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LATE REPRESENTATIONS

Committee PLANNING COMMITTEE

**Date and Time
of Meeting** WEDNESDAY, 27 JANUARY 2021, 10.30 AM

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

Late Reps 27.01.21 (*Pages 1 - 14*)

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LATE REPRESENTATIONS SCHEDULE
PLANNING COMMITTEE – 27TH JANUARY 2021

PAGE NO. 1	APPLICATION NO. 20/02632/MJR
ADDRESS	LAND TO THE NORTH WEST OF WHITCHURCH HOSPITAL, PARK ROAD, WHITCHURCH, CARDIFF
FROM:	Save the Northern Meadows Group
SUMMARY:	<p>431 named petition submitted:</p> <p>We the undersigned object to the granting of application 20/02632/MJR as:</p> <ol style="list-style-type: none"> 1. The application does not provide adequate reasoning for requesting the extension, only vague iterations regarding Covid. In reality, the Nuffield Trusts' advice requires significant changes to the Cancer Centre plans, and therefore the material conditions applied in 2018 are now unworkable, meaning the applicants are seeking more time to enact these changes. As such, the passage of time, and the changes required to make the centre workable make this application a material application; 2. The community as a third party is disadvantaged by the application and decision, as we will be required to spend more time uncertain of when building works will begin, or even what will be built on the site; 3. There has been no community consultation regarding this proposed change. The application was also submitted over the christmas period and the beginning of a new lockdown. Both events have prevented adequate opportunity for the public to scrutinise the application. Therefore, the consultation period should be extended; 4. This application does not consider the impact of the 'Building Better Places' nor Planning Policy 10, and as such does not reflect the required standards of the latest legislation. 5. We contend the material issues of 'use, area, scale, location, or magnitude of impacts' have changed as a result of the Nuffield Trusts Advice, and plans now require significant material change. <p>We request you reject permission for this application,</p>
REMARKS:	<p>The petition does not allow the objectors the right to speak at committee as there are no signatures or email addresses. This has been explained to the lead petitioner</p> <p>The points raised have been considered in paragraph 8.5-8.5.8 of the committee report</p>

PAGE NO. 17	APPLICATION NO. 20/01279/MNR
ADDRESS	LAND AT ROVER WAY, PENGAM
FROM:	The Head of Planning
SUMMARY:	<p>Amend Conditions 14 (Integrity of the MDPE Membrane), 16 (Drainage Details), 18 (Air Quality Assessment), 20 (Delivery Times), 28 (Rover Way Junction) and add Condition 37 (Industrial Floorspace Limit) to reflect the wording on the extant planning permission (ref: 17/02130/MJR) :</p> <p>Amend Condition 14 (Integrity of the MDPE Membrane) to read:</p> <p>No works below the membrane underlying the original capping layer or elsewhere below the overburden shall take place until a scheme of repairs to restore and maintain the integrity of the membrane where necessary following site investigations have been submitted to and approved in writing by the Local Planning Authority. The repairs shall be carried out in accordance with the approved details within a timescale that shall be agreed in writing with the Local Planning Authority.</p> <p>Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Local Development Plan Policy EN13 (Air, Noise, Light Pollution and Land Contamination)</p> <p>Amend Condition 16 (Drainage Details) to read:</p> <p>No development shall take place within any phase, with the exception of the removal of overburden from the site, until a drainage scheme for that phase of development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate how that part of the development will be effectively drained; the means of disposal of surface water and demonstrate how foul flows will communicate to the public sewerage system. Thereafter, the scheme shall be implemented in accordance with the approved details prior to the completion of that phase and no further surface water or land drainage shall be allowed to connect directly or indirectly with the public sewerage system.</p>

	<p>Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment in accordance with Local Development Plan Policies EN10 (Water Sensitive Design) and EN11 (Protection of Water Resources).</p> <p>Amend Condition 18 (Air Quality Assessment) to read:</p> <p>Prior to the approval of any reserved matters application for the Biomass Power Plant an Air Quality Assessment (AQA) for the detailed design of the Biomass Plant shall be submitted to and approved in writing by the Local Planning Authority. The AQA shall include an assessment of the impact of the plant emissions and any necessary mitigation measures to ensure the overall impacts of the plant are acceptable. The plant shall be constructed in accordance with the approved details and maintained thereafter.</p> <p>Reason: To ensure air quality is maintained to satisfactory level in accordance with Local Development Plan Policy EN13 (Air, Noise, Light Pollution and Land Contamination) and to avoid unacceptable harm to designated sites of nature conservation importance in accordance with Local Development Plan Policy EN5 (Designated Sites).</p> <p>Amend Condition 20 (Delivery Times):</p> <p>Deliveries shall only take place at the site between the hours of 09:00 and 17:00 Monday to Saturday and at no time on Sundays or Bank Holidays.</p> <p>Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected in accordance with Local Development Plan Policy EN13 (Air, Noise, Light Pollution and Land Contamination).</p> <p>Amend Condition 28 (Provision of Rover Way Junction) to read:</p> <p>Prior to the construction of any building, the Rover Way/Site Access priority junction hereby approved (Drawing No. 173097/SK/11 Revision A) shall be approved in writing by the overseeing highway authority and implemented to their written satisfaction.</p> <p>Reason: To facilitate safe and efficient access to and egress from the proposed development in the interests of highway and pedestrian safety in accordance with Local Development Plan Policies T5 (Managing Transport Impacts) and T6 (Impact on Transport Networks and Services).</p>
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	<p>Recommended to reflect wording of previous condition attached to extant permission.</p> <p>Add Condition 37 (Industrial Floorspace Limit)</p> <p>No more than 130,000 square feet of industrial accommodation (B8 Use Class) shall be constructed on the application site.</p> <p>Reason: The application has been assessed on the basis of this amount of floorspace.</p>
REMARKS:	Noted

PAGE NO. 17	APPLICATION NO. 20/01279/MNR
ADDRESS	LAND AT ROVER WAY, PENGAM
FROM:	Ecologist
SUMMARY:	<p>The Council's Appropriate Assessment appended to the Committee Report is amended to reflect recent changes in legislation.</p> <p>Paragraph 1.6.1 is amended from "<i>in accordance with Article 6.3 of the Habitats Directive</i>" to "<i>in accordance with Regulation 63 of the Habitats Regulations.</i>"</p> <p>There are other references to the Habitats and Birds Directives in the HRA, but one is in a quote from the Conservation Objectives for the SPA, which haven't been updated by NRW/NE as yet to accommodate the Brexit changes, so they can still be referred to. Similarly the existing EU guidance on the interpretation of the Habitats and Birds Directives can still be referred to.</p> <p>Previously amended references to the Habitats Regulations to include the phrase 'as amended' to take account of the Brexit amendment regulations, and references to 'Natura 2000', the EU network of sites that our sites are no longer part of, have also been removed.</p>
REMARKS:	Noted

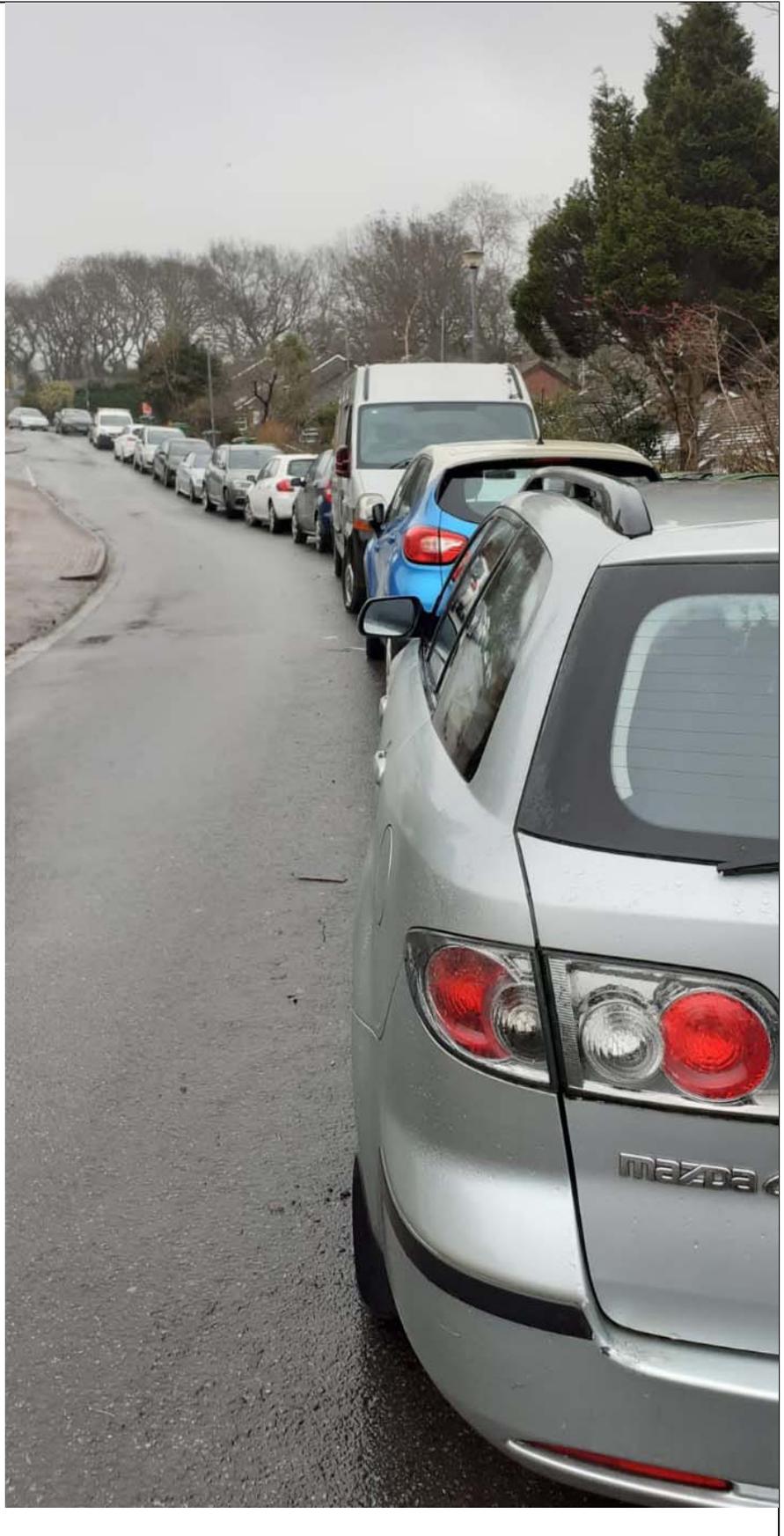
PAGE NO. 17	APPLICATION NO. 20/01279/MNR
ADDRESS	LAND AT ROVER WAY, PENGAM
FROM:	Friends of the Earth
SUMMARY:	<p>They set out further reasons why they hope this S.73 renewal application will not be approved:</p> <ol style="list-style-type: none"> 1. The developer is asking for additional time to obtain an Environmental Permit and authorisation by the Highways Authority, neither of which are required until June 2023 under the conditions of the outline planning consent. They have given no credible reason as to why they have submitted a renewal application at this stage, with almost 2.5 years left to obtain those two documents; 2. Granting the renewal application would – without good reason, in their view - give the developers until 2026 to commence development. They believe that this is not compatible with Policy EC1 of the Cardiff Local Development Plan, according to which the site should be used to generate employment. They believe that other developers are highly unlikely to propose alternative employment-generating developments while Outline Planning Permission remains in place. It is also important to recognise the fact that the current LDP is due to be replaced and this decision should be reflected by the stated ambitions in the currently published LDP review; 3. PPW10, which came into force after outline consent was approved in June 2018, includes a new ‘energy hierarchy’ principle, prioritising energy efficiency. Although the development is described as a “combined heat and power plant”, no CHP Readiness Assessment, no assessment of potential heat customers and no details of the net efficiency of the plant have ever been provided. They believe that such information is essential for assessing compliance with PPW10; and 4. PPW10 includes a stronger policy on air quality than PPW9 did. It requires public exposure to air pollutants to be reduced, as opposed to solely requiring national air quality objectives to be met. The proposed biomass plant would inevitably increase local exposure to NO₂, PM₁₀ and PM_{2.5}. They are deeply concerned that there has been no local monitoring of existing PM₁₀ and PM_{2.5} levels in the area, despite the close proximity to Celsa Steelworks and Viridor’s energy-from-waste plant in Splott.

	<p>5. We also believe that it is important to note that a precedent of planning decisions needing to take account of climate risk has been set through a range of recent planning decisions across the UK. We believe that planning decisions must take account of wider climate goals set not only by Cardiff Council but the UK Government and through COP. Failing to accommodate rapidly changing guidance without thorough assessment of the climate impact of infrastructure projects will not help us in meeting ambitious net zero goals set for 2030 by Cardiff Council.</p>
<p>REMARKS:</p>	<p>Remarks:</p> <ol style="list-style-type: none"> 1. Condition 1C attached to the outline permission granted in June 2018 requires application for the approval of the reserved matters to be made to the LPA within three years i.e. by June 2021. To date no reserved matters approvals have been submitted. The LPA understands that ongoing discussions in respect of other aspects of the development have taken longer than anticipated and have delayed the preparation of the reserved matter submissions. Regardless, the LPA has a duty to determine each application on its planning merits; 2. The proposed replacement condition 1 would require the approval of reserved matters to be sought by January 2023, effectively extending the time period by approximately 18 months. If this condition is satisfied, part D of condition 1 gives 5 years for implementation from the date of the decision (potentially longer depending on the submission of the last reserved matters approval). Noting that the application site falls outside (but adjacent to) the identified employment land on Rover Way (LDP Policy EC1.3) the development is nevertheless considered to be entirely consistent with LDP Policy EC.1 as the development, if implemented would be an employment generator. Legislation dictates that the proposals must be determined in accordance with the adopted development plan unless material considerations dictate otherwise. The LDP Review does not set new policy and is not a material planning consideration. It is purely a process to determine the form of review to be undertaken. Any subsequent Replacement LDP process would set out new policy but this process has not commenced at this juncture and cannot be considered in the determination of planning applications until the Plan is adopted.

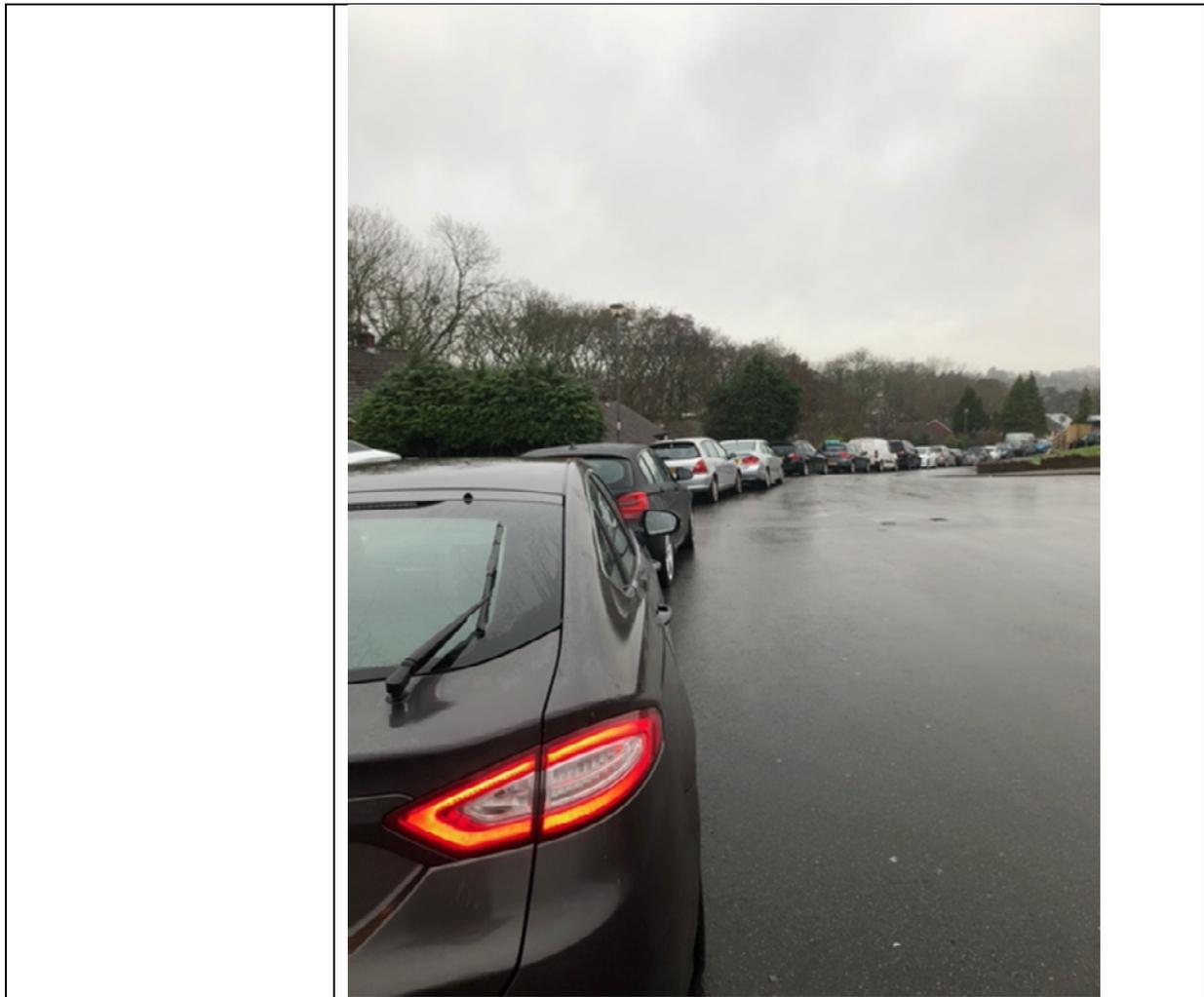
	<p>3. Condition 24 requires details of the combined heat and power arrangements, including the provision and timing of a connection to the local grid, to be submitted to and approved in writing by the LPA prior to the construction of the Biomass Plant. This is considered to be an acceptable approach that aligns with the principles set out in PPW10;</p> <p>4. See consultation responses from the Council’s Air Quality Officer (paragraph 5.9) and Natural Resources Wales (paragraphs 6.4 – 6.11).</p> <p>5. Climate Change has been considered in the processing of this application. It should be noted that the development includes 130,000 sq ft of low to zero carbon industrial floorspace in addition to the commitment to providing combined heat and power to the local grid.</p>
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PAGE NO: 91	20/00153/MNR
ADDRESS:	17-41 CLEARWATER WAY, LAKESIDE, CARDIFF
FROM:	Andy Davies Local Resident
SUMMARY:	<p>Clearwater way and existing spaces outside shops.</p> <p>As you can see car parking is already a massive problem These pictures were taken today , during lockdown with the shops and Pub closed</p> <p>Once open , traffic becomes 10 x worse !!!</p>  <p>Carnegie Drive</p>









REMARKS:	Noted
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PAGE NO. 126	APPLICATION NO. 20/01629/MJR
ADDRESS	THE PADDLE STEAMER, LOUDOUN SQUARE, BUTETOWN, CARDIFF
FROM:	Councillor Ebrahim
SUMMARY:	<p>I am writing as the elected member for the ward of Butetown in support of the above planning application for the following reasons:</p> <p>There are 2,002 applications for housing on the waiting list for the Butetown area, we are doing all we can to meet this need. Many of these families and individuals have been on the waiting list for a number years because they only want to live in Butetown.</p> <p>Over 1,400 of those families and sole applications are waiting for either one or two bedroomed accommodation.</p>

	<p>The table below provides a breakdown of the current housing waiting list for Butetown.</p> <table border="1"> <tr><td>1 Bed</td><td>856</td></tr> <tr><td>2 Bed</td><td>560</td></tr> <tr><td>3 bed</td><td>343</td></tr> <tr><td>4 Bed</td><td>149</td></tr> <tr><td>5 Bed</td><td>55</td></tr> <tr><td>6 Bed</td><td>23</td></tr> <tr><td>7 Bed</td><td>8</td></tr> <tr><td>8 Bed</td><td>6</td></tr> <tr><td>9 Bed</td><td>2</td></tr> <tr><td></td><td>2002</td></tr> </table> <p>While I fully appreciate some residents of Butetown view the Paddle Steamer as an “institution” in the local community, the proposed development will provide a range of homes in size and affordability and will support the regeneration of what is historically considered a deprived community.</p>	1 Bed	856	2 Bed	560	3 bed	343	4 Bed	149	5 Bed	55	6 Bed	23	7 Bed	8	8 Bed	6	9 Bed	2		2002
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REMARKS:	Noted																				

PAGE NO: 171	20/01459/MNR
ADDRESS	Caedeyn Park, Caedelyn Road, Rhiwbina
FROM:	Mr R Nicholls, 14 Caedelyn Road.
SUMMARY:	Petition with 91 signatures objecting to the proposed floodlights and associated training area as would have a detrimental impact on the local community.
REMARKS:	The petition is valid and the lead petitioner wishes to speak at the meeting.

PAGE NO. 188	APPLICATION NO. 19/03148/MNR
ADDRESS:	TRENEWYDD, FAIRWATER ROAD, LLANDAFF
FROM:	Llandaff Society
SUMMARY:	The amended plans will not resolve the conundrum of how 28 staff, 100 children and their parents, and delivery vehicles could access this building safely.

	<p>The delineation of vehicle and pedestrian flows and parking area on the forecourt would help if the nursery were to be drastically reduced in size but a single bay drop-off and collection point on Ynys y Coed is unworkable.</p> <p>The revised Llandaff Conservation Area boundary now includes Trenewydd, - even more weight applies to the Conservation Area Appraisal's recognition of the special quality of this part of Llandaff.</p> <p>The changes proposed have not changed the Society's view that this application should be refused.</p>
REMARKS:	<p>The number of children has been reduced to 60 (a 40% reduction) with a commensurate reduction in the number of staff. Delivery vehicles will be prohibited from loading/unloading on Ynys Y Coed via a TRO. The lawful use of the building is offices, which would also attract staff and delivery vehicles. The additional weight afforded by conservation area status counts in favour of a scheme which preserves the building. (These issues are addressed in the committee report).</p>