

PETITION, LOCAL MEMBER OBJECTIONS

COMMITTEE DATE: 07/09/2023

APPLICATION No. **22/03007/DOC**

APPLICATION DATE: 19/12/2022

ED: **LLANDAFF NORTH & LLANDAFF**

APP: TYPE: Discharge of Conditions

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: Discharge of Condition 3 (Landscaping) of 21/02608/MNR

RECOMMENDATION: That the details submitted in respect of condition 3 be approved

1. BACKGROUND INFORMATION

1.1 A valid petition of objection has been received. This application is thus brought before Planning Committee as the current scheme of officer delegation requires applications that have a valid petition of over 50 signatures to be determined by the Planning Committee.

1.2 The petition states that:

'Given the very strong opposition to the overall proposal, and community concerns regarding environmental and Heath (sic) & Safety aspects of this application, we believe any decisions relating to it should be subject to the highest level of scrutiny. As such, we call for this planning application to be decided by the Planning Cor (sic – presumed 'committee').'

1.3 The decision to grant planning permission (ref: [21/02608/MNR](#)) for the construction of a Sewage Pumping Station Compound within Hailey Park and associated development was determined by Planning Committee on the 8th September 2022 and the decision released on 12th September 2022.

1.4 The decision of the Local Planning Authority to grant planning permission has been subject to a recent Judicial Review ([Case No: CO/3909/2022](#)). The judgment was handed down on 10th July 2023, with the claim failing on all grounds.

1.5 Dŵr Cymru Welsh Water (DCWW) has recently advised the Council of their intention to commence development on 11th September 2023.

2. DESCRIPTION OF THE SITE AND AREA

- 2.1 The application site comprises the application site boundary for planning permission reference [21/02608/MNR](#). It should be noted that the site includes land to the eastern turning head of DeBraose Close, Danescourt within the Llandaff ward, however the details under consideration under this application relate directly to Hailey Park, Llandaff North.

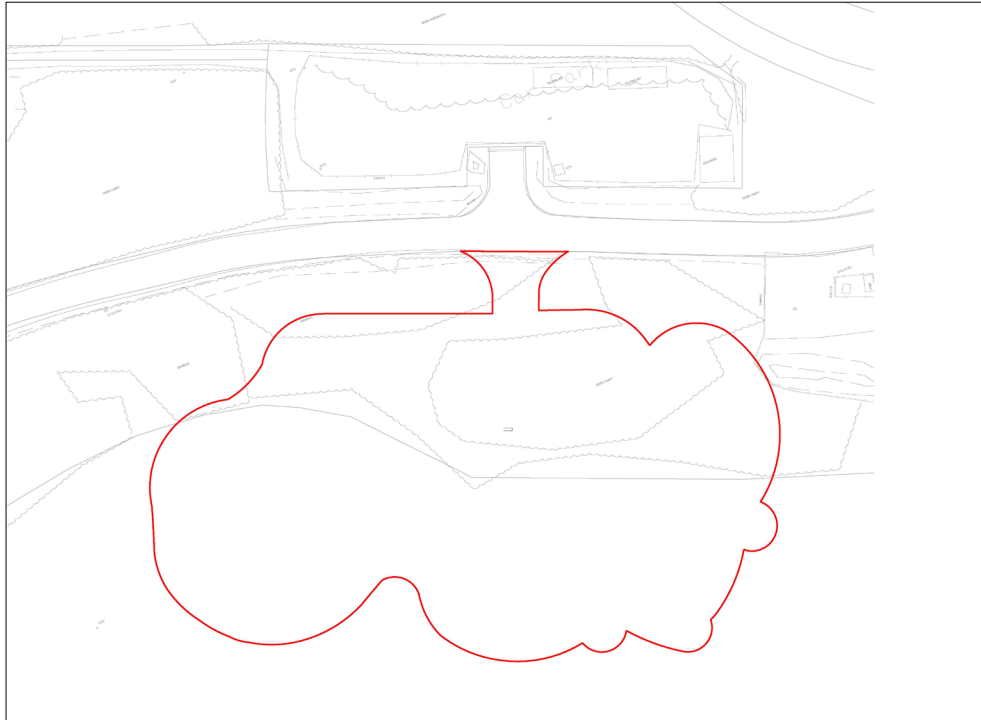


Fig 1. Site Location Plan (Hailey Park only)

- 2.2 The 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. 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.



fig. 2. Aerial Imagery Hailey Park

3. DESCRIPTION OF THE PERMITTED DEVELOPMENT

- 3.1 Planning permission reference [21/02608/MNR](#) approved the development of a Sewage Pumping Station upon the site within Hailey Park. The development will comprise a compound which would be enclosed by a 2.4m mesh fence laid with predominately stone, partly in cellular paving in high traffic areas comprising the Site Access Road running parallel to the north and east boundaries. A Motor Control Centre Kiosk of 32sq.m and 2.5m in height, a Standby Emergency Generator Kiosk of 10sq.m and 2m in height and a small Potable Water Booster Set Kiosk which would run parallel to the rear compound boundary would be provided to the south east corner of the site accessed via a small area of concrete footpath.
- 3.2 To the western boundary at approximately a central location, north to south, within the compound would be sited the 7m diameter below ground Pumping Station served by above ground pipework, of an area of circa. 10sq.m and largely not exceeding 1m in height but with a single vertical protrusion of up to 2m in height, located centrally within the compound. Several buried chambers would be provided within the compound. A 63sq.m access road, of naturally filled cellular paving, would run south to the compound off the existing vehicular access through the park directly opposite the existing access to the northern car park.

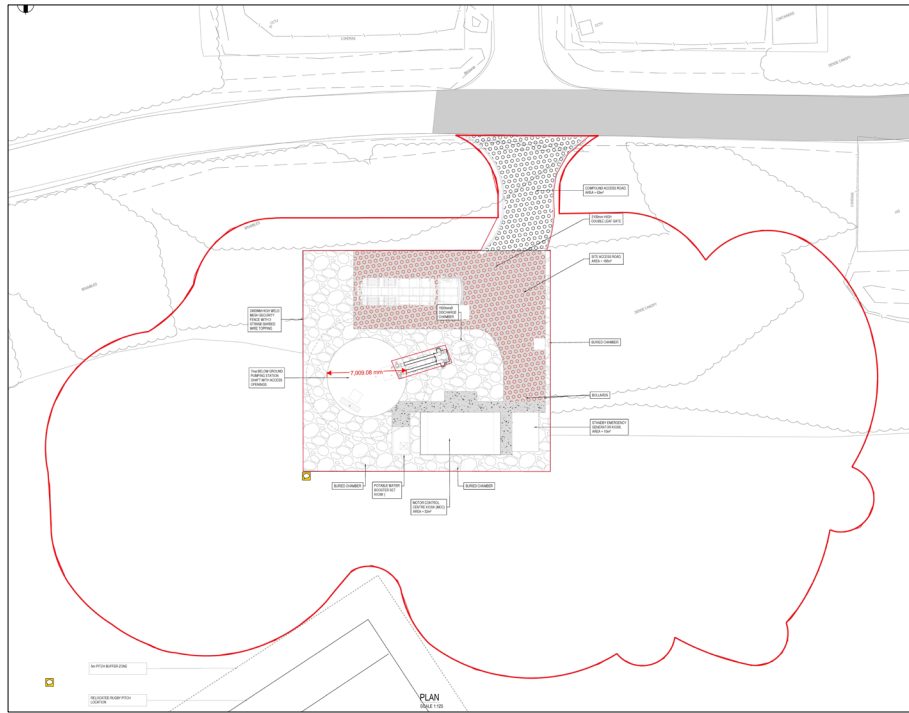


fig. 3. Proposed Site Plan – Hailey Park

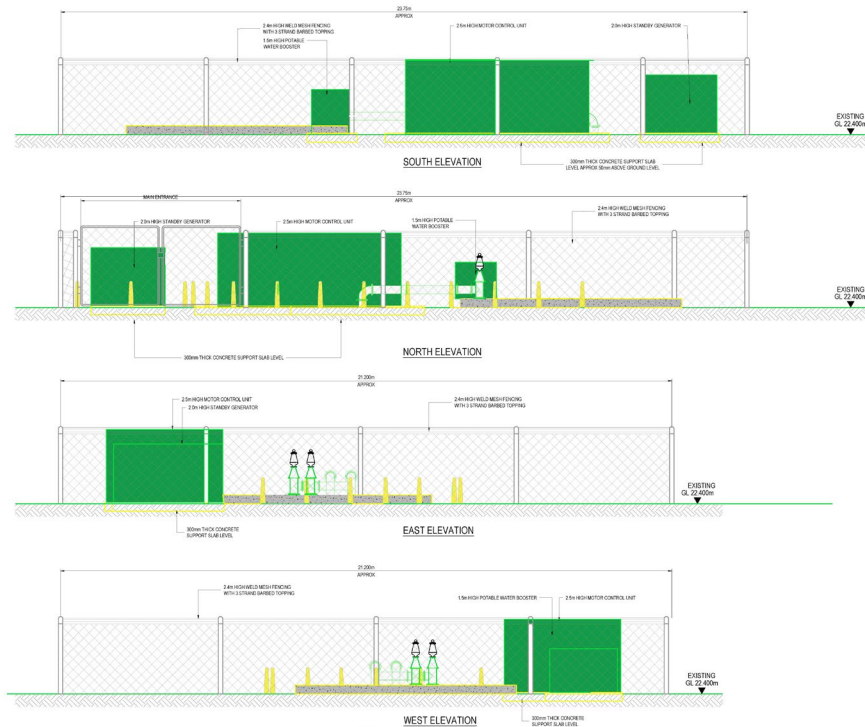


fig. 4. Proposed Compound Elevations – Hailey Park

3.3 The planning permission was supported by landscaping plans that demonstrated that the compound would be surrounded by a scheme of planting which was considered in principle appropriate to screen the utilitarian appearance of the proposed development ensuring no unacceptable impact upon visual amenity. Furthermore, in principle the planting was considered an enhancement of green infrastructure and biodiversity which would appropriately mitigate against the effects of climate change and enhance the area.



fig. 5. Indicative Landscaping Plan at Application Stage – Hailey Park

3.4 A condition, however, was imposed requiring further detailed specifications of the landscaping scheme.

4. DESCRIPTION OF THE CURRENT PROPOSAL

4.1 The current proposal seeks technical approval of detailed landscaping proposals as secured by planning condition, which states:

Construction work shall not commence until full details of soft landscaping have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- *A soft landscaping implementation programme.*
- *Finalised, scaled planting plans prepared by a qualified landscape architect and that are based on the outcome of a Soil Resource Survey and Plan prepared in accordance with the Cardiff Council Soils and Development Technical Guidance Note.*
- *Finalised schedules of plant species, sizes, numbers and densities prepared by a qualified landscape architect and that are based on the outcome of a Soil Resource Survey and Plan prepared in accordance with the Cardiff Council Soils and Development Technical Guidance Note.*
- *Finalised, scaled tree pit sectional and plan drawings prepared by a qualified landscape architect that show the Root Available Soil Volume (RASV) for each tree and that are based on the outcome of a Soil Resource Survey and Plan prepared in accordance with the Cardiff Council Soils and Development Technical Guidance Note. The tree pit detail shall incorporate full details of aeration/irrigation methods, including piped inlets. The tree pit detail shall provide for a mulch circle with only a thin skim (25mm) of mulch applied over the root-ball surface.*

- *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 Resource Survey and Plan), 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 by a Soil Scientist who is familiar with the planting types proposed and that includes the parameters for all imported planting soils to ensure they will be suitable for all the planting types proposed.*
- *Planting methodology and post-planting aftercare methodology prepared by a qualified landscape architect, including full details of how the landscape architect will oversee landscaping implementation and report to the LPA to confirm compliance with the approved plans and specifications.*

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

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

- 4.2 The condition does not preclude development commencing (including site clearance etc) but does require approval of details before construction work (related to the planning application for the approved pumping station) can commence.
- 4.3 In addition to providing the required technical specifications, the submitted landscaping scheme has regard to the proposed reorientation of the rugby pitch to ensure that a full sized pitch can continue to be provided, as well as proposals to divert the Taff Trail. All planting would be located outside of the pitch and required run off area, and would not impinge upon these features.



fig. 6. Proposed Landscaping Scheme (showing adjacent Rugby Pitch Layout)



fig. 7. Proposed Planting Plan

4.4 The proposed tree planting includes a mix of large and small evergreen and deciduous trees (Norway Maple, Downy Birch, European Crab Apple, Scots Pine, Rowan and English Oak). Furthermore, the planting includes a wildflower mix, native shrub mix, woodland edge and understorey planting mix. Additional technical details including a Landscape Management Plan, Tree Pit detail, Soil Resource Plan and Soil Specification support the application.

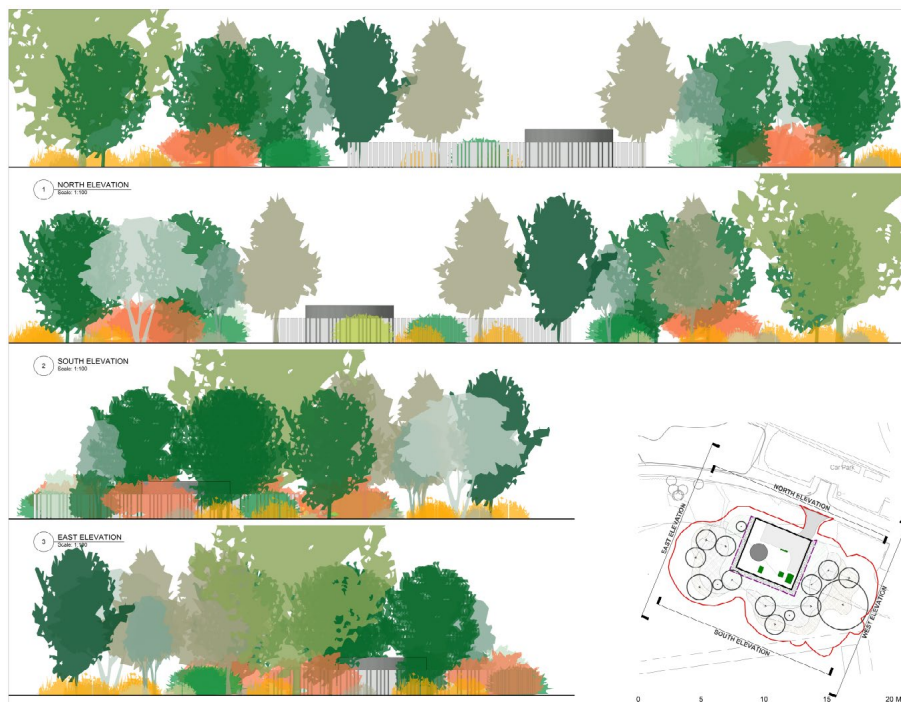


fig. 8. Elevations

5. PLANNING HISTORY

5.1 The following planning history is directly relevant to the application:

- Full planning permission – [21/02608/MNR](#) - 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 – Approved – 12/09/2022
- Screening Opinion – [SC/22/00007/MJR](#) – Proposed Sewer Reinforcement Scheme – Response Sent – 02/09/2022

6. POLICY FRAMEWORK

National Policy

6.1 The ***Well-being of Future Generations (Wales) Act 2015*** (WFG) imposes a duty on public bodies to carry out ‘sustainable development’ in accordance with the ‘sustainable development principle’.

6.2 ‘Sustainable development’ means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the well-being goals.

6.3 ‘Sustainable development principle’ means that Local Authorities must 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.

6.4 Well-being goals identified in the Act are:

- A Prosperous Wales
- A Resilient Wales
- A Healthier Wales
- A More Equal Wales
- A Wales of Cohesive Communities
- A Wales of Vibrant Culture and thriving Welsh Language
- A Globally Responsible Wales

6.5 The ***Environment (Wales) Act 2016*** has been designed to complement the WFG Act. It imposes a duty to require all public authorities, when carrying out their functions in Wales, to seek to “maintain and enhance biodiversity” where it is within the proper exercise of their functions. In doing so, public authorities must also seek to “promote the resilience of ecosystems”.

National Planning Policy

- 6.6 [Planning Policy Wales \(Edition 11\)](#) was revised and restructured in February 2021 to coincide with the publication of, and take into account the policies, themes and approaches set out in, Future Wales - the National Plan 2040 (see below) and to deliver the vision for Wales that is set out therein.
- 6.7 The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015 and the Well-being of Future Generations (Wales) Act 2015.
- 6.8 PPW11 takes the seven *Well-being Goals* and the five *Ways of Working* as overarching themes and embodies a placemaking approach throughout, with the aim of delivering *Active and Social Places*, *Productive and Enterprising Places* and *Distinctive and Natural Places*. It also identifies the planning system as one of the main tools to create sustainable places, and that placemaking principles are a tool to achieving this through both plan making and the decision-making process.

Technical Advice Notes

- 6.9 PPW is supported by a series of more detailed [Technical Advice Notes \(TANs\)](#), of which the following are of direct relevance to the current application:
- TAN 5: Nature Conservation and Planning (2009) (noting the Chief Planning Officer letter dated 23/10/19: Securing Bio-Diversity Enhancement);
 - TAN 10: Tree Preservation Orders (1997)
 - TAN 16: Sport, Recreation and Open Space (2009)

On 16th July 2020 the Welsh Government published [Building Better Places: The Planning System Delivering Resilient and Brighter Futures](#) which provides planning policy guidance for local planning authorities and the development industry on priorities for the planning system to deliver post Covid-19. The guidance is to be read in conjunction with PPW, which contains the principles and policies needed for Wales to recover from Covid-19 in a positive manner, putting placemaking at the heart of future development.

- 6.10 It also emphasises that development management decisions should focus on creating healthy, thriving active places with a focus on a positive, sustainable future for our communities. The planning system has an important role in supporting healthier lifestyles and reducing inequalities. This includes both direct and indirect opportunities such as the allocation of land for health facilities, ensuring good design and barrier free development, jobs and skills, improving air quality, soundscapes and protecting and improving access to recreation and natural green spaces. These can provide both physical and mental health benefits, improve well-being and help to reduce inequality.

The Development Plan

- 6.11 Section 38 (6) of the Planning and Compulsory Purchase Act 2004, requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 6.12 [Future Wales - the National Plan 2040](#) now forms part of the Development Plan for all parts of Wales, comprising a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. All Development Management decisions, strategic and local development plans, planning appeals and all other work directed by the development plan need to accord with Future Wales.
- 6.13 Should it be relevant and necessary/appropriate to do so, then you can add relevant extracts or policies from FW here.
- 6.14 The Local Development Plan is the [Cardiff Local Development Plan 2006-2026](#) which was adopted in January 2016, and within which the following policies are of direct relevance to the current application:

Key Policies

- Policy KP5: Good Quality and Sustainable Design
- Policy KP15: Climate Change
- Policy KP16: Green Infrastructure

Detailed Policies

Environment

- EN6: Ecological Networks and Features of Importance for Biodiversity
- EN7: Priority Habitats and Species
- EN8: Trees, Woodlands and Hedgerows

Supplementary Planning Guidance

- 6.15 The following [Supplementary Planning Guidance \(SPG\)](#) is of direct relevance to the current application:
- Green Infrastructure (including Technical Guidance Notes relating to: Ecology and Biodiversity; Trees and Development; Public Rights of Way and Development; River Corridors; Protection and Provision of Open Space in New Developments; Soils and Development) (November 2017)

7. INTERNAL CONSULTEE RESPONSES

7.1 Tree and Landscaping Officer:

Following amendments is satisfied that all details required by condition have been provided and are satisfactory.

7.2 Ecology:

The documents are sufficient from the point of view of GI/Biodiversity, it indicates this management will occur for a minimum of five years and there are appropriate trees, shrubs and seed mixes chosen.

7.3 Park Services:

The pitch orientation and dimensions are acceptable. Also confirm that the planting as proposed would not impinge upon the pitch and run off area.

8. REPRESENTATIONS

8.1 There is no statutory requirement to publicise the application. The application was, however, publicised by means of Site notice, on the 13th January 2023. Furthermore, Local Ward Members were notified of the application on the 10th January 2023.

8.2 A petition objecting to the application has been submitted comprising 248 signatories. No specific objections are raised to the scheme of landscaping, however, the petition is supported by the statement at para. 1.2. The covering letter further details that the petition is *'requesting the application is considered by the planning committee to enable full and transparent scrutiny and an opportunity for us to speak'*.

8.3 Letters of representation have been received from 13 members of the public objecting to the proposal. The following summarised objections are of particular relevance to the application being considered:

- Proposed landscaping is not sufficient mitigation;
- Planting will be insufficient to screen development, particularly during winter months;
- The area is one of natural growth and should be left to wild naturally;
- Determination should not be made until Judicial Review is complete.

8.4 Comments have also been provided which are not directly related to the application, either being relevant to the principle of the proposal which benefits from planning permission and have previously been considered or otherwise not directly relevant to the matter for consideration, the objections in summary are:

- The development is out of keeping with the park;
- Loss of green and open space;

- Loss of planting;
- Detriment to visual amenity;
- Flood risk;
- Safety during construction works;
- Negative impacts on climate change, ecology and biodiversity;
- A full Environmental Impact should be completed;
- Better options for sewage arrangements;
- No details of other options for siting of such development provided;
- Community put at detriment over developers;
- The proposal is at odds with the climate emergency within a Green Flag park;
- A reduced size Rugby Pitch is to be provided;
- Process has been badly managed with no transparency;
- Concerns with regards to impact on Hermit Woods and De Braose Close.

8.5 The objections have been received from residents of:

- Fox Russell Close, Mary Street, Ty Mawr Road, Evansfield Road, Hawthorn Road West, Station Road - Llandaff North
- St John's Crescent, Franklen Road, Maes Glas, Pendwyallt Road – Whitchurch
- Greenfield Road, Heath
- De Braose Close, Llandaff

8.6 Cllrs Dilwar Ali and Jennifer Burke confirm that they both '*remain against the proposed pumping station*'.

8.7 Friends of Hailey Park strongly object providing detailed representations and summarise that they are concerned about '*the detriment of this SPS and landscaping project to the environment in Hailey Park and the reduction in facility for the people of Cardiff and beyond*' and '*about the democratic deficit of Cardiff Councils' planning permissions and agreement to offer a long lease to Dwr Cymru Welsh Water in managing this portion of the park. This gives no public say in how this area's landscaping would be managed and maintained over time. It raises questions of accountability should they impose a wholly inappropriate landscaping scheme, which does not complement the flow of the existing park or the efforts of FoHP with Cardiff Parks or other groups who use a nature based approach to managing Hailey Park*'. Finally querying '*who will be responsible for supervising, monitoring and regulating on an ongoing basis and would local people be involved/consulted*'.

8.8 Llandaff North Residents Association fully support the comprehensive objections submitted by the Friends of Hailey Park.

9 ANALYSIS

9.1 INTRODUCTION

9.1.1 The principle of the proposal to develop the land to provide a Sewage Pumping Station has been given due consideration and granted planning permission and is not for consideration under the current application. The matter for consideration solely concerns whether the submitted landscaping details reserved by condition are appropriate *‘in the interests of green infrastructure and biodiversity to mitigate the effects of the development and enhance the area in accordance with Policies KP5, KP15, KP16, EN6, EN7 and EN8 of the Cardiff Local Development Plan 2006-2026’*.

9.1.2 Accordingly, the principal matters for consideration are related to the visual appearance of the proposed landscaping and its benefits to the natural environment.

9.2 VISUAL APPEARANCE

9.2.1 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’*.

9.2.2 It should be noted that in granting planning permission the principle of the proposed planting was considered to provide appropriate screening to the development such that it would merge into the wider landscape setting such that there would be no unacceptable impact upon visual appearance. The condition now under consideration was imposed in order that additional technical information may be provided. While the layout of landscaping has been amended slightly from the original indicative scheme to reflect the reorientation of the rugby pitch, the extent and nature of planting under consideration in discharge of condition is of a similar nature to that previously considered appropriate in terms of visual amenity and includes a substantial mix of planting that will effectively screen the development.

9.2.3 The submitted scheme has support from the Council’s Tree and Landscaping officer and the County Ecologist in this regard.

9.2.4 Accordingly, the proposals are considered acceptable, and to accord with the principles of Policy KP5.

9.3 NATURAL ENVIRONMENT

9.3.1 Future Wales Policy 9 Resilient Ecological Networks and Green Infrastructure requires developers to ensure the enhancement of biodiversity, the resilience of ecosystems and provision of green infrastructure. In all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net-benefit), the resilience of ecosystems and green infrastructure should be demonstrated as part of development proposals.

- 9.3.2 Policies KP15 seeks to mitigate against the effects of climate change and Policy KP16 seeks to ensure that Cardiff's distinctive natural heritage which provides a network of green infrastructure is protected, enhanced and managed to ensure the integrity and connectivity of this multi-functional green resource is maintained. Policy KP18 details that in the interests of the long-term sustainable development of Cardiff the need to minimise impacts on the city's natural resources and minimise pollution must be taken into full account. These policies are further supported by detailed policies EN6, EN7 and EN8.
- 9.3.3 Again, it should be noted that in granting planning permission that the principle of the proposed planting was considered appropriate as they would mitigate the effects of the development and enhance the natural environment to a suitable degree. The condition now under consideration was imposed in order that additional technical information may be provided. The submitted scheme includes appropriate tree, shrub and seed mixes to provide a good quality landscape around the development and is supported by a management plan and technical details, as required by the condition, to ensure the durability and longevity of the scheme.
- 9.3.4 Again, the submitted scheme has support from the Council's Tree and Landscaping officer and the County Ecologist in this regard.
- 9.3.5 Accordingly, the proposals accord with the principles of Policies KP15, KP16, EN6, EN7 and EN8.

10 OTHER MATTERS RELEVANT TO THE CONSIDERATION OF THIS APPLICATION

- 10.1 Equality Act 2010. The Act 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, over and above any other person, noting the scope of the application.
- 10.2 Well-Being of Future Generations Act 2016. Section 3 of this Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision, noting the scope of the application.
- 10.3 Section 6 of Environment (Wales) Act 2016 subsection (1) imposes a duty that a public authority must seek to maintain and enhance biodiversity in the exercise of its functions, and in so doing promote the resilience of ecosystems, so far as is consistent with the proper exercise of those functions. In

complying with subsection (1), a public authority must take account of the resilience of ecosystems, in particular the following aspects:

- (a) Diversity between and within ecosystems;
- (b) The connections between and within ecosystems;
- (c) The scale of ecosystems;
- (d) The condition of ecosystems (including their structure and functioning);
- (e) The adaptability of ecosystems.

It is considered that the LPA has considered its duty under this Act and has met its objectives for the reasons outlined above, as far as possible, given the scope of the application.

11 CONCLUSION

11.1 The decision to recommend planning permission be granted, subject to conditions, was taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Cardiff Local Development Plan 2006–2026 (adopted January 2016).

11.2 The grant of planning permission was in accordance with the Development Plan and required additional details in respect of landscaping to be agreed by the Local Planning Authority prior to commencement of construction in the interests of green infrastructure and biodiversity to mitigate the effects of the development and enhance the area. The submitted details, recommended for approval, accord with the principles of Policies KP5, KP15, KP16, EN6, EN7 and EN8 of the Development Plan providing appropriate green infrastructure and biodiversity that will mitigate the effects of the development and enhance the area.

12 RECOMMENDATION

12.1 That the following details be approved in discharge of condition 3 (Landscaping) of planning permission planning permission 21/02608/MNR:

- B13194-102503-01-BG-DR-CA-CI6047 – Rugby Pitch Layout Plan
- 90-0003/S3 Rev. P02 - Elevations
- 90-0004/S2 Rev. P07 – Planting Plan
- 90-0006/S2 Rev. P05 – Tree Pit Detail
- 90-0001 Rev. P04 – Landscape Maintenance and Management Plan
- TOHA/22/5032/TW Issue 1 – Soil Resource Plan
- 90-0002 Rev. P01 – Topsoil, Growing Media and Ameliorants