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LATE REPRESENTATIONS

Committee PLANNING COMMITTEE

Date and Time of Meeting WEDNESDAY, 8 FEBRUARY 2017, 2.30 PM

Please see attached Late Representation Schedule received in respect of applications to be determined at this Planning Committee

9 **Late Reps** (*Pages 1 - 28*)

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LATE REPRESENTATIONS SCHEDULE
PLANNING COMMITTEE – 8TH FEBRUARY 2017

PAGE NO. 1	APPLICATION NO. 14/852/DCO
ADDRESS	LAND TO THE NORTH OF M4 JUNCTION 33, CREIGIAU
FROM:	Creigiau Recreation Area Management Committee (CRAMC)
SUMMARY:	<p>A request for Section 106 funds has been submitted by Creigiau Recreation Area Management Committee (CRAMC) who manage the field and is made up of representatives of 5 clubs and residents of the village. The request is for monies for new facilities, including perimeter path and exercise stations (approx £15,000), a Multi-Use Games Area (approx £90,000), enlarged and improved pavilion (approx £250,000). It is noted that an outline planning application is to be applied for within the next 2 months and that section 106 money could be allocated to either individual sporting clubs or to the new facilities as per Cardiff Council or development needs. The following benefits are noted:</p> <p>Benefits</p> <p>Developers – A ready to use facility for any families moving to Creigiau and its environs. Sports and Recreation facilities for the Residents run by the Residents, A village Carnival to emphasise the true nature of a village environment.</p> <p>Cardiff Council – A group of residents capable to plan and oversee and manage the improvements while the product stays in Community Council ownership.</p> <p>Residents – Encouragement to exercise improves the health and wellbeing of the villagers, while the sports clubs and Carnival build the feeling of a community spirit.</p>
REMARKS:	<p>This request has been previously submitted by Cllr Thomas (25/01/17), as noted in paragraph 7.3 of the Committee report. The recommended Heads of Terms are set out in Section 9 of the Committee report.</p> <p>Parks Services have confirmed that the application makes an acceptable provision for open space, as set out in the Committee report, and includes the provision of 2 adult size sports pitches, a Neighbourhood Equipped Area of Play and a Multi-Use Games Area in the Central Park Area, and 3 Local Equipped areas of play, in addition to providing substantial areas of informal green space, a linear park, woodland areas and a network of cycle and pedestrian routes providing further opportunities for informal recreation. Any additional obligation for off-site contributions for open space could not be justified, having regards to the planning policy framework and legal tests governing s106 agreements in Regulation 122 of the Community Infrastructure Regulations 2010.</p>

PAGE NO. 1	APPLICATION NO. 14/852/DCO
ADDRESS	LAND TO THE NORTH OF M4 JUNCTION 33, CREIGIAU
FROM:	Pentyrch Community Council (PCC)
SUMMARY:	<p>PCC provide a list of community projects, noting it was started when CIL was anticipated and is not meant to be final and may be added to, with a request that it is used as part of s106 discussions. It includes the list prepared by CRAMC which form the subject of a further late representation.</p> <p>The list includes:</p> <p>Creigiau</p> <ol style="list-style-type: none"> 1. Upgrading the play area opposite Creigiau Inn to provide more leisure amenities 2. Replacing the portacabins in Creigiau Junior School 3. New signage throughout Creigiau village 4. Erecting wet-day cover for Creigiau bus stops. 5. Provide tools and equipment for a 'clean-up our villages' initiative 6. Development and upgrade of the Creigiau Recreation Area. <p>Pentyrch</p> <ol style="list-style-type: none"> 1. The present Surgery is temporary; therefore a permanent purpose-built building to accommodate various clinics, etc., to cope with present and increasing demands is required. 2. Public Transport – Improved services from Cardiff Bus. 3. School Buildings - There are a number of temporary classrooms that need attention. This coupled with the proposed increase in population will necessitate the need for improvement and expansion. 4. School Entrance - There is extreme congestion at the school entrance that needs investigation and improvement. 5. Shopping Precinct - This looks very tired and uninspiring and not really fit to serve present and coming generations. 6. Parking Bays - There is a real shortage of dedicated parking spaces to serve the anticipated expansions. Some space could be generated from the abysmal planted areas in front of the shops and other areas at High Corner. 7. Road Signage - Signage in, out and around the Village requires updating. 8. Road Markings - There is a real need to improve all road markings.

	<p>9. Speed Cameras - Speeding vehicles remain a serious problem and we must find a way to combat this danger.</p> <p>10. Pavements - There are a number of areas where crossing is difficult, one of the main areas is trying to cross to the bus stop near Georges Corner from the direction of the School. The whole corner needs attention.</p> <p>11. Provisions of Dropped Kerbs : There is a need for wholesale dropped kerbs at all junctions to aid the movement of the infirm, prams, wheelchairs, pavement cycles, etc.</p> <p>12. Dog Fouling - There is an explosion in relation to dog fouling and this could be dealt with by regular visits from Dog Wardens and the provisions of adequate bins (emptied on regular basis by CCC) and bags. This fouling is affecting pavements and all open spaces including sports pitches.</p> <p>13. Public and Sporting Amenities - Pentyrch Sports Association provides the vast bulk of sporting amenities for the area and there is a need to invest into this area for the benefit of present and future generations . The provision of an exercise area around the perimeter of Parc y Dwrllyn and improvements to and provision of a Gym that can be used by the whole community, especially with the proposed increase in housing, is required.</p> <p>14. Village Enhancements - General Village enhancements including providing seating in public and open space, planted and shrub areas and maybe provision of small play equipment.</p> <p>15. Main Play Areas - Improvement to and increase and upgrade of play equipment in present areas provided by the PCC and CCC.</p> <p>16. The provision of an all-weather playing area for Rugby, Soccer and Cricket (and maybe other sports) on Parc y Dwrllyn. Adverse weather affects most sports and Pentyrch seem to get more than most and the provision of such a surface would help to develop our youngsters and other sports persons in the Community.</p> <p>17. There is a lack of accommodation to house our youngsters in relation to a Youth Club environment.</p> <p>Gwaelod y Garth:</p> <ol style="list-style-type: none"> 1. Improvements to the children's playground facilities at both of the parks, to update and modernise the sites, with facilities for disabled children and a mix of age groups. 2. The levelling of Gwaelod y Garth playing field. Currently the ground is not flat and could be improved. 3. New changing and washing facilities for the playing
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	<p>fields. Although the current building is serviceable, the provision is very dated.</p> <ol style="list-style-type: none"> 4. 20mph speed limit throughout Gwaelod y Garth, with a weight restriction placed along main road. 5. Signage along Riverglade directing walkers towards the Garth. There is no reliable signage along this route and many walkers end up lost or knocking the doors of residents for directions. 6. A walking and cycling route between GYG and Pentyrch that is sufficiently surfaced for use in all weathers. 7. Resurfacing of the Zig-Zag walkway. 8. Resurfacing of the walkway between Furnace Cottage and the foot bridge.
REMARKS:	The recommended Heads of Terms are set out in Section 9 of the Committee report and are considered appropriate, having regard to the viability evidence submitted and the tests prescribed under the CIL Regulation 122.

PAGE NO. 1	APPLICATION NO. 14/852/DCO
ADDRESS	LAND TO THE NORTH OF M4 JUNCTION 33, CREIGIAU
FROM:	The Operational Manager Transportation
SUMMARY:	<p>The following errors are noted in their comments set out in paragraph 5.30:</p> <p>Para 5.30 (iv) – The cost of the bus service is noted to be ‘£150,000 per year for three years, a total of £2,250,000’ but should read ‘£150,000 per bus per year to provide 4 services per hour requiring 5 buses for three years, a total of £2,250,000’</p> <p>Para 5.30 (v) – The report notes that ‘As noted previously the site is not located within a short walking distance of local faculties’. Faculties should read facilities.</p> <p>Para 5.30 (x) Sustainable Development – The report states that a ‘£2.25 bus subsidy’ is sought. This should read ‘£2.25M bus subsidy’.</p> <p>Para 5.30 (x) Rhondda Cynon Taff – the report should state that the bus subsidy is for a period of 3 years, not 5.</p>
REMARKS:	<p>That the above amendments be noted.</p> <p>Re Paras 5.30 (iv) and (x) – the correct bus subsidy contribution sought is detailed in paragraph 9.16 of the Heads of Terms.</p>

PAGE NO. 1	APPLICATION NO. 14/00852/DCO
ADDRESS	LAND TO THE NORTH OF M4 JUNCTION 33, CREIGIAU
FROM:	The Applicant
SUMMARY:	The Applicant has offered to contribute £105,000 towards off site community facilities.
REMARKS:	<p>The Committee Report notes that, whilst the quantum of development (Condition 50) allows for up to 750m² of community facilities to be delivered on site, there is no obligation set out in the Heads of Terms in Section 9 for the developer to provide on-site facilities or to contribute towards provision off-site, taking into consideration the viability assessment and extent of the provision of other infrastructure on-site.</p> <p>Notwithstanding the above, the contribution is noted and the following additional sentence to Paragraph 9.11 of the Committee Report is recommended</p> <p>“A contribution of £105,000 has been offered by the developer towards off-site community facilities within Creigiau / St Fagans ward.”</p>

PAGE NO. 1	APPLICATION NO. 14/00852/DCO
ADDRESS	LAND TO THE NORTH OF M4 JUNCTION 33, CREIGIAU
FROM:	Rhondda Cynon Taf County Borough Council
SUMMARY:	<p>RCT:</p> <ol style="list-style-type: none"> 1. advise that they are disappointed to read the report on the application and the fact that neither the objection from RCT nor the suggested mitigation has been taken forward in the recommendation; 2. advise the latest amendments made to the proposal do not change their view and confirm their objection to the proposal remains for the reasons previously outlined; 3. request that no decision is made until such time as there have been further discussions between the Councils and developer with a view to resolving the cross border impacts of the proposal.
REMARKS:	This matter has been addressed in the Committee report.

PAGE NO. 153	APPLICATION NO. 16/00711/MJR
ADDRESS:	LRFC USK ROAD
FROM:	Transportation
SUMMARY:	<p>Confirms observations as reported, and that the access and parking identified in the application, and protected by proposed condition, are considered appropriate to the form and scale of development proposed. Confirms no objection to the application as submitted, subject to proposed conditions and identified S106 contribution.</p> <p>Additionally notes that Usk Grove does not currently form part of the adopted public highway network, and is outside the red line application site boundary identified in the application and that as such the applicant should satisfy himself that the proposed access can be achieved to avoid the site/houses being landlocked by a third party interest.</p>
REMARKS:	<p>No change to recommendation.</p> <p>Confirmation of Access rights are amatter for the applicant but It is understood that Usk Grove is currently within the ownership of the applicant.</p>

PAGE NO. 153	APPLICATION NO. 16/00711/MJR
	LRFC USK ROAD
FROM:	4, 14, 15, 16, Rheidol Close, and 32 West Rise.
SUMMARY:	<p>1. Section 2.4 Description of the site – The Case Officer describes the Nant Fawr River as <i>'not discernable above ground'</i> - this is not entirely correct and is irrelevant to the fact that the land is included in the broader context of the river corridor.</p> <p>2. Section 3.1 Site History – The Case Officer states <i>'There have been no previous proposals made in respect of the development of this land'</i> – this is incorrect. There was an application for the entire site (including Usk Grove) that was rejected circa 20 years ago. Councillor Garry Hunt referred to this at a public meeting last summer.</p> <p>3. Section 6.3 Sports Wales – The application states <i>'the loss of the rugby pitch will be compensated for by the provision of a 3G pitch at Llanishen High School'</i> – this implication takes no account of the 4 existing pitches and tennis centre at Llanishen High School and which will be lost</p>

if the 3G pitch is constructed.

4. Section 8.21 River Corridors – The application states *‘The application site is a piece of land developed as a floodlit rugby pitch and car park, and its development for housing would therefore not impact on the natural heritage of the Nant Fawr’* – The Cardiff Local Development Plan is seemingly considered irrelevant now. It may not affect the natural heritage of the river corridor but most certainly is a key feature of the river corridor and promotes recreation which is another aspiration of the river corridor policy. There are many examples in Cardiff where sports pitches are included in land designated as river corridors. It also provides a buffer between housing and the sensitive SSI site on the Llanishen and Lisvane reservoir embankments.

5. Section 8.31 Clustering of affordable housing – The application states there is *‘no rationale to disperse them around the site’* – The developer has been allowed to 'cluster' them adjacent to the existing dwellings to minimize any impact on the saleability of the new properties and simply to enhance the potential value of other properties. One must look to the Council to act in the interests of existing residents.

In respect of two specific matters relating to the application:

6. Section 5.2 Traffic and Transportation The provision of a new bus shelter at the city inbound stop at the junction of Fidlas Road/Usk Road will only serve to further restrict the view of motorists leaving Usk Road. This is already a problem junction where, despite yellow lines, legally and illegally parked vehicles on Fidlas Road obstruct the view and accidents have resulted. The whole junction needs significant redesigning and this, and the costs involved, need to be agreed first and be a condition attached to approval of the development.

7. Section 1 Paragraph 9 The provision of a footpath link through the Gwern y bendy wood (where no right of way presently exists) is a new addition to the application. This will inevitably result in reduced security, light pollution, litter and noise affecting those houses in Rheidol Close adjoining the footpath. Should this proceed, adequate screening on both sides of the footpath needs to be provided, maintenance procedures be agreed and the costs of these should be covered by the developer (as is the case with the Usk Road junction) as this is a requirement solely as a consequence of the proposed development. To allow the

	development to proceed and then link the footpath development simply to occupation of properties (as opposed to construction) is wholly impractical.
REMARKS:	<p>1 Images will be shown at committee to clarify the situation</p> <p>2 Noted. Although this is considered of limited weight.</p> <p>3 The loss of the turf pitches at Llanishen High school has been weighed against the provision of an all weather floodlit pitch which was considered a superior facility.</p> <p>4 In the given context the pitch is not considered a key feature of the river corridor.</p> <p>5 There are only 5 units involved. They are positioned at policy compliant distances from exiting residences.</p> <p>6 These items are covered within the committee report. A financial contribution is recommended for the provision of an additional bus shelter and will include the necessary infrastructure to provide this. Any traffic order modification in either Usk Road or Ewenny Road is also envisaged to be able to be accommodated within the contribution.</p> <p>7 A recent land registry search indicates that pathway within the Gwern y bendy wood is within the control of Celsa; and access to that path, from Rhiedol Close is presumed to be a covenanted right to the woodland which is otherwise landlocked.</p> <p>The access is currently overgrown and has a large bush blocking it from Rheidol Close.</p> <p>Although not necessary to make the development acceptable, the re-opening of the pathway would provide a general public benefit and support a sustainable transport agenda , as it would provide for a much easier pedestrian access to Llanishen Railway station that would otherwise need to be accessed circuitously via Fidas Road / Melbourne Road or Station Road. As the woodland, nor the pathway link from Rheidol Close is not owned by the Council, or the applicant, then the proposed pathway is not in the gift of the applicant to provide without third party consent.</p> <p>As this is the case, Condition 9 should be removed, to become subject of an advisory/informative for debate with the current landowner, and not be a requirement of any planning permission as may be granted.</p>

PAGE NO. 228	APPLICATION NO. 16/1760/MJR
ADDRESS	CARDIFF METROPOLITAN UNIVERSITY CYNCOED CAMPUS, CYNCOED ROAD
FROM:	Natural Resources Wales
SUMMARY:	<p>They understand that the Site of Importance for Nature Conservation (SINC) woodland to the south of the area to be developed (Queen's Wood) will not be directly impacted by the proposals. They note from the drawing titled 'Tree Retention & Removal Plan' Revision C, September 2016 that a tree (T52) assessed to have high potential for use by roosting bats is to be felled to facilitate the development. They welcome the recommendations set out in Section 10.7 of the bat report (Ref. Just Mammals report, dated July 2016) and advise that felling works are undertaken following these recommendations.</p> <p>They note the proposed external lighting indicated on drawing number 70218-STL-00-ZZ-DR-L-ZZ-91062 'Hard Landscape and Furniture Plan – Courtyard' Revision P22.0, dated 11 July 2016 comprising low bollard lights. They advise that the implementation of these lighting measures is secured through a suitable condition. If other external lighting is proposed i.e. in addition to that shown on the above mentioned drawing, they recommend that the Council's Ecologist advises on its acceptability. The woodland to the south of the development should not be illuminated by artificial lighting and should be maintained as a dark corridor to avoid disturbance to protected species.</p>
REMARKS:	Noted. Measures to control tree felling and light spill from external lighting is secured through condition 27 (Bat Mitigation Strategy).

PAGE NO. 228	APPLICATION NO. 16/1760/MJR
ADDRESS	CARDIFF METROPOLITAN UNIVERSITY CYNCOED CAMPUS, CYNCOED ROAD
FROM:	Ms N Jones
SUMMARY:	<p>Understands from her local councillor that the offer to view the planning proposals from an additional perspective has been denied because it was not deemed necessary.</p> <p>Residents are deeply concerned about the size of the accommodation block and the Forum and its close proximity to residential housing and the detrimental impact it will have.</p>

	<p>Currently, there are huge concerns with noise, anti-social behaviour, parking and traffic that need to be addressed. They wish to make it clear that CMet is having a detrimental impact on residents currently and it is a fact that it is depriving residents of the enjoyment of their own home and garden presently.</p> <p>Although they are grateful a site visit is taking place, so the committee members can see the small space available for such a huge development and its proximity to residential housing. The site visit will permit the committee to see how close these proposals are to the ancient woodland and the 19 trees to be felled, plus the additional (approx.) 40 trees we believe that will be felled or damaged to accommodate it, in addition to the drainage system through the woods. The social hub 'The Forum' is very close to the houses on Carisbrooke Way and they believe that viewing the site from a private property will clearly show how visible it will be, particularly in the winter months, so the planning committee could form a view from an additional perspective and understand what residents will be able to see and potentially hear. They believe it would also show a true reflection of how residents will be overlooked by the development and understand how residents can be disturbed by the students' noise, music, drunkenness and general anti-social behaviour that is not addressed by the management at Cardiff MET at present. This is even closer to residents' homes and seeing it from a private residential house, they believe, would permit the committee to see the reality of the proposals.</p> <p>They believe artist's impressions to be misleading; particularly the numbers of trees and height shown and that seeing the site from residents' private properties would clarify this so an informed decision can be made.</p> <p>They believe this is a reasonable request and that it has been unreasonably denied with no explanation as to why, therefore, as residents, they find unacceptable.</p>
<p>REMARKS:</p>	<p>The Planning Committee site visit took place on 1st February 2017. Members walked the length of the application site, accompanied by third parties including a large number of local residents who were able to put questions to the Committee through their Local Members. Members also viewed the application site from the nearby residential areas at Ael-y-Bryn, northeast of the site, and Carisbrooke Way, south of the site. It was not deemed necessary to visit private property in this instance as member could appreciate the relationship between residential areas and the site from</p>

	<p>public vantage points.</p> <p>The concerns of residents are noted and have been addressed in the Committee report.</p> <p>19 no. trees are to be felled and the drainage system has been amended to avoid further tree loss. Relevant conditions to agree drainage details and ensure tree protection are recommended and would only be discharged once the agreement of the tree officer and drainage engineers has been received. There is no evidence in the application that an additional 40 no. trees would need to be felled/damaged to accommodate the development.</p>
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PAGE NO. 228	APPLICATION NO. 16/1760/MJR
ADDRESS	CARDIFF METROPOLITAN UNIVERSITY CYNCOED CAMPUS, CYNCOED ROAD
FROM:	50 Springwood
SUMMARY:	<p>The Highways officer, in an email to the planning officer, acknowledges that “there isn’t much supporting information of use in the Transport Statement”. This is a telling admission of the inadequacy of the application, in respect of the development and its impact on the surrounding road network.</p> <p>He also acknowledges that “the issues of greater relevance and of concern ... are those with regards parking spilling over from the site (in particular due to the propensity for students to avoid pay & display charges) onto the adjoining roads and into residential areas”. His response advises that, if the authority has not already done so, it should “look at options for residential parking and enforcement”. The road safety issues in the areas surrounding the campus (especially on Circle Way in Llanedeyrn) continue to worsen. No effective measures to ameliorate the situation have been undertaken or proposed by the university or the local authority.</p> <p>He highlights the problems encountered by pedestrians in accessing the campus. He notes the lack of provision of pedestrian facilities for campus users, particularly along Circle Way West. This re-enforces objections previously submitted in respect of this application. Therefore, he welcomes the recommendation for the council to look at options to mitigate the parking problems and to address the poor pedestrian infrastructure on Circle Way. From a safety perspective, both are closely linked.</p>

	<p>The reference to “road collision data for the last 5 years” complies with planning guidance but reflects a degree of complacency regarding the road traffic dangers in the area. There may have been no reported pedestrian casualties, over this period, but the transport statistics do not capture the number of near misses on Circle Way caused by legally parked vehicles that obstruct the view of drivers, pedestrians and cyclists. Statistics should not be used to gloss over what is a <i>prima facie</i> high-risk situation.</p> <p>The officer is ill-informed about the quality of provision for cyclists on Circle Way. The designated cycle lane is not mandatory. Therefore, for most of the day, cars legally parked in the lane make it inaccessible to cyclists. They are forced to risk cycling near the centre of the carriageway, which is particularly hazardous at the blind spot on the brow of the hill and near the junction into Springwood.</p> <p>In the absence of a fit-for-purpose transport statement, the volume of traffic associated with the existing facility has still not been established. TRICS (Trip Rate Information Computer System) data is used to support the view that the development would have a minimal impact on traffic in the area. However, the data that he adduces relates to “out of town Student accommodation”. This is unlikely to provide a realistic trip-generation forecast for a uniquely multi-faceted facility like the Cyncoed Campus of Cardiff Metropolitan University.</p> <p>It is incumbent on the planning authority to withhold consent to this application, until a thorough analysis of the cumulative effect of successive developments has been presented and action is in place to ensure the safety of pedestrians, cyclists and motor vehicles in the vicinity of the campus.</p>
<p>REMARKS:</p>	<p>The Highway Officer has confirmed that the context of his statement was to dismiss the claim that a Transport Assessment rather than a Transport Statement should have been undertaken.</p> <p>The Operational Manager, Transportation, is satisfied that the Transport Statement is fit for purpose (see paragraph 5.1).</p> <p>The applicant has agreed to make a financial contribution to improve cycling facilities and to address parking problems on local roads in the vicinity of the application site – see report Section 9.</p>

	Near misses cannot be quantified and therefore do not contribute to road collision data.
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PAGE NO. 228	APPLICATION NO. 16/1760/MJR
ADDRESS	CARDIFF METROPOLITAN UNIVERSITY CYNCOED CAMPUS, CYNCOED ROAD
FROM:	Objections received from 12 no. residents from Springwood, Farm Drive, Carisbrooke Way, Woodland Crescent, Owain Close and 1 no. Penylan resident (address withheld).
SUMMARY:	<ul style="list-style-type: none"> (i) The parking chaos in Cyncoed/Penylan is already very bad and will be made unbearable by the development. Local roads get congested and sometimes dangerous with student parking. Multi-storey on-site parking with reasonable charges would help, as would more double yellow lines on key local roads. (ii) Existing Travel Plan phase 2 states a high level aim/objective is to minimise the impact of organisation related activities (congestion, noise pollution) upon the local community. The University's Car Parking Policy states "There are no parking spaces set aside for residential students. Resident student vehicles will be classed as illegally parked and subject to enforcement controls..." (iii) The proposed development will involve major changes to the existing site and major construction work. (iv) An underground car park should be made a condition of permission (v) During vacation periods parking should be made available for visitors to Cardiff attending special events. (vi) Repeated amended submissions are a cynical attempt to wear down the opposition. (vii) Restricting access to Cyncoed Road demonstrates the applicant's lack of knowledge of parking problems as problems will increase at peak times (viii) Increased student population will increase noise and anti-social behaviour (ix) Residents views have been ignored during the consultation process (x) Height of storey block unacceptable (xi) Drainage problems will result in tree loss and road removal (xii) Loss of privacy (xiii) Amendments have not address their concerns (xiv) Light pollution will harm wildlife. Loss of wildlife (xv) Increased litter

	<p>(xvi) Existing student accommodation in the city should be re-used;</p> <p>(xvii) Loss of property values</p> <p>(xviii) The application does not include options for the provision of residential parking, pedestrian facilities on Circle Way West and safety of active modes</p> <p>(xix) Transport Statement contains contradictions – the campus is not a car-free zone. Transport Assessment Conclusions are not based upon empirical evidence. Previous permission included a legal agreement preventing students from parking within 3km of the site. No evidence that this clause has been upheld.</p> <p>(xx) Ecology Report – existing lighting has presented problems during survey work</p> <p>(xxi) Noise Assessment – readings for report were undertaken whilst the university was in recess. Assessment did not include sports matches at weekends</p> <p>(xxii) The applicants are a bad neighbour as they do not address of alleviate residents' concerns</p>
REMARKS:	<p>(i) Travel Plan – see condition 10;</p> <p>(ii) The site is owned by the applicant and therefore the Council cannot control any use of the site during holiday periods;</p> <p>(iii) The repeated consultation periods have occurred to ensure third parties are fully aware of the amendments and additional information;</p> <p>(iv) Key consultees in respect of transport, noise and ecology have no objection regarding the scope or findings of the submitted assessments.</p>

PAGE NO. 228	APPLICATION NO. 16/1760/MJR
ADDRESS	CARDIFF METROPOLITAN UNIVERSITY CYNCOED CAMPUS, CYNCOED ROAD
FROM:	Jo Stevens MP
SUMMARY:	<p>She objects for the following reasons:</p> <p>(i) Local Parking Issues – The application includes provision of 518 properties with no additional car parking. Residents in both Cyncoed and Llanedeyrn are already faced with problems due to students and visitors to Cardiff Met parking in residential areas. Students unwilling to pay the parking charges on campus frequently park in residential areas on both sides of the campus, which leads to not only frustration but access problems in these areas, including some streets where goods and emergency</p>

	<p>vehicles are unable to gain access. Additional cars without additional parking will only serve to further exacerbate these problems on both sides of the campus.</p> <p>(ii) Building Height and Noise Issues – The planned residential building is significantly higher than other buildings on the campus, at seven storeys. Several constituents from the Penylan area have concerns about this. The additional height will make it more likely that noise will travel, causing loss of amenity to these residents whose properties border the southern edge of the campus. Noise problems have been raised by residents in relation to the campus in its current form, and they are extremely concerned about residential units of this height and the inevitable increase in noise, particularly late at night, that these could cause.</p> <p>(iii) Woodlands – concerned about the knock-on effect this development will have on the protected woodlands in the local area. This protected woodland is home to a vast amount of wildlife.</p> <p>(iv) Consultation – concerns about the process of consultation conducted by Cardiff Met and Asbri Planning. Residents feel that a token consultation process led to Cardiff Met and Asbri Planning ignoring the concerns of residents and taking no steps to modify their plans accordingly. Has been working closely with Cardiff Met and other local stakeholders on the issues currently being raised about the campus by local residents – most significantly the parking problems – and this work has begun to see results. It would be most disappointing to see this progress reversed by additional development that doesn't take into account the issues.</p> <p>(v) Also submits additional evidence supplied by constituent showing the calculated impact of the development on various parts of the neighbourhood in winter, and a summary of residents' objections, jointly prepared by members of the Resident action committee. Residents are concerned that the Officer's Report minimises or dismisses valid objections made by Residents regarding the Councils' Tall Buildings Supplementary Planning Guidance coupled with loss of residents' privacy in adjacent streets, damage to Woodland and wildlife caused by drainage installation, and of course the long established noise, traffic safety and parking problems current in Cyncoed, Llanedeyrn and extended to Penylan.</p>
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REMARKS:	Jo Stevens original objection is summarised in paragraph 7.9. The issues raised above are covered in the report. The additional evidence referred to in (v) is a submission by Mr Gardner covered elsewhere in the late reps.
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PAGE NO. 228	APPLICATION NO. 16/1760/MJR
ADDRESS	CARDIFF METROPOLITAN UNIVERSITY CYNCOED CAMPUS, CYNCOED ROAD

FROM:	Neil Gardner, 30 Lothian Crescent
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SUMMARY:	<p>Makes additional comments to his previous objections (received by letter dated 25th January 2017) regarding damage to Queens Wood and its associated fauna and wildlife.</p> <p>His previous letter dated 7th November 2016 estimated additional damage to the trees of Queen Wood caused by the excavation and construction of the new access road which is shown located into the Wood because of the huge size of the proposed development. He also estimated the damage caused to the trees by the new storm and foul drainage and in particular the large attenuation tank located under the road together with the new outfall which is proposed to be routed through the main body of the Wood. The preliminary drawing titled "Drainage and Landscaping Mitigation" added in January includes existing ground levels and has a detailed building drawing and drain run details, although no details of drainage invert levels or road profile and construction details. Neither, most importantly, do they appear to have designed the new outfall routed through the main Wood to the Nant Pant bach. He has redone his assessment of the damage to the trees possible and shows these on submitted sketches. The sketches show that the site will be considerably congested during the construction phase due to the size of the proposed building, this has resulted in the Consulting Engineers having to push the new access road and main drainage into the main Wood in their design, inevitably the Contractor will damage adjacent trees maintaining access around the site during his construction operations, the Engineers have tried to pass the responsibility onto the Contractor by requiring approval of a farcical method statement on their drawing.</p> <p>He has documented the pinch points around Blocks 2 and 4 and the attenuation tank where foundation construction and later access scaffolding will clash with drainage, attenuation tank installation and access road</p>
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Construction and has concluded that 19No trees will need to be removed to facilitate the proposed development, and 42 No are at risk of substantial damage (he used his 7th November numbers for the outfall). The trees removed sum is one more than shown on the Broadway Tree survey drawings.

He considers that the environmental impact of the proposed development is considerably greater than documented in the ecological assessment reports published to date, the Woodland Trust objections dated 31st August give an excellent reasoning why the damage will occur if read in conjunction with his engineering appraisal.

The application must be rejected.

He has submitted the following further objections by email dated 2nd February 2017:

(i) Queens Wood & Wildlife

- Development will have a massively detrimental effect on the ancient woodland of Queen Wood as a result of the huge size and shape of the development which will require the existing access road diverted into the main body of the existing wood
- Road construction and drainage installation, including a large storm water storage tank shown sited beneath the road, will require excavation and spoil removal extending into the Woods causing inevitable damage to the adjacent trees and their root systems occurring. Also a new drainage outfall needs to be constructed through the Woods linking to the existing stream (Nant Pant-Bach). This will require a construction plant access cut through the Woods which together with installation of the outfall will cut a swathe through the woods requiring further tree removal, soil removal, damage to adjacent trees and fauna and disturbance to wildlife.
- These factors have been totally ignored within the Ecological Assessments. The application shows 18No mature trees need to be removed to facilitate the development, our study estimates that a further 40No trees are "At risk" due to damage incurred during construction operations with a further tree needing to be removed to facilitate a drainage run bringing the total removed to 19No.
- 2No trees which are classed as having moderate and high bat potential are very close to or in line with the drainage outfall to be reconstructed, and will be damaged or destroyed in the construction phase of the proposed development. They have not been surveyed

	<p>within the reports in the application to ascertain if they support roosting bats.</p> <ul style="list-style-type: none"> • It is noted within the survey report within the application that brown long eared bats were observed and that they will not tolerate increased artificial light. If the Development were to proceed they will be lost to the local area. <p>(ii) Size and height of the proposed development – A large number of the properties affected are below the ground level of the proposed 7 storey accommodation development and therefore they will be up to 11 storeys below the full height of the development. Loss of privacy to the local community as a whole with the development towering and overlooking long established properties which were not previously overlooked. The visual impact views that purport to indicate how the proposed development will appear from various locations around the neighbourhood as well one sectional drawing which includes local residences. The applicant’s impact views and sectional drawings are considerably flawed and their own information prepared shows that the resident amenity in relation to privacy and overlooking will be considerably reduced for a large number of properties</p> <p>(iii) Tall Buildings Supplementary Planning Guidance – All of the properties most affected by the loss of resident amenity are 2 storey residences. The applicant’s Design and access statement attempts to justify the 7 storey accommodation block proposal on the basis of the height of the existing Maelfa flats in Llanedeyrn and Cardiff University’s tower block in Ty Gwyn Road. The Maelfa is nearly ½ a mile away and due to the topography of the area not visible to the residents in the streets mentioned above. Ty Gwyn Road slopes significantly down from Cyncoed Road and therefore the University’s building does not intrude on resident’s skyline. They therefore consider that the size and height of the proposed accommodation block contravenes the SPG on several counts and should not be approved on this basis alone.</p> <p>(iv) Noise and Anti-Social Behaviour:</p> <ul style="list-style-type: none"> • Currently, the behaviour of Cardiff MET students disrupt the lives of residents in Llanedeyrn, Penylan and Cyncoed through loud beat music, loud noises, screaming, shouting, singing, chanting and blowing whistles, which can be heard inside homes, with closed double glazed windows. Rugby matches are excessively loud, demonstrating antisocial behaviour where students bang drums, use air raid sirens and shout into loud hailers and megaphones. These
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	<p>matches have started after 7pm at night when children are in bed. Song lyrics, often offensive, can be heard inside residents' homes. Young children are disturbed and kept awake as the noise and flood lights fill their bedrooms. Complaint calls to Cardiff MET security, often in the early hours (up to 4.30am) and written complaints to management are not acted upon sufficiently and this nuisance behaviour is repeated.</p> <ul style="list-style-type: none"> • Students have been observed from residents bedrooms urinating in the woodland. • The current anti-social noise from Cardiff MET is excessive. The University has failed to address this despite numerous complaints from a large number of residents. This is an infringement of our article 8 right of the European Convention of Human Rights 1950. We urge the planning committee to consider its positive obligations and to uphold our right to a private and family life. This development will add a considerable strain to our quite enjoyment of our homes. • Residents are entitled to peaceful, quiet enjoyment of their own home, but Cardiff MET prevent this in the day, evenings and weekends. Unreasonable and unacceptable anti-social behaviour exists with the current with 500 + students on site , that they do not control. 1000 students even closer to residents home will inevitably create further noise and light pollution through the Forum being open 7am-11pm with alcohol, music and a social hub for 1000 students excessively close to the woodland and residents home and only yards from some residential housing in Carisbrooke Way. • Students are noisy, but also rude, threatening and abusive to residents in the local community, particularly when asked to move their illegally parked cars. Some residents are fearful of the students, and Cardiff MET management fail to deal with the detrimental impact they are having on residents. Planning application 03/0022/N contains a section 106 agreement. It was agreed 6th January 2005 that the University as a condition for a grant of planning permission to control parking. It was agreed that students resident on that development were not to park any motor vehicles on the site or within 3km the campus. The duty to enforce this was placed upon the University. We have seen no evidence of this over the last 10 years. The applicants own transport statement makes no reference to this and seeks to place all parking issues to law enforcement agencies. This demonstrates the University does not adhere to legally binding agreements. It also shows that the University has the lack of insight as parking enforcement
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	<p>is primarily a local authority issue rather than law enforcement. The University fails to understand and fails to adhere to a land charge associated with a planning permission</p> <ul style="list-style-type: none"> • Residents are trying to engage with the management of Cardiff MET but they so far have refused to discuss the developments proposed. The Vice Chancellor has declined to respond to letters or emails requesting a meeting in regard to the scheme. While we as an action group have met on certain occasions with senior management officials but they actively declined at the meeting to discuss the planning application despite requests to do so. • Cardiff met have sole their site on Howard Gardens which is now being turned into 616 student accommodation units by we believe a private developer. In their application Cardiff met have not demonstrated any need for this accommodation. Given the certain disruption to residents both during construction and usage surely this requirement of demonstrable need must be addressed. • Cardiff Met have claimed that they have evidence supporting a need for additional accommodation on site. Despite over a dozen request for site of same they have failed to provide this. We suspect it doesn't exist. <p>(v) Light Pollution</p> <ul style="list-style-type: none"> • Currently, lights and floodlights from Cardiff MET, illuminate gardens and homes with invasive, disruptive light, amounting to a nuisance. Despite this issue being raised in a meeting with Senior management the problem remains at this time. • The Incongruous seven storey accommodation block will inevitable result in excessive lights, interior and exterior, which will be visible to residents in Llanedeyrn and Penylan. This will be, particularly invasive in winter months when the trees are bare, but will remain year round as the accommodation towers over the trees and local residents homes. The proposed developments close proximity to the tree line will almost certainly disrupt the woodland ecosystems and have a detrimental impact on the wildlife, particularly disruptive to the bats and the brown long eared bat that is intolerant of artificial light (see bat report). • The Forum is only metres away from a high potential bat roosting tree - some bat species will not cross lines of light, as it acts as a barrier, disrupting flight paths which restricts habitat. In addition, lighting close to roost access points disturb bats within a roost and may result in the abandonment of said roost. A further high
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	<p>potential bat roosting tree is due to be felled for the proposed accommodation block. The re-alignment of the access road into the woodland will also require lighting in the woodland, which will have significant detrimental impact on the environment and residents.</p> <p>(vi) Transport and Parking</p> <ul style="list-style-type: none"> • There are clear inconsistencies within Asbri’s Transport Statement. It claims that the campus is “a car free establishment”, whilst providing clear evidence of substantial car use on and around the site. • The situation clearly demands a detailed traffic impact assessment. This is especially critical in view of the number of schools situated close to the campus and its proximity to the problematic roundabout at the junction of Southern Way (A4232) and Eastern Avenue (A48), which already requires intermittent traffic lights to regulate the flow. • There appears to have been no consultation with the Welsh Government or the South Wales Trunk Road Agents, despite Welsh Government Technical Advice Note 18 stipulating that this is required where a development is likely to increase traffic entering or leaving a trunk road. • Far from being car-free, access to the campus from the Llanedeyrn side is extremely hazardous for pedestrians, there being no pedestrian entrance or pavement skirting the site. <p>They urge their directly elected members to consider the weight of their arguments presented in this document along with the vast number of objection letters. The development will cause significant issues to residents and to the city as a whole. The benefit to the University is limited due to the available student accommodation available and in construction across the city. They hope the committee make an informed decision based upon the city as a whole rather than one organisation’s revenue making scheme.</p>
<p>REMARKS:</p>	<p>(i) The impact upon trees and wildlife has been subject to a detailed assessment by the Council’s Tree Officer and Ecologist. They are satisfied that the Queens Wood will be safeguarded as the development will not encroach into the existing woodland. The drainage proposals have been amended at the request of the Tree Officer to safeguard retained trees and avoid root protection areas. Conditions are recommended to ensure tree and ecology interests are safeguarded;</p>

	<ul style="list-style-type: none"> (ii) 19 no. trees are proposed to be removed. There is no evidence that 40 no. additional trees will be lost; (iii) Condition 27 requires bat mitigation details to be submitted for approval; (iv) Issues of height, scale and privacy are covered in the report; (v) Regarding the Tall Buildings SPG, see 8.23 (iv); (vi) Noise and anti-social behaviour concerns are covered in the report. This is also a matter for the site management; (vii) The bat mitigation strategy will include details of light mitigation; (viii) The transport issues are already covered in paragraph 5.1-5.10 and Section 8; (ix) With respect to impact on human rights, Protocol 1 does indeed say that a person is entitled to the peaceful enjoyment of his possessions – but it goes on to qualify that right as being “except in the public interest and subject to the conditions provided by law”. In <i>Huang v Secretary of State</i>, the Supreme Court held that there is a “need to balance the interest of society with those of individuals and groups”. The right is not absolute and it may be restricted provided the restrictions are lawful, have a legitimate aim and are balanced. The established planning decision-making process assesses the impact, which a proposal will have on individuals and weighs that against the wider public interest when determining whether development should be permitted. That is consistent with the requirements of the European Convention on Human Rights.
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PAGE NO. 228	APPLICATION NO. 16/1760/MJR
ADDRESS	CARDIFF METROPOLITAN UNIVERSITY CYNCOED CAMPUS, CYNCOED ROAD
FROM:	Head of Planning
SUMMARY:	<ul style="list-style-type: none"> (i) Amend paragraph 4.5 to include reference to The Planning Obligations Supplementary Planning Guidance (January 2016) (ii) Amend conditions 2 and 7 to include reference to amended drainage plan (iii) Add condition to require a Site Waste Management Plan to be submitted prior to the commencement of development (iv) Amend condition 31 to improve precision;

REMARKS:	<p>(i) Add to 4.5: Planning Obligations (January 2016);</p> <p>(ii) Add to Condition 2: C6472-RVW-XX-BG-DR-C-002 Revision P1 Proposed Drainage and Landscaping Mitigation</p> <p>(iii) Amend Condition 7: “The scheme shall accord with drawing no. C6472-RVW-XX-BG-DR-C-002 Revision P1 (Proposed Drainage and Landscaping Mitigation) and shall avoid disturbance...”</p> <p>(iv) Add condition 34 (Site Waste Management Plan): “Prior to the commencement of development of a Site Waste Management Plan (SWMP) shall be submitted to and approved in writing by the Local Planning Authority. The SWMP shall include measures to reduce environmental impacts of construction waste. Development shall be carried out in accordance with the approved SWMP. Reason: To reduce environmental impacts of construction waste.”</p> <p>(v) Amend condition 31 by deleting 2nd sentence beginning “Such measures...” and amending the third sentence to begin “The approved measures...” Delete “unless otherwise agreed in writing with the Local Planning Authority” at the end of the third sentence.</p>
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PAGE NO. 280	APPLICATION NO. 16/2710/MJR
ADDRESS	HOWARDIAN CENTRE, HAMMOND WAY, PENYLAN
FROM:	Petition delivered to Full Council
SUMMARY:	A petition has been received in respect of a traffic management scheme for the school. The petition has not been submitted in a format to qualify for formal reporting to the Planning Committee
REMARKS:	None

PAGE NO. 343	APPLICATION NO. 16/02758/MJR
	R/O 35-37 CHARLES STREET
FROM:	Head of Planning
SUMMARY:	<p>Requests the following additional conditions relating to sound insulation / plant noise limitation within the new development :</p> <p>20. Prior to commencement of development a scheme shall be submitted to and approved in writing by the Local Planning Authority which will describe how it is</p>

	<p>intended that the development will meet a requirement that all habitable rooms within the development will be insulated so as not to be subject to the receipt of sound in excess of 40 dBA Leq 16 hour during the day or in excess of 35 dBA Leq 8 hour at night.</p> <p>Reason To ensure that the design of the development will be likely to achieve an acceptable living environment for occupants of the accommodation approved.</p> <p>21. Prior to beneficial occupation of the flat units hereby approved, all habitable rooms which require sound insulation measures to be provided to achieve the sound insulation levels required by condition 20 shall be provided with active noise dampening ventilation units. Each ventilation unit (with air filter in position), by itself or with an integral air supply duct and cowl (or grille), shall be capable of giving variable ventilation rates ranging from – (1) an upper rate of not less than 37 litres per second against a back pressure of 10 newtons per square metre and not less than 31 litres per second against a back pressure of 30 newtons per square metre, to (2) a lower rate of between 10 and 17 litres per second against zero back pressure.</p> <p>Reason To ensure that the accommodation can be ventilated without exposure to external noise.</p> <p>22. Prior to the beneficial occupation of any flat unit approved, a report shall be submitted to and approved by the local planning authority in writing to evidence that all habitable rooms within the development are not subject to the receipt of sound in excess of 40 dBA Leq 16 hour during the day or in excess of 35 dBA Leq 8 hour at night; and have been provided with operational active acoustic dampening ventilation units to the specification required by condition 21.</p> <p>Reason To ensure that an acceptable living environment will be provided for occupants of the accommodation approved.</p> <p>23. Prior to implementation a noise assessment shall be carried out and submitted to the Local Planning Authority to ensure the noise emitted from fixed plant and equipment (such as air conditioning) on the site achieves a rating noise level of background -10dB at the nearest noise sensitive premises when measured and corrected in accordance with BS 4142: 2014 (or</p>
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	any British Standard amending or superseding that standard). Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.
REMARKS:	Action

PAGE NO. 343	APPLICATION NO. 16/2758/MJR
ADDRESS:	R/O 35-37 CHARLES STREET
FROM:	39 Charles Street
SUMMARY:	<p>Objects to the development on the following Grounds</p> <ul style="list-style-type: none"> * the interest and well being of existing businesses, * over development of the area for residential use, * lack of adequate car parking to cope with hundreds of students, as well as existing and future residents * total congestion already of the lane to the rear of Charles Street and its effect on emergency services * the opening of the lane to dozens, if not hundreds of residents who will not have their own parking. * Concern over a precedent being set up by the council to allow all empty buildings in Charles Street to be converted to flats. * Weekly rubbish blocking the lane - for which no consideration has ever been given <p>Regards Haydn Price</p>
REMARKS:	<p>These matters are addressed within the Committee Report.</p> <p>The Parking Guidelines do not encourage residential parking within the City Centre which offers a sustainable location for residential/retail/services/ facilities and Travel opportunities un-reliant on the use of a private car.</p>

PAGE NO. 343	APPLICATION NO. 16/02758/MJR
ADDRESS:	R/O 35-37 CHARLES STREET
FROM:	Transportation Officer
SUMMARY:	<p>As discussed I remain concerned that Wesley Lane will be the only means of access (pedestrian and vehicular) to the proposed development, as it is currently considered unfit for this purpose in relation to pedestrians.</p> <p>However I am mindful of the requested S106 contribution associated with this development and other developments</p>

	<p>that will result in improvements to Wesley Lane, and as such do not consider these concerns would merit a sustainable reason for refusal on their own.</p> <p>I therefore confirm I have no objection in principle to the proposed development, subject to the proposed conditions and identified S106 contribution.</p>
REMARKS:	Noted. No change to recommendation

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