

## LOCAL MEMBER OBJECTION

COMMITTEE DATE: 11/11/2015

APPLICATION No. **15/01431/MJR** APPLICATION DATE: 12/06/2015

ED: **PONTRENNAU/ST MELLONS**

APP: TYPE: Outline Planning Permission

APPLICANT: Bogod Group Ltd

LOCATION: LAND NORTH OF DRUIDSTONE ROAD

PROPOSAL: RESIDENTIAL DEVELOPMENT OF UP TO 65 DWELLINGS  
(OUTLINE WITH ALL MATTERS RESERVED)

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RECOMMENDATION: That planning permission be **REFUSED** for the following reasons :

1. The application is contrary to paragraphs 4.4.3, and 9.3.1, of Planning Policy Wales (July 2014), Policies C1 and H3 of the South Glamorgan (Cardiff Area) Replacement Structure Plan 1991 - 2011, Policy 5 of the Cardiff Local Plan (1996), and Policies 1F and 2.39 of the deposit Cardiff Unitary Development Plan (2003) in that the site lies outside defined settlement boundaries, where it is intended that new development be strictly controlled, and the proposal does not fulfil any of the criteria for justification of such development that are set out in the aforementioned policies but represents an unacceptable extension of suburban development into the countryside.
2. The application lacks an appropriate level of connectivity between the site and its surroundings by means of travel other than the car, which is likely to create a heavily car-dependant environment, contrary to paragraphs 4.4.3, 4.7.4, and Chapter 8 of Planning Policy Wales (July 2014), Technical Advice Notes 12: Design (2014) and 18: Transport (2007), Policies EV1 and MV1 of the South Glamorgan (Cardiff Area) Replacement Structure Plan (1997), Policies 13, 18, 19 and 20 of the Cardiff Local Plan (1996) and Policies 1A, 1K, 2.20 and 2.57 of the deposit Cardiff Unitary Development Plan (2003).
3. The application fails to adequately demonstrate that there would be no harmful impact upon nature conservation interests contrary to paragraphs 5.1.2, 5.2.8, and 5.5.3 of Planning Policy Wales (July 2014), Technical Advice Note 5: Nature Conservation and Planning (2009), Policy 2.48 of the Deposit Unitary Development Plan (2003), and the "Biodiversity" Supplementary Planning Guidance (2011).

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

- 1.1 Outline planning permission is sought for the development of up to 65 dwellings on land north of Druidstone Road, Old St. Mellons.
- 1.2 All matters are reserved for subsequent approval, although a concept masterplan and land use parameter plan accompany the application.
- 1.3 The concept masterplan shows the potential for two vehicle access/egress points, one each to Druidstone Road and Began Road. The internal access road would become a no through route for vehicles, with up to 15 dwellings accessed from Druidstone Road and up to 50 from Began Road.
- 1.4 The application was subject to a screening under The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended). The proposals were classified as 'Schedule 2' development in the above Regulations, being an urban development project which exceeds 0.5 hectares. It was concluded that the proposed development does not constitute a major development of more than local importance and would not be likely to have a significant impact on protected species and their habitats. Therefore the application did not require the preparation and submission of an Environmental Statement.
- 1.5 The following documents form part of the application submission:
  - (i) Design and Access Statement;
  - (ii) Transport Statement;
  - (iii) Drainage Strategy;
  - (iv) Ecological Appraisal;
  - (v) Reptile Survey Report;
  - (vi) Agricultural Resources Report;
  - (vii) Site Investigation and Geo-Environmental Report; and
  - (viii) Tree Survey.
- 1.6 The following additional information has been submitted during the processing of the application:
  - (i) Amended Design and Access Statement to include Scaling Statement (received 8<sup>th</sup> July 2015);
  - (ii) Archaeological Field Evaluation Report (14<sup>th</sup> September 2015);
  - (iii) Bat Activity Survey (21<sup>st</sup> August 2015);
  - (iv) Bat Mitigation Scheme (19<sup>th</sup> October 2015);
  - (v) Dormice Mitigation Scheme (19<sup>th</sup> October 2015).

## 2. **DESCRIPTION OF SITE**

- 2.1 The site comprises approximately 5.1 hectares of undeveloped greenfield land between Druidstone Road and Began Road, Old St. Mellons. The site is largely covered by scrub and grassland and falls gradually to the north and west.

- 2.2 The site is largely screened from Druidstone Road and Began Road by existing trees and hedgerows. There is an existing gate into the northwest corner of the site from Began Road.
- 2.3 The northern boundary to the site adjoins a group Tree Preservation Order (TPO) of mixed deciduous and coniferous trees (City of Cardiff (M4 Corridor, Castleton to Coryton) TPO 1976). An oak tree also subject to a TPO exists to the southwest corner of the site.
- 2.4 The Druidstone Road Site of Importance for Nature Conservation (SINC) adjoins the northeast corner of the site.
- 2.5 The east, south and west boundaries of the site all partially adjoin existing dwellings.

### 3. **SITE HISTORY**

- 3.1 88/01201/N: Outline permission sought in June 1988 for the erection of 14 detached houses on part of the site. An appeal against the Local Planning Authority's failure to determine the application within the statutory time period was subsequently dismissed in 1989.
- 3.2 87/01081/N: Outline permission refused in September 1987 for residential development. An appeal was subsequently dismissed in September 1988.

### 4. **POLICY FRAMEWORK**

- 4.1 Planning Policy Wales, Edition 7 (July 2014).

*4.2.2 The planning system provides for a presumption in favour of sustainable development to ensure that social, economic and environmental issues are balanced and integrated, at the same time, by the decision-taker when...taking decisions on individual planning applications.*

*4.2.4 Legislation secures a presumption in favour of development in accordance with the development plan for the area unless material considerations indicate otherwise. Where there is no adopted development plan or relevant policies are considered outdated or superseded or there are no relevant policies, there is a presumption in favour of proposals in accordance with the key principles and key policy objectives of sustainable development in the planning system. In doing so, proposals should seek to balance and integrate these objectives to maximise sustainable development outcomes.*

*4.3.1 The following principles underpin our approach to planning policy for sustainable development and reflect those principles that we expect all those involved in the planning system to adhere to (inter alia):*

- *putting people, and their quality of life now and in the future, at the centre of decision-making;*

- *taking a long term perspective to safeguard the interests of future generations, whilst at the same time meeting needs of people today;*
- *respect for environmental limits, so that resources are not irrecoverably depleted or the environment irreversibly damaged. This means, for example, mitigating climate change, protecting and enhancing biodiversity, minimising harmful emissions, and promoting sustainable use of natural resources;*
- *tackling climate change by reducing the greenhouse gas emissions that cause climate change and ensuring that places are resilient to the consequences of climate change; and*
- *taking account of the full range of costs and benefits over the lifetime of a development, including those which cannot be easily valued in money terms when making plans and decisions and taking account of timing, risks and uncertainties. This also includes recognition of the climate a development is likely to experience over its intended lifetime.*

*4.4.1 The following sustainability objectives for the planning system derive from these principles and reflect our vision for sustainable development and the outcomes we seek to deliver across Wales. These objectives should be taken into account...in taking decisions on individual planning applications in Wales. These reflect the sustainable development outcomes that we see the planning system facilitating across Wales.*

*4.4.3 Planning policies, decisions, and proposals should (inter alia):*

- *Contribute to the protection and improvement of the environment so as to improve the quality of life and protect local and global ecosystems*
- *Ensure that all communities have sufficient good quality housing – including affordable housing – in safe neighbourhoods*
- *Promote access to employment, shopping, education, health, community facilities and green space*
- *Foster improvements to transport facilities*
- *Foster social inclusion.*
- *Promote resource-efficient and climate change resilient settlement patterns that minimise land-take and urban sprawl, especially through preference for the re-use of suitable previously developed land and buildings, wherever possible avoiding development on greenfield sites;*
- *Locate developments so as to minimise the demand for travel, especially by private car;*
- *Support the need to tackle the causes of climate change by moving towards a low carbon economy.*
- *Play an appropriate role to facilitate sustainable building standards (including zero carbon) that seek to minimise the sustainability and environmental impacts of buildings.*
- *Contribute to the protection and improvement of the environment, so as to improve the quality of life, and protect local and global ecosystems.*

- *Ensure that all local communities – both urban and rural – have sufficient good quality housing for their needs, including affordable housing for local needs and for special needs where appropriate, in safe neighbourhoods.*
- *Promote access to employment, shopping, education, health, community, leisure and sports facilities and open and green space, maximising opportunities for community development and social welfare.*
- *Foster improvements to transport facilities and services which maintain or improve accessibility to services and facilities, secure employment, economic and environmental objectives, and improve safety and amenity.*
- *Foster social inclusion by ensuring that full advantage is taken of the opportunities to secure a more accessible environment for everyone that the development of land and buildings provides. This includes helping to ensure that development is accessible by means other than the private car.*

#### 4.2 Technical Advice Notes (TANs):

- 1 Joint Housing Land Availability Studies (2015)
- 2 Planning and Affordable Housing (2006)
- 5 Nature Conservation and Planning (2009)
- 6 Planning for Sustainable Rural Communities (2010)
- 10 Tree Preservation Orders (1997)
- 11 Noise (1997)
- 12 Design (2014)
- 16 Sport, Recreation and Open Space (2009)
- 18 Transport (2007)
- 21 Waste (2014)

#### 4.3 South Glamorgan (Cardiff Area) Replacement Structure Plan 1991-2011 (April 1997):

- EV1 Towards Sustainable Development
- MV1 Location of New Developments
- MV2 Commuted Payments
- MV11 Parking
- MV12 Public Access
- MV13 Equality of Access
- H3 Dwellings in the Countryside
- H5 Affordable Housing
- H6 Community Facilities
- C1 General Countryside Protection
- C4 Local Sites of Nature Conservation Value
- C6 Agricultural Land
- C7 Woodland and Hedgerows

#### 4.4 City of Cardiff Local Plan (January 1996):

- 2 Locally Important Archaeological Remains
- 5 The Countryside Including the Urban Fringe
- 8 Nature Conservation
- 11 Design and Aesthetic Quality

12	Energy Efficient Design
13	Energy Use
16	Traffic Calming
17	Parking and Servicing Requirements
18	Provision for Cyclists
19	Provision for Pedestrians
20	Provision for Special Needs Groups
24	Affordable and Special Needs Housing
31	Residential Open Space Requirement

#### 4.5 Deposit Unitary Development Plan (October 2003):

1A	General Principles for the Location of Development
1B	Achieving Good Design
1C	Planning Obligations
1D	Homes and Community Facilities
1F	The Countryside
1J	Open Space
1K	Movement and Transport Priorities
1N	Car Parking
2.20	Good Design
2.23	Affordable Housing
2.24	Residential Amenity
2.26	Provision for Open Space, Recreation and Leisure
2.27	Provision for Schools
2.39	General Countryside Protection
2.40	Agricultural Land
2.43	General Landscape Protection
2.45	Trees, Woodland and Hedgerows
2.47	Sites of Local Importance for Nature Conservation
2.48	Biodiversity
2.56	Public Art
2.57	Access, Circulation and Parking Requirements
2.64	Air, Noise and Light Pollution
2.74	Provision for Waste Management Facilities in Development

#### 4.6 Relevant Supplementary Planning Guidance:

*Affordable Housing (2007) (as amended by the Interim Planning Policy  
Affordable Housing Delivery Statement (2010))*  
*Biodiversity (2011)*  
*Community Facilities and Residential Development (2007)*  
*Developer Contributions for School Facilities (2007)*  
*Developer Contributions for Transport (2010)*  
*Archaeologically Sensitive Areas (2006)*  
*Access, Circulation and Parking Standards (2010)*  
*Trees and Development (2007)*  
*Waste Collection and Storage Facilities (2007)*  
*Residential Design Guide (2008)*  
*Open Space (2008)*

*Public Rights of Way and Development (2006)*

4.7 The Cardiff LDP Economic Viability Report (September 2013)

5. **INTERNAL CONSULTEES RESPONSES**

5.1 The **Housing Strategy Team** advises that, in line with the emerging Local Development Plan (LDP), an affordable housing contribution of 30% of the 65 units (20 units) is sought on this greenfield site. Their priority is to deliver on-site affordable housing, in the form of affordable rented accommodation, built to Welsh Government Development Quality Requirements for purchase by a nominated Registered Social Landlord (RSL) partner.

5.2 They advise that any affordable housing scheme should be appraised on a NIL Social Housing Grant (SHG) basis, and for the affordable intermediate rented housing, the amounts that a Registered Social Landlord (RSL) would pay for the units is based on an intermediate rent level and is specified below:

- 1 bed apartments (at an RSL purchase price of £60,000)
- 2 bed apartments (at an RSL purchase price of £77,548)
- 2 bed houses (at an RSL purchase price of £89,829)
- 3 bed houses (at an RSL purchase price of £110,000)
- 4 bed houses (at an RSL purchase price of £143,578)

5.3 They advise that the above prices relate to the properties only and any additional service charges for un-adopted roads, public open space, public realm etc will not be due by any future residents of the affordable housing units. The affordable units will be delivered by a Registered Social Landlord (RSL) and the Council will identify a preferred RSL partner.

5.4 The **Operational Manager, Transportation**, advises that the site was previously considered as part of the Local Development Plan process under the candidate site assessment (No 29). The following conclusions were made in respect of transportation:

- (i) C1: Transport Context - Access via Druidstone / Began Road – narrow and mostly single track, no pavements, nearest bus stop around 1.2 to 1.3km away.
- (ii) C2: Potential for sustainable transport solution – No potential.

5.5 The site was not promoted by the Council as a candidate site on the basis that such a development could not be considered sustainable in Transport terms and was therefore considered to be unacceptable to accommodate new development. Notwithstanding this earlier assessment, she would provide the following comments on the application:

5.6 The submitted Transport Statement (TS) demonstrates that during the network AM and PM peak hours the trip generation would likely be 40 no. two-way vehicular trips. These trips would be split between the two proposed access points, with the majority being from the Began Road access. Therefore this

additional vehicular traffic would be present along these routes as a direct result of the proposal, when the network is at its busiest.

- 5.7 The main Transport issue relates to whether the development proposal would be accessible by residents and visitors in terms of pedestrian and cycle movement and hence be considered sustainable in transport terms. Access to the site would be served off Druidstone Road and Began Road, which both have limited footway provision and restricted carriageway width in part. Whilst the principle of a 'Quiet Lane' approach can be an acceptable solution in certain circumstances, its application in this context is considered to be inadequate, in order to achieve a suitable reduction in vehicles speeds, mindful that the carriageway is to be shared by all users (including existing traffic) where footway provision is not available and that both roads are subject to through traffic.
- 5.8 Reference is made in the TS to the approved St. Edeyrns development due to its proximity to the application site which includes public transport infrastructure and service improvements. The provision of this would not be delivered until occupation of the 50<sup>th</sup> dwelling (or within 6 months of the date of approval of the route) as per the associated S106 Agreement (ref: 13/00578/DCO).
- 5.9 The St Edeyrns proposals include a scheme to prohibit driving along Bridge Road which would have the benefit of reducing the potential for conflict between users along this section of highway. However, this would not be the case along Began Road and Druidstone Road as no such prohibition would be in force or is likely to be in the future. Therefore a safe route for pedestrians could not be guaranteed under these proposals such that residents could access local facilities (including bus stops) by walking as a mode of travel.
- 5.10 She therefore considers that the application fails to demonstrate that the development could be considered sustainable in Transport terms and hence residents would be highly car dependant. She therefore objects to the application.
- 5.11 The Council's **Tree Officer** makes the following comments:
- (i) The 'B' category oak T12 is 10m from the power lines that cross the northeast corner of the site – hopefully this gives it sufficient clearance to avoid the threat of removal or heavy pruning by Western Power in the interests of 'storm resilience' for their apparatus, but early comfort in this regard would be welcome. Other trees growing within 10m of the lines might be under threat of removal or heavy pruning, thereby preventing their future development – again, early comfort regarding the intentions of Western Power would be welcome since there is a possibility that implementation of storm resilience work could result in a large swathe of vegetation being removed or prevented from developing in the NE corner of the site;
  - (ii) Three sewers cross the site including one that cuts through the NE corner with a 12m easement either side of the centre line. If Welsh Water



were insistent on this easement being kept clear, or in due course maintenance or renewal was required that necessitated vegetation clearance, the value of the land as a green infrastructure buffer may be significantly degraded. This is particularly the case if easement clearance was combined with storm resilience felling. The second sewer cuts through the green infrastructure buffer on the northern and eastern boundaries and features a 6m easement either side of the centre line. The third sewer is to be abandoned and grubbed up, with a new combined sewer installed following the primary access road with surface water discharging at one of two points in the NW corner of the site. Installation of the eastern-most option will necessitate significant vegetation clearance and possibly the maintenance of a significant easement in the NW corner of the site. Taken together the combined impact of vegetation removal or controls on the type of vegetation due to sewer easements and storm resilience felling could significantly degrade the proposed green infrastructure buffers bounding the site, especially those on the northern and eastern boundary. Significant trees including the 'B' category T12, T23, T24 and T25 could be lost or harmed as a result along with many younger trees with the potential to be important in the future. It would be helpful if the applicants can explain in more detail the potential impacts on green infrastructure resulting from easements and storm resilience felling.

- (iii) The installation of the proposed surface water attenuation feature in the NW corner of the site is likely to result in the loss of and harm to trees in the 'C' category G13 and should be sensitively designed to provide for new planting include trees typical of wetland edges such as *Alnus glutinosa*, *Betula pubescens* and *Salix* spp. The 'C' category sycamores (G10) currently shown retained on the western boundary should be removed and replaced as part of any water attenuation design since they are not viable in the medium to long-term.
- (iv) An Arboricultural Impact Assessment, Method Statement and Tree Protection Plan in accordance with BS 5837:2012 should be prepared once detailed design has been resolved at reserved matters stage.
- (v) According to the tree report, squirrel damage is a problem for many of the younger trees bounding the site to the north (G13) and west (G8). Such trees are likely to be structurally vulnerable as they mature so cannot be considered viable components of green infrastructure in the medium to long-term. He requests that applicant explains the approach they will adopt to ensure viable trees establish as part of the green infrastructure bounding the site. In addition, he requests an explanation as to how an ecotone will be provided between residential development and the green infrastructure buffer. A typical section should be provided and an ecotone clearly shown and keyed on the concept masterplan.
- (vi) Whilst the provision of a continuous green infrastructure corridor bounding the site is supported, this should not preclude the provision of significant green infrastructure elsewhere. At this site the potential

vulnerability of the proposed green infrastructure corridor due to easements and storm resilience felling means that significant effort should be made to provide for green infrastructure 'internally'. From an arboricultural perspective the planting of large, long-lived tree species can be particularly valuable in enhancing green infrastructure. Aside from biodiversity benefits, such trees can help to manage water, condition air, provide shade and shelter and take up pollutants. A street-tree avenue would be of particular value bounding the primary access, both in environmental terms and in defining a sense of place. Under the concept layout, space for such is not shown, but every effort should be made to provide for street trees in a corridor designed above and below ground as part of the highway network to support their healthy long-term growth. An indicative section showing street trees in relation to other highway, service and residential infrastructure would be helpful – the submitted illustrative section in the DAS is not sufficiently detailed to demonstrate how tree planting along the primary access will work. If a street tree avenue is shown to be impossible to achieve then resources should be directed to the provision of dedicated spaces for the planting of selected large, long-lived specimen trees. This approach is preferable to squeezing in large numbers of small to medium sized trees that will have a short safe, useful life expectancy. The concept masterplan shows x9 green circles internal to the site that he assumes to be new trees but the level of detail is not sufficient to assess how viable this indicative planting will be. More detail including indicative street-scape views and plan views that show how significant specimen trees can be accommodated as part of development would be helpful. The drawings should show the trees as mature specimens, not newly planted, to demonstrate how they will grow into the space they are allocated in the medium to long-term.

- (vii) The Geotechnical and Agricultural Resources reports provide valuable information concerning the soil resource and demonstrate that it is generally likely to be well suited to supporting the growth of a wide range of trees and shrubs. However, it is also likely to be vulnerable to damage as part of the development process leading to a significant loss of functionality in relation to plant growth. Prior to the submission of any reserved matters application a Soil Resource Survey and Plan should be prepared in accordance with the DEFRA Construction Code of Practice for the Sustainable Use of Soils on Construction Sites and used to inform the landscaping scheme and construction environmental management plan.
- (viii) Whilst he would not expect a detailed landscaping scheme at this stage, a planting palette would be helpful. He suggests that native species are appropriate for the corridor bounding the site but that some exotic planting would be appropriate in the main residential area. As a rule of thumb in relation to tree planting there should be no more than 10% of any species, 20% of any species in a genus and 30% of any species within a family. This will help to avoid catastrophic pest and disease outbreaks and provide visual diversity. It must be clear that services

including micro-drainage and lighting will be designed to avoid new planting.

5.12 The **Operational Manager, Waste Management**, makes the following comments:

- (i) Whilst under construction, the site must be kept clear from litter and waste, cleansing is to be completed by the developer until site adoption;
- (ii) Refuse capacity for all properties should be made for contingent events such as snow or strike by collection companies, allowing for general waste to be stored for a 14 day period;
- (iii) Vehicle tracking must be provided around the site to ensure accessibility – vehicles must be able to enter and exit in a forward gear (in accordance with the Health & Safety Executive;
- (iv) 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;
- (v) Parking restrictions should be enforced throughout the site to ensure the refuse vehicles can enter and exit the site, and be able to stop as and where the collection points are;
- (vi) The developer should indicate which roads are to be adopted, and if are un-adopted should be up to an adoptable standard to ensure the safe movement of refuse vehicles;
- (vii) Access to the site must be large enough for a refuse vehicle, a single access road will not be appropriate;
- (viii) The following refuse requirements should be accommodated for each house:
  - 1 x 140 litre bin for general waste
  - 1 x 140 litre bin for garden waste
  - 25 litre kerbside caddie for food waste
  - Space for dry recycling
- (ix) Where refuse vehicles cannot enter drives a collection point should be shown on site plans.

5.13 The Council's **Ecologist**, having considered the Ecological Appraisal (January 2015), the Reptile Survey Report (April 2015), the Dormice Nut Search letter (15<sup>th</sup> April 2015), and the bat activity survey (October 2013), makes a number of comments on the application.

5.14 He requests clarification that, as stated in the Ecological Appraisal, SEWBReC were approached as part of a background data search. The data presented in sections 3.1.9 to 3.1.20 is not explicit in this regard.

5.15 He does not consider that any significant effects upon internationally designated sites, Sites of Special Scientific Interest (SSSIs) or Sites of Importance for Nature Conservation (SINCs) are likely to arise from the proposals.

- 5.16 **European Protected Species (EPS)** are present on this site and they are protected by the Conservation of Habitats and Species Regulations 2010 (as amended). In accordance with Regulation 9(3) of those Regulations, the Council has a duty to have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of its functions. The requirements in this case being the strict protection afforded to EPS.
- 5.17 In relation to EPS, section 5.5.12 of Planning Policy Wales advises, “To avoid developments with planning permission subsequently not being granted a derogation in relation to European protected species, planning authorities should take the three requirements for a derogation into account when considering development proposals where a European protected species is present.” Similarly, section 6.3.7 of TAN5 states, *‘It is clearly essential that planning permission is not granted without the planning authority having satisfied itself that the proposed development either would not impact adversely on any European protected species on the site or that, in its opinion, all three tests for the eventual grant of a regulation 44 licence are likely to be satisfied. To do otherwise would be to risk breaching the requirements of the Habitats Directive and regulation 3(4). It would also present the very real danger that the developer of the site would be unable to make practical use of the planning permission which had been granted, because no regulation 44 licence would be forthcoming.’*
- 5.18 The three tests referred to are:
- (i) That the derogation licence is for preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment (Reg. 53 (2)(e))
  - (ii) That there is no satisfactory alternative (Reg. 53 (9(a))); and
  - (iii) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range (Reg. 53 (9)(b)).
- 5.19 Recent caselaw advocates that in discharge of its duty under Regulation 9(3) as above, a LPA need only consider firstly whether a breach of the protection afforded to these species is likely to be caused by a development, and secondly whether Natural Resources Wales (NRW) are likely to grant a licence to allow that development to take place legally.
- 5.20 He notes that NRW have responded, and have raised an objection pending further information regarding dormice and bats. Based on these objections, his advice is that the Council assumes that, based on the information submitted to date, NRW would not grant an EPS derogation licence for the proposed works to go ahead legally. Therefore, with section 5.5.12 of PPW and 6.3.7 of TAN5 as above in mind, the Council should not grant.
- 5.21 Regarding **dormice**, NRW do not consider there is sufficient information available to fully assess the impacts upon this species as a result of the proposed development and further information is requested prior to

determination. He therefore cannot be sure whether a breach of the protection given to dormice would take place, neither can he be sure that a licence would be forthcoming. Therefore NRW's advice is that the Council is not able to comply with its duty under Regulation 9(3) at this time.

- 5.22 He recommends that the applicant be asked to provide the information, and then NRW be re-consulted if that information is forthcoming.
- 5.23 He agrees with NRW that the extent of dormouse habitat that would be affected has not been set out explicitly in the application nor has mitigation of impacts upon this species been set out in sufficient detail.
- 5.24 He notes that NRW have maintained their objection to this application on the basis of impacts upon **bats**, and in particular that Section 6 of the Bat Activity Survey contains only generic principles for mitigation of impacts, rather than detailed specific measures. This is consistent with their previous advice that mitigation measures detailing how adverse effects can be avoided, should be set out by the applicant.
- 5.25 Whilst the Council does not have to consider the three tests or decide whether NRW are likely to issue a licence in relation to effects on bat activity, the Council nonetheless have a duty have regard to the purpose of conserving biodiversity in the exercise of its functions as set out in the NERC Act (see below). Therefore, if NRW are advising the Council that mitigation in respect of effects on bat activity is inadequate, then the applicant should be asked to provide those details in order to demonstrate that the Council has complied with its NERC Duty. If it is not provided, apart from not having discharged its NERC duty, granting planning consent would not be in compliance with section 6.3.7 of TAN5.
- 5.26 In relation to **roosting bats**, he supports NRW's view that if there is any risk that the trees identified in section 5.1.7 of the bat activity report may be impacted by the proposed development, then further more detailed inspections of these trees should be undertaken. However, he considers that this assessment could take place at reserved matters stage once a detailed layout is made available.
- 5.27 He accepts that no further surveys or information in respect of **otters, great crested newts, and badgers** is required.
- 5.28 Concerning **reptiles**, he disagrees with the statement in section 4.1.2 of the Reptile Survey Report that "*The absence of any reptile sightings during each of the survey visits indicates that there are no species of reptiles present within the proposed development site,*" and in section 4.1.6 that "*In summary it is concluded with high confidence that all reptile species are absent from the site and will not be impacted by the proposed change of use.*" It is rare that the absence of species from a site such as this can be confirmed with such certainty, and bold statements as to the absence of such cryptic and secretive animals from this site leads him to place reduced confidence in the conclusions of the reptile survey report.

- 5.29 Whilst he accepts that the semi-improved grassland sward may be longer than is ideal for basking reptiles, it is equally possible that the negative survey result may be due to an abundance of existing, natural hiding places that reptiles prefer to use, thus reducing the likelihood that they will choose to use artificial refugia. With a tall sward, visual encounter surveys may be less effective due to reduced visibility of basking foci. He does not query the survey methodology *per se*, but a more reasonable conclusion of the survey result would be that reptiles are present at low density, or use the site on a transient basis. Grass Snakes are prevalent in this area, and the habitat is suitable for them to forage for food such as frogs and toads, so in his view it is very likely that this species will use this grassland on an opportunistic basis. Slow-worms occur throughout Cardiff and in his view it is likely that they occur on this site, albeit in low numbers. He is less convinced that Common Lizards will be present, and there are no records of Adder in this part of Cardiff.
- 5.30 Therefore at the reserved matters stage the applicant should put forward precautionary mitigation measures in order to avoid harm to any reptiles which may be present, and suitable reptile habitats (including, for example, rough grassland, south-facing scrub edge) should be incorporated into any landscaping/habitat avoidance scheme.
- 5.31 As there is some vegetation management and tree removal proposed, he would recommend that a condition to protect **nesting birds** be attached to any permission.
- 5.32 Concerning **amphibians**, the surveys revealed numbers of Common Toads on the site, and whilst this species is not statutorily protected (other than for trade), it is nonetheless listed among the Species of Principal Importance for Conservation of Biological Diversity in Wales as required by Section 42 of the Natural Environment & Rural Communities Act 2006. According to DEFRA guidance, species on this list should be the focus of the Council's duty under the NERC Act.
- 5.33 Although the presence of toads would not influence the development of this site, there are nevertheless some measures which could be implemented to reduce the impact of the proposed development including:
- (i) Vegetation on site should initially be cleared by hand (brush cutters, chainsaws etc) and the arisings removed from the site. Any debris on the site such as logs, rubbish and large stones, which could present a hiding place for toads, should be removed. These measures will persuade toads to seek refuge elsewhere and thereby reduce the numbers that are harmed during site clearance.
  - (ii) Where gully pots are adjacent to full-depth kerbs (i.e. not dropped kerbs) there is a well-established danger that amphibians such as toads will follow the kerb and fall into the gully pot and get trapped. There are some simple measures which can avoid this, such as offsetting the gully pot from the kerb, or installing 'wildlife kerbs' adjacent to the gully pot.

- 5.34 In accordance with the Pollinator Action Plan for Wales, every effort should be made to allow wildflowers to develop on roadside verges, parks, attenuation basins, and any other greenspaces. The design of these areas should allow wherever possible for access for 'cut and lift' machinery, as cutting wildflower areas at an appropriate time of year, and removing the arisings, can be important in maintaining these areas.
- 5.35 The proposal entails loss of 'Greenfield habitat', which constitutes foraging habitat for birds and bats, among others. Whilst opportunities to compensate directly for this loss of foraging habitat are limited, there are nonetheless opportunities for indirect compensation for the wider impact upon these species. Specifically, nesting/roosting opportunities should be built in to new build, in accordance with the advice given in the TCPA's '*Biodiversity Positive: Eco-towns Biodiversity Worksheet 2009*', and in the Bat Conservation Trust's '*Biodiversity for Low and Zero Carbon Buildings: A Technical Guide for New Build 2010*'.
- 5.36 As a general principle, survey work which is more than 2 years 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 2 years old should be repeated. He therefore recommends a condition in order to ensure that the predicted impacts of the proposed development are accurate at the time that development actually takes place, taking into account the potential for changes in the presence and/or abundance of species.
- 5.37 These comments contribute to this Authority's discharge of its duties under Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006, wherein: (1) Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity. (3) Conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat.
- 5.38 The **Operational Manager, Environment (Noise & Air)**, considers that, due to the location of the proposed site, a noise report should be submitted to enable them to comment on the application. She refers to the road traffic condition to assist the applicant.
- 5.39 The Council's **Access Officer** has been consulted on the application and any comments received will be reported to Planning Committee.
- 5.40 The **Operational Manager, Regeneration**, advises that, in accordance with the Supplementary Planning Guidance (SPG) on Community Facilities and Residential Development, the Council will seek a financial contribution for improvements to existing community facilities or the provision of additional community facilities on all significant developments because the increased population will result in increased demand for local community facilities. If no onsite provision is proposed, a financial contribution is to be sought on

residential developments containing 25 or more new dwellings. As no onsite community facilities have been proposed a contribution towards local community facilities is requested.

- 5.41 The application is for up to 65 dwellings. No exact number of dwellings or details of dwelling types is provided. Consequently, the developer is requested to provide a community facility contribution in line with the SPG. If the development contains 65 dwellings, an indicative amount which could be required towards community facilities would be in the region of £64,252.50. (based on £988.50 cost per dwelling).
- 5.42 The SPG for 'Community Facilities and Residential Development' was formally adopted by Council on 22<sup>nd</sup> March 2007. The SPG was adopted to provide guidance on national and local planning policy which highlights the importance of the planning system in ensuring that the infrastructure on which communities depend is adequate to accommodate proposed development. Policy 21 of the City of Cardiff Local Plan (adopted January 1996) supports the provision of community facilities as part of new residential developments.
- 5.43 The contribution would also 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 financial contribution. It would be unacceptable to grant planning consent in the absence of such provision.\_
- 5.44 The nearest community facilities to the proposed development are likely to experience an added pressure as a result of the new population. It is envisaged that a community facilities contribution from the development would be directed towards Old St. Mellon's Village Hall. A variety of activities take place in the hall, including Guides and Scouts, Women's Institute meetings and sports activities. The contribution from this development would ensure that improvements to the village hall provide for the needs of any additional residents.
- 5.45 The **Operational Manager, Environment (Contaminated Land)**, acknowledges the submission of the Site Investigation and Geo-Environmental Report with the application. He advises that any importation of soils to develop the garden/landscaped areas of the site, or any site won recycled material, or materials imported as part of the construction of the development, must be demonstrated to be 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. He therefore recommends relevant conditions, in the event that planning permission is granted, to cover unforeseen contamination, imported soil, imported aggregates, use of site won materials, and an advisory notice regarding contamination and unstable land.
- 5.46 The **Operational Manager, Parks and Sport**, makes the following initial



comments on the proposals:

- (i) There is limited frontage onto woodland fringe. Whilst some effort has been made to create a relationship between the dwelling and the surrounding woodland there appears to be insufficient space to create a suitably wide ecotone/ buffer to the woodland and a significant number of dwellings have rear garden fences or side elevations immediately adjacent the woodland edge leading to shading and long term management issues;
- (ii) The open space identified on the parameters plan is mainly woodland and does not look like it would meet the requirements for recreational open space so at this stage he has excluded it from the POS calculation pending further assessment, information and clarification of the open space intended to be offered as recreational open space.
- (iii) He has assumed an occupancy rate of 2.41 in calculating the open space contribution as there is no information on the no. of bedrooms or habitable rooms. There is reference to family homes and the plots seem quite large so this may change once further information is provided.
- (iv) He considers that a financial contribution, in lieu of on-site open space provision, will be required and further details will be provided.

5.47 The **Chief Schools Officer** has been consulted and any comments will be reported to Planning Committee.

5.48 The **Operational Manager, Drainage Division**, has been consulted and any comments received will be reported to Planning Committee.

## 6. **EXTERNAL CONSULTEES RESPONSES**

6.1 **Welsh Water** notes that the masterplan shows properties located directly on top of the 1200mm public combined sewer. The easement of this asset would be calculated as 10 times the internal diameter of the pipe or twice the depth, whichever is greater. For an accurate measure of this sewer they recommend that the developer contacts their Operations Team to conduct a sewer trace. The outcome will determine the easement required on this asset. They also note that the application also proposes to divert/abandon the 225mm public foul sewer and advise that this work would be subject to an application made under Section 185 of the Water Industry Act 1991. They recommend relevant conditions to ensure that, if development proceeds, there would be no detriment to existing residents, the environment, or their assets.

6.2 They do not envisage any problems with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

6.3 In respect of water supply, they have no objection.

6.4 **Glamorgan Gwent Archaeological Trust** has reviewed the Archaeological Field Evaluation Report and notes that nothing of archaeological significance was identified. They therefore do not consider there is a need for any further archaeological work in the case of this application and confirm that they have

no archaeological objection to the positive determination of this application

- 6.5 **Natural Resources Wales**, having reviewed the bat activity survey dated October 2013, maintain their objection to the above application, pending the submission of further information regarding bats and dormice. They note that the surveys, which were undertaken in August and September, identify six bat species using the site; common and soprano pipistrelle; whiskered/brandt's; natterers; noctule; and, possibly brown long-eared bats, with pipistrelle species recorded most frequently. They consider that the bat activity surveys are sufficient in this instance. However, although some in-principle recommendations are made, no final mitigation measures are set out.
- 6.6 They advise that the following additional information is sought prior to determination of the application:
- (i) If there is any risk the two mature trees identified in Section 6.3.5 of the Ecological Appraisal report or Section 5.1.7 of the Bat Activity Survey report, a full assessment of the suitability of these trees for roosting bats should be completed. If this assessment identifies definite bat potential a climbing inspection of the features present or a dusk emergence / dawn re-entry survey should also be undertaken;
  - (ii) Suitable mitigation measures that detail how any adverse effects identified in the bat activity surveys and above assessment will be avoided. These measures should be appropriate to the species concerned and proportionate to the impact of the works;
  - (iii) A detailed mitigation scheme to conserve dormice which builds upon the submitted information. Notwithstanding the outline principles contained within the dormouse survey report, this scheme should include:
    - a) Clarification of the impacts of the scheme on dormouse to include locations and extent of habitat loss (including woodland, scrub, bramble and hedgerow), impacts on connectivity;
    - b) Clarification of extent and distribution of retained habitat, new planting and the width and composition of proposed boundary features;
    - c) Confirmation that all areas of habitat intended to be maintained as suitable dormouse habitat lie outside of the curtilage of properties;
    - d) Consideration and detail of how connectivity will be maintained across any breaks in habitat such as across access roads;
    - e) Details of the vegetation clearance strategy that will be implemented;
    - f) A schedule of works setting out when any new habitat creation and planting will be undertaken;
    - g) A monitoring scheme to address the animals themselves and establishment and condition of newly created and retained habitats which sets out the nature, frequency and timing of visits and duration of the monitoring period;
    - h) The principles of appropriate management commitments to ensure the ongoing suitability of all retained and newly planted dormouse habitats. This should also include the mechanism to ensure that management will be financed and delivered;
    - i) The principles of a lighting scheme to demonstrate that site boundaries and woodland areas will remain unlit to avoid disturbance to protected

species.

- 6.7 They have been consulted on the additional information (bat and dormice mitigation, October 2015) and any further comments will be reported to Planning Committee.
- 6.8 **Wales and West Utilities** have been consulted on the application and any comments will be reported to Planning Committee.
- 6.9 The **South Wales Fire and Rescue Service** advises that the developer considers the need for the provision of adequate water supplies on the site for firefighting purposes and access for emergency firefighting appliances.
- 6.10 The **South Wales Police Design Out Crime Officer** considers that the design layout provides for good surveillance over the access roads to properties but he has concerns over the public open space as proposed which allows access between the rear gardens of new dwellings and existing dwellings. Entry via the rear gardens which border public open space is a significant crime risk factor especially where such areas have inadequate surveillance. He confirms that South Wales Police are happy to work with developers and would encourage the developers to consider Secured by Design which has been shown to reduce crime risks by up to 70%. More information can be found on [www.securedbydesign.com](http://www.securedbydesign.com). He recommends that:
- (i) Public open spaces are redesigned so they are either overlooked or access restricted to well overlooked areas so as not to provide an easy access and unsighted route to rear of dwellings to reduce the risk of burglary and property theft;
  - (ii) All external entrance doors and ground floor windows comply with PAS24 standards to reduce risk of burglary;
  - (iii) All house designs include secure rear gardens with min of 1.8m secure walling/fencing or 2.1m where boundaries border public open space areas to reduce risk of burglary and theft;
  - (iv) All service meters are located to front properties to remove opportunity for distraction type crime;
  - (v) A Scheme of work is required for lighting to enhance personal safety and security; and
  - (vi) Access roads are designed with calming measures to restrict speeds to maximum of 20mph to prevent injury.

## 7. **REPRESENTATIONS**

- 7.1 **Councillor Dianne Rees** declares an interest as she resides on Druidstone Road. She objects to the application on behalf of her constituents. She requests that the application be heard at planning committee unless the officer recommendation is for refusal and she requests that the planning committee visit the site. She objects for the following reasons:
- (i) The proposal is contrary to policies C1 and H3 of the south Glamorgan (Cardiff Area) Replacement Structure Plan 1991-2011, Policy 5 of the

local plan (1996), policy 2.39 Of the deposit Cardiff Unitary Development Plan (2003) and national planning policy as contained in Planning Policy Wales (July 2014) in that the site lies outside defined settlement boundaries, where it is intended that new development be strictly controlled, and the proposal does not fulfil any of the criteria for justification of such development that are set out in the aforementioned policies but represents an unacceptable extension of suburban development into the countryside.

- (ii) The proposed development is contrary to policy MV1 of the South Glamorgan (Cardiff area) Replacement Structure Plan 1991-2011, policy 13 of the Cardiff Local Plan (1996), policy 2.20 of the Deposit Cardiff Unitary Development Plan (2003), objective 3.1 of the Cardiff Residential Design Guide (March 2008) paragraphs 4.4.3, 4.6.4, 4.7.4, 4.7.7, 4.7.8, 4.9.1, 4.11, 9.1.1, 9.1.2, 9.2.22, 9.3.1, and 9.32 of Planning Policy Wales ( July 2014), paragraphs 4.6, 4.13 and 5.91 of Planning Policy Wales Technical Advice Note: 12: Design (July 2014), paragraphs 3.2, 6.2, 4.7, 6.4 and appendix A of Technical Advice note 18-Transport (2007) and paragraphs 4.4.1 and 4.4.2 of Manual for streets (2007) in that it lacks an appropriate level of connectivity between the site and its surroundings by means of travel other than by the car, which is likely to create a heavily car dependent environment and which would be contrary to the principles of sustainable development.
- (iii) It is evident that this proposal conflicts with national and local policy and it is considered that the LDP candidate site assessment process has identified a significant number of potential sites that could come forward in the short term that do not raise such conflicts. It should therefore be considered that the need to increase the supply of land for housing does not outweigh the significant conflicts with national and local policy. This site is identified as countryside and is not included in the emerging Local Plan as housing development land. It is outside the settlement boundary.
- (iv) National Policy emphasises the importance of councils exploring the opportunities of maximising the contribution of brownfield sites and Cardiff council is currently doing so – an approach that accords with Welsh Government guidance on utilising previously developed land ahead of green field sites and recently granted permission for a number of housing developments that will make a significant contribution to housing land supply (sadly, BMV land on greenfield sites east of church Road and North and south of Bridge Road-1020 dwellings) and former Arjo Wiggins , Canton-up to 820 new dwellings) decreases the weight that should be given to the lack of housing land supply.
- (v) The proposal is contrary to national and local planning policy and should be refused.

7.2 The proposals were advertised in the press and by site notices on 16<sup>th</sup> July 2015 as a major development under article 12 of the Town and Country Planning (Development Management Procedure (Wales) Order 2012.

7.3 12 no. representations objecting to the application have been received from the

occupiers of Mountain Air, Oakview, Malindi, 2 and 4 Began Road, and Springfield, The Moorings, and Polruan Druidstone Road, plus four objections received via email. Their objections are summarised as follows:

- (i) The site is potentially useful for agricultural land. The agricultural report accompanying the application is not accurate. The site was used to grow crops in 1984 and could be returned to such a use;
- (ii) The area has a countryside/rural quality and character which should be preserved to maintain the rural character of Cardiff as a green and compact City separate from surrounding areas. It is 'green belt' land even if not formally identified as such;
- (iii) The site is a valuable natural asset and a wide range of wildlife including lizards, sheep, otter, dormice, bats, birdlife, owls, hedgehogs, foxes, badgers, grass snakes, adders, great crested newts, polecats, frogs, toads, honey bees and slow worms have been spotted on the site. Plant life including wild orchids and common spotted orchids will be affected;
- (iv) Began Road is a narrow lane with steep gradients, steep embankments on both sides, high hedges and overhanging trees with no footway or verge, making walking or cycling unsafe. Manual for Streets suggests a minimum of 2.4m from the front of a vehicle to the driver's eye, and eye height for drivers is 1.05m. This creates a dangerous situation for vehicles emerging from the development onto Began Road, given the volume and type of traffic using Began Road throughout the day, including farm vehicles, school buses, articulated lorries, and horse riders. It also creates a dangerous junction for cyclists and pedestrians;
- (v) The applicant's claim that the development is well suited to existing modes of public transport and a Rapid Transport corridor running close to the site are nonsense. The walk to the bus stop on Newport Road is uphill in both directions. The new transport arrangements scheduled for the major housing development east of Pontprennau are some way from the site across the River Rhymney and pedestrians would again face an uphill walk in both directions. Car use is inevitable;
- (vi) Additional traffic from the development would exacerbate the existing traffic problems caused by a significant increase in traffic in recent years and would also cause noise and dust pollution;
- (vii) The only local amenities within walking distance are two churches, a small pharmacy, a fish and chip shop, and three public houses. The nearest Post Office, supermarket and libraries are in St. Mellons;
- (viii) The proposed access onto Druidstone Road is at a very narrow point which will not take two cars passing at once. A junction at this point would be dangerous as visibility is restricted;
- (ix) There are no safe walkways for pedestrians on either Began Road or Druidstone Road, therefore the site lacks connectivity by means other than the private car, leading to a dramatic increase in vehicle movements;
- (x) Drainage on Began Road is poor without added pressure from the new development;
- (xi) Bridge Road will become inaccessible to traffic from Began Road and Druidstone Road leading to more traffic onto Newport Road, overburdening the area;

- (xii) The nearby St. Edeyrn's development for 1,020 homes, and more towards Lisvane will lead to saturation;
- (xiii) Only bus service is longer than a 15 minute walk, is on Newport Road and is not within an easy walk for the elderly, infirm or young children;
- (xiv) Llanishen train station will become even less accessible when Bridge Road is closed;
- (xv) The local school catchment is St. Mellons;
- (xvi) Construction will cause noise and dust pollution;
- (xvii) Ecology mitigation measures will not provide adequate protection for wildlife habitats within the proposed site. Reducing lighting levels around hedgerows is an inadequate response to habitat protection;
- (xviii) The City has a number of brownfield sites more suitable for development with social infrastructure and amenities already in place;
- (xix) The boundary line appears to take up some of the garden of 4 Began Road;
- (xx) Large Articulated Lorries visit the tomato farm on Began Road daily, causing other road users to reverse or pull in to allow lorries to pass. This would also affect access for emergency vehicles;
- (xxi) The application should clarify the quantity, mix and location of affordable housing;
- (xxii) The land to the east of the site is designated as a Site of Importance for Nature Conservation (SINC) therefore this site should be considered for designation;
- (xxiii) The site is not included for development in the deposit Local Development Plan;
- (xxiv) No archaeological survey has been undertaken;
- (xxv) Application is contrary to Structure Plan Policy MV1, Local Plan Policy 13, Objective 3.1 of the Residential Design Guide SPG, and deposit UDP Policy 2.20;
- (xxvi) Contrary to national and local planning policy protecting the countryside;
- (xxvii) Outside the settlement boundary;
- (xxviii) Previous attempts to develop the site for housing have failed;
- (xxix) Site is not included for housing in the emerging Local Development Plan;
- (xxx) The rural beauty and attractiveness of Druidstone Road will be lost;
- (xxxi) The land is probably grade 3 BMV land;
- (xxxii) Development of land in and around Druidstone Road has been prolific in the last 10 years;
- (xxxiii) The ancient history of Druidstone Road will be affected

7.4 The Old St. Mellons Community Council objects to the proposed development for the following reasons:

- (i) The proposal is contrary to policies C1 and H3 of the South Glamorgan (Cardiff area) Replacement Structure Plan 1991-2011, policy 5 of the local Plan (1996), Policy 2.39 of the deposit Cardiff Unitary Development Plan (2003) and national planning policy as contained in Planning Policy Wales ( July 2014) in that the site lies outside defined settlement boundaries, where it is intended that new development be strictly controlled, and the proposal does not fulfil any of the criteria for justification of such development that are set out in the aforementioned

policies but represents an unacceptable extension of suburban development into the countryside.

- (ii) The proposed development is contrary to policy MV1 of the south Glamorgan (Cardiff Area) Replacement Structure Plan 1991-2011, policy 13 of the Cardiff Local Plan (1996), policy 2.20 of the deposit Cardiff Unitary Development Plan (2003), objective 3.1 of the Cardiff Residential Design Guide ( March 2008), paragraphs 4.4.3, 4.6.4, 4.7.4, 4.7.7, 4.7.8, 4.9.1, 4.11, 9.1.1, 9.1.2, 9.2.22, 9.3.1 and 9.32 of Planning Policy Wales (July 2014), paragraphs 4.6, 4.13 and 5.9.1 of Planning Policy Wales Technical Advice Note 12: Design ( July 2014), paragraphs 3.2, 6.2, 4.7, 6.4 and appendix A of Technical Advice note 18 Transport (2007) and paragraphs 4.4.1 and 4.4.2 of Manual for Streets (2007) in that it lacks an appropriate level of connectivity between the site and its surroundings by means of travel other than by the car, which is likely to create a heavily car dependent environment and which would be contrary to the principles of sustainable development.
- (iii) It is evident that this proposal conflicts with national and local policy and it is considered that the LDP candidate site assessment process has identified a significant number of potential sites that could come forward in the short term that do not raise such conflicts. It should therefore be considered that the need to increase the supply of land for housing does not outweigh the significant conflicts with national policy.
- (iv) The Council is currently exploring the opportunities of maximising the contribution of brownfield sites- an approach that accords with Welsh Government guidance on utilising previously developed land ahead of greenfield sites and recently granted planning permission for a number of housing developments that will make a significant contribution to housing land supply(sadly, BMV land on greenfield sites on land east of Church Road and North and South of Bridge Road -1020 dwellings) and former Arjo Wiggins, Canton- up to 800 new dwellings) decreases the weight that should be given to the lack of housing land supply.
- (v) The proposal is contrary to national and local planning policy and should be refused.

7.5 Following a re-consultation in October 2015 on additional information received by the agent, the following further representations were received:

- (i) The Old St. Mellons Community Council re-iterated their original objections (see paragraph 7.4);
- (ii) The occupier of 4 Began Road states that he has already made his objections on the application clear. He re-iterates that traffic chaos would worsen were development of 65 no. houses to proceed as there is no pavement for pedestrians.

## 8. **ANALYSIS**

8.1 There are four key issues for consideration in assessing this application:

- (i) The principle of development given site's location on land defined as countryside in the Cardiff Local Plan and the deposit Unitary Development Plan;
- (ii) The lack of housing supply in Cardiff;
- (iii) The relationship of the site to surrounding communities, facilities and infrastructure and whether this will facilitate a sustainable development; and
- (iv) The impact of the development upon nature conservation interests.

### **The Principle of Development**

8.2 In accordance with the Structure Plan, Local Plan, and deposit Unitary Development Plan, residential development on this site which is located within the open countryside and which is not for agricultural or forestry workers is in direct conflict with policies designed to protect the countryside from inappropriate or harmful development.

### **Housing Land Supply**

8.2 Planning Policy Wales, 7<sup>th</sup> Edition, (July 2014) (PPW7) requires that: *“Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing ... For land to be regarded as genuinely available it must be a site included in a Joint Housing Land Availability Study”* (paragraph 9.2.3). The last agreed Joint Housing Land Availability Study (JHLAS) for Cardiff indicated a housing land supply of 4,853 units representing 3.6 years at the base date of 1<sup>st</sup> April 2014. This was calculated using the past-rates methodology – a comparison of housing supply with average building rates over the previous ten years (i.e. 13,621 completions between 2005 – 2014). Since the 2014 JHLAS was published however, Welsh Government has revised Technical Advice Note (TAN) 1 which is the principle guidance relating to JHLAS. The revised TAN introduces a number of changes to the JHLAS process with effect from 1st April 2015 including the way in which the 5 year supply is calculated as summarised in an accompanying letter from Welsh Government's Chief Planner:

*“Calculating housing land supply – Housing land supply needs to be soundly based on meeting identified housing requirements. Consequently only LPAs with an adopted Local Development Plan (LDP) (or an adopted Unitary Development Plan (UDP) that is still within the plan period) will be able to undertake a JHLAS calculation and thus be able to demonstrate that they have a five-year housing land supply. In line with this, the residual methodology based on the housing requirements in an adopted LDP (or adopted UDP) will be the only methodology allowed for calculating housing land supply. The use of the past build rates methodology, which was based on the past performance of the building industry, will not be accepted”.*



8.3 Since Cardiff does not presently have either an adopted Local Development Plan or a Unitary Development Plan, it is unable to demonstrate whether or not it has a 5 year supply at a base date of 1<sup>st</sup> April 2015 (TAN1, paragraph 8.2), using the residual methodology. This methodology compares the number of houses agreed to be available for development with the remaining housing requirement in the adopted LDP.

8.4 In order to inform the preparation of the LDP Preferred Strategy all candidate sites submitted by developers and landowners were fully assessed for their suitability for inclusion in the Plan. In this respect it is important to note that this proposal has been submitted as a candidate site (No. 29) and was fully assessed as part of this process. This assessment concluded that:

*This is a medium scale site in a generally unsustainable area for additional housing because of narrow single track access roads, lack of community and social facilities in the area, and poor/no public transport links. The isolated nature of the area would mean that most trips would be made by car. Overall, this non-strategic site is considered in principle not to successfully respond to the issues addressed through the assessment process and, subject to further detailed work and consideration of consultation responses, is unlikely to form an allocation in the Deposit Plan.*

8.5 This site was also submitted as an Alternative Site (AS(N)12 and AS(N)14) during consultation on the Deposit LDP in Autumn 2013 and a LDP Examination Hearing Session was held on 26<sup>th</sup> February, 2015 which included consideration of these Alternative Site Submissions. At this Hearing Session the Council reaffirmed the conclusions set out above and stated:

*“A comprehensive Candidate Site Assessment was undertaken with the findings of this work forming Background Technical Paper 8 (Summary of Candidate Site Assessment – Methodology and Findings LDP.016). This site was assessed against a range of issues which included compatibility with the Plan vision and objectives, environmental factors (including biodiversity, landscape, agricultural land and others), flood risk, transportation, infrastructure and deliverability and neighbourhood, community and place making. The assessment process concluded that this medium scale site is located in a generally unsustainable area for additional housing because of the narrow access road with no pavements, lack of community and social facilities in the area and poor/no public transport links. The isolated nature of the area would mean that trips would be made by car. The site was therefore not considered to successfully respond to the issues addressed through the assessment process.”*

8.6 Given these conclusions it is evident this proposal conflicts with significant national and local policy and it is considered that the LDP candidate site assessment process has identified a significant number of potential sites that could come forward in the short term that do not raise such significant conflicts. It is therefore considered that the need to increase the supply of land for housing does not outweigh the significant conflicts with national and local policy outlined as part of the findings of this assessment process.

- 8.7 The LDP has now reached an advanced stage. A second round of consultation on the Matters Arising Changes resulting from the additional examination hearings sessions on 28 and 29 September 2015 has recently been completed. The Council now awaits the Inspector's Report, which is anticipated by 30<sup>th</sup> November 2015.
- 8.8 In this respect it is important to note that an appeal for 15 dwellings at land north of Bridge Road, Old St Mellons (APP/Z815/A/14/2229933) was dismissed in June 2015. In dismissing the appeal the Inspector notes that *"Cardiff will soon have an adopted plan and that it would be wrong, so close to the finalisation of the LDP process, to permit a development which conflicts with policy and may not be needed."* He concludes that *"the need to increase housing land supply does not outweigh the conflict with national and local policy designed to protect the countryside and the appeal should be dismissed."*

### **Sustainability**

- 8.9 The application site is in a countryside setting adjoining the ribbon development along Began Road and Druidstone Road. Connectivity to and from the site is of considerable importance. In order to be properly considered as a 'sustainable neighbourhood,' residents would have to live within safe and convenient walking distance of most of the places they wanted to visit, such as local shops and recreation provision. A highly walkable neighbourhood is generally considered to be where one can easily walk to most local facilities within 10 minutes or around 800m.
- 8.10 The site is considered to have poor connectivity to public transport. The nearest existing frequent bus services are approximately 1km from the edge of the site (although it is recognised that bus services to be provided through the St. Edeyrn's development would be closer). The nearest post office is around the same distance from the site whilst the nearest state primary schools are even further away. It is therefore likely that the site would be highly car dependent and as such, it could not be considered to meet the tests of relevant national, regional and local transport policies.
- 8.11 Furthermore, access to the site would be served off Druidstone Road and Began Road, which both have limited footway provision and restricted carriageway widths in part. The proposed introduction of a 'Quiet Lane' on Druidstone Road is not considered to be an adequate solution to reduce vehicle speeds, thereby providing improved pedestrian access, given that Druidstone Road is a through route and footway provision is not available.
- 8.12 Reference is made in the Transport Statement to the approved St. Edeyrns development due to its proximity to the application site which includes public transport infrastructure and service improvements. The provision of this would not be delivered until occupation of the 50<sup>th</sup> dwelling (or within 6 months of the date of approval of the route) as per the associated S106 Agreement (ref: 13/00578/DCO).

- 8.13 The St Edeyrn's proposals include a scheme to prohibit driving along Bridge Road which would have the benefit of reducing the potential for conflict between users along this section of highway. However, this would not be the case along Began Road and Druidstone Road as no such prohibition would be in force or is likely to be in the future. Therefore a safe route for pedestrians could not be guaranteed under these proposals such that residents could access local facilities (including bus stops) by walking as a mode of travel.
- 8.14 The site's unsustainable location is considered to be contrary to the provisions of national planning policies in Planning Policy Wales (Edition 7) and Technical Advice Notes 12 (Design) 18 (Transport), which seek to reduce car use and support developments which are accessible by a choice of transport modes, especially walking, cycling and public transport. These requirements are echoed within the policies and objectives of the Sewta Regional Transport Plan and local planning policies and guidance.

### **Nature Conservation**

- 8.15 It is noted that Natural Resources Wales maintains its objection to the application, despite having considered the additional bat activity survey in August 2015. They have been re-consulted on the additional dormice and bat mitigation schemes received in October 2015.
- 8.16 The Council's Ecologist considers that Natural Resources Wales are unlikely to award a licence for the works at the time of writing and he advises that further information should be provided.
- 8.17 The application, including the additional information, has therefore failed to demonstrate that there would be no harmful impact upon European Protected Species, contrary to national and local planning policies.

### **Third Party Representations**

- 8.18 In respect of the objections made by Councillor D Rees and local residents which have not already been addressed in this analysis:
- (i) The Agricultural Resources Report accompanying the application assesses the land as, subject to significant management practices, being potentially Grade 2 agricultural quality. The site has not been used for agricultural purposes for approximately 20 years (minimum) and, whilst it is acknowledged that the land could be returned to such use in the future, its potential agricultural quality is not considered to be a justifiable reason for refusal;
  - (ii) The site does not benefit from a green belt designation;
  - (iii) Noise and dust pollution arising from any increase in traffic is not considered to be a sustainable reason for refusal. Noise and dust arising from construction traffic could be controlled via condition;
  - (iv) No objections to the drainage aspects of the development have been received from Welsh Water or the Council's Drainage Division;
  - (v) The St. Edeyrn's development to the west in the River Rhymney corridor,

and recent development in the Druidstone Road area, have been assessed and determined on their own planning merits. The St. Edeyrns development forms part of a Strategic Site allocation in the deposit Local Development Plan. Minor residential developments on Druidstone Road have been permitted where they are located within existing residential curtilages;

- (vi) It is noted that the current school catchment is St. Mellons;
- (vii) The LDP contains a number of brownfield and greenfield allocations for future residential development;
- (viii) The applicant has been informed of the dispute regarding land ownership at the rear of Began Road;
- (ix) It is not considered that the site contains characteristics that would justify its inclusion within the adjoining Site of Importance for Nature Conservation (SINC);
- (x) It is noted that there were previous applications and appeals to gain planning permission for residential development have failed (see Section 3);
- (xi) Glamorgan Gwent Archaeological Trust have no objection to the application, having considered the field evaluation report;
- (xii) It is not considered that the ancient history of Druidstone Road will be adversely affected.

## **Other Considerations**

### Section 106 Agreement

8.19 Were the development to proceed, the Council would be likely secure the following through the completion of a Section 106 Agreement:

- (i) On-site provision of affordable housing at 30% of the total dwelling provision (i.e. 20 units), to be provided as intermediate rented properties;
- (ii) public open space provision, either on site or a financial contribution in lieu of on-site provision, in accordance with the Open Space Supplementary Planning Guidance (SPG);
- (iii) A financial contribution towards the provision/enhancement of community facilities in accordance with the *Community Facilities and Residential Development SPG*;
- (iv) A financial contribution towards schools provision in accordance with the Developer Contributions for School Facilities SPG;
- (v) A package of transportation/highway enhancements.

### Crime and Disorder Act 1998

8.20 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.

## Equality Act 2010

8.21 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, over and above any other person.

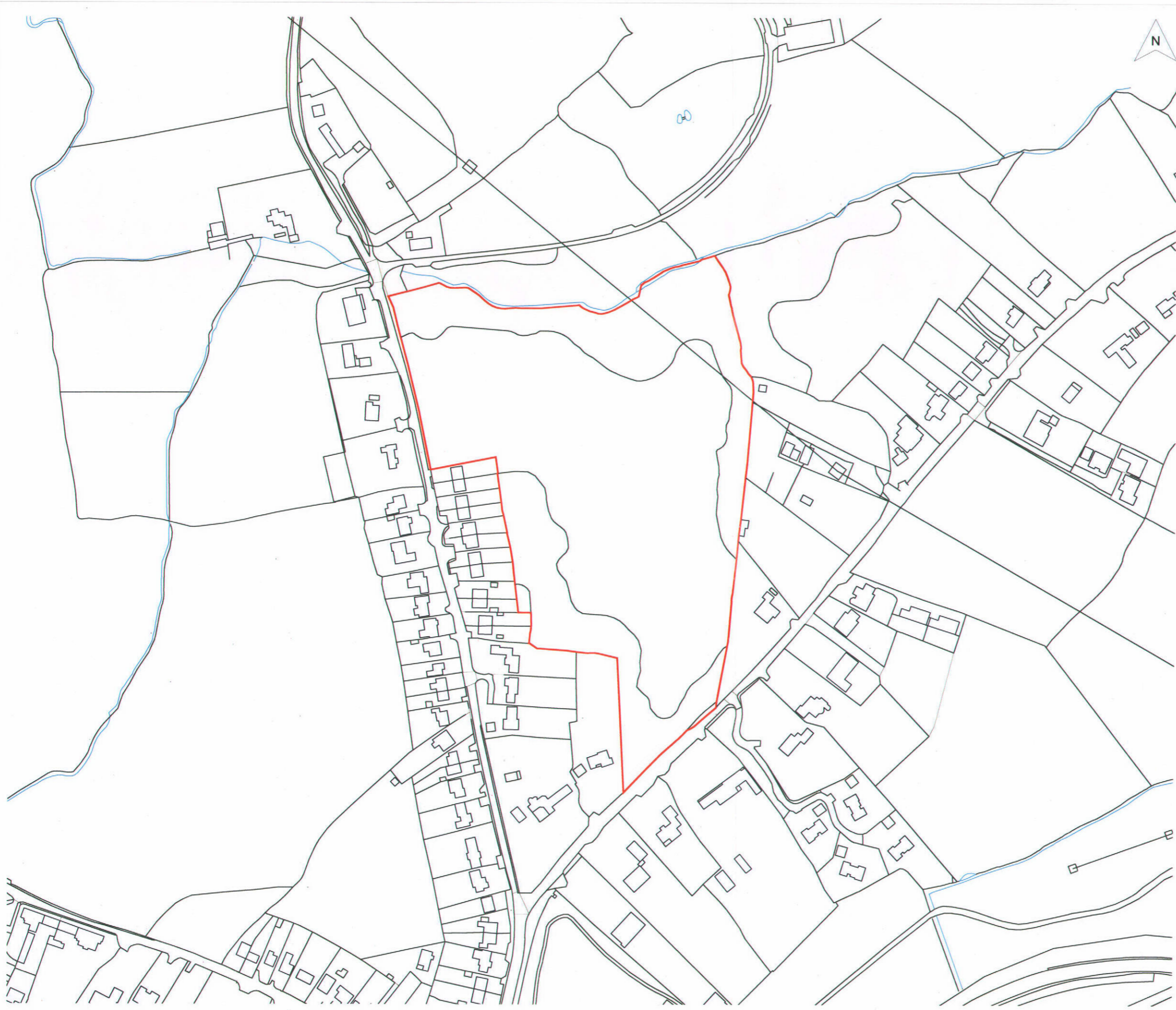
## **Conclusions**

8.22 In conclusion, it is considered that the release of this site would not result in any significant improvement in the 5 year land supply that would justify breaching the well-established settlement boundary at this location. Furthermore, there are other Candidate Sites which have come forward for consideration which are more suitable than this site, and the Council is also taking steps to actively address the land supply situation via the Local Development Plan process by proposing development on strategic sites around the city, and is exploring opportunities to maximise the contribution of brownfield sites.

8.23 Given the lack of an appropriate level of connectivity between the application site and its surroundings by means of travel other than the car, and the likely creation of a heavily car dependent environment, the proposed development is considered to be contrary to national and local planning policies and guidance.

8.24 Finally, the application has failed to demonstrate that there would be no harmful impact upon European Protected Species.

8.25 It is therefore recommended that the application be refused.



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 Site boundary - 5.03ha

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Client Bogod

Project Druidstone Road  
 St Mellons

Title Site Plan





Status	Drawn By	PM/Checked by
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-  Site boundary
-  Residential development
-  Indicative built form
-  Public open space
-  Existing planting
-  Vehicle access
-  Foot/Cycle path
-  No through route for vehicles



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Client Bogod

Project Druidstone Road

Title Concept Masterplan

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