

PETITION

COMMITTEE DATE: 11/01/2017

APPLICATION No. **16/01209/MJR** APPLICATION DATE: 19/05/2016

ED: **LLANISHEN**

APP: TYPE: Full Planning Permission

APPLICANT: Llanishen Rugby Football Club

LOCATION: LLANISHEN HIGH SCHOOL, HEOL HIR, LLANISHEN,
CARDIFF, CF14 5YL

PROPOSAL: CONSTRUCTION OF A FLOODLIT ARTIFICIAL TURF PITCH,
CHANGING ROOM FACILITY, AND CAR PARK FOR USE BY
LLANISHEN HIGH SCHOOL, LLANISHEN RUGBY CLUB AND
COMMUNITY USE, TOGETHER WITH RE-PROFILING OF
EXISTING PLAYING FIELDS, CONSTRUCTION OF
LANDSCAPED BUND AND OTHER ASSOCIATED WORKS

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

1. C01 – Statutory Time Limit
2. The development shall be carried out in accordance with the following approved plans and documents:
 - (i) 100-01 Revision B Existing Site Plan/Topographical Survey
 - (ii) 101-03 Revision A Existing Roof Plan
 - (iii) 150-01 Revision E Proposed Location Plan
 - (iv) 150-02 Revision E Proposed Site Plan
 - (v) 151-01 Revision D Proposed Ground Floor Plan
 - (vi) 151-02 Revision D Proposed Roof Plan
 - (vii) 152-01 Revision C Proposed North Elevation
 - (viii) 152-02 Revision D Proposed South Elevation
 - (ix) 152-03 Revision C Proposed East Elevation
 - (x) 152-04 Revision C Proposed West Elevation
 - (xi) 16039 MJO 100 Connection Details
 - (xii) 16039 MJO 101 General Arrangement Columns & Levels
 - (xiii) 16039 MJO 102 General Arrangement Elevations
 - (xiv) STANDARD DWG Standard 15m Lighting Mast
 - (xv) FENCE 1 3m High Fence Elevation
 - (xvi) FENCE 2 8m High Goal Ends Fence Elevation
 - (xvii) 00 Existing Topographical Survey
 - (xviii) 01 Revision A Proposed 3G Levels & Contours
 - (xix) 03 Cut and Fill Heat Map
 - (xx) CROSS 01 Cross Sectional Detail
 - (xxi) 347.01 Revision B Landscape Strategy

- (xxii) 347.02 Elevations Proposed
 - (xxiii) Noise Impact Assessment, Hunter Acoustics, 13 May 2016
 - (xxiv) Pitch Noise Impact Assessment, Hunter Acoustics, 11 May 2016
 - (xxv) Transport Statement, Traffic and Transport Planning, October 2016
 - (xxvi) Stormwater Drainage Strategy, WL Squared Ltd, 16 May 2016
 - (xxvii) Drainage Report, CDSL Sport
 - (xxviii) Tree Report, August 2016, James Pinder Treecare Consulting
- Reason: The plans and documents form part of the application.

3. No part of the demolition of the existing tennis centre shall take place until a demolition management plan (DMP) has been submitted to and approved in writing by the Local Planning Authority. The DMP 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: To protect the amenities of neighbouring occupiers and the visual amenities of the surrounding area.
4. Prior to the commencement of development a Site Waste Management Plan (SWMP) shall be submitted to and approved in writing by the Local Planning Authority. The SWMP shall include measures to reduce environmental impacts of construction waste. Development shall be carried out in accordance with the approved SWMP unless any modification to the approved SWMP is approved in writing by the Local Planning Authority.
Reason: To reduce environmental impacts of construction waste.
5. No development shall take place until details of a scheme for the disposal of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the use of the development and retained in perpetuity.
Reason: To ensure an orderly form of development.
6. Prior to the commencement of development a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The CMP shall include details of construction traffic routes, times of deliveries, loading/unloading and storage of plant and materials, construction compounds, any temporary facilities for construction/sales staff, site hoardings (including the erection, maintenance and security), site access, wheel washing facilities, measures to control the emission of dust and dirt during construction and details of parking for contractors vehicles, site operatives and visitors. The approved CMP shall be adhered to throughout the construction period.
Reason: In the interests of highway safety and public amenity.

7. D3D Maintenance of Parking Within Site
8. Prior to beneficial use of the development hereby approved details showing the provision of facilities for the secure storage of cycles shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the development being put into beneficial use and they shall be retained in perpetuity.
Reason: To ensure that adequate provision is made for the secure parking of cycles.
9. C7S Details of Refuse Storage
10. The pitch and floodlighting shall only be used between the hours of 08:00 – 21:00 Monday to Friday, 10:00 – 19:00 Saturday, 10:30 – 16:30 Sunday and at no time on Bank Holidays.
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.
11. Prior to commencement of development a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide that:
 - Each floodlight must be aligned to ensure that the upper limit of the main beam does not exceed 70 degrees from its downward vertical.
 - The floodlighting shall be designed and operated to have full horizontal cut-off and such that the Upward Waste Light Ratio does not exceed 2.5/5*%.The submitted scheme shall include an isolux diagram showing the predicted illuminance in the vertical plane (in lux) at critical locations on the boundary of the site and at adjacent properties.
The approved scheme shall be implemented prior to beneficial use and be permanently maintained.
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected
12. No rebound boards shall be installed around the pitch.
Reason: To prevent unacceptable noise disturbance to neighbouring residents.
13. Prior to their installation samples of the external finishing materials to the changing room facility and details of the green roof shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: To ensure that the finished appearance of the development is in keeping with the area.
14. Prior to its installation, details of the colour finish to the weldmesh fencing surrounding the pitch shall be submitted to and approved in writing by the Local Planning Authority. The development shall be

carried out in accordance with the approved details and retained thereafter.

Reason: To ensure a satisfactory finished appearance to the development.

15. Prior to their installation on site, details of the 1.5 metre high acoustic barrier and 2.1 metre high fencing on drawing no. 347.01 Revision B shall be submitted to and approved in writing by the Local Planning Authority. The fence details shall include opportunities to allow the free passage of hedgehogs and other wildlife. The development shall be carried out in accordance with the approved details and retained thereafter.

Reason: To ensure a satisfactory finished appearance to the development and promote biodiversity of the site through design.

16. No equipment, plant or materials shall be brought onto the site for the purpose of development until full details of the following have been submitted to and approved by the Local Planning Authority, in accordance with the current British Standard for trees in relation to construction.

An Arboricultural Method Statement (AMS), setting out the methodology that will be used to prevent loss of or damage to retained trees. It shall include details of on-site monitoring of tree protection and tree condition that shall be carried out throughout the development and for at least two years after its completion.

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

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

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

17. C4P Landscaping Design & Implementation Pro
18. C4R Landscaping Implementation
19. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a Soil Resource Survey (SRS) and Soil Resource Plan (SRP). The information submitted shall accord with the 'Construction Code of Practice for the Sustainable Use of Soils on Construction Sites' (DEFRA 2009). The development shall be carried out in full conformity with the approved SRP unless modifications to the SRP are agreed in writing by the Local Planning

Authority.

Reason: To ensure the successful delivery of landscaping proposals.

20. No demolition of buildings, felling of trees or clearance of structural vegetation shall take place between 1st February and 15th August unless otherwise approved in writing by the Local Planning Authority. This approval will be given if it can be demonstrated that there are no birds nesting in this building/tree/vegetation immediately (48 hrs) before works commence.

Reason: To avoid disturbance to nesting birds which are protected under the Wildlife and Countryside Act 1981: Part 1, 1(1)(b), it is an offence to intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built.
21. No development shall take place until a range of measures to encourage biodiversity have been submitted to and approved in writing by the Local Planning Authority. Such measures may include, but not be limited to, bug boxes, wildflower meadows, bird nesting boxes and/or bricks, and living roofs or walls. The measures shall be implemented in accordance with the approved details prior to beneficial occupation, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To encourage new wildlife habitats and biodiversity.
22. No development shall take place until measures for the protection of reptiles have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

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

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

24. 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 shall verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the Local Planning Authority.
Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff Local Development Plan.
25. Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes. Subject to approval of the above, sampling of the material received at the development site to verify that the imported material is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the Local Planning Authority.
Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff Local Development Plan.
26. Any site won material including soils, aggregates, recycled materials shall be assessed for chemical or other potential contaminants in accordance with a sampling scheme which shall be submitted to and approved in writing by the Local Planning Authority in advance of the reuse of site won materials. Only material which meets site specific target values approved by the Local Planning Authority shall be reused.
Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff Local Development Plan.

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

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

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

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

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

RECOMMENDATION 4 : This development falls within

- a] a radon affected area and may require full radon protective measures,
- b] an area which has a geological predisposition to radon and will require basic radon protective measures, as recommended for the purposes of the Building Regulations 2000. Should you have any queries in this matter I would suggest you consult with my Building Control Division

RECOMMENDATION 5: That the applicant be advised to note the advice given by Dwr Cymru Welsh Water in their letter dated 28th June 2016.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 Planning permission is sought for the construction of a floodlit artificial turf pitch, single-storey changing room facility, and car park for use by Llanishen High School, Llanishen Rugby Club, and community use, together with re-profiling of existing playing fields, construction of landscaped bund and other associated works at Llanishen High School, Heol Hir, Llanishen.
- 1.2 The original submission proposed a two-storey clubhouse including a changing room facility together with a sports bar, function room with kitchen, skittles alley and first floor terrace however this aspect of the application has been deleted and a single-storey changing room facility is now proposed. This facility would include four changing rooms, referee rooms, a treatment room, a kitchen with a serving hatch to the north elevation, an office and WCs. The changing room facility would be sited on part of the existing Tennis Centre, which would be demolished.
- 1.3 The facility would measure approximately 30.5 metres long, 14.5 metres wide, and 3.3 metres high. It would have a green roof and be finished in profiled metal cladding and translucent polycarbonate walling.
- 1.4 A new car park with 36 no. spaces would be created on the remainder of the Tennis Centre. Vehicular access would be via the existing school entrance off Heol Hir.
- 1.5 An access ramp and steps would lead from a terrace up to the floodlit 3G pitch.
- 1.6 The proposed pitch would measure 106 metres by 68 metres with a 5 metre strip surrounding the pitch. Mesh fencing would surround the pitch at 3 metres high to the sides and 8 metres high at the goal ends. 8 no. 15 metre high floodlight columns would be erected, 4 no. columns on each side of the pitch. The pitch would be sited approximately 36 metres (minimum) from the boundaries with neighbouring residential properties on Heol Hir and Everest Avenue.
- 1.7 The existing playing fields will require some cut/fill to create the playing surface at 62.72 metres AOD. A landscaped bund would be constructed to the north, east and west elevations to create a buffer with the surrounding residential properties. This bund would contain a 1.5 metre acoustic barrier, a footpath and tree/shrub/wild flower planting. A 1.8 metre high fence would restrict access to the landscaped bund.
- 1.8 The amended proposals have reduced the proposed hours of use to:
 - (i) Monday to Friday 0800 – 2100 hours;
 - (ii) Saturday 1000 – 1900 hours;
 - (iii) Sunday 1030 – 1630 hours; and
 - (iv) No use on bank holidays.

1.9 The application was subject to screening under The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 as the application constitutes 'Schedule 2' development (more than 1 hectare of urban development which is not dwellinghouse development). It is the Council's opinion that the proposals would not have significant effects on the environment and therefore the application does not need to be accompanied by an Environmental Statement.

2. **DESCRIPTION OF SITE**

2.1 The site is currently used as playing fields and is partly occupied by Llanishen Tennis Centre. The playing fields are terraced as the land rises by approximately 11 metres from the existing Tennis Centre to the north site boundary.

2.2 The existing tennis centre measures approximately 42.5 metres by 31 metres with a height of approximately 8 metres.

3. **SITE HISTORY**

3.1 01/02661/N: Permission sought in December 2001 to modify condition 1 of consent 99/01937/N to allow the tennis centre to be used for tennis, badminton and netball between the hours of 9:00am and 5:00pm. Withdrawn prior to determination in March 2002.

3.2 00/01530/N: Permission granted in September 2000 for removal of conditions 3 (landscaping) and 4 (noise) of application 99/01937/N.

3.3 99/01937/N: Permission granted in March 2000 for revised external appearance to approved tennis centre building.

3.4 98/01510/N: Permission granted in March 1999 to form new building to cover existing tennis courts and change cycle shed to storage for tennis equipment.

4. **POLICY FRAMEWORK**

4.1 Planning Policy Wales, Edition 9 (January 2016).

4.2 Technical Advice Notes (TANs):

5	Nature Conservation and Planning
11	Noise
12	Design
16	Sport, Recreation and Open Space
18	Transport
21	Waste

4.3 Local Development Plan (January 2016):

KP5 Good Quality and Sustainable Design

KP8	Sustainable Transport
KP12	Waste
KP13	Responding to Evidenced Social Needs
KP14	Healthy Living
KP15	Climate Change
EN7	Priority Habitats and Species
EN8	Trees, Woodlands, and Hedgerows
EN13	Air, Noise, Light Pollution and Land Contamination
T1	Walking and Cycling
T5	Managing Transport Impacts
C1	Community Facilities
C3	Community Safety/Creating Safe Environments
W2	Provision for Waste Management Facilities in Development

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

Biodiversity (2011)

Access, Circulation and Parking Standards (January 2010)

- 4.5 Supplementary Planning Guidance:

Waste Collection and Storage Facilities (October 2016)

5. INTERNAL CONSULTEES RESPONSES

- 5.1 The **Operational Manager, Transportation**, advises that the proposal is to construct new changing rooms and a 3G pitch for Llanishen RFC on a site currently occupied by Llanishen High indoor tennis courts and adjacent sports fields. The new facilities will be used by both Llanishen RFC and the School and will replace the current pitch and changing rooms located in Usk Grove. Access to the development will be via the existing school lane off Heol Hir.
- 5.2 A Transport Statement (TS) has been submitted in support of the application which demonstrates that those trips associated with the existing Rugby Club will transfer to the new site and that these trips will largely take place outside of the network hours. No traffic will be generated by the development when vehicular access to the school is restricted, i.e. 08:00-09:00, 12:00-13:00 and 15:00-15:30) and therefore it is considered that there will be no material impact during the network peak hours. The TS also demonstrates that parking associated with matches that take place on a Saturday or Friday evening can be accommodated within the off-street car park.
- 5.3 In terms of car parking provision 36 car parking (including 3 disabled bays) and 6 cycle parking spaces are proposed within the layout. These numbers sit within the Councils adopted Access, Circulation & Parking Standards SPG (Jan 10) and therefore are deemed to be Policy Compliant. The site is well located in

terms of its proximity to Public Transport provision and is accessible by walking and cycling.

- 5.4 On the basis of the above, she can confirm that she has no objection to the application, subject to conditions being attached in order to secure the provision of the car and cycle parking arrangements, together with details of a Construction Management Plan to be submitted for approval.
- 5.5 The **Operational Manager, Environment (Contaminated Land)**, advises that, should there be any importation of soils to develop the landscaped areas of the development, or any site won recycled material, or materials imported as part of the construction of the development, then it must be demonstrated that they are suitable for the end use. This is to prevent the introduction or recycling of materials containing chemical or other potential contaminants which may give rise to potential risks to human health and the environment for the proposed end use. They recommend the inclusion of conditions and informative statements in accordance with CIEH best practice and to ensure that the safety of future occupiers is not prejudiced in accordance with Policy EN13 of the Cardiff Local Development Plan.
- 5.6 The Council's **Tree Officer** supports the recommendations of the submitted tree report. He is satisfied that, subject to development being carried out in accordance with an approved Arboricultural Method Statement and Tree Protection Plan, unacceptable harm will not result to trees of amenity value. The report notes defects of health and form in the low quality line of conifers bounding the car-park (G1), and recommends removal and replacement as necessary. Whilst he would support this approach, with new planting as required detailed within a finalised landscaping scheme, he would also support removal and replacement of the group as a whole, since its viability in the medium term is questionable.
- 5.7 He supports the indicative tree planting proposed, but the success of such is dependent on correct specification and aftercare. To inform a finalised landscaping specification and demonstrate how important soil resources will be protected from unacceptable harm, a Soil Resource Survey (SRS) and Plan (SRP) should be prepared in accordance with the 2009 DEFRA Construction Code of Practice for the Sustainable Use of Soils on Construction Sites. The finalised landscaping specification which will preferably be submitted upfront, should include a scaled planting plan, plant schedule, tree pit section and plan views for different situations, topsoil and subsoil specification, planting methodology and aftercare methodology.
- 5.8 The **Operational Manager, Waste Management**, advises that the proposed waste storage for this development is acceptable. They remind the agent/applicant that a commercial contract is required for the collection and disposal of all commercial waste and refer them to the Waste Collection and Storage Facilities Supplementary Planning Guidance for further relevant information.

- 5.9 The Council's **Ecologist** considers, while there is some potential for impact upon habitats, species and ecosystems, he would not say that there is significant enough to warrant the carrying out of any surveys of these features. Instead, reasonable assumptions can be made about the impact upon them, and consequently any mitigation / enhancement that may be appropriate. The most important ecological feature on this site is likely to be the scrubby margin around the perimeter of the playing fields. Ideally, this margin should be retained during development, and he welcomes the measures set out in the Landscape Strategy diagram.
- 5.10 There looks to be a prefab building which needs to be removed along with possibly some ornamental trees, but he would not say that there is sufficient likelihood of **bats** roosting in them to justify requiring a bat survey. The building seems to have prefab sheet metal roofing and appears to be quite new, neither of which are conducive to likelihood of bat roosting. There are likely to be bats foraging for insects above the existing playing fields, but this does not result in any formal protection of that foraging habitat. In any event, the scrubby field margins around the perimeter of the site, along with the adjoining mature gardens, are more likely to be of value for foraging bats. These margins are to be retained and enhanced, according to the Landscape Strategy, with planting and seeding, which will increase their value and offset any loss of foraging across the pitch areas themselves. His only concern is that the lighting diagrams seem to show some light spillage onto these wildlife corridors around the site, and for them to be of most value to species such as bats, efforts should be made to limit artificial light levels to 1 Lux, or to existing background levels, whichever is higher.
- 5.11 It can be assumed that the existing margin of bramble scrub and wildflowers support **reptiles**, such that he would not say that a survey is required in this case. This is particularly the case around the northern edge of the site, which is south-facing. Reptile species are likely to be limited to slow-worms, which are common in Cardiff particularly in areas such as this which has mature garden habitat. If the existing margin is to be retained, then it should be fenced off using Heras fencing or similar, to prevent incursion during construction or changes to ground levels. On the other hand, if this area is to be cleared to make way for changes to ground levels, then measures will need to be introduced which avoid harm to any reptiles present. This may include a trapping and translocation exercise to a previously identified suitable site nearby.
- 5.12 He considers that the likelihood that **badgers** use this site for foraging is low, as it is isolated from suitable habitat nearby by housing and roads. There are urban badgers in Cardiff, but these are in areas of good connectivity between semi-natural habitats, rather than isolated sites such as this. At this site, the nearest suitable badger habitat is at the Heol Hir parkland to the north and east, about 120m away, separated by roads and housing. It is not inconceivable that if there are badger setts at the Heol Hir site then they may occasionally forage on the Llanishen High School pitches, but this does not protect this area in itself, and he cannot see anywhere where there might be a sett on the high school site.

- 5.13 Retention and enhancement of the scrubby margins around the site would benefit any badgers which do forage there.
- 5.14 As there is some vegetation management and tree removal proposed, he recommends a condition to protect **nesting birds**. Retention and enhancement of the scrubby margins around the site would benefit any birds which nest and forage there.
- 5.15 **Hedgehogs** are in severe decline in the UK, so every effort should be made to avoid harm to this species and to include habitat enhancements in the landscaping of the final scheme. If any areas of scrub, rough grassland or areas with dense leaf litter layer are to be removed, then this should take place as sensitively as possible to avoid harm to hedgehogs. Subsequently, the following measures should be incorporated into the final landscaping scheme:
- (i) A hole or gap of at least 13cm at the bottom of fences to allow free movement of hedgehogs;
 - (ii) Any felled trees retained and used to make a log or brash pile;
 - (iii) Areas of dense planting created / retained, preferably including some deciduous species to allow build-up of a leaf litter layer;
 - (iv) A diversity of plants rich in nectar, to provide an abundance of insects
- 5.16 In accordance with the **Pollinator Action Plan for Wales**, every effort should be made to allow wildflowers to develop on grassland areas, with the emphasis on native species rather than commercially available non-native seed mixes.
- 5.17 These comments contribute to this Authority's discharge of its duties under Section 6 of the Environment (Wales) Act 2016. This duty is that the 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 this duty the Authority will have to 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;
 - (e) the adaptability of ecosystems.
- 5.18 The **Operational Manager, Environment (Noise & Air)**, having reviewed the revised details it is noted that an earth bund and a 1.5m fence is to be constructed/erected around the pitch on three sides, and that the hours of operation is to be restricted to:
- (i) Monday to Friday 08:00 – 21:00;
 - (ii) Saturdays 10:00 – 19:00;
 - (iii) Sundays 10:30 – 16:30; and
 - (iv) Bank Holidays – No Use.

- 5.19 In light of these restrictions he is of the considered opinion that the noise from this development will not cause unacceptable harm to the local amenity of the neighbouring residential dwellings. He considers that the amended application complies with Policy EN13 of the Cardiff Local Development Plan.
- 5.20 The Council's **Access Officer** has been consulted and any comments received will be reported to Committee.
- 5.21 The **Operational Manager, Drainage Division**, has been consulted. No objection has been received.

6. **EXTERNAL CONSULTEES RESPONSES**

- 6.1 **Dwr Cymru Welsh Water** has reviewed the drainage report and recommends that a condition be attached preventing any surface water and/or land drainage to from connecting directly or indirectly with the public sewerage network to prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment. They also include advice relating to applications for connection, sewer design requirements, and the location of public sewers, lateral drains, and water mains.
- 6.2 **The South Wales Police Design Out Crime Officer** has no objection to the proposal and considers that the proposal will add to security by providing active and capable guardianship on site during non - school hours. He can confirm detailed pre application discussions took place with developers as to security and community safety issues and police have recommended that development is built to Secured by Design standards. Specific recommendations included security of changing areas, fencing, lighting car park and CCTV.

7. **REPRESENTATIONS**

- 7.1 **Craig Williams MP** has met with a number of constituents opposed to the application, and has also met the applicants. He notes that a number of changes have been made to the application and requests that Planning Committee look carefully and see whether any mitigation can be considered to overcome resident's concerns.
- 7.2 **Local Members** have been consulted. Any comments received will be reported to Committee.
- 7.3 The proposals have been advertised in the press and by site notice as a major development in accordance with Article 12 of The Town and Country Planning (Development Management Procedure) (Wales) Order 1995.
- 7.4 A **petition** of 238 no. signatures from residents of Everest Avenue, Heol Hir and Station Road in opposition to the application has been received on grounds of excessive noise, light pollution, and potential for anti-social behaviour.
- 7.5 56 no. **objections** were received to the original proposals, which included a

clubhouse, from residents of Heol Hir, Everest Avenue, Pantbach Road and Station Road. Their objections are summarised as follows:

- (i) Consumption of alcohol at a licenced premises with an outdoor terrace and smoking on a school property is unacceptable;
- (ii) Intended hours of use until 9pm/11pm would cause serious harm to residential amenity;
- (iii) Unacceptable noise disturbance from clubhouse (first floor terrace, amplified music) and pitch;
- (iv) No numbers have been specified for the anticipated crowd of spectators;
- (v) The school has closed the tennis hut prematurely;
- (vi) Significant light spill into residential gardens would be unacceptable and contrary to LDP Policy EN13;
- (vii) Increased risk of anti-social behaviour;
- (viii) Neighbouring occupiers will no longer be able to enjoy their gardens;
- (ix) Contrary to the human right to enjoy peace and quiet in their homes (Articles 8 and 1 of Protocol 1);
- (x) A similar scheme in Rayleigh, Southend was refused;
- (xi) The facility may be used for regional rugby events in addition to the club and school use;
- (xii) Lighting Impact Study incorrectly categorises the Environment Zone as E3 (Suburban) when E2 (Rural) would be more appropriate as area is currently dark and not affected by street lighting;
- (xiii) Floodlights, fencing and artificial turf is unattractive, out of scale and character with the area;
- (xiv) Harm to wildlife including bats, birds, foxes and badgers. Loss of wildlife habitat;
- (xv) Will result in a net reduction in sporting benefit for the school;
- (xvi) Loss of open space;
- (xvii) Conflicts with LDP Objectives 1j, 2d, 2g, 2e, 3c, 3g and Policies C1 and C4;
- (xviii) Harm to human health;
- (xix) Need for the development has not been justified;
- (xx) Noise Impact Assessment is inadequate;
- (xxi) Transport Statement does not justify car parking provision or increased traffic;
- (xxii) Increased risk of crime due to increased footfall to rear of properties;
- (xxiii) Loss of privacy through overlooking from proposed footpath;
- (xxiv) Permission was recently refused in Rayleigh, Southend, for a similar proposal on grounds of noise and light impact being unacceptable for neighbouring occupiers;
- (xxv) Increased litter pollution;
- (xxvi) Damage to boundary enclosures by pupils short-cutting;
- (xxvii) Pre-Application conclusions are mis-leading;
- (xxviii) Contrary to UDP Policies 2.24 and 2.64;
- (xxix) Loss of open space. Llanishen currently has a deficit of 23.46 hectares. Conflicts with open space policy 2.49;
- (xxx) Mis-leading public consultation;
- (xxxi) Contrary to the Smoke-Free Premises (Wales) Regulations 2007;

- (xxxii) Loss of existing sport facilities - proposed pitch does not cater for football or tennis;
- (xxxiii) Devaluation in property;
- (xxxiv) Inadequate parking provision;
- (xxxv) Related development of 25 dwellings at the club's existing ground relies upon this application as compensatory provision (ref: 16/0711/MJR); the ethics of the planning process have been compromised;
- (xxxvi) Air pollution from car exhaust fumes.

7.6 15 no. comments in support of the application have been received from residents of Heol Hir, Station Road, Crundale Crescent, Pantbach Road, Youghal Close and Ton-yr-Ywen Avenue, Cardiff High School and Itsus Consulting, together with unaddressed emails from members of the rugby club as follows:

- (i) development would allow the school to improve its inspection rating from adequate to good or excellent;
- (ii) would provide a state of the art facility which will benefit the school pupils and many members of the community for future generations;
- (iii) It is unrealistic to assume that the playing fields will provide a tranquil outlook in perpetuity;
- (iv) questions the legitimacy of the petition;
- (v) traffic on Heol Hir is suitably calmed;
- (vi) proposals are a good shared use of space and facilities;
- (vii) enable the continued development of young people with sporting and life skills;

7.7 The Welsh Rugby Union (WRU) supports the application as they consider that the project will provide a fit for purpose facility to host a wide spectrum of new activities and services for the local community. Specifically, the new facilities will:

- (i) deliver a community asset forging stronger relationships between the community and its rugby club making the community of Llanishen a better place to live;
- (ii) Improve accessibility to all members of the local community throughout the year as the Club will act as an essential resource for many local people particularly during the winter months for those more vulnerable members whose participation in club based activities is very often the only social interaction they experience;
- (iii) Deliver a wide range of activities and services on site for participants of all ages and abilities from mini rugby teams through to older age groups.
- (iv) Promote the delivery of inter-generational activities in a safe and comfortable environment building a sense of self-worth amongst user groups;
- (v) Increase participation – by accessing new and improved facilities, the membership numbers associated with both the rugby club (especially the mini and junior section) and other user groups will increase

ensuring that more people participate in worthwhile and meaningful activities.

- (vi) Meet the strategic objectives of the All Wales Collaboration Programme by delivering an artificial surface for use by all local sporting teams in the North of Cardiff; and
- (vii) Provide a venue to host key Welsh Rugby Union Blues Region Development initiatives

7.8 Following a re-consultation on the amended proposals, which removed the clubhouse element and reduced the intended hours of use, 35 no. further objections were received from residents of Heol Hir, Everest Avenue, and Station Road. Their objections are summarised as follows:

- (i) proposed car park on the site of the tennis hut is too close and will result in noise pollution, reducing quality of life;
- (ii) lack of engagement with local residents;
- (iii) questions effectiveness of the earth bunding and fencing to mitigate noise impacts as clear lines of sight will exist with neighbouring occupiers;
- (iv) concerned regarding problems preventing comments from being submitted online;
- (v) light pollution from 8 no. 15 metre high floodlights;
- (vi) infringement of Article 8 and Article 1 of Protocol 1 of the Human Rights Act;
- (vii) Noise nuisance affected their quality of life. Could result in a Statutory Noise Nuisance under the Environmental Health Act (1990). Noise Impact Assessment is inadequate as levels for senior matches and spectator numbers are absent;
- (viii) There is no provision to limit crowd numbers;
- (ix) Large pitch size means use by other clubs with substantial crowds is likely;
- (x) Loss of green space/grass sports pitches by a substantial artificial pitch. Paragraph 4.169 of the LDP recognises the importance of open spaces. Llanishen already has an open space deficit of 23.46 Hectares. Contrary to the deposit UDP Policy 2.49;
- (xi) Unacceptably large pitch in residential area;
- (xii) Additional traffic impact which has not been justified resulting in congestion on local network;
- (xiii) Harm to human health;
- (xiv) Need for the development has not been justified;
- (xv) Increased risk of crime;
- (xvi) Reduced hours of use until 9pm are out of proportion to school's needs and would still result in unacceptable harm to residential amenity; 8pm would be a reasonable finish time;
- (xvii) Similar schemes in Rayleigh, Essex, and Werrington Borough Council, Peterborough, Hillingdon, Plymouth, Somerset, St Albans, Sefton and Howell's School, Cardiff have been refused planning permission due to impact upon residential amenity. None of the similar schemes across South Wales (Pontypridd, Bishop of Llandaff, Newport, Llanwern, Clydach, Pontllanfraith, Heolddu, Abertillery,

- Ebbw Vale, Cowbridge, Llandarcy & Ystrad Mynach) are located as inappropriately as this application;
- (xviii) Increased risk of anti-social behaviour;
 - (xix) Out of scale and out of character with the surrounding area. Fencing and lighting columns will be unattractive;
 - (xx) Will harm residents enjoyment of their property;
 - (xxi) Use should be restricted to school use only;
 - (xxii) Pitch is too large;
 - (xxiii) Harm to visual amenity – proposed landscaped bund will be approximately 8 metres high;
 - (xxiv) Harmful impact upon wildlife and their habitat including bats, birds and hedgehogs;
 - (xxv) Car parking provision is insufficient;
 - (xxvi) Inadequate community engagement;
 - (xxvii) Contrary to LDP Policy KP16 and paragraph 4.176 as no compensatory provision is proposed;
 - (xxviii) Contrary to LDP Policy EN13;
 - (xxix) Related development of 25 dwellings at the club's existing ground relies upon this application as compensatory provision (ref: 16/0711/MJR); the ethics of the planning process have been compromised;
 - (xxx) LDP Policy C1 encourages community facilities where amenities of neighbouring and nearby residential properties would not be unduly prejudiced;
 - (xxxi) Queries the safety of school children;
 - (xxxii) Lighting Impact Study incorrectly categorises the site to be in the suburban (E3) Environment Zone when it should be E2 (Rural – areas of low ambient brightness. Outer urban or rural residential areas);
 - (xxxiii) Strongly recommends Committee carry out a site visit before determination;
 - (xxxiv) Contrary to LDP Policy C4; and
 - (xxxv) Increased litter pollution.

7.9 One letter of support for the amended proposals has been received from the occupiers of 92 Heol Hir, who state they do not object to the pitch, the lighting, the noise from sporting activities on what is a sports field after all.

7.10 A further re-consultation took place following the receipt of an amended Transport Statement. 13 no. objections were received from residents of Everest Avenue, plus one unaddressed which are summarised as follows:

- (i) Significant detrimental impact on enjoyment of rear gardens;
- (ii) Noise and light disturbance as pitch is too close to private gardens;
- (iii) Loss of privacy through overlooking from users of the surrounding footpath;
- (iv) Use outside school hours, weekends and bank holidays;
- (v) Infringement on human rights to enjoy their property;
- (vi) Project is motivated by money and club will benefit financially from income;
- (vii) Club are insensitive to impact upon neighbouring occupiers;

- (viii) Flooding and drainage concerns;
- (ix) Harm to human health;
- (x) No mention in the application of nos. of supporters expected to attend;
- (xi) Detrimental impact upon health of neighbouring occupier;
- (xii) Contrary to LDP Policy EN3;
- (xiii) Disturbance foraging bats and other wildlife. No bat survey has been carried out for the tennis hut;
- (xiv) Floodlight design is unattractive and unwelcome;
- (xv) Proposed bunds will be ineffective in deflecting noise and will magnify not mitigate sound
- (xvi) Security concerns from increased use;
- (xvii) Loss of treasured green space and natural drainage facility;
- (xviii) Drainage concerns;
- (xix) Increased light pollution;
- (xx) Noise disturbance from sporting activities;
- (xxi) Transport Statement does not account for use by wider community;
- (xxii) School also hires out its premises which could lead to a parking problem if both pitch and school are hired out at the same time;
- (xxiii) Will result in the loss of two football pitches, a rugby pitch, rounders pitch, and tennis centre;
- (xxiv) Increased traffic.

7.11 The following comments on the previous committee report have been made by the occupiers of 73 Everest Avenue:

- (i) There is very strong evidence that the only noise attenuation built into the scheme (landscaped acoustic bunds and fences) will be far from effective as gardens and first floors of properties in Everest Avenue are between 8 and 16 metres higher than the level of the pitch. Some have bedrooms installed in loft extensions. Sport England's guidelines for artificial grass pitch acoustics states *"Barriers and bunds.....can provide a real benefit when trying to protect houses and gardens from noise where the receiver location is relatively low. As the receiver location increases in height the sound attenuation is greatly reduced and where the noise source can clearly be seen at the receiver location the barrier effect is negligible."* Section drawings show that properties are not tucked behind bunds but are broadly on the same level or above the apex of the bunds. According to Sport England's guidelines "noise attenuation is greatly reduced" for landscape such as this. Further to this is the issue of reflected noise from the school buildings to the south of the proposed pitch. (An echo is generated by school buildings adjacent to the site). Sport England's guidelines states that *"Reflections from adjacent buildings can increase the noise levels. As such, it is not possible to accurately determine the noise propagation of an AGP on a 'one case fits all' basis."* These issues are not dealt with in any way within the Committee Report;
- (ii) Noise generated by the spectators viewing area is not covered by the committee report or noise impact assessment. The 250sqm spectator viewing area is not shown on the section drawings in the pitch noise impact assessment. There is a clear line of sight from the 1st floor

- windows to the spectator viewing area indicating that mitigation measures will be totally ineffective;
- (iii) In response to paragraph 1.8: Although hours of use have been reduced they still represent a huge increase on hours currently experienced by neighbours of the school (150%). Residents will experience 8 days peace and quiet per year;
 - (iv) In response to paragraph 2.1: The Diamond Tennis Club that were using the tennis centre have already been ejected causing a loss of a community sports facility for Llanishen;
 - (v) In response to paragraph 5.2: The Transport Statement only takes account of traffic associated with the rugby club. There is no mention made of the traffic generated by the community use of the site. This may well constitute the most significant usage and may involve the convergence of large volumes of traffic to the site from much of north Cardiff and beyond. We have no idea as the application provides no hint of the level of community use;
 - (vi) In response to paragraph 5.3: We have no idea whether car parking will be sufficient during community use of the site as the level of community use is not specified.
 - (vii) In response to paragraph 5.14: The protection of nesting birds is welcome. However, although not considered significant in planning terms, there would be a detrimental impact on the species that use the current grass field for foraging and roosting, some of which are considered to be of significant conservation concern.
 - (viii) In response to paragraph 5.18: Bunds will be ineffective to the north of the pitch because of the elevated position of neighbouring properties. There is a clear line of sight from the upstairs of all properties to the north on Everest Ave to much of the pitch and all of the spectator viewing area. It is admitted in the Noise Impact Assessment that pitch noise will be audible. Therefore the level of this noise will be dependent on the numbers of pitch users, supporters, the competitive nature of individual events and the effectiveness of the acoustic bunds. Given the timings supplied it is accepted that pitch noise will be heard by residents for the vast majority of their waking hours.
 - (ix) The site is a very large natural grassland area of open green space and.. Cardiff's open spaces, trees and soils play a crucial role in mitigating the effects of climate change (see LDP KP15) at the local level. Open vegetated soils absorb rainfall and runoff.
 - (x) In response to paragraph 8.8: There are no comparable schemes in terms of proximity to this number of local resident's properties. It represents a considerably larger pitch than any other residential scheme in the Authority. There have not been any schemes in the Authority that involve the migration of an active rugby club into the grounds of a school. There is no precedent for this application. Not in this authority. Across South Wales or, as far as we are aware, anywhere in England either. All other schemes approved represent a lower impact on residential amenity than this one.
 - (xi) In response to paragraph 8.11: The bunds are the only mitigation against noise and due to the makeup of the landscape will be very limited in effectiveness. Access to the paths is gated from the immediate vicinity of

the changing rooms however there is free access to the paths from the rest of the school site. Please see the landscape strategy plan that indicates the position of fences, paths and gates, at the end of the Committee Report. Surely the proximity of 5m from neighbouring properties is unacceptable. Particularly considering that most rear boundary enclosures are low in nature so as to get maximum benefit from the currently very pleasant visual aspect.

- (xii) In response to paragraph 8.13: At the Llanishen RFC v Rhiwbina RFC game on 10th Dec 2016 at the Usk Road site, 150 spectators attended and in excess of 100 cars were present on and around the site. Having made this observation it is clear that there will be an unknown number of occasions when parking capacity will be insufficient to accommodate rugby club events. It is not known whether there will be sufficient parking capacity to accommodate community usage of the site.
- (xiii) In response to paragraph 8.17: The document “A Guide to the Human Rights Act for Public Authorities” states: Everyone has the right to the peaceful enjoyment of their possessions. Public authorities cannot usually interfere with a person’s property or possessions or the way that they use them except in specified limited circumstances. And later: When it comes to decision-making, the rights of one person often have to be balanced against the rights of others or against the needs of the broader community. This application is not dealing with the “needs” of the broader community, but delivery of a pitch for the school (which is desirable, not needed) and a commercial facility for the financial benefit of the rugby club.
- (xiv) In response to paragraph 9.1: Sufficient information has not been supplied to reassure neighbouring occupiers that their amenities have been safeguarded. This is obvious from the level of opposition. During the whole process there has been just one hastily arranged meeting to allow residents to express their concerns to the school/rugby/club/developers. Residents feel very strongly that their treatment has been extremely poor. Should the development go ahead it is the residents that will be paying for it in terms of health and well-being, amenity and property value. It is the neighbours of the site who are the real experts regarding issues relating to amenity as they are currently living with the schools activities on a daily basis. The tone of the committee report suggests an absolute commitment to deliver the proposal, with no sympathy or regard for the concerns of residents. These genuine concerns are explained away with a combination of personal opinion and interpretation of policy. Should it go ahead it does not bode well for good relations between the users of the site and the neighbours.

8. ANALYSIS

- 8.1 The key issues for consideration of this application are the principle of the development, its design and external appearance, the impact upon residential amenity, proposed access and parking arrangements, and ecology and landscaping matters.

- 8.2 It should be noted that Planning Committee visited the site on 2nd November 2016.

Principle of Development

- 8.3 The site forms part of the existing playing fields of Llanishen High School. It is not classified as open space and therefore Policy C4 (Protection of Open Space) of the Local Development Plan (LDP) does not apply. The creation of a floodlit artificial turf pitch on existing playing fields within the school grounds is considered to be acceptable in principle, subject to detailed considerations.

Design and External Appearance

- 8.4 The amended changing room facility, at approximately one third the size of the existing tennis centre and with a reduced height, is considered to be modest in scale. Its re-design to incorporate a flat green roof is considered to be acceptable and the intention to finish the building in metal cladding is acceptable. A relevant condition is recommended to ensure a satisfactory finished appearance.
- 8.5 Concerns have been expressed by neighbouring occupiers regarding the visual impact of the floodlighting columns and the extent of fencing, however these structures are necessary for the operations of the intended use. Again, relevant conditions are recommended to ensure a satisfactory finished appearance.
- 8.6 The landscaped bund will assist in providing a degree of screening of the floodlit pitch, thus reducing the visual impact of the proposals. The proposed fencing will ensure for site security and provide protection to the rear of residential properties. It is noted that the Police Design advisor has no objections to the proposal and has provided guidance to the applicant prior to the application submission.

Residential Amenity

- 8.7 The amended application has deleted the clubhouse and reduced the proposed hours of operation. Consequently, a number of the concerns originally held by neighbouring occupiers regarding the range of activities at the clubhouse no longer apply. However, it is noted that concerns remain regarding the intended use of the pitch.
- 8.8 Whilst it is noted that the amended hours would allow use of the pitch 7 days a week, officers consider that the intention to cease use from 19:00 on Saturdays and 16:30 on Sundays with no use on bank holidays is sufficient to safeguard the amenities of neighbouring occupiers. Use until 21:00 hours Monday to Friday is comparable to other schemes approved by the Local Planning Authority and is considered to be a reasonable time for the cessation of mid-week activities. Overall it is considered that the intended hours of use strikes an acceptable balance between allowing reasonable use of the facility whilst avoiding unacceptable harm to neighbouring occupiers.

- 8.9 In respect of lighting, the submitted Lighting Study confirms that less than 5Lux horizontal spill will occur at the boundary with private residences and a maximum of 7Lux vertical spill at rear elevations on Heol Hir. These figures comply with recommendations of the Institute of Lighting Professionals for an environmental zone E3 (suburban areas).
- 8.10 Attention is drawn to the comments of the Operational Manager, Environment (Noise & Air), who, having considered the application and the Noise Impact Assessment, does not consider that an unacceptable impact would occur to neighbouring occupiers. Relevant conditions to protect residential amenity are attached.
- 8.11 The landscaped bund proposed to the north, east and west of the pitch provides additional mitigation against noise and light spill for neighbouring occupiers. Concerns have been expressed by neighbouring occupiers that the proposed footpath on the bund would result in a loss of privacy to their properties. However, access to this path is gated and the path would be set between 5 and 34 metres from neighbouring occupiers, which benefit from rear boundary enclosures. It is not considered that the route of this path would cause unacceptable harm to residential amenity.
- 8.12 It is not considered that the amended proposals conflict with the provisions of LDP Policy EN13 (Air, Noise, Light Pollution and Land Contamination).

Parking and Access

- 8.13 The Operational Manager, Transportation, having considered the amended Transport Statement, is satisfied that traffic associated with the proposed use will occur outside of peak hours and will also avoid the times when the school restricts access to its premises. The creation of a 36 no. bay car parking area on part of the site of the existing tennis centre, utilising the existing school entrance, in combination with the existing school parking provision at weekends for overflow parking (40 no. car plus away team coach) is considered to be of sufficient capacity to accommodate parking associated with rugby club events. The parking provision is considered to be policy compliant. It is noted that the site is well served by existing bus routes and is accessible by walking and cycling. Relevant conditions are attached.
- 8.14 The relationship between the proposed car park and the existing dwellings immediately west is not considered to be unacceptable, mindful that the car park would be sited a minimum of 30 metres from the rear boundaries of the dwellings and existing cypress trees screen the tennis centre from these neighbours. The tree report accompanying the application categorises this group as having low quality and recommends partial replacement of certain trees in the group. A relevant condition is attached.

Ecology & Landscaping

- 8.15 It has been noted that a number of third party objections have expressed concern regarding the loss of wildlife habitat and harm to species arising from

the development. The Council's Ecologist, in commenting on the application, did not consider that the impact would be so great as to justify a requirement for surveys to be undertaken prior to the determination of the application, recognising that the periphery of the site, where the most important habitat features are located, would be retained and enhanced through additional landscaping. He welcomed the landscape proposals.

- 8.16 It is considered that the ecological impacts of the development can be successfully mitigated through relevant conditions.

Third Party Representations

- 8.17 It is noted that the application has received a number of representations in support of the application. In respect of the objections received from neighbouring occupiers which have not already been addressed in this report:

- (i) The timing of the closure of the tennis facility is not relevant to the determination of the application;
- (ii) The amended scheme is unlikely to result in increased amounts of anti-social behaviour;
- (iii) With respect to impact on human rights, Protocol 1 does indeed say that a person is entitled to the peaceful enjoyment of his possessions – but it goes on to qualify that right as being “except in the public interest and subject to the conditions provided by law”. In *Huang v Secretary of State*, the Supreme Court held that there is a “need to balance the interest of society with those of individuals and groups”. The right is not absolute and it may be restricted provided the restrictions are lawful, have a legitimate aim and are balanced. The established planning decision-making process assesses the impact, which a proposal will have on individuals and weighs that against the wider public interest when determining whether development should be permitted. That is consistent with the requirements of the European Convention on Human Rights;
- (iv) Planning decisions taken by other Local Authorities in the UK are not relevant to the determination of this application as each application must be determined on its own planning merits and no two sites are the same;
- (v) The categorisation of the site as a suburban area (Zone E3) in the Lighting Impact Study is considered to be appropriate;
- (vi) The artificial turf pitch will guarantee year-round sporting activities on the site for the school. A red gra hockey pitch and grass pitches would be retained to the east and south of the school grounds;
- (vii) The proposals are considered to be consistent with LDP objectives 1j (increasing sustainable travel), 2d (healthy lifestyles), 2e (safer environments), 3c (protect natural environments), 3g (create a cleaner and more attractive environment) and LDP Policy C1 (Community Facilities). LDP objective 2g (multi-functional parks and open spaces) and LDP Policies KP16 (Green Infrastructure) and C4 (Protection of Open Space) do not apply to the application as the site is not designated as open space;

- (viii) It is not considered that the proposals would cause harm to human health. On the contrary, the proposals would provide enhanced recreation provision which is likely to encourage healthy living;
- (ix) It is not necessary for the applicant to demonstrate their need or motive for submitting this application; it is the Local Planning Authority's responsibility to determine the application on its merits;
- (x) Litter generated from the intended use would be the responsibility of the applicant and school to manage. A condition requesting details of refuse storage is attached;
- (xi) There is no evidence to suggest that pupil short-cuts will continue to damage existing enclosures. In any event new fencing is proposed to improve security;
- (xii) The deposit Unitary Development Plan (UDP) has been superseded by the Local Development Plan (LDP);
- (xiii) The Council is not responsible for any pre-application consultation that was carried out. However, the consultations undertaken during the processing of the planning application have met the consultation requirements set out in legislation;
- (xiv) Devaluation in property is not a material planning consideration;
- (xv) The outcome of a separate application on land owned by the applicant is entirely separate to the determination of this application.
- (xvi) It is not considered that air pollution from car exhaust fumes would be so great as to justify refusal of permission. This has not been raised as a concern by the Operational Manager, Environment (Noise & Air Pollution);
- (xvii) The projected spectator numbers can be satisfactorily accommodated within the overflow parking provision;
- (xviii) The noise impacts of the development have to be balanced with other material planning considerations. In the event that a statutory noise nuisance does occur, this can be controlled under separate legislation;
- (xix) The pitch can be accommodated comfortably within the site, with sufficient room for additional landscaped bunds to be created to benefit biodiversity and in the interests of visual amenity;
- (xx) The dual use of the facility by the school and the rugby club is considered to be a positive approach to maximising the efficient use of space;
- (xxi) The continued safety of school children will be a matter for the school to manage;
- (xxii) A relevant condition is attached to address drainage concerns.

8.18 In response to the comments on the previous Committee report by the occupiers of 73 Everest Avenue which have not already been addressed:

- (i) The landscape bund and acoustic fence provide a degree of mitigation for local residents. Whilst the advice of Sport England is noted, the distance between the pitch and spectator area and neighbouring properties and the reduced hours of operation are also relevant considerations in weighing up the likely impact upon residential amenity. It is notable that the Operational Manager,

Environment (Noise and Air), having considered the application and the content of the noise impact assessments, concluded that the impact would not be unacceptably harmful upon residential amenity (paragraph 5.19);

- (ii) It is accepted that the application, if approved, will lead to an intensification in the use of the site;
- (iii) The principle users of the facility would be the school during school hours and Llanishen Rugby Club. The Operational Manager, Transportation, is satisfied with the amended Transport Statement accompanying the application (see paragraph 5.4). The parking provision is policy compliant and, should the need arise, the use of the school's coach park would be available as an overflow car park. This provision is considered to be sufficient for any community use beyond the school and rugby club use;
- (iv) The site is education land it is not classified as open space therefore LDP policies protecting open space do not apply. Notwithstanding this, the Council's Ecologist is satisfied, subject to conditions, that ecology interests can be mitigated. Subject to conditions the Council's Tree Officer is satisfied with the proposed landscaping arrangements. Condition 5 is proposed to secure foul and surface water drainage details prior to the commencement of development;
- (v) The Council has approved other floodlit artificial grass pitches within the grounds of secondary schools with midweek use until 9pm and reduced hours at weekends;
- (vi) Access to the mown path around the proposed pitch will be secured in the vicinity of the changing rooms and its wider access from the rest of the school grounds is a management issue for the school and rugby club. The relationship between the mown path and neighbouring occupiers is not considered to be unacceptable in respect of neighbour privacy or amenity;
- (vii) The application seeks permission for a facility which will be used by school children, a local rugby club, and other community uses;
- (viii) The application has been subject to a public consultation process in accordance with the publicity requirements set out in Article 12 of The Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended).

Other Considerations

- 8.19 Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.
- 8.20 The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council's

duty under the above Act has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic.

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

9. **CONCLUSIONS**

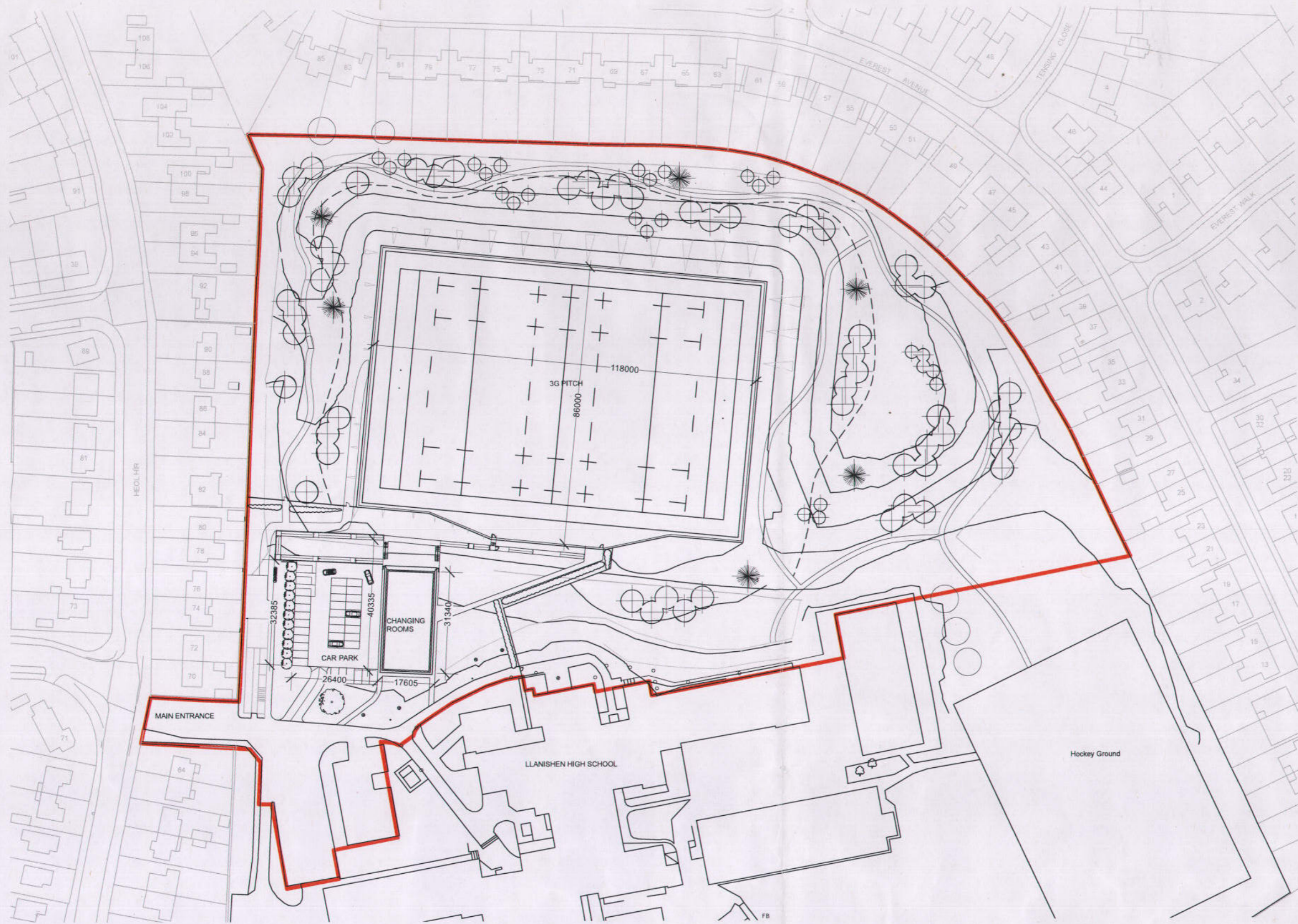
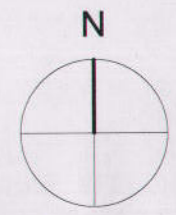
- 9.1 It is recognised that the nature of the application has generated significant interest from neighbouring occupiers and the concerns raised regarding the potential impact of the use of the facility upon their amenities is a material consideration that requires careful thought. The relevant issues have been considered together with the amended proposals, which would provide a changing room facility as opposed to a licenced clubhouse, and reduced hours of operation. Having weighed the planning issues, it is considered that the amended proposals strike an acceptable balance between the provision of high quality recreational facilities to the benefit of the school, Llanishen Rugby Club, and the wider community whilst safeguarding the amenities of neighbouring occupiers as well as providing landscaping and biodiversity benefits.
- 9.2 It is recommended that planning permission be granted, subject to relevant conditions.

GENERAL NOTES

Drawing to be read in conjunction with all information by architects, structural engineer & service consultants.

The contractor is not to scale from this drawing. All written dimensions to be checked on site before work commences. Discrepancies, where identified, must be reported to the architect immediately.

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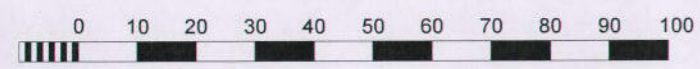


Issue	Chkd/Drawn	Date	Description
E	MG/AV	7/10/16	Revised Planning Issue
D	MG/TL	24/08/16	Acoustic fence added
C	MG/DOR	23/05/16	Amendment to security fence
B	MG/DOR	12/05/16	Issued for planning
A	DOR/VK	30/04/15	Preliminary issue

Status	Job No.	Drwg No.	Issue
PLANNING	1506	150-01	E

Drawing: PROPOSED LOCATION PLAN
1:1250@A3

Project: LLANISHEN RFC CHANGING ROOMS

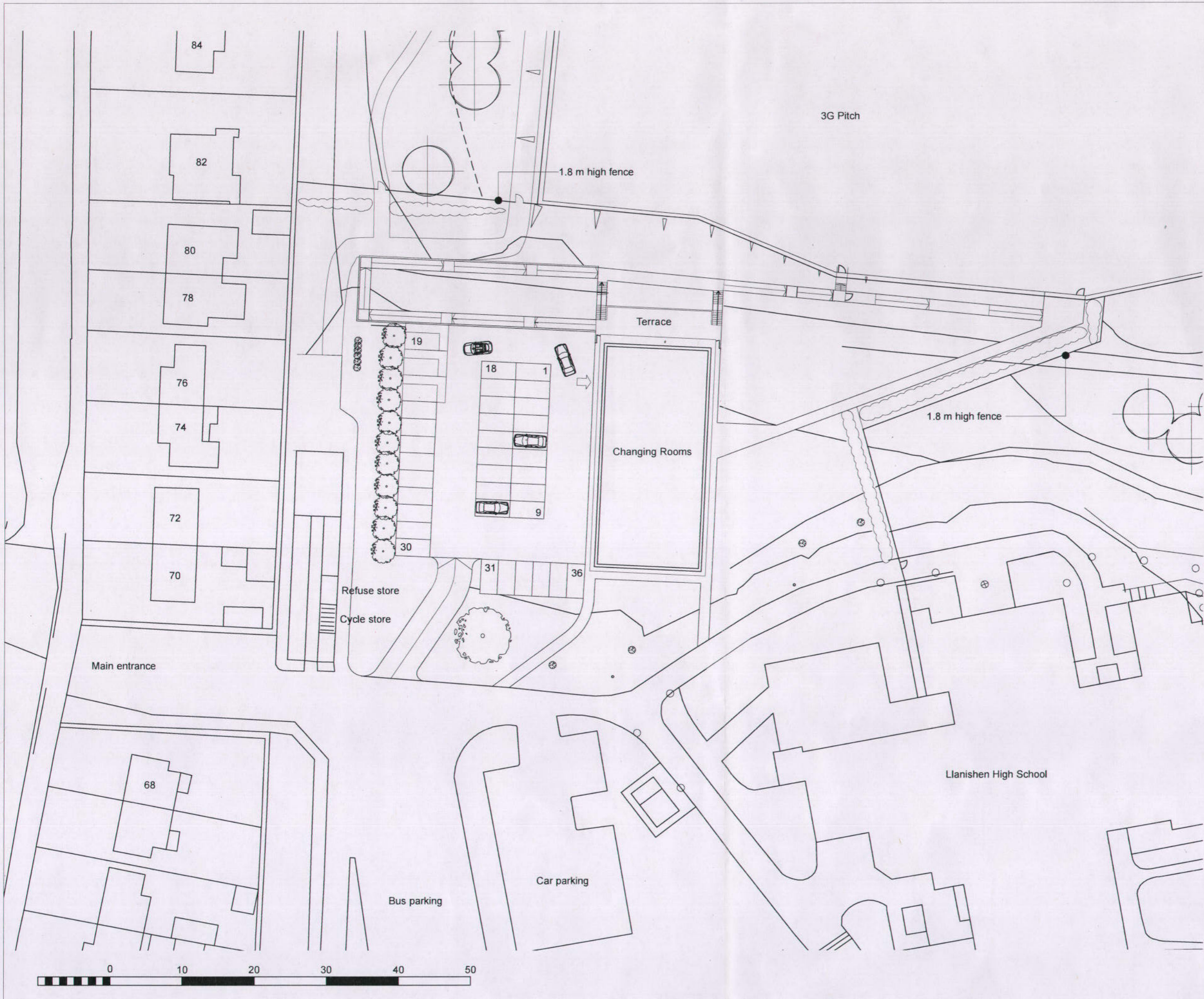
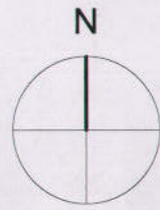


GENERAL NOTES

Drawing to be read in conjunction with all information by architects, structural engineer & service consultants.

The contractor is not to scale from this drawing. All written dimensions to be checked on site before work commences. Discrepancies, where identified, must be reported to the architect immediately.

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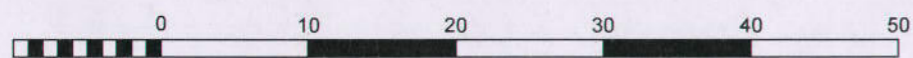


Issue	Chkd/Drawn	Date	Description
E	MG/AV	7/10/16	Revised Planning Issue
D	MG/TL	24/08/16	Acoustic fence added
C	MG/DOR	23/05/16	Amendment to security fence
B	MG/DOR	12/05/16	Issued for planning
A	DOR/VK	30/04/15	Preliminary issue

Status	Job No.	Drwg No.	Issue
PLANNING	1506	150-02	E

Drawing: PROPOSED SITE PLAN 1:500@A3

Project: LLANISHEN RFC CHANGING ROOMS



GENERAL NOTES

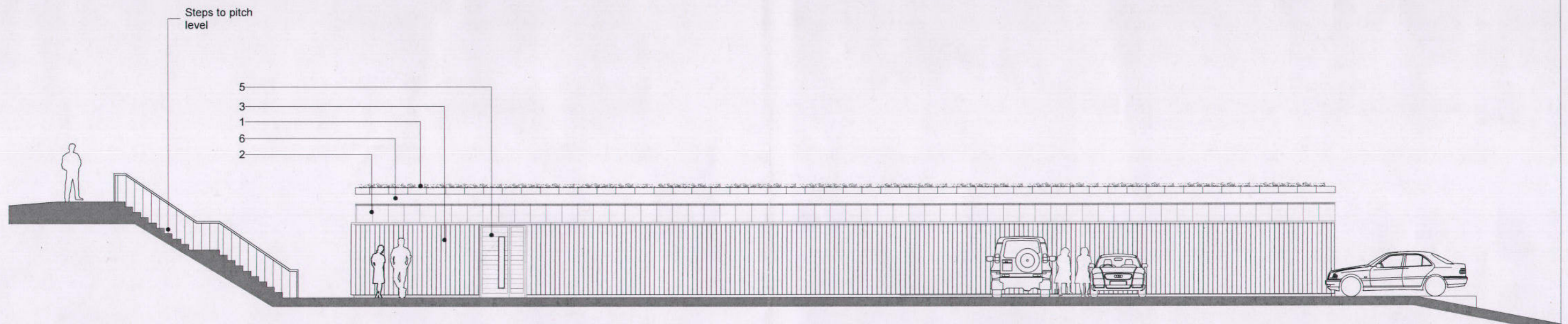
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MATERIAL KEY

1. Extensive Green roof
2. Translucent Polycarbonate walling
3. Profiled metal cladding
4. Louvres - Dark grey PPC aluminium
5. Doors - Solid timber panel doors to PAS 24
6. Roof Canopy - Grey PPC Aluminium
7. Aluminium Roller shutter to Servery
8. Rainwater goods - PPC aluminium

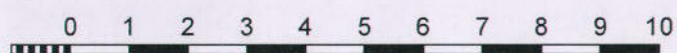


C	MG/AV	7/10/16	Revised Planning Issue
B	MG/DOR	12/05/16	Issued for planning
A	DOR/VK	07/05/15	Preliminary issue
Issue	Chkd/Drawn	Date	Description

Status	Job No.	Drwg No.	Issue
PLANNING	1506	152-04	C

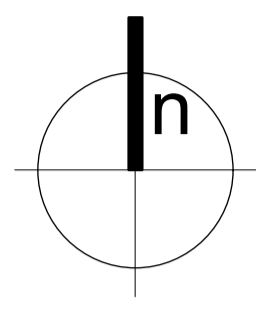
Drawing 1:125@A3
PROPOSED WEST ELEVATION

Project
LLANISHEN RFC CHANGING ROOMS



legend

- proposed short turf & path mown through wildflower grassland
- proposed hedge
- proposed artificial turf
- wild flower grassland with differential mowing
- trees (birch, pine and oak) underplanted with shrubs (gorse, honeysuckle and hawthorn)
- acoustic barrier 1.5m high
- fence 2.1m high
- fence 3.0m high
- fence 8.0m high
- gate



Trees such as pine and oak planted in scrub planting such as gorse and hawthorn help to soften and screen development and encourage wildlife

Existing vegetation (bramble scrub and wildflowers) forms a wildlife corridor which will be retained and supplemented with proposed seeding and planting

Floodlit all-weather pitch with artificial playing surface and 15m lighting columns
Cut and fill creates new pitch at mainly lower levels than existing pitches in order to reduce visual impact

Proposed mounding provides naturalistic landform which softens views of fencing and lighting columns and increases effective height of planting

Proposed wildflower grassland improves habitat diversity, attracting bees, butterflies and birds, and providing an educational resource.

Grassland managed for wildlife by differential mowing i.e. short mown path (for school use only, and during school hours) and shorter grass adjacent to fence; longer grass elsewhere which allows flowers to set seed

New hedges soften proposed fencing

Split level terrace with timber decking overlooks pitch

Existing conifer screen retained

New ornamental planting softens proposed tarmac car parking (36no. cars) and clubhouse

Existing mature tree retained

Existing young trees retained or replanted where necessary to accommodate site works and level changes

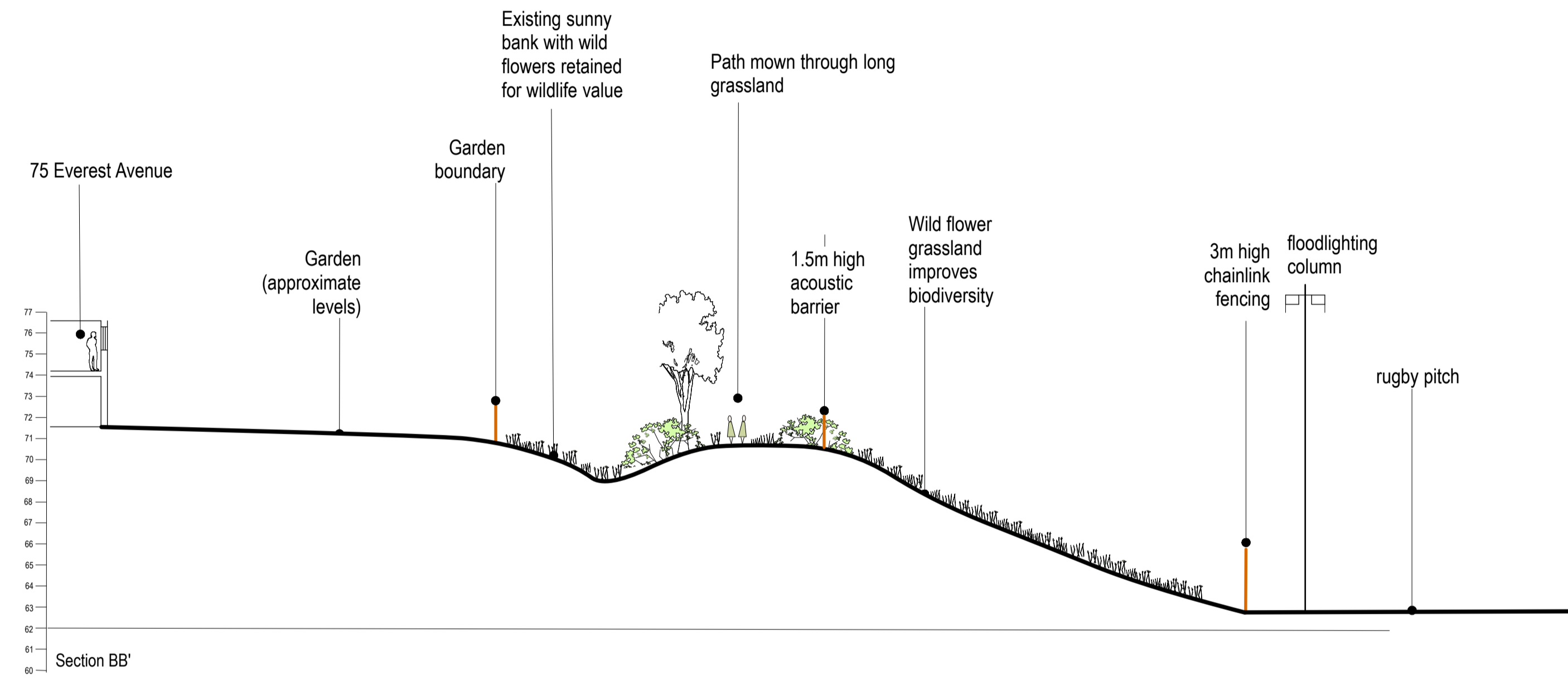
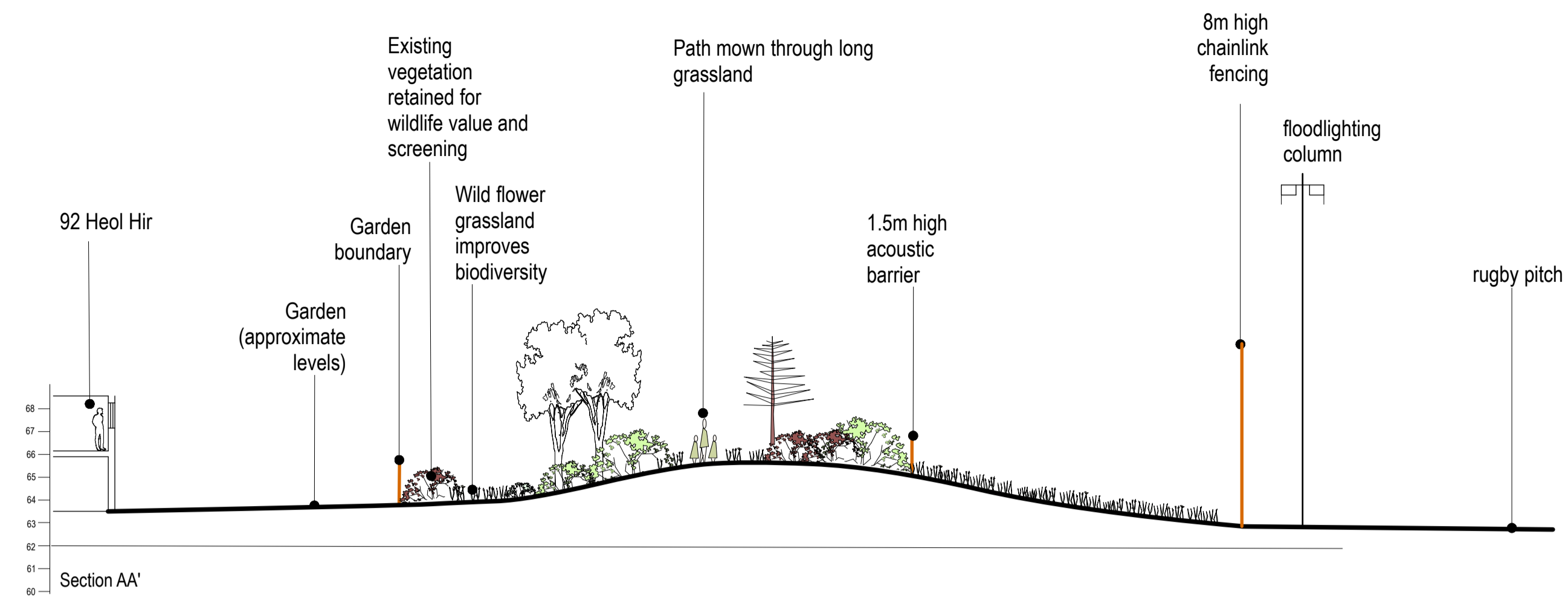
Access retained between sports pitch and hockey ground



Revision B May 2016: Amended alignment to security fences and hedges

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job title Llanishen Rugby Club client Llanishen RFC	drawing title Landscape Strategy	scale · 1:500 at A1 date · May 2016 drawn · CE drawing number · 347.01 revision · B

347.LlanishenRugbyClub



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job title Llanishen Rugby Club client Llanishen RFC	drawing title Elevations proposed	