

PETITION

COMMITTEE DATE: 03/11/2021

APPLICATION No. **21/01785/MNR** APPLICATION DATE: 21/07/2021

ED: **ELY**

APP: TYPE: Full Planning Permission

APPLICANT: Cardiff Council; Wates Residential
LOCATION: LAND OFF CHERRYDALE ROAD, ELY, CARDIFF
PROPOSAL: DEVELOPMENT OF 7 DWELLINGS (USE CLASS C3),
SUSTAINABLE URBAN DRAINAGE, LANDSCAPING AND
ASSOCIATED INFRASTRUCTURE AND ENGINEERING
WORK

RECOMMENDATION 1 : That planning permission be **GRANTED** subject to the following conditions :

1. C01 Statutory Time Limit
2. This approval shall be carried out in accordance with the following plans and documents:
 - Application Form PP-09920629
 - Site Location Plan 2299(03)100
 - Site Layout 2299(03)101 C
 - Management Plan 2299(03)102 B
 - Bungalow B2 Plot 1,2 2299(03)200
 - Bungalow B1 Plot 3 2299(03)201
 - Bungalow B1 Plot 4 to 7 2299(03)202 A
 - Landscape Strategy A108991 Ch.LA.100 D
 - Arboricultural Implications Assessment
 - Soft Landscape and Details A108991 Ch.LA.101 D
 - Soil Volumes for Proposed Trees A108991 Ch.LA.102 D
 - Specifications A108991 Ch.LA.103 A
 - Topographical Survey ACAD-CHERRYDALE-ROAD-CARDIFF R1 Sept 2019
 - Proposed Drainage Layout 100 P5 08/12/20
 - Vehicle Tracking – Plot Bay & Visitor Bay Tracking 9459-GRY-01-00-DR-C-SK12 P2
 - Proposed Section 278 Plan 9459-GRY-01-00-DR-C-SK11 P5
 - Design & Access Statement 2299
 - Planning Statement 31605/07/GW/HiK 19726365v3 V3
 - Ecological Impact Assessment 001 V2.0
 - Drainage Strategy & Design Statement GRAYS-9459-Drainage Design Statement P0

- Proposed Drainage layout 100 P5
- Tree Survey, Categorisation and Constraints Report - Rev 2
- Tree Constraints Plan 19-037
- Gas Monitoring Letter RH/15695/Gas Geotechnical and Geoenvironmental Report 15695/1
- Reptile Report 002

Reason: To avoid doubt and confusion as to the approved plans.

3. Prior to the commencement of the development 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 DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WG / NRW guidance document 'Land Contamination: A guide for Developers' (2017), 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 neighbours and other offsite receptors in accordance with policy EN13 of the Cardiff Local Development Plan.

4. The remediation scheme approved by condition 3 above must be fully undertaken in accordance with its terms prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Within 6 months of the completion of the measures identified in the approved remediation scheme, 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 DEFRA and the Environment Agency's 'Model procedures for the Management of Land

Contamination, CLR 11' (September 2004) and the WLGA / WG / NRW guidance document 'Land Contamination: A guide for Developers' (2017), 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.

5. 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 Local Planning Authority within 2 weeks of the discovery of any unsuspected contamination.

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

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

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

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

7. Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

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

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

8. 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.

9. Prior to the installation of a gate on the pathway behind to the rear of 4-12 (evens) Cherrydale Road details of the locking arrangement for the gate shall be submitted for approval to the Local Planning Authority and then be implemented as approved prior to any of the approved bungalows being brought into beneficial use.
Reason: In the interests of safety (LDP Policy C3).

10. Prior to the commencement of this phase of the development a detailed Construction Environment Management Plan for the construction phase of the development and a Construction Code of Practice shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environment Management Plan shall provide details of measures proposed for the storage of all plant, machinery and materials to be used in connection with the construction of the development and for controlling any escape of noise and/or fumes during the works. The development shall be carried out in accordance with the Construction Environment Management Plan.

The scheme shall in particular include:-

- 1) locations for the storage of all plant and machinery to be used in connection with the construction of the development.
- 2) details of all bunds, fences and other physical protective measures to be placed on the site in connection with such storage including the time periods for placing and retaining such bunds, fences and

- measures (as the case may be).
- 3) provision for the on-going maintenance of any such bunds, fences and other measures.
 - 4) the control and removal of spoil and wastes.
 - 5) wheel washing.

and

The Code of Practice shall indicate:-

- a. the proposed hours of operation of construction activities and deliveries.
- b. the frequency, duration and means of operation involving demolitions, excavations, drilling, piling, and any concrete production.
- c. sound attenuation measures incorporated to reduce noise at source.
- d. details of measures to be taken to reduce the generation of dust.
- e. the routes of construction traffic to and from the site including any off-site routes for the disposal of excavated material.

The Code of Practice shall be strictly adhered to during all stages of the construction of the proposed development.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity and future occupiers are protected. (LDP policy EN13)

11. Prior to any above ground works commencing on site samples of the external walling materials shall be submitted for the approval of the local planning authority and shall be implemented as approved.

Reason: In the interests of visual amenities (LDP Policy KP5)

12. 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 (LDP Policy EN8).

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 (LDP Policy EN8).

13. Any pruning necessary to implement the planning permission shall be undertaken in accordance with British Standard 3998: 2010 'Tree Work' or any Standard that replaces it.

Reason: The trees are of value in the local environment and should be protected and maintained in good condition (LDP Policy EN8).

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

- A soft landscaping implementation programme.
- Finalised, scaled planting plans prepared by a qualified landscape architect.
- Evidence to demonstrate that existing and proposed services, lighting, CCTV, drainage and visibility splays will not conflict with proposed planting.
- Finalised schedules of plant species, sizes, numbers and densities prepared by a qualified landscape architect.
- Details concerning the long term management and infill planting of Hedgerow H1 on the western boundary.
- Scaled tree pit sectional and plan drawings prepared by a qualified landscape architect that show the Root Available Soil Volume (RASV) for each tree.
- Topsoil and subsoil specification for all planting types, including full details of soil assessment in accordance with the Cardiff Council Soils and Development Technical Guidance Note (Soil Resource Survey and Plan), soil protection, soil stripping, soil storage, soil handling, soil amelioration, soil remediation and soil placement to ensure it is fit for purpose. Where imported planting soils are proposed, full specification details shall be provided including the parameters for all imported planting soils, a soil scientists interpretive report demonstrating that the planting soil not only meets British Standards, but is suitable for the specific landscape type(s) proposed. The specification shall be supported by a methodology for storage, handling, amelioration and placement.
- Planting methodology and post-planting aftercare methodology prepared by a qualified landscape architect, including full details of how the landscape architect will oversee landscaping implementation and report to the LPA to confirm compliance with the approved plans and specifications.

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

Reason: To enable the Local Planning Authority to determine that the proposals will maintain and improve the amenity and environmental value of the area, and to monitor compliance (LDP Policy EN8).

15. Any newly planted 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 14.
Reason: To maintain and improve the amenity and environmental value of the area (LDP Policy EN8).
16. Install a scheme of lighting with an average 5 lux to comply with BS 5489-1:2013 as per 'Lighting against crime' 2011.
Reason: To deter theft, and anti-social behaviour (LDP Policy C3).
17. No dwelling shall be occupied until the car parking space and cycle storage shed that serves it has been provided.
Reason: To ensure sufficient off-street parking has been provided to serve each dwelling (LDP policies T1 and T5).
18. Any damage to the highway (kerbs, surface material, drainage, lighting, etc) that may be caused during the construction process shall be reconstructed prior to any part of the development being brought into beneficial use.
Reason: In the interests of highway safety (LDP Policy T6).

RECOMMENDATION 2 : 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.

RECOMMENDATION 3 : The applicant is advised that section 3.25 of Planning Policy Wales states that the land use planning system should take account of the conditions which are essential to the Welsh language and in so doing contribute to its use and the Thriving Welsh Language well-being goal. In this context and with regard to the Welsh Language (Wales) Measure 2011, it is recommended that: (1) developments adopt a Welsh name that is consistent with the local heritage and history of the area, (2) during the construction phase, on site marketing information (i.e. text on construction hoardings / flags / banners – as consented) be provided bilingually and (3) for commercial developments, shopfront / premises signage be provided in Welsh or bilingually. Where bilingual signage is provided, Welsh text must not be treated less favourably in terms of size, colour, font, prominence, position or location (it is recognised that Welsh translation does not extend to company / business names). Cardiff Council's Bilingual Cardiff team (BilingualCardiff@cardiff.gov.uk) can provide advice on unique and locally appropriate Welsh names for developments, bilingual marketing / branding and bilingual signage.

RECOMMENDATION 4 : The developer will need to address alterations to the highway under the Section 278 and Section 38 process.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 Full planning permission is sought for the development of 7 bungalows, as well as sustainable urban drainage, landscaping and associated infrastructure and engineering works.
- 1.2 Five of the bungalows are one-bedroom homes and two are two-bedroom homes. All bungalows benefit from a private rear garden and a small front garden. All bungalows are fully accessible for older people including those with mobility issues that need to use wheelchairs and mobility scooters.
- 1.3 The proposed development will be 100% affordable. The applicant says that it is envisaged that the bungalows are to be for older people via Cardiff Council's housing list.

- 1.4 Pedestrian, cycling and vehicular access will be via Cherrydale Road. Pedestrian and cyclist access is also available via an alley/gulley which connects through to Heol y Felin.
- 1.5 Once into the site a shared surface area is proposed that caters for pedestrians and vehicle users. The street has been designed as a shared surface, where people and vehicles will share the road space on equal terms, to slow vehicles to a walking pace and give quality of life precedence over ease of vehicular traffic movement. The street will also have landscaping, trees and Sustainable Urban Drainage Systems.
- 1.6 All dwellings will benefit from a single designated parking space, along with the ability to store bicycles in the shed spaces located within the curtilage of each of the dwellings. One visitor parking space is proposed to serve the development.
- 1.7 Facing materials of the dwellings will be a combination of red clay brick and grey cladding. Windows will be grey UPVC with reconstituted stone sill. Photovoltaic (PV) panels are proposed on the roofs and grey tiles. The shared surface will comprise block paving.
- 1.8 The landscape strategy comprises the retention, enhancement and management of the hedgerow on the western and northern boundaries as well as the incorporation of rain garden / bio retention areas to the front of the dwellings which will include trees and shrubs. A hedgerow and climbing shrubs are proposed on the eastern boundary.
- 1.9 Two young trees towards the middle of the site would have to be removed and a reduced width hedge along the western boundary would be retained as would the existing hedge along the northern boundary.

2. DESCRIPTION OF SITE

- 2.1 The site historically formed part of a nursery, however it is now an informal parcel of grassland. There is evidence of flytipping on the edges of the site.
- 2.2 The site measures approximately 0.2 hectares in area, with a generally level topography.
- 2.3 There is currently no vehicular access to the site. Bollards are in place.
- 2.4 Pedestrians are able to walk onto the site from Cherrydale Road to the south and from the gully/alley from Heol Y Felin to the west. There is no pedestrian access from the north or east other than 2 rear pedestrian gates in the eastern fence.
- 2.5 The site does not include nor is in the vicinity of any listed buildings or scheduled ancient monuments, nor is it within a conservation area. The nearest listed building is the Grade II, Ely Methodist Church (reference: 21571) which is approximately 480m to the south.

- 2.6 In terms of flooding the site is in flood zone A (considered to be at little or no risk of fluvial or coastal/tidal flooding). The draft emerging flood map for planning notes the site to be in flood zone 1 (very low risk).
- 2.7 The site does not have any drainage infrastructure in place given its undeveloped nature.
- 2.8 There are very few trees or Arboricultural features located on the site. A total of four trees were assessed as part of the Tree Survey, three of which are Category C trees. There is one Category B tree on the edge of the site (which is to be retained).
- 2.9 The site is in a sustainable location, near several facilities and is easily accessible for sustainable modes of travel. There are ample local facilities within easy reach by sustainable modes of transport, which include community facilities, supermarkets and medical facilities. For example, the site is within close proximity of a Pharmacy and Surgery on Mill Road (approx. 200m to the north), Park View Health Centre (approx. 350m to the south west), Farmfoods and Aldi supermarket (approx. 350m to the south west), a dentist on Cowbridge Road West (approx. 350m to the south east) and Ely & Caerau Hub (approx. 500m to the south west).
- 2.10 Bus stops are located on Heol y Felin, Mill Road and Cowbridge Road East which provide regular services to Cardiff City Centre to the east and Culverhouse Cross to the west.
- 2.11 In terms of open space there are several facilities in the local area including:
- i) Mill Road Park (200m walking distance to the north) is a large park which measures around 1.8 hectares.
 - ii) Mill Road bowling green and pavilion (450m walking distance to the north).
 - iii) Treseder Way Park (650m walking distance to the south) is a large park which includes a children's play area, formal paths and benches.
 - iv) Trelai Park (600m walking distance to the south) is one of Cardiff's largest parks (approx. 33 hectares) and includes formal playing fields, children's play area, a skate park as well as formal paths linking to woodland walks adjacent to the River Ely.
 - v) Ely Trail (550m walking distance to the north).
 - vi) Ely Great Farm Allotments (800m walking distance) to the south east.
 - vii) Local informal amenity open space areas at Windsor Green (120m to the west) and Plymouthwood Close (400m to the west).

3. **SITE HISTORY**

- 3.1 There is no record of a planning application on this site for the last 30 years.
- 3.2 In 1990 there was an application for 2 flats on part of the site which was refused for the following reason:

The proposal would result in the loss of a valuable area of open space serving the surrounding residential area, to the detriment of the amenities of local residents.

4. **POLICY FRAMEWORK**

4.1 LDP Policies

KP1: Level of Growth;
KP3 (B): Settlement Boundaries;
KP5: Good Quality and Sustainable Design;
KP8: Sustainable Transport;
KP13: Responding to Evidenced Social Needs;
KP15: Climate Change;
KP16: Green Infrastructure;
KP18: Natural Resources;
H3: Affordable Housing;
EN6: Ecological Networks and Features of Importance for Biodiversity;
EN7: Priority Habitats and Species;
EN8: Trees, Woodlands and Hedgerow;
EN10: Water Sensitive Design;
EN12: Renewable Energy and Low Carbon Technologies;
EN13: Air, Noise, Light Pollution and Land Contamination;
T1: Walking and Cycling;
T5: Managing Transport Impacts;
T6: Impact on Transport Networks and Services;
C3 Community Safety/Creating Safe Environments
C4: Protection of Open Space.
W4 Provision of waste Management Facilities in Development

4.2 Future Wales: The National Plan 2040

4.3 Planning Policy Wales Edition 11 (2021)

4.4 SPGs

Managing Transportation Impacts (Incorporating Parking Standards) July 2018;
Green Infrastructure – November 2017;
Ecology & Biodiversity Technical Guidance Note;
Trees and Development Technical Guidance Note;
Protection and Provision of Open Space in New Developments Technical Advice Note;
Soils and Development Technical Guidance Note.
Residential Design Guide – January 2017;
Waste Collection & Storage Facilities – October 2016.

5. **INTERNAL CONSULTEE RESPONSES**

5.1 The Transport Officer provided initial comments and subsequent comments

following the provision of additional information by the applicant and states:

I have no principled objections to the proposal but have the following comments.

The site will be access from Cherrydale Road. The site has been discussed with the designers in detail. My comments relate to the;

- proposed access and some concern about the proposed construction material. The proposal is to construct the access junction with block paving. Given the potential for turning movements at this point it is considered that block paving might not be an appropriate material. I would be content to leave the final decision to the detailed design S278 process to confirm an approved construction material.

The Transport Officer then confirmed that it should be dealt with under the S278 process.

- It is suggested that the proposed hedge (eastern side of site) be stepped back from the junction to allow the proposed footway to link to the site access. The current proposal appears to link only to the rear alleyway to access the existing properties on Cherrydale Road.

The Transport Officer then confirmed access sorted and agreed

- It is understood that the refuse vehicles will not need to access the site and the refuse will be collected from the bin collection point, thus negating the need for a HGV turning head to be provided within the site.

The Transport Officer confirmed that, plan 2299(03)101 Rev C illustrates a bin collection point.

- However, the site will be accessed by delivery vehicles, can the applicant demonstrate the adequacy of the proposed development to accommodate 7.5T delivery vehicles.

The Transport Officer confirmed that his concern was if a delivery van overran the SUDs features. The Transport Officer subsequently confirmed that a lorry turning head was totally inappropriate for this driveway.

- It is noted that vehicle tracking is provided to illustrate the use of the visitor bay. However, could the applicant confirm the status of the blue area illustrated on plan 2299(03) 1 01 Rev A. It appears, in plan 9459-GRY-01-00-DR-C-SK12 Rev P2, that a reversing visitor is expected to over-run this area. No demonstration on file.

(The blue area on the plan is the SUDs feature)

- A concern has been highlighted that the site may not be able to accommodate emergency service (fire) access. I am of the opinion that fire vehicles could access the site, but in view of a raised concern can the applicant provide confirmation (vehicle tracking) to confirm that the site can be accessed by the emergency services to attend an incident.

(Drawing 2299(03)101 C shows the tracking for a fire engine within the site)

The Transport Officer recommended conditions and a recommendation to be attached to any consent:

Conditions

Construction Management Plan.

Reconstruct any damage to the highway (kerbs, surface material, drainage, lighting, etc) caused during the construction process.

Recommendation S278 and S38 process

5.2 The Tree Officer states:

I have no adverse observations subject to conditions as follows. The soft landscaping is fine generally, but it may need to be subject to change following a Soil Resource Survey and Plan and the latter should also inform planting specifications. I have also requested additional details concerning the long-term management and any infill planting of hedgerow H1 on the western boundary:

Tree protection

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.

Tree work to British Standard

Any pruning necessary to implement the planning permission shall be undertaken in accordance with British Standard 3998: 2010 'Tree Work' or any

Standard that replaces it.

Reason: The trees are of value in the local environment and should be protected and maintained in good condition.

Landscaping

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

- A soft landscaping implementation programme.
- Finalised, scaled planting plans prepared by a qualified landscape architect.
- Evidence to demonstrate that existing and proposed services, lighting, CCTV, drainage and visibility splays will not conflict with proposed planting.
- Finalised schedules of plant species, sizes, numbers and densities prepared by a qualified landscape architect.
- Details concerning the long term management and infill planting of Hedgerow H1 on the western boundary.
- Scaled tree pit sectional and plan drawings prepared by a qualified landscape architect that show the Root Available Soil Volume (RASV) for each tree.
- Topsoil and subsoil specification for all planting types, including full details of soil assessment in accordance with the Cardiff Council Soils and Development Technical Guidance Note (Soil Resource Survey and Plan), soil protection, soil stripping, soil storage, soil handling, soil amelioration, soil remediation and soil placement to ensure it is fit for purpose. Where imported planting soils are proposed, full specification details shall be provided including the parameters for all imported planting soils, a soil scientists interpretive report demonstrating that the planting soil not only meets British Standards, but is suitable for the specific landscape type(s) proposed. The specification shall be supported by a methodology for storage, handling, amelioration and placement.
- Planting methodology and post-planting aftercare methodology prepared by a qualified landscape architect, including full details of how the landscape architect will oversee landscaping implementation and report to the LPA to confirm compliance with the approved plans and specifications.

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

Reason: To enable the Local Planning Authority to determine that the proposals will maintain and improve the amenity and environmental value of the area, and to monitor compliance.

Landscaping Maintenance

Any newly planted 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 *****, unless the Local Planning Authority gives written consent to any variation.

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

- 5.3 Shared Regulatory (SRS) Environment Team provides comments below in relation to land quality. The following information was submitted with the application –

Terra Firma (Wales) Ltd., May 2021; Geotechnical and Geoenvironmental Report Ref 15695/1.

Terra Firma (Wales) Ltd, 10 June 2021; Gas Monitoring Letter RH/15695/Gas

The above geoenvironmental assessment report includes a detailed assessment of potential contamination and associated risks to human health and the environment. Investigations identify fragments of asbestos containing materials in several locations within the made ground, posing a risk to human health.

Remediation works are required in relation to this to ensure the development is suitable for use. A remediation strategy and verification plan, providing proposals to remediate the site and procedures for validating the completed works will need to be submitted for approval. A remediation validation report, in line with the approved remediation works and current guidance will then need to be submitted for approval.

The above gas assessment letter report includes a detailed assessment of ground gas monitoring. It indicates that the site is classified as 'gas characteristic situation 1' with no gas protection measures required.

Should there be any importation of soils to develop the garden/landscaped areas of the development, or any site won recycled material, or materials imported as part of the construction of the development, then it must be demonstrated that they are suitable for the end use. This is to prevent the introduction or recycling of materials containing chemical or other potential contaminants which may give rise to potential risks to human health and the environment for the proposed end use.

Shared Regulatory Services requests the inclusion of the following conditions and informative statement 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:

CONDITIONS

PC14B. CONTAMINATED LAND MEASURES – REMEDIATION & VERIFICATION PLAN

Prior to the commencement of the development 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 DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WG / NRW guidance document 'Land Contamination: A guide for Developers' (2017), 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.

PC14C. CONTAMINATED LAND MEASURES - REMEDIATION & VERIFICATION

The remediation scheme approved by condition x (PC14B above) must be fully undertaken in accordance with its terms prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Within 6 months of the completion of the measures identified in the approved remediation scheme, 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 DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WG / NRW guidance document 'Land Contamination: A guide for Developers' (2017), 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.

PC14D. 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.

PC15A 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.

PC15B 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.

PC15C 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.

ADVISORY/INFORMATIVE

R4 CONTAMINATION AND UNSTABLE LAND ADVISORY NOTICE

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.

5.4 The Waste Officer states:

The plans do not show the intended storage site of the bins, however providing the bins are stored within the curtilage of each of the properties this will be suitable.

The collection point for plots 4-7 has been noted and is acceptable.

Each property will require the following for recycling and waste collections:

- 1 x 140 litre bin for general waste
- 1 x 240 litre bin for garden waste
- 1 x 25 litre kerbside caddy for food waste
- Green bags for mixed recycling (equivalent to 140 litres)

Please be advised that the developers of all new residential units are required to purchase the bin provision required for each unit. The bins have to meet the Council's specifications. Individual 140 litre/240 litre wheeled bins can be purchased via waste Connect to Cardiff at (029) 2087 2087. Bulk supply of individual bins, or 660litre/1100 litre wheeled bins should be ordered via our bin order form located at www.cardiff.gov.uk/wasteplanning.

The kitchens should be designed to allow the separation of waste into three waste streams; general, recycling and food waste, in order to encourage the correct disposal of waste.

Please refer the agent/architect to the Waste Collection and Storage Facilities Supplementary Planning Guidance for further relevant information. www.cardiff.gov.uk/wasteplanning

(The Waste Officer's comments have been shared with the applicant)

5.5 PROW Officer states:

The application has no recorded Public Rights of Way affecting the site. The area is open and accessible for the public to use and is considered publicly maintained highway as it is Housing Land (see attached plan showing the Housing land shaded yellow). If the application is granted, the area will require a Section 247 Town and Country Planning Act (TCPA) 1990 stopping up order to be confirmed by Welsh Government prior to any construction being undertaken.

A Section 247 TCPA Order will authorise the removal (“stopping-up”) of any highway (in this case, the Housing Land), in order to enable development to be carried out in accordance with a valid and relevant planning permission. The Order can also provide for the provision of new/improved highways as long as these also form part of the planning permission. There is currently no costs for this Legal Order and estimated timescales are approximately 3 months; for further information visit

<https://www.gov.uk/government/publications/stopping-up-and-diversion-of-highways>

It should be noted that any application to process a Legal Order is subject to statutory public consultation and may be liable to objections. Also, please find attached a helpful guide of what is required if any adopted highway is affected and requirements for licenses.

(The PROW Officer’s comments have been shared with the applicant)

5.6 The Parks Officer states:

The application site is classed as open space in the latest open space survey, so reference is made to Policy C4 Protection of Open Space of the adopted Local Development Plan (LDP) and the supporting Technical Guidance Note (TGN) Protection and Provision of Open Space in New Developments (November 2017).

Policy C4 states that “*Development will not be permitted on areas of open space unless:*

- i. They would not cause or exacerbate a deficiency of open space in accordance with the most recent open space study; and*
- ii. The open space has no significant functional or amenity value; and*
- iii. The open space is of no significant quality; or*
- iv. The developers make satisfactory compensatory provision; and in all cases*
- v. The open space has no significant nature or historic conservation importance.”*

The Technical Guidance Note (TGN) provides guidance on the factors in which development proposals affecting open space are assessed:

- i. Existing local provision of open space*
- ii. The functional or amenity value of the open space*

- iii. *The quality of the open space*
- iv. *Any significant nature or historic conservation importance of open space which may be lost*
- v. *Any compensatory provision for loss of open space*

The site is classed as informal open space and contributes to the Ely Ward's provision of recreational open space against the adopted standard of 2.43 hectares per 1000 population. The ward has a deficit of 21.45 hectares so the proposal would exacerbate the deficiency and therefore be contrary to Policy C4. However, in assessing local provision, there are alternative open spaces close by (Mill Road Park and Mill Road Sports Ground) which can provide the same opportunities as that which might be offered by the application site.

Those opportunities might be for informal play and recreation for young children but given the site's secluded location at the rear and side of properties on Cherrydale Road and the lack of a buffer, it is not considered to have significant value. Furthermore, the site is not of significant quality and while it is possible for this to be improved through better maintenance, it will not be a target for investment because of its location and lack of a buffer.

In terms of visual amenity, as mentioned the development is to the rear and side of properties on Cherrydale Road. The new homes will be single storey and set back within the site away from Nos 2-12 and to the side of Nos 14 and 16. The existing hedgerow on the western and northern boundaries will be retained so there will be little or no impact on properties on those sides.

No compensatory provision is detailed but as mentioned there are other open spaces nearby serving the needs of this area so in summary, from a Parks Services point of view, the development does not raise significant concerns. With regard to the remaining factor listed, whether the site has any significant nature or historic conservation importance, I am not able to comment.

Open Space Provision

The Council's LDP requires provision of a satisfactory level and standard of open space or an off-site contribution towards existing open space on all new housing/student developments over 8 units. The development comprises 7 units and therefore this policy is not applicable.

6. EXTERNAL CONSULTEES

- 6.1 South Wales Police have considered this application, and do not object to it, but would ask that the following recommendations are taken into consideration.

The crime figures for the immediate area have been examined on Police.uk and for the six months January 2021 – June 2021 and for the immediate area of Cherrydale Road are as follows:

Violence and Sexual offences 3

Other theft 1

Anti-social behaviour 3

Public Order 1

Burglary 1

Criminal Damage 1

Vehicle Crime 1

We would ask that the following comments and recommendations are taken into consideration:

Lighting: There does not appear to be a scheme of lighting for this development with this application.

Recommendation:

Install a scheme of lighting with an average 5 lux to comply with BS 5489-1:2013 as per 'Lighting against crime' 2011.

Reason: To prevent theft, and anti-social behaviour

Path adjacent to plot 1:

'Secured by design new homes 2019' states that paths should not run to the rear of and provide access to gardens, rear yards or dwellings as they have been proven to generate crime. This development has a path adjacent to plot 1 which runs alongside the plot and garden.

Recommendation:

Ensure the path is well lit.

Install a rear garden boundary that is 2.1m high to plot 1 adjacent to the path. The gate to the garden should be built flush to the front building line and be of the same height and capable of being locked.

Reason: To prevent burglary/ theft

Windows:

All ground floor and easily accessible windows should meet the SBD standard PAS24 2016 or equivalent.

Reason: To reduce the risk of burglary.

Doors

All external doors should meet SBD standard PAS24 2016 or equivalent.

Reason: to prevent burglary.

Policy Support

The Crime & Disorder Act 1998 created a statutory partnership between local authorities, the police and other key partners to work together in reducing crime

and disorder in all aspects of their work.

Section 17 of the Act states:

“It is the duty of the authority to exercise its various functions with due regard to the likely effect on crime and disorder in its area and the need to do all that it reasonably can to prevent crime and disorder.”

TAN 12 Design. Para 5.17.1 “Local authorities are required to have due regard to crime and disorder prevention in the exercise of their functions under Section 17 of the Crime and Disorder Act 1998. Consideration should be given to practical ways in which the design of development can reduce opportunities for crime, disorder and anti-social behaviour.”

- Planning Policy Wales
- 4.10.12 Local Authorities under Legal Obligation to consider the need to prevent and reduce crime and disorder.
- 8.2.1. – Transport – Provision of safe, convenient and well signed routes
- 9.1.1. –Housing – Objective to provide homes that are in good condition, in safe neighbourhoods and sustainable communities
- 9.1.2. Housing – Greater emphasis on quality, good design, and the creation of places to live that are safe and attractive

6.2 Welsh Water states:

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

SEWERAGE

We can confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site.

Surface Water Drainage

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

Advisory Notes

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a

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

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

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

7. **REPRESENTATIONS**

7.1 Local members and neighbours have been notified.

7.2 The application has also been advertised on site.

7.3 Councillor McEvoy of the adjoining Fairwater Ward states:

I object to the proposed development on the grounds that it constitutes an over development. It will adversely impact the local environment, destroying trees and depriving wildlife of habitats. The local community will lose a leisure space. Parking pressures will also be exacerbated, with new traffic being generated.

I also object on the grounds of health and safety. Asbestos is beneath the surface and should not be disturbed, I note that development workers will have to wear PPE whilst working. Neighbours to the site will not be able to wear PPE 24 hours a day and that will constitute a danger.

7.4 A petition signed by 54 residents' states:

We the undersigned object to the loss of the greenfield at Cherrydale Road, Ely for house building. The proposal is an overdevelopment and will deprive the local community of a valued open leisure space. We object to the destruction of trees and the habitats of wildlife in an otherwise urban setting. We object to the parking and traffic difficulties the development will cause. Finally we object on the grounds of health and safety, with asbestos lurking under the surface of the land, which at present is safely covered. Disturbance will pose a danger to

neighbours to the land. We call on councillors to reject application 21/01785/MNR.

7.5 Five Residents of Cherrydale Road have submitted letters of objection. Their objections are précised as follows:

- i) Loss of a children's play area/exercise area. Ball games are prohibited on street with signage, grass area is the only area that children are able to play on.*
- ii) The site is a little nature reserve too, with magpies, hedgehogs, bat's, squirrels and wildflowers. Loss of trees. Not following Green Infrastructure Plan.*
- iii) The area is already very built up with blocks of flats and very limited parking, there are traffic and parking problems now to enter and exit street especially during nursing home visiting times. Junction is not wide enough for increased traffic. Situation is dangerous.*
- iv) Access will be next to a junction on a corner where a CIW childcare business adversely affecting childcare business. Insufficient parking for development.*
- v) Total Disruption to the whole of the Estate and surrounding areas.*
- vi) Existing problems with HGV vehicles driving in and out unloading in this quiet residential area*
- vii) They want to rip the roads up to add on drainage, we have enough problems with water and backed up drainage due to a nursing home on the estate with residents of up to 187.*
- viii) Planning was turned down in 2011 for 4 flats due to environmental reasons.*
- ix) There is a high level of crime and dumping of rubbish on path way and behind homes and other homes of gated areas, on the new development plans it will be more gated areas and the path way will be extended longer and made higher (2.1 m boundary wall) this will cause more problems to the already existing ones we have here.*
- x) Publicity/community engagement inadequate, unable to discuss with officers and misled by the Council.*
- xi) Can a fire engine get into such a small area*
- xii) There is a need to maintain rear fence.*
- xiii) The rear path and gate proposed will restrict access in the event of a fire.*

- xiv) *Wheelie bins would be stored too close to dwelling and would smell.*
- xv) *Overdevelopment.*
- xvi) *Removal of asbestos will be a danger to residents*

8. **ANALYSIS**

Policy

- 8.1 The site is identified as open space in the latest open space survey. In view of this Policy C4 of the adopted Local Development Plan (LDP) and approved Supplementary Planning Guidance (SPG) set out the Green Infrastructure SPG Technical Guidance Note (TGN) relating to Protection and Provision of Open Space in New Developments (November 2017) are relevant.
- 8.2 Policy C4 seeks to protect open space that has significant functional (including land that can accommodate formal/or informal recreational uses), conservation, environmental or amenity value through only allowing proposals where:
 - They would not cause or exacerbate a deficiency of open space in accordance with the most recent open space study; and
 - The open space has no significant functional or amenity value; and
 - The open space is of no significant quality; or
 - The developers make satisfactory compensatory provision; and in all cases
 - The open space has no significant nature or historic conservation importance.
- 8.3 This policy reflects national planning policy relating to open space set out in Planning Policy Wales and Technical Advice Note 16 relating to Sport, Recreation and Open Space (January 2009).
- 8.4 The survey classifies the site as informal recreational open space. Therefore, in order to accord fully with Policy C4 the application needs to be assessed against the following issues:
 - The level of existing provision of recreational open space assessed against the standard and the acceptability of compensatory facilities.
 - The quality of the open space
 - The functional and amenity value of the open space
 - The nature or historic conservation value of the open space.
- 8.5 The overall figures for recreational open space set out in the open space survey show that the Ely ward overall has a deficit of 21.56 hectares of recreational open space (based on the 2.43 ha per 1,000 population standard). Therefore, the loss of this open space (0.16 ha) will exacerbate a local and city-wide deficiency of recreational open space. In order to address this matter paragraph 4.61 of the TAN states that satisfactory compensatory provision will be required.

- 8.6 However, in this respect it is noted that the planning statement prepared by the applicant states that the site has no facilities such as paths, benches and play facilities and is not maintained for recreational purposes. In addition, it is noted that the site has been declared surplus to requirements and the applicant has demonstrated there is good alternative provision of recreational open space in the local area, within easy walking distance of the site.
- 8.7 In relation to the impact on visual amenity it is noted that the Landscape Strategy proposed by the applicant includes the retention, enhancement and management of the existing hedgerow on the western and northern boundary as well as new tree and shrub planting in front of the dwellings and along the eastern boundary. Given this there is considered no unacceptable impact on visual amenity. In terms of impact on leisure amenity, as noted above the applicant has demonstrated there is good alternative provision in the local area, which will continue to be available as an informal resource for local people for activities such as walking and dog exercise.
- 8.8 The site is within the settlement boundary as defined by the adopted Cardiff Local Development Plan (LDP). Policy KB3 (B) states that development will normally be permitted within the settlement boundary, subject to material planning considerations.
- 8.9 The site is not the subject of any formal LDP designations, and is considered a windfall site, within settlement boundaries.
- 8.10 Cardiff Council's Technical Guidance for the Protection and Provision of Open Space (November 2017) is also applicable and provides guidance as to how to consider Policy C4.
- 8.11 The applicant states that "this site has been 'appropriated for planning purposes to allow development of the land' by Cardiff Council since November 2015. This was advertised via site notice and 2 newspaper notices on 20 October 2015 and 27 October 2015. Whilst the site is not allocated for residential development in the LDP it is clear that, for a number of years, the Council's intention has been to utilise this site for housing, to assist with the need for affordable housing in the area."
- 8.12 Policy C4 of the LDP seeks to protect open spaces unless a number of criteria can be met. The applicant and landowner consider that the site is a surplus piece of informal grassland rather than public open space. Notwithstanding this, we have still considered Policy C4 of the LDP and consider that the proposal meets the criteria that is set out within C4. Whilst the site is covered in grass and is used for intermittent dog walking it is not maintained as open space and has limited functional or amenity value or quality. The site is often the subject of flytipping and anti-social behaviour.
- 8.13 The development of this site for bungalows will not cause or exacerbate a deficiency of open space in the local area. It doesn't accommodate formal sporting use or children's play equipment and is not maintained to allow a

functional use. The site may have some limited local amenity value as an informal unmaintained open area but it is considered that it falls short of being 'significant value' as the policy requires. There is no significant public access

- 8.14 Policy H3 states that the Council will seek 20% affordable housing on Brownfield sites and 30% affordable housing on Greenfield sites in all residential proposals that contain more than 5 dwellings.
- 8.15 This planning application proposes 100% affordable housing for rent in the form of accessible bungalows. It is therefore clear that scheme is in line with Policy H3.
- 8.16 The development of this site would represent efficient use of a vacant/underused parcel of land within the settlement boundary, clearly aligning with the policy aims of PPW (para 5.4.13) and KP5 of the LDP.
- 8.17 The development will effectively use the site and will deliver 7 affordable dwellings, assisting the Council in meeting the housing requirement figure, affordable housing need figure and the windfall allowance set out in the LDP. The development will provide an alternative form of development by providing accessible, affordable bungalows suitable for older people including those with mobility issues.
- 8.18 Given this the proposal does not raise any land use planning policy concerns.

Design

- 8.19 The dwellings meet with the privacy and amenity standards specified in the Residential Design Guide SPG.
- 8.20 The layout of the development provides a pleasant living environment for future residents.

Energy Efficiency

- 8.21 Solar Panels are proposed on the south and west facing roofs. The Design and Access Statement discusses environmental sustainability in detail including discussion on electric vehicle charging points. The location of the site in close proximity to facilities and services means that people living in the dwellings will be able to reach these facilities and services without the need to utilise a private vehicle. This benefits the environment as less carbon emissions will be generated.
- 8.22 All phase 1 Cardiff Living sites achieved 17% above Part L of Building regulations 2015 by ensuring that the airtightness, ventilation, thermal bridging, lighting and insulation qualities of the walls, floor, roof, windows & external doors exceeded the minimum standards.

Response to objections and petition.

(i) Loss of amenity space

8.23 Policy KP 16 Green Infrastructure of the LDP states:

Cardiff's distinctive natural heritage provides a network of green infrastructure which will be protected, enhanced and managed to ensure the integrity and connectivity of this multi-functional green resource is maintained.

Protection and conservation of natural heritage network needs to be reconciled with the benefits of development. Proposed development should therefore demonstrate how green infrastructure has been considered and integrated into the proposals. If development results in overall loss of green infrastructure, appropriate compensation will be required.

Natural heritage assets are key to Cardiff's character, value, distinctiveness and sense of place. They include the City's:

- i. Undeveloped countryside and coastline (EN1 and EN2);
- ii. Landscape, geological and heritage features which contribute to the City's setting (EN3);
- iii. Strategically important river valleys of the Ely, Taff, Nant Fawr and Rhymney (EN4);
- iv. Biodiversity interests including designated sites and the connectivity of priority habitats and species (EN5, EN6 and EN7);
- v. Trees (including street trees), woodlands and hedgerows (EN8);
- vi. Strategic recreational routes, cycleways and the public rights of way network (T5, T6 and T8);
- vii. Parks, playing fields, green play areas and open spaces (C4 and C5); and
- viii. Growing spaces including allotments, community orchards and larger gardens; and
- ix. Holistic integrated surface water management systems (EN10).

8.24 The loss of amenity space is addressed earlier in this section of this report. The Tree Officer has raised no objections. The Parks Officer has no objections. It is not considered that the development of this small parcel of land would prejudice the above mentioned natural heritage assets.

(ii) Ecology/Tree loss

8.25 An Ecological Impact Assessment has been undertaken by Wardell Armstrong, which included an Extended (Phase 1) Habitat Survey of the site along with a Preliminary Ground Level Roost Assessment (PGLRA). Additionally, a desk study was undertaken by reviewing existing information available within a 2km search radius from the site boundary.

8.26 Wardell Armstrong states that the site is not covered or located adjacent to any statutory or nonstatutory sites of importance for nature conservation. The nearest is the River Ely SINC which is around 0.2km to the north east. This is

a local designation and is considered to be of County value for nature conservation.

8.27 The majority of the site is covered by improved grassland which is mown infrequently. A species poor intact hedgerow (PH1) (2.5m high and 1m wide) is located along the northern boundary which is managed yearly. A defunct species poor hedgerow (PH-1) (5m wide and high) is located on the western boundary, on a bund. The Reptile Report confirms that, following seven survey visits, that the four common reptile species are absent from the site

- The habitats on site are considered to be of low suitability for overall use by bats.
- The hedgerows and improved grassland are suitable for use by badger but no signs of badger were recorded.
- The habitats on site, notably the edges of the site including improved grassland and hedgerows are potentially suitable for common reptiles. A population survey is ongoing.
- The habitats on site have the potential to support great crested newts. However, it is highly unlikely that they would be present at the site due to the surrounding road network, significant breaks in the surrounding habitats and the fact that the identified waterbody within 500m is a river. The same can be said for other amphibians such as common frog, common toad and palmate newts.
- The hedgerows are suitable for nesting birds. However, the site is unlikely to support schedule 1 species.
- All habitats could support moths which are those principally listed. The habitats on-site provide low suitability for a range of more specialist invertebrate species as the habitats are of poor quality and common in the landscape.

8.28 The preliminary ground level roost assessment did not identify any large diameter hedgerow stems or tree that have potential to support roosting bats.

8.29 The Tree Officer has no objection subject to conditions. Whilst 2 young trees towards the middle of the site will be removed 6 new trees will be planted. The western and northern hedgerows will be retained.

(iii, iv, vi and xi) Highway Safety

8.30 The Transport Officer has no in principle objections to the access arrangements subject to conditions.

8.31 In respect of 7.5 ton delivery vehicles identified by the Transport Officer the agent states:

We do not consider it necessary to demonstrate that it is possible for a 7.5T delivery vehicle to access a private drive. To allow a 7.5T to turn within this area would require a hammerhead and this is not appropriate in placemaking terms for a small private drive such as the one proposed. In practice the vehicle would not enter the private drive and the driver would walk to the property. Delivery

drivers often benefit from a trolley to assist them with delivering goods where the vehicle is restricted from entering a private drive

- 8.32 And in respect of the visitor bay identified by the Transport Officer the agent states:

The blue area is a landscaped area which also has a SUDS function. The vehicle's body does overhang the landscaped area slightly when manoeuvring.

- 8.33 The agent has confirmed that the access is wide enough to accommodate a fire engine. Alternatively, the fire engine could remain at the site entrance as the furthest property is within the 60M permitted distance allowed by the Building Regulations where fire suppression is installed within the dwellings.

- 8.34 Each of the 7 bungalows will have a car parking space and there will be a visitor's car parking space. It is not considered that the vehicles that would be associated with this development would have a significant impact on car parking or vehicle movements in the locality. The Council's car parking standards do not require minimum car parking provision for a development of this nature.

- 8.35 Vehicular movements associated with the bungalows along the private drive will be relatively low.

(v) Disturbance/Disruption

- 8.36 Any disturbance during the construction period will be for a temporary period only. Proposed condition 10 will help mitigate the impact of the development on nearby residents.

(vii) Drainage

- 8.37 Welsh Water has no objections on drainage grounds. A separate SAB approval is required.

(viii) Planning History

- 8.38 There has been a previous refusal on part of this site 30 years ago but that was before this site had been 'appropriated for planning purposes to allow development of the land' by Cardiff Council since November 2015.

(ix) Crime and Disorder

- 8.39 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. The Police have no objections to this development.

Proposed condition 16 addresses the Police comments on lighting. The layout plan shows plot 1 to have a 2.1m high wall along its side/rear boundary with the existing path as required by the Police. There is an existing street light on the path next to plot 1

(x) Publicity

8.40 Given the size of the development (less than 10 dwellings) there was no requirement to undertake a statutory pre application consultation in accordance with the Regulations. However, in the interest of good planning the applicant has undertaken consultation with the local community by:

- Writing to neighbours to inform them of the proposal;
- Publishing key plans and images online at <https://cardiffiving.wales/>. A period of 4 weeks was provided for comments. The information is still online.
- Door knocking of properties in the local area to get feedback.

8.41 The application has also been publicised separately by the Planning Department through the display of a site notices, 27 neighbour notification letters and publicising application details on line. The response to the publicity undertaken is an indication of the success of that process in this case.

(xii and xiii) Fence

8.42 Maintenance of a neighbour's fence is a matter arranged between both parties as it can be in their respective interests. The Access to Neighbouring Land Act 1992 allows for access onto a neighbour's land to repair/maintain your property.

8.43 The rear path behind 5 of the dwellings in Cherrydale Road (4-12 evens) will be some 35 m long, 1.2m wide and secured by a gate, which will provide additional safety for residents. Proposed condition 9 requires details of the lock on the gate.

(xiv) Bin Store

8.44 A bin collection area is proposed in front of proposed unit 7 and some 17m from the nearest existing house. The Waste Officer has no objection to this arrangement, which is not unusual.

(xv) Overdevelopment

8.45 The site is 0.21 ha in size and 7 small bungalows are proposed at a density of 35 Units per Ha. The proposal is not a high density development. There is sufficient space for gardens, drying areas, parking, road, SUDs features and retained and additional planting. The development complies with the SPG Residential Design Guide.

8.46 The proximity of other areas of open space is identified in paragraph 2.11 of this Report and would serve the development and the surrounding area.

(xvi) Asbestos

- 8.47 The Geotechnical and Geoenvironmental Report says in respect of asbestos that:

The risk is low due to a low occurrence of ACMs. No loose fibres were detected.

During site works any activity on or within these soils the risks should be managed by dust suppression. Site workers may also require protection from appropriate PPE.

With regards to future site users, soils containing ACMs may not be present in garden or soft landscaped areas.

The affected made ground will almost certainly be stripped at the locations of proposed housing and the new access road/parking areas. If any made ground remains in these areas, it will effectively be capped and present no risk to future site residents. However, it is recommended that this made ground is entirely removed along any service runs and be replaced with suitable clean materials.

- 8.48 The Pollution Control Officer has no objections subject to several conditions (all of which are included in the recommendation).

Equalities Act

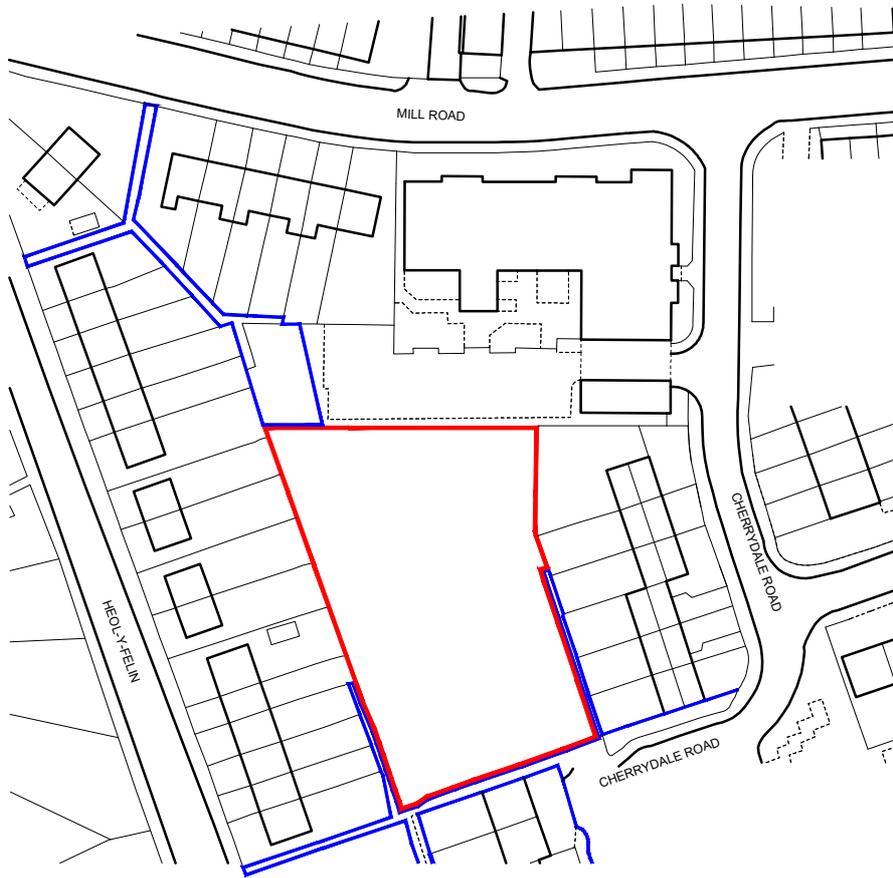
- 8.49 The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council's duty under the above Act has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic. The Housing Department has assessed the type of affordable accommodation required on this particular site and its accessibility for disabled persons.

Wellbeing

- 8.50 Section 3 of the Well-Being of Future Generations Act 2016 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. The proposed affordable accommodation will help promote wellbeing by the provision of good quality homes for future occupants in need of such accommodation. The site is in a sustainable location and efficient use of land. Other matters concerning the wellbeing of existing residents have been addressed earlier in this Section.

9. **CONCLUSION**

- 9.1 The proposal is considered to be a good quality scheme that accords with local and national policies and Supplementary Planning Guidance, to provide much-needed affordable homes in a sustainable location. The development will assist in promoting sustainable residential development to enable people to live independently and safely in their own homes.
- 9.2 The retention of peripheral landscaping contributes towards providing a good-quality scheme.
- 9.3 The design of the development has been carefully considered and any adverse impacts can be mitigated by conditions. It is considered that the petitioners' objections and those of other objectors are addressed in Section 8 of this report.
- 9.4 There are no objections from technical consultees to the safe development of this site subject to conditions.



KEY:



Site Boundary



Other land in the ownership of the applicant

Drawn: WWM

Client: Wates Residential

Checked: -

Project: Cherrydale Road, Ely

Date: July'21

Title: Site Location Plan

Scale: 1:1250@ A4

Ref: 2299(03)100

Rev: -



Unit 3 Chapel Barns | Merthyr Mawr
Bridgend | CF32 0LS | 01656 656267
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Site key

- 1.8 m high close boarded timber fence and matching pedestrian gate
- 2.1m high colour coated chain link fence with galvanised steel posts.
- 2.1m high brick boundary wall
- 2.1m high boundary wall comprising of 600mm high dwarf brick wall with 1500mm high metal railings on top. Matching metal railing pedestrian gate where indicated.
- 450mm high timber kneel rail to demarcate private front garden area to public landscape area
- Extent of Site boundary
- Areas of concrete paving slabs to footpaths and patios
- Areas of Tobermore Tegula 'Bracken' block paving to shared drives
- Proposed SuDs features (Rain garden/ Bio Retention) with plantings by landscape architects design.
- Areas available for soft landscaping. See Landscape consultant's plan for planting proposal details
- Denotes robust treated timber framed shed
- Clothes drying rotary lines
- Signage for private car parking space

Schedule of Accommodation

Bungalow 'B1'	3P2B	2No.
Bungalow 'B2'	2P1B	5 No.
Total		7 No.

Area of adoptable pedestrian crossover at site entrance, in Tarmac. Colour to match adjacent existing adopted footpath. Details to be referred to Engineers drawings.

Indicative position of lighting columns - type and final location to be advised by specialist

Existing Lamp Post

Tree Key

- Existing Trees to be retained
- Existing Trees to be trimmed / removed.

Please refer to Tree Survey and report by Steve Ambler & Sons Tree Specialists Ltd. and their dwg: 19-037.

Status: **PLANNING**

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rev	date	description	by
A	12.07.21	Site entrance notes added	WWM
B	23.08.21	Site entrance revised and indicated 45m distance	WWM
C	14.09.21	Pedestrian crossover at the site entrance indicated + site entrance area revised + indicative street lights proposed + existing L.P marked	WWM

Drawn:	WWM	Client:	Wates Residential
Checked:	-	Project:	Cherrydale Road, Ely
Date:	08/07/2021	Title:	Proposed Site Layout
Scale:	1:500 @ A3	Ref:	2299(03)101

Rev: C



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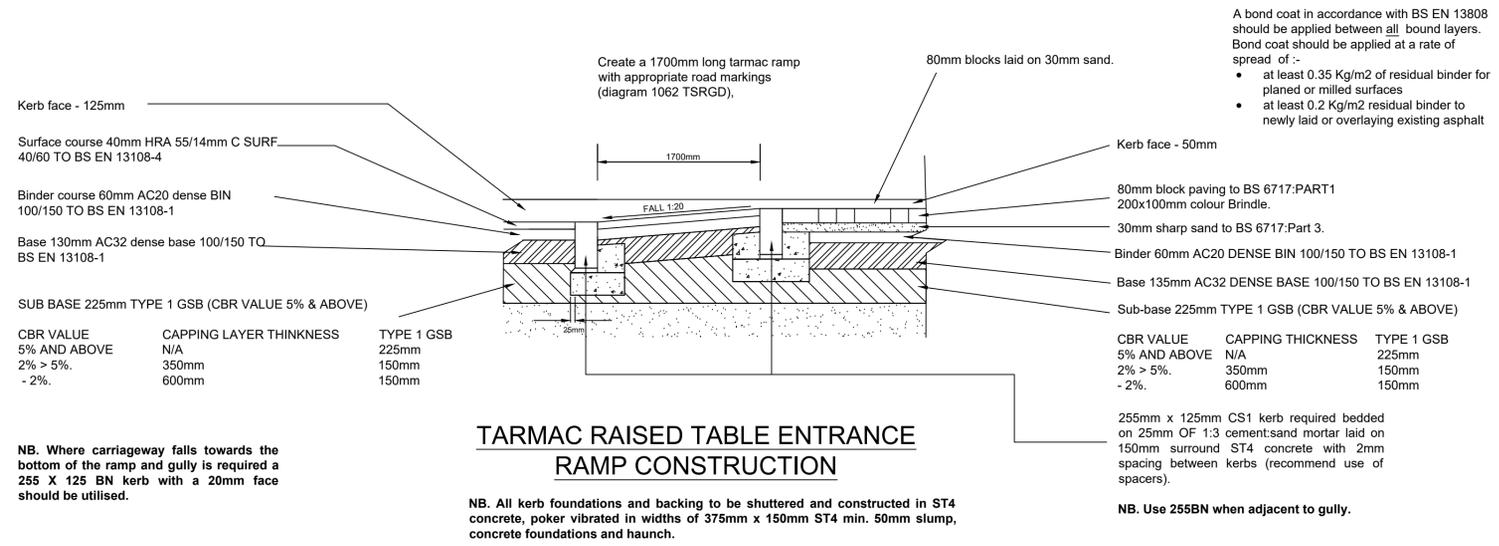
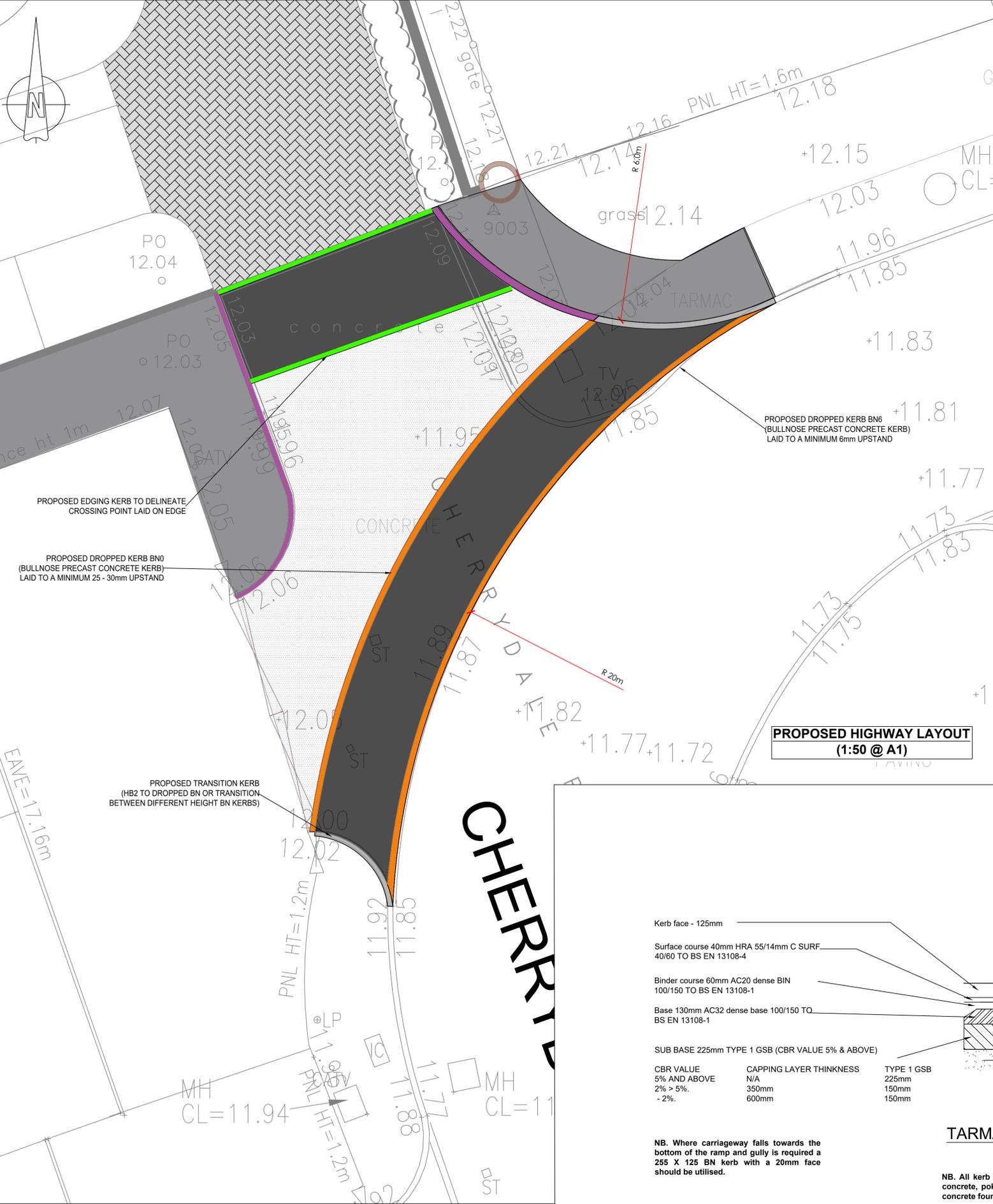
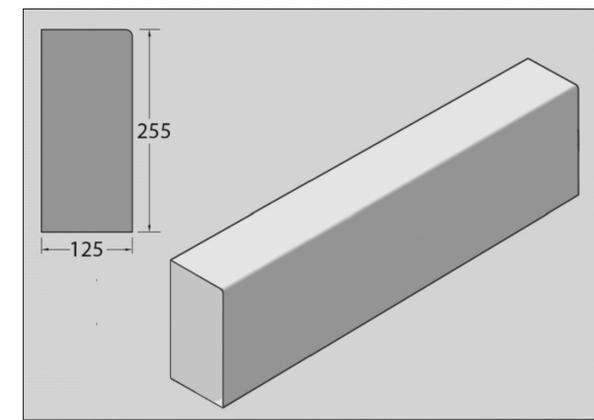
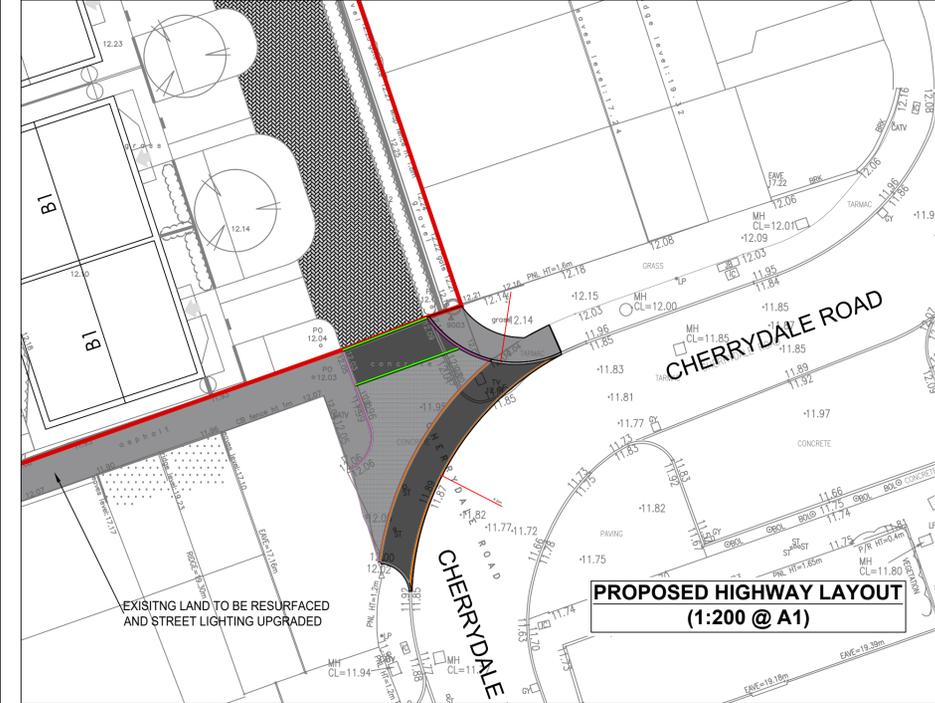
NOTES

SAFETY, HEALTH AND ENVIRONMENTAL INFORMATION

ALL WORK TO BE CARRIED OUT IN ACCORDANCE WITH CURRENT CDMA REGULATIONS 2015 AND HSE150. IN ADDITION TO THE HAZARDS/RISKS NORMALLY ASSOCIATED WITH THE TYPES OF WORK DETAILED ON THIS DRAWING, PLEASE NOTE THE FOLLOWING:

- KEY**
- PROPOSED S278 WORKS TO ADOPTABLE CARRIAGEWAY CONSTRUCTION
 - PROPOSED S278 WORKS TO ADOPTABLE CARRIAGEWAY RESURFACING COLOUR TO BE CONFIRMED
 - PROPOSED S278 WORKS TO ADOPTABLE FOOTPATH - ASPHALT SURFACE COURSE & CONSTRUCTION
 - PROPOSED HB2 TRANSITION KERB (125mm to 25mm UPSTAND)
 - PROPOSED BULLNOSE (125 X 255) PRECAST CONCRETE KERB LAID WITH M25 TO 30mm UPSTAND
 - PROPOSED DROPPED KERB BN0 (BULLNOSE PRECAST CONCRETE KERB) LAID TO A MINIMUM 6mm UPSTAND
 - PROPOSED CS1 KERB ON EDGE TO DELINEATE CROSSING POINT
 - SITE BOUNDARY - LAND REGISTRY INFORMATION TBC
 - PRIVATE BLOCK PAVING

- NOTES**
1. ALL DIMENSIONS ARE IN MILLIMETRES. ALL LEVELS ARE IN METRES.
 2. DO NOTE SCALE FROM THIS DRAWING. USE FIGURED DIMENSIONS ONLY.
 3. THIS DRAWING TO BE READ IN CONJUNCTION WITH THE LATEST ENGINEERS, ARCHITECT'S DRAWINGS & SPECIFICATIONS.
 4. REFER TO ARCHITECT'S FINISHES DRAWINGS FOR PAVING TYPES.
 5. ALL PIPES BENEATH VEHICULAR CIRCULATION AREAS, WHERE COVER TO PIPE IS LESS THAN 1200mm RECEIVE A FULL CONCRETE SURROUND (TYPE Z).
 6. ALL INDICATED ROAD MARKINGS ARE TO BE IN ACCORDANCE WITH THE TRAFFIC SIGNS REGULATIONS & GENERAL DIRECTIONS (TSRGD).
 7. FOR DETAILS OF TACTILE PAVIOURS PLEASE SEE DRAWING CDGA-9459-103.
 8. FULL EXTENT OF EXISTING HIGHWAYS RESURFACING TO BE AGREED WITH CARDIFF COUNCIL HIGHWAYS DEPARTMENT AS PART OF FULL SECTION 278 SUBMISSION.
 9. FULL EXTENTS OF TRO (ROAD MARKINGS) TO BE AGREED WITH CARDIFF COUNCIL HIGHWAYS DEPARTMENT.



REV	DESCRIPTION	BY	CHK	DATE
P5	RAMP & KERB REVISION	GJ	RM	17.09.21
P4	REVISED SURFACING	GJ	RM	01.09.21
P3	NOTES UPDATED	GJ	RM	15.07.21
P2	RAISED PLATEAU AREA EXTENDED	GJ	RM	18.05.21
P1	EXISTING FOOTPATH ADDED	GJ	RM	MAY 21

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CLIENT
WATES CARDIFF LIVING

PROJECT TITLE
CHERRYDALE ROAD

DRAWING TITLE
PROPOSED SECTION 278 PLAN

DRAWN	CHECKED	APPROVED	DATE	SHEET SIZE/SCALE	GRAYS JOB No.
BCC	RM	RM	30.04.21	1:100@A1	9459

SUITABILITY	REVISION
S1	P5

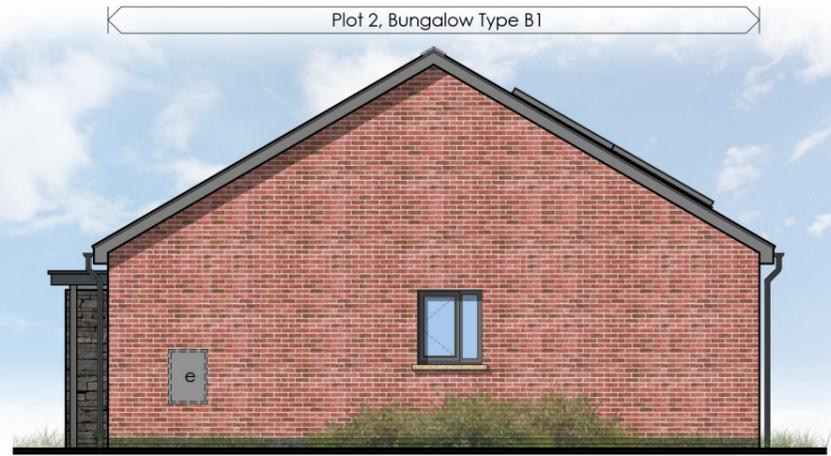
DRAWING NUMBER
9459-GRY-01-00-DR-C-SK11



GROUND FLOOR PLAN
(G.I.A = 65.00 m²)

Materials Schedule

- Roof : slate grey "Marley Duo or Russell Highland" concrete tile or equivalent
- Wall: red clay multi-facing brick ,with blue engineering brick at dpc level, and "Marley Cedral Click" cladding (see block elevation for colours)
- Windows: grey UPVC window, with reconstituted stone sill
- Porch wall: cast stone facing masonry



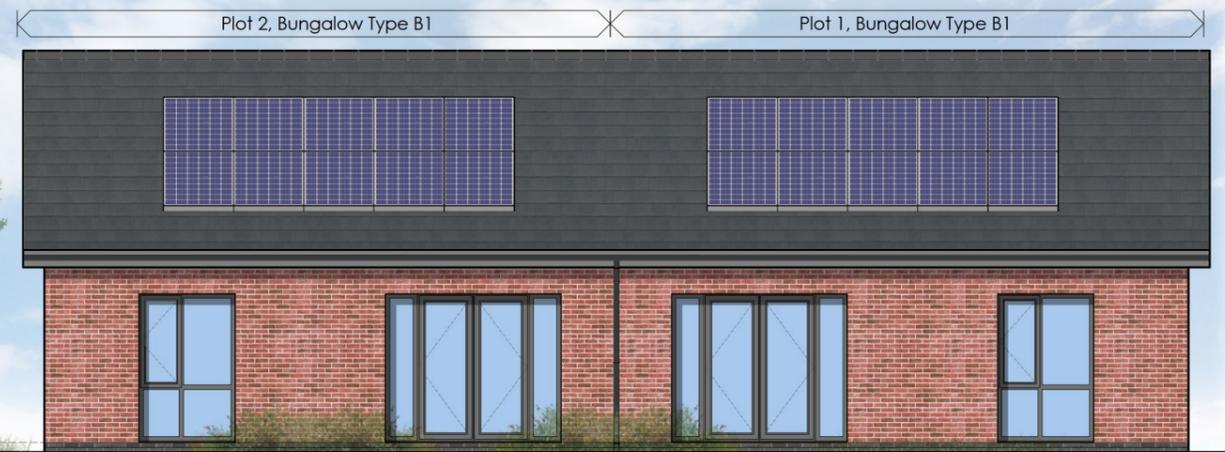
SIDE ELEVATION



SIDE ELEVATION



FRONT ELEVATION



REAR ELEVATION

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rev date description

by

Drawn: WWM Client: Wates Residential
 Checked: - Project: Cherrydale Road, Ely
 Date: July'21 Title: Bungalow B1 Semi - Plot 01,02
 Scale: 1:100 @ A3 Ref: 2299(03)200

Rev:



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GROUND FLOOR PLAN
(G.I.A = 53.00 m²)



FRONT ELEVATION

SIDE ELEVATION

Materials Schedule

- Roof : slate grey "Marley Duo or Russell Highland" concrete tile or equivalent
- Wall: red clay multi-facing brick ,with blue engineering brick at dpc level, and "Marley Cedral Click" cladding (see block elevation for colours)
- Windows: grey UPVC window, with reconstituted stone sill
- Porch wall: cast stone facing masonry



REAR ELEVATION

SIDE ELEVATION

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rev	date	description

by

Drawn:	WMM	Client:	Wates Residential
Checked:	-	Project:	Cherrydale Road, Ely
Date:	July'21	Title:	Bungalow B1 Detached - Plot 03
Scale:	1:100 @ A3	Ref:	2299(03)201

Rev:



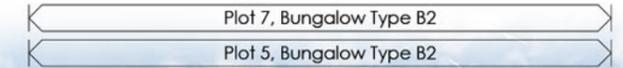
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GROUND FLOOR PLAN
(G.I.A = 53.00 m²)

Materials Schedule

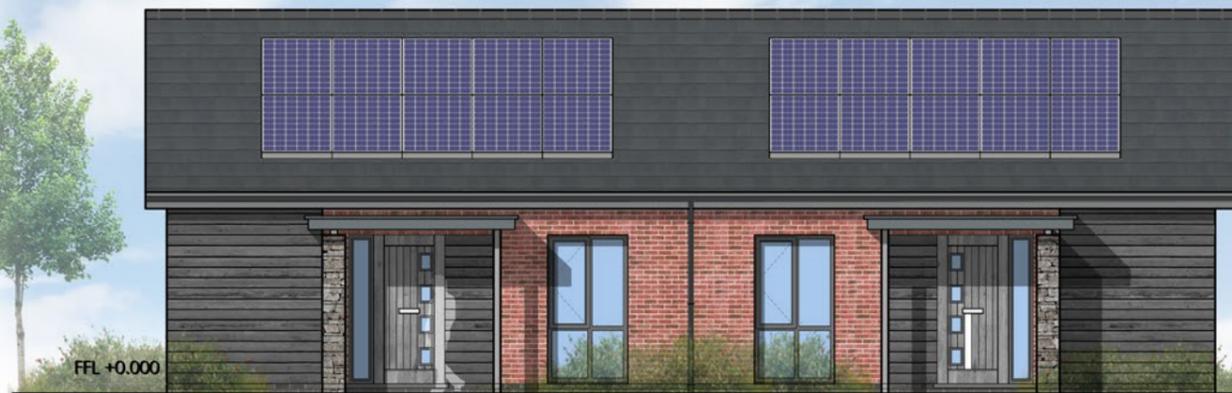
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- Wall: red clay multi-facing brick, with blue engineering brick at dpc level, and "Marley Cedral Click" cladding (see block elevation for colours)
- Windows: grey UPVC window, with reconstituted stone sill
- Porch wall: cast stone facing masonry



SIDE ELEVATION



SIDE ELEVATION



FRONT ELEVATION



REAR ELEVATION

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rev	date	description
A	12.07.21	Plot name tags added on Elevations

by WWM	Drawn: WWM	Client: Wates Residential
	Checked: -	Project: Cherrydale Road, Ely
	Date: July'21	Title: Bungalow B2 Semi - Plot 04,05 and 06,07
	Scale: 1:100 @ A3	Ref: 2299(03)202
		Rev: A



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