

LATE REPRESENTATIONS SCHEDULE
PLANNING COMMITTEE – 15TH MARCH 2017

PAGE NO. 14	APPLICATION NO. 16/2256/MJR
ADDRESS:	CARDIFF ENERGY RECOVERY FACILITY, TRIDENT INDUSTRIAL PARK, GLASS AVENUE, SPLOTT
FROM:	Natural Resources Wales
SUMMARY:	The additional information submitted comprises a letter from SLR dated 14 February 2017 entitled 'Further Screening of Potential Significant In-Combination Effects of Increased Emissions to Air from Trident Park ERF (1602256/MJR) on the Severn Estuary SAC/SPA' Ref 402.00036.00741 (LPA ref: 16/002256/MJR). Previously they advised that they consider the contribution to aerial pollutants assessed due to the proposal to be not significant to the interest features of the designated sites within the relevant screening distance. Having regard to the additional information submitted, this advice still stands.
REMARKS:	Noted

PAGE NO. 14	APPLICATION NO. 16/2256/MJR
ADDRESS:	CARDIFF ENERGY RECOVERY FACILITY, TRIDENT INDUSTRIAL PARK, GLASS AVENUE, SPLOTT
FROM:	Applicant
SUMMARY:	Submits copy correspondence which confirms that Natural Resources Wales have issued their permit variation application to allow the throughput of waste to be increased to 425,000 tonnes per annum (Permit Reference: EPR/LP3030XA). NRW's covering letter states "Our determination of your application to vary your permit is complete. We're satisfied that you can continue to carry out your activities in accordance with the variation, without harm to the environment or human health."
REMARKS:	Noted

PAGE NO. 14	APPLICATION NO. 16/2256/MJR
ADDRESS:	CARDIFF ENERGY RECOVERY FACILITY, TRIDENT INDUSTRIAL PARK, GLASS AVENUE, SPLOTT
FROM:	William Guy, 91 Adventurer's Quay
SUMMARY:	<p>(i) CATI in their objection questioned the present day relevance of the wind assessment provided in the Environmental Statement to support the original approved VIRIDOR application (10/00149/E). This was based on wind data obtained from Rhoose. Being aware of the publicly available data from the Cardiff Harbour Authority weather station we have conducted a wind analysis of a sample of the data to examine the veracity of their statement. The Cardiff Harbour Authority weather station automatically collects the data every 15 minutes, 24 hours a day and 365 days a year. The weather station is located on the Cardiff Barrage some 3.2 kilometres from the VIRIDOR plant whereas Rhoose Airport is some 15 kilometres away.</p> <p>(ii) There is a vast historical data source of which we have analysed only a small sample. Our analysis has focused on some 3,500 recordings taken between 23 January, 2017 and 28 February, 2017. For this data set we have produced an overall assessment of wind direction and subsequently analysed the impact of the wind on four target locations around the plant, namely: the City Centre, the Severn Estuary salt marshes, some 600 metres away, the Adventurers Quay residential area and the Mount Stuart Primary School.</p> <p>(iii) The overall analysis of the actual wind direction has been broken down by four compass quadrants as the wind is always blowing in Cardiff. This shows for our sample period that the wind is blowing northerly 13% of the time easterly 21% towards the Severn Estuary SPA/SAC 31% of the time towards Adventurers Quay and Mount Stuart School Westerly 35% of the time over the City Centre Looking in more detail at each of the target locations the number of occasions when there could have been a potential danger of wind borne pollution were: City Centre –159 occurrences Severn Estuary SPA/SAC – 77 occurrences Adventurers Quay – 243 occurrences Mount Stuart Primary School – 134 occurrences</p> <p>(iv) We must stress that these represent only possible</p>

	<p>levels of danger if pollution emissions were generated at the VIRIDOR plant. We have not, at this point in time, been able to obtain any pollution data in respect of the Trident Park plant. This does not appear to be readily available from either VIRIDOR or the Public Health Authorities.</p> <p>(v) We also have a number of video recordings for days when there have been significant emissions from the VIRIDOR tower. For the period of our analysis can confirm that on at least one occasion (15 February, 2009) the wind was blowing in the direction of the Mount Stuart Primary School. We realise that this is only a rudimentary analysis but consider that the risks involved warrant a more detailed examination of the available data by Public Health experts</p>
REMARKS:	The applications have been assessed by the Council's Air Pollution Officer, Public Health Wales and Natural Resources Wales, none of whom object to the applications or considered that further assessment was necessary. It should be noted that Natural Resources Wales have recently approved the application to vary the Environmental Permit (see late reps).

PAGE NOS. 14 & 44	APPLICATION NOS. 16/2256/MJR & 16/2384/MJR
ADDRESS:	CARDIFF ENERGY RECOVERY FACILITY, TRIDENT INDUSTRIAL PARK, GLASS AVENUE, SPLOTT
FROM:	Councillor Ed Stubbs
SUMMARY:	Objects to both Viridor applications
REMARKS:	Noted

PAGE NOS. 14 & 44	APPLICATION NOS. 16/2256/MJR & 16/2384/MJR
ADDRESS:	CARDIFF ENERGY RECOVERY FACILITY, TRIDENT INDUSTRIAL PARK, GLASS AVENUE, SPLOTT
FROM:	Vaughan Gething AM
SUMMARY:	His constituents are concerned about the impact upon their health of the emissions generated. He understands that they have contacted the Local Planning Authority direct regarding

	<p>the available data and the likely health impact. His constituents are also extremely concerned about the impact of seventeen additional lorries accessing the site through Splott every day, with the plant continuing to operate all year round.</p> <p>He would like the committee to take into account the following issues which have been raised by his constituents at Adventurers Quay:</p> <ul style="list-style-type: none"> (i) Plume - the plumes are visible at various times in the day and night. In addition his constituents report a marked increase in the smell generated by emissions at night. (ii) Wind analysis - his constituents wish to have an updated analysis as to the prevailing and changing wind direction and speed affects air quality for residents schools and business. (iii) Environmental Permit - his constituents do not believe the permit decision has been based on up to date analysis of the emissions and their likely health impact. <p>His constituents have voiced their concerns to him regarding the composition of this liaison group and the issuing of invitations to attend this group. He is aware that a community liaison group is an obligation in the S106 agreement attached to the original permission (ref 10/00149/E) If nothing else his constituents wish to be engaged with the liaison group as nearby residents. He is writing directly to Viridor on this point in addition.</p>
<p>REMARKS:</p>	<p>Matters relating to air pollution and human health impact are already covered in the report. An obligation within the Section 106 Agreement would remain in force to ensure that the additional vehicle movements will continue to avoid residential areas. Natural Resources Wales and the Council's Pollution Control Office are satisfied that the impacts of the development would not have an significant effects on the environment and they do not object to the development. The issuing of the Environmental Permit is a matter for natural Resources Wales. The Liaison Group has been meeting quarterly since the original permission was issued in 2010. The applicant can provide further details on meeting dates and venues. Interested third parties are regularly in attendance and contribute to the discussions.</p>

PAGE NOS. 14 & 44	APPLICATION NOS. 16/2256/MJR & 16/2384/MJR
ADDRESS:	CARDIFF ENERGY RECOVERY FACILITY, TRIDENT INDUSTRIAL PARK, GLASS AVENUE, SPLOTT
FROM:	William Guy, 91 Adventurer's Quay
SUMMARY:	Website reports " <i>Comments may not be submitted at this time</i> " for both applications for which the latest consultation has not yet been reached. Also, consultee comments are not available to view online.
REMARKS:	The website was updated to allow comments to be submitted online. Mr Guy was also advised that interested persons have the option to make comments via email to developmentmanagement@cardiff.gov.uk or by post. "Consultee Comments" are not available to view online, however they are summarised in the Committee reports.

PAGE NOS. 14 & 44	APPLICATION NOS. 16/2256/MJR & 16/2384/MJR
ADDRESS:	CARDIFF ENERGY RECOVERY FACILITY, TRIDENT INDUSTRIAL PARK, GLASS AVENUE, SPLOTT
FROM:	11. no. occupiers of Adventurers Quay including nos. 35, 40, 90, 61, 78, 171, 97:
SUMMARY:	They make the following objections: <ul style="list-style-type: none"> (i) Air-borne particulates, noxious fumes, smoke and unpleasant odours emitted by the facility are unacceptable to local residents including children and have caused respiratory and other health problems as well as being detrimental to their quality of life; (ii) The Council is responsible for the built environment and must ensure any outcomes (pollutants etc) are acceptable for human life; The Council should ensure the current facility meets or exceeds the best human environmental acceptance levels including air quality, the proposed expansion also meets or exceeds the minimum air quality standards; (iii) Independent expertise is required to measure the air quality and evaluate whether the current facility and the proposed expansion can meet the best environmental standards;

	<ul style="list-style-type: none"> (iv) Incinerator technology is inefficient and outdated and superior technologies include reformer (advanced gasification with zero emissions - see 'Concord Blue Reformer Technology'); (v) Requests confirmation that the disposal of the waste ash is also being affected for the good of all; The Council should thoroughly investigate whether this type of facility is beneficial for the whole community; (vi) Loss of enjoyment of dwellings and damage to property; (vii) Increase in vehicle traffic to transport more waste from greater distances will increase emissions considerably causing pollution and congestion. (viii) Harm to the surrounding environment, including the Severn Estuary salt marshes; (ix) Concerned at the potential for water pollution; (x) Depreciation in property values.
REMARKS:	<ul style="list-style-type: none"> (i) Refer to the consultation responses of the Council's Operational Manager, Noise & Air Pollution, Natural Resources Wales, and Public Health Wales. Members should note that Natural Resources Wales are responsible for issuing the Environmental Permit for the facility and issued ; (ii) As (i); (iii) As (i); (iv) The approved facility is an energy recovery facility using incineration, which is a waste management process that recognised in National Planning Policy (see Waste Hierarchy Diagram attached to the report, extracted from TAN 21: Waste); (v) There would be a corresponding increase in waste ash in the event that the annual tonnage is increased; (vi) It is not considered that the proposed increase in tonnage or the removal of the catchment restriction would cause unacceptable harm to residents such that they would suffer a loss of enjoyment of, or damage to, their property; (vii) The Environmental Assessment concluded that the increase in traffic will not have significant environmental effects due to pollution or congestion. The Operational Manager, Transportation, has no objections to the applications. (viii) Natural Resources Wales and the Council's Ecologist have considered the applications, noted the likely impact upon sites of national and international importance, and have no objection to the proposed development;

	<p>(ix) The drainage infrastructure for the site has been previously approved and conditions remain to ensure the continued protection of the water environment.</p> <p>(x) Property values are not a material planning consideration.</p>
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PAGE NOS. 14 & 44	APPLICATION NOS. 16/2256/MJR & 16/2384/MJR
ADDRESS:	CARDIFF ENERGY RECOVERY FACILITY, TRIDENT INDUSTRIAL PARK, GLASS AVENUE, SPLOTT
FROM:	Deryn Rees, 102 Adventurer's Quay
SUMMARY:	<p>The consultation process for each of the above applications was not conducted in accordance with the applicable legislation and guidance and/or the standing orders of Cardiff County Council so as to properly include the residents of Adventurers Quay who are in close proximity to the plant and directly affected by its activities. There was widespread ignorance of the latest proposals at the recent owners' Annual General Meeting. Had he been properly consulted he would have objected to the proposals.</p> <p>He should have been informed regarding these proposals and given the opportunity to object. The council has not conducted a transparent and comprehensive process and is vulnerable to challenge of its decision-making process by way of judicial review. There has been no proper public consultation regarding the environmental impact of the plant's activities. Given the close proximity of residential housing to the plant he would have expected the council to be mindful of the need for proper consultation. In his view, any court looking at the process that has been followed by the council in its decision-making would almost certainly find a flaw in procedure.</p> <p>There is also the issue of objectivity in the planning authority's decision given the appointment of Viridor Waste Management Limited as the appointed provider in respect of Project Gwyrdd and the vested interest which the Council has in the plant's ongoing activity. Again, this potential conflict of interest would be persuasive background evidence for the courts in the context of an application for judicial review.</p>
REMARKS:	The consultation process for both applications has exceeded the requirements set out in the relevant legislation. See paragraphs 7.2 of both reports. The Local

	Planning Authority is the decision-maker for the applications and the Prosiect Gwyrdd contract would continue regardless of the outcomes of the applications.
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PAGE NO : 44	APPLICATION NO.16/02384/MJR
DESCRIPTION	CARDIFF ENERGY RECOVERY FACILITY, TRIDENT INDUSTRIAL PARK, GLASS AVENUE, CARDIFF
FROM:	Head of Legal
SUMMARY:	Amendments to section 8.4 and 9.6 of the Planning Committee Report which will instead read as follows:
REMARKS:	<p>8.4 Where an application is made under section 106A of the Town and Country Planning Act 1990 by the person against whom a planning obligation is enforceable for the obligation to have effect subject to such modifications as may be specified in the application, the authority may determine if the obligation continues to serve a useful purpose, but would serve that purpose equally well if it had effect subject to the modifications specified in the application, that it shall have effect subject to those modifications.</p> <p>9.6 In light of current planning policy , it is considered that the planning obligations contained in the section 106 agreement of 29 June 2010 continue to serve a useful purpose in that proper operation of site access will be maintained because removal of specific reference to waste from S. E Wales will not remove the controls which apply to site access in the remainder of paragraph 6 of the Schedule to the section 106 agreement but would serve that purpose equally well if it had effect subject to the modification proposed in the section 106A application by removal of paragraph 6.1 in the Schedule to the s106 agreement</p>

PAGE NO. 44	APPLICATION NO. 16/2384/MJR
ADDRESS:	CARDIFF ENERGY RECOVERY FACILITY, TRIDENT INDUSTRIAL PARK, GLASS AVENUE, SPLOTT
FROM:	Natural Resources Wales
SUMMARY:	They understand that the application seeks only to remove paragraph 6.1 of the Section 106 agreement between Cardiff County Council and Viridor Waste Management Ltd. This paragraph restricts the geographical location from where waste is sourced. They have no objection to the modification of the section 106 agreement to remove the obligation that only waste arising from the southeast Wales

	region will be processed at the Cardiff Energy Recovery Facility, Trident Industrial Park, Splott.
REMARKS:	Noted

PAGE NO. 44	APPLICATION NO.16/02384/MJR
ADDRESS:	CARDIFF ENERGY RECOVERY FACILITY, TRIDENT INDUSTRIAL PARK, GLASS AVENUE, CARDIFF
FROM:	William Guy, 91 Adventurer's Quay
SUMMARY:	<p>(vi) The Planning Officer's description of the residential accommodation in the neighbourhood of the site is inconsistent and incorrect. Adventurers Quay is a residential development of apartment blocks (up to 6 storeys) and town houses. There are 400+ residents. The nearby CELESTIA development has 1000+ residents.</p> <p>(vii) The Planning Officer has also included text supplied by VIRIDOR in support of their application without any apparent scrutiny and has failed to comment on issues raised by objectors in relation to the VIRIDOR statements. Despite my comments, and those of CATI, relating to the relevance/suitability of the examples given by VIRIDOR there is no response to this in the report. Some simple analysis shows that VIRIDOR owns 2 of the sites and that only 3 of the sites are operational with the others (including the VIRIDOR AVONMOUTH site) 3 are not due to do so until 2019/2020. In four of the cases the waste capacities (tpa) of the sites is far greater than that of the Trident Park Incinerator. Only one of the decisions is recent - Javelin Park which is far smaller (190tpa) was allowed on appeal in 2015 - the others all predate Trident Park. In effect, the details provided have no relevance to the planning permission granted to VIRIDOR in 2010.</p> <p>(viii) The report includes in paragraph 7.2, a statement that the (16/02384/MJR) application was publicised by press and 10 no. site notices on 27 October, 2016. This statement is incorrect. When eventually I found a notice posted in the "vicinity of Adventurers Quay" this was only for the application to increase the waste tonnage limit (16/02256/MJR). The response from the Planning Office to my query relating to why no notice was present for the removal of the SE Wales restriction was that "only one site notice - at the entrance to the Trident Park plant - had in fact been necessary. The reason given being</p>

	<p>that “the publicity requirements differ for applications to vary legal agreements”. I stated this in my objection the text of which has been reported at paragraph 7.6. but not the (2) embedded photographs. These clearly showed the location where the notice had been posted and that there was only one notice. I have attached these together with another which – when blown up – clearly shows that it was for 16/02256/MJR. The statement in 8.20 (v) is clearly misleading. With regard to the 16/02384/MJR notice the only one posted was that dated 16 February, 2017. The publicity associated with the original planning application (10/00149/E) resulted in an appeal to the Ombudsman. Despite this, the Council appears to have ignored the Ombudsman’s decision when publicising the expansion applications.</p> <p>(ix) I also stated that there was no evidence that any notice had been posted in Falcon Drive to alert the CELESTIA residents to the expansion plans. I have attached a photograph showing the location where the notices dated 16 February, 2017 were posted. If they had been posted at the same position in October, 2016 they would have been clearly visible from the CELESTIA gatekeeper’s office. As yet, I have had no response to my request to be able to use the meeting room overhead projection facility when addressing the Committee. I therefore wish to have these photographs displayed for the Committee’s benefit when the details of my letter are read out at the Late Representations stage.</p> <p>(x) There have been a number of problems which I have reported to the Planning Office. The opportunity for the public to comment has been closed on both occasions before the end of the 21 day period for consultation. The support section has acted promptly to remove the restriction but the Planning Office has not provided any reason for the premature closure. The system also provides the facility to indicate linked applications (Related Cases tab) – an important feature for busy members of the public. Unfortunately, in both cases, there was no information provided to show that the two applications are linked. The Planning office reply that the link would be obvious to those reading the text of the applications is not a satisfactory response.</p> <p>(xi) More importantly this failure to relate applications has resulted in another application associated with the proposed expansion (16/02545/MJR) not been highlighted for public viewing. This application</p>
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	<p>relates to the Environmental Permit required for the VIRIDOR plant to operate if the expansion plans are passed. It includes a copy of a Questionnaire from NRW for completion by the Council and a document on behalf of VIRIDOR entitled "GREENHOUSE GAS DOCUMENT". Have these documents been brought to the attention of any of the members of the Planning Committee? The application has been dealt with under Delegated powers by the Planning Office. The reply dated 8 March, 2017 to NRW states that, in response to the questions relating to pollution (including smells etc.) no problems have been reported: but a number of those objecting to the expansion proposals have raised issues relating to smell, deposits etc. The document is important in the decision making by NRW in the granting of an EP without which the plant would not be able to operate.</p>
<p>REMARKS:</p>	<ul style="list-style-type: none"> (i) The description in paragraph 2.1 is considered to be accurate; (ii) The examples of other similar developments summarised in paragraph 1.14 contains factual information of relevance to the application; (iii) Amend paragraph 7.2 to read: "...27th October 2016 and 16th February 2017" and "The site notices displayed on 16th February 2017 were displayed..." (iv) It is not possible for third parties to display photographs or project videos during the Committee meeting; (v) Mr Guy was advised in writing before the end of the consultation process that the website errors had been corrected and that interested persons could also make comments via email or by post in advance of the Committee meeting; (vi) Application no. 16/02545/MJR was a request for observations from Natural Resources Wales (NRW) regarding an application from Viridor to vary their Environmental Permit to allow up to 425,000 tonnes of waste per annum to be processed at the facility. As such, there was no requirement for the Local Planning Authority to publicise the application. Any such requirement would be the responsibility of NRW as the determining authority.

PAGE NO. 76	APPLICATION NO. 16/2196/MJR
ADDRESS:	FORMER IAN WILLIAMS LTD, SANATORIUM ROAD, CANTON
FROM:	Operational Manager, Pollution Control (Noise)
SUMMARY:	He recommends that BS4142 could be used to specify a suitable glazing scheme so that any noise from the air vent from the printing company in the adjoining building does not cause an issue in the imam's residence. BS4142 2014 does allow an assessment of the new development to calculate the specification for sound insulation. He advises that a design target of background -10dB would be requested for the insulation.
REMARKS:	Noted

PAGE NO. 76	APPLICATION NO. 16/2196/MJR
ADDRESS:	FORMER IAN WILLIAMS LTD, SANATORIUM ROAD, CANTON
FROM:	Agent
SUMMARY:	<p>Has read the comments of the Operational Manager, Transportation and without prejudice the applicant is willing to accept conditions to avoid an unnecessary refusal and costly appeal for all parties in accordance with paragraph 1.2 Circular 16/2014: The Use of Planning Conditions for Development Management (Circular 16/2014).</p> <p>The Operational Manager, Transportation states: "... it is noted that a permission would not be personal to the Ahmadi, or any other specific religious sub-group within the Islamic community, and as such the actual potential occupancy rates should be assessed, on the basis if the floor areas applied for and range of uses identified." The applicant would accept a condition limiting the use of the site to the Ahmadiyya Muslim Association. This would enable the Local Planning Authority to consider the potential use of the site by a much larger organisation at a future date through a removal/variation of condition application.</p> <p>With regard to the comments of the Operational Manager, Transportation in respect of the community hall as follows: "A review of the building proposals in consultation with Building Control colleagues also confirms that the building could, with minor evacuation procedure modifications, be</p>

used to accommodate up to circa 280 people.”

Notwithstanding the fact the community hall extends to just 234 sq m GIA, a condition requiring the development to be carried out in accordance with the approved plans and retained as such, removing all permitted development rights, could be imposed in accordance with Circular 16/2014 paragraph 5.101: *“It is possible to impose conditions to restrict further development or a change of use that would normally be permitted development. Conditions can also be used to restrict changes that would not be regarded as development at all, whether because the change is not a “material” change within the terms of section 55 (1) of the Act, or by reason of section 55 (2) and the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended).”* Such a condition would prevent changes to the proposed development in the future that would enable occupation by a larger number of persons beyond those set out within the planning application.

Circular 16/2014 sets out 6 tests that every planning condition should satisfy, as follows:

1. necessary;
2. relevant to planning;
3. relevant to the development to be permitted;
4. enforceable;
5. precise; and
6. reasonable in all other respects.

A without prejudice summary of how the suggested personal permission condition meets the above tests is provided as follows:

1. Necessary – Limiting the use of the site to the Ahmadiyya Muslim Association would enable the LPA and the OMT to consider the potential occupancy of the site by a much larger organisation with different characteristics in the future (through the submission of a subsequent removal/variation of condition application). The comments and concerns of the OMT would, therefore, necessitate the condition if this is a true concern of the LPA, thereby avoiding the refusal of planning permission otherwise.
2. Relevant to Planning – The condition is relevant to the unique land use characteristics of the organisation and, therefore, planning.
3. Relevant to the Development to be Permitted – Based on the comments of the OMT, the condition can be considered relevant to the proposed development and use.

	<p>4. <u>Enforceable</u> – The condition would, to a large extent, enforce itself. No other organisation would undertake a lease or freehold purchase of the premises without undertaking a detailed legal search, which would reveal the planning history and constraints in terms of whom may occupy the building. If any breach of condition is found or alleged there are a range of powers at the disposal of the LPA to investigate and issue an enforcement notice if expedient to do so.</p> <p>5. <u>Precise</u> – The condition is sufficiently precise in that it limits the use or organisation of events at the site by any other body other than the Ahmadiyya Muslim Association.</p> <p>6. <u>Reasonable in all Other Respects</u> – It is for the LPA to satisfy itself the condition is reasonable. On the basis the LPA is recommending refusal of planning permission solely on the comments of the OMT regarding uncontrolled potential future uses of the site by other organisations for a variety of other potential purposes then the LPA must believe such a condition that would avoid that possibility would be reasonable.</p> <p>The survey of another mosque in Cardiff is not possible in addition to being unrepresentative for the following reasons:</p> <ul style="list-style-type: none"> · There are no other Ahmadi mosques in Cardiff; · Non-Ahmadi outnumber Ahmadi Muslims at approximately 133:1 in Cardiff and therefore every other mosque in Cardiff (of which there are only 17) would have far higher potential membership and trip rates than the proposal; · Analysing trip rates independently is difficult due to the other mosques in Cardiff being located within inner city areas and easily identifiable way of observing how persons arrived at the mosque due to limited dedicated parking being available; · A questionnaire survey is unlikely to be returned due to marked doctrinal differences between Ahmadi and non-Ahmadi Muslims. <p>Consequently, contrary to the assertions of the OMT that there are a number of similar sites/land uses in Cardiff that could have “very easily” surveyed to gain reliable local trip rates, there are, unfortunately, no similar sites or uses with similar membership characteristics that could be easily or reliably surveyed that would provide comparable trip rates.</p>
REMARKS:	Regarding the use of a condition to create a personal

	<p>permission, these are generally used in exceptional circumstances and concerns remain regarding the enforceability of such a condition. The application makes it clear that the premises are intended be available for use by external groups. In addition, paragraph 5.83 of the Conditions Circular states “A local planning authority who imposes such conditions may run the risk of contravening its duties under the Equality Act 2010 and care should be taken to avoid such conflict.” Section 149 of the Act places an obligation on public authorities to have “due regard” to the need to (i) eliminate discrimination, harassment and similar conduct; (ii) advance equality between those that have “protected characteristics” (disability and age are included) and those that do not; and (iii) foster good relations between those two groups. It is considered that a personal permission condition may conflict with the authority’s duties under this act.</p> <p>Concerning a condition to remove permitted development rights to prevent alterations required by Building Regulations to increase the capacity of the buildings, paragraph 5.101 of the Conditions circular advises “It should be noted that any conditions restricting permitted development rights only come into effect once that permission is implemented.” If the alterations to the building took place before the implementation of any permission then the condition would be ineffective.</p>
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PAGE NO. 76	APPLICATION NO. 16/2196/MJR
ADDRESS:	FORMER IAN WILLIAMS LTD, SANATORIUM ROAD, CANTON
FROM:	Building Control Officer
SUMMARY:	<p>He makes the following comments:</p> <ul style="list-style-type: none"> (i) Using Approved Document B - Building other than dwelling houses, Table C1 of Appendix C, the floor space factor for the prayer areas are deemed be 0.5m²/person. (ii) The floor area of the female prayer hall is calculated to be 60m², therefore the occupancy is deemed to be 120 persons. Assuming that the widest door into the prayer hall is discounted, based on Table 4 of Approved Document B, the widths of the doors, corridors and the final exit to the fire escape should be at least 1050 mm to accommodate at least 220 persons.

	<p>(iii) The floor area of the male prayer hall is calculated to be 147 m², therefore the occupancy is deemed to be 294 persons. Assuming that the widest door into the prayer hall is discounted, based on Table 4 of Approved Document B, the widths of the doors, corridors and the final exit should be at least 1420 mm to accommodate at least 294 persons (1050 mm + 5 mm for every person above 220 persons = 220 + (74 x 5)). The corridor width and the stair widths are also required to a minimum 1420 mm to suit the door widths.</p> <p>(iv) The width of the final exit door to the rear of the premises leading from the women's prayer hall and the escape stairs from the men's prayer hall at first floor level is required to be at least 2020 mm to accommodate all potential 414 occupants (120 females and 294 males) in the premises (1050 mm + 5 mm for every person above 220 persons = 220 + (194 x 5)).</p> <p>(v) Using Approved Document B - Building other than dwelling houses, Table C1 of Appendix C, the floor space factor for the community /dining hall is deemed be 1.0m²/person. The floor area of the community/dining hall is calculated to be 144m², therefore the occupancy is deemed to be 144 persons. Assuming that the widest door into the community/dining hall is discounted, based on Table 4 of Approved Document B, the widths of the doors, corridors and the final exit to the fire escape should be at least 1050 mm to accommodate at least 220 persons.</p> <p>(vi) The alternative exit from the community/dining area is required to be site so that the door(s) when opened do not impede the width of the means escape route. The width of the paved pathway is required to be a minimum 1200 mm in width. This is required as the doors are required to provide access and egress for persons with limited dexterity. The doors should not be impeded by any obstructions throughout its length. If any doors are located which can impede the escape route, it is recommended that the doors are recessed back into the community/dining hall.</p> <p>(vii) Should the Architect for the scheme disagree with the above figures and wish to keep the door, stair and corridor widths as indicated on the plans submitted, the occupancy figures should be reduced according to comply with the figures illustrated in Table 4 of the Approved Document B2. The Architect should also be made aware that is the</p>
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	<p>figures in Table 4 are exceeded, the owners of the premises can be held responsible for failure to comply with the requirements of Approved Document B2 and the Fire (Regulatory Reform) Safety Order 2005. Failure to comply with the latter can potentially lead to the premises being closed down by the Fire and Rescue Authority.</p> <p>(viii) From the plans that have been provided, it also indicates that horizontal travel distances are deemed to be excessive, therefore these should also be re-visited.</p>
REMARKS:	<p>Noted. Amend as follows:</p> <p>(i) Paragraph 5.5 “circa 144 persons (1 square metre per person)...occupancy of 144 persons.”</p> <p>(ii) paragraph 8.8 to read “The women’s prayer room would be approximately 60 square metres (87 squares if the demountable....” “...the men’s prayer room would be 147 square metres.”</p> <p>(iii) paragraph 8.19 (iv) to read: “...against Table C1 of Approved Document B (Fire Safety) Volume 2 (Buildings other than Dwelling Houses) which allows 0.5 square metres per person for assembly halls and 1 square metre person for common rooms/dining rooms.”</p>

PAGE NO. 114	APPLICATION NO. 16/01885/MNR
ADDRESS:	2A WAUN-Y-GROES AVENUE
FROM:	Applicant
SUMMARY:	<p>Believe the petition in support is 113 signatures and not 60 stated in the report,</p> <p>They also submitted an on line signature of over 239 and wish these to be counted.</p> <p>The attached photo shows the drive way of the Health Spa and not No. 2 Waun-Y-Groes Avenue</p>
REMARKS:	Officers note the numbers above but for a valid petition it must, for the purpose of planning, have signatures (which the on line petition does not); and they must be reasonable affected, which in this case use the facility.

A number of those who had signed were not within the ward and it could be suggested to be affected by this proposal. Members will also note this point has been raised as a concern by the objectors i.e the petitions for the proposal are misleading.

In the view of officers the figures indicated within the report provide for a fair reflection and allows all parties to speak (subject to agreement with the Chair of the Planning Committee)

Committee will be aware that Planning Policy Wales states , *inter alia*, in para 3.1.4 “*When determining planning applications local planning authorities must take into account any relevant view on planning matters expressed by neighbouring occupiers, local residents and any other third parties. While the **substance of local views must be considered**, the duty is to decide each case on its planning merits.*”

Therefore, the volume of representation either for or against a proposal is not the determining factor.

The photograph shows both No.2 and the Health Spa driveways. It is not considered that the photograph is misleading.

In the view of officers the report has demonstrated that it has considered all material matters, as required in para 9.4.5 of the Development Management Manual-Revision 1- November 2016.

PAGE NO. 114	APPLICATION NO. 16/01885/MNR
ADDRESS:	2A WAUN-Y-GROES AVENUE
FROM:	Alistair King, Lead petitioner (against)
SUMMARY:	<p>Do not question the need for the facility in Cardiff North but do question whether this is the correct site for the following reasons:</p> <ul style="list-style-type: none"> • The proposed Nursery will have adverse effect on the residential amenity of neighbours due to increased traffic (three times a day). It is not questionable whether this will effect neighbours in terms of congestion, noise pollution and general disturbance to a residential area but see as a given by the people who live there. Residents have highlighted in their initial objections. • The Nursery backs onto three gardens, which would be overlooked by staff and children at the Nursery. This would

affect their privacy and no doubt they would be affected by the large volume children playing in a garden intended for residential use. The annexe is attached to the garage of Number 6. The resident of this property would most effected by the changes in planning as children play in such close proximity. Would this house therefore reduce in value and desirability?

- The effects of the development on the character of the neighbourhood - house prices will fall due to over congestion and disturbance on this street. There are residential concerns as the road will become less desirable due to increased traffic flow. It is stated that traffic congestion is a major factor when people are buying houses. This is a residential street, a business park with available offices for let is in close proximity (within 0.5 miles).

- The development would adversely affect highway safety for the road users of Waun Y Groes Avenue, Caerphilly Road, Waun Y Groes Road and Heol Caer Rhys. An increase of a potential 52 cars and a minibus is a considerable amount. The Nursery cannot make claims to control it's consumers. The question arises to how they can claim to control parents and staff who park, block or restrict the highway. Councillor Saunders supports the objection from residents on highway safety grounds and lack of parking. Councillor Cowan raises concerns on highway safety grounds as expressed by local residents. (*It is interesting to place this increased traffic into context. This increase in traffic would be equivalent to the occupancy of 13 extra houses on Waun Y Groes Avenue with a family of 4, or an increase of 26 families with 2 family cars. If this was a case of garden grabbing would an application of this size go through?*) • there is no formally identified parking space on Waun Y Groes Avenue or in front of the property. Where is a 17 seater minibus that is over 6 metres long permanently going to park?

I urge that before the decision is finalised for the proposed planning application, a site visit is made. This should be made in context to the objections. On a Friday night between 4.45-6pm, planning officers should travel Caerphilly Road, entering Waun Y Groes Avenue and exit through Heol Caer Rhys or vice-versa travel Pant Bach Road, entering Heol Caer Rhys and exit Waun Y Groes Avenue onto Caerphilly Road.

The above points are also covered by photographs which can be viewed on the Council's web site.

	<p>They also question the validity of a petition on facebook as genuine need.</p> <p>They also raise crime, due parking of their vehicles on street with a crime rate 39%, which they believe to be above the national average and would be worse if this development is allowed as their cars would not be parked in close proximity to their houses</p>
REMARKS:	<p>Comments are noted but the issues raised have been considered by the Highways Officer in para 5.2 of the report. In terms of crime, no evidence has been submitted to suggest a day nursery operating from this premises would increase crime.</p> <p>In terms of the petition the numbers in support only includes those within the ward, and therefore the 60 reported in the report is considered those likely to be affected (positively).</p> <p>The loss of house value is not a matter the planning system can take into account.</p> <p>The matter of noise has been assessed in para 8.3 of the report</p> <p>In terms of privacy has also been considered in para .3 of the report.</p>

PAGE NO. 114	APPLICATION NO. 16/01885/MNR
ADDRESS:	2A Waun-Y-Groes Avenue
FROM:	Head of Planning
SUMMARY:	<p>The Well-being of Future Generations (Wales) Act 2015 places a duty on the Welsh Ministers (and other public bodies) to produce well-being objectives and take reasonable steps to meet those objectives in the context of the principle of sustainable development. The duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act), has been considered and account has been taken of the ways of working set out at section 5 of the WBFG Act in the determination of this application, and it is considered that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the well-being objectives referred to in section 9 of the WBFG Act.</p>

REMARKS:	Required as an addition to the report

PAGE NO. 124	APPLICATION NO. 14/02733/MJR
ADDRESS	NORTH WEST CARDIFF
FROM:	Llandaff Society
SUMMARY:	<p>The Llandaff Society wish to add the following summarised comments to their previous comments submitted in respect of the application as originally submitted (12/02/15) and the EIA Scoping report (26/06/2014):</p> <ol style="list-style-type: none"> 1. The Llandaff Society wishes to add to its previous comments in light of new research in 2016/17 on the serious adverse health impacts of air pollution from traffic that was not available during the LDP public examination 2. Cardiff Road Llandaff, and Ely Bridge have designated Air Quality Management Areas signifying problems with existing illegal levels of air pollution. 3. The Llandaff Society OBJECT to the application on grounds that it does nothing to mitigate these problems and would add to traffic volumes and congestion levels, making the problem much worse. 4. A Cross-Party Committee of MPs reported (Guardian 26 April 2016) that pollution by NOX and particulates is a “public health emergency” in cities across the UK, including Cardiff. Work undertaken by Kings College London has shown that traffic pollution affects peoples’ brains and potentially leads to them developing Alzheimer’s, as well as heart, lung and respiratory diseases. An article in Chemistry World “City Air” (12 January 2017) highlights the health problems arising from particulates PM10, PM 5 and PM 2.5, which need to be monitored as well as NOX and other toxic chemicals. The article goes on to point out that “a key concern is to avoid, in the rush to solve one issue, accidentally creating another”. 5. The Llandaff Society believe that on the basis of the new evidence, pollution concerns should be given significant weight in the EIA. They note the adverse health impacts and increased death rates that would arise are sufficiently serious for the Committee to refuse the application until the infrastructure necessary to guarantee a reduction to a 50/50 modal split for the whole City - including this new development - is in place. 6. Llandaff Society also requested that a number of matters be brought to the Committee’s attention at the 8 March site visit (congestion on the roads, location of Llandaff and Ely Bridge AQMAs, narrowness of roads/pavements

	and density of development in Llandaff AQMA, heavy traffic and pedestrian flows and link road under constructoin at Ely Bridge AQMA).
REMARKS:	<ol style="list-style-type: none"> 1. Llandaff Society's comments of 26/06/2014 and 02/02/15 have been previously reported and are not duplicated here. 2. Section 8(xi) of the report addresses the impact of the development on air quality. The air quality assessment work undertaken as part of the EIA concludes that the development will not give rise to any significant effects in relation to air quality, with the air quality assessment work predicting pollution levels that are below current UK/EU objective values for the protection of human health. The assessments undertaken have been undertaken following latest guidelines, policies and nationally adopted assessment procedures. 3. The report also notes that the Operational Manager Transportation has no objection subject to the recommended conditions and s106 Heads of Terms, that a traffic management strategy is proposed as part of the application to manage the flow of traffic through key areas of the site and AQMAs, and that the Applicant will be contributing c£14M for off-site highway improvement works and traffic management initiatives as mitigation to provide sustainable travel alternatives to travelling by private car. The works include £2.6M to develop a bus lane and shared cycle footway on Bridge Road and signalisation of the junction with Llantrisant Road, which will help manage traffic flows through the Llandaff AQMA. Traffic flows through the AQMA will also be controlled through the 3 new signalised junctions proposed along Llantrisant Rd. In respect of the Ely Bridge AQMA, approx £300,000 of off-site contributions have been secured for highway improvements along this corridor to manage traffic flows and provide walking and cycling improvements. The internal design will encourage sustainable travel. In addition, other mitigation includes travel planning for the site, improved access to public transport (including subsidised travel) and personalised travel planning to encourage existing residents to use sustainable travel. 4. The Llandaff's Society's requests in respect of the site visit were brought to the attention of members of Planning Committee present.

PAGE NO. 124	APPLICATION NO. 14/02733/MJR
ADDRESS	NORTH WEST CARDIFF
FROM:	The owner/occupier 33 Llantarnam Drive
SUMMARY:	<p>Further objections are raised and summarised as follows:</p> <ol style="list-style-type: none"> 1. Surface water run-off from the agricultural land behind their property is a significant issue, with gardens regularly flooded during periods of heavy rainfall. Redrow is asked to contact them to discuss the situation and proposals. They object to the proposed location of an attenuation facility immediately behind their property. 2. They note on-going discussions with Radyr Golf Club regarding zones limiting the proximity of residential property. They urge Redrow to discuss the proximity of property and appropriate boundary treatment for properties along Pilgrim Close and Llantarnam Drive as none is currently proposed and particularly as the ES assessed that the visual impact in these locations will be significant. 3. The lack of any engagement with the local community by Redrow is of considerable concern and they note that the community should be consulted for such a major development.
REMARKS:	<ol style="list-style-type: none"> 5. This matter is addressed in Section 8 (xiv) of the report. Detailed drainage arrangements for the site and details of any new ponds and attenuation facilities are required to be submitted for approval under conditions 15, 23 and 63. 6. This matter is addressed in Section 9 (xii) of the report. As appearance, layout, scale and landscaping are reserved matters, the detailed consideration of impact on residential amenity will be fully assessed at reserved matters stage. 7. There was no statutory requirement for the Applicant to have undertaken their own separate consultation exercise for this application.

PAGE NO. 124	APPLICATION NO. 14/02733/MJR
ADDRESS	NORTH WEST CARDIFF
FROM:	The owners of Radyr Farm
SUMMARY:	<p>Concerns are raised, summarised as follows:</p> <ol style="list-style-type: none"> 1. The owners of Radyr Farm raised concerns that the hand-outs prepared for the Site Visit on 8 March include a series of pictures showing the position of the wind turbine at Radyr Farm, with no narrative provided as to

	<p>why they are included.</p> <p>2. They note they wrote to the Applicant raising a number of concerns, including the potential for wind supply to the wind turbine to be reduced if buildings are erected close to its position, and that no response has been received and that the submission has not addressed their concerns.</p> <p>3. Asks whether there will be any material available at the site visit dealing with the wind turbine or any other matters raised and request copies of any such material. If this is the case, they ask that a copy of the email be provided to Committee.</p>
REMARKS:	<p>8. The owners of Radyr Farm were advised that the site visit hand out includes photographs of the wind turbine in direct response to their representations made to the Council in respect of the above application, that the report to Planning Committee would summarise their representations and respond to the issues raised, and that the case officer included photos of the turbine to help Members understand where the turbine is and what it looks like at the site visit ahead of the Planning Committee meeting.</p>

PAGE NO. 124	APPLICATION NO. 14/02733/MJR
ADDRESS	NORTH WEST CARDIFF
FROM:	Cllr Neil McEvoy AM
SUMMARY:	<p>Objects to the application on environmental conservation concerns and, specifically, the discovery of a family of Great Crested Newts in his ward that has not been mitigated for in the Conservation Strategy. It is noted that a comprehensive account of this discovery can be found in the objection raised by the Radyr & Morganstown Community Council.</p> <p>Also requests speaking rights at all future hearings.</p>
REMARKS:	<p>These matters are addressed in the report. Section 8 (iv) considers the impact of the application on wildlife and habitats, whilst paragraph 8.33 refers specifically to the objection raised by Radyr & Morganstown Community Council in respect of the 4 dead newts. It should also be noted that the newts were found on the application site 'Land South of Pentreban Road', in respect of which NRW commented that the GCN are unlikely to be affected by the proposals. Conditions are recommended as part of 14/2733MJR to address the GCN present on the site and in the wider area, which require: road and junction design measures to ensure GCN are not harmed (condition 4),</p>

	<p>details of replacement GCN breeding ponds (condition 15), a Detailed Green Infrastructure Management Strategy for each reserved matters site, to include updated surveys of ponds and a Detailed Great Crested Newt Strategy (condition 15), a Final Overarching Great Crested newt Conservation Strategy for the whole site, as part of the Strategic Green Infrastructure Management Strategy (condition 19), and a Construction Environmental Management Plan for each reserved matters site to include a Green Infrastructure Construction Protection Strategy to include measures for the protection of habitats and species, including those related to GCN. NRW have been consulted on both the application and the recommended conditions and have no objection.</p> <p>I am advised that Cllr Neil McEvoy AM is currently suspended from his role as Councillor and therefore he will be unable to address Planning Committee when this application is considered on the 15 March 2017.</p>
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PAGE NO. 124	APPLICATION NO. 14/02733/MJR
ADDRESS	NORTH WEST CARDIFF
FROM:	The Manager of Radyr Golf Course
SUMMARY:	<p>The Manager of RGC wrote to members of Planning Committee and the case officer to request the application be deferred to allow more time for the impact of the proposed development on our Golf Course to be considered.</p> <p>Detailed matters are raised, which have been included in previous objections raised, and include the following:</p> <ol style="list-style-type: none"> 1. there is no formal agreement in place between the applicant and the Golf Club to secure any mitigation to ensure that there is no conflict with errant golf balls from the adjacent Golf Course as required by Policy KP2(C) 2. the plans show new housing immediately adjacent to the perimeter of the course. 3. discussions with the Applicant to identify mitigation measures have only recently been held despite our written requests for such dialogue dating back to 2013. 4. a condition is proposed (No. 39) to require a 'Radyr Golf Course Interface Strategy' to be agreed with the Council 5. RGC do not consider the condition would secure the delivery of mitigation, given that some of the mitigation options involve land beyond the control of the applicant and which may also require separate consents to be secured which cannot be assumed to be forthcoming

	<ol style="list-style-type: none"> 6. No consideration has been given as to the cost, timescales or environmental impact of these options either in relation to the Golf Club or the wider area. 7. the determination of the application should be deferred until the plans are amended accordingly and the agreed mitigation strategy is confirmed, assessed and controlled by means of a legal agreement. 8. The LDP Inspector amended Policy KP2 to take account of this constraint. 9. the determination of this outline application would be in conflict with Policy KP2 on the basis that the conflict with the Golf Club has not been rigorously assessed or mitigated. Moreover, the robustness of the supporting ES should be brought into question if the applicant is unable to precisely confirm how such conflict will be avoided or indeed the environmental impacts of the mitigation measures which could potentially include a fence, the position, height and impact of which has not been confirmed. 10. The Club has made representations consistently over a lengthy period and commissioned an expert technical report (Gaunt Golf Design, June 2016) to support their case which has not been challenged to date. This is not a new issue which should be ignored given the wider pressures to determine the application. 11. Officers cannot confirm with any certainty how the conflict with the Golf Club will be avoided or indeed how the mitigation measures will be delivered. Whilst we accept that the application is in outline form, it is not appropriate to impose conditions on matters which have not been robustly assessed and considered both in terms of the impact upon the application site itself and the wider area including an established community facility which at present is not adequately protected by the Officer's recommendation which is before you. 12. The 'interface' area affects circa 120 dwellings and is a substantial area which is not a minor or incidental matter. Additional time should be allowed to consider this important constraint which we respectfully hope you will consider as part of the debate next week.
<p>REMARKS:</p>	<p>This matter is addressed in Section 8 (xv).</p> <p>With regards the points raised in respect of the Environmental Assessment, paragraph 10.5 of the Committee report confirms that the ES is considered to provide a comprehensive assessment of the potential impacts of this outline application. It should also be noted that the Town and Country Planning (Environmental Impact</p>

	<p>Assessment)(Wales) Regulations 2016 provide the opportunity for a further environmental assessment to be triggered in support of a subsequent application – such as a discharge of condition application or reserved matters application - where the ES submitted as part of an outline is not deemed by the LPA to be adequate to assess the environmental effects of those subsequently applications. Where the ES submitted as part of the outline is considered adequate to assess the effect of a subsequently application, the LPA must take that information into consideration in their determining the subsequent applications.</p>
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PAGE NO. 124	APPLICATION NO. 14/02733/MJR
ADDRESS	NORTH WEST CARDIFF
FROM:	Cllr Lisa Ford
SUMMARY:	<p>Cllr Ford OBJECTS to the application on the following grounds:</p> <ol style="list-style-type: none"> 1. The development would destroy 2 Farms and permanently take out of use many hectares of grade 3A Good Agricultural Land Best and Most Valuable Land. Planning Policy Wales states that such land should be conserved as a finite resource for the future. 2. The development would be catastrophic impact on the environment of the area in the terms of the permanent destruction of ancient hedgerows and trees, this would be consequential loss of habitat for birds and other wildlife and protected species. 3. Greenfields are being used when there are brownfield sites that could be used. 4. Concreting on Greenfields will cause extra flooding which already exists. 5. Transport issues need to be addressed before any developments in North West Cardiff take place. It is well known that the roads in the area are inadequate for current needs. The infrastructure is not fit for purpose already at peak times the traffic is absolute chaos and at a standstill. With 5,900 houses would mean around 7,000 extra cars on the road. 6. With all the extra cars on the road this will increase the poor air quality. 7. Pentreban Lane is to be closed to through traffic. Although a narrow lane this is the most direct route between Peterson-Super-Ely and other Vale villages with Pentreban most of Fairwater and Llandaff. With this route closed traffic will be forced to go on a longer route via Fairwater Green and St Fagans both of which will have added traffic from the Plasdwr

	development. Cllr Ford also advises that she will be speaking on the above application.
REMARKS:	The matters raised are addressed in the Planning Committee report. Cllr Ford's request to speak is noted with thanks.

PAGE NO. 124	APPLICATION NO. 14/02733/MJR
ADDRESS	NORTH WEST CARDIFF
FROM:	The Owner of Radyr Farm.
SUMMARY:	<p>The further representations received are summarised as follows:</p> <p><i>I have looked at the report and I am content that the issues that are important to [us] have been specified with great clarity. I realise that the access and wind turbine issues are more pertinent to the detailed planning matters and the measures recommended seem to protect our position fully. The boundary issue is, I agree, a matter of law that does not concern the planning authority.</i></p> <p><i>Whilst I acknowledge the validity of the observation that the applicants could cultivate a stand of trees on their land which would impede the access of the SW wind to the rotor, I feel that the simple, factual position is that they have no intention of doing anything other than developing the land. That being so, I maintain that the preservation of a productive wind turbine producing CO2 free, renewable electricity is a valid material consideration for a planning authority to take into account. The suburban construction of 7000 dwellings is bound to increase traffic emissions with well-established environmental consequences. The steps to encourage us to use public transport and bicycles are laudable but my innate Welsh scepticism notes that all the houses designed for the phase 1 development are equipped with facilities to park and garage plenty of cars. Although modest in its output our wind turbine stands as a measure of assistance to our air quality and its loss is an end result worth avoiding. The developers have plenty of other land within the strategic site to build upon if a small amount is reserved as a cordon to allow the wind to do its work.</i></p> <p><i>Sorry about the tirade but I am watching contractors removing trees from the phase 1 site on Clos Parc Radyr.</i></p>

REMARKS:	The representations raised in respect of the consideration given in the report to matters of access, the noise impact of the wind turbine and the boundary issue are welcomed. The further points raised in respect of wind supply to the turbine are noted, but are not considered reasonable grounds to withhold the grant of outline planning permission, taking into consideration the assessment of impact on air quality set out in the report and the wide range of mitigation measures proposed to reduce the traffic impact of the proposal.
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PAGE NO. 124	APPLICATION NO. 14/02733/MJR
ADDRESS	NORTH WEST CARDIFF
FROM:	Natural Resources Wales (NRW)
SUMMARY:	<p><i>Thank you for providing us with an opportunity to review the draft conditions.</i></p> <p><i>The one area that doesn't appear to be covered by the draft condition is compliance auditing. For a development of this scale and complexity, with several different phases that may take differing lengths of time to commence and complete, and with a number of contractors likely to be involved, we advise that a comprehensive compliance audit scheme is secured by condition. This is necessary to ensure monitoring of the environmental provisions (including protected species mitigation and compensation) across the site and their performance. We advise that each reserved matters application should be subject to a compliance audit by the relevant developer, and these should be wrapped up by one for the whole Plas Dwr site that is completed by the applicant and verified by an external auditor. The overarching one for the whole site should ensure that individual ones properly dovetail each other and ensure an overall co-ordinated approach to audit across the various phases.</i></p> <p><i>We've also noticed that you refer to our latest response dated 24/02/17 in a number of conditions, however in a couple of the conditions (15 and 50) this response is dated 27/02/17.</i></p>
REMARKS:	<p>In response to the above, the case officer advised NRW that:</p> <ul style="list-style-type: none"> • compliance auditing is addressed by condition 15, in that part h) includes the requirement to submit a detailed compliance audit scheme as part of the Detailed Green

	<p>Infrastructure Management Strategy, and</p> <ul style="list-style-type: none"> • the condition as worded requires the development and green infrastructure management to be carried out in accordance with the approved details. This is a legal requirement of the permission and if the Applicant fails to do this, they will be in breach of the condition. • Conditions 15 and 50 will be amended to reflect the correct date of NRW's latest response. <p>On receiving the above advice, NRW confirmed they are happy with the recommended conditions.</p>
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PAGE NO. 124	APPLICATION NO. 14/02733/MJR
ADDRESS	NORTH WEST CARDIFF
FROM:	Mark Drakeford AM
SUMMARY:	<p>The following objections are raised and summarised as follows:</p> <ol style="list-style-type: none"> 1. Constituents have raised several concerns about this planning application. 2. There are particular concerns over the management of foul drainage which constituents consider has not been adequately considered by the developers, particularly for the upgrade of sewers in the area and the possibility of transmission of foul drainage to the Cog Moors WWTW. I would ask that the committee consider all available options for dealing with foul drainage, and finalise the foul drainage strategy before construction begins, as this has been raised by individuals with engineering experience. 3. my constituents have raised concerns over cabling for pylons at the site, whether they be over underground or overhead. It is crucial that the plans for either overhead or underground cables are finalised, as there are subsequent considerations for both. It has also been highlighted that underground cables should not be located under the houses themselves, as renewal or maintenance of these would be problematic. Additionally, constituents have raised concerns over the distance of any type of development to overhead or underground cabling. Current guidance indicates that there should be a distance of 200m between a National Grid cable and a building. 4. Given its significance, it seems disappointing that it cannot be resolved at the outline planning stage. In future National Guidelines, my constituent believes that the Welsh Government intend to make it a requirement that for any development greater than a certain amount of houses, for which this development would qualify, the

	utility companies should be involved at the planning stage.
REMARKS:	Foul drainage matters are addressed in Section 8 (xiv) of the Committee report and it is noted that Dwr Cymryu Welsh Water has no objection, subject to the recommended conditions. The issue of the overhead pylons is addressed in Section 8 (xii) of the Committee report. It should also be noted that condition 45 requires the Applicant to submit a statement outlining the proposed treatment of the powerlines and pylons that cross the site, in order to inform the consideration of reserved matters, and that condition 83 sets out the easements that need to be complied with in respect of the overhead powerlines.

PAGE NO. 124	APPLICATION NO. 14/02733/MJR
ADDRESS	NORTH WEST CARDIFF
FROM:	Head of Planning
SUMMARY:	<p>The following amendments to the conditions are recommended:</p> <ol style="list-style-type: none"> 1. Conditions 25, 26, 27, 28, 29, 31, 32, 33, 34 to be amended to include the correct cross reference to the phasing condition (17 not x) 2. Conditions 53, 54 and 55 to be amended to include the correct cross reference to the 'Land Contamination A: Risk Assessment' condition (52 not 37) 3. Conditions 15 and 50 be amended to refer to NRW's letter of 24/02/17 (not 27/02/17) 4. Condition 32 be amended to add the following wording as criterion e) '<i>an ANPR traffic gate to time limit tidal flow access of traffic on Crofft-Y-Genau Road</i>' 5. Condition 33 be amended to add the following wording, '<i>The full engineering details shall include details of an ANPR traffic gate to time limit tidal flow access of traffic on Crofft-Y-Genau Road</i>'. <p>The following amendments to the report are recommended in respect of the off –site highway works set out in the Operational Manager Transportation's comments on p. 221:</p> <ol style="list-style-type: none"> 1. 'Waun Gron Rd, Junction improvements on A48 <i>Eastern Avenue</i>' to be amended to refer to 'Waun Gron Rd, Junction improvements on A48 <i>Western Avenue</i>' 2. '<i>Eastern Avenue to Ely Rdbt, southbound traffic pre-signals</i>' to be amended to refer to '<i>Western Avenue to Ely Rdbt, southbound traffic pre-signals</i>' 3. '<i>Eastern Avenue / Ely Rd Junction east, toucan</i>

	<p>crossing' to be amended to refer to 'Western Avenue / Ely Rd Junction east, toucan crossing'</p> <p>4. 'A48 to Waun Gron Rd, shared cycle footway on west side' to be amended to refer to 'Western Avenue to Waun Gron Rd, shared cycle footway on west side'.</p> <p>The following additional condition is recommended (condition 84), further to paragraph 8.4 of the Committee report:</p> <p>BUILDING OUTSIDE SETTLEMENT BOUNDARY Notwithstanding the provisions of condition 3, no building shall be constructed to the south of Pentrebanne Road beyond the settlement boundary identified on the Local Development Plan Proposals Map. Reason: For the avoidance of doubt.</p>
REMARKS:	That the above be noted.

PAGE NO. 124	APPLICATION NO. 14/02733/MJR
ADDRESS	NORTH WEST CARDIFF
FROM:	Cllr Andrew Morgan Leader of Rhondda Cynon Taf County Borough Council
SUMMARY:	<p>The following letter has been sent to Lesley Griffiths AC/AM Cabinet Secretary for Environment and Rural Affairs, Welsh Government requesting assistance and possible call-in.</p> <p><i>The Cardiff Council Local Development Plan (LDP) aims to bring forward over 40,000 new homes. 8000 to 10,000 houses are proposed through a series of strategic sites to the North West of the City, close to the boundary with Rhondda Cynon Taf.</i></p> <p><i>This Council has supported the aspiration to grow the City and acknowledged the need for a significant amount of new homes. However, Rhondda Cynon Taf Council has been clear the provision of adequate infrastructure for these new developments is critical to the economy of this part of the region.</i></p> <p><i>Rhondda Cynon Taf Council made representations to that effect, to the Cardiff LDP Public Examination and as a result the Inspector made changes to the relevant Strategic Site and Infrastructure policies. It is important to note that the Inspector clarified that 'linkages into Rhondda Cynon Taf' are needed as part of the housing developments.</i></p>

*A number of planning applications have now been considered by Cardiff Council for these sites and some are still under consideration. At present, over 2700 dwellings have been approved but **no** contributions or measures secured by Cardiff for the critical improvements for linkages into Rhondda Cynon Taf. A table showing those planning applications and their current stage is attached.*

Cardiff Council will consider a further planning application this Wednesday, 15th March. 6000 houses are proposed, and again no improvements within Rhondda Cynon Taf are proposed. There are a number of critical objections to this planning application, including one from Rhondda Cynon Taf Council.

The reason that it is absolutely critical for improvements to key transport junctions is illustrated on the diagram below and in more detail on the plan attached. The diagram below shows the application site for the recent 1500 new homes at Junction 33, together with Strategic Site C of Cardiff's LDP, which includes the current application for a further 6000 houses being considered this week.

No cars from this development will be able to access the motorway at Junction 33 and therefore the nearest point of access is Junction 34. As you can see from the orange line on the diagram, the access to Junction 34 of the motorway from these 10,000 will have to be via the Castle Mynach junction on the A4119. It is obvious that the vehicle trips from the 10,000 new homes will have a crippling impact on this junction, yet Cardiff Council does not consider it necessary to deal with this impact.

Of particular concern is that Cardiff's Planning Committee has been advised by its Chief Planning Officer that there is nothing in the LDP strategic site policies that requires infrastructure to be delivered in Rhondda Cynon Taf (see webcast of the 8 February 2017 Planning Committee). At best this is misleading as there is a clear requirement in the adopted policy to implement 'measures to improve linkages into Rhondda Cynon Taf'.

Within the Planning Officer's report for the Cardiff Planning Committee this Wednesday, again there are no measures proposed to deal with this major issue which will create gridlock on the key regional road network just above the M4. This is particularly worrying as a Cardiff Council report last December for a smaller site said "...the issue of cross boundary transport improvements connecting to RCT will be revisited when considering the main Strategic Site C in the

	<p><i>whole as officers have stated previously in the case of ‘Land North & South of Llantrisant Road’ and ‘Land South of Pentrebane Road’ planning applications. This would then involve the relevant officers from both Cardiff and RCT working together in order that any schemes / mitigation measures identified by RCT can be fully considered.”</i></p> <p><i>I have been reluctant to ask for these applications to be “called in”, however this situation is absolutely critical to the economic wellbeing of the region. This important travel to work route will grind to a halt having a fundamental negative impact on the SE Wales economy. Cardiff Council needs to decide planning applications in line with the LDP policies, which require improvements to the linkages into Rhondda Cynon Taf.</i></p> <p><i>In summary, through a series of planning applications 8000 to 10,000 homes are proposed in NW Cardiff. The LDP requires that linkages within Rhondda Cynon Taf are provided. However, Cardiff Council is progressively approving planning applications, with a further 6000 houses recommended this week, without the linkages being considered. This will result in gridlock at critical junctions resulting in damage to the SE Wales economy. This is very clearly a matter of more than local significance which is the test for calling in applications.</i></p> <p><i>Given that Cardiff Council is considering a further 6000 house proposal this Wednesday, I would very much appreciate your urgent assistance, possibly through calling in these applications.</i></p>
<p>REMARKS:</p>	<p>The report to Planning Committee sets out comments received from RCT CBC (para 6.34) and provides a detailed narrative on the transportation and other infrastructure proposed to be secured from the scheme and which is considered compliant with the policy context. The report also explains why it is not considered appropriate to include the provision of infrastructure within RCT as part of the wider package of proposed measures (paras 5.26 xi on p. 229 and within the analysis section in para 8.127 on p. 325). However, it should be noted that the enhancements proposed to be provided as part of this application along the North West corridor will improve linkages into RCT, in accordance with policy KP2(C), and, together with infrastructure secured on other schemes, such as the Park & Ride as part of the Junction 33 proposals, will bring about further benefits to residents of RCT.</p> <p>There is, of course, no infinite capacity to secure</p>

	<p>infrastructure from development proposals. However, Cardiff is committed to working closely in partnership with RCT to explore the full range of funding streams to secure financial support for mutually beneficial sustainable transportation infrastructure with cross-boundary benefits including works within RCT.</p> <p>In respect of the call-in request, Members should be reassured that they can proceed to make a decision without the outcome of the call-in request being known to them. This can be confirmed in advice received 14/03/2017 from the Decisions Branch, Planning Directorate, Welsh Government, who advised that their previous advice set out below is also applicable to this application.</p> <p><i>The committee can proceed to make a decision without the outcome of the call in request being known to them. The Welsh Ministers can consider call in at any time up until the final decision notice is issued. The call in request should not be considered as a third party representation as it is not a matter for the LPA, it is solely a matter for the Welsh Ministers to consider.</i></p> <p>If Welsh Government wishes to prevent the Council from making the decision then they will issue a holding direction. They have not done so in this case</p>
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PAGE NO. 363	APPLICATION NO. 16/02726/MNR
ADDRESS:	20 WINDSOR ROAD, RADYR, CARDIFF
FROM:	His Honour Graham Jones, 17 Windsor Road, Radyr
SUMMARY:	<p>1. The recent site meeting overwhelmingly confirmed the opposition to this application and real concerns as to the effects of its being granted. Those attending were residents of Windsor Road (where my wife and I have lived for 48 years) and adjoining areas. The extent and strength of the objections have been amply demonstrated by the individual written objections, the petition signed by more than 50 residents and the numbers attending the site visit.</p> <p>2. The owners of adjacent properties would suffer a very real and significant loss of privacy and amenity, the more so since the affected properties are all at a lower level.</p> <p>3. The design and finished appearance of the proposed property would affect all residents. There is no other property in Windsor Road of anything approaching the proposed design and appearance. Local residents should</p>

not be ignored. Good planning preserves the inherent nature of a neighbourhood; and good local government respects local democracy.

4. There would be a potential very serious traffic hazard in relation to vehicles travelling downhill around the 90 degree bend and to pedestrians, including schoolchildren, using the single pavement. In the course of 50 years in the law, I dealt with or encountered many cases of serious personal injury and death arising out of road accidents. In a number, deficiencies in design or other aspects of the highway were involved. The serious potential hazard of an access on this bend was, it seems very likely, the reason that the layout did not include an access on the bend when the original development of Windsor Road took place. There are a number of considerations relevant to the proposal to meet this hazard with a 45m vision splay over an area where nothing is to exceed 1m in height -

The plan lodged by the applicant did not meet it but showed a much shorter vision splay; nevertheless, it appears that the officers approved this plan as complying with the 45m requirement: they informed the objectors "*the developer provided an amended plan showing that this (i.e. a 45m splay) would be achieved*". But for the Report obtained by objectors from Vectos, planning consent hence would have been granted on the basis of this plan. Cardiff City Council would have been exposed, in the event of the readily foreseeable accidents, to potential liability, perhaps running into several million pounds, for what Vectos describe as "*a substandard visibility splay prejudicial to highway safety for both pedestrians and drivers on Windsor Road*". The applicant has not filed an amended plan. The application is based upon a plan condemned by well-known and reputable highway experts. Furthermore, it is open to question whether a 45 m splay is long enough in the particular circumstances. To determine this conclusively would require a road survey, the taking of levels and consequent calculations. However, the relevant *Manual* and *Advice Note* provide clear information and requirements. A splay of 45m is adequate to provide sufficient stopping distance for a light vehicle travelling at 30 mph on a level road but in the relevant area there is a very significant downhill gradient. A downhill gradient increases the required stopping distance. Additionally, Windsor Road is the principal access to Radyr Golf Club and the housing developments beyond and is used also by a variety of heavier vehicles. At the site meeting there also appeared to be confusion as to the uphill endpoint of the splay. It is not the centre or offside of the carriageway but "*the nearside kerb of the main arm*" (*Manual for Streets para. 7.7.3*). The 1m height limitation does not

	<p>comply with the <i>Manual for Streets</i> which states that drivers need to be able to see obstructions 2m high down to a point 600 mm above the carriageway. The latter dimension is used to ensure small children can be seen. Small children use the pavement in question.</p> <p>Finally, a condition running with the land could be Imposed providing that nothing on the vision splay should be allowed to exceed 600 mm in height but the splay would remain private land. Serious issues would arise in relation to (a) monitoring on behalf of highway users to ensure compliance; and (b) time taken for enforcement in the event of obstruction on the splay. Meanwhile, a serious accident could occur. It is highly unusual to have a vision splay of this sort over private land.</p>
<p>REMARKS:</p>	<p>Within the above representation there is significant reference to Manual for Streets (MfS) both in terms of establishing appropriate visibility requirements and in support of objections that the requirements have not or cannot be achieved and that the access as proposed is therefore unsafe. In considering the matter the Council must keep in mind a number of factors pertinent to determining appropriate visibility standards, namely:</p> <p>The quoted MfS visibility splay requirements are based on junctions between major and minor road arms, while the application relates to a private drive/crossover to a single dwelling, serving up to 4 parking spaces. Comparatively such a private drive arrangement would typically generate 1 vehicle movement in each the AM and PM peaks, whereas the road junction example in MfS would more reasonably cater for something like 154 AM peak 2 way and 158 PM peak 2 way vehicle movements; see the table below for a breakdown of arrival and departures, AM/PM peaks and 12hr.</p> <p>It should be noted from the table below, which is based on a suburban residential junction serving 300 homes, that there is a significant difference between the number of vehicle movements generated by a single dwelling compared to what you would see at a road junction. The reality is that vehicle movements generated by the proposed drive will be largely imperceptible.</p> <p>The second issue relates to the points on the ground where the visibility is measured, MfS is rightly quoted as indicating the Y distance measured to the kerb edge and X setback distance of 2.4m, while the Highways Officer indicates the centre of the road would be acceptable. As with the point above, MfS refers to full road junctions where more onerous</p>

requirements are entirely appropriate. However what is under consideration is a single private drive over an existing footway that itself is only just wider than the quoted setback of 2.4m. A lesser requirement is therefore considered to be acceptable given the limited use and existing layout of the footway etc., and a relaxation applied allowing the visibility to be measured to the centre of the road, where an oncoming driver would be sited.

With regards to the Y distance, TAN 18 also confirms that this represents the distance that a driver who is about to exit the minor arm of a junction (again a road rather than private drive) can see to the left and right and that 'for simplicity' this is measured to the nearside kerb line of the main arm, although in practice 'the vehicle will be travelling a distance from the kerb line'. TAN 18 also says (B.2) that SSD is defined as 'the minimum distance that a driver needs to see ahead of themselves in order to stop if confronted by a hazard' i.e. since in practice the drivers eye line will be closer the middle of the road it's more logical that the SSD should be measured from this point as suggested by the Highway officer.

To proceed otherwise would result in a situation where the majority of private drives in Cardiff would not comply with the requirements i.e. most drives would not satisfy the minimum X distance of 2.4 metres as they rely on an existing footway width, generally 1.8m to 2.0m, and as such would only achieve a Y distance of a few metres.

Finally, as confirmed in the officer's report to committee, it should also be noted that (were it not for the submitted application) the provision of a vehicular access at this location would be Permitted Development, not itself requiring planning permission.

To conclude, whilst it may be that a strict implementation of the MfS visibility requirement would be difficult to achieve, improvements to the existing situation have nonetheless been secured and will be delivered via the proposed condition. On balance therefore Highways and transportation officers are satisfied that the level of improvement to be secured will result in acceptable visibility for vehicles emerging from the proposed drive.

Table referred to above:

	Per Household				300 Households (Average 2.5 Parking Spaces per Dwelling)		1 Household with 4 Parking Spaces	
	Departure		Arrival		Departure	Arrival	Departure	Arrival
AM 1hr	0.364	16%	0.150	7%	109	45	1	0
PM 1hr	0.201	9%	0.328	15%	60	98	0	1
12hr	2.332	100%	2.214	100%	700	664	4	4

PAGE NO. 363	APPLICATION NO. 16/02726/MNR
ADDRESS:	20 WINDSOR ROAD, RADYR, CARDIFF
FROM:	Councillor Rod McKerlich
SUMMARY:	<p>Councillor McKerlich has submitted a report from Vectos and a calculation done by a local resident. He would like these submissions to be available to the planning committee and wishes to make the following points:</p> <p>There was unchallenged acceptance at the site visit that the access arrangement does not give the statutory minimum of 45 metres; the original plan provided about 19 metres and even after reduction in wall height to 1m the figure was 30 metres.</p> <p>Visibility Splay should be measured to the nearside kerb not to the centre of the road as was done at the site visit when officers sought to show what 45 metres splay looked like.</p> <p>45 metres is calculated to give approaching vehicles space to brake to a halt and it is based on braking distance on a horizontal surface whereas Windsor Road slopes severely downhill; while 45 metres should be regarded as a non-negotiable minimum there is a strong case for this to be significantly uplifted to allow for the slope</p>
REMARKS:	<p>The Vectos report, commissioned by objectors to the application, will be available for Members to view at the Planning Committee if required.</p> <p>The points raised by Councillor McKerlich are addressed in the response to the late representation made by His Honour Graham Jones.</p>

PAGE NO. 485	APPLICATION NO. 16/01074/MNR
ADDRESS:	RICHARD PARFITT ASSOCIATES, 18D HIGH STREET, LLANDAFF,
FROM:	District Valuer
SUMMARY:	The District Valuer's appraisal for a fully open market scheme, allowing for 15% developer profit and adopting a fixed land value of £359,393, returns a surplus of some £56,619 suggesting the scheme would be unviable if it were to provide the full S106 contribution and POS sums, but also suggesting that some sums are available to put towards such contributions.
REMARKS:	<p>The District Valuer's report confirms the findings of the Council's former Valuer, i.e. that the scheme would be unviable if the full amount of S106 contributions (£140,070 for affordable housing and £13,973 for public open space as originally requested) were required to be paid but that there is scope for the developer to make some contribution. The DV concludes that this amount would be a total of £56,619 rather than the £63,973 suggested by the Council's former Valuer. Given that the District Valuer's report is an independent assessment of the case, it is recommended that the S106 requirements for this development be amended and divided proportionately between Affordable Housing and Public Open Space, giving figures of £50,952 for Affordable Housing and £5,667 for Public Open Space.</p> <p>RECOMMENDATION 1 should be amended to read:</p> <p>RECOMMENDATION 1: That, subject to relevant parties entering into a binding legal agreement with the Council under the provisions of SECTION 106 of the Town and Country Planning Act 1990, within 6 months of the date of this Resolution unless otherwise agreed by the Council in writing, in respect of matters detailed in paragraphs 5.4 and 5.7 of this report, as amended by the Late Representation to the Planning Committee from the District Valuer, planning permission be GRANTED subject to the following conditions:</p>

PAGE NO. 511	APPLICATION NO. 16/01852/MNR
ADDRESS:	UPLANDS MOBILES LIMITED, 184 NORTH ROAD, GABALFA,
FROM:	Head of Planning
SUMMARY:	The following sentence has been inadvertently omitted from the Committee report at paragraph 8.11: “The Housing Strategy Officer has advised that in this case, where we have independent professional advice on viability, a reduced contribution towards affordable housing is acceptable and the proposal above is appropriate.”
REMARKS:	None.

PAGE NO. 532	APPLICATION NO. 16/2911/MJR
ADDRESS:	PUBLIC OPEN SPACE AT LEWIS ROAD, SPLOTT, CARDIFF
FROM:	Councillor Stubbs
SUMMARY:	Councillor Stubbs supports this application.
REMARKS:	Noted