £24,168,600 (million) (index linked) has also been agreed to be paid as follows, for use across the city:
  - 30% upon 500<sup>TH</sup> occupation (£7,250,580)
  - 30% upon 1,000<sup>TH</sup> occupation (£7,250,580)
  - 30% upon 1,500<sup>TH</sup> occupation (£7,250,580)
  - 10% upon 2,000<sup>TH</sup> occupation (£2,416,860)

- (xiii) In terms of the affordable housing delivery, the owners and/or the developer shall prior to the commencement of development and as part of each reserved matters submission (for a phase or sub-phase) submit to the Council for the Council's written approval details of an affordable scheme to provide the affordable housing units or such part of the affordable housing units required, including the number of affordable housing units to be constructed within that phase, the type, tenure, size and specification of the affordable housing units, the affordable housing mix, the location and the timing of the delivery of the affordable housing units as well as details of any reasonable service charges and/or additional estate management charges.

5.8 The **Operational Manager, Regeneration**, advises that a joint facility of 2,416m<sup>2</sup> is required to be built by the developer on behalf of Cardiff Council and Cardiff and Vale University Health Board (UHB) comprising a Community Facility (1,864m<sup>2</sup>) with Health Facility (552m<sup>2</sup>); 41 No. elderly persons units would be built on upper floors, delivered by Taylor Wimpey (TW) and forming part of the onsite affordable housing provision. The following triggers/details have been agreed with the applicant and will be secured via the Section 106 Agreement:

- (i) Applicant to meet council representatives to agree broad requirements for the community and health facility specification by occupation of the first dwelling in Phase 1.
- (ii) Applicant to submit a draft community and health facility specification and management scheme to the council for approval by occupation of the 50th dwelling in phase 2 (i.e. approx. 2025-2029)
- (iii) The specification for the community and health facility will include the location and size of the site for the community facility limited to 1864m<sup>2</sup> and will include a multi-purpose hall and a range of flexible multi use community spaces with ancillary kitchen and toilet provision and the health facility limited to of a minimum floor space of 552m<sup>2</sup>.
- (iv) Following submission, the parties shall use reasonable endeavours to agree the draft specification no later than 70 working days after submission (or such longer period as may be agreed by the Council and applicant acting reasonably). Following agreement this shall then become the Community and Health Specification. Full dialogue with the Council and CAVUHB throughout the design process to discuss and agree the design, layout and all details must be carried out ahead of formal sign off for the design from the Council and CAVUHB and prior to a detailed planning application being submitted and construction work commencing.
- (v) Subject to all necessary consents and approvals to construct the community and health facility, the applicant shall commence and construct the facility in accordance with the specification to be completed by the occupation of the 1,400<sup>th</sup> dwelling (i.e. towards end of phase 3 2028-2035).
- (vi) The management of the community and health facility will be a freehold transfer to Cardiff Council, with lease to CAV UHB / others as agreed.

- 5.9 **The Public Rights of Way Officer** makes a number of comments and observations relating to the proposed diversions of existing public rights of way across the site. They recognise that this is an outline application and the precise routing of the diversions shown on the amended movement parameter plan would be considered in detail during the approval of reserved matters.
- 5.10 They also make comments on surface finishes to the routes. The specific locations will determine the most appropriate finish (i.e. shared route, walkers only, woodland walk, boggy or muddy areas requiring a raised surface, etc.). In general, they prefer to have routes created with a permeable surface to help with drainage (EcoGrid is recommended where there are tree roots that need a well-drained, uncompacted soil, stone dust with timber edging for leisure routes and tarmac for strategic/high footfall routes).
- 5.11 The **Operational Manager, Parks & Sport** advises that Policy KP2(F) requires 26ha public open space for the whole Strategic Site including:
- 13 Ha formal
  - 6 playgrounds including 1 destination
  - 1 teen facility plus off site contribution
  - 2 x 50 allotment sites
- 5.12 As the application comprises 56% of the 4,500 Strategic Site allocation, its proportionate contribution to Policy KP2(F) is 14.56ha including:
- 7.28 Ha formal
  - 4 Ha informal open space (capable of recreational use or multiple uses)
  - 3 playgrounds (possibly to include the Destination Space)
  - 1 teen facility plus off-site contribution
  - 1 x 50 allotment sites
- 5.13 The following has been agreed during negotiations with the applicant:
- Play Areas: 3 x LEAP and 1 x NEAP (latter accepted as Destination Space) = 0.22ha
  - Formal Recreation Contribution (in lieu of on-site provision) = 6.99 Ha/ £2,613,087 (discounted to allow for community use outside of school hours of the school sports pitches) % to be paid in each of the 5 phases.
  - Teen Provision: Provision of site ready for MUGA installation (i.e. levelled, services, accessible) and 56% contribution to MUGA = 0.06ha. Medium, single pitch, dual ended, MUGA required with tarmacadam surface and fencing measuring 36.6m x 21.35m with 30m buffer (minimum) between activity zone and residential properties with good natural surveillance. Estimated cost is £150k based on Sport England Q3 2022 cost guide. Delivery of site ready for installation by CC by occupation of 400<sup>th</sup> dwelling.
  - Informal Functional Open Space: 9.8 Ha proposed exceeds 4Ha requirement Agreement reached that future RMs will demonstrate suitability of proposed informal provision to meet Council's expectations i.e. capable of recreational use.

- 0.7 Ha of allotments to provide 56 no. plots

5.14 The **Operational Manager, Drainage Division**, has reviewed the drainage strategy and flood consequences assessment and confirms he is content with the proposals at this outline stage, subject to relevant conditions. He looks forward to progressing the development in a sustainable manner.

5.15 The **Council's Tree Officer** makes the following comments:

- (i) Expresses concerns that the application conflicts with Policy EN8 due to very substantial tree losses. A total of 167 items are impacted including 15 no. Category A trees, 46 no. B category trees and 106 no. C Category trees. The proposed losses of this tree are nothing short of catastrophic and it is of significant concern that the design of development has not been adjusted to secure their retention and protection. As extremely large and long-lived trees, oaks can be considered 'critical infrastructure' in the context of climate change and loss of biodiversity. Mitigating the loss of such trees is essentially impossible in the context of climate change given the time lag involved between planting and mature establishment. The development essentially replaces lost natural SuDS features with crater like attenuation features, many of which are located close to existing green corridors and woodlands, despite such engineered features being wholly out of keeping with the natural landscape and its vegetation development.
- (ii) It remains the case that the detailed access elements are particularly destructive in terms of tree loss and they still lack detailed landscape designs – they are essentially led by engineering requirements rather than seeking to sensitively integrate into the landscape with substantial soft landscape provision.
- (iii) He would support amendments to design to substantially reduce the impact on existing 'A' and 'B' category items and to scale down the landscape impact of development in general terms. The design of development should have greater regard to the implications of climate change (policy KP15) and the declaration of a 'Climate Emergency'. Retention of and protection of important trees and vegetated soils is a key component of the strategy to mitigate the predicted impact of climate change and the design of development should be amended accordingly.
- (iv) The Soil Resource Report should inform the production of a Soil Resource Plan/Soil Management Plan to inform the detailed access elements of the current application and reserved matters applications for each phase of development including soil stripping, storage, amelioration and placement methodology/specification, the design and specification of landscaping for each development phase, including highway landscaping. It is essential that the Soil Resource Plan/Soil Management Plan incorporates a requirement for site monitoring by the soil scientist, with monitoring reports issued to the LPA at key stages of development (e.g. initial strip, storage stockpiles, stockpile remediation, ripping of subsoil and topsoil placement).
- (v) Verges along the key spine roads should be a minimum of 2m to accommodate tree planting. Load bearing soils cells should be used to



allow roots to escape the verge and access un-compacted soils as this will allow large long-lived trees to thrive in c. 20 cubic metres of soils. In relation to this, service corridors need to be arranged to avoid conflict with tree planting.

- (vi) Spine road verges should ideally be positioned between footways and cycleways rather than adjacent to carriageways to enable trees to access soils either side and avoid conflicts with highway infrastructure. Soils are also susceptible to salt spray.
- (vii) Concerning ecotones, he recommends that they be clearly defined areas between grassland and woodland that may contain, at most, an informal meandering footpath. Development infrastructure, cycleways or surfaced/lit footpaths should be avoided in these areas. Foul sewerage is proposed within woodland ecotones and this will not only damage soil, but could compromise planting. A limited number of SuDS features within woodland ecotones may be acceptable so long as their construction will not impact on RPAs, sufficient space is provided to allow for woodland edge planting/regeneration and soil hydrology will not be impacted in a way that harm results to the woodland.
- (viii) He recommends conditions relating to tree protection, tree work, and landscaping design and maintenance for all highways works and reserved matter applications.
- (ix) No incursions into RPAs of any veteran trees will be supported and no veteran trees should see significant changes in soil hydrology or exposure. Buffer zones should be provided to all veteran trees (15 times its diameter in all directions or 5m from the canopy, whichever is greater).
- (x) He expresses concern that the Lisvane Road access junction is particularly destructive in terms of tree losses (48 no. items are impacted, though he accepts a significant percentage would be ash which is vulnerable to disease in the long-term). He would like to know how these losses would be offset successfully by new planting;
- (xi) Breaching continuous woodland by highway infrastructure has not provided details of likely losses e.g. additional losses may occur due to wind-throw or wind-snap plus engineering operations involving plant equipment may necessitate more removals than first envisaged.

5.16 The **Council's Ecologist** makes the following comments:

- (i) Section 7 Species – the ES addendum has not fully considered skylark which were noted singing adjacent to Sunnybank bungalow. No compensation for the loss of skylark habitat has been provided. They recommend that the northwest field of the site, adjacent to the M4 and Nant Glandulais is retained and managed for skylark. To ensure its suitability for nesting skylark the area requires fencing to be installed along the eastern side of the Nant Glandulais, south of the field (north of the easement / proposed public footpath and west of the field (west of the Nant Glandulais) to prevent public access. Other S7 species such as brown hare and hedgehog are also likely to be present within the site and would be displaced and potentially killed/injured during construction if appropriate mitigation is not put in place. A hedgehog movement plan will need to be provided in the GIMS to demonstrate that hedgehogs will be

able to move freely across the site during and post construction. Brown hare will also need to be considered during construction, measures to protect brown hare can be provided in a CEMP.

- (ii) Enhancement – Trees and scrub habitat have been combined in one group making it difficult to understand if tree loss has been compensated for and a net gain delivered. The type and proportions of tree and scrub planting which will be provided, will be included within the GIMS.
- (iii) Update surveys for reptiles, bats and dormouse are required to inform each RM application. Dormouse nest tube surveys will be needed, and licences will need to be applied for. A rolling programme for ecological update surveys identifying which species and habitat surveys will be subject to on-going survey must be submitted to the Local Planning Authority. Pre-construction surveys will also be required for protected and invasive species. Details of these surveys can be provided in the CEMP.
- (iv) Green Infrastructure Management Strategy (GIMS) – The GI framework proposed at the site is generally sound. All measures to promote green infrastructure will be secured via a strategic GIMS covering the whole site, with detailed GIMS for each reserved matter submission setting out greater detail the mitigation and management measures for all green infrastructure.
- (v) A Construction Environmental Management Plan (CEMP) condition will also be required for each phase of development.
- (vi) A Habitats Regulations Assessment (HRA) has been undertaken by the Council as the Competent Authority, as required by Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended). The HRA focuses on the Cardiff Beech Woods Special Area of Conservation as the application site is within 4km of this designation. The Cardiff Beech Woods SAC comprises one of the largest concentrations of beech forests in Wales. The HRA found that an increase in recreational activity, particularly in recent years, is causing serious concern, such that its conservation status is currently unfavourable. Mountain biking, through the development of unauthorised informal tracks and dog walking, resulting in higher nutrients in the ground, have been identified as the main reasons for this.
- (vii) Taking a precautionary principle, the HRA concluded that the development has potential to cause a likely significant effect and therefore the HRA proceeded to Stage 3 (Appropriate Assessment) (AA). The AA identifies that the on-site Green Infrastructure to be retained and enhanced through the development is likely to appropriately mitigate the impacts of dog walkers from the development by providing an alternative recreational resource with informal paths and trails that would contribute to offsetting any increased pressure on the SAC from this activity. This

on-site resource would also be maintained and management through conditions attached to any permission granted.

- (viii) In respect of mountain biking, the AA recognises that the on-site resource is not comparable to the Beech Woods SAC in respect of its terrain; the latter possess steep slopes and ravines which are attractive environments for mountain biking. However, there exists ongoing site management works between multiple agencies and stakeholders to raise awareness and manage access to the designation.
- (ix) The AA concludes that, as a consequence, there would be no adverse effects on the integrity of the SAC from dog walkers or mountain bikers from the development. A copy of the Council's HRA can be viewed on the [Council's Online Register](#).

5.17 The **Operational Manager, Education**, confirms that the Council's preferred strategy, consistent with its published LDP Infrastructure Plan, is to:

- Pool financial contributions from 19-02330-MJR with those secured/ sought from other housing developments within LDP Strategic Sites F and G, and/or within close proximity of these sites
- Secure a site of sufficient size to accommodate a secondary school with sixth form of a sustainable scale
- Use financial contributions to enable the construction of a new primary school within the development site
- Use financial contributions to enable the construction of a new secondary school within the development site
- Contributions would be sought proportionate to the number / mix of dwellings completed.
- Further financial contributions would be sought from other developers towards the cost of additional school places and also towards the value of the school site, to allow the apportioning of contributions towards land and places to be fairly and reasonably related in scale and kind to each development, to make each development acceptable in planning terms, and such that the financial and land contributions relate to each development.
- The Council's proposed strategy is to co-locate the primary school (incorporating nursery provision) and secondary school on a single site or on adjacent sites.

5.18 The applicant has agreed to:

- Provide a 10Ha site to accommodate a two-form entry primary school and a secondary school.
- Provide a combined primary and secondary financial contribution of £5,478,972 which is reduced because the size of site would exceed the calculated requirement by 5.4356Ha. subject to re-assessment upon the receipt of any revised housing mix.
- A clawback period of ten years from notification of and receipt of final financial contribution.

- Deliver 'enabling works' to provide a prepared and levelled site that is suitable for Education development without abnormalities. In line with the Council's commissioned test report the owner will be deliver and fully fund the following works:
- Site slopes to be in line with Sports England, Building Bulletin 98 and 99, accessibility and Equalities Act 2010 requirements.
- ground conditions that allow pitches to be located on the north of the site – including but not exclusive, earth works/ cut and fill; retaining walls; drainage; flood risk; ecology; ground contamination; acoustics compliance with BB93, utilities suitable for a primary and secondary school, relocation of overhead power cables, legal easements for utilities providers, earthworks, ground contamination such as Radon and Methane.
- Incoming utilities, including as a minimum fibre, water and power, to serve the proposed development will need to be provided to the site boundary and sized in line Building Bulletin 98 and 99 schedule of accommodation requirements.
- Surveys – provide all relevant surveys with warranties in favour of the Council.
- Legislation – deliver against all legislation including foul and surface water drainage and SAB approvals and borne any costs for the 'enabling works. The site must include bringing both foul and surface water drainage points with adequate capacity to the boundary of the site, and if required proving, formalising, cleaning, and improving existing watercourses to allow a consented surface water discharge via said watercourses.
- Not use the proposed school site as a site compound or for any other use by the developer unless agreed in writing with the Council.
- Re-calculate owner contributions in line with Building Cost Information Service Construction Data (BCIS) last published before each trigger point.
- Pay the Council £1.12m (BCIS indexed until construction mid-point of the contract programme for the works, for the provision of one Sports England compliant adult size all weather sports pitch with run offs.
- Obtain Council approval at each RIBA stage for the 'enabling works', providing 2 weeks for the Council to review and approval proposals.
- The above financial contributions will not be adjusted to reflect ground works costs, pitch works costs and all-weather pitches costs nor any other costs identified to make the site a 'suitable site' for establishing a school with appropriate playing fields.

## 6. EXTERNAL CONSULTEE RESPONSES

- 6.1 **Glamorgan Gwent Archaeological Trust** confirms that the proposal has an archaeological restraint. The submitted assessment notes the presence of potential medieval earthworks and the possibility of Roman remains, particularly in the southern part of the site. Two Post-medieval farmhouses, Ty Draw and Deriduaon House, are also present. A review of historic mapping also identified historically important hedgerows. Furthermore, two cropmarks potentially associated with archaeological remains were identified on aerial photography. The subsequent geophysical survey identified a square enclosure in Area 9B and a ladder-type collection of responses, possibly associated with the

Deserted Medieval Village (DMV) of Llan in Area 10B. Additionally anomalies (B and C) were also noted. Clearly there is the potential for archaeological remains to exist on the site and so be encountered during the course of the proposal. Therefore they recommend a condition requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource if the application is determined favourably. They envisage that this programme of work would, in the first instance, include the investigation of the geophysical anomalies, cropmarks, earthworks, farmhouses, and hedgerows noted above, with detailed contingency arrangements including the provision of sufficient time and resources to ensure that any archaeological features or finds that are located are properly investigated and recorded; it should include provision for any sampling that may prove necessary, post-excavation recording and assessment and reporting and possible publication of the results.

- 6.2 **CADW** has no objection to the impact of the proposed development on scheduled monuments. The application area is located some 450m south of scheduled monument GM066 Castle Field Camp E Of Craig-Llwyn, an Iron age hillfort, although it is likely that the built aspects of the proposed development will not be visible closer than 1km from the monument and in limited views. The environmental statement accompanying the application includes an assessment of the impact of the development on the setting of this scheduled monument that concludes that the development will not have an impact on the setting of the monument, as the area of land which will be visible is a post-medieval landscape. However this post-medieval landscape is farmland and whilst the field boundaries may be different to those contemporary with the hillfort, it is still likely that views in this direction would have been of farmland and therefore the current view presents an impression of the hillforts' contemporary surroundings. Therefore the proposed development will introduce modern buildings into this limited view, and in their opinion this will have an impact on the setting of the scheduled monument. This will constitute a very slight, but not significant, adverse impact on the setting of scheduled monument CM066.
- 6.3 **The Health and Safety Executive** would not advise against the granting of planning permission if a condition is included in the permission which would ensure that the school sports pitches closest to the pipeline cannot be used until suitable additional protection has been provided for the section of pipeline shown in the drawing entitled 'High Pressure Gas Pipeline HSE Consultation Zones with Illustrative Masterplan' (Drawing Number: TWB003-024 Rev. C) in order to reduce the risks from the pipeline in the vicinity. The additional protection measures would involve either the provision of concrete protection slabbing above the section of pipeline, or the replacement of the section of pipeline with pipe with a minimum wall thickness of 10.31mm. Either of these options must be agreed with Wales and West Utilities, the pipeline operator - see Wales and West Utilities document WW/SP/SSW/22 : Specification for safe working in the vicinity of pipelines and associated installations operating above 2 barg – requirements for third parties'

6.4 **Dŵr Cymru Welsh Water** comments as follows:

- (i) A Hydraulic Modelling Assessment (HMA) has been carried out on the potable water network advising that no reinforcements are required to accommodate the development. They advise that the HMA may need to be revisited at water connection stage to factor in the latest network position and ensure the development can connect without detriment to existing customers;
- (ii) The proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010 and therefore requires approval of Sustainable Drainage Systems (SuDS) features. If a public sewer connection is preferred, the applicant must make an application to communicate surface water flows under Section 106A of the Water Industry Act 1991. Prior to the approval of a sewer connection application, a valid SAB consent is required and will need to demonstrate an agreed connection to the public sewerage network. Notwithstanding the above, it appears that the application seeks to utilise sustainable drainage and discharge surface water to the nearby watercourse and therefore they offer no further comments at this stage but welcome the opportunity to review and comment further under the SAB application
- (iii) They recommend a condition to secure a comprehensive drainage strategy for the entire site prior to the commencement of development that demonstrates that the existing public sewer network can suitably accommodate the proposed development site.
- (iv) They are considering the acquisition of Coed-ty-Llwyd, which is strategically located adjacent to both the development site and the Reservoirs. Coed-ty-Llwyd is a Site of Importance for Nature Conservation consisting of semi-natural oak / alder woodland with varied ground flora indicative of ancient woodlands. Their acquisition of Coed-ty-Llwyd would provide an opportunity to connect the development to the reservoirs by enabling public access through the woodland, whilst protecting and enhancing biodiversity.
- (v) They would like to discuss a S106 contribution for the acquisition of the woodland and the costs of enabling and maintaining safe public access. Enabling public access from the development through Coed-ty-Llwyd would make it easier for the new communities to access the facilities at the reservoirs on foot from the north; and thereby reduce visitor pressures and impacts on the wider site, which is protected as a Site of Special Scientific Interest. At the same time Coed-ty-Llwyd would be brought into active management to enhance and protect biodiversity and strengthen the interconnectivity of Cardiff's green infrastructure.

6.5 **The Welsh Government Agricultural Division** recommends the Agricultural Land Classification Information survey and report which confirms the presence of 24.9 Ha of Subgrade 3a, 79.4ha of Subgrade 3b, 4.1ha Grade 4 and 26.2 Ha of Non Agricultural land on site, be accepted by the Local Planning Authority.

The site is part of the adopted LDP allocation for North East Cardiff (Strategic Site F) therefore Best and Most Versatile Agricultural Land Policy (PPW11 paragraphs 3.58 and 3.59) will have already been considered.

- 6.6 **Natural Resources Wales**, having considered the further information, are satisfied that their ongoing concerns regarding the application can be overcome by attaching conditions relating to pollution prevention of designated sites, flood risk, and European Protected Species. They also request that the Environmental Statement accompanying the application and the Dormouse Mitigation Strategy be specifically listed as approved documents on any decision notice. Without these conditions, they would object to the application.

#### *Habitats Regulations Assessment*

- 6.7 They highlight the increase in recreational impacts on the Cardiff Beech Woods Special Area of Conservation (SAC). Since 2009 the extent of damage through soil compaction and erosion due to unauthorised tracks and desire lines has increased. They noted that Cardiff's population has grown during this time.
- 6.8 They have evidence showing the SAC's condition declining and the normal function of the woodland being disturbed through increased mountain biking and to a lesser extent walking/dog walking, and other recreational uses. The extent of unauthorised trails within the Forest Ganol and Cwm Nofydd unit has increased at a rate of 2km<sup>2</sup> in 2009, 4km<sup>2</sup> in 2015 and 6 km<sup>2</sup> in 2021 and their most recent 2021 survey found that there was significant habitat damage. These impacts and resulting damage is largely being caused by mountain bikers straying off formal paths creating tracks/trails and jumps within the woodland, using the local topography. They consider that future residents of the proposed development may use the woodlands recreationally. However, it is difficult to quantify this likelihood, specifically in terms of numbers, type of activity and frequency.
- 6.9 They consider that the measures set out in the Council's Appropriate Assessment (AA) would mitigate some likely impacts on the SAC, predominantly from walkers/dog walkers as these users would more likely use the informal and formal open space and retained woodland being offered by the proposed development. Therefore, they agree that these measures will help offset any future increase in recreational use on the SAC from these residents.
- 6.10 In respect of mountain biking, the informal and formal open space as well as retained woodlands isn't comparable to the topography and rural experience at the Beech Woods SAC. Therefore, these measures are unlikely to mitigate adverse effects from mountain biking, if carried out by future residents.
- 6.11 They do, though, appreciate it is very difficult to propose measures intended to avoid or reduce these impacts, at a project level, especially those effective at the location at which damage is predicted to occur. They also acknowledge existing work by the Council (as landowners of Forest Ganol and Cwm Nofydd), in partnership with NRW (as nature conservation body), to address these issues through on-going site management, particularly the damaging impacts from

unauthorised tracks/trails. This reflects the SAC's Core Management Plan objective referenced above and they recommend this is detailed or referenced in the AA. Therefore, based on the evidence available, they are satisfied with the Council's conclusion of no adverse effects on the site integrity.

### *Designated Sites*

- 6.12 The site lies adjacent to the Lisvane Reservoir SSSI and the Llanishen and Lisvane Reservoir Embankments SSSI. The waterbody Lisvane Reservoir SSSI is designated for overwintering birds. Llanishen and Lisvane Reservoir Embankments SSSI is designated for its diverse grassland fungi including waxcap *Hygrocybe* species that grow on the grass banks of the reservoir.
- 6.13 Large amounts of silt are currently in the Glandulais intake. Increases in the amount of sediment from the Glandulais could have a negative impact on bird populations in the area. Changes in water quality can affect food sources and the potential increase in oils can affect feathers. To protect the water quality of Lisvane Reservoir SSSI, the watercourses in the Glandulais catchment that feed into the mushroom valve to the north of Lisvane Reservoir need to be safeguarded from pollution. They recommend a relevant condition. They also request a buffer strip be maintained along all watercourses on site to mitigate runoff or silt during the construction phase.
- 6.14 A buffer zone of at least 24 metres would be appropriate between Lisvane Reservoir and construction activities to minimise disruption to overwintering birds during construction activities.

### *Flood Risk*

- 6.15 They recommend a condition referring to the updated Flood Consequences Assessment (August 2020). The condition should also restrict development in flood risk areas to landscaping works only and no land raising shall take place in such areas.

### *European Protected Species*

- 6.16 Development of the site has the potential to cause detriment to the maintenance of the favourable conservation status of dormice and otters, unless suitable mitigation and/or compensation schemes are established and managed in the long term.
- 6.17 Dormice, otters and all species of British bats, as well as their breeding sites and resting places, are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). Where these species are present and where a development proposal is considered likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation. A licence may only be authorised if:
- (i) The proposed works to be authorised satisfy an appropriate derogation



purpose, which in the case of development are for the purposes of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment;

- (ii) There is no satisfactory alternative; and
- (iii) The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

6.18 These requirements are translated into planning policy through Planning Policy Wales (PPW) Edition 11 dated February 2021, sections 6.4.22 and 6.4.23 and Technical Advice Note (TAN) 5, Nature Conservation and Planning (September 2009). To avoid developments with planning permission subsequently not being granted a licence, the planning authority should take them into account when considering development proposals where a European Protected Species is present.

6.19 Having reviewed the application and further information, they consider that the application provides an adequate basis upon which to make an assessment of the likely impact of the proposals. They recommend a Section 106 Agreement and/or conditions are used (LPA to decide) to secure:

- (i) Details of the financial measures to secure habitat management and species monitoring provisions;
- (ii) Details of management and monitoring of ecological areas and green corridors to be covered by the agreement;
- (iii) Implementation of the above.

6.20 They welcome the information as set out in the Environmental Statement and Dormouse Mitigation Strategy (Issue 11 dated 13 December 2021).

6.21 They recommend site-wide pre-commencement conditions relating to:

- (i) Long-term habitat management and monitoring;
- (ii) Protected species monitoring scheme;
- (iii) Green infrastructure phasing plan;

6.22 They recommend future reserved matter submissions include the following supporting information:

- (i) Green corridor provision and enhancement;
- (ii) Bat conservation scheme where impacts upon roosts cannot be avoided, including updated bat surveys;
- (iii) Lighting strategy to avoid illumination of dark corridors (they welcome the commitment to provide bespoke lighting at locations where road corridors cross green infrastructure);
- (iv) Repeat surveys for protected species;
- (v) Habitat Severance Strategy

- 6.23 The also recommend good practice guidance in relation to otters, who have been sighted at Llanishen and Lisvane Reservoirs and are known to commute along the Nant Glandulais. In addition, all culverts should be installed with mammal ledges or other alternatives for safe otter passage under high river flow conditions and any losses of localised habitat should be replaced by other wetted areas in compensation.

*North-West Active Travel Connection*

- 6.24 They have no objection in principle to a 5.5m wide active travel connection in the NW boundary of the site to provide an east/west connection to the adjoining parcel within the strategic site. They would expect the link to be unlit, suitably avoids or minimises impacts on habitat connectivity and offsets any unavoidable habitat loss. The connection should also be included in the detailed green infrastructure, severance and protected species conservation strategies for this phase of the development.
- 6.25 **Welsh Government (Planning Directorate)**, directs the Council not to grant planning permission for this application without the prior authorisation of the Welsh Ministers. The Direction prevents the Council only from granting planning permission; it does not prevent the Authority from continuing to process or consult on the application. Neither does it prevent the Authority from refusing planning permission.
- 6.26 **Network Rail** objects to the application. They provide a review of LDP policies KP2(F), KP5, KP8, T5, and T6, highlighting the promotion of sustainable transport as a consistent theme. KP7 outlines that planning obligations can be sought to mitigate any impacts directly related to the development, including additional demands placed upon existing infrastructure such as railway. They consider that impacts upon the railway network have not been properly considered. The application proposes to improve access to nearby railway stations (e.g. via the strategic cycleways) and predicts passenger usage will increase with no proposals for improving facilities at the stations except provision of additional cycle parking and bike hire facilities. The existing facilities at the railway stations require improvements to make travelling by train an attractive option for future residents. Local Development Plan policies seek new development proposals which maximise use of, and promotes sustainable modes of travel, this includes travel by rail. The current proposals do not meet these requirements, and do not provide integration between all modes of transport. This will result in existing rail stations near to the application site being unable to provide the quality of facilities which will encourage travel by rail. Network Rail therefore objects. They seek financial contributions via a Section 106 Agreement towards the improvement of rail user facilities at Llanishen, Lisvane and Thornhill, and Heath High and Low Level Stations to meet the additional demands placed on these stations as a direct result of the scale and uses proposed within this strategic development. In the absence of securing these required reinforcements, they maintain that this development does not meet the Local Development Plan policies identified above.

- 6.27 **South Wales Police Design Out Crime Officer** has no objection to the proposed scheme and recommends that their advice in their response to the pre-application consultation be included in any detailed approval. They further request that dialogue takes place on future detailed designs for the schools and community facilities to reduce the future risks of crime and significantly enhance the long-term sustainability of the proposed development.
- 6.28 **Cardiff & Vale University Health Board (UHB)** advises that the development could place substantial pressure upon health services both within the site itself and other areas of the city. They propose a joint primary health and community facility to meet this increased need through the delivery of a shared multi-functional facility within the site's district centre (see comments of Operational Manager, Regeneration, paragraph 5.7 for more details).
- 6.29 The **Welsh Government Department for Economy and Infrastructure (Transport Division)** has no objection subject to the M4 J30 & Pentwyn Interchange Modelling Technical Note Scheme Drawing (Rev 04 Dated 2/2/2021) being implemented and delivered in line with the supporting Transport Assessment timing/phasing. They require the applicant to commission and pay for a Safety Audit of the scheme for all stages, in accordance with the Design Manual for Roads and Bridges GG119 and in association with any forthcoming detailed design. The Applicant shall also agree the required measures with the Welsh Government before works commence on site and will be responsible for meeting all costs associated with these works. The applicant will be required to enter into an appropriate legal agreement for the delivery of the J30 Scheme as mentioned in the updated Transport Assessment.
- 6.30 **Western Power Distribution** advise that any new connection or service alteration will require a separate application for their approval.
- 6.31 **Wales and West Utilities** provides an extract of their mains records of the area covered by the application together with a comprehensive list of general conditions for guidance. This includes advice to contact their dig team for further guidance where higher pressure apparatus is affected. No construction work must take place over their plant or enclose their apparatus.
- 6.32 **National Grid** provides general guidance relating to construction works in the vicinity of their apparatus. They also confirm that further assessment is required before any construction works commences as part of the site is within the high-risk zone from their apparatus. In relation to the overhead lines they request that nothing is built underneath the conductors and a minimum of 15m stand off from the towers is provided for unrestricted maintenance access for maintenance. On initial view of the plans this does not look to be an issue and the developer can contact them for further guidance and feedback on their plans in relation to working near their assets via LSBUD should they be granted planning permission.
- 6.33 **ESP Utilities Group** requests to be updated about the extent and nature of the proposed works so that they may establish whether any additional precautionary or diversionary works are necessary to protect their network.

## 7. REPRESENTATIONS

- 7.1 **Councillor Joel Williams (and former Councillor Dianne Rees)** made a request that Planning Committee carry out a site visit for the application (since undertaken), and submitted significant concerns, objecting to the application on grounds relating to transport impacts; Pollution and Air Quality and infrastructure.
- 7.2 The above submissions have been superseded by further representations submitted jointly (on 20<sup>th</sup> February 2023) on behalf of **Councillors Emma Reid-Jones, John Lancaster & Sian-Elin Melbourne (Lisvane & Thornhill Ward) and Councillors Joel Williams & Peter Littlechild (Pontprennau & Old St Mellons Ward)** which express significant concerns about the proposals, noting that they have identified what they feel are legitimate planning grounds for why this application should be **REFUSED**, which are stated as follows: -

### Need

*As Councillors, we recognise that housing is needed across the city on identified areas, due to the LDP, lack of social housing and the ever-growing Council housing list. However, many people in our wards have questioned the need for such a vast development at all. We understand it was based on the Council's population projection figures for the current LDP, this was shown to be inaccurate with inflated figures TWO YEARS ago ([Cardiff expected to grow much more slowly than previously thought - Wales Online](#)). Cardiff Council's timetable for their Replacement Local Development Plan has already been pushed back, in order for it to be informed by the latest evidence relating to housing need and revised population figures following the release of the 2021 Census findings, and an updated Local Housing Market Assessment. We contend that, due to the over-estimation of population growth referenced above, this proposed development is unnecessary and should at least be paused in order to be subject to the same assessment. What proof is there that the original demand hasn't changed? If demand has changed, how will this reflect in the planning permission phase by phase? It is important to avoid part finished estates or partial occupancy by developers.*

*As local Councillors, we wish to understand strategic planning and how this development will unfold, but most importantly learn lessons from recent developments like St Edeyrns, Churchlands, and Plasdwr, making sure upfront the issues that have arisen are not repeated, which subsequently create hugely increased workloads for Cardiff Council's staff and departments and significant costs to rectify.*

*We need to see a detailed timeline showing full plans of the phased residential building including details such as numbers, sizes, and density of houses to be built in our wards.*

*The current plans and appendices provided by Cardiff Council's planning department are out of date and therefore do not reflect the impact of*

developments already built or underway since 2018. When will these be brought up to date, giving a true reflection of the increased pressures on highways, infrastructure and local services?

### Transport

*This application for an additional 2,500 dwellings between Lisvane and Pontprennau, in addition to the recently approved 1,000 dwellings which are currently under construction, will lead to a total shutdown of surrounding roads in not only Pontprennau and Lisvane but in Cyncoed and Pentwyn. It is unacceptable that the main access roads for the application are existing roads without new plans to improve existing infrastructure on roads in Pontprennau and Lisvane.*

*The main access points for the application are Pentwyn Road (by Corpus Christi High School) Lisvane Road and Heol Glandulais (by Pontprennau Playing Fields). These roads are often congested at peak times and a recent survey highlighted that if this application were to be granted waiting times on Heol Glandulais would increase by up to 900%.*

*In addition, the proposals fail to deliver or connect a number of key Core Cycle Routes and do not clearly connect to Cycleways serving Cardiff.*

*This limited level of access is insufficient for a scheme of this scale and will not allow for safe, convenient, direct, and timely connections to / from the site for pedestrians, cyclists and public transport users. It is wholly inappropriate that Ty-Draw Road is not an appropriate access route to a strategic development of circa 2,500 homes.*

*Access to St Mellons Road to the east is via Heol Glandulais. Heol Glandulais is an inappropriate route to provide a key access to circa 2,500 dwellings, with no footways present, no pedestrian facilities on any sort, and traffic calming – in the form of speed cushions – installed in an attempt to control traffic speeds. On entrance to Heol Glandulais there are large signs stating ‘unsuitable for Heavy Goods Vehicles’. Heol Glandulais is not designed to accommodate pedestrians, cyclists or buses, or high levels of vehicle movement. The application is incapable of improving Heol Glandulais, and it is not proposing to do so in any event, and the Primary Highway route effectively terminates at the NEC boundary, with no onward connections possible, as demonstrated in the submitted access design.*

*We have serious concerns about a report which highlighted significant increases in congestion and waiting times on Pontprennau’s roads- which records a forecast queue of 390 vehicles (over 2km) in Phase 1, and a delay of over 40 minutes. How buses will negotiate this queue (let alone private vehicles) and this delay is not explained, and so this cannot be relied upon with any degree of certainty.*

*The environmental impact assessment (Appendix 7 transport) suggests that St Mellons Road and Ty Draw will be used for site access/deliveries and*

*workforce. These roads are recognised by Cardiff Council as unsuitable for HGVs and have warning signs at all roads to indicate this. The current construction works are already causing major disruption to these routes using these roads that we were previously told they wouldn't, and agreements planning had with developers, that has simply been ignored.*

*Aside from the issues we already have with St Mellons Road and Ty Draw Road, we are extremely concerned that our current infrastructure cannot support the additional demand. Many roads were built or installed when Lisvane was a village on the outskirts of Cardiff being supplied by country lanes.*

*Increased public transport will be needed in order to achieve the council's ambition of a 50/50 modal split. With the regular bus service to Lisvane under threat of being reduced, we are already facing issues in St. Edeyrns. Within 3 years of the bus route starting, services are being reduced by Cardiff Bus, not supporting a growing estate with over 800 houses and forcing those who are able, to use cars.*

*No doubt, both Cardiff Council and Taylor-Wimpey will say they intend the new development to be served with buses. However, the provision, timing and routing of bus services is the sole preserve of bus companies. It is not within the gift of either the Council or the developer to force a bus company to provide a service. There is therefore no guarantee that the proposed development will have sustainable long-term public transport. Furthermore, the proposals fail to deliver the key Bus Based Rapid Transit Corridors, with no connection to 'Churchlands' and no connection from the east of site (Phase 1 – Phase 4) other than via St Mellons Road, which in the proposed form is not an appropriate route.*

*The Park and Ride at Cardiff East has been closed recently, so walking to catch a bus in Pontprennau then getting on public transport is the only option, taking nearly an hour to enter the City Centre. There is no train service. What long term strategy has been put in place that new residents can access an efficient, regular public transport system?*

#### *Pollution and Air Quality*

*Data is available from 2 independent bodies, the UK National Atmospheric Emissions Inventory (NAEI) and the British Lung Foundation (BLF) and the Council must consider this data when determining the above application. Data has shown the pollution levels of dangerous elements in the Cardiff area are very high and in some places at their maximum. With the density of traffic, the M4 corridor produces dangerously high levels of nitrogen dioxide, carbon monoxide and importantly particulates PM10 and PM2.5. The Westminster Government has just announced the outline of a "Clean Air Act" in the recent Queen's Speech which is looking to further strengthen legally binding targets to reduce pollution and improve the very poor respiratory disease rates in the UK.*

*This planning application seeks consent to the building of a large group of houses very close to the M4 corridor therefore putting its inhabitants in the "drop*

out" zone of the M4. In addition, the increase in traffic within the Lisvane / Pontprennau area will produce even higher levels of pollution and more importantly two schools (Corpus Christi and Pontprennau Primary School) sit on the main distribution routes, therefore putting pupils at higher risk of respiratory disease. It is also proposed that in the future additional schools will be developed in the application site. National government are trying as part of their clean air policy to reduce traffic pollution near schools however this planning application will increase the pollution in existing and future schools in the area.

In the coming years more and more pressure will be exerted on Cardiff Council to reduce pollution levels and when Pontprennau lies between two of the most densely used roads in Wales (M4 and A48M) the plan to put more people at risk of respiratory disease by building more houses is inappropriate and may leave the Council open to litigation in the future.

The Council should visit the interactive maps on the NAEI website ([naei.beis.gov.uk](http://naei.beis.gov.uk)) and enter the Pontprennau area into the search criteria and will see that for all important pollutants of nitrogen dioxide, sulphur dioxide, carbon monoxide and particulates PM10 and PM2.5 the area has already extremely high levels some of which are in the highest measurable band. It is therefore inappropriate for the Council to determine this planning application without first undertaking a comprehensive assessment and to examine mitigation measures (if any), which could be implemented to improve air quality.

The building of more houses in an already heavily polluted area which will increase traffic density is dangerous to those living in the area and the younger generation and unborn who are unable to make a planning objection.

### Infrastructure

There have been many failings in St Edeyrns, such as unfinished roads, pavements, lack of public bins, an allotment, park and orchard, all of which were approved and agreed by Planning and reported a number of times but not delivered to date, due to Cardiff Council's lack of enforcement of planning conditions in St Edeyrn's. This allows developers to prioritise profit over the living conditions of the community, not delivering on the agreed planning and Section 106 commitments. What reassurance can be given that this won't be repeated?

Is there a strategic plan for adopted roads prior to development?

After the wrong infrastructure was calculated for Plasdwr's sewerage, what guarantees are there that the sewage system being installed is adequate? So that we don't have the same situation as in Hailey Park, with residents losing vital parkland and nature reserve.

According to the plans and housing calculations, when and how much Section 106 money is available from each phase and when will local Councillors be consulted as to how and when it is spent? What reassurances do we have Section 106 moneys won't get spent in other wards?

*With a potential 4,000 houses and no Cardiff Council Hub in Thornhill, Lisvane, Pontprennau or Old St. Mellons, will this be part of the plans to serve the people of North Cardiff fairly?*

### Education

*Our primary and secondary schools in the area are already oversubscribed – Where will the children from the new developments attend prior to new schools being open to take pupils?*

*Pontprennau Primary School opened in 2016, over 20 years after being promised, and is already Cardiff's most oversubscribed primary school. It was built as a "Green School" but now has significant parking issues due to the lack of a drop off zone. More recently, St Mellons Church in Wales Primary at St Edeyrns School building has already been delayed, affecting local families.*

*It is entirely appropriate that a new high school be developed promptly to accommodate additional increases in pupil numbers. For example, there are currently 3,500 reception places and only 2,500 year 7 high school places. Residents waited over 20 years for a primary school and the application's timeline is unclear on the delivery of a new high school- with some Officers advising us it'll likely be 8/10yrs away at the very least. Even if the Planning Committee are mindful to grant this application, notwithstanding the overwhelming legitimate reasons for why permission should be refused, it is surely prudent for a bond to be secured to ensure the developer constructs the high school. There will also be a need for additional primary school provision and the appropriate level of doctor's surgeries and other health services. The proposals are not clear enough in how these services will be delivered and does not provide the necessary assurances our community requires and is entitled to receive.*

### Environment

*It is not clear at this stage how Strategic Site F contributes to the Welsh Government's stated aim of achieving 70% of energy to be generated from renewable sources by 2030, and 100% by 2035. There is already significant precedent set by current and proposed developments around the city: the Passive Haus development in Highfields, Heath; the proposed Church Farm application in Lisvane where all houses are to be built with EV charging points and air source heat pumps, and some to be built with solar panels; and the Aspen Grove development built in Rumney by Cardiff Council and partners, producing eco-friendly housing, including solar panels, ground source community heat pumps, with excellent thermal efficiency and zero emissions on building.*

*Will planning insist that developers use lessons learnt in the Plasdwr and St Edeyrns developments? Very few of the properties built contain the features outlined above, sadly missing the opportunity to create housing that contributes to the Council's and Welsh Government's sustainable targets.*



*It is also unclear how the proposal to build up to 2,500 homes on greenfield land aligns with the Council's Stronger, Fairer Greener Strategy and responds to the Council's declared climate and nature emergencies. We cite the precedent set by Caerphilly County Borough Council's rejection of a planning application for over 600 homes on greenfield land at Gwern y Dornen: [Gwern y Dornen development: Plan for 600 homes rejected - BBC News](#)*

*Since the current LDP was created, the national policy landscape has changed. The Welsh Government's "Future Wales" National Plan 2040 sets out future development in Wales. In particular, Policy 9 (Resilient Ecological Networks and Green Infrastructure) aims to conserve natural habitats. It is therefore imperative that Cardiff Council acts to avoid development on some of the last remaining greenfield spaces of our city.*

### Summary

*As Elected Members for Lisvane, Thornhill, Pontprennau and Old St Mellons we are not planning experts however we do possess a great deal of local knowledge and engage with our community on a daily basis. It is clear from our discussions with the community that this application should not be approved. We have outlined above what we feel are our key points and concerns associated with the proposals.*

#### **7.3 Anna McMorris MP** raises the following concerns on behalf of her constituents:

- (i) Traffic in the North East of Cardiff is already particularly heavy at peak times and if steps are not taken to alleviate this pressure, then the proposed development would exacerbate this. She understands there is a phased plan for new roads and the timelines for these would be critical to mitigate the impact on existing communities as much as possible.
- (ii) Increased pressures on local infrastructure. New infrastructure must be provided prior to residents taking up residency.
- (iii) Sustainability – We are in a Climate Emergency and new developments must make a substantial change for the future. Plans for sustainable housing should go further than electric charging points and should be integral to the development as a whole.
- (iv) Sustainable Travel – suitable provisions for alternative and more sustainable modes of transport such as cycle routes, bus lanes and the incorporation of the new Metro system to help improve air quality and of course, traffic in Cardiff North.
- (v) Green, open spaces should be preserved and incorporate woodland and connecting footpaths and walkways.

#### **7.4 Former Councillor David Walker** made the following objections to the application:

- (i) The requirement for additional housing in N.E. Cardiff was premised on the assumption that there would be local employment demand and provision. Yet there is no substantial area of land set aside for industrial

or commercial development within the proposal for the potential 10 to 12,000 new residents (including Churchlands).

- (ii) There are major concerns about the lack of provision for traffic. At the Pentwyn end of the scheme, traffic would join an already busy road and junction. In Lisvane, traffic would use a new junction on Llwynypia Road, a 20mph zone which is similarly busy. Alternative public transport provision is unclear. Access from Lisvane to the M4 east along St Mellons Road would be blocked, requiring the diversion of existing traffic heading to the M4 east and Cardiff Gate.
- (iii) There are major concerns about a new junction on Lisvane Road which would connect to the site. This would attract Cardiff centre bound traffic to this narrow country road and later to traffic pinch points in Llanishen. This will be likely to exacerbate existing rush hour congestion. Lisvane Road is ill served with safe footways and predicted additional pedestrian movement towards the village and rail station will need to use inadequate and, in some places, hazardous footways.
- (iv) The 50/50 modal split for traffic is not adequately justified. Nor is it clearly demonstrated how this would work in practice. The modal split in Lisvane is currently around 85/15. There are no confirmed plans to introduce a light rail transport system and the site is not within cycling or walking distance of the main centres of employment. The potential failure of the 50/50 split to materialise would jeopardise the viability of the entire development. He believes that the case for the modal split working in practice has not been made; it is a theoretical concept upon which the success or failure of this entire development rests. He regrettably predicts that failure of the modal split is the likely outcome and that will have negative repercussions within north east Cardiff and more widely within the city.
- (v) The proposed scheme is contrary to the plan for Cardiff (The Cardiff Local Plan 1996) and against the policies of that plan. It represents development in the countryside that is resisted in Policy 5.
- (vi) The development is clearly part of a wider plan for this area as envisaged by the LDP passed at Council in September 2013. Under EIA regulations it is necessary to consider not just the effects of the proposal but the cumulative impact of the proposal on other phases. This has not been done. The application fails the EIA regulations and any decision based on the submitted ES is at risk of judicial law.
- (vii) It has been calculated that the addition of over 45,000 homes in Cardiff could add around 113,000 to the city's population. It is unclear why such a high number of incomers would wish to settle in a city which is not planning nor expects a level of newly created employment to attract them at these predicted levels. Boasts about Cardiff becoming the fastest growing city are predicated on unclear assumptions with the predicted high growth in employment being crucial but, in his view, flawed. Recent

Brexit decisions will lead to lower industrial investment in the short to medium term and new immigration rules will curtail free movement from the continent.

- 7.5 The application was advertised on the Council Website and by way of neighbour notification letters, site notices and advertisement in the local press. The application was originally publicised in the press and by site notice on 12 September 2019.
- 7.6 Following receipt of further information in support of the application, namely revisions/addendums/appendices to the Environmental Statement, amended plans, Design and Access Statement Addendum, updated Energy Statement and update Pre-Application Consultation report, additional publicity was undertaken on 15 October 2020 in accordance with Regulation 24 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (requiring site and press notice providing an additional 30 day's consultation).
- 7.7 A second submission of further information in support of the application was subsequently received in October 2021 consisting of amended plans and further transport and ecology information. Additional publicity was subsequently undertaken on 28 October 2021 in accordance with Regulation 24 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (requiring site and press notice providing an additional 30 day's consultation).
- 7.8 In total 143 no. representations (3 general comments, 7 no. concerns, 133 no. objections) have been received to date, on the following summarised grounds:

#### *General Issues*

- LDP is grossly overestimated: 40,000 people requiring jobs/accommodation/ transport by 2026. Need for the development not proven
- Residents may pay higher tax to live in this more desirable place – the extent of the development proposed will be jeopardise this
- New developments threaten to enlarge Cardiff beyond a point of 'sense of place' for residents.
- Welsh should be used for naming the development and its streets
- Will alienate existing residents
- Already a new estate being built
- New houses won't reduced homelessness
- Volume of houses won't be properly serviced. Infrastructure insufficient.
- Misleading – fail to show context of the surrounding area. 1,115 houses are missing from the plans – amendment and re-consultation required
- Plans show a 2014 version of churchlands
- No consideration of brown field strategy- use buildings that stand empty
- Plans are unreadable
- No consultation on proposals with residents and are 'impossible for the layman to decipher and are overwhelming in number, content and detail.
- Inaccurate population growth figures – requires reassessment

- The objection process is daunting and impossible for non-professionals
- Building specification should be more sustainable – e.g. solar panels, insulation and electric car charging
- Lack of promotion of green living
- The plans should be regularly reviewed against population statistics over the 15 year build period (smaller number of dwellings may be sufficient)
- Increased air pollution

### *Design/Layout*

- Disparities between 'rich' and 'poor' areas – densely populated areas should be moved towards the reservoir, so the privilege is shared among the many not few.
- High structured buildings start close to Ty Draw Road.
- Proposal densities are too high. 45dph in some places, this is purely for monetary benefit to developer only not residents.
- Scale of development is too large. Disproportionate to capacity of infrastructure – overflowing street drains and Nant Glandulais carrying overflowing sewage water after Churchlands development.
- Not considering current village neighbourhood (community of houses on Parkwall road)– doesn't reflect properties within the area
- An overview drawing is required which details the proposed new location of the overhead electricity lines

### *Highways and Transport*

- Concern over additional traffic on the existing network causing congestion;
- Ty Draw Road is narrow, winding, and unsuitable for increased traffic;
- A new connection to the motorway via Cardiff Gate Business Park should be provided;
- Uncertainty regarding future status of St. Mellons Road. Requests that it be closed to through traffic with traffic calming in the short term.
- The bus shuttle would be welcomed by existing residents
- Existing community facilities are over capacity. More must be provided to relieve pressure (medical, leisure, places of worship, shopping facilities, schools);
- A large number of well-used footpaths cross the site
- Train services are already congested
- Proposed cycleway through the Nant Fawr meadows is a concern for safety reasons and wildlife impacts from lighting
- Increase in travel times for work and leisure.
- Insufficient parking provision for the number of cars from the new homes.
- Roads need maintenance - many have potholes.
- Ty Draw Road – collateral impacts of development - increased use and unsafe mode of transport for travel by all modes. This has not been adequately assessed in EIA.
- Traffic needs to be diverted onto Ty Draw Road leaving access via Pontprennau junction.

- 7.5-ton weight limit on Gwern Rhuddi Road is not being enforced – heavy vehicles are adding stress to the junction.
- Direct links to the railway stations are required
- Whole development is based on idealistic argument that residents will choose active modes of transport and buses over car use, creating false 50/50 change in travel.
- A few cycle lanes will make little difference especially in the winter-businesses don't have facilities for storing bikes/ for cyclists to shower and change.
- Lisvane Road – unsafe for pedestrians, parts where pavement ends and starts on opposite side.
- No provision of infrastructure to deal with traffic diverted to Llwyn-y-Pia Road
- Traffic pressures around Lisvane and Cyncoed
- There should be a mini round about like Clos Nant y Cor
- Need double yellow lines or parking restrictions on Heol Pontprennau to stop slow moving traffic
- New roads required to replace lane between Lisvane and Pontprennau
- No effective public transport
- Can't cope with having more cars in the area
- Block heavy articulated vehicles on St. Mellons Road
- Train station parking used by non-locals who don't pay
- A metro station is required
- A new motor way junction is required
- Disagrees that 50% of future inhabitants were assessed to use public transport over private vehicles
- B4562 through to Lisvane is often blocked due to large transit vans trying to get through
- There is also permission for 47 affordable houses on Ty draw Rd. The road as is would not cope with increased traffic and isn't justified in the EIA.
- During construction of the current Redrow site, drains in their roads have been left proud and gully covers are still in place. This has contributed to some flooding in Pontfaen
- Traffic Survey Counts date from 2017 and need updating
- Traffic Flow Diagrams are inaccurate (with specific reference to Heol Glandulais).
- additional "Road Traffic Assessment" during the construction phase is required
- Footpath along Lisvane Road not wide enough and line of site is poor leading to a fatality
- Paths have no legal protections as a Public Right of Way. Condition required to fix the overall percentage of "green space" together with extent of footpaths and cycle routes.
- Object to bus lane on Parkwall Road
- Will create traffic between 8:30am and 9am

### *Natural Environment and Biodiversity*

- Loss of trees, particularly at Lisvane Road junction
- Loss of wildlife and their habitat
- Invasive species on the site need to be removed
- Site forms part of green corridor from Roath Park and should be protected
- Increased pressures on existing green spaces
- The impact on the pristine natural environment that is involved will be massive, irreparable and unwarranted.
- Proposed on green belt land- The green fields are vital to the community as they are used by children and pet owners
- The development contradicts the Welsh Governments recognition of the need to conserve the ancient woodland.
- Developments proposes to build on flood risk land.
- Development jeopardises PRow routes 12, 14, 22, 33. Protect PRow/ walk trails, don't divert them through developments rather keep them natural – avoid walkers walking on main roads such as St. Mellons and Lisvane Road.
- The development is a rushed short-term fix for housing crisis, not considering long-term impacts on climate change.
- Development goes against policy/ sustainability goals – COP 26 summit, One Planet Strategy, carbon Zero by 2030.
- The adjacent reservoir is home to so much wildlife including the Canadian Geese, these will go and possibly never return.
- Trees are roosts to the many bats, the birds, and fungi. All bats' species in the UK have protection under the Wildlife and Countryside Act (1981), Conservation of Habitats and Species Regulations (2017) and the Countryside and Rights of Way Act (2000).
- Concerns regarding the boggy land, drainage, and leakage from the reservoir
- Has the flood risk assessments been recently updated in line with the recent floods?
- Inadequate formal space and poor positioning of some sports facilities
- Concerns for rainwater runoff and problems downstream in Cardiff
- Absence of new trees
- The plans do not provide generous open space provision and will further destroy Cardiff's potential to provide locally grown fresh produce.

### *Community Facilities*

- Lack of school is ridiculous
- 2 schools in high pollution zones
- Oversubscribed schools
- Schools and medical centre need to be built quickly after the houses
- Demand of children is overriding supply of High School (children in Pontprennau Primary School are already likely to miss out on places in Llanishen High School).

- An 'area of land' set aside for provision of primary care is not enough. Given the pressures on GP practices, money/ incentive must be put in place to ensure a healthcare centre is built.
- Current dentist services can't accommodate for everyone.

#### *Employment and Businesses*

- Lack of infrastructure for businesses.
- Concern over where new residents are going to find jobs.

#### *Health, Well-Being and Amenity*

- Respiratory diseases from congestion – diminish air quality.
- Area of development is in pollution 'red' zone.
- Phases 2, 3 and 4 being built on M4 = high levels of pollution for residents.
- Impact on the quality of environment for existing residents – loss of amenity.
- People's mental health is directly impacted via the greenspace amenity.
- Privacy concerns for existing homes - overlooking.
- Disruption from construction works.
- Stress on residents not satisfied with the development.

#### 7.9 **Lisvane Community Council** objects for the following reasons:

- Building densities on the site are excessive
- The plans fail to show the real context of the surrounding area as some important and pertinent developments have been omitted
- The application omits approximately 1,115 houses in comparative sites resulting in the application giving a misleading picture of other housing developments and of the area
- Increase in car traffic along Lisvane Road and Llwynypia Rd, both of which are narrow with a footpath on only one side
- Increased traffic inevitably will result in poorer air quality for the residents of Lisvane
- A regular reliable bus service would be more useful compared to a DRT (Demand Responsive Transport)
- Proposed bus gates would reduce access to St Mellons Rd
- Population figures for the city are wrong. High figures used to justify housing need.
- Loss of greenfield land. Brownfield should be used instead eg HMRC tax office on Ty Glas Avenue, Llanishen.
- Proposed areas for sports, playgrounds and green corridors look short of statutory requirements.
- Expect a comment on steps taken to reduce carbon footprint
- 'Destroying the village feel of Lisvane' – subsumed into part of a large and bland housing estate.
- Cardiff Council needs to protect small villages and communities

7.10 **Old St. Mellons Community Council** objects to the application for the following reasons:

- Density is too great
- 2,500 is an excessive number of new build properties
- Nearby roads (namely A48) don't have capacity
- Air quality as a result of traffic
- Does not provide generous open space
- Destroys potential to provide locally grown fresh produce
- Not environmentally friendly (using greenfield sites)
- Perverse after declaring a climate emergency

7.11 **Redrow Homes** highlight the need for the segregated cycle route adjacent to the spine road to connect with their cycle route on their eastern boundary. They also make some comments regarding factual inaccuracies in the submission relating to their development.

7.12 **Cardiff Gate International Business Park** notes that the LDP Schematic Framework associated with the Strategic Site illustrates a Bus Gate and Connecting link to the North Eastern Rapid Transit Corridor linking the Strategic Site to CGIBP and the link is identified as being essential / enabling infrastructure within the Development Plan. The connection through to CGIBP should be provided on the basis of an agreement on commercial terms and they would welcome further discussions.

7.13 **Graig Protection Society** requests that public rights of way are kept in green corridors to maintain their amenity value. They also request that paths be joined without having to navigate St. Mellons Road. PROWs should avoid new housing estates and should be diverted to green corridors.

7.14 **The Woodland Trust** objects to the application for the following reasons:

- Disturbance to breeding birds
- Fragmentation of semi-natural habitats
- Noise, light and dust pollution
- Harm to ancient woodland and veteran trees
- Houses close to the woodland (need buffer zone of at least 50 metres and a fence during construction). Provides an opportunity for garden waste to be dumped in woodland and for adjacent landowners to extend garden areas into the woodland. It creates pressure to fell boundary trees resulting in a reduction of the woodland canopy;
- Threatens the long-term retention of trees adjacent to houses
- Development aids colonisation of non-native plants

7.15 **G Powys-Jones on behalf of residents of Ty Draw Road**, does not object to the principle of the development, noting the LDP allocation, though they do object to the increased use of Ty Draw Road and the resulting effects of safety for road users, including active travellers. An increase in average annual daily



traffic of over 100% is envisaged (2111 in 2017, 4497 following completion of the development). A 50:50 modal split would still almost double traffic on the road (3822). Furthermore the RSA does not cover the whole length of Ty Draw Road. The Road is not appropriate for construction, as suggested in the application. They recommend the road be restricted to resident-access only.

7.16 **WYG on behalf of the residents of Pant-Teg Cottage** considers that no real thought of the cottage has been made:

- (i) Heritage impacts (impact on rural setting of Grade II listed building) and the illustrative masterplan of appl. ref. 19/2330/MJR fail to include the cottage.
- (ii) The latter shows dwellings to be encroaching on cottage and a minimum 21 metre landscape buffer is advised between rear of cottage and any development.
- (iii) As application is classed as 'major development', the statutory required Pre-Application Consultation Report as part of the application submission fails to meet standards such as provide a list owner/ occupier name to be consulted. The occupiers at the cottage did not receive a PAC Owner/ Occupier letter.
- (iv) Impacts on residential amenity and privacy

7.17 **Heron Land Developments** object for the following reasons:

- Lack of pedestrian and cycle connectivity to and from the south of the development along Heol Glandulais
- North of Maes Y Hedydd, there are no pedestrian or cycle facilities
- The fact that future residents will end up walking on the verge along Heol Glandulais to reach local facilities and services is not consistent with the stated objective of providing a "*high-quality pedestrian route*" as espoused in the TA. This is at odds with several of the Key Design Principles identified in the TA relate to the promotion of sustainable travel choices (including walking, cycling and public transport) and the integration of the site with the adjoining residential areas.
- Not providing a footway along a key walking route is a sufficient reason for a highway authority to reject a planning application

7.18 All public representations made on the application are available to view in full on the [Council's Online Register](#).

## 8 ANALYSIS

8.1 The key material considerations in the determination of this application are:

- Land Use/Principle of Development
- Masterplanning/Placemaking Approach
- Transport/Highway Impacts
- Historic Environment
- Impact on Residential Amenity

- Landscape and Visual Effects
- Impact on Trees/Landscaping
- Impact on Ecology and Biodiversity
- Public Open Space
- Non-Residential Development
- Sustainability / Energy
- Economic Impact
- Hydrology
- Soils and Agriculture
- Ground Conditions
- Utilities
- Waste
- Section 106 Matters

#### Land Use / Principle of Development

- 8.2 The application site comprises approximately 134.8 Ha of land, equating to approximately 57% of the 237 Ha that comprises Strategic Site F (SSF) in the adopted Local Development Plan (LDP). Policy KP2(F) allocates SSF for a mixed-use comprehensive development of a minimum of 4,500 homes, employment and other associated community uses, together with essential, enabling and necessary supporting infrastructure. The policy acknowledges that the development of this site will be delivered in a phased manner.
- 8.3 Concerns have been raised, including from the local ward Councillors in support of such local concerns, that question the need for such a significant development, noting that the current LDP was based on higher population projection figures. They contend that due to the over-estimation of population growth, this development is unnecessary and should at least be paused in order to be subject to new assessment as part of the LDP review.
- 8.4 The above concerns are noted, but it is emphasised that following the adoption of the Local Development Plan (LDP) in January 2016, the application site falls within the settlement boundary and forms part of Strategic Site F (North East Cardiff) allocated in the LDP for a mixed use housing led development under policies KP2 and KP2 (F) and defined on the Proposals Map. Given this the principle of the development is firmly established.
- 8.5 The city also has a significant and urgent need for new homes, including affordable homes (with over 8,000 people currently on the housing waiting list). The proposal will help address this need and provide a significant element of affordable housing (equivalent to 30% or 750 homes) which will help meet the evidenced and urgent need in the city.
- 8.6 In addition, parts of the Strategic Site are already under construction and the development of this site will enable the comprehensive development of the wider North East Cardiff Strategic site in accordance with the agreed Masterplan for the Strategic site. The application proposes the development of a sustainable neighbourhood through providing a mixed use District Centre,

comprising retail, health, employment, leisure and community uses, employment land and education and formal and informal open space provision to serve both the application site and the wider Strategic site.

- 8.7 Future Wales: The National Plan 2040 is also relevant as it forms part of the development plan for the city. This identifies the city as part of a National Growth Area in South East Wales for new homes and jobs. Future Wales states that LPAs should explore all opportunities to increase the supply of affordable housing and that the growth of 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.*” This proposal clearly accords with these principles set out in Future Wales.
- 8.8 In relation to population projections, it is noted that whilst the census data shows a lower than anticipated population, this does not necessarily mean that the City needs more or less housing, as various sources of information inform an appropriate level of growth including published population projections, which are informed/benchmarked against census and other data. This is a highly complex and technical assessment, and we are seeking to consult on our Preferred Strategy in summer 2023, and until we complete this work and the evidence behind it, we will not be in a position to say what the level of growth will be.
- 8.9 In relation to the matters raised concerning the replacement LDP it is thus important to note that this is at an early stage and until it is adopted (planned for late 2025) the current LDP together with Future Wales forms the development plan for the city which applications need to be assessed against. In this respect the site forms part of the wider strategic LDP allocation with the principle of the development of this greenfield site firmly established by its allocation. The principle of developing this greenfield site was considered fully as part of the LDP preparation process through detailed site assessments, consultation with stakeholders (including NRW and the Agricultural land division in Welsh Government) and the public. The Inspectors who undertook the independent examination of the LDP found this process sound and approved the inclusion of this site in the LDP to meet the evidenced housing needs set out above.
- 8.10 The Strategic Site will also deliver much needed affordable housing in a sustainable neighbourhood which are key aims set out in the Council’s *Stronger, Fairer, Greener* strategy. It is also noted the application is accompanied by a Green Infrastructure Assessment which protects and enhances existing Green Infrastructure within the site and proposes new areas of Green Infrastructure which will increase the resilience of ecological networks and biodiversity within the site and the wider area. These proposals will ensure the development effectively responds to the declared nature emergency.
- 8.11 In addition to proposing 2,500 homes (approximately 56% of the 4,500 dwelling allocation), the following infrastructure as stated in Policy KP2(F) would also be provided:

## *Essential/Enabling Infrastructure*

### *Transport and Highways:*

- (i) Provision of new bus-based Rapid Transit Corridors through the site providing links between the District/Local Centres including Bus Gates at access point to Cardiff Gate Business Park and St Mellons Road at the eastern edge of the site;
- (ii) Off-site infrastructure including bus priority measures to develop bus-based Rapid Transit Corridors integrating with the site, the Eastern/Northern Bus Corridors and other routes within the North Eastern Rapid Transit Corridor including services linked to Strategic Site G, facilitating transfer/ improving interchange facilities to Rhymney Line rail services at Llanishen Station and Thornhill Station, and, employment facilities at St Mellons Business Park and Strategic Site H;
- (iii) Off-site enhancements including bus priority measures to the Eastern/Northern Bus Corridor;
- (iv) Extend bus networks and increase the frequency and reliability of services to serve the site with public transport options for a wide range of journeys including a combination of limited stop and local bus services;

### *Walking and Cycling:*

- (i) On and off-site measures to provide safe, attractive and convenient routes within the site and linking to key local services, facilities and destinations including existing local centres and Schools at Pontprennau, Pentwyn, Lisvane and Cardiff Gate Business Park;
- (ii) Links to off-site public transport destinations including Llanishen and Thornhill Rail Stations.

### *Necessary Infrastructure*

- (i) 1 centrally located District Centre including Primary Care facility, multifunctional community leisure facility;
- (ii) Education- Land for 1 new Secondary School and 2FE Primary School plus financial contributions;
- (iii) Minimum of 26ha Open Space including 13ha of formal recreation, 6 playgrounds including destination play area, 1 teen facility plus off-site contribution, and 2x50 plot allotment sites.

8.12 Other necessary infrastructure listed in Policy KP2(F) will be delivered as part of the 'Churchlands' development (i.e. 2FE primacy school, local centre) and other parcels of land within SSF yet to come forward for development will also contribute towards the provision of this essential, enabling, and necessary infrastructure.

8.13 Whilst the LDP allocation establishes the principle of development, the impacts generated by the proposed development on the site and the surrounding area

require thorough assessment under this outline application.

#### Masterplanning/Placemaking Approach

- 8.14 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.
- 8.15 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.
- 8.16 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.
- 8.17 LDP Policy KP4 (Masterplanning Principles) states that major development should accord with 10 masterplanning general principles as well as site-specific frameworks, where applicable. The ten principles, which were created to guide the preparation of parameter plans and masterplans for large-scale development proposals, are summarised as follows:
- (i) Comprehensively planned in an integrated manner reflecting partnership working and setting out the phasing of development along with a timely provision of supporting infrastructure;
  - (ii) High density residential and mixed-use development focused along public transport corridors and in neighbourhood centres;
  - (iii) Dedicated sustainable transport corridors including provision for public transport, cycling and walking with links to the wider network;
  - (iv) Make active travel and public transport attractive, practical and convenient travel choices for all;
  - (v) Provide a range of social and community facilities concentrated within mixed use neighbourhood centres located along public transport corridors and easily accessed by walking and cycling;
  - (vi) Respond effectively to the local context and the context of climate change, to create well designed neighbourhoods with a distinctive character;
  - (vii) Respond to local deficiencies and provide good connectivity to adjoining areas;
  - (viii) Multi-functional and connected green open spaces;
  - (ix) Sympathetically integrate existing landscape, biodiversity and historic features and take opportunities to protect, enhance and manage important features along with mitigation and enhancement measures to provide satisfactory compensatory measures;

- (x) Adopt innovative and creative energy, management of surface water and waste management solutions to improve environmental sustainability.

8.18 The amended parameter plans show the intention to deliver a residential-led, mixed use development consistent with the principles shown in the schematic framework diagram embedded in LDP Policy KP2(F):

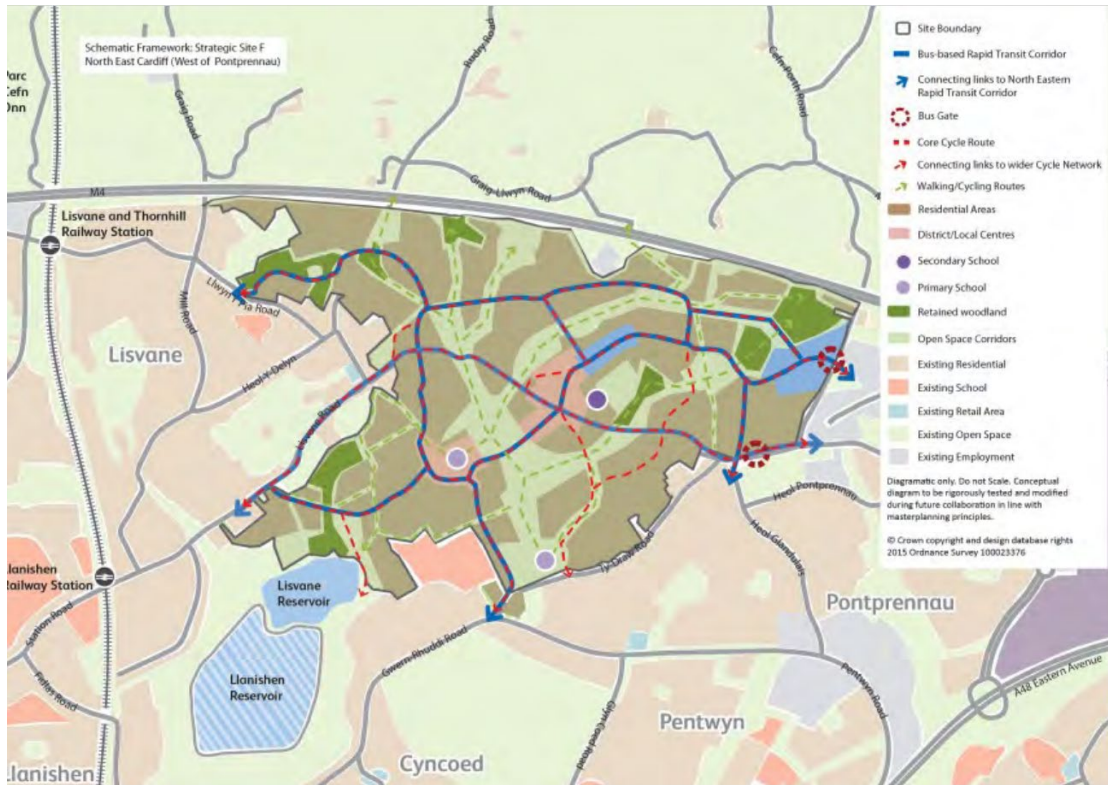


Figure 16: LDP Policy KP2(F) Schematic Framework

8.19 Strategic Site F (SSF) comprises multiple land ownerships. The Churchlands application successfully persuaded the Planning Inspector and Welsh Ministers at appeal in 2015 that its application, whilst not comprehensively covering the whole strategic site, would not prejudice the future development of the site because it was consistent with the provisions set out in LDP KP2(F) including the schematic framework plan. It is considered that the amended application is also consistent with the principles of the schematic framework diagram, connecting with Churchland’s spine road and active travel infrastructure to deliver an integrated form of development. An exception is the proposed creation of the Ty Draw Road access, which does not appear on the schematic diagram.

### Density

8.20 Regarding development density, the amended density parameter plan submitted with the application (Figure 5) shows a range of low (20-35dph), medium (35-45dph), and high (45+dph) densities across the site, with the higher densities being focused on the district centre, employment-led mixed use area (adjacent to Cardiff Gate Business Park) and a key node within a residential parcel in the north of the site (see Figure 5). Low densities will be

applied north of Lisvane reservoir in part of the western development phase.

- 8.21 The plan has been amended to confirm that the density ranges will be applied to ensure an appropriate variation within the built form. The amended storey heights parameter plan (Figure 4) shows the creation of a range of 2 to 5 storey development with up to 4/5 storeys being located within the District Centre and mixed use areas, and 2 storey development in residential areas with 2.5-3 storeys *“also required within key areas along the primary, at gateways and focal points, landmark areas and key frontages.”* The range of densities proposed are considered to be appropriate for the site and will ensure this significant part of SSF will deliver its proportionate share of the 4,500 homes required under LDP Policy KP2(F). Future Wales (FW), published approximately 1.5 years after the submission of this outline application, advises that new developments in urban areas should aim to have a density of at least 50 dwellings per hectare (net) and whilst the while site does not achieve this target, the development will nevertheless deliver a density that can support public transport and local facilities as required by FW Policy 2 (Shaping Urban Growth and Regeneration – Strategic Placemaking).

#### *Movement Parameter Plan*

- 8.22 In respect of provision for public transport and active travel modes, the amended Movement Parameter Plan (Figure 7) shows the provision of a primary highway network within the site that is consistent with, though not identical to, the Schematic Framework. The key junctions/points of connection with existing neighbouring communities match those on the Schematic Framework with the exception of the Ty Draw Road spur. This Spur was included in the application to provide an alternative for east/west movement in the absence of the Churchlands connections being secured. The application has subsequently been amended to secure unfettered access to the Churchlands development via Condition 4 in accordance with LDP Policy KP2(F). The Ty Draw Road spur has been retained with support from officers. The new Ty Draw junction will change priority and introduce a T-junction to the south end of Ty Draw Road, guiding traffic away from the remainder of Ty Draw Road. The Council has aspirations to close the remainder of Ty Draw Road to through traffic (except for access) though timescales for this are unknown.
- 8.23 The primary highway routes within the site would accommodate two-way bus travel with bus priority lanes southbound on the Ty Draw Road spur and eastbound on the approach to Pontprennau. Segregated cycle lanes and footpaths with 2m wide landscaped verges would also be provided. 4 no. bus gates will also be provided where required to control traffic flows and prevent rat-running through the site. The application has also been amended to show that the key strategic connections to the neighbouring Churchlands development would be delivered to ensure east/west movement of vehicles through the site
- 8.24 In addition to segregated active travel routes along the primary highway corridors, an east/west strategic cycleway link would be provided within the green infrastructure corridor to the south of the site, providing a traffic-free cycle

route from the District Centre to the western parcel via 'Churchlands.' The amended movement parameter plan also makes provision for future cycleway/footway connections south of the western parcel and east of Llanishen and Lisvane Reservoirs to link with the existing Nant Fawr Trail. A financial contribution of £3.2 million towards improvements of this off-site cycle route will be secured via the Section 106 Agreement.

- 8.25 The amended Movement Plan also shows existing Public Rights of Way and potential diversion routes (for which separate permissions for formal diversions would be required). The green infrastructure corridors to be retained, developed and enhanced within the scheme would be multi-functional and would include recreational routes for walking in addition to any proposed diverted public rights of way. The transportation aspects of the application are considered later in this report, including obligations to deliver off-site improvements to the highway network and bus services (Section 9).

#### *Mixed Uses / Social / Community Facilities*

- 8.26 Concerning the provision of social and community facilities, the proposed mixed-use District Centre will accommodate a range of commercial uses including a combined community and primary health care facility at ground floor with affordable housing above in the form of older persons accommodation. The combined community/health facility, which will also include a library, has been negotiated through the application process and further details of this provision are included in the section of the report relating to planning obligations.
- 8.27 The education site providing a new secondary school with sixth form and two-form entry primary school would be located at the eastern end of the District Centre. Whilst the precise layout of the school buildings is not a matter for this application, it is envisaged that they would front onto the primary highway network and provide a defining edge to the Centre.
- 8.28 It is also noted that the Health and Safety Executive have required that a condition is included in the permission which would ensure that the school sports pitches closest to their high-pressure pipeline cannot be used until suitable additional protection has been provided in order to reduce the risks from the pipeline. A condition is included to that effect, which would also require such works ahead of occupation of the 750<sup>th</sup> dwelling, to ensure that they are provided in a timely fashion and do not affect delivery and use of the school and its playing fields.
- 8.29 The proposed District Centre has the potential to accommodate a wide range of mixed uses including shops, financial and professional services, eating and drinking establishments, offices, hotels, residential institutions, and dwellings, and non-residential institutions and leisure uses. The primary highway network will run through the District Centre, ensuring it is well-served by public transport. An interchange will be located within the Centre for changing bus services. This will also make provision for active travel facilities and taxis. A key junction on the primary network will also be within the District Centre, guiding traffic and



pedestrians into and through the Centre.

- 8.30 The Design and Access Statement and its September 2020 Addendum includes an urban design strategy for the site to illustrate how good legibility and design has been incorporated into the site layout at this outline stage. A series of distinctive yet connected places is envisaged with key nodes, spaces, landmark features, focal points and key frontages identified, setting the framework for further design work to influence the details of reserved matter submissions. Conditions are recommended to secure site-wide design principles through a code which, once approved, will be followed by neighbourhood design codes that will inform future submission of reserved matters to create distinctive neighbourhoods.
- 8.31 The site is dissected by a number of existing streams which, together with areas of woodland, and the natural topography, combine to provide the basis of multi-functional green infrastructure corridors. The schematic framework highlights the two main corridors running northeast-southwest either side of the proposed District Centre, connecting with the strategic green infrastructure corridor running north-south along the Nant Glandulais stream. This stream forms the east boundary of the neighbouring 'Churchlands' development and both sites will provide publicly accessible multi-functional green infrastructure running north-south through the centre of the Strategic Site as illustrated on the Schematic Framework.
- 8.32 These strategically important green corridors will be within easy reach for future occupiers and will contain formal and informal play spaces, areas of informal recreation, and enhanced wildlife habitat. Ecotones will be created to protect woodland edges and ensure an acceptable relationship between new built development and the natural environment.
- 8.33 Elsewhere in this analysis the impacts on biodiversity and heritage features are considered in more detail. The key design principles to note in respect of habitat impact is where hedgerow removal does occur to accommodate built development, new and enhanced corridors will be provided to ensure that biodiversity is enhanced.
- 8.34 The green corridors centred around existing watercourses together with the current site topography means that the green corridors naturally collect surface water runoff. The development will need the approval of the Sustainable Drainage System Approval Body (SAB) and the amended application includes proposals for a network of attenuation features that will be designed into the landscape. The design principles for surface water attenuation have emerged from discussions with SAB engineers and these features have the potential to also provide biodiversity and amenity benefits as well as an engineering solution.

## Transportation / Highway Impacts

- 8.35 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.
- 8.36 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;
- 8.37 LDP Policy KP8 (Sustainable Transport) states that development will be integrated with transport infrastructure and services to achieve the target of a 50:50 modal split between journeys by car and sustainable forms of transport (active travel and public transport), reduce travel demand and dependence on the car, enable and maximise sustainable and active travel modes, integrate travel modes, provide for all access and mobility requirements, improve traveller safety, and maintain and improve the efficiency and reliability of the transport network.
- 8.38 LDP Policy T1 (Walking and Cycling) seeks to enable people to access employment, essential services and community facilities by active travel modes by supporting development that demonstrates, amongst other things, sustainable design, permeable and legible routes, and active travel prioritised over the car.
- 8.39 LDP Policy T3 (Transport Interchanges) states support will be given for developments that facilitate transfer between transport modes, minimise travel demand and reduce car dependency. This can include measures to support interchange between bus services, high quality passenger facilities, or facilities for park and share, coaches, and taxis.
- 8.40 LDP Policy T5 (Managing Transport Impacts) seeks to secure safe and convenient provision for all users of the public highway.

- 8.41 LDP Policy T6 (Impact on Transport Networks and Services) states that development will not be permitted which would cause unacceptable harm to the safe and efficient operation of the highway, public transport, and other movement networks including pedestrian and cycle routes, public rights of way and bridle routes.

#### *Access Junctions*

- 8.42 Three access/egress points into the site are included in the application at Lisvane Road, Ty Draw Road and Heol Glandulais/St. Mellons Road for which full planning permission is sought. Each access junction has a detailed drawing which has been developed in consultation with Transport Officers and establishes principles for detailed Highways approvals which would follow in the event that this application is approved (see Figures 8, 9 and 10).
- 8.43 Each of the junctions would introduce a change in priority of traffic flows from the current arrangements, directing traffic entering the site away from Lisvane's village centre, the existing highway network on Ty Draw Road and St. Mellons Road.
- 8.44 The junctions would offer full spine road characteristics including a 6.3m wide (minimum) carriageway to facilitate 2-way bus-movements, bus facilities (bus stops, shelters, bins, Real Time Information), segregated provision for active travel (where achievable), and 2m wide verges to accommodate tree planting, landscaping and drainage features (as required).
- 8.45 It is important to note that the Lisvane Road and Heol Glandulais/St. Mellons Road junctions align with the vehicle access points for SSF on the Schematic Framework. The third junction at Ty Draw Road, though not featuring on the Schematic Framework, has been developed with the support of Transport officers during the processing of the application to provide an alternative solution to secure east/west connections across the site.

#### *Strategic Connections*

- 8.46 In addition to the proposed three access junctions, a number of strategic connections will link with adjacent parcels and existing neighbouring communities.
- 8.47 A connection to Cardiff Gate Business Park is proposed in the northeast corner of the site which would be controlled by bus gate in the event that a corresponding connection would be forthcoming through the Business Park (an application has been submitted to the Local Planning Authority for mixed use development of parts of the western end of the Business Park and includes a connection to this site ref: 22/00726/MJR). At this stage (without detailed design or approval of any such connection from the east) it is unclear whether a bus gate would be provided within this site boundary or within the existing business park (and this application cannot require such a gate on third party land). In this respect, delivery / timing of such a connection, together with requirement for bus gates, will form part of conditions at which time there should be greater

certainty. The detailed designs for the junction with Parkwall Road would also be considered during a reserved matters submission in consultation with Highways Officers in the event that this application is successful. It is worth noting that this route is specifically listed in LDP Policy KP2(F) as 'essential/enabling infrastructure linking the application site (including the District Centre) with the existing Business Park, and also beyond with Strategic Site G east of Pontprennau Link Road ('St. Ederyn's').

- 8.48 During the course of the application amendments were received to include additional land within the application site in order to secure the provision of strategic connections with the 'Churchlands' development. 'Churchlands' separates the western Lisvane parcel from the larger, eastern Pontprennau parcel of the site and two strategically important connections, one either side of 'Churchlands,' will secure the provision of spine road infrastructure that will enable east/west vehicle movements as envisaged in the preparation of the Local Development Plan. These connections will be delivered on a phased basis. The connection with Churchland's east boundary is currently anticipated to be delivered during Phase 1b (only becoming a viable route during phase 3 following its connection with this phase) and the full east/west connection through the strategic site is anticipated to be delivered during Phase 5. Condition 4 (Phasing Plan) will secure these connections and other conditions will require the relevant reserved matters submission to demonstrate their delivery.
- 8.49 In the northwest corner of the site north of Mill Farm, the proposed connection will make provision for the neighbouring parcel of land (Church House Farm) to link the application site with 'Churchlands.' This route accords with the arrangements indicated on the Schematic Framework within LDP Policy KP2(F) and would provide a second east-west route across the strategic site.
- 8.50 To the southeast sits a neighbouring parcel that falls within the LDP allocation (Bryngolau Farm). The movement parameter plan shows two points of access for vehicles into this site from St. Mellons Road to the north and via the Ty Draw Road spur to the southwest. Conditions will secure the provision of the southwest connection in a timely manner so as not to prejudice the development of this adjoining land (the proposed access from the northeast would be via the existing/re-designed public highway).

#### *Internal Arrangements*

- 8.51 The proposed site would be linked internally via a network of primary spine roads, as indicated on the schematic framework. All would provide a minimum carriageway width of 6.3m to facilitate two-way public transport movements. The carriageway would be wider than the minimum to facilitate safe two-way movements at corners. The spine road network would provide public transport and segregated active travel links throughout the site (including a public transport and active travel bridge to link the spine road from phase 3 to phase 4 plus 2m wide landscaped verges which may also accommodate surface water drainage features).

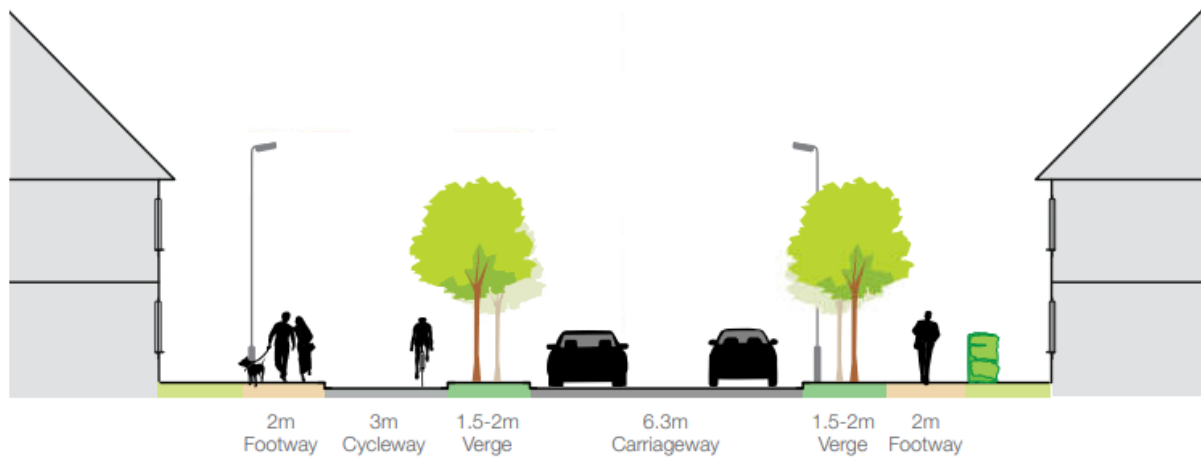


Figure 17: Typical Spine Road Section

- 8.52 The development would be constructed in 5 distinct phases over a 15 year period. St. Mellons Road would be closed in stages to vehicle traffic (except for access) as spine road connections are made. St Mellons Road dissects the site east/west and comprises a meandering lane of rural character that currently operates as a 'rat run' for traffic between Lisvane and Pontprennau. Its dimensions and characteristics will not support today's highway and public transport requirements and therefore it is proposed to become an active travel route (retaining vehicle access to private properties) as the new primary highway network is constructed. A peak-time bus gate will be installed to deter rat-running and commuter traffic along this road, such details / delivery to be controlled through a site-wide phasing plan (condition 4).
- 8.53 In addition to the primary highway corridor, a street hierarchy comprising residential streets, tertiary streets and private drives will serve the development parcels and will include provision for vehicles and active travel modes. This street hierarchy, in addition to facilitating movement across the site, will also provide opportunities for the creation of areas of differing character as each street will have its own design principles. The street hierarchy accords with the Council's road types in the *Residential Design Guide Supplementary Planning Guidance*, and the precise details for each street will be developed through the recommended design code conditions (at both site-wide and neighbourhood level).
- 8.54 The dimensions of the spine roads would be c.17.5m (including 2m footways (x2), 2m landscaped verges, 3.2m segregated cycleway and 6.3m (minimum) carriageway) and would be designed to 20mph speeds. Residential streets would be designed to promote lower vehicle speeds and would include x2 2m footways and a narrower carriageway to allow 2-way traffic movement (4.8m – 5m). Tertiary Streets and Private Drives would be designed to slow vehicle speeds further through use of shared surface designs and home zone principles and in doing so, making provision for pedestrians to be favoured over car usage.

### *Provision for Public Transport*

- 8.55 The application acknowledges that the development will increase the number of trips occurring on the local transport network. Active travel and public transport networks and facilities are proposed to accommodate these additional trips. Safe, accessible and managed transport infrastructure needs to be provided that is future proofed to support public transport of today and build in flexibility to evolve for future needs and assist with driving the delivery of Council's 50:50 modal shift target. The spine road infrastructure is therefore designed to prioritise public transport over the private car.
- 8.56 The spine road carriageway width will be a minimum of 6.3m to allow for two-way bus movements. Bus priority lanes will be constructed at two key locations; Southbound on the approach to St. Mellons Road/Heol Glandulais and southbound on the approach to Ty Draw Road. These bus priority measures are required to ensure public transport maintains an advantage over the private car.
- 8.57 Frequent bi-directional bus stops will be provided at a maximum 400m walking distance from all dwellings. The bus stops will include, as a minimum, a bus shelter, bin, seating, RTI, and sufficient space to avoid impeding access for pedestrians and cyclists.
- 8.58 A transport interchange will also be provided within the District Centre which will facilitate passenger transfer between different bus services and transport modes including active travel and taxis. Details will be secured through the District Centre design code condition which will inform reserved matter submissions.
- 8.59 Bus gates have been agreed at key locations to manage traffic movements and prioritise public transport over the private car. These gates would be installed as the development progresses (secured under conditions). It is also envisaged that some of the bus gates may only need to operate during the peak period of traffic movement and this will be determined during the consideration of reserved matters. The four internal bus gates will be located at St. Mellons Road (east of Mill Farm), at the west edge of the District Centre (east of the Ty Draw Road junction), where the Lisvane parcel connects with 'Churchlands,' and immediately south of the proposed active travel/public transport bridge crossing the Nant Glandulais watercourse (see Figure 13). The latter would be a permanent bus gate. Initially, the St. Mellons Road bus gate would operate at peak-times before becoming a permanent gate (except for access) once the spine road connections have been delivered. Additional bus gates in the vicinity will also be introduced including on St. Mellons Road west of 'Churchlands,' at Cardiff Gate Business Park, and in neighbouring parcels to the southeast and northwest.
- 8.60 Financial obligations to contribute to the delivery of off-site bus infrastructure and service provision has also been negotiated with the applicant, to be secured through a Section 106 Agreement. Details are summarised in Section 9.

- 8.61 The application has also committed to provide a free shuttlebus service for residents to travel to and from Llanishen Train Station until a commercial alternative is established. The shuttle bus is proposed to operate for 12 hours daily (Monday to Friday) from 0700 – 1900 hours.

#### *Active Travel Provision*

- 8.62 As summarised earlier in this analysis, the site will be permeated by a number of routes for pedestrians and cyclists to encourage trips by active travel modes. The primary spine road infrastructure, in addition to prioritising bus travel, will also include segregated cycleways and footways either side of the main carriageways. Recreational routes will also be provided through enhanced green infrastructure corridors including a strategic segregated cycleway/footway linking the Nant Fawr Corridor to the southwest with the District Centre, by linking with the existing green corridor in the 'Churchlands' development. It is envisaged that this will function as a recreational route and a strategically important commuting corridor to access Cardiff Gate Business Park via an active travel connection at the junction of Parkwall Road and St. Mellons Road. It should be noted that this strategic route also relies on the neighbouring land southeast of the site (Bryngolau Farm), for which no development proposals have yet been submitted.
- 8.63 The provision of an active travel link in the northwest of the site has also been agreed with the applicant and NRW. This active travel link would be provided to the north of the spine road connection and would provide an active travel link east/west connecting the northern part of the site (Phase 4) with the neighbouring parcel to the west (Church House Farm). The link is agreed in principle and precise details will be subject to detailed design during the consideration of reserved matters.
- 8.64 Related to active travel are the existing Public Rights of Way (PROW) crossing the site. The existing routes are shown on the Movement Parameter Plan together with the proposed diversions, which seek to maintain connectivity and movement across the site. The PROW Officer has not raised any objection to the suggested re-routing, noting that the precise routes would be subject to detailed design and diversion applications under separate legislation.
- 8.65 Financial obligations to contribute to the delivery of off-site cycling infrastructure has also been negotiated with the applicant. Details are summarised at the end of Section 9 of this report.

#### *M4 Junction 30 Interchange*

- 8.66 Negotiations have taken place during the processing of the application between the applicant, the Council and Welsh Government's Transport Division concerning the potential highway impacts of the development on the M4 Junction 30 and the level of appropriate mitigation required.
- 8.67 Further modelling has been undertaken that has demonstrated the proposed mitigation effectively mitigates the impacts of the additional development traffic

for all five phases of development, with data showing a reduction in queue length on both eastbound and westbound off-slips compared to the base year. Through the use of vehicle actuated signals, additional capacity improvements may be achievable for Pentwyn Link (south) and the exit for Cardiff Gate Business Park.

- 8.68 The additional modelling and subsequent mitigation has been accepted by officers and Welsh Government's Transport Division who are responsible for the M4 network and will be secured by a financial contribution in the Section 106 Agreement.
- 8.69 The agreed junction improvements include revising white lining markings to allow left turn movements from both westbound off-slips from the M4. The inside lanes will be designated as left-turn only and the outside lane as left and straight-on.

### *Summary*

- 8.70 Through collaborative discussions, a comprehensive set of mitigation measures, relevant planning conditions and obligations has been secured via a Section 106 Agreement (summarised as the end of this section), that gives the Local Planning Authority confidence that sustainable and active travel would be well managed and provided through the development. Whilst there are differing views on the findings of the submitted traffic assessments, they do accept that the integration of the application site with 'Churchlands' in combination with the mitigation strategy, planning conditions and Section 106 contributions, would satisfactorily overcome their reservations. They conclude that these measures are likely to achieve the overall aims of the LDP strategic site in respect of movement and access.
- 8.71 Furthermore, in responding to the concerns expressed by local ward Members the Highway Officers have helpfully clarified their overall stance as follows: -
- Cardiff Council Transport officers have been involved in extensive discussions on this application over a considerable period of time, and have reached a position where they are content with the Transport aspects of the scheme, subject to a considerable package of Section 106 contributions, with a focus on Active Travel and Public Transport, reflecting Council and Welsh Government transport priorities. There would also be a number of planning conditions which would help control various transport details.
  - The Council is seeking to achieve a 50/50 split between private car use and other modes, in line with the LDP requirement, and the agreed package of Transport contributions (including bus priority, cycleways, and junction/safety improvements) would help to facilitate this.
  - There are three new proposed site access junctions where the development would gain access to the wider highway network, and at these locations there would be appropriate facilities for pedestrian, cycle and public transport use. There would also be internal spine road links from the NEC



site to the Churchlands site, one of which would reduce the traffic impact on the Ty Draw Road junction. There would be a range of other measures that would receive funding nearby to these access junctions (e.g. traffic signals at Heol Pontpennau/Heol Glandulais). It is proposed that a number of bus gates both within, and on the edge of, the site which would help to control through-traffic and ensure that 'rat-running' through the site does not occur. In addition to the bus gates there would be other bus priority measures (such as bus lanes) within the site to support bus access & egress at expense of general traffic.

- The Ty Draw Road access junction would involve the improvement of the western end of Ty Draw Road to ensure it is of appropriate quality to serve the site.
- The subsequent Reserved Matters applications would deal with detailed matters in respect of cycle/pedestrian links with the existing highway network, and these would need to ensure direct links of appropriate quality can be achieved. The eastern part of the site would be able to access Pontpennau via Croescadarn Road (in the vicinity of Pontpennau Primary School). The location of the link is illustrated in the Movement Plan.
- In terms of cycleway facilities, there is a requirement for Section 106 funding for the extension of Cycleway 1 through north Cardiff and into the site, as well as various other cycleways within the site, including on all sections of the spine roads.
- Public Transport use would be encouraged via a bus subsidy package to help 'pump-prime' bus services in the earlier stages of the development, as well as various infrastructure measures to improve bus journey times e.g. bus lanes on Pentwyn Road. In the longer term the Council is developing a bus strategy for the city which would improve and secure wider public transport links.
- The proposed Construction and Environmental Management Plan (CEMP) condition will enable control of the detailed aspects of the construction phase of the development.

### Historic Environment

- 8.72 LDP Policy KP17 (Built Heritage) states that Cardiff's distinctive heritage assets will be protected, managed and enhanced. LDP Policy EN9 (Conservation of the Historic Environment) requires any development relating to historic assets (including their settings) to demonstrate that it preserves or enhances that asset's architectural quality, historic and cultural significance, character, integrity and/or setting.
- 8.73 In addition to Policy EN9, for Listed Buildings there is also a statutory duty on the decision maker under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have *special* regard to the desirability of preserving the building or its setting or any features of special architectural or

historic interest which it possesses. Case law has stated this is an important consideration and not a balancing exercise with other planning considerations.

- 8.74 It is agreed that the setting of the Church of St Denys, a Grade II\* listed building within Lisvane village, will slightly alter reducing the dominance of the rural setting it currently enjoys. However, due to the topography the church has a vast setting with views to the site distant and is also partially screened. It is considered that there will be a negligible impact on the significance of this listed building.
- 8.75 Pant-teg cottage, a Grade II listed 17<sup>th</sup> century farmhouse accessed via a private drive south of St. Mellons Road and nestled between the Nant Glandulais and Nant-y-Draenog streams, is located in the centre of the application site although it is excluded from the application. Its rural setting contributes to its special architectural and historic interest. The development of the fields to the north and south east will impact on this countryside setting, even though there would be no views direct from the listed building towards the development over the existing vegetation. It is accepted that harm will be small due to proposed landscaping of the green infrastructure corridor that will be created adjacent the site. The field to the northwest contributes more significance as it is prominent in views of the listed building from both directions. In order to safeguard the setting from this view, the application has been amended to introduce a buffer between the northwest elevation of the listed cottage and new residential development, with the need to safeguard residential amenity also being factored in. This is considered sufficient to overcome concerns relating to setting and a relevant condition is attached.
- 8.76 The list description makes specific reference to the cart shed located south west of the cottage and within the application site. The application has been amended to remove this building from the schedule of demolished structures however concerns remain that it may suffer further neglect as the proposals do not commit to its retention. A condition is recommended requiring the applicant to undertake a survey of the building by an accredited specialist within 12 months of the date of any planning permission to enable an informed decision to be made concerning its future.
- 8.77 The Castle Field Camp, east of Craig-Llwyn is an Iron Age Hillfort and a scheduled monument (GM066) approximately 490m north of the application site. The Environmental Statement concludes that the development will not have an impact on the setting of the monument, as the area of land which will be visible is a post-medieval landscape. In their assessment CADW take the view that this post-medieval landscape is farmland and whilst the field boundaries may be different to those contemporary with the hillfort, it is still likely that views in this direction would have been of farmland and therefore the current view presents an impression of the hillforts' contemporary surroundings. Therefore the proposed development will introduce modern buildings into this limited view, and in their opinion this will have a very slight, but not significant, adverse impact on the setting of the scheduled monument.

- 8.78 Concerning Archaeology, the assessment acknowledges the potential for remains to exist on the site that may be encountered during construction activity. This possibility is also confirmed by Glamorgan Gwent Archaeological Trust in their consultation response. A relevant condition is therefore attached in line with their recommendations for a written scheme of investigation for a programme of archaeological work to protect the archaeological resource.
- 8.79 Subject to relevant conditions as described above, it is considered that the Council has fulfilled its requirement to have special regard to the desirability of preserving Pant-Teg Cottage, its Cart-Shed and its setting, in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 8.80 It is also considered that the amended proposals and conditions will preserve or enhance the historic assets on the site in accordance with LDP Policies KP17 (Built Heritage) and EN9 (Conservation of the Historic Environment).

#### Impact on Residential Amenity

- 8.81 LDP Policy EN13 (Air, Noise, Light Pollution and Land Contamination) states that development causing or resulting in unacceptable harm to health, local amenity, the character and quality of the countryside, or interests of nature conservation, landscape or built heritage importance because of air, noise, light pollution or the presence of unacceptable levels of land contamination will be refused.
- 8.82 In respect of dust and particulate matter, the Environmental Statement found that construction activities during the working week would produce the highest amount of releases, with construction and vehicle movements producing a high emissions, followed by demolition (medium) and earthworks (small). When compared to the sensitivities of the site, a medium/low risk of impact is identified that requires mitigation. Conditions are recommended to secure management plans for methods of demolition and construction and environmental management which will effectively mitigate against any impacts. During the operational phase, increases in traffic emissions were found to be negligible and therefore do not require any further mitigation.
- 8.83 Construction activities also have the potential to generate the greatest levels of noise disturbance, particularly during site preparation and foundation works when the heaviest plant is on site. In the absence of mitigation measures the Environmental Statement concludes that significant effects would occur in the worst-case scenario. Moderate (significant) vibration effects are also predicted in the short-term during construction.
- 8.84 Post-completion, the effect of road traffic noise on existing residential receptors prior to the implementation of mitigation measures, is predicted to be negligible except for Heol Glandulais and St. Mellons Road where a small adverse (insignificant) effect is expected.
- 8.85 In respect of proposed residential areas, parts of the northern areas of the site closest to the M4 would fall within noise exposure category C, as stated in

Technical Advice Note 11 (TAN11). The TAN advises that conditions should be imposed to ensure a commensurate level of protection against noise where it is considered that permission should be granted, mindful that no detailed housing layouts are included in this outline application.

- 8.86 A range of best practice measures are proposed to mitigate against noise and vibration disturbance. It is considered that the Construction Environmental Management Plan secured by condition will be sufficient to safeguard noise and vibration during construction with a range of topic specific conditions to address noise matters during the operational phase e.g. road traffic noise.
- 8.87 Although concerns have been raised in respect of air quality, Officers in Shared Regulatory Services (Air Quality) have reviewed the concerns expressed on behalf of the local community by all of the local Ward Councillors, and have confirmed that they are satisfied with the modelling undertaken; state that overall the air quality was good in the study area, with no exceedances of the annual mean objective for NO<sub>2</sub>; that concentrations near the M4 (~15m) are well below the relevant objective of 40µg/m<sup>3</sup>, with concentrations dropping off quickly with increasing distance; and accept that the results of the AQA modelling found that the impact of the development at current and future receptors is predicted as **negligible** for both NO<sub>2</sub> and Particulate Matter (PM<sub>10</sub>).
- 8.88 Accordingly, SRS raise no concerns and do not consider the development to conflict with any existing national, regional, or local planning policy.

#### Landscape and Visual Effects

- 8.89 The Environmental Statement includes an assessment of the development proposals on the landscape and its visual effects from key viewpoints around the site.
- 8.90 5 no. landscape character areas are identified in the assessment: Nant Glandulais and Cefn Mably Rolling Lowlands; Nant Fawr Urban Area; River Rhymney Urban Area; Ridge Foothills and Plateau; Graig Llanishen, Craig Llysfaen and Caerphilly Ridge; and Newport Rolling Lowlands. Moderate, significant effects are predicted to occur within the Nant Glandulais and Cefn Mably Lowlands area which is concluded to have a low susceptibility to change and a low landscape sensitivity. The application site is located entirely within this landscape character and will therefore have a direct effect on landscape character through some removal of existing trees and hedgerows and introduction of built development, though the perception of this would vary across the area. The retention of existing ancient woodland and other landscape features, together with new planting proposals and enhancement of green infrastructure corridors will result in the potential effects on landscape character being perceived as more limited. The assessment concludes that the four remaining landscape character areas will have a negligible/low magnitude of effect with minor, not significant, neutral significance of effects. There is no reason is disagree with this conclusion.

- 8.91 In respect of assessing visual amenity impacts, 8 viewpoints were selected: Footpath South East of Lisvane Church; Graig Llwyn Hill Fort Scheduled Ancient Monument; M4 Junction 30 Roundabout; Craig Llysfaen; Glastonbury Terrace; Roath Lake; Rhymney Valley Rdigeway Footpath; The Wenallt. The assessment concludes that, in all cases visual significance is not significant and effects would be neutral. In respect of the impacts from the Footpath SE of Lisvane Church the impact is assessed as moderate due to the relative proximity to the site and the degree to which the development will be seen. From the Graig Llwyn Hill Fort Scheduled Ancient Monument where a high susceptibility to change is concluded at a highly sensitive site, an open view of the development is likely to be experienced at a medium-close distance. The magnitude of effect is concluded to be high with visual significance concluded to be moderate-major, significant. A moderate magnitude of effect is considered to occur at Craig Llysfaen, another sensitive viewpoint north of the M4. Expansive views across Cardiff and the Severn Estuary can be experienced here and the development will be visible in the middle-distance, though partial screening will occur from existing and proposed vegetation. However, overall integrity of visual qualities is expected to remain intact and therefore visual significance is concluded to be moderate, not significant. It is considered that there are no reasons to disagree with the conclusions of this assessment.
- 8.92 The development, due to its scale and extent, will be seen in the landscape and thus have an effect on both the character of the landscape and visual amenity. However, these impacts will be limited and mitigated by the landscape strategy which will integrate structural landscaping into the design, assimilating the development into the landscape.

#### Impact on Trees / Landscaping

- 8.93 LDP Policy EN9 (Trees, Woodlands and Hedgerows) 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
- 8.94 The Arboricultural Addendum Statement confirms that 167 trees would be impacted by the development proposals, comprising 15 no. Category 'A' trees, 46 no. Category 'B' trees, and 106 no. Category 'C' trees. Trees are important features in an urban environment as they contribute to well-being, function as carbon sinks, contribute to visual amenity and climate change. Any proposed losses must therefore be carefully considered.
- 8.95 The proposed access off Lisvane Road is one of the areas where the greatest concentration of losses would occur. 16 no. Category B trees and 32 no. Category C trees would need to be removed, either entirely or in part, to accommodate the new access junction. Some of these trees are also subject to preservation orders. The designs for this junction have been subject to various amendments to minimise losses however in order to ensure provision of a junction that satisfies highway design requirements, the losses are inevitable.

- 8.96 Another area where losses will be concentrated is the education land towards the northeast corner of the site where 4 no. groups of Category A, B (2 no. groups) and C alder, ash and oak would be removed to facilitate delivery of the education land. These groups define existing field boundaries to the north of the education land and cross the education site east/west. They are subject to preservation order. In addition, a single category A oak tree would also require removal. These losses are regrettable, though considered to be necessary, in order to deliver sufficient land to accommodate the new secondary school, primary school and associated playing fields (which would also be available for community use outside of school hours). Due to the alignment of the trees across the school site, and also noting the required easement for the gas pipeline, it was not possible to retain the trees as well as accommodating the land required for both school buildings and outdoor recreation spaces (hard surfaces and sports pitches). Condition 15 (Strategic Green Infrastructure Management Strategy) will secure the creation, enhancement, management and maintenance of habitats including trees and hedgerows which will secure appropriate compensatory provision.
- 8.97 There are 6 no. veteran trees within the site boundary. Whilst most of the veteran trees are located within proposed green infrastructure and have sufficient buffers to ensure their protection, two veteran trees are shown to be in close proximity to the highway infrastructure. T155 is immediately south of the Grade II listed Pant-Teg Cottage. Current plans (indicative at this stage) show the proposed spine road encroaching into the root protection area (RPA) of this veteran tree. T34 is located on the northern edge of Lisvane Reservoir Wood SINC, above Lisvane Reservoir. Again, the proposed highway infrastructure from Lisvane Road is indicatively shown to run adjacent to the RPA of this veteran tree. The applicant has confirmed that all veteran trees, including T34 and T155, will be retained and appropriately protected. A relevant condition is recommended to secure their protection.
- 8.98 Ecotones are proposed to the edge of existing woodland to act as a buffer by providing a transitional planting zone with new development areas. The Tree Officer recommends that these be clearly defined areas with no development infrastructure within them, although informal meandering paths and a limited number of SuDS features may be acceptable. He advises against surfaced/lit paths being provided in these areas and foul drainage infrastructure. It is recognised that green infrastructure provision within the development will be a multi-functional resource that will be subject to competing pressures between recreational, ecology and biodiversity uses. A relevant condition is recommended that secures ecotones of a satisfactory width with retained woodland that can also accommodate recreational routes for pedestrians and cyclists.

- 8.99 It is inevitable for a development of the scale that trees losses will occur. Whilst any tree loss is carefully considered in the context of the contribution it makes as a carbon sink, habitat connectivity, and providing visual amenity benefits, these losses must be weighed against the scheme benefits including but not limited to the retained and enhanced green infrastructure corridors, new planting opportunities and future woodland management. Condition 15 (Strategic Green Infrastructure Management Plan) will secure appropriate green infrastructure enhancements.

#### Impact on Ecology & Biodiversity

- 8.100 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.
- 8.101 LDP Policy KP16 (Green Infrastructure) commits to protecting, enhancing, and managing Cardiff's distinctive natural heritage to ensure its integrity and connectivity is maintained. It also acknowledges that the protection and conservation of the natural heritage needs to be reconciled with the benefits of new development. New development proposals are expected to demonstrate how green infrastructure has been considered and integrated into proposals, with compensation required where appropriate.

#### *International Sites*

- 8.102 LDP Policy EN5 (Designated Sites) states that development will not be permitted that would cause unacceptable harm to sites of international nature conservation importance.
- 8.103 The Council, as Competent Authority, has undertaken a Habitats Regulations Assessment (HRA), as required by Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended). The HRA focuses on the Cardiff Beech Woods Special Area of Conservation (SAC) which is within 4km of the application site. Increased recreational activity, particularly mountain biking and dog walking has resulted in the SAC's conservation status becoming unfavourable. The HRA considers that the development has the potential to result in additional recreational pressures on the SAC, though the on-site provision of green infrastructure corridors with recreational routes, maintained and managed by condition, would likely mitigate dog-walking pressures. Mountain biking pressures are currently being addressed through dialogue and partnership working between key agencies and stakeholders to raise awareness and manage access to the site. The HRA concludes that the development would have no adverse effects on the integrity of the SAC. Natural Resources Wales agrees with the HRA's conclusions.

### *Sites of Special Scientific Interest*

- 8.104 LDP Policy EN5 (Designated Sites) states that development will not be permitted that would cause unacceptable harm to sites of national nature conservation importance.
- 8.105 The Llanishen and Lisvane Embankments SSSI is designated for its diverse grassland fungi including waxcap *Hygrocybe* species that grow on the grass banks of the reservoirs. The water of Lisvane Reservoir is also designated for overwintering birds.
- 8.106 NRW have expressed some concerns that increases in sediment from development activity has the potential to adversely impact bird populations in the area due to changes in water quality that could arise, with particular reference to the Nant Glandulais intake. A condition has therefore been prepared to ensure watercourses in the Nant Glandulais catchment are safeguarded from pollution.
- 8.107 In addition, to minimise disturbance to overwintering birds on Lisvane Reservoir during construction, a 24 metre buffer zone to the shared boundary with Lisvane Reservoir will be provided (secured via condition).

### *Sites of Importance for Nature Conservation*

- 8.108 Policy EN5 (Designated Sites) states that development proposals that would affect locally designated sites of nature conservation and geological importance should maintain or enhance the nature conservation and/or geological importance of the designation. Where this is not the case and the need for the development outweighs the conservation importance of the site, it should be demonstrated that there is no satisfactory alternative location for the development which avoids nature conservation impacts, and compensation measures designed to ensure that there is no reduction in the overall nature conservation value of the area or feature.
- 8.109 There are 6 locally designated Sites of Importance for Nature Conservation (SINCs) within the application site which cover a range of habitats including marshy grassland (Ty Llwyd Meadows), rivers and streams (Nant Glandulais, Nant-y-Draenog), and ancient woodland and semi-natural broad-leaved woodland habitats (Coetgae-sych, Lisvane Reservoir Wood, and Malthouse Wood). A further 3 are directly adjacent.
- 8.110 Ty Llwyd Meadows SINC, immediately north of Lisvane Reservoir, will experience approximately 30% loss of marshy grassland habitat to accommodate residential development. Compensatory provision will be provided within and around attenuation basins which is expected to compensate more than four times the amount of habitat lost (5,000m<sup>2</sup> lost, 20,000m<sup>2</sup> provided).
- 8.111 The retention of existing woodland is a key feature of the proposed green infrastructure provision within the development. However, in order to facilitate



the new highway infrastructure having regard to the schematic framework embedded within LDP Policy KP2(F), some localised breaches of woodland, and crossing of watercourses will be necessary. The crossings are anticipated to be up to 20 metres wide.

- 8.112 The SINC designations have the potential to experience some adverse impacts during construction activities without appropriate mitigation. Provision of ecotones will protect woodland edges and streams. Construction and Environmental Management Plans will be secured by condition to ensure that the likelihood of any impacts occurring during construction is minimised.

#### *European Protected Species*

- 8.113 LDP Policy EN6 (Ecological Networks and Features of Importance for Biodiversity) states that development will only be permitted if it does not cause unacceptable harm to landscape features of importance including wildlife corridors and 'stepping stones' which enable the dispersal and functioning of protected and priority species, and networks of importance for landscape or nature conservation. It gives particular priority to the protection, enlargement, connectivity and management of the overall nature of semi natural habitats. Where this is not the case and the need for the development outweighs the nature conservation importance of the site, it should be demonstrated that there is no satisfactory alternative location for the development and compensatory provision will be made of comparable ecological value to that lost as a result of the development.

- 8.114 LDP Policy EN7 (Priority Habitats and Species) states that where development proposals have a significant adverse effect on the continued viability of legally protected habitats and species, such development proposals will only be permitted where:

- (i) The need for development outweighs the nature conservation importance of the site;
- (ii) The developer demonstrates that there is no satisfactory alternative location for the development which avoids nature conservation impacts; and
- (iii) Effective mitigation measures are provided by the developer

#### *Dormice*

- 8.115 Following a series of discussions with Natural Resources Wales and the Council Ecologist, an updated Dormouse Mitigation Strategy was submitted as further environmental information to demonstrate the retention of resources and habitat connectivity would be maintained throughout the development of the site. This mitigation strategy includes a revised green infrastructure masterplan, hierarchy plan, area calculations and a dark corridors plan. The updated strategy has been welcomed by NRW and they recommended it be listed as an approved document.

8.116 The strategy recognises that, although surveys found limited evidence of Dormice activity on the site, the species-rich hedgerows and woodland blocks provide suitable dormouse habitat, particularly south of St. Mellons Road. Records of dormice also exist in the south-east part of the site around the Pontprennau playing fields. The strategy therefore adopts a precautionary approach for assessing likely impacts.

8.117 The Green Infrastructure Masterplan below is appended to the strategy and demonstrates the habitat losses/gains as well as measures to minimise risks to Dormice during site clearance and construction works. Key mitigation proposals include:

- (i) Sensitive timing of scrub/hedgerow removal to respect hibernation patterns;
- (ii) Maintaining connectivity between woodland blocks and wider landscape through advance planting within each phase;
- (iii) Management of woodland and retained hedgerow vegetation with additional planting for foraging resource;
- (iv) Avoidance of street lighting at hedgerow breaches and sensitive design and use of lighting across the site.



Figure 18: Green Infrastructure Masterplan

8.118 The masterplan highlights the areas of existing structural landscaping that would be lost to accommodate the development. To compensate for these losses, which include existing hedgerows along field boundaries, retained green infrastructure corridors would be expanded and new/enhanced green infrastructure corridors would be created to the east boundary adjacent

Parkwall Road and across the northern boundary of the education site to secure ecological corridors east/west and north/south in addition to the retained corridors. Figure 18 below shows the extent of new and enhanced green infrastructure provision.

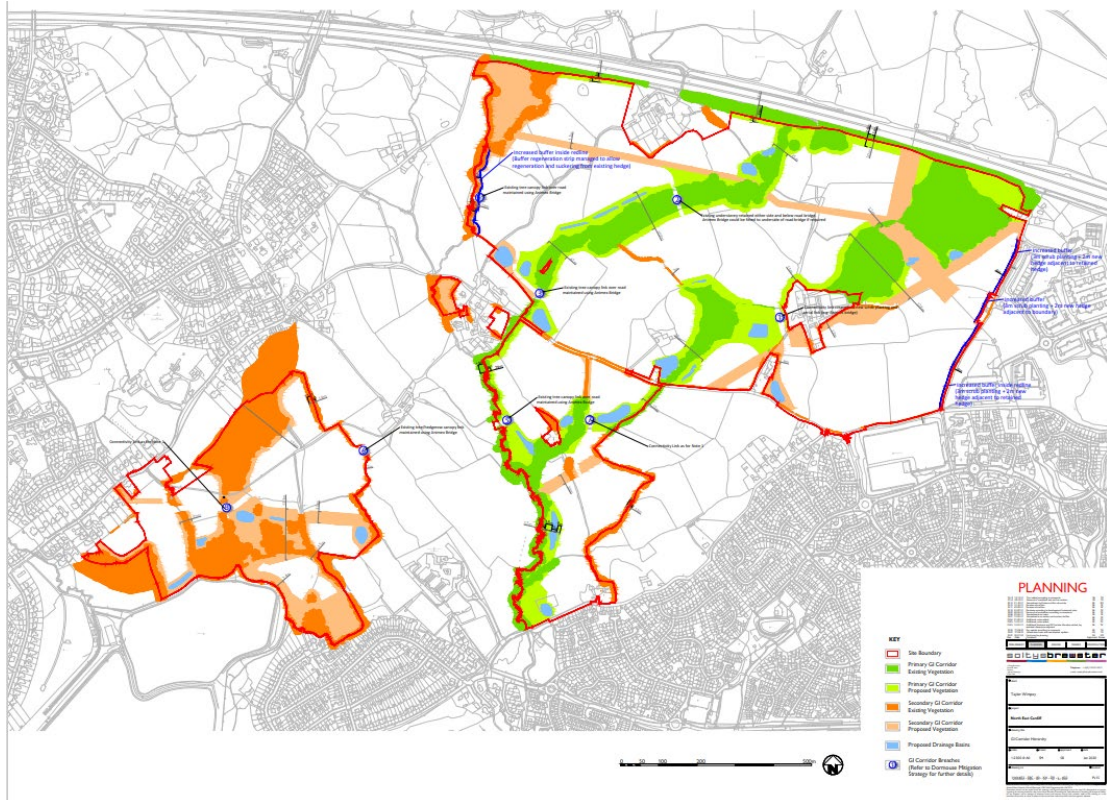


Figure 19: Green Infrastructure Corridor Hierarchy

9.103 The strategy confirms that the extent of habitat losses (hedgerows, scrub and trees) across the whole development area totals approximately 51,459m<sup>2</sup> over the 15-year construction period with new planting across the green infrastructure network exceeding this figure by a factor of 2, as illustrated in figure 19 below. These represent significant biodiversity net-gains across the site.

Vegetation Type	Habitat Loss	New planting
Hedgerows	17,326m <sup>2</sup> (3873 linear metres)	10,587m <sup>2</sup> (5603 linear metres)
Scrub & Trees	34,133m <sup>2</sup>	93,775m <sup>2</sup> (scrub)
	<b>Total: 51,459m<sup>2</sup></b>	<b>Total: 104,362m<sup>2</sup></b>

Figure 20: Summary of vegetation loss/replacement

9.104 A dark corridors plan is also attached to the strategy to demonstrate provision for the movement of Dormice and other nocturnal species e.g. bats. The plan shows a maximum 0.5 lux increase to maintain 'dark' conditions, with detailed design required at road crossing points to demonstrate that 0.5 lux threshold is achieved for at least part of the night through, for example, directional or cowed

lanterns, spacing of lighting columns, dimming or switching off lights at certain times of year when species are active. The plan is shown below in Figure 20.

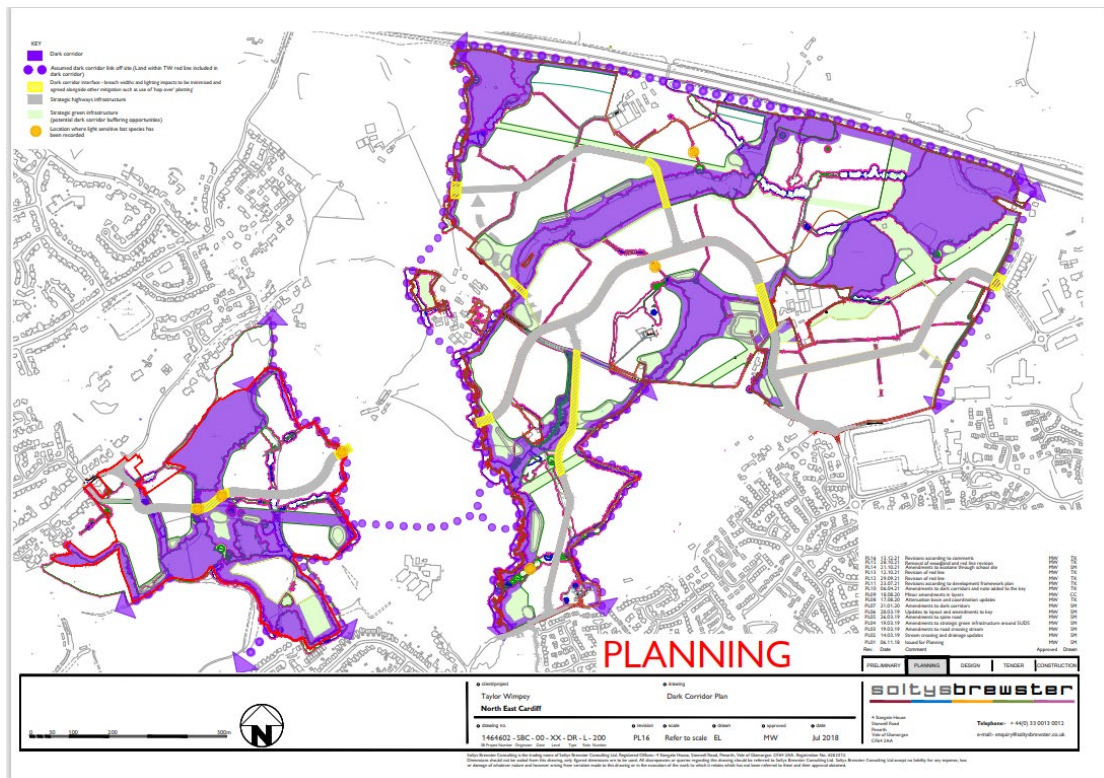


Figure 21: Dark Corridors Plan

## Bats

- 9.105 Survey work undertaken of the buildings to be demolished concluded that the buildings had low/negligible roost potential, however the age of these surveys was highlighted as a concern by the Council's Ecologist and NRW. Conditions are recommended to require repeat surveys prior to any demolition occurring.
- 9.106 It is notable that NRW are satisfied with the further environmental information submitted in support of the application and that, subject to conditions (including repeat surveys), consideration of future approval of reserved matters and their own EPS licensing application process, robust mechanisms are in place to ensure their concerns are satisfactorily addressed at the appropriate time.
- 9.107 Having regard to the protection afforded to European Protected Species, Planning Policy Wales 11 (paragraphs 6.4.22 and 6.4.23) reminds Local Planning Authorities' of their duty to consider whether a derogation is likely to be issued by NRW through their licencing regime before they determine applications where protected species are present. A derogation may only be authorised under the Habitats Directive where:
- (i) The proposed works to be authorised satisfy an appropriate derogation purpose, which in the case of development are for the purposes of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature

- and beneficial consequences of primary importance for the environment;
- (ii) There is no satisfactory alternative; and
- (iii) The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

9.108 Having regard to the consultation comments by NRW, noting that the development is proposed on a Strategic Site in the adopted LDP, and mindful that a suite of conditions is prepared to safeguard protected species throughout future stages of the development, these tests are considered to be satisfied.

#### *Biodiversity Maintenance and Enhancement*

9.109 Green Infrastructure provision secured in the application, and relevant conditions regarding future management and maintenance of this provision, is considered to satisfy the Local Planning Authority's Section 6 duty to maintain and enhance biodiversity. No significant losses of habitats or populations of species is expected to occur as the green infrastructure corridors will ensure robust, resilient ecosystems are retained throughout the development. The green infrastructure corridors will contain a diverse range of habitats, amendments to the application have improved their connectivity, they are significant in scale in comparison to the application site, they will be effectively managed to ensure their condition is maintained and they will remain adaptable to change. A net biodiversity benefit will result through implementing the parameter plans secured under this application and adherence to the attached conditions.

#### Public Open Space

9.110 Local Development Plan Policy C5 (Provision for Open Space, Outdoor Recreation, Children's Play and Sport) requires new residential developments over 8 units to make provision for open space, outdoor recreation, children's play and sport. Open space and other appropriate outdoor recreation and sport is expected to be provided or improved and where more than 14 units are provided, on site provision of functional open space will be expected. The appropriate amount of multi-functional green space is based on a minimum of 2.43 hectares of functional open space per 1,000 projected population. All other open space provision will be in addition to the provision of multi-functional green space.

9.111 Due to the site constraints and topography, the delivery of the required 7.4Ha of formal recreational open space has been difficult. In order to balance the need to provide new homes and supporting infrastructure on a challenging site, an off-site financial contribution in lieu of on-site provision has been agreed with the applicant. However, this financial contribution has been discounted having regard to the community use of the school playing fields outside of school hours.

9.112 Provision of 4Ha of informal recreation space is required to comply with LDP Policy KP2(F). The application states that 9.8Ha will be provided across the site and would comprise accessible amenity and recreation space including open

grassland, easements, and selected woodland corridors) although the precise extent of the component parts of this provision are unknown at this outline stage. It would nevertheless appear highly likely that the required 4Ha can be delivered on site. In the event that consideration of detailed proposals at reserved matters stage reveals that this quantum is not achievable, a financial contribution would be triggered that will ensure any reserved matter application provides its required amount.

- 9.113 The requirement for children's play will be met through the provision of 3 no. local equipped areas of play (LEAPs) at various locations around the site (see Figure 11) with a staggered provision throughout the development phases. A Neighbourhood equipped area of play (NEAP) will also be provided in a centralised location in Phase 2. Land plus a financial contribution towards the provision of the teen facility in the form of a multi-use games area (MUGA) will also be provided, also located centrally to maximise its accessibility for future residents.
- 9.114 Two allotment sites are also provided totalling an area of approximately 0.7Ha (56 no. plots). One site is located in the southwest of the application site, close to Lisvane Reservoir, with a second site more centrally near Mill Farm, St Mellons Road. The size and distribution of these sites are considered to be acceptable and it is noted that their delivery will be secured in Phases 2 and 5.
- 9.115 The open space to be provided through the development, to be secured via a Section 106 Agreement, is considered to satisfy the policy requirement and will help create a sustainable and attractive development that meets the needs of future residents.

#### Non-Residential Development

- 9.116 Future Wales Policy 2 (Shaping Urban Growth and Regeneration – Strategic Placemaking) 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 strategic placemaking principles including, creating a rich mix of uses; providing a variety of housing types and tenures; and building places at a walkable scale. Development plans should establish a vision for each town and city supported by a spatial framework that guides growth and regeneration, and establishes a structure within which towns and cities can grow, evolve, diversify and flourish over time.
- 9.117 LDP Policy KP2(F) promotes the strategic allocation as a mixed-use development providing employment and other associated community uses together with essential, enabling, and necessary supporting infrastructure in addition to a minimum of 4,500 new homes.

## *District Centre*

- 9.118 The proposed District Centre in the heart of the application site is a key component in meeting these policy expectations. The proposed District Centre is located centrally within the site, its position reinforced by the location of the principal primary highway which runs through the land identified for District Centre uses, which front directly onto the primary highway, on both its southern and northern aspects. This location within the site is naturally elevated, the arcing primary highway reflects the natural topography of the ridgeline. This natural elevation, relative to other parts of the site reinforces its prominence within the development landscape and adding to a sense of place through the establishment of a core destination for the new community. The parameter plans demonstrate a clear design approach that requires the adoption of higher density and allows for increased storey heights of up to 5 storeys, which combine to ensure that development within this location is distinct in scale from the residential parcels within the site.
- 9.119 Figure 3 of this report summarises the schedule of accommodation proposed in the District Centre, including up to 2,500m<sup>2</sup> of retail floorspace (with a food store), professional services, food and drink, community including medical and health, residential, leisure and care accommodation plus business uses.
- 9.120 A combined community and health facility with older persons affordable rented accommodation has been negotiated during the processing of the application, to be secured under the Section 106 Agreement. This facility would be built by the developer with ownership handed to the Council.
- 9.121 The retail food store is a key anchor for the establishment of a vibrant and viable District Centre. Its positioning relative to adjacent land uses and its orientation and layout within the mixed use block structure is critical to the success of the store and indeed the wider retail offer. The applicant sought commercial advice on the opportunities for uses within the District Centre which included consideration of a local food store in terms of its location, footprint and positioning within the District Centre. The advice suggested a supermarket of some 15,000ft<sup>2</sup> (c.1,400m<sup>2</sup>) and additional non-food retail space of some 20,000sqft, and that the co-location of community and retail uses alongside the food store, adjacent to the primary school would support footfall and guarantee passing trade. The Design and Access Statement accompanying the application contains some initial layout proposals to illustrate how the uses may be arranged. Conditions are attached to limit the retail floorspace and to establish placemaking principles through a District Centre Design Code prior to the submission of any reserved matters applications relating to the District Centre. The submitted outline phasing plan (see Figure 12) indicates delivery in Phase 3, although conditions will require full details of phasing and delivery timescales to be agreed.

## *Education / Schools*

- 9.122 In addition to the food store, the position of the 2FE primary school and secondary school with sixth form will be critical to ensuring a viable and vibrant centre. The parameter plans show the provision of 10Ha of education land on the east edge of the District Centre which will be a combined site, accommodating both the primary and secondary schools. The levelled, fully-serviced school site will be handed over to the Council following completion of the 750<sup>th</sup> dwelling (Primary School) and 1,000<sup>th</sup> dwelling (Secondary School) who will seek detailed approval of the school buildings. The school buildings are expected to front onto the spine road at the southern edge of the school site, helping to frame the eastern edge of the District Centre.
- 9.123 The concerns of the local Ward Members around education provision are noted. However, the Council's Education team have emphasised that not all of the local schools are over-subscribed from within catchment. Moreover, due to birth rates dropping, it is anticipated that primary schools will also not be oversubscribed locally over the next few years, so there would be capacity for initial pupils within the development to be placed in local schools.
- 9.124 In the longer term, the need for primary and secondary has been fully evidenced, taking into account surplus English-medium and Welsh-medium places that projections indicate will be available within the existing primary school catchment areas and neighbouring catchment areas, and in the new school provision planned within the Churchlands development and St Edeyrn's development.
- 9.125 The *additional* places required as a resulting of the development have been calculated as follows: -
- 359 additional English-medium primary school places (taking account of projected surplus places)
  - 105 additional English-medium nursery class places
  - 348 additional English-medium secondary school and sixth form places
  - 89 additional Welsh-medium secondary school and sixth form places
  - Contribution towards provision for pupils with SEN (of primary, secondary and sixth form age)
- 9.126 As identified in the Educations team's response above, negotiations with the developer have focussed on the Council's preferred strategy (consistent with its published LDP Infrastructure Plan), which is to : -
- Pool financial contributions from 19/02330/MJR with those secured/ sought from other housing developments with LDP Strategic Sites F and G, and/or within close proximity of these sites
  - Secure a site of sufficient size to accommodate a secondary school with sixth form of a sustainable scale
  - Use financial contributions to enable the construction of a new primary school within the development site
  - Use financial contributions to enable the construction of a new secondary school within the development site



- 9.127 The 10Ha site that has been secured would be sufficient to accommodate a two form entry primary school (incorporating nursery provision) and a secondary school, co-located on the same site. Financial contributions of £5,478,972 have also been agreed (such figure taking account of the land transferred to the council for education provision).
- 9.128 The education team also confirm that whilst contributions have only been sought in order to provide school places where the yield of pupils from the development cannot be accommodated in existing English-medium or Welsh-medium provision, the Council may bring forward proposals for school provision in the language medium considered appropriate in line with Council policy. Consideration will also be given by the Council to temporarily enlarging secondary schools and to review admission arrangements as appropriate to meet the yield from the proposed development in the event that new schools are not delivered prior to completion of these units.
- 9.129 Accordingly, the development is considered to have full regard to existing school capacity, and future education requirements as a result of the development, and Officers are satisfied that the transfer of land and calculated financial contribution will ensure the development appropriately plans for education provision.

#### *Employment-Led Mixed-Use Area*

- 9.130 An employment-led mixed-use area is proposed to the eastern boundary of the site adjacent to Parkwall Road and the neighbouring Cardiff Gate Business Park. This area will create a focal space for existing employees in the neighbouring park to gather during lunch and after work and could provide better and designated parking for commuters, which would help to alleviate the current dispersed residential street parking. There is an opportunity for an element of local retail within this area to serve the commercial uses.
- 9.131 Further employment land is allocated on the Development Framework Plan to the north of the site, comprising approximately 1.2Ha.

#### *Summary*

- 9.132 The commercial elements and other non-residential components of the application are vital to create a well balanced, mixed use community in North East Cardiff using a masterplanning approach. The proposals for commercial and retail use are considered to be of an appropriate scale to serve the planned new community and not significant as to become a destination in their own right. The provision of employment and retail of an appropriate scale in this residential led strategic site close to where people live is intended to meet the everyday needs of the new communities and reduce the need to travel. Their provision will be secured either through condition or planning obligation via a Section 106 Agreement. The mixed-use elements of the application are considered to be in accordance with FW2 and local planning policies, particularly LDP (KP2(F)).

## Sustainability / Energy

- 9.133 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.
- 9.134 Policy 17 Renewable and Low Carbon Energy and Associated Infrastructure outlines support for developing renewable and low carbon energy at all scales.
- 9.135 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.
- 9.136 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.
- 9.137 The application is accompanied by an Energy Statement (Turley, February 2020) setting out options for the reduction of energy consumption and carbon emissions to mitigate the effects of climate change through the delivery of resource efficient, low carbon homes and buildings.
- 9.138 The statement makes a commitment that the detailed design of homes and buildings will consider:
- Design and layout to promote passive solar gains, maximise natural daylight, sunlight and ventilation;
  - Optimising natural daylight in habitable spaces;
  - Minimising shading from other buildings and landscape features;
  - Select materials that balance aesthetics, robustness and durability with thermal benefits;
  - Use of high performance glazing to reduce heat loss and optimise solar gain whilst reducing potential for overheating;
  - Use of high efficiency lighting;
  - Use of low carbon heating;
  - Use of energy efficient appliances.
- 9.139 The potential for Combined Heat and Power and/or District Heating has been considered in respect of its technical feasibility and its commercial viability. There are no existing or planned heat networks in proximity to the site that the development might be able to connect to. Furthermore, the implementation of the above design features in new homes and buildings are expected to result in lower levels of heating being required compared to existing homes and buildings. It advises that decentralised energy systems are most suited to

buildings with high and continuous heat and power demand from a wide range of uses. The non-residential uses with the development form a small proportion of the overall built area, equivalent to less than 25% and are not anticipated to contribute a significant base-load of thermal demand such as a hospital or leisure centre.

- 9.140 Regarding commercial viability, the cost of establishing and operating decentralised heat networks can be a significant challenge to their installation. A development of the scale proposed would require a significant capital contribution to install infrastructure as well as committing future occupiers to long-term heat supply contracts.
- 9.141 The application commits to providing all dwellings with garages and Electric Vehicle (EV) charging points (cable only) to facilitate trips by electric car. A relevant condition is attached to secure this provision, together with 10% provision for parking bays serving apartments, flats and non-residential development, in accordance with Future Wales Policy 12 (Regional Connectivity).
- 9.142 The Energy Statement concludes with an Energy Strategy Framework that will be used when considering energy in future reserved matters applications. It includes consideration of the use of renewable low carbon energy systems including solar panels, solar thermal, air source heat pumps, ground source heat pumps, waste water heat recovery and battery storage. Conditions are recommended that require an strategic energy strategy prior to the submission of any reserved matter applications and a detailed energy strategy per phase, respectively, to determine proposed levels of energy production and generation, subject to which the development is considered to comply with the requirements of LDP Policy EN12 and the aspirations of Future Wales.

#### Economic Impact

- 9.143 PPW 11 places a duty on the LPA the need to improve the social economic of Wales' disadvantaged areas. Chapter 5 'Productive and Enterprising Places' covers the economic components of placemaking and states that "*a more Equal Wales can be achieved through promoting sufficient employment and enterprise opportunities for people to realise their potential and by recognising and building on the existing economic strengths of places to assist in delivering prosperity for all.*"
- 9.144 PPW11 also recognises (in chapter 4) the need to "*realise the potential of new sustainable transportation infrastructure to create new or renewed hubs of activity to support sustainable communities which capitalise on their location and the opportunities these present.*" TAN 23 (Economic Development) also states economic generation is a material consideration.
- 9.145 The proposed development would be carried out in phases over a period of approximately 15 years which will generate a significant amount of construction related employment, creating jobs that will benefit the local economy. Indirect benefits will also arise from the supply of materials and salary expenditure in

locally. A moderate beneficial impact is anticipated to occur for the local/regional economy on a temporary basis (i.e. the 15 year construction period).

- 9.146 Post-completion, the development would result in an additional 2,500 new homes for Cardiff and a projected future population of c.5,850 (assuming average household size of 2.34 and recognising that some of the population would be existing Cardiff residents). Major beneficial significance is predicted to occur for the local and regional economy provided the necessary infrastructure is delivered in a timely manner.
- 9.147 A major beneficial impact is predicted to occur for the housing market both locally and regionally through the delivery of a range of tenures and unit sizes, including much needed affordable housing.
- 9.148 In addition to construction-related employment, the development will generate new job opportunities through the range of District Centre uses and employment areas within the site. Approximately 845 jobs are predicted to be generated for a wide range of skills and services, rising to 1014 jobs when adding a 1.2 multiplier for additional indirect jobs. Again, this is considered to be a moderate beneficial impact for the local and regional economy.
- 9.149 The delivery of new infrastructure to support the development including new retail, education facilities, community and primacy health care facilities, and play provision are all considered to result in beneficial impacts to varying degrees. The nature of provision in these areas is covered in more detail at the end of Section 9.

### Hydrology

- 9.150 LDP Policy EN11 (Protection of Water Resources) states that development will not be permitted that would cause unacceptable harm to quality or quantity of underground, surface or coastal waters.
- 9.151 In respect of existing water bodies, the Llanishen and Lisvane Reservoirs are located close to the southwest site boundary and the site is traversed by a number of watercourses which flow from north to south. Being a greenfield site, there are no existing flood defence infrastructure. The reservoirs are currently being re-filled and their levels are managed by Dwr Cymru Welsh Water who have acquired a lease for the site.
- 9.152 The site predominantly lies within Zone A (little/no fluvial or coastal/tidal flood risk) on NRW's Development Advice Map, though a small portion of the site along the Nant Glandulais and Nant Fawr watercourse (approximately 50m either side) falls within Zone C2 (without significant flood defence infrastructure). There is no material change to the zones in the new Flood Map for Planning (These areas are identified as Zone 3). The application proposes no built development within this area and instead proposes public open space along the lower Nant Glandulais (as similar design solution was used for the Churchlands development).

- 9.153 The risk of flooding from groundwater is considered to be low given the watercourses typically flow through the site in incised channels with development plateaus being located at higher levels.
- 9.154 The Environmental Statement identifies 5 key areas where significant effects could occur during construction and operation: flood risk, surface water drainage, geomorphology, water quality and water resources. Without mitigation, effects of a minor significance during the construction period were concluded for flood risk, surface water, geomorphology and groundwater. In respect of water quality, there is potential for pollution resulting in effects of a major significance from construction activities in the absence of mitigation. Post-completion, without mitigation or management, moderate effects were concluded in respect of water quality and groundwater, with negligible/minor adverse effects in other respects.
- 9.155 In respect of mitigation, a Construction and Environment Management Plan (CEMP) is recommended in the Environmental Statement, and proposed by condition, to ensure a range of best practice measures are employed during the construction period and the location of compounds and construction activities reduce the risk of flooding and pollution of existing water courses. Post-completion, surface water run-off will be controlled through approval of a surface water strategy condition and physical attenuation features which would also require separate SuDs Approval. Overall, with mitigation and appropriate management measures, residual effects of a negligible significance are anticipated.

#### Soils and Agriculture

- 9.156 Planning Policy Wales 11 (PPW11) advises that agricultural land of grades 1, 2 and 3a of the Agricultural Land Classification system (ALC) is the best and most versatile, and should be conserved as a finite resource for the future. Considerable weight should be given to protecting such land from development, because of its special importance and such land should only be developed if there is an overriding need for the development (paragraphs 3.58 and 3.59).
- 9.157 The Environmental Statement confirms that 19% of the site comprises grade 3a agricultural land (24.9ha), located along the St. Mellons Road corridor with a small pocket also in the far west of the site above Lisvane Reservoir. It concludes that its loss would constitute a moderate adverse impact which cannot be mitigated for (the remaining land comprises 62% grade 3b/4 or land not in agricultural use). This impact must be weighed against the site's allocation for mixed-use development in the adopted LDP and, notably, the comments of the Welsh Government's Agriculture Division who also acknowledge that national policy regarding best and most versatile agricultural land would also have been considered prior to the LDP's adoption.
- 9.158 Topsoil has the potential to be lost from all construction areas if not appropriately stripped and separated. In addition, construction traffic movements can potentially result in compaction, increased flood risk and plant rooting depth in proposed landscaped areas. This was regarding to have a large

magnitude impact on receptors of high sensitivity, leading to a potential major adverse impact unless mitigated for through a Soil Resource Plan/Management Plan that covers methods for removal and storage of topsoil, landscaping requirements including availability of on-site resources, and means of subsoil protection from compaction. Such details are recommended to be secured through condition.

### Ground Conditions

- 9.159 The Environmental Statement identifies the potential for effects of moderate-minor and minor negative significance (prior to mitigation) on controlled waters from construction, vehicles and earthworks, impacts from piling and other contaminant pathways, contamination from disturbance of made ground during excavation/construction and accidental spillages and leakages. Unexploded ordinance was found to be a medium risk in the southern part of the site with a high sensitivity and potential impact of major negative significance, prior to mitigation.
- 9.160 Post-completion, an impact of major-moderate negative significance upon future users and buildings from potential contaminants within residual made ground was concluded, minor adverse significance upon controlled waters from accidental spillages and leakages and an impact of minor-adverse significance from aggressive ground conditions. The Environmental Statement concludes that subject to relevant conditions including ground investigation prior to demolition and construction and the submission and approval of a Construction Environment Management Plan (CEMP), effects of negligible significance are expected. Natural Resource Wales and Shared Regulatory Services' Environment Team also support the use of conditions to safeguard against contamination.

### Utilities

- 9.161 There are two sets of high voltage overhead lines (132kV and 275kV) crossing the site. The 275kV overhead line crosses the site north to east in the northeast corner of the site and is owned and operated by National Grid. The 132kV double circuit line is operated by Western Power Distribution and is part of an integrated network. The 275kV overhead line will remain in situ whilst the remaining span of the 132kV overhead line will be undergrounded back to the pylon tower in the north-west corner of the site.
- 9.162 The application has allowed for an approximate corridor width of 30m for the 132kV line and 50m for the 275kV line through the site along the overhead line route and confirms that development in proximity to the retained overhead lines will comply with the National Grid design guidance: 'Design guidelines for development near pylons and high voltage overhead power lines' (2019) to ensure best practice is followed in the design of the development around the overhead line corridors. National Grid have advised that 15m buffer is required around their towers and no built development shall take place under the conductors.

- 9.163 A high-pressure gas main runs east to west across the northern part of the site, running down through Malthouse Wood and out to Cardiff Gate Business Park to the east. The application proposes that the easement required for this infrastructure will comprise a green corridor linking to the large green infrastructure corridors in the development. Where the pipe crosses the education land, the Health and Safety Executive (HSE) advises that upgrades are required before the sports pitches can be used. The Design and Access Statement Addendum identifies the section to be upgraded, the location and extent of relevant HSE consultation zones/ easement following its upgrade and the principle for the provision of two pedestrian crossing points across the retained easement.
- 9.164 Concerning water supply, a hydraulic modelling assessment (HMA) has been completed by Dwr Cymru Welsh Water to determine whether sufficient capacity exists within the potable water network in the vicinity of the site, to accommodate the proposed development. The DCWW preferred solution is by providing a new connection from the existing 1200mm diameter concrete trunk water main passing through the site. DCWW have confirmed that sufficient capacity and pressure can be achieved from this connection to service the entire North East Cardiff development, without the need for upgrade or reinforcement works. A proposed connection can be made anywhere along the proposed trunk main, which is likely to be within the boundary of the development.

#### Waste

- 9.165 Waste will be generated from the demolition of some existing buildings and as much clean excavated material will be reused onsite as possible. Conditions are recommended to secure a demolition management plan for each building prior to its demolition occurring.
- 9.166 Waste will also be generated during construction. Again, a condition will be used to secure details of the management of this waste (via a Construction and Environment Management Plan). It is expected that a significant amount of waste generated will be re-used on-site or recycled and therefore avoid the need to dispose via landfill.
- 9.167 Post-construction, household waste and on-residential waste will be generated by future occupiers (approximately 60 tonnes per week). Bin collection facilities will be provided for residents and commercial properties. A financial contribution has been secured for the provision of segregated household waste, recycling, general and garden waste bins for each household.

#### Section 106 Matters

- 9.168 Policy KP7 (Planning Obligations) states that “planning obligations will be sought to mitigate any impacts directly related to the development and will be assessed on a case by case basis in line with Planning Policy Guidance”.

- 9.169 The supporting text emphasises that new development often generates additional demands upon existing services, facilities, infrastructure and the environment, with planning obligations being a means of seeking contributions from developers towards these demands, as well as negotiating benefits that improve the standard of development proposals by providing necessary infrastructure and community benefits.
- 9.170 The Planning Obligations SPG sets out the Council's approach to planning obligations when considering applications for development in Cardiff, providing further guidance on how the policies set out in the LDP are to be implemented.
- 9.171 The Community Infrastructure Levy Regulations 2010 came into force on 6th April 2010 in England and Wales. They introduced limitations on the use of planning obligations (Reg. 122 refers), and state that a planning obligation may only legally constitute a reason for granting planning permission if it is: (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development.
- 9.172 In view of the type and form of development proposed, having regard to local circumstances and needs arising from the development, the need for planning obligations which are considered necessary to make the development acceptable in planning terms and to meet the policy and legislative tests for planning obligations, are considered below.
- 9.173 The proposed broad Heads of Terms for the required Section 106 Agreement are as follows (in line with the Planning obligations SPG):
- **Affordable Housing:** 30% overall contribution (18% on-site, 12% off-site). On-site to be split as 15% affordable rented (13% general needs, 2% older persons affordable rented) and 3% shared equity at 70% OMV. Off-site financial contribution of £24,168,600 (300 units).
  - **Community Facilities and Health:** A joint facility of 2,416m<sup>2</sup> comprising community facility (1,864m<sup>2</sup>) and health facility (552m<sup>2</sup>) to be built by the developer on behalf of the Council and Cardiff & Vale UHB, with the 41 no. older persons units above. Freehold to be transferred to the Council.
  - **Public Open Space:**
    - (i) Formal Recreation: £2.6million towards off-site provision (discounted to account for use of on-site school pitches outside of school hours).
    - (ii) Informal Open Space: If the required 4Ha (9.8Ha proposed in application) is not provided through reserved matter applications, any deficit to be charged at the adopted rate of £426,975 per hectare
    - (iii) 3 no. LEAPs to be provided in phases 2, 4 and 5.
    - (iv) 1 no. NEAP to be provided in Phase 2.
    - (v) MUGA – site to be delivered ready to install MUGA (36,6m x 21.35m) i.e. levelled, serviced, accessible plus £84,000 towards cost of its



- provision. 30m buffer zone to residential property boundaries;
  - (vi) 0.7Ha of allotments to provide 56 no. plots.
  - (vii) On-site provision to be managed by a private management company.
- **Education:** 10Ha site fully serviced and levelled to accommodate 8FE secondary school, sixth form, 2FE primary school, and necessary sports pitches. Off-site contribution of £5,478,972 towards primary, secondary and sixth form. £1.12 million towards provision of 2 no. 3G pitches as part of secondary school by the Local Authority.
- **Transport:** Total contribution of £16,083,956 towards infrastructure improvements for:
  - (i) Croescadarn Road/ Heol Glandulais corridor footway/ cycleway/ junction improvements (£2,922,752);
  - (ii) Pentwyn Road corridor bus lane improvements (£6,139,404);
  - (iii) Gwern Rhuddi Road corridor pedestrian improvements (£1,458,800);
  - (iv) Cycleway 1 from site to Heath Park Avenue (£3,288,000);
  - (v) Other Cycleway/Pedestrian Measures: Pentwyn interchange to Rhymney Trail (via Park & Ride) walking/cycling improvement (£600,000);
  - (vi) Llanishen Station/Nextbike and locker provision (£75,000);
  - (vii) 4 no. Bus Gates (£280,000);
  - (viii) Llanrumney Park & Ride bridge (£1,000,000);
  - (ix) M4 J30 Improvements (£150,000)
  - (x) Cycleway between Ty Draw Road and Pentwyn Road (via Peppermint Park, west of Peppermint Drive) (£170,000);
  - (xi) Provision of Travel Planning commencing on first occupation
  - (xii) Bus Pass for 12 months (each household)
  - (xiii) £50 cycle voucher (each household)
  - (xiv) £4,000,000 for subsidised bus services/pump priming to be used for existing services, new express service via A48, new service west of the site via Llanishen, and new expressed service to St. Mellons;
- Provision of floorspace and land uses within District Centre, including:
  - Land for community/health building by 750<sup>th</sup> occupation
  - Land for food store up to 1500m<sup>2</sup> by 1,000<sup>th</sup> occupation
  - Land for other retail uses up to 2000m<sup>2</sup> by 1250<sup>th</sup> occupation
- **SuDS:**
  - (i) facilities maintained and adopted by Cardiff Council (where two or more homes connect to them); Commuted sums payable by the developer for each feature, to be secured via future SAB applications;
  - (ii) SUDS/SABs shall be laid out in accordance with agreed drainage scheme (for that RM)
  - (iii) SUDS/SABs strategy and maintenance plan will need to be submitted and approved before the 1st occupation of any dwelling

(for that RM);

- **Waste:** £176,100 for the provision of waste/recycling bins to be calculated per phase. £60 per house, 2 no. 1100l bins at £468 per bin plus 1 no. food waste bin at £30 per 240l bin. Plus litter bins at areas of high footfall £504 per bin.

9.174 Having regard to the legal and policy test outlined above, it is clear that the requested monies are necessary and reasonable to mitigate the impacts of the proposed development and thus ensure that the proposal accords with planning policy.

9.175 Two further requests for financial contributions were received during consultation exercises as follows:

- (i) Dŵr Cymru Welsh Water sought a contribution for the acquisition of Coed-ty-Llwyd (adjacent to the northwest of Lisvane Reservoir) and the costs of enabling and maintaining safe public access from the development to the Reservoirs, thereby reducing visitor pressures on the wider site which is a SSSI. This request was not pursued as the woodland is in separate ownership and such a request does not meet the legal tests of necessity or reasonableness (it is worth noting that since these comments were made Dŵr Cymru Welsh Water have applied for and received planning permission for a new visitor centre at the Reservoirs, which includes new pedestrian routes into the site along the access road and also from the Nant Fawr meadows to the east. The visitor centre is under construction and nearing completion with opening planned later in 2023);
- (ii) Network Rail seek financial contributions towards the improvement of rail user facilities at Llanishen, Lisvane and Thornhill, and Heath High and Low Level Stations to meet the additional demands placed on these stations as a direct result of the scale and uses proposed within this strategic development. It is noted that Transport for Wales is currently undertaking station enhancements as part of the Core Valley Lines electrification programme, The package of transport measures secured in the Section 106 Agreement also includes bike hire provision and lockers at Llanishen Station. Network Rail's request is not considered to meet any of the legal tests of necessity, related or reasonableness.

#### Overall Assessment – 'The Planning Balance'

9.176 PPW11 refers to the need to assess the Sustainable Benefits of Development and (at 2.27) emphasises that Planning authorities should ensure that social, economic, environmental and cultural benefits are considered in the decision-making process and assessed in accordance with the five ways of working to ensure a balanced assessment is carried out to implement the Well-being of Future Generations Act and the Sustainable Development Principle.

9.177 Paragraph 3.38 of PPW states that the countryside is a dynamic and multi-purpose resource. In line with sustainable development and the national planning principles and in contributing towards placemaking outcomes, it must be conserved and, where possible, enhanced for the sake of its ecological, geological, physiographic, historical, archaeological, cultural and agricultural value and for its landscape and natural resources. The need to conserve these attributes should be balanced against the economic, social and recreational needs of the local communities and visitors.

9.178 There may be occasions when one benefit of a development proposal outweighs others, and in such cases robust evidence should be presented to support these decisions, whilst seeking to maximise contributions against all the well-being goals.

9.179 Key factors in the assessment process include:

- *Social Considerations*, including: - who are the interested and affected people and communities; who will benefit and suffer any impacts from the proposal; what are the short and long-term consequences of the proposal on a community;
- *Economic Considerations* including: - the numbers and types of long term jobs expected to be created or retained; whether, and how far, the development will help redress economic disadvantage or support regeneration priorities, for example by enhancing local employment opportunities;
- *Cultural Considerations* including: - how far the proposal supports the conditions that allow for the use of the Welsh language; whether or not the development protects areas and assets of cultural and historic significance; have cultural considerations and their relationships with the tourism industry been appropriately maximised; and
- *Environmental Considerations* including: - will important features of the natural and built environment be protected and enhanced; are the environmental impacts of development on health and amenity limited to acceptable levels and the resilience of ecosystems improved.

9.180 At 2.29 it further refers to the need to have an integrated approach to balancing priorities against policy on an individual basis, which enables the full range of costs and benefits over the lifetime of development to be taken into account.

9.181 Section 5 of PPW11 provides further emphasis on the need to develop 'Productive and Enterprising Places' which promote our economic, social, environmental and cultural well-being by providing well-connected employment and sustainable economic development.

9.182 The role of the Local Planning Authority is therefore to balance the weight to be attributed to each of the positive and negative impacts of the development and come to a balanced conclusion as to whether the development is acceptable or not.

9.183 On a Strategic level it is clear that the proposed development will contribute towards the seven well-being goals within the Well-Being of Future Generations Act insofar as the development will:

- Increase economic activity and employment opportunities thus contributing towards a **Prosperous Wales**
- Assist in creating a **Healthier Wales** through increasing opportunities to switch to more sustainable travel choices, as well as encouraging use of low carbon energy
- Promote employment and enterprise opportunities for people to realise their potential, towards the goal of a **more Equal Wales**
- Encourage a **Wales of Cohesive Communities** by providing a range and choice of housing including affordable housing, associated community facilities and creating local jobs for local people
- Encourage a **Wales of Vibrant Culture and thriving Welsh Language** by seeking to ensure the development reflects local Welsh distinctiveness

#### *Balancing Environmental and Socio-Economic Impacts*

9.184 This report has highlighted a number of areas where the proposed development will have an adverse local impact, particularly in relation to environmental matters including the removal of existing trees and hedgerows, the loss of Grade 3a agricultural land and loss of habitats including areas designated as Sites of Importance for Nature Conservation. However, these impacts have to be weighed against the wider socio-economic benefits of the development.

9.185 It is important to bear in mind the site's allocation within the Council's Local Development Plan when balancing the impacts of the proposals. The application comprises approximately 56% of the strategic allocation of 4,500 homes in the adopted Local Development Plan.

9.186 These much needed new family homes will comprise a mix of types, tenures (including affordable homes) and sizes to cater for a range of housing needs. The development will connect with neighbouring parcels within the strategic site and also with existing neighbouring areas around the periphery to help create a sustainable and cohesive community.

9.187 The proposed development and its connections to neighbouring land will make active travel and trips by public transport attractive alternatives to trips by the private car in line with national and local planning policy objectives. Jobs and services will be easily accessible through short, efficient and sustainable journeys through walking, cycling and public transport.

9.188 The predicted job opportunities during both the construction and operational phases of development is a benefit that must be weighed against the adverse impacts. A construction programme of approximately 15 years will generate construction related employment both on the site itself and in the supply of construction materials. Post construction, the commercial and employment areas are predicted to generate in the region of 1,000 new jobs, including a 1.2 multiplier for additional indirect jobs. This is expected to have a beneficial

impact on the local and regional economy.

9.189 It is considered that the benefits of this development outweigh the environmental impacts that would result. It is also noted that environmental enhancements on-site will help mitigate these adverse impacts. Balancing these impacts, it is concluded that subject to the detailed conditions and legal agreement heads of terms that planning permission should be granted for the development.

#### Other Matters Not Assessed Above

9.190 As identified earlier in this report, a number of objections were received in response to the publicity exercise. In response to the main issues raised which have not been addressed elsewhere in this report, the following comments are made:

- The Environmental Statement submitted with the application has considered the cumulative effects of the development with other developments;
- The City of Cardiff Local Plan 1996 has been superseded by the Local Development Plan 2016;
- The use of the Welsh Language within all new developments is fully supported. Although not a planning matter, the Council's [street naming policy](#) emphasises that street naming is a key element of place-making, and it is important in the context of the Council's commitments to the Well-being of Future Generations Act, Welsh Language Standards and Historic Environment (Wales) Act 2016. The policy in relation to new street names will be to adopt a Welsh name that is consistent with the local heritage and history of the area.
- Some representations have suggested introducing features that do not form part of this application e.g. a new motorway junction, a new metro station. The Local Planning Authority has a duty to determine each application on its merits and not consider or promote alternative solutions;
- The application does not include the closure of Ty Draw Road;
- The site is not allocated as a 'Green Belt' in the adopted development plan;
- The Pre-Application Consultation Report is considered to be sufficient. Copies of the letter and accompanying notification to neighbours and community consultees is appended to the report and a list of stakeholders and landowners/occupiers that were notified has been provided. The owner/occupier of Pant-Teg Cottage was notified in writing on 13 November 2018.

## 10 CONCLUSION

10.1 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. In addition, the Council, in accordance with Section 3(3) of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017, has taken all the environmental information into consideration. All the relevant European directives, legislation and regulations have also been taken into account.

- 10.2 Taking into consideration all the evidence and assessment undertaken, it is concluded that the development would have no unacceptable impacts on the highway network and highway safety, drainage, land contamination, historic environment, landscape, noise, vibration and air quality. While there would be some impacts in respect of tree losses and ecology/biodiversity, these can be mitigated or compensated through conditions and the consideration of details under reserved matters. Taking into account the site's allocation in the LDP and that the development will provide much needed family and affordable housing in a new sustainable community that reduces the need to travel by private car, it is considered that these benefits, subject to compliance with conditions and the signing of the required legal agreement, would outweigh the identified environmental impacts of the development.
- 10.3 Accordingly, the proposed development is in accordance with National Policy contained in Future Wales and PPW11 and Local Development Plan Policies KP2(F), KP4, KP5, KP6, KP7, KP8, KP9, KP12, KP13, KP14, KP15, KP16, KP17, KP18, H3, EN4, EN6, EN7, EN8, EN9, EN10, EN11, EN12, EN13, EN14, T1, T5, T6, T9, R6, R7, C1, C3, C5, C6, C7, and W2.

## 11 OTHER MATTERS RELEVANT TO THE CONSIDERATION OF THIS APPLICATION

- 11.1 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.
- 11.2 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.
- 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. 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.

11.4 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.

## 12 RECOMMENDATION

### 12.1 RECOMMENDATION 1:

That **SUBJECT** to a requirement that no decision notice may be issued unless a written authorisation is received from the Welsh Ministers pursuant to its Direction dated 7<sup>th</sup> January 2021 made under Article 18 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012:

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

### 12.2 RECOMMENDATION 2:

That delegated authority is given to the Head of Planning & Operational Manager: Strategic Development & Placemaking, to make changes to the conditions and/or Heads of Terms of the required legal agreement, subject to consultation with the Chair of Planning, up to the point where the legal agreement is signed and planning permission issued.

## 12.3 CONDITIONS

### Time Limits

1. A. Prior to the commencement of development on any Reserved Matters site, details of the layout, scale and appearance of the buildings, access (except for the detailed highway improvement works that are the subject of conditions 42 - 44) and landscaping (hereinafter called "the reserved matters") for that Reserved Matters site shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out as approved.
- B. Application for approval of the first Reserved Matters site shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. Application for approval of all other reserved matters sites shall be made to the Local Planning Authority before the expiration of twenty years from the date of this permission.
- C. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of the last of the reserved matters to be approved, whichever is the later.

Reasons:

- A. In accordance with the provisions of Article (3)1 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.
- B and C. In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

### Approved Plans and Documents

2. The development shall accord with the following approved plans and documents:

Approved Plans:

- Site Location Plan - TWB003 015 Rev E – Submitted 29 October 2021
- Development Framework Plan - TWB004 005 Rev N
- Strategic Open Space and Landscape Plan - TWB004 042 Rev N
- Proposed Movement Plan - TWB005 057 Rev M
- Proposed Density Plan - TWB004 036 Rev H
- Proposed Storey Heights Plan - TWB004 056 Rev H
- Proposed Buildings to be Demolished Plan - TWB003 020 Rev E
- Pontpennau Junction - 5611-WSP-PONT-XX-DR-D-0001 P11
- Ty Draw Junction - 5611-WSP-CH-XX-SK-C-003 P06
- Lisvane Junction - 5611-WSP-LVRD-XX-DR-D-0001 P07

Approved Documents:

- Dormouse Mitigation Strategy, Soltys Brewster, October 2021 (Ref: E1668102 Doc 02)



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

3. ENVIRONMENTAL STATEMENT AND ADDENDA : The development hereby permitted shall be carried out in substantial accordance with the principles and mitigation measures as set out within the Environmental Statement and Addenda unless provided for in any other conditions attached in this permission.

Reason: The proposed development is the subject of an Environmental Impact Assessment and due regard must be had to the principle impacts of the development in the preparation of the detailed design and operation of the site. Any material alteration to the proposal may have an impact which has not been assessed by the process.

#### Pre-Commencement Conditions (Prior to Submission of Any Reserved Matters)

4. SITE WIDE PHASING PLAN: Notwithstanding the submitted outline phasing details, as identified on drawing number TWB004-071 Rev E, no reserved matters application shall be submitted to the local planning authority and no development shall take place except for enabling and protection works (site surveys; geotechnical / exploratory ground investigation; fencing/security; signage, tree protection), the detailed highways infrastructure works and associated drainage/ground recontouring works, approved demolition, and ecological mitigation (subject to compliance with related conditions) until such time as a **Site-Wide Phasing Plan** for the whole site has been submitted to and approved in writing by the Local Planning Authority.

The Site-Wide Phasing Plan shall accord with the conditions, Section 106 Agreement and triggers therein and shall show how the development shall be implemented in phases, by identifying:

- The development phases (or sub-phases), including the indicative number of dwellings to be delivered in each phase

Along with the timetable for delivery of the following elements:

- The three site access junctions (Lisvane Road, Ty Draw Road & Heol Glandulais/St. Mellons Road including active travel link to Parkwall Road);
- Primary highway/ Bus priority measures, Bus gates, and bus stops;
- Strategic connections to adjacent land (Parkwall Road/Cardiff Gate Business Park; Church House Farm Spine Road Connection; Church House Farm active travel route; Churchlands Spine Roads and Strategic Cycleway; Bryngolau Farm (including for construction vehicular access); and existing and diverted public rights of way in broad accordance with Proposed Movement Plan (drawing no. TWB004-057 Rev M)
- District Centre/Mixed use areas, schools and community facilities in broad accordance with Development Framework Plan (drawing no. TWB004-

005 Rev N)

- Strategic Landscaping, surface water features and areas of recreation, play and open space in broad accordance with Proposed Strategic Formal and Informal Open Space Plan (drawing no. TWB004-042 Rev N)

Thereafter, all reserved matters applications shall accord with the approved phasing plan, and the development shall be carried out in accordance with the approved phasing plan or in accordance with any modification to that phasing plan as may be agreed with the prior written approval of the Local Planning Authority.

Reason: To ensure the development is carried out in a comprehensive, sustainable and coherent manner in accordance with Local Development Plan Policies KP2(F) (North East Cardiff (West of Pontprennau)) and KP4 (Masterplanning Approach).

5. **SITE WIDE DESIGN PRINCIPLES CODE:** No reserved matters application shall be submitted to the local planning authority and no development shall take place except for enabling and protection works (site surveys; geotechnical / exploratory ground investigation; fencing/security; signage, tree protection), the detailed highways infrastructure works and associated drainage/ground recontouring works, approved demolition, and ecological mitigation (subject to compliance with related conditions) until such time as a **Site-Wide Design Principles Code** for the whole outline permission site has been submitted to and approved in writing by the local planning authority. The Site-Wide Design Principles Code shall establish site wide design principles for the whole outline permission site relating to the street hierarchy, street design, edge treatments, built-form, landscape and the public realm, sustainability, review mechanism and development delivery. The Site-Wide Design Principles Code shall define the extent of individual Neighbourhood Areas for the whole outline permission site. Thereafter, each Reserved Matters submission shall be accompanied by a statement indicating how the application complies with the Site-Wide Design Principles Code.

Reason: To ensure the development is of a high quality, sustainable design and creates distinctive communities, places and spaces in accordance with Local Development Plan Policy KP5 (Good Quality and Sustainable Design).

6. **STRATEGIC AFFORDABLE HOUSING DELIVERY:** No reserved matters application shall be submitted to the local planning authority and no development shall take place except for enabling and protection works (site surveys; geotechnical / exploratory ground investigation; fencing/security; signage, tree protection), the detailed highways infrastructure works and associated drainage/ground recontouring works, approved demolition, and ecological mitigation (subject to compliance with related conditions) until such time as a **site-wide scheme for the provision of affordable housing** has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN2 (June 2006) or any future guidance that replaces it. The scheme shall include:

- The numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 20% of housing units
- The timing of the construction of affordable housing and its phasing in relation to the occupancy of the market housing
- the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];
- the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced

Reason: To allow the delivery of market and affordable housing to be monitored in accordance with Policy H3 of the adopted Cardiff local Development plan (2006-2026).

7. **STRATEGIC GREEN INFRASTRUCTURE MANAGEMENT STRATEGY (SGIMS):** No reserved matters application shall be submitted to the local planning authority and no development shall take place except for enabling and protection works (site surveys; geotechnical / exploratory ground investigation; fencing/security; signage, tree protection), the detailed highways infrastructure works and associated drainage/ground recontouring works, approved demolition, and ecological mitigation (subject to compliance with related conditions) until such time as a **Strategic Green Infrastructure Management Strategy (SGIMS)** – for the whole outline permission site – for the delivery and long-term management, maintenance and monitoring of green infrastructure comprising the ecological, arboricultural, landscape, soil, open space, SUDS and water resource, other than privately owned domestic gardens has been submitted and approved in writing by the Local Planning Authority. The SGIMS shall consider the construction and operational phase up to 30 years and beyond.

The SGIMS shall include as a minimum the following details:

- a) Overarching Green Infrastructure Phasing Plan, including implementation timetable consistent with the phasing plan to be approved under condition 4 to demonstrate how the SGIMS will link with development phasing and reserved matters submissions;
- b) The delivery of green (including SUDs) infrastructure, highlighting how the ecosystem will continue to function (ecological mitigation planting shall be delivered as early as practical within each phase);
- c) The body/organisation responsible for implementing the SGIMS;
- d) The responsibilities to update the SGIMS for instance if incidental finds require an update of the SGIMS documentation;
- e) Broad aim and objectives for each ecological asset in point (f) below;
- f) The protection, creation, enhancement, management and maintenance of habitats, including; woodlands, hedgerows and trees, scrub, grasslands, highway trees/verge, and other habitat providing foraging, community and

breeding opportunities for protected species. This will include an introduction to each feature, the proposed protection/management prescription, with review at 5-year intervals;

- g) the protection, creation, enhancement, management and maintenance in the north west of the site, adjacent to the M4 and Nant Glandulais, for breeding skylark. The details shall include aims and objectives of management, the prescription from creation to management, the desired condition, key indicators to show when the desired condition has been achieved, suitable protection zones, work schedule and cover a minimum of 30 years, with reviews at 5 year intervals. The details of the body or organization responsible for implementation of the plan should also be provided plus any legal or funding mechanisms. The proposals shall include details and plans of fencing to be installed along the eastern side of the Nant Glandulais, south of the field (north of the easement / proposed public footpath and west of the field (west of the Nant Glandulais) to prevent public access.
- h) Principles for management of recreational trails and access;
- i) The review of the SGIMS at 5-year intervals, from year 5 until the development of the site is complete.
- j) Mitigation measures listed in Table 9.11 'Summary of Effects', Environmental Impact Assessment, Chapter 9: Ecology and Biodiversity, (David Lock Associates 23<sup>rd</sup> August 2019);
- k) Badger and hedgehog movement plans.

The approved SGIMS and any subsequent amendments, shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details and programme for implementation. If monitoring indicates a failure in any aspect of the SGIMS, remedial measures shall be approved in writing with the Local Planning Authority and shall be implemented as approved.

Reason: To protect and enhance the Green Infrastructure resource of the site, to comply with the provisions of the Conservation of Habitats and Species Regulations 2017 (as amended), The Wildlife and Countryside Act 1981 (as amended), Section 7 of the Environment (Wales) Act 2016, and PPW11 and ensure accordance with Local Development Plan Policies KP15 (Climate Change), KP16 (Green Infrastructure) EN5 (Designated Sites), EN6 (Ecological Networks and Features of Importance for Biodiversity), EN7 (Priority Habitats and Species) EN8 (Trees, Woodlands and Hedgerows) and EN13 (Air, Noise, Light Pollution and Land Contamination)

- 8. **STRATEGIC ENERGY STRATEGY:** No reserved matters application shall be submitted to the local planning authority and no development shall take place except for enabling and protection works (site surveys; geotechnical / exploratory ground investigation; fencing/security; signage, tree protection), the detailed highways infrastructure works and associated drainage/ground recontouring works, approved demolition, and ecological mitigation (subject to compliance with related conditions) until such time as a site wide **Strategic Energy Strategy** (SES) has been submitted to and approved in writing by the Local Planning Authority. The Strategic Energy Strategy shall include an assessment of the financial viability and technical feasibility of incorporating renewable and low

carbon technologies, including energy supply systems, to demonstrate how (through the Detailed Energy Strategy required for each phase under condition 18) the development will incorporate renewable and low carbon technology and reduce electric and heat consumption.

Reason: to promote energy efficient and sustainable development in accordance with Future Wales, Planning Policy Wales and Policy EN12 of the adopted Cardiff Local Development Plan (2006-2026)

9. **TRAFFIC MONITORING:** No reserved matters application shall be submitted to the local planning authority and no development shall take place except for enabling and protection works (site surveys; geotechnical / exploratory ground investigation; fencing/security; signage, tree protection), the detailed highways infrastructure works and associated drainage/ground recontouring works, approved demolition, and ecological mitigation (subject to compliance with related conditions) until such time as a **traffic monitoring strategy** has been submitted to and agreed in writing by the Local Planning Authority. The submitted details shall include a methodology to record traffic movements by mode at the site access junctions and other appropriate on-site locations, with the results of the traffic surveys submitted to the Local Planning Authority annually from the date of the first traffic survey, in conjunction with the Travel Plan progress reports.

Reason: To allow full monitoring, reporting and assessment of the impact of the proposed development in accordance with Local Development Policy T6 (Impact on Transport Networks and Services), and to inform the assessment of reserved matters throughout the build programme.

10. **STRATEGIC FOUL DRAINAGE MASTERPLAN:** No reserved matters application shall be submitted to the local planning authority and no development shall take place except for enabling and protection works (site surveys; geotechnical / exploratory ground investigation; fencing/security; signage, tree protection), the detailed highways infrastructure works and associated drainage/ground recontouring works, approved demolition, and ecological mitigation (subject to compliance with related conditions) until such time as a **strategic foul drainage masterplan** for the whole outline permission site, accompanied by a foul drainage catchment plan has been submitted to and approved in writing by the Local Planning Authority.

The submitted strategic foul drainage masterplan shall as a minimum include details of the following:

- a) suitable points of connection for each foul drainage catchment to connect to the existing public sewerage system.
- b) how each development phase within each drainage catchment will be effectively drained to the existing public sewerage system and demonstrate how each phase will accommodate and include a provision for foul drainage flows for all subsequent phases.
- c) any improvement or reinforcement works required to the public sewerage system to accommodate the development or development phase.
- d) an implementation programme, which shall accord with the phasing schedule

and plan approved under condition 4 (phasing).

Thereafter, any subsequent Reserved Matter application shall accord with the approved details or any modification as may be approved through subsequent discharge of condition applications.

No building shall be occupied on any reserved matters site until the works, identified by the Hydraulic Modelling Assessments and through part C of this condition, have been completed on the public sewerage system serving that reserved matters site or phase of development.

Reason: To prevent hydraulic overloading of the public sewerage system, protect the health and safety of existing residents, ensure no pollution of or detriment to the environment and to ensure the site can be effectively drained in accordance with Local Development Plan Policy EN10 (Water Sensitive Design).

11. **DISTRICT CENTRE DESIGN CODE:** No reserved matters application shall be submitted to the local planning authority and no development shall take place except for enabling and protection works (site surveys; geotechnical / exploratory ground investigation; fencing/security; signage, tree protection), the detailed highways infrastructure works and associated drainage/ground recontouring works, approved demolition, and ecological mitigation (subject to compliance with related conditions) until such time as a **Design Code for the District Centre** has been submitted to and approved in writing by the local planning authority. The District Centre Design Code shall establish design coding for the District Centre. Details of the scope and form of the Code shall be submitted to and agreed in writing by the Local Planning Authority prior to the submission of the Code and shall also include details of how the Public Transport Interchange will cater for active travel (including the provision of secure and sheltered cycle parking), taxis and public transport modes plus appropriate timetabling and interchange information. Thereafter, each reserved matters application submitted to the local planning authority in compliance with Condition 1 and relating to the District Centre shall demonstrate how it accords with the District Centre Design Code, or provide detailed justification for any divergence that may be proposed to be approved at reserved matters stage.

Reason: To ensure the development is of a high quality, sustainable design and creates distinctive communities, places and spaces in accordance with Local Development Plan Policy KP5 (Good Quality and Sustainable Design).

12. **PUBLIC ART STRATEGY :** No reserved matters application shall be submitted to the local planning authority and no development shall take place except for enabling and protection works (site surveys; geotechnical / exploratory ground investigation; fencing/security; signage, tree protection), the detailed highways infrastructure works and associated drainage/ground recontouring works, approved demolition, and ecological mitigation (subject to compliance with related conditions) until such time as a **public art strategy** has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include details of procurement, a timetable for implementation (by phase) and a maintenance schedule. The approved public art shall be provided prior to the completion of the relevant phase, or part thereof, and maintained in accordance with the approved details.

Reason: In the interests of visual amenity and the creation of a quality and legible built environment in accordance with Local Development Policy KP5 (Good Quality and Sustainable Design).

13. STRATEGIC SURFACE WATER DRAINAGE STRATEGY: No reserved matters application shall be submitted to the local planning authority and no development shall take place except for enabling and protection works (site surveys; geotechnical / exploratory ground investigation; fencing/security; signage, tree protection), the detailed highways infrastructure works and associated drainage/ground recontouring works, approved demolition, and ecological mitigation (subject to compliance with related conditions) until such time as a **Strategic Surface Water Drainage Strategy**, identifying hydraulic catchment areas across the site, and the relationship with the respective phases under condition 4, having regard to the outline surface water drainage strategy set out within the approved Flood Consequence Assessment, August 2020 (reference 70065611 FCA01 Rv2.2) for the respective hydraulic catchment.

Reason: To prevent hydraulic overloading of the public sewerage system, protect the health and safety of existing residents, ensure no pollution of or detriment to the environment and to ensure the site can be effectively drained in accordance with Local Development Plan Policy EN10 (Water Sensitive Design).

14. ST. MELLONS ROAD CLOSURE: No reserved matters application shall be submitted to the local planning authority and no development shall take place except for enabling and protection works (site surveys; geotechnical / exploratory ground investigation; fencing/security; signage, tree protection), the detailed highways infrastructure works and associated drainage/ground recontouring works, approved demolition, and ecological mitigation (subject to compliance with related conditions) until such time as a scheme (and timetable) for the closure of St. Mellons Road to vehicular traffic (except for access) and its conversion to an active travel route, has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, but not be limited to, bollards, signing, surfacing, and lining and timing of the road closure. The scheme shall be implemented in accordance with the approved details / timescales.

Reason: To manage traffic effectively and encourage active travel in accordance with Local Development Plan Policies T1 (Walking and Cycling), T5 (Managing Transport Impacts) and T6 (Impact on Transport Networks and Services)

Action Conditions (Prior to or as part of first reserved matters for each phase)

15. PHASE-SPECIFIC SURFACE WATER DRAINAGE For each phase of development as approved under condition 4 (Phasing), the first reserved matters submission for that phase shall be accompanied by details of how surface water will be managed across each phase, demonstrating accordance with the Strategic Surface Water Strategy approved under condition 13.

No dwelling shall be occupied until the detailed surface water drainage scheme for the respective reserved matters site has been implemented in accordance with the approved details.

Reason: To ensure that drainage from the development does not cause or exacerbate any adverse condition on the development site, adjoining properties, environment and infrastructure with regard to flood risk.

16. PHASING SCHEDULE : With the exception of the three site access junctions hereby approved, for each phase of development as approved under condition 4 (Phasing), the first reserved matters submission for that phase shall be accompanied by a **Phasing Schedule** for that phase (or part thereof), which shall as a minimum provide details relating to the provision of the elements and infrastructure for that phase as identified in the Phasing Plan as well as the walking, cycling, bus, rail and highway infrastructure identified at Table 2-84 of the Outline Mitigation Strategy (dated October 2021), where relevant to that phase (or part thereof). The schedule shall also include a programme for their provision. The phasing schedule shall accord with the conditions and Section 106 Agreement and triggers therein, and once approved in writing by the Local Planning Authority, development of each phase shall be in full accordance with the approved plan.

Reason: To ensure the development is carried out in a comprehensive, sustainable and coherent manner in accordance with Local Development Plan Policies KP2(F) (North East Cardiff (West of Pontprennau)) and KP4 (Masterplanning Approach).

17. NEIGHBOURHOOD DESIGN CODES: Prior to submission of the first reserved matters application for each phase (or sub-phase) of development identified by condition 4 a **Neighbourhood Design Code** for that phase of development / Neighbourhood Area as defined in the Site Wide Principles Code shall have been submitted to and approved in writing by the local planning authority. Each Neighbourhood Design Code shall be in accordance with the Site Wide Design Principles Code and shall establish design coding for that defined Neighbourhood Area relating to the character, density range, built height range, key groupings and spaces, primary/important frontages, architectural detailing, colour palettes and materials, roofscape, landscape palettes and street furniture. Thereafter, each reserved matters application submitted to the local planning authority in compliance with Condition 1 shall demonstrate how it accords with the approved Neighbourhood Area Design Code for that Neighbourhood Area, or provide detailed justification for any divergence that may be proposed to be approved at reserved matters stage.

Reason: To ensure the development is of a high quality, sustainable design and creates distinctive communities, places and spaces in accordance with Local Development Plan Policy KP5 (Good Quality and Sustainable Design).



18. **DETAILED ENERGY STRATEGY:** For each phase of development as approved under condition 4 (Phasing), the first reserved matters submission for that phase shall be accompanied by a **Detailed Energy Strategy (DES)** for that phase which shall include, but not be limited to, proposed methods of energy production and generation, including renewable energy, together with passive methods to be implemented to achieve energy reduction, all to demonstrate compliance with the overarching Strategic Energy Strategy for the site approved by the LPA in discharge of condition 8. The development of each phase shall thereafter be undertaken in accordance with the approved DES, with no building occupied on any reserved matters site until the scheme (relating to that element of the development) has been implemented in accordance with the approved details.

Reason: to promote energy efficient and sustainable development in accordance with Future Wales, Planning Policy Wales and Policy EN12 of the adopted Cardiff Local Development Plan (2006-2026)

19. **DETAILED GREEN INFRASTRUCTURE MANAGEMENT STRATEGY :** For each phase of development as approved under condition 4 (Phasing), the first reserved matters submission for that phase shall be accompanied by a **Detailed Green Infrastructure Management Strategy (DGIMS)** for the delivery and long-term management, maintenance and monitoring of the ecological, arboricultural, landscape, soil and open space and water resource other than privately owned, domestic gardens, with that phase. The DGIMS shall demonstrate how the details and timetable for implementation will accord with the approved SGIMS required to be submitted under condition 7, and shall as a minimum include, where applicable to that phase, details of:
- Proposed green corridors (including detailed layout plans showing habitat composition and new and retained planting required to reach the size and scale of corridor proposed, cross sections, and a phasing plan for green corridor planting);
  - Arrangements for the management of retained, created or enhanced ecological assets, together with a work schedule for a minimum period of 30 years;
  - The desired condition of those habitats and ecological features (present and to be created) at the site;
  - The treatment of Green Infrastructure where it is severed by road infrastructure and/or active travel routes, including, where relevant:
    - o Details of the design and location of all crossing features for protected species
    - o Details of the design of the road at each location including ground levels, and any localised reduction in carriageway width
    - o Details of the habitat (existing and proposed) either side of the road
    - o Justification for the approach taken at each location
    - o Appropriate supporting drawings
  - Management and maintenance of enhancements, including but not limited to; provision of bird and bat boxes on new buildings and retained trees/woodland corridors, planting details (including types and proportions), provision for hedgehogs and design of attenuation ponds to hold water for at least part of the year (e.g. into spring / summer);

- A schedule of habitat and species management and maintenance operations and their implementation/timing, including proposals for the management of buffer zones
- Monitoring of all retained, created and enhanced habitats, at years 1, 2 and 5 following implementation to specific species groups and species actions. Monitoring of species groups will be determined following a review of the ecological receptors and shall also include a mechanism to address mitigation failures, proposals for reviews and updating of the DGIMs where required;
- Measures to address any failures in planting for the first year after planting and for 5 years following;
- Proposals for the delivery and on-going management, maintenance and monitoring of the water resource, landscaped areas and open space; an implementation programme for the phasing and delivery of the detailed green infrastructure and a detailed compliance audit scheme.
- The management of recreational trails including measures to manage recreation through woodland areas
- Provision of external lighting to be delivered in accordance with Drawing number 1464602-SBC-00-XX-DR-L-200 'Dark Corridor Plan' Revision PL16 dated 13 December 2021, including consideration of the following:
  - a. Show how and where external lighting will be used and installed both during construction and operation (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that the light spill will not exceed 0.5 lux in dark corridors and will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places. Particular areas to consider are light spill on woodland and linear features such as hedgerows, the dark corridor and generally unnecessary spill on retained or created habitats.
  - b. lighting direction, hooding, using minimum height and passive infrared on timers. Where possible, all lighting should be below 2700K and therefore a wavelength above 550nm.
  - c. The crossing points of green infrastructure by roads, cycle paths or footpaths or where they run alongside such areas, shall take into account appropriate mitigation for lighting but also consider the need for highway adoption, with the bare minimum being lit. This must comply with BS5489-1:2020 and BS EN13201:2015. Additional measures such as those specified by the Institute of Lighting Professional Guidance Note 08/18 will also be considered, for instance: hooding, pole height, use of red light and screening measure be it vegetation or fences. Light reflectance will also be considered.
  - d. 1 no. monitoring session between May and August after the astronomical twilight (i.e the darkest phase) and during new moon and cloud free conditions following the implementation of each reserved matters phase at the site level must be provided to ensure lighting does not exceed the spill lux levels stipulated for the dark corridors.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter, in accordance with the strategy. Under no circumstances should any other

external lighting be installed by the applicant without prior consent from the Local Planning Authority.

Development of each phase shall thereafter fully accord with the approved DGIMS and programme for implementation. If monitoring indicates a failure in any aspect of the DGIMS, remedial measures shall be agreed in writing with the Local Planning Authority and shall be implemented as agreed.

Reason: To protect and enhance the Green Infrastructure resource of the site, in accordance with Local Development Plan Policies KP15 (Climate Change), KP16 (Green Infrastructure) EN5 (Designated Sites), EN6 (Ecological Networks and Features of Importance for Biodiversity), EN7 (Priority Habitats and Species) EN8 (Trees, Woodlands and Hedgerows) and EN13 (Air, Noise, Light Pollution and Land Contamination).

20. NOISE – ROAD TRAFFIC : The details submitted in compliance with Condition 2 (or part thereof) shall be accompanied by full details of any mitigation required to ensure compliance with the following noise levels: -
- a) that all habitable rooms achieve an internal noise level of 35 dB Laeq,16hr during the day [07.00 to 23.00 hours] and 30 dB Laeq,8hr at night [23.00 to 07.00 hours].
  - b) That habitable rooms subject to sound insulation measures shall be provided with acoustically treated active ventilation units, ‘... where demonstrated to be necessary and in compliance with Approved Document F *Ventilation*
  - c) 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].

No dwelling requiring mitigation shall be occupied until such time as a verification report demonstrating compliance with the approved details has been submitted to and approved in writing by the Local Planning Authority.

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

21. NOISE – EXTERNAL FIXED PLANT AND SERVICE YARD NOISE EMISSION LIMITS: Prior to submission of the first reserved matters application for each phase (or sub-phase) of development identified by condition 4 (Phasing) where that phase includes mixed use development, a baseline noise survey at BS 4142:2014 (or later version) to determine the impact of commercial noise sources on and within the development shall first have been submitted to and approved in writing by the Local Planning Authority, the scope for which shall first have been agreed by the LPA. Where the survey identifies a need for mitigation measures to protect the amenity of the future occupants of the development, the assessment shall identify noise limits and agreed measures, with each reserved matters for any phase of development including mixed use thereafter demonstrating accordance with the agreed mitigation measures/ strategy. The agreed mitigation measures within each phase of development shall be

implemented in accordance with the approved details and thereafter be permanently retained.

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

22. PANT TEG COTTAGE BUFFER: Detailed reserved matters for the parcel immediately northwest of Pant Teg cottage shall be in broad accordance with *Figure B Illustrative setting of Pant Teg Cottage and section* as presented in the DAS Addendum (p11). Such details shall provide a 7m buffer (minimum) between the northwest elevation of Pant Teg cottage and any residential development and shall retain a distance of 21 metres (minimum) between the northwest elevation of Pant Teg Cottage and any neighbouring elevation.

Reason: To preserve the setting of the Listed Building in accordance with Local Development Plan Policy EN9 (Conservation of the Historic Environment).

23. ECOLOGY DATA SHELF LIFE: Any reserved matters submission shall be accompanied by an ecological statement which shall incorporate the findings of any necessary additional ecological surveys and justification for any species/species groups not surveyed. The approved ecological measures secured (through other planning conditions) shall also be reviewed and, where necessary, amended and updated. The review shall be informed by an Extended Phase 1 Habitat Survey for the RM phase commissioned to:

- i) establish whether there has been any changes in the type and extent of habitats /vegetation communities and their potential to support protected species such as reptiles, dormice, birds, badgers, otters, bats including roost potential of trees and buildings, or invasive non-native species;
- ii) identify any likely new ecological impacts that might arise from any changes and); and
- iii) Undertake targeted species surveys where appropriate to inform mitigation or licensing requirements. For EPS species (Dormice, Otters and bats), surveys to inform each relevant reserved matters submission will be less than 2 years old.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures shall be revised, and new or amended measures, and a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development of the relevant phase. Works shall then be carried out in accordance with the approved ecological measures and timetable.

Reason: To ensure that the assessment of the impacts of the development upon the species concerned, and any measures to mitigate those impacts, are informed by up-to-date information to comply with the provisions of the

Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), the Section 6 Duty of the Environment (Wales) Act 2016, and Local Development Plan Policy EN7 (Priority Habitats and Species).

24. **EDUCATION SITE ECOLOGY CORRIDOR:** Notwithstanding the Development Framework Plan hereby approved under condition 2 (Revision N, 26 October 2021), any reserved matters submission (landscaping and layout) relating to the Education Land Use shall incorporate a minimum 20 metre wide green infrastructure corridor across the entire northern boundary of the Education Land Use where it adjoins the M4. Such green infrastructure corridor shall be protected throughout the course of development, and shall thereafter be retained and kept free of any development

Reason: To protect and enhance the Green Infrastructure resource of the site and maintain habitat connectivity, in accordance with Local Development Plan Policies KP15 (Climate Change), KP16 (Green Infrastructure) EN6 (Ecological Networks and Features of Importance for Biodiversity), EN7 (Priority Habitats and Species)

25. **LISVANE RESERVOIR BUFFER ZONE:** Details in relation to the reserved matter LAYOUT submitted to the Local Planning Authority in compliance with condition 1 for those reserved matters sites within 30 metres of the Lisvane Reservoir Embankment shall incorporate a buffer zone of a minimum of 24 metres between the base of the reservoir embankment and the development, within which no development shall thereafter be permitted.

Reason: To ensure the protection of the SSSI by minimising the visual disturbance to overwintering birds during construction activities as designated and protected from damage/deterioration in accordance with Local Development Plan Policies KP16 (Green Infrastructure) and EN5 (Designated Sites).

26. **VETERAN TREE BUFFER ZONES:** Details in relation to the reserved matter LAYOUT submitted to the Local Planning Authority in compliance with condition 1 for those reserved matters sites containing a veteran tree or trees shall provide a buffer zone between any development and any veteran trees, equivalent to 15 times the tree's diameter in all directions or 5m from the canopy, whichever is greater.

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

27. **OVERHEAD PYLON BUFFER ZONES:** Details in relation to the reserved matter LAYOUT submitted to the Local Planning Authority in compliance with condition 1 for those reserved matters sites containing overhead power lines shall provide a 15m buffer zone between the development and any pylon towers and no built development shall take place underneath any conductors.

Reason: To ensure overhead assets are protected from development.

28. FLOOD RISK: The development hereby approved shall be carried out in accordance with the approved Flood Consequences Assessment (FCA) prepared by WSP (Project Ref: 70027402, FCA-01, dated August 2020). Each reserved matters application relating to land where there is a risk of flooding, shall ensure that only landscaping works shall take place within the areas of the site shown to be at flood risk and confirming that no land raising shall take place in these areas.

Reason: To protect third parties from any flood risk in accordance with Local Development Plan Policy KP15 (Climate Change) and EN14 (Flood Risk).

29. BAT CONSERVATION PLAN: For each phase of development as approved under condition 4 (Phasing), the first reserved matters submission for that phase shall be accompanied by a Bat Conservation Plan, which shall be informed by updated surveys which accord with national guidance and shall include:

- Details of the likely impacts of the development on identified bat roosts
- Details of measures to prevent or reduce the risk of injuring or killing bats
- Details of scheduling and timing
- Details of replacement roost provisions to be provided to include location, design, bat access points, flight lines
- Appropriate supporting drawings for replacement roosts
- Details of associated vegetation retention and/or creation and management

All measures identified within the Bat Conservation Plan for the respective phase of development shall be carried out in accordance with the approved details.

Reason: To ensure that an approved Bat Conservation Scheme is implemented at each phase of the development to protect Bats affected by the development in accordance with Local Development Plan Policies KP16 (Green Infrastructure) EN6 (Ecological Networks and Features of Importance for Biodiversity) and EN7 (Priority Habitats and Species).

#### Action Conditions (Pre-Commencement)

30. CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN: No development, site clearance, or construction works site shall take place on any phase of development approved under condition 4 (Phasing Plan), or in respect of the detailed highway works hereby approved, until a Construction Environmental Management Plan (CEMP) for those works / that phase has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include, but not be limited to, details of:

- Risk assessment of potentially damaging construction activities.
- Construction methods: details of materials and how waste generated will be managed.
- General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage,

containment areas, piling type and timings; vehicle access routes over sensitive habitats e.g. rivers and associated protection measures.

- Biodiversity management: Identification of “biodiversity protection zones” including protection of retained trees as per BS5837:2012 protective fencing and warning signs to protect woodland and watercourses, along with all other green infrastructure and ecological receptors identified within the North East Cardiff, Environmental Impact Assessment, Chapter 9: Ecology and Biodiversity, (David Lock Associates 23<sup>rd</sup> August 2019).
- Pre-construction surveys for protected and invasive species.
- Biodiversity management: Measures to demonstrate the location and timing of sensitive works will avoid harm to biodiversity features (both physical measures and sensitive working practices) including:
  - (i) Results of pre-construction surveys for protected and invasive species with proposed mitigation measures, as required;
  - (ii) Measures to protect badger setts during construction;
  - (iii) Measures to protect otters during construction
  - (iv) Details of all culverts to be installed with mammal ledges or other alternatives for safe otter passage under high river flow conditions. Demonstration that the loss of localised habitat, as a result of these crossings, has been mitigated within the GI corridor.
  - (v) Pollution prevention measures to protect the Glandulais watercourses and Lisvane Reservoir SSSI, including details of the buffer strip along all watercourses on site to help mitigate any runoff of silt or other pollutants during the construction phase. In addition, installation of woody debris or other soft engineering solutions within the watercourse should be considered, as this would help combat both existing issues and the potential increase in sedimentation from construction works. Details of emergency spill procedures and incident response plan shall also be included;
  - (vi) A mitigation strategy where there is the potential to impact on invasive non-native species. This should include measures to control, remove or for the long-term management of invasive non-native species during construction. Such a strategy shall accord with most recent guidance issued by the relevant statutory authority and led with the input of a specialist contractor if required.
- Measures to avoid disturbance and mitigation measures for protected and notable habitats/ species or those covered under Section 7 of the Environment (Wales) Act 2016, including relevant biosecurity risk assessment. This shall be informed by updated surveys and shall include (but not limited to) brown hare, hedgehogs, badgers, otters and other mammals.
- Soil Management: details of topsoil strip, storage and amelioration for re-use.
- Control of Nuisances: details of restrictions to be applied during construction including timing, duration and frequency of works; details of measures to minimise noise and vibration; details of dust control measures and measures to monitor emissions of dust arising from the development; measures to control light spill and the conservation of dark skies.

- Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use.
- Traffic Management: access routes, wheel washing facilities, site hoardings, delivery and storage of plant and materials; dedicated vehicle access routes, traffic management proposals and habitat protection measures.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.
- Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.
- The times during construction when specialist ecological clerk of works need to be present on site to oversee works.
- The role and responsibilities on site of a suitably competent Ecological Clerk of Works (EcoW) or similarly competent person, who should log their actions.

The site preparation and construction activities shall be carried out in accordance with the approved CEMP.

Reason: In the interests of highway safety, and protection of the environment and public amenity during construction in accordance with Local Development Plan Policies T5 (Managing Transport Impacts), T6 (Impact on Transport Networks and Services), EN6 (Ecological Networks and Features of Importance for Biodiversity), EN7 (Priority Habitats and Species), EN10 (Water Sensitive Design), and EN13 (Air, Noise, Light Pollution and Land Contamination).

31. DETAILED FOUL DRAINAGE SCHEME: No development shall take place on each phase of development approved under condition 4 (phasing) except for enabling and protection works (site surveys; geotechnical / exploratory ground investigation; fencing/security; signage, tree protection), the detailed highways infrastructure works and associated drainage/ground recontouring works, approved demolition, and ecological mitigation (subject to compliance with related conditions) until such time as a scheme for the **disposal of foul drainage** for that phase site has been submitted to and approved in writing by the Local Planning Authority. No dwelling in that phase shall be occupied until the scheme has been implemented in accordance with the approved details. The scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason: To prevent hydraulic overloading of the public sewerage system, protect the health and safety of existing residents, ensure no pollution of or detriment to the environment and to ensure the site can be effectively drained in accordance with Local Development Plan Policy EN10 (Water Sensitive Design).

32. GROUND GAS PROTECTION: No development, site clearance, or construction works shall take place on each phase of development approved under condition 4 (Phasing) until a scheme to investigate and monitor the site for the presence of gases\* being generated at the site or land adjoining thereto, including a plan of the area to be monitored, has been submitted to and approved in writing by the Local Planning Authority.



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

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

\* 'Gases' include landfill gases, vapours from contaminated land sites, and naturally occurring methane and carbon dioxide, but does not include radon gas. Gas Monitoring programmes should be designed in line with current best practice as detailed in CIRIA 665 and or BS8485 year 2007 Code of Practice for the Characterization and Remediation from Ground Gas in Affected Developments.

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

33. CONTAMINATED LAND MEASURES – ASSESSMENT: No development, site clearance, or construction works site shall take place on each phase of development approved under condition 4 (Phasing) until an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person \* in accordance with BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and shall assess any contamination on the site, whether or not it originates on the site.

The report of the findings shall include:

- (i) a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages;
- (ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;
- (iii) an assessment of the potential risks to:
  - human health,
  - groundwaters and surface waters
  - adjoining land,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - ecological systems,

- archaeological sites and ancient monuments; and
  - any other receptors identified at (i)
- (iv) an appraisal of remedial options, and justification for the preferred remedial option(s).

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

\* A 'suitably qualified competent person' would normally be expected to be a chartered member of an appropriate professional body (such as the Institution of Civil Engineers, Geological Society of London, Royal Institution of Chartered Surveyors, Institution of Environmental Management) and also have relevant experience of investigating contaminated sites.

Reason: To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment in accordance with Local Development Plan Policy EN13 (Air, Noise, Light Pollution and Land Contamination).

34. **CONTAMINATED LAND MEASURES – REMEDIATION & VERIFICATION PLAN:** No development, site clearance, or construction works site shall take place on each phase of development approved under condition 4 (Phasing) until a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

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

35. **ARCHAEOLOGY** : No development shall commence on each phase (or sub-phase) of development until such time as a written scheme of historic environment mitigation for that phase (or sub-phase) has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource in accordance with Local Development Plan Policy EN9 (Conservation of the Historic Environment).

Action Conditions (Pre-Occupation)

36. **SHUTTLE BUS SERVICE**: Prior to first beneficial occupation of any dwelling, full details of a shuttle bus service to/from the development and Llanishen Train Station shall have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, but not be limited to, routing including stopping points, service frequency, days/hours of operation and timing for the commencement of the service. The service shall be provided in accordance with the approved details and timescales, and shall continue to be delivered in accordance with approved details until such time as a commercial alternative has been established, and the LPA has agreed in writing that the service is no longer required.

Reason: To ensure the provision of a satisfactory shuttle bus service to Llanishen Station in accordance with Local Development Plan Policies T5 (Managing Transport Impacts) and T6 (Impact on Transport Networks and Services)

37. **CONTAMINATED LAND MEASURES – REMEDIATION & VERIFICATION**: The remediation scheme approved by condition 34 must be fully undertaken in accordance with its terms prior to the occupation of any part of the development. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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

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

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and

ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Local Development Plan Policy EN13 (Air, Noise, Light Pollution and Land Contamination).

38. **RESIDENTIAL TRAVEL PLAN:** Prior to first beneficial occupation of any dwelling within each phase of development (as approved by condition 4), a Residential Travel Plan for that phase of residential development shall have been submitted to and approved in writing by the Local Planning Authority. Each Residential Travel Plan shall set out proposals and targets to limit or reduce the number of single occupancy car journeys to and from the site, and to promote travel by sustainable modes. Each Plan shall include proposals for implementation and management through a designated Travel Plan Coordinator. Each Travel Plan shall be implemented in accordance with the timetable and reporting strategy which shall be set out in the Travel Plan. Reports demonstrating progress in promoting the sustainable transport measures detailed in each Travel Plan shall be submitted annually for a period of 5 years beyond final occupation of that part of the development to the Local Planning Authority for approval in writing, commencing from the first anniversary of beneficial occupation.

Reason: To encourage sustainable transport to limit the impact of the development on use of the adjacent highway and effect modal shift to non-car modes in accordance with Local Development Plan Policies T5 (Managing Transport Impacts) and T6 (Impact on Transport Networks and Services).

39. **EMPLOYMENT TRAVEL PLAN:** Prior to first beneficial occupation of any non-residential (employment) building within each phase of development (as approved by condition 4), an Employment Travel Plan for that phase of development shall have been submitted to and approved in writing by the Local Planning Authority. Each Employment Travel Plan shall set out proposals and targets together with a timetable to limit or reduce the number of single occupancy car journeys to and from that part of the site, and to promote travel by sustainable modes. Each plan shall include proposals for implementation and management, through a designated Travel Plan Coordinator. The Travel Plan shall be implemented in accordance with the timetable and reporting strategy set out in the Plan. Reports demonstrating progress in promoting the sustainable transport measures detailed in each Travel Plan shall be submitted annually for a period of 5 years beyond final occupation of that part of the employment development to the Local Planning Authority for approval in writing, commencing from the first anniversary of beneficial occupation.

Reason: To encourage sustainable transport to limit the impact of the development on use of the adjacent highway and effect modal shift to non-car modes in accordance with Local Development Plan Policies T5 (Managing Transport Impacts) and T6 (Impact on Transport Networks and Services).

40. **SCHOOL TRAVEL PLAN :** Prior to the first beneficial use of any school hereby approved, a School Travel Plan for that school shall have been submitted to and approved in writing by the Local Planning Authority. The School Travel Plan shall set out proposals and targets to limit or reduce the number of single occupancy car

journeys to and from the school, and to promote travel by sustainable modes. The School Travel Plan shall include proposals to implement and manage the Travel Plan through a designated Travel Plan Coordinator. The School Travel Plan shall be implemented in accordance with the timetable and reporting strategy which shall be set out in the Travel Plan.

Reports demonstrating progress in promoting the sustainable transport measures detailed in the School Travel Plan shall be submitted annually for a period of 5 years beyond final occupation of that school to the Local Planning Authority for approval in writing, commencing from the first anniversary of beneficial occupation of the school.

Reason: To encourage sustainable transport to limit the impact of the development on use of the adjacent highway and effect modal shift to non-car modes in accordance with Local Development Plan Policies T5 (Managing Transport Impacts) and T6 (Impact on Transport Networks and Services).

41. HIGH PRESSURE GAS PIPELINE PROTECTION MEASURES: No more than 750 dwellings shall be occupied on the site (nor shall there be any use of the school sports pitches which lie within 41 metres of the high-pressure gas pipeline) until such time as the section of the high-pressure gas pipeline shown on the drawing 'High Pressure Gas Pipeline HSE Consultation Zones with Illustrative Masterplan' (Drawing Number TWB003-024 Revision C, DAS Addendum p10) has either been:

- (a) provided with suitable concrete protection slabbing; or
- (b) replaced with pipe with a minimum wall-thickness of 10.31mm

in accordance with details that shall first have been agreed in writing with Wales and West Utilities and submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the pipeline has been strengthened in the interests of protecting health and amenity, and to ensure the timely delivery and use of the school and its associated playing fields are not compromised, in accordance with Local Development Plan Policy EN13 (Air, Noise, Light Pollution and Land Contamination).

#### Action Conditions (Prior to Specified Works)

42. DETAILED HIGHWAY WORKS – PONTPRENNAU JUNCTION: Notwithstanding the provisions of drawing no. 5611-WSP-PONT-XX-DR-D-0001 P11, no detailed highway improvement works relating to the above junction and no development of the Phase to which it adjoins shall commence until full engineering details of the highway improvement works have been submitted to and approved in writing by the Local Planning Authority. The full engineering details shall include the following:

- a. Bus priority, including any enforcement measures
- b. Bus stops and shelters

- c. Signing (vehicular and active travel) including Variable Message Signing (VMS) where required
- d. Cycle and pedestrian facilities (including Clear and uncongested access to any crossings, push buttons for all users and tactile paving)
- e. Ducting and cabling for any CCTV, signage, signalisation (Incorporating UTC, SCOOT, MOVA as appropriate) or bus priority measures.
- f. Maintenance bays, detection loops and cabinet locations.
- g. street lighting
- h. construction of culvert and AIP report (if required)

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

Reason: To ensure the provision of satisfactory access to and from the site in accordance with Local Development Plan Policies T5 (Managing Transport Impacts) and T6 (Impact on Transport Networks and Services)

43. DETAILED HIGHWAY WORKS – TY DRAW JUNCTION: Notwithstanding the provisions of drawing no. 5611-WSP-CH-XX-SK-C-003 P06, no detailed highway improvement works relating to the above junction and no development of the Phase to which it adjoins shall commence until full engineering details of the highway improvement works have been submitted to and approved in writing by the Local Planning Authority. The full engineering details shall include the following:

- a. Bus priority, including any enforcement measures
- b. Bus stops and shelters
- c. Signing (vehicular and active travel) including Variable Message Signing (VMS) where required
- d. Cycle and pedestrian facilities (including Clear and uncongested access to any crossings, push buttons for all users and tactile paving)
- e. Ducting and cabling for any CCTV, signage, signalisation (Incorporating UTC, SCOOT, MOVA as appropriate) or bus priority measures.
- f. Maintenance bays, detection loops and cabinet locations.
- g. street lighting
- h. construction of culvert and AIP report (if required)

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

Reason: To ensure the provision of satisfactory access to and from the site in accordance with Local Development Plan Policies T5 (Managing Transport Impacts) and T6 (Impact on Transport Networks and Services)

44. DETAILED HIGHWAY WORKS – LISVANE JUNCTION: Notwithstanding the provisions of drawing no. 5611-WSP-LVRD-XX-DR-D-0001 P07, no detailed highway improvement works relating to the above junction and no development of the Phase to which it adjoins shall commence until full engineering details of the highway improvement works have been submitted to and approved in writing by the Local Planning Authority. The full engineering details shall include the following:

- a. Bus priority, including any enforcement measures

- b. Bus stops and shelters
- c. Signing (vehicular and active travel) including Variable Message Signing (VMS) where required
- d. Cycle and pedestrian facilities (including Clear and uncongested access to any crossings, push buttons for all users and tactile paving)
- e. Ducting and cabling for any CCTV, signage, signalisation (Incorporating UTC, SCOOT, MOVA as appropriate) or bus priority measures.
- f. Maintenance bays, detection loops and cabinet locations.
- g. street lighting
- h. construction of culvert and AIP report (if required)

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

Reason: To ensure the provision of satisfactory access to and from the site in accordance with Local Development Plan Policies T5 (Managing Transport Impacts) and T6 (Impact on Transport Networks and Services)

45. LANDSCAPE SCHEME FOR DETAILED HIGHWAY IMPROVEMENT WORKS: No development of the access and highway works that are the subject of conditions 40 - 42 (inclusive) shall take place nor any associated removal of trees and hedgerows, until there has been submitted to and approved in writing by the Local Planning Authority a landscaping scheme for those works. The scheme shall:

- a) include a tree assessment for that part of the site in accordance with BS 5837:2012 comprising an Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan
- b) include a Soil Resource Survey (SRS) and Soil Resource Plan (SRP) for that part of the site that shall accord with the 'Construction Code of Practice for the Sustainable Use of Soils on Construction Sites' (DEFRA 2009)
- c) include details of proposed finished levels of the site in relation to the existing ground level, earthworks, hard surfacing materials, lighting, proposed and existing services above and below ground level, scaled planting plans (including schedules of plant species, sizes, numbers or densities, and in the case of trees, planting, staking, mulching, protection, soil protection and after care methods), topsoil and sub soil specification, tree pit sectional and plan views, planting and aftercare methodology.
- d) demonstrate how planting shall be accommodated to avoid conflict with services.

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

Reason: To enable the Local Planning Authority to determine that the proposals will maintain and improve the amenity and environmental value of the area, and to monitor compliance in accordance with Local Development Plan Policy KP16 (Green Infrastructure).

46. DEMOLITION MANAGEMENT PLAN : No building shown for demolition on the 'Demolished Buildings' Parameter Plan hereby approved (drawing no. TWB003-020 Revision E) shall be demolished until a demolition management plan for that building has been submitted to and approved in writing by the Local Planning Authority. The management plan shall include, but not be limited to, details of dust control measures, noise management, proposed temporary means of site enclosure, and the future arrangements for the cleared site. The management plan shall take account of the 'worst case' scenario for demolition activities and the Cardiff Council Pollution Control's "Construction site handbook". The demolition shall proceed in accordance with the approved plan.

Reason: In the interests of highway safety, protecting the environment and public amenity during demolition in accordance with Local Development Plan Policies T5 (Managing Transport Impacts), T6 (Impact on Transport Networks and Services), EN6 (Ecological Networks and Features of Importance for Biodiversity), EN7 (Priority Habitats and Species), EN10 (Water Sensitive Design), and EN13 (Air, Noise, Light Pollution and Land Contamination).

47. KITCHEN EXTRACTION: With regard to both the proposed Educational uses, and the proposed Commercial uses, the extraction of all fumes from any food preparation area 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. All equipment shall be so mounted and installed so as not to give rise to any noise nuisance. 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. The equipment shall thereafter be maintained in accordance with the manufacturers' guidelines, such guidelines having previously been agreed by the Local Planning Authority in writing.

Reason: In the interests of public amenity in accordance with Local Development Plan Policy EN13 (Air, Noise, Light Pollution and Land Contamination).

48. PANT TEG COTTAGE: Within 12 months of the date of this outline permission, a full building condition survey of the Pant Teg Cottage Cart Shed (Cadw ref 13935) shall be undertaken by a conservation-accredited surveyor/specialist whose appointment shall first have been approved in writing by the Local Planning Authority. The survey shall be undertaken in accordance with a written scheme of investigation which shall first have been submitted to and approved in writing by the Local Planning Authority. A report of the findings of the assessment, shall inform applications for planning permission and listed building consent (as required) relating to the future of the building and shall be submitted to the Local Planning Authority for approval within 15 months of the date of this permission.

Reason: To inform future applications for the Listed Building in accordance with Local Development Plan Policy EN9 (Conservation of the Historic Environment).



49. **CONTAMINATED LAND MEASURES – UNFORESEEN CONTAMINATION:** In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place (unless specific written consent has been given by the Local Planning Authority), 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 Local Development Plan Policy EN13 (Air, Noise, Light Pollution and Land Contamination).

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

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

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

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

Subject to approval of the above, sampling of the material received at the development site to verify that the imported material is free from contamination

shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

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

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

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

#### Regulatory Conditions

53. **RETAIL USES:** The A1, A2 and A3 retail floorspace hereby permitted shall not exceed 3,500 sq m (gross) and shall be located in the District Centre, Employment-Led Mixed Use Areas, and specific locations for Local Retail identified on the Development Framework Plan (drawing no. TWB004-005 Rev N). No individual Class A1/A2/A3 unit shall exceed 500 sq m (gross) except for the foodstore located in the District Centre which shall be up to 1,500sqm gross.

Reason: To safeguard the retail vitality and viability of existing designated centres and to ensure the proposed units are commensurate to the scale, role and function of the designated centres in accordance with Local Development Policies R6 (Retail Development (Out of Centre)) and R7 (Retail Provision Within Strategic Sites)

54. **NESTING BIRDS:** No works to or removal of trees, shrubs, scrub or built structures with bird-nesting potential shall take place between 1<sup>st</sup> March and 31<sup>st</sup> August inclusive, unless a competent ecologist has undertaken a detailed check of vegetation or built structure for active birds' nests immediately before (within 48 hours) the works commence and provided written confirmation to the Local Planning Authority that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interests on site

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

55. **PROVISION OF ROAD BEFORE OCCUPATION OF DWELLINGS/ BUILDINGS:** No dwelling or building shall be occupied until that part of the road and footpath which provides access to it from the existing highway and all surface water drainage works for the road have been laid out, constructed and completed up to base course level and lit in accordance with the approved plans. The roads and footpaths shall be fully constructed prior to the occupation of the last dwelling or building served by that road, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure an orderly form of development and in the interests of highway safety, by facilitating safe commodious access to and use of the proposed development in accordance with Local Development Plan Policies T5 (Managing Transport Impacts) and T6 (Impact on Transport Networks and Services).

56. **LANDSCAPE MAINTENANCE:** Any newly planted trees, plants or hedgerows, which within a period of 5 years from the completion of the development die, are removed, become seriously damaged or diseased, or in the opinion of the Local Planning Authority (LPA) otherwise defective, shall be replaced. Replacement planting shall take place during the first available planting season, to the same specification approved, unless the Local Planning Authority gives written consent to any variation.

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

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

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

58. **ECOTONE:** A minimum 15m wide buffer shall extend along the edge of all retained woodland which shall be designed as an 'ecotone' and no development within it shall be permitted except for soft landscaping and footpaths and cycle paths, unless otherwise approved at Reserved Matters stage.

Reason: To protect and enhance the Green Infrastructure resource of the site, in accordance with Local Development Plan Policies KP15 (Climate Change), KP16 (Green Infrastructure), EN6 (Ecological Networks and Features of Importance for Biodiversity), EN7 (Priority Habitats and Species) and EN8 (Trees, Woodlands and Hedgerows).

59. **HIGHWAY VERGES:** All highway verges shall be a minimum 2m width, unless otherwise approved at reserved matters stage.

Reason: To enable the Local Planning Authority to determine that the proposals will maintain and improve the amenity and environmental value of the area in accordance with Local Development Plan Policy KP16 (Green Infrastructure).

## INFORMATIVES

1. The developer is advised that the archaeological work described in condition 35 shall be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (Cifa), ([www.archaeologists.net/codes/ifa](http://www.archaeologists.net/codes/ifa)) and it is recommended that it is carried out either by a Cifa Registered Organisation ([www.archaeologists.net/ro](http://www.archaeologists.net/ro)) or an accredited Member.
2. The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for
  - (i) determining the extent and effects of such constraints;
  - (ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site;
    - Unprocessed / unsorted demolition wastes.
    - Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
    - Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and
  - (iii) the safe development and secure occupancy of the site rests with the developer.

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

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

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](http://www.dwrcymru.com)

4. The applicant is also advised that some public sewers and lateral drains may not be recorded on Dwr Cymru Welsh Water's maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.
5. Please note that an EPS Licence will be required
6. Sprinklers: The developer is advised that any fire sprinkler systems, mains and associated requirements shall not be located within adoptable highway infrastructure for all residential housing developments. As a consequence, such required measures shall need to be retained within private frontage / curtilage areas as necessary. In order for developers to comply with the current legislation, it is acknowledged that this may require further consideration and determination of alternatives to mains supplied domestic sprinkler systems where appropriate and necessary.

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