

## LOCAL MEMBER OBJECTIONS & PETITIONS

COMMITTEE DATE: 02/02/2022

APPLICATION No. **19/02648/MJR** APPLICATION DATE: 04/10/2019

ED: **PONTPRENNAU / OLD ST MELLONS**

APP: TYPE: Full Planning Permission

APPLICANT: United Welsh in association with Edenstone Homes  
LOCATION: LAND NORTH OF TY-DRAW ROAD, PONTPRENNAU,  
CARDIFF, CF14 0PF

PROPOSAL: DEVELOPMENT OF 45 AFFORDABLE HOUSING UNITS  
WITH ASSOCIATED HIGHWAYS AND DRAINAGE  
INFRASTRUCTURE. DEVELOPMENT ALSO INCLUDES THE  
DEMOLITION OF NO. 43 CLOS NANT GLASWG TO ALLOW  
FOR THE CONSTRUCTION OF A PEDESTRIAN  
FOOTPATH/CYCLEWAY.

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**RECOMMENDATION 1** : That **SUBJECT** to a requirement that no decision notice may be issued unless a written authorisation is received from the Welsh Ministers pursuant to its Direction dated 31 March 2021 made under Article 18 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012:

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

1. STATUTORY TIME LIMIT

The development permitted shall be begun before the expiration of five years from the date of this planning permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. APPROVED PLANS AND DOCUMENTS

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

- 1686 101 Revision F – Site Location Plan;
- 1686 30 Revision C - Existing Constraints Plan;
- 1686 100 Revision AK – Planning Layout;

- 1686 102 Revision Q – External Works Layout;
- 1686 103 Revision K – Materials Layout;
- 1686 106 Revision L – Parking Layout
- 1686 107 Revision D – Street Scene
- 1686 107-1 Revision D – Street Scene along Ty Draw Road
- 1686 108 Revision B – Ecology Corridor
- 1686 109 Revision A – Demolition Plan
- 1686 150 Revision E – Mythe – Floor Plan
- 1686 150-1 Mythe – Floor Plan – Type 2
- 1686 151 Revision D Mythe – Elevations
- 1686 151-1 Revision E Mythe – Elevations – Brick
- 1686 151-2 Revision A Mythe – Elevations – Brick Type 2
- 1686 152 Revision D Monnow – Floor Plan
- 1686 152-1 Monnow – Floor Plan Type 2
- 1686 152-2 Monnow – Floor Plan Type 3
- 1686 153 Revision D Monnow – Elevations
- 1686 153-1 Revision D Monnow – Elevations – Brick
- 1686 153-2 Monnow – Elevations – Brick Type 2
- 1686 153-3 Monnow – Elevations – Brick Type 3
- 1686 154 Revision A Ogmore – Floor Plan
- 1686 155 Revision B Ogmore – Elevations
- 1686 155-1 Revision A Ogmore – Elevations – Brick
- 1686 156 Revision A Wye – Floor Plan
- 1686 157 Revision A Wye – Elevations
- 1686 157-1 Revision A Wye – Elevations – Brick
- 1686 162 Usk – Floor Plan
- 1686 163 Usk – Elevations
- 1686 163-1 Usk - Elevations – Brick
- 1686 161 Revision C Bin & Cycle Store Plans and Elevations
- 1873-100-1 Revision D – Drainage Schematic Sheet 1
- 1873-100-2 Revision R - Drainage Schematic Sheet 2
- 184100\_A02 Revision K Proposed GA and 11.2m Refuse SPA
- 184100\_A03 Revision H Proposed Access General Arrangement/Speed Gateway Signage
- 184100\_A10 Revision C Proposed Zebra Crossing and Pedestrian Link
- 184100\_A11 Revision A Proposed Traffic Calming Ty Draw Road
- 440 01 Revision N Landscape Strategy
- 8218 Topographical Survey.

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

- Dormouse Method Statement and Management Plan, Soltys Brewster, Revision 7, October 2021;
- Transport Statement, Vectos, September 2021, Version 14
- Interim Travel Plan, Vectos, September 2021, Version 10

- Drainage Statement, PHG Consulting Engineers, October 2021
- Arboricultural Impact Assessment, Treescene, September 2021

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. DEMOLITION METHOD STATEMENT

Prior to the demolition of 43 Clos Nant Glaswg, a Demolition Method Statement (DMS) shall be submitted to and approved in writing by the Local Planning Authority. The submitted DMS shall have particular regard to measures to suppress dust and noise during demolition works. The demolition shall be carried out in accordance with the approved DMS.

Reason: To avoid doubt and confusion as to the method of demolition of this dwelling and to protect the amenities of neighbouring occupiers in accordance with Local Development Plan Policy EN13 (Air, Noise, Light Pollution and Land Contamination).

### 4. CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

Prior to the commencement of any site clearance, construction works or development a Construction Environmental and Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority in order to manage the impacts of construction. The CEMP shall include:

1. an implementation programme for the construction of the roads, footpaths and other publicly accessible areas;
2. details of Construction Traffic Management, which shall include identification of the routes that construction vehicles would take and measures to regulate the routing of construction traffic; times within which traffic will enter and leave the site; times of deliveries, site access, loading and unloading of plant and materials; access within the site including measures to ensure safe and convenient pedestrian, cycle and vehicular access through those areas not under construction or where construction is complete; wheel washing facilities; and details of parking for contractors vehicles, site operatives and visitors;
3. details of the storage of plant and materials, construction compounds, any temporary facilities for construction;
4. details of site hoardings (including the erection, maintenance, security and any decorative displays);
5. details of restrictions to be applied during construction including timing, duration and frequency of works and measures to control light spill and monitor and suppress the emission of dust, dirt, vibration and noise during construction;
6. details of site waste management for the recycling and/or disposal of all waste resulting from construction works;

7. a Construction Drainage Scheme indicating how surface water and land drainage flows will be controlled to prevent contamination, nuisance, subsidence or flooding to land, buildings, watercourses or adjacent highways during the construction period;
8. details of fuel and chemical storage and containment including buffer zones; details of waste generation and its management; details of water consumption, wastewater and energy use;
9. demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan with particular attention paid to silt mitigation measures.
10. invasive species management, species and habitats protection, avoidance and mitigation measures (including a detailed lighting plan showing type and siting of lighting and light spill reduction measures, use of 2 metre high acoustic fencing, warning signs and site toolbox talks to ensure all key habitat retention and sensitive areas are protected and remain unaffected by construction works);
11. details of topsoil strip, storage and amelioration for re-use.
12. Landscape and Ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.
13. List of on-site contacts and their responsibilities.
14. The development shall be carried out in accordance with the approved plan.

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

#### 5. TY DRAW ROAD/CLOS NANT GLASWG TRANSPORT WORKS

Prior to the commencement of development details of the proposed access junction, Ty Draw Road traffic calming/speed limit measures and the pedestrian/cycleway link to Clos Nant Glaswg shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include details of carriageway resurfacing, the parallel crossing facility, the footway/cycleway link (including barriers/bollards), lighting, drainage, raised tables, signage and parking restrictions. The approved details shall be implemented prior to beneficial occupation of any dwelling.

Reason: To ensure that the use of the proposed development does not interfere with the safety of traffic or pedestrian/cyclist accessibility in accordance with Local Development Plan Policies T5 (Managing Transport Impacts) and T6 (Impact on Transport Networks and Services).

## 6. RESIDENTIAL DEVELOPMENT TRANSPORT WORKS

Prior to the commencement of development details of the carriageway and footway within the residential development shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include details of proposed surfacing materials, footway/upstand, parking restrictions and street lighting (including build-outs for protection).

Reason: To ensure that the use of the proposed development does not interfere with the safety of traffic or pedestrian/cyclist accessibility in accordance with Local Development Plan Policies T5 (Managing Transport Impacts) and T6 (Impact on Transport Networks and Services) and to ensure a satisfactory finished appearance of the development in accordance with Local Development Plan Policy KP5 (Good Quality and Sustainable Design).

## 7. DETAILS OF ADOPTED HIGHWAY

Prior to the commencement of development an adopted highway plan shall be submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of areas of land to be put forward for adoption, including the relevant on-site roads/footways, pedestrian/cycle link, land at the northern boundary of the site, and land in the southern corner to the west of the access junction.

Reason: To ensure an appropriate area of public highway is dedicated following development in accordance with Local Development Plan Policy T5 (Managing Transport Impacts).

## 8. CYCLE PARKING

Prior to the commencement of development details showing the provision of cycle parking spaces, with appropriate access to them, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the development being put into beneficial use. Thereafter the cycle parking spaces shall be maintained and shall not be used for any other purpose.

Reason: To ensure that adequate provision is made for the sheltered and secure parking of cycles in accordance with Local Development Plan Policies KP8 (Sustainable Transport), T1 (Walking and Cycling) and T5 (Managing Transport Impacts).

## 9. CAR PARKING

The car parking spaces hereby approved, including 5 no. electric vehicle charging points, shall be provided prior to the development being brought into beneficial use and thereafter shall be maintained and shall not be used for any purpose other than the parking of

vehicles.

Reason: To ensure that the use of the proposed development does not interfere with the safety and free flow of traffic passing along the highway in accordance with Local Development Plan Policy T5 (Managing Transport Impacts) and to accord with the requirements of Future Wales Policy 12 (Regional Connectivity).

#### 10. TRAVEL PLAN

Prior to the commencement of development a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of modal split targets, the Travel Plan co-ordinator, sustainable transport measures and monitoring. The Travel Plan shall be implemented in accordance with the approved document.

Reason: To ensure that the proposed development maximises the potential for non-car trips in accordance with Local Development Plan Policies KP8 (Sustainable Transport).

#### 11. MEANS OF ENCLOSURE

Notwithstanding the details shown on the 'Proposed External Works Layout' (Drawing No. 1686 102 Revision Q) hereby approved, details of all boundary enclosures shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory finished appearance of the development in accordance with Local Development Plan Policy KP5 (Good Quality and Sustainable Design).

#### 12. SAMPLES OF EXTERNAL FINISHING MATERIALS

Samples of external finishing materials to the walls and roofs for all the dwellings shall be submitted to and approved in writing by the Local Planning Authority prior to their construction on site. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory finished appearance of the development in accordance with Local Development Plan Policy KP5 (Good Quality and Sustainable Design).

#### 13. METER BOXES

Prior to the construction of any dwelling, details of the location and colour finish of each meter box shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory finished appearance of the development in accordance with Local Development Plan Policy KP5 (Good Quality and Sustainable Design).

14. FINISHED FLOOR LEVELS

Prior to the commencement of development the finished floor levels of any dwelling in relation to the finished ground level and the finished levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed and completed in accordance with the approved details.

Reason: To ensure an orderly form of development in accordance with Local Development Plan Policy KP5 (Good Quality and Sustainable Design).

15. BIN STORAGE DETAILS

The communal refuse storage facilities serving Plots 1-4, 26-29 and 38 and 39 hereby approved shall be constructed before the development is brought into beneficial use and shall be thereafter retained.

Reason: To secure an orderly form of development and to protect the amenities of the area in accordance with Local Development Plan Policy W2 (Provision for Waste Management Facilities in Development).

16. TREE PROTECTION

No development shall take place until the following have been submitted to and approved in writing by the Local Planning Authority (LPA) in accordance with the current British Standard 5837:

1. An Arboricultural Method Statement (AMS) detailing the methods to be used to prevent loss of or damage to retained trees within and bounding the site, and existing structural planting or areas designated for new structural planting. The AMS shall include details of site monitoring of tree protection and tree condition by a qualified arboriculturist, undertaken throughout the development and after its completion, to monitor tree condition. This shall include the preparation of a chronological programme for site monitoring and production of site reports, to be submitted to the Local Planning Authority to demonstrate how the approved tree protection measures have been complied with.
2. A Tree Protection Plan (TPP) in the form of a scale drawing showing the finalised layout and the tree and landscaping protection methods detailed in the AMS that can be shown graphically.

The development shall be carried out in full conformity with the approved AMS and TPP.

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

Development Plan Policy EN8 (Trees, Woodlands, and Hedgerows).

17. TREE WORK TO BRITISH STANDARD

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

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

18. LANDSCAPING DESIGN AND IMPLEMENTATION

No development shall take place until full details of soft landscaping have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

1. A soft landscaping implementation programme.
2. Scaled planting plans prepared by a qualified landscape architect.
3. Evidence to demonstrate that existing and proposed services, lighting, CCTV, drainage and visibility splays will not conflict with proposed planting.
4. Schedules of plant species, sizes, numbers and densities prepared by a qualified landscape architect including a strategy for the removal and replacement of retained ash that may succumb to ash die-back disease.
5. Scaled tree pit sectional and plan drawings prepared by a qualified landscape architect that show the Root Available Soil Volume (RASV) for each tree.
6. 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.
7. 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 landscaping shall be carried out in accordance with the approved design and implementation programme.

Reason: To maintain and improve the amenity and environmental



value of the area and to monitor compliance in accordance with Local Development Plan Policy KP16 (Green Infrastructure).

19. LANDSCAPING IMPLEMENTATION

Any newly planted trees, plants, or hedgerows which within a period of five years from the completion of the development die, are removed, become seriously damaged or diseased, or become (in the opinion of the Local Planning Authority) otherwise defective, shall be replaced during the first available planting season, to the same specification approved in discharge of condition 18.

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

20. LANDSCAPE ECOLOGICAL MANAGEMENT PLAN

No development shall take place until a Landscape Ecological Management Plan (LEMP) for the provision, management and maintenance of the site's landscape and ecological features has been submitted to and approved by the Local Planning Authority. The LEMP shall include details of:

1. Existing habitats to be retained;
2. The extent, distribution and type of new habitat creation on the site, including species mix, density of new planting and minimum size of specimens;
3. The desired conditions of existing and approved habitats;
4. Scheduling and timings of activities;
5. Short and long-term management, monitoring and maintenance of new and existing habitats at the site to deliver and maintain the desired condition;
6. Monitoring of landscape and ecological features;
7. 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;
8. Management and maintenance responsibilities, including details of how the plan will be financed and secured in the long term;
9. Timescales, length of plan, the method to review and update plans (informed by monitoring) at specific intervals.
10. The LEMP shall be carried out in accordance with the approved details.

Reason: To ensure the satisfactory long-term management of the site's landscape and ecological features in accordance with Local Development Plan Policies EN6 (Ecological Networks and Features of Importance for Biodiversity) and EN7 (Priority Habitats and Species).

21. NESTING BIRDS

No clearance of hedgerows, trees, bushes or shrubs shall take place between 1st March and 15th August unless otherwise approved in writing by the Local Planning Authority. This approval shall be given if it can be demonstrated that there are no birds nesting in this vegetation immediately (48 hrs) before works commence.

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

## 22. DORMICE METHOD STATEMENT AND MANAGEMENT PLAN

The development shall be carried out in accordance with the Dormouse Method Statement and Management Plan by Soltys Brewster, Issue 6 Revision 7, dated 2 October 2021.

Reason: To ensure effective mitigation and management for dormice in accordance with Local Development Plan Policy EN7 (Priority Habitats and Species).

## 23. BAT SURVEY

If site clearance in respect of the demolition of 43 Clos Nant Glaswg hereby approved does not commence within 18 months from the date of the most recent survey for bat roosts the approved ecological measures secured through Condition 26 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 LPA prior to the commencement of development. Works shall then be carried out in accordance with the proposed new approved ecological measures and timetable.

Reason: To ensure that the assessment of the impact upon bats is appropriate at the time that demolition takes place in accordance with Local Development Plan Policy EN7 (Priority Habitats and Species).

## 24. EXTERNAL LIGHTING

Prior to the installation of any external lighting for the operation of the development, full details shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

1. Type and design;

2. Siting;
3. Modelling including light spill to demonstrate that suitable dark corridors will be maintained for protected species including bats and dormice, particularly along the north and west site boundaries.

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

Reason: To reduce the impacts of lighting in the interest of protected species, habitats and commuting corridors in accordance with Local Development Plan Policy EN7 (Priority Habitats and Species) and to protect the amenities of neighbouring occupiers in accordance with Local Development Plan Policy EN13 (Air, Noise, Light Pollution and Land Contamination).

## 25. BIODIVERSITY ENHANCEMENTS

Prior to their installation details of the following enhancement features shall be submitted to and approved in writing by the Local Planning Authority:

1. 4 x bat boxes for crevice-dwelling bats;
2. 4 x Swift nest boxes;
3. 2 x double House Martin cup; and
4. 2 x House Sparrow terrace.

The submitted details shall include the make, model and positioning of these features across the site and shall accord with the advice given in 'Designing for Biodiversity: A Technical Guide for New and Existing Buildings, Second Edition. RIBA Publishing, London. Gunnell, K. et al., 2013,' or most recent subsequent edition thereof. The development shall be carried out in accordance with the approved details.

Reason: To provide enhanced nesting and roosting opportunities in accordance with Local Development Plan Policy EN7 (Priority Habitats and Species).

## 26. POTABLE WATER SUPPLY

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 satisfactorily accommodate the development hereby approved. If necessary a scheme to upgrade the existing public water supply network in order to accommodate the development shall be delivered prior to the occupation of any dwelling. 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 in accordance with Local Development Plan Policy EN10 (Water Sensitive Design).

27. FOUL DRAINAGE SCHEME

The foul drainage system shall be constructed in accordance with the approved details prior to the occupation of any dwelling. No further surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

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 in accordance with Local Development Plan Policy EN11 (Protection of Water Resources).

28. 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 shall be undertaken and where remediation is necessary a remediation scheme and verification plan shall 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 shall be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the Local Planning Authority within 2 weeks of the discovery of any unsuspected contamination.

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

29. 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 Local Planning

Authority.

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

### 30. 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 Local Planning Authority.

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

### 31. USE OF SITE WON MATERIALS

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

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

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

**RECOMMENDATION 3** : The contamination assessments and the 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.

**RECOMMENDATION 4:** That the Applicant / Developer be advised of Dwr Cymru Welsh Water's advice regarding public sewer connections and unrecorded sewer and drain apparatus set out in their letter of xxx, forwarded to the Agent acting on behalf of the Applicant.

**RECOMMENDATION 5:** That the Applicant/Developer be advised that sensitive habitat clearance methodology as outlined in section 4.1 of the Reptile Survey Report dated October 2019 shall be employed to avoid harm to any reptiles present.

**RECOMMENDATION 6:** 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](mailto:BilingualCardiff@cardiff.gov.uk)) can provide advice on unique and locally appropriate Welsh names for developments, bilingual marketing / branding and bilingual signage.

**RECOMMENDATION 7:** Prior to the commencement of development, the developer shall notify the Local Planning Authority of the commencement of development, and shall display a site notice and plan on, or near the site, in accordance with the requirements of Article 12 of the Town & Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016.

**RECOMMENDATION 8:** The the developer be advised to contact the Local Highway Authority with regards to proposed works to the public highway as these works will be subject to a Highways Agreement between the developer and Local Highway Authority.

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

- 1.1 Planning permission is sought for the development of 45 no. affordable homes with associated highways and drainage infrastructure on land north of Ty Draw Road, Pontprennau, including the demolition of 43 Clos Nant Glaswg, Pontprennau to allow for the construction of a pedestrian footpath/cycleway linking the site with Pontprennau.
- 1.2 The proposed development forms approximately 0.9 hectares of land allocated under Local Development Plan (LDP) Policy KP2 (F) North East Cardiff (West of Pontprennau) for a mixed-use comprehensive development of a minimum of 4,500 homes, employment and other associated community uses.
- 1.3 Key features of the proposals (as amended) are as follows:
  - (i) Construction of 45 two-storey no. dwellings comprising 22 no. flats (18 no. 1 bed and 4 no. 2 bed), 8 no. 2 bed houses and 15 no. 3 bed houses;
  - (ii) New vehicle access/egress onto Ty Draw Road;
  - (iii) Demolition of 43 Clos Nant Glaswg to allow for the creation of a 3m wide shared footpath/cycleway including a raised parallel crossing on Ty Draw Road, with associated traffic calming/speed reducing features
  - (iv) Provision of ecology corridor to northwest boundary and enhancement area in northeast corner of site;
  - (v) Retention of existing hedgerow to site frontage onto Ty Draw Road, layered to 1.2m high;
  - (vi) 22 no. individual trees/tree groups are proposed for removal including 3 no. 'B' Category oak trees and the partial removal of 2 no. 'B' Category

tree/hedgerows at the vehicle access/egress on Ty Draw Road and the shared footway/cycleway. The remaining 17 no. trees/tree groups are either 'C' or 'U' Category;

- (vii) Ransom-free future vehicle/pedestrian/cycleway connection to wider Strategic Site F;
- (viii) Attenuation pond to southwest corner fronting Ty Draw Road;
- (ix) 62 no. off-street car parking spaces including 1 no. visitor space and 4 no. (designated) disabled spaces;
- (x) 5 no. electric vehicle charging points.

1.4 The following documents have been submitted in support of the application:

- (i) Application Form and Ownership Certificates;
- (ii) Application Plans;
- (iii) Design and Access Statement;
- (iv) Planning Statement;
- (v) Transport Statement;
- (vi) Interim Travel Plan;
- (vii) Ecological Baseline Assessment;
- (viii) Hedgerow Management Letter and Guidance;
- (ix) Drainage Statement;
- (x) Tree Survey;
- (xi) Arboricultural Impact Assessment and Tree Protection Plan;
- (xii) Soil Resources Survey;
- (xiii) Pre-Application Consultation Report.

1.5 The following amended submissions have been received during the processing of this application:

- (i) December 2019:
  - Updated Ownership Certificates/Application form;
  - Dormouse Mitigation Strategy;
  - Transport Statement Addendum;
  - Arboricultural Impact Assessment and Draft Tree Protection Plan;
  - Drainage Strategy and Surface Water Calculations;
  - Soil Resources Report;
- (ii) February/March 2021
  - Updated Ownership Certificates and Application Form;
  - Extension of red line to include 43 Clos Nant Glaswg (proposed for demolition) to accommodate new shared pedestrian/cycleway;
  - Reduction in no. of proposed dwellings from 47 no. to 45 no.;
  - Amended Transport Statement;
  - Interim Travel Plan;
  - Dormouse Method Statement and Management Plan;
  - Arboricultural Impact Assessment and Draft Tree Protection Plan;
  - Drainage Statement;
  - Soil Resources Report;



- (iii) June 2021
  - Updated Application Form;
  - Updated Transport Statement;
  - Updated Interim Travel Plan;
  - Updated Dormouse Method Statement and Management Plan;
  - Updated Arboricultural Impact Assessment and Draft Tree Protection Plan;
  - Updated Drainage Statement; and
  - DAS Addendum in respect of Clos Nant Glaswg link.
  
- (iv) August 2021
  - Updated Transport Statement;
  - Updated Interim Travel Plan;
  - Updated Drainage Statement; and
  - Updated Design and Access Statement.
  
- (v) October 2021
  - Updated Transport Statement;
  - Updated Interim Travel Plan;
  - Updated Dormouse Method Statement and Management Plan;
  - Updated Arboricultural Impact Assessment and Draft Tree Protection Plan;
  - Updated Drainage Statement; and
  - Updated Dormouse Method Statement.

## 2. **DESCRIPTION OF SITE**

- 2.1 The original site boundary comprised approximately 0.9 hectares of greenfield (former grazing) land with hedgerow and tree planting around the site perimeter. The site's entire southeast boundary faces directly onto Ty Draw Road.
  
- 2.2 There are no Tree Preservation Orders or nature conservation designations within the application site. The site comprises a mixture of marshy grassland, semi-improved grassland and scrub.
  
- 2.3 Residential development adjoins the site on Ty Draw Road at its northern and southern edges, with the Pontprennau estate immediately opposite. Ty Draw Road contains a cluster of large detached residential properties at its northern end near the junction with St. Mellons Road. The Pontprennau estate does not front onto Ty Draw Road therefore this edge is defined by timber fencing and rear gardens facing Ty Draw Road.
  
- 2.4 The site is located within Flood Zone A on the Development Advice Maps (DAMs) produced by Natural Resources Wales.
  
- 2.5 Ty Draw Road is a lane of varying width with narrowings and sharp bends. It is a well-used lane and defines the boundary of Strategic Site F with the Pontprennau estate.

2.6 The amended site boundary was altered in February 2021 to include the demolition of 43 Clos Nant Glaswg, a detached dwelling within a residential cul-de-sac accommodating approximately 50 no. detached dwellings.

### **3. SITE HISTORY**

3.1 No relevant applications

### **4. POLICY FRAMEWORK**

4.1 Future Wales – The National Plan 2040

4.2 Planning Policy Wales, Edition 11 (February 2021)

4.3 Technical Advice Notes (TANs):

2	Planning and Affordable Housing
5	Nature Conservation and Planning
12	Design
16	Sport, Recreation and Open Space
18	Transport

4.4 Local Development Plan (January 2016):

KP1	Level of Growth
KP2	Strategic Sites
KP2(F)	North East Cardiff (West of Pontprennau)
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
H3	Affordable Housing
EN6	Ecological Networks and Features of Importance for Biodiversity
EN7	Priority Habitats and Species
EN8	Trees, Woodlands and Hedgerows
EN10	Water Sensitive Design
EN11	Protection of Water Resources
EN12	Renewable Energy and Low Carbon Technologies
EN13	Air, Noise, Light Pollution and Land Contamination
T1	Walking and Cycling
T5	Managing Transport Impacts
T6	Impact on Transport Networks and Services

C3	Community Safety/Creating Safe Environments
C5	Provision for Open Space, Outdoor Recreation, Children's Play and Sport
C6	Health
C7	Planning for Schools
W2	Provision for Waste Management Facilities in Development

#### 4.5 Supplementary Planning Guidance:

- (i) Managing Transportation Impacts (Incorporating Parking Standards (July 2018))
- (ii) Green Infrastructure (November 2017) including:
  - Ecology and Biodiversity Technical Guidance Note (TGN)
  - Trees and Development TGN
  - Protection and Provision of Open Space in New Developments TGN
  - Soils and Development TGN
- (iii) Waste Collection and Storage Facilities (October 2016)
- (iv) Planning Obligations (January 2017)
- (v) Planning for Health and Wellbeing (November 2017)
- (vi) Residential Design Guide (January 2017)

## 5. INTERNAL CONSULTEES RESPONSES

- 5.1 The **Operational Manager, Transportation**, makes the following comments having considered the amended proposals:

### Accessibility

- 5.2 The proposed connection into Clos Nant Glaswg does enable a direct footpath/cycleway link between the site and local facilities, without the need to use an unlit section of road (Ty Draw Road). The new route does mean a detour for people wanting to head south-west from the site (in comparison with Ty Draw Road), as they firstly need to walk south-east on Heol Pontprennau/Heol Glandulais and then Pentwyn Road in order to have a lit route. In daylight hours the route is shorter and can involve travel via Butterfield Drive and Park. The proposed link would work well for people heading southeast/east from the site towards Waitrose/Lidl and Pontprennau Primary School. This route would also provide access to bus stops on Heol Glandulais. Table 2.1 of the Transport Statement (TS) indicates a range of facilities would now be within a reasonable walking distance of the site, and whilst it may be these figures represent the distance via Butterfield Drive for some of the attractors, it is clear that a number of services could be safely accessed by foot. The presence of the proposed link means that in accessibility terms the site would be effectively an extension of the Pontprennau urban area.
- 5.3 In the longer term this site is likely to benefit from connections to the north and west, relating to other parts of the North East Cardiff allocation, meaning there will be additional local facilities within a reasonable walking distance.

However, those sites do not yet have planning permission and it is necessary for this site to have guaranteed access to local facilities (by sustainable transport) from its opening date.

- 5.4 Cyclists have the option of using Ty Draw Road to access facilities, although in the absence of lighting and the characteristics of Ty Draw Road, less confident cyclists will benefit from the proposed Nant Glaswg connection. Some pedestrians may wish to use Ty Draw Road to access facilities to the south-west more directly, although based on its current status this cannot be regarded as a quality route, but provides an option for some people, perhaps more likely for just leisure use.

#### Detail of Pedestrian/Cycling link to Clos Nant Glaswg

- 5.5 As stated above, the principle of a 3m pedestrian/cycling link between the new site and Clos Nant Glaswg (across Ty Draw Road) is acceptable, and would be complemented by traffic calming/speed limit changes on Ty Draw Road.
- 5.6 The plans showing a parallel crossing are welcomed, . It is recognised though that there are constraints and the principle is adequately shown, and further details can be agreed via condition/s278 process. The amended drawing does not fully set out the bollard/barrier issues as requested in their previous comments. Bollards at each end of the link to prevent motor vehicle (not motorcycle) use, with the potential for further barriers have been introduced to provide a barrier to motorcycles. However, the drawing illustrates the basic proposal, and it is considered that further details could be dealt with via the condition and s278. Consideration of the barrier design would need to bear in mind the need for safe access by vulnerable groups. As such though, he would not want drawing A10C to be marked as an approved drawing.
- 5.7 With regards the additional red-line area south-east of Ty Draw Road, it is assumed the footway/cycleway would be adopted highway, though he queries applicant's intention for the remainder of the purchased land.

#### Status of Ty Draw Road and potential improvements

- 5.8 The original application proposed to stop-up Ty Draw Road (immediately south-west of the site) in order to try and make Ty Draw Road an acceptable route for pedestrians and cyclists. Following concerns expressed through their earlier comments, and the proposed footway/cycleway to Clos Nant Glaswg, the application now proposes to lower the speed limit on Ty Draw Road and introduce traffic calming. A Traffic Regulation Order (TRO) would be required for such changes.
- 5.9 His previous requests in relation to the introduction of 20 mph speed limits and traffic calming are generally addressed by the amended drawings. The plans show removal of existing signage, new signage at the St. Mellons Road end with repeater signs/roundels at various points along Ty Draw Road. Traffic calming by way of raised tables at the vehicle access/egress and the

parallel crossing are now shown in line with his previous comments. Further details including lighting would be secured via condition.

#### Ty Draw Road Access Junction and Ty Draw Road frontage

- 5.10 The revised layout shows a safeguarded area between the access junction and the southern corner of the site, which could potentially be used in future for a footway link (depending on timescales of other sites coming forward). It is noted though this is compromised by the presence of benches. If it were subsequently deemed necessary to proceed with a footway on the safeguarded section these would need to be re-sited. He also notes that the Tree Officer has expressed concerns regarding further tree loss. Notwithstanding the above, the plans do show the principle and so there is no further action required from them on this matter. It may be that parking restrictions are also needed at the access junction. This is discussed below, and would be addressed via condition.

#### On-site Layout and Refuse Vehicle Access

- 5.11 With regards the Traffic Regulation Order plan, this shows the principle of the parking restrictions required on-site, although these would probably need to extend to cover the north-east parking area (adjacent to the cycle link), other turning areas in the site, and the access junction/Ty Draw Road. This would be dealt with via conditions and s278/38. However, as a result, drawing A12 should not be listed as an approved drawing with any permission. Further details on carriageway/footway demarcation and materials, and street lighting, could be covered by the below on-site condition.

#### Cycle Parking

- 5.12 It does not appear that amendments have been made to the communal cycle stores, so that they are still shown as opening on the long side, which results in accessibility concerns. It is considered though this could be dealt with via the below condition, as there seems to be car parking/amenity space that could also be used in order that appropriate cycle parking can be achieved.

#### Construction Traffic

- 5.13 Whilst understanding construction traffic details at this stage would be beneficial given the site/location constraints, it is assumed the details of this could be adequately sorted at post-planning stage, and thus a CEMP condition can be attached to any permission.

#### Conditions

- 5.14 Conditions are recommended to be attached to any planning permission granted to secure transport works, dedication of the adopted highway, cycle parking provision, travel plan and a construction environmental management plan.

5.15 **Shared Regulatory Services (Environment – Contaminated Land)** have reviewed available records and the application. The site has been identified as former agricultural pasture. Contamination is not known at this site, however the potential for this cannot be ruled out. Should there be any importation of soils to develop the garden/landscaped areas of the development, or any site won recycled material, or materials imported as part of the construction of the development, then it must be demonstrated that they are suitable for the end use. This is to prevent the introduction or recycling of materials containing chemical or other potential contaminants which may give rise to potential risks to human health and the environment for the proposed end use. They would therefore request the inclusion of standard conditions relating to unforeseen contamination, the importation of materials and the re-use of site-won materials and an informative statement in accordance with CIEH best practice to ensure that the safety of future occupiers is not prejudiced in accordance with Cardiff Local Development Plan Policy EN13.

5.16 The Council's **Tree Officer** makes the following comments on the amended application:

- (i) He considers that the proposals do not provide robust and continuous green corridors, create space for large long-lived trees, address the implications of ash die-back disease in the designs or provide robust ecotones to retained trees. He considers that nuisance problems are likely to arise once properties are occupied. However, if the application proceeds he recommends conditions relating to tree protection, tree work to British Standard, landscaping and landscaping maintenance.
- (ii) Whilst the more generous ecological corridor to the northern boundary is welcomed, his reservations remain concerning the potential for nuisance and over-dominance problems in relation to large species trees and dwellings/gardens. Trees T22 (oak), T26 (oak), T27 (ash) and T28 (ash) are proposed for crown raising on the south side to 3.5m above ground level and the lower lateral branches extending to the south and south east are to be shortened by 2m to give clearance over rear gardens. The ash are likely to succumb to ash die-back disease in due course (as are other retained ash such as any in G9, G16 and T10) and become unsafe, so they cannot reasonably be considered integral components of green corridors and a strategy for removal and replacement will be required.
- (iii) Regarding the land safeguarded for future highways requirements immediately south of the vehicle access/egress, he would oppose the further loss of two trees that would be necessary as it represents a further erosion of green corridors bounding the site. One of the trees (T2) is a 'B' category oak and the other, (T1), is a 'C' category sycamore. Trees of 'B' categorisation should be retained and protected as part of development. Oaks are especially important in the context of ash die-back disease and this site lost oaks on the northern boundary prior to the submission of the application and for reasons unknown (see the 'Landscape Strategy' plan annotated 'proposed large native tree

species such as lime replace felled oaks). Whilst 'C' category trees should not unduly constrain development, considering the losses resulting from this development and the absence of significant planting space to mitigate losses, the loss of this tree is not supported. Furthermore, with the imposition of highway infrastructure, space to mitigate losses is further constrained. Through a combination of highway infrastructure and squeezing by the residential layout, the green corridor bounding Ty Draw Road will be reduced to a thin sliver of land. In general terms the green corridor bounding the site is fragmentary, insubstantial and lacking adequate ecotones.

- (iv) He welcomes the increased clearance between trees and dwellings/gardens to the northern boundary (amendments dated December 2019) but seeks clarification concerning the treatment of the corridor that results. He presumes this will be managed as an ecotone, with existing vegetation retained and enhanced with new planting where appropriate.
- (v) The submitted Soil Resource Report shows that there is a re-usable soil resource at the site. The report should be used to inform a detailed landscape design and specification.

- 5.17 The **Operational Manager, Waste Management**, advises that each property will require one 140 litre bin for general waste, one 240 litre bin for garden waste and one 25 litre kerbside caddy for food waste plus green bags for mixed recycling (equivalent to 140 litres),
- 5.18 Provision of bin storage must be sensitively integrated into the design. Preferably these should be stored within the rear gardens, with direct external access to the kerbside. Alternatively, waste can be stored at the front of the property, if effectively screened from the highway.

#### Apartment blocks

- 5.19 They have noticed that the applicants preferred is for 660 litre communal bins as demonstrated by the submitted bin and cycle store plan. They request that confirmation is provided that the proposed refuse storage areas are large enough to accommodate the following recommended provisions for 4 apartments: two 660 litre bins for dry recyclables and general waste and one 240 litre bin for food waste.
- 5.20 Communal bin stores should have double doors that open outward with retainers. Surfaces should be smooth and impervious to permit cleaning and the floor must be laid to create suitable drainage. Adequate lighting must be provided natural or artificial, and good natural ventilation if completely enclosed.
- 5.21 As bulk containers are specified for this development, access paths to the kerbside for collection should be at least 1.5 metres wide, clear of obstruction,

of a smooth surface with no steps. Dropped kerbs should also be provided to ensure safe handling of bulk bins to the collection vehicle.

- 5.22 Bulk containers must be provided by the developer/other appropriate agent, to the Councils' specification (steel containers are required where capacity exceeds 240 litres) as determined by S46 of the Environment Protection Act 1990.
- 5.23 A financial contribution of £3,100, secured via Section 106 Agreement, will be required to ensure provision of the appropriate bin storage facilities.

#### Access

- 5.24 She is satisfied with the tracking details provided in the amended Transport Statement (October 2021) and confirms that these details are acceptable as they demonstrate that refuse vehicles can enter and leave the site in a forward gear. It is noted that Traffic Regulation Orders are recommended by Transportation colleagues to ensure inappropriate vehicle parking within the site does not restrict access.
- 5.25 All road surfacing must have suitable foundations to withstand the weight of a refuse collection vehicle (27 tonnes). Block paving is not appropriate as it can break/sink over time, particularly where vehicles are manoeuvring.
- 5.26 Waste is not collected from private drives.
- 5.27 Refuse collectors are not expected to walk further than 25 metres from the vehicle to collect the waste. If the proposed distance from the property to the vehicle is further than this collection points will need to be set up. Please confirm the distance from the bin store (26-29) is within the specified distance.
- 5.28 The Council's **Ecologist** has considered this application including the Ecology Baseline report and he has the following comments which are made without prejudice to any further comments that he may make in the light of any new information or of alterations to the plans as submitted.

#### Bats

- 5.29 The preliminary inspection report for 43 Clos Nant Glaswg doesn't present any conclusions to the internal / external inspection, but from the notes provided it can be concluded that no bats or signs of bats were found. To take account of the possibility that demolition of this building may not take place immediately after consent is granted, he has the following advice: As a general principle, 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. This is particularly the case with mobile species such as bats, and bat surveys greater than 18 months old will have to be repeated. Any permission granted should attach a planning condition requiring survey work to be repeated if demolition hasn't taken place within 18 months of the date of the most recent survey.



## Dormice

- 5.30 He notes that the Dormouse Method Statement has been amended. NRW should be consulted on this revision and seek confirmation that they would be likely to grant an EPS licence for dormice on the basis of the assessment of impact and mitigation proposed therein.

## Reptiles

- 5.31 The reptile survey is deficient in a number of aspects, and he has little confidence in the conclusion in section 3.44 that '*...common reptiles are presumed absent from the application site*'. His concerns are as follows.
- (i) It appears that only refugium surveys took place, and no mention is made of visual encounter surveys. Combination surveys involving both direct observation and use of artificial refugia are the most effective at detecting the presence of reptiles (e.g. DMRB, NARRS).
  - (ii) All bar one of the surveys visits took place in October. Whilst it is true that some individual reptiles may be seen at any time of year, the accepted peak months for reptile surveys are March, April, May and September (DMRB, KRAG 2003, FAS10). Whilst ambient temperatures outside of these months may be within the recommended ranges, endogenous circannual rhythms may lead to reduced activity, and therefore reduced detectability, outside these periods. This is particularly the case for non-heliothermic species such as Slow-worms, and this species typically emerges later and enters brumation earlier than other widespread species.
- 5.32 Considering the habitats recorded on site and the surrounding environment, in my view the site would support at the very least a population of Grass Snakes, which are relatively mobile and wide-ranging compared to other species. If the grassland habitat is dry enough then there may also be Slow-worms present. I think Common Lizards and Adders are least likely.
- 5.33 Therefore he recommends that the presence of a low population of Grass Snakes and Slow-worms should be assumed and a recommendation should be attached to any consent granted, to the effect that a sensitive habitat clearance methodology should be employed to avoid harm to any reptiles present.
- 5.34 He proposes a recommendation rather than a condition in this instance because, although it is a borderline case, taking into account the small size of the site, the relatively minor deficiencies in the reptile survey methodology and the relatively low protection afforded to widespread reptile species compared to European protected species, he is happy that a sensitive reptile clearance strategy along the lines of that proposed in section 4.1 of the Reptile Survey Report October 2019 be recommended rather than required by condition.

### Nesting Birds

- 5.35 As there is some vegetation management and tree removal proposed, a condition should be attached to protect nesting birds.

### Enhancements

- 5.36 In accordance with Section 6 of the Environment (Wales) Act 2016, Cardiff Council has a duty to seek to maintain and enhance biodiversity and in doing so to promote the resilience of ecosystems. This is reflected in National and local policies which point to the need to seek biodiversity enhancements. Therefore any development subsequently proposed should incorporate enhancement measures to allow the LPA to comply with this legislation and these policies, as set out in the Ecology and Biodiversity section of the approved Green Infrastructure SPG.

- 5.37 In terms of specific enhancement features, nesting or roosting opportunities for birds and bats should be incorporated into new build in accordance with the advice given in 'Designing for Biodiversity: A Technical Guide for New and Existing Buildings, Second Edition. RIBA Publishing, London. Gunnell, K. et al., 2013,' or most recent subsequent edition thereof. More specific details of appropriate levels of provision of nesting/roosting opportunities are given in the TCPA's 'Biodiversity Positive: Eco-towns Biodiversity Worksheet 2009'. With these documents in mind, he considers that an appropriate level of enhancement provision across the whole of this development would be:

- (i) 4 x bat boxes for crevice-dwelling bats;
- (ii) 4 x Swift nest boxes;
- (iii) 2 x double House Martin cup; and
- (iv) 2 x House Sparrow terrace.

- 5.38 The applicant's ecologist can advise on the make and model and suitable positioning of these features. Bat / bird boxes such as these are readily available commercially, are inexpensive, and can be tailored to the style and colour of the finish of the buildings. Features which are integrated into the buildings rather than attached to the outside are preferable as they are more secure in the long-term and less prone to interference by the public. These measures should be secured via a planning condition.

### Green Infrastructure

- 5.39 Provided all measures of ecological mitigation are implemented as set out in the Dormouse Method Statement, the Ecology Corridor diagram 108A and the Proposed Planning Layout 100AC, then compliance with LDP Policy KP16 (Green Infrastructure) should be in place.
- 5.40 The **Shared Regulatory Services, Environment (Air Quality) Officer** requires a dust assessment to be covered and included in a CEMP (rather than a standalone assessment). He is supportive of covering the dust issues at the condition stage. The assessment should follow guidance from IAQM

“Guidance on the assessment of dust from demolition and construction”. The scheme shall include details of dust suppression measures and the methods to monitor emissions of dust arising from the development. The construction phase shall be implemented in accordance with the approved scheme, with the approved dust suppression measures being maintained in a fully functional condition for the duration of the construction phase.

5.41 The **Operational Manager, Regeneration**, advises that the Planning Obligations SPG 2017 (Section 8 – Community Facilities) states:

5.42 *“Growth in population arising from new development generates demand for and increases pressure on community facilities. To meet the needs of future residents, it may be necessary to meet this additional demand through:*

*(i) The provision of new facilities*

*(ii) The extension to, or upgrading of existing facilities.”*

5.43 If no onsite provision is proposed, a financial contribution is sought on residential developments containing 25 or more new dwellings where it has been identified that investment in community facilities will be required to meet the needs of the new population. The formula in the SPG is based on the number of bedrooms and associated occupancy figures per dwelling, and is calculated as follows:

<b>No. of bedrooms</b>	<b>Number of Dwellings</b>	<b>Contribution per dwelling</b>	<b>Totals</b>
1	18	£720.51	£12,969.22
2	12	£997.63	£11,971.58
3	15	£1,385.60	£20,784.00
4		£1,718.14	£0.00
5+		£2,106.11	£0.00
<b>TOTAL:</b>			<b>£45,724.80</b>

5.44 A contribution of £45,724.80 is sought from the developer based on the amended plans.

5.45 CIL Regulation 122(2) provides:

*A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:*

*(i) necessary to make the development acceptable in planning terms;*

*(ii) directly related to the development; and*

*(iii) fairly and reasonably related in scale and kind to the development.*

Necessary to make the development acceptable in planning terms:

5.46 The Cardiff Planning Obligations SPG was formally adopted by Council on 26<sup>th</sup> January 2017. The SPG was adopted to help to ensure that developments contribute toward the provision of necessary infrastructure and

measures required to mitigate their impact. Policy KP6 of the Cardiff Local Development Plan (adopted January 2016) supports the provision of community facilities as part of new residential developments.

- 5.47 It is also in accord with Planning Policy Wales which supports the negotiation of planning obligations and states “Contributions from developers may be used to offset negative consequences of development, to help meet local needs, or to secure benefits which will make development more sustainable”. A development proposing a significant increase in population, such as this, would create pressures on existing local facilities that need to be offset via a financial contribution. It would be unacceptable to grant planning consent in the absence of such provision.\_

*Directly related to the development*

- 5.48 Several community facilities are located within proximity to the site and are likely to experience an added pressure as a result of the new population. It is envisaged that a forthcoming community facilities contribution would be directed towards these facilities. They identify community provision within the Pontprennau Primary School & Community Hall building for the community facility to be provided in the District Centre on the main Site F. The building will be constructed by Taylor Wimpey as part of the development, but this funding could be used for furniture and facilities to enable its use.

*Fairly and reasonably related in scale and kind to the proposed development*

- 5.49 Contributions towards community facilities are derived using a formula-based calculation which takes into account, amongst other things, the size of the residential development and the projected increase in population.
- 5.50 The **Chief Schools Officer** makes the following comments regarding the current capacity in local schools:
- (i) English-medium Primary: Pontprennau Primary School is the English-medium primary catchment school for this development. It has only been in operation since 2015 and therefore has some capacity in Y4 and Y5; all other years are full. The school is oversubscribed at Reception and is forecast to remain so. A request for a contribution would therefore be sought;
  - (ii) Welsh-medium Primary – The catchment school is Ysgol Pen y Groes and has sufficient capacity. The additional housing from this development would not impact on this capacity and so no claim would be made for Welsh-medium nursery or primary education provision;
  - (iii) English-medium Secondary: The catchment projections for Llanishen High School shows that there is insufficient capacity in this locality and so a contribution for EMS would be sought; and
  - (iv) Welsh-medium Secondary: Whilst there is space in Bro Edern (upper school not yet filled) the pressure on secondary school Welsh-medium provision across the city has been realised in the last few years based on admissions data. Gymraeg 2050 strategy will ensure that this

pressure for spaces will only ever continue. The expectation is that more WMS schools will be created in the future to manage this pressure. A request for £125,124 is therefore sought.

Number of dwellings:	45
English-medium nursery	£7,313
English-medium primary	£44,664
English-medium secondary	£44,244
English-medium sixth form	£7,059
Welsh-medium nursery	£0
Welsh-medium primary	£0
Welsh-medium secondary	£11,061
Welsh-medium sixth form	£2,091
Statemented SEN	£8,692
Totals	<b>£125,124</b>

- 5.51 The **Operational Manager, Drainage Division**, advises that he is satisfied with the updated Drainage Statement accompanying the application. He notes that this statement is a high level summary advising how the development meets the 6 standards and 12 principles of sustainable drainage. This statement demonstrates compliance with Local Development Plan Policy EN14 (Flood Risk) and satisfies Welsh Government Local Authority Guidance on the implementation of Schedule 3 that *“Developers should demonstrate compliance with the statutory standards and local policy when submitting planning applications”*.
- 5.52 The **Operational Manager, Parks and Sport**, provides the following comments:
- Design Comments
- 5.53 His previous comments queried how the proposals would relate to the Churchlands development and would fit into the overall masterplan for North East Cardiff Strategic Site F. The site is some distance from Churchlands but it still remains unclear how it will relate to the overall strategic area.
- 5.54 The inclusion in the revised plans of a pedestrian and cycle link crossing Ty Draw Road and into Clos Nant Glaswg, instead of the previously proposed footpath at the north east end of the site leading onto the narrow Ty Draw Road with no dedicated pedestrian route, would provide a far safer link to Pontprennau and enhance its connectivity and accessibility.
- 5.55 There has been a small reduction in the number of houses allowing the development to sit more comfortably within the site (increased garden sizes) and increase the width of the ecology corridor on the north-west boundary.

- 5.56 He would defer to and support Ed Baker regarding tree matters. It is noted that various changes have been made following his comments e.g. retention of two hazels on either side of the pedestrian link.
- 5.57 Clarification was previously requested on who would have responsibility for maintenance of the SuDS, the ecology corridor and zone, trees within the site and hedgerows.

#### Open Space Provision

- 5.58 These comments relate to the LDP (Policy C5 Provision for Open Space, Outdoor Recreation, Children's Play and Sport; KP16 Green Infrastructure) and the supporting 2017 Planning Obligations Supplementary Planning Guidance (SPG) and Green Infrastructure SPG specifically the Protection and Provision of Open Space in New Developments (TGN).
- 5.59 The LDP requires provision of a satisfactory level and standard of open space on all new housing/student developments, or an off-site contribution towards existing open space for smaller scale developments where new on-site provision is not applicable.
- 5.60 Based on the information provided on the number and type of units, he has calculated the additional population generated by the development to be 82.5. This generates an open space requirement of 0.20 ha of on-site open space based on the criteria set for Housing accommodation, or an off-site contribution of £85,598.
- 5.61 If no public open space is provided on-site, the developers will be required to make a financial contribution towards the provision of new open space, or the design, improvement and/or maintenance of existing open space in the locality, given that demand for usage of the existing open spaces would increase in the locality as a result of the development.
- 5.62 There are 2 landscape areas provided on site. The SuDS pond area primarily serves a SuDS purpose rather than providing usable public open space, although does provide increased biodiversity benefits. The ecology corridor along the northern edge and the open area at the north eastern tip also enhances biodiversity and provides some amenity for residents however he does not see either as publicly accessible/functional open space.
- 5.63 The properties should have good visibility onto these areas to reduce any risk of anti-social behaviour. There appears good visibility onto the SuDS area and the open area to the northern area but not so much the corridor along the northern edge at the rear of back garden fences. The POS contribution figures above don't include for any on site POS provision.
- 5.64 The use of S106 contribution from this development will need to satisfy CIL and the current distance requirements set out in the 2017 Planning Obligations SPG – play areas 600m (not applicable to student and sheltered

accommodation), informal recreation 1000m, and formal recreation 1500mm, measured from edge of the site.

#### Notes relating to Affordable Housing Schemes

- 5.65 The request for an offsite contribution is applied consistently across both private and affordable house developments. In providing for the additional residents the development will result in increased use of local public open spaces, with a corresponding need for increased maintenance, more rapid upgrading and potential expansion of existing facilities. This is regardless of the financial model for the development.
- 5.66 In the event that the Council is minded to approve the application, he assumes it will be necessary for the applicant and the Council to enter into a Section 106 Agreement to secure payment of the contribution.
- 5.67 Consultation will take place with Ward Members to agree use of the contribution, and this will be confirmed at S106 stage. The closest existing areas of recreational open space are Peppermint Park, Butterfield Park, Pontprennau Playing Fields and Almond Drive Open Space.
- 5.68 The **Housing Development (Enabling) Team** is aware that United Welsh Housing Association are intending to develop this site for 100% affordable housing via Edenstone Homes. They have no objection to this proposal in principle but they do not support the delivery of shared ownership units here, and advise that the scheme is delivered as a 100% social rented scheme, secured via Section 106.

## **6. EXTERNAL CONSULTEES RESPONSES**

- 6.1 **Dwr Cymru Welsh Water** provides the following comments in respect to the proposed development:

### Water Supply

- 6.2 The proposed development is in an area where there are water supply problems for which there are no improvements planned within their current Capital Investment Programme 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. Therefore, they request a condition be included within any permission to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

### Sewerage

- 6.3 They can confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site.

## Surface Water Drainage

- 6.4 This proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems'. It is recommended that the developer engages in consultation with the Local Authority, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation. They request that if the LPA is minded to grant planning permission for the development that relevant Conditions relating to potable water and foul drainage and Advisory Notes relating to public sewer connections and are attached to the decision to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

## Sewerage Treatment

- 6.5 No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.
- 6.6 **Glamorgan Gwent Archaeological Trust** advises that information in the regional Historic Environment Record, curated by this Trust, shows that there are no recorded archaeological sites located within the proposed application area. A review of the Historic Ordnance Survey mapping shows the area as open land on the First to Third Edition maps (dated 1882 to 1919), until the Fourth Edition, dated 1940, which shows several structures located immediately adjacent to and within the northwest boundary of the proposed development. They note from the submitted photographs that the modern structure located within the development area is of a poor condition and does not contain any significant historical or archaeological features. As a result, there is unlikely to be an archaeological restraint to this proposed development and consequently, as the archaeological advisors to the Council, they have no objections to the positive determination of this application.
- 6.7 Following dialogue and the submission of additional information and amended plans, **Natural Resources Wales** continues to have concerns with the amended application. However, they are satisfied these concerns can be overcome if the documents identified below are included in the approved plans and documents condition on the decision notice and by attaching other conditions to any planning permission granted.
- 6.8 They advise that the following documents should be included within the condition identifying approved plans and documents:
- (i) 'Dormouse Method Statement and Management Plan. Land North of Ty Draw Road' by Soltys Brewster, Issue 6 Revision 6, dated 26 May 2021;



- (ii) Drawing number 444.01 'Landscape Strategy' Revision M dated July 2021;
- (iii) Drawing number 100 'Proposed Planning Layout' Revision AH dated 16 August 2021;
- (iv) Drawing number 108 'Ecology Corridor' Revision B dated 25 May 2021.

6.9 They seek conditions that require the submission and approval of a Lighting Plan and the submission and approval of a Landscape Ecological Habitat Management Plan. Without the inclusion of these conditions they would object to this planning application.

#### European Protected Species

6.10 They understand the alterations to the Landscape Strategy and the amended Planning Layout do not appear to impact the ecology corridor. Therefore, the amendments do not raise concerns for us in relation to EPS and the previously agreed mitigation scheme.

6.11 They advise the latest revised versions of the plans and documents listed in their previous response (dated 07/07/2021) are included in the approved plans and documents condition on the decision notice.

6.12 They maintain their advice in their letter dated 09/03/2021 for conditions for a Lighting Plan and a Landscape Ecological Habitat Management Plan to be attached to any permission granted.

#### Further Advice

6.13 Based on the submitted information, they advise the applicant seek a European Protected Species licence from NRW under Regulation 55(2)e of The Conservation of Habitats and Species Regulations 2017 before any works on site commence that may impact upon protected species. Please note that the granting of planning permission will not negate the need to obtain a licence. Any changes to plans or the site between planning consent and the licence application may affect the outcome of a licence application.

6.14 The developer is advised that any development works within 8 metres of a designated main river may need a Flood Risk Activity Permit. They refer to their website for further advice.

6.15 The **South Wales Police Crime Prevention Design Advisor**, having reviewed the amended drawings in respect of the above planning application, makes the following comments:

#### Site layout

6.16 He is generally pleased with the site layout. All the vehicle parking bays are within curtilage and/or overlooked. His only concern is the connection that runs to Clos Nant Glaswg between plots 26-29 and plot 30.

- 6.17 Pedestrian/cycle routes must be designed to ensure that they are visually open, direct, overlooked, lit and well used. They must not undermine the defensible space of neighbourhoods. Routes must not ideally be segregated from one another or provide access to rear gardens as such paths have been proven to generate crime. Paths ideally should be 3 metres wide.
- 6.18 In respect of this connection, whilst it is overlooked by the properties at plots 26-29 and 30 on the proposed new development, it is not overlooked by existing properties on Clos Nant Glaswg, and provides access to the side and rear of these properties. This does cause him concern.
- 6.19 To mitigate against any risks, he would ask that his comments below under 'Landscaping and Planting' be incorporated into the design.
- 6.20 Entry onto the estate must be restricted to the designated routes.

#### Lighting

- 6.21 Lighting on the estate must meet the British Standard 5489:2013.

#### Boundary Identification

- 6.22 Defensible space using symbolic barriers e.g. pillars, rumble strip, or a change of road surface, i.e. colour or texture, must be built into the design to encourage a feeling of territoriality amongst users especially at the entrance to the development.
- 6.23 There must be a change of surface, i.e. colour or texture, to identify public areas from private or semi-private areas e.g. the footpaths from the driveways/front gardens.
- 6.24 Preferably front boundaries would be identified by low walls and gates.

#### Landscaping and Planting

- 6.25 Poor landscape design proposals can compromise the safety and security of people and properties. Hiding places can be created and visibility significantly reduced if trees and shrubs are poorly positioned, and species inappropriately chosen and maintained. This may increase the opportunity for crime and increase a person's sense of vulnerability, which ultimately will affect the level of use.
- 6.26 Overgrown shrubs and other thick barriers that are in close proximity to public areas must be avoided and clear sightlines must be maintained over long distances. Windows and doors must not be obscured by landscaping features and trees in public areas must not have any foliage below 2 metres from the ground.

- 6.27 Trees and other landscaping features must not be positioned where they could create hiding/entrapment spaces, obscure signage and lighting or provide a potential climbing aid into properties.
- 6.28 There must be clear lines of sight across the development and clear unobstructed views of the parking bays from the properties.

#### Vehicle Parking

- 6.29 Vehicle parking bays must be overlooked preferably by rooms in the properties preferably that are usually occupied e.g. living rooms, kitchens.
- 6.30 During the hours of darkness, the bays must be well illuminated, and they must enjoy good natural surveillance from the properties with unobstructed views.

#### Side and Rear Boundaries

- 6.31 The walls/fencing and gates preventing access to the rear and sides of the properties should be robust, at least 1.8 metres high (2 metres high if the side or rear gardens are adjacent to open land or a footpath). To prevent it being climbed the perimeter security must be of a suitable design.
- 6.32 Gates must be lockable both sides with a key, the same height as the adjacent wall/fencing and sited at, or as near to, the front building line of the properties as possible.
- 6.33 In respect of the connection to Clos Nant Glaswg, he would ask for existing properties adjacent to this path to be protected by walls/fencing at least 2 metres high (preferably 2.4 metres), with the walls/fencing/ protected by defensible planting e.g. thorny bushes. The path must also be lit.
- 6.34 Rear and side gardens must be secure areas and protected.

#### Storage Facilities

- 6.35 Garden sheds should be sited away from the rear fencing or walls to prevent assisting people in climbing over them.
- 6.36 Bins must be kept in secure areas.
- 6.37 Bike stores must be secure. (please visit [www.securedbydesign.com](http://www.securedbydesign.com) for more information).

#### Security

- 6.38 Security lighting must be installed controlled preferably by photo electric cells or time switches, or alternatively PIR detectors. The lighting should protect the rears and sides of the homes and callers at the external doors of the properties must be lit during the hours of darkness by appropriate lighting.

- 6.39 If the drainpipes of the properties are not within the fabric of the properties, they must be designed so that they do not offer an assist to climbing.
- 6.40 Windowless elevations or blank walls adjacent to space to which the public have access, should be avoided and provide at least one window to a habitable room wherever possible. Where blank flanking walls are unavoidable, a 1 metre 'buffer zone' must be created.
- 6.41 If smart meters are not installed, meter boxes must be fixed to, or as near to, the front building lines of the properties as possible.
- 6.42 All external doors in the properties must meet the standard PAS 24 2016 or equivalent and must be third party tested and certificated.
- 6.43 Glass in door panels or adjacent to door panels must be laminated, and doors in recesses of more than 600mm must be avoided.
- 6.44 All vulnerable windows fitted, e.g. ground floor windows, windows above flat roofs, must meet the standard PAS 24 2016 or equivalent, and be third party tested and certificated. They should also have key operated window locks fitted.
- 6.45 A 13 amp fused spur should be installed in each individual property. Ideally all properties would have an intruder alarm fitted up to the relevant British Standard.
- 6.46 Property numbers and street names must be clearly displayed.

## 7. **REPRESENTATIONS**

7.1 **Councillors J Williams and D Rees**, have submitted the following objections during the course of the application:

7.2 In July 2021 they submitted the following objections:

- (i) They agree wholeheartedly with the objections submitted by Powys Jones (paragraph 7.15);
- (ii) This is a piecemeal application and does not form part of the strategic development or meet the requirements of LDP Policies KP4 and KP5;
- (iii) The applicant has consistently failed to satisfy access needs to the site despite extensive delays and amendments to the original application;
- (iv) The proposal does not respond appropriately to local character and the overwhelming and legitimate concerns of the community. The proposed demolition of a private family home in Clos Nant Glaswg to create a footpath/cycle path fails abysmally to satisfy access requirements and further highlights the failure of the application to satisfy requirements of strategic planning;
- (v) In their opinion this application should not have been allowed to progress to the current date with continual, spurious amendments, but

should have been rejected by Planning Committee at the earliest opportunity. The fact is, the applicant has failed to demonstrate that the site meets fundamental access requirements.

7.3 In June 2021 **Councillor J Williams** submitted the following objections:

- (i) Traffic Survey – It appears the survey was taken 3yrs ago and during the month of June. As you know substantial development has taken place since that time and therefore this traffic survey is not an accurate account of the present situation. Similarly, the survey undertaken in June, a quieter month, would be more accurate if undertaken at intervals over a period of time. He questions whether an updated Traffic Survey will be requested;
- (ii) Enforceability of Covenants – It's his understanding the Council entered into a S106 Agreement in the 1990s which prescribe a requirement to ensure Clos Nant Glaswg is not opened up to access via Ty Draw Road. If this is correct, he questions what steps the Authority is taking to enforce those covenants
- (iii) Amended Plans – Early amendments included the proposals to demolish 43 Clos Nant Glaswg. Surely it was perverse and unlawful for the Authority to accept this amendment on the basis that, should it be permitted, it would breach the restricted covenants;
- (iv) Determination of Application – Seeks confirmation of when the application will be determined. A longer response period should be given to local residents. The applicant was given 12 weeks to submit amended plans therefore the community should be given longer than 14 days to respond.

7.4 In March 2021 both **Councillors J Williams and D Rees** submitted their strong objections to the amended application, which proposes to demolish a modern detached dwelling in the neighbouring housing development to create a footpath/cycle path access, crossing a single lane road which divides the proposed development site from the adjacent housing which has been established for many years. They object for the following reasons:

- (i) The proposal to develop 45 housing association flats would have serious access issues as it would be a development in relative isolation in the urban fringe. The walking/cycling distances/times to facilities, in the Transport Plan only serves to highlight the site's remoteness from services and facilities and access to public transport.
- (ii) The proposal to create a walk/cycle way from the development site would necessitate demolishing number 43, Clos Nant Glaswg, breaching native hedgerow and a safe and secure environment at Clos Nant Glaswg.
- (iii) The amendment with its proposal to unnecessarily demolish a modern detached home is a poor attempt to overcome the serious access issues at the site.
- (iv) Other possible alternatives, such as a pedestrian/cycle way being created on land adjacent to Ty Draw Road towards the junction with Pentwyn Road, the Aldi supermarket and bus services have not been

- explored.
- (v) The proposal to create an access onto Ty Draw Road by demolishing 43, Clos Nant Glaswg to create a crossing on a single lane country road at its narrowest point should be rejected as dangerous, unsatisfactory and unnecessary.
  - (vi) Car ownership at the housing association site is clearly anticipated because of the number of car parking spaces which are proposed. Future residents are most likely to be reliant on the car because of the isolation of the site. This is at odds with the policy of the Authority.
  - (vii) The Council should ensure that applications do not increase the risk of crime. By creating an opening, by demolishing number 43, Clos Nant Glaswg, a quiet cul de sac, there is a risk of crime and anti-social behaviour.
  - (viii) Ty Draw Road has low density detached dwellings. The application does not take account of the local character of the built landscape nor of the landscape setting as most of the land on the site's boundary is in green fields.
  - (ix) The high density housing proposed also does not take account of any future development on adjacent land which is likely to be low density as in the Redrow and Taylor Wimpey sites.
  - (x) The site is part of the Local Development Plan Strategic Sites, yet there is inadequate master planning.
  - (xi) Access to the site has been an issue from submission, with the application first submitted in October 2019. Originally the plan was to close Ty Draw Road to vehicular traffic however amended plans propose to keep the road open. Given the volumes of traffic generated by commuters and parents dropping children off to Corpus Christi and other schools in the area, it is against council policy to permit this application.
  - (xii) There is overwhelming opposition to this application from residents in Ty Draw Road, Clos Nant Glaswg, Clos Nant Coslech and surrounding streets in Pontprennau.
  - (xiii) Should the planning officer propose this application be granted, we request the Planning Committee undertake a site visit in person. We are of the view the Committee could only truly appreciate the merits of our objections by undertaking an in-person site visit.

7.5 In December 2019 **Councillor J Williams** submitted the following objections:

- (i) The lack of appropriate access arrangements;
- (ii) Ty Draw Road is a country lane with the national speed limit and therefore not suitable for this scale and volume of development.
- (iii) Lack of connectivity and infrastructure.
- (iv) Poor public transport. The proposals are not in keeping with the locality, on Ty Draw Road dwellings are predominately detached dwellings.
- (v) If the recommendation is to approve the application he requests the matter be determined by the Planning Committee with a site visit undertaken.

7.6 **Anna McMorris MP** submitted the following concerns regarding the proposed demolition of 43 Clos Nant Glaswg, Pontprennau, to create an alley to link Clos Nant Glaswg with Ty Draw Road:

- (i) She draws the attention of the Planning Committee to the legitimate concerns that have been expressed about this application;
- (ii) Residents have lodged their concern about the limited communication received about this application both before and after it was formally registered with Cardiff Council for approval.
- (iii) She understands that preparations may have been made by the developer some time ago to purchase 43 Clos Nant Glaswg to facilitate planned demolition, and at least one recent purchaser of a property on Clos Nant Glaswg has advised her they would have not completed the purchase if this information had been in the public domain.
- (iv) Residents have been led to believe that new access routes into Clos Nant Glaswg would not be created.
- (v) A number have purchased properties on Clos Nant Glaswg because of its quiet character and the lack of through traffic of any sort, and are of the view that creating an access route to Ty Draw Road which will link to a new development will inevitably generate pedestrian, cycle and potential motorcycle traffic through their estate.
- (vi) Particular concerns relate to the possibility of increased crime given the additional access created to an estate with very limited points of entry and exit at the moment;
- (vii) Parking by non-residents particularly given the limited number of parking spaces being provided on the new estate on Ty Draw Road. She requests that the Planning Committee give full consideration to these and other concerns raised by local residents.

7.7 **Andrew RT Davies MS** objects to the development for the following reasons:

- (i) Residents feel that the consultation process surrounding the application has been flawed. Many constituents who may be affected by the development have not been afforded the opportunity to respond to the consultation;
- (ii) Several covenants apply to the site, which do not permit a development of this type. Clearly, it is essential the conditions imposed by the covenants are complied with, and that a breach is not allowed to take place.
- (iii) Potential impacts on residential amenity, as well as the loss of existing housing in the area.
- (iv) The proposed development is not in keeping with the character of the area, and it is unneighbourly.

7.8 **David Melding MS** comments as follows:

- (i) There needs to be a full exploration of the access arrangements for the new housing on the opposite side of Ty Draw Road, both for the benefit of the new residents but also to ensure that existing residents in Clos Nant Glaswg do not experience loss of amenity associated with a new

- pedestrian access;
- (ii) Whilst this proposal relates to pedestrian/cycle access, he does not believe this is the most appropriate route locally as it involves the demolition of a residential property, a family home in good condition;
  - (iii) There has been a petition of over 50 signatures relating solely to the access arrangements/demolition of the house and he would respectfully request that the lead petitioner is given the opportunity to address the committee should they wish to do so.

**7.9 Joel James MS** objects to the application for the following reasons:

- (i) The proposed the alleyway on the site of 43 Clos Nant Glaswg, by its very nature, is likely to encourage anti-social behaviour and could also provide a site where drug use and other criminality could take place.
- (ii) The amended Design and Access Statement is inaccurate. Under the section titled Security and Crime prevention, the proposed alleyway is afforded natural surveillance, but the illustrative view, looking southeast from the proposed location, shows windows that do not exist. Moreover, the existing fencing at 41 and 45 Clos Nant Glaswg blocks all view from the rear and side ground floor windows – with the proposed 2.4m brick wall further blocking any ground floor view. Therefore, there would not be sufficient natural surveillance to prevent the alleyway from becoming a possible site of anti-social behaviour.
- (iii) Planning Policy Wales February 2021 (section 2.28) requires building developments to consider who will suffer from the impact of proposals, and that in section 3.3, the design of any proposal must include social aspects of the development. In section 3.4, it is stated that “design is an inclusive process, which can raise public aspirations, reinforce civic pride and create a sense of place and help shape its future”. He believes that this alleyway will neither raise public aspiration nor reinforce civic pride but will become a distressing aspect for residents. Likewise, under section 3.11, it states that “local authorities are under a legal obligation to consider the need to prevent and reduce crime and disorder in all decisions that they take. Crime prevention and fear of crime are social considerations to which regard should be given in the preparation of development plans and taking planning decisions. The aim should be to produce safe environments that do not compromise on design quality in accordance with the cohesive communities well-being goal”. He believes the proposal fails to meet the standards on the Planning Policy Wales on all of these counts, and this application is not compatible with Cardiff’s Planning Policies and consequently should be refused.
- (iv) Having visited the site, he is concerned by its isolated nature and how this application meets with planning policy that is designed to integrate affordable housing within the wider community. In the Council’s Affordable Housing SPG document, it states that: *“Affordable housing should be located throughout a site and not concentrated in one part of a development. For larger developments in particular, affordable housing is best located in clusters that are properly integrated into the development and situated near local amenities, facilities and transport*



*hubs.*” He is concerned that this development will not become fully integrated with the wider community, and that it fails to meet planning policy set out in the Council’s own guidance.

- (v) The application merits refusal.
- (vi) He recommends that the Council’s Planning Committee visit the site for themselves to see how isolated a proposal it is.

7.10 The original application was advertised by **press and site notices** on 17 October 2019. Following the receipt of amended plans for the demolition of 43 Clos Nant Glaswg and the inclusion of a proposed pedestrian/cycleway link into Clos Nant Glaswg, the amended proposals were also advertised by press and site notices on 25 February 2021.

7.11 7 no. petitions have been received objecting to the proposals as follows:

(i) October 2019: 75 no. signatures received objecting to the proposed development on the grounds that (i) it is contrary to the provisions of the development plan (ii) it represents piecemeal development unrelated to meaningful services and infrastructure (iii) it has adverse consequences for highway and pedestrian safety;

(ii) 12 February 2021: 103 no. signatures received from residents of Clos Nant Glaswg, Clos Nant Coslech and Clos Nant Mwlan, Pontprennau objecting to the application for the following reasons:

- Lack of Due Consultation and Process – the consultation letter dated 8 February 2021 was not received by all residents of Clos Nat Glaswg;
- Resident Safety – reduction in safety. Concern regarding crime rates and loss of property value. Change in character of Clos Nant Glaswg. Increased danger as children could access Ty Draw Road;
- Resident Amenity – privacy would be reduced through overlooking. Loss of sunlight into properties;
- Parking – insufficient parking to serve 45 dwellings leading to overspill parking in the vicinity;
- Other Applications – Taylor Wimpey’s proposal will provide access to facilities and amenities. The link into Pontprennau would be redundant;
- Demolition – a deal appears to have been made prior to the decision on the application. Noise and environmental pollution will bring disruption;
- Claverton Way plans – a previous scheme to provide a link to this neighbouring street was opposed by its residents.

(iii) 8 March 2021: 51 no. signatures received from residents of Clos Nant Mwlan, Mase Y Wennol, Maes Y Hedydd, Butterfield Drive, Evenwood Close, Claverton Way and Leachcroft Place objecting to the proposals for the following reasons:

- Resident Safety – potential increase in crime rates. Proposed footpath link creates an escape route;
  - Parking – insufficient parking to serve 45 dwellings leading to overspill parking in the vicinity;
  - Other Applications – Taylor Wimpey’s proposal will provide access to facilities and amenities. The link into Pontprennau would be redundant;
  - Claverton Way plans – a previous scheme to provide a link to this neighbouring street was opposed by its residents.
- (iv) 9 March 2021: 79 no. signatures received from residents of Clos Nant Mwlán, Mase Y Wennol and Maes Y Hedydd objecting to the proposals for the following reasons:
- Lack of Due Consultation and Process – no-one in any of their streets has received notice of the application whereas notices have been placed in other streets.
  - Resident Safety – concerned at loss of amenities i.e. safety, security, increased anti-social behaviour, excessive parking. Footpath creates an escape route for burglaries. Creation of alleyways is contrary to Local and National Planning Guidelines;
  - Parking – insufficient parking to serve 45 dwellings leading to overspill parking in the vicinity;
  - Demolition – a deal appears to have been made prior to the decision on the application. Noise and environmental pollution will bring disruption;
  - Claverton Way plans – a previous scheme to provide a link to this neighbouring street was opposed by its residents.
- (v) 28 March 2021: 53 no. signatures received from residents of Heol Ty Ffynnon, Clos Dol Heulog, Allt Y Wennol, Gelli Frongoch and Maes Brith Y Garn.
- (vi) 20 September 2021: 61 no. signatures received from residents of Clos Nant Glaswg and Clos Nant Coslech objecting to the proposals for the following reasons:
- Children Safety – children currently play on the street in the cul-de-sac at Clos Nant Glaswg. The proposed alleyway puts them at risk and provides access to Ty Draw Road.
  - Children’s Views – they have expressed concerns that they would no longer be able to play safely;
  - Well-Being of Future Generations Act – by preventing their children from playing in the street their social and mental wellbeing and development would be hindered;
  - UN Convention on Children’s Rights – Every children has a right to rest, play and take part in creative and cultural activities. Children have the right to give their opinions freely on issues that affect them.

(vii) September 2021: 24 no. signatures from children of Clos Nant Glaswg who do not want the house (No. 43) to be knocked down as this will stop them from playing with their friends outdoors. They asked for their letters to be considered with their parents' letters.

7.12 **Turley Associates Limited** have written on behalf of their client who owns land adjoining the application site's northern boundary (which forms part of the wider North East Cardiff (West of Pontprennau) strategic allocation in the adopted Local Development Plan (LDP). Their client therefore has a direct interest in the development proposed by the applicants (United Welsh and Edenstone Land).

7.13 Having reviewed the amended application their client does not object to the principle of development as currently proposed. Our client does, however, request that the Council take a number of specific comments into account in determining the application. These comments are made in the interests of ensuring the comprehensive and joined up planning of the wider strategic allocation.

7.14 Their client's comments relate largely to ensuring the delivery of appropriate connectivity and linkages (pedestrian, cycle and vehicular) between the application site and the wider strategic allocation (including our clients land). This letter is supported by a separate technical note prepared by Apex Transport Planning (Ref: C20030/TN03), which addresses the key points in detail.

### Policy Context

Policy KP2 (F) of the adopted LDP allocates land at North East Cardiff (including the application site and the land owned by their client) for a 'mixed-use comprehensive development of a minimum of 4,500 homes, employment and other associated community uses, together with essential, enabling and necessary supporting infrastructure'. The policy notes that the allocation will be delivered on a phased basis and requires development to be undertaken in a comprehensive manner.

Policy KP4 of the adopted LDP sets out a wider 'masterplanning approach' that should be followed for major development. This includes a requirement for development to be planned in a 'comprehensive and integrated manner reflecting partnership working'. It continues by noting that masterplans will need to encompass the whole of a development area – regardless of landownership.

National policy guidance places a strong emphasis on ensuring accessible environments as part of a holistic placemaking approach. Paragraph 3.13 of Planning Policy Wales 11 (PPW) notes that where new transport infrastructure is required it should be integrated within the development layout and beyond the boundary, as appropriate. PPW also stresses the importance of securing opportunities for active travel through the planning system. This

includes creating the right environments and infrastructure to make it easier for people to walk and cycle, including new and improved routes.

Whilst a planning application is yet to be prepared in relation to their client's land, in the interests of ensuring the comprehensive development of the wider allocation, their client wishes to raise three main points:

- (i) Ensuring that an appropriate connection (as adopted highway land) to the wider strategic allocation is safeguarded and secured through the current planning application.
- (ii) Supporting the removal of the greenway / no-through road proposals at the western end of Ty Draw Road (and confirming that these are no longer proposed as part of the current application).
- (iii) Support for the provision of a pedestrian / cycle connection to Clos Nant Glaswg as proposed through the amended application.

### Safeguarding Appropriate Connections

The submitted Planning Statement states that 'future vehicle, pedestrian and cycle access to the wider North East Cardiff Strategic Site to the north will be safeguarded' (Para. 3.9). This is reconfirmed at Paragraph 6.5 of the Planning Statement, which states that 'the development proposals have also been designed to ensure that they are consistent with and will not prejudice the future development of the immediately adjacent (northern) areas of the wider North East Cardiff site'. It continues by noting that the application proposal has been designed to allow the site to be developed in isolation, but also allows for future links, either vehicular, pedestrian or cycle, to the north (i.e. their client's land).

The submitted Transport Statement also notes that the proposal includes for a future vehicular, pedestrian and cycle link to the north. Whilst noting that the application proposal is not reliant on this future link, it is accepted that it should be reserved within the layout 'in the interests of joined up masterplanning in relation to the land to the north' (Para. 4.2). The Transport Statement continues by stating that the potential link allows the Council, should it consider it beneficial, to ensure that a pedestrian / vehicular link into the proposed development is retained / promoted from the land to the north.

Their client welcomes the applicant's commitment to providing this connection to ensure a joined up approach across the wider allocation. There are clear active travel benefits in delivering this link in the interests of facilitating appropriate permeability and connectivity across all sites. The provision of the proposed pedestrian / cycle link will also ensure that existing residential areas within Clos Nant Glaswg and surrounding streets are well connected with the wider strategic allocation (and the facilities and services to be provided within it).

If a vehicular access into their client's site from the application site does come forward it would assist with removing vehicular traffic from Ty-Draw Road (as and when this is delivered). This would provide a future benefit for those

utilising Ty-Draw Road for walking and cycling. If this access does come forward as a vehicular connection through the wider allocation, it is important that the vehicular access onto Ty-Draw Road (as proposed by the current application) is no longer used by vehicles. Its closure should be secured by way of an appropriately worded condition.

Whilst there is a commitment in the Planning Statement and Transport Statement to providing a link from the application site to the adjoining land, the 'Proposed Planning Layout' (Dwg. No. 100 Rec AC) does not show a clear connection to the adjoining land parcel. Whilst referencing a 'future site access' to our client's land, the masterplan fails to show a connection to the boundary – instead there is a gap between the edge of the hardstanding and the redline boundary, with the hedgerow / trees clearly retained along the boundary.

This plan is not consistent with other submitted plans, which show a future access from the application site to the wider strategic allocation. It is, however, noted that whilst the 'Materials Layout' (Dwg. No. 103 Rev F) shows a link between the sites, it does not denote it as tarmac, as per other internal roads within the site.

It is important that all land up to the site boundary is safeguarded as adopted highway.

Sufficient width should be provided to allow a vehicular access route from the application, should this be required. This should be shown clearly on a plan that can be approved as part of any future permission granted on the site. An appropriately worded planning condition and / or legal agreement should also be agreed, which requires the applicant to safeguard and deliver a connection up to the site boundary to an adoptable standard. Such a condition or legal obligation should require the specification of the connection to be approved by the highway authority and ensure that the link is capable of forming a continuous vehicular and pedestrian / cycle highway to our client's site boundary.

### Pedestrian Connectivity

It is noted that the planning application was amended in February 2021 to provide an additional pedestrian / cycle connection to Clos Nant Glaswg. The provision of this link is welcomed and supported by their client. This link will improve connectivity and integration between the existing residential area and the wider strategic allocation. This is in accordance with the aspirations of Policy KP2 (F) of the adopted LDP.

### Greenway

The covering letter submitted to the Council on 2 February 2021 and the revised Transport Statement (January 2021) confirm that as a result of the formal amendments to the application the proposed stopping up of Ty-Draw Road no longer forms part of the application. Our client supports the removal

of the Greenway and closure of Ty Draw Road for through movements from the current scheme. This amendment assists in ensuring that a suitable access can be delivered to our client's site, thereby enabling a joined-up approach between the application proposals and the wider allocation.

As noted above, should a vehicular access be provided from the application site to any future development on their client's site, it would be possible to close the proposed vehicular access to Ty-Draw Road (as proposed by the current application). This would reduce traffic movements on Ty-Draw Road, thereby improving the pedestrian / cycle environment without the need for a formal Greenway or closure to through traffic. Whilst the supporting documents make it clear that this no longer forms part of the proposals, the 'Proposed Amendments General Arrangement' (Dwg. No. 184100\_A03 Rev F) continues to show the Greenway and a no through road at the western end of Ty-Draw Road (Inset B). The plan should be amended to ensure that it is consistent with the amended submission.

### Conclusion

Their client raises no objection to the principle of development at the application site. Having reviewed the amended application, their client is supportive of (1) the removal of the Greenway and proposed stopping up of Ty-Draw Road and (2) provision of an additional pedestrian / cycle connection to Clos Nant Glaswg.

The Council should ensure that all plans and application documents are clear and consistent. This includes the 'Proposed Amendments General Arrangement' drawing, which continues to show a Greenway and stopping up of Ty-Draw Road – despite these measures no longer forming part of the proposals.

It is also fundamental that any planning permission safeguards and secures an appropriate pedestrian, cycle and vehicular link to the northern boundary of the application site (i.e. to their client's site). Sufficient land should be safeguarded to allow a continuous connection (as adopted highway) to the site boundary. This should be clearly shown on the approved application plans and also secured via an appropriately worded condition and / or legal obligation. Securing this link is necessary to ensure the comprehensive planning of the wider strategic allocation, as required by the adopted LDP.

7.15 **G Powys Jones**, on behalf of the residents of Ty Draw Road, submitted the following objections to the amended proposals in July 2021:

- (i) This objection encompasses the previous objections submitted, with additional comments made in respect of the submissions made by Turley Associates on behalf of the adjoining landowner; the latest landscaping proposals, which appear to promote the wanton destruction of long-established hedgerows, and apparent discrepancies in the submitted plans.

## Strategic Planning Issues

- (ii) The site forms part of the larger LDP designation for a strategic development site for a comprehensive development of approximately 4,500 homes, employment and other associated community uses in North-East Cardiff (Policy K2(F). The explanatory text to LDP policy K2 provides that: The masterplanning and good quality & sustainable design principles set out in KP4 and KP5 will be used to provide a framework to consider planning applications relating to all Strategic Sites along with other development as defined in the policies. In addition, the site-specific masterplanning requirements for each Strategic Site are identified within KP2(A) to KP2(H) and depicted, where appropriate, on the indicative Schematic Frameworks. Although only for illustrative purposes, the Schematic Frameworks should be read in conjunction with relevant policies to provide an over-arching context for the future development of the Strategic Sites.
- (iii) The application departs from the policy requirements of the LDP, and is therefore at odds with its provisions. The site is promoted in isolation without reference to any masterplan. The site, together with a significant adjacent tract, falls outside the boundaries of the draft masterplan recently promoted by Taylor Wimpey (TW), and that promoted by Redrow further south. Moreover the applicant's claim in the accompanying Planning Statement that the site is allocated in the LDP for residential development is misleading. This claim is promulgated on the basis that the site is shown on the Schematic Framework within the body of policy K2(F) as residential development. However, the explanatory text to the policy clarifies that the Schematic Framework Diagrams are 'only for illustrative purposes'.
- (iv) The Council is therefore required to decide whether in the light of the objectives and requirements of its strategic policy K2 and the requirements of policy K4 whether it is appropriate that this site, promoted in isolation as what can best be described as piecemeal development, should be released for residential development at this stage, in the absence of adequate masterplanning.
- (v) The objectors consider that the proposal represents the antithesis of good and proper planning or sustainable placemaking, the objectives of which are set out clearly in the relevant policies of the LDP and in the most recent version of Planning Policy Wales (Ed 11).
- (vi) In the absence of a masterplan for this site and adjacent land, the application is clearly premature having regard to the provisions of the LDP. Any masterplan prepared for the development of this and adjacent land should also have proper regard to the provisions of the other masterplans affecting the wider area, if and when approved.
- (vii) This general policy point, and the need for masterplanning, is highlighted in the comments presented by Turleys, on behalf of the adjoining owner. The current application is considered premature pending the publication of proposals for the adjoining land. The Council should be seen as encouraging the concept of masterplanning, in accord with LDP policy. Rather, they appear to be encouraging piecemeal development, by constantly engaging with the promoters of

this scheme.

- (viii) Thus the proposal is in clear conflict with those objectives of LDP policies KP2, KP4 & KP5 and those of PPW with regard to the attainment of good quality and sustainable design principles within a masterplan context.

#### Good Quality and Sustainable Design and Placemaking

- (ix) The introductory wording to LDP policy K5 provides that: 'To help support the development of Cardiff as a world-class European Capital City, all new development will be required to be of a high quality, sustainable design and make a positive contribution to the creation of distinctive communities, places and spaces ...'
- (x) This policy, although preceding the publication of PPW editions 10 & 11, nevertheless reflects the thrust of national policy guidance on sustainable placemaking, which is required to be at the heart of the planning process in Wales.
- (xi) The policy sets out a series of specific criteria, in order that new development complies with the general requirements and objectives of the policy.
- (xii) Save for introducing a link to an a nearby housing development by demolishing a modern dwelling, the revised layout has been subject to some cosmetic tinkering, none of which is conducive to achieving an outcome reflecting the most recent expression of national policy issued in February 2021.
- (xiii) The proposal's design fails the requirements of LDP policy K5 criterion (i) in that it does not respond appropriately to local character and the context of the built and landscape setting in terms of layout and density. In this regard most of the land on the site's boundary is undeveloped and comprised of green fields. In the absence of a masterplan no information is available as to the form of development, if any, likely to take place on this large tract bordering the site.
- (xiv) The development to the north along Ty-Draw Road is comprised of low density housing, of detached dwellings. The high-density housing proposed, and its mundane layout, takes no account of the form and layout of extant local development or of the form or the proposed layout of any future development on adjacent land.
- (xv) The development, given its relatively isolated location would not lead to the creation or contribute to the achievement of a balanced community. Moreover, in the absence of a masterplan the proposal could not create or lead to the creation of interconnected streets, squares and spaces as required by LDP policy K5.
- (xvi) In reality this would be a development 'plonked' unceremoniously in relative isolation in the urban fringe, with no real regard to spatial inter-connectivity as required under the terms of criteria (ii), (iii) & 4(iv) of the policy.
- (xvii) Whilst the layout purports to show a future possible highway link, in reality this is meaningless since clearly it is a link to nowhere or nothing. It merely serves to indicate that local landowners/developers in this part of the larger designation do not appear to be working



- together for masterplanning purposes.
- (xviii) The site's relative isolation will not assist in meeting the objective of criterion (v). The walking/cycling distances/times to facilities provided in the applicant's accompanying revised Transport Plan only serve to underline the site's relative remoteness from services, facilities and access to public transport.
  - (xix) The applicant's suggestion that walking will be encouraged is a false proposition, given the nature of the unlit, unattractive and dangerous links on the existing road network to even the closest existing and proposed services. The alternative proposed in the revised application does not render the site closer to any community facilities or services.
  - (xx) The newly proposed link, and the unnecessary demolition of a modern dwelling, is a crude device seemingly encouraged by the Council's highway engineers, to reduce cycle and pedestrian traffic on Ty Draw Road. Other means are available to reduce conflict on this road, but have not been appropriately examined by the Council.
  - (xxi) The isolated location of the site will thus itself serve as a discouragement to any future residents to engage in walking, and access to facilities/services. This should be of particular concern given that a proportion of future residents may well not have access to a car.
  - (xxii) On the other hand, the extent and provision of car parking spaces in the revised layout indicates an anticipation on the part of the applicants and Council officers that car ownership will be common. That is not surprising, since because of the site's isolated location, future residents are likely to be almost wholly reliant on the car as a means of accessing community facilities and services. This, again, swims against the tide of national policy.
  - (xxiii) The proposal, accordingly, conflicts with many of the determining criteria of LDP policy K5 and the principles/objectives of place-making set out in the latest edition of PPW.

### Access

- (xxiv) He has touched on access in the previous sections, but the applicants originally intended to promote a road closure along Ty-Draw Road. My clients were not necessarily opposed to this, in principle, or to the introduction of other regulatory means of regulating traffic, if the Council were intent to approve the housing scheme.
- (xxv) However it is apparent from the submitted documentation that the Council Highway officers are opposed to any such concept. Indeed they are seemingly intent on allowing a substantial increase in the amount of traffic using this length of Ty Draw Road, which, as the following photographs illustrate, is no more than a narrow country lane.
- (xxvi) The increase in traffic would arise not only from the current proposal, but also from the larger development proposal promoted by TW, which is currently awaiting determination (application no. 19/02330/MJR).
- (xxvii) TW, as part of their outline proposals, intend to 'improve' the lower part of Ty-Draw Road and to introduce a new access point into their development area. A junction improvement is also planned at a point where Ty-Draw Road and St Mellons Road meet. There is no clear

indication in the TW proposals envisaging the closure of Ty-Draw Road, indeed the evidence points the other way.

- (xxviii) Information provided at tables 5-4, 5-5 & 5-13 of TW's revised Transport Statement provides that the current (2017) Annual Average Daily Traffic (AADT) on Ty Draw Road is 2111. When the TW development is complete this would have increased to 4497 AADT – a percentage increase of 113%, or more than a doubling of traffic on a narrow rural lane incapable of safely accommodating the traffic already using it, particularly cyclists and pedestrians.
- (xxix) My clients have asked previously for modelling work to be undertaken to discover the effects on the wider highway network of introducing an access-only regime or a partial closure on this length of Ty Draw Road. In such a scenario, only current frontages would access the road by car, but significant benefits would arise for the wider community in that the rural lane could be increasingly and more safely be used by pedestrians and cyclists alike.
- (xxx) Application Ref 19/02330/MJR – my clients' objection to this has already been submitted.
- (xxxi) The Council's highway engineers seem oblivious to such a request, and for this reason planners and councillors are requested to insist on such modelling taking place. In the meantime, the amended application has drawn opposition in increasing numbers, for understandable reasons.
- (xxxii) The access arrangements, coupled with the implications of the highway effects of the TW proposals on Ty Draw Road, are dangerous and unsatisfactory. In this regard, the authors of the applicant's revised Transport Statement appear oblivious to the impact of the TW proposals on Ty Draw Road, and have not taken it into account in their assessment.

### Landscape and hedges

- (xxxiii) The latest Landscape Strategy is presented on Drwg Ref 444.01 rev L. The amendments show the wholesale destruction of the mature hazel hedge fronting Ty Draw Road on its western frontage for a distance of almost 200m. The hedge 'needs' to be removed partly to allow lateral visibilities for the proposed accesses, vehicular and pedestrian, but also according to the annotation on the drawings, substantially reduced in height 'to allow views in and out of site', which is regarded as a wholly trite reason.
- (xxxiv) This wanton destruction of a long-established mature hedge would significantly and harmfully alter the character and appearance of Ty Draw Road. It would be transformed from a pleasant lane of a rural appearance, to one with distinct suburban characteristics. If masterplanning principles had been adopted, the likelihood is that Ty Draw Road would not be used to provide access, and the hedgerow along its length would be protected so as to provide effective screening to development. Instead, the whole of the proposed development will become open to public view. More hedgerow is to be removed at the bottom of Ty Draw Road, so as to allow a proposed surface water

sewer to be connected into the stream via a proposed headwall.

(xxxv) Some of the hedge is to be removed on the other, eastern side of the road, so as to create a pedestrian access. There is a conflict between the submitted location plan, the landscape strategy plan and the coloured planning layout (Ref 1686 100 Rev AE). The latter two show visibility splays being provided to serve the pedestrian crossing, and the coloured planning layout shows the application boundary incorporating part of the hedge on either side of the pedestrian access. The hedgerows either side of the plot being acquired to allow pedestrian access are not in the applicant's control or ownership.

(xxxvi) Thus, even if the visibility splays could physically be provided without affecting land outside the application site and in the applicant's control, which is extremely doubtful, the splays could not be maintained in future. Some clarity is therefore required on this point.

7.16 In November 2021 **G Powys Jones** responded to the latest amended submission stating: *“These are largely cosmetic in nature, and do nothing to address my clients' fundamental objections. Indeed they serve to highlight the basis of the original objections, in that the scheme, through the introduction of street lighting and destruction of hedges, would serve only to wholly urbanise what is at present a pleasant rural lane. If a true masterplan approach had been adopted, as envisaged in LDP policy, this kind of piecemeal approach could have been avoided, and this part of Ty Draw Road preserved in its existing pleasant condition. Should this development be approved, the character and appearance of the rural lane will be destroyed.”*

7.17 **Four letters of concern** regarding the application have been received from occupiers on Ty Draw Road, Claverton Way and Clos Nant Glaswg, raising the following concerns:

- (i) No reports regarding the protection of wildlife have been seen. Access to all reports is requested;
- (ii) Questions how so many amendments can be made to an application without having to withdraw and resubmit;
- (iii) Proposed zebra crossing is farcical and dangerous;
- (iv) Sale of 43 Clos Nant Glaswg breaches legal covenants;
- (v) Seeks confirmation that a boundary will be put in place between the development and the neighbouring land at Energlyn (north of the site).

7.18 The following **objections** were raised from 5 no. neighbouring occupiers during the **first public consultation period in October 2019**:

- Cause too much traffic in area
- Excessive parking on Ty Draw Lane (due to lack of parking included on-site) in an area already with parking issues
- Density of units too high for small plot
- Hedgerow protected along – cannot develop area.
- Local amenities not yet in place for increase no. of homes
- Privacy concerns regarding overlooking into gardens over lane.

7.19 The following objections were received from 94 no. neighbouring occupiers during the re-consultation period in February 2021:

- Cycle Lane + demolition:
  - Will encourage and create more crime & anti-social behaviour (ASB) with a new escape route for criminals
  - Too many users when strategic site is delivered
  - Character of quiet cul-de-sac degraded
  - Deeds do not allow the demolition / creation of this cycle lane
- 2019 consultation process poor and subsequent apology and notification letters not distributed well
- Ty draw road paving + upgrade required
- Children won't be able to play in Cul-De-Sac + around development site due to new through route and increased traffic
- EIA requested
- Impact on property values due to increase in ASB from cycle lane and removal of Cul-de-sac allure
- No amenities provided yet for development – out of phase with strategic site. Should be built at same time.
- Local school is oversubscribed
- Loss of hedgerow and Noise + air pollution from influx of traffic
- Privacy issues – overlooking
- Contrary to the Wellbeing of Future Generations Act

7.20 Following re-consultation in June 2021, a further 23 neighbour objections were received giving the following reasons:

- Crime and Natural Surveillance figure (from 19\_02468\_MJR-DAS\_NANT\_GLASWG\_LINK-2491549.pdf) provided by developer is misleading regarding window to no. 41 and expectation of natural surveillance to police area does not justify lane
- ASB and Crime in alleyway,
- Contravention of Policies KP2, KP4 and KP5
- Covenant / deeds do not allow this development
- Increased noise pollution along Ty Draw Road
- Already Over stretched amenities in Pontprennau
- Development would breach legal covenants
- Premature in regard to phasing of LDP and North Cardiff site
- Isolated location overall (transport)
- Purchased home due to location within a cul-de-sac
- Timescale of 14 days to respond to amended plans is too small due to volume of information
- Seeks confirmation of case law permitting red line boundary changes
- Ty Draw Road cannot manage increased traffic.

7.21 Following the submission of further amended plans in August 2021 another 25

no. objections were received from third parties raising the following matters:

- Alleyway seen as unnecessary –
- Hedgerow removal in violation of covenants: Covenants - relating to not selling the property to a housing authority, it can't be used as an access route and that hedgerow/trees can't be removed
- Planning diagrams provided are inaccurate - specifically the one about natural surveillance
- Zebra Crossing unsafe; not meeting visibility distance
- K Gates not sufficient to stop Scramblers
- Car dependent area will not use cycle link
- Appropriate lighting solutions not provided and will cause light pollution and disturbance if provided along link alleyway
- Crime and ASB in alleyway
- Public transport inadequate for residents to reach city centre efficiently

7.22 A final consultation period took place in October 2021 and 10 no. Further objections were received from local residents who gave the following reasons for their objections:

- £300 Cardiff Bus Voucher wrong use of tax payer money due to low usage (Existing bus routes from site are not effective / useful for current residents)
- Infrastructure should not overload existing neighbourhood (Too many pedestrians through Cul-De-Sac)
- Existing services / amenities are oversubscribed
- Footpath approach to Heol Pontprennau - Clos Nant Glaswg steep 10% grad over 65 metres - tough for elderly or disabled. Ie. Inappropriate location for sustainable transport.
- Alleyway / cycle link remains unlit on amended plans - unsafe / crime
- Bollards at Zebra crossing not good enough in stopping scrambler bikes from passing or children running into road
- Out of phase with LDP - link may have not be needed if north of site had come forward first.
- Demolition of 43 does not consider impact of embodied carbon
- Impact on character of Clos Nant Glaswg / cul-de-sac
- Need an updated natural surveillance analysis due to false info of last set (August Consultation)
- Link to north needs to come forward first prior to using link through demolished building
- concerned for fence line along land adjacent to Energlyn
- Consider precedent of another alleyway rejection by CC at Maes Y Wennol to Clos Nant Mwlan site
- Site is isolated and not fully integrated into wider community, especially for affordable housing (Re: SPG)
- Open space guidelines from "Fields of Trust" not met; Butterfield park is 950 metres and to Peppermint park is 750 over guideline distances.

## 8. **ANALYSIS**

### Welsh Government Holding Direction

- 8.1 The Welsh Ministers have been asked to call in the application for their own determination. Article 18 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (“DMPWO”) enables the Welsh Ministers to give Directions restricting the grant of permission by a Local Planning Authority (“LPA”). This authority was exercised on behalf of the Welsh Ministers on 31 March 2021 and Cardiff Council as LPA is directed not to grant planning permission without the prior authorisation of the Welsh Ministers in respect of this planning application or any development of the same kind which is the subject of the application on any site which forms part of, or includes the land to which the application relates.
- 8.2 This Direction has been issued to enable Welsh Government to give further consideration whether or not the application needs to be referred to be Welsh Ministers for their determination. The LPA is prevented from granting planning permission, it is not prevented from continuing to process or consult on the application nor is it prevented from refusing permission.

### Context Within Strategic Site F

- 8.3 The application comprises a major development as defined by the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended) and its position within and relationship to the remainder of Strategic Site F (SSF) and its relevant Local Development Plan (LDP) Policies requires careful consideration.
- 8.4 LDP Policy KP2(F) allocates greenfield land at North East Cardiff (West of Pontprennau) for a mixed-use comprehensive development of a minimum of 4,500 homes, employment and other associated community uses together with essential, enabling and necessary supporting infrastructure which will be delivered in a phased manner. KP2(F) states that development will be undertaken in a comprehensive manner and accord with 12 key masterplanning requirements. Of these, the following are considered relevant to this application:
- (i) Medium densities (35-45+ dwellings per hectare) around the edge of Pontprennau;
  - (ii) Provide safe, convenient and legible links to Pontprennau;
  - (iii) Provide good land use and transport integration with Pontprennau;
  - (iv) Effectively respond to landscape and biodiversity assets;
  - (v) Link retained habitats through providing ecological connectivity, sustainable access and sustainable drainage.
- 8.5 The policy is accompanied by a ‘Schematic Framework’ which, whilst conceptual and diagrammatic in form, does serve to illustrate the intended distribution of the range of land uses, highway infrastructure, points of connection to existing neighbouring communities and green infrastructure.

8.6 Although a comprehensive masterplan with other land in SSF has not been included in the application, the application is nevertheless considered to be consistent with KP2(F)'s masterplanning requirements as follows:

- (i) The medium density target is satisfied (approximately 45 dwellings per hectare);
- (ii) The amendment to include a shared footway/cycleway into Pontprennau will improve links with this neighbouring estate and is assessed in more detail below; and
- (iii) The proposals have been amended in consultation with Natural Resources Wales and the Council's Ecologist to respond to existing assets on site and protect, maintain and enhance biodiversity interests and connectivity.

8.7 It is also noted that the Schematic Framework identifies this part of SSF as providing residential accommodation. No key junctions, alternative land uses or other strategic pieces of infrastructure are shown to be required in this peripheral part of SSF. The application represents 1% of the minimum number of dwellings required under KP2(F). It is therefore considered that the amended application is consistent with the LDP allocation and will not prejudice the future development of neighbouring SSF land immediately northwest in line with adopted policies.

8.8 LDP Policy KP4 (Masterplanning Approach) contains 10 masterplanning general principles that major development is expected to accord with. Whilst not all are relevant for this application, the following observations are made:

- (i) The application is consistent with and does not prejudice the future development of the wider SSF; It does not conflict with the proposals intended for this part of SSF as shown on the Schematic Framework;
- (ii) The density is also consistent with those set out in KP2(F);
- (iii) The provision of a shared footway/cycleway connecting to Clos Nant Glaswg will encourage active forms of travel not only to and from the application site but also, to the wider SSF as well;
- (iv) The application includes surface water attenuation for which separate approval will be sought via SAB;
- (v) The application includes measures to protect, manage and enhance retained habitats.

8.9 For these reasons, the application is considered to be consistent with, and not contrary to, the general masterplanning principles set out in KP4.

### Transport

8.10 The introduction of the proposed footway/cycleway from the site into Clos Nant Glaswg in February 2021 represents a significant amendment by the applicant to demonstrate the site's accessibility by non-car modes of travel. Prior to this amendment the application proposed to accommodate pedestrian movements by closing Ty Draw Road to through traffic and using white lining

to create a safe zone for pedestrians (the road's narrow width prevented the construction of a pavement). Following concerns raised by officers that neither approach was suitable and that the gradients along this unlit road would also likely discourage pedestrian usage, the applicant submitted amended plans introducing the Clos Nant Glaswg link.

- 8.11 The link has been welcomed by Transport Officers and has been subject to various iterations to refine the detailed design. The link would be 3 metres wide with 3 metres either side for landscaping (9 metres wide in total). A raised table accommodating the parallel crossing (segregated crossings for pedestrian and cyclists) would act as a traffic calming feature on Ty Draw Road. The amended application is more likely to assist in meeting the LDP's aim to achieve a 50:50 modal split in trips by car and non-car modes of transport (Policy KP8).
- 8.12 Officers are satisfied that the link and necessary visibility plays requiring hedgerow removal can be delivered within the application site's red line. There are no contradictions between the site location plan, amended landscape strategy or amended planning layout, contrary to third party comments.
- 8.13 The proposed link will improve safe and convenient access to existing local services and facilities such as shops, schools and public transport within Pontprennau. It is therefore considered that the amended proposal now complies with the requirements to encourage active travel as set out in LDP Policy T1 (Walking and Cycling).
- 8.14 The proposed link is also likely to become even more strategically important in the context of the wider SSF as further land immediately northwest of the application site comes forward for development. Not only would this link be strategically important for future residents of the wider SSF, but also for existing residents of Pontprennau, who may wish to utilise the link to access amenities and facilities that emerge as the rest of SSF is developed.
- 8.15 The amended application no longer proposes to close Ty Draw Road to through traffic. Instead, a series of measures to slow traffic speeds has been submitted including reducing the speed limit from the junction with St Mellons Road to the new junction proposed by Taylor Wimpey near the Nant Glandulais stream (almost the entire length of Ty Draw Road). Two raised tables are proposed at the Ty Draw Road site entrance and the parallel crossing. Together with associated signage these measures are supported by Transportation Officers subject to conditions. Measures will also be secured under separate highways legislation where necessary.
- 8.16 Whilst Ty Draw Road itself would remain accessible for walking and cycling, the above improvements would improve the situation for existing and any new users, while it is nevertheless considered unlikely to offer an attractive alternative to the majority of non-car users given its width, gradients, lack of lighting and meandering alignment.



- 8.17 References have been made by third parties regarding Taylor Wimpey's proposals for North East Cardiff and the potential impacts on Ty Draw Road. This is a separate outline application that will be determined on its own planning merits. It is not for this application to include an assessment of the potential impacts of Taylor Wimpey's traffic data.
- 8.18 Within the site, the amended layout shows a shared space design with a carriageway width of 4.8 metres with a 2 metre wide shared surface footpath alongside. A build out is included in the centre of the site with a street tree to act as a traffic calming feature. Tracking details have been provided to demonstrate that cars and refuse vehicles can access and egress the site in a forward gear.
- 8.19 In respect of car parking, the provision of 62 no. spaces for 45 no. dwellings is in line with current parking standards. Some concerns remain regarding the design of communal cycle stores creating accessibility issues although it is accepted that the final details can be secured via condition.
- 8.20 The latest revision of the proposed planning layout (Revision AK) provides for *"Ransom-free land from highway to legal boundary to be retained for future connection to the adjoining land"* which also lies within the SSF allocation. This commitment is welcomed and a relevant planning obligation will secure this connection.
- 8.21 The amended proposals are considered to comply with the requirements of LDP Policies T1 (Walking and Cycling), T5 (Managing Transport Impacts) and T6 (Impact on Transport Networks and Services).

#### Nature Conservation

- 8.22 LDP Policy KP16 (Green Infrastructure) makes a commitment to the protection, enhancement and management of the City's distinctive natural heritage which forms a network of green infrastructure across the city. It recognises that protecting and conserving Cardiff's natural heritage needs to be reconciled with the benefits of development. New development proposals are required to consider and integrate green infrastructure into their plans.
- 8.23 Although the site does not benefit from any nature conversation designations, the existing tree and hedgerows along the site boundaries and the grassland/scrub provide habitat.
- 8.24 Following consultation with Natural Resources Wales and the Council's Ecologist, amendments and further information has been received to ensure the proposals comply with policy requirements. The creation, and subsequent widening of an ecological corridor on the entire length of the site's northwest boundary serves to ensure future connectivity with adjoining land is safeguarded. The widened corridor ranges between approximately 6 – 9 metres in width along the majority of its length. The neighbouring land, has the potential to widen this corridor further.

- 8.25 An 'Ecological Enhancement Area' is proposed at the site's northern end, tapering to the site boundary to provide further habitat, principally for dormice.
- 8.26 Along the entire southwest boundary a new (and translocated) hedgerow is proposed to improve habitat connectivity. The hedgerow fronting Ty Draw Road has been retained (except for partial removal to accommodate visibility splays at the parallel crossing) and would be laid to 1.2 metres to ensure retention of habitat with particular reference to Dormouse, a European Protected Species.
- 8.27 Following the amendments in February 2021 to include the demolition of 43 Clos Nant Glaswg to create a pedestrian/cycle link into this estate, a preliminary survey was carried out of this detached dwelling at the request of the Council's Ecologist and Natural Resources Wales (NRW). No bats or any evidence of any bats were found.
- 8.28 Regarding dormice, the surveys carried out to support the application did not find any presence of dormice on the site however the application has mitigated for dormice on at least an occasional basis given their known presence in the vicinity and the suitability of habitat on the site. NRW have confirmed in their consultation response that they accept the amended Dormice Method Statement and Management Plan, subject to it being listed in the approved documents on any decision notice.
- 8.29 The Council's Ecologist has expressed some concerns regarding the reptile survey accompanying the application and he takes the contrary view that grass snakes and slow-worms may well be present on site and this should be assumed. In line with his advice, a recommendation (as opposed to a condition), is included to advise the developer of the need to employ sensitive clearance of habitat to avoid harm to any reptiles.
- 8.30 In accordance with Section 6 of the Environment (Wales) Act 2016, Cardiff Council has a duty to seek to maintain and enhance biodiversity and in doing so to promote the resilience of ecosystems. A condition is recommended, as advised by the Council's Ecologist, to secure the provision of bat and bird boxes to provide nesting and roosting opportunities across the whole of the development.
- 8.31 Provided relevant conditions and recommendations requested by NRW and the Council's Ecologist are attached to any permission granted, it is concluded that the amended application satisfies the requirements of LDP Policies KP 16, EN6 (Ecological Networks and Features of Importance for Biodiversity) and EN7 (Priority Habitats and Species).

#### Trees and Landscaping

- 8.32 LDP Policy EN8 (Trees, Woodlands and Hedgerows) states that development causing unacceptable harm to trees, woodlands and hedgerows of significant public amenity, natural or cultural heritage value or that contribute significantly to mitigating the effects of climate change will not be permitted.

- 8.33 The site contains a number of trees and hedgerows around its perimeter of varying quality, including 2 no. 'A' category trees, 8 no. 'B' Category trees and 5 no. Category 'B' tree groups. A total of 5 no. trees are proposed for removal (3 no. 'B' Category oak and 2 no. 'C' Category). Two 'B' Category hedgerows would also be partially removed.
- 8.34 The Tree Officer has raised some concerns regarding the amended proposals including the lack of robust and continuous green corridors, ash die-back disease, and provision of robust ecotones. He also expresses concerns that once occupied, nuisance problems are likely to arise (despite proposed crown lifting to some retained trees).
- 8.35 He also expresses concerns at the possible further loss of two trees including an additional Category 'B' oak tree in the southwest corner of the site in the event that land safeguarded for a pavement, requested by Transportation Officers, is required.
- 8.36 The retained trees to the northwest boundary fall within the proposed ecological corridor that will provide connectivity for species including Dormice. As discussed in the preceding section, NRW are supportive of the amended proposals and there is potential to widen this corridor further if the neighbouring land is developed. The rear boundaries of the properties backing onto the corridor have been set back to reduce as far as possible any likely nuisance and ensure a meaningful ecological corridor is established. Conditions are proposed to secure the long-term management and maintenance of this corridor as required by NRW. The applicant has confirmed that all landscaping on site will be managed out by the RSL's management company.
- 8.37 Whilst the proposed trees losses are noted, in the context of the wider development and mindful of proposals to plant at least 14 no. new trees throughout the development, on balance the amended proposals are accepted.
- 8.38 It is noted that, despite having concerns, the Tree Officer has also recommended conditions regarding tree protection, tree works and landscaping management and maintenance.

#### Placemaking and Design

- 8.39 The proposed link to Clos Nant Glaswg is welcomed in placemaking terms, providing an important connection with the existing Pontprennau estate which currently forms an impermeable edge to Ty Draw Road. The new link, at 9 metres wide (3 metre landscaping strip + 3 metre shared footway/carriageway + 3 metre landscaping strip), would provide safe and convenient access to nearby amenities and services that would encourage sustainable form of travel.

- 8.40 The arrangement of dwellings and range of house types is considered to be a good layout making efficient use of the site and provides good façade/frontage to Ty Draw Road and the new footpath link. Conditions are recommended to secure suitable enclosures using appropriate materials.
- 8.41 The proposed house types and their arrangement throughout the site is considered to be acceptable.
- 8.42 The amended layout shows a shared space design and provides for alternative surface treatments (block paving) to straight sections of carriageway with street trees. This approach is considered to be acceptable. Precise surface finishes will be secured by condition.
- 8.43 The amended proposals have increased the sizes of private gardens. All 3 bed properties have private gardens at least 50m<sup>2</sup> and all two bed properties have at least 45m<sup>2</sup> private amenity spaces. All single bed flats also benefit from access to outside space. Whilst the provision for 2 bed flats falls below the recommended 50m<sup>2</sup> set out in the Residential Design Guide Supplementary Planning Guidance (SPG), on balance, the increased provision for amenity space is considered to be acceptable.
- 8.44 Amended plans show provision for bin storage facilities and cycle storage for each dwelling. Again, relevant conditions are recommended.
- 8.45 It is considered that the amended proposals have satisfactorily demonstrated that the development will satisfy LDP Policy KP5 (Good Quality and Sustainable Design).

#### Residential Amenity

- 8.46 LDP Policy KP5 (Good Quality and Sustainable Design) Part X requires new development to avoid any undue effect on the amenity of neighbouring occupiers. LDP Policy EN13 (Air, Noise, Light Pollution and Land Contamination) will not permit development that causes or results in unacceptable harm to health or local amenity.
- 8.47 It is recognised that the amendment to introduce a proposed shared footway/cycleway connecting with Pontprennau by demolishing the existing detached dwelling at 43 Clos Nant Glaswg has generated high levels of objections from third parties. A large proportion of these raise amenity impacts, amongst other matters, as reasons to object and these are addressed below:
- (i) Privacy – A combination of landscaping either side of the proposed path (secured by condition) and provision of a 2.4 metre high brick screen wall to the rear gardens of the neighbouring dwellings at 41 and 45 Clos Nant Glaswg would ensure that the privacy of these neighbouring dwellings would be satisfactorily safeguarded.
  - (ii) Although it is acknowledged that introducing the new link would be likely to introduce additional pedestrian/cycle movements within the

existing estate, it is not considered that any other aspect of the amended proposals would result in an unacceptable loss of privacy for neighbouring occupiers contrary to policies and privacy standards employed by the LPA, while in any event the benefits in terms of sustainability and the need to encourage active travel would outweigh any impacts arising from such additional movements.

- (iii) Lighting – a condition is recommended to secure details of all external operational lighting (construction lighting will be covered by the Construction and Environmental Management Plan);
- (iv) Demolition – noise and air pollution issues are common sources of complaint during demolition activities. It is considered that these concerns can be satisfactorily overcome through relevant conditions;
- (v) Children’s Play Space – it is for parents to determine whether the public highway is a safe and appropriate place for children to play, with or without the link;
- (vi) It has been suggested that part of the northwest site boundary that shares a boundary with the neighbouring property ‘Energlyn’ should receive a new fence as part of the proposed development in the interests of the privacy and security of this neighbouring occupier. No such fencing is proposed in the current amended application. The part of the application site in question forms part of the ecological corridor and ecological enhancement area and therefore will not be publicly accessible. Requiring a new boundary enclosure along the shared boundary with ‘Energlyn’ is therefore not considered to be necessary or reasonable.

### Community Safety

8.48 LDP Policy C3 (Community Safety/Creating Safe Environments) requires all development to promote a safe and secure environment and minimise opportunities for crime, with particular reference to maximising natural surveillance; creating well-defined routes that provide convenient movement without compromising security; making a clear distinction between public and private space; having good lighting whilst minimising energy use and light pollution and consideration future management and maintenance.

8.49 A significant proportion of the objections received raise concerns regarding the potential increase in crime and anti-social behaviour were this footway/cycleway link to be constructed. Taking each of the components of Policy C3 in turn, it is concluded that the design will minimise opportunities for crime in accordance with the policy, as follows:

- (i) Natural Surveillance – the amended Design and Access Statement suggests that the route would be well-served by natural surveillance from existing and proposed properties. At the northwest end of the route new dwellings face towards the path and provide good natural surveillance with ground and first floor habitable windows giving good coverage. Within Clos Nant Glaswg opportunities for good surveillance are limited, being restricted to secondary windows on neighbouring

- dwellings. The oblique long range views from other dwellings in the cul-de-sac are not considered to provide any meaningful surveillance;
- (ii) Well-defined routes – the path is designed with direct line of sight along its entire length with no blind corners. The 3 metre wide path sits within a 9 metre wide plot with 3 metre wide landscape strips either side. New dwellings within the site are orientated to face towards the path;
  - (iii) Public/Private Space – the amended plans show the intention to provide a range of enclosures and defensible planting to clearly define public and private land;
  - (iv) Lighting – to be conditioned;
  - (v) Maintenance and Management – the path will be offered to the Council for adoption with landscaping to be maintained by the developer.

8.50 In commenting on the amended proposals, the South Wales Police Crime Prevention Design Advisor (paragraph 6.15) did express some concern regarding the lack of overlooking from properties within Clos Nant Glaswg and potential for easier access to the rear gardens of Nos. 41 and 45. To mitigate these risks he recommends that landscaping of the path is carefully designed and well-maintained. This would be secured via condition together with details of lighting.

8.51 It is recognised that natural surveillance of the proposed path from within Clos Nant Glaswg is limited. However, it is important to note that the path would be only c.30 metres in length where it replaces the existing dwelling and there is direct line of sight along its entire length.

8.52 It is considered that proposed footpath link satisfies the criteria set out in LDP Policy C3.

#### Drainage

8.53 Given that the site is greenfield it does not currently benefit from foul drainage infrastructure. Conditions are recommended in line with Dwr Cymru Welsh Water's advice to secure appropriate provision and also to ensure an adequate water supply is provided to serve the development, including any necessary improvements.

8.54 The Council's Drainage Team have confirmed their satisfaction with the submitted drainage statement. A separate approval will be required by the SuDs Approval Body (SAB) for the surface water strategy for this development. The SAB have confirmed that they will adopt the attenuation feature and any commuted sums necessary for future maintenance would be secured via the SAB process.

#### Other Matters

8.55 In response to other issues raised during the consultation process that have not already been addressed in this analysis:

- (i) The proposed link to Clos Nant Glaswg is for pedestrians and cyclists only, it will not become a through-route for vehicles. Clos Nant Glaswg will remain a cul-de-sac;
- (ii) It is not considered that any parking restrictions are necessary to Clos Nant Glaswg;
- (iii) The carbon impacts of the demolition of 43 Clos Nant Glaswg are considered to be more than offset by the provision of much needed affordable housing in a sustainable location;
- (iv) The amended proposals improve accessibility to existing amenities and services including public transport, shops, open space, schools and health facilities.
- (v) Property values are not a material planning consideration;
- (vi) It is recognised that the application has been under consideration by the LPA for some considerable time and this has led to anxiety and concern amongst local residents. The LPA must act reasonably when processing planning applications and where amendments are received, ensure appropriate consultation and publicity takes place.
- (vii) It is accepted that some administrative errors occurred during the public consultation in February/March 2021. This was rectified at the time and no further errors occurred during the subsequent public consultations in June, August and October 2021. The LPA has satisfied its publicity requirements as set out in The Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended);
- (viii) The proposed development is not Schedule 1 development as defined in The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations (2017). In respect of Schedule 2 development, the proposals fall within the definition of 'Infrastructure Projects' (10(b) 'Urban Development Project'). As the proposals do not meet any of the three thresholds, in that the development does not exceed 150 dwellinghouses, the overall development area does not exceed 5 hectares nor does the development include more than 1 hectare of development which is not dwellinghouse development, it is concluded that the proposals are not Schedule 2 development. It is also noted that there are no 'Sensitive Areas' within the application site. Mindful of the scale of the proposed development, it is not considered that EIA is required in this instance. It is not considered that the cumulative impact of this development together with other developments in the vicinity warrants EIA. The surveys and documents supporting the application are sufficient to allow for a thorough assessment of the impacts of the proposals together with suitable mitigation;
- (ix) Legal covenants are enforceable only between the parties that originally made them or their successors in title to land concerned. The Council is not a party to the covenants being referred to and is not bound to them, nor are they material planning considerations when determining a planning application. Any covenants can't therefore prevent planning permission being granted for a development that is not compatible with covenants, however any planning consent would not over-ride land covenants and they still continue to bind the land.

Where required, any party obtaining planning permission will still need to separately obtain a release or relaxation of the covenants in order to proceed with the development. That would be a private matter between the developer and the person(s) with the benefit of the covenant;

- (x) Planning case law (British Telecommunications PLC v Gloucester City Council 2002 and Wheatcroft (Bernard) Ltd v Secretary of State for the Environment 1982) confirms that an application site's red line can be increased in size in certain circumstances. It is a matter of fact and degree. There are two main considerations when considering red line amendments: (i) Substantive issues (ii) Procedural issues. In the case of (i), the extension of the red line to include the demolition of 43 Clos Nant Glaswg and the construction of the shared footway/cycleway is not considered to be so substantial as to require a new application to be submitted. The scale and characteristics of the development remain as originally submitted. Regarding (ii), the red line amendment was accompanied by updated application forms, plans and certificates and was subject to a repeated and extended public consultation period of 21 days in February/March 2021 which included new press and site notices and a wider neighbour notification process. All potentially interested parties have been notified in accordance with the publicity requirements as set out in The Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended). No third parties have been prejudiced by the amendments.

8.56 *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.

8.57 *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.

8.58 *Well-Being of Future Generations Act 2015* – 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.



## 9. SECTION 106 AGREEMENT

9.1 The legal tests for when planning obligations can be used are set out in regulation 122 and 123 of the Community Infrastructure Levy Regulations 2010. The tests are:

- (i) necessary to make the development acceptable in planning terms;
- (ii) directly related to the development;
- (iii) fairly and reasonably related in scale and kind to the development.

9.2 LDP Policy KP7 (Planning Obligations) confirms that obligations will be sought to mitigate any impacts directly related to the development and will be assessed on a case by case basis. Accordingly, the following financial contributions have been agreed with the applicant to mitigate the impacts of the proposed development:

<b>Service Area</b>	<b>Request</b>
Waste Management (bin storage provision)	£3,100 (plus VAT)
Education (school places)	£125,124
Community Facilities (towards existing and future community centres)	£45,724.80
Public Open Space (management/maintenance of local open spaces)	£85,958
<b>TOTAL</b>	<b>£259,906.80</b>

9.3 An obligation to secure the provision of all 45 no. dwellings as affordable homes will also be included in the Section 106 Agreement (as social-rented accommodation).

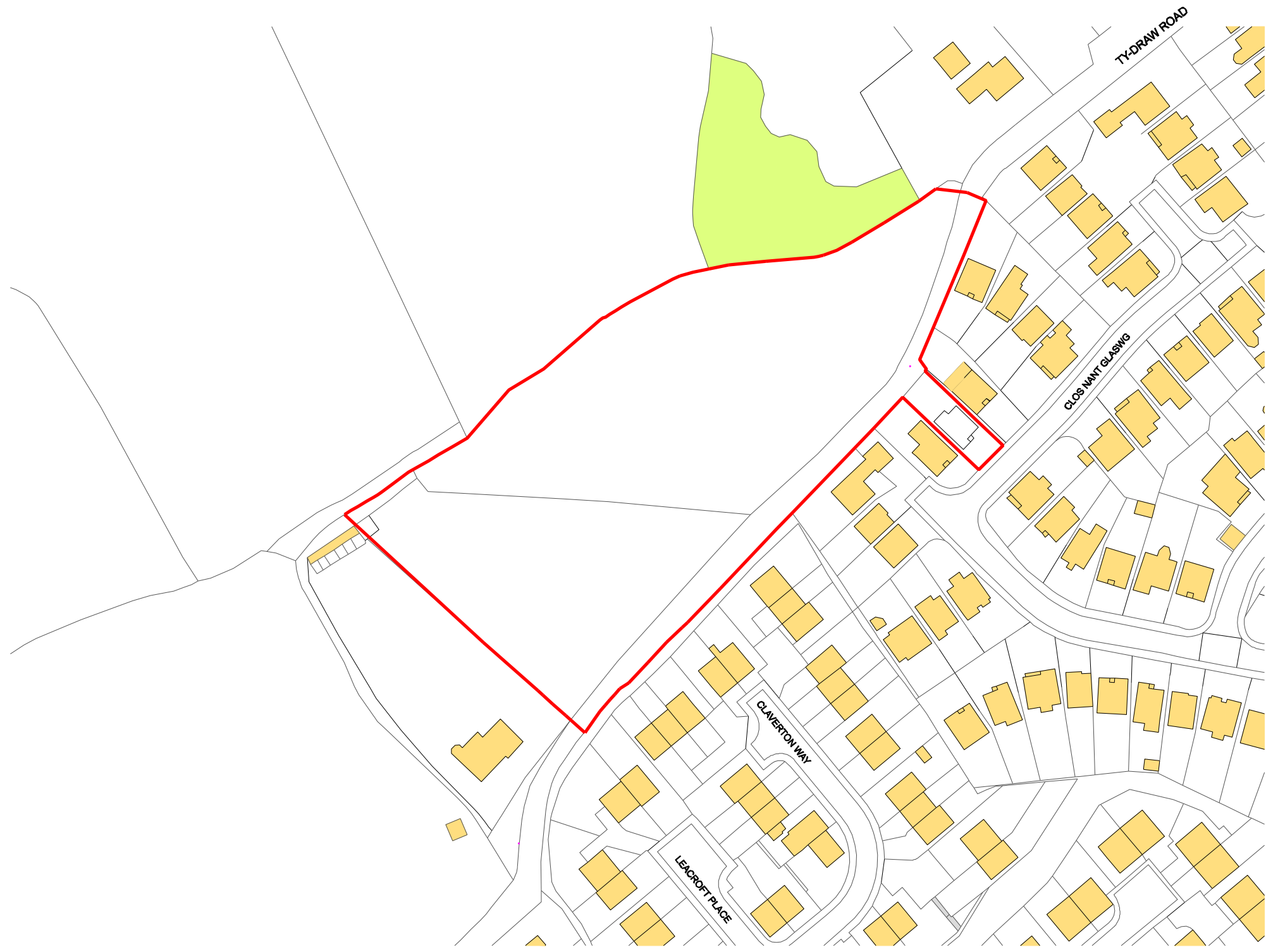
9.4 The developer will also be obligated to guarantee reserving the ransom-free land shown on the 'Proposed Planning Layout' (drawing no. 1686 100 Revision AK) up to the site boundary with the adjoining land for the provision of future highway and, if necessary, utility infrastructure connections. The applicant accepts such access is required to make the development acceptable. The obligation will ensure no legal or other obstacles to any future developer constructing such a link.

## 10. CONCLUSIONS

10.1 Having considered the merits of the amended application, it is considered that the planning balance falls in favour of permission being granted. The proposals are consistent with LDP Policy KP2(F) and do not prejudice the future development of Strategic Site F, the site can be easily and safely accessed by sustainable modes of transport, effective protection, management and enhancement of ecological interests has been secured and the layout demonstrates good design and placemaking. Whilst the concerns of third parties have been carefully considered, it is considered that these can be satisfactorily safeguarded through relevant conditions.

10.2 It is therefore recommended that, having regard to the Welsh Government's Holding Direction, planning permission be granted for the proposals, subject to relevant conditions and the completion of a Section 106 Agreement to secure the contributions identified in Section 9 of this report.

GENERAL NOTES



F	26.05.21	DA	Redline boundary to link updated (OS)
E	19.01.21	DA	Red line adjusted & blue line removed
D	03.04.20	DA	Blue Line Added - Link Path
C	16.12.19	IB	Updated to align with 1686.100 rev Q
B	17.10.19	IB	Updated to align with 1686.100 rev M
A	23.08.19	DA	OS file updated

Rev	Date	By	Comment
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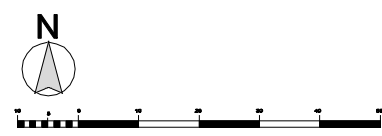
Project Title  
**Ty Draw Road  
 Lisvane**

Drawing Title  
**Location Plan**

Drawing Status

Drawn By	Checked By	Scales 1:1250	A3	Date May 2019
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Project No. <b>1686</b>	Drawing No. <b>101</b>	Rev. <b>F</b>
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**LEGEND**

- Site Boundary
- Existing Electrical Easment
- Existing Overhead Cables (Telephone) Along North Edge Ty Draw Rd
- Existing + Translocated Hedge Laid to 1.2m
- Additional New Planting
- Diagram 886, Shared Space Road Sign - Refer To Vectos Dwgs
- Tactile Paving to Shared Surface
- Ecology Corridor & Enhancement Area
- Bioretention Areas
- Raised Table Traffic Calming - Refer To Vectos Dwgs
- Zebra Crossing - Refer To Vectos Dwgs
- Existing Hedge Removed Due To Visibility envelope between 0.6m - 2m.
- Ransom Free Land From Highway To Legal Boundary To Be Retained For Future Connection
- 2.4 Brick Screen Wall to Link
- \* Door Access Form Ground Floor Apartment
- Dedicated Cycle Store 1 per Apartment (accommodates up to 2 Bikes)
- 0.45 Timber Knee Rail
- Double Bollard To Ends Of 3m (4.3m at crossing) Shared Cycle Track
- # Indicative Locations Of Potential Further Barriers To Discourage Motorcycle Use
- Electric Car Charging
- 25mm Upstand to shared surface to provide 2m footway
- 2.5m wide safeguard area to allow for future 2m footpath at South West of site entrance road

*Future Site Connection*  
 - Vehicular, Pedestrian & Cycle  
 - Layout & Width TBC As Part Of Future Phase

*Parallel Crossing*  
 - Refer to Vectos Drawings For Details

*Seating Area*

*3m Shared Cycle Track*

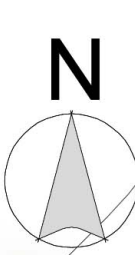
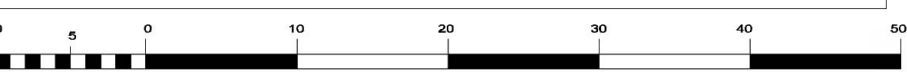
*Lighting design for the link to be agreed with Cardiff Council highways and designed to avoid conflict with wildlife or existing residents but in accordance with BS 5489:2013*

*Plot 43 To Be Demolished*

Ty Draw House  
 Attenuation Pond  
 Seating / Picnic Area

**HOUSE TYPE ACCOMMODATION SCHEDULE**

House Name	Ref.	Beds	Number
MYTHE - Wheelchair (Grd)	My	01	04no
MYTHE - (First Floor)		02	04no
MONNOW - (Ground Floor)	Mo	01	07no
MONNOW - (First Floor)		01	07no
OGMORE	Og	02	08no
WYE	Wy	03	12no
USK	Uk	03	03no
<b>Total</b>			<b>45no</b>



**GENERAL NOTES**

- AK 05.10.21 DA 2.5m safeguarded Area to SW access extended to west site boundary
- AJ 29.09.21 DA Layout revised to highways comments including Parallel crossing & Bollard Note
- AH 16.08.21 DA Layout revised to highways comments including zebra crossing amended Sheds replaced with bike store to apartments with rear gardens, possible future footpath to SW of entrance road & elec charging to private drives
- AG 07.07.21 DA Seating Areas provided adjacent to Pond & Plot 28 / 29. Block paving added to main area of shared surface
- AF 28.06.21 DA Additional rear door access to ground apartments without private gardens. Juliet balcony's added to Plots: 1-4, 28-29 & 38-39. Refer to House Type Data Sheets for details
- AE 13.05.21 DA \* = rear door access to ground floor apartment. Bin & Bike storage areas updated. Zebra crossing & associated works added to Ty Draw Rd. Extra detail added to link Walls & Barriers 2m Footpath (dashed line) shown to proposed shared surface street.
- AD 19.03.21 DA 2.4m brick wall to side boundaries of existing 42 & 45 Clos Nant Glaswg
- AC 20.01.21 DA Plot 30 Wys replaced with Usk 3m Link relocated. Red line external works & Landscaping updated
- AB 02.09.20 DA Planning Red line updated Bioretention areas shown. T1 added
- AA 06.08.20 DA 2m Link through North East ecology area removed, inc no break in Hedge
- Z 12.07.20 DA 2m Link to Claverton Way updated Monkton (Mk) replaced with Usk (Uk)
- W 05.06.20 DA Parking locations 27-30 updated 2m footpath link reinstated adj P26-29
- V 05.05.20 DA Replan to 45 units + T1 removed
- U 28.01.20 IB Shared surface, rumble strips and signage indicated
- T 21.01.20 IB Rear garden fence line moved to plots 13-20. Plots 1-9 moved to South East
- S 10.01.20 IB Topo survey updated along with the final position of the FPS
- R 18.12.19 IB Block paving & Landscaping updated to Consultants Details
- Q 16.12.19 IB FPS updated to Engineering Design
- P 02.12.19 IB Layout updated to include Gardens sizes and highway access
- N 08.11.19 IB T8 Removed and T22, T26, T27 and T28 to be trimmed back in accordance with Arboricultural Method Statement
- M 17.10.19 IB Red Line updated and amended to include the site frontage
- L 20.08.19 DA Updated following comments from Design Review meeting
- K 08.08.19 IB Layout adjusted to aid overlooking onto Ty Draw Road, to LPA comments
- J 16.07.19 IB Trimming back to existing trees and access road adjusted to comments
- H 11.07.19 IB Planting spaces fronting plots 3-20 amended to Landscapers comments
- G 09.07.19 IB Tree report updated & road shortened fronting plot 21-22
- F 05.07.19 IB Plots 10-20 Amended and Rear steps added to Engineers comments
- E 26.06.19 IB FPS moved and road junction adjusted following engineers comments
- D 05.04.19 IB FPS moved and Attenuation Pond following internal review
- C 28.03.19 IB Layout revised to indicate FPS and revised apartment designs.
- B 31.01.19 IB Drawing renumber to 100 and units increased to 47
- A 29.01.19 IB Mixed revised in accordance with UW Requirements

Rev	Date	By	Comment

Project Title  
**Ty Draw Road  
 Livvane**

Drawing Title  
**Proposed Planning  
 Layout**

Drawing Status

Drawn By / Checked By / Scales / Date  
 1:500 / A2 / Jan 2019

Project No. / Drawing No. / Rev.  
**1686 / 100 / AK**