

Application No: **17/03034/MJR**

## **PERMISSION FOR DEVELOPMENT**

To:  
Mr Hurley  
WYG Planning and Environment  
5th Floor Longcross Court  
47 Newport Road  
Cardiff  
CF24 0AD

**Town and Country Planning Act 1990 (As Amended)**  
**Town and Country Planning (Development Management Procedure) (Wales) Order 2012**

---

WHEREAS you submitted an application for Full Planning Permission received on 13/12/2017 for:ERECTION OF 36 AFFORDABLE HOUSING UNITS, BIN STORE, BUGGY AND BICYCLE STORE, SURFACE LEVEL CAR PARK AND ASSOCIATED WORKS. at LAND AT DE CLARE DRIVE, RADYR, CARDIFF (hereinafter called "the development");

CARDIFF COUNTY COUNCIL, as the Local Planning Authority for the County of Cardiff, in pursuance of its powers under the above mentioned Act and Orders, hereby PERMITS the development to be carried out in accordance with the application and plans submitted therewith, subject to compliance with the conditions specified hereunder:

1. The development permitted shall be begun before the expiration of five years from the date of this planning permission.  
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. This consent relates to the following approved plans and documents:

Plans \_

Drawing No. A110 (Site Location Plan);  
Drawing No. A111 (Existing Site Layout);  
Drawing No. A112 (site layout);  
Drawing No. A113 (Proposed Landscaping and Boundaries Layout);  
Drawing No. A114 (Floor Plans Sheet 1 Of 2);  
Drawing No. A115 (Floor Plans Sheet 2 Of 2);  
Drawing No. A116 (Block A – Elevations);  
Drawing No. A117 (Block B – Floor Plans Sheet 1 of 2);  
Drawing No. A118 (Block B – Floor Plans Sheet 2 of 2);  
Drawing No. A119 (Block B – Elevation);

Drawing No. A120 (Houses – Floor Plans);  
Drawing No. A121 (Houses – Elevations);  
Drawing No. A122(Contextual Elevation Sheet 1);  
Drawing No. A123(Contextual Elevation Sheet 2);  
Drawing No. A124 (Aerial Perspective);  
Drawing No. A125 (Perspective View 1);  
Drawing No. A126 (Perspective View 2);  
Drawing No. A127 (Perspective View 3);  
Drawing No. A 129 (Parking Layout)

#### Documents

Planning, Design and Access Statement (WYG)  
Statement of Community Involvement (WYG);  
Phase 1 Ecology Report (Wildwood Ecology) ref WWE17116;  
Transport Statement (JUBB)

Reason: For the avoidance of doubt.

3. Prior to their installation samples of the external finishing materials 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 that the finished appearance of the development is in keeping with the area in accordance with policy KP5 of the Cardiff Local Development Plan.
4. Prior to beneficial occupation details of the means of enclosure shall be submitted to and approved in writing with the Local Planning Authority. The approved detail shall be implemented on site before the beneficial use of the dwellings hereby approved.  
Reason: To ensure an acceptable form of development that is in keeping with the area in accordance with Policy KP5.
5. No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate how the site will be effectively drained, the means of disposal of surface water and indicate how foul flows will communicate to the existing public sewerage system. Details shall also be submitted on the management/maintenance of the drainage in the event that Welsh Water do not adopt drainage infrastructure. Thereafter, the scheme shall be implemented in accordance with the approved details prior to the occupation of the building and shall thereafter be retained.  
Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment in accordance with policy EN10 of the Cardiff Local Development Plan.

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

- A landscaping implementation programme.
- Scaled planting plans prepared by a qualified landscape architect.
- Proposed finished levels.
- Earthworks.
- Existing and proposed services and drainage above and below ground level.

Planting plans shall be supplemented by:

- Schedules of plant species, sizes, numbers or densities prepared by a qualified landscape architect.
- Scaled tree pit sectional and plan drawings prepared by a qualified landscape architect.
- Topsoil and subsoil specification for all planting types, including full details of soil assessment, protection, stripping, storage, handling, amelioration and placement to ensure it is fit for purpose. Where imported planting soils are proposed, full specification details shall be supplied, including certification in accordance with British Standards and interpretive reports by a soil scientist demonstrating fitness for purpose and a methodology for handling, amelioration and placement (including profile depths). Site won soil shall only be used for landscaping purposes where a Soil Resource Survey and Plan, prepared in accordance with the 2009 DEFRA Code, is submitted and approved, demonstrating that site won soil is fit for purpose.
- Planting methodology and post-planting aftercare methodology prepared by a qualified landscape architect.

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 in accordance with policy KP5 of the Cardiff Local Development Plan.

7. Any trees, plants, or hedgerows which within a period of five years from the completion of the development die, are removed, become seriously damaged or diseased, or become (in the opinion of the Local Planning Authority) otherwise defective, shall be replaced in the current planting

season or the first two months of the next planting season, whichever is the sooner, unless the Local Planning Authority gives written consent to any variation.

Reason: To maintain and improve the amenity of the area in accordance with policies KP5 and EN8 of the Cardiff Local Development Plan.

8. Prior to beneficial occupation of the development hereby approved the Recommendation outlined in Section 5 of the Preliminary Ecological Appraisal by Wildwood ecology shall implemented and maintained.  
Reason: To ensure an acceptable form of development in accordance with Policy EN7 of the Cardiff Local Development Plan.
9. No development shall take place until details of facilities for the storage of refuse containers ( both internal and external) have been submitted to and approved by the Local Planning Authority and the development shall not be put into beneficial use until the approved facilities are provided and thereafter refuse shall only be stored in accordance with the approved details.  
Reason : To secure an orderly form of development and to protect the amenities of the area in accordance with Policy W2 of the Cardiff Local Development Plan.
10. The development shall not be brought into use until the car parking spaces are laid out in accordance with the approved details, as shown on DWG no A129 . Thereafter the spaces shall not be used for any purpose other than the parking of vehicles.  
Reason: To make provision for the parking of vehicles clear of the roads so as not to prejudice the safety, convenience and free flow of traffic.
11. Beneficial occupation shall not take place until details showing the provision of cycle parking spaces ( which shall be designed to safe, secure and sheltered) have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the development being put into beneficial use. Thereafter the cycle parking spaces shall be maintained and shall not be used for any other purpose.  
Reason: To ensure that adequate provision is made for the secure parking of cycles.
12. No development shall commence, including any works of demolition, until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The approved CMS shall be adhered to throughout the construction period. The CMS shall provide for: (i) The parking of vehicles of site operatives and visitors; (ii) Loading and unloading of plant and materials; (iii) Storage of plant and materials used on constructing the development; (iv) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; (v) Details of highways/footway

closures; (vi) Wheel washing facilities; (vii) A dust assessment with measures to monitor and control the emission of dust and dirt during demolition and construction; and (viii) A scheme for the recycling/disposing of waste resulting from demolition and construction works.

Reason: In the interests of highway safety and public amenity.

13. No part of the development hereby permitted shall be occupied until a travel plan which shall include, but not limited to, the promotion of public transport and other alternatives to the private car; control of resident car parking within the site, provision of a named travel plan co-ordinator, has been submitted to and approved in writing by the Local Planning Authority. The plan shall be presented to all new residents and be monitored for a period of five years following occupation of the final dwelling. Reason: in the interest of highway safety and to regulate the impact of the development on use of the adjacent highway in accordance with policy T5 of the Cardiff Local Development Plan
14. Prior to occupation of any part of the development hereby approved 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.

All required gas protection measures shall be installed and appropriately verified before occupation of any part of the development which has been permitted and 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 or BS8485 year 2007 Code of Practice for the Characterization and Remediation from Ground Gas in Affected Developments.

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

15. Prior to the construction phase of the development 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 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.

\* 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 in accordance with policy EN13 of the Cardiff Local Development Plan.

16. Prior to the construction phase 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.

17. The remediation scheme approved by condition 16 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.

18. 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.
19. Any topsoil [natural or manufactured], subsoil, or 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 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.
20. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.  
Reason: There is an increased potential for pollution of controlled waters from inappropriate methods of piling.

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking, or re-enacting that Order) no structure or extension shall be placed within the curtilage of any dwelling or alteration to any roof.  
Reason: To ensure the orderly development of the area with adequate space about buildings and in the interests of the visual amenity of the area in accordance with policy KP5 of the Cardiff Local Development Plan.

**All policies and proposals in the Development Plan which are relevant to this decision are listed in the report on the Application.**

**IT IS IMPORTANT THAT YOU SHOULD READ THOSE NOTES ON THE ATTACHED SHEET WHICH ARE RELEVANT TO THIS TYPE OF APPLICATION.**

Dated: 04/09/2018



**James Clemence**  
**HEAD OF PLANNING**  
County Hall, Cardiff, CF10 4UW

**It should also be noted that:**

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

3. Prior to the commencement of development, the developer shall notify the Local Planning Authority of the commencement of development, and shall display a site notice and plan on, or near the site, in accordance with the requirements of Article 12 of the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016.