

COMMITTEE DATE: 14th MARCH 2024

APPLICATION NO: 22/00820/MJR APPLICATION DATE: 14/04/2022

ED: PLASNEWYDD

APP TYPE: FULL

APPLICANT: WALES & WEST HOUSING ASSOCIATION

LOCATION: LAND AT FORMER YOUTH HOSTEL, 2 WEDAL ROAD,
ROATH

PROPOSAL: DEVELOPMENT OF UP TO 5 STOREY BUILDING TO
ACCOMMODATE 23 NO. AFFORDABLE APARTMENTS PLUS
ASSOCIATED WORKS

RECOMMENDATION 1:

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 of this report, 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.

1. DESCRIPTION OF THE SITE AND AREA

1.1 The application site extends to approximately 0.57 hectares and comprises previously developed land, having previously accommodated the Youth Hostel Association (YHA) Building which was demolished in 2018.

1.2 The YHA building was orientated facing towards Wedal Road, its siting likely due to the drainage easement which bisects the site north-west / south-east. The footings and the associated areas of hardstanding of the former buildings are still evident on-site.

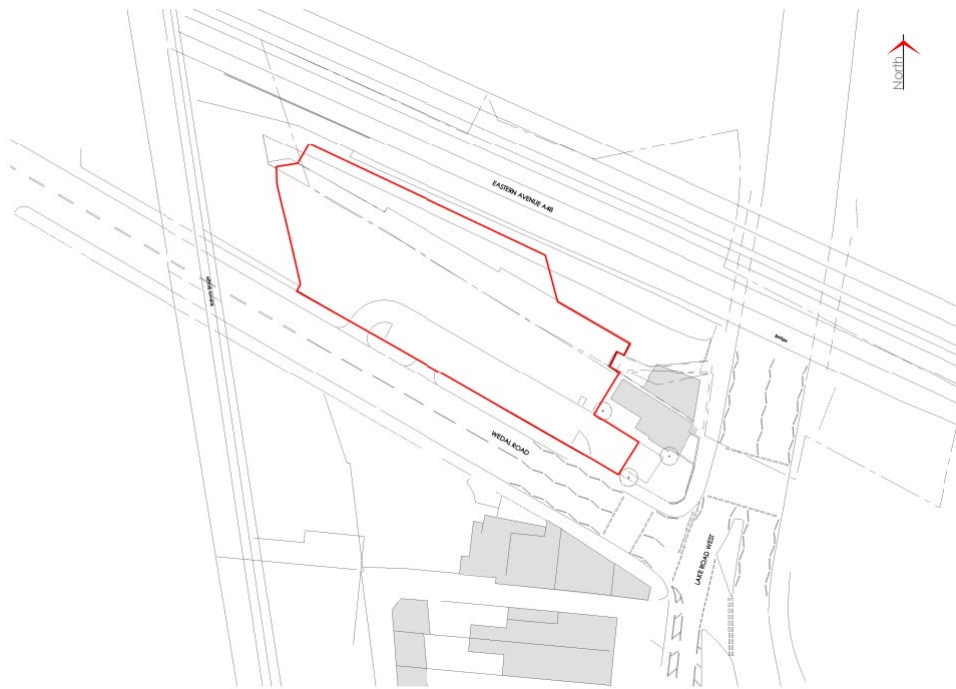


Figure 1: Site Location Plan

- 1.3 The site is generally flat and level, with a rise of approximately 1.6m across the site from approximately 15.1m AOD on the east boundary to approximately 16.7m at the west end of the site. A retaining wall approximately 1.5m high on the west boundary marks the embankment where the land rises sharply to meet the railway (approximately 24.4m AOD). At the rear of the site the land also rises sharply by approximately 3m where it is embanked to the Eastern Avenue dual carriageway (A48).
- 1.4 The neighbouring building to the east, 1 Lake Roath West, has recently been redeveloped into two flats. The Old Kiosk also adjoins the site and has recently been converted into a dwellinghouse. Wedal Road runs along the site's southern boundary, connecting Fair oak Road to Allensbank Road.
- 1.5 A number of trees are located on and adjacent to the northern and western site boundaries, most notably two category B pines, some Sessile Oak (also Category 'B', Ash and Silver Birch).
- 1.6 The site is located within the northern corner of the Roath Park Conservation Area, abutting the Conservation Area's west and northwest boundaries. It is sited approximately 90m from Roath Park, which is a Registered Historic Park and Garden.



Figure 2: Conservation Area / Historic Park and Garden Context

- 1.7 The majority of the site is located within flood Zone A with part of the eastern boundary falling within Zone B on the TAN15 development advice maps.
- 1.8 The vacant cleared site has two points of access which the neighbouring property at 1 Lake Road West has a right of access to.
- 1.9 The nearest train station is Heath Low Level, approximately 1.6km north-west. Bus services between the City Centre and Llanishen currently operate to the southeast via Ninian Road and Lake Road East.
- 1.10 The surrounding area predominantly comprises two and three-storey residential buildings from the Victorian and Edwardian eras. In addition, a coffee shop and a restaurant occupy ground floor premises in close proximity around the junction.
- 1.11 Two Sites of Importance for Nature Conservation (SINCs) are located in close proximity to the site: Cathays Cemetery approximately 40m to southwest and 75m to the northwest beyond the railway line and Eastern Avenue, and Roath Brook, approximately 100m to the east.



Figure 3: Looking West Up Wedal Road

2. DESCRIPTION OF DEVELOPMENT

- 2.1 This application initially sought full planning permission for a 3-6 storey building comprising 27 no. affordable apartments (25 no. 1 bed and 2 no. 2 beds) and associated works. This has subsequently been amended to a 3-5 storey building comprising 23 no. 1 bedroom apartments (see paragraph 2.18).



Figure 4: Proposed South Elevation



Figure 5: Floor Plans (Basement – 2nd)

- 2.2 All apartments are to be social rented and managed by the applicant, a Registered Social Landlord.

Layout and Appearance

- 2.3 The building is positioned to the rear (north) of the plot so as to avoid encroachment onto two sewer easements that run under and parallel to the front of the site (450mm and 825mm).
- 2.4 The apartments are arranged to have a single aspect to the south so as to face away from Eastern Avenue immediately north of the site (except for the apartment at the west end on each floor which would be dual aspect with kitchen/bathroom/hallway windows facing the dual carriageway (5 no. apartments in total)).
- 2.5 The building is designed to be a flat roof building ranging between 3 storeys at its eastern end rising to 5 storeys. Recessed windows and projecting bays will add architectural interest to the elevations. A contrasting smooth/rough facing brick finish is proposed using two brick types (details subject to further approval via condition).

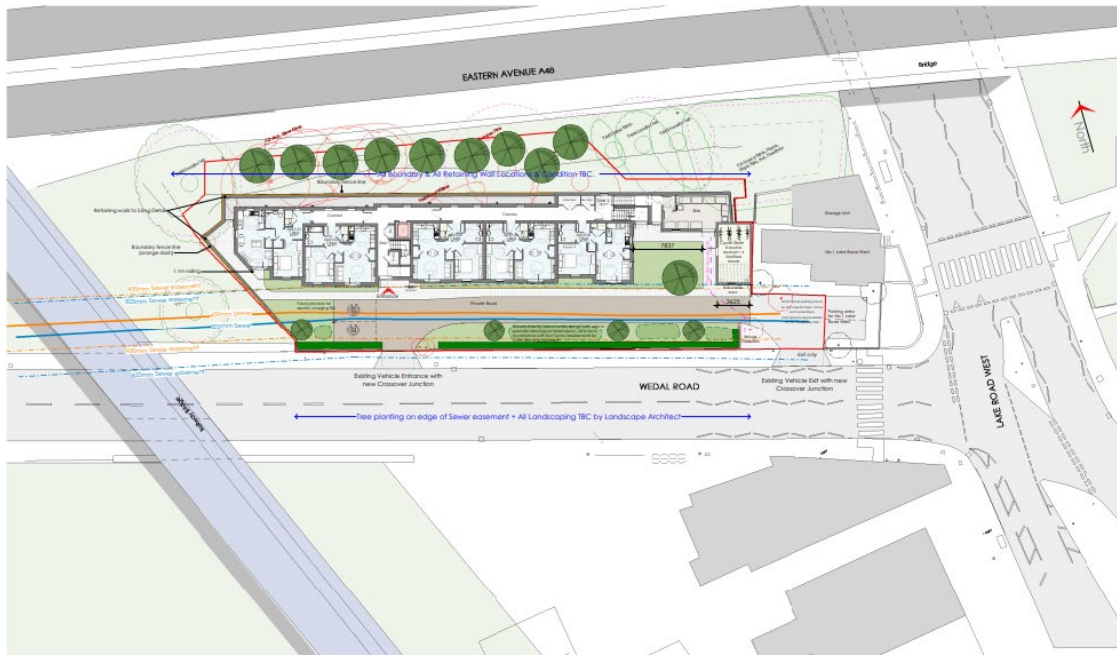


Figure 6: Proposed Site Layout

- 2.6 The finished ground floor level would be approximately 16.83m AOD. Allowing 3 metres per floor, the overall building height originally proposed would be approximately 16.5m (approximately 33m AOD).
- 2.7 Provision for refuse storage is made in an enclosed single-storey store adjacent to the east site boundary. The store will have a green roof. Refuse would be brought kerbside on collection day. The finished floor level of the refuse store would be approximately 15.33m AOD.

Access and Parking

- 2.8 4 no. off-street parking spaces (including 2 no. EV spaces) were originally proposed via a self-contained access/egress, resulting in the closure of the one-way in/out route through the site. The neighbouring apartments at 1 Lake Road West were to receive a private access instead of the previous right of access across the application site. The remainder of the one-way access would have been replaced by soft landscaping and pedestrian access routes.
- 2.9 Due to the legal rights of access being unable to be satisfactorily resolved, the amended scheme submitted in October 2023 now proposes retention of the existing one-way in/out access arrangements with a reduced provision of 2 no. off-street parking spaces. The neighbouring occupiers at 1 Lake Road West would retain their right of access and therefore use the drive to access their private parking area. The area for soft landscaping has therefore reduced.
- 2.10 The original application proposed 29 no. double-stacked cycle parking spaces in a secure covered cycle store at the eastern end of the site adjacent to the boundary with 1 Lake Road West. 1 no. uncovered 'Sheffield' stand is also proposed for visitors at the building entrance.
- 2.11 The October 2023 amended submission has changed this provision to 22 no.

secure and covered spaces for residents in a marginally larger cycle store (4 no. 'Sheffield' Stands providing 6 no. spaces and 8 no. double-stackers providing 16 no. spaces), plus retention of the 2 no. uncovered visitor spaces at the building entrance as originally proposed.

Green Infrastructure

- 2.12 8 no. individual trees and 2 no. tree groups have been identified from the submitted tree survey. Of these, 5 no. trees have been classified as 'B' Category i.e. of moderate quality, desirable for retention. The remaining trees were either of 'C' or 'U' quality i.e. low/poor quality optional/unsuitable for retention.

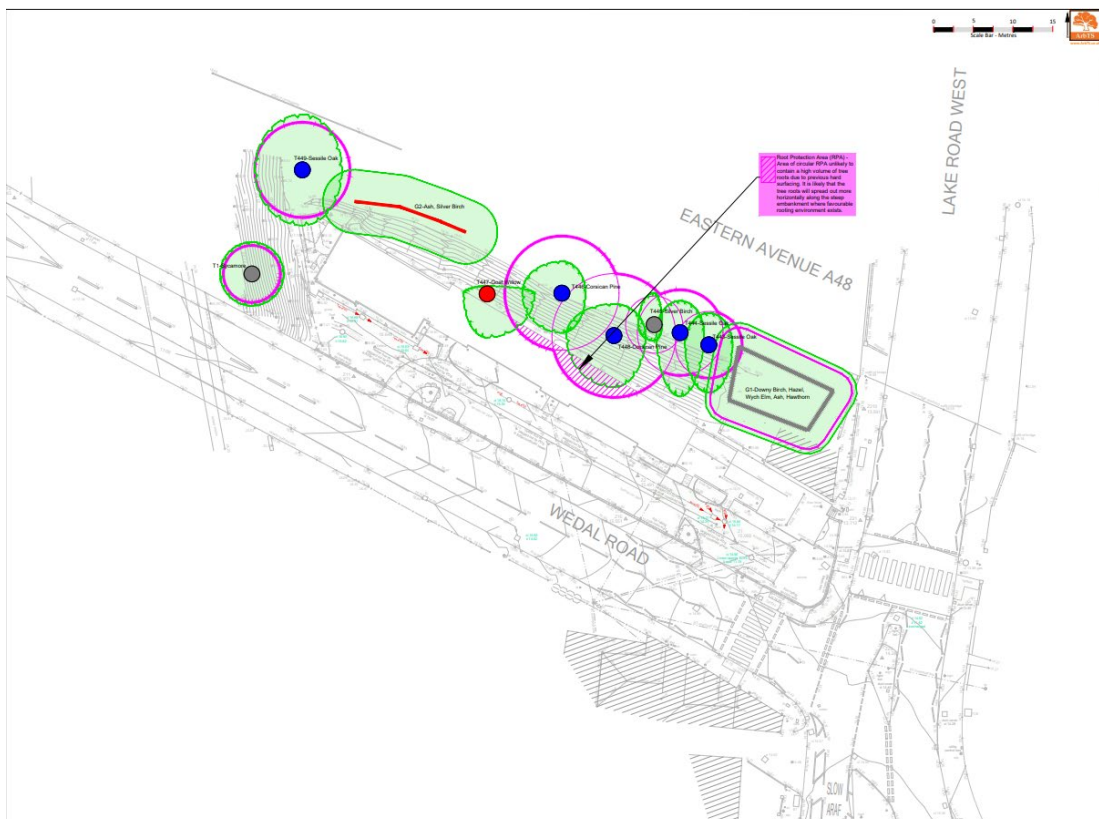


Figure 7: Tree Constraints Plan

- 2.13 3 no. individual trees are proposed for removal to facilitate construction, including 2 no. Category 'B' Corsican Pines, together with a 'U' category group of ash/birch. These trees are located on land owned by the Council's Highways Authority and are on or close to the northern site boundary with Eastern Avenue.
- 2.14 Replacement tree planting is indicated on the proposed site plan as part of the soft landscaping scheme for the development. The Green Infrastructure Statement received in the amended Planning Statement confirms that 9 no. new specimen trees will be planted to off-set the removal of the Category 'B' pine trees (together with 5 no. new trees to the front of the building).
- 2.15 A combination of green roofs (refuse store and cycle store), bioretention areas, conveyance swales, and rain gardens will be incorporated into the soft landscaping to meet SAB requirements.

- 2.16 In respect of Ecology, as the site has been cleared, roosting opportunities for bats are considered to be limited in the Ecology Impact Assessment accompanying the application (including retained trees where dense ivy is covering trunks). The low number of habitats necessary to support reptile and amphibian species and the site's isolated situation will also result in limited/negligible impacts. The assessment identifies a number of enhancement measures including 6 no. bat boxes, 6 no. bird bricks, wildlife friendly fencing and planting measures to enhance habitats.

Amended Plans

- 2.17 The amended plans submission in October 2023 introduced the following changes to the original application:
- (i) Dwelling Units – 4 no. units removed to a reduced total of 23 no. 1 Bed apartments;
 - (ii) Storeys – reduction in overall height from 6 to 5 storeys;
 - (iii) Access – re-introduction of a one-way in/out route as per the arrangements for the previous youth hostel building;
 - (iv) Car Parking – reduction from 4 no. to 2 no. EV spaces;
 - (v) Cycle Parking – 22 no. covered and secure spaces in a marginally larger cycle store plus 2 no. visitor spaces;
 - (vi) Landscaping – reduced on-site soft landscaping provision along site frontage to accommodate one-way access/egress;
 - (vii) Refuse – relocated area for kerbside collections and storage area for bulky goods collections;
 - (viii) Drainage – revised designs to meet SAB requirements.

EIA screening

- 2.18 The development is appropriately classified as an 'urban development project' under Schedule 2 10b 'Infrastructure Projects' of The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017. However, given the scale of development does not meet the prescribed thresholds of a 5 Ha development area or more than 150 dwellinghouses, EIA is not required for the development.
- 2.19 All documentation relating to the application, including plans, can be viewed on the Council's website using the following link: [22/00820/MJR](https://www.miltonerdc.gov.uk/22/00820/MJR)

3. PLANNING HISTORY

- 3.1 The site has the following relevant planning history: -
- 18/00141/MJR: Conservation Area Consent granted on 9th March 2018 for the demolition of two-storey pitched roof building;
 - 17/02929/MJR; Prior Notification of Proposed Demolition under Part 31 of Schedule 2 to The Town and Country Planning (General Permitted

Development) Order 1995 approved on 17th January 2018.

4. POLICY FRAMEWORK

National Policy

- 4.1 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'.
- 4.2 '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.
- 4.3 '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.
- 4.4 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
- 4.5 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

- 4.6 [Planning Policy Wales](#) (Edition 12) was revised and restructured in February 2024. Its primary objective 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.
- 4.7 It aligns with the themes and approaches set out in [Future Wales - the National Plan 2040](#) (see below) to deliver the vision for Wales that is set out therein.
- 4.8 PPW12 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.

- 4.9 The updated PPW12 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.
- 4.10 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.”*
- 4.11 The document should be *read as a whole*, and where ‘must’ is used, it reflects a legislative requirement or indicates where action is needed now to achieve strategic outcomes in the longer term.

Technical Advice Notes

- 4.12 PPW is supported by a series of more detailed [Technical Advice Notes](#) (TANs), of which the following are of relevance: -
- 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 16: Sport, Recreation and Open Space (2009)
 - TAN 18: Transport (March 2007)
 - TAN 20: Planning and the Welsh Language (2017)
 - TAN 21: Waste (February 2017)
 - TAN 24: The Historic Environment (May 2017)
- 4.13 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.
- 4.14 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

- 4.15 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.
- 4.16 [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.
- 4.17 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

- KP4 Master Planning Approach
- KP5 Good Quality and Sustainable Design
- KP6 New Infrastructure
- KP7 Planning Obligations
- KP8 Sustainable Transport
- KP12 Waste
- KP13 Responding to Evidenced Social Needs
- KP14 Healthy Living
- KP15 Climate Change
- KP16 Green Infrastructure
- KP17 Built Heritage
- KP18 Natural Resources

DETAILED POLICIES

Housing

- H3 Affordable Housing

- H6 Change of Use or Redevelopment to Residential Use

Environment

- EN6 Ecological Networks and Features of Importance for Biodiversity
- EN7 Priority Habitats and Species
- EN8 Trees, Woodlands and Hedgerows
- EN9 Conservation of the Historic Environment
- EN10 Water Sensitive Design
- EN11 Protection of Water Resources
- EN12 Renewable Energy and Low Carbon Technologies
- EN13 Air, Noise, Light Pollution and Land Contamination

Transport

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

Community

- C3 Community Safety/Creating Safe Environments
- C5 Provision for Open Space, Outdoor Recreation, Children's Play and Sport
- C6 Health

Waste

- W2 Provision for Waste Management Facilities in Development

Supplementary Planning Guidance:

4.18 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)
- Managing Transportation Impacts (Incorporating Parking Standards) (July 2018)
- Planning for Health and Wellbeing (November 2017)
- Planning Obligations (January 2017)
- Residential Design Guide (January 2017)
- Waste Collection & Storage Facilities (October 2016).

5. INTERNAL CONSULTEE RESPONSES

5.1 The **Operational Manager (Traffic and Transportation)** advises as follows:

- (i) Vehicle Access – The latest plans show an access strategy that returns to the former 1-way (eastbound) arrangement within their site. Whilst this is not an ideal scenario (due to misuse and enforceability concerns), given that it existed for a number of years under the previous use it is not considered that it would be reasonable to object on Transport grounds. A relevant condition will help ensure that the proposed access and parking arrangements are adhered to, including junction improvements to create dropped footway access (as opposed to the bell mouth/kerbing cutting across the footway) plus resurfacing along the site frontage on Wedal Road.
- (ii) Cycle Parking - The amended plans show an additional double-stack space has been fitted in and the store's footprint has been marginally increased in size. These changes satisfy previous concerns regarding the quantum and mix of cycle stands (i.e. 'Sheffield' and double-stacker stands) and their accessibility. Final details would be sorted via condition.
- (iii) Car Parking – The amended provision of 2 no. spaces within the site would require a management condition. It is also noted that electric charging is intended but is subject to further confirmation.
- (iv) Traffic Generation/Car Parking – some concerns regarding the level of car parking on Wedal Road that is likely to arise as a consequence of the development and sought some realistic forecasts of likely demand.
- (v) Land Ownership – notes that the application requires the acquisition of Highways land and negotiations with the Council's Strategic Estates team are continuing.
- (vi) Refuse Collection Arrangements – the amended site plan shows the route for moving bins to the site frontage and a refuse collection storage area adjacent to the vehicle egress.

5.2 The **Housing Strategy Manager** advises that the application has been submitted by one of the Council's Registered Social Landlord (RSLs) partners. They support the proposals to deliver 23 no. affordable units to meet housing need in the area.

5.3 The **Operational Manager (Waste Management)** notes the provision on the amended plans and provides confirmation of the required bin provision, including bulky waste storage, details of requirements of access and manoeuvring, lighting, security, and collection distances. They signpost the SPG for further information. They do not object to the amended submission.

5.4 They also advise that collection methods will be changing over the next year. which will result in different/more receptacles being required for the storage of waste between collections. All bin storage areas should generally be outside of the main dwelling and for larger communal development of 10 or more

dwellings, in a suitably designed and designated internal waste storage area. The design must allow a degree of flexibility to be able to adapt to potential collection requirements including greater separation of waste into multiple containers. Flexibility should also allow for additional storage in the event of a disruption to services, during events beyond their control such as severe weather.

- 5.5 **Shared Regulatory Services, Neighbourhood Services (Noise)** has considered the new Noise and Vibration Assessment by Inacoustic dated 17th October 2023. Conscious that there has been dialogue on matters relating to road traffic noise levels, particularly the NW site boundary, they note that the new report details stringent mitigation measures to be applied to. They recommend a pre-occupation survey to ensure that the recommended mitigation works are carried out to the Local Planning Authority's satisfaction.
- 5.6 They also observe the centrally positioned elevator shaft and its relationship adjacent to habitable rooms in some of the apartments. They recommend a condition to secure sound insulation works which will also cover floor/ceilings between dwellings.
- 5.7 The **Operational Manager, Parks Services** advises that no public/functional open space is being provided on site so the developers will be required to make a financial contribution towards the provision of new open space, or the design, improvement and/or maintenance of existing open space in the locality, given that demand for usage of the existing open spaces would increase in the locality as a result of the development. The request for an offsite contribution is applied consistently across both private and affordable housing developments. In providing for the additional residents the development will result in increased use of local public open spaces, with a corresponding need for increased maintenance, more rapid upgrading and potential expansion of existing facilities. This is regardless of the financial model for the development.
- 5.8 The Council's LDP requires provision of a satisfactory level and standard of open space on all new housing/student developments over 8 units or an off-site contribution towards existing open space for smaller scale developments where new on-site provision is not applicable. Being mindful of the reduced number and type of dwellings in the amended submission, they have calculated the additional population generated by the development to be 29.9, which results in an open space requirement of 0.073ha of on-site open space or an off-site contribution of £31,023 (down from £37,456).
- 5.9 The use of S106 contribution will need to satisfy CIL and the current distance requirements set out in the 2017 Planning Obligations SPG – play areas 600m, informal recreation 1000m and formal recreation 1500mm, measured from edge of the site. Consultation will take place with Ward Members to agree use of the contribution. Within the Plasnewydd ward, Roath Park Pleasure Gardens and Recreation Ground are within the distance thresholds set out in the SPG.
- 5.10 In respect of trees and landscaping he defers to the Tree Officer's comments but also places on record their objection to the removal of the x2 Category 'B'

Corsican Pines. The proposed replacement species (Acer Campestre, Acer Campestre 'Elsijk', Acer x zoeschense 'Annae' and Crataegus laevigata 'Paul's Scarlet') are not considered adequate for the loss of the two substantially larger and longer lived pines. Planning Policy Wales requires a minimum ratio of at least 3 trees of a similar type and compensatory size for every 1 lost but this is not being achieved.

- 5.11 Regarding SuDS, they understand the Authority will be required to adopt all SuDS serving residential developments of more than two dwellings and they expect maintenance of the soft landscaping elements of such systems will be carried out by the Grounds Maintenance Section in Parks. They note however in the Suds Adoption Areas Plan (2375-741 REV A) that the Suds features are to remain in private ownership.
- 5.12 The **Tree Officer** objects to the proposed development as he considers it to be contrary to EN8. Two 'B' category pines are to be removed to accommodate development. There is no overriding design justification for this and the mitigation for their loss is considered inadequate, comprising a group of small-medium sized trees to the rear and a medium sized tree to the frontage shoe-horned into a bed between building lines. This planting might reasonably be considered appropriate mitigation for the loss of the 'C' and 'U' category trees but there is no planting equivalent to the scale of the two pines, which are potentially massive trees that can live many hundreds of years. The tree report makes the assumption they are in terminal decline, but needle and stem diseases of pines can come and go and result in trees that look poorly one year looking much healthier the next.
- 5.13 As per the latest publication of PPW Chapter 6, permanent removal of trees 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. 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.
- 5.14 So, if the loss of each pine could be justified, the mitigation planting must be of a similar type - e.g. Scots pine and x3 per tree lost, so a total of x6 Scots pines and planted in positions that ensure unconstrained long-term growth to optimise the environmental and ecological benefits they afford. It will be understood that with the proposed building design, the space to achieve such, were this approach to be considered acceptable in any event, is not being made available - the design of development would need to be substantially amended to provide the space necessary.

5.15 **The County Ecologist** has no objection to the amended application, subject to relevant conditions relating to approved documents, data shelf life, invasive species, ecological enhancements, construction and environmental management, external lighting, appointment of ecological clerk of works, and an Ecological Management Plan. He also makes the following comments:

- (i) Whilst the submitted landscape strategy includes a range of native species it does not appear to be consistent with the amount of Japanese Knotweed noted in the Preliminary Ecological Appraisal (PEA) nor is T1 accurately recorded;
- (ii) The CEMP has older plans inserted, fails to mention ecological receptors and has not addressed removal of Japanese Knotweed;
- (iii) Pollution Prevention Guidelines need to be expanded to address spillages avoidance/management;
- (iv) He agrees that the site, being a mix of hard standing, ephemeral short perennial vegetation, scattered trees and fly-tipped waste, is of low ecological distinctiveness;
- (v) Reptiles should be scoped into PEW/EcIA given site is adjacent to the railway line which provides connectivity to known populations;
- (vi) He agrees with the conclusions that low bat roosting potential exists and the precautionary approaches suggested i.e. sectional felling during winter months. Dawn surveys should take place prior to any felling during the active season;
- (vii) A condition to secure details of external lighting is accepted;
- (viii) Birds – appropriate precautions are given regarding tree felling during winter or with a prior inspection by an ecologist. The EcIA notes buffers required if nests are detected. Replacement trees should exceed number felled. Bird boxes will offset initial impacts;
- (ix) Vegetation on site has matured since 2020 therefore precautionary measures will be required for reptiles and habitat clearance;
- (x) Invasive non-native species – Japanese knotweed is present and must be addressed in the CEMP (it also appears to be present on the adjacent railway line);
- (xi) Invertebrates and protected plants are not mentioned;
- (xii) Enhancements – Section 6 duty to enhance is proposed to be satisfied through native planting, permeable paving, hedgehog friendly fencing;
- (xiii) Surveys were undertaken in January 2020 and therefore on the cusp of repeatability.

- 5.16 **Shared Regulatory Services, Environment (Enterprise and Specialist Services) (Air Quality)** notes that the Air Quality Assessment (AQA) provides information on baseline pollutant concentrations and assesses the impact of operational phases of the development. It concludes that the operational phase will have no detrimental effect on air quality within the area, and exposure for future residents are below the AQOs and Limit Values. The overall effect of the proposed development will not be significant. They therefore do not consider it appropriate to propose further mitigation measures. Dust mitigation measures in the CEMP have also been reviewed and are deemed to be acceptable.
- 5.17 In summary, they are satisfied with the AQA outcomes and have no further concerns regarding air quality and the development. There is no conflict with national, regional and local planning guidance relating to air quality.
- 5.18 **Shared Regulatory Services, Environment Team (Land Quality)** confirms previous advice that a former landfill site has been identified within 250m of the proposed development. Such sites are associated with the generation of landfill gases, within subsurface materials, which have the potential to migrate to other sites and may give rise to potential risks to human health and the environment for the proposed end use. Whilst the Geotechnical and Geo-Environmental report submitted with the application states that the risk from ground gas on site is considered negligible, the nearby historic landfill ('Wedal Road East Landfill') does not appear to have been fully considered. They therefore recommend the inclusion of a standard condition, with amendments requiring ground gas assessment in line with current guidance.
- 5.19 The report also includes a contamination assessment of the site which indicates that all of the substances tested for were found to be at concentrations below residential guidelines. However, the potential for contamination cannot be ruled out and the 'unforeseen contamination' condition is recommended.
- 5.20 Should there be any importation of soils to develop the garden/landscaped areas of the development, or any site won recycled material, or materials imported as part of the construction of the development, then it must be demonstrated that they are suitable for the end use. This is to prevent the introduction or recycling of materials containing chemical or other potential contaminants which may give rise to potential risks to human health and the environment for the proposed end use.
- 5.21 They request the inclusion of the relevant conditions and an informative statement in accordance with CIEH best practice and to ensure that the safety of future occupiers is not prejudiced in accordance with LDP Policy EN13.

6. EXTERNAL CONSULTEE RESPONSES

- 6.1 **Dŵr Cymru Welsh Water** advise that a public sewer crosses the site and they provide a plan showing its approximate position. They recommend conditions and informatives to ensure no detriment to existing residents or the environment and to their assets.

- 6.2 **Natural Resources Wales** have concerns with the application however these can be overcome through attaching relevant conditions. They advise that version 2.0 of the Ecological Impact Assessment dated 4th October 2023 by Ecological Services Ltd continues to be appropriate and they note the recommendations. In respect of land contamination, controlled waters at this site are not of the highest environmental sensitivity therefore they have no further comment.
- 6.3 **South Wales Fire Service**: no objection and provides standing advice relating to access for appliances and provision of adequate water supply. They also comment on the climate emergency increasing the risk of flooding. In respect of fire risk, they advise the developer to ensure suitable safety measures are in place to contain and restrict the spread of fire, using fire-resistant materials and adequate separation between energy systems e.g. electric vehicle charging points, which is a new and emerging practice.
- 6.4 **Welsh Government (Transportation)** as highway authority for the A48(M) trunk road does not issue a direction in respect of this application.
- 6.5 **South Wales Police Design Out Crime Advisor**, in commenting on the amended plans, reiterates their original comments which provide detailed comments in respect of perimeter security, vehicle parking, external lighting, bicycle storage, bin storage, door and window security and access controls.
- 6.6 **Network Rail** have no comments to make on the application as the Core Valley Line is now owned by Transport for Wales.
- 6.7 **Transport for Wales** comments on active travel matters relating to the application including prioritisation of cycle parking above the private car in line with the transport hierarchy set out in PPW11, the need to make provision for cyclists within the site and along Wedal Road in line with the Council's Active Travel Network Map (of suitable width i.e. 1.5m minimum).
- 6.8 Their consultants Amey Infrastructure Wales advise that they will need to be engaged prior to any works beginning on site to establish the interface with any assets, ideally at least 3 months prior to the commencement of works.
- 6.9 **CADW** have no objection to the proposed development in regards to the registered historic parks and gardens of Cathays Cemetery and Roath Park. They agree with the conclusions of the Heritage Assessment accompanying the application that the development will have a negligible impact on the settings of these registered historic parks and gardens.

7. REPRESENTATIONS

- 7.1 **Jo Stevens MP** writes to place on record concerns that have been raised with her by constituents living in close proximity to the proposed development. She emphasises that she is not lodging objections to the application, or the proposal for social housing – we need a lot more social housing in Cardiff Central.

7.2 Her constituents have concerns about the height and style of the proposed building not being in keeping with the conservation area around it. There are also concerns about parking with a very small number of parking spaces planned as part of the development. In terms of access, Wedal Road is often extremely busy. The main entrance and exit onto the site is in close proximity to a very unsafe corner which in turn is in close proximity to a pedestrian crossing. Other roads around the site are often busy, and full of parked cars. Finally, the current proposals contradict vehicle access rights for a constituent.

7.3 **Councillors Robert Hopkins, Bablin Molik and Daniel Waldron** objected to the original submission and consider that the application should be determined by Planning Committee. Their objections are summarised as follows:

Design & Scale

- (i) Although the building steps from 3 to 6 no. storeys, it will dominate the surrounding area and residential properties to such an extent that it is out of kilter with all buildings in the immediate area;
- (ii) The DAS references high rise buildings on Clodien Avenue and UHW as justification for the height, both of which are a significant distance away and outside the conservation area;
- (iii) The application has not provided enough information to demonstrate that it will not be visible over existing roof tops or from Roath Park;
- (iv) Unconvinced by much greater use of red facing brickwork to blend the building into the immediate environment;
- (v) Heritage Assessment describes a 'negligible' degradation of the character and appearance of 1 Lake Road West and the wider conservation area.

Neighbour Impact

- (vi) Questions relationship with neighbours immediately east on grounds of overshadowing, overlooking, and therefore privacy;
- (vii) Concern regarding application accuracy (i.e. ownership boundaries);
- (viii) More information required in respect of noise impacts from railway and dual carriageway – no mitigation provided;

Transport & Access

- (ix) Insufficient car parking provision on site leading to increased overspill parking on-street (based on over-optimistic estimates for changes in travel habits);
- (x) Current public transport provision is inadequate. Nearest bus stop is 150m away and most buses are hourly. Furthermore bus services have recently been withdrawn on Lake Road West;
- (xi) Existing train stations at Cathays and Heath are unlikely to be accessed on foot, car travel is more likely due to the distances.

7.4 Following consideration of the amended submission, they maintain their objection to the application, expressing the following further concerns:

- (i) Design and Scale – former YHA building was only two storeys. Building will dominate and be out of kilter with the surrounding area.
- (ii) Neighbour impact – concern at overbearing, overshadowing, degradation of character and appearance of neighbouring properties;
- (iii) Noise Impacts – concern whether any mitigating measures from railway noise will be sufficient;
- (iv) Materials – continuing concerns regarding appropriateness of construction materials;
- (v) Transport and Access – remain sceptical regarding the sufficiency of the proposed parking arrangements;
- (vi) Legal Matters – supports the access rights for The Lodge, No. 1 Lake Road West.

7.5 The application was advertised on the Council Website and by way of neighbour notification letters, site notices and advertisement in the local press on 19th May 2022 as it comprises major development that may affect the character and/or appearance of a conservation area.

7.6 Following receipt of additional information in support of the application in October 2023 (see summary in Paragraph 2.17), additional publicity was undertaken by way of notification letters to neighbours and interested parties.

7.7 4 no. representations have been received objecting to the amended proposals on the following summarised grounds:

Design & Appearance

- Scale/Massing – building too tall, out of scale, fails to respect local character and context (predominantly 2/3 storey pitched roof buildings);
- Unsympathetic design, dominant, discordant, alien feature.

Conservation Area

- Out of character with conservation area. Would neither preserve nor enhance the area's character;
- The tree-lined backdrop of the site preserves and enhances the conservation area;
- Site levels will exacerbate impacts upon the conservation area;

Transport/Access

- Parking provision is inadequate;
- Promised train station has not materialised (Cardiff Transport White Paper);
- Buses are infrequent and unreliable;
- Overspill parking will result (c. 23 – 46 cars expected).
- On-street parking restrictions have recently been subject to consultation;

- Active travel improvements planned for Wedal Road will further reduce on-street parking availability;
- Requests conditions to protect existing residents during construction disruption;
- Increased congestion at the Wedal Road / Lake Road West junction

Residential Amenity

- Overshadowing – no sunlight/shadowing analysis has been submitted;
- Overbearing / Unneighbourly – neighbouring property is c.1.5-1.7m below application site. Levels appear to be increasing. Single-storey structure on boundary.
- Odour – bin store abuts boundary
- Overlooking – windows within 21m of habitable rooms of neighbouring property resulting in loss of privacy
- Sited too close to neighbouring properties

Green Infrastructure

- Removal of mature trees and replacement with smaller immature trees;
- No ecology enhancement – diminishing of green corridor to north;

Other Matters

- Misleading plans/documents - inaccuracies relating to naming of neighbouring buildings and extent of title deeds;
- Increased pressure on existing drainage infrastructure;
- Access rights have been interfered with (due to temporary site enclosure). Concern that these obstructions will continue;
- Insufficient public consultation has taken place;
- Concern at lengthy determination process
- Amendments are so major that a new application should be submitted;
- Viability issues should not enable inappropriate development (see Parkhurst Road v SoS for Communities and Local Government & Anor [2018] EWHC 991)
- Affordable housing is much needed but does not override the objections

7.8 All public representations made on the application are available to view in full on the Council's website at:

[22/00820/MJR | Development of up to 5 Storey Building to Accommodate 23 no. Affordable Apartments Plus Associated Works | Land At Former Youth Hostel 2 Wedal Road Roath Cardiff CF14 3QX \(cardiffidoxcloud.wales\)](https://cardiffidoxcloud.wales/22/00820/MJR%20Development%20of%20up%20to%205%20Storey%20Building%20to%20Accommodate%2023%20no.%20Affordable%20Apartments%20Plus%20Associated%20Works%20Land%20At%20Former%20Youth%20Hostel%202%20Wedal%20Road%20Roath%20Cardiff%20CF14%203QX)

8. ANALYSIS

8.1 The key material considerations in the determination of this application are:

- Principle of Development
- Design and Appearance
- Roath Park Conservation Area
- Green Infrastructure
- Highways and Access
- Residential Amenity
- Sustainability / Energy

Principle of Development

8.2 The cleared site comprises c.0.57 hectares having previously been occupied by the Youth Hostel Association premises which was demolished in 2018. The site comprises brownfield land as defined by Planning Policy Wales 12 (PPW12), within the settlement boundary, such that the principle of residential development in this location is therefore acceptable.

Design and Appearance

8.3 LDP Policy KP5 (Good Quality and Sustainable Design) requires all new development to be of a high quality sustainable design and make a positive contribution to the creation of distinctive communities, places and spaces through a range of 12 criteria, including:

- (i) Responding to the local character and context of the built and landscape setting so that layout, scale, form, massing, height, density, colour, materials, detailing and impact on the built and natural heritage are all addressed within development proposals;
- (vii) Achieve a resource efficient and climate responsive design that provides sustainable water and waste management solutions and minimise emissions from transport, homes and industry;
- (viii) Achieving an adaptable design that can respond to future social, economic, technological and environmental requirements;
- (ix) Promoting the efficient use of land, developing at highest practicable densities and where appropriate achieving the remediation of land contamination;
- (xii) Fostering inclusive design, ensuring buildings, streets and spaces are accessible to all users and is adaptable to future changes in lifestyle;

Height, Scale and Massing

8.4 There has been a lengthy dialogue with the applicant regarding the height, scale and massing of the proposed development both at pre-application and post submission of the planning application. The amended scheme presented for determination represents the culmination of these discussions where the scheme has been reduced in height, number of storeys, and number of units.

- 8.5 A key focus of the discussions has been the site's location in the Roath Park Conservation Area, albeit in its northwestern most corner. The conservation area impacts are considered in depth in the following section of this analysis however the consistent recommendation to the applicant has been to reduce the height and scale of the development so that it does not protrude above the roof ridges of the terrace of two-storey Edwardian properties fronting onto the west side of the roundabout between Fair oak Road, Ninian Road, Lake Road West and Shirley Road. The amended scheme has now been reduced to a height that meets this expectation, albeit acknowledging that the development would be visible from restricted views westwards up Wedal Road.
- 8.6 The stepped approach to the design, from 3-storeys at the east rising to 5-storeys to the west where it adjoins the railway line, is considered to be an appropriate solution on what is a narrow, linear site. The added constraint of a water easement along the site frontage also requires any building to be sited at the rear of the site which further influences the linear footprint.
- 8.7 The positioning of the 3-storey part of the development by approximately 13.5m from the boundary with the neighbouring properties at 1 Lake Road East is considered to be a suitable separation such that the relationship in design terms is considered to be satisfactory and accords with the design principles set out in LDP Policy KP5. Residential amenity considerations are covered further on in this analysis.

Appearance, Materials and Detailing

- 8.8 The modern flat roof approach to the building design is considered to be appropriate for this context, though the use of high quality external finishes will be important to ensure an end product that is appropriate for this location. Architecturally, the modern flat roof approach, which is set to the rear and moves away from the principal terrace of properties fronting onto the junction, ensures the building will be visually distinct from these traditional gable-fronted properties.



Figure 8: Materials Palette

- 8.9 The proposed palette of materials includes two contrasting red bricks as well as both light and dark grey mortar. Red brick is considered fundamental to the character of the area. Recessed windows and detailing to the elevations together with the projections and recesses to elevations will help to add interest and variety, particularly to the southern and eastern elevations. Conditions are proposed to secure these details, including samples of bricks and mortar to ensure the quality shown on the plans is implemented during the construction process.

Roath Park Conservation Area

- 8.10 LDP Policy KP17 (Built Heritage) commits to the protection, management and enhancement of the City's distinctive heritage assets including Conservation Areas and Historic Parks and Gardens. LDP Policy EN9 (Conservation of the Historic Environment) requires any development relating to historic assets (including their settings) to demonstrate that it preserves or enhances that asset's architectural quality, historic and cultural significance, character, integrity and/or setting.
- 8.11 At the heart of Roath Park Conservation Area lies the Grade I registered historic park and garden of Roath Park; a late-Victorian space regarded as one of the finest late Victorian and Edwardian residential developments in the country. The park comprises of Roath Park Pleasure Gardens to the north-west and open Recreation Fields to the south-east. The conservation area encompasses both this registered park and a number of its surrounding streets. The Roath Park Conservation Area Appraisal identifies three areas of special character: Roath Park; the principal arterial streets surrounding the park; and side streets off the park.
- 8.12 Distinctive to the built quality of the place is its domestic scale, comprising of late-Victorian and Edwardian housing (be it terraced, semi-detached or several detached properties), with a tight-knit arrangement set-out to uniform building lines. These buildings feature a distinctive palette of high-quality materials integral to their *Arts-and-Crafts* influenced design; articulated by pronounced bay windows, steep gables and roofs, and ornate chimney stacks. The width and height of these buildings - and their building line - creates a strong sense of enclosure to the area. This enclosure is relieved by entrances to the side streets and, more significantly, the spaciousness afforded by front gardens, the mature trees which line the streets and the verdant backdrop of the Roath Park Recreation Ground and Pleasure Gardens.
- 8.13 The contrasting scale between houses defines a distinct hierarchy between arterial and side streets; houses on the arterial streets are generally larger (in terms of width, height and depth) than those to the side, which are constricted to two and three-storeys in height, with third storeys attained through the insertion of windows in the large gables and small dormer windows.
- 8.14 Roath Park Recreation Ground and Pleasure Gardens are the main focal points for the area. The buildings on Ninian Road, Ty-Draw Road and Penylan Road face directly onto them, and the side streets provided elevated views of the

same. There are attractive vistas along the tree-lined streets of Ninian Road and Ty-Draw Road, and impressive views and vistas can be found from within the Roath Park Recreation Ground and Pleasure Gardens.

Location

- 8.15 The site in question is located to the north-westernmost fringes of the area, within a now-vacant site which abuts Eastern Avenue – a busy road upon a high embankment, which here defines the northern boundary of the area. To the north of this road, the Roath Park Lake and Gardens Conservation Area extends in linear formation, again to the north. The site lies within the second of those defined conservation area zones: ‘*Arterial Streets*’.

Form and Massing

- 8.16 The Conservation Officer considers that the large and flat roof form results in a structure which is out of character for the domestic scale of the area, tempered somewhat by its detail and its location. The articulation of its facades and the breaking-up of its mass provides some softening of its presence, as does the low-relief brick detailing to its elevations. The proposed is located upon a vacant site very much to the fringes of the area, adjacent to the prominent and busy Eastern Avenue. It is, however, prominent within a limited number of conservation area views.

Visibility

- 8.17 The proposed development will be visible from the south-eastern end of Wedal Road where, though set back from the road and softened by low-level landscaping, it will be prominent.





Figure 9: Wedal Road Viewpoint

- 8.18 As identified by the Heritage Assessment which accompanies the application, the proposed development will be visible only within a limited broader radius. In terms of the conservation areas and registered Roath Park, this is effectively within the immediate vicinity of Fair oak Roundabout (up to c. 100m south of the Site), within Roath Park (up to c.60m inside) and Lake Road West at the very southern end of the road adjacent to the A48 and the park entrance.
- 8.19 At all times of year, the proposed development will be clearly apparent from the eastern edge of Fair oak Roundabout, where it also forms a prominent backdrop to No.1 Lake Road West, located on the corner of Wedal Road and Lake Road West. Though it has recent development immediately adjacent, No.1 is a nicely composed and prominently located red brick building typical to the area, with a notably decorative chimney stack to its gable end. As such, it makes a positive contribution. Though some 'breathing space' has been provided between this building and the proposed, the new still forms a prominent backdrop to the building, and partially closes-off the long tree-lined view between that and the terrace of houses comprised of Nos. 1-31 Fair oak Road. The Conservation Officer considers that this will impact negatively upon the setting of the non-designated asset and the conservation area as a whole.



Figure 10: Fair oak Road Viewpoint

- 8.20 Further views are available from the southern side of Fair oak Roundabout, to the very western end of Ninian Road. Here, the new development completely closes off the longer tree-lined view between No.1 Lake Road West and the terrace of houses comprised of Nos. 1-31 Fair oak Road.
- 8.21 Further down Ninian Road, the new will not intrude upon one of those key long views down the street which has been identified within the Conservation Area Appraisal. In addition, the revised scale of the development now ensures that its flat roof form no longer substantially projects above the roofline of the terrace of houses to the fore (which are also considered to contribute positively to the conservation area). It does, however, project beyond their north-western end, and the Conservation Officer notes that this introduces larger flat roofed forms into this vista which he considers distracts and detracts from the prominence of these buildings - and the character and appearance of the area. This view is tempered by trees to the roundabout, which will obscure much of this intrusion during the summer months.



Figure 11: Ninian Road Viewpoint

- 8.22 Beyond this, i.e. within the park, views in winter will be partially obscured by the mature trees in the area, and much more so in spring, summer and early autumn. Cadw are satisfied that the setting impact upon the registered park will be negligible.

Conclusion

- 8.23 The Heritage Officer considers that, though tempered somewhat by its form, articulation and materiality, the proposed development introduces a large and flat-roofed form within the conservation area which is not characteristic of the area. He notes that this is further tempered by its marginal location upon a vacant cleared site, though it will be evident in a number of views from the northernmost fringes of the area. He concludes that the net result will be a low/moderate negative impact upon the character and appearance of the Roath Park Conservation Area.
- 8.24 While these impacts are noted, it is both necessary and important to assess other material considerations to determine whether there are identified benefits that outweigh these heritage impacts, having regard to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires that Local Planning Authorities pay *special attention* to the desirability of preserving or enhancing the character or appearance of a conservation area.

Green Infrastructure

- 8.25 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. The importance of green infrastructure has also been strengthened in the recent publication of PPW12.

- 8.26 LDP Policy KP16 (Green Infrastructure) recognises that Cardiff's distinctive natural heritage provides a network of multi-functional green infrastructure and commits to its protection, enhancement and management to ensure its integrity and connectivity is maintained. However it also recognises that its protection and conservation needs to be reconciled with the benefits of new development. In this respect, an expectation is placed on development proposals to demonstrate how green infrastructure has been considered and integrated. Finally, biodiversity interests including connectivity of priority habitats and species and trees are listed together with other features and spaces as key natural heritage assets that help determine Cardiff's character, value, distinctiveness and sense of place.
- 8.27 LDP Policy EN8 (Trees, Woodlands and Hedgerows) 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.

Trees

- 8.28 The application proposes to remove 3 no. individual trees (plus tree group G2) from a total of 8 no. trees on the northern site boundary identified in the accompanying tree survey, of which 2 no. pine trees are 'B' Category trees. These two pine trees, due to their height, are visible from a number of key views in the area including from passing traffic along the A48. The two pine trees, due to their height, form a strong backdrop to the site and make a positive contribution to the area.
- 8.29 Both the Parks Planning Manager and the Tree Officer object to the removal of the trees, with the latter holding the view that there is no overriding design justification for their removal and the proposed mitigation is inadequate. The Tree Officer also disputes the survey conclusions that the pine trees are in terminal decline.
- 8.30 The constraints of the site (i.e. the easements across the frontage and the shallow depth of the site) will necessitate the removal of these trees in order to maximise the site's developable area. Furthermore, retaining walls need to be constructed to accommodate the building footprint so that the best use is made of this cleared brownfield site.
- 8.31 The proposed site plan indicates the provision of 9 no. replacement trees to the northern site boundary to compensate for the removal of the pines and other lower category trees, together with 5 no. trees to the front boundary and within the soft landscaped area. This replacement provision exceeds the 3:1 ratio set out in PPW12, albeit the size and species have not yet been confirmed at this stage. A condition would be necessary to secure full planting details as part of a site-wide landscaping scheme.

- 8.32 It is recognised that the removal of the two Category 'B' Pine Trees represents an impact that needs to be weighed in the planning balance against the beneficial impacts of the development.

Landscaping

- 8.33 The site plan has been amended through the course of the application in response to representations from third parties. The latest version retains the existing one-way vehicle access route through the site, with separate access and egress. As a consequence, the opportunities for soft landscaping are limited to a buffer along the site frontage and the separation area between the 3-storey building and the neighbouring boundary to the east (enclosed by the bin and cycle stores).
- 8.34 Full details of the soft landscaping scheme would be secured via condition. This area would also include cellular storage, bioretention areas and rain gardens to meet SAB requirements.

Ecology

- 8.35 It is agreed, being a cleared brownfield site with remnants of hard-standing with areas of ephemeral short perennial vegetation, that the ecological distinctiveness of the site is low. Subject to conditions, the County Ecologist is generally satisfied with the amended proposals and considers that the implementation of appropriate measures will satisfy the Council's Section 6 Duty to maintain and enhance biodiversity.

Highways and Access

- 8.36 Chapter 4 of PPW12 '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.*" It further notes that 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.
- 8.37 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 by:
- Enabling More Sustainable Travel Choices – measures to increase walking, cycling and public transport, reduce dependency on the car for daily travel; and

- Network Management – measures to make best use of the available capacity, supported by targeted new infrastructure.
- 8.38 LDP Policy KP8 (Sustainable Transport) states that development will be integrated with transport infrastructure and services to...reduce travel demand and dependence on the car, enable and maximise use of sustainable and active modes of transport, and provide for people with particular access and mobility requirements.
- 8.39 LDP Policy T1 (Walking and Cycling) supports developments that incorporate a range of measures to enable people to access employment, essential services and community facilities by walking and cycling, including high quality and sustainable design, permeable, legible, safe, convenient and attractive routes, connections to wider strategic networks, prioritisation of pedestrians and cyclists, provision of car-free zones and the provision of supporting facilities e.g secure cycle parking.
- 8.40 LDP Policy T5 (Managing Transport Impacts) states that developments, where necessary, will seek safe and convenient provision for a range of road users to thus contributing to reducing reliance on the private car (paragraph 5.2.30).

Vehicle Access

- 8.41 The original submission to create separate access/egresses for the apartment block and neighbouring property was amended to an in/out arrangement shared by both plots to ensure the legal right of access for the neighbouring property was respected.
- 8.42 Although the Operational Manager, Transportation has reservations concerning this arrangement, he acknowledges that his concerns do not amount to an objection. Principally, he is concerned about safety matters in the event that the one-way access is misunderstood or is used for ad hoc parking. Whilst these concerns are noted, it is considered that they can be satisfactorily addressed by way of condition to secure safety measures and the ongoing management of the site by the applicant.
- 8.43 Refuse Vehicles would not enter the site but would rather stop on Wedal Road adjacent the site exit where the refuse collection point is located. This arrangement is considered to be satisfactory, subject to a condition to secure this arrangement.

Car Parking

- 8.44 Two no. car parking spaces with electric charging capability are proposed to be provided within the site adjacent to the site entrance. Mindful of the site's eminently sustainable location, reasonably well served by public transport (nearest bus stops on Ninian Rd and Lake Rd East) and with local amenities and services within a short walk, this provision is considered to be satisfactory.

Cycle Parking

- 8.45 The amended proposals secure 22 no. secure and covered cycle parking spaces through a mix of 6 no. 'Sheffield' spaces (using 4 no. stands) plus 6 double-stacked spaces. The Operational Manager considers that this arrangement would be acceptable taking into consideration the improved quantum and mix of facilities and the availability of 2 further parking spaces utilising the 'Sheffield' stand adjacent to the building entrance. Overall the provision is considered to be satisfactory and makes every effort, bearing in mind the site constraints, to encourage future occupiers to access this active travel mode.

Traffic Generation

- 8.46 In responding to concerns regarding the potential for traffic generation and overspill parking from the development onto Wedal Road, the applicant advises that the provision of 2 no. off-street spaces is compliant with LDP Policy KP8 that seeks to reduce travel demand and dependence on the car and achieve a 50:50 modal split between the private car and public transport and active travel modes.
- 8.47 The applicant contends that the limited off-street parking available in the scheme will likely attract future residents who do not own a car. The parking restrictions on Wedal Road together with the high usage of the car parking bays opposite the site on Wedal Road are also likely to be a deterrent. The Transport Statement concludes that a handful of cars arising from the development may rely on Wedal Road for parking.
- 8.48 Whilst the Operational Manager, Transportation, has queried background data that led to these conclusions, he does accept that the lack of parking provision within the site is likely to be a deterrent and the on-site provision is in accordance with adopted parking guidelines. Any off-street parking is likely to be negligible.

Conclusions

- 8.49 The amended proposals are considered to be satisfactory and accord with adopted policies which favour the use of public transport and active travel modes above the private car. The site is well-served by public transport, local services and amenities are readily accessible within a short walk (0.5 miles to Crwys Road District Centre) and the cycle parking within the development has been enhanced through the application process. Relevant conditions will secure the necessary improvements to the access/egress points and the resurfacing works in the public highway.

Residential Amenity

- 8.50 LDP Policy KP5 (Good Quality and Sustainable Design) seeks to achieve high quality sustainable design through ensuring, amongst other things, no undue effect on the amenity of neighbouring occupiers.
- 8.51 LDP Policy EN13 (Air, Noise, Light Pollution and Land Contamination) states that development will not be permitted where it would cause or result in unacceptable harm to health, local amenity because of air, noise, light pollution or unacceptable levels of land contamination.

Road Traffic Noise

- 8.52 The amended Noise and Vibration Assessment accompanying the application (Inacoustic, 17th October 2023) found that the site is heavily influenced by transport sources (A48 corridor and Trains) and has an overall categorisation of Noise Exposure Categories (NEC) C to D.
- 8.53 Technical Advice Note 11 advises as follows for NECs C and D:
- (i) NEC C: Planning permission should not normally be granted. Where it is considered that permission should be given, for example because there are no alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise.
 - (ii) NEC D: Planning permission should normally be refused.
- 8.54 In order to reduce, as far as possible, the noise impacts from the A48 the layout has been designed such that no habitable room windows are positioned in the north elevation. The northern elevation would primarily comprise communal access corridors.
- 8.55 The exception to this is the north-western end of the building, where a small kitchen and small bathroom window on each of the five floors overlooks the A48, which, while not being habitable spaces, are, in the case of the kitchens, open plan into the lounge/dining space, meaning that the kitchen facades are considered habitable rooms. However, these
- 8.56 Shared Regulatory Services, Neighbourhood Services (Noise) has noted the stringent acoustic mitigation measures recommended by the amended assessment in order to achieve British Standards and consequently recommends a pre-occupation survey to ensure that the recommended mitigation works are carried out to the Local Planning Authority's satisfaction. A relevant condition would secure the recommended mitigation, together with sound insulation conditions to secure necessary works to the floors/ceilings between apartments and the elevator shaft and apartments.
- 8.57 Whilst the site falls within NEC C and D, it is accepted that the application of conditions can secure an acceptable living environment for future occupiers. This is ultimately a matter for the planning balance. It is also noted that while

TAN11 remains the extant guidance, it is anticipated that the TAN will be revised in the near future following consultations which seek a move away from noise categorisation of sites (which might prevent otherwise acceptable development which are able to mitigate for noise) towards a soundscape-based approach, which is now also reflected in PPW12.

Third Party Objections

8.58 Objections to the application have been received from the occupiers of 1 Lake Road West and the Old Kiosk, both of which adjoin the site's eastern boundary. These properties have in recent years received planning permission (separately) for extensions and conversion to 2 no. flats (1 Lake Road West) and a dwellinghouse (The Old Kiosk). In response to the objections received from these neighbouring occupiers where they reference amenity concerns:

- (i) Overshadowing – no sunlight or shadowing analysis of the impact of the development is considered to be necessary, mindful of the stepped design of the building, their orientation and position, and the distances between the building and the neighbouring plots;
- (ii) Overbearing/Unneighbourly – the finished floor level of the bin store and cycle store at c.15.3m AOD would be marginally higher than the existing site levels on this boundary (c.15m). The ground floor would have a finished floor level of 16.8m AOD, approximately 1.5m higher than the bin and cycle stores. Mindful of the separation distance between the ground and upper floors from the neighbours, this relationship is considered to be satisfactory and would not be unduly overbearing or unneighbourly.
- (iii) Odour – whilst the bin store is sited close to the boundary, it will be a solid structure abutting the retaining walls with a green roof over. The door openings would be on the south elevation into the site, screened by the neighbouring cycle store. Refuse would be stored in containers with closing lids;
- (iv) Overlooking – The east elevation of the proposed building facing 1 Lake Road West would contain a kitchen window and secondary lounge window at ground, first and second floors. A bedroom window would also be installed at third floor. The east (rear) elevation of 1 Lake Road West has a first floor kitchen window, a first floor bedroom window (4m further away) and 2 no. rear dormer windows, one of which serves a bedroom facing the application site. The first and second floor kitchen and secondary lounge windows on the development would be sited approximately 13.5 metres from the boundary. The third floor bedroom window would be further away again, at approximately 16.5 metres from the site boundary. These distances are considered to be appropriate mindful that the predominant outlook from first floor kitchen and lounge is towards Wedal Road to the south and the views from the third floor bedroom to 1 Lake Road West achieve 10.5 metres to the boundary and 21 metres between habitable rooms. Views from the third floor bedroom towards the Old Kiosk to the north are more oblique and nevertheless achieve the required privacy standards.
- (v) Siting – the siting of the building within the plot appears to be sensitively

positioned and designed in order to achieve a satisfactory relationship with neighbouring properties. The positioning of the single storey flat roof bin and cycle stores is sensible making the best possible use of the developable area of the site (avoiding easements) and the 3 to 5 storey part of the building achieves a satisfactory separation thereby avoiding any unacceptable impact.

- 8.59 For the reasons given above, it is considered that the impacts upon future occupiers and neighbours would not be unacceptable and therefore LDP Policies KP5 and EN13 are satisfied.

Sustainability / Energy

- 8.60 Future Wales Policy 17 (Renewable and Low Carbon Energy and Associated Infrastructure) outlines support for developing renewable and low carbon energy at all scales.
- 8.61 PPW (para 5.8.1) states that 'the planning system should support new development that achieves high energy performance, supports decarbonisation, tackles the causes of the climate emergency and adapts to the current and future effects of climate change through the incorporation of effective mitigation and adaptation measures.
- 8.62 LDP Policy EN12 Renewable Energy and Low Carbon Technologies requires major development to maximise the potential for renewable energy. The council will encourage developers to incorporate schemes which generate energy from renewable and low carbon technologies.
- 8.63 The application proposes the use of green roofs (c.67m²) to both the refuse store and cycle store which has the benefit of not only providing biodiversity enhancement but also tackling the climate emergency through carbon sequestration.
- 8.64 The amended plans also show the installation of photovoltaics to the 5th floor roof, subject to detailed design. This represents a coverage of approximately 50% of the total roof space of the building.
- 8.65 The two no. car parking spaces within the site may also be provided with EV charging capabilities.
- 8.66 These measures, subject to appropriate details being secured via condition, are considered to be positive aspects of the development that satisfy the requirements of LDP Policy KP15 (Climate Change) in that carbon sequestration will occur, emissions will be reduced and renewable forms of energy will be delivered.

Section 106 Matters

- 8.67 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”.

- 8.68 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.
- 8.69 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.
- 8.70 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.
- 8.71 In view of the type and form of development proposed, having regard to local circumstances and needs arising from the development, there is a 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.
- 8.72 The proposed broad Heads of Terms for the required section 106 agreement are as follows (in line with the Planning Obligations SPG):-
- Public Open Space: £31,023 towards the provision of new public open space and/or the management and maintenance of existing open space in lieu of any on-site provision.
 - Affordable Housing: That the applicant be obligated to develop the site for 100% Affordable Housing (23 no. affordable homes) as stated in the application.
- 8.73 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’

- 8.74 PPW12 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.

- 8.75 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.
- 8.76 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.
- 8.77 At 2.28 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.
- 8.78 Section 5 of PPW12 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.
- 8.79 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.
- 8.80 The analysis above has identified that there would be impacts in respect of a) the impact on the character of the conservation area; b) impact on / loss of trees; and c) noise environment.
- 8.81 In respect of the conservation area location, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that LPAs pay *special attention* to the desirability of preserving or enhancing the character or

appearance of a conservation area. The above analysis however, at paras 8.10 – 8.24, identifies that there would be a low/moderate negative impact on the Roath Park Conservation Area, notably in respect of the flat-roofed form of the large new building, and in views from the south-eastern end of Wedal Road.

- 8.82 While the views of the Heritage Officer are noted, it is also notable that the site is on the fringes of the conservation area, with such impacts restricted to a limited number of views within the immediate vicinity of Fair oak Roundabout. While such impacts remain acknowledged, it is nevertheless considered that this does not mean it is not possible to come to a conclusion that other benefits outweigh such impacts.
- 8.83 In terms of noise, the amended noise assessment accompanying the application found that the application site falls within Noise Exposure Categories C and D, in which TAN11 advises that planning permission is not normally granted (NEC C) or that permission be refused (NEC D). However, the assessment also notes the sensitive layout of the apartments facing away from noise sources (i.e. the A48 and, to some extent, the railway) and that acoustic mitigation would achieve satisfactory internal noise levels that are British Standard compliant. The SRS team also do not object on noise grounds. While weight cannot be attached to an unpublished new TAN11, nevertheless the known move away from strict noise categorisation of sites is also noted, such that it is considered that whilst the noise levels without mitigation would weigh against development proceeding, these can be overcome through design and mitigation such that it would be unreasonable to refuse the application, having particular regard also to the benefits below..
- 8.84 The loss of the two Category 'B' pine trees is a negative impact that weights against the development. PPW12 only permits permanent removal of trees where it would achieve significant and clearly defined public benefits. Where losses are unavoidable, compensatory planting proportionate to the proposed loss is required at a ratio equivalent to the quality, environmental and ecological importance of the losses, preferably onsite and at a minimum ratio of 3 trees of a similar type and compensatory size planted for each one lost (paragraph 6.4.42).
- 8.85 The application indicates that 9 no. new trees would be planted along the northern boundary to compensate for the 2 no. pine trees (and group of Category 'U' trees). There would also be 5 new trees planted in front of the building. Whilst the quantum of 14 no. new trees on the site exceeds the 3:1 ratio set out in PPW12, no details of the species type and tree size have yet been secured. It therefore cannot be confirmed at this stage whether this compensatory scheme will include pine trees of a similar type and compensatory size.
- 8.86 Individually and cumulatively, the above impacts could be argued to weigh against development proceeding. As noted above however, there may be occasions when one benefit of a development proposal outweighs others. Having regard to the above, the impacts described must be considered in the

context of the delivery of 23 no. much-needed affordable homes.

- 8.87 PPW12 requires the planning system to facilitate the provision of a range of well-designed, energy efficient, good quality market and affordable housing that will contribute to the creation of sustainable places (4.2.2). The need for affordable housing is a material planning consideration which must be taken into account in...determining relevant planning applications (4.2.26).
- 8.88 The provision of 23 no. one bedroom affordable apartments in a sustainable location well-served by public transport with local amenities, facilities and services within a short walk is considered to be a positive aspect of the application that weighs heavily in its favour.
- 8.89 Noting that noise can be satisfactorily mitigated through acoustic glazing and a scheme of replacement tree planting would be secured by conditions, it is considered that even noting the low/moderate impact on the Conservation Area, and the need to pay special attention to conservation area, in this case the planning balance weighs in favour of the provision of much-needed affordable homes. The Section 106 will need to secure the provision of a 100% affordable housing scheme (where LDP Policy usually requires 20% on such sites) to ensure that the identified benefits of the scheme are retained in perpetuity.

Other Matters Not Assessed Above

- 8.90 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:
- Land Ownership – the amended submission has clarified the extent of land ownership to resolve any confusion. The appropriate ownership certificate has been served;
 - Neighbouring access rights – the access rights of the neighbours at 1 Lake Road West have been retained through the amended proposals retaining the existing one-way vehicle access arrangements;
 - New Train Station – The Council is working closely with Welsh Government and Transport for Wales (TfW) regarding the business case for new train stations in Cardiff, including Roath Park Station at Wedal Road. This new station is referenced in the Transport White Paper and this remains a Council aspiration. The station currently forms part of the TfW proposals for the Core Valley Lines (CVL) new stations packages intended to follow on from CVL Transformation. Its business case will be progressed when further funding becomes available;
 - Wedal Road Active Travel Improvements – Cardiff's Active Travel Network Map identifies Wedal Road as a future cycling route. No design details of the route have yet been prepared;
 - Inaccurate Plans – the amended plans package is considered to be accurate and sufficient to determine the application;
 - Public Consultation – sufficient consultation has taken place in

accordance with legislative requirements;

- Scale of Amendments – it is appropriate to consider the amendments under this application as opposed to the submission of a new application. Interested parties and statutory consultees have been re-consulted for a sufficient time period. No third party rights have been prejudiced.

9. 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 In determining this application, special attention must be given to the desirability of preserving or enhancing the character or appearance of the Roath Park Conservation Area, as required by Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990. Whilst there is acknowledged to be a low / moderate negative impact on the character and appearance of the conservation area, as covered earlier in this analysis, there are a number of considerations which support the granting of planning permission in this instance, as follows:

- (i) The site in its currently cleared state contributes little to the character and appearance of the conservation, other than the trees on the northern boundary;
- (ii) The water easements crossing the length of the site occupy approximately 50% of the site (the entire frontage), meaning the footprint of any development must be located at the rear of the site. This threatens the long-term future of the existing trees on the boundary with the A48.
- (iii) The site is located on an arterial road in the northwest periphery of the Conservation Area.
- (iv) The scheme has been amended such that it is now can only be seen from limited views within the conservation area as the existing buildings around the junction provide effective screening.
- (v) The modern, flat roof design contrasts effectively with the traditional arts and crafts architecture fronting onto the junction.
- (vi) The use of high quality red brick and architectural detailing will ensure a high quality finish that is appropriate for the conservation area.

9.3 Turning to the other material considerations, it is considered that noise impacts can be satisfactorily mitigated for through relevant conditions to ensure that future occupiers of these apartments will enjoy an acceptable living environment. Therefore, whilst the site does fall within noise exposure categories C and D, the application has successfully demonstrated that acoustic mitigation can satisfactorily overcome this issue.

9.4 The loss of the two no category 'B' pine trees is regrettable, but necessary in order to accommodate the building on this constrained site. PPW12 requires replacement planting, preferably onsite, at a ratio equivalent to the quality,

environmental and ecological importance of the trees lost and at least 3:1 (of a similar type and compensatory size). Notably, PPW12 also allows for the removal of trees where it would achieve significant and clearly defined public benefits (6.4.42). The application indicates that 9 no. new trees would be planted on the northern boundary, exceeding the minimum threshold required by PPW12, though precise details of the size and species would need to be secured by condition. A further 5 no. trees would also be planted in the soft landscaping area in front of the building, again secure via condition.

- 9.5 The impacts of this development have been fully assessed and are recognised. However, this cleared brownfield site retains significant development potential. The current scheme has been significantly amended through both the pre-application process and post-submission such that the scheme has successfully overcome earlier concerns and is now recommended for approval. The development would provide much needed affordable housing (with 100% provision secured through legal agreement) in a sustainable location, noting the identified impacts upon the Roath Park Conservation Area.
- 9.6 Accordingly, the proposed development is in accordance with LDP Policies KP4, K5, KP6, KP7, KP8, KP12, KP13, KP14, KP15, KP16, KP17, KP18, H3, H6, EN6, EN7, EN8, EN9, EN10, EN11, EN12, EN13, T1, T5, T6, C3, C5, C6 and W2.
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

RECOMMENDATION 1:

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 of this report, and the conditions listed below.

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.

11.1 CONDITIONS

1. STATUTORY TIME LIMIT

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

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

2. APPROVED PLANS

The development, unless otherwise required by the ensuing conditions, shall be carried out in accordance with the following approved plans and details:

- PL_03_002 – Site Topographic Trees and Survey
- PL_03-100 – Location Plan
- PL_03-101C – Proposed Site Plan Showing Ground Floor
- PL_03-102C – Proposed Site Plan Showing Roof Plan
- PL_03-110C – Conveyancing Plan
- PL_03-111A – Land Ownership Showing Ground Floor Plan Outline
- PL_03-200B – Proposed Floor Plan Sheet 1
- PL_03-201B – Proposed Floor Plan Sheet 2
- PL_03-300B – Proposed South Street Elevation
- PL_03-310C – Proposed South and West Building Elevations
- PL_03-311B – Proposed North and East Elevations
- PL_03-400A – Proposed Site Building Section
- PL_03-401B – Proposed Site Building Section Looking North
- PL_03-410A – Typical Façade Section and Elevation
- 2375-500G – Drainage and Engineering Strategy Plan
- 2375-501F – Impermeable Areas Plan
- 2375-599C – Proposed Highway Access

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. CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (CEMP)

No development including enabling works shall take place, until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority in order to manage the impacts of construction. The CEMP shall include:

- (i) a programme of works
- (ii) details of dust control measures
- (iii) noise management
- (iv) proposed temporary means of site enclosure
- (v) compounds and storage areas
- (vi) parking and access arrangements
- (vii) an existing highway inspection with a commitment to repair any damage caused by construction works.
- (viii) Emergency procedures: Emergency spill procedures and an incident response plan that will be followed in light of any spill at the site. This will include having the relevant materials to stop/contain a spill.
- (ix) Site contamination: How known contamination at the site will be managed. How unsuspected contamination if discovered will be managed.
- (x) Pollution prevention: Demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, covering, GPP1, GPP6, GPP8, and GPP21 and PPG6. This will be through the consideration of:
 - Details of harmful materials that will be used/stored at the site ~approximate quantities.
 - Storage of plant and materials (including chemicals and fuels) – including unloading, containment, bunding and/or appropriate buffer zones, including from any drain.
 - How drainage will be controlled to prevent release of soil from the site, wastewater and contaminants, including wheel washing facilities, during construction to the storm water system, which includes implementing the site drainage strategy, this is a major consideration. Control at source is required.
 - Measures to monitor mobilisation of contaminants to water.
- (xi) A risk assessment of potentially environmental harmful activities/operations to that of ecological constraints at the site, along with green/blue infrastructure, (noting that Roath Brook is within 120m of the site and could be connected via surface water sewers).
- (xii) Proposed measures of how the location and timing of works will avoid harm to biodiversity features - both physical measures fences to signage, and sensitive working practices, to avoid or reduce impacts during construction;
- (xiii) The proposed times during construction when specialist ecologists and or ecological Clerk of Works may need to be present on site to oversee works, in line with approved plans and environmental regulations. It is expected as a minimum that there is likely to be a requirement for supervision for reptiles, bats and birds;
- (xiv) The inclusion of a Precautionary Method of Works (PMoW) covering reptiles and habitat clearance, given the re-vegetation of the site since 2020.
- (xv) Pollution Prevention: demonstrate/amend the current CEMP how relevant Guidelines for Pollution Prevention and best practice will be implemented, covering, GPP1, GPP2, GPP5, GPP8, and GPP21.

Also considering the aspects within PPG6 (under review). This will be through the consideration of:

- Details of harmful materials/liquids that will be used/stored at the site;
 - Details on the expected plant to be used;
 - Storage of plant and materials – including containment, bunding and/or appropriate buffer zones, including from any drain;
 - Emergency spill procedures and incident response plan that will be followed in light of any spill at the site. This will include having the relevant materials to stop/contain a spill;
 - Relevant Toolbox talks.
- (xvi) Names and full contact details of responsible persons, lines of communication and emergency contact details;
- (xvii) A monitoring/review procedure in light of any changes to construction or incidental finds - biological or non-biological;

Reason: In the interests of highway safety, public amenity, protection of the environment, green infrastructure, biodiversity and pollution prevention in accordance with Local Development Plan Policies KP16 (Green Infrastructure), T6 (Impact on Transport Networks and Services), and EN13 (Air, Noise, Light Pollution and Land Contamination).

4. SEWER EASEMENT DETAILS

No development shall take place until a cross section drawing to show that the building will not have any load bearing issues on the public sewers crossing the site has been submitted to and approved in writing by the Local Planning Authority. The submitted section shall include the foundation type, depth and location along the full length of the building, and whether the piles rely on lateral support of the soil around them. The section shall demonstrate that the required protection zone measured 4 metres either side of the centre line of the public sewer will be maintained. The development shall be carried out and completed in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment in accordance with Local Development Plan Policy EN11 (Protection of Water Resources).

5. INNS METHOD STATEMENT

No development shall take place until an Invasive Non-native Species Management Plan for invasive non-native plant species has been submitted to and approved in writing by the Local Planning Authority. The management plan shall include:

- 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, including where roots may occur;
- The methods of control, removal/disposal (in line with waste transfer etc) should the species be impacted directly and appropriate implementation dates in respect of the development; and
- Drawing/s indicating location and area that will be subject to eradication and/or control; and
- Monitoring details.

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

Reason: To ensure the protection of biodiversity and prevention of the spread of invasive species of Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) in accordance with Local Development Plan Policy KP16 (Green Infrastructure).

6. SOFT LANDSCAPING IMPLEMENTATION PLAN

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

- (i) A soft landscaping implementation programme, with clear deadlines for each planting type/area and how these ties with construction elements.
- (ii) Scaled planting plans covering all planting types prepared by a qualified landscape architect, horticulturist or garden designer (details of tree, shrub, hedge and woody climber planting may be provided by an arboriculturist) with ecological input as required.
- (iii) Evidence to demonstrate that existing and proposed services, lighting, CCTV, drainage and visibility splays will not conflict with proposed planting.
- (iv) Schedules of plant species, sizes, numbers and densities prepared by a qualified landscape architect, horticulturist or garden designer (details of trees, shrubs, hedging and woody climbers may be provided by an arboriculturist).
- (v) Scaled tree pit sectional and plan drawings prepared by a qualified arboriculturist, landscape architect, horticulturist, or garden designer, that show the Root Available Soil Volume (RASV) as per the Cardiff Council Green Infrastructure Supplementary Planning Guidance, for each tree and expressed in cubic metres, where the tree will be growing in a constrained bed such as a car park or narrow verge.
- (vi) Topsoil and subsoil specification for all planting types, including full details of soil assessment in accordance with the Cardiff Council Soils and Development Technical Guidance Note (Soil Resource Survey and Plan), soil protection, soil stripping, soil storage, soil handling, soil amelioration, soil remediation and soil placement to ensure it is fit for purpose. The SRS and SRP shall be prepared by a soil scientist in full accordance with the DEFRA Construction Code of Practice for the

Sustainable Use of Soils on Construction Sites. The SRS and SRP shall incorporate trial pit and laboratory testing to characterise and quantify the soil resource and its suitability for re-use in-situ and site won, to support proposed landscape types. The SRP shall include full details of auditable site monitoring of soil handling operations by a soil scientist, to include reporting to the LPA to demonstrate compliance accordingly. Where imported planting soils are proposed, full specification details shall be provided including the parameters for all imported planting soils to demonstrate they are suitable for the specific landscape type(s) proposed. Parameters shall include profile depths, textural range, nutrient status, pH on placement, drainage performance and other factors relevant to their functionality in supporting the landscape type. The SRS, SRP and topsoil and subsoil specification shall inform planting plans, tree pit sections, planting methodologies and aftercare specifications.

- (vii) Planting methodology including year 1 (minimum) post-planting aftercare (defect liability period) as prepared by a qualified landscape architect, horticulturist or garden designer (details on tree, shrub, hedge and woody climber planting may be provided by an arboriculturist) including full details of how they will oversee landscaping implementation and report to the Local Planning Authority to confirm compliance with the approved plans and specifications.

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

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

7. GROUND GAS PROTECTION

No development shall take place until 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 by the Local Planning Authority. 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 shall be submitted to and approved in writing by the Local Planning Authority prior to 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’ includes 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 in accordance with Local Development Plan Policy EN13 (Air, Noise, Light Pollution and Land Contamination).

ACTION CONDITIONS

8. ROAD TRAFFIC NOISE

Prior to the beneficial occupation of any apartment, a post-build Acoustics Report shall be submitted to and approved in writing by the Local Planning Authority. The Acoustics Report shall include a validated certificate of compliance by an approved Acoustic Assessor and shall demonstrate compliance with the noise mitigation measures and results outlined in InAcoustic’s Noise & Vibration Assessment dated 17th October 2023.

Reason: To protect the amenity of future occupiers, in accordance with Local Development Plan Policies KP5 (Good Quality and Sustainable Design) and EN13 (Air, Noise, Light Pollution and Land Contamination).

9. SOUND INSULATION MEASURES

No development above foundation slab level shall take place until a scheme of sound insulation works to the floor/ceiling and party wall structure between apartments, and those internal habitable rooms partied to the proposed elevator shaft have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved sound insulation scheme prior to the occupation of any apartment.

Reason: To protect the amenity of future occupiers, in accordance with Local Development Plan Policies KP5 (Good Quality and Sustainable Design) and EN13 (Air, Noise, Light Pollution and Land Contamination).

10. ECOLOGY DATA SHELF LIFE

If site clearance in respect of the development hereby approved does not commence (or, having commenced, is suspended for more than 12 months) within 2 years from the date of the planning 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 shall 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. If a current ecological report suggests the reassessment of a particular feature before 2 years, that recommendation takes precedence.

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 Local Development Plan Policies KP16 (Green Infrastructure), EN6 (Ecological Networks and Features of Importance for Biodiversity), EN7 (Priority Habitats and Species) and EN8 (Trees, Woodlands and Hedgerows).

11. ECOLOGICAL ENHANCEMENTS

The following ecological enhancements covering green infrastructure to individual ecological receptors, shall be installed at the development to ensure along with relevant avoidance to mitigation, Net Benefits for Biodiversity can be achieved as part of the Step Wise Approach:

- (i) The enhancements specified in Section 5 of “*Ecological Impact Assessment Land at Wedal Road Cardiff, Ecological Solutions Ltd, 4th October 2023*” shall be installed at the development, along with the landscaping as shown on “*Wedal Road, Cardiff Landscape Strategy, TetraTech, drawing number: B031070 LA1, dated 29 March 2022*”.
- (ii) A green roof as indicated on “*Spring Design, Proposed Site Plan – Showing Roof Plan, drawing number: 03-102 Rev C*”.
- (iii) As a minimum 2, 1m² shallow trays of sand/gravel for use by gulls, installed on appropriate flat roof sections at the development. These shall be in sheltered positions such as behind parapets.

A drawing indicating the location of enhancements and photographic evidence they have been installed, both close up and at a distance (to indicate their location generally on the site) in line with guidance/best practice, will be provided to the Local Planning Authority each year (if implementation will take more than 1 year), or no later than one month after the buildings first beneficial use whichever is sooner.

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 Chapter 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”.

12. BIODIVERSITY LIGHTING DESIGN STRATEGY

Prior to beneficial occupation of any part of the development a Biodiversity Lighting Design Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall accord with the Institute of Lighting Professionals Guidance Note 08/23 and align with the requirements of any necessary S38/S278 agreements. All external lighting shall be installed in accordance with the approved strategy prior to the beneficial occupation of any part of the development and shall be maintained thereafter. No other external lighting shall be installed without having first obtained the written approval of the Local Planning Authority.

Reason: To manage the impact of the development upon protected species in accordance with Local Development Plan Policies KP16 (Green Infrastructure), EN6 (Ecological Networks and Features of Importance for Biodiversity) and EN7 (Priority Habitats and Species).

13. SAMPLES OF EXTERNAL FINISHES

Prior to their installation, 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 prior to the occupation of any residential unit hereby approved.

Reason: To ensure the finished appearance of the development is appropriate for this Conservation Area location in accordance with Local Development Plan Policies KP5 (Good Quality and Sustainable Design) and EN9 (Conservation of the Historic Environment).

14. BIODIVERSE GREEN ROOF DETAILS

No construction of the refuse store and cycle store shall take place above foundation level until a scheme for the design, construction, management and maintenance of an extensive biodiverse green roof has been submitted to and approved in writing by the Local Planning Authority. The green roof shall be constructed in accordance with the approved details prior to the beneficial occupation of any residential unit and maintained thereafter.

Reason: To integrate green infrastructure into the development in accordance with Local Development Plan Policy K16 (Green Infrastructure).

15. CYCLE PARKING

Prior to beneficial occupation of any apartment, details showing the provision of all cycle parking spaces including their specification and appropriate access to them shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the development

being put into beneficial use. Thereafter the cycle parking spaces shall be maintained and shall not be used for any other purpose.

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

16. DELIVERY/ACCESS/PARKING STRATEGY

Prior to beneficial occupation details of a delivery/access/parking strategy for the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include details of allocation of car parking spaces, parking restrictions within the site, proposed routing of delivery and refuse vehicles including how the refuse collection area will be managed, and how the one-way access arrangement will be monitored and enforced. The approved details shall be implemented prior to the beneficial occupation of any apartment and retained thereafter.

Reason: To ensure that deliveries, parking and access are suitably controlled and managed in accordance with Local Development Plan Policy T5 (Managing Transport Impacts).

17. HIGHWAY WORKS

Prior to beneficial occupation details of the proposed highway works shall be submitted to and approved in writing by the Local Planning Authority. The works shall include details of the conversion of existing vehicle crossovers to dropped footway type, frontage footway renewal including resurfacing and kerbs, and stopping up/reinstating former crossovers. The approved details shall be implemented prior to beneficial occupation of any apartment.

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

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

actions shall be agreed with the Local Planning Authority within 2 weeks of the discovery of any unsuspected contamination.

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

19. IMPORTED SOIL

Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes. Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the Local Planning Authority.

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

20. IMPORTED AGGREGATES

Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes. Subject to approval of the above, sampling of the material received at the development site to verify that the imported material is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the Local Planning Authority.

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

21. USE OF SITE WON MATERIALS

Any site won material including soils, aggregates, recycled materials shall be assessed for chemical or other potential contaminants in accordance with a

sampling scheme which shall be submitted to and approved in writing by the Local Planning Authority in advance of the reuse of site won materials. Only material which meets site specific target values approved by the Local Planning Authority shall be reused.

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

22. MEANS OF ENCLOSURE

Prior to their construction details of the means of enclosure to the site including the retaining structures to the north and west site boundaries shall be submitted to and approved in writing by the Local Planning Authority. The enclosures shall be constructed in accordance with the approved details prior to the beneficial occupation of any part of the development.

Reason: To ensure the finished appearance of the development is appropriate for this Conservation Area location in accordance with Local Development Plan Policies KP5 (Good Quality and Sustainable Design) and EN9 (Conservation of the Historic Environment).

23. ROOF ACCESS DETAILS

Notwithstanding the roof access details shown on the 'Proposed Site Plan – Showing Roof Plan' hereby approved (drawing no. 03-102 Rev C), details of roof access for maintenance purposes shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. The submitted details shall have regard to the sensitive Conservation Area location and be designed accordingly. The approved details shall be installed prior to the beneficial occupation of any apartment and retained thereafter.

Reason: To ensure the finished appearance of the development is appropriate for this Conservation Area location in accordance with Local Development Plan Policies KP5 (Good Quality and Sustainable Design) and EN9 (Conservation of the Historic Environment).

24. PHOTOVOLTAIC PANELS

Prior to their installation, details of the Photovoltaic Panels on the fifth floor roof space shall be submitted to and approved in writing by the Local Planning Authority. The approved panels shall be installed prior to the beneficial occupation of any part of the development and retained thereafter.

Reason: To mitigate against the effects of climate change in accordance with Local Development Plan Policy KP15 (Climate Change).

25. GREEN INFRASTRUCTURE AND LANDSCAPE MANAGEMENT PLAN

Prior to the beneficial occupation of any part of the development a Green Infrastructure and Landscape Management Plan (GILMP) shall be submitted to and approved in writing by the Local Planning Authority. The GILMP shall cover a period of up to 15 years post development and shall include the following:

- (i) Introduction to the site and the development to be implemented;
- (ii) Baseline description and evaluation of features to be managed, including more formal landscape elements to maximise their value to wildlife. This shall include as a minimum:
 - Biosolar roofs
 - SUDs/rain gardens.
 - Trees.
 - Hedgerow/shrubs.
 - Types of grasslands
 - Site enhancements.
- (iii) Ecological constraints on site that might influence management.
- (iv) Overall aims and objectives of management for points (ii) and (iii) above and the conditions that shall be achieved for (ii).
- (v) Appropriate management prescriptions for achieving aims and objectives as per (iv). This shall cover the first 5 years (short term) and up to 15 years (long term) management. An Irrigation Plan, along with ensuring that planting has been undertaken to the specification approved by Condition 6, with the correct soil volumes and types, as per a Soil Resources Plan, will be crucial to scheme success.
- (vi) A work schedule with timings (including an annual work plan capable of being rolled forward over a five-year period, but looking up to 15 years).
- (vii) Details of the body or organization responsible for implementing the plan, including any updates required.
- (viii) The monitoring requirements to determine the implementation of the landscaping, years 2 and 5, 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 conservation aims and objectives of the GILMP are not being met) how contingencies and/or remedial action will be identified, agreed in writing with the Local Planning Authority and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.
- (ix) Any “plants”, especially trees, hedgerows, or green roofs which within a period of 10 years from the completion of the development die, are removed, become seriously damaged or diseased, or in the opinion of the Local Planning Authority (LPA) otherwise defective, shall be replaced. Replacement planting shall take place during the first available planting season, to the same specification approved in discharge of condition 12 unless the Local Planning Authority gives written consent to any variation in re-discharge of that condition.

Reason: For the overall protection of biodiversity and to ensure the site's landscape and environmental features are adequately managed long term in

line with PPW12. This aligns the Environment (Wales) Act 2016 and with policies KP5, KP16, EN6, EN7 and EN8 of the Cardiff Local Development Plan (2006-2026).

REGULATORY CONDITIONS

26. PUBLIC SEWER CONNECTIONS

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment in accordance with Local Development Plan Policy EN11 (Protection of Water Resources).

27. REFUSE STORAGE FACILITIES

The residential refuse storage facilities hereby approved on the 'Proposed Site Plan Showing Ground Floor Plan' (drawing no. 03-101 Rev C) shall be provided prior to the beneficial occupation of any residential unit and shall be retained thereafter for future use.

Reason: To ensure satisfactory provision for waste management facilities in the development in accordance with Local Development Plan Policy W2 (Provision for Waste Management Facilities in Development).

28. ELECTRIC VEHICLE CHARGING

The two car parking spaces hereby approved shall be Electric Vehicle operational prior to the occupation of any apartment.

Reason: To ensure that appropriate provision is made for Electric Vehicle charging in accordance with Future Wales Policy 12 (Regional Connectivity).

29. ARBORICULTURAL METHOD STATEMENT AND TREE PROTECTION

The development shall be carried out in accordance with the design and implementation programme in the Arboricultural Report by Arboricultural Technician Services Ltd (10th October 2023) hereby approved.

Reason: To enable the Local Planning Authority to monitor compliance, to make good losses and ensure that the proposals will maintain and improve the amenity and environmental value of the area, in accordance with Local Development Plan Policy EN8 (Trees, Woodlands, and Hedgerows)

INFORMATIVES

1. SUDS APPROVAL BODY

As of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with the Local Authority, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.

2. PUBLIC SEWER CONNECTIONS

The applicant may need to apply to Dwr 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 DCWW's 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.

3. CONTAMINATION AND UNSTABLE LAND

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

- (i) determining the extent and effects of such constraints;
- (ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances should

controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site;

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

4. BIODIVERSITY LIGHTING DESIGN STRATEGY

The Biodiversity Lighting Design Strategy shall:

- (i) Describe and provide baseline data on areas/features on site that are particularly sensitive for bats, dormouse and other 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;
- (ii) 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 (0.5, 1, 3 and 5lux lines) and technical specifications will be supplied in accordance with the British Standard, where local authority adoption is required.
- (iii) Provide details of lighting to be used both during construction and at operation (if required).
- (iv) Confirm that plans meet that of S38 and S278 agreements of the Highways Act 1980 (if required).
- (v) Ensure all lighting considers 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.

5. CONSTRUCTION SITE NOISE

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