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## LATE REPRESENTATIONS

**Committee** PLANNING COMMITTEE

**Date and Time  
of Meeting** WEDNESDAY, 28 JULY 2021, 1.30 PM

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

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**LATE REPRESENTATIONS SCHEDULE**  
**PLANNING COMMITTEE – 28<sup>th</sup> JULY 2021**

<b>PAGE NOS. 10 &amp; 59</b>	<b>APPLICATION NO. 21/00235/MJR &amp; 21/00236/MJR</b>
<b>ADDRESS:</b>	<b>LAND EITHER SIDE OF RADYR TO PONTYPRIDD RAILWAY LINE AT GELYNIS FARM, TY-NANT ROAD, MORGANSTOWN, CARDIFF</b>
<b>FROM:</b>	Glamorgan Gwent Archaeological Trust
<b>SUMMARY:</b>	<p>The proposed works will require archaeological mitigation. Submitted with the application is a Written Scheme of Investigation (WSI) prepared by RSK ADAS Ltd which highlights the potential to encounter buried archaeological remains associated medieval phases of the Grade II* Gelynis and the partial loss of elements of the remains of a late 19th century cottage on the site. The WSI (RSK ADAS Ltd Report no. ART69105-602) details a methodology for the recording of all archaeological remains that survive in the application area, in order to mitigate potential damage/destruction during the course of the development. Specifically the WSI documents a programme of building recording and watching brief. The document meets current professional standards and presents both a coherent and appropriate mitigation strategy. To ensure adherence to the stated mitigation strategy they recommend that a condition should be attached to any consent granted.</p>
<b>REMARKS:</b>	<p>Add the following as condition 17 to 21/00235/MJR:</p> <p>The development hereby approved shall be carried out in accordance with the requirements and standards of the "Written Scheme of Investigation for Programme of Archaeological Works at Gelynis Farm" (RSK ADAS Ltd Report no. ART69105-602, dated January 2021). Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource in accordance with Local Development Plan Policies KP17 (Built Heritage) and EN9 (Conservation of the Historic Environment).</p> <p>Addition the same wording as condition 6 to 21/00236/MJR</p>

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<b>FROM:</b>	Angela Jermyn
<b>SUMMARY:</b>	<ul style="list-style-type: none"> <li>(i) Expresses dismay that both the Council and TfW have disregarded the views of residents and the users of the PROW. Both are public bodies and are supposed to be there to serve;</li> <li>(ii) The report and recommendation are the results of a desktop exercise with off the cuff assumptions about impacts e.g. the decimation of wildlife and wheelchair inaccessibility;</li> <li>(iii) It is important that Councillors can visualise how poor and unnecessary the bridge is. She requests a site visit be undertaken before the application is determined to understand full the gradients involved (existing hill and proposed bridge);</li> <li>(iv) A better option has not been considered in the applicant's options appraisal;</li> <li>(v) A series of images has been included to show how the new bridge will join the existing PROW at 90 degrees. There is already an existing blind bend on the lane. The junction is in close proximity to the footpath from the lane to Mound Field which is dangerous for pedestrians.</li> </ul>
<b>REMARKS:</b>	<ul style="list-style-type: none"> <li>(i) The report summarises all representations received on the application. All representations have been considered;</li> <li>(ii) The case officer has made two site visits during the processing of the application and was familiar with the site and its characteristics before the application was submitted. In addition to summarising third party representations, Section 6 of the report summarises consultation responses received; from Council Service Areas and external organisations who were required to be consulted. The views of the Council's Ecologist and Natural Resources Wales, and the Council's Transportation Officer, have informed the consideration of the ecological and transportation issues respectively.</li> <li>(iii) The request for a site visit is noted. See paragraphs 5.1 (vi)-(vii) and 8.25 regarding gradients;</li> </ul>

	<p>(iv) The applicant considered 3 options prior to the submission of the application. This application must be determined on its own planning merits;</p> <p>(v) See paragraph 5.1 for the consultation response from the Operational Manager, Transportation.</p>
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<b>FROM:</b>	Sara Butlin, Primrose Cottage
<b>SUMMARY:</b>	<p>(i) Expresses dismay that Council Officers have summarily dismissed and disregarded every one of the objections and concerns expressed;</p> <p>(ii) Contests the diversion of power cables constitutes essential, enabling works which will cause additional environmental destruction and disruption with noise and works traffic. Furthermore, these essential works potentially extend the scope and land-take of the planning proposal beyond the 1-hectare parameter;</p> <p>(iii) Hours of work are stipulated to be 0800-1800 Monday to Friday and 0800-1300 Saturday. Questions how this can be viewed in isolation and considered acceptable alongside the planned night-time works on the railway network and associated traffic management. These impacts would be unacceptable for residents;</p> <p>(iv) Queries who gives consent for piling operations and whether the community are consulted;</p> <p>(v) Report is unclear about traffic management. No construction traffic should use the existing lane. All construction traffic, including worker's vehicles, should use the proposed haul road;</p> <p>(vi) Who will own the asset and be responsible for its maintenance, health and safety, and sustainable environment, the existing dwellings or TfW?</p> <p>(vii) Road is unsafe with a 20mph speed limit. Current Welsh Water/Morgan Sindell construction traffic operates a 5mph limit;</p> <p>(viii) Anti-social behaviour cannot be evidenced as the bridge has not been built however she refers to ongoing complaints concerning anti-social behaviour in the Mound Field and fly tipping on dark lanes in the local area;</p>

	<p>(ix) Report contravenes the Equality Act, LDP Policies, and the requirement to give 8 months' notice prior to diverting a Public Right of Way;</p> <p>(x) She urges Committee to defer their decision to carry out a site visit to see the impact of this unwelcome proposal.</p>
<b>REMARKS:</b>	<p>(i) All representations have been considered in the processing of this application. Conditions have been attached to the recommendation to grant planning permission to further manage the implementation of the development, minimise impacts, and provide enhancements where appropriate and necessary. Where relevant the representations received have contributed to the drafting of these conditions;</p> <p>(ii) Refer to paragraph 8.43 (viii) regarding the removal of the power lines. Refer to paragraph 8.43 (v) regarding the 'major development' claim;</p> <p>(iii) The permitted hours of construction are enforced under Environmental Health legislation. The application confirms the need for night-time working for a 2-3 night period to enable the overbridge to be erected and fixed. The applicant would obtain the necessary approval from Shared Regulatory Services.</p> <p>(iv) Recommendation 2 (Construction Hours Advisory Notice) refers to the need for the applicant to seek approval for any piling operations. This is a standard advisory notice that is commonly used to remind applicants. The abutment walls for the overbridge construction would be constructed on a pad foundation: "The first stage of the overbridge construction would involve the construction of the foundations for the bridge abutment walls, including wing walls. This would require soils to be excavated to founding level and reinforced concrete spread footings to be cast, forming the pad foundations." (Planning Statement, 3.2.32).</p> <p>(v) Refer to paragraph 5.1(ix) – (xii) and Condition 3 (Construction Environmental Management Plan);</p> <p>(vi) Transport for Wales will own and maintain the asset;</p> <p>(vii) The Operational Manager, Transportation, advises: The access road is private and as such the Council cannot impose or enforce a speed limit. In general terms a landowner has a duty of care to those on his land. The current road layout consists of two broadly straight sections, one running from the bottom of the incline connecting Ty Nant Road to the level crossing and the second running from the level crossing past</p>

	<p>the farm house building. These two broadly straight sections measure circa 150m and 110m in length respectively and contain no speed reducing features. Following construction of the bridge the road will be made up of a series of shorter sections of circa 40m to 60m in length, plus one roughly 100m section east of the bridge, connected by four broadly right angle corners. The likelihood is that these much shorter sections of road, connected by 90deg corners, will actually have the opposite effect to that claimed and be less susceptible to speeding than the current layout; primarily as motorists will have less distance in which to accelerate before needing to slow for a corner, assuming they even accelerate to a speed where slowing is required. The new section of access road measures at 5m or more throughout its length providing a consistent width with sufficient space for a vehicle to pass a pedestrian whereas the existing road generally scales between 3.5m and 4.5m wide along much of its length, a width where vehicle/pedestrian conflict is more likely. There is also no evidence to suggest that the construction of the bridge will lead to an increase vehicle in traffic, antisocial or otherwise. With reference to WG/Morgan Sindall construction traffic; it is common practice for developers and contractors etc. to impose speed limits on working construction sites and that is a matter for them in the same way as it is for land owners. He is not persuaded that the proposed road layout is intrinsically less safe than the existing and in fact in many ways it may be considered a safer layout, not least of all because it removes the inherently unsafe level crossing.</p> <p>(viii) It is not considered that the proposed development in itself will lead to an increase in anti-social behaviour;</p> <p>(ix) Paragraph 8.45 confirms that the requirements of the Equalities Act have been considered in the processing of this application. Relevant LDP Policies are listed in Section 4 and summarised and referred to throughout the report's analysis (Section 8). In paragraph 5.13 the PROW Officer confirms the whole diversion order process usually takes approximately 8 months to complete. The Public Right of Way will require a Section 257 Town and Country Planning Act 1990 diversion application to divert the footpath onto the new route. This legal order process requires a valid planning permission.</p> <p>(x) Noted.</p>
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