

# Cardiff Civic Society Guide to Planning Objections

## ***Sources of Information***

Planning generates vast quantities of documentation, both on policy and on each application.

While much planning legislation is shared with England, under devolved powers Wales has modified some of this. A good starting point is [Planning Aid Wales](#), with links to the core documents, plus helpful brief explanations and easy-to-read guides.

For Cardiff, a core document is the adopted [Local Development Plan](#) (LDP), supported by [Supplementary Planning Guidance](#) providing more detail on matters like tall buildings or student accommodation. Cardiff's LDP applies Welsh planning policy to the circumstances of the city. Objections showing how an application breaches the LDP are harder to ignore.

Applications can be viewed on the Cardiff Council [planning website](#), which explains how to object. A large application will contain hundreds of pages of documentation. Core documents include the Application Form, Site Plans, and the Design and Access Statement. These will give a good idea of what is proposed and where. Additional statements on matters like Transport or Environment may also be important. It is not necessary to read every word. Search tools can help to find points of particular concern, such as trees or parking.

## ***Planning Applications, Objections and Decisions***

When an Application is received, it is validated, given a reference number, then loaded onto the website, where some key dates are recorded. A few planning notices will be put up near the site. Letters may be sent to neighbouring properties. There may be a newspaper advertisement.

A large application will have been discussed with a planning officer before submission. The largest proposals should have gone through a Pre-Application Consultation, a developer-led process that is not registered on the website and is only notified through site notices.

An application may seek either outline or full permission. Outline permission gives approval in principle with full applications to follow. Applications may be amended after submission.

Comments or objections can be raised online against an application via the [planning website](#), or sent by e-mail to [developmentcontrol@cardiff.gov.uk](mailto:developmentcontrol@cardiff.gov.uk), quoting the application reference number. Both applications and comments are public record.

## **Who takes planning decisions?**

Most planning decisions are taken by Council officials under delegated powers. Only large or controversial applications go to the Planning Committee. This can be at the initiative of the Chair of the Committee, at the request of a local councillor, or in response to a petition. Applications of "national importance" will be considered by Welsh Government.

Any application going to the Planning Committee will be accompanied by an Officer's report. This may recommend rejection but usually the Officer will have worked with the applicant to shape the original proposal into one the Committee will accept, often with various conditions.

For the Planning Committee to reject an application it must be persuaded that policy breaches are serious enough to override the presumed benefit of development. Public pressure can count

here, such as showing that an open space is of value to a community. The Committee will need to be convinced that the reasons to reject would stand up in court if its decision is challenged.

The applicant can ask the Planning Inspectorate to review a decision, but objectors do not have that right. Decisions may be contested through a judicial review, but that requires showing that the planning authority has failed to follow the correct process. This is difficult and expensive.

Welsh Government may “call in” proposals from the local planning authority. The Government minister may also override a planning inspector. These decisions could be legally challenged.

### ***Planning Use Classes***

A core concept in planning is that of [use class](#). A use class defines in broad terms what a building can be used for (e.g. shops, residential, food and drink, leisure, hotel). Every building requires a use class, but applications can be made to change a current use class.

Use classes may give grounds to object, e.g. a food and drink establishment may generate noise, odours or litter for nearby residents. The reverse can also be true, as a business may object to a residential application it feels will constrain its operation (e.g. live music).

New uses within the same class, that do not alter the building itself, do not require planning permission. It may be possible to make representations on related applications (e.g. [licencing](#) for alcohol or entertainment). Certain changes of use class are allowed without applying for permission, such as converting a restaurant into a shop but not vice versa.

Planning is blind to who is operating a business within an approved use class. A bid from a supermarket to occupy a shop run by a local business may be locally unpopular but it is not a planning matter. Nor is whether a museum displays artefacts on military medicine or on local history. Other channels must be found to contest such proposals.

### ***Material Considerations***

There can be many reasons to object to a planning application but only some will be within the scope of what Planning will consider. These are called “material considerations”. Most relate to LDP policies, although local finance and other considerations may also be relevant. It will often be the case that concerns about a proposal will not be deemed “material”. This does not make them less important but planning decisions must follow legal procedures.

The LDP is a long document and most sizeable applications will breach one of more of its policies or appear to contravene other policy objectives. But that is not enough to reject an application. For Council, decisions are a balancing act of policies against general presumptions that a landowner has a right to dispose of their property as they see fit, and that a growing city needs developments that will bring jobs and meet social needs such as housing.

### **Direct impact on neighbouring properties**

Planning law and the LDP protect nearby properties against some consequences of a new development or change of use but not others. A loss of privacy or light is a valid objection, but a loss of view is not, nor is any impact on property value.

As always, the validity of such objections does not guarantee rejection, but they can lead to conditions being imposed (e.g. opening times) that may make the proposal more tolerable.

## Transport

There are several material considerations for transport issues raised by a planning application, including parking, traffic congestion, highway safety, provision for active travel, or disabled access. These can give grounds to objections leading to rejection or modification of a proposal.

Council transport improvement or highway safety projects are visible on the [transport website](#). They are open to comment and concerns can be raised with councillors. A transport project does not itself require planning permission, but a large project is likely to have land use impacts that will require one or more planning applications, handled through the usual process.

## Environment

Nature conservation and protection of open spaces are material considerations, as is climate change. Council policies other than planning may be relevant, such as the declaration of a climate emergency, even if the impact of any single development may be negligible.

The built environment is a material consideration. This can be about heritage, such as listed buildings or a conservation area, which developments or modifications should respect. It is also about the layout, density and height of buildings, as well as design, appearance and materials.

Environmental objectives may clash with others. To encourage sustainable travel, parking provision is discouraged in central areas, but local residents still worry about the impact of extra cars parked on streets. Improving public transport for green goals may itself damage biodiversity. Development even for the best of intentions is rarely without complications.

## Established policy

Any of the policies in the LDP could give grounds for an objection. So could [Planning Policy Wales](#), especially on matters on which the LDP is silent or where PPW is more up to date. Other Cardiff Council policies or Welsh Government legislation may also be relevant, such as the [Future Generations Act](#).

As the planning process is quasi-judicial, the normal expectations such as natural justice or due process apply. Those who take decisions must follow the rules and act with probity. As this is common law, previous planning decisions (including on appeal) set precedents which should be considered (e.g. a previous ruling that an open space should be preserved).

## ***Planning Conditions and Obligations***

A grant of planning permission usually comes with conditions intended to ensure the building conforms to regulations and that construction and operation cause minimal disturbance.

LDP Key Policy 7 states that “*planning obligations will be sought to mitigate any impacts directly related to the development and will be assessed on a case by case basis*”. These are attached to the grant of permission and commit developers to undertake necessary works or make financial contributions (e.g. highway improvements or towards affordable housing).

It is now normal for LDP obligations to be watered down whenever a developer claims they would make a proposal unviable. This only becomes visible on recommendation for approval.

Once permission has been granted with conditions or obligations, these should be discharged as the development proceeds. This does not always happen, and they are not always enforced.

## ***Campaigning on Planning Issues***

The Planning Aid Wales website includes a guide on [how to respond](#) to a planning application, which is a good starting point. Since it was written, social media have become central to any campaign, from online petitioning to organising. Care must be taken to ensure that all public comments are consistent and measured. The aim is to persuade those who will take the decision.

Central to any campaign is demonstrating the weight of opinion. It helps to win support from elected representatives, who are reluctant to be seen to ignore the wishes of their constituents. Ward councillors are able to address the Planning Committee on behalf of residents. As much of planning revolves around technical issues, any objections from experts have extra value, but campaigners can make strong points by showing how an application contradicts written policy.

### **Presenting to Planning Committee**

If a petition has been signed by at least 50 Cardiff residents and submitted a week before the meeting, then a petitioner can address the Planning Committee. Agendas are not published until a few days before, so a petition should be sent prior to the next meeting in case it comes up.

Anyone addressing the Committee should read the Officer's report first. A petitioner may speak for only three minutes, so it is better to identify critical weaknesses in the application and focus on those rather than trying to cover everything. Preparation helps give a good impression.

### **Timeline**

Planning is a date-driven process in which responding on time can be vital.

The end date for consultation on an application is usually 21 days after it has been registered. This can be demanding given the volume of documentation. Raising an objection before that date ensures it will be considered but it is possible to email comments after that date, even though the online route will be closed.

A Pre-Application Consultation can give useful advance notice, with information to study. It is useful to register outline objections, but it is not necessary to provide detailed arguments.

An application may be preceded by an outline proposal or applications for site preparation or demolition. Once these have been accepted, then it will be harder to oppose later applications on the site, so it is best to campaign from the outset to protect a site, rather than waiting.

### **Objections beyond the scope of planning**

The limits on what can be achieved through planning objections do not close off other routes. Public authorities are often directly implicated in major developments, either on their own or in partnership with private companies. Public pressure can persuade them to cancel or change a proposal by showing the strength of opposition, even if there are no planning grounds to reject it. Large corporations can also be susceptible to campaigning that brings bad publicity.

Planning objections are not the only means of resistance to developments that would damage the interests of our city's residents and the well-being of future generations.

### **Cardiff Civic Society**

Cardiff Civic Society is a volunteer group with limited resources. We may be able to offer informal advice or publicity, but we cannot substitute for a local campaign. Please contact us.

## Some useful Local Development Plan policies

Finding relevant LDP policies in a 400-page document can be an effort so use the index on pages 10 to 13. Once a helpful policy has been found, read the paragraphs that follow both for explanation and to see the clauses a developer could use to avoid what seems clear. Supplementary guidance is also useful. The table below lists a few policies of particular interest to some recent campaigns, but others are equally valuable. Consult the LDP for the full description, which may be too long to give in full here. Key Policy 16 on Green Infrastructure illustrates how much discretion the Planning Committee has to interpret a policy.

Policy	Policy Title	Policy Description (selected sentences or summary)
Key Policy 5	Good Quality and Sustainable Design	To help support Cardiff as a world-class European Capital City, 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
Key Policy 8	Sustainable Transport	Development in Cardiff will be integrated with transport infrastructure and services to: i. Achieve a 50:50 modal split between journeys by car and journeys by walking, cycling and public transport; ii. Reduce travel demand and dependence on the car; iii. Maximise use of sustainable and active modes of transport; iv. Integrate travel modes; v. Provide for people with particular access and mobility requirements; vi. Improve safety for all travellers; vii. Maintain and improve the efficiency and reliability of the transport network; viii. Support the movement of freight by rail or water; ix. Manage freight movements by road and minimise their impacts.
Key Policy 16	Green Infrastructure	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.
Key Policy 17	Built Heritage	Cardiff's distinctive heritage assets will be protected, managed and enhanced, in particular the character and setting of its Scheduled Ancient Monuments; Listed Buildings; Registered Historic Landscapes, Parks and Gardens; Conservation Areas; Locally Listed Buildings and other features of local interest that positively contribute to the distinctiveness of the city.
Housing H3	Affordable Housing	The Council will seek 20% affordable housing on Brownfield sites and 30% affordable housing on Greenfield sites in all residential proposals. Affordable housing will be sought to be delivered on-site in all instances unless there are exceptional circumstances.
Community C4	Protection of Open Space	Development will not be permitted on areas of open space unless: i. it would not cause or exacerbate a deficiency of open space in accordance with the most recent open space study; ii. the open space has no significant functional or amenity value; iii. the open space is of no significant quality; iv. the developers make satisfactory compensatory provision; v. the open space has no significant nature or historic conservation importance.
Environment EN4	Air, Noise, Light Pollution, Land Contamination	Development will not be permitted where it would cause or result in unacceptable harm to health, local amenity, the character and quality of the countryside, or interests of nature conservation, landscape or built heritage importance because of air, noise, light pollution or presence of unacceptable levels of land contamination.
Environment EN8	Trees, Woodlands and Hedgerows	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.
Retail R8	Food and Drink Uses	Food and Drink Uses are most appropriately located in Central/Bay Business Areas or District/Local Centres, subject to amenity considerations, highway matters, crime and fear of crime, and where they do not cause unacceptable harm to the shopping role and character of designated centres. Food and drink uses are unlikely to be acceptable within or adjacent to residential areas, where they would cause nuisance and loss of amenity, or result in the loss of a residential property.