



County Hall
Cardiff
CF10 4UW
Tel: (029) 2087 2000

Neuadd y Sir
Caerdydd
CF10 4UW
Ffôn: (029) 2087 2000

AGENDA

Committee	LICENSING SUB COMMITTEE
Date and Time of Meeting	FRIDAY, 13 JULY 2018, 10.30 AM
Venue	ROOM E, CITY HALL - CITY HALL
Membership	Councillor Mackie (Chair) Councillors Taylor and Williams

1 **Declarations of Interest**

To be made at the start of the agenda item in question, in accordance with the Members' Code of Conduct.

2 **Application for the Grant of a Premises Licence - Radyr Tap, Station Road, Radyr, Cardiff. (Pages 3 - 24)**

Davina Fiore
Director Governance & Legal Services
Date: Monday, 9 July 2018
Contact: Graham Porter,
029 2087 3401, g.porter@cardiff.gov.uk

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CARDIFF COUNCIL

LICENSING SUB-COMMITTEE

13 July 2018

REPORTS

LICENSING SUB-COMMITTEE: 13th July 2018

Report of the Head of Regulatory Services

Application for Premises Licence - Grant

Application No: 024002

Name of Premises: Radyr Tap

Ward: Radyr and Morganstown

1. Application

1.1 An application for a Premises Licence - Grant, has been received from Vale of Glamorgan Brewery Limited in respect of Radyr Tap, 1b Station Road, radyr, Cardiff, CF15 8AA.

1.2 The applicant has applied for the following:

(1) In respect of the following licensable activities:

1. The supply of alcohol for consumption on and off the premises
2. The provision of regulated entertainment in the form of recorded music (indoors).

(2) Description of Premises (as stated by applicant):

“Currently empty retail unit on Radyr high street (Station Road), 650sqfoot. Unit is opposite Radyr's local shops and Italian restaurant. This would be currently the only pub in Radyr. Unit is surrounded on all sides by other commercial properties, other than a single flat above also owned by the property's landlord. The business will run simply as a 'micropub', with a small offering of beer and wine with indoor seating. We would like to offer people the option to purchase bottles to take away, however the venue will not be marketed as an off-license. The target demographic will be affluent local residents and the offering will reflect this. This business is not targeted at the 'lager-lout'”.

(3) The opening hours are proposed as follows:

Monday to Saturday: 12:00 to 23:30

Sunday: 12:00 to 22:30

Christmas Eve: 12:00 to 00:30

New Years Eve: 12:00 to 01:00

(4) To provide licensable activities during the following hours:

1. The supply of alcohol for consumption on and off the premises:

Monday to Saturday: 12:00 to 23:00

Sunday: 12:00 to 22:00

Christmas Eve: 12:00 to 00:00

New Years Eve: 12:00 to 00:30

2. The provision of regulated entertainment in the form of recorded music (indoors):

Christmas Eve: 23:00 to 23:30

New Years Eve: 23:00 to 00:30

2. **Promotion of Licensing Objectives.**

2.1 The additional conditions proposed by the applicant to meet the licensing objectives are attached to the report.

3. **Relevant Representations**

3.1 A copy of the representation received from South Wales Police is attached this report.

3.2 Objections received from local residents are attached to the report.

3.3 Emails in support of the application are attached to the report

4. **Legal Considerations.**

4.1 In respect of the application the decision must be taken following consideration of the representations received with a view to promoting the licensing objectives which are:

Prevention of crime and disorder

Public Safety

Prevention of Public Nuisance

Protection of Children from Harm

4.2 In each case the Sub-Committee may make the following determination

a) To grant the application.

b) To modify the conditions of the licence, by altering, omitting or adding to them, where relevant.

c) Reject the whole or part of the application.

4.3 All decisions taken by the Sub-Committee must (a) be within the legal powers of the Council and its Committees; (b) comply with any procedural requirement imposed by

law; (c) be undertaken in accordance with the procedural requirements imposed by the Council eg. standing orders and financial regulations; (d) be fully and properly informed; (e) be properly motivated; (f) be taken having regard to the Council's fiduciary duty to its taxpayers; and (g) be reasonable and proper in all the circumstances.

5. Issues for Discussion.

- 5.1 The application should be determined and the appropriateness of any conditions on the licence needs to be discussed.

Dave Holland
Regulatory Services

28 June 2018

Continued from previous page...

Section 18 of 21

LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

This will focus on staff training of the issues we wish to mitigate as well as fostering a good relationship with the local PCSOs, Police and community groups in order to quickly deal with any concerns which may arise from any of the parties.

b) The prevention of crime and disorder

CCTV will be fitted before opening. There will be a zero tolerance policy toward any acts of aggression, violence or disorderly behavior within the venue. Staff will all have appropriate training in this area. Where appropriate, disorderly customers will be ejected and banned from the premises. As a community pub, we will of course work closely with local PCSOs and Police to promote orderly behavior and liaise with them on any customers who should not be admitted to the premises.

c) Public safety

Very much in line with above, we will have a zero tolerance policy toward any behaviour which constitutes a threat to public safety and will liaise with PCSOs and Police regarding any concerns in regards to public safety.

d) The prevention of public nuisance

Noise will be kept to a minimum with a tranquil atmosphere being promoted within the venue. Customers will not be allowed to remove drinks or glassware from the premises, in to the street. This will be monitored by the staff who will also make sure the space outside the front of the premises is kept in clean and orderly state, free from litter. We will of course provide an external ashtray for any smokers, to prevent cigarette ends littering the pavement. Signs will be in place at the exit to remind customers to be respectful of nearby residents when leaving the premises at night.

e) The protection of children from harm

No persons under the age of 18 will be admitted to the premises unless accompanied by an adult. A strict 'Challenge 25' policy will be in place, policed by the staff, to ensure nobody under the age of 18 is able to procure an alcoholic beverage. Although families will be welcomed; under 18's will be strictly prohibited from the premises after 20:30 in the evening, whether they are accompanied by an adult or otherwise.

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Barker, Kirstie

From: Claire.Dewhurst@south-wales.pnn.police.uk
Sent: 21 June 2018 13:19
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu); phil@vogbrewery.co.uk
Subject: Radyr Tap licensing representations
Attachments: Radyr Tap signed.pdf

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Rhybudd: Mae'r e-bost hwn yn cynnwys atodiad Microsoft Office (Word, Excel, PowerPoint) neu PDF Adobe. Er bod yr e-bost hwn wedi'i sganio ar gyfer unrhyw fygythiadau, meddyliwch cyn agor atodiadau gan anfonwyr nad ydych yn eu hadnabod. ***

Please find attached South Wales Police representations regarding the premises licence submitted for Radyr Tap, 18 Station Road, Cardiff.

If you are happy to accept our representations can I ask you confirm this by return email.

Kind Regards
Claire



Claire-Louise Dewhurst

**Swyddog Trwyddeduy Heddlu / Police Licensing Officer
Adran Drwyddedu / Licensing Department**

Heddlu De Cymru / South Wales Police
URS y Dwyrain / Eastern BCU
Gorsaf yr Heddlu Bae Caerdydd / Cardiff Bay Police Station
Stryd James / James Street
Bae Caerdydd / Cardiff Bay
CF10 5EW

☎: 02920 633421 | Ext: 34208 |

Claire.dewhurst@south-wales.pnn.police.uk

/SWPolice @SWPolice @SWPolice /SWPTV

Ydych chi angen siarad gyda'r heddlu ond nad oes angen ymateb brys arnoch? Ffoniwch 101 Gellir defnyddio'r rhif i roi gwybod am achos nad yw'n un brys i unrhyw heddlu yng Nghymru a Lloegr. Mewn argyfwng, ffoniwch 999 bob amser.

Do you need to speak to police but don't require

**an emergency response? Call 101 The number can be used to report a non-emergency to any force in Wales and England.
In an emergency, always dial 999.**

Mae Heddlu De Cymru yn croesawu derbyn gohebiaeth yn Gymraeg a Saesneg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

South Wales Police welcomes receiving correspondence in Welsh and English. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.



Cardiff Bay Police Station,
James Street,
Cardiff
CF10 5EW

21st June 2018

Radyr Tap
1b Station Road,
Radyr
Cardiff
CF15 8AA

APPLICATION FOR A NEW PREMISES LICENCE.LICENSING ACT 2003.
RADYR TAP, 1B STATION ROAD, RADYR, CARDIFF, CF15 8AA

Dear Mr Philip Newbould,

I have caused enquiries to be made into this application. The proposed premises is located in Radyr an outer suburb of Cardiff. This will be the only public house within the area. I therefore ask that the Licensing Committee hear the representations made by the Police when determining the grant of this application.

However, should the applicant confirm they are in agreement with the below representations made to meet the licensing objectives, then please accept that the Police will automatically withdraw their request for a hearing before the Licensing Committee.

However should the applicant agree to comply with the representations made to meet the licensing objectives before a hearing, then please accept that the Police will automatically withdraw their request for a hearing with the Licensing Committee.

CONDITIONS OFFERED BY THE APPLICANT.

Under 18's will be strictly prohibited from the premises after 20:30hrs in the evening.

The premises will be operated so as not to cause nuisance to nearby premises. Signage will be displayed at the premises informing customers to have regard to the residents when leaving the premises.

Mae Heddlu De Cymru yn croesawu derbyn goheblaeth yn Gymraeg a Saesneg.
Byddwn yn ateb goheblaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd
gohebu yn Gymraeg yn arwain at oedl.

South Wales Police welcomes receiving correspondence in Welsh and English.
Any correspondence received in Welsh will be answered in Welsh and corresponding
in Welsh will not lead to a delay in responding.

Prif Gwnstabl **Matt Jukes QPM, MA(Oxon)MSc.** Chlef Constable

POLICE REPRESENTATIONS

I have identified conditions below which are appropriate and proportionate that would enable the premises to operate in line with the licensing objectives;

Prevention of Crime and Disorder;

1. A CCTV system shall be installed to a standard as approved by South Wales Police and maintained and operated at all times the premises are open to the public. The system will cover all internal areas of the premises where the public have access {excluding toilets} including all entrances and exits and any external areas associated with the premises. The images shall be kept for a minimum of 31 days and shall be produced to a Police employee in a readily playable format immediately upon request when the premises are open and at all other times as soon as reasonably practicable. There will be sufficient trained staff to facilitate the above.

Whilst the Police acknowledge the above condition offered by the applicant, the proposed condition sets out exactly what is required of such a condition to the avoidance of doubt.

2. An incident book shall be kept at the premises and maintained on site for a period of twelve months. It shall be made available on request to an authorised officer of the local authority or a member of police staff, which will record the following:

All crimes reported to the venue

Any complaints received (of a Criminal or Licensing nature)

Any incidents of disorder

Any refusal of the sale of alcohol

Any visit by a representative of a relevant authority or a member of the emergency services.

Any failures of the CCTV system.

The above condition will allow the accurate documenting of incidents likely to arise at the premises.

The following representations are made to promote Prevention of Crime and disorder/ Public Safety;

3. No open drinking vessels to be taken outside the front of the premises unless persons are seated at a designated table and chair that is associated with the premises.

4. No open containers to be used in the outside rear of the premises.

5. Off sales of alcohol will only be in sealed containers.

6. At least seventy percent of the public space within the licensable area of the premises will be occupied by tables and chairs.

This condition is requested to prevent the venue being utilised as a vertical drinking establishment.

7. The premises will operate a Challenge 25 policy advertising this by using the appropriate signage and all staff will receive the appropriate training having completed a minimum of six weeks employment.

Additional evidence to support the Police representations and conditions may be used at a subsequent hearing before the Licensing Committee; this may be expanded on verbally, or by way of written evidence.

Should you have any further queries please contact Police Licensing Officer Claire Dewhurst on 02920 633421 or by email claire.dewhurst@south-wales.pnn.police.uk

Yours sincerely



Joe Jones
Chief Inspector

A/GF 1527

ll 600 MICE 1

Barker, Kirstie

From:
Sent: 15 June 2018 14:32
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Subject: Licence Application Radyr Tap, 1b Station Road, Radyr, Cardiff, CF15 8AA dated 25/5/2018

Dear Sir or Madam,

Re. Planning Application Ref. No: 18/01208/MNR

and Licence Application Radyr Tap, 1b Station Road, Radyr, Cardiff, CF15 8AA dated 25/5/2018

There are several interests in the above application for a change of use from Dry Cleaners to Licenced Premises. These include: the landlord of the premises, the owner of the proposed business, the local Radyr community affected by the application and the wider community. My own interest is as a local.

There is support in the area for a Community Pub, and this has sensibly been engaged to back the application. However, I am not aware of any equivalent engagement with those who will be most affected. Immediate neighbours were first made aware when the statutory notices were posted.

People I have spoken to, reading in the application that the Radyr & Morganstown Association and the Radyr Community Council are in support, believe this is a 'done deal', however representatives of both bodies, were rather more circumspect in the Radyr & Morganstown Association meeting of 4/6/2018.

Personally, I believe we should be careful in balancing the commercial interests of the landlord and owner, the desires of the wider community and the wellbeing of the local residents.

I have the following concerns:

- The premises are in a small commercial section set in a residential area. Station Road is quiet from mid-evening. Pubs are not typically quiet establishments. Sound-proofing is being proposed within the premises; however, this will not deal with customers smoking outside, or leaving the premises - full of bonhomie.
- The planning application is for the building only, outlined in red on the associated plan, however the plan also delineates land to the rear of the premises, not **currently** included in the application. Indeed, no rear entrance is shown on the plan - although refuse will be housed 'to the rear of the premises', rather than 'within the rear of the premises'. Clearly if this area is to be used at all many residents to the rear of the premises will be affected by additional noise.
- On the planning application the licencing hours are given as Monday-Friday 12:00 to 23:30, Saturday 12:00 – 00:30, Sundays and Bank Holidays 12:00 – 23:00, stating the intent of the owner, whereas on the **current** Licence application the hours are given as Monday to Saturday 12:00 - 23:00, Sunday 12:00 – 22:00, Christmas Eve 12:00 – 00:00, New Year's Eve 12:00 – 00:30.

Having been brought up in a pub, I know just how difficult it is to dislodge a happy customer after drinking-up time, after which there is clearing up to do. Disruption is likely to continue for an additional 30 – 60 minutes after the licenced hours finish. With the current licence application this will typically last till midnight., and if the planning application is passed, this could be until as late as 01:30 on a Saturday

Residents on Station Road are already disturbed in the morning by the reversing signals of delivery wagons. Is it fair to deprive them of sleep at night too?

Residents in the surrounding roads will also be affected, by parking issues, by noise from departing customers on foot and by car, and by noise from the rear of the premises.

- Additional traffic will be generated by customers and deliveries, adding to the existing congestion, parking problems and noise in the Station Road/Windsor Crescent/Kings Road/ Heol Isaf area.
- There is already a licenced restaurant in Station Road, however it is disingenuous to compare the effects on the local population of a food establishment with a drinking establishment, so this should not be used as a precedent.. Alcohol is linked with disorder, and the long licencing hours will encourage excessive drinking. Although there is a vision of a relaxed, social establishment, we cannot choose the clientele.
- Granting this application will not necessarily deliver the desired Community Pub, commercial considerations are likely to take precedence over philanthropy.
- Would you, as a reader, wholeheartedly back a similar application in your own environs.?

More reasonable licencing hours (finishing at 22:30), and a binding covenant to prevent noise to the rear of the premises could ameliorate my objections.

In summary, I would like to object to the above planning and licence applications on the grounds that they will:

- Increase the likelihood of public disorder in the area
- Create public nuisance in a residential area

Yours faithfully,

Barker, Kirstie

From:
Sent: 15 June 2018 08:53
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Subject: Radyr Tap
Attachments: Opposition Pub license.pdf

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Please find attached objection

Licensing Section Cardiff Council Room 161
City Hall
Cardiff CF10 3ND

LICENSING ACT 2003 - PUBLIC NOTICE OF APPLICATION APPLICATION FOR A PREMISES LICENCE (under Sections 17) Vale of Glamorgan Brewery Limited for Radyr Tap, 1b Station Road, Radyr, Cardiff, CF15 8AA

And associated

Planning application 18/01208/MNR | CHANGE OF USE FROM A1 TO A3 (MICRO-PUB) at RADYR DRY CLEANERS

My Representation relates to:

Prevention of crime and disorder
x yes

Public Safety
x yes

Prevention of public nuisance
x yes

Protection of children from harm
x yes

I live in Windsor Cres and effectively 'back on' to the back of the proposed pub. I feel that if the current applications for planning and a premises license were granted, then my family would suffer from noise, nuisance, disorder and anti-social behaviour due to noise from the pub, accommodation of smokers and disturbance of customers arriving/leaving. Public safety and protection of children issues are due to traffic, parking, deliveries and other vehicle hazards.

Draft

It's a real shame, the management have not engaged with residents to listen, discuss and resolve issues in advance of their applications. I have offered ways to resolve matters. These simple and reasonable measures would help to contain the impact and enable close residents to maintain their quality of life, whilst allowing the management to run their business and myself and other potential patrons to enjoy a new facility.

It's a shame but in their absence, I have no option but to oppose the current applications.

I wish to raise the following objections on the basis of prevention of public nuisance , prevention of crime and disorder and protecting children from harm

A. The opening hours are too long and too late, in a residential area, with children.

With 'drinking up time' patrons may not leave until midnight . The amenity and good order of the area would be reduced. There will be public disorder and nuisance because the noise of taxis and cars picking up patrons late into the night . There are many children living in close proximity: their sleep will be disturbed by both the noise from the pub and those leaving by Car and on foot.

The supply of alcohol everyday, all day will subject local residents, including children to unacceptable antisocial behaviour and noise. The centre of the village is filled with school children each day. Encouraging " all day drinking" encourages social disorder, is out of keeping with the area, with the potential for damage to property and cars, when customers leave having drunk significant quantities of alcohol.

B No "supply by retail of alcohol for consumption off the premises". Selling alcohol to be consumed off the premises, late at night, in a predominately residential area will encourage disorder and public nuisance. Off sales of alcohol are already available in supermarkets.

I wish to raise the following objections on the basis of the prevention of public nuisance and the protection of children from harm

A. No activity at the outside rear of the proposed pub.

The map shows a larger area than just the building; it is not clear if it's included or the proposed use. The planning application says wheelie bins will be required.

Myself and many others live directly behind the pub. This immediate neighbourhood of Heol Isaf and Windsor Cres is well maintained, quiet and residential. The layout of tall and terrace houses amplifies noise. Any use of the outside area at the back of the pub (smoking, drinking, storing of barrels, storage of bottles and other waste) will cause noise disruption to residents, particularly children in the bedrooms behind.

Patrons and staff should be confined to the inside area. Not allowed to smoke or drink out the back; it will be particularly disruptive at night after many hours drinking, as will any noise

of bottles being tipped into wheelie bins, the noise of barrels and crates being moved etc. the smell of waste products being stored will also be unpleasant for residents.

B. Traffic and parking issues; public safety , the prevention of public nuisance, the protection of children from harm

The noise of taxis and cars picking up patrons late into the night, with beeping horns, music playing, engines revving etc is a significant concern . The sleep of Children and adults alike will be disturbed.

Station road and Windsor crescent are already chaotic with traffic, with cars parked on either side of the road making it effectively single lane, with constant traffic jams. The application has no designated parking or drop off for supplies, staff or patrons of the pub, which will aggravate the existing issues. The additional traffic and parking will present a significant problem and make the centre of Radyr even more dangerous; for example for children crossing the road. The pub is to be used as a 'meeting space' , which will further increase traffic, noise and parking problems.

I wish to raise the following objections on the basis of provision of other services not related to the sale of alcohol and refreshments due to the prevention of public nuisance and the protection of children from harm

A. Prohibition of live music.

Live music (as well as pre recorded music) poses a significant noise issue for everyone living nearby. Even with sound proofing, doors will be opened as patrons go in and out, not least to smoke on the street. In a very quiet neighbourhood noise travels. Noise from live music would adversely affect residents living in the vicinity and carry across the gardens and into children's bedrooms. Live music should not be allowed.

B. Prohibition of any screen, for showing film or tv.

As above, the showing of film or for example sports matches on a screen live pose a similar significant noise. It also encourages loud and disorderly behaviour and public nuisance.

Inaccuracies on the application

The associated planning application alleges the pub has the support of the Radyr and Morganstown association. The RMA runs the village festival and does great work for charity; it represents its members. At its most recent meeting RMA agreed the minutes of the last meeting; no discussion of the pub had taken place and they had not given any such support. Indeed at the most recent meeting of the RMA there were a number of objections to the pub.

The planning application alleges that the pub is 'surrounded on all sides by retail units. Their own map clearly shows houses all around.

The application says there are no pubs in the village. This is not true, there is the Ty Nant pub, a thriving pub. There is also social membership of the tennis club and golf clubs. Both are not for profit community organisations.

The hours of opening are different on the planning application and the license application and should be consistent .

Conclusion

It is good ethical business practice to engage with the local community. It is very unfortunate that the proposed management , have made no contact with me and declined to attend a recent public meeting at which the proposal was being discussed. Many issues could possibly have been resolved, if they had engaged with residents.

With regret therefore , I ask for this license application and planning application for current proposal be rejected on the grounds above.

Modification

A revised license/ permission with the following modifications ;

- a. All functions contained within the red line area on the plan.
- b. Prohibit the use of the outside (the black line area) area at the back of the pub by patrons and staff for e.g deliveries, smoking, drinking, storage, waste, re cycling, or any other use.
- c. Doors and windows at the back of the pub must be shut at all times.
- d. Prohibit the performance of live music and pre- recorded music.
- e. Prohibit the use of a screen showing e.g sport, film or tv.
- f. Reduce the hours of opening to 10pm , with all patrons off the premises and off local roads, by 10.30pm.
- g. All 'meetings' to end by 9pm.
- h. Require a supervisor at the door , to be responsible for the above and patrons impact, noise minimisation etc.
- i. A memorandum of understanding between the pub and immediate neighbours, which if breached would mean the license is revoked.

I suggest they are also required to agree a 'memorandum of understanding' with immediate neighbours, which if breached would mean the license is revoked. This is used elsewhere and would encourage the owners and management to engage more positively with their neighbours, to understand their impact and above all, require them to act responsibly and sensitively in the running of any venture. There should be no objection to such an agreement.

Similarly a member of staff at the front of the building, would enable the management to take responsibility for patron behaviour, entering and leaving, smokers on the pavement and ensure patrons and their associated transport do not disturb residents. It can be very subtle in approach and has been used effectively elsewhere to moderate behaviour.

The current applications should be rejected.

But these simple and reasonable measures taken together would help to contain the impact and enable close residents, including children, to maintain their quality of life, whilst allowing the management to run their business and patrons to enjoy a new pub.

Thank you

Barker, Kirstie

From: [REDACTED]
Sent: 31 May 2018 14:27
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Subject: Radyr pub support

Hi –

Please accept this email as my full support for a new pub in Radyr, Cardiff!

Thank you

***** This email is sent for and on behalf of Inspop.com Limited *****

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Barker, Kirstie

From: Kirstie Barker
Sent: 30 May 2018 19:18
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Subject: Radyr Tap

I would like to inform that I am fully supportive of the plans to open Radyr Tap in Radyr - it is just what our community needs.

Barker, Kirstie

From:

Sent:

30 May 2018 18:27

To:

Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)

Subject:

Micropub inRadyr

I would Like to express my support for the planning application for the above.

I am a Radyr resident of nearly 50years

Sent from my iPad



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CHIEF EXECUTIVE
Paul Orders
County Hall
Atlantic Wharf
Cardiff CF10 4UW
Tel: 029 20872000

City of Cardiff Council
Cyngor Dinas Caerdydd



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