

PLANNING COMMITTEE

9 MARCH 2016

Present: County Councillor Michael(Chairperson)
County Councillors Lomax, Burfoot, Gordon, Hudson, Hunt,
Robson and Lynda Thorne

18 : APOLOGIES

Councillor Manzoor Ahmed

19 : MINUTES

To approve the minutes of the meetings held on 10 February 2016 and 24 February 2016.

20 : DECLARATION OF INTEREST

Members were advised that they had a responsibility under the Members 'Code of Conduct to declare any interests and complete 'Personal Interest' forms.

COUNCILLOR	ITEM	REASON FOR INTEREST
Robson Robson	16/00042/MNR Section 53 Heol Briwnant	Employer declared an interest Expressed opinion as local Councillor
Gordon	13/03103/MNR	Known to objector

21 : WEBCASTING OF MEETINGS

The meeting would be filmed and broadcast on the Council's website. The whole of the meeting would be filmed, except where there were confidential or exempt items and the footage would be on the website for 6 months. A copy would also be retained in accordance with the Council's data retention policy.

22 : PETITIONS

Petitions had been received in relation to the following application in accordance with Committee Meeting Procedural Rule 14.2. The petitioner had been advised of their right to speak and the applicant/agent of their right to reply:

Application: 15/03103/MNR, 41 Llyswen Road, Cyncoed

The petitioner spoke and the applicant responded.

23 : DEVELOPMENT CONTROL APPLICATIONS

The Committee considered the schedule of development control applications submitted in accordance with the Town and Country Planning Act 1990:

RESOLVED: That pursuant to this Committee's delegated powers, the following development control applications be determined in accordance with the recommendations as set out in the reports of the Director of Strategic Planning, Highways, Traffic & Transportation, subject to any further to any amendments as detailed below and notification be given of the decision in accordance with Section 74 of the Planning (Listed Buildings & Conservation Area Act 1990)

(A) APPLICATIONS GRANTED

15/03103/MNR – CYNCOED

41 LLYSWEN ROAD
Replacement detached house

Subject to the removal of Recommendation 2.

16/00042/MNR – GABALFA

79-81 WHITCHURCH ROAD
Change of use from A1/A2 to A3 restaurant kitchen/bar, including new shop front arrangement, alteration to rear garage extension and ventilation ducting to rear elevations.

(B) APPLICATIONS GRANTED ON EXECUTION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990:

15/2820/MJR – CATHAYS

LAND BOUND BY CUSTOM HOUSE STREET, BUTE STREET AND HOPE STREET

Application for planning permission for the redevelopment of the site for mixed use development comprising of purpose built student accommodation (447 bed spaced) and a retail/commercial unit (classes A1 and A3) within a 42 storey tower, together with landscaping ancillary and communal facilities.

15/02847/MJR – ELY

LAND OFF, CLOS-Y-CWARRA, ST FAGANS
Residential development for 44 dwellings and associated works.

Subject to an amendment to Condition 2 to read:

'This approval shall be carried out in accordance with drawing numbers 2066-101 Rev E, 102 Rev A, 103 Rev A, 104 Rev A, 201B, 202B, 203B and 204; 205-01 and 205-02; 300-90-01, 02 and 03, 12012/43020; TDA. 2067. 01 B (excluding layout); 2066/5000A; and documents Preliminary Ecological Appraisal February 2013 and Preliminary Ecological Appraisal addendum September 2015; Transport Note October 2015; Geo-Environmental and Geotechnical Assessment November 2015; Environments Noise Survey 12 October 2015, Arboricultural Method Statement RevA, Landscape Specification and Management Plan February 2016 (RevB), and

Pre Development Tree Survey and Tree Constraints Plan (all by TDA dated February 2016); Soil Resources report 1180/4 dated 8 March 2016 by Land Research Associates'

Subject to an amendment to Condition 25 to read:

'Notwithstanding the submitted Soil Resources Report all soil handling for landscaping purposes (stripping, storage, remediation, and placement) shall be supervised by a qualified soil scientist who shall from the commencement of development provide regular monitoring reports during periods of soil handling for landscaping purposes to the Local Planning Authority to confirm compliance with the Soil Resources Report. The revised Soil Resources Report shall be implemented as approved'

Subject to the deletion of Condition 26

Subject to an amendment of Recommendation 1 to read:

'That subject to relevant parties entering into a binding legal agreement with the Council under the provisions of a 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 the provision of 44 social dwellings and £105,000 towards those matters detailed in Section 9 of this report, planning permission be GRANTED subject to the following conditions.

Subject to an amendment of Paragraph 5.8 to read:

'The planning application contains 32 houses eligible for Education S106 planning applications.

Subject to an amendment of Paragraph 9.4 to read:

'In view of the pressing need for affordable housing and the consequent viability difficulties for this site then the proposal to build 100% affordable housing managed by an RSL and a 105,000 contribution prorated to Education, Regeneration and Transportation for those purposes identified in Section 5 of this report be included in a Section 106 Agreement.

Subject to the deletion of Condition 21.

(C) APPLICATION DEFERRED

14/02918/MJR – CATHAYS

THE GOWER HOTEL, 29 GWENNYTH STREET

Demolition of former public house and development of 24 no residential units.

REASON: In order for officers to draft reasons for refusal based on design grounds.

24 : APPLICATION FOR SECTION 53, PUBLIC RIGHT OF WAY, HEOL BRIWNANT

The Committee considered an application for Section 53, Wildlife and Countryside Act 1981 Application as applied to Highways Act 1980 for Heol Briwnant to record a Public Right of Way between Heol Briwnant and Heol Uchaf.

The application had been made to record a Public Right of Way between Heol Briwnant and Heol Uchaf based on 20 year usage as of right and without hindrance.

RESOLVED: The Committee AGREED:

- Request Legal Services to make a Public Footpath Order and record the claimed route on the Definitive Map and Statement.
- Based on evidential documentation and historical research the path has been in existence and used as of right for 20 years and under presumed dedication it should be recorded as a highway maintained at public expense.

25 : APPLICATION FOR SECTION 53, PUBLIC RIGHT OF WAY, RADYR COURT ROAD

The Committee considered an application for Section 53 Application, Wildlife and Countryside Act 1981, applied to Highways Act 1980 to record a public right of way at Radyr Court.

The application had been received to record a Public Right of Way based on 20 years use as of right without hindrance at Radyr Court Road

RESOLVED: The Committee AGREED:

- Request Legal Services to make a Public Footpath Order and record the claimed route on the Definitive Map and Statement.
- Based on evidential documentation and historical research the path has been in existence and used as of right for 20 years and under presumed dedication it should be recorded as a highway maintained at public expense.

26 : APPLICATION FOR PUBLIC PATH DIVERSION ORDER, PENTYRCH

The Committee considered an application for Public Path Diversion Order Public Right of Way, Footpath, Pentyrch 28, Section 119, Highways Act 1980 as applied to Section 257 Town and Country Planning Act 1990.

The Committee was advised the PROW team had received an application from Redrow Homes South Wales for a footpath diversion order for PROW 28 Pentyrch to enable development.

RESOLVED: The Committee AGREED:

- To proceed with the diversion order, since the new proposed alignment was equally commodious to the public and there was unhindered access at either end of the footpath

27 : APPLICATIONS DECIDED BY DELEGATED POWERS

February 2016

28 : DATE OF NEXT MEETING

20 April 2016