

DNS/3236340 Mor Hafren ERF

Cardiff Council Hearing Statement Session 2: Effects on Sensitive Human Receptor Locations (Construction and Operational Phases)

1. Air Quality and Odours (Including Cumulative Impacts)

1.1 The Council is satisfied that the additional information provided by the applicant, including the updated Air Quality Assessment, adequately responds to the points previously raised in the Council's Local Impact Report.

2. Noise and Vibration

2.1 Piling methods are yet to be determined. The Council hoped that enough is known about the parcel of land from site surveys to give a clear indication of piling method, but accepts this may be determined by the appointed contractor and agreed through a CEMP. There are 3 options for the CEMP:

- (i) The ground is suitable for alternative piling methods (non-percussive) to achieve the desired outcome of the activity, noise mitigation measures as proposed are in place and amenity impact is reduced; or
- (ii) The only method due to the ground type is percussive piling, the discharge application for the CEMP demonstrates this, and specific noise mitigation measures above those already proposed, as outlined in BS5228 Section 8.5.1 to achieve "best practicable means". This will reduce amenity impact as far as reasonably practicable. The Council should be notified of planned piling work dates in advance;
- (iii) There is a mixture of ground types and both of the above are used. In this case the Council should be notified of planned pilings work dates in advance.

- 2.2 There needs to be sufficient justification for the percussive piling originally outlined, and this would only agreeable if specific attenuation is used as per section 8.5.1 of BS5228 to reduce the impact from noise and vibration.
- 2.3 Regarding the draft condition concerning noise levels, the condition should relate to residential properties as outlined in the applicable standard.
- 2.4 In respect of +/- background ratings outlined in Table 1, any noise source should be mitigated to achieve 10dB below LA90 (see section 2.2.2 of SRS Developer's Guide to Noise and Planning 2019 – Appendix 1 to this statement) and this was proposed at EIA Scoping. As the guidance document outlines, where this is not practically achievable, noise is an inevitable consequence from any development *and* the development is deemed of significant importance in planning terms then this can be relaxed on a case by case basis. With all matters considered on this application and on review of the Assessment, the decision was to agree a 5dB relaxation worst case, as it appeared that 10dB below was not achievable at any of the NSRs in Table 1.
- 2.5 At present, what is proposed is that the 3/5 nearest sensitive receptor locations cannot achieve 5dB below background either during the day, night or both. In reality however that represents a great portion of houses at Trowbridge Road area, Newlands Farm, and the whole of Non-Strategic Housing Site which will place undue burden on that site being able to achieve current internal and external standards (BS8233).
- 2.6 The Assessment also outlines in section 7.7 that further assessment is required due to some uncertainties at this stage, therefore striving to maintain is 5dB below is the only agreeable condition. Should the current standard on Table 1 be agreed it leaves very little margin of error in some locations should further plant or activity be introduced – the risk being the proposal gets so far into construction that designing out the noise source cannot be achieved, or practical solutions not found – compromising NSR amenity.
- 2.7 In the response put forward by Sol Acoustics in Document 104, it suggests that the “5dB below” standard can be explored if the form of additional noise

mitigation, and it is agreed it should be explored. In doing so, it allows the developer to carefully consult with an appointed Acoustic Consultant through any changes to layout, activity, plant that may come through Design stage.

2.8 As such, a reworded condition is offered, without prejudice, as follows:

Prior to beneficial use a noise assessment shall be submitted to and approved in writing by the Local Planning Authority that demonstrates that the cumulative noise from plant and vehicles achieves a rating noise level of no greater than 5dB below background (LA90) at the nearest noise sensitive residential receptors outlined in the Environmental Noise Assessment P1844-REP01-REVC-BDH, when measured and corrected in accordance with BS4142:2014 +A1 2019 (or any British Standard amending or superseding that standard). Reason: To safeguard the amenities of neighbouring occupiers, in accordance with Local Development Plan Policy EN13 (Air, Noise, Light Pollution and Land Contamination).

3. External Appearance and Visual Impact

3.1 In assessing the landscape and visual impact of the development against the further photomontages provided (Viewpoints 9, 11, 14 and 19), the following LDP Policies apply:

3.2 KP5 (Good Quality and Sustainable Design): *...all new development will be required to be of a high quality, sustainable design and make a positive contribution to the creation of distinctive communities, places and spaces by: i. Responding to the local character and context of the built and landscape setting... xii. Locating Tall buildings in locations which are highly accessible through walking and public transport and within an existing or proposed cluster of tall buildings.*

- 3.3 KP17 (Built Heritage): *Cardiff's distinctive heritage assets will be protected, managed and enhanced, in particular the character and setting of its...Registered Historic Landscapes...(see Appendix 2 to this Statement).*
- 3.4 EN3 (Landscape Protection): *Development will not be permitted that would cause unacceptable harm to the character and quality of the landscape and setting of the city. Particular priority will be given to protecting, managing and enhancing the character and quality of the following Special Landscape Areas:...*
iv. Wentloog Levels... A landscape assessment and landscaping scheme will be required for significant development proposals.
- 3.5 EN9 (Conservation of the Historic Environment): *Development relating to any of the heritage assets listed below (or their settings) will only be permitted where it can be demonstrated that it preserves or enhances that asset's architectural quality, historic and cultural significance, character, integrity and/or setting....v. Registered Historic Landscapes, Parks or Gardens...*
- 3.6 W1 (Sites for Waste Management Facilities) *Proposals for the development of waste management facilities will be permitted where:...iii. They would not cause unacceptable harm to the environment...*
- 3.7 The additional photomontages are clearly helpful to improve understanding of the likely visual impact of the proposed development. The submission of this further information is welcomed.
- 3.8 The Council's Local Impact Report acknowledged that the development would be very visually prominent from certain viewpoints mindful of the generally flat, low lying characteristics of the area, with particular reference to the Wales Coast Path and the residential communities north of the railway line. It is noted that the further information has included photomontages from these viewpoints which is welcomed.
- 3.9 It is recognised that the building will be visually prominent from a number of locations. It doesn't automatically follow that visual prominence results in visual harm; 'big' isn't necessarily 'bad.' This is considered to be a matter of aesthetic

judgement. Each of the LDP policies referred to above will be taken in turn to consider the scheme in the light of the further information.

KP5 (Good Quality and Sustainable Design)

- 3.10 The design and external of appearance is likened to a 'bird's nest' in the application, using a fragmented approach to external finishes with a palette of colours to blend the building into the landscape, thereby reducing its visual impact.
- 3.11 Although primarily focused on tall buildings within the city centre and Cardiff Bay areas, the Tall Buildings Supplementary Planning Guidance (SPG), referenced in KP5, recognises that tall buildings are also located in other parts of the city. A tall building outside the city centre is regarded as one which is double or more than double height of surrounding properties or significantly taller in terms of actual height and number of floors (paragraph 1.11). Such buildings need to demonstrate they meet all the criteria in the SPG to receive support. These criteria include ensuring there would be no negative impacts on important views or vistas, avoiding harm to the character or setting of heritage assets, and creating a positive feature in the skyline and streetscape by either complementing a cluster of tall buildings or forming a strategic landmark (paragraph 2.2).
- 3.12 Of the additional photomontages provided, the building is at its most prominent in viewpoints 9 and 11 from the residential community to the northwest. Here the length of the building is appreciated instead of the narrower width when viewed from the east and west.
- 3.13 The proposals meet the SPG's definition for tall buildings beyond the city centre and Cardiff Bay areas. Viewpoints 9 and 11 are important to understand the likely impacts for the residential communities north of the site. Through the use of sensitive external finishing materials these viewpoints reinforce the view that the building could create a positive, striking feature in the city skyline. The building will stand alone as a landmark building and this is considered, having regard to the information presented, to be an appropriate design response.

3.14 This approach is considered to be a positive design response as required by KP5 and the Tall Buildings SPG.

KP17 (Built Heritage) and EN9 (Conservation of the Historic Environment)

3.15 The Wentloog Levels are Cardiff's only designated historic landscape. Whilst not being a statutory designation, it is nonetheless material to the application and the impact of the development upon its character and setting must be considered. The application site falls outside the designated landscape however part of this designation is in close proximity, immediately north of the railway line.

3.16 Of the additional photomontages supplied, viewpoint 19 has the most relevance to this policy. Viewpoints 9, 11 and 14 cross over the designation to varying degrees though it is not considered that the designation can be materially appreciated from these viewpoints.

3.17 In viewpoint 19, taken from the Wales Coast Path, the building is partially obscured by existing trees and it should be noted that it will be more visible from other positions along this important recreational route. However, the building would be viewed against the backdrop of the existing urban area. Other industrial buildings and structures are also prominent from this view and this would apply to other points along the coast path. For these reasons, the building is not considered to have a harmful effect on this part of the Wentloog Levels historic landscape.

EN3 (Landscape Protection)

3.18 The Wentloog Levels Special Landscape Area lies to the east of the site beyond the existing industrial area and to the south beyond Wentloog Avenue. From the further viewpoints supplied, the building is not considered to have a material affect given the distances involved and the existing business and industrial areas that are found in between.

3.19 In conclusion, the additional photomontages do not alter the Council's position that the proposals are an interesting and attractive design solution that satisfy the requirements of LDP Policies and supporting guidance. However it is recognised that aesthetics could be considered a subjective matter.

4. Traffic Effects

4.1 The applicant has confirmed, within Examination Document 103, that the HGV access to the site would use the strategic highway. The applicant has indicated that all delivery and collection vehicles would be directed to use the M4 (J29 or J30), A48, A4232, Wentloog Road. The applicant has further demonstrated support for the proposed routing indicating that it is the shortest route to the site.

4.2 The Council supports the routing indicated. The routes could be conditioned as part of the Traffic Management Plan or secured through a legal agreement.

4.3 The proposed operation would operate primarily using 20 and 25 tonne vehicles. There would (as confirmed in Document 103) be 80 HGV movements per day (40 vehicles arriving and 40 leaving). These vehicles would constitute a combination of deliveries and waste removal.

4.4 The traffic impact has been assessed in accordance with the Council's requirements. Traffic counts, undertaken prior to the COVID pandemic, were requested (and undertaken) at three junctions. The application could be conditioned or obligated to provide/operate a Transport Management Plan which would restrict the times of delivery, so that they avoid the peak periods of vehicle movement.