

Danescourt Community Association

Responding to the concerns of our community

**Planning Application 20/00187/MJR
Residential Development for 45 Dwellings - Land at De Braose Close,
Danescourt, Cardiff**

OBJECTION

This Community Association strongly OBJECTS to this proposal for the following reasons:

Background

1. All previous applications to develop this site have been refused, both by the Local Planning Authority and subsequently at appeal. The reasons for these refusals remain applicable to this proposal. The Planning Inspector for the 2005 appeal stated "*It is evident that the area of open space, within which the site lies, is valued by local residents because it is an easily accessible area that has retained, to a significant extent, a rural character, and which also contributes to the enjoyment of recreational users who appreciate its role as part of a larger area of open space....further development would erode the present balance between the natural environment and the built form.*" The more recent appeal, in respect of an application to build 48 houses, was refused largely on the grounds of its impact to highway safety in Radyr Court Road.

2. There were strong reasons why this land was not allocated for housing in the Local Development Plan (LDP). The area is part of the Taff River Corridor and one which is very difficult to access. Major development has been allowed nearby, at Danescourt, but more recently at Plasdwr and at the BBC site, but this is a vital piece of green open space comprised of pasture land and woodland which is available for leisure purposes and it continues to be much valued as such by local residents.

Ecology

3. As well as the meadow area, the land the subject of this Application is a wooded, natural green space that has been open to and enjoyed by the public for a great many years. This fact is confirmed several times within the Green Infrastructure Statement submitted as a part of this Planning Application. It is much used by walkers, ramblers, runners, joggers, dog walkers and not least by children who use it as an adventure playground. It forms an important, albeit natural, local recreation area. It is also a natural extension to the Radyr Woods and it is located entirely within the Taff River Corridor. All of Cardiff's river corridors are strategically important open spaces that run through the heart of the urban area. The woodland would be almost completely destroyed by the construction of the proposed access road.

4. The woodland is also an important habitat and corridor for wildlife. Apart from the many birds, which use the trees for nesting purposes, there is also evidence of bats using the area for foraging and possibly for roosting. Bats are a protected species that cannot legally have their habitat disturbed. Slow worms are also listed as present by the Green Infrastructure Plan. Dormice have occasionally been noted in the neighbouring Radyr Woods. It is also the only site for the Radyr Hawkweed plant.

5. The woodland is described as having little ecological value within the Green Infrastructure Statement and several illustrations included within the Applicant's submitted documents display it as being not particularly attractive. The submitted photographs have all been taken during the autumn or perhaps winter however when the deciduous woodland has abandoned all its greenery and hardly looks at its best. A photograph taken in summer which is attached hereto shows how really attractive this woodland actually is. (Fig.1)

6. The Green Infrastructure Statement at 4.12 says *"The survey identified 34 individual trees, 22 groups of trees and one hedgerow, totalling 57 items. Of these 51 items, seven have been categorised as A, of high quality and value, 25 have been categorised as B, of moderate quality and value; and 25 have been categorised as C, of low quality and value."* Several pages later at 4.10 (the document has a muddled numbering system) it reveals that the impact of the development is that 2 Category A and 9 Category B trees would be removed. These 11 trees are more than a third of the higher quality trees and this level of impact is excessive.

7. The Design and Access Statement states the site is *"subject to regular public use, with littering and ground disturbance widespread."* Reference to Fig.1 also shows this description to be wrong.

8. The Green Infrastructure Statement also identifies Japanese Knotweed being present on the site. Treatment of Japanese Knotweed is the legal responsibility of the land owner who is obliged to remove it. This is an obligation that is quite separate to this development proposal, construction of which should have no bearing on the liability of the current landowner. Cardiff Council must take enforcement action to secure its removal.

Access

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

10. With regard to the ability of construction plant to be delivered to and later removed from the site, this plant will need to be transported on a low-loader type trailer. No swept curve analysis has been provided which would prove or disprove whether such vehicles could pass around the 90° bend in De Braose Close. Without this information it seems unlikely this movement could be undertaken without causing damage to either the highway or to adjacent property.

11. An anticipated additional 249 vehicles could be expected to travel along De Braose Close each day for domestic purposes between the hours of 7.00 am and 6.00 pm, according to the submitted Transport Statement, if this development proceeds. Interestingly the TRICS figures used show that whereas 127 of these vehicles will leave the area each day, only 122 of them will return, which is interesting. This would be an intolerable burden for the existing residents, and particularly those now living at the furthest end of this cul-de-sac where the daily passage of vehicles is almost nil.

12. De Braose Close comprises relatively high density family housing. Children living there play at the end of the Close because it is relatively safe and gives them access to the natural woodland and meadow on which this development is proposed. This safe facility will be lost if this development proposal is approved.

13. The ground falls away steeply from the western end of the proposed access road, which if built, for highway safety reasons, would require the provision of a vehicular crash barrier on the outside of the curve together with a widening of the footway to accommodate the barrier. This would not form an attractive feature.

14. This development would produce a substantial increase in traffic along Radyr Court Road, This is because the development proposal includes a pedestrian access from Radyr Court Road. Use of this footpath will lead to a major problem with illegally parked vehicles at the end of the road, blocking access for emergency and council vehicles and inhibiting the ability of vehicles to turn at the end of the cul-de-sac. This is already a problem with parents leaving vehicles here to deliver or collect children from the local primary school. But if this housing goes ahead, it will quickly become apparent how much shorter the journey is from Llandaff (both Llandaff North and the High Street / Cathedral) to the development via the pedestrian entrance to the development in Radyr Court Road, compared with driving around to the road entrance via Danescourt and De Braose Road. Visitors, delivery vans, motorbikes, will all be coming along the single-track section of Radyr Court Road. Concerns about pedestrian safety along this lane dominated the decision by the Planning Inspector to reject the developer's appeal during the last attempt to obtain planning permission here.

Public Transport

15. The recommended maximum walking distance to a bus stop should not exceed 400m. De Braose Close is accessed via Timothy Rees Close, which in turn junctions off Danescourt Way. The distance from a property in the middle of the proposed development to the nearest main road, Llantrisant Road, is approximately 1.2km, all of which will have to be travelled through the existing Danescourt development. The nearest bus stop is located in Danescourt Way. The walking distance from this bus stop to a property in the middle of the site is approximately 1.1km, if accessed via De Braose Close and Timothy Rees Close. An alternative route via Radyr Court Road to Danescourt Way is shorter at about 390m, but is far too steep to be a comfortable route, particularly for the elderly, and would be an impossible route for the disabled. A third route along Radyr Court Road to the bus stop near Llandaff Bridge is about 900m. The fourth alternative route via Nicholson Webb Close is actually about 770m to the bus stop whereas the Transport Statement claims it is only 480m. These routes are all too long to expect residents to walk to get to a bus stop.

16. The recommended maximum walking distance to a railway station is 800m. There are two stations, Radyr and Danescourt, that could be considered for use. The shortest route to Radyr Station is approximately 1500m as the crow flies but considerably further by road. Danescourt Station is approximately 600m distant via Radyr Court Road, so this would be the only feasible way to travel by train.

Air Quality

17. As already explained above, the development will have inadequate access to public transport which will result in the majority of residents relying on the use of the car. Car use will contribute additional traffic to a location that is already an Air Quality Management Area. There will be an overall negative impact on air quality already worsened by the Plasdwr and other developments along Llantrisant Road which all pose a risk to the already failing air quality standard at Llandaff.

Contamination

18. Radyr Quarry was used as a waste disposal site from 1962 to 1970. The Welsh Government Lle Geo Portal (www2) states that all types of waste were accepted at this site during this period. This includes domestic, commercial, industrial and special wastes. The Department of the Environment (DoE) Industry Profile for Waste Management Sites (1996) notes that licensing for landfill sites did not commence until 1976. The Profile also notes that little engineering control was used at landfills until the 1970s. This indicates that the Radyr Quarry landfill site was effectively unregulated with no pollution or contamination risk controls. The geographical extent of the site is also unknown. Paragraph 4.7 of the site investigation report states *"There is potential that the extents of the landfill may have encroached within the northern boundary of the site and/or a possibility of overspill of materials from the landfill operations."*

19. As a result of the lack of licensing and control at the time, co-disposal of different waste types and poor delineation of tip boundaries was common. As a result it is unclear what waste is in the tip and the geographical extent of this waste. It is not known whether the waste is confined within the extent of the former quarry. The lack of record keeping and poor waste segregation in the 1960s means asbestos is likely contained in the tip area and its surrounding area. Currently this poses a clear and unquantified risk to site workers and future residents as the exact location of the waste is completely unknown. It also means that the wooded area could be contaminated and the possibility exists for contamination to have leached across the entire development site.

20. The site investigation has totally failed to carry out any contamination sampling and testing. This is despite the proximity of the former landfill site and its potential for leaching that has been identified in the site investigation report and the implicit possibility through the use of infiltration for surface water disposal that contamination may be mobilised and contaminate other areas adjacent to the quarry site. Paragraph 9.9 of the site investigation report states *"It is important to recognise that there may be areas of contamination within the site that have not been found or that contaminants may be present at concentrations above those that have been found"*.

21. Question 6. of the application form also incorrectly states the proposed development site does not include land that is either known or suspected to be contaminated but that the proposed use would be particularly vulnerable to the presence of contamination. This apparent absence of contamination is totally contradicted by the findings of the site investigation which identified the possibility of leaching from the former landfill site. This is an inconsistent approach which is confusing and which presents an unclear picture of the ground conditions. It does not accurately present the level of risk involved with this development proposal and it calls into question the level of understanding of the site that is held by the applicants and their agents or consultants.

Site Investigation

22. The general principles outlined in BS5930:2015 'Code of Practice for Site Investigations' and Eurocode 7 Part 2 'Siting of Investigations' have not been complied with. These documents outline the requirements for site investigations to adequately assess stratification across a site, but they have not been followed. The site investigation points are largely confined to the field area and do not give adequate coverage towards the site boundaries. No attempt has been made to investigate the wooded areas where the access road to the development will be sited and the required good general coverage of the site has not been achieved by this limited investigation.

23. BRE365 tests have subsequently been undertaken in 2020 with a view to disposing of surface water runoff via infiltration to a band of superficial gravels. Additional investigation has also proved rockhead in several locations. Proving rockhead has shown the band of gravels 1.5-3.0m thick. This is considered a relatively thin band of material and may not be persistent across the whole site. The low permeability of the underlying bedrock will not support infiltration leading to overloading of the gravels with runoff. The low permeability nature of the bedrock is evidenced by standing water on exposed bedrock during rainfall events. In addition, the slope of the site will carry infiltrated water towards the railway embankment. Network Rail have commented that they will not support development that will negatively affect the stability of rail embankments. Introducing water to an embankment has a detrimental effect on slope & embankment stability. The latest BRE365 test results are extrapolated in places to indicate a local infiltration rate of between $\times 10^{-5}$ m/s and $\times 10^{-6}$ m/s. A rate of $\times 10^{-6}$ m/s is considered by the Welsh Government's statutory SuDS standards to be ineffective for infiltration. We believe the drainage proposals for this site to be inadequate and will exacerbate flood risk as a result of the lack of understanding of the superficial geological material. We also believe the application has overstated the potential of the ground to infiltrate runoff.

Drainage

24. A 30% climate change factor has been used within the drainage design according to the Design and Access Statement. This is wrong, as the required design figure is 40% as stipulated by the Welsh Government National Statutory SuDS Standards. The applicant has not gained SuDS Approval and has not demonstrated that the site can be adequately drained. The application also fails to demonstrate that the development will not exacerbate flood risk in the area. Surface water already ponds on this land

after heavy rainfall, (which is illustrated by Fig.2) and this further undermines the proposal to use infiltration to dispose of surface water.

Flooding

25. The planning application states the land is not at risk of flooding, but this is incorrect. The NRW Development maps reveal that the land is actually subject to the risk of low to high risk surface water flooding risk. Both of the submitted Drainage Strategy Report and the Design and access Statement fail to take account of this flood risk and this calls into question the whole concept of the drainage design for this development.

26. The NRW Development plan shows the flood risk areas with the site to be at the end of a surface water flow path corridor (Fig.3). Development of the site will alter the route of this flow path corridor and could lead to additional flooding, either within the site or in areas adjacent to it. This situation has not been considered within the submitted drainage design.

27. Further evidence of the propensity for this area to flood is illustrated by the photograph (Fig. 4) of the flooding which occurred in Radyr Court Road over the weekend of 15/16 February 2020. This occurred despite the flood protection embankment installed after the 1979 flooding which is also visible in the photograph.

28. The proposed location of the foul water pumping station is coincident with the route of the surface water flow corridor. This pumping station is consequently also at risk of flooding, which when it happened could cause the foul drainage system for the site to collapse.

29. The proposed location of the foul water pumping station is also adjacent to the entrance to a pedestrian access tunnel through the railway embankment of the City Line. This tunnel does not feature on the NRW Development plan but it could provide a possible flood flow path onto the development from the River Taff. This potential flooding problem has also not been addressed anywhere within the submitted documents. (An illustration of the entrance to this tunnel is included within the Green Infrastructure Statement.)

Education

30. It is understood that the Danescourt Primary School is already at capacity and that last year it was oversubscribed as regards applications for accommodation. This situation is likely to continue. The development proposal site lies within the catchment area for the school so any development there will exacerbate this problem at the school.

Environment

31. If granted, the Application would contravene Policies EN4, EN5, EN6 and EN8 contained within Cardiff Council's adopted LDP.

EN4 states "*The Natural Heritage, character and other key features of Cardiff's river corridors will be protected, promoted and enhanced, together with facilitating sustainable access and recreation.*"

EN5 states "*Development proposals that would affect locally designated sites of nature conservation and geological importance should maintain or enhance the nature conservation importance and/or geological importance of the designation. Where this is not the case and the need for the development outweighs the nature conservation importance of the site, it should be demonstrated that there is no satisfactory alternative location for the development which avoids nature conservation impacts.*" (This has not been demonstrated by the applicant.) Also "*depending on the nature of the development and of the nature conservation interest, significant effects may occur even if the development is some distance away.*" (Radyr Woods is adjacent to this proposed development site and is liable to be significantly impacted by the proposal.)

EN6 states "*Development will only be permitted if it does not cause unacceptable harm to: Landscape features of importance for wild flora and fauna, including wildlife corridors and 'stepping stones' which enable the dispersal and functioning of protected and priority species.*" Pasture and woodland is an important mix of habitat 'stepping stones'.

EN8 states "*Development will not be permitted that would cause unacceptable harm to trees, woodlands and hedgerows of significant public amenity, natural or cultural heritage value, or that contribute significantly to mitigating the effects of climate change.*" Tree preservation orders are already in place for this site. "*Trees, woodlands and hedgerows offer multiple benefits, including visual amenity, defining a sense of place, providing places for relaxation and recreation, habitats for wildlife, improved health and well being and mitigating the effects of climate change. To maintain these benefits, the protection and enhancement of a sustainable urban forest is critical.*"

32. If granted, this Application would also conflict with Cardiff Council's recently adopted Biodiversity and Resilience of Ecosystems Duty Forward Plan states that "*Cardiff's distinctive natural heritage will provide a network of Green Infrastructure which will be protected, enhanced, developed and managed to ensure that its integrity and connectivity is sustained for the economic, social and environmental benefit of the City and the Region.*"

33. The Well-Being of Future Generations Act 2015 requires Councils to set objectives designed to maximise their contribution to the Welsh Government's seven well-being goals. One of these is "*A resilient Wales: a nation which retains and enhances a biodiverse natural environment with healthy functioning ecosystems that support social, economic and ecological resilience and the capacity to adapt to change (for example climate change).*" Approval of this application would be very much at odds with this required goal.

34. The Penrhys Pilgrimage Way, a 21 mile long walk, runs from Llandaff Cathedral's West Door to the important medieval shrine at Penrhys. The walk is through some

beautiful countryside, not least the woodland the subject of this development proposal and also the Radyr Woods. It therefore passes this development. The Penrhys Pilgrimage Way is supported by both Cardiff Council and Rhondda Cynon Taf Council. Giving approval to this planning application would significantly detract from the attractiveness of this walk. The Green Infrastructure Plan wrongly asserts at 4.17 that this walk is currently lost, but it would be re-established by the development.

Conclusions

35. For all the above reasons this Association suggests that it would not be appropriate to approve this development proposal. Approval would clearly subject the site to an un-quantified risk of land contamination despite the site investigation report acknowledging this likelihood. The site is also at risk of being flooded, its drainage design is inadequate and it will contribute unwanted additional traffic to an existing narrow and tortuous estate road. There are also considerable environmental objections to this development proposal. Developing this site would result in an isolated area of housing cut off from adjacent developments. It would not be sustainable.

36. Cardiff Council introduced a Supplementary Planning Guidance (SPG) on Green Infrastructure which was adopted in November 2017. One of the listed aims of this SPG is "*to build upon Cardiff's reputation as a green, vibrant and attractive city by continuing to enhance and sustain the green infrastructure that underpins the city's unique qualities and sense of place*". Any approval of this planning application would impinge negatively on this requirement.

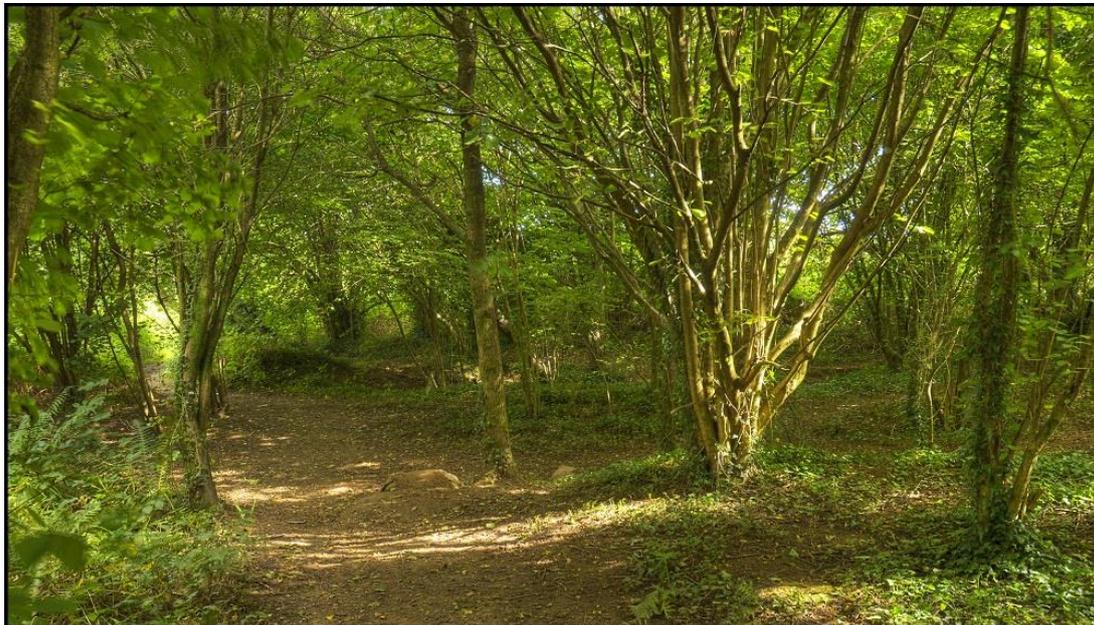


Fig.1 The woodland in Summer. Note the absence of littering & ground disturbance



Fig. 2 - Surface Water Ponding in the Woods which illustrates why designing an infiltration drainage system for the development is futile

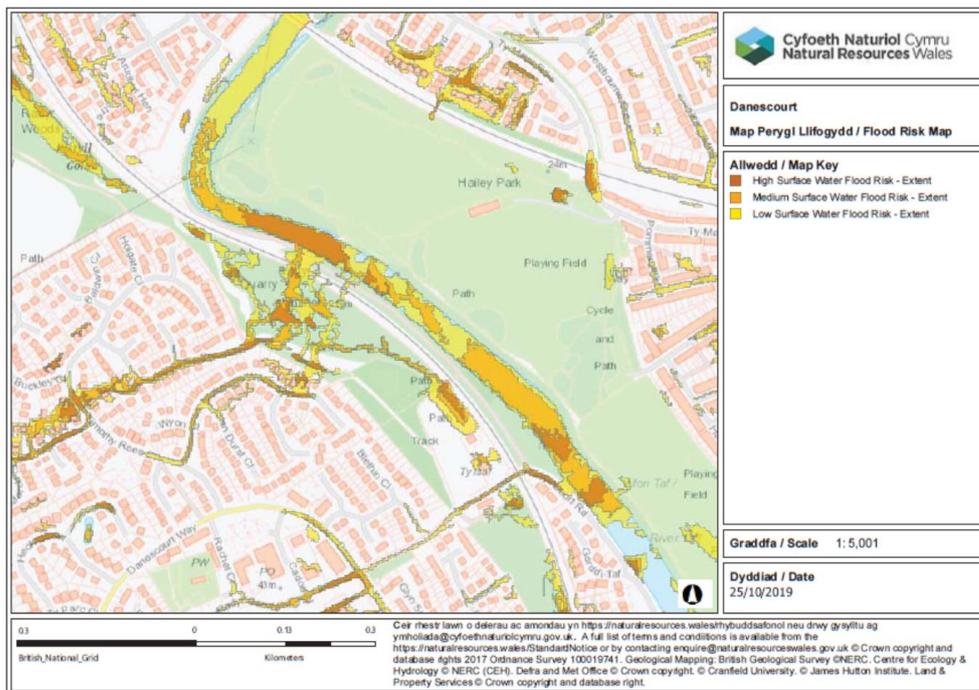


Fig.3 Natural Resources Wales Flood Risk Map



Fig. 4 Recent flooding of Radyr Court Road

S M Burgess

Vice Chair, Danescourt Community Association