

PETITION

COMMITTEE DATE: 07/12/2023

APPLICATION No. 20/00187/MJR

APPLICATION DATE: 07/02/2020

ED: Llandaff

APP: TYPE: Full Planning Permission

APPLICANT: Taff Housing Association Ltd

LOCATION: Land at De Braose Close, Danescourt, Cardiff

PROPOSAL: Residential development comprising 36 dwellings together with associated infrastructure, public open space and woodland management

RECOMMENDATION 1:

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

That planning permission be **GRANTED** subject to the relevant parties entering into a binding legal agreement under the provisions of **SECTION 106** of the Town and Country Planning Act 1990 within 6 months of the date of this Resolution, unless otherwise agreed by the Council in writing, in respect of matters detailed in section 9, and the conditions listed below in section 12.

RECOMMENDATION 2:

That delegated authority is given to the Head of Planning &/Or Operational Manager: Strategic Development & Placemaking, to make changes to the conditions and/or Heads of Terms of the required legal agreement, subject to consultation with the Chair of Planning, up to the point where the legal agreement is signed and planning permission issued.

ALTERNATIVE RECOMMENDATION (following deferral at 7th December 2023 Committee): -

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

1. The development, by reason of its location within an identified area of Open Space, would exacerbate the existing deficiency of Open Space within the Llandaff ward, as identified by the Open Space Survey (2022), contrary to the provisions of Policy C4 of the adopted Local Development Plan (2016) and guidance contained within Planning Policy Wales (Edition 11, February 2021) (paragraph 4.5.3).

2. The creation of an extensive, engineered vehicular access through the woodland, including the removal of trees, would cause unacceptable harm to the established character and appearance of the existing mature and established woodland and public footpath network which cannot be mitigated by replanting, or the translocation scheme proposed, or outweighed by any other benefits of the development. The proposal is therefore contrary to the provisions of KP5, EN6, EN7 and EN8 of the Local Development Plan (2016), Supplementary Planning Guidance Green Infrastructure (including Technical Guidance Notes relating to: Ecology and Biodiversity and; Trees and Development) (November 2017), as well as Chapter 6 of Planning Policy Wales (Edition 11, February 2021 – with Chapter 6 updated October 2023) and Policy 9 (Resilient Ecological Networks and Green Infrastructure) of Future Wales: The National Plan 2040.
 3. The development, by virtue of its siting and the quality of proposed connections for both walking and cycling, does not provide safe, legible and otherwise well designed connectivity to nearby shops, facilities and schools for the proposed affordable housing development, contrary to Policies KP5, T1 and C6 of the adopted Local Development Plan (2016) and guidance within the adopted Cardiff Residential Design Guide.
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0.1 This application was reported to Planning Committee on 07 December 2023. After consideration, Members unanimously voted to DEFER the determination of the application to enable officers to draft reasons for refusal based on the Committee's objections to the proposal.

0.2 The following paragraphs outlines the discussion held during the Planning Committee on 07 December 2023, and summarises potential reasons for refusal of planning permission.

Open Space

0.3 As noted in Sections 9.4 – 9.44 of the report below, the application site lies within an identified area of Open Space, which is protected by Policy C4 of the adopted Local Development Plan (2016).

0.4 The report references the planning history of the site, noting that matters relating to the loss of open space have been considered at appeal previously, in 2006 (APP/Z6815/A/05/1177735) and most recently in July 2014 (APP/Z6815/A/13/2207479). In the most recent appeal, which was dismissed on 28 July 2014, the Inspector's review of open space stated that the proposed development would not be detrimental to the open space resource in the area, and concluded that the site did not contribute either functionally or visually to the open space provision in the area. The development was therefore not considered to be detrimental in this regard.

0.5 The application under consideration proposes to retain a greater area of open space than that previously proposed ([12/01454/DCO](#)), and, in addition, proposed to mitigate for the loss of open space through the improvement and

management of the adjacent woodland. Given this, it was previously considered that it would be difficult to reach an alternative conclusion to that reached by the Inspector, and as such, the proposed mitigation was considered to offset the impact of the development in terms of the loss of open space, and on balance, it was considered that the development was compliant with Policy C4 of the adopted Local Development Plan.

- 0.6 Members did not agree with this position, noting that there is an existing deficiency of Open Space within the ward of Llandaff, set out within the Open Space Survey 2022. It was noted that the Open Space Survey post-dates the previous planning appeals, and therefore it was the opinion of Members that more weight should be placed on the loss of Open Space caused by the proposed development.
- 0.7 The area is evidentially considered and perceived as significant with its own integrity, as demonstrated by the level of local opposition raised. Whilst subjective, it is obvious that the perception of value and value placed on this area of Open Space is as much a consideration in the determination of this application as its functional and practical value.
- 0.8 The level of opposition to the scheme should not be disregarded without due consideration. The area is clearly well-used by local residents and provides a functional and green amenity space adjacent to an established urban area, valued for its biodiversity, air quality, climate change, visual appeal, cultural and historical significance as well as for its positive impact on physical and mental well-being. The loss of this space is not insignificant, and having regard to the fact that there is already a deficiency in Open Space within the Llandaff ward, preserving this area of Open Space is considered by members to outweigh any benefit accruing from the provision of affordable housing, when considering the scheme as a whole.
- 0.9 Members also assessed the proposed compensatory provision for the loss of Open Space in the form of woodland management, but considered that this would not address the loss of Open Space sufficiently, and therefore the development would cause detriment to the provision of Open Space, contrary to Policy C4 of the adopted Local Development Plan (2016).

Trees

- 0.10 Sections 9.157 – 9.170 of the report outlines one of the main areas of contention in consideration of this application; its impact on trees.
- 0.11 As noted below, the scheme proposes a vehicular access point via the existing turning head at De Braose Close, which differs from the previous planning applications (04/02044/W and 12/01454/DCO refer), which both proposed access to the site from Radyr Court Road.
- 0.12 In attempting to address the previous reason for the refusal of planning permission and subsequent appeal dismissal, the applicant has sought an alternative vehicular access point to serve the development, mitigating the issue of highway safety.

- 0.13 However, in seeking to address the highway safety issue, the development proposes a far greater impact on trees, which as noted below, is a primary concern for the Tree Officer, and one whereby confirmation cannot be provided to demonstrate “that unacceptable harm won’t result to trees of amenity value as a consequence of the development”.
- 0.14 Members considered that the harm caused to the woodland by the implementation of the proposed access road would be detrimental to the character and appearance of the existing woodland, and queried whether the provision of an access road off De Braose close to address the previous reasons for refusal on highway safety grounds was sufficiently justified. In addressing one matter (highway safety), significant harm is caused to established and mature trees within a woodland area, and Members considered that the access road would add to the destruction of the woodland.
- 0.15 In considering the proposed translocation of the identified category ‘A’ Hazel tree as well as the 20 juvenile Oak specimens, Members concluded that this mitigation would not offset the harm. Insufficient information has been submitted to demonstrate the success of the translocation, and no evidence has been provided to demonstrate that the trees will survive and thrive, if translocated. As such, Members considered that the development may result in the loss of category ‘A’ trees as well as juvenile Oak specimens, which are described by the Tree Officer as ‘gold dust’. As such, the development was considered to be contrary to the provisions of Policy EN8 of the Local Development Plan (2016).
- 0.16 In addition to the above, reference was made during the discussion to updated Chapter 6 of Planning Policy Wales (Edition 11, February 2021), which came into effect on 11 October 2023. Chapter 6 of PPW11 now places a stronger emphasis on taking a proactive approach to green infrastructure, securing net benefit for biodiversity, strengthening the protection of Sites of Special Scientific Interest (SSSIs) and importantly for the consideration of this application, giving more consideration to the protection and enhancement of trees and woodlands. Paragraph 6.4.24 states the following:

Trees, hedgerows, groups of trees and areas of woodland are of great importance for biodiversity. They are important connecting habitats for resilient ecological networks and make an essential wider contribution to landscape character, culture, heritage and sense of place, air quality, recreation and local climate moderation. They also play a vital role in tackling the climate emergency by locking up carbon, and can provide shade, shelter and foraging opportunities, wider landscape benefits such as air and diffuse pollution interception, natural flood management, and building materials. The importance of trees, in particular urban trees, in creating distinctive and natural places which deliver health and well-being benefits to communities, now and in the future should be promoted as part of plan making and decision taking. Planning authorities must promote the planting of new trees, hedgerows, groups of trees and areas of woodland as part of new development.

- 0.17 Chapter 6 of PPW11 emphasises the importance of retaining and protecting existing trees and stipulates at paragraph 6.4.25 that the “permanent removal

of trees, woodland and hedgerows will only be permitted where it would achieve significant and clearly defined public benefits”.

- 0.18 As noted in Sections 9.257 – 9.262 below, affordable housing is a matter which often presents a complex trade-off, especially when it involves the removal of trees, woodlands, or ecosystems which are considered by local residents to be places of solace with amenity value. In this case, Officers considered that the provision of 36 units of affordable housing, on balance, outweighs the environmental impacts of the proposed scheme, including its impact on trees, having specific regard to the mitigation offered through the development proposed and planning obligations.
- 0.19 This was not accepted in this case by Members, who considered that the provision of affordable housing cannot be without exception, and in this case, the benefits of affordable housing provision do not outweigh the harm caused to trees and green infrastructure. Whilst it was regarded that affordable housing is needed and is a very important consideration in this case, and one which is not to be set aside lightly, the impacts of the development on trees and green infrastructure are considered to be significant, and are considered to be matters which cannot be addressed through further planting or translocation, which cannot be guaranteed to be successful. Given this, it was agreed that the application should be deferred for reasons of refusal on such grounds.

Accessibility

- 0.20 The report below refers to the accessibility of the application site, noting that pedestrian and cycle provision is along indirect and illegible routes with poor surveillance along significant stretches.
- 0.21 Whilst some routes are proposed to be enhanced through the provision of lighting and resurfacing, it is considered that the quality of the existing connections are insufficient, having particular regard to the fact that the scheme is for 100% affordable housing, and a reason for refusal is also recommended on such grounds.

1. BACKGROUND INFORMATION

- 1.1 This application is reported to Committee to consider the significant number of objections received from local residents in response to the consultations undertaken, and following receipt of a petition which has 2,300 signatories.
- 1.2 The planning application was originally submitted to the Local Planning Authority on 20 January 2020 proposing the erection of 45 residential units, with subsequent amendments, including the reduction of units, and additional information submitted on 05 February 2021, 15 November 2021, 10 May 2022, 10 July 2023 and 30 October 2023, respectively.
- 1.3 The application currently under consideration, whilst described in detail within Section 3 of this report, now proposes the development of 36 residential dwellings with associated infrastructure, public open space and woodland management.

2. DESCRIPTION OF THE SITE AND AREA

- 2.1 The application site is located to the north west of Cardiff City Centre in the suburb of Danescourt, which forms part of the Llandaff ward. It is located to the immediate east of an established residential area, to the north and west of a residential property known as Ty Isaf, and to the west of the Cardiff-RCT/Merthyr/Aberdare railway line, as shown below:

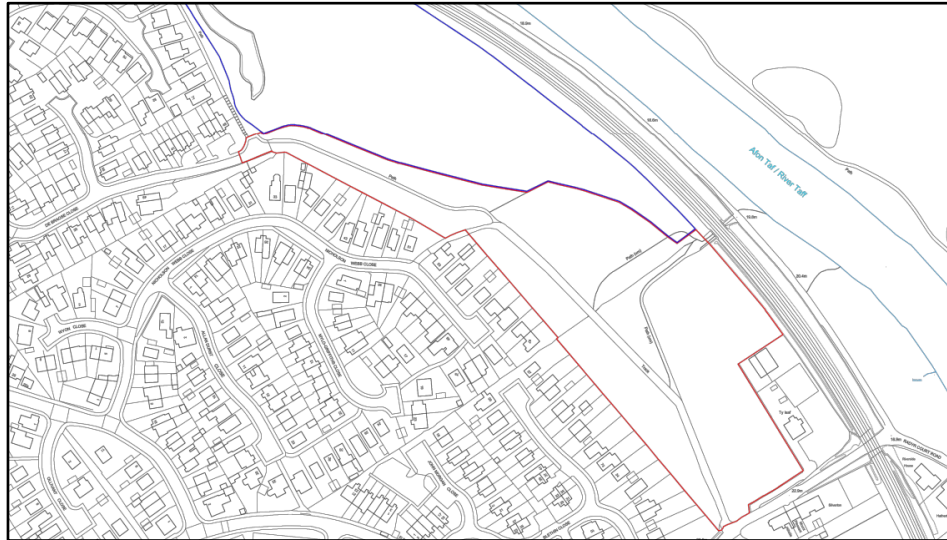


Figure 1: Site Location Plan

- 2.2 The River Taff lies beyond the railway line to the east of the site and runs north-south. Given the location of the River, the site is wholly located within a River Corridor as defined by Policy EN4 of the adopted Local Development Plan (2016). The site is also identified as an area of Open Space, defined by Policy C4 of the adopted Local Development Plan (2016); an area which has a significant functional, conservation, environmental or amenity value.

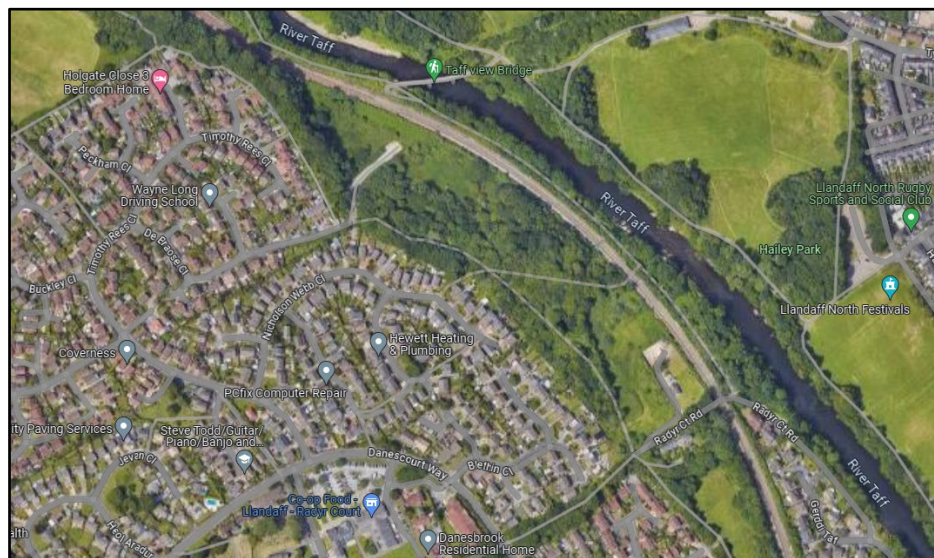


Figure 2: Aerial Image of Application Site

- 2.3 The site extends to 2.88 Hectares, and is roughly rectangular in shape, with a projection in the northern area which links the site to De Braose Close adjacent to its north-western boundary.

- 2.4 There are two Public Rights of Way (PROW) within the application site; Radyr 48 and 56, as shown in purple in Figure 3 below. PROW 48 (Footpath 791) runs roughly in a north-south direction from De Braose Close in the north western corner of the application site to Radyr Court Road along the southern site boundary. PROW 56 (Footpath 236) runs in an east-west direction from the pedestrian cut-through in Nicholson Webb Close on the western site boundary to the bridleway (Cart 975) which runs north-south adjacent to the railway line to the east of the site.

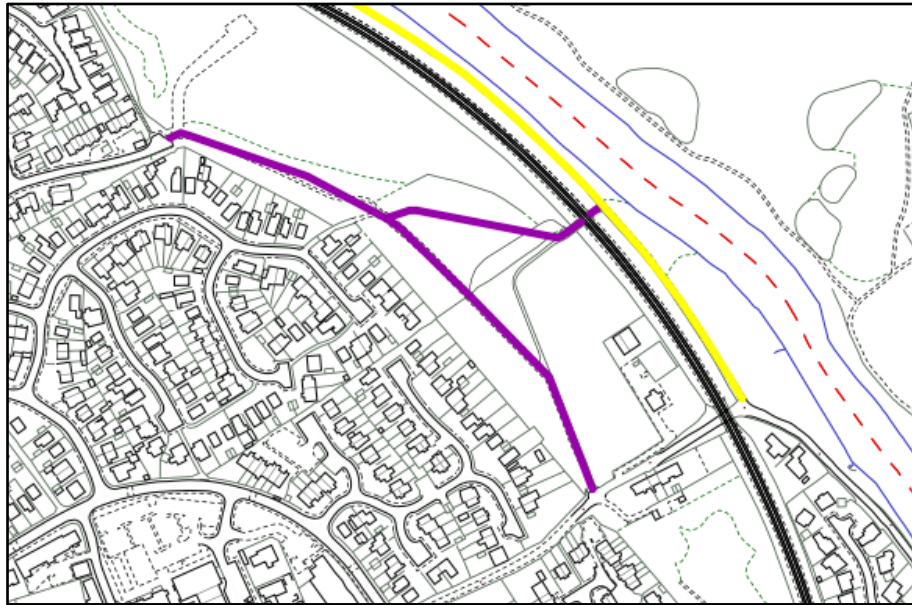


Figure 3: PROW 48 and PROW 56

- 2.5 There is currently no vehicular access to the application site, but it is accessible on foot from the above PROWs off De Braose Close, Nicholson Webb Close and Radyr Court Road.
- 2.6 A partial area of the application site is covered by City of Cardiff (Radyr Court) 1975 Tree Preservation Order (TPO), which is described as a wooded belt mainly comprised of Ash, Sycamore, Thorn, Oak, Beech and Crab Apple, located on a wooded escarpment west of Radyr Quarry, as shown hatched in green on Fig. 4 below.



Figure 4: Extent of TPO shown hatched in green

- 2.7 The nearest Site of Importance for Nature Conservation (SINC) lies to the east of the site, beyond the railway line, and is known as the River Taff SINC. It is identified as important for migratory fish, otters, wildfowl and bankside vegetation, which acts as a major wildlife corridor. Hailey Park SINC lies beyond the River to the east.
- 2.8 In addition, Radyr Community Woodlands SINC lies around 250 metres to the north of the residential development area, and is approximately 30 metres to the north of the access road proposed to serve the development. It is described as a semi-natural Oak/Ash/Alder and Beech woodland with diverse ground flora with Tufted Sedge, Solomon's Seal and Toothwort, together with rough grassland and ponds. Part of this SINC is a Local Nature Reserve.
- 2.9 The nearby SINC areas are shown in Figure 5 outlined in blue, with the Local Nature Reserve in green.

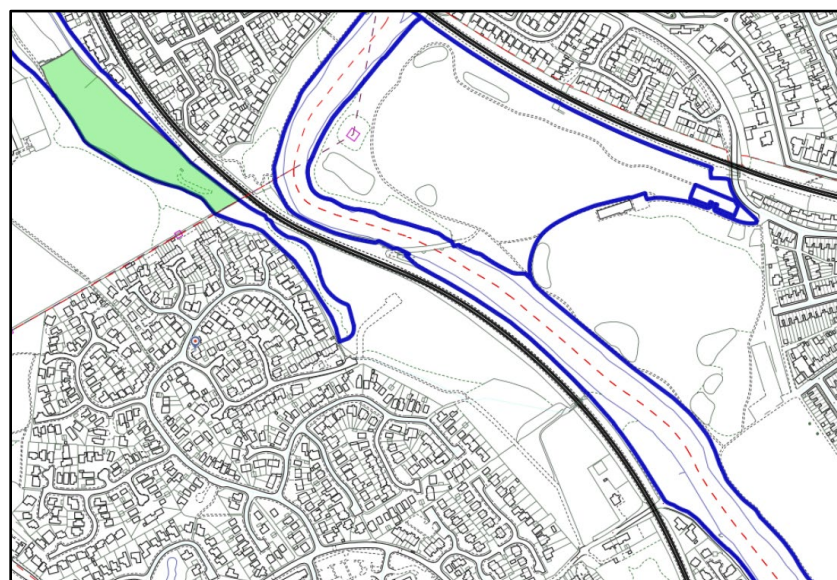


Figure 5: SINC and Local Nature Reserve Areas

2.10 The site lies partially within Zone A and Zone B of the Development Advice Maps (DAM) contained within Technical Advice Note (TAN) 15: Development and Flood Risk (2004). The Flood Map for Planning shows no change to such designation, identifying the site as falling outside of Zones 2 and 3. A small area of the eastern site boundary, adjacent to the railway line, is also identified as being at low risk of surface water flooding.



Figure 6: Development Advice Map

- 2.11 The site in general terms can be described as a green buffer, set between an established residential area to the west and the railway line and River Taff to the east. It is set down topographically from the existing residential area to the west, as the land slopes quite steeply eastwards towards the River. The site is mostly made up of walking routes (mostly along the PROWs, but also extending into the wider woodland area) which has an abundance of mature trees, established vegetation and greenery.
- 2.12 The trees form a canopy over the walkways and create a semi-rural characteristic, as shown in the photographs at Fig. 7 below.
- 2.13 The green infrastructure is diverse, in that it has pockets of mature woodlands with established ecotones, with native shrub and understorey planting. It mostly features untamed, natural areas, which contribute to its semi-rural character.
- 2.14 There are no heritage assets within the vicinity of the application site.



Figure 7: Images of Application Site

3. DESCRIPTION OF DEVELOPMENT

- 3.1 This application seeks full planning permission for the erection of 36 residential units (all affordable) with associated infrastructure, public open space and woodland management on land at De Braose Close, Danescourt, Cardiff.
- 3.2 The site is being brought forward by Taff Housing Association, one of Cardiff Council's partner Registered Social Landlords (RSL), who will deliver affordable homes built to the Welsh Development Quality Requirements (DQR) standards.
- 3.3 This scheme comprises the introduction of 36 affordable units, with a dwelling mix as follows:

Type/Tenure	No. of Units
3-bed house	9
2-bed house	15
1-bed flat	12

Site Layout

- 3.4 The area proposed to accommodate the dwellings is set in the south eastern area of the wider site, to the immediate north of Radyr Court Road and to the north and west of the existing dwelling known as Ty Isaf, as shown on Figure 8 below.

- 3.5 The dwellings are set off the main spine road, to the east, as well as off three secondary roads annotated, and hereby referred to, as 'Road 1', 'Road 2' and 'Road 3'.
- 3.6 The dwellings which face west onto the access road, and which are positioned on the eastern side of the road comprise Block 1, Block 3, Block 6 and Block 8, as annotated. The dwellings principally face the west, with private garden areas set to the rear (east), and are a mix of House Type 'A' and House Type 'B'.
- 3.7 House Type 'A' comprises a hallway, living room, kitchen/dining room and shower room at ground floor level, with three bedrooms and a bathroom at first floor level.
- 3.8 House Type 'B' also comprises a hallway, living room, kitchen/dining room and shower room at ground floor level, but has two bedrooms and a bathroom at first floor level.

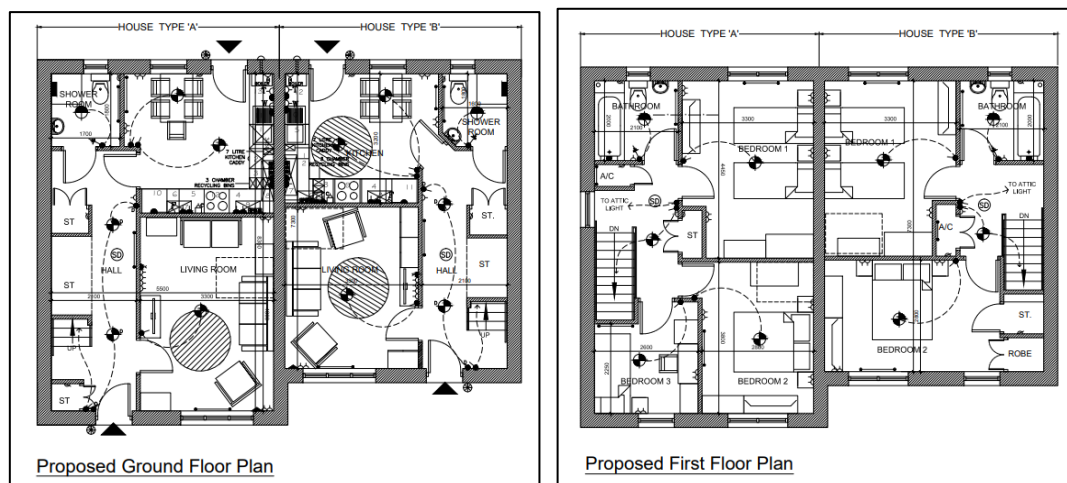


Figure 9: Ground and First Floor Plans – House Type A and B

- 3.9 The dwellings facing the access road are set in terraces of three-four dwellings, with typical elevations as follows:



Figure 10: Block 1 and Block 3 Streetscene / Elevation Proposed

- 3.10 Road 1, set to the north of the developable area, provides access to a three storey apartment block situated on the southern side of the road, which comprises a total of six residential units. Hereby referred to as 'Block 2', the apartment block proposes two, 1-bed apartments at ground floor level within individual access points into a hallway which leads to an open-plan kitchen/living/dining room, a bathroom and store. The first and second floors are duplicated, but each unit is accessed off a central staircase.

- 3.11 The block will principally face north and is provided with car parking to the front and a rear amenity space for residents, which includes a bike and bin store, as shown in more detail here:

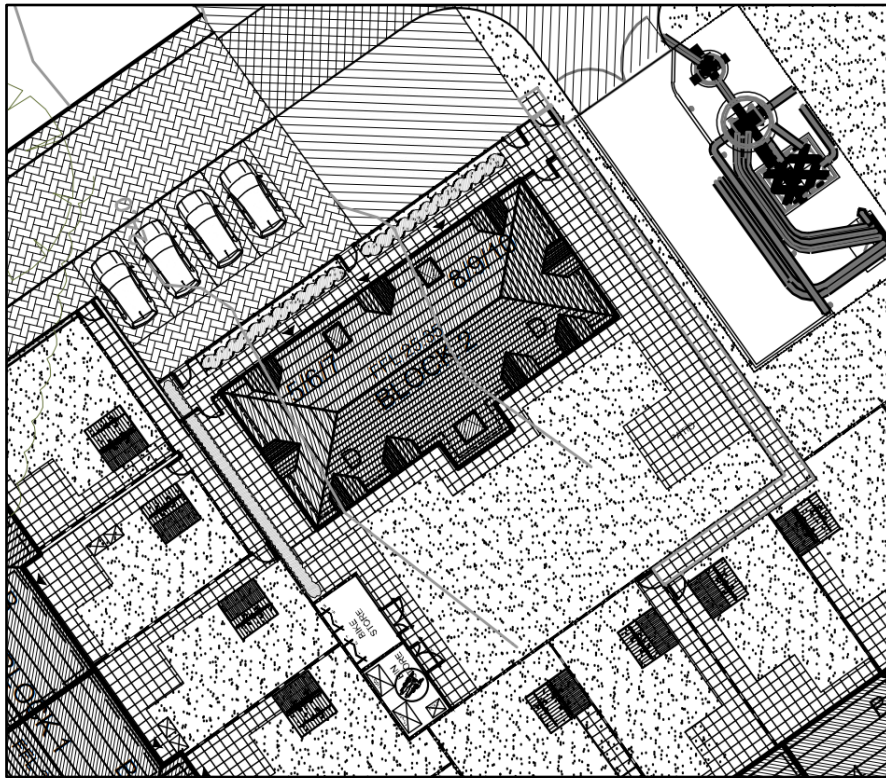


Figure 11: Block 2 (Site Layout Plan Extract)

- 3.12 No dwellings are proposed to the northern side of Road 1.
- 3.13 Road 2 provides access to Blocks 4 and 5, as annotated, which comprise a terrace of four properties and a semi-detached unit, with a mix of House Type 'A' and 'B'. The properties are positioned to face the south, with rear amenity space to the north, adjoining the rear amenity space serving apartment Block 2.
- 3.14 Block 7 is also proposed to be accessed from Road 2, and lies on its southern side. It comprises two residential units, split over two storeys with a hallway, kitchen, lounge/living room, double bedroom and a bathroom, as shown below:

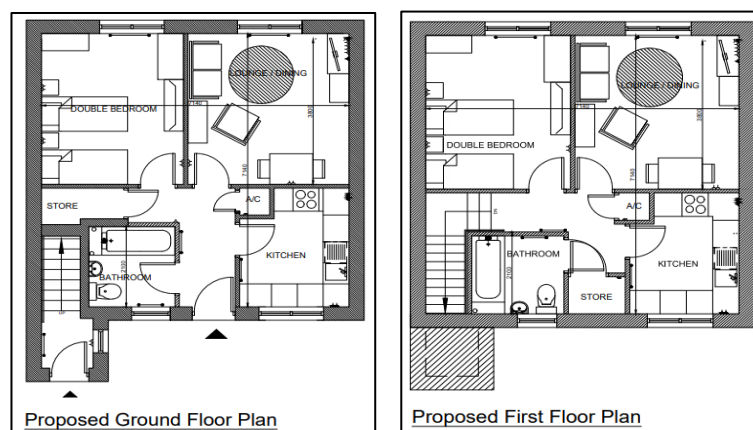


Figure 12: Ground and First Floor Plan – Blocks 7, 9 and 12

- 3.15 Four further units of the same layout are provided off access Road 3 (one on the northern side and one on the southern side) annotated as Block 9 and Block 12. Each unit has a separate access point from its principal elevation, with access to a shared rear garden and patio area. The elevations for this unit type are shown below:

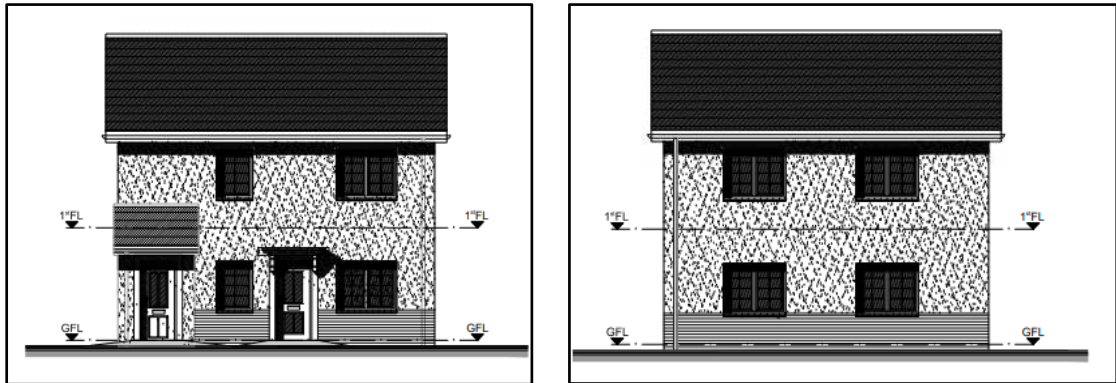


Figure 13: Elevations Proposed Blocks 7, 9 and 12

- 3.16 Road 3 also provides access to Blocks 10 and 11, positioned on the southern side of the road. The blocks comprise two pairs of semi-detached units, all of which are House Type 'B'. The dwellings face the north with amenity space to the south.
- 3.17 The residential units have been designed traditionally and are indicatively shown to be finished in a mix of light cream through-colour roughcast render with red multi-clay facing brick. Roofs will be charcoal grey concrete tiles with white uPVC windows, doors and cills.
- 3.18 A pumping station is proposed to serve the development, located close to the railway embankment to the east, and accessed from Road 1, as shown:

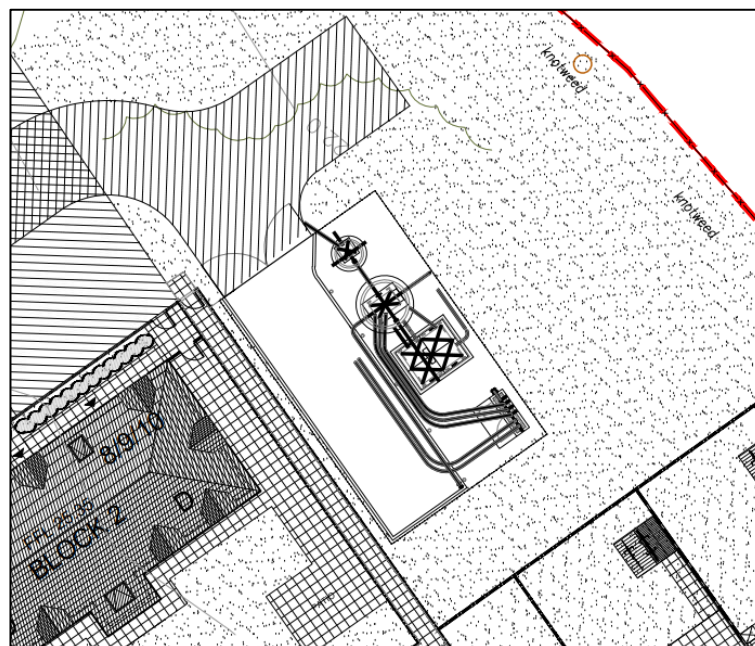


Figure 14: Proposed Pumping Station

Access

- 3.19 The principal access to the site is proposed from De Braose Close, adjacent to its north eastern corner. The access road is proposed to lead southwards from the existing turning head at De Braose Close, to the developable area, as shown below:



Figure 15: Access Point off De Braose Close (Google Maps Image)

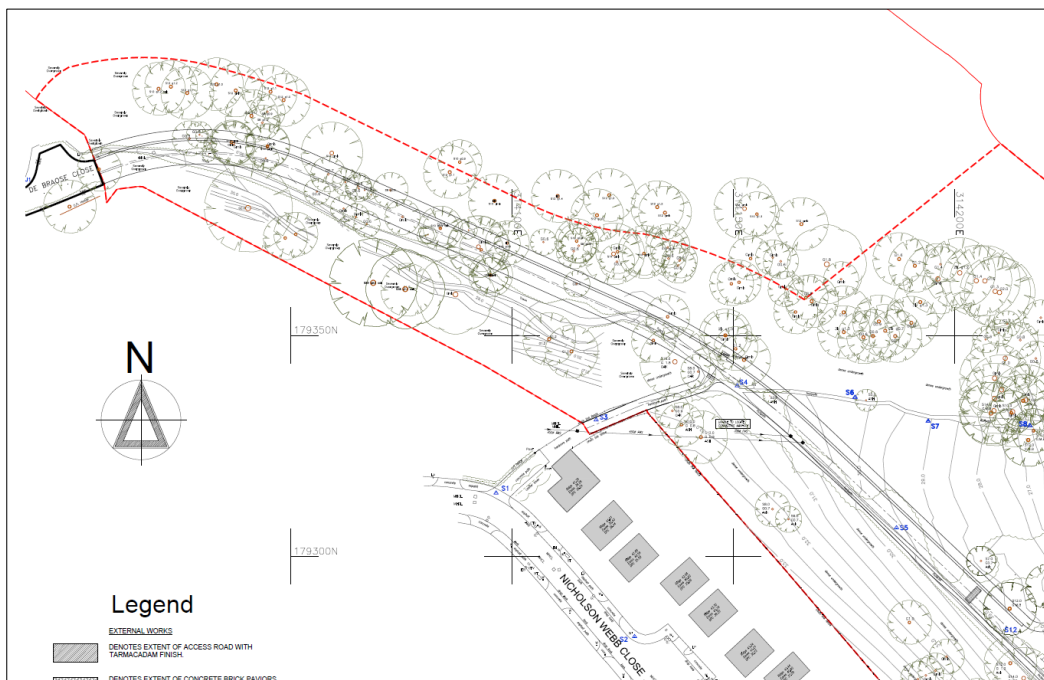


Figure 16: Extract from Site Layout Plan showing Proposed Access Road from De Braose Close

- 3.20 The access road proposed has a carriageway width of 4.8 metres (plus 0.5 metre service strip on the northern side), with a 2 metre wide footway on the northern side of the road.
- 3.21 The access road will be supported by a 1 in 1 embankment on its northern side, which is proposed to be landscaped with a meadow mixture for woodlands and mixed native whip planting:

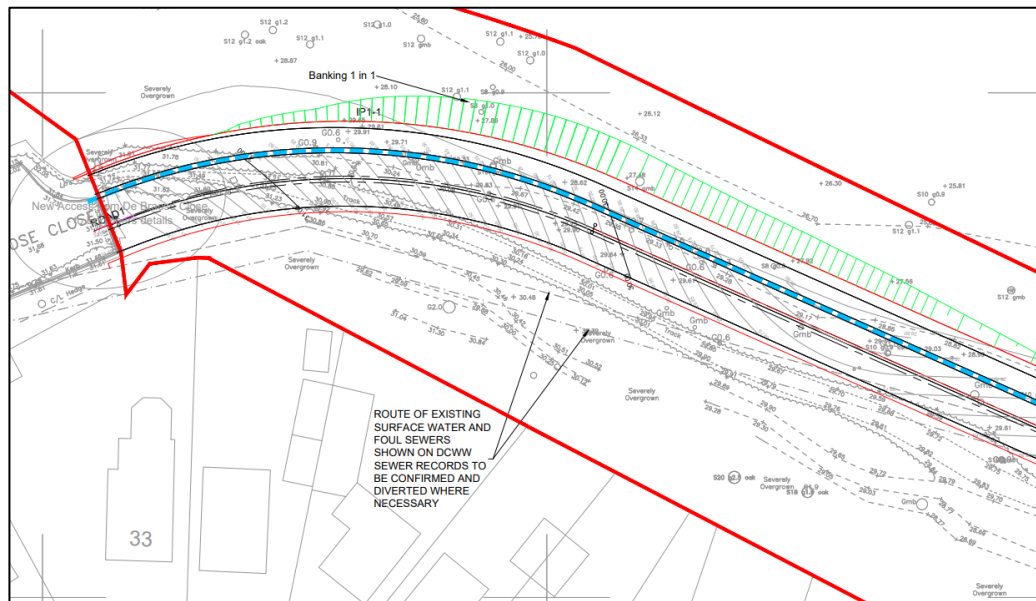


Figure 17: Embankment shown in hatched green

- 3.22 Vehicular Tracking and Visibility drawings have been submitted to support the application.

Community Woodland

- 3.23 In addition to the above, the applicant is also proposing to improve and manage a 2.56 hectare area of woodland to the north of the application site, which would be transferred to the Council for adoption as a 'community woodland', along with funding to manage the woodland in the future. The woodland area proposed for adoption is shown below:



Figure 18: Community Woodland Boundary

- 3.24 The rationale for this Community Woodland Strategy is to facilitate the restoration, management and maintenance of the Community Woodland as a Green Infrastructure asset for the locality with respect to its arboricultural, ecological and landscape value.
- 3.25 Full details of the proposal can be found within the Community Woodland Strategy submitted in support of the application, as well as Section 9.30 – 9.37 below.
- 3.26 All documentation relating to the application, including plans, can be viewed on the Council's website here: [20/00187/MJR](https://www.barnet.gov.uk/council/council-agenda/20/00187/MJR).

4. PLANNING HISTORY

4.1 The site has the following relevant planning history:

- 04/02044/W Proposed residential development – five dwellings. Refused 16/12/2004 – Appeal Dismissed
- 12/01454/DCO Outline application for the development of 48 dwellings. Refused 26/04/2013 – Appeal Dismissed ([APP/Z6815/A/13/2207479](https://www.barnet.gov.uk/council/council-agenda/12/01454/DCO)). See illustrative layout plan below, showing slightly larger site and different access arrangements.



Figure 19: Illustrative Layout PP. REF. 12/01454/DCO

- SC/17/00009/MJR Screening opinion - residential development of up to 45 dwellings. Not EIA Development.

5. POLICY FRAMEWORK

National Policy

- 5.1 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'.
- 5.2 '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.
- 5.3 '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.
- 5.4 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

- 5.5 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

- 5.6 [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.
- 5.7 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.
- 5.8 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.
- 5.9 Of particular relevance to this application is the updated [Chapter 6](#) of PPW11, which came into effect on 11 October 2023, and places a stronger emphasis on taking a proactive approach to green infrastructure, securing net benefit for biodiversity, strengthening the protection of Sites of Special Scientific Interest (SSSIs) and giving more consideration to the protection and enhancement of trees and woodlands.
- 5.10 It states that ‘development plan strategies, policies and development proposals should be formulated to look to the long term protection and enhancement of the special characteristics and intrinsic qualities of places, be these of natural, historic or built environments, ensuring their longevity in the face of change. This means both protecting and enhancing landscapes, habitats, biodiversity, geodiversity and the historic environment in their own right as well as other components of the natural world, such as water resources or air quality.’

Technical Advice Notes

- 5.11 PPW is supported by a series of more detailed [Technical Advice Notes](#) (TANs), of which the following are of relevance: -
- TAN 2: Affordable Housing (2006)
 - TAN 5: Nature Conservation and Planning (2009);

Noting also the Chief Planning Officer letter dated 23/10/19: securing bio-diversity enhancement;

- TAN 10: Tree Preservation Orders (1997)
- TAN 11: Noise (1997)
- TAN 12: Design (2016)
- TAN 15: Development and Flood Risk (2004)
- TAN 16: Sport, Recreation and Open Space (2009)
- TAN 18: Transport (March 2007)
- TAN 21: Waste (February 2017)

5.12 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.

5.13 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

5.14 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.

5.15 [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.

5.16 Policy 1 of Future Wales: *Where Wales will Grow* identifies Cardiff as a National Growth Area, whilst Policy 33 distinguishes Cardiff as an area for strategic economic and housing growth.

5.17 Policy 7: *Delivering Affordable Homes*, recognises the importance of providing housing in Wales at levels which meet the identified needs, and this is stated

as a key priority for the Welsh Government, indicating that the provision of affordable homes should become a key focus for housing delivery.

5.18 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 relevance:

KEY POLICIES

- KP1 Level of Growth
- KP4 Master Planning Approach
- KP5 Good Quality and Sustainable Design
- KP6 New Infrastructure
- KP7 Planning Obligations
- KP8 Sustainable Transportation
- KP12 Waste
- KP13 Responding to Evidenced Social Needs
- KP14 Healthy Living
- KP15 Climate Change
- KP16 Green Infrastructure
- KP 18 Natural Resources

DETAILED POLICIES

Housing

- H3 Affordable housing
- H6 Change of use or redevelopment to residential use

Environment

- EN4 River Corridors
- EN5 Designated Sites
- EN6 Ecological Networks and Features of Importance for Biodiversity
- EN7 Priority Habitats and Species
- EN8 Trees, Woodlands and Hedgerows
- EN10 Water Sensitive Design
- EN11 Protection of Water Resources
- EN12 Renewable Energy and Low Carbon Technologies
- EN13 Air, Noise, Light Pollution and Land Contamination
- EN14 Flood Risk

Transport

- T1 Walking and Cycling
- T5 Managing Transport Impacts
- T6 Impact on Transport Networks and Services

Community

- C1 Community Facilities
- C3 Community Safety/Creating Safe Environments
- C4 Protection of Open Space
- C5 Provision for Open space, outdoor recreation, Children's play and sport
- C7 Planning for Schools

Waste

- W2 Provision for Waste Management Facilities in Development

Supplementary Planning Guidance:

5.19 The following [Supplementary Planning Guidance](#) (SPG) is of relevance to this 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)
- Infill Sites (November 2017)
- Managing Transportation Impacts (Incorporating Parking Standards) (July 2018)
- Planning for Health and Wellbeing (November 2017)
- Planning Obligations (January 2017): including Education Memorandum (July 2023)
- Residential Design Guide (January 2017)
- Residential Extensions and Alterations (November 2017)
- Waste Collection & Storage Facilities (October 2016).

6. INTERNAL CONSULTEE RESPONSES

- 6.1 **Shared Regulatory Services (Contaminated Land)** raises no objection in a consultation response dated 17 February 2020 and recommends the inclusion of pre-construction conditions relating to contaminated land, ground gas protection, imported soil and aggregates and the use of site won materials. Subject to the imposition of the recommended conditions, the application is considered acceptable in respect of contaminated land.
- 6.2 The **Affordable Housing Development Manager** raises no objection to the proposed development in a consultation response dated 01 November 2023. The application is submitted by Cardiff Council's partner Registered Social Landlords (RSL) Taff Housing Association, and for this reason, the Housing Development Team are supportive of the scheme and will collaborate with Taff Housing Association to ensure its successful delivery.
- 6.3 The **Tree Officer** objects to the application, on grounds that the mitigation proposals are considered insufficient to address the very substantial loss of trees and woodland, contrary to the provisions of the new Chapter 6 of PPW11 and Policy EN8 of the adopted Local Development Plan (2016).

- 6.4 **Operational Manager (Traffic and Transportation)** has recommended the inclusion of appropriately worded planning conditions in a response dated 29 November 2023.
- 6.5 The **County Ecologist** raises significant concerns with the application in a response dated 24 November 2023, but considers that the numerous ecological considerations for which further detail is required, can be appropriately assessed through the imposition of the recommended planning conditions.
- 6.6 **Waste Management** raise no objection to the proposed development in a consultation response dated 25.03.2021, subject to the developer entering into a Section 106 Agreement requiring the purchase of bins totalling £2,305.00.
- 6.7 No objection is raised to the development proposed by **Neighbourhood Regeneration** in a consultation response dated 23 February 2021, subject to the developer entering into a Section 106 Agreement to secure a contribution of £36,081.02.
- 6.1 The **Public Rights of Way (PROW) Officer** acknowledges that there are two Public Rights of Way Footpaths, Radyr 48 and Radyr 56 crossing the site, both of which are very popular woodland leisure routes providing connections to the trails alongside the River Taff and to Radyr Woods.
- 6.2 Whilst the existing PROW will be retained, the path from De Braose Close to Radyr Court Road will be changed to a footpath adjoining the access road, and will no longer be a woodland leisure walk, but a footpath adjacent to a road, which is a concern.
- 6.3 In addition, further information is required in respect of the links to be provided between the existing and the proposed footpaths. Further information should also be submitted to understand how public access will be permitted during the development.
- 6.4 Whilst no objection is raised, the Public Rights of Way (PROW) Officer does raise concerns and does request the submission of additional information in support of the application.
- 6.5 **Shared Regulatory Services (Noise)** has recommended the inclusion of planning conditions in a consultation response dated 19 March 2020 which relate to railway noise and vibration, construction site noise, construction site dust and waste management. Subject to the inclusion of the recommended conditions, no objection is raised.
- 6.6 **Parks Services** raise no objection to the development, subject to the developer entering into a Section 106 Agreement to secure a contribution of £45,375, in lieu of on-site open space provision.

7. EXTERNAL CONSULTEE RESPONSES

- 7.1 **Natural Resources Wales (NRW)** confirmed in a consultation response dated

02 November 2023 that they continue to have concerns with the application, but are satisfied that the concerns can be overcome through the imposition of the recommended planning conditions relating to land contamination and controlled water, as well as European Protected Species. Without the inclusion of the recommended conditions, an objection would be raised.

- 7.2 **Dŵr Cymru Welsh Water** raise no objection to the proposal in a consultation response dated 13 November 2023, subject to the inclusion of a condition requiring the submission of a drainage scheme prior to the commencement of development. It is noted that capacity exists within the public sewerage network to receive the domestic foul only flows from the proposed development site.
- 7.3 However, it is also noted that the proposed development site is crossed by a public sewer and the applicant intends to divert the existing 225mm foul sewer and 1200mm surface water sewer. Given the size of the surface water sewer, **Dŵr Cymru Welsh Water** consider it to be a strategic asset and the developer would need to apply for a Sewer Requisition in order to confirm whether diversion on a strategic asset of this size will be achievable. Prior to the issuing of planning consent, the developer should confirm that it is considered acceptable in principle to divert such a large asset and should it not be achievable, the applicant will be required to reposition the proposed development to accommodate for the required protection zones of these assets.
- 7.4 Notwithstanding this, if the Authority are minded to grant planning consent, conditions are recommended to be included which ensure no detriment to existing residents or the environment, and to Dŵr Cymru Welsh Water's assets.
- 7.5 **Network Rail** raised no comments to the consultation undertaken on 30 October 2023, in a response dated 08 November 2023.
- 7.6 The **Glamorgan-Gwent Archaeological Trust** raise no objection to the positive determination of the planning application in a response dated 02 November 2023.
- 7.7 **South Wales Fire and Rescue Service** raises no objection to the proposed development in a consultation response dated 24 November 2023, and refers the Local Planning Authority to any current standing advice by the Fire Authority about the consultation.
- 7.8 Amey Infrastructure Wales (AIW), acting on behalf of **Transport for Wales**, provided the following comments in a consultation response dated 14 August 2023:

The land to be developed and areas of the railway are impacted by Invasive Non Native Species, including Himalayan Balsam and Japanese knotweed, as such Transport for Wales and Amey Infrastructure Wales Limited needs to understand how these species will be managed during and post the development of the land.

The majority of the development appears to be at a distance from the railway property, however we do request further details on the drainage plans in order to ensure that any changes to flows do not impact the operational rail.

7.9 The **Designing Out Crime Officer** (South Wales Police) provided a consultation response on 30 August 2023 which stated that the response originally received on 09 March 2021 is still relevant, and no further matters were raised. No objection is raised, subject to the developer being made aware of the observations and recommendations raised.

8. REPRESENTATIONS

8.1 As noted above, the application was initially submitted to the Council on 28 January 2020, and several iterations have been received in response to the consultation responses and representation received.

8.2 The initial consultation took place by way of neighbour notification letters, sent on 12 February 2020, the display of site notices and advertisement in the local press (Western Mail), on 27 February 2020. Around 200 objections were received in response to the initial consultation undertaken.

8.3 A secondary consultation was undertaken in response to amended plans and documents submitted on 05 February 2021. The secondary consultation took place by way of neighbour notification letters, sent on 22 February 2021, and the display of site notices dated 19 February 2021. This consultation resulted in the submission of 162 objections.

8.4 A further set of amendments were received on 15 November 2021, which resulted in further letters being sent to neighbours. In response to this iteration, 57 letters of objection were received.

8.5 Subsequently, on 10 May 2022, amended Site Layout Plans with associated Engineering and Landscaping drawings were submitted to the Authority. 26 objections were received in response to the amendments submitted.

8.6 In an attempt to address the objections received, a full suite of amended documents and plans was submitted to the Authority on 10 July 2023. A further consultation took place which included neighbour notification letters, sent on 17 July 2023 and the display of site notices which were posted on 27 July 2023. A total of 93 objections were raised.

8.7 Further, additional information including the submission of a revised Arboricultural Impact Assessment, Ecology Update, Community Woodland Strategy, Landscaping Plans and amended Site Layout Plans were submitted on 30 October 2023. Again, a consultation was undertaken with neighbouring residents, which resulted in the submission of 33 additional objections, at the time of writing.

8.8 Overall, around 570 objections have been received in response to the multiple consultations undertaken, since the initial consultation began in February 2020.

8.9 In addition, a petition has been received which includes 2,300 signatures, 2,020 of which were signed in 2021, 99 signed in 2022, and 181 signed in 2023.

8.10 All of the objections received related to the following summarised grounds.

Community Interest

Many of the objections refer to the lack of community desire for a development of this nature within the locality. It is claimed that the nearby development of Plas Dŵr is providing enough housing within the locality (7,400 houses, including over 2,200 affordable), and there is no need to provide more within this much-loved area of open space.

Impact on Trees

Almost every objection raises the matter of trees, and the harmful impact caused if the development is permitted. There is a significant tree loss resultant from the most recent proposals, which is seen as detrimental to the local community.

The removal of trees and disruption of woodland areas can lead to a significant negative environmental impact. Trees play a crucial role in air purification, carbon reduction, and maintaining biodiversity. Cutting down trees and eliminating woodland can disrupt local ecosystems, reduce green spaces, and potentially harm wildlife habitats.

Trees often contribute to the visual appeal of an area, enhancing its beauty and character. Objectors argue that the removal of trees negatively impacts the aesthetics of the open space, diminishing its attractiveness and altering its natural ambiance.

Some objectors refer to the crucial role of trees in mitigating the effects of climate change, by reducing levels of carbon dioxide. Removing trees would reduce the area's capacity to combat climate change, contributing to increased carbon emissions and exacerbating the wider environmental issues.

Some letters of objection received refer to the translocation of the Hazel tree (T60) and state that it should be retained in situ, and not moved to avoid its potential loss.

Access Road

The creation of an access road off De Braose Close will result in the destruction of natural habitats, and inevitably damage to the root systems of adjacent TPO trees.

It is considered by a significant number of objectors to damage the natural beauty and tranquillity of the existing area. Its construction would negatively damage the landscape, disrupt natural habitats, and visually clash with the existing environment, detracting from its scenic appeal.

Impact on Open Space and Amenity

The objectors claim that the woodland area is much needed in the community, and its loss will negatively impact the mental and physical well-being of residents who utilise the area for recreation and stress relief.

Open spaces and woodlands often serve as essential community assets, offering spaces for leisure activities, exercise, and relaxation. It is argued throughout, that the loss of this open space to accommodate affordable housing would reduce the available green areas, limiting residents' access to nature and outdoor activities.

The site is described by one objector as an “easily accessible rural breathing space a short distance from many homes”.

Climate Change & Heat Island Effect

Some argue that the application site could act as a buffer against extreme weather events by absorbing excess water and providing natural defences. Allowing this consent may leave local communities more vulnerable to the impacts of climate change, such as flooding and heatwaves.

In addition, concern is raised that the loss of trees and woodland will exacerbating climate-related challenges through the increase of heat resulting from the loss of natural surfaces with impervious materials such as concrete and asphalt.

Flooding and Drainage

Areas on the drawings which are referred to as illustrative access routes and community woodland areas are frequently flooded, do not lead anywhere and have no footpaths, they are unsuitable for use in place of existing footpaths as the plans suggest.

The applicant has failed to demonstrate that SUDs can be achieved at the site, and show that the development is acceptable in this regard.

River Taff Corridor

The site lies within the River Corridor, which is protected, and so the development should not be considered as an exception to this allocation within the Local Development Plan (2016).

Housing Need

Cardiff Council have recently announced that no further greenfield land is required to meet current housing needs, so clearly the application should either be refused or withdrawn on such grounds.

Ecological Impact

Many of the objectors are concerned about the impact of the development on the local ecological network, claiming that the development will detrimentally disrupt biodiversity, local ecosystems, destroy habitats, and fragment wildlife corridors. The site is a haven for wildlife including bats, slow worms, weasels, voles, rabbits, foxes, hedgehogs and a wide variety of bird, bee, butterfly and insect species within a biodiverse meadow.

Transport Impact (Highway Safety)

The objectors raise concern that the increased traffic associated with the development will put a strain on the existing infrastructure, and increase congestion within the wider Danescourt area.

De Braose Close and Nicholson Webb Close are used as a 'rat run' for parents collecting children from school, and increased traffic associated with the construction phase of the development, as well as the development itself, will be detrimental to highway safety. The area is significantly congested during peak school hours, and this will exacerbate this issue.

Sense of Place

The space proposed for development holds cultural, sentimental and historical significance for the local community. The approval of this application may erode this identity, leading to a sense of loss or change in community character.

The application site creates a sense of place which offers a distinct feel and character that will alter dramatically if the development is approved.

The objections outlined above stem from concerns about the trade-off between providing affordable housing and preserving the environmental and social benefits that open spaces and woodlands offer to a community.

8.11 Since 2020, the following Councillors have objected to the development:

- (Former) Councillor Roderick McKerlich
- (Former) Councillor Philippa Hill-John
- Councillor Sean Driscoll (Llandaff)
- Councillor Rhys Taylor (Gabalfa)
- Councillor Calum Davies (Radyr and Morganstown)
- Councillor Helen Lloyd Jones (Radyr and Morganstown)
- Councillor Neil McEvoy (Fairwater)

8.12 The responses received from the ward Councillor will be outlined in detail below. However, the objections received can be summarised as follows:

Protection of Open Space

The application goes against Cardiff Council's long-standing commitment to protect this green area from development.

Excessive Development

There are significant developments under construction within the proximity of the site (Plas Dwr) which provide more housing, including affordable housing, for residents in Cardiff. Developing this area against the local community seems excessive, as it only provides 36 houses.

Health and Well-being

The scheme will result in the loss of this highly valued parcel of land, and people will use it less for recreational purposes. This is detrimental to the physical health and well-being of local residents. The woodland is a perfect example of how the outdoors and fresh air can restore people when seeking solace away from the day-to-day lives within an urban environment.

The loss of this rural breathing space to the existing community would contradict the intentions of the Wellbeing of Future Generations Act Wales 2015.

Heat Island Effect and Climate Change

The woods provide a cool and tranquil setting, away from the heat of the nearby urban areas, and the loss of woodland and trees will have a negative impact on climate change and the Council's commitment to reducing the impact of climate change.

Loss of Trees

Removing a woodland at a time when the Council are seeking to achieve a 25% canopy target is counterproductive, and the application should be refused on such grounds.

Allocation of Land

The land is not allocated for housing development in the adopted Local Development Plan (2013).

Flooding

The area is known to flood at times of high rainfall, and access from Radyr Court Road would be dangerous during these times.

Penrhys Pilgrimage Route

The route used by pilgrims goes through this woodland, and it is representative of the historic medieval route which would have traditionally been taken. Introducing an access road here with footpath would impact the historical significance of this area for pilgrims, which must be considered as having a negative impact.

Highway Safety

The proposed access through De Braose Close is not adequate, and will be detrimental to highway safety if used. The road is not suitable to carry more traffic.

Impact on Ecology

The approval of this scheme can be considered as environmental vandalism and the loss of wildlife and habitat within the local environment will be permanent.

8.13 **Cllr Sean Driscoll** raised an objection to the scheme in March 2021 on the following grounds:

- Protection of Woodland in River Corridors;
- Impact on the road network;
- Impact of loss of community amenity space;
- Lack of plan to deal with run-off surface water;
- Removal of Trees, Woodland, Hedgerows and scrubland;
- No details of historic flooding on Radyr Court Road;
- Loss of Biodiversity and habitat for wildlife to spread;
- Lack of consultation with TFW and impact on Railway embankment;
- Unsuitable access to site via Highway;
- Light pollution into the homes of existing residents from vehicles moving within the site compounded by the sloping ground;
- A proposed shared cycle/pedestrian surface only 2m wide;
- No detail of any access proposed from Radyr Ct Road;
- Risk of flooding against the railway embankment from development side that is already acknowledged could happen to the embankment from the River Taff side.

In the most recent response, dated 1st September 2023, **Cllr Driscoll** emphasises the importance of the open space for local residents, and has researched in further detail the historical context of the application site. The following is an extract from the response:

I have searched the original Land at Radyr Court applications 75/1018 from 1975, also application 78/805 from 1978. Looking through the historic documentation, on the original Danescourt Master Plan, It clearly shows the area proposed to be developed on now, was originally designated at the time as Public Open Space (POS).

This area of designated Public Open Space was in 1975/8 to be set aside and protected, for the quiet peaceful enjoyment and physical health and wellbeing benefit that it offers to the residents of Danescourt to this day.

The objection to the development is maintained.

- 8.14 **Mark Drakeford MS and Kevin Brennan MP** have jointly objected to the development on grounds relating to overdevelopment, access, and its impact on the environment. The response states that “we share the view of many residents that this site is simply not a suitable candidate for any form of development”. The response reads as follows:

We receive an increasing amount of correspondence from constituents expressing the importance of environmental protection and tackling climate change, and retaining as many green spaces as possible in our city is an important contribution to this. The small patch of woodland at this site in Danescourt is very important to local residents as an amenity for exercise, access to nature and an active travel connection with the Taff Trail.

The additional number of vehicles associated with a development of this size requires substantial road infrastructure. We are not satisfied that it would be possible to provide such infrastructure at this location. Access to the site would only be possible via De Braose Close, a quiet residential cul-de-sac, and via Radyr Court Road, a lane which is rarely used by vehicles. These minor roads would not be able to withstand the additional traffic of this development and there would be a significant impact for residents of these two roads.

- 8.15 **Andrew RT Davies MS** formally objects to the development, stating in a response that “there is a considerable concern and strength of feeling amongst the residents concerning the current application”. The matters raised are summarised below:

All previous applications on the site have been rejected, demonstrating that the site is completely unsuitable for development. The site is within close proximity to the former Radyr Quarry, which raises concern about the risk of contamination, and there is flood risk at the site with the nearby Radyr Court Road frequently being exposed to flooding.

The proposals also have severe ecological impacts, and the development, if approved, would result in significant habitat destruction. It will also increase traffic along De Braose Close, impacting the existing levels of air quality and this will be exacerbated by the fact that there are insufficient public transport options available, with no viable routes to the nearest bus stops or train station within the recommended maximum distance. The development will also cause serious pressures on local services.

- 8.16 **Cardiff Civic Society** have provided several objections to the proposed development throughout the consultation process. The objections are based on the following grounds:

Loss of Woodland

The loss of woodland is in direct contravention of Section 6 of the Environment (Wales) Act 2016 and the Green Infrastructure policy in Planning Policy Wales. The woodland would be almost completely destroyed by the construction of the proposed access road.

The creation of a vehicle and pedestrian access from De Braose Close to a housing estate in woodland would clearly be very destructive to natural habitat and damage the root systems of adjacent TPO trees, as well as a haven for wildlife.

Declaration of Climate Emergency

On 28 March 2019 Cardiff Council declared a Climate Emergency. According to the Department for Business, Energy and Industrial Strategy, a Climate Emergency Declaration is a material planning consideration. Woodlands such as this are considered an environmental asset that will help to contribute towards the offset of the effects of Climate Change.

Heat Island Effect

Open spaces with trees and vegetation help mitigate the urban heat island effect by providing shade and reducing surface temperatures. This is particularly important in densely populated urban areas where temperatures tend to be higher. The area of woodland and meadow to be destroyed is particularly important as a carbon sink and to reduce water runoff.

Land Allocation

The site is not allocated for housing within the Local Development Plan. It is part of the Taff River Corridor which should be protected, in line with the policy requirements. All of Cardiff's river corridors are strategically important open spaces that run through the heart of the urban area, and this matter should be considered.

Availability of Open Space

Green space is at a premium in Cardiff. This area is a wooded, natural green space that has been open to and enjoyed by the public for a great many years. It is much used by walkers, ramblers, runners, joggers. Dog walkers and not least by children who use it as an adventure playground. It forms an important natural, local recreation area, which should not be lost. Cardiff Council has made it clear that no further greenfield land is required to meet housing needs for the foreseeable future, therefore this application should be refused.

Historical Context

All previous applications to develop this site have been refused, both by the Local Planning Authority and subsequently at appeal. The reasons for these refusals remain applicable to this proposal.

Impact on Wildlife

The woodland plays an important role in the creation and support of habitats and as a corridor for wildlife. Apart from the many birds, which use the trees for nesting purposes, there is also evidence of bats using the area for foraging and possibly for roosting.

Reliance on the private car

The development will have inadequate access to public transport which will result in the majority of residents relying on the use of the car. This will contribute to levels of emissions within the area and has the potential to worsen air quality.

Drainage and Flooding

The applicant has not gained SuDS Approval and has not demonstrated that the site can be adequately drained. The application also fails to demonstrate that the development will not exacerbate flood risk in the area surface water already ponds on this land.

Access Road (Highway Safety)

Proposed access via De Braose Close, a narrow cul-de-sac, will create a hazard due to the hugely increased number of vehicles, plus HGVs during a lengthy build period.

Contaminated Land

Remnants of an old landfill site are known to be at this location. Details of how far it extends and what substances were dumped are incomplete so full records of any remaining hazardous materials are not available. The proposal would expose residents to unknown chemical hazards.

- 8.17 The local community council, **Radyr and Morgantown Community Council**, have also continued to object to the proposed development since the initial submission in 2020. They object on the following grounds:

Historical Context

There have been previous planning applications for residential development at this location which have been refused. Reference is made within the objection to the Inspector's consideration of open space, as well as highway safety concerns.

Access

The access would be dangerous as De Braose Close is a cul-de-sac and is not suitable to carry more heavy traffic associated with the development itself, and the construction period.

Flooding

Concern is raised that Radyr Court Road floods, and the properties would therefore be impossible to access in cases of emergency.

Loss of Woodland and Green Space

Radyr and Morganstown Community Council believes that this development will be damaging to wildlife and much treasured woodland and cause unacceptable harm to the wildlife corridor.

Well-being

This development would break the river corridor on the West Side of the Taff. It will take away areas that children use for dens and outside play. It would take away a rural corridor regularly walked by residents of Radyr for pleasure and recreation – and to reach other parts of the Cardiff, including Llandaff.

The area provides part of a continuous, natural route, free of traffic, through woodlands, all the way from Radyr to the centre of town (including alongside the river at Llandaff, behind the Cathedral and through Bute Park). In a densely populated city, having such a facility is rare and precious - and should be maintained at all costs.

The amenity value of this woodland and its footpaths is important for the residents of Radyr and Morganstown. Radyr & Morganstown Community Council believes it should stay just as it is. The development would cause harm to this significant public amenity.

- 8.18 In addition to the above, **Danescourt Community Association** have actively objected to the proposed development throughout the consultation process, referencing the previous refusals of planning permission and subsequent dismissals of appeals as a significant consideration in the determination of this application. The following grounds of objection are also noted within their responses:

Ecology

The land which is the subject of this planning application is a wooded, natural green space which is an important habitat and wildlife corridor. The woodland is described as having little ecological value within the Green Infrastructure Statement, but this is disputed. There are birds and bats using the application site, as well as other species, which will be destroyed if this application is approved.

Access Road

De Braose Close is not a suitable road to provide access to the site as proposed. It is a narrow residential cul-de-sac already serving 70 properties. Like many similar roads, due to lack of previous provision of an adequate number of parking spaces, it has cars parked upon it which make forward progress for vehicles somewhat awkward. It also contains a sharp 90 degree bend along its length which effectively prevents any large vehicles, particularly large construction vehicles from gaining safe access.

Public Transport

The site does not comply with the Active Travel Wales guidance as it is located further than the maximum walking distances recommended to a bus stop and a railway station.

Air Quality

The development will have inadequate access to public transport which will result in the majority of residents relying on the use of the car. Car use will contribute additional traffic to a location that is already busy, and this will have a negative impact upon the air quality within the wider area.

Ground Investigation and Contamination

Radyr Quarry was used as a waste disposal site from 1962 to 1970. The Welsh Government Lle Geo Portal ([www2](http://www2.gov.wales)) states that all types of waste were accepted at this site during this period. This includes domestic, commercial, industrial, and special wastes. As such, concern is raised about contaminated land, given that it is unclear what waste was accepted in the top, and from what geographical area.

No attempt has been made to establish the boundary of the former landfill at Radyr Quarry and whether that landfill interacts with the site in anyway. It is perfectly possible that contaminated pathways may exist across the site and equally possible that contaminated materials were previously allowed to be buried under the site. The ground investigation data fails to disprove these possibilities, which could lead subsequently to a variety of problems for the developer.

Drainage and Flooding

The applicant has not gained SUDs approval and it cannot be adequately demonstrated that the site can be sufficiently drained. The applicant has also failed to demonstrate that the development will not exacerbate flood risk in the area.

Education

Danescourt Primary School is already at capacity and oversubscribed. This situation is likely to continue, and this development will exacerbate the existing problems.

Penrhys Pilgrimage Route

The route travels through some beautiful countryside areas, not least the woodland which is the subject of this proposal. Giving approval to this planning application would significantly detract from the attractiveness of this walk.

Danescourt Community Association therefore strongly object to the approval of the development, suggesting that it would be inappropriate because of the

unquantified risk of contamination, flooding, additional traffic, and considerable environmental considerations, including the loss of woodland, trees and an area of significant ecological value. The objection states the following:

This planning application was registered as a valid application on 7th February 2020. Almost two years has passed during which Cardiff Council has given the applicant every opportunity to demonstrate that the many objections to the scheme submitted to the Council have been resolved, but the applicant has failed to achieve this. Cardiff Council should now terminate this continuing situation by determining the application.

The applicant has failed to resolve the concerns expressed in the many valid objections that have been submitted to the Council.

8.19 **Llandaff Society** objects to the planning application on the following grounds:

- The access is unsuitable for servicing such a large number of extra homes;
- The development would cut a wedge out of the narrow sliver of green open space which is much valued by local residents;
- It will detrimentally impact the Penrhys Pilgrimage route;
- The development may have a negative effect on Radyr Woods to the north, an important habitat for wild animals and wildlife corridor, as well as making a much-needed contribution to air quality;
- Increased pressure on local services, such as schools GPs and dentists.

Llandaff Society acknowledge that there is a high demand for social housing, but state that this matter should not be used to justify building on land on which permission for housing has been refused on appeal on multiple occasions, albeit with different access arrangements.

8.20 The **Woodland Trust** object to the development. The following extract is from the letter of objection:

The Woodland Trust would like to lodge a holding objection to this development on account of potential impact to a veteran oak tree (Arboricultural report reference: T48) which is protected by a Tree Preservation Order. Based on the current site layout, T48 will be subject to Root Protection Area (RPA) encroachment from proposed hardstanding related to the adjacent dwellings. This encroachment could have a detrimental impact on the longevity of the veteran tree from potential root severance and compaction. Therefore, the Trust requests that all infrastructure is constructed outside of the tree's RPA.

Ancient and veteran trees are recognised as irreplaceable and afforded protection under PPW. Further to this, as the tree is recognised as a veteran specimen, the Trust is of the opinion that T48 should be afforded a larger buffer zone of 15x the stem diameter (or 5m beyond the canopy if that's greater) to ensure the tree is adequately protected. This buffer zone recommendation is supported by the Ancient Tree Forum.

In summary, the Woodland Trust will maintain an objection to this application unless the applicants can demonstrate that T48 will be adequately protected as befits a veteran specimen.

- 8.21 Another organisation who object to the development, and who have vehemently done so since its original submission in 2020 is **The Penrhys Pilgrimage Project**, a project which seeks to recreate the medieval pilgrimage from Llandaff Cathedral to the Holy Well and Statue of Our Lady of Penrhys. The trail runs through the application site, and is a promoted walk by a partnership project between Penrhys Pilgrimage Project, Cardiff Council, Rhondda Cynon Taf Council and various other organisations.

It is argued that the woodland area and pilgrim route should be retained as a wooded, green area, rather than become a footway adjacent to a highway. The Pilgrimage Project state that this development will, “urbanise this green space used for recreation by local people, and spoil an ancient Pilgrimage Path”.

In summary, the Pilgrimage Project argue within their objections that losing woodland areas along the pilgrimage route could not only disrupt the traditional path and historical context but also impact the spiritual and natural elements integral to the pilgrimage experience.

It is also argued that the development will generate additional volumes of traffic along the residential cul-de-sac of De Braose Close, spoil the area of open space which is enjoyed by the local community, and negatively affect the trees and ecological habitats that exist within the application site.

- 8.22 Three objections have been received from **Friends of the Earth** in response to the consultations undertaken, objecting on the following grounds:

- Incompatible with Local Development Plan policies EN4, EN6, EN8;
- Incompatible with Cardiff Council’s declared Climate Emergency;
- Incompatible with the Cardiff Corporate Plan proposal to increase Cardiff’s tree canopy;
- Severely damages Tree Protection Order band of trees overlapping access road;
- Incompatible with Cardiff BRED report;
- Incompatible with the Well being of Future Generations (Wales) Act 2015.

In summary, Friends of the Earth state that the development is within an inappropriate location, in a woodland which is protected by a designated River Corridor, and provides recreational value to Danescourt residents. The area contributes to Cardiff’s tree canopy level, stores carbon and helps to aid in the Climate Emergency.

- 8.23 All public representations made on the application are available to view in full on the Council’s website at: [20/00187/MJR](https://www.cardiff.gov.uk/20/00187/MJR).

9 ANALYSIS

- 9.1 The key material considerations in the determination of this application are the principle of development, its impact upon trees, ecology and green infrastructure, highway safety and drainage.

Land Use / Principle of Development

- 9.2 The planning system manages the development and use of land in the public interest, contributing to improving the economic, social, environmental and cultural well-being of Wales, as required by the Well-being of Future Generations (Wales) Act 2015, and as stated in paragraph 1.2 of Planning Policy Wales (Edition 11, February 2021) (PPW11).

- 9.3 The application site falls within the settlement boundary as defined by the LDP Proposals Map. It is identified as an area open space and lies within the River Taff River Corridor.

Open Space

- 9.4 Policy C4 *Protection of Open Space* of the adopted Local Development Plan (2016) seeks to protect open space that has significant functional, conservation, environmental or amenity value, and applies to all areas of open space within the County. Development will not be permitted on areas of open space unless:
- i. it would not cause or exacerbate a deficiency of open space in accordance with the most recent open space study; and
 - ii. the open space has no significant functional or amenity value; and
 - iii. the open space is of no significant quality; or
 - iv. the developers make satisfactory compensatory provision; and, in all cases;
 - v. the open space has no significant nature or historic conservation importance.
- 9.5 The application site is classified as an area of 'Amenity Functional' open space (natural / semi-natural green space) as shown demarcated in green on fig. 20 below, and as shown, applies to the whole of the application site:



Figure 20: Extent of Open Space classification

- 9.6 LDP Policy C4 reflects guidance contained within [Technical advice Note \(TAN\) 16: Sport, Recreation and Open Space](#) (2009) as well as Planning Policy Wales (Edition 11, February 2021)(PPW11), with particular reference to paragraph 4.5.3 which states the following:

Formal and informal open green spaces should be protected from development particularly in urban areas where they fulfil multiple purposes. As well as enhancing quality of life, they contribute to biodiversity, the conservation of the historic environment, nature and landscape, better air quality, the protection of groundwater and as places of tranquillity. Such open spaces also have a role in climate protection and in enabling the adaptation of urban areas to the impacts of climate change, for example by contributing to flood management and helping to reduce the effects of urban heat islands.

- 9.7 It continues to emphasise the importance of open space at paragraph 4.5.5, stating that:

Planning authorities should protect playing fields and open spaces which have significant amenity or recreational value to local communities from development.

- 9.8 The Open Space Survey 2022 classifies the whole of the site as amenity open space, which contributes to the overall figures for recreational open space within the Llandaff ward, as set out in the survey. The ward has an overall deficit of 17.28 hectares of recreational open space (based on the 2.43 ha per 1,000 population standard) relative to the standard for each ward within the city. Thus, the loss of this site will increase the existing deficit within the local area.

9.9 In order to fully comply with Policy C4 of the adopted LDP, the application needs to be considered and assessed against the following criteria, found within Technical Guidance Note: Protection and Provision of Open Space in New Development, an accompanying note to Supplementary Planning Guidance for Green Infrastructure (November 2017):

- The functional and amenity value of the open space;
- The quality of the open space; and
- The nature or historic conservation value of the open space.

9.10 The following extract is taken from paragraph 4.3.4 of the aforementioned document:

The characteristics of these open spaces can vary considerably, and their particular amenity value may be based on different factors. The basis of assessing the amenity value of an area, whether recreational or amenity open space, will relate to:

*a) **Visual Amenity** - For a site to possess visual amenity value, it must be located where the general public can gain significant “visual access”. It must contribute to the visual character and environmental quality of the surrounding area. There will be an objection to proposals which would adversely affect the appearance of open spaces which significantly contribute to the visual appearance of an area.*

*b) **Leisure Amenity** - Areas of woodland, allotments, ornamental gardens and public rights of way, by definition are not considered suitable for active sports and recreation. However, such amenity open spaces can provide an important informal open space resource for local people and accommodate passive activities such as walking, dog exercise and nature studies. The importance of such areas is heightened if there are limited alternative areas of recreational and amenity open space in the locality or if the areas make a contribution to the city-wide provision of open space. Proposals which would cause unacceptable harm to areas of leisure amenity value will be opposed.*

9.11 The amenity value of some areas of open space is important both locally, and in the wider context of the City. In this case, it is clear given the number of objections received, that the area is regarded as visually important; the ecological diversity, established mature trees and various flora and fauna provide a green and rich area which offers aesthetic beauty to the local area, creating a visually appealing landscape.

9.12 In addition, based on the observations of third parties, the area serves as a natural retreat for recreational activities like walking, birdwatching, or simply enjoying the tranquillity of nature. It offers a peaceful escape and an opportunity for residents to connect with the outdoors, enhancing the quality of life for residents by offering a visual and physical barrier that separates urban development from natural spaces.

- 9.13 In acknowledging the significant objections received to the proposed development which relate to the loss of open space, it is clear that the site contributes significantly to the well-being of the community by providing access to nature, fresh air and recreational opportunities within close proximity to an established residential area.
- 9.14 The land clearly plays a multifaceted role in promoting the physical and mental health of local residents, who acknowledge in their objections the importance of the site for their quality of life, which includes health benefits and general well-being.
- 9.15 These views are supported, in general, by both local and national policy, which seeks to avoid the loss of dedicated open space, given its importance in the contribution to a sense of place, the health, well-being and amenity of local communities as well as climate protection, in addition to creating viable and sustainable places.
- 9.16 Notwithstanding the above, matters relating to the loss of open space have been considered at appeal previously, in 2006 (APP/Z6815/A/05/1177735) and most recently in July 2014 (APP/Z6815/A/13/2207479), and Members will be aware that regard must be given to the planning history of the site, and the previous appeals, which are a material planning consideration, notably in respect of the need to ensure consistency.
- 9.17 To provide a chronological overview, planning permission for the residential development of five dwellings on land at Radyr Court Road was refused on 16 December 2004 under planning permission reference [04/02044/W](#) for the following reason:
1. The proposal would result in the loss of an area of open space which has visual amenity value in forming part of a corridor of open space which separates the Danescourt residential area from the River Taff. Its development would therefore be contrary to Policy 7 of the City of Cardiff Local Plan and Supplementary Planning Guidance to the plan on Open Space. It would also be contrary to policies 1.J and 2.49 of the deposit Cardiff Unitary Development Plan.
- 9.18 The application was submitted in Outline, with all matters reserved.
- 9.19 The Planning Inspector considered the main issue in this case to be the harmful effect of the proposed development on the character and appearance of the area, paying particular regard to the resulting 'urbanising effect' of the development, if permitted. The Inspector noted the following:
- It is evident that the area of open space, within which the site lies, is valued by local residents because it is an easily accessible area that has retained, to a significant extent, a rural character, and which also contributes to the enjoyment of recreational users who appreciate its role as part of a larger area of open space.*

The presence of development nearby leads me to find that the area would be particularly susceptible to harm from further development that would erode the present balance between the natural environment and the built form. In this respect, whilst recognising that any future proposal would be judged on its individual merits, I note the concerns of the Council and local residents that allowing this scheme would make it difficult to resist further erosion of this area of open space.

9.20 Whilst having regard to the willingness of the appellant to reserve part of the site as open space, retain the existing hedgerows and provide additional planting, the Inspector stated that *these considerations would not acceptably mitigate the harmful effects* that have been identified. For this reason, the appeal was dismissed on 6th January 2006.

9.21 Subsequently, on 21st August 2012, planning permission was sought, again in Outline, for the development of 48 dwellings on land at Radyr Court Road, under planning application reference [12/01454/DCO](#).

9.22 Planning permission was again refused by the Council on 26 April 2013 for the following reasons:

1. The proposal would result in the loss of an area of open space which has visual amenity value in forming part of a corridor of open space which separates the Danescourt Estate from the River Taff. Its development would therefore be contrary to the provisions of Policy 7 of the City of Cardiff Local Plan (January 1996), the Open Space Supplementary Planning Guidance (March 2008), and Policies 1.J and 2.49 of the deposit Cardiff Unitary Development Plan (October 2003).

2. The proposed vehicular access to the site, notwithstanding the proposed highway improvements, would be narrow in width and would need further improvement to avoid potential conflict between users of the highway, including pedestrians. It is therefore inadequate to serve the proposed development of 48 no. dwellings, contrary to the provisions of Policies 16, 17, 18, 19 and 20 of the City of Cardiff Local Plan (January 1996), and Policy 2.57 of the deposit Cardiff Unitary Development Plan (October 2003) furthermore the necessary improvements to enable two vehicles to pass and the provision of a segregated footway would unacceptably damage the rural character of the area.

9.23 An appeal was made under Section 78 of the Town and Country Planning Act 1990 against the refusal to grant outline planning permission, dealt with under appeal reference [APP/Z6815/A/13/2207479](#).

9.24 The following extracts are taken from the Inspector's report:

(6) Whilst the visual and other qualities of the site are important to its visitors, it was described in the planning officer's report to committee as having 'little intrinsic value'. My observations lead me to agree with that position. The proposed development would change the experience of users; they would no longer be in a semi-rural, natural environment but in a managed, man-made

residential area. I understand that many local people value the existing appearance of the site and do not want it changed. The proposed development, however, would be well-designed with ample green areas. It would not be unsightly and, although altered, I do not consider that the visual amenity of the site would be harmed.

(8) The development of houses on the site would make it more clearly visible but they would be seen against the backdrop of the existing Danescourt settlement. In addition, when viewed from Hailey Park the appeal site, unlike existing housing development off Radyr Court Road, is on the far side of the railway line which would obscure parts of the proposed dwellings. My opinion is, therefore, that the appeal site does not make an important visual contribution to the corridor of open space separating the Danescourt estate from the River Taff. In the terms of the Council's Open Space supplementary planning guidance (SPG) it is not located where the general public can gain significant "visual access".

(9) The appeal site is identified on the proposals map of the City of Cardiff Local Plan (LP), adopted 1996, as open space; the ways in which it can be used classify it as amenity rather than recreation open space. The proposed development thus satisfies criterion (i) of LP Policy 7 which permits development involving the loss of amenity open space where it has no amenity value. Had that not been the case, however, criterion (ii) of Policy 7 would allow the proposal to proceed subject to the developer providing satisfactory compensatory open space.

(10) As described earlier there are several paths through the appeal site although only one is a PROW. The track from Radyr Court Road is owned by the appellant who asserted that public access to it could, as a matter of law, be prevented at any time. No evidence to the contrary was presented to the inquiry although it was stated in later submissions that the Council had carried out some maintenance from time to time. It is clear, however, that all the paths through the site are well-used such that it functions as a junction linking the Danescourt estate to a network of amenity open space and routes. To my mind this is the main asset of the site.

(11) The layout drawings are illustrative only but it is an essential principle of the proposal that paths through the site would be retained within a framework of green spaces. The explanatory text to Policy 7 clarifies that the acceptability of compensatory provision will be assessed with regard to the importance of the open space being lost and the needs of the locality; generally it should replicate its quantity and quality. In that light, I consider that the green areas and paths proposed would be satisfactory compensatory open space as required by criterion (ii). The proposed development would thus be consistent with LP Policy 7 on two counts. In protecting open spaces which are important for amenity, Structure Plan Policy B4 is consistent with Policy 7.

(14) My overall conclusion on this matter is that the proposed development would not be detrimental to the open space resource in the area.

- 9.25 The appeal was dismissed on 28 July 2014, on grounds that *the proposed development would harm highway safety and cause other detriment to road users, particularly those who are disabled, such that it would not comply with national planning policies.*
- 9.26 However, notwithstanding the final outcome, the Inspector's review of open space concluded that *the proposed development would not be detrimental to the open space resource in the area.* It was concluded that the site did not contribute either functionally or visually to the open space provision in the area and therefore, the proposed development would not be detrimental in this regard.
- 9.27 Noting the above, and whilst previous dismissals are considered as part of the decision-making process in that they are material planning considerations, they are not determinative. Each planning application is assessed on its individual merits, considering the particulars of the proposed development and supporting information.
- 9.28 In this case, the application proposes to retain a greater area of open space than the application reference [12/01454/DCO](#), submitted to the Authority in August 2012, due to the number of dwellings proposed and the site layout.
- 9.29 Furthermore, to mitigate for the loss of open space resulting from the proposal, the applicant has proposed to improve and manage the adjacent woodland (identified in blue on Fig. 21 below) so that it is capable of being transferred to the Council for adoption, along with funding to manage the woodland in the future.

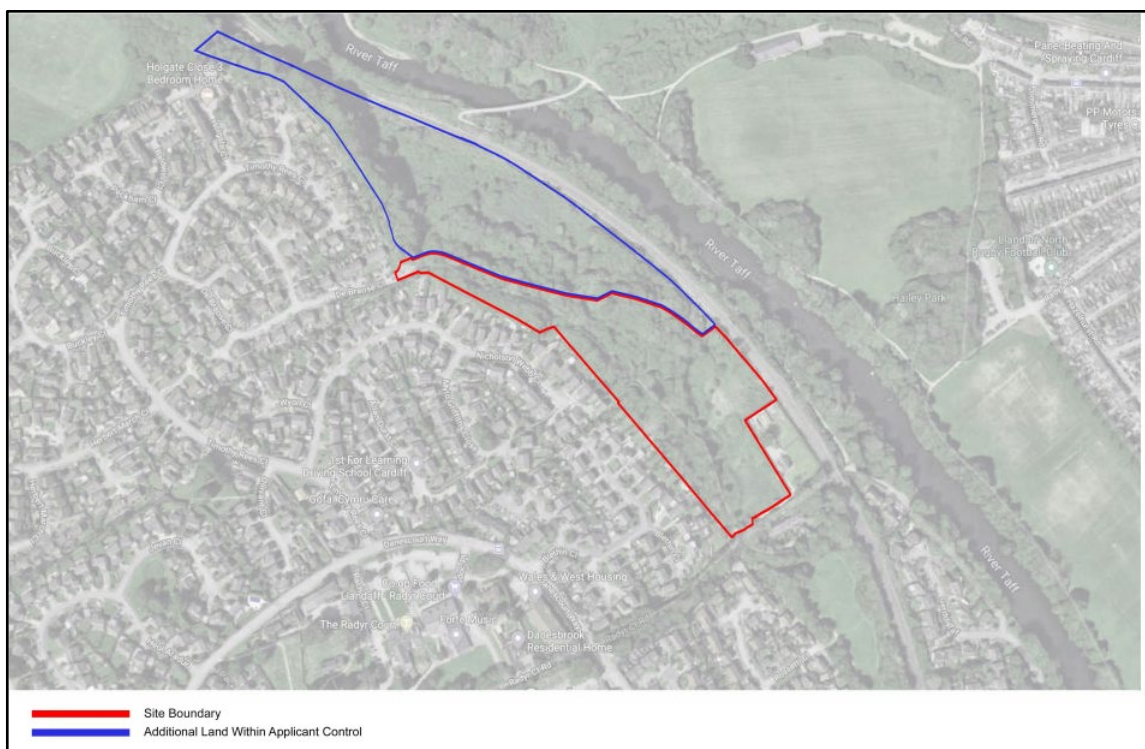


Figure 21: Community Woodland Area Proposed for Adoption

- 9.30 The Community Woodland Strategy submitted in support of the application, sets out the key aims, objectives and principles for the future management of retained woodland habitat over the long-term for the local community, and takes into account the following phases of development:
- Enabling and Pre-Construction Phases;
 - Construction Phase; and
 - Post-development.
- 9.31 The rationale for this Community Woodland Strategy is to facilitate the restoration, management and maintenance of the Community Woodland as a Green Infrastructure asset for the locality with respect to its arboricultural, ecological and landscape value.
- 9.32 The existing woodland area is not under management, and therefore its deterioration is evident. Any form of long-term management proposed will provide an improvement to the woodland area, which will benefit local residents and users of the site.
- 9.33 Management objectives considered necessary to achieve such aims, for implementation as part of a proactive management regime for the Community Woodland Strategy, include the following:
- Implement a programme of thinning works with focus on removal of diseased ash trees as a matter of urgency;
 - Seek to retain deadwood in situ including creation of log/brush piles;
 - Ensure the control and future management of scrub and invasive/pest species;
 - Encourage development of ecotone habitats;
 - Improve access into the woodland resource for local residents;
 - Identify and manage transitional veteran trees; and
 - Implement a programme of infill and replacement planting.
- 9.34 The responsibility for carrying out the functions of this Community Woodland Strategy will vary throughout the duration of the management period.
- 9.35 All management and maintenance works relating to the Community Woodland offsite during the pre-construction and construction phases of the adjacent development are the responsibility of the Principal Contractor appointed by the Developer, and are to be continued through to practical completion.
- 9.36 The responsibility for the management and maintenance works of all features of arboricultural, ecological and landscape value associated with the Community Woodland over the long-term will pass to Cardiff Council following their adoption of the Community Woodland. A contribution of £45,375, based on a minimal intervention of £1,815 per annum over a 25 year period, has been agreed with the applicant to secure the long-term management, and this figure (and transfer of the open space to the Council) will be secured through the associated Section 106 Agreement.

- 9.37 The main part of the application site reflects that considered in the earlier appeal, albeit slightly smaller to retain part of the adjacent woodland. The site is, however, larger insofar as it now proposes the creation of a long access between the site and De Braose Close through the woodland. This element is materially different to that considered at appeal, and is proposed as the former access was deemed by the Inspector to be unacceptable on highway grounds.
- 9.38 Insofar as the assessment against Policy C4 is concerned, it is noted that the LDP and associated Green Infrastructure SPG post-date the appeal decision.
- 9.39 While Policy C4 seeks to ensure that development would not cause or exacerbate a deficiency of open space; and requires that the open space has no significant functional or amenity value – and the Council’s Open Space Assessment shows a deficiency of open space in this Ward - in respect of the main part of the site (excluding the access) it is nevertheless considered that it would be difficult to reach an alternative conclusion to that reached by the Inspector who concluded that development within this area *would not be detrimental to the open space resource in the area*.
- 9.40 Turning to the issue of access, it is acknowledged later in this report that the new access through the woodland would have an impact on the natural character of the area through which it passes. It would not in itself, however, result in the ‘loss’ of open space, only the way in which the space is used. The impacts of the access road are therefore addressed later in the report, as opposed to this part of the scheme resulting in any strict loss of open space against Policy C4.
- 9.41 Policy C4 also allows developers (under (iii)) to “make satisfactory compensatory provision” and in consideration of the proposed mitigation, on balance, it is considered that the development could be considered acceptable in this regard, subject to the developer entering into a Section 106 Agreement which secures the long-term maintenance of the woodland.
- 9.42 In considering such matters, it is acknowledged that the loss of open space to accommodate residential development can be a contentious issue, especially when it involves sacrificing areas of natural green space, as noted in many of the objections received. The value of the woodland to the area would also appear to have increased in recent years, following the covid pandemic. However, when approached thoughtfully, it is considered that this loss can be mitigated through the proposed enhancements to the woodland and through responsible woodland long-term management, such that in this case it is argued that the implementation of a robust woodland management plan will help to protect the ecosystem by preserving biodiversity and arboricultural value, as well as ensuring the survival of various species.
- 9.43 Mitigating the loss of open space for affordable housing by implementing woodland long-term management isn’t about negating the loss entirely, but striving for a balance between social needs and environmental preservation. Responsible development, coupled with sustainable woodland management, can ensure that the benefits of housing provision are maximised, while minimising adverse effects on the environment.

9.44 As such, the proposed mitigation is considered to offset the impact of the development in terms of the loss of open space, and on balance, the development is considered to be compliant with Policy C4 of the adopted Local Development Plan.

River Corridor

9.45 In addition to the above, Policy EN4 *River Corridors* of the adopted Local Development Plan (2016) provides a planning framework within which the Council can protect, promote and enhance its river corridors.

9.46 The River Taff is one of Cardiff's four river corridors, and is designated as making a unique contribution to the character and form of the city providing continuous green corridors between the Severn Estuary and the countryside beyond the urban edge. Supporting paragraph 5.97 states the following:

The watercourses and adjoining open spaces possess high recreational, biodiversity, historic, cultural and landscape value. Additionally, they are located close to local communities and offer excellent opportunities for off-road access routes that can provide part of the wider strategic recreational routes and everyday network of routes.

9.47 The area of the site which lies within the designated river corridor is shown on fig. 22 below.

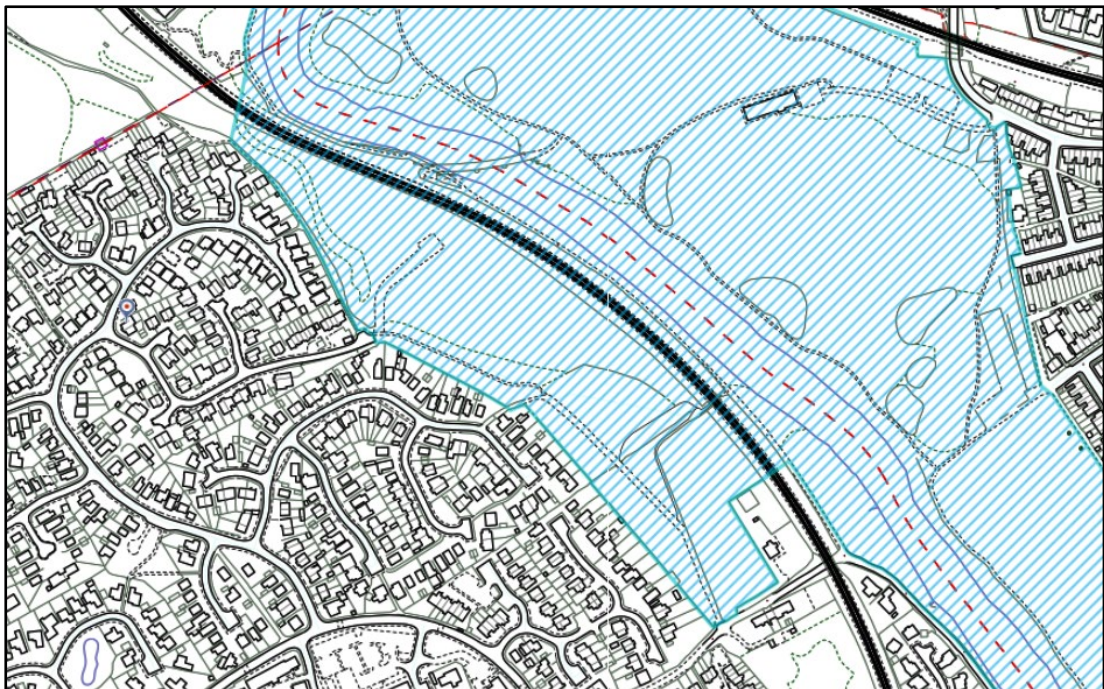


Figure 22: River Corridor, defined by Policy EN4

9.48 It is important to ensure that any development proposal within the river corridor respects its key features. As noted above, the application site has been the subject of two previous appeals, both of which were dismissed.

- 9.49 In considering the planning application reference [12/01454/DCO](#), the Inspector made reference to its location in the river corridor as part of the consideration under appeal reference APP/Z6815/A/13/2207479, as follows:

(12) In respect of the open space issue the Council's case also relied upon the site's location within the River Taff corridor. The documents and policies produced by the Council over the last decade include the River Taff Corridor Action Plan (April 2007) which is referenced in Policy EN4 of the deposit version of the Cardiff Local Development Plan (LDP). As the LDP has yet to be examined I can give little weight to its policies but I agree that it demonstrates the Council's recognition of the strategic importance of the river valleys in the city and a consistent approach to them.

(13) The strategy outlined in the Action Plan, LDP and their forerunners is to protect, promote and enhance the river valleys whilst facilitating sustainable access and recreation. It does not amount to a ban on development. Indeed, the text of Policy EN4 explains that development proposals will be judged against other relevant policies and new development might be required to contribute to projects which will achieve Action Plan objectives.

- 9.50 The inspector concluded that the river corridor allocation *does not amount to a ban on development*, and that *the unique contribution the river valleys make to the character of the city by providing continuous green corridors between the Severn Estuary and the countryside beyond the urban edge would not be significantly eroded by the proposed development.*
- 9.51 Constructing in a sensitive area such as a river corridor demands extensive scrutiny and must be justified sufficiently. The issue has, however, been considered previously at appeal, and thus affording weight to the Inspector's consideration of developing within the designated river corridor, it is considered that in this case it would not be possible to resist development of the site under Policy EN4, noting the Inspector's words that the river corridor allocation *does not amount to a ban on development.*

Impact on the Character of the Area

- 9.52 As noted earlier, the Welsh Government publication [Building Better Places: The Planning System Delivering Resilient and Brighter Futures](#) 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.
- 9.53 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, and that WG will thus play its role in supporting the vibrancy of places and helping a people-focussed and placemaking-led recovery.
- 9.54 PPW11 also 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.

- 9.55 Policy KP5 of the Local Development Plan (2016) states that all developments “will be required to be of a high quality, sustainable design and make a positive contribution to the creation of distinctive communities, places and spaces”. Design should be of the highest and most sustainable quality, and should aim to meet the wider objectives of promoting Cardiff as a world-class capital.

Historical Context

- 9.56 As noted above, regard must be given to the planning history of the site, and the previous appeals made in respect of the refusal of planning permission reference 04/02044/W and 12/01454/DCO.
- 9.57 The appeal dismissed under reference APP/Z6815/A/05/1177735, against the refusal of planning permission reference [04/02044/W](#) considered the main issue in the case to be the effect of the proposed development on the character and appearance of the area.
- 9.58 The following extract is taken from the Inspector’s report:

Despite the proximity of the row of properties at Blethin Close, its elevated position an intervening vegetation means that it is visually distinct from the appeal site and the other lower-lying land within the River Valley. The presence of a collection of modest, long-established dwellings nearest the site does not in my opinion justify consolidating development by erecting an additional 5 dwellings. It is evident that the area of open space, within which the site lies, is valued by local residents because it is an easily accessible area that has retained, to a significant extent, a rural character, and which also contributes to the enjoyment of recreational users who appreciate its role as part of a larger area of open space.

The extent of improvements to the highway that I considered to be necessary would markedly alter its appearance, which currently resembles a quiet country lane, particularly along the section closest to the appeal site. This urbanising effect reinforces my findings that the project would harm the area's character.

- 9.59 The Inspector concluded that *the proposed development would harm the character and appearance of the surrounding area.*
- 9.60 In respect of the subsequent appeal against the refusal of planning permission reference [12/01454/DCO](#) (appeal reference APP/Z6815/A/13/2207479), the Inspector considered one of the main issues to be the effect on the character and appearance of Radyr Court Road.
- 9.61 The following is an extract from the Inspector’s report:

(29) Radyr Court Road runs along and close to the river for part of its distance and is lined by trees. The modern residential development of Gerddi Taf can be seen alongside and, to my mind, the road does not have a rural character.

Nonetheless, it has a pleasant, sylvan appearance and the atmosphere of a comparatively untouched backwater. Given its connection with the cart road and, from there, to other recreational routes and features, such as the newly restored bridge, Taff Trail and Hailey Park, I consider these to be valuable characteristics which contribute to the enjoyment of users.

(31) The introduction of significantly more vehicles would, of necessity, change the behaviour of pedestrians: they would have to be much more alert to the possible need to avoid vehicles approaching from both in front and behind. To my mind this would create a tension for users undermining the current peaceful, slightly remote, nature of the road.

(32) Overall, therefore, I consider that the proposed development would harm the character of the area. This consideration does not carry such weight as to be decisive in itself but it does support my other conclusions.

- 9.62 The conclusion states that *there would be some detriment to the character and appearance of Radyr Court Road, but not sufficient to be decisive by itself.*
- 9.63 Noting the above, and notwithstanding the matters raised relating to the principle of development and its impact on the character and context of the site in respect of green infrastructure, trees and ecology assessed in the other sections of this report, regard and consideration must be given to the layout of the site as proposed.

Site Layout

- 9.64 The dwellings are positioned in the south eastern area of the wider site, and are accessed off the main spine road, and secondary access roads referred to as Road 1, Road 2, and Road 3 within the supporting drawings.
- 9.65 In general terms, the dwellings are considered to be located in the most appropriate location of the wider site, in respect of both topography and existing tree coverage.
- 9.66 Concerns are raised in respect of the legibility of the site in general, and it's 'buried' nature in respect of its location. The site could be described as hidden, in that it may be difficult for people to find if they are unfamiliar with the area, or that it is not easily accessible from a continuous highway or pedestrian network. However, this matter alone is not considered a reason to refuse planning permission on such grounds, and the layout of the development in respect of the dwellings is therefore considered acceptable.

Access

- 9.67 As noted earlier the access to the site is now proposed off De Braose Close, amounting to a material change from the schemes considered in previous appeals. Running through the woodland, and with a new engineered appearance, including impacts on trees (see later analysis) it is indisputable that the access would have a material impact on the character of the route, changing it from its current natural character. These impacts are considered as part of the planning balance section of this report.

Scale and Appearance

- 9.68 Turning to scale, the residential units vary between two and three storeys, which raises no concern in this instance, given that the site is set down from the established residential area to the west of the application site.
- 9.69 The dwellings are indicatively proposed to be finished in a mix of light cream through-colour roughcast render with red multi-clay facing brick. Roofs will be charcoal grey concrete tiles with white uPVC windows, doors and cills. Further details requiring the submission of samples of the materials can be secured through appropriately worded planning conditions, and the scheme is acceptable in this regard.
- 9.70 It is evident from reading the objections received that local residents object to the development on grounds that it detrimentally impacts the character and appearance of the area. Generally, residents place value on the existing area of open space which has a semi-rural character within a green and natural environment. In the opinion of many, any form of development in this location will be harmful to the existing character and appearance, including the provision of housing.
- 9.71 In consideration of the above, and noting the most recent Inspector's report which states that the detriment to the character and appearance caused by the development is not harmful to the extent that it would warrant a refusal solely on such grounds, on balance, the layout, design and intended finish of the affordable housing units are considered appropriate in respect of scale, and therefore accords with criterion (i) of Policy KP5 of the adopted LDP. The development proposal will introduce a modern form and layout of development which will provide affordable housing within the Danescourt area. The impact of the access road is considered as part of the planning balance later in this report.

Impact on Existing Residential Amenity

- 9.72 PPW11 states at paragraph 2.7 that *“placemaking in development decisions happens at all levels and involves considerations at a global scale, including climate change, down to the very local level, such as considering the amenity impact on neighbouring properties and people”*.

Overlooking

- 9.73 Given the location of the proposed residential units, topography of the site and distance provided between the proposed and existing residential dwellings, the development is not considered to cause overlooking into the neighbouring properties to west, or cause harm to their existing levels of amenity.
- 9.74 The development is therefore considered to be acceptable in this regard.

Noise

- 9.75 Policy EN13 of the LDP seeks to ensure that developments do not cause harm to health or local amenity because of air, noise, light pollution, or the presence of unacceptable levels of land contamination. It aims to ensure that development proposals are not located close to potential sources of pollution.
- 9.76 Paragraph 5.181 of the LDP recognises that noise can have a harmful impact on people's health and quality of life, and states that "new developments that are particularly noise-sensitive should be located away from existing or proposed sources of significant noise".
- 9.77 In addition, PPW11 refers in Section 6.7 (Air Quality and Soundscape) to noise, noting that problematic forms of sound are generally experienced as noise pollution, and in proposing new development, planning authorities and developers should seek to incorporate measures which reduce overall exposure to noise pollution, creating appropriate soundscapes.
- 9.78 To ensure the amenities of future occupiers are protected, Shared Regulatory Services have recommended the inclusion of a planning condition which requires that any habitable room has appropriate sound insulation installed, so that occupiers are not exposed to external railway noise in excess of 66 dBA Leq 16 hour (free field) during the day (07.00 to 23.00 hours) or 59 dBA Leq 8 hour (free field) at night (23.00 to 07.00 hours).
- 9.79 In addition, and prior to the commencement of development, a scheme is required to be submitted to demonstrate that the dwellings are designed and constructed so as to ensure that vibration from the railway dose values do not exceed 0.4m/s^{1.75} between 07.00 and 23.00 hours, and 0.26m/s^{1.75} between 23.00 and 07.00 hours.
- 9.80 Subject to the imposition of the recommended planning conditions, the application is considered to be acceptable in respect of noise, and accords with Policy EN13 of the adopted Local Development Plan.

Transportation / Highway Impacts

- 9.81 The provision of transport infrastructure is essential to build prosperity, tackle the climate emergency reduce airborne pollution and to improve the social, economic, environmental and cultural well-being of Wales, as reflected in PPW11.
- 9.82 Paragraph 3.3 of PPW11 refers to good design, and states that to achieve sustainable development, consideration should be given to all aspects of a development, including its construction.

Site Access

- 9.83 The scheme proposes a vehicular access point via the existing turning head at De Braose Close, and proposes a continuation of the existing network with a 4.8 metre wide carriageway (reduced in width through negotiation since original submissions) and a 2 metre wide footway.

- 9.84 A significant number of objections received relate to the creation of the new access to serve the development at De Braose Close, in the north western boundary of the site. The objections raise matters of traffic congestion, noise and air pollution, highway and pedestrian safety matters, changes to the visual appearance of the area and insufficient infrastructure, to be specific.
- 9.85 To provide a justification for the location of the access point serving this development proposal, the applicant has referenced the previous planning appeal APP/Z6815/A/13/2207479 within the Design and Access Statement.
- 9.86 The previous planning application proposed to access the site from Radyr Court Road, as shown on fig. 22 below.



Figure 22: Illustrative Layout Proposed under 12/01454/DCO

- 9.87 The site access for vehicles was from the southwestern corner, with access points to Nicholson Close Webb, De Braose Close and PROW 56 to the east being retained as foot and cycleways.
- 9.88 As noted above, the previous appeal against the refusal of planning permission reference [12/01454/DCO](#) was dismissed on grounds that *the proposal would have a significantly detrimental impact on highway safety*. The grounds for this reasoning can be read in detail within the Inspector's report.

- 9.89 In light of the above, and in order to address the previous reason for the refusal of planning permission and subsequent appeal dismissal, the applicant has sought an alternative vehicular access point to serve the development, mitigating the issue of highway safety.
- 9.90 After significant negotiation, the Highways Authority have agreed to accept a 4.8 metre wide carriageway in this location, owing to the need to reduce the scale of the development to minimise, as far as possible, its negative impacts. The reduction in width of the carriageway and footpath results in the reduction in the size of the supporting embankment, which reduces the overall footprint of the development, and subsequently reducing the impact on trees and ecological features already present within the woodland area.
- 9.91 In accepting this reduction, the Highways Authority have agreed that the cycleway facility will be within the access road, with a separate 2 metre wide footpath adjacent, on the northern side.
- 9.92 To support this amendment, the applicant has submitted vehicle tracking and visibility plans which demonstrate that access road is acceptable in highway safety terms.



Figure 23: Vehicle Tracking Plan

- 9.93 Whilst the objections raised to the access point at De Braose Close are noted, the access road is acceptable in this location in highway safety terms, and no objection is raised to the reduction in width to 4.8 metres. The scheme is therefore considered to be acceptable in this regard.

Construction Phase

- 9.94 In general terms, the construction period of the development proposed raises greater concern than the traffic generation resulting from the introduction of 36 dwellings at the site. As there is no vehicular access proposed from Radyr Court Road, the construction of the site is expected to occur via De Braose Close.
- 9.95 For this reason, and subsequent to discussions with the applicant, the updated Transport Statement assesses the implications of construction traffic on the wider highway network. It assumes that the submission of a Construction Traffic Management Plan (CTMP) would be provided prior to the commencement of any development, to ensure that works are undertaken in a safe and appropriate manner. It states the following:
- Whilst the CTMP will set out details of proposed routes, type and quantum of HGV traffic it is likely that construction traffic will use the residential roads from Danescourt Way, Timothy Rees Close and De Braose Close to access the site.*
- Whilst it is evident from a site visit that some on street residential parking does occur in these areas and that existing HGV traffic (deliveries, construction for other purposes) uses this road network, it may be necessary (depending on the construction traffic delivery times) within the CTMP to provide some temporary restrictions to parking via TRO/yellow lines to accommodate larger HGV movements.*
- 9.96 To alleviate the concerns raised from residents in De Braose Close relating to construction traffic, it was requested that additional information (such as some details on the deliveries of fill required, materials to be delivered, duration of construction period etc) was submitted prior to the determination of the planning application. This information has not been forthcoming, however it is not unusual or unreasonable for these matters to be confirmed and assessed as part of a pre-commencement condition. Therefore, the assumption within the Transport Statement that a condition will be imposed upon any consent granted, stipulating that further detail pertaining to the impacts of construction traffic will be submitted as part of the required Construction, Traffic and Environmental Management Plan condition, is correct. And as such, an appropriately worded condition has been recommended by the Transportation Officer.
- 9.97 Notwithstanding this, the applicant does propose to install temporary traffic regulation orders (single or double yellow lines) on parts of De Braose Close and its junction with Timothy Rees Close, to ensure unfettered access to the development site. The updated Statement provides details of the required temporary yellow lines necessary to facilitate access by articulated vehicles.
- 9.98 It is considered that such measures would be essential to facilitate access to the site by HGVs, but the developer is advised that, when possible, smaller HGVs are used, in conjunction with the Council's Network Management Team and local residents to reduce local inconvenience as much as possible.

- 9.99 It is also suggested that the lengths of the proposed waiting restrictions would need to be reviewed and possibly extended to provide adequate space to maintain access. The applicant needs to be sure that typical vehicles, such as refuse lorries and delivery vehicles, can access the site using the routes available.
- 9.100 Given the above, it is essential that the Council has a greater understanding of the quantum of materials to be delivered to/taken from the site, the duration of such works, and their impact on the local neighbourhood. This can be secured through an appropriately worded planning condition, of which the inclusion is argued to address the concerns raised.

Traffic Generation

- 9.101 Assessments of traffic generation are an important mechanism for setting out the scale of the anticipated impacts a development is likely to have, so that the impacts can be understood and catered for appropriately.
- 9.102 In this case, all vehicular traffic will be via De Braose Close, and the anticipated traffic effect from the 36 new residential units is proposed to be low.
- 9.103 The likely vehicular generation has been derived from the TRICS database, and proposes 23 vehicles during the morning peak, and 24 during the evening peak periods of activity. This is considered to be adequate by the Transportation Officer, who concludes that the traffic allocation on the surrounding network also appears to be acceptable.
- 9.104 Given this, the application is considered to be acceptable in this regard, and complies with Policy T5 of the adopted LDP which states that development should not unreasonably restrict the flow of traffic on the adjoining highway network.

Accessibility

- 9.105 Turning to accessibility, Chapter 4 of PPW11 'Active and Social Places' addresses transport, stating that people should have access to jobs and services through more efficient and sustainable journeys, by walking, cycling and public transport. It further states that "*new development should prevent problems from occurring or getting worse such as...the reliance on the private car and the generation of carbon emissions.*"
- 9.106 Land use and transport planning should be integrated to minimise the need to travel, reduce dependency on the private car and enable sustainable access to employment, local services and community facilities.
- 9.107 By influencing the location, scale, density, mix of uses and design of new development, the planning system can improve choice in transport and secure accessibility in a way which supports sustainable development, increases physical activity, improves health and helps to tackle the causes of climate change and airborne pollution. This is achieved through enabling more sustainable travel choices and network management.

9.108 Policy T5 of the adopted LDP relates to managing the transport impacts of development proposals, to ensure that all new developments properly address the demand for travel and its impacts, contribute to reducing reliance on the private car, making satisfactory provision for access, parking and circulation with particular regards for pedestrians, cyclists and public transport users as well as to avoid unacceptable harm to the safe and efficient use and operation of the road, public transport and other movement networks.

9.109 The explanatory text which supports Policy T5 of the adopted LDP states at paragraph 5.233 that “in assessing the transport and access aspects of proposals the Council will be more likely to give favourable consideration to development which through their design and layout, give priority to movements by sustainable travel modes and reflect the user hierarchy in Department for Transport Manual for Streets”. This specifies a hierarchy whereby pedestrians, cyclists, public transport and special service vehicles (emergency services, waste) are considered above the use of other motorised traffic.

Active Travel Provision

9.110 Given the aforementioned policy position, the Transport Statement argues that the site is well placed in terms of access, given the existing footpaths and Public Rights of Way within the site which link the site to nearby facilities. These include schools, shops, medical services, restaurants and public transport provision.

9.111 In terms of connectivity for active travel users, the site is connected to the wider Danescourt area to the west from existing access points at De Braose Close in the north, Nicholson Webb Close in the west, and Radyr Court Road in the south.

9.112 The site is also connected to the east via Public Right Of Way (PROW) number 52 under the railway line. This connects with Radyr Court Road to the south and runs along the western side of the River Taff to the north. It also connects the site with the Taff Trail on the opposite side (east) of the river via a bridge some 400m north of the railway tunnel. Figure 24 is from the Transport Statement.

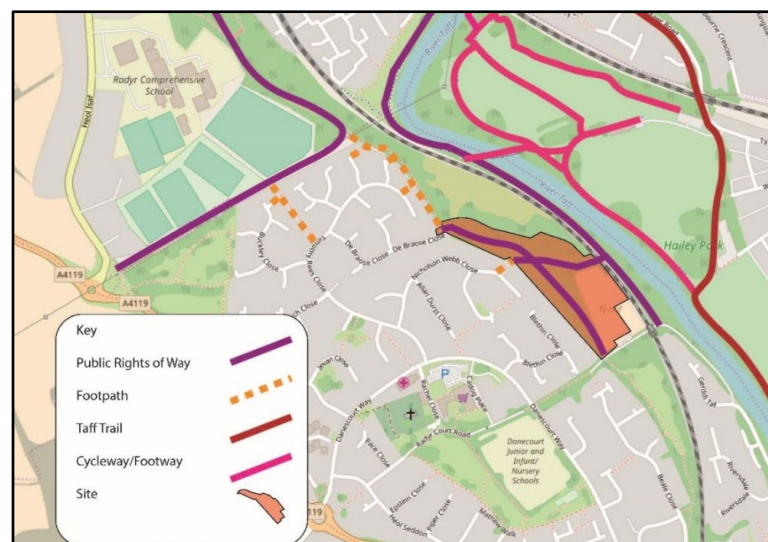


Figure 24: Site Connectivity

- 9.113 Paragraph 2.6 of the Transport Statement states that “where possible, Active Travel linkages will be enhanced by the development”, and the links to the surrounding facilities will be retained.
- 9.114 The existing footpath from De Braose Close serving PROW 48 will be relocated to the northern side of the access road to accommodate the proposed development. No concerns are raised in this respect.
- 9.115 Whilst the intention of the applicant to promote sustainable travel and reduce the reliance on the need to travel by car is noted, some concerns are raised in respect of the usability of the existing access points, particularly when considering the value of the routes.
- 9.116 The Active Travel (Wales) Act 2013 makes walking and cycling the preferred option for shorter journeys, particularly everyday journeys, such as to and from a workplace or education establishment, or in order to access health, leisure or other services or facilities. Planning authorities must ensure that these routes are fully accessible, practical, safe and attractive for users, to aide in the decision to chose walking and cycling over the private car, and to assist in the required modal shift referenced within PPW11.
- 9.117 Given this, the concerns raised in respect of the active travel routes are considered pertinent. For example, the route linking the site to Radyr Court Road in the south could offer a safe route to Danescourt schools, but is currently unlit and considered steep for cyclists and for mobility impaired users. It is a former country lane with no surveillance and with no illumination for quite a considerable length. The value of the route is therefore somewhat diminished.
- 9.118 In addition, the existing link from PROW 48 to Nicholson Webb Close offers the shortest route from the site to the wider Danescourt area (including shops and schools) but is arguably a narrow back alleyway with no surveillance or reasonable surface and no illumination.
- 9.119 Geographical vicinity isn't an adequate measure of suitability. Pedestrian accessibility is still along indirect and illegible routes with poor surveillance along significant stretches. These routes will feel intimidating, in particular to vulnerable people. Despite the adequate distance, the quality of the two available routes is considered poor.
- 9.120 To address the concerns raised, the applicant has agreed to provide a formal link to the northern end of the Nicholson Webb Close link, to the land ownership extent, as shown in fig. 25 below.

Car Parking Provision

- 9.124 As specified within Supplementary Planning Guidance *Managing Transportation Impacts (Incorporating Parking Standards)* (2018) (SPG MTI), the maximum car parking spaces per residential unit required for this development equate to 1 space per 1 bedroom unit, and 2 spaces per 2+ bedroom units.
- 9.125 Owing to the breakdown of house types proposed, the maximum car parking spaces for this development equates to 60. The car parking standards are maximum requirements to encourage a modal shift to more sustainable transport modes over the use of the private vehicle.
- 9.126 The total number of spaces to be provided as part of this development is 45. This provision is adequate, and aligns with the maximum permitted within the aforementioned planning guidance.

Cycle Parking Provision

- 9.127 In terms of cycle parking provision, Supplementary Planning Guidance *Managing Transportation Impacts (Incorporating Parking Standards)* (2018) requires a minimum provision of 1 space per bedroom, which in this case equates to 69.
- 9.128 Cycle parking is evident on the drawings submitted, although the quantum per residential unit needs to be confirmed to ensure sufficient provision is provided for each residential property. As such, it is considered necessary to impose a planning condition requiring the details of the cycle parking provision to be submitted, to ensure compliance with the SPG.

Impact on Public Right of Way

- 9.129 Another matter to consider in the determination of this application relates to its impact on the Public Rights of Way (PROW) within the application site. As noted above, there are two PROWs within the application site; Radyr 48 and 56.
- 9.130 As shown in purple in Figure 3 above, PROW 48 (Footpath 791) runs roughly in a north-south direction from De Braose Close in the north western corner of the application site to Radyr Court Road along the southern site boundary. PROW 56 (Footpath 236) runs in an east-west direction from the pedestrian cut-through in Nicholson Webb Close on the western site boundary to the bridleway (Cart 975) which runs north-south adjacent to the railway line to the east of the site.

Alteration of Route Character

- 9.131 The Penrhys Pilgrimage Trail also runs along the PROWs within the application site, a promoted walk by a partnership project between Penrhys Pilgrimage Project, Cardiff Council, Rhondda Cynon Taf Council and various other organisations.

- 9.132 The Penrhys Pilgrimage is a religious pilgrimage in Wales that traditionally involves a journey to the shrine of Our Lady of Penrhys, located in the village of Penrhys in the Rhondda Valley. The pilgrimage has historical significance, dating back centuries, and is associated with both Catholic and Anglican religious practices. The pilgrimage involves individuals or groups walking or traveling to the shrine, often for religious devotion, reflection, and prayer. While the nature of the pilgrimage may have evolved over time, the spiritual significance of the journey remains central to those who participate.
- 9.133 The Penrhys Pilgrimage Project seek to recreate the medieval pilgrimage from Llandaff Cathedral to the Holy Well and Statue of Our Lady of Penrhys, and have vehemently objected to this application since its initial submission in 2020.
- 9.134 The section of the route within the application site is a traditional section of the route, and has historical significance which, it is argued substantively by the Penrhys Pilgrimage Project in their responses to the consultations, should be retained within a woodland rather than become a footway adjacent to a highway. The Pilgrimage Project state that this development will, “urbanise this green space used for recreation by local people, and spoil an ancient Pilgrimage Path”. In summary, the Pilgrimage Project argue within their objections that losing woodland areas along the pilgrimage route could not only disrupt the traditional path and historical context but also impact the spiritual and natural elements integral to the pilgrimage experience.
- 9.135 The letters of objections received from local residents also raise concerns about the loss of the woodland character along the existing PROWs, referencing the aesthetic values, cultural and historical significance and impact on well-being as reasons for objection.
- 9.136 No objection is raised by the Public Rights Of Way Officer in this respect, but regard is given within the consultation response to the Welsh Government’s ‘Guidance for Local Authorities on Public Rights of Way’ (October 2016), which advises that if a path is diverted, it should not usually be on the footway or carriageway of an estate road, but should be diverted to ensure that the character of the public right of way is maintained as far as possible and that the route remains legible to users when the development is complete.
- 9.137 With this in mind, it is noted that the existing footpath which runs north-south of the application site will become a formal footpath, adjacent to the proposed access road.
- 9.138 Due to limitations caused by the dense vegetation, trees and steep embankment to the back of Blethin Close and Nicholson Webb Close properties, it has not been possible to find an alternative off road route to realign the Public Footpath within the site, based on the current development layout density and access road alignment. This will alter the existing character of the route, contrary to advice contained within the aforementioned document.
- 9.139 Notwithstanding the objections received from both Penrhys Pilgrimage Project and local residents, as well as the concerns raised by the Public Right of Way Officer, a balance must be struck in the broader context.

- 9.140 Losing the woodland route along the pilgrimage undoubtedly detracts from the spiritual, historical, and natural significance embedded within these woods which forms an integral part of the pilgrimage experience, providing solace, reflection, and a tangible link to centuries of tradition.
- 9.141 However, the paths will largely be retained in their existing alignment, albeit set more formally in a footpath adjacent to the main access road. This is required in order to accommodate the proposed introduction of 36 affordable residential units, and, the proposal for affordable housing, while leading to the loss of this valued woodland, addresses a critical societal need.

Informal Woodland Paths

- 9.142 To compensate for the loss of the woodland trail, the developer is proposing the introduction of informal paths through the northern section of the woodland.
- 9.143 There are a number of informal paths already identified, created through use of the woodland areas by members of the public. The introduction of paths aims to reduce and minimise recreational impacts upon the wider forest floor habitat, although they will not be adopted formally as Public Rights of Way.
- 9.144 Further detail in respect of the informal woodland paths will be required to be secured through the Community Woodland Strategy (secured through s106), which requires the submission of routes, surfacing detail, wayfinding and future maintenance requirements.

Impact on Archaeology

- 9.145 Development proposals within areas identified as having heritage assets will only be permitted where it can be demonstrated that the development proposal preserves or enhances that asset's architectural quality, historic and cultural significance, character, integrity and/or setting, according to Policy EN9 of the Local Development Plan (2016).
- 9.146 Information in the Historic Environment Record, curated by the Glamorgan-Gwent Archaeological Trust (GGAT) shows that the proposed development site is located to the east of Radyr Court, a structure with 16 Century origins. However, no designated or non-designated sites are listed within the proposed development area.
- 9.147 Similarly, a review of historic mapping of the area indicates no archaeologically significant sites, although Radyr Quarry is depicted in the northern part of the proposal, which would likely have had an adverse effect on any remains.
- 9.148 Whilst there is evidence of archaeological remains in the wider area, particularly to the west, it is unlikely that significant archaeological material either extends or survives into the current application area.

- 9.149 As a result, there is unlikely to be an archaeological restraint to this proposed development and consequently, no objection to the positive determination of this application is raised.
- 9.150 Given the above, the proposed development is considered to be acceptable in archaeological terms and is compliant with the requirements of Policy EN9 of the Local Development Plan (2016).

Impact on Green Infrastructure (Trees / Ecology)

- 9.151 Green infrastructure is defined in PPW11 revised Chapter 6 as “the network of natural and semi-natural features, green spaces, rivers and lakes that intersperse and connect places”.
- 9.152 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.
- 9.153 The supporting text for Policy 9 within Future Wales states the following:

As the population of Wales becomes increasingly urban, the opportunity to optimise well-being benefits from green infrastructure will be greatest in and around these areas. Innovative use of nature-based solutions and integrating green infrastructure in and around urban areas can help restore natural features and processes into cities and landscapes. Providing locally accessible, high quality green spaces and corridors helps to maintain and enhance the strategic functioning of our natural resources and ecological networks and address physical and mental well-being. Local green infrastructure assets such as public rights of way, common land, parks, village greens and allotments can all make a cumulative contribution towards wider national scale ecological connectivity. The real-life importance of urban green spaces was demonstrated when people were restricted to taking exercise in immediately local green spaces during the COVID-19 lockdown.

- 9.154 PPW11 revised Chapter 6 reflects this at paragraph 6.2.4, stating that green infrastructure “plays a fundamental role in shaping places and our sense of well-being, and are intrinsic to the quality of the spaces we live, work and play in. The planning system must maximise its contribution to the protection and provision of green infrastructure assets and networks as part of meeting society’s wider social and economic objectives and the needs of local communities”.
- 9.155 National and local policy is continuously evolving to advocate for sustainable development, in light of the declared climate and nature emergency. All relevant policies which should be considered as part of this planning application emphasise the preservation and integration of green infrastructure into development proposals, to support, maintain and enhance the environment.

9.156 In this case, significant weight should be afforded to the impact of the development on green infrastructure, biodiversity and the ecosystem. Almost all of the 700+ objections raise concerns relating to the loss of green infrastructure, including trees, biodiverse ecosystems and ecological networks. There is significant concern raised among local residents that the development will harm the environment, remove the existing semi-rural green space on the fringe of the urbanised and built environment, and detrimentally impact the area in respect of climate change.

Tree Loss

9.157 One of the main areas of contention to consider as part of this development proposal is its impact on trees. The objections to the detrimental impact on trees stem from various concerns related to their significant ecological, social, and economic value. Some matters highlighted are outlined below:

- **Biodiversity**

The loss of trees can disrupt habitats and lead to a decline in biodiversity as various species depend on trees for food, shelter, and nesting.

- **Air Quality**

Trees play a crucial role in improving air quality by absorbing pollutants and releasing oxygen. Their removal can result in increased air pollution, affecting the health of residents in urban areas.

- **Climate Change**

Trees hold carbon dioxide, mitigating the impacts of climate change by reducing greenhouse gas levels in the atmosphere. Losing trees contributes to increased CO₂ levels, exacerbating climate change effects.

- **Well-being**

Trees provide psychological benefits to people. Their presence in urban areas has been linked to reduced stress levels and improved mental well-being.

9.158 The aerial image at figure 26 below demonstrates the tree coverage at the application site.

9.159 LDP Policy EN8 states that *“development will not be permitted that would cause unacceptable harm to trees, woodlands and hedgerows of significant public amenity, natural or cultural heritage value, or that contribute significantly to mitigating the effects of climate change”*.

9.160 In support of the application, the applicant has submitted a revised Arboricultural Impact Assessment (AIA), prepared by the Environmental Dimension Partnership Ltd (EDP) on behalf of Taff Housing Association Limited.



Figure 26: Aerial Image of Application Site (Google, 2023)

- 9.161 In consideration of the proposed Site Layout, baseline survey data collected in February 2018 and August 2019, a desktop study of the survey data and site-based observations, the report recognises that the construction activities pose a threat to trees at the application site.
- 9.162 The assessment notes that 27 items are directly impacted by the development proposals. Of these items, one is a category A (Common Hazel) tree, of high quality and value. Nine are category B (English Oak, Sycamore and Common Ash, Common Hazel and Elder) trees of moderate quality and value and 17 are category C (Sycamore, Common Hazel, Common Ash, English Oak, Willow sp. And Elder) trees, of low quality and value.
- 9.163 The total area of groups requiring complete or partial removal through the implementation of this development is approximately 0.33 hectare (ha).



Figure 27: Tree Constraints Plan

9.164 The proposed access route from De Braose Close currently traverses through an existing belt of woodland, following the route of an existing footpath PROW 48, as shown on figure 28 below.



Figure 28: Existing Footpath PROW 48

- 9.165 Perhaps the most obvious change resulting from the development proposal will be the implementation of the access along the existing footpath, running in a north-south direction, as outlined in Section 3 above. It is recognised that to facilitate this route, a number of trees will require removal, which will disrupt the continuous canopy of the existing woodland.
- 9.166 The design of this route has therefore been proposed to enable the retention of the significant and high value trees situated to the rear of properties on Nicholson Webb Close, and it has been reduced in width (to 4.8 metres with a 2m wide footway) as far as possible to reduce the associated impacts. This is a source of contention for local residents, as well as the Authority's Tree Officer, who raises an objection to the scheme on such grounds. In addition, the Ecologist highlighted concerns in an initial response dated 2021, emphasising that the amount of tree loss to facilitate these works has not been fully identified.
- 9.167 The opinion of the Tree Officer is that confirmation cannot be provided to demonstrate "that unacceptable harm won't result to trees of amenity value as a consequence of the development". And, as such, the impact of the access road remains a primary concern.
- 9.168 The latest response to the additional and amended information received on 30 October 2023 is reiterated below:

Unfortunately, the updated submissions remain insufficient for me to withdraw my objections. Since our site visit PPW chapter 6 has been revised [October 2023] and you will note the recommendations regarding trees and woodland that I have summarised as follows: -

Permanent removal of trees, woodland and hedgerows will only be permitted where it would achieve significant and clearly defined public benefits. Where loss is unavoidable developers will be required to provide compensatory planting (which is proportionate to the proposed loss as identified through an assessment of green infrastructure value including biodiversity, landscape value and carbon capture). Replacement planting shall be at a ratio equivalent to the quality, environmental and ecological importance of the tree(s) lost and this must be preferably onsite, or immediately adjacent to the site, and at a minimum ratio of at least 3 trees of a similar type and compensatory size planted for every 1 lost. Where a woodland or a shelterbelt area is lost as part of a proposed scheme, the compensation planting must be at a scale, design and species mix reflective of that area lost. In such circumstances, the planting rate must be at a minimum of 1600 trees per hectare for broadleaves, and 2500 trees per hectare for conifers. The planting position for each replacement tree shall be fit to support its establishment and health, and ensure its unconstrained long-term growth to optimise the environmental and ecological benefits it affords.

Unfortunately, I do not consider the mitigation proposals sufficient to address the very substantial loss of trees and woodland resulting from development and I do not consider they meet the requirements of PPW. A particular area of concern is the access and the extensive engineered embankment required to accommodate this. Whilst the proposed embankment allows for planting, this is not with medium sized tree species such as field maple, hawthorn and holly (as

recommended in the AIA and that are appropriate to the context), rather it is with shrubs only and these are planted into soils that are designed for highway embankments and at a 1 in 1 slope. Sections showing the soil and planting environment are not provided but you will appreciate that this represents a very extreme environment and does not give the graded edge (ecotone) expected here. The illustration of a typical embankment depicts largely herbaceous species so it is unclear how well suited the proposed system is in terms of trees? There is no clear proposal for a diverse woodland understorey beyond shrubs, other than woodland grasses. Typical woodland understorey species including ferns would be appropriate. The management and maintenance of this feature is unclear and it would presumably incorporate a fenced/railing edge? Visually it would represent a significant departure from the existing woodland ride. Furthermore, amenity grassland is proposed on the side of the access that doesn't feature the embankment - this is completely at odds with a semi-natural woodland linking with ancient woodland and its creation is likely to be harmful to retained trees. Amenity grassland is unlikely to perform well in a woodland context.

Whilst the aims of the Community Woodland Management Plan are supported there is a lack of detail on planting proposals in particular. The locations for the circa 20 translocated oaks needs to be annotated on landscaping plans and then re-stocking details drawn up in a similar fashion to a woodland management plan forming part of a Felling Licence. Currently there is nothing to 'pin down' in terms of planting proposals because details are too vague/dependent on woodland management implementation. The location of key trees (especially oaks) to serve as 'seed' trees for glades and ecotones is important and should be annotated.

It remains the case that no soil assessment has been undertaken to support translocation of the 'A' category hazel. Given the scale of the translocation this does invite risks because the nature of the substrate in the proposed translocation position is unknown. Whilst further details can be conditioned you will appreciate that uncertainty over the future of an 'A' category tree is far from ideal given the other concerns at this site.

A translocation methodology should also be included for the oaks.

- 9.169 The mitigation proposals in respect of tree loss are not considered to be sufficient, in the view of the Tree Officer, to address the substantial loss of trees and woodland resulting from this development proposal. The loss of trees and green infrastructure along the proposed access road is considered to cause harm, and the effects of the tree removal in the long-term, are substantial.
- 9.170 Notwithstanding this, it is also important to note that there is significant evidence of Ash dieback (*Hymenoscyphus fraxineus*) within the ash specimens on site, which will require removal.

Category 'A' Hazel Tree

- 9.171 In addition to the loss of trees resulting from the implementation of the access road, serious concern is raised regarding the proposed translocation of the

category A Hazel tree. The tree is located to the immediate north of the developable area, identified as T60 and outlined in green in the extract below:

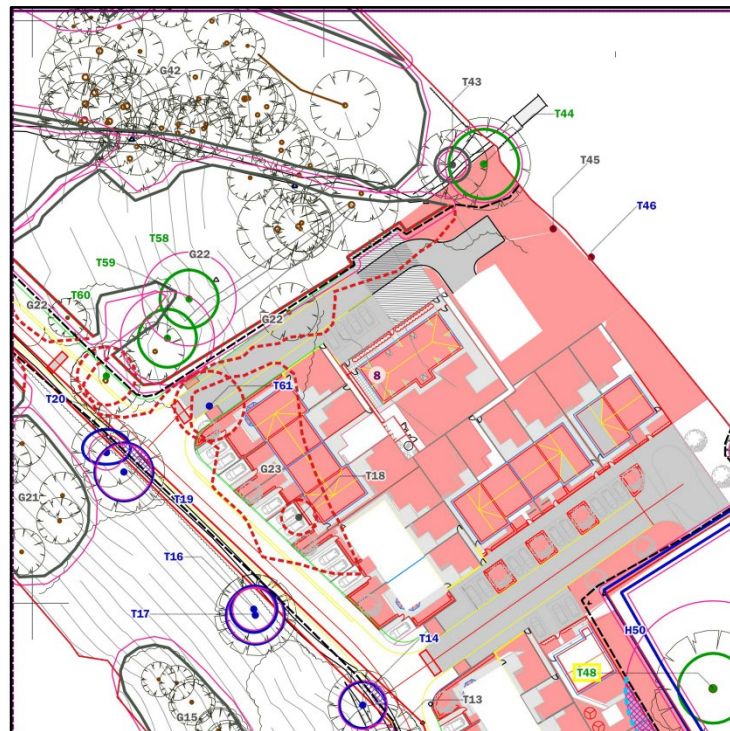


Figure 29 Category A Hazel Tree

9.172 The tree is proposed to be coppiced to ground level and translocated to a suitable location. An appointed Arboricultural Clerk of Works (ACW) and Arboricultural Contractor (AC) will evaluate the potential new site for suitability for the tree, including soil type, light exposure, and other environmental factors.

9.173 The Methodology for Translocation of Mature Hazel (T60) document submitted in support of the application states the following:

The receptor site should be as close to the donor site as possible in terms of hydrology, aspect, underlying soil type and size to minimise the chances of translocation failing. This will also maximise the chances of re-generation as close proximity means similar soil composition and climatic conditions – factors that are essential for a successful regeneration.

The receptor site should have sufficient space to accommodate the tree and guarantee its future growth.

9.174 A photograph of the tree is provided in Fig. 30 below.

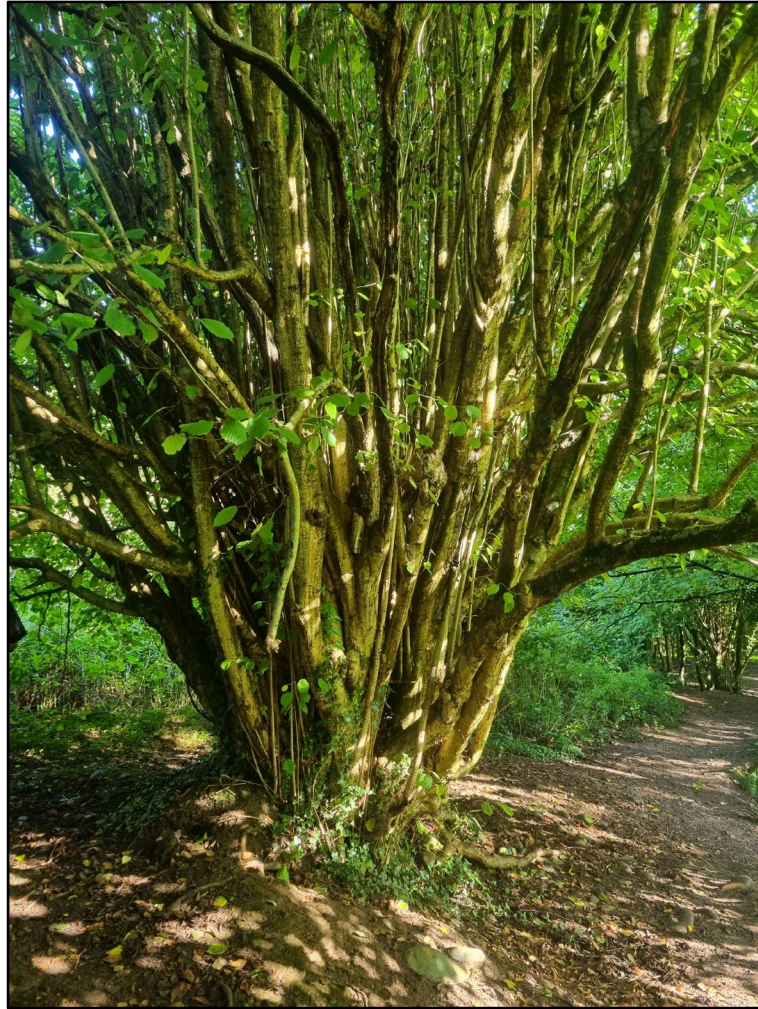


Figure 30: Category 'A' Hazel Tree

- 9.175 Given significant discussion between the Tree Officer and EDP, it is likely that the receptor site will be located in the community woodland area, although this is not yet confirmed.
- 9.176 No soil assessment has been undertaken to support the translocation of the category A Hazel tree. Whilst this detail is capable of being secured through an appropriately worded planning condition, given the scale of the translocation required, the age and maturity of the tree and the nature of the substrate, this does invite risk, in that the translocation may be unsuccessful, and the category A tree could be lost entirely.
- 9.177 The County Ecologist seconds this opinion, stating in a consultation response dated 24 November 2023 that until a soil assessment has been undertaken, certainty that the translocation will be successful cannot be guaranteed.
- 9.178 The primary concern of the Ecologist relates to the character of the subsoil, since a substantial excavation is likely to be required to receive the root-ball. It is recommended that as a precautionary measure, and to minimise the risks of the root-ball compacting underlying soil, that it is sat on a 'cushion' of washed sand (150-400mm depth dependent on the weight and size of the root-ball and the nature of the subsoil). It may be necessary to de-compact soils around the receptor site if these are damaged during the translocation. A sufficiently

detailed methodology that includes the provision for a 'pre-translocation' site visit and supervision of the whole process by the site monitoring arboriculturist, can be secured through an appropriate planning condition.

9.179 Whilst it would be beneficial to receive this information prior to determination to secure the success of the translocation, the detail can be secured through condition.

Oak Translocation

9.180 Further, the proposed translocation of around 20 juvenile Oak specimens from the developable area to the northern woodland area is proposed. The details of this translocation must be secured through the imposition of a planning condition, to ensure the success of the translocation, as this is considered very important in arboricultural terms.

9.181 According to the Tree Officer, such trees are like 'gold dust', and the regeneration of oak in the existing woodland is much more limited due to lack of light and few 'seed' trees.

9.182 Identified specimens of Ash which are subject to Ash dieback, will be removed to create new clearings within the woodland to allow for translocation of juvenile Oak from the development area as well as mixed native tree planting as identified on the Detailed Soft Landscape Plan.

9.183 One ambition of the future woodland management should be to encourage the development of glades where existing/translocated/newly planted oaks can develop into seed trees that may then help to promote regeneration of oak more generally in the woodland. Sycamore regeneration should also be encouraged, as long as it doesn't suppress the native trees. Ash dieback disease will impact the ability for ash to provide significant canopy cover in the future, and both oak and sycamore combined could represent viable alternatives as canopy forming trees.

9.184 Given the above, the crucial matter in this decision-making process lies in weighing up the harm caused by the loss of trees with the proposed provision of affordable housing (36 units) in this location.

9.185 In this case, the loss of trees is a contentious issue which is raised in a high percentage of the 700+ objections received in response to the consultations undertaken. It is also a source of objection from the Authority's Tree Officer.

9.186 Whilst preserving nature is a critical part of the planning process, which as outlined above, is one of the material planning considerations which is at the forefront of national and local policy, it can be argued that providing affordable homes offers significant societal benefits that can be considered to outweigh the loss of the natural environment.

Ecology

- 9.187 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.
- 9.188 LDP Policy EN 8 states development will not be permitted that would cause unacceptable harm to trees, woodlands and hedgerows of significant public amenity, natural or cultural heritage value, or that contribute significantly to mitigating the effects of climate change.
- 9.189 To establish the ecological baseline, detailed ecological assessments of the application including a desk study, Extended Phase 1 Habitat survey and further detailed surveys for reptiles, bats, dormouse (*Muscardinus avellanarius*) and badger (*Meles meles*), were completed between July 2017 and May 2018. To further update the baseline findings, an update Extended Phase 1 Habitat survey was undertaken on 14 March 2019 with respect to the Application Site itself. This was followed by an Extended Phase 1 Habitat survey with respect to an additional parcel of woodland located off-site to the immediate north of the Application Site, proposed as community woodland, on 15 August 2019, hereafter referred to as the 'wider survey area.
- 9.190 Further to this, an Ecology Update Note was submitted in support of the application, detailing the findings of an updated desk study and Extended Phase 1 survey completed by EDP during March 2023. The documents assesses the current ecological status of the site, and wider survey area, necessary to confirm the validity of the existing ecological baseline and determine any additional potential ecological constraints to the proposed development.
- 9.191 The updated survey did not identify any significant material changes to the site since the submission of the planning application in 2020, although the extent of bramble scrub had increased slightly.
- 9.192 Further observations of Himalayan Balsam, an invasive non-native species, were noted across the southern extents of the site, which has appeared to have established across this area in intervening years.
- 9.193 The majority of habitats identified on site are considered to be important at site level only, due to low distinctiveness and species diversity, albeit with some potential to support protected and notable species.

European Protected Species

- 9.194 Dormice, otter and bats, as well as their breeding sites and resting places, are legally protected under the Conservation of Habitats and Species Regulations 2017 (as amended).

- 9.195 Where a European Protected Species (EPS) is present and development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation. One of these requires that the development authorised will 'not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status (FCS) in their natural range'.
- 9.196 These requirements are translated into planning policy through Planning Policy Wales (PPW) February 2021, section 6.4.22 and 6.4.23, and Technical Advice Note (TAN) 5, Nature Conservation and Planning (September 2009). The planning authority should take them into account when considering development proposals where an EPS is present.

Dormice

- 9.197 The woodland area to the north of the site offers some opportunities for dormouse, albeit limited given the presence of only a sparse field layer and with public disturbance widespread (informal footpaths).
- 9.198 The connectivity of the site to nearby better quality woodland (Radyr Court Woodlands) could offer potential foraging and dispersal opportunities for this species, likely on an opportunistic basis, should a population be present within the locality.
- 9.199 No evidence of dormouse activity was recorded during the nest tube surveys and nut searches undertaken by EDP. Therefore, no further consideration of dormouse is required.

Otter and Water Vole

- 9.200 Although the River Taff is within 50m of the eastern site boundary, a main railway line and a busy section of the Taff Trail separates the site from the river, such that the likelihood of otter using the site is considered low. Nevertheless, woodland and scrub habitat provide suitable cover for laying up. No evidence of otter was found when undertaking the surveys.
- 9.201 The lack of suitable habitats on the site and barriers between any potentially suitable habitat mean that the presence of water vole on the site is considered extremely unlikely. No evidence of water vole was recorded during the survey works undertaken, and therefore no consideration of this species is required.

Bats

- 9.202 The following extract is taken from the Ecology Update Note:

(4.33) To inform a planning application for proposed development, surveys of bat activity were previously undertaken by Soltys Brewster in 2012 (report reference E1133402/R01) during which common pipistrelle, soprano pipistrelle, noctule, Myotis species and brown long eared bats were recorded

commuting/foraging across the Application Site, with overall activity dominated by common and soprano pipistrelle.

(4.34) This was supplemented by update manual transect and automated bat detector surveys undertaken by EDP in August 2017 and September 2017, with a further survey completed in May 2018 encompassing the Application Site and woodland to the north. At least three bat species were recorded during manual transect surveys, with activity dominated by common and soprano pipistrelle and limited registrations of Myotis sp. Low levels of long eared bat and noctule were also recorded during automated bat activity surveys.

(4.35) With respect to a roosting bat assemblage, a ground level inspection of suitable trees within the Application for their potential to support roosting bats was undertaken by EDP on 07 July 2017 and 31 May 2018. Survey effort identified one tree with low bat roost potential (T1), one tree group comprising several oaks with low bat roost potential (W4) and one tree with moderate bat roost potential (T2). Survey of the Application Site and adjacent woodland also noted presence of a stone underpass that goes below the railway line immediately to the east of the Application Site boundary, which was assessed as having negligible potential to support roosting bats. During an update inspection of the Application Site in March 2023, no additional trees with potential to support roosting bats were identified.

- 9.203 NRW raise no concerns in relation to the documentation and evidence submitted in support of European Protected Species, and recommend that documentation is included within the condition identifying the approved plans and documents. Subject to this the scheme is considered to be acceptable to NRW.
- 9.204 The County Ecologist notes that there are numerous considerations for which further detail is required, although states that this can be appropriately assessed through appropriate planning condition. Therefore, detailed planning conditions are recommended to ensure further information is provided and the ecological losses associated with the development are appropriately mitigated.

Drainage and Flooding

- 9.205 As noted above, the application site lies within Zone A and Zone B of the Development Advice Maps (DAM) contained within Technical Advice Note (TAN) 15: Development and Flood Risk (2004). The Flood Map for Planning shows no change to such designation, identifying the site as falling outside of Zones 2 and 3.
- 9.206 The applicant has submitted a Flood Consequence Assessment and Drainage Strategy (written by PHG Consulting Engineers, dated May 2023) in support of the application, which is noted by NRW in their consultation response dated 02 November 2023. The following comments were provided by NRW:

TAN15 advises for development located in Zone A the justification test is not applicable and surface water requirements apply. The acceptability criteria are for no increase in flooding elsewhere to occur as a result of the development.

Given the location of development in Zone A, we advise surface water requirements should be assessed. We recommend you seek the advice of your authority's Land Drainage Department to comment on the suitability of these proposals.

- 9.207 The Land Drainage Team have confirmed and are confident that SAB can be achieved on this site, although additional green features may be required to be included on any full design proposal to be submitted.
- 9.208 Given that the Lead Local Flood Authority are comfortable that the site can be drained through the submission of full details at SAB stage, and no objection is raised in this regard, the scheme is considered to be acceptable in respect of flood risk.
- 9.209 The scheme is considered to be compliant with Policy EN14 of the LDP which aims to prevent development where it would be at risk from "river, ordinary watercourse, coastal, surface water flooding or where it would increase the risk of flooding or additional run off from development elsewhere".
- 9.210 Turning to drainage, Dŵr Cymru Welsh Water have confirmed that capacity exists within the public sewerage network to receive domestic foul only flows from the proposed development site.
- 9.211 However, the proposed development site is crossed by public sewers with the approximate position being marked on Fig. 31 below.



Figure 31: Statutory Public Sewer Record

- 9.212 Dŵr Cymru Welsh Water have advised that the protection zones of the existing public sewers are 3 metres either side of the centreline, up to 450mm in diameter and 6 metres for the existing 1200 surface water sewer.

- 9.213 Having reviewed the submitted engineering layout (Drawing 100-1 Rev L), Dŵr Cymru Welsh Water note that the applicant is proposing to divert the existing 225mm foul sewer and 1200mm surface water sewer.
- 9.214 Given the size of the 1200mm surface water sewer, it is considered as a strategic asset, and the developer will likely need to apply to Welsh Water for a Sewer Requisition in order to confirm if a diversion on a strategic asset of this size will be achievable. Confirmation that diverting such a large asset is acceptable in principle should be received prior to the grant of planning permission, given that if it is not achievable, the applicant will be required to reposition the proposed development to accommodate for the required protection zones of these assets.
- 9.215 Nevertheless, if the Authority are minded to grant planning permission, Dŵr Cymru Welsh Water advise that a planning condition is imposed which requires details of a scheme to divert the public sewer crossing to be submitted prior to the commencement of development, in order to ensure no detriment to existing residents or the environment and to Dŵr Cymru Welsh Water's assets.
- 9.216 Therefore, whilst it would be beneficial in this case to know whether the diversion of the strategic asset (surface water sewer) will be achievable in principle, the imposition of the recommended planning condition will ensure that the required details are submitted and approved prior to the commencement of development. The condition will also ensure that any approved scheme will be implemented and completed prior to the implementation of any works associated with the planning consent.
- 9.217 Thus, subject to the imposition of the recommended planning condition and informative notes, the scheme is considered to be acceptable in respect of drainage.

Public Protection: Contamination

- 9.218 Policy EN13 of the adopted LDP states that “development will not be permitted where it would cause or result in unacceptable harm to health, local amenity, the character and quality of the countryside, or interests of nature conservation, landscape or built heritage importance because of air, noise, light pollution or the presence of unacceptable levels of land contamination”.
- 9.219 Available records indicate that the area is associated with localised quarrying and historical landfilling/unauthorised waste disposal. It is also within close proximity of former landfill sites, which can be associated with the generation of landfill gases.
- 9.220 The Site Investigation Report (reference 11213/CS/13 Rev A), written by Intégral Géotechnique (Wales) Ltd and dated June 2018, is based on investigations undertaken in 2013, and at the time of reporting, the most northerly/north westerly part of the development site was inaccessible. The land proposed to provide the new access road was not investigate, and this area overlies a historic landfill site.

- 9.221 Given the sensitive nature of the site with respect to controlled waters, supplementary site investigation works will be required to be completed in this area of the development site. In addition, only limited ground gas monitoring has been undertaken, and further investigations are required.
- 9.222 It is recommended that pre-commencement and pre-construction conditions are imposed upon any consent granted, to ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised.
- 9.223 Subject to the inclusion of the recommended planning conditions suggested by Shared Regulatory Services and NRW, the proposed development is considered to be compliant with Policy EN13 of the adopted LDP.

Section 106 Matters

- 9.224 Policy KP7 (Planning Obligations) states that “planning obligations will be sought to mitigate any impacts directly related to the development and will be assessed on a case by case basis in line with Planning Policy Guidance”.
- 9.225 The supporting text emphasises that new development often generates additional demands upon existing services, facilities, infrastructure and the environment, with planning obligations being a means of seeking contributions from developers towards these demands, as well as negotiating benefits that improve the standard of development proposals by providing necessary infrastructure and community benefits.
- 9.226 The Planning Obligations SPG sets out the Council’s approach to planning obligations when considering applications for development in Cardiff, providing further guidance on how the policies set out in the LDP are to be implemented.
- 9.227 The Community Infrastructure Levy Regulations 2010 came into force on 6th April 2010 in England and Wales. They introduced limitations on the use of planning obligations (Reg. 122 refers), and state that a planning obligation may only legally constitute a reason for granting planning permission if it is: (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development.
- 9.228 In view of the type and form of development proposed, having regard to local circumstances and needs arising from the development, the need for planning obligations which are considered necessary to make the development acceptable in planning terms and to meet the policy and legislative tests for planning obligations relate specifically to Affordable Housing, Community Facilities, Waste Management Facilities, Open Space Provision and Transportation.

Affordable Housing

9.229 In respect of Affordable Housing, it is noted that the scheme has been submitted by Cardiff Council's partner Registered Social Landlord (RSL) Taff Housing Association, and will comprise the introduction of 36 affordable units.

9.230 Chapter 2 of Supplementary Planning Guidance *Cardiff Planning Obligations SPG* (July 2017) refers specifically to Affordable Housing and stipulates at paragraph 2.2 that a 30% Affordable Housing contribution will be sought on greenfield sites if the development meets any of the following criteria:

- Contain 5 or more dwellings; or
- Sites of or exceeding 0.1 hectares in gross site area; or
- Where adjacent and relates residential proposals result in combined numbers or site size areas exceeding the above thresholds, the Council will seek affordable housing based on the affordable housing target percentages set out opposite.

9.231 Whilst the Authority would usually only seek an obligation to ensure that 30% of the units are retained as affordable in perpetuity, in this case the need for affordable housing comprises a significant part of the overall assessment (below) of the 'planning balance' such that it is recommended that the legal agreement should seek to ensure that all the dwellings are retained in perpetuity as affordable.

Community Facilities

9.232 The Planning Obligations SPG states at Section 8 that 'Growth in population arising from new development generates demand for and increases pressure on community facilities. To meet the needs of future residents, it may be necessary to meet this additional demand through:

- The provision of new facilities
- The extension to or upgrading of existing facilities.

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

No. of bedrooms	Number of Dwellings	Contribution per Dwelling	Totals
1	12	£720.51	£8,646.14
2	15	£997.63	£14,964.48
3	9	£1,385.60	£12,470.40
Total	36		£36,081.02

9.234 The total number of dwellings proposed equates to a contribution towards Community Facilities of £36,081.02.

Waste Management Facilities

9.235 The Planning Obligations SPG states at Section 12 that all residential properties should provide adequate storage for four dedicated waste streams; recycling, garden, food and residual waste. Provision must be made for the total volume of all waste streams produced over a 14 day period, and the storage must be separate from the dwelling it serves.

9.236 The developers of all new residential units are required to purchase the required bin provision from Cardiff Council, and the following contributions will be required:

Cost of Bins are as follows:			Net excluding VAT
Type of Dwelling	Qty	Unit Price	Total Contribution
House	24	£50	£1,200.00
Flats			
Bins	Qty	Unit Price	Total Contribution
1100 bins	2	£390	£780.00
660 bins	0	£300	£0
240 bins	13	£25	£325.00
Total for Flats			£1,105.00

9.237 The total contribution towards waste management facilities equates to £2,305.

Open Space Provision

9.238 The adopted LDP requires provision of a satisfactory level and standard of open space on all new housing/student development over 8 units, or an off-site contribution towards existing open space for smaller scale development where new on-site provision is not applicable.

9.239 Based on the number and type of units proposed, it is calculated that the additional population generated by the development is 65.1. This generates an open space requirement of 0.158ha of on-site open space, based on the criteria set for Housing accommodation, or an off-site contribution of **£67,544**.

9.240 The improvement and management of the woodland to the north of the application site is proposed to be transferred to the Council as a 'community woodland'. A contribution of **£45,375**, (based on a minimal intervention of £1,875 per annum over a 25 year period) has been agreed with the applicant to secure the long-term management, and this figure will be secured through the associated Section 106 Agreement.

9.241 In this respect, the Section 106 Agreement will require an updated Community Woodland Strategy, which will identify precisely what works will be undertaken with a timescale, and will include a strict handover date for the land to be transferred to the Council.

9.242 In total, the contribution required for the provision of off-site open space, and in lieu of on-site open space provision through the land transfer of a 'community woodland' to the Council to secure the long-term management of the land, is £112,919. This sum has been agreed by the applicant.

9.243 This adoption is considered by Parks Services to be an acceptable contribution in lieu of on-site open space provision, and the sum has been agreed by the applicant.

9.244 In addition, a financial contribution in the value of **£10,000** is sought for a Traffic Regulation Order (TRO) for any permanent off-site on-street parking controls in excess of those included within the S278 agreement.

9.245 The proposed broad Heads of Terms for the required section 106 agreement are as follows (in line with the Planning obligations SPG): -

- Affordable Housing (100%) to be provided and retained in perpetuity, in line with Chapter 2 of the adopted *Cardiff Planning Obligations SPG* (July 2017).
- Financial contribution of £36,081.02 towards Community Facilities.
- Financial contribution of £2,305.00 towards Waste Management Facilities.
- Financial contribution of £10,000 towards a Traffic Regulation Order.
- Financial contribution of £67,544 towards off-site Open Space provision.
- Community Woodland Strategy (including specification and timescales for works undertaken by applicant prior to adoption) together with financial contribution of £45,375 towards the long-term management of a 'community woodland' to be transferred to the Council.

9.246 Having regard to the legal and policy test outlined above, it is clear that the requested monies are necessary and reasonable to mitigate the impacts of the proposed development and thus ensure that the proposal accords with planning policy.

Overall Assessment – 'The Planning Balance'

9.247 PPW11 refers to the need to assess the Sustainable Benefits of Development and (at 2.27) emphasises that Planning authorities should ensure that social, economic, environmental and cultural benefits are considered in the decision-making process and assessed in accordance with the five ways of working to ensure a balanced assessment is carried out to implement the Well-being of Future Generations Act and the Sustainable Development Principle.

9.248 Paragraph 3.38 of PPW states that the countryside is a dynamic and multi-purpose resource. In line with sustainable development and the national planning principles and in contributing towards placemaking outcomes, it must be conserved and, where possible, enhanced for the sake of its ecological, geological, physiographic, historical, archaeological, cultural and agricultural value and for its landscape and natural resources. The need to conserve these attributes should be balanced against the economic, social and recreational needs of the local communities and visitors.

9.249 There may be occasions when one benefit of a development proposal outweighs others, and in such cases robust evidence should be presented to support these decisions, whilst seeking to maximise contributions against all the well-being goals.

9.250 Key factors in the assessment process include:

- *Social Considerations*, including: - who are the interested and affected people and communities; who will benefit and suffer any impacts from the proposal; what are the short and long-term consequences of the proposal on a community;
- *Economic Considerations* including: - the numbers and types of long term jobs expected to be created or retained; whether, and how far, the development will help redress economic disadvantage or support regeneration priorities, for example by enhancing local employment opportunities;
- *Cultural Considerations* including: - how far the proposal supports the conditions that allow for the use of the Welsh language; whether or not the development protects areas and assets of cultural and historic significance; have cultural considerations and their relationships with the tourism industry been appropriately maximised; and
- *Environmental Considerations* including: - will important features of the natural and built environment be protected and enhanced; are the environmental impacts of development on health and amenity limited to acceptable levels and the resilience of ecosystems improved.

9.251 At 2.29 it further refers to the need to have an integrated approach to balancing priorities against policy on an individual basis, which enables the full range of costs and benefits over the lifetime of development to be taken into account.

9.252 Section 5 of PPW11 provides further emphasis on the need to develop 'Productive and Enterprising Places' which promote our economic, social, environmental and cultural well-being by providing well-connected employment and sustainable economic development.

9.253 The role of the Local Planning Authority is therefore to balance the weight to be attributed to each of the positive and negative impacts of the development and come to a balanced conclusion as to whether the development is acceptable or not.

9.254 As noted throughout Section 9 of the report, this scheme is contentious and is the subject of a significant number of objections from local residents, local Councillors, Action Groups, Welsh Government politicians as well as from consultees within the planning process.

9.255 The loss of open space within an identified river corridor, and the resultant loss of trees, ecological habitat and green infrastructure caused by the development proposal (notably the access proposals) is the main area of dispute. The objections raised place significant value on the importance of the space for biodiversity, air quality, climate change, visual appeal, cultural and historical significance as well as for overall well-being. These impacts are acknowledged through the report.

9.256 The application site is considered by many as being a serene and lush buffer zone between the established urban residential area to the west and the railway line and River Taff to the east. The importance of the land lies in its multifaceted

contributions to the environment, biodiversity, aesthetics, and the well-being of the community living nearby, providing residents with access to nature, while still enjoying the benefits of living within an urban environment. It is argued that preserving and maintaining the land in its current state can have long-lasting positive impacts on both the natural ecosystem and the quality of life for residents.

- 9.257 Building affordable housing often presents a complex trade-off, especially when it involves the removal of trees, woodlands, or ecosystems which are considered by local residents to be places of solace with amenity value. Whilst preserving nature is crucial, and an important consideration in the planning process, providing affordable housing offers significant societal benefits that can sometimes be considered to outweigh the loss of these natural elements, addressing pressing social needs and contributing to broader societal benefits.
- 9.258 The provision of affordable housing addresses a fundamental need for many individuals and families. It ensures that people from diverse socio-economic backgrounds have access to decent living conditions, fostering social equity and reducing disparities.
- 9.259 Reinforcing this is Policy 7 of Future Wales: The National Plan 2040 (February 2021). It sets out the national strategic approach to delivering affordable housing, ensuring the focus of funding and housing policies is on driving increased provision. Planning and co-ordinating the delivery of new housing to meet identified needs is an important task for the regional planning process.
- 9.260 Policy 33 of Future Wales identifies Cardiff as a *National Growth Area*, recognising it as a focus area for strategic economic and housing growth. As noted on page 167, it is estimated that 66,400 additional homes are needed in the identified region (Cardiff, Newport and the Valleys) until 2039, and over the initial five years (2019-20 to 2023-24) 48% of the additional homes needed should be affordable homes. These estimates provide part of the evidence put forward to argue that the harm identified by this proposed development is outweighed by the requirements to provide affordable housing at an appropriate level.
- 9.261 The Welsh Government consider that affordable housing is a critically important issue which should not be set aside lightly in the consideration of the acceptability of planning applications.
- 9.262 In acknowledging that the development is located within an identified area of open space and is within a river corridor, and in consideration of the harmful impact caused to the green infrastructure outlined in Section 9 above, the provision of affordable housing is a consideration that must be afforded significant weight. In this respect, while not understating the significance of preserving trees, woodlands, and ecosystems – having particular regard to the *Nature Emergency* - the provision of 36 units of affordable housing is considered, on balance, to outweigh the environmental impacts of the proposed scheme, noting also that mitigation is secured through the proposed enhancements and adoption of the nearby land as a 'community woodland'.

Other Matters Not Assessed Above

9.263 As identified earlier in this report, a number of objections were received in response to the publicity exercise. In response to the main issues raised which have not been addressed elsewhere in this report, the following comments are made:

Devaluation of Property

This is not a material consideration in the determination of this planning application and will not be addressed further.

Anti-Social Behaviour

Whilst the objections raised are noted, the Planning system cannot be used to control the behaviour of individuals, and it is the responsibility of the individual to behave in an appropriate manner. Noise disturbance is a matter to be dealt with by Public Protection, and matters relating to anti-social behaviour should be dealt with by the Police.

CONCLUSION

9.1 The decision to recommend planning permission has been 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 (2011–2026) adopted January 2016.

9.2 The development proposes the erection of 36 affordable dwellings with associated infrastructure, public open space and woodland management, which would meet a pressing and identified need for affordable housing. While the proposed development would, notably through creation of the new access, have an impact on open space which is well-used by local residents, and result in a change in the character of the woodland, loss of trees and associated green infrastructure, and impact on biodiversity, having regard to previous appeal decisions and the additional mitigation proposed through the 'community woodland' proposal, on balance the provision of affordable housing is considered to outweigh the harm caused to the environment.

9.3 Given the above the proposed development is recommended for approval.

10 OTHER MATTERS RELEVANT TO THE CONSIDERATION OF THIS APPLICATION

10.1 Crime and Disorder Act 1998. Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

- 10.2 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.
- 10.3 Well-Being of Future Generations Act 2016. Section 3 of this Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision. It is also noted that section 2(5) of the Planning (Wales) Act 2015 affords protection to decisions taken under Part 3 of the 1990 Act, in that the Well-being of Future Generations (Wales) Act 2015 does not alter whether regard is to be had to any particular consideration under section 70(2) of the 1990 Act or the weight to be given to any consideration to which regard is had under that subsection. This means the provisions of the development plan, so far as material to the application, and any other relevant other material considerations remain the primary considerations when determining planning applications.
- 10.4 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.

11 RECOMMENDATION

11.1 RECOMMENDATION 1:

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

That planning permission be **GRANTED** subject to the relevant parties entering into a binding legal agreement under the provisions of **SECTION 106** of the Town and Country Planning Act 1990 within 6 months of the date of this Resolution, unless otherwise agreed by the Council in writing, in respect of matters detailed in section 9, and the conditions listed below in section 12.

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

11.2 RECOMMENDATION 2:

That delegated authority is given to the Head of Planning &/Or Operational Manager: Strategic Development & Placemaking, to make changes to the conditions and/or Heads of Terms of the required legal agreement, subject to consultation with the Chair of Planning, up to the point where the legal agreement is signed and planning permission issued.

12 CONDITIONS

Time Limit

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

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

Approved Plans

2. The development, unless otherwise required by the ensuing conditions, shall be carried out in accordance with the following approved plans and details:
 - Site Location Plan (90)001 (Sep 2019)
 - Proposed Site Layout (SK)001FF (09.10.2023)
 - Proposed Site Layout Part 1 (SK)015EE Option 2B (09.10.2023)
 - Proposed Site Layout Part 2 (SK)016DD Option 2B (received on 10.07.2023)
 - Proposed Floor Plans Blocks 3, 6 (SK)004C (03.11.2020)

- Proposed Floor Plans Blocks 10, 11 (SK)006B (03.11.2020)
- Proposed Floor Plans Blocks 1, 8 (SK)005B (03.11.2020)
- Proposed Floor Plans Block 2 (SK)003C (03.11.2020)
- Proposed Floor Plans Block 4 (SK)009B (03.11.2020)
- Proposed Floor Plans Block 5 (SK)007B (03.11.2020)
- Proposed Floor Plans Block 7, 9, 12 (SK)008C (03.11.2020)
- Proposed Block Elevations Blocks 2, 6, 3, 5 (SK)017C (17.12.2020)
- Proposed Block Elevations Blocks 1, 8, 7, 9, 12, 11 (SK)018C (10.12.2020)
- Proposed Block Elevations Blocks 5, 13, 15 & 7 (SK) 019B (16.12.2020)
- Proposed Side Block Elevations Blocks 1, 2, 6, 8, 9, 3, 11, 4, 10, 12 & 14 (SK)020B (10.12.2020)
- Proposed Side Block Elevations Blocks 5, 13, 15 & 7 (SK)021B (16.12.2020)
- Proposed Street Elevations (SK)010C (17.12.2020)
- Proposed Street Elevations (SK)011D (17.12.2020)
- Proposed Street Elevations (SK)012D (11.11.2020)
- Proposed Street Elevations (SK)013D (17.12.2020)
- Detailed Soft Landscape Plan (Sheet 1 (Overview) of 8) edp4188_d029c (20.10.2023)
- Detailed Soft Landscape Plan (Sheet 2 of 8) edp4188_d029c (20.10.2023)
- Detailed Soft Landscape Plan (Sheet 3 of 8) edp4188_d029c (20.10.2023)
- Detailed Soft Landscape Plan (Sheet 4 of 8) edp4188_d029c (20.10.2023)
- Detailed Soft Landscape Plan (Sheet 5 of 8) edp4188_d029c (20.10.2023)
- Detailed Soft Landscape Plan (Sheet 6 of 8) edp4188_d029c (20.10.2023)
- Detailed Soft Landscape Plan (Sheet 7 of 8) edp4188_d029c (20.10.2023)
- Detailed Soft Landscape Plan (Sheet 8 of 8) edp4188_d029c (20.10.2023)
- Proposed Sections (SK)014B (16.12.2020)
- Engineering Layout 1901 100-1 Rev M (05.05.2023)
- Road Cross Sections Sheet 1 1901-111-2-A (20.06.2023)
- Road Cross Sections Sheet 2 1901-111-2-A (20.06.2023)
- Swept Path Analysis 11.2m Refuse Vehicle 173547A_AT_A01 (10.12.2019)
- Swept Path Analysis Fire Tender 173547A_AT_A02 (10.12.2019)
- Swept Path Analysis Fire Tender Turning Head Manoeuvres 173547A_AT_A03 (10.12.2019)
- Vehicle Tracking and Visibility Sheet 3 1901-110-3 Rev A (05.05.2023)
- Link between Danescourt Way and Radyr Court Road Long Section and Ground Profile 173547A_A02
- Cycle Route Longitudinal Section 1901-113 (08.03.2023)

- Design and Access Statement (July 2023)
- Planning Statement written by Phillippa Cole, (January 2021)
- Environmental Noise and Vibration Survey Rev 2 written by Hunter Acoustics Ltd (January 2021)
- Air Quality Assessment & Supporting Plans written by SLR Consulting Ltd (October 2019)
- Arboricultural Impact Assessment written by The Environmental Dimension Partnership Ltd (EDP) (October 2023; edp4188-r011g) , including Arboricultural Technical Note edp4188-r012d
- Arboricultural Technical Note edp4188_r012c
- Methodology for Translocation of Mature Hazel (T60) written by The Environmental Dimension Partnership Ltd (October 2023; edp4188-r017b)
- Landscape and Visual Appraisal written by The Environmental Dimension Partnership Ltd (January 2021)
- Soil Report written by Land Research Associates (27.09.2019)
- Site Investigation Report written by Intégral Géotechnique (Wales) Limited (June 2018)
- Transport Statement written by Vectos (July 2023)
- Green Infrastructure Statement written by The Environmental Dimension Partnership Ltd (January 2021)
- Ecological Construction Method Statement written by The Environmental Dimension Partnership Ltd (January 2021)
- Ecological Appraisal written by The Environmental Dimension Partnership Ltd (February 2021)
- Ecology Update Report written by The Environmental Dimension Partnership Ltd (October 2023; edp4188-r016a)
- Archaeological and Heritage Assessment written by The Environmental Dimension Partnership Ltd (February 2020)
- Flood Consequence Assessment and Drainage Strategy written by PHG Consulting Engineers (May 2023)
- Community Woodland Strategy written by The Environmental Dimension Partnership (October 2023; edp4188-r010c)

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

Pre-Commencement Conditions

3. Ground Gas Protection

No development shall commence until such time as a scheme to investigate and monitor the site for the presence of gases* being generated at the site or land adjoining thereto, including a plan of the area to be monitored, has been submitted to and approved in writing by the Local Planning Authority.

Following completion of the approved monitoring scheme, the proposed details of appropriate gas protection measures to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site shall be submitted to and

approved in writing to the LPA. If no protection measures are required than no further actions will be required.

All required gas protection measures shall be installed and a verification report that demonstrates the effectiveness of the measures carried out must be submitted to and approved in writing by the Local Planning Authority before occupation of any part of the development. The approved protection measures shall be retained and maintained until such time as the Local Planning Authority agrees in writing that the measures are no longer required.

* 'Gases' include landfill gases, vapours from contaminated land sites, and naturally occurring methane and carbon dioxide, but does not include radon gas. Gas Monitoring programmes should be designed in line with current best practice as detailed in CIRIA 665 and BS 8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings.

Reason: To ensure that the safety of future occupiers is not prejudiced.

4. Contaminated Land Measures – Assessment

No development shall commence until such time as a preliminary risk assessment of the nature and extent of contamination, to deal with the risks associated, has been submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person * in accordance with BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and shall assess any contamination on the site, whether or not it originates on the site. The report of the findings shall include:

- (i) a desk top study to identify all previous uses at the site; potential contaminants associated with those uses; potentially unacceptable risks arising from contamination at the site; and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) which identifies and assesses all identified potential sources, pathway, and receptor linkages;
- (ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;
- (iii) an assessment of the potential risks to:
 - human health,
 - groundwaters and surface waters
 - adjoining land,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - ecological systems,
 - archaeological sites and ancient monuments; and
 - any other receptors identified at (i)

- (iv) an appraisal of remedial options, and justification for the preferred remedial option(s).

All work and submissions carried out for the purposes of this condition must be conducted in accordance with the Environment Agency's 'Land contamination: risk management (LCRM)' (October 2020) and the WLGA / WG / NRW guidance document 'Land Contamination: A guide for Developers' (2023) unless the Local Planning Authority agrees to any variation.

* A 'suitably qualified competent person' would normally be expected to be a chartered member of an appropriate professional body (such as the Institution of Civil Engineers, Geological Society of London, Royal Institution of Chartered Surveyors, Institution of Environmental Management) and also have relevant experience of investigating contaminated sites.

Reason: To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment.

5. Contaminated Land Measures – Remediation & Verification Plan

No development shall commence until such time as a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with the Environment Agency's 'Land contamination: risk management (LCRM)' (October 2020) and the WLGA / WG / NRW guidance document 'Land Contamination: A guide for Developers' (2023) unless the Local Planning Authority agrees to any variation.

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

6. Construction Environmental Management Plan

No development, including site clearance, shall commence until such time as a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall, as a minimum, include the following:

- i) details of site hoardings, site access and wheel washing facilities;
- ii) a strategy for the delivery of plant and materials;
- iii) the parking of vehicles of site operatives and visitors;
- iv) loading and unloading of plant and materials;
- v) storage of plant and materials used in constructing the development
- vi) a plan identifying the location of any site compound;
- vii) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- viii) Control of Nuisances: details of restrictions to be applied during construction including timing, duration and frequency of works; details of measures to minimise noise and vibration; details of dust control measures and measures to monitor emissions of dust arising from the development; measures to control light spill and the conservation of dark skies.
- ix) Traffic Management: access routes, wheel washing facilities, site hoardings, delivery and storage of plant and materials; dedicated vehicle access routes (including any temporary traffic regulation orders required), traffic management proposals and habitat protection measures.
- x) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- xi) Pollution prevention: Measures to ensure relevant Guidelines for Pollution Prevention and best practice will be implemented, covering GPP1, GPP5, GPP8, and GPP21, including:
 - i. Storage of plant and materials (including details and approximate quantities of any chemicals and fuels) – including unloading, containment, bunding and/or appropriate buffer zones, including from any drain.
 - ii. How drainage will be controlled at source to prevent release of soil from the site, wastewater and contaminants, including wheel washing facilities, during construction to the storm water system
 - iii. Measures to monitor mobilisation of contaminants (water)
 - iv. Emergency spill procedures and incident response plan that will be followed in light of any spill at the site.
- xii) Soil Management: details of topsoil strip, storage and amelioration for re-use.
- xiii) A Biodiversity Section (updating the submitted 'Ecological Construction Method Statement' (EDP, January 2020) to include: -
 - a. The appointment and role and responsibilities on site, of a suitably competent Ecological Clerk of Works (EcoW) or similarly competent person, and recording/reporting procedures to cover all key ecological activities undertaken i.e. briefings, post construction surveys, habitat watching briefs.
 - b. Identification of "biodiversity protection zones" (including amended ecotone) and the means to prevent impacts i.e. protection, modification etc;
 - c. Reference to supporting documentation that must be implemented during construction i.e. the SUDS Design, Lighting Design Strategy (for biodiversity), tree protection details in relation to BS5837:2012.
 - d. The procedure for incidental finds.

- xiv) Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.

All development shall be undertaken in full accordance with the approved CEMP.

Reason: In the interests of highway safety, and protection of the environment and public amenity during construction in accordance with Local Development Plan Policies T5 (Managing Transport Impacts), T6 (Impact on Transport Networks and Services), EN6 (Ecological Networks and Features of Importance for Biodiversity), EN7 (Priority Habitats and Species), EN10 (Water Sensitive Design), and EN13 (Air, Noise, Light Pollution and Land Contamination).

7. Invasive Non-Native Species Management Plan

Prior to the commencement of development, an Invasive Non-native Species Management Plan for invasive non-native plant species within the site (to include the community woodland) shall have been submitted to and approved in writing by the local planning authority. The measures shall be carried out strictly in accordance with the plan, which shall include:

- Provide an introduction to the site, and the proposed works;
- The legislation pertaining to the known invasive species (and others that could occur);
- Appropriate buffer zones to prevent further spread/containment, which includes where roots may occur;
- The methods of control, removal/disposal (in line with waste transfer etc) should the species be impacted directly, including toolbox talk;
- Management of the land following eradication; and
- Drawing/s indicating location and those areas that will be subject to eradication and/ or control; and
- The period of monitoring.

Reason: For the general protection of biodiversity and prevention of the spread of invasive species on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended), and in accordance with Policies EN5, EN6 and EN7 of the adopted Local Development Plan (2016).

8. Reptile Mitigation Strategy

Prior to the commencement of development, a Reptile Mitigation Strategy shall have been submitted to and approved in writing by the local planning authority., and shall include the following:

- An introduction to the site, baseline data and reasoning for the overarching strategy;
- Details on the location/size of the receptor, its preparation including hibernacula and refugia and the duration that this shall be prepared and made suitable for reptiles before the commencement of a translocation.
- Translocation strategy including; any initial donor preparation and its size, impacts of time of year, use of artificial refugia, trapping duration, the event that more reptiles/species are found than previously recorded, how destructive searching will take place and the role of an Ecological Clerk of Works;

- Toolbox talk to be given to operatives;
- The logging of actions/species numbers during the works;
- Site management requirements following translocation to the onsite receptor (minimum 10 years).
- Management of any retained habitat that contain/is likely to contain reptiles (minimum 10 years).

Reason: For the protection and conservation of reptiles and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended), the Environment (Wales) Act 2016, Planning Policy Wales chapter 6, and policy EN7 of the Cardiff Local Development Plan 2006-2026.

9. Translocation Methodology – Hazel Tree

No development shall commence until such time as full details of the proposed translocation of the 'A' category hazel T60 have been submitted to and approved in writing. The translocation strategy shall be informed by a Soil Resource Survey and Plan that, through trial pit excavations, characterises the receptor site soils in terms of profile depth, textural characteristics, drainage and other aspects important to plant growth, to demonstrate its fitness for purpose to receive T60.

The Soil Resource Plan shall specify soil remediation and amelioration as appropriate (e.g. large stone removal, use of cushioning substrates to receive the root-ball, de-compaction, aeration, mulching, biochar application) to ensure the successful translocation, regeneration and healthy long-term growth of T60. The recommendations of the Soil Resource Survey and Plan shall be incorporated into a finalised translocation methodology accordingly.

The Hazel (T6) shall be translocated in accordance with timescales that shall have been agreed within the strategy.

Should T60 die, be destroyed or become otherwise defective in the opinion of the LPA within 10 years following the initial translocation, it shall be replaced during the first available planting season (October-March) by no less than x3 new multi-stemmed hazels planted in positions that shall first have been agreed with the LPA and that will ensure healthy and unconstrained long-term growth.

Reason: To protect an arboricultural feature of significant amenity value from unacceptable harm, in accordance with Policies KP15, KP16 and EN8 of the Cardiff Local Development Plan 2006-2026.

10. Translocation Methodology – Oak

No development shall commence until full details of the translocation of the circa 20 young oaks have been submitted and approved. The submitted details shall include finalised details of the number of oaks to be translocated (this shall be no less than 20), the translocation methodology, full details of the receptor sites and a post translocation aftercare plan covering a minimum 10 year period post translocation. It shall be demonstrated how the translocated oaks shall have access to above and below ground growing space that does not constrain them in terms of future growth and that gives them the best possible opportunity to become seed producing trees that benefit the spread and regeneration of oaks across the wider woodland and woodland fringe. Should any translocated

oak die, be destroyed or become otherwise defective in the opinion of the LPA, within 10 years from the initial translocation, it shall be replaced by a new oak of a similar size and planted in the same or a similar position as agreed with the LPA, during the first available planting season (October – March). The details of oak translocation shall be incorporated into a finalised Community Woodland Management Pla

Reason: To ensure that a valuable arboricultural resource is utilised sustainably to the benefit of the wider woodland and public amenity, to accord with Policies KP15, KP16 and EN8 of the Cardiff Local Development Plan 2006-2026.

11. AMS & TPP

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

- An **Arboricultural Method Statement (AMS)** detailing the methods to be used to prevent loss of or damage to retained trees within and bounding the site, and existing structural planting or areas designated for new structural planting.

The AMS shall include details of site monitoring of tree protection and tree condition by a qualified arboriculturist, undertaken throughout the development and after its completion, to monitor tree condition. This shall include the preparation of a chronological programme for site monitoring and production of site reports, to be sent to the LPA during the different phases of development and demonstrating how the approved tree protection measures have been complied with.

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

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

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

12. Railway Noise (Habitable Rooms)

Prior to commencement of development, a scheme shall be submitted to the Local Planning Authority to demonstrate that all habitable rooms exposed to external railway noise in excess of 66 dBA Leq 16 hour (free field) during the day (07.00 to 23.00 hours) or 59 dBA Leq 8 hour (free field) at night (23.00 to 07.00 hours) shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 35 dBA Leq 16 hour during the day and 30 dBA Leq 8 hour at night using guideline values suggested by the World Health Organisation BS 8233 2014 - Guidance on Sound Insulation and Noise Reduction for Buildings.

The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with acoustically treated active ventilation units. Each ventilation unit (with air filter in position), by itself or with an integral air supply duct and cowl (or grille), shall be capable of giving variable ventilation rates ranging from –

- 1) an upper rate of not less than 37 litres per second against a back pressure of 10 newtons per square metre and not less than 31 litres per second against a back pressure of 30 newtons per square metre, to
- 2) a lower rate of between 10 and 17 litres per second against zero back pressure.

The scheme shall also seek to identify an area of private open space (excepting terraces or balconies to any apartment) for each unit that shall be designed to provide an area which is at least 50% of the area for sitting out where the maximum day time noise level does not exceed 55 dBA Leq 16 hour [free field], to include details of the fencing to be provided (including installation details, confirmation of mass and over boarding to prevent expansion and contraction of joints)

No dwelling shall be occupied until the approved sound insulation and ventilation measures have been installed in that room and a post construction survey has been carried out by a suitably qualified and competent person demonstrating that the sound insulation measures have achieved the required internal sound levels.

Reason: To ensure that the amenities of future occupiers are protected, in accordance with Policy EN13 of the adopted Local Development Plan (2016).

13. Railway Vibration

Prior to commencement of development a scheme shall be submitted to the Local Planning Authority to provide that the dwellings are designed and constructed so as to ensure that vibration dose values do not exceed 0.4m/s^{1.75} between 07.00 and 23.00 hours, and 0.26m/s^{1.75} between 23.00 and 07.00 hours, as calculated in accordance with BS 6472:1992, entitled "Guide to Evaluation of Human Exposure to Vibration in Buildings", [1Hz to 80Hz]. The dwellings shall be constructed in accordance with the approved scheme.

Reason: To ensure that the amenities of future occupiers are protected, in accordance with Policy EN13 of the adopted Local Development Plan (2016).

14. Soft Landscaping Scheme

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

- A soft landscaping implementation programme.

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

The landscaping shall be carried out in accordance with the approved design and implementation programme.

Reason: In the interests of the visual amenity of the area, enhancing biodiversity and mitigating the effects of climate change in accordance with Policy KP5, KP15 and KP16 of the Cardiff Local Development Plan 2006-2026.

15. Highway Infrastructure

Prior to the commencement of development, detailed plans showing the position and form of construction of all roads (including embankment), footpaths and verges within the site, pedestrian crossovers, and the method of disposal of all surface water shall have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented to the satisfaction of the Local Planning Authority prior to the beneficial occupation of the development hereby approved.

Reason: To ensure an orderly form of development and in the interests of highway safety, by facilitating safe commodious access to and use of the proposed development, in accordance with Policy KP5, KP6 and T5 of the Local Development Plan (2016).

16. Vehicular Site Access

Prior to the commencement of development, the scale and form (full engineering works detail) of the site junction to be provided, shall be submitted

to and approved in writing by the Local Planning Authority. In addition to the appropriate and safe vehicular access function, the/any dedicated / segregated cycle and pedestrian facilities (including pedestrian / cycle crossing facilities) will also be required to be incorporated and implemented. The junction design will incorporate any ducting and cabling required for the junction to be functional.

Reason: To ensure the highway modifications and junctions to provide an improved public realm environment in accordance with the permission and to facilitate safe commodious access to and use of the proposed development, in accordance with Policy KP5, KP6 and T5 of the Local Development Plan (2016).

17. Cycle Parking

No dwelling shall be occupied until such time as secure cycle parking has been provided to accord with the standards contained in the 2018 Managing Transport Impacts SPG, and in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall thereafter be retained for the use of cycle parking.

Reason: To ensure that adequate provision is made for the sheltered and secure parking of cycles, in accordance with Policy T5 of the adopted City of Cardiff Local Development Plan (2006-2026).

18. Public Sewer Diversion

No development shall take place until details of a scheme to divert the public sewer crossing the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a detailed design, construction method statement and risk assessment outlining the measures taken to secure and protect the structural condition and ongoing access of the public sewer.

No development pursuant to the planning permission hereby approved (other than where in connection with such sewer diversion) shall be undertaken until the approved diversion scheme has been implemented and completed. The approved scheme shall be adhered to throughout the lifetime of the development and the protection measures shall be retained in perpetuity.

Reason: To protect the integrity of the public sewer and avoid damage thereto, in accordance with Policy EN10 of the adopted Local Development Plan (2016).

Action Conditions

19. Long-term Monitoring Plan for Contamination

Prior to beneficial occupation, a long-term monitoring plan for land contamination shall be submitted and approved in writing by the Local Planning Authority. The long-term monitoring plan should include:

- Details of the methods and triggers for action to be undertaken;

- Timescales for the long-term monitoring and curtailment mechanisms e.g. a scheme of monitoring for 3 years unless the monitoring reports indicate that subsequent monitoring is or is not required (for 5 years);
- Timescales for submission of monitoring reports to the LPA e.g. annually;
- Details of any necessary contingency and remedial actions and timescales for actions;
- Details confirming that the contingency and remedial actions have been carried out.

The monitoring plan shall be carried out in accordance with the approved details, within the agreed timescales.

Reasons: A land contamination long-term monitoring plan should be submitted prior to occupation or operation, to ensure necessary monitoring measures are approved to manage any potential adverse impacts as a result of development, in accordance with Policy KP5(ix.) and KP18 of the adopted Local Development Plan (2016).

20. Means of Enclosure

Prior to beneficial occupation of any dwelling hereby approved, details of all the means of enclosure shall have been submitted to and approved in writing by the Local Planning Authority, and implemented in accordance with the details agreed.

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

21. Materials

Prior to their use in the development hereby permitted, samples of the external finishing materials for the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

22. Ecological Enhancement

The following ecological enhancements covering green infrastructure to individual ecological receptors, shall be installed at the development to achieve Net Benefits for Biodiversity overall:

- One interpretation panel within the community woodland area towards the reptile translocation area, discussing woodland management, orchards and the reptiles.
- The planting of a minimum 10 x MM106 rootstock apple trees adjacent to a number of overmature apples at the western extreme of the Community Woodland area/south eastern end of the Ancient Woodland (note: It is acceptable for these to encroach into the reptile translocation/grassland area).

- Four solitary bee posts (hard wood). These can be purchased or built in house through drilling timbers with a range of holes from 2-8mm in diameter at least 150mm deep. Posts should face south.
- A continuous gap beneath fences of 100mm or holes of 130mmx130m under fences, gates, walls etc to allow passage of hedgehog.
- The provision of a demarcated compost heap adjacent to one of the reptile hibernacula, that will be topped up yearly with grassland/scrub arisings.
- 4 x integrated bat boxes on separate buildings, suitable for maternity purposes.
- 5 x bat boxes suitable for small maternity colonies within woodland at the site.
- 1 x hibernation bat box in a secluded location to the far south west of the site.
- 1 x house sparrow and 1 x starling box on separate buildings.
- 6 x range of hole nesting boxes on trees within retained woodland.

A drawing indicating the location of enhancements and photographic evidence that they have been installed, must be provided prior to the beneficial occupation of the dwellings hereby approved.

Reason: To comply with the Environment (Wales) Act 2016, to “maintain and enhance biodiversity” and “promote the resilience of ecosystems”, the Section 6 duty. Future Wales – The National Plan 2040 - Policy 9, Planning Policy Wales Section 6 and policies KP16, and EN4 to EN8 of the Cardiff Local Development Plan 2006-2026 and those elements discussed in “Cardiff Green Infrastructure SPG Ecology and Biodiversity Technical Guidance Note, 2017”.

23. Lighting Design Strategy

No above ground building work shall commence until a “Lighting Design Strategy” (for biodiversity) considering bats and other nocturnal species has been submitted to and approved in writing by the Local Planning Authority. The strategy will align with the Institute of Lighting Professionals Guidance Note 08/23, BS5489-1:2020 and BSEN13201-2:2015 and fully accord to the requirements of S38/S278 agreements.

All external lighting shall be installed in accordance with the specifications and locations agreed, and shall be maintained thereafter. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: To manage the impact of the development upon protected species in accordance with Policy KP16, EN6 and EN7 of the Cardiff Local Development Plan (2006-2026).

24. Pumping Station Detail

Prior to any above ground works commencing, full details of the pumping station, including the means of enclosure and associated landscaping, shall be submitted to and approved in writing by the Local Planning Authority. The pumping station shall not be brought into use until such time as the approved

enclosure and landscaping details have been implemented in accordance with the approved details, with such approved details thereafter retained.

Reason: In the interests of good design in accordance with Local Development Plan Policy KP5 (Good Quality and Sustainable Design).

25. Active Travel

Prior to beneficial occupation, details of the active travel routes within the site, which are to be submitted to and approved in writing by the Local Planning Authority, shall be implemented in accordance with the approved details. The active travel links will enhance the existing PROW (to include all active travel modes, such as cycling).

Reason: To ensure an orderly form of development and in the interests of highway safety, by facilitating safe commodious access to and use of the proposed development, in accordance with Policy KP14, T1 and C6 of the adopted Local Development Plan (2016).

26. Green Infrastructure and Landscape Ecological Management Plan (GILEMP)

A Green Infrastructure and Landscape Ecological Management Plan (GILEMP) shall be submitted to the Local Planning Authority within 6 months of the development commencing. This must cover up to 10 years post development, and include the following:

- a) Introduction to the site and the development to be implemented;
- b) Baseline- description and evaluation of features to be managed, this shall also include all more formal landscape elements, to maximise their value to wildlife. This shall include as a minimum:
 - Woodland, woodland edge and ecotone.
 - SUDs/rain gardens.
 - Trees.
 - Grassland mixtures.
 - Hedgerow/shrubs.
 - Site enhancements see Condition X.
- c) Ecological constraints on site that might influence management or require separate management, as a minimum including;
 - Bats.
 - Birds.
 - Hedgehog.
 - Reptiles.
 - Invasive plant species.
- d) Overall aim/s and objectives of management for points B and C above and what condition shall be achieved for B.
- e) Appropriate management prescriptions for achieving aim/s and objectives as per point D. This should be broken in to the first 5 years (short term) and up to 10 years (long term) management. This must consider the need for watering during dry periods.
- f) Preparation of a work schedule with timings (including an annual work plan capable of being rolled forward over a five-year period, but looking up to 10 years).
- g) Details of the body or organisation responsible for implementing the plan, including any updates required.

- h) The monitoring requirements to determine the success of landscaping, its management and specific features for wildlife, in years 2 and 5 will be appropriate, this will follow the aims and objectives to determine if they have been achieved. The plan shall also set out (where the results from monitoring show that management aims and objectives of the GILEMP are not being met) how contingencies and/or remedial action will be identified, agreed with the Local Planning Authority and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.
- i) Appropriate drawing indicating habitats, areas of the site for specific species and the enhancements to be managed.

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: For the overall protection of biodiversity and to ensure the site's landscape and environmental features are adequately managed long term. This aligns the Environment (Wales) Act 2016, with PPW11 Chapter 6 and with polices KP5, KP16, EN6, EN7 and EN8 of the Cardiff Local Development Plan (2006-2026).

Regulatory Conditions

27. Contaminated Land Measures – Remediation & Verification

The remediation scheme approved by Condition 5 shall be fully undertaken in accordance with its terms. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

On the completion of the measures identified in the approved remediation scheme and prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with the Environment Agency's 'Land contamination: risk management (LCRM)' (October 2020) and the WLGA / WG / NRW guidance document 'Land Contamination: A guide for Developers' (2023) unless the Local Planning Authority agrees to any variation.

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

28. Contaminated Land Measures – Unforeseen Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must

stop, and no further development shall take place unless otherwise agreed in writing until a scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the LPA within 2 weeks of the discovery of any unsuspected contamination.

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

29. Imported Soil

Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

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

30. Imported Aggregates

Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

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

31. Use of Site Won Materials

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

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

32. Tree Protection

No development shall take place that is not in full accordance with the approved Arboricultural Method Statement and Tree Protection Plan Condition 11, and any pruning necessary to implement the planning permission shall be undertaken in accordance with British Standard 3998: 2010 'Tree Work' or any Standard that replaces it.

Reason: To enable the Local Planning Authority to assess the effects of the proposals on existing trees and landscape; the measures for their protection; to monitor compliance and to make good losses. The trees are of value in the local environment and should be protected and maintained in good condition, in accordance with Policies KP15, KP16 and EN8 of the Cardiff Local Development Plan 2006-2026.

33. New Planting

All new planting, seeding and turf laying shall be completed prior to beneficial occupation, or the completion of development (whichever is soonest). Any new planting, seeding or turf laying which within a period of 10 years from the beneficial occupation or completion of the development dies, is removed, becomes seriously damaged or diseased, or in the opinion of the Local Planning Authority (LPA) otherwise defective, shall be replaced.

Replacement planting, seeding or turf laying shall take place during the first available planting/seeding season, to the approved specification, unless the Local Planning Authority gives written consent to any variation.

Reason: To maintain and improve the amenity and environmental value of the area.

34. Waste Management

There shall be no burning of waste or burning of waste materials on site, and all waste associated with the construction of the development shall be disposed of correctly by suitably licenced waste contractors.

Reason: The impact of fires on local air quality and to protect the amenities of occupiers of other premises in the vicinity, in accordance with Policies KP18 and EN13 of the Local Development Plan (2016).

35. Hours of Operation (Construction)

Demolition or construction works shall not take place outside the hours of:

08:00am to 6:00pm Mondays to Fridays;
08:00 to 1:00pm on Saturdays; and
and at no time on Sundays or Public Holidays.

Reason: To protect the amenity of the area and neighbouring occupiers in accordance with Policy KP5 and EN13 of the Cardiff Local Development Plan 2006-2026.

36. Data Shelf Life

If site clearance in respect of the development hereby approved does not commence within 1 year of the grant of permission, all the approved ecological measures and those secured through other planning conditions and ecological reports, shall be reviewed and, where necessary, amended and updated, with careful consideration of “new” ecological receptors. The review shall be informed by update or further ecological surveys commissioned to

- i. establish if there have been any changes in the presence and/or abundance of habitats and species,
- ii. identify any likely new ecological impacts that might arise from any changes; and
- iii. and identify any changes to legislation, policy or best practice that may alter the conclusions of the assessment.

Where the survey results/desk study indicate that changes have occurred that will result in ecological impacts, having not been previously addressed in the approved scheme, the original approved ecological measures will be revised. New or amended measures and a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Works shall then be carried out in accordance with the new approved ecological measures and timetable.

Reason: To ensure the assessment of impacts from the development upon the species concerned, and any measures to mitigate those impacts, are informed by up-to-date information in accordance with legislation, national planning policy and the Cardiff Local Development Plan Policy 2006-2026, KP16, EN4 to EN8.

INFORMATIVE NOTES

CONTAMINATION AND UNSTABLE LAND ADVISORY

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

(i) determining the extent and effects of such constraints;

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

- Unprocessed / unsorted demolition wastes.
- Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
- Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and

(iii) the safe development and secure occupancy of the site rests with the developer.

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

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

Dŵr Cymru Welsh Water Advisory

The applicant may need to apply to Dŵr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may

contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

The water supply system in the immediate vicinity has insufficient capacity to serve the development and will also cause detriment to existing customers' water supply. The applicant is advised that as part of any future water connection application under Section 41 of the Water Industry Act (1991), a hydraulic modelling assessment and the delivery of reinforcement works may be required at the same time as the provision of new water mains to serve the new development under Section 41 and Section 51 of the Water Industry Act (1991).

Information relating to our Hydraulic Modelling Assessment process is available on our website and within our guidance notes. The area planning officer will also be able to provide you with information relating to this process.

Bats

Should bats be identified in trees/a buildings, a European protected species (EPS) licence would be required for this development. This development approval does not provide consent to undertake works that require an EPS licence. It is an offence to deliberately capture, kill or disturb EPS or to damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine. To undertake the works within the law, you would first need to obtain an EPS licence from Natural Resources Wales (NRW), and no work can be undertaken until this is received. You can obtain further information on the need for a licence and how to apply from NRW on 0300 065 3000 or at <https://naturalresources.wales/permits-andpermissions/species-licensing/when-you-need-to-apply-for-a-protected-species-licence/?lang=en>. You will need the services from an NRW bat licenced ecologist to produce the licence and subsequently supervise the works. The licence holder is usually the developer, who will hold legal responsibility for undertaking the works as agreed in documents with NRW.

Dormouse

Should dormice be identified during works, a European protected species (EPS) licence would be required for this development. This development approval does not provide consent to undertake works that require an EPS licence. It is an offence to deliberately capture, kill or disturb EPS or to damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine. To undertake the works within the law, you would first need to obtain an EPS licence from Natural Resources Wales (NRW), and no work can be undertaken until this is received. You can obtain further information on the need for a licence and how to apply from NRW on 0300 065 3000 or at <https://naturalresources.wales/permits-andpermissions/species-licensing/when-you-need-to-apply-for-a-protected-species-licence/?lang=en>. You will need the services from an NRW dormouse licenced ecologist to produce the licence and subsequently supervise the works. The licence holder is usually the developer, who will hold legal responsibility for undertaking the works as agreed in documents with NRW.

Lighting Design Strategy (Condition 23)

In the view of the Local Planning Authority the lighting design strategy should:

- Describe and provide baseline data on areas/features on site that are particularly sensitive to nocturnal species, that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging. This should consider general site lighting and any associated public realm works;
- Show how and where external lighting will be installed across the site, demonstrating that the lighting/ light spill is unlikely to disturb or prevent bats or other nocturnal species using the site or impact upon their normal behaviours, highlighting any mitigation to lighting features to achieve this. There should be no light spill on green/blue corridors in particular, and areas of known sensitivity. Appropriate lighting contour plans (0.2, 0.5, 1, 3 and 5lux lines) and technical specifications will be supplied in accordance with the British Standards BS5489-1:2020 and BSEN13201-2:2015, where local authority adoption is required.
- Details of lighting to be used both during construction and at operation (if required).
- Confirmation that plans meet that of S38 and S278 agreements of the Highways Act 1980.
- All lighting should consider amongst other aspects; being at or below 2700K and therefore a wavelength above 550nm, lighting direction, hooding, using minimum height and passive infrared on timers/or radar, determining the times that lighting will be on/off etc. These are considered in the Institute of Lighting Professionals Guidance Note 08/23.
- Ensure that tree T2 (a horse chestnut with hazard beam, within Group 30), unless subject to further survey for roosting bats, is not subjected to light spill.

Liaison between your chosen ecological consultant and the lighting engineer is advised.

Highways

All works to be completed in accordance with the approved plans at the cost of the developer and to the satisfaction of the Council. Planning permission is not permission to undertake works on or in the public highway. A Highway Agreement under Section 278 or S38 of the Highways Act 1980, or other permission or license in respect of minor or temporary works, must be agreed with the Highway Authority. Any such agreement, license or permission is subject to technical approval, inspection and the payment of such fees as required by the agreement.

Public Right of Way

The grant of planning permission does not give a developer any right to interfere with, obstruct or move a public right of way. No works to PROW footpaths that cross the site shall be undertaken until a legal order has been applied for by the developer and confirmed by the Local Highway Authority. In the event that the legal orders are not confirmed, the existing path alignments shall be retained.