COMMITTEE DATE: 19/05/2021

APPLICATION No. 20/02078/MJR APPLICATION DATE: 15/10/2020

ED: **PONTPRENNAU/ST MELLONS**

APP: TYPE: Outline Planning Permission

APPLICANT: PMG Development Ltd

LOCATION: LAND ADJACENT TO ST JULIANS HOUSE, BRIDGE

ROAD, OLD ST MELLONS, CARDIFF

PROPOSAL: RESIDENTIAL DEVELOPMENT OF UP TO 160 UNITS

WITH ASSOCIATED DEMOLITION, INFRA STRUCTGURE,

LANDSCAPING AND ACCESS

RECOMMENDATION 1: That, subject to relevant parties entering into a binding legal agreement with the Council under the provisions of a **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 this report, planning permission be **GRANTED** subject to the following conditions:

1. RESERVED MATTERS/TIME PERIOD

- A. Prior to the commencement of development on any Reserved Matters site, details of the layout, scale and appearance of the buildings 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 twelve 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 (as amended).

2. APPROVED PLANS

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

• Site Location Plan, drawing number: 19123(05) 100

- Masterplan, drawing number: 19123 (05) 101, Rev. C
- Framework Plan, drawing: 19123 (05) 102, Rev C
- Land Use Plan, drawing number: 19123 (05) 103, Rev C
- Movement Plan, drawing number: 19123 (05) 104, Rev C
- Scale and Massing, drawing number: 19123 (05) 106, Rev
- Character Areas, drawing number: 19123 (05) 107, Rev C
- Design and Access Statement, Revision B, prepared by Powell Dobson
- Pre-Application consultation Report, October 2020
- Environmental Statement: Non-Technical Summary, dated January 2021
- Environmental Statement including associated Figures and Appendices, January 2021
- Aboriculture Baseline Note, EDP6119_r001a
- Archaeological Desk-based Assessment, August 2020

Reason: For the avoidance of doubt

3. **SCALE PARAMETERS**

The development shall be carried out in accordance with the following scale parameters:

Two Storey Dwelling:

- Height up to 10m
- Width up to 9 meters
- Depth up to 10 meters

Three Storey Dwelling:

- Height up to 14m
- Width up to 8 meters
- Depth up to 10 meters

Three Storey Apartments:

- Height up to 16 meters
- Width up to 16 meters
- Depth up to 12 meters.

Reason: For the avoidance of doubt

4. **DESIGN CODE**

No reserved matters application shall be approved until there has been submitted to and approved in writing by the Local Planning Authority a Design Code which shall cover all reserved matter sites. The reserved matters details submitted to and approved by the Local Planning Authority in compliance with Condition (1) shall accord with the approved code unless otherwise approved at reserved matters stage The Design Code shall include the following matters:

 Built Form and Townscape diagram for the whole application site highlighting urban blocks, special nodes and areas or building groups of general or distinct townscape character (including deliberate changes to building heights/lines and roof forms), key or distinct frontages, categories of natural landscape and open space, categories of street (aligned to the Council's Technical Standards 2018), the position of any large specimen trees, the position of key corners and vistas to landmark buildings, the position of distinct boundary treatments.

- Architectural , landscape and streetscape design ideas, principles, sections and guidelines for the treatment of the categories of feature listed in (a) above;
- Design guidance for this site to allow any design to conform to the above, but also align with other aspects of the Councils SPG Residential Design Guidance 2016, including the position and design of streetscape around frontage parking so it doesn't dominate the street scene; relevant ideas for the cycle parking of residents and visitors; sustainable drainage features; building styles, architectural principles and the character (colour and texture) of materials to be used in facing and roofing homes and ancillary buildings; the special treatment of boundaries visible from public spaces, and also those visible from within private areas; the treatment of utility boxes and refuse storage areas within both the streetscape and façade design of buildings; lighting and signage for public areas; tree planting types and principles; hard and soft landscape design treatments for and visible from relevant public areas; the accommodation of nesting and roosting opportunities for birds and bats within buildings (in accordance with advice given in the TCPA's 'Biodiversity Positive; Eco-towns Biodiversity Worksheet 2009' and in the Bat Conservation Trust 'Biodiversity for Low and Zero Carbon Buildings: A Technical Guide for New Build 2010'.)
- A mechanism for periodic review and refinement if necessary of the approved Design Code.

Details in relation to the reserved matters submitted to the Local Planning Authority for any Reserved Matters site in compliance with Condition 1 shall accord with the approved Design Code unless otherwise approved through Reserved Matters applications by the Local Planning Authority.

Reason: To ensure that design quality is secured between phases and the development is carried out in an integrated manner.

5. TRAVEL PLAN

No part of the development hereby permitted shall be occupied until a Residential Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The 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. The Residential Travel Plan shall also set out proposals to implement and manage the Travel Plan for a minimum

period of 5 years from first residential occupation, through a designated Travel Plan Coordinator and shall also include details of a surveying, annual monitoring and reporting strategy. The Residential Travel Plan shall be implemented in accordance with the approved details from first beneficial occupation of the dwellings hereby permitted and in place for a minimum period of five years.

Reason: To encourage sustainable transport and effect modal shift to non-car modes in accordance with Policy T1.

6. **CYCLE PARKING**

Details in relation to the reserved matter LAYOUT submitted to the Local Planning Authority for any reserved matters site in compliance with condition 1 shall include details for the provision of secure cycle parking spaces. No building shall be occupied until the approved cycle parking serving it has been provided and the cycle parking shall be retained in perpetuity and shall not be used for any other purpose. For the avoidance of doubt, cycle parking will not be required to be provided for any dwellings with garages. Reason: To ensure that adequate provision is made for the secure parking of cycles.

7. ENERGY STRATEGY

No reserved matters application shall be approved by the Local Planning Authority, until an energy strategy for the whole outline permission site and a timetable for provision has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include an assessment of the financial and technical feasibility of incorporating a heat network, low carbon technologies, including energy supply systems, and the provision of Electric Vehicle charging points. The scheme shall be implemented as approved and the proposals shall be included in the reserved matters for the respective Reserved Matter site within which they are identified.

Reason: To promote sustainable development in accordance with Policy 16 of Future Wales.

8. **NOISE MITIGATION**

No reserved matters applications shall be approved until a scheme of noise mitigation has been submitted to and approved in writing by the Local Planning Authority. The scheme of noise mitigation shall provide that all habitable rooms exposed to external road traffic noise in excess of 50dBA Leq 16 hour (free field) during the day (07.00 to 23.00 hours) or 45dBA Leq 8 hour (free field) at night (23.00 to 07.00 hours) shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 35 dBA Leq 16 hour during the day and 30 dBA Leq 8 hour at night.

The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with acoustically treated active ventilation units if necessary.

No habitable room shall be occupied until the approved sound

insulation and ventilation measures, should they be required, have been installed in that room.

Gardens shall be designed to provide an area which is at least 50% of the garden area for sitting out where the maximum day time noise level does not exceed 50 dBA Leq 16 hour [free field]. A relaxation will be acceptable on a maximum of 5% of the total garden areas providing the external noise level does not exceed 54 dBA Leq.

Reason: In the interests of the amenities of future residents in accordance with Policy EN13 of the Local Development Plan.

9. **FOUL DRAINAGE**

Only foul water from the development site shall be allowed to discharge to the public sewerage system and this discharge shall be made at:

 The 375mm foul sewer at manhole reference number ST21815602 as indicated on the extract of the Sewerage Network Plan attached to this decision notice.

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

10. POTABLE WATER SCHEME

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

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

11. **SENSITIVE LIGHTING SCHEME**

Prior to the installation of external lighting, full details of lighting shall be submitted to and agreed in writing by the Local Planning Authority. The Lighting Plan should include:

- Details of the type of external lighting to be used
- Proposed siting of lighting,
- Light modelling to show light spill from proposed lighting, to demonstrate that suitable dark corridors will be maintained for commuting and foraging species, such as bats and dormice, particularly on the northern and western site boundaries.

Reason: A lighting plan should be submitted to ensure lighting details are agreed prior to installation and to reduce the impacts of lighting in the interest of bats and dormice.

12. LANDSCAPE ECOLOGICAL MANAGEMENT PLAN (LEMP)

No development shall commence until a Landscape Ecological Management Plan (LEMP) for the provision, management and maintenance of the landscape and ecological features at the site has been submitted to and approved by the Local Planning Authority. The LEMP should be supported by appropriate drawings and should include:

- Details of existing habitats present to be retained
- Details of the extent distribution and type of new habitat creation on the site, including species mix, density of new planting and minimum size of specimens
- Details of the desired conditions of habitats (present and to be created) at the site
- Details of scheduling and timings of activities
- Details of short and long-term management, monitoring and maintenance of new and existing habitats at the site to deliver and maintain the desired condition
- Details of monitoring of landscape and ecological features
- Details of remedial measures should any landscape or ecological features fail to establish, be removed or become seriously damaged or diseased within 5 years of completion of development
- Details of management and maintenance responsibilities, including details of how the plan will be financed and secured in the long term
- Details of timescales, length of plan, the method to review and update plans (informed by monitoring) at specific intervals

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

Reason: A LEMP should be submitted to ensure necessary landscape and environmental management measures are agreed prior to commencement and implemented to ensure the site's landscape and environmental features are adequately managed long term.

13. CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

No development, including site clearance, shall commence until a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include:

- Construction methods: details of materials, 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; containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or

- surface drain;
- Biodiversity Management: details of tree and hedgerow protection; invasive species management; species and habitats protection, avoidance and mitigation measures.
- CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures;
- 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.
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan: how surface water will be managed to ensure no contamination.
- Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations
- The parking of vehicles of site operatives and visitors;
- Loading and unloading of plant and materials;
- Wheel washing facilities;
- Measures to control and mitigate the emission of dust, smoke, other airborne pollutants and dirt during construction;
- A scheme for recycling/disposing of waste resulting from demolition and construction works.
- Hours of construction; noting there shall be no burning of waste or any other materials on site.
- Lighting; including the use of security lighting on site outside normal construction hours
- Management control and mitigation of noise and vibration; including the use of generators on site outside normal construction hours
- Odour management and mitigation; and
- A system for the management of complaints from local residents which will incorporate a reporting system.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Reason: A CEMP should be submitted to ensure necessary management measures are agreed prior to commencement of development and implemented for the protection of the environment during construction and to protect the amenity of future occupiers in accordance with policy EN13 of the Cardiff Local Development Plan.

14. **ECOLOGICAL SURVEYS**

If site clearance in respect of the development hereby approved does not commence within 18 months from the date of the most recent survey for bats and reptiles, the approved ecological measures shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to:

- i) Establish if there have been any changes in the presence and/or abundance of bats; and
- ii) Identify any likely new ecological impacts that might arise from any changes.

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

15. **GROUND GAS PROTECTION**

Prior to the commencement of any development works 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, shall be submitted to the Local Planning Authority for its approval.

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 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.

16. CONTAMINATED LAND MESURES - ASSESSMENT

Prior to the commencement of the development, excluding demolition works, 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.

17. CONTAMINATED LAND MEASURES - REMEDIATION & VERIFICATION PLAN

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

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

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

18. **CONTAMINATED LAND MEASURES - REMEDIATION & VERIFICATION**

The remediation scheme approved by condition 17 (PC14B above) must be fully undertaken in accordance with its terms prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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

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

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

19. CONTAMINATED LAND MEASURES - UNFORESEEN CONTAMINATION

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

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

20. **IMPORTED SOIL**

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

Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA. Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff Local Development Plan.

21. **IMPORTED AGGREGATES**

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

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

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

22. USE OF SITE WON MATERIALS

Any site won material including soils, aggregates, recycled materials shall be assessed for chemical or other potential contaminants in accordance with a sampling scheme which shall be submitted to and approved in writing by the Local Planning Authority in advance of the reuse of site won materials. Only material which meets site specific target values approved by the Local Planning Authority shall be reused. Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff Local Development Plan.

23. **INTERNET INFRASTRUCTURE**

Details in relation to the reserved matter LAYOUT submitted to the Local Planning Authority for any reserved matters site in compliance with condition 1 shall include details of gigabit capable internet infrastructure including location, depth of cables. The development shall be implemented in accordance with the application details and shall be thereafter maintained and retained.

Reason: To ensure that the use of the proposed development accords with Policy 13 of Future Wales.

24. LANDSCAPIG DETAILS

Details in relation to the reserved matters relating to landscaping in compliance with Condition 1 shall include:

i) Hard landscape works - Proposed finished levels or contours; means of enclosure and retaining structures; car parking layouts; other vehicle, cycle and pedestrian access and circulation areas; hard surfacing materials; external lighting; public open space, play areas and play equipment; minor artefacts and structures (e.g. furniture, refuse or other storage

- units, signs, etc.); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, fuel pipelines).
- ii) A detailed landscape design should be drawn up at the earliest opportunity, as informed by the submitted Soil Resource Survey and comprising the following elements:
 - A soft landscaping implementation programme.
 - Scaled planting plans prepared by a qualified landscape architect.
 - Evidence to demonstrate that existing and proposed services, lighting, CCTV, drainage and visibility splays will not conflict with proposed planting.
 - Schedules of plant species, sizes, numbers and densities prepared by a qualified landscape architect.
 - Scaled tree pit sectional and plan drawings prepared by a qualified landscape architect that show the Root Available Soil Volume (RASV) for each tree
 - Topsoil and subsoil specification for all planting types, including full details of soil assessment in accordance with the Cardiff Council Soils and Development Technical Guidance Note, soil protection, soil stripping, soil storage, soil handling, soil amelioration, soil remediation and soil placement to ensure it is fit for purpose. Where imported planting soils are proposed, full specification details shall be provided including the parameters for all imported planting soils, a soil scientists interpretive report demonstrating that the planting soil not only meets British Standards, but is suitable for the specific landscape type(s) proposed. The specification shall be supported by a methodology for storage, handling, amelioration and placement.
 - Planting methodology and post-planting aftercare methodology prepared by a qualified landscape architect, including full details of how the landscape architect will oversee landscaping implementation and report to the LPA to confirm compliance with the approved plans and specifications.

The submitted details shall be consistent with other plans submitted in support of the application and the landscaping shall be carried out in accordance with the approved design and implementation programme.

Reason: To enable the Local Planning Authority to determine that the proposals will maintain and improve the amenity and environmental value of the area, and to monitor compliance.

25. LANDSCAPE IMPLEMENTATION

Any newly planted trees, plants or hedgerows, which within a period of 5 years from the completion of the development die, are removed,

become seriously damaged or diseased, or in the opinion of the Local Planning Authority (LPA) otherwise defective, shall be replaced.

Replacement planting shall take place during the first available planting season, to the same specification approved in discharge of condition 9, unless the Local Planning Authority gives written consent to any variation.

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

26. TREE PROTECTION

Prior to the commencement of each phase of the development or part thereof (including the associated delivery of the spine road, associated spurs and drainage infrastructure) a tree assessment in accordance with BS 5837:2012 for that phase or part thereof shall be submitted to and approved in writing by the Local Planning Authority. The tree assessment shall include:

- An Arboricultural Impact Assessment (AIA);
- ii. An Arboricultural Method Statement (AMS) setting out the methodology that will be used to prevent loss of or damage to retained trees. The AMS shall include details of on-site monitoring of tree protection and tree condition that shall be carried out and for at least two years after its completion; and
- iii. Tree Protection Plan (TPP) in the form of a scale drawing showing the finalised layout and the tree and landscaping protection methods detailed in the AMS that can be shown graphically.

The development shall be carried out in full conformity with the approved AIA, AMS and TPP unless modifications to the approved AIA, AMS and TPP are agreed in writing by the Local Planning Authority.

Reason: To maintain and improve the appearance of the area in the interests of visual amenity

RECOMMENDATION 2: New developments where the area covered by construction work exceeds 100 square metres also require approval from the SuDS Approval Body (SAB) before construction can commence. Adoption and management arrangements, including a funding mechanism for maintenance of SuDS infrastructure and all drainage elements are to be agreed by the SAB as part of this approval. This will ensure that SuDS infrastructure is properly maintained and functions effectively for its design life. The developer is reminded to obtain all necessary approvals ahead of the commencement of development.

RECOMMENDATION 3: The applicant is advised that section 3.25 of Planning Policy Wales states that the land use planning system should take account of the conditions which are essential to the Welsh language and in so

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

RECCOMMENDATION 4: The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

RECCOMMENDATION 5: DCWW advised that the proposed development is in an area where there are water supply problems for which there are no improvements planned within our current Capital Investment Programme AMP7 (years 2020 to 2025). In order to establish what would be required to serve the site with an adequate water supply, it will be necessary for the developer to fund the undertaking of a hydraulic modelling assessment on the water supply network. For the developer to obtain a quotation for the hydraulic modelling assessment, we will require a fee of £250 + VAT.

RECOMMENDATION 6: The developer is advised to contact Cardiff Council Asset Management (<u>AssetManagement@Cardiff.gov.uk</u>) for the necessary Highway licenses for any works to upgrade or amend the existing access which would directly abut the adopted highway.

1. <u>DESCRIPTION OF PROPOSED DEVELOPMENT</u>

1.1 This application seeks outline permission for residential development of up to 160no. dwellings with associated works with all matters reserved, except for access, for future consideration. The scale parameters of the proposed dwellings and apartments are as follows:

Two Storey Dwelling:

- Height up to 10m
- Width up to 9 meters
- Depth up to 10 meters

Three Storey Dwelling:

- Height up to 14m
- Width up to 8 meters
- Depth up to 10 meters

Three Storey Apartments:

- Height up to 16 meters
- Width up to 16 meters
- Depth up to 12 meters.
- 1.2 For the avoidance of doubt, detailed considerations in relation to layout, scale, appearance and landscaping are not being considered in relation to this application.
- 1.3 The proposed vehicular and pedestrian access points, which are to be agreed under this application, include 2no. vehicular access points; one via the south-eastern boundary and the other along the eastern boundary. Both access points are via the wider Strategic Site G which is currently under construction by Persimmon Homes. Two pedestrian and cycle points are proposed including one located centrally along the northern boundary and the other in the north western corner which would link with the Persimmon Phase 6 development, nearby bus stops and Bridge Road to the west.
- 1.4 The illustrative masterplan demonstrates that 160no. dwellings can be accommodated on site together with the necessary supporting infrastructure including acceptably sized plots, private amenity areas, designed road network, drainage features, and the protection and enhancement of green infrastructure.
- 1.5 The proposed development will be required to provide Sustainable Urban Drainage (SuDs) and gain consent from the Sustainable Drainage Approval Body (hereafter referred to as SAB). The indicative proposals indicate 2no. attenuation basins located in the lowest parts of the site in the north east corner and along the western boundary. These proposals are indicative only and will subject to a SAB application separate to the planning process. The proposals do, however, indicate that the site is capable of providing a SuDs scheme along with the quantum of development proposed.

- 1.6 The proposed development seeks to retain the majority of hedgerows on its periphery. Small sections of hedgerows, amounting to approximately 282m2, will be removed to enable access to be facilitated. To compensate for lost hedgerows replacement planting at a ratio of 1:3 is proposed. The retained hedgerows will be protected with a buffer area to prevent conflicts with the new development.
- 1.7 The Design and Access Statement details the design principles that will inform the final layout and appearance. These principles can be generalised into two character areas; the main spine street and the mews lanes. The main spine street will be formal in character and landscaping along its length on both sides. The mews lane will be an informal and community environment.

EIA Development

- 1.8 The proposed development was deemed to require an Environmental Impact Assessment following a Scoping Opinion undertaken by Cardiff Council Local Planning Authority (hereafter referred to as LPA) in 2020.
- 1.9 The supporting Environmental Statement (ES) covers the following topics: Introduction, site and surroundings, Description of Scheme, Planning Policy Context, Need and Alternatives, Socio-Economic and Community Effects, Transportation, Ecology, Landscape and Visual Impact, Ground conditions, Drainage, Heritage, Noise, Agricultural Land Classification, Summary and Conclusions. The ES was considered to meet the requirements set out in the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations (as amended).

2. **DESCRIPTION OF SITE**

- 2.1 The application site is an undeveloped parcel of land, measuring approximately 4.69 Ha, and is located centrally to the Strategic Site G, as allocated in the Local Development Plan (hereafter the LDP). Strategic Site G is a large housing allocation located to the north east of Cardiff in the area of Old St Mellon's close to Junction 30 of the M4. It is approximately 9km from Cardiff City.
- 2.2 As a result of the site's location within the Strategic Site G allocation, and being part of the planned expansion of Cardiff through the current LDP, the surrounding area to the application site is experiencing significant change from agricultural land to a new suburb of Cardiff. As such the wider surroundings are a mix of newly developed dwellings or constructions sites for residential schemes being built out by Persimmon Homes.
- 2.3 In terms of immediate surroundings to the application site, it is bounded to the north by St. Julian's Lane a narrow private lane and Public Right of Way which provides access to six properties to the east of the site. Immediately to the north of the lane the site is currently being prepared for development of Phase 6 of the residential development by Persimmon.
- 2.4 To the east is a newly constructed road which is intended as a loop road

around the Persimmon development with further new housing beyond (Phase 2 and phase 6 of the Persimmon development). To the South the boundary is backed onto by a series of new residential properties along Mortimer Ave some of which are set at a considerably lower level than the application site (Persimmon Phase 3). To the West is Bridge Road – a public highway with new and established residential properties on both sides.

- 2.5 Beyond the North West corner of the site are the residential properties of St Julian's House (which is within the applicant's control but outside the application site), St Julian's Cottage and St Julian's Forge. St Julian's House will be retained with some changes.
- 2.6 The site itself slopes from west to east, is grassed and currently used for the grazing of horses, sheep and goats. There a series of out buildings in the North West corner close to the retained dwelling, these are proposed to be demolished.
- 2.7 The site is surrounded by hedgerow and trees of varying quality and with some scattered scrub and scattered bracken along the northern boundary. The hedgerow and trees will largely be retained as part of the proposed development other than in locations where access is proposed.
- 2.8 The site is not within an area identified as being of risk to flooding, and has no statutory or local designations.

3. **SITE HISTORY**

- 3.1 No relevant site history in relation to application site. Adjacent permissions granted on Strategic Site G are as follows:
 - 10/01681/DCO -OUTLINE PLANNING APPLICATION FOR THE CONSTRUCTION OF UP TO 150 DWELLINGS THE LAYING OUT OF OPEN SPACE NEW MEANS OF VEHICULAR ACCESS AND ASSOCIATED INFRASTRUCTURE
 - 13/00578/DCO NEW COMMUNITY COMPRISING TO 1020 NEW HOMES, VILLAGE CENTRE (COMPRISING RETAIL, EMPLOYMENT AND COMMUNITY USES), PLAY AREAS AND ALLOTMENTS; 2 FORM ENTRY PRIMARY SCHOOL, RIVERSIDE PARK INCLUDING EXTENSION AND IMPROVEMENTS TO RHYMNEY TRAIL. ALL WITH ASSOCIATED LANDSCAPING, LAND RE-PROFILING, ACCESS (VEHICULAR, CYCLE AND PEDESTRIAN) AND HIGHWAY WORKS
- 3.2 The above consents have been subject to a number of Reserved Matters applications.

4. **POLICY FRAMEWORK**

National Policy

Future Wales – the National Plan 2040

- 4.1 Future Wales the National Plan 2040 is our national development framework, setting the direction for development in Wales to 2040. It is a development plan with 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.
- 4.2 Future Wales confirms that the planning system in Wales is a plan led system. Future Wales will contribute the national tier of the development plan, Strategic Development Plans cover regional and sub-regional scales and Local Development Plans consider issues at a local scale.
- 4.3 The relevant policies of Future Wales are listed below:
 - Policy 1 Where Wales will grow
 - Policy 2 Shaping Urban Growth and Regeneration Strategic Placemaking
 - Policy 7- Delivering Affordable Homes
 - Policy 9 Resilient Ecological Networks and Green Infrastructure
 - Policy 13 Supporting Digital Communications
 - Policy 16 Heat Networks
 - Policy 33 National Growth Area Cardiff, Newport and the Valleys

Planning Policy Wales (PPW11) (Edition 11, December 2018)

- 4.4 Planning Policy Wales (PPW) sets out the land use planning policies of the Welsh Government. 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, the Well-being of Future Generations (Wales) Act 2015 and other key legislation and resultant duties such as the Socio-economic Duty.
- 4.5 PPW11 sets out the following national sustainable placemaking outcomes which should inform development:
 - Creating and Sustaining Communities
 - Making Best Use of Resources
 - Growing Our Economy in a Sustainable Manner
 - Maximising Environmental Protection and Limiting Environmental Impact
 - Facilitating Accessible and Healthy Environments
- 4.6 Chapter 4 of PPW11 contains the Sustainable Transport Hierarchy which should be considered in relation to new development.
- 4.7 Chapter 6 of PPW11 relates to distinctive and natural places and requires development conserve and enhance the historic environment.

- 4.8 The following **Technical Advice Notes (TANs)** are relevant:
 - TAN 11:Noise
 - TAN 12: Design
 - TAN15: Development and Flood Risk
 - TAN 18: Transport

Local Policy

Cardiff Local Development Plan 2006-2026 (Adopted January 2016)

- 4.9 Key Policies:
 - KP1: LEVEL OF GROWTH
 - KP2: STRATEGIC SITES
 - KP2(G): EAST OF PONTPRENNAU LINK ROAD
 - KP4: MASTERPLANNING APPROACH
 - KP5: GOOD QUALITY AND SUSTAINABLE DESIGN
 - KP6: NEW INFRASTRUCTURE
 - KP7: PLANNING OBLIGATIONS
 - KP8: SUSTAINABLE TRANSPORT
 - KP12: WASTE
 - KP13: RESPONDING TO EVIDENCED SOCIAL NEEDS
 - KP14: HEALTHY LIVING
 - KP15: CLIMATE CHANGE
 - KP16: GREEN INFRASTRUCTURE
 - KP18: NATURAL RESOURCES

4.10 Detailed Policies:

- H3: AFFORDABLE HOUSING
- EN6: ECOLOGICAL NETWORKS AND FEATURES OF IMPORTANCE FOR BIODIVERSITY
- EN8: TREES, WOODLANDS AND HEDGEROWS
- EN10: WATER SENSITIVE DESIGN
- EN13: AIR, NOISE, LIGHT POLLUTION AND LAND CONTAMINATION
- EN14: FLOOD RISK
- T1: WALKING AND CYCLING
- T5: MANAGING TRASPORT IMPACTS
- T6: IMPACT ON TRANSPORT NETWORKS AND SERVICES
- C5: PROVISION FOR OPEN SPACE, OUTDOOR RECREATION, CHILDREN'S PLAY AND SPORT
- C6: HEALTH
- W2: PROVISION FOR WASTE MANAGEMENT FACILITIES IN DEVELOPMENT

Supplementary Planning Guidance (SPG):

- 4.11 Relevant SPG approved following the adoption of the Cardiff Local Development Plan:
 - Waste Collection and Storage Facilities' (approved October 2016)
 - Planning Obligations' (approved January 2017)

- Residential Design Guide' (approved January 2017)
- Managing Transportation Impacts (approved July 2018)
- Infill Sites (November 2017)

5. **INTERNAL CONSULTEE RESPONSES**

5.1 The following internal consultees were consulted and their responses are summarised below.

Ecology Officer

5.2 The ecology officer made the following comments in relation to Dormice, Bat, Reptiles, shelf life of surveys and mitigation measures when the application was first submitted.

Dormice

- 5.3 The ecology officer supports the assumption to assume that Dormice are present on site based upon previous surveys and existing records in the area.
- 5.4 The level of mature habitat suitable (approximately 15% of the mature hedgerow on site) for Dormice is to be removed in order to accommodate the development is considered too much. Narrow habitat corridors such as hedgerows retained within development are likely to be much more vulnerable to 'edge effects' and therefore are much less likely to succeed in providing functional and robust Dormouse habitat. In the Ecology Officer's view, such losses are not needed. The compensation of these losses with ornamental trees and bushes set within development cannot provide compensation for loss of mature native habitat.
- 5.5 The Ecology officer advised that whilst some loss to allow access to the site is inevitable, the rest should be retained with an adequate buffer zone or ecotone. The buffer would need to be 5m measured from the nominal centre point of the hedgerow, or from the largest tree closest the edge of the hedge. Also, the current hedgerow bounding the site should be retained, bolstered with additional planting. The nature, location and extent of any compensatory planting should be set out clearly so that it can be demonstrated that there is not only compensation for habitat lost, but also compensation of indirect impacts upon habitat quality and also an enhancement in dormouse habitat quality and quantity.
- 5.6 The Ecology Officer welcomes that a Dormouse Mitigation Strategy (DMS) has been submitted in support of this application. Section 2.5 therein describes hedge H1 as predominantly defunct, particularly at its western extent, but Google Maps and Street View show a large, mature hedge with a small number of narrow gaps. Whilst the infilling of these gaps would be welcomed, the hedgerow does not appear to be 'defunct', at least not from the point of view of providing dormouse habitat. This should be taken into consideration when calculating compensatory planting as above.

Bats

5.7 The Ecology Officer notes that building B1 supports a roost of Common Pipistrelle bats. The conservatory joining B1 is to be removed but on basis the main body of the building B1 is unaffected, the ecology officer has no further comment at this stage. At reserved matters stage, however, assurance will be required that the roost access point at the south of B1 is not affected either by physical development or by light spillage associated with the proposed new development. To impede access to a roost either directly or indirectly is likely to require an EPS licence.

Reptiles

5.8 The Ecology Officer notes that even though no reptiles were detected some precautionary mitigation measures are required, given the survey for reptiles was taking in sub-optimal conditions.

Survey Shelf-life

5.9 Survey work which is more than 18 months old will be regarded with caution, as certain species may colonise or leave an area in the interim period. The Ecology Officer requests a planning condition should be attached stating that surveys should be repeated if works haven't taken place within 18 months of the date of the most recent survey.

Securing Mitigation Measures

- 5.10 The Ecology Officer advises that mitigation measures need to be secured and would typically request a Green Infrastructure Mitigation (or management) Strategy. In this instance, the Ecology Officer is agreeable to a condition for a 'LEMP' as proposed in the ES and requested by NRW.
- 5.11 Following submission of revised information, which addressed the issues raised, the Ecology Officer raised no further comments.
- 5.12 The Ecology Officer has no objection subject to conditions being imposed as requested by NRW and in relation to updated surveys.

Transportation Manager

- 5.13 The Transportation Manager has confirmed the traffic generation figures are acceptable. They requested that a travel plan and cycle parking provision is conditioned to ensure sustainable modes of transport are encouraged and facilitated by the developer. The Transportation Manager also requested measures to be included in the Section 106 to secure an annual bus ticket per household to encourage public transport use.
- 5.14 The Transportation Manager also raised comments in relation to the requirement of swept path analysis for refuse vehicles and the details of shared surfaces. This application is in outline only and, therefore, detailed information will be secured at the Reserved Matters stage and are not required at this stage.
- 5.15 The Transportation Manager has advised that there is works required to the Rhymney Trail to resurface and provide localised widening. They have

requested £60,687 towards these works.

Public Rights of Way Officer

The Public Rights of Way Officer (PROW) confirmed that the adjacent Public Footpath, Llanedeyrn No.18 will be unaffected by this proposed development as the red line plan does not include the path/access track. The PROW Officer supports the links from the proposed development to connect to the Public Footpath as a low traffic route for walking and potentially cycling. The PROW Officer also undertook a site visit and concluded the existing path was in good condition and, therefore, no works are required to the footpath as a result of this development.

Tree Officer

- The Tree Officer has raised no objection to the application and supported the illustrative provision made for tree planting and requested that the landscaping scheme formed an integral aspect of the detailed design and should be fully detailed within any future layout to ensure it is not an afterthought.
- 5.18 The Tree Officer raised concerns in relation to the impact of the proposals on T21, a category B holly tree, and requested that the detailed proposals ensure the protection of T21 are secured via condition. The Tree Officer requested conditions relating to soft landscaping, soil resource survey, Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan.

Shared Regulatory Service - Noise

- 5.19 SRS raised concern with the proposed internal noise levels being suggested by the applicant and that they were too high. The applicant suggested the following noise internal levels:
 - 40 dBA Leq 16 hour during the day; and
 - 35 dBA Leq 8 hour at night
- 5.20 SRS, however, advised their required internal noise levels are:
 - 35 dBA Leq 16 hour during the day; and
 - 30 dBA Leg 8 hour at night.
- 5.21 SRS also advised that noise levels in at least 50% of the gardens should not exceed 50 dBA Leq 16 hours (free field) during the day.
- 5.22 The applicant amended the proposed noise mitigation strategy to address the required internal noise levels required by SRS. The applicant has also confirmed the majority of the site is capable of meeting the external noise levels required, however, a small portion of the site in the north western corner that cannot meet the external noise requirements and will likely experience increased noise levels between 51 dBA and 54 dBA.
- 5.23 SRS have not objected but maintain their concerns in relation to the increase external noise levels. They have also requested conditions in relation to securing sufficient noise levels, construction working hours and bonfires

during construction.

Conservation Officer

The Conservation Officer does not object and concurs with the findings with Chapter 13 of the ES that the development will have a low indirect impact on the setting of the listed buildings of St. Julian's Farmhouse and Bridge Farmhouse. The Conservation Officers considered that the in the context of the strategic site allocation and master planning principles established through Policy KP2 (G) and the development parameters proposed, the impact and mitigations are considered acceptable.

Contaminated Land

5.25 No objection, subject to conditions.

Waste Management

5.26 No objection, but information provided regarding waste management requirements. The Waste Management also requires the applicant to enter into a Section 106 to secure the purchase of bins to serve the new development.

Parks Department

5.27 No objection, subject to a contribution of requested £128,932.78 towards open space.

Neighbourhood Regeneration

5.28 No objection, subject to a contribution of £206,620.67 towards community facility in the local area.

School Services

- 5.29 No objection, subject to a contribution of towards the following education provisions:
 - English-medium primary school places
 - English-medium nursery class places
 - English-medium secondary school and sixth form places
 - Welsh-medium secondary school and sixth form places
 - SEN (of primary, secondary and sixth form age)
 - Proportionate contributions will be required towards the costs of land for the expansion of secondary school places, calculated in accordance with Building Bulletin 99.

Affordable Housing

- 5.30 No objection, subject to 30% affordable housing on-site, and to ensure that we create a mixed and balanced community we would seek the affordable housing to be clustered across the whole development site rather than in one isolated area. The location of the units will be agreed at Reserved Matters stage.
- 5.31 We will require a mix of unit types/sizes across the application site, and for these unit types/sizes to be largely representative of the development as a whole and comply with the split in the table below, unless otherwise agreed by

the Council.

- 5.32 We would seek a tenure split of:
 - 25% to be delivered as on-site affordable (social/ intermediate) rented
 - 5% to be delivered as on-site affordable (Low Cost Home Ownership) (LCHO) units to be made available to applicable purchasers at 65% OMV; in the form of 2 & 3 bedroom houses. We do not accept walk-up flats for LCHO. The unit type and percentage should be as follows:
 - 1 bed flat (minimum 46 m2) 6%
 - o 2 bed flat (minimum 59m2) 12%
 - o 2 bed house (83m2) 42%
 - o 3 bed house (94m2) 35%
 - o 4 bed house (114m2) 5%

Air Quality

5.33 No response received.

6. **EXTERNAL CONSULTEE RESPONSES**

6.1 The following external consultees were consulted and their responses are summarised below.

Natural Resources Wales

- NRW initially raised concerns with the proposed application on that basis that the width of the proposed buffers to the retained hedgerows were too narrow and less than the width of the existing hedgerow. NRW considered that due to the built residential environment of these hedgerow corridors, linear and thin by nature, will be vulnerable to edge effects that will impair their value as functional dormouse habitat. They considered their value will be further impacted by the fragmentation of the hedgerows by the proposed access roads and the lack of wider connectivity offsite to the east, north and south due to the surrounding St Edeyrn's Village development, particularly the associated spine road. NRW advised that additional dormouse habitat be provided on the western boundary of the site, to offset the impacts of the development. NRW suggested that a wide and robust block of habitat was required.
- 6.3 The applicant made amendments to the scheme based on NRW's comments and NRW provided a second response and confirmed that their requirement for further information in respect of Dormice is satisfactorily addressed by the revised drawings Masterplan, Rev B and the Framework drawing, Rev B. They requested there plans be included within the condition identifying approved plans and documents on the decision notice,

Glamorgan Gwent Archaeological Trust

6.4 No objection, and no conditions required.

Cadw

6.5 No objection.

Caerphilly County Borough Council

- 6.6 Caerphilly County Borough council originally raised concerns advising that the information submitted was insufficient and did not consider the potential impacts of the proposed development to all of the designated heritage assets within its immediate 1km and 2 km study areas within Caerphilly County Borough.
- 6.7 Following the submission of revised information, CCBC were re-consulted but did not provide additional comments

Welsh Government Planning Department

6.8 No response received.

Welsh Government Agricultural Land

6.9 No objection.

Welsh Government Transport Division

6.10 No objection.

Dwr Cymru Welsh Water

6.11 No objection.

Welsh Historic Gardens Trust

The Welsh Historic Gardens Trust (WHGT) raised concerns that, despite the site being within an LDP Strategic Site, the development would encroach on the borders of Cardiff and, therefore, on historic landscapes beyond. Whilst the setting for some of the built heritage assets nearby (13 are identified in total) is already heavily compromised and impacted, there are a number of very interesting archaeological features that need very careful protection and enhancement. The WHGT consider that sensitive design and screening is crucial for this proposal to protect the historic landscape particularly Grade II Registered Park of Cefn Mably and the Grade II Registered Park around Ruperra Castle. WHGT requests that any mitigation is assiduously carried out to limit the impact of this and other nearby development.

7. **REPRESENTATIONS**

Local Member

7.1 No formal written representations received.

Old St. Mellons Community Council

7.2 The Community Council provided two responses to the application. They initially requested confirmation that the existing hedgerows on site would be retained. Their second response requested assurance that the residents of the St Edeyrn's Development in Old St Mellons would not be at a detriment as a result of the increase usage of the road network as a result of the development, which is currently maintained through a Management Company which is funded by existing residents.

Local Residents

- 7.3 19no. have commented on the application raising objections relating the following:
 - The upkeep of unadopted roads leading to the site are funded by existing St. Edeyrn's residents and the proposed development will result in increased costs for existing residents;
 - Planning permission which relies on a private access road should not be granted;
 - Cardiff City Council and the planning process are failing the general public in its democratic duty with respect to management fees and non-adopted areas;
 - Concerns regarding Cardiff City Council not adopting roads and the lack of transparency on this matter;
 - Request for Council to compensate St. Edeyrn's to cover costs of increase usages of road as a result of the proposed development;
 - Concerns regarding impact of increased traffic;
 - The existing roads in St. Edeyrn's Village are too narrow;
 - Concerns regarding increased pressure on parking;
 - There is no justification for granting planning permission until the existing development of the St. Edyern's Village deliver on their Section 106 obligations or in compliance with their planning conditions.
 - The application cannot be considered reliably due to the impacts of the COVID pandemic. Only following the impacts of COVID can a valid consultation take place.
 - The potential adverse impact of construction traffic on the access lane to the north of the application site;
 - Confirmation regarding retention of existing ancient Hedgerows required;
 - Concerns regarding the impact of the development on birds that use the hedgerows on site;
 - Concerns regarding the dust and pollution during the construction phase:
 - Loss green field which residents enjoy as an open space;
 - Increased pressure on community infrastructure (i.e. schools, etc.); and
 - St. Edeyrn's Village cannot take any more housing.

8. **ANALYSIS**

Principle of Development

- 8.1 The Cardiff Council adopted LDP has allocated 8no. strategic sites across the City authority. The application site falls within the boundary of Strategic Site G (East of Pontprennau Link Road) as defined by the adopted LDP proposals map. Policy KP2 allocates Strategic Site G for a housing based scheme for a minimum of 1,300 homes with associated community facilities, together with essential, enabling and necessary supporting infrastructure which will be delivered in a phased manner.
- 8.2 The majority of Strategic Site G has been consented under outline application

(13/00578/DCO) which proposed a new community comprising 1020 new homes, village centre (comprising retail, employment and community uses), play areas and allotments; 2 form entry primary school, Riverside Park including extension and improvements to the Rhymney Trail. All with associated landscaping, land re-profiling, access (vehicular, cycle and pedestrian) and highway works. There have been a total of 7no. reserved matters for residential development and a primary school.

- 8.3 There was an earlier outline application (10/01681/DCO) for the construction of up to 150 dwellings, the laying out of open space, new means of vehicular access and associated infrastructure on the southern portion of Strategic Site G which was allowed at appeal in 2014. There has been one reserved matters application pursuant to the outline consent for 16/0135/MJR for 150no. dwellings.
- 8.4 The application site is final major parcel to come forward in relation to Strategic Site G and its development for residential development is acceptable in principle, in accordance with Policy KP2 (G), providing it complies with the requirements of that policy and in respect of all other material planning considerations.
- Policy KP2 (G) allocates land to the East of Pontprennau Link Road for a housing-based scheme of a minimum of 1,300 homes with associated community uses, together with essential, enabling and necessary supporting infrastructure which will be delivered in a phased manner. It is a master planning policy and sets out the policy requirements in relation to the overall strategic site which relates, amongst other things, that the development of the whole site be undertaken in a comprehensive manner and accord with key master planning requirements contained within Policy KP2 (G). The requirements of Policy KP2 (G) will be addressed throughout this report where relevant.
- 8.6 The principle of development of the site for residential purposes is established subject to compliance with Policy KP2 (G) and all other material planning consideration.
- 8.7 The material planning consideration are as follows:
 - Agricultural Land Classification;
 - Planning Obligations;
 - Good Design and Placemaking;
 - Impact on Highway;
 - Impact on Biodiversity;
 - Noise Impact;
 - Impact on Residential Amenity (Above ground):
 - Impact on Archaeological Resource
 - Landscape and Visual Impact;
 - Impact on Heritage Assets;
 - Impact on Archaeological Resource;
 - Ground Conditions;

- Drainage Considerations; and
- Waste Management.
- 8.8 The material planning considerations will be addressed and then third party representations, before concluding the report.

Agricultural Land Classification

- 8.9 PPW11 requires agricultural land of grades 1, 2 and 3a, which is the best and most versatile land, to be conserved as a finite resource for the future unless there is an overriding need for development.
- 8.10 The application is supported by an Agricultural Land Classification Report Survey which confirms that the majority of the land within the site, approximately 90% is grade 3a agricultural quality, with the remainder being of subgrade 3b quality.
- 8.11 Welsh Government has assessed the application and confirms that since the site form part of a wider Strategic Site allocation an ALC survey is not required and the loss of the agricultural land has been considered for the site in the preparation of the LDP. The loss of the agricultural land has already been deemed to be acceptable through the LDP process and they raised no objection to the application.
- 8.12 The development of the site, by virtue of its allocation under Policy KP2 of the LDP, is acceptable and in accordance with PPW11.

Planning Obligations

- 8.13 The Council's position reflects careful consideration of the planning policy context as set out in the LDP, particularly Policy KP6, together with consideration of the relevant guidance contained within Supplementary Planning Guidance (SPG), where necessary. The S106 Heads of Terms as set out below represents the most appropriate apportionment of planning obligations having regard to the policy/guidance context as well as development viability.
- 8.14 All of the following contributions have been assessed against Section 122 of the Community Infrastructure Regulations which states that a planning obligation may only be sought 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.
- 8.15 The following planning obligations have been considered against the legal requirements and are deemed to be necessary, direct related and reasonable in relation to the proposed development.

Education

8.16 The Education Department have requested contributions towards the following with an estimated value based on an indicative mix of a development of 160no. dwellings. The Section 106 will include a formula and the final costs will be confirmed at Reserved Matters stage when the amount and tenure of the proposed development is confirmed. The figures below

could, therefore, increase or decrease based on the final mix and tenure.

- Contribution towards provision of English-medium primary school places £268,926 (plus inflation at RPI
- Contribution towards provision of English-medium nursery class places £35,317 (plus inflation at RPI)
- Contribution towards provision of English-medium secondary school and sixth form places: £394,868 (plus inflation at RPI)
- Contribution requested towards provision of Welsh-medium secondary school and sixth form places £127,043 (plus inflation at RPI)
- Contribution requested towards provision for pupils with SEN (of primary, secondary and sixth form age): £59,332 (plus inflation at RPI)
- Proportionate contributions will be required towards the costs of land for the expansion of secondary school places, calculated in accordance with Building Bulletin 99.
- 8.17 The Education Department did not request a contribution for Welsh-medium nursery or primary school land since there was not deficit in regards to these provisions.

Community Facilities

8.18 Neighbour Regeneration requested £206,620.67 towards community facilities. This calculation is in accordance with the Planning Obligations Supplementary Guidance and the Neighbourhood Regeneration has confirmed there is a need due to the limited community provision in the wider area. Community facilities which would come under pressure as a result of the new development include Pontprennau Community Church Centre (which is used by various community groups) and Old St Mellons Village Hall. Also, the wider Strategic Site provide a space of 125m² within the primary school but this was below the required amount. As such, there is a deficit in the area of community facilities and the proposed development will add pressure on existing service. The requested contribution is required, therefore, to mitigate the impact of the development on existing community facilities.

Open Space

8.19 The Parks Department has requested £128,932.78 towards open space. The Parks Department have confirmed that whilst there are a number of open spaces within the vicinity of the site, it is predominantly informal open space and there is an existing deficit in relation to formal open space, particularly in relation to playing pitches, outdoor sports and Multi-Use Games Areas. There will, therefore, be additional pressure on formal open spaces as a result of the development and to address this the contribution is required.

Highways

- 8.20 The Transportation Section have requested the applicant provides one annual bus pass per household to be provided on upon commencement of beneficial occupation in order to encourage and secure an acceptable level of modal shift.
- 8.21 They also requested £60,687 towards the Rhymney Trail to provide surface improvements and widening where necessary.

Affordable Housing

8.22 The affordable housing officer requested 30% on-site affordable housing contribution, in accordance with the requirements Policy H3.

Waste Management

- 8.23 The Waste Management section has a requested contribution from the applicant to secure new bins for the proposed dwellings.
- 8.24 The above Heads of Terms for the Section 106 have been assessed against the Section 122 of the Community Infrastructure Regulations and deemed to be appropriate and in compliance with the tests and in accordance with Policy KP6. The applicant has accepted the Heads of Terms and are willing to enter into a Section 106, should a resolution to grant the applicant bee made by planning committee.

Good Design and Placemaking

- 8.25 The place-making goals of PPW11 and Policy KP5 of the adopted LDP require development to be good quality, designed sustainably and to make a positive contribution to the creation of distinctive communities. This should be achieved by, amongst other things, development responding to the local character, being sustainably located, providing well connected spaces which are distinctive, making best use of land and providing a responsive design which includes waste solutions, water management and suitable parking provision as well as amenity space.
- 8.26 Policy KP2 (G) specifically requires development brought forward within Strategic Site G to include the following which are relevant to the proposed development:
 - Provide a range of densities with high density (minimum of 45-50+ dwellings per hectare) alongside rapid transit corridor towards centre of site, medium density (35-45+ dwellings per hectare) towards the north and lower densities alongside the riverside park;
 - Local Centre to accommodate a range of services including convenience goods floorspace and other retail of a scale and nature which accords with Plan retail policies;
- 8.27 The application site is the last major land parcel left of LDP allocation Strategic Site G and its delivery represents meeting the LDP's targets on land which is deemed most appropriate for development representing the best use of land resources in accordance with plan led development.
- 8.28 The level of development is proposed at a maximum of 160no. dwellings which would result in an average density of 34 dwellings per hectare (dph), 41 dph if considering the net developable land. This level of development in accordance with the required density required by Policy KP2 (G) which requires between 35 to 50+ dwellings per hectare. The proposed density is appropriate to the site's setting, necessary infrastructure and in accordance with planning policy, particularly Policy KP2 (G).

- 8.29 The form of development relating to layout, scale, appearance and landscaping are reserved for later consideration and not known at this stage. The LPA must, however, be satisfied the form of development capable of being delivered on site can meet the placemaking requirements set out in national and local policy. A key consideration in this regard is ensuring the proposed development integrates within the wider Strategic Site G development to create a holistic and cohesive community. The original permission, ref: 13/00587/DCO, was planned in the knowledge the application site would come forward and, therefore, its integration has been prepared for and points of access preserved. These preserved access points are to the southern and eastern boundaries are to be agreed in full at this stage. The agreed access points ensure the development will integrate seamlessly within the road network serving the wider Strategic Site, as was planned.
- 8.30 Other features that will be secured via this development to ensure its integration with the wider development include 2no. pedestrian/cycle links along the northern boundary, in addition to the two vehicular access points discussed above, ensuring a high level of connectively and legibility between developments. The wider development approved under permission 13/00578/DCO secured a number of improvements to cycle and pedestrian links and public transport improvements required under Policy KP2 (G) which sought to encourage and promote a highly accessible new settlement whereby occupants could access services and facilities on bicycle and on foot, the transport network improvements secured are discussed further below under sub-heading 'Impact on Highways'. Also, the 13/00578/DCO secured via legal agreement a wealth of new services and facilities required to create a community, including a riverside park and a new primary school. This development will also contribute financially towards the community facilities (discussed below under 'Section 106 Contributions'). The links included within the proposed development ensure that future occupants can easily access the new community facilities by sustainable means, as was intended This approach also accords with the placemaking by Policy KP2 (G). principles of PPW11 which seeks to facilitate accessible, healthy environments. The full details of the proposed pedestrian/cycle links will be secured at Reserved Matters stage.
- 8.31 The proposed development will also be subject to a Design code to ensure the final development complements the wider approved development under permission 13/00578/DCO and the associated Reserved Matters applications. The Design Code will be secured via planning condition.
- 8.32 Additionally, the amount of development proposed together with the retained boundary hedgerows ensures any reserved matters application can sit within the wider site without an adverse impact on the committed dwellings already approved on each boundary.
- 8.33 The proposed application demonstrates the site is capable of accommodating up to 160no. dwellings and it can integrate successfully with the wider strategic site G. The key principles to support the successful integration of

- the development with the wider scheme will be secured via planning condition to ensure these come forward at reserved matters stage.
- 8.34 The proposed development can achieve good placemaking outcomes in accordance with PPW11 and in accordance with Policy KP2 (G) and KP5.

Impact on Highways

- 8.35 PPW11 requires new development to accord with the Sustainable Transport Hierarchy which seeks to maximise accessibility by walking, cycling and public transport, by prioritising the provision of appropriate on-site infrastructure and, where necessary, mitigating transport impacts through the provision of off-site measures, such as the development of active travel routes, bus priority infrastructure and financial support for public transport services.
- 8.36 Policy T1 and Policy KP5 of the adopted LDP requires new development to be safely accessible and to access essential services, community facilities and employment opportunities on foot or by bicycle.
- 8.37 Policy KP2 (G) sets out specific highway related requirements which need to be achieved in relation to the wider Strategic Site G. Many of which have been secured through the 13/00578/DCO consent including a bus corridor through the site, extension of bus corridor along Eastern Avenue from Pentwyn Interchange to Pentwyn Link, public transport subsidiary, network pedestrian improvements to surrounding area (including a bridge and extension to the Rhymney Trail), upgrades to the subway under the A48 and improved cycle links. The Policy KP2 (G) required highway improvements have, therefore, largely been secure. The Transportation Manager has, however, advised that a financial contribution of £60,687 is required to widen and improve the Rhymney Trail to improve pedestrian links and the developer must provide 1no. annual bus tickets per household. The applicant has agreed to this contribution. The proposed development, in consideration of the wider allocation, accords with highway improvements required under Policy KP2 (G).
- 8.38 In terms of the impacts of the proposed development on the local highway network, the ES has considers the main impacts to be related to the potential traffic generation and during the construction phases. Other considerations include vehicle and cycle parking. This section of the report will also cover road adoption.
- 8.39 In terms of trip generation, the ES has estimated, based on TRICs data, that the proposed development would generate approximately 151 and 136 two-way person trips (all modes) in the traditional peak hours of 8am and 9am and 5pm and 6pm, respectively. The modal split of these trips are predicted to be as follows:
 - 11% pedestrians,
 - 3% public transport users,
 - 2% cyclists
 - vehicle driver (56%); and

- vehicle passenger (28%).
- 8.40 The proposed development is estimated to generate approximately 77 two-way vehicular trips in both traditional peak hours.
- 8.41 The vehicular trip generation does not apply the LDP aims for a modal shift away from car travel and a 10% internalisation reduction to account for future community facilities provided within the strategic site which will reduce outward travel to facilities. The assessment on the potential impact on the highway is, therefore, considered to be robust.
- 8.42 The impact of the increased traffic generation on existing highway network capacity has been assessed including the following junctions in detail:
 - Junction 1 A4232 Pentwyn Link / Heol Pontprennau / Church Road (existing roundabout junction);
 - Junction 2 A48/A4232 Pontprennau Interchange (existing roundabout junction):
 - Junction 3 –M4 Junction-30 (Cardiff Gate) (existing signal roundabout junction).
- 8.43 The assessment concluded that the proposed development would have a negligible impact on the highway network in terms of capacity and safety.
- 8.44 The proposal has sought to prioritise walking, cycling and public transport in accordance with PPW11's sustainable transport hierarchy and to encourage the aims of the LDP towards a 50:50 modal shift in travel patterns across Cardiff. Measures to achieve this include the preparation of a Travel Plan, with associated Travel Plan Co-ordinator, which will be secured by planning condition. The Travel Plan will aim to raise awareness of the consequences of travel choices and the benefits of more sustainable modes of transport. Additionally, the Section 106 will secure a one year bus pass for each dwelling free from the development.
- 8.45 Also, good quality pedestrian and cycle links are proposed, including 4no. pedestrian and cycle connection points with the strategic development to ensure a seamless integration, prioritising sustainable travel options. These links will be secure via planning condition to ensure they are delivered. Whilst the layout is a reserved matter, a Design Code condition is imposed which, amongst other things, will secure high quality pedestrian and cycle route within the site's limits to ensure pedestrians and cyclist can travel safely within the proposed development.
- 8.46 Vehicular and cycle parking at the site will be provided in accordance with Cardiff Council's Supplementary Planning Guidance 'Managing Transport Impacts (incorporating Parking Standards' (July 2018). Electric car charging may be provided within the proposed development and the requirement of an Energy Statement is condition to investigate the feasibility of this. Cycle parking provision including details of how this will be provided will be subject to a planning condition to ensure its delivery.

- 8.48 During the construction phase, vehicles will need to access the site including large vehicles for delivery of materials and could have an adverse impact on the local network. An Ecological Construction Method Statement is secured via condition to ensure the construction phase is managed appropriately to prevent, amongst other things, an adverse impact on the highway network.
- 8.49 The Transportation Manager assessed the application and raised no concerns with the Transport Assessment, Transport Chapter of the ES and its associated conclusions in terms of the proposed impact of the highway network, subject to the requested Section 106 contributions which have been discussed earlier in this report.
- 8.50 The impact of the proposed development on the transport network has been robustly assessed and demonstrated that the impact would be minimal. The scheme has been designed to embody the principle of sustainability by ensuring at outline stage that pedestrian and cycle links are provided to secure legibility and connectivity with the wider strategic site. Planning conditions will ensure that prioritisation of pedestrians and cyclists are secured at Reserved Matters stage. The proposed development, subject to conditions and the requested Section 106 contributions, is in accordance with PPW11 and Policy T1 and Policy KP5 of the LDP. The scheme also aligns with the requirements of Policy KP2(G). The scheme is deemed to be acceptable in terms of its impact on the local highway network.

Adoption of Roads

- 8.51 Whilst this will be addressed in the 'Response to Third Parties' later in the report, it is relevant to address at this point. The road network associated with the wider strategic site is to largely remain private, under the control of Management Company who are responsible for the maintenance of the associated private road network. The Management Company is funded through the existing residents of the wider strategic site.
- 8.52 A number of objection to the application has urged the LPA to defer determination of this application until the pre-exiting issues associated with the private road network that serve the wider strategic site are resolved. These matters are, however, distinct and unrelated to this planning application and, therefore, cannot reasonably prevent its determination. Furthermore, the adoption of roads does not fall under the remit of planning and the status of a road, i.e. adopted vs. unadopted, is not a material consideration when determining a planning application.
- 8.53 Notwithstanding the above, the proposed development will be accessed via the existing strategic site and, as discussed earlier, the access points into the application were safeguarded through application 13/00578/DCO given the site's status as an allocation under Policy KP2 (G). The only access routes into the application site is via the wider strategic site road network. The applicant has advised that in order to secure access to the site over the wider road network the future occupiers of the site (if this application is approved), will be required to pay the existing Management Company in a similar manner to existing residents of the wider site. The proposed development, therefore,

will not burden the existing residents with the additional costs associated with the proposed development. This arrangement is a private, legal matter and cannot be controlled by the planning system.

Impact on Biodiversity

- 8.54 Policy EN6 requires the protection of ecological networks and features of importance for biodiversity. Policy KP16 seeks to protect Cardiff's distinctive natural heritage and network of green infrastructure and secure its enhancements and management to ensure the integrity and connectivity of this multi-functional green resource is maintained whilst also enabling development. Policy KP16 identified, amongst other things, hedgerows, trees and SuDs proposals are being key green infrastructure assets. Policy KP2 (G) sets out master planning requirements which requires the development of Strategic Site G to respond effectively to biodiversity assets and the relevant extracts of the policy requirements are below for ease of reference:
 - Linking retained habitats through the provision of a series of open space corridors providing ecological connectivity, sustainable access routes and opportunities for sustainable drainage including:
 - Ensuring that there is no detriment to the maintenance of the favourable conservation status of Dormouse on the site including provision of suitable compensatory planting to supplement existing retained habitats including compensatory planting on the southern and eastern site boundaries;
 - Providing suitable buffers to retained habitats, particularly the hedgerows within the site;
- 8.55 N.B. The aspects of Policy KP2(G) which are not referred to above relate to the wider strategic site and are not relevant to the application.
- 8.56 The Chapter 9 of the ES and supporting Ecology Baseline Report confirms that the application site is not covered by any statutory or non-statutory designations. It is, however, within 10m of St Julian's Forge Fields Site of Importance for Nature Conservation (SINC) and approximately 80m from the River Rhymney SINC.
- 8.57 Within the site, the habitats comprise improved pasture subject to grazing, enclosed by hedgerows. Dormouse surveys have previously been completed on the site and their presence confirmed onsite. The development will, therefore, require a European Protected Species Licence from NRW. The application site also provides opportunities for foraging and commuting bats, breeding birds, badger, common reptiles and hedgehogs.
- 8.58 St Julian's House and associated outbuildings, located adjacent to the north-west corner of the application site, is a confirmed to supports a day roost for common pipistrelle bat. The building which contain the bat roost will remain.

- 8.59 The proposed development must be designed to incorporate, protect and enhance the biodiversity features at the sites in order to meet the policy requirements.
- 8.60 The Chapter 9 of ES details comprehensive mitigation measures which will be employed during construction and as part of the final development. The key measures to protect ecology can be summarised as follows:

Detailed Design Measures

The indicative masterplan is illustrative and specific details will be determined at Reserved Matters stage in terms of the housing layout. The masterplan does, however, detail the inherent mitigation measures incorporated within the scheme to protect habitats. Primarily this is the retention of the ecologically valuable hedgerow habitat and provision of new planting and habitat buffers adjacent to the hedgerow enabling the development footprint to be offset from the dormouse habitat. This approach will result in an overall net gain in the quantum of suitable dormouse habitat onsite achievable post-development (i.e. losses of hedgerow to facilitate access amount to circa 282m² and mitigation planting of approximately 2,445m² is proposed). The mitigation planting will also be suitable for other species such as birds, foraging bats, and common reptiles. These integral mitigation measures not only protect biodiversity but retain the hedgerows on sites which are key green infrastructure assets and enhance them by providing a buffer area. The indicative masterplan is identified as an approved plan in condition 2 and, therefore, the Reserved Matters proposals must be accord with the buffer shown on this plan.

Ecological Construction Method Statement

• The construction phases of the development will be managed and controlled via an Ecological Construction Method Statement (ECMS). The ECMS will ensure protection of important ecological features and include details of planting scheme and maintenance schedule for the development. The implementation of the ECMS will be overseen by an appointed Ecological Clerk of Works (ECoW). The ECMS will be secured by planning condition.

Landscape and Ecology Management Plan

• The application is supported by an outline strategy to protect ecological features, in particular in relation to Dormice given their status as a protected species. The Landscape and Ecology Management Plan (LEMP) will include details such as compensation, mitigation and enhancement measures which will be secured as part of the development and the ongoing protection measures. The LEMP will be secured by planning condition.

Landscape Plan

 Landscaping is a Reserved Matter and so the comprehensive landscaping scheme will be secured at a later stage when the final layout is fixed. The landscaping proposals must accord with the buffer shown on the illustrative masterplan and the details agreed in the LEMP to ensure biodiversity enhancements are secured through a carefully considered landscaping scheme.

- 8.61 NRW have assessed the application and, following submission of an amended plan showing increased mitigation for Dormice, they have raised no objection to the proposed development subject to conditions. The Ecology Officer has reviewed the proposals and raised no concerns subject to conditions being imposed. The ecology related conditions attached are, in summary, as follows:
 - Lighting Plan;
 - Landscape and Ecological Management Plan;
 - A Construction Environmental Management Plan; and
 - A condition securing the ecological mitigation measures shown on the plan and included in Chapter 9 of the ES.
- 8.62 The proposed development, subject to the conditions above, would not result in an adverse impact on biodiversity features which would warrant refusal of the application. The proposals are deemed to accord with Policy EN6 and the requirements of Policy KP2 (G) which are outlined above. By virtue of the ecological protections, the green infrastructure on site will be retained and enhanced in accordance with the requirements of Policy KP16.

Noise Impact

- 8.63 Policy EN13 prohibits development which would result in an unacceptable harm to as a result of, amongst other things, noise.
- 8.64 The application is supported by a Noise Impact Assessment and associated Noise Chapter in the ES which, in summary, indicates that the application site is affected by increased noise levels as a result of noise traffic levels. To ensure the noise levels used to inform the NIA were realistic, noise monitoring which took place before the Covid-19 pandemic were used. SRS raised no concern with the noise survey results which informed the NIA.
- 8.65 The noise surveys indicated that the whole site experienced increased noise levels, with the highest levels along the northern and western boundaries, and that some form of noise mitigation would be required for every proposed dwellings to reach the internal noise levels.

Internal Noise

- 8.66 The suggested mitigation to achieve the internal noise levels include:
 - All plots are indicated to require a centralised mechanical ventilation system giving residents the option to keep windows closed while maintaining air flow;
 - Plots along the northern and western boundary require acoustic glazing;
 - Sound reduction measures through the building fabric i.e. walls, roof.
- 8.67 A Noise Mitigation Strategy planning condition is attached to agree the mitigation strategy at Reserved Matters stage to ensure the proposed

development achieves the required internal noise levels.

External Noise

- 8.68 SRS require that noise levels in at least 50% of each of the gardens should not exceed 50 dBE Leq 16 hours (free field) during the day. The applicant has demonstrated, by modelling the indicative layout that the majority of proposed dwellings can are below the required noise levels in at least 50% of the external area. A small portion of the site in the north western corner, however, cannot meet the external noise requirements and will likely experience increased noise levels between 51 dBA and 54 dBA. The affected area is likely to affect around 5% of the total development.
- 8.69 These increased noise could potentially be reduced dependent on the final layout but would not, however, increase. The likelihood is, however, that it would difficult to achieve 50 dBA or below in the affected area without noise mitigation measures such as dwellings hard up to the site boundary to enable gardens area to be protected by the dwelling itself or by installing a 3m acoustic fence. Neither of these solutions are considered to be appropriate given the proximity to existing properties and the also the likely visual impact.
- 8.70 The maximum external noise level requirement on the wider strategic site (application 13/00578/DCO), which bounds all sides of the application site, is 55 dBA. The planning policy at national level in relation to noise since the determination of 13/00578/DCO has not changed and still remains as TAN 11: Noise. TAN 11 advises that developments affected by road noise levels 55 dBA or less are within Noise Exposure Category A (NEC A). In relation to NEC A, TAN 11 states that 'Noise need not be considered as a determining factor in granting planning permission, although the noise level at the high end of the category should not be regarded as desirable'. It is accepted that whilst TAN 11 is still in place it is an outdated document and SRS have confirmed the standards generally worked to are the BS8233 2014 Guidance.
- 8.71 The BS8233 2014 states that an external noise level of 50 dBA is desirable but an upper limit of 55 dBA is acceptable in noisier environments. In this case, the site is a noisier environment given its proximity to strategic roads, and it is considered reasonable to apply the upper limit contained in the guidance. It is accepted the BS8233 2014 is not planning policy guidance but TAN 11 does not provide guidance on appropriate noise levels and, therefore, it is reasonable to have consideration to the standards against which the NIA has been prepared.
- 8.72 Given the external noise levels are within the upper limit identified in BS8233 2014 and on the basis the wider strategic site has an external noise level up to a maximum of 55dBA, it is not considered reasonable to refuse the application due to maximum of 5% of the site have an external noise level of up to 54dBA. As such, the proposed condition relating to noise levels will require 95% of dwellings to achieve an external noise level of 50dBA and a maximum of 5% of dwellings must achieve a noise level of 54 dBA or below. This approach is considered to accord with planning policy and an acceptable solution to ensure acceptable external noise levels are achieved throughout

the whole proposed development.

8.73 The proposed development, subject to a condition to secure noise mitigation measures, is acceptable and accords with Policy EN13.

Impact on Residential Amenity

8.74 Policy KP5 of the LDP requires development to, amongst other things, have no undue effect on neighbouring amenity and connect positively with the existing community. In accordance with PPW11 the proposed development should provide an acceptable form of development for future occupiers which supports their wellbeing and promotes community cohesion and inclusion.

Existing Residential Amenity

- 8.75 Whilst the application site is in amongst a wider development site under construction, in the long term it will a residential development and the proposed development must take account of the committed dwellings adjacent to it. There are also the following existing dwellings (not part of the strategic site) located near the site:
 - St. Julian's House;
 - St. Julian's Cottage; and
 - St. Julian's Forge.
- 8.76 The application is made in outline with layout, scale and appearance (and landscaping) reserved for later consideration. The information provided with the outline application including, but not limited to, density, scale parameters and known site constraints (ecological requirements, access requirements, topography, etc.) is sufficient to enable the LPA to assess the potential impact of the development on residential amenity. Based on the information provided, it is considered that a layout for a maximum of 160no. dwellings, can likely be accommodated on site without having a detrimental impact on surrounding existing or committed residential properties.
- 8.77 The definitive impact on residential amenity will be fully assessed at Reserved Matters stage by the LPA and will need to, at that stage, accord with the policies of the LDP.

Future Occupier Amenity

- 8.78 As discussed, the site is considered to be capable of accommodating a 160no. units. The housetypes, level of private amenity areas and the quality of place will be secured in at the Reserved Matter stage. The principles set at outline stage including pedestrian links to the community infrastructure provided on wider strategic site and Section 106 contributions ensure the future occupiers can access local services and open space which supports community cohesion and health and well-being.
- 8.79 Residential amenity has been thoroughly assessed and it is concluded that the information provided with the outline application demonstrates the proposed development will have an acceptable impact on surrounding residential amenity and provide a high quality place for future occupiers in accordance with the place-making principles of PPW11 and Policy KP2 (G)

and Policy KP5 of the LDP.

Landscape and Visual Impact

- 8.80 Policy EN3 does not permit development which would cause unacceptable harm to the character and quality of the landscape and setting of Cardiff.
- 8.81 Chapter 10 of ES and the supporting Landscape and Visual Impact Assessment (LVIA) provides an assessment of the landscape and the likely impacts of the development.
- 8.82 The application site is undeveloped parcel of land enclosed with mature hedgerows. It is located within the centre of a landscape which currently undergoing a large amount of change due to the construction of the wider strategic development around it. In terms of visibility, St Julian's House is the only residential property from which there are open views of the site. Other views from the public rights of way, Cefn Mably Registered Park and Garden and wider landscape views are screened by intervening topography and vegetation.
- 8.83 The development of the site for dwellings and the removal of sections of the mature hedgerow will result in a change in the landscape and visual impact and it is necessary to assess whether this harm would be harmful in a planning context.
- 8.84 The proposed development is central to the wider strategic site and so in time, once the committed development is completed, and the landscape surrounding the site permanently altered and urbanised. In the context of this change, the development of the application site will result in a minimal impact and in the long term would be read in the landscape as part of the strategic site. Its development would not be incongruous or result in unacceptable harm to the landscape or visual setting of this area of Cardiff.
- 8.85 To reduce the impacts of the development, mitigation measures are incorporated in the masterplan including the retention of the mature hedgerows and an associated buffer are and green areas reserved for SuDS features. These measures will be secured at through the landscaping plan at Reserved Matters stage and the LEMP secured by condition.
- 8.86 The proposed development will result alter the landscape, however, for the reasons discussed above the change is not harmful and accords with the requirements of Policy EN3.

<u>Impact on Heritage Assets (Above Ground Assets)</u>

8.87 Chapter 6 of PPW requires the protection, conservation, and enhancement of the historic environment as a resource for the general well-being of present and future generations. Policy KP17 of the LDP requires the protection of, amongst other things, listed buildings and Historic Park and Gardens. Policy KP2 (G) requires the development of the site to effectively respond to heritage assets by:

- Assessing and effectively addressing potential impacts on known assets including Listed Buildings within and near to the site; and
- Assessing and addressing potential impacts on the Listed Buildings of Unicorn Public House, Church of St Edeyrn, Bridge House Farm, St Julian's Manor House and associated curtilage structures.
- 8.89 Chapter 13 of the ES covers to Heritage and identified that a total of 13no. heritage assets, which included Grade listed building and Grade II Registers Parks and Gardens, were identified within 500m of the application site and none lie within the Site boundary. The potential impacts of the development on heritage assets were identified as follows:
 - Bridge Farmhouse, Grade II listed building proposed development would affect the setting of the listed building (negligible impact);
 - St Julian's Farmhouse, Grade II listed building proposed development would affect the setting of the listed building (minor impact);
 - Cefn Mably Park and Garden, Grade II- proposed development would affect the setting of the listed building (minor impact); and
 - St. Edeyrn's Church, Grade II listed building proposed development would affect the views of the listed building (negligible impact).
- 8.90 To mitigate the impacts identified landscape screening is proposed to protect the setting of St Julian's Farmhouse and Cefn Mably Park and Garden. The proposed mitigation measures will be secured through the landscaping proposals, which is a Reserved Matter.
- 8.91 Cadw and the Council's Conservation Officer have reviewed application and raised no objections.
- 8.92 Caerphilly County Borough Council Conservation Officer (hereafter CCBC) made comments on the initial submission raising concerns with the scope of information in the ES which excluded listed buildings associated with Cefn Mably Historic Park and Garden. The applicant, in their revised submission, confirmed that the 500m study boundary was agreed in advance with GGAT and, therefore, did not assess the impacts on these heritage assets. Despite this, the ES concludes that the only impact on the Cefn Mably Historic Park and Garden would be negligible due to the distance from the application site and on the basis the application is/will be completely surrounded by built form. Cadw confirmed that the proposed development would not increase the level of impact on Cefn Mably Historic Park and Garden beyond the slight/minor impact of the wider Strategic Site. On this basis, the proposed scope of assessment of the ES is considered to be appropriate and the proposed impact of the development on Cefn Mably Historic Park and Garden and associated listed buildings is acceptable.
- 8.93 To conclude on the impact Heritage Assets, the proposed development would not have a harmful effect on the nearby listed buildings and Historic Park and Gardens, subject to conditions, and accords with Chapter 6 of PPW and Policy KP17 and Policy KP2(G) of the LDP.

Impact on Archaeological Resource

- 8.94 PPW10 Chapter 6 requires development to protect, amongst other things, the historic environment including archaeological remains.
- 8.95 The application is supported by a desk-based assessment, which informed Chapter 13 of the ES. During the life of the application, the applicant's also carried out a Geophysical Survey, the result of which were reported in an Archaeological Evaluation. The Archaeological Evaluation concluded that it was unlikely that significant archaeological remains will be encountered at the application site.
- 8.96 GGAT has assessed the Archaeological Evaluation and concluded that there is unlikely to be an archaeological restraint to the proposed development and no further measures were needed in relation to archaeology.
- 8.97 The proposed development can conserve archaeological remains in accordance with the requirements of Chapter 6 of PPW10.

Ground Conditions

- 8.98 Policy EN13 requires development to have an acceptable impact on human health by ensuring, amongst other things, that there is not an unacceptable level of ground contamination. Policy H6 requires changes of uses of land to sensitive uses, such as residential development, to ensure there is no adverse impact in terms of ground contamination which may affect the health of future occupiers.
- 8.99 The application is supported by Chapter of 11 of the ES relating to Ground Conditions and site investigation report including a detailed assessment of risks to human health and the environment from potential ground gas and contamination affecting the site. Access to the north-west corner of the site was not available at the time of the site investigation so this was not assessed.
- 8.100 The findings of the report indicate that the majority of the site has no significant contaminants within the soils, however, the potential for contamination cannot be ruled out. A former landfill site is within 250m of the proposed development and such sites are associated with the generation of landfill gases, within subsurface materials, which have the potential to migrate to other sites. This may give rise to potential risks to human health and the environment for the proposed end use.
- 8.101 The SRS Land Contamination section have reviewed the application and raised no objections to the proposed residential end use. On the basis of the findings of the Site Investigation and the absence of the full site being surveyed, they require conditions to secure the required information prior to the commencement of development and a ground gas assessment. SRS also requested conditions in relation to the testing of importation of soils, site won recycled material, or materials imported as part of the construction of the development. The recommended conditions have been imposed.

- 8.102 Measures to prevent any adverse impact on ground conditions through construction (i.e. accidental spillages of fuels, movement of contamination, construction drainage measures) will be controlled through the Ecology Construction Method Statement.
- 8.103 The ground conditions at the site have been assessed and it is considered the information provided indicates that the ground conditions would result in an adverse impact on future occupiers. The proposed development, subject to conditions, accords with Policy EN14 and Policy H6.

Drainage Considerations

- 8.104 Policy EN10 requires the development to include sensitive urban drainage solutions which successfully managing foul and surface water arising from a development.
- 8.105 The application indicates that the foul water will be discharged via two interlinked private foul water pump stations with a rising main pumped connection which link to the existing DCWW sewer network near the A48 and current serve the wider strategic site. DCWW have commented on the application and advised that if foul water is to be discharged into a private infrastructure they will be require evidence that capacity existing within this system. Alternatively, foul discharge could be accommodated in the public system. DCWW have requested a condition to control foul water discharge, which has been imposed.
- 8.106 In terms of surface water, the proposed development will require SAB consent since the construction area is over 100m². The SAB consent is a separate process to the planning process and will need to be obtained prior to works commencing. Whilst the drainage officer has not responded to the application, the applicant has confirmed that pre-application discussions have taken place with the SAB Team who have indicated that the drainage proposals, in-principle, are likely to meet the requirements of the SAB process.
- 8.107 The proposed development is considered to accord with Policy EN10 and the surface water disposal will be subject to full consideration via the SAB process.

Waste Management

8.108 Policy KP5 and Policy W2 requires development to have appropriate space and facilities for waste management. The scheme is made in outline only and so details relating to the provision of bin stores is unknown and will be determined at Reserved Matters Stage. The Waste Management Department has requested the developer fund the purchase of bins to serve the proposed development and this will be secured via the Section 106 agreement, as detailed above under sub-heading 'Section 106 Contributions'. The scheme is acceptable in this regard.

Response to Third Parties

8.109 The concerns raised by third parties, including 19no. local residents and Old St. Mellons Community Council. These concerns have been addressed

through the overall assessment of the proposal, however, for completeness and for avoidance of doubt the concerns raised have been summarised and addressed in turn below.

- Upkeep of unadopted roads leading to the site is funded by existing St. Edeyrn's residents and the proposed development will result in increased costs for existing residents;
- Planning permission which relies on a private access road should not be granted;
- 8.110 The above concerns relate to the road network associated with the wider strategic site, which is to largely remain private under the control of Management Company who are responsible for maintenance of the associated private road network. The Management Company is funded through the existing residents of the wider strategic site.
- 8.111 The applicant has advised that in order to secure access to the site over the wider road network the future occupiers of the site (if approved), will be required to pay the existing Management Company in a similar manner to existing residents to fund maintenance and upkeep of roads as well as other infrastructure under the control of the Management Company, such as open space. The proposed development will not, therefore, burden the existing residents with the additional costs associated with the proposed development and future residential will pay proportionately to the Management Company. The contribution towards the existing road network is a private, legal matter and cannot be controlled by the planning system.
- 8.112 The planning process considers whether the existing road network can acceptably accommodate new development and whether the proposed roads are designed in an appropriate manner. The adoption of roads does not fall under the remit of planning and the status of a road, i.e. adopted vs. unadopted, is not a material consideration when determining a planning application. As such, planning permission cannot reasonably be withheld on basis the access road leading to the development is private.
 - Cardiff City Council and the planning process are failing the general public in its democratic duty with respect to management fees and non-adopted areas;
 - Concerns regarding Cardiff City Council not adopting roads and the lack of transparency on this matter;
 - Request for Council to compensate St. Edeyrn's to cover costs of increase usages of road as a result of the proposed development;
- 8.113 The above concerns are directed at the private status of the roads and the associated management fees on the wider St. Edeyrn's village. These issues are not relevant to the consideration of this planning application. Notwithstanding this, and as discussed above, the adoption of roads is not a matter which falls under the remit of planning.
 - Concerns regarding impact of increased traffic

8.114 The potential increase in traffic has been assessed robustly in the ES and deemed to be acceptable by the transportation manager and would not result in an adverse impact on the local highway network.

The existing roads in St. Edeyrn's Village are narrow

8.115 The existing road network was deemed to be acceptable to serve the wider development when approved under 13/00578/DCO. The existing road network has been assessed under this application and deemed suitable to accommodate the additional traffic movements associated with the proposed development.

Concerns regarding increased pressure on parking

- 8.116 The level of parking will be determined at Reserved Matters stage and will be dependent on the final housing mix proposed. The development will be required to meet the adopted parking standards contained in the Managing Transportation Supplementary Planning Guidance. The LPA is satisfied the application site can be developed for up to 160no. dwellings together with adequate parking provided
 - There is no justification for granting planning permission until the existing development of the St. Edyern's Village deliver on their Section 106 obligations or in compliance with their planning conditions.
- 8.117 The planning matters relating to the St. Edeyrn's Village development are distinct to this application and are not material planning considerations to the determination of this application.
 - The application cannot be considered reliably due to the impacts of the COVID pandemic. Only following the impacts of COVID can a valid consultation take place.
- 8.118 The supporting work takes account of the potential impacts of COVID to ensure robust assessment of the proposed development has taken place. The application has been thoroughly assessed by the LPA and internal service departments and it is concluded that the impacts of the proposed development can been appropriately assessed based information submitted. Furthermore, the consultation associated with the application has been undertaken in accordance with legislation and is valid.
- 8.119 Notwithstanding the above, the Welsh Government has been clear that the planning process should continue to be administered through the pandemic.
 - The potential adverse impact of construction traffic on the access lane to the north of the application site
- 8.120 The applicant has advised that construction traffic will not use the lane to the north if the application site. To ensure construction traffic is managed safely, a construction management plan is required and will be secured via planning condition.

Concerns regarding the dust and pollution during the construction phase

- 8.121 The dust and pollution potentially created during the construction phase will be managed through a construction management plan which will be secured via planning condition.
 - Confirmation regarding retention of existing ancient Hedgerows required/ Concerns regarding the impact of the development on birds that use the hedgerows on site
- 8.122 The majority of hedgerows and, therefore, habitat for birds will be retained, protected and enhanced. Limited sections of the hedgerow will be removed to facilitate access to the site but these losses have been assessed in detail by NRW and the council ecologist who confirm the loss is acceptable given the level of mitigation and enhancement,

Loss green field which residents enjoy as an open space

- 8.123 The application site is part of the Strategic Site G which is allocated for housing under policy KP2 (G), therefore, the development of the site is in accordance with planning policy. Whilst the residents indicate they enjoy using this space, it is not an open space and currently in private ownership. The development of this land does not, therefore, represent a loss in formal open space.
 - Increased pressure on community infrastructure (i.e. schools, etc.)
- 8.124 The proposed development will make significant Section 106 contributions, detailed earlier in this report towards schools, open space and community facilities, amongst other things. The impact of the development on community infrastructure will be mitigated through the Section 106 contributions.

St. Edeyrn's Village cannot take any more housing

8.125 The application site is part of the Strategic Site G which is allocated for housing under policy KP2 (G), therefore, the development of the site is in accordance with the LDP targets for housing in this area of Cardiff. Notwithstanding this, the proposals have been thoroughly assessed and deemed an acceptable level of development for the site and within the local context taking account of, amongst other things, impact on the local highway, landscape impact, capacity of community infrastructure and impact on biodiversity.

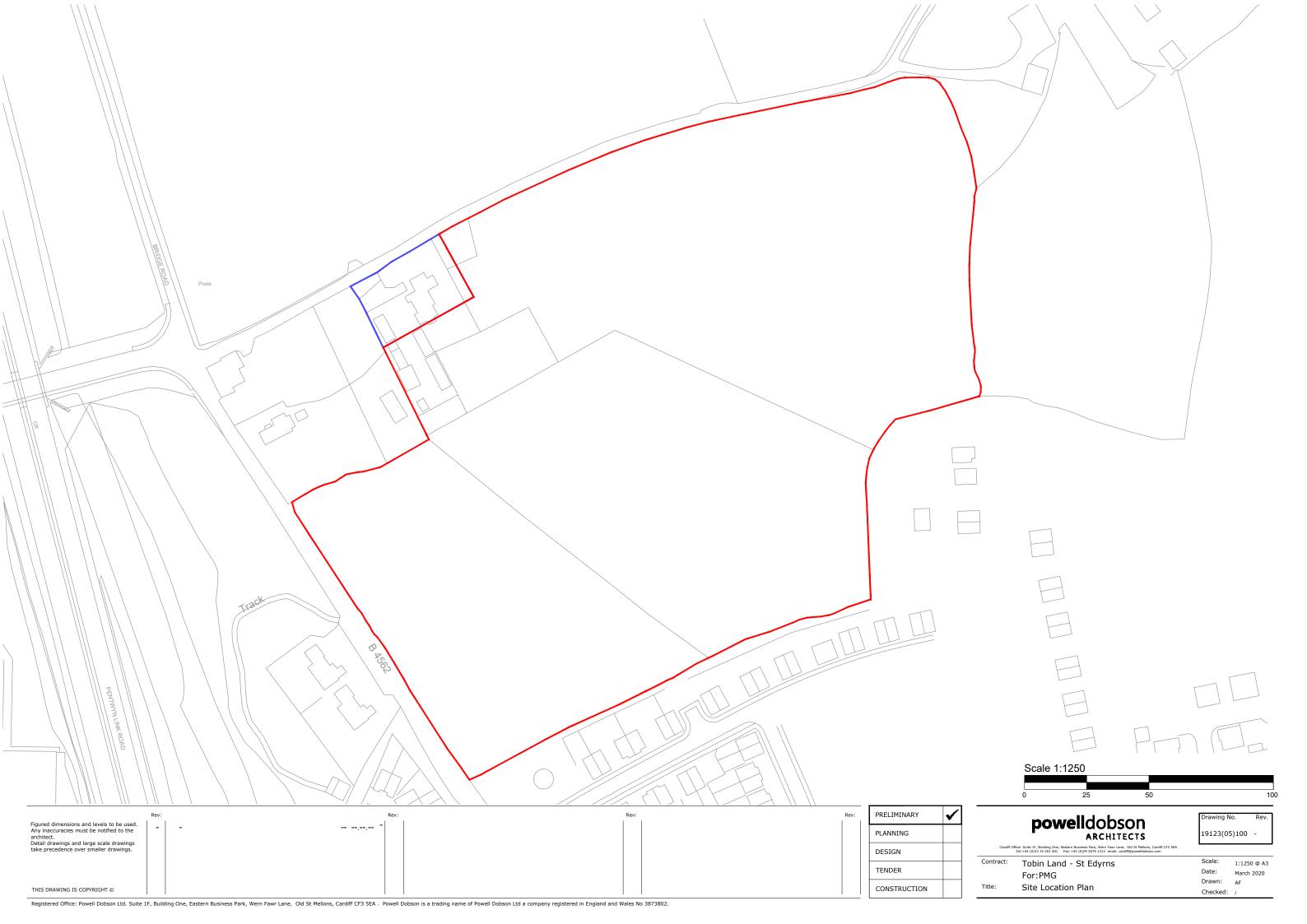
9. CONCLUSION

- 9.1 The proposed development represents a sustainable form of development upon an allocated Site which accords national and local planning policy, particularly PPW11 and Policy KP2 (G) of the LDP.
- 9.2 The scheme has been robustly assessed the proposed impact is considered to be acceptable in all regards, as detailed in this report.

9.3 For the reasons outlined above, planning permission is recommended for approval, subject to conditions and legal agreement.

10. LEGAL CONSIDERATIONS

- 10.1 Crime and Disorder Act 1998: Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.
- 10.2 The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council's duty under the above Act has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic.
- 10.3 Wellbeing of Future Generations (Wales) Act 2016: Section 3 of this Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.
- 10.4 Statutory pre-application public consultation: The statutory pre-application public consultation was carried out in accordance with legislation and is considered acceptable.



3.1 Site Description

The 4.69 hectare site is currently pasture land. Existing hedgerows and with a few mature trees set field boundaries and form a mature landscaped edge to the perimeter of the site. There is an existing house to the north west of the site, which is due to be retained.

Other properties bound the site including some older detached properties to the north west,



with the recent St Edeyrn's Village development adjacent to the northern, southern and eastern boundaries. The existing Bridge Road rural lane runs adjacent to the western boundary.

A new development of 4 detached dwellings is nearing completion on the western side of Bridge Road opposite the subject site.

















