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## LATE REPRESENTATIONS

**Committee** PLANNING COMMITTEE

**Date and Time of Meeting** WEDNESDAY, 14 DECEMBER 2016, 2.30 PM

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

**Late Representations** (*Pages 1 - 12*)

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**LATE REPRESENTATIONS SCHEDULE**  
**PLANNING COMMITTEE – 14<sup>TH</sup> DECEMBER 2016**

<b>PAGE NO.</b>	<b>APPLICATION NO. 16/00106/MJR</b>
<b>ADDRESS</b>	<b>GOITRE FACH FARM, LLANTRISANT ROAD, ST FAGANS, CARDIFF</b>
<b>FROM:</b>	Cllr Neil Mc Evoy – AM South Wales Central
<b>SUMMARY:</b>	<p>Cllr Neil Mc Evoy – AM South Wales Central objects to the application on the following grounds:</p> <p><i>Planning permission sought on application 16/00106/MJR must be immediately refused on the grounds that it is not supported by the necessary European Protected Species or Derogation Licence.</i></p> <p><i>If this committee was to grant permission of said development without the requisite licence, it would subsequently be in breach and wholly answerable to both international and domestic law.</i></p> <p><i>Supporting document – ‘VOL 2 - FIGURE 5.3 SURVEY RESULTS_081215_AH_RR’ identifies 2 trees with confirmed bat roosts, 1 with cat 1* high roosting potential, 7 with cat 1 moderate roosting potential, 2 with cat 2 low roosting potential, a tree containing a confirmed barn owl nest and a further 11 trees that have not currently been surveyed due health &amp; safety and access issues.</i></p> <p><i>Even more concerning than this however is the fact that one of the buildings scheduled to be demolished in this application actually has a confirmed Soprano Pipistrelle roost on site.</i></p> <p><i>To proceed in knowledge of these facts would be nothing short of negligent.</i></p> <p><i>I would advise this committee to think of its obligations under the Conservation of Habitats and Species Regulations (2010), and remind you that granting permission for the destruction of a known bat roost without prior permission via a derogation or European protected species licence is a criminal offence, and to do so you will expose this Council to the extensive legal proceedings that I am advised will most certainly follow.</i></p>
<b>REMARKS:</b>	<ol style="list-style-type: none"> <li>1. NRW have advised that granting planning permission for the application / works to a bat roost without prior permission via a European Protected Species (EPS) licence would NOT be a criminal offence or a breach of international or domestic law, as alleged.</li> <li>2. NRW have confirmed that planning permission would need to be obtained prior to an EPS license being</li> </ol>

	<p>granted and that the Applicant must seek an EPS licence from NRW <u>before any works on site commence</u> that may impact upon European Protected Species.</p> <p>3. By way of further clarification, NRW advise that ‘the EPS licensing stage comes after planning stage to avoid the situation where mitigation requirements may require planning consent (ie the planning situation is all resolved prior to the EPSL stage). It would be the action of proceeding without an EPSL for proposed works required to have one which would be a criminal offence’.</p> <p>4. The granting of planning permission does not negate the need to obtain a licence.</p> <p>5. The impact of the development on European Protected Species, the derogation tests and the need for an EPS licence have been considered in the assessment of the application.</p> <p>6. By way of context, Planning Policy Wales (Edition 9, November 2016) provides the following advice in respect of European Protected Species derogation licences:  <i>‘Developments are always subject to the legislation covering European protected species regardless of whether or not they are within a designated site. New developments for which development works would contravene the protection afforded to European protected species require derogations from the provisions of the Habitats Directive. A derogation may only be authorised if there is no satisfactory alternative and if the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. The development works to be authorised must be for the purposes of preserving ‘public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment’.</i> Derogations are granted by a licence issued by Natural Resources Wales.  <i>Local planning authorities are under a duty to have regard to the requirements of the Habitats Directive in exercising their functions. To avoid developments with planning permission subsequently not being granted derogations in relation to European protected species, planning authorities should take the above three requirements for derogation into account when considering development proposals where a European protected species is present ’ (para 5.5.12).</i></p> <p>7. Paragraph 8.14 of the Planning Committee report sets</p>
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	<p>out the ecological sensitivities of the application site and specifically refers to the presence of bats (noting that foraging bats with non-breeding roosts were confirmed within one of the farm buildings and two trees), foraging and nesting birds (noting the presence of a tree with a potential Barn Owl roost), Great Crested Newts (GCN) (noting that a single GCN was recorded within the site), and also notes the sensitivity of the woodland edge, a copse, trees and hedgerows on the site. Para 6.13ii also notes that some trees identified as having moderate potential to support roosting bats would be lost.</p> <p>8. Figure 5.3, referred to, formed part of the initial submission and paragraph 1.21 of the committee report notes that the subsequently amended scheme was informed by a further tree assessment in respect of roosting bats and a further assessments of trees to be retained, removed and newly planted, amongst other assessments.</p> <p>9. The Council's Ecologist advised that the LPA should seek the view of Natural Resources Wales (NRW) as to whether they would be likely to grant a licence for works to the building with the soprano bat roost (para 5.13vi) and in respect of construction works in GCN terrestrial habitat (para 5.13vii). In response, NRW advised that if they considered there might be issues with being able to issue an EPS licence, they would have objected to the application (see para 6.13iv).</p> <p>10. Neither NRW nor the Council's Ecologist have objected to the application.</p> <p>11. NRW have provided advice in respect of the need for an EPS licence, and this is captured in advisory notices to the Developer under RECOMMENDATIONS 6 and 7.</p> <p>12. Furthermore, the recommended conditions have been agreed with NRW and include the requirement for a Green Infrastructure Management Strategy (condition 16) and Demolition Management Plan (condition 28) to be submitted and approved by the LPA, both of which will be subject to consultation with NRW and which will require measures for the protection of European and other protected species. A condition is also recommended to protect nesting birds (condition 35).</p>
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<b>PAGE NO. 1</b>	<b>APPLICATION NO. 16/00106/MJR</b>
<b>ADDRESS</b>	<b>GOITRE FACH FARM, LLANTRISANT ROAD, ST FAGANS, CARDIFF</b>
<b>FROM:</b>	Cllr Lisa Ford
<b>SUMMARY:</b>	<p>Objects to the application on the following grounds (reported verbatim).</p> <ol style="list-style-type: none"> <li>1) <i>'Further Residential development along Llantrisant Road are not supported by any improvements on the transport network. The A4119 is already heavy congested going Cardiff various points including at Radyr and Llandaff. This is a single lane road and cannot support any more traffic. Also other corridors North West of Cardiff suffer from similar problems. The fact that other planning applications are already in process which are much larger than this one. Also at other areas of the same road there is no sound transport plan for the NW Cardiff.</i></li> <li>2) <i>Surrounding schools won't be able to cope.</i></li> <li>3) <i>Are the number of applications considered when activating trigger points for key infrastructure such as Dentist, Doctors, Schools, Libraries, and Community Centres. Plasdwr needs to be phased with infrastructure triggers. Also this separate development must be included in those triggers or no supporting infrastructure will be available. There is a need for access to be dealt with.</i></li> <li>4) <i>There are several objections received in response to the initial public consultation to various parties. Residents from Bishop Hannon Drive, Firs Avenue, Ashdene Close, St Fagans Drive, Llantrisant Road, Nant Y Ffynnon, Penrhos, Danescourt Community Association and Pentyrch Community Council, Marshfield Community Council, St Fagans Community Council. The objections raised have been taken into consideration and summarised as follow</i> <ol style="list-style-type: none"> <li>1) <i>Lack of infrastructure, no bus routes directly linking to the developments with neighbouring facilities.</i></li> <li>2) <i>Making the 50/50 model split impossible to achieve.</i></li> <li>3) <i>The application is premature in that it is isolated greenfield site.</i></li> <li>4) <i>Transport facilities are inadequate in that the application adding to existing congestion on Llantrisant Road through Llandaff to the city centre. This is a health concern due to the extra</i></li> </ol> </li> </ol>

	<p><i>levels of pollution on the roads.</i></p> <p>5) <i>Concern that the progress of development will be allowed to be driven by the developer instead of robustly applying S106/CIL notices to include the necessary infrastructure and facilities from the start.</i></p> <p>6) <i>Also the proposal is dependent on the delivery of infrastructure that forms the remainder of Plasdwr which is the subject of application 14/02733/MJR. The application is wholly unsustainable and contrary to the LDP in the absence of the development of Plasdwr and cannot be granted in advance of Plasdwr.</i></p> <p>7) <i>Goirte Fach Farm is isolated and essentially development in open countryside and cannot be compared with the other early phases of Plasdwr 14/02157/MJR and 14/02188/MJR. Despite concerns raised by the examination of the lack of phasing and strategic transportation planning underpinning the LDP objectors were advised the development management and monitoring Systems would not deal with the issues the Council should demonstrate this by refusing the application.</i></p> <p>8) <i>There are issues with the greenfield sites that are being used when there are brownfield sites nearby also the impact on the woodlands the biodiversity and protected areas there are also issues with bat activity investigation to identify the different species.</i></p> <p>9) <i>Achieve wellbeing of future generation (Wales) Act 2016 including those relating to a biodiverse natural environment.</i></p> <p>10) <i>There will be issues with flooding in different areas such as St Fagans, Radyr and Peterson –Super-Ely.</i></p> <p>11) <i>Drainage issues and the discovery of sink holes on land close the site in Radyr. This could cause issues with the land for development and future foundation issues.</i></p> <p>12) <i>Highways and Transportation Infrastructure The operation manager has concluded that overall the proposals and package of mitigation measures are sufficient for the proposal to come forward in advance of the wider site.</i></p> <p><i>I wish to speak on this application’.</i></p>
<b>REMARKS:</b>	The objections raised are addressed in the report to Planning Committee.



<b>PAGE NO. 98</b>	<b>APPLICATION NO. 16/01739/MJR</b>
	<b>Centre for Student Life</b>
<b>FROM:</b>	Network Rail
<b>SUMMARY:</b>	<p>Reconfirm their objection to the scheme</p> <p>Express concern with the Planning Officer's view that Network Rail's request for a Section 106 Agreement, to be used towards undertaking rail user improvements to Cathays Station, "<i>exceeds any likely impact of the development on rail services</i>" (para 8.102 of the Committee Report).</p> <p>The proposed University development is promoting itself as the 'welcome point' to the University with a significant range of new services and facilities including a 550 seat auditorium, catering and retail outlets, and extensive range of events which will be available to non-University users.</p> <p>Network Rail once again reiterates that this development will increase the attractiveness of travelling by rail to Cathays Station and therefore increase usage of Cathays Station by University students and staff and those using those facilities which are being promoted to external groups, e.g. for conference facilities. Furthermore, the proposed Travel Plan encourages the use of public transport, recognising that Cathays Station lies adjacent to the site.</p> <p>The sum identified within our consultation responses of £155,000 to be used towards enhancing rail customer facilities at Cathays Station, to include the delivery of 2 no. new 6-bay waiting shelters on the two platforms, provide a shelter / canopy to the existing cycle stands, introduce a modern help point on the station platform, and enable new signage and customer information facilities to be provided at the station to assist wayfinding and orientation from Park Place to Cathays Station is considered to satisfy the tests for requesting a financial contribution from the developer, namely:</p> <ul style="list-style-type: none"> <li>- Necessary to make the development acceptable in planning terms;</li> <li>- Directly related to the development; and</li> <li>- Fairly and reasonably related in scale and kind to the development.</li> </ul>
<b>REMARKS:</b>	The comments are noted, However the Planning Officer

	<p>does not concur.</p> <p>Improvements to the legibility of the station approach from Park Place will be improved by the scheme of public realm enhancements sought to support the development, the detail of which will be subject to further negotiation via a section 106 agreement with the Council. The works would not in themselves affect Network Rail land.</p> <p>The provision of platform shelters, canopy and cycle stand covers at the station is considered within the normal business of Network Rail. They may be desirable, but it is not considered reasonable for the University to fund them through the planning process. Similarly, the relative visual obscurity of the station is not resultant of the development, and although wayfinding signage may be a component of the public realm enhancements, Station Signage and Passenger information facilities are considered outside of the scope of what is considered reasonable and proportionate or necessary to make the development acceptable.</p>
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<b>PAGE NO. 113</b>	<b>APPLICATION NO. 16/1209/MJR</b>
<b>ADDRESS:</b>	<b>LLANISHEN HIGH SCHOOL, HEOL HIR, LLANISHEN, CARDIFF, CF14 5YL</b>
<b>FROM:</b>	Agent
<b>SUMMARY:</b>	Paragraph 7.3 refers to a petition of 238 no. signatures . Requests clarification that this is a combination of the numbers who signed both petitions – 176 for the first and 62 for the second after the scheme had been amended.
<b>REMARKS:</b>	This is correct. Two petitions, with 176 no. and 62 no. signatures respectively, submitted by the same individual have been received.

<b>PAGE NO. 142</b>	<b>APPLICATION NO. 16/01739/MJR</b>
<b>ADDRESS:</b>	<b>Centre for Student Life</b>
<b>FROM:</b>	Agent
<b>SUMMARY:</b>	Requests that Condition 30 be amended to allow works of demolition and tree felling ahead of the approval of Highway detailing.

<b>REMARKS:</b>	<p>Action</p> <p>Notwithstanding the submitted plans, no part of the development hereby permitted shall be commenced [excluding demolitions, tree felling and laying of foundations] until a scheme of environmental improvements to the highway and footway on Park Place adjacent to the site, and programme for its implementation, has been submitted to and approved in writing by the LPA. The scheme shall include, but not be limited to, the widening of the footways and provision of new and improvements to existing site accesses and controlled crossings, and the reconstruction/resurfacing of the remaining footways and narrowed carriageway, including as required the renewal of kerbs, channels and edging, lining and signing, drainage, lighting and street furniture. The agreed scheme to be implemented to the satisfaction of the LPA prior to beneficial occupation of the site.</p> <p>Reason: To ensure the reinstatement of the adjacent public highway in the interests of highway and pedestrian safety and to facilitate access to the proposed development.</p>
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<b>PAGE NO. 274</b>	<b>APPLICATION NO. 16/2289/DCH</b>
<b>ADDRESS:</b>	<b>11 HENLLYS ROAD, CYNCOED, CARDIFF, CF23 6NL</b>
<b>FROM:</b>	Mr & Mrs A Knowles
<b>SUMMARY:</b>	<p>We write with regard to our application for planning permission on our residential home, 11 Henllys Road, Cyncoed, Cardiff, CF23 6NL (<b>reference: 16/02289/DCH</b>). In consideration of our application, we ask that the following points are taken into account:</p> <ul style="list-style-type: none"> <li>• Having been brought up in Cyncoed and attending Cardiff High School, it has long been our aim to move back to the area and grow our family. We searched for a home within the Cyncoed area for over two years but lost out on a number of properties due to high competition and higher bids (particularly due to the demand for the local schools). Ideally, we hoped to find a property that didn't require substantial building work or renovations. However, having searched the market for so long without success, 11 Henllys Road became available to us following the bereavement of a family friend's father. Whilst the house needed substantial renovations we decided that if we were going to achieve our desired final</li> </ul>

	<p>home we would need to do it ourselves. We therefore completed on 11 Henllys Road in early September 2016.</p> <ul style="list-style-type: none"><li>• Our decision to buy 11 Henllys Road was with the intention that it would need to be extended. We intend to live in the property for the next 20+ years and grow our family in it. At present, the property does not reflect the design of a modern family home when compared with other properties in the area. It consists of a very small separate galley kitchen, a small bathroom, and a single third bedroom. In consideration of the purchase price and the area, we wanted to achieve a 4-bedroom home, with a spacious family kitchen/diner and family bathroom. We also require a space for a home office and storage for work appliances (which cannot be left in the garage).</li><li>• With the above in mind, before purchasing the property we carried out extensive research on other properties in the area to assess what might be considered reasonable by the Council's planning department and what some of our neighbours had done to ensure we remained "in-keeping" with other properties on our road.</li><li>• We attended the property with our appointed architect, a builder, a surveyor and a manager of a local estate agent, to grasp a better understanding of how we could sympathetically renovate and modify the property whilst minimizing the potential impact to our neighbours (particularly No. 13 Henllys Road ("No. 13")). We also attended the property on several occasions at different times of the day to understand how the sun travels around the back of the houses and the impact any extension could have on our, and our neighbour's, property. Having undertaken this research, we established the following:<ul style="list-style-type: none"><li>• A number of houses on our road have undertaken extensions of similar mass and scope to our proposal (some of which have been approved by Cardiff Council, whilst others have fallen within the scope of "permitted developments" at the relevant time). In particular, we note that No.15 Henllys Road has been extended on the ground floor and first floor all the way across the back of the property by at least 3 meters from the original back wall. Based on</li></ul></li></ul>
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	<p>what other properties had done in our area, particularly our road, we considered our proposal to fall within the remit of “acceptable”.</p> <ul style="list-style-type: none"><li>• Our initial proposal was not significantly different to a “permitted development” under the Council’s planning rules – namely, the only difference related to the first-floor proposal. Our proposal to the ground floor remains within a “permitted development” scheme.</li><li>• Having assessed the potential impact our proposed extension could have on No.13 in comparison to a permitted development extension, the difference is extremely limited. Most notably, the only difference relates to the first-floor extension.</li><li>• We did not make our application for an extension lightly or with disregard for our neighbours. We genuinely sought to understand what might be acceptable based on our neighbouring properties, professional experiences, and the potential impact on our neighbours.</li><li>• As soon as we became aware of No.13’s objections to our initial proposal we immediately engaged with the Council’s Planning Case Officer, Owen Rees, and our architect, David Willicombe, to scale back our extension. At the time, we understood that No.13’s main objection related to the first storey extension being so close to the boundary of her property and the potential impact this may have on her outlook and light. As such, on the advice of Owen and David, we brought the side of the first storey extension in from the boundary by 2 meters (which also reflects what is allowed as a permitted development). We also lowered the extension roof to be subservient to the current roof design, we changed the extension roof to a hip-end rather than a gable-end to reduce the impact this may have on No.13. We spent a long time assessing the first-floor extension and whether it could be reconfigured further to allow us to come in more than 2 meters from the boundary wall, or less than 4 meters from the back wall. However, having sought further professional advice on both costs and design, and balancing those factors alongside what could potentially be gained for No.13 and what we wanted to achieve, we concluded that our revised plans represented a fair compromise. In addition,</li></ul>
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	<p>having explained our thought process and rational to the Council's Planning Department we were informed that our revised plans would be acceptable in principle (albeit, subject to committee approval if our proposal was challenged by local members). On that basis, we submitted the proposed plans that are currently under your consideration.</p> <ul style="list-style-type: none"> <li>• We appreciate that No.13 continues to object to our revised plans and we respect that is her right. However, we want to reassure you that we have tried to engage with our neighbour (without success) and have sought to adapt our plans as much as possible to reduce the potential impact on her property. At no time has our neighbour sought to discuss her concerns regarding these revised plans with us.</li> </ul> <p>We hope that this letter gives you some reassurance about genuine intentions and the consideration that we gave to our proposed plans. We really wish to stress that our application has not been made with disregard or bad-intent against No.13. We simply wish to create a long-term family home that reflects modern standards of living and neighbouring properties in our area.</p>
<b>REMARKS:</b>	Noted