

PETITION, OBJECTIONS, LOCAL MEMBER CONCERNS

COMMITTEE DATE: 06/04/2022

APPLICATION No. **21/02608/MNR** APPLICATION DATE: 08/11/2021

ED: **LLANDAFF NORTH**

APP: TYPE: Full Planning Permission

APPLICANT: Welsh Water

LOCATION: LAND EITHER SIDE OF RIVER TAFF COMPRISING LAND SOUTH OF EXISTING ACCESS ROAD WITHIN HAILEY PARK AND LAND AT EASTERN TURNING HEAD OF DE BRAOSE CLOSE, DANESCOURT, CARDIFF

PROPOSAL: THE CONSTRUCTION OF SEWERAGE PUMPING STATION AND ASSOCIATED COMPOUND WITHIN HAILEY PARK CONNECTING TO THE EXISTING GATED HARD STANDING ACCESS ROAD INCLUDING INTERNAL KIOSK UNITS WITH SECURITY FENCING AND LANDSCAPE PLANTING TO THE EASTERN, WESTERN AND SOUTHERN BOUNDARIES TO PREVENT LANDSCAPE IMPACTS ON HAILEY PARK. THE DE BRAOSE CLOSE DEVELOPMENT WOULD INCLUDE A 1.2M TALL ACTUATION VALVE KIOSK UPON OVERGROWN SCRUBLAND ADJACENT TO THE EASTERN PEDESTRIAN FOOTWAY

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

1. C01 Statutory Time Limit
2. The development, except where explicitly required by the ensuing conditions, shall be carried out in accordance with the following approved plans and details:
 - B13194-102503-XX-XX-DR-TA-PN9062 REV. P2 - Site Layout Proposed – Planning
 - B13194-102503-XX-XX-DR-TA-PN9064 REV. P2 - Proposed Compound Elevations
 - B13194-102503-XX-XX-DR-TA-PN9065 REV. P1 - Valve Control Kiosk
 - Arboricultural Impact Assessment, dated 7th October 2021, by Treescene
 - Ecological Impact Assessment (EclA), Issue 3rd November 2021, by Arup
 - Planning Statement, Issue 3rd November 2021, by Arup

Reason: To ensure satisfactory completion of the development and for

the avoidance of doubt in line with the aims of Planning Policy Wales to promote an efficient planning system.

3. The operational land within Hailey Park shall be limited to the confines of the 'site compound', as enclosed by the 2.4m high weld mesh fence as shown on dwg. no. B13194-102503-XX-XX-DR-TA-PN9062 REV. P2.

Reason: For the avoidance of doubt to the extent of the operational land as defined by Sec. 263 of The Town & Country Planning Act 1990.

4. If the development, hereby approved, does not commence within 18 months from the date of the most recent extended Phase 1 survey (and that which it encompassed, bats (trees), badger and invasive plants), the approved ecological measures shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to i) establish if there have been any changes in the presence and/or abundance of botanical aspects (including invasives, badger evidence or suitability of bats in trees and ii) identify any likely new ecological impacts that might arise from any changes.

Reason: In the interests of protecting the local environment in accordance with Policies KP15, KP16, KP18, EN4, EN5, EN6, EN7, EN8, EN11 and EN13 of the Cardiff Local Development Plan 2006-2026.

5. No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of "biodiversity protection zones" (potentially with regards to nesting birds, dormouse, badger and invasive species should they occur);
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements). This includes the Severn Estuary Ramsar SAC, River Taff (and fish), amphibians and reptiles, birds, otter, bats, dormouse, badger, hedgehog and invasive species, this may be via Precautionary Method of Works;
- d) The location and timing of sensitive works to avoid harm to biodiversity features, especially considering the use of lighting;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person. ECoW should cover, amphibians and reptiles, birds, otter, dormouse, badger, hedgehog or invasive species, this involves initial checks or

- supervision of the works itself; and
- h) Use of protective fences, exclusion barriers and warning signs. This should be used as and where ecological receptors arise that require protection either on or adjacent.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved development layout shown on dwg. no. B13194- 102503-XX-XX-DR-TA-PN9060 Rev. P2.

Reason: In the interests of protecting the local environment in accordance with Policies KP15, KP16, KP18, EN4, EN5, EN6, EN7, EN8, EN11 and EN13 of the Cardiff Local Development Plan 2006-2026.

6. No development shall commence until a detailed Precautionary Methods of Works (PMoW) in respect of nesting birds, amphibians, reptiles and hedgehog, to include a Ecological Clerk of Works (ECoW), has been submitted to and approved by the Local Planning Authority. The PMoW must include:

- An introduction to the site, the ecological receptors (and why they are mentioned) and the proposed works;
- The legislation pertaining to the species mentioned;
- Precautionary methods that include:
 - The areas where each species/species group could occur, along with appropriate protection zones (if required) that must be in place before and after clearance and how this would be marked out.
 - The measures that will be taken to avoid harm to these species prior to and during clearance;
 - The timing of the works;
 - The role of ECoW and the areas that require supervision whilst clearance takes place;
 - The measures taken should these species be identified (a stop work procedure would be required in the case of dormouse and immediate discussion with Natural Resources Wales); and
 - The provision of a site induction to workers.

The following must be subject to preconstruction checks; otter, bats, badger and invasive species. Should these be identified following the checks, the Local Planning Authority should be notified of the approach that will be taken, which may include licencing, should they occur. On completion of the works evidence must be provided that preconstruction checks took place and that of ECoW.

Reason: In the interests of protected species in accordance with Policies KP16, EN6 and EN7 of the Cardiff Local Development Plan 2006-2026.

7. No development shall commence until a site-wide Dormouse

Conservation Plan has been submitted to and approved in writing by the Local Planning Authority. The Dormouse Conservation Plan should cover the lifetime of the development, build upon the principles outlined in sections 5.3.8 and 6 of the approved EclA, prepared by ARUP, dated 3 November 2021 and include:

- A plan showing habitat to be lost, retained and created which should identify the extent and location on appropriate scale.
- Details of protective measures to be taken to minimise the impacts of the works on dormice.
- Details of timing, phasing and duration of construction activities and conservation measures.
- Timetable for implementation demonstrating that works are aligned with any proposed phasing of the development.
- Details of proposals to enhance retained habitats for dormice including planning mixes and specifications.
- Details of initial aftercare and long-term management and maintenance.
- Actions to be taken in event previously unidentified species or habitat features are found.
- Ecological Compliance Audit, including key performance indicators.
- Persons responsible for implementing the works.
- Details of measures to prevent or reduce incidental capture or killing.
- Proposals for monitoring the condition of retained and any new habitat, to inform habitat management, and dormouse population monitoring.

The Dormouse Conservation Plan shall be carried out in accordance with the approved details, with a written report of the effectiveness of the plan provided to the LPA every 5 years and any arising revisions of the plan to be agreed in writing with the LPA prior to implementation.

Reason: In the interests of protected species in accordance with Policies KP16, EN6 and EN7 of the Cardiff Local Development Plan 2006-2026.

8. Prior to the operational phase of development a Landscape and Ecological Management Plan (LEMP) shall be submitted to and be approved in writing by the local planning authority covering the development layout shown on drawing number B13194-102503-XX-XX-DR-TA-PN9060 Rev. P2. The content of the LEMP shall include the following:
 - a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and

- objectives.
- e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - g) Details of the body or organization responsible for implementation of the plan.
 - h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of protecting the local environment and enhancing biodiversity in accordance with Policies KP15, KP16, KP18, EN4, EN5, EN6, EN7, EN8, EN11 and EN13 of the Cardiff Local Development Plan 2006-2026.

9. Prior to beneficial use of the development, hereby approved, a lighting design strategy (especially considering bats, hedgehog, dormouse, birds and local amenity) for the development shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- Identify those areas/features on site that are particularly sensitive for bats, hedgehog, dormouse and birds and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
 - For all species to some degree this should consider; its direction, hooding, using minimum height and passive infrared on timers. All lighting should be below 2700K and therefore a wavelength above 550nm.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: In the interests of protecting the local environment and amenity in accordance with Policies KP5, KP16, EN4, EN5, EN6, EN7, EN8, EN11 and EN13 of the Cardiff Local Development Plan 2006-2026.

10. No development shall commence until details of the location, short specification and numbers of each enhancement suggested in the EclA have been submitted and approved by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of enhancing biodiversity in accordance with Policies KP15, KP16, KP18, EN4, EN5, EN6, EN7, EN8, EN11 and EN13 of the Cardiff Local Development Plan 2006-2026.

11. 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:

- 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 sent to the LPA during the different phases of development and demonstrating how the approved tree protection measures have been complied with.

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

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

Reason: To enable the Local Planning Authority to assess the effects of the proposals on existing trees and landscape; the measures for their protection; to monitor compliance and to make good losses in accordance with Policies KP15, KP16, EN6, EN7 and EN8 of the Cardiff Local Development Plan 2006-2026.

12. No development shall take place until full details of soft landscaping, to the extent of area indicated on dwg. no. UG1969-URB-XX-ZZ-DR-L-90-0002 Rev. P3, have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- A soft landscaping implementation programme.

- Scaled planting plans prepared by a qualified landscape architect (as appropriate).
- Evidence to demonstrate that existing and proposed services, lighting, CCTV, drainage and visibility splays will not conflict with proposed planting (as appropriate).
- Schedules of plant species, sizes, numbers and densities prepared by a qualified landscape architect (as appropriate).
- Scaled tree pit sectional and plan drawings prepared by a qualified landscape architect that show the Root Available Soil Volume (RASV) for each tree (as appropriate).
- Topsoil and subsoil specification for all planting types, including full details of soil assessment in accordance with the Cardiff Council Soils and Development Technical Guidance Note, soil protection, soil stripping, soil storage, soil handling, soil amelioration, soil remediation and soil placement to ensure it is fit for purpose. Where imported planting soils are proposed, full specification details shall be provided including the parameters for all imported planting soils, a soil scientists interpretive report demonstrating that the planting soil not only meets British Standards, but is suitable for the specific landscape type(s) proposed. The specification shall be supported by a methodology for storage, handling, amelioration and placement.
- Planting methodology and post-planting aftercare methodology prepared by a qualified landscape architect, including full details of how the landscape architect will oversee landscaping implementation and report to the LPA to confirm compliance with the approved plans and specifications.

Reason in the interests of green infrastructure and biodiversity to mitigate the effects of development and enhance the area in accordance with Policies KP5, KP15, KP16, EN6, EN7 and EN8 of the Cardiff Local Development Plan 2006-2026.

13. No development shall take place until an odour assessment has been submitted to and approved by the Local Planning Authority including any necessary mitigation measures. The development will, thereafter, be undertaken in accordance with the approved details.

Reason: In the interests of the amenities of the area and neighbouring occupiers in accordance with Policies KP5 and EN13 of the Cardiff Local Development Plan 2006-2026.

14. The rating level of the noise emitted from fixed plant and equipment on the site shall not exceed the existing background noise level at any time by more than -10dB(A) at any residential property when measured and corrected in accordance with BS 4142: 2014 +A1 2019 (or any British Standard amending or superseding that standard).

Reason: In the interests of the amenities of the area and neighbouring occupiers in accordance with Policies KP5 and EN13 of the Cardiff Local Development Plan 2006-2026.

15. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place unless otherwise agreed in writing until a scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the LPA within 2 weeks of the discovery of any unsuspected contamination.
Reason: To ensure that any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies KP18 and EN13 of the Cardiff Local Development Plan.
16. Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.
Subject to approval of the above, sampling of the material received at the development site to verify that the imported material is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.
Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with Policies KP18 and EN13 of the Cardiff Local Development Plan.
17. Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.
Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with Policies KP18 and EN13 of the Cardiff Local Development Plan.

RECOMMENDATION 2: Natural Resources Wales recommends that developers should:

- Follow the risk management framework provided in Land Contamination Risk Management (LCRM).
- Refer to Land Contamination: A Guide for Developers (WLGA, 2017) for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
- Refer to the Environment Agency's (2017) 'Approach to Groundwater Protection'.

RECOMMENDATION 3: The application site is located within Zone C1 of the Development Advice Map (DAM) the developer should be aware of the potential flood risks. Please refer to NRW for more information.

RECOMMENDATION 4: 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.

RECOMMENDATION 5: Attention is drawn to the provisions of Part III of the Environmental Protection Act 1990 in respect of statutory nuisance relating to dust and noise where there is prejudice to health or a nuisance.

RECOMMENDATION 6: The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for

- i. determining the extent and effects of such constraints;
- ii. ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site;
 - Unprocessed / unsorted demolition wastes.

- Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
 - Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and
- iii. the safe development and secure occupancy of the site rests with the developer.

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

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

RECOMMENDATION 7: Schedule 3 of the Flood and Water Management Act 2010 effects all new developments where the construction area is of 100m² or more and, therefore, may be subject to surface water drainage proposals under the SAB application process.

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

In the meantime if you require further information please review our website: <https://www.cardiff.gov.uk/ENG/resident/planning-and-suds/suds-approval-body/>

1. **DESCRIPTION OF THE SITE AND PROPOSED DEVELOPMENT**

- 1.1 The application site comprises two parcels of land within the wards of Llandaff North and Llandaff either side of the River Taff.
- 1.2 The primary site is located within Hailey Park which comprises an area of open space serving the local community. The park lies within and to the west of Llandaff North and to the south, across the Rhondda and Merthyr Railway line, of Whitchurch. The park extends eastwards from Llandaff North to the River Taff and the boundary of Radyr, the parks southern extremities are also bordered by the river over which is the principally residential area of Danescourt in Llandaff.
- 1.3 The park is largely green fields bounded by mature trees and vegetation to its boundaries and groups of mature trees and vegetation to the west of centre of the park and sporadically throughout with the west side being categorised as amenity open space of natural and semi-natural greenspaces. The east of the park provides an area of formal, comprising two rugby pitches or cricket pitch, and informal open space with areas of amenity open space of natural and semi-natural greenspaces to the fringes.

To the north west of the playing fields lies a single storey changing room building and associated car parking, and additional car parking lies to the north east corner of the site. A vehicular access road off Ty-Mawr Road, to the north east boundary runs to the changing room building with the aforementioned additional car parking spaces being sited centrally on the access road and to its north with fringes of greenspace to the immediate south of the access road.

- 1.4 This principal application site lies approximately 10-11m south of the access road directly opposite the northern car park upon existing overgrown greenspace including unmanaged grass and shrubs. The proposed site would comprise a development area of marginally less than 565sq.m upon the amenity open space and would not infringe upon either the formal or informal open space. Significant areas, extending to approximately 1,600sq.m, of the defined site are would be reserved for enhancement of soft landscaping.
- 1.5 The application site is located within the Taffs River Corridor within largely Flood Zone B, however, partly within Flood Zone C1. The Hailey Park SINC lies in close proximity to the north, across the access road, and extends west across the amenity open space. The River Taff Sinc lies approximately 175m to the south. Radyr Community Woodlands and Radyr Cricket Ground SINCs and the Hermit Wood LNR lie within 500m. The Glamorgan Canal LNR and Glamorgan Canal/Longwood SSSI lie within 1km. The internationally designated sites Cardiff Beech Woods SAC, Severn Estuary SAC, SPA and Ramsar sites lie within 10km.
- 1.6 The compound would be enclosed by a 2.4m mesh fence and be laid with predominately stone, partly in cellular paving in high traffic areas. A number of utility structures would be sited within the compound, to its south east corner, accommodating an area above ground of approximately 55sq.m and at heights of 1.5m, 2m and 2.5m on slabs. To the west of the compound would be sited a below ground (-7m) pumping station of 7m in diameter with access openings. Ancillary pipework, principally of low level (<1m high) with a max. height of 1.5m, would be sited centrally within the compound. A 63sq.m access road, of naturally filled cellular paving, would run south to the compound off the existing vehicular access into the park.
- 1.7 The secondary site is located nearly 0.5km south west from the principal site in Hailey Park, across the River Taff and within its river corridor, to the western end of De Braose Close, sited to the north of the turning head at the end of that road. The site has a nominal size of nearly 10sq.m is located on the fringe of an area of amenity open space, approximately 20m south of the Radyr Woodlands Community SINC and Hermit Wood LNR and outside, but in close proximity to, a group of protected trees. The site would accommodate a 'Valve Control Kiosk with a footprint of 1.2m x 0.4m and 1.2m high on a 150mm thick concrete base with a footprint 150-300mm greater than the kiosk itself.
- 1.8 The development is required as a result of a major residential development

in Radyr which will include the construction of approximately 6,000 new dwellings. The development is an allocated strategic site under the provisions of the LDP and, therefore, constitutes a significant delivery of residential development during the plan period. A new separate sewerage system is currently proposed which would collect all domestic flows and discharge into the existing sewer network located in the Danescourt area, however, due to the increase in domestic discharges proposed the existing Cog Moors Wastewater Treatment Works does not benefit from appropriate capacity. A bifurcation gravity sewer is required to transfer excess flows beyond the River Taff to the proposed pumping station at Hailey Park which subsequently would discharge excess flows into the existing trunk sewer line which connects to the Cardiff Wastewater Treatment Works.

- 1.9 The wider 'Plasdwr Sewer Reinforcement Scheme' includes a below ground level pipeline below the River Taff and pipelines connecting to Ty Mawr Road which are considered to constitute 'permitted development' in their own right by virtue of Order of Welsh Government.

2. SITE HISTORY OF RELEVANCE

Application No : 00/02169/W
Proposal : REINSTATEMENT OF PUBLIC OPEN SPACE, RELOCATION/ REINSTATEMENT OF CAR PARKING, THE REMOVAL OF THE MINERAL RAILWAY BRIDGE AND ONE ABUTMENT AND CHANGES IN LEVELS UNDER AND ADJACENT TO THE RAILWAY BRIDGE.

Application Type: FUL
Decision : PER
Decision Date : 02/01/2001

Application No : 01/02274/W
Proposal : RE-INSTATEMENT WORKS AFTER Y AND P SEWER INSTALLATION (INCLUDING DEMOLITION OF RAILWAY BRIDGE AND DISUSED RAILWAY EMBANKMENT)

Application Type: FUL
Decision : PER
Decision Date : 17/12/2001

3. POLICY FRAMEWORK

National Planning Policy

- Future Wales: The National Plan 2040 (2021)
- Planning Policy Wales (11th Ed, 2021)
- Technical Advice Note 5: Nature Conservation and Planning
- Technical Advice Note 11: Noise
- Technical Advice Note 12: Design
- Technical Advice Note 15: Development and Flood Risk
- Technical Advice Note 16: Sport, Recreation and Open Space

Cardiff Local Development Plan 2006-2026 (2016)

- Policy KP1: Level of Growth
- Policy KP3(B): Settlement Boundaries
- Policy KP5: Good Quality and Sustainable Design
- Policy KP6: New Infrastructure
- Policy KP7: Planning Obligations
- Policy KP9: Responding to Evidenced Economic Needs
- Policy KP13: Responding to Evidenced Social Needs
- Policy KP14: Health Living
- Policy KP15: Climate Change
- Policy KP16: Green Infrastructure
- Policy KP18: Natural Resources
- Policy EN4: River Corridors
- Policy EN5: Designated Sites
- Policy EN6: Ecological Networks and Features of Importance for Biodiversity
- Policy EN7: Priority Habitats and Species
- Policy EN8: Trees, Woodlands and Hedgerows
- Policy EN10: Water Sensitive Design
- Policy EN11: Protection of Water Resources
- Policy EN13: Air, Noise, Light Pollution and Land Contamination
- Policy EN14: Flood Risk
- Policy C3: Community Safety/Creating Safe Environments
- Policy C4: Protection of Open Space

Supplementary Planning Guidance

- Green Infrastructure (2017)
- Planning Obligations (2017)

4. CONSULTEE RESPONSES

- 4.1 The Operational Manager (Shared Regulatory Services – Pollution Control) raises no objection to the proposal. It is advised that noise from plant on site should not exceed defined levels and that further information will be required in respect of odour and lighting. Conditions are requested.
- 4.2 The Operational Manager (Shared Regulatory Services – Environment Team) raises no objection to the proposal. The proposed development is located on historical landfill site, there is the potential for ground contamination and gas emissions. Should there be any importation of soils to develop the landscaped areas of the development, 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 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. Conditions and Advisory Notes are requested.
- 4.3 The Operational Manager (Flood & Coastal Risk Management) has been consulted, no representations have been received.

- 4.4 The Councils Planner (Trees and Landscaping) raises no objection to the proposal. It is advised that whilst the loss of low quality trees does not conflict with Policy EN8 the loss of vegetated soils is at odds with the principles of KP15. Indicative landscaping, however, details the potential to mitigate both loss of trees and vegetated soil. Conditions are recommended.
- 4.5 The Councils Ecology consultant raises no objections to the proposal. An Ecological Impact Assessment, supported by an Extended Phase 1 Habitats Assessment of the wider area, has been submitted which conforms to best practice which identifies the sites and habitats referenced at para. 1.5 and includes a range of mitigation measures. Conditions are recommended.
- 4.6 Natural Resources Wales raise no objection to the proposal, it is advised that:
- The ecological submissions have been reviewed and are welcomed. Dormice, Otters and all species of British bats are European Protected Species, legally protected under The Conservation of Habitats and Species Regulations 2017 (as amended). Legal protection relates to the animals themselves and the places they use to rest and breed. Where a European Protected Species is present and the development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation. One of these requires that the development authorised will 'not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status (FCS) in their natural range'. No concerns are raised with regards to the impact upon Dormice subject to a Conservation Plan being provided and it is noted a single tree which would not be affected by development provides moderate roosting potential for bats;
 - The site is considered sensitive due to the underlying aquifer and proximity to the River Taff. This site is also recorded as a historic landfill, however the landfill is very historic. Given this and the redline boundary representing a small part of the larger landfill no immediate concerns are raised;
 - Our Flood Risk Map confirms the application site lies partially within Zone C1 of the Development Advice Map (DAM) as contained in TAN15. Given the nature of the proposed development (and in the absence of a flood consequences assessment (FCA)), we consider the proposals could be acceptable, subject to the developer being made aware of the potential flood risks.

Conditions and Advisory Notes are requested.

5. **REPRESENTATIONS**

- 5.1 The application was publicised by way of neighbour notification letters, a significant level of representations have been received.

- 5.2 A valid petition of 114 signatories, from the Llandaff North Residents Association, has been received objecting to the proposal. A petition of greater number signatories has been received, however, was not valid in accordance with committee procedures.
- 5.3 Letters of representation have been received from nine local residents objecting to the proposal.
- 5.4 Cllrs Dilwar Ali and Jennifer Burke-Davies, local members for Llandaff North, object to the proposal.
- 5.5 A summary of the reasons for objection are detailed below:
- loss of public open space;
 - visual appearance/uncharacteristic development;
 - lack of landscaping/screening;
 - impact upon biodiversity;
 - affect of flooding;
 - pollution of local area;
 - impact of noise and smell from facility;
 - disruption from construction works including impact upon highway network;
 - insufficient consultation.
- 5.6 Cllr Sean Driscoll, local member for Llandaff, does not object to the proposal, however, raised some material considerations principally I respect of the ecological impact that he considers should be taken into consideration.

6. ANALYSIS

6.1 Introduction

- 6.1.1 The application site lies within the defined settlement boundary where there is a general presumption in favour of development.
- 6.1.2 The principal site, however, is located within an area of open space and Policy C4 seeks to protect open space that has significant functional, conservation, environmental or amenity value and proposals will only be acceptable where:
- *‘They would not cause or exacerbate a deficiency of open space in accordance with the most recent open space study; and*
 - *The open space has no significant functional or amenity value; and*
 - *The open space is of no significant quality; or*
 - *The developers make satisfactory compensatory provision; and in all cases*
 - *The open space has no significant nature or historic conservation importance’.*

This policy reflects national planning policy relating to open space set out in Planning Policy Wales and Technical Advice Note 16 relating to Sport,

Recreation and Open Space (January 2009). The survey classifies the site as amenity open space. Therefore, in order to accord fully with Policy C4 the application will need to be assessed against criteria including:

- The functional and amenity value of the open space;
- The quality of the open space.

Having regard to the criteria it is noted that the site comprises low quality scrubland and is overgrown and provides limited functional and amenity value and would not negatively impact the adjacent designated areas of informal and formal recreational open space. It is also noted that the actual footprint of the compound and access road would result in the loss of 0.06 hectares of amenity open space and the majority of the site 0.17 hectares would be used to provide additional planting of scrub, wildflowers and trees which would enhance the amenity value of the open space.

6.1.3 Given this and the evidenced need for this sewerage infrastructure the principle of the proposal is considered acceptable subject to other material considerations:

6.2 Quality of the Proposed Development and Impact Upon the Character and Appearance of the Area

6.2.1 Policy KP5 seeks to ensure that new development responds *'to the local character and context of the built and landscape setting so that layout, scale, form, massing, height, density. Colour, materials, detailing and impact on the built and natural heritage are all addressed within development proposals'*.

6.2.2 The proposed compound and associated development within Hailey Park is of a standard utilitarian appearance and is not of significant architectural value as would be expected for such a scheme. The development is, however, of a limited height and a proposed scheme of planting would effectively screen the development from views with the significant areas of planting proposed of a significant benefit to the area including to its visual appearance. The colour of the structures would ensure that the proposal further merges with the background.

6.2.3 The proposed development at DeBraose Close is of a limited scale and a feature which is characteristic within the streetside setting it would occupy.

6.2.4 Accordingly, it is considered that the proposal has been adequately designed to mitigate its impact and would result in an overall enhancement of the visual appearance of the area having no adverse impact upon its character and, therefore, accords with the principles of Policies KP5.

6.3 Impact Upon the Amenity of the Area and Neighbouring Occupiers

6.3.1 Policy KP5 states all new development will be required to ensure there is *'no undue effect on the amenity of neighbouring occupiers'*. Policy EN13 seeks to ensure that development is *'not permitted where it would cause unacceptable*

harm to health, local amenity, the character and quality of the countryside, or interests of nature conservation, landscape or built heritage importance because of air, noise, light pollution or the presence of unacceptable levels of land contamination’.

- 6.3.2 The proposed landscape screening would effectively make the development indistinguishable within its parkland setting the appearance of which would be enhanced, therefore, it is considered that there would be a positive impact upon the general amenity of the area.
- 6.3.3 The proposal is sited at a considerable distance from neighbouring properties and, therefore, would have no overbearing impact.
- 6.3.4 The facility is unlikely to give rise to operational nuisance from sources of pollution and conditions are recommended in this regard to ensure that no adverse impact results.
- 6.3.5 Accordingly, it is considered that the proposal would have no detrimental impact upon the amenity of the area or neighbouring occupiers and, therefore, accords with the principles of Policies KP5 and EN13.

6.4 Environmental Impact

- 6.4.1 Policies KP15, KP16 and KP18, supported by the policies within Sec. 3 of the LDP, seek to ensure that no adverse environmental impact results from development and that the ecology and biodiversity is enhanced.
- 6.4.2 The application is supported by considerable detail in this regard which has been reviewed by the relevant consultees, refer to para.4.5-4.6. It is considered that it has been demonstrated that in principle no adverse impact would result in this regard and sufficient precautionary and mitigative works would be secured, by condition, to ensure no harm results and that there would be an overall enhancement in this regard.
- 6.4.6 Accordingly, it is considered that the proposal would have no adverse environmental impact and accords with the principles of Policies KP15, KP16, KP18, EN4, EN5, EN6, EN7, EN8, EN10, EN11 and EN14.

6.5 Other Matters

- 6.5.1 Some disruption and inconvenience is likely to result from demolition and construction works, however, given the scale and nature of the works it is considered that no significant harm should result. Such works are largely controlled by separate legislation, including control in respect of health and safety and over noise and other sources of pollution. Given the context of the site and nature of the proposal, planning control of these works, which should only be imposed in exceptional circumstances where an explicit planning reason to do so exists and in the absence of any other form of appropriate control, would not be warranted. Notwithstanding the above, control over construction so far as they relate to matters referenced at para. 6.4 would be

warranted, and a condition is recommended relative to these matters.

7. **LEGAL CONSIDERATIONS**

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 given due consideration in the determination of this application.

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. Having due regard to advancing equality involves:

Removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these differ from the need of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

This duty has been given due consideration in the determination of this application.

Planning (Wales) Act 2015 (Welsh language)

Section 31 of the Act clarifies that impacts on the Welsh Language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application.

This duty has been given due consideration in the assessment of this application.

Wellbeing of Future Generations (Wales) Act 2015

In reaching this recommendation officers have taken into account the requirements of Sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. This recommendation is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Minister's well-being objectives as required by section 8 of the WBFG Act.

Biodiversity and Resilience of Ecosystems Duty

Section 6 of the Environment (Wales) Act 2016 requires that the LPA must seek to maintain and enhance biodiversity in the exercise of its functions, and in so doing promote the resilience of ecosystems, so far as is consistent with the proper exercise of those functions. In complying with this duty the LPA will have to take account of the resilience of ecosystems, in particular the diversity

between and within ecosystems; the connections between and within ecosystems; the scale of ecosystems; the condition of ecosystems and the adaptability of ecosystems.

This duty has been given due consideration in the assessment of this application.

Environmental Impact Assessment (Wales) Regulations 2016

As required by Part 2 (screening) and schedule 2 & 3 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2019 that the proposal would not have a significant impact upon the environment to require an environmental statement.

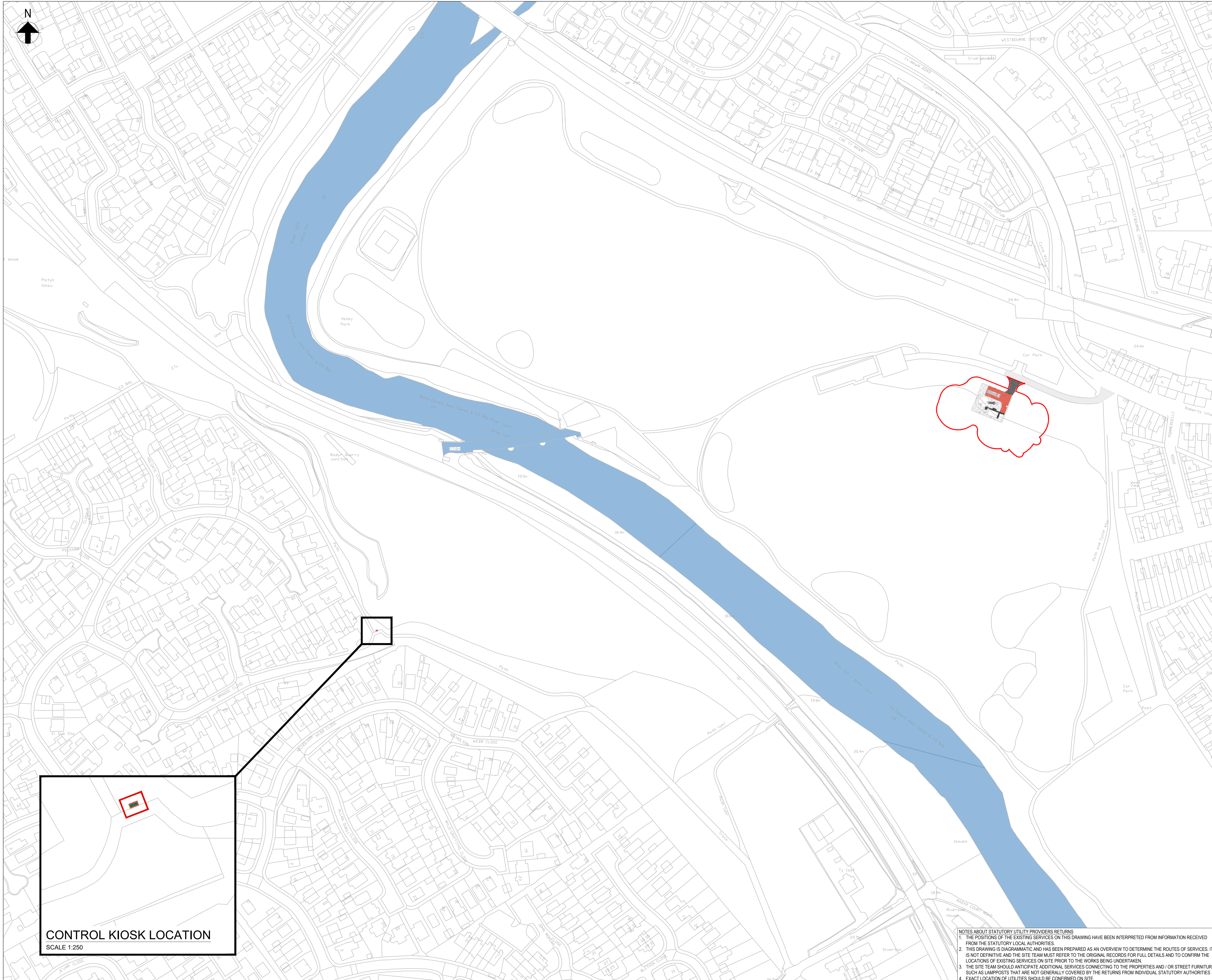
Flood and Water Management Act 2010

Section 12 (3) of the Flood and Water Management Act 2010 places a duty on Risk Management Authorities (e.g. a county council for the area) to have regard to the national and local strategies and guidance when exercising any other function in a manner which may affect a flood risk or coastal erosion risk.

The relevant strategies and guidance have been taken into consideration in the assessment of this application.

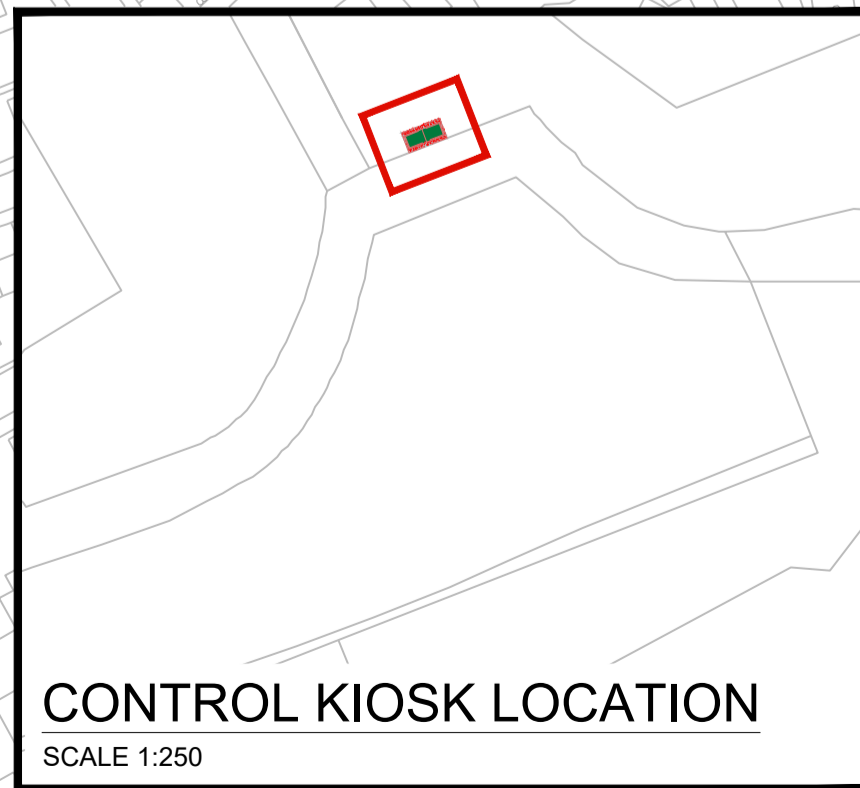
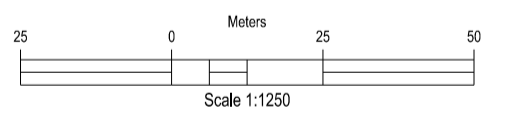
8. CONCLUSION

- 8.1 Having regard to the policy context above, the proposal is considered acceptable and it is recommended that planning permission be granted subject to condi



LEGEND:

- REDLINE BOUNDARY DENOTES ALL ABOVE GROUND BUILDINGS / STRUCTURES SUBJECT TO PLANNING PERMISSION
- PUMPING STATION COMPOUND
- VALVE CONTROL KIOSK



CONTROL KIOSK LOCATION
SCALE 1:250

P2	FOR PLANNING	TR	JH	DW	25.03.22
P1	FOR PLANNING	SSJ	JH	DW	28.10.21
Rev.	Description	Drawn	Chkd.	Appd.	Issue Date



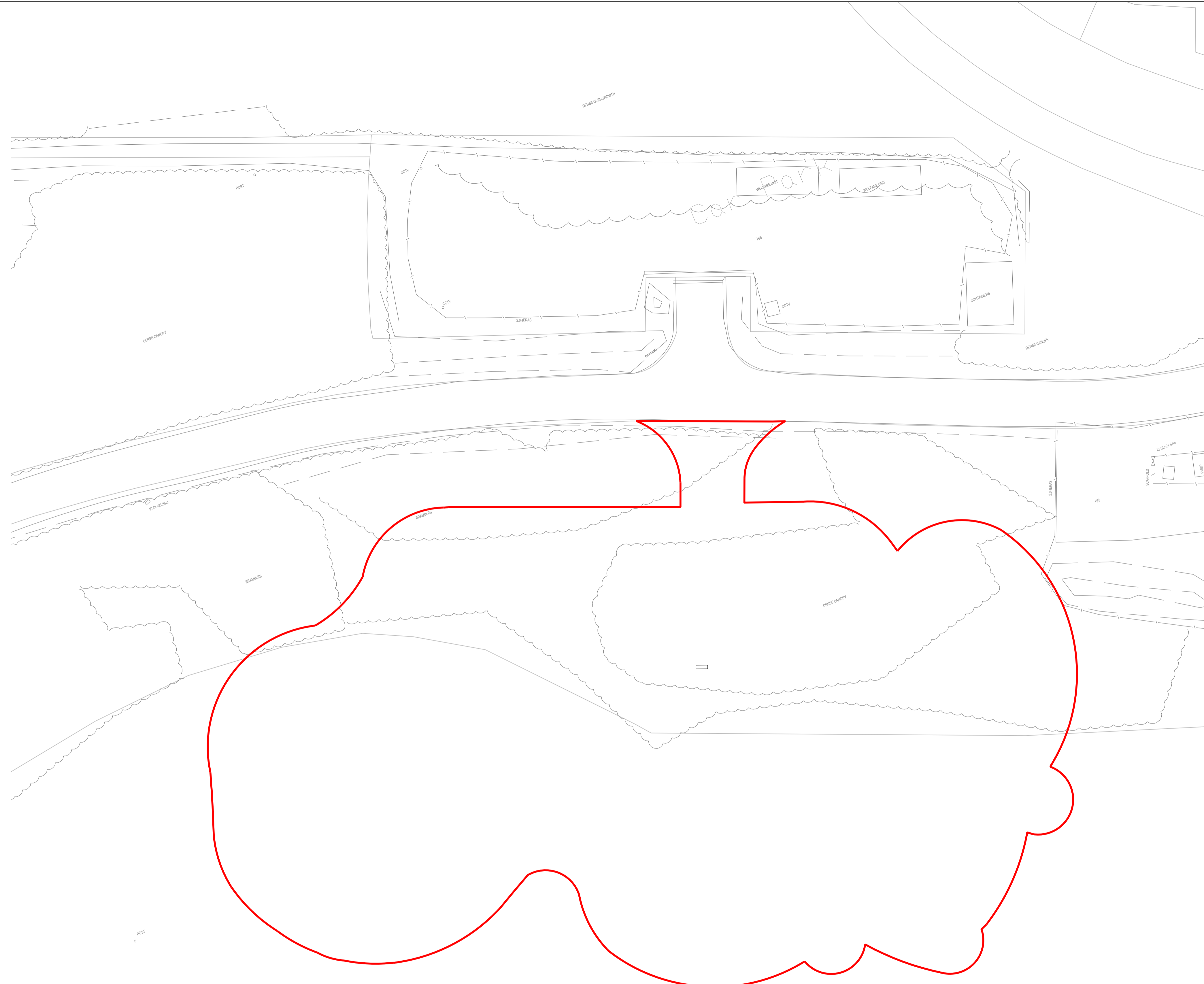
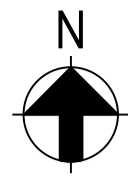
Ty Awen, Spooner Close, Coed Kernew, Newport, NP108FZ

Project Name:
PLASDWR SEWER NETWORK REINFORCEMENT

Drawing Title:
SITE LOCATION PLAN - PLANNING

Subsidiary:	FOR PLANNING	Subsidiary Code:	PL
Internal Project Number:	241629	Scale:	1:1250
Drawing Number:	B13194-102503-XX-XX-DR-TA-PN9060	Rev.	P2


NOTES ABOUT STATUTORY UTILITY PROVIDERS RETURNS
 1. THE POSITIONS OF THE EXISTING SERVICES ON THIS DRAWING HAVE BEEN INTERPRETED FROM INFORMATION RECEIVED FROM THE STATUTORY LOCAL AUTHORITIES.
 2. THIS DRAWING IS DIAGRAMMATIC AND HAS BEEN PREPARED AS AN OVERVIEW TO DETERMINE THE ROUTES OF SERVICES. IT IS NOT DEFINITIVE AND THE SITE TEAM MUST REFER TO THE ORIGINAL RECORDS FOR FULL DETAILS AND TO CONFIRM THE LOCATIONS OF EXISTING SERVICES ON SITE PRIOR TO THE WORKS BEING UNDERTAKEN.
 3. THE SITE TEAM SHOULD ANTICIPATE ADDITIONAL SERVICES CONNECTING TO THE PROPERTIES AND / OR STREET FURNITURE SUCH AS LAMPPOSTS THAT ARE NOT GENERALLY COVERED BY THE RETURNS FROM INDIVIDUAL STATUTORY AUTHORITIES.
 4. EXACT LOCATION OF UTILITIES SHOULD BE CONFIRMED ON SITE.



NOTES:

1. THE SITE IS OWNED BY THE LOCAL AUTHORITY AND FORMS A PUBLIC RIGHT OF WAY.

LEGEND:

-  REDLINE BOUNDARY DENOTES ALL ABOVE GROUND BUILDINGS / STRUCTURES SUBJECT TO PLANNING PERMISSION. TOTAL AREA = 2925m²

PLAN
SCALE 1:200

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 4. EXACT LOCATION OF UTILITIES SHOULD BE CONFIRMED ON SITE.

P2	FOR PLANNING	TR	JH	DW	25.03.22
P1	FOR PLANNING	SSJ	JH	DW	28.10.21
Rev.	Description	Drawn	Chkd.	Appd.	Issue Date



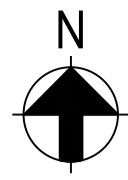
Ty Awon, Spooner Close, Coed Kernew, Newport, NP108FZ

Project Name:
PLASDWR SEWER NETWORK REINFORCEMENT

Drawing Title:
SITE LAYOUT EXISTING

Subsidiary: FOR PLANNING	Subsidiary Code: PL
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Internal Project Number: 241629	Scale: 1:200	Rev. P2
Drawing Number: B13194-102503-XX-XX-DR-TA-PN9061		

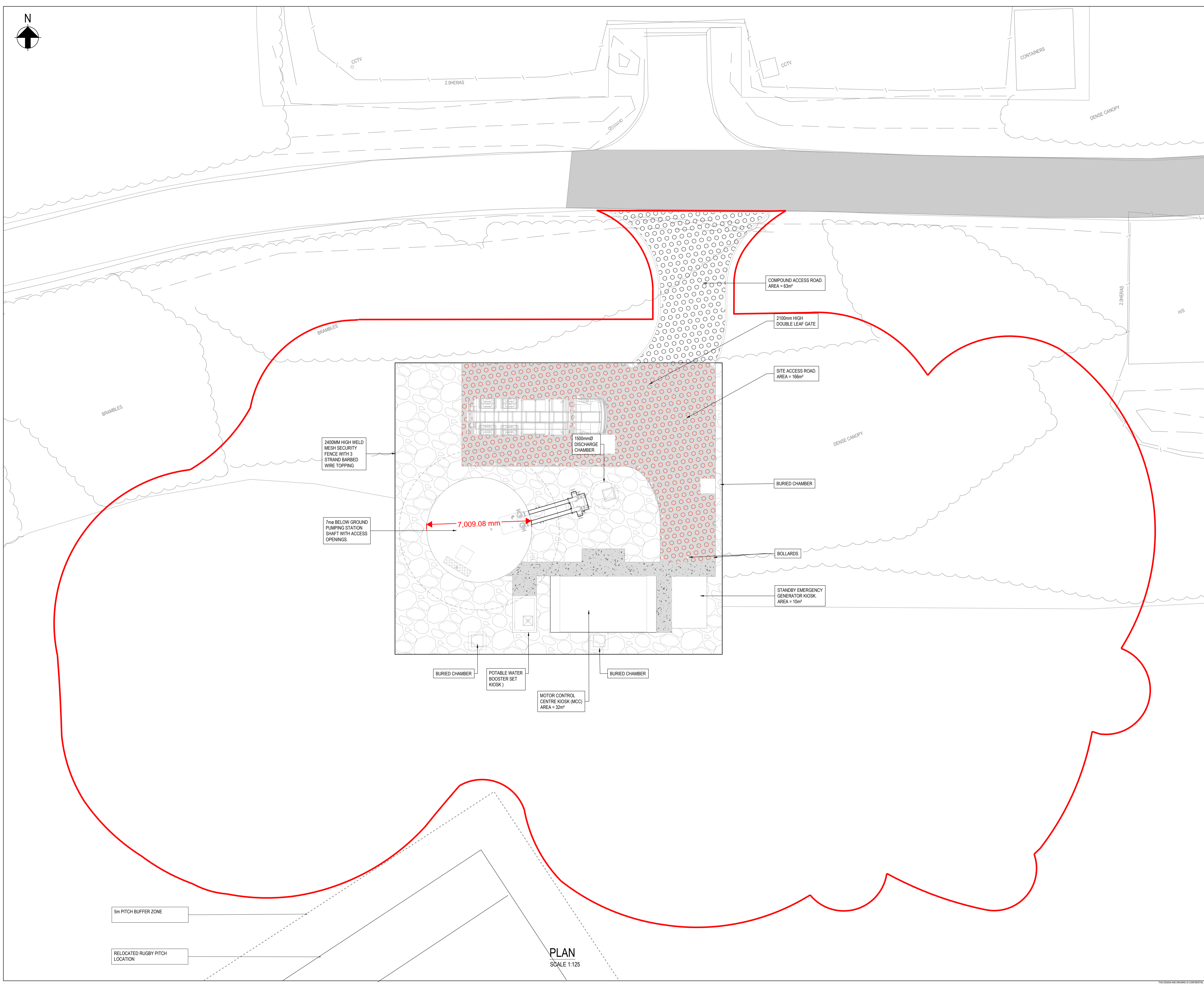


NOTES:

- 1. THE SITE IS OWNED BY THE LOCAL AUTHORITY AND FORMS A PUBLIC RIGHT OF WAY.

LEGEND:

- REDLINE BOUNDARY DENOTES ALL ABOVE GROUND BUILDINGS / STRUCTURES SUBJECT TO PLANNING PERMISSION. TOTAL AREA = 2600m²
- TRUCKCELL - NATURAL INFILL
- TRUCKCELL - STONE INFILL
- CONCRETE FOOTPATH
- STONE INFILL



PLAN
SCALE 1:125

P2	FOR PLANNING	TR	JH	DW	25.03.22
P1	FOR PLANNING	SSJ	JH	DW	28.10.21
Rev.	Description	Drawn	Chkd.	Appd.	Issue Date

Capital Delivery Alliance
Cynghair Cyflawni Cyfalaf

Ty Awon, Spooner Close, Coed Kernew, Newport, NP108FZ

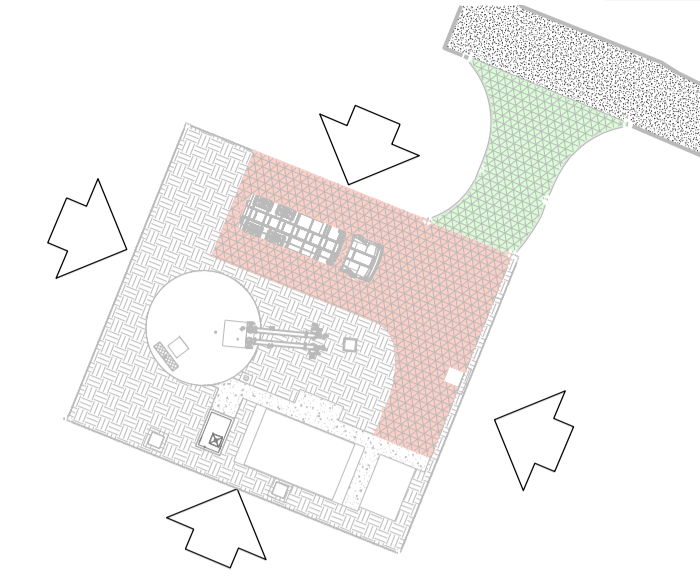
Project Name:
PLASDWR SEWER NETWORK REINFORCEMENT

Drawing Title:
SITE LAYOUT PROPOSED - PLANNING

Suitability:	FOR PLANNING	125	Suitability Code:	PL
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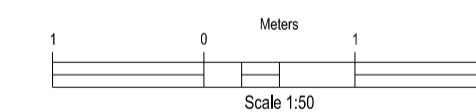
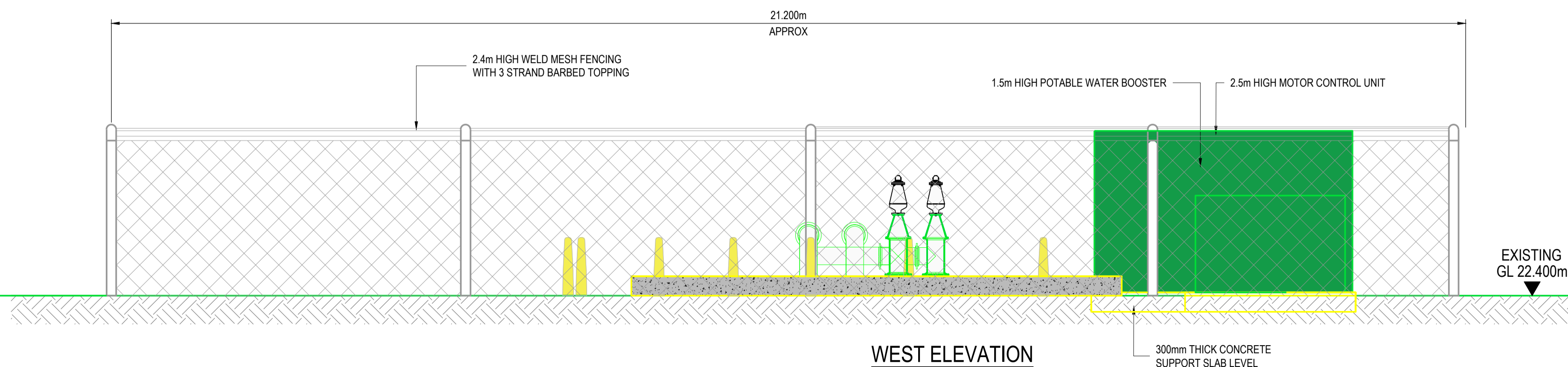
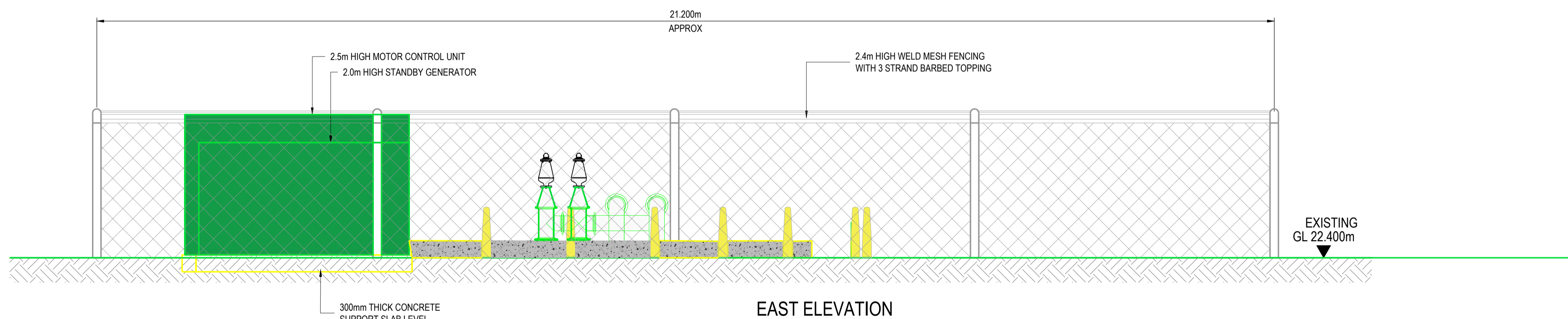
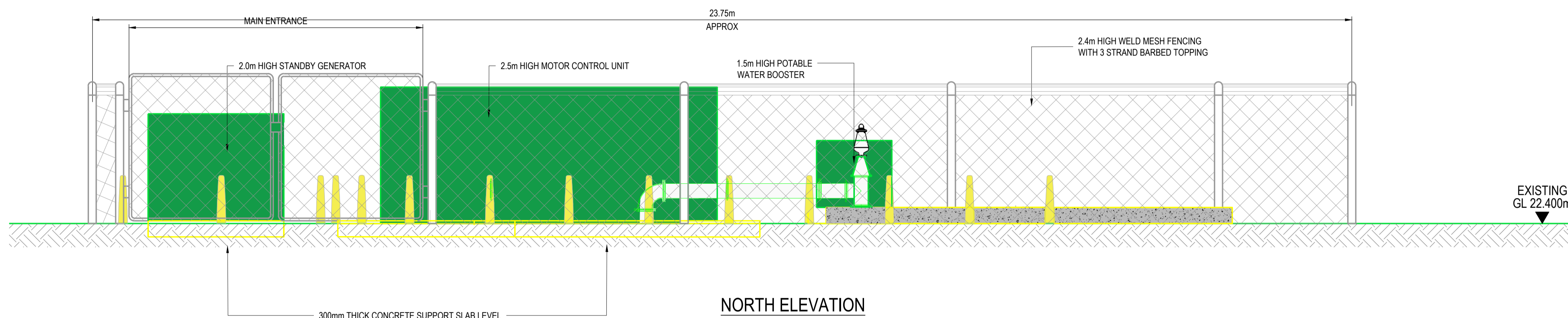
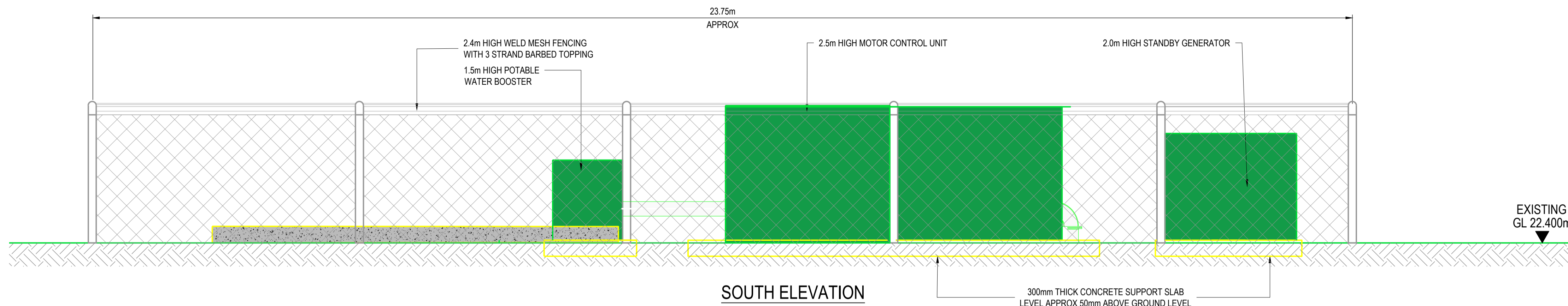
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Drawing Number:	B13194-102503-XX-XX-DR-TA-PN9062				

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NOTES:

1. THE SITE IS OWNED BY THE LOCAL AUTHORITY AND FORMS A PUBLIC RIGHT OF WAY.
2. ALL PIPEWORK AND FITTINGS ARE SHOWN INDICATIVELY.



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 4. EXACT LOCATION OF UTILITIES SHOULD BE CONFIRMED ON SITE.

P2	FOR PLANNING	TR	JH	DW	25.03.22
P1	FOR PLANNING	SSJ	JH	DW	28.10.21
Rev.	Description	Drawn	Chkd.	Appd.	Issue Date
 Ty Awon, Spooner Close, Coed Kernew, Newport, NP108FZ					
Project Name:					
PLASDWR SEWER NETWORK REINFORCEMENT					
Drawing Title:					
PROPOSED COMPOUND ELEVATIONS					
Subsidiary:					Subsidiary Code:
FOR PLANNING					PL
Internal Project Number:			Scale:		Rev.
241629			1:50 @ A1		P2
Drawing Number:					
B13194-102503-XX-XX-DR-TA-PN9064					

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