

## PETITION, MS OBJECTION & LOCAL MEMBER OBJECTION

COMMITTEE DATE: 18/08/2021

APPLICATION No. **21/01440/MNR** APPLICATION DATE: 08/06/2021

ED: **RIVERSIDE**

APP: TYPE: Full Planning Permission

APPLICANT: Mr Vidler

LOCATION: REAR OF 37-39A CATHEDRAL ROAD, PONTCANNA,  
CARDIFF, CF11 9XF

PROPOSAL: NEW ELECTRICITY SUBSTATION ENCLOSURE

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

1. C01 Statutory Time Limit
2. The development shall be carried out in accordance with the following approved plans:
  - PP 2000 - Proposed WPD Substation Location Plan
  - PP 2001 - Proposed WPD Substation (Site Plan, Proposed Elevations, Proposed Plans)
  - PP 2002 - Proposed WPD Substation (Rear Lane Elevation)

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

3. The materials to be used in the construction of the external surfaces of the substation enclosure hereby permitted shall be as specified on approved drawing PP 2001 to match those used on the existing detached office building located in the western corner of the site.

Reason: To ensure the external materials harmonise with the existing building in the interests of the visual amenity of the area in accordance with Policy KP5 of the Cardiff Local Development Plan 2006-2026.

4. The rating level of the noise emitted from the electricity substation shall not exceed background noise level (LA90) at the nearest noise sensitive premises, when measured and corrected in accordance with BS 4142: 2014 +A1 2019 (or any British Standard amending or superseding that standard).

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

**RECOMMENDATION 2:** That the applicant be advised that no work should take place on or over the neighbour's land without the neighbour's express consent and this planning approval gives no such rights to undertake works on land outside the applicants ownership.

**RECOMMENDATION 3:** The developer is advised to contact Cardiff Council Asset Management ([AssetManagement@Cardiff.gov.uk](mailto:AssetManagement@Cardiff.gov.uk)) for the necessary Highway licenses for any works which would directly abut the adopted highway.

**RECOMMENDATION 4:** The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for

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

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

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

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

- 1.1 Full planning permission is sought for a Western Power Distribution (WPD) substation enclosure to be sited to the rear of the Cathedral Gardens residential development at 37-39a Cathedral Road, approved under planning permission 19/01956/MJR on 02/12/2020 for 33 flats and 3 townhouses.
- 1.2 The substation, which is to be contained within a small building measuring 4m by 4m, is to be sited in the far southern corner of the site abutting the access lane to

the rear of the site, which serves properties along the south west side of Cathedral Road and properties along the north east side of Ryder Street. Maintenance doors are situated on the rear lane elevation. In this location, the substation can be accessed 24-hours, which is requirement by WPD. The structure has a footprint of 4 by 4 metres to take the WPD standard installation requirements. It is to measure approximately 2.6 metres to eaves height and 4.8 metres to ridge. The structure has been designed to match the appearance of the existing small office building/old coach house that is situated to the far western corner of the site. It is to be finished in red brick in a Flemish bond to its sides with clay roof tiles and pitch to match the existing structure. The structure has been designed to be in-keeping with the surrounds of the Cathedral Road Conservation Area. It is noted in the submission that WPD's technical parameters are met with this proposal. An optional design is a standard WPD uPVC enclosure which would be visually unacceptable in this location and would be of a lower acoustic rating.

- 1.3 The need for the substation was identified after planning application 19/01956/MJR was submitted and processed. Once planning permission was granted and the main contractor appointed in January 2021, their application to WPD revealed that supplies and demands in the area had altered and that a new substation is needed to serve the site. The output of the substation is 500kVA.

## 2. **DESCRIPTION OF SITE**

- 2.1 The application site is located to the far southern rear corner of 37-39a Cathedral Road, which is a rectangular- shaped parcel of brownfield land currently under development. 37-39a Cathedral Road occupies a corner plot with Cathedral Road sited to the north east and Talbot Street to the north west. No. 33-35 Cathedral Road, occupied by office blocks, is sited to the south east and the rear service lane to the south west, which extends between Talbot Street and Hamilton Street, separating the site from the residential terrace of two-storey dwellings on Ryder Street.
- 2.2 The application site is located within the Cathedral Road Conservation Area.

## 3. **SITE HISTORY**

Application No : 19/01956/MJR  
Proposal : DEMOLITION OF 39A CATHEDRAL ROAD AND REAR ANNEXES OF 37-39 CATHEDRAL ROAD. CONVERSION OF 37 - 39 CATHEDRAL ROAD TO RESIDENTIAL USE, CONSTRUCTION OF 2 NEW APARTMENT BUILDINGS AND 3 NEW TOWNHOUSES, THE RETENTION OF OUTBUILDING IN CLASS B1 USE AND ASSOCIATED CAR PARKING, LANDSCAPING, ACCESS AND ANCILLARY WORKS

Application Type: FUL  
Decision : PER  
Decision Date : 02/12/2020

Application No : 20/02513/MJR  
Proposal : DISCHARGE OF CONDITION 19 (CONSTRUCTION ENVIRONMENT. MANAGEMENT PLAN) OF 19/01956/MJR

Application Type: DOC  
Decision : FDC

Decision Date : 20/01/2021

Application No : 20/02546/MJR  
Proposal : DISCHARGE OF CONDITION 2 OF CONSERVATION AREA CONSEI  
16/01818/MJR

Application Type: DOC  
Decision : FDC  
Decision Date : 14/01/2021

Application No : 21/00748/MJR  
Proposal : DISCHARGE OF CONDITIONS 3 (ARCHITECTURAL DETAILS), 4  
(WINDOWS AND INSET BALCONIES), 5 (MATERIALS), 6  
(EXISTING OUTHOUSE/OFFICE BUILDING), 7 (BOUNDARY  
TREATMENT), 8 (REFUSE STORAGE), 9 (FOOTWAY  
IMPROVEMENTS), 10 (REAR ACCESS GATE/JUNCTION), 11  
(GROUND GAS PROTECTION), 12 (CONTAMINATED LAND  
MEASURES - ASSESSMENT), 13 (CONTAMINATED LAND  
MEASURES - REMEDIATION AND VERIFICATION PLAN), 17  
(IMPORTED AGGREGATES), 20 (AIR QUALITY ASSESSMEN  
AND 21 ROAD TRAFFIC NOISE) OF 19/01956/MJR

Application Type: DOC  
Decision : DEL  
Decision Date :

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

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

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

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

- Policy KP5: Good Quality and Sustainable Design
- Policy KP8: Sustainable Transport
- Policy EN13: Air, Noise, Light Pollution and Contaminated Land
- Policy T5: Managing Transport Impacts
- Policy T6: Impact on transport Networks and Services

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

- Green Infrastructure (2017)
- Managing Transportation Impacts (Incorporating Parking Standards) SPG 2018
- Residential Extensions and Alterations (2017)

##### ***Listed Building & Conservation Policies***

- *The Planning (Listed Building and Conservation Areas) Act 1990*
- *Technical Advice Note 24: Historic Environment*
- *Policy KP17 (Built Heritage)*
- *Policy EN9 (Conservation of Historic Environment)*
- *Conservation Area Appraisal (Cathedral Road)*

## 5. INTERNAL CONSULTEE RESPONSES

- 5.1 The **Operational Manager, Transportation** advises *'The proposal would adjoin the rear lane, which is adopted highway. I don't see any specific transport concerns but they would need to liaise with our Network Management team in relation to works adjacent to the highway.'* (See recommendation attached.)
- 5.2 **Shared Regulatory Services (SRS) Environment Team (Noise)** comment:  
*'On review of the information submitted the applicant with advice from their specialist appear satisfied with the provision and limited risk of noise impact. It is likely the brick enclosure is capable of managing noise breakout, but at the weakest point (for breakout) there is no mention as to whether the black metal louvered doors are to be acoustically treated, and to what standard these will be. From what I have read the doors are facing residents towards Ryder St. Taking this into account, and for some assurances I would recommend a condition.'* (See above attached condition.)
- 5.3 **Shared Regulatory Services (SRS) Environment Team (Land Quality)** request the inclusion of an informative statement in accordance with CIEH best practice and to ensure that the safety of future occupiers is not prejudiced in accordance with Policy EN13 of the Local Development Plan. (See recommendation attached.)

## 6. EXTERNAL CONSULTEE RESPONSES

- 6.1 None

## 7. REPRESENTATIONS

- 7.1 The application was publicised by press and site notices, and neighbours were consulted.
- 7.2 A **petition** of 53 signatures from neighbouring residents has been received objecting for the following reasons:
- We contend that the planning of the sub-station should have been an infrastructure consideration prior to submission of previous larger Cathedral Gardens planning application 19/01956/MJR and as such would have impacted the contentious design.
  - The detrimental effects to local residents include less green space, more noise and health and well-being effects due to EMFs.
  - There is great concern over the transparency of the design and application as it is noted within the design statement that it is required not just for Cathedral Gardens development but for 'pipeline' projects also.
- 7.3 Representations were received from 17 neighbouring owners/occupiers of addresses as follows: Nos. 2, 30, 32, 40, 42, 54 Ryder Street, 93 Fairleigh Road, 18, 21, 32 Talbot Street and Cardiff Civic Society. Their grounds for objection and concerns are summarised as follows:

### **Conservation/Amenity of area**

- The amount of over-development there exists in this Conservation area.
- This is spoiling our community and the gorgeous Victorian houses of the area which are a credit to Cardiff.
- The proposal would place the new substation on land which was green-space within the development, the assurance of which space in the original plans was a clear environmental benefit; reducing that positive item rather than other elements (e.g. redesigning the development to place it on space that could be reclaimed by removing multiple parking-spaces allocated to each of the town houses - which are an unconscionable embarrassment in the light of our environment-focussed policies and against the desire of the council to limit car use).
- As part of the original planning application, the area now earmarked for the electricity substation was allocated as landscaped green space in an attempt at mitigating the negative impact a development of this size will have on the local community. This minor nod to the needs of the neighbourhood will disappear if the above amendment is approved.

### **Neighbour amenity**

- The substation is seemingly pushed to the furthest corner of the site closer to our homes and small gardens rather than any of the developments' dwellings .
- Much was made during initial consultation phases of the landscaping in mitigation of the environmental impact of the new buildings to residents and surroundings However this is much reduced by putting a new build substation so close to Ryder Street residents.
- Buzzing and low frequency sound from the substation will have a detrimental effect on enjoyment of our garden and property (and for residents of the development). Low frequency noise can be experienced inside properties and be especially noticed at night, disrupting sleep and causing ill health.
- Can the sub-station be smaller or is it really needed?
- The next best outcome would be for the developers to place the substation centrally in their plans (ideally without eating green-space), and provide additional sound-insulation such that the sound and vibration is not discernible outside of the development complex and insulation from propagation of the field effects.

### **Health/safety**

- No details submitted for the power and size of the transformers within the sub-station, estimates of the EMFs emitted and risk assessment for nearby buildings and gardens.
- EMF levels can be increased within 8 metres of a smaller distribution substation
- Proximity of substation to neighbouring gardens/properties SAGE (Strategic Advisory Group of Experts (World Health Organisation)) recommends:

Reasonably practicable efforts be made to site substations distant from homes etc.

- Conflicting information on the science behind this but when there is publications showing statistical risk between EMF's and childhood leukaemia I'm sure you can empathise that you don't want to put your children under any un-necessary risk. SAGE and government guidance recognise this and state that a precautionary approach should be taken to EMF's.
- Can a method of screening be used to mitigate risk to the public for example?
- Are there other designs that can be considered? The government code of practise on EMFs reconciles that a precautionary approach should be used with regards to EMFs and that it is encouraged that sub-stations should be sited away from homes.
- Increasing the risk based on pipeline projects which have not been approved is not a precautionary approach and is not sufficient to allow the planning approval.
- Substations pose a fire risk which is more pertinent for us than residents of the new build, since the substation is located so close to our properties which back onto the rear lane.

#### **Procedure / Other concerns**

- Should have been considered in the context of the original proposal, that original proposal should be re-evaluated.
- Amendments to the initial application, either to remove infrastructure originally approved, or to add elements that had been left but would inconvenience neighbours, should be discouraged rather than waved through without good explanation.
- If the original proposal is now shown to push requirements on local resources beyond what can be supported, admitting the change at this late stage would be allowing that those original concerns were ignored on baseless grounds, which would not sit well with the respect in which the public of Cardiff hold both the council and responsible developers.
- Solutions in order of preference - assuming there is no alternative the developers have failed to consider: 1. No substation. 2. Reduce the size of the development in order to make it commensurate with current electrical supply infrastructure. 3. Place the substation as part of wider local infrastructure planning in another location further away from any residents (including those in the new development). 4. If not 1, 2 or 3 then move the proposed substation further inside the development boundary and away from the rear wall, redesigning areas if necessary.
- It puts residents at a disadvantage and risks making the amendment a 'fait accompli'.
- If for wider community then consultation should've been wider, rather than being tacked onto a private development?
- If there are other developments 'in the pipeline', should these not be made clear at this stage? Especially if the community is expected to assess this amendment on its merits and some neighbours to endure its more

immediate impacts for some the future benefit of other developers/developments. This is inequitable."

- The developer has failed to consult. Despite the fact that hundreds of people opposed this development, only two letters have been issued in relation to this amendment.
- No transparency over the sizing requirements for the sub-station with regards to Cathedral Gardens development versus future pipeline projects.
- Presumably, use or leasing of the land upon which the substation is built poses a financial offset to other considerations (e.g. community contributions) and should have been included in the initial proposal.
- If the perceived need is for charging points for electric cars and scooters (which certainly will be needed locally in the future) is it really appropriate to locate it in a corner of a residential setting and in so doing displace what were supposed to be amenities that would ameliorate the loss of green space?
- If there are now concerns regarding electrical infrastructure what about drainage and sewerage facilities. Will these need additional works?
- Sets an undesirable precedent for this and other developments in Cardiff.

7.4 **Andrew RT Davies MS** has written in on behalf of his constituents expressing concerns:

- Loss of open space on the new development - there is a small amount of on-site open space as part of 19/01956/MJR and this application would reduce the amenity for new occupiers.
- Potential for continual low frequency noise which will disturb nearby occupiers and neighbours both on Cathedral Road and Ryder Street.
- Concerns have also been expressed over the safety of emissions from the substation in the proposed location.
- There is also real disappointment from many residents that the requirements for an electricity substation were not included as part of planning application 19/01956/MJR.
- I hope that the objections of constituents can be considered by the planning committee.

7.5 **Cllr Iona Gordon and Cllr Singh** note that there is a petition of objection to this planning application to site a new electricity sub-station on the Cathedral Gardens site. Clearly the utility will have to be provided but please could you let us know why this was not planned into the development from the start off. The development is being very criticised for its style and massing and this late application, for an essential service, is distressing for our residents who are having to cope with the noise and disruption of the development as it progresses on site.

## 8. **ANALYSIS**

8.1 This application seeks permission for the siting of a WPD substation to the rear of the development site for which approval was granted under planning permission 19/01956/MJR. This application has been submitted as a standalone application and not as an amendment to the original planning permission, this being a legitimate approach consistent with the processing of a previous application for



similar development. It is not within the remits of this application to re-assess the previously approved development. The material matters for consideration of the proposed substation would be the same as those had they been considered as an amendment to the main planning consent and are considered, in turn, below:

### **Conservation / amenity of area**

- 8.2 The substation enclosure would not be prominently sited and is appropriately designed and detailed to match the existing detached office building sited to the west of the site on Talbot Street. It is considered that the overall integrity and character of the boundary would remain. The design is considerably more sensitive than a standard WPD enclosure. As such, it is considered that the character of the Cathedral Road Conservation Area would be preserved and Policies KP5 and EN9 are complied with.
- 8.3 The proposed substation would occupy an area of 16 square metres of the southern corner of the development site. Minor alterations to landscaping proposed under planning permission 19/01956/MJR will be required to move a proposed tree in order to accommodate the substation, which will be considered through a separate application.

### **Neighbour / residential amenity**

- 8.4 In terms of the scale of the structure, its design and siting to the southern corner of the Cathedral Gardens site, it is considered that the proposal would not be overbearing or generally un-neighbourly which would justify concern for the Local Planning Authority. The proposal is sited to the north east of neighbouring properties on Ryder Street, and would be separated from them by the width of the rear lane, a distance of approximately 3.6 metres.
- 8.5 With regard to concern of noise generated from the substation and its impact on the amenity of neighbouring residents, the agent has confirmed that all Distribution Network Operator (DNO) transformers operate at low noise. In addition to this the transformer's feet sit on rubber mats to insulate it from the ground so the sound is isolated at source. There is also a requirement that WPD substations must be a minimum of 5m away from any bedroom windows, which is the case. SRS Environment Team (Noise) are content that with a condition imposed, any noise level breakout does not exceed a certain threshold as a precautionary measure to safeguard the amenity of neighbouring residents.

### **Health / safety**

- 8.6 The agent has provided additional information that relates to concern of neighbouring residents in respect of the safety of the substation and electric and magnetic fields (EMFs). An extract from the document 'Electric and Magnetic Fields produced by the Energy Networks Association – June 2013' states that:

*'Small electricity distribution substations, typically one for every few hundred homes, generally produce up to 2 microteslas close to their perimeter fence (or occasionally more if built into another building), and often no electric field at all.'*

*The fields fall rapidly with distance, and within 1 to 2 metres from a typical substation, the fields associated with it are usually indistinguishable from other fields present in homes. Larger electricity transmission substations do not produce very large fields themselves (generally less than a microtesla); the fields close by are mainly produced by power lines and cables entering them. There is no restriction on EMF grounds on how close houses can be to substations.'*

- 8.7 Given that the proposed substation is a standard WPD installation, the Local Planning Authority raises no concern. WPD have their statutory duties which are not considered under the remits of the planning system.
- 8.8 With regard to concern raised over the fire risk of the substation, while it is noted that this is not a material planning consideration, the substation is separated from the neighbouring residential properties by the rear lane and constructed in accordance with relevant legislation that would include various issues as fire safety and security.

### **Highways**

- 8.9 The proposal is located adjacent to the public highway. There are no specific concerns raised in terms of the impact on the transport network but the applicant would need to liaise with the Network Management team in relation to works adjacent to the highway. Accordingly, an advisory note is attached.

### **Other matters**

- 8.10 In respect of publication of the application for the proposed development, the LPA has undertaken direct neighbour consultation with those that are located closest to the application site and a site notice has been erected, advertising the proposal to the wider community. The level of publicity for this minor planning application is different to that for the major planning application (reference 19/01956/MJR) given the approach of the LPA to consider all applications proportionately and reasonably. It is noted that consultation by the developer of this application is not regulated by LPA.
- 8.11 Reference to other development was made by WPD, to the agent, who cited the increase in demand from other developments in the area, identified subsequent to the processing of the planning application 19/01956/MNR. Since WPD only provide a range of substations to certain sizes and not tailor-made to suit specific sites, it is likely that there will be spare capacity in this installation. It will be added to WPD's network of assets in the area. It is not within the remits of the LPA to be involved with who will incur the costs of such infrastructure.
- 8.12 No proposal has been forward to confirm that the substation will in the future provide for charging points for electric cars and scooters.
- 8.13 The proposed substation has been considered on its own planning merits therefore it cannot set precedent for other developments in Cardiff
- 8.14 In respect of the need for additional drainage and sewerage facilities, this has been

considered within planning permission 19/01956/MJR.

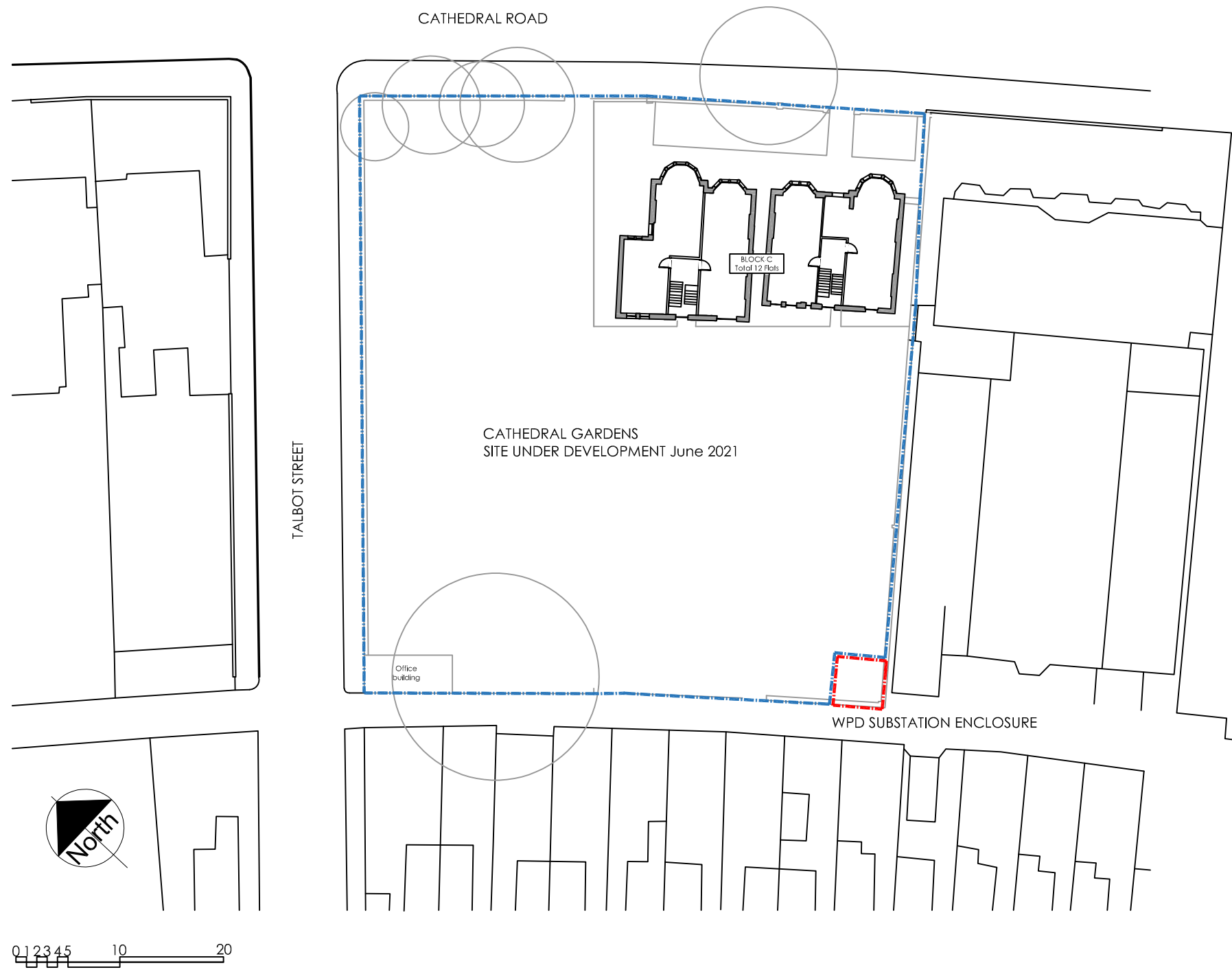
## 9. **OTHER CONSIDERATIONS**

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

## 10. **RECOMMENDATION**

- 10.1 The Council is mindful of the concerns raised by the objectors and the petition submitted in respect of this application.
- 10.2 This application relates only to the erection of a stand-alone substation and is not an amendment to the original planning permission to redevelop the site. Nor is it within the remits of this planning application to re-assess the previously approved residential development.
- 10.3 Having regard to the policy context and material matters raised, the proposal is considered acceptable and planning permission is recommended subject to conditions.





rev	note	date

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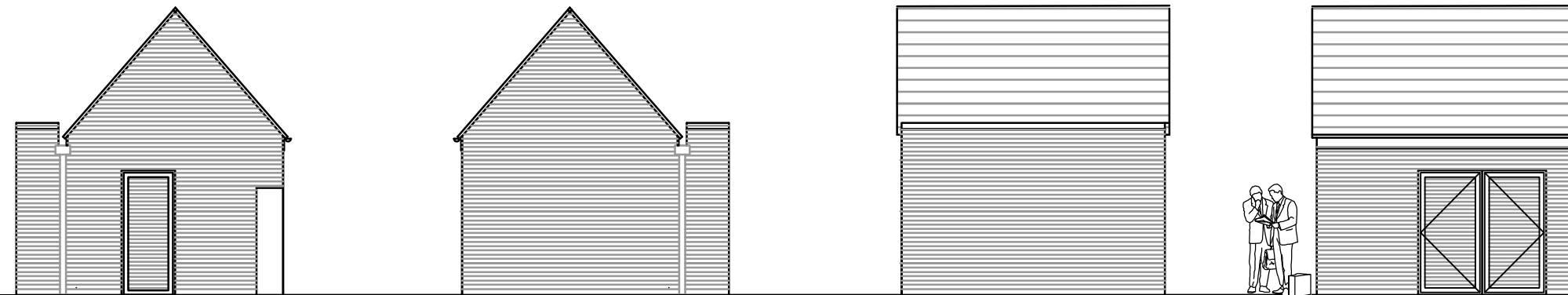
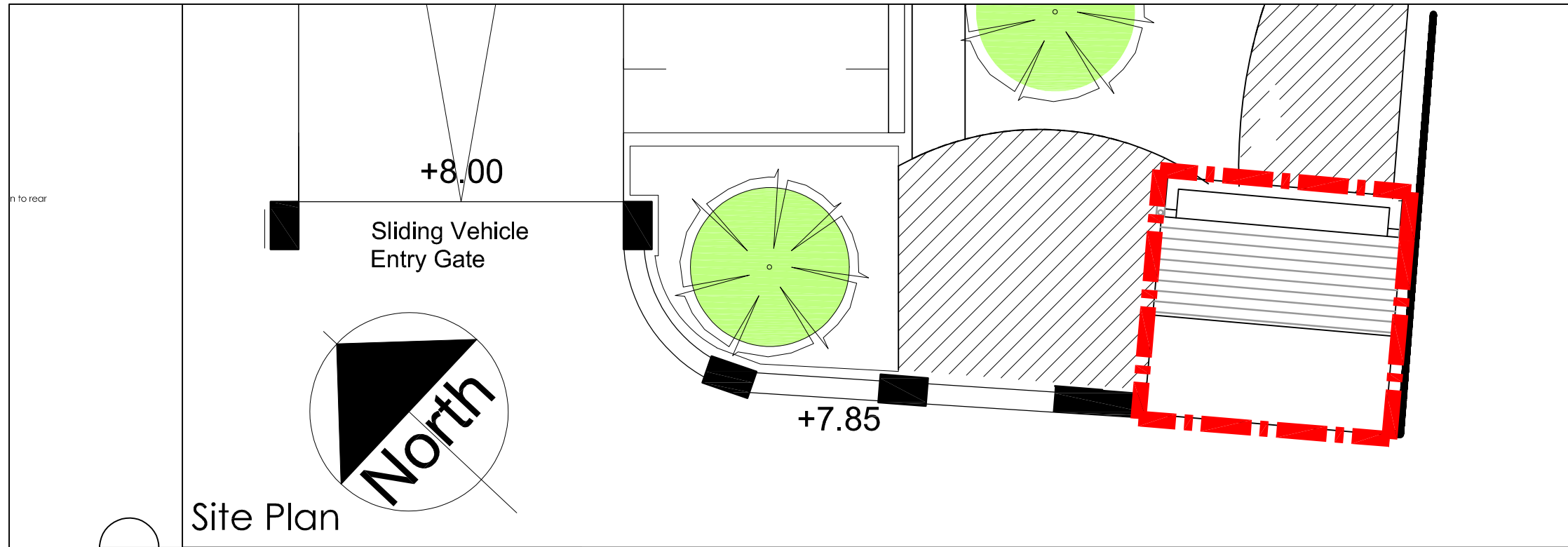
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**Cathedral Gardens Ltd**

**Cathedral Gardens  
CARDIFF**

title  
**WPD Substation Location Plan**

job no.	drg no.	rev
<b>267</b>	<b>PP 2000</b>	
scale	date	drawn by
1:500@A3	04.06.21	<b>JW</b>
checked by		



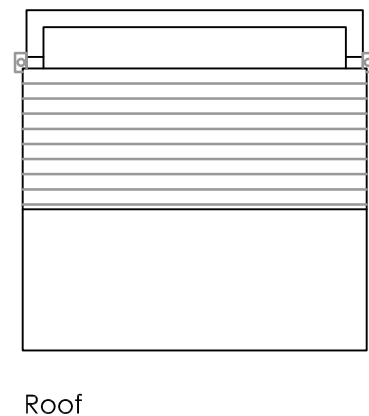
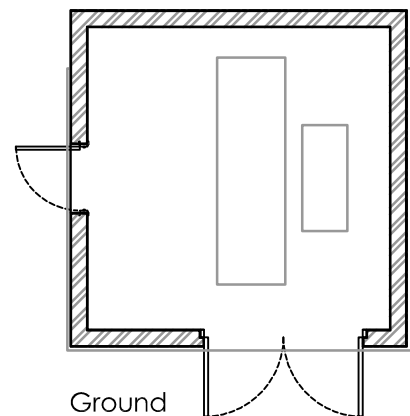
North - West

South East

North East

South West

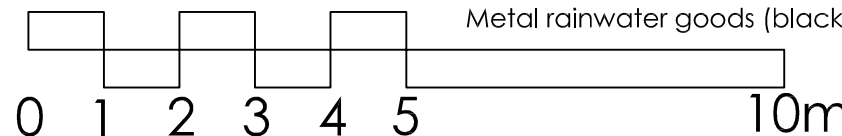
Proposed elevations



- MATERIALS:**
- Clay roof tiles to match adjacent
  - Red brick to match adjacent
  - Flemish bond
  - Metal louvred doors (black)
  - Painted timber fascias (black)
  - Metal rainwater goods (black)



Proposed plans



A Bin store and bi-fold garage door added 27/11/19  
 rev note date

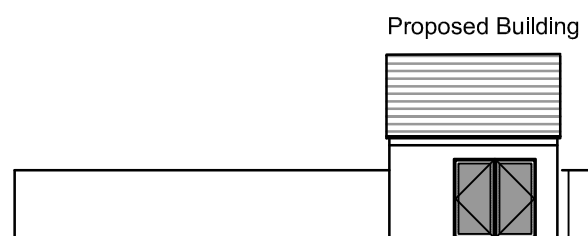
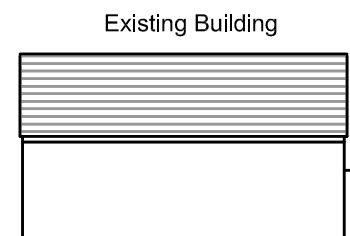
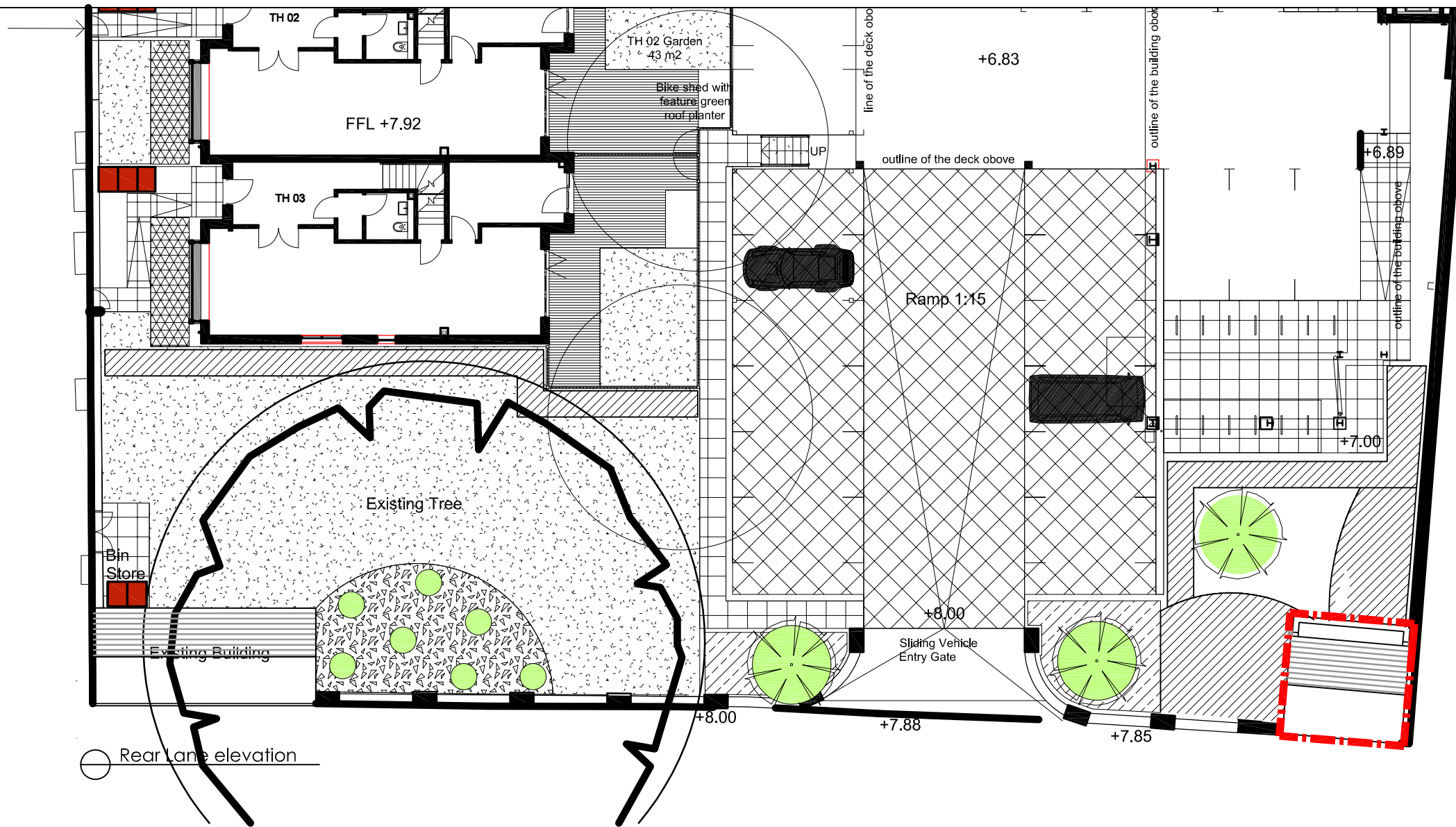
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**Cathedral Gardens Ltd**

**Cathedral Gardens**  
 CARDIFF

title  
**Proposed WPD Substation**

job no.	drg no.	rev
267	PP 2001	
scale	date	drawn by
1:100@A3	06.06.21	JW
		checked by



A Bin store and bi-fold garage door added 27/11/19  
 rev note date

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**Proposed WPD Substation**

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