

COMMITTEE DATE: 14 March 2024

APPLICATION NO: 23/02475/FUL APPLICATION DATE: 23/10/23

ED: PENTWYN

APP TYPE: FULL PLANNING PERMISSION

APPLICANT: HOUSING DEVELOPMENT TEAM, CARDIFF COUNCIL

LOCATION: **THE NEW PENN, 204A BRYNFEDW, LLANEDEYRN, CARDIFF, CF23 9PW**

PROPOSAL: Demolition of the former New Penn Public House and the redevelopment of the site to accommodate affordable dwellings, including highway infrastructure, landscaping works, and green infrastructure.

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RECOMMENDATION:

That planning permission be GRANTED subject to the conditions listed in Section 12.

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1. BACKGROUND INFORMATION

1.1 This application is reported to Committee because the applicant, Cardiff Council, is proposing a scheme which 'is not of a 'minor' nature' and therefore must be determined by the Planning Committee.

2. DESCRIPTION OF THE SITE AND AREA

2.1 The application site is located within the Pentwyn ward of Cardiff, to the north east of the City Centre, and comprises a 0.3ha brownfield site:



Figure 1: Site Location Plan

- 2.2 The site is roughly square in its shape and forms a corner plot which borders Circle Way West to the north west and Brynfedw to the north east.
- 2.3 The majority of the site is currently occupied by the former Pennsylvania Public House, which ceased trading in 2020. The building comprises a sprawling complex of single and two storey buildings set back from Circle Way West, with associated car parking and outside seating areas dominating the site's frontage:



**Figure 2: Circle Way West Site Entrance**

- 2.4 The remainder comprises land to the rear of the public house which forms a turning head and car parking area accessed off Brynfedw, as shown below:



**Figure 3: Car Parking Area and Turning Head off Brynfedw**

- 2.5 In terms of topography, the proposed developable area of the site falls gently from the north-west (Circle Way) to the south-east. However, the south-western boundary of the site falls steeply down to an existing footpath, which is owned and maintained by Cardiff Council.
- 2.6 The surrounding area, which encompasses the communities of Pentwyn and Llanedeyrn, is predominantly low density residential, in a typical Radburn design, with few pedestrian links. Properties within the vicinity of the site are generally two storey terraces and three storey apartment blocks finished in painted render elevations with concrete tiled roofs.
- 2.7 The site is well served by shops, faith provision and essential services such as healthcare, library, learning and leisure facilities. Education needs are met by English medium (EM) Springwood Primary and Welsh medium (WM) Berllan Deg Primary School, both within walking distance. Secondary school provision is met by Ysgol Gyfun Gymraeg Bro Edern (WM) and Llanishen High School (EM).
- 2.8 As shown in the image below, the site borders Llanedeyrn Woodlands Complex Site of Importance for Nature Conservation (SINC) which is also identified as an Ancient Woodland.



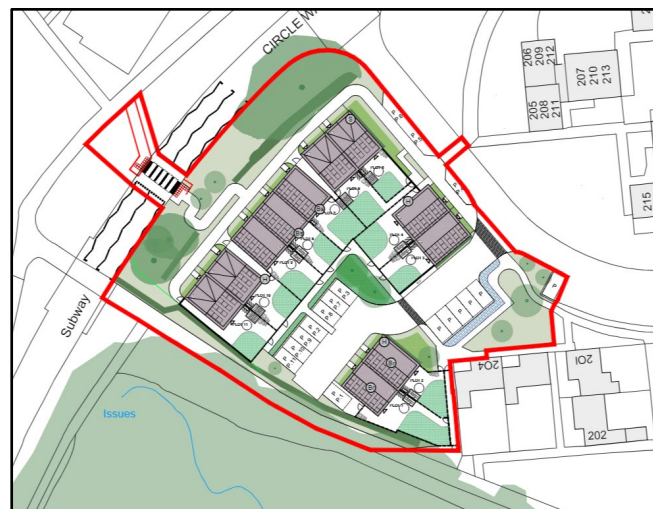
**Figure 4: SINC and Ancient Woodland**

2.9 The area to the south west of the application site which adjoins the identified SINC and ancient woodland is identified as being susceptible to surface water flooding, although this area is not within the developable area of the application site.

3. DESCRIPTION OF DEVELOPMENT

3.1 This development proposal seeks full planning permission for the demolition of the former Pennsylvania Public House and the redevelopment of the site to accommodate eleven affordable dwellings, with associated highway infrastructure, landscaping works and green infrastructure, as per the description of development.

3.2 The site will consist of eleven properties of between two and two-and-a-half storeys in height, and proposes the following site layout:



**Figure 5: Proposed Site Layout**

3.3 The dwellings proposed comprise a mix of 2 and 3 bedrooms, as per the accommodation schedule:

House Type	Storeys	No. of Units	Area (m <sup>2</sup> )
2-bed house	2	7	85
3-bed house	2.5	4	113

3.4 The two-bedroom dwellings (Plots 1-4 and 7-9) are two storeys in height, and comprise a hallway, WC and open-plan kitchen, dining, living and study area at ground floor level with two bedrooms and a bathroom at first floor level.

3.5 The three-bedroom dwellings (Plots 5-6 and 10-11) are two-and-a-half storey units which each comprise a hallway, WC and open-plan kitchen, dining, living area at ground floor level, two bedrooms, a bathroom and a study area at first floor level and an additional bedroom at second floor level. Plots 5 and 11 are designed to be dual aspect, given their position on the corners of the application site.

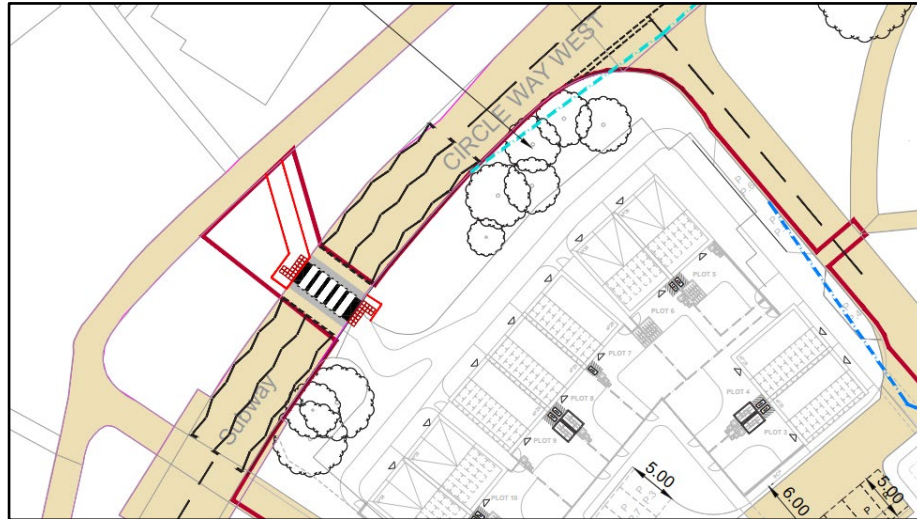
3.6 The dwellings are proposed to have multi-textured facing brick elevations in a grey and orange colour, with concrete-tiled roofs in blue/black:



Figure 6: Proposed Materiality

3.7 The dwellings in Plots 3-11 are designed to principally face Circle Way West to the north west and Brynfedw to the north east, with amenity space provided to the rear. Plots 1-2 will face the north west and will also benefit from private rear amenity spaces.

3.8 The vehicular access to the site is proposed to be reconfigured. The existing access point into the site from Circle Way West will be removed and Stopped Up, and the existing informal east-west pedestrian link along the Circle Way West frontage will be formalised with a new footpath, leading to a surface level pedestrian crossing point, as an alternative to the existing subway, as shown below:



**Figure 7: Proposed Pedestrian Crossing Point**

- 3.9 Further, the existing access point off Brynfedw will provide access to a resident's parking area to the rear of Plots 3-11, providing 8 car parking spaces for residents in Plots 1-3 and 7-11.
- 3.10 The existing 5 unallocated bays off Brynfedw are proposed to be improved and retained for use by existing residents, with an additional 3 spaces provided for Plots 4-6 in new parallel parking bays on Brynfedw.
- 3.11 The residents' car parking area is proposed to be finished in a permeable block paving, with footpaths leading to the rear of each plot finished in the same hardscape. Additional block paving will also be utilised for the 3 parking spaces off Brynfedw as well as between Plots 6 and Plots 9-10.
- 3.12 In respect of green infrastructure, the majority of existing trees will be retained, with an additional 10 trees planted within the courtyard area and adjacent to Brynfedw Road. Shrub planting is also proposed along the back garden's fencing to provide a green buffer between the properties and the rear car parking area, as shown below:



**Figure 8: Rear Garden Wall and Car Parking Area**

- 3.13 In order to clearly define the boundaries of each property, and to identify clearly the public and private areas within the application site, the applicant has provided an enhanced boundary treatment enclosures plan, as shown below:



**Figure 9: Boundary Treatment Plan**

- 3.14 The rear boundary treatment proposed at the rear of Plots 3-11 (shown in purple) is proposed as a dwarf wall with hit and miss fencing above, as shown in Figure 9 above. Between each property, wooden fencing of 1.8 metre height is proposed (shown in yellow), whilst the property boundaries which face the public areas are proposed to be 1.9 metre high facing brick walls (shown in orange).
- 3.15 All documentation relating to the application, including plans, can be viewed on the Council's website using the following link: [23/02475/FUL](https://www.fulham.gov.uk/23/02475/FUL).

#### 4. RELEVANT PLANNING HISTORY

4.1 The site has the following relevant planning history: -

<u>Reference</u>	<u>Description of Development</u>	<u>Decision</u>	<u>Date</u>
02/01222/N	Erect double uPVC framed door and roller shutter	Granted	06.08.2002

#### 5. POLICY FRAMEWORK

##### *National Policy*

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

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

5.3 ‘Sustainable development principle’ means that Local Authorities must act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

5.4 Well-being goals identified in the Act are:

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

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

##### *National Planning Policy*

5.6 [Planning Policy Wales](#) (Edition 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.

- 5.7 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.
- 5.8 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.
- 5.9 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*

- 5.10 PPW is supported by a series of more detailed [Technical Advice Notes](#) (TANs), of which the following are of relevance: -
- TAN 2: Planning and Affordable Housing (2006)
  - TAN 5: Nature Conservation and Planning (2009);  
Noting also the Chief Planning Officer letter dated 23/10/19: securing bio-diversity enhancement;
  - TAN 11: Noise (1997)
  - TAN 12: Design (2016)
  - TAN 16: Sport, Recreation and Open Space (2009)
  - TAN 18: Transport (March 2007)
  - TAN 21: Waste (February 2017)
  - TAN 23: Economic development (2014)
  - TAN 24: The Historic Environment (May 2017)
- 5.11 On 16<sup>th</sup> July 2020 the Welsh Government published [Building Better Places: The Planning System Delivering Resilient and Brighter Futures](#) which provides planning policy guidance for local planning authorities and the development industry on priorities for the planning system to deliver post Covid-19. The guidance is to be read in conjunction with PPW, which contains the principles and policies needed for Wales to recover from Covid-19 in a positive manner, putting placemaking at the heart of future development.
- 5.12 It also emphasises that development management decisions should focus on creating healthy, thriving active places with a focus on a positive, sustainable future for our communities. The planning system has an important role in supporting healthier lifestyles and reducing inequalities. This includes both direct and indirect opportunities such as the allocation of land for health facilities, ensuring good design and barrier free development, jobs and skills, improving air quality, soundscapes and protecting and improving access to recreation and natural green spaces. These can provide both physical and mental health benefits, improve well-being and help to reduce inequality.



## *The Development Plan*

- 5.13 Section 38 (6) of the Planning and Compulsory Purchase Act 2004, requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 5.14 [Future Wales - the National Plan 2040](#) now forms part of the Development Plan for all parts of Wales, comprising a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. All Development Management decisions, strategic and local development plans, planning appeals and all other work directed by the development plan need to accord with Future Wales.
- 5.15 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 Transportation
- 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*

- EN5 Designated Sites
- 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
- 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*

- C2 Protection of Existing Community Facilities
- C3 Community Safety/Creating Safe Environments
- C5 Provision for Open Space, Outdoor recreation, Children's Play and Sport

### *Waste*

- W2 Provision for Waste Management Facilities in Development

### *Supplementary Planning Guidance:*

5.16 The following [Supplementary Planning Guidance](#) (SPG) is of relevance to this application: -

- Green Infrastructure (including Technical Guidance Notes relating to: Ecology and Biodiversity; Trees and Development; Public Rights of Way and Development; River Corridors; Protection and Provision of Open Space in New Developments; Soils and Development) (November 2017)
- Infill Sites (November 2017)
- Managing Transportation Impacts (Incorporating Parking Standards) (July 2018)
- Planning Obligations (January 2017) (including Education Supplementary Planning Guidance, July 2023)
- Residential Design Guide (January 2017)
- Safeguarding Business and Industrial Land and Premises (2017)
- Waste Collection & Storage Facilities (October 2016).

## 6. INTERNAL CONSULTEE RESPONSES

- 6.1 The Authority's **Tree Officer** has continued to liaise with the developer throughout the consultation process, and has recommended the inclusion of planning conditions which secure finalised landscaping details, soil specifications and arboricultural impact assessments.
- 6.2 The **Affordable Housing Development Manager** raises no objection to the proposed development in a consultation response dated 30 October 2023. The scheme forms part of the Council's Housing Development Team - New Build Affordable Housing Programme, and 100% of the units are provided as affordable housing, to be owned by Cardiff Council as social rented accommodation.
- 6.3 In a consultation response dated 31 October 2023, **Shared Regulatory Services (SRS) Environment Team** recommend the inclusion of planning conditions and informative notes, in accordance with CIEH best practice and to ensure that the safety of future occupiers is not prejudiced in accordance with Policy EN13 of the

Cardiff Local Development Plan.

- 6.4 **Building Control** confirmed in a response dated 06 November 2023 that a full building regulations application will be required.
- 6.5 **Shared Regulatory Services (SRS) Air Quality Team** raise no concern regarding the operational aspect of the development and its impact on air quality in a consultation response dated 21 November 2023. It is recommended that the impact of dust generated by demolition and construction works is controlled through a Construction Environmental Management Plan (CEMP) condition.
- 6.6 No objection is raised by **Waste Management** in a consultation response dated 22 November 2023.
- 6.7 **Parks Services** require an off-site contribution of £23,449 towards Open Space Provision, to be secured through a Section 106 Agreement, entered into by the applicant and the Council.
- 6.8 **Transportation** raised no objection to the development proposal in a consultation response dated 5<sup>th</sup> March 2024, subject to the imposition of the recommended planning conditions.
- 6.9 **Shared Regulatory Services (SRS) Noise Team** raise no objection to the development in a consultation response dated 18 January 2024, subject to the inclusion of the recommended planning conditions.
- 6.10 The **County Ecologist** raised concerns about the lack of provision of an Ecotone in a consultation response dated 19 January 2024. This matter is addressed in Section 9 of this report.
- 6.11 The **Drainage Team** raise no objection to the development in a response dated 5 March 2024, and confirmed that the application is capable of achieving SAB Approval.

## 6. EXTERNAL CONSULTEE RESPONSES

- 6.1 Responding to the consultation in a letter dated 08 November 2023, **Natural Resources Wales** recommends the inclusion of planning conditions which relate to land contamination and controlled waters, and pollution prevention. No objection is raised, subject to the inclusion of the recommended conditions.
- 6.2 **South Wales Police Designing Out Crime Officer** raise no objection to the proposed development in a response dated 02 November 2023, subject to consideration of the recommendations suggested.
- 6.3 **Dŵr Cymru Welsh Water** raise no objection to the proposed development in a consultation response dated 13 November 2023, and recommends the inclusion of a planning condition and informative notes.

## 7. REPRESENTATIONS

7.1 The application was advertised on the Council Website and by way of neighbour notification letters (30.10.2023 and 19.01.2024), site notices (09.11.2023) and advertisement in the local press (09.11.2023).

7.2 Two letters of objection have been received in response to the consultations undertaken, which raise concern about the following summarised points:

- *Privacy and Amenity*  
The redevelopment of the site will impact the existing levels of privacy and amenity afforded to the occupiers of properties which border the application site, and will cause direct overlooking into rear and private garden areas.
- *Highway Safety*  
The site layout alters the existing highway layout, and does not provide sufficient space for the turning of vehicles to enter the highway in a forward gear. Delivery and refuse vehicles would not be able to use the highway network within the site as proposed, which is dangerous.
- *Off-Street Car Parking Provision*  
There is not enough off-street car parking provided per dwelling, which are all 2-3 bedroom units. One space per property plus one visitor space is not sufficient, and will result in on-street parking. There are already issues with parking within the vicinity of the application site, and this development would worsen the existing situation.
- *Boundary Treatment Plan*  
The boundary treatment plan suggests alterations to neighbouring properties existing boundaries. This is not acceptable, and consent will not be given by property owners adjoining the development site.
- *Overdevelopment of the Site*  
There are too many properties proposed as part of this scheme; nine properties would be better.

7.3 All public representations made on the application are available to view in full on the Council's website at: [23/02475/FUL](#).

## 8 ANALYSIS

8.1 The key material considerations in the determination of this application are the principle of development, its impact upon the visual amenities of the area, and its impact upon green infrastructure.

### Land Use / Principle of Development

8.2 The planning system manages the development and use of land in the public interest, contributing towards the delivery of sustainable development and

improvement of the social, economic, environmental and cultural well-being of Wales, as required by the Well-being of Future Generations (Wales) Act 2015, and as stated in paragraph 1.2 of Planning Policy Wales (Edition 12, February 2024).

- 8.3 The application site lies within the settlement boundary as defined by Policy KP3(B) of the adopted Local Development Plan (2016) (LDP) and has no specific land use policy designation or allocation.
- 8.4 The development proposal comprises the redevelopment of the existing brownfield site for affordable housing. The site was previously occupied by the former Pennsylvania Public House, which ceased trading in 2020.
- 8.5 Firstly, the proposed development must be assessed against Policy C2 (Protection of Existing Community Facilities) of the adopted LDP. The policy seeks to ensure that existing community facilities are maintained, and stipulates the following:

*Proposals involving the loss or change of use of buildings currently or last used for community facilities will only be permitted if:*

- i. An alternative facility of at least equal quality and scale to meet community needs is available or will be provided within the vicinity or;*
- ii. It can be demonstrated that the existing provision is surplus to the needs of the community.*

- 8.6 In this case, and to demonstrate compliance with the aforementioned policy, a Community Facilities Assessment has been undertaken in support of the application. The findings of the assessment are outlined within the Planning Statement.
- 8.7 The Community Facilities Assessment identifies a wide range of alternative facilities that exist in the immediate area, including alternative public houses, which could fully or partially fulfil the role of the former Pennsylvania Public House, evidencing that criteria (i) of Policy C2 can be met.
- 8.8 In addition, and in respect of criteria (ii), the Pennsylvania Public House has been vacant since 2020, and has been marketed since its closure without any viable interest having been expressed in bringing it back into use a public house.
- 8.9 The unfavourable trading conditions which likely led to the decision of the previous operators to cease operations and market the premises for sale is representative of similar conditions seen across the industry, and evidence of an under-used community resource. Furthermore, the community engagement process has not identified any over-riding requirement for the public house to be reinstated as a community facility, and as such the Community Facilities Assessment concludes that the former public house is surplus to the needs of the community. Given this, it is considered that the evidence submitted demonstrates compliance with criteria (ii) of Policy C2 of the LDP, and is therefore acceptable in this regard.

8.10 Secondly, Policy H6 of the LDP is relevant, given that the development comprises the change of use of land to residential use. The policy stipulates that development will be permitted where:

- i. There is no overriding need to retain the existing use of the land or premises and no overriding alternative local land use requirement;*
- ii. The resulting residential accommodation and amenity will be satisfactory;*
- iii. There will be no unacceptable impact on the operating conditions of existing businesses;*
- iv. Necessary community and transportation facilities are accessible or can be readily provided or improved; and*
- v. It can be demonstrated that the change of use to a more sensitive end use has been assessed in terms of land contamination risk and that there are no unacceptable risks to the end users.*

8.11 Assessed against Policy H6, the proposal is considered to satisfy the criteria outlined above.

8.12 The Community Facilities Assessment identifies a wide range of alternative facilities that exist in the immediate area, including alternative public houses, which could fully or partially fulfil the role of the former New Penn, and the pub ceased trading in 2020 with no new management being interested, despite being marketed (i). The site is located within an established residential area (ii) and the introduction of housing in this location would not unduly restrict the operating conditions of existing businesses in the area (iii). The site is in a highly sustainable location, with easy access to a regular bus service and within walking distance of a range of community services and facilities (iv), and an assessment of the land contamination risk has been undertaken (v).

8.13 In conclusion, the residential development of the site is considered compatible with the surrounding land uses and is considered compliant with Policies C2 and H6 of the adopted Local Development Plan (2016). In principle, no land use policy concerns are raised, subject to detailed design, amenity, and transport considerations.

#### Impact on the Character of the Area

8.14 As noted earlier, the Welsh Government publication [\*Building Better Places: The Planning System Delivering Resilient and Brighter Futures\*](#) contains the principles and policies needed for Wales to recover from Covid-19 in a positive manner, putting placemaking at the heart of future development.

8.15 It also emphasises that development management decisions should focus on creating healthy, thriving active places with a focus on a positive, sustainable future for our communities, and that WG will thus play its role in supporting the vibrancy of places and helping a people-focussed and placemaking-led recovery.

8.16 PPW12 also embodies a placemaking approach throughout, with the aim of delivering *Active and Social Places, Productive and Enterprising Places and Distinctive and Natural Places*. It also identifies the planning system as one of the main tools to create sustainable places, and that placemaking principles are

a tool to achieving this through both plan making and the decision making process.

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

*Context, Character and Form*

- 8.18 The application site is a vacant brownfield site within a residential area, in a relatively poor visual state. The buildings on site previously made little contribution to the wider setting and streetscape, being set back behind a car park.
- 8.19 In general terms, the redevelopment of the site for residential development is considered as an appropriate and complementary form of development in this location. The site’s redevelopment will improve the general visual amenities of the area and will complement the residential nature of the immediate vicinity.
- 8.20 The wider context is generally characterised by a Radburn layout which results in a strict distinction between vehicular highways and segregated footpaths. Whilst developed with the very best of intentions, to reduce the impact of cars on homes, such areas are now regarded as a poor urban design, with a very inefficient use of urban land, with quite large areas of underused green space and areas lacking defensible space.
- 8.21 This scheme sensibly seeks to re-establish a clear distinction between front (street) and back (garden), which is a positive feature. The dwellings will be characterful and prominent on the corner plot between Circle Way West and Brynfedw, creating a landmark site, as shown below:



**Figure 10: Indicative View from Circle Way West**

- 8.22 This distinction and orientation allows for the formalisation of the existing east-west footpath along Circle Way West, leading to a new pedestrian crossing. Pedestrians will be able to access the northern side of Circle Way West without using the existing tunnel to the west of the site, improving the pedestrian environment surrounding the application site, and enhancing safety perceptions.
- 8.23 The dwellings form an attractive and coherent group with interesting and considered facades, with assertive gables establishing a rhythm to the streetscape. The disposition of the semis and short terrace in the centre appears organised, symmetrical and balanced.



**Figure 11: Elevation – Circle Way West**

- 8.24 In respect of massing, the properties are between two and two-and-a-half storeys, which aligns with the heights of dwellings found within the immediate area, as shown below:



**Figure 12: Indicative Massing from Circle Way West**

- 8.25 Given the context of the site, no concerns are raised in respect of the character or form of the proposed dwellings. The conversion of the vacant site to residential will significantly improve the visual appearance of the locality.



### *Site Layout*

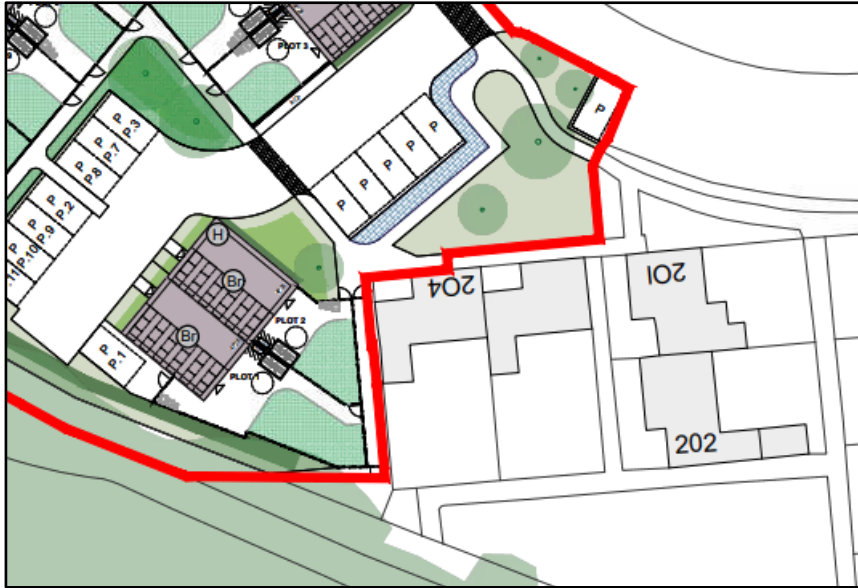
- 8.26 The site layout is generally well thought out; the land is efficiently used, and the developable area is maximised to an appropriate extent, with a density of 37 dwellings per hectare. It is not considered that the number of units proposed is overdevelopment.
- 8.27 The site integrates well with the surrounding context and is considered to be a good form of development in this location.
- 8.28 In consideration of the above, the overall design and intended finish of the scheme seeks to enhance the appearance of the general area, and introduces a modern form and layout of development which will provide affordable housing, whilst reflecting the existing and established character of the surrounding area.
- 8.29 The scheme introduces an attractive living environment for future residents and is considered to have no unacceptable impact upon the visual amenities of the area, due to its design, architectural features and intended finish. When considering the context of the site and the wider area, the development is considered to be appropriate in respect of its scale and therefore accords with criterion (i) of Policy KP5 of the adopted LDP.

### Impact on Residential Amenity

- 8.30 PPW12 states at paragraph 2.7 that *“placemaking in development decisions happens at all levels and involves considerations at a global scale, including the climate emergency, down to the very local level, such as considering the amenity impact on neighbouring properties and people”*.
- 8.31 The application site proposes the redevelopment of a brownfield site within an established residential area to provide 11 affordable dwellings. Whilst an assessment of the impact of the application upon the streetscene and character and appearance of the area considered the scheme acceptable, regard must be given to its impact upon neighbouring residential properties, as well as on the amenity afforded to proposed future occupiers.

### *Existing Occupiers*

- 8.32 Criterion (x) of Policy KP5 of the adopted LDP, states that development proposals should ensure that *“no undue effect on the amenity of neighbouring occupiers”* occurs.
- 8.33 Given the position of the site on a corner plot between Circle Way West and Brynfedw the only existing properties which adjoin the site are properties 203 and 204 Brynfedw, as shown below:



**Figure 13: Proposed Site Layout Plan and relationship to adjoining residential properties**

- 8.34 The property known as 204 Brynfedw is the only existing property proposed to lie adjacent to the proposed residential units (Plots 1-2).
- 8.35 To assess the impact of the development on the occupiers of the neighbouring property known as 204 Brynfedw, guidance contained within Supplementary Planning Guidance *Cardiff Residential Extensions & Alterations* (2017) (SPG CREA) is relevant. Paragraph 7.25 of the SPG states that to ensure a development does not result in a loss of privacy by means of overlooking, a minimum distance of 10.5 metres must be provided between the wall of the property and its boundary.
- 8.36 In this case, at its closest point, a distance of 8.59 metres is provided between the southeastern elevation of the proposed dwelling (Plot 2), and the western elevation of the existing dwelling. Whilst not strictly compliant with the aforementioned guidance, it is not considered that the development will cause direct overlooking into the side elevation of the adjacent property, particularly given that the western elevation of the existing property does not benefit from window openings, as shown below:



**Figure 14: Western Elevation (204 Brynfedw)**

- 8.37 It is considered that the developer has designed the scheme to minimise any form of overlooking to the greatest extent possible. As a distance of 8.59 metres has been provided, and as there are no window openings in the western elevation of the adjacent property, it would be remiss to argue that the levels of overlooking would be harmful for the occupiers of the neighbouring property. As such, the development, on balance, is considered to be acceptable in this regard.
- 8.38 The existing properties located to the north east of the site are separated by existing highway infrastructure. Therefore, no concerns are raised in respect of overlooking into residential properties to the north east, owing to the separation distance provided by the adjoining highway network.

#### *Future Occupiers*

- 8.39 In addition to the above, consideration must be given to the residential amenity of future occupiers. Supplementary Planning Guidance *Cardiff Residential Extensions & Alterations* (2017) (SPG CREA) states that “schemes should conform to standards for both privacy and amenity”. It also states that development should “provide enclosed and secure private rear gardens for all houses and ground floor flats that might serve as family accommodation”. Gardens should measure 10.5 metres in depth, or 50m<sup>2</sup> overall.
- 8.40 In this case, the majority of the dwellings exceed the guidance, with only four dwelling units falling short, offering between 40 and 49m<sup>2</sup> overall.
- 8.41 Notwithstanding this, the gardens serving these dwellings are well-proportioned, useable spaces which are level and south-facing. Given this, it is considered that the private amenity space provided for each plot is sufficient to demonstrate that the future occupiers will be provided with useable, private outdoor space, and therefore the scheme is considered acceptable in this regard. It is not considered that the slight deficit in four of the residential plots would warrant a refusal of planning permission on such grounds.

#### *Noise Impact*

- 8.42 Policy EN13 of the LDP seeks to ensure that developments do not cause harm to health or local amenity because of air, noise, light pollution, or the presence of unacceptable levels of land contamination. It aims to ensure that development proposals are not located close to potential sources of pollution.
- 8.43 Paragraph 5.181 of the LDP recognises that noise can have a harmful impact on people’s health and quality of life, and states that “new developments that are particularly noise-sensitive should be located away from existing or proposed sources of significant noise”.
- 8.44 In addition, PPW12 refers in Section 6.7 (Air Quality and Soundscape) to noise, noting that problematic forms of sound are generally experienced as noise pollution, and can affect amenity and be prejudicial to health or a nuisance.
- 8.45 In proposing new development, developers should “consider the long-term effects of current and predicted levels of air and noise pollution on individuals,

society and the environment and identify and pursue any opportunities to reduce, or at least, minimise population exposure to air and noise pollution, and improve soundscapes”.

- 8.46 In support of the application, a Noise Assessment Report (Wardell Armstrong, January 2024) has been produced, with recommended mitigation measures proposed at Section 5.
- 8.47 To ensure all mitigation measures detailed within the Noise Assessment Report are implemented, SRS have recommended the inclusion of a planning condition which requires the mitigation measures to be implemented as outlined, prior to the beneficial use of the dwellings.
- 8.48 In addition, and to protect the amenities of existing occupiers during the construction phase of development, it is recommended that construction hours are limited between the hours of 08:00 and 18:00 Mondays to Fridays, and 08:00 and 13:00 on Saturdays, with no working on Sundays or Public Holidays.
- 8.49 Subject to the inclusion of the recommended planning conditions, the development is considered to be acceptable in respect of its impact on noise, and is compliant with guidance contained within PPW12 and Policy EN13 of the LDP.

#### Transportation / Highway Impacts

- 8.50 Chapter 4 of PPW12 ‘Active and Social Places’ covers transport, stating that the planning system should enable people to access jobs and services through shorter, more efficient and sustainable journeys, by walking, cycling and public transport.
- 8.51 It further states that 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:
- Bringing services to people to reduce the need to travel;
  - Allowing people and goods to move easily from door-to-door by accessible, sustainable and efficient transport;
  - Use the sustainable transport hierarchy to give priority to meeting the demand for travel by walking, cycling and public transport ahead of private motor vehicles;
  - Encouraging people to make the change to more sustainable transport.
- 8.52 Policy T5 of the adopted LDP relates to managing the transport impacts of development proposals, to ensure that all new developments properly address the demand for travel and its impacts, contribute to reducing reliance on the private car, making satisfactory provision for access, parking and circulation with particular regards for pedestrians, cyclists and public transport users as well as to avoid unacceptable harm to the safe and efficient use and operation of the

road, public transport and other movement networks.

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

#### *Access and Movement*

- 8.54 The development proposes the closure of the existing access point of Circle Way West. Access to the site will be provided from the existing access point off Brynfedw, as shown in Figure 7 above.
- 8.55 No concerns are raised in respect of the proposed vehicular access point, and the applicant has demonstrated that waste vehicles can access the site safely with appropriate visibility and turning space. The scheme is acceptable in this regard.

#### *Car Parking*

- 8.56 As specified within Supplementary Planning Guidance *Managing Transportation Impacts (Incorporating Parking Standards)* (2018) (SPG MTI), the maximum car parking spaces per residential unit required for this development is 2 spaces per 2+ bedroom units, which equates in this case to a maximum of 22 spaces.
- 8.57 There are a total of 11 car parking spaces provided as part of this scheme; 8 spaces provided to the rear of Plots 3-11, and 3 spaces provided in new parallel parking bays on Brynfedw to serve Plots 4-6. The existing 5 unallocated bays off Brynfedw will be retained for use by existing residents or visitors.
- 8.58 The car parking standards are maximum requirements to encourage a modal shift to more sustainable transport modes over the use of the private vehicle. This site is considered to be within a sustainable location, with excellent public transport links to the City Centre including bus services. This proposal introduces sufficient car parking spaces to serve the residential units, given that the standards are maximum, and therefore the scheme is considered to be compliant with the guidance contained within SPG MTI.
- 8.59 SPG MTI stipulates at paragraph 6.31 that “all off-street car parking spaces should have minimum dimensions of 5.0m x 2.5m”, with a minimum manoeuvring space of 6.0m behind a car parking bay.

#### *Cycle Parking*

- 8.60 SPG MTI requires a minimum provision of 1 cycle parking space per bedroom, which in this case, equates to 36 spaces. The development comprises two cycle shelters which provide 24 enclosed cycle parking spaces, together with separate

cycle stores located within the rear garden areas of each dwelling.

- 8.61 The scheme proposes cycle stores next to buildings and in view of habitable room windows, which are capable of being locked. Each cycle store is accessible from the rear of the properties, which is positive. Further details of the cycle stores to be installed will be secured through the imposition of an appropriately worded planning condition.
- 8.62 Subject to the inclusion of the recommended planning conditions, the scheme is considered to be acceptable in highway and pedestrian safety terms, and is compliant with the guidance contained within SPG MTI and Policy T5 of the LDP.

#### Impact on Green Infrastructure (Trees / Ecology)

- 8.63 Green infrastructure is defined in PPW12 (February 2024) as “the network of natural and semi-natural features, green spaces, rivers and lakes that intersperse and connect places”.
- 8.64 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.
- 8.65 The supporting text for Policy 9 within Future Wales states the following:

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

- 8.66 PPW12 reflects this at paragraph 6.2.4, stating that green infrastructure “plays a fundamental role in shaping places and our sense of well-being, and are intrinsic to the quality of the spaces we live, work and play in. The planning system must maximise its contribution to the protection and provision of green infrastructure assets and networks as part of meeting society’s wider social and economic objectives and the needs of local communities”.
- 8.67 National and local policy is continuously evolving to advocate for sustainable development, in light of the declared climate and nature emergency. All relevant policies which should be considered as part of this planning application

emphasise the preservation and integration of green infrastructure into development proposals, to support, maintain and enhance the environment.

- 8.68 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.
- 8.69 LDP Policy EN8 states that “development will not be permitted that would cause unacceptable harm to trees, woodlands and hedgerows of significant public amenity, natural or cultural heritage value, or that contribute significantly to mitigating the effects of climate change”.

### Impact on Trees

- 8.70 The application is supported by an Arboricultural Impact Assessment written by Wardell Armstrong (September 2023). It notes that the existing trees and hedgerow onto Circle Way West and the corner with Brynfedw Road are to be retained and integrated into the development, and will accordingly be protected during construction.
- 8.71 It also confirms that the implementation of the development as proposed would result in the loss of three category ‘C’ trees (2 x Ash, 1 x Alder) and part of hedge H1, identified in red within the extract below:

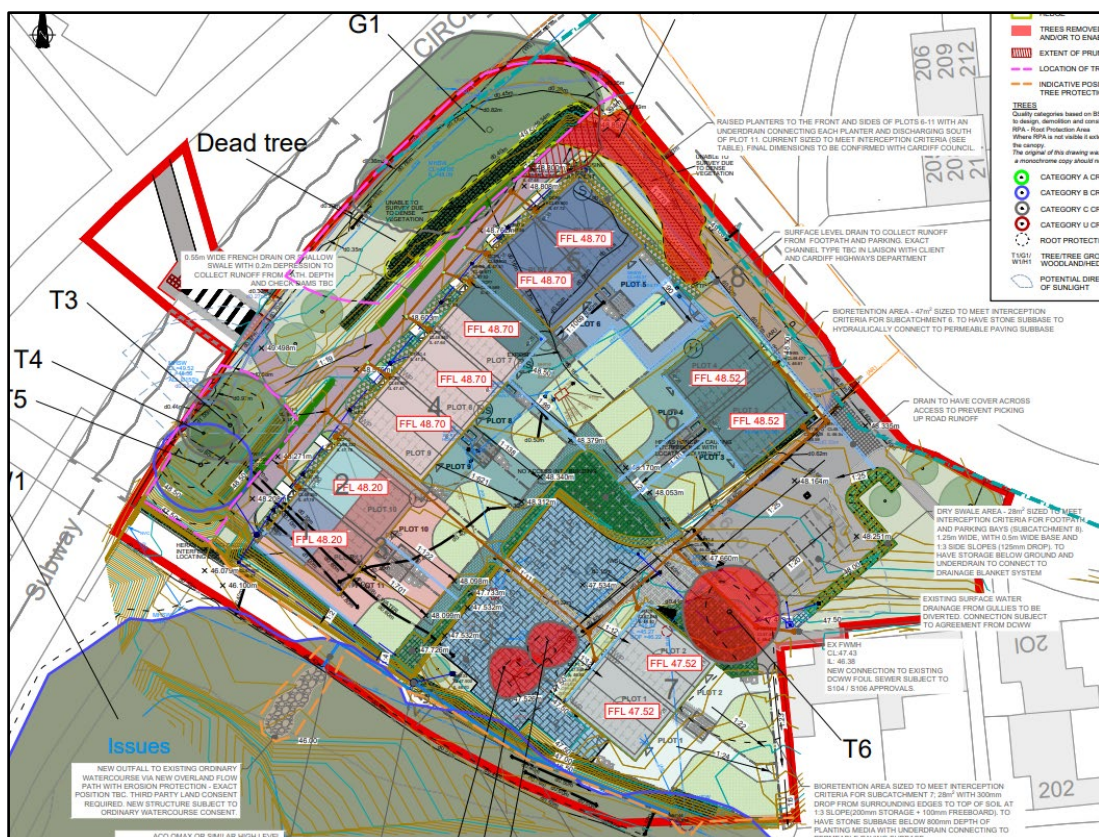


Figure 15: Tree Protection Plan Extract

- 8.72 The Authority's Tree Officer raises no objection to the proposed tree loss on arboricultural grounds, but notes that to mitigate the loss, a minimum of nine trees should be planted to accord with the guidelines contained within PPW12, which stipulates that at least 3 trees should be planted for every 1 lost. Ten trees are proposed to be planted in this case.
- 8.73 PPW12 also states that compensation planting must be at a scale, design and species mix reflective of that area lost, and the planting position for each replacement tree shall be fit to support its establishment and health, to ensure its unconstrained long-term growth.
- 8.74 Negotiations have taken place to ensure the species of compensatory planting are appropriate within this location, so that the trees can grow properly in the longer term. Given the agreement to include the recommended species, the scheme is considered to be acceptable in this regard, subject to the recommended planning conditions which will secure the finalised landscape specification, in accordance with Policy EN8 of the adopted LDP.

#### *Impact on Ancient Woodland*

- 8.75 As noted in Section 2 above, the application site lies to the north of an Ancient Woodland, as shown in Figure 4. The Ancient Woodland is separated from the application site by a footpath which runs in a north-south direction, and is set down topographically from the developable area, as shown below:



**Figure 16: View of Circle Way West showing application site, footpath, and Ancient Woodland**

- 8.76 The initial proposal incorporated a new drainage outfall into the Ancient Woodland, for water to flow into the ordinary watercourse within the wooded area. The Tree Officer raised an objection to this element of the proposal, as the impact of the new drainage outfall was not known, and it could not be demonstrated that harm would not be caused to the Ancient Woodland.



- 8.77 To address this objection, the Local Planning Authority has sought further advice from the Drainage Team and from Dŵr Cymru Welsh Water. It has been agreed that, in order to prevent damage or harm to the Ancient Woodland, water can be discharged into the existing drainage infrastructure on this occasion. The applicant has agreed with this approach, and reference to a new drainage outfall into the Ancient Woodland will be omitted from the proposal.
- 8.78 Given the above, the Tree Officer has confirmed that the objection previously raised has been addressed, and no further comments are provided in respect of this element of the proposal.
- 8.79 As the proposal no longer includes any works within, or immediately adjacent to, the Ancient Woodland, the application is considered to be acceptable in this regard.

#### *Ecotone*

- 8.80 In addition to the above, concern is raised that there is an absence of an ecotone, as per guidance contained within Supplementary Planning Guidance Green Infrastructure (2017) which states that “the provision and management of a 15 metre-wide ecotone around woodland sites will normally be required”.
- 8.81 The Tree Officer notes the following:

*The basis for no ecotone seems to be the presence of a tarmac footway as a separation. I do not consider this to be sufficient reason not to specify an ecotone, even if the ecotone has to incorporate the footway.*

*Currently the only vegetated barrier to the woodland is a narrow hedgerow. I consider that the design needs to make much more significant compromises here to provide an ecotone to the ancient woodland - this should incorporate woody trees and shrubs suitable for a woodland edge and alkaline soils - *Corylus avellana*, *Crataegus monogyna* and *Viburnum lantana* are suggested as suitable components, and a section should be provided depicting the arrangement as it relates to any retained footway.*

- 8.82 The County Ecologist shares this view, and has requested that Plots 1 and 11 are omitted from the scheme to accommodate a wider ecotone, planted with native trees and clusters of native shrubs/understorey and bulbs.
- 8.83 This matter is addressed further in Section 8.124 – 8.131.

#### Sustainability / Energy

- 8.84 Future Wales Policy 16 emphasises that large scale mixed-use development should, where feasible, have a heat network with a renewable / low carbon or waste heat energy source. Planning applications for such development should prepare an Energy Masterplan to establish whether a heat network is the most effective energy supply option and, for feasible projects, a plan for its implementation.

- 8.85 Policy 17 Renewable and Low Carbon Energy and Associated Infrastructure outlines support for developing renewable and low carbon energy at all scales.
- 8.86 PPW12 (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’.
- 8.87 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.
- 8.88 The Design and Access Statement submitted in support of the application states the following:

*Cardiff Council seek low carbon, low energy homes that are resilient to a changing climate and reduce energy demand and energy bills for their residents. Each home will be expected to achieve Welsh Government’s 2025 energy performance standards achieving a SAP rating of A, by using a high standard of fabric efficiency and low carbon heating. This means: fabric first, optimising solar gain, designing in renewable energy.*

- 8.89 This scheme reflects the Council’s Fabric First approach towards renewable energy and low-carbon development and is therefore consistent with the approach of Policy EN12 of the adopted LDP, as well as guidance contained within PPW12 and Future Wales.

#### Drainage and Flooding

- 8.90 Dŵr Cymru Welsh Water have confirmed that capacity is currently available in the water supply system to accommodate the development. In addition, the public sewer has adequate capacity to accommodate foul water associated with the development, albeit the existing public sewer which runs through the plot is proposed to be diverted to facilitate the new dwellings.
- 8.91 Whilst a separate application will need to be made under Section 185 of the Water Industry Act for the proposed sewer diversion, no objection is raised to the development in respect of foul water, subject to the inclusion of the recommended planning condition which requires the submission of details of a scheme to divert the public sewer crossing the site, prior to the commencement of development.
- 8.92 As noted in Sections 8.75-8.79 of this report, Dŵr Cymru Welsh Water initially requested the inclusion of a planning condition which prevents surface water and/or land drainage from connecting, directly or indirectly, into the public sewerage network.
- 8.93 Since receiving the consultation response, the Local Planning Authority have engaged with Dŵr Cymru Welsh Water and the Drainage Team to address the objection raised by the Tree Officer which relates to water discharging into the

Ancient Woodland.

- 8.94 In this case, both Dŵr Cymru Welsh Water and the Drainage Team have agreed that to avoid harm to the Ancient Woodland, water can be discharged into the public sewerage network in this case. As such, the recommended condition will not be imposed, and as an alternative, full details of the drainage scheme will be sought prior to the commencement of development. The development is capable of achieving SAB Approval, and water will be capable of being discharged into the existing drainage infrastructure, justified through a potential harmful impact on the Ancient Woodland.
- 8.95 Given this, and subject to the imposition of appropriate planning conditions and informative notes, the development is considered to be acceptable in respect of drainage, and is considered to comply with guidance contained within Policy EN10 of the Local Development Plan (2016).

#### Public Protection: Contamination

- 8.96 Policy EN13 of the adopted LDP states that “development will not be permitted where it would cause or result in unacceptable harm to health, local amenity, the character and quality of the countryside, or interests of nature conservation, landscape or built heritage importance because of air, noise, light pollution or the presence of unacceptable levels of land contamination”.
- 8.97 The application is supported by a report (Phase 1 Desk Study & Site Investigation Works, September 2023) which includes a preliminary contamination assessment of the development. The assessment identifies measurable concentrations of metals, inorganic and organic substances which were not deemed to pose a significant risk to future occupiers. In addition, contamination risk has been identified in relation an above ground tank. The report states ‘It is expected that the tank will be removed, by suitably qualified workers, during the enabling works.’ Following demolition/site clearance, supplementary site investigations and contamination assessments in the area of the tank and any other previously inaccessible locations a more robust assessment and inform any remediation works; to ensure the site is made suitable for use.
- 8.98 The report also includes the initial ground gas assessment based on a single monitoring visit. This indicates the need for ground gas protection measures at the development, but further monitoring and assessment is required to robustly assess this.
- 8.99 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, Shared Regulatory Services Environment Team have recommended the inclusion of conditions for unforeseen contamination, imported soil and imported aggregates.
- 8.100 Subject to the inclusion of the recommended planning conditions suggested by Shared Regulatory Services, the proposed development is considered to be compliant with Policy EN13 of the adopted LDP.

### Air Quality Impacts

- 8.101 Policy EN13 of the LDP seeks to ensure that developments do not cause harm to health or local amenity because of air, noise, light pollution, or the presence of unacceptable levels of land contamination. It aims to ensure that development proposals are not located close to potential sources of pollution.
- 8.102 No concerns are raised in respect of the development and its impact on air quality, and the application is therefore considered to be compliant with Policy EN13 of the adopted LDP.

### Section 106 Matters

- 8.103 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”.
- 8.104 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.
- 8.105 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.
- 8.106 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.
- 8.107 In view of the type and form of development proposed, having regard to local circumstances and needs arising from the development, the need for planning obligations which are considered necessary to make the development acceptable in planning terms and to meet the policy and legislative tests for planning obligations relate specifically to the provision of Affordable Housing and Open Space.

### *Affordable Housing*

- 8.108 In respect of Affordable Housing, it is noted that the scheme proposes 100% affordable units. Chapter 2 of Supplementary Planning Guidance *Cardiff Planning Obligations SPG* (July 2017) refers specifically to Affordable Housing and stipulates at paragraph 2.2 that a 20% Affordable Housing contribution will be sought on brownfield sites if the development meets any of the following criteria:

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

8.109 Given that the consent will be issued to the Council (rather than running with the land), with the Council's housing team delivering a 100% affordable unit scheme, such provision will be secured through a Unilateral Undertaking (under s106).

### *Open Space*

8.110 In respect of Open Space, the adopted 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 development where new on-site provision is not applicable.

8.111 As no public open space is being provided, the developers will be required to make a financial contribution towards the provision of new open space, or the design, improvement or maintenance of existing open space within the locality, given that demand for usage of the existing open spaces would increase in the locality as a result of the development.

8.112 An off-site contribution is therefore required towards the provision of new open space, or the design, improvement or maintenance of existing open space within the locality.

8.113 If the Council are minded to approve the application, and the applicant enters into a S106 Agreement with the Council to secure the payment of the contribution, consultation will take place with Ward Members to agree the use of the contribution.

8.114 Based on the information provided on the number and type of units proposed, the additional population generated by the development is calculated to be 22.6, which generates an open space requirement of 0.055ha which equates to an off-site contribution of £23,449.

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

- Affordable Housing (20%) to be provided and retained in perpetuity, in line with Chapter 2 of the adopted *Cardiff Planning Obligations SPG* (July 2017).
- Financial contribution of £23,449 towards Open Space.

8.116 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’

- 8.117 PPW12 refers to the need to assess the Sustainable Benefits of Development and (at 2.26) 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.
- 8.118 Paragraph 3.38 of PPW states that the countryside is a dynamic and multi-purpose resource. In line with sustainable development and the national planning principles and in contributing towards placemaking outcomes, it must be conserved and, where possible, enhanced for the sake of its ecological, geological, physiographic, historical, archaeological, cultural and agricultural value and for its landscape and natural resources. The need to conserve these attributes should be balanced against the economic, social and recreational needs of the local communities and visitors.
- 8.119 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.
- 8.120 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.
- 8.121 There is a 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.
- 8.122 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.

- 8.123 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.
- 8.124 As noted in Section 9 of the report, the Tree Officer and County Ecologist have raised concerns regarding the lack of provision of an ecotone, which is recommended within Supplementary Planning Guidance Green Infrastructure (2017). It states that “the provision and management of a 15 metre-wide ecotone around woodland sites will normally be required”.
- 8.125 Noting the above, and acknowledging that ecotones play a key role in maintaining biodiversity and ecological balance, and specifically in this case, retaining and protecting the Ancient Woodland, it is important to consider the context of the application site.
- 8.126 Whilst the concerns are noted, the developable area does not extend to the boundary with the Ancient Woodland. The woodland is off set from the application site and is separated by the existing footpath and the underpass. If an ecotone were to be provided, it would not provide the correct function without being contiguous with the woodland, and the location of the existing footpath will prevent this.
- 8.127 As such, even if an ecotone were provided, it is not considered that it would fulfil its intended function, and therefore the lack of provision of a 15 metre-wide ecotone does not worsen the existing situation to an extent that would warrant refusal of a planning application on such grounds.
- 8.128 In addition, the provision of an ecotone in this location is not, on balance, considered necessary to mitigate the impact of the development, owing to the fact that affordable housing is being provided. The inclusion of an ecotone within the application site is likely to result in a non-viable development, as a minimum of two dwellings will need to be omitted from the scheme to ensure sufficient space is provided for an ecotone.
- 8.129 Building affordable housing often presents a complex trade-off, especially in consideration of trees, ecology and green infrastructure. Whilst preserving nature is crucial, and an important consideration in the planning process, providing affordable housing offers significant societal benefits that can sometimes be considered to outweigh the requirements associated with green infrastructure, as it is seen to address pressing social needs and contributing to broader societal benefits.
- 8.130 In this case, it is considered that no harm would be caused if an ecotone was not provided, given the context of the application site, developable area, and position of an existing tarmac footpath which separates the site from the Ancient Woodland.
- 8.131 The provision of affordable housing is a consideration that must be afforded

significant weight. In this respect, while not understating the significance of the comments received, the provision of 11 units of affordable housing is considered, on balance, to outweigh the requirements of an ecotone outlined in the Supplementary Planning Guidance.

## 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 Having regard to the above and notwithstanding the concerns raised, in this case, it is clear that the development proposed will make an important contribution to the overall affordable housing supply within Llanedeyrn, by providing 11 affordable units on brownfield land which is currently unused and in a visually poor state.
- 9.3 The proposed development accords with the criterion of Policy C2 of the adopted Local Development Plan (2016) as well as Policy H6, and is therefore considered to be an acceptable form of development in this location. The dwellings proposed are generally considered to be in keeping with the characteristics of the immediate area, and do not introduce incongruous features which would warrant a refusal of planning permission on such grounds. Overall, the scheme is well thought out and is appropriate in terms of its scale, intended finish and layout, in accordance with criterion (i) of Policy KP5 of the adopted LDP.
- 9.4 Subject to the imposition of the recommended planning conditions, the scheme is on balance, considered to be an acceptable form of development in terms of trees, landscaping, ecology and biodiversity, and therefore accords with Policies KP15, KP16, EN5, EN6, EN7 and EN8 of the adopted LDP, and guidance contained with PPW12.
- 9.5 No concerns are raised in respect of highway safety, contaminated land or land drainage, and the development is therefore considered to be compliant with Policies EN8, EN13 and T5 of the LDP, subject to the imposition of the recommended planning conditions.
- 9.6 Given the above, and in conclusion, the development is considered to be acceptable in principle and is recommended for approval, subject to the following planning conditions and informative notes.

## 10 OTHER MATTERS RELEVANT TO THE CONSIDERATION OF THIS APPLICATION

- 10.1 Crime and Disorder Act 1998. Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty



has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

10.2 Equality Act 2010. The Act identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council's duty under the above Act has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

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

10.4 Section 6 of Environment (Wales) Act 2016 subsection (1) imposes a duty that a public authority must seek to maintain and enhance biodiversity in the exercise of its functions, and in so doing promote the resilience of ecosystems, so far as is consistent with the proper exercise of those functions. In complying with subsection (1), a public authority must take account of the resilience of ecosystems, in particular the following aspects:

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

It is considered that the LPA has considered its duty under this Act and has met its objectives for the reasons outlined above.

## 11 RECOMMENDATION

11.1 RECOMMENDATION: **Permission Granted** subject to the following conditions

## 12 CONDITIONS

### Time Limit

#### 1. 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.

### Approved Plans

#### 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:

##### Plans:

- Site Location Plan 22007(05)110 Rev A
- Proposed Site Layout 22007 (05) 101 Rev M
- Demolition Plan 22007 (05) 110 Rev A
- Proposed Site Elevations 22007 (05) 112 Rev D
- House Type - 6P3B V1, Plans and Elevations 22007 (05) 140 Rev C
- House Type - 6P3B V2, Plans and Elevations 22007 (05) 141 Rev C
- House Type - 4P2B V1, Plans and Elevations 22007 (05) 142 Rev C
- House Type - 4P2B V2, Plans and Elevations 22007 (05) 143 Rev C
- Boundary Treatment Detail – Type A 22007 (05) 170 Rev A
- Boundary Treatment Detail – Type B 22007 (05) 171 Rev A
- Boundary Treatment Detail – Type C 22007 (05) 172 Rev D
- Material Finished & Boundaries Layout Plan 22007 (05) 150 Rev C
- Hard Finishes Layout 22007 (05) 151 Rev C
- Strategic Landscape Plan 2284504-SBC-00-XX-DR-L-004-PL05
- Detailed Soft Landscape Plan 2284504-SBC-00-XX-DR-L-301-PL04
- Tree Pit Details 2284504-SBC-00-XX-DR-L-201-PL03
- Refuse Strategy 22007(05)180 Rev B
- Proposed Drainage Layout CC2421-CAM-XX-XX-DR-C-0500-P05
- Surface Water Catchment Analysis CC2421-CAM-XX-XX-DR-C-1500-P03
- Proposed Ground Model Sections CC2421-CAM-XX-XX-DR-C-0610-P03
- Proposed Site Levels & Contours Plan CC2421-CAM-XX-XX-DR-C-0600-P05
- General Arrangement 226773\_PD03 Rev J
- Swept Path Analysis Standard Design Vehicle Parking Assessment 226773\_AT\_A01 Rev G

- Swept Path Analysis 11.2m Refuse Vehicle Servicing 226773\_AT\_A01 Rev M

Documents:

- Planning Statement, Amity Planning Consultants (October 2023)
- Design and Access Statement, Powell Dobson (October 2023)
- Noise Assessment Report, Wardell Armstrong (January 2024)
- Phase I Desk Study & Site Investigation Works, Wardell Armstrong (September 2023)
- Ecological Appraisal, Wardell Armstrong (May 2023)
- Bat Report – Building 1 – Emergence/Re-entry Surveys, Wardell Armstrong (February 2023)
- Bat Hibernation Survey Report, Wardell Armstrong (April 2023)
- Energy Hierarchy/Strategy Report P02, McCann and Partners (August 2023)
- Soft Landscape Specification PL03 29/02/2024
- Arboricultural Impact Assessment, Wardell Armstrong (September 2023)
- Soil Resource Plan, Wardell Armstrong (September 2023)

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. Contaminated Land – Ground Gas Protection

Prior to the commencement of any development works, except demolition, and following completion of the ground gas monitoring scheme, the proposed details of appropriate gas protection measures to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site shall be submitted to and approved in writing to the LPA. If no protection measures are required than no further actions will be required.

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

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

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

#### 4. Contaminated Land Measures – Assessment

Prior to the commencement of the development, except demolition, an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person \* in accordance with BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and shall assess any contamination on the site, whether or not it originates on the site. The report of the findings shall include:

- (i) an intrusive investigation to assess the extent, scale and nature of contamination which may be present.
- (ii) an assessment of the potential risks to:
  - human health,
  - groundwaters and surface waters
  - adjoining land,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - ecological systems,
  - archaeological sites and ancient monuments; and
  - any other receptors identified at (i)
- (iii) an appraisal of remedial options, and justification for the preferred remedial option(s).

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

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

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

#### 5. Contaminated Land Measures – Remediation & Verification Plan

Prior to the commencement of the development, except demolition, a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

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

6. Foul and Surface Water

Notwithstanding the approved drawing entitled 'Proposed Drainage Layout CC2421-CAM-XX-XX-DR-C-0500-P05', no development shall commence until details of a scheme for the disposal of foul and surface water, incorporating sustainable drainage techniques, has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to beneficial use of the development, hereby approved.

Reason: To protect the integrity of the public sewerage system, to ensure effective water cycle management, avert flood risk and protect the environment in accordance with Policy KP5, KP15, EN10 and EN14 of the Cardiff Local Development Plan 2006-2026.

7. Public Sewer Diversion

No development shall take place until details of a scheme to divert the public sewer crossing the site has been submitted to and approved in writing by the local planning authority. The scheme shall include a detailed design, construction method statement and risk assessment outlining the measures taken to secure and protect the structural condition and ongoing access of the public sewer. No development pursuant to this permission shall be carried out until the approved diversion scheme has been implemented and completed. The approved scheme shall be adhered to throughout the lifetime of the development and the protection measures shall be retained in perpetuity.

Reason: To protect the integrity of the public sewer and avoid damage thereto.

8. Landscape Soil Specifications

No development shall take place until finalised landscape soil specifications have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall incorporate a soiling plan that annotates the soil profiles proposed for different landscape functions across the site, detailing profile depths and whether soils are in-situ, site won or imported. The soiling plan shall be cross referenced in updated tree pit sections and landscape specifications.

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

## 9. Landscaping Specification

Notwithstanding Condition 1, no development shall take place until a finalised landscape specification has been submitted to and approved in writing by the Local Planning Authority. The specification must incorporate full details as to how the project landscape architect will oversee landscape implementation at key phases of delivery (soiling, tree planting, rain garden construction), to ensure compliance with approved plans and specifications, and to report to the LPA accordingly. Upon completion, a final landscape audit shall be undertaken, and the results reported to the LPA.

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

## 10. AMS & TPP

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

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

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

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

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

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

## 11. Biodiversity Enhancement Details

Prior to the commencement of development, a Scheme of Ecological Enhancement Measures and a Detailed Implementation Timetable shall be submitted to and approved by the Local Planning Authority. The Ecological Enhancement Measures shall thereafter be undertaken in accordance with the

approved scheme and Implementation Timetable and retained thereafter for the lifetime of the development.

Reason: To provide a net benefit to biodiversity in accordance with Policy 9 of Future Wales and Policy KP16 and EN6 of the adopted Cardiff Local Development Plan 2006-2026.

## 12. CEMP

No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority, in order to manage the impacts of construction. The approved statement shall be adhered to throughout the construction period. The statement shall provide for: -

- 1) The parking of vehicles of site operatives and visitors;
- 2) Loading and unloading of plant and materials;
- 3) Storage of plant and materials used in constructing the development;
- 4) The erection and maintenance of security hoarding;
- 5) Wheel washing facilities to prevent mud being deposited on the road and measures to prevent debris being deposited on the highway;
- 6) Measures to prevent water from the site draining onto the highway
- 7) Measures to control the emission of dust and dirt during construction;
- 8) A plan to show any vibration, dust and noise arising from demolition and construction phases, and how these issues will be mitigated to control and manage the emissions from dust and noise to local residents and businesses within the locality;
- 9) a scheme for recycling / disposing of waste resulting from demolition and construction works;
- 10) A risk assessment of potentially environmental harmful activities/ operations to that of ecological constraints at the site;
- 11) Responsible persons (including a blank table for relevant details i.e. contact numbers), lines of communication and emergency contact details/

Reason: to avoid unacceptable harm to the safe and efficient operation of the highway, bus services, pedestrian and cycle routes in accordance with Policy T6 in the Cardiff Local Development Plan 2006-2026 adopted in January 2016 and for the general protection of biodiversity and pollution prevention and KP16, and EN5-EN8.

## 13. Architectural Detailing

Prior to the commencement of development, details of the architectural detailing of the elevations, including the depths of the reveals, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in full accordance with the details approved.

Reason: To ensure a satisfactory finished appearance to the development, in accordance with Policy KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).

#### 14. Pedestrian Crossing

Prior to the commencement of development, details of a scheme including the Stopping Up of the existing vehicular access point from Circle Way West, the formalisation of the footpath and the pedestrian crossing (including but not be limited to, surfacing, kerbs, edging, drainage, lighting, lining and signing required as a consequence of the scheme) shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in accordance with the approved details prior to beneficial use of the development, hereby approved.

Reason: To ensure the reinstatement and improvement of the footways and pedestrian access points following construction, to facilitate safe movement and to make provision for satisfactory access in accordance with Policy KP5, KP8, T1, T5, and T6 of the Cardiff Local Development Plan 2006-2026.

#### 15. Electric Charging Vehicle Points

Prior to commencement of development hereby permitted details of passive/ active electric vehicle charging points shall be submitted for approval and upon approval implemented prior to beneficial use of the development hereby approved.

Reason To encourage sustainable travel; reduce carbon emission and reduce harm from motor vehicular air and noise pollution in accordance with Policies KP9 KP15 and E14 in the Cardiff Local Development Plan 2006-2026 adopted in January 2016.

#### Action Conditions

#### 16. Materials

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

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

#### 17. Site Enclosures

The boundary treatments and means of site enclosure, shall be erected in accordance with the following drawing numbers, and shall be implemented prior to first beneficial use:

- Boundary Treatment Detail – Type A 22007 (05) 170 Rev A
- Boundary Treatment Detail – Type B 22007 (05) 171 Rev A
- Boundary Treatment Detail – Type C 22007 (05) 172 Rev D
- Material Finished & Boundaries Layout Plan 22007 (05) 150 Rev C



Reason: To ensure the amenities of the area are protected in accordance with Policy KP5 of the adopted LDP.

#### 18. Lighting Design Strategy

No lighting shall be installed at the site until such time as a "Lighting Design Strategy" (for biodiversity) considering bats and other nocturnal species, produced in accordance with the Institute of Lighting Professionals Guidance Note 08/23, has been submitted to and approved in writing by the Local Planning Authority. All external lighting shall thereafter be installed and maintained in accordance with the specifications and locations agreed.

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

#### 19. Cycle Parking

Prior to beneficial use of the development hereby approved, accessible, sheltered and secure cycle parking spaces and any associated access arrangements shall be implemented in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved spaces shall be retained for the sole purpose of cycle parking.

Reason: In the interests of promoting and providing facilities for sustainable modes of transport in accordance with Policy KP5, KP8, T1 and T5 of the Cardiff Local Development Plan 2006-2026.

### Regulatory Conditions

#### 20. Hours of Construction

Demolition or construction works shall not take place outside the hours of:  
08:00am to 6:00pm Mondays to Fridays;  
08:00 to 1:00pm on Saturdays; and  
and at no time on Sundays or Public Holidays.

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

#### 21. Noise Mitigation

The mitigation measures outlined within Section 5 of the Noise Assessment Report written by Wardell Armstrong (January 2024, CA12481 V1.0) shall be implemented at Plots 3 and 4, and 5 to 11, prior to beneficial use of the dwellings hereby approved.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity of the site are protected, in accordance with Policy EN13 of the LDP.

#### 22. Landscape Retention

Any trees, plants or hedgerows, which within a period of 5 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 9, unless the Local Planning Authority gives written consent to any variation.

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

#### 23. Contaminated Land Measures – Remediation and Verification

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

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

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

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

#### 24. Contaminated Land Measures – Unforeseen Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place unless otherwise agreed in writing until a scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the LPA within 2 weeks of the discovery of any unsuspected contamination.

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

#### 25. Imported Soil

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

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

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

#### 26. 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 LPA.

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

#### 27. Use of Site Won Materials

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

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

## INFORMATIVES

In accordance with Planning Policy Wales (Edition 12) and Technical Advice Note 12 (Design), the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption. We would recommend that the applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency requirements.

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

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dŵr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dŵr Cymru Welsh Water has rights of access to its apparatus at all times.

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, Dŵr 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.

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

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

waste management license. The following must not be imported to a development site;

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

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

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

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